

Union Calendar No. 69

111TH CONGRESS
1ST SESSION

H. R. 2410

[Report No. 111-136]

To authorize appropriations for the Department of State and the Peace Corps for fiscal years 2010 and 2011, to modernize the Foreign Service, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 14, 2009

Mr. BERMAN introduced the following bill; which was referred to the Committee on Foreign Affairs

JUNE 4, 2009

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italics]

[For text of introduced bill, see copy of bill as introduced on May 14, 2009]

A BILL

To authorize appropriations for the Department of State and the Peace Corps for fiscal years 2010 and 2011, to modernize the Foreign Service, and for other purposes.

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

1 **SECTION 1. SHORT TITLE.**

2 *This Act may be cited as the “Foreign Relations Au-*
 3 *thorization Act, Fiscal Years 2010 and 2011”.*

4 **SEC. 2. TABLE OF CONTENTS.**

5 *The table of contents for this Act is as follows:*

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Sec. 1125. Sense of Congress on Holocaust-era property restitution and compensation.

Sec. 1126. Efforts to secure the freedom of Gilad Shalit.

Sec. 1127. Sense of Congress relating to Sudan.

Sec. 1128. Sense of Congress on restrictions on religious freedom in Vietnam.

1 SEC. 3. APPROPRIATE CONGRESSIONAL COMMITTEES DE-

2 FINED.

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

7 TITLE I—AUTHORIZATION OF
8 APPROPRIATIONS

9 SEC. 101. ADMINISTRATION OF FOREIGN AFFAIRS.

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

16 (1) DIPLOMATIC AND CONSULAR PROGRAMS.—

17 (A) AUTHORIZATION OF APPROPRIA-
18 TIONS.—For “Diplomatic and Consular Pro-

1 grams” \$7,312,016,000 for fiscal year 2010, and
2 such sums as may be necessary for fiscal year
3 2011.

4 (B) *WORLDWIDE SECURITY PROTECTION.*—
5 In addition to the amounts authorized to be ap-
6 propriated by subparagraph (A), \$1,648,000,000
7 for fiscal year 2010, and such sums as may be
8 necessary for fiscal year 2011 are authorized to
9 be appropriated for worldwide security protec-
10 tion.

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

17 (D) *BUREAU OF DEMOCRACY, HUMAN*
18 *RIGHTS, AND LABOR.*—Of the amounts author-
19 ized to be appropriated under subparagraph (A),
20 \$20,659,000 for fiscal year 2010, and such sums
21 as may be necessary for fiscal year 2011 are au-
22 thorized to be appropriated for the Bureau of De-
23 mocracy, Human Rights, and Labor.

24 (2) *CAPITAL INVESTMENT FUND.*—For “Capital
25 Investment Fund”, \$160,000,000 for fiscal year 2010,

1 *and such sums as may be necessary for fiscal year*
2 *2011.*

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

8 (4) *EDUCATIONAL AND CULTURAL EXCHANGE*
9 *PROGRAMS.—*

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

15 (B) *TIBETAN SCHOLARSHIP PROGRAM.—Of*
16 *the amounts authorized to be appropriated under*
17 *subparagraph (A), \$750,000 for fiscal year 2010*
18 *and \$800,000 for fiscal year 2011 are authorized*
19 *to be appropriated to carry out the Tibetan*
20 *scholarship program established under section*
21 *103(b)(1) of the Human Rights, Refugee, and*
22 *Other Foreign Relations Provisions Act of 1996*
23 *(Public Law 104–319; 22 U.S.C. 2151 note).*

24 (C) *NGAWANG CHOEPHEL EXCHANGE PRO-*
25 *GRAMS.—Of the amounts authorized to be appro-*

1 *priated under subparagraph (A), such sums as*
2 *may be necessary are authorized to be appro-*
3 *priated for each of fiscal years 2010 and 2011*
4 *for the “Ngawang Choepel Exchange Programs”*
5 *(formerly known as “programs of educational*
6 *and cultural exchange between the United States*
7 *and the people of Tibet”) under section 103(a) of*
8 *the Human Rights, Refugee, and Other Foreign*
9 *Relations Provisions Act of 1996 (Public Law*
10 *104–319; 22 U.S.C. 2151 note).*

11 (5) *CIVILIAN STABILIZATION INITIATIVE.—For*
12 *“Civilian Stabilization Initiative”, \$323,272,000 for*
13 *fiscal year 2010, and such sums as may be necessary*
14 *for fiscal year 2011.*

15 (6) *REPRESENTATION ALLOWANCES.—For “Rep-*
16 *resentation Allowances”, \$8,175,000 for fiscal year*
17 *2010, and such sums as may be necessary for fiscal*
18 *year 2011.*

19 (7) *PROTECTION OF FOREIGN MISSIONS AND OF-*
20 *FICIALS.—*

21 (A) *AUTHORIZATION OF APPROPRIA-*
22 *TIONS.—For Protection of Foreign Missions and*
23 *Officials, \$27,159,000 for fiscal year 2010, and*
24 *such sums as may be necessary for fiscal year*
25 *2011.*

1 (B) *REIMBURSEMENT FOR PAST EXPENSES*
2 *OWED BY THE UNITED STATES.—In addition to*
3 *the amounts authorized to be appropriated under*
4 *subparagraph (A), there are authorized to be ap-*
5 *propriated \$21,000,000 for fiscal year 2010 and*
6 *\$25,000,000 for fiscal year 2011 for “Protection*
7 *of Foreign Missions and Officials” to be used*
8 *only to reimburse State and local governments*
9 *for necessary expenses incurred since 1998 for*
10 *the protection of foreign missions and officials*
11 *and recognized by the United States.*

12 (8) *EMERGENCIES IN THE DIPLOMATIC AND CON-*
13 *SULAR SERVICE.—For “Emergencies in the Diplo-*
14 *matic and Consular Service”, \$10,000,000 for fiscal*
15 *year 2010, and such sums as may be necessary for fis-*
16 *cal year 2011.*

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

20 (10) *PAYMENT TO THE AMERICAN INSTITUTE IN*
21 *TAIWAN.—For “Payment to the American Institute in*
22 *Taiwan”, \$21,174,000 for fiscal year 2010, and such*
23 *sums as may be necessary for fiscal year 2011.*

24 (11) *OFFICE OF THE INSPECTOR GENERAL.—*

1 (A) *AUTHORIZATION OF APPROPRIA-*
2 *TIONS.—For “Office of the Inspector General”,*
3 *\$100,000,000 for fiscal year 2010, and such sums*
4 *as may be necessary for fiscal year 2011.*

5 (B) *SPECIAL INSPECTOR GENERAL FOR*
6 *IRAQ RECONSTRUCTION.—Of the amounts au-*
7 *thorized to be appropriated under subparagraph*
8 *(A), \$30,000,000 is authorized to be for the Spe-*
9 *cial Inspector General for Iraq Reconstruction.*

10 (C) *SPECIAL INSPECTOR GENERAL FOR AF-*
11 *GHANISTAN RECONSTRUCTION.—Of the amounts*
12 *authorized to be appropriated under subpara-*
13 *graph (A), \$23,000,000 is authorized to be for*
14 *the Special Inspector General for Afghanistan*
15 *Reconstruction.*

16 **SEC. 102. INTERNATIONAL ORGANIZATIONS.**

17 (a) *ASSESSED CONTRIBUTIONS TO INTERNATIONAL*
18 *ORGANIZATIONS.—There are authorized to be appropriated*
19 *for “Contributions to International Organizations”,*
20 *\$1,797,000,000 for fiscal year 2010, and such sums as may*
21 *be necessary for fiscal year 2011, for the Department of*
22 *State to carry out the authorities, functions, duties, and*
23 *responsibilities in the conduct of the foreign affairs of the*
24 *United States with respect to international organizations*

1 *and to carry out other authorities in law consistent with*
2 *such purposes.*

3 (b) *CONTRIBUTIONS FOR INTERNATIONAL PEACE-*
4 *KEEPING ACTIVITIES.*—*There are authorized to be appro-*
5 *priated for “Contributions for International Peacekeeping*
6 *Activities”, \$2,260,000,000 for fiscal year 2010, and such*
7 *sums as may be necessary for fiscal year 2011, for the De-*
8 *partment of State to carry out the authorities, functions,*
9 *duties, and responsibilities of the United States with respect*
10 *to international peacekeeping activities and to carry out*
11 *other authorities in law consistent with such purposes.*

12 (c) *FOREIGN CURRENCY EXCHANGE RATES.*—*In addi-*
13 *tion to amounts authorized to be appropriated by subsection*
14 *(a), there are authorized to be appropriated such sums as*
15 *may be necessary for each of fiscal years 2010 and 2011*
16 *to offset adverse fluctuations in foreign currency exchange*
17 *rates. Amounts appropriated under this subsection shall be*
18 *available for obligation and expenditure only to the extent*
19 *that the Director of the Office of Management and Budget*
20 *determines and certifies to Congress that such amounts are*
21 *necessary due to such fluctuations.*

22 **SEC. 103. INTERNATIONAL COMMISSIONS.**

23 *The following amounts are authorized to be appro-*
24 *priated under “International Commissions” for the Depart-*
25 *ment of State to carry out the authorities, functions, duties,*

1 *and responsibilities in the conduct of the foreign affairs of*
2 *the United States and for other purposes authorized by law:*

3 (1) *INTERNATIONAL BOUNDARY AND WATER COM-*
4 *MISSION, UNITED STATES AND MEXICO.—For “Inter-*
5 *national Boundary and Water Commission, United*
6 *States and Mexico”—*

7 (A) *for “Salaries and Expenses”,*
8 *\$33,000,000 for fiscal year 2010, and such sums*
9 *as may be necessary for fiscal year 2011; and*

10 (B) *for “Construction”, \$43,250,000 for fis-*
11 *cal year 2010, and such sums as may be nec-*
12 *essary for fiscal year 2011.*

13 (2) *INTERNATIONAL BOUNDARY COMMISSION,*
14 *UNITED STATES AND CANADA.—For “International*
15 *Boundary Commission, United States and Canada”,*
16 *\$2,385,000 for fiscal year 2010, and such sums as*
17 *may be necessary for fiscal year 2011.*

18 (3) *INTERNATIONAL JOINT COMMISSION.—For*
19 *“International Joint Commission”, \$7,974,000 for fis-*
20 *cal year 2010, and such sums as may be necessary for*
21 *fiscal year 2011.*

22 (4) *INTERNATIONAL FISHERIES COMMISSIONS.—*
23 *For “International Fisheries Commissions”,*
24 *\$43,576,000 for fiscal year 2010, and such sums as*
25 *may be necessary for fiscal year 2011.*

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

2 (a) *AUTHORIZATION OF APPROPRIATIONS.*—*There are*
3 *authorized to be appropriated for “Migration and Refugee*
4 *Assistance” for authorized activities \$1,577,500,000 for fis-*
5 *cal year 2010, and such sums as may be necessary for fiscal*
6 *year 2011.*

7 (b) *REFUGEE RESETTLEMENT IN ISRAEL.*—*Of the*
8 *amounts authorized to be appropriated by subsection (a),*
9 *there are authorized to be appropriated \$25,000,000 for fis-*
10 *cal years 2010 and such sums as may be necessary for fiscal*
11 *year 2011 for resettlement of refugees in Israel.*

12 **SEC. 105. CENTERS AND FOUNDATIONS.**

13 (a) *ASIA FOUNDATION.*—*There are authorized to be*
14 *appropriated for “The Asia Foundation” for authorized ac-*
15 *tivities, \$20,000,000 for fiscal year 2010, and \$23,000,000*
16 *for fiscal year 2011.*

17 (b) *NATIONAL ENDOWMENT FOR DEMOCRACY.*—*There*
18 *are authorized to be appropriated for the “National Endow-*
19 *ment for Democracy” for authorized activities,*
20 *\$100,000,000 for fiscal year 2010, and such sums as may*
21 *be necessary for fiscal year 2011.*

22 (c) *CENTER FOR CULTURAL AND TECHNICAL INTER-*
23 *CHANGE BETWEEN EAST AND WEST.*—*There are authorized*
24 *to be appropriated for the “Center for Cultural and Tech-*
25 *nical Interchange Between East and West” for authorized*

1 *activities, such sums as may be necessary for each of fiscal*
2 *years 2010 and 2011.*

3 **TITLE II—DEPARTMENT OF**
4 **STATE AUTHORITIES AND AC-**
5 **TIVITIES**

6 **Subtitle A—Basic Authorities and**
7 **Activities**

8 **SEC. 201. INTERNATIONAL LITIGATION FUND.**

9 *Section 38(d)(3) of the State Department Basic Au-*
10 *thorities Act of 1956 (22 U.S.C. 2710(d)(3)) is amended by*
11 *striking “by the Department of State from another agency*
12 *of the United States Government or pursuant to” and in-*
13 *serting “by the Department of State as a result of a decision*
14 *of an international tribunal, from another agency of the*
15 *United States Government, or pursuant to”.*

16 **SEC. 202. ACTUARIAL VALUATIONS.**

17 *The Foreign Service Act of 1980 is amended—*

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

19 *(A) in the first sentence, by striking “Sec-*
20 *retary of the Treasury” and inserting “Secretary*
21 *of State”; and*

22 *(B) by amending the second sentence to*
23 *read as follows: “The Secretary of State is au-*
24 *thorized to expend from money to the credit of*
25 *the Fund such sums as may be necessary to ad-*

1 *minister the provisions of this chapter, including*
2 *actuarial advice, but only to the extent and in*
3 *such amounts as are provided in advance in ap-*
4 *propriations acts.”;*

5 *(2) in section 819 (22 U.S.C. 4059), in the first*
6 *sentence, by striking “Secretary of the Treasury” the*
7 *second place it appears and inserting “Secretary of*
8 *State”;*

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

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

13 *(A) by striking “Secretary of the Treasury”*
14 *and inserting “Secretary of State”; and*

15 *(B) by striking “and shall advise the Sec-*
16 *retary of State of” and inserting “that will pro-*
17 *vide”.*

18 **SEC. 203. SPECIAL AGENTS.**

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

22 *“(1) conduct investigations concerning—*

23 *“(A) illegal passport or visa issuance or*
24 *use;*

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

4 “(C) Federal offenses committed within the
5 special maritime and territorial jurisdiction of
6 the United States as defined in paragraph (9) of
7 section 7 of title 18, United States Code, except
8 as that jurisdiction relates to the premises of
9 United States military missions and related resi-
10 dences;”.

11 (b) *RULE OF CONSTRUCTION.*—Nothing in paragraph
12 (1) of such section 37(a) (as amended by subsection (a) of
13 this section) shall be construed to limit the investigative au-
14 thority of any other Federal department or agency.

15 **SEC. 204. REPATRIATION LOANS.**

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

19 “(e) Under such regulations as the Secretary of State
20 may prescribe, and in such amounts as are appropriated
21 in advance, the Secretary is authorized to waive in whole
22 or part the recovery of a repatriation loan under subsection
23 (d) if it is shown that such recovery would be against equity
24 and good conscience or against the public interest.”.

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 accord-*
8 *ance with subsection (e),” before “coordinate”; and*

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

11 ***“(e) CONCENTRATION OF PUBLIC DIPLOMACY RESPON-***
12 ***SIBILITIES.—***

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

19 ***“(2) QUARTERLY MEETINGS AND ONGOING CON-***
20 ***SULTATIONS AND COORDINATION.—***

21 ***“(A) IN GENERAL.—The Secretary shall,***
22 ***subject to the direction of the President, establish***
23 ***a working group of the heads of the Federal***
24 ***agencies referred to in subsection (b)(1) and***
25 ***should seek to convene such group not less often***

1 *than once every three months to carry out the re-*
2 *quirement specified in paragraph (1) of this sub-*
3 *section.*

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

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

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

1 *of the Secretary shall have primary responsi-*
2 *bility for such ongoing consultations and coordi-*
3 *nation.*

4 “(3) *REPORTS REQUIRED.—*

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

11 “(B) *INFORMATION SHARING.—The Presi-*
12 *dent shall make available to the Secretary the re-*
13 *ports submitted pursuant to subparagraph (A).*

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

19 “(D) *LIMITATION.—Subparagraph (A) shall*
20 *not apply with respect to activities carried out*
21 *pursuant to section 167 of title 10, United States*
22 *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 at
5 the mid-career level threatens the effectiveness of United
6 States outreach to publics abroad.

7 (b) *SENSE OF CONGRESS.*—It is the sense of Congress
8 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 of
13 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 more
16 information on techniques of public diplomacy.

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

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

23 “(1) *IN GENERAL.*—The Secretary of State is au-
24 thorized to establish in the Foreign Service a Public
25 Diplomacy Reserve Corps consisting of mid- and sen-
26 ior-level former Foreign Service officers and other in-

1 *dividuals with experience in the private or public sec-*
2 *tor relevant to public diplomacy, to serve for a period*
3 *of six months to two years in postings abroad.*

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

11 **SEC. 213. ENHANCING UNITED STATES PUBLIC DIPLOMACY**

12 **OUTREACH.**

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

14 (1) *The platform strategy for United States pub-*
15 *lic diplomacy programs has changed dramatically*
16 *with events of the past decade. The United States*
17 *Government used to operate hundreds of free-standing*
18 *facilities around the world, known as “American Cen-*
19 *ters” or “America Houses”, that offered venues for*
20 *cultural and educational events as well as access to*
21 *books, magazines, films, and other selected materials*
22 *about the United States. The consolidation of the*
23 *United States Information Agency (USIA) into the*
24 *Department of State accelerated the post-Cold War*
25 *process of closing these facilities, and the deadly at-*

1 *tacks on United States embassies in Tanzania and*
2 *Kenya prompted the imposition of security require-*
3 *ments under law that included co-locating United*
4 *States Government employees in hardened embassy*
5 *compounds.*

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

17 *(b) PARTNERSHIP ARRANGEMENTS TO FURTHER PUB-*
18 *LIC DIPLOMACY AND OUTREACH.—Recognizing the security*
19 *challenges of maintaining free-standing public diplomacy*
20 *facilities outside of embassy compounds, the Secretary of*
21 *State shall consider new partnership arrangements with*
22 *local or regional entities in foreign countries that can oper-*
23 *ate free-standing American Centers in areas well-trafficked*
24 *by a cross-section of people in such countries, including in*
25 *downtown storefronts, health care clinics, and other loca-*

1 tions that reach beyond library patrons and university stu-
2 dents. Where such partnership arrangements currently
3 exist, the Secretary shall evaluate the efficacy of such part-
4 nership arrangements and determine whether such partner-
5 ship arrangements can provide a model for public diplo-
6 macy facilities outside of embassy and consulate compounds
7 elsewhere. Not later than 180 days after the date of the en-
8 actment of this Act, the Secretary shall brief the appro-
9 priate congressional committees on the evaluation and de-
10 terminations described in the preceding sentence.

11 (c) *ESTABLISHMENT OF CERTAIN PUBLIC DIPLOMACY*
12 *FACILITIES.*—After taking into account relevant security
13 needs, the Secretary of State shall consider placing United
14 States public diplomacy facilities at locations that maxi-
15 mize the role of such facilities in the educational and cul-
16 tural life of the cities in which such facilities are located,
17 and help build a growing constituency for such facilities,
18 in accordance with the authority given to the Secretary
19 under section 606(a)(2)(B) of the Secure Embassy Con-
20 struction and Counterterrorism Act of 1999 (22 U.S.C.
21 4865(a)(2)(B)) to waive certain requirements of that Act
22 with respect to the location of certain United States diplo-
23 matic facilities in foreign countries.

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

2 (a) *ESTABLISHMENT AND MAINTENANCE OF LIBRAR-*
3 *IES.*—Section 1(b)(3) of the State Department Basic Au-
4 *thorities Act of 1956 (22 U.S.C. 2651a(b)(3)) is amended—*

5 (1) *in subparagraph (D), by striking “and” at*
6 *the end;*

7 (2) *in subparagraph (E), by striking the period*
8 *at the end and inserting “; and”; and*

9 (3) *by adding at the end the following new sub-*
10 *paragraph:*

11 *“(F) provide for the establishment of new*
12 *and the maintenance of existing libraries and re-*
13 *source centers at or in connection with United*
14 *States diplomatic and consular missions.”.*

15 (b) *OPERATION OF LIBRARIES.*—

16 (1) *IN GENERAL.*—*The Secretary of State shall*
17 *ensure that libraries and resource centers established*
18 *and maintained in accordance with subparagraph*
19 *(F) of section 1(b)(3) of the State Department Basic*
20 *Authorities Act of 1956 (as added by subsection (a)(3)*
21 *of this section) are open to the general public to the*
22 *greatest extent practicable, subject to policies and pro-*
23 *cedures established by the Secretary to ensure the safe-*
24 *ty and security of United States diplomatic and con-*
25 *sular missions and of United States officers, employ-*

1 *ees, and personnel posted at such missions at which*
2 *such libraries are located.*

3 (2) *SHOWINGS OF UNITED STATES FILMS.—To*
4 *the extent practicable, the Secretary of State shall en-*
5 *sure that such libraries and resource centers schedule*
6 *public showings of United States films that showcase*
7 *United States culture, society, values, and history.*

8 (c) *ADVISORY COMMISSION ON PUBLIC DIPLOMACY.—*
9 *Not later than one year after the date of the enactment of*
10 *this section, the Advisory Commission on Public Diplomacy*
11 *(authorized under section 1334 of the Foreign Affairs Re-*
12 *form and Restructuring Act of 1998 (22 U.S.C. 6553)) shall*
13 *submit to the Committee on Foreign Affairs of the House*
14 *of Representatives and the Committee on Foreign Relations*
15 *of the Senate a report containing an evaluation of the func-*
16 *tions and effectiveness of the libraries and resource centers*
17 *that are authorized under this section.*

18 (d) *AUTHORIZATION OF APPROPRIATIONS.—From*
19 *amounts authorized to be appropriated for Diplomatic and*
20 *Consular Programs pursuant to section 101(1)(A), there is*
21 *authorized to be appropriated to the Secretary of State such*
22 *sums as may be necessary for each of fiscal years 2010 and*
23 *2011 to carry out this section.*

1 **SEC. 215. GRANTS FOR INTERNATIONAL DOCUMENTARY EX-**
2 **CHANGE PROGRAMS.**

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

4 (1) *Since September 11, 2001, a distorted per-*
5 *ception of the United States has grown abroad, even*
6 *as many Americans struggle to understand the in-*
7 *creasingly complex world beyond the borders of the*
8 *United States.*

9 (2) *This public diplomacy crisis poses an ongo-*
10 *ing threat to United States security, diplomatic rela-*
11 *tions, commerce, and citizen-to-citizen relationships*
12 *between the United States and other countries.*

13 (3) *Independently produced documentary films*
14 *have proven to be an effective means of commu-*
15 *nicating United States ideas and values to popu-*
16 *lations of other countries.*

17 (4) *It is in the interest of the United States to*
18 *provide assistance to United States nongovernmental*
19 *organizations that produce and distribute independ-*
20 *ently produced documentary films.*

21 (b) *ASSISTANCE.*—*The Secretary of State is authorized*
22 *to make grants, on such terms and conditions as the Sec-*
23 *retary may determine, to United States nongovernmental*
24 *organizations that use independently produced documen-*
25 *tary films to promote better understanding of the United*

1 *States abroad and better understanding of global perspec-*
2 *tives and other countries in the United States.*

3 (c) *ACTIVITIES SUPPORTED.*—*Grants provided under*
4 *subsection (b) shall, to the maximum extent practicable, be*
5 *used to carry out the following activities:*

6 (1) *Fund, distribute, and promote documentary*
7 *films that convey a diversity of views about life in the*
8 *United States to foreign audiences and bring insight-*
9 *ful foreign perspectives to United States audiences.*

10 (2) *Support documentaries described in para-*
11 *graph (1) that are made by independent foreign and*
12 *domestic producers, selected through a peer review*
13 *process.*

14 (3) *Develop a network of overseas partners to*
15 *produce, distribute, and broadcast such documen-*
16 *taries.*

17 (d) *SPECIAL FACTORS.*—*In making the grants de-*
18 *scribed in subsection (b), the Secretary shall give preference*
19 *to nongovernmental organizations that—*

20 (1) *provide at least 35 percent of the total project*
21 *cost in matching funds from non-Federal sources; and*

22 (2) *have prior experience supporting independ-*
23 *ently produced documentary films that have been*
24 *broadcast on public television in the United States.*

1 (e) *REPORT.*—Not later than two years after the date
2 of the enactment of this Act, the Secretary shall submit to
3 Congress a report that contains a detailed description of
4 the implementation of this section for the prior year.

5 (f) *AUTHORIZATION OF APPROPRIATIONS.*—Of the
6 amounts authorized to be appropriated for Educational and
7 Cultural Exchange Programs pursuant to section 101(4),
8 there is authorized to be appropriated to the Secretary of
9 State \$5,000,000 for each of fiscal years 2010 and 2011 to
10 carry out this section.

11 **SEC. 216. UNITED STATES ADVISORY COMMISSION ON PUB-**
12 **LIC DIPLOMACY.**

13 (a) *REAUTHORIZATION OF UNITED STATES ADVISORY*
14 *COMMISSION ON PUBLIC DIPLOMACY.*—Section 1334 of the
15 *Foreign Affairs Reform and Restructuring Act of 1998* (22
16 *U.S.C. 6553*) is amended by striking “October 1, 2009” and
17 inserting “October 1, 2011”.

18 (b) *STUDY AND REPORT.*—Section 604(c)(2) of the
19 *United States Information and Educational Exchange Act*
20 *of 1948* (22 *U.S.C. 1469(c)(2)*) is amended to read as fol-
21 lows:

22 “(2)(A) Not less often than once every two years, the
23 Commission shall undertake an in-depth review of United
24 States public diplomacy programs, policies, and activities.
25 Each study shall assess the effectiveness of the various mech-

1 *anisms of United States public diplomacy in light of several*
2 *factors, including public and media attitudes around the*
3 *world toward the United States, United States citizens, and*
4 *United States foreign policy, and make appropriate rec-*
5 *ommendations.*

6 “(B) *The Commission shall submit to the Secretary*
7 *and the Committee on Foreign Affairs of the House of Rep-*
8 *resentatives and the Committee on Foreign Relations of the*
9 *Senate a comprehensive report of each study required under*
10 *subparagraph (A). At the discretion of the Commission, any*
11 *report under this subsection may be submitted in classified*
12 *form or with a classified appendix.*

13 “(C) *Upon request of the Commission, the Secretary,*
14 *the Chair of the Broadcasting Board of Governors, and the*
15 *head of any other Federal agency that conducts public di-*
16 *plomacy or strategic communications activities shall pro-*
17 *vide to the Commission information to assist the Commis-*
18 *sion in carrying out its responsibilities under this para-*
19 *graph.*”.

20 (c) *ENHANCING THE EXPERTISE OF THE UNITED*
21 *STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY.—*

22 (1) *QUALIFICATIONS OF MEMBERS.—Section*
23 *604(a)(2) of the United States Information and Edu-*
24 *cational Exchange Act of 1948 (22 U.S.C. 1469(a)(2))*
25 *is amended by adding at the end the following new*

1 sentences: “At least four members shall have substan-
2 tial experience in the conduct of public diplomacy or
3 comparable activities in the private sector. No mem-
4 ber may be an officer or employee of the United
5 States.”.

6 (2) *APPLICATION OF AMENDMENT.*—The amend-
7 ment made by paragraph (1) shall not apply to indi-
8 viduals who are members of the United States Advi-
9 sory Commission on Public Diplomacy on the date of
10 the enactment of this Act.

11 **SEC. 217. SPECIAL OLYMPICS.**

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

13 (1) *Special Olympics International has been rec-*
14 *ognized for more than four decades as the world lead-*
15 *er in providing life-changing sports training and*
16 *competition experiences for persons with intellectual*
17 *disabilities at all levels of severity.*

18 (2) *While Special Olympics sports programming*
19 *is widely respected around the world, less well-known*
20 *are a number of supporting initiatives targeted to*
21 *changing attitudes toward people with intellectual*
22 *disabilities, developing leaders among the intellectual*
23 *disability population, supporting families of people*
24 *with these disabilities, improving access to health*

1 *services, and enhancing government policies and pro-*
2 *grams for people with intellectual disabilities.*

3 *(3) Special Olympics has documented the chal-*
4 *lenge of ignorance and poor attitudes toward intellec-*
5 *tual disability worldwide and its capacity to change*
6 *discriminatory attitudes to understanding, accept-*
7 *ance, and advocacy for people with intellectual dis-*
8 *abilities. It does so through an array of educational*
9 *and attitude change activities that affect multiple lev-*
10 *els of society. These activities have received financial*
11 *support from the Bureau of Educational and Cultural*
12 *Affairs (ECA) of the Department of State, among*
13 *other sources.*

14 *(b) ADMINISTRATION OF PROGRAM.—Section 3(b) of*
15 *the Special Olympics Sport and Empowerment Act of 2004*
16 *(Public Law 108–406) is amended, in the matter preceding*
17 *paragraph (1) by striking “Secretary of State” and insert-*
18 *ing “Secretary of State, acting through the Assistant Sec-*
19 *retary of State for Educational and Cultural Affairs”.*

1 **SEC. 218. EXTENSION OF PROGRAM TO PROVIDE GRANTS**
2 **TO AMERICAN-SPONSORED SCHOOLS IN PRE-**
3 **DOMINANTLY MUSLIM COUNTRIES TO PRO-**
4 **VIDE SCHOLARSHIPS.**

5 *Section 7113 of the Intelligence Reform and Terrorism*
6 *Prevention Act of 2004 (Public Law 108–458; 22 U.S.C.*
7 *2452c) is amended—*

8 *(1) in subsection (g)—*

9 *(A) by striking “Committee on Inter-*
10 *national Relations” and inserting “Committee*
11 *on Foreign Affairs”; and*

12 *(B) by striking “April 15, 2006, and April*
13 *15, 2008” and inserting “June 15, 2010, and*
14 *June 15, 2011”; and*

15 *(2) in subsection (h), by striking “2007 and*
16 *2008” and inserting “2010 and 2011”.*

17 **SEC. 219. CENTRAL ASIA SCHOLARSHIP PROGRAM FOR PUB-**
18 **LIC POLICY INTERNSHIPS.**

19 *(a) PILOT PROGRAM ESTABLISHED.—As part of the*
20 *educational and cultural exchange programs of the Depart-*
21 *ment of State, the Secretary of State shall establish a pilot*
22 *program for fiscal years 2010 and 2011 to award scholar-*
23 *ships to undergraduate and graduate students from Central*
24 *Asia for public policy internships in the United States.*
25 *Subject to the availability of appropriations, for each fiscal*

1 *year not more than 50 students may participate in the pro-*
2 *gram established under this section.*

3 *(b) GENERAL PROVISIONS.—*

4 *(1) IN GENERAL.—Except as otherwise provided*
5 *in this section, the program established pursuant to*
6 *subsection (a) shall be carried out under applicable*
7 *provisions of the United States Information and Edu-*
8 *cational Exchange Act of 1948 (22 U.S.C. 1431 et*
9 *seq.) and the Mutual Educational and Cultural Ex-*
10 *change Act of 1961 (22 U.S.C. 2451 et seq.; also re-*
11 *ferred to as the “Fulbright-Hays Act”).*

12 *(2) SCHOLARSHIP ELIGIBILITY REQUIRE-*
13 *MENTS.—In addition to such other requirements as*
14 *may be established by the Secretary of State, a schol-*
15 *arship recipient under this section—*

16 *(A) shall be proficient in the English lan-*
17 *guage;*

18 *(B) shall be a student at an undergraduate*
19 *or graduate school level at an accredited institu-*
20 *tion of higher education with a record of out-*
21 *standing academic achievement and dem-*
22 *onstrated intellectual abilities;*

23 *(C) may not have received an academic*
24 *scholarship or grant from the United States Gov-*

1 ernment in the three years preceding the award
2 of a scholarship under this section; and

3 (D) may not be or have been a member of
4 a foreign terrorist organization (as designated by
5 the Secretary of State in accordance with section
6 219(a) of the Immigration and Nationality Act
7 (8 U.S.C. 1189(a))) or involved in organized
8 crime.

9 (3) *INTERNSHIPS*.—Internships under this sec-
10 tion shall be for periods of not more than six months.

11 (4) *PRIORITY CONSIDERATION*.—In the award of
12 internships under this section, the Secretary of State
13 shall give priority consideration to students who are
14 underprivileged or members of ethnic, religious, or
15 cultural minorities.

16 (5) *CENTRAL ASIA DEFINED*.—For the purposes
17 of this section, the term “Central Asia” means the
18 countries of Kazakhstan, Kyrgyzstan, Tajikistan,
19 Turkmenistan, and Uzbekistan.

20 (c) *AUTHORIZATION OF APPROPRIATIONS*.—Of the
21 amounts authorized to be appropriated pursuant to section
22 101(4), there is authorized to be appropriated \$600,000 for
23 each of fiscal years 2010 and 2011 to carry out this section.

1 **SEC. 220. UNITED STATES-SOUTH PACIFIC SCHOLARSHIP**
2 **PROGRAM.**

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

4 (1) *The United States-South Pacific Scholarship*
5 *Program (USSP), authorized by Congress and funded*
6 *by the Bureau of Educational and Cultural Affairs of*
7 *the Department of State, is a competitive, merit-based*
8 *scholarship program that ensures that Pacific Island-*
9 *ers have an opportunity to pursue higher education*
10 *in the United States and to obtain first-hand knowl-*
11 *edge of United States institutions.*

12 (2) *It is expected that these students will one day*
13 *assume leadership roles in their countries.*

14 (3) *As the Chairman of the Subcommittee on*
15 *Territories and Insular Affairs, the late Congressman*
16 *Phillip Burton was a voice for Pacific Island popu-*
17 *lations.*

18 (4) *He was also a voice for workers, the poor,*
19 *and the elderly.*

20 (5) *Congressman Burton was one of the most*
21 *brilliant and productive legislators in United States*
22 *politics.*

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

24 (7) *He worked every day of his life to ensure so-*
25 *cial justice and human dignity for all people.*

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

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

10 (2) *the United States-South Pacific Scholarship*
11 *Program should be renamed the Phillip Burton Schol-*
12 *arship Program for South Pacific Island Students.*

13 **(c) FUNDING.**—

14 (1) **IN GENERAL.**—*Of the amounts authorized to*
15 *be appropriated pursuant to section 101(4), \$750,000*
16 *is authorized to be appropriated for each of fiscal*
17 *years 2010 and 2011 to be made available for the*
18 *United States-South Pacific Scholarship Program.*

19 (2) **NAME.**—*Scholarships awarded under the*
20 *Program shall be referred to as “Burton Scholar-*
21 *ships” and recipients of such scholarships shall be re-*
22 *ferred to as “Burton Scholars”.*

1 **SEC. 221. SCHOLARSHIPS FOR INDIGENOUS PEOPLES OF**
2 **MEXICO AND CENTRAL AND SOUTH AMERICA.**

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

10 **SEC. 222. UNITED STATES-CARIBBEAN EDUCATIONAL EX-**
11 **CHANGE PROGRAM.**

12 *(a) DEFINITIONS.—In this section:*

13 *(1) APPROPRIATE CONGRESSIONAL COMMIT-*
14 *TEES.—The term “appropriate congressional commit-*
15 *tees” means—*

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

19 *(B) the Committee on Foreign Relations*
20 *and the Committee on Appropriations of the*
21 *Senate.*

22 *(2) CARICOM COUNTRY.—The term “CARICOM*
23 *country”—*

24 *(A) means a member country of the Carib-*
25 *bean Community (CARICOM); but*

26 *(B) does not include—*

1 (i) a country having observer status in
2 *CARICOM*; or

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

14 (3) *SECRETARY*.—*Except as otherwise provided,*
15 *the term “Secretary” means the Secretary of State.*

16 (4) *UNITED STATES COOPERATING AGENCY*.—*The*
17 *term “United States cooperating agency” means—*

18 (A) *an institution of higher education (as*
19 *such term is defined in section 101(a) of the*
20 *Higher Education Act of 1965 (20 U.S.C.*
21 *1001(a))), including, to the maximum extent*
22 *practicable, a historically Black college or uni-*
23 *versity that is a part B institution (as such term*
24 *is defined in section 322(2) of such Act (20*
25 *U.S.C. 1061(2))) or a Hispanic-serving institu-*

1 tion (as such term is defined in section 502(5)
2 of such Act (20 U.S.C. 1101a(5)));

3 (B) a higher education association;

4 (C) a nongovernmental organization incor-
5 porated in the United States; or

6 (D) a consortium consisting of two or more
7 such institutions, associations, or nongovern-
8 mental organizations.

9 (b) *PROGRAM AUTHORIZED.*—The Secretary of State
10 is authorized to establish an educational exchange program
11 between the United States and CARICOM countries, to be
12 known as the “Shirley A. Chisholm United States-Carib-
13 bean Educational Exchange Program”, under which—

14 (1) secondary school students from CARICOM
15 countries will—

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

18 (B) participate in activities designed to
19 promote a greater understanding of the values
20 and culture of the United States; and

21 (2) undergraduate students, graduate students,
22 post-graduate students, and scholars from CARICOM
23 countries will—

1 (A) attend a public or private college or
2 university, including a community college, in the
3 United States; and

4 (B) participate in activities designed to
5 promote a greater understanding of the values
6 and culture of the United States.

7 (c) *ELEMENTS OF PROGRAM.*—The program author-
8 ized under subsection (b) shall meet the following require-
9 ments:

10 (1) The program will offer scholarships to stu-
11 dents and scholars based on merit and need. It is the
12 sense of Congress that scholarships should be offered
13 to students and scholars who evidence merit, achieve-
14 ment, and strong potential for the studies such stu-
15 dents and scholars wish to undertake under the pro-
16 gram and 60 percent of scholarships offered under the
17 program should be based on financial need.

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

20 (3) Fields of study under the program will sup-
21 port the labor market and development needs of
22 CARICOM countries, assuring a pool of technical ex-
23 perts to address such needs.

24 (4) The program will limit participation to—

1 (A) *one year of study for secondary school*
2 *students;*

3 (B) *two years of study for undergraduate*
4 *students; and*

5 (C) *12 months of study for graduate stu-*
6 *dents, post-graduate students, and scholars.*

7 (5) *For a period of time equal to the period of*
8 *time of participation in the program, but not to ex-*
9 *ceed two years, the program will require participants*
10 *who are students and scholars described in subsection*
11 *(a)(2) to—*

12 (A) *agree to return to live in a CARICOM*
13 *country and maintain residence in such country,*
14 *within six months of completion of academic*
15 *studies; or*

16 (B) *agree to obtain employment that di-*
17 *rectly benefits the growth, progress, and develop-*
18 *ment of one or more CARICOM countries and*
19 *the people of such countries.*

20 (6) *The Secretary may waive, shorten the dura-*
21 *tion, or otherwise alter the requirements of paragraph*
22 *(4) in limited circumstances of hardship, humani-*
23 *tarian needs, for specific educational purposes, or in*
24 *furtherance of the national interests of the United*
25 *States.*

1 (d) *ROLE OF UNITED STATES COOPERATING AGEN-*
2 *CIES.—The Secretary shall consult with United States co-*
3 *operating agencies in developing the program authorized*
4 *under subsection (b). The Secretary is authorized to provide*
5 *grants to United States cooperating agencies in carrying*
6 *out the program authorized under subsection (b).*

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

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

17 (2) *REQUIREMENTS.—In carrying out para-*
18 *graph (1), the Secretary shall review on a regular*
19 *basis—*

20 (A) *financial information relating to the*
21 *program;*

22 (B) *budget plans for the program;*

23 (C) *adjustments to plans established for the*
24 *program;*

1 (D) graduation rates of participants in the
2 program;

3 (E) the percentage of participants who are
4 students described in subsection (b)(1) who pur-
5 sue higher education;

6 (F) the percentage of participants who re-
7 turn to their home country or another
8 CARICOM country;

9 (G) the types of careers pursued by partici-
10 pants in the program and the extent to which
11 such careers are linked to the political, economic,
12 and social development needs of CARICOM
13 countries; and

14 (H) the impact of gender, country of origin,
15 financial need of students, and other relevant
16 factors on the data collected under subpara-
17 graphs (D) through (G).

18 (f) *REPORTING REQUIREMENTS.*—

19 (1) *REPORT REQUIRED.*—Not later than 120
20 days after the date of the enactment of this section,
21 the Secretary of State shall submit to the appropriate
22 congressional committees a report on plans to imple-
23 ment the program authorized under this section.

24 (2) *MATTERS TO BE INCLUDED.*—The report re-
25 quired by paragraph (1) shall include—

1 (A) a plan for selecting participants in the
2 program, including an estimate of the number of
3 secondary school students, undergraduate stu-
4 dents, graduate students, post-graduate students,
5 and scholars from each country, by educational
6 level, who will be selected as participants in the
7 program for each fiscal year;

8 (B) a timeline for selecting United States
9 cooperating agencies that will assist in imple-
10 menting the program;

11 (C) a financial plan that—

12 (i) identifies budget plans for each edu-
13 cational level under the program; and

14 (ii) identifies plans or systems to en-
15 sure that the costs to public school, college,
16 and university education under the pro-
17 gram and the costs to private school, college,
18 and university education under the pro-
19 gram are reasonably allocated; and

20 (D) a plan to provide outreach to and link-
21 ages with schools, colleges and universities, and
22 nongovernmental organizations in both the
23 United States and CARICOM countries for im-
24 plementation of the program.

25 (3) UPDATES OF REPORT.—

1 (A) *IN GENERAL.*—*The Secretary shall sub-*
2 *mit to the appropriate congressional committees*
3 *updates of the report required by paragraph (1)*
4 *for each fiscal year for which amounts are ap-*
5 *propriated pursuant to the authorization of ap-*
6 *propriations under subsection (g).*

7 (B) *MATTERS TO BE INCLUDED.*—*Such up-*
8 *dates shall include the following:*

9 (i) *Information on United States co-*
10 *operating agencies that are selected to assist*
11 *in implementing the programs authorized*
12 *under this section.*

13 (ii) *An analysis of the positive and*
14 *negative impacts the program authorized*
15 *under this section will have or is having on*
16 *“brain drain” from the participating*
17 *CARICOM countries.*

18 (g) *AUTHORIZATION OF APPROPRIATIONS.*—*Of the*
19 *amounts authorized to be appropriated pursuant to section*
20 *101(4), there are authorized to be appropriated such sums*
21 *as may be necessary for each of fiscal years 2010 and 2011*
22 *to carry out this section.*

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

4 (a) *PURPOSE.*—*It is the purpose of this section to pro-*
5 *vide financial assistance to—*

6 (1) *establish an exchange program for Sri*
7 *Lankan students currently pursuing a high school de-*
8 *gree to participate in dialogue and understanding*
9 *workshops in the United States;*

10 (2) *expand Sri Lankan participation in ex-*
11 *change programs of the Department of State; and*

12 (3) *promote dialogue between young adults from*
13 *various ethnic, religious, linguistic, and other minor-*
14 *ity groups in Sri Lanka.*

15 (b) *PROGRAM.*—

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

23 (2) *DIALOGUE WORKSHOPS.*—*The exchange pro-*
24 *gram established under paragraph (1) shall include a*
25 *dialogue workshop located in the United States for*
26 *participants in such program.*

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

7 **SEC. 224. EXCHANGES BETWEEN LIBERIA AND THE UNITED**
8 **STATES FOR WOMEN LEGISLATORS.**

9 (a) *PURPOSE.*—It is the purpose of this section to pro-
10 vide financial assistance to—

11 (1) establish an exchange program for Liberian
12 women legislators and women staff members of the Li-
13 berian Congress;

14 (2) expand Liberian participation in exchange
15 programs of the Department of State; and

16 (3) promote the advancement of women in the
17 field of politics, with the aim of eventually reducing
18 the rates of domestic abuse, illiteracy, and sexism in
19 Liberia.

20 (b) *PROGRAM.*—The Secretary of State shall establish
21 an exchange program in cooperation with the Women’s Leg-
22 islative Caucus in Liberia to provide scholarships to fund
23 exchanges to enable Liberian women legislators and excep-
24 tional women Liberian Congressional staffers to encourage

1 *more women to participate in, and continue to be active*
2 *in, politics and the democratic process in Liberia.*

3 (c) *SCHOLARSHIP DEFINED.*—*In this section, the term*
4 *“scholarship” means an amount to be used for full or par-*
5 *tial support of living expenses in the United States for a*
6 *participant in the exchange program established under sub-*
7 *section (b), including travel expenses to, from, and within*
8 *the United States.*

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

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

15 (1) *TPS only permits people already in the*
16 *United States as of a specifically designated date to*
17 *remain in the United States;*

18 (2) *there are extraordinary dangers of travel by*
19 *sea to the United States in unsafe, overcrowded ves-*
20 *sels;*

21 (3) *any Haitian interdicted at sea traveling to*
22 *the United States will be repatriated to Haiti; and*

23 (4) *the United States will continue its large as-*
24 *sistance program to help the people of Haiti recover*

1 *from recent hurricanes, restore stability, and promote*
2 *economic growth.*

3 **SEC. 226. TRANSFER OF THE VIETNAM EDUCATION FOUN-**
4 **DATION TO THE DEPARTMENT OF STATE.**

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

8 “(3) *To support the development of one or more*
9 *academic institutions in Vietnam by financing the*
10 *participation of United States institutions of higher*
11 *education in the governance, management, and aca-*
12 *demical activities of such academic institutions in Viet-*
13 *nam.”.*

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

16 **“SEC. 204. ESTABLISHMENT.**

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

21 (c) *REPLACEMENT OF BOARD OF DIRECTORS WITH*
22 *ADVISORY COMMITTEE.*—Section 205 of such Act is amend-
23 *ed to read as follows:*

1 **“SEC. 205. VIETNAM EDUCATION FOUNDATION ADVISORY**
2 **COMMITTEE.**

3 “(a) *ESTABLISHMENT.*—

4 “(1) *IN GENERAL.*—*There may be established a*
5 *Vietnam Education Foundation Advisory Committee*
6 *(referred to in this section as the ‘Advisory Com-*
7 *mittee’), which shall provide advice to the Secretary*
8 *and the Assistant Secretary for Educational and Cul-*
9 *tural Affairs regarding the Foundation’s activities.*

10 “(2) *MEMBERSHIP.*—*The Advisory Committee*
11 *shall be composed of seven members, of whom—*

12 “(A) *three shall be appointed by the Sec-*
13 *retary;*

14 “(B) *one shall be appointed by the majority*
15 *leader of the Senate;*

16 “(C) *one shall be appointed by the minority*
17 *leader of the Senate;*

18 “(D) *one shall be appointed by the Speaker*
19 *of the House of Representatives; and*

20 “(E) *one shall be appointed by the minority*
21 *leader of the House of Representatives.*

22 “(3) *APPOINTMENT OF INCUMBENT MEMBERS OF*
23 *BOARD OF DIRECTORS.*—*Members appointed to the*
24 *Advisory Committee under paragraph (2) may in-*
25 *clude individuals who were members of the Board of*

1 *Directors of the Foundation on the date immediately*
2 *preceding the date of the enactment of this section.*

3 “(b) *SUPERVISION.*—*The Foundation shall be subject*
4 *to the supervision and direction of the Secretary, working*
5 *through the Assistant Secretary for Educational and Cul-*
6 *tural Affairs, and in consultation with the Advisory Com-*
7 *mittee established under subsection (a).”.*

8 (d) *APPOINTMENT OF EXECUTIVE DIRECTOR.*—*Sub-*
9 *section (a) of section 208 of such Act is amended—*

10 (1) *in the first sentence by striking “shall be ap-*
11 *pointed” and inserting “may be appointed”; and*

12 (2) *by striking the last sentence.*

13 (e) *SERVICE OF EXECUTIVE DIRECTOR TO ADVISORY*
14 *COMMITTEE.*—*Such subsection is further amended, in the*
15 *second sentence, by striking “Foundation and shall carry*
16 *out” and inserting “Foundation, serve the Advisory Com-*
17 *mittee, and carry out”.*

18 (f) *FELLOWSHIP PROGRAM.*—*Section 206(a)(1)(A) of*
19 *such Act is amended by striking “technology, and computer*
20 *sciences” and inserting “academic computer science, public*
21 *policy, and academic and public management”.*

22 (g) *CONFORMING AMENDMENTS.*—*Such Act is amend-*
23 *ed—*

24 (1) *in section 203—*

25 (A) *by striking paragraph (1);*

1 (B) by redesignating paragraphs (2) and
2 (3) as paragraphs (1) and (2), respectively; and
3 (C) by inserting after paragraph (2), as re-
4 designated, the following:

5 “(3) *SECRETARY*.—The term ‘Secretary’ means
6 the Secretary of State.”;

7 (2) in section 208—

8 (A) in subsection (a)—

9 (i) in the subsection heading, by strik-
10 ing “BOARD” and inserting “SECRETARY”;
11 and

12 (ii) by striking “Board” each place it
13 appears and inserting “Secretary”; and

14 (B) in subsection (d), by striking “Board”
15 and inserting “Secretary”; and

16 (3) in section 209(b), by striking “Board” and
17 inserting “Secretary”.

18 (h) *MUTUAL EDUCATIONAL AND CULTURAL EX-*
19 *CHANGE ACT OF 1961*.—Section 112(a) of the *Mutual Edu-*
20 *cational and Cultural Exchange Act of 1961 (22 U.S.C.*
21 *2460(a)) is amended—*

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

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

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

2 “(10) programs administered by the Vietnam
3 Education Foundation.”.

4 (i) *TRANSFER OF FUNCTIONS.*—All functions and as-
5 sets of the Vietnam Education Foundation are transferred
6 to the Bureau of Educational and Cultural Affairs of the
7 Department of State. The Assistant Secretary for Edu-
8 cational and Cultural Affairs may hire personnel who were
9 employed by the Vietnam Education Foundation on the
10 date before the date of the enactment of this Act, and such
11 other personnel as may be necessary to support the Founda-
12 tion, in accordance with part III of title 5, United States
13 Code.

14 (j) *SUPPORT FOR INSTITUTIONAL DEVELOPMENT IN*
15 *VIETNAM.*—

16 (1) *GRANTS AUTHORIZED.*—The Secretary of
17 State, acting through the Assistant Secretary for Edu-
18 cational and Cultural Affairs, is authorized to award
19 1 or more grants to institutions of higher education
20 (as defined in section 101(a) of the Higher Education
21 Act of 1965 (20 U.S.C. 1001(a))), which shall be used
22 to implement graduate-level academic and public pol-
23 icy management leadership programs in Vietnam.
24 Such programs shall—

1 (A) support Vietnam’s equitable and sus-
2 tainable socioeconomic development;

3 (B) feature both teaching and research com-
4 ponents;

5 (C) promote the development of institutional
6 capacity in Vietnam;

7 (D) operate according to core principles of
8 good governance; and

9 (E) enjoy autonomy from the Vietnamese
10 government.

11 (2) *APPLICATION.*—

12 (A) *IN GENERAL.*—Each institution of high-
13 er education desiring the grant under this sec-
14 tion shall submit an application to the Secretary
15 of State at such time, in such manner, and ac-
16 companied by such information as the Secretary
17 may reasonably require.

18 (B) *COMPETITIVE BASIS.*—Each grant au-
19 thorized under subsection (a) shall be awarded
20 on a competitive basis.

21 (3) *SOURCE OF GRANT FUNDS.*—The Secretary of
22 State may use funds made available to the Vietnam
23 Education Foundation under section 207(c) of the
24 Vietnam Education Foundation Act of 2000 (22

1 *U.S.C. 2452 note) for the grant awarded under this*
2 *section.*

3 *(k) EFFECTIVE DATE.—This section and the amend-*
4 *ments made by this section shall take effect on the date that*
5 *is 90 days after the date of the enactment of this section.*

6 ***Subtitle C—Consular Services and***
7 ***Related Matters***

8 ***SEC. 231. PERMANENT AUTHORITY TO ASSESS PASSPORT***
9 ***SURCHARGE.***

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

12 (1) *striking subsection (b)(2); and*

13 (2) *redesignating subsection (b)(3) as subsection*
14 *(b)(2).*

15 ***SEC. 232. SENSE OF CONGRESS REGARDING ADDITIONAL***
16 ***CONSULAR SERVICES IN MOLDOVA.***

17 *It is the sense of Congress that in light of serious prob-*
18 *lems with human trafficking as well as the exceptionally*
19 *high volume of applications by citizens of Moldova to the*
20 *United States Summer Work Travel program, the Secretary*
21 *of State should make every effort to enhance consular serv-*
22 *ices at the United States embassy in Chisinau, Moldova,*
23 *including considering assigning an additional consular of-*
24 *ficer to such post, and providing enhanced anti-trafficking*

1 *training, especially related to student exchange visas and*
2 *other vulnerable categories of visa applicants.*

3 **SEC. 233. REFORMING REFUGEE PROCESSING.**

4 *(a) WORLDWIDE PROCESSING PRIORITY SYSTEM.—*

5 *(1) EMBASSY REFERRALS.—The Secretary of*
6 *State shall expand training of United States embassy*
7 *and consular personnel to ensure that appropriate*
8 *United States embassies and consulates are equipped*
9 *and enabled to refer to the United States refugee ad-*
10 *missions program aliens in urgent need of resettle-*
11 *ment.*

12 *(2) NGO REFERRALS.—The Secretary shall ex-*
13 *pend training of, and communication with, non-*
14 *governmental organizations that provide assistance to*
15 *displaced and persecuted persons to enable such orga-*
16 *nizations to refer to the United States refugee admis-*
17 *sions program aliens in urgent need of resettlement.*

18 *(b) REFORM OF THE REFUGEE CONSULTATION PROC-*
19 *ESS.—Section 207 of the Immigration and Nationality Act*
20 *(8 U.S.C. 1157) is amended—*

21 *(1) in subsection (a)(2), by adding at the end the*
22 *following new sentence: “In the event that a fiscal*
23 *year begins without such determination having been*
24 *made, there is authorized to be admitted in the first*
25 *quarter of such fiscal year 25 percent of the number*

1 *of refugees fixed by the President in the previous fis-*
2 *cal year's determination, and any refugees admitted*
3 *under this sentence shall be counted toward the Presi-*
4 *dent's determination when it is made.”; and*

5 *(2) in subsection (e), in the matter preceding*
6 *paragraph (1), by striking “discussions in person”*
7 *and inserting “discussions in person, to be com-*
8 *menced not later than June 1 of each year,”.*

9 *(c) FAMILY REUNIFICATION.—*

10 *(1) MULTIPLE FORMS OF RELIEF.—Applicants*
11 *for admission as refugees shall be permitted to simul-*
12 *taneously pursue admission under any other visa cat-*
13 *egories for which such applicants may be eligible.*

14 *(2) SEPARATED CHILDREN.—In the case of a*
15 *child under the age of 18 who has been separated from*
16 *the birth or adoptive parents of such child and who*
17 *is living under the care of an alien who has been ap-*
18 *proved for admission to the United States as a ref-*
19 *ugee, such child shall be, if it is in the best interest*
20 *of such child to be placed with such alien in the*
21 *United States, admitted as a refugee provided such*
22 *child is otherwise admissible as described in section*
23 *207(c)(3) of the Immigration and Nationality Act (8*
24 *U.S.C. 1157(c)(3)).*

1 (3) *CHILDREN OF REFUGEE SPOUSES.*—For the
2 purposes of sections 207(c)(2)(A) and 208(b)(3) of the
3 Immigration and Nationality Act (8 U.S.C.
4 1157(c)(2)(A) and 1158(b)(3)), if a refugee or asylee
5 spouse proves that such spouse is the biological or
6 adoptive parent of a child, such child shall be eligible
7 to accompany or follow to join such parent.

8 (d) *ERMA ACCOUNT.*—Section 2 of the Migration and
9 Refugee Assistance Act of 1962 (22 U.S.C. 2601) is amend-
10 ed—

11 (1) in subsection (c)—

12 (A) in paragraph (1), by striking “Presi-
13 dent” and inserting “Secretary of State”; and

14 (B) in paragraph (2), in the second sen-
15 tence—

16 (i) by striking “to the President”; and

17 (ii) by striking “\$100,000,000” and
18 inserting “\$200,000,000”; and

19 (2) in subsection (d), by striking “President”
20 and inserting “Secretary of State”.

21 (e) *AUTHORIZATION OF APPROPRIATIONS.*—

22 (1) *IN GENERAL.*—There is authorized to be ap-
23 propriated such sums as may be necessary to carry
24 out this section, including the amendments made by
25 this section.

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

4 (f) *EFFECTIVE DATE.*—*This section, and the amend-*
5 *ments made by this section, shall take effect on the first*
6 *day of the first fiscal year that begins after the date of the*
7 *enactment of this section.*

8 **SEC. 234. ENGLISH LANGUAGE AND CULTURAL AWARENESS**
9 **TRAINING FOR APPROVED REFUGEE APPLI-**
10 **CANTS.**

11 (a) *IN GENERAL.*—*The Secretary of State shall estab-*
12 *lish overseas refugee training programs to provide English*
13 *as a second language, cultural orientation, and work ori-*
14 *entation training for refugees who have been approved for*
15 *admission to the United States before their departure for*
16 *the United States.*

17 (b) *DESIGN AND IMPLEMENTATION.*—*In designing and*
18 *implementing the pilot training programs referred to in*
19 *subsection (a), the Secretary shall consult with or utilize*
20 *both—*

21 (1) *nongovernmental or international organiza-*
22 *tions with direct ties to the United States refugee re-*
23 *settlement program; and*

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

4 (c) *IMPACT ON PROCESSING TIMES.—The Secretary*
5 *shall ensure that such training programs occur within cur-*
6 *rent processing times and do not unduly delay the depart-*
7 *ure for the United States of refugees who have been ap-*
8 *proved for admission to the United States.*

9 (d) *TIMELINE FOR IMPLEMENTATION.—*

10 (1) *INITIAL IMPLEMENTATION.—Not later than*
11 *one year after the date of the enactment of this Act,*
12 *the Secretary shall ensure that such training pro-*
13 *grams are operating in at least three refugee proc-*
14 *essing regions.*

15 (2) *ADDITIONAL IMPLEMENTATION.—Not later*
16 *than two years after the date of the enactment of this*
17 *Act, the Secretary shall notify the appropriate con-*
18 *gressional committees that such training programs*
19 *are operating in five refugee processing regions.*

20 (e) *GAO REPORT.—Not later than two years after the*
21 *date of the enactment of this Act, the Comptroller General*
22 *of the United States shall conduct a study on the implemen-*
23 *tation of this section, including an assessment of the quality*
24 *of English as a second language curriculum and instruc-*
25 *tion, the benefits of the orientation and English as a second*

1 *language training program to refugees, and recommenda-*
2 *tions on whether such programs should be continued, broad-*
3 *ened, or modified, and shall submit to the appropriate con-*
4 *gressional committees a report on the findings of such*
5 *study.*

6 (f) *RULE OF CONSTRUCTION.*—*Nothing in this section*
7 *shall be construed to require that a refugee participate in*
8 *such a training program as a precondition for the admis-*
9 *sion to the United States of such refugee.*

10 **SEC. 235. IRAQI REFUGEES AND INTERNALLY DISPLACED**
11 **PERSONS.**

12 (a) *IN GENERAL.*—*The President shall develop and*
13 *implement policies and strategies to address the protection,*
14 *resettlement, and assistance needs of Iraqi refugees and in-*
15 *ternally displaced persons (IDPs), foster long-term solutions*
16 *for stabilizing the lives of such refugees and IDPs, monitor*
17 *the development and implementation of assistance strategies*
18 *to countries in the Middle East that are hosting refugees*
19 *from Iraq, encourage the Government of Iraq to actively*
20 *engage the problem of displaced persons and refugees and*
21 *monitor the Government of Iraq’s resolution of the problem,*
22 *and ensure that budget requests to Congress are sufficient*
23 *to meet an appropriate United States contribution to the*
24 *needs of Iraqi refugees, IDPs within Iraq, and other refugees*
25 *in Iraq.*

1 **(b) INTERAGENCY PROCESS.**—

2 **(1) IN GENERAL.**—*The President shall establish*
3 *an interagency working group to carry out the goals*
4 *of subsection (a) by facilitating interagency coordina-*
5 *tion to develop and implement policies to address the*
6 *needs of Iraqi refugees and IDPs.*

7 **(2) COMPOSITION.**—*The interagency working*
8 *group shall consist of appropriate high-ranking offi-*
9 *cial from the National Security Council, the Depart-*
10 *ment of State, the Department of Homeland Security,*
11 *the United States Agency for International Develop-*
12 *ment, and such other agencies as the President may*
13 *determine.*

14 **(3) ROLE OF SECRETARY OF STATE.**—*The Sec-*
15 *retary of State shall serve as principal liaison with*
16 *the Government of Iraq, its neighboring refugee*
17 *hosting countries, and the international community*
18 *to solicit and direct bilateral and multilateral con-*
19 *tributions to address the needs of Iraqi refugees, IDPs,*
20 *and returned refugees as well as with nongovern-*
21 *mental organizations working for and on behalf of*
22 *displaced Iraqis.*

23 **(c) INCREASE IN REFUGEE PROCESSING CAPACITY.**—
24 *The Secretary of State should, subject to the availability*
25 *of appropriations for such purpose, seek to substantially in-*

1 *crease the resources available to support the processing of*
2 *such applicants in Iraq.*

3 *(d) HUMANITARIAN ASSISTANCE.—The United States*
4 *should seek to ensure that—*

5 *(1) other countries make contributions to the*
6 *United Nations High Commissioner on Refugees*
7 *(UNHCR) and to other international organizations*
8 *assisting Iraqi refugees and IDPs;*

9 *(2) the United States continues to make con-*
10 *tributions that are sufficient to fund not less than 50*
11 *percent of the amount requested by the UNHCR and*
12 *such other international organizations in each of fis-*
13 *cal years 2010 and 2011; and*

14 *(3) the Government of Iraq makes significant*
15 *contributions to UNHCR and to other international*
16 *organizations assisting Iraqi refugees and IDPs.*

17 *(e) STATEMENT OF POLICY REGARDING ENCOURAGING*
18 *VOLUNTARY RETURNS.—It shall be the policy of the United*
19 *States to encourage Iraqi refugees to return to Iraq only*
20 *when conditions permit safe, sustainable returns on a vol-*
21 *untary basis with the coordination of the UNHCR and the*
22 *Government of Iraq.*

23 *(f) INTERNATIONAL COOPERATION.—The Secretary of*
24 *State shall work with the international community, includ-*
25 *ing governments hosting the refugees, international organi-*

1 *zations, nongovernmental organizations, and donors, to de-*
2 *velop a long-term, comprehensive international strategy for*
3 *assistance and solutions for Iraqi refugees and IDPs, and*
4 *to provide—*

5 *(1) a comprehensive assessment of the needs of*
6 *Iraqi refugees and IDPs, and the needs of the popu-*
7 *lations that host such refugees and IDPs;*

8 *(2) assistance to international organizations as-*
9 *sisting IDPs and vulnerable persons in Iraq and*
10 *Iraqi refugees in neighboring countries, including*
11 *through resettlement;*

12 *(3) assistance to international organizations and*
13 *other relevant entities, including such organizations*
14 *and entities providing psychosocial services and cash*
15 *assistance, and such organizations and entities facili-*
16 *tating voluntary returns of displaced persons;*

17 *(4) technical assistance to the Government of*
18 *Iraq to establish better systems for meeting the needs*
19 *of Iraqi IDPs and refugees, and to other government*
20 *entities, international organizations, or nongovern-*
21 *mental organizations developing legal frameworks*
22 *and systems to resolve land and housing claim dis-*
23 *putes, including restitution;*

24 *(5) enhanced residency protections and opportu-*
25 *nities for Iraqi refugees to work legally; and*

1 (6) *increased transparency on behalf of host gov-*
2 *ernments, international organizations, and non-*
3 *governmental organizations that receive assistance for*
4 *Iraqi refugees and IDPs.*

5 (g) *ENHANCED ACCOUNTING.*—*To better assess the ben-*
6 *efits of United States assistance to Iraqi refugees and IDPs,*
7 *the Secretary of State, in coordination with the Adminis-*
8 *trator of the United States Agency for International Devel-*
9 *opment, as appropriate, shall—*

10 (1) *develop performance measures to fully assess*
11 *and report progress in achieving United States goals*
12 *and objectives for Iraqi refugees and IDPs; and*

13 (2) *track and report funding apportioned, obli-*
14 *gated, and expended for Iraqi refugee programs in*
15 *Jordan, Syria, Lebanon, and the other host countries,*
16 *to the extent practicable.*

17 (h) *REPORT TO CONGRESS.*—*Not later than 90 days*
18 *after the date of the enactment of this Act and annually*
19 *thereafter through 2011, the President shall transmit to the*
20 *appropriate congressional committees a report on the im-*
21 *plementation of this section. Such report shall include—*

22 (1) *information concerning assistance and fund-*
23 *ing to host countries and international organizations*
24 *and nongovernmental organizations;*

1 (2) *information concerning measures taken by*
2 *the United States to increase its capabilities to proc-*
3 *ess Iraqi refugees for resettlement, especially from in-*
4 *side Iraq;*

5 (3) *an evaluation of the effectiveness of measures*
6 *implemented by agencies of the Government of Iraq to*
7 *assist Iraqi refugees, IDPs, and other vulnerable per-*
8 *sons and to facilitate the safe and voluntary return*
9 *of refugees;*

10 (4) *an accounting of past expenditures and a re-*
11 *port on plans for expenditures by the Government of*
12 *Iraq on Iraqi refugees and IDPs; and*

13 (5) *information gathered in fulfillment of sub-*
14 *section (g).*

15 (i) *AUTHORIZATION OF APPROPRIATIONS.—Of the*
16 *amounts authorized to be appropriated pursuant to section*
17 *104, there is authorized to be appropriated such sums as*
18 *may be necessary to carry out this section.*

19 **SEC. 236. VIDEOCONFERENCE INTERVIEWS.**

20 (a) *PILOT PROGRAM.—The Secretary of State may de-*
21 *velop and conduct a two-year pilot program for the proc-*
22 *essing of tourist visas using secure remote videoconferencing*
23 *technology as a method for conducting visa interviews of*
24 *applicants.*

1 (b) *REPORT.*—Not later than one year after initiating
2 the pilot program under subsection (a) and again not later
3 than three months after the conclusion of the two-year pe-
4 riod referred to in such subsection, the Secretary of State
5 shall submit to the appropriate congressional committees a
6 report on such pilot program. Each such report shall assess
7 the efficacy of using secure remote videoconferencing tech-
8 nology as a method for conducting visa interviews of appli-
9 cants and include recommendations on whether or not the
10 pilot program should be continued, broadened, or modified.

11 **SEC. 237. TIBET.**

12 (a) *TIBET NEGOTIATIONS.*—Section 613(a) of the Ti-
13 betan Policy Act of 2002 (Public Law 107–228; 22 U.S.C.
14 6901 note) is amended—

15 (1) in paragraph (1), by inserting before the pe-
16 riod at the end the following: “and should coordinate
17 with other governments in multilateral efforts toward
18 this goal”;

19 (2) by redesignating paragraph (2) as para-
20 graph (3); and

21 (3) by inserting after paragraph (1) the fol-
22 lowing new paragraph:

23 “(2) *POLICY COORDINATION.*—The President
24 shall direct the National Security Council to ensure
25 that, in accordance with this Act, United States pol-

1 *icy on Tibet is coordinated and communicated with*
2 *all Executive Branch agencies in contact with the*
3 *Government of China.”.*

4 *(b) BILATERAL ASSISTANCE.—Section 616 of the Ti-*
5 *betan Policy Act of 2002 is amended—*

6 *(1) by redesignating subsection (d) as subsection*
7 *(e); and*

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

10 *“(d) UNITED STATE ASSISTANCE.—The President*
11 *shall provide grants to nongovernmental organizations to*
12 *support sustainable economic development, cultural and*
13 *historical preservation, health care, education, and environ-*
14 *mental sustainability projects for Tibetan communities in*
15 *the Tibet Autonomous Region and in other Tibetan commu-*
16 *nities in China, in accordance with the principles specified*
17 *in subsection (e) and subject to the review and approval*
18 *of the Special Coordinator for Tibetan Issues under section*
19 *621(d).”.*

20 *(c) SPECIAL COORDINATOR FOR TIBETAN ISSUES.—*
21 *Section 621 of the Tibetan Policy Act of 2002 is amended—*

22 *(1) in subsection (d)—*

23 *(A) in paragraph (5), by striking “and” at*
24 *the end;*

1 (B) by redesignating paragraph (6) as
2 paragraph (7); and

3 (C) by inserting after paragraph (5) the fol-
4 lowing new paragraph:

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

7 (2) by adding at the end the following new sub-
8 section:

9 “(e) *PERSONNEL.*—*The Secretary shall assign dedi-*
10 *cated personnel to the Office of the Special Coordinator for*
11 *Tibetan Issues sufficient to assist in the management of the*
12 *responsibilities of this section and section 616(d).*”.

13 (d) *DIPLOMATIC REPRESENTATION RELATING TO*
14 *TIBET.*—

15 (1) *UNITED STATES EMBASSY IN BEIJING.*—

16 (A) *IN GENERAL.*—*The Secretary of State is*
17 *authorized to establish a Tibet Section within the*
18 *United States Embassy in Beijing, People’s Re-*
19 *public of China, for the purposes of following po-*
20 *litical, economic, and social developments inside*
21 *Tibet, including Tibetan areas of Qinghai,*
22 *Sichuan, Gansu, and Yunnan provinces, until*
23 *such time as a United States consulate in Tibet*
24 *is established. Such Tibet Section shall have the*
25 *primary responsibility for reporting on human*

1 *rights issues in Tibet and shall work in close co-*
2 *operation with the Office of the Special Coordi-*
3 *nator for Tibetan Issues. The chief of such Tibet*
4 *Section should be of senior rank.*

5 (B) *AUTHORIZATION OF APPROPRIA-*
6 *TIONS.—Of the amounts authorized to be appro-*
7 *priated under section 101, there are authorized*
8 *to be appropriated such sums as may be nec-*
9 *essary for each of fiscal years 2010 and 2011 to*
10 *carry out this paragraph.*

11 (2) *IN TIBET.—Section 618 of the Tibetan Policy*
12 *Act of 2002 is amended to read as follows:*

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

15 *“The Secretary shall seek to establish a United States*
16 *consulate in Lhasa, Tibet, to provide services to United*
17 *States citizens traveling to Tibet and to monitor political,*
18 *economic, and cultural developments in Tibet, including Ti-*
19 *betan areas of Qinghai, Sichuan, Gansu, and Yunnan prov-*
20 *inces.”.*

21 (e) *RELIGIOUS PERSECUTION IN TIBET.—Section*
22 *620(b) of the Tibetan Policy Act of 2002 is amended by*
23 *adding before the period at the end the following: “, includ-*
24 *ing the reincarnation system of Tibetan Buddhism”.*

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

2 (a) *POLICY.*—*It shall be the policy of the Department*
3 *of State to process immigrant visa applications of imme-*
4 *diante relatives of United States citizens and nonimmigrant*
5 *k-1 visa applications of fiances of United States citizens*
6 *within 30 days of the receipt of all necessary documents*
7 *from the applicant and the Department of Homeland Secu-*
8 *rity. In the case of a visa application where the sponsor*
9 *of such applicant is a relative other than an immediate rel-*
10 *ative, it should be the policy of the Department of State*
11 *to process such an application within 60 days of the receipt*
12 *of all necessary documents from the applicant and the De-*
13 *partment of Homeland Security.*

14 (b) *REVIEW BY HEAD OF CONSULAR SECTION.*—*For*
15 *any visa application described in subsection (a), it shall*
16 *be the policy of the Department of State to require the head*
17 *of the consular section (or designee) of any United States*
18 *diplomatic or consular post to review any such application*
19 *that exceeds the applicable time period specified in such*
20 *subsection by more than five days, and, as appropriate,*
21 *provide for expedited processing of such application.*

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 ac-*
12 *tions by one country, no matter how powerful, are in-*
13 *sufficient to cope effectively with security threats.*

14 *(2) In the same manner, collective arrangements,*
15 *conventions, and alliances devoted to halting the pro-*
16 *liferation of weapons of mass destruction, their means*
17 *of production and delivery, frequently institutional-*
18 *ized within multilateral treaties and conventions, are*
19 *critical to effective collective global action.*

20 *(3) In order to safeguard and advance United*
21 *States national security, the Department of State*
22 *must have the structural and human resources nec-*
23 *essary to lead and participate in all international ne-*
24 *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, chal-*
5 *lenges that can only be met by active, committed, and*
6 *long-term multilateral engagement, participation,*
7 *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), considered*
19 *a foundational treaty by the global nonprolifera-*
20 *tion community for further advances toward*
21 *greater stability and the reduction of role of nu-*
22 *clear weapons;*

23 *(C) the creation of a Fissile Material Cutoff*
24 *Treaty (FMCT) to reduce the rate of production*

1 *and ultimately halt the production of militarily-*
2 *useful fissile material for nuclear weapons;*

3 *(D) the securing of vulnerable nuclear mate-*
4 *rial worldwide that could be stolen and utilized*
5 *by terrorist groups and rogue countries for nu-*
6 *clear and radiological weapons;*

7 *(E) the reinvigoration of the Treaty on the*
8 *Nonproliferation of Nuclear Weapons (NPT), the*
9 *cornerstone of the global nuclear nonproliferation*
10 *regime, especially at the 2010 Review Con-*
11 *ference;*

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 the*
23 *International Atomic Energy Agency (IAEA)*
24 *and its international nuclear safeguards system;*
25 *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 Congress*
5 *that—*

6 *(1) the Secretary of State should immediately de-*
7 *velop a plan to strengthen the capabilities of the De-*
8 *partment of State to lead and participate effectively*
9 *in all international negotiations and implementation*
10 *fora in the field of nonproliferation and arms control,*
11 *especially to increase the human, organizational, and*
12 *financial resources available to the Undersecretary of*
13 *State for Arms Control and International Security;*

14 *(2) such plan should—*

15 *(A) focus especially on the recruitment and*
16 *professional development of civilian and Foreign*
17 *Service officers in the areas of arms control and*
18 *nonproliferation within the Department of State,*
19 *especially to increase the number of personnel as-*
20 *signed to arms control and nonproliferation and*
21 *enhance recruitment of technical specialists, as*
22 *well as provide for the long-term sustainability*
23 *of personnel and resources; and*

24 *(B) identify measures to make service in*
25 *arms control and nonproliferation offices, bu-*

1 *reaus, and in foreign postings an attractive path*
2 *for further promotion within the Foreign Serv-*
3 *ice; and*

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

10 **SEC. 242. AUTHORIZATION OF ADDITIONAL ARMS CONTROL**
11 **AND NONPROLIFERATION POSITIONS.**

12 *Of the amounts authorized to be appropriated under*
13 *section 101, \$3,000,000 is authorized to be appropriated for*
14 *an additional 25 positions at the Department of State for*
15 *arms control and nonproliferation functions over the num-*
16 *ber of such positions in existence as of the date of the enact-*
17 *ment of this Act.*

18 **SEC. 243. ADDITIONAL AUTHORITY OF THE SECRETARY OF**
19 **STATE.**

20 *Section 401(d) of the Arms Control and Disarmament*
21 *Act (Public Law 87-297; 22 U.S.C. 2581) is amended, in*
22 *the first proviso, by striking “the President” and inserting*
23 *“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) is
7 repealed.

8 (b) *CLERICAL AMENDMENT.*—The table of contents in
9 section 2(b) of such Act is amended by striking the item
10 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 departments
17 and agencies that are involved in United States arms
18 control and nonproliferation activities, shall establish
19 the Arms Control and Nonproliferation Rotation Pro-
20 gram (in this section referred to as the “Rotation
21 Program”) for employees of the Department of State
22 (in this section referred to as the “Department”) and
23 such other Federal departments and agencies. The Ro-
24 tation Program shall use applicable best practices, in-
25 cluding those prescribed by the Chief Human Capital
26 Officers Council. Employees of the Department and

1 *any other Federal department or agency partici-*
2 *parting in the Rotation Program may be detailed*
3 *among the Department or such department or agency*
4 *on a non-reimbursable basis.*

5 (2) *GOALS.—The Rotation Program shall—*

6 (A) *be established in accordance with the*
7 *human capital strategic plan of the Department;*

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

16 (C) *expand the knowledge base of the De-*
17 *partment by providing for rotational assign-*
18 *ments of employees to such other Federal depart-*
19 *ments and agencies;*

20 (D) *build professional relationships and*
21 *contacts among the employees in such other Fed-*
22 *eral departments and agencies;*

23 (E) *invigorate the Department's arms con-*
24 *trol and nonproliferation workforce with profes-*
25 *sionally rewarding opportunities; and*

1 (F) incorporate human capital strategic
2 plans and activities of the Department, and ad-
3 dress critical human capital deficiencies, profes-
4 sional development, recruitment and retention ef-
5 forts, and succession planning within the Federal
6 workforce of the Department.

7 (3) *RESPONSIBILITIES.*—The Secretary shall—

8 (A) provide oversight of the establishment
9 and implementation of the Rotation Program;

10 (B) establish a framework that supports the
11 goals of the Rotation Program and promotes
12 cross disciplinary rotational opportunities;

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

18 (D) establish incentives for such employees
19 to participate in the Rotation Program, includ-
20 ing promotions and employment preferences;

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

23 (F) ensure that the Rotation Program devel-
24 ops qualified employees and future leaders with

1 *broad based experience throughout the Depart-*
2 *ment; and*

3 *(G) provide for greater interaction among*
4 *employees in such Federal departments and*
5 *agencies, including the Agency.*

6 *(4) ALLOWANCES, PRIVILEGES, AND BENEFITS.—*
7 *All allowances, privileges, rights, seniority, and other*
8 *benefits of employees participating in the Rotation*
9 *Program shall be preserved.*

10 *(5) REPORTING.—Not later than one year after*
11 *the date of the establishment of the Rotation Program,*
12 *the Secretary shall submit to the appropriate congres-*
13 *sional committees a report on the status of the Rota-*
14 *tion Program, including a description of the Rotation*
15 *Program, the number of individuals participating,*
16 *and how the Rotation Program is used in succession*
17 *planning and leadership development.*

18 **SEC. 246. ARMS CONTROL AND NONPROLIFERATION**

19 **SCHOLARSHIP PROGRAM.**

20 *(a) ESTABLISHMENT.—*

21 *(1) IN GENERAL.—The Secretary of State (in*
22 *this section referred to as the “Secretary”) shall estab-*
23 *lish a scholarship program (to be known as the “Arms*
24 *Control and Nonproliferation Scholarship Program”)*
25 *to award scholarships for the purpose of recruiting*

1 *and preparing students for civilian careers in the*
2 *fields of nonproliferation, arms control, and inter-*
3 *national security to meet the critical needs of the De-*
4 *partment of State (in this section referred to as the*
5 *“Department”).*

6 (2) *SELECTION OF RECIPIENTS.—*

7 (A) *MERIT AND AGENCY NEEDS.—**Individ-*
8 *uals shall be selected to receive scholarships*
9 *under this section through a competitive process*
10 *primarily on the basis of academic merit and*
11 *the arms control and nonproliferation needs of*
12 *the Department.*

13 (B) *DEMONSTRATED COMMITMENT.—**Indi-*
14 *viduals selected under this section shall have a*
15 *demonstrated interest in public service and a*
16 *commitment to the field of study for which the*
17 *scholarship is awarded.*

18 (3) *CONTRACTUAL AGREEMENTS.—**In order to*
19 *carry out the scholarship program, the Secretary shall*
20 *enter into contractual agreements with individuals se-*
21 *lected under paragraph (2) pursuant to which such*
22 *individuals agree to serve as full-time employees of*
23 *the Department, for a period to be determined by the*
24 *Secretary, not to exceed six years, in arms control*
25 *and nonproliferation positions needed by the Depart-*

1 *ment and for which the individuals are qualified, in*
2 *exchange for receiving a scholarship.*

3 (b) *ELIGIBILITY.*—*Except as provided in subsection*
4 *(f), in order to be eligible to participate in the scholarship*
5 *program, an individual shall be enrolled or accepted for en-*
6 *rollment as a full-time student at an institution of higher*
7 *education and be pursuing or intend to pursue under-*
8 *graduate or graduate education in an academic field or dis-*
9 *cipline specified in the list made available under subsection*
10 *(d) and be a United States citizen.*

11 (c) *APPLICATION.*—*An individual seeking a scholar-*
12 *ship under this section shall submit to the Secretary an ap-*
13 *plication at such time, in such manner, and containing*
14 *such information, agreements, or assurances as the Sec-*
15 *retary may require.*

16 (d) *PROGRAMS AND FIELDS OF STUDY.*—*The Sec-*
17 *retary shall make publicly available a list of academic pro-*
18 *grams and fields of study for which scholarships under this*
19 *section may be awarded.*

20 (e) *SCHOLARSHIPS.*—

21 (1) *IN GENERAL.*—*The Secretary may award a*
22 *scholarship under this section for an academic year*
23 *if the individual applying for the scholarship has sub-*
24 *mitted to the Secretary, as part of the application re-*
25 *quired under subsection (c), a proposed academic pro-*

1 *gram leading to a degree in a program or field of*
2 *study specified on the list made available under sub-*
3 *section (d).*

4 (2) *LIMITATION ON YEARS.*—*An individual may*
5 *not receive a scholarship under this section for more*
6 *than four academic years, unless the Secretary grants*
7 *a waiver.*

8 (3) *STUDENT RESPONSIBILITIES.*—*Scholarship*
9 *recipients shall maintain satisfactory academic*
10 *progress.*

11 (4) *AMOUNT.*—*The dollar amount of a scholar-*
12 *ship awarded under this section for an academic year*
13 *shall be determined under regulations issued by the*
14 *Secretary, but shall in no case exceed the cost of tui-*
15 *tion, fees, and other authorized expenses as deter-*
16 *mined by the Secretary.*

17 (5) *USE OF SCHOLARSHIPS.*—*A scholarship*
18 *awarded under this section may be expended for tui-*
19 *tion, fees, and other authorized expenses as established*
20 *by the Secretary by regulation.*

21 (6) *PAYMENT TO INSTITUTION OF HIGHER EDU-*
22 *CATION.*—*The Secretary may enter into a contractual*
23 *agreement with an institution of higher education*
24 *under which the amounts provided for a scholarship*
25 *under this section for tuition, fees, and other author-*

1 *ized expenses are paid directly to the institution with*
2 *respect to which such scholarship is awarded*

3 *(f) SPECIAL CONSIDERATION FOR CURRENT EMPLOY-*
4 *EES.—Notwithstanding subsection (b), up to five percent of*
5 *the scholarships awarded under this section may be set*
6 *aside for individuals who are Federal employees on the date*
7 *of the enactment of this Act to enhance the education of*
8 *such employees in areas of critical arms control or non-*
9 *proliferation needs of the Department, for undergraduate*
10 *or graduate education under the scholarship on a full-time*
11 *or part-time basis.*

12 *(g) REPAYMENT.—*

13 *(1) IN GENERAL.—A scholarship recipient who*
14 *fails to maintain a high level of academic standing,*
15 *as defined by the Secretary who is dismissed for dis-*
16 *ciplinary reasons from the educational institution*
17 *such recipient is attending, or who voluntarily termi-*
18 *nates academic training before graduation from the*
19 *educational program for which the scholarship was*
20 *awarded shall be in breach of the contractual agree-*
21 *ment under subsection (a)(3) and, in lieu of any serv-*
22 *ice obligation arising under such agreement, shall be*
23 *liable to the United States for repayment within one*
24 *year after the date of such default of all scholarship*
25 *funds paid to such recipient and to the institution of*

1 *higher education on the behalf of such recipient under*
2 *such agreement. The repayment period may be ex-*
3 *tended by the Secretary if the Secretary determines*
4 *such to be necessary, as established by regulation.*

5 (2) *LIABILITY.*—*A scholarship recipient who, for*
6 *any reason, fails to begin or complete the service obli-*
7 *gation under the contractual agreement under sub-*
8 *section (a)(3) after completion of academic training,*
9 *or fails to comply with the terms and conditions of*
10 *deferment established by the Secretary under para-*
11 *graph (1), shall be in breach of such contractual*
12 *agreement and shall be liable to the United States for*
13 *an amount equal to—*

14 (A) *the total amount of the scholarship re-*
15 *ceived by such recipient under this section; and*

16 (B) *the interest on such amounts which*
17 *would be payable if at the time the scholarship*
18 *was received such scholarship was a loan bearing*
19 *interest at the maximum legally prevailing rate.*

20 (h) *REGULATIONS.*—*The Secretary shall prescribe reg-*
21 *ulations necessary to carry out this section.*

22 (i) *INSTITUTION OF HIGHER EDUCATION DEFINED.*—
23 *In this section, the term “institution of higher education”*
24 *has the meaning given such term under section 101 of the*
25 *Higher Education Act of 1965 (20 U.S.C. 1001).*

1 (j) *AUTHORIZATION OF APPROPRIATIONS.*—Of the
2 amounts authorized to be appropriated under section 101,
3 such sums as may be necessary are authorized to be appro-
4 priated to carry out this section.

5 **SEC. 247. SCIENTIFIC ADVISORY COMMITTEE.**

6 (a) *ESTABLISHMENT.*—

7 (1) *IN GENERAL.*—The President may establish a
8 Scientific Advisory Committee (in this section re-
9 ferred to as the “Committee”) of not to exceed ten
10 members, not fewer than eight of whom shall be sci-
11 entists.

12 (2) *APPOINTMENT.*—If the Committee is estab-
13 lished in accordance with paragraph (1), the members
14 of the Committee shall be appointed by the President,
15 as follows:

16 (A) One member, who shall be a person of
17 special scientific distinction, shall be appointed
18 by the President, by and with the advice and
19 consent of the Senate, as Chairman of the Com-
20 mittee.

21 (B) Nine other members shall be appointed
22 by the President.

23 (3) *MEETINGS.*—If the Committee is established
24 in accordance with paragraph (1), the Committee
25 shall meet not less often than twice per year.

1 (b) *FUNCTION.*—*If the Committee is established in ac-*
2 *cordance with subsection (a)(1), the Committee shall advise*
3 *the President, the Secretary of State, and the Undersecre-*
4 *tary for Arms Control and International Security regard-*
5 *ing scientific, technical, and policy matters affecting arms*
6 *control and nonproliferation.*

7 (c) *REIMBURSEMENT OF EXPENSES.*—*If the Com-*
8 *mittee is established in accordance with subsection (a)(1),*
9 *the members of the Committee may receive reimbursement*
10 *of expenses only in accordance with the provisions applica-*
11 *ble to the reimbursement of experts and consultants under*
12 *section 401(d) of the Arms Control and Disarmament Act*
13 *(Public Law 87–297; 22 U.S.C. 2581(d)).*

14 (d) *SCIENTIST DEFINED.*—*In this section, the term*
15 *“scientist” means an individual who has a demonstrated*
16 *knowledge and technical expertise with respect to arms con-*
17 *trol, nonproliferation, and disarmament matters and who*
18 *has distinguished himself or herself in any of the fields of*
19 *physics, chemistry, mathematics, biology, or engineering,*
20 *including weapons engineering.*

1 **TITLE III—ORGANIZATION AND**
2 **PERSONNEL AUTHORITIES**
3 ***Subtitle A—Towards Modernizing***
4 ***the Department of State***

5 **SEC. 301. TOWARDS A MORE MODERN AND EXPEDITIOUS**
6 **FOREIGN SERVICE.**

7 *(a) TARGETED EXPANSION OF FOREIGN SERVICE.—*

8 *The Secretary of State shall expand the Foreign Service*
9 *to—*

10 *(1) fill vacancies, particularly those vacancies*
11 *overseas that are critical to key United States foreign*
12 *policy and national security interests, and, in par-*
13 *ticular, to prevent crises before they emerge;*

14 *(2) increase the capacity of the Department of*
15 *State to assign and deploy Foreign Service officers*
16 *and other personnel to prevent, mitigate, and respond*
17 *to international crises and instability in foreign*
18 *countries that threaten key United States foreign pol-*
19 *icy and national security interests; and*

20 *(3) ensure that before being assigned to assign-*
21 *ments requiring new or improved skills, members of*
22 *the Foreign Service, other than foreign national em-*
23 *ployees and consular agents (as such terms are de-*
24 *finied in section 103 of the Foreign Service Act of*
25 *1980 (22 U.S.C. 3903)), as appropriate, receive lan-*

1 *guage, security, area, and other training that is nec-*
2 *essary to successfully execute their responsibilities and*
3 *to enable such members to obtain advanced and other*
4 *education that will increase the capacity of the For-*
5 *oreign Service to complete its mission.*

6 *(b) AUTHORIZED INCREASES.—*

7 *(1) AT THE DEPARTMENT OF STATE.—The Sec-*
8 *retary of State is authorized to hire an additional*
9 *750 members of the Foreign Service (above attrition)*
10 *in fiscal year 2010 over the number of such members*
11 *employed as of September 30, 2009, and an addi-*
12 *tional 750 members of the Foreign Service (above at-*
13 *trition) in fiscal year 2011 over the number of such*
14 *members employed as of September 30, 2010.*

15 *(2) AT USAID.—The Administrator of the United*
16 *States Agency for International Development is au-*
17 *thorized to hire an additional 350 members of the*
18 *Foreign Service (above attrition) in fiscal year 2010*
19 *over the number of such members employed as of Sep-*
20 *tember 30, 2009, and an additional 350 members of*
21 *the Foreign Service (above attrition) in fiscal year*
22 *2011 over the number of such members employed as*
23 *of September 30, 2010.*

24 *(3) RULE OF CONSTRUCTION.—Nothing in this*
25 *subsection shall be construed as limiting the authority*

1 of the Secretary of State or the Administrator of the
2 United States Agency for International Development
3 to hire personnel.

4 (c) *EXPANSION OF FUNCTIONS OF THE FOREIGN SERV-*
5 *ICE.*—Section 104 of the Foreign Service Act of 1980 (22
6 *U.S.C. 3904*) is amended—

7 (1) by redesignating paragraphs (2) and (3) as
8 paragraphs (3) and (4), respectively; and

9 (2) by inserting after paragraph (1) the fol-
10 lowing new paragraph:

11 “(2) work actively to prevent, mitigate, and re-
12 spond in a timely manner to international crises and
13 instability in foreign countries that threaten the key
14 United States foreign policy and national security in-
15 terests;”.

16 (d) *WORLDWIDE AVAILABILITY.*—Section 301(b) of the
17 *Foreign Service Act of 1980 (22 U.S.C. 3941(b))* is amend-
18 *ed*—

19 (1) by inserting “(1)” before “The Secretary”;
20 and

21 (2) by adding at the end the following new para-
22 graph:

23 “(2)(A) Except as provided in subparagraphs (B) and
24 (C), at the time of entry into the Service, each member of
25 the Service shall be available to be assigned worldwide.

1 “(B) With respect to the medical eligibility of any ap-
2 plicant for appointment as a Foreign Service officer can-
3 didate, the Secretary of State shall determine such avail-
4 ability through appropriate medical examinations. If based
5 on such examinations the Secretary determines that such
6 applicant is ineligible to be assigned worldwide, the Sec-
7 retary may waive the worldwide availability requirement
8 under subparagraph (A) if the Secretary determines that
9 such waiver is required to fulfill a compelling Service need.
10 The Secretary shall establish an internal administrative re-
11 view process for medical ineligibility determinations.

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

16 (e) *RECRUITING CANDIDATES WHO HAVE EXPERI-*
17 *ENCE IN UNSTABLE SITUATIONS.*—Section 301 of the For-
18 eign Service Act of 1980 (22 U.S.C. 3941), as amended by
19 section 212(c) of this Act, is further amended by adding
20 at the end the following new subsection:

21 “(f) *EXPERIENCE IN UNSTABLE SITUATIONS.*—The
22 fact that an applicant for appointment as a Foreign Serv-
23 ice officer candidate has the experience of working in situa-
24 tions where public order has been undermined by insta-
25 bility, or where there is no civil authority that can effec-

1 *tively provide public safety, may be considered an affirma-*
2 *tive factor in making such appointments.”.*

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

6 “(c) *The Secretary of State shall ensure that members*
7 *of the Service, other than foreign national employees and*
8 *consular agents, as appropriate, receive training on meth-*
9 *ods for conflict mitigation and resolution and on the nec-*
10 *essary skills to be able to function successfully where public*
11 *order has been undermined by instability or where there*
12 *is no civil authority that can effectively provide public safe-*
13 *ty.*

14 “(d) *The Secretary of State shall ensure that members*
15 *of the Service, other than foreign national employees and*
16 *consular agents, as appropriate, have opportunities during*
17 *their careers to obtain advanced education and training in*
18 *academic and other relevant institutions in the United*
19 *States and abroad to increase the capacity of the Service*
20 *to fulfill its mission.”.*

21 **SEC. 302. QUADRENNIAL REVIEW OF DIPLOMACY AND DE-**
22 **VELOPMENT.**

23 (a) *DEVELOPMENT OF NATIONAL STRATEGY ON DI-*
24 *PLOMACY AND DEVELOPMENT.*—

1 (1) *IN GENERAL.*—Not later than December 1,
2 2010, the President shall develop and transmit to the
3 appropriate congressional committees a national
4 strategy on United States diplomacy and develop-
5 ment. The strategy shall include the following:

6 (A) *An identification of key objectives and*
7 *missions for United States foreign policy and*
8 *foreign assistance policies and programs, includ-*
9 *ing a clear statement on United States objectives*
10 *for development assistance.*

11 (B) *A description of the roles of civilian*
12 *agencies and mechanisms for implementing such*
13 *strategy, including interagency coordination.*

14 (C) *The requirements for overseas infra-*
15 *structure necessary to carry out such strategy.*

16 (D) *Plans to adapt such agencies and mech-*
17 *anisms to changing circumstances and the role of*
18 *international institutions in such strategy.*

19 (E) *Budget requirements to carry out such*
20 *strategy.*

21 (F) *Other elements of United States foreign*
22 *policy and foreign assistance policies and pro-*
23 *grams with a view toward determining and ex-*
24 *pressing the strategy of the United States and es-*

1 *establishing a diplomacy and development pro-*
2 *gram for the next ten years.*

3 (2) *RELATIONSHIP TO NATIONAL SECURITY*
4 *STRATEGY.—The strategy described in paragraph (1)*
5 *shall be consistent with any National Security Strat-*
6 *egy prescribed by the President pursuant to section*
7 *108 of the National Security Act of 1947 (50 U.S.C.*
8 *404a) that has been issued after the date of the enact-*
9 *ment of this Act.*

10 (b) *REVIEW REQUIRED.—*

11 (1) *IN GENERAL.—Beginning in 2013, the Presi-*
12 *dent shall every four years, during a year following*
13 *a year evenly divisible by four, conduct a comprehen-*
14 *sive examination (to be known as a “Quadrennial Re-*
15 *view of Diplomacy and Development”) of the national*
16 *strategy for United States diplomacy and develop-*
17 *ment described in subsection (a).*

18 (2) *KEY ELEMENTS OF REVIEW.—The review de-*
19 *scribed in paragraph (1) shall include the following:*

20 (A) *A review of all elements of the strategy*
21 *described in subsection (a), consistent with the*
22 *most recent National Security Strategy pre-*
23 *scribed by the President pursuant to section 108*
24 *of the National Security Act of 1947 (50 U.S.C.*

1 404a) that has been issued after the date of the
2 enactment of this Act.

3 (B) A review of the roles and responsibil-
4 ities of Federal departments and agencies in car-
5 rying out the strategy described in subsection (a)
6 and the mechanisms for cooperation between
7 such departments and agencies, including the co-
8 ordination of such departments and agencies and
9 the relationship between the principal offices of
10 such departments and agencies and offices defin-
11 ing sufficient capacity, resources, overseas infra-
12 structure, budget plan, and other elements of
13 United States diplomacy and development of the
14 United States that would be required to have a
15 high level of confidence that the United States
16 can successfully execute the full range of missions
17 called for in such strategy.

18 (C) Identifying the budget plan that would
19 be required to provide sufficient resources to exe-
20 cute successfully the full range of missions called
21 for in the strategy described in subsection (a) at
22 a high level of success and any additional re-
23 sources required to achieve such a level of success.

24 (D) Making recommendations that are not
25 constrained to comply with the budget submitted

1 to Congress by the President pursuant to section
2 1105(a) of title 31, United States Code.

3 (3) *INTERAGENCY COORDINATION AND CON-*
4 *SULTATION.*—

5 (A) *IN GENERAL.*—*Each Quadrennial Re-*
6 *view of Diplomacy and Development shall take*
7 *into account the views of the Secretary of State,*
8 *the Administrator of the United States Agency*
9 *for International Development, the Secretary of*
10 *Defense, the Secretary of the Treasury, the*
11 *United States Trade Representative, and the*
12 *head of any other relevant agency.*

13 (B) *DELEGATION.*—*If the President dele-*
14 *gates the requirements of this section, the head of*
15 *the Federal department or agency to whom such*
16 *delegation is made shall consult with each offi-*
17 *cial specified in subparagraph (A).*

18 (c) *CONSULTATION WITH OUTSIDE STAKEHOLDERS.*—
19 *In developing the strategy required under subsection (a)*
20 *and conducting the review required under subsection (b),*
21 *the President shall consult with private businesses, non-gov-*
22 *ernmental organizations involved in diplomacy and devel-*
23 *opment, and experts at academic institutions or institu-*
24 *tions involved in the study of foreign policy or development*
25 *matters.*

1 (d) *QRDD AND CONGRESSIONAL COMMITTEES.*—

2 (1) *CONSULTATION.*—*In developing the strategy*
3 *required under subsection (a) and conducting the re-*
4 *view required under subsection (b), the President shall*
5 *consult with the appropriate congressional commit-*
6 *tees.*

7 (2) *REPORT.*—*The President shall transmit to*
8 *the appropriate congressional committees a report on*
9 *each Quadrennial Review of Diplomacy and Develop-*
10 *ment. The report shall be submitted in the year fol-*
11 *lowing the year in which such a Quadrennial Review*
12 *is conducted, but not later than the date on which the*
13 *President submits the budget for the next fiscal year*
14 *to Congress under section 1105(a) of title 31, United*
15 *States Code. The report shall include the following:*

16 (A) *The results of such a Quadrennial Re-*
17 *view, including a comprehensive discussion of*
18 *the national strategy for United States foreign*
19 *policy and foreign assistance policies and pro-*
20 *grams, the roles and responsibilities of and stra-*
21 *tegic guidance for civilian agencies and mecha-*
22 *nisms in implementing such strategy, the re-*
23 *quirements for overseas infrastructure necessary*
24 *to carry out such strategy, plans to adapt such*
25 *agencies and mechanisms to changing cir-*

1 *cumstances, and the role of international institu-*
2 *tions in such strategy.*

3 *(B) The assumed or defined objectives and*
4 *missions that inform the national strategy for*
5 *United States foreign policy and foreign assist-*
6 *ance policies and programs.*

7 *(C) The threats to the assumed or defined*
8 *objectives and missions of the United States that*
9 *were examined for the purposes of such a Quad-*
10 *rennial Review.*

11 *(D) The assumptions used in such a Quad-*
12 *rennial Review, including assumptions relating*
13 *to—*

14 *(i) the capacity of United States diplo-*
15 *matic and development personnel to respond*
16 *to such threats;*

17 *(ii) the cooperation and capacity of al-*
18 *lies, other friendly countries, and inter-*
19 *national institutions in addressing such*
20 *threats;*

21 *(iii) levels of engagement in operations*
22 *other than war and smaller-scale contin-*
23 *gencies and withdrawal from such oper-*
24 *ations and contingencies; and*

1 (iv) the intensity, duration, and mili-
2 tary and political end-states of conflicts and
3 smaller-scale contingencies that arise in the
4 diplomatic and development context.

5 (E) The anticipated roles and missions of
6 the reserve components available to civilian
7 agencies, including capabilities and resources
8 necessary to assure that such reserve components
9 can capably discharge such roles and missions.

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

14 (G) Any other matter the Secretary con-
15 siders appropriate.

16 (e) INDEPENDENT PANEL ASSESSMENT.—

17 (1) IN GENERAL.—Not later than six months be-
18 fore the date on which the report on a Quadrennial
19 Review of Diplomacy and Development is to be trans-
20 mitted under subsection (d), the President shall estab-
21 lish a panel to conduct an assessment of such a Quad-
22 rennial Review.

23 (2) REPORT ON ASSESSMENT.—Not later than
24 three months after the date on which the report on
25 such a Quadrennial Review is transmitted under sub-

1 (b) *PURPOSE.*—*The purpose of the LLC is to increase,*
2 *enhance, and sustain the ability of the Department of State*
3 *and USAID to effectively carry out their missions by devis-*
4 *ing a system for the collection, analysis, archiving, and dis-*
5 *semination of lessons learned, improving information shar-*
6 *ing and learning capacity, and enabling, encouraging, and*
7 *rewarding critical, innovative analysis.*

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

13 (1) *concerning the regulation and structure of*
14 *the LLC, including—*

15 (A) *how to encourage service in the LLC;*

16 (B) *how to provide for the necessary aca-*
17 *demie freedom to provide innovative, critical*
18 *analysis;*

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

23 (D) *the anticipated expenditures associated*
24 *with the establishment of the LLC under sub-*
25 *section (a); and*

1 (E) *physical structure of the LLC; and*

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

4 (d) *DEFINITIONS.—In this section:*

5 (1) *ACADEMIC FREEDOM.—The term “academic*
6 *freedom” means the capability, capacity, and author-*
7 *ization to produce analysis and evaluation without*
8 *concern for retaliation or other negative impact on*
9 *the observer’s career.*

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

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

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

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

23 (2) *The locally employed staff is the backbone of*
24 *diplomatic operations, providing management, pro-*
25 *grammatic, 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 offi-*
4 *cers who rotate in-and-out of such missions every two*
5 *to three years are highly dependent on the local em-*
6 *ployees to bring them up to speed and make sure that*
7 *the work of any such mission does not falter in tran-*
8 *sitions 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 are*
12 *called upon to assume many of the responsibilities*
13 *that United States staff have carried in the past.*

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

20 *(6) The Department of State OIG survey data*
21 *show that the United States Government is providing*
22 *salary increases that are approximately 60 percent of*
23 *what is the prevailing practice of the local labor mar-*
24 *ket.*

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

7 (b) *POLICY REVIEW.—The Secretary of State shall di-*
8 *rect 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 coordi-*
14 *nation 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 management*
22 *responsibilities, and to recommend training and cer-*
23 *tifications 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 reviews*
4 *the connectivity between the activities of the Office of*
5 *Overseas Employment and the Office of State Pro-*
6 *grams, Operations and Budget in the Bureau of Re-*
7 *source Management, and makes and distributes writ-*
8 *ten, documented determinations as to the data used*
9 *by the two offices to make estimates of locally em-*
10 *ployed staff compensation adjustments, the timing of*
11 *these activities, and the responsibility each office has*
12 *for tracking implementation of locally employed staff*
13 *compensation adjustments.*

14 *(3) The Bureau of Human Resources, in coordi-*
15 *nation 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 each*
20 *post's salary schedule every five years based on a re-*
21 *cent salary survey. During the intervening years, the*
22 *Department should authorize cost-of-living (or infla-*
23 *tion) adjustments based on reliable inflation data.*

24 *(4) The Bureau of Human Resources, in coordi-*
25 *nation with the Office of Management, Policy,*

1 *Rightsizing and Innovation, should implement a sys-*
2 *tematic process of providing comprehensive informa-*
3 *tion to diplomatic and consular missions, Depart-*
4 *ment of State offices, and agency headquarters on*
5 *periodic salary survey reviews, including comprehen-*
6 *sible salary survey analysis, explanations of salary*
7 *survey changes, and if appropriate, copies of the off-*
8 *the-shelf surveys for the host country. This approach*
9 *should be documented and made a part of the periodic*
10 *process.*

11 *(5) The Bureau of Human Resources, in coordi-*
12 *nation with the Office of Management, Policy,*
13 *Rightsizing and Innovation, the regional bureaus,*
14 *and the Bureau of Resource Management, should es-*
15 *tablish, maintain, and monitor a database that tracks*
16 *information related to locally employed staff com-*
17 *ensation and adjustments, including budgetary re-*
18 *sources, salary level ceilings calculated by the Office*
19 *of Overseas Employment, salary levels requested by*
20 *post, salary levels implemented, dates for these activi-*
21 *ties, and calculations of whether the Department is*
22 *meeting prevailing practice. This database should re-*
23 *place the current practice of communicating salary*
24 *review information by cable.*

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

9 (7) *The Office of Management, Policy,*
10 *Rightsizing and Innovation should ensure that the*
11 *working group on locally employed staff compensation*
12 *considers the possibility of including members from*
13 *other United States Government agencies that employ*
14 *locally employed staff. Whether this recommendation*
15 *is implemented or not, the Office of Management, Pol-*
16 *icy, Rightsizing and Innovation should document the*
17 *decision in writing, and distribute the decision wide-*
18 *ly in the Department of State and to other agencies*
19 *that employ locally employed staff.*

20 (8) *The Office of Management, Policy,*
21 *Rightsizing and Innovation should ensure that the*
22 *working group on locally employed staff compensation*
23 *considers the possibility of centralizing decision mak-*
24 *ing for locally employed staff salary increases, and,*
25 *whether such is eventually implemented or not, make*

1 *a determination as to its value, document the decision*
2 *in writing, and distribute the decision widely in the*
3 *Department of State.*

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

10 *(10) The Bureau of Human Resources should*
11 *send the cable announcing the proposed salary in-*
12 *creases for locally employed staff to the attention of*
13 *both the chief of mission and the management officer.*

14 *(11) The Bureau of Human Resources should re-*
15 *quest a list of position titles and grades from all posi-*
16 *tions with exception rate ranges and details on the ex-*
17 *ception rate range adjustments in the 2010 Locally*
18 *Employed Staff Compensation Questionnaire.*

19 *(c) REPORT.—Not later than 90 days after the date*
20 *of the enactment of this Act, the Secretary of State shall*
21 *submit to the appropriate committees a report on the imple-*
22 *mentation of this section, including a review of efforts to*
23 *implement the recommendations of the Office of the Inspec-*
24 *tor General of the Department of State specified in sub-*
25 *section (b).*

1 ***Subtitle B—Foreign Service Pay***
2 ***Equity and Death Gratuity***

3 **SEC. 311. SHORT TITLE.**

4 *This subtitle may be cited as the “Foreign Service*
5 *Overseas Pay Equity Act of 2009”.*

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

7 ***(a) OVERSEAS COMPARABILITY PAY ADJUSTMENT.—***

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

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

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

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

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

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

6 “(B) for purposes of chapter 8; and

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

10 “(c) PHASE-IN.—The locality-based comparability
11 payment payable to a member of the Service under this sec-
12 tion shall—

13 “(1) beginning on the first day of the first pay
14 period that is 90 days after the date of the enactment
15 of this subsection, be equal to 33.33 percent of the
16 payment which would otherwise apply under sub-
17 section (a);

18 “(2) beginning on the first day of the first pay
19 period in April 2010, be equal to 66.67 percent of the
20 payment which would otherwise apply under sub-
21 section (a); and

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

1 “(d) *NON-FOREIGN AREA DEFINED.*—For purposes of
 2 this section, the term ‘non-foreign area’ has the same mean-
 3 ing as is given such term in regulations carrying out sec-
 4 tion 5941 of title 5, United States Code.”.

5 (2) *CONFORMING AMENDMENT.*—The table of
 6 contents set forth in section 2 of such Act is amended
 7 by inserting after the item relating to section 414 the
 8 following:

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

9 (b) *CONFORMING AMENDMENTS RELATING TO THE*
 10 *FOREIGN SERVICE RETIREMENT SYSTEMS.*—

11 (1) *CONTRIBUTIONS TO THE FUND.*—Effective as
 12 of the first pay period beginning on or after October
 13 1, 2010, section 805(a) of the Foreign Service Act of
 14 1980 (22 U.S.C. 4045(a)) is amended—

15 (A) in paragraph (1)—

16 (i) in the first sentence, by striking
 17 “7.25 percent” and inserting “7 percent”;
 18 and

19 (ii) in the second sentence, by striking
 20 “The contribution by the employing agen-
 21 cy” through “and shall be made” and in-
 22 serting “An equal amount shall be contrib-
 23 uted by the employing agency”;

24 (B) in paragraph (2)—

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

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

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

9 (2) *COMPUTATION OF ANNUITIES.*—Section
10 806(a)(9) of such Act (22 U.S.C. 4046(a)(9)) is
11 amended by striking “is outside the continental
12 United States shall” and inserting “was outside the
13 continental United States during the period begin-
14 ning on December 29, 2002, and ending on the day
15 before the first day of the first pay period beginning
16 on or after October 1, 2011 (or during any portion
17 thereof), shall, to the extent that such computation is
18 based on the basic salary or basic pay of such member
19 for such period (or portion thereof),”.

20 (3) *ENTITLEMENT TO ANNUITY.*—Section
21 855(a)(3) of such Act (22 U.S.C. 4071d(a)(3)) is
22 amended—

23 (A) by striking “section 8414” and insert-
24 ing “section 8415”; and

1 (B) by striking “is outside the continental
 2 United States shall” and inserting “was outside
 3 the continental United States during the period
 4 beginning on December 29, 2002, and ending on
 5 the day before the first day of the first pay pe-
 6 riod beginning on or after October 1, 2011 (or
 7 during any portion thereof), shall, to the extent
 8 that such computation is based on the basic sal-
 9 ary or basic pay of such member for such period
 10 (or portion thereof),”.

11 (4) *DEDUCTIONS AND WITHHOLDINGS FROM*
 12 *PAY.—Section 856(a)(2) of such Act (22 U.S.C.*
 13 *4071e(a)(2)) is amended to read as follows:*

14 “(2) *The applicable percentage under this sub-*
 15 *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.”.

16 (c) *REPORTING REQUIREMENTS.—Not later than Oc-*
 17 *tober 1, 2010, the Secretary of State shall submit to the*

1 *appropriate congressional committees an assessment of all*
2 *allowances provided to members of the Foreign Service*
3 *under the Foreign Service Act of 1980 or under title 5,*
4 *United States Code, and in particular, how such allowances*
5 *have been or will be affected by the amendments to the For-*
6 *oreign Service Act of 1980 made by this Act.*

7 **SEC. 313. DEATH GRATUITY.**

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

19 ***Subtitle C—Other Organization***
20 ***and Personnel Matters***

21 **SEC. 321. TRANSATLANTIC DIPLOMATIC FELLOWSHIP PRO-**
22 **GRAM.**

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

1 **“SEC. 506. TRANSATLANTIC DIPLOMATIC FELLOWSHIP PRO-**
2 **GRAM.**

3 “(a) *IN GENERAL.*—*The Secretary is authorized to es-*
4 *tablish the Transatlantic Diplomatic Fellowship Program.*
5 *Under the program, the Secretary may assign a member*
6 *of the Service, for not more than one year, to a position*
7 *with any designated country or designated entity that per-*
8 *mits an employee to be assigned to a position with the De-*
9 *partment.*

10 “(b) *SALARY AND BENEFITS.*—*The salary and benefits*
11 *of a member of the Service shall be paid as described in*
12 *subsection (b) of section 503 during a period in which such*
13 *member is participating in the Transatlantic Diplomatic*
14 *Fellowship Program. The salary and benefits of an em-*
15 *ployee of a designated country or designated entity partici-*
16 *pating in such program shall be paid by such country or*
17 *entity during the period in which such employee is partici-*
18 *pating in the program.*

19 “(c) *DEFINITIONS.*—*In this section:*

20 “(1) *The term ‘designated country’ means a*
21 *member country of—*

22 “(A) *the North Atlantic Treaty Organiza-*
23 *tion; or*

24 “(B) *the European Union.*

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

1 “(A) *the North Atlantic Treaty Organiza-*
2 *tion; or*

3 “(B) *the European Union.*

4 “(d) *RULE OF CONSTRUCTION.—Nothing in this sec-*
5 *tion shall be construed to—*

6 “(1) *authorize the appointment as an officer or*
7 *employee of the United States of—*

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

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

19 “(2) *authorize the Secretary to assign a member*
20 *of the Service to a position with any foreign country*
21 *whose laws, or foreign or international entity whose*
22 *rules, require such member to give allegiance or loy-*
23 *alty to such country or entity while assigned to such*
24 *position.”*

1 (b) *TECHNICAL AND CONFORMING AMENDMENTS.*—

2 *The Foreign Service Act of 1980 is amended—*

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

4 (A) *in the section heading, by striking*
 5 *“AND” and inserting “FOREIGN GOVERNMENTS,*
 6 *OR”;* *and*

7 (B) *in subsection (a)(1), by inserting before*
 8 *the semicolon at the end the following: “, or with*
 9 *a foreign government under sections 506 or 507”;*
 10 *and*

11 (2) *in section 2, in the table of contents—*

12 (A) *by striking the item relating to section*
 13 *503 and inserting the following new item:*

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

14 (B) *by adding after the item relating to sec-*
 15 *tion 505 the following new item:*

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

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

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

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

22 *“(a) IN GENERAL.—The Secretary is authorized to es-*
 23 *tablish the Security Officers Exchange Program. Under the*

1 *program, the Secretary may assign a member of the Service,*
2 *for not more than a total of three years, to a position with*
3 *any country or international organization designated by*
4 *the Secretary pursuant to subsection (c) that permits an*
5 *employee to be assigned to a position with the Department.*

6 “(b) *SALARY AND BENEFITS.*—*The salary and benefits*
7 *of the members of the Service shall be paid as described in*
8 *subsection (b) of section 503 during a period in which such*
9 *officer is participating in the Security Officers Exchange*
10 *Program. The salary and benefits of an employee of a des-*
11 *ignated country or international organization partici-*
12 *pating in such program shall be paid by such country or*
13 *international organization during the period in which such*
14 *employee is participating in the program.*

15 “(c) *DESIGNATION.*—*The Secretary may designate a*
16 *country or international organization to participate in this*
17 *program if the Secretary determines that such participation*
18 *is in the national security interests of the United States.*

19 “(d) *RULE OF CONSTRUCTION.*—*Nothing in this sec-*
20 *tion shall be construed to—*

21 “(1) *authorize the appointment as an officer or*
22 *employee of the United States of—*

23 “(A) *an individual whose allegiance is to*
24 *any country, government, or foreign or inter-*

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

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

9 “(A) *written notice stating the specific reasons*
10 *for the proposed suspension;*

11 “(B) *a reasonable time to respond orally and in*
12 *writing to the proposed suspension;*

13 “(C) *representation by an attorney or other rep-*
14 *resentative; and*

15 “(D) *a final written decision, including the spe-*
16 *cific reasons for such decision, as soon as practicable.*

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

20 “(4) *In the case of a grievance filed under paragraph*
21 *(3)—*

22 “(A) *the review by the Foreign Service Grievance*
23 *Board shall be limited to a determination of whether*
24 *the provisions of paragraphs (1) and (2) have been*
25 *fulfilled; and*

1 “(B) the Foreign Service Grievance Board may
2 not exercise the authority provided under section
3 1106(8).

4 “(5) In this subsection:

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

6 “(i) with respect to a member of the Foreign
7 Service assigned to duty in the United States, 15
8 days after receiving notice of the proposed sus-
9 pension; and

10 “(ii) with respect to a member of the For-
11 eign Service assigned to duty outside the United
12 States, 30 days after receiving notice of the pro-
13 posed suspension.

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

17 (b) CONFORMING AND CLERICAL AMENDMENTS.—

18 (1) AMENDMENT OF SECTION HEADING.—Such
19 section, as amended by subsection (a) of this section,
20 is further amended, in the section heading, by insert-
21 ing “; SUSPENSION” before the period at the end.

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

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

1 **SEC. 324. REPEAL OF RECERTIFICATION REQUIREMENT**
2 **FOR SENIOR FOREIGN SERVICE.**

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

5 **SEC. 325. LIMITED APPOINTMENTS IN THE FOREIGN SERV-**
6 **ICE.**

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

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

11 *(2) in subsection (b)—*

12 *(A) in paragraph (3)—*

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

14 *(ii) by inserting before the semicolon at*

15 *the end the following: “, or (B), the career*

16 *candidate is serving in the uniformed serv-*

17 *ices, as defined by the Uniformed Services*

18 *Employment and Reemployment Rights Act*

19 *of 1994 (38 U.S.C. 4301 et seq.), and the*

20 *limited appointment expires in the course of*
21 *such service”;*

22 *(B) in paragraph (4), by striking “and” at*
23 *the end;*

24 *(C) in paragraph (5), by striking the period*
25 *at the end and inserting “; and”; and*

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

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

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

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

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

20 Section 5550b of title 5, United States Code, is amend-
21 ed by adding at the end the following new subsection:

22 “(c) The maximum amount of compensatory time off
23 earned under this section may not exceed 104 hours during
24 any leave year (as defined by regulations established by the
25 Office of Personnel Management).”.

1 **SEC. 327. REEMPLOYMENT OF FOREIGN SERVICE ANNU-**
2 **ITANTS.**

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

5 *(a) in paragraph (1)(B), by striking “to facilitate the”*
6 *and all that follows through “Afghanistan,”;*

7 *(b) by striking paragraph (2); and*

8 *(c) by redesignating paragraph (3) as paragraph (2).*

9 **SEC. 328. PERSONAL SERVICES CONTRACTORS.**

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

18 *(b) CONDITIONS.—The Secretary is authorized to use*
19 *the authority of subsection (a), subject to the following con-*
20 *ditions:*

21 *(1) The Secretary determines that existing per-*
22 *sonnel resources are insufficient.*

23 *(2) The contract length, including options, may*
24 *not exceed two years, unless the Secretary makes a*
25 *finding that exceptional circumstances justify an ex-*
26 *tension of up to one additional year.*

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

4 (4) *This authority may only be used to obtain*
5 *specialized skills or experience or to respond to urgent*
6 *needs.*

7 (c) *STATUS OF PERSONAL SERVICE CONTRACTORS.—*

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

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

18 (A) *the Ethics in Government Act of 1978;*

19 (B) *section 27 of the Office of Federal Pro-*
20 *curement Policy Act; and*

21 (C) *chapter 73 of title 5, sections 201, 203,*
22 *205, 207, 208, and 209 of title 18, and section*
23 *1346 and chapter 171 of title 28, United States*
24 *Code.*

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

4 (2) *cooperation with the host government to re-*
5 *form its applicable laws, regulations, practices, and*
6 *agencies to enable that government to fulfill its inter-*
7 *national and bilateral obligations with respect to in-*
8 *tellectual property rights.*

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

19 (c) *PRIORITY ASSIGNMENTS.*—

20 (1) *IN GENERAL.*—*Subject to paragraph (2), in*
21 *designating the embassies or other missions to which*
22 *attachés are assigned under subsection (b), the Sec-*
23 *retary of State shall give priority to those countries*
24 *where the activities of an attaché may be carried out*
25 *with the greatest potential benefit to reducing coun-*

1 *terfeit and pirated products in the United States*
2 *market, to protecting the intellectual property rights*
3 *of United States persons and their licensees, and to*
4 *protecting the interests of United States persons other-*
5 *wise harmed by violations of intellectual property*
6 *rights in those countries.*

7 (2) *ASSIGNMENTS TO PRIORITY COUNTRIES.—In*
8 *carrying out paragraph (1), the Secretary of State*
9 *shall consider assigning intellectual property*
10 *attachés—*

11 (A) *to the countries that have been identi-*
12 *fied under section 182(a)(1) of the Trade Act of*
13 *1974 (19 U.S.C. 2242(a)(1)); and*

14 (B) *to the country where the Organization*
15 *for Economic Cooperation and Development has*
16 *its headquarters.*

17 (d) *DUTIES AND RESPONSIBILITIES OF INTELLECTUAL*
18 *PROPERTY ATTACHÉS.—The intellectual property attachés*
19 *appointed under subsection (b), as well as others serving*
20 *as intellectual property attachés of any other department*
21 *or agency of the United States, shall have the following re-*
22 *sponsibilities:*

23 (1) *To promote cooperation with foreign govern-*
24 *ments in the enforcement of intellectual property laws*

1 *generally, and in the enforcement of laws against*
2 *counterfeiting and piracy in particular.*

3 *(2) To assist United States persons holding intel-*
4 *lectual property rights, and the licensees of such*
5 *United States persons, in their efforts to combat coun-*
6 *terfeiting and piracy of their products or works with-*
7 *in the host country, including counterfeit or pirated*
8 *goods exported from or transshipped through that*
9 *country.*

10 *(3) To chair an intellectual property protection*
11 *task force consisting of representatives from all other*
12 *relevant sections or bureaus of the embassy or other*
13 *mission.*

14 *(4) To coordinate with representatives of the em-*
15 *bassies or missions of other countries in information*
16 *sharing, private or public communications with the*
17 *government of the host country, and other forms of co-*
18 *operation for the purpose of improving enforcement*
19 *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 against*
23 *counterfeiting and piracy in the host country.*

24 *(6) To coordinate training and technical assist-*
25 *ance programs of the United States Government with-*

1 *in the host country that are aimed at improving the*
2 *enforcement of laws against counterfeiting and pi-*
3 *racy.*

4 *(7) To identify and promote other means to more*
5 *effectively combat counterfeiting and piracy activities*
6 *under the jurisdiction of the host country.*

7 *(e) TRAINING.—The Secretary of State shall ensure*
8 *that each attaché appointed under subsection (b) is fully*
9 *trained for the responsibilities of the position before assum-*
10 *ing duties at the United States embassy or other mission*
11 *in question.*

12 *(f) COORDINATION.—The activities of intellectual*
13 *property attachés under this section shall be carried out in*
14 *coordination with the United States Intellectual Property*
15 *Enforcement Coordinator appointed under section 301 of*
16 *the Prioritizing Resources and Organization for Intellectual*
17 *Property Act of 2008 (15 U.S.C. 8111).*

18 *(g) REPORT TO CONGRESS.—*

19 *(1) IN GENERAL.—The Secretary of State shall*
20 *submit to the Congress, not later than December 31*
21 *of each year, a report on the appointment, designa-*
22 *tion for assignment, and activities of all intellectual*
23 *property attachés of any Federal department or agen-*
24 *cy who are serving at United States embassies or*
25 *other diplomatic missions.*

1 (2) *CONTENTS.*—*Each report under paragraph*
2 *(1) shall include the following:*

3 (A) *A description of the progress, or lack*
4 *thereof, in the preceding year regarding the reso-*
5 *lution of general and specific intellectual prop-*
6 *erty disputes in each country identified under*
7 *section 182(a)(1) of the Trade Act of 1974 (19*
8 *U.S.C. 2242(a)(1)), including any changes by*
9 *the host government in applicable laws and regu-*
10 *lations and their enforcement.*

11 (B) *An assessment of the obstacles pre-*
12 *venting the host government of each country de-*
13 *scribed in subparagraph (A) from implementing*
14 *adequate measures to fulfill its international and*
15 *bilateral obligations with respect to intellectual*
16 *property rights.*

17 (C) *An assessment of the adequacy of the re-*
18 *sources of the Department of State employed to*
19 *carry out subparagraphs (A) and (B) and, if*
20 *necessary, an assessment of the need for addi-*
21 *tional resources for such purposes.*

22 *(h) DEFINITIONS.*—*In this section:*

23 (1) *COUNTERFEITING; COUNTERFEIT GOODS.*—

24 (A) *COUNTERFEITING.*—*The term “counter-*
25 *feiting” means activities related to production of*

1 *or trafficking in goods, including packaging,*
2 *that bear a spurious mark or designation that is*
3 *identical to or substantially indistinguishable*
4 *from a mark or designation protected under*
5 *trademark laws or related legislation.*

6 (B) *COUNTERFEIT GOODS.*—*The term*
7 *“counterfeit goods” means those goods described*
8 *in subparagraph (A).*

9 (2) *INTELLECTUAL PROPERTY RIGHTS.*—*The*
10 *term “intellectual property rights” means the rights*
11 *of holders of copyrights, patents, trademarks, other*
12 *forms of intellectual property, and trade secrets.*

13 (3) *PIRACY; PIRATED GOODS.*—

14 (A) *PIRACY.*—*The term “piracy” means ac-*
15 *tivities related to production of or trafficking in*
16 *unauthorized copies or phonorecords of works*
17 *protected under copyright law or related legisla-*
18 *tion.*

19 (B) *PIRATED GOODS.*—*The term “pirated*
20 *goods” means those copies or phonorecords de-*
21 *scribed in subparagraph (A).*

22 (4) *UNITED STATES PERSON.*—*The term “United*
23 *States person” means—*

24 (A) *any United States resident or national,*

1 *United States, the Department must accurately reflect the*
2 *diversity of the United States.*

3 (b) *REPORT ON MINORITY RECRUITMENT.*—Section
4 *324 of the Foreign Relations Authorization Act, Fiscal Year*
5 *2003 (Public Law 107–228) is amended—*

6 (1) *in the matter preceding paragraph (1)—*

7 (A) *by striking “On” and inserting “(a)*
8 *REPORT ON MINORITY GROUPS AND WOMEN.—*
9 *On”;*

10 (B) *by striking “April 1, 2003, and April*
11 *1, 2004,” and inserting “April 1, 2010, and*
12 *April 1, 2011,”;*

13 (2) *in paragraphs (1) and (2), by striking “mi-*
14 *nority groups” each place it appears and inserting*
15 *“minority groups and women”; and*

16 (3) *by adding at the end the following new sub-*
17 *section:*

18 “(b) *DEVELOPMENT OF METRICS TO EVALUATE EM-*
19 *PLOYMENT COMPOSITION.*—*The report required by sub-*
20 *section (a) shall also include a description of the following:*

21 “(1) *The ability of current recruitment, advance-*
22 *ment, and retention practices to attract and maintain*
23 *a diverse pool of qualified individuals in sufficient*
24 *numbers throughout the Department, including in the*

1 *Cooperative Education Program (also known as the*
2 *‘Student Career Experience Program’).*

3 *“(2) Efforts to develop a uniform definition, to*
4 *be used throughout the Department, of diversity that*
5 *is congruent with the core values and vision of the*
6 *Department for the future workforce.*

7 *“(3) The existence of additional metrics and*
8 *milestones for evaluating the diversity plans of the*
9 *Department, including the Foreign Service and Sen-*
10 *ior Foreign Service, and for facilitating future eval-*
11 *uation and oversight.”.*

12 *(c) PUBLIC AVAILABILITY.—Each report required*
13 *under section 324 of the Foreign Relations Authorization*
14 *Act, Fiscal Year 2003, as amended by subsection (b) of this*
15 *section, shall be made available to the public on the website*
16 *of the Department of State not later than 15 days after*
17 *the submission to Congress of each such report.*

18 *(d) GAO REVIEW.—The Comptroller General of the*
19 *United States, in consultation with the appropriate con-*
20 *gressional committees, shall conduct a review of the employ-*
21 *ment composition, recruitment, advancement, and retention*
22 *policies of the Department of State for women and minority*
23 *groups, including the information in the reports required*
24 *under section 324 of the Foreign Relations Authorization*

1 *Act, Fiscal Year 2003, as amended by subsection (b) of this*
2 *section.*

3 (e) *ACQUISITION.*—*Section 324 of the Foreign Rela-*
4 *tions Authorization Act, Fiscal Year 2003, as amended by*
5 *subsection (b) of this section, is further amended by adding*
6 *at the end the following new subsection:*

7 “(c) *For the immediately preceding 12-month period*
8 *for which the information referred to in subsection (a) is*
9 *available—*

10 “(1) *the numbers and percentages of small, mi-*
11 *nority-owned, or disadvantaged businesses that pro-*
12 *vide goods and services to the Department as a result*
13 *of contracts with the Department during such period;*

14 “(2) *the total number of such contracts;*

15 “(3) *the total dollar value of such contracts; and*

16 “(4) *and the percentage value represented by*
17 *such contract proportionate to the total value of all*
18 *contracts held by the Department.”.*

19 (f) *USE OF FUNDS.*—*The provisions of section 325 of*
20 *the Foreign Relations Authorization Act, Fiscal Year 2003*
21 *shall apply to funds authorized to be appropriated under*
22 *section 101 of this Act.*

23 **SEC. 331. CONTRACTING.**

24 *None of the funds authorized to be appropriated by this*
25 *Act, for projects initiated after the date of the enactment*

1 *of this Act, may be used by the Department of State to enter*
2 *into any Federal contract unless such contract is entered*
3 *into in accordance with title III of the Federal Property*
4 *and Administrative Services Act of 1949 (41 U.S.C. 251*
5 *et seq.) and the Federal Acquisition Regulation, unless such*
6 *contract is otherwise authorized by statute to be entered into*
7 *without regard to such Act and regulation.*

8 **SEC. 332. LEGISLATIVE LIAISON OFFICE OF THE DEPART-**
9 **MENT OF STATE.**

10 (a) *REPORT ON IMPROVING EFFECTIVENESS OF DE-*
11 *PARTMENT OF STATE LEGISLATIVE LIAISON OFFICE.*—*Not*
12 *later than six months after the date of the enactment of this*
13 *Act, the Secretary of State shall submit to the Committee*
14 *on Foreign Affairs and the Committee on House Adminis-*
15 *tration of the House of Representatives and the Committee*
16 *on Foreign Relations and the Committee on Rules and Ad-*
17 *ministration of the Senate a report on the mission and ef-*
18 *fectiveness of the existing Department of State legislative*
19 *liaison office.*

20 (b) *REPORT CONSIDERATIONS.*—*The report required*
21 *by subsection (a) shall consider—*

22 (1) *whether the legislative liaison office has suffi-*
23 *cient resources necessary to communicate to Members*
24 *of Congress, committees, and their staffs the goals and*
25 *missions of the Department of State;*

1 *retary of State shall work through appropriate United States*
2 *Government employees at United States diplomatic and*
3 *consular missions to encourage the governments of other*
4 *countries to reform or repeal laws of such countries crim-*
5 *inalizing homosexuality or consensual homosexual conduct,*
6 *or restricting the enjoyment of fundamental freedoms, con-*
7 *sistent with United States law, by homosexual individuals*
8 *or organizations.*

9 (c) *ANNUAL COUNTRY REPORTS ON HUMAN RIGHTS*
10 *PRACTICES.—The Foreign Assistance Act of 1961 is amend-*
11 *ed—*

12 (1) *in section 116(d) (22 U.S.C. 2151n(d))—*

13 (A) *in paragraph (10), by striking “and”*
14 *at the end;*

15 (B) *in paragraph (11)—*

16 (i) *in subparagraph (B), by striking*
17 *“and” at the end; and*

18 (ii) *in subparagraph (C), by striking*
19 *the period at the end and inserting “; and”;*
20 *and*

21 (C) *by adding at the end the following new*
22 *paragraph:*

23 “(12) *wherever applicable, violence or discrimi-*
24 *nation that affects the fundamental freedoms, con-*
25 *sistent with United States law, of an individual in*

1 *foreign countries that is based on actual or perceived*
2 *sexual orientation and gender identity.”; and*

3 *(2) in section 502B(b) (22 U.S.C. 2304(b)), by*
4 *inserting after the eighth sentence the following new*
5 *sentence: “Wherever applicable, violence or discrimi-*
6 *nation that affects the fundamental freedoms, con-*
7 *sistent with United States law, of an individual in*
8 *foreign countries that is based on actual or perceived*
9 *sexual orientation and gender identity.”.*

10 *(d) TRAINING FOR FOREIGN SERVICE OFFICERS.—*
11 *Section 708(a) of the Foreign Service Act of 1980 (22 16*
12 *U.S.C. 4028(a)) is amended—*

13 *(1) in the matter preceding paragraph (1), by*
14 *inserting “the Secretary for Democracy, Human*
15 *Rights and Labor,” before “the Ambassador at*
16 *Large”;*

17 *(2) in paragraph (2), by striking “and” at the*
18 *end;*

19 *(3) in paragraph (3), by striking the period at*
20 *the end and inserting “; and”; and*

21 *(4) by adding at the end the end the following*
22 *new paragraph:*

23 *“(4) instruction, in courses covering human*
24 *rights reporting and advocacy work, on identifying*
25 *violence or discrimination that affects the funda-*

1 *mental freedoms, consistent with United States law,*
2 *of an individual that is based on actual or perceived*
3 *sexual orientation and gender identity.”.*

4 **SEC. 334. OFFICE FOR GLOBAL WOMEN’S ISSUES.**

5 (a) *ESTABLISHMENT.*—*There is established an Office*
6 *for Global Women’s Issues (in this section referred to as*
7 *the “Office”) in the Office of the Secretary of State in the*
8 *Department of State. The Office shall be headed by the Am-*
9 *bassador-at-Large (in this section referred to as the “Am-*
10 *bassador”), who shall be appointed by the President, by and*
11 *with the advice and consent of the Senate. The Ambassador*
12 *shall report directly to the Secretary of State.*

13 (b) *PURPOSE.*—*The Office shall coordinate efforts of*
14 *the United States Government regarding gender integration*
15 *and women’s empowerment in United States foreign policy.*

16 (c) *DUTIES.*—

17 (1) *IN GENERAL.*—*The Ambassador shall—*

18 (A) *coordinate and advise on activities,*
19 *policies, programs, and funding relating to gen-*
20 *der integration and women’s empowerment*
21 *internationally for all bureaus and offices of the*
22 *Department of State and in the international*
23 *programs of other United States Government de-*
24 *partments and agencies;*

1 (B) design, support, and as appropriate,
2 implement, limited projects regarding women's
3 empowerment internationally;

4 (C) actively promote and advance the full
5 integration of gender analysis into the programs,
6 structures, processes, and capacities of all bu-
7 reaus and offices of the Department of State and
8 in the international programs of other United
9 States Government departments and agencies;
10 and

11 (D) direct, as appropriate, United States
12 Government resources to respond to needs for
13 gender integration and women's empowerment in
14 United States Government foreign policies and
15 international programs.

16 (2) *COORDINATING ROLE.*—The Ambassador
17 shall coordinate with the United States Agency for
18 International Development and the Millennium Chal-
19 lenge Corporation on all policies, programs, and
20 funding of such agencies relating to gender integra-
21 tion and women's empowerment.

22 (3) *DIPLOMATIC REPRESENTATION.*—Subject to
23 the direction of the President and the Secretary of
24 State, the Ambassador is authorized to represent the

1 *United States in matters relevant to the status of*
2 *women internationally.*

3 (d) *REPORTING.*—*The heads of all bureaus and offices*
4 *of the Department of State, as appropriate, shall evaluate*
5 *and monitor all women’s empowerment programs adminis-*
6 *tered by such bureaus and offices and annually submit to*
7 *the Ambassador a report on such programs and on policies*
8 *and practices to integrate gender.*

9 (e) *AUTHORIZATION OF APPROPRIATIONS.*—*Of the*
10 *amounts authorized to be appropriated under section 101,*
11 *there are authorized to be appropriated such sums as may*
12 *be necessary for each of fiscal years 2010 and 2011 to carry*
13 *out activities under this section.*

14 **TITLE IV—INTERNATIONAL**
15 **ORGANIZATIONS**

16 **Subtitle A—International**
17 **Leadership**

18 **SEC. 401. SHORT TITLE.**

19 *This subtitle may be cited as the “United States Inter-*
20 *national Leadership Act of 2009”.*

21 **SEC. 402. PROMOTING ASSIGNMENTS TO INTERNATIONAL**
22 **ORGANIZATIONS.**

23 (a) *PROMOTIONS.*—

24 (1) *IN GENERAL.*—*Section 603(b) of the Foreign*
25 *Service Act of 1980 (22 U.S.C. 4003) is amended, in*

1 *the second sentence, by inserting before the period at*
2 *the end the following: “, and should consider whether*
3 *the member of the Service has served in a position*
4 *whose primary responsibility is to formulate policy*
5 *toward, or represent the United States at, an inter-*
6 *national organization, a multilateral institution, or a*
7 *broad-based multilateral negotiation of an inter-*
8 *national instrument”.*

9 (2) *EFFECTIVE DATE.*—*The amendment made by*
10 *paragraph (1) shall take effect on the date of the en-*
11 *actment of this Act and shall apply to members of the*
12 *Foreign Service beginning on January 1, 2015.*

13 (b) *ESTABLISHMENT OF A MULTILATERAL DIPLOMACY*
14 *CONCERNING THE FOREIGN SERVICE.*—

15 (1) *FINDINGS.*—*Congress finds the following:*

16 (A) *The Department of State maintains a*
17 *number of United States missions both within*
18 *the United States and abroad that are dedicated*
19 *to representing the United States to inter-*
20 *national organizations and multilateral institu-*
21 *tions, including missions in New York, Brussels,*
22 *Geneva, Rome, Montreal, Nairobi, Vienna, and*
23 *Paris.*

24 (B) *In offices at the Harry S. Truman*
25 *Building, the Department maintains a signifi-*

1 *cant number of positions in bureaus that are ei-*
2 *ther dedicated, or whose primary responsibility*
3 *is, to represent the United States to such organi-*
4 *zations and institutions or at multilateral nego-*
5 *tiations.*

6 *(C) Given the large number of positions in*
7 *the United States and abroad that are dedicated*
8 *to multilateral diplomacy, the Department of*
9 *State may be well served in developing persons*
10 *with specialized skills necessary to become ex-*
11 *perts in this unique form of diplomacy.*

12 *(2) REPORT.—Not later than 180 days after the*
13 *date of the enactment of this Act, the Secretary of*
14 *State shall submit to the appropriate congressional*
15 *committees a report—*

16 *(A) evaluating whether a new cone should*
17 *be established for the Foreign Service that con-*
18 *centrates on members of the Service who serve at*
19 *international organizations and multilateral in-*
20 *stitutions or are primarily responsible for par-*
21 *ticipation in broad-based multilateral negotia-*
22 *tions of international instruments; and*

23 *(B) that provides alternative mechanisms*
24 *for achieving the objective of developing a core*
25 *group of United States diplomats and other Gov-*

1 *ernment employees who have expertise and broad*
2 *experience in conducting multilateral diplomacy.*

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 Inter-*
7 *national Organization Affairs, an Office on Multilateral*
8 *Negotiations, to be headed by a Special Representative for*
9 *Multilateral Negotiations (in this section referred to as the*
10 *“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 Ambas-*
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 Rep-*
18 *resentative report to the Assistant Secretary for Inter-*
19 *national Organization Affairs.*

20 *(c) STAFFING.—The Special Representative shall have*
21 *a staff of Foreign Service and civil service officers skilled*
22 *in multilateral diplomacy.*

23 *(d) DUTIES.—The Special Representative shall have*
24 *the following responsibilities:*

1 (1) *IN GENERAL.*—*The primary responsibility of*
2 *the Special Representative shall be to assist in the or-*
3 *ganization of, and preparation for, United States*
4 *participation in multilateral negotiations, including*
5 *the advocacy efforts undertaken by the Department of*
6 *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 Assist-*
12 *ant Secretary for International Organization Affairs,*
13 *shall make recommendations regarding—*

14 (A) *effective strategies and tactics to achieve*
15 *United States policy objectives at multilateral*
16 *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 delega-*
25 *tions to multilateral negotiations; and*

1 (D) *liaison with Congress, international or-*
 2 *ganizations, nongovernmental organizations, and*
 3 *the private sector on matters affecting multilat-*
 4 *eral negotiations.*

5 (3) *LEADERSHIP AND MEMBERSHIP OF INTER-*
 6 *NATIONAL ORGANIZATIONS.—The Special Representa-*
 7 *tive, in coordination with the Assistant Secretary of*
 8 *International Organization Affairs, shall direct the ef-*
 9 *forts of the United States Government to reform the*
 10 *criteria for leadership and membership of inter-*
 11 *national organizations.*

12 (4) *PARTICIPATION IN MULTILATERAL NEGOTIA-*
 13 *TIONS.—The Special Representative, or members of*
 14 *the Special Representative’s staff, may, as required by*
 15 *the President or the Secretary of State, serve on a*
 16 *United States delegation to any multilateral negotia-*
 17 *tion.*

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 enactment*
 22 *of this Act, the President shall transmit to the appropriate*
 23 *congressional committees a plan on the implementation of*
 24 *section 404 of the Foreign Relations Authorization Act of*
 25 *2003 (Public Law 107–228; relating to a resumption by*

1 *the United States of the payment of its full contributions*
2 *to certain international organizations at the beginning of*
3 *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 Organi-*
8 *zations and Contributions for International Peacekeeping*
9 *Activities, there is authorized to be appropriated such sums*
10 *as may be necessary to pay all United States arrearages*
11 *in payments to the United Nations recognized by the United*
12 *States.*

13 ***Subtitle B—General Provisions***

14 **SEC. 411. ORGANIZATION OF AMERICAN STATES.**

15 *(a) SENSE OF CONGRESS.—It is the sense of Congress*
16 *that—*

17 *(1) multilateral diplomacy in the context of the*
18 *Americas has suffered considerably in the past decade,*
19 *to the direct detriment of the national interest of the*
20 *United States in the region;*

21 *(2) given the recent proliferation of multilateral*
22 *groupings in the Americas region in which the United*
23 *States is not a member, it is imperative to focus on*
24 *and promote United States diplomatic efforts in the*
25 *Organization of American States (OAS), where the*

1 *United States is a founding member and whose cen-*
2 *tral tenets include democratic values considered vital*
3 *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 multi-*
9 *lateral interests of the United States in the region.*

10 (b) *MULTILATERAL FUND.—*

11 (1) *IN GENERAL.—There is hereby established in*
12 *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 inter-*
17 *ests of the United States in the Americas region, in-*
18 *cluding—*

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 United*
24 *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 of
6 American States, as directed by the United States Perma-
7 nent Representative to the OAS, for use on matters that
8 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 Author-
16 ization Act, Fiscal Years 1994 and 1995 (Public Law 103–
17 236) (22 U.S.C. 287e note) is amended at the end by adding
18 the following new clause:

19 “(vi) For assessments made during cal-
20 endar 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 Is-*
2 *lands.*

3 **SEC. 414. REVIEW OF ACTIVITIES OF INTERNATIONAL COM-**
4 **MISSIONS.**

5 *(a) IN GENERAL.—Not later than one year after the*
6 *date of the enactment of this Act and two years thereafter,*
7 *the Secretary of State shall submit to the appropriate con-*
8 *gressional committees a report on the activities of each of*
9 *the commissions specified in paragraphs (1), (2), and (3)*
10 *of section 103.*

11 *(b) REPORT ELEMENTS.—The reports required under*
12 *subsection (a) shall include information concerning the fol-*
13 *lowing:*

14 *(1) Amounts obligated and expended during the*
15 *two previous fiscal years by each of such commissions.*

16 *(2) A description of the projects carried out dur-*
17 *ing such years by each of such commissions and a de-*
18 *scription of the management and implementation of*
19 *such projects, including the use of private contractors.*

20 *(3) Projects anticipated during the next two fis-*
21 *cal years related to the activities of each of such com-*
22 *missions because of obligations that the United States*
23 *has entered into based on any treaty between the*
24 *United States and another country.*

1 (c) *SUBMISSION OF THE REPORTS.*—*The reports may*
2 *be combined with the annual budget justification submitted*
3 *by the President in accordance with section 1105(a) of title*
4 *31, United States Code.*

5 **SEC. 415. ENHANCING NUCLEAR SAFEGUARDS.**

6 (a) *FINDINGS.*—*Congress makes the following findings:*

7 (1) *The Treaty on the Non-Proliferation of Nu-*
8 *clear Weapons, done at Washington, London, and*
9 *Moscow July 1, 1968, and entered into force March*
10 *5, 1970 (commonly known as the “Nuclear Non-Pro-*
11 *liferation Treaty” or “NPT”)* and the safeguards sys-
12 *tem of the International Atomic Energy Agency*
13 *(IAEA) are indispensable to international peace and*
14 *security.*

15 (2) *Congress has long supported efforts aimed at*
16 *effective and efficient assurances of nuclear fuel sup-*
17 *ply, the strengthening of IAEA safeguards, and assist-*
18 *ance to the developing world for nuclear and non-nu-*
19 *clear energy sources, as embodied in the Nuclear Non-*
20 *Proliferation Act of 1978 (22 U.S.C. 3201 et seq.).*

21 (3) *According to some experts, global energy de-*
22 *mand will grow by 50 percent in the next 20 years,*
23 *predominantly in the developing world.*

24 (4) *The Government Accountability Office (GAO)*
25 *stated in testimony before Congress in September*

1 2006 that “while IAEA is increasingly relying on the
2 analytical skills of its staff to detect countries”
3 undeclared nuclear activities, the agency is facing a
4 looming human capital crisis.

5 (5) *The Director General of the IAEA told the*
6 *Board of Governors of the IAEA in March 2009 that*
7 *the “deteriorating conditions in our laboratories, for*
8 *example, threaten both our ability to deliver our pro-*
9 *grammed, as well as our independent analytical ca-*
10 *pability”.*

11 (6) *Considerable investment is needed for the*
12 *IAEA’s Safeguards Analytical Laboratory (SAL), to*
13 *meet future IAEA requirements as its workload is*
14 *growing, the laboratory’s infrastructure is aging, and*
15 *IAEA requirements have become more demanding,*
16 *and while initial plans have been made for laboratory*
17 *enhancement and are currently pending budgetary*
18 *approval (sometime in 2009), the simple fact is that,*
19 *as more countries implement IAEA safeguards, many*
20 *more nuclear samples come to SAL for analysis.*

21 (7) *The existing funding, planning, and execu-*
22 *tion of IAEA safeguards is not sufficient to meet the*
23 *predicted growth in the future of civilian nuclear*
24 *power, and therefore any growth in civilian nuclear*
25 *power must be evaluated against the challenges it*

1 (1) *The United States should work with the*
2 *IAEA Director General to consider establishing a*
3 *safeguards user fee, whereby countries with inspected*
4 *facilities would be assessed a fee to help defer the costs*
5 *of IAEA inspections.*

6 (2) *The United States should work with the*
7 *IAEA Director General and other interested parties to*
8 *routinely (at least every two years) assess whether the*
9 *IAEA can meet its own inspection goals, whether*
10 *those goals afford timely warning of an ability to ac-*
11 *count for a bomb's worth of nuclear material, as re-*
12 *quired by United States law, and what corrective ac-*
13 *tions, if any, might help the IAEA to achieve its in-*
14 *spection goals. This assessment should also clarify*
15 *those instances in which achieving the goals is not*
16 *possible.*

17 (3) *The United States should work with the*
18 *IAEA Director General to provide for the acquisition*
19 *and implementation of near-real-time surveillance*
20 *equipment at a number of sites where nuclear fuel*
21 *rods are located and where such equipment must be*
22 *installed so that the IAEA can establish the inspec-*
23 *tion continuity of the fresh and spent fuel rods and*
24 *to install wide-area surveillance needed to monitor*
25 *activities under the Additional Protocol.*

1 (4) *The United States should work with the*
2 *IAEA Director General to promote much-needed*
3 *transparency at suspect sites, to help deter transfers*
4 *of nuclear fuel and nuclear weapons technology, and*
5 *to encourage IAEA member states to maintain a reg-*
6 *istry of all foreign visitors at safeguarded sites. This*
7 *registry should be made available to other IAEA*
8 *members upon request.*

9 (5) *The United States should work with the*
10 *IAEA Director General to establish a complete coun-*
11 *try-by-country inventory of nuclear materials that*
12 *could be used to make nuclear bombs. The informa-*
13 *tion should be shared, as appropriate, with individual*
14 *IAEA member states and the public to ensure that it*
15 *can be used effectively in developing the plan for*
16 *IAEA safeguards. The IAEA should update the data-*
17 *base regularly.*

18 (6) *The United States should work with the*
19 *IAEA Director General to require that the transfer of*
20 *all items on the Nuclear Suppliers Group dual-use*
21 *and trigger lists be reported to the IAEA or relevant*
22 *authority and assist in developing a system to process*
23 *and analyze the information gathered, making unre-*
24 *ported transfers illegal and subject to seizure.*

1 (b) *REPORT.*—Not later than 180 days after the date
2 of the enactment of this Act, the Secretary of State shall
3 submit to the appropriate congressional committees a report
4 on progress toward the implementation of this section.

5 **SEC. 417. ASIA-PACIFIC ECONOMIC COOPERATION.**

6 (a) *SENSE OF CONGRESS.*—It is the sense of Congress
7 that——

8 (1) *the United States’ continued engagement in*
9 *Asia must be a cornerstone of United States foreign*
10 *policy in the 21st Century;*

11 (2) *the President must elevate the role of the*
12 *United States in the Asia-Pacific Economic Coopera-*
13 *tion forum (APEC) by ensuring that United States*
14 *Government officials of the appropriate rank attend*
15 *APEC activities; and*

16 (3) *increased participation by United States*
17 *small businesses, particularly manufacturers, will add*
18 *substantial benefit to APEC discussions and help*
19 *strengthen the influence of the United States within*
20 *APEC.*

21 (b) *SMALL BUSINESS DEFINED.*—In this section, the
22 term “small business” shall have the meaning given the
23 term “small business concern” in section 410(9) of the
24 *Small Business Investment Act of 1958 (15 U.S.C.*
25 *694a(9)).*

1 (c) *UNITED STATES PARTICIPATION AT APEC.*—

2 (1) *DESIGNATION OF APEC COORDINATORS.*—*The*
3 *President shall designate in appropriate departments*
4 *and agencies an existing official of appropriate senior*
5 *rank to serve as each such department’s or agency’s*
6 *“APEC Coordinator”.*

7 (2) *DUTIES OF APEC COORDINATORS.*—

8 (A) *IN GENERAL.*—*The APEC Coordinators*
9 *of the appropriate departments and agencies des-*
10 *ignated in accordance with paragraph (1) shall,*
11 *in consultation with the United States Amba-*
12 *sador to APEC, set department- and agency-*
13 *wide guidelines for each such department’s or*
14 *agency’s participation at APEC.*

15 (B) *REPORT.*—*Not later than 180 days*
16 *after the date of the enactment of this Act and*
17 *annually thereafter, the Secretary of State, with*
18 *input from each APEC Coordinator, shall sub-*
19 *mit to the appropriate congressional committees*
20 *a report on efforts to enhance each department’s*
21 *and agency’s participation at APEC.*

22 (d) *ENHANCING SMALL BUSINESS PARTICIPATION AT*
23 *APEC.*—

24 (1) *DESIGNATION OF SMALL BUSINESS LIAI-*
25 *SON.*—*The Secretary of State shall designate an exist-*

1 *ing officer within the Bureau of East Asian and Pa-*
2 *cific Affairs to serve as a “Small Business Liaison”.*
3 *Such designee shall be of the appropriate senior rank.*

4 (2) *DEPARTMENT OF STATE WEBSITE.—The Sec-*
5 *retary of State shall post on the website of the Depart-*
6 *ment of State a dedicated page for United States*
7 *small businesses to facilitate direct communication*
8 *between the United States Government and the busi-*
9 *ness community concerning APEC.*

10 (3) *COORDINATION.—The Secretary of State*
11 *shall coordinate with existing private sector partners*
12 *and relevant business associations to promote partici-*
13 *pation by small businesses at APEC. The Secretary*
14 *shall ensure that notices about meetings and briefings*
15 *provided by United States APEC officials on APEC-*
16 *related issues are posted on the website of the Depart-*
17 *ment of State (in accordance with paragraph (2)) not*
18 *later than 15 days before the dates of such meetings*
19 *and briefings.*

20 (e) *REPORT ON HOSTING OF APEC 2011 IN THE*
21 *UNITED STATES.—Not later than 90 days after the date*
22 *of the enactment of this Act, the Secretary of State shall*
23 *submit to the appropriate congressional committees a report*
24 *detailing the mechanisms that are in place or are being con-*
25 *sidered for hosting the 2011 meeting of APEC in the United*

1 *States, including an analysis of the estimated or projected*
2 *costs associated with such meetings.*

3 **TITLE V—UNITED STATES**
4 **INTERNATIONAL BROAD-**
5 **CASTING**

6 **SEC. 501. AUTHORIZATION OF APPROPRIATIONS FOR**
7 **INTERNATIONAL BROADCASTING.**

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

17 (1) *For “International Broadcasting Oper-*
18 *ations”, \$732,187,000 for fiscal year 2010 and such*
19 *sums as may be necessary for fiscal year 2011.*

20 (2) *For “Broadcasting Capital Improvements”,*
21 *\$13,263,000 for fiscal year 2010 and such sums as*
22 *may be necessary for fiscal year 2011.*

1 **SEC. 502. PERSONAL SERVICES CONTRACTING PROGRAM.**

2 *Section 504 of the Foreign Relations Authorization*
3 *Act, Fiscal Year 2003, (Public Law 107–228; 22 U.S.C.*
4 *6206 note), is amended—*

5 *(1) in the section heading, by striking “PILOT”;*

6 *(2) in subsection (a)—*

7 *(A) by striking “pilot”; and*

8 *(B) adding at the end the following new*
9 *sentence: “An individual hired as a personal*
10 *service contractor pursuant to this section shall*
11 *not, by virtue of such hiring, be considered to be*
12 *an employee of the United States Government for*
13 *purposes of any law administered by the Office*
14 *of Personnel Management.”;*

15 *(3) in subsection (b)—*

16 *(A) in paragraph (4), by striking “60” and*
17 *inserting “200”; and*

18 *(B) by adding at the end the following new*
19 *paragraph:*

20 *“(5) The annual salary rate for personal services*
21 *contractors may not exceed the rate for level IV of the*
22 *Executive Schedule.”; and*

23 *(4) in subsection (c), by striking “2009” and in-*
24 *serting “2011”.*

1 **SEC. 503. RADIO FREE EUROPE/RADIO LIBERTY PAY PARITY.**

2 *Section 308(h)(1)(C) of the United States Inter-*
3 *national Broadcasting Act of 1994 (22 U.S.C.*
4 *6207(h)(1)(C)) is amended—*

5 *(1) by inserting “and one employee abroad”*
6 *after “D.C.”;*

7 *(2) by striking “III” and inserting “II”; and*

8 *(3) by striking “5314” and inserting “5313”.*

9 **SEC. 504. EMPLOYMENT FOR INTERNATIONAL BROAD-**
10 **CASTING.**

11 *Section 804(1) of the United States Information and*
12 *Educational Exchange Act of 1948 (22 U.S.C. 1474(1)) is*
13 *amended by inserting after “suitably qualified United*
14 *States citizens” the following: “(for purposes of this para-*
15 *graph, the term ‘suitably qualified United States citizens’*
16 *means those United States citizen applicants who are equal-*
17 *ly or better qualified than non-United States citizen appli-*
18 *cants)”.*

19 **SEC. 505. DOMESTIC RELEASE OF THE VOICE OF AMERICA**
20 **FILM ENTITLED “A FATEFUL HARVEST”.**

21 *(a) IN GENERAL.—Notwithstanding section 208 of the*
22 *Foreign Relations Authorization Act, Fiscal Years 1986*
23 *and 1987 (22 U.S.C. 1461–1a) and section 501(b) of the*
24 *United States Information and Educational Exchange Act*
25 *of 1948 (22 U.S.C. 1461(b)), the Director of the Inter-*
26 *national Broadcasting Bureau shall provide a master copy*

1 of the film entitled “A Fateful Harvest” to the Archivist
2 of the United States for domestic release in accordance with
3 subsection (b).

4 (b) *DOMESTIC RELEASE.*—Upon evidence that nec-
5 essary United States rights and licenses have been secured
6 by the person seeking domestic release of the film referred
7 to in subsection (a), the Archivist shall—

8 (1) deposit the film in the National Archives of
9 the United States; and

10 (2) make copies of the film available for purchase
11 and public viewing within the United States.

12 **SEC. 506. ESTABLISHING PERMANENT AUTHORITY FOR**
13 **RADIO FREE ASIA.**

14 Section 309 of the United States International Broad-
15 casting Act of 1994 (22 U.S.C. 6208) is amended—

16 (1) in subsection (c)(2), by striking “, and shall
17 further specify that funds to carry out the activities
18 of Radio Free Asia may not be available after Sep-
19 tember 30, 2010”;

20 (2) by striking subsection (f); and

21 (3) by redesignating subsections (g) and (h) as
22 subsection (f) and (g), respectively.

23 **TITLE VI—PEACE CORPS**

24 **SEC. 601. FINDINGS; STATEMENT OF POLICY.**

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

1 (1) *On October 14, 1960, then Senator John F.*
2 *Kennedy addressed students on the steps of the Uni-*
3 *versity of Michigan Union to enlist their effort to*
4 *make the world a better place by serving their country*
5 *abroad.*

6 (2) *On March 1, 1961, then President John F.*
7 *Kennedy signed an Executive Order establishing a*
8 *Peace Corps that was “designed to permit our people*
9 *to exercise more fully their responsibilities in the*
10 *great common cause of world development”.*

11 (3) *Since its establishment, the Peace Corps has*
12 *been guided by its mission to promote world peace*
13 *and friendship and has sought to fulfill the following*
14 *three goals:*

15 (A) *To help the people of interested coun-*
16 *tries in meeting their needs for trained men and*
17 *women.*

18 (B) *To promote a better understanding of*
19 *Americans on the part of the peoples served.*

20 (C) *To help promote a better understanding*
21 *of other peoples on the part of Americans.*

22 (4) *Over the last 48 years, nearly 200,000 Peace*
23 *Corps volunteers have served in 139 countries.*

24 (5) *The Peace Corps is the world’s premier inter-*
25 *national service organization dedicated to promoting*

1 *sustainable grassroots development by working with*
2 *host communities in the areas of agriculture, business*
3 *development, education, the environment, health and*
4 *HIV/AIDS, and youth.*

5 *(6) The Peace Corps remains committed to send-*
6 *ing well trained and well supported Peace Corps vol-*
7 *unteers overseas to promote peace, friendship, cross-*
8 *cultural awareness, and mutual understanding be-*
9 *tween the United States and other countries. The*
10 *Peace Corps has an impressive record of engendering*
11 *good will through the service that American volun-*
12 *teers provide.*

13 *(7) Recognizing the Peace Corps' unique and ef-*
14 *fective role in promoting volunteer service by Amer-*
15 *ican citizens, President Obama and Vice President*
16 *Biden announced their intent to double the size of*
17 *Peace Corps in an expeditious and effective manner.*

18 *(8) Over 13,000 Americans applied in 2008 to*
19 *volunteer their service to serve the world's poorest*
20 *communities in the Peace Corps, a 16 percent in-*
21 *crease over the nearly 11,000 applications received in*
22 *2007.*

23 *(9) Under current funding levels, the Peace*
24 *Corps is able to provide new placements for only one-*
25 *third of the American applicants seeking the oppor-*

1 *tunity to serve their country and the world. At the*
2 *end of fiscal year 2008, there were nearly 8,000 Peace*
3 *Corps volunteers serving in 76 countries around the*
4 *world.*

5 *(b) STATEMENT OF POLICY.—It is the policy of the*
6 *United States to—*

7 *(1) double the number of Peace Corps volunteers*
8 *and strengthen and improve the Peace Corps and its*
9 *programs;*

10 *(2) improve the coordination of Peace Corps pro-*
11 *grams with development programs of other Federal*
12 *departments and agencies, without diminishing the*
13 *independence of the Peace Corps; and*

14 *(3) promote all types of volunteerism by Ameri-*
15 *cans in the developing world.*

16 **SEC. 602. AMENDMENTS TO THE PEACE CORPS ACT.**

17 *(a) PEACE CORPS RESPONSE PROGRAM.—The Peace*
18 *Corps Act (22 U.S.C. 2501 et seq.) is amended by inserting*
19 *after section 5 the following new section:*

20 **“SEC. 5A. PEACE CORPS RESPONSE PROGRAM.**

21 *“The Director of the Peace Corps is authorized to es-*
22 *tablish a special program that assigns returned Peace Corps*
23 *volunteers or other volunteers to provide short-term develop-*
24 *ment or other relief assistance or to otherwise be assigned*
25 *or made available to any entity referred to in subsection*

1 (a)(1) of section 10. The term of such service shall be less
2 than the term of service of a volunteer under section 5. Ex-
3 cept to the extent determined necessary and appropriate by
4 the Director, the program established under this section
5 may not cause a diminution in the number or quality of
6 projects or volunteers assigned to longer term assignments
7 under section 5.”.

8 (b) *COORDINATION OF PEACE CORPS PROGRAMS.*—
9 Paragraph (2) of section 4(c) of the Peace Corps Act (22
10 U.S.C. 2503(c)) is amended to read as follows:

11 “(2) The Director of the Peace Corps shall, as appro-
12 priate and to the maximum extent practicable without di-
13 minishing any program or operational independence, work
14 with the heads of Federal departments and agencies to iden-
15 tify synergies and avoid duplication of efforts with Peace
16 Corps programs in the field and at headquarters.”.

17 (c) *READJUSTMENT ALLOWANCE.*—Subsection (c) of
18 section 5 of the Peace Corps Act (22 U.S.C. 2504(c)) is
19 amended, in the first sentence, by striking “\$125” and in-
20 serting “\$225”.

21 (d) *AUTHORIZATION OF APPROPRIATIONS.*—Section
22 3(b)(1) of the Peace Corps Act (22 U.S.C. 2502(b)(1)) is
23 amended by striking “\$270,000,000” and all that follows
24 through the period at the end and inserting the following:

1 “\$450,000,000 for fiscal year 2010 and such sums as may
2 be necessary for fiscal year 2011.”.

3 **SEC. 603. REPORT.**

4 (a) *PEACE CORPS RESPONSE PROGRAM REPORT.*—
5 *Not later than one year after the date of the enactment of*
6 *this Act, the Director of the Peace Corps shall submit to*
7 *the appropriate congressional committees a report on the*
8 *Peace Corps Response Program or any similar program de-*
9 *veloped under in accordance with section 5A of the Peace*
10 *Corps Act (as added by section 602(a) of this Act), includ-*
11 *ing information on the following:*

12 (1) *The achievements and challenges of the Peace*
13 *Corps Response Program or any similar program*
14 *since its inception as the Peace Corps Crisis Corps in*
15 *1996.*

16 (2) *The goals, objectives, program areas, and*
17 *growth projections for the Peace Corps Response Pro-*
18 *gram or any similar program from fiscal year 2010*
19 *through fiscal year 2011.*

20 (3) *The process and standards for selecting part-*
21 *ner organizations and projects for the Peace Corps*
22 *Response Program or any similar program.*

23 (4) *The standards and requirements used to se-*
24 *lect volunteers for service under the Peace Corps Re-*
25 *sponse Program or any similar program.*

1 (5) *The measures used to evaluate projects of the*
2 *Peace Corps Response Program or any similar pro-*
3 *gram and the effectiveness of volunteers assigned to*
4 *such Program or similar program at achieving iden-*
5 *tified objectives.*

6 (b) *ANNUAL REPORTS.*—*Not later than one year after*
7 *the date of the enactment of this Act and annually there-*
8 *after, the Director of the Peace Corps shall submit to the*
9 *appropriate congressional committees a report on progress*
10 *made in carrying out this title, including efforts to*
11 *strengthen coordination between the Peace Corps and other*
12 *Federal departments and agencies carrying out develop-*
13 *ment assistance programs (as required under paragraph (2)*
14 *of section 4(c) of the Peace Corps Act (22 U.S.C. 2503(c)),*
15 *as amended by section 602(b) of this Act).*

16 **TITLE VII—SENATOR PAUL**
17 **SIMON STUDY ABROAD FOUN-**
18 **DATION ACT OF 2009**

19 **SEC. 701. SHORT TITLE.**

20 *This Act may be cited as the “Senator Paul Simon*
21 *Study Abroad Foundation Act of 2009”.*

22 **SEC. 702. FINDINGS.**

23 *Congress makes the following findings:*

24 (1) *According to former President George W.*
25 *Bush, “America’s leadership and national security*

1 *rest on our commitment to educate and prepare our*
2 *youth for active engagement in the international com-*
3 *munity.”.*

4 (2) *According to former President William J.*
5 *Clinton, “Today, the defense of United States inter-*
6 *ests, the effective management of global issues, and*
7 *even an understanding of our Nation’s diversity re-*
8 *quire ever-greater contact with, and understanding of,*
9 *people and cultures beyond our borders.”.*

10 (3) *Congress authorized the establishment of the*
11 *Commission on the Abraham Lincoln Study Abroad*
12 *Fellowship Program pursuant to section 104 of the*
13 *Miscellaneous Appropriations and Offsets Act, 2004*
14 *(division h of Public Law 108–199). Pursuant to its*
15 *mandate, the Lincoln Commission has submitted to*
16 *Congress and the President a report of its rec-*
17 *ommendations for greatly expanding the opportunity*
18 *for students at institutions of higher education in the*
19 *United States to study abroad, with special emphasis*
20 *on studying in developing nations.*

21 (4) *According to the Lincoln Commission,*
22 *“[s]tudy abroad is one of the major means of pro-*
23 *ducing foreign language speakers and enhancing for-*
24 *oreign language learning” and, for that reason, “is sim-*
25 *ply essential to the [N]ation’s security.”.*

1 (5) *Studies consistently show that United States*
2 *students score below their counterparts in other ad-*
3 *vanced countries on indicators of international*
4 *knowledge. This lack of global literacy is a national*
5 *liability in an age of global trade and business, global*
6 *interdependence, and global terror.*

7 (6) *Americans believe that it is important for*
8 *their children to learn other languages, study abroad,*
9 *attend a college where they can interact with inter-*
10 *national students, learn about other countries and*
11 *cultures, and generally be prepared for the global age.*

12 (7) *In today's world, it is more important than*
13 *ever for the United States to be a responsible, con-*
14 *structive leader that other countries are willing to fol-*
15 *low. Such leadership cannot be sustained without an*
16 *informed citizenry with significant knowledge and*
17 *awareness of the world.*

18 (8) *Study abroad has proven to be a very effec-*
19 *tive means of imparting international and foreign*
20 *language competency to students.*

21 (9) *In any given year, only approximately one*
22 *percent of all students enrolled in United States insti-*
23 *tutions of higher education study abroad.*

1 (10) *Less than 10 percent of the students who*
2 *graduate from United States institutions of higher*
3 *education with bachelors degrees have studied abroad.*

4 (11) *Far more study abroad must take place in*
5 *developing countries. Ninety-five percent of the*
6 *world's population growth over the next 50 years will*
7 *occur outside of Europe, yet in the academic year*
8 *2004–2005, 60 percent of United States students*
9 *studying abroad studied in Europe, and 45 percent*
10 *studied in four countries—the United Kingdom,*
11 *Italy, Spain, and France.*

12 (12) *The Final Report of the National Commis-*
13 *sion on Terrorist Attacks Upon the United States (the*
14 *9/11 Commission Report) recommended that the*
15 *United States increase support for “scholarship, ex-*
16 *change, and library programs”. The 9/11 Public Dis-*
17 *course Project, successor to the 9/11 Commission,*
18 *noted in its November 14, 2005, status report that*
19 *this recommendation was “unfulfilled,” and stated*
20 *that “[t]he U.S. should increase support for scholar-*
21 *ship and exchange programs, our most powerful tool*
22 *to shape attitudes over the course of a generation.”.*
23 *In its December 5, 2005, Final Report on the 9/11*
24 *Commission Recommendations, the 9/11 Public Dis-*

1 *course Project gave the government a grade of “D” for*
2 *its implementation of this recommendation.*

3 *(13) Investing in a national study abroad pro-*
4 *gram would help turn a grade of “D” into an “A”*
5 *by equipping United States students to communicate*
6 *United States values and way of life through the*
7 *unique dialogue that takes place among citizens from*
8 *around the world when individuals study abroad.*

9 *(14) An enhanced national study abroad pro-*
10 *gram could help further the goals of other United*
11 *States Government initiatives to promote educational,*
12 *social, and political reform and the status of women*
13 *in developing and reforming societies around the*
14 *world, such as the Middle East Partnership Initia-*
15 *tive.*

16 *(15) To complement such worthwhile Federal*
17 *programs and initiatives as the Benjamin A. Gilman*
18 *International Scholarship Program, the National Se-*
19 *curity Education Program, and the National Secu-*
20 *rity Language Initiative, a broad-based under-*
21 *graduate study abroad program is needed that will*
22 *make many more study abroad opportunities acces-*
23 *sible to all undergraduate students, regardless of their*
24 *field of study, ethnicity, socio-economic status, or gen-*
25 *der.*

1 (16) *To restore America’s standing in the world,*
2 *President Barack Obama has said that he will call on*
3 *our nation’s greatest resource, our people, to reach out*
4 *to and engage with other nations.*

5 **SEC. 703. PURPOSES.**

6 *The purposes of this title are—*

7 (1) *to significantly enhance the global competi-*
8 *tiveness and international knowledge base of the*
9 *United States by ensuring that more United States*
10 *students have the opportunity to acquire foreign lan-*
11 *guage skills and international knowledge through sig-*
12 *nificantly expanded study abroad;*

13 (2) *to enhance the foreign policy capacity of the*
14 *United States by significantly expanding and diversi-*
15 *fying the talent pool of individuals with non-tradi-*
16 *tional foreign language skills and cultural knowledge*
17 *in the United States who are available for recruit-*
18 *ment by United States foreign affairs agencies, legis-*
19 *lative branch agencies, and nongovernmental organi-*
20 *zations involved in foreign affairs activities;*

21 (3) *to ensure that an increasing portion of study*
22 *abroad by United States students will take place in*
23 *nontraditional study abroad destinations such as the*
24 *People’s Republic of China, countries of the Middle*
25 *East region, and developing countries; and*

1 (4) *to create greater cultural understanding of*
2 *the United States by exposing foreign students and*
3 *their families to United States students in countries*
4 *that have not traditionally hosted large numbers of*
5 *United States students.*

6 **SEC. 704. DEFINITIONS.**

7 *In this title:*

8 (1) *APPROPRIATE CONGRESSIONAL COMMIT-*
9 *TEES.—The term “appropriate congressional commit-*
10 *tees” means—*

11 (A) *the Committee on Foreign Affairs and*
12 *the Committee on Appropriations of the House of*
13 *Representatives; and*

14 (B) *the Committee on Foreign Relations*
15 *and the Committee on Appropriations of the*
16 *Senate.*

17 (2) *BOARD.—The term “Board” means the*
18 *Board of Directors of the Foundation established pur-*
19 *suant to section 705(d).*

20 (3) *CHIEF EXECUTIVE OFFICER.—The term*
21 *“Chief Executive Officer” means the chief executive of-*
22 *ficer of the Foundation appointed pursuant to section*
23 *705(c).*

1 (4) *FOUNDATION.*—*The term “Foundation”*
2 *means the Senator Paul Simon Study Abroad Foun-*
3 *dation established by section 705(a).*

4 (5) *INSTITUTION OF HIGHER EDUCATION.*—*The*
5 *term “institution of higher education” has the mean-*
6 *ing given the term in section 101(a) of the Higher*
7 *Education Act of 1965 (20 U.S.C. 1001(a)).*

8 (6) *NATIONAL OF THE UNITED STATES.*—*The*
9 *term “national of the United States” means a na-*
10 *tional of the United States or an alien lawfully ad-*
11 *mitted for permanent residence (as those terms are*
12 *defined in section 101 of the Immigration and Na-*
13 *tionality Act (8 U.S.C. 1101)).*

14 (7) *NONTRADITIONAL STUDY ABROAD DESTINA-*
15 *TION.*—*The term “nontraditional study abroad des-*
16 *tination” means a location that is determined by the*
17 *Foundation to be a less common destination for*
18 *United States students who study abroad.*

19 (8) *STUDY ABROAD.*—*The term “study abroad”*
20 *means an educational program of study, work, re-*
21 *search, internship, or combination thereof that is con-*
22 *ducted outside the United States and that carries aca-*
23 *demie credit toward fulfilling the participating stu-*
24 *dent’s degree requirements.*

1 (9) *UNITED STATES.*—*The term “United States”*
2 *means any of the several States, the District of Co-*
3 *lumbia, Puerto Rico, the Northern Mariana Islands,*
4 *the Virgin Islands, Guam, American Samoa, and any*
5 *other territory or possession of the United States.*

6 (10) *UNITED STATES STUDENT.*—*The term*
7 *“United States student” means a national of the*
8 *United States who is enrolled at an institution of*
9 *higher education located within the United States.*

10 **SEC. 705. ESTABLISHMENT AND MANAGEMENT OF THE SEN-**

11 **ATOR PAUL SIMON STUDY ABROAD FOUNDA-**
12 **TION.**

13 (a) *ESTABLISHMENT.*—

14 (1) *IN GENERAL.*—*There is established in the ex-*
15 *ecutive branch a corporation to be known as the*
16 *“Senator Paul Simon Study Abroad Foundation”*
17 *that shall be responsible for carrying out this title.*
18 *The Foundation shall be a government corporation, as*
19 *defined in section 103 of title 5, United States Code.*

20 (2) *BOARD OF DIRECTORS.*—*The Foundation*
21 *shall be governed by a Board of Directors in accord-*
22 *ance with subsection (d).*

23 (3) *INTENT OF CONGRESS.*—*It is the intent of*
24 *Congress in establishing the structure of the Founda-*

1 *tion set forth in this subsection to create an entity*
2 *that will administer a study abroad program that—*

3 *(A) serves the long-term foreign policy and*
4 *national security needs of the United States; but*

5 *(B) operates independently of short-term po-*
6 *litical and foreign policy considerations.*

7 *(b) MANDATE OF FOUNDATION.—In administering the*
8 *program referred to in subsection (a)(3), the Foundation*
9 *shall—*

10 *(1) promote the objectives and purposes of this*
11 *title;*

12 *(2) through responsive, flexible grant-making,*
13 *promote access to study abroad opportunities by*
14 *United States students at diverse institutions of high-*
15 *er education, including two-year institutions, minor-*
16 *ity-serving institutions, and institutions that serve*
17 *nontraditional students;*

18 *(3) through creative grant-making, promote ac-*
19 *cess to study abroad opportunities by diverse United*
20 *States students, including minority students, students*
21 *of limited financial means, and nontraditional stu-*
22 *dents;*

23 *(4) solicit funds from the private sector to sup-*
24 *plement funds made available under this title; and*

1 (5) *minimize administrative costs and maximize*
2 *the availability of funds for grants under this title.*

3 (c) *CHIEF EXECUTIVE OFFICER.—*

4 (1) *IN GENERAL.—There shall be in the Founda-*
5 *tion a Chief Executive Officer who shall be responsible*
6 *for the management of the Foundation.*

7 (2) *APPOINTMENT.—The Chief Executive Officer*
8 *shall be appointed by the Board and shall be a recog-*
9 *nized leader in higher education, business, or foreign*
10 *policy, chosen on the basis of a rigorous search.*

11 (3) *RELATIONSHIP TO BOARD.—The Chief Exec-*
12 *utive Officer shall report to and be under the direct*
13 *authority of the Board.*

14 (4) *COMPENSATION AND RANK.—*

15 (A) *IN GENERAL.—The Chief Executive Of-*
16 *ficer shall be compensated at the rate provided*
17 *for level IV of the Executive Schedule under sec-*
18 *tion 5315 of title 5, United States Code.*

19 (B) *AMENDMENT.—Section 5315 of title 5,*
20 *United States Code, is amended by adding at the*
21 *end the following:*

22 “*Chief Executive Officer, Senator Paul Simon*
23 *Study Abroad Foundation.*”.

24 (5) *AUTHORITIES AND DUTIES.—The Chief Exec-*
25 *utive Officer shall be responsible for the management*

1 *of the Foundation and shall exercise the powers and*
2 *discharge the duties of the Foundation.*

3 (6) *AUTHORITY TO APPOINT OFFICERS.*—*In con-*
4 *sultation and with approval of the Board, the Chief*
5 *Executive Officer shall appoint all officers of the*
6 *Foundation.*

7 (d) *BOARD OF DIRECTORS.*—

8 (1) *ESTABLISHMENT.*—*There shall be in the*
9 *Foundation a Board of Directors.*

10 (2) *DUTIES.*—*The Board shall perform the func-*
11 *tions specified to be carried out by the Board in this*
12 *title and may prescribe, amend, and repeal by-laws,*
13 *rules, regulations, and procedures governing the man-*
14 *ner in which the business of the Foundation may be*
15 *conducted and in which the powers granted to it by*
16 *law may be exercised.*

17 (3) *MEMBERSHIP.*—*The Board shall consist of—*

18 (A) *the Secretary of State (or the Sec-*
19 *retary's designee), the Secretary of Education (or*
20 *the Secretary's designee), the Secretary of De-*
21 *fense (or the Secretary's designee), and the Ad-*
22 *ministrator of the United States Agency for*
23 *International Development (or the Administra-*
24 *tor's designee); and*

1 (B) *five other individuals with relevant ex-*
2 *perience in matters relating to study abroad*
3 *(such as individuals who represent institutions*
4 *of higher education, business organizations, for-*
5 *ign policy organizations, or other relevant orga-*
6 *nizations) who shall be appointed by the Presi-*
7 *dent, by and with the advice and consent of the*
8 *Senate, of which—*

9 (i) *one individual shall be appointed*
10 *from among a list of individuals submitted*
11 *by the majority leader of the House of Rep-*
12 *resentatives;*

13 (ii) *one individual shall be appointed*
14 *from among a list of individuals submitted*
15 *by the minority leader of the House of Rep-*
16 *resentatives;*

17 (iii) *one individual shall be appointed*
18 *from among a list of individuals submitted*
19 *by the majority leader of the Senate; and*

20 (iv) *one individual shall be appointed*
21 *from among a list of individuals submitted*
22 *by the minority leader of the Senate.*

23 (4) *CHIEF EXECUTIVE OFFICER.—The Chief Ex-*
24 *ecutive Officer of the Foundation shall serve as a non-*
25 *voting, ex-officio member of the Board.*

1 (5) *TERMS.*—

2 (A) *OFFICERS OF THE FEDERAL GOVERN-*
3 *MENT.*—*Each member of the Board described in*
4 *paragraph (3)(A) shall serve for a term that is*
5 *concurrent with the term of service of the indi-*
6 *vidual's position as an officer within the other*
7 *Federal department or agency.*

8 (B) *OTHER MEMBERS.*—*Each member of*
9 *the Board described in paragraph (3)(B) shall be*
10 *appointed for a term of three years and may be*
11 *reappointed for one additional three-year term.*

12 (C) *VACANCIES.*—*A vacancy in the Board*
13 *shall be filled in the manner in which the origi-*
14 *nal appointment was made.*

15 (6) *CHAIRPERSON.*—*There shall be a Chair-*
16 *person of the Board. The Secretary of State (or the*
17 *Secretary's designee) shall serve as the Chairperson.*

18 (7) *QUORUM.*—*A majority of the members of the*
19 *Board described in paragraph (3) shall constitute a*
20 *quorum, which, except with respect to a meeting of*
21 *the Board during the 135-day period beginning on*
22 *the date of the enactment of this Act, shall include at*
23 *least one member of the Board described in paragraph*
24 *(3)(B).*

1 (8) *MEETINGS.*—*The Board shall meet at the call*
2 *of the Chairperson.*

3 (9) *COMPENSATION.*—

4 (A) *OFFICERS OF THE FEDERAL GOVERN-*
5 *MENT.*—

6 (i) *IN GENERAL.*—*A member of the*
7 *Board described in paragraph (3)(A) may*
8 *not receive additional pay, allowances, or*
9 *benefits by reason of the member's service on*
10 *the Board.*

11 (ii) *TRAVEL EXPENSES.*—*Each such*
12 *member of the Board shall receive travel ex-*
13 *penditures, including per diem in lieu of sub-*
14 *sistence, in accordance with applicable pro-*
15 *visions under subchapter I of chapter 57 of*
16 *title 5, United States Code.*

17 (B) *OTHER MEMBERS.*—

18 (i) *IN GENERAL.*—*Except as provided*
19 *in clause (ii), a member of the Board de-*
20 *scribed in paragraph (3)(B) while away*
21 *from the member's home or regular place of*
22 *business on necessary travel in the actual*
23 *performance of duties as a member of the*
24 *Board, shall be paid per diem, travel, and*
25 *transportation expenses in the same manner*

1 *as is provided under subchapter I of chapter*
2 *57 of title 5, United States Code.*

3 (ii) *LIMITATION.*—*A member of the*
4 *Board may not be paid compensation under*
5 *clause (i) for more than 90 days in any cal-*
6 *endar year.*

7 **SEC. 706. ESTABLISHMENT AND OPERATION OF PROGRAM.**

8 (a) *ESTABLISHMENT OF THE PROGRAM.*—*There is*
9 *hereby established a program, which shall—*

10 (1) *be administered by the Foundation; and*

11 (2) *award grants to—*

12 (A) *United States students for study*
13 *abroad;*

14 (B) *nongovernmental institutions that pro-*
15 *vide and promote study abroad opportunities for*
16 *United States students, in consortium with insti-*
17 *tutions described in subparagraph (C); and*

18 (C) *institutions of higher education, indi-*
19 *vidually or in consortium, in order to accom-*
20 *plish the objectives set forth in subsection (b).*

21 (b) *OBJECTIVES.*—*The objectives of the program estab-*
22 *lished under subsection (a) are that, within ten years of*
23 *the date of the enactment of this Act—*

1 (1) *not less than 1,000,000 undergraduate*
2 *United States students will study abroad annually for*
3 *credit;*

4 (2) *the demographics of study-abroad participa-*
5 *tion will reflect the demographics of the United States*
6 *undergraduate population, including students en-*
7 *rolled in community colleges, minority-serving insti-*
8 *tutions, and institutions serving large numbers of*
9 *low-income and first-generation students; and*

10 (3) *an increasing portion of study abroad will*
11 *take place in nontraditional study abroad destina-*
12 *tions, with a substantial portion of such increases*
13 *taking place in developing countries.*

14 (c) *MANDATE OF THE PROGRAM.—In order to accom-*
15 *plish the objectives set forth in subsection (b), the Founda-*
16 *tion shall, in administering the program established under*
17 *subsection (a), take fully into account the recommendations*
18 *of the Commission on the Abraham Lincoln Study Abroad*
19 *Fellowship Program (established pursuant to section 104 of*
20 *the Miscellaneous Appropriations and Offsets Act, 2004 (di-*
21 *vision H of Public Law 108–199)).*

22 (d) *STRUCTURE OF GRANTS.—*

23 (1) *PROMOTING REFORM.—In accordance with*
24 *the recommendations of the Commission on the Abra-*
25 *ham Lincoln Study Abroad Fellowship Program,*

1 *grants awarded under the program established under*
2 *subsection (a) shall be structured to the maximum ex-*
3 *tent practicable to promote appropriate reforms in*
4 *institutions of higher education in order to remove*
5 *barriers to participation by students in study abroad.*

6 (2) *GRANTS TO INDIVIDUALS AND INSTITU-*
7 *TIONS.—It is the sense of Congress that—*

8 (A) *the Foundation should award not more*
9 *than 25 percent of the funds awarded as grants*
10 *to individuals described in subparagraph (A) of*
11 *subsection (a)(2) and not less than 75 percent of*
12 *such funds to institutions described in subpara-*
13 *graphs (B) and (C) of such subsection; and*

14 (B) *the Foundation should ensure that not*
15 *less than 85 percent of the amount awarded to*
16 *such institutions is used to award scholarships to*
17 *students.*

18 (e) *BALANCE OF LONG-TERM AND SHORT-TERM*
19 *STUDY ABROAD PROGRAMS.—In administering the pro-*
20 *gram established under subsection (a), the Foundation shall*
21 *seek an appropriate balance between—*

22 (1) *longer-term study abroad programs, which*
23 *maximize foreign-language learning and intercultural*
24 *understanding; and*

1 (2) *shorter-term study abroad programs, which*
2 *maximize the accessibility of study abroad to non-*
3 *traditional students.*

4 (f) *QUALITY AND SAFETY IN STUDY ABROAD.—In ad-*
5 *ministering the program established under subsection (a),*
6 *the Foundation shall require that institutions receiving*
7 *grants demonstrate that—*

8 (1) *the study abroad programs for which stu-*
9 *dents receive grant funds are for academic credit; and*

10 (2) *the programs have established health and*
11 *safety guidelines and procedures.*

12 **SEC. 707. ANNUAL REPORT.**

13 (a) *REPORT REQUIRED.—Not later than December 15,*
14 *2010, and each December 15 thereafter, the Foundation*
15 *shall submit to the appropriate congressional committees a*
16 *report on the implementation of this title during the prior*
17 *fiscal year.*

18 (b) *CONTENTS.—The report required by subsection (a)*
19 *shall include—*

20 (1) *the total financial resources available to the*
21 *Foundation during the year, including appropriated*
22 *funds, the value and source of any gifts or donations*
23 *accepted pursuant to section 708(a)(6), and any other*
24 *resources;*

1 (2) a description of the Board's policy priorities
2 for the year and the bases upon which grant proposals
3 were solicited and awarded to institutions of higher
4 education, nongovernmental institutions, and consor-
5 tiums pursuant to sections 706(a)(2)(B) and
6 706(a)(2)(C);

7 (3) a list of grants made to institutions of higher
8 education, nongovernmental institutions, and consor-
9 tiums pursuant to sections 706(a)(2)(B) and
10 706(a)(2)(C) that includes the identity of the institu-
11 tional recipient, the dollar amount, the estimated
12 number of study abroad opportunities provided to
13 United States students by each grant, the amount of
14 the grant used by each institution for administrative
15 expenses, and information on cost-sharing by each in-
16 stitution receiving a grant;

17 (4) a description of the bases upon which the
18 Foundation made grants directly to United States
19 students pursuant to section 706(a)(2)(A);

20 (5) the number and total dollar amount of
21 grants made directly to United States students by the
22 Foundation pursuant to section 706(a)(2)(A); and

23 (6) the total administrative and operating ex-
24 penses of the Foundation for the year, as well as spe-
25 cific information on—

1 (A) *the number of Foundation employees*
2 *and the cost of compensation for Board members,*
3 *Foundation employees, and personal service con-*
4 *tractors;*

5 (B) *costs associated with securing the use of*
6 *real property for carrying out the functions of*
7 *the Foundation;*

8 (C) *total travel expenses incurred by Board*
9 *members and Foundation employees in connec-*
10 *tion with Foundation activities; and*

11 (D) *total representational expenses.*

12 **SEC. 708. POWERS OF THE FOUNDATION; RELATED PROVI-**
13 **SIONS.**

14 (a) *POWERS.—The Foundation—*

15 (1) *shall have perpetual succession unless dis-*
16 *solved by a law enacted after the date of the enact-*
17 *ment of this Act;*

18 (2) *may adopt, alter, and use a seal, which shall*
19 *be judicially noticed;*

20 (3) *may make and perform such contracts,*
21 *grants, and other agreements with any person or gov-*
22 *ernment however designated and wherever situated, as*
23 *may be necessary for carrying out the functions of the*
24 *Foundation;*

1 (4) may determine and prescribe the manner in
2 which its obligations shall be incurred and its ex-
3 penses allowed and paid, including expenses for rep-
4 resentation;

5 (5) may lease, purchase, or otherwise acquire,
6 improve, and use such real property wherever situ-
7 ated, as may be necessary for carrying out the func-
8 tions of the Foundation;

9 (6) may accept cash gifts or donations of services
10 or of property (real, personal, or mixed), tangible or
11 intangible, for the purpose of carrying out the provi-
12 sions of this title;

13 (7) may use the United States mails in the same
14 manner and on the same conditions as the executive
15 departments;

16 (8) may contract with individuals for personal
17 services, who shall not be considered Federal employ-
18 ees for any provision of law administered by the Of-
19 fice of Personnel Management;

20 (9) may hire or obtain passenger motor vehicles;
21 and

22 (10) shall have such other powers as may be nec-
23 essary and incident to carrying out this title.

1 (b) *PRINCIPAL OFFICE.*—*The Foundation shall main-*
2 *tain its principal office in the metropolitan area of Wash-*
3 *ington, District of Columbia.*

4 (c) *APPLICABILITY OF GOVERNMENT CORPORATION*
5 *CONTROL ACT.*—

6 (1) *IN GENERAL.*—*The Foundation shall be sub-*
7 *ject to chapter 91 of subtitle VI of title 31, United*
8 *States Code, except that the Foundation shall not be*
9 *authorized to issue obligations or offer obligations to*
10 *the public.*

11 (2) *CONFORMING AMENDMENT.*—*Section 9101(3)*
12 *of title 31, United States Code, is amended by adding*
13 *at the end the following new subparagraph:*

14 “(S) *the Senator Paul Simon Study Abroad*
15 *Foundation.*”.

16 (d) *INSPECTOR GENERAL.*—

17 (1) *IN GENERAL.*—*The Inspector General of the*
18 *Department of State shall serve as Inspector General*
19 *of the Foundation, and, in acting in such capacity,*
20 *may conduct reviews, investigations, and inspections*
21 *of all aspects of the operations and activities of the*
22 *Foundation.*

23 (2) *AUTHORITY OF THE BOARD.*—*In carrying*
24 *out the responsibilities under this subsection, the In-*

1 *Inspector General shall report to and be under the gen-*
2 *eral supervision of the Board.*

3 (3) *REIMBURSEMENT AND AUTHORIZATION OF*
4 *SERVICES.—*

5 (A) *REIMBURSEMENT.—The Foundation*
6 *shall reimburse the Department of State for all*
7 *expenses incurred by the Inspector General in*
8 *connection with the Inspector General’s respon-*
9 *sibilities under this subsection.*

10 (B) *AUTHORIZATION FOR SERVICES.—Of*
11 *the amount authorized to be appropriated under*
12 *section 711(a) for a fiscal year, up to \$2,000,000*
13 *is authorized to be made available to the Inspec-*
14 *tor General of the Department of State to con-*
15 *duct reviews, investigations, and inspections of*
16 *operations and activities of the Foundation.*

17 **SEC. 709. GENERAL PERSONNEL AUTHORITIES.**

18 (a) *DETAIL OF PERSONNEL.—Upon request of the*
19 *Chief Executive Officer, the head of an agency may detail*
20 *any employee of such agency to the Foundation on a reim-*
21 *bursable basis. Any employee so detailed remains, for the*
22 *purpose of preserving such employee’s allowances, privi-*
23 *leges, rights, seniority, and other benefits, an employee of*
24 *the agency from which detailed.*

25 (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 seniority,
7 status, and pay in such agency, if such employee—

8 (A) is separated from the Foundation for
9 any reason, other than misconduct, neglect of
10 duty, or malfeasance; and

11 (B) applies for reemployment not later than
12 90 days after the date of separation from the
13 Foundation.

14 (2) *SPECIFIC RIGHTS.*—An employee who satis-
15 fies paragraph (1) is entitled to be reemployed (in ac-
16 cordance with such paragraph) within 30 days after
17 applying for reemployment and, on reemployment, is
18 entitled to at least the rate of basic pay to which such
19 employee would have been entitled had such employee
20 never transferred.

21 (c) *HIRING AUTHORITY.*—Of persons employed by the
22 Foundation, not to exceed 20 persons may be appointed,
23 compensated, or removed without regard to the civil service
24 laws and regulations.

1 (d) *BASIC PAY.*—*The Chief Executive Officer may fix*
2 *the rate of basic pay of employees of the Foundation without*
3 *regard to the provisions of chapter 51 of title 5, United*
4 *States Code (relating to the classification of positions), sub-*
5 *chapter III of chapter 53 of such title (relating to General*
6 *Schedule pay rates), except that no employee of the Founda-*
7 *tion may receive a rate of basic pay that exceeds the rate*
8 *for level IV of the Executive Schedule under section 5315*
9 *of such title.*

10 (e) *DEFINITIONS.*—*In this section—*

11 (1) *the term “agency” means an executive agen-*
12 *cy, as defined by section 105 of title 5, United States*
13 *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 two years*
20 *after the date of the enactment of this Act, the Comptroller*
21 *General of the United States shall commence a review of*
22 *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 op-*
2 *erating in a manner that will permit it to fulfill the*
3 *purposes of this section, as set forth in section 603;*

4 (2) *the degree to which the Foundation is oper-*
5 *ating efficiently and in a manner consistent with the*
6 *requirements of paragraphs (4) and (5) of section*
7 *605(b);*

8 (3) *whether grant-making by the Foundation is*
9 *being undertaken in a manner consistent with sub-*
10 *sections (d), (e), and (f) of section 606;*

11 (4) *the extent to which the Foundation is using*
12 *best practices in the implementation of this Act and*
13 *the administration of the program described in sec-*
14 *tion 606; and*

15 (5) *other relevant matters, as determined by the*
16 *Comptroller General, after consultation with the ap-*
17 *propriate congressional committees.*

18 (c) *REPORT REQUIRED.—The Comptroller General*
19 *shall submit a report on the results of the review conducted*
20 *under subsection (a) to the Secretary of State (in the capac-*
21 *ity of the Secretary as Chairperson of the Board of the*
22 *Foundation) and to the appropriate congressional commit-*
23 *tees.*

24 **SEC. 711. AUTHORIZATION OF APPROPRIATIONS.**

25 (a) *AUTHORIZATION OF APPROPRIATIONS.—*

1 (1) *IN GENERAL.*—*There are authorized to be ap-*
2 *propriated to carry out this title \$40,000,000 for fis-*
3 *cal year 2010 and \$80,000,000 for fiscal year 2011.*

4 (2) *AMOUNTS IN ADDITION TO OTHER AVAILABLE*
5 *AMOUNTS.*—*Amounts authorized to be appropriated*
6 *by paragraph (1) are in addition to amounts author-*
7 *ized to be appropriated or otherwise made available*
8 *for educational exchange programs, including the J.*
9 *William Fulbright Educational Exchange Program*
10 *and the Benjamin A. Gilman International Scholar-*
11 *ship Program, administered by the Bureau of Edu-*
12 *cational and Cultural Affairs of the Department of*
13 *State.*

14 (b) *ALLOCATION OF FUNDS.*—

15 (1) *IN GENERAL.*—*The Foundation may allocate*
16 *or transfer to any agency of the United States Gov-*
17 *ernment any of the funds available for carrying out*
18 *this Act. Such funds shall be available for obligation*
19 *and expenditure for the purposes for which the funds*
20 *were authorized, in accordance with authority grant-*
21 *ed in this Act or under authority governing the ac-*
22 *tivities of the United States Government agency to*
23 *which such funds are allocated or transferred.*

24 (2) *NOTIFICATION.*—*The Foundation shall notify*
25 *the appropriate congressional committees not less*

1 *than 15 days prior to an allocation or transfer of*
2 *funds pursuant to paragraph (1).*

3 **TITLE VIII—EXPORT CONTROL**
4 **REFORM AND SECURITY AS-**
5 **SISTANCE**

6 **Subtitle A—Defense Trade Controls**
7 **Performance Improvement Act of**
8 **2009**

9 **SEC. 801. SHORT TITLE.**

10 *This subtitle may be cited as the “Defense Trade Con-*
11 *trols Performance Improvement Act of 2009”.*

12 **SEC. 802. FINDINGS.**

13 *Congress finds the following:*

14 *(1) In a time of international terrorist threats*
15 *and a dynamic global economic and security environ-*
16 *ment, United States policy with regard to export con-*
17 *trols is in urgent need of a comprehensive review in*
18 *order to ensure such controls are protecting the na-*
19 *tional security and foreign policy interests of the*
20 *United States.*

21 *(2) In January 2007, the Government Account-*
22 *ability Office designated the effective identification*
23 *and protection of critical technologies as a govern-*
24 *ment-wide, high-risk area, warranting a strategic re-*

1 *examination of existing programs, including pro-*
2 *grams relating to arms export controls.*

3 *(3) Federal Government agencies must review li-*
4 *ceses for export of munitions in a thorough and*
5 *timely manner to ensure that the United States is*
6 *able to assist United States allies and to prevent nu-*
7 *clear and conventional weapons from getting into the*
8 *hands of enemies of the United States.*

9 *(4) Both staffing and funding that relate to the*
10 *Department of State's arms export control respon-*
11 *sibilities have not kept pace with the increased work-*
12 *load relating to such responsibilities, especially dur-*
13 *ing the current decade.*

14 *(5) Outsourcing and off-shoring of defense pro-*
15 *duction and the policy of many United States trading*
16 *partners to require offsets for major sales of defense*
17 *and aerospace articles present a potential threat to*
18 *United States national security and economic well-*
19 *being and serve to weaken the defense industrial base.*

20 *(6) Export control policies can have a negative*
21 *impact on United States employment, nonprolifera-*
22 *tion goals, and the health of the defense industrial*
23 *base, particularly when facilitating the overseas*
24 *transfer of technology or production and other forms*
25 *of outsourcing, such as offsets (direct and indirect),*

1 *co-production, subcontracts, overseas investment and*
2 *joint ventures in defense and commercial industries.*
3 *Federal Government agencies must develop new and*
4 *effective procedures for ensuring that export control*
5 *systems address these problems and the threat they*
6 *pose to national security.*

7 *(7) In the report to Congress required by the*
8 *Conference Report (Report 109–272) accompanying*
9 *the bill, H.R. 2862 (the Science, State, Justice, Com-*
10 *merce and Related Agencies Appropriations Act,*
11 *2006; Public Law 109–108), the Department of State*
12 *concluded that—*

13 *(A) defense trade licensing has become much*
14 *more complex in recent years as a consequence of*
15 *the increasing globalization of the defense indus-*
16 *try;*

17 *(B) the most important challenge to the De-*
18 *partment of State’s licensing process has been the*
19 *sheer growth in volume of applicants for licenses*
20 *and agreements, without the corresponding in-*
21 *crease in licensing officers; and*

22 *(C) the increase in licensing volume without*
23 *a corresponding increase in trained and experi-*
24 *enced personnel has resulted in delays and in-*
25 *creased processing times.*

1 (8) *In 2006, the Department of State processed*
2 *over three times as many licensing applications as the*
3 *Department of Commerce with about a fifth of the*
4 *staff of the Department of Commerce.*

5 (9) *On July 27, 2007, in testimony delivered to*
6 *the Subcommittee on Terrorism, Nonproliferation and*
7 *Trade of the Committee on Foreign Affairs of the*
8 *House of Representatives to examine the effectiveness*
9 *of the United States export control regime, the Gov-*
10 *ernment Accountability Office found that—*

11 (A) *the United States Government needs to*
12 *conduct assessments to determine its overall effec-*
13 *tiveness in the area of arms export control; and*

14 (B) *the processing times of the Department*
15 *of State doubled over the period from 2002 to*
16 *2006.*

17 (10)(A) *Allowing a continuation of the status*
18 *quo in resources for defense trade licensing could ulti-*
19 *mately harm the United States defense industrial*
20 *base. The 2007 Institute for Defense Analysis report*
21 *entitled “Export Controls and the U.S. Defense Indus-*
22 *trial Base” found that the large backlog and long*
23 *processing times by the Department of State for ap-*
24 *plications for licenses to export defense items led to an*

1 *impairment of United States firms in some sectors to*
2 *conduct global business relative to foreign competitors.*

3 *(B) Additionally, the report found that United*
4 *States commercial firms have been reluctant to engage*
5 *in research and development activities for the Depart-*
6 *ment of Defense because this raises the future pros-*
7 *pects that the products based on this research and de-*
8 *velopment, even if intrinsically commercial, will be*
9 *saddled by Department of State munitions controls*
10 *due to the link to that research.*

11 *(11) According to the Department of State's fis-*
12 *cal year 2008 budget justification to Congress, com-*
13 *mercial exports licensed or approved under the Arms*
14 *Export Control Act exceeded \$30,000,000,000, with*
15 *nearly eighty percent of these items exported to*
16 *United States NATO allies and other major non-*
17 *NATO allies.*

18 *(12) A Government Accountability Office report*
19 *of October 9, 2001 (GAO-02-120), documented am-*
20 *biguous export control jurisdiction affecting 25 per-*
21 *cent of the items that the United States Government*
22 *agreed to control as part of its commitments to the*
23 *Missile Technology Control Regime. The United*
24 *States Government has not clearly determined which*
25 *department has jurisdiction over these items, which*

1 *increases the risk that these items will fall into the*
2 *wrong hands. During both the 108th, 109th, and*
3 *110th Congresses, the House of Representatives passed*
4 *legislation mandating that the Administration clarify*
5 *this issue.*

6 (13) *During 2007 and 2008, the management*
7 *and staff of the Directorate of Defense Trade Controls*
8 *of the Department of State have, through extraor-*
9 *dinary effort and dedication, eliminated the large*
10 *backlog of open applications and have reduced aver-*
11 *age processing times for license applications; however,*
12 *the Directorate remains understaffed and long delays*
13 *remain for complicated cases.*

14 **SEC. 803. STRATEGIC REVIEW AND ASSESSMENT OF THE**
15 **UNITED STATES EXPORT CONTROLS SYSTEM.**

16 (a) *REVIEW AND ASSESSMENT.*—

17 (1) *IN GENERAL.*—*Not later than March 31,*
18 *2010, the President shall conduct a comprehensive*
19 *and systematic review and assessment of the United*
20 *States arms export controls system in the context of*
21 *the national security interests and strategic foreign*
22 *policy objectives of the United States.*

23 (2) *ELEMENTS.*—*The review and assessment re-*
24 *quired under paragraph (1) shall—*

1 (A) determine the overall effectiveness of the
2 United States arms export controls system in
3 order to, where appropriate, strengthen controls,
4 improve efficiency, and reduce unnecessary
5 redundancies across Federal Government agen-
6 cies, through administrative actions, including
7 regulations, and to formulate legislative pro-
8 posals for new authorities that are needed;

9 (B) develop processes to ensure better co-
10 ordination of arms export control activities of
11 the Department of State with activities of other
12 departments and agencies of the United States
13 that are responsible for enforcing United States
14 arms export control laws;

15 (C) ensure that weapons-related nuclear
16 technology, other technology related to weapons
17 of mass destruction, and all items on the Missile
18 Technology Control Regime Annex are subject to
19 stringent control by the United States Govern-
20 ment;

21 (D) determine the overall effect of arms ex-
22 port controls on counterterrorism, law enforce-
23 ment, and infrastructure protection missions of
24 the Department of Homeland Security;

1 (E) determine the effects of export controls
2 policies and the practices of the export control
3 agencies on the United States defense industrial
4 base and United States employment in the in-
5 dustries affected by export controls;

6 (F) contain a detailed summary of known
7 attempts by unauthorized end-users (such as
8 international arms traffickers, foreign intel-
9 ligence agencies, and foreign terrorist organiza-
10 tions) to acquire items on the United States Mu-
11 nitions List and related technical data, includ-
12 ing—

13 (i) data on—

14 (I) commodities sought, such as
15 M-4 rifles, night vision devices, F-14
16 spare parts;

17 (II) parties involved, such as the
18 intended end-users, brokers, consignees,
19 and shippers;

20 (III) attempted acquisition of
21 technology and technical data critical
22 to manufacture items on the United
23 States Munitions List;

24 (IV) destination countries and
25 transit countries;

1 (V) modes of transport;

2 (VI) trafficking methods, such as
3 use of false documentation and front
4 companies registered under flags of
5 convenience;

6 (VII) whether the attempted illicit
7 transfer was successful; and

8 (VIII) any administrative or
9 criminal enforcement actions taken by
10 the United States and any other gov-
11 ernment in relation to the attempted
12 illicit transfer;

13 (ii) a thorough evaluation of the Blue
14 Lantern Program, including the adequacy
15 of current staffing and funding levels;

16 (iii) a detailed analysis of licensing ex-
17 emptions and their successful exploitation
18 by unauthorized end-users; and

19 (iv) an examination of the extent to
20 which the increased tendency toward out-
21 sourcing and off-shoring of defense produc-
22 tion harm United States national security
23 and weaken the defense industrial base, in-
24 cluding direct and indirect impact on em-
25 ployment, and formulate policies to address

1 *these trends as well as the policy of some*
2 *United States trading partners to require*
3 *offsets for major sales of defense articles;*
4 *and*

5 *(G) assess the extent to which export control*
6 *policies and practices under the Arms Export*
7 *Control Act promote the protection of basic*
8 *human rights.*

9 *(b) CONGRESSIONAL BRIEFINGS.—The President shall*
10 *provide periodic briefings to the appropriate congressional*
11 *committees on the progress of the review and assessment*
12 *conducted under subsection (a). The requirement to provide*
13 *congressional briefings under this subsection shall terminate*
14 *on the date on which the President transmits to the appro-*
15 *priate congressional committees the report required under*
16 *subsection (c).*

17 *(c) REPORT.—Not later than 18 months after the date*
18 *of the enactment of this Act, the President shall transmit*
19 *to the appropriate congressional committees and the Com-*
20 *mittee on Armed Services of the House of Representatives*
21 *and the Committee on Armed Services of the Senate a re-*
22 *port that contains the results of the review and assessment*
23 *conducted under subsection (a). The report required by this*
24 *subsection shall contain a certification that the requirement*
25 *of subsection (a)(2)(C) has been met, or if the requirement*

1 *has not been met, the reasons therefor. The report required*
2 *by this subsection shall be submitted in unclassified form,*
3 *but may contain a classified annex, if necessary.*

4 **SEC. 804. PERFORMANCE GOALS FOR PROCESSING OF AP-**
5 **PLICATIONS FOR LICENSES TO EXPORT**
6 **ITEMS ON UNITED STATES MUNITIONS LIST.**

7 (a) *IN GENERAL.*—*The Secretary of State, acting*
8 *through the head of the Directorate of Defense Trade Con-*
9 *trols of the Department of State, shall establish and main-*
10 *tain the following goals:*

11 (1) *The processing time for review of each appli-*
12 *cation for a license to export items on the United*
13 *States Munitions List (other than a Manufacturing*
14 *License Agreement) shall be not more than 60 days*
15 *from the date of receipt of the application.*

16 (2) *The processing time for review of each appli-*
17 *cation for a commodity jurisdiction determination*
18 *shall be not more than 60 days from the date of re-*
19 *ceipt of the application.*

20 (3) *The total number of applications described in*
21 *paragraph (1) that are unprocessed shall be not more*
22 *than 7 percent of the total number of such applica-*
23 *tions submitted in the preceding calendar year.*

24 (b) *ADDITIONAL REVIEW.*—(1) *If an application de-*
25 *scribed in paragraph (1) or (2) of subsection (a) is not proc-*

1 *essed within the time period described in the respective*
2 *paragraph of such subsection, then the Managing Director*
3 *of the Directorate of Defense Trade Controls or the Deputy*
4 *Assistant Secretary for Defense Trade and Regional Secu-*
5 *rity of the Department of State, as appropriate, shall re-*
6 *view the status of the application to determine if further*
7 *action is required to process the application.*

8 (2) *If an application described in paragraph (1) or*
9 *(2) of subsection (a) is not processed within 90 days from*
10 *the date of receipt of the application, then the Assistant Sec-*
11 *retary for Political-Military Affairs of the Department of*
12 *State shall—*

13 (A) *review the status of the application to deter-*
14 *mine if further action is required to process the appli-*
15 *cation; and*

16 (B) *submit to the appropriate congressional com-*
17 *mittees a notification of the review conducted under*
18 *subparagraph (A), including a description of the ap-*
19 *plication, the reason for delay in processing the ap-*
20 *plication, and a proposal for further action to process*
21 *the application.*

22 (3) *For each calendar year, the Managing Director of*
23 *the Directorate of Defense Trade Controls shall review not*
24 *less than 2 percent of the total number of applications de-*
25 *scribed in paragraphs (1) and (2) of subsection (a) to en-*

1 *sure that the processing of such applications, including de-*
2 *isions to approve, deny, or return without action, is con-*
3 *sistent with both policy and regulatory requirements of the*
4 *Department of State.*

5 *(c) STATEMENTS OF POLICY.—*

6 *(1) UNITED STATES ALLIES.—Congress states*
7 *that—*

8 *(A) it shall be the policy of the Directorate*
9 *of Defense Trade Controls of the Department of*
10 *State to ensure that, to the maximum extent*
11 *practicable, the processing time for review of ap-*
12 *plications described in subsection (a)(1) to ex-*
13 *port items that are not subject to the require-*
14 *ments of section 36 (b) or (c) of the Arms Export*
15 *Control Act (22 U.S.C. 2776 (b) or (c)) to*
16 *United States allies in direct support of combat*
17 *operations or peacekeeping or humanitarian op-*
18 *erations with United States Armed Forces is not*
19 *more than 7 days from the date of receipt of the*
20 *application; and*

21 *(B) it shall be the goal, as appropriate, of*
22 *the Directorate of Defense Trade Controls to en-*
23 *sure that, to the maximum extent practicable, the*
24 *processing time for review of applications de-*
25 *scribed in subsection (a)(1) to export items that*

1 are not subject to the requirements of section 36
2 (b) or (c) of the Arms Export Control Act to gov-
3 ernment security agencies of United States
4 NATO allies, Australia, New Zealand, Japan,
5 South Korea, Israel, and, as appropriate, other
6 major non-NATO allies for any purpose other
7 than the purpose described in paragraph (1) is
8 not more than 30 days from the date of receipt
9 of the application.

10 (2) *PRIORITY FOR APPLICATIONS FOR EXPORT OF*
11 *U.S.-ORIGIN EQUIPMENT.*—*In meeting the goals estab-*
12 *lished by this section, it shall be the policy of the Di-*
13 *rectorate of Defense Trade Controls of the Department*
14 *of State to prioritize the processing of applications for*
15 *licenses and agreements necessary for the export of*
16 *United States-origin equipment over applications for*
17 *Manufacturing License Agreements.*

18 (d) *REPORT.*—*Not later than December 31, 2011, and*
19 *December 31, 2012, the Secretary of State shall submit to*
20 *the appropriate congressional committees a report that con-*
21 *tains a detailed description of—*

22 (1)(A) *the average processing time for and num-*
23 *ber of applications described in subsection (a)(1) to—*

24 (i) *United States NATO allies, Australia,*
25 *New Zealand, Japan, South Korea, and Israel;*

1 (ii) other major non-NATO allies; and

2 (iii) all other countries; and

3 (B) to the extent practicable, the average proc-
4 essing time for and number of applications described
5 in subsection (b)(1) by item category;

6 (2) the average processing time for and number
7 of applications described in subsection (a)(2);

8 (3) the average processing time for and number
9 of applications for agreements described in part 124
10 of title 22, Code of Federal Regulations (relating to
11 the International Traffic in Arms Regulations (other
12 than Manufacturing License Agreements));

13 (4) the average processing times for applications
14 for Manufacturing License Agreements;

15 (5) any management decisions of the Directorate
16 of Defense Trade Controls of the Department of State
17 that have been made in response to data contained in
18 paragraphs (1) through (3); and

19 (6) any advances in technology that will allow
20 the time-frames described in subsection (a)(1) to be
21 substantially reduced.

22 (e) CONGRESSIONAL BRIEFINGS.—If, at the end of any
23 month beginning after the date of the enactment of this Act,
24 the total number of applications described in subsection
25 (a)(1) that are unprocessed is more than 7 percent of the

1 *total number of such applications submitted in the pre-*
2 *ceding calendar year, then the Secretary of State, acting*
3 *through the Under Secretary for Arms Control and Inter-*
4 *national Security, the Assistant Secretary for Political-*
5 *Military Affairs, or the Deputy Assistant Secretary for De-*
6 *fense Trade and Regional Security of the Department of*
7 *State, as appropriate, shall brief the appropriate congres-*
8 *sional committees on such matters and the corrective meas-*
9 *ures that the Directorate of Defense Trade Controls will take*
10 *to comply with the requirements of subsection (a).*

11 (f) *TRANSPARENCY OF COMMODITY JURISDICTION DE-*
12 *TERMINATIONS.*—

13 (1) *DECLARATION OF POLICY.*—*Congress declares*
14 *that the complete confidentiality surrounding several*
15 *hundred commodity jurisdiction determinations made*
16 *each year by the Department of State pursuant to the*
17 *International Traffic in Arms Regulations is not nec-*
18 *essary to protect legitimate proprietary interests of*
19 *persons or their prices and customers, is not in the*
20 *best security and foreign policy interests of the United*
21 *States, is inconsistent with the need to ensure a level*
22 *playing field for United States exporters, and detracts*
23 *from United States efforts to promote greater trans-*
24 *parency and responsibility by other countries in their*
25 *export control systems.*

1 (2) *PUBLICATION ON INTERNET WEBSITE.—The*
2 *Secretary of State shall—*

3 (A) *upon making a commodity jurisdiction*
4 *determination referred to in paragraph (1) pub-*
5 *lish on the Internet website of the Department of*
6 *State not later than 30 days after the date of the*
7 *determination—*

8 (i) *the name of the manufacturer of the*
9 *item;*

10 (ii) *a brief general description of the*
11 *item;*

12 (iii) *the model or part number of the*
13 *item; and*

14 (iv) *the United States Munitions List*
15 *designation under which the item has been*
16 *designated, except that—*

17 (I) *the name of the person or busi-*
18 *ness organization that sought the com-*
19 *modity jurisdiction determination*
20 *shall not be published if the person or*
21 *business organization is not the manu-*
22 *facturer of the item; and*

23 (II) *the names of the customers,*
24 *the price of the item, and any propri-*
25 *etary information relating to the item*

1 *indicated by the person or business or-*
2 *ganization that sought the commodity*
3 *jurisdiction determination shall not be*
4 *published; and*

5 *(B) maintain on the Internet website of the*
6 *Department of State an archive, that is acces-*
7 *sible to the general public and other departments*
8 *and agencies of the United States, of the infor-*
9 *mation published under subparagraph (A).*

10 *(g) RULE OF CONSTRUCTION.—Nothing in this section*
11 *shall be construed to prohibit the President or Congress*
12 *from undertaking a thorough review of the national security*
13 *and foreign policy implications of a proposed export of*
14 *items on the United States Munitions List.*

15 **SEC. 805. REQUIREMENT TO ENSURE ADEQUATE STAFF AND**
16 **RESOURCES FOR THE DIRECTORATE OF DE-**
17 **FENSE TRADE CONTROLS OF THE DEPART-**
18 **MENT OF STATE.**

19 *(a) REQUIREMENT.—The Secretary of State shall en-*
20 *sure that the Directorate of Defense Trade Controls of the*
21 *Department of State has the necessary staff and resources*
22 *to carry out this subtitle and the amendments made by this*
23 *subtitle.*

24 *(b) MINIMUM NUMBER OF LICENSING OFFICERS.—For*
25 *fiscal year 2011 and each subsequent fiscal year, the Sec-*

1 *retary of State shall ensure that the Directorate of Defense*
2 *Trade Controls has at least 1 licensing officer for every*
3 *1,250 applications for licenses and other authorizations to*
4 *export items on the United States Munitions List by not*
5 *later than the third quarter of such fiscal year, based on*
6 *the number of licenses and other authorizations expected to*
7 *be received during such fiscal year. The Secretary shall en-*
8 *sure that in meeting the requirement of this subsection, the*
9 *performance of other functions of the Directorate of Defense*
10 *Trade Controls is maintained and adequate staff is pro-*
11 *vided for those functions.*

12 (c) *MINIMUM NUMBER OF STAFF FOR COMMODITY JU-*
13 *RISDICTION DETERMINATIONS.—For each of the fiscal years*
14 *2010 through 2012, the Secretary of State shall ensure that*
15 *the Directorate of Defense Trade Controls has, to the extent*
16 *practicable, not less than three individuals assigned to re-*
17 *view applications for commodity jurisdiction determina-*
18 *tions.*

19 (d) *ENFORCEMENT RESOURCES.—In accordance with*
20 *section 127.4 of title 22, Code of Federal Regulations, U.S.*
21 *Immigration and Customs Enforcement is authorized to in-*
22 *vestigate violations of the International Traffic in Arms*
23 *Regulations on behalf of the Directorate of Defense Trade*
24 *Controls of the Department of State. The Secretary of State*
25 *shall ensure that the Directorate of Defense Trade Controls*

1 *has adequate staffing for enforcement of the International*
2 *Traffic in Arms Regulations.*

3 **SEC. 806. AUDIT BY INSPECTOR GENERAL OF THE DEPART-**
4 **MENT OF STATE.**

5 *(a) AUDIT.—Not later than the end of each of the fiscal*
6 *years 2011 and 2012, the Inspector General of the Depart-*
7 *ment of State shall conduct an independent audit to deter-*
8 *mine the extent to which the Department of State is meeting*
9 *the requirements of sections 804 and 805.*

10 *(b) REPORT.—The Inspector General shall submit to*
11 *the appropriate congressional committees a report that con-*
12 *tains the result of each audit conducted under subsection*
13 *(a).*

14 **SEC. 807. INCREASED FLEXIBILITY FOR USE OF DEFENSE**
15 **TRADE CONTROLS REGISTRATION FEES.**

16 *(a) IN GENERAL.—Section 45 of the State Department*
17 *Basic Authorities Act of 1956 (22 U.S.C. 2717) is amend-*
18 *ed—*

19 *(1) in the first sentence—*

20 *(A) by striking “For” and inserting “(a) IN*
21 *GENERAL.—For”; and*

22 *(B) by striking “Office” and inserting “Di-*
23 *rectorate”;*

24 *(2) by amending the second sentence to read as*
25 *follows:*

1 “(b) *AVAILABILITY OF FEES.*—*Fees credited to the ac-*
2 *count referred to in subsection (a) shall be available only*
3 *for payment of expenses incurred for—*

4 “(1) *management,*

5 “(2) *licensing (in order to meet the requirements*
6 *of section 805 of the Defense Trade Controls Perform-*
7 *ance Improvement Act of 2009 (relating to adequate*
8 *staff and resources of the Directorate of Defense Trade*
9 *Controls)),*

10 “(3) *compliance,*

11 “(4) *policy activities, and*

12 “(5) *facilities,*

13 *of defense trade controls functions.”; and*

14 (3) *by adding at the end the following:*

15 “(c) *ALLOCATION OF FEES.*—*In allocating fees for*
16 *payment of expenses described in subsection (b), the Sec-*
17 *retary of State shall accord the highest priority to payment*
18 *of expenses incurred for personnel and equipment of the Di-*
19 *rectorate of Defense Trade Controls, including payment of*
20 *expenses incurred to meet the requirements of section 805*
21 *of the Defense Trade Controls Performance Improvement*
22 *Act of 2009.”.*

23 (b) *CONFORMING AMENDMENT.*—*Section 38(b) of the*
24 *Arms Export Control Act (22 U.S.C. 2778(b)) is amended*
25 *by striking paragraph (3).*

1 **SEC. 808. REVIEW OF INTERNATIONAL TRAFFIC IN ARMS**
2 **REGULATIONS AND UNITED STATES MUNI-**
3 **TIONS LIST.**

4 (a) *IN GENERAL.*—*The Secretary of State, in coordi-*
5 *nation with the heads of other relevant departments and*
6 *agencies of the United States Government, shall review,*
7 *with the assistance of United States manufacturers and*
8 *other interested parties described in section 811(2) of this*
9 *Act, the International Traffic in Arms Regulations and the*
10 *United States Munitions List to determine those tech-*
11 *nologies and goods that warrant different or additional con-*
12 *trols.*

13 (b) *CONDUCT OF REVIEW.*—*In carrying out the review*
14 *required under subsection (a), the Secretary of State shall*
15 *review not less than 20 percent of the technologies and goods*
16 *on the International Traffic in Arms Regulations and the*
17 *United States Munitions List in each calendar year so that*
18 *for the 5-year period beginning with calendar year 2010,*
19 *and for each subsequent 5-year period, the International*
20 *Traffic in Arms Regulations and the United States Muni-*
21 *tions List will be reviewed in their entirety.*

22 (c) *REPORT.*—*The Secretary of State shall submit to*
23 *the appropriate congressional committees and the Com-*
24 *mittee on Armed Services of the House of Representatives*
25 *and the Committee on Armed Services of the Senate an an-*

1 *nual report on the results of the review carried out under*
2 *this section.*

3 **SEC. 809. SPECIAL LICENSING AUTHORIZATION FOR CER-**
4 **TAIN EXPORTS TO NATO MEMBER STATES,**
5 **AUSTRALIA, JAPAN, NEW ZEALAND, ISRAEL,**
6 **AND SOUTH KOREA.**

7 *(a) IN GENERAL.—Section 38 of the Arms Export Con-*
8 *trol Act (22 U.S.C. 2778) is amended by adding at the end*
9 *the following:*

10 *“(k) SPECIAL LICENSING AUTHORIZATION FOR CER-*
11 *TAIN EXPORTS TO NATO MEMBER STATES, AUSTRALIA,*
12 *JAPAN, NEW ZEALAND, ISRAEL, AND SOUTH KOREA.—*

13 *“(1) AUTHORIZATION.—(A) The President may*
14 *provide for special licensing authorization for exports*
15 *of United States-manufactured spare and replacement*
16 *parts or components listed in an application for such*
17 *special licensing authorization in connection with de-*
18 *fense items previously exported to NATO member*
19 *states, Australia, Japan, New Zealand, Israel, and*
20 *South Korea. A special licensing authorization issued*
21 *pursuant to this clause shall be effective for a period*
22 *not to exceed 5 years.*

23 *“(B) An authorization may be issued under sub-*
24 *paragraph (A) only if the applicable government of*
25 *the country described in subparagraph (A), acting*

1 *through the applicant for the authorization, certifies*
2 *that—*

3 “(i) *the export of spare and replacement*
4 *parts or components supports a defense item pre-*
5 *viously lawfully exported;*

6 “(ii) *the spare and replacement parts or*
7 *components will be transferred to a defense agen-*
8 *cy of a country described in subparagraph (A)*
9 *that is a previously approved end-user of the de-*
10 *fense items and not to a distributor or a foreign*
11 *consignee of such defense items;*

12 “(iii) *the spare and replacement parts or*
13 *components will not to be used to materially en-*
14 *hance, optimize, or otherwise modify or upgrade*
15 *the capability of the defense items;*

16 “(iv) *the spare and replacement parts or*
17 *components relate to a defense item that is*
18 *owned, operated, and in the inventory of the*
19 *armed forces a country described in subpara-*
20 *graph (A);*

21 “(v) *the export of spare and replacement*
22 *parts or components will be effected using the*
23 *freight forwarder designated by the purchasing*
24 *country’s diplomatic mission as responsible for*

1 *handling transfers under chapter 2 of this Act as*
2 *required under regulations; and*

3 “(vi) *the spare and replacement parts or*
4 *components to be exported under the special li-*
5 *censing authorization are specifically identified*
6 *in the application.*

7 “(C) *An authorization may not be issued under*
8 *subparagraph (A) for purposes of establishing offshore*
9 *procurement arrangements or producing defense arti-*
10 *cles offshore.*

11 “(D)(i) *For purposes of this subsection, the term*
12 *‘United States-manufactured spare and replacement*
13 *parts or components’ means spare and replacement*
14 *parts or components—*

15 “(I) *with respect to which—*

16 “(aa) *United States-origin content*
17 *costs constitute at least 85 percent of the*
18 *total content costs;*

19 “(bb) *United States manufacturing*
20 *costs constitute at least 85 percent of the*
21 *total manufacturing costs; and*

22 “(cc) *foreign content, if any, is limited*
23 *to content from countries eligible to receive*
24 *exports of items on the United States Muni-*
25 *tions List under the International Traffic*

1 *in Arms Regulations (other than de mini-*
2 *mis foreign content);*

3 *“(II) that were last substantially trans-*
4 *formed in the United States; and*

5 *“(III) that are not—*

6 *“(aa) classified as significant military*
7 *equipment; or*

8 *“(bb) listed on the Missile Technology*
9 *Control Regime Annex.*

10 *“(ii) For purposes of clause (i)(I) (aa) and (bb),*
11 *the costs of non-United States-origin content shall be*
12 *determined using the final price or final cost associ-*
13 *ated with the non-United States-origin content.*

14 *“(2) INAPPLICABILITY PROVISIONS.—(A) The*
15 *provisions of this subsection shall not apply with re-*
16 *spect to re-exports or re-transfers of spare and re-*
17 *placement parts or components and related services of*
18 *defense items described in paragraph (1).*

19 *“(B) The congressional notification requirements*
20 *contained in section 36(c) of this Act shall not apply*
21 *with respect to an authorization issued under para-*
22 *graph (1).”.*

23 *(b) EFFECTIVE DATE.—The President shall issue regu-*
24 *lations to implement amendments made by subsection (a)*

1 *not later than 180 days after the date of the enactment of*
2 *this Act.*

3 **SEC. 810. AVAILABILITY OF INFORMATION ON THE STATUS**
4 **OF LICENSE APPLICATIONS UNDER CHAPTER**
5 **3 OF THE ARMS EXPORT CONTROL ACT.**

6 *Chapter 3 of the Arms Export Control Act (22 U.S.C.*
7 *2771 et seq.) is amended by inserting after section 38 the*
8 *following new section:*

9 **“SEC. 38A. AVAILABILITY OF INFORMATION ON THE STATUS**
10 **OF LICENSE APPLICATIONS UNDER THIS**
11 **CHAPTER.**

12 *“(a) AVAILABILITY OF INFORMATION.—Not later than*
13 *one year after the date of the enactment of the Defense Trade*
14 *Controls Performance Improvement Act of 2009, the Presi-*
15 *dent shall make available to persons who have pending li-*
16 *cense applications under this chapter and the committees*
17 *of jurisdiction the ability to access electronically current in-*
18 *formation on the status of each license application required*
19 *to be submitted under this chapter.*

20 *“(b) MATTERS TO BE INCLUDED.—The information*
21 *referred to in subsection (a) shall be limited to the following:*

22 *“(1) The case number of the license application.*

23 *“(2) The date on which the license application is*
24 *received by the Department of State and becomes an*
25 *‘open application’.*

1 “(3) *The date on which the Directorate of De-*
2 *fense Trade Controls makes a determination with re-*
3 *spect to the license application or transmits it for*
4 *interagency review, if required.*

5 “(4) *The date on which the interagency review*
6 *process for the license application is completed, if*
7 *such a review process is required.*

8 “(5) *The date on which the Department of State*
9 *begins consultations with the congressional commit-*
10 *tees of jurisdiction with respect to the license applica-*
11 *tion.*

12 “(6) *The date on which the license application is*
13 *sent to the congressional committees of jurisdiction.”.*

14 **SEC. 811. SENSE OF CONGRESS.**

15 *It is the sense of Congress that—*

16 (1)(A) *the advice provided to the Secretary of*
17 *State by the Defense Trade Advisory Group (DTAG)*
18 *supports the regulation of defense trade and helps en-*
19 *sure that United States national security and foreign*
20 *policy interests continue to be protected and advanced*
21 *while helping to reduce unnecessary impediments to*
22 *legitimate exports in order to support the defense re-*
23 *quirements of United States friends and allies; and*

1 (B) therefore, the Secretary of State should share
2 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 or-
6 ganization such as DTAG, the Secretary of State is
7 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 indus-
10 try, relevant trade and labor associations, academic,
11 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 Assist-
23 ance Act of 1961 (22 U.S.C. 2321k) as a major non-
24 NATO ally for purposes of the Foreign Assistance Act

1 of 1961 (22 U.S.C. 2151 et seq.) and the Arms Export
2 Control Act (22 U.S.C. 2751 et seq.).

3 (3) *MANUFACTURING LICENSE AGREEMENT.*—
4 The term “Manufacturing License Agreement” means
5 an agreement described in section 120.21 of title 22,
6 Code of Federal Regulations (or successor regula-
7 tions).

8 (4) *MISSILE TECHNOLOGY CONTROL REGIME;*
9 *MTCR.*—The term “Missile Technology Control Re-
10 gime” or “MTCR” has the meaning given the term in
11 section 11B(c)(2) of the Export Administration Act of
12 1979 (50 U.S.C. App. 2401b(c)(2)).

13 (5) *MISSILE TECHNOLOGY CONTROL REGIME*
14 *ANNEX; MTCR ANNEX.*—The term “Missile Technology
15 Control Regime Annex” or “MTCR Annex” has the
16 meaning given the term in section 11B(c)(4) of the
17 Export Administration Act of 1979 (50 U.S.C. App.
18 2401b(c)(4)).

19 (6) *OFFSETS.*—The term “offsets” includes com-
20 pensation practices required of purchase in either
21 government-to-government or commercial sales of de-
22 fense articles or defense services under the Arms Ex-
23 port Control Act (22 U.S.C. 2751 et seq.) and the
24 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 38(a)(1)*
4 *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 and*
10 *2011 to carry out this subtitle and the amendments made*
11 *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 available*
19 *to the Committee on Foreign Affairs of the House of Rep-*
20 *resentatives and the Committee on Foreign Relations of the*
21 *Senate the text of each Presidential directive regarding*
22 *United States export policies, practices, and regulations re-*
23 *lating to the implementation of the Arms Export Control*
24 *Act (22 U.S.C. 2751 et seq.) not later than 15 days after*

1 *the date on which the directive has been signed or author-*
2 *ized by the President.*

3 (b) *TRANSITION PROVISION.—Each Presidential direc-*
4 *tive described in subsection (a) that is signed or authorized*
5 *by the President on or after January 1, 2009, and before*
6 *the date of the enactment of this Act shall be made available*
7 *to the congressional committees specified in subsection (a)*
8 *not later than 90 days after the date of the enactment of*
9 *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 in*
13 *subsection (a) on an unclassified basis.*

14 **SEC. 822. INCREASE IN VALUE OF DEFENSE ARTICLES AND**
15 **SERVICES FOR CONGRESSIONAL REVIEW AND**
16 **EXPEDITING CONGRESSIONAL REVIEW FOR**
17 **ISRAEL.**

18 (a) *FOREIGN MILITARY SALES.—*

19 (1) *IN GENERAL.—Section 36(b) of the Arms Ex-*
20 *port Control Act (22 U.S.C. 2776(b)) is amended—*

21 (A) *in paragraph (1)—*

22 (i) *by striking “\$50,000,000” and in-*
23 *serting “\$100,000,000”;*

24 (ii) *by striking “\$200,000,000” and*
25 *inserting “\$300,000,000”;*

1 (iii) by striking “\$14,000,000” and in-
2 serting “\$25,000,000”; and

3 (iv) by striking “The letter of offer
4 shall not be issued” and all that follows
5 through “enacts a joint resolution” and in-
6 serting the following:

7 “(2) The letter of offer shall not be issued—

8 “(A) with respect to a proposed sale of any de-
9 fense articles or defense services under this Act for
10 \$200,000,000 or more, any design and construction
11 services for \$300,000,000 or more, or any major de-
12 fense equipment for \$75,000,000 or more, to the North
13 Atlantic Treaty Organization (NATO), any member
14 country of NATO, Japan, Australia, the Republic of
15 Korea, Israel, or New Zealand, if Congress, within 15
16 calendar days after receiving such certification, or

17 “(B) with respect to a proposed sale of any de-
18 fense articles or services under this Act for
19 \$100,000,000 or more, any design and construction
20 services for \$200,000,000 or more, or any major de-
21 fense equipment for \$50,000,000 or more, to any other
22 country or organization, if Congress, within 30 cal-
23 endar days after receiving such certification,
24 enacts a joint resolution”; and

1 (B) by redesignating paragraphs (2)
2 through (6) as paragraphs (3) through (7), re-
3 spectively.

4 (2) *TECHNICAL AND CONFORMING AMEND-*
5 *MENTS.—Section 36 of the Arms Export Control Act*
6 *(22 U.S.C. 2776) is amended—*

7 (A) in subsection (b)—

8 (i) in paragraph (6)(C), as redesign-
9 ated, by striking “Subject to paragraph
10 (6), if” and inserting “If”; and

11 (ii) by striking paragraph (7), as re-
12 designated; and

13 (B) in subsection (c)(4), by striking “sub-
14 section (b)(5)” each place it appears and insert-
15 ing “subsection (b)(6)”.

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

18 (1) in paragraph (1)—

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

21 (B) by striking “\$14,000,000” and inserting
22 “\$25,000,000”; and

23 (C) by striking “\$50,000,000” and inserting
24 “\$100,000,000”;

25 (2) in paragraph (2)—

1 (A) in subparagraph (A)—

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

12 (ii) by striking “Organization,” and
13 inserting “Organization (NATO),” and by
14 further striking “that Organization” and
15 inserting “NATO”; and

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

1 (3) *by striking paragraph (5).*

2 **SEC. 823. DIPLOMATIC EFFORTS TO STRENGTHEN NA-**
3 **TIONAL AND INTERNATIONAL ARMS EXPORT**
4 **CONTROLS.**

5 (a) *SENSE OF CONGRESS.—It is the sense of Congress*
6 *that the President should redouble United States diplomatic*
7 *efforts to strengthen national and international arms export*
8 *controls by establishing a senior-level initiative to ensure*
9 *that those arms export controls are comparable to and sup-*
10 *portive of United States arms export controls, particularly*
11 *with respect to countries of concern to the United States.*

12 (b) *REPORT.—Not later than one year after the date*
13 *of the enactment of this Act, and annually thereafter for*
14 *4 years, the President shall transmit to the Committee on*
15 *Foreign Affairs of the House of Representatives and the*
16 *Committee on Foreign Relations of the Senate a report on*
17 *United States diplomatic efforts described in subsection (a).*

18 **SEC. 824. REPORTING REQUIREMENT FOR UNLICENSED EX-**
19 **PORTS.**

20 *Section 655(b) of the Foreign Assistance Act of 1961*
21 *(22 U.S.C. 2415(b)) is amended—*

22 (1) *in paragraph (2), by striking “or” at the*
23 *end;*

24 (2) *in paragraph (3), by striking the period at*
25 *the end and inserting “; or”; and*

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

2 “(4) were exported without a license under sec-
3 tion 38 of the Arms Export Control Act (22 U.S.C.
4 2778) pursuant to an exemption established under the
5 International Traffic in Arms Regulations, other than
6 defense articles exported in furtherance of a letter of
7 offer and acceptance under the Foreign Military Sales
8 program or a technical assistance or manufacturing
9 license agreement, including the specific exemption
10 provision in the regulation under which the export
11 was made.”.

12 **SEC. 825. REPORT ON VALUE OF MAJOR DEFENSE EQUIP-**
13 **MENT AND DEFENSE ARTICLES EXPORTED**
14 **UNDER SECTION 38 OF THE ARMS EXPORT**
15 **CONTROL ACT.**

16 Section 38 of the Arms Export Control Act (22 U.S.C.
17 2778), as amended by section 809(a) of this Act, is further
18 amended by adding at the end the following:

19 “(1) *REPORT.*—

20 “(1) *IN GENERAL.*—The President shall transmit
21 to the Committee on Foreign Affairs of the House of
22 Representatives and the Committee on Foreign Rela-
23 tions of the Senate a report that contains a detailed
24 listing, by country and by international organization,
25 of the total dollar value of major defense equipment

1 *and defense articles exported pursuant to licenses au-*
2 *thorized under this section for the previous fiscal*
3 *year.*

4 “(2) *INCLUSION IN ANNUAL BUDGET.*—*The re-*
5 *port required by this subsection shall be included in*
6 *the supporting information of the annual budget of*
7 *the United States Government required to be sub-*
8 *mitted to Congress under section 1105 of title 31,*
9 *United States Code.”.*

10 **SEC. 826. AUTHORITY TO REMOVE SATELLITES AND RE-**
11 **LATED COMPONENTS FROM THE UNITED**
12 **STATES MUNITIONS LIST.**

13 *(a) AUTHORITY.*—*Except as provided in subsection (b)*
14 *and subject to subsection (d), the President is authorized*
15 *to remove satellites and related components from the United*
16 *States Munitions List, consistent with the procedures in sec-*
17 *tion 38(f) of the Arms Export Control Act (22 U.S.C.*
18 *2778(f)).*

19 *(b) EXCEPTION.*—*The authority of subsection (a) may*
20 *not be exercised with respect to any satellite or related com-*
21 *ponent that may, directly or indirectly, be transferred to,*
22 *or launched into outer space by, the People’s Republic of*
23 *China.*

24 *(c) UNITED STATES MUNITIONS LIST.*—*In this sec-*
25 *tion, the term “United States Munitions List” means the*

1 *list referred to in section 38(a)(1) of the Arms Export Con-*
2 *trol Act (22 U.S.C. 2778(a)(1)).*

3 (d) *EFFECTIVE DATE.*—*The President may not exer-*
4 *cise the authority provided in this section before the date*
5 *that is 90 days after the date of the enactment of this Act.*

6 **SEC. 827. REVIEW AND REPORT OF INVESTIGATIONS OF**
7 **VIOLATIONS OF SECTION 3 OF THE ARMS EX-**
8 **PORT CONTROL ACT.**

9 (a) *REVIEW.*—*The Inspector General of the Depart-*
10 *ment of State shall conduct a review of investigations by*
11 *the Department of State during each of fiscal years 2010*
12 *through 2014 of any and all possible violations of section*
13 *3 of the Arms Export Control Act (22 U.S.C. 2753) with*
14 *respect to misuse of United States-origin defense items to*
15 *determine whether the Department of State has fully com-*
16 *plied with the requirements of such section, as well as its*
17 *own internal procedures (and whether such procedures are*
18 *adequate), for reporting to Congress any information re-*
19 *garding the unlawful use or transfer of United States-origin*
20 *defense articles, defense services, and technology by foreign*
21 *countries, as required by such section.*

22 (b) *REPORT.*—*The Inspector General of the Depart-*
23 *ment of State shall submit to the Committee on Foreign*
24 *Affairs of the House of Representatives and the Committee*
25 *on Foreign Relations of the Senate for each of fiscal years*

1 2010 through 2014 a report that contains the findings and
2 results of the review conducted under subsection (a). The
3 report shall be submitted in unclassified form to the max-
4 imum extent possible, but may include a classified annex.

5 **SEC. 828. REPORT ON SELF-FINANCING OPTIONS FOR EX-**
6 **PORT LICENSING FUNCTIONS OF DDTC OF**
7 **THE DEPARTMENT OF STATE.**

8 *Not later than 90 days after the date of the enactment*
9 *of this Act, the Secretary of State shall submit to the appro-*
10 *priate congressional committees a report on possible mecha-*
11 *nisms to place the export licensing functions of the Direc-*
12 *torate of Defense Trade Controls of the Department of State*
13 *on a 100 percent self-financing basis.*

14 **SEC. 829. CLARIFICATION OF CERTIFICATION REQUIRE-**
15 **MENT RELATING TO ISRAEL'S QUALITATIVE**
16 **MILITARY EDGE.**

17 *Section 36(h)(1) of the Arms Export Control Act (22*
18 *U.S.C. 2776(h)(1)) is amended by striking “a determina-*
19 *tion” and inserting “an unclassified determination”.*

20 **SEC. 830. EXPEDITING CONGRESSIONAL DEFENSE EXPORT**
21 **REVIEW PERIOD FOR ISRAEL.**

22 *The Arms Export Control Act (22 U.S.C. 2751 et seq.)*
23 *is amended—*

24 *(1) in sections 3(d)(2)(B), 3(d)(3)(A)(i), 3(d)(5),*
25 *21(e)(2)(A), 36(b)(3) (as redesignated by section*

1 822(a)(1)(B) of this Act), 36(c)(2)(A), 36(d)(2)(A),
2 62(c)(1), and 63(a)(2) by inserting “Israel,” before
3 “or New Zealand”; and

4 (2) in section 3(b)(2), by inserting “the Govern-
5 ment of Israel,” before “or the Government of New
6 Zealand”.

7 **SEC. 831. UPDATING AND CONFORMING PENALTIES FOR**
8 **VIOLATIONS OF SECTIONS 38 AND 39 OF THE**
9 **ARMS EXPORT CONTROL ACT.**

10 (a) *IN GENERAL.*—Section 38(c) of the Arms Export
11 Control Act (22 U.S.C. 2778(c) is amended to read as fol-
12 lows:

13 “(c) *VIOLATIONS OF THIS SECTION AND SECTION*
14 *39.*—

15 “(1) *UNLAWFUL ACTS.*—It shall be unlawful for
16 any person to violate, attempt to violate, conspire to
17 violate, or cause a violation of any provision of this
18 section or section 39, or any rule or regulation issued
19 under either section, or who, in a registration or li-
20 cense application or required report, makes any un-
21 true statement of a material fact or omits to state a
22 material fact required to be stated therein or nec-
23 essary to make the statements therein not misleading.

1 “(2) *CRIMINAL PENALTIES.*—A person who will-
2 fully commits an unlawful act described in para-
3 graph (1) shall upon conviction—

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

6 “(B) in the case of a natural person, be im-
7 prisoned for each violation for not more than 20
8 years,
9 or both.”.

10 (b) *MECHANISMS TO IDENTIFY VIOLATORS.*—Section
11 38(g) of the Arms Export Control Act (22 U.S.C. 2778(g))
12 is amended—

13 (1) in paragraph (1)—

14 (A) in subparagraph (A)—

15 (i) in the matter preceding clause (i),
16 by inserting “or otherwise charged” after
17 “indictment”;

18 (ii) in clause (xi), by striking “or” at
19 the end; and

20 (iii) by adding at the end the fol-
21 lowing:

22 “(xiii) section 542 of title 18, United States
23 Code, relating to entry of goods by means of false
24 statements;

1 “(xiv) section 554 of title 18, United States
2 Code, relating to smuggling goods from the
3 United States; or

4 “(xv) section 1831 of title 18, United States
5 Code, relating to economic espionage.”; and

6 (B) in subparagraph (B), by inserting “or
7 otherwise charged” after “indictment”; and

8 (2) in paragraph (3)(A), by inserting “or other-
9 wise charged” after “indictment”.

10 (c) *EFFECTIVE DATE.*—The amendment made by sub-
11 section (a) shall take effect on the date of the enactment
12 of this Act and shall apply with respect to violations of
13 sections 38 and 39 of the Arms Export Control Act com-
14 mitted on or after that date.

15 **Subtitle C—Miscellaneous** 16 **Provisions**

17 **SEC. 841. AUTHORITY TO BUILD THE CAPACITY OF FOREIGN** 18 **MILITARY FORCES.**

19 (a) *AUTHORITY.*—The Secretary of State is authorized
20 to conduct a program to respond to contingencies in foreign
21 countries or regions by providing training, procurement,
22 and capacity-building of a foreign country’s national mili-
23 tary forces and dedicated counterterrorism forces in order
24 for that country to—

25 (1) conduct counterterrorist operations; or

1 (2) *participate in or support military and sta-*
2 *bility operations in which the United States is a par-*
3 *ticipant.*

4 **(b) TYPES OF CAPACITY-BUILDING.**—*The program au-*
5 *thorized under subsection (a) may include the provision of*
6 *equipment, supplies, and training.*

7 **(c) LIMITATIONS.**—

8 **(1) ASSISTANCE OTHERWISE PROHIBITED BY**
9 **LAW.**—*The Secretary of State may not use the au-*
10 *thority in subsection (a) to provide any type of assist-*
11 *ance described in subsection (b) that is otherwise pro-*
12 *hibited by any provision of law.*

13 **(2) LIMITATION ON ELIGIBLE COUNTRIES.**—*The*
14 *Secretary of State may not use the authority in sub-*
15 *section (a) to provide assistance described in sub-*
16 *section (b) to any foreign country that is otherwise*
17 *prohibited from receiving such type of assistance*
18 *under any other provision of law.*

19 **(d) FORMULATION AND EXECUTION OF ACTIVITIES.**—
20 *The Secretary of State shall consult with the head of any*
21 *other appropriate department or agency in the formulation*
22 *and execution of the program authorized under subsection*
23 *(a).*

24 **(e) CONGRESSIONAL NOTIFICATION.**—

1 (1) *ACTIVITIES IN A COUNTRY.*—*Not less than 15*
2 *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 the*
5 *congressional committees specified in paragraph (2) a*
6 *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 COMMITTEES.*—
13 *The congressional committees specified in this para-*
14 *graph are the following:*

15 (A) *The Committee on Foreign Affairs and*
16 *the Committee on Appropriations of the House of*
17 *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 ap-*
23 *propriated to the Secretary of State \$25,000,000 for*
24 *each of the fiscal years 2010 and 2011 to conduct the*
25 *program authorized by subsection (a).*

1 (2) *USE OF FMF FUNDS.*—*The Secretary of State*
2 *may use up to \$25,000,000 of funds available under*
3 *the Foreign Military Financing program for each of*
4 *the fiscal years 2010 and 2011 to conduct the pro-*
5 *gram 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 until*
10 *expended; and*

11 (B) *may be referred to as the “Security As-*
12 *istance 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 Mili-*
18 *tary Sales Stockpile Fund”; and*

19 (2) *in paragraph (4), by inserting “building the*
20 *capacity of recipient countries and” before “narcotics*
21 *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 *tion to promote responsible practices in the global*
2 *arms trade and should actively work to prevent con-*
3 *ventional weapons from being used to perpetrate—*

4 *(A) breaches of the United Nations Charter*
5 *relating to the use of force;*

6 *(B) gross violations of international human*
7 *rights;*

8 *(C) serious violations of international hu-*
9 *manitarian law;*

10 *(D) acts of genocide or crimes against hu-*
11 *manity;*

12 *(E) acts of terrorism; and*

13 *(F) destabilizing buildups of military forces*
14 *and weapons; and*

15 *(2) the United States should actively engage in*
16 *the development of a legally binding treaty estab-*
17 *lishing common international standards for the im-*
18 *port, export, and transfer of conventional weapons.*

19 **SEC. 845. REPORT ON UNITED STATES' COMMITMENTS TO**
20 **THE SECURITY OF ISRAEL.**

21 *(a) INITIAL REPORT.—Not later than 30 days after the*
22 *date of the enactment of this Act, the President shall trans-*
23 *mit to the appropriate congressional committees a report*
24 *that contains—*

1 (1) *a complete, unedited, and unredacted copy of*
2 *each assurance made by United States Government*
3 *officials to officials of the Government of Israel re-*
4 *garding Israel's security and maintenance of Israel's*
5 *qualitative military edge, as well as any other assur-*
6 *ance regarding Israel's security and maintenance of*
7 *Israel's qualitative military edge provided in conjunc-*
8 *tion with exports under the Arms Export Control Act*
9 *(22 U.S.C. 2751 et seq.), for the period beginning on*
10 *January 1, 1975, and ending on the date of the enact-*
11 *ment of this Act; and*

12 (2) *an analysis of the extent to which, and by*
13 *what means, each such assurance has been and is con-*
14 *tinuing to be fulfilled.*

15 (b) *SUBSEQUENT REPORTS.—*

16 (1) *NEW ASSURANCES AND REVISIONS.—The*
17 *President shall transmit to the appropriate congress-*
18 *ional committees a report that contains the informa-*
19 *tion required under subsection (a) with respect to—*

20 (A) *each assurance described in subsection*
21 *(a) made on or after the date of the enactment*
22 *of this Act, or*

23 (B) *revisions to any assurance described in*
24 *subsection (a) or subparagraph (A) of this para-*
25 *graph,*

1 *within 15 days of the new assurance or revision being*
2 *conveyed.*

3 (2) *5-YEAR REPORTS.*—*Not later than 5 years*
4 *after the date of the enactment of this Act, and every*
5 *5 years thereafter, the President shall transmit to the*
6 *appropriate congressional committees a report that*
7 *contains the information required under subsection*
8 *(a) with respect to each assurance described in sub-*
9 *section (a) or paragraph (1)(A) of this subsection and*
10 *revisions to any assurance described in subsection (a)*
11 *or paragraph (1)(A) of this subsection during the pre-*
12 *ceding 5-year period.*

13 (c) *FORM.*—*Each report required by this section shall*
14 *be transmitted in unclassified form, but may contain a clas-*
15 *sified annex, if necessary.*

16 **SEC. 846. WAR RESERVES STOCKPILE.**

17 (a) *DEPARTMENT OF DEFENSE APPROPRIATIONS ACT,*
18 *2005.*—*Section 12001(d) of the Department of Defense Ap-*
19 *propriations Act, 2005 (Public Law 108–287; 118 Stat.*
20 *1011), is amended by striking “4” and inserting “7”.*

21 (b) *FOREIGN ASSISTANCE ACT OF 1961.*—*Section*
22 *514(b)(2)(A) of the Foreign Assistance Act of 1961 (22*
23 *U.S.C. 2321h(b)(2)(A)) is amended by striking “fiscal years*
24 *2007 and 2008” and inserting “fiscal years 2010 and*
25 *2011”.*

1 **SEC. 847. EXCESS DEFENSE ARTICLES FOR CENTRAL AND**
2 **SOUTH EUROPEAN COUNTRIES AND CERTAIN**
3 **OTHER COUNTRIES.**

4 *Section 516(e) of the Foreign Assistance Act of 1961*
5 *(22 U.S.C. 2321j(e)) is amended—*

6 *(1) in paragraph (1), by striking “paragraph*
7 *(2)” and inserting “paragraphs (2) and (3)”;*

8 *(2) in paragraph (2), in the heading by striking*
9 *“EXCEPTION” and inserting “GENERAL EXCEPTION”;*
10 *and*

11 *(3) by adding at the end the following new para-*
12 *graph:*

13 *“(3) EXCEPTION FOR SPECIFIC COUNTRIES.—For*
14 *fiscal years 2010 and 2011, the President may pro-*
15 *vide for the crating, packing, handling, and transpor-*
16 *tation of excess defense articles transferred under the*
17 *authority of this section to Albania, Afghanistan,*
18 *Bulgaria, Croatia, Estonia, Macedonia, Georgia,*
19 *India, Iraq, Israel, Kazakhstan, Kyrgyzstan, Latvia,*
20 *Lithuania, Moldova, Mongolia, Pakistan, Romania,*
21 *Slovakia, Tajikistan, Turkmenistan, and Ukraine.”.*

22 **SEC. 848. SUPPORT TO ISRAEL FOR MISSILE DEFENSE.**

23 *(a) AUTHORIZATION OF ASSISTANCE.—Of the amounts*
24 *authorized to be appropriated to carry out this Act, there*
25 *are authorized to be appropriated such sums as may be nec-*
26 *essary for co-development of joint ballistic missile, medium*

1 *and short-range projectile defense projects with Israel, in-*
2 *cluding—*

3 (1) *complete accelerated co-production of Arrow*
4 *missiles;*

5 (2) *system development of the Israel Missile De-*
6 *fense Organization program to develop a short-range*
7 *ballistic missile defense capability, David's Sling*
8 *weapon system, and integrate the weapon system with*
9 *the ballistic missile defense system and force protec-*
10 *tion efforts of the United States; and*

11 (3) *research, development, and test and evalua-*
12 *tion of the Iron Dome short-range projectile defense*
13 *system.*

14 (b) *REPORT AND STRATEGY.—*

15 (1) *REQUIREMENT.—Not later than 180 days*
16 *after the date of the enactment of this Act, and annu-*
17 *ally thereafter in connection with the submission of*
18 *congressional presentation materials for the foreign*
19 *operations appropriations and defense appropriations*
20 *budget request, the Secretary of State, in consultation*
21 *with the Secretary of Defense, shall submit to the ap-*
22 *propriate congressional committees a report regarding*
23 *the activities authorized under subsection (a)(1).*

24 (2) *CLASSIFIED ANNEX.—The report required*
25 *under paragraph (1) shall be submitted in unclassi-*

1 *fied form to the maximum extent practicable, but*
 2 *may include a classified annex, if necessary.*

3 (3) *DEFINITION OF APPROPRIATE CONGRES-*
 4 *SIONAL COMMITTEES.—In this subsection, the term*
 5 *“appropriate congressional committees” means—*

6 (A) *the Committee on Foreign Affairs and*
 7 *the Committee on Armed Services of the House*
 8 *of Representatives; and*

9 (B) *the Committee on Foreign Relations*
 10 *and the Committee on Armed Services in the*
 11 *Senate.*

12 **TITLE IX—ACTIONS TO ENHANCE**
 13 **THE MERIDA INITIATIVE**
 14 **Subtitle A—General Provisions**

15 **SEC. 901. COORDINATOR OF UNITED STATES GOVERNMENT**
 16 **ACTIVITIES TO IMPLEMENT THE MERIDA INI-**
 17 **TIATIVE.**

18 (a) *DECLARATION OF POLICY.—Congress declares that*
 19 *the Merida Initiative is a Department of State-led initia-*
 20 *tive which combines the programs of numerous United*
 21 *States Government departments and agencies and therefore*
 22 *requires a single individual to coordinate and track all*
 23 *Merida Initiative-related efforts government-wide to avoid*
 24 *duplication, coordinate messaging, and facilitate account-*
 25 *ability to and communication with Congress.*

1 **(b) DESIGNATION OF HIGH-LEVEL COORDINATOR.**—

2 **(1) IN GENERAL.**—*The President shall designate,*
3 *within the Department of State, a Coordinator of*
4 *United States Government Activities to Implement*
5 *the Merida Initiative (hereafter in this section re-*
6 *ferred to as the “Coordinator”) who shall be respon-*
7 *sible for—*

8 **(A)** *designing and shaping an overall strat-*
9 *egy for the Merida Initiative;*

10 **(B)** *ensuring program and policy coordina-*
11 *tion among United States Government depart-*
12 *ments and agencies in carrying out the Merida*
13 *Initiative, including avoiding duplication*
14 *among programs and ensuring that a consistent*
15 *message emanates from the United States Gov-*
16 *ernment;*

17 **(C)** *ensuring that efforts of the United*
18 *States Government are in full consonance with*
19 *the efforts of the countries within the Merida Ini-*
20 *tiative;*

21 **(D)** *tracking, in coordination with the rel-*
22 *evant officials of the Department of Defense and*
23 *other departments and agencies, United States*
24 *assistance programs that fulfill the goals of the*

1 *Merida Initiative or are closely related to the*
2 *goals of the Merida Initiative;*

3 *(E) to the extent possible, tracking informa-*
4 *tion required under the second section 620J of*
5 *the Foreign Assistance Act of 1961 (22 U.S.C.*
6 *2378d) (as added by section 651 of division J of*
7 *Public Law 110–161) with respect to countries*
8 *participating in the Merida Initiative; and*

9 *(F) consulting with the Attorney General*
10 *and the Secretary of Homeland Security with re-*
11 *spect to the activities of Federal, State, and local*
12 *law enforcement authorities in the United States*
13 *relating to the goals of the Merida Initiative,*
14 *particularly along the United States-Mexico bor-*
15 *der.*

16 (2) *RANK AND STATUS OF THE COORDINATOR.*—
17 *The Coordinator should have the rank and status of*
18 *ambassador.*

19 (3) *COUNTRIES WITHIN THE MERIDA INITIATIVE*
20 *DEFINED.*—*The term “countries within the Merida*
21 *Initiative” means Belize, Costa Rica, El Salvador,*
22 *Guatemala, Honduras, Mexico, Nicaragua, and Pan-*
23 *ama and includes Haiti and the Dominican Repub-*
24 *lic.*

1 **SEC. 902. ADDING THE CARIBBEAN TO THE MERIDA INITIA-**
2 **TIVE.**

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

4 (1) *The illicit drug trade—which has taken a*
5 *toll on the small countries of the Caribbean Commu-*
6 *nity (CARICOM) for many years—is now moving*
7 *even more aggressively into these countries.*

8 (2) *A March 2007 joint report by the United Na-*
9 *tions Office on Drugs and Crime (UNODC) and the*
10 *World Bank noted that murder rates in the Carib-*
11 *bean—at 30 per 100,000 population annually—are*
12 *higher than for any other region of the world and*
13 *have risen in recent years for many of the region’s*
14 *countries. The report also argues that the strongest ex-*
15 *planation for the high crime and violence rates in the*
16 *Caribbean and their rise in recent years is drug traf-*
17 *ficking.*

18 (3) *If the United States does not move quickly to*
19 *provide Merida Initiative assistance to the CARICOM*
20 *countries, the positive results of the Merida Initiative*
21 *in Mexico and Central America will move the drug*
22 *trade deeper into the Caribbean and multiply the al-*
23 *ready alarming rates of violence.*

24 (b) *CONSULTATIONS.*—Not later than 30 days after the
25 date of the enactment of this Act, the Secretary of State
26 is authorized to consult with the countries of the Caribbean

1 *Community (CARICOM) in preparation for their inclusion*
2 *into the Merida Initiative.*

3 (c) *INCORPORATION OF CARICOM COUNTRIES INTO*
4 *THE MERIDA INITIATIVE.*—*The President is authorized to*
5 *incorporate the CARICOM countries into the Merida Ini-*
6 *tiative.*

7 **SEC. 903. MERIDA INITIATIVE MONITORING AND EVALUA-**
8 **TION MECHANISM.**

9 (a) *DEFINITIONS.*—*In this section:*

10 (1) *IMPACT EVALUATION RESEARCH.*—*The term*
11 *“impact evaluation research” means the application*
12 *of research methods and statistical analysis to meas-*
13 *ure the extent to which change in a population-based*
14 *outcome can be attributed to program intervention in-*
15 *stead of other environmental factors.*

16 (2) *OPERATIONS RESEARCH.*—*The term “oper-*
17 *ations research” means the application of social*
18 *science research methods, statistical analysis, and*
19 *other appropriate scientific methods to judge, com-*
20 *pare, and improve policies and program outcomes,*
21 *from the earliest stages of defining and designing pro-*
22 *grams through their development and implementa-*
23 *tion, with the objective of the rapid dissemination of*
24 *conclusions and concrete impact on programming.*

1 (3) *PROGRAM MONITORING.*—*The term “program*
2 *monitoring” means the collection, analysis, and use of*
3 *routine program data to determine how well a pro-*
4 *gram is carried out and how much the program costs.*

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

7 (1) *to successfully support building the capacity*
8 *of recipient countries’ civilian security institutions,*
9 *enhance the rule of law in recipient countries, and*
10 *ensure the protection of human rights, the President*
11 *should establish a program to conduct impact evalua-*
12 *tion research, operations research, and program mon-*
13 *itoring to ensure effectiveness of assistance provided*
14 *under the Merida Initiative;*

15 (2) *long-term solutions to the security problems*
16 *of Merida recipient countries depend on increasing*
17 *the effectiveness and responsiveness of their civilian*
18 *institutions, including their judicial system;*

19 (3) *a specific program of impact evaluation re-*
20 *search, operations research, and program monitoring,*
21 *established at the inception of the program, is re-*
22 *quired to permit assessment of the operational effec-*
23 *tiveness of the impact of United States assistance to-*
24 *wards these goals; and*

1 (4) *the President, in developing performance*
2 *measurement methods under the impact evaluation*
3 *research, operations research, and program moni-*
4 *toring, should consult with the appropriate congress-*
5 *sional committees as well as the governments of*
6 *Merida recipient countries.*

7 (c) *IMPACT EVALUATION RESEARCH, OPERATION RE-*
8 *SEARCH, AND PROGRAM MONITORING OF ASSISTANCE.—*
9 *The President shall establish and implement a program to*
10 *assess the effectiveness of assistance provided under the*
11 *Merida Initiative through impact evaluation research on a*
12 *selected set of programmatic interventions, operations re-*
13 *search in areas to ensure efficiency and effectiveness of pro-*
14 *gram implementation, and monitoring to ensure timely and*
15 *transparent delivery of assistance.*

16 (d) *REQUIREMENTS.—The program required under*
17 *subsection (c) shall include—*

18 (1) *a delineation of key impact evaluation re-*
19 *search and operations research questions for main*
20 *components of assistance provided under the Merida*
21 *Initiative;*

22 (2) *an identification of measurable performance*
23 *goals for each of the main components of assistance*
24 *provided under the Merida Initiative, to be expressed*

1 *in an objective and quantifiable form at the inception*
2 *of the program;*

3 *(3) the use of appropriate methods, based on rig-*
4 *orous social science tools, to measure program impact*
5 *and operational efficiency; and*

6 *(4) adherence to a high standard of evidence in*
7 *developing recommendations for adjustments to such*
8 *assistance to enhance the impact of such assistance.*

9 *(e) CONSULTATION WITH CONGRESS.—Not later than*
10 *60 days after the date of the enactment of this Act, the*
11 *President shall brief and consult with the appropriate con-*
12 *gressional committees regarding the progress in establishing*
13 *and implementing the program required under subsection*
14 *(c).*

15 *(f) AUTHORIZATION OF APPROPRIATIONS.—Of the*
16 *amounts authorized to be appropriated for the Merida Ini-*
17 *tiative, up to five percent of such amounts is authorized*
18 *to be appropriated to carry out this section.*

19 *(g) REPORT.—*

20 *(1) IN GENERAL.—Not later than 180 days after*
21 *the date of the enactment of this section and not later*
22 *than December 1 of each year thereafter, the President*
23 *shall transmit to the appropriate congressional com-*
24 *mittees a report regarding programs and activities*

1 *carried out under the Merida Initiative during the*
2 *preceding fiscal year.*

3 (2) *MATTERS TO BE INCLUDED.*—*The reports re-*
4 *quired under subsection (g) shall include the fol-*
5 *lowing:*

6 (A) *FINDINGS.*—*Findings related to the im-*
7 *portant evaluation research, operation research, and*
8 *program monitoring of assistance program estab-*
9 *lished under subsection (c).*

10 (B) *COORDINATION.*—*Efforts of the United*
11 *States Government to coordinate its activities,*
12 *including—*

13 (i) *a description of all counternarcotics*
14 *and organized crime assistance provided to*
15 *Merida Initiative recipient countries in the*
16 *previous fiscal year;*

17 (ii) *an assessment of how such assist-*
18 *ance was coordinated; and*

19 (iii) *recommendations for improving*
20 *coordination.*

21 (C) *TRANSFER OF EQUIPMENT.*—*A descrip-*
22 *tion of the transfer of equipment, including—*

23 (i) *a description of the progress of each*
24 *recipient country toward the transfer of*

1 *equipment, if any, from its armed forces to*
2 *law enforcement agencies;*

3 *(ii) a list of agencies that have used*
4 *air assets provided by the United States*
5 *under the Merida Initiative to the govern-*
6 *ment of each recipient country, and, to the*
7 *extent possible, a detailed description of*
8 *those agencies that have utilized such air*
9 *assets, such as by a percentage breakdown of*
10 *use by each agency; and*

11 *(iii) a description of training of law*
12 *enforcement agencies to operate equipment,*
13 *including air assets.*

14 *(D) HUMAN RIGHTS.—In accordance with*
15 *sections 116(d) and 502B(b) of the Foreign As-*
16 *sistance Act of 1961 (22 U.S.C. 2151n(d) and*
17 *2304(b)) and section 504 of the Trade Act of*
18 *1974 (19 U.S.C. 2464), an assessment of the*
19 *human rights impact of the equipment and*
20 *training provided under the Merida Initiative,*
21 *including—*

22 *(i) a list of accusations of serious*
23 *human rights abuses committed by the*
24 *armed forces and law enforcement agencies*

1 *of recipient countries on or after the date of*
2 *the enactment of this Act; and*

3 (ii) *a description of efforts by the gov-*
4 *ernments of Merida recipient countries to*
5 *investigate and prosecute allegations of*
6 *abuses of human rights committed by any*
7 *agency of such recipient countries.*

8 (E) *EFFECTIVENESS OF EQUIPMENT.*—*An*
9 *assessment of the long-term effectiveness of the*
10 *equipment and maintenance packages and train-*
11 *ing provided to each recipient country’s security*
12 *institutions.*

13 (F) *MEXICO PUBLIC SECURITY STRATEGY.*—
14 *A description of Mexico’s development of a public*
15 *security strategy, including—*

16 (i) *effectiveness of the Mexican Federal*
17 *Registry of Police Personnel to vet police re-*
18 *cruiting at the National, state, and munic-*
19 *ipal levels to prevent rehiring from one*
20 *force to the next after dismissal for corrup-*
21 *tion and other reasons; and*

22 (ii) *an assessment of how the Merida*
23 *Initiative complements and supports the*
24 *Mexican Government’s own public security*
25 *strategy.*

1 (G) *FLOW OF ILLEGAL ARMS.*—A descrip-
2 tion and assessment of efforts to reduce the south-
3 bound flow of illegal arms.

4 (H) *USE OF CONTRACTORS.*—A detailed de-
5 scription of contracts awarded to private compa-
6 nies to carry out provisions of the Merida Initia-
7 tive, including—

8 (i) a description of the number of
9 United States and foreign national civilian
10 contractors awarded contracts;

11 (ii) a list of the total dollar value of
12 the contracts; and

13 (iii) the purposes of the contracts.

14 (I) *PHASE OUT OF LAW ENFORCEMENT AC-*
15 *TIVITIES.*—A description of the progress of phas-
16 ing out law enforcement activities of the armed
17 forces of each recipient country.

18 (J) *IMPACT ON BORDER VIOLENCE AND SE-*
19 *CURITY.*—A description of the impact that ac-
20 tivities authorized under the Merida Initiative
21 have had on violence against United States and
22 Mexican border personnel and the extent to
23 which these activities have increased the protec-
24 tion and security of the United States-Mexico
25 border.

1 **SEC. 904. MERIDA INITIATIVE DEFINED.**

2 *In this subtitle, the term “Merida Initiative” means*
3 *the program announced by the United States and Mexico*
4 *on October 22, 2007, to fight illicit narcotics trafficking and*
5 *criminal organizations throughout the Western Hemisphere.*

6 **Subtitle B—Prevention of Illicit**
7 **Trade in Small Arms and Light**
8 **Weapons**

9 **SEC. 911. TASK FORCE ON THE PREVENTION OF ILLICIT**
10 **SMALL ARMS TRAFFICKING IN THE WESTERN**
11 **HEMISPHERE.**

12 (a) *ESTABLISHMENT.*—*The President shall establish*
13 *an inter-agency task force to be known as the “Task Force*
14 *on the Prevention of Illicit Small Arms Trafficking in the*
15 *Western Hemisphere” (in this section referred to as the*
16 *“Task Force”).*

17 (b) *DUTIES.*—*The Task Force shall develop a strategy*
18 *for the Federal Government to improve United States export*
19 *controls on the illicit export of small arms and light weap-*
20 *ons throughout the Western Hemisphere, including Mexico,*
21 *Central America, the Caribbean, and South America. The*
22 *Task Force shall—*

23 (1) *conduct a thorough review and analysis of*
24 *the current regulation of exports of small arms and*
25 *light weapons; and*

1 (2) *develop integrated Federal policies to better*
2 *control exports of small arms and light weapons in a*
3 *manner that furthers the foreign policy and national*
4 *security interests of the United States within the*
5 *Western Hemisphere.*

6 (c) *MEMBERSHIP.—The Task Force shall be composed*
7 *of—*

8 (1) *the Secretary of State;*

9 (2) *the Attorney General;*

10 (3) *the Secretary of Homeland Security; and*

11 (4) *the heads of other Federal departments and*
12 *agencies as appropriate.*

13 (d) *CHAIRPERSON.—The Secretary of State shall serve*
14 *as the chairperson of the Task Force.*

15 (e) *MEETINGS.—The Task Force shall meet at the call*
16 *of the chairperson or a majority of its members.*

17 (f) *ANNUAL REPORTS.—Not later than one year after*
18 *the date of the enactment of this Act and annually thereafter*
19 *until October 31, 2014, the chairperson of the Task Force*
20 *shall submit to Congress and make available to the public*
21 *a report that contains—*

22 (1) *a description of the activities of the Task*
23 *Force during the preceding year; and*

24 (2) *the findings, strategies, recommendations,*
25 *policies, and initiatives developed pursuant to the du-*

1 *ties of the Task Force under subsection (b) during the*
2 *preceding year.*

3 **SEC. 912. INCREASE IN PENALTIES FOR ILLICIT TRAF-**
4 **FICKING IN SMALL ARMS AND LIGHT WEAP-**
5 **ONS TO COUNTRIES IN THE WESTERN HEMI-**
6 **SPHERE.**

7 *(a) IN GENERAL.—Notwithstanding section 38(c) of*
8 *the Arms Export Control Act (22 U.S.C. 2778(c)), any per-*
9 *son who willfully exports to a country in the Western Hemi-*
10 *sphere any small arm or light weapon without a license*
11 *in violation of the requirements of section 38 of such Act*
12 *shall upon conviction be fined for each violation not less*
13 *than \$1,000,000 but not more than \$3,000,000 and impris-*
14 *oned for not more than twenty years, or both.*

15 *(b) DEFINITION.—In this section, the term “small arm*
16 *or light weapon” means any item listed in Category I(a),*
17 *Category III (as it applies to Category I(a)), or grenades*
18 *under Category IV(a) of the United States Munitions List*
19 *(as contained in part 121 of title 22, Code of Federal Regu-*
20 *lations (or successor regulations)) that requires a license for*
21 *international export under this section.*

22 **SEC. 913. DEPARTMENT OF STATE REWARDS PROGRAM.**

23 *Section 36(b) of the State Department Basic Authori-*
24 *ties Act of 1956 (22 U.S.C. 2708(b)) is amended—*

1 (1) by redesignating paragraphs (4) through (7)
2 as paragraphs (5) through (8), respectively;

3 (2) by inserting after paragraph (3) the fol-
4 lowing new paragraph:

5 “(4) the arrest or conviction in any country of
6 any individual for illegally exporting or attempting
7 to export to Mexico any small arm or light weapon
8 (as defined in section 912(b) of the Foreign Relations
9 Authorization Act, Fiscal Years 2010 and 2011);”;
10 and

11 (3) in paragraphs (5) and (6) (as redesignated),
12 by striking “paragraph (1), (2), or (3)” each place it
13 appears and inserting “paragraph (1), (2), (3), or
14 (4)”.

15 **SEC. 914. STATEMENT OF CONGRESS SUPPORTING UNITED**
16 **STATES RATIFICATION OF CIFTA.**

17 Congress supports the ratification by the United States
18 of the *Inter-American Convention Against the Illicit Manu-*
19 *facturing of and Trafficking in Firearms, Ammunition,*
20 *Explosives, and Other Related Materials.*

1 **TITLE X—REPORTING**
2 **REQUIREMENTS**

3 **SEC. 1001. ASSESSMENT OF SPECIAL COURT FOR SIERRA**
4 **LEONE.**

5 *Not later than 180 days after the date of the enactment*
6 *of this Act, the Secretary of State shall submit to the appro-*
7 *priate congressional committees an assessment on the con-*
8 *tinuing needs of the Special Court for Sierra Leone, includ-*
9 *ing an assessment of the following activities of the Special*
10 *Court:*

11 (1) *Witness protection.*

12 (2) *Archival activities, including recordkeeping*
13 *associated with future legal work by the Special*
14 *Court.*

15 (3) *The residual registrar’s capacity for enforce-*
16 *ing Special Court sentences and maintaining rela-*
17 *tions with countries hosting imprisoned convicts of*
18 *the Special Court, legal decisionmaking regarding fu-*
19 *ture appeals, conditions of prisoner treatment, con-*
20 *tempt proceedings, and financial matters relating to*
21 *such activities.*

22 (4) *Transfer or maintenance of Special Court*
23 *records to a permanent recordkeeping authority in*
24 *Sierra Leone.*

1 (5) *Ongoing needs or programs for community*
2 *outreach, for the purpose of reconciliation and heal-*
3 *ing, regarding the Special Court's legal proceedings*
4 *and decisions.*

5 (6) *Plans for the Special Court's facilities in Si-*
6 *erra Leone and plans to use the Special Court, and*
7 *expertise of its personnel, for further development of*
8 *the legal profession and an independent and effective*
9 *judiciary in Sierra Leone.*

10 (7) *Unresolved cases, or cases that were not pros-*
11 *ecuted.*

12 **SEC. 1002. REPORT ON UNITED STATES CAPACITIES TO**
13 **PREVENT GENOCIDE AND MASS ATROCITIES.**

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

15 (1) *The lack of an effective government-wide*
16 *strategy and adequate capacities for preventing geno-*
17 *cide and mass atrocities against civilians undermines*
18 *the ability of the United States to contribute to the*
19 *maintenance of global peace and security and protect*
20 *vital United States interests.*

21 (2) *The December 2008 Report of the Genocide*
22 *Prevention Task Force, co-chaired by former Sec-*
23 *retary of State Madeleine Albright and former Sec-*
24 *retary of Defense William Cohen offers a valuable*

1 *blueprint for strengthening United States capacities*
2 *to help prevent genocide and mass atrocities.*

3 *(3) Specific training and staffing will enhance*
4 *the diplomatic capacities of the Department of State*
5 *to help prevent and respond to threats of genocide and*
6 *mass atrocities.*

7 *(b) REPORT.—*

8 *(1) REPORT REQUIRED.—Not later than 180*
9 *days after the date of the enactment of this Act, the*
10 *Secretary of State shall submit to the appropriate*
11 *congressional committees a report outlining specific*
12 *plans for the development of a government-wide strat-*
13 *egy and the strengthening of United States civilian*
14 *capacities for preventing genocide and mass atrocities*
15 *against civilians.*

16 *(2) CONTENT.—The report required under para-*
17 *graph (1) shall include the following:*

18 *(A) An evaluation of current mechanisms*
19 *for government-wide early warning, information-*
20 *sharing, contingency planning, and coordination*
21 *of effort to prevent and respond to situations of*
22 *genocide, mass atrocities, and other mass vio-*
23 *lence.*

24 *(B) An assessment of current capacities*
25 *within the Department of State, including spe-*

1 *cific staffing and training, for early warning,*
2 *preventive diplomacy, and crisis response to help*
3 *avert genocide and mass atrocities.*

4 *(C) An evaluation of United States foreign*
5 *assistance programs and mechanisms directed to-*
6 *ward the prevention of genocide and mass atroc-*
7 *ities, including costs, challenges to implementa-*
8 *tion, and successes of such programs and mecha-*
9 *nisms.*

10 *(D) An assessment of the feasibility, effec-*
11 *tiveness, and potential costs of implementing key*
12 *recommendations made by the Genocide Preven-*
13 *tion Task Force, including the establishment of*
14 *an Atrocities Prevention Committee within the*
15 *National Security Council and increased annual*
16 *and contingency funding for the prevention of*
17 *genocide and mass atrocities.*

18 *(E) Recommendations to further strengthen*
19 *United States capacities to help prevent geno-*
20 *cide, mass atrocities, and other mass violence,*
21 *including enhanced early warning mechanisms,*
22 *strengthened diplomatic capacities of the Depart-*
23 *ment of State, and improved use of United*
24 *States foreign assistance.*

1 **SEC. 1003. REPORTS RELATING TO PROGRAMS TO ENCOUR-**
2 **AGE GOOD GOVERNANCE.**

3 (a) *IN GENERAL.*—Subparagraph (C) of section
4 133(d)(2) of the Foreign Assistance Act of 1961 (22 U.S.C.
5 2152c(d)(2)) is amended by inserting before the period at
6 the end the following: “, including, with respect to a country
7 that produces or exports large amounts of natural resources
8 such as petroleum or natural resources, the degree to which
9 citizens of the country have access to information about gov-
10 ernment revenue from the extraction of such resources and
11 credible reports of human rights abuses against individuals
12 from civil society or the media seeking to monitor such ex-
13 traction”.

14 (b) *EFFECTIVE DATE.*—The amendment made by sub-
15 section (a) shall apply with respect to reports required to
16 be transmitted under section 133(d)(2) of the Foreign As-
17 sistance Act of 1961, as so amended, on or after the date
18 of the enactment of this Act.

19 **SEC. 1004. REPORTS ON HONG KONG.**

20 Section 301 of the United States-Hong Kong Policy
21 Act of 1992 (Public Law 102–383; 22 U.S.C. 5731) is
22 amended, in the matter preceding paragraph (1), by strik-
23 ing “and March 31, 2006” and inserting “March 31, 2006,
24 and March 31, 2010, and March 31 of every subsequent year
25 through 2020,”.

1 **SEC. 1005. DEMOCRACY IN GEORGIA.**

2 (a) *SENSE OF CONGRESS.*—*It is the sense of Congress*
3 *that the development and consolidation of effective demo-*
4 *cratic governance in Georgia, including free and fair elec-*
5 *toral processes, respect for human rights and the rule of law,*
6 *an independent media, an independent judiciary, a vibrant*
7 *civil society, as well as transparency and accountability of*
8 *the executive branch and legislative process, is critically im-*
9 *portant to Georgia’s integration into Euro-Atlantic institu-*
10 *tions, stability in the Caucasus region, and United States*
11 *national security.*

12 (b) *REPORT ON DEMOCRACY IN GEORGIA.*—

13 (1) *IN GENERAL.*—*Not later than 180 days after*
14 *the date of the enactment of this Act, and not later*
15 *than December 31 of each of the two fiscal years*
16 *thereafter, the Secretary of State shall submit to the*
17 *appropriate congressional committees a report on the*
18 *programs, projects, and activities carried out in Geor-*
19 *gia with United States foreign assistance following*
20 *the August 2008 conflict with Russia.*

21 (2) *CONTENTS.*—*The report required under*
22 *paragraph (1) shall include information concerning*
23 *the following:*

24 (A) *The amount of United States assistance*
25 *obligated and expended for reconstruction activi-*
26 *ties for the prior fiscal year.*

1 (B) *A description of the programs funded*
2 *by such assistance, including humanitarian aid,*
3 *reconstruction of critical infrastructure, eco-*
4 *nomie development, political and democratic de-*
5 *velopment, and broadcasting.*

6 (C) *An evaluation of the impact of such*
7 *programs, including their contribution to the*
8 *consolidation of democracy in Georgia and ef-*
9 *forts by the Government of Georgia to improve*
10 *democratic governance.*

11 (D) *An analysis of the implementation of*
12 *the United States-Georgia Charter on Strategic*
13 *Partnership.*

14 **SEC. 1006. DIPLOMATIC RELATIONS WITH ISRAEL.**

15 (a) *SENSE OF CONGRESS.—It is the sense of Congress*
16 *that the United States should assist Israel in its efforts to*
17 *establish diplomatic relations.*

18 (b) *REPORT.—Not later than 180 days after the date*
19 *of the enactment of this Act and annually thereafter, the*
20 *Secretary of State shall submit to the appropriate congres-*
21 *sional committees a report that includes the following infor-*
22 *mation:*

23 (1) *Actions taken by representatives of the*
24 *United States to encourage other countries to establish*
25 *full diplomatic relations with Israel.*

1 (2) *Specific responses solicited and received by*
2 *the Secretary from countries that do not maintain*
3 *full diplomatic relations with Israel with respect to*
4 *their attitudes toward and plans for entering into*
5 *diplomatic relations with Israel.*

6 (3) *Other measures being undertaken, and meas-*
7 *ures that will be undertaken, by the United States to*
8 *ensure and promote Israel's full participation in the*
9 *world diplomatic community.*

10 (c) *FORM OF SUBMISSION.*—*The report required under*
11 *subsection (b) may be submitted in classified or unclassified*
12 *form, as the Secretary determines appropriate.*

13 **SEC. 1007. POLICE TRAINING REPORT.**

14 (a) *IN GENERAL.*—*Not later than 180 days after the*
15 *date of the enactment of this Act, the President shall, in*
16 *coordination with the heads of relevant Federal departments*
17 *and agencies, conduct a study and transmit to Congress a*
18 *report on current overseas civilian police training in coun-*
19 *tries or regions that are at risk of, in, or are in transition*
20 *from, conflict or civil strife.*

21 (b) *CONTENTS.*—*The report required under subsection*
22 (i) *shall contain information on the following:*

23 (1) *The coordination, communication, program*
24 *management, and policy implementation among the*
25 *United States civilian police training programs in*

1 *countries or regions that are at risk of, in, or are in*
2 *transition from, conflict or civil strife.*

3 *(2) The number of private contractors con-*
4 *ducting such training, and the quality and cost of*
5 *such private contractors.*

6 *(3) An assessment of pre-training procedures for*
7 *verification of police candidates to adequately assess*
8 *their aptitude, professional skills, integrity, and other*
9 *qualifications that are essential to law enforcement*
10 *work.*

11 *(4) An analysis of the practice of using existing*
12 *Federal police entities to provide civilian police*
13 *training in countries or regions that are at risk of,*
14 *in, or are in transition from, conflict or civil strife,*
15 *along with the subject matter expertise that each such*
16 *entity may provide to meet local needs in lieu of the*
17 *use of private contractors.*

18 *(5) Provide recommendations, including rec-*
19 *ommendations related to required resources and ac-*
20 *tions, to maximize the effectiveness and interagency*
21 *coordination and the adequate provision of civilian*
22 *police training programs in countries or regions that*
23 *are at risk of, in, or are in transition from, conflict*
24 *or civil strife.*

1 **SEC. 1008. REPORTS ON HUMANITARIAN ASSISTANCE IN**
2 **GAZA.**

3 (a) *IN GENERAL.*—Not later than 180 days after the
4 date of the enactment of this Act and one year thereafter,
5 the Secretary of State shall submit to the appropriate con-
6 gressional committees a report detailing the humanitarian
7 conditions and efficacy and obstacles to humanitarian and
8 reconstruction assistance activities in Gaza.

9 (b) *CONTENTS.*—The reports required under subsection
10 (a) shall include the following:

11 (1) *An assessment of the level of access to basic*
12 *necessities in Gaza, including food, fuel, water, sani-*
13 *tation, education, and healthcare.*

14 (2) *An assessment of the ability to successfully*
15 *deliver and distribute humanitarian and reconstruc-*
16 *tion goods and supplies.*

17 (3) *A description of the efforts of the United*
18 *States and its allies to facilitate the receipt and dis-*
19 *tribution of humanitarian and reconstruction assist-*
20 *ance in Gaza.*

21 (4) *An assessment of the obstacles to the delivery*
22 *of humanitarian and reconstruction assistance, in-*
23 *cluding the activities and policies of Hamas and any*
24 *organization designated as a foreign terrorist organi-*
25 *zation under section 219 of the Immigration and Na-*
26 *tionality Act.*

1 (5) *Recommendations for actions the United*
2 *States can take to best improve the level of access to*
3 *basic necessities referred to in paragraph (1) and*
4 *overcome obstacles described in paragraphs (2)*
5 *through (4).*

6 (6) *An assessment of the policy prohibiting per-*
7 *sonnel of the Department of State and the United*
8 *States Agency for International Development from*
9 *traveling to Gaza following the tragic roadside bomb-*
10 *ing in 2003. Such an assessment should consider and*
11 *evaluate the prospects that such personnel might re-*
12 *sume humanitarian assistance operations or com-*
13 *mence monitoring functions relating to humanitarian*
14 *aid distribution in Gaza in order to ascertain that*
15 *United States foreign assistance is not misused in*
16 *ways that benefit any organization designated as a*
17 *foreign terrorist organization under section 219 of the*
18 *Immigration and Nationality Act (8 U.S.C. 1189).*

19 **SEC. 1009. REPORT ON ACTIVITIES IN HAITI.**

20 *Not later than 180 days after the date of the enactment*
21 *of this Act, the Secretary of State shall submit to the appro-*
22 *priate congressional committees a report on the following:*

23 (1) *HURRICANE EMERGENCY RECOVERY.*—*The*
24 *status of activities in Haiti funded or authorized, in*
25 *whole or in part, by the Department of State and the*

1 *United States Agency for International Development*
2 *(USAID) through assistance appropriated under the*
3 *Consolidated Security, Disaster Assistance, and Con-*
4 *tinuing Appropriations Act, 2009.*

5 (2) *GENERAL ACTIVITIES.*—*A summary of ac-*
6 *tivities funded or authorized, in whole or in part, by*
7 *the Department of State and USAID in the previous*
8 *12-month period, how such activities supplement the*
9 *work of the Government of Haiti to provide a safe*
10 *and prosperous democracy for its citizens, and a*
11 *timetable for when management and implementation*
12 *of such activities will be turned over to the Govern-*
13 *ment of Haiti or Haitian nationals.*

14 (3) *COORDINATION.*—*A description of how*
15 *United States assistance is coordinated—*

16 (A) *among United States departments and*
17 *agencies; and*

18 (B) *with other donors to Haiti, including*
19 *programs through the United Nations, the Inter-*
20 *American Development Bank, and the Organiza-*
21 *tion of American States.*

22 (4) *BENCHMARKS.*—*A summary of short-term*
23 *and long-term objectives for United States assistance*
24 *to Haiti and metrics that will be used to identify,*

1 *track, and manage the progress of United States ac-*
2 *tivities in Haiti.*

3 **SEC. 1010. REPORT ON RELIGIOUS MINORITY COMMUNITIES**

4 **IN THE MIDDLE EAST.**

5 *(a) INITIATIVE AUTHORIZED.—The Secretary of State*
6 *is authorized to undertake a focused initiative to monitor*
7 *the status of and provide specific policy recommendations*
8 *to protect vulnerable religious minorities throughout the*
9 *Middle East region.*

10 *(b) REPORT.—Not later than 180 days after the date*
11 *of the enactment of this Act, and one year thereafter, the*
12 *Secretary of State shall submit to the appropriate congres-*
13 *sional committees a report on the humanitarian conditions*
14 *of religious minority communities in the Middle East and*
15 *efficacy and obstacles to humanitarian assistance activities*
16 *to help meet the basic needs of vulnerable persons affiliated*
17 *with minority religions in the Middle East, and rec-*
18 *ommendations to mitigate adverse humanitarian cir-*
19 *cumstances facing such persons.*

20 **SEC. 1011. IRAN'S INFLUENCE IN THE WESTERN HEMI-**

21 **SPHERE.**

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

23 *(1) The 2008 Country Report on Terrorism*
24 *states that “Iran and Venezuela continued weekly*
25 *flights connecting Tehran and Damascus with Cara-*

1 *cas. Passengers on these flights were reportedly subject*
2 *to only cursory immigration and customs controls at*
3 *Simon Bolivar International Airport in Caracas.”.*

4 (2) *The Governments of Venezuela and Iran have*
5 *forged a close relationship.*

6 (3) *Iran has sought to strengthen ties with sev-*
7 *eral countries in the Western Hemisphere in order to*
8 *undermine United States foreign policy.*

9 (b) *REPORT.—Not later than 90 days after the date*
10 *of the enactment of this Act, the Secretary of State shall*
11 *submit to the appropriate congressional committees a report*
12 *that includes actions taken by the Government of Iran and*
13 *Hezbollah in the Western Hemisphere. A classified annex*
14 *may be included, if necessary.*

15 ***TITLE XI—MISCELLANEOUS***
16 ***PROVISIONS***

17 ***Subtitle A—General Provisions***

18 ***SEC. 1101. BILATERAL COMMISSION WITH NIGERIA.***

19 (a) *SENSE OF CONGRESS.—It is the sense of Congress*
20 *that not later than 180 days after the date of the enactment*
21 *of this Act, the President should establish a bilateral com-*
22 *mission between the United States and Nigeria to support*
23 *bilateral cooperation in the areas of—*

24 (1) *trade and development;*

25 (2) *economic integration;*

1 (3) *infrastructure planning, finance, develop-*
2 *ment, and management;*

3 (4) *budget reform and public finance manage-*
4 *ment;*

5 (5) *higher education, including applied research;*

6 (6) *energy;*

7 (7) *peace and security reform;*

8 (8) *rule of law;*

9 (9) *anti-corruption efforts, establishment of*
10 *greater transparency, and electoral reform; and*

11 (10) *monitoring whether bilateral efforts under-*
12 *taken between respective Federal, State, and local gov-*
13 *ernments are achieving the goals set forth by the Gov-*
14 *ernments of the United States and Nigeria.*

15 (b) *BILATERAL COMMISSION.—*

16 (1) *COMPOSITION.—If the President establishes*
17 *the bilateral commission referred to in subsection (a),*
18 *the commission should have an equal number of mem-*
19 *bers representing the United States and Nigeria and*
20 *appointed by the respective Presidents of each coun-*
21 *try. Members should include representatives of Fed-*
22 *eral, State, and local governments, the private sector,*
23 *and civil society organizations.*

24 (2) *FUNCTIONS.—The commission should—*

1 (A) work to establish a bilateral process that
2 establishes the mission, goals, and objectives of a
3 bilateral partnership and establish guidelines for
4 accountability and rules to measure the effective-
5 ness for any initiatives undertaken;

6 (B) monitor bilateral technical assistance
7 and capacity building projects that are con-
8 sistent with and further the mission, goals, and
9 objectives established by the commission; and

10 (C) submit to the United States President,
11 the United States Congress, the Nigerian Presi-
12 dent, and the Nigerian National Assembly a re-
13 port on the amount of progress achieved on
14 projects undertaken by the two governments to
15 achieve bilaterally determined goals established
16 by the commission.

17 (3) *MONITORING OF PROJECTS.*—The commis-
18 sion should select and monitor specific projects that
19 involve an exchange of personnel between the Govern-
20 ments of the United States and Nigeria to determine
21 whether technical assistance and capacity building
22 are being used effectively and whether mutual benefit
23 is being gained through the implementation of such
24 bilateral projects.

1 (4) *REVIEW AND REPORT.*—*The Secretary of*
2 *State should review the work of the commission and*
3 *annually submit to the President and Congress a re-*
4 *port on whether progress has been made to meet the*
5 *goals set forth by the commission and whether bilat-*
6 *eral efforts have served the interest of United States*
7 *and Nigerian bilateral relations.*

8 (5) *UNITED STATES CONTRIBUTIONS.*—*United*
9 *States contributions to support the Commission*
10 *should be financed through existing resources.*

11 **SEC. 1102. AUTHORITIES RELATING TO THE SOUTHERN AF-**
12 **RICA ENTERPRISE DEVELOPMENT FUND.**

13 (a) *USE OF PRIVATE VENTURE CAPITAL.*—

14 (1) *IN GENERAL.*—*In order to maximize the ef-*
15 *fectiveness of the activities of the Southern Africa En-*
16 *terprise Development Fund, the Fund may conduct*
17 *public offerings or private placements for the purpose*
18 *of soliciting and accepting private venture capital*
19 *which may be used, separately or together with funds*
20 *made available from the United States Government,*
21 *for any lawful investment purpose that the Board of*
22 *Directors of the Fund may determine in carrying out*
23 *the activities of the Fund.*

24 (2) *DISTRIBUTION OF FINANCIAL RETURNS.*—*Fi-*
25 *nancial returns on Fund investments that include a*

1 *component of private venture capital may be distrib-*
2 *uted, at such times and in such amounts as the Board*
3 *of Directors of the Fund may determine, to the inves-*
4 *tors of such capital.*

5 *(b) NONAPPLICABILITY OF OTHER LAWS.—*

6 *(1) IN GENERAL.—Funds made available from*
7 *the United States Government to the Fund may be*
8 *used for the purposes of the agreement between the*
9 *United States Government and the Fund notwith-*
10 *standing any other provision of law.*

11 *(2) SUPPORT FROM FEDERAL DEPARTMENTS AND*
12 *AGENCIES.—The heads of Federal departments and*
13 *agencies may conduct programs and activities and*
14 *provide services in support of the activities of the*
15 *Fund notwithstanding any other provision of law.*

16 *(c) DEFINITION.—In this section, the term “Southern*
17 *Africa Enterprise Development Fund” or “Fund” in-*
18 *cludes—*

19 *(1) any successor or related entity to the South-*
20 *ern Africa Enterprise Development Fund that is ap-*
21 *proved the United States Government; and*

22 *(2) any organization, corporation, limited-liabil-*
23 *ity partnership, foundation, or other corporate struc-*
24 *ture that receives, or is authorized by the United*
25 *States Government to manage, any or all of the re-*

1 *maintaining funds or assets of the Southern Africa Enter-*
2 *prise Development Fund.*

3 **SEC. 1103. DIABETES TREATMENT AND PREVENTION AND**
4 **SAFE WATER AND SANITATION FOR PACIFIC**
5 **ISLAND COUNTRIES.**

6 (a) *IN GENERAL.*—*There is authorized to be appro-*
7 *priated \$500,000 for each of fiscal years 2010 and 2011*
8 *to establish a diabetes prevention and treatment program*
9 *for Pacific Island countries and for safe water and sanita-*
10 *tion.*

11 (b) *PACIFIC ISLAND COUNTRIES DEFINED.*—*In this*
12 *section, the term “Pacific Island countries” means Fiji,*
13 *Kiribati, the Marshall Islands, the Federated States of Mi-*
14 *cronesia, Nauru, Niue, Palau, Papua New Guinea, Samoa,*
15 *Solomon Islands, Tonga, Tuvalu, and Vanuatu.*

16 **SEC. 1104. STATELESSNESS.**

17 (a) *PURPOSE.*—*It is the purpose of this section to in-*
18 *crease global stability and security for the United States*
19 *and the international community and decrease trafficking*
20 *and discrimination by reducing the number of individuals*
21 *who are de jure or de facto stateless and as a consequence*
22 *are unable to avail themselves of their right to a nationality*
23 *and its concomitant rights and obligations and are excluded*
24 *from full participation in civil society.*

25 (b) *FINDINGS.*—*Congress finds the following:*

1 (1) *The right to a nationality is a foundation of*
2 *human rights, and a deterrent to displacement and*
3 *disaffection. The State is the primary vehicle through*
4 *which individuals are guaranteed their inalienable*
5 *rights and are made subject to the rule of law. Re-*
6 *gional stability and security are undermined when*
7 *individuals cannot avail themselves of their right to*
8 *a nationality and its concomitant rights and obliga-*
9 *tions and are excluded from full participation in civil*
10 *society.*

11 (2) *The right to a nationality and citizenship is*
12 *therefore specifically protect in international declara-*
13 *tions and treaties, including Article 15 of the Uni-*
14 *versal Declaration of Human Rights, the 1954 Con-*
15 *vention Relating to the Status of Stateless Persons,*
16 *the 1961 Convention on the Reduction of Stateless-*
17 *ness, Article 24 of the International Covenant on*
18 *Civil and Political Rights, and Article 9(2) of the*
19 *Convention on the Elimination of Discrimination*
20 *Against Women.*

21 (3) *In the 21st century, the adverse effects of de*
22 *jure or de facto statelessness still impact at least an*
23 *estimated 11,000,000 million people worldwide, who*
24 *are unable to avail themselves of the rights of free peo-*
25 *ple everywhere to an effective nationality, to the*

1 *rights to legal residence, to travel, to work in the for-*
2 *mal economy or professions, to attend school, to access*
3 *basic health services, to purchase or own property, to*
4 *vote, or to hold elected office, and to enjoy the protec-*
5 *tion and security of a country.*

6 *(c) THE UNITED NATIONS.—*

7 *(1) POLICY.—It shall be the policy of the United*
8 *States that the President and the Permanent Rep-*
9 *resentative of the United States to the United Nations*
10 *work with the international community to increase*
11 *political and financial support for the work of the*
12 *United Nations High Commissioner for Refugees*
13 *(UNHCR) to prevent and resolve problems related to*
14 *de jure and de facto statelessness, and to promote the*
15 *rights of the de jure or de facto stateless, by taking*
16 *these and other actions:*

17 *(A) Increasing the attention of the United*
18 *Nations and the UNHCR to de jure and de facto*
19 *statelessness and increasing its capacity to re-*
20 *duce statelessness around the world by coordi-*
21 *nating the mainstreaming of de jure and de facto*
22 *statelessness into all of the United Nations*
23 *human rights work, in cooperation with all rel-*
24 *evant United Nations agencies.*

1 (B) Urging United Nations country teams
2 in countries with significant *de jure* or *de facto*
3 stateless populations to devote increasing atten-
4 tion and resources to undertake coordinated ef-
5 forts by all United Nations offices, funds, and
6 programs to bring about the full registration and
7 documentation of all persons resident in the ter-
8 ritory of each country, either as citizens or as in-
9 dividuals in need of international protection.

10 (C) Urging the creation of an Inter-Agency
11 Task Force on Statelessness with representation
12 from the UNHCR, the United Nations Children's
13 Fund (UNICEF), and other relevant United Na-
14 tions agencies that will coordinate to increase
15 agency awareness and information exchange on
16 *de jure* and *de facto* statelessness to ensure a con-
17 sistent and comprehensive approach to the iden-
18 tification of stateless groups and individuals and
19 resolution of their status.

20 (D) Urging that nationality and *de jure*
21 and *de facto* statelessness issues are addressed in
22 all country reviews conducted by United Nations
23 treaty bodies and relevant special mechanisms
24 engaged in country visits, and pursuing creation
25 of a standing mechanism within the United Na-

1 *tions to complement the work of the UNHCR in*
2 *addressing issues of de jure and de facto state-*
3 *lessness that give rise to urgent human rights or*
4 *security concerns.*

5 *(E) Urging the UNHCR to include nation-*
6 *ality and statelessness in all country-specific and*
7 *thematic monitoring, reporting, training, and*
8 *protection activities, and across special proce-*
9 *dures, and to designate at least one human*
10 *rights officer to monitor, report, and coordinate*
11 *the office's advocacy on nationality and de jure*
12 *and de facto statelessness.*

13 *(F) Urging the United Nations to ensure*
14 *that its work on trafficking includes measures to*
15 *restore secure citizenship to trafficked women*
16 *and girls, and to work with Member States to*
17 *guarantee that national legislation gives women*
18 *full and equal rights regarding citizenship.*

19 *(G) Urging the United Nations to increase*
20 *its capacity to respond to the needs of de jure or*
21 *de facto stateless individuals, particularly chil-*
22 *dren, and to strengthen and expand the United*
23 *Nations protection and assistance activities, par-*
24 *ticularly in field operations, to better respond to*

1 *the wide range of protection and assistance needs*
2 *of de jure or de facto stateless individuals.*

3 *(H) Urging the UNICEF to increase its ef-*
4 *forts to encourage all Member States of the*
5 *United Nations to permit full and easy access to*
6 *birth registration for all children born in their*
7 *territories, particularly in Member States in*
8 *which there are displaced populations, and work*
9 *with the UNHCR and Member States to ensure*
10 *the issuance of birth certificates to all children*
11 *born to refugees and displaced persons.*

12 (2) *AUTHORIZATION OF APPROPRIATIONS.—*
13 *There is authorized to be appropriated \$5,000,000 for*
14 *each of fiscal years 2010 and 2011 to be made avail-*
15 *able to improve the UNHCR's assistance to de jure or*
16 *de facto stateless individuals. Such funds may be used*
17 *to—*

18 *(A) protect the rights, meet emergency hu-*
19 *manitarian needs, and provide assistance to de*
20 *jure or de facto stateless groups and individuals;*

21 *(B) provide additional resources to—*

22 *(i) increase the number of protection*
23 *officers;*

24 *(ii) increase the number of professional*
25 *staff in the statelessness unit; and*

1 (iii) train protection officers and
2 United Nations country teams in the field
3 to identify, reduce, protect, and prevent de
4 *jure* and *de facto* statelessness;

5 (C) improve identification of *de jure* or *de*
6 *facto* stateless groups and individuals by car-
7 rying out a comprehensive annual study of the
8 scope of *de jure* and *de facto* statelessness world-
9 wide, including causes of *de jure* and *de facto*
10 statelessness and dissemination of best practices
11 for remedying *de jure* and *de facto* statelessness;
12 and

13 (D) increase the United Nations educational
14 and technical assistance programs to prevent *de*
15 *jure* and *de facto* statelessness, including out-
16 reach to Member States and their legislatures,
17 with particular emphasis on those countries de-
18 termined to have protracted *de jure* or *de facto*
19 statelessness situations.

20 (3) *AUTHORIZATION OF APPROPRIATIONS TO*
21 *THE UNICEF.*—There is authorized to be appropriated
22 \$3,000,000 for each of fiscal years 2010 and 2011 to
23 augment to the UNICEF's ability to aid countries
24 with significant *de jure* or *de facto* stateless popu-

1 *lations to bring about the full registration of all chil-*
2 *dren born to de jure or de facto stateless parents.*

3 *(d) THE UNITED STATES.—*

4 *(1) FOREIGN POLICY.—Given the importance of*
5 *obtaining and preserving nationality and the protec-*
6 *tion of a government, and of preventing the exploi-*
7 *tation or trafficking of de jure or de facto stateless*
8 *groups or individuals, the President shall make the*
9 *prevention and reduction of de jure or de facto state-*
10 *lessness an important goal of United States foreign*
11 *policy and human rights efforts. Such efforts shall in-*
12 *clude—*

13 *(A) calling upon host countries to protect*
14 *and assume responsibility for de jure or de facto*
15 *stateless groups or individuals;*

16 *(B) working with countries of origin to fa-*
17 *facilitate the resolution of problems faced by de*
18 *jure or de facto stateless groups or individuals;*

19 *(C) working with countries of origin and*
20 *host countries to facilitate the resolution of dis-*
21 *putes and conflicts that cause or result in the*
22 *creation of de jure or de facto statelessness;*

23 *(D) encouraging host countries to afford de*
24 *jure or de facto stateless groups or individuals*
25 *the full protection of the 1954 Convention Relat-*

1 *ing to the Status of Stateless Persons and the*
2 *1961 Convention on the Reduction of Stateless-*
3 *ness and all relevant international conventions;*

4 *(E) directing the Secretary of State to pro-*
5 *vide assistance to countries to prevent and re-*
6 *solve situations of de jure or de facto statelessness*
7 *and to prevent the trafficking or exploitation of*
8 *de jure or de facto stateless individuals;*

9 *(F) directing the Office of Trafficking in*
10 *Persons of the Department of State to continue*
11 *to document and analyze the effects of stateless-*
12 *ness on trafficking in persons, both as a cause of*
13 *trafficking and as an obstacle to reaching and*
14 *assisting trafficked persons; and*

15 *(G) encouraging and facilitating the work*
16 *of nongovernmental organizations in the United*
17 *States and abroad that provide legal and hu-*
18 *manitarian support to de jure or de facto state-*
19 *less groups or individuals, to increase the access*
20 *of de jure or de facto stateless groups or individ-*
21 *uals to such organizations, and to encourage*
22 *other governments to provide similar support*
23 *and access.*

24 *(2) UNITED STATES ACTIVITIES.—*

1 (A) *IN GENERAL.*—Given the importance of
2 preventing new instances of de jure or de facto
3 statelessness and the trafficking of de jure or de
4 facto stateless individuals, and of protecting the
5 human rights of de jure or de facto stateless indi-
6 viduals, the President shall submit to the Com-
7 mittee on Foreign Affairs and the Committee on
8 the Judiciary of the House of Representatives
9 and the Committee on Foreign Relations and the
10 Committee on the Judiciary of the Senate a re-
11 port that includes the following:

12 (i) A list of countries and territories
13 with significant de jure or de facto stateless
14 populations under their jurisdictions and
15 the conditions and consequences of such de
16 jure or de facto statelessness of such individ-
17 uals.

18 (ii) United States international efforts
19 to prevent further de jure or de facto state-
20 lessness and encourage the granting of full
21 legal protection of the human rights of de
22 jure or de facto stateless individuals.

23 (B) *STATEMENT OF POLICY.*—It shall be the
24 policy of the United States to comply with the
25 principles and provisions of the 1954 Convention

1 *Relating to the Status of Stateless Persons and*
2 *the 1961 Convention on the Reduction of State-*
3 *lessness to the fullest extent possible and to en-*
4 *courage other countries to do so as well.*

5 (C) *ACTIONS BY SECRETARY OF STATE.—*

6 (i) *INCREASE IN RESOURCES AND*
7 *STAFF.—The Secretary of State shall per-*
8 *manently increase in the Bureau of Popu-*
9 *lation, Refugees, and Migration in the De-*
10 *partment of State the resources dedicated to*
11 *and staff assigned to work toward the pre-*
12 *vention and resolution of de jure and de*
13 *facto statelessness and the protection of de*
14 *jure or de facto stateless individuals.*

15 (ii) *COORDINATION.—To coordinate*
16 *United States policies toward combating de*
17 *jure and de facto statelessness, the Secretary*
18 *of State shall establish an Interagency*
19 *Working Group to Combat Statelessness.*
20 *This working group should include rep-*
21 *resentatives of the Bureau of Population,*
22 *Refugees and Migration, the Bureau of*
23 *International Organizations, the Bureau of*
24 *Democracy, Human Rights and Labor, the*
25 *Office of Trafficking in Persons of the De-*

1 *partment of State, and the United States*
2 *Agency for International Development, as*
3 *well as representatives from relevant offices*
4 *of the Department of Justice and relevant*
5 *offices of the Department of Homeland Se-*
6 *curity.*

7 *(D) AUTHORIZATION OF APPROPRIA-*
8 *TIONS.—There are authorized to be appropriated*
9 *such sums as may be necessary to carry out the*
10 *provisions of this subsection.*

11 ***SEC. 1105. STATEMENT OF POLICY REGARDING THE ECU-***
12 ***MENICAL PATRIARCHATE.***

13 *It shall be the policy of the United States to urge Tur-*
14 *key to—*

15 *(1) respect property rights and religious rights of*
16 *the Ecumenical Patriarch;*

17 *(2) grant the Ecumenical Patriarchate appro-*
18 *priate international recognition and ecclesiastic suc-*
19 *cession; and*

20 *(3) grant the Ecumenical Patriarchate the right*
21 *to train clergy of all nationalities, not just Turkish*
22 *nationals.*

1 **SEC. 1106. LIMITATION ON ASSISTANCE FOR WEATHER CO-**
2 **OPERATION ACTIVITIES TO COUNTRIES IN**
3 **THE AMERICAS.**

4 (a) *SENSE OF CONGRESS.*—*It is the sense of Congress*
5 *that the United States should facilitate international co-*
6 *operation on hurricane preparedness because—*

7 (1) *hundreds of millions of people in the Amer-*
8 *icas live in coastal communities and are susceptible*
9 *to the immense risks posed by hurricanes;*

10 (2) *the need for hurricane tracking overflights*
11 *and other weather cooperation activities to track and*
12 *monitor hurricanes in the Americas is acute; and*

13 (3) *accurate hurricane forecasts can help prevent*
14 *the loss of life and injury and reduce property loss*
15 *and economic disruption.*

16 (b) *REPORT.*—

17 (1) *IN GENERAL.*—*Not later than 180 days after*
18 *the date of the enactment of this Act, the Secretary of*
19 *State shall transmit to the appropriate congressional*
20 *committees a report on the status of United States co-*
21 *operation with other countries in the Americas on*
22 *hurricane preparedness and other weather cooperation*
23 *activities.*

24 (2) *MATTERS TO BE INCLUDED.*—*The report re-*
25 *quired under paragraph (1) shall include—*

1 (A) a list of countries in the Americas that
2 do not cooperate with the United States on hur-
3 ricane preparedness and other weather coopera-
4 tion activities; and

5 (B) the status of any negotiations regarding
6 hurricane preparedness and other weather co-
7 operation activities between the United States
8 and countries listed in subparagraph (A).

9 (c) *LIMITATION ON ASSISTANCE.*—The Secretary of
10 State may not provide assistance for weather cooperation
11 activities to countries listed in the report under subsection
12 (b)(2)(A).

13 (d) *WAIVER.*—The Secretary of State may waive the
14 limitation on assistance requirements under subsection (c)
15 if the Secretary of State certifies to the appropriate congres-
16 sional committees that the waiver is in the national interest
17 of the United States.

18 **SEC. 1107. STATEMENT OF CONGRESS REGARDING AFGHAN**

19 **WOMEN.**

20 Congress—

21 (1) supports the decision by President Hamid
22 Karzai of Afghanistan to submit for review the Shi'ite
23 Personal Status Law and strongly urges him not to
24 publish such law on the grounds that such law vio-

1 *lates the basic human rights of women and is incon-*
2 *sistent with the Constitution of Afghanistan;*

3 *(2) urges President Karzai, the Ministry of Jus-*
4 *tice, and other parties involved in reviewing the law*
5 *to formally declare as unconstitutional the provisions*
6 *of such law regarding marital rape and restrictions*
7 *on women's freedom of movement;*

8 *(3) reiterates its strong sense that the provisions*
9 *in such law which restrict the rights of women should*
10 *be removed, and that an amended draft of the Shi'ite*
11 *Personal Status Law should be submitted for par-*
12 *liamentary review;*

13 *(4) encourages the Secretary of State, the Special*
14 *Representative for Afghanistan and Pakistan, the*
15 *Ambassador-at-Large for Global Women's Issues, and*
16 *the United States Ambassador to Afghanistan to con-*
17 *sider and address the status of women's rights and se-*
18 *curity in Afghanistan to ensure that such rights are*
19 *not being eroded through unjust laws, policies, or in-*
20 *stitutions; and*

21 *(5) encourages the Government of Afghanistan to*
22 *solicit information and advice from the Ministry of*
23 *Justice, the Ministry for Women's Affairs, the Afghan-*
24 *istan Independent Human Rights Commission, and*
25 *women-led nongovernmental organizations to ensure*

1 *that current and future legislation and official poli-*
2 *cies protect and uphold the equal rights of women, in-*
3 *cluding through national campaigns to lead public*
4 *discourse on the importance of women’s status and*
5 *rights to the overall stability of Afghanistan.*

6 **SEC. 1108. GLOBAL PEACE OPERATIONS INITIATIVE PRO-**
7 **GRAMS AND ACTIVITIES.**

8 *(a) FINDINGS.—Congress makes the following findings:*

9 *(1) Over 100,000 military and civilian personnel*
10 *are engaged in 18 United Nations peacekeeping oper-*
11 *ations around the world. Peacekeeping operations are*
12 *critical to maintaining a peaceful and stable inter-*
13 *national environment.*

14 *(2) The United States has a vital interest in en-*
15 *sureing that United Nations peacekeeping operations*
16 *are successful. Countries undergoing conflict threaten*
17 *the national and economic security of the United*
18 *States, risk becoming safe havens for terrorist organi-*
19 *zations, and often feature levels of human rights*
20 *abuses and human deprivation that are an affront to*
21 *the values of the American people.*

22 *(3) Over the years, United Nations peacekeeping*
23 *has evolved to meet the demands of different conflicts*
24 *and a changing political landscape. Today’s peace-*
25 *keeping mission is most often “multidimensional”*

1 *and includes a wide variety of complex tasks such as*
2 *civilian protection, helping to build sustainable insti-*
3 *tutions of governance, human rights monitoring, secu-*
4 *rity sector reform, facilitating delivery of humani-*
5 *tarian relief and disarmament, demobilization and*
6 *reintegration of former combatants.*

7 (4) *United Nations peacekeeping operations*
8 *allow the United States to respond to global crises*
9 *within a multilateral framework with costs shared*
10 *among nations. A 2007 Government Accountability*
11 *Office report found that in general a United States*
12 *peacekeeping operation is likely to be “much more ex-*
13 *pensive” than a United Nations peacekeeping oper-*
14 *ation, regardless of location.*

15 (5) *In many missions due to vast swaths of ter-*
16 *rain and limited infrastructure, ongoing low-inten-*
17 *sity fighting, and the presence of “peace spoilers”,*
18 *United Nations peacekeepers cannot carry out the*
19 *complex tasks with which they are charged without*
20 *critical enablers, and in particular air assets.*

21 (6) *The United Nations Secretary-General has*
22 *repeatedly noted the deleterious impact of insufficient*
23 *helicopters for peacekeeping missions in Darfur and*
24 *the Democratic Republic of the Congo. History has*
25 *shown that under-resourced peacekeeping troops are*

1 *not only unable to carry out their mandates, they*
2 *erode the credibility of the United Nations and are*
3 *themselves likely to come under attack.*

4 *(7) Senate Resolution 432 and House Resolution*
5 *1351 of the 110th Congress—*

6 *(A) urged members of the international*
7 *community, including the United States, that*
8 *possessed the capability to provide tactical and*
9 *utility helicopters needed for the United Nations-*
10 *African Union Mission in Darfur (UNAMID) to*
11 *do so as soon as possible; and*

12 *(B) urged the President to intervene person-*
13 *ally by contacting other heads of state and ask-*
14 *ing them to contribute the aircraft and crews to*
15 *the Darfur mission.*

16 *(8) The current framework of relying on member*
17 *countries to provide air assets on a volunteer basis*
18 *has not yielded sufficient results. The United Nations*
19 *still faces a shortfall of over 50 helicopters for*
20 *UNAMID, the Democratic Republic of Congo*
21 *(MONUC), and the Republic of Chad (MINURCAT).*
22 *A review of trend lines suggests that any new United*
23 *Nations peacekeeping missions authorized within the*
24 *next five to seven years would face similar shortfalls.*

1 (9) *Numerous studies and reports have deter-*
2 *mined that there is no global shortage of air assets.*
3 *It is inexcusable to allow authorized United Nations*
4 *peacekeeping missions to founder for the lack of crit-*
5 *ical mobility capabilities.*

6 (b) *PURPOSE.—The purpose of assistance authorized*
7 *by this section is to help protect civilians by training and*
8 *equipping peacekeepers worldwide, to include financing the*
9 *refurbishment of helicopters.*

10 (c) *USE OF FUNDS.—*

11 (1) *IN GENERAL.—The Secretary of State is au-*
12 *thorized to use amounts authorized to be appropriated*
13 *to carry out this section to provide funding to carry*
14 *out and expand Global Peace Operations Initiative*
15 *programs and activities. Such programs and activi-*
16 *ties shall include—*

17 (A) *training and equipping peacekeepers*
18 *worldwide, with a particular focus on Africa;*

19 (B) *enhancing the capacity of regional and*
20 *sub-regional organizations to plan, train for,*
21 *manage, conduct, sustain and obtain lessons-*
22 *learned from peace support operations;*

23 (C) *carrying out a clearinghouse function to*
24 *exchange information and coordinate G-8 efforts*
25 *to enhance peace operations;*

1 (D) providing transportation and logistics
2 support for deploying peacekeepers;

3 (E) developing a cached equipment program
4 to procure and warehouse equipment for use in
5 peace operations globally;

6 (F) providing support to the international
7 Center of Excellence for Stability Police Units
8 (COESPU) in Italy to increase the capabilities
9 and interoperability of stability police to partici-
10 pate in peace operations;

11 (G) conducting sustainment and self-suffi-
12 ciency activities in support of the objectives de-
13 scribed in subparagraphs (A) through (F) with a
14 focus on assisting partners to sustain proficien-
15 cies gained in training programs; and

16 (H) financing the refurbishment of heli-
17 copters in preparation for their deployment to
18 United Nations peacekeeping operations or to re-
19 gional peacekeeping operations which have been
20 approved by the United Nations Security Coun-
21 cil.

22 (2) SENSE OF CONGRESS.—It is the sense of
23 Congress that failure on the part of the international
24 community to take all steps necessary to deploy and
25 maintain fully capacitated United Nations peace-

1 *keeping operations will result in continued loss of life*
2 *and human suffering. Therefore, in carrying out this*
3 *section, the Secretary of State should prioritize the re-*
4 *refurbishment of helicopters with a goal of partici-*
5 *parting in the financing of no fewer than three heli-*
6 *copter refurbishments by the end of fiscal year 2011.*

7 (3) *SUPPORT FROM OTHER COUNTRIES.—In pro-*
8 *viding funding under paragraph (1), the Secretary of*
9 *State shall to the greatest extent possible seek to lever-*
10 *age such funding with financing from other countries.*

11 (d) *REPORT.—*

12 (1) *IN GENERAL.—Not later than 180 days after*
13 *the date of the enactment of this Act and one year*
14 *thereafter, the Secretary of State shall submit to the*
15 *appropriate congressional committees a report on the*
16 *activities of the United States Government to carry*
17 *out the provisions of this section.*

18 (2) *CONTENTS.—The report required under*
19 *paragraph (1) shall include—*

20 (A) *a description of the Global Peace Oper-*
21 *ations Initiative programs and activities under-*
22 *taken, by country;*

23 (B) *a description of the funds obligated and*
24 *expended in each country, by program and fiscal*
25 *year;*

1 (C) a description of the coordination of
2 these efforts within the United States Govern-
3 ment interagency process and with other nations
4 along with any recommendations for improve-
5 ments;

6 (D) a description of the GPOI's activities
7 concerning the refurbishment of air assets for
8 United Nations peacekeeping operations and re-
9 gional peacekeeping operations that have been
10 approved by the United Nations Security Coun-
11 cil;

12 (E) data measuring the quality of the train-
13 ing and proficiency of the trainees program-
14 wide;

15 (F) data on the training and deployment
16 activities of graduates of the international Cen-
17 ter of Excellence for Stability Police Units
18 (COESPU) in their home countries;

19 (G) a description of vetting activities for all
20 GPOI training to ensure that all individuals in
21 composite units are vetted for human rights vio-
22 lations;

23 (H) data measuring the timeliness of equip-
24 ment delivery and recommendations for improve-
25 ment as appropriate; and

1 (I) description of how GPOI trainees and
2 GPOI-provided equipment contribute to im-
3 proved civilian protection in peace operations.

4 (e) *AUTHORIZATION OF APPROPRIATIONS.*—There is
5 authorized to be appropriated such sums as may be nec-
6 essary for each of fiscal years 2010 and 2011 to carry out
7 this section.

8 (f) *DEFINITION.*—In this section, the term “Global
9 Peace Operations Initiative” or “GPOI” means the pro-
10 gram established by the Department of State to address
11 major gaps in international peace operations support, in-
12 cluding by building and maintaining capability, capacity,
13 and effectiveness of peace operations.

14 **SEC. 1109. FREEDOM OF THE PRESS.**

15 (a) *SHORT TITLE.*—This section may be cited as the
16 “Daniel Pearl Freedom of the Press Act of 2009”.

17 (b) *INCLUSION OF ADDITIONAL INFORMATION RELAT-*
18 *ING TO FREEDOM OF THE PRESS WORLDWIDE IN ANNUAL*
19 *COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES.*—The
20 Foreign Assistance Act of 1961 is amended—

21 (1) in section 116(d) (22 U.S.C. 2151n(d)), as
22 amended by section 333(c) of this Act—

23 (A) in paragraph (11), by striking “and”
24 at the end; and

1 (B) in paragraph (12), by striking the pe-
2 riod at the end and inserting “; and”; and

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

5 “(13) wherever applicable—

6 “(A) a description of the status of freedom
7 of the press, including initiatives in favor of
8 freedom of the press and efforts to improve or
9 preserve, as appropriate, the independence of the
10 media, together with an assessment of progress
11 made as a result of those efforts;

12 “(B) an identification of countries in which
13 there were violations of freedom of the press, in-
14 cluding direct physical attacks, imprisonment,
15 indirect sources of pressure, and censorship by
16 governments, military, intelligence, or police
17 forces, criminal groups, or armed extremist or
18 rebel groups; and

19 “(C) in countries where there are particu-
20 larly severe violations of freedom of the press—

21 “(i) whether government authorities of
22 each such country participate in, facilitate,
23 or condone such violations of the freedom of
24 the press; and

1 “(ii) *what steps the government of each*
2 *such country has taken to preserve the safe-*
3 *ty and independence of the media, and to*
4 *ensure the prosecution of those individuals*
5 *who attack or murder journalists.”; and*

6 (2) *in section 502B (22 U.S.C. 2304), by adding*
7 *at the end the following new subsection:*

8 “(i) *The report required by subsection (b) shall in-*
9 *clude, wherever applicable—*

10 “(1) *a description of the status of freedom of the*
11 *press, including initiatives in favor of freedom of the*
12 *press and efforts to improve or preserve, as appro-*
13 *priate, the independence of the media, together with*
14 *an assessment of progress made as a result of those*
15 *efforts;*

16 “(2) *an identification of countries in which there*
17 *were violations of freedom of the press, including di-*
18 *rect physical attacks, imprisonment, indirect sources*
19 *of pressure, and censorship by governments, military,*
20 *intelligence, or police forces, criminal groups, or*
21 *armed extremist or rebel groups; and*

22 “(3) *in countries where there are particularly se-*
23 *vere violations of freedom of the press—*

24 “(A) *whether government authorities of each*
25 *such country participate in, facilitate, or con-*

1 *done such violations of the freedom of the press;*
2 *and*

3 “(B) *what steps the government of each such*
4 *country has taken to preserve the safety and*
5 *independence of the media, and to ensure the*
6 *prosecution of those individuals who attack or*
7 *murder journalists.”.*

8 (c) *FREEDOM OF THE PRESS GRANT PROGRAM.—*

9 (1) *IN GENERAL.—The Secretary of State shall*
10 *administer a grant program with the aim of pro-*
11 *moting freedom of the press worldwide. The grant*
12 *program shall be administered by the Department of*
13 *State’s Bureau of Democracy, Human Rights and*
14 *Labor in consultation with the Undersecretary for*
15 *Public Affairs and Public Diplomacy.*

16 (2) *AMOUNTS AND TIME.—Grants may be*
17 *awarded to nonprofit and international organizations*
18 *and may span multiple years, up to five years.*

19 (3) *PURPOSE.—Grant proposals should promote*
20 *and broaden press freedoms by strengthening the inde-*
21 *pendence of journalists and media organizations, pro-*
22 *moting a legal framework for freedom of the press, or*
23 *through providing regionally and culturally relevant*
24 *training and professionalization of skills to meet*

1 *international standards in both traditional and dig-*
2 *ital media.*

3 (d) *MEDIA ORGANIZATION DEFINED.*—*In this section,*
4 *the term “media organization” means a group or organiza-*
5 *tion that gathers and disseminates news and information*
6 *to the public (through any medium of mass communication)*
7 *in a foreign country in which the group or organization*
8 *is located, except that the term does not include a group*
9 *or organization that is primarily an agency or instrumen-*
10 *tality of the government of such foreign country. The term*
11 *includes an individual who is an agent or employee of such*
12 *group or organization who acts within the scope of such*
13 *agency or employment.*

14 (e) *AUTHORIZATION OF APPROPRIATIONS.*—*There is*
15 *authorized to be appropriated such sums as may be nec-*
16 *essary to carry out this section.*

17 **SEC. 1110. INFORMATION FOR COUNTRY COMMERCIAL**
18 **GUIDES ON BUSINESS AND INVESTMENT CLI-**
19 **MATES.**

20 (a) *IN GENERAL.*—*The Director General of the Foreign*
21 *Commercial Service, in consultation with the Assistant Sec-*
22 *retary of Commerce for Trade Promotion and the Assistant*
23 *Secretary of State for Economic, Energy and Business Af-*
24 *fairs, should ensure that the annual Country Commercial*
25 *Guides for United States businesses include—*

1 (1) *detailed assessments concerning each foreign*
2 *country in which acts of unfair business and invest-*
3 *ment practices or other actions that have resulted in*
4 *poor business and investment climates were, in the*
5 *opinion of the Director General of the Foreign Com-*
6 *mercial Service, of major significance;*

7 (2) *all relevant information about such unfair*
8 *business and investment practices or other actions*
9 *during the preceding year by members of the business*
10 *community, the judiciary, and the government of such*
11 *country which may have impeded United States busi-*
12 *ness or investment in such country, including the ca-*
13 *capacity for United States citizens to operate their busi-*
14 *nesses without fear of reprisals; and*

15 (3) *information on—*

16 (A) *the extent to which the government of*
17 *such country is working to prevent unfair busi-*
18 *ness and investment practices; and*

19 (B) *the extent of United States Government*
20 *action to prevent unfair business and investment*
21 *practices or other actions that harm United*
22 *States business or investment interests in rel-*
23 *evant cases in such country.*

1 **(b) ADDITIONAL PROVISIONS TO BE INCLUDED.**—*The*
2 *information required under subsection (a) should, to the ex-*
3 *tent feasible, include—*

4 *(1) with respect to paragraph (1) of such sub-*
5 *section—*

6 *(A) a review of the efforts undertaken by*
7 *each foreign country to promote a healthy busi-*
8 *ness and investment climate that is also condu-*
9 *cive to the United States business community*
10 *and United States investors, including, as ap-*
11 *propriate, steps taken in international fora;*

12 *(B) the response of the judicial and local*
13 *arbitration systems of each such country that is*
14 *the subject of such detailed assessment with re-*
15 *spect to matters relating to the business and in-*
16 *vestment climates affecting United States citizens*
17 *and entities, or that have, in the opinion of the*
18 *Director General of the Foreign Commercial*
19 *Service, a significant impact on United States*
20 *business and investment efforts; and*

21 *(C) each such country's access to the United*
22 *States market;*

23 *(2) with respect to paragraph (2) of such sub-*
24 *section—*

1 (A) any actions undertaken by the govern-
2 ment of each foreign country that prevent United
3 States citizens and businesses from receiving eq-
4 uitable treatment;

5 (B) actions taken by private businesses and
6 citizens of each such country against members of
7 the United States business community and
8 United States investors;

9 (C) unfair decisions rendered by the legal
10 systems of each such country that clearly benefit
11 State and local corporations and industries; and

12 (D) unfair decisions rendered by local arbi-
13 tration panels of each such country that do not
14 exemplify objectivity and do not provide an equi-
15 table ground for United States citizens and busi-
16 nesses to address their disputes; and

17 (3) with respect to paragraph (3) of such sub-
18 section, actions taken by the United States Govern-
19 ment to—

20 (A) promote the rule of law;

21 (B) prevent discriminatory treatment of
22 United States citizens and businesses engaged in
23 business or investment activities in each foreign
24 country;

1 (C) allow United States goods to enter each
2 such country without requiring a co-production
3 agreement; and

4 (D) protect United States intellectual prop-
5 erty rights.

6 (c) *CONSULTATION*.—In carrying out this section, the
7 Director General of the Foreign Commercial Service shall
8 consult with business leaders, union leaders, representatives
9 of the judicial system of each foreign country described in
10 subsection (a), and relevant nongovernmental organiza-
11 tions.

12 (d) *BUSINESS AND INVESTMENT CLIMATE WARN-*
13 *INGS*.—The Secretary of State, with the assistance of the
14 Assistant Secretary of State for Economic, Energy and
15 Business Affairs, as well as the Assistant Secretary of Com-
16 merce for Trade Promotion and the Director General of the
17 Foreign Commercial Service, shall establish a warning sys-
18 tem that effectively alerts United States businesses and in-
19 vestors of—

20 (1) a significant deterioration in the business
21 and investment climate in a foreign country, includ-
22 ing discriminatory treatment of United States busi-
23 nesses; or

24 (2) a significant constraint on the ability of the
25 United States Government to assist United States

1 *businesses and investors in a foreign country, such as*
2 *to the closure of a United States diplomatic or con-*
3 *sular mission, that is not explained in the most recent*
4 *Country Commercial Guide for such country.*

5 *(e) DEFINITIONS.—In this section:*

6 *(1) CO-PRODUCTION AGREEMENT.—The term*
7 *“co-production agreement” means a United States*
8 *Government or United States business working with*
9 *a foreign government, foreign company, or an inter-*
10 *national organization to produce or manufacture an*
11 *item.*

12 *(2) RULE OF LAW.—The term “rule of law”*
13 *means the extent to which laws of a foreign country*
14 *are publicly promulgated, equally enforced, independ-*
15 *ently adjudicated, and are consistent with inter-*
16 *national norms and standards.*

17 *(3) UNFAIR BUSINESS AND INVESTMENT PRAC-*
18 *TICES.—The term “unfair business and investment*
19 *practices” includes any of the following:*

20 *(A) Unlawful actions under international*
21 *law or the law of the foreign country taken by*
22 *the government of such country or by businesses,*
23 *citizens, or other entities of such country that*
24 *have resulted in lost assets, contracts, or other-*

1 *wise contributed to an inhospitable business or*
2 *investment climate.*

3 *(B) Discriminatory treatment of United*
4 *States businesses, whether wholly or partially*
5 *owned.*

6 *(C) Failure to protect intellectual property*
7 *rights.*

8 *(D) Requiring a co-production agreement in*
9 *order for goods from the United States to enter*
10 *a foreign country.*

11 **SEC. 1111. INTERNATIONAL PROTECTION OF GIRLS BY PRE-**
12 **VENTING CHILD MARRIAGE.**

13 *(a) SENSE OF CONGRESS.—It is the sense of Congress*
14 *that—*

15 *(1) child marriage is a violation of human rights*
16 *and the prevention and elimination of child marriage*
17 *should be a foreign policy goal of the United States;*

18 *(2) the practice of child marriage undermines*
19 *United States investments in foreign assistance to*
20 *promote education and skills building for girls, reduce*
21 *maternal and child mortality, reduce maternal ill-*
22 *ness, halt the transmission of HIV/AIDS, prevent gen-*
23 *der-based violence, and reduce poverty; and*

24 *(3) expanding educational opportunities for*
25 *girls, economic opportunities for women, and reduc-*

1 *ing maternal and child mortality are critical to*
2 *achieving the Millennium Development Goals and the*
3 *global health and development objectives of the United*
4 *States, including efforts to prevent HIV/AIDS.*

5 *(b) STRATEGY TO PREVENT CHILD MARRIAGE IN DE-*
6 *VELOPING COUNTRIES.—*

7 *(1) STRATEGY REQUIRED.—The President, act-*
8 *ing through the Secretary of State, shall establish a*
9 *multi-year strategy to prevent child marriage in de-*
10 *veloping countries and promote the empowerment of*
11 *girls at risk of child marriage in developing coun-*
12 *tries, including by addressing the unique needs,*
13 *vulnerabilities, and potential of girls under 18 in de-*
14 *veloping countries.*

15 *(2) CONSULTATION.—In establishing the strategy*
16 *required by paragraph (1), the President shall consult*
17 *with Congress, relevant Federal departments and*
18 *agencies, multilateral organizations, and representa-*
19 *tives of civil society.*

20 *(3) ELEMENTS.—The strategy required by para-*
21 *graph (1) shall—*

22 *(A) focus on areas in developing countries*
23 *with high prevalence of child marriage; and*

24 *(B) encompass diplomatic initiatives be-*
25 *tween the United States and governments of de-*

1 *veloping countries, with attention to human*
2 *rights, legal reforms and the rule of law, and*
3 *programmatic initiatives in the areas of edu-*
4 *cation, health, income generation, changing so-*
5 *cial norms, human rights, and democracy build-*
6 *ing.*

7 (4) *REPORT.*—*Not later than 180 days after the*
8 *date of the enactment of this Act, the President shall*
9 *transmit to Congress a report that includes—*

10 (A) *the strategy required by paragraph (1);*

11 (B) *an assessment, including data*
12 *disaggregated by age and gender to the extent*
13 *possible, of current United States-funded efforts*
14 *to specifically assist girls in developing coun-*
15 *tries; and*

16 (C) *examples of best practices or programs*
17 *to prevent child marriage in developing countries*
18 *that could be replicated.*

19 (c) *RESEARCH AND DATA COLLECTION.*—*The Sec-*
20 *retary of State shall work with relevant Federal depart-*
21 *ments and agencies as part of their ongoing research and*
22 *data collection activities, to—*

23 (1) *collect and make available data on the inci-*
24 *dence of child marriage in countries that receive for-*

1 *eign or development assistance from the United States*
2 *where the practice of child marriage is prevalent; and*

3 (2) *collect and make available data on the im-*
4 *pect of the incidence of child marriage and the age*
5 *at marriage on progress in meeting key development*
6 *goals.*

7 (d) *DEPARTMENT OF STATE’S COUNTRY REPORTS ON*
8 *HUMAN RIGHTS PRACTICES.—The Foreign Assistance Act*
9 *of 1961 is amended—*

10 (1) *in section 116 (22 U.S.C. 2151n), by adding*
11 *at the end the following new subsection:*

12 “(g) *The report required by subsection (d) shall include*
13 *for each country in which child marriage is prevalent at*
14 *rates at or above 40 percent in at least one sub-national*
15 *region, a description of the status of the practice of child*
16 *marriage in such country. In this subsection, the term ‘child*
17 *marriage’ means the marriage of a girl or boy, not yet the*
18 *minimum age for marriage stipulated in law in the country*
19 *in which such girl or boy is a resident.”; and*

20 (2) *in section 502B (22 U.S.C. 2304), as amend-*
21 *ed by section 1109(b)(2) of this Act, is further amend-*
22 *ed by adding at the end the following new subsection:*

23 “(j) *The report required by subsection (b) shall include*
24 *for each country in which child marriage is prevalent at*
25 *rates at or above 40 percent in at least one sub-national*

1 *region, a description of the status of the practice of child*
2 *marriage in such country. In this subsection, the term ‘child*
3 *marriage’ means the marriage of a girl or boy, not yet the*
4 *minimum age for marriage stipulated in law in the country*
5 *in which such girl or boy is a resident.”.*

6 (e) *DEFINITION.—In this section, the term “child mar-*
7 *riage” means the marriage of a girl or boy, not yet the min-*
8 *imum age for marriage stipulated in law in the country*
9 *in which the girl or boy is a resident.*

10 (f) *AUTHORIZATION OF APPROPRIATIONS.—Of the*
11 *amounts authorized to be appropriated pursuant to section*
12 *101 of this Act, there is authorized to be appropriated as*
13 *such sums as necessary for fiscal years 2010 through 2011*
14 *to carry out this section and the amendments made by this*
15 *section.*

16 **SEC. 1112. STATEMENT OF CONGRESS REGARDING RETURN**
17 **OF PORTRAITS OF HOLOCAUST VICTIMS TO**
18 **ARTIST DINA BABBITT.**

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

20 (1) *Dina Babbitt (formerly known as Dinah*
21 *Gottliebova), a United States citizen, has requested*
22 *the return of watercolor portraits she painted while*
23 *suffering a 1½-year-long internment at the Auschwitz*
24 *death camp during World War II.*

1 (2) *Dina Babbitt was ordered to paint the por-*
2 *traits by the infamous war criminal Dr. Josef*
3 *Mengele.*

4 (3) *Dina Babbitt's life, and her mother's life,*
5 *were spared only because she painted portraits of*
6 *doomed inmates of Auschwitz-Birkenau, under orders*
7 *from Dr. Josef Mengele.*

8 (4) *These paintings are currently in the posses-*
9 *sion of the Auschwitz-Birkenau State Museum.*

10 (5) *Dina Babbitt is the rightful owner of the art-*
11 *work, because the paintings were produced by her own*
12 *talented hands as she endured the unspeakable condi-*
13 *tions that existed at the Auschwitz death camp.*

14 (6) *This continued injustice can be righted*
15 *through cooperation between agencies of the United*
16 *States and Poland.*

17 (7) *This issue was raised in the Foreign Rela-*
18 *tions Authorization Act, Fiscal Year 2003 (Public*
19 *Law 107-228).*

20 (b) *STATEMENT OF CONGRESS.—Congress—*

21 (1) *continues to recognize the moral right of*
22 *Dina Babbitt to obtain the artwork she created, and*
23 *recognizes her courage in the face of the evils per-*
24 *petrated by the Nazi command of the Auschwitz-*

1 *Birkenau death camp, including the atrocities com-*
2 *mitted by Dr. Josef Mengele;*

3 *(2) urges the President to make all efforts nec-*
4 *essary to retrieve the seven watercolor portraits Dina*
5 *Babbitt painted, while suffering a 1½-year-long in-*
6 *ternment at the Auschwitz death camp, and return*
7 *them to her;*

8 *(3) urges the Secretary of State to make imme-*
9 *diate diplomatic efforts to facilitate the transfer of the*
10 *seven original watercolors painted by Dina Babbitt*
11 *from the Auschwitz-Birkenau State Museum to Dina*
12 *Babbitt, their rightful owner;*

13 *(4) urges the Government of Poland to imme-*
14 *diately facilitate the return to Dina Babbitt of the*
15 *artwork painted by her that is now in the possession*
16 *of the Auschwitz-Birkenau State Museum; and*

17 *(5) urges the officials of the Auschwitz-Birkenau*
18 *State Museum to transfer the seven original paintings*
19 *to Dina Babbitt as expeditiously as possible.*

20 **SEC. 1113. STATEMENT OF POLICY REGARDING SOMALIA.**

21 *(a) STATEMENT OF POLICY.—It shall be the policy of*
22 *the United States to—*

23 *(1) advance long-term stability and peace in So-*
24 *malia;*

1 (2) *provide assistance to the government of So-*
2 *malia and nongovernmental organizations, including*
3 *Somali-led nongovernmental organizations, and par-*
4 *ticularly women’s groups, as appropriate;*

5 (3) *support efforts to establish democratic civil*
6 *authorities and institutions in Somalia that reflect*
7 *local and traditional structures, built on the rule of*
8 *law and respect for human rights, and strengthen the*
9 *security sector; and*

10 (4) *support reconciliation efforts in Somalia in*
11 *order to ensure lasting peace.*

12 (b) *SENSE OF CONGRESS.—It is the sense of Congress*
13 *that the President, acting through the Secretary of State,*
14 *should develop a comprehensive policy in coordination with*
15 *the international community and the government of Soma-*
16 *lia that aligns humanitarian, development, economic, polit-*
17 *ical, counterterrorism, anti-piracy, and regional strategies*
18 *in order to bring about peace and stability in Somalia and*
19 *the region.*

20 ***Subtitle B—Sense of Congress***
21 ***Provisions***

22 ***SEC. 1121. PROMOTING DEMOCRACY AND HUMAN RIGHTS***
23 ***IN BELARUS.***

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

1 (1) *Despite some modest improvements, notably*
2 *the release of political prisoners, the Belarusian Gov-*
3 *ernment's human rights and democracy record re-*
4 *remains poor as governmental authorities continue to*
5 *commit frequent serious abuses.*

6 (2) *Since 1996, President Alexander Lukashenka*
7 *has consolidated his power over all institutions and*
8 *undermined the rule of law through authoritarian*
9 *means.*

10 (3) *Belarus restricts civil liberties, including*
11 *freedoms of press, speech, assembly, association, and*
12 *religion. Nongovernmental organizations and political*
13 *parties are subject to harassment, fines, prosecution,*
14 *and closure. The Belarusian Government maintains a*
15 *virtual monopoly over the country's information*
16 *space.*

17 (b) *POLICY.—It is the policy of the United States to—*

18 (1) *support the aspirations of the people of*
19 *Belarus for democracy, human rights, and the rule of*
20 *law;*

21 (2) *support the aspirations of the people of*
22 *Belarus to preserve the independence and sovereignty*
23 *of their country;*

24 (3) *seek and support the growth of democratic*
25 *movements and institutions in Belarus as well the de-*

1 *velopment of a democratic political culture and civil*
2 *society;*

3 *(4) seek and support the growth of an open mar-*
4 *ket economy in Belarus through the development of*
5 *entrepreneurship and protection of property rights;*
6 *and*

7 *(5) remain open to re-evaluating United States*
8 *policy toward Belarus, including existing sanctions,*
9 *as warranted by demonstrable democratic and human*
10 *rights progress made by the Belarusian Government.*

11 *(c) SENSE OF CONGRESS.—It is the sense of Congress*
12 *that—*

13 *(1) the United States should furnish assistance*
14 *to Belarus to the support democratic processes in that*
15 *country, including—*

16 *(A) expanding and facilitating the develop-*
17 *ment of independent print, radio, television, and*
18 *internet broadcasting to and within Belarus;*

19 *(B) aiding the development of civil society*
20 *through assistance to nongovernmental organiza-*
21 *tions promoting democracy and supporting*
22 *human rights, including youth groups, entre-*
23 *preneurs, and independent trade unions;*

24 *(C) supporting the work of human rights*
25 *defenders;*

1 (D) enhancing the development of demo-
2 cratic political parties;

3 (E) assisting the promotion of free, fair,
4 and transparent electoral processes;

5 (F) enhancing international exchanges, in-
6 cluding youth and student exchanges, as well as
7 advanced professional training programs for
8 leaders and members of the democratic forces in
9 skill areas central to the development of civil so-
10 ciety; and

11 (G) supporting educational initiatives such
12 as the European Humanities University, a
13 Belarusian university in exile based in Vilnius,
14 Lithuania; and

15 (2) the United States should support radio, tele-
16 vision, and internet broadcasting to the people of
17 Belarus in languages spoken in Belarus, including
18 broadcasting by Radio Free Europe/Radio Liberty,
19 European Radio for Belarus, and Belsat.

20 **SEC. 1122. SENSE OF CONGRESS ON THE HUMANITARIAN**
21 **SITUATION IN SRI LANKA.**

22 *It is the sense of Congress that—*

23 (1) both the Liberation Tigers of Tamil Eelam
24 (LTTE) and the Government of Sri Lanka must

1 *abide by their commitments to respect human life and*
2 *cease offensive operations;*

3 *(2) the United States Government remains deep-*
4 *ly concerned about the current danger to civilian lives*
5 *and the dire humanitarian situation created by the*
6 *fighting in the Mullaittivu area in Sri Lanka;*

7 *(3) the United States should call upon the Gov-*
8 *ernment and military of Sri Lanka and the LTTE to*
9 *allow a humanitarian pause sufficient for the tens of*
10 *thousands of civilians in the conflict area to escape*
11 *the fighting;*

12 *(4) both sides must respect the right of free move-*
13 *ment of those civilian men, women and children*
14 *trapped by the fighting;*

15 *(5) the LTTE must immediately allow civilians*
16 *to depart;*

17 *(6) the LTTE should then lay down their arms*
18 *to a neutral third party;*

19 *(7) the Government of Sri Lanka should allow*
20 *the United Nations High Commission for Refugees*
21 *(UNHCR) and the International Committee of the*
22 *Red Cross (ICRC) access to all sites where newly ar-*
23 *rived displaced persons are being registered or being*
24 *provided shelter, as well as to implement established*

1 *international humanitarian standards in the camps*
2 *for internally displaced persons;*

3 (8) *a durable and lasting peace will only be*
4 *achieved through a political solution that addresses*
5 *the legitimate aspirations of all Sri Lankan commu-*
6 *nities; and*

7 (9) *the Government of Sri Lanka should put for-*
8 *ward a timely and credible proposal to engage its*
9 *Tamil community who do not espouse violence or ter-*
10 *rorism, and to develop power sharing arrangements*
11 *so that lasting peace and reconciliation can be*
12 *achieved.*

13 **SEC. 1123. WEST PAPUA.**

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

15 (1) *West Papua was a former Dutch colony just*
16 *as East Timor was a former Portuguese colony just*
17 *as Indonesia was a former colony of the Netherlands.*

18 (2) *In 1949, the Dutch granted independence to*
19 *Indonesia and retained West Papua.*

20 (3) *In 1950, the Dutch prepared West Papua for*
21 *independence.*

22 (4) *However, Indonesia, upon achieving inde-*
23 *pendence, demanded the entire archipelago including*
24 *the Dutch holding of West Papua and the Portuguese*
25 *controlled territory of East Timor.*

1 (5) *In 1962, the United States mediated an*
2 *agreement between the Dutch and Indonesia. Under*
3 *terms of the agreement, the Dutch were to leave West*
4 *Papua and transfer sovereignty to the United Nations*
5 *after which time a national election would be held to*
6 *determine West Papua’s political status. But almost*
7 *immediately after this agreement was reached, Indo-*
8 *nesia violated the terms of the transfer and took over*
9 *the administration of West Papua from the United*
10 *Nations.*

11 (6) *Indonesia then orchestrated an election that*
12 *many regarded as a brutal military operation. In*
13 *what became known as an “act of no-choice”, 1,025*
14 *West Papua elders under heavy military surveillance*
15 *were selected to vote on behalf of more than 800,000*
16 *West Papuans on the territory’s political status. The*
17 *United Nations Representative sent to observe the*
18 *election process produced a report which outlined var-*
19 *ious and serious violations of the United Nations*
20 *Charter. In spite of the report and in spite of*
21 *testimonials from the press, the opposition of fifteen*
22 *countries, and the cries of help from the Papuans*
23 *themselves, West Papua was handed over to Indonesia*
24 *in November 1969.*

1 (7) *Since this time, the Papuans have suffered*
2 *blatant human rights abuses including extrajudicial*
3 *executions, imprisonment, torture, environmental deg-*
4 *radation, natural resource exploitation and commer-*
5 *cial dominance of immigrant communities and it is*
6 *now estimated that more than 100,000 West Papuans*
7 *and 200,000 East Timorese died as a direct result of*
8 *Indonesian rule especially during the administrations*
9 *of military dictators Sukarno and Suharto.*

10 (8) *Today, the violence continues. In its 2004*
11 *Country Reports on Human Rights Practices the De-*
12 *partment of State reports that Indonesia “security*
13 *force members murdered, tortured, raped, beat and*
14 *arbitrarily detained civilians and members of sepa-*
15 *ratist movements especially in Papua”.*

16 (9) *In response to international pressure, Indo-*
17 *nesia has promised to initiate Special Autonomy for*
18 *West Papua.*

19 (10) *Considering that East Timor achieved inde-*
20 *pendence from Indonesia in 2002 by way of a United*
21 *Nations sanctioned referendum, Special Autonomy*
22 *may be an effort to further disenfranchise a people*
23 *who differ racially from the majority of Indonesians.*

24 (11) *West Papuans are Melanesian and believed*
25 *to be of African descent.*

1 **(b) REPORTS.**—

2 **(1) SECRETARY OF STATE.**—*For fiscal year*
3 *2010, the Secretary of State shall submit to the ap-*
4 *propriate congressional committees a report on the*
5 *1969 Act of Free Choice, the current political status*
6 *of West Papua, and the extent to which the Govern-*
7 *ment of Indonesia has implemented and included the*
8 *leadership and the people of West Papua in the devel-*
9 *opment and administration of Special Autonomy.*

10 **(2) PRESIDENT.**—*For each of fiscal years 2010*
11 *and 2011, the President shall transmit to the appro-*
12 *priate congressional committees a report that con-*
13 *tains a description of the extent to which the Govern-*
14 *ment of Indonesia has certified that it has halted*
15 *human rights abuses in West Papua.*

16 **SEC. 1124. SENSE OF CONGRESS RELATING TO SOVIET NU-**
17 **CLEAR TESTS AND KAZAKHSTAN'S COMMIT-**
18 **MENT TO NONPROLIFERATION.**

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

20 **(1)** *In 1991, immediately after achieving inde-*
21 *pendence, Kazakhstan closed and sealed the world's*
22 *second largest nuclear test site in Semipalatinsk*
23 *which had been inherited from the former Soviet*
24 *Union and at which more than 500 nuclear tests had*
25 *been conducted from 1949 to 1991.*

1 (2) *The cumulative power of explosions from*
2 *those tests, conducted above ground, on the ground,*
3 *and underground is believed to be equal to the power*
4 *of 20,000 explosions of the type of bomb dropped on*
5 *Hiroshima, Japan, in 1945.*

6 (3) *More than 1,500,000 people in Kazakhstan*
7 *suffered because of decades of Soviet nuclear weapons*
8 *testing in the region.*

9 (4) *A horrifying array of disease will continue*
10 *to destroy the lives of hundreds of thousands and their*
11 *descendants for many generations to come as a result*
12 *of these tests.*

13 (5) *Since its independence, Kazakhstan has con-*
14 *structed a stable and peaceful state, voluntarily dis-*
15 *armed the world's fourth largest nuclear arsenal,*
16 *joined the Strategic Arms Reduction Treaty*
17 *(START), and within the frameworks of the Coopera-*
18 *tive Threat Reduction program the government of*
19 *Kazakhstan, in cooperation with the United States*
20 *Government, conducted a very successful secret oper-*
21 *ation, code-named Project Sapphire, as a result of*
22 *which 581 kilograms (1,278 pounds) of highly en-*
23 *riched uranium enough to produce 20–25 nuclear*
24 *warheads were removed from Kazakhstan.*

1 (6) *Because of the successful cooperation between*
2 *the Governments of the United States and*
3 *Kazakhstan, the last lethal weapon was removed from*
4 *Kazakhstan in April 1995.*

5 (7) *Kazakhstan, allegiant to its commitment to*
6 *nonproliferation, in December 2004 signed with the*
7 *United States an amendment to the bilateral agree-*
8 *ment on the nonproliferation of weapons of mass de-*
9 *struction which will move the two nations towards a*
10 *new level of cooperation in preventing the threat of*
11 *bio-terrorism.*

12 (8) *By its actions, Kazakhstan has proven itself*
13 *not only as a universally recognized leader and one*
14 *of the key members in the nonproliferation process,*
15 *but also as a reliable and consistent ally of the United*
16 *States in reducing nuclear threats and preventing le-*
17 *thal weapons from being acquired by terrorist organi-*
18 *zations such as Al-Qaeda.*

19 (9) *Recently Kazakhstan has also offered to host*
20 *an international nuclear fuel bank where low-enriched*
21 *uranium would be stored in accordance with the high-*
22 *est international standards for safety, security, and*
23 *safeguards.*

1 (10) *The Norwegian Defence Research Establish-*
2 *ment is also working with Kazakhstan to strengthen*
3 *nuclear security and nonproliferation.*

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

6 (1) *the people of Kazakhstan and its Government*
7 *should be congratulated for their commitment to non-*
8 *proliferation and their leadership in offering to host*
9 *an international nuclear fuel bank; and*

10 (2) *the Secretary of State should work to estab-*
11 *lish a joint working group with the Governments of*
12 *Kazakhstan and Norway to explore common chal-*
13 *lenges and opportunities on disarmament and non-*
14 *proliferation, and to assist in assessing the environ-*
15 *mental damage and health effects caused by Soviet*
16 *nuclear testing in Semipalatinsk.*

17 **SEC. 1125. SENSE OF CONGRESS ON HOLOCAUST-ERA PROP-**
18 **ERTY RESTITUTION AND COMPENSATION.**

19 *It is the sense of Congress that—*

20 (1) *countries in Central and Eastern Europe*
21 *which have not already done so must return looted*
22 *and confiscated properties to their rightful owners or,*
23 *where restitution is not possible, pay equitable com-*
24 *penetration, in accordance with principles of justice*

1 *and in an expeditious manner that is transparent*
2 *and fair;*

3 (2) *countries in Central and Eastern Europe*
4 *must enact and implement appropriate restitution*
5 *and compensation legislation to facilitate private,*
6 *communal, and religious property restitution; and*

7 (3) *countries in Central and Eastern Europe*
8 *must ensure that such restitution and compensation*
9 *legislation establishes a simple, transparent, and*
10 *timely process, so that such process results in a real*
11 *benefit to those individuals who suffered from the un-*
12 *just confiscation of their property.*

13 **SEC. 1126. EFFORTS TO SECURE THE FREEDOM OF GILAD**

14 **SHALIT.**

15 *It is the sense of Congress that Israeli soldier Gilad*
16 *Shalit, who has been held captive continuously since his il-*
17 *legal abduction by Gazan kidnappers in 2006, should be*
18 *safely released at the earliest possible time and that, pend-*
19 *ing his release, the International Committee of the Red*
20 *Cross should be granted full access to him, in accordance*
21 *with international law and civilized values.*

22 **SEC. 1127. SENSE OF CONGRESS RELATING TO SUDAN.**

23 *It is the sense of Congress that—*

24 (1) *the United States should support efforts to*
25 *find a stable and lasting peace in Sudan in the wake*

1 *of a devastating conflict that led to a major humani-*
2 *tarian disaster and caused the deaths of hundreds of*
3 *thousands, and continues to cause violence in Darfur*
4 *and throughout Sudan;*

5 *(2) to achieve that peace, all parties must agree*
6 *to uphold the Comprehensive Peace Agreement (CPA);*

7 *(3) international partners should aim to widen*
8 *acceptance of the Darfur Peace Agreement by all*
9 *stakeholders;*

10 *(4) the United States should support efforts to*
11 *prepare for the national elections and for the ref-*
12 *erendum;*

13 *(5) the United States should support efforts to*
14 *develop a coordinated international strategy to sup-*
15 *port the rebuilding of Sudan, with a particular focus*
16 *on key CPA benchmarks including policy toward the*
17 *Three Areas, transitional justice, which would include*
18 *prosecuting perpetrators of war crimes, oil revenue*
19 *sharing, the census, the return of displaced Darfuris*
20 *and other peoples to their homeland, and management*
21 *of the armed forces; and*

22 *(6) United States policy toward Darfur should*
23 *be fully integrated with United States policy toward*
24 *the CPA, as full and lasting resolution to the Darfur*

1 *crisis hinges on the resolution of a common set of na-*
2 *tional problems.*

3 **SEC. 1128. SENSE OF CONGRESS ON RESTRICTIONS ON RE-**
4 **LIGIOUS FREEDOM IN VIETNAM.**

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

6 *(1) The Secretary of State, under the Inter-*
7 *national Religious Freedom Act of 1998 (22 U.S.C.*
8 *6401 et seq.) and authority delegated by the Presi-*
9 *dent, designates nations found guilty of “particularly*
10 *severe violations of religious freedom” as “Countries*
11 *of Particular Concern”.*

12 *(2) In November 2006, the Secretary of State an-*
13 *nounced that the Socialist Republic of Vietnam was*
14 *no longer designated as a “Country of Particular*
15 *Concern”.*

16 *(3) The Unified Buddhist Church of Vietnam*
17 *(UBCV), the Hoa Hao Buddhists, and the Cao Dai*
18 *groups continue to face unwarranted abuses because*
19 *of their attempts to organize independently of the*
20 *Government of Vietnam, including the detention and*
21 *imprisonment of individual members of these reli-*
22 *gious communities.*

23 *(4) Over the last 3 years, 18 Hoa Hao Buddhists*
24 *have been arrested for distributing sacred texts or*
25 *publically protesting the religious restrictions placed*

1 *on them by the Government of Vietnam, at least 12*
2 *remain in prison, including 4 sentenced in 2007 for*
3 *staging a peaceful hunger strike.*

4 *(5) At least 15 individuals are being detained in*
5 *long term house arrest for reasons relating to their*
6 *faith, including the most venerable Thich Quang Do*
7 *and most of the leadership of the UBCV.*

8 *(6) According to Human Rights Watch, “In*
9 *April 2008 Montagnard Christian Y Ben Hdok was*
10 *beaten to death while in police custody in Dak Lak*
11 *after other Montagnards in his district tried to flee to*
12 *Cambodia to seek political asylum.”.*

13 *(7) According to the United States Commission*
14 *on International Religious Freedom 2009 Annual Re-*
15 *port, religious freedom advocates and human rights*
16 *defenders Nguyen Van Dai, Le Thi Cong Nhan, and*
17 *Fr. Thaddeus Nguyen Van Ly are in prison under*
18 *Article 88 of the Criminal Code of Vietnam and Fr.*
19 *Nguyen Van Loi is being held without official deten-*
20 *tion orders under house arrest.*

21 *(8) In February 2009, as many as 11*
22 *Montagnard Protestants were detained for refusing to*
23 *join the officially recognized Southern Evangelical*
24 *Church of Vietnam, and 2 still remain in prison.*

1 (9) *Since August 2008, the Government of Viet-*
2 *nam has arrested and sentenced at least eight indi-*
3 *viduals and beaten, tear-gassed, harassed, publicly*
4 *slandered, and threatened Catholics engaged in peace-*
5 *ful activities seeking the return of Catholic Church*
6 *properties confiscated by the Vietnamese Government*
7 *after 1954 in Hanoi, including in the Thai Ha par-*
8 *ish.*

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

11 (1) *the Secretary of State should place Vietnam*
12 *on the list of “Countries of Particular Concern” for*
13 *particularly severe violations of religious freedom;*
14 *and*

15 (2) *the Government of Vietnam should lift re-*
16 *strictions on religious freedom and implement nec-*
17 *essary legal and political reforms to protect religious*
18 *freedom.*

Union Calendar No. 69

111TH CONGRESS
1ST Session

H. R. 2410

[Report No. 111-136]

A BILL

To authorize appropriations for the Department of State and the Peace Corps for fiscal years 2010 and 2011, to modernize the Foreign Service, and for other purposes.

JUNE 4, 2009

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed