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.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

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

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1 SEC. 3. APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.

Except as otherwise provided in this Act, the term “appropriate congressional committees” means the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate.
TITLE I—AUTHORIZATION OF APPROPRIATIONS

SEC. 101. ADMINISTRATION OF FOREIGN AFFAIRS.

The following amounts are authorized to be appropriated for the Department of State under “Administration of Foreign Affairs” to carry out the authorities, functions, duties, and responsibilities in the conduct of foreign affairs of the United States, and for other purposes authorized by law:

(1) DIPLOMATIC AND CONSULAR PROGRAMS.—

(A) Authorization of Appropriations.—For “Diplomatic and Consular Programs” $7,312,016,000 for fiscal year 2010, and such sums as may be necessary for fiscal year 2011.

(B) Worldwide security protection.—In addition to the amounts authorized to be appropriated by subparagraph (A), $1,648,000,000 for fiscal year 2010, and such sums as may be necessary for fiscal year 2011 are authorized to be appropriated for worldwide security protection.

(C) Public diplomacy.—Of the amounts authorized to be appropriated under subparagraph (A), $500,278,000 for fiscal year 2010,
and such sums as may be necessary for fiscal year 2011 are authorized to be appropriated for public diplomacy.

(D) BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR.—Of the amounts authorized to be appropriated under subparagraph (A), $20,659,000 for fiscal year 2010, and such sums as may be necessary for fiscal year 2011 are authorized to be appropriated for the Bureau of Democracy, Human Rights, and Labor.

(2) CAPITAL INVESTMENT FUND.—For “Capital Investment Fund”, $160,000,000 for fiscal year 2010, and such sums as may be necessary for fiscal year 2011.

(3) EMBASSY SECURITY, CONSTRUCTION AND MAINTENANCE.—For “Embassy Security, Construction and Maintenance”, $1,815,050,000 for fiscal year 2010, and such sums as may be necessary for fiscal year 2011.

(4) EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS.—

(A) AUTHORIZATION OF APPROPRIATIONS.—For “Educational and Cultural Exchange Programs”, $633,243,000 for fiscal
year 2010, and such sums as may be necessary for fiscal year 2011.

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

(C) NGAWANG CHOEPEL EXCHANGE PROGRAMS.—Of the amounts authorized to be appropriated under subsection (a), such sums are authorized to be appropriated for each of fiscal years 2010 and 2011 are authorized to be appropriated for the “Ngawang Choepel Exchange Programs” (formerly known as “programs of educational and cultural exchange between the United States and the people of Tibet”) under section 103(a) of the Human Rights, Refugee, and Other Foreign Relations Provisions Act of 1996 (Public Law 104–319; 22 U.S.C. 2151 note).
(5) **Civilian stabilization initiative.**—For “Civilian Stabilization Initiative”, $323,272,000 for fiscal year 2010, and such sums as may be necessary for fiscal year 2011.

(6) **Representation allowances.**—For “Representation Allowances”, $8,175,000 for fiscal year 2010, and such sums as may be necessary for fiscal year 2011.

(7) **Protection of foreign missions and officials.**—

(A) **Authorization of appropriations.**—For Protection of Foreign Missions and Officials, $27,159,000 for fiscal year 2010, and such sums as may be necessary for fiscal year 2011.

(B) **Reimbursement for past expenses owed by the United States.**—In addition to the amounts authorized to be appropriated under subparagraph (A), there are authorized to be appropriated $21,000,000 for fiscal year 2010 and $25,000,000 for fiscal year 2011 for “Protection of Foreign Missions and Officials” to be used only to reimburse State and local governments for necessary expenses incurred since 1998 for the protection of for-
eign missions and officials and recognized by
the United States.

(8) **Emergencies in the Diplomatic and Consular Service.**—For “Emergencies in the Diplomatic and Consular Service”, $10,000,000 for fiscal year 2010, and such sums as may be necessary for fiscal year 2011.

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

(10) **Payment to the American Institute in Taiwan.**—For “Payment to the American Institute in Taiwan”, $21,174,000 for fiscal year 2010, and such sums as may be necessary for fiscal year 2011.

(11) **Office of the Inspector General.**—

(A) **Authorization of Appropriations.**—For “Office of the Inspector General”, $100,000,000 for fiscal year 2010, and such sums as may be necessary for fiscal year 2011.

(B) **Special Inspector General for Iraq Reconstruction.**—Of the amounts authorized to be appropriated under subparagraph (A), $30,000,000 is authorized to be for the
Special Inspector General for Iraq Reconstruction.

(C) Special inspector general for Afghanistan reconstruction.—Of the amounts authorized to be appropriated under subparagraph (A), $23,000,000 is authorized to be for the Special Inspector General for Afghanistan Reconstruction.

SEC. 102. INTERNATIONAL ORGANIZATIONS.

(a) Assessed Contributions to International Organizations.—There are authorized to be appropriated for “Contributions to International Organizations”, $1,797,000,000 for fiscal year 2010, and such sums as may be necessary for fiscal year 2011, for the Department of State to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States with respect to international organizations and to carry out other authorities in law consistent with such purposes.

(b) Contributions for International Peacekeeping Activities.—There are authorized to be appropriated for “Contributions for International Peacekeeping Activities”, $2,260,000,000 for fiscal year 2010, and such sums as may be necessary for fiscal year 2011, for the Department of State to carry out the authorities, func-
tions, duties, and responsibilities of the United States with respect to international peacekeeping activities and to carry out other authorities in law consistent with such purposes.

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

SEC. 103. INTERNATIONAL COMMISSIONS.

The following amounts are authorized to be appropriated under “International Commissions” for the Department of State to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States and for other purposes authorized by law:

(1) INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO.—For “International Boundary and Water Commission, United States and Mexico”—
(A) for “Salaries and Expenses”, $33,000,000 for fiscal year 2010, and such sums as may be necessary for fiscal year 2011; and

(B) for “Construction”, $43,250,000 for fiscal year 2010, and such sums as may be necessary for fiscal year 2011.

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

(3) INTERNATIONAL JOINT COMMISSION.—For “International Joint Commission”, $7,974,000 for fiscal year 2010, and such sums as may be necessary for fiscal year 2011.

(4) INTERNATIONAL FISHERIES COMMISSIONS.—For “International Fisheries Commissions”, $12,608,000 for fiscal year 2010, and such sums as may be necessary for fiscal year 2011.

SEC. 104. MIGRATION AND REFUGEE ASSISTANCE.

(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for “Migration and Refugee Assistance” for authorized activities $1,577,500,000
for fiscal year 2010, and such sums as may be necessary for fiscal year 2011.

(b) Refugee Resettlement in Israel.—Of the amounts authorized to be appropriated by subsection (a), there are authorized to be appropriated $25,000,000 for fiscal years 2010 and such sums as may be necessary for fiscal year 2011 for resettlement of refugees in Israel.

SEC. 105. CENTERS AND FOUNDATIONS.

(a) Asia Foundation.—There are authorized to be appropriated for “The Asia Foundation” for authorized activities, $20,000,000 for fiscal year 2010, and $23,000,000 for fiscal year 2011.

(b) National Endowment for Democracy.—There are authorized to be appropriated for the “National Endowment for Democracy” for authorized activities, $100,000,000 for fiscal year 2010, and such sums as may be necessary for fiscal year 2011.

(c) Center for Cultural and Technical Interchange Between East and West.—There are authorized to be appropriated for the “Center for Cultural and Technical Interchange Between East and West” for authorized activities, such sums as may be necessary for each of fiscal years 2010 and 2011.
TITLE II—DEPARTMENT OF STATE AUTHORITIES AND ACTIVITIES

Subtitle A—Basic Authorities and Activities

SEC. 201. INTERNATIONAL LITIGATION FUND.

Section 38(d)(3) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2710(d)(3)) is amended by striking “by the Department of State from another agency of the United States Government or pursuant to” and inserting “by the Department of State as a result of a decision of an international tribunal, from another agency of the United States Government, or pursuant to”.

SEC. 202. ACTUARIAL VALUATIONS.

The Foreign Service Act of 1980 is amended—

(1) in section 818 (22 U.S.C. 4058)—

(A) in the first sentence, by striking “Secretary of the Treasury” and inserting instead “Secretary of State”; and

(B) by amending the second sentence to read as follows: “The Secretary of State is authorized to expend from money to the credit of the Fund such sums as may be necessary to administer the provisions of this chapter, including actuarial advice, but only to the extent and
in such amounts as are provided in advance in appropriations acts.”;

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

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

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

(A) by striking “Secretary of the Treas-

ury” and inserting instead “Secretary of State”; and

(B) by striking “and shall advise the Sec-

retary of State of” and inserting instead “that

will provide”.

SEC. 203. SPECIAL AGENTS.

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

“(1) conduct investigations concerning—

“(A) illegal passport or visa issuance or use;
“(B) identity theft or document fraud affecting or relating to the programs, functions, and authorities of the Department of State; and

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

(b) Rule of Construction.—Nothing in paragraph (1) of such section 37(a) (as amended by subsection (a) of this section) shall be construed to limit the investigative authority of any other Federal department or agency.

SEC. 204. REPATRIATION LOANS.

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

“(e) Under such regulations as the Secretary of State may prescribe, the Secretary is authorized to waive in whole or part the recovery of a repatriation loan under subsection (d) if it is shown that such recovery would be against equity and good conscience or against the public interest.”.
Subtitle B—Public Diplomacy at the Department of State

SEC. 211. CONCENTRATION OF PUBLIC DIPLOMACY RESPONSIBILITIES.

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

(1) in subsection (b)(1), by inserting “in accordance with subsection (e),” before “coordinate”; and

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

“(e) CONCENTRATION OF PUBLIC DIPLOMACY RESPONSIBILITIES.—

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

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

“(A) IN GENERAL.—The Secretary shall, subject to the direction of the President, establish a working group of the heads of the Federal agencies referred to in subsection (b)(1)
and should seek to convene such group not less often than once every three months to carry out the requirement specified in paragraph (1) of this subsection.

“(B) Chair and rotating vice chair.—The Secretary shall serve as the permanent chair of the quarterly meetings required under subparagraph (A). Each head of a Federal agency referred to in subsection (b)(1) shall serve on a rotating basis as the vice chair of each such quarterly meeting.

“(C) Initial meeting.—The initial meeting of the working group established under subparagraph (A) shall be not later than the date that is six months after the date of the enactment of this subsection.

“(D) Ongoing consultations and coordination.—The Secretary and each head of the Federal agencies referred to in subsection (b)(1) shall designate a representative of each respective agency to consult and coordinate with such other representatives on an ongoing basis beginning not later than 30 days after the initial meeting of the working group under subparagraph (C) to carry out the requirement
specified in paragraph (1) of this subsection. The designee of the Secretary shall have pri-
mary responsibility for such ongoing consulta-
tions and coordination.

“(3) Reports required.—

“(A) In general.—Except as provided in
subparagraph (D), each head of a Federal
agency referred to in subsection (b)(1) shall an-
nually submit to the President a report on the
public diplomacy activities of each such agency
in the preceding year.

“(B) Information sharing.—The Presi-
dent shall make available to the Secretary the
reports submitted pursuant to subparagraph
(A).

“(C) Initial submissions.—The first an-
nual reports required under subparagraph (A)
shall be submitted not later than the date that
is one year after the date of the enactment of
this subsection.

“(D) Limitation.—Subparagraph (A)
shall not apply with respect to activities carried
out pursuant to section 167 of title 10, United
States Code.”.
SEC. 212. ESTABLISHMENT OF PUBLIC DIPLOMACY RESERVE CORPS.

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

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

(1) the Foreign Service should recruit individuals with professional experience relevant to public diplomacy, and provide training and mentoring to cultivate their skills in order to build up the corps of professionals in the public diplomacy cone; and

(2) apart from the public diplomacy cone, training of all Foreign Service officers should include more information on techniques of public diplomacy.

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

“(e) Establishment of Public Diplomacy Reserve Corps.—

“(1) In general.—The Secretary of State is authorized to establish in the Foreign Service a Public Diplomacy Reserve Corps consisting of mid- and senior-level former Foreign Service officers and
other individuals with experience in the private or public sector relevant to public diplomacy, to serve for a period of six months to two years in postings abroad.

“(2) **Prohibition on Certain Activities.**—

While actively serving with the Reserve Corps, individuals may not engage in activities directly or indirectly intended to influence public opinion within the United States in the same manner and to the same extent that employees of the Department of State engaged in public diplomacy are so prohibited.”

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

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

(1) The platform strategy for United States public diplomacy programs has changed dramatically with events of the past decade. The United States Government used to operate hundreds of free-standing facilities around the world, known as “American Centers” or “America Houses”, that offered venues for cultural and educational events as well as access to books, magazines, films, and other selected materials about the United States. The consolidation of the United States Information Agency (USIA) into the Department of State accelerated the post-Cold
War process of closing these facilities, and the deadly attacks on United States embassies in Tanzania and Kenya prompted the imposition of security requirements under law that included co-locating United States Government employees in hardened embassy compounds.

(2) Information Resource Centers, which offer library services and space for public events, that are now located in embassy compounds allow limited access—and in some cases, none whatsoever—by the public, and half of them operate on a “by appointment only” basis. “American Corner” facilities, operated by local contacts in university or public libraries in some countries, are no substitute for a designated venue recognized as a resource for information on United States culture and education staffed by a knowledgeable representative of the embassy.

(b) PARTNERSHIP ARRANGEMENTS TO FURTHER PUBLIC DIPLOMACY AND OUTREACH.—Recognizing the security challenges of maintaining free-standing public diplomacy facilities outside of embassy compounds, the Secretary of State shall consider new partnership arrangements with local or regional entities in foreign countries that can operate free-standing American Centers in areas
well-trafficked by a cross-section of people in such countries, including in downtown storefronts, health care clinics, and other locations that reach beyond library patrons and university students. Where such partnership arrangements currently exist, the Secretary shall evaluate the efficacy of such partnership arrangements and determine whether such partnership arrangements can provide a model for public diplomacy facilities outside of embassy and consulate compounds elsewhere. Not later than 180 days after the date of the enactment of this Act, the Secretary shall brief the appropriate congressional committees on the evaluation and determinations described in the preceding sentence.

(e) Establishment of Certain Public Diplomacy Facilities.—After taking into account relevant security needs, the Secretary of State shall consider placing United States public diplomacy facilities at locations that maximize the role of such facilities in the educational and cultural life of the cities in which such facilities are located, and help build a growing constituency for such facilities, in accordance with the authority given to the Secretary under section 606(a)(2)(B) of the Secure Embassy Construction and Counterterrorism Act of 1999 (22 U.S.C. 4865(a)(2)(B)) to waive certain requirements of
that Act with respect to the location of certain United States diplomatic facilities in foreign countries.

SEC. 214. PUBLIC DIPLOMACY RESOURCE CENTERS.

(a) Establishment and Maintenance of Libraries.—Section 1(b)(3) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a(b)(3)) is amended—

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

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

(3) by adding at the end the following new subparagraph:

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

(b) Operation of Libraries.—

(1) IN GENERAL.—The Secretary of State shall ensure that libraries and resource centers established and maintained in accordance with subparagraph (F) of section 1(b)(3) of the State Department Basic Authorities Act of 1956 (as added by subsection (a)(3) of this section) are open to the general public to the greatest extent practicable,
subject to policies and procedures established by the Secretary to ensure the safety and security of United States diplomatic and consular missions and of United States officers, employees, and personnel posted at such missions at which such libraries are located.

(2) Showings of United States Films.—To the extent practicable, the Secretary of State shall ensure that such libraries and resource centers schedule public showings of United States films that showcase United States culture, society, values, and history.

(c) Advisory Commission on Public Diplomacy.—Not later than one year after the date of the enactment of this section, the Advisory Commission on Public Diplomacy (authorized under section 1334 of the Foreign Affairs Reform and Restructuring Act of 1998 (22 U.S.C. 6553)) shall submit to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate a report containing an evaluation of the functions and effectiveness of the libraries and resource centers that are authorized under this section.

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

SEC. 215. GRANTS FOR INTERNATIONAL DOCUMENTARY
EXCHANGE PROGRAMS.

(a) FINDINGS.—Congress finds the following:

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

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

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

(4) It is in the interest of the United States to
provide assistance to United States nongovernmental
organizations that produce and distribute independ-
ently produced documentary films.
(b) Assistance.—The Secretary of State is authorized to make grants, on such terms and conditions as the Secretary may determine, to United States nongovernmental organizations that use independently produced documentary films to promote better understanding of the United States abroad and better understanding of global perspectives and other countries in the United States.

(c) Activities Supported.—Grants provided under subsection (b) shall, to the maximum extent practicable, be used to carry out the following activities:

(1) Fund, distribute, and promote documentary films that convey a diversity of views about life in the United States to foreign audiences and bring insightful foreign perspectives to United States audiences.

(2) Support documentaries described in paragraph (1) that are made by independent foreign and domestic producers, selected through a peer review process.

(3) Develop a network of overseas partners to produce, distribute, and broadcast such documentaries.

(d) Special Factors.—In making the grants described in subsection (b), the Secretary shall give preference to nongovernmental organizations that—
(1) provide at least 35 percent of the total project cost in matching funds from non-Federal sources; and

(2) have prior experience supporting independently produced documentary films that have been broadcast on public television in the United States.

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

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

SEC. 216. UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY.

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

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

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

“(B) The Commission shall submit to the Secretary and the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate a comprehensive report of each study required under subparagraph (A). At the discretion of the Commission, any report under this subsection may be submitted in classified form or with a classified appendix.

“(C) Upon request of the Commission, the Secretary, the Chair of the Broadcasting Board of Governors, and the head of any other Federal agency that conducts public diplomacy or strategic communications activities shall provide to the Commission
information to assist the Commission in carrying out its responsibilities under this paragraph.”.

(c) **Enhancing the Expertise of the United States Advisory Commission on Public Diplomacy.**—

(1) **Qualifications of Members.**—Section 604(a)(2) of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1469(a)(2)) is amended by adding at the end the following new sentences: “At least four members shall have substantial experience in the conduct of public diplomacy or comparable activities in the private sector. No member may be an officer or employee of the United States.”.

(2) **Application of Amendment.**—The amendment made by paragraph (1) shall not apply to individuals who are members of the United States Advisory Commission on Public Diplomacy on the date of the enactment of this Act.

**Sec. 217. Special Olympics.**

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

(1) Special Olympics International has been recognized for more than four decades as the world leader in providing life-changing sports training and
competition experiences for persons with intellectual
disabilities at all levels of severity.

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

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

(b) Administration of Program.—Section 3(b) of
the Special Olympics Sport and Empowerment Act of
2004 (Public Law 108–406) is amended, in the matter
preceding paragraph (1) by striking “Secretary of State” and inserting “Secretary of State, acting through the Assistant Secretary of State for Educational and Cultural Affairs”.

SEC. 218. EXTENSION OF PROGRAM TO PROVIDE GRANTS TO AMERICAN-SPONSORED SCHOOLS IN PREDOMINANTLY MUSLIM COUNTRIES TO PROVIDE SCHOLARSHIPS.

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

(1) in subsection (g)—

(A) by striking “Committee on International Relations” and inserting “Committee on Foreign Affairs”; and

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

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

SEC. 219. CENTRAL ASIA SCHOLARSHIP PROGRAM FOR PUBLIC POLICY INTERNSHIPS.

(a) PILOT PROGRAM ESTABLISHED.—As part of the educational and cultural exchange programs of the Department of State, the Secretary of State shall establish
a pilot program for fiscal years 2010 and 2011 to award
scholarships to undergraduate and graduate students from
Central Asia for public policy internships in the United
States. Subject to the availability of appropriations, for
each fiscal year not more than 50 students may partici-
pate in the program established under this section.

(b) General Provisions.—

(1) In general.—Except as otherwise pro-
vided in this section, the program established pursuant to subsection (a) shall be carried out under ap-
plicable provisions of the United States Information
and Educational Exchange Act of 1948 (22 U.S.C.
1431 et seq.) and the Mutual Educational and Cul-
seq.; also referred to as the “Fulbright-Hays Act”).

(2) Scholarship eligibility require-
ments.—In addition to such other requirements as
may be established by the Secretary of State, a
scholarship recipient under this section—

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

(B) shall be a student at an undergraduate
or graduate school level at an accredited insti-
tution of higher education with a record of out-
standing academic achievement and demonstrated intellectual abilities;

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

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

(3) INTERNSHIPS.—Internships under this section shall be for periods of not more than six months.

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

(5) CENTRAL ASIA DEFINED.—For the purposes of this section, the term “Central Asia” means the countries of Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, and Uzbekistan.
(c) Authorization of Appropriations.—Of the amounts authorized to be appropriated pursuant to section 101(4), there is authorized to be appropriated $600,000 for each of fiscal years 2010 and 2011 to carry out this section.

SEC. 220. UNITED STATES-SOUTH PACIFIC SCHOLARSHIP PROGRAM.

(a) Findings.—Congress finds the following:

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

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

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

(4) He was also a voice for workers, the poor, and the elderly.
(5) Congressman Burton was one of the most brilliant and productive legislators in United States politics.

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

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

(b) Sense of Congress.—It is the sense of Congress that—

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

(2) the United States-South Pacific Scholarship Program should be renamed the Phillip Burton Scholarship Program for South Pacific Island Students.

(c) Funding.—

(1) In general.—Of the amounts authorized to be appropriated pursuant to section 101(4), $750,000 is authorized to be appropriated for each of fiscal years 2010 and 2011 to be made available
for the United States-South Pacific Scholarship Program.

(2) NAME.—Scholarships awarded under the Program shall be referred to as “Burton Scholarships” and recipients of such scholarships shall be referred to as “Burton Scholars”.

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

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

SEC. 222. UNITED STATES-CARIBBEAN EDUCATIONAL EXCHANGE PROGRAM.

(a) DEFINITIONS.—In this section:

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

(A) the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives; and
(B) the Committee on Foreign Relations and the Committee on Appropriations of the Senate.

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

(A) means a member country of the Caribbean Community (CARICOM); but

(B) does not include—

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

(ii) a country the government of which the Secretary of State has determined, for purposes of section 6(j) of the Export Administration Act of 1979 (as continued in effect pursuant to the International Emergency Economic Powers Act), section 40 of the Arms Export Control Act, section 620A of the Foreign Assistance Act of 1961, or any other provision of law, is a government that has repeatedly provided support for acts of international terrorism.

(3) SECRETARY.—Except as otherwise provided, the term “Secretary” means the Secretary of State.
(4) UNITED STATES COOPERATING AGENCY.—The term “United States cooperating agency” means—

(A) an institution of higher education (as such term is defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))), including, to the maximum extent practicable, a historically Black college or university that is a part B institution (as such term is defined in section 322(2) of such Act (20 U.S.C. 1061(2))) or a Hispanic-serving institution (as such term is defined in section 502(5) of such Act (20 U.S.C. 1101a(5)));

(B) a higher education association;

(C) a nongovernmental organization incorporated in the United States; or

(D) a consortium consisting of two or more such institutions, associations, or nongovernmental organizations.

(b) PROGRAM AUTHORIZED.—The Secretary of State is authorized to establish an educational exchange program between the United States and CARICOM countries, to be known as the “Shirley A. Chisholm United States-Caribbean Educational Exchange Program”, under which—
(1) secondary school students from CARICOM countries will—

   (A) attend a public or private secondary school in the United States; and
   (B) participate in activities designed to promote a greater understanding of the values and culture of the United States; and

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

   (A) attend a public or private college or university, including a community college, in the United States; and
   (B) participate in activities designed to promote a greater understanding of the values and culture of the United States.

(c) ELEMENTS OF PROGRAM.—The program authorized under subsection (b) shall meet the following requirements:

(1) The program will offer scholarships to students and scholars based on merit and need. It is the sense of Congress that scholarships should be offered to students and scholars who evidence merit, achievement, and strong potential for the studies such students and scholars wish to undertake under
the program and 60 percent of scholarships offered under the program should be based on financial need.

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

(3) Fields of study under the program will support the labor market and development needs of CARICOM countries, assuring a pool of technical experts to address such needs.

(4) The program will limit participation to—

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

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

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

(5) For a period of time equal to the period of time of participation in the program, but not to exceed two years, the program will require participants who are students and scholars described in subsection (a)(2) to—

(A) agree to return to live in a CARICOM country and maintain residence in such country, within six months of completion of academic studies; or
(B) agree to obtain employment that directly benefits the growth, progress, and development of one or more CARICOM countries and the people of such countries.

(6) The Secretary may waive, shorten the duration, or otherwise alter the requirements of paragraph (4) in limited circumstances of hardship, humanitarian needs, for specific educational purposes, or in furtherance of the national interests of the United States.

(d) ROLE OF UNITED STATES COOPERATING AGENCIES.—The Secretary shall consult with United States cooperating agencies in developing the program authorized under subsection (b). The Secretary is authorized to provide grants to United States cooperating agencies in carrying out the program authorized under subsection (b).

(e) MONITORING AND EVALUATION OF PROGRAM.—

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

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

(A) financial information relating to the
program;

(B) budget plans for the program;

(C) adjustments to plans established for
the program;

(D) graduation rates of participants in the
program;

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

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

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

(H) the impact of gender, country of ori-
gin, financial need of students, and other rel-
relevant factors on the data collected under subparagraphs (D) through (G).

(f) **Reporting Requirements.**—

(1) **Report Required.**—Not later than 120 days after the date of the enactment of this section, the Secretary of State shall submit to the appropriate congressional committees a report on plans to implement the program authorized under this section.

(2) **Matters to be Included.**—The report required by paragraph (1) shall include—

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

(B) a timeline for selecting United States cooperating agencies that will assist in implementing the program;

(C) a financial plan that—

(i) identifies budget plans for each educational level under the program; and
(ii) identifies plans or systems to ensure that the costs to public school, college, and university education under the program and the costs to private school, college, and university education under the program are reasonably allocated; and

(D) a plan to provide outreach to and linkages with schools, colleges and universities, and nongovernmental organizations in both the United States and CARICOM countries for implementation of the program.

(3) UPDATES OF REPORT.—

(A) IN GENERAL.—The Secretary shall submit to the appropriate congressional committees updates of the report required by paragraph (1) for each fiscal year for which amounts are appropriated pursuant to the authorization of appropriations under subsection (g).

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

(i) Information on United States cooperating agencies that are selected to assist in implementing the programs authorized under this section.
(ii) An analysis of the positive and negative impacts the program authorized under this section will have or is having on “brain drain” from the participating CARICOM countries.

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

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

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

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

(2) expand Sri Lankan participation in exchange programs of the Department of State; and

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

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

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

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

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

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

(1) establish an exchange program for Liberian women legislators and women staff members of the Liberian Congress;
(2) expand Liberian participation in exchange programs of the Department of State; and

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

(b) PROGRAM.—The Secretary of State shall establish an exchange program in cooperation with the Women’s Legislative Caucus in Liberia to provide scholarships to fund exchanges to enable Liberian women legislators and exceptional women Liberian Congressional staffers to encourage more women to participate in, and continue to be active in, politics and the democratic process in Liberia.

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

SEC. 225. PUBLIC DIPLOMACY PLAN FOR HAITI.

The Secretary of State shall develop a public diplomacy plan to be implemented in the event that Temporary Protected Status (TPS) is extended to Haitian nationals in the United States to effectively inform Haitians living in Haiti that—
(1) TPS only permits people already in the United States as of a specifically designated date to remain in the United States;

(2) there are extraordinary dangers of travel by sea to the United States in unsafe, overcrowded vessels;

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

(4) the United States will continue its large assistance program to help the people of Haiti recover from recent hurricanes, restore stability, and promote economic growth.

SEC. 226. TRANSFER OF THE VIETNAM EDUCATION FOUNDATION TO THE DEPARTMENT OF STATE.

(a) IN GENERAL.—Section 204 of the Vietnam Education Foundation Act of 2000 (Public Law 106–554) is amended to read as follows:

“SEC. 204. ESTABLISHMENT.

“There is established, within the Bureau of Educational and Cultural Affairs of the Department of State, the Vietnam Education Foundation (referred to in this title as the ‘Foundation’).”.

(b) REPLACEMENT OF BOARD OF DIRECTORS WITH ADVISORY COMMITTEE.—Section 205 of such Act is amended to read as follows:
“SEC. 205. VIETNAM EDUCATION FOUNDATION ADVISORY COMMITTEE.

“(a) Establishment.—

“(1) In general.—There is established a Vietnam Education Foundation Advisory Committee (referred to in this section as the ‘Advisory Committee’), which shall provide advice to the Secretary and the Assistant Secretary for Educational and Cultural Affairs regarding the Foundation’s activities.

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

“(A) three shall be appointed by the Secretary;

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

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

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

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

“(3) Appointment of incumbent members of board of directors.—Members appointed to the Advisory Committee under paragraph (2) may include individuals who were members of the Board
of Directors of the Foundation on the date immediately preceding the date of the enactment of the Vietnam Education Foundation Amendments Act of 2008.

“(b) SUPERVISION.—The Foundation shall be subject to the supervision and direction of the Secretary, working through the Assistant Secretary for Educational and Cultural Affairs, and in consultation with the Advisory Committee established under subsection (a).”.

(c) APPOINTMENT OF EXECUTIVE DIRECTOR.—Subsection (a) of section 208 of such Act is amended, in the first sentence, by striking “shall be appointed” and inserting “may be appointed”.

(d) SERVICE OF EXECUTIVE DIRECTOR TO ADVISORY COMMITTEE.—Such subsection is further amended, in the second sentence, by striking “Foundation and shall carry out” and inserting “Foundation, serve the Advisory Committee, and carry out”.

(e) CONFORMING AMENDMENTS.—Such Act is amended—

(1) in section 203—

(A) by striking paragraph (1);

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

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

(2) in section 208—

(A) in subsection (a)—

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

and

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

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

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

(f) MUTUAL EDUCATIONAL AND CULTURAL EX-

CHANGE ACT OF 1961.—Section 112(a) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2460(a)) is amended—

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

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

(3) by adding at the end the following:
“(10) programs administered by the Vietnam Education Foundation.”.

(g) Transfer of Functions.—All functions and assets of the Vietnam Education Foundation are transferred to the Bureau of Educational and Cultural Affairs of the Department of State. The Assistant Secretary for Educational and Cultural Affairs may hire personnel who were employed by the Vietnam Education Foundation on the date before the date of the enactment of this Act, and such other personnel as may be necessary to support the Foundation, in accordance with part III of title 5, United States Code.

(h) Support for Institutional Development in Vietnam.—

(1) Grants Authorized.—The Secretary of State, acting through the Assistant Secretary for Educational and Cultural Affairs, is authorized to award 1 or more grants to institutions of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))), which shall be used to implement graduate-level academic management programs in Vietnam. Such programs shall—

(A) respond to pressing needs of Vietnamese society;
(B) feature both teaching and research components;

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

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

(E) enjoy legal autonomy from the Vietnamese government.

(2) APPLICATION.—

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

(B) COMPETITIVE BASIS.—Each grant authorized under subsection (a) shall be awarded on a competitive basis.

(3) SOURCE OF GRANT FUNDS.—The Secretary of State may use funds made available to the Vietnam Education Foundation under section 207(c) of the Vietnam Education Foundation Act of 2000 (22 U.S.C. 2452 note) for the grant awarded under this section.
(i) Effective Date.—This Act and the amendments made by this Act shall take effect on the date that is 90 days after the date of the enactment of this Act.

Subtitle C—Consular Services and Related Matters

SEC. 231. PERMANENT AUTHORITY TO ASSESS PASSPORT SURCHARGE.

Section 1 of the Passport Act of June 4, 1920 (22 U.S.C. 214), is amended by—

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

(2) redesignating subsection (b)(3) as subsection (b)(2).

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

It is the sense of Congress that in light of serious problems with human trafficking as well as the exceptionally high volume of applications by citizens of Moldova to the United States Summer Work Travel program, the Secretary of State should make every effort to enhance consular services at the United States embassy in Chisinau, Moldova, including considering assigning an additional consular officer to such post.

SEC. 233. REFORMING REFUGEE PROCESSING.

(a) Reform of the Worldwide Processing Priority System.—
(1) IN GENERAL.—The Secretary of State shall revise the system for processing refugees for admission to the United States to prioritize particularly vulnerable refugees who are most urgently in need of resettlement.

(2) EMBASSY AND NGO REFERRALS.—The Secretary of State shall establish a training and implementation plan, including training of United States embassy and consular personnel, for ensuring that all United States embassies and consulates are equipped and enabled to refer aliens in need of resettlement to the United States refugee admissions program. The Secretary shall also establish a system to provide ongoing regional support, training, and communication with nongovernmental organizations that provide assistance to displaced and persecuted persons to enable such organizations to refer aliens in need of resettlement to the United States refugee admissions program.

(3) OVERSEAS REFUGEE PROCESSING.—On or before October 1, 2011, the Secretary of State shall ensure that any agreement, contract, or other arrangement with an organization to process refugee applicants overseas for admission to the United States shall be granted through a competitive proc-
ess among nongovernmental organizations with experience in the processing or resettlement of refugees in the United States. The Secretary may waive such requirement if the Secretary determines that no qualifying organization is available, competent, and authorized to operate in the country at issue or that no such organization is willing or able to do so in a cost-effective manner.

(b) Reform of the Refugee Consultation Process.—Section 207 of the Immigration and Nationality Act (8 U.S.C. 1157) is amended—

(1) in subsection (a)(2), by adding at the end the following new sentence: “In the event that a fiscal year begins without such determination having been made, there is authorized to be admitted in the first quarter of such fiscal year 25 percent of the number of refugees fixed by the President in the previous fiscal year’s determination.”; and

(2) in subsection (e), in the matter preceding paragraph (1), by striking “discussions in person” and inserting “discussions in person, to be commenced not later than June 1 of each year,”.

(e) Family Reunification.—

(1) Multiple Forms of Relief.—Applicants for admission as refugees shall be permitted to si-
multaneously pursue admission under any other visa categories for which such applicants may be eligible.

(2) SEPARATED CHILDREN.—In the case of a child who has been separated from the birth or adoptive parents of such child and who is living in a country of asylum under the care of an alien who has been approved for admission to the United States as a refugee, such child shall be, if in the best interest of the child, deemed an unaccompanied refugee minor eligible for admission to the United States and considered for placement with such alien in the United States. Upon the child’s admission to the United States, such admission shall be charged against the numerical limitation established in accordance with the appropriate section of the Immigration and Nationality Act under which such alien’s admission is charged.

(3) CHILDREN OF REFUGEE SPOUSES.—For the purposes of sections 207(c)(2)(A) and 208(b)(3) of the Immigration and Nationality Act (8 U.S.C. 1157(c)(2)(A) and 1158(b)(3)), the child of an alien who qualifies for admission as a spouse under such sections shall be entitled to the same admission status as such spouse if accompanying, or following to
join, such spouse and if such child is otherwise ad-
missible as provided in such sections.

(d) ERMA ACCOUNT.—Section 2 of the Migration
and Refugee Assistance Act of 1962 (22 U.S.C. 2601) is
amended—

(1) in subsection (c)—

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

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

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

(ii) by striking “100,000,000” and in-
serting “$200,000,000”; and

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

(e) AUTHORIZATION OF APPROPRIATIONS.—

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

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

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

SEC. 234. ENGLISH LANGUAGE AND CULTURAL AWARENESS
TRAINING FOR APPROVED REFUGEE APPLICANTS.

(a) In General.—The Secretary of State shall es-
tablish formal training programs in five overseas refugee
processing regions to provide English as a second lan-
guage, cultural orientation, and work orientation training
for refugees who have been approved for admission to the
United States before their departure for the United
States.

(b) Design and Implementation.—In designing
and implementing the training programs referred to in
subsection (a), the Secretary shall ensure that nongovern-
mental organizations with direct ties to the United States
refugee resettlement program are utilized in such training
programs.

(c) Impact on Processing Times.—The Secretary
shall ensure that such training programs occur within cur-
rent processing times and do not unduly delay the depart-
ture for the United States of refugees who have been ap-
proved for admission to the United States.

(d) Timeline for Implementation and Report
to Congress.—
(1) **Timeline for Implementation.**—Not later than one year after the date of the enactment of this Act, the Secretary shall ensure that such training programs are operating in at least one overseas refugee processing region, and not later than two years after the date of the enactment of this Act, such training programs are operating in each of the five overseas refugee processing regions.

(2) **Report to Congress.**—Not later than 18 months after the date of the enactment of this Act, the Secretary shall submit to the appropriate congressional committees a report on the implementation of this section.

(e) **Rule of Construction.**—Nothing in this section shall be construed to require that a refugee participate in such a training program as a precondition for the admission to the United States of such refugee.

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

(a) **In General.**—The President shall develop and implement policies and strategies to address the protection, resettlement, and assistance needs of Iraqi refugees and internally displaced persons (IDPs), foster long-term solutions for stabilizing the lives of such refugees and IDPs, monitor the development and implementation of ass-
istance strategies to countries in the Middle East that
are hosting refugees from Iraq, encourage the Government
of Iraq to actively engage the problem of displaced persons
and refugees and monitor its resolution of the problem,
and ensure that budget requests to Congress are sufficient
to meet an appropriate United States contribution to the
needs of Iraqi refugees, IDPs within Iraq, and other refu-
gees in Iraq.

(b) INTERAGENCY PROCESS.—

(1) IN GENERAL.—The President shall establish
an interagency working group to carry out the goals
of subsection (a) by facilitating interagency coordi-
nation to develop and implement policies to address
the needs of Iraqi refugees and IDPs.

(2) COMPOSITION.—The interagency working
group shall consist of appropriate high-ranking offi-
cials from the National Security Council, the De-
partment of State, the Department of Homeland Se-
curity, the United States Agency for International
Development, and such other agencies as the Presi-
dent may determine.

(3) ROLE OF SECRETARY OF STATE.—The Sec-
retary of State shall serve as principal liaison with
the Government of Iraq, its neighboring refugee
hosting countries, and the international community
to solicit and direct bilateral and multilateral contributions to address the needs of Iraqi refugees, IDPs, and returned refugees as well as with non-governmental organizations working for and on behalf of displaced Iraqis.

(c) Increase in Refugee Processing Capacity.—The Secretary of State should, subject to the availability of appropriations for such purpose, seek to substantially increase in fiscal year 2010 the resources available to support the processing of such applicants in Iraq.

(d) Humanitarian Assistance.—The United States should seek to ensure that—

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

(2) the United States continues to make contributions that are sufficient to fund not less than 50 percent of the amount requested by the UNHCR and such other international organizations in each of fiscal years 2010 and 2011; and

(3) the Government of Iraq makes significant contributions to UNHCR and to other international organizations assisting Iraqi refugees and IDPs.
(e) STATEMENT OF POLICY REGARDING ENCOURAGING VOLUNTARY RETURNS.—It shall be the policy of the United States to encourage Iraqi refugees to return to Iraq only when conditions permit safe, sustainable returns on a voluntary basis with the coordination of the UNHCR and the Government of Iraq.

(f) INTERNATIONAL COOPERATION.—The Secretary of State shall work with the international community, including governments hosting the refugees, international organizations, nongovernmental organizations, and donors, to develop a long-term, comprehensive international strategy for assistance and solutions for Iraqi refugees and IDPs, and to provide—

(1) a comprehensive assessment of the needs of Iraqi refugees and IDPs, and the needs of the populations that host such refugees and IDPs;

(2) assistance to international organizations assisting IDPs and vulnerable persons in Iraq and Iraqi refugees in neighboring countries, including through resettlement;

(3) assistance to international organizations and other relevant entities, including such organizations and entities providing psychosocial services and cash assistance, and such organizations and entities facilitating voluntary returns of displaced persons;
(4) technical assistance to the Government of Iraq to establish better systems for meeting the needs of Iraqi IDPs and refugees, and to other government entities, international organizations, or non-governmental organizations developing legal frameworks and systems to resolve land and housing claim disputes, including restitution;

(5) enhanced residency protections and opportunities for Iraqi refugees to work legally; and

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

(g) ENHANCED ACCOUNTING.—To better assess the benefits of United States assistance to Iraqi refugees and IDPs, the Secretary of State, in coordination with the Administrator of the United States Agency for International Development, as appropriate, shall—

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

(2) track and report funding apportioned, obligated, and expended for Iraqi refugee programs in
Jordan, Syria, Lebanon, and the other host countries, to the extent practicable.

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

(1) information concerning assistance and funding to host countries and international organizations and nongovernmental organizations;

(2) information concerning measures taken by the United States to increase its capabilities to process Iraqi refugees for resettlement, especially from inside Iraq;

(3) an evaluation of the effectiveness of measures implemented by agencies of the Government of Iraq to assist Iraqi refugees, IDPs, and other vulnerable persons and to facilitate the safe and voluntary return of refugees;

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

(5) information gathered in fulfillment of subsection (g).
(i) Authorization of Appropriations.—Of the amounts authorized to be appropriated pursuant to section 104, there is authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 236. VIDEOCONFERENCE INTERVIEWS.

(a) Pilot Program.—The Secretary of State shall conduct a two-year pilot program for the processing of tourist visas which shall include the use of secure remote videoconferencing technology as a method for conducting visa interviews of applicants.

(b) Report.—Not later than one year after initiating the pilot program under subsection (a) and again not later than three months after the conclusion of the two-year period referred to in such subsection, the Secretary of State shall submit to the appropriate congressional committees a report on such pilot program. Each such report shall assess the efficacy of using secure remote videoconferencing technology as a method for conducting visa interviews of applicants and include recommendations on whether or not the pilot program should be continued, broadened, or modified.

SEC. 237. TIBET.

(a) Tibet Negotiations.—Section 613(a) of the Tibetan Policy Act of 2002 (Public Law 107–228; 22 U.S.C. 6901 note) is amended—

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(1) in paragraph (1), by inserting before the period at the end the following: “and should coordinate with other governments in multilateral efforts toward this goal”;

(2) by redesignating paragraph (2) as paragraph (3); and

(3) by inserting after paragraph (1) the following new paragraph:

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

(b) BILATERAL ASSISTANCE.—Section 616 of the Tibetan Policy Act of 2002 is amended—

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

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

“(d) UNITED STATE ASSISTANCE.—The President shall provide grants to nongovernmental organizations to support sustainable economic development, cultural and historical preservation, health care, education, and environmental sustainability projects for Tibetan communities

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in the Tibet Autonomous Region and in other Tibetan communities in China, in accordance with the principles specified in subsection (e) and subject to the review and approval of the Special Coordinator for Tibetan Issues under section 621(d).”.

(e) SPECIAL COORDINATOR FOR TIBETAN ISSUES.— Section 621 of the Tibetan Policy Act of 2002 is amended—

(1) in subsection (d)—

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

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

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

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

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

“(e) PERSONNEL.—The Secretary shall assign dedicated personnel to the Office of the Special Coordinator for Tibetan Issues sufficient to assist in the management of the responsibilities of this section and section 616(d)(2).”.
(d) **Diplomatic Representation Relating to Tibet.**

(1) **United States Embassy in Beijing.**

(A) **In General.**—The Secretary of State is authorized to establish a Tibet Section within the United States Embassy in Beijing, People’s Republic of China, for the purposes of following political, economic, and social developments inside Tibet, including Tibetan areas of Qinghai, Sichuan, Gansu, and Yunnan provinces, until such time as a United States consulate in Tibet is established. Such Tibet Section shall have the primary responsibility for reporting on human rights issues in Tibet and shall work in close cooperation with the Office of the Special Coordinator for Tibetan Issues. The chief of such Tibet Section should be of senior rank.

(B) **Authorization of Appropriations.**—Of the amounts authorized to be appropriated under section 101(a), there are authorized to be appropriated such sums as may be necessary for each of fiscal years 2010 and 2011 to carry out this paragraph.

(2) **In Tibet.**—Section 618 of the Tibetan Policy Act of 2002 is amended to read as follows:
“SEC. 618. ESTABLISHMENT OF A UNITED STATES CONSULATE IN LHASA, TIBET.

“The Secretary shall seek to establish a United States consulate in Lhasa, Tibet, to provide services to United States citizens traveling to Tibet and to monitor political, economic, and cultural developments in Tibet, including Tibetan areas of Qinghai, Sichuan, Gansu, and Yunnan provinces.”

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

TITLE III—ORGANIZATION AND PERSONNEL AUTHORITIES

Subtitle A—Towards Modernizing the Department of State

SEC. 301. TOWARDS A MORE MODERN AND EXPEDITIONARY FOREIGN SERVICE.

(a) TARGETED EXPANSION OF FOREIGN SERVICE.—

The Secretary of State shall expand the Foreign Service to—

(1) fill vacancies, particularly those vacancies overseas that are critical to key United States foreign policy and national security interests, and, in particular, to prevent crises before they emerge;
(2) increase the capacity of the Department of State to assign and deploy Foreign Service officers and other personnel to prevent, mitigate, and respond to international crises and instability in foreign countries that threaten key United States foreign policy and national security interests; and

(3) ensure that before being assigned to assignments requiring new or improved skills, members of the Foreign Service receive language, security, area, and other training that is necessary to successfully execute their responsibilities and to enable such members to obtain advanced and other education that will increase the capacity of the Foreign Service to complete its mission.

(b) AUTHORIZED INCREASES.—

(1) AT THE DEPARTMENT OF STATE.—The Secretary of State is authorized to hire an additional 750 members of the Foreign Service (above attrition) in fiscal year 2010 over the number of such members employed as of September 30, 2009, and an additional 750 members of the Foreign Service (above attrition) in fiscal year 2011 over the number of such members employed as of September 30, 2010.
(2) At USAID.—The Administrator of the United States Agency for International Development is authorized to hire an additional 350 members of the Foreign Service (above attrition) in fiscal year 2010 over the number of such members employed as of September 30, 2009, and an additional 350 members of the Foreign Service (above attrition) in fiscal year 2011 over the number of such members employed as of September 30, 2010.

(3) Rule of construction.—Nothing in this subsection shall be construed as limiting the authority of the Secretary of State or the Administrator of the United States Agency for International Development to hire personnel.

(c) Expansion of Functions of the Foreign Service.—Section 104 of the Foreign Service Act of 1980 (22 U.S.C. 3904) is amended—

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

(2) by inserting after paragraph (1) the following new paragraph:

“(2) work actively to prevent, mitigate, and respond in a timely manner to international crises and instability in foreign countries that threaten the key
United States foreign policy and national security interests;”.

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

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

and

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

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

“(B) With respect to the medical eligibility of any applicant for appointment as a Foreign Service officer candidate, the Secretary of State shall determine such availability through appropriate medical examinations. If based on such examinations the Secretary determines that such applicant is ineligible to be assigned worldwide, the Secretary may waive the worldwide availability requirement under subparagraph (A) if the Secretary determines that such waiver is required to fulfill a compelling Service need. The Secretary shall establish an internal
administrative review process for medical ineligibility determinations.

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

(e) Recruiting Candidates Who Have Experience in Unstable Situations.—Section 301 of the Foreign Service Act of 1980 (22 U.S.C. 3941), as amended by section 212(c) of this Act, is further amended by adding at the end the following new subsection:

“(f) The fact that an applicant for appointment as a Foreign Service officer candidate has the experience of working in situations where public order has been undermined by instability, or where there is no civil authority that can effectively provide public safety, may be considered an affirmative factor in making such appointments.”.

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

“(c) The Secretary of State shall ensure that members of the Service receive training on methods for conflict mitigation and resolution and on the necessary skills to be able to function successfully where public order has
been undermined by instability or where there is no civil
authority that can effectively provide public safety.

“(d) The Secretary of State shall ensure that mem-
bers of the Service have opportunities during their careers
to obtain advanced education and training in academic
and other relevant institutions in the United States and
abroad to increase the capacity of the Service to fulfill its
mission.”.

SEC. 302. QUADRENNIAL REVIEW OF DIPLOMACY AND DE-
VELOPMENT.

(a) Development of National Strategy on Di-
pomacy and Development.—

(1) In general.—Not later than December 1,
2010, the President shall develop and transmit to
the appropriate congressional committees a national
strategy on United States diplomacy and develop-
ment. The strategy shall include the following:

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

(B) A description of the roles of civilian
agencies and mechanisms for implementing
such strategy, including interagency coordina-

tion.

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

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

(E) Budget requirements to carry out such
strategy.

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

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

(b) REVIEW REQUIRED.—
(1) IN GENERAL.—Beginning in 2013, the President shall every four years, during a year following a year evenly divisible by four, conduct a comprehensive examination (to be known as a “Quadrennial Review of Diplomacy and Development”) of the national strategy for United States diplomacy and development described in subsection (a).

(2) KEY ELEMENTS OF REVIEW.—The review described in paragraph (1) shall include the following:

(A) A review of all elements of the strategy described in subsection (a), consistent with the most recent National Security Strategy prescribed by the President pursuant to section 108 of the National Security Act of 1947 (50 U.S.C. 404a) that has been issued after the date of the enactment of this Act.

(B) A review of the roles and responsibilities of Federal departments and agencies in carrying out the strategy described in subsection (a) and the mechanisms for cooperation between such departments and agencies, including the coordination of such departments and agencies and the relationship between the prin-
principal offices of such departments and agencies
and offices defining sufficient capacity, re-
sources, overseas infrastructure, budget plan,
and other elements of United States diplomacy
and development of the United States that
would be required to have a high level of con-
fidence that the United States can successfully
execute the full range of missions called for in
such strategy.

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

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

(3) INTERAGENCY COORDINATION AND CON-
sULTATION.—

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

(B) DELEGATION.—If the President delegates the requirements of this section, the head of the Federal department or agency to whom such delegation is made shall consult with each official specified in subparagraph (A).

(c) CONSULTATION WITH OUTSIDE STAKEHOLDERS.—In developing the strategy required under subsection (a) and conducting the review required under subsection (b), the President shall consult with private businesses, non-governmental organizations involved in diplomacy and development, and experts at academic institutions or institutions involved in the study of foreign policy or development matters.

(d) QRDD AND CONGRESSIONAL COMMITTEES.—

(1) CONSULTATION.—In developing the strategy required under subsection (a) and conducting the review required under subsection (b), the President shall consult with the appropriate congressional committees.
(2) REPORT.—The President shall transmit to the appropriate congressional committees a report on each Quadrennial Review of Diplomacy and Development. The report shall be submitted in the year following the year in which such a Quadrennial Review is conducted, but not later than the date on which the President submits the budget for the next fiscal year to Congress under section 1105(a) of title 31, United States Code. The report shall include the following:

(A) The results of such a Quadrennial Review, including a comprehensive discussion of the national strategy for United States foreign policy and foreign assistance policies and programs, the roles and responsibilities of and strategic guidance for civilian agencies and mechanisms in implementing such strategy, the requirements for overseas infrastructure necessary to carry out such strategy, plans to adapt such agencies and mechanisms to changing circumstances, and the role of international institutions in such strategy.

(B) The assumed or defined objectives and missions that inform the national strategy for
United States foreign policy and foreign assistance policies and programs.

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

(D) The assumptions used in such a Quadrennial Review, including assumptions relating to—

(i) the capacity of United States diplomatic and development personnel to respond to such threats;

(ii) the cooperation and capacity of allies, other friendly countries, and international institutions in addressing such threats;

(iii) levels of engagement in operations other than war and smaller-scale contingencies and withdrawal from such operations and contingencies; and

(iv) the intensity, duration, and military and political end-states of conflicts and smaller-scale contingencies that arise in the diplomatic and development context.
(E) The anticipated roles and missions of the reserve components available to civilian agencies, including capabilities and resources necessary to assure that such reserve components can capably discharge such roles and missions.

(F) The extent to which diplomatic and development personnel need to be shifted to different regions to carry out the national strategy under subsection (a).

(G) Any other matter the Secretary considers appropriate.

(e) INDEPENDENT PANEL ASSESSMENT.—

(1) IN GENERAL.—Not later than six months before the date on which the report on a Quadrennial Review of Diplomacy and Development is to be transmitted under subsection (d), the President shall establish a panel to conduct an assessment of such a Quadrennial Review.

(2) REPORT ON ASSESSMENT.—Not later than three months after the date on which the report on such a Quadrennial Review is transmitted under subsection (d), the panel established under paragraph (1) shall submit to the appropriate congressional committees an assessment of such a Quadren-
nial Review, including an assessment of the recommendations of such a Quadrennial Review, the stated and implied assumptions incorporated in such a Quadrennial Review, and the vulnerabilities of the strategy underlying such a Quadrennial Review.

(f) EXCLUSION.—Any provision in this section relating to budgets or budget plans shall not be construed to require any information on any program that is funded from accounts within budget function 050 (National Defense).

SEC. 303. ESTABLISHMENT OF THE LESSONS LEARNED CENTER.

(a) ESTABLISHMENT.—The Secretary of State, in consultation with the Administrator of the United States Agency for International Development (USAID), is authorized to establish in the Department of State and under the authority of the Undersecretary for Management a Lessons Learned Center (referred to in this section as the “LLC”) which will serve as a central organization for collection, analysis, archiving, and dissemination of observations, best practices, and lessons learned by, from, and to Foreign Service officers and support personnel in the Department of State and USAID.

(b) PURPOSE.—The purpose of the LLC is to increase, enhance, and sustain the ability of the Department
of State and USAID to effectively carry out their missions by devising a system for the collection, analysis, archiving, and dissemination of lessons learned, improving information sharing and learning capacity, and enabling, encouraging, and rewarding critical, innovative analysis.

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

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

(A) how to encourage service in the LLC;

(B) how to provide for the necessary academic freedom to provide innovative, critical analysis;

(C) how to ensure that the staffing of the LLC is a mix of senior and junior staff of the Foreign Service and civil service in the Department of State and USAID;

(D) the anticipated expenditures associated with the establishment of the LLC under subsection (a); and

(E) physical structure of the LLC; and
(2) for any legislation necessary to establish the LLC.

(d) Definitions.—In this section:

(1) Academic Freedom.—The term “academic freedom” means the capability, capacity, and authorization to produce analysis and evaluation without concern for retaliation or other negative impact on the observer’s career.

(2) Lessons Learned.—The term “lessons learned” means information resulting from evaluation or observation of negotiations, operations, exercises, training events, or other processes and experiences, particularly any corrective measures or innovative techniques, that produced an improved performance or increased capability.

SEC. 304. LOCALLY EMPLOYED STAFF COMPENSATION.

(a) Findings.—Congress finds the following:

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

(2) The locally employed staff is the backbone of diplomatic operations, providing management, programmatic, security, maintenance, custodial, and
other services wherever the Department of State has
established an overseas post.

(3) Foreign Service and other United States of-
icers who rotate in-and-out of such missions every
two to three years are highly dependent on the local
employees to bring them up to speed and make sure
that the work of any such mission does not falter in
transitions during rotations.

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

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

(6) The Department of State OIG survey data
show that the United States Government is pro-
viding salary increases that are approximately 60
percent of what is the prevailing practice of the local
labor market.
(7) The Department of State OIG has found numerous cases in which such missions are losing staff to other employers. The OIG has also found numerous cases where it is difficult to replace employees who left to take other jobs, particularly in countries with low unemployment rates.

(b) Policy Review.—The Secretary of State shall direct a policy review to assess the adequacy of locally employed staff compensation. In carrying out such policy review the Secretary shall consider the recommendations of the Office of the Inspector General of the Department of State, including the following:

1. The Bureau of Human Resources, in coordination with the Office of Management, Policy, Rightsizing and Innovation, should hire an outside contractor with international experience to perform an organizational review of the Compensation Management Division of the Office of Overseas Employment to advise on the organization of the compensation management division and on how many analysts are required to handle the compensation management responsibilities, and to recommend training and certifications the analysts should obtain.

2. The Office of Management, Policy, Rightsizing and Innovation, in coordination with the
Bureau of Human Resources and the Bureau of Resource Management, should ensure that the working group on locally employed staff compensation reviews the connectivity between the activities of the Office of Overseas Employment and the Office of State Programs, Operations and Budget in the Bureau of Resource Management, and makes and distributes written, documented determinations as to the data used by the two offices to make estimates of locally employed staff compensation adjustments, the timing of these activities, and the responsibility each office has for tracking implementation of locally employed staff compensation adjustments.

(3) The Bureau of Human Resources, in coordination with the Office of Management, Policy, Rightsizing and Innovation, should implement a locally employed staff compensation review process whereby the Office of Overseas Employment in the Bureau of Human Resources reviews and adjusts each post’s salary schedule every five years based on a recent salary survey. During the intervening years, the Department should authorize cost-of-living (or inflation) adjustments based on reliable inflation data.
(4) The Bureau of Human Resources, in coordination with the Office of Management, Policy, Rightsizing and Innovation, should implement a systematic process of providing comprehensive information to diplomatic and consular missions, Department of State offices, and agency headquarters on periodic salary survey reviews, including comprehensible salary survey analysis, explanations of salary survey changes, and if appropriate, copies of the off-the-shelf surveys for the host country. This approach should be documented and made a part of the periodic process.

(5) The Bureau of Human Resources, in coordination with the Office of Management, Policy, Rightsizing and Innovation, the regional bureaus, and the Bureau of Resource Management, should establish, maintain, and monitor a database that tracks information related to locally employed staff compensation and adjustments, including budgetary resources, salary level ceilings calculated by the Office of Overseas Employment, salary levels requested by post, salary levels implemented, dates for these activities, and calculations of whether the Department is meeting prevailing practice. This database
should replace the current practice of communication salary review information by cable.

(6) The Bureau of Human Resources, in coordination with the Office of Management, Policy, Rightsizing and Innovation, should evaluate the possibility of using different pay setting data establishing different pay scales for blue-collar positions and for professional level positions, and should issue and distribute a written report on the findings and the possibility of implementing the findings.

(7) The Office of Management, Policy, Rightsizing and Innovation should ensure that the working group on locally employed staff compensation considers the possibility of including members from other United States Government agencies that employ locally employed staff. Whether this recommendation is implemented or not, the Office of Management, Policy, Rightsizing and Innovation should document the decision in writing, and distribute the decision widely in the Department of State and to other agencies that employ locally employed staff.

(8) The Office of Management, Policy, Rightsizing and Innovation should ensure that the working group on locally employed staff compensa-
tion considers the possibility of centralizing decision
making for locally employed staff salary increases,
and, whether such is eventually implemented or not,
make a determination as to its value, document the
decision in writing, and distribute the decision wide-
ly in the Department of State.

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

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

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

(c) REPORT.—Not later than 90 days after the date
of the enactment of this Act, the Secretary of State shall
submit to the appropriate committees a report on the im-
plementation of this section, including a review of efforts
to implement the recommendations of the Office of the
Inspector General of the Department of State specified in
subsection (b).

Subtitle B—Foreign Service Pay

Equity and Death Gratuity

SEC. 311. SHORT TITLE.

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

SEC. 312. OVERSEAS COMPARABILITY PAY ADJUSTMENT.

(a) OVERSEAS COMPARABILITY PAY ADJUSTMENT.—

(1) IN GENERAL.—Chapter 4 of the Foreign
Service Act of 1980 (22 U.S.C. 3961 and following)
is amended by adding at the end the following:

“SEC. 415. OVERSEAS COMPARABILITY PAY ADJUSTMENT.

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

“(b) Treatment as Basic Pay.—The amount of any locality-based comparability payment which is payable to a member of the Service by virtue of this section—

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

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

“(B) for purposes of chapter 8; and

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

“(c) Phase-In.—The locality-based comparability payment payable to a member of the Service under this section shall—

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

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

“(3) beginning on the first day of the first pay
period in fiscal year 2012 and each subsequent fiscal
year, be equal to the payment determined under sub-
section (a).

“(d) Non-foreign Area Defined.—For purposes
of this section, the term ‘non-foreign area’ has the same
meaning as is given such term in regulations carrying out
section 5941 of title 5, United States Code.”.

(2) Conforming Amendment.—The table of
contents set forth in section 2 of such Act is amend-
ed by inserting after the item relating to section 414
the following:

“SEC. 415. OVERSEAS COMPARABILITY PAY ADJUSTMENT.”.

(b) Conforming Amendments Relating to the
Foreign Service Retirement Systems.—

(1) Contributions to the Fund.—Effective
as of the first pay period beginning on or after Octo-
ber 1, 2010, section 805(a) of the Foreign Service
Act of 1980 (22 U.S.C. 4045(a)) is amended—

(A) in paragraph (1)—

(i) in the first sentence, by striking

“7.25 percent” and inserting “7 percent”;
(ii) in the second sentence, by striking “The contribution by the employing agency” through “and shall be made” and inserting “An equal amount shall be contributed by the employing agency”; (B) in paragraph (2)—

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

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

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

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

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(3) **Entitlement to Annuity.**—Section 855(a)(3) of such Act (22 U.S.C. 4071d(a)(3)) is amended—

(A) by striking “section 8414” and inserting “section 8415”; and

(B) by striking “is outside the continental United States shall” and inserting “was outside the continental United States during the period beginning on December 29, 2002, and ending on the day before the first day of the first pay period beginning on or after October 1, 2011 (or during any portion thereof), shall, to the extent that such computation is based on the basic salary or basic pay of such member for such period (or portion thereof),”.

(4) **Deductions and Withholdings from Pay.**—Section 856(a)(2) of such Act (22 U.S.C. 4071e(a)(2)) is amended to read as follows:

“(2) The applicable percentage under this subsection shall be as follows:

<table>
<thead>
<tr>
<th>Percentage</th>
<th>Time Period</th>
</tr>
</thead>
<tbody>
<tr>
<td>7.5</td>
<td>Before January 1, 1999.</td>
</tr>
</tbody>
</table>
(c) Reporting Requirements.—

(1) In general.—Not later than October 1, 2010, the Secretary of State shall submit to the appropriate congressional committees an assessment of all allowances provided to members of the Foreign Service under the Foreign Service Act of 1980 or under title 5, United States Code, and in particular, how such allowances have been or will be affected by the amendments to the Foreign Service Act of 1980 made by this Act.

(2) Definition.—For purposes of this subsection, the term “appropriate congressional committees” means the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate.

SEC. 313. DEATH GRATUITY.

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

Subtitle C—Other Organization and Personnel Matters

SEC. 321. TRANSATLANTIC DIPLOMATIC FELLOWSHIP PROGRAM.

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

“SEC. 506. TRANSATLANTIC DIPLOMATIC FELLOWSHIP PROGRAM.

“(a) In General.—The Secretary is authorized to establish the Transatlantic Diplomatic Fellowship Program. Under the program, the Secretary may assign a member of the Service, for not more than one year, to a position with any designated country or designated entity that permits an employee to be assigned to a position with the Department.
“(b) SALARY AND BENEFITS.—The salary and benefits of a member of the Service shall be paid as described in subsection (b) of section 503 during a period in which such member is participating in the Transatlantic Diplomatic Fellowship Program. The salary and benefits of an employee of a designated country or designated entity participating in such program shall be paid by such country or entity during the period in which such employee is participating in the program.

“(c) DEFINITIONS.—In this section:

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

“(A) the North Atlantic Treaty Organization; or

“(B) the European Union.

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

“(A) the North Atlantic Treaty Organization; or

“(B) the European Union.

“(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to—

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

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

“(B) an individual who has not met the requirements of sections 3331, 3332, 3333, and 7311 of title 5, United States Code, and any other provision of law concerning eligibility for appointment as, and continuation of employment as, an officer or employee of the United States; or

“(2) authorize the Secretary to assign a member of the Service to a position with any foreign country whose laws, or foreign or international entity whose rules, require such member to give allegiance or loyalty to such country or entity while assigned to such position.”

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

The Foreign Service Act of 1980 is amended—

(1) in section 503 (22 U.S.C. 3983)—

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

(B) in subsection (a)(1), by inserting before the semicolon at the end the following: “, or with a foreign government under sections 506 or 507”; and
(2) in section 2, in the table of contents—

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

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

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

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

SEC. 322. SECURITY OFFICERS EXCHANGE PROGRAM.

(a) In General.—Chapter 5 of Title I of the Foreign Service Act of 1980 (22 U.S.C. 3981 et seq.) is amended by adding after section 506 (as added by section 311 of this Act) the following new section:

“SEC. 507. SECURITY OFFICERS EXCHANGE PROGRAM.

“(a) In General.—The Secretary is authorized to establish the Security Officers Exchange Program. Under the program, the Secretary may assign a member of the Service, for not more than a total of three years, to a position with any country or international organization designated by the Secretary pursuant to subsection (c) that permits an employee to be assigned to a position with the Department.

“(b) Salary and Benefits.—The salary and benefits of the members of the Service shall be paid as described in subsection (b) of section 503 during a period in which such officer is participating in the Security Offi-
cers Exchange Program. The salary and benefits of an em-
ployee of a designated country or international organiza-
tion participating in such program shall be paid by such
country or international organization during the period in
which such employee is participating in the program.

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

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

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

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

“(B) an individual who has not met the re-
quirements of sections 3331, 3332, 3333, and
7311 of title 5, United States Code, and any
other provision of law concerning eligibility for
appointment as, and continuation of employ-
ment as, an officer or employee of the United
States; or
“(2) authorize the Secretary to assign a member of the Service to a position with any foreign country whose laws, or foreign or international entity whose rules, require such member to give allegiance or loyalty to such country or entity while assigned to such position.”

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 2 of the Foreign Service Act of 1980 is amended, in the table of contents, by adding after the item relating to section 506 (as added by section 311(b)(2) of this Act) the following new item:

“Sec. 507. Security officers exchange program.”

SEC. 323. SUSPENSION OF FOREIGN SERVICE MEMBERS WITHOUT PAY.

(a) SUSPENSION.—Section 610 of the Foreign Service Act of 1980 (22 U.S.C. 4010) is amended by adding at the end the following new subsection:

“(c)(1) In order to promote the efficiency of the Service, the Secretary may suspend a member of the Foreign Service without pay when the member’s security clearance is suspended or when there is reasonable cause to believe that the member has committed a crime for which a sentence of imprisonment may be imposed.

“(2) Any member of the Foreign Service for whom a suspension is proposed shall be entitled to—
“(A) written notice stating the specific reasons for the proposed suspension;

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

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

“(D) a final written decision, including the specific reasons for such decision, as soon as practicable.

“(3) Any member suspended under this section may file a grievance in accordance with the procedures applicable to grievances under chapter 11 of this title.

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

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

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

“(5) In this subsection:

“(A) The term ‘reasonable time’ means—
“(i) with respect to a member of the Foreign Service assigned to duty in the United States, 15 days after receiving notice of the proposed suspension; and

“(ii) with respect to a member of the Foreign Service assigned to duty outside the United States, 30 days after receiving notice of the proposed suspension.

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

(b) CONFORMING AND CLERICAL AMENDMENTS.—

(1) Amendment of section heading.—Such section, as amended by subsection (a) of this section, is further amended, in the section heading, by inserting “; SUSPENSION” before the period at the end.

(2) Clerical amendment.—The item relating to such section in the table of contents in section 2 of such Act is amended to read as follows:

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

SEC. 324. REPEAL OF RECERTIFICATION REQUIREMENT FOR SENIOR FOREIGN SERVICE.

Section 305(d) of the Foreign Service Act of 1980 (22 U.S.C. 3945(d)) is hereby repealed.
SEC. 325. LIMITED APPOINTMENTS IN THE FOREIGN SERVICE.

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

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

(2) in subsection (b)—

(A) in paragraph (3)—

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

(ii) by inserting before the semicolon at the end the following: “, or (B), the career candidate is serving in the uniformed services, as defined by the Uniformed Services Employment and Reemployment Rights Act of 1994 (38 U.S.C. 4301 et seq.), and the limited appointment expires in the course of such service”;

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

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

(D) by adding after paragraph (5) the following new paragraph:

“(6) in exceptional circumstances where the Secretary determines the needs of the Service require the extension of a limited appointment (A), for
a period of time not to exceed 12 months (provided such period of time does not permit additional re-
view by the boards under section 306), or (B), for
the minimum time needed to settle a grievance,
claim, or complaint not otherwise provided for in
this section.”; and
(3) by adding at the end the following new sub-
section:
“(c) Non-career Foreign Service employees who have
served five consecutive years under a limited appointment
may be reappointed to a subsequent limited appointment
provided there is a one year break in service between each
appointment. The Secretary may in cases of special need
waive the requirement for a one year break in service.”.

SEC. 326. COMPENSATORY TIME OFF FOR TRAVEL.

Section 5550b of title 5, United States Code, is
amended by adding at the end the following new sub-
section:
“(c) The maximum amount of compensatory time off
earned under this section may not exceed 104 hours dur-
ing any leave year (as defined by regulations established
by the Office of Personnel Management).”.

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SEC. 327. REEMPLOYMENT OF FOREIGN SERVICE ANNUITANTS.

Section 824(g) of the Foreign Service Act of 1980 (22 U.S.C. 4064(g)) is amended—
(a) in paragraph (1)(B), by striking “to facilitate the” and all that follows through “Afghanistan,”;
(b) by striking paragraph (2); and
(c) by redesignating paragraph (3) as paragraph (2).

SEC. 328. PERSONAL SERVICES CONTRACTORS.

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

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

(1) The Secretary determines that existing personnel resources are insufficient.

(2) The contract length, including options, may not exceed two years, unless the Secretary makes a finding that exceptional circumstances justify an extension of up to one additional year.
(3) Not more than a total of 200 United States citizens or aliens are employed at any one time as personal services contractors under this section.

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

(c) Status of Personal Service Contractors.—

(1) In General.—An individual hired as a personal service contractor pursuant to this section shall not, by virtue of such hiring, be considered to be an employee of the United States Government for purposes of any law administered by the Office of Personnel Management.

(2) Applicable Laws.—An individual hired as a personal service contractor pursuant to this section shall be covered, in the same manner as a similarly-situated employee, by—

(A) the Ethics in Government Act of 1978;

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

(C) chapter 73 of title 5, sections 201, 203, 205, 207, 208, and 209 of title 18, and section 1346 and chapter 171 of title 28, United States Code.
(3) EXCEPTION.—This subsection shall not affect the determination as to whether an individual hired as a personal service contractor pursuant to this section is an employee of the United States Government for purposes of any Federal law not specified in paragraphs (1) and (2).

(d) TERMINATION OF AUTHORITY.—The authority to award personal services contracts under the program authorized by this section shall terminate on September 30, 2011. A contract entered into prior to the termination date under this subsection may remain in effect until expiration.

SEC. 329. PROTECTION OF INTELLECTUAL PROPERTY RIGHTS.

(a) RESOURCES TO PROTECT INTELLECTUAL PROPERTY RIGHTS.—The Secretary of State shall ensure that the protection in foreign countries of the intellectual property rights of United States persons in other countries is a significant component of United States foreign policy in general and in relations with individual countries. The Secretary of State, in consultation with the Director General of the United States and Foreign Commercial Service and other agencies as appropriate, shall ensure that adequate resources are available at diplomatic missions in any
country that is identified under section 182(a)(1) of the Trade Act of 1974 (19 U.S.C. 2242(a)(1)) to ensure—

(1) support for enforcement action against violations of the intellectual property rights of United States persons in such country; and

(2) cooperation with the host government to reform its applicable laws, regulations, practices, and agencies to enable that government to fulfill its international and bilateral obligations with respect to intellectual property rights.

(b) NEW APPOINTMENTS.—The Secretary of State, in consultation with the Director General of the United States and Foreign Commercial Service, shall appoint 10 intellectual property attachés to serve in United States embassies or other diplomatic missions. The 10 appointments shall be in addition to personnel serving, on the date of the enactment of this Act, in the capacity of intellectual property attachés from any department or agency of the United States at United States embassies or other diplomatic missions.

(c) PRIORITY ASSIGNMENTS.—

(1) IN GENERAL.—Subject to paragraph (2), in designating the embassies or other missions to which attachés are assigned under subsection (b), the Secretary of State shall give priority to those countries
where the activities of an attaché may be carried out with the greatest potential benefit to reducing counterfeit and pirated products in the United States market, to protecting the intellectual property rights of United States persons and their licensees, and to protecting the interests of United States persons otherwise harmed by violations of intellectual property rights in those countries.

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

(A) to the countries that have been identified under section 182(a)(1) of the Trade Act of 1974 (19 U.S.C. 2242(a)(1)); and

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

(d) DUTIES AND RESPONSIBILITIES OF INTELLECTUAL PROPERTY ATTACHÉS.—The intellectual property attachés appointed under subsection (b), as well as others serving as intellectual property attachés of any other department or agency of the United States, shall have the following responsibilities:
(1) To promote cooperation with foreign governments in the enforcement of intellectual property laws generally, and in the enforcement of laws against counterfeiting and piracy in particular.

(2) To assist United States persons holding intellectual property rights, and the licensees of such United States persons, in their efforts to combat counterfeiting and piracy of their products or works within the host country, including counterfeit or pirated goods exported from or transshipped through that country.

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

(4) To coordinate with representatives of the embassies or missions of other countries in information sharing, private or public communications with the government of the host country, and other forms of cooperation for the purpose of improving enforcement against counterfeiting and piracy.

(5) As appropriate and in accordance with applicable laws and the diplomatic status of the attachés, to engage in public education efforts
against counterfeiting and piracy in the host country.

(6) To coordinate training and technical assistance programs of the United States Government within the host country that are aimed at improving the enforcement of laws against counterfeiting and piracy.

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

(e) TRAINING.—The Secretary of State shall ensure that each attaché appointed under subsection (b) is fully trained for the responsibilities of the position before assuming duties at the United States embassy or other mission in question.

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

(g) REPORT TO CONGRESS.—

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

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

(A) A description of the progress, or lack thereof, in the preceding year regarding the resolution of general and specific intellectual property disputes in each country identified under section 182(a)(1) of the Trade Act of 1974 (19 U.S.C. 2242(a)(1)), including any changes by the host government in applicable laws and regulations and their enforcement.

(B) An assessment of the obstacles preventing the host government of each country described in subparagraph (A) from implementing adequate measures to fulfill its international and bilateral obligations with respect to intellectual property rights.

(C) An assessment of the adequacy of the resources of the Department of State employed to carry out subparagraphs (A) and (B) and, if necessary, an assessment of the need for additional resources for such purposes.
(h) Definitions.—In this section:

(1) Counterfeiting; counterfeit goods.—

(A) Counterfeiting.—The term “counterfeiting” means activities related to production of or trafficking in goods, including packaging, that bear a spurious mark or designation that is identical to or substantially indistinguishable from a mark or designation protected under trademark laws or related legislation.

(B) Counterfeit goods.—The term “counterfeit goods” means those goods described in subparagraph (A).

(2) Intellectual property rights.—The term “intellectual property rights” means the rights of holders of copyrights, patents, trademarks, other forms of intellectual property, and trade secrets.

(3) Piracy; pirated goods.—

(A) Piracy.—The term “piracy” means activities related to production of or trafficking in unauthorized copies or phonorecords of works protected under copyright law or related legislation.

(B) Pirated goods.—The term “pirated goods” means those copies or phonorecords described in subparagraph (A).
(4) UNITED STATES PERSON.—The term “United States person” means—

(A) any United States resident or national,

(B) any corporation, partnership, other business entity, or other organization, that is organized under the laws of the United States, and

(C) any foreign subsidiary or affiliate (including any permanent foreign establishment) of any corporation, partnership, business entity, or organization described in subparagraph (B), that is controlled in fact by such corporation, partnership, business entity, or organization,

except that such term does not include an individual who resides outside the United States and is employed by an individual or entity other than an individual or entity described in subparagraph (A), (B), or (C).

(i) AUTHORIZATION OF APPROPRIATIONS.—Of the amounts authorized to be appropriated under section 101, there are authorized to be appropriated for each fiscal year such sums as may be necessary for the training and support of the intellectual property attachés appointed under subsection (b) and of other personnel serving as intellec-
tual property attachés of any other department or agency
of the United States.

SEC. 330. DEPARTMENT OF STATE EMPLOYMENT COMPOSITION.

(a) Statement of Policy.—In order for the Department of State to accurately represent all people in the United States, the Department must accurately reflect the diversity of the United States.

(b) Report on Minority Recruitment.—Section 324 of the Foreign Relations Authorization Act, Fiscal Year 2003 (Public Law 107–228) is amended—

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

(A) by striking “On” and inserting “(a) Report on Minority Groups and Women.—On”;

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

(2) in paragraphs (1) and (2), by striking “minority groups” each place it appears and inserting “minority groups and women”; and

(3) by adding at the end the following new subsection:
“(b) Development of Metrics To Evaluate Employment Composition.—The report required by subsection (a) shall also include a description of the following:

“(1) The ability of current recruitment, advancement, and retention practices to attract and maintain a diverse pool of qualified individuals in sufficient numbers throughout the Department, including in the Cooperative Education Program (also known as the ‘Student Career Experience Program’).

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

“(3) The existence of additional metrics and milestones for evaluating the diversity plans of the Department, including the Foreign Service and Senior Foreign Service, and for facilitating future evaluation and oversight.”.

(c) Public Availability.—Each report required under section 324 of the Foreign Relations Authorization Act, Fiscal Year 2003, as amended by subsection (b) of this section, shall be made available to the public on the website of the Department of State not later than 15 days after the submission to Congress of each such report.
(d) GAO REVIEW.—The Comptroller General of the United States, in consultation with the appropriate congressional committees, shall conduct a review of the employment composition, recruitment, advancement, and retention policies of the Department of State for women and minority groups, including the information in the reports required under section 324 of the Foreign Relations Authorization Act, Fiscal Year 2003, as amended by subsection (b) of this section.

(e) ACQUISITION.—Section 324 of the Foreign Relations Authorization Act, Fiscal Year 2003, as amended by subsection (b) of this section, is further amended by adding at the end the following new subsection:

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

“(1) the numbers and percentages of small, minority-owned, or disadvantaged businesses that provide goods and services to the Department as a result of contracts with the Department during such period;

“(2) the total number of such contracts;

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

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

(f) Use of Funds.—The provisions of section 325 of the Foreign Relations Authorization Act, Fiscal Year 2003 shall apply to funds authorized to be appropriated under section 101 of this Act.

SEC. 331. CONTRACTING.

None of the funds authorized to be appropriated by this Act, for projects initiated after the date of the enactment of this Act, may be used by the Department of State to enter into any Federal contract unless such contract is entered into in accordance with title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.) and the Federal Acquisition Regulation, unless such contract is otherwise authorized by statute to be entered into without regard to such Act and regulation.

SEC. 332. LEGISLATIVE LIAISON OFFICE OF THE DEPARTMENT OF STATE.

(a) Report on Improving Effectiveness of Department of State Legislative Liaison Office.—Not later than six months after the date of the enactment of this Act, the Secretary of State shall submit to the Committee on Foreign Affairs and the Committee on
House Administration of the House of Representatives and the Committee on Foreign Relations and the Committee on Rules and Administration of the Senate a report on the mission and effectiveness of the existing Department of State legislative liaison office.

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

(1) whether the legislative liaison office has sufficient resources necessary to communicate to Members of Congress, committees, and their staffs the goals and missions of the Department of State;

(2) whether current space within the office buildings of the House of Representatives as well as requested space within the office buildings of the Senate is sufficient to meet the mission of the legislative liaison office;

(3) whether current representational allowances are sufficient to allow the legislative liaison office to meet its mission; and

(4) the feasibility of increasing personnel numbers in the legislative liaison office, including senior Foreign Service Officers.

SEC. 333. DISCRIMINATION RELATED TO SEXUAL ORIENTATION.

(a) PARTNER BENEFITS.—
(1) IN GENERAL.—For purposes of the Foreign Service Act of 1980 and any other applicable provision of law, persons covered by section 511.3 of volume 14 of the Foreign Affairs Manual shall be deemed to include the same-sex domestic partner of a member of the Foreign Service (including an individual serving in the Foreign Service on a temporary basis as a limited noncareer appointee during the period in which such individual is so serving). This subsection shall apply to employees of the Peace Corps who are appointed as members of the Foreign Service in the same manner as this subsection and such section 511.3 applies to such members of the Foreign Service who are described in the preceding sentence. The Secretary of State shall promulgate new regulations to implement this section, including criteria to certify the eligibility for the same-sex domestic partner of a Foreign Service officer for benefits under this section.

(2) CERTIFICATION OF ELIGIBILITY.—In order to obtain benefits and assume obligations under this Act, a member of the Foreign Service shall file an affidavit of eligibility for benefits and obligations with the Secretary of State identifying the domestic
partner of such member and certifying that such
member and the domestic partner of such member—

(A) are each other’s sole domestic partner
and intend to remain so indefinitely;

(B) are at least 18 years of age and men-
tally competent to consent to contract;

(C) share responsibility for a significant
measure of each other’s common welfare and fi-
nancial obligations;

(D) are not married to or domestic part-
ners with anyone else; and

(E) are same sex domestic partners, and
not related in a way that, if the two individuals
were of opposite sex, would prohibit legal mar-
riage in the State in which they reside.

(b) TRACKING VIOLENCE OR CRIMINALIZATION RE-
LATED TO SEXUAL ORIENTATION.—The Assistant Sec-
retary for Democracy, Human Rights and Labor shall des-
ignate a Bureau-based officer or officers who shall be re-
sponsible for tracking violence, criminalization, and re-
strictions on the enjoyment of fundamental freedoms, con-
sistent with United States law, in foreign countries based
on actual or perceived sexual orientation and gender iden-
tity.
(c) International Efforts to Revise Laws Criminalizing Homosexuality.—In keeping with the Administration’s endorsement of efforts by the United Nations to decriminalize homosexuality in member states, the Secretary of State shall work through appropriate United States Government employees at United States diplomatic and consular missions to encourage the governments of other countries to reform or repeal laws of such countries criminalizing homosexuality or consensual homosexual conduct, or restricting the enjoyment of fundamental freedoms, consistent with United States law, by homosexual individuals or organizations.

(d) Annual Country Reports on Human Rights Practices.—The Foreign Assistance Act of 1961 is amended—

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

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

(B) in paragraph (11)—

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

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

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

“(12) wherever applicable, violence or discrimination that affects the fundamental freedoms, consistent with United States law, of an individual in foreign countries that is based on actual or perceived sexual orientation and gender identity.”; and

(2) in section 502B(b) (22 U.S.C. 2304(b)), by inserting after the eighth sentence the following new sentence: “Wherever applicable, violence or discrimination that affects the fundamental freedoms, consistent with United States law, of an individual in foreign countries that is based on actual or perceived sexual orientation and gender identity.”.

(e) Training for Foreign Service Officers.—Section 708(a) of the Foreign Service Act of 1980 (22 U.S.C. 4028(a)) is amended—

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

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

(3) in paragraph (3), by striking the period at the end and inserting “; and”; and
(4) by adding at the end the following new paragraph:

“(4) instruction, in courses covering human rights reporting and advocacy work, on identifying violence or discrimination that affects the fundamental freedoms, consistent with United States law, of an individual that is based on actual or perceived sexual orientation and gender identity.”.

SEC. 334. OFFICE FOR GLOBAL WOMEN’S ISSUES.

(a) ESTABLISHMENT.—There is established an Office for Global Women’s Issues (in this section referred to as the “Office”) in the Office of the Secretary of State in the Department of State. The Office shall be headed by the Ambassador-at-Large (in this section referred to as the “Ambassador”), who shall be appointed by the President, by and with the advice and consent of the Senate. The Ambassador shall report directly to the Secretary of State.

(b) PURPOSE.—The Office shall coordinate efforts of the United States Government regarding gender integration and women’s empowerment in United States foreign policy.

(e) DUTIES.—

(1) IN GENERAL.—The Ambassador shall—
(A) coordinate and advise on activities, policies, programs, and funding relating to gender integration and women's empowerment internationally for all bureaus and offices of the Department of State and in the international programs of other United States Government departments and agencies;

(B) design, support, and as appropriate, implement, limited projects regarding women’s empowerment internationally;

(C) actively promote and advance the full integration of gender analysis into the programs, structures, processes, and capacities of all bureaus and offices of the Department of State and in the international programs of other United States Government departments and agencies; and

(D) direct, as appropriate, United States Government resources to respond to needs for gender integration and women’s empowerment in United States Government foreign policies and international programs.

(2) COORDINATING ROLE.—The Ambassador shall coordinate with the United States Agency for International Development and the Millennium Chal-
lenge Corporation on all policies, programs, and funding of such agencies relating to gender integration and women’s empowerment.

(3) DIPLOMATIC REPRESENTATION.—Subject to the direction of the President and the Secretary of State, the Ambassador is authorized to represent the United States in matters relevant to the status of women internationally.

(d) REPORTING.—The heads of all bureaus and offices of the Department of State, as appropriate, shall evaluate and monitor all women’s empowerment programs administered by such bureaus and offices and annually submit to the Ambassador a report on such programs and on policies and practices to integrate gender.

(e) AUTHORIZATION OF APPROPRIATIONS.—Of the amounts authorized to be appropriated under section 101, there are authorized to be appropriated such sums as may be necessary for each of fiscal years 2010 and 2011 to carry out activities under this section. Funds appropriated pursuant to this subsection shall be under the direct control of the Ambassador.
TITLE IV—INTERNATIONAL ORGANIZATIONS
Subtitle A—International Leadership

SEC. 401. SHORT TITLE.
This subtitle may be cited as the “United States International Leadership Act of 2009”.

SEC. 402. PROMOTING ASSIGNMENTS TO INTERNATIONAL ORGANIZATIONS.

(a) Promotions.—

(1) In general.—Section 603(b) of the Foreign Service Act of 1980 (22 U.S.C. 4003) is amended, in the second sentence, by inserting before the period at the end the following: “, and should consider whether the member of the Service has served in a position whose primary responsibility is to formulate policy toward, or represent the United States at, an international organization, a multilateral institution, or a broad-based multilateral negotiation of an international instrument”.

(2) Effective date.—The amendment made by paragraph (1) shall take effect on the date of the enactment of this Act and shall apply to members of the Foreign Service beginning on January 1, 2015.
(b) Establishment of a Multilateral Diplomacy Cone in the Foreign Service.—

(1) Findings.—Congress finds the following:

(A) The Department of State maintains a number of United States missions both within the United States and abroad that are dedicated to representing the United States to international organizations and multilateral institutions, including missions in New York, Brussels, Geneva, Rome, Montreal, Nairobi, Vienna, and Paris.

(B) In offices at the Harry S. Truman Building, the Department maintains a significant number of positions in bureaus that are either dedicated, or whose primary responsibility is, to represent the United States to such organizations and institutions or at multilateral negotiations.

(C) Given the large number of positions in the United States and abroad that are dedicated to multilateral diplomacy, the Department of State may be well served in developing persons with specialized skills necessary to become experts in this unique form of diplomacy.
(2) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees a report—

(A) evaluating whether a new cone should be established for the Foreign Service that concentrates on members of the Service who serve at international organizations and multilateral institutions or are primarily responsible for participation in broad-based multilateral negotiations of international instruments; and

(B) that provides alternative mechanisms for achieving the objective of developing a core group of United States diplomats and other Government employees who have expertise and broad experience in conducting multilateral diplomacy.

SEC. 403. IMPLEMENTATION AND ESTABLISHMENT OF OFFICE ON MULTILATERAL NEGOTIATIONS.

(a) ESTABLISHMENT OF OFFICE.—The Secretary of State is authorized to establish, within the Bureau of International Organization Affairs, an Office on Multilateral Negotiations, to be headed by a Special Representative for Multilateral Negotiations (in this section referred to as the “Special Representative”).
(b) APPOINTMENT.—If the office referred to in sub-
section (a) is established, the Special Representative shall
be appointed by the President by and with the advice and
consent of the Senate and shall have the rank of Ambas-
sador-at-Large. At the discretion of the President another
official at the Department may serve as the Special Rep-
resentative. The President may direct that the Special
Representative report to the Assistant Secretary for Inter-
national Organization Affairs.

(c) STAFFING.—The Special Representative shall
have a staff of Foreign Service and civil service officers
skilled in multilateral diplomacy.

(d) DUTIES.—The Special Representative shall have
the following responsibilities:

(1) IN GENERAL.—The primary responsibility
of the Special Representative shall be to assist in the
organization of, and preparation for, United States
participation in multilateral negotiations, including
the advocacy efforts undertaken by the Department
of State and other United States agencies.

(2) ADVISORY ROLE.—The Special Representa-
tive shall advise the President and the Secretary of
State, as appropriate, regarding advocacy at inter-
national organizations and multilateral institutions
and negotiations and, in coordination with the As-
sistant Secretary for International Organization Af-
fairsty, shall make recommendations regarding—

(A) effective strategies and tactics to
achieve United States policy objectives at multi-
lateral negotiations;

(B) the need for and timing of high level
intervention by the President, the Secretary of
State, the Deputy Secretary of State, and other
United States officials to secure support from
key foreign government officials for the United
States position at such organizations, institu-
tions, and negotiations;

(C) the composition of United States dele-
gations to multilateral negotiations; and

(D) liaison with Congress, international or-
ganizations, nongovernmental organizations,
and the private sector on matters affecting mul-
tilateral negotiations.

(3) LEADERSHIP AND MEMBERSHIP OF INTER-
national Organizations.—The Special Represent-
ative, in coordination with the Assistant Secretary of
International Organization Affairs, shall direct the
efforts of the United States Government to reform
the criteria for leadership and membership of inter-
national organizations.
(4) Participation in Multilateral Negotiations.—The Special Representative, or members of the Special Representative’s staff, may, as required by the President or the Secretary of State, serve on a United States delegation to any multilateral negotiation.

SEC. 404. SYNCHRONIZATION OF UNITED STATES CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS.

Not later than 180 days after the date of the enactment of this Act, the President shall transmit to the appropriate congressional committees a plan on the implementation of section 404 of the Foreign Relations Authorization Act of 2003 (Public Law 107–228; relating to a resumption by the United States of the payment of its full contributions to certain international organizations at the beginning of each calendar year).

SEC. 405. UNITED STATES ARREARAGES TO THE UNITED NATIONS.

In addition to amounts otherwise available for the payment of Assessed Contributions to International Organizations and Contributions for International Peacekeeping Activities, there is authorized to be appropriated such sums as may be necessary to pay all United States
arrearages in payments to the United Nations recognized
by the United States.

Subtitle B—General Provisions

SEC. 411. ORGANIZATION OF AMERICAN STATES.

(a) Sense of Congress.—It is the sense of Con-
gress that—

(1) multilateral diplomacy in the context of the
Americas has suffered considerably in the past dec-
ade, to the direct detriment of the national interest
of the United States in the region;

(2) given the recent proliferation of multilateral
groupings in the Americas region in which the
United States is not a member, it is imperative to
focus on and promote United States diplomatic ef-
forts in the Organization of American States (OAS),
where the United States is a founding member and
whose central tenets include democratic values con-
sidered vital for this region;

(3) it is critical for the United States to imme-
diately re-establish its unique leadership voice in this
region and specifically in the OAS setting; and

(4) an effective way to help achieve this short
term objective is to establish a fund to promote mul-
tilateral interests of the United States in the region.

(b) Multilateral Fund.—
(1) IN GENERAL.—There is hereby established in the Department of State a Fund to Promote Multilateralism in the Americas (referred to in this section as the “Fund”).

(2) ACTIVITIES SUPPORTED.—The Fund shall support activities that promote the multilateral interests of the United States in the Americas region, including—

(A) United States diplomatic activities within and related to the OAS;

(B) voluntary contributions to entities and organs of the OAS to carry out programs and activities that support the interests of the United States;

(C) outreach and cultural activities;

(D) conferences; and

(E) general advocacy for United States interests.

(c) ADMINISTRATION.—The Fund shall be administered by the United States Mission to the Organization of American States, as directed by the United States Permanent Representative to the OAS, for use on matters that arise in the context of the OAS.

(d) AUTHORIZATION.—Of the amounts authorized to be appropriated for the Administration of Foreign Affairs
pursuant to section 101, there is authorized to be appropriated $2,000,000 for each of fiscal years 2010 and 2011 only to carry out this section.

4 **SEC. 412. PEACEKEEPING OPERATIONS CONTRIBUTIONS.**

Section 404(b)(2)(B) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236) (22 U.S.C. 287e note) is amended at the end by adding the following new clause:

“(vi) For assessments made during calendar years 2009, 2010, and 2011, 27.1 percent.”.

5 **SEC. 413. PACIFIC ISLANDS FORUM.**

It is the sense of Congress that the Secretary of State should work with the Pacific Islands Forum to find appropriate affiliations for representatives of American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands.

6 **SEC. 414. REVIEW OF ACTIVITIES OF INTERNATIONAL COMMISSIONS.**

(a) IN GENERAL.—Not later than one year after the date of the enactment of this Act and two years thereafter, the Secretary of State shall submit to the appropriate congressional committees a report on the activities of each of the commissions specified in subsections (a), (b), and (c) of section 103.
(b) Report Elements.—The reports required under subsection (a) shall include information concerning the following:

(1) Amounts obligated and expended during the two previous fiscal years by each of such commissions.

(2) A description of the projects carried out during such years by each of such commissions and a description of the management and implementation of such projects, including the use of private contractors.

(3) Projects anticipated during the next two fiscal years related to the activities of each of such commissions because of obligations that the United States has entered into based on any treaty between the United States and another country.

(c) Submission of the Reports.—The reports may be combined with the annual budget justification submitted by the President in accordance with section 1105(a) of title 31, United States Code.

SEC. 415. ENHANCING NUCLEAR SAFEGUARDS.

(a) Findings.—Congress makes the following findings:

(1) The Treaty on the Non-Proliferation of Nuclear Weapons, done at Washington, London, and
Moscow July 1, 1968, and entered into force March 5, 1970 (commonly known as the “Nuclear Non-Proliferation Treaty” or “NPT”) and the safeguards system of the International Atomic Energy Agency (IAEA) are indispensable to international peace and security.

(2) Congress has long supported efforts aimed at effective and efficient assurances of nuclear fuel supply, the strengthening of IAEA safeguards, and assistance to the developing world for nuclear and non-nuclear energy sources, as embodied in the Nuclear Non-Proliferation Act of 1978 (22 U.S.C. 3201 et seq.).

(3) According to some experts, global energy demand will grow by 50 percent in the next 20 years, predominantly in the developing world.

(4) The Government Accountability Office (GAO) stated in testimony before Congress in September 2006 that “while IAEA is increasingly relying on the analytical skills of its staff to detect countries’ undeclared nuclear activities, the agency is facing a looming human capital crisis.

(5) The Director General of the IAEA told the Board of Governors of the IAEA in March 2009 that the “deteriorating conditions in our labora-
tories, for example, threaten both our ability to de-
 deliver our programmed, as well as our independent
 analytical capability”.

(6) Considerable investment is needed for the
 IAEA’s Safeguards Analytical Laboratory (SAL), to
 meet future IAEA requirements as its workload is
growing, the laboratory’s infrastructure is aging,
and IAEA requirements have become more demand-
ing, and while initial plans have been made for lab-
oratory enhancement and are currently pending
budgetary approval (sometime in 2009), the simple
fact is that, as more countries implement IAEA
safeguards, many more nuclear samples come to
SAL for analysis.

(7) The existing funding, planning, and execu-
tion of IAEA safeguards is not sufficient to meet the
predicted growth in the future of civilian nuclear
power, and therefore any growth in civilian nuclear
power must be evaluated against the challenges it
poses to verification of the assurances of peace and
security provided by the IAEA safeguards system.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is
authorized to be appropriated $10,000,000 for the refur-
bishment or possible replacement of the IAEA’s Safe-
guards Analytical Laboratory.
(c) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall submit to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate a report on the refurbishment or possible replacement of the IAEA’s Safeguards Analytical Laboratory pursuant to subsection (b).

TITLE V—UNITED STATES INTERNATIONAL BROADCASTING

SEC. 501. AUTHORIZATION OF APPROPRIATIONS FOR INTERNATIONAL BROADCASTING.

The following amounts are authorized to be appropriated to carry out United States international broadcasting activities under the United States Information and Educational Exchange Act of 1948, the Radio Broadcasting to Cuba Act, the Television Broadcasting to Cuba Act, the United States International Broadcasting Act of 1994, and the Foreign Affairs Reform and Restructuring Act of 1998, and to carry out other authorities in law consistent with such purposes:

(1) For “International Broadcasting Operations”, $732,187,000 for fiscal year 2010 and such sums as may be necessary for fiscal year 2011.
(2) For “Broadcasting Capital Improvements”, $13,263,000 for fiscal year 2010 and such sums as may be necessary for fiscal year 2011.

SEC. 502. PERSONAL SERVICES CONTRACTING PROGRAM.


(1) in the section heading, by striking “PILOT”;

(2) in subsection (a)—

(A) by striking “pilot”; and

(B) adding at the end the following new sentence: “An individual hired as a personal service contractor pursuant to this section shall not, by virtue of such hiring, be considered to be an employee of the United States Government for purposes of any law administered by the Office of Personnel Management.”;

(3) in subsection (b)—

(A) in paragraph (4), by striking “60” and inserting “200”; and

(B) by adding at the end the following new paragraph:
“(5) The annual salary rate for personal services contractors may not exceed the rate for level IV of the Executive Schedule.”; and

(4) in subsection (c), by striking “2009” and inserting “2011”.

SEC. 503. RADIO FREE EUROPE/RADIO LIBERTY PAY PARITY.

Section 308(h)(1)(C) of the United States International Broadcasting Act of 1994 (22 U.S.C. 6207(h)(1)(C)) is amended—

(1) by inserting “and one employee abroad” after “D.C.”;

(2) by striking “III” and inserting “II”; and

(3) by striking “5314” and inserting “5313”.

SEC. 504. EMPLOYMENT FOR INTERNATIONAL BROADCASTING.

Section 804(1) of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1474(1)) is amended by inserting after “suitably qualified United States citizens” the following: “(for purposes of this paragraph, the term ‘suitably qualified United States citizens’ means those United States citizen applicants who are equally or better qualified than non-United States citizen applicants)”.
SEC. 505. DOMESTIC RELEASE OF THE VOICE OF AMERICA FILM ENTITLED “A FATEFUL HARVEST”.

(a) IN GENERAL.—Notwithstanding section 208 of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987 (22 U.S.C. 1461–1a) and section 501(b) of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1461(b)), the Director of the International Broadcasting Bureau shall provide a master copy of the film entitled “A Fateful Harvest” to the Archivist of the United States for domestic release in accordance with subsection (b).

(b) DOMESTIC RELEASE.—Upon evidence that necessary United States rights and licenses have been secured by the person seeking domestic release of the film referred to in subsection (a), the Archivist shall—

(1) deposit the film in the National Archives of the United States; and

(2) make copies of the film available for purchase and public viewing within the United States.

SEC. 506. ESTABLISHING PERMANENT AUTHORITY FOR RADIO FREE ASIA.

Section 309 of the United States International Broadcasting Act of 1994 (22 U.S.C. 6208) is amended—

(1) in subsection (c)(2), by striking “, and shall further specify that funds to carry out the activities
of Radio Free Asia may not be available after September 30, 2010’’;

(2) by striking subsection (f); and

(3) by redesignating subsections (g) and (h) as subsection (f) and (g), respectively.

**TITLE VI—PEACE CORPS**

**SEC. 601. FINDINGS; STATEMENT OF POLICY.**

(a) FINDINGS.—Congress finds the following:

(1) On October 14, 1960, then Senator John F. Kennedy addressed students on the steps of the University of Michigan Union to enlist their effort to make the world a better place by serving their country abroad.

(2) On March 1, 1961, then President John F. Kennedy signed an Executive Order establishing a Peace Corps that was “designed to permit our people to exercise more fully their responsibilities in the great common cause of world development”.

(3) Since its establishment, the Peace Corps has been guided by its mission to promote world peace and friendship and has sought to fulfill the following three goals:

(A) To help the people of interested countries in meeting their needs for trained men and women.
(B) To promote a better understanding of Americans on the part of the peoples served.

(C) To help promote a better understanding of other peoples on the part of Americans.

(4) Over the last 48 years, nearly 200,000 Peace Corps volunteers have served in 139 countries.

(5) The Peace Corps is the world’s premier international service organization dedicated to promoting sustainable grassroots development by working with host communities in the areas of agriculture, business development, education, the environment, health and HIV/AIDS, and youth.

(6) The Peace Corps remains committed to sending well trained and well supported Peace Corps volunteers overseas to promote peace, friendship, cross-cultural awareness, and mutual understanding between the United States and other countries. The Peace Corps has an impressive record of engendering good will through the service that American volunteers provide.

(7) Recognizing the Peace Corps’ unique and effective role in promoting volunteer service by American citizens, President Obama and Vice President Biden announced their intent to double the size
of Peace Corps in an expeditious and effective manner.

(8) Over 13,000 Americans applied in 2008 to volunteer their service to serve the world’s poorest communities in the Peace Corps, a 16 percent increase over the nearly 11,000 applications received in 2007.

(9) Under current funding levels, the Peace Corps is able to provide new placements for only one-third of the American applicants seeking the opportunity to serve their country and the world. At the end of fiscal year 2008, there were nearly 8,000 Peace Corps volunteers serving in 76 countries around the world.

(b) STATEMENT OF POLICY.—It is the policy of the United States to—

(1) double the number of Peace Corps volunteers and strengthen and improve the Peace Corps and its programs;

(2) improve the coordination of Peace Corps programs with development programs of other Federal departments and agencies, without diminishing the independence of the Peace Corps; and

(3) promote all types of volunteerism by Americans in the developing world.
SEC. 602. AMENDMENTS TO THE PEACE CORPS ACT.

(a) PEACE CORPS RESPONSE PROGRAM.—The Peace Corps Act (22 U.S.C. 2501 et seq.) is amended by inserting after section 5 the following new section:

“SEC. 5A. PEACE CORPS RESPONSE PROGRAM.

“The Director of the Peace Corps is authorized to establish a special program that assigns returned Peace Corps volunteers or other volunteers to provide short-term development or other relief assistance or to otherwise be assigned or made available to any entity referred to in subsection (a)(1) of section 10. The term of such service shall be less than the term of service of a volunteer under section 5. Except to the extent determined necessary and appropriate by the Director, the program established under this section may not cause a diminution in the number or quality of projects or volunteers assigned to longer term assignments under section 5.”

(b) COORDINATION OF PEACE CORPS PROGRAMS.—

Paragraph (2) of section 4(c) of the Peace Corps Act (22 U.S.C. 2503(c)) is amended to read as follows:

“(2) The Director of the Peace Corps shall, as appropriate and to the maximum extent practicable without diminishing any program or operational independence, work with the heads of Federal departments and agencies to identify synergies and
avoid duplication of efforts with Peace Corps pro-
grams in the field and at headquarters.”.
(c) Volunteer Leaders.—Section 6 (22 U.S.C.
2505) of the Peace Corps Act is amended—
(1) in the matter preceding paragraph (1)—
(A) by striking “and the term” and insert-
ing “the term”; and
(B) by inserting before the colon the fol-
lowing: “, and the term ‘partner’ means an in-
dividual identified in good faith by a volunteer
leader as the long-term or committed same-sex
partner of such volunteer leader”; and
(2) in paragraphs (2), (3), and (4), by inserting
“, partners,” after “spouses” each place it appears.
(d) Readjustment Allowance.—Subsection (c) of
section 5 of the Peace Corps Act (22 U.S.C. 2504(e)) is
amended, in the first sentence, by striking “$125” and
inserting “$225”.
(e) Authorization of Appropriations.—Section
3(b)(1) of the Peace Corps Act (22 U.S.C. 2502(b)(1))
is amended by striking “$270,000,000” and all that fol-
lows through the period at the end and inserting the fol-
lowing: “$400,000,000 for fiscal year 2010 and
$450,000,000 for fiscal year 2011.”.
SEC. 603. REPORT.

(a) PEACE CORPS RESPONSE PROGRAM REPORT.—Not later than one year after the date of the enactment of this Act, the Director of the Peace Corps shall submit to the appropriate congressional committees a report on the Peace Corps Response Program or any similar program developed under in accordance with section 5A of the Peace Corps Act (as added by section 602(a) of this Act), including information on the following:

(1) The achievements and challenges of the Peace Corps Response Program or any similar program since its inception as the Peace Corps Crisis Corps in 1996.

(2) The goals, objectives, program areas, and growth projections for the Peace Corps Response Program or any similar program from fiscal year 2010 through fiscal year 2011.

(3) The process and standards for selecting partner organizations and projects for the Peace Corps Response Program or any similar program.

(4) The standards and requirements used to select volunteers for service under the Peace Corps Response Program or any similar program.

(5) The measures used to evaluate projects of the Peace Corps Response Program or any similar program and the effectiveness of volunteers assigned
to such Program or similar program at achieving identified objectives.

(b) **Annual Reports.**—Not later than one year after the date of the enactment of this Act and annually thereafter, the Director of the Peace Corps shall submit to the appropriate congressional committees a report on progress made in carrying out this section, including efforts to strengthen coordination between the Peace Corps and other Federal departments and agencies carrying out development assistance programs (as required under paragraph (2) of section 4(c) of the Peace Corps Act (22 U.S.C. 2503(c)), as amended by section 602(b) of this Act).

**Title VII—Senator Paul Simon Study Abroad Foundation Act of 2009**

**Section 701. Short Title.**

This Act may be cited as the “Senator Paul Simon Study Abroad Foundation Act of 2009”.

**Section 702. Findings.**

Congress makes the following findings:

1. According to former President George W. Bush, “America’s leadership and national security rest on our commitment to educate and prepare our
youth for active engagement in the international community.”.

(2) According to former President William J. Clinton, “Today, the defense of United States interests, the effective management of global issues, and even an understanding of our Nation’s diversity require ever-greater contact with, and understanding of, people and cultures beyond our borders.”.

(3) Congress authorized the establishment of the Commission on the Abraham Lincoln Study Abroad Fellowship Program pursuant to section 104 of the Miscellaneous Appropriations and Offsets Act, 2004 (division h of Public Law 108–199). Pursuant to its mandate, the Lincoln Commission has submitted to Congress and the President a report of its recommendations for greatly expanding the opportunity for students at institutions of higher education in the United States to study abroad, with special emphasis on studying in developing nations.

(4) According to the Lincoln Commission, “[s]tudy abroad is one of the major means of producing foreign language speakers and enhancing foreign language learning” and, for that reason, “is simply essential to the [N]ation’s security.”.
(5) Studies consistently show that United States students score below their counterparts in other advanced countries on indicators of international knowledge. This lack of global literacy is a national liability in an age of global trade and business, global interdependence, and global terror.

(6) Americans believe that it is important for their children to learn other languages, study abroad, attend a college where they can interact with international students, learn about other countries and cultures, and generally be prepared for the global age.

(7) In today’s world, it is more important than ever for the United States to be a responsible, constructive leader that other countries are willing to follow. Such leadership cannot be sustained without an informed citizenry with significant knowledge and awareness of the world.

(8) Study abroad has proven to be a very effective means of imparting international and foreign language competency to students.

(9) In any given year, only approximately one percent of all students enrolled in United States institutions of higher education study abroad.
(10) Less than 10 percent of the students who graduate from United States institutions of higher education with bachelors degrees have studied abroad.

(11) Far more study abroad must take place in developing countries. Ninety-five percent of the world’s population growth over the next 50 years will occur outside of Europe, yet in the academic year 2004–2005, 60 percent of United States students studying abroad studied in Europe, and 45 percent studied in four countries—the United Kingdom, Italy, Spain, and France.

(12) The Final Report of the National Commission on Terrorist Attacks Upon the United States (the 9/11 Commission Report) recommended that the United States increase support for “scholarship, exchange, and library programs”. The 9/11 Public Discourse Project, successor to the 9/11 Commission, noted in its November 14, 2005, status report that this recommendation was “unfulfilled,” and stated that “[t]he U.S. should increase support for scholarship and exchange programs, our most powerful tool to shape attitudes over the course of a generation.”. In its December 5, 2005, Final Report on the 9/11 Commission Recommendations, the 9/11
Public Discourse Project gave the government a grade of “D” for its implementation of this recommendation.

(13) Investing in a national study abroad program would help turn a grade of “D” into an “A” by equipping United States students to communicate United States values and way of life through the unique dialogue that takes place among citizens from around the world when individuals study abroad.

(14) An enhanced national study abroad program could help further the goals of other United States Government initiatives to promote educational, social, and political reform and the status of women in developing and reforming societies around the world, such as the Middle East Partnership Initiative.

(15) To complement such worthwhile Federal programs and initiatives as the Benjamin A. Gilman International Scholarship Program, the National Security Education Program, and the National Security Language Initiative, a broad-based undergraduate study abroad program is needed that will make many more study abroad opportunities accessible to all undergraduate students, regardless of
their field of study, ethnicity, socio-economic status, or gender.

(16) To restore America’s standing in the world, President Barack Obama has said that he will call on our nation’s greatest resource, our people, to reach out to and engage with other nations.

SEC. 703. PURPOSES.

The purposes of this title are—

(1) to significantly enhance the global competitiveness and international knowledge base of the United States by ensuring that more United States students have the opportunity to acquire foreign language skills and international knowledge through significantly expanded study abroad;

(2) to enhance the foreign policy capacity of the United States by significantly expanding and diversifying the talent pool of individuals with non-traditional foreign language skills and cultural knowledge in the United States who are available for recruitment by United States foreign affairs agencies, legislative branch agencies, and nongovernmental organizations involved in foreign affairs activities;

(3) to ensure that an increasing portion of study abroad by United States students will take place in nontraditional study abroad destinations.
such as the People’s Republic of China, countries of the Middle East region, and developing countries; and

(4) to create greater cultural understanding of the United States by exposing foreign students and their families to United States students in countries that have not traditionally hosted large numbers of United States students.

Sec. 704. Definitions.

In this title:

(1) Appropriate Congressional Committees.—The term “appropriate congressional committees” means—

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

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

(2) Board.—The term “Board” means the Board of Directors of the Foundation established pursuant to section 705(d).

(3) Chief Executive Officer.—The term “Chief Executive Officer” means the chief executive
officer of the Foundation appointed pursuant to sec-

tion 705(e).

(4) FOUNDATION.—The term “Foundation”
means the Senator Paul Simon Study Abroad Foun-
dation established by section 705(a).

(5) INSTITUTION OF HIGHER EDUCATION.—The
term “institution of higher education” has the
meaning given the term in section 101(a) of the
Higher Education Act of 1965 (20 U.S.C. 1001(a)).

(6) NATIONAL OF THE UNITED STATES.—The
term “national of the United States” means a na-
tional of the United States or an alien lawfully ad-
mitted for permanent residence (as those terms are
defined in section 101 of the Immigration and Na-
tionality Act (8 U.S.C. 1101)).

(7) NONTRADITIONAL STUDY ABROAD DESTINA-
tion.—The term “nontraditional study abroad des-
tination” means a location that is determined by the
Foundation to be a less common destination for
United States students who study abroad.

(8) STUDY ABROAD.—The term “study abroad”
means an educational program of study, work, re-
search, internship, or combination thereof that is
conducted outside the United States and that carries
academic credit toward fulfilling the participating
student’s degree requirements.

(9) UNITED STATES.—The term “United
States” means any of the several States, the District
of Columbia, Puerto Rico, the Northern Mariana Is-
lands, the Virgin Islands, Guam, American Samoa,
and any other territory or possession of the United
States.

(10) UNITED STATES STUDENT.—The term
“United States student” means a national of the
United States who is enrolled at an institution of
higher education located within the United States.

SEC. 705. ESTABLISHMENT AND MANAGEMENT OF THE
SENATOR PAUL SIMON STUDY ABROAD FOUN-
DATION.

(a) Establishment.—

(1) IN GENERAL.—There is established in the
executive branch a corporation to be known as the
“Senator Paul Simon Study Abroad Foundation”
that shall be responsible for carrying out this title.
The Foundation shall be a government corporation,
as defined in section 103 of title 5, United States
Code.
(2) BOARD OF DIRECTORS.—The Foundation shall be governed by a Board of Directors in accordance with subsection (d).

(3) INTENT OF CONGRESS.—It is the intent of Congress in establishing the structure of the Foundation set forth in this subsection to create an entity that will administer a study abroad program that—

(A) serves the long-term foreign policy and national security needs of the United States; but

(B) operates independently of short-term political and foreign policy considerations.

(b) MANDATE OF FOUNDATION.—In administering the program referred to in subsection (a)(3), the Foundation shall—

(1) promote the objectives and purposes of this title;

(2) through responsive, flexible grant-making, promote access to study abroad opportunities by United States students at diverse institutions of higher education, including two-year institutions, minority-serving institutions, and institutions that serve nontraditional students;

(3) through creative grant-making, promote access to study abroad opportunities by diverse United
States students, including minority students, students of limited financial means, and nontraditional students;

(4) solicit funds from the private sector to supplement funds made available under this title; and

(5) minimize administrative costs and maximize the availability of funds for grants under this title.

(c) CHIEF EXECUTIVE OFFICER.—

(1) IN GENERAL.—There shall be in the Foundation a Chief Executive Officer who shall be responsible for the management of the Foundation.

(2) APPOINTMENT.—The Chief Executive Officer shall be appointed by the Board and shall be a recognized leader in higher education, business, or foreign policy, chosen on the basis of a rigorous search.

(3) RELATIONSHIP TO BOARD.—The Chief Executive Officer shall report to and be under the direct authority of the Board.

(4) COMPENSATION AND RANK.—

(A) IN GENERAL.—The Chief Executive Officer shall be compensated at the rate provided for level IV of the Executive Schedule under section 5315 of title 5, United States Code.
(B) AMENDMENT.—Section 5315 of title 5, United States Code, is amended by adding at the end the following: “Chief Executive Officer, Senator Paul Simon Study Abroad Foundation.”.

(5) AUTHORITIES AND DUTIES.—The Chief Executive Officer shall be responsible for the management of the Foundation and shall exercise the powers and discharge the duties of the Foundation.

(6) AUTHORITY TO APPOINT OFFICERS.—In consultation and with approval of the Board, the Chief Executive Officer shall appoint all officers of the Foundation.

(d) BOARD OF DIRECTORS.—

(1) ESTABLISHMENT.—There shall be in the Foundation a Board of Directors.

(2) DUTIES.—The Board shall perform the functions specified to be carried out by the Board in this title and may prescribe, amend, and repeal by-laws, rules, regulations, and procedures governing the manner in which the business of the Foundation may be conducted and in which the powers granted to it by law may be exercised.

(3) MEMBERSHIP.—The Board shall consist of—
(A) the Secretary of State (or the Secretary’s designee), the Secretary of Education (or the Secretary’s designee), the Secretary of Defense (or the Secretary’s designee), and the Administrator of the United States Agency for International Development (or the Administrator’s designee); and

(B) five other individuals with relevant experience in matters relating to study abroad (such as individuals who represent institutions of higher education, business organizations, foreign policy organizations, or other relevant organizations) who shall be appointed by the President, by and with the advice and consent of the Senate, of which—

(i) one individual shall be appointed from among a list of individuals submitted by the majority leader of the House of Representatives;

(ii) one individual shall be appointed from among a list of individuals submitted by the minority leader of the House of Representatives;
(iii) one individual shall be appointed from among a list of individuals submitted by the majority leader of the Senate; and

(iv) one individual shall be appointed from among a list of individuals submitted by the minority leader of the Senate.

(4) **Chief Executive Officer.**—The Chief Executive Officer of the Foundation shall serve as a non-voting, ex-officio member of the Board.

(5) **Terms.**—

(A) **Officers of the Federal Government.**—Each member of the Board described in paragraph (3)(A) shall serve for a term that is concurrent with the term of service of the individual’s position as an officer within the other Federal department or agency.

(B) **Other Members.**—Each member of the Board described in paragraph (3)(B) shall be appointed for a term of three years and may be reappointed for one additional three-year term.

(C) **Vacancies.**—A vacancy in the Board shall be filled in the manner in which the original appointment was made.
(6) **Chairperson.**—There shall be a Chairperson of the Board. The Secretary of State (or the Secretary’s designee) shall serve as the Chairperson.

(7) **Quorum.**—A majority of the members of the Board described in paragraph (3) shall constitute a quorum, which, except with respect to a meeting of the Board during the 135-day period beginning on the date of the enactment of this Act, shall include at least one member of the Board described in paragraph (3)(B).

(8) **Meetings.**—The Board shall meet at the call of the Chairperson.

(9) **Compensation.**—

(A) **Officers of the Federal Government.**—

(i) **In general.**—A member of the Board described in paragraph (3)(A) may not receive additional pay, allowances, or benefits by reason of the member’s service on the Board.

(ii) **Travel expenses.**—Each such member of the Board shall receive travel expenses, including per diem in lieu of subsistence, in accordance with applicable pro-
visions under subchapter I of chapter 57 of title 5, United States Code.

(B) OTHER MEMBERS.—

(i) IN GENERAL.—Except as provided in clause (ii), a member of the Board described in paragraph (3)(B) while away from the member’s home or regular place of business on necessary travel in the actual performance of duties as a member of the Board, shall be paid per diem, travel, and transportation expenses in the same manner as is provided under subchapter I of chapter 57 of title 5, United States Code.

(ii) LIMITATION.—A member of the Board may not be paid compensation under clause (i) for more than 90 days in any calendar year.

SEC. 706. ESTABLISHMENT AND OPERATION OF PROGRAM.

(a) ESTABLISHMENT OF THE PROGRAM.—There is hereby established a program, which shall—

(1) be administered by the Foundation; and

(2) award grants to—

(A) United States students for study abroad;
(B) nongovernmental institutions that pro-
vide and promote study abroad opportunities
for United States students, in consortium with
institutions described in subparagraph (C); and

(C) institutions of higher education, indi-
vidually or in consortium, in order to accom-
plish the objectives set forth in subsection (b).

(b) OBJECTIVES.—The objectives of the program es-
tablished under subsection (a) are that, within ten years
of the date of the enactment of this Act—

(1) not less than 1,000,000 undergraduate
United States students will study abroad annually
for credit;

(2) the demographics of study-abroad participa-
tion will reflect the demographics of the United
States undergraduate population, including students
enrolled in community colleges, minority-serving in-
stitutions, and institutions serving large numbers of
low-income and first-generation students; and

(3) an increasing portion of study abroad will
take place in nontraditional study abroad destina-
tions, with a substantial portion of such increases
taking place in developing countries.

(c) MANDATE OF THE PROGRAM.—In order to ac-
complish the objectives set forth in subsection (b), the
Foundation shall, in administering the program established under subsection (a), take fully into account the recommendations of the Commission on the Abraham Lincoln Study Abroad Fellowship Program (established pursuant to section 104 of the Miscellaneous Appropriations and Offsets Act, 2004 (division H of Public Law 108–199)).

(d) STRUCTURE OF GRANTS.—

(1) PROMOTING REFORM.—In accordance with the recommendations of the Commission on the Abraham Lincoln Study Abroad Fellowship Program, grants awarded under the program established under subsection (a) shall be structured to the maximum extent practicable to promote appropriate reforms in institutions of higher education in order to remove barriers to participation by students in study abroad.

(2) GRANTS TO INDIVIDUALS AND INSTITUTIONS.—It is the sense of Congress that—

(A) the Foundation should award not more than 25 percent of the funds awarded as grants to individuals described in subparagraph (A) of subsection (a)(2) and not less than 75 percent of such funds to institutions described in subparagraphs (B) and (C) of such subsection; and
(B) the Foundation should ensure that not less than 85 percent of the amount awarded to such institutions is used to award scholarships to students.

(e) **Balance of Long-Term and Short-Term Study Abroad Programs.**—In administering the program established under subsection (a), the Foundation shall seek an appropriate balance between—

1. longer-term study abroad programs, which maximize foreign-language learning and intercultural understanding; and
2. shorter-term study abroad programs, which maximize the accessibility of study abroad to non-traditional students.

(f) **Quality and Safety in Study Abroad.**—In administering the program established under subsection (a), the Foundation shall require that institutions receiving grants demonstrate that—

1. the study abroad programs for which students receive grant funds are for academic credit; and
2. the programs have established health and safety guidelines and procedures.
SEC. 707. ANNUAL REPORT.

(a) Report Required.—Not later than December 15, 2010, and each December 15 thereafter, the Foundation shall submit to the appropriate congressional committees a report on the implementation of this title during the prior fiscal year.

(b) Contents.—The report required by subsection (a) shall include—

(1) the total financial resources available to the Foundation during the year, including appropriated funds, the value and source of any gifts or donations accepted pursuant to section 708(a)(6), and any other resources;

(2) a description of the Board’s policy priorities for the year and the bases upon which grant proposals were solicited and awarded to institutions of higher education, nongovernmental institutions, and consortiums pursuant to sections 706(a)(2)(B) and 706(a)(2)(C);

(3) a list of grants made to institutions of higher education, nongovernmental institutions, and consortiums pursuant to sections 706(a)(2)(B) and 706(a)(2)(C) that includes the identity of the institutional recipient, the dollar amount, the estimated number of study abroad opportunities provided to United States students by each grant, the amount of
the grant used by each institution for administrative
expenses, and information on cost-sharing by each
institution receiving a grant;

(4) a description of the bases upon which the
Foundation made grants directly to United States
students pursuant to section 706(a)(2)(A);

(5) the number and total dollar amount of
grants made directly to United States students by
the Foundation pursuant to section 706(a)(2)(A);

and

(6) the total administrative and operating ex-
penses of the Foundation for the year, as well as
specific information on—

(A) the number of Foundation employees
and the cost of compensation for Board mem-
bers, Foundation employees, and personal serv-
icе contractors;

(B) costs associated with securing the use
of real property for carrying out the functions
of the Foundation;

(C) total travel expenses incurred by Board
members and Foundation employees in connec-
tion with Foundation activities; and

(D) total representational expenses.
SEC. 708. POWERS OF THE FOUNDATION; RELATED PROVISIONS.

(a) POWERS.—The Foundation—

(1) shall have perpetual succession unless dissolved by a law enacted after the date of the enactment of this Act;

(2) may adopt, alter, and use a seal, which shall be judicially noticed;

(3) may make and perform such contracts, grants, and other agreements with any person or government however designated and wherever situated, as may be necessary for carrying out the functions of the Foundation;

(4) may determine and prescribe the manner in which its obligations shall be incurred and its expenses allowed and paid, including expenses for representation;

(5) may lease, purchase, or otherwise acquire, improve, and use such real property wherever situated, as may be necessary for carrying out the functions of the Foundation;

(6) may accept cash gifts or donations of services or of property (real, personal, or mixed), tangible or intangible, for the purpose of carrying out the provisions of this title;
(7) may use the United States mails in the same manner and on the same conditions as the executive departments;

(8) may contract with individuals for personal services, who shall not be considered Federal employees for any provision of law administered by the Office of Personnel Management;

(9) may hire or obtain passenger motor vehicles; and

(10) shall have such other powers as may be necessary and incident to carrying out this title.

(b) Principal Office.—The Foundation shall maintain its principal office in the metropolitan area of Washington, District of Columbia.

(c) Applicability of Government Corporation Control Act.—

(1) In general.—The Foundation shall be subject to chapter 91 of subtitle VI of title 31, United States Code, except that the Foundation shall not be authorized to issue obligations or offer obligations to the public.

(2) Conforming Amendment.—Section 9101(3) of title 31, United States Code, is amended by adding at the end the following new subparagraph:

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“(S) the Senator Paul Simon Study Abroad Foundation.”.

(d) INSPECTOR GENERAL.—

(1) IN GENERAL.—The Inspector General of the Department of State shall serve as Inspector General of the Foundation, and, in acting in such capacity, may conduct reviews, investigations, and inspections of all aspects of the operations and activities of the Foundation.

(2) AUTHORITY OF THE BOARD.—In carrying out the responsibilities under this subsection, the Inspector General shall report to and be under the general supervision of the Board.

(3) REIMBURSEMENT AND AUTHORIZATION OF SERVICES.—

(A) REIMBURSEMENT.—The Foundation shall reimburse the Department of State for all expenses incurred by the Inspector General in connection with the Inspector General’s responsibilities under this subsection.

(B) AUTHORIZATION FOR SERVICES.—Of the amount authorized to be appropriated under section 711(a) for a fiscal year, up to $2,000,000 is authorized to be made available to the Inspector General of the Department of
State to conduct reviews, investigations, and inspections of operations and activities of the Foundation.

SEC. 709. GENERAL PERSONNEL AUTHORITIES.

(a) DETAIL OF PERSONNEL.—Upon request of the Chief Executive Officer, the head of an agency may detail any employee of such agency to the Foundation on a reimbursable basis. Any employee so detailed remains, for the purpose of preserving such employee’s allowances, privileges, rights, seniority, and other benefits, an employee of the agency from which detailed.

(b) REEMPLOYMENT RIGHTS.—

(1) IN GENERAL.—An employee of an agency who is serving under a career or career conditional appointment (or the equivalent), and who, with the consent of the head of such agency, transfers to the Foundation, is entitled to be reemployed in such employee’s former position or a position of like seniority, status, and pay in such agency, if such employee—

(A) is separated from the Foundation for any reason, other than misconduct, neglect of duty, or malfeasance; and
(B) applies for reemployment not later than 90 days after the date of separation from the Foundation.

(2) SPECIFIC RIGHTS.—An employee who satisfies paragraph (1) is entitled to be reemployed (in accordance with such paragraph) within 30 days after applying for reemployment and, on reemployment, is entitled to at least the rate of basic pay to which such employee would have been entitled had such employee never transferred.

(c) HIRING AUTHORITY.—Of persons employed by the Foundation, not to exceed 20 persons may be appointed, compensated, or removed without regard to the civil service laws and regulations.

(d) BASIC PAY.—The Chief Executive Officer may fix the rate of basic pay of employees of the Foundation without regard to the provisions of chapter 51 of title 5, United States Code (relating to the classification of positions), subchapter III of chapter 53 of such title (relating to General Schedule pay rates), except that no employee of the Foundation may receive a rate of basic pay that exceeds the rate for level IV of the Executive Schedule under section 5315 of such title.

(e) DEFINITIONS.—In this section—
(1) the term “agency” means an executive agency, as defined by section 105 of title 5, United States Code; and

(2) the term “detail” means the assignment or loan of an employee, without a change of position, from the agency by which such employee is employed to the Foundation.

SEC. 710. GAO REVIEW.

(a) REVIEW REQUIRED.—Not later than two years after the date of the enactment of this Act, the Comptroller General of the United States shall commence a review of the operations of the Foundation.

(b) CONTENT.—In conducting the review required under subsection (a), the Comptroller General shall analyze—

(1) whether the Foundation is organized and operating in a manner that will permit it to fulfill the purposes of this section, as set forth in section 603;

(2) the degree to which the Foundation is operating efficiently and in a manner consistent with the requirements of paragraphs (4) and (5) of section 605(b);
(3) whether grant-making by the Foundation is being undertaken in a manner consistent with subsections (d), (e), and (f) of section 606;

(4) the extent to which the Foundation is using best practices in the implementation of this Act and the administration of the program described in section 606; and

(5) other relevant matters, as determined by the Comptroller General, after consultation with the appropriate congressional committees.

(c) Report Required.—The Comptroller General shall submit a report on the results of the review conducted under subsection (a) to the Secretary of State (in the capacity of the Secretary as Chairperson of the Board of the Foundation) and to the appropriate congressional committees.

SEC. 711. AUTHORIZATION OF APPROPRIATIONS.

(a) Authorization of Appropriations.—

(1) In general.—There are authorized to be appropriated to carry out this title $40,000,000 for fiscal year 2010 and $80,000,000 for fiscal year 2011.

(2) Amounts in addition to other available amounts.—Amounts authorized to be appropriated by paragraph (1) are in addition to amounts
authorized to be appropriated or otherwise made available for educational exchange programs, including the J. William Fulbright Educational Exchange Program and the Benjamin A. Gilman International Scholarship Program, administered by the Bureau of Educational and Cultural Affairs of the Department of State.

(b) ALLOCATION OF FUNDS.—

(1) IN GENERAL.—The Foundation may allocate or transfer to any agency of the United States Government any of the funds available for carrying out this Act. Such funds shall be available for obligation and expenditure for the purposes for which the funds were authorized, in accordance with authority granted in this Act or under authority governing the activities of the United States Government agency to which such funds are allocated or transferred.

(2) NOTIFICATION.—The Foundation shall notify the appropriate congressional committees not less than 15 days prior to an allocation or transfer of funds pursuant to paragraph (1).
TITLE VIII—EXPORT CONTROL REFORM AND SECURITY ASSISTANCE
Subtitle A—Defense Trade Controls Performance Improvement Act of 2009

SEC. 801. SHORT TITLE.

This subtitle may be cited as the “Defense Trade Controls Performance Improvement Act of 2009”.

SEC. 802. FINDINGS.

Congress finds the following:

(1) In a time of international terrorist threats and a dynamic global economic and security environment, United States policy with regard to export controls is in urgent need of a comprehensive review in order to ensure such controls are protecting the national security and foreign policy interests of the United States.

(2) In January 2007, the Government Accountability Office designated the effective identification and protection of critical technologies as a government-wide, high-risk area, warranting a strategic re-examination of existing programs, including programs relating to arms export controls.
Federal Government agencies must review licenses for export of munitions in a thorough and timely manner to ensure that the United States is able to assist United States allies and to prevent nuclear and conventional weapons from getting into the hands of enemies of the United States.

Both staffing and funding that relate to the Department of State’s arms export control responsibilities have not kept pace with the increased workload relating to such responsibilities, especially during the current decade.

Outsourcing and off-shoring of defense production and the policy of many United States trading partners to require offsets for major sales of defense and aerospace articles present a potential threat to United States national security and economic well-being and serve to weaken the defense industrial base.

Export control policies can have a negative impact on United States employment, nonproliferation goals, and the health of the defense industrial base, particularly when facilitating the overseas transfer of technology or production and other forms of outsourcing, such as offsets (direct and indirect), co-production, subcontracts, overseas investment and
joint ventures in defense and commercial industries.

Federal Government agencies must develop new and
effective procedures for ensuring that export control
systems address these problems and the threat they
pose to national security.

(7) In the report to Congress required by the
Conference Report (Report 109–272) accompanying
the bill, H.R. 2862 (the Science, State, Justice,
Commerce and Related Agencies Appropriations Act,
2006; Public Law 109–108), the Department of
State concluded that—

(A) defense trade licensing has become
much more complex in recent years as a con-
sequence of the increasing globalization of the
defense industry;

(B) the most important challenge to the
Department of State’s licensing process has
been the sheer growth in volume of applicants
for licenses and agreements, without the cor-
responding increase in licensing officers; and

(C) the increase in licensing volume with-
out a corresponding increase in trained and ex-
perienced personnel has resulted in delays and
increased processing times.
(8) In 2006, the Department of State processed over three times as many licensing applications as the Department of Commerce with about a fifth of the staff of the Department of Commerce.

(9) On July 27, 2007, in testimony delivered to the Subcommittee on Terrorism, Nonproliferation and Trade of the Committee on Foreign Affairs of the House of Representatives to examine the effectiveness of the United States export control regime, the Government Accountability Office found that—

(A) the United States Government needs to conduct assessments to determine its overall effectiveness in the area of arms export control; and

(B) the processing times of the Department of State doubled over the period from 2002 to 2006.

(10)(A) Allowing a continuation of the status quo in resources for defense trade licensing could ultimately harm the United States defense industrial base. The 2007 Institute for Defense Analysis report entitled “Export Controls and the U.S. Defense Industrial Base” found that the large backlog and long processing times by the Department of State for applications for licenses to export defense items led to
an impairment of United States firms in some sectors to conduct global business relative to foreign competitors.

(B) Additionally, the report found that United States commercial firms have been reluctant to engage in research and development activities for the Department of Defense because this raises the future prospects that the products based on this research and development, even if intrinsically commercial, will be saddled by Department of State munitions controls due to the link to that research.

(11) According to the Department of State’s fiscal year 2008 budget justification to Congress, commercial exports licensed or approved under the Arms Export Control Act exceeded $30,000,000,000, with nearly eighty percent of these items exported to United States NATO allies and other major non-NATO allies.

(12) A Government Accountability Office report of October 9, 2001 (GAO–02–120), documented ambiguous export control jurisdiction affecting 25 percent of the items that the United States Government agreed to control as part of its commitments to the Missile Technology Control Regime. The United States Government has not clearly determined which
department has jurisdiction over these items, which increases the risk that these items will fall into the wrong hands. During both the 108th, 109th, and 110th Congresses, the House of Representatives passed legislation mandating that the Administration clarify this issue.

(13) During 2007 and 2008, the management and staff of the Directorate of Defense Trade Controls of the Department of State have, through extraordinary effort and dedication, eliminated the large backlog of open applications and have reduced average processing times for license applications; however, the Directorate remains understaffed and long delays remain for complicated cases.

SEC. 803. STRATEGIC REVIEW AND ASSESSMENT OF THE UNITED STATES EXPORT CONTROLS SYSTEM.

(a) Review and Assessment.—

(1) In general.—Not later than March 31, 2010, the President shall conduct a comprehensive and systematic review and assessment of the United States arms export controls system in the context of the national security interests and strategic foreign policy objectives of the United States.

(2) Elements.—The review and assessment required under paragraph (1) shall—
(A) determine the overall effectiveness of the United States arms export controls system in order to, where appropriate, strengthen controls, improve efficiency, and reduce unnecessary redundancies across Federal Government agencies, through administrative actions, including regulations, and to formulate legislative proposals for new authorities that are needed;

(B) develop processes to ensure better coordination of arms export control activities of the Department of State with activities of other departments and agencies of the United States that are responsible for enforcing United States arms export control laws;

(C) ensure that weapons-related nuclear technology, other technology related to weapons of mass destruction, and all items on the Missile Technology Control Regime Annex are subject to stringent control by the United States Government;

(D) determine the overall effect of arms export controls on counterterrorism, law enforcement, and infrastructure protection missions of the Department of Homeland Security;
(E) determine the effects of export controls policies and the practices of the export control agencies on the United States defense industrial base and United States employment in the industries affected by export controls;

(F) contain a detailed summary of known attempts by unauthorized end-users (such as international arms traffickers, foreign intelligence agencies, and foreign terrorist organizations) to acquire items on the United States Munitions List and related technical data, including—

(i) data on—

(I) commodities sought, such as M–4 rifles, night vision devices, F–14 spare parts;

(II) parties involved, such as the intended end-users, brokers, consignees, and shippers;

(III) attempted acquisition of technology and technical data critical to manufacture items on the United States Munitions List;

(IV) destination countries and transit countries;
(V) modes of transport;

(VI) trafficking methods, such as use of false documentation and front companies registered under flags of convenience;

(VII) whether the attempted illicit transfer was successful; and

(VIII) any administrative or criminal enforcement actions taken by the United States and any other government in relation to the attempted illicit transfer;

(ii) a thorough evaluation of the Blue Lantern Program, including the adequacy of current staffing and funding levels;

(iii) a detailed analysis of licensing exemptions and their successful exploitation by unauthorized end-users; and

(iv) an examination of the extent to which the increased tendency toward outsourcing and off-shoring of defense production harm United States national security and weaken the defense industrial base, including direct and indirect impact on employment, and formulate policies to address
these trends as well as the policy of some
United States trading partners to require
offsets for major sales of defense articles;
and
(G) assess the extent to which export con-
trol policies and practices under the Arms Ex-
port Control Act promote the protection of
basic human rights.

(b) CONGRESSIONAL BRIEFINGS.—The President
shall provide periodic briefings to the appropriate congres-
sional committees on the progress of the review and as-
sessment conducted under subsection (a). The require-
ment to provide congressional briefings under this sub-
section shall terminate on the date on which the President
transmits to the appropriate congressional committees the
report required under subsection (e).

(c) REPORT.—Not later than 18 months after the
date of the enactment of this Act, the President shall
transmit to the appropriate congressional committees and
the Committee on Armed Services of the House of Rep-
resentatives and the Committee on Armed Services of the
Senate a report that contains the results of the review and
assessment conducted under subsection (a). The report re-
quired by this subsection shall contain a certification that
the requirement of subsection (a)(2)(C) has been met, or
if the requirement has not been met, the reasons therefor. The report required by this subsection shall be submitted in unclassified form, but may contain a classified annex, if necessary.

SEC. 804. PERFORMANCE GOALS FOR PROCESSING OF APPLICATIONS FOR LICENSES TO EXPORT ITEMS ON UNITED STATES MUNITIONS LIST.

(a) In General.—The Secretary of State, acting through the head of the Directorate of Defense Trade Controls of the Department of State, shall establish and maintain the following goals:

(1) The processing time for review of each application for a license to export items on the United States Munitions List (other than a Manufacturing License Agreement) shall be not more than 60 days from the date of receipt of the application.

(2) The processing time for review of each application for a commodity jurisdiction determination shall be not more than 60 days from the date of receipt of the application.

(3) The total number of applications described in paragraph (1) that are unprocessed shall be not more than 7 percent of the total number of such applications submitted in the preceding calendar year.
(b) ADDITIONAL REVIEW.—(1) If an application described in paragraph (1) or (2) of subsection (a) is not processed within the time period described in the respective paragraph of such subsection, then the Managing Director of the Directorate of Defense Trade Controls or the Deputy Assistant Secretary for Defense Trade and Regional Security of the Department of State, as appropriate, shall review the status of the application to determine if further action is required to process the application.

(2) If an application described in paragraph (1) or (2) of subsection (a) is not processed within 90 days from the date of receipt of the application, then the Assistant Secretary for Political-Military Affairs of the Department of State shall—

(A) review the status of the application to determine if further action is required to process the application; and

(B) submit to the appropriate congressional committees a notification of the review conducted under subparagraph (A), including a description of the application, the reason for delay in processing the application, and a proposal for further action to process the application.
(3) For each calendar year, the Managing Director of the Directorate of Defense Trade Controls shall review not less than 2 percent of the total number of applications described in paragraphs (1) and (2) of subsection (a) to ensure that the processing of such applications, including decisions to approve, deny, or return without action, is consistent with both policy and regulatory requirements of the Department of State.

(e) Statements of Policy.—

(1) United States allies.—Congress states that—

(A) it shall be the policy of the Directorate of Defense Trade Controls of the Department of State to ensure that, to the maximum extent practicable, the processing time for review of applications described in subsection (a)(1) to export items that are not subject to the requirements of section 36 (b) or (c) of the Arms Export Control Act (22 U.S.C. 2776 (b) or (c)) to United States allies in direct support of combat operations or peacekeeping or humanitarian operations with United States Armed Forces is not more than 7 days from the date of receipt of the application; and
(B) it shall be the goal, as appropriate, of the Directorate of Defense Trade Controls to ensure that, to the maximum extent practicable, the processing time for review of applications described in subsection (a)(1) to export items that are not subject to the requirements of section 36 (b) or (c) of the Arms Export Control Act to government security agencies of United States NATO allies, Australia, New Zealand, Japan, South Korea, Israel, and, as appropriate, other major non-NATO allies for any purpose other than the purpose described in paragraph (1) is not more than 30 days from the date of receipt of the application.

(2) PRIORITY FOR APPLICATIONS FOR EXPORT OF U.S.-ORIGIN EQUIPMENT.—In meeting the goals established by this section, it shall be the policy of the Directorate of Defense Trade Controls of the Department of State to prioritize the processing of applications for licenses and agreements necessary for the export of United States-origin equipment over applications for Manufacturing License Agreements.

(d) REPORT.—Not later than December 31, 2011, and December 31, 2012, the Secretary of State shall sub-
mit to the appropriate congressional committees a report that contains a detailed description of—

(1)(A) the average processing time for and number of applications described in subsection (a)(1) to—

(i) United States NATO allies, Australia, New Zealand, Japan, South Korea, and Israel;

(ii) other major non-NATO allies; and

(iii) all other countries; and

(B) to the extent practicable, the average processing time for and number of applications described in subsection (b)(1) by item category;

(2) the average processing time for and number of applications described in subsection (a)(2);

(3) the average processing time for and number of applications for agreements described in part 124 of title 22, Code of Federal Regulations (relating to the International Traffic in Arms Regulations (other than Manufacturing License Agreements));

(4) the average processing times for applications for Manufacturing License Agreements;

(5) any management decisions of the Directorate of Defense Trade Controls of the Department of State that have been made in response to data contained in paragraphs (1) through (3); and
(6) any advances in technology that will allow
the time-frames described in subsection (a)(1) to be
substantially reduced.

(e) CONGRESSIONAL BRIEFINGS.—If, at the end of
any month beginning after the date of the enactment of
this Act, the total number of applications described in sub-
section (a)(1) that are unprocessed is more than 7 percent
of the total number of such applications submitted in the
preceding calendar year, then the Secretary of State, act-
ing through the Under Secretary for Arms Control and
International Security, the Assistant Secretary for Polit-
ical-Military Affairs, or the Deputy Assistant Secretary
for Defense Trade and Regional Security of the Depart-
ment of State, as appropriate, shall brief the appropriate
congressional committees on such matters and the correc-
tive measures that the Directorate of Defense Trade Con-
trols will take to comply with the requirements of sub-
section (a).

(f) TRANSPARENCY OF COMMODITY JURISDICTION
DETERMINATIONS.—

(1) DECLARATION OF POLICY.—Congress de-
clares that the complete confidentiality surrounding
several hundred commodity jurisdiction determina-
tions made each year by the Department of State
pursuant to the International Traffic in Arms Regu-
lations is not necessary to protect legitimate proprietary interests of persons or their prices and customers, is not in the best security and foreign policy interests of the United States, is inconsistent with the need to ensure a level playing field for United States exporters, and detracts from United States efforts to promote greater transparency and responsibility by other countries in their export control systems.

(2) P UBLICATION ON INTERNET WEBSITE.—

The Secretary of State shall—

(A) upon making a commodity jurisdiction determination referred to in paragraph (1) publish on the Internet website of the Department of State not later than 30 days after the date of the determination—

(i) the name of the manufacturer of the item;

(ii) a brief general description of the item;

(iii) the model or part number of the item; and

(iv) the United States Munitions List designation under which the item has been designated, except that—
(I) the name of the person or business organization that sought the commodity jurisdiction determination shall not be published if the person or business organization is not the manufacturer of the item; and

(II) the names of the customers, the price of the item, and any proprietary information relating to the item indicated by the person or business organization that sought the commodity jurisdiction determination shall not be published; and

(B) maintain on the Internet website of the Department of State an archive, that is accessible to the general public and other departments and agencies of the United States, of the information published under subparagraph (A).

(g) Rule of Construction.—Nothing in this section shall be construed to prohibit the President or Congress from undertaking a thorough review of the national security and foreign policy implications of a proposed export of items on the United States Munitions List.
SEC. 805. REQUIREMENT TO ENSURE ADEQUATE STAFF AND RESOURCES FOR THE DIRECTORATE OF DEFENSE TRADE CONTROLS OF THE DEPARTMENT OF STATE.

(a) REQUIREMENT.—The Secretary of State shall ensure that the Directorate of Defense Trade Controls of the Department of State has the necessary staff and resources to carry out this subtitle and the amendments made by this subtitle.

(b) MINIMUM NUMBER OF LICENSING OFFICERS.—For fiscal year 2011 and each subsequent fiscal year, the Secretary of State shall ensure that the Directorate of Defense Trade Controls has at least 1 licensing officer for every 1,250 applications for licenses and other authorizations to export items on the United States Munitions List by not later than the third quarter of such fiscal year, based on the number of licenses and other authorizations expected to be received during such fiscal year. The Secretary shall ensure that in meeting the requirement of this subsection, the performance of other functions of the Directorate of Defense Trade Controls is maintained and adequate staff is provided for those functions.

(c) MINIMUM NUMBER OF STAFF FOR COMMODITY JURISDICTION DETERMINATIONS.—For each of the fiscal years 2010 through 2012, the Secretary of State shall ensure that the Directorate of Defense Trade Controls has,
to the extent practicable, not less than three individuals
assigned to review applications for commodity jurisdiction
determinations.

(d) ENFORCEMENT RESOURCES.—In accordance
with section 127.4 of title 22, Code of Federal Regula-
tions, U.S. Immigration and Customs Enforcement is au-
thorized to investigate violations of the International Traf-
fic in Arms Regulations on behalf of the Directorate of
Defense Trade Controls of the Department of State. The
Secretary of State shall ensure that the Directorate of De-
fense Trade Controls has adequate staffing for enforce-
ment of the International Traffic in Arms Regulations.

SEC. 806. AUDIT BY INSPECTOR GENERAL OF THE DEPART-
MENT OF STATE.

(a) Audit.—Not later than the end of each of the
fiscal years 2011 and 2012, the Inspector General of the
Department of State shall conduct an independent audit
to determine the extent to which the Department of State
is meeting the requirements of sections 804 and 805.

(b) Report.—The Inspector General shall submit to
the appropriate congressional committees a report that
contains the result of each audit conducted under sub-
section (a).
SEC. 807. INCREASED FLEXIBILITY FOR USE OF DEFENSE TRADE CONTROLS REGISTRATION FEES.

(a) In General.—Section 45 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2717) is amended—

(1) in the first sentence—

(A) by striking “For” and inserting “(a) IN GENERAL.—For”; and

(B) by striking “Office” and inserting “Directorate”; 

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

“(b) Availability of Fees.—Fees credited to the account referred to in subsection (a) shall be available only for payment of expenses incurred for—

“(1) management,

“(2) licensing (in order to meet the requirements of section 805 of the Defense Trade Controls Performance Improvement Act of 2009 (relating to adequate staff and resources of the Directorate of Defense Trade Controls)),

“(3) compliance,

“(4) policy activities, and

“(5) facilities,

of defense trade controls functions.”; and

(3) by adding at the end the following:
“(c) ALLOCATION OF FEES.—In allocating fees for payment of expenses described in subsection (b), the Secretary of State shall accord the highest priority to payment of expenses incurred for personnel and equipment of the Directorate of Defense Trade Controls, including payment of expenses incurred to meet the requirements of section 805 of the Defense Trade Controls Performance Improvement Act of 2009.”.

(b) CONFORMING AMENDMENT.—Section 38(b) of the Arms Export Control Act (22 U.S.C. 2778(b)) is amended by striking paragraph (3).

SEC. 808. REVIEW OF INTERNATIONAL TRAFFIC IN ARMS REGULATIONS AND UNITED STATES MUNITIONS LIST.

(a) IN GENERAL.—The Secretary of State, in coordination with the heads of other relevant departments and agencies of the United States Government, shall review, with the assistance of United States manufacturers and other interested parties described in section 811(2) of this Act, the International Traffic in Arms Regulations and the United States Munitions List to determine those technologies and goods that warrant different or additional controls.

(b) CONDUCT OF REVIEW.—In carrying out the review required under subsection (a), the Secretary of State
shall review not less than 20 percent of the technologies
and goods on the International Traffic in Arms Regula-
tions and the United States Munitions List in each cal-
endar year so that for the 5-year period beginning with
calendar year 2010, and for each subsequent 5-year pe-
period, the International Traffic in Arms Regulations and
the United States Munitions List will be reviewed in their
entirety.

(e) REPORT.—The Secretary of State shall submit to
the appropriate congressional committees and the Com-
mittee on Armed Services of the House of Representatives
and the Committee on Armed Services of the Senate an
annual report on the results of the review carried out
under this section.

SEC. 809. SPECIAL LICENSING AUTHORIZATION FOR CER-
TAIN EXPORTS TO NATO MEMBER STATES,
AUSTRALIA, JAPAN, NEW ZEALAND, ISRAEL,
AND SOUTH KOREA.

(a) In General.—Section 38 of the Arms Export
Control Act (22 U.S.C. 2778) is amended by adding at
the end the following:

“(k) SPECIAL LICENSING AUTHORIZATION FOR CER-
TAIN EXPORTS TO NATO MEMBER STATES, AUSTRALIA,
JAPAN, NEW ZEALAND, ISRAEL, AND SOUTH KOREA.—
“(1) AUTHORIZATION.—(A) The President may provide for special licensing authorization for exports of United States-manufactured spare and replacement parts or components listed in an application for such special licensing authorization in connection with defense items previously exported to NATO member states, Australia, Japan, New Zealand, Israel, and South Korea. A special licensing authorization issued pursuant to this clause shall be effective for a period not to exceed 5 years.

“(B) An authorization may be issued under subparagraph (A) only if the applicable government of the country described in subparagraph (A), acting through the applicant for the authorization, certifies that—

“(i) the export of spare and replacement parts or components supports a defense item previously lawfully exported;

“(ii) the spare and replacement parts or components will be transferred to a defense agency of a country described in subparagraph (A) that is a previously approved end-user of the defense items and not to a distributor or a foreign consignee of such defense items;
“(iii) the spare and replacement parts or components will not to be used to materially enhance, optimize, or otherwise modify or upgrade the capability of the defense items;

“(iv) the spare and replacement parts or components relate to a defense item that is owned, operated, and in the inventory of the armed forces a country described in subparagraph (A);

“(v) the export of spare and replacement parts or components will be effected using the freight forwarder designated by the purchasing country’s diplomatic mission as responsible for handling transfers under chapter 2 of this Act as required under regulations; and

“(vi) the spare and replacement parts or components to be exported under the special licensing authorization are specifically identified in the application.

“(C) An authorization may not be issued under subparagraph (A) for purposes of establishing offshore procurement arrangements or producing defense articles offshore.

“(D)(i) For purposes of this subsection, the term ‘United States-manufactured spare and re-
placement parts or components’ means spare and replacement parts or components—

“(I) with respect to which—

“(aa) United States-origin content costs constitute at least 85 percent of the total content costs;

“(bb) United States manufacturing costs constitute at least 85 percent of the total manufacturing costs; and

“(cc) foreign content, if any, is limited to content from countries eligible to receive exports of items on the United States Munitions List under the International Traffic in Arms Regulations (other than de minimis foreign content);

“(II) that were last substantially transformed in the United States; and

“(III) that are not—

“(aa) classified as significant military equipment; or

“(bb) listed on the Missile Technology Control Regime Annex.

“(ii) For purposes of clause (i)(I) (aa) and (bb), the costs of non-United States-origin content shall be determined using the final price or final cost
associated with the non-United States-origin content.

“(2) INAPPLICABILITY PROVISIONS.—(A) The provisions of this subsection shall not apply with respect to re-exports or re-transfers of spare and replacement parts or components and related services of defense items described in paragraph (1).

“(B) The congressional notification requirements contained in section 36(c) of this Act shall not apply with respect to an authorization issued under paragraph (1).”.

(b) EFFECTIVE DATE.—The President shall issue regulations to implement amendments made by subsection (a) not later than 180 days after the date of the enactment of this Act.

SEC. 810. AVAILABILITY OF INFORMATION ON THE STATUS OF LICENSE APPLICATIONS UNDER CHAPTER 3 OF THE ARMS EXPORT CONTROL ACT.

Chapter 3 of the Arms Export Control Act (22 U.S.C. 2771 et seq.) is amended by inserting after section 38 the following new section:
“SEC. 38A. AVAILABILITY OF INFORMATION ON THE STATUS OF LICENSE APPLICATIONS UNDER THIS CHAPTER.

“(a) AVAILABILITY OF INFORMATION.—Not later than one year after the date of the enactment of the Defense Trade Controls Performance Improvement Act of 2009, the President shall make available to persons who have pending license applications under this chapter and the committees of jurisdiction the ability to access electronically current information on the status of each license application required to be submitted under this chapter.

“(b) MATTERS TO BE INCLUDED.—The information referred to in subsection (a) shall be limited to the following:

“(1) The case number of the license application.

“(2) The date on which the license application is received by the Department of State and becomes an ‘open application’.

“(3) The date on which the Directorate of Defense Trade Controls makes a determination with respect to the license application or transmits it for interagency review, if required.

“(4) The date on which the interagency review process for the license application is completed, if such a review process is required.
“(5) The date on which the Department of State begins consultations with the congressional committees of jurisdiction with respect to the license application.

“(6) The date on which the license application is sent to the congressional committees of jurisdiction.”.

SEC. 811. SENSE OF CONGRESS.

It is the sense of Congress that—

(1)(A) the advice provided to the Secretary of State by the Defense Trade Advisory Group (DTAG) supports the regulation of defense trade and helps ensure that United States national security and foreign policy interests continue to be protected and advanced while helping to reduce unnecessary impediments to legitimate exports in order to support the defense requirements of United States friends and allies; and

(B) therefore, the Secretary of State should share significant planned rules and policy shifts with DTAG for comment; and

(2) recognizing the constraints imposed on the Department of State by the nature of a voluntary organization such as DTAG, the Secretary of State is encouraged to ensure that members of DTAG are
drawn from a representative cross-section of subject
matter experts from the United States defense in-
dustry, relevant trade and labor associations, aca-
demic, and foundation personnel.

SEC. 812. DEFINITIONS.

In this subtitle:

(1) INTERNATIONAL TRAFFIC IN ARMS REGULA-
tions; ITAR.—The term “International Traffic in
Arms Regulations” or “ITAR” means those regula-
tions contained in parts 120 through 130 of title 22,
Code of Federal Regulations (or successor regula-
tions).

(2) MAJOR NON-NATO ALLY.—The term “major
non-NATO ally” means a country that is designated
in accordance with section 517 of the Foreign As-
sistance Act of 1961 (22 U.S.C. 2321k) as a major
non-NATO ally for purposes of the Foreign Assist-
ance Act of 1961 (22 U.S.C. 2151 et seq.) and the
Arms Export Control Act (22 U.S.C. 2751 et seq.).

(3) MANUFACTURING LICENSE AGREEMENT.—
The term “Manufacturing License Agreement”
means an agreement described in section 120.21 of
title 22, Code of Federal Regulations (or successor
regulations).
(4) Missile Technology Control Regime; MTACR.—The term “Missile Technology Control Regime” or “MTCR” has the meaning given the term in section 11B(c)(2) of the Export Administration Act of 1979 (50 U.S.C. App. 2401b(c)(2)).

(5) Missile Technology Control Regime Annex; MTCR Annex.—The term “Missile Technology Control Regime Annex” or “MTCR Annex” has the meaning given the term in section 11B(c)(4) of the Export Administration Act of 1979 (50 U.S.C. App. 2401b(c)(4)).

(6) Offsets.—The term “offsets” includes compensation practices required of purchase in either government-to-government or commercial sales of defense articles or defense services under the Arms Export Control Act (22 U.S.C. 2751 et seq.) and the International Traffic in Arms Regulations.

(7) United States Munitions List; USML.—The term “United States Munitions List” or “USML” means the list referred to in section 38(a)(1) of the Arms Export Control Act (22 U.S.C. 2778(a)(1)).

SEC. 813. AUTHORIZATION OF APPROPRIATIONS.

Of the amounts authorized to be appropriated under section 101, there are authorized to be appropriated such
sums as may be necessary for each of fiscal years 2010 and 2011 to carry out this subtitle and the amendments made by this subtitle.

**Subtitle B—Provisions Relating to Export Licenses**

**SEC. 821. AVAILABILITY TO CONGRESS OF PRESIDENTIAL DIRECTIVES REGARDING UNITED STATES ARMS EXPORT POLICIES, PRACTICES, AND REGULATIONS.**

(a) In General.—The President shall make available to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate the text of each Presidential directive regarding United States export policies, practices, and regulations relating to the implementation of the Arms Export Control Act (22 U.S.C. 2751 et seq.) not later than 15 days after the date on which the directive has been signed or authorized by the President.

(b) Transition Provision.—Each Presidential directive described in subsection (a) that is signed or authorized by the President on or after January 1, 2009, and before the date of the enactment of this Act shall be made available to the congressional committees specified in subsection (a) not later than 90 days after the date of the enactment of this Act.
(c) Form.—To the maximum extent practicable, each
Presidential directive described in subsection (a) shall be
made available to the congressional committees specified
in subsection (a) on an unclassified basis.

SEC. 822. INCREASE IN VALUE OF DEFENSE ARTICLES AND
SERVICES FOR CONGRESSIONAL REVIEW
AND EXPEDITING CONGRESSIONAL REVIEW
FOR ISRAEL.

(a) Foreign Military Sales.—

(1) In general.—Section 36(b) of the Arms
Export Control Act (22 U.S.C. 2776(b)) is amend-
ed—

(A) in paragraph (1)—

(i) by striking “$50,000,000” and in-
serting “$100,000,000”; 
(ii) by striking “$200,000,000” and
inserting “$300,000,000”; 
(iii) by striking “$14,000,000” and
inserting “$25,000,000”; and
(iv) by striking “The letter of offer
shall not be issued” and all that follows
through “enacts a joint resolution” and in-
serting the following:

“(2) The letter of offer shall not be issued—
“(A) with respect to a proposed sale of any defense articles or defense services under this Act for $200,000,000 or more, any design and construction services for $300,000,000 or more, or any major defense equipment for $75,000,000 or more, to the North Atlantic Treaty Organization (NATO), any member country of NATO, Japan, Australia, the Republic of Korea, Israel, or New Zealand, if Congress, within 15 calendar days after receiving such certification, or

“(B) with respect to a proposed sale of any defense articles or services under this Act for $100,000,000 or more, any design and construction services for $200,000,000 or more, or any major defense equipment for $50,000,000 or more, to any other country or organization, if Congress, within 30 calendar days after receiving such certification, enacts a joint resolution”; and

(B) by redesignating paragraphs (2) through (6) as paragraphs (3) through (7), respectively.
(2) TECHNICAL AND CONFORMING AMENDMENTS.—Section 36 of the Arms Export Control Act (22 U.S.C. 2776) is amended—

(A) in subsection (b)—

(i) in paragraph (6)(C), as redesignated, by striking “Subject to paragraph (6), if” and inserting “If”; and

(ii) by striking paragraph (7), as redesignated; and

(B) in subsection (c)(4), by striking “subsection (b)(5)” each place it appears and inserting “subsection (b)(6)”.

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

(1) in paragraph (1)—

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

(B) by striking “$14,000,000” and inserting “$25,000,000”; and  

(C) by striking “$50,000,000” and inserting “$100,000,000”;

(2) in paragraph (2)—

(A) in subparagraph (A)—

(i) by inserting after “for an export” the following: “of any major defense equip-
ment sold under a contract in the amount
of $75,000,000 or more or of defense arti-
cles or defense services sold under a con-
tract in the amount of $200,000,000 or
more, (or, in the case of a defense article
that is a firearm controlled under category
I of the United States Munitions List,
$1,000,000 or more)”; and

(ii) by striking “Organization,” and
inserting “Organization (NATO),” and by
further striking “that Organization” and
inserting “NATO”; and

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

(3) by striking paragraph (5).
SEC. 823. DIPLOMATIC EFFORTS TO STRENGTHEN NATIONAL AND INTERNATIONAL ARMS EXPORT CONTROLS.

(a) Sense of Congress.—It is the sense of Congress that the President should redouble United States diplomatic efforts to strengthen national and international arms export controls by establishing a senior-level initiative to ensure that those arms export controls are comparable to and supportive of United States arms export controls, particularly with respect to countries of concern to the United States.

(b) Report.—Not later than one year after the date of the enactment of this Act, and annually thereafter for 4 years, the President shall transmit to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate a report on United States diplomatic efforts described in subsection (a).

SEC. 824. REPORTING REQUIREMENT FOR UNLICENSED EXPORTS.

Section 655(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2415(b)) is amended—

(1) in paragraph (2), by striking “or” at the end;

(2) in paragraph (3), by striking the period at the end and inserting “; or”; and
(3) by adding at the end the following:

“(4) were exported without a license under section 38 of the Arms Export Control Act (22 U.S.C. 2778) pursuant to an exemption established under the International Traffic in Arms Regulations, other than defense articles exported in furtherance of a letter of offer and acceptance under the Foreign Military Sales program or a technical assistance or manufacturing license agreement, including the specific exemption provision in the regulation under which the export was made.”.

SEC. 825. REPORT ON VALUE OF MAJOR DEFENSE EQUIPMENT AND DEFENSE ARTICLES EXPORTED UNDER SECTION 38 OF THE ARMS EXPORT CONTROL ACT.

Section 38 of the Arms Export Control Act (22 U.S.C. 2778) is amended by adding at the end the following:

“(k) Report.—

“(1) In general.—The President shall transmit to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate a report that contains a detailed listing, by country and by international organization, of the total dollar value of
major defense equipment and defense articles exported pursuant to licenses authorized under this section for the previous fiscal year.

“(2) INCLUSION IN ANNUAL BUDGET.—The report required by this subsection shall be included in the supporting information of the annual budget of the United States Government required to be submitted to Congress under section 1105 of title 31, United States Code.”.

SEC. 826. AUTHORITY TO REMOVE SATELLITES AND RELATED COMPONENTS FROM THE UNITED STATES MUNITIONS LIST.

(a) AUTHORITY.—Except as provided in subsection (b) and subject to subsection (d), the President is authorized to remove satellites and related components from the United States Munitions List, consistent with the procedures in section 38(f) of the Arms Export Control Act (22 U.S.C. 2778(f)).

(b) EXCEPTION.—The authority of subsection (a) may not be exercised with respect to any satellite or related component that may, directly or indirectly, be transferred to, or launched into outer space by, the People’s Republic of China.

(c) UNITED STATES MUNITIONS LIST.—In this section, the term “United States Munitions List” means the
list referred to in section 38(a)(1) of the Arms Export
Control Act (22 U.S.C. 2778(a)(1)).

(d) Effective Date.—The President may not exer-
cise the authority provided in this section before the date
that is 90 days after the date of the enactment of this
Act.

SEC. 827. REVIEW AND REPORT OF INVESTIGATIONS OF
VIOLATIONS OF SECTION 3 OF THE ARMS EX-
PORT CONTROL ACT.

(a) Review.—The Inspector General of the Depart-
ment of State shall conduct a review of investigations by
the Department of State during each of fiscal years 2010
through 2014 of any and all possible violations of section
3 of the Arms Export Control Act (22 U.S.C. 2753) with
respect to misuse of United States-origin defense items to
determine whether the Department of State has fully com-
plied with the requirements of such section, as well as its
own internal procedures (and whether such procedures are
adequate), for reporting to Congress any information re-
garding the unlawful use or transfer of United States-ori-
gen defense articles, defense services, and technology by
foreign countries, as required by such section.

(b) Report.—The Inspector General of the Depart-
ment of State shall submit to the Committee on Foreign
Affairs of the House of Representatives and the Com-

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mittee on Foreign Relations of the Senate for each of fiscal years 2010 through 2014 a report that contains the findings and results of the review conducted under subsection (a). The report shall be submitted in unclassified form to the maximum extent possible, but may include a classified annex.

SEC. 828. REPORT ON SELF-FINANCING OPTIONS FOR EXPORT LICENSING FUNCTIONS OF DDTC OF THE DEPARTMENT OF STATE.

Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees a report on possible mechanisms to place the export licensing functions of the Directorate of Defense Trade Controls of the Department of State on a 100 percent self-financing basis.

SEC. 829. CLARIFICATION OF CERTIFICATION REQUIREMENT RELATING TO ISRAEL’S QUALITATIVE MILITARY EDGE.

Section 36(h)(1) of the Arms Export Control Act (22 U.S.C. 2776(h)(1)) is amended by striking “a determination” and inserting “an unclassified determination”.

SEC. 830. EXPEDITING CONGRESSIONAL DEFENSE EXPORT REVIEW PERIOD FOR ISRAEL.

The Arms Export Control Act (22 U.S.C. 2751 et seq.) is amended—
(1) in sections 3(d)(2)(B), 3(d)(3)(A)(i), 3(d)(5), 21(e)(2)(A), 36(b)(2), 36(c)(2)(A), 36(d)(2)(A), 62(c)(1), and 63(a)(2) by inserting “Israel,” before “or New Zealand”; and

(2) in section 3(b)(2), by inserting “the Government of Israel,” before “or the Government of New Zealand”.

SEC. 831. UPDATING AND CONFORMING PENALTIES FOR VIOLATIONS OF SECTIONS 38 AND 39 OF THE ARMS EXPORT CONTROL ACT.

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

“(e) Violations of This Section and Section 39.—

“(1) Unlawful acts.—It shall be unlawful for any person to violate, attempt to violate, conspire to violate, or cause a violation of any provision of this section or section 39, or any rule or regulation issued under either section, or who, in a registration or license application or required report, makes any untrue statement of a material fact or omits to state a material fact required to be stated therein or necessary to make the statements therein not misleading.
“(2) CIVIL PENALTIES.—A person who commits an unlawful act described in paragraph (1) shall upon conviction be fined for each violation in an amount not to exceed the greater of—

“(A) $250,000; or

“(B) an amount that is twice the amount of the transaction that is the basis of the violation with respect to which the penalty is imposed.

“(3) CRIMINAL PENALTIES.—A person who willfully commits an unlawful act described in paragraph (1) shall upon conviction—

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

“(B) in the case of a natural person, imprisoned for not more than 20 years,

or both.”.

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

(1) in paragraph (1)—

(A) in subparagraph (A)—

(i) in the matter preceding clause (i), by inserting “or otherwise charged” after “indictment”;}
(ii) in clause (xi), by striking “or” at the end; and

(iii) by adding at the end the following:

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

“(xiv) section 554 of title 18, United States Code, relating to smuggling goods from the United States; or

“(xv) section 1831 of title 18, United States Code, relating to economic espionage.”;

and

(B) in subparagraph (B), by inserting “or otherwise charged” after “indictment”; and

(2) in paragraph (3)(A), by inserting “or otherwise charged” after “indictment”.

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act and shall apply with respect to violations of sections 38 and 39 of the Arms Export Control Act committed on or after that date.
Subtitle C—Miscellaneous
Provisions

SEC. 841. AUTHORITY TO BUILD THE CAPACITY OF FOREIGN MILITARY FORCES.

(a) Authority.—The Secretary of State is authorized to conduct a program to respond to contingencies in foreign countries or regions by providing training, procurement, and capacity-building of a foreign country’s national military forces and dedicated counterterrorism forces in order for that country to—

(1) conduct counterterrorist operations; or

(2) participate in or support military and stability operations in which the United States is a participant.

(b) Types of Capacity-Building.—The program authorized under subsection (a) may include the provision of equipment, supplies, and training.

(c) Limitations.—

(1) Assistance otherwise prohibited by law.—The Secretary of State may not use the authority in subsection (a) to provide any type of assistance described in subsection (b) that is otherwise prohibited by any provision of law.

(2) Limitation on eligible countries.—The Secretary of State may not use the authority in
subsection (a) to provide assistance described in subsection (b) to any foreign country that is otherwise prohibited from receiving such type of assistance under any other provision of law.

(d) FORMULATION AND EXECUTION OF ACTIVITIES.—The Secretary of State shall consult with the head of any other appropriate department or agency in the formulation and execution of the program authorized under subsection (a).

(e) CONGRESSIONAL NOTIFICATION.—

(1) ACTIVITIES IN A COUNTRY.—Not less than 15 days before obligating funds for activities in any country under the program authorized under subsection (a), the Secretary of State shall submit to the congressional committees specified in paragraph (2) a notice of the following:

(A) The country whose capacity to engage in activities in subsection (a) will be assisted.

(B) The budget, implementation timeline with milestones, and completion date for completing the activities.

(2) SPECIFIED CONGRESSIONAL COMMITTEES.—The congressional committees specified in this paragraph are the following:
(A) The Committee on Foreign Affairs and
the Committee on Appropriations of the House
of Representatives.

(B) The Committee on Foreign Relations
and the Committee on Appropriations of the
Senate.

(f) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be
appropriated to the Secretary of State $25,000,000
for each of the fiscal years 2010 and 2011 to con-
duct the program authorized by subsection (a).

(2) USE OF FMF FUNDS.—The Secretary of
State may use up to $25,000,000 of funds available
under the Foreign Military Financing program for
each of the fiscal years 2010 and 2011 to conduct
the program authorized under subsection (a).

(3) AVAILABILITY AND REFERENCE.—Amounts
made available to conduct the program authorized
under subsection (a)—

(A) are authorized to remain available
until expended; and

(B) may be referred to as the “Security
Assistance Contingency Fund”.

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SEC. 842. FOREIGN MILITARY SALES STOCKPILE FUND.

(a) In General.—Section 51(a) of the Arms Export Control Act (22 U.S.C. 2795(a)) is amended—

(1) in paragraph (1), by striking “Special Defense Acquisition Fund” and inserting “Foreign Military Sales Stockpile Fund”; and

(2) in paragraph (4), by inserting “building the capacity of recipient countries and” before “narcotics control purposes”.

(b) Contents of Fund.—Section 51(b) of the Arms Export Control Act (22 U.S.C. 2795(b)) is amended—

(1) in paragraph (2), by striking “and” at the end;

(2) in paragraph (3), by inserting “and” at the end; and

(3) by inserting after paragraph (3) the following:

“(4) collections from leases made pursuant to section 61 of this Act,”.

(c) Conforming Amendments.—(1) The heading of section 51 of the Arms Export Control Act is amended by striking “SPECIAL DEFENSE ACQUISITION FUND” and inserting “FOREIGN MILITARY SALES STOCKPILE FUND”.

(2) The heading of chapter 5 of the Arms Export Control Act is amended by striking “SPECIAL DEFENSE ACQUISITION FUND” and inserting
“FOREIGN MILITARY SALES STOCKPILE FUND”.

SEC. 843. ANNUAL ESTIMATE AND JUSTIFICATION FOR FOREIGN MILITARY SALES PROGRAM.

Section 25(a)(1) of the Arms Export Control Act (22 U.S.C. 2765(a)(1)) is amended by striking “, together with an indication of which sales and licensed commercial exports” and inserting “and”.

SEC. 844. SENSE OF CONGRESS ON THE GLOBAL ARMS TRADE.

It is the sense of Congress that—

(1) the United States, as the world’s largest exporter of conventional weapons, has a special obligation to promote responsible practices in the global arms trade and should actively work to prevent conventional weapons from being used to perpetrate—

(A) breaches of the United Nations Charter relating to the use of force;

(B) gross violations of international human rights;

(C) serious violations of international humanitarian law;

(D) acts of genocide or crimes against humanity;

(E) acts of terrorism; and
(F) destabilizing buildups of military forces and weapons; and

(2) the United States should actively engage in the development of a legally binding treaty establishing common international standards for the import, export, and transfer of conventional weapons.

SEC. 845. REPORT ON UNITED STATES’ COMMITMENTS TO THE SECURITY OF ISRAEL.

(a) INITIAL REPORT.—Not later than 30 days after the date of the enactment of this Act, the President shall transmit to the appropriate congressional committees a report that contains—

(1) a complete, unedited, and unredacted copy of each assurance made by United States Government officials to officials of the Government of Israel regarding Israel’s security and maintenance of Israel’s qualitative military edge, as well as any other assurance regarding Israel’s security and maintenance of Israel’s qualitative military edge provided in conjunction with exports under the Arms Export Control Act (22 U.S.C. 2751 et seq.), for the period beginning on January 1, 1975, and ending on the date of the enactment of this Act; and
(2) an analysis of the extent to which, and by what means, each such assurance has been and is continuing to be fulfilled.

(b) Subsequent Reports.—

(1) New Assurances and Revisions.—The President shall transmit to the appropriate congressional committees a report that contains the information required under subsection (a) with respect to—

(A) each assurance described in subsection (a) made on or after the date of the enactment of this Act, or

(B) revisions to any assurance described in subsection (a) or subparagraph (A) of this paragraph, within 15 days of the new assurance or revision being conveyed.

(2) 5-Year Reports.—Not later than 5 years after the date of the enactment of this Act, and every 5 years thereafter, the President shall transmit to the appropriate congressional committees a report that contains the information required under subsection (a) with respect to each assurance described in subsection (a) or paragraph (1)(A) of this subsection and revisions to any assurance described
in subsection (a) or paragraph (1)(A) of this sub-
section during the preceding 5-year period.

(c) FORM.—Each report required by this section shall
be transmitted in unclassified form, but may contain a
classified annex, if necessary.

SEC. 846. WAR RESERVES STOCKPILE.

(a) DEPARTMENT OF DEFENSE APPROPRIATIONS
ACT, 2005.—Section 12001(d) of the Department of De-
fense Appropriations Act, 2005 (Public Law 108–287;
118 Stat. 1011), is amended by striking “4” and inserting
“7”.

(b) FOREIGN ASSISTANCE ACT OF 1961.—Section
514(b)(2)(A) of the Foreign Assistance Act of 1961 (22
U.S.C. 2321h(b)(2)(A)) is amended by striking “fiscal
years 2007 and 2008” and inserting “fiscal years 2010
and 2011”.

SEC. 847. EXCESS DEFENSE ARTICLES FOR CENTRAL AND
SOUTH EUROPEAN COUNTRIES AND CERTAIN
OTHER COUNTRIES.

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

(1) in paragraph (1), by striking “paragraph
(2)” and inserting “paragraphs (2) and (3)”;

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(2) in paragraph (2), in the heading by striking “EXCEPTION” and inserting “GENERAL EXCEPTION”; and

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

“(3) EXCEPTION FOR SPECIFIC COUNTRIES.—
For fiscal years 2010 and 2011, the President may provide for the crating, packing, handling, and transportation of excess defense articles transferred under the authority of this section to Albania, Afghanistan, Bulgaria, Croatia, Estonia, Macedonia, Georgia, India, Iraq, Israel, Kazakhstan, Kyrgyzstan, Latvia, Lithuania, Moldova, Mongolia, Pakistan, Romania, Slovakia, Tajikistan, Turkmenistan, and Ukraine.”.

TITLE IX—ACTIONS TO ENHANCE THE MERIDA INITIATIVE
Subtitle A—General Provisions
SEC. 901. COORDINATOR OF UNITED STATES GOVERNMENT ACTIVITIES TO IMPLEMENT THE MERIDA INITIATIVE.

(a) DECLARATION OF POLICY.—Congress declares that the Merida Initiative is a Department of State-led initiative which combines the programs of numerous
United States Government departments and agencies and therefore requires a single individual to coordinate and track all Merida Initiative-related efforts government-wide to avoid duplication, coordinate messaging, and facilitate accountability to and communication with Congress.

(b) Designation of High-Level Coordinator.—

(1) In general.—The President shall designate, within the Department of State, a Coordinator of United States Government Activities to Implement the Merida Initiative (hereafter in this section referred to as the “Coordinator”) who shall be responsible for—

(A) designing and shaping an overall strategy for the Merida Initiative;

(B) ensuring program and policy coordination among United States Government departments and agencies in carrying out the Merida Initiative, including avoiding duplication among programs and ensuring that a consistent message emanates from the United States Government;

(C) ensuring that efforts of the United States Government are in full consonance with the efforts of the countries within the Merida Initiative;
(D) tracking, in coordination with the relevant officials of the Department of Defense and other departments and agencies, United States assistance programs that fulfill the goals of the Merida Initiative or are closely related to the goals of the Merida Initiative, including to the extent possible, tracking information required under the second section 620J of the Foreign Assistance Act of 1961 (22 U.S.C. 2378d) (as added by section 651 of division J of Public Law 110–161) with respect to countries participating in the Merida Initiative; and

(E) consulting with the Attorney General and the Secretary of Homeland Security with respect to the activities of Federal, State, and local law enforcement authorities in the United States relating to the goals of the Merida Initiative, particularly along the United States-Mexico border.

(2) RANK AND STATUS OF THE COORDINATOR.—The Coordinator should have the rank and status of ambassador.

SEC. 902. ADDING THE CARIBBEAN TO THE MERIDA INITIATIVE.

(a) FINDINGS.—Congress finds the following:
(1) The illicit drug trade—which has taken a
toll on the small countries of the Caribbean Commu-
nity (CARICOM) for many years—is now moving
even more aggressively into these countries.

(2) A March 2007 joint report by the United
Nations Office on Drugs and Crime (UNODC) and
the World Bank noted that murder rates in the Car-
ibbean—at 30 per 100,000 population annually—are
higher than for any other region of the world and
have risen in recent years for many of the region’s
countries. The report also argues that the strongest
explanation for the high crime and violence rates in
the Caribbean and their rise in recent years is drug
trafficking.

(3) If the United States does not move quickly
to provide Merida Initiative assistance to the
CARICOM countries, the positive results of the
Merida Initiative in Mexico and Central America will
move the drug trade deeper into the Caribbean and
multiply the already alarming rates of violence.

(b) CONSULTATIONS.—Not later than 30 days after
the date of the enactment of this Act, the Secretary of
State is authorized to consult with the countries of the
Caribbean Community (CARICOM) in preparation for
their inclusion into the Merida Initiative.
(c) Incorporation of CARICOM Countries Into the Merida Initiative.—The President is authorized to incorporate the CARICOM countries into the Merida Initiative.

SEC. 903. MERIDA INITIATIVE MONITORING AND EVALUATION MECHANISM.

(a) Definitions.—In this section:

(1) Impact Evaluation Research.—The term “impact evaluation research” means the application of research methods and statistical analysis to measure the extent to which change in a population-based outcome can be attributed to program intervention instead of other environmental factors.

(2) Operations Research.—The term “operations research” means the application of social science research methods, statistical analysis, and other appropriate scientific methods to judge, compare, and improve policies and program outcomes, from the earliest stages of defining and designing programs through their development and implementation, with the objective of the rapid dissemination of conclusions and concrete impact on programming.

(3) Program Monitoring.—The term “program monitoring” means the collection, analysis, and use of routine program data to determine how
well a program is carried out and how much the pro-
gram costs.

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

(1) to successfully support building the capacity
of recipient countries’ civilian security institutions,
enhance the rule of law in recipient countries, and
ensure the protection of human rights, the President
should establish a program to conduct impact eval-
uation research, operations research, and program
monitoring to ensure effectiveness of assistance pro-
vided under the Merida Initiative;

(2) long-term solutions to the security problems
of Merida recipient countries depend on increasing
the effectiveness and responsiveness of their civilian
institutions, including their judicial system;

(3) a specific program of impact evaluation re-
search, operations research, and program moni-
toring, established at the inception of the program,
is required to permit assessment of the operational
effectiveness of the impact of United States assist-
ance towards these goals; and

(4) the President, in developing performance
measurement methods under the impact evaluation
research, operations research, and program moni-
toring, should consult with the appropriate congres-
sional committees as well as the governments of
Merida recipient countries.

(c) Impact Evaluation Research, Operation
Research, and Program Monitoring of Assist-
ance.—The President shall establish and implement a
program to assess the effectiveness of assistance provided
under the Merida Initiative through impact evaluation re-
search on a selected set of programmatic interventions, op-
erations research in areas to ensure efficiency and effec-
tiveness of program implementation, and monitoring to
ensure timely and transparent delivery of assistance.

(d) Requirements.—The program required under
subsection (c) shall include—

(1) a delineation of key impact evaluation re-
search and operations research questions for main
components of assistance provided under the Merida
Initiative;

(2) an identification of measurable performance
goals for each of the main components of assistance
provided under the Merida Initiative, to be expressed
in an objective and quantifiable form at the incep-
tion of the program;
(3) the use of appropriate methods, based on rigorous social science tools, to measure program impact and operational efficiency; and

(4) adherence to a high standard of evidence in developing recommendations for adjustments to such assistance to enhance the impact of such assistance.

(e) Consultation with Congress.—Not later than 60 days after the date of the enactment of this Act, the President shall brief and consult with the appropriate congressional committees regarding the progress in establishing and implementing the program required under subsection (c).

(f) Authorization of Appropriations.—Of the amounts authorized to be appropriated for the Merida Initiative, up to five percent of such amounts is authorized to be appropriated to carry out this section.

(g) Report.—

(1) In general.—Not later than 180 days after the date of the enactment of this section and not later than December 1 of each year thereafter, the President shall transmit to the appropriate congressional committees a report regarding programs and activities carried out under the Merida Initiative during the preceding fiscal year.
(2) MATTERS TO BE INCLUDED.—The reports required under subsection (g) shall include the following:

(A) FINDINGS.—Findings related to the impact evaluation research, operation research, and program monitoring of assistance program established under subsection (c).

(B) COORDINATION.—Efforts of the United States Government to coordinate its activities, including—

(i) a description of all counter-narcotics and organized crime assistance provided to Merida Initiative recipient countries in the previous fiscal year;

(ii) an assessment of how such assistance was coordinated; and

(iii) recommendations for improving coordination.

(C) TRANSFER OF EQUIPMENT.—A description of the transfer of equipment, including—

(i) a description of the progress of each recipient country toward the transfer of equipment, if any, from its armed forces to law enforcement agencies;
(ii) a list of agencies that have used air assets provided by the United States under the Merida Initiative to the government of each recipient country, and, to the extent possible, a detailed description of those agencies that have utilized such air assets, such as by a percentage breakdown of use by each agency; and

(iii) a description of training of law enforcement agencies to operate equipment, including air assets.

(D) HUMAN RIGHTS.—In accordance with sections 116(d) and 502B(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151n(d) and 2304(b)) and section 504 of the Trade Act of 1974 (19 U.S.C. 2464), an assessment of the human rights impact of the equipment and training provided under the Merida Initiative, including—

(i) a list of accusations of serious human rights abuses committed by the armed forces and law enforcement agencies of recipient countries on or after the date of the enactment of this Act; and
(ii) a description of efforts by the governments of Merida recipient countries to investigate and prosecute allegations of abuses of human rights committed by any agency of such recipient countries.

(E) EFFECTIVENESS OF EQUIPMENT.—An assessment of the long-term effectiveness of the equipment and maintenance packages and training provided to each recipient country’s security institutions.

(F) MEXICO PUBLIC SECURITY STRATEGY.—A description of Mexico’s development of a public security strategy, including—

(i) effectiveness of the Mexican Federal Registry of Police Personnel to vet police recruiting at the National, state, and municipal levels to prevent rehiring from one force to the next after dismissal for corruption and other reasons; and

(ii) an assessment of how the Merida Initiative complements and supports the Mexican Government’s own public security strategy.
(G) Flow of illegal arms.—A description and assessment of efforts to reduce the southbound flow of illegal arms.

(H) Use of contractors.—A detailed description of contracts awarded to private companies to carry out provisions of the Merida Initiative, including—

(i) a description of the number of United States and foreign national civilian contractors awarded contracts;

(ii) a list of the total dollar value of the contracts; and

(iii) the purposes of the contracts.

(I) Phase out of law enforcement activities.—A description of the progress of phasing out law enforcement activities of the armed forces of each recipient country.

(J) Impact on border violence and security.—A description of the impact that activities authorized under the Merida Initiative have had on violence against United States and Mexican border personnel and the extent to which these activities have increased the protection and security of the United States-Mexico border.
SEC. 904. MERIDA INITIATIVE DEFINED.

In this subtitle, the term “Merida Initiative” means the program announced by the United States and Mexico on October 22, 2007, to fight illicit narcotics trafficking and criminal organizations throughout the Western Hemisphere.

Subtitle B—Prevention of Illicit Trade in Small Arms and Light Weapons

SEC. 911. TASK FORCE ON THE PREVENTION OF ILLICIT SMALL ARMS TRAFFICKING IN THE WESTERN HEMISPHERE.

(a) Establishment.—The President shall establish an inter-agency task force to be known as the “Task Force on the Prevention of Illicit Small Arms Trafficking in the Western Hemisphere” (in this section referred to as the “Task Force”).

(b) Duties.—The Task Force shall develop a strategy for the Federal Government to coordinate efforts to reduce and prevent illegal firearms trafficking from the United States throughout the Western Hemisphere, including Mexico, Central America, the Caribbean, and South America. The Task Force shall—

(1) coordinate strategies for maximizing cooperation among departments and agencies of the Federal Government and the use of resources of the
Federal Government to identify the sources and types of firearms illegally trafficked from the United States;

(2) conduct a thorough review and analysis of the current regulation of exports of small arms and light weapons; and

(3) develop integrated Federal policies to better control exports of small arms and light weapons in a manner that furthers the foreign policy and national security interests of the United States within the Western Hemisphere.

(c) Membership.—The Task Force shall be composed of—

(1) the Secretary of State;
(2) the Attorney General;
(3) the Secretary of Homeland Security; and
(4) the heads of other Federal departments and agencies as appropriate.

(d) Chairperson.—The Secretary of State shall serve as the chairperson of the Task Force.

(e) Meetings.—The Task Force shall meet at the call of the chairperson or a majority of its members.

(f) Annual Reports.—Not later than one year after the date of the enactment of this Act and annually thereafter until October 31, 2014, the chairperson of the Task
Force shall submit to Congress and make available to the public a report that contains—

(1) a description of the activities of the Task Force during the preceding year; and

(2) the findings, strategies, recommendations, policies, and initiatives developed pursuant to the duties of the Task Force under subsection (b) during the preceding year.

SEC. 912. INCREASE IN PENALTIES FOR ILLICIT TRAFFICKING IN SMALL ARMS AND LIGHT WEAPONS TO MEXICO.

(a) In General.—Notwithstanding section 38(c) of the Arms Export Control Act (22 U.S.C. 2778(c)), any person who willfully exports to Mexico any small arm or light weapon without a license in violation of the requirements of section 38 of such Act shall upon conviction be fined for each violation not less than $1,000,000 but not more than $3,000,000 and imprisoned for not more than ten years, or both.

(b) Definition.—In this section, the term “small arm or light weapon” means any item listed in Category I(a), Category III (as it applies to Category I(a)), or grenades under Category IV(a) of the United States Munitions List (as contained in part 121 of title 22, Code of
Federal Regulations (or successor regulations)) that re-
quires a license for international export under this section.

(c) SUNSET.—Subsection (a) shall not apply begin-
ning on any date after September 30, 2012, on which the
President transmits to Congress a certification that con-
tains a determination of the President that the increased
penalties in subsection (a) are no longer necessary.

SEC. 913. DEPARTMENT OF STATE REWARDS PROGRAM.

Section 36(b) of the State Department Basic Au-
thorities Act of 1956 (22 U.S.C. 2708(b)) is amended—

(1) by redesignating paragraphs (4) through
(7) as paragraphs (5) through (8), respectively;

(2) by inserting after paragraph (3) the fol-
lowing new paragraph:

“(4) the arrest or conviction in any country of
any individual for illegally exporting or attempting
to export to Mexico any small arm or light weapon
(as defined in section 912(b) of the Foreign Rela-
tions Authorization Act, Fiscal Years 2010 and
2011,”; and

(3) in paragraphs (5) and (6) (as redesignated),
by striking “paragraph (1), (2), or (3)” each place
it appears and inserting “paragraph (1), (2), (3), or
(4)”.

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SEC. 914. STATEMENT OF CONGRESS SUPPORTING UNITED STATES RATIFICATION OF CIFTA.

Congress supports the ratification by the United States of the Inter-American Convention Against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and Other Related Materials.

TITLE X—REPORTING REQUIREMENTS

SEC. 1001. ASSESSMENT OF SPECIAL COURT FOR SIERRA LEONE.

Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees an assessment on the continuing needs of the Special Court for Sierra Leone, including an assessment of the following activities of the Special Court:

(1) Witness protection.

(2) Archival activities, including recordkeeping associated with future legal work by the Special Court.

(3) The residual registrar’s capacity for enforcing Special Court sentences and maintaining relations with countries hosting imprisoned convicts of the Special Court, legal decisionmaking regarding future appeals, conditions of prisoner treatment,
contempt proceedings, and financial matters relating to such activities.

(4) Transfer or maintenance of Special Court records to a permanent recordkeeping authority in Sierra Leone.

(5) Ongoing needs or programs for community outreach, for the purpose of reconciliation and healing, regarding the Special Court’s legal proceedings and decisions.

(6) Plans for the Special Court’s facilities in Sierra Leone and plans to use the Special Court, and expertise of its personnel, for further development of the legal profession and an independent and effective judiciary in Sierra Leone.

(7) Unresolved cases, or cases that were not prosecuted.

SEC. 1002. REPORT ON UNITED STATES CAPACITIES TO PREVENT GENOCIDE AND MASS ATROCITIES.

(a) FINDINGS.—Congress finds the following:

(1) The lack of an effective government-wide strategy and adequate capacities for preventing genocide and mass atrocities against civilians undermines the ability of the United States to contribute to the maintenance of global peace and security and protect vital United States interests.

(3) Specific training and staffing will enhance the diplomatic capacities of the Department of State to help prevent and respond to threats of genocide and mass atrocities.

(b) Report.—

(1) Report required.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees a report outlining specific plans for the development of a government-wide strategy and the strengthening of United States civilian capacities for preventing genocide and mass atrocities against civilians.

(2) Content.—The report required under paragraph (1) shall include the following:

(A) An evaluation of current mechanisms for government-wide early warning, information-sharing, contingency planning, and coordination of effort to prevent and respond to situa-
tions of genocide, mass atrocities, and other
mass violence.

(B) An assessment of current capacities
within the Department of State, including spe-
cific staffing and training, for early warning,
preventive diplomacy, and crisis response to
help avert genocide and mass atrocities.

(C) An evaluation of United States foreign
assistance programs and mechanisms directed
toward the prevention of genocide and mass
atrocities, including costs, challenges to imple-
mentation, and successes of such programs and
mechanisms.

(D) An assessment of the feasibility, effec-
tiveness, and potential costs of implementing
key recommendations made by the Genocide
Prevention Task Force, including the establish-
ment of an Atrocities Prevention Committee
within the National Security Council and in-
creased annual and contingency funding for the
prevention of genocide and mass atrocities.

(E) Recommendations to further strength-
en United States capacities to help prevent
genocide, mass atrocities, and other mass vio-
ence, including enhanced early warning mecha-
nisms, strengthened diplomatic capacities of the
Department of State, and improved use of
United States foreign assistance.

SEC. 1003. REPORTS RELATING TO PROGRAMS TO ENCOUR-
AGE GOOD GOVERNANCE.

(a) In General.—Subparagraph (C) of section
133(d)(2) of the Foreign Assistance Act of 1961 (22
U.S.C. 2152c(d)(2)) is amended by inserting at the end
before the period the following: “, including, with respect
to a country that produces or exports large amounts of
natural resources such as petroleum or natural resources,
the degree to which citizens of the country have access
to information about government revenue from the extrac-
tion of such resources and credible reports of human
rights abuses against individuals from civil society or the
media seeking to monitor such extraction.”.

(b) Effective Date.—The amendment made by
subsection (a) shall apply with respect to reports required
to be transmitted under section 133(d)(2) of the Foreign
Assistance Act of 1961, as so amended, on or after the
date of the enactment of this Act.

SEC. 1004. REPORTS ON HONG KONG.

Section 301 of the United States-Hong Kong Policy
Act of 1992 (Public Law 102–383; 22 U.S.C. 5731) is
amended, in the matter preceding paragraph (1), by strik-
ing “and March 31, 2006” and inserting “March 31, 2006, and March 31, 2010, and March 31 of every subsequent year through 2020”.

SEC. 1005. DEMOCRACY IN GEORGIA.

(a) Sense of Congress.—It is the sense of Congress that the development and consolidation of effective democratic governance in Georgia, including free and fair electoral processes, respect for human rights and the rule of law, an independent media, an independent judiciary, a vibrant civil society, as well as transparency and accountability of the executive branch and legislative process, is critically important to Georgia’s integration into Euro-Atlantic institutions, stability in the Caucasus region, and United States national security.

(b) Report on Democracy in Georgia.—

(1) In general.—Not later than 180 days after the date of the enactment of this Act, and not later than December 31 of each of the two fiscal years thereafter, the Secretary of State shall submit to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate a report on the programs, projects, and activities carried out in Georgia with United States foreign assistance following the August 2008 conflict with Russia.
(2) CONTENTS.—The report required under paragraph (1) shall include information concerning the following:

(A) The amount of United States assistance obligated and expended for reconstruction activities for the prior fiscal year.

(B) A description of the programs funded by such assistance, including humanitarian aid, reconstruction of critical infrastructure, economic development, political and democratic development, and broadcasting.

(C) An evaluation of the impact of such programs, including their contribution to the consolidation of democracy in Georgia and efforts by the Government of Georgia to improve democratic governance.

(D) An analysis of the implementation of the United States-Georgia Charter on Strategic Partnership.

SEC. 1006. DIPLOMATIC RELATIONS WITH ISRAEL.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the United States should assist Israel in its efforts to establish diplomatic relations.

(b) REPORT.—Not later than 90 days after the date of the enactment of this Act and annually thereafter, the
Secretary of State shall submit to the appropriate congressional committees a report that includes the following information:

(1) Actions taken by representatives of the United States to encourage other countries to establish full diplomatic relations with Israel.

(2) Specific responses solicited and received by the Secretary from countries that do not maintain full diplomatic relations with Israel with respect to their attitudes toward and plans for entering into diplomatic relations with Israel.

(3) Other measures being undertaken, and measures that will be undertaken, by the United States to ensure and promote Israel’s full participation in the world diplomatic community.

(e) FORM OF SUBMISSION.—The report required under subsection (b) may be submitted in classified or unclassified form, as the Secretary determines appropriate.

SEC. 1007. POLICE TRAINING REPORT.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the President shall, in coordination with the heads of relevant Federal departments and agencies, conduct a study and transmit to Congress a report on current overseas civilian police training
in countries or regions that are at risk of, in, or are in transition from, conflict or civil strife.

(b) CONTENTS.—The report required under subsection (a) shall contain information on the following:

(1) The coordination, communication, program management, and policy implementation among the United States civilian police training programs in countries or regions that are at risk of, in, or are in transition from, conflict or civil strife.

(2) The number of private contractors conducting such training, and the quality and cost of such private contractors.

(3) An assessment of pre-training procedures for verification of police candidates to adequately assess their aptitude, professional skills, integrity, and other qualifications that are essential to law enforcement work.

(4) An analysis of the practice of using existing Federal police entities to provide civilian police training in countries or regions that are at risk of, in, or are in transition from, conflict or civil strife, along with the subject matter expertise that each such entity may provide to meet local needs in lieu of the use of private contractors.
(5) Provide recommendations, including recommendations related to required resources and actions, to maximize the effectiveness and interagency coordination and the adequate provision of civilian police training programs in countries or regions that are at risk of, in, or are in transition from, conflict or civil strife.

SEC. 1008. REPORTS ON HUMANITARIAN ASSISTANCE IN GAZA.

(a) In General.—Not later than 180 days after the date of the enactment of this Act and one year thereafter, the Secretary of State shall submit to the appropriate congressional committees a report detailing the humanitarian conditions and efficacy and obstacles to humanitarian and reconstruction assistance activities in Gaza.

(b) Contents.—The reports required under subsection (a) shall include the following:

(1) An assessment of the level of access to basic necessities in Gaza, including food, fuel, water, sanitation, education, and healthcare.

(2) An assessment of the ability to successfully deliver and distribute humanitarian and reconstruction goods and supplies.

(3) A description of the efforts of the United States and its allies to facilitate the receipt and dis-
tribution of humanitarian and reconstruction assistance in Gaza.

(4) An assessment of the obstacles to the delivery of humanitarian and reconstruction assistance, including the activities and policies of Hamas and any organization designated as a foreign terrorist organization under section 219 of the Immigration and Nationality Act.

(5) Recommendations for actions the United States can take to best improve the level of access to basic necessities referred to in paragraph (1) and overcome obstacles described in paragraphs (2) through (4).

TITLE XI—MISCELLANEOUS PROVISIONS

Subtitle A—General Provisions

SEC. 1101. BILATERAL COMMISSION WITH NIGERIA.

(a) Sense of Congress.—It is the sense of Congress that not later than 180 days after the date of the enactment of this Act, the President should establish a bilateral commission between the United States and Nigeria to support bilateral cooperation in the areas of—

(1) trade and development;

(2) economic integration;
(3) infrastructure planning, finance, development, and management;

(4) budget reform and public finance management;

(5) higher education, including applied research;

(6) energy;

(7) peace and security reform;

(8) rule of law;

(9) anti-corruption efforts, establishment of greater transparency, and electoral reform; and

(10) monitoring whether bilateral efforts undertaken between respective Federal, State, and local governments are achieving the goals set forth by the Governments of the United States and Nigeria.

(b) BILATERAL COMMISSION.—

(1) COMPOSITION.—If the President establishes the bilateral commission referred to in subsection (a), the commission should have an equal number of members representing the United States and Nigeria and appointed by the respective Presidents of each country. Members should include representatives of Federal, State, and local governments, the private sector, and civil society organizations.

(2) FUNCTIONS.—The commission should—
(A) work to establish a bilateral process that establishes the mission, goals, and objectives of a bilateral partnership and establish guidelines for accountability and rules to measure the effectiveness for any initiatives undertaken;

(B) monitor bilateral technical assistance and capacity building projects that are consistent with and further the mission, goals, and objectives established by the commission; and

(C) submit to the United States President, the United States Congress, the Nigerian President, and the Nigerian National Assembly a report on the amount of progress achieved on projects undertaken by the two governments to achieve bilaterally-determined goals established by the commission.

(3) MONITORING OF PROJECTS.—The commission should select and monitor specific projects that involve an exchange of personnel between the Governments of the United States and Nigeria to determine whether technical assistance and capacity building are being used effectively and whether mutual benefit is being gained through the implementation of such bilateral projects.
(4) Review and report.—The Secretary of State should review the work of the commission and annually submit to the President and Congress a report on whether progress has been made to meet the goals set forth by the commission and whether bilateral efforts have served the interest of United States and Nigerian bilateral relations.

(5) United States contributions.—United States contributions to support the Commission should be financed through existing resources.

SEC. 1102. AUTHORITIES RELATING TO THE SOUTHERN AFRICA ENTERPRISE DEVELOPMENT FUND.

(a) Use of private venture capital.—

(1) In general.—In order to maximize the effectiveness of the activities of the Southern Africa Enterprise Development Fund, the Fund may conduct public offerings or private placements for the purpose of soliciting and accepting private venture capital which may be used, separately or together with funds made available from the United States Government, for any lawful investment purpose that the Board of Directors of the Fund may determine in carrying out the activities of the Fund.

(2) Distribution of financial returns.—Financial returns on Fund investments that include
a component of private venture capital may be dis-
tributed, at such times and in such amounts as the
Board of Directors of the Fund may determine, to
the investors of such capital.

(b) **NONAPPLICABILITY OF OTHER LAWS.**—The
heads of Federal departments and agencies may conduct
programs and activities and provide services in support of
the activities of the Fund notwithstanding any other provi-
sion of law.

(c) **DEFINITION.**—In this section, the term “South-
ern Africa Enterprise Development Fund” or “Fund” in-
cludes—

(1) any successor or related entity to the South-
ern Africa Enterprise Development Fund that is ap-
proved the United States Government; and

(2) any organization, corporation, limited-liabil-
ity partnership, foundation, or other corporate struc-
ture that receives, or is authorized by the United
States Government to manage, any or all of the re-
mainding funds or assets of the Southern Africa En-
terprise Development Fund.
SEC. 1103. DIABETES TREATMENT AND PREVENTION AND SAFE WATER AND SANITATION FOR PACIFIC ISLAND COUNTRIES.

(a) In General.—There is authorized to be appropriated $500,000 for each of fiscal years 2010 and 2011 to establish a diabetes prevention and treatment program for Pacific Island countries and for safe water and sanitation.

(b) Pacific Island Countries Defined.—In this section, the term “Pacific Island countries” means Fiji, Kiribati, the Marshall Islands, the Federated States of Micronesia, Nauru, Niue, Palau, Papua New Guinea, Samoa, Solomon Islands, Tonga, Tuvalu, and Vanuatu.

SEC. 1104. STATELESSNESS.

(a) Purpose.—It is the purpose of this section to increase global stability and security for the United States and the international community and decrease trafficking and discrimination by reducing the number of individuals who are de jure or de facto stateless and as a consequence are unable to avail themselves of their right to a nationality and its concomitant rights and obligations and are excluded from full participation in civil society.

(b) Findings.—Congress finds the following:

(1) The right to a nationality is a foundation of human rights, and a deterrent to displacement and disaffection. The State is the primary vehicle
through which individuals are guaranteed their in-
alienable rights and are made subject to the rule of
law. Regional stability and security are undermined
when individuals cannot avail themselves of their
right to a nationality and its concomitant rights and
obligations and are excluded from full participation
in civil society.

(2) The right to a nationality and citizenship is
therefore specifically protect in international declara-
tions and treaties, including Article 15 of the Uni-
versal Declaration of Human Rights, the 1954 Con-
vention Relating to the Status of Stateless Persons,
the 1961 Convention on the Reduction of Stateless-
ness, Article 24 of the International Covenant on
Civil and Political Rights, and Article 9(2) of the
Convention on the Elimination of Discrimination
Against Women.

(3) In the 21st century, the adverse effects of
de jure or de facto statelessness still impact at least
an estimated 11,000,000 million people worldwide,
who are unable to avail themselves of the rights of
free people everywhere to an effective nationality, to
the rights to legal residence, to travel, to work in the
formal economy or professions, to attend school, to
access basic health services, to purchase or own
property, to vote, or to hold elected office, and to enjoy the protection and security of a country.

(c) The United Nations.—

(1) Policy.—It shall be the policy of the United States that the President and the Permanent Representative of the United States to the United Nations work with the international community to increase political and financial support for the work of the United Nations High Commissioner for Refugees (UNHCR) to prevent and resolve problems related to de jure and de facto statelessness, and to promote the rights of the de jure or de facto stateless, by taking these and other actions:

(A) Increasing the attention of the United Nations and the UNHCR to de jure and de facto statelessness and increasing its capacity to reduce statelessness around the world by coordinating the mainstreaming of de jure and de facto statelessness into all of the United Nations human rights work, in cooperation with all relevant United Nations agencies.

(B) Urging United Nations country teams in countries with significant de jure or de facto stateless populations to devote increasing attention and resources to undertake coordinated ef-
forts by all United Nations offices, funds, and programs to bring about the full registration and documentation of all persons resident in the territory of each country, either as citizens or as individuals in need of international protection.

(C) Urging the creation of an Inter-Agency Task Force on Statelessness with representation from the UNHCR, the United Nations Children’s Fund (UNICEF), and other relevant United Nations agencies that will coordinate to increase agency awareness and information exchange on de jure and de facto statelessness to ensure a consistent and comprehensive approach to the identification of stateless groups and individuals and resolution of their status.

(D) Urging that nationality and de jure and de facto statelessness issues are addressed in all country reviews conducted by United Nations treaty bodies and relevant special mechanisms engaged in country visits, and pursuing creation of a standing mechanism within the United Nations to complement the work of the UNHCR in addressing issues of de jure and de
facto statelessness that give rise to urgent human rights or security concerns.

(E) Urging the UNHCR to include nationality and statelessness in all country-specific and thematic monitoring, reporting, training, and protection activities, and across special procedures, and to designate at least one human rights officer to monitor, report, and coordinate the office’s advocacy on nationality and de jure and de facto statelessness.

(F) Urging the United Nations to ensure that its work on trafficking includes measures to restore secure citizenship to trafficked women and girls, and to work with Member States to guarantee that national legislation gives women full and equal rights regarding citizenship.

(G) Urging the United Nations to increase its capacity to respond to the needs of de jure or de facto stateless individuals, particularly children, and to strengthen and expand the United Nations protection and assistance activities, particularly in field operations, to better respond to the wide range of protection and as-
sistance needs of de jure or de facto stateless
individuals.

(H) Urging the UNICEF to increase its
efforts to encourage all Member States of the
United Nations to permit full and easy access
to birth registration for all children born in
their territories, particularly in Member States
in which there are displaced populations, and
work with the UNHCR and Member States to
ensure the issuance of birth certificates to all
children born to refugees and displaced persons.

(2) Authorization of Appropriations.—
There is authorized to be appropriated $5,000,000
for each of fiscal years 2010 and 2011 to be made
available to improve the UNHCR’s assistance to de
jure or de facto stateless individuals. Such funds
may be used to—

(A) protect the rights, meet emergency hu-
manitarian needs, and provide assistance to de
jure or de facto stateless groups and individ-
uals;

(B) provide additional resources to—

(i) increase the number of protection
officers;
(ii) increase the number of professional staff in the statelessness unit; and

(iii) train protection officers and United Nations country teams in the field to identify, reduce, protect, and prevent de jure and de facto statelessness;

(C) improve identification of de jure or de facto stateless groups and individuals by carrying out a comprehensive annual study of the scope of de jure and de facto statelessness worldwide, including causes of de jure and de facto statelessness and dissemination of best practices for remediying de jure and de facto statelessness; and

(D) increase the United Nations educational and technical assistance programs to prevent de jure and de facto statelessness, including outreach to Member States and their legislatures, with particular emphasis on those countries determined to have protracted de jure or de facto statelessness situations.

(3) Authorization of Appropriations to the UNICEF.—There is authorized to be appropriated $3,000,000 for each of fiscal years 2010 and 2011 to augment to the UNICEF’s ability to aid
countries with significant de jure or de facto stateless populations to bring about the full registration of all children born to de jure or de facto stateless parents.

(d) THE UNITED STATES.—

(1) FOREIGN POLICY.—Given the importance of obtaining and preserving nationality and the protection of a government, and of preventing the exploitation or trafficking of de jure or de facto stateless groups or individuals, the President shall make the prevention and reduction of de jure or de facto statelessness an important goal of United States foreign policy and human rights efforts. Such efforts shall include—

(A) calling upon host countries to protect and assume responsibility for de jure or de facto stateless groups or individuals;

(B) working with countries of origin to facilitate the resolution of problems faced by de jure or de facto stateless groups or individuals;

(C) working with countries of origin and host countries to facilitate the resolution of disputes and conflicts that cause or result in the creation of de jure or de facto statelessness;
(D) encouraging host countries to afford de jure or de facto stateless groups or individuals the full protection of the 1954 Convention Relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness and all relevant international conventions;

(E) directing the Secretary of State to provide assistance to countries to prevent and resolve situations of de jure or de facto statelessness and to prevent the trafficking or exploitation of de jure or de facto stateless individuals;

(F) directing the Office of Trafficking in Persons of the Department of State to continue to document and analyze the effects of statelessness on trafficking in persons, both as a cause of trafficking and as an obstacle to reaching and assisting trafficked persons; and

(G) encouraging and facilitating the work of nongovernmental organizations in the United States and abroad that provide legal and humanitarian support to de jure or de facto stateless groups or individuals, to increase the access of de jure or de facto stateless groups or indi-
individuals to such organizations, and to encourage
other governments to provide similar support
and access.

(2) UNITED STATES ACTIVITIES.—

(A) IN GENERAL.—Given the importance
of preventing new instances of de jure or de
facto statelessness and the trafficking of de jure
or de facto stateless individuals, and of pro-
tecting the human rights of de jure or de facto
stateless individuals, the President shall submit
to the Committee on Foreign Affairs and the
Committee on the Judiciary of the House of
Representatives and the Committee on Foreign
Relations and the Committee on the Judiciary
of the Senate a report that includes the fol-
lowing:

(i) A list of countries and territories
with significant de jure or de facto state-
less populations under their jurisdictions
and the conditions and consequences of
such de jure or de facto statelessness of
such individuals.

(ii) United States international efforts
to prevent further de jure or de facto
statelessness and encourage the granting
of full legal protection of the human rights of de jure or de facto stateless individuals.

(B) Statement of Policy.—It shall be the policy of the United States to comply with the principles and provisions of the 1954 Convention Relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness to the fullest extent possible and to encourage other countries to do so as well.

(C) Actions by Secretary of State.—

(i) Increase in Resources and Staff.—The Secretary of State shall permanently increase in the Bureau of Population, Refugees, and Migration in the Department of State the resources dedicated to and staff assigned to work toward the prevention and resolution of de jure and de facto statelessness and the protection of de jure or de facto stateless individuals.

(ii) Coordination.—To coordinate United States policies toward combating de jure and de facto statelessness, the Secretary of State shall establish an Interagency Working Group to Combat State-
lessness. This working group should include representatives of the Bureau of Population, Refugees and Migration, the Bureau of International Organizations, the Bureau of Democracy, Human Rights and Labor, the Office of Trafficking in Persons of the Department of State, and the United States Agency for International Development, as well as representatives from relevant offices of the Department of Justice and relevant offices of the Department of Homeland Security.

(D) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this subsection.

SEC. 1105. STATEMENT OF POLICY REGARDING THE ECUMENICAL PATRIARCHATE.

It shall be the policy of the United States to urge Turkey to—

(1) eliminate all forms of discrimination, particularly discrimination based on race or religion;

(2) grant the Ecumenical Patriarchate appropriate international recognition and ecclesiastic succession; and
(3) grant the Ecumenical Patriarchate the right
to train clergy of all nationalities, not just Turkish
nationals.

SEC. 1106. TRANSFER OF LIQUIDATED ASSETS OF CERTAIN
ENTERPRISE FUNDS TO LEGACY INSTITU-
TIONS.

(a) TRANSFER OF LIQUIDATED ASSETS.—The Presi-
dent, acting through the Administrator of the United
States Agency for International Development, shall in-
struct each Enterprise Fund described in subsection (b)
to make available to the legacy institution of the Enter-
prise Fund all assets resulting from the liquidation, dis-
solution, or winding up of the Enterprise Fund, in whole
or in part.

(b) ENTERPRISE FUNDS DESCRIBED.—The Enter-
prise Funds described in this subsection are the following:

(1) The U.S. Russia Investment Fund and the
Western Newly Independent States Enterprise Fund
established pursuant to section 498B(c) of the For-
eign Assistance Act of 1961 (22 U.S.C. 2295b(c)).

(2) The Albanian-American Enterprise Fund,
the Baltic-American Enterprise Fund, the Czech and
Slovak American Enterprise Fund, the Hungarian-
American Enterprise Fund, and the Romanian
American Enterprise Fund established pursuant to
section 201 of the Support for East European Democ-
3
SEC. 1107. LIMITATION ON ASSISTANCE FOR HURRICANE
4 PREPAREDNESS AND OTHER WEATHER CO-
5 OPERATION ACTIVITIES TO COUNTRIES IN
6 THE AMERICAS.
(a) SENSE OF CONGRESS.—It is the sense of Con-
7 gress that the United States should facilitate international
8 cooperation on hurricane preparedness because—
9 (1) hundreds of millions of people in the Amer-
10 icas live in coastal communities and are susceptible
11 to the immense risks posed by hurricanes;
12 (2) the need for hurricane tracking overflights
13 and other weather cooperation activities to track and
14 monitor hurricanes in the Americas is acute; and
15 (3) accurate hurricane forecasts can help pre-
16 vent the loss of life and injury and reduce property
17 loss and economic disruption.
(b) REPORT.—
19 (1) IN GENERAL.—Not later than 180 days
20 after the date of the enactment of this Act, the Sec-
21 retary of State shall transmit to the appropriate
22 congressional committees a report on the status of
23 United States cooperation with other countries in
the Americas on hurricane preparedness and other weather cooperation activities.

(2) Matters to be included.—The report required under paragraph (1) shall include—

(A) a list of countries in the Americas that do not cooperate with the United States on hurricane preparedness and other weather cooperation activities; and

(B) the status of any negotiations regarding hurricane preparedness and other weather cooperation activities between the United States and countries listed in subparagraph (A).

(c) Limitation on assistance.—The Secretary of State may not provide assistance for hurricane preparedness and other weather cooperation activities to countries listed in the report under subsection (b)(2)(A).

(d) Waiver.—The Secretary of State may waive the limitation on assistance requirements under subsection (c) if the Secretary of State certifies to the appropriate congressional committees that the waiver is in the national interest of the United States.

SEC. 1108. STATEMENT OF CONGRESS REGARDING AFGHAN WOMEN.

Congress—
(1) supports the decision by President Hamid Karzai of Afghanistan to submit for review the Shi'ite Personal Status Law and strongly urges him not to publish such law on the grounds that such law violates the basic human rights of women and is inconsistent with the Constitution of Afghanistan;

(2) urges President Karzai, the Ministry of Justice, and other parties involved in reviewing the law to formally declare as unconstitutional the provisions of such law regarding marital rape and restrictions on women’s freedom of movement;

(3) reiterates its strong sense that the provisions in such law which restrict the rights of women should be removed, and that an amended draft of the Shi’ite Personal Status Law should be submitted for parliamentary review;

(4) encourages the Secretary of State, the Special Representative for Afghanistan and Pakistan, the Ambassador-at-Large for Global Women’s Issues, and the United States Ambassador to Afghanistan to consider and address the status of women’s rights and security in Afghanistan to ensure that such rights are not being eroded through unjust laws, policies, or institutions; and
(5) encourages the Government of Afghanistan
to solicit information and advice from the Ministry
of Justice, the Ministry for Women’s Affairs, the Af-
ghanistan Independent Human Rights Commission,
and women-led nongovernmental organizations to
ensure that current and future legislation and offi-
cial policies protect and uphold the equal rights of
women, including through national campaigns to
lead public discourse on the importance of women’s
status and rights to the overall stability of Afghani-
stan.

SEC. 1109. GLOBAL PEACE OPERATIONS INITIATIVE PRO-
GRAMS AND ACTIVITIES.

(a) FINDINGS.—Congress makes the following find-
ings:

(1) Over 100,000 military and civilian per-
sonnel are engaged in 18 United Nations peace-
keeping operations around the world. Peacekeeping
operations are critical to maintaining a peaceful and
stable international environment.

(2) The United States has a vital interest in en-
suring that United Nations peacekeeping operations
are successful. Countries undergoing conflict threat-
en the national and economic security of the United
States, risk becoming safe havens for terrorist orga-
nizations, and often feature levels of human rights abuses and human deprivation that are an affront to the values of the American people.

(3) Over the years, United Nations peacekeeping has evolved to meet the demands of different conflicts and a changing political landscape. Today’s peacekeeping mission is most often “multi-dimensional” and includes a wide variety of complex tasks such as civilian protection, helping to build sustainable institutions of governance, human rights monitoring, security sector reform, facilitating delivery of humanitarian relief and disarmament, demobilization and reintegration of former combatants.

(4) United Nations peacekeeping operations allow the United States to respond to global crises within a multilateral framework with costs shared among nations. A 2007 Government Accountability Office report found that in general a United States peacekeeping operation is likely to be “much more expensive” than a United Nations peacekeeping operation, regardless of location.

(5) In many missions due to vast swaths of terrain and limited infrastructure, ongoing low-intensity fighting, and the presence of “peace spoilers”, United Nations peacekeepers cannot carry out the
complex tasks with which they are charged without critical enablers, and in particular air assets.

(6) The United Nations Secretary-General has repeatedly noted the deleterious impact of insufficient helicopters for peacekeeping missions in Darfur and the Democratic Republic of the Congo. History has shown that under-resourced peacekeeping troops are not only unable to carry out their mandates, they erode the credibility of the United Nations and are themselves likely to come under attack.

(7) Senate Resolution 432 and House Resolution 1351 of the 110th Congress—

(A) urged members of the international community, including the United States, that possessed the capability to provide tactical and utility helicopters needed for the United Nations-African Union Mission in Darfur (UNAMID) to do so as soon as possible; and

(B) urged the President to intervene personally by contacting other heads of state and asking them to contribute the aircraft and crews to the Darfur mission.

(8) The current framework of relying on member countries to provide air assets on a volunteer basis has not yielded sufficient results. The United
Nations still faces a shortfall of over 50 helicopters for UNAMID, the Democratic Republic of Congo (MONUC), and the Republic of Chad (MINURCAT). A review of trend lines suggests that any new United Nations peacekeeping missions authorized within the next five to seven years would face similar shortfalls.

(9) Numerous studies and reports have determined that there is no global shortage of air assets. It is inexcusable to allow authorized United Nations peacekeeping missions to founder for the lack of critical mobility capabilities.

(b) PURPOSE.—The purpose of assistance authorized by this section is to help protect civilians by training and equipping peacekeepers worldwide, to include financing the refurbishment of helicopters.

(c) USE OF FUNDS.—

(1) IN GENERAL.—The Secretary of State is authorized to use amounts authorized to be appropriated to carry out this section to provide funding to carry out and expand Global Peace Operations Initiative programs and activities. Such programs and activities shall include—

(A) training and equipping peacekeepers worldwide, with a particular focus on Africa;
(B) enhancing the capacity of regional and sub-regional organizations to plan, train for, manage, conduct, sustain and obtain lessons-learned from peace support operations;

(C) carrying out a clearinghouse function to exchange information and coordinate G–8 efforts to enhance peace operations;

(D) providing transportation and logistics support for deploying peacekeepers;

(E) developing a cached equipment program to procure and warehouse equipment for use in peace operations globally;

(F) providing support to the international Center of Excellence for Stability Police Units (COESPU) in Italy to increase the capabilities and interoperability of stability police to participate in peace operations;

(G) conducting sustainment and self-sufficiency activities in support of the objectives described in subparagraphs (A) through (F) with a focus on assisting partners to sustain proficiencies gained in training programs; and

(H) financing the refurbishment of helicopters in preparation for their deployment to United Nations peacekeeping operations or to
regional peacekeeping operations which have
been approved by the United Nations Security
Council.

(2) SENSE OF CONGRESS.—It is the sense of
Congress that failure on the part of the inter-
national community to take all steps necessary to
deploy and maintain fully capacitated United Na-
tions peacekeeping operations will result in contin-
ued loss of life and human suffering. Therefore, in
carrying out this section, the Secretary of State
should prioritize the refurbishment of helicopters
with a goal of participating in the financing of no
fewer than three helicopter refurbishments by the
end of fiscal year 2011.

(3) SUPPORT FROM OTHER COUNTRIES.—In
providing funding under paragraph (1), the Sec-
retary of State shall to the greatest extent possible
seek to leverage such funding with financing from
other countries.

(d) REPORT.—

(1) IN GENERAL.—Not later than 180 days
after the date of the enactment of this Act and one
year thereafter, the Secretary of State shall submit
to the appropriate congressional committees a report
on the activities of the United States Government to carry out the provisions of this section.

(2) CONTENTS.—The report required under paragraph (1) shall include—

(A) a description of the Global Peace Operations Initiative programs and activities undertaken, by country;

(B) a description of the funds obligated and expended in each country, by program and fiscal year;

(C) a description of the coordination of these efforts within the United States Government interagency process and with other nations along with any recommendations for improvements;

(D) a description of the GPOI’s activities concerning the refurbishment of air assets for United Nations peacekeeping operations and regional peacekeeping operations that have been approved by the United Nations Security Council;

(E) data measuring the quality of the training and proficiency of the trainees program-wide;
(F) data on the training and deployment activities of graduates of the international Center of Excellence for Stability Police Units (COESPU) in their home countries;

(G) a description of vetting activities for all GPOI training to ensure that all individuals in composite units are vetted for human rights violations;

(H) data measuring the timeliness of equipment delivery and recommendations for improvement as appropriate; and

(I) description of how GPOI trainees and GPOI-provided equipment contribute to improved civilian protection in peace operations.

(c) Authorization of Appropriations.—There is authorized to be appropriated such sums as may be necessary for each of fiscal years 2010 and 2011 to carry out this section.

(f) Definition.—In this section, the term “Global Peace Operations Initiative” or “GPOI” means the program established by the Department of State to address major gaps in international peace operations support, including by building and maintaining capability, capacity, and effectiveness of peace operations.
SEC. 1110. FREEDOM OF THE PRESS.

(a) SHORT TITLE.—This section may be cited as the “Daniel Pearl Freedom of the Press Act of 2009”.

(b) INCLUSION OF ADDITIONAL INFORMATION RELATING TO FREEDOM OF THE PRESS WORLDWIDE IN ANNUAL COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES.—The Foreign Assistance Act of 1961 is amended—

(1) in section 116(d) (22 U.S.C. 2151n(d)), as amended by section 333(d) of this Act—

(A) in paragraph (11), by striking “and” at the end; and

(B) in paragraph (12), by striking the period at the end and inserting “; and”; and

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

“(13) wherever applicable—

“(A) a description of the status of freedom of the press, including initiatives in favor of freedom of the press and efforts to improve or preserve, as appropriate, the independence of the media, together with an assessment of progress made as a result of those efforts;

“(B) an identification of countries in which there were violations of freedom of the press, including direct physical attacks, imprisonment,
indirect sources of pressure, and censorship by
governments, military, intelligence, or police
forces, criminal groups, or armed extremist or
rebel groups; and

“(C) in countries where there are particu-
larly severe violations of freedom of the press—

“(i) whether government authorities
of each such country participate in, facili-
tate, or condone such violations of the free-
dom of the press; and

“(ii) what steps the government of
each such country has taken to preserve
the safety and independence of the media,
and to ensure the prosecution of those in-
dividuals who attack or murder journal-
ists.”; and

(2) in section 502B (22 U.S.C. 2304), by add-
ing at the end the following new subsection:

“(i) The report required by subsection (b) shall in-
clude, wherever applicable—

“(1) a description of the status of freedom of
the press, including initiatives in favor of freedom of
the press and efforts to improve or preserve, as ap-
propriate, the independence of the media, together
with an assessment of progress made as a result of those efforts;

“(2) an identification of countries in which there were violations of freedom of the press, including direct physical attacks, imprisonment, indirect sources of pressure, and censorship by governments, military, intelligence, or police forces, criminal groups, or armed extremist or rebel groups; and

“(3) in countries where there are particularly severe violations of freedom of the press—

“(A) whether government authorities of each such country participate in, facilitate, or condone such violations of the freedom of the press; and

“(B) what steps the government of each such country has taken to preserve the safety and independence of the media, and to ensure the prosecution of those individuals who attack or murder journalists.”.

(c) FREEDOM OF THE PRESS GRANT PROGRAM.—

(1) IN GENERAL.—The Secretary of State shall administer a grant program with the aim of promoting freedom of the press worldwide. The grant program shall be administered by the Department of State’s Bureau of Democracy, Human Rights and
Labor in consultation with the Undersecretary for Public Affairs and Public Diplomacy.

(2) AMOUNTS AND TIME.—Grants may be awarded to nonprofit and international organizations and may span multiple years, up to five years.

(3) PURPOSE.—Grant proposals should promote and broaden press freedoms by strengthening the independence of journalists and media organizations, promoting a legal framework for freedom of the press, or through providing regionally and culturally relevant training and professionalization of skills to meet international standards in both traditional and digital media.

(d) MEDIA ORGANIZATION DEFINED.—In this section, the term “media organization” means a group or organization that gathers and disseminates news and information to the public (through any medium of mass communication) in a foreign country in which the group or organization is located, except that the term does not include a group or organization that is primarily an agency or instrumentality of the government of such foreign country. The term includes an individual who is an agent or employee of such group or organization who acts within the scope of such agency or employment.
(c) Authorization of Appropriations.—There is authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 1111. INFORMATION FOR COUNTRY COMMERCIAL GUIDES ON BUSINESS AND INVESTMENT CLIMATES.

(a) In General.—The Director General of the Foreign Commercial Service, in consultation with the Assistant Secretary of Commerce for Trade Promotion and the Assistant Secretary of State for Economic, Energy and Business Affairs, should ensure that the annual Country Commercial Guides for United States businesses include—

(1) detailed assessments concerning each foreign country in which acts of unfair business and investment practices or other actions that have resulted in poor business and investment climates were, in the opinion of the Director General of the Foreign Commercial Service, of major significance;

(2) all relevant information about such unfair business and investment practices or other actions during the preceding year by members of the business community, the judiciary, and the government of such country which may have impeded United States business or investment in such country, in-
cluding the capacity for United States citizens to operate their businesses without fear of reprisals; and

(3) information on—

(A) the extent to which the government of such country is working to prevent unfair business and investment practices; and

(B) the extent of United States Government action to prevent unfair business and investment practices or other actions that harm United States business or investment interests in relevant cases in such country.

(b) ADDITIONAL PROVISIONS TO BE INCLUDED.—

The information required under subsection (a) should, to the extent feasible, include—

(1) with respect to paragraph (1) of such subsection—

(A) a review of the efforts undertaken by each foreign country to promote a healthy business and investment climate that is also conducive to the United States business community and United States investors, including, as appropriate, steps taken in international fora;

(B) the response of the judicial and local arbitration systems of each such country that is the subject of such detailed assessment with re-
spect to matters relating to the business and investment climates affecting United States citizens and entities, or that have, in the opinion of the Director General of the Foreign Commercial Service, a significant impact on United States business and investment efforts; and

(C) each such country’s access to the United States market;

(2) with respect to paragraph (2) of such subsection—

(A) any actions undertaken by the government of each foreign country that prevent United States citizens and businesses from receiving equitable treatment;

(B) actions taken by private businesses and citizens of each such country against members of the United States business community and United States investors;

(C) unfair decisions rendered by the legal systems of each such country that clearly benefit State and local corporations and industries; and

(D) unfair decisions rendered by local arbitration panels of each such country that do not exemplify objectivity and do not provide an eq-
uitable ground for United States citizens and
businesses to address their disputes; and
(3) with respect to paragraph (3) of such sub-
section, actions taken by the United States Govern-
ment to—

(A) promote the rule of law;
(B) prevent discriminatory treatment of
United States citizens and businesses engaged
in business or investment activities in each for-

ty
(C) allow United States goods to enter
each such country without requiring a co-pro-
duction agreement; and
(D) protect United States intellectual
property rights.
(e) CONSULTATION.—In carrying out this section, the
Director General of the Foreign Commercial Service shall
consult with business leaders, union leaders, representa-
tives of the judicial system of each foreign country de-
scribed in subsection (a), and relevant nongovernmental
organizations.

(d) BUSINESS AND INVESTMENT CLIMATE WARN-
ings.—The Secretary of State, with the assistance of the
Assistant Secretary of State for Economic, Energy and
Business Affairs, as well as the Assistant Secretary of
Commerce for Trade Promotion and the Director General of the Foreign Commercial Service, shall establish a warning system that effectively alerts United States businesses and investors of—

(1) a significant deterioration in the business and investment climate in a foreign country, including discriminatory treatment of United States businesses; or

(2) a significant constraint on the ability of the United States Government to assist United States businesses and investors in a foreign country, such as to the closure of a United States diplomatic or consular mission, that is not explained in the most recent Country Commercial Guide for such country.

(e) DEFINITIONS.—In this section:

(1) CO-PRODUCTION AGREEMENT.—The term “co-production agreement” means a United States Government or United States business working with a foreign government, foreign company, or an international organization to produce or manufacture an item.

(2) RULE OF LAW.—The term “rule of law” means the extent to which laws of a foreign country are publicly promulgated, equally enforced, inde-
pendently adjudicated, and are consistent with international norms and standards.

(3) **UNFAIR BUSINESS AND INVESTMENT PRACTICES.**—The term “unfair business and investment practices” includes any of the following:

(A) Unlawful actions under international law or the law of the foreign country taken by the government of such country or by businesses, citizens, or other entities of such country that have resulted in lost assets, contracts, or otherwise contributed to an inhospitable business or investment climate.

(B) Discriminatory treatment of United States businesses, whether wholly or partially owned.

(C) Failure to protect intellectual property rights.

(D) Requiring a co-production agreement in order for goods from the United States to enter a foreign country.

**SEC. 1112. INTERNATIONAL PROTECTING GIRLS BY PREVENTING CHILD MARRIAGE.**

(a) **SENSE OF CONGRESS.**—It is the sense of Congress that—
(1) child marriage is a violation of human rights and the prevention and elimination of child marriage should be a foreign policy goal of the United States;

(2) the practice of child marriage undermines United States investments in foreign assistance to promote education and skills building for girls, reduce maternal and child mortality, reduce maternal illness, halt the transmission of HIV/AIDS, prevent gender-based violence, and reduce poverty; and

(3) expanding educational opportunities for girls, economic opportunities for women, and reducing maternal and child mortality are critical to achieving the Millennium Development Goals and the global health and development objectives of the United States, including efforts to prevent HIV/AIDS.

(b) Strategy To Prevent Child Marriage in Developing Countries.—

(1) Strategy Required.—The President, acting through the Secretary of State, shall establish a multi-year strategy to prevent child marriage in developing countries and promote the empowerment of girls at risk of child marriage in developing countries, including by addressing the unique needs,
vulnerabilities, and potential of girls under 18 in develop-

ing countries.

(2) CONSULTATION.—In establishing the strategy required by paragraph (1), the President shall consult with Congress, relevant Federal departments and agencies, multilateral organizations, and rep-
resentatives of civil society.

(3) ELEMENTS.—The strategy required by paragraph (1) shall—

(A) focus on areas in developing countries with high prevalence of child marriage; and

(B) encompass diplomatic initiatives be-

tween the United States and governments of developing countries, with attention to human rights, legal reforms and the rule of law, and programmatic initiatives in the areas of edu-

cation, health, income generation, changing so-

cial norms, human rights, and democracy build-

ing.

(4) REPORT.—Not later than 180 days after the date of the enactment of this Act, the President shall transmit to Congress a report that includes—

(A) the strategy required by paragraph (1);
(B) an assessment, including data
disaggregated by age and gender to the extent
possible, of current United States-funded ef-
forts to specifically assist girls in developing
countries; and

(C) examples of best practices or programs
to prevent child marriage in developing coun-
tries that could be replicated.

(e) RESEARCH AND DATA COLLECTION.—The Sec-
retary of State shall work with relevant Federal depart-
ments and agencies as part of their ongoing research and
data collection activities, to—

(1) collect and make available data on the inci-
dence of child marriage in countries that receive for-
eign or development assistance from the United
States where the practice of child marriage is preva-
 lent; and

(2) collect and make available data on the im-
pact of the incidence of child marriage and the age
at marriage on progress in meeting key development
goals.

(d) DEPARTMENT OF STATE’S COUNTRY REPORTS
ON HUMAN RIGHTS PRACTICES.—The Foreign Assistance
Act of 1961 is amended—
(1) in section 116 (22 U.S.C. 2151n), by adding at the end the following new subsection:

“(g) The report required by subsection (d) shall include for each country in which child marriage is prevalent at rates at or above 40 percent in at least one sub-national region, a description of the status of the practice of child marriage in such country. In this subsection, the term ‘child marriage’ means the marriage of a girl or boy, not yet the minimum age for marriage stipulated in law in the country in which such girl or boy is a resident.”; and

(2) in section 502B (22 U.S.C. 2304), as amended by section 1111(b)(2) of this Act, is further amended by adding at the end the following new subsection:

“(j) The report required by subsection (b) shall include for each country in which child marriage is prevalent at rates at or above 40 percent in at least one sub-national region, a description of the status of the practice of child marriage in such country. In this subsection, the term ‘child marriage’ means the marriage of a girl or boy, not yet the minimum age for marriage stipulated in law in the country in which such girl or boy is a resident.”.

(e) Definition.—In this section, the term “child marriage” means the marriage of a girl or boy, not yet
the minimum age for marriage stipulated in law in the
country in which the girl or boy is a resident.

(f) Authorization of Appropriations.—Of the amounts authorized to be appropriated pursuant to section 101 of this Act, there is authorized to be appropriated as such sums as necessary for fiscal years 2010 through 2011 to carry out this section and the amendments made by this section.

SEC. 1113. STATEMENT OF CONGRESS REGARDING RETURN OF PORTRAITS OF HOLOCAUST VICTIMS TO ARTIST DINA BABBITT.

(a) Findings.—Congress finds the following:

(1) Dina Babbitt (formerly known as Dinah Gottliebova), a United States citizen, has requested the return of watercolor portraits she painted while suffering a 1 1/2-year-long internment at the Auschwitz death camp during World War II.

(2) Dina Babbitt was ordered to paint the portraits by the infamous war criminal Dr. Josef Mengele.

(3) Dina Babbitt’s life, and her mother’s life, were spared only because she painted portraits of doomed inmates of Auschwitz-Birkenau, under orders from Dr. Josef Mengele.
(4) These paintings are currently in the possession of the Auschwitz-Birkenau State Museum.

(5) Dina Babbitt is the rightful owner of the artwork, because the paintings were produced by her own talented hands as she endured the unspeakable conditions that existed at the Auschwitz death camp.

(6) This continued injustice can be righted through cooperation between agencies of the United States and Poland.

(7) This issue was raised in the Foreign Relations Authorization Act, Fiscal Year 2003 (Public Law 107–228).

(b) STATEMENT OF CONGRESS.—Congress—

(1) continues to recognize the moral right of Dina Babbitt to obtain the artwork she created, and recognizes her courage in the face of the evils perpetrated by the Nazi command of the Auschwitz-Birkenau death camp, including the atrocities committed by Dr. Josef Mengele;

(2) urges the President to make all efforts necessary to retrieve the seven watercolor portraits Dina Babbitt painted, while suffering a 1 1⁄2-year-long internment at the Auschwitz death camp, and return them to her;
(3) urges the Secretary of State to make immediate diplomatic efforts to facilitate the transfer of the seven original watercolors painted by Dina Babbitt from the Auschwitz-Birkenau State Museum to Dina Babbitt, their rightful owner;

(4) urges the Government of Poland to immediately facilitate the return to Dina Babbitt of the artwork painted by her that is now in the possession of the Auschwitz-Birkenau State Museum; and

(5) urges the officials of the Auschwitz-Birkenau State Museum to transfer the seven original paintings to Dina Babbitt as expeditiously as possible.

SEC. 1114. STATEMENT OF POLICY REGARDING SOMALIA.

(a) STATEMENT OF POLICY.—It shall be the policy of the United States to—

(1) advance long-term stability and peace in Somalia;

(2) provide assistance to the government of Somalia and nongovernmental organizations, including Somali-led nongovernmental organizations, and particularly women’s groups, as appropriate;

(3) support efforts to establish democratic civil authorities and institutions in Somalia that reflect local and traditional structures, built on the rule of
law and respect for human rights, and strengthen
the security sector; and

(4) support reconciliation efforts in Somalia in
order to ensure lasting peace.

(b) Sense of Congress.—It is the sense of Con-
gress that the President, acting through the Secretary of
State, should develop a comprehensive policy in coordina-
tion with the international community and the government
of Somalia that aligns humanitarian, development, eco-
nomic, political, counterterrorism, anti-piracy, and re-
gional strategies in order to bring about peace and sta-

Subtitles B—Sense of Congress
Provisions

Sec. 1121. Promoting Democracy and Human Rights
In Belarus.

(a) Findings.—Congress finds the following:

(1) Despite some modest improvements, notably
the release of political prisoners, the Belarusian Gov-
ernment’s human rights and democracy record re-
mains poor as governmental authorities continue to
commit frequent serious abuses.

(2) Since 1996, President Alexander
Lukashenka has consolidated his power over all in-
stitutions and undermined the rule of law through authoritarian means.

(3) Belarus restricts civil liberties, including freedoms of press, speech, assembly, association, and religion. Nongovernmental organizations and political parties are subject to harassment, fines, prosecution, and closure. The Belarusian Government maintains a virtual monopoly over the country’s information space.

(b) POLICY.—It is the policy of the United States to—

(1) support the aspirations of the people of Belarus for democracy, human rights, and the rule of law;

(2) support the aspirations of the people of Belarus to preserve the independence and sovereignty of their country;

(3) seek and support the growth of democratic movements and institutions in Belarus as well the development of a democratic political culture and civil society;

(4) seek and support the growth of an open market economy in Belarus through the development of entrepreneurship and protection of property rights; and
(5) remain open to re-evaluating United States policy toward Belarus, including existing sanctions, as warranted by demonstrable democratic and human rights progress made by the Belarusian Government.

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

(1) the United States should furnish assistance to Belarus to the support democratic processes in that country, including—

(A) expanding and facilitating the development of independent print, radio, television, and internet broadcasting to and within Belarus;

(B) aiding the development of civil society through assistance to nongovernmental organizations promoting democracy and supporting human rights, including youth groups, entrepreneurs, and independent trade unions;

(C) supporting the work of human rights defenders;

(D) enhancing the development of democratic political parties;

(E) assisting the promotion of free, fair, and transparent electoral processes;
(F) enhancing international exchanges, including youth and student exchanges, as well as advanced professional training programs for leaders and members of the democratic forces in skill areas central to the development of civil society; and

(G) supporting educational initiatives such as the European Humanities University, a Belarusian university in exile based in Vilnius, Lithuania; and

(2) the United States should support radio, television, and internet broadcasting to the people of Belarus in languages spoken in Belarus, including broadcasting by Radio Free Europe/Radio Liberty, European Radio for Belarus, and Belsat.

SEC. 1122. SENSE OF CONGRESS ON THE HUMANITARIAN SITUATION IN SRI LANKA.

It is the sense of Congress that—

(1) both the Liberation Tigers of Tamil Eelam (LTTE) and the Government of Sri Lanka must abide by their commitments to respect human life and cease offensive operations;

(2) the United States Government remains deeply concerned about the current danger to civil-
ian lives and the dire humanitarian situation created by the fighting in the Mullaittivu area in Sri Lanka;

(3) the United States should call upon the Government and military of Sri Lanka and the LTTE to allow a humanitarian pause sufficient for the tens of thousands of civilians in the conflict area to escape the fighting;

(4) both sides must respect the right of free movement of those civilian men, women and children trapped by the fighting;

(5) the LTTE must immediately allow civilians to depart;

(6) the LTTE should then lay down their arms to a neutral third party;

(7) the Government of Sri Lanka should allow the United Nations High Commission for Refugees (UNHCR) and the International Committee of the Red Cross (ICRC) access to all sites where newly arrived displaced persons are being registered or being provided shelter, as well as to implement established international humanitarian standards in the camps for internally displaced persons;

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

(9) the Government of Sri Lanka should put forward a timely and credible proposal to engage its Tamil community who do not espouse violence or terrorism, and to develop power sharing arrangements so that lasting peace and reconciliation can be achieved.

SEC. 1123. WEST PAPUA.

(a) FINDINGS.—Congress finds the following:

(1) West Papua was a former Dutch colony just as East Timor was a former Portuguese colony just as Indonesia was a former colony of the Netherlands.

(2) In 1949, the Dutch granted independence to Indonesia and retained West Papua.

(3) In 1950, the Dutch prepared West Papua for independence.

(4) However, Indonesia, upon achieving independence, demanded the entire archipelago including the Dutch holding of West Papua and the Portuguese controlled territory of East Timor.

(5) In 1962, the United States mediated an agreement between the Dutch and Indonesia. Under terms of the agreement, the Dutch were to leave
West Papua and transfer sovereignty to the United Nations after which time a national election would be held to determine West Papua’s political status. But almost immediately after this agreement was reached, Indonesia violated the terms of the transfer and took over the administration of West Papua from the United Nations.

(6) Indonesia then orchestrated an election that many regarded as a brutal military operation. In what became known as an “act of no-choice”, 1,025 West Papua elders under heavy military surveillance were selected to vote on behalf of more than 800,000 West Papuans on the territory’s political status. The United Nations Representative sent to observe the election process produced a report which outlined various and serious violations of the United Nations Charter. In spite of the report and in spite of testimonials from the press, the opposition of fifteen countries, and the cries of help from the Papuans themselves, West Papua was handed over to Indonesia in November 1969.

(7) Since this time, the Papuans have suffered blatant human rights abuses including extrajudicial executions, imprisonment, torture, environmental degradation, natural resource exploitation and com-
mmercial dominance of immigrant communities and it is now estimated that more than 100,000 West Papuans and 200,000 East Timorese died as a direct result of Indonesian rule especially during the administrations of military dictators Sukarno and Suharto.

(8) Today, the violence continues. In its 2004 Country Reports on Human Rights Practices the Department of State reports that Indonesia “security force members murdered, tortured, raped, beat and arbitrarily detained civilians and members of separatist movements especially in Papua”.

(9) In response to international pressure, Indonesia has promised to initiate Special Autonomy for West Papua.

(10) Considering that East Timor achieved independence from Indonesia in 2002 by way of a United Nations sanctioned referendum, Special Autonomy may be an effort to further disenfranchise a people who differ racially from the majority of Indonesians.

(11) West Papuans are Melanesian and believed to be of African descent.

(b) Reports.—
(1) Secretary of State.—For fiscal year 2010, the Secretary of State shall submit to the appropriate congressional committees a report on the 1969 Act of Free Choice, the current political status of West Papua, and the extent to which the Government of Indonesia has implemented and included the leadership and the people of West Papua in the development and administration of Special Autonomy.

(2) President.—For each of fiscal years 2010 and 2011, the President shall transmit to the appropriate congressional committees a report that contains a description of the extent to which the Government of Indonesia has certified that it has halted human rights abuses in West Papua.

**SEC. 1124. SENSE OF CONGRESS RELATING TO SOVIET NUCLEAR TESTS AND KAZAKHSTAN’S COMMITMENT TO NONPROLIFERATION.**

(a) Findings.—Congress finds the following:

(1) In 1991, immediately after achieving independence, Kazakhstan closed and sealed the world’s second largest nuclear test site in Semipalatinsk which had been inherited from the former Soviet Union and at which more than 500 nuclear tests had been conducted from 1949 to 1991.
(2) The cumulative power of explosions from those tests, conducted above ground, on the ground, and underground is believed to be equal to the power of 20,000 explosions of the type of bomb dropped on Hiroshima, Japan, in 1945.

(3) More than 1,500,000 people in Kazakhstan suffered because of decades of Soviet nuclear weapons testing in the region.

(4) A horrifying array of disease will continue to destroy the lives of hundreds of thousands and their descendants for many generations to come as a result of these tests.

(5) Since its independence, Kazakhstan has constructed a stable and peaceful state, voluntarily disarmed the world’s fourth largest nuclear arsenal, joined the Strategic Arms Reduction Treaty (START), and within the frameworks of the Cooperative Threat Reduction program the government of Kazakhstan, in cooperation with the United States Government, conducted a very successful secret operation, code-named Project Sapphire, as a result of which 581 kilograms (1,278 pounds) of highly enriched uranium enough to produce 20–25 nuclear warheads were removed from Kazakhstan.
(6) Because of the successful cooperation between the Governments of the United States and Kazakhstan, the last lethal weapon was removed from Kazakhstan in April 1995.

(7) Kazakhstan, allegiant to its commitment to nonproliferation, in December 2004 signed with the United States an amendment to the bilateral agreement on the nonproliferation of weapons of mass destruction which will move the two nations towards a new level of cooperation in preventing the threat of bio-terrorism.

(8) By its actions, Kazakhstan has proven itself not only as a universally recognized leader and one of the key members in the nonproliferation process, but also as a reliable and consistent ally of the United States in reducing nuclear threats and preventing lethal weapons from being acquired by terrorist organizations such as Al-Qaeda.

(9) Recently Kazakhstan has also offered to host an international nuclear fuel bank where low-enriched uranium would be stored in accordance with the highest international standards for safety, security, and safeguards.
(10) The Norwegian Defence Research Establishment is also working with Kazakhstan to strengthen nuclear security and nonproliferation.

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

(1) the people of Kazakhstan and its Government should be congratulated for their commitment to nonproliferation and their leadership in offering to host an international nuclear fuel bank; and

(2) the Secretary of State should work to establish a joint working group with the Governments of Kazakhstan and Norway to explore common challenges and opportunities on disarmament and non-proliferation, and to assist in assessing the environmental damage and health effects caused by Soviet nuclear testing in Semipalatinsk.

SEC. 1125. SENSE OF CONGRESS ON HOLOCAUST-ERA PROPERTY RESTITUTION AND COMPENSATION.

It is the sense of Congress that—

(1) countries in Central and Eastern Europe which have not already done so must return looted and confiscated properties to their rightful owners or, where restitution is not possible, pay equitable compensation, in accordance with principles of jus-
tice and in an expeditious manner that is transparent and fair;

(2) countries in Central and Eastern Europe must enact and implement appropriate restitution and compensation legislation to facilitate private, communal, and religious property restitution; and

(3) countries in Central and Eastern Europe must ensure that such restitution and compensation legislation establishes a simple, transparent, and timely process, so that such process results in a real benefit to those individuals who suffered from the unjust confiscation of their property.