

111TH CONGRESS
1ST SESSION

H. R. 2410

IN THE SENATE OF THE UNITED STATES

JUNE 22, 2009

Received; read twice and referred to the Committee on Foreign Relations

AN ACT

To authorize appropriations for the Department of State and the Peace Corps for fiscal years 2010 and 2011, to modernize the Foreign Service, to authorize democratic, economic, and social development assistance for Pakistan, to authorize security assistance for Pakistan, and for other purposes.

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

3 **DIVISION A—FOREIGN RELA-**
 4 **TIONS AUTHORIZATION ACT,**
 5 **FISCAL YEARS 2010 AND 2011**

6 **SECTION 1. SHORT TITLE.**

7 This division may be cited as the “Foreign Relations
 8 Authorization Act, Fiscal Years 2010 and 2011”.

9 **SEC. 2. TABLE OF CONTENTS.**

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remediation program.

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Sec. 409. Limitations on providing duty-free treatment.

Sec. 410. Termination of benefits.

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

3 Except as otherwise provided in this division, the
4 term “appropriate congressional committees” means the
5 Committee on Foreign Affairs of the House of Representa-
6 tives and the Committee on Foreign Relations of the Sen-
7 ate.

**8 TITLE I—AUTHORIZATION OF
9 APPROPRIATIONS**

10 SEC. 101. ADMINISTRATION OF FOREIGN AFFAIRS.

11 The following amounts are authorized to be appro-
12 priated for the Department of State under “Administra-
13 tion of Foreign Affairs” to carry out the authorities, func-
14 tions, duties, and responsibilities in the conduct of foreign
15 affairs of the United States, and for other purposes au-
16 thorized by law:

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

1 (A) AUTHORIZATION OF APPROPRIA-
2 TIONS.—For “Diplomatic and Consular Pro-
3 grams” \$7,312,016,000 for fiscal year 2010,
4 and such sums as may be necessary for fiscal
5 year 2011.

6 (B) WORLDWIDE SECURITY PROTEC-
7 TION.—In addition to the amounts authorized
8 to be appropriated by subparagraph (A),
9 \$1,648,000,000 for fiscal year 2010, and such
10 sums as may be necessary for fiscal year 2011
11 are authorized to be appropriated for worldwide
12 security protection.

13 (C) PUBLIC DIPLOMACY.—Of the amounts
14 authorized to be appropriated under subpara-
15 graph (A), \$500,278,000 for fiscal year 2010,
16 and such sums as may be necessary for fiscal
17 year 2011 are authorized to be appropriated for
18 pubic diplomacy.

19 (D) BUREAU OF DEMOCRACY, HUMAN
20 RIGHTS, AND LABOR.—Of the amounts author-
21 ized to be appropriated under subparagraph
22 (A), \$20,659,000 for fiscal year 2010, and such
23 sums as may be necessary for fiscal year 2011
24 are authorized to be appropriated for the Bu-
25 reau of Democracy, Human Rights, and Labor.

1 (2) CAPITAL INVESTMENT FUND.—For “Cap-
2 ital Investment Fund”, \$160,000,000 for fiscal year
3 2010, and such sums as may be necessary for fiscal
4 year 2011.

5 (3) EMBASSY SECURITY, CONSTRUCTION AND
6 MAINTENANCE.—For “Embassy Security, Construc-
7 tion and Maintenance”, \$1,815,050,000 for fiscal
8 year 2010, and such sums as may be necessary for
9 fiscal year 2011.

10 (4) EDUCATIONAL AND CULTURAL EXCHANGE
11 PROGRAMS.—

12 (A) AUTHORIZATION OF APPROPRIA-
13 TIONS.—For “Educational and Cultural Ex-
14 change Programs”, \$633,243,000 for fiscal
15 year 2010, and such sums as may be necessary
16 for fiscal year 2011.

17 (B) TIBETAN SCHOLARSHIP PROGRAM.—
18 Of the amounts authorized to be appropriated
19 under subparagraph (A), \$750,000 for fiscal
20 year 2010 and \$800,000 for fiscal year 2011
21 are authorized to be appropriated to carry out
22 the Tibetan scholarship program established
23 under section 103(b)(1) of the Human Rights,
24 Refugee, and Other Foreign Relations Provi-

1 sions Act of 1996 (Public Law 104–319; 22
2 U.S.C. 2151 note).

3 (C) NGAWANG CHOEPHEL EXCHANGE PRO-
4 GRAMS.—Of the amounts authorized to be ap-
5 propriated under subparagraph (A), such sums
6 as may be necessary are authorized to be appro-
7 priated for each of fiscal years 2010 and 2011
8 for the “Ngawang Choepel Exchange Pro-
9 grams” (formerly known as “programs of edu-
10 cational and cultural exchange between the
11 United States and the people of Tibet”) under
12 section 103(a) of the Human Rights, Refugee,
13 and Other Foreign Relations Provisions Act of
14 1996 (Public Law 104–319; 22 U.S.C. 2151
15 note).

16 (5) CIVILIAN STABILIZATION INITIATIVE.—For
17 “Civilian Stabilization Initiative”, \$323,272,000 for
18 fiscal year 2010, and such sums as may be nec-
19 essary for fiscal year 2011.

20 (6) REPRESENTATION ALLOWANCES.—For
21 “Representation Allowances”, \$8,175,000 for fiscal
22 year 2010, and such sums as may be necessary for
23 fiscal year 2011.

24 (7) PROTECTION OF FOREIGN MISSIONS AND
25 OFFICIALS.—

1 (A) AUTHORIZATION OF APPROPRIA-
2 TIONS.—For Protection of Foreign Missions
3 and Officials, \$27,159,000 for fiscal year 2010,
4 and such sums as may be necessary for fiscal
5 year 2011.

6 (B) REIMBURSEMENT FOR PAST EX-
7 PENSES OWED BY THE UNITED STATES.—In
8 addition to the amounts authorized to be appro-
9 priated under subparagraph (A), there are au-
10 thorized to be appropriated \$21,000,000 for fis-
11 cal year 2010 and \$25,000,000 for fiscal year
12 2011 for “Protection of Foreign Missions and
13 Officials” to be used only to reimburse State
14 and local governments for necessary expenses
15 incurred since 1998 for the protection of for-
16 eign missions and officials and recognized by
17 the United States.

18 (8) EMERGENCIES IN THE DIPLOMATIC AND
19 CONSULAR SERVICE.—For “Emergencies in the Dip-
20 lomatic and Consular Service”, \$10,000,000 for fis-
21 cal year 2010, and such sums as may be necessary
22 for fiscal year 2011.

23 (9) REPATRIATION LOANS.—For “Repatriation
24 Loans”, \$1,450,000 for fiscal year 2010, and such
25 sums as may be necessary for fiscal year 2011.

1 (10) PAYMENT TO THE AMERICAN INSTITUTE
2 IN TAIWAN.—For “Payment to the American Insti-
3 tute in Taiwan”, \$21,174,000 for fiscal year 2010,
4 and such sums as may be necessary for fiscal year
5 2011.

6 (11) OFFICE OF THE INSPECTOR GENERAL.—

7 (A) AUTHORIZATION OF APPROPRIA-
8 TIONS.—For “Office of the Inspector General”,
9 \$105,500,000 for fiscal year 2010, and such
10 sums as may be necessary for fiscal year 2011.

11 (B) SPECIAL INSPECTOR GENERAL FOR
12 IRAQ RECONSTRUCTION.—Of the amounts au-
13 thorized to be appropriated under subparagraph
14 (A), \$30,000,000 is authorized to be for the
15 Special Inspector General for Iraq Reconstruc-
16 tion.

17 (C) SPECIAL INSPECTOR GENERAL FOR
18 AFGHANISTAN RECONSTRUCTION.—Of the
19 amounts authorized to be appropriated under
20 subparagraph (A), \$23,000,000 is authorized to
21 be for the Special Inspector General for Af-
22 ghanistan Reconstruction.

23 **SEC. 102. INTERNATIONAL ORGANIZATIONS.**

24 (a) ASSESSED CONTRIBUTIONS TO INTERNATIONAL
25 ORGANIZATIONS.—There are authorized to be appro-

1 priated for “Contributions to International Organiza-
2 tions”, \$1,797,000,000 for fiscal year 2010, and such
3 sums as may be necessary for fiscal year 2011, for the
4 Department of State to carry out the authorities, func-
5 tions, duties, and responsibilities in the conduct of the for-
6 eign affairs of the United States with respect to inter-
7 national organizations and to carry out other authorities
8 in law consistent with such purposes.

9 (b) CONTRIBUTIONS FOR INTERNATIONAL PEACE-
10 KEEPING ACTIVITIES.—There are authorized to be appro-
11 priated for “Contributions for International Peacekeeping
12 Activities”, \$2,260,000,000 for fiscal year 2010, and such
13 sums as may be necessary for fiscal year 2011, for the
14 Department of State to carry out the authorities, func-
15 tions, duties, and responsibilities of the United States with
16 respect to international peacekeeping activities and to
17 carry out other authorities in law consistent with such
18 purposes.

19 (c) FOREIGN CURRENCY EXCHANGE RATES.—In ad-
20 dition to amounts authorized to be appropriated by sub-
21 section (a), there are authorized to be appropriated such
22 sums as may be necessary for each of fiscal years 2010
23 and 2011 to offset adverse fluctuations in foreign currency
24 exchange rates. Amounts appropriated under this sub-
25 section shall be available for obligation and expenditure

1 only to the extent that the Director of the Office of Man-
2 agement and Budget determines and certifies to Congress
3 that such amounts are necessary due to such fluctuations.

4 **SEC. 103. INTERNATIONAL COMMISSIONS.**

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

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

15 (A) for “Salaries and Expenses”,
16 \$33,000,000 for fiscal year 2010, and such
17 sums as may be necessary for fiscal year 2011;
18 and

19 (B) for “Construction”, \$43,250,000 for
20 fiscal year 2010, and such sums as may be nec-
21 essary for fiscal year 2011.

22 (2) INTERNATIONAL BOUNDARY COMMISSION,
23 UNITED STATES AND CANADA.—For “International
24 Boundary Commission, United States and Canada”,

1 \$2,385,000 for fiscal year 2010, and such sums as
2 may be necessary for fiscal year 2011.

3 (3) INTERNATIONAL JOINT COMMISSION.—For
4 “International Joint Commission”, \$7,974,000 for
5 fiscal year 2010, and such sums as may be nec-
6 essary for fiscal year 2011.

7 (4) INTERNATIONAL FISHERIES COMMIS-
8 SIONS.—For “International Fisheries Commissions”,
9 \$43,576,000 for fiscal year 2010, and such sums as
10 may be necessary for fiscal year 2011.

11 **SEC. 104. MIGRATION AND REFUGEE ASSISTANCE.**

12 (a) AUTHORIZATION OF APPROPRIATIONS.—There
13 are authorized to be appropriated for “Migration and Ref-
14 ugee Assistance” for authorized activities \$1,577,500,000
15 for fiscal year 2010, and such sums as may be necessary
16 for fiscal year 2011.

17 (b) REFUGEE RESETTLEMENT IN ISRAEL.—Of the
18 amounts authorized to be appropriated by subsection (a),
19 there are authorized to be appropriated \$25,000,000 for
20 fiscal years 2010 and such sums as may be necessary for
21 fiscal year 2011 for resettlement of refugees in Israel.

22 **SEC. 105. CENTERS AND FOUNDATIONS.**

23 (a) ASIA FOUNDATION.—There are authorized to be
24 appropriated for “The Asia Foundation” for authorized

1 activities, \$20,000,000 for fiscal year 2010, and
2 \$23,000,000 for fiscal year 2011.

3 (b) NATIONAL ENDOWMENT FOR DEMOCRACY.—
4 There are authorized to be appropriated for the “National
5 Endowment for Democracy” for authorized activities,
6 \$100,000,000 for fiscal year 2010, and \$115,000,000 for
7 fiscal year 2011.

8 (c) CENTER FOR CULTURAL AND TECHNICAL INTER-
9 CHANGE BETWEEN EAST AND WEST.—There are author-
10 ized to be appropriated for the “Center for Cultural and
11 Technical Interchange Between East and West” for au-
12 thorized activities, such sums as may be necessary for each
13 of fiscal years 2010 and 2011.

14 **TITLE II—DEPARTMENT OF**
15 **STATE AUTHORITIES AND AC-**
16 **TIVITIES**

17 **Subtitle A—Basic Authorities and**
18 **Activities**

19 **SEC. 201. INTERNATIONAL LITIGATION FUND.**

20 Section 38(d)(3) of the State Department Basic Au-
21 thorities Act of 1956 (22 U.S.C. 2710(d)(3)) is amended
22 by striking “by the Department of State from another
23 agency of the United States Government or pursuant to”
24 and inserting “by the Department of State as a result of

1 a decision of an international tribunal, from another agen-
2 cy of the United States Government, or pursuant to”.

3 **SEC. 202. ACTUARIAL VALUATIONS.**

4 The Foreign Service Act of 1980 is amended—

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

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

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

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

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

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

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

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

6 **SEC. 203. SPECIAL AGENTS.**

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

10 “(1) conduct investigations concerning—

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

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

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

23 (b) RULE OF CONSTRUCTION.—Nothing in para-
24 graph (1) of such section 37(a) (as amended by subsection
25 (a) of this section) shall be construed to limit the inves-

1 tigative authority of any other Federal department or
2 agency.

3 **SEC. 204. REPATRIATION LOANS.**

4 Section 4 of the State Department Basic Authorities
5 Act of 1956 (22 U.S.C. 2671) is amended by adding at
6 the end the following new subsection:

7 “(e) Under such regulations as the Secretary of State
8 may prescribe, and in such amounts as are appropriated
9 in advance, the Secretary is authorized to waive in whole
10 or part the recovery of a repatriation loan under sub-
11 section (d) if it is shown that such recovery would be
12 against equity and good conscience or against the public
13 interest.”.

14 **SEC. 205. ELIGIBILITY IN CERTAIN CIRCUMSTANCES FOR**
15 **AN AGENCY OF A FOREIGN GOVERNMENT TO**
16 **RECEIVE A REWARD UNDER THE DEPART-**
17 **MENT OF STATE REWARDS PROGRAM.**

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

21 (1) by striking “(f) INELIGIBILITY.—An offi-
22 cer” and inserting the following:

23 “(f) INELIGIBILITY.—

24 “(1) IN GENERAL.—Except as provided in para-
25 graph (2), an officer”; and

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

3 “(2) EXCEPTION IN CERTAIN CIR-
4 CUMSTANCES.—The Secretary may pay a reward to
5 an officer or employee of a foreign government (or
6 any entity thereof) who, while in the performance of
7 his or her official duties, furnishes information de-
8 scribed in such subsection, if the Secretary deter-
9 mines that such payment satisfies the following con-
10 ditions:

11 “(A) Such payment is appropriate in light
12 of the exceptional or high-profile nature of the
13 information furnished pursuant to such sub-
14 section.

15 “(B) Such payment may aid in furnishing
16 further information described in such sub-
17 section.

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

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

1 **Subtitle B—Public Diplomacy at**
2 **the Department of State**

3 **SEC. 211. CONCENTRATION OF PUBLIC DIPLOMACY RE-**
4 **SPONSIBILITIES.**

5 Section 60 of the State Department Basic Authorities
6 Act of 1956 (22 U.S.C. 2732) is amended—

7 (1) in subsection (b)(1), by inserting “in ac-
8 cordance with subsection (e),” before “coordinate”;
9 and

10 (2) by adding at the end the following new sub-
11 section:

12 “(e) CONCENTRATION OF PUBLIC DIPLOMACY RE-
13 SPONSIBILITIES.—

14 “(1) IN GENERAL.—The Secretary of State
15 shall, subject to the direction of the President, have
16 primary responsibility for the coordination described
17 in subsection (b)(1), and shall make every effort to
18 establish and present to foreign publics unified
19 United States public diplomacy activities.

20 “(2) QUARTERLY MEETINGS AND ONGOING
21 CONSULTATIONS AND COORDINATION.—

22 “(A) IN GENERAL.—The Secretary shall,
23 subject to the direction of the President, estab-
24 lish a working group of the heads of the Fed-
25 eral agencies referred to in subsection (b)(1)

1 and should seek to convene such group not less
2 often than once every three months to carry out
3 the requirement specified in paragraph (1) of
4 this subsection.

5 “(B) CHAIR AND ROTATING VICE CHAIR.—
6 The Secretary shall serve as the permanent
7 chair of the quarterly meetings required under
8 subparagraph (A). Each head of a Federal
9 agency referred to in subsection (b)(1) shall
10 serve on a rotating basis as the vice chair of
11 each such quarterly meeting.

12 “(C) INITIAL MEETING.—The initial meet-
13 ing of the working group established under sub-
14 paragraph (A) shall be not later than the date
15 that is six months after the date of the enact-
16 ment of this subsection.

17 “(D) ONGOING CONSULTATIONS AND CO-
18 ORDINATION.—The Secretary and each head of
19 the Federal agencies referred to in subsection
20 (b)(1) shall designate a representative of each
21 respective agency to consult and coordinate with
22 such other representatives on an ongoing basis
23 beginning not later than 30 days after the ini-
24 tial meeting of the working group under sub-
25 paragraph (C) to carry out the requirement

1 specified in paragraph (1) of this subsection.
2 The designee of the Secretary shall have pri-
3 mary responsibility for such ongoing consulta-
4 tions and coordination.

5 “(3) REPORTS REQUIRED.—

6 “(A) IN GENERAL.—Except as provided in
7 subparagraph (D), each head of a Federal
8 agency referred to in subsection (b)(1) shall an-
9 nually submit to the President a report on the
10 public diplomacy activities of each such agency
11 in the preceding year.

12 “(B) INFORMATION SHARING.—The Presi-
13 dent shall make available to the Secretary the
14 reports submitted pursuant to subparagraph
15 (A).

16 “(C) INITIAL SUBMISSIONS.—The first an-
17 nual reports required under subparagraph (A)
18 shall be submitted not later than the date that
19 is 1 year after the date of the enactment of this
20 subsection.

21 “(D) LIMITATION.—Subparagraph (A)
22 shall not apply with respect to activities carried
23 out pursuant to section 167 of title 10, United
24 States Code.”.

1 **SEC. 212. ESTABLISHMENT OF PUBLIC DIPLOMACY RE-**
2 **SERVE CORPS.**

3 (a) FINDING.—Congress finds that currently a short-
4 age of trained public diplomacy Foreign Service officers
5 at the mid-career level threatens the effectiveness of
6 United States outreach to publics abroad.

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

9 (1) the Foreign Service should recruit individ-
10 uals with professional experience relevant to public
11 diplomacy, and provide training and mentoring to
12 cultivate their skills in order to build up the corps
13 of professionals in the public diplomacy cone; and

14 (2) apart from the public diplomacy cone, train-
15 ing of all Foreign Service officers should include
16 more information on techniques of public diplomacy.

17 (c) ESTABLISHMENT OF PUBLIC DIPLOMACY RE-
18 SERVE CORPS.—Section 301 of the Foreign Service Act
19 of 1980 (22 U.S.C. 3941) is amended by adding at the
20 end the following new subsection:

21 “(e) ESTABLISHMENT OF PUBLIC DIPLOMACY RE-
22 SERVE CORPS.—

23 “(1) IN GENERAL.—The Secretary of State is
24 authorized to establish in the Foreign Service a Pub-
25 lic Diplomacy Reserve Corps consisting of mid- and
26 senior-level former Foreign Service officers and

1 other individuals with experience in the private or
2 public sector relevant to public diplomacy, to serve
3 for a period of 6 months to 2 years in postings
4 abroad.

5 “(2) PROHIBITION ON CERTAIN ACTIVITIES.—
6 While actively serving with the Reserve Corps, indi-
7 viduals may not engage in activities directly or indi-
8 rectly intended to influence public opinion within the
9 United States in the same manner and to the same
10 extent that employees of the Department of State
11 engaged in public diplomacy are so prohibited.”.

12 **SEC. 213. ENHANCING UNITED STATES PUBLIC DIPLOMACY**
13 **OUTREACH.**

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

15 (1) The platform strategy for United States
16 public diplomacy programs has changed dramatically
17 with events of the past decade. The United States
18 Government used to operate hundreds of free-stand-
19 ing facilities around the world, known as “American
20 Centers” or “America Houses”, that offered venues
21 for cultural and educational events as well as access
22 to books, magazines, films, and other selected mate-
23 rials about the United States. The consolidation of
24 the United States Information Agency (USIA) into
25 the Department of State accelerated the post-Cold

1 War process of closing these facilities, and the dead-
2 ly attacks on United States embassies in Tanzania
3 and Kenya prompted the imposition of security re-
4 quirements under law that included co-locating
5 United States Government employees in hardened
6 embassy compounds.

7 (2) Information Resource Centers, which offer
8 library services and space for public events, that are
9 now located in embassy compounds allow limited ac-
10 cess—and in some cases, none whatsoever—by the
11 public, and half of them operate on a “by appoint-
12 ment only” basis. “American Corner” facilities, op-
13 erated by local contacts in university or public li-
14 braries in some countries, are no substitute for a
15 designated venue recognized as a resource for infor-
16 mation on United States culture and education
17 staffed by a knowledgeable representative of the em-
18 bassy.

19 (b) PARTNERSHIP ARRANGEMENTS TO FURTHER
20 PUBLIC DIPLOMACY AND OUTREACH.—Recognizing the
21 security challenges of maintaining free-standing public di-
22 plomacy facilities outside of embassy compounds, the Sec-
23 retary of State shall consider new partnership arrange-
24 ments with local or regional entities in foreign countries
25 that can operate free-standing American Centers in areas

1 well-trafficked by a cross-section of people in such coun-
2 tries, including in downtown storefronts, health care clin-
3 ics, and other locations that reach beyond library patrons
4 and university students. Where such partnership arrange-
5 ments currently exist, the Secretary shall evaluate the effi-
6 cacy of such partnership arrangements and determine
7 whether such partnership arrangements can provide a
8 model for public diplomacy facilities outside of embassy
9 and consulate compounds elsewhere. Not later than 180
10 days after the date of the enactment of this Act, the Sec-
11 retary shall brief the appropriate congressional committees
12 on the evaluation and determinations described in the pre-
13 ceding sentence.

14 (c) ESTABLISHMENT OF CERTAIN PUBLIC DIPLO-
15 MACY FACILITIES.—After taking into account relevant se-
16 curity needs, the Secretary of State shall consider placing
17 United States public diplomacy facilities at locations that
18 maximize the role of such facilities in the educational and
19 cultural life of the cities in which such facilities are lo-
20 cated, and help build a growing constituency for such fa-
21 cilities, in accordance with the authority given to the Sec-
22 retary under section 606(a)(2)(B) of the Secure Embassy
23 Construction and Counterterrorism Act of 1999 (22
24 U.S.C. 4865(a)(2)(B)) to waive certain requirements of

1 that Act with respect to the location of certain United
2 States diplomatic facilities in foreign countries.

3 **SEC. 214. PUBLIC DIPLOMACY RESOURCE CENTERS.**

4 (a) ESTABLISHMENT AND MAINTENANCE OF LI-
5 BRARIES.—Section 1(b)(3) of the State Department Basic
6 Authorities Act of 1956 (22 U.S.C. 2651a(b)(3)) is
7 amended—

8 (1) in subparagraph (D), by striking “and” at
9 the end;

10 (2) in subparagraph (E), by striking the period
11 at the end and inserting “; and”; and

12 (3) by adding at the end the following new sub-
13 paragraph:

14 “(F) provide for the establishment of new
15 and the maintenance of existing libraries and
16 resource centers at or in connection with United
17 States diplomatic and consular missions.”.

18 (b) OPERATION OF LIBRARIES.—

19 (1) IN GENERAL.—The Secretary of State shall
20 ensure that libraries and resource centers estab-
21 lished and maintained in accordance with subpara-
22 graph (F) of section 1(b)(3) of the State Depart-
23 ment Basic Authorities Act of 1956 (as added by
24 subsection (a)(3) of this section) are open to the
25 general public and, if practicable, made available

1 over the internet to the greatest extent practicable,
2 subject to policies and procedures established by the
3 Secretary to ensure the safety and security of
4 United States diplomatic and consular missions and
5 of United States officers, employees, and personnel
6 posted at such missions at which such libraries are
7 located.

8 (2) SHOWINGS OF UNITED STATES FILMS.—To
9 the extent practicable, the Secretary of State shall
10 ensure that such libraries and resource centers
11 schedule public showings of United States films that
12 showcase United States culture, society, values, and
13 history, including making such films available over
14 the internet, if practicable.

15 (c) ADVISORY COMMISSION ON PUBLIC DIPLO-
16 MACY.—Not later than 1 year after the date of the enact-
17 ment of this section, the Advisory Commission on Public
18 Diplomacy (authorized under section 1334 of the Foreign
19 Affairs Reform and Restructuring Act of 1998 (22 U.S.C.
20 6553)) shall submit to the Committee on Foreign Affairs
21 of the House of Representatives and the Committee on
22 Foreign Relations of the Senate a report containing an
23 evaluation of the functions and effectiveness of the librar-
24 ies and resource centers, including online outreach, that
25 are authorized under this section.

1 (d) AUTHORIZATION OF APPROPRIATIONS.—From
2 amounts authorized to be appropriated for Diplomatic and
3 Consular Programs pursuant to section 101(1)(A), there
4 is authorized to be appropriated to the Secretary of State
5 such sums as may be necessary for each of fiscal years
6 2010 and 2011 to carry out this section.

7 **SEC. 215. GRANTS FOR INTERNATIONAL DOCUMENTARY**
8 **EXCHANGE PROGRAMS.**

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

10 (1) Since September 11, 2001, a distorted per-
11 ception of the United States has grown abroad, even
12 as many Americans struggle to understand the in-
13 creasingly complex world beyond the borders of the
14 United States.

15 (2) This public diplomacy crisis poses an ongo-
16 ing threat to United States security, diplomatic rela-
17 tions, commerce, and citizen-to-citizen relationships
18 between the United States and other countries.

19 (3) Independently produced documentary films
20 have proven to be an effective means of commu-
21 nicating United States ideas and values to popu-
22 lations of other countries.

23 (4) It is in the interest of the United States to
24 provide assistance to United States nongovernmental

1 organizations that produce and distribute independ-
2 ently produced documentary films.

3 (b) ASSISTANCE.—The Secretary of State is author-
4 ized to make grants, on such terms and conditions as the
5 Secretary may determine, to United States nongovern-
6 mental organizations that use independently produced
7 documentary films to promote better understanding of the
8 United States abroad and better understanding of global
9 perspectives and other countries in the United States.

10 (c) ACTIVITIES SUPPORTED.—Grants provided under
11 subsection (b) shall, to the maximum extent practicable,
12 be used to carry out the following activities:

13 (1) Fund, distribute, and promote documentary
14 films that convey a diversity of views about life in
15 the United States to foreign audiences and bring in-
16 sightful foreign perspectives to United States audi-
17 ences.

18 (2) Support documentaries described in para-
19 graph (1) that are made by independent foreign and
20 domestic producers, selected through a peer review
21 process.

22 (3) Develop a network of overseas partners to
23 produce, distribute, and broadcast such documen-
24 taries.

1 (d) SPECIAL FACTORS.—In making the grants de-
2 scribed in subsection (b), the Secretary shall give pref-
3 erence to nongovernmental organizations that—

4 (1) provide at least 35 percent of the total
5 project cost in matching funds from non-Federal
6 sources; and

7 (2) have prior experience supporting independ-
8 ently produced documentary films that have been
9 broadcast on public television in the United States.

10 (e) REPORT.—Not later than 2 years after the date
11 of the enactment of this Act, the Secretary shall submit
12 to Congress a report that contains a detailed description
13 of the implementation of this section for the prior year.

14 (f) AUTHORIZATION OF APPROPRIATIONS.—Of the
15 amounts authorized to be appropriated for Educational
16 and Cultural Exchange Programs pursuant to section
17 101(4), there is authorized to be appropriated to the Sec-
18 retary of State \$5,000,000 for each of fiscal years 2010
19 and 2011 to carry out this section.

20 **SEC. 216. UNITED STATES ADVISORY COMMISSION ON PUB-**
21 **LIC DIPLOMACY.**

22 (a) REAUTHORIZATION OF UNITED STATES ADVI-
23 SORY COMMISSION ON PUBLIC DIPLOMACY.—Section
24 1334 of the Foreign Affairs Reform and Restructuring

1 Act of 1998 (22 U.S.C. 6553) is amended by striking “Oc-
2 tober 1, 2009” and inserting “October 1, 2011”.

3 (b) STUDY AND REPORT.—Section 604(c)(2) of the
4 United States Information and Educational Exchange Act
5 of 1948 (22 U.S.C. 1469(c)(2)) is amended to read as
6 follows:

7 “(2)(A) Not less often than once every two years, the
8 Commission shall undertake an in-depth review of United
9 States public diplomacy programs, policies, and activities.
10 Each study shall assess the effectiveness of the various
11 mechanisms of United States public diplomacy in light of
12 several factors, including public and media attitudes
13 around the world toward the United States, United States
14 citizens, and United States foreign policy, and make ap-
15 propriate recommendations.

16 “(B) The Commission shall submit to the Secretary
17 and the Committee on Foreign Affairs of the House of
18 Representatives and the Committee on Foreign Relations
19 of the Senate a comprehensive report of each study re-
20 quired under subparagraph (A). At the discretion of the
21 Commission, any report under this subsection may be sub-
22 mitted in classified form or with a classified appendix.

23 “(C) Upon request of the Commission, the Secretary,
24 the Chair of the Broadcasting Board of Governors, and
25 the head of any other Federal agency that conducts public

1 diplomacy or strategic communications activities shall pro-
2 vide to the Commission information to assist the Commis-
3 sion in carrying out its responsibilities under this para-
4 graph.”.

5 (c) ENHANCING THE EXPERTISE OF THE UNITED
6 STATES ADVISORY COMMISSION ON PUBLIC DIPLO-
7 MACY.—

8 (1) QUALIFICATIONS OF MEMBERS.—Section
9 604(a)(2) of the United States Information and
10 Educational Exchange Act of 1948 (22 U.S.C.
11 1469(a)(2)) is amended by adding at the end the
12 following new sentences: “At least four members
13 shall have substantial experience in the conduct of
14 public diplomacy or comparable activities in the pri-
15 vate sector. No member may be an officer or em-
16 ployee of the United States.”.

17 (2) APPLICATION OF AMENDMENT.—The
18 amendment made by paragraph (1) shall not apply
19 to individuals who are members of the United States
20 Advisory Commission on Public Diplomacy on the
21 date of the enactment of this Act.

22 **SEC. 217. SPECIAL OLYMPICS.**

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

24 (1) Special Olympics International has been
25 recognized for more than four decades as the world

1 leader in providing life-changing sports training and
2 competition experiences for persons with intellectual
3 disabilities at all levels of severity.

4 (2) While Special Olympics sports programming
5 is widely respected around the world, less well-known
6 are a number of supporting initiatives targeted to
7 changing attitudes toward people with intellectual
8 disabilities, developing leaders among the intellectual
9 disability population, supporting families of people
10 with these disabilities, improving access to health
11 services, and enhancing government policies and pro-
12 grams for people with intellectual disabilities.

13 (3) Special Olympics has documented the chal-
14 lenge of ignorance and poor attitudes toward intel-
15 lectual disability worldwide and its capacity to
16 change discriminatory attitudes to understanding,
17 acceptance, and advocacy for people with intellectual
18 disabilities. It does so through an array of edu-
19 cational and attitude change activities that affect
20 multiple levels of society. These activities have re-
21 ceived financial support from the Bureau of Edu-
22 cational and Cultural Affairs (ECA) of the Depart-
23 ment of State, among other sources.

24 (b) ADMINISTRATION OF PROGRAM.—Section 3(b) of
25 the Special Olympics Sport and Empowerment Act of

1 2004 (Public Law 108–406) is amended, in the matter
2 preceding paragraph (1) by striking “Secretary of State”
3 and inserting “Secretary of State, acting through the As-
4 sistant Secretary of State for Educational and Cultural
5 Affairs”.

6 **SEC. 218. EXTENSION OF PROGRAM TO PROVIDE GRANTS**
7 **TO AMERICAN-SPONSORED SCHOOLS IN PRE-**
8 **DOMINANTLY MUSLIM COUNTRIES TO PRO-**
9 **VIDE SCHOLARSHIPS.**

10 Section 7113 of the Intelligence Reform and Ter-
11 rorism Prevention Act of 2004 (Public Law 108–458; 22
12 U.S.C. 2452c) is amended—

13 (1) in subsection (g)—

14 (A) by striking “Committee on Inter-
15 national Relations” and inserting “Committee
16 on Foreign Affairs”; and

17 (B) by striking “April 15, 2006, and April
18 15, 2008” and inserting “June 15, 2010, and
19 June 15, 2011”; and

20 (2) in subsection (h), by striking “2007 and
21 2008” and inserting “2010 and 2011”.

22 **SEC. 219. CENTRAL ASIA SCHOLARSHIP PROGRAM FOR**
23 **PUBLIC POLICY INTERNSHIPS.**

24 (a) PILOT PROGRAM ESTABLISHED.—As part of the
25 educational and cultural exchange programs of the De-

1 partment of State, the Secretary of State shall establish
2 a pilot program for fiscal years 2010 and 2011 to award
3 scholarships to undergraduate and graduate students from
4 Central Asia for public policy internships in the United
5 States. Subject to the availability of appropriations, for
6 each fiscal year not more than 50 students may partici-
7 pate in the program established under this section.

8 (b) GENERAL PROVISIONS.—

9 (1) IN GENERAL.—Except as otherwise pro-
10 vided in this section, the program established pursu-
11 ant to subsection (a) shall be carried out under ap-
12 plicable provisions of the United States Information
13 and Educational Exchange Act of 1948 (22 U.S.C.
14 1431 et seq.) and the Mutual Educational and Cul-
15 tural Exchange Act of 1961 (22 U.S.C. 2451 et
16 seq.; also referred to as the “Fulbright-Hays Act”).

17 (2) SCHOLARSHIP ELIGIBILITY REQUIRE-
18 MENTS.—In addition to such other requirements as
19 may be established by the Secretary of State, a
20 scholarship recipient under this section—

21 (A) shall be proficient in the English lan-
22 guage;

23 (B) shall be a student at an undergraduate
24 or graduate school level at an accredited insti-
25 tution of higher education with a record of out-

1 standing academic achievement and dem-
2 onstrated intellectual abilities;

3 (C) may not have received an academic
4 scholarship or grant from the United States
5 Government in the 3 years preceding the award
6 of a scholarship under this section; and

7 (D) may not be or have been a member of
8 a foreign terrorist organization (as designated
9 by the Secretary of State in accordance with
10 section 219(a) of the Immigration and Nation-
11 ality Act (8 U.S.C. 1189(a))) or involved in or-
12 ganized crime.

13 (3) INTERNSHIPS.—Internships under this sec-
14 tion shall be for periods of not more than 6 months.

15 (4) PRIORITY CONSIDERATION.—In the award
16 of internships under this section, the Secretary of
17 State shall give priority consideration to students
18 who are underprivileged or members of ethnic, reli-
19 gious, or cultural minorities.

20 (5) CENTRAL ASIA DEFINED.—For the pur-
21 poses of this section, the term “Central Asia” means
22 the countries of Kazakhstan, Kyrgyzstan, Tajikistan,
23 Turkmenistan, and Uzbekistan.

24 (c) AUTHORIZATION OF APPROPRIATIONS.—Of the
25 amounts authorized to be appropriated pursuant to sec-

1 tion 101(4), there is authorized to be appropriated
2 \$600,000 for each of fiscal years 2010 and 2011 to carry
3 out this section.

4 **SEC. 220. UNITED STATES-SOUTH PACIFIC SCHOLARSHIP**
5 **PROGRAM.**

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

7 (1) The United States-South Pacific Scholar-
8 ship Program (USSP), authorized by Congress and
9 funded by the Bureau of Educational and Cultural
10 Affairs of the Department of State, is a competitive,
11 merit-based scholarship program that ensures that
12 Pacific Islanders have an opportunity to pursue
13 higher education in the United States and to obtain
14 first-hand knowledge of United States institutions.

15 (2) It is expected that these students will one
16 day assume leadership roles in their countries.

17 (3) As the Chairman of the Subcommittee on
18 Territories and Insular Affairs, the late Congress-
19 man Phillip Burton was a voice for Pacific Island
20 populations.

21 (4) He was also a voice for workers, the poor,
22 and the elderly.

23 (5) Congressman Burton was one of the most
24 brilliant and productive legislators in United States
25 politics.

1 (6) He served in Congress from 1964 to 1983.

2 (7) He worked every day of his life to ensure
3 social justice and human dignity for all people.

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

6 (1) so that future generations will know his
7 name and remember his service, it is fitting that the
8 leadership and vision of Phillip Burton, especially as
9 the Chairman of the Subcommittee on Territories
10 and Insular Affairs, which indirectly impacted
11 United States foreign policy in the South Pacific re-
12 gion, should be honored; and

13 (2) the United States-South Pacific Scholarship
14 Program should be renamed the Phillip Burton
15 Scholarship Program for South Pacific Island Stu-
16 dents.

17 (c) FUNDING.—

18 (1) IN GENERAL.—Of the amounts authorized
19 to be appropriated pursuant to section 101(4),
20 \$750,000 is authorized to be appropriated for each
21 of fiscal years 2010 and 2011 to be made available
22 for the United States-South Pacific Scholarship Pro-
23 gram.

24 (2) NAME.—Scholarships awarded under the
25 Program shall be referred to as “Burton Scholar-

1 ships” and recipients of such scholarships shall be
2 referred to as “Burton Scholars”.

3 **SEC. 221. SCHOLARSHIPS FOR INDIGENOUS PEOPLES OF**
4 **MEXICO AND CENTRAL AND SOUTH AMERICA.**

5 Of the amounts authorized to be appropriated pursu-
6 ant to section 101(4), \$400,000 for each of fiscal years
7 2010 and 2011 is authorized to be appropriated for schol-
8 arships for secondary and post-secondary education in the
9 United States for students from Mexico and the countries
10 of Central and South America who are from the indige-
11 nous peoples of the region.

12 **SEC. 222. UNITED STATES-CARIBBEAN EDUCATIONAL EX-**
13 **CHANGE PROGRAM.**

14 (a) DEFINITIONS.—In this section:

15 (1) APPROPRIATE CONGRESSIONAL COMMIT-
16 TEES.—The term “appropriate congressional com-
17 mittees” means—

18 (A) the Committee on Foreign Affairs and
19 the Committee on Appropriations of the House
20 of Representatives; and

21 (B) the Committee on Foreign Relations
22 and the Committee on Appropriations of the
23 Senate.

24 (2) CARICOM COUNTRY.—The term
25 “CARICOM country”—

1 (A) means a member country of the Carib-
2 bean Community (CARICOM); but

3 (B) does not include—

4 (i) a country having observer status in
5 CARICOM; or

6 (ii) a country the government of which
7 the Secretary of State has determined, for
8 purposes of section 6(j) of the Export Ad-
9 ministration Act of 1979 (as continued in
10 effect pursuant to the International Emer-
11 gency Economic Powers Act), section 40 of
12 the Arms Export Control Act, section
13 620A of the Foreign Assistance Act of
14 1961, or any other provision of law, is a
15 government that has repeatedly provided
16 support for acts of international terrorism.

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

19 (4) UNITED STATES COOPERATING AGENCY.—
20 The term “United States cooperating agency”
21 means—

22 (A) an institution of higher education (as
23 such term is defined in section 101(a) of the
24 Higher Education Act of 1965 (20 U.S.C.
25 1001(a))), including, to the maximum extent

1 practicable, a historically Black college or uni-
2 versity that is a part B institution (as such
3 term is defined in section 322(2) of such Act
4 (20 U.S.C. 1061(2))) or a Hispanic-serving in-
5 stitution (as such term is defined in section
6 502(5) of such Act (20 U.S.C. 1101a(5)));

7 (B) a higher education association;

8 (C) a nongovernmental organization incor-
9 porated in the United States; or

10 (D) a consortium consisting of two or more
11 such institutions, associations, or nongovern-
12 mental organizations.

13 (b) PROGRAM AUTHORIZED.—The Secretary of State
14 is authorized to establish an educational exchange pro-
15 gram between the United States and CARICOM countries,
16 to be known as the “Shirley A. Chisholm United States-
17 Caribbean Educational Exchange Program”, under
18 which—

19 (1) secondary school students from CARICOM
20 countries will—

21 (A) attend a public or private secondary
22 school in the United States; and

23 (B) participate in activities designed to
24 promote a greater understanding of the values
25 and culture of the United States; and

1 (2) undergraduate students, graduate students,
2 post-graduate students, and scholars from
3 CARICOM countries will—

4 (A) attend a public or private college or
5 university, including a community college, in
6 the United States; and

7 (B) participate in activities designed to
8 promote a greater understanding of the values
9 and culture of the United States.

10 (c) ELEMENTS OF PROGRAM.—The program author-
11 ized under subsection (b) shall meet the following require-
12 ments:

13 (1) The program will offer scholarships to stu-
14 dents and scholars based on merit and need. It is
15 the sense of Congress that scholarships should be of-
16 fered to students and scholars who evidence merit,
17 achievement, and strong potential for the studies
18 such students and scholars wish to undertake under
19 the program and 60 percent of scholarships offered
20 under the program should be based on financial
21 need.

22 (2) The program will seek to achieve gender
23 equality in granting scholarships under the program.

24 (3) Fields of study under the program will sup-
25 port the labor market and development needs of

1 CARICOM countries, assuring a pool of technical
2 experts to address such needs.

3 (4) The program will limit participation to—

4 (A) 1 year of study for secondary school
5 students;

6 (B) 2 years of study for undergraduate
7 students; and

8 (C) 12 months of study for graduate stu-
9 dents, post-graduate students, and scholars.

10 (5) For a period of time equal to the period of
11 time of participation in the program, but not to ex-
12 ceed 2 years, the program will require participants
13 who are students and scholars described in sub-
14 section (a)(2) to—

15 (A) agree to return to live and work, or
16 study or volunteer, in a CARICOM country and
17 maintain residence in such country, within 6
18 months of completion of academic studies; or

19 (B) agree to obtain employment that di-
20 rectly benefits the growth, progress, and devel-
21 opment of one or more CARICOM countries
22 and the people of such countries.

23 (6) The Secretary may waive, shorten the dura-
24 tion, or otherwise alter the requirements of para-
25 graph (4) in limited circumstances of hardship, hu-

1 manitarian needs, for specific educational purposes,
2 or in furtherance of the national interests of the
3 United States.

4 (d) **ROLE OF UNITED STATES COOPERATING AGEN-**
5 **CIES.**—The Secretary shall consult with United States co-
6 operating agencies in developing the program authorized
7 under subsection (b). The Secretary is authorized to pro-
8 vide grants to United States cooperating agencies in car-
9 rying out the program authorized under subsection (b).

10 (e) **MONITORING AND EVALUATION OF PROGRAM.**—

11 (1) **IN GENERAL.**—The Secretary shall monitor
12 and evaluate the effectiveness and efficiency of the
13 program authorized under subsection (b). In so
14 doing, the Secretary shall, among other things,
15 evaluate the program’s positive or negative effects
16 on “brain drain” from the participating CARICOM
17 countries and suggest ways in which the program
18 may be improved to promote the basic goal of alle-
19 viating brain drain from the participating
20 CARICOM countries.

21 (2) **REQUIREMENTS.**—In carrying out para-
22 graph (1), the Secretary shall review on a regular
23 basis—

24 (A) financial information relating to the
25 program;

1 (B) budget plans for the program;

2 (C) adjustments to plans established for
3 the program;

4 (D) graduation rates of participants in the
5 program;

6 (E) the percentage of participants who are
7 students described in subsection (b)(1) who
8 pursue higher education;

9 (F) the percentage of participants who re-
10 turn to their home country or another
11 CARICOM country;

12 (G) the types of careers pursued by par-
13 ticipants in the program and the extent to
14 which such careers are linked to the political,
15 economic, and social development needs of
16 CARICOM countries; and

17 (H) the impact of gender, country of ori-
18 gin, financial need of students, and other rel-
19 evant factors on the data collected under sub-
20 paragraphs (D) through (G).

21 (f) REPORTING REQUIREMENTS.—

22 (1) REPORT REQUIRED.—Not later than 120
23 days after the date of the enactment of this section,
24 the Secretary of State shall submit to the appro-
25 priate congressional committees a report on plans to

1 implement the program authorized under this sec-
2 tion.

3 (2) MATTERS TO BE INCLUDED.—The report
4 required by paragraph (1) shall include—

5 (A) a plan for selecting participants in the
6 program, including an estimate of the number
7 of secondary school students, undergraduate
8 students, graduate students, post-graduate stu-
9 dents, and scholars from each country, by edu-
10 cational level, who will be selected as partici-
11 pants in the program for each fiscal year;

12 (B) a timeline for selecting United States
13 cooperating agencies that will assist in imple-
14 menting the program;

15 (C) a financial plan that—

16 (i) identifies budget plans for each
17 educational level under the program; and

18 (ii) identifies plans or systems to en-
19 sure that the costs to public school, college,
20 and university education under the pro-
21 gram and the costs to private school, col-
22 lege, and university education under the
23 program are reasonably allocated; and

24 (D) a plan to provide outreach to and link-
25 ages with schools, colleges and universities, and

1 nongovernmental organizations in both the
2 United States and CARICOM countries for im-
3 plementation of the program.

4 (3) UPDATES OF REPORT.—

5 (A) IN GENERAL.—The Secretary shall
6 submit to the appropriate congressional com-
7 mittees updates of the report required by para-
8 graph (1) for each fiscal year for which
9 amounts are appropriated pursuant to the au-
10 thorization of appropriations under subsection
11 (g).

12 (B) MATTERS TO BE INCLUDED.—Such
13 updates shall include the following:

14 (i) Information on United States co-
15 operating agencies that are selected to as-
16 sist in implementing the programs author-
17 ized under this section.

18 (ii) An analysis of the positive and
19 negative impacts the program authorized
20 under this section will have or is having on
21 “brain drain” from the participating
22 CARICOM countries.

23 (g) AUTHORIZATION OF APPROPRIATIONS.—Of the
24 amounts authorized to be appropriated pursuant to sec-
25 tion 101(4), there are authorized to be appropriated such

1 sums as may be necessary for each of fiscal years 2010
2 and 2011 to carry out this section.

3 **SEC. 223. EXCHANGES BETWEEN SRI LANKA AND THE**
4 **UNITED STATES TO PROMOTE DIALOGUE**
5 **AMONG MINORITY GROUPS IN SRI LANKA.**

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

8 (1) establish an exchange program for Sri
9 Lankan students currently pursuing a high school
10 degree to participate in dialogue and understanding
11 workshops in the United States;

12 (2) expand Sri Lankan participation in ex-
13 change programs of the Department of State; and

14 (3) promote dialogue between young adults
15 from various ethnic, religious, linguistic, and other
16 minority groups in Sri Lanka.

17 (b) PROGRAM.—

18 (1) IN GENERAL.—The Secretary of State shall
19 establish an exchange program to provide scholar-
20 ships to fund exchanges to enable Sri Lankan high
21 school students from various ethnic, religious, lin-
22 guistic, and other minority groups to participate in
23 post-conflict resolution, understanding, and dialogue
24 promotion workshops.

1 (2) DIALOGUE WORKSHOPS.—The exchange
2 program established under paragraph (1) shall in-
3 clude a dialogue workshop located in the United
4 States for participants in such program.

5 (c) DEFINITION.—For purposes of this section, the
6 term “scholarship” means an amount to be used for full
7 or partial support of living expenses in the United States
8 for a participant in the exchange program established
9 under subsection (b), including travel expenses to, from,
10 and within the United States.

11 **SEC. 224. EXCHANGES BETWEEN LIBERIA AND THE UNITED**
12 **STATES FOR WOMEN LEGISLATORS.**

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

15 (1) establish an exchange program for Liberian
16 women legislators and women staff members of the
17 Liberian Congress;

18 (2) expand Liberian participation in exchange
19 programs of the Department of State; and

20 (3) promote the advancement of women in the
21 field of politics, with the aim of eventually reducing
22 the rates of domestic abuse, illiteracy, and sexism in
23 Liberia.

24 (b) PROGRAM.—The Secretary of State shall estab-
25 lish an exchange program in cooperation with the Wom-

1 en’s Legislative Caucus in Liberia to provide scholarships
2 to fund exchanges to enable Liberian women legislators
3 and exceptional women Liberian Congressional staffers to
4 encourage more women to participate in, and continue to
5 be active in, politics and the democratic process in Liberia.

6 (c) SCHOLARSHIP DEFINED.—In this section, the
7 term “scholarship” means an amount to be used for full
8 or partial support of living expenses in the United States
9 for a participant in the exchange program established
10 under subsection (b), including travel expenses to, from,
11 and within the United States.

12 **SEC. 225. PUBLIC DIPLOMACY PLAN FOR HAITI.**

13 The Secretary of State shall develop a public diplo-
14 macy plan to be implemented in the event that Temporary
15 Protected Status (TPS) is extended to Haitian nationals
16 in the United States to effectively inform Haitians living
17 in Haiti that—

18 (1) TPS only permits people already in the
19 United States as of a specifically designated date to
20 remain in the United States;

21 (2) there are extraordinary dangers of travel by
22 sea to the United States in unsafe, overcrowded ves-
23 sels;

24 (3) any Haitian interdicted at sea traveling to
25 the United States will be repatriated to Haiti; and

1 (4) the United States will continue its large as-
2 sistance program to help the people of Haiti recover
3 from recent hurricanes, restore stability, and pro-
4 mote economic growth.

5 **SEC. 226. TRANSFER OF THE VIETNAM EDUCATION FOUN-**
6 **DATION TO THE DEPARTMENT OF STATE.**

7 (a) **PURPOSES.**—Section 202 of the Vietnam Edu-
8 cation Foundation Act of 2000 (Public Law 106–554) is
9 amended by adding at the end the following new para-
10 graph:

11 “(3) To support the development of one or
12 more academic institutions in Vietnam by financing
13 the participation of United States institutions of
14 higher education in the governance, management,
15 and academic activities of such academic institutions
16 in Vietnam.”.

17 (b) **ESTABLISHMENT.**—Section 204 of such Act is
18 amended to read as follows:

19 **“SEC. 204. ESTABLISHMENT.**

20 “‘There is established, within the Bureau of Edu-
21 cational and Cultural Affairs of the Department of State,
22 the Vietnam Education Foundation (referred to in this
23 title as the ‘Foundation’).”.

1 (c) REPLACEMENT OF BOARD OF DIRECTORS WITH
2 ADVISORY COMMITTEE.—Section 205 of such Act is
3 amended to read as follows:

4 **“SEC. 205. VIETNAM EDUCATION FOUNDATION ADVISORY**
5 **COMMITTEE.**

6 “(a) ESTABLISHMENT.—

7 “(1) IN GENERAL.—There may be established a
8 Vietnam Education Foundation Advisory Committee
9 (referred to in this section as the ‘Advisory Com-
10 mittee’), which shall provide advice to the Secretary
11 and the Assistant Secretary for Educational and
12 Cultural Affairs regarding the Foundation’s activi-
13 ties.

14 “(2) MEMBERSHIP.—The Advisory Committee
15 shall be composed of seven members, of whom—

16 “(A) three shall be appointed by the Sec-
17 retary;

18 “(B) one shall be appointed by the major-
19 ity leader of the Senate;

20 “(C) one shall be appointed by the minor-
21 ity leader of the Senate;

22 “(D) one shall be appointed by the Speak-
23 er of the House of Representatives; and

24 “(E) one shall be appointed by the minor-
25 ity leader of the House of Representatives.

1 “(3) APPOINTMENT OF INCUMBENT MEMBERS
2 OF BOARD OF DIRECTORS.—Members appointed to
3 the Advisory Committee under paragraph (2) may
4 include individuals who were members of the Board
5 of Directors of the Foundation on the date imme-
6 diately preceding the date of the enactment of this
7 section.

8 “(b) SUPERVISION.—The Foundation shall be subject
9 to the supervision and direction of the Secretary, working
10 through the Assistant Secretary for Educational and Cul-
11 tural Affairs, and in consultation with the Advisory Com-
12 mittee established under subsection (a).”.

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

15 “(2) USE OF FUNDS.—All or part of the
16 amounts allotted for the Foundation under para-
17 graph (1) may be transferred to the Foundation or
18 to the appropriate Department of State appropria-
19 tion for the purpose of carrying out or supporting
20 the Foundation’s activities.”.

21 (e) APPOINTMENT OF EXECUTIVE DIRECTOR.—Sub-
22 section (a) of section 208 of such Act is amended—

23 (1) in the first sentence by striking “shall be
24 appointed” and inserting “may be appointed”; and

25 (2) by striking the last sentence.

1 (f) SERVICE OF EXECUTIVE DIRECTOR TO ADVISORY
2 COMMITTEE.—Such subsection is further amended, in the
3 second sentence, by striking “Foundation and shall carry
4 out” and inserting “Foundation, serve the Advisory Com-
5 mittee, and carry out”.

6 (g) FELLOWSHIP PROGRAM.—Section 206(a)(1)(A)
7 of such Act is amended by striking “technology, and com-
8 puter sciences” and inserting “academic computer science,
9 public policy, and academic and public management”.

10 (h) CONFORMING AMENDMENTS.—Such Act is
11 amended—

12 (1) in section 203—

13 (A) by striking paragraph (1);

14 (B) by redesignating paragraphs (2) and
15 (3) as paragraphs (1) and (2), respectively; and

16 (C) by inserting after paragraph (2), as re-
17 designated, the following:

18 “(3) SECRETARY.—The term ‘Secretary’ means
19 the Secretary of State.”;

20 (2) in section 208—

21 (A) in subsection (a)—

22 (i) in the subsection heading, by strik-
23 ing “BOARD” and inserting “SECRETARY”;

24 and

1 (ii) by striking “Board” each place it
2 appears and inserting “Secretary”; and
3 (B) in subsection (d), by striking “Board”
4 and inserting “Secretary”; and
5 (3) in section 209(b), by striking “Board” and
6 inserting “Secretary”.

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

11 (1) in paragraph (8), by striking “and” at the
12 end;

13 (2) in paragraph (9), by striking the period at
14 the end and inserting “; and”; and

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

16 “(10) programs administered by the Vietnam
17 Education Foundation.”.

18 (j) TRANSFER OF FUNCTIONS.—All functions and as-
19 sets of the Vietnam Education Foundation are transferred
20 to the Bureau of Educational and Cultural Affairs of the
21 Department of State. The Assistant Secretary for Edu-
22 cational and Cultural Affairs may hire personnel who were
23 employed by the Vietnam Education Foundation on the
24 date before the date of the enactment of this Act, and
25 such other personnel as may be necessary to support the

1 Foundation, in accordance with part III of title 5, United
2 States Code.

3 (k) SUPPORT FOR INSTITUTIONAL DEVELOPMENT IN
4 VIETNAM.—

5 (1) GRANTS AUTHORIZED.—The Secretary of
6 State, acting through the Assistant Secretary for
7 Educational and Cultural Affairs, is authorized to
8 award 1 or more grants to institutions of higher
9 education (as defined in section 101(a) of the High-
10 er Education Act of 1965 (20 U.S.C. 1001(a))),
11 which shall be used to implement graduate-level aca-
12 demic and public policy management leadership pro-
13 grams in Vietnam. Such programs shall—

14 (A) support Vietnam’s equitable and sus-
15 tainable socioeconomic development;

16 (B) feature both teaching and research
17 components;

18 (C) promote the development of institu-
19 tional capacity in Vietnam;

20 (D) operate according to core principles of
21 good governance; and

22 (E) enjoy autonomy from the Vietnamese
23 government.

24 (2) APPLICATION.—

1 (A) IN GENERAL.—Each institution of
2 higher education desiring the grant under this
3 section shall submit an application to the Sec-
4 retary of State at such time, in such manner,
5 and accompanied by such information as the
6 Secretary may reasonably require.

7 (B) COMPETITIVE BASIS.—Each grant au-
8 thorized under subsection (a) shall be awarded
9 on a competitive basis.

10 (3) SOURCE OF GRANT FUNDS.—The Secretary
11 of State may use funds made available to the Viet-
12 nam Education Foundation under section 207(c) of
13 the Vietnam Education Foundation Act of 2000 (22
14 U.S.C. 2452 note) for the grant awarded under this
15 section.

16 (l) EFFECTIVE DATE.—This section and the amend-
17 ments made by this section shall take effect on the date
18 that is 90 days after the date of the enactment of this
19 section.

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

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

1 (1) establish an exchange program for Afghan
2 women legislators of the National Assembly of Af-
3 ghanistan;

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

7 (3) promote the advancement of women in the
8 field of politics, with the aim of encouraging more
9 women to participate in civil society, reducing vio-
10 lence against women, and increasing educational op-
11 portunities for women and children.

12 (b) PROGRAM.—The Secretary of State shall estab-
13 lish an exchange program in cooperation with the women
14 members of parliament in Afghanistan to enable Afghan
15 women legislators to encourage more women to participate
16 in, and continue to be active in, politics and the demo-
17 cratic process in Afghanistan.

18 **Subtitle C—Consular Services and** 19 **Related Matters**

20 **SEC. 231. PERMANENT AUTHORITY TO ASSESS PASSPORT** 21 **SURCHARGE.**

22 Section 1 of the Passport Act of June 4, 1920 (22
23 U.S.C. 214; chapter 223, 41 Stat. 750), is amended by—

24 (1) striking subsection (b)(2); and

1 (2) redesignating subsection (b)(3) as sub-
2 section (b)(2).

3 **SEC. 232. SENSE OF CONGRESS REGARDING ADDITIONAL**
4 **CONSULAR SERVICES IN MOLDOVA.**

5 It is the sense of Congress that in light of serious
6 problems with human trafficking as well as the exception-
7 ally high volume of applications by citizens of Moldova to
8 the United States Summer Work Travel program, the Sec-
9 retary of State should make every effort to enhance con-
10 sular services at the United States embassy in Chisinau,
11 Moldova, including considering assigning an additional
12 consular officer to such post, and providing enhanced anti-
13 trafficking training, especially related to student exchange
14 visas and other vulnerable categories of visa applicants.

15 **SEC. 233. REFORMING REFUGEE PROCESSING.**

16 (a) WORLDWIDE PROCESSING PRIORITY SYSTEM.—

17 (1) EMBASSY REFERRALS.—The Secretary of
18 State shall expand training of United States em-
19 bassy and consular personnel to ensure that appro-
20 priate United States embassies and consulates are
21 equipped and enabled to refer to the United States
22 refugee admissions program aliens in urgent need of
23 resettlement.

24 (2) NGO REFERRALS.—The Secretary shall ex-
25 pand training of, and communication with, non-

1 governmental organizations that provide assistance
2 to displaced and persecuted persons to enable such
3 organizations to refer to the United States refugee
4 admissions program aliens in urgent need of reset-
5 tlement.

6 (b) REFORM OF THE REFUGEE CONSULTATION
7 PROCESS.—Section 207 of the Immigration and Nation-
8 ality Act (8 U.S.C. 1157) is amended—

9 (1) in subsection (a)(2), by adding at the end
10 the following new sentence: “In the event that a fis-
11 cal year begins without such determination having
12 been made, there is authorized to be admitted in the
13 first quarter of such fiscal year 25 percent of the
14 number of refugees fixed by the President in the
15 previous fiscal year’s determination, and any refu-
16 gees admitted under this sentence shall be counted
17 toward the President’s determination when it is
18 made.”; and

19 (2) in subsection (e), in the matter preceding
20 paragraph (1), by striking “discussions in person”
21 and inserting “discussions in person, to be com-
22 menced not later than June 1 of each year,”.

23 (c) FAMILY REUNIFICATION.—

24 (1) MULTIPLE FORMS OF RELIEF.—Applicants
25 for admission as refugees shall be permitted to si-

1 multaneously pursue admission under any other visa
2 categories for which such applicants may be eligible.

3 (2) SEPARATED CHILDREN.—In the case of a
4 child under the age of 18 who has been separated
5 from the birth or adoptive parents of such child and
6 who is living under the care of an alien who has
7 been approved for admission to the United States as
8 a refugee, such child shall be, if it is in the best in-
9 terest of such child to be placed with such alien in
10 the United States, admitted as a refugee provided
11 such child is otherwise admissible as described in
12 section 207(c)(3) of the Immigration and Nation-
13 ality Act (8 U.S.C. 1157(c)(3)).

14 (3) CHILDREN OF REFUGEE SPOUSES.—For the
15 purposes of sections 207(c)(2)(A) and 208(b)(3) of
16 the Immigration and Nationality Act (8 U.S.C.
17 1157(c)(2)(A) and 1158(b)(3)), if a spouse of a ref-
18 ugee or of a person who has been granted asylum
19 proves that such spouse is the birth or adoptive par-
20 ent of a child, such child shall be eligible to accom-
21 pany or follow to join such parent.

22 (d) ERMA ACCOUNT.—Section 2(c)(2) of the Migra-
23 tion and Refugee Assistance Act of 1962 (22 U.S.C.
24 2601(c)(2)) is amended by striking “\$100,000,000” and
25 inserting “\$200,000,000”.

1 (e) AUTHORIZATION OF APPROPRIATIONS.—

2 (1) IN GENERAL.—There is authorized to be
3 appropriated such sums as may be necessary to
4 carry out this section, including the amendments
5 made by this section.

6 (2) RULE OF CONSTRUCTION.—Nothing in this
7 section may be construed to reduce funds or services
8 for other refugee assistance or resettlement.

9 (f) EFFECTIVE DATE.—This section, and the amend-
10 ments made by this section, shall take effect on the first
11 day of the first fiscal year that begins after the date of
12 the enactment of this section.

13 **SEC. 234. ENGLISH LANGUAGE AND CULTURAL AWARENESS**
14 **TRAINING FOR APPROVED REFUGEE APPLI-**
15 **CANTS.**

16 (a) IN GENERAL.—The Secretary of State shall es-
17 tablish overseas refugee training programs to provide
18 English as a second language, cultural orientation, and
19 work orientation training for refugees, including children,
20 as appropriate, who have been approved for admission to
21 the United States before their departure for the United
22 States.

23 (b) DESIGN AND IMPLEMENTATION.—In designing
24 and implementing the training programs referred to in

1 subsection (a), the Secretary shall consult with or utilize
2 both—

3 (1) nongovernmental or international organiza-
4 tions with direct ties to the United States refugee
5 resettlement program; and

6 (2) nongovernmental or international organiza-
7 tions with appropriate expertise in developing cur-
8 riculum and teaching English as a second language.

9 (c) **IMPACT ON PROCESSING TIMES.**—The Secretary
10 shall ensure that such training programs occur within cur-
11 rent processing times and do not unduly delay the depart-
12 ture for the United States of refugees who have been ap-
13 proved for admission to the United States.

14 (d) **TIMELINE FOR IMPLEMENTATION.**—

15 (1) **INITIAL IMPLEMENTATION.**—Not later than
16 1 year after the date of the enactment of this Act,
17 the Secretary shall ensure that such training pro-
18 grams are operating in at least three refugee proc-
19 essing regions.

20 (2) **ADDITIONAL IMPLEMENTATION.**—Not later
21 than 2 years after the date of the enactment of this
22 Act, the Secretary shall notify the appropriate con-
23 gressional committees that such training programs
24 are operating in five refugee processing regions.

1 (e) GAO REPORT.—Not later than 2 years after the
2 date of the enactment of this Act, the Comptroller General
3 of the United States shall conduct a study on the imple-
4 mentation of this section, including an assessment of the
5 quality of English as a second language curriculum and
6 instruction, the benefits of the orientation and English as
7 a second language training program to refugees, and rec-
8 ommendations on whether such programs should be con-
9 tinued, broadened, or modified, and shall submit to the
10 appropriate congressional committees a report on the find-
11 ings of such study.

12 (f) RULE OF CONSTRUCTION.—Nothing in this sec-
13 tion shall be construed to require that a refugee partici-
14 pate in such a training program as a precondition for the
15 admission to the United States of such refugee.

16 **SEC. 235. IRAQI REFUGEES AND INTERNALLY DISPLACED**
17 **PERSONS.**

18 (a) IN GENERAL.—The President shall develop and
19 implement policies and strategies to address the protec-
20 tion, resettlement, and assistance needs of Iraqi refugees
21 and internally displaced persons (IDPs), foster long-term
22 solutions for stabilizing the lives of such refugees and
23 IDPs, monitor the development and implementation of as-
24 sistance strategies to countries in the Middle East that
25 are hosting refugees from Iraq, encourage the Government

1 of Iraq to actively engage the problem of displaced persons
2 and refugees and monitor the Government of Iraq's reso-
3 lution of the problem, and ensure that budget requests to
4 Congress are sufficient to meet an appropriate United
5 States contribution to the needs of Iraqi refugees, IDPs
6 within Iraq, and other refugees in Iraq.

7 (b) INTERAGENCY PROCESS.—

8 (1) IN GENERAL.—The President should estab-
9 lish an interagency working group to carry out the
10 goals of subsection (a) by facilitating interagency co-
11 ordination to develop and implement policies to ad-
12 dress the needs of Iraqi refugees and IDPs during
13 this refugee crisis.

14 (2) COMPOSITION.—The interagency working
15 group shall consist of appropriate high-ranking offi-
16 cials from the Department of State, the Department
17 of Homeland Security, the Department of Defense,
18 the United States Agency for International Develop-
19 ment, and such other agencies as the President may
20 determine.

21 (3) ROLE OF SECRETARY OF STATE.—The Sec-
22 retary of State shall serve as principal liaison with
23 the Government of Iraq, its neighboring refugee
24 hosting countries, and the international community
25 to solicit and direct bilateral and multilateral con-

1 tributions to address the needs of Iraqi refugees,
2 IDPs, and returned refugees as well as with non-
3 governmental organizations working for and on be-
4 half of displaced Iraqis.

5 (c) INCREASE IN REFUGEE PROCESSING CAPAC-
6 ITY.—The Secretary of State should, subject to the avail-
7 ability of appropriations for such purpose, seek to substan-
8 tially increase the resources available to support the proc-
9 essing of refugee applicants in Iraq.

10 (d) HUMANITARIAN ASSISTANCE.—The United
11 States should seek to ensure that—

12 (1) other countries make contributions to the
13 United Nations High Commissioner on Refugees
14 (UNHCR) and to other international organizations
15 assisting Iraqi refugees and IDPs;

16 (2) the United States continues to make con-
17 tributions that are sufficient to fund not less than
18 50 percent of the amount requested by the UNHCR,
19 the International Committee of the Red Cross, and
20 other appropriate international organizations in each
21 of fiscal years 2010 and 2011; and

22 (3) the Government of Iraq makes significant
23 contributions to UNHCR and to other international
24 organizations assisting Iraqi refugees and IDPs.

1 (e) STATEMENT OF POLICY REGARDING ENCOUR-
2 AGING VOLUNTARY RETURNS.—It shall be the policy of
3 the United States to encourage Iraqi refugees to return
4 to Iraq only when conditions permit safe, sustainable re-
5 turns on a voluntary basis with the coordination of the
6 UNHCR and the Government of Iraq.

7 (f) INTERNATIONAL COOPERATION.—The Secretary
8 of State shall work with the international community, in-
9 cluding governments hosting the refugees, international
10 organizations, nongovernmental organizations, and do-
11 nors, to develop a long-term, comprehensive international
12 strategy for assistance and solutions for Iraqi refugees
13 and IDPs, and to provide—

14 (1) a comprehensive assessment of the needs of
15 Iraqi refugees and IDPs, and the needs of the popu-
16 lations that host such refugees and IDPs;

17 (2) assistance to international organizations as-
18 sisting IDPs and vulnerable persons in Iraq and
19 Iraqi refugees in neighboring countries, including
20 through resettlement;

21 (3) assistance to international organizations
22 and other relevant entities, including such organiza-
23 tions and entities providing psychosocial services and
24 cash assistance, and such organizations and entities
25 facilitating voluntary returns of displaced persons;

1 (4) technical assistance to the Government of
2 Iraq to establish better systems for meeting the
3 needs of Iraqi IDPs and refugees, and to other gov-
4 ernment entities, international organizations, or non-
5 governmental organizations developing legal frame-
6 works and systems to resolve land and housing claim
7 disputes, including restitution;

8 (5) enhanced residency protections and opportu-
9 nities for Iraqi refugees to work legally; and

10 (6) increased transparency on behalf of host
11 governments, international organizations, and non-
12 governmental organizations that receive assistance
13 for Iraqi refugees and IDPs.

14 (g) ENHANCED ACCOUNTING.—To better assess the
15 benefits of United States assistance to Iraqi refugees and
16 IDPs, the Secretary of State, in coordination with the Ad-
17 ministrators of the United States Agency for International
18 Development, as appropriate, shall—

19 (1) develop performance measures to fully as-
20 sess and report progress in achieving United States
21 goals and objectives for Iraqi refugees and IDPs;
22 and

23 (2) track and report funding apportioned, obli-
24 gated, and expended for Iraqi refugee programs in

1 Jordan, Syria, Lebanon, and the other host coun-
2 tries, to the extent practicable.

3 (h) REPORT TO CONGRESS.—Not later than 90 days
4 after the date of the enactment of this Act and annually
5 thereafter through 2011, the President shall transmit to
6 the appropriate congressional committees a report on the
7 implementation of this section. Such report shall include—

8 (1) information concerning assistance and fund-
9 ing to host countries and international organizations
10 and nongovernmental organizations;

11 (2) information concerning measures taken by
12 the United States to increase its capabilities to proc-
13 ess Iraqi refugees for resettlement, especially from
14 inside Iraq;

15 (3) an evaluation of the effectiveness of meas-
16 ures implemented by agencies of the Government of
17 Iraq to assist Iraqi refugees, IDPs, and other vul-
18 nerable persons and to facilitate the safe and vol-
19 untary return of refugees;

20 (4) an accounting of past expenditures and a
21 report on plans for expenditures by the Government
22 of Iraq on Iraqi refugees and IDPs; and

23 (5) information gathered in fulfillment of sub-
24 section (g).

1 (i) AUTHORIZATION OF APPROPRIATIONS.—Of the
2 amounts authorized to be appropriated pursuant to sec-
3 tion 104, there is authorized to be appropriated such sums
4 as may be necessary to carry out this section.

5 **SEC. 236. VIDEOCONFERENCE INTERVIEWS.**

6 (a) PILOT PROGRAM.—The Secretary of State may
7 develop and conduct a 2-year pilot program for the proc-
8 essing of tourist visas using secure remote
9 videoconferencing technology as a method for conducting
10 visa interviews of applicants.

11 (b) REPORT.—Not later than 1 year after initiating
12 the pilot program under subsection (a) and again not later
13 than 3 months after the conclusion of the 2-year period
14 referred to in such subsection, the Secretary of State shall
15 submit to the appropriate congressional committees a re-
16 port on such pilot program. Each such report shall assess
17 the efficacy of using secure remote videoconferencing tech-
18 nology as a method for conducting visa interviews of appli-
19 cants, including any effect such method may have on an
20 interviewer's ability to determine an applicant's credibility
21 and uncover fraud, and shall include recommendations on
22 whether or not the pilot program should be continued,
23 broadened, or modified.

1 **SEC. 237. TIBET.**

2 (a) TIBET NEGOTIATIONS.—Section 613(a) of the
3 Tibetan Policy Act of 2002 (Public Law 107–228; 22
4 U.S.C. 6901 note) is amended—

5 (1) in paragraph (1), by inserting before the pe-
6 riod at the end the following: “and should coordinate
7 with other governments in multilateral efforts to-
8 ward this goal”;

9 (2) by redesignating paragraph (2) as para-
10 graph (3); and

11 (3) by inserting after paragraph (1) the fol-
12 lowing new paragraph:

13 “(2) POLICY COORDINATION.—The President
14 shall direct the National Security Council to ensure
15 that, in accordance with this Act, United States poli-
16 cy on Tibet is coordinated and communicated with
17 all Executive Branch agencies in contact with the
18 Government of China.”.

19 (b) BILATERAL ASSISTANCE.—Section 616 of the Ti-
20 betan Policy Act of 2002 is amended—

21 (1) by redesignating subsection (d) as sub-
22 section (e); and

23 (2) by inserting after subsection (c) the fol-
24 lowing new subsection:

25 “(d) UNITED STATE ASSISTANCE.—The President
26 shall provide grants to nongovernmental organizations to

1 support sustainable economic development, cultural and
2 historical preservation, health care, education, and envi-
3 ronmental sustainability projects for Tibetan communities
4 in the Tibet Autonomous Region and in other Tibetan
5 communities in China, in accordance with the principles
6 specified in subsection (e) and subject to the review and
7 approval of the Special Coordinator for Tibetan Issues
8 under section 621(d).”.

9 (c) SPECIAL COORDINATOR FOR TIBETAN ISSUES.—
10 Section 621 of the Tibetan Policy Act of 2002 is amend-
11 ed—

12 (1) in subsection (d)—

13 (A) in paragraph (5), by striking “and” at
14 the end;

15 (B) by redesignating paragraph (6) as
16 paragraph (7); and

17 (C) by inserting after paragraph (5) the
18 following new paragraph:

19 “(6) review and approve all projects carried out
20 pursuant to section 616(d); and”;

21 (2) by adding at the end the following new sub-
22 section:

23 “(e) PERSONNEL.—The Secretary shall assign dedi-
24 cated personnel to the Office of the Special Coordinator

1 for Tibetan Issues sufficient to assist in the management
2 of the responsibilities of this section and section 616(d).”.

3 (d) DIPLOMATIC REPRESENTATION RELATING TO
4 TIBET.—

5 (1) UNITED STATES EMBASSY IN BEIJING.—

6 (A) IN GENERAL.—The Secretary of State
7 is authorized to establish a Tibet Section within
8 the United States Embassy in Beijing, People’s
9 Republic of China, for the purposes of following
10 political, economic, and social developments in-
11 side Tibet, including Tibetan areas of Qinghai,
12 Sichuan, Gansu, and Yunnan provinces, until
13 such time as a United States consulate in Tibet
14 is established. Such Tibet Section shall have the
15 primary responsibility for reporting on human
16 rights issues in Tibet and shall work in close
17 cooperation with the Office of the Special Coor-
18 dinator for Tibetan Issues. The chief of such
19 Tibet Section should be of senior rank.

20 (B) AUTHORIZATION OF APPROPRIA-
21 TIONS.—Of the amounts authorized to be ap-
22 propriated under section 101, there are author-
23 ized to be appropriated such sums as may be
24 necessary for each of fiscal years 2010 and
25 2011 to carry out this paragraph.

1 (2) IN TIBET.—Section 618 of the Tibetan Pol-
2 icy Act of 2002 is amended to read as follows:

3 **“SEC. 618. ESTABLISHMENT OF A UNITED STATES CON-**
4 **SULATE IN LHASA, TIBET.**

5 “The Secretary shall seek to establish a United
6 States consulate in Lhasa, Tibet, to provide services to
7 United States citizens traveling to Tibet and to monitor
8 political, economic, and cultural developments in Tibet, in-
9 cluding Tibetan areas of Qinghai, Sichuan, Gansu, and
10 Yunnan provinces.”.

11 (e) RELIGIOUS PERSECUTION IN TIBET.—Section
12 620(b) of the Tibetan Policy Act of 2002 is amended by
13 adding before the period at the end the following: “, in-
14 cluding the reincarnation system of Tibetan Buddhism”.

15 **SEC. 238. PROCESSING OF CERTAIN VISA APPLICATIONS.**

16 (a) POLICY.—It shall be the policy of the Department
17 of State to process immigrant visa applications of imme-
18 diate relatives of United States citizens and nonimmigrant
19 k-1 visa applications of fiances of United States citizens
20 within 30 days of the receipt of all necessary documents
21 from the applicant and the Department of Homeland Se-
22 curity. In the case of a visa application where the sponsor
23 of such applicant is a relative other than an immediate
24 relative, it should be the policy of the Department of State
25 to process such an application within 60 days of the re-

1 ceipt of all necessary documents from the applicant and
2 the Department of Homeland Security.

3 (b) REVIEW BY HEAD OF CONSULAR SECTION.—For
4 any visa application described in subsection (a), it shall
5 be the policy of the Department of State to require the
6 head of the consular section (or designee) of any United
7 States diplomatic or consular post to review any such ap-
8 plication that exceeds the applicable time period specified
9 in such subsection by more than 5 days, and, as appro-
10 priate, provide for expedited processing of such applica-
11 tion.

12 **SEC. 239. REPORT ON SPECIAL IMMIGRANT PROGRAMS**
13 **FOR CERTAIN NATIONALS OF IRAQ AND AF-**
14 **GHANISTAN.**

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

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

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

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

3 (1) Whether the eligibility requirements with re-
4 spect to the programs are sufficiently clear, and if
5 not, whether legislation is necessary to clarify those
6 requirements.

7 (2) Whether the programs are being run effec-
8 tively and expeditiously.

9 (3) Whether processing delays exist with re-
10 spect to the programs that place applicants' lives at
11 risk, and if so—

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

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

16 **SEC. 240. STUDY REGARDING USE OF PASSPORTS FOR**
17 **OVERSEAS VOTING AND CENSUS.**

18 The Secretary of State, in consultation with the At-
19 torney General and the Director of the Census Bureau,
20 shall conduct a feasibility study and submit to Congress
21 a report assessing methods of facilitating voting in United
22 States elections by United States citizens living overseas
23 using passports or other methods, and for using passports
24 or other methods to count United States citizens living
25 overseas in the United States Census.

1 **Subtitle D—Strengthening Arms**
2 **Control and Nonproliferation**
3 **Activities at the Department of**
4 **State**

5 **SEC. 241. FINDINGS AND SENSE OF CONGRESS ON THE**
6 **NEED TO STRENGTHEN UNITED STATES**
7 **ARMS CONTROL AND NONPROLIFERATION**
8 **CAPABILITIES.**

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

10 (1) International security relies upon collective
11 security arrangements and alliances, as unilateral
12 actions by one country, no matter how powerful, are
13 insufficient to cope effectively with security threats.

14 (2) In the same manner, collective arrange-
15 ments, conventions, and alliances devoted to halting
16 the proliferation of weapons of mass destruction,
17 their means of production and delivery, frequently
18 institutionalized within multilateral treaties and con-
19 ventions, are critical to effective collective global ac-
20 tion.

21 (3) In order to safeguard and advance United
22 States national security, the Department of State
23 must have the structural and human resources nec-
24 essary to lead and participate in all international ne-
25 gotiations, conventions, organizations, arrangements,

1 and implementation fora in the field of nonprolifera-
2 tion and arms control.

3 (4) North Korea and Iran present fundamental
4 challenges to the global nonproliferation regime,
5 challenges that can only be met by active, com-
6 mitted, and long-term multilateral engagement, par-
7 ticipation, and leadership by the United States.

8 (5) Further, the United States has outlined an
9 ambitious agenda in arms control and nonprolifera-
10 tion for the coming years, including—

11 (A) the conclusion of a strategic arms re-
12 duction treaty with Russia that preserves the
13 benefits of the expiring START I treaty and
14 makes further reductions in the total number of
15 nuclear warheads in both countries, consistent
16 with their national security needs;

17 (B) United States ratification of the Com-
18 prehensive Test Ban Treaty (CTBT), consid-
19 ered a foundational treaty by the global non-
20 proliferation community for further advances
21 toward greater stability and the reduction of
22 role of nuclear weapons;

23 (C) the creation of a Fissile Material Cut-
24 off Treaty (FMCT) to reduce the rate of pro-
25 duction and ultimately halt the production of

1 militarily-useful fissile material for nuclear
2 weapons;

3 (D) the securing of vulnerable nuclear ma-
4 terial worldwide that could be stolen and uti-
5 lized by terrorist groups and rogue countries for
6 nuclear and radiological weapons;

7 (E) the reinvigoration of the Treaty on the
8 Nonproliferation of Nuclear Weapons (NPT),
9 the cornerstone of the global nuclear non-
10 proliferation regime, especially at the 2010 Re-
11 view Conference;

12 (F) the expansion and greater development
13 of the Proliferation Security Initiative (PSI)
14 and the Global Initiative to Combat Nuclear
15 Terrorism into durable international institu-
16 tions;

17 (G) the disruption and prevention of nu-
18 clear black markets;

19 (H) the convening of a Global Summit on
20 Nuclear Security;

21 (I) strengthening the infrastructure and
22 technical and financial resources available to
23 the International Atomic Energy Agency
24 (IAEA) and its international nuclear safeguards
25 system; and

1 (J) engaging multiple international conven-
2 tions and negotiations on restriction on conven-
3 tional arms of various types.

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

6 (1) the Secretary of State should immediately
7 develop a plan to strengthen the capabilities of the
8 Department of State to lead and participate effec-
9 tively in all international negotiations and implemen-
10 tation fora in the field of nonproliferation and arms
11 control, especially to increase the human, organiza-
12 tional, and financial resources available to the Un-
13 dersecretary of State for Arms Control and Inter-
14 national Security;

15 (2) such plan should—

16 (A) focus especially on the recruitment and
17 professional development of civilian and Foreign
18 Service officers in the areas of arms control and
19 nonproliferation within the Department of
20 State, especially to increase the number of per-
21 sonnel assigned to arms control and non-
22 proliferation and enhance recruitment of tech-
23 nical specialists, as well as provide for the long-
24 term sustainability of personnel and resources;
25 and

1 (B) identify measures to make service in
2 arms control and nonproliferation offices, bu-
3 reaus, and in foreign postings an attractive
4 path for further promotion within the Foreign
5 Service; and

6 (3) the Secretary of State should regularly keep
7 Congress informed as to the measures taken to
8 strengthen the arms control and nonproliferation ca-
9 pabilities of the Department of State, including what
10 additional legal authority or appropriations are re-
11 quired.

12 **SEC. 242. AUTHORIZATION OF ADDITIONAL ARMS CONTROL**
13 **AND NONPROLIFERATION POSITIONS.**

14 Of the amounts authorized to be appropriated under
15 section 101, \$3,000,000 is authorized to be appropriated
16 for an additional 25 positions at the Department of State
17 for arms control and nonproliferation functions over the
18 number of such positions in existence as of the date of
19 the enactment of this Act.

20 **SEC. 243. ADDITIONAL AUTHORITY OF THE SECRETARY OF**
21 **STATE.**

22 Section 401(d) of the Arms Control and Disar-
23 mament Act (Public Law 87-297; 22 U.S.C. 2581) is
24 amended, in the first proviso, by striking “the President”
25 and inserting “the Secretary of State”.

1 **SEC. 244. ADDITIONAL FLEXIBILITY FOR RIGHTSIZING**
2 **ARMS CONTROL AND NONPROLIFERATION**
3 **FUNCTIONS.**

4 (a) REPEAL.—Section 1112 of the Admiral James W.
5 Nance and Meg Donovan Foreign Relations Authorization
6 Act, Fiscal Years 2000 and 2001 (Public Law 106–113)
7 is repealed.

8 (b) CLERICAL AMENDMENT.—The table of contents
9 in section 2(b) of such Act is amended by striking the
10 item relating to section 1112.

11 **SEC. 245. ARMS CONTROL AND NONPROLIFERATION ROTA-**
12 **TION PROGRAM.**

13 (a) ESTABLISHMENT.—

14 (1) IN GENERAL.—The Secretary of State (in
15 this section referred to as the “Secretary”), in con-
16 sultation with the heads of other Federal depart-
17 ments and agencies that are involved in United
18 States arms control and nonproliferation activities,
19 shall establish the Arms Control and Nonprolifera-
20 tion Rotation Program (in this section referred to as
21 the “Rotation Program”) for employees of the De-
22 partment of State (in this section referred to as the
23 “Department”) and such other Federal departments
24 and agencies. The Rotation Program shall use appli-
25 cable best practices, including those prescribed by
26 the Chief Human Capital Officers Council. Employ-

1 ees of the Department and any other Federal de-
2 partment or agency participating in the Rotation
3 Program may be detailed among the Department or
4 such department or agency on a non-reimbursable
5 basis.

6 (2) GOALS.—The Rotation Program shall—

7 (A) be established in accordance with the
8 human capital strategic plan of the Depart-
9 ment;

10 (B) provide midlevel Foreign Service offi-
11 cers and employees of the Department, and em-
12 ployees of other Federal departments and agen-
13 cies concerned with arms control and non-
14 proliferation responsibilities the opportunity to
15 broaden their knowledge through exposure to
16 other areas of the Department and such other
17 Federal departments and agencies;

18 (C) expand the knowledge base of the De-
19 partment by providing for rotational assign-
20 ments of employees to such other Federal de-
21 partments and agencies;

22 (D) build professional relationships and
23 contacts among the employees in such other
24 Federal departments and agencies;

1 (E) invigorate the Department’s arms con-
2 trol and nonproliferation workforce with profes-
3 sionally rewarding opportunities; and

4 (F) incorporate human capital strategic
5 plans and activities of the Department, and ad-
6 dress critical human capital deficiencies, profes-
7 sional development, recruitment and retention
8 efforts, and succession planning within the Fed-
9 eral workforce of the Department.

10 (3) RESPONSIBILITIES.—The Secretary shall—

11 (A) provide oversight of the establishment
12 and implementation of the Rotation Program;

13 (B) establish a framework that supports
14 the goals of the Rotation Program and pro-
15 motes cross disciplinary rotational opportuni-
16 ties;

17 (C) establish eligibility for employees of
18 other Federal departments and agencies con-
19 cerned with national security responsibilities to
20 participate in the Rotation Program and select
21 participants from such employees who apply;

22 (D) establish incentives for such employees
23 to participate in the Rotation Program, includ-
24 ing promotions and employment preferences;

1 (E) ensure that the Rotation Program pro-
2 vides professional education and training;

3 (F) ensure that the Rotation Program de-
4 velops qualified employees and future leaders
5 with broad based experience throughout the De-
6 partment; and

7 (G) provide for greater interaction among
8 employees in such Federal departments and
9 agencies, including the Agency.

10 (4) ALLOWANCES, PRIVILEGES, AND BENE-
11 FITS.—All allowances, privileges, rights, seniority,
12 and other benefits of employees participating in the
13 Rotation Program shall be preserved.

14 (5) REPORTING.—Not later than 1 year after
15 the date of the establishment of the Rotation Pro-
16 gram, the Secretary shall submit to the appropriate
17 congressional committees and the Committee on
18 Armed Services of the House of Representatives and
19 the Committee on Armed Services of the Senate a
20 report on the status of the Rotation Program, in-
21 cluding a description of the Rotation Program, the
22 number of individuals participating, and how the Ro-
23 tation Program is used in succession planning and
24 leadership development.

1 **SEC. 246. ARMS CONTROL AND NONPROLIFERATION**
2 **SCHOLARSHIP PROGRAM.**

3 (a) ESTABLISHMENT.—

4 (1) IN GENERAL.—The Secretary of State (in
5 this section referred to as the “Secretary”) shall es-
6 tablish a scholarship program (to be known as the
7 “Arms Control and Nonproliferation Scholarship
8 Program”) to award scholarships for the purpose of
9 recruiting and preparing students for civilian careers
10 in the fields of nonproliferation, arms control, and
11 international security to meet the critical needs of
12 the Department of State (in this section referred to
13 as the “Department”).

14 (2) SELECTION OF RECIPIENTS.—

15 (A) MERIT AND AGENCY NEEDS.—Individ-
16 uals shall be selected to receive scholarships
17 under this section through a competitive proc-
18 ess primarily on the basis of academic merit
19 and the arms control and nonproliferation needs
20 of the Department.

21 (B) DEMONSTRATED COMMITMENT.—Indi-
22 viduals selected under this section shall have a
23 demonstrated interest in public service and a
24 commitment to the field of study for which the
25 scholarship is awarded.

1 (3) CONTRACTUAL AGREEMENTS.—In order to
2 carry out the scholarship program, the Secretary
3 shall enter into contractual agreements with individ-
4 uals selected under paragraph (2) pursuant to which
5 such individuals agree to serve as full-time employ-
6 ees of the Department, for a period to be determined
7 by the Secretary, not to exceed 6 years, in arms con-
8 trol and nonproliferation positions needed by the De-
9 partment and for which the individuals are qualified,
10 in exchange for receiving a scholarship.

11 (b) ELIGIBILITY.—Except as provided in subsection
12 (f), in order to be eligible to participate in the scholarship
13 program, an individual shall be enrolled or accepted for
14 enrollment as a full-time student at an institution of high-
15 er education and be pursuing or intend to pursue under-
16 graduate or graduate education in an academic field or
17 discipline specified in the list made available under sub-
18 section (d) and be a United States citizen.

19 (c) APPLICATION.—An individual seeking a scholar-
20 ship under this section shall submit to the Secretary an
21 application at such time, in such manner, and containing
22 such information, agreements, or assurances as the Sec-
23 retary may require.

24 (d) PROGRAMS AND FIELDS OF STUDY.—The Sec-
25 retary shall make publicly available a list of academic pro-

1 grams and fields of study for which scholarships under
2 this section may be awarded.

3 (e) SCHOLARSHIPS.—

4 (1) IN GENERAL.—The Secretary may award a
5 scholarship under this section for an academic year
6 if the individual applying for the scholarship has
7 submitted to the Secretary, as part of the applica-
8 tion required under subsection (c), a proposed aca-
9 demic program leading to a degree in a program or
10 field of study specified on the list made available
11 under subsection (d).

12 (2) LIMITATION ON YEARS.—An individual may
13 not receive a scholarship under this section for more
14 than four academic years, unless the Secretary
15 grants a waiver.

16 (3) STUDENT RESPONSIBILITIES.—Scholarship
17 recipients shall maintain satisfactory academic
18 progress.

19 (4) AMOUNT.—The dollar amount of a scholar-
20 ship awarded under this section for an academic
21 year shall be determined under regulations issued by
22 the Secretary, but shall in no case exceed the cost
23 of tuition, fees, and other authorized expenses as de-
24 termined by the Secretary.

1 (5) USE OF SCHOLARSHIPS.—A scholarship
2 awarded under this section may be expended for tui-
3 tion, fees, and other authorized expenses as estab-
4 lished by the Secretary by regulation.

5 (6) PAYMENT TO INSTITUTION OF HIGHER
6 EDUCATION.—The Secretary may enter into a con-
7 tractual agreement with an institution of higher edu-
8 cation under which the amounts provided for a
9 scholarship under this section for tuition, fees, and
10 other authorized expenses are paid directly to the in-
11 stitution with respect to which such scholarship is
12 awarded.

13 (f) SPECIAL CONSIDERATION FOR CURRENT EM-
14 PLOYEES.—Notwithstanding subsection (b), up to 5 per-
15 cent of the scholarships awarded under this section may
16 be set aside for individuals who are Federal employees on
17 the date of the enactment of this Act to enhance the edu-
18 cation of such employees in areas of critical arms control
19 or nonproliferation needs of the Department, for under-
20 graduate or graduate education under the scholarship on
21 a full-time or part-time basis.

22 (g) REPAYMENT.—

23 (1) IN GENERAL.—A scholarship recipient who
24 fails to maintain a high level of academic standing,
25 as defined by the Secretary who is dismissed for dis-

1 ciplinary reasons from the educational institution
2 such recipient is attending, or who voluntarily termi-
3 nates academic training before graduation from the
4 educational program for which the scholarship was
5 awarded shall be in breach of the contractual agree-
6 ment under subsection (a)(3) and, in lieu of any
7 service obligation arising under such agreement,
8 shall be liable to the United States for repayment
9 within 1 year after the date of such default of all
10 scholarship funds paid to such recipient and to the
11 institution of higher education on the behalf of such
12 recipient under such agreement. The repayment pe-
13 riod may be extended by the Secretary if the Sec-
14 retary determines such to be necessary, as estab-
15 lished by regulation.

16 (2) LIABILITY.—A scholarship recipient who,
17 for any reason, fails to begin or complete the service
18 obligation under the contractual agreement under
19 subsection (a)(3) after completion of academic train-
20 ing, or fails to comply with the terms and conditions
21 of deferment established by the Secretary under
22 paragraph (1), shall be in breach of such contractual
23 agreement and shall be liable to the United States
24 for an amount equal to—

1 (A) the total amount of the scholarship re-
2 ceived by such recipient under this section; and

3 (B) the interest on such amounts which
4 would be payable if at the time the scholarship
5 was received such scholarship was a loan bear-
6 ing interest at the maximum legally prevailing
7 rate.

8 (h) REGULATIONS.—The Secretary shall prescribe
9 regulations necessary to carry out this section.

10 (i) INSTITUTION OF HIGHER EDUCATION DE-
11 FINED.—In this section, the term “institution of higher
12 education” has the meaning given such term under section
13 101 of the Higher Education Act of 1965 (20 U.S.C.
14 1001).

15 (j) AUTHORIZATION OF APPROPRIATIONS.—Of the
16 amounts authorized to be appropriated under section 101,
17 such sums as may be necessary are authorized to be ap-
18 propriated to carry out this section.

19 **SEC. 247. SCIENTIFIC ADVISORY COMMITTEE.**

20 (a) ESTABLISHMENT.—

21 (1) IN GENERAL.—The President may establish
22 a Scientific Advisory Committee (in this section re-
23 ferred to as the “Committee”) of not to exceed ten
24 members, not fewer than eight of whom shall be sci-
25 entists.

1 (2) APPOINTMENT.—If the Committee is estab-
2 lished in accordance with paragraph (1), the mem-
3 bers of the Committee shall be appointed by the
4 President, as follows:

5 (A) One member, who shall be a person of
6 special scientific distinction, shall be appointed
7 by the President, by and with the advice and
8 consent of the Senate, as Chairman of the Com-
9 mittee.

10 (B) Nine other members shall be appointed
11 by the President.

12 (3) MEETINGS.—If the Committee is estab-
13 lished in accordance with paragraph (1), the Com-
14 mittee shall meet not less often than twice per year.

15 (b) FUNCTION.—If the Committee is established in
16 accordance with subsection (a)(1), the Committee shall ad-
17 vise the President, the Secretary of State, and the Under-
18 secretary for Arms Control and International Security re-
19 garding scientific, technical, and policy matters affecting
20 arms control and nonproliferation.

21 (c) REIMBURSEMENT OF EXPENSES.—If the Com-
22 mittee is established in accordance with subsection (a)(1),
23 the members of the Committee may receive reimbursement
24 of expenses only in accordance with the provisions applica-
25 ble to the reimbursement of experts and consultants under

1 section 401(d) of the Arms Control and Disarmament Act
2 (Public Law 87–297; 22 U.S.C. 2581(d)).

3 (d) SCIENTIST DEFINED.—In this section, the term
4 “scientist” means an individual who has a demonstrated
5 knowledge and technical expertise with respect to arms
6 control, nonproliferation, and disarmament matters and
7 who has distinguished himself or herself in any of the
8 fields of physics, chemistry, mathematics, biology, or engi-
9 neering, including weapons engineering.

10 **TITLE III—ORGANIZATION AND**
11 **PERSONNEL AUTHORITIES**
12 **Subtitle A—Towards Modernizing**
13 **the Department of State**

14 **SEC. 301. TOWARDS A MORE MODERN AND EXPEDITIONARY**
15 **FOREIGN SERVICE.**

16 (a) TARGETED EXPANSION OF FOREIGN SERVICE.—
17 The Secretary of State shall expand the Foreign Service
18 to—

19 (1) fill vacancies, particularly those vacancies
20 overseas that are critical to key United States for-
21 eign policy and national security interests, and, in
22 particular, to prevent crises before they emerge;

23 (2) increase the capacity of the Department of
24 State to assign and deploy Foreign Service officers
25 and other personnel to prevent, mitigate, and re-

1 spond to international crises and instability in for-
2 foreign countries that threaten key United States for-
3 foreign policy and national security interests; and

4 (3) ensure that before being assigned to assign-
5 ments requiring new or improved skills, members of
6 the Foreign Service, other than foreign national em-
7 ployees and consular agents (as such terms are de-
8 fined in section 103 of the Foreign Service Act of
9 1980 (22 U.S.C. 3903)), as appropriate, receive lan-
10 guage, security, area, and other training that is nec-
11 essary to successfully execute their responsibilities
12 and to enable such members to obtain advanced and
13 other education that will increase the capacity of the
14 Foreign Service to complete its mission.

15 (b) AUTHORIZED INCREASES.—

16 (1) AT THE DEPARTMENT OF STATE.—The
17 Secretary of State is authorized to hire an additional
18 750 members of the Foreign Service (above attri-
19 tion) in fiscal year 2010 over the number of such
20 members employed as of September 30, 2009, and
21 an additional 750 members of the Foreign Service
22 (above attrition) in fiscal year 2011 over the number
23 of such members employed as of September 30,
24 2010.

1 (2) AT USAID.—The Administrator of the
2 United States Agency for International Development
3 is authorized to hire an additional 350 members of
4 the Foreign Service (above attrition) in fiscal year
5 2010 over the number of such members employed as
6 of September 30, 2009, and an additional 350 mem-
7 bers of the Foreign Service (above attrition) in fiscal
8 year 2011 over the number of such members em-
9 ployed as of September 30, 2010.

10 (3) RULE OF CONSTRUCTION.—Nothing in this
11 subsection shall be construed as limiting the author-
12 ity of the Secretary of State or the Administrator of
13 the United States Agency for International Develop-
14 ment to hire personnel.

15 (c) EXPANSION OF FUNCTIONS OF THE FOREIGN
16 SERVICE.—Section 104 of the Foreign Service Act of
17 1980 (22 U.S.C. 3904) is amended—

18 (1) by redesignating paragraphs (2) and (3) as
19 paragraphs (3) and (4), respectively; and

20 (2) by inserting after paragraph (1) the fol-
21 lowing new paragraph:

22 “(2) work actively to prevent, mitigate, and re-
23 spond in a timely manner to international crises and
24 instability in foreign countries that threaten the key

1 United States foreign policy and national security
2 interests;”.

3 (d) WORLDWIDE AVAILABILITY.—Section 301(b) of
4 the Foreign Service Act of 1980 (22 U.S.C. 3941(b)) is
5 amended—

6 (1) by inserting “(1)” before “The Secretary”;

7 and

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

10 “(2)(A) Except as provided in subparagraphs (B)
11 and (C), at the time of entry into the Service, each mem-
12 ber of the Service shall be available to be assigned world-
13 wide.

14 “(B) With respect to the medical eligibility of any ap-
15 plicant for appointment as a Foreign Service officer can-
16 didate, the Secretary of State shall determine such avail-
17 ability through appropriate medical examinations. If based
18 on such examinations the Secretary determines that such
19 applicant is ineligible to be assigned worldwide, the Sec-
20 retary may waive the worldwide availability requirement
21 under subparagraph (A) if the Secretary determines that
22 such waiver is required to fulfill a compelling Service need.
23 The Secretary shall establish an internal administrative
24 review process for medical ineligibility determinations.

1 “(C) The Secretary may also waive or reduce the
2 worldwide availability requirement under subparagraph
3 (A) if the Secretary determines, in the Secretary’s discre-
4 tion, that such waiver or reduction is warranted.”.

5 (e) RECRUITING CANDIDATES WHO HAVE EXPERI-
6 ENCE IN UNSTABLE SITUATIONS.—Section 301 of the
7 Foreign Service Act of 1980 (22 U.S.C. 3941), as amend-
8 ed by section 212(e) of this division, is further amended
9 by adding at the end the following new subsection:

10 “(f) EXPERIENCE IN UNSTABLE SITUATIONS.—The
11 fact that an applicant for appointment as a Foreign Serv-
12 ice officer candidate has the experience of working in situ-
13 ations where public order has been undermined by insta-
14 bility, or where there is no civil authority that can effec-
15 tively provide public safety, may be considered an affirma-
16 tive factor in making such appointments.”.

17 (f) TRAINING.—Section 708 of the Foreign Service
18 Act of 1980 (22 U.S.C. 4028) is amended by adding at
19 the end the following new subsections:

20 “(c) The Secretary of State shall ensure that mem-
21 bers of the Service, other than foreign national employees
22 and consular agents, as appropriate, receive training on
23 methods for conflict mitigation and resolution and on the
24 necessary skills to be able to function successfully where
25 public order has been undermined by instability or where

1 there is no civil authority that can effectively provide pub-
2 lic safety.

3 “(d) The Secretary of State shall ensure that mem-
4 bers of the Service, other than foreign national employees
5 and consular agents, as appropriate, have opportunities
6 during their careers to obtain advanced education and
7 training in academic and other relevant institutions in the
8 United States and abroad to increase the capacity of the
9 Service to fulfill its mission.”.

10 **SEC. 302. QUADRENNIAL REVIEW OF DIPLOMACY AND DE-**
11 **VELOPMENT.**

12 (a) DEVELOPMENT OF NATIONAL STRATEGY ON DI-
13 PLOMACY AND DEVELOPMENT.—

14 (1) IN GENERAL.—Not later than December 1,
15 2010, the President shall develop and transmit to
16 the appropriate congressional committees a national
17 strategy on United States diplomacy and develop-
18 ment. The strategy shall include the following:

19 (A) An identification of key objectives and
20 missions for United States foreign policy and
21 foreign assistance policies and programs, in-
22 cluding a clear statement on United States ob-
23 jectives for development assistance.

24 (B) A description of the roles of civilian
25 agencies and mechanisms for implementing

1 such strategy, including interagency coordina-
2 tion.

3 (C) The requirements for overseas infra-
4 structure necessary to carry out such strategy.

5 (D) Plans to adapt such agencies and
6 mechanisms to changing circumstances and the
7 role of international institutions in such strat-
8 egy.

9 (E) Budget requirements to carry out such
10 strategy.

11 (F) Other elements of United States for-
12 eign policy and foreign assistance policies and
13 programs with a view toward determining and
14 expressing the strategy of the United States
15 and establishing a diplomacy and development
16 program for the next 10 years.

17 (2) RELATIONSHIP TO NATIONAL SECURITY
18 STRATEGY.—The strategy described in paragraph
19 (1) shall be consistent with any National Security
20 Strategy prescribed by the President pursuant to
21 section 108 of the National Security Act of 1947
22 (50 U.S.C. 404a) that has been issued after the date
23 of the enactment of this Act.

24 (b) REVIEW REQUIRED.—

1 (1) IN GENERAL.—Beginning in 2013, the
2 President shall every 4 years, during a year fol-
3 lowing a year evenly divisible by four, conduct a
4 comprehensive examination (to be known as a
5 “Quadrennial Review of Diplomacy and Develop-
6 ment”) of the national strategy for United States di-
7 plomacy and development described in subsection
8 (a).

9 (2) KEY ELEMENTS OF REVIEW.—The review
10 described in paragraph (1) shall include the fol-
11 lowing:

12 (A) A review of all elements of the strategy
13 described in subsection (a), consistent with the
14 most recent National Security Strategy pre-
15 scribed by the President pursuant to section
16 108 of the National Security Act of 1947 (50
17 U.S.C. 404a) that has been issued after the
18 date of the enactment of this Act.

19 (B) A review of the roles and responsibil-
20 ities of Federal departments and agencies in
21 carrying out the strategy described in sub-
22 section (a) and the mechanisms for cooperation
23 between such departments and agencies, includ-
24 ing the coordination of such departments and
25 agencies and the relationship between the prin-

1 cial offices of such departments and agencies
2 and offices defining sufficient capacity, re-
3 sources, overseas infrastructure, budget plan,
4 and other elements of United States diplomacy
5 and development of the United States that
6 would be required to have a high level of con-
7 fidence that the United States can successfully
8 execute the full range of missions called for in
9 such strategy.

10 (C) Identifying the budget plan that would
11 be required to provide sufficient resources to
12 execute successfully the full range of missions
13 called for in the strategy described in sub-
14 section (a) at a high level of success and any
15 additional resources required to achieve such a
16 level of success.

17 (D) Making recommendations that are not
18 constrained to comply with the budget sub-
19 mitted to Congress by the President pursuant
20 to section 1105(a) of title 31, United States
21 Code.

22 (3) INTERAGENCY COORDINATION AND CON-
23 SULTATION.—

24 (A) IN GENERAL.—Each Quadrennial Re-
25 view of Diplomacy and Development shall take

1 into account the views of the Secretary of State,
2 the Administrator of the United States Agency
3 for International Development, the Secretary of
4 Defense, the Secretary of the Treasury, the
5 United States Trade Representative, and the
6 head of any other relevant agency.

7 (B) DELEGATION.—If the President dele-
8 gates the requirements of this section, the head
9 of the Federal department or agency to whom
10 such delegation is made shall consult with each
11 official specified in subparagraph (A).

12 (c) CONSULTATION WITH OUTSIDE STAKE-
13 HOLDERS.—In developing the strategy required under
14 subsection (a) and conducting the review required under
15 subsection (b), the President shall consult with private
16 businesses, non-governmental organizations involved in di-
17 plomacy and development, and experts at academic insti-
18 tutions or institutions involved in the study of foreign pol-
19 icy or development matters.

20 (d) QRDD AND CONGRESSIONAL COMMITTEES.—

21 (1) CONSULTATION.—In developing the strat-
22 egy required under subsection (a) and conducting
23 the review required under subsection (b), the Presi-
24 dent shall consult with the appropriate congressional
25 committees.

1 (2) REPORT.—The President shall transmit to
2 the appropriate congressional committees a report
3 on each Quadrennial Review of Diplomacy and De-
4 velopment. The report shall be submitted in the year
5 following the year in which such a Quadrennial Re-
6 view is conducted, but not later than the date on
7 which the President submits the budget for the next
8 fiscal year to Congress under section 1105(a) of title
9 31, United States Code. The report shall include the
10 following:

11 (A) The results of such a Quadrennial Re-
12 view, including a comprehensive discussion of
13 the national strategy for United States foreign
14 policy and foreign assistance policies and pro-
15 grams, the roles and responsibilities of and
16 strategic guidance for civilian agencies and
17 mechanisms in implementing such strategy, the
18 requirements for overseas infrastructure nec-
19 essary to carry out such strategy, plans to
20 adapt such agencies and mechanisms to chang-
21 ing circumstances, and the role of international
22 institutions in such strategy.

23 (B) The assumed or defined objectives and
24 missions that inform the national strategy for

1 United States foreign policy and foreign assist-
2 ance policies and programs.

3 (C) The threats to the assumed or defined
4 objectives and missions of the United States
5 that were examined for the purposes of such a
6 Quadrennial Review.

7 (D) The assumptions used in such a Quad-
8 rennial Review, including assumptions relating
9 to—

10 (i) the capacity of United States dip-
11 lomatic and development personnel to re-
12 spond to such threats;

13 (ii) the cooperation and capacity of al-
14 lies, other friendly countries, and inter-
15 national institutions in addressing such
16 threats;

17 (iii) levels of engagement in oper-
18 ations other than war and smaller-scale
19 contingencies and withdrawal from such
20 operations and contingencies; and

21 (iv) the intensity, duration, and mili-
22 tary and political end-states of conflicts
23 and smaller-scale contingencies that arise
24 in the diplomatic and development context.

1 (E) The anticipated roles and missions of
2 the reserve components available to civilian
3 agencies, including capabilities and resources
4 necessary to assure that such reserve compo-
5 nents can capably discharge such roles and mis-
6 sions.

7 (F) The extent to which diplomatic and de-
8 velopment personnel need to be shifted to dif-
9 ferent regions to carry out the national strategy
10 under subsection (a).

11 (G) Any other matter the Secretary con-
12 siders appropriate.

13 (e) INDEPENDENT PANEL ASSESSMENT.—

14 (1) IN GENERAL.—Not later than 6 months be-
15 fore the date on which the report on a Quadrennial
16 Review of Diplomacy and Development is to be
17 transmitted under subsection (d), the President shall
18 establish a panel to conduct an assessment of such
19 a Quadrennial Review.

20 (2) REPORT ON ASSESSMENT.—Not later than
21 3 months after the date on which the report on such
22 a Quadrennial Review is transmitted under sub-
23 section (d), the panel established under paragraph
24 (1) shall submit to the appropriate congressional
25 committees an assessment of such a Quadrennial

1 Review, including an assessment of the recommenda-
2 tions of such a Quadrennial Review, the stated and
3 implied assumptions incorporated in such a Quad-
4 rennial Review, and the vulnerabilities of the strat-
5 egy underlying such a Quadrennial Review.

6 (f) EXCLUSION.—Any provision in this section relat-
7 ing to budgets or budget plans shall not be construed to
8 require any information on any program that is funded
9 from accounts within budget function 050 (National De-
10 fense).

11 **SEC. 303. ESTABLISHMENT OF THE LESSONS LEARNED**
12 **CENTER.**

13 (a) ESTABLISHMENT.—The Secretary of State, in
14 consultation with the Administrator of the United States
15 Agency for International Development (USAID), is au-
16 thorized to establish in the Department of State and under
17 the authority of the Undersecretary for Management a
18 Lessons Learned Center (referred to in this section as the
19 “LLC”) which will serve as a central organization for col-
20 lection, analysis, archiving, and dissemination of observa-
21 tions, best practices, and lessons learned by, from, and
22 to Foreign Service officers and support personnel in the
23 Department of State and USAID.

24 (b) PURPOSE.—The purpose of the LLC is to in-
25 crease, enhance, and sustain the ability of the Department

1 of State and USAID to effectively carry out their missions
2 by devising a system for the collection, analysis, archiving,
3 and dissemination of lessons learned, improving informa-
4 tion sharing and learning capacity, and enabling, encour-
5 aging, and rewarding critical, innovative analysis.

6 (c) REPORT.—Not later than 180 days after the date
7 of the enactment of this Act, the Secretary of State shall
8 submit to the appropriate congressional committees a re-
9 port on the status of efforts to establish the LLC. The
10 report shall include recommendations—

11 (1) concerning the regulation and structure of
12 the LLC, including—

13 (A) how to encourage service in the LLC;

14 (B) how to provide for the necessary aca-
15 demic freedom to provide innovative, critical
16 analysis;

17 (C) how to ensure that the staffing of the
18 LLC is a mix of senior and junior staff of the
19 Foreign Service and civil service in the Depart-
20 ment of State and USAID;

21 (D) the anticipated expenditures associated
22 with the establishment of the LLC under sub-
23 section (a); and

24 (E) physical structure of the LLC; and

1 (2) for any legislation necessary to establish the
2 LLC.

3 (d) DEFINITIONS.—In this section:

4 (1) ACADEMIC FREEDOM.—The term “academic
5 freedom” means the capability, capacity, and au-
6 thorization to produce analysis and evaluation with-
7 out concern for retaliation or other negative impact
8 on the observer’s career.

9 (2) LESSONS LEARNED.—The term “lessons
10 learned” means information resulting from evalua-
11 tion or observation of negotiations, operations, exer-
12 cises, training events, or other processes and experi-
13 ences, particularly any corrective measures or inno-
14 vative techniques, that produced an improved per-
15 formance or increased capability.

16 **SEC. 304. LOCALLY EMPLOYED STAFF COMPENSATION.**

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

18 (1) United States diplomatic and consular mis-
19 sions worldwide retain over 51,000 locally employed
20 staff under local compensation plans (LCP’s) in
21 about 170 overseas missions.

22 (2) The locally employed staff is the backbone
23 of diplomatic operations, providing management,
24 programmatic, security, maintenance, custodial, and

1 other services wherever the Department of State has
2 established an overseas post.

3 (3) Foreign Service and other United States of-
4 ficers who rotate in-and-out of such missions every
5 2 to 3 years are highly dependent on the local em-
6 ployees to bring them up to speed and make sure
7 that the work of any such mission does not falter in
8 transitions during rotations.

9 (4) As the number of positions at such missions
10 designated for United States officers that are not
11 filled continues to increase, locally employed staff
12 are called upon to assume many of the responsibil-
13 ities that United States staff have carried in the
14 past.

15 (5) Based on a survey conducted by the Office
16 of the Inspector General (OIG) Department of
17 State, the United States is failing to provide a com-
18 petitive compensation package for locally employed
19 staff that is commensurate with their experience,
20 technical skills, and responsibilities.

21 (6) The Department of State OIG survey data
22 show that the United States Government is pro-
23 viding salary increases that are approximately 60
24 percent of what is the prevailing practice of the local
25 labor market.

1 (7) The Department of State OIG has found
2 numerous cases in which such missions are losing
3 staff to other employers. The OIG has also found
4 numerous cases where it is difficult to replace em-
5 ployees who left to take other jobs, particularly in
6 countries with low unemployment rates.

7 (b) POLICY REVIEW.—The Secretary of State shall
8 direct a policy review to assess the adequacy of locally em-
9 ployed staff compensation. In carrying out such policy re-
10 view the Secretary shall consider the recommendations of
11 the Office of the Inspector General of the Department of
12 State, including the following:

13 (1) The Bureau of Human Resources, in co-
14 ordination with the Office of Management, Policy,
15 Rightsizing and Innovation, should hire an outside
16 contractor with international experience to perform
17 an organizational review of the Compensation Man-
18 agement Division of the Office of Overseas Employ-
19 ment to advise on the organization of the compensa-
20 tion management division and on how many analysts
21 are required to handle the compensation manage-
22 ment responsibilities, and to recommend training
23 and certifications the analysts should obtain.

24 (2) The Office of Management, Policy,
25 Rightsizing and Innovation, in coordination with the

1 Bureau of Human Resources and the Bureau of Re-
2 source Management, should ensure that the working
3 group on locally employed staff compensation re-
4 views the connectivity between the activities of the
5 Office of Overseas Employment and the Office of
6 State Programs, Operations and Budget in the Bu-
7 reau of Resource Management, and makes and dis-
8 tributes written, documented determinations as to
9 the data used by the two offices to make estimates
10 of locally employed staff compensation adjustments,
11 the timing of these activities, and the responsibility
12 each office has for tracking implementation of locally
13 employed staff compensation adjustments.

14 (3) The Bureau of Human Resources, in co-
15 ordination with the Office of Management, Policy,
16 Rightsizing and Innovation, should implement a lo-
17 cally employed staff compensation review process
18 whereby the Office of Overseas Employment in the
19 Bureau of Human Resources reviews and adjust
20 each post's salary schedule every 5 years based on
21 a recent salary survey. During the intervening years,
22 the Department should authorize cost-of-living (or
23 inflation) adjustments based on reliable inflation
24 data.

1 (4) The Bureau of Human Resources, in co-
2 ordination with the Office of Management, Policy,
3 Rightsizing and Innovation, should implement a sys-
4 tematic process of providing comprehensive informa-
5 tion to diplomatic and consular missions, Depart-
6 ment of State offices, and agency headquarters on
7 periodic salary survey reviews, including comprehen-
8 sible salary survey analysis, explanations of salary
9 survey changes, and if appropriate, copies of the off-
10 the-shelf surveys for the host country. This approach
11 should be documented and made a part of the peri-
12 odic process.

13 (5) The Bureau of Human Resources, in co-
14 ordination with the Office of Management, Policy,
15 Rightsizing and Innovation, the regional bureaus,
16 and the Bureau of Resource Management, should es-
17 tablish, maintain, and monitor a database that
18 tracks information related to locally employed staff
19 compensation and adjustments, including budgetary
20 resources, salary level ceilings calculated by the Of-
21 fice of Overseas Employment, salary levels requested
22 by post, salary levels implemented, dates for these
23 activities, and calculations of whether the Depart-
24 ment is meeting prevailing practice. This database

1 should replace the current practice of commu-
2 nicating salary review information by cable.

3 (6) The Bureau of Human Resources, in co-
4 ordination with the Office of Management, Policy,
5 Rightsizing and Innovation, should evaluate the pos-
6 sibility of using different pay setting data estab-
7 lishing different pay scales for blue-collar positions
8 and for professional level positions, and should issue
9 and distribute a written report on the findings and
10 the possibility of implementing the findings.

11 (7) The Office of Management, Policy,
12 Rightsizing and Innovation should ensure that the
13 working group on locally employed staff compensa-
14 tion considers the possibility of including members
15 from other United States Government agencies that
16 employ locally employed staff. Whether this rec-
17 ommendation is implemented or not, the Office of
18 Management, Policy, Rightsizing and Innovation
19 should document the decision in writing, and dis-
20 tribute the decision widely in the Department of
21 State and to other agencies that employ locally em-
22 ployed staff.

23 (8) The Office of Management, Policy,
24 Rightsizing and Innovation should ensure that the
25 working group on locally employed staff compensa-

1 tion considers the possibility of centralizing decision
2 making for locally employed staff salary increases,
3 and, whether such is eventually implemented or not,
4 make a determination as to its value, document the
5 decision in writing, and distribute the decision wide-
6 ly in the Department of State.

7 (9) The Bureau of Human Resources, in co-
8 operation with Resource Management International
9 Cooperative Administrative Support Services, should
10 establish a senior level interagency locally employed
11 staff board of governors to set overall locally em-
12 ployed staff policy.

13 (10) The Bureau of Human Resources should
14 send the cable announcing the proposed salary in-
15 creases for locally employed staff to the attention of
16 both the chief of mission and the management offi-
17 cer.

18 (11) The Bureau of Human Resources should
19 request a list of position titles and grades from all
20 positions with exception rate ranges and details on
21 the exception rate range adjustments in the 2010
22 Locally Employed Staff Compensation Question-
23 naire.

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

1 submit to the appropriate committees a report on the im-
2 plementation of this section, including a review of efforts
3 to implement the recommendations of the Office of the
4 Inspector General of the Department of State specified in
5 subsection (b).

6 **SEC. 305. INCREASING THE CAPACITY OF THE DEPART-**
7 **MENT OF STATE TO RESPOND TO CRISES.**

8 Paragraph (5) of section 1603 of the Reconstruction
9 and Stabilization Civilian Management Act of 2008 (title
10 XVI of Public Law 110–417) is amended to read as fol-
11 lows:

12 “(5) PERSONNEL DEFINED.—The term ‘per-
13 sonnel’ means—

14 “(A) individuals serving in any service de-
15 scribed in section 2101 of title 5, United States
16 Code, other than in the legislative or judicial
17 branch;

18 “(B) individuals employed by personal
19 services contract, including those employed pur-
20 suant to section 2(e) of the State Department
21 Basic Authorities Act of 1956 (22 U.S.C.
22 2669(c)) and section 636(a)(3) of the Foreign
23 Assistance Act of 1961 (22 U.S.C. 2396(a)(3));
24 and

1 “(C) individuals appointed under section
2 303 of the Foreign Service Act of 1980 (22
3 U.S.C. 3943).”.

4 **Subtitle B—Foreign Service Pay**
5 **Equity and Death Gratuity**

6 **SEC. 311. SHORT TITLE.**

7 This subtitle may be cited as the “Foreign Service
8 Overseas Pay Equity Act of 2009”.

9 **SEC. 312. OVERSEAS COMPARABILITY PAY ADJUSTMENT.**

10 (a) OVERSEAS COMPARABILITY PAY ADJUSTMENT.—

11 (1) IN GENERAL.—Chapter 4 of title I of the
12 Foreign Service Act of 1980 (22 U.S.C. 3961 and
13 following) is amended by adding at the end the fol-
14 lowing:

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

16 “(a) IN GENERAL.—A member of the Service who is
17 designated class 1 or below for purposes of section 403
18 and whose official duty station is neither in the continental
19 United States nor in a non-foreign area shall receive, in
20 accordance with the phase-in schedule set forth in sub-
21 section (c), a locality-based comparability payment (stated
22 as a percentage) equal to the locality-based comparability
23 payment (stated as a percentage) that would be provided
24 under section 5304 of title 5, United States Code, if such

1 member's official duty station were in the District of Co-
2 lumbia.

3 “(b) TREATMENT AS BASIC PAY.—The amount of
4 any locality-based comparability payment which is payable
5 to a member of the Service by virtue of this section—

6 “(1) shall be considered to be part of the basic
7 pay of such member—

8 “(A) for the same purposes as provided for
9 under section 5304(c)(2)(A) of title 5, United
10 States Code; and

11 “(B) for purposes of chapter 8; and

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

15 “(c) PHASE-IN.—The locality-based comparability
16 payment payable to a member of the Service under this
17 section shall—

18 “(1) beginning on the first day of the first pay
19 period that is 90 days after the date of the enact-
20 ment of this subsection, be up to 33.33 percent of
21 the payment which would otherwise apply under sub-
22 section (a);

23 “(2) beginning on the first day of the first pay
24 period in April 2010, be up to 66.67 percent of the

1 payment which would otherwise apply under sub-
2 section (a); and

3 “(3) beginning on the first day of the first pay
4 period in fiscal year 2011 and each subsequent fiscal
5 year, be equal to the payment determined under sub-
6 section (a).

7 “(d) NON-FOREIGN AREA DEFINED.—For purposes
8 of this section, the term ‘non-foreign area’ has the same
9 meaning as is given such term in regulations carrying out
10 section 5941 of title 5, United States Code.”.

11 (2) CONFORMING AMENDMENT.—The table of
12 contents set forth in section 2 of such Act is amend-
13 ed by inserting after the item relating to section 414
14 the following:

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

15 (b) CONFORMING AMENDMENTS RELATING TO THE
16 FOREIGN SERVICE RETIREMENT SYSTEMS.—

17 (1) CONTRIBUTIONS TO THE FUND.—Effective
18 as of the first pay period beginning on or after Octo-
19 ber 1, 2010, section 805(a) of the Foreign Service
20 Act of 1980 (22 U.S.C. 4045(a)) is amended—

21 (A) in paragraph (1)—

22 (i) in the first sentence, by striking
23 “7.25 percent” and inserting “7 percent”;
24 and

1 (ii) in the second sentence, by striking
2 “The contribution by the employing agen-
3 cy” through “and shall be made” and in-
4 serting “An equal amount shall be contrib-
5 uted by the employing agency”;

6 (B) in paragraph (2)—

7 (i) in subparagraph (A), by striking “,
8 plus an amount equal to .25 percent of
9 basic pay”; and

10 (ii) in subparagraph (B), by striking
11 “, plus an amount equal to .25 percent of
12 basic pay”; and

13 (C) in paragraph (3), by striking all that
14 follows “Code” and inserting a period.

15 (2) COMPUTATION OF ANNUITIES.—Section
16 806(a)(9) of such Act (22 U.S.C. 4046(a)(9)) is
17 amended by striking “is outside the continental
18 United States shall” and inserting “was outside the
19 continental United States during the period begin-
20 ning on December 29, 2002, and ending on the day
21 before the first day of the first pay period beginning
22 on or after October 1, 2011 (or during any portion
23 thereof), shall, to the extent that such computation
24 is based on the basic salary or basic pay of such
25 member for such period (or portion thereof),”.

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

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

6 (B) by striking “is outside the continental
7 United States shall” and inserting “was outside
8 the continental United States during the period
9 beginning on December 29, 2002, and ending
10 on the day before the first day of the first pay
11 period beginning on or after October 1, 2011
12 (or during any portion thereof), shall, to the ex-
13 tent that such computation is based on the
14 basic salary or basic pay of such member for
15 such period (or portion thereof),”.

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

19 “(2) The applicable percentage under this sub-
20 section shall be as follows:

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

7.55	January 11, 2003, to the day before the first day of the first pay period beginning on or after October 1, 2011.
7.5	Beginning on the first day of the first pay period beginning on or after October 1, 2011.”.

1 (c) REPORTING REQUIREMENTS.—Not later than Oc-
2 tober 1, 2010, the Secretary of State shall submit to the
3 appropriate congressional committees an assessment of all
4 allowances provided to members of the Foreign Service
5 under the Foreign Service Act of 1980 or under title 5,
6 United States Code, and in particular, how such allow-
7 ances have been or will be affected by the amendments
8 to the Foreign Service Act of 1980 made by this Act.

9 **SEC. 313. DEATH GRATUITY.**

10 The first sentence of section 413(a) of the Foreign
11 Service Act of 1980 (22 U.S.C. 3973(a)) is amended by
12 striking “at the time of death” and inserting “at level II
13 of the Executive Schedule under section 5313 of title 5,
14 United States Code, at the time of death, except that for
15 employees compensated under local compensation plans
16 established under section 408, the amount shall be equal
17 to the greater of 1 year’s salary at the time of death or
18 1 year’s salary at the highest step of the highest grade
19 on the local compensation plan from which the employee
20 was being paid at the time of death”.

1 **Subtitle C—Other Organization**
2 **and Personnel Matters**

3 **SEC. 321. TRANSATLANTIC DIPLOMATIC FELLOWSHIP PRO-**
4 **GRAM.**

5 (a) FELLOWSHIP AUTHORIZED.—Chapter 5 of title
6 I of the Foreign Service Act of 1980 (22 U.S.C. 3981
7 et seq.) is amended by adding at the end the following
8 new section:

9 **“SEC. 506. TRANSATLANTIC DIPLOMATIC FELLOWSHIP**
10 **PROGRAM.**

11 “(a) IN GENERAL.—The Secretary is authorized to
12 establish the Transatlantic Diplomatic Fellowship Pro-
13 gram. Under the program, the Secretary may assign a
14 member of the Service, for not more than 1 year, to a
15 position with any designated country or designated entity
16 that permits an employee to be assigned to a position with
17 the Department.

18 “(b) SALARY AND BENEFITS.—The salary and bene-
19 fits of a member of the Service shall be paid as described
20 in subsection (b) of section 503 during a period in which
21 such member is participating in the Transatlantic Diplo-
22 matic Fellowship Program. The salary and benefits of an
23 employee of a designated country or designated entity par-
24 ticipating in such program shall be paid by such country

1 or entity during the period in which such employee is par-
2 ticipating in the program.

3 “(c) DEFINITIONS.—In this section:

4 “(1) The term ‘designated country’ means a
5 member country of—

6 “(A) the North Atlantic Treaty Organiza-
7 tion; or

8 “(B) the European Union.

9 “(2) The term ‘designated entity’ means—

10 “(A) the North Atlantic Treaty Organiza-
11 tion; or

12 “(B) the European Union.

13 “(d) RULE OF CONSTRUCTION.—Nothing in this sec-
14 tion shall be construed to—

15 “(1) authorize the appointment as an officer or
16 employee of the United States of—

17 “(A) an individual whose allegiance is to
18 any country, government, or foreign or inter-
19 national entity other than to the United States;
20 or

21 “(B) an individual who has not met the re-
22 quirements of sections 3331, 3332, 3333, and
23 7311 of title 5, United States Code, and any
24 other provision of law concerning eligibility for
25 appointment as, and continuation of employ-

1 ment as, an officer or employee of the United
2 States; or

3 “(2) authorize the Secretary to assign a mem-
4 ber of the Service to a position with any foreign
5 country whose laws, or foreign or international enti-
6 ty whose rules, require such member to give alle-
7 giance or loyalty to such country or entity while as-
8 signed to such position.”.

9 (b) TECHNICAL AND CONFORMING AMENDMENTS.—

10 The Foreign Service Act of 1980 is amended—

11 (1) in section 503 (22 U.S.C. 3983)—

12 (A) in the section heading, by striking
13 “AND” and inserting “FOREIGN GOVERN-
14 MENTS, OR”; and

15 (B) in subsection (a)(1), by inserting be-
16 fore the semicolon at the end the following: “,
17 or with a foreign government under sections
18 506 or 507”; and

19 (2) in section 2, in the table of contents—

20 (A) by striking the item relating to section
21 503 and inserting the following new item:

 “Sec. 503. Assignments to agencies, international organizations, foreign govern-
 ments, or other bodies.”;

22 and

1 (B) by adding after the item relating to
2 section 505 the following new item:

“Sec. 506. Transatlantic diplomatic fellowship program.”.

3 **SEC. 322. SECURITY OFFICERS EXCHANGE PROGRAM.**

4 (a) IN GENERAL.—Chapter 5 of title I of the Foreign
5 Service Act of 1980 (22 U.S.C. 3981 et seq.) is amended
6 by adding after section 506 (as added by section 321(a)
7 of this division) the following new section:

8 **“SEC. 507. SECURITY OFFICERS EXCHANGE PROGRAM.**

9 “(a) IN GENERAL.—The Secretary is authorized to
10 establish the Security Officers Exchange Program. Under
11 the program, the Secretary may assign a member of the
12 Service, for not more than a total of 3 years, to a position
13 with any country or international organization designated
14 by the Secretary pursuant to subsection (c) that permits
15 an employee to be assigned to a position with the Depart-
16 ment.

17 “(b) SALARY AND BENEFITS.—The salary and bene-
18 fits of the members of the Service shall be paid as de-
19 scribed in subsection (b) of section 503 during a period
20 in which such officer is participating in the Security Offi-
21 cers Exchange Program. The salary and benefits of an em-
22 ployee of a designated country or international organiza-
23 tion participating in such program shall be paid by such
24 country or international organization during the period in
25 which such employee is participating in the program.

1 “(c) DESIGNATION.—The Secretary may designate a
2 country or international organization to participate in this
3 program if the Secretary determines that such participa-
4 tion is in the national security interests of the United
5 States.

6 “(d) RULE OF CONSTRUCTION.—Nothing in this sec-
7 tion shall be construed to—

8 “(1) authorize the appointment as an officer or
9 employee of the United States of—

10 “(A) an individual whose allegiance is to
11 any country, government, or foreign or inter-
12 national entity other than to the United States;
13 or

14 “(B) an individual who has not met the re-
15 quirements of sections 3331, 3332, 3333, and
16 7311 of title 5, United States Code, and any
17 other provision of law concerning eligibility for
18 appointment as, and continuation of employ-
19 ment as, an officer or employee of the United
20 States; or

21 “(2) authorize the Secretary to assign a mem-
22 ber of the Service to a position with any foreign
23 country whose laws, or foreign or international enti-
24 ty whose rules, require such member to give alle-

1 giance or loyalty to such country or entity while as-
2 signed to such position.”.

3 (b) **TECHNICAL AND CONFORMING AMENDMENT.**—
4 Section 2 of the Foreign Service Act of 1980 is amended,
5 in the table of contents, by adding after the item relating
6 to section 506 (as added by section 321(b)(2)(B) of this
7 Act) the following new item:

 “Sec. 507. Security officers exchange program.”.

8 **SEC. 323. SUSPENSION OF FOREIGN SERVICE MEMBERS**
9 **WITHOUT PAY.**

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

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

19 “(2) Any member of the Foreign Service for whom
20 a suspension is proposed shall be entitled to—

21 “(A) written notice stating the specific reasons
22 for the proposed suspension;

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

1 “(C) representation by an attorney or other
2 representative; and

3 “(D) a final written decision, including the spe-
4 cific reasons for such decision, as soon as prac-
5 ticable.

6 “(3) Any member suspended under this section may
7 file a grievance in accordance with the procedures applica-
8 ble to grievances under chapter 11 of this title.

9 “(4) In the case of a grievance filed under paragraph
10 (3)—

11 “(A) the review by the Foreign Service Griev-
12 ance Board shall be limited to a determination of
13 whether the provisions of paragraphs (1) and (2)
14 have been fulfilled; and

15 “(B) the Foreign Service Grievance Board may
16 not exercise the authority provided under section
17 1106(8).

18 “(5) In this subsection:

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

20 “(i) with respect to a member of the For-
21 eign Service assigned to duty in the United
22 States, 15 days after receiving notice of the
23 proposed suspension; and

24 “(ii) with respect to a member of the For-
25 eign Service assigned to duty outside the

1 United States, 30 days after receiving notice of
2 the proposed suspension.

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

6 (b) CONFORMING AND CLERICAL AMENDMENTS.—

7 (1) AMENDMENT OF SECTION HEADING.—Such
8 section, as amended by subsection (a) of this section,
9 is further amended, in the section heading, by in-
10 serring “; SUSPENSION” before the period at the
11 end.

12 (2) CLERICAL AMENDMENT.—The item relating
13 to such section in the table of contents in section 2
14 of such Act is amended to read as follows:

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

15 **SEC. 324. REPEAL OF RECERTIFICATION REQUIREMENT**
16 **FOR SENIOR FOREIGN SERVICE.**

17 Section 305(d) of the Foreign Service Act of 1980
18 (22 U.S.C. 3945(d)) is hereby repealed.

19 **SEC. 325. LIMITED APPOINTMENTS IN THE FOREIGN SERV-**
20 **ICE.**

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

23 (1) in subsection (a), by striking “subsection
24 (b)” and inserting “subsection (b) or (c)”;

25 (2) in subsection (b)—

1 (A) in paragraph (3)—

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

3 (ii) by inserting before the semicolon

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

5 reer candidate is serving in the uniformed

6 services, as defined by the Uniformed Serv-

7 ices Employment and Reemployment

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

9 seq.), and the limited appointment expires

10 in the course of such service”;

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

12 the end;

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

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

15 (D) by adding after paragraph (5) the fol-

16 lowing new paragraph:

17 “(6) in exceptional circumstances where the Sec-

18 retary determines the needs of the Service require the ex-

19 tension of a limited appointment (A), for a period of time

20 not to exceed 12 months (provided such period of time

21 does not permit additional review by the boards under sec-

22 tion 306), or (B), for the minimum time needed to settle

23 a grievance, claim, or complaint not otherwise provided for

24 in this section.”; and

1 (3) by adding at the end the following new sub-
2 section:

3 “(c) Non-career Foreign Service employees who have
4 served five consecutive years under a limited appointment
5 may be reappointed to a subsequent limited appointment
6 provided there is a 1 year break in service between each
7 appointment. The Secretary may in cases of special need
8 waive the requirement for a 1 year break in service.”.

9 **SEC. 326. COMPENSATORY TIME OFF FOR TRAVEL.**

10 Section 5550b of title 5, United States Code, is
11 amended by adding at the end the following new sub-
12 section:

13 “(c) The maximum amount of compensatory time off
14 earned under this section may not exceed 104 hours dur-
15 ing any leave year (as defined by regulations established
16 by the Office of Personnel Management).”.

17 **SEC. 327. REEMPLOYMENT OF FOREIGN SERVICE ANNU-**
18 **ITANTS.**

19 Section 824(g) of the Foreign Service Act of 1980
20 (22 U.S.C. 4064(g)) is amended—

21 (1) in paragraph (1)(B), by striking “to facili-
22 tate the” and all that follows through “Afghani-
23 stan,”;

24 (2) by striking paragraph (2); and

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

3 **SEC. 328. PERSONAL SERVICES CONTRACTORS.**

4 (a) IN GENERAL.—In addition to other authorities
5 that may be available, the Secretary of State may establish
6 a pilot program (in this section referred to as the “pro-
7 gram”) for the purpose of hiring United States citizens
8 or aliens as personal services contractors, for service in
9 the United States, or for service both in the United States
10 and abroad, to respond to new or emerging needs or to
11 augment current services.

12 (b) CONDITIONS.—The Secretary is authorized to use
13 the authority of subsection (a), subject to the following
14 conditions:

15 (1) The Secretary determines that existing per-
16 sonnel resources are insufficient.

17 (2) The contract length, including options, may
18 not exceed 2 years, unless the Secretary makes a
19 finding that exceptional circumstances justify an ex-
20 tension of up to one additional year.

21 (3) Not more than a total of 200 United States
22 citizens or aliens are employed at any one time as
23 personal services contractors under this section.

1 (4) This authority may only be used to obtain
2 specialized skills or experience or to respond to ur-
3 gent needs.

4 (c) STATUS OF PERSONAL SERVICE CONTRAC-
5 TORS.—

6 (1) IN GENERAL.—An individual hired as a per-
7 sonal service contractor pursuant to this section
8 shall not, by virtue of such hiring, be considered to
9 be an employee of the United States Government for
10 purposes of any law administered by the Office of
11 Personnel Management.

12 (2) APPLICABLE LAWS.—An individual hired as
13 a personal service contractor pursuant to this section
14 shall be covered, in the same manner as a similarly-
15 situated employee, by—

16 (A) the Ethics in Government Act of 1978;

17 (B) section 27 of the Office of Federal
18 Procurement Policy Act; and

19 (C) chapter 73 of title 5, sections 201,
20 203, 205, 207, 208, and 209 of title 18, and
21 section 1346 and chapter 171 of title 28,
22 United States Code.

23 (3) EXCEPTION.—This subsection shall not af-
24 fect the determination as to whether an individual
25 hired as a personal service contractor pursuant to

1 this section is an employee of the United States Gov-
2 ernment for purposes of any Federal law not speci-
3 fied in paragraphs (1) and (2).

4 (d) **TERMINATION OF AUTHORITY.**—The authority to
5 award personal services contracts under the program au-
6 thorized by this section shall terminate on September 30,
7 2011. A contract entered into prior to the termination
8 date under this subsection may remain in effect until expi-
9 ration.

10 **SEC. 329. PROTECTION OF INTELLECTUAL PROPERTY**
11 **RIGHTS.**

12 (a) **RESOURCES TO PROTECT INTELLECTUAL PROP-**
13 **ERTY RIGHTS.**—The Secretary of State shall ensure that
14 the protection in foreign countries of the intellectual prop-
15 erty rights of United States persons in other countries is
16 a significant component of United States foreign policy in
17 general and in relations with individual countries. The
18 Secretary of State, in consultation with the Director Gen-
19 eral of the United States and Foreign Commercial Service
20 and other agencies as appropriate, shall ensure that ade-
21 quate resources are available at diplomatic missions in any
22 country that is identified under section 182(a)(1) of the
23 Trade Act of 1974 (19 U.S.C. 2242(a)(1)) to ensure—

1 (1) support for enforcement action against vio-
2 lations of the intellectual property rights of United
3 States persons in such country; and

4 (2) cooperation with and support for the host
5 government's efforts to reform its applicable laws,
6 regulations, practices, and agencies to enable that
7 government to fulfill its international and bilateral
8 obligations with respect to intellectual property
9 rights.

10 (b) NEW APPOINTMENTS.—The Secretary of State,
11 in consultation with the Director General of the United
12 States and Foreign Commercial Service, shall appoint 10
13 intellectual property attachés to serve in United States
14 embassies or other diplomatic missions. The 10 appoint-
15 ments shall be in addition to personnel serving, on the
16 date of the enactment of this Act, in the capacity of intel-
17 lectual property attachés from any department or agency
18 of the United States at United States embassies or other
19 diplomatic missions.

20 (c) PRIORITY ASSIGNMENTS.—

21 (1) IN GENERAL.—Subject to paragraph (2), in
22 designating the embassies or other missions to which
23 attachés are assigned under subsection (b), the Sec-
24 retary of State shall give priority to those countries
25 where the activities of an attaché may be carried out

1 with the greatest potential benefit to reducing coun-
2 terfeit and pirated products in the United States
3 market, to protecting the intellectual property rights
4 of United States persons and their licensees, and to
5 protecting the interests of United States persons
6 otherwise harmed by violations of intellectual prop-
7 erty rights in those countries.

8 (2) ASSIGNMENTS TO PRIORITY COUNTRIES.—

9 In carrying out paragraph (1), the Secretary of
10 State shall consider assigning intellectual property
11 attachés—

12 (A) to the countries that have been identi-
13 fied under section 182(a)(1) of the Trade Act
14 of 1974 (19 U.S.C. 2242(a)(1)); and

15 (B) to the country where the Organization
16 for Economic Cooperation and Development has
17 its headquarters.

18 (d) DUTIES AND RESPONSIBILITIES OF INTELLEC-
19 TUAL PROPERTY ATTACHÉS.—The intellectual property
20 attachés appointed under subsection (b), as well as others
21 serving as intellectual property attachés of any other de-
22 partment or agency of the United States, shall have the
23 following responsibilities:

24 (1) To promote cooperation with foreign gov-
25 ernments in the enforcement of intellectual property

1 laws generally, and in the enforcement of laws
2 against counterfeiting and piracy in particular.

3 (2) To assist United States persons holding in-
4 tellectual property rights, and the licensees of such
5 United States persons, in their efforts to combat
6 counterfeiting and piracy of their products or works
7 within the host country, including counterfeit or pi-
8 rated goods exported from or transshipped through
9 that country.

10 (3) To chair an intellectual property protection
11 task force consisting of representatives from all
12 other relevant sections or bureaus of the embassy or
13 other mission.

14 (4) To coordinate with representatives of the
15 embassies or missions of other countries in informa-
16 tion sharing, private or public communications with
17 the government of the host country, and other forms
18 of cooperation for the purpose of improving enforce-
19 ment against counterfeiting and piracy.

20 (5) As appropriate and in accordance with ap-
21 plicable laws and the diplomatic status of the
22 attachés, to engage in public education efforts
23 against counterfeiting and piracy in the host coun-
24 try.

1 (6) To assist in the coordination of training and
2 technical assistance programs of the United States
3 Government within the host country that are aimed
4 at improving the enforcement of laws against coun-
5 terfeiting and piracy.

6 (7) To identify and promote other means to
7 more effectively combat counterfeiting and piracy ac-
8 tivities under the jurisdiction of the host country.

9 (e) TRAINING.—The Secretary of State shall ensure
10 that each attaché appointed under subsection (b) is fully
11 trained for the responsibilities of the position before as-
12 suming duties at the United States embassy or other mis-
13 sion in question.

14 (f) COORDINATION.—The activities of intellectual
15 property attachés under this section shall be carried out
16 in coordination with the United States Intellectual Prop-
17 erty Enforcement Coordinator appointed under section
18 301 of the Prioritizing Resources and Organization for In-
19 tellectual Property Act of 2008 (15 U.S.C. 8111).

20 (g) REPORT TO CONGRESS.—

21 (1) IN GENERAL.—The Secretary of State shall
22 submit to the Congress, not later than December 31
23 of each year, a report on the appointment, designa-
24 tion for assignment, and activities of all intellectual
25 property attachés of any Federal department or

1 agency who are serving at United States embassies
2 or other diplomatic missions.

3 (2) CONTENTS.—Each report under paragraph
4 (1) shall include the following:

5 (A) A description of the progress, or lack
6 thereof, in the preceding year regarding the res-
7 olution of general and specific intellectual prop-
8 erty disputes in each country identified under
9 section 182(a)(1) of the Trade Act of 1974 (19
10 U.S.C. 2242(a)(1)), including any changes by
11 the host government in applicable laws and reg-
12 ulations and their enforcement.

13 (B) An assessment of the obstacles pre-
14 venting the host government of each country
15 described in subparagraph (A) from imple-
16 menting adequate measures to fulfill its inter-
17 national and bilateral obligations with respect
18 to intellectual property rights.

19 (C) An assessment of the adequacy of the
20 resources of the Department of State employed
21 to carry out this section and, if necessary, an
22 assessment of the need for additional resources
23 for such purposes.

24 (h) DEFINITIONS.—In this section:

25 (1) COUNTERFEITING; COUNTERFEIT GOODS.—

1 (A) COUNTERFEITING.—The term “coun-
2 terfeiting” means activities related to produc-
3 tion or distribution of goods, including pack-
4 aging, that bear a spurious mark or designation
5 that is identical to or substantially indistin-
6 guishable from a mark or designation protected
7 under trademark laws or related legislation.

8 (B) COUNTERFEIT GOODS.—The term
9 “counterfeit goods” means those goods de-
10 scribed in subparagraph (A).

11 (2) INTELLECTUAL PROPERTY RIGHTS.—The
12 term “intellectual property rights” means the rights
13 of holders of copyrights, patents, trademarks, other
14 forms of intellectual property, and trade secrets.

15 (3) PIRACY; PIRATED GOODS.—

16 (A) PIRACY.—The term “piracy” means
17 activities related to production or distribution of
18 unauthorized copies or phonorecords of works
19 protected under copyright law or related legisla-
20 tion.

21 (B) PIRATED GOODS.—The term “pirated
22 goods” means those copies or phonorecords de-
23 scribed in subparagraph (A).

24 (4) UNITED STATES PERSON.—The term
25 “United States person” means—

1 (A) any United States resident or national;

2 (B) any corporation, partnership, other
3 business entity, or other organization, that is
4 organized under the laws of the United States;
5 and

6 (C) any foreign subsidiary or affiliate (in-
7 cluding any permanent foreign establishment)
8 of any corporation, partnership, business entity,
9 or organization described in subparagraph (B),
10 that is controlled in fact by such corporation,
11 partnership, business entity, or organization,
12 except that such term does not include an individual
13 who resides outside the United States and is em-
14 ployed by an individual or entity other than an indi-
15 vidual or entity described in subparagraph (A), (B),
16 or (C).

17 (i) AUTHORIZATION OF APPROPRIATIONS.—Of the
18 amounts authorized to be appropriated under section 101,
19 there are authorized to be appropriated for each fiscal year
20 such sums as may be necessary for the training and sup-
21 port of the intellectual property attachés appointed under
22 subsection (b) and of other personnel serving as intellec-
23 tual property attachés of any other department or agency
24 of the United States.

1 **SEC. 330. DEPARTMENT OF STATE EMPLOYMENT COMPOSI-**
2 **TION.**

3 (a) STATEMENT OF POLICY.—In order for the De-
4 partment of State to accurately represent all people in the
5 United States, the Department must accurately reflect the
6 diversity of the United States.

7 (b) REPORT ON MINORITY RECRUITMENT.—Section
8 324 of the Foreign Relations Authorization Act, Fiscal
9 Year 2003 (Public Law 107–228) is amended—

10 (1) in the matter preceding paragraph (1)—

11 (A) by striking “On” and inserting “(a)
12 REPORT ON MINORITY GROUPS AND
13 WOMEN.—On”;

14 (B) by striking “April 1, 2003, and April
15 1, 2004,” and inserting “April 1, 2010, and
16 April 1, 2011,”;

17 (2) in paragraphs (1) and (2), by striking “mi-
18 nority groups” each place it appears and inserting
19 “minority groups and women”; and

20 (3) by adding at the end the following new sub-
21 section:

22 “(b) DEVELOPMENT OF METRICS TO EVALUATE EM-
23 PLOYMENT COMPOSITION.—The report required by sub-
24 section (a) shall also include a description of the following:

25 “(1) The ability of current recruitment, ad-
26 vancement, and retention practices to attract and

1 maintain a diverse pool of qualified individuals in
2 sufficient numbers throughout the Department, in-
3 cluding in the Cooperative Education Program (also
4 known as the ‘Student Career Experience Pro-
5 gram’).

6 “(2) Efforts to develop a uniform definition, to
7 be used throughout the Department, of diversity
8 that is congruent with the core values and vision of
9 the Department for the future workforce.

10 “(3) The existence of additional metrics and
11 milestones for evaluating the diversity plans of the
12 Department, including the Foreign Service and Sen-
13 ior Foreign Service, and for facilitating future eval-
14 uation and oversight.”.

15 (c) PUBLIC AVAILABILITY.—Each report required
16 under section 324 of the Foreign Relations Authorization
17 Act, Fiscal Year 2003, as amended by subsection (b) of
18 this section, shall be made available to the public on the
19 website of the Department of State not later than 15 days
20 after the submission to Congress of each such report.

21 (d) GAO REVIEW.—The Comptroller General of the
22 United States, in consultation with the appropriate con-
23 gressional committees, shall conduct a review of the em-
24 ployment composition, recruitment, advancement, and re-
25 tention policies of the Department of State for women and

1 minority groups, including the information in the reports
2 required under section 324 of the Foreign Relations Au-
3 thorization Act, Fiscal Year 2003, as amended by sub-
4 section (b) of this section.

5 (e) ACQUISITION.—Section 324 of the Foreign Rela-
6 tions Authorization Act, Fiscal Year 2003, as amended
7 by subsection (b) of this section, is further amended by
8 adding at the end the following new subsection:

9 “(c) For the immediately preceding 12-month period
10 for which the information referred to in subsection (a) is
11 available—

12 “(1) the numbers and percentages of small, mi-
13 nority-owned, or disadvantaged businesses that pro-
14 vide goods and services to the Department as a re-
15 sult of contracts with the Department during such
16 period;

17 “(2) the total number of such contracts;

18 “(3) the total dollar value of such contracts;

19 and

20 “(4) and the percentage value represented by
21 such contract proportionate to the total value of all
22 contracts held by the Department.”.

23 (f) USE OF FUNDS.—The provisions of section 325
24 of the Foreign Relations Authorization Act, Fiscal Year

1 2003 shall apply to funds authorized to be appropriated
2 under section 101 of this division.

3 **SEC. 331. CONTRACTING.**

4 None of the funds authorized to be appropriated by
5 this division, for projects initiated after the date of the
6 enactment of this Act, may be used by the Department
7 of State to enter into any Federal contract unless such
8 contract is entered into in accordance with title III of the
9 Federal Property and Administrative Services Act of 1949
10 (41 U.S.C. 251 et seq.) and the Federal Acquisition Regu-
11 lation, unless such contract is otherwise authorized by
12 statute to be entered into without regard to such Act and
13 regulation.

14 **SEC. 332. LEGISLATIVE LIAISON OFFICE OF THE DEPART-**
15 **MENT OF STATE.**

16 (a) REPORT ON IMPROVING EFFECTIVENESS OF DE-
17 PARTMENT OF STATE LEGISLATIVE LIAISON OFFICE.—
18 Not later than 6 months after the date of the enactment
19 of this Act, the Secretary of State shall submit to the
20 Committee on Foreign Affairs and the Committee on
21 House Administration of the House of Representatives
22 and the Committee on Foreign Relations and the Com-
23 mittee on Rules and Administration of the Senate a report
24 on the mission and effectiveness of the existing Depart-
25 ment of State legislative liaison office.

1 (b) REPORT CONSIDERATIONS.—The report required
2 by subsection (a) shall consider—

3 (1) whether the legislative liaison office has suf-
4 ficient resources necessary to communicate to Mem-
5 bers of Congress, committees, and their staffs the
6 goals and missions of the Department of State;

7 (2) whether current space within the office
8 buildings of the House of Representatives as well as
9 requested space within the office buildings of the
10 Senate is sufficient to meet the mission of the legis-
11 lative liaison office;

12 (3) whether current representational allowances
13 are sufficient to allow the legislative liaison office to
14 meet its mission; and

15 (4) the feasibility of increasing personnel num-
16 bers in the legislative liaison office, including senior
17 Foreign Service Officers.

18 **SEC. 333. DISCRIMINATION RELATED TO SEXUAL ORIENTA-**
19 **TION.**

20 (a) TRACKING VIOLENCE OR CRIMINALIZATION RE-
21 LATED TO SEXUAL ORIENTATION.—The Assistant Sec-
22 retary for Democracy, Human Rights and Labor shall des-
23 ignate a Bureau-based officer or officers who shall be re-
24 sponsible for tracking violence, criminalization, and re-
25 strictions on the enjoyment of fundamental freedoms, con-

1 sistent with United States law, in foreign countries based
2 on actual or perceived sexual orientation and gender iden-
3 tity.

4 (b) INTERNATIONAL EFFORTS TO REVISE LAWS
5 CRIMINALIZING HOMOSEXUALITY.—In keeping with the
6 Administration’s endorsement of efforts by the United Na-
7 tions to decriminalize homosexuality in member states, the
8 Secretary of State shall work through appropriate United
9 States Government employees at United States diplomatic
10 and consular missions to encourage the governments of
11 other countries to reform or repeal laws of such countries
12 criminalizing homosexuality or consensual homosexual
13 conduct, or restricting the enjoyment of fundamental free-
14 doms, consistent with United States law, by homosexual
15 individuals or organizations.

16 (c) ANNUAL COUNTRY REPORTS ON HUMAN RIGHTS
17 PRACTICES.—The Foreign Assistance Act of 1961 is
18 amended—

19 (1) in section 116(d) (22 U.S.C. 2151n(d))—

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

22 (B) in paragraph (11)—

23 (i) in subparagraph (B), by striking
24 “and” at the end; and

1 (ii) in subparagraph (C), by striking
2 the period at the end and inserting “;
3 and”; and

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

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

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

18 (d) TRAINING FOR FOREIGN SERVICE OFFICERS.—
19 Section 708(a) of the Foreign Service Act of 1980 (22
20 16 U.S.C. 4028(a)) is amended—

21 (1) in the matter preceding paragraph (1), by
22 inserting “the Secretary for Democracy, Human
23 Rights and Labor,” before “the Ambassador at
24 Large”;

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

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

5 (4) by adding at the end the end the following
6 new paragraph:

7 “(4) instruction, in courses covering human
8 rights reporting and advocacy work, on identifying
9 violence or discrimination that affects the funda-
10 mental freedoms, consistent with United States law,
11 of an individual that is based on actual or perceived
12 sexual orientation and gender identity.”.

13 **SEC. 334. OFFICE FOR GLOBAL WOMEN’S ISSUES.**

14 (a) **ESTABLISHMENT.**—There is established an Office
15 for Global Women’s Issues (in this section referred to as
16 the “Office”) in the Office of the Secretary of State in
17 the Department of State. The Office shall be headed by
18 the Ambassador-at-Large (in this section referred to as
19 the “Ambassador”), who shall be appointed by the Presi-
20 dent, by and with the advice and consent of the Senate.
21 The Ambassador shall report directly to the Secretary of
22 State.

23 (b) **PURPOSE.**—The Office shall coordinate efforts of
24 the United States Government regarding gender integra-

1 tion and women’s empowerment in United States foreign
2 policy.

3 (c) DUTIES.—

4 (1) IN GENERAL.—The Ambassador shall—

5 (A) coordinate and advise on activities,
6 policies, programs, and funding relating to gen-
7 der integration and women’s empowerment
8 internationally for all bureaus and offices of the
9 Department of State and in the international
10 programs of other United States Government
11 departments and agencies;

12 (B) design, support, and as appropriate,
13 implement, limited projects regarding women’s
14 empowerment internationally;

15 (C) actively promote and advance the full
16 integration of gender analysis into the pro-
17 grams, structures, processes, and capacities of
18 all bureaus and offices of the Department of
19 State and in the international programs of
20 other United States Government departments
21 and agencies; and

22 (D) direct, as appropriate, United States
23 Government resources to respond to needs for
24 gender integration and women’s empowerment

1 in United States Government foreign policies
2 and international programs.

3 (2) COORDINATING ROLE.—The Ambassador
4 shall coordinate with the United States Agency for
5 International Development and the Millennium Chal-
6 lenge Corporation on all policies, programs, and
7 funding of such agencies relating to gender integra-
8 tion and women’s empowerment.

9 (3) DIPLOMATIC REPRESENTATION.—Subject to
10 the direction of the President and the Secretary of
11 State, the Ambassador is authorized to represent the
12 United States in matters relevant to the status of
13 women internationally.

14 (d) REPORTING.—The heads of all bureaus and of-
15 fices of the Department of State, as appropriate, shall
16 evaluate and monitor all women’s empowerment programs
17 administered by such bureaus and offices and annually
18 submit to the Ambassador a report on such programs and
19 on policies and practices to integrate gender.

20 (e) RELATIONSHIP TO OTHER LAWS REGARDING
21 ABORTION.—Nothing in this section, and in particular the
22 duties of the office described in subsection (c), shall be
23 construed as affecting in any way existing statutory prohi-
24 bitions against abortion or existing statutory prohibitions
25 on the use of funds to engage in any activity or effort

1 to alter the laws or policies in effect in any foreign country
2 concerning the circumstances under which abortion is per-
3 mitted, regulated, or prohibited.

4 (f) AUTHORIZATION OF APPROPRIATIONS.—Of the
5 amounts authorized to be appropriated under section 101,
6 there are authorized to be appropriated such sums as may
7 be necessary for each of fiscal years 2010 and 2011 to
8 carry out activities under this section.

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

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

13 (1) by redesignating subsection (d) as sub-
14 section (e); and

15 (2) by inserting after subsection (c) the fol-
16 lowing new subsection:

17 “(d) In addition to a death gratuity payment under
18 subsection (a), the Secretary or the head of the relevant
19 United States Government agency is authorized to provide
20 for payment to the surviving dependents of a Foreign
21 Service employee or a Government executive branch em-
22 ployee, if such Foreign Service employee or Government
23 executive branch employee is subject to the authority of
24 the chief of mission pursuant to section 207, of an amount
25 equal to a maximum of eight times the salary of such For-

1 eign Service employee or Government executive branch
2 employee if such Foreign Service employee or Government
3 executive branch employee is killed as a result of an act
4 of international terrorism. Such payment shall be accorded
5 the same treatment as a payment made under subsection
6 (a). For purposes of this subsection, the term ‘act of inter-
7 national terrorism’ has the meaning given such term in
8 section 2331(1) of title 18, United States Code.”.

9 (b) CERTAIN SPECIFIC PAYMENTS.—Subject to the
10 availability of appropriations specifically for the purpose
11 specified in this subsection as provided in appropriations
12 Acts enacted on or after October 1, 2007, and notwith-
13 standing any other provision of law, the Secretary of State
14 shall pay the maximum amount of payment under section
15 413(d) of the Foreign Service Act of 1980 (as amended
16 by subsection a(2) of this section) to an individual de-
17 scribed in such section 413(d) or to an individual who was
18 otherwise serving at a United States diplomatic or con-
19 sular mission abroad without a regular salary who was
20 killed as a result of an act of international terrorism (as
21 such term is defined in section 2331(1) of title 18, United
22 States Code) that occurred between January 1, 1998, and
23 the date of the enactment of this section, including the
24 victims of the bombing of August 7, 1998, in Nairobi,
25 Kenya. Such a payment shall be deemed to be a payment

1 under section 413(d) of the Foreign Service Act of 1980,
2 except that for purposes of this section, such payment
3 shall, with respect to a United States citizen receiving pay-
4 ment under this section, be in an amount equal to ten
5 times the salary specified in this section. For purposes of
6 this section and section 413(d) of such Act, with respect
7 to a United States citizen receiving payment under this
8 section, the salary to be used for purposes of determining
9 such payment shall be \$94,000.

10 **SEC. 336. BROADENING EXPERIENCE WITHIN THE FOREIGN**
11 **SERVICE.**

12 Not later than 180 days after the date of the enact-
13 ment of this Act, the Secretary of State, acting through
14 the Director of the Foreign Service, shall submit to the
15 appropriate congressional committees a detailed plan to
16 increase the career incentives provided to Foreign Service
17 officers to serve in bureaus and offices of the Department
18 of State not primarily focused on regional issues, including
19 the Bureau of Democracy, Human Rights and Labor, the
20 Bureau of Oceans and International Environmental and
21 Scientific Affairs, and the Bureau of Population, Refugees
22 and Migration. In formulating such plan, the Secretary
23 shall consult with a broad range of active and retired For-
24 eign Service officers and current and former officials of

1 the Department to elicit proposals on how to promote non-
2 regional assignments, and shall consider—

3 (1) requiring all Foreign Service officers to
4 serve at least 2 years in an bureau or office of the
5 Department not primarily focused on regional issues
6 prior to joining the Senior Foreign Service; and

7 (2) changing the composition of Foreign Service
8 selection boards to increase the participation of De-
9 partment personnel with extensive experience in bu-
10 reaus and offices of the Department not primarily
11 focused on regional issues.

12 **TITLE IV—INTERNATIONAL**
13 **ORGANIZATIONS**
14 **Subtitle A—International**
15 **Leadership**

16 **SEC. 401. SHORT TITLE.**

17 This subtitle may be cited as the “United States
18 International Leadership Act of 2009”.

19 **SEC. 402. PROMOTING ASSIGNMENTS TO INTERNATIONAL**
20 **ORGANIZATIONS.**

21 (a) PROMOTIONS.—

22 (1) IN GENERAL.—Section 603(b) of the For-
23 eign Service Act of 1980 (22 U.S.C. 4003) is
24 amended, in the second sentence, by inserting before
25 the period at the end the following: “, and should

1 consider whether the member of the Service has
2 served in a position whose primary responsibility is
3 to formulate policy toward, or represent the United
4 States at, an international organization, a multilat-
5 eral institution, or a broad-based multilateral nego-
6 tiation of an international instrument”.

7 (2) EFFECTIVE DATE.—The amendment made
8 by paragraph (1) shall take effect on the date of the
9 enactment of this Act and shall apply to members of
10 the Foreign Service beginning on January 1, 2015.

11 (b) ESTABLISHMENT OF A MULTILATERAL DIPLO-
12 MACY CONE IN THE FOREIGN SERVICE.—

13 (1) FINDINGS.—Congress finds the following:

14 (A) The Department of State maintains a
15 number of United States missions both within
16 the United States and abroad that are dedi-
17 cated to representing the United States to
18 international organizations and multilateral in-
19 stitutions, including missions in New York,
20 Brussels, Geneva, Rome, Montreal, Nairobi, Vi-
21 enna, and Paris.

22 (B) In offices at the Harry S. Truman
23 Building, the Department maintains a signifi-
24 cant number of positions in bureaus that are ei-
25 ther dedicated, or whose primary responsibility

1 is, to represent the United States to such orga-
2 nizations and institutions or at multilateral ne-
3 gotiations.

4 (C) Given the large number of positions in
5 the United States and abroad that are dedi-
6 cated to multilateral diplomacy, the Department
7 of State may be well served in developing per-
8 sons with specialized skills necessary to become
9 experts in this unique form of diplomacy.

10 (2) REPORT.—Not later than 180 days after
11 the date of the enactment of this Act, the Secretary
12 of State shall submit to the appropriate congres-
13 sional committees a report—

14 (A) evaluating whether a new cone should
15 be established for the Foreign Service that con-
16 centrates on members of the Service who serve
17 at international organizations and multilateral
18 institutions or are primarily responsible for par-
19 ticipation in broad-based multilateral negotia-
20 tions of international instruments; and

21 (B) that provides alternative mechanisms
22 for achieving the objective of developing a core
23 group of United States diplomats and other
24 Government employees who have expertise and

1 broad experience in conducting multilateral di-
2 plomacy.

3 **SEC. 403. IMPLEMENTATION AND ESTABLISHMENT OF OF-**
4 **FICE ON MULTILATERAL NEGOTIATIONS.**

5 (a) ESTABLISHMENT OF OFFICE.—The Secretary of
6 State is authorized to establish, within the Bureau of
7 International Organization Affairs, an Office on Multilat-
8 eral Negotiations, to be headed by a Special Representa-
9 tive for Multilateral Negotiations (in this section referred
10 to as the “Special Representative”).

11 (b) APPOINTMENT.—If the office referred to in sub-
12 section (a) is established, the Special Representative shall
13 be appointed by the President by and with the advice and
14 consent of the Senate and shall have the rank of Amba-
15 sador-at-Large. At the discretion of the President another
16 official at the Department may serve as the Special Rep-
17 resentative. The President may direct that the Special
18 Representative report to the Assistant Secretary for Inter-
19 national Organization Affairs.

20 (c) STAFFING.—The Special Representative shall
21 have a staff of Foreign Service and civil service officers
22 skilled in multilateral diplomacy.

23 (d) DUTIES.—The Special Representative shall have
24 the following responsibilities:

1 (1) IN GENERAL.—The primary responsibility
2 of the Special Representative shall be to assist in the
3 organization of, and preparation for, United States
4 participation in multilateral negotiations, including
5 the advocacy efforts undertaken by the Department
6 of State and other United States agencies.

7 (2) ADVISORY ROLE.—The Special Representa-
8 tive shall advise the President and the Secretary of
9 State, as appropriate, regarding advocacy at inter-
10 national organizations and multilateral institutions
11 and negotiations and, in coordination with the As-
12 sistant Secretary for International Organization Af-
13 fairs, shall make recommendations regarding—

14 (A) effective strategies and tactics to
15 achieve United States policy objectives at multi-
16 lateral negotiations;

17 (B) the need for and timing of high level
18 intervention by the President, the Secretary of
19 State, the Deputy Secretary of State, and other
20 United States officials to secure support from
21 key foreign government officials for the United
22 States position at such organizations, institu-
23 tions, and negotiations;

24 (C) the composition of United States dele-
25 gations to multilateral negotiations; and

1 (D) liaison with Congress, international or-
2 ganizations, nongovernmental organizations,
3 and the private sector on matters affecting mul-
4 tilateral negotiations.

5 (3) LEADERSHIP AND MEMBERSHIP OF INTER-
6 NATIONAL ORGANIZATIONS.—The Special Represent-
7 ative, in coordination with the Assistant Secretary of
8 International Organization Affairs, shall direct the
9 efforts of the United States Government to reform
10 the criteria for leadership and membership of inter-
11 national organizations.

12 (4) PARTICIPATION IN MULTILATERAL NEGO-
13 TIATIONS.—The Special Representative, or members
14 of the Special Representative’s staff, may, as re-
15 quired by the President or the Secretary of State,
16 serve on a United States delegation to any multilat-
17 eral negotiation.

18 **SEC. 404. SYNCHRONIZATION OF UNITED STATES CON-**
19 **TRIBUTIONS TO INTERNATIONAL ORGANIZA-**
20 **TIONS.**

21 Not later than 180 days after the date of the enact-
22 ment of this Act, the President shall transmit to the ap-
23 propriate congressional committees a plan on the imple-
24 mentation of section 404 of the Foreign Relations Author-
25 ization Act of 2003 (Public Law 107–228; relating to a

1 resumption by the United States of the payment of its full
2 contributions to certain international organizations at the
3 beginning of each calendar year).

4 **SEC. 405. UNITED STATES ARREARAGES TO THE UNITED**
5 **NATIONS.**

6 In addition to amounts otherwise available for the
7 payment of Assessed Contributions to International Orga-
8 nizations and Contributions for International Peace-
9 keeping Activities, there is authorized to be appropriated
10 such sums as may be necessary to pay all United States
11 arrearages in payments to the United Nations recognized
12 by the United States.

13 **Subtitle B—General Provisions**

14 **SEC. 411. ORGANIZATION OF AMERICAN STATES.**

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

17 (1) multilateral diplomacy in the context of the
18 Americas has suffered considerably in the past dec-
19 ade, to the direct detriment of the national interest
20 of the United States in the region;

21 (2) given the recent proliferation of multilateral
22 groupings in the Americas region in which the
23 United States is not a member, it is imperative to
24 focus on and promote United States diplomatic ef-
25 forts in the Organization of American States (OAS),

1 where the United States is a founding member and
2 whose central tenets include democratic values con-
3 sidered vital for this region;

4 (3) it is critical for the United States to imme-
5 diately re-establish its unique leadership voice in this
6 region and specifically in the OAS setting; and

7 (4) an effective way to help achieve this short
8 term objective is to establish a fund to promote mul-
9 tilateral interests of the United States in the region.

10 (b) MULTILATERAL FUND.—

11 (1) IN GENERAL.—There is hereby established
12 in the Department of State a Fund to Promote
13 Multilateralism in the Americas (referred to in this
14 section as the “Fund”).

15 (2) ACTIVITIES SUPPORTED.—The Fund shall
16 support activities that promote the multilateral in-
17 terests of the United States in the Americas region,
18 including—

19 (A) United States diplomatic activities
20 within and related to the OAS;

21 (B) voluntary contributions to entities and
22 organs of the OAS to carry out programs and
23 activities that support the interests of the
24 United States;

25 (C) outreach and cultural activities;

1 (D) conferences; and

2 (E) general advocacy for United States in-
3 terests.

4 (c) ADMINISTRATION.—The Fund shall be adminis-
5 tered by the United States Mission to the Organization
6 of American States, as directed by the United States Per-
7 manent Representative to the OAS, for use on matters
8 that arise in the context of the OAS.

9 (d) AUTHORIZATION.—Of the amounts authorized to
10 be appropriated for the Administration of Foreign Affairs
11 pursuant to section 101, there is authorized to be appro-
12 priated \$2,000,000 for each of fiscal years 2010 and 2011
13 only to carry out this section.

14 **SEC. 412. PEACEKEEPING OPERATIONS CONTRIBUTIONS.**

15 Section 404(b)(2)(B) of the Foreign Relations Au-
16 thorization Act, Fiscal Years 1994 and 1995 (Public Law
17 103–236) (22 U.S.C. 287e note) is amended at the end
18 by adding the following new clause:

19 “(vi) For assessments made during
20 calendar years 2009, 2010, and 2011, 27.1
21 percent.”.

22 **SEC. 413. PACIFIC ISLANDS FORUM.**

23 It is the sense of Congress that the Secretary of State
24 should work with the Pacific Islands Forum to find appro-
25 priate affiliations for representatives of American Samoa,

1 Guam, and the Commonwealth of the Northern Mariana
2 Islands.

3 **SEC. 414. REVIEW OF ACTIVITIES OF INTERNATIONAL COM-**
4 **MISSIONS.**

5 (a) IN GENERAL.—Not later than 1 year after the
6 date of the enactment of this Act and 2 years thereafter,
7 the Secretary of State shall submit to the appropriate con-
8 gressional committees a report on the activities of each
9 of the commissions specified in paragraphs (1), (2), and
10 (3) of section 103.

11 (b) REPORT ELEMENTS.—The reports required
12 under subsection (a) shall include information concerning
13 the following:

14 (1) Amounts obligated and expended during the
15 two previous fiscal years by each of such commis-
16 sions.

17 (2) A description of the projects carried out
18 during such years by each of such commissions and
19 a description of the management and implementa-
20 tion of such projects, including the use of private
21 contractors.

22 (3) Projects anticipated during the next two fis-
23 cal years related to the activities of each of such
24 commissions because of obligations that the United

1 States has entered into based on any treaty between
2 the United States and another country.

3 (c) SUBMISSION OF THE REPORTS.—The reports
4 may be combined with the annual budget justification sub-
5 mitted by the President in accordance with section
6 1105(a) of title 31, United States Code.

7 **SEC. 415. ENHANCING NUCLEAR SAFEGUARDS.**

8 (a) FINDINGS.—Congress makes the following find-
9 ings:

10 (1) The Treaty on the Non-Proliferation of Nu-
11 clear Weapons, done at Washington, London, and
12 Moscow July 1, 1968, and entered into force March
13 5, 1970 (commonly known as the “Nuclear Non-
14 Proliferation Treaty” or “NPT”) and the safeguards
15 system of the International Atomic Energy Agency
16 (IAEA) are indispensable to international peace and
17 security.

18 (2) Congress has long supported efforts aimed
19 at effective and efficient assurances of nuclear fuel
20 supply, the strengthening of IAEA safeguards, and
21 assistance to the developing world for nuclear and
22 non-nuclear energy sources, as embodied in the Nu-
23 clear Non-Proliferation Act of 1978 (22 U.S.C. 3201
24 et seq.).

1 (3) According to some experts, global energy
2 demand will grow by 50 percent in the next 20
3 years, predominantly in the developing world.

4 (4) The Government Accountability Office
5 (GAO) stated in testimony before Congress in Sep-
6 tember 2006 that “while IAEA is increasingly rely-
7 ing on the analytical skills of its staff to detect coun-
8 tries” undeclared nuclear activities, the agency is
9 facing a looming human capital crisis.

10 (5) The Director General of the IAEA told the
11 Board of Governors of the IAEA in March 2009
12 that the “deteriorating conditions in our labora-
13 tories, for example, threaten both our ability to de-
14 liver our programmed, as well as our independent
15 analytical capability”.

16 (6) Considerable investment is needed for the
17 IAEA’s Safeguards Analytical Laboratory (SAL), to
18 meet future IAEA requirements as its workload is
19 growing, the laboratory’s infrastructure is aging,
20 and IAEA requirements have become more demand-
21 ing, and while initial plans have been made for lab-
22 oratory enhancement and are currently pending
23 budgetary approval (sometime in 2009), the simple
24 fact is that, as more countries implement IAEA

1 safeguards, many more nuclear samples come to
2 SAL for analysis.

3 (7) The existing funding, planning, and execu-
4 tion of IAEA safeguards is not sufficient to meet the
5 predicted growth in the future of civilian nuclear
6 power, and therefore any growth in civilian nuclear
7 power must be evaluated against the challenges it
8 poses to verification of the assurances of peace and
9 security provided by the IAEA safeguards system.

10 (b) AUTHORIZATION OF APPROPRIATIONS.—There is
11 authorized to be appropriated \$10,000,000 for the refurbishment or possible replacement of the IAEA's Safeguards Analytical Laboratory.

14 (c) REPORT.—Not later than 180 days after the date
15 of the enactment of this Act, the Secretary of State, in
16 consultation with the Secretary of Energy, shall submit
17 to the appropriate congressional committees and the Committee on Armed Services of the House of Representatives
18 and the Committee on Armed Services of the Senate a
19 report on the refurbishment or possible replacement of the
20 IAEA's Safeguards Analytical Laboratory pursuant to
21 subsection (b).
22

1 **SEC. 416. IMPLEMENTATION OF RECOMMENDATIONS OF**
2 **COMMISSION ON THE PREVENTION OF WEAP-**
3 **ONS OF MASS DESTRUCTION PROLIFERATION**
4 **AND TERRORISM.**

5 (a) **AUTHORIZATION OF APPROPRIATIONS.**—There is
6 authorized to be appropriated such sums as may be nec-
7 essary for each of the fiscal years 2010 and 2011 to imple-
8 ment the following recommendations of the Report of the
9 Commission on the Prevention of Weapons of Mass De-
10 struction Proliferation and Terrorism regarding the Inter-
11 national Atomic Energy Agency (IAEA) and nuclear safe-
12 guards reform:

13 (1) The United States should work with the
14 IAEA Director General to consider establishing a
15 safeguards user fee, whereby countries with in-
16 spected facilities would be assessed a fee to help
17 defer the costs of IAEA inspections.

18 (2) The United States should work with the
19 IAEA Director General and other interested parties
20 to routinely (at least every 2 years) assess whether
21 the IAEA can meet its own inspection goals, whether
22 those goals afford timely warning of an ability to ac-
23 count for a bomb's worth of nuclear material, as re-
24 quired by United States law, and what corrective ac-
25 tions, if any, might help the IAEA to achieve its in-
26 spection goals. This assessment should also clarify

1 those instances in which achieving the goals is not
2 possible.

3 (3) The United States should work with the
4 IAEA Director General to provide for the acquisition
5 and implementation of near-real-time surveillance
6 equipment at a number of sites where nuclear fuel
7 rods are located and where such equipment must be
8 installed so that the IAEA can establish the inspec-
9 tion continuity of the fresh and spent fuel rods and
10 to install wide-area surveillance needed to monitor
11 activities under the Additional Protocol.

12 (4) The United States should work with the
13 IAEA Director General to promote much-needed
14 transparency at suspect sites, to help deter transfers
15 of nuclear fuel and nuclear weapons technology, and
16 to encourage IAEA member states to maintain a
17 registry of all foreign visitors at safeguarded sites.
18 This registry should be made available to other
19 IAEA members upon request.

20 (5) The United States should work with the
21 IAEA Director General to establish a complete coun-
22 try-by-country inventory of nuclear materials that
23 could be used to make nuclear bombs. The informa-
24 tion should be shared, as appropriate, with indi-
25 vidual IAEA member states and the public to ensure

1 that it can be used effectively in developing the plan
2 for IAEA safeguards. The IAEA should update the
3 database regularly.

4 (6) The United States should work with the
5 IAEA Director General to require that the transfer
6 of all items on the Nuclear Suppliers Group dual-use
7 and trigger lists be reported to the IAEA or relevant
8 authority and assist in developing a system to pro-
9 cess and analyze the information gathered, making
10 unreported transfers illegal and subject to seizure.

11 (b) REPORT.—Not later than 180 days after the date
12 of the enactment of this Act, the Secretary of State shall
13 submit to the appropriate congressional committees and
14 the Committee on Armed Services of the House of Rep-
15 resentatives and the Committee on Armed Services of the
16 Senate a report on progress toward the implementation
17 of this section.

18 **SEC. 417. ASIA-PACIFIC ECONOMIC COOPERATION.**

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

21 (1) the United States' continued engagement in
22 Asia must be a cornerstone of United States foreign
23 policy in the 21st Century;

24 (2) the President must elevate the role of the
25 United States in the Asia-Pacific Economic Coopera-

1 tion forum (APEC) by ensuring that United States
2 Government officials of the appropriate rank attend
3 APEC activities; and

4 (3) increased participation by United States
5 small businesses, particularly manufacturers, will
6 add substantial benefit to APEC discussions and
7 help strengthen the influence of the United States
8 within APEC.

9 (b) SMALL BUSINESS DEFINED.—In this section, the
10 term “small business” shall have the meaning given the
11 term “small business concern” in section 410(9) of the
12 Small Business Investment Act of 1958 (15 U.S.C.
13 694a(9)).

14 (c) UNITED STATES PARTICIPATION AT APEC.—

15 (1) DESIGNATION OF APEC COORDINATORS.—

16 The President shall designate in appropriate depart-
17 ments and agencies an existing official of appro-
18 priate senior rank to serve as each such depart-
19 ment’s or agency’s “APEC Coordinator”.

20 (2) DUTIES OF APEC COORDINATORS.—

21 (A) IN GENERAL.—The APEC Coordina-
22 tors of the appropriate departments and agen-
23 cies designated in accordance with paragraph
24 (1) shall, in consultation with the United States
25 Ambassador to APEC, set department- and

1 agency-wide guidelines for each such depart-
2 ment's or agency's participation at APEC.

3 (B) REPORT.—Not later than 180 days
4 after the date of the enactment of this Act and
5 annually thereafter, the Secretary of State, with
6 input from each APEC Coordinator, shall sub-
7 mit to the appropriate congressional committees
8 a report on efforts to enhance each depart-
9 ment's and agency's participation at APEC.

10 (d) ENHANCING SMALL BUSINESS PARTICIPATION
11 AT APEC.—

12 (1) DESIGNATION OF SMALL BUSINESS LIAI-
13 SON.—The Secretary of State shall designate an ex-
14 isting officer within the Bureau of East Asian and
15 Pacific Affairs to serve as a “Small Business Liai-
16 son”. Such designee shall be of the appropriate sen-
17 ior rank.

18 (2) DEPARTMENT OF STATE WEBSITE.—The
19 Secretary of State shall post on the website of the
20 Department of State a dedicated page for United
21 States small businesses to facilitate direct commu-
22 nication between the United States Government and
23 the business community concerning APEC.

24 (3) COORDINATION.—The Secretary of State
25 shall coordinate with existing private sector partners

1 and relevant business associations to promote par-
2 ticipation by small businesses at APEC. The Sec-
3 retary shall ensure that notices about meetings and
4 briefings provided by United States APEC officials
5 on APEC-related issues are posted on the website of
6 the Department of State (in accordance with para-
7 graph (2)) not later than 15 days before the dates
8 of such meetings and briefings.

9 (e) REPORT ON HOSTING OF APEC 2011 IN THE
10 UNITED STATES.—Not later than 90 days after the date
11 of the enactment of this Act, the Secretary of State shall
12 submit to the appropriate congressional committees a re-
13 port detailing the mechanisms that are in place or are
14 being considered for hosting the 2011 meeting of APEC
15 in the United States, including an analysis of the esti-
16 mated or projected costs associated with such meetings.

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

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

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

4 **SEC. 501. AUTHORIZATION OF APPROPRIATIONS FOR**
5 **INTERNATIONAL BROADCASTING.**

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

15 (1) For “International Broadcasting Oper-
16 ations”, \$732,187,000 for fiscal year 2010 and such
17 sums as may be necessary for fiscal year 2011.

18 (2) For “Broadcasting Capital Improvements”,
19 \$13,263,000 for fiscal year 2010 and such sums as
20 may be necessary for fiscal year 2011.

21 **SEC. 502. PERSONAL SERVICES CONTRACTING PROGRAM.**

22 Section 504 of the Foreign Relations Authorization
23 Act, Fiscal Year 2003, (Public Law 107–228; 22 U.S.C.
24 6206 note), is amended—

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

3 (2) in subsection (a)—

4 (A) by striking “pilot”; and

5 (B) adding at the end the following new
6 sentence: “An individual hired as a personal
7 service contractor pursuant to this section shall
8 not, by virtue of such hiring, be considered to
9 be an employee of the United States Govern-
10 ment for purposes of any law administered by
11 the Office of Personnel Management.”;

12 (3) in subsection (b)—

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

15 (B) by adding at the end the following new
16 paragraph:

17 “(5) The annual salary rate for personal serv-
18 ices contractors may not exceed the rate for level IV
19 of the Executive Schedule.”; and

20 (4) in subsection (c), by striking “2009” and
21 inserting “2011”.

1 **SEC. 503. RADIO FREE EUROPE/RADIO LIBERTY PAY PAR-**
2 **ITY.**

3 Section 308(h)(1)(C) of the United States Inter-
4 national Broadcasting Act of 1994 (22 U.S.C.
5 6207(h)(1)(C)) is amended—

6 (1) by inserting “and one employee abroad”
7 after “D.C.”;

8 (2) by striking “III” and inserting “II”; and

9 (3) by striking “5314” and inserting “5313”.

10 **SEC. 504. EMPLOYMENT FOR INTERNATIONAL BROAD-**
11 **CASTING.**

12 Section 804(1) of the United States Information and
13 Educational Exchange Act of 1948 (22 U.S.C. 1474(1))
14 is amended by inserting after “suitably qualified United
15 States citizens” the following: “(for purposes of this para-
16 graph, the term ‘suitably qualified United States citizens’
17 means those United States citizen applicants who are
18 equally or better qualified than non-United States citizen
19 applicants)”.

20 **SEC. 505. DOMESTIC RELEASE OF THE VOICE OF AMERICA**
21 **FILM ENTITLED “A FATEFUL HARVEST”.**

22 (a) IN GENERAL.—Notwithstanding section 208 of
23 the Foreign Relations Authorization Act, Fiscal Years
24 1986 and 1987 (22 U.S.C. 1461–1a) and section 501(b)
25 of the United States Information and Educational Ex-
26 change Act of 1948 (22 U.S.C. 1461(b)), the Director of

1 the International Broadcasting Bureau shall provide a
2 master copy of the film entitled “A Fateful Harvest” to
3 the Archivist of the United States for domestic release in
4 accordance with subsection (b).

5 (b) DOMESTIC RELEASE.—Upon evidence that nec-
6 essary United States rights and licenses have been secured
7 by the person seeking domestic release of the film referred
8 to in subsection (a), the Archivist shall—

9 (1) deposit the film in the National Archives of
10 the United States; and

11 (2) make copies of the film available for pur-
12 chase and public viewing within the United States.

13 **SEC. 506. ESTABLISHING PERMANENT AUTHORITY FOR**
14 **RADIO FREE ASIA.**

15 Section 309 of the United States International
16 Broadcasting Act of 1994 (22 U.S.C. 6208) is amended—

17 (1) in subsection (c)(2), by striking “, and shall
18 further specify that funds to carry out the activities
19 of Radio Free Asia may not be available after Sep-
20 tember 30, 2010”;

21 (2) by striking subsection (f); and

22 (3) by redesignating subsections (g) and (h) as
23 subsection (f) and (g), respectively.

TITLE VI—PEACE CORPS

SEC. 601. FINDINGS; STATEMENT OF POLICY.

(a) FINDINGS.—Congress finds the following:

(1) On October 14, 1960, then Senator John F. Kennedy addressed students on the steps of the University of Michigan Union to enlist their effort to make the world a better place by serving their country abroad.

(2) On March 1, 1961, then President John F. Kennedy signed an Executive Order establishing a Peace Corps that was “designed to permit our people to exercise more fully their responsibilities in the great common cause of world development”.

(3) Since its establishment, the Peace Corps has been guided by its mission to promote world peace and friendship and has sought to fulfill the following three goals:

(A) To help the people of interested countries in meeting their needs for trained men and women.

(B) To promote a better understanding of Americans on the part of the peoples served.

(C) To help promote a better understanding of other peoples on the part of Americans.

1 (4) Over the last 48 years, nearly 200,000
2 Peace Corps volunteers have served in 139 countries.

3 (5) The Peace Corps is the world's premier
4 international service organization dedicated to pro-
5 moting sustainable grassroots development by work-
6 ing with host communities in the areas of agri-
7 culture, business development, education, the envi-
8 ronment, health and HIV/AIDS, and youth.

9 (6) The Peace Corps remains committed to
10 sending well trained and well supported Peace Corps
11 volunteers overseas to promote peace, friendship,
12 cross-cultural awareness, and mutual understanding
13 between the United States and other countries. The
14 Peace Corps has an impressive record of engen-
15 dering good will through the service that American
16 volunteers provide.

17 (7) Recognizing the Peace Corps' unique and
18 effective role in promoting volunteer service by
19 American citizens, President Obama and Vice Presi-
20 dent Biden announced their intent to double the size
21 of Peace Corps in an expeditious and effective man-
22 ner.

23 (8) Over 13,000 Americans applied in 2008 to
24 volunteer their service to serve the world's poorest
25 communities in the Peace Corps, a 16 percent in-

1 crease over the nearly 11,000 applications received
2 in 2007.

3 (9) Under current funding levels, the Peace
4 Corps is able to provide new placements for only
5 one-third of the American applicants seeking the op-
6 portunity to serve their country and the world. At
7 the end of fiscal year 2008, there were nearly 8,000
8 Peace Corps volunteers serving in 76 countries
9 around the world.

10 (b) STATEMENT OF POLICY.—It is the policy of the
11 United States to—

12 (1) double the number of Peace Corps volun-
13 teers and strengthen and improve the Peace Corps
14 and its programs;

15 (2) improve the coordination of Peace Corps
16 programs with development programs of other Fed-
17 eral departments and agencies, without diminishing
18 the independence of the Peace Corps; and

19 (3) promote all types of volunteerism by Ameri-
20 cans in the developing world.

21 **SEC. 602. AMENDMENTS TO THE PEACE CORPS ACT.**

22 (a) PEACE CORPS RESPONSE PROGRAM.—The Peace
23 Corps Act (22 U.S.C. 2501 et seq.) is amended by insert-
24 ing after section 5 the following new section:

1 **“SEC. 5A. PEACE CORPS RESPONSE PROGRAM.**

2 “The Director of the Peace Corps is authorized to
3 establish a special program that assigns returned Peace
4 Corps volunteers or other volunteers to provide short-term
5 development or other relief assistance or to otherwise be
6 assigned or made available to any entity referred to in sub-
7 section (a)(1) of section 10. The term of such service shall
8 be less than the term of service of a volunteer under sec-
9 tion 5. Except to the extent determined necessary and ap-
10 propriate by the Director, the program established under
11 this section may not cause a diminution in the number
12 or quality of projects or volunteers assigned to longer term
13 assignments under section 5.”.

14 (b) COORDINATION OF PEACE CORPS PROGRAMS.—
15 Paragraph (2) of section 4(c) of the Peace Corps Act (22
16 U.S.C. 2503(c)) is amended to read as follows:

17 “(2) The Director of the Peace Corps shall, as appro-
18 priate and to the maximum extent practicable without di-
19 minishing any program or operational independence, work
20 with the heads of Federal departments and agencies to
21 identify synergies and avoid duplication of efforts with
22 Peace Corps programs in the field and at headquarters.”.

23 (c) READJUSTMENT ALLOWANCE.—Subsection (c) of
24 section 5 of the Peace Corps Act (22 U.S.C. 2504(c)) is
25 amended, in the first sentence, by striking “\$125” and
26 inserting “\$225”.

1 (d) AUTHORIZATION OF APPROPRIATIONS.—Section
2 3(b)(1) of the Peace Corps Act (22 U.S.C. 2502(b)(1))
3 is amended by striking “\$270,000,000” and all that fol-
4 lows through the period at the end and inserting the fol-
5 lowing: “\$450,000,000 for fiscal year 2010 and such sums
6 as may be necessary for fiscal year 2011.”.

7 **SEC. 603. REPORT.**

8 (a) PEACE CORPS RESPONSE PROGRAM REPORT.—
9 Not later than 1 year after the date of the enactment of
10 this Act, the Director of the Peace Corps shall submit to
11 the appropriate congressional committees a report on the
12 Peace Corps Response Program or any similar program
13 developed under in accordance with section 5A of the
14 Peace Corps Act (as added by section 602(a) of this Act),
15 including information on the following:

16 (1) The achievements and challenges of the
17 Peace Corps Response Program or any similar pro-
18 gram since its inception as the Peace Corps Crisis
19 Corps in 1996.

20 (2) The goals, objectives, program areas, and
21 growth projections for the Peace Corps Response
22 Program or any similar program from fiscal year
23 2010 through fiscal year 2011.

1 (3) The process and standards for selecting
2 partner organizations and projects for the Peace
3 Corps Response Program or any similar program.

4 (4) The standards and requirements used to se-
5 lect volunteers for service under the Peace Corps Re-
6 sponse Program or any similar program.

7 (5) The measures used to evaluate projects of
8 the Peace Corps Response Program or any similar
9 program and the effectiveness of volunteers assigned
10 to such Program or similar program at achieving
11 identified objectives.

12 (b) ANNUAL REPORTS.—Not later than 1 year after
13 the date of the enactment of this Act and annually there-
14 after, the Director of the Peace Corps shall submit to the
15 appropriate congressional committees a report on progress
16 made in carrying out this title, including efforts to
17 strengthen coordination between the Peace Corps and
18 other Federal departments and agencies carrying out de-
19 velopment assistance programs (as required under para-
20 graph (2) of section 4(c) of the Peace Corps Act (22
21 U.S.C. 2503(c)), as amended by section 602(b) of this
22 Act).

1 **TITLE VII—SENATOR PAUL**
2 **SIMON STUDY ABROAD FOUN-**
3 **DATION ACT OF 2009**

4 **SEC. 701. SHORT TITLE.**

5 This title may be cited as the “Senator Paul Simon
6 Study Abroad Foundation Act of 2009”.

7 **SEC. 702. FINDINGS.**

8 Congress makes the following findings:

9 (1) According to former President George W.
10 Bush, “America’s leadership and national security
11 rest on our commitment to educate and prepare our
12 youth for active engagement in the international
13 community.”.

14 (2) According to former President William J.
15 Clinton, “Today, the defense of United States inter-
16 ests, the effective management of global issues, and
17 even an understanding of our Nation’s diversity re-
18 quire ever-greater contact with, and understanding
19 of, people and cultures beyond our borders.”.

20 (3) Congress authorized the establishment of
21 the Commission on the Abraham Lincoln Study
22 Abroad Fellowship Program pursuant to section 104
23 of the Miscellaneous Appropriations and Offsets Act,
24 2004 (division h of Public Law 108–199). Pursuant
25 to its mandate, the Lincoln Commission has sub-

1 mitted to Congress and the President a report of its
2 recommendations for greatly expanding the oppor-
3 tunity for students at institutions of higher edu-
4 cation in the United States to study abroad, with
5 special emphasis on studying in developing nations.

6 (4) According to the Lincoln Commission,
7 “[s]tudy abroad is one of the major means of pro-
8 ducing foreign language speakers and enhancing for-
9 eign language learning” and, for that reason, “is
10 simply essential to the [N]ation’s security.”.

11 (5) Studies consistently show that United
12 States students score below their counterparts in
13 other advanced countries on indicators of inter-
14 national knowledge. This lack of global literacy is a
15 national liability in an age of global trade and busi-
16 ness, global interdependence, and global terror.

17 (6) Americans believe that it is important for
18 their children to learn other languages, study
19 abroad, attend a college where they can interact with
20 international students, learn about other countries
21 and cultures, and generally be prepared for the glob-
22 al age.

23 (7) In today’s world, it is more important than
24 ever for the United States to be a responsible, con-
25 structive leader that other countries are willing to

1 follow. Such leadership cannot be sustained without
2 an informed citizenry with significant knowledge and
3 awareness of the world.

4 (8) Study abroad has proven to be a very effective
5 means of imparting international and foreign
6 language competency to students.

7 (9) In any given year, only approximately 1
8 percent of all students enrolled in United States in-
9 stitutions of higher education study abroad.

10 (10) Less than 10 percent of the students who
11 graduate from United States institutions of higher
12 education with bachelors degrees have studied
13 abroad.

14 (11) Far more study abroad must take place in
15 developing countries. Ninety-five percent of the
16 world's population growth over the next 50 years
17 will occur outside of Europe, yet in the academic
18 year 2004–2005, 60 percent of United States stu-
19 dents studying abroad studied in Europe, and 45
20 percent studied in four countries—the United King-
21 dom, Italy, Spain, and France.

22 (12) The Final Report of the National Commis-
23 sion on Terrorist Attacks Upon the United States
24 (the 9/11 Commission Report) recommended that
25 the United States increase support for “scholarship,

1 exchange, and library programs”. The 9/11 Public
2 Discourse Project, successor to the 9/11 Commis-
3 sion, noted in its November 14, 2005, status report
4 that this recommendation was “unfulfilled,” and
5 stated that “[t]he U.S. should increase support for
6 scholarship and exchange programs, our most power-
7 ful tool to shape attitudes over the course of a gen-
8 eration.”. In its December 5, 2005, Final Report on
9 the 9/11 Commission Recommendations, the 9/11
10 Public Discourse Project gave the government a
11 grade of “D” for its implementation of this rec-
12 ommendation.

13 (13) Investing in a national study abroad pro-
14 gram would help turn a grade of “D” into an “A”
15 by equipping United States students to communicate
16 United States values and way of life through the
17 unique dialogue that takes place among citizens
18 from around the world when individuals study
19 abroad.

20 (14) An enhanced national study abroad pro-
21 gram could help further the goals of other United
22 States Government initiatives to promote edu-
23 cational, social, and political reform and the status
24 of women in developing and reforming societies

1 around the world, such as the Middle East Partner-
2 ship Initiative.

3 (15) To complement such worthwhile Federal
4 programs and initiatives as the Benjamin A. Gilman
5 International Scholarship Program, the National Se-
6 curity Education Program, and the National Secu-
7 rity Language Initiative, a broad-based under-
8 graduate study abroad program is needed that will
9 make many more study abroad opportunities acces-
10 sible to all undergraduate students, regardless of
11 their field of study, ethnicity, socio-economic status,
12 or gender.

13 (16) To restore America's standing in the
14 world, President Barack Obama has said that he will
15 call on our nation's greatest resource, our people, to
16 reach out to and engage with other nations.

17 **SEC. 703. PURPOSES.**

18 The purposes of this title are—

19 (1) to significantly enhance the global competi-
20 tiveness and international knowledge base of the
21 United States by ensuring that more United States
22 students have the opportunity to acquire foreign lan-
23 guage skills and international knowledge through
24 significantly expanded study abroad;

1 (2) to enhance the foreign policy capacity of the
2 United States by significantly expanding and diversi-
3 fying the talent pool of individuals with non-tradi-
4 tional foreign language skills and cultural knowledge
5 in the United States who are available for recruit-
6 ment by United States foreign affairs agencies, leg-
7 islative branch agencies, and nongovernmental orga-
8 nizations involved in foreign affairs activities;

9 (3) to ensure that an increasing portion of
10 study abroad by United States students will take
11 place in nontraditional study abroad destinations
12 such as the People’s Republic of China, countries of
13 the Middle East region, and developing countries;
14 and

15 (4) to create greater cultural understanding of
16 the United States by exposing foreign students and
17 their families to United States students in countries
18 that have not traditionally hosted large numbers of
19 United States students.

20 **SEC. 704. DEFINITIONS.**

21 In this title:

22 (1) **APPROPRIATE CONGRESSIONAL COMMIT-**
23 **TEES.**—The term “appropriate congressional com-
24 mittees” means—

1 (A) the Committee on Foreign Affairs and
2 the Committee on Appropriations of the House
3 of Representatives; and

4 (B) the Committee on Foreign Relations
5 and the Committee on Appropriations of the
6 Senate.

7 (2) BOARD.—The term “Board” means the
8 Board of Directors of the Foundation established
9 pursuant to section 705(d).

10 (3) CHIEF EXECUTIVE OFFICER.—The term
11 “Chief Executive Officer” means the chief executive
12 officer of the Foundation appointed pursuant to sec-
13 tion 705(c).

14 (4) FOUNDATION.—The term “Foundation”
15 means the Senator Paul Simon Study Abroad Foun-
16 dation established by section 705(a).

17 (5) INSTITUTION OF HIGHER EDUCATION.—The
18 term “institution of higher education” has the
19 meaning given the term in section 101(a) of the
20 Higher Education Act of 1965 (20 U.S.C. 1001(a)).

21 (6) NATIONAL OF THE UNITED STATES.—The
22 term “national of the United States” means a na-
23 tional of the United States or an alien lawfully ad-
24 mitted for permanent residence (as those terms are

1 defined in section 101 of the Immigration and Na-
2 tionality Act (8 U.S.C. 1101)).

3 (7) NONTRADITIONAL STUDY ABROAD DESTINA-
4 TION.—The term “nontraditional study abroad des-
5 tination” means a location that is determined by the
6 Foundation to be a less common destination for
7 United States students who study abroad.

8 (8) STUDY ABROAD.—The term “study abroad”
9 means an educational program of study, work, re-
10 search, internship, or combination thereof that is
11 conducted outside the United States and that carries
12 academic credit toward fulfilling the participating
13 student’s degree requirements.

14 (9) UNITED STATES.—The term “United
15 States” means any of the several States, the District
16 of Columbia, Puerto Rico, the Northern Mariana Is-
17 lands, the Virgin Islands, Guam, American Samoa,
18 and any other territory or possession of the United
19 States.

20 (10) UNITED STATES STUDENT.—The term
21 “United States student” means a national of the
22 United States who is enrolled at an institution of
23 higher education located within the United States.

1 **SEC. 705. ESTABLISHMENT AND MANAGEMENT OF THE**
2 **SENATOR PAUL SIMON STUDY ABROAD FOUN-**
3 **DATION.**

4 (a) ESTABLISHMENT.—

5 (1) IN GENERAL.—There is established in the
6 executive branch a corporation to be known as the
7 “Senator Paul Simon Study Abroad Foundation”
8 that shall be responsible for carrying out this title.
9 The Foundation shall be a government corporation,
10 as defined in section 103 of title 5, United States
11 Code.

12 (2) BOARD OF DIRECTORS.—The Foundation
13 shall be governed by a Board of Directors in accord-
14 ance with subsection (d).

15 (3) INTENT OF CONGRESS.—It is the intent of
16 Congress in establishing the structure of the Foun-
17 dation set forth in this subsection to create an entity
18 that will administer a study abroad program that—

19 (A) serves the long-term foreign policy and
20 national security needs of the United States;
21 but

22 (B) operates independently of short-term
23 political and foreign policy considerations.

24 (b) MANDATE OF FOUNDATION.—In administering
25 the program referred to in subsection (a)(3), the Founda-
26 tion shall—

1 (1) promote the objectives and purposes of this
2 title;

3 (2) through responsive, flexible grant-making,
4 promote access to study abroad opportunities by
5 United States students at diverse institutions of
6 higher education, including 2-year institutions, mi-
7 nority-serving institutions, and institutions that
8 serve nontraditional students, and 4-year colleges
9 and universities demonstrating an institutional com-
10 mitment to increasing study abroad participation;

11 (3) through creative grant-making, promote ac-
12 cess to study abroad opportunities by diverse United
13 States students, including minority students, stu-
14 dents of limited financial means, and nontraditional
15 students;

16 (4) solicit funds from the private sector to sup-
17 plement funds made available under this title; and

18 (5) minimize administrative costs and maximize
19 the availability of funds for grants under this title.

20 (c) CHIEF EXECUTIVE OFFICER.—

21 (1) IN GENERAL.—There shall be in the Foun-
22 dation a Chief Executive Officer who shall be re-
23 sponsible for the management of the Foundation.

24 (2) APPOINTMENT.—The Chief Executive Offi-
25 cer shall be appointed by the Board and shall be a

1 recognized leader in higher education, business, or
2 foreign policy, chosen on the basis of a rigorous
3 search.

4 (3) RELATIONSHIP TO BOARD.—The Chief Ex-
5 ecutive Officer shall report to and be under the di-
6 rect authority of the Board.

7 (4) COMPENSATION AND RANK.—

8 (A) IN GENERAL.—The Chief Executive
9 Officer shall be compensated at the rate pro-
10 vided for level IV of the Executive Schedule
11 under section 5315 of title 5, United States
12 Code.

13 (B) AMENDMENT.—Section 5315 of title
14 5, United States Code, is amended by adding at
15 the end the following:

16 “Chief Executive Officer, Senator Paul Simon
17 Study Abroad Foundation.”.

18 (5) AUTHORITIES AND DUTIES.—The Chief Ex-
19 ecutive Officer shall be responsible for the manage-
20 ment of the Foundation and shall exercise the pow-
21 ers and discharge the duties of the Foundation.

22 (6) AUTHORITY TO APPOINT OFFICERS.—In
23 consultation and with approval of the Board, the
24 Chief Executive Officer shall appoint all officers of
25 the Foundation.

1 (d) BOARD OF DIRECTORS.—

2 (1) ESTABLISHMENT.—There shall be in the
3 Foundation a Board of Directors.

4 (2) DUTIES.—The Board shall perform the
5 functions specified to be carried out by the Board in
6 this title and may prescribe, amend, and repeal by-
7 laws, rules, regulations, and procedures governing
8 the manner in which the business of the Foundation
9 may be conducted and in which the powers granted
10 to it by law may be exercised.

11 (3) MEMBERSHIP.—The Board shall consist
12 of—

13 (A) the Secretary of State (or the Sec-
14 retary's designee), the Secretary of Education
15 (or the Secretary's designee), the Secretary of
16 Defense (or the Secretary's designee), and the
17 Administrator of the United States Agency for
18 International Development (or the Administra-
19 tor's designee); and

20 (B) five other individuals with relevant ex-
21 perience in matters relating to study abroad
22 (such as individuals who represent institutions
23 of higher education, business organizations, for-
24 eign policy organizations, or other relevant or-
25 ganizations) who shall be appointed by the

1 President, by and with the advice and consent
2 of the Senate, of which—

3 (i) one individual shall be appointed
4 from among a list of individuals submitted
5 by the Speaker of the House of Represent-
6 atives;

7 (ii) one individual shall be appointed
8 from among a list of individuals submitted
9 by the minority leader of the House of
10 Representatives;

11 (iii) one individual shall be appointed
12 from among a list of individuals submitted
13 by the majority leader of the Senate; and

14 (iv) one individual shall be appointed
15 from among a list of individuals submitted
16 by the minority leader of the Senate.

17 (4) CHIEF EXECUTIVE OFFICER.—The Chief
18 Executive Officer of the Foundation shall serve as a
19 non-voting, ex-officio member of the Board.

20 (5) TERMS.—

21 (A) OFFICERS OF THE FEDERAL GOVERN-
22 MENT.—Each member of the Board described
23 in paragraph (3)(A) shall serve for a term that
24 is concurrent with the term of service of the in-

1 dividual’s position as an officer within the other
2 Federal department or agency.

3 (B) OTHER MEMBERS.—Each member of
4 the Board described in paragraph (3)(B) shall
5 be appointed for a term of 3 years and may be
6 reappointed for one additional 3-year term.

7 (C) VACANCIES.—A vacancy in the Board
8 shall be filled in the manner in which the origi-
9 nal appointment was made.

10 (6) CHAIRPERSON.—There shall be a Chair-
11 person of the Board. The Secretary of State (or the
12 Secretary’s designee) shall serve as the Chairperson.

13 (7) QUORUM.—A majority of the members of
14 the Board described in paragraph (3) shall con-
15 stitute a quorum, which, except with respect to a
16 meeting of the Board during the 135-day period be-
17 ginning on the date of the enactment of this Act,
18 shall include at least one member of the Board de-
19 scribed in paragraph (3)(B).

20 (8) MEETINGS.—The Board shall meet at the
21 call of the Chairperson.

22 (9) COMPENSATION.—

23 (A) OFFICERS OF THE FEDERAL GOVERN-
24 MENT.—

1 (i) IN GENERAL.—A member of the
2 Board described in paragraph (3)(A) may
3 not receive additional pay, allowances, or
4 benefits by reason of the member’s service
5 on the Board.

6 (ii) TRAVEL EXPENSES.—Each such
7 member of the Board shall receive travel
8 expenses, including per diem in lieu of sub-
9 sistence, in accordance with applicable pro-
10 visions under subchapter I of chapter 57 of
11 title 5, United States Code.

12 (B) OTHER MEMBERS.—

13 (i) IN GENERAL.—Except as provided
14 in clause (ii), a member of the Board de-
15 scribed in paragraph (3)(B) while away
16 from the member’s home or regular place
17 of business on necessary travel in the ac-
18 tual performance of duties as a member of
19 the Board, shall be paid per diem, travel,
20 and transportation expenses in the same
21 manner as is provided under subchapter I
22 of chapter 57 of title 5, United States
23 Code.

24 (ii) LIMITATION.—A member of the
25 Board may not be paid compensation

1 under clause (i) for more than 90 days in
2 any calendar year.

3 **SEC. 706. ESTABLISHMENT AND OPERATION OF PROGRAM.**

4 (a) ESTABLISHMENT OF THE PROGRAM.—There is
5 hereby established a program, which shall—

6 (1) be administered by the Foundation; and

7 (2) award grants to—

8 (A) United States students for study
9 abroad;

10 (B) nongovernmental institutions that pro-
11 vide and promote study abroad opportunities
12 for United States students, in consortium with
13 institutions described in subparagraph (C); and

14 (C) institutions of higher education, indi-
15 vidually or in consortium, in order to accom-
16 plish the objectives set forth in subsection (b).

17 (b) OBJECTIVES.—The objectives of the program es-
18 tablished under subsection (a) are that, within 10 years
19 of the date of the enactment of this Act—

20 (1) not less than 1,000,000 undergraduate
21 United States students will study abroad annually
22 for credit;

23 (2) the demographics of study-abroad participa-
24 tion will reflect the demographics of the United
25 States undergraduate population, including students

1 enrolled in community colleges, minority-serving in-
2 stitutions, and institutions serving large numbers of
3 low-income and first-generation students; and

4 (3) an increasing portion of study abroad will
5 take place in nontraditional study abroad destina-
6 tions, with a substantial portion of such increases
7 taking place in developing countries.

8 (c) MANDATE OF THE PROGRAM.—In order to ac-
9 complish the objectives set forth in subsection (b), the
10 Foundation shall, in administering the program estab-
11 lished under subsection (a), take fully into account the rec-
12 ommendations of the Commission on the Abraham Lincoln
13 Study Abroad Fellowship Program (established pursuant
14 to section 104 of the Miscellaneous Appropriations and
15 Offsets Act, 2004 (division H of Public Law 108–199)).

16 (d) STRUCTURE OF GRANTS.—

17 (1) PROMOTING REFORM.—In accordance with
18 the recommendations of the Commission on the
19 Abraham Lincoln Study Abroad Fellowship Pro-
20 gram, grants awarded under the program estab-
21 lished under subsection (a) shall be structured to the
22 maximum extent practicable to promote appropriate
23 reforms in institutions of higher education in order
24 to remove barriers to participation by students in
25 study abroad.

1 (2) GRANTS TO INDIVIDUALS AND INSTITU-
2 TIONS.—It is the sense of Congress that—

3 (A) the Foundation should award not more
4 than 25 percent of the funds awarded as grants
5 to individuals described in subparagraph (A) of
6 subsection (a)(2) and not less than 75 percent
7 of such funds to institutions described in sub-
8 paragraphs (B) and (C) of such subsection; and

9 (B) the Foundation should ensure that not
10 less than 85 percent of the amount awarded to
11 such institutions is used to award scholarships
12 to students.

13 (e) BALANCE OF LONG-TERM AND SHORT-TERM
14 STUDY ABROAD PROGRAMS.—In administering the pro-
15 gram established under subsection (a), the Foundation
16 shall seek an appropriate balance between—

17 (1) longer-term study abroad programs, which
18 maximize foreign-language learning and intercultural
19 understanding; and

20 (2) shorter-term study abroad programs, which
21 maximize the accessibility of study abroad to non-
22 traditional students.

23 (f) QUALITY AND SAFETY IN STUDY ABROAD.—In
24 administering the program established under subsection

1 (a), the Foundation shall require that institutions receiv-
2 ing grants demonstrate that—

3 (1) the study abroad programs for which stu-
4 dents receive grant funds are for academic credit;
5 and

6 (2) the programs have established health and
7 safety guidelines and procedures.

8 **SEC. 707. ANNUAL REPORT.**

9 (a) REPORT REQUIRED.—Not later than December
10 15, 2010, and each December 15 thereafter, the Founda-
11 tion shall submit to the appropriate congressional commit-
12 tees a report on the implementation of this title during
13 the prior fiscal year.

14 (b) CONTENTS.—The report required by subsection
15 (a) shall include—

16 (1) the total financial resources available to the
17 Foundation during the year, including appropriated
18 funds, the value and source of any gifts or donations
19 accepted pursuant to section 708(a)(6), and any
20 other resources;

21 (2) a description of the Board's policy priorities
22 for the year and the bases upon which grant pro-
23 posals were solicited and awarded to institutions of
24 higher education, nongovernmental institutions, and

1 consortiums pursuant to sections 706(a)(2)(B) and
2 706(a)(2)(C);

3 (3) a list of grants made to institutions of high-
4 er education, nongovernmental institutions, and con-
5 sortiums pursuant to sections 706(a)(2)(B) and
6 706(a)(2)(C) that includes the identity of the insti-
7 tutional recipient, the dollar amount, the estimated
8 number of study abroad opportunities provided to
9 United States students by each grant, the amount of
10 the grant used by each institution for administrative
11 expenses, and information on cost-sharing by each
12 institution receiving a grant;

13 (4) a description of the bases upon which the
14 Foundation made grants directly to United States
15 students pursuant to section 706(a)(2)(A);

16 (5) the number and total dollar amount of
17 grants made directly to United States students by
18 the Foundation pursuant to section 706(a)(2)(A);
19 and

20 (6) the total administrative and operating ex-
21 penses of the Foundation for the year, as well as
22 specific information on—

23 (A) the number of Foundation employees
24 and the cost of compensation for Board mem-

1 bers, Foundation employees, and personal serv-
2 ice contractors;

3 (B) costs associated with securing the use
4 of real property for carrying out the functions
5 of the Foundation;

6 (C) total travel expenses incurred by Board
7 members and Foundation employees in connec-
8 tion with Foundation activities; and

9 (D) total representational expenses.

10 **SEC. 708. POWERS OF THE FOUNDATION; RELATED PROVI-**
11 **SIONS.**

12 (a) **POWERS.**—The Foundation—

13 (1) shall have perpetual succession unless dis-
14 solved by a law enacted after the date of the enact-
15 ment of this Act;

16 (2) may adopt, alter, and use a seal, which shall
17 be judicially noticed;

18 (3) may make and perform such contracts,
19 grants, and other agreements with any person or
20 government however designated and wherever situ-
21 ated, as may be necessary for carrying out the func-
22 tions of the Foundation;

23 (4) may determine and prescribe the manner in
24 which its obligations shall be incurred and its ex-

1 penses allowed and paid, including expenses for rep-
2 resentation;

3 (5) may lease, purchase, or otherwise acquire,
4 improve, and use such real property wherever situ-
5 ated, as may be necessary for carrying out the func-
6 tions of the Foundation;

7 (6) may accept cash gifts or donations of serv-
8 ices or of property (real, personal, or mixed), tan-
9 gible or intangible, for the purpose of carrying out
10 the provisions of this title;

11 (7) may use the United States mails in the
12 same manner and on the same conditions as the ex-
13 ecutive departments;

14 (8) may contract with individuals for personal
15 services, who shall not be considered Federal em-
16 ployees for any provision of law administered by the
17 Office of Personnel Management;

18 (9) may hire or obtain passenger motor vehi-
19 cles; and

20 (10) shall have such other powers as may be
21 necessary and incident to carrying out this title.

22 (b) PRINCIPAL OFFICE.—The Foundation shall
23 maintain its principal office in the metropolitan area of
24 Washington, District of Columbia.

1 (c) APPLICABILITY OF GOVERNMENT CORPORATION
2 CONTROL ACT.—

3 (1) IN GENERAL.—The Foundation shall be
4 subject to chapter 91 of subtitle VI of title 31,
5 United States Code, except that the Foundation
6 shall not be authorized to issue obligations or offer
7 obligations to the public.

8 (2) CONFORMING AMENDMENT.—Section
9 9101(3) of title 31, United States Code, is amended
10 by adding at the end the following new subpara-
11 graph:

12 “(S) the Senator Paul Simon Study
13 Abroad Foundation.”.

14 (d) INSPECTOR GENERAL.—

15 (1) IN GENERAL.—The Inspector General of
16 the Department of State shall serve as Inspector
17 General of the Foundation, and, in acting in such
18 capacity, may conduct reviews, investigations, and
19 inspections of all aspects of the operations and ac-
20 tivities of the Foundation.

21 (2) AUTHORITY OF THE BOARD.—In carrying
22 out the responsibilities under this subsection, the In-
23 spector General shall report to and be under the
24 general supervision of the Board.

1 (3) REIMBURSEMENT AND AUTHORIZATION OF
2 SERVICES.—

3 (A) REIMBURSEMENT.—The Foundation
4 shall reimburse the Department of State for all
5 expenses incurred by the Inspector General in
6 connection with the Inspector General’s respon-
7 sibilities under this subsection.

8 (B) AUTHORIZATION FOR SERVICES.—Of
9 the amount authorized to be appropriated
10 under section 711(a) for a fiscal year, up to
11 \$2,000,000 is authorized to be made available
12 to the Inspector General of the Department of
13 State to conduct reviews, investigations, and in-
14 spections of operations and activities of the
15 Foundation.

16 **SEC. 709. GENERAL PERSONNEL AUTHORITIES.**

17 (a) DETAIL OF PERSONNEL.—Upon request of the
18 Chief Executive Officer, the head of an agency may detail
19 any employee of such agency to the Foundation on a reim-
20 bursable basis. Any employee so detailed remains, for the
21 purpose of preserving such employee’s allowances, privi-
22 leges, rights, seniority, and other benefits, an employee of
23 the agency from which detailed.

24 (b) REEMPLOYMENT RIGHTS.—

1 (1) IN GENERAL.—An employee of an agency
2 who is serving under a career or career conditional
3 appointment (or the equivalent), and who, with the
4 consent of the head of such agency, transfers to the
5 Foundation, is entitled to be reemployed in such em-
6 ployee’s former position or a position of like senior-
7 ity, status, and pay in such agency, if such em-
8 ployee—

9 (A) is separated from the Foundation for
10 any reason, other than misconduct, neglect of
11 duty, or malfeasance; and

12 (B) applies for reemployment not later
13 than 90 days after the date of separation from
14 the Foundation.

15 (2) SPECIFIC RIGHTS.—An employee who satis-
16 fies paragraph (1) is entitled to be reemployed (in
17 accordance with such paragraph) within 30 days
18 after applying for reemployment and, on reemploy-
19 ment, is entitled to at least the rate of basic pay to
20 which such employee would have been entitled had
21 such employee never transferred.

22 (c) HIRING AUTHORITY.—Of persons employed by
23 the Foundation, not to exceed 20 persons may be ap-
24 pointed, compensated, or removed without regard to the
25 civil service laws and regulations.

1 (d) BASIC PAY.—The Chief Executive Officer may fix
2 the rate of basic pay of employees of the Foundation with-
3 out regard to the provisions of chapter 51 of title 5,
4 United States Code (relating to the classification of posi-
5 tions), subchapter III of chapter 53 of such title (relating
6 to General Schedule pay rates), except that no employee
7 of the Foundation may receive a rate of basic pay that
8 exceeds the rate for level IV of the Executive Schedule
9 under section 5315 of such title.

10 (e) DEFINITIONS.—In this section—

11 (1) the term “agency” means an executive
12 agency, as defined by section 105 of title 5, United
13 States Code; and

14 (2) the term “detail” means the assignment or
15 loan of an employee, without a change of position,
16 from the agency by which such employee is employed
17 to the Foundation.

18 **SEC. 710. GAO REVIEW.**

19 (a) REVIEW REQUIRED.—Not later than 2 years
20 after the date of the enactment of this Act, the Comp-
21 troller General of the United States shall commence a re-
22 view of the operations of the Foundation.

23 (b) CONTENT.—In conducting the review required
24 under subsection (a), the Comptroller General shall ana-
25 lyze—

1 (1) whether the Foundation is organized and
2 operating in a manner that will permit it to fulfill
3 the purposes of this section, as set forth in section
4 603;

5 (2) the degree to which the Foundation is oper-
6 ating efficiently and in a manner consistent with the
7 requirements of paragraphs (4) and (5) of section
8 605(b);

9 (3) whether grant-making by the Foundation is
10 being undertaken in a manner consistent with sub-
11 sections (d), (e), and (f) of section 606;

12 (4) the extent to which the Foundation is using
13 best practices in the implementation of this Act and
14 the administration of the program described in sec-
15 tion 606; and

16 (5) other relevant matters, as determined by
17 the Comptroller General, after consultation with the
18 appropriate congressional committees.

19 (c) REPORT REQUIRED.—The Comptroller General
20 shall submit a report on the results of the review con-
21 ducted under subsection (a) to the Secretary of State (in
22 the capacity of the Secretary as Chairperson of the Board
23 of the Foundation) and to the appropriate congressional
24 committees.

1 **SEC. 711. AUTHORIZATION OF APPROPRIATIONS.**

2 (a) AUTHORIZATION OF APPROPRIATIONS.—

3 (1) IN GENERAL.—There are authorized to be
4 appropriated to carry out this title \$40,000,000 for
5 fiscal year 2010 and \$80,000,000 for fiscal year
6 2011.

7 (2) AMOUNTS IN ADDITION TO OTHER AVAIL-
8 ABLE AMOUNTS.—Amounts authorized to be appro-
9 priated by paragraph (1) are in addition to amounts
10 authorized to be appropriated or otherwise made
11 available for educational exchange programs, includ-
12 ing the J. William Fulbright Educational Exchange
13 Program and the Benjamin A. Gilman International
14 Scholarship Program, administered by the Bureau of
15 Educational and Cultural Affairs of the Department
16 of State.

17 (b) ALLOCATION OF FUNDS.—

18 (1) IN GENERAL.—The Foundation may allo-
19 cate or transfer to any agency of the United States
20 Government any of the funds available for carrying
21 out this Act. Such funds shall be available for obli-
22 gation and expenditure for the purposes for which
23 the funds were authorized, in accordance with au-
24 thority granted in this Act or under authority gov-
25 erning the activities of the United States Govern-

1 ment agency to which such funds are allocated or
2 transferred.

3 (2) NOTIFICATION.—The Foundation shall no-
4 tify the appropriate congressional committees not
5 less than 15 days prior to an allocation or transfer
6 of funds pursuant to paragraph (1).

7 **TITLE VIII—EXPORT CONTROL**
8 **REFORM AND SECURITY AS-**
9 **SISTANCE**
10 **Subtitle A—Defense Trade Controls**
11 **Performance Improvement Act**
12 **of 2009**

13 **SEC. 801. SHORT TITLE.**

14 This subtitle may be cited as the “Defense Trade
15 Controls Performance Improvement Act of 2009”.

16 **SEC. 802. FINDINGS.**

17 Congress finds the following:

18 (1) In a time of international terrorist threats
19 and a dynamic global economic and security environ-
20 ment, United States policy with regard to export
21 controls is in urgent need of a comprehensive review
22 in order to ensure such controls are protecting the
23 national security and foreign policy interests of the
24 United States.

1 (2) In January 2007, the Government Account-
2 ability Office designated the effective identification
3 and protection of critical technologies as a govern-
4 ment-wide, high-risk area, warranting a strategic re-
5 examination of existing programs, including pro-
6 grams relating to arms export controls.

7 (3) Federal Government agencies must review
8 licenses for export of munitions in a thorough and
9 timely manner to ensure that the United States is
10 able to assist United States allies and to prevent nu-
11 clear and conventional weapons from getting into the
12 hands of enemies of the United States.

13 (4) Both staffing and funding that relate to the
14 Department of State's arms export control respon-
15 sibilities have not kept pace with the increased work-
16 load relating to such responsibilities, especially dur-
17 ing the current decade.

18 (5) Outsourcing and off-shoring of defense pro-
19 duction and the policy of many United States trad-
20 ing partners to require offsets for major sales of de-
21 fense and aerospace articles present a potential
22 threat to United States national security and eco-
23 nomic well-being and serve to weaken the defense in-
24 dustrial base.

1 (6) Export control policies can have a negative
2 impact on United States employment, nonprolifera-
3 tion goals, and the health of the defense industrial
4 base, particularly when facilitating the overseas
5 transfer of technology or production and other forms
6 of outsourcing, such as offsets (direct and indirect),
7 co-production, subcontracts, overseas investment and
8 joint ventures in defense and commercial industries.
9 Federal Government agencies must develop new and
10 effective procedures for ensuring that export control
11 systems address these problems and the threat they
12 pose to national security.

13 (7) In the report to Congress required by the
14 Conference Report (Report 109–272) accompanying
15 the bill, H.R. 2862 (the Science, State, Justice,
16 Commerce and Related Agencies Appropriations Act,
17 2006; Public Law 109–108), the Department of
18 State concluded that—

19 (A) defense trade licensing has become
20 much more complex in recent years as a con-
21 sequence of the increasing globalization of the
22 defense industry;

23 (B) the most important challenge to the
24 Department of State’s licensing process has
25 been the sheer growth in volume of applicants

1 for licenses and agreements, without the cor-
2 responding increase in licensing officers; and

3 (C) the increase in licensing volume with-
4 out a corresponding increase in trained and ex-
5 perience personnel has resulted in delays and
6 increased processing times.

7 (8) In 2006, the Department of State processed
8 over three times as many licensing applications as
9 the Department of Commerce with about a fifth of
10 the staff of the Department of Commerce.

11 (9) On July 27, 2007, in testimony delivered to
12 the Subcommittee on Terrorism, Nonproliferation
13 and Trade of the Committee on Foreign Affairs of
14 the House of Representatives to examine the effec-
15 tiveness of the United States export control regime,
16 the Government Accountability Office found that—

17 (A) the United States Government needs
18 to conduct assessments to determine its overall
19 effectiveness in the area of arms export control;
20 and

21 (B) the processing times of the Depart-
22 ment of State doubled over the period from
23 2002 to 2006.

24 (10)(A) Allowing a continuation of the status
25 quo in resources for defense trade licensing could ul-

1 timately harm the United States defense industrial
2 base. The 2007 Institute for Defense Analysis report
3 entitled “Export Controls and the U.S. Defense In-
4 dustrial Base” found that the large backlog and long
5 processing times by the Department of State for ap-
6 plications for licenses to export defense items led to
7 an impairment of United States firms in some sec-
8 tors to conduct global business relative to foreign
9 competitors.

10 (B) Additionally, the report found that United
11 States commercial firms have been reluctant to en-
12 gage in research and development activities for the
13 Department of Defense because this raises the fu-
14 ture prospects that the products based on this re-
15 search and development, even if intrinsically com-
16 mercial, will be saddled by Department of State mu-
17 nitions controls due to the link to that research.

18 (11) According to the Department of State’s
19 fiscal year 2008 budget justification to Congress,
20 commercial exports licensed or approved under the
21 Arms Export Control Act exceeded
22 \$30,000,000,000, with nearly 80 percent of these
23 items exported to United States NATO allies and
24 other major non-NATO allies.

1 (12) A Government Accountability Office report
2 of October 9, 2001 (GAO–02–120), documented am-
3 biguous export control jurisdiction affecting 25 per-
4 cent of the items that the United States Government
5 agreed to control as part of its commitments to the
6 Missile Technology Control Regime. The United
7 States Government has not clearly determined which
8 department has jurisdiction over these items, which
9 increases the risk that these items will fall into the
10 wrong hands. During both the 108th, 109th, and
11 110th Congresses, the House of Representatives
12 passed legislation mandating that the Administra-
13 tion clarify this issue.

14 (13) During 2007 and 2008, the management
15 and staff of the Directorate of Defense Trade Con-
16 trols of the Department of State have, through ex-
17 traordinary effort and dedication, eliminated the
18 large backlog of open applications and have reduced
19 average processing times for license applications;
20 however, the Directorate remains understaffed and
21 long delays remain for complicated cases.

22 **SEC. 803. STRATEGIC REVIEW AND ASSESSMENT OF THE**
23 **UNITED STATES EXPORT CONTROLS SYSTEM.**

24 (a) REVIEW AND ASSESSMENT.—

1 (1) IN GENERAL.—Not later than March 31,
2 2010, the President shall conduct a comprehensive
3 and systematic review and assessment of the United
4 States arms export controls system in the context of
5 the national security interests and strategic foreign
6 policy objectives of the United States.

7 (2) ELEMENTS.—The review and assessment
8 required under paragraph (1) shall—

9 (A) determine the overall effectiveness of
10 the United States arms export controls system
11 in order to, where appropriate, strengthen con-
12 trols, improve efficiency, and reduce unneces-
13 sary redundancies across Federal Government
14 agencies, through administrative actions, in-
15 cluding regulations, and to formulate legislative
16 proposals for new authorities that are needed;

17 (B) develop processes to ensure better co-
18 ordination of arms export control activities of
19 the Department of State with activities of other
20 departments and agencies of the United States
21 that are responsible for enforcing United States
22 arms export control laws;

23 (C) ensure that weapons-related nuclear
24 technology, other technology related to weapons
25 of mass destruction, and all items on the Mis-

1 sile Technology Control Regime Annex are sub-
2 ject to stringent control by the United States
3 Government;

4 (D) determine the overall effect of arms
5 export controls on counterterrorism, law en-
6 forcement, and infrastructure protection mis-
7 sions of the Department of Homeland Security;

8 (E) determine the effects of export controls
9 policies and the practices of the export control
10 agencies on the United States defense industrial
11 base and United States employment in the in-
12 dustries affected by export controls;

13 (F) contain a detailed summary of known
14 attempts by unauthorized end-users (such as
15 international arms traffickers, foreign intel-
16 ligence agencies, and foreign terrorist organiza-
17 tions) to acquire items on the United States
18 Munitions List and related technical data, in-
19 cluding—

20 (i) data on—

21 (I) commodities sought, such as
22 M-4 rifles, night vision devices, F-14
23 spare parts;

- 1 (II) parties involved, such as the
2 intended end-users, brokers, con-
3 signees, and shippers;
- 4 (III) attempted acquisition of
5 technology and technical data critical
6 to manufacture items on the United
7 States Munitions List;
- 8 (IV) destination countries and
9 transit countries;
- 10 (V) modes of transport;
- 11 (VI) trafficking methods, such as
12 use of false documentation and front
13 companies registered under flags of
14 convenience;
- 15 (VII) whether the attempted il-
16 licit transfer was successful; and
- 17 (VIII) any administrative or
18 criminal enforcement actions taken by
19 the United States and any other gov-
20 ernment in relation to the attempted
21 illicit transfer;
- 22 (ii) a thorough evaluation of the Blue
23 Lantern Program, including the adequacy
24 of current staffing and funding levels;

1 (iii) a detailed analysis of licensing ex-
2 emptions and their successful exploitation
3 by unauthorized end-users; and

4 (iv) an examination of the extent to
5 which the increased tendency toward out-
6 sourcing and off-shoring of defense produc-
7 tion harm United States national security
8 and weaken the defense industrial base, in-
9 cluding direct and indirect impact on em-
10 ployment, and formulate policies to address
11 these trends as well as the policy of some
12 United States trading partners to require
13 offsets for major sales of defense articles;
14 and

15 (G) assess the extent to which export con-
16 trol policies and practices under the Arms Ex-
17 port Control Act promote the protection of
18 basic human rights.

19 (b) CONGRESSIONAL BRIEFINGS.—The President
20 shall provide periodic briefings to the appropriate congres-
21 sional committees on the progress of the review and as-
22 sessment conducted under subsection (a). The require-
23 ment to provide congressional briefings under this sub-
24 section shall terminate on the date on which the President

1 transmits to the appropriate congressional committees the
2 report required under subsection (c).

3 (c) REPORT.—Not later than 18 months after the
4 date of the enactment of this Act, the President shall
5 transmit to the appropriate congressional committees and
6 the Committee on Armed Services of the House of Rep-
7 resentatives and the Committee on Armed Services of the
8 Senate a report that contains the results of the review and
9 assessment conducted under subsection (a). The report re-
10 quired by this subsection shall contain a certification that
11 the requirement of subsection (a)(2)(C) has been met, or
12 if the requirement has not been met, the reasons therefor.
13 The report required by this subsection shall be submitted
14 in unclassified form, but may contain a classified annex,
15 if necessary.

16 **SEC. 804. PERFORMANCE GOALS FOR PROCESSING OF AP-**
17 **PLICATIONS FOR LICENSES TO EXPORT**
18 **ITEMS ON UNITED STATES MUNITIONS LIST.**

19 (a) IN GENERAL.—The Secretary of State, acting
20 through the head of the Directorate of Defense Trade
21 Controls of the Department of State, shall establish and
22 maintain the following goals:

23 (1) The processing time for review of each ap-
24 plication for a license to export items on the United
25 States Munitions List (other than a Manufacturing

1 License Agreement) shall be not more than 60 days
2 from the date of receipt of the application.

3 (2) The processing time for review of each ap-
4 plication for a commodity jurisdiction determination
5 shall be not more than 60 days from the date of re-
6 ceipt of the application.

7 (3) The total number of applications described
8 in paragraph (1) that are unprocessed shall be not
9 more than 7 percent of the total number of such ap-
10 plications submitted in the preceding calendar year.

11 (b) ADDITIONAL REVIEW.—(1) If an application de-
12 scribed in paragraph (1) or (2) of subsection (a) is not
13 processed within the time period described in the respec-
14 tive paragraph of such subsection, then the Managing Di-
15 rector of the Directorate of Defense Trade Controls or the
16 Deputy Assistant Secretary for Defense Trade and Re-
17 gional Security of the Department of State, as appro-
18 priate, shall review the status of the application to deter-
19 mine if further action is required to process the applica-
20 tion.

21 (2) If an application described in paragraph (1) or
22 (2) of subsection (a) is not processed within 90 days from
23 the date of receipt of the application, then the Assistant
24 Secretary for Political-Military Affairs of the Department
25 of State shall—

1 (A) review the status of the application to de-
2 termine if further action is required to process the
3 application; and

4 (B) submit to the appropriate congressional
5 committees a notification of the review conducted
6 under subparagraph (A), including a description of
7 the application, the reason for delay in processing
8 the application, and a proposal for further action to
9 process the application.

10 (3) For each calendar year, the Managing Director
11 of the Directorate of Defense Trade Controls shall review
12 not less than 2 percent of the total number of applications
13 described in paragraphs (1) and (2) of subsection (a) to
14 ensure that the processing of such applications, including
15 decisions to approve, deny, or return without action, is
16 consistent with both policy and regulatory requirements
17 of the Department of State.

18 (c) STATEMENTS OF POLICY.—

19 (1) UNITED STATES ALLIES.—Congress states
20 that—

21 (A) it shall be the policy of the Directorate
22 of Defense Trade Controls of the Department
23 of State to ensure that, to the maximum extent
24 practicable, the processing time for review of
25 applications described in subsection (a)(1) to

1 export items that are not subject to the require-
2 ments of section 36 (b) or (c) of the Arms Ex-
3 port Control Act (22 U.S.C. 2776 (b) or (c)) to
4 United States allies in direct support of combat
5 operations or peacekeeping or humanitarian op-
6 erations with United States Armed Forces is
7 not more than 7 days from the date of receipt
8 of the application; and

9 (B) it shall be the goal, as appropriate, of
10 the Directorate of Defense Trade Controls to
11 ensure that, to the maximum extent practicable,
12 the processing time for review of applications
13 described in subsection (a)(1) to export items
14 that are not subject to the requirements of sec-
15 tion 36 (b) or (c) of the Arms Export Control
16 Act to government security agencies of United
17 States NATO allies, Australia, New Zealand,
18 Japan, South Korea, Israel, and, as appro-
19 priate, other major non-NATO allies for any
20 purpose other than the purpose described in
21 paragraph (1) is not more than 30 days from
22 the date of receipt of the application.

23 (2) PRIORITY FOR APPLICATIONS FOR EXPORT
24 OF U.S.-ORIGIN EQUIPMENT.—In meeting the goals
25 established by this section, it shall be the policy of

1 the Directorate of Defense Trade Controls of the
2 Department of State to prioritize the processing of
3 applications for licenses and agreements necessary
4 for the export of United States-origin equipment
5 over applications for Manufacturing License Agree-
6 ments.

7 (d) REPORT.—Not later than December 31, 2011,
8 and December 31, 2012, the Secretary of State shall sub-
9 mit to the appropriate congressional committees a report
10 that contains a detailed description of—

11 (1)(A) the average processing time for and
12 number of applications described in subsection
13 (a)(1) to—

14 (i) United States NATO allies, Australia,
15 New Zealand, Japan, South Korea, and Israel;

16 (ii) other major non-NATO allies; and

17 (iii) all other countries; and

18 (B) to the extent practicable, the average proc-
19 essing time for and number of applications described
20 in subsection (b)(1) by item category;

21 (2) the average processing time for and number
22 of applications described in subsection (a)(2);

23 (3) the average processing time for and number
24 of applications for agreements described in part 124
25 of title 22, Code of Federal Regulations (relating to

1 the International Traffic in Arms Regulations (other
2 than Manufacturing License Agreements));

3 (4) the average processing times for applica-
4 tions for Manufacturing License Agreements;

5 (5) any management decisions of the Direc-
6 torate of Defense Trade Controls of the Department
7 of State that have been made in response to data
8 contained in paragraphs (1) through (3); and

9 (6) any advances in technology that will allow
10 the time-frames described in subsection (a)(1) to be
11 substantially reduced.

12 (e) CONGRESSIONAL BRIEFINGS.—If, at the end of
13 any month beginning after the date of the enactment of
14 this Act, the total number of applications described in sub-
15 section (a)(1) that are unprocessed is more than 7 percent
16 of the total number of such applications submitted in the
17 preceding calendar year, then the Secretary of State, act-
18 ing through the Under Secretary for Arms Control and
19 International Security, the Assistant Secretary for Polit-
20 ical-Military Affairs, or the Deputy Assistant Secretary
21 for Defense Trade and Regional Security of the Depart-
22 ment of State, as appropriate, shall brief the appropriate
23 congressional committees on such matters and the correc-
24 tive measures that the Directorate of Defense Trade Con-

1 trols will take to comply with the requirements of sub-
2 section (a).

3 (f) TRANSPARENCY OF COMMODITY JURISDICTION
4 DETERMINATIONS.—

5 (1) DECLARATION OF POLICY.—Congress de-
6 clares that the complete confidentiality surrounding
7 several hundred commodity jurisdiction determina-
8 tions made each year by the Department of State
9 pursuant to the International Traffic in Arms Regu-
10 lations is not necessary to protect legitimate propri-
11 etary interests of persons or their prices and cus-
12 tomers, is not in the best security and foreign policy
13 interests of the United States, is inconsistent with
14 the need to ensure a level playing field for United
15 States exporters, and detracts from United States
16 efforts to promote greater transparency and respon-
17 sibility by other countries in their export control sys-
18 tems.

19 (2) PUBLICATION ON INTERNET WEBSITE.—
20 The Secretary of State shall—

21 (A) upon making a commodity jurisdiction
22 determination referred to in paragraph (1) pub-
23 lish on the Internet website of the Department
24 of State not later than 30 days after the date
25 of the determination—

1 (i) the name of the manufacturer of
2 the item;

3 (ii) a brief general description of the
4 item;

5 (iii) the model or part number of the
6 item; and

7 (iv) the United States Munitions List
8 designation under which the item has been
9 designated, except that—

10 (I) the name of the person or
11 business organization that sought the
12 commodity jurisdiction determination
13 shall not be published if the person or
14 business organization is not the man-
15 ufacturer of the item; and

16 (II) the names of the customers,
17 the price of the item, and any propri-
18 etary information relating to the item
19 indicated by the person or business
20 organization that sought the com-
21 modity jurisdiction determination
22 shall not be published; and

23 (B) maintain on the Internet website of
24 the Department of State an archive, that is ac-
25 cessible to the general public and other depart-

1 ments and agencies of the United States, of the
2 information published under subparagraph (A).

3 (g) **RULE OF CONSTRUCTION.**—Nothing in this sec-
4 tion shall be construed to prohibit the President or Con-
5 gress from undertaking a thorough review of the national
6 security and foreign policy implications of a proposed ex-
7 port of items on the United States Munitions List.

8 **SEC. 805. REQUIREMENT TO ENSURE ADEQUATE STAFF**
9 **AND RESOURCES FOR THE DIRECTORATE OF**
10 **DEFENSE TRADE CONTROLS OF THE DEPART-**
11 **MENT OF STATE.**

12 (a) **REQUIREMENT.**—The Secretary of State shall en-
13 sure that the Directorate of Defense Trade Controls of
14 the Department of State has the necessary staff and re-
15 sources to carry out this subtitle and the amendments
16 made by this subtitle.

17 (b) **MINIMUM NUMBER OF LICENSING OFFICERS.**—
18 For fiscal year 2011 and each subsequent fiscal year, the
19 Secretary of State shall ensure that the Directorate of De-
20 fense Trade Controls has at least 1 licensing officer for
21 every 1,250 applications for licenses and other authoriza-
22 tions to export items on the United States Munitions List
23 by not later than the third quarter of such fiscal year,
24 based on the number of licenses and other authorizations
25 expected to be received during such fiscal year. The Sec-

1 retary shall ensure that in meeting the requirement of this
2 subsection, the performance of other functions of the Di-
3 rectorate of Defense Trade Controls is maintained and
4 adequate staff is provided for those functions.

5 (c) **MINIMUM NUMBER OF STAFF FOR COMMODITY**
6 **JURISDICTION DETERMINATIONS.**—For each of the fiscal
7 years 2010 through 2012, the Secretary of State shall en-
8 sure that the Directorate of Defense Trade Controls has,
9 to the extent practicable, not less than three individuals
10 assigned to review applications for commodity jurisdiction
11 determinations.

12 (d) **ENFORCEMENT RESOURCES.**—In accordance
13 with section 127.4 of title 22, Code of Federal Regula-
14 tions, U.S. Immigration and Customs Enforcement is au-
15 thorized to investigate violations of the International Traf-
16 fic in Arms Regulations on behalf of the Directorate of
17 Defense Trade Controls of the Department of State. The
18 Secretary of State shall ensure that the Directorate of De-
19 fense Trade Controls has adequate staffing for enforce-
20 ment of the International Traffic in Arms Regulations.

21 **SEC. 806. AUDIT BY INSPECTOR GENERAL OF THE DEPART-**
22 **MENT OF STATE.**

23 (a) **AUDIT.**—Not later than the end of each of the
24 fiscal years 2011 and 2012, the Inspector General of the
25 Department of State shall conduct an independent audit

1 to determine the extent to which the Department of State
2 is meeting the requirements of sections 804 and 805.

3 (b) REPORT.—The Inspector General shall submit to
4 the appropriate congressional committees a report that
5 contains the result of each audit conducted under sub-
6 section (a).

7 **SEC. 807. INCREASED FLEXIBILITY FOR USE OF DEFENSE**
8 **TRADE CONTROLS REGISTRATION FEES.**

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

12 (1) in the first sentence—

13 (A) by striking “For” and inserting “(a)
14 IN GENERAL.—For”; and

15 (B) by striking “Office” and inserting “Di-
16 rectorate”;

17 (2) by amending the second sentence to read as
18 follows:

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

22 “(1) management,

23 “(2) licensing (in order to meet the require-
24 ments of section 805 of the Defense Trade Controls
25 Performance Improvement Act of 2009 (relating to

1 adequate staff and resources of the Directorate of
2 Defense Trade Controls)),

3 “(3) compliance,

4 “(4) policy activities, and

5 “(5) facilities,

6 of defense trade controls functions.”; and

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

8 “(c) ALLOCATION OF FEES.—In allocating fees for
9 payment of expenses described in subsection (b), the Sec-
10 retary of State shall accord the highest priority to pay-
11 ment of expenses incurred for personnel and equipment
12 of the Directorate of Defense Trade Controls, including
13 payment of expenses incurred to meet the requirements
14 of section 805 of the Defense Trade Controls Performance
15 Improvement Act of 2009.”.

16 (b) CONFORMING AMENDMENT.—Section 38(b) of
17 the Arms Export Control Act (22 U.S.C. 2778(b)) is
18 amended by striking paragraph (3).

19 **SEC. 808. REVIEW OF INTERNATIONAL TRAFFIC IN ARMS**
20 **REGULATIONS AND UNITED STATES MUNI-**
21 **TIONS LIST.**

22 (a) IN GENERAL.—The Secretary of State, in coordi-
23 nation with the heads of other relevant departments and
24 agencies of the United States Government, shall review,
25 with the assistance of United States manufacturers and

1 other interested parties described in section 811(2) of this
2 division, the International Traffic in Arms Regulations
3 and the United States Munitions List to determine those
4 technologies and goods that warrant different or addi-
5 tional controls.

6 (b) CONDUCT OF REVIEW.—In carrying out the re-
7 view required under subsection (a), the Secretary of State
8 shall review not less than 20 percent of the technologies
9 and goods on the International Traffic in Arms Regula-
10 tions and the United States Munitions List in each cal-
11 endar year so that for the 5-year period beginning with
12 calendar year 2010, and for each subsequent 5-year pe-
13 riod, the International Traffic in Arms Regulations and
14 the United States Munitions List will be reviewed in their
15 entirety.

16 (c) REPORT.—The Secretary of State shall submit to
17 the appropriate congressional committees and the Com-
18 mittee on Armed Services of the House of Representatives
19 and the Committee on Armed Services of the Senate an
20 annual report on the results of the review carried out
21 under this section.

1 **SEC. 809. SPECIAL LICENSING AUTHORIZATION FOR CER-**
2 **TAIN EXPORTS TO NATO MEMBER STATES,**
3 **AUSTRALIA, JAPAN, NEW ZEALAND, ISRAEL,**
4 **AND SOUTH KOREA.**

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

8 “(k) SPECIAL LICENSING AUTHORIZATION FOR CER-
9 TAIN EXPORTS TO NATO MEMBER STATES, AUSTRALIA,
10 JAPAN, NEW ZEALAND, ISRAEL, AND SOUTH KOREA.—

11 “(1) AUTHORIZATION.—(A) The President may
12 provide for special licensing authorization for exports
13 of United States-manufactured spare and replace-
14 ment parts or components listed in an application
15 for such special licensing authorization in connection
16 with defense items previously exported to NATO
17 member states, Australia, Japan, New Zealand,
18 Israel, and South Korea. A special licensing author-
19 ization issued pursuant to this clause shall be effec-
20 tive for a period not to exceed 5 years.

21 “(B) An authorization may be issued under
22 subparagraph (A) only if the applicable government
23 of the country described in subparagraph (A), acting
24 through the applicant for the authorization, certifies
25 that—

1 “(i) the export of spare and replacement
2 parts or components supports a defense item
3 previously lawfully exported;

4 “(ii) the spare and replacement parts or
5 components will be transferred to a defense
6 agency of a country described in subparagraph
7 (A) that is a previously approved end-user of
8 the defense items and not to a distributor or a
9 foreign consignee of such defense items;

10 “(iii) the spare and replacement parts or
11 components will not to be used to materially en-
12 hance, optimize, or otherwise modify or upgrade
13 the capability of the defense items;

14 “(iv) the spare and replacement parts or
15 components relate to a defense item that is
16 owned, operated, and in the inventory of the
17 armed forces a country described in subpara-
18 graph (A);

19 “(v) the export of spare and replacement
20 parts or components will be effected using the
21 freight forwarder designated by the purchasing
22 country’s diplomatic mission as responsible for
23 handling transfers under chapter 2 of this Act
24 as required under regulations; and

1 “(vi) the spare and replacement parts or
2 components to be exported under the special li-
3 censing authorization are specifically identified
4 in the application.

5 “(C) An authorization may not be issued under
6 subparagraph (A) for purposes of establishing off-
7 shore procurement arrangements or producing de-
8 fense articles offshore.

9 “(D)(i) For purposes of this subsection, the
10 term ‘United States-manufactured spare and re-
11 placement parts or components’ means spare and
12 replacement parts or components—

13 “(I) with respect to which—

14 “(aa) United States-origin content
15 costs constitute at least 85 percent of the
16 total content costs;

17 “(bb) United States manufacturing
18 costs constitute at least 85 percent of the
19 total manufacturing costs; and

20 “(cc) foreign content, if any, is limited
21 to content from countries eligible to receive
22 exports of items on the United States Mu-
23 nitions List under the International Traffic
24 in Arms Regulations (other than de mini-
25 mis foreign content);

1 “(II) that were last substantially trans-
2 formed in the United States; and

3 “(III) that are not—

4 “(aa) classified as significant military
5 equipment; or

6 “(bb) listed on the Missile Technology
7 Control Regime Annex.

8 “(ii) For purposes of clause (i)(I) (aa) and
9 (bb), the costs of non-United States-origin content
10 shall be determined using the final price or final cost
11 associated with the non-United States-origin con-
12 tent.

13 “(2) INAPPLICABILITY PROVISIONS.—(A) The
14 provisions of this subsection shall not apply with re-
15 spect to re-exports or re-transfers of spare and re-
16 placement parts or components and related services
17 of defense items described in paragraph (1).

18 “(B) The congressional notification require-
19 ments contained in section 36(c) of this Act shall
20 not apply with respect to an authorization issued
21 under paragraph (1).”.

22 (b) EFFECTIVE DATE.—The President shall issue
23 regulations to implement amendments made by subsection
24 (a) not later than 180 days after the date of the enactment
25 of this Act.

1 **SEC. 810. AVAILABILITY OF INFORMATION ON THE STATUS**
2 **OF LICENSE APPLICATIONS UNDER CHAPTER**
3 **3 OF THE ARMS EXPORT CONTROL ACT.**

4 Chapter 3 of the Arms Export Control Act (22
5 U.S.C. 2771 et seq.) is amended by inserting after section
6 38 the following new section:

7 **“SEC. 38A. AVAILABILITY OF INFORMATION ON THE STA-**
8 **TUS OF LICENSE APPLICATIONS UNDER THIS**
9 **CHAPTER.**

10 “(a) AVAILABILITY OF INFORMATION.—Not later
11 than 1 year after the date of the enactment of the Defense
12 Trade Controls Performance Improvement Act of 2009,
13 the President shall make available to persons who have
14 pending license applications under this chapter and the
15 committees of jurisdiction the ability to access electroni-
16 cally current information on the status of each license ap-
17 plication required to be submitted under this chapter.

18 “(b) MATTERS TO BE INCLUDED.—The information
19 referred to in subsection (a) shall be limited to the fol-
20 lowing:

21 “(1) The case number of the license application.

22 “(2) The date on which the license application
23 is received by the Department of State and becomes
24 an ‘open application’.

25 “(3) The date on which the Directorate of De-
26 fense Trade Controls makes a determination with re-

1 spect to the license application or transmits it for
2 interagency review, if required.

3 “(4) The date on which the interagency review
4 process for the license application is completed, if
5 such a review process is required.

6 “(5) The date on which the Department of
7 State begins consultations with the congressional
8 committees of jurisdiction with respect to the license
9 application.

10 “(6) The date on which the license application
11 is sent to the congressional committees of jurisdic-
12 tion.”.

13 **SEC. 811. SENSE OF CONGRESS.**

14 It is the sense of Congress that—

15 (1)(A) the advice provided to the Secretary of
16 State by the Defense Trade Advisory Group
17 (DTAG) supports the regulation of defense trade
18 and helps ensure that United States national secu-
19 rity and foreign policy interests continue to be pro-
20 tected and advanced while helping to reduce unnec-
21 essary impediments to legitimate exports in order to
22 support the defense requirements of United States
23 friends and allies; and

1 (B) therefore, the Secretary of State should
2 share significant planned rules and policy shifts with
3 DTAG for comment; and

4 (2) recognizing the constraints imposed on the
5 Department of State by the nature of a voluntary
6 organization such as DTAG, the Secretary of State
7 is encouraged to ensure that members of DTAG are
8 drawn from a representative cross-section of subject
9 matter experts from the United States defense in-
10 dustry, relevant trade and labor associations, aca-
11 demic, and foundation personnel.

12 **SEC. 812. DEFINITIONS.**

13 In this subtitle:

14 (1) INTERNATIONAL TRAFFIC IN ARMS REGULA-
15 TIONS; ITAR.—The term “International Traffic in
16 Arms Regulations” or “ITAR” means those regula-
17 tions contained in parts 120 through 130 of title 22,
18 Code of Federal Regulations (or successor regula-
19 tions).

20 (2) MAJOR NON-NATO ALLY.—The term “major
21 non-NATO ally” means a country that is designated
22 in accordance with section 517 of the Foreign As-
23 sistance Act of 1961 (22 U.S.C. 2321k) as a major
24 non-NATO ally for purposes of the Foreign Assist-

1 ance Act of 1961 (22 U.S.C. 2151 et seq.) and the
2 Arms Export Control Act (22 U.S.C. 2751 et seq.).

3 (3) MANUFACTURING LICENSE AGREEMENT.—
4 The term “Manufacturing License Agreement”
5 means an agreement described in section 120.21 of
6 title 22, Code of Federal Regulations (or successor
7 regulations).

8 (4) MISSILE TECHNOLOGY CONTROL REGIME;
9 MTCR.—The term “Missile Technology Control Re-
10 gime” or “MTCR” has the meaning given the term
11 in section 11B(c)(2) of the Export Administration
12 Act of 1979 (50 U.S.C. App. 2401b(c)(2)).

13 (5) MISSILE TECHNOLOGY CONTROL REGIME
14 ANNEX; MTCR ANNEX.—The term “Missile Tech-
15 nology Control Regime Annex” or “MTCR Annex”
16 has the meaning given the term in section 11B(c)(4)
17 of the Export Administration Act of 1979 (50
18 U.S.C. App. 2401b(c)(4)).

19 (6) OFFSETS.—The term “offsets” includes
20 compensation practices required of purchase in ei-
21 ther government-to-government or commercial sales
22 of defense articles or defense services under the
23 Arms Export Control Act (22 U.S.C. 2751 et seq.)
24 and the International Traffic in Arms Regulations.

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

6 **SEC. 813. AUTHORIZATION OF APPROPRIATIONS.**

7 Of the amounts authorized to be appropriated under
8 section 101, there are authorized to be appropriated such
9 sums as may be necessary for each of fiscal years 2010
10 and 2011 to carry out this subtitle and the amendments
11 made by this subtitle.

12 **Subtitle B—Provisions Relating to**
13 **Export Licenses**

14 **SEC. 821. AVAILABILITY TO CONGRESS OF PRESIDENTIAL**
15 **DIRECTIVES REGARDING UNITED STATES**
16 **ARMS EXPORT POLICIES, PRACTICES, AND**
17 **REGULATIONS.**

18 (a) IN GENERAL.—The President shall make avail-
19 able to the Committee on Foreign Affairs of the House
20 of Representatives and the Committee on Foreign Rela-
21 tions of the Senate the text of each Presidential directive
22 regarding United States export policies, practices, and
23 regulations relating to the implementation of the Arms
24 Export Control Act (22 U.S.C. 2751 et seq.) not later

1 than 15 days after the date on which the directive has
2 been signed or authorized by the President.

3 (b) **TRANSITION PROVISION.**—Each Presidential di-
4 rective described in subsection (a) that is signed or author-
5 ized by the President on or after January 1, 2009, and
6 before the date of the enactment of this Act shall be made
7 available to the congressional committees specified in sub-
8 section (a) not later than 90 days after the date of the
9 enactment of this Act.

10 (c) **FORM.**—To the maximum extent practicable, each
11 Presidential directive described in subsection (a) shall be
12 made available to the congressional committees specified
13 in subsection (a) on an unclassified basis.

14 **SEC. 822. INCREASE IN VALUE OF DEFENSE ARTICLES AND**
15 **SERVICES FOR CONGRESSIONAL REVIEW**
16 **AND EXPEDITING CONGRESSIONAL REVIEW**
17 **FOR ISRAEL.**

18 (a) **FOREIGN MILITARY SALES.**—

19 (1) **IN GENERAL.**—Section 36(b) of the Arms
20 Export Control Act (22 U.S.C. 2776(b)) is amend-
21 ed—

22 (A) in paragraph (1)—

23 (i) by striking “\$50,000,000” and in-
24 serting “\$100,000,000”;

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

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

5 (iv) by striking “The letter of offer
6 shall not be issued” and all that follows
7 through “enacts a joint resolution” and in-
8 serting the following:

9 “(2) The letter of offer shall not be issued—

10 “(A) with respect to a proposed sale of any de-
11 fense articles or defense services under this Act for
12 \$200,000,000 or more, any design and construction
13 services for \$300,000,000 or more, or any major de-
14 fense equipment for \$75,000,000 or more, to the
15 North Atlantic Treaty Organization (NATO), any
16 member country of NATO, Japan, Australia, the
17 Republic of Korea, Israel, or New Zealand, if Con-
18 gress, within 15 calendar days after receiving such
19 certification, or

20 “(B) with respect to a proposed sale of any de-
21 fense articles or services under this Act for
22 \$100,000,000 or more, any design and construction
23 services for \$200,000,000 or more, or any major de-
24 fense equipment for \$50,000,000 or more, to any

1 other country or organization, if Congress, within 30
2 calendar days after receiving such certification,
3 enacts a joint resolution”; and

4 (B) by redesignating paragraphs (2)
5 through (6) as paragraphs (3) through (7), re-
6 spectively.

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

10 (A) in subsection (b)—

11 (i) in paragraph (6)(C), as redesign-
12 nated, by striking “Subject to paragraph
13 (6), if” and inserting “If”; and

14 (ii) by striking paragraph (7), as re-
15 designated; and

16 (B) in subsection (c)(4), by striking “sub-
17 section (b)(5)” each place it appears and insert-
18 ing “subsection (b)(6)”.

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

21 (1) in paragraph (1)—

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

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

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

3 (2) in paragraph (2)—

4 (A) in subparagraph (A)—

5 (i) by inserting after “for an export”
6 the following: “of any major defense equip-
7 ment sold under a contract in the amount
8 of \$75,000,000 or more or of defense arti-
9 cles or defense services sold under a con-
10 tract in the amount of \$200,000,000 or
11 more, (or, in the case of a defense article
12 that is a firearm controlled under category
13 I of the United States Munitions List,
14 \$1,000,000 or more)”; and

15 (ii) by striking “Organization,” and
16 inserting “Organization (NATO),” and by
17 further striking “that Organization” and
18 inserting “NATO”; and

19 (B) in subparagraph (C), by inserting after
20 “license” the following: “for an export of any
21 major defense equipment sold under a contract
22 in the amount of \$50,000,000 or more or of de-
23 fense articles or defense services sold under a
24 contract in the amount of \$100,000,000 or
25 more, (or, in the case of a defense article that

1 is a firearm controlled under category I of the
2 United States Munitions List, \$1,000,000 or
3 more)”; and
4 (3) by striking paragraph (5).

5 **SEC. 823. DIPLOMATIC EFFORTS TO STRENGTHEN NA-**
6 **TIONAL AND INTERNATIONAL ARMS EXPORT**
7 **CONTROLS.**

8 (a) SENSE OF CONGRESS.—It is the sense of Con-
9 gress that the President should redouble United States
10 diplomatic efforts to strengthen national and international
11 arms export controls by establishing a senior-level initia-
12 tive to ensure that those arms export controls are com-
13 parable to and supportive of United States arms export
14 controls, particularly with respect to countries of concern
15 to the United States.

16 (b) REPORT.—Not later than 1 year after the date
17 of the enactment of this Act, and annually thereafter for
18 4 years, the President shall transmit to the Committee on
19 Foreign Affairs of the House of Representatives and the
20 Committee on Foreign Relations of the Senate a report
21 on United States diplomatic efforts described in subsection
22 (a).

1 **SEC. 824. REPORTING REQUIREMENT FOR UNLICENSED EX-**
2 **PORTS.**

3 Section 655(b) of the Foreign Assistance Act of 1961
4 (22 U.S.C. 2415(b)) is amended—

5 (1) in paragraph (2), by striking “or” at the
6 end;

7 (2) in paragraph (3), by striking the period at
8 the end and inserting “; or”; and

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

10 “(4) were exported without a license under sec-
11 tion 38 of the Arms Export Control Act (22 U.S.C.
12 2778) pursuant to an exemption established under
13 the International Traffic in Arms Regulations, other
14 than defense articles exported in furtherance of a
15 letter of offer and acceptance under the Foreign
16 Military Sales program or a technical assistance or
17 manufacturing license agreement, including the spe-
18 cific exemption provision in the regulation under
19 which the export was made.”.

20 **SEC. 825. REPORT ON VALUE OF MAJOR DEFENSE EQUIP-**
21 **MENT AND DEFENSE ARTICLES EXPORTED**
22 **UNDER SECTION 38 OF THE ARMS EXPORT**
23 **CONTROL ACT.**

24 Section 38 of the Arms Export Control Act (22
25 U.S.C. 2778), as amended by section 809(a) of this divi-

1 sion, is further amended by adding at the end the fol-
2 lowing:

3 “(1) REPORT.—

4 “(1) IN GENERAL.—The President shall trans-
5 mit to the Committee on Foreign Affairs of the
6 House of Representatives and the Committee on
7 Foreign Relations of the Senate a report that con-
8 tains a detailed listing, by country and by inter-
9 national organization, of the total dollar value of
10 major defense equipment and defense articles ex-
11 ported pursuant to licenses authorized under this
12 section for the previous fiscal year.

13 “(2) INCLUSION IN ANNUAL BUDGET.—The re-
14 port required by this subsection shall be included in
15 the supporting information of the annual budget of
16 the United States Government required to be sub-
17 mitted to Congress under section 1105 of title 31,
18 United States Code.”.

19 **SEC. 826. AUTHORITY TO REMOVE SATELLITES AND RE-**
20 **LATED COMPONENTS FROM THE UNITED**
21 **STATES MUNITIONS LIST.**

22 (a) AUTHORITY.—Except as provided in subsection
23 (b) and subject to subsection (d), the President is author-
24 ized to remove satellites and related components from the
25 United States Munitions List, consistent with the proce-

1 dures in section 38(f) of the Arms Export Control Act (22
2 U.S.C. 2778(f)).

3 (b) EXCEPTION.—The authority of subsection (a)
4 may not be exercised with respect to any satellite or re-
5 lated component that may, directly or indirectly, be trans-
6 ferred to, or launched into outer space by, the People’s
7 Republic of China.

8 (c) UNITED STATES MUNITIONS LIST.—In this sec-
9 tion, the term “United States Munitions List” means the
10 list referred to in section 38(a)(1) of the Arms Export
11 Control Act (22 U.S.C. 2778(a)(1)).

12 (d) EFFECTIVE DATE.—The President may not exer-
13 cise the authority provided in this section before the date
14 that is 90 days after the date of the enactment of this
15 Act.

16 **SEC. 827. REVIEW AND REPORT OF INVESTIGATIONS OF**
17 **VIOLATIONS OF SECTION 3 OF THE ARMS EX-**
18 **PORT CONTROL ACT.**

19 (a) REVIEW.—The Inspector General of the Depart-
20 ment of State shall conduct a review of investigations by
21 the Department of State during each of fiscal years 2010
22 through 2014 of any and all possible violations of section
23 3 of the Arms Export Control Act (22 U.S.C. 2753) with
24 respect to misuse of United States-origin defense items to
25 determine whether the Department of State has fully com-

1 plied with the requirements of such section, as well as its
2 own internal procedures (and whether such procedures are
3 adequate), for reporting to Congress any information re-
4 garding the unlawful use or transfer of United States-ori-
5 gin defense articles, defense services, and technology by
6 foreign countries, as required by such section.

7 (b) REPORT.—The Inspector General of the Depart-
8 ment of State shall submit to the Committee on Foreign
9 Affairs of the House of Representatives and the Com-
10 mittee on Foreign Relations of the Senate for each of fis-
11 cal years 2010 through 2014 a report that contains the
12 findings and results of the review conducted under sub-
13 section (a). The report shall be submitted in unclassified
14 form to the maximum extent possible, but may include a
15 classified annex.

16 **SEC. 828. REPORT ON SELF-FINANCING OPTIONS FOR EX-**
17 **PORT LICENSING FUNCTIONS OF DDTC OF**
18 **THE DEPARTMENT OF STATE.**

19 Not later than 90 days after the date of the enact-
20 ment of this Act, the Secretary of State shall submit to
21 the appropriate congressional committees a report on pos-
22 sible mechanisms to place the export licensing functions
23 of the Directorate of Defense Trade Controls of the De-
24 partment of State on a 100 percent self-financing basis.

1 **SEC. 829. CLARIFICATION OF CERTIFICATION REQUIRE-**
2 **MENT RELATING TO ISRAEL'S QUALITATIVE**
3 **MILITARY EDGE.**

4 Section 36(h)(1) of the Arms Export Control Act (22
5 U.S.C. 2776(h)(1)) is amended by striking “a determina-
6 tion” and inserting “an unclassified determination”.

7 **SEC. 830. EXPEDITING CONGRESSIONAL DEFENSE EXPORT**
8 **REVIEW PERIOD FOR ISRAEL.**

9 The Arms Export Control Act (22 U.S.C. 2751 et
10 seq.) is amended—

11 (1) in sections 3(d)(2)(B), 3(d)(3)(A)(i),
12 3(d)(5), 21(e)(2)(A), 36(b)(3) (as redesignated by
13 section 822(a)(1)(B) of this division), 36(c)(2)(A),
14 36(d)(2)(A), 62(e)(1), and 63(a)(2) by inserting
15 “Israel,” before “or New Zealand”; and

16 (2) in section 3(b)(2), by inserting “the Govern-
17 ment of Israel,” before “or the Government of New
18 Zealand”.

19 **SEC. 831. UPDATING AND CONFORMING PENALTIES FOR**
20 **VIOLATIONS OF SECTIONS 38 AND 39 OF THE**
21 **ARMS EXPORT CONTROL ACT.**

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

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

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

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

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

9 (b) MECHANISMS TO IDENTIFY VIOLATORS.—Section
10 38(g) of the Arms Export Control Act (22 U.S.C.
11 2778(g)) is amended—

12 (1) in paragraph (1)—

13 (A) in subparagraph (A)—

14 (i) in the matter preceding clause (i),
15 by inserting “or otherwise charged” after
16 “indictment”;

17 (ii) in clause (xi), by striking “or” at
18 the end; and

19 (iii) by adding at the end the fol-
20 lowing:

21 “(xiii) section 542 of title 18, United
22 States Code, relating to entry of goods by
23 means of false statements;

1 “(xiv) section 554 of title 18, United
2 States Code, relating to smuggling goods from
3 the United States; or

4 “(xv) section 1831 of title 18, United
5 States Code, relating to economic espionage.”;
6 and

7 (B) in subparagraph (B), by inserting “or
8 otherwise charged” after “indictment”; and

9 (2) in paragraph (3)(A), by inserting “or other-
10 wise charged” after “indictment”.

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

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

18 Not later than 180 days after the date of the enact-
19 ment of this Act, the President, taking into account the
20 views of the relevant Federal departments and agencies,
21 shall transmit to Congress a report on the plans of such
22 departments and agencies to streamline United States ex-
23 port controls and processes to better serve the needs of
24 the United States scientific and research community, con-

1 sistent with the protection of United States national secu-
2 rity interests.

3 **Subtitle C—Miscellaneous** 4 **Provisions**

5 **SEC. 841. AUTHORITY TO BUILD THE CAPACITY OF FOR-** 6 **EIGN MILITARY FORCES.**

7 (a) **AUTHORITY.**—The Secretary of State is author-
8 ized to conduct a program to respond to contingencies in
9 foreign countries or regions by providing training, pro-
10 curement, and capacity-building of a foreign country’s na-
11 tional military forces and dedicated counterterrorism
12 forces in order for that country to—

13 (1) conduct counterterrorist operations; or

14 (2) participate in or support military and sta-
15 bility operations in which the United States is a par-
16 ticipant.

17 (b) **TYPES OF CAPACITY-BUILDING.**—The program
18 authorized under subsection (a) may include the provision
19 of equipment, supplies, and training.

20 (c) **LIMITATIONS.**—

21 (1) **ASSISTANCE OTHERWISE PROHIBITED BY**
22 **LAW.**—The Secretary of State may not use the au-
23 thority in subsection (a) to provide any type of as-
24 sistance described in subsection (b) that is otherwise
25 prohibited by any provision of law.

1 (2) LIMITATION ON ELIGIBLE COUNTRIES.—

2 The Secretary of State may not use the authority in
3 subsection (a) to provide assistance described in sub-
4 section (b) to any foreign country that is otherwise
5 prohibited from receiving such type of assistance
6 under any other provision of law.

7 (d) FORMULATION AND EXECUTION OF ACTIVI-
8 TIES.—

9 (1) COORDINATION WITH CERTAIN PRO-
10 GRAMS.—To the extent that activities are carried
11 out during a fiscal year pursuant to section 1206 of
12 the National Defense Authorization Act for Fiscal
13 Year 2006 (Public Law 109–163: 119 Stat. 3456),
14 the Secretary of State shall coordinate with the Sec-
15 retary of Defense on the formulation and execution
16 of the program authorized under subsection (a) to
17 ensure that the activities under this program com-
18 plement the activities carried out pursuant to such
19 section 1206.

20 (2) CONSULTATION.—The Secretary of State
21 may also consult with the head of any other appro-
22 priate department or agency in the formulation and
23 execution of the program authorized under sub-
24 section (a).

25 (e) CONGRESSIONAL NOTIFICATION.—

1 (1) ACTIVITIES IN A COUNTRY.—Not less than
2 15 days before obligating funds for activities in any
3 country under the program authorized under sub-
4 section (a), the Secretary of State shall submit to
5 the congressional committees specified in paragraph
6 (2) a notice of the following:

7 (A) The country whose capacity to engage
8 in activities in subsection (a) will be assisted.

9 (B) The budget, implementation timeline
10 with milestones, and completion date for com-
11 pleting the activities.

12 (2) SPECIFIED CONGRESSIONAL COMMIT-
13 TEES.—The congressional committees specified in
14 this paragraph are the following:

15 (A) The Committee on Foreign Affairs and
16 the Committee on Appropriations of the House
17 of Representatives.

18 (B) The Committee on Foreign Relations
19 and the Committee on Appropriations of the
20 Senate.

21 (f) AUTHORIZATION OF APPROPRIATIONS.—

22 (1) IN GENERAL.—There is authorized to be
23 appropriated to the Secretary of State \$25,000,000
24 for each of the fiscal years 2010 and 2011 to con-
25 duct the program authorized by subsection (a).

1 (2) USE OF FMF FUNDS.—The Secretary of
2 State may use up to \$25,000,000 of funds available
3 under the Foreign Military Financing program for
4 each of the fiscal years 2010 and 2011 to conduct
5 the program authorized under subsection (a).

6 (3) AVAILABILITY AND REFERENCE.—Amounts
7 made available to conduct the program authorized
8 under subsection (a)—

9 (A) are authorized to remain available
10 until expended; and

11 (B) may be referred to as the “Security
12 Assistance Contingency Fund”.

13 **SEC. 842. FOREIGN MILITARY SALES STOCKPILE FUND.**

14 (a) IN GENERAL.—Section 51(a) of the Arms Export
15 Control Act (22 U.S.C. 2795(a)) is amended—

16 (1) in paragraph (1), by striking “Special De-
17 fense Acquisition Fund” and inserting “Foreign
18 Military Sales Stockpile Fund”; and

19 (2) in paragraph (4), by inserting “building the
20 capacity of recipient countries and” before “nar-
21 cotics control purposes”.

22 (b) CONTENTS OF FUND.—Section 51(b) of the Arms
23 Export Control Act (22 U.S.C. 2795(b)) is amended—

24 (1) in paragraph (2), by striking “and” at the
25 end;

1 (2) in paragraph (3), by inserting “and” at the
2 end; and

3 (3) by inserting after paragraph (3) the fol-
4 lowing:

5 “(4) collections from leases made pursuant to
6 section 61 of this Act,”.

7 (c) CONFORMING AMENDMENTS.—(1) The heading
8 of section 51 of the Arms Export Control Act is amended
9 by striking “SPECIAL DEFENSE ACQUISITION FUND” and
10 inserting “FOREIGN MILITARY SALES STOCKPILE FUND”.

11 (2) The heading of chapter 5 of the Arms Export
12 Control Act is amended by striking “**SPECIAL DE-**
13 **FENSE ACQUISITION FUND**” and inserting
14 “**FOREIGN MILITARY SALES STOCKPILE**
15 **FUND**”.

16 **SEC. 843. ANNUAL ESTIMATE AND JUSTIFICATION FOR**
17 **FOREIGN MILITARY SALES PROGRAM.**

18 Section 25(a)(1) of the Arms Export Control Act (22
19 U.S.C. 2765(a)(1)) is amended by striking “, together
20 with an indication of which sales and licensed commercial
21 exports” and inserting “and”.

22 **SEC. 844. SENSE OF CONGRESS ON THE GLOBAL ARMS**
23 **TRADE.**

24 It is the sense of Congress that—

1 (1) the United States, as the world's largest ex-
2 porter of conventional weapons, has a special obliga-
3 tion to promote responsible practices in the global
4 arms trade and should actively work to prevent con-
5 ventional weapons from being used to perpetrate—

6 (A) breaches of the United Nations Char-
7 ter relating to the use of force;

8 (B) gross violations of international human
9 rights;

10 (C) serious violations of international hu-
11 manitarian law;

12 (D) acts of genocide or crimes against hu-
13 manity;

14 (E) acts of terrorism; and

15 (F) destabilizing buildups of military
16 forces and weapons; and

17 (2) the United States should actively engage in
18 the development of a legally binding treaty estab-
19 lishing common international standards for the im-
20 port, export, and transfer of conventional weapons.

21 **SEC. 845. REPORT ON UNITED STATES' COMMITMENTS TO**
22 **THE SECURITY OF ISRAEL.**

23 (a) INITIAL REPORT.—Not later than 30 days after
24 the date of the enactment of this Act, the President shall

1 transmit to the appropriate congressional committees a re-
2 port that contains—

3 (1) a complete, unedited, and unredacted copy
4 of each assurance made by United States Govern-
5 ment officials to officials of the Government of Israel
6 regarding Israel's security and maintenance of
7 Israel's qualitative military edge, as well as any
8 other assurance regarding Israel's security and
9 maintenance of Israel's qualitative military edge pro-
10 vided in conjunction with exports under the Arms
11 Export Control Act (22 U.S.C. 2751 et seq.), for the
12 period beginning on January 1, 1975, and ending on
13 the date of the enactment of this Act; and

14 (2) an analysis of the extent to which, and by
15 what means, each such assurance has been and is
16 continuing to be fulfilled.

17 (b) SUBSEQUENT REPORTS.—

18 (1) NEW ASSURANCES AND REVISIONS.—The
19 President shall transmit to the appropriate congress-
20 sional committees a report that contains the infor-
21 mation required under subsection (a) with respect
22 to—

23 (A) each assurance described in subsection
24 (a) made on or after the date of the enactment
25 of this Act; or

1 (B) revisions to any assurance described in
2 subsection (a) or subparagraph (A) of this
3 paragraph,
4 within 15 days of the new assurance or revision
5 being conveyed.

6 (2) FIVE-YEAR REPORTS.—Not later than 5
7 years after the date of the enactment of this Act,
8 and every 5 years thereafter, the President shall
9 transmit to the appropriate congressional commit-
10 tees a report that contains the information required
11 under subsection (a) with respect to each assurance
12 described in subsection (a) or paragraph (1)(A) of
13 this subsection and revisions to any assurance de-
14 scribed in subsection (a) or paragraph (1)(A) of this
15 subsection during the preceding 5-year period.

16 (c) FORM.—Each report required by this section shall
17 be transmitted in unclassified form, but may contain a
18 classified annex, if necessary.

19 **SEC. 846. WAR RESERVES STOCKPILE.**

20 (a) DEPARTMENT OF DEFENSE APPROPRIATIONS
21 ACT, 2005.—Section 12001(d) of the Department of De-
22 fense Appropriations Act, 2005 (Public Law 108–287;
23 118 Stat. 1011), is amended by striking “4” and inserting
24 “7”.

1 (b) FOREIGN ASSISTANCE ACT OF 1961.—Section
2 514(b)(2)(A) of the Foreign Assistance Act of 1961 (22
3 U.S.C. 2321h(b)(2)(A)) is amended by striking “fiscal
4 years 2007 and 2008” and inserting “fiscal years 2010
5 and 2011”.

6 **SEC. 847. EXCESS DEFENSE ARTICLES FOR CENTRAL AND**
7 **SOUTH EUROPEAN COUNTRIES AND CERTAIN**
8 **OTHER COUNTRIES.**

9 Section 516(e) of the Foreign Assistance Act of 1961
10 (22 U.S.C. 2321j(e)) is amended—

11 (1) in paragraph (1), by striking “paragraph
12 (2)” and inserting “paragraphs (2) and (3)”;

13 (2) in paragraph (2), in the heading by striking
14 “EXCEPTION” and inserting “GENERAL EXCEP-
15 TION”; and

16 (3) by adding at the end the following new
17 paragraph:

18 “(3) EXCEPTION FOR SPECIFIC COUNTRIES.—
19 For fiscal years 2010 and 2011, the President may
20 provide for the crating, packing, handling, and
21 transportation of excess defense articles transferred
22 under the authority of this section to Albania, Af-
23 ghanistan, Bulgaria, Croatia, Estonia, Macedonia,
24 Georgia, India, Iraq, Israel, Kazakhstan,
25 Kyrgyzstan, Latvia, Lithuania, Moldova, Mongolia,

1 Pakistan, Romania, Slovakia, Tajikistan,
2 Turkmenistan, and Ukraine.”.

3 **SEC. 848. SUPPORT TO ISRAEL FOR MISSILE DEFENSE.**

4 (a) **AUTHORIZATION OF ASSISTANCE.**—Of the
5 amounts authorized to be appropriated to carry out this
6 division, there are authorized to be appropriated such
7 sums as may be necessary for co-development of joint bal-
8 listic missile, medium and short-range projectile defense
9 projects with Israel, including—

10 (1) complete accelerated co-production of Arrow
11 missiles;

12 (2) system development of the Israel Missile
13 Defense Organization program to develop a short-
14 range ballistic missile defense capability, David’s
15 Sling weapon system, and integrate the weapon sys-
16 tem with the ballistic missile defense system and
17 force protection efforts of the United States; and

18 (3) research, development, and test and evalua-
19 tion of the Iron Dome short-range projectile defense
20 system.

21 (b) **REPORT AND STRATEGY.**—

22 (1) **REQUIREMENT.**—Not later than 180 days
23 after the date of the enactment of this Act, and an-
24 nually thereafter in connection with the submission
25 of congressional presentation materials for the for-

1 eign operations appropriations and defense appro-
2 priations budget request, the Secretary of State, in
3 consultation with the Secretary of Defense, shall
4 submit to the appropriate congressional committees
5 a report regarding the activities authorized under
6 subsection (a)(1).

7 (2) CLASSIFIED ANNEX.—The report required
8 under paragraph (1) shall be submitted in unclassi-
9 fied form to the maximum extent practicable, but
10 may include a classified annex, if necessary.

11 (3) DEFINITION OF APPROPRIATE CONGRES-
12 SIONAL COMMITTEES.—In this subsection, the term
13 “appropriate congressional committees” means—

14 (A) the Committee on Foreign Affairs and
15 the Committee on Armed Services of the House
16 of Representatives; and

17 (B) the Committee on Foreign Relations
18 and the Committee on Armed Services in the
19 Senate.

20 (d) RULE OF CONSTRUCTION.—Nothing in this sec-
21 tion shall be construed to authorize appropriations for the
22 Arrow Weapons System or David’s Sling weapons pro-
23 gram under any provision of law that is funded from ac-
24 counts within budget function 050 (National Defense).

1 **TITLE IX—ACTIONS TO EN-**
2 **HANCE THE MERIDA INITIA-**
3 **TIVE**

4 **Subtitle A—General Provisions**

5 **SEC. 901. COORDINATOR OF UNITED STATES GOVERNMENT**
6 **ACTIVITIES TO IMPLEMENT THE MERIDA INI-**
7 **TIATIVE.**

8 (a) **DECLARATION OF POLICY.**—Congress declares
9 that the Merida Initiative is a Department of State-led
10 initiative which combines the programs of numerous
11 United States Government departments and agencies and
12 therefore requires a single individual to coordinate and
13 track all Merida Initiative-related efforts government-wide
14 to avoid duplication, coordinate messaging, and facilitate
15 accountability to and communication with Congress.

16 (b) **DESIGNATION OF HIGH-LEVEL COORDINATOR.**—

17 (1) **IN GENERAL.**—The President shall des-
18 ignate, within the Department of State, a Coordi-
19 nator of United States Government Activities to Im-
20 plement the Merida Initiative (hereafter in this sec-
21 tion referred to as the “Coordinator”) who shall be
22 responsible for—

23 (A) designing and shaping an overall strat-
24 egy for the Merida Initiative;

1 (B) ensuring program and policy coordina-
2 tion among United States Government depart-
3 ments and agencies in carrying out the Merida
4 Initiative, including avoiding duplication among
5 programs and ensuring that a consistent mes-
6 sage emanates from the United States Govern-
7 ment;

8 (C) ensuring that efforts of the United
9 States Government are in full consonance with
10 the efforts of the countries within the Merida
11 Initiative;

12 (D) tracking, in coordination with the rel-
13 evant officials of the Department of Defense
14 and other departments and agencies, United
15 States assistance programs that fulfill the goals
16 of the Merida Initiative or are closely related to
17 the goals of the Merida Initiative;

18 (E) to the extent possible, tracking infor-
19 mation required under the second section 620J
20 of the Foreign Assistance Act of 1961 (22
21 U.S.C. 2378d) (as added by section 651 of divi-
22 sion J of Public Law 110–161) with respect to
23 countries participating in the Merida Initiative;
24 and

1 (F) consulting with the Attorney General
2 and the Secretary of Homeland Security with
3 respect to the activities of Federal, State, and
4 local law enforcement authorities in the United
5 States relating to the goals of the Merida Ini-
6 tiative, particularly along the United States-
7 Mexico border.

8 (2) RANK AND STATUS OF THE COORDI-
9 NATOR.—The Coordinator should have the rank and
10 status of ambassador.

11 (3) COUNTRIES WITHIN THE MERIDA INITIA-
12 TIVE DEFINED.—The term “countries within the
13 Merida Initiative” means Belize, Costa Rica, El Sal-
14 vador, Guatemala, Honduras, Mexico, Nicaragua,
15 and Panama and includes Haiti and the Dominican
16 Republic.

17 **SEC. 902. ADDING THE CARIBBEAN TO THE MERIDA INITIA-**
18 **TIVE.**

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

20 (1) The illicit drug trade—which has taken a
21 toll on the small countries of the Caribbean Commu-
22 nity (CARICOM) for many years—is now moving
23 even more aggressively into these countries.

24 (2) A March 2007 joint report by the United
25 Nations Office on Drugs and Crime (UNODC) and

1 the World Bank noted that murder rates in the Car-
2ibbean—at 30 per 100,000 population annually—are
3 higher than for any other region of the world and
4 have risen in recent years for many of the region’s
5 countries. The report also argues that the strongest
6 explanation for the high crime and violence rates in
7 the Caribbean and their rise in recent years is drug
8 trafficking.

9 (3) If the United States does not move quickly
10 to provide Merida Initiative assistance to the
11 CARICOM countries, the positive results of the
12 Merida Initiative in Mexico and Central America will
13 move the drug trade deeper into the Caribbean and
14 multiply the already alarming rates of violence.

15 (b) CONSULTATIONS.—Not later than 30 days after
16 the date of the enactment of this Act, the Secretary of
17 State is authorized to consult with the countries of the
18 Caribbean Community (CARICOM) in preparation for
19 their inclusion into the Merida Initiative.

20 (c) INCORPORATION OF CARICOM COUNTRIES INTO
21 THE MERIDA INITIATIVE.—The President is authorized to
22 incorporate the CARICOM countries into the Merida Ini-
23 tiative.

1 **SEC. 903. MERIDA INITIATIVE MONITORING AND EVALUA-**
2 **TION MECHANISM.**

3 (a) DEFINITIONS.—In this section:

4 (1) IMPACT EVALUATION RESEARCH.—The
5 term “impact evaluation research” means the appli-
6 cation of research methods and statistical analysis to
7 measure the extent to which change in a population-
8 based outcome can be attributed to program inter-
9 vention instead of other environmental factors.

10 (2) OPERATIONS RESEARCH.—The term “oper-
11 ations research” means the application of social
12 science research methods, statistical analysis, and
13 other appropriate scientific methods to judge, com-
14 pare, and improve policies and program outcomes,
15 from the earliest stages of defining and designing
16 programs through their development and implemen-
17 tation, with the objective of the rapid dissemination
18 of conclusions and concrete impact on programming.

19 (3) PROGRAM MONITORING.—The term “pro-
20 gram monitoring” means the collection, analysis,
21 and use of routine program data to determine how
22 well a program is carried out and how much the pro-
23 gram costs.

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

1 (1) to successfully support building the capacity
2 of recipient countries' civilian security institutions,
3 enhance the rule of law in recipient countries, and
4 ensure the protection of human rights, the President
5 should establish a program to conduct impact eval-
6 uation research, operations research, and program
7 monitoring to ensure effectiveness of assistance pro-
8 vided under the Merida Initiative;

9 (2) long-term solutions to the security problems
10 of Merida recipient countries depend on increasing
11 the effectiveness and responsiveness of their civilian
12 institutions, including their judicial system;

13 (3) a specific program of impact evaluation re-
14 search, operations research, and program moni-
15 toring, established at the inception of the program,
16 is required to permit assessment of the operational
17 effectiveness of the impact of United States assist-
18 ance towards these goals; and

19 (4) the President, in developing performance
20 measurement methods under the impact evaluation
21 research, operations research, and program moni-
22 toring, should consult with the appropriate congres-
23 sional committees as well as the governments of
24 Merida recipient countries.

1 (c) IMPACT EVALUATION RESEARCH, OPERATION
2 RESEARCH, AND PROGRAM MONITORING OF ASSIST-
3 ANCE.—The President shall establish and implement a
4 program to assess the effectiveness of assistance provided
5 under the Merida Initiative through impact evaluation re-
6 search on a selected set of programmatic interventions, op-
7 erations research in areas to ensure efficiency and effec-
8 tiveness of program implementation, and monitoring to
9 ensure timely and transparent delivery of assistance.

10 (d) REQUIREMENTS.—The program required under
11 subsection (c) shall include—

12 (1) a delineation of key impact evaluation re-
13 search and operations research questions for main
14 components of assistance provided under the Merida
15 Initiative;

16 (2) an identification of measurable performance
17 goals for each of the main components of assistance
18 provided under the Merida Initiative, to be expressed
19 in an objective and quantifiable form at the incep-
20 tion of the program;

21 (3) the use of appropriate methods, based on
22 rigorous social science tools, to measure program im-
23 pact and operational efficiency; and

1 (4) adherence to a high standard of evidence in
2 developing recommendations for adjustments to such
3 assistance to enhance the impact of such assistance.

4 (e) CONSULTATION WITH CONGRESS.—Not later
5 than 60 days after the date of the enactment of this Act,
6 the President shall brief and consult with the appropriate
7 congressional committees regarding the progress in estab-
8 lishing and implementing the program required under sub-
9 section (c).

10 (f) AUTHORIZATION OF APPROPRIATIONS.—Of the
11 amounts authorized to be appropriated for the Merida Ini-
12 tiative, up to 5 percent of such amounts is authorized to
13 be appropriated to carry out this section.

14 (g) REPORT.—

15 (1) IN GENERAL.—Not later than 180 days
16 after the date of the enactment of this section and
17 not later than December 1 of each year thereafter,
18 the President shall transmit to the appropriate con-
19 gressional committees a report regarding programs
20 and activities carried out under the Merida Initiative
21 during the preceding fiscal year.

22 (2) MATTERS TO BE INCLUDED.—The reports
23 required under subsection (g) shall include the fol-
24 lowing:

1 (A) FINDINGS.—Findings related to the
2 impact evaluation research, operation research,
3 and program monitoring of assistance program
4 established under subsection (c).

5 (B) COORDINATION.—Efforts of the
6 United States Government to coordinate its ac-
7 tivities, including—

8 (i) a description of all counter-
9 narcotics and organized crime assistance
10 provided to Merida Initiative recipient
11 countries in the previous fiscal year;

12 (ii) an assessment of how such assist-
13 ance was coordinated; and

14 (iii) recommendations for improving
15 coordination.

16 (C) TRANSFER OF EQUIPMENT.—A de-
17 scription of the transfer of equipment, includ-
18 ing—

19 (i) a description of the progress of
20 each recipient country toward the transfer
21 of equipment, if any, from its armed forces
22 to law enforcement agencies;

23 (ii) a list of agencies that have used
24 air assets provided by the United States
25 under the Merida Initiative to the govern-

1 ment of each recipient country, and, to the
2 extent possible, a detailed description of
3 those agencies that have utilized such air
4 assets, such as by a percentage breakdown
5 of use by each agency; and

6 (iii) a description of training of law
7 enforcement agencies to operate equip-
8 ment, including air assets.

9 (D) HUMAN RIGHTS.—In accordance with
10 sections 116(d) and 502B(b) of the Foreign As-
11 sistance Act of 1961 (22 U.S.C. 2151n(d) and
12 2304(b)) and section 504 of the Trade Act of
13 1974 (19 U.S.C. 2464), an assessment of the
14 human rights impact of the equipment and
15 training provided under the Merida Initiative,
16 including—

17 (i) a list of accusations of serious
18 human rights abuses committed by the
19 armed forces and law enforcement agencies
20 of recipient countries on or after the date
21 of the enactment of this Act; and

22 (ii) a description of efforts by the gov-
23 ernments of Merida recipient countries to
24 investigate and prosecute allegations of

1 abuses of human rights committed by any
2 agency of such recipient countries.

3 (E) EFFECTIVENESS OF EQUIPMENT.—An
4 assessment of the long-term effectiveness of the
5 equipment and maintenance packages and
6 training provided to each recipient country’s se-
7 curity institutions.

8 (F) MEXICO PUBLIC SECURITY STRAT-
9 EGY.—A description of Mexico’s development of
10 a public security strategy, including—

11 (i) effectiveness of the Mexican Fed-
12 eral Registry of Police Personnel to vet po-
13 lice recruiting at the National, state, and
14 municipal levels to prevent rehiring from
15 one force to the next after dismissal for
16 corruption and other reasons; and

17 (ii) an assessment of how the Merida
18 Initiative complements and supports the
19 Mexican Government’s own public security
20 strategy.

21 (G) FLOW OF ILLEGAL ARMS.—A descrip-
22 tion and assessment of efforts to reduce the
23 southbound flow of illegal arms.

24 (H) USE OF CONTRACTORS.—A detailed
25 description of contracts awarded to private

1 companies to carry out provisions of the Merida
2 Initiative, including—

3 (i) a description of the number of
4 United States and foreign national civilian
5 contractors awarded contracts;

6 (ii) a list of the total dollar value of
7 the contracts; and

8 (iii) the purposes of the contracts.

9 (I) PHASE OUT OF LAW ENFORCEMENT
10 ACTIVITIES.—A description of the progress of
11 phasing out law enforcement activities of the
12 armed forces of each recipient country.

13 (J) IMPACT ON BORDER VIOLENCE AND
14 SECURITY.—A description of the impact that
15 activities authorized under the Merida Initiative
16 have had on violence against United States and
17 Mexican border personnel and the extent to
18 which these activities have increased the protec-
19 tion and security of the United States-Mexico
20 border.

21 (K) FLOW OF ILLEGAL FUNDS.—A de-
22 scription and assessment of efforts to reduce
23 the southbound flow of illegal funds.

24 (3) SENSE OF CONGRESS.—It is the sense of
25 Congress that, to the extent practicable, and without

1 compromising law enforcement sensitive or other
2 protected information, the reports required by para-
3 graph (1) should be made available to the Congress
4 of Mexico for use in their oversight activities, includ-
5 ing through the Mexico-United States Inter-Par-
6 liamentary Group process.

7 **SEC. 904. MERIDA INITIATIVE DEFINED.**

8 In this subtitle, the term “Merida Initiative” means
9 the program announced by the United States and Mexico
10 on October 22, 2007, to fight illicit narcotics trafficking
11 and criminal organizations throughout the Western Hemi-
12 sphere.

13 **Subtitle B—Prevention of Illicit**
14 **Trade in Small Arms and Light**
15 **Weapons**

16 **SEC. 911. TASK FORCE ON THE PREVENTION OF ILLICIT**
17 **SMALL ARMS TRAFFICKING IN THE WESTERN**
18 **HEMISPHERE.**

19 (a) **ESTABLISHMENT.**—The President shall establish
20 an inter-agency task force to be known as the “Task Force
21 on the Prevention of Illicit Small Arms Trafficking in the
22 Western Hemisphere” (in this section referred to as the
23 “Task Force”).

24 (b) **DUTIES.**—The Task Force shall evaluate United
25 States export controls on the illicit export of small arms

1 and light weapons throughout the Western Hemisphere,
2 including Mexico, Central America, the Caribbean, and
3 South America. The Task Force shall—

4 (1) conduct a thorough review and analysis of
5 the current regulation and enforcement of current
6 regulations of exports of small arms and light weap-
7 ons; and

8 (2) evaluate Federal policies, including enforce-
9 ment policies, for control of exports of small arms
10 and light weapons and, if warranted, suggest im-
11 provements that further the foreign policy and na-
12 tional security interests of the United States within
13 the Western Hemisphere.

14 (c) MEMBERSHIP.—The Task Force shall be com-
15 posed of—

16 (1) the Secretary of State;

17 (2) the Attorney General;

18 (3) the Secretary of Defense;

19 (4) the Secretary of Homeland Security; and

20 (5) the heads of other Federal departments and
21 agencies as appropriate.

22 (d) CHAIRPERSON.—The Secretary of State shall
23 serve as the chairperson of the Task Force.

24 (e) MEETINGS.—The Task Force shall meet at the
25 call of the chairperson or a majority of its members.

1 (f) ANNUAL REPORTS.—Not later than 1 year after
2 the date of the enactment of this Act and annually there-
3 after until October 31, 2014, the chairperson of the Task
4 Force shall submit to Congress and make available to the
5 public a report that contains—

6 (1) a description of the activities of the Task
7 Force during the preceding year; and

8 (2) the findings, strategies, recommendations,
9 policies, and initiatives developed pursuant to the
10 duties of the Task Force under subsection (b) dur-
11 ing the preceding year.

12 **SEC. 912. INCREASE IN PENALTIES FOR ILLICIT TRAF-**
13 **FICKING IN SMALL ARMS AND LIGHT WEAP-**
14 **ONS TO COUNTRIES IN THE WESTERN HEMI-**
15 **SPHERE.**

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

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

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

24 “(d) **TRAFFICKING IN SMALL ARMS AND LIGHT**
25 **WEAPONS TO COUNTRIES IN THE WESTERN HEMI-**

1 SPHERE.—Whoever willfully exports to a country in the
2 Western Hemisphere any small arm or light weapon with-
3 out a license in violation of this section shall be fined not
4 more than \$3,000,000 and imprisoned for not more than
5 20 years, or both. For purposes of this subsection, the
6 term ‘small arm or light weapon’ means any item listed
7 in Category I(a), Category III (as it applies to Category
8 I(a)), or grenades under Category IV(a) of the United
9 States Munitions List (as contained in part 121 of title
10 22, Code of Federal Regulations (or successor regula-
11 tions)) that requires a license for international export
12 under this section.”.

13 **SEC. 913. DEPARTMENT OF STATE REWARDS PROGRAM.**

14 Section 36(b) of the State Department Basic Au-
15 thorities Act of 1956 (22 U.S.C. 2708(b)) is amended—

16 (1) by redesignating paragraphs (4) through
17 (7) as paragraphs (5) through (8), respectively;

18 (2) by inserting after paragraph (3) the fol-
19 lowing new paragraph:

20 “(4) the arrest or conviction in any country of
21 any individual for illegally exporting or attempting
22 to export to Mexico any small arm or light weapon
23 (as defined in section 912(b) of the Foreign Rela-
24 tions Authorization Act, Fiscal Years 2010 and
25 2011);”; and

1 (3) in paragraphs (5) and (6) (as redesignated),
2 by striking “paragraph (1), (2), or (3)” each place
3 it appears and inserting “paragraph (1), (2), (3), or
4 (4)”.

5 **TITLE X—REPORTING** 6 **REQUIREMENTS**

7 **SEC. 1001. ASSESSMENT OF SPECIAL COURT FOR SIERRA** 8 **LEONE.**

9 Not later than 180 days after the date of the enact-
10 ment of this Act, the Secretary of State shall submit to
11 the appropriate congressional committees an assessment
12 on the continuing needs of the Special Court for Sierra
13 Leone, including an assessment of the following activities
14 of the Special Court:

15 (1) Witness protection.

16 (2) Archival activities, including recordkeeping
17 associated with future legal work by the Special
18 Court.

19 (3) The residual registrar’s capacity for enforce-
20 ing Special Court sentences and maintaining rela-
21 tions with countries hosting imprisoned convicts of
22 the Special Court, legal decisionmaking regarding
23 future appeals, conditions of prisoner treatment,
24 contempt proceedings, and financial matters relating
25 to such activities.

1 (4) Transfer or maintenance of Special Court
2 records to a permanent recordkeeping authority in
3 Sierra Leone.

4 (5) Ongoing needs or programs for community
5 outreach, for the purpose of reconciliation and heal-
6 ing, regarding the Special Court’s legal proceedings
7 and decisions.

8 (6) Plans for the Special Court’s facilities in Si-
9 erra Leone and plans to use the Special Court, and
10 expertise of its personnel, for further development of
11 the legal profession and an independent and effective
12 judiciary in Sierra Leone.

13 (7) Unresolved cases, or cases that were not
14 prosecuted.

15 **SEC. 1002. REPORT ON UNITED STATES CAPACITIES TO**
16 **PREVENT GENOCIDE AND MASS ATROCITIES.**

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

18 (1) The lack of an effective government-wide
19 strategy and adequate capacities for preventing
20 genocide and mass atrocities against civilians under-
21 mines the ability of the United States to contribute
22 to the maintenance of global peace and security and
23 protect vital United States interests.

24 (2) The December 2008 Report of the Genocide
25 Prevention Task Force, co-chaired by former Sec-

1 retary of State Madeleine Albright and former Sec-
2 retary of Defense William Cohen offers a valuable
3 blueprint for strengthening United States capacities
4 to help prevent genocide and mass atrocities.

5 (3) Specific training and staffing will enhance
6 the diplomatic capacities of the Department of State
7 to help prevent and respond to threats of genocide
8 and mass atrocities.

9 (b) REPORT.—

10 (1) REPORT REQUIRED.—Not later than 180
11 days after the date of the enactment of this Act, the
12 Secretary of State shall submit to the appropriate
13 congressional committees a report outlining specific
14 plans for the development of a government-wide
15 strategy and the strengthening of United States ci-
16 vilian capacities for preventing genocide and mass
17 atrocities against civilians.

18 (2) CONTENT.—The report required under
19 paragraph (1) shall include the following:

20 (A) An evaluation of current mechanisms
21 for government-wide early warning, informa-
22 tion-sharing, contingency planning, and coordi-
23 nation of effort to prevent and respond to situa-
24 tions of genocide, mass atrocities, and other
25 mass violence.

1 (B) An assessment of current capacities
2 within the Department of State, including spe-
3 cific staffing and training, for early warning,
4 preventive diplomacy, and crisis response to
5 help avert genocide and mass atrocities.

6 (C) An evaluation of United States foreign
7 assistance programs and mechanisms directed
8 toward the prevention of genocide and mass
9 atrocities, including costs, challenges to imple-
10 mentation, and successes of such programs and
11 mechanisms.

12 (D) An assessment of the feasibility, effec-
13 tiveness, and potential costs of implementing
14 key recommendations made by the Genocide
15 Prevention Task Force, including the establish-
16 ment of an Atrocities Prevention Committee
17 within the National Security Council and in-
18 creased annual and contingency funding for the
19 prevention of genocide and mass atrocities.

20 (E) Recommendations to further strength-
21 en United States capacities to help prevent
22 genocide, mass atrocities, and other mass vio-
23 lence, including enhanced early warning mecha-
24 nisms, strengthened diplomatic capacities of the

1 Department of State, and improved use of
2 United States foreign assistance.

3 **SEC. 1003. REPORTS RELATING TO PROGRAMS TO ENCOUR-**
4 **AGE GOOD GOVERNANCE.**

5 (a) IN GENERAL.—Subparagraph (C) of section
6 133(d)(2) of the Foreign Assistance Act of 1961 (22
7 U.S.C. 2152c(d)(2)) is amended by inserting before the
8 period at the end the following: “, including, with respect
9 to a country that produces or exports large amounts of
10 natural resources such as petroleum or natural resources,
11 the degree to which citizens of the country have access
12 to information about government revenue from the extrac-
13 tion of such resources and credible reports of human
14 rights abuses against individuals from civil society or the
15 media seeking to monitor such extraction”.

16 (b) EFFECTIVE DATE.—The amendment made by
17 subsection (a) shall apply with respect to reports required
18 to be transmitted under section 133(d)(2) of the Foreign
19 Assistance Act of 1961, as so amended, on or after the
20 date of the enactment of this Act.

21 **SEC. 1004. REPORTS ON HONG KONG.**

22 Section 301 of the United States-Hong Kong Policy
23 Act of 1992 (Public Law 102–383; 22 U.S.C. 5731) is
24 amended, in the matter preceding paragraph (1), by strik-
25 ing “and March 31, 2006” and inserting “March 31,

1 2006, and March 31, 2010, and March 31 of every subse-
2 quent year through 2020.”.

3 **SEC. 1005. DEMOCRACY IN GEORGIA.**

4 (a) SENSE OF CONGRESS.—It is the sense of Con-
5 gress that the development and consolidation of effective
6 democratic governance in Georgia, including free and fair
7 electoral processes, respect for human rights and the rule
8 of law, an independent media, an independent judiciary,
9 a vibrant civil society, as well as transparency and ac-
10 countability of the executive branch and legislative proc-
11 ess, is critically important to Georgia’s integration into
12 Euro-Atlantic institutions, stability in the Caucasus re-
13 gion, and United States national security. The United
14 States should urge the European Union, its member
15 states, and the international community to call for an im-
16 mediate and complete withdrawal of Russian troops de-
17 ployed within Georgia in accordance with the August and
18 September 2008 ceasefire agreements and for Russia to
19 rescind its recognition of the independence of Abkhazia
20 and South Ossetia.

21 (b) REPORT ON DEMOCRACY IN GEORGIA.—

22 (1) IN GENERAL.—Not later than 180 days
23 after the date of the enactment of this Act, and not
24 later than December 31 of each of the two fiscal
25 years thereafter, the Secretary of State shall submit

1 to the appropriate congressional committees a report
2 on the programs, projects, and activities carried out
3 in Georgia with United States foreign assistance fol-
4 lowing the August 2008 conflict with Russia.

5 (2) CONTENTS.—The report required under
6 paragraph (1) shall include information concerning
7 the following:

8 (A) The amount of United States assist-
9 ance obligated and expended for reconstruction
10 activities for the prior fiscal year.

11 (B) A description of the programs funded
12 by such assistance, including humanitarian aid,
13 reconstruction of critical infrastructure, eco-
14 nomic development, political and democratic de-
15 velopment, and broadcasting.

16 (C) An evaluation of the impact of such
17 programs, including their contribution to the
18 consolidation of democracy in Georgia and ef-
19 forts by the Government of Georgia to improve
20 democratic governance.

21 (D) An analysis of the implementation of
22 the United States-Georgia Charter on Strategic
23 Partnership.

1 **SEC. 1006. DIPLOMATIC RELATIONS WITH ISRAEL.**

2 (a) SENSE OF CONGRESS.—It is the sense of Con-
3 gress that the United States should assist Israel in its ef-
4 forts to establish diplomatic relations.

5 (b) REPORT.—Not later than 180 days after the date
6 of the enactment of this Act and annually thereafter, the
7 Secretary of State shall submit to the appropriate congres-
8 sional committees a report that includes the following in-
9 formation:

10 (1) Actions taken by representatives of the
11 United States to encourage other countries to estab-
12 lish full diplomatic relations with Israel.

13 (2) Specific responses solicited and received by
14 the Secretary from countries that do not maintain
15 full diplomatic relations with Israel with respect to
16 their attitudes toward and plans for entering into
17 diplomatic relations with Israel.

18 (3) Other measures being undertaken, and
19 measures that will be undertaken, by the United
20 States to ensure and promote Israel's full participa-
21 tion in the world diplomatic community.

22 (c) FORM OF SUBMISSION.—The report required
23 under subsection (b) may be submitted in classified or un-
24 classified form, as the Secretary determines appropriate.

1 **SEC. 1007. POLICE TRAINING REPORT.**

2 (a) IN GENERAL.—Not later than 180 days after the
3 date of the enactment of this Act, the President shall, in
4 coordination with the heads of relevant Federal depart-
5 ments and agencies, conduct a study and transmit to the
6 appropriate congressional committees and the Committee
7 on Armed Services of the House of Representatives and
8 the Committee on Armed Services of the Senate a report
9 on current overseas civilian police training in countries or
10 regions that are at risk of, in, or are in transition from,
11 conflict or civil strife.

12 (b) CONTENTS.—The report required under sub-
13 section (a) shall contain information on the following:

14 (1) The coordination, communication, program
15 management, and policy implementation among the
16 United States civilian police training programs in
17 countries or regions that are at risk of, in, or are
18 in transition from, conflict or civil strife.

19 (2) The number of private contractors con-
20 ducting such training, and the quality and cost of
21 such private contractors.

22 (3) An assessment of pre-training procedures
23 for verification of police candidates to adequately as-
24 sess their aptitude, professional skills, integrity, and
25 other qualifications that are essential to law enforce-
26 ment work.

1 (4) An analysis of the practice of using existing
2 Federal police entities to provide civilian police
3 training in countries or regions that are at risk of,
4 in, or are in transition from, conflict or civil strife,
5 along with the subject matter expertise that each
6 such entity may provide to meet local needs in lieu
7 of the use of private contractors.

8 (5) Provide recommendations, including rec-
9 ommendations related to required resources and ac-
10 tions, to maximize the effectiveness and interagency
11 coordination and the adequate provision of civilian
12 police training programs in countries or regions that
13 are at risk of, in, or are in transition from, conflict
14 or civil strife.

15 **SEC. 1008. REPORTS ON HUMANITARIAN ASSISTANCE IN**
16 **GAZA.**

17 (a) **IN GENERAL.**—Not later than 180 days after the
18 date of the enactment of this Act and 1 year thereafter,
19 the Secretary of State shall submit to the appropriate con-
20 gressional committees a report detailing the humanitarian
21 conditions and efficacy and obstacles to humanitarian and
22 reconstruction assistance activities in Gaza.

23 (b) **CONTENTS.**—The reports required under sub-
24 section (a) shall include the following:

1 (1) An assessment of the level of access to basic
2 necessities in Gaza, including food, fuel, water, sani-
3 tation, education, and healthcare.

4 (2) An assessment of the ability to successfully
5 deliver and distribute humanitarian and reconstruc-
6 tion goods and supplies.

7 (3) A description of the efforts of the United
8 States and its allies to facilitate the receipt and dis-
9 tribution of humanitarian and reconstruction assist-
10 ance in Gaza.

11 (4) An assessment of the obstacles to the deliv-
12 ery of humanitarian and reconstruction assistance,
13 including the activities and policies of Hamas and
14 any organization designated as a foreign terrorist or-
15 ganization under section 219 of the Immigration and
16 Nationality Act.

17 (5) Recommendations for actions the United
18 States can take to best improve the level of access
19 to basic necessities referred to in paragraph (1) and
20 overcome obstacles described in paragraphs (2)
21 through (4).

22 (6) An assessment of the policy prohibiting per-
23 sonnel of the Department of State and the United
24 States Agency for International Development from
25 traveling to Gaza following the tragic roadside

1 bombing in 2003. Such an assessment should con-
2 sider and evaluate the prospects that such personnel
3 might resume humanitarian assistance operations or
4 commence monitoring functions relating to humani-
5 tarian aid distribution in Gaza in order to ascertain
6 that United States foreign assistance is not misused
7 in ways that benefit any organization designated as
8 a foreign terrorist organization under section 219 of
9 the Immigration and Nationality Act (8 U.S.C.
10 1189).

11 **SEC. 1009. REPORT ON ACTIVITIES IN HAITI.**

12 Not later than 180 days after the date of the enact-
13 ment of this Act, the Secretary of State shall submit to
14 the appropriate congressional committees a report on the
15 following:

16 (1) HURRICANE EMERGENCY RECOVERY.—The
17 status of activities in Haiti funded or authorized, in
18 whole or in part, by the Department of State and
19 the United States Agency for International Develop-
20 ment (USAID) through assistance appropriated
21 under the Consolidated Security, Disaster Assist-
22 ance, and Continuing Appropriations Act, 2009.

23 (2) GENERAL ACTIVITIES.—A summary of ac-
24 tivities funded or authorized, in whole or in part, by
25 the Department of State and USAID in the previous

1 12-month period, how such activities supplement the
2 work of the Government of Haiti to provide a safe
3 and prosperous democracy for its citizens, and a
4 timetable for when management and implementation
5 of such activities will be turned over to the Govern-
6 ment of Haiti or Haitian nationals.

7 (3) COORDINATION.—A description of how
8 United States assistance is coordinated—

9 (A) among United States departments and
10 agencies; and

11 (B) with other donors to Haiti, including
12 programs through the United Nations, the
13 Inter-American Development Bank, and the Or-
14 ganization of American States.

15 (4) BENCHMARKS.—A summary of short-term
16 and long-term objectives for United States assist-
17 ance to Haiti and metrics that will be used to iden-
18 tify, track, and manage the progress of United
19 States activities in Haiti.

20 **SEC. 1010. REPORT ON RELIGIOUS MINORITY COMMU-**
21 **NITIES IN THE MIDDLE EAST.**

22 (a) INITIATIVE AUTHORIZED.—The Secretary of
23 State is authorized to undertake a focused initiative to
24 monitor the status of and provide specific policy rec-

1 ommendations to protect vulnerable religious minorities
2 throughout the Middle East region.

3 (b) REPORT.—Not later than 180 days after the date
4 of the enactment of this Act, and 1 year thereafter, the
5 Secretary of State shall submit to the appropriate congres-
6 sional committees a report on the humanitarian conditions
7 of religious minority communities in the Middle East and
8 efficacy and obstacles to humanitarian assistance activities
9 to help meet the basic needs of vulnerable persons affili-
10 ated with minority religions in the Middle East, and rec-
11 ommendations to mitigate adverse humanitarian cir-
12 cumstances facing such persons.

13 **SEC. 1011. IRAN'S INFLUENCE IN THE WESTERN HEMI-**
14 **SPHERE.**

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

16 (1) The 2008 Country Report on Terrorism
17 states that “Iran and Venezuela continued weekly
18 flights connecting Tehran and Damascus with Cara-
19 cas. Passengers on these flights were reportedly sub-
20 ject to only cursory immigration and customs con-
21 trols at Simon Bolivar International Airport in Ca-
22 racas.”.

23 (2) The Governments of Venezuela and Iran
24 have forged a close relationship.

1 (3) Iran has sought to strengthen ties with sev-
2 eral countries in the Western Hemisphere in order
3 to undermine United States foreign policy.

4 (b) REPORT.—Not later than 90 days after the date
5 of the enactment of this Act, the Secretary of State shall
6 submit to the appropriate congressional committees a re-
7 port that includes actions taken by the Government of
8 Iran and Hezbollah in the Western Hemisphere. A classi-
9 fied annex may be included, if necessary.

10 **SEC. 1012. RECRUITMENT AND HIRING OF VETERANS AT**
11 **THE DEPARTMENT OF STATE AND UNITED**
12 **STATES AGENCY FOR INTERNATIONAL DE-**
13 **VELOPMENT.**

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

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

19 (2) Veterans of the Armed Forces have special-
20 ized experience gained from working under stressful
21 circumstances in hostile, foreign environments or
22 under difficult circumstances.

23 (3) The Foreign Service Act of 1980 states that
24 “‘The fact that an applicant for appointment as a
25 Foreign Service officer candidate is a veteran or dis-

1 abled veteran shall be considered an affirmative fac-
2 tor in making such appointments.”.

3 (4) In 1998, Congress enacted the Veterans
4 Employment Opportunities Act (VEOA), requiring
5 that Federal agencies must allow preference eligibles
6 and certain veterans to apply for positions an-
7 nounced under merit promotion procedures whenever
8 an agency is recruiting from outside its own work-
9 force.

10 (5) The annual report of the Office of Per-
11 sonnel Management on “The Employment of Vet-
12 erans in the Federal Government” for fiscal year
13 2007, detailing the efforts by all agencies of the
14 Federal Government to hire veterans, reported that
15 15.6 percent of all Department of State employees
16 were veterans.

17 (b) SENSE OF CONGRESS.—It is the sense of Con-
18 gress that the Department of State and the United States
19 Agency for International Development should intensify
20 their efforts to recruit more veterans, that those appli-
21 cants who are entitled to five or ten point veterans pref-
22 erence have also served in the Armed Forces in areas of
23 instability with specialties such as civil affairs, law en-
24 forcement, and assignments where they regularly per-
25 formed other nation-building activities, and that this expe-

1 rience should be an additional affirmative factor in making
2 appointments to serve in the Foreign Service.

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

11 **SEC. 1013. REPORT ON CHILD ABDUCTION.**

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

1 **SEC. 1014. REPORT ON EFFECTS OF BUY AMERICA ACT**
2 **WAIVERS UNDER THE PEPFAR PROGRAM.**

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

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

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

16 **SEC. 1015. REPORT ON UNITED STATES-BRAZIL JOINT AC-**
17 **TION PLAN TO ELIMINATE RACIAL DISCRIMI-**
18 **NATION.**

19 Not later than 180 days after the date of the enact-
20 ment of this Act and 1 year thereafter, the Secretary of
21 State shall submit to the appropriate congressional com-
22 mittees a report detailing the status, efficacy, and coordi-
23 nation of the United States-Brazil Joint Action Plan to
24 Eliminate Racial Discrimination, and a summary of short
25 and long-term efforts to address the plight of in Afro

1 Latinos and indigenous peoples in the Western Hemi-
2 sphere through cooperation and bilateral efforts.

3 **SEC. 1016. REPORT ON REDUCING SMUGGLING AND TRAF-**
4 **FICKING IN PERSONS.**

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

10 **SEC. 1017. REPORT ON WESTERN HEMISPHERE TRAVEL INI-**
11 **TIATIVE.**

12 Not later than 18 months after the date of enactment
13 of this Act, the Secretary of State shall submit to Con-
14 gress a report on the effects of the Western Hemisphere
15 Travel Initiative (WHTI) on the flow of people, goods, and
16 services across the international borders of the United
17 States, Canada, Mexico, Bermuda, and the Caribbean re-
18 gion, with particular emphasis on whether WHTI has been
19 effective in meeting its goal of strengthening United
20 States border security and enhancing accountability of in-
21 dividuals entering the United States, and an assessment
22 of the economic impact associated with WHTI and its ef-
23 fects on small businesses.

1 **SEC. 1018. REPORT ON UNITED STATES CONTRIBUTIONS TO**
2 **THE UNITED NATIONS.**

3 (a) **IN GENERAL.**—Not later than 90 days after the
4 date of the enactment of this Act and annually thereafter
5 for the next 2 years, the President shall submit to Con-
6 gress a report, with respect to the preceding fiscal year,
7 listing each United States agency, department, or entity
8 that provides assessed or voluntary contributions to the
9 United Nations and United Nations affiliated agencies
10 and related bodies through grants, contracts, subgrants,
11 or subcontracts that is not fully compliant with the re-
12 quirements to post such funding information for the fiscal
13 year covered by such report on the website
14 “USAspending.gov” as required by the Federal Funding
15 Accountability and Transparency Act (Public Law 109–
16 282).

17 (b) **AVAILABILITY TO PUBLIC.**—The Office of Man-
18 agement and Budget shall post a public version of each
19 report submitted under subsection (a) on a text-based
20 searchable and publicly available Internet website.

21 **TITLE XI—MISCELLANEOUS**
22 **PROVISIONS**

23 **Subtitle A—General Provisions**

24 **SEC. 1101. BILATERAL COMMISSION WITH NIGERIA.**

25 (a) **SENSE OF CONGRESS.**—It is the sense of Con-
26 gress that not later than 180 days after the date of the

1 enactment of this Act, the President should establish a
2 bilateral commission between the United States and Nige-
3 ria to support bilateral cooperation in the areas of—

4 (1) trade and development;

5 (2) economic integration;

6 (3) infrastructure planning, finance, develop-
7 ment, and management;

8 (4) budget reform and public finance manage-
9 ment;

10 (5) higher education, including applied re-
11 search;

12 (6) energy;

13 (7) peace and security reform;

14 (8) rule of law;

15 (9) anti-corruption efforts, establishment of
16 greater transparency, and electoral reform; and

17 (10) monitoring whether bilateral efforts under-
18 taken between respective Federal, State, and local
19 governments are achieving the goals set forth by the
20 Governments of the United States and Nigeria.

21 (b) BILATERAL COMMISSION.—

22 (1) COMPOSITION.—If the President establishes
23 the bilateral commission referred to in subsection
24 (a), the commission should have an equal number of
25 members representing the United States and Nigeria

1 and appointed by the respective Presidents of each
2 country. Members should include representatives of
3 Federal, State, and local governments, the private
4 sector, and civil society organizations.

5 (2) FUNCTIONS.—The commission should—

6 (A) work to establish a bilateral process
7 that establishes the mission, goals, and objec-
8 tives of a bilateral partnership and establish
9 guidelines for accountability and rules to meas-
10 ure the effectiveness for any initiatives under-
11 taken;

12 (B) monitor bilateral technical assistance
13 and capacity building projects that are con-
14 sistent with and further the mission, goals, and
15 objectives established by the commission; and

16 (C) submit to the United States President,
17 the United States Congress, the Nigerian Presi-
18 dent, and the Nigerian National Assembly a re-
19 port on the amount of progress achieved on
20 projects undertaken by the two governments to
21 achieve bilaterally determined goals established
22 by the commission.

23 (3) MONITORING OF PROJECTS.—The commis-
24 sion should select and monitor specific projects that
25 involve an exchange of personnel between the Gov-

1 ernments of the United States and Nigeria to deter-
2 mine whether technical assistance and capacity
3 building are being used effectively and whether mu-
4 tual benefit is being gained through the implementa-
5 tion of such bilateral projects.

6 (4) REVIEW AND REPORT.—The Secretary of
7 State should review the work of the commission and
8 annually submit to the President and Congress a re-
9 port on whether progress has been made to meet the
10 goals set forth by the commission and whether bilat-
11 eral efforts have served the interest of United States
12 and Nigerian bilateral relations.

13 (5) UNITED STATES CONTRIBUTIONS.—United
14 States contributions to support the Commission
15 should be financed through existing resources.

16 **SEC. 1102. AUTHORITIES RELATING TO THE SOUTHERN AF-**
17 **RICA ENTERPRISE DEVELOPMENT FUND.**

18 (a) USE OF PRIVATE VENTURE CAPITAL.—

19 (1) IN GENERAL.—In order to maximize the ef-
20 fectiveness of the activities of the Southern Africa
21 Enterprise Development Fund, the Fund may con-
22 duct public offerings or private placements for the
23 purpose of soliciting and accepting private venture
24 capital which may be used, separately or together
25 with funds made available from the United States

1 Government, for any lawful investment purpose that
2 the Board of Directors of the Fund may determine
3 in carrying out the activities of the Fund.

4 (2) DISTRIBUTION OF FINANCIAL RETURNS.—
5 Financial returns on Fund investments that include
6 a component of private venture capital may be dis-
7 tributed, at such times and in such amounts as the
8 Board of Directors of the Fund may determine, to
9 the investors of such capital.

10 (b) NONAPPLICABILITY OF OTHER LAWS.—

11 (1) IN GENERAL.—Funds made available from
12 the United States Government to the Fund may be
13 used for the purposes of the agreement between the
14 United States Government and the Fund notwith-
15 standing any other provision of law.

16 (2) SUPPORT FROM FEDERAL DEPARTMENTS
17 AND AGENCIES.—The heads of Federal departments
18 and agencies may conduct programs and activities
19 and provide services in support of the activities of
20 the Fund notwithstanding any other provision of
21 law.

22 (c) DEFINITION.—In this section, the term “South-
23 ern Africa Enterprise Development Fund” or “Fund” in-
24 cludes—

1 (1) any successor or related entity to the South-
2 ern Africa Enterprise Development Fund that is ap-
3 proved the United States Government; and

4 (2) any organization, corporation, limited-liabil-
5 ity partnership, foundation, or other corporate struc-
6 ture that receives, or is authorized by the United
7 States Government to manage, any or all of the re-
8 maining funds or assets of the Southern Africa En-
9 terprise Development Fund.

10 **SEC. 1103. DIABETES TREATMENT AND PREVENTION AND**
11 **SAFE WATER AND SANITATION FOR PACIFIC**
12 **ISLAND COUNTRIES.**

13 (a) IN GENERAL.—There is authorized to be appro-
14 priated \$500,000 for each of fiscal years 2010 and 2011
15 to establish a diabetes prevention and treatment program
16 for Pacific Island countries and for safe water and sanita-
17 tion.

18 (b) PACIFIC ISLAND COUNTRIES DEFINED.—In this
19 section, the term “Pacific Island countries” means Fiji,
20 Kiribati, the Marshall Islands, the Federated States of Mi-
21 cronesia, Nauru, Niue, Palau, Papua New Guinea, Samoa,
22 Solomon Islands, Tonga, Tuvalu, and Vanuatu.

23 **SEC. 1104. STATELESSNESS.**

24 (a) PURPOSE.—It is the purpose of this section to
25 increase global stability and security for the United States

1 and the international community and decrease trafficking
2 and discrimination by reducing the number of individuals
3 who are de jure or de facto stateless and as a consequence
4 are unable to avail themselves of their right to a nation-
5 ality and its concomitant rights and obligations and are
6 excluded from full participation in civil society.

7 (b) FINDINGS.—Congress finds the following:

8 (1) The right to a nationality is a foundation of
9 human rights, and a deterrent to displacement and
10 disaffection. The State is the primary vehicle
11 through which individuals are guaranteed their in-
12 alienable rights and are made subject to the rule of
13 law. Regional stability and security are undermined
14 when individuals cannot avail themselves of their
15 right to a nationality and its concomitant rights and
16 obligations and are excluded from full participation
17 in civil society.

18 (2) The right to a nationality and citizenship is
19 therefore specifically protect in international declara-
20 tions and treaties, including Article 15 of the Uni-
21 versal Declaration of Human Rights, the 1954 Con-
22 vention Relating to the Status of Stateless Persons,
23 the 1961 Convention on the Reduction of Stateless-
24 ness, Article 24 of the International Covenant on
25 Civil and Political Rights, and Article 9(2) of the

1 Convention on the Elimination of Discrimination
2 Against Women.

3 (3) In the 21st century, the adverse effects of
4 de jure or de facto statelessness still impact at least
5 an estimated 11,000,000 million people worldwide,
6 who are unable to avail themselves of the rights of
7 free people everywhere to an effective nationality, to
8 the rights to legal residence, to travel, to work in the
9 formal economy or professions, to attend school, to
10 access basic health services, to purchase or own
11 property, to vote, or to hold elected office, and to
12 enjoy the protection and security of a country.

13 (c) THE UNITED NATIONS.—

14 (1) POLICY.—It shall be the policy of the
15 United States that the President and the Permanent
16 Representative of the United States to the United
17 Nations work with the international community to
18 increase political and financial support for the work
19 of the United Nations High Commissioner for Refu-
20 gees (UNHCR) to prevent and resolve problems re-
21 lated to de jure and de facto statelessness, and to
22 promote the rights of the de jure or de facto state-
23 less, by taking these and other actions:

24 (A) Increasing the attention of the United

25 Nations and the UNHCR to de jure and de

1 facto statelessness and increasing its capacity
2 to reduce statelessness around the world by co-
3 ordinating the mainstreaming of de jure and de
4 facto statelessness into all of the United Na-
5 tions human rights work, in cooperation with all
6 relevant United Nations agencies.

7 (B) Urging United Nations country teams
8 in countries with significant de jure or de facto
9 stateless populations to devote increasing atten-
10 tion and resources to undertake coordinated ef-
11 forts by all United Nations offices, funds, and
12 programs to bring about the full registration
13 and documentation of all persons resident in
14 the territory of each country, either as citizens
15 or as individuals in need of international protec-
16 tion.

17 (C) Urging the creation of an Inter-Agency
18 Task Force on Statelessness with representa-
19 tion from the UNHCR, the United Nations
20 Children's Fund (UNICEF), and other relevant
21 United Nations agencies that will coordinate to
22 increase agency awareness and information ex-
23 change on de jure and de facto statelessness to
24 ensure a consistent and comprehensive ap-

1 proach to the identification of stateless groups
2 and individuals and resolution of their status.

3 (D) Urging that nationality and de jure
4 and de facto statelessness issues are addressed
5 in all country reviews conducted by United Na-
6 tions treaty bodies and relevant special mecha-
7 nisms engaged in country visits, and pursuing
8 creation of a standing mechanism within the
9 United Nations to complement the work of the
10 UNHCR in addressing issues of de jure and de
11 facto statelessness that give rise to urgent
12 human rights or security concerns.

13 (E) Urging the UNHCR to include nation-
14 ality and statelessness in all country-specific
15 and thematic monitoring, reporting, training,
16 and protection activities, and across special pro-
17 cedures, and to designate at least one human
18 rights officer to monitor, report, and coordinate
19 the office's advocacy on nationality and de jure
20 and de facto statelessness.

21 (F) Urging the United Nations to ensure
22 that its work on trafficking includes measures
23 to restore secure citizenship to trafficked
24 women and girls, and to work with Member
25 States to guarantee that national legislation

1 gives women full and equal rights regarding
2 citizenship.

3 (G) Urging the United Nations to increase
4 its capacity to respond to the needs of de jure
5 or de facto stateless individuals, particularly
6 children, and to strengthen and expand the
7 United Nations protection and assistance activi-
8 ties, particularly in field operations, to better
9 respond to the wide range of protection and as-
10 sistance needs of de jure or de facto stateless
11 individuals.

12 (H) Urging the UNICEF to increase its
13 efforts to encourage all Member States of the
14 United Nations to permit full and easy access
15 to birth registration for all children born in
16 their territories, particularly in Member States
17 in which there are displaced populations, and
18 work with the UNHCR and Member States to
19 ensure the issuance of birth certificates to all
20 children born to refugees and displaced persons.

21 (2) AUTHORIZATION OF APPROPRIATIONS.—

22 There is authorized to be appropriated \$5,000,000
23 for each of fiscal years 2010 and 2011 to be made
24 available to improve the UNHCR's assistance to de

1 jure or de facto stateless individuals. Such funds
2 may be used to—

3 (A) protect the rights, meet emergency hu-
4 manitarian needs, and provide assistance to de
5 jure or de facto stateless groups and individ-
6 uals;

7 (B) provide additional resources to—

8 (i) increase the number of protection
9 officers;

10 (ii) increase the number of profes-
11 sional staff in the statelessness unit; and

12 (iii) train protection officers and
13 United Nations country teams in the field
14 to identify, reduce, protect, and prevent de
15 jure and de facto statelessness;

16 (C) improve identification of de jure or de
17 facto stateless groups and individuals by car-
18 rying out a comprehensive annual study of the
19 scope of de jure and de facto statelessness
20 worldwide, including causes of de jure and de
21 facto statelessness and dissemination of best
22 practices for remedying de jure and de facto
23 statelessness; and

24 (D) increase the United Nations edu-
25 cational and technical assistance programs to

1 prevent de jure and de facto statelessness, in-
2 cluding outreach to Member States and their
3 legislatures, with particular emphasis on those
4 countries determined to have protracted de jure
5 or de facto statelessness situations.

6 (3) AUTHORIZATION OF APPROPRIATIONS TO
7 THE UNICEF.—There is authorized to be appro-
8 priated \$3,000,000 for each of fiscal years 2010 and
9 2011 to augment to the UNICEF’s ability to aid
10 countries with significant de jure or de facto state-
11 less populations to bring about the full registration
12 of all children born to de jure or de facto stateless
13 parents.

14 (d) THE UNITED STATES.—

15 (1) FOREIGN POLICY.—Given the importance of
16 obtaining and preserving nationality and the protec-
17 tion of a government, and of preventing the exploi-
18 tation or trafficking of de jure or de facto stateless
19 groups or individuals, the President shall make the
20 prevention and reduction of de jure or de facto
21 statelessness an important goal of United States for-
22 eign policy and human rights efforts. Such efforts
23 shall include—

1 (A) calling upon host countries to protect
2 and assume responsibility for de jure or de
3 facto stateless groups or individuals;

4 (B) working with countries of origin to fa-
5 cilitate the resolution of problems faced by de
6 jure or de facto stateless groups or individuals;

7 (C) working with countries of origin and
8 host countries to facilitate the resolution of dis-
9 putes and conflicts that cause or result in the
10 creation of de jure or de facto statelessness;

11 (D) encouraging host countries to afford
12 de jure or de facto stateless groups or individ-
13 uals the full protection of the 1954 Convention
14 Relating to the Status of Stateless Persons and
15 the 1961 Convention on the Reduction of State-
16 lessness and all relevant international conven-
17 tions;

18 (E) directing the Secretary of State to pro-
19 vide assistance to countries to prevent and re-
20 solve situations of de jure or de facto stateless-
21 ness and to prevent the trafficking or exploi-
22 tation of de jure or de facto stateless individ-
23 uals;

24 (F) directing the Office of Trafficking in
25 Persons of the Department of State to continue

1 to document and analyze the effects of state-
2 lessness on trafficking in persons, both as a
3 cause of trafficking and as an obstacle to reach-
4 ing and assisting trafficked persons; and

5 (G) encouraging and facilitating the work
6 of nongovernmental organizations in the United
7 States and abroad that provide legal and hu-
8 manitarian support to de jure or de facto state-
9 less groups or individuals, to increase the access
10 of de jure or de facto stateless groups or indi-
11 viduals to such organizations, and to encourage
12 other governments to provide similar support
13 and access.

14 (2) UNITED STATES ACTIVITIES.—

15 (A) IN GENERAL.—Given the importance
16 of preventing new instances of de jure or de
17 facto statelessness and the trafficking of de jure
18 or de facto stateless individuals, and of pro-
19 tecting the human rights of de jure or de facto
20 stateless individuals, the President shall submit
21 to the Committee on Foreign Affairs and the
22 Committee on the Judiciary of the House of
23 Representatives and the Committee on Foreign
24 Relations and the Committee on the Judiciary

1 of the Senate a report that includes the fol-
2 lowing:

3 (i) A list of countries and territories
4 with significant de jure or de facto state-
5 less populations under their jurisdictions
6 and the conditions and consequences of
7 such de jure or de facto statelessness of
8 such individuals.

9 (ii) United States international efforts
10 to prevent further de jure or de facto
11 statelessness and encourage the granting
12 of full legal protection of the human rights
13 of de jure or de facto stateless individuals.

14 (B) STATEMENT OF POLICY.—It shall be
15 the policy of the United States to comply with
16 the principles and provisions of the 1954 Con-
17 vention Relating to the Status of Stateless Per-
18 sons and the 1961 Convention on the Reduction
19 of Statelessness to the fullest extent possible
20 and to encourage other countries to do so as
21 well.

22 (C) ACTIONS BY SECRETARY OF STATE.—

23 (i) INCREASE IN RESOURCES AND
24 STAFF.—The Secretary of State shall per-
25 manently increase in the Bureau of Popu-

1 lation, Refugees, and Migration in the De-
2 partment of State the resources dedicated
3 to and staff assigned to work toward the
4 prevention and resolution of de jure and de
5 facto statelessness and the protection of de
6 jure or de facto stateless individuals.

7 (ii) COORDINATION.—To coordinate
8 United States policies toward combating de
9 jure and de facto statelessness, the Sec-
10 retary of State shall establish an Inter-
11 agency Working Group to Combat State-
12 lessness. This working group should in-
13 clude representatives of the Bureau of
14 Population, Refugees and Migration, the
15 Bureau of International Organizations, the
16 Bureau of Democracy, Human Rights and
17 Labor, the Office of Trafficking in Persons
18 of the Department of State, and the
19 United States Agency for International
20 Development, as well as representatives
21 from relevant offices of the Department of
22 Justice and relevant offices of the Depart-
23 ment of Homeland Security.

24 (D) AUTHORIZATION OF APPROPRIA-
25 TIONS.—There are authorized to be appro-

1 priated such sums as may be necessary to carry
2 out the provisions of this subsection.

3 **SEC. 1105. STATEMENT OF POLICY REGARDING THE ECU-**
4 **MENICAL PATRIARCHATE.**

5 It shall be the policy of the United States to urge
6 Turkey to—

7 (1) respect property rights and religious rights
8 of the Ecumenical Patriarch;

9 (2) grant the Ecumenical Patriarchate appro-
10 priate international recognition and ecclesiastic suc-
11 cession; and

12 (3) grant the Ecumenical Patriarchate the right
13 to train clergy of all nationalities, not just Turkish
14 nationals.

15 **SEC. 1106. LIMITATION ON ASSISTANCE FOR WEATHER CO-**
16 **OPERATION ACTIVITIES TO COUNTRIES IN**
17 **THE AMERICAS.**

18 (a) SENSE OF CONGRESS.—It is the sense of Con-
19 gress that the United States should facilitate international
20 cooperation on hurricane preparedness because—

21 (1) hundreds of millions of people in the Amer-
22 icas live in coastal communities and are susceptible
23 to the immense risks posed by hurricanes;

1 (2) the need for hurricane tracking overflights
2 and other weather cooperation activities to track and
3 monitor hurricanes in the Americas is acute; and

4 (3) accurate hurricane forecasts can help pre-
5 vent the loss of life and injury and reduce property
6 loss and economic disruption.

7 (b) REPORT.—

8 (1) IN GENERAL.—Not later than 180 days
9 after the date of the enactment of this Act, the Sec-
10 retary of State shall transmit to the appropriate
11 congressional committees a report on the status of
12 United States cooperation with other countries in
13 the Americas on hurricane preparedness and other
14 weather cooperation activities.

15 (2) MATTERS TO BE INCLUDED.—The report
16 required under paragraph (1) shall include—

17 (A) a list of countries in the Americas that
18 do not cooperate with the United States on hur-
19 ricane preparedness and other weather coopera-
20 tion activities; and

21 (B) the status of any negotiations regard-
22 ing hurricane preparedness and other weather
23 cooperation activities between the United States
24 and countries listed in subparagraph (A).

1 (c) LIMITATION ON ASSISTANCE.—The Secretary of
2 State may not provide assistance for weather cooperation
3 activities to countries listed in the report under subsection
4 (b)(2)(A).

5 (d) WAIVER.—The Secretary of State may waive the
6 limitation on assistance requirements under subsection (c)
7 if the Secretary of State certifies to the appropriate con-
8 gressional committees that the waiver is in the national
9 interest of the United States.

10 **SEC. 1107. STATEMENT OF CONGRESS REGARDING AFGHAN**
11 **WOMEN.**

12 Congress—

13 (1) supports the decision by President Hamid
14 Karzai of Afghanistan to submit for review the Shi
15 'ite Personal Status Law and strongly urges him not
16 to publish such law on the grounds that such law
17 violates the basic human rights of women and is in-
18 consistent with the Constitution of Afghanistan;

19 (2) urges President Karzai, the Ministry of
20 Justice, and other parties involved in reviewing the
21 law to formally declare as unconstitutional the provi-
22 sions of such law regarding marital rape and restric-
23 tions on women's freedom of movement;

24 (3) reiterates its strong sense that the provi-
25 sions in such law which restrict the rights of women

1 should be removed, and that an amended draft of
2 the Shi'ite Personal Status Law should be submitted
3 for parliamentary review;

4 (4) recognizes that actions limiting or sup-
5 pressing the human rights of Afghan women and
6 girls undermines the intent of the significant finan-
7 cial and training contributions that the United
8 States and international community have provided to
9 rebuild the country and to help establish institutions
10 that protect and promote respect of basic and funda-
11 mental human rights to overcome the devastating
12 damage to those rights from years of Taliban rule;

13 (5) encourages the Secretary of State, the Spe-
14 cial Representative for Afghanistan and Pakistan,
15 the Ambassador-at-Large for Global Women's
16 Issues, and the United States Ambassador to Af-
17 ghanistan to consider and address the status of
18 women's rights and security in Afghanistan to en-
19 sure that such rights are not being eroded through
20 unjust laws, policies, or institutions; and

21 (6) encourages the Government of Afghanistan
22 to solicit information and advice from the Ministry
23 of Justice, the Ministry for Women's Affairs, the Af-
24 ghanistan Independent Human Rights Commission,
25 and women-led nongovernmental organizations to

1 ensure that current and future legislation and offi-
2 cial policies protect and uphold the equal rights of
3 women, including through national campaigns to
4 lead public discourse on the importance of women's
5 status and rights to the overall stability of Afghani-
6 stan.

7 **SEC. 1108. GLOBAL PEACE OPERATIONS INITIATIVE PRO-**
8 **GRAMS AND ACTIVITIES.**

9 (a) FINDINGS.—Congress makes the following find-
10 ings:

11 (1) Over 100,000 military and civilian per-
12 sonnel are engaged in 18 United Nations peace-
13 keeping operations around the world. Peacekeeping
14 operations are critical to maintaining a peaceful and
15 stable international environment.

16 (2) The United States has a vital interest in en-
17 suring that United Nations peacekeeping operations
18 are successful. Countries undergoing conflict threat-
19 en the national and economic security of the United
20 States, risk becoming safe havens for terrorist orga-
21 nizations, and often feature levels of human rights
22 abuses and human deprivation that are an affront to
23 the values of the American people.

24 (3) Over the years, United Nations peace-
25 keeping has evolved to meet the demands of dif-

1 ferent conflicts and a changing political landscape.
2 Today’s peacekeeping mission is most often “multi-
3 dimensional” and includes a wide variety of complex
4 tasks such as civilian protection, helping to build
5 sustainable institutions of governance, human rights
6 monitoring, security sector reform, facilitating deliv-
7 ery of humanitarian relief and disarmament, demobi-
8 lization and reintegration of former combatants.

9 (4) United Nations peacekeeping operations
10 allow the United States to respond to global crises
11 within a multilateral framework with costs shared
12 among nations. A 2007 Government Accountability
13 Office report found that in general a United States
14 peacekeeping operation is likely to be “much more
15 expensive” than a United Nations peacekeeping op-
16 eration, regardless of location.

17 (5) In many missions due to vast swaths of ter-
18 rain and limited infrastructure, ongoing low-inten-
19 sity fighting, and the presence of “peace spoilers”,
20 United Nations peacekeepers cannot carry out the
21 complex tasks with which they are charged without
22 critical enablers, and in particular air assets.

23 (6) The United Nations Secretary-General has
24 repeatedly noted the deleterious impact of insuffi-
25 cient helicopters for peacekeeping missions in Darfur

1 and the Democratic Republic of the Congo. History
2 has shown that under-resourced peacekeeping troops
3 are not only unable to carry out their mandates,
4 they erode the credibility of the United Nations and
5 are themselves likely to come under attack.

6 (7) Senate Resolution 432 and House Resolu-
7 tion 1351 of the 110th Congress—

8 (A) urged members of the international
9 community, including the United States, that
10 possessed the capability to provide tactical and
11 utility helicopters needed for the United Na-
12 tions-African Union Mission in Darfur
13 (UNAMID) to do so as soon as possible; and

14 (B) urged the President to intervene per-
15 sonally by contacting other heads of state and
16 asking them to contribute the aircraft and
17 crews to the Darfur mission.

18 (8) The current framework of relying on mem-
19 ber countries to provide air assets on a volunteer
20 basis has not yielded sufficient results. The United
21 Nations still faces a shortfall of over 50 helicopters
22 for UNAMID, the Democratic Republic of Congo
23 (MONUC), and the Republic of Chad
24 (MINURCAT). A review of trend lines suggests that
25 any new United Nations peacekeeping missions au-

1 thorized within the next 5 to 7 years would face
2 similar shortfalls.

3 (9) Numerous studies and reports have deter-
4 mined that there is no global shortage of air assets.
5 It is inexcusable to allow authorized United Nations
6 peacekeeping missions to founder for the lack of
7 critical mobility capabilities.

8 (b) PURPOSE.—The purpose of assistance authorized
9 by this section is to contribute to peace and security and
10 help protect civilians by training and equipping peace-
11 keepers worldwide, to include financing the refurbishment
12 of helicopters.

13 (c) USE OF FUNDS.—

14 (1) IN GENERAL.—The Secretary of State is
15 authorized to use amounts authorized to be appro-
16 priated to carry out this section to provide funding
17 to carry out and expand Global Peace Operations
18 Initiative programs and activities. Such programs
19 and activities shall include—

20 (A) assist partner countries to establish
21 and strengthen the institutional infrastructure
22 required for such countries to achieve self-suffi-
23 ciency in participating in peace support oper-
24 ations, including for the training of formed po-
25 lice units;

1 (B) train peacekeepers worldwide to in-
2 crease global capacity to participate in peace
3 support operations;

4 (C) provide transportation and logistics
5 support to deploying peacekeepers as appro-
6 priate;

7 (D) enhance the capacity of regional and
8 sub-regional organizations to train for, plan, de-
9 ploy, manage, obtain, and integrate lessons
10 learned from peace operations;

11 (E) support multilateral approaches to co-
12 ordinate international contributions to peace
13 support operations capacity building efforts;
14 and

15 (F) financing the refurbishment of heli-
16 copters in preparation for their deployment to
17 United Nations peacekeeping operations or to
18 regional peacekeeping operations which have
19 been approved by the United Nations Security
20 Council.

21 (2) SENSE OF CONGRESS.—It is the sense of
22 Congress that failure on the part of the inter-
23 national community to take all steps necessary to
24 deploy and maintain fully capacitated United Na-
25 tions peacekeeping operations will result in contin-

1 ued loss of life and human suffering. Therefore, in
2 carrying out this section, the Secretary of State
3 should prioritize the refurbishment of helicopters
4 with a goal of participating in the financing of no
5 fewer than three helicopter refurbishments by the
6 end of fiscal year 2011.

7 (3) SUPPORT FROM OTHER COUNTRIES.—In
8 providing funding under paragraph (1), the Sec-
9 retary of State shall to the greatest extent possible
10 seek to leverage such funding with financing from
11 other countries.

12 (4) RELATION TO OTHER PROGRAMS AND AC-
13 TIVITIES.—The activities described under paragraph
14 (1)(F) may be coordinated or conducted in conjunc-
15 tion with other foreign assistance programs and ac-
16 tivities of the United States, as appropriate and in
17 accordance with United States law.

18 (d) REPORT.—

19 (1) IN GENERAL.—Not later than 180 days
20 after the date of the enactment of this Act and 1
21 year thereafter, the Secretary of State shall submit
22 to the appropriate congressional committees a report
23 on the activities of the United States Government to
24 carry out the provisions of this section.

1 (2) CONTENTS.—The report required under
2 paragraph (1) shall include—

3 (A) a description of the Global Peace Op-
4 erations Initiative programs and activities un-
5 dertaken, by country;

6 (B) a description of the funds obligated
7 and expended in each country, by program and
8 fiscal year;

9 (C) a description of the coordination of
10 these efforts within the United States Govern-
11 ment interagency process and with other na-
12 tions along with any recommendations for im-
13 provements;

14 (D) a description of the GPOI's activities
15 concerning the refurbishment of air assets for
16 United Nations peacekeeping operations and re-
17 gional peacekeeping operations that have been
18 approved by the United Nations Security Coun-
19 cil;

20 (E) information on the training and de-
21 ployment activities of graduates of the inter-
22 national Center of Excellence for Stability Po-
23 lice Units (COESPU) in their home countries;

24 (F) a description of vetting activities for
25 all GPOI training to ensure that all individuals

1 in composite units are vetted for human rights
2 violations;

3 (G) information concerning the timeliness
4 of equipment delivery and recommendations for
5 improvement as appropriate; and

6 (H) description of how GPOI trainees and
7 GPOI-provided equipment contribute to im-
8 proved civilian protection in peace operations.

9 (e) **AUTHORIZATION OF APPROPRIATIONS.**—There is
10 authorized to be appropriated \$140,000,000 for fiscal year
11 2010 and such sums as may be necessary for fiscal year
12 2011 to carry out this section.

13 (f) **DEFINITION.**—In this section, the term “Global
14 Peace Operations Initiative” or “GPOI” means the pro-
15 gram established by the Department of State to address
16 major gaps in international peace operations support, in-
17 cluding by building and maintaining capability, capacity,
18 and effectiveness of peace operations.

19 **SEC. 1109. FREEDOM OF THE PRESS.**

20 (a) **SHORT TITLE.**—This section may be cited as the
21 “Daniel Pearl Freedom of the Press Act of 2009”.

22 (b) **INCLUSION OF ADDITIONAL INFORMATION RE-**
23 **LATING TO FREEDOM OF THE PRESS WORLDWIDE IN AN-**
24 **NUAL COUNTRY REPORTS ON HUMAN RIGHTS PRAC-**

1 TICES.—The Foreign Assistance Act of 1961 is amend-
2 ed—

3 (1) in section 116(d) (22 U.S.C. 2151n(d)), as
4 amended by section 333(c) of this division—

5 (A) in paragraph (11), by striking “and”
6 at the end;

7 (B) in paragraph (12), by striking the pe-
8 riod at the end and inserting “; and”; and

9 (C) by adding at the end the following new
10 paragraph:

11 “(13) wherever applicable—

12 “(A) a description of the status of freedom
13 of the press, including initiatives in favor of
14 freedom of the press and efforts to improve or
15 preserve, as appropriate, the independence of
16 the media, together with an assessment of
17 progress made as a result of those efforts;

18 “(B) an identification of countries in which
19 there were violations of freedom of the press,
20 including direct physical attacks, imprisonment,
21 indirect sources of pressure, and censorship by
22 governments, military, intelligence, or police
23 forces, criminal groups, or armed extremist or
24 rebel groups; and

1 “(C) in countries where there are particu-
2 larly severe violations of freedom of the press—

3 “(i) whether government authorities
4 of each such country participate in, facili-
5 tate, or condone such violations of the free-
6 dom of the press; and

7 “(ii) what steps the government of
8 each such country has taken to preserve
9 the safety and independence of the media,
10 and to ensure the prosecution of those in-
11 dividuals who attack or murder journal-
12 ists.”; and

13 (2) in section 502B (22 U.S.C. 2304), by add-
14 ing at the end the following new subsection:

15 “(i) The report required by subsection (b) shall in-
16 clude, wherever applicable—

17 “(1) a description of the status of freedom of
18 the press, including initiatives in favor of freedom of
19 the press and efforts to improve or preserve, as ap-
20 propriate, the independence of the media, together
21 with an assessment of progress made as a result of
22 those efforts;

23 “(2) an identification of countries in which
24 there were violations of freedom of the press, includ-
25 ing direct physical attacks, imprisonment, indirect

1 sources of pressure, and censorship by governments,
2 military, intelligence, or police forces, criminal
3 groups, or armed extremist or rebel groups; and

4 “(3) in countries where there are particularly
5 severe violations of freedom of the press—

6 “(A) whether government authorities of
7 each such country participate in, facilitate, or
8 condone such violations of the freedom of the
9 press; and

10 “(B) what steps the government of each
11 such country has taken to preserve the safety
12 and independence of the media, and to ensure
13 the prosecution of those individuals who attack
14 or murder journalists.”.

15 (c) FREEDOM OF THE PRESS GRANT PROGRAM.—

16 (1) IN GENERAL.—The Secretary of State shall
17 administer a grant program with the aim of pro-
18 moting freedom of the press worldwide. The grant
19 program shall be administered by the Department of
20 State’s Bureau of Democracy, Human Rights and
21 Labor in consultation with the Undersecretary for
22 Public Affairs and Public Diplomacy.

23 (2) AMOUNTS AND TIME.—Grants may be
24 awarded to nonprofit and international organizations
25 and may span multiple years, up to 5 years.

1 (3) PURPOSE.—Grant proposals should promote
2 and broaden press freedoms by strengthening the
3 independence of journalists and media organizations,
4 promoting a legal framework for freedom of the
5 press, or through providing regionally and culturally
6 relevant training and professionalization of skills to
7 meet international standards in both traditional and
8 digital media.

9 (d) MEDIA ORGANIZATION DEFINED.—In this sec-
10 tion, the term “media organization” means a group or or-
11 ganization that gathers and disseminates news and infor-
12 mation to the public (through any medium of mass com-
13 munication) in a foreign country in which the group or
14 organization is located, except that the term does not in-
15 clude a group or organization that is primarily an agency
16 or instrumentality of the government of such foreign coun-
17 try. The term includes an individual who is an agent or
18 employee of such group or organization who acts within
19 the scope of such agency or employment.

20 (e) AUTHORIZATION OF APPROPRIATIONS.—There is
21 authorized to be appropriated such sums as may be nec-
22 essary to carry out this section.

1 **SEC. 1110. INFORMATION FOR COUNTRY COMMERCIAL**
2 **GUIDES ON BUSINESS AND INVESTMENT CLI-**
3 **MATES.**

4 (a) IN GENERAL.—The Director General of the For-
5 eign Commercial Service, in consultation with the Assist-
6 ant Secretary of Commerce for Trade Promotion and the
7 Assistant Secretary of State for Economic, Energy and
8 Business Affairs, should ensure that the annual Country
9 Commercial Guides for United States businesses include—

10 (1) detailed assessments concerning each for-
11 eign country in which acts of unfair business and in-
12 vestment practices or other actions that have re-
13 sulted in poor business and investment climates
14 were, in the opinion of the Director General of the
15 Foreign Commercial Service, of major significance;

16 (2) all relevant information about such unfair
17 business and investment practices or other actions
18 during the preceding year by members of the busi-
19 ness community, the judiciary, and the government
20 of such country which may have impeded United
21 States business or investment in such country, in-
22 cluding the capacity for United States citizens to op-
23 erate their businesses without fear of reprisals; and

24 (3) information on—

1 (A) the extent to which the government of
2 such country is working to prevent unfair busi-
3 ness and investment practices; and

4 (B) the extent of United States Govern-
5 ment action to prevent unfair business and in-
6 vestment practices or other actions that harm
7 United States business or investment interests
8 in relevant cases in such country.

9 (b) ADDITIONAL PROVISIONS TO BE INCLUDED.—

10 The information required under subsection (a) should, to
11 the extent feasible, include—

12 (1) with respect to paragraph (1) of such sub-
13 section—

14 (A) a review of the efforts undertaken by
15 each foreign country to promote a healthy busi-
16 ness and investment climate that is also condu-
17 cive to the United States business community
18 and United States investors, including, as ap-
19 propriate, steps taken in international fora;

20 (B) the response of the judicial and local
21 arbitration systems of each such country that is
22 the subject of such detailed assessment with re-
23 spect to matters relating to the business and in-
24 vestment climates affecting United States citi-
25 zens and entities, or that have, in the opinion

1 of the Director General of the Foreign Com-
2 mercial Service, a significant impact on United
3 States business and investment efforts; and

4 (C) each such country's access to the
5 United States market;

6 (2) with respect to paragraph (2) of such sub-
7 section—

8 (A) any actions undertaken by the govern-
9 ment of each foreign country that prevent
10 United States citizens and businesses from re-
11 ceiving equitable treatment;

12 (B) actions taken by private businesses
13 and citizens of each such country against mem-
14 bers of the United States business community
15 and United States investors;

16 (C) unfair decisions rendered by the legal
17 systems of each such country that clearly ben-
18 efit State and local corporations and industries;
19 and

20 (D) unfair decisions rendered by local arbi-
21 tration panels of each such country that do not
22 exemplify objectivity and do not provide an eq-
23 uitable ground for United States citizens and
24 businesses to address their disputes; and

1 (3) with respect to paragraph (3) of such sub-
2 section, actions taken by the United States Govern-
3 ment to—

4 (A) promote the rule of law;

5 (B) prevent discriminatory treatment of
6 United States citizens and businesses engaged
7 in business or investment activities in each for-
8 eign country;

9 (C) allow United States goods to enter
10 each such country without requiring a co-pro-
11 duction agreement; and

12 (D) protect United States intellectual
13 property rights.

14 (e) CONSULTATION.—In carrying out this section, the
15 Director General of the Foreign Commercial Service shall
16 consult with business leaders, union leaders, representa-
17 tives of the judicial system of each foreign country de-
18 scribed in subsection (a), and relevant nongovernmental
19 organizations.

20 (d) BUSINESS AND INVESTMENT CLIMATE WARN-
21 INGS.—The Secretary of State, with the assistance of the
22 Assistant Secretary of State for Economic, Energy and
23 Business Affairs, as well as the Assistant Secretary of
24 Commerce for Trade Promotion and the Director General
25 of the Foreign Commercial Service, shall establish a warn-

1 ing system that effectively alerts United States businesses
2 and investors of—

3 (1) a significant deterioration in the business
4 and investment climate in a foreign country, includ-
5 ing discriminatory treatment of United States busi-
6 nesses; or

7 (2) a significant constraint on the ability of the
8 United States Government to assist United States
9 businesses and investors in a foreign country, such
10 as to the closure of a United States diplomatic or
11 consular mission, that is not explained in the most
12 recent Country Commercial Guide for such country.

13 (e) DEFINITIONS.—In this section:

14 (1) CO-PRODUCTION AGREEMENT.—The term
15 “co-production agreement” means a United States
16 Government or United States business working with
17 a foreign government, foreign company, or an inter-
18 national organization to produce or manufacture an
19 item.

20 (2) RULE OF LAW.—The term “rule of law”
21 means the extent to which laws of a foreign country
22 are publicly promulgated, equally enforced, inde-
23 pendently adjudicated, and are consistent with inter-
24 national norms and standards.

1 (3) UNFAIR BUSINESS AND INVESTMENT PRAC-
2 TICES.—The term “unfair business and investment
3 practices” includes any of the following:

4 (A) Unlawful actions under international
5 law or the law of the foreign country taken by
6 the government of such country or by busi-
7 nesses, citizens, or other entities of such coun-
8 try that have resulted in lost assets, contracts,
9 or otherwise contributed to an inhospitable
10 business or investment climate.

11 (B) Discriminatory treatment of United
12 States businesses, whether wholly or partially
13 owned.

14 (C) Failure to protect intellectual property
15 rights.

16 (D) Requiring a co-production agreement
17 in order for goods from the United States to
18 enter a foreign country.

19 **SEC. 1111. INTERNATIONAL PROTECTION OF GIRLS BY PRE-**
20 **VENTING CHILD MARRIAGE.**

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

23 (1) child marriage is a violation of human
24 rights and the prevention and elimination of child

1 marriage should be a foreign policy goal of the
2 United States;

3 (2) the practice of child marriage undermines
4 United States investments in foreign assistance to
5 promote education and skills building for girls, re-
6 duce maternal and child mortality, reduce maternal
7 illness, halt the transmission of HIV/AIDS, prevent
8 gender-based violence, and reduce poverty; and

9 (3) expanding educational opportunities for
10 girls, economic opportunities for women, and reduc-
11 ing maternal and child mortality are critical to
12 achieving the Millennium Development Goals and
13 the global health and development objectives of the
14 United States, including efforts to prevent HIV/
15 AIDS.

16 (b) STRATEGY TO PREVENT CHILD MARRIAGE IN
17 DEVELOPING COUNTRIES.—

18 (1) STRATEGY REQUIRED.—The President, act-
19 ing through the Secretary of State, shall establish a
20 multi-year strategy to prevent child marriage in de-
21 veloping countries and promote the empowerment of
22 girls at risk of child marriage in developing coun-
23 tries, including by addressing the unique needs,
24 vulnerabilities, and potential of girls under 18 in de-
25 veloping countries.

1 (2) CONSULTATION.—In establishing the strat-
2 egy required by paragraph (1), the President shall
3 consult with Congress, relevant Federal departments
4 and agencies, multilateral organizations, and rep-
5 resentatives of civil society.

6 (3) ELEMENTS.—The strategy required by
7 paragraph (1) shall—

8 (A) focus on areas in developing countries
9 with high prevalence of child marriage; and

10 (B) encompass diplomatic initiatives be-
11 tween the United States and governments of
12 developing countries, with attention to human
13 rights, legal reforms and the rule of law, and
14 programmatic initiatives in the areas of edu-
15 cation, health, income generation, changing so-
16 cial norms, human rights, and democracy build-
17 ing.

18 (4) REPORT.—Not later than 180 days after
19 the date of the enactment of this Act, the President
20 shall transmit to Congress a report that includes—

21 (A) the strategy required by paragraph
22 (1);

23 (B) an assessment, including data
24 disaggregated by age and gender to the extent
25 possible, of current United States-funded ef-

1 forts to specifically assist girls in developing
2 countries; and

3 (C) examples of best practices or programs
4 to prevent child marriage in developing coun-
5 tries that could be replicated.

6 (c) RESEARCH AND DATA COLLECTION.—The Sec-
7 retary of State shall work with relevant Federal depart-
8 ments and agencies as part of their ongoing research and
9 data collection activities, to—

10 (1) collect and make available data on the inci-
11 dence of child marriage in countries that receive for-
12 eign or development assistance from the United
13 States where the practice of child marriage is preva-
14 lent; and

15 (2) collect and make available data on the im-
16 pact of the incidence of child marriage and the age
17 at marriage on progress in meeting key development
18 goals.

19 (d) DEPARTMENT OF STATE’S COUNTRY REPORTS
20 ON HUMAN RIGHTS PRACTICES.—The Foreign Assistance
21 Act of 1961 is amended—

22 (1) in section 116 (22 U.S.C. 2151n), by add-
23 ing at the end the following new subsection:

24 “(g) The report required by subsection (d) shall in-
25 clude for each country in which child marriage is prevalent

1 at rates at or above 40 percent in at least one sub-national
2 region, a description of the status of the practice of child
3 marriage in such country. In this subsection, the term
4 ‘child marriage’ means the marriage of a girl or boy, not
5 yet the minimum age for marriage stipulated in law in
6 the country in which such girl or boy is a resident.”; and

7 (2) in section 502B (22 U.S.C. 2304), as
8 amended by section 1109(b)(2) of this division, is
9 further amended by adding at the end the following
10 new subsection:

11 “(j) The report required by subsection (b) shall in-
12 clude for each country in which child marriage is prevalent
13 at rates at or above 40 percent in at least one sub-national
14 region, a description of the status of the practice of child
15 marriage in such country. In this subsection, the term
16 ‘child marriage’ means the marriage of a girl or boy, not
17 yet the minimum age for marriage stipulated in law in
18 the country in which such girl or boy is a resident.”.

19 (e) DEFINITION.—In this section, the term “child
20 marriage” means the marriage of a girl or boy, not yet
21 the minimum age for marriage stipulated in law in the
22 country in which the girl or boy is a resident.

23 (f) AUTHORIZATION OF APPROPRIATIONS.—Of the
24 amounts authorized to be appropriated pursuant to sec-
25 tion 101 of this division, there is authorized to be appro-

1 priated as such sums as necessary for fiscal years 2010
2 through 2011 to carry out this section and the amend-
3 ments made by this section.

4 **SEC. 1112. STATEMENT OF CONGRESS REGARDING RETURN**
5 **OF PORTRAITS OF HOLOCAUST VICTIMS TO**
6 **ARTIST DINA BABBITT.**

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

8 (1) Dina Babbitt (formerly known as Dinah
9 Gottliebova), a United States citizen, has requested
10 the return of watercolor portraits she painted while
11 suffering a 1½-year-long internment at the Ausch-
12 witz death camp during World War II.

13 (2) Dina Babbitt was ordered to paint the por-
14 traits by the infamous war criminal Dr. Josef
15 Mengele.

16 (3) Dina Babbitt's life, and her mother's life,
17 were spared only because she painted portraits of
18 doomed inmates of Auschwitz-Birkenau, under or-
19 ders from Dr. Josef Mengele.

20 (4) These paintings are currently in the posses-
21 sion of the Auschwitz-Birkenau State Museum.

22 (5) Dina Babbitt is the rightful owner of the
23 artwork, because the paintings were produced by her
24 own talented hands as she endured the unspeakable
25 conditions that existed at the Auschwitz death camp.

1 (6) This continued injustice can be righted
2 through cooperation between agencies of the United
3 States and Poland.

4 (7) This issue was raised in the Foreign Rela-
5 tions Authorization Act, Fiscal Year 2003 (Public
6 Law 107–228).

7 (b) STATEMENT OF CONGRESS.—Congress—

8 (1) continues to recognize the moral right of
9 Dina Babbitt to obtain the artwork she created, and
10 recognizes her courage in the face of the evils per-
11 petrated by the Nazi command of the Auschwitz-
12 Birkenau death camp, including the atrocities com-
13 mitted by Dr. Josef Mengele;

14 (2) urges the President to make all efforts nec-
15 essary to retrieve the seven watercolor portraits
16 Dina Babbitt painted, while suffering a 1½-year-
17 long internment at the Auschwitz death camp, and
18 return them to her;

19 (3) urges the Secretary of State to make imme-
20 diate diplomatic efforts to facilitate the transfer of
21 the seven original watercolors painted by Dina Bab-
22 bitt from the Auschwitz-Birkenau State Museum to
23 Dina Babbitt, their rightful owner;

24 (4) urges the Government of Poland to imme-
25 diately facilitate the return to Dina Babbitt of the

1 artwork painted by her that is now in the possession
2 of the Auschwitz-Birkenau State Museum; and

3 (5) urges the officials of the Auschwitz-
4 Birkenau State Museum to transfer the seven origi-
5 nal paintings to Dina Babbitt as expeditiously as
6 possible.

7 **SEC. 1113. STATEMENT OF POLICY REGARDING SOMALIA.**

8 (a) STATEMENT OF POLICY.—It shall be the policy
9 of the United States to—

10 (1) advance long-term stability and peace in So-
11 malia;

12 (2) provide assistance to the government of So-
13 malia and nongovernmental organizations, including
14 Somali-led nongovernmental organizations, and par-
15 ticularly women’s groups, as appropriate;

16 (3) support efforts to establish democratic civil
17 authorities and institutions in Somalia that reflect
18 local and traditional structures, built on the rule of
19 law and respect for human rights, and strengthen
20 the security sector; and

21 (4) support reconciliation efforts in Somalia in
22 order to ensure lasting peace.

23 (b) SENSE OF CONGRESS.—It is the sense of Con-
24 gress that the President, acting through the Secretary of
25 State, should develop a comprehensive policy in coordina-

1 tion with the international community and the government
2 of Somalia that aligns humanitarian, development, eco-
3 nomic, political, counterterrorism, anti-piracy, and re-
4 gional strategies in order to bring about peace and sta-
5 bility in Somalia and the region.

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

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

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

14 “(a) IN GENERAL.—The Secretary of State should
15 develop and implement a rigorous system to monitor and
16 evaluate the effectiveness and efficiency of United States
17 foreign assistance. The system should include a method
18 of coordinating the monitoring and evaluation activities of
19 the Department of State and the United States Agency
20 for International Development with the monitoring and
21 evaluation activities of other Federal departments and
22 agencies carrying out United States foreign assistance
23 programs, and when possible with other international bi-
24 lateral and multilateral agencies and entities.

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

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

8 “(2) establishes criteria for selection of such
9 programs to be subject to various evaluation meth-
10 odologies, with particular emphasis on impact eval-
11 uation;

12 “(3) establishes an organization unit, or
13 strengthens an existing unit, with adequate staff and
14 funding to budget, plan, and conduct appropriate
15 performance monitoring and improvement and eval-
16 uation activities with respect to such programs;

17 “(4) establishes a process for applying the les-
18 sons learned and findings from monitoring and eval-
19 uation activities, including impact evaluation re-
20 search, into future budgeting, planning, program-
21 ming, design and implementation of such programs;
22 and

23 “(5) establishes a policy to publish all evalua-
24 tion plans and reports relating to such programs.

25 “(c) ANNUAL EVALUATION PLANS.—

1 “(1) IN GENERAL.—In carrying out subsection
2 (a), the Secretary, under the direction of the Presi-
3 dent, should ensure that the head of each Federal
4 department or agency carrying out United States
5 foreign assistance programs develops an annual eval-
6 uation plan for such programs stating how the de-
7 partment or agency will implement this section.

8 “(2) CONSULTATION.—In preparing the evalua-
9 tion plan, the head of each Federal department or
10 agency carrying out United States foreign assistance
11 programs should consult with the heads of other ap-
12 propriate Federal departments and agencies, govern-
13 ments of host countries, international and local non-
14 governmental organizations, and other relevant
15 stakeholders.

16 “(3) SUBMISSION TO CONGRESS.—Not later
17 than 180 days after the date of the enactment of
18 this section, the head of each Federal department or
19 agency carrying out United States foreign assistance
20 programs should submit to the appropriate congres-
21 sional committees an evaluation plan consistent with
22 this subsection.

23 “(d) CAPACITY BUILDING.—

24 “(1) FOR FEDERAL DEPARTMENTS AND AGEN-
25 CIES.—The Secretary, under the direction of the

1 President and in consultation with the head of each
2 Federal department or agency carrying out United
3 States foreign assistance programs, should take con-
4 crete steps to enhance the performance monitoring
5 and improvement and evaluation capacity of each
6 such Federal department and agency, subject to the
7 availability of resources for such purposes, including
8 by increasing and improving training and education
9 opportunities, and by adopting best practices and
10 up-to-date evaluation methodologies to provide the
11 best evidence available for assessing the outcomes
12 and impacts of such programs.

13 “(2) FOR RECIPIENT COUNTRIES.—The Sec-
14 retary is authorized to provide assistance to increase
15 the capacity of countries receiving United States for-
16 eign assistance to design and conduct performance
17 monitoring and improvement and evaluation activi-
18 ties.

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

25 “(f) REPORT.—

1 “(1) IN GENERAL.—Not later than 1 year after
2 the date of the enactment of this section, and in
3 each of the two subsequent years, the Secretary shall
4 transmit to the appropriate congressional commit-
5 tees a report on—

6 “(A) the use of funds to carry out evalua-
7 tions under this section;

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

10 “(C) the use of findings and lessons
11 learned from evaluations under this section, in-
12 cluding actions taken in response to rec-
13 ommendations included in current and previous
14 evaluations, such as the improvement or con-
15 tinuation of a program, project, or activity.

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

19 “(g) DEFINITIONS.—

20 “(1) IN GENERAL.—In this section—

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

1 “(B) the term ‘Secretary’ means the Sec-
2 retary of State; and

3 “(C) the term ‘United States foreign as-
4 sistance’ means—

5 “(i) assistance authorized under this
6 Act; and

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

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

13 “(A) the term ‘evaluation’ means the sys-
14 tematic and objective determination and assess-
15 ment of the design, implementation, and results
16 of an on-going or completed program, project,
17 or activity;

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

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

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

8 “(E) the term ‘outputs’ means the prod-
9 ucts, capital, goods, and services that result
10 from a program, project, or activity; and

11 “(F) the term ‘performance monitoring
12 and improvement’ means a continuous process
13 of collecting, analyzing, and using data to com-
14 pare how well a program, project, or activity is
15 being implemented against expected outputs
16 and program costs and to make appropriate im-
17 provements accordingly.

18 “(h) FUNDING.—Of the amounts authorized to be ap-
19 propriated for each United States foreign assistance pro-
20 gram for each of the fiscal years 2010 and 2011, not less
21 than 5 percent of such amounts should be made available
22 to carry out this section.”.

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

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

3 (A) Section 125 (22 U.S.C. 2151w; relat-
4 ing to general development assistance).

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

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

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

13 (E) Sections 494, 495, and 495B through
14 495K (22 U.S.C. 2292e, 2292f, and 2292h
15 through 2292q; relating to certain international
16 disaster assistance authorities).

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

19 (2) CONFORMING AMENDMENT.—Section 135
20 of the Foreign Assistance Act of 1961 (22 U.S.C.
21 2152h) is amended by striking “section 135” and
22 inserting “section 136”.

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

24 (a) STATEMENT OF POLICY.—It shall be the policy
25 of the United States to reduce global hunger, advance nu-

1 trition, increase food security, and ensure that relevant
2 Federal policies and programs—

3 (1) provide emergency response and direct sup-
4 port to vulnerable populations in times of need,
5 whether provoked by natural disaster, conflict, or
6 acute economic difficulties;

7 (2) increase resilience to and reduce, limit, or
8 mitigate the impact of shocks on vulnerable popu-
9 lations, reducing the need for emergency interven-
10 tions;

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

13 (4) ensure adequate access for all individuals,
14 especially mothers and children, to the required cal-
15 ories and nutrients needed to live healthy lives;

16 (5) strengthen the ability of small-scale farm-
17 ers, especially women, to sustain and increase their
18 production and livelihoods; and

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

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

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

1 (2) be balanced and flexible to allow for pro-
2 grams that meet emergency needs and increased in-
3 vestments in longer-term programs;

4 (3) develop mechanisms that allow cash and
5 commodity-based resources to be effectively com-
6 bined;

7 (4) define clear targets, benchmarks, and indi-
8 cators of success, including gender analysis, in order
9 to monitor implementation, guarantee accountability,
10 and determine whether beneficiaries achieve in-
11 creased and sustainable food security;

12 (5) employ the full range of diplomatic re-
13 sources and provide incentives to other countries to
14 meet their obligations to reduce hunger and promote
15 food security; and

16 (6) work within a framework of multilateral
17 commitments.

18 (c) COMPREHENSIVE STRATEGY TO ADDRESS GLOB-
19 AL HUNGER AND FOOD SECURITY.—

20 (1) IN GENERAL.—Not later than 30 days after
21 the date of the enactment of this Act, the President
22 shall direct the Secretary of State to develop and im-
23 plement a comprehensive strategy to address global
24 hunger and food security with respect to inter-
25 national programs and policies for—

1 (A) emergency response and management;

2 (B) safety nets, social protection, and dis-
3 aster risk reduction;

4 (C) nutrition;

5 (D) market-based agriculture, the rehabili-
6 tation and expansion of rural agricultural infra-
7 structure, and rural development;

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

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

12 (G) natural resource management, environ-
13 mentally sound agriculture, and responses to
14 the impact of climate change on agriculture and
15 food production;

16 (H) monitoring and evaluation mecha-
17 nisms; and

18 (I) provision of adequate and sustained re-
19 sources, including multiyear funding, to ensure
20 the scale and duration of programs required to
21 carry out the United States commitment to al-
22 leviate global hunger and promote food security.

23 (2) COORDINATION WITH INTERNATIONAL
24 GOALS.—In accordance with applicable law, the Sec-
25 retary of State shall ensure that the comprehensive

1 strategy described in paragraph (1) contributes to
2 achieving the Millennium Development Goal of re-
3 ducing global hunger by half not later than 2015
4 and to advancing the United Nations Comprehensive
5 Framework for Action with respect to global hunger
6 and food security, including supporting the United
7 Nations, international agencies, governments, and
8 other relevant organizations and entities in carrying
9 out the Comprehensive Framework for Action.

10 (d) REPORTS.—

11 (1) IN GENERAL.—The Secretary of State shall
12 submit to the President and Congress, not later than
13 March 31, 2010, and annually thereafter for the
14 next 2 years, an annual report on the implementa-
15 tion of the comprehensive strategy to address global
16 hunger and food security required under subsection
17 (c), including an assessment of agency innovations,
18 achievements, and failures to perform, and policy
19 and budget recommendations for changes to agency
20 operations, priorities, and funding.

21 (2) GAO.—Not later than 2 years after the
22 date of the enactment of this Act and 2 years there-
23 after, the Comptroller General of the United States
24 shall submit to Congress a report evaluating the de-
25 sign, implementation, and Federal Government co-

1 ordination of a comprehensive strategy to address
2 global hunger and food security required on sub-
3 section (c).

4 **SEC. 1116. STATEMENT OF CONGRESS ON THE HUMANI-**
5 **TARIAN SITUATION IN SRI LANKA.**

6 Congress makes the following statements:

7 (1) the United States welcomes the end to the
8 26-year conflict in Sri Lanka between the Govern-
9 ment of Sri Lanka and the Liberation Tigers of
10 Tamil Eelam;

11 (2) a durable and lasting peace will only be
12 achieved through a political solution that addresses
13 the legitimate aspirations of all Sri Lankan commu-
14 nities, including the Tamils;

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

21 (4) the United States supports the international
22 community's call for full and immediate access to
23 humanitarian relief agencies to camps for internally
24 displaced persons, and remains deeply concerned

1 about the plight of the thousands civilians affected
2 by the civil war;

3 (5) the United States expects the Government
4 of Sri Lanka to abide by its commitments to allow
5 access for representatives of the responsible inter-
6 national organizations throughout the screening and
7 registration process for internally displaced persons;
8 and

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

1 **SEC. 1117. AUDIT REQUIREMENTS FOR THE INSPECTORS**
2 **GENERAL OF THE DEPARTMENT OF STATE,**
3 **THE DEPARTMENT OF DEFENSE, AND THE**
4 **UNITED STATES AGENCY FOR INTER-**
5 **NATIONAL DEVELOPMENT, AND THE SPECIAL**
6 **INSPECTOR GENERAL FOR AFGHANISTAN RE-**
7 **CONSTRUCTION.**

8 (a) **AUDIT REQUIREMENTS.**—The Inspectors General
9 of the Department of State, the Department of Defense,
10 and the United States Agency for International Develop-
11 ment, and the Special Inspector General for Afghanistan
12 Reconstruction should address, as appropriate, in their au-
13 diting and assessment protocols for Afghanistan, the im-
14 pact United States development assistance has on the so-
15 cial, economic, and political empowerment of Afghan
16 women, including the extent to which such assistance
17 helps to carry out the following:

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

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

1 (b) REPORT.—Not later than 1 year after the date
2 of the enactment of this Act, the Inspectors General of
3 the Department of State, the Department of Defense, and
4 the United States Agency for International Development,
5 and the Special Inspector General for Afghanistan Recon-
6 struction shall submit to Congress a report on the imple-
7 mentation of this section.

8 **SEC. 1118. GLOBAL CLEAN ENERGY EXCHANGE PROGRAM.**

9 (a) PROGRAM ESTABLISHMENT.—The Secretary of
10 State is authorized to establish a program to strengthen
11 research, educational exchange, and international coopera-
12 tion with the aim of promoting the development and de-
13 ployment of clean and efficient energy technologies in
14 order to reduce global greenhouse gas emissions, address
15 issues of energy poverty in developing countries, and ex-
16 tend the reach of United States technologies and ingenuity
17 that would be beneficial to developing countries. The pro-
18 gram authorized under this subsection shall be carried out
19 pursuant to the authorities of the Mutual Educational and
20 Cultural Exchange Act of 1961 (22 U.S.C. 2451 et seq.)
21 and may be referred to as the “Global Clean Energy Ex-
22 change Program”.

23 (b) DEFINITIONS.—In this section:

24 (1) CLEAN AND EFFICIENT ENERGY TECH-
25 NOLOGY.—The term “clean and efficient energy

1 technology” means an energy supply or end-use
2 technology—

3 (A) such as—

4 (i) solar technology;

5 (ii) wind technology;

6 (iii) geothermal technology;

7 (iv) hydroelectric technology

8 (v) alternative fuels; and

9 (vi) carbon capture technology; and

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

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

17 (ii) results in—

18 (I) reduced emissions of green-
19 house gases; or

20 (II) increased geological seques-
21 tration; and

22 (iii) may—

23 (I) substantially lower emissions
24 of air pollutants; or

1 (II) generate substantially small-
2 er or less hazardous quantities of solid
3 or liquid waste.

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

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

- 12 (A) carbon dioxide;
- 13 (B) methane;
- 14 (C) nitrous oxide;
- 15 (D) hydrofluorocarbons;
- 16 (E) perfluorocarbons;
- 17 (F) sulfur hexafluoride; or
- 18 (G) nitrogen trifluoride.

19 (c) ELEMENTS.—The program authorized under sub-
20 section (a) shall contain the following elements:

21 (1) The financing of studies, research, instruc-
22 tion, and other educational activities dedicated to de-
23 veloping clean and efficient energy technologies—

24 (A) by or to United States citizens and na-
25 tionals in foreign universities, governments, or

1 organizations, companies, or other institutions;
2 and

3 (B) by or to citizens and nationals of for-
4 foreign countries in United States universities,
5 governments, organizations, companies, or other
6 institutions.

7 (2) The financing of visits and exchanges be-
8 tween the United States and other countries of stu-
9 dents, trainees, teachers, instructors, professors, re-
10 searchers, entrepreneurs, and other persons who
11 study, teach, and conduct research in subjects such
12 as the physical sciences, environmental science, pub-
13 lic policy, economics, urban planning, and other sub-
14 jects and focus on developing and commercially de-
15 ploying clean and efficient energy technologies.

16 (d) ACCESS.—The Secretary of State shall ensure
17 that the program authorized under subsection (a) is avail-
18 able to—

19 (1) historically Black colleges and universities
20 that are part B institutions (as such term is defined
21 in section 322(2) of the Higher Education Act of
22 1965 (20 U.S.C. 1061(2))), Hispanic-serving institu-
23 tions (as such term is defined in section 502(5) of
24 such Act (20 U.S.C. 1101a(5))), Tribal Colleges or
25 Universities (as such term is defined in section 316

1 of such Act (20 U.S.C. 1059e)), and other minority
2 institutions (as such term is defined in section
3 365(3) of such Act (20 U.S.C. 1067k(3))), and to
4 the students, faculty, and researchers at such col-
5 leges, universities, and institutions; and

6 (2) small business concerns owned and con-
7 trolled by socially and economically disadvantaged
8 individuals, small business concerns owned and con-
9 trolled by women, and small business concerns
10 owned and controlled by veterans (as such terms are
11 defined in section 8(d)(3) of the Small Business Act
12 (15 U.S.C. 637(d)(3))).

13 **SEC. 1119. ALIEN REPATRIATION.**

14 Section 243(d) of the Immigration and Nationality
15 Act (8 U.S.C. 1253(d)) is amended to read as follows:

16 “(d) ENSURING RETURN OF REMOVED ALIENS.—

17 “(1) DISCONTINUING GRANTING VISAS TO NA-
18 TIONALS OF COUNTRIES DENYING OR DELAYING AC-
19 CEPTING ALIEN.—On being notified by the Secretary
20 of Homeland Security that the government of a for-
21 eign country denies or unreasonably delays accepting
22 an alien who is a citizen, subject, national, or resi-
23 dent of that country after the Secretary of Home-
24 land Security asks whether the government will ac-
25 cept the alien under this section, the Secretary of

1 State shall order consular officers in that foreign
2 country to discontinue granting immigrant visas or
3 nonimmigrant visas, or both, to citizens, subjects,
4 nationals, and residents of that country until the
5 Secretary of Homeland Security notifies the Sec-
6 retary of State that the country has accepted the
7 alien.

8 “(2) DENYING ADMISSION TO FOREIGN GOV-
9 ERNMENT OFFICIALS OF COUNTRIES DENYING
10 ALIEN RETURN.—If the Secretary of Homeland Se-
11 curity determines that the government of a foreign
12 country denies or unreasonably delays accepting an
13 alien who is a citizen, subject, national, or resident
14 of that country after the alien has been ordered re-
15 moved, the Secretary of Homeland Security, in con-
16 sultation with the Secretary of State, may deny ad-
17 mission to any citizen, subject, national, or resident
18 of that country who is seeking or has received a non-
19 immigrant visa pursuant to subparagraphs (A) and
20 (G) of section 101(a)(15).

21 “(3) QUARTERLY REPORTS.—Not later than 90
22 days after the date of the enactment of the Foreign
23 Relations Authorization Act, Fiscal Years 2010 and
24 2011, and every 3 months thereafter, the Secretary

1 of Homeland Security shall submit to the Congress
2 a report that—

3 “(A) lists all the countries which refuse or
4 unreasonably delay repatriation; and

5 “(B) includes the total number of aliens
6 who were refused repatriation, disaggregated
7 by—

8 “(i) country;

9 “(ii) detention status; and

10 “(iii) criminal status.”.

11 **SEC. 1120. COMPREHENSIVE INTERAGENCY STRATEGY AND**
12 **IMPLEMENTATION PLAN FOR SUDAN.**

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

22 (b) ELEMENTS.—The comprehensive interagency
23 strategy and implementation plan required under sub-
24 section (b) shall contain at least the following elements:

1 (1) Consistent with section 1127, a description
2 of a comprehensive policy toward Sudan which bal-
3 ances United States interests in—

4 (A) resolving the conflict in Darfur;

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

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

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

13 (E) addressing internal and regional secu-
14 rity; and

15 (F) combating Islamist extremism.

16 (2) Progress toward achieving the policy objec-
17 tives specified in paragraph (1), including—

18 (A) facilitating the full deployment and
19 freedom of movement of the hybrid United Na-
20 tions-African Union Mission in Darfur;

21 (B) ensuring access and security for hu-
22 manitarian organizations throughout the coun-
23 try including, as appropriate, those organiza-
24 tions that wrongfully have been expelled by the
25 Sudanese regime;

1 (C) promoting reconciliation within and
2 among disparate groups;

3 (D) advancing regional security and co-
4 operation while eliminating cross-border support
5 for armed insurgents;

6 (E) meeting the CPA benchmarks, includ-
7 ing preparations for the conduct of national
8 elections and referendum; and

9 (F) shutting down safe-havens for extrem-
10 ists who pose a threat to the national security
11 of the United States and its allies.

12 (3) A description of how United States assist-
13 ance will be used to achieve the objectives of United
14 States policy toward Sudan, including a financial
15 plan and description of resources, programming, and
16 management of United States foreign assistance to
17 Sudan and the criteria used to determine their
18 prioritization.

19 (4) An evaluation and description of additional
20 measures that will be taken to advance United
21 States policy, which may range from—

22 (A) application of multilateral sanctions by
23 the United Nations or regional allies, or expan-
24 sion of existing United States sanctions;

1 (B) imposition of a no-fly zone or other co-
2 ercive measures; or

3 (C) rapprochement with the Sudanese re-
4 gime or other diplomatic measures.

5 (5) A complete description of both the evalua-
6 tion process for reviewing and adjusting the strategy
7 and implementation as necessary, and measures of
8 effectiveness for the implementation of the strategy.

9 (c) UPDATES OF STRATEGY.—The President shall
10 transmit in writing to the appropriate congressional com-
11 mittees any updates of the comprehensive interagency
12 strategy and implementation plan required under sub-
13 section (b), as necessary.

14 **SEC. 1120A. STATEMENT OF POLICY REGARDING CLIMATE**
15 **CHANGE.**

16 To protect American jobs, spur economic growth and
17 promote a “Green Economy”, it shall be the policy of the
18 United States that, with respect to the United Nations
19 Framework Convention on Climate Change, the President,
20 the Secretary of State and the Permanent Representative
21 of the United States to the United Nations should prevent
22 any weakening of, and ensure robust compliance with and
23 enforcement of, existing international legal requirements
24 as of the date of the enactment of this Act for the protec-
25 tion of intellectual property rights related to energy or en-

1 vironmental technology, including wind, solar, biomass,
2 geothermal, hydro, landfill gas, natural gas, marine, trash
3 combustion, fuel cell, hydrogen, micro-turbine, nuclear,
4 clean coal, electric battery, alternative fuel, alternative re-
5 fueling infrastructure, advanced vehicle, electric grid, or
6 energy efficiency-related technologies.

7 **Subtitle B—Sense of Congress** 8 **Provisions**

9 **SEC. 1121. PROMOTING DEMOCRACY AND HUMAN RIGHTS** 10 **IN BELARUS.**

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

12 (1) Despite some modest improvements, notably
13 the release of political prisoners, the Belarusian Gov-
14 ernment’s human rights and democracy record re-
15 mains poor as governmental authorities continue to
16 commit frequent serious abuses.

17 (2) Since 1996, President Alexander
18 Lukashenka has consolidated his power over all in-
19 stitutions and undermined the rule of law through
20 authoritarian means.

21 (3) Belarus restricts civil liberties, including
22 freedoms of press, speech, assembly, association, and
23 religion. Nongovernmental organizations and polit-
24 ical parties are subject to harassment, fines, pros-
25 ecution, and closure. The Belarusian Government

1 maintains a virtual monopoly over the country's in-
2 formation space.

3 (b) POLICY.—It is the policy of the United States
4 to—

5 (1) support the aspirations of the people of
6 Belarus for democracy, human rights, and the rule
7 of law;

8 (2) support the aspirations of the people of
9 Belarus to preserve the independence and sov-
10 ereignty of their country;

11 (3) seek and support the growth of democratic
12 movements and institutions in Belarus as well the
13 development of a democratic political culture and
14 civil society;

15 (4) seek and support the growth of an open
16 market economy in Belarus through the development
17 of entrepreneurship and protection of property
18 rights; and

19 (5) remain open to re-evaluating United States
20 policy toward Belarus, including existing sanctions,
21 as warranted by demonstrable democratic and
22 human rights progress made by the Belarusian Gov-
23 ernment.

24 (c) SENSE OF CONGRESS.—It is the sense of Con-
25 gress that—

1 (1) the United States should furnish assistance
2 to Belarus to the support democratic processes in
3 that country, including—

4 (A) expanding and facilitating the develop-
5 ment of independent print, radio, television, and
6 internet broadcasting to and within Belarus;

7 (B) aiding the development of civil society
8 through assistance to nongovernmental organi-
9 zations promoting democracy and supporting
10 human rights, including youth groups, entre-
11 preneurs, and independent trade unions;

12 (C) supporting the work of human rights
13 defenders;

14 (D) enhancing the development of demo-
15 cratic political parties;

16 (E) assisting the promotion of free, fair,
17 and transparent electoral processes;

18 (F) enhancing international exchanges, in-
19 cluding youth and student exchanges, as well as
20 advanced professional training programs for
21 leaders and members of the democratic forces
22 in skill areas central to the development of civil
23 society; and

24 (G) supporting educational initiatives such
25 as the European Humanities University, a

1 Belarusian university in exile based in Vilnius,
2 Lithuania; and

3 (2) the United States should support radio, tel-
4 evision, and internet broadcasting to the people of
5 Belarus in languages spoken in Belarus, including
6 broadcasting by Radio Free Europe/Radio Liberty,
7 European Radio for Belarus, and Belsat.

8 **SEC. 1122. SENSE OF CONGRESS RELATING TO SOVIET NU-**
9 **CLEAR TESTS AND KAZAKHSTAN'S COMMIT-**
10 **MENT TO NONPROLIFERATION.**

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

12 (1) In 1991, immediately after achieving inde-
13 pendence, Kazakhstan closed and sealed the world's
14 second largest nuclear test site in Semipalatinsk
15 which had been inherited from the former Soviet
16 Union and at which more than 500 nuclear tests
17 had been conducted from 1949 to 1991.

18 (2) The cumulative power of explosions from
19 those tests, conducted above ground, on the ground,
20 and underground is believed to be equal to the power
21 of 20,000 explosions of the type of bomb dropped on
22 Hiroshima, Japan, in 1945.

23 (3) More than 1,500,000 people in Kazakhstan
24 suffered because of decades of Soviet nuclear weap-
25 ons testing in the region.

1 (4) A horrifying array of disease will continue
2 to destroy the lives of hundreds of thousands and
3 their descendants for many generations to come as
4 a result of these tests.

5 (5) Since its independence, Kazakhstan has
6 constructed a stable and peaceful state, voluntarily
7 disarmed the world's fourth largest nuclear arsenal,
8 joined the Strategic Arms Reduction Treaty
9 (START), and within the frameworks of the Cooper-
10 ative Threat Reduction program the government of
11 Kazakhstan, in cooperation with the United States
12 Government, conducted a very successful secret op-
13 eration, code-named Project Sapphire, as a result of
14 which 581 kilograms (1,278 pounds) of highly en-
15 riched uranium enough to produce 20–25 nuclear
16 warheads were removed from Kazakhstan.

17 (6) Because of the successful cooperation be-
18 tween the Governments of the United States and
19 Kazakhstan, the last lethal weapon was removed
20 from Kazakhstan in April 1995.

21 (7) Kazakhstan, allegiant to its commitment to
22 nonproliferation, in December 2004 signed with the
23 United States an amendment to the bilateral agree-
24 ment on the nonproliferation of weapons of mass de-
25 struction which will move the two nations towards a

1 new level of cooperation in preventing the threat of
2 bio-terrorism.

3 (8) By its actions, Kazakhstan has proven itself
4 not only as a universally recognized leader and one
5 of the key members in the nonproliferation process,
6 but also as a reliable and consistent ally of the
7 United States in reducing nuclear threats and pre-
8 venting lethal weapons from being acquired by ter-
9 rorist organizations such as Al-Qaeda.

10 (9) Recently Kazakhstan has also offered to
11 host an international nuclear fuel bank where low-
12 enriched uranium would be stored in accordance
13 with the highest international standards for safety,
14 security, and safeguards.

15 (10) The Norwegian Defence Research Estab-
16 lishment is also working with Kazakhstan to
17 strengthen nuclear security and nonproliferation.

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

20 (1) the people of Kazakhstan and its Govern-
21 ment should be congratulated for their commitment
22 to nonproliferation and their leadership in offering
23 to host an international nuclear fuel bank; and

24 (2) the Secretary of State should work to estab-
25 lish a joint working group with the Governments of

1 Kazakhstan and Norway to explore common chal-
2 lenges and opportunities on disarmament and non-
3 proliferation, and to assist in assessing the environ-
4 mental damage and health effects caused by Soviet
5 nuclear testing in Semipalatinsk.

6 **SEC. 1123. SENSE OF CONGRESS ON HOLOCAUST-ERA**
7 **PROPERTY RESTITUTION AND COMPENSA-**
8 **TION.**

9 It is the sense of Congress that—

10 (1) countries in Central and Eastern Europe
11 which have not already done so must return looted
12 and confiscated properties to their rightful owners
13 or, where restitution is not possible, pay equitable
14 compensation, in accordance with principles of jus-
15 tice and in an expeditious manner that is trans-
16 parent and fair;

17 (2) countries in Central and Eastern Europe
18 must enact and implement appropriate restitution
19 and compensation legislation to facilitate private,
20 communal, and religious property restitution; and

21 (3) countries in Central and Eastern Europe
22 must ensure that such restitution and compensation
23 legislation establishes a simple, transparent, and
24 timely process, so that such process results in a real

1 benefit to those individuals who suffered from the
2 unjust confiscation of their property.

3 **SEC. 1124. EFFORTS TO SECURE THE FREEDOM OF GILAD**
4 **SHALIT.**

5 It is the sense of Congress that Israeli soldier Gilad
6 Shalit, who has been held captive continuously since his
7 illegal abduction by Gazan kidnappers in 2006, should be
8 safely released at the earliest possible time and that, pend-
9 ing his release, the International Committee of the Red
10 Cross should be granted full access to him, in accordance
11 with international law and civilized values.

12 **SEC. 1125. SENSE OF CONGRESS RELATING TO SUDAN.**

13 It is the sense of Congress that—

14 (1) the United States should support efforts to
15 find a stable and lasting peace in Sudan in the wake
16 of a devastating conflict that led to a major humani-
17 tarian disaster and caused the deaths of hundreds of
18 thousands, and continues to cause violence in Darfur
19 and throughout Sudan;

20 (2) to achieve that peace, all parties must agree
21 to uphold the Comprehensive Peace Agreement
22 (CPA);

23 (3) international partners should aim to widen
24 acceptance of the Darfur Peace Agreement by all
25 stakeholders;

1 (4) the United States should support efforts to
2 prepare for the national elections and for the ref-
3 erendum;

4 (5) the United States should support efforts to
5 develop a coordinated international strategy to sup-
6 port the rebuilding of Sudan, with a particular focus
7 on key CPA benchmarks including policy toward the
8 Three Areas, transitional justice, which would in-
9 clude prosecuting perpetrators of war crimes, oil rev-
10 enue sharing, the census, the return of displaced
11 Darfuris and other peoples to their homeland, and
12 management of the armed forces; and

13 (6) United States policy toward Darfur should
14 be fully integrated with United States policy toward
15 the CPA, as full and lasting resolution to the Darfur
16 crisis hinges on the resolution of a common set of
17 national problems.

18 **SEC. 1126. SENSE OF CONGRESS ON RESTRICTIONS ON RE-**
19 **LIGIOUS FREEDOM IN VIETNAM.**

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

21 (1) The Secretary of State, under the Inter-
22 national Religious Freedom Act of 1998 (22 U.S.C.
23 6401 et seq.) and authority delegated by the Presi-
24 dent, designates nations found guilty of “particularly

1 severe violations of religious freedom” as “Countries
2 of Particular Concern”.

3 (2) In November 2006, the Secretary of State
4 announced that the Socialist Republic of Vietnam
5 was no longer designated as a “Country of Par-
6 ticular Concern”.

7 (3) The Unified Buddhist Church of Vietnam
8 (UBCV), the Hoa Hao Buddhists, and the Cao Dai
9 groups continue to face unwarranted abuses because
10 of their attempts to organize independently of the
11 Government of Vietnam, including the detention and
12 imprisonment of individual members of these reli-
13 gious communities.

14 (4) Over the last 3 years, 18 Hoa Hao Bud-
15 dhists have been arrested for distributing sacred
16 texts or publically protesting the religious restric-
17 tions placed on them by the Government of Vietnam,
18 at least 12 remain in prison, including 4 sentenced
19 in 2007 for staging a peaceful hunger strike.

20 (5) At least 15 individuals are being detained in
21 long term house arrest for reasons relating to their
22 faith, including the most venerable Thich Quang Do
23 and most of the leadership of the UBCV.

24 (6) According to Human Rights Watch, “In
25 April 2008 Montagnard Christian Y Ben Hdok was

1 beaten to death while in police custody in Dak Lak
2 after other Montagards in his district tried to flee to
3 Cambodia to seek political asylum.”.

4 (7) According to the United States Commission
5 on International Religious Freedom 2009 Annual
6 Report, religious freedom advocates and human
7 rights defenders Nguyen Van Dai, Le Thi Cong
8 Nhan, and Fr. Thaddeus Nguyen Van Ly are in
9 prison under Article 88 of the Criminal Code of
10 Vietnam and Fr. Nguyen Van Loi is being held
11 without official detention orders under house arrest.

12 (8) In February 2009, as many as 11
13 Montagnard Protestants were detained for refusing
14 to join the officially recognized Southern Evangelical
15 Church of Vietnam, and 2 still remain in prison.

16 (9) Since August 2008, the Government of
17 Vietnam has arrested and sentenced at least eight
18 individuals and beaten, tear-gassed, harassed, pub-
19 licly slandered, and threatened Catholics engaged in
20 peaceful activities seeking the return of Catholic
21 Church properties confiscated by the Vietnamese
22 Government after 1954 in Hanoi, including in the
23 Thai Ha parish.

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

1 (1) the Secretary of State should place Vietnam
2 on the list of “Countries of Particular Concern” for
3 particularly severe violations of religious freedom;
4 and

5 (2) the Government of Vietnam should lift re-
6 strictions on religious freedom and implement nec-
7 essary legal and political reforms to protect religious
8 freedom.

9 **SEC. 1127. SENSE OF CONGRESS RELATING TO THE MUR-**
10 **DER OF UNITED STATES AIR FORCE RESERVE**
11 **MAJOR KARL D. HOERIG AND THE NEED FOR**
12 **PROMPT JUSTICE IN STATE OF OHIO V. CLAU-**
13 **DIA C. HOERIG.**

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

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

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

23 (3) The State of Ohio charges that Claudia C.
24 Hoerig, Karl D. Hoerig’s wife, allegedly purchased a
25 .357 five-shot revolver, practiced shooting the weap-

1 on, and then shot Karl D. Hoerig three times, which
2 led to his death on March 12, 2007.

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

5 (5) Brazil's constitution forbids extradition of
6 its nationals, but the United States and Brazil recognize and uphold a Treaty of Extradition signed in
7 1964.
8

9 (6) Law enforcement officials are vigorously
10 pursuing State of Ohio v. Claudia C. Hoerig, the
11 charge of aggravated murder is internationally recognized, and the punishment, which is not capital
12 punishment, is internationally respected.
13

14 (b) SENSE OF CONGRESS.—It is the sense of Congress that—
15

16 (1) the alleged aggravated murder of United
17 States Air Force Reserve Major Karl D. Hoerig is
18 deserving of justice, and his family and friends deserve closure regarding the murder of their loved
19 one;
20

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

1 (3) a resolution of the case of State of Ohio v.
2 Claudia Hoerig is important to maintain the tradi-
3 tionally close cooperation and friendship between the
4 United States and Brazil.

5 **SEC. 1128. SENSE OF CONGRESS REGARDING PENSION PAY-**
6 **MENTS OWED BY THE STATES OF THE**
7 **FORMER SOVIET UNION.**

8 It is the sense of Congress that the United States
9 should continue working with the states of the former So-
10 viet Union to come to an agreement whereby each state
11 of the former Soviet Union would pay the tens of thou-
12 sands of beneficiaries who have immigrated to the United
13 States the pensions for which they are eligible and enti-
14 tled.

15 **SEC. 1129. SENSE OF CONGRESS RELATING TO ISRAEL'S**
16 **RIGHT TO SELF-DEFENSE.**

17 It is the sense of Congress that Israel has the inalien-
18 able right to defend itself in the face of an imminent nu-
19 clear or military threat from Iran, terrorist organizations,
20 and the countries that harbor them.

21 **SEC. 1130. INTERNATIONAL PREVENTION AND ELIMI-**
22 **NATION OF CHILD SOLDIERS.**

23 It is the sense of Congress that—

24 (1) the use of child soldiers is unacceptable;

1 (2) the use of child soldiers is a violation of
2 human rights and the prevention and elimination of
3 child soldiers should be a foreign policy goal of the
4 United States;

5 (3) the use of child soldiers promotes killing
6 and maiming, sexual violence, abductions, desta-
7 bilization, and displacement;

8 (4) investing in the health, education, well
9 being, and safety of children, and providing eco-
10 nomic opportunity and vocational training for at-risk
11 youth, is critical to achieving the goals of the United
12 Nations Convention of the Rights of Children; and

13 (5) countries should raise to 18 years of age the
14 minimum age for the voluntary recruitment of per-
15 sons into their national armed forces.

16 **DIVISION B—PEACE ACT OF 2009**

17 **SEC. 1. SHORT TITLE AND TABLE OF CONTENTS.**

18 (a) **SHORT TITLE.**—This division may be cited as the
19 “Pakistan Enduring Assistance and Cooperation En-
20 hancement Act of 2009” or the “PEACE Act of 2009”.

21 (b) **TABLE OF CONTENTS.**—The table of contents of
22 this division is as follows:

- Sec. 1. Short title and table of contents.
- Sec. 2. Definitions.
- Sec. 3. Findings.
- Sec. 4. Declaration of principles.

TITLE I—DEMOCRATIC, ECONOMIC, AND SOCIAL DEVELOPMENT
ASSISTANCE FOR PAKISTAN

- Sec. 101. Purposes of assistance.
- Sec. 102. Authorization of assistance.
- Sec. 103. Multilateral support for Pakistan.
- Sec. 104. Pakistan Democracy and Prosperity Fund.
- Sec. 105. Authorization of appropriations.

TITLE II—SECURITY ASSISTANCE FOR PAKISTAN

- Sec. 201. Sense of Congress.
- Sec. 202. Purposes of assistance.
- Sec. 203. Authorization of assistance.
- Sec. 204. Pakistan Counterinsurgency Capability Fund.
- Sec. 205. Exchange program between military and civilian personnel of Pakistan and certain other countries.
- Sec. 206. Limitation on United States military assistance to Pakistan.
- Sec. 207. Authorization of appropriations.

TITLE III—MISCELLANEOUS PROVISIONS

- Sec. 301. Comprehensive regional security strategy.
- Sec. 302. Monitoring and evaluation of assistance.
- Sec. 303. Auditing.
- Sec. 304. Requirements for civilian control of United States assistance for Pakistan.
- Sec. 305. Sense of Congress.
- Sec. 306. Reports.
- Sec. 307. Sunset.

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

- Sec. 401. Short title.
- Sec. 402. Definitions; Purposes.
- Sec. 403. Designation of Reconstruction Opportunity Zones.
- Sec. 404. Duty-free treatment for certain nontextile and nonapparel articles.
- Sec. 405. Duty-free treatment for certain textile and apparel articles.
- Sec. 406. Protections against unlawful transshipment.
- Sec. 407. Technical assistance, capacity building, compliance assessment, and remediation program.
- Sec. 408. Petition process.
- Sec. 409. Limitations on providing duty-free treatment.
- Sec. 410. Termination of benefits.
- Sec. 411. Customs user fees.

1 **SEC. 2. DEFINITIONS.**

2 In this division:

3 (1) APPROPRIATE CONGRESSIONAL COMMIT-
 4 TEES.—Except as otherwise provided in this divi-
 5 sion, the term “appropriate congressional commit-

1 tees” means the Committees on Appropriations and
2 Foreign Affairs of the House of Representatives and
3 the Committees on Appropriations and Foreign Re-
4 lations of the Senate.

5 (2) COUNTERINSURGENCY.—The term “coun-
6 terinsurgency” means efforts to defeat organized
7 movements that seek to overthrow the duly con-
8 stituted Governments of Pakistan and Afghanistan
9 through the use of subversion and armed conflict.

10 (3) COUNTERTERRORISM.—The term “counter-
11 terrorism” means efforts to combat—

12 (A) al Qaeda; and

13 (B) other terrorist organizations, as such
14 term is defined in section 212(a)(3)(B)(vi) of
15 the Immigration and Nationality Act (8 U.S.C.
16 1182(a)(3)(B)(vi)).

17 (4) FATA.—The term “FATA” means the
18 Federally Administered Tribal Areas of Pakistan.

19 (5) FCR.—The term “FCR” means the Fron-
20 tier Crimes Regulation, codified under British law in
21 1901, and applicable to the FATA.

22 (6) NWFP.—The term “NWFP” means the
23 North West Frontier Province of Pakistan, which
24 has Peshawar as its provincial capital.

1 **SEC. 3. FINDINGS.**

2 Congress finds the following:

3 (1) The Islamic Republic of Pakistan has been
4 a critical ally of the United States for more than 4
5 decades.

6 (2) With the free and fair election of February
7 18, 2008, Pakistan returned to civilian rule after al-
8 most 9 years under a military dictatorship.

9 (3) After the September 11, 2001, terrorist at-
10 tacks against the United States, Pakistan chose to
11 partner with the United States in the fight against
12 al Qaeda, the Taliban, and other extremist and ter-
13 rorist groups.

14 (4) Since 2001, the United States has contrib-
15 uted more than \$12,000,000,000 to Pakistan to
16 strengthen Pakistan's governance, economy, edu-
17 cation system, healthcare services, and military, so
18 as to bring freedom and opportunities to the people
19 of Pakistan while helping to combat terrorism and
20 to counter a domestic insurgency.

21 (5) The United States requires a balanced, inte-
22 grated, countrywide strategy that provides assistance
23 throughout Pakistan and does not disproportionately
24 focus on military assistance or one particular area or
25 province.

1 (6) Despite killing or capturing hundreds of al
2 Qaeda operatives and other terrorists—including
3 major al Qaeda leaders, such as Khalid Sheikh Mu-
4 hammad, Ramzi bin al-Shibh, and Abu Faraj al-
5 Libi—Pakistan’s FATA, parts of the NWFP,
6 Quetta in Balochistan, and Muridke in Punjab re-
7 main a sanctuary for al Qaeda, the Afghan Taliban,
8 and affiliated groups from which these groups orga-
9 nize terrorist actions against Pakistan and other
10 countries.

11 (7) Pakistan’s security forces have recently
12 begun taking concerted action against those who
13 threaten Pakistan’s security and stability, with mili-
14 tary operations in the Bajour agency in the FATA
15 and in the Swat, Buner, and Dir districts in the
16 NWFP.

17 (8) The displacement of over 1,000,000 Paki-
18 stanis poses a grave humanitarian crisis and re-
19 quires the immediate attention of the United Na-
20 tions, and the strong support of donor nations, to
21 provide food, water, shelter, medicine, sanitation and
22 other emergency services and supplies to the dis-
23 placed, along with longer-term development assist-
24 ance. The humanitarian crisis highlights the need
25 for Pakistan to develop an effective national counter-

1 insurgency strategy, in order to mitigate such dis-
2 placement.

3 **SEC. 4. DECLARATION OF PRINCIPLES.**

4 Congress declares that the relationship between the
5 United States and Pakistan should be based on the fol-
6 lowing principles:

7 (1) Pakistan is a critical friend and ally to the
8 United States, both in times of strife and in times
9 of peace, and the two countries share many common
10 goals, including combating terrorism and violent
11 radicalism, solidifying democracy and rule of law in
12 Pakistan, and promoting the social and material
13 well-being of the people of Pakistan.

14 (2) United States assistance to Pakistan is in-
15 tended to supplement, not supplant, Pakistan's own
16 efforts in building a stable, secure, and prosperous
17 Pakistan, and United States assistance will be whol-
18 ly ineffective without Pakistan's own serious efforts
19 to improve the health, education, and living stand-
20 ards of its population, including maintaining or in-
21 creasing the financial resources devoted to such ef-
22 forts.

23 (3) The United States supports Pakistan's
24 struggle against extremist elements and recognizes
25 the profound sacrifice made by Pakistan in the fight

1 against terrorism, including the loss of more than
2 1,600 soldiers since 2001 in combat with al Qaeda,
3 the Taliban, and other extremist and terrorist
4 groups.

5 (4) The United States intends to work with the
6 Government of Pakistan—

7 (A) to build mutual trust and confidence
8 by actively and consistently pursuing a sus-
9 tained, long-term, multifaceted relationship be-
10 tween the two countries, devoted to strength-
11 ening the mutual security, stability, and pros-
12 perity of both countries;

13 (B) to support the people of Pakistan and
14 their democratic government in their efforts to
15 consolidate democracy, through strengthening
16 Pakistan's parliament, helping Pakistan rees-
17 tablish an independent and transparent judicial
18 system, and working to extend the rule of law
19 in all areas in Pakistan;

20 (C) to promote long-term development and
21 infrastructure projects, including in healthcare,
22 water management, and energy programs, in all
23 areas of Pakistan, that are sustained and sup-
24 ported by each successive democratic govern-
25 ment in Pakistan;

1 (D) to encourage sustainable economic de-
2 velopment in Pakistan and the integration of
3 Pakistan into the global economy in order to
4 improve the living conditions of the people of
5 Pakistan;

6 (E) to ensure that the people of Pakistan,
7 including those living in areas governed by the
8 FCR, have access to public, modernized edu-
9 cation and vocational training to enable them to
10 provide for themselves, for their families, and
11 for a more prosperous future for their children;

12 (F) to expand people-to-people engagement
13 between the two countries, through increased
14 educational, technical, and cultural exchanges
15 and other methods;

16 (G) to ensure transparency of and provide
17 effective accountability for all United States as-
18 sistance and reimbursements provided to Paki-
19 stan;

20 (H) to take steps to improve Pakistan's
21 counterterrorism financing and anti-money
22 laundering laws to comply with international
23 standards, to include applying for "Financial
24 Action Task Force" observer status and adher-
25 ing to the United Nations International Con-

1 vention for the Suppression of the Financing of
2 Terrorism;

3 (I) to establish a counterinsurgency and
4 counterterrorism strategy to prevent any terri-
5 tory of Pakistan from being used as a base or
6 conduit for terrorist attacks in Pakistan, or
7 elsewhere, and ensure that madrasas in Paki-
8 stan are not used to incite terrorism;

9 (J) to ensure that Pakistan has strong and
10 effective law enforcement and national defense
11 forces, under civilian leadership, with sufficient
12 and appropriate security equipment and train-
13 ing to effectively defend Pakistan against inter-
14 nal and external threats;

15 (K) to ensure access of United States in-
16 vestigators to individuals suspected of engaging
17 in worldwide proliferation of nuclear materials,
18 as necessary, and restrict such individuals from
19 travel or any other activity that could result in
20 further proliferation;

21 (L) to help Pakistan meet its commitment
22 to not support any person or group that con-
23 ducts violence, sabotage, or other activities
24 meant to instill fear or terror in Pakistan's
25 neighboring countries; and

1 (M) to help Pakistan gain control of its
2 under-governed areas and stop any support, di-
3 rection, guidance to, or acquiescence in the ac-
4 tivities of, any person or group that engages in
5 acts of violence or intimidation against civilians,
6 civilian groups, or governmental entities.

7 **TITLE I—DEMOCRATIC, ECO-**
8 **NOMIC, AND SOCIAL DEVEL-**
9 **OPMENT ASSISTANCE FOR**
10 **PAKISTAN**

11 **SEC. 101. PURPOSES OF ASSISTANCE.**

12 The purposes of assistance under this title are—

13 (1) to demonstrate unequivocally the long-term
14 commitment of the United States to the people of
15 Pakistan and Pakistan’s democratic institutions;

16 (2) to support the consolidation of democracy,
17 good governance, and the rule of law in Pakistan;

18 (3) to help build the capacity of law enforce-
19 ment forces in Pakistan to combat terrorism and
20 violent militancy and expeditiously investigate, ar-
21 rest, and prosecute alleged criminals, consistent with
22 the rule of law and due process;

23 (4) to further the sustainable and effective eco-
24 nomic and social development of Pakistan and the
25 improvement of the living conditions of the people of

1 Pakistan, especially in areas of direct interest and
2 importance to their daily lives;

3 (5) to strengthen regional ties between Pakistan
4 and its neighbors by offering concrete nonmilitary
5 assistance for issues of mutual economic and social
6 concern;

7 (6) to strengthen Pakistan's public education
8 system, increase literacy, expand opportunities for
9 vocational training, and help create an appropriate
10 national curriculum for all schools in Pakistan;

11 (7) to expand people-to-people engagement be-
12 tween the United States and Pakistan, through in-
13 creased educational, technical, and cultural ex-
14 changes and other methods;

15 (8) to strengthen respect for internationally rec-
16 ognized human rights in efforts to stabilize the secu-
17 rity environment in Pakistan; and

18 (9) to promote the rights and empowerment of
19 women and girls in Pakistan, including efforts to in-
20 crease access to basic healthcare services to address
21 Pakistan's high maternal mortality rate and to in-
22 crease girls' and women's access to education.

23 **SEC. 102. AUTHORIZATION OF ASSISTANCE.**

24 (a) IN GENERAL.—To carry out the purposes of sec-
25 tion 101, the President is authorized to provide assistance

1 for Pakistan to support the activities described in sub-
2 section (b).

3 (b) ACTIVITIES SUPPORTED.—Activities that may be
4 supported by assistance under subsection (a) include the
5 following:

6 (1) FORTIFYING DEMOCRATIC INSTITUTIONS.—
7 To support, notwithstanding any other provision of
8 law, democratic institutions in Pakistan in order to
9 strengthen civilian rule and long-term stability, in-
10 cluding assistance such as—

11 (A) support for efforts to strengthen the
12 National Parliament of Pakistan, including—

13 (i) assistance to parliamentary com-
14 mittees to enhance the capacity to conduct
15 public hearings and oversee government
16 activities, including national security issues
17 and the military budget, to solicit input on
18 key public policy issues, and to oversee the
19 conduct of elections;

20 (ii) support for the establishment of
21 constituency offices and otherwise promote
22 the responsibility of members of par-
23 liament to respond to constituents; and

24 (iii) strengthening of the role of par-
25 liamentary leadership;

1 (B) support for voter education and civil
2 society training, including training with grass-
3 roots organizations to enhance the capacity of
4 the organizations to advocate for the develop-
5 ment of public policy;

6 (C) support for political parties, including
7 increasing their capacity and protecting their
8 right to carry out political activities without re-
9 striction (other than reasonable administrative
10 requirements commonly applied in democratic
11 countries) and fostering the responsiveness of
12 such parties to the needs of the people of Paki-
13 stan;

14 (D) support for strengthening the capacity
15 of the civilian Government of Pakistan to carry
16 out its responsibilities, including supporting the
17 establishment of frameworks that promote gov-
18 ernment transparency and criminalize corrup-
19 tion in both the government and private sector,
20 audit offices, inspectors general offices, third-
21 party monitoring of government procurement
22 processes, whistle-blower protections, and anti-
23 corruption agencies; and

1 (E) in particular, support for efforts by the
2 Government of Pakistan to promote governance
3 reforms in the FATA, including—

4 (i) extension of the Political Parties
5 Act;

6 (ii) local experimentation with meth-
7 ods to transition from the FCR; and

8 (iii) long-term development of durable
9 and responsive political institutions.

10 (2) ENHANCEMENT AND STRENGTHENING OF
11 THE JUDICIAL SYSTEM AND LAW ENFORCEMENT.—

12 To support, notwithstanding any other provision of
13 law, Pakistan's efforts to expand the rule of law and
14 build the capacity, transparency, and trust in gov-
15 ernment institutions, at the national, provincial, and
16 local levels, including assistance such as—

17 (A) support for the rule of law and sys-
18 temic improvement of judicial and criminal jus-
19 tice institutions, including—

20 (i) management of courts;

21 (ii) enhanced career opportunities and
22 professional training for judges, public de-
23 fenders, and prosecutors; and

24 (iii) efforts to enhance the rule of law
25 to all areas in Pakistan where the writ of

1 the government is under heightened chal-
2 lenge by terrorists and militants, including
3 through innovations in the delivery of judi-
4 cial services that enhance the legitimacy of
5 state institutions;

6 (B) support for professionalization of the
7 police, including—

8 (i) training regarding use of force;

9 (ii) education and training regarding
10 human rights;

11 (iii) training regarding evidence pres-
12 ervation and chain of custody; and

13 (iv) training regarding community po-
14 licing;

15 (C) support for independent law enforce-
16 ment agencies, such as the Intelligence Bureau
17 of the Ministry of Interior, responsive to civilian
18 control, including—

19 (i) enhanced coordination with judicial
20 processes;

21 (ii) enhancement of forensics capabili-
22 ties;

23 (iii) data collection and analyses;

24 (iv) case tracking and management;

1 (v) financial intelligence functions;

2 and

3 (vi) maintenance of data systems to
4 track terrorist of criminal activity; and

5 (D) strengthening the capacity of the po-
6 lice and other civilian law enforcement agencies
7 to provide a robust response to threats from ex-
8 tremists and terrorists along the frontier and
9 elsewhere in Pakistan, including—

10 (i) the development of an elite rapid
11 reaction force which could be deployed on
12 short notice to secure areas that are
13 threatened by militancy; and

14 (ii) facilitating improved counterter-
15 rorism and counterinsurgency coordination
16 between local government officials, the po-
17 lice, paramilitary, and military leaders.

18 (3) SUPPORT FOR BROAD-BASED AND SUSTAIN-
19 ABLE ECONOMIC DEVELOPMENT.—To support eco-
20 nomic development in Pakistan by—

21 (A) promoting energy sector reform and
22 development;

23 (B) expanding assistance for agricultural
24 and rural development, including farm-to-mar-
25 ket roads, systems to prevent spoilage and

1 waste, and other small-scale infrastructure im-
2 provements that will enhance supply and dis-
3 tribution networks;

4 (C) increasing employment opportunities,
5 including support to small and medium enter-
6 prises, microfinance and microenterprise activi-
7 ties, and in particular programs to improve the
8 lives of women and girls;

9 (D) preventing youth from turning to ex-
10 tremism and militancy, and promoting the re-
11 nunciation of such tactics and extremist
12 ideologies, by providing economic, social, edu-
13 cational, and vocational opportunities and life-
14 skills training to at-risk youth; and

15 (E) increasing investment in infrastruc-
16 ture, including construction of roads, water re-
17 source management systems, irrigation chan-
18 nels, and continued development of a national
19 aviation industry and aviation infrastructure.

20 (4) SUPPORT TO INCREASE LOCAL CAPACITY.—

21 To increase the capacity and improve the sustain-
22 ability of Pakistan’s national, provincial, and local
23 governmental and nongovernmental institutions, in-
24 cluding assistance to—

1 (A) increase and improve the capacity of
2 Pakistan's national, provincial, and local gov-
3 ernmental institutions by—

4 (i) providing technical assistance to all
5 ministries to improve transparency and
6 ability to respond to the needs of the peo-
7 ple of Pakistan; and

8 (ii) promoting the implementation of
9 fiscal and personnel management, includ-
10 ing revenue tracking and expenditure sys-
11 tems; and

12 (B) enhance the capacity of Pakistan's
13 nongovernmental and civil society organizations
14 to respond to the needs of the people of Paki-
15 stan by—

16 (i) increasing support for local non-
17 governmental organizations with dem-
18 onstrated experience in delivering services
19 to the people of Pakistan, particularly to
20 women, children, and other vulnerable pop-
21 ulations in Pakistan;

22 (ii) providing training and education
23 to local nongovernmental and civil society
24 organizations on ways to identify and im-

1 prove the delivery of services to the people
2 of Pakistan; and

3 (iii) promoting local ownership and
4 participation, including encouraging com-
5 munities to contribute a percentage of the
6 value of United States projects or activities
7 carried out under this title in the form of
8 labor, in-kind materials, or other provi-
9 sions.

10 (5) SUPPORT FOR PUBLIC EDUCATION SYS-
11 TEM.—To support Pakistan’s public education sys-
12 tem, including—

13 (A) implementation of a national education
14 strategy, to include both primary and secondary
15 education, focused on literacy and civic edu-
16 cation, including—

17 (i) programs to assist development of
18 modern, nationwide school curriculums for
19 public, private, and religious schools that
20 incorporate relevant subjects, such as
21 math, science, literature, and human rights
22 awareness, in addition to agricultural edu-
23 cation and training;

24 (ii) enhancement of civic education
25 programs focused on political participation,

1 democratic institutions, and tolerance of
2 diverse ethnic and religious groups; and

3 (iii) support for the proper oversight
4 of all educational institutions, including
5 madrasas, as required by Pakistani law, in-
6 cluding registration with the Ministry of
7 Education and regular monitoring of cur-
8 riculum by the Ministry of Education to
9 ensure students in Pakistan receive a com-
10 prehensive education;

11 (B) initiatives to enhance the access to
12 education for women and girls, and to increase
13 women's literacy, with special emphasis on help-
14 ing girls stay in school;

15 (C) funding to the Government of Pakistan
16 to use to increase immediately teacher salaries
17 and to recruit and train teachers and adminis-
18 trators, as well as develop formalized salary
19 scales with merit-based pay increases;

20 (D) establishment of vocational and tech-
21 nical programs to enhance employment opportu-
22 nities;

23 (E) encouragement of United States and
24 Pakistani public-private partnerships to in-

1 crease investment in higher education and tech-
2 nical training opportunities;

3 (F) construction and maintenance of li-
4 braries and public schools, including water sani-
5 tation, perimeter walls, and recreation areas;

6 (G) provision of textbooks and other learn-
7 ing materials and food assistance for student
8 meals; and

9 (H) provision of software to educational in-
10 stitutions and students at the lowest possible
11 cost, specifically targeting universities that spe-
12 cialize in information technology, and women's
13 colleges and women's secondary schools.

14 (6) SUPPORT FOR HUMAN RIGHTS.—To pro-
15 mote respect for and compliance with internationally
16 recognized human rights, including assistance such
17 as—

18 (A) programs to strengthen civil society or-
19 ganizations that promote internationally recog-
20 nized human rights, including religious free-
21 dom, freedom of expression, and freedom of as-
22 sociation, and that support human rights moni-
23 toring;

24 (B) promotion of education regarding
25 internationally recognized human rights;

1 (C) programs designed to end traditional
2 practices and punishments that are inconsistent
3 with internationally recognized human rights
4 norms and protections, such as honor killings
5 and other forms of cruel and unusual punish-
6 ments;

7 (D) promotion of freedom of religion and
8 religious tolerance, protection of religious mi-
9 norities, and promotion of freedom of expres-
10 sion and association, including support for re-
11 sponsible independent media;

12 (E) promotion of nongovernmental organi-
13 zations that focus on the protection of women
14 and girls, including women-led organizations
15 and programs that support the participation of
16 women in the national, provincial, and local po-
17 litical process, and programs to end violence
18 against women, including rape;

19 (F) technical, legal, and law enforcement
20 assistance for the investigation of past dis-
21 appearances of individuals in Pakistan and the
22 development of a national database of such in-
23 dividuals; and

24 (G) programs in support and protection of
25 the rights of ethnic minorities in Pakistan, in-

1 including Baluchis, Sindhis, and Pashtuns, to
2 preserve their language, culture, traditional
3 areas of inhabitancy, and to fight any direct or
4 indirect discrimination.

5 (7) SUPPORT FOR REFUGEES AND INTERNALLY
6 DISPLACED PERSONS.—It is the sense of Congress
7 that—

8 (A) counterinsurgency operations being
9 carried out by the Government of Pakistan
10 should be designed to minimize civilian casual-
11 ties and collateral damage to the people of
12 Pakistan and to provide security for the deliv-
13 ery of humanitarian assistance to the affected
14 civilian population;

15 (B) the United States should continue to
16 provide robust assistance to the people of Paki-
17 stan who have been displaced as a result of on-
18 going conflict and violence;

19 (C) the United States should support
20 international efforts to coordinate assistance to
21 refugees and internally displaced persons in
22 Pakistan, including by providing support to
23 international and nongovernmental organiza-
24 tions for this purpose;

1 (D) the Administrator of the United States
2 Agency for International Development should
3 support the development objectives of the Ref-
4 ugee Affected and Host Areas (RAHA) Initia-
5 tive in Pakistan to address livelihoods, heath,
6 education, infrastructure development, and en-
7 vironmental restoration in identified parts of
8 the country where Afghan refugees have lived;
9 and

10 (E) the Administrator of the United States
11 Agency for International Development should
12 evaluate the effectiveness of the livelihoods
13 projects in the FATA in order to determine
14 whether systems need to be put into place to
15 improve programming in this key sector.

16 (8) SUPPORT FOR HEALTHCARE EFFORTS.—To
17 provide urgently needed healthcare assistance to the
18 people of Pakistan, including assistance to supple-
19 ment the Government of Pakistan’s efforts to elimi-
20 nate diseases, including hepatitis, and to reduce the
21 nation’s high maternal and under-five mortality
22 rates, including—

23 (A) support for repairing and building
24 healthcare infrastructure, including purchase of
25 equipment and training of health professionals,

1 to ensure adequate access to healthcare for
2 Pakistan's population, especially among its
3 rural, poor, marginalized and disadvantaged
4 segments; and

5 (B) promotion of efforts by the Govern-
6 ment of Pakistan to reduce maternal mortality,
7 including through the provision of maternal and
8 newborn health services and development of
9 community-based skilled birth attendants.

10 (9) SUPPORT FOR PUBLIC DIPLOMACY.—To im-
11 plement a more effective public diplomacy strategy
12 in Pakistan in order to ensure that the Pakistani
13 public recognizes that it is in Pakistan's own inter-
14 est to partner with the United States and other like-
15 minded countries to combat militant extremism, as
16 well as to promote a better understanding of the
17 United States, including through the following:

18 (A) Partnering with the Government of
19 Pakistan to highlight the negative behavior of
20 insurgent groups and to encourage civil society,
21 respected scholars, and other leaders to speak
22 out against militancy and violence.

23 (B) Providing technical assistance to the
24 Government of Pakistan to both disrupt and
25 provide alternatives to the illegal FM radio sta-

1 tions used by insurgent groups in the FATA
2 and adjacent districts of the NWFP.

3 (C) Expanded exchange activities under
4 the Fulbright Program, the International Vis-
5 itor Leadership Program, the Youth Exchange
6 and Study Program, and related programs ad-
7 ministered by the Department of State designed
8 to promote mutual understanding and interfaith
9 dialogue.

10 (D) Expansion of sister institution pro-
11 grams between United States and Pakistani
12 schools and universities, towns and cities, and
13 other organizations in such fields as medicine
14 and healthcare, business management, environ-
15 mental protection, information technology, and
16 agriculture.

17 (E) Additional scholarships to enable stu-
18 dents to study in the United States.

19 **SEC. 103. MULTILATERAL SUPPORT FOR PAKISTAN.**

20 To the extent that Pakistan continues to evolve to-
21 ward civilian control of the government and to develop and
22 implement comprehensive economic reform programs, the
23 President should do the following:

24 (1) **MULTILATERAL SUPPORT.**—Take the lead
25 in mobilizing international financial institutions, in

1 particular the International Monetary Fund and af-
2 filiated institutions in the World Bank group, to pro-
3 vide timely and appropriate resources to help Paki-
4 stan.

5 (2) STABILIZATION ASSISTANCE.—In conjunc-
6 tion with other governments and international finan-
7 cial institutions (including the International Mone-
8 tary Fund), support the implementation of a plan of
9 the Government of Pakistan to attack structural
10 economic problems, address pressing social problems,
11 carry out comprehensive economic reform, and re-
12 lieve immediate and urgent balance of payments re-
13 quirements in Pakistan.

14 (3) CURRENCY STABILIZATION LOANS.—Pro-
15 vide leadership in supporting multilateral agree-
16 ments to provide government-to-government loans
17 for currency stabilization in Pakistan if the loans
18 can reduce inflation and thereby foster conditions
19 necessary for the effective implementation of eco-
20 nomic reforms.

21 **SEC. 104. PAKISTAN DEMOCRACY AND PROSPERITY FUND.**

22 (a) ESTABLISHMENT OF FUND.—There is estab-
23 lished in the Treasury of the United States a fund to be
24 known as the “Pakistan Democracy and Prosperity Fund”
25 (hereinafter in this section referred to as the “Fund”),

1 consisting of such amounts as may be appropriated or
2 transferred to the Fund as provided in this section and
3 which may be used for purposes of this title.

4 (b) TRANSFERS TO FUND.—The Fund shall consist
5 of the following:

6 (1) Amounts appropriated to carry out this
7 title.

8 (2) Amounts appropriated on or after the date
9 of the enactment of this Act for “Development As-
10 sistance”, “Global Health and Child Survival”, and
11 the “Economic Support Fund” for assistance for
12 Pakistan under the Foreign Assistance Act of 1961
13 (22 U.S.C. 2151 et seq.) that are transferred by the
14 President to the Fund pursuant to subsection (d).

15 (3) To the extent or in the amounts provided in
16 advance in appropriations Acts, amounts accepted by
17 the President under subsection (c) that are trans-
18 ferred by the President to the Fund pursuant to
19 subsection (d).

20 (c) ACCEPTANCE OF AMOUNTS FROM OUTSIDE
21 SOURCES.—The President may accept funds from non-
22 United States Government sources, including foreign gov-
23 ernments, nongovernmental organizations, private busi-
24 ness entities, and private individuals, for purposes of car-
25 rying out this title.

1 (d) STATUS OF AVAILABILITY OF AMOUNTS IN
2 FUND.—The President is authorized to transfer to the
3 Fund amounts under paragraphs (2) and (3) of subsection
4 (b). Such amounts shall be merged with and shall be avail-
5 able for any purpose for which any of the amounts so
6 transferred are available.

7 (e) REPORT.—The President shall transmit to the
8 appropriate congressional committees not later than 180
9 days after the date of the enactment of this Act, and every
10 180 days thereafter until September 30, 2018, a report
11 on programs, projects, and activities carried out using
12 amounts obligated and expended from the Fund.

13 **SEC. 105. AUTHORIZATION OF APPROPRIATIONS.**

14 (a) IN GENERAL.—There are authorized to be appro-
15 priated to the President to carry out this title
16 \$1,500,000,000 for each of the fiscal years 2010 through
17 2013.

18 (b) AVAILABILITY.—Amounts authorized to be appro-
19 priated to carry out this title for a fiscal year are—

20 (1) authorized to remain available until Sep-
21 tember 30 of the succeeding fiscal year; and

22 (2) in addition to amounts otherwise available
23 for such purposes.

24 (c) SENSE OF THE CONGRESS.—It is the sense of
25 Congress that United States assistance provided under

1 this title should be made available on a proportional and
2 equitable basis between the FATA and other regions of
3 Pakistan.

4 **TITLE II—SECURITY**
5 **ASSISTANCE FOR PAKISTAN**

6 **SEC. 201. SENSE OF CONGRESS.**

7 It is the sense of Congress that—

8 (1) United States security assistance for Paki-
9 stan should be used to improve relationships between
10 United States military and Pakistani military per-
11 sonnel, including outreach to the “lost generation”
12 of Pakistan’s officers who did not attend United
13 States-sponsored training as a result of restrictions
14 placed on United States assistance for Pakistan due
15 to Pakistan’s possession of a nuclear device; and

16 (2) United States security assistance for Paki-
17 stan should be fully accountable, should be contin-
18 gent on Pakistan ending support for terrorist
19 groups, and should meet the national security needs
20 of Pakistan.

21 **SEC. 202. PURPOSES OF ASSISTANCE.**

22 The purposes of assistance under this title are—

23 (1) to support Pakistan’s paramount national
24 security need to fight and win the ongoing counter-
25 insurgency within its borders;

1 (2) to work with the Government of Pakistan to
2 protect and secure Pakistan's borders and prevent
3 any Pakistani territory from being used as a base or
4 conduit for terrorist attacks in Pakistan, or else-
5 where;

6 (3) to work in close cooperation with the Gov-
7 ernment of Pakistan to coordinate action against ex-
8 tremist and terrorist targets; and

9 (4) to develop knowledge of and appreciation
10 for democratic governance and a military that is
11 controlled by and responsible to democratically elect-
12 ed civilian leadership.

13 **SEC. 203. AUTHORIZATION OF ASSISTANCE.**

14 (a) INTERNATIONAL MILITARY EDUCATION AND
15 TRAINING.—

16 (1) IN GENERAL.—Of the amounts authorized
17 to be appropriated to carry out this title, not less
18 than \$4,000,000 for fiscal year 2010 and such sums
19 as may be necessary for each of the fiscal years
20 2011 through 2013 are authorized be made available
21 for assistance under chapter 5 of part II of the For-
22 eign Assistance Act of 1961 (22 U.S.C. 2347 et
23 seq.; relating to international military education and
24 training) for Pakistan, including expanded inter-

1 national military education and training (commonly
2 known as “E-IMET”).

3 (2) USE OF FUNDS.—Not less than 30 percent
4 of the amount made available to carry out this sub-
5 section for a fiscal year may be used to pay for
6 courses of study and training in counterinsurgency
7 and civil-military relations.

8 (b) FOREIGN MILITARY FINANCING PROGRAM.—

9 (1) IN GENERAL.—Of the amounts authorized
10 to be appropriated to carry out this title, not less
11 than \$300,000,000 for fiscal year 2010 and such
12 sums as may be necessary for each of the fiscal
13 years 2011 through 2013 are authorized to be made
14 available for grant assistance under section 23 of the
15 Arms Export Control Act (22 U.S.C. 2763; relating
16 to the Foreign Military Financing program) for the
17 purchase of defense articles, defense services, and
18 military education and training for Pakistan.

19 (2) USE OF FUNDS.—Not less than 75 percent
20 of the amount made available to carry out this sub-
21 section for a fiscal year may be used for the pur-
22 chase of defense articles, defense services, and mili-
23 tary education and training for activities relating to
24 counterinsurgency and counterterrorism operations

1 in Pakistan. Such articles, services, and military
2 education and training may include the following:

3 (A) Aviation maintenance and logistics
4 support for United States-origin and United
5 States-supported rotary wing aircraft and up-
6 grades to such aircraft to include modern night
7 vision and targeting capabilities.

8 (B) Intelligence, surveillance, and recon-
9 naissance (ISR) ground and air manned and
10 unmanned platforms, including sustainment.

11 (C) Command and control capabilities.

12 (D) Force protection and counter impro-
13 vised explosive device capabilities, including pro-
14 tection of vehicles.

15 (E) Protective equipment, such as body
16 armor and helmets, night vision goggles, and
17 other individual equipment, including load-bear-
18 ing equipment, individual and unit level first
19 aid equipment, ballistic eye protection, and cold
20 weather equipment.

21 (F) Appropriate individual and unit level
22 medical services and articles for the Pakistan
23 Army, the Pakistan Frontier Corps, and other
24 appropriate security forces.

1 (G) Assistance to enable the Pakistani
2 military to distribute humanitarian assistance
3 and establish a tactical civil-military operations
4 capability, including a civil affairs directorate.

5 (3) RESTRICTION RELATING TO F-16 PRO-
6 GRAM.—

7 (A) CONGRESSIONAL FINDING.—In accord-
8 ance with the Letters of Offer and Acceptance
9 signed between the United States and Pakistan
10 in 2006, Congress finds that the Government of
11 Pakistan is responsible for making the remain-
12 ing payments on the 2006 sales relating to F-
13 16 fighter aircraft and associated equipment
14 with its own national funds, including the mid-
15 life updates and munitions for such aircraft in-
16 cluded in such Letters of Offer and Acceptance.

17 (B) RESTRICTION.—Subject to subpara-
18 graph (C), amounts authorized to be made
19 available under this subsection for a fiscal year
20 may not be used for the purchase of, or up-
21 grade to, F-16 fighter aircraft or munitions for
22 such aircraft.

23 (C) EXCEPTION.—Amounts authorized to
24 be made available under this subsection for a
25 fiscal year are authorized to be used for mili-

1 tary construction pursuant to the security plan
2 contained in the Letters of Offer and Accept-
3 ance signed between the United States and
4 Pakistan in 2006.

5 (D) WAIVER.—The President may waive
6 the restriction under subparagraph (B) with re-
7 spect to amounts authorized to be made avail-
8 able under this subsection for a fiscal year,
9 other than amounts authorized to be made
10 available under paragraph (2) of this sub-
11 section, if the President certifies to the appro-
12 priate congressional committees not later than
13 15 days prior to exercising the authority of this
14 subparagraph that the waiver is important to
15 the national security interests of the United
16 States.

17 (4) SECURITY ASSISTANCE PLAN.—Not later
18 than 180 days after the date of the enactment of
19 this Act, the President shall transmit to the appro-
20 priate congressional committees a plan for the pro-
21 posed use of amounts authorized to be made avail-
22 able under this subsection for each of the fiscal
23 years 2010 through 2013. Such plan shall include
24 an assessment of how the use of such amounts com-

1 Capability Fund, hereinafter in this section referred
2 to as the “Fund”, shall consist of the following:

3 (A) Amounts appropriated to carry out
4 this subsection.

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

7 (2) PURPOSES OF FUND.—Amounts in the
8 Fund made available to carry out this subsection for
9 any fiscal year are authorized to be used by the Sec-
10 retary of State, with the concurrence of the Sec-
11 retary of Defense, to build and maintain the
12 counterinsurgency capability of Pakistan under the
13 same terms and conditions (except as otherwise pro-
14 vided in this subsection) that are applicable to
15 amounts made available under the Fund for fiscal
16 year 2009.

17 (3) TRANSFER AUTHORITY.—

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

23 (B) TREATMENT OF TRANSFERRED
24 FUNDS.—Subject to the requirements of para-
25 graph (4), transfers from the Fund under the

1 authority of subparagraph (A) shall be merged
2 with and be available for the same purposes and
3 for the same time period as amounts in the De-
4 partment of Defense's Pakistan Counterinsur-
5 gency Fund.

6 (C) RELATION TO OTHER AUTHORITIES.—

7 The authority to make transfers from the Fund
8 under subparagraph (A) is in addition to any
9 other transfer of funds authority of the Depart-
10 ment of State. The authority to provide assist-
11 ance under this subsection is in addition to any
12 other authority to provide assistance to foreign
13 countries.

14 (D) NOTIFICATION.—The Secretary of

15 State shall, not less than 15 days prior to mak-
16 ing transfers from the Fund under subpara-
17 graph (A), notify the appropriate congressional
18 committees in writing of the details of any such
19 transfer.

20 (4) RESTRICTION.—

21 (A) IN GENERAL.—Subject to subpara-
22 graph (B), amounts in the Fund made available
23 to carry out this subsection for any fiscal year
24 may not be used to purchase F-16 fighter air-
25 craft, to purchase mid-life updates for such air-

1 craft, or to make payments on the sales of F-
2 16 fighter aircraft and associated equipment
3 described in section 203(b)(3)(A).

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

8 (C) WAIVER.—The President may waive
9 the restriction under subparagraph (A) with re-
10 spect to amounts described in subparagraph (A)
11 if the President certifies to the appropriate con-
12 gressional committees not later than 15 days
13 prior to exercising the authority of this sub-
14 paragraph that the waiver is important to the
15 national security interests of the United States.

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

19 (b) SUBMISSION OF NOTIFICATIONS.—Any notifica-
20 tion required by this section shall be submitted in classi-
21 fied form, but may include a unclassified annex if nec-
22 essary.

23 (c) APPROPRIATE CONGRESSIONAL COMMITTEES DE-
24 FINED.—In this section, the term “appropriate congres-
25 sional committees” means—

1 (1) the Committee on Appropriations, the Com-
2 mittee on Armed Services, and the Committee on
3 Foreign Affairs of the House of Representatives;
4 and

5 (2) the Committee on Appropriations, the Com-
6 mittee on Armed Services, and the Committee on
7 Foreign Relations of the Senate.

8 **SEC. 205. EXCHANGE PROGRAM BETWEEN MILITARY AND**
9 **CIVILIAN PERSONNEL OF PAKISTAN AND**
10 **CERTAIN OTHER COUNTRIES.**

11 (a) IN GENERAL.—The Secretary of State is author-
12 ized to establish an exchange program between—

13 (1) military and civilian personnel of Pakistan;
14 and

15 (2)(A) military and civilian personnel of coun-
16 tries determined by the Secretary of State to be in
17 transition to democracy; or

18 (B) military and civilian personnel of North At-
19 lantic Treaty Organization member countries,
20 in order to foster greater respect for and understanding
21 of the principle of civilian rule of Pakistan’s military. The
22 program established under this subsection shall be known
23 as the “Pakistan Military Transition Program”.

24 (b) ELEMENTS OF PROGRAM.—The program author-
25 ized under subsection (a) may include—

- 1 (1) conferences, seminars, and other events;
- 2 (2) distribution of publications; and
- 3 (3) reimbursement of expenses of foreign mili-
4 tary personnel participating in the program, includ-
5 ing transportation expenses, translation services ex-
6 penses, and administrative expenses relating to the
7 program.

8 (c) **ROLE OF NONGOVERNMENTAL ORGANIZA-**
9 **TIONS.**—Amounts authorized to be appropriated to carry
10 out this title for a fiscal year are authorized to be made
11 available for nongovernmental organizations to facilitate
12 the implementation of the program authorized under sub-
13 section (a).

14 **SEC. 206. LIMITATION ON UNITED STATES MILITARY AS-**
15 **SISTANCE TO PAKISTAN.**

16 (a) **PROHIBITION ON USE OF FUNDS.**—None of the
17 funds authorized to be appropriated for military assistance
18 to Pakistan for fiscal year 2011 and each fiscal year there-
19 after may be obligated or expended if the President has
20 not made the determinations described in subsection (b)
21 for such fiscal year.

22 (b) **DETERMINATIONS REGARDING ENHANCED CO-**
23 **OPERATION BETWEEN THE UNITED STATES AND PAKI-**
24 **STAN.**—The determinations referred to in subsection (a)
25 are—

1 (1) a determination by the President at the be-
2 ginning of each fiscal year that the Government of
3 Pakistan is continuing to cooperate with the United
4 States in efforts to dismantle supplier networks re-
5 lating to the acquisition of nuclear weapons-related
6 materials, including, as necessary, providing direct
7 access to Pakistani nationals associated with such
8 networks; and

9 (2) a determination by the President at the be-
10 ginning of each fiscal year that the Government of
11 Pakistan during the preceding fiscal year has dem-
12 onstrated a sustained commitment to and making
13 progress towards combating terrorist groups, includ-
14 ing taking into account the progress the Government
15 of Pakistan has made with regard to—

16 (A) ceasing support, including by any ele-
17 ments within the Pakistan military or its intel-
18 ligence agency, to extremist and terrorist
19 groups, particularly to any group that has con-
20 ducted attacks against United States or coal-
21 ition forces in Afghanistan, or against the terri-
22 tory or people of neighboring countries;

23 (B) closing terrorist camps in the FATA,
24 dismantling terrorist bases of operations in
25 other parts of the country, including Quetta

1 and Muridke, and taking action when provided
2 with intelligence about high-level terrorist tar-
3 gets;

4 (C) preventing cross-border attacks into
5 neighboring countries; and

6 (D) strengthening counter-terrorism and
7 anti-money laundering laws.

8 (c) WAIVER.—The President may waive the restric-
9 tion under subsection (a) for any fiscal year if the Presi-
10 dent certifies to the appropriate congressional committees
11 15 days before the President exercises the authority of this
12 subsection that the provision of military assistance to
13 Pakistan is important to the national security interests of
14 the United States.

15 (d) CONSULTATION AND WRITTEN JUSTIFICA-
16 TION.—Not later than 5 days prior to making a deter-
17 mination described in subsection (b), the President shall
18 consult with the appropriate congressional committees
19 and, upon making such determination, shall submit to the
20 appropriate congressional committees a written justifica-
21 tion that specifies the basis upon which the President
22 made such a determination, including an acknowledgment
23 of the extent to which the Government of Pakistan has
24 made progress with regard to subsection (b)(2). The jus-

1 tification shall be unclassified but may include a classified
2 annex.

3 (e) GAO ANALYSIS AND REPORT.—Not later than
4 120 days after the President makes the determinations de-
5 scribed in subsection (b), the Comptroller General of the
6 United States shall conduct an independent analysis of
7 each of the determinations under subsection (b) and writ-
8 ten justifications for such determinations under subsection
9 (d) and shall submit to the appropriate congressional com-
10 mittees a report containing the results of the independent
11 analysis.

12 (f) DEFINITIONS.—For purposes of this section—

13 (1) the term “appropriate congressional com-
14 mittees” means—

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

20 (B) the Committee on Foreign Relations,
21 the Committee on Armed Services, and the Se-
22 lect Committee on Intelligence of the Senate;
23 and

24 (2) the term “military assistance”—

1 (A) means assistance authorized under sec-
2 tion 23 of the Arms Export Control Act (22
3 U.S.C. 2763; relating to the Foreign Military
4 Financing program), including assistance au-
5 thorized under section 203(b) of this division
6 and assistance authorized under part II of the
7 Foreign Assistance Act of 1961 (22 U.S.C.
8 2301 et seq.), other than assistance authorized
9 under chapter 5 of part II of such Act (22
10 U.S.C. 2347 et seq.); but

11 (B) does not include assistance authorized
12 under any provision of law that is funded from
13 accounts within budget function 050 (National
14 Defense).

15 **SEC. 207. AUTHORIZATION OF APPROPRIATIONS.**

16 (a) IN GENERAL.—There are authorized to be appro-
17 priated to the President to carry out this title, other than
18 section 204, \$400,000,000 for fiscal year 2010 and such
19 sums as may be necessary for each of the fiscal years 2011
20 through 2013.

21 (b) RELATION TO OTHER AVAILABLE FUNDS.—
22 Amounts authorized to be appropriated to carry out this
23 title for a fiscal year are in addition to amounts otherwise
24 available for such purposes.

1 **TITLE III—MISCELLANEOUS**
2 **PROVISIONS**

3 **SEC. 301. COMPREHENSIVE REGIONAL SECURITY STRAT-**
4 **EGY.**

5 (a) SENSE OF CONGRESS.—It is the sense of Con-
6 gress that the achievement of United States national secu-
7 rity goals to eliminate terrorist threats and close safe ha-
8 vens in Pakistan requires the development of a com-
9 prehensive plan that utilizes all elements of national
10 power, including in coordination and cooperation with
11 other concerned governments, and that it is critical to
12 Pakistan’s long-term prosperity and security to strengthen
13 regional relationships among India, Pakistan, and Afghan-
14 istan.

15 (b) COMPREHENSIVE REGIONAL SECURITY STRAT-
16 EGY.—The President shall develop a comprehensive re-
17 gional security strategy to eliminate terrorist threats and
18 close safe havens in Pakistan, including by working with
19 the Government of Pakistan and other relevant govern-
20 ments and organizations in the region and elsewhere, as
21 appropriate, to best implement effective counterinsurgency
22 and counterterrorism efforts in and near the border areas
23 of Pakistan and Afghanistan, including the FATA,
24 NWFP, parts of Balochistan, and parts of Punjab.

25 (c) REPORT.—

1 (1) IN GENERAL.—Not later than 180 days
2 after the date of the enactment of this Act, the
3 President shall transmit to the appropriate congress-
4 sional committees a report on the comprehensive re-
5 gional security strategy required under subsection
6 (b).

7 (2) CONTENTS.—The report shall include a
8 copy of the comprehensive regional security strategy,
9 including specifications of goals, and proposed
10 timelines and budgets for implementation of the
11 strategy.

12 (d) DEFINITION.—For purposes of this section, the
13 term “appropriate congressional committees” means the
14 Committees on Foreign Affairs and Armed Services of the
15 House of Representatives and the Committees on Foreign
16 Relations and Armed Services of the Senate.

17 **SEC. 302. MONITORING AND EVALUATION OF ASSISTANCE.**

18 (a) DEFINITIONS.—In this section:

19 (1) IMPACT EVALUATION RESEARCH.—The
20 term “impact evaluation research” means the appli-
21 cation of research methods and statistical analysis to
22 measure the extent to which change in a population-
23 based outcome can be attributed to program inter-
24 vention instead of other environmental factors.

1 (2) OPERATIONS RESEARCH.—The term “oper-
2 ations research” means the application of social
3 science research methods, statistical analysis, and
4 other appropriate scientific methods to judge, com-
5 pare, and improve policies and program outcomes,
6 from the earliest stages of defining and designing
7 programs through their development and implemen-
8 tation, with the objective of the rapid dissemination
9 of conclusions and concrete impact on programming.

10 (3) PROGRAM MONITORING.—The term “pro-
11 gram monitoring” means the collection, analysis,
12 and use of routine program data to determine how
13 well a program is carried out and how much the pro-
14 gram costs.

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

17 (1) to successfully enhance democracy and the
18 rule of law in Pakistan, defeat extremist elements,
19 and ensure the protection of human rights, the
20 President should establish a program to conduct im-
21 pact evaluation research, operations research, and
22 program monitoring to ensure effectiveness of assist-
23 ance provided under title I of this division;

24 (2) long-term solutions to Pakistan’s security
25 problems depend on increasing the effectiveness and

1 responsiveness of civilian institutions in Pakistan,
2 including the parliament and judicial system;

3 (3) a specific program of impact evaluation re-
4 search, operations research, and program moni-
5 toring, established at the inception of the program,
6 is required to permit assessment of the operational
7 effectiveness of impact of United States assistance
8 towards these goals; and

9 (4) the President, in developing performance
10 measurement methods under the impact evaluation
11 research, operations research, and program moni-
12 toring, should consult with the appropriate congres-
13 sional committees as well as the Government of
14 Pakistan.

15 (c) **IMPACT EVALUATION RESEARCH, OPERATIONS**
16 **RESEARCH, AND PROGRAM MONITORING OF ASSIST-**
17 **ANCE.**—The President shall establish and implement a
18 program to assess the effectiveness of assistance provided
19 under title I of this division through impact evaluation re-
20 search on a selected set of programmatic interventions, op-
21 erations research in areas to ensure efficiency and effec-
22 tiveness of program implementation, and monitoring to
23 ensure timely and transparent delivery of assistance.

24 (d) **REQUIREMENTS.**—The program required under
25 subsection (c) shall include—

1 (1) a delineation of key impact evaluation re-
2 search and operations research questions for main
3 components of assistance provided under title I of
4 this division;

5 (2) an identification of measurable performance
6 goals for each of the main components of assistance
7 provided under title I of this division to be expressed
8 in an objective and quantifiable form at the incep-
9 tion of the program;

10 (3) the use of appropriate methods, based on
11 rigorous social science tools, to measure program im-
12 pact and operational efficiency; and

13 (4) adherence to a high standard of evidence in
14 developing recommendations for adjustments to the
15 assistance to enhance the impact of the assistance.

16 (e) ASSISTANCE TO ENHANCE THE CAPACITY OF
17 PAKISTAN.—In carrying out the program required under
18 subsection (c), the President is authorized to provide as-
19 sistance to enhance the capacity of the Government of
20 Pakistan to monitor and evaluate programs carried out
21 by the national, provincial, and local governments in Paki-
22 stan in order to maximize the long-term sustainable devel-
23 opment impact of such programs.

24 (f) CONSULTATION WITH CONGRESS.—Not later
25 than 120 days after the date of the enactment of this Act,

1 the President shall brief and consult with the appropriate
2 congressional committees regarding the progress in estab-
3 lishing and implementing the program required under sub-
4 section (c).

5 (g) AUTHORIZATION OF APPROPRIATIONS.—Of the
6 amounts authorized to be appropriated under section 105
7 of this division for each of the fiscal years 2010 through
8 2013, up to 5 percent of such amounts for such fiscal year
9 is authorized to be made available to carry out this section
10 for the fiscal year.

11 **SEC. 303. AUDITING.**

12 (a) ASSISTANCE AUTHORIZED.—The Inspector Gen-
13 eral of the Department of State and the Inspector General
14 of the United States Agency for International Develop-
15 ment shall audit, investigate, and oversee the obligation
16 and expenditure of funds to carry out title I of this divi-
17 sion.

18 (b) REQUIREMENT FOR IN-COUNTRY PRESENCE.—
19 The Inspector General of the Department of State and
20 the Inspector General of the United States Agency for
21 International Development, after consultation with the
22 Secretary of State and the Administrator of the United
23 States Agency for International Development, are author-
24 ized to establish field offices in Pakistan with sufficient

1 staff from each of the Offices of the Inspector General
2 in Pakistan respectively to carry out subsection (a).

3 (c) AUTHORIZATION OF APPROPRIATIONS.—

4 (1) IN GENERAL.—Of the amounts authorized
5 to be appropriated under section 105 for each of the
6 fiscal years 2010 through 2013, not less than
7 \$2,000,000 for each fiscal year is authorized to be
8 made available to the Office of the Inspector General
9 of the Department of State and not less than
10 \$2,000,000 for each fiscal year is authorized to be
11 made available to the Office of the Inspector General
12 of the United States Agency for International Devel-
13 opment to carry out this section.

14 (2) RELATION TO OTHER AVAILABLE FUNDS.—
15 Amounts made available under paragraph (1) are in
16 addition to amounts otherwise available for such
17 purposes.

18 **SEC. 304. REQUIREMENTS FOR CIVILIAN CONTROL OF**
19 **UNITED STATES ASSISTANCE FOR PAKISTAN.**

20 (a) REQUIREMENTS.—Any direct assistance provided
21 or payments made on or after January 1, 2010, by the
22 United States to the Government of Pakistan, and any
23 information required by the United States prior to pro-
24 viding the assistance or making the payments, may only
25 be provided or made to, or received from, civilian authori-

1 ties of a government of Pakistan constituted through a
2 free and fair election. For purposes of this subsection, a
3 government of Pakistan constituted through a free and
4 fair election is a government that is determined by the
5 President to have been elected in a free and fair manner,
6 taking into account the laws and constitution of Pakistan
7 and internationally recognized standards.

8 (b) WAIVER.—The President may waive—

9 (1) the requirements under subsection (a); or

10 (2) the requirements under any other provision
11 of law that restricts assistance to the government of
12 any country whose duly elected head of government
13 is deposed by military coup or decree, as such provi-
14 sion of law applies with respect to the Government
15 of Pakistan,

16 if the President certifies to the appropriate congressional
17 committees that the waiver is important to the national
18 security interests of the United States.

19 (c) RULE OF CONSTRUCTION.—Nothing in this sec-
20 tion shall apply with respect to any activities subject to
21 reporting requirements under title V of the National Secu-
22 rity Act of 1947 (50 U.S.C. 413 et seq.).

23 (d) DEFINITION.—In this section, the term “appro-
24 priate congressional committees” means the Committees
25 on Appropriations, Armed Services, and Foreign Affairs

1 of the House of Representatives and the Committees on
2 Appropriations, Armed Services, and Foreign Relations of
3 the Senate.

4 **SEC. 305. SENSE OF CONGRESS.**

5 It is the sense of Congress that—

6 (1) the Secretary of State, with the concurrence
7 of the Secretary of Defense, should establish a co-
8 ordinated, strategic communications strategy to en-
9 gage the people of Pakistan—one that is fully fund-
10 ed, staffed, and implemented—to help ensure the
11 success of the measures authorized by this division;
12 and

13 (2) the strategy should have clear and achiev-
14 able objectives, based on available resources, and
15 should be overseen by the United States Chief of
16 Mission in Pakistan.

17 **SEC. 306. REPORTS.**

18 (a) REPORT BY PRESIDENT.—

19 (1) IN GENERAL.—The President shall transmit
20 to the appropriate congressional committees a report
21 on assistance provided under titles I and II of this
22 division during the preceding fiscal year. The first
23 report shall be transmitted not later than 180 days
24 after the date of the enactment of this Act and sub-

1 sequent reports shall be transmitted not later than
2 December 31 of each year thereafter.

3 (2) MATTERS TO BE INCLUDED.—The report
4 required under subsection (a) shall include the fol-
5 lowing:

6 (A) A detailed description of the assistance
7 by program, project, and activity, as well as by
8 geographic area.

9 (B) A general description of the perform-
10 ance goals established under section 302 and
11 the progress made in meeting the goals.

12 (C) An evaluation of efforts undertaken by
13 the Government of Pakistan to—

14 (i) disrupt, dismantle, and defeat al
15 Qaeda, the Taliban, and other extremist
16 and terrorist groups in the FATA and set-
17 tled areas;

18 (ii) close terrorist camps, including
19 those of Jamaat-ud-Dawa, Lashkar-e-
20 Taiba, and Jaish-e-Mohammed;

21 (iii) cease all support for extremist
22 and terrorist groups;

23 (iv) prevent cross-border attacks;

24 (v) increase oversight over curriculum
25 in madrasas, including closing madrasas

1 with direct links to the Taliban or other
2 extremist and terrorist groups; and

3 (vi) improve counter-terrorism financ-
4 ing and anti-money laundering laws, apply
5 for observer status for the Financial Ac-
6 tion Task Force, and steps taken to adhere
7 to the United Nations International Con-
8 vention for the Suppression of Financing
9 of Terrorism.

10 (D) A detailed description of Pakistan's ef-
11 forts to prevent proliferation of nuclear-related
12 material and expertise.

13 (E) An assessment of whether assistance
14 provided to Pakistan pursuant to this division
15 has directly or indirectly aided the expansion of
16 Pakistan's nuclear weapons program, whether
17 by the diversion of United States assistance or
18 the reallocation of Pakistan financial resources
19 that would otherwise be spent for programs and
20 activities unrelated to its nuclear weapons pro-
21 gram.

22 (F) A description of the transfer or pur-
23 chase of military equipment pursuant to title II
24 of this division, including—

25 (i) a list of equipment provided; and

1 (ii) a detailed description of the extent
2 to which funds obligated and expended
3 pursuant to section 203(b) meet the re-
4 quirements of such section.

5 (G) An analysis of a suitable replacement
6 for the AH-1F and AH-1S Cobra attack heli-
7 copters, which includes recommendations for
8 sustainment, training, and any other matters
9 determined to be appropriate.

10 (H) An assessment of the extent to which
11 the Government of Pakistan exercises effective
12 civilian control of the military, including a de-
13 scription of the extent to which civilian execu-
14 tive leaders and parliament exercise oversight
15 and approval of military budgets, the chain of
16 command, the process of promotion for senior
17 military leaders, civilian involvement in stra-
18 tegic guidance and planning, and military in-
19 volvement in civil administration.

20 (b) REPORT BY COMPTROLLER GENERAL.—

21 (1) IN GENERAL.—Not later than April 1,
22 2011, the Comptroller General of the United States
23 shall submit to the appropriate congressional com-
24 mittees a report evaluating the effectiveness of secu-

1 rity assistance provided to Pakistan under title II of
2 this division during fiscal years 2010 and 2011.

3 (2) MATTERS TO BE INCLUDED.—The report
4 required under subsection (a) shall include the fol-
5 lowing:

6 (A) A detailed description of the expendi-
7 tures made by Pakistan pursuant to grant as-
8 sistance under section 23 of the Arms Export
9 Control Act (22 U.S.C. 2763; relating to the
10 Foreign Military Financing program).

11 (B) An assessment of the impact of the as-
12 sistance on the security and stability of Paki-
13 stan.

14 (C) An evaluation of any issues of financial
15 impropriety on behalf of personnel imple-
16 menting the assistance.

17 (D) An assessment of the extent to which
18 civilian authorities are involved in administra-
19 tion of the assistance provided by the United
20 States.

21 **SEC. 307. SUNSET.**

22 The authority of this division, other than section 104
23 and title IV of this division, shall expire after September
24 30, 2013.

1 **TITLE IV—DUTY-FREE TREAT-**
2 **MENT FOR CERTAIN GOODS**
3 **FROM RECONSTRUCTION OP-**
4 **PORTUNITY ZONES IN AF-**
5 **GHANISTAN AND PAKISTAN**

6 **SEC. 401. SHORT TITLE.**

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

9 **SEC. 402. DEFINITIONS; PURPOSES.**

10 (a) **DEFINITIONS.**—In this title:

11 (1) **AGREEMENT ON TEXTILES AND CLOTH-**
12 **ING.**—The term “Agreement on Textiles and Cloth-
13 **ing”** means the Agreement on Textiles and Clothing
14 referred to in section 101(d)(4) of the Uruguay
15 Round Agreements Act (19 U.S.C. 3511(d)(4)).

16 (2) **CATEGORY; TEXTILE AND APPAREL CAT-**
17 **EGORY NUMBER.**—The terms “category” and “tex-
18 **tile and apparel category number”** mean the number
19 assigned under the U.S. Textile and Apparel Cat-
20 **egory System of the Office of Textiles and Apparel**
21 **of the Department of Commerce, as listed in the**
22 **HTS under the applicable heading or subheading (as**
23 **in effect on September 1, 2007).**

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

1 (A) freedom of association;

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

4 (C) the elimination of all forms of compul-
5 sory or forced labor;

6 (D) the effective abolition of child labor
7 and a prohibition on the worst forms of child
8 labor; and

9 (E) the elimination of discrimination in re-
10 spect of employment and occupation.

11 (4) ENTERED.—The term “entered” means en-
12 tered, or withdrawn from warehouse for consump-
13 tion, in the customs territory of the United States.

14 (5) ENTITY.—The term “entity” means—

15 (A) a natural person, corporation, com-
16 pany, business association, partnership, society,
17 trust, any other nongovernmental entity, orga-
18 nization, or group, whether or not for profit;

19 (B) any governmental entity or instrumen-
20 tality of a government; and

21 (C) any successor, subunit, or subsidiary of
22 any entity described in subparagraph (A) or
23 (B).

24 (6) HTS.—The term “HTS” means the Har-
25 monized Tariff Schedule of the United States.

1 (7) NAFTA.—The term “NAFTA” means the
2 North American Free Trade Agreement concluded
3 between the United States, Mexico, and Canada on
4 December 17, 1992.

5 (8) RECONSTRUCTION OPPORTUNITY ZONE.—
6 The term “Reconstruction Opportunity Zone” means
7 any area that—

8 (A) solely encompasses portions of the ter-
9 ritory of—

10 (i) Afghanistan; or

11 (ii) 1 or more of the following areas of
12 Pakistan:

13 (I) the Federally Administered
14 Tribal Areas;

15 (II) areas of Pakistan-adminis-
16 tered Kashmir that the President de-
17 termines were harmed by the earth-
18 quake of October 8, 2005;

19 (III) areas of Baluchistan that
20 are within 100 miles of Pakistan’s
21 border with Afghanistan; and

22 (IV) the North West Frontier
23 Province;

24 (B) has been designated by the competent
25 authorities in Afghanistan or Pakistan, as the

1 case may be, as an area in which merchandise
2 may be introduced without payment of duty or
3 excise tax; and

4 (C) has been designated by the President
5 as a Reconstruction Opportunity Zone pursuant
6 to section 403(a).

7 (b) PURPOSES.—The purposes of this title are—

8 (1) to stimulate economic activity and develop-
9 ment in Afghanistan and the border region of Paki-
10 stan, critical fronts in the struggle against violent
11 extremism;

12 (2) to reflect the strong support that the
13 United States has pledged to Afghanistan and Paki-
14 stan for their sustained commitment in the global
15 war on terrorism;

16 (3) to support the 3-pronged United States
17 strategy in Afghanistan and the border region of
18 Pakistan that leverages political, military, and eco-
19 nomic tools, with Reconstruction Opportunity Zones
20 as a critical part of the economic component of that
21 strategy; and

22 (4) to offer a vital opportunity to improve liveli-
23 hoods of indigenous populations of Reconstruction
24 Opportunity Zones, promote good governance, im-
25 prove economic and commercial ties between the

1 people of Afghanistan and Pakistan, and strengthen
2 the Governments of Afghanistan and Pakistan.

3 **SEC. 403. DESIGNATION OF RECONSTRUCTION OPPOR-**
4 **TUNITY ZONES.**

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

10 (1) Afghanistan or Pakistan, as the case may
11 be, meets the eligibility criteria set forth in sub-
12 section (b);

13 (2) Afghanistan or Pakistan, as the case may
14 be, meets the eligibility criteria set forth in sub-
15 section (c) of section 502 of the Trade Act of 1974
16 (19 U.S.C. 2462(c)) for designation as a beneficiary
17 developing country under that section and is not in-
18 eligible under subsection (b) of such section; and

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

22 (b) **ELIGIBILITY CRITERIA.**—Afghanistan or Paki-
23 stan, as the case may be, meets the eligibility criteria set
24 forth in this subsection if that country—

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

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

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

12 (C) economic policies to—

13 (i) reduce poverty;

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

16 (iii) expand physical infrastructure;

17 (iv) promote the development of pri-
18 vate enterprise; and

19 (v) encourage the formation of capital
20 markets through microcredit or other pro-
21 grams;

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

1 (E) protection of core labor standards and
2 acceptable conditions of work with respect to
3 minimum wages, hours of work, and occupa-
4 tional health and safety;

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

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

10 (B) protecting intellectual property; and

11 (C) resolving bilateral trade and invest-
12 ment disputes;

13 (3) does not engage in activities that undermine
14 United States national security or foreign policy in-
15 terests;

16 (4) does not engage in gross violations of inter-
17 nationally recognized human rights;

18 (5) does not provide support for acts of inter-
19 national terrorism; and

20 (6) cooperates in international efforts to elimi-
21 nate human rights violations and terrorist activities.

22 (c) ADDITIONAL FACTORS.—In determining whether
23 to designate an area in Afghanistan or Pakistan as a Re-
24 construction Opportunity Zone, the President shall take
25 into account—

1 (1) an expression by the government of the
2 country of its desire to have a particular area des-
3 igned as a Reconstruction Opportunity Zone under
4 this title;

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

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

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

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

17 (D) all other relevant information;

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

22 (A) facilitate legitimate cross-border com-
23 merce;

24 (B) ensure that articles for which duty-free
25 treatment is sought pursuant to this title sat-

1 isfy the applicable rules of origin described in
2 section 404 (c) and (d) or section 405 (c) and
3 (d), whichever is applicable; and

4 (C) prevent unlawful transshipment, as de-
5 scribed in section 406(b)(4);

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

9 (5) the physical security of the proposed Recon-
10 struction Opportunity Zone;

11 (6) the economic viability of the proposed Re-
12 construction Opportunity Zone, including—

13 (A) whether there are commitments to fi-
14 nance economic activity proposed for the Recon-
15 struction Opportunity Zone; and

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

19 (7) whether such designation would be compat-
20 ible with and contribute to the foreign policy and na-
21 tional security objectives of the United States, tak-
22 ing into account the information provided under sub-
23 section (d); and

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

1 (d) INFORMATION RELATING TO COMPATIBILITY
2 WITH AND CONTRIBUTION TO FOREIGN POLICY AND NA-
3 TIONAL SECURITY OBJECTIVES OF THE UNITED
4 STATES.—In determining whether designation of a Recon-
5 struction Opportunity Zone would be compatible with and
6 contribute to the foreign policy and national security ob-
7 jectives of the United States in accordance with subsection
8 (c)(7), the President shall take into account whether Af-
9 ghanistan or Pakistan, as the case may be, has provided
10 the United States with a plan outlining specific steps it
11 will take to verify the ownership and nature of the activi-
12 ties of entities to be located in the proposed Reconstruc-
13 tion Opportunity Zone. The specific steps outlined in a
14 country’s plan shall include a mechanism to annually reg-
15 ister each entity by a competent authority of the country
16 and—

17 (1) to collect from each entity operating in, or
18 proposing to operate in, a Reconstruction Oppor-
19 tunity Zone, information including—

20 (A) the name and address of the entity;

21 (B) the name and location of all facilities
22 owned or operated by the entity that are oper-
23 ating in or proposed to be operating in a Recon-
24 struction Opportunity Zone;

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

5 (D) the nature of the activities of each en-
6 tity;

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

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

11 (e) OPPORTUNITY FOR PUBLIC COMMENT.—Before
12 the President designates an area as a Reconstruction Op-
13 portunity Zone pursuant to subsection (a), the President
14 shall afford an opportunity for interested persons to sub-
15 mit their views concerning the designation.

16 (f) NOTIFICATION TO CONGRESS.—Before the Presi-
17 dent designates an area as a Reconstruction Opportunity
18 Zone pursuant to subsection (a), the President shall notify
19 Congress of the President’s intention to make the designa-
20 tion, together with the reasons for making the designation.

21 **SEC. 404. DUTY-FREE TREATMENT FOR CERTAIN NONTEX-**
22 **TILE AND NONAPPAREL ARTICLES.**

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

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

5 (2) any article from a Reconstruction Oppor-
6 tunity Zone located in Afghanistan that the Presi-
7 dent has designated as an eligible article under sec-
8 tion 503(a)(1)(B) of the Trade Act of 1974 (19
9 U.S.C. 2463(a)(1)(B)); or

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

20 (b) ADVICE CONCERNING CERTAIN ELIGIBLE ARTI-
21 CLES.—Before proclaiming duty-free treatment for an ar-
22 ticle pursuant to subsection (a)(3), the President shall
23 publish in the Federal Register and provide the Inter-
24 national Trade Commission a list of articles which may
25 be considered for such treatment. The provisions of sec-

1 tions 131 through 134 of the Trade Act of 1974 (19
2 U.S.C. 2151 through 2154) shall apply to any designation
3 under subsection (a)(3) in the same manner as such sec-
4 tions apply to action taken under section 123 of the Trade
5 Act of 1974 (19 U.S.C. 2133) regarding a proposed trade
6 agreement.

7 (c) GENERAL RULES OF ORIGIN.—

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

14 (A) that article is imported directly from a
15 Reconstruction Opportunity Zone into the cus-
16 toms territory of the United States; and

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

20 (I) the cost or value of the materials
21 produced in 1 or more Reconstruction Op-
22 portunity Zones in Pakistan or Afghani-
23 stan;

24 (II) the direct costs of processing op-
25 erations performed in 1 or more Recon-

1 struction Opportunity Zones in Pakistan or
2 Afghanistan; and

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

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

9 (ii) with respect to an article that is an ar-
10 ticle of a Reconstruction Opportunity Zone in
11 Afghanistan, the sum of—

12 (I) the cost or value of the materials
13 produced in 1 or more Reconstruction Op-
14 portunity Zones in Pakistan or Afghani-
15 stan;

16 (II) the cost or value of the materials
17 produced in 1 or more countries that are
18 members of the South Asian Association
19 for Regional Cooperation;

20 (III) the direct costs of processing op-
21 erations performed in 1 or more Recon-
22 struction Opportunity Zones in Pakistan or
23 Afghanistan; and

1 (IV) the cost or value of materials
2 produced in the United States, determined
3 in accordance with paragraph (2),
4 is not less than 35 percent of the appraised
5 value of the article at the time it is entered into
6 the United States.

7 (2) DETERMINATION OF 35 PERCENT FOR ARTI-
8 CLES FROM RECONSTRUCTION OPPORTUNITY ZONES
9 IN PAKISTAN AND AFGHANISTAN.—If the cost or
10 value of materials produced in the customs territory
11 of the United States is included with respect to an
12 article described in paragraph (1)(B), for purposes
13 of determining the 35-percent appraised value re-
14 quirement under clause (i) or (ii) of paragraph
15 (1)(B), not more than 15 percent of the appraised
16 value of the article at the time the article is entered
17 into the United States may be attributable to the
18 cost or value of such United States materials.

19 (d) RULES OF ORIGIN FOR CERTAIN ARTICLES OF
20 RECONSTRUCTION OPPORTUNITY ZONES IN AFGHANI-
21 STAN.—

22 (1) IN GENERAL.—The duty-free treatment
23 proclaimed with respect to an article described in
24 paragraph (2) of subsection (a) shall apply to any
25 article subject to such proclamation which is the

1 growth, product, or manufacture of 1 or more Re-
2 construction Opportunity Zones in Afghanistan if—

3 (A) that article is imported directly from a
4 Reconstruction Opportunity Zone in Afghani-
5 stan into the customs territory of the United
6 States; and

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

9 (i) the cost or value of the materials
10 produced in 1 or more Reconstruction Op-
11 portunity Zones in Afghanistan;

12 (ii) the cost or value of the materials
13 produced in 1 or more countries that are
14 members of the South Asian Association
15 for Regional Cooperation;

16 (iii) the direct costs of processing op-
17 erations performed in 1 or more Recon-
18 struction Opportunity Zones in Afghani-
19 stan; and

20 (iv) the cost or value of materials pro-
21 duced in the United States, determined in
22 accordance with paragraph (2),

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

1 (2) DETERMINATION OF 35 PERCENT FOR ARTI-
2 CLES FROM RECONSTRUCTION OPPORTUNITY ZONES
3 IN PAKISTAN AND AFGHANISTAN.—If the cost or
4 value of materials produced in the customs territory
5 of the United States is included with respect to an
6 article described in paragraph (1)(B), for purposes
7 of determining the 35-percent appraised value re-
8 quirement under paragraph (1)(B), not more than
9 15 percent of the appraised value of the article at
10 the time the article is entered into the United States
11 may be attributable to the cost or value of such
12 United States materials.

13 (e) EXCLUSIONS.—An article shall not be treated as
14 the growth, product, or manufacture of 1 or more Recon-
15 struction Opportunity Zones, and no material shall be in-
16 cluded for purposes of determining the 35-percent ap-
17 praised value requirement under subsection (c)(1) or
18 (d)(1), by virtue of having merely undergone—

19 (1) simple combining or packaging operations;

20 or

21 (2) mere dilution with water or with another
22 substance that does not materially alter the charac-
23 teristics of the article or material.

24 (f) DIRECT COSTS OF PROCESSING OPERATIONS.—

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

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

8 (i) fringe benefits;

9 (ii) on-the-job training; and

10 (iii) costs of engineering, supervisory,
11 quality control, and similar personnel; and

12 (B) dies, molds, tooling, and depreciation
13 on machinery and equipment which are allo-
14 cable to the article.

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

21 (A) profit; and

22 (B) general expenses of doing business
23 which are either not allocable to the article or
24 are not related to the growth, production, man-
25 ufacture, or assembly of the article, such as ad-

1 ministrative salaries, casualty and liability in-
2 surance, advertising, and salesmen's salaries,
3 commissions, or expenses.

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

10 (1) shall be wholly the growth, product, or man-
11 ufacture of 1 or more Reconstruction Opportunity
12 Zones; or

13 (2) shall be a new or different article of com-
14 merce which has been grown, produced, or manufac-
15 tured in 1 or more Reconstruction Opportunity
16 Zones.

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

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

22 (1) the article is a covered article described in
23 subsection (b); and

24 (2) the President determines that the country
25 in which the Reconstruction Opportunity Zone is lo-

1 cated has satisfied the requirements set forth in sec-
 2 tion 406.

3 (b) COVERED ARTICLES.—A covered article described
 4 in this subsection is an article in 1 of the following cat-
 5 egories:

6 (1) ARTICLES OF RECONSTRUCTION OPPOR-
 7 TUNITY ZONES.—An article that is the product of 1
 8 or more Reconstruction Opportunity Zones and falls
 9 within the scope of 1 of the following textile and ap-
 10 parel category numbers, as set forth in the HTS (as
 11 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	.....

12 (2) ARTICLES OF RECONSTRUCTION OPPOR-
 13 TUNITY ZONES IN AFGHANISTAN.—The article is the
 14 product of 1 or more Reconstruction Opportunity
 15 Zones in Afghanistan and falls within the scope of

1 1 of the following textile and apparel category num-
 2 bers, as set forth in the HTS (as in effect on Sep-
 3 tember 1, 2007):

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

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

11 (A) CATEGORY 239.—An article in category
 12 239 (relating to cotton and man-made fiber ba-
 13 bies’ garments) except for baby socks and baby
 14 booties described in subheading 6111.20.6050,
 15 6111.30.5050, or 6111.90.5050 of the HTS.

16 (B) CATEGORY 338.—An article in category
 17 338 (relating to men’s and boys’ cotton knit
 18 shirts) if the article is a certain knit-to-shape
 19 garment that meets the definition included in
 20 Statistical Note 6 to Chapter 61 of the HTS,
 21 and is provided for in subheading

1 6110.20.1026, 6110.20.2067, or 6110.90.9067
2 of the HTS.

3 (C) CATEGORY 339.—An article in category
4 339 (relating to women’s and girls’ cotton knit
5 shirts and blouses) if the article is a knit-to-
6 shape garment that meets the definition in-
7 cluded in Statistical Note 6 to Chapter 61 of
8 the HTS, and is provided for in subheading
9 6110.20.1031, 6110.20.2077, or 6110.90.9071
10 of the HTS.

11 (D) CATEGORY 359.—An article in cat-
12 egory 359 (relating to other cotton apparel) ex-
13 cept swimwear provided for in subheading
14 6112.39.0010, 6112.49.0010, 6211.11.8010,
15 6211.11.8020, 6211.12.8010, or 6211.12.8020
16 of the HTS.

17 (E) CATEGORY 632.—An article in category
18 632 (relating to man-made fiber hosiery) if the
19 article is panty hose provided for in subheading
20 6115.21.0020 of the HTS.

21 (F) CATEGORY 638.—An article in category
22 638 (relating to men’s and boys’ man-made
23 fiber knit shirts) if the article is a knit-to-shape
24 garment that meets the definition included in
25 Statistical Note 6 to Chapter 61 of the HTS,

1 and is provided for in subheading
2 6110.30.2051, 6110.30.3051, or 6110.90.9079
3 of the HTS.

4 (G) CATEGORY 639.—An article in category
5 639 (relating to women’s and girls’ man-made
6 fiber knit shirts and blouses) if the article is a
7 knit-to-shape garment that meets the definition
8 included in Statistical Note 6 to Chapter 61 of
9 the HTS, and is provided for in subheading
10 6110.30.2061, 6110.30.3057, or 6110.90.9081
11 of the HTS.

12 (H) CATEGORY 647.—An article in cat-
13 egory 647 (relating to men’s and boys’ man-
14 made fiber trousers) if the article is ski/
15 snowboard pants that meets the definition in-
16 cluded in Statistical Note 4 to Chapter 62 of
17 the HTS, and is provided for in subheading
18 6203.43.3510, 6210.40.5031, or 6211.20.1525
19 of the HTS.

20 (I) CATEGORY 648.—An article in category
21 648 (relating to women’s and girls’ man-made
22 fiber trousers) if the article is ski/snowboard
23 pants that meets the definition included in Sta-
24 tistical Note 4 to Chapter 62 of the HTS, and

1 is provided for in subheading 6204.63.3010,
2 6210.50.5031, or 6211.20.1555 of the HTS.

3 (J) CATEGORY 659.—An article in category
4 659 (relating to other man-made fiber apparel)
5 except for swimwear provided for in subheading
6 6112.31.0010, 6112.31.0020, 6112.41.0010,
7 6112.41.0020, 6112.41.0030, 6112.41.0040,
8 6211.11.1010, 6211.11.1020, 6211.12.1010, or
9 6211.12.1020 of the HTS.

10 (K) CATEGORY 666.—An article in cat-
11 egory 666 (relating to other man-made fiber
12 furnishings) except for window shades and win-
13 dow blinds provided for in subheading
14 6303.12.0010 or 6303.92.2030 of the HTS.

15 (4) CERTAIN OTHER ARTICLES.—The article is
16 the product of 1 or more Reconstruction Oppor-
17 tunity Zones and falls within the scope of 1 of the
18 following statistical reporting numbers of the HTS
19 (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		

1 (c) RULES OF ORIGIN FOR CERTAIN COVERED ARTI-
2 CLES.—

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

10 (A) the article is wholly the growth, prod-
11 uct, or manufacture of 1 or more Reconstruc-
12 tion Opportunity Zones;

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

15 (i) the constituent staple fibers are
16 spun in; or

1 (ii) the continuous filament fiber is
2 extruded in,

3 1 or more Reconstruction Opportunity Zones;

4 (C) the article is a fabric, including a fab-
5 ric classifiable under chapter 59 of the HTS,
6 and the constituent fibers, filaments, or yarns
7 are woven, knitted, needled, tufted, felted, en-
8 tangled, or transformed by any other fabric-
9 making process in 1 or more Reconstruction
10 Opportunity Zones; or

11 (D) the article is any other textile or ap-
12 parel article that is cut (or knit-to-shape) and
13 sewn or otherwise assembled in 1 or more Re-
14 construction Opportunity Zones from its compo-
15 nent pieces.

16 (2) SPECIAL RULES.—

17 (A) CERTAIN MADE-UP ARTICLES, TEXTILE
18 ARTICLES IN THE PIECE, AND CERTAIN OTHER
19 TEXTILES AND TEXTILE ARTICLES.—Notwith-
20 standing paragraph (1)(D) and except as pro-
21 vided in subparagraphs (C) and (D) of this
22 paragraph, subparagraph (A), (B), or (C) of
23 paragraph (1), as appropriate, shall determine
24 whether a good that is classifiable under 1 of
25 the following headings or subheadings of the

1 HTS shall be considered to meet the rules of
2 origin of this subsection: 5609, 5807, 5811,
3 6209.20.50.40, 6213, 6214, 6301, 6302, 6303,
4 6304, 6305, 6306, 6307.10, 6307.90, 6308,
5 and 9404.90.

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

15 (C) CERTAIN DYED AND PRINTED TEX-
16 TILES AND TEXTILE ARTICLES.—Notwith-
17 standing paragraph (1)(D), an article classifi-
18 able under subheading 6117.10, 6213.00,
19 6214.00, 6302.22, 6302.29, 6302.52, 6302.53,
20 6302.59, 6302.92, 6302.93, 6302.99, 6303.92,
21 6303.99, 6304.19, 6304.93, 6304.99,
22 9404.90.85, or 9404.90.95 of the HTS, except
23 for an article classifiable under 1 of such sub-
24 headings as of cotton or of wool or consisting
25 of fiber blends containing 16 percent or more

1 by weight of cotton, shall be considered to meet
2 the rules of origin of this subsection if the fab-
3 ric in the article is both dyed and printed in 1
4 or more Reconstruction Opportunity Zones, and
5 such dyeing and printing is accompanied by 2
6 or more of the following finishing operations:
7 bleaching, shrinking, fulling, napping, decating,
8 permanent stiffening, weighting, permanent em-
9 bossing, or moireing.

10 (D) FABRICS OF SILK, COTTON, MAN-MADE
11 FIBER, OR VEGETABLE FIBER.—Notwith-
12 standing paragraph (1)(C), a fabric classifiable
13 under the HTS as of silk, cotton, man-made
14 fiber, or vegetable fiber shall be considered to
15 meet the rules of origin of this subsection if the
16 fabric is both dyed and printed in 1 or more
17 Reconstruction Opportunity Zones, and such
18 dyeing and printing is accompanied by 2 or
19 more of the following finishing operations:
20 bleaching, shrinking, fulling, napping, decating,
21 permanent stiffening, weighting, permanent em-
22 bossing, or moireing.

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

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

7 (A) the article is wholly the growth, prod-
8 uct, or manufacture of 1 or more Reconstruc-
9 tion Opportunity Zones in Afghanistan;

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

12 (i) the constituent staple fibers are
13 spun in; or

14 (ii) the continuous filament fiber is
15 extruded in,

16 1 or more Reconstruction Opportunity Zones in
17 Afghanistan;

18 (C) the article is a fabric, including a fab-
19 ric classifiable under chapter 59 of the HTS,
20 and the constituent fibers, filaments, or yarns
21 are woven, knitted, needled, tufted, felted, en-
22 tangled, or transformed by any other fabric-
23 making process in 1 or more Reconstruction
24 Opportunity Zones in Afghanistan; or

1 (D) the article is any other textile or ap-
2 parel article that is cut (or knit-to-shape) and
3 sewn or otherwise assembled in 1 or more Re-
4 construction Opportunity Zones in Afghanistan
5 from its component pieces.

6 (2) SPECIAL RULES.—

7 (A) CERTAIN MADE-UP ARTICLES, TEXTILE
8 ARTICLES IN THE PIECE, AND CERTAIN OTHER
9 TEXTILES AND TEXTILE ARTICLES.—Notwith-
10 standing paragraph (1)(D) and except as pro-
11 vided in subparagraphs (C) and (D) of this
12 paragraph, subparagraph (A), (B), or (C) of
13 paragraph (1), as appropriate, shall determine
14 whether a good that is classifiable under 1 of
15 the following headings or subheadings of the
16 HTS shall be considered to meet the rules of
17 origin of this subsection: 5609, 5807, 5811,
18 6209.20.50.40, 6213, 6214, 6301, 6302, 6303,
19 6304, 6305, 6306, 6307.10, 6307.90, 6308,
20 and 9404.90.

21 (B) CERTAIN KNIT-TO-SHAPE TEXTILES
22 AND TEXTILE ARTICLES.—Notwithstanding
23 paragraph (1)(D) and except as provided in
24 subparagraphs (C) and (D) of this paragraph,
25 a textile or apparel article that is wholly formed

1 on seamless knitting machines or by hand-knit-
2 ting in 1 or more Reconstruction Opportunity
3 Zones in Afghanistan shall be considered to
4 meet the rules of origin of this subsection.

5 (C) CERTAIN DYED AND PRINTED TEX-
6 TILES AND TEXTILE ARTICLES.—Notwith-
7 standing paragraph (1)(D), an article classifi-
8 able under subheading 6117.10, 6213.00,
9 6214.00, 6302.22, 6302.29, 6302.52, 6302.53,
10 6302.59, 6302.92, 6302.93, 6302.99, 6303.92,
11 6303.99, 6304.19, 6304.93, 6304.99,
12 9404.90.85, or 9404.90.95 of the HTS, except
13 for an article classifiable under 1 of such sub-
14 headings as of cotton or of wool or consisting
15 of fiber blends containing 16 percent or more
16 by weight of cotton, shall be considered to meet
17 the rules of origin of this subsection if the fab-
18 ric in the article is both dyed and printed in 1
19 or more Reconstruction Opportunity Zones in
20 Afghanistan, and such dyeing and printing is
21 accompanied by 2 or more of the following fin-
22 ishing operations: bleaching, shrinking, fulling,
23 napping, decatizing, permanent stiffening,
24 weighting, permanent embossing, or moireing.

1 (D) FABRICS OF SILK, COTTON, MAN-MADE
2 FIBER OR VEGETABLE FIBER.—Notwith-
3 standing paragraph (1)(C), a fabric classifiable
4 under the HTS as of silk, cotton, man-made
5 fiber, or vegetable fiber shall be considered to
6 meet the rules of origin of this subsection if the
7 fabric is both dyed and printed in 1 or more
8 Reconstruction Opportunity Zones in Afghani-
9 stan, and such dyeing and printing is accom-
10 panied by 2 or more of the following finishing
11 operations: bleaching, shrinking, fulling, nap-
12 ping, decatizing, permanent stiffening, weighting,
13 permanent embossing, or moireing.

14 (e) REGULATIONS.—The Secretary of the Treasury,
15 after consultation with the United States Trade Rep-
16 resentative, shall prescribe such regulations as may be
17 necessary to carry out this section.

18 **SEC. 406. PROTECTIONS AGAINST UNLAWFUL TRANS-**
19 **SHIPMENT.**

20 (a) DUTY-FREE TREATMENT CONDITIONED ON EN-
21 FORCEMENT MEASURES.—

22 (1) IN GENERAL.—The duty-free treatment de-
23 scribed in section 405 shall not be provided to cov-
24 ered articles that are imported from a Reconstruc-
25 tion Opportunity Zone in a country unless the Presi-

1 dent determines that country meets the following
2 criteria:

3 (A) The country has adopted—

4 (i) an effective visa or electronic cer-
5 tification system; and

6 (ii) domestic laws and enforcement
7 procedures applicable to covered articles to
8 prevent unlawful transshipment of the arti-
9 cles and the use of false documents relat-
10 ing to the importation of the articles into
11 the United States.

12 (B) The country has enacted legislation or
13 promulgated regulations that would permit U.S.
14 Customs and Border Protection verification
15 teams to have the access necessary to inves-
16 tigate thoroughly allegations of unlawful trans-
17 shipment through such country.

18 (C) The country agrees to provide U.S.
19 Customs and Border Protection with a monthly
20 report on shipments of covered articles from
21 each producer of those articles in a Reconstruc-
22 tion Opportunity Zone in that country.

23 (D) The country will cooperate fully with
24 the United States to address and take action
25 necessary to prevent circumvention, as de-

1 scribed in Article 5 of the Agreement on Tex-
2 tiles and Clothing.

3 (E) The country agrees to require each
4 producer of a covered article in a Reconstruc-
5 tion Opportunity Zone in that country to reg-
6 ister with the competent government authority,
7 to provide that authority with the following in-
8 formation, and to update that information as
9 changes occur:

10 (i) The name and address of the pro-
11 ducer, including the location of all textile
12 or apparel facilities owned or operated by
13 that producer in Afghanistan or Pakistan.

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

17 (iii) The names and nationalities of
18 the producer's owners, directors, and cor-
19 porate officers, and their positions.

20 (iv) The number of employees the pro-
21 ducer employs and their occupations.

22 (v) A general description of the cov-
23 ered articles of the producer and the pro-
24 ducer's production capacity.

1 (vi) The number and type of machines
2 the producer uses to produce textile or ap-
3 parel articles at each facility.

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

6 (viii) The identity of any supplier to
7 the producer of textile or apparel goods, or
8 fabrics, yarns, or fibers used in the produc-
9 tion of textile or apparel goods.

10 (ix) The name of, and contact infor-
11 mation for, each of the producer's cus-
12 tomers in the United States.

13 (F) The country agrees to provide to U.S.
14 Customs and Border Protection on a timely
15 basis all of the information received by the com-
16 petent government authority in accordance with
17 subparagraph (E) and to provide U.S. Customs
18 and Border Protection with an annual update
19 of that information.

20 (G) The country agrees to require that all
21 producers and exporters of covered articles in a
22 Reconstruction Opportunity Zone in that coun-
23 try maintain complete records of the production
24 and the export of covered articles, including
25 materials used in the production, for at least 5

1 years after the production or export (as the
2 case may be).

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

8 (2) DOCUMENTATION ESTABLISHING ELIGI-
9 BILITY OF ARTICLES FOR DUTY-FREE TREAT-
10 MENT.—For purposes of paragraph (1)(H), docu-
11 mentation establishing the eligibility of a covered ar-
12 ticle for duty-free treatment under section 405 in-
13 cludes documentation such as production records, in-
14 formation relating to the place of production, the
15 number and identification of the types of machinery
16 used in production, the number of workers employed
17 in production, and certification from both the pro-
18 ducer and the exporter.

19 (b) CUSTOMS PROCEDURES AND ENFORCEMENT.—

20 (1) IN GENERAL.—

21 (A) REGULATIONS.—The Secretary of the
22 Treasury, after consultation with the United
23 States Trade Representative, shall promulgate
24 regulations setting forth customs procedures
25 similar in all material respects to the require-

1 ments of article 502(1) of the NAFTA as im-
2 plemented pursuant to United States law, which
3 shall apply to any importer that claims duty-
4 free treatment for an article under section 405.

5 (B) DETERMINATION.—In order for arti-
6 cles produced in a Reconstruction Opportunity
7 Zone to qualify for the duty-free treatment
8 under section 405, there shall be in effect a de-
9 termination by the President that Afghanistan
10 or Pakistan, as the case may be—

11 (i) has implemented and follows; or

12 (ii) is making substantial progress to-
13 ward implementing and following,

14 procedures and requirements similar in all ma-
15 terial respects to the relevant procedures and
16 requirements under chapter 5 of the NAFTA.

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

1 (3) PENALTIES.—If the President determines,
2 based on sufficient evidence, that an entity has en-
3 gaged in unlawful transshipment described in para-
4 graph (4), the President shall deny for a period of
5 5 years beginning on the date of the determination
6 all benefits under section 405 to the entity, any suc-
7 cessor of the entity, and any other entity owned, op-
8 erated, or controlled by the principals of the entity.

9 (4) UNLAWFUL TRANSSHIPMENT DESCRIBED.—
10 For purposes of this section, unlawful transshipment
11 occurs when duty-free treatment for a covered article
12 has been claimed on the basis of material false infor-
13 mation concerning the country of origin, manufac-
14 ture, processing, or assembly of the article or any of
15 its components. For purposes of the preceding sen-
16 tence, false information is material if disclosure of
17 the true information would mean or would have
18 meant that the article is or was ineligible for duty-
19 free treatment under section 405.

20 (5) MONITORING AND REPORTS TO CON-
21 GRESS.—U.S. Customs and Border Protection shall
22 monitor and the Commissioner responsible for U.S.
23 Customs and Border Protection shall submit to Con-
24 gress, not later than March 31 of each year, a report
25 on the effectiveness of the visa or electronic certifi-

1 cation systems and the implementation of legislation
2 and regulations described in subsection (a) and on
3 measures taken by Afghanistan and Pakistan to pre-
4 vent circumvention as described in article 5 of the
5 Agreement on Textile and Clothing.

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

8 (1) make available technical assistance to Af-
9 ghanistan and Pakistan—

10 (A) in the development and implementation
11 of visa or electronic certification systems, legis-
12 lation, and regulations described in subsection
13 (a)(1)(A) and (B); and

14 (B) to train their officials in anti-trans-
15 shipment enforcement;

16 (2) send production verification teams to Af-
17 ghanistan and Pakistan as necessary; and

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

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

1 **SEC. 407. TECHNICAL ASSISTANCE, CAPACITY BUILDING,**
2 **COMPLIANCE ASSESSMENT, AND REMEDI-**
3 **ATION PROGRAM.**

4 (a) DEFINITIONS.—In this section:

5 (1) APPROPRIATE CONGRESSIONAL COMMIT-
6 TEES.—The term “appropriate congressional com-
7 mittees” means—

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

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

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

18 (b) ELIGIBILITY.—

19 (1) PRESIDENTIAL CERTIFICATION OF COMPLI-
20 ANCE BY AFGHANISTAN OR PAKISTAN WITH RE-
21 QUIREMENTS.—Upon the expiration of the 16-month
22 period beginning on the date on which the President
23 designates an area within Afghanistan or Pakistan,
24 as the case may be, as a Reconstruction Opportunity
25 Zone under section 403(a), duty-free treatment pro-
26 claimed under section 404(a) or 405(a) for articles

1 from such Reconstruction Opportunity Zone may re-
2 main in effect only if the President determines and
3 certifies to Congress that Afghanistan or Pakistan,
4 as the case may be—

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

8 (B) has agreed to require textile or apparel
9 producers in such Reconstruction Opportunity
10 Zone to participate in the program described in
11 subsection (d) and has developed a system to
12 ensure participation in such program by such
13 producers, including by developing and main-
14 taining the registry described in subsection
15 (c)(2)(A).

16 (2) EXTENSION.—

17 (A) INITIAL EXTENSION.—The President
18 may extend the period for compliance by Af-
19 ghanistan or Pakistan under paragraph (1) for
20 an initial 6-month period if the President—

21 (i) determines that Afghanistan or
22 Pakistan, as the case may be, has made a
23 good faith effort toward implementing the
24 requirements set forth in paragraph (1)
25 (A) and (B) and has agreed to take addi-

1 tional steps towards implementing such re-
2 quirements that are satisfactory to the
3 President; and

4 (ii) provides to the appropriate con-
5 gressional committees, not later than 30
6 days before the last day of the 16-month
7 period specified in paragraph (1), a report
8 identifying the additional steps that Af-
9 ghanistan or Pakistan, as the case may be,
10 has agreed to take as described in clause
11 (i).

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

17 (i) provides an opportunity for public
18 comment and a public hearing on the pos-
19 sible extension not later than 45 days be-
20 fore the last day of the existing 6-month
21 extension;

22 (ii) consults with the Secretary of
23 Labor and the appropriate congressional
24 committees with respect to the possible ex-

1 tension not later than 45 days before the
2 last day of the existing 6-month extension;

3 (iii) determines, taking into account
4 any public comments and input received
5 during the public hearing described in
6 clause (i) and the consultations described
7 in clause (ii), that extraordinary cir-
8 cumstances exist that preclude Afghanistan
9 or Pakistan, as the case may be, from
10 meeting the requirements set forth in
11 paragraph (1) (A) and (B); and

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

14 (I) the extraordinary cir-
15 cumstances described in clause (iii);

16 (II) the reasons why the extraor-
17 dinary circumstances preclude Af-
18 ghanistan or Pakistan, as the case
19 may be, from meeting the require-
20 ments set forth in paragraph (1) (A)
21 and (B); and

22 (III) the steps Afghanistan or
23 Pakistan, as the case may be, will
24 take during the 6-month period of the
25 extension to implement the require-

1 ments set forth in paragraph (1) (A)
2 and (B).

3 (3) CONTINUING COMPLIANCE.—

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

12 (B) CONTINUATION OF DUTY-FREE TREAT-
13 MENT NOTWITHSTANDING NONCOMPLIANCE.—

14 (i) INITIAL 6-MONTH CONTINU-
15 ATION.—Notwithstanding subparagraph
16 (A), if, after making a certification under
17 paragraph (1), the President determines
18 that Afghanistan or Pakistan is no longer
19 meeting the requirements set forth in
20 paragraph (1) (A) and (B), the President
21 may extend the duty-free treatment pro-
22 claimed under section 404(a) or 405(a) for
23 an initial 6-month period if the Presi-
24 dent—

1 (I) determines, after consultation
2 with the Secretary of Labor and the
3 appropriate congressional committees,
4 that extraordinary circumstances exist
5 that preclude Afghanistan or Paki-
6 stan, as the case may be, from con-
7 tinuing to meet the requirements set
8 forth in paragraph (1) (A) and (B);
9 and

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

14 (aa) the extraordinary cir-
15 cumstances described in sub-
16 clause (I); and

17 (bb) the reasons why the ex-
18 traordinary circumstances pre-
19 clude Afghanistan or Pakistan,
20 as the case may be, from con-
21 tinuing to meet the requirements
22 set forth in paragraph (1) (A)
23 and (B).

24 (ii) SUBSEQUENT 6-MONTH CONTINU-
25 ATION.—The President may extend the

1 duty-free treatment proclaimed under sec-
2 tion 404(a) or 405(a) for a subsequent 6-
3 month period if, with respect to such ex-
4 tension, the President makes a determina-
5 tion that meets the requirements of clause
6 (i)(I) and publishes in the Federal Register
7 a notice that meets the requirements of
8 clause (i)(II).

9 (C) SUBSEQUENT COMPLIANCE.—If the
10 President, after terminating duty-free treat-
11 ment under subparagraph (A), determines that
12 Afghanistan or Pakistan, as the case may be, is
13 implementing the requirements set forth in
14 paragraph (1) (A) and (B) and meets the re-
15 quirements of section 403, the President shall
16 reinstate the application of duty-free treatment
17 proclaimed under section 404(a) or 405(a).

18 (c) LABOR OFFICIAL.—

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

23 (A) reports directly to the President of Af-
24 ghanistan or Pakistan, as the case may be;

1 (B) is chosen by the President of Afghani-
2 stan or Pakistan, as the case may be, in con-
3 sultation with labor unions and industry asso-
4 ciations; and

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

7 (2) FUNCTIONS.—The functions of the labor of-
8 ficial shall include—

9 (A) developing and maintaining a registry
10 of textile or apparel producers, and developing,
11 in consultation and coordination with any other
12 appropriate officials of the Government of Af-
13 ghanistan or Pakistan, as the case may be, a
14 system to ensure participation by such pro-
15 ducers in the program described in subsection
16 (d);

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

19 (C) receiving and investigating comments
20 from any interested party regarding the condi-
21 tions described in subsection (d)(2) in facilities
22 of textile or apparel producers listed in the reg-
23 istry described in subparagraph (A) and, where
24 appropriate, referring such comments or the re-
25 sult of such investigations to the appropriate

1 authorities of Afghanistan or Pakistan, as the
2 case may be, and to the entity operating the
3 program described in subsection (d);

4 (D) assisting, in consultation and coordina-
5 tion with any other appropriate authorities of
6 Afghanistan or Pakistan, as the case may be,
7 textile or apparel producers listed in the reg-
8 istry described in subparagraph (A) in meeting
9 the conditions set forth in subsection (d)(2);
10 and

11 (E) coordinating, with the assistance of the
12 entity operating the program described in sub-
13 section (d), a tripartite committee comprised of
14 appropriate representatives of government agen-
15 cies, employers, and workers, as well as other
16 relevant interested parties, for the purposes of
17 evaluating progress in implementing the pro-
18 gram described in subsection (d), and con-
19 sulting on improving core labor standards and
20 working conditions in the textile and apparel
21 sector in Afghanistan or Pakistan, as the case
22 may be, and on other matters of common con-
23 cern relating to such core labor standards and
24 working conditions.

1 (d) TECHNICAL ASSISTANCE, CAPACITY BUILDING,
2 COMPLIANCE ASSESSMENT, AND REMEDIATION PRO-
3 GRAM.—

4 (1) IN GENERAL.—The requirement under this
5 subsection is that Afghanistan or Pakistan, as the
6 case may be, in cooperation with the entity des-
7 ignated by the Secretary of Labor under paragraph
8 (3)(A)(i), has established a program meeting the re-
9 quirements under paragraph (3)—

10 (A) to assess compliance by textile or ap-
11 parel producers listed in the registry described
12 in subsection (c)(2)(A) with the conditions set
13 forth in paragraph (2) and to assist such pro-
14 ducers in meeting such conditions; and

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

18 (i) to inspect facilities of textile or ap-
19 parel producers listed in the registry de-
20 scribed in subsection (c)(2)(A); and

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

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

1 (A) compliance with core labor standards;
2 and

3 (B) compliance with the labor laws of Af-
4 ghanistan or Pakistan, as the case may be, that
5 relate directly to core labor standards and to
6 ensuring acceptable conditions of work with re-
7 spect to minimum wages, hours of work, and
8 occupational health and safety.

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

11 (A) is operated by an entity that—

12 (i) is designated by the Secretary of
13 Labor, in consultation with appropriate of-
14 ficials of the Government of Afghanistan
15 or Pakistan, as the case may be;

16 (ii) operates independently of the Gov-
17 ernment of Afghanistan or Pakistan, as
18 the case may be;

19 (iii) has expertise relating to moni-
20 toring of core labor standards;

21 (iv) if the entity designated under
22 clause (i) is an entity other than the Inter-
23 national Labor Organization, is subject to
24 evaluation by the International Labor Or-

1 organization at the request of the Secretary
2 of Labor, including—

3 (I) annual review of the oper-
4 ation of the program; and

5 (II) annual recommendations to
6 the entity operating the program, the
7 Government of Afghanistan or Paki-
8 stan, as the case may be, and the Sec-
9 retary of Labor to improve the oper-
10 ation of the program;

11 (v) prepares the annual report de-
12 scribed in paragraph (4);

13 (B) is developed through a participatory
14 process that includes the labor official described
15 in subsection (c) of Afghanistan or Pakistan, as
16 the case may be, and appropriate representa-
17 tives of government agencies, employers, and
18 workers;

19 (C) assess compliance by each textile or
20 apparel producer listed in the registry described
21 in subsection (c)(2)(A) with the conditions set
22 forth in paragraph (2) and identify any defi-
23 ciencies by such producer with respect to meet-
24 ing such conditions, including by—

1 (i) conducting site visits to facilities of
2 the producer;

3 (ii) conducting confidential interviews
4 with workers and management of the fa-
5 cilities of the producer; and

6 (iii) providing to management and
7 workers, and where applicable, worker or-
8 ganizations of the producer, on a confiden-
9 tial basis—

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

13 (II) specific suggestions for reme-
14 diating any such deficiencies;

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

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

22 (F) provide training to workers and man-
23 agement of the textile or apparel producer, and
24 where appropriate, to other persons or entities,
25 to promote compliance with paragraph (2).

1 (4) ANNUAL REPORT.—The annual report re-
2 ferred to in paragraph (3)(A)(v) is a report, by the
3 entity operating the program, that is published (and
4 available to the public in a readily accessible man-
5 ner) on an annual basis, beginning 1 year after Af-
6 ghanistan or Pakistan, as the case may be, has im-
7 plemented a program under this subsection, covering
8 the preceding 1-year period, and that includes the
9 following:

10 (A) The name of each textile or apparel
11 producer listed in the registry described in sub-
12 section (c)(2)(A) that has been in operation in
13 the Reconstruction Opportunity Zone for at
14 least 1 year and has been identified as having
15 met the conditions under paragraph (2).

16 (B) The name of each textile or apparel
17 producer listed in the registry described in sub-
18 section (c)(2)(A) that has been in operation in
19 the Reconstruction Opportunity Zone for at
20 least 1 year and has been identified as having
21 deficiencies with respect to the conditions under
22 paragraph (2), and has failed to remedy such
23 deficiencies.

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

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

5 (ii) a description of the efforts by the
6 producer to remediate the deficiencies, in-
7 cluding a description of assistance provided
8 by any entity to assist in such remediation;
9 and

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

15 (D) For each textile or apparel producer
16 identified as having deficiencies with respect to
17 the conditions described under paragraph (2) in
18 a prior report under this paragraph, a descrip-
19 tion of the progress made in remediating such
20 deficiencies since the submission of the prior re-
21 port, and an assessment of whether any aspect
22 of such deficiencies persists.

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

1 (A) to review the labor laws and regula-
2 tions of Afghanistan or Pakistan, as the case
3 may be, and to develop and implement strate-
4 gies for improving such labor laws and regula-
5 tions;

6 (B) to develop additional strategies for
7 protecting core labor standards and providing
8 acceptable conditions of work with respect to
9 minimum wages, hours of work, and occupa-
10 tional safety and health, including through
11 legal, regulatory, and institutional reform;

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

14 (D) to promote consultation and coopera-
15 tion between government representatives, em-
16 ployers, worker representatives, and United
17 States importers on matters relating to core
18 labor standards and national labor laws;

19 (E) to assist the labor official of Afghani-
20 stan or Pakistan, as the case may be, des-
21 ignated pursuant to subsection (c) in estab-
22 lishing and coordinating operation of the com-
23 mittee described in subsection (c)(2)(E);

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

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

9 (e) COMPLIANCE WITH ELIGIBILITY CRITERIA.—

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

19 (2) PRODUCER ELIGIBILITY.—

20 (A) IDENTIFICATION OF PRODUCERS.—

21 (i) IN GENERAL.—Except as provided
22 in clause (ii), beginning 2 years after the
23 President makes the certification under
24 subsection (b)(1), the President shall iden-
25 tify on a biennial basis whether a textile or

1 apparel producer listed in the registry de-
2 scribed in subsection (c)(2)(A) and in oper-
3 ation for at least 1 year has failed to com-
4 ply with core labor standards and with the
5 labor laws of Afghanistan or Pakistan, as
6 the case may be, that directly relate to and
7 are consistent with core labor standards.

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

12 (B) ASSISTANCE TO PRODUCERS; WITH-
13 DRAWAL, ETC., OF DUTY-FREE TREATMENT.—
14 For each textile or apparel producer that the
15 President identifies under subparagraph (A),
16 the President shall seek to assist such producer
17 in coming into compliance with core labor
18 standards and with the labor laws of Afghani-
19 stan or Pakistan, as the case may be, that di-
20 rectly relate to and are consistent with core
21 labor standards. If, within a reasonable period
22 of time, such efforts fail, the President shall
23 withdraw, suspend, or limit the application of
24 duty-free treatment to textile and apparel cov-
25 ered articles of such producer.

1 (C) REINSTATING DUTY-FREE TREAT-
2 MENT.—If the President, after withdrawing,
3 suspending, or limiting the application of duty-
4 free treatment under subparagraph (B) to arti-
5 cles of a textile or apparel producer, determines
6 that such producer is complying with core labor
7 standards and with the labor laws of Afghani-
8 stan or Pakistan, as the case may be, that di-
9 rectly relate to and are consistent with core
10 labor standards, the President shall reinstate
11 the application of duty-free treatment under
12 section 405 to the textile and apparel covered
13 articles of such producer.

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

19 (f) REPORTS BY THE PRESIDENT.—

20 (1) IN GENERAL.—Not later than 1 year after
21 the date of the enactment of this Act, and annually
22 thereafter, the President shall transmit to the appro-
23 priate congressional committees a report on the im-
24 plementation of this section during the preceding 1-
25 year period.

1 (2) MATTERS TO BE INCLUDED.—Each report
2 required by paragraph (1) shall include the fol-
3 lowing:

4 (A) An explanation of the efforts of Af-
5 ghanistan and Pakistan, the President, and en-
6 tity designated by the Secretary of Labor to
7 carry out this section.

8 (B) A summary of each report produced
9 under subsection (d)(4) during the preceding 1-
10 year period and a summary of the findings con-
11 tained in such report.

12 (C) Identifications made under subsection
13 (e)(2)(A) and determinations made under sub-
14 section (e)(2)(C).

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

17 (1) EVALUATION.—The Secretary of Labor
18 shall evaluate the monitoring program established
19 under this section to determine ways to improve
20 adoption and adherence to core labor standards and
21 acceptable conditions of work with respect to min-
22 imum wages, hours of work, and occupational health
23 and safety. To the extent that producers of nontex-
24 tile or nonapparel articles described in section 404
25 of this division have established operations in Recon-

1 struction Opportunity Zones, the report shall also
2 evaluate options for expanding the program to in-
3 clude such producers.

4 (2) REPORT.—Not later than 1 year after the
5 date on which Afghanistan or Pakistan, as the case
6 may be, has implemented a program under this sec-
7 tion, the Secretary of Labor shall submit to the ap-
8 propriate congressional committees a report that
9 contains the results of the evaluation required under
10 paragraph (1) and recommendations to improve the
11 program under this section and, if applicable, to ex-
12 pand the program to include producers of nontextile
13 or nonapparel articles.

14 (3) AUTHORIZATION OF APPROPRIATIONS.—
15 There is authorized to be appropriated to the Sec-
16 retary of Labor such sums as may be necessary to
17 carry out this subsection.

18 (h) AUTHORIZATION OF APPROPRIATIONS.—There is
19 authorized to be appropriated to carry out this section
20 (other than subsection (g)) \$20,000,000 for the period be-
21 ginning on October 1, 2009, and ending on September 30,
22 2023.

23 **SEC. 408. PETITION PROCESS.**

24 Any interested party may file a request to have the
25 status of Afghanistan or Pakistan reviewed with respect

1 to the eligibility requirements listed in this title, and the
2 President shall provide for this purpose the same proce-
3 dures as those that are provided for reviewing the status
4 of eligible beneficiary developing countries with respect to
5 the designation criteria listed in subsections (b) and (c)
6 of section 502 of the Trade Act of 1974 (19 U.S.C. 2462
7 (b) and (c)).

8 **SEC. 409. LIMITATIONS ON PROVIDING DUTY-FREE TREAT-**
9 **MENT.**

10 (a) IN GENERAL.—

11 (1) PROCLAMATION.—Except as provided in
12 paragraph (2), and subject to subsection (b) and the
13 conditions described in sections 403 through 407 of
14 this division, the President shall exercise the Presi-
15 dent’s authority under this title, and the President
16 shall proclaim any duty-free treatment pursuant to
17 that authority.

18 (2) WAIVER.—The President may waive the ap-
19 plication of this title if the President determines that
20 providing such treatment is inconsistent with the na-
21 tional interests of the United States. In making such
22 determination, the President shall consider—

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

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

3 (C) the foreign policy interests of the
4 United States, including the economic develop-
5 ment of Afghanistan and the border region of
6 Pakistan.

7 (b) WITHDRAWAL, SUSPENSION, OR LIMITATION OF
8 DUTY-FREE TREATMENT.—The President may withdraw,
9 suspend, or limit the application of the duty-free treat-
10 ment proclaimed under this title upon consideration of the
11 factors set forth in section 403 (b) and (c) of this division,
12 and section 502 (b) and (c) of the Trade Act of 1974 (19
13 U.S.C. 2462 (b) and (c)). In taking any action to with-
14 draw, suspend, or limit duty-free treatment with respect
15 to producers receiving benefits under section 404 or 405
16 of this division, the President shall consider the informa-
17 tion described in section 403(d) of this division relating
18 to verification of the ownership and nature of the activities
19 of such producers and any other relevant information the
20 President determines to be appropriate.

21 (c) NOTICE TO CONGRESS.—The President shall ad-
22 vise Congress—

23 (1) of any action the President takes to waive,
24 withdraw, suspend, or limit the application of duty-
25 free treatment with respect to Reconstruction Op-

1 portunity Zones in Afghanistan or Pakistan or en-
2 terprises receiving benefits under section 404 or 405
3 of this division; and

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

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

10 Duty-free treatment provided under this title shall re-
11 main in effect through September 30, 2024.

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

13 (a) IN GENERAL.—The Secretary of the Treasury
14 shall increase the amount of fees charged and collected
15 under section 13031(a) of the Consolidated Omnibus
16 Budget Reconciliation Act of 1985 (19 U.S.C. 58c(a)) for
17 the provision of customs services in connection with im-
18 ports and travel from Afghanistan and Pakistan as nec-
19 essary to meet the requirements of subsection (b).

20 (b) MINIMUM AMOUNT.—The amount of the increase
21 in fees charged and collected under the authority of sub-
22 section (a)—

23 (1) shall not be less than \$12,000,000 for the
24 period beginning on the date of the enactment of

1 this Act and ending at the close of September 30,
2 2014; and

3 (2) shall not be less than \$105,000,000 for the
4 period beginning on the date of the enactment of
5 this Act and ending at the close of September 30,
6 2019.

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

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

Passed the House of Representatives June 10, 2009.

Attest: LORRAINE C. MILLER,
Clerk.