

111TH CONGRESS
1ST SESSION

H. R. 2410

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

IN THE HOUSE OF REPRESENTATIVES

MAY 14, 2009

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

A BILL

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

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

3 **SECTION 1. SHORT TITLE.**

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

6 **SEC. 2. TABLE OF CONTENTS.**

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- Sec. 1121. Promoting democracy and human rights in Belarus.
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- Sec. 1125. Sense of Congress on Holocaust-era property restitution and compensation.

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

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

1 **TITLE I—AUTHORIZATION OF**
2 **APPROPRIATIONS**

3 **SEC. 101. ADMINISTRATION OF FOREIGN AFFAIRS.**

4 The following amounts are authorized to be appro-
5 priated for the Department of State under “Administra-
6 tion of Foreign Affairs” to carry out the authorities, func-
7 tions, duties, and responsibilities in the conduct of foreign
8 affairs of the United States, and for other purposes au-
9 thorized by law:

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

11 (A) **AUTHORIZATION OF APPROPRIA-**
12 **TIONS.—**For “Diplomatic and Consular Pro-
13 grams” \$7,312,016,000 for fiscal year 2010,
14 and such sums as may be necessary for fiscal
15 year 2011.

16 (B) **WORLDWIDE SECURITY PROTEC-**
17 **TION.—**In addition to the amounts authorized
18 to be appropriated by subparagraph (A),
19 \$1,648,000,000 for fiscal year 2010, and such
20 sums as may be necessary for fiscal year 2011
21 are authorized to be appropriated for worldwide
22 security protection.

23 (C) **PUBLIC DIPLOMACY.—**Of the amounts
24 authorized to be appropriated under subpara-
25 graph (A), \$500,278,000 for fiscal year 2010,

1 and such sums as may be necessary for fiscal
2 year 2011 are authorized to be appropriated for
3 public diplomacy.

4 (D) BUREAU OF DEMOCRACY, HUMAN
5 RIGHTS, AND LABOR.—Of the amounts author-
6 ized to be appropriated under subparagraph
7 (A), \$20,659,000 for fiscal year 2010, and such
8 sums as may be necessary for fiscal year 2011
9 are authorized to be appropriated for the Bu-
10 reau of Democracy, Human Rights, and Labor.

11 (2) CAPITAL INVESTMENT FUND.—For “Cap-
12 ital Investment Fund”, \$160,000,000 for fiscal year
13 2010, and such sums as may be necessary for fiscal
14 year 2011.

15 (3) EMBASSY SECURITY, CONSTRUCTION AND
16 MAINTENANCE.—For “Embassy Security, Construc-
17 tion and Maintenance”, \$1,815,050,000 for fiscal
18 year 2010, and such sums as may be necessary for
19 fiscal year 2011.

20 (4) EDUCATIONAL AND CULTURAL EXCHANGE
21 PROGRAMS.—

22 (A) AUTHORIZATION OF APPROPRIA-
23 TIONS.—For “Educational and Cultural Ex-
24 change Programs”, \$633,243,000 for fiscal

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

3 (B) TIBETAN SCHOLARSHIP PROGRAM.—

4 Of the amounts authorized to be appropriated
5 under subsection (a), \$750,000 for fiscal year
6 2010 and \$800,000 for fiscal year 2011 are au-
7 thorized to be appropriated to carry out the Ti-
8 betan scholarship program established under
9 section 103(b)(1) of the Human Rights, Ref-
10 ugee, and Other Foreign Relations Provisions
11 Act of 1996 (Public Law 104–319; 22 U.S.C.
12 2151 note).

13 (C) NGAWANG CHOEPHEL EXCHANGE PRO-

14 GRAMS.—Of the amounts authorized to be ap-
15 propriated under subsection (a), such sums are
16 authorized to be appropriated for each of fiscal
17 years 2010 and 2011 are authorized to be ap-
18 propriated for the “Ngawang Choepel Exchange
19 Programs” (formerly known as “programs of
20 educational and cultural exchange between the
21 United States and the people of Tibet”) under
22 section 103(a) of the Human Rights, Refugee,
23 and Other Foreign Relations Provisions Act of
24 1996 (Public Law 104–319; 22 U.S.C. 2151
25 note).

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

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

9 (7) PROTECTION OF FOREIGN MISSIONS AND
10 OFFICIALS.—

11 (A) AUTHORIZATION OF APPROPRIA-
12 TIONS.—For Protection of Foreign Missions
13 and Officials, \$27,159,000 for fiscal year 2010,
14 and such sums as may be necessary for fiscal
15 year 2011.

16 (B) REIMBURSEMENT FOR PAST EX-
17 PENSES OWED BY THE UNITED STATES.—In
18 addition to the amounts authorized to be appro-
19 priated under subparagraph (A), there are au-
20 thorized to be appropriated \$21,000,000 for fis-
21 cal year 2010 and \$25,000,000 for fiscal year
22 2011 for “Protection of Foreign Missions and
23 Officials” to be used only to reimburse State
24 and local governments for necessary expenses
25 incurred since 1998 for the protection of for-

1 eign missions and officials and recognized by
2 the United States.

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

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

11 (10) PAYMENT TO THE AMERICAN INSTITUTE
12 IN TAIWAN.—For “Payment to the American Insti-
13 tute in Taiwan”, \$21,174,000 for fiscal year 2010,
14 and such sums as may be necessary for fiscal year
15 2011.

16 (11) OFFICE OF THE INSPECTOR GENERAL.—

17 (A) AUTHORIZATION OF APPROPRIA-
18 TIONS.—For “Office of the Inspector General”,
19 \$100,000,000 for fiscal year 2010, and such
20 sums as may be necessary for fiscal year 2011.

21 (B) SPECIAL INSPECTOR GENERAL FOR
22 IRAQ RECONSTRUCTION.—Of the amounts au-
23 thorized to be appropriated under subparagraph
24 (A), \$30,000,000 is authorized to be for the

1 Special Inspector General for Iraq Reconstruc-
2 tion.

3 (C) SPECIAL INSPECTOR GENERAL FOR
4 AFGHANISTAN RECONSTRUCTION.—Of the
5 amounts authorized to be appropriated under
6 subparagraph (A), \$23,000,000 is authorized to
7 be for the Special Inspector General for Af-
8 ghanistan Reconstruction.

9 **SEC. 102. INTERNATIONAL ORGANIZATIONS.**

10 (a) ASSESSED CONTRIBUTIONS TO INTERNATIONAL
11 ORGANIZATIONS.—There are authorized to be appro-
12 priated for “Contributions to International Organiza-
13 tions”, \$1,797,000,000 for fiscal year 2010, and such
14 sums as may be necessary for fiscal year 2011, for the
15 Department of State to carry out the authorities, func-
16 tions, duties, and responsibilities in the conduct of the for-
17 eign affairs of the United States with respect to inter-
18 national organizations and to carry out other authorities
19 in law consistent with such purposes.

20 (b) CONTRIBUTIONS FOR INTERNATIONAL PEACE-
21 KEEPING ACTIVITIES.—There are authorized to be appro-
22 priated for “Contributions for International Peacekeeping
23 Activities”, \$2,260,000,000 for fiscal year 2010, and such
24 sums as may be necessary for fiscal year 2011, for the
25 Department of State to carry out the authorities, func-

1 tions, duties, and responsibilities of the United States with
2 respect to international peacekeeping activities and to
3 carry out other authorities in law consistent with such
4 purposes.

5 (c) FOREIGN CURRENCY EXCHANGE RATES.—In ad-
6 dition to amounts authorized to be appropriated by sub-
7 section (a), there are authorized to be appropriated such
8 sums as may be necessary for each of fiscal years 2010
9 and 2011 to offset adverse fluctuations in foreign currency
10 exchange rates. Amounts appropriated under this sub-
11 section shall be available for obligation and expenditure
12 only to the extent that the Director of the Office of Man-
13 agement and Budget determines and certifies to Congress
14 that such amounts are necessary due to such fluctuations.

15 **SEC. 103. INTERNATIONAL COMMISSIONS.**

16 The following amounts are authorized to be appro-
17 priated under “International Commissions” for the De-
18 partment of State to carry out the authorities, functions,
19 duties, and responsibilities in the conduct of the foreign
20 affairs of the United States and for other purposes author-
21 ized by law:

22 (1) INTERNATIONAL BOUNDARY AND WATER
23 COMMISSION, UNITED STATES AND MEXICO.—For
24 “International Boundary and Water Commission,
25 United States and Mexico”—

1 (A) for “Salaries and Expenses”,
2 \$33,000,000 for fiscal year 2010, and such
3 sums as may be necessary for fiscal year 2011;
4 and

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

8 (2) INTERNATIONAL BOUNDARY COMMISSION,
9 UNITED STATES AND CANADA.—For “International
10 Boundary Commission, United States and Canada”,
11 \$2,385,000 for fiscal year 2010, and such sums as
12 may be necessary for fiscal year 2011.

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

17 (4) INTERNATIONAL FISHERIES COMMIS-
18 SIONS.—For “International Fisheries Commissions”,
19 \$12,608,000 for fiscal year 2010, and such sums as
20 may be necessary for fiscal year 2011.

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

22 (a) AUTHORIZATION OF APPROPRIATIONS.—There
23 are authorized to be appropriated for “Migration and Ref-
24 ugee Assistance” for authorized activities \$1,577,500,000

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

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

8 **SEC. 105. CENTERS AND FOUNDATIONS.**

9 (a) ASIA FOUNDATION.—There are authorized to be
10 appropriated for “The Asia Foundation” for authorized
11 activities, \$20,000,000 for fiscal year 2010, and
12 \$23,000,000 for fiscal year 2011.

13 (b) NATIONAL ENDOWMENT FOR DEMOCRACY.—
14 There are authorized to be appropriated for the “National
15 Endowment for Democracy” for authorized activities,
16 \$100,000,000 for fiscal year 2010, and such sums as may
17 be necessary for fiscal year 2011.

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

1 **TITLE II—DEPARTMENT OF**
2 **STATE AUTHORITIES AND AC-**
3 **TIVITIES**

4 **Subtitle A—Basic Authorities and**
5 **Activities**

6 **SEC. 201. INTERNATIONAL LITIGATION FUND.**

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

14 **SEC. 202. ACTUARIAL VALUATIONS.**

15 The Foreign Service Act of 1980 is amended—

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

17 (A) in the first sentence, by striking “Sec-
18 retary of the Treasury” and inserting instead
19 “Secretary of State”; and

20 (B) by amending the second sentence to
21 read as follows: “The Secretary of State is au-
22 thorized to expend from money to the credit of
23 the Fund such sums as may be necessary to ad-
24 minister the provisions of this chapter, includ-
25 ing actuarial advice, but only to the extent and

1 in such amounts as are provided in advance in
2 appropriations acts.”;

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

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

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

11 (A) by striking “Secretary of the Treas-
12 ury” and inserting instead “Secretary of
13 State”; and

14 (B) by striking “and shall advise the Sec-
15 retary of State of” and inserting instead “that
16 will provide”.

17 **SEC. 203. SPECIAL AGENTS.**

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

21 “(1) conduct investigations concerning—

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

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

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

11 (b) **RULE OF CONSTRUCTION.**—Nothing in para-
12 graph (1) of such section 37(a) (as amended by subsection
13 (a) of this section) shall be construed to limit the inves-
14 tigative authority of any other Federal department or
15 agency.

16 **SEC. 204. REPATRIATION LOANS.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5 “(3) REPORTS REQUIRED.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

18 (b) OPERATION OF LIBRARIES.—

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

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

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

13 (c) ADVISORY COMMISSION ON PUBLIC DIPLO-
14 MACY.—Not later than one year after the date of the en-
15 actment of this section, the Advisory Commission on Pub-
16 lic Diplomacy (authorized under section 1334 of the For-
17 eign Affairs Reform and Restructuring Act of 1998 (22
18 U.S.C. 6553)) shall submit to the Committee on Foreign
19 Affairs of the House of Representatives and the Com-
20 mittee on Foreign Relations of the Senate a report con-
21 taining an evaluation of the functions and effectiveness of
22 the libraries and resource centers that are authorized
23 under this section.

24 (d) AUTHORIZATION OF APPROPRIATIONS.—From
25 amounts authorized to be appropriated for Diplomatic and

1 Consular Programs pursuant to section 101(1)(A), there
2 is authorized to be appropriated to the Secretary of State
3 such sums as may be necessary for each of fiscal years
4 2010 and 2011 to carry out this section.

5 **SEC. 215. GRANTS FOR INTERNATIONAL DOCUMENTARY**
6 **EXCHANGE PROGRAMS.**

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

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

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

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

21 (4) It is in the interest of the United States to
22 provide assistance to United States nongovernmental
23 organizations that produce and distribute independ-
24 ently produced documentary films.

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

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

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

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

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

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

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

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

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

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

17 **SEC. 216. UNITED STATES ADVISORY COMMISSION ON PUB-**
18 **LIC DIPLOMACY.**

19 (a) REAUTHORIZATION OF UNITED STATES ADVI-
20 SORY COMMISSION ON PUBLIC DIPLOMACY.—Section
21 1334 of the Foreign Affairs Reform and Restructuring
22 Act of 1998 (22 U.S.C. 6553) is amended by striking “Oc-
23 tober 1, 2009” and inserting “October 1, 2011”.

24 (b) STUDY AND REPORT.—Section 604(c)(2) of the
25 United States Information and Educational Exchange Act

1 of 1948 (22 U.S.C. 1469(c)) is amended to read as fol-
2 lows:

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

13 “(B) The Commission shall submit to the Sec-
14 retary and the Committee on Foreign Affairs of the
15 House of Representatives and the Committee on
16 Foreign Relations of the Senate a comprehensive re-
17 port of each study required under subparagraph (A).
18 At the discretion of the Commission, any report
19 under this subsection may be submitted in classified
20 form or with a classified appendix.

21 “(C) Upon request of the Commission, the Sec-
22 retary, the Chair of the Broadcasting Board of Gov-
23 ernors, and the head of any other Federal agency
24 that conducts public diplomacy or strategic commu-
25 nications activities shall provide to the Commission

1 information to assist the Commission in carrying out
2 its responsibilities under this paragraph.”.

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

6 (1) QUALIFICATIONS OF MEMBERS.—Section
7 604(a)(2) of the United States Information and
8 Educational Exchange Act of 1948 (22 U.S.C.
9 1469(a)(2)) is amended by adding at the end the
10 following new sentences: “At least four members
11 shall have substantial experience in the conduct of
12 public diplomacy or comparable activities in the pri-
13 vate sector. No member may be an officer or em-
14 ployee of the United States.”.

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

20 **SEC. 217. SPECIAL OLYMPICS.**

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

22 (1) Special Olympics International has been
23 recognized for more than four decades as the world
24 leader in providing life-changing sports training and

1 competition experiences for persons with intellectual
2 disabilities at all levels of severity.

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

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

23 (b) ADMINISTRATION OF PROGRAM.—Section 3(b) of
24 the Special Olympics Sport and Empowerment Act of
25 2004 (Public Law 108–406) is amended, in the matter

1 preceding paragraph (1) by striking “Secretary of State”
2 and inserting “Secretary of State, acting through the As-
3 sistant Secretary of State for Educational and Cultural
4 Affairs”.

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

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

12 (1) in subsection (g)—

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

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

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

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

23 (a) PILOT PROGRAM ESTABLISHED.—As part of the
24 educational and cultural exchange programs of the De-
25 partment of State, the Secretary of State shall establish

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

7 (b) GENERAL PROVISIONS.—

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

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

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

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

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

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

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

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

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

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

1 (c) AUTHORIZATION OF APPROPRIATIONS.—Of the
2 amounts authorized to be appropriated pursuant to sec-
3 tion 101(4), there is authorized to be appropriated
4 \$600,000 for each of fiscal years 2010 and 2011 to carry
5 out this section.

6 **SEC. 220. UNITED STATES-SOUTH PACIFIC SCHOLARSHIP**
7 **PROGRAM.**

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

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

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

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

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

1 (5) Congressman Burton was one of the most
2 brilliant and productive legislators in United States
3 politics.

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

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

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

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

16 (2) the United States-South Pacific Scholarship
17 Program should be renamed the Phillip Burton
18 Scholarship Program for South Pacific Island Stu-
19 dents.

20 (c) FUNDING.—

21 (1) IN GENERAL.—Of the amounts authorized
22 to be appropriated pursuant to section 101(4),
23 \$750,000 is authorized to be appropriated for each
24 of fiscal years 2010 and 2011 to be made available

1 for the United States-South Pacific Scholarship Pro-
2 gram.

3 (2) NAME.—Scholarships awarded under the
4 Program shall be referred to as “Burton Scholar-
5 ships” and recipients of such scholarships shall be
6 referred to as “Burton Scholars”.

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

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

16 **SEC. 222. UNITED STATES-CARIBBEAN EDUCATIONAL EX-**
17 **CHANGE PROGRAM.**

18 (a) DEFINITIONS.—In this section:

19 (1) APPROPRIATE CONGRESSIONAL COMMIT-
20 TEES.—The term “appropriate congressional com-
21 mittees” means—

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

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

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

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

8 (B) does not include—

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

11 (ii) a country the government of which
12 the Secretary of State has determined, for
13 purposes of section 6(j) of the Export Ad-
14 ministration Act of 1979 (as continued in
15 effect pursuant to the International Emer-
16 gency Economic Powers Act), section 40 of
17 the Arms Export Control Act, section
18 620A of the Foreign Assistance Act of
19 1961, or any other provision of law, is a
20 government that has repeatedly provided
21 support for acts of international terrorism.

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

1 (4) UNITED STATES COOPERATING AGENCY.—

2 The term “United States cooperating agency”
3 means—

4 (A) an institution of higher education (as
5 such term is defined in section 101(a) of the
6 Higher Education Act of 1965 (20 U.S.C.
7 1001(a))), including, to the maximum extent
8 practicable, a historically Black college or uni-
9 versity that is a part B institution (as such
10 term is defined in section 322(2) of such Act
11 (20 U.S.C. 1061(2))) or a Hispanic-serving in-
12 stitution (as such term is defined in section
13 502(5) of such Act (20 U.S.C. 1101a(5)));

14 (B) a higher education association;

15 (C) a nongovernmental organization incor-
16 porated in the United States; or

17 (D) a consortium consisting of two or more
18 such institutions, associations, or nongovern-
19 mental organizations.

20 (b) PROGRAM AUTHORIZED.—The Secretary of State
21 is authorized to establish an educational exchange pro-
22 gram between the United States and CARICOM countries,
23 to be known as the “Shirley A. Chisholm United States-
24 Caribbean Educational Exchange Program”, under
25 which—

1 (1) secondary school students from CARICOM
2 countries will—

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

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

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

11 (A) attend a public or private college or
12 university, including a community college, in
13 the United States; and

14 (B) participate in activities designed to
15 promote a greater understanding of the values
16 and culture of the United States.

17 (c) ELEMENTS OF PROGRAM.—The program author-
18 ized under subsection (b) shall meet the following require-
19 ments:

20 (1) The program will offer scholarships to stu-
21 dents and scholars based on merit and need. It is
22 the sense of Congress that scholarships should be of-
23 fered to students and scholars who evidence merit,
24 achievement, and strong potential for the studies
25 such students and scholars wish to undertake under

1 the program and 60 percent of scholarships offered
2 under the program should be based on financial
3 need.

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

6 (3) Fields of study under the program will sup-
7 port the labor market and development needs of
8 CARICOM countries, assuring a pool of technical
9 experts to address such needs.

10 (4) The program will limit participation to—

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

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

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

17 (5) For a period of time equal to the period of
18 time of participation in the program, but not to ex-
19 ceed two years, the program will require participants
20 who are students and scholars described in sub-
21 section (a)(2) to—

22 (A) agree to return to live in a CARICOM
23 country and maintain residence in such coun-
24 try, within six months of completion of aca-
25 demic studies; or

1 (B) agree to obtain employment that di-
2 rectly benefits the growth, progress, and devel-
3 opment of one or more CARICOM countries
4 and the people of such countries.

5 (6) The Secretary may waive, shorten the dura-
6 tion, or otherwise alter the requirements of para-
7 graph (4) in limited circumstances of hardship, hu-
8 manitarian needs, for specific educational purposes,
9 or in furtherance of the national interests of the
10 United States.

11 (d) **ROLE OF UNITED STATES COOPERATING AGEN-**
12 **CIES.**—The Secretary shall consult with United States co-
13 operating agencies in developing the program authorized
14 under subsection (b). The Secretary is authorized to pro-
15 vide grants to United States cooperating agencies in car-
16 rying out the program authorized under subsection (b).

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

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

1 viating brain drain from the participating
2 CARICOM countries.

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

6 (A) financial information relating to the
7 program;

8 (B) budget plans for the program;

9 (C) adjustments to plans established for
10 the program;

11 (D) graduation rates of participants in the
12 program;

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

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

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

24 (H) the impact of gender, country of ori-
25 gin, financial need of students, and other rel-

1 evant factors on the data collected under sub-
2 paragraphs (D) through (G).

3 (f) REPORTING REQUIREMENTS.—

4 (1) REPORT REQUIRED.—Not later than 120
5 days after the date of the enactment of this section,
6 the Secretary of State shall submit to the appro-
7 priate congressional committees a report on plans to
8 implement the program authorized under this sec-
9 tion.

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

12 (A) a plan for selecting participants in the
13 program, including an estimate of the number
14 of secondary school students, undergraduate
15 students, graduate students, post-graduate stu-
16 dents, and scholars from each country, by edu-
17 cational level, who will be selected as partici-
18 pants in the program for each fiscal year;

19 (B) a timeline for selecting United States
20 cooperating agencies that will assist in imple-
21 menting the program;

22 (C) a financial plan that—

23 (i) identifies budget plans for each
24 educational level under the program; and

1 (ii) identifies plans or systems to en-
2 sure that the costs to public school, college,
3 and university education under the pro-
4 gram and the costs to private school, col-
5 lege, and university education under the
6 program are reasonably allocated; and

7 (D) a plan to provide outreach to and link-
8 ages with schools, colleges and universities, and
9 nongovernmental organizations in both the
10 United States and CARICOM countries for im-
11 plementation of the program.

12 (3) UPDATES OF REPORT.—

13 (A) IN GENERAL.—The Secretary shall
14 submit to the appropriate congressional com-
15 mittees updates of the report required by para-
16 graph (1) for each fiscal year for which
17 amounts are appropriated pursuant to the au-
18 thorization of appropriations under subsection
19 (g).

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

22 (i) Information on United States co-
23 operating agencies that are selected to as-
24 sist in implementing the programs author-
25 ized under this section.

1 (ii) An analysis of the positive and
2 negative impacts the program authorized
3 under this section will have or is having on
4 “brain drain” from the participating
5 CARICOM countries.

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

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

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

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

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

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

25 (b) PROGRAM.—

1 (1) IN GENERAL.—The Secretary of State shall
2 establish an exchange program to provide scholar-
3 ships to fund exchanges to enable Sri Lankan high
4 school students from various ethnic, religious, lin-
5 guistic, and other minority groups to participate in
6 post-conflict resolution, understanding, and dialogue
7 promotion workshops.

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

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

18 **SEC. 224. EXCHANGES BETWEEN LIBERIA AND THE UNITED**

19 **STATES FOR WOMEN LEGISLATORS.**

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

22 (1) establish an exchange program for Liberian
23 women legislators and women staff members of the
24 Liberian Congress;

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

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

7 (b) PROGRAM.—The Secretary of State shall estab-
8 lish an exchange program in cooperation with the Wom-
9 en’s Legislative Caucus in Liberia to provide scholarships
10 to fund exchanges to enable Liberian women legislators
11 and exceptional women Liberian Congressional staffers to
12 encourage more women to participate in, and continue to
13 be active in, politics and the democratic process in Liberia.

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

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

21 The Secretary of State shall develop a public diplo-
22 macy plan to be implemented in the event that Temporary
23 Protected Status (TPS) is extended to Haitian nationals
24 in the United States to effectively inform Haitians living
25 in Haiti that—

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

4 (2) there are extraordinary dangers of travel by
5 sea to the United States in unsafe, overcrowded ves-
6 sels;

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

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

13 **SEC. 226. TRANSFER OF THE VIETNAM EDUCATION FOUN-**
14 **DATION TO THE DEPARTMENT OF STATE.**

15 (a) IN GENERAL.—Section 204 of the Vietnam Edu-
16 cation Foundation Act of 2000 (Public Law 106–554) is
17 amended to read as follows:

18 **“SEC. 204. ESTABLISHMENT.**

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

23 (b) REPLACEMENT OF BOARD OF DIRECTORS WITH
24 ADVISORY COMMITTEE.—Section 205 of such Act is
25 amended to read as follows:

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

3 “(a) ESTABLISHMENT.—

4 “(1) IN GENERAL.—There is established a Viet-
5 nam Education Foundation Advisory Committee (re-
6 ferred to in this section as the ‘Advisory Com-
7 mittee’), which shall provide advice to the Secretary
8 and the Assistant Secretary for Educational and
9 Cultural Affairs regarding the Foundation’s activi-
10 ties.

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

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

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

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

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

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

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

1 of Directors of the Foundation on the date imme-
2 diately preceding the date of the enactment of the
3 Vietnam Education Foundation Amendments Act of
4 2008.

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

10 (c) APPOINTMENT OF EXECUTIVE DIRECTOR.—Sub-
11 section (a) of section 208 of such Act is amended, in the
12 first sentence, by striking “shall be appointed” and insert-
13 ing “may be appointed”.

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

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

21 (1) in section 203—

22 (A) by striking paragraph (1);

23 (B) by redesignating paragraphs (2) and

24 (3) as paragraphs (1) and (2), respectively; and

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

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

5 (2) in section 208—

6 (A) in subsection (a)—

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

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

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

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

16 (f) MUTUAL EDUCATIONAL AND CULTURAL EX-
17 CHANGE ACT OF 1961.—Section 112(a) of the Mutual
18 Educational and Cultural Exchange Act of 1961 (22
19 U.S.C. 2460(a)) is amended—

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

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

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

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

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

13 (h) SUPPORT FOR INSTITUTIONAL DEVELOPMENT IN
14 VIETNAM.—

15 (1) GRANTS AUTHORIZED.—The Secretary of
16 State, acting through the Assistant Secretary for
17 Educational and Cultural Affairs, is authorized to
18 award 1 or more grants to institutions of higher
19 education (as defined in section 101(a) of the High-
20 er Education Act of 1965 (20 U.S.C. 1001(a))),
21 which shall be used to implement graduate-level aca-
22 demic management programs in Vietnam. Such pro-
23 grams shall—

24 (A) respond to pressing needs of Viet-
25 namese society;

1 (B) feature both teaching and research
2 components;

3 (C) promote the development of institu-
4 tional capacity in Vietnam;

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

7 (E) enjoy legal autonomy from the Viet-
8 nameese government.

9 (2) APPLICATION.—

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

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

19 (3) SOURCE OF GRANT FUNDS.—The Secretary
20 of State may use funds made available to the Viet-
21 nam Education Foundation under section 207(c) of
22 the Vietnam Education Foundation Act of 2000 (22
23 U.S.C. 2452 note) for the grant awarded under this
24 section.

1 (i) EFFECTIVE DATE.—This Act and the amend-
2 ments made by this Act shall take effect on the date that
3 is 90 days after the date of the enactment of this Act.

4 **Subtitle C—Consular Services and**
5 **Related Matters**

6 **SEC. 231. PERMANENT AUTHORITY TO ASSESS PASSPORT**
7 **SURCHARGE.**

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

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

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

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

15 It is the sense of Congress that in light of serious
16 problems with human trafficking as well as the exception-
17 ally high volume of applications by citizens of Moldova to
18 the United States Summer Work Travel program, the Sec-
19 retary of State should make every effort to enhance con-
20 sular services at the United States embassy in Chisinau,
21 Moldova, including considering assigning an additional
22 consular officer to such post.

23 **SEC. 233. REFORMING REFUGEE PROCESSING.**

24 (a) REFORM OF THE WORLDWIDE PROCESSING PRI-
25 ORITY SYSTEM.—

1 (1) IN GENERAL.—The Secretary of State shall
2 revise the system for processing refugees for admis-
3 sion to the United States to prioritize particularly
4 vulnerable refugees who are most urgently in need of
5 resettlement.

6 (2) EMBASSY AND NGO REFERRALS.—The Sec-
7 retary of State shall establish a training and imple-
8 mentation plan, including training of United States
9 embassy and consular personnel, for ensuring that
10 all United States embassies and consulates are
11 equipped and enabled to refer aliens in need of re-
12 settlement to the United States refugee admissions
13 program. The Secretary shall also establish a system
14 to provide ongoing regional support, training, and
15 communication with nongovernmental organizations
16 that provide assistance to displaced and persecuted
17 persons to enable such organizations to refer aliens
18 in need of resettlement to the United States refugee
19 admissions program.

20 (3) OVERSEAS REFUGEE PROCESSING.—On or
21 before October 1, 2011, the Secretary of State shall
22 ensure that any agreement, contract, or other ar-
23 rangement with an organization to process refugee
24 applicants overseas for admission to the United
25 States shall be granted through a competitive proc-

1 ess among nongovernmental organizations with expe-
2 rience in the processing or resettlement of refugees
3 in the United States. The Secretary may waive such
4 requirement if the Secretary determines that no
5 qualifying organization is available, competent, and
6 authorized to operate in the country at issue or that
7 no such organization is willing or able to do so in
8 a cost-effective manner.

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

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

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

23 (c) FAMILY REUNIFICATION.—

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

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

3 (2) SEPARATED CHILDREN.—In the case of a
4 child who has been separated from the birth or
5 adoptive parents of such child and who is living in
6 a country of asylum under the care of an alien who
7 has been approved for admission to the United
8 States as a refugee, such child shall be, if in the best
9 interest of the child, deemed an unaccompanied ref-
10 ugee minor eligible for admission to the United
11 States and considered for placement with such alien
12 in the United States. Upon the child's admission to
13 the United States, such admission shall be charged
14 against the numerical limitation established in ac-
15 cordance with the appropriate section of the Immi-
16 gration and Nationality Act under which such alien's
17 admission is charged.

18 (3) CHILDREN OF REFUGEE SPOUSES.—For the
19 purposes of sections 207(c)(2)(A) and 208(b)(3) of
20 the Immigration and Nationality Act (8 U.S.C.
21 1157(c)(2)(A) and 1158(b)(3)), the child of an alien
22 who qualifies for admission as a spouse under such
23 sections shall be entitled to the same admission sta-
24 tus as such spouse if accompanying, or following to

1 join, such spouse and if such child is otherwise ad-
2 missible as provided in such sections.

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

6 (1) in subsection (c)—

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

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

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

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

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

16 (e) AUTHORIZATION OF APPROPRIATIONS.—

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

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

24 (f) EFFECTIVE DATE.—This section, and the amend-
25 ments made by this section, shall take effect on the first

1 day of the first fiscal year that begins after the date of
2 the enactment of this section.

3 **SEC. 234. ENGLISH LANGUAGE AND CULTURAL AWARENESS**
4 **TRAINING FOR APPROVED REFUGEE APPLI-**
5 **CANTS.**

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

13 (b) DESIGN AND IMPLEMENTATION.—In designing
14 and implementing the training programs referred to in
15 subsection (a), the Secretary shall ensure that nongovern-
16 mental organizations with direct ties to the United States
17 refugee resettlement program are utilized in such training
18 programs.

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

24 (d) TIMELINE FOR IMPLEMENTATION AND REPORT
25 TO CONGRESS.—

1 (1) **TIMELINE FOR IMPLEMENTATION.**—Not
2 later than one year after the date of the enactment
3 of this Act, the Secretary shall ensure that such
4 training programs are operating in at least one over-
5 seas refugee processing region, and not later than
6 two years after the date of the enactment of this
7 Act, such training programs are operating in each of
8 the five overseas refugee processing regions.

9 (2) **REPORT TO CONGRESS.**—Not later than 18
10 months after the date of the enactment of this Act,
11 the Secretary shall submit to the appropriate con-
12 gressional committees a report on the implementa-
13 tion of this section.

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

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

20 (a) **IN GENERAL.**—The President shall develop and
21 implement policies and strategies to address the protec-
22 tion, resettlement, and assistance needs of Iraqi refugees
23 and internally displaced persons (IDPs), foster long-term
24 solutions for stabilizing the lives of such refugees and
25 IDPs, monitor the development and implementation of as-

1 sistance strategies to countries in the Middle East that
2 are hosting refugees from Iraq, encourage the Government
3 of Iraq to actively engage the problem of displaced persons
4 and refugees and monitor its resolution of the problem,
5 and ensure that budget requests to Congress are sufficient
6 to meet an appropriate United States contribution to the
7 needs of Iraqi refugees, IDPs within Iraq, and other refu-
8 gees in Iraq.

9 (b) INTERAGENCY PROCESS.—

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

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

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

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

6 (c) INCREASE IN REFUGEE PROCESSING CAPAC-
7 ITY.—The Secretary of State should, subject to the avail-
8 ability of appropriations for such purpose, seek to substan-
9 tially increase in fiscal year 2010 the resources available
10 to support the processing of such applicants in Iraq.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6 (a) PILOT PROGRAM.—The Secretary of State shall
7 conduct a two-year pilot program for the processing of
8 tourist visas which shall include the use of secure remote
9 videoconferencing technology as a method for conducting
10 visa interviews of applicants.

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

22 **SEC. 237. TIBET.**

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

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

5 (2) by redesignating paragraph (2) as para-
6 graph (3); and

7 (3) by inserting after paragraph (1) the fol-
8 lowing new paragraph:

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

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

17 (1) by redesignating subsection (d) as sub-
18 section (e); and

19 (2) by inserting after subsection (c) the fol-
20 lowing new subsection:

21 “(d) UNITED STATE ASSISTANCE.—The President
22 shall provide grants to nongovernmental organizations to
23 support sustainable economic development, cultural and
24 historical preservation, health care, education, and envi-
25 ronmental sustainability projects for Tibetan communities

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

6 (c) SPECIAL COORDINATOR FOR TIBETAN ISSUES.—
7 Section 621 of the Tibetan Policy Act of 2002 is amend-
8 ed—

9 (1) in subsection (d)—

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

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

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

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

18 (2) by adding at the end the following new sub-
19 section:

20 “(e) PERSONNEL.—The Secretary shall assign dedi-
21 cated personnel to the Office of the Special Coordinator
22 for Tibetan Issues sufficient to assist in the management
23 of the responsibilities of this section and section
24 616(d)(2).”.

1 (d) DIPLOMATIC REPRESENTATION RELATING TO
2 TIBET.—

3 (1) UNITED STATES EMBASSY IN BEIJING.—

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

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

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

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

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

9 (e) **RELIGIOUS PERSECUTION IN TIBET.**—Section
10 620(b) of the Tibetan Policy Act of 2002 is amended by
11 adding before the period at the end the following: “, in-
12 cluding the reincarnation system of Tibetan Buddhism”.

13 **TITLE III—ORGANIZATION AND**
14 **PERSONNEL AUTHORITIES**
15 **Subtitle A—Towards Modernizing**
16 **the Department of State**

17 **SEC. 301. TOWARDS A MORE MODERN AND EXPEDITIONARY**
18 **FOREIGN SERVICE.**

19 (a) **TARGETED EXPANSION OF FOREIGN SERVICE.**—
20 The Secretary of State shall expand the Foreign Service
21 to—

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

1 (2) increase the capacity of the Department of
2 State to assign and deploy Foreign Service officers
3 and other personnel to prevent, mitigate, and re-
4 spond to international crises and instability in for-
5 eign countries that threaten key United States for-
6 eign policy and national security interests; and

7 (3) ensure that before being assigned to assign-
8 ments requiring new or improved skills, members of
9 the Foreign Service receive language, security, area,
10 and other training that is necessary to successfully
11 execute their responsibilities and to enable such
12 members to obtain advanced and other education
13 that will increase the capacity of the Foreign Service
14 to complete its mission.

15 (b) AUTHORIZED INCREASES.—

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

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

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

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

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

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

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

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

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

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

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

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

14 “(B) With respect to the medical eligibility
15 of any applicant for appointment as a Foreign
16 Service officer candidate, the Secretary of State
17 shall determine such availability through appro-
18 priate medical examinations. If based on such
19 examinations the Secretary determines that
20 such applicant is ineligible to be assigned world-
21 wide, the Secretary may waive the worldwide
22 availability requirement under subparagraph
23 (A) if the Secretary determines that such wai-
24 ver is required to fulfill a compelling Service
25 need. The Secretary shall establish an internal

1 administrative review process for medical ineli-
2 gibility determinations.

3 “(C) The Secretary may also waive or re-
4 duce the worldwide availability requirement
5 under subparagraph (A) if the Secretary deter-
6 mines, in the Secretary’s discretion, that such
7 waiver or reduction is warranted.”.

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

13 “(f) The fact that an applicant for appointment as
14 a Foreign Service officer candidate has the experience of
15 working in situations where public order has been under-
16 mined by instability, or where there is no civil authority
17 that can effectively provide public safety, may be consid-
18 ered an affirmative factor in making such appointments.”.

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

22 “(c) The Secretary of State shall ensure that mem-
23 bers of the Service receive training on methods for conflict
24 mitigation and resolution and on the necessary skills to
25 be able to function successfully where public order has

1 been undermined by instability or where there is no civil
2 authority that can effectively provide public safety.

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

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

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

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

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

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

1 such strategy, including interagency coordina-
2 tion.

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

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

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

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

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

24 (b) REVIEW REQUIRED.—

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

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

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

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

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

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

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

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

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

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

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

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

20 (d) QRDD AND CONGRESSIONAL COMMITTEES.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

13 (e) INDEPENDENT PANEL ASSESSMENT.—

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

20 (2) REPORT ON ASSESSMENT.—Not later than
21 three months after the date on which the report on
22 such a Quadrennial Review is transmitted under
23 subsection (d), the panel established under para-
24 graph (1) shall submit to the appropriate congres-
25 sional committees an assessment of such a Quadren-

1 nial Review, including an assessment of the rec-
2 ommendations of such a Quadrennial Review, the
3 stated and implied assumptions incorporated in such
4 a Quadrennial Review, and the vulnerabilities of the
5 strategy underlying such a Quadrennial Review.

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

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

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

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

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

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

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

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

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

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

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

24 (E) physical structure of the LLC; and

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

3 (d) DEFINITIONS.—In this section:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6 **Subtitle B—Foreign Service Pay**
7 **Equity and Death Gratuity**

8 **SEC. 311. SHORT TITLE.**

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

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

12 (a) OVERSEAS COMPARABILITY PAY ADJUSTMENT.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

22 (A) in paragraph (1)—

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

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

6 (B) in paragraph (2)—

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

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

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

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

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

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

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

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

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

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

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

1 (c) REPORTING REQUIREMENTS.—

2 (1) IN GENERAL.—Not later than October 1,
3 2010, the Secretary of State shall submit to the ap-
4 propriate congressional committees an assessment of
5 all allowances provided to members of the Foreign
6 Service under the Foreign Service Act of 1980 or
7 under title 5, United States Code, and in particular,
8 how such allowances have been or will be affected by
9 the amendments to the Foreign Service Act of 1980
10 made by this Act.

11 (2) DEFINITION.—For purposes of this sub-
12 section, the term “appropriate congressional commit-
13 tees” means the Committee on Foreign Affairs of
14 the House of Representatives and the Committee on
15 Foreign Relations of the Senate.

16 **SEC. 313. DEATH GRATUITY.**

17 The first sentence of section 413(a) of the Foreign
18 Service Act of 1980 (22 U.S.C. 3973(a)) is amended by
19 striking “at the time of death” and inserting “at level II
20 of the Executive Schedule under section 5313 of title 5,

1 United States Code, at the time of death, except that for
2 employees compensated under local compensation plans
3 established under section 408, the amount shall be equal
4 to the greater of 1 year's salary at the time of death or
5 1 year's salary at the highest step of the highest grade
6 on the local compensation plan from which the employee
7 was being paid at the time of death”.

8 **Subtitle C—Other Organization**
9 **and Personnel Matters**

10 **SEC. 321. TRANSATLANTIC DIPLOMATIC FELLOWSHIP PRO-**
11 **GRAM.**

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

16 **“SEC. 506. TRANSATLANTIC DIPLOMATIC FELLOWSHIP**
17 **PROGRAM.**

18 “(a) IN GENERAL.—The Secretary is authorized to
19 establish the Transatlantic Diplomatic Fellowship Pro-
20 gram. Under the program, the Secretary may assign a
21 member of the Service, for not more than one year, to
22 a position with any designated country or designated enti-
23 ty that permits an employee to be assigned to a position
24 with the Department.

1 “(b) SALARY AND BENEFITS.—The salary and bene-
2 fits of a member of the Service shall be paid as described
3 in subsection (b) of section 503 during a period in which
4 such member is participating in the Transatlantic Diplo-
5 matic Fellowship Program. The salary and benefits of an
6 employee of a designated country or designated entity par-
7 ticipating in such program shall be paid by such country
8 or entity during the period in which such employee is par-
9 ticipating in the program.

10 “(c) DEFINITIONS.—In this section:

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

13 “(A) the North Atlantic Treaty Organiza-
14 tion; or

15 “(B) the European Union.

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

17 “(A) the North Atlantic Treaty Organiza-
18 tion; or

19 “(B) the European Union.

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

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

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

1 national entity other than to the United States;
2 or

3 “(B) an individual who has not met the re-
4 quirements of sections 3331, 3332, 3333, and
5 7311 of title 5, United States Code, and any
6 other provision of law concerning eligibility for
7 appointment as, and continuation of employ-
8 ment as, an officer or employee of the United
9 States; or

10 “(2) authorize the Secretary to assign a mem-
11 ber of the Service to a position with any foreign
12 country whose laws, or foreign or international enti-
13 ty whose rules, require such member to give alle-
14 giance or loyalty to such country or entity while as-
15 signed to such position.”

16 (b) TECHNICAL AND CONFORMING AMENDMENTS.—
17 The Foreign Service Act of 1980 is amended—

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

19 (A) in the section heading, by striking
20 “**AND**” and inserting “**FOREIGN GOVERN-**
21 **MENTS, OR**”; and

22 (B) in subsection (a)(1), by inserting be-
23 fore the semicolon at the end the following: “,
24 or with a foreign government under sections
25 506 or 507”; and

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

2 (A) by striking the item relating to section
3 503 and inserting the following new item:

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

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

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

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

7 (a) IN GENERAL.—Chapter 5 of Title I of the For-
8 eign Service Act of 1980 (22 U.S.C. 3981 et seq.) is
9 amended by adding after section 506 (as added by section
10 311 of this Act) the following new section:

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

12 “(a) IN GENERAL.—The Secretary is authorized to
13 establish the Security Officers Exchange Program. Under
14 the program, the Secretary may assign a member of the
15 Service, for not more than a total of three years, to a posi-
16 tion with any country or international organization des-
17 ignated by the Secretary pursuant to subsection (c) that
18 permits an employee to be assigned to a position with the
19 Department.

20 “(b) SALARY AND BENEFITS.—The salary and bene-
21 fits of the members of the Service shall be paid as de-
22 scribed in subsection (b) of section 503 during a period
23 in which such officer is participating in the Security Offi-

1 cers Exchange Program. The salary and benefits of an em-
2 ployee of a designated country or international organiza-
3 tion participating in such program shall be paid by such
4 country or international organization during the period in
5 which such employee is participating in the program.

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

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

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

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

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

1 “(A) written notice stating the specific rea-
2 sons for the proposed suspension;

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

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

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

10 “(3) Any member suspended under this section
11 may file a grievance in accordance with the proce-
12 dures applicable to grievances under chapter 11 of
13 this title.

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

16 “(A) the review by the Foreign Service
17 Grievance Board shall be limited to a deter-
18 mination of whether the provisions of para-
19 graphs (1) and (2) have been fulfilled; and

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

23 “(5) In this subsection:

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

1 “(i) with respect to a member of the
2 Foreign Service assigned to duty in the
3 United States, 15 days after receiving no-
4 tice of the proposed suspension; and

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

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

13 (b) CONFORMING AND CLERICAL AMENDMENTS.—

14 (1) AMENDMENT OF SECTION HEADING.—Such
15 section, as amended by subsection (a) of this section,
16 is further amended, in the section heading, by in-
17 serting “; **SUSPENSION**” before the period at the
18 end.

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

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

22 **SEC. 324. REPEAL OF RECERTIFICATION REQUIREMENT**
23 **FOR SENIOR FOREIGN SERVICE.**

24 Section 305(d) of the Foreign Service Act of 1980
25 (22 U.S.C. 3945(d)) is hereby repealed.

1 **SEC. 325. LIMITED APPOINTMENTS IN THE FOREIGN SERV-**
2 **ICE.**

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

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

7 (2) in subsection (b)—

8 (A) in paragraph (3)—

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

10 (ii) by inserting before the semicolon
11 at the end the following: “, or (B), the ca-
12 reer candidate is serving in the uniformed
13 services, as defined by the Uniformed Serv-
14 ices Employment and Reemployment
15 Rights Act of 1994 (38 U.S.C. 4301 et
16 seq.), and the limited appointment expires
17 in the course of such service”;

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

20 (C) in paragraph (5), by striking the pe-
21 riod at the end and inserting “; and”; and

22 (D) by adding after paragraph (5) the fol-
23 lowing new paragraph:

24 “(6) in exceptional circumstances where the
25 Secretary determines the needs of the Service re-
26 quire the extension of a limited appointment (A), for

1 a period of time not to exceed 12 months (provided
2 such period of time does not permit additional re-
3 view by the boards under section 306), or (B), for
4 the minimum time needed to settle a grievance,
5 claim, or complaint not otherwise provided for in
6 this section.”; and

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

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

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

16 Section 5550b of title 5, United States Code, is
17 amended by adding at the end the following new sub-
18 section:

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

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

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

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

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

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

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

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

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

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

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

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

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

7 (c) STATUS OF PERSONAL SERVICE CONTRAC-
8 TORS.—

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

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

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

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

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

1 country that is identified under section 182(a)(1) of the
2 Trade Act of 1974 (19 U.S.C. 2242(a)(1)) to ensure—

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

6 (2) cooperation with the host government to re-
7 form its applicable laws, regulations, practices, and
8 agencies to enable that government to fulfill its
9 international and bilateral obligations with respect to
10 intellectual property rights.

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

21 (c) PRIORITY ASSIGNMENTS.—

22 (1) IN GENERAL.—Subject to paragraph (2), in
23 designating the embassies or other missions to which
24 attachés are assigned under subsection (b), the Sec-
25 retary of State shall give priority to those countries

1 where the activities of an attaché may be carried out
2 with the greatest potential benefit to reducing coun-
3 terfeit and pirated products in the United States
4 market, to protecting the intellectual property rights
5 of United States persons and their licensees, and to
6 protecting the interests of United States persons
7 otherwise harmed by violations of intellectual prop-
8 erty rights in those countries.

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

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

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

19 (d) DUTIES AND RESPONSIBILITIES OF INTELLEC-
20 TUAL PROPERTY ATTACHÉS.—The intellectual property
21 attachés appointed under subsection (b), as well as others
22 serving as intellectual property attachés of any other de-
23 partment or agency of the United States, shall have the
24 following responsibilities:

1 (1) To promote cooperation with foreign gov-
2 ernments in the enforcement of intellectual property
3 laws generally, and in the enforcement of laws
4 against counterfeiting and piracy in particular.

5 (2) To assist United States persons holding in-
6 tellectual property rights, and the licensees of such
7 United States persons, in their efforts to combat
8 counterfeiting and piracy of their products or works
9 within the host country, including counterfeit or pi-
10 rated goods exported from or transshipped through
11 that country.

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

16 (4) To coordinate with representatives of the
17 embassies or missions of other countries in informa-
18 tion sharing, private or public communications with
19 the government of the host country, and other forms
20 of cooperation for the purpose of improving enforce-
21 ment against counterfeiting and piracy.

22 (5) As appropriate and in accordance with ap-
23 plicable laws and the diplomatic status of the
24 attachés, to engage in public education efforts

1 against counterfeiting and piracy in the host coun-
2 try.

3 (6) To coordinate training and technical assist-
4 ance programs of the United States Government
5 within the host country that are aimed at improving
6 the enforcement of laws against counterfeiting and
7 piracy.

8 (7) To identify and promote other means to
9 more effectively combat counterfeiting and piracy ac-
10 tivities under the jurisdiction of the host country.

11 (e) TRAINING.—The Secretary of State shall ensure
12 that each attaché appointed under subsection (b) is fully
13 trained for the responsibilities of the position before as-
14 suming duties at the United States embassy or other mis-
15 sion in question.

16 (f) COORDINATION.—The activities of intellectual
17 property attachés under this section shall be carried out
18 in coordination with the United States Intellectual Prop-
19 erty Enforcement Coordinator appointed under section
20 301 of the Prioritizing Resources and Organization for In-
21 tellectual Property Act of 2008 (15 U.S.C. 8111).

22 (g) REPORT TO CONGRESS.—

23 (1) IN GENERAL.—The Secretary of State shall
24 submit to the Congress, not later than December 31
25 of each year, a report on the appointment, designa-

1 tion for assignment, and activities of all intellectual
2 property attachés of any Federal department or
3 agency who are serving at United States embassies
4 or other diplomatic missions.

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

7 (A) A description of the progress, or lack
8 thereof, in the preceding year regarding the res-
9 olution of general and specific intellectual prop-
10 erty disputes in each country identified under
11 section 182(a)(1) of the Trade Act of 1974 (19
12 U.S.C. 2242(a)(1)), including any changes by
13 the host government in applicable laws and reg-
14 ulations and their enforcement.

15 (B) An assessment of the obstacles pre-
16 venting the host government of each country
17 described in subparagraph (A) from imple-
18 menting adequate measures to fulfill its inter-
19 national and bilateral obligations with respect
20 to intellectual property rights.

21 (C) An assessment of the adequacy of the
22 resources of the Department of State employed
23 to carry out subparagraphs (A) and (B) and, if
24 necessary, an assessment of the need for addi-
25 tional resources for such purposes.

1 (h) DEFINITIONS.—In this section:

2 (1) COUNTERFEITING; COUNTERFEIT GOODS.—

3 (A) COUNTERFEITING.—The term “coun-
4 terfeiting” means activities related to produc-
5 tion of or trafficking in goods, including pack-
6 aging, that bear a spurious mark or designation
7 that is identical to or substantially indistin-
8 guishable from a mark or designation protected
9 under trademark laws or related legislation.

10 (B) COUNTERFEIT GOODS.—The term
11 “counterfeit goods” means those goods de-
12 scribed in subparagraph (A).

13 (2) INTELLECTUAL PROPERTY RIGHTS.—The
14 term “intellectual property rights” means the rights
15 of holders of copyrights, patents, trademarks, other
16 forms of intellectual property, and trade secrets.

17 (3) PIRACY; PIRATED GOODS.—

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

23 (B) PIRATED GOODS.—The term “pirated
24 goods” means those copies or phonorecords de-
25 scribed in subparagraph (A).

1 (4) UNITED STATES PERSON.—The term
2 “United States person” means—

3 (A) any United States resident or national,

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

8 (C) any foreign subsidiary or affiliate (in-
9 cluding any permanent foreign establishment)
10 of any corporation, partnership, business entity,
11 or organization described in subparagraph (B),
12 that is controlled in fact by such corporation,
13 partnership, business entity, or organization,
14 except that such term does not include an individual
15 who resides outside the United States and is em-
16 ployed by an individual or entity other than an indi-
17 vidual or entity described in subparagraph (A), (B),
18 or (C).

19 (i) AUTHORIZATION OF APPROPRIATIONS.—Of the
20 amounts authorized to be appropriated under section 101,
21 there are authorized to be appropriated for each fiscal year
22 such sums as may be necessary for the training and sup-
23 port of the intellectual property attachés appointed under
24 subsection (b) and of other personnel serving as intellec-

1 tual property attachés of any other department or agency
2 of the United States.

3 **SEC. 330. DEPARTMENT OF STATE EMPLOYMENT COMPOSI-**
4 **TION.**

5 (a) STATEMENT OF POLICY.—In order for the De-
6 partment of State to accurately represent all people in the
7 United States, the Department must accurately reflect the
8 diversity of the United States.

9 (b) REPORT ON MINORITY RECRUITMENT.—Section
10 324 of the Foreign Relations Authorization Act, Fiscal
11 Year 2003 (Public Law 107–228) is amended—

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

13 (A) by striking “On” and inserting “(a)
14 REPORT ON MINORITY GROUPS AND
15 WOMEN.—On”;

16 (B) by striking “April 1, 2003, and April
17 1, 2004,” and inserting “April 1, 2010, and
18 April 1, 2011,”;

19 (2) in paragraphs (1) and (2), by striking “mi-
20 nority groups” each place it appears and inserting
21 “minority groups and women”; and

22 (3) by adding at the end the following new sub-
23 section:

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

4 “(1) The ability of current recruitment, ad-
5 vancement, and retention practices to attract and
6 maintain a diverse pool of qualified individuals in
7 sufficient numbers throughout the Department, in-
8 cluding in the Cooperative Education Program (also
9 known as the ‘Student Career Experience Pro-
10 gram’).

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

15 “(3) The existence of additional metrics and
16 milestones for evaluating the diversity plans of the
17 Department, including the Foreign Service and Sen-
18 ior Foreign Service, and for facilitating future eval-
19 uation and oversight.”.

20 “(c) PUBLIC AVAILABILITY.—Each report required
21 under section 324 of the Foreign Relations Authorization
22 Act, Fiscal Year 2003, as amended by subsection (b) of
23 this section, shall be made available to the public on the
24 website of the Department of State not later than 15 days
25 after the submission to Congress of each such report.

1 (d) GAO REVIEW.—The Comptroller General of the
2 United States, in consultation with the appropriate con-
3 gressional committees, shall conduct a review of the em-
4 ployment composition, recruitment, advancement, and re-
5 tention policies of the Department of State for women and
6 minority groups, including the information in the reports
7 required under section 324 of the Foreign Relations Au-
8 thorization Act, Fiscal Year 2003, as amended by sub-
9 section (b) of this section.

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

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

17 “(1) the numbers and percentages of small, mi-
18 nority-owned, or disadvantaged businesses that pro-
19 vide goods and services to the Department as a re-
20 sult of contracts with the Department during such
21 period;

22 “(2) the total number of such contracts;

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

24 and

1 House Administration of the House of Representatives
2 and the Committee on Foreign Relations and the Com-
3 mittee on Rules and Administration of the Senate a report
4 on the mission and effectiveness of the existing Depart-
5 ment of State legislative liaison office.

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

8 (1) whether the legislative liaison office has suf-
9 ficient resources necessary to communicate to Mem-
10 bers of Congress, committees, and their staffs the
11 goals and missions of the Department of State;

12 (2) whether current space within the office
13 buildings of the House of Representatives as well as
14 requested space within the office buildings of the
15 Senate is sufficient to meet the mission of the legis-
16 lative liaison office;

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

20 (4) the feasibility of increasing personnel num-
21 bers in the legislative liaison office, including senior
22 Foreign Service Officers.

23 **SEC. 333. DISCRIMINATION RELATED TO SEXUAL ORIENTA-**
24 **TION.**

25 (a) PARTNER BENEFITS.—

1 (1) IN GENERAL.—For purposes of the Foreign
2 Service Act of 1980 and any other applicable provi-
3 sion of law, persons covered by section 511.3 of vol-
4 ume 14 of the Foreign Affairs Manual shall be
5 deemed to include the same-sex domestic partner of
6 a member of the Foreign Service (including an indi-
7 vidual serving in the Foreign Service on a temporary
8 basis as a limited noncareer appointee during the pe-
9 riod in which such individual is so serving). This
10 subsection shall apply to employees of the Peace
11 Corps who are appointed as members of the Foreign
12 Service in the same manner as this subsection and
13 such section 511.3 applies to such members of the
14 Foreign Service who are described in the preceding
15 sentence. The Secretary of State shall promulgate
16 new regulations to implement this section, including
17 criteria to certify the eligibility for the same-sex do-
18 mestic partner of a Foreign Service officer for bene-
19 fits under this section.

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

1 partner of such member and certifying that such
2 member and the domestic partner of such member—

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

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

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

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

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

16 (b) TRACKING VIOLENCE OR CRIMINALIZATION RE-
17 LATED TO SEXUAL ORIENTATION.—The Assistant Sec-
18 retary for Democracy, Human Rights and Labor shall des-
19 ignate a Bureau-based officer or officers who shall be re-
20 sponsible for tracking violence, criminalization, and re-
21 strictions on the enjoyment of fundamental freedoms, con-
22 sistent with United States law, in foreign countries based
23 on actual or perceived sexual orientation and gender iden-
24 tity.

1 (c) INTERNATIONAL EFFORTS TO REVISE LAWS
2 CRIMINALIZING HOMOSEXUALITY.—In keeping with the
3 Administration’s endorsement of efforts by the United Na-
4 tions to decriminalize homosexuality in member states, the
5 Secretary of State shall work through appropriate United
6 States Government employees at United States diplomatic
7 and consular missions to encourage the governments of
8 other countries to reform or repeal laws of such countries
9 criminalizing homosexuality or consensual homosexual
10 conduct, or restricting the enjoyment of fundamental free-
11 doms, consistent with United States law, by homosexual
12 individuals or organizations.

13 (d) ANNUAL COUNTRY REPORTS ON HUMAN RIGHTS
14 PRACTICES.—The Foreign Assistance Act of 1961 is
15 amended—

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

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

19 (B) in paragraph (11)—

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

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

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

3 “(12) wherever applicable, violence or discrimi-
4 nation that affects the fundamental freedoms, con-
5 sistent with United States law, of an individual in
6 foreign countries that is based on actual or perceived
7 sexual orientation and gender identity.”; and

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

15 (e) TRAINING FOR FOREIGN SERVICE OFFICERS.—
16 Section 708(a) of the Foreign Service Act of 1980 (22
17 U.S.C. 4028(a)) is amended—

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

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

23 (3) in paragraph (3), by striking the period at
24 the end and inserting “; and”; and

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

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

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

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

19 (b) PURPOSE.—The Office shall coordinate efforts of
20 the United States Government regarding gender integra-
21 tion and women’s empowerment in United States foreign
22 policy.

23 (c) DUTIES.—

24 (1) IN GENERAL.—The Ambassador shall—

1 (A) coordinate and advise on activities,
2 policies, programs, and funding relating to gen-
3 der integration and women's empowerment
4 internationally for all bureaus and offices of the
5 Department of State and in the international
6 programs of other United States Government
7 departments and agencies;

8 (B) design, support, and as appropriate,
9 implement, limited projects regarding women's
10 empowerment internationally;

11 (C) actively promote and advance the full
12 integration of gender analysis into the pro-
13 grams, structures, processes, and capacities of
14 all bureaus and offices of the Department of
15 State and in the international programs of
16 other United States Government departments
17 and agencies; and

18 (D) direct, as appropriate, United States
19 Government resources to respond to needs for
20 gender integration and women's empowerment
21 in United States Government foreign policies
22 and international programs.

23 (2) COORDINATING ROLE.—The Ambassador
24 shall coordinate with the United States Agency for
25 International Development and the Millennium Chal-

1 lence Corporation on all policies, programs, and
2 funding of such agencies relating to gender integra-
3 tion and women's empowerment.

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

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

15 (e) AUTHORIZATION OF APPROPRIATIONS.—Of the
16 amounts authorized to be appropriated under section 101,
17 there are authorized to be appropriated such sums as may
18 be necessary for each of fiscal years 2010 and 2011 to
19 carry out activities under this section. Funds appropriated
20 pursuant to this subsection shall be under the direct con-
21 trol of the Ambassador.

1 **TITLE IV—INTERNATIONAL**
2 **ORGANIZATIONS**
3 **Subtitle A—International**
4 **Leadership**

5 **SEC. 401. SHORT TITLE.**

6 This subtitle may be cited as the “United States
7 International Leadership Act of 2009”.

8 **SEC. 402. PROMOTING ASSIGNMENTS TO INTERNATIONAL**
9 **ORGANIZATIONS.**

10 (a) PROMOTIONS.—

11 (1) IN GENERAL.—Section 603(b) of the For-
12 foreign Service Act of 1980 (22 U.S.C. 4003) is
13 amended, in the second sentence, by inserting before
14 the period at the end the following: “, and should
15 consider whether the member of the Service has
16 served in a position whose primary responsibility is
17 to formulate policy toward, or represent the United
18 States at, an international organization, a multilat-
19 eral institution, or a broad-based multilateral nego-
20 tiation of an international instrument”.

21 (2) EFFECTIVE DATE.—The amendment made
22 by paragraph (1) shall take effect on the date of the
23 enactment of this Act and shall apply to members of
24 the Foreign Service beginning on January 1, 2015.

1 (b) ESTABLISHMENT OF A MULTILATERAL DIPLO-
2 MACY CONE IN THE FOREIGN SERVICE.—

3 (1) FINDINGS.—Congress finds the following:

4 (A) The Department of State maintains a
5 number of United States missions both within
6 the United States and abroad that are dedi-
7 cated to representing the United States to
8 international organizations and multilateral in-
9 stitutions, including missions in New York,
10 Brussels, Geneva, Rome, Montreal, Nairobi, Vi-
11 enna, and Paris.

12 (B) In offices at the Harry S. Truman
13 Building, the Department maintains a signifi-
14 cant number of positions in bureaus that are ei-
15 ther dedicated, or whose primary responsibility
16 is, to represent the United States to such orga-
17 nizations and institutions or at multilateral ne-
18 gotiations.

19 (C) Given the large number of positions in
20 the United States and abroad that are dedi-
21 cated to multilateral diplomacy, the Department
22 of State may be well served in developing per-
23 sons with specialized skills necessary to become
24 experts in this unique form of diplomacy.

1 (2) REPORT.—Not later than 180 days after
2 the date of the enactment of this Act, the Secretary
3 of State shall submit to the appropriate congress-
4 sional committees a report—

5 (A) evaluating whether a new cone should
6 be established for the Foreign Service that con-
7 centrates on members of the Service who serve
8 at international organizations and multilateral
9 institutions or are primarily responsible for par-
10 ticipation in broad-based multilateral negotia-
11 tions of international instruments; and

12 (B) that provides alternative mechanisms
13 for achieving the objective of developing a core
14 group of United States diplomats and other
15 Government employees who have expertise and
16 broad experience in conducting multilateral di-
17 plomacy.

18 **SEC. 403. IMPLEMENTATION AND ESTABLISHMENT OF OF-**
19 **FICE ON MULTILATERAL NEGOTIATIONS.**

20 (a) ESTABLISHMENT OF OFFICE.—The Secretary of
21 State is authorized to establish, within the Bureau of
22 International Organization Affairs, an Office on Multilat-
23 eral Negotiations, to be headed by a Special Representa-
24 tive for Multilateral Negotiations (in this section referred
25 to as the “Special Representative”).

1 (b) APPOINTMENT.—If the office referred to in sub-
2 section (a) is established, the Special Representative shall
3 be appointed by the President by and with the advice and
4 consent of the Senate and shall have the rank of Amba-
5 sador-at-Large. At the discretion of the President another
6 official at the Department may serve as the Special Rep-
7 resentative. The President may direct that the Special
8 Representative report to the Assistant Secretary for Inter-
9 national Organization Affairs.

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

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

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

21 (2) ADVISORY ROLE.—The Special Representa-
22 tive shall advise the President and the Secretary of
23 State, as appropriate, regarding advocacy at inter-
24 national organizations and multilateral institutions
25 and negotiations and, in coordination with the As-

1 Assistant Secretary for International Organization Af-
2 fairs, shall make recommendations regarding—

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

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

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

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

19 (3) LEADERSHIP AND MEMBERSHIP OF INTER-
20 NATIONAL ORGANIZATIONS.—The Special Represent-
21 ative, in coordination with the Assistant Secretary of
22 International Organization Affairs, shall direct the
23 efforts of the United States Government to reform
24 the criteria for leadership and membership of inter-
25 national organizations.

1 arrearages in payments to the United Nations recognized
2 by the United States.

3 **Subtitle B—General Provisions**

4 **SEC. 411. ORGANIZATION OF AMERICAN STATES.**

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

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

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

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

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

25 (b) MULTILATERAL FUND.—

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

5 (2) ACTIVITIES SUPPORTED.—The Fund shall
6 support activities that promote the multilateral in-
7 terests of the United States in the Americas region,
8 including—

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

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

15 (C) outreach and cultural activities;

16 (D) conferences; and

17 (E) general advocacy for United States in-
18 terests.

19 (c) ADMINISTRATION.—The Fund shall be adminis-
20 tered by the United States Mission to the Organization
21 of American States, as directed by the United States Per-
22 manent Representative to the OAS, for use on matters
23 that arise in the context of the OAS.

24 (d) AUTHORIZATION.—Of the amounts authorized to
25 be appropriated for the Administration of Foreign Affairs

1 pursuant to section 101, there is authorized to be appro-
2 priated \$2,000,000 for each of fiscal years 2010 and 2011
3 only to carry out this section.

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

5 Section 404(b)(2)(B) of the Foreign Relations Au-
6 thorization Act, Fiscal Years 1994 and 1995 (Public Law
7 103–236) (22 U.S.C. 287e note) is amended at the end
8 by adding the following new clause:

9 “(vi) For assessments made during calendar years
10 2009, 2010, and 2011, 27.1 percent.”.

11 **SEC. 413. PACIFIC ISLANDS FORUM.**

12 It is the sense of Congress that the Secretary of State
13 should work with the Pacific Islands Forum to find appro-
14 priate affiliations for representatives of American Samoa,
15 Guam, and the Commonwealth of the Northern Mariana
16 Islands.

17 **SEC. 414. REVIEW OF ACTIVITIES OF INTERNATIONAL COM-**
18 **MISSIONS.**

19 (a) IN GENERAL.—Not later than one year after the
20 date of the enactment of this Act and two years thereafter,
21 the Secretary of State shall submit to the appropriate con-
22 gressional committees a report on the activities of each
23 of the commissions specified in subsections (a), (b), and
24 (c) of section 103.

1 (b) REPORT ELEMENTS.—The reports required
2 under subsection (a) shall include information concerning
3 the following:

4 (1) Amounts obligated and expended during the
5 two previous fiscal years by each of such commis-
6 sions.

7 (2) A description of the projects carried out
8 during such years by each of such commissions and
9 a description of the management and implementa-
10 tion of such projects, including the use of private
11 contractors.

12 (3) Projects anticipated during the next two fis-
13 cal years related to the activities of each of such
14 commissions because of obligations that the United
15 States has entered into based on any treaty between
16 the United States and another country.

17 (c) SUBMISSION OF THE REPORTS.—The reports
18 may be combined with the annual budget justification sub-
19 mitted by the President in accordance with section
20 1105(a) of title 31, United States Code.

21 **SEC. 415. ENHANCING NUCLEAR SAFEGUARDS.**

22 (a) FINDINGS.—Congress makes the following find-
23 ings:

24 (1) The Treaty on the Non-Proliferation of Nu-
25 clear Weapons, done at Washington, London, and

1 Moscow July 1, 1968, and entered into force March
2 5, 1970 (commonly known as the “Nuclear Non-
3 Proliferation Treaty” or “NPT”) and the safeguards
4 system of the International Atomic Energy Agency
5 (IAEA) are indispensable to international peace and
6 security.

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

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

17 (4) The Government Accountability Office
18 (GAO) stated in testimony before Congress in Sep-
19 tember 2006 that “while IAEA is increasingly rely-
20 ing on the analytical skills of its staff to detect coun-
21 tries” undeclared nuclear activities, the agency is
22 facing a looming human capital crisis.

23 (5) The Director General of the IAEA told the
24 Board of Governors of the IAEA in March 2009
25 that the “deteriorating conditions in our labora-

1 tories, for example, threaten both our ability to de-
2 liver our programmed, as well as our independent
3 analytical capability”.

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

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

22 (b) AUTHORIZATION OF APPROPRIATIONS.—There is
23 authorized to be appropriated \$10,000,000 for the refur-
24 bishment or possible replacement of the IAEA’s Safe-
25 guards Analytical Laboratory.

1 (c) REPORT.—Not later than 180 days after the date
2 of the enactment of this Act, the Secretary of State shall
3 submit to the Committee on Foreign Affairs of the House
4 of Representatives and the Committee on Foreign Rela-
5 tions of the Senate a report on the refurbishment or pos-
6 sible replacement of the IAEA’s Safeguards Analytical
7 Laboratory pursuant to subsection (b).

8 **TITLE V—UNITED STATES**
9 **INTERNATIONAL BROAD-**
10 **CASTING**

11 **SEC. 501. AUTHORIZATION OF APPROPRIATIONS FOR**
12 **INTERNATIONAL BROADCASTING.**

13 The following amounts are authorized to be appro-
14 priated to carry out United States international broad-
15 casting activities under the United States Information and
16 Educational Exchange Act of 1948, the Radio Broad-
17 casting to Cuba Act, the Television Broadcasting to Cuba
18 Act, the United States International Broadcasting Act of
19 1994, and the Foreign Affairs Reform and Restructuring
20 Act of 1998, and to carry out other authorities in law con-
21 sistent with such purposes:

22 (1) For “International Broadcasting Oper-
23 ations”, \$732,187,000 for fiscal year 2010 and such
24 sums as may be necessary for fiscal year 2011.

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

4 **SEC. 502. PERSONAL SERVICES CONTRACTING PROGRAM.**

5 Section 504 of the Foreign Relations Authorization
6 Act, Fiscal Year 2003, (Public Law 107–228; 22 U.S.C.
7 6206 note), is amended—

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

10 (2) in subsection (a)—

11 (A) by striking “pilot”; and

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

19 (3) in subsection (b)—

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

22 (B) by adding at the end the following new
23 paragraph:

1 “(5) The annual salary rate for personal serv-
2 ices contractors may not exceed the rate for level IV
3 of the Executive Schedule.”; and

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

6 **SEC. 503. RADIO FREE EUROPE/RADIO LIBERTY PAY PAR-**
7 **ITY.**

8 Section 308(h)(1)(C) of the United States Inter-
9 national Broadcasting Act of 1994 (22 U.S.C.
10 6207(h)(1)(C)) is amended—

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

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

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

15 **SEC. 504. EMPLOYMENT FOR INTERNATIONAL BROAD-**
16 **CASTING.**

17 Section 804(1) of the United States Information and
18 Educational Exchange Act of 1948 (22 U.S.C. 1474(1))
19 is amended by inserting after “suitably qualified United
20 States citizens” the following: “(for purposes of this para-
21 graph, the term ‘suitably qualified United States citizens’
22 means those United States citizen applicants who are
23 equally or better qualified than non-United States citizen
24 applicants)”.

1 **SEC. 505. DOMESTIC RELEASE OF THE VOICE OF AMERICA**
2 **FILM ENTITLED “A FATEFUL HARVEST”.**

3 (a) IN GENERAL.—Notwithstanding section 208 of
4 the Foreign Relations Authorization Act, Fiscal Years
5 1986 and 1987 (22 U.S.C. 1461–1a) and section 501(b)
6 of the United States Information and Educational Ex-
7 change Act of 1948 (22 U.S.C. 1461(b)), the Director of
8 the International Broadcasting Bureau shall provide a
9 master copy of the film entitled “A Fateful Harvest” to
10 the Archivist of the United States for domestic release in
11 accordance with subsection (b).

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

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

18 (2) make copies of the film available for pur-
19 chase and public viewing within the United States.

20 **SEC. 506. ESTABLISHING PERMANENT AUTHORITY FOR**
21 **RADIO FREE ASIA.**

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

24 (1) in subsection (c)(2), by striking “, and shall
25 further specify that funds to carry out the activities

1 of Radio Free Asia may not be available after Sep-
2 tember 30, 2010”;

3 (2) by striking subsection (f); and

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

6 **TITLE VI—PEACE CORPS**

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

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

9 (1) On October 14, 1960, then Senator John F.
10 Kennedy addressed students on the steps of the Uni-
11 versity of Michigan Union to enlist their effort to
12 make the world a better place by serving their coun-
13 try abroad.

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

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

23 (A) To help the people of interested coun-
24 tries in meeting their needs for trained men
25 and women.

1 (B) To promote a better understanding of
2 Americans on the part of the peoples served.

3 (C) To help promote a better under-
4 standing of other peoples on the part of Ameri-
5 cans.

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

8 (5) The Peace Corps is the world's premier
9 international service organization dedicated to pro-
10 moting sustainable grassroots development by work-
11 ing with host communities in the areas of agri-
12 culture, business development, education, the envi-
13 ronment, health and HIV/AIDS, and youth.

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

22 (7) Recognizing the Peace Corps' unique and
23 effective role in promoting volunteer service by
24 American citizens, President Obama and Vice Presi-
25 dent Biden announced their intent to double the size

1 of Peace Corps in an expeditious and effective man-
2 ner.

3 (8) Over 13,000 Americans applied in 2008 to
4 volunteer their service to serve the world's poorest
5 communities in the Peace Corps, a 16 percent in-
6 crease over the nearly 11,000 applications received
7 in 2007.

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

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

17 (1) double the number of Peace Corps volun-
18 teers and strengthen and improve the Peace Corps
19 and its programs;

20 (2) improve the coordination of Peace Corps
21 programs with development programs of other Fed-
22 eral departments and agencies, without diminishing
23 the independence of the Peace Corps; and

24 (3) promote all types of volunteerism by Ameri-
25 cans in the developing world.

1 **SEC. 602. AMENDMENTS TO THE PEACE CORPS ACT.**

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

5 **“SEC. 5A. PEACE CORPS RESPONSE PROGRAM.**

6 “The Director of the Peace Corps is authorized to
7 establish a special program that assigns returned Peace
8 Corps volunteers or other volunteers to provide short-term
9 development or other relief assistance or to otherwise be
10 assigned or made available to any entity referred to in sub-
11 section (a)(1) of section 10. The term of such service shall
12 be less than the term of service of a volunteer under sec-
13 tion 5. Except to the extent determined necessary and ap-
14 propriate by the Director, the program established under
15 this section may not cause a diminution in the number
16 or quality of projects or volunteers assigned to longer term
17 assignments under section 5.”

18 (b) COORDINATION OF PEACE CORPS PROGRAMS.—
19 Paragraph (2) of section 4(c) of the Peace Corps Act (22
20 U.S.C. 2503(c)) is amended to read as follows:

21 “(2) The Director of the Peace Corps shall, as
22 appropriate and to the maximum extent practicable
23 without diminishing any program or operational
24 independence, work with the heads of Federal de-
25 partments and agencies to identify synergies and

1 avoid duplication of efforts with Peace Corps pro-
2 grams in the field and at headquarters.”.

3 (c) VOLUNTEER LEADERS.—Section 6 (22 U.S.C.
4 2505) of the Peace Corps Act is amended—

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

6 (A) by striking “and the term” and insert-
7 ing “the term”; and

8 (B) by inserting before the colon the fol-
9 lowing: “, and the term ‘partner’ means an in-
10 dividual identified in good faith by a volunteer
11 leader as the long-term or committed same-sex
12 partner of such volunteer leader”; and

13 (2) in paragraphs (2), (3), and (4), by inserting
14 “, partners,” after “spouses” each place it appears.

15 (d) READJUSTMENT ALLOWANCE.—Subsection (c) of
16 section 5 of the Peace Corps Act (22 U.S.C. 2504(c)) is
17 amended, in the first sentence, by striking “\$125” and
18 inserting “\$225”.

19 (e) AUTHORIZATION OF APPROPRIATIONS.—Section
20 3(b)(1) of the Peace Corps Act (22 U.S.C. 2502(b)(1))
21 is amended by striking “\$270,000,000” and all that fol-
22 lows through the period at the end and inserting the fol-
23 lowing: “\$400,000,000 for fiscal year 2010 and
24 \$450,000,000 for fiscal year 2011.”.

1 **SEC. 603. REPORT.**

2 (a) PEACE CORPS RESPONSE PROGRAM REPORT.—

3 Not later than one year after the date of the enactment
4 of this Act, the Director of the Peace Corps shall submit
5 to the appropriate congressional committees a report on
6 the Peace Corps Response Program or any similar pro-
7 gram developed under in accordance with section 5A of
8 the Peace Corps Act (as added by section 602(a) of this
9 Act), including information on the following:

10 (1) The achievements and challenges of the
11 Peace Corps Response Program or any similar pro-
12 gram since its inception as the Peace Corps Crisis
13 Corps in 1996.

14 (2) The goals, objectives, program areas, and
15 growth projections for the Peace Corps Response
16 Program or any similar program from fiscal year
17 2010 through fiscal year 2011.

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

21 (4) The standards and requirements used to se-
22 lect volunteers for service under the Peace Corps Re-
23 sponse Program or any similar program.

24 (5) The measures used to evaluate projects of
25 the Peace Corps Response Program or any similar
26 program and the effectiveness of volunteers assigned

1 to such Program or similar program at achieving
2 identified objectives.

3 (b) ANNUAL REPORTS.—Not later than one year
4 after the date of the enactment of this Act and annually
5 thereafter, the Director of the Peace Corps shall submit
6 to the appropriate congressional committees a report on
7 progress made in carrying out this section, including ef-
8 forts to strengthen coordination between the Peace Corps
9 and other Federal departments and agencies carrying out
10 development assistance programs (as required under para-
11 graph (2) of section 4(c) of the Peace Corps Act (22
12 U.S.C. 2503(c)), as amended by section 602(b) of this
13 Act).

14 **TITLE VII—SENATOR PAUL**
15 **SIMON STUDY ABROAD FOUN-**
16 **DATION ACT OF 2009**

17 **SEC. 701. SHORT TITLE.**

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

20 **SEC. 702. FINDINGS.**

21 Congress makes the following findings:

22 (1) According to former President George W.
23 Bush, “America’s leadership and national security
24 rest on our commitment to educate and prepare our

1 youth for active engagement in the international
2 community.”.

3 (2) According to former President William J.
4 Clinton, “Today, the defense of United States inter-
5 ests, the effective management of global issues, and
6 even an understanding of our Nation’s diversity re-
7 quire ever-greater contact with, and understanding
8 of, people and cultures beyond our borders.”.

9 (3) Congress authorized the establishment of
10 the Commission on the Abraham Lincoln Study
11 Abroad Fellowship Program pursuant to section 104
12 of the Miscellaneous Appropriations and Offsets Act,
13 2004 (division h of Public Law 108–199). Pursuant
14 to its mandate, the Lincoln Commission has sub-
15 mitted to Congress and the President a report of its
16 recommendations for greatly expanding the oppor-
17 tunity for students at institutions of higher edu-
18 cation in the United States to study abroad, with
19 special emphasis on studying in developing nations.

20 (4) According to the Lincoln Commission,
21 “[s]tudy abroad is one of the major means of pro-
22 ducing foreign language speakers and enhancing for-
23 eign language learning” and, for that reason, “is
24 simply essential to the [N]ation’s security.”.

1 (5) Studies consistently show that United
2 States students score below their counterparts in
3 other advanced countries on indicators of inter-
4 national knowledge. This lack of global literacy is a
5 national liability in an age of global trade and busi-
6 ness, global interdependence, and global terror.

7 (6) Americans believe that it is important for
8 their children to learn other languages, study
9 abroad, attend a college where they can interact with
10 international students, learn about other countries
11 and cultures, and generally be prepared for the glob-
12 al age.

13 (7) In today's world, it is more important than
14 ever for the United States to be a responsible, con-
15 structive leader that other countries are willing to
16 follow. Such leadership cannot be sustained without
17 an informed citizenry with significant knowledge and
18 awareness of the world.

19 (8) Study abroad has proven to be a very effec-
20 tive means of imparting international and foreign
21 language competency to students.

22 (9) In any given year, only approximately one
23 percent of all students enrolled in United States in-
24 stitutions of higher education study abroad.

1 (10) Less than 10 percent of the students who
2 graduate from United States institutions of higher
3 education with bachelors degrees have studied
4 abroad.

5 (11) Far more study abroad must take place in
6 developing countries. Ninety-five percent of the
7 world's population growth over the next 50 years
8 will occur outside of Europe, yet in the academic
9 year 2004–2005, 60 percent of United States stu-
10 dents studying abroad studied in Europe, and 45
11 percent studied in four countries—the United King-
12 dom, Italy, Spain, and France.

13 (12) The Final Report of the National Commis-
14 sion on Terrorist Attacks Upon the United States
15 (the 9/11 Commission Report) recommended that
16 the United States increase support for “scholarship,
17 exchange, and library programs”. The 9/11 Public
18 Discourse Project, successor to the 9/11 Commis-
19 sion, noted in its November 14, 2005, status report
20 that this recommendation was “unfulfilled,” and
21 stated that “[t]he U.S. should increase support for
22 scholarship and exchange programs, our most power-
23 ful tool to shape attitudes over the course of a gen-
24 eration.”. In its December 5, 2005, Final Report on
25 the 9/11 Commission Recommendations, the 9/11

1 Public Discourse Project gave the government a
2 grade of “D” for its implementation of this rec-
3 ommendation.

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

11 (14) An enhanced national study abroad pro-
12 gram could help further the goals of other United
13 States Government initiatives to promote edu-
14 cational, social, and political reform and the status
15 of women in developing and reforming societies
16 around the world, such as the Middle East Partner-
17 ship Initiative.

18 (15) To complement such worthwhile Federal
19 programs and initiatives as the Benjamin A. Gilman
20 International Scholarship Program, the National Se-
21 curity Education Program, and the National Secu-
22 rity Language Initiative, a broad-based under-
23 graduate study abroad program is needed that will
24 make many more study abroad opportunities acces-
25 sible to all undergraduate students, regardless of

1 their field of study, ethnicity, socio-economic status,
2 or gender.

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

7 **SEC. 703. PURPOSES.**

8 The purposes of this title are—

9 (1) to significantly enhance the global competi-
10 tiveness and international knowledge base of the
11 United States by ensuring that more United States
12 students have the opportunity to acquire foreign lan-
13 guage skills and international knowledge through
14 significantly expanded study abroad;

15 (2) to enhance the foreign policy capacity of the
16 United States by significantly expanding and diversi-
17 fying the talent pool of individuals with non-tradi-
18 tional foreign language skills and cultural knowledge
19 in the United States who are available for recruit-
20 ment by United States foreign affairs agencies, leg-
21 islative branch agencies, and nongovernmental orga-
22 nizations involved in foreign affairs activities;

23 (3) to ensure that an increasing portion of
24 study abroad by United States students will take
25 place in nontraditional study abroad destinations

1 such as the People’s Republic of China, countries of
2 the Middle East region, and developing countries;
3 and

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

9 **SEC. 704. DEFINITIONS.**

10 In this title:

11 (1) **APPROPRIATE CONGRESSIONAL COMMIT-**
12 **TEES.**—The term “appropriate congressional com-
13 mittees” means—

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

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

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

23 (3) **CHIEF EXECUTIVE OFFICER.**—The term
24 “Chief Executive Officer” means the chief executive

1 officer of the Foundation appointed pursuant to sec-
2 tion 705(c).

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

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

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

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

21 (8) STUDY ABROAD.—The term “study abroad”
22 means an educational program of study, work, re-
23 search, internship, or combination thereof that is
24 conducted outside the United States and that carries

1 academic credit toward fulfilling the participating
2 student's degree requirements.

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

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

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

16 (a) ESTABLISHMENT.—

17 (1) IN GENERAL.—There is established in the
18 executive branch a corporation to be known as the
19 “Senator Paul Simon Study Abroad Foundation”
20 that shall be responsible for carrying out this title.
21 The Foundation shall be a government corporation,
22 as defined in section 103 of title 5, United States
23 Code.

1 (2) BOARD OF DIRECTORS.—The Foundation
2 shall be governed by a Board of Directors in accord-
3 ance with subsection (d).

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

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

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

13 (b) MANDATE OF FOUNDATION.—In administering
14 the program referred to in subsection (a)(3), the Founda-
15 tion shall—

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

18 (2) through responsive, flexible grant-making,
19 promote access to study abroad opportunities by
20 United States students at diverse institutions of
21 higher education, including two-year institutions, mi-
22 nority-serving institutions, and institutions that
23 serve nontraditional students;

24 (3) through creative grant-making, promote ac-
25 cess to study abroad opportunities by diverse United

1 States students, including minority students, stu-
2 dents of limited financial means, and nontraditional
3 students;

4 (4) solicit funds from the private sector to sup-
5 plement funds made available under this title; and

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

8 (c) CHIEF EXECUTIVE OFFICER.—

9 (1) IN GENERAL.—There shall be in the Foun-
10 dation a Chief Executive Officer who shall be re-
11 sponsible for the management of the Foundation.

12 (2) APPOINTMENT.—The Chief Executive Offi-
13 cer shall be appointed by the Board and shall be a
14 recognized leader in higher education, business, or
15 foreign policy, chosen on the basis of a rigorous
16 search.

17 (3) RELATIONSHIP TO BOARD.—The Chief Ex-
18 ecutive Officer shall report to and be under the di-
19 rect authority of the Board.

20 (4) COMPENSATION AND RANK.—

21 (A) IN GENERAL.—The Chief Executive
22 Officer shall be compensated at the rate pro-
23 vided for level IV of the Executive Schedule
24 under section 5315 of title 5, United States
25 Code.

1 (B) AMENDMENT.—Section 5315 of title
2 5, United States Code, is amended by adding at
3 the end the following: “Chief Executive Officer,
4 Senator Paul Simon Study Abroad Founda-
5 tion.”.

6 (5) AUTHORITIES AND DUTIES.—The Chief Ex-
7 ecutive Officer shall be responsible for the manage-
8 ment of the Foundation and shall exercise the pow-
9 ers and discharge the duties of the Foundation.

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

14 (d) BOARD OF DIRECTORS.—

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

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

24 (3) MEMBERSHIP.—The Board shall consist
25 of—

1 (A) the Secretary of State (or the Sec-
2 retary's designee), the Secretary of Education
3 (or the Secretary's designee), the Secretary of
4 Defense (or the Secretary's designee), and the
5 Administrator of the United States Agency for
6 International Development (or the Administra-
7 tor's designee); and

8 (B) five other individuals with relevant ex-
9 perience in matters relating to study abroad
10 (such as individuals who represent institutions
11 of higher education, business organizations, for-
12 eign policy organizations, or other relevant or-
13 ganizations) who shall be appointed by the
14 President, by and with the advice and consent
15 of the Senate, of which—

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

20 (ii) one individual shall be appointed
21 from among a list of individuals submitted
22 by the minority leader of the House of
23 Representatives;

1 (iii) one individual shall be appointed
2 from among a list of individuals submitted
3 by the majority leader of the Senate; and

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

7 (4) CHIEF EXECUTIVE OFFICER.—The Chief
8 Executive Officer of the Foundation shall serve as a
9 non-voting, ex-officio member of the Board.

10 (5) TERMS.—

11 (A) OFFICERS OF THE FEDERAL GOVERN-
12 MENT.—Each member of the Board described
13 in paragraph (3)(A) shall serve for a term that
14 is concurrent with the term of service of the in-
15 dividual's position as an officer within the other
16 Federal department or agency.

17 (B) OTHER MEMBERS.—Each member of
18 the Board described in paragraph (3)(B) shall
19 be appointed for a term of three years and may
20 be reappointed for one additional three-year
21 term.

22 (C) VACANCIES.—A vacancy in the Board
23 shall be filled in the manner in which the origi-
24 nal appointment was made.

1 (6) CHAIRPERSON.—There shall be a Chair-
2 person of the Board. The Secretary of State (or the
3 Secretary’s designee) shall serve as the Chairperson.

4 (7) QUORUM.—A majority of the members of
5 the Board described in paragraph (3) shall con-
6 stitute a quorum, which, except with respect to a
7 meeting of the Board during the 135-day period be-
8 ginning on the date of the enactment of this Act,
9 shall include at least one member of the Board de-
10 scribed in paragraph (3)(B).

11 (8) MEETINGS.—The Board shall meet at the
12 call of the Chairperson.

13 (9) COMPENSATION.—

14 (A) OFFICERS OF THE FEDERAL GOVERN-
15 MENT.—

16 (i) IN GENERAL.—A member of the
17 Board described in paragraph (3)(A) may
18 not receive additional pay, allowances, or
19 benefits by reason of the member’s service
20 on the Board.

21 (ii) TRAVEL EXPENSES.—Each such
22 member of the Board shall receive travel
23 expenses, including per diem in lieu of sub-
24 sistence, in accordance with applicable pro-

1 visions under subchapter I of chapter 57 of
2 title 5, United States Code.

3 (B) OTHER MEMBERS.—

4 (i) IN GENERAL.—Except as provided
5 in clause (ii), a member of the Board de-
6 scribed in paragraph (3)(B) while away
7 from the member's home or regular place
8 of business on necessary travel in the ac-
9 tual performance of duties as a member of
10 the Board, shall be paid per diem, travel,
11 and transportation expenses in the same
12 manner as is provided under subchapter I
13 of chapter 57 of title 5, United States
14 Code.

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

19 **SEC. 706. ESTABLISHMENT AND OPERATION OF PROGRAM.**

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

22 (1) be administered by the Foundation; and

23 (2) award grants to—

24 (A) United States students for study
25 abroad;

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

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

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

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

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

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

24 (c) MANDATE OF THE PROGRAM.—In order to ac-
25 complish the objectives set forth in subsection (b), the

1 Foundation shall, in administering the program estab-
2 lished under subsection (a), take fully into account the rec-
3 ommendations of the Commission on the Abraham Lincoln
4 Study Abroad Fellowship Program (established pursuant
5 to section 104 of the Miscellaneous Appropriations and
6 Offsets Act, 2004 (division H of Public Law 108–199)).

7 (d) STRUCTURE OF GRANTS.—

8 (1) PROMOTING REFORM.—In accordance with
9 the recommendations of the Commission on the
10 Abraham Lincoln Study Abroad Fellowship Pro-
11 gram, grants awarded under the program estab-
12 lished under subsection (a) shall be structured to the
13 maximum extent practicable to promote appropriate
14 reforms in institutions of higher education in order
15 to remove barriers to participation by students in
16 study abroad.

17 (2) GRANTS TO INDIVIDUALS AND INSTITU-
18 TIONS.—It is the sense of Congress that—

19 (A) the Foundation should award not more
20 than 25 percent of the funds awarded as grants
21 to individuals described in subparagraph (A) of
22 subsection (a)(2) and not less than 75 percent
23 of such funds to institutions described in sub-
24 paragraphs (B) and (C) of such subsection; and

1 (B) the Foundation should ensure that not
2 less than 85 percent of the amount awarded to
3 such institutions is used to award scholarships
4 to students.

5 (e) BALANCE OF LONG-TERM AND SHORT-TERM
6 STUDY ABROAD PROGRAMS.—In administering the pro-
7 gram established under subsection (a), the Foundation
8 shall seek an appropriate balance between—

9 (1) longer-term study abroad programs, which
10 maximize foreign-language learning and intercultural
11 understanding; and

12 (2) shorter-term study abroad programs, which
13 maximize the accessibility of study abroad to non-
14 traditional students.

15 (f) QUALITY AND SAFETY IN STUDY ABROAD.—In
16 administering the program established under subsection
17 (a), the Foundation shall require that institutions receiv-
18 ing grants demonstrate that—

19 (1) the study abroad programs for which stu-
20 dents receive grant funds are for academic credit;
21 and

22 (2) the programs have established health and
23 safety guidelines and procedures.

1 **SEC. 707. ANNUAL REPORT.**

2 (a) REPORT REQUIRED.—Not later than December
3 15, 2010, and each December 15 thereafter, the Founda-
4 tion shall submit to the appropriate congressional commit-
5 tees a report on the implementation of this title during
6 the prior fiscal year.

7 (b) CONTENTS.—The report required by subsection
8 (a) shall include—

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

14 (2) a description of the Board's policy priorities
15 for the year and the bases upon which grant pro-
16 posals were solicited and awarded to institutions of
17 higher education, nongovernmental institutions, and
18 consortiums pursuant to sections 706(a)(2)(B) and
19 706(a)(2)(C);

20 (3) a list of grants made to institutions of high-
21 er education, nongovernmental institutions, and con-
22 sortiums pursuant to sections 706(a)(2)(B) and
23 706(a)(2)(C) that includes the identity of the insti-
24 tutional recipient, the dollar amount, the estimated
25 number of study abroad opportunities provided to
26 United States students by each grant, the amount of

1 the grant used by each institution for administrative
2 expenses, and information on cost-sharing by each
3 institution receiving a grant;

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

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

10 and

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

14 (A) the number of Foundation employees
15 and the cost of compensation for Board mem-
16 bers, Foundation employees, and personal serv-
17 ice contractors;

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

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

24 (D) total representational expenses.

1 **SEC. 708. POWERS OF THE FOUNDATION; RELATED PROVI-**
2 **SIONS.**

3 (a) POWERS.—The Foundation—

4 (1) shall have perpetual succession unless dis-
5 solved by a law enacted after the date of the enact-
6 ment of this Act;

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

9 (3) may make and perform such contracts,
10 grants, and other agreements with any person or
11 government however designated and wherever situ-
12 ated, as may be necessary for carrying out the func-
13 tions of the Foundation;

14 (4) may determine and prescribe the manner in
15 which its obligations shall be incurred and its ex-
16 penses allowed and paid, including expenses for rep-
17 resentation;

18 (5) may lease, purchase, or otherwise acquire,
19 improve, and use such real property wherever situ-
20 ated, as may be necessary for carrying out the func-
21 tions of the Foundation;

22 (6) may accept cash gifts or donations of serv-
23 ices or of property (real, personal, or mixed), tan-
24 gible or intangible, for the purpose of carrying out
25 the provisions of this title;

1 (7) may use the United States mails in the
2 same manner and on the same conditions as the ex-
3 ecutive departments;

4 (8) may contract with individuals for personal
5 services, who shall not be considered Federal em-
6 ployees for any provision of law administered by the
7 Office of Personnel Management;

8 (9) may hire or obtain passenger motor vehi-
9 cles; and

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

12 (b) PRINCIPAL OFFICE.—The Foundation shall
13 maintain its principal office in the metropolitan area of
14 Washington, District of Columbia.

15 (c) APPLICABILITY OF GOVERNMENT CORPORATION
16 CONTROL ACT.—

17 (1) IN GENERAL.—The Foundation shall be
18 subject to chapter 91 of subtitle VI of title 31,
19 United States Code, except that the Foundation
20 shall not be authorized to issue obligations or offer
21 obligations to the public.

22 (2) CONFORMING AMENDMENT.—Section
23 9101(3) of title 31, United States Code, is amended
24 by adding at the end the following new subpara-
25 graph:

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

3 (d) INSPECTOR GENERAL.—

4 (1) IN GENERAL.—The Inspector General of
5 the Department of State shall serve as Inspector
6 General of the Foundation, and, in acting in such
7 capacity, may conduct reviews, investigations, and
8 inspections of all aspects of the operations and ac-
9 tivities of the Foundation.

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

14 (3) REIMBURSEMENT AND AUTHORIZATION OF
15 SERVICES.—

16 (A) REIMBURSEMENT.—The Foundation
17 shall reimburse the Department of State for all
18 expenses incurred by the Inspector General in
19 connection with the Inspector General’s respon-
20 sibilities under this subsection.

21 (B) AUTHORIZATION FOR SERVICES.—Of
22 the amount authorized to be appropriated
23 under section 711(a) for a fiscal year, up to
24 \$2,000,000 is authorized to be made available
25 to the Inspector General of the Department of

1 State to conduct reviews, investigations, and in-
2 spections of operations and activities of the
3 Foundation.

4 **SEC. 709. GENERAL PERSONNEL AUTHORITIES.**

5 (a) **DETAIL OF PERSONNEL.**—Upon request of the
6 Chief Executive Officer, the head of an agency may detail
7 any employee of such agency to the Foundation on a reim-
8 bursable basis. Any employee so detailed remains, for the
9 purpose of preserving such employee’s allowances, privi-
10 leges, rights, seniority, and other benefits, an employee of
11 the agency from which detailed.

12 (b) **REEMPLOYMENT RIGHTS.**—

13 (1) **IN GENERAL.**—An employee of an agency
14 who is serving under a career or career conditional
15 appointment (or the equivalent), and who, with the
16 consent of the head of such agency, transfers to the
17 Foundation, is entitled to be reemployed in such em-
18 ployee’s former position or a position of like senior-
19 ity, status, and pay in such agency, if such em-
20 ployee—

21 (A) is separated from the Foundation for
22 any reason, other than misconduct, neglect of
23 duty, or malfeasance; and

1 (B) applies for reemployment not later
2 than 90 days after the date of separation from
3 the Foundation.

4 (2) SPECIFIC RIGHTS.—An employee who satis-
5 fies paragraph (1) is entitled to be reemployed (in
6 accordance with such paragraph) within 30 days
7 after applying for reemployment and, on reemploy-
8 ment, is entitled to at least the rate of basic pay to
9 which such employee would have been entitled had
10 such employee never transferred.

11 (c) HIRING AUTHORITY.—Of persons employed by
12 the Foundation, not to exceed 20 persons may be ap-
13 pointed, compensated, or removed without regard to the
14 civil service laws and regulations.

15 (d) BASIC PAY.—The Chief Executive Officer may fix
16 the rate of basic pay of employees of the Foundation with-
17 out regard to the provisions of chapter 51 of title 5,
18 United States Code (relating to the classification of posi-
19 tions), subchapter III of chapter 53 of such title (relating
20 to General Schedule pay rates), except that no employee
21 of the Foundation may receive a rate of basic pay that
22 exceeds the rate for level IV of the Executive Schedule
23 under section 5315 of such title.

24 (e) DEFINITIONS.—In this section—

1 (1) the term “agency” means an executive
2 agency, as defined by section 105 of title 5, United
3 States Code; and

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

8 **SEC. 710. GAO REVIEW.**

9 (a) REVIEW REQUIRED.—Not later than two years
10 after the date of the enactment of this Act, the Comp-
11 troller General of the United States shall commence a re-
12 view of the operations of the Foundation.

13 (b) CONTENT.—In conducting the review required
14 under subsection (a), the Comptroller General shall ana-
15 lyze—

16 (1) whether the Foundation is organized and
17 operating in a manner that will permit it to fulfill
18 the purposes of this section, as set forth in section
19 603;

20 (2) the degree to which the Foundation is oper-
21 ating efficiently and in a manner consistent with the
22 requirements of paragraphs (4) and (5) of section
23 605(b);

1 (3) whether grant-making by the Foundation is
2 being undertaken in a manner consistent with sub-
3 sections (d), (e), and (f) of section 606;

4 (4) the extent to which the Foundation is using
5 best practices in the implementation of this Act and
6 the administration of the program described in sec-
7 tion 606; and

8 (5) other relevant matters, as determined by
9 the Comptroller General, after consultation with the
10 appropriate congressional committees.

11 (c) **REPORT REQUIRED.**—The Comptroller General
12 shall submit a report on the results of the review con-
13 ducted under subsection (a) to the Secretary of State (in
14 the capacity of the Secretary as Chairperson of the Board
15 of the Foundation) and to the appropriate congressional
16 committees.

17 **SEC. 711. AUTHORIZATION OF APPROPRIATIONS.**

18 (a) **AUTHORIZATION OF APPROPRIATIONS.**—

19 (1) **IN GENERAL.**—There are authorized to be
20 appropriated to carry out this title \$40,000,000 for
21 fiscal year 2010 and \$80,000,000 for fiscal year
22 2011.

23 (2) **AMOUNTS IN ADDITION TO OTHER AVAIL-**
24 **ABLE AMOUNTS.**—Amounts authorized to be appro-
25 priated by paragraph (1) are in addition to amounts

1 authorized to be appropriated or otherwise made
2 available for educational exchange programs, includ-
3 ing the J. William Fulbright Educational Exchange
4 Program and the Benjamin A. Gilman International
5 Scholarship Program, administered by the Bureau of
6 Educational and Cultural Affairs of the Department
7 of State.

8 (b) ALLOCATION OF FUNDS.—

9 (1) IN GENERAL.—The Foundation may allo-
10 cate or transfer to any agency of the United States
11 Government any of the funds available for carrying
12 out this Act. Such funds shall be available for obli-
13 gation and expenditure for the purposes for which
14 the funds were authorized, in accordance with au-
15 thority granted in this Act or under authority gov-
16 erning the activities of the United States Govern-
17 ment agency to which such funds are allocated or
18 transferred.

19 (2) NOTIFICATION.—The Foundation shall no-
20 tify the appropriate congressional committees not
21 less than 15 days prior to an allocation or transfer
22 of funds pursuant to paragraph (1).

1 **TITLE VIII—EXPORT CONTROL**
2 **REFORM AND SECURITY AS-**
3 **SISTANCE**

4 **Subtitle A—Defense Trade Controls**
5 **Performance Improvement Act**
6 **of 2009**

7 **SEC. 801. SHORT TITLE.**

8 This subtitle may be cited as the “Defense Trade
9 Controls Performance Improvement Act of 2009”.

10 **SEC. 802. FINDINGS.**

11 Congress finds the following:

12 (1) In a time of international terrorist threats
13 and a dynamic global economic and security environ-
14 ment, United States policy with regard to export
15 controls is in urgent need of a comprehensive review
16 in order to ensure such controls are protecting the
17 national security and foreign policy interests of the
18 United States.

19 (2) In January 2007, the Government Account-
20 ability Office designated the effective identification
21 and protection of critical technologies as a govern-
22 ment-wide, high-risk area, warranting a strategic re-
23 examination of existing programs, including pro-
24 grams relating to arms export controls.

1 (3) Federal Government agencies must review
2 licenses for export of munitions in a thorough and
3 timely manner to ensure that the United States is
4 able to assist United States allies and to prevent nu-
5 clear and conventional weapons from getting into the
6 hands of enemies of the United States.

7 (4) Both staffing and funding that relate to the
8 Department of State's arms export control respon-
9 sibilities have not kept pace with the increased work-
10 load relating to such responsibilities, especially dur-
11 ing the current decade.

12 (5) Outsourcing and off-shoring of defense pro-
13 duction and the policy of many United States trad-
14 ing partners to require offsets for major sales of de-
15 fense and aerospace articles present a potential
16 threat to United States national security and eco-
17 nomic well-being and serve to weaken the defense in-
18 dustrial base.

19 (6) Export control policies can have a negative
20 impact on United States employment, nonprolifera-
21 tion goals, and the health of the defense industrial
22 base, particularly when facilitating the overseas
23 transfer of technology or production and other forms
24 of outsourcing, such as offsets (direct and indirect),
25 co-production, subcontracts, overseas investment and

1 joint ventures in defense and commercial industries.
2 Federal Government agencies must develop new and
3 effective procedures for ensuring that export control
4 systems address these problems and the threat they
5 pose to national security.

6 (7) In the report to Congress required by the
7 Conference Report (Report 109–272) accompanying
8 the bill, H.R. 2862 (the Science, State, Justice,
9 Commerce and Related Agencies Appropriations Act,
10 2006; Public Law 109–108), the Department of
11 State concluded that—

12 (A) defense trade licensing has become
13 much more complex in recent years as a con-
14 sequence of the increasing globalization of the
15 defense industry;

16 (B) the most important challenge to the
17 Department of State’s licensing process has
18 been the sheer growth in volume of applicants
19 for licenses and agreements, without the cor-
20 responding increase in licensing officers; and

21 (C) the increase in licensing volume with-
22 out a corresponding increase in trained and ex-
23 perience personnel has resulted in delays and
24 increased processing times.

1 (8) In 2006, the Department of State processed
2 over three times as many licensing applications as
3 the Department of Commerce with about a fifth of
4 the staff of the Department of Commerce.

5 (9) On July 27, 2007, in testimony delivered to
6 the Subcommittee on Terrorism, Nonproliferation
7 and Trade of the Committee on Foreign Affairs of
8 the House of Representatives to examine the effec-
9 tiveness of the United States export control regime,
10 the Government Accountability Office found that—

11 (A) the United States Government needs
12 to conduct assessments to determine its overall
13 effectiveness in the area of arms export control;
14 and

15 (B) the processing times of the Depart-
16 ment of State doubled over the period from
17 2002 to 2006.

18 (10)(A) Allowing a continuation of the status
19 quo in resources for defense trade licensing could ul-
20 timately harm the United States defense industrial
21 base. The 2007 Institute for Defense Analysis report
22 entitled “Export Controls and the U.S. Defense In-
23 dustrial Base” found that the large backlog and long
24 processing times by the Department of State for ap-
25 plications for licenses to export defense items led to

1 an impairment of United States firms in some sec-
2 tors to conduct global business relative to foreign
3 competitors.

4 (B) Additionally, the report found that United
5 States commercial firms have been reluctant to en-
6 gage in research and development activities for the
7 Department of Defense because this raises the fu-
8 ture prospects that the products based on this re-
9 search and development, even if intrinsically com-
10 mercial, will be saddled by Department of State mu-
11 nitions controls due to the link to that research.

12 (11) According to the Department of State's
13 fiscal year 2008 budget justification to Congress,
14 commercial exports licensed or approved under the
15 Arms Export Control Act exceeded
16 \$30,000,000,000, with nearly eighty percent of these
17 items exported to United States NATO allies and
18 other major non-NATO allies.

19 (12) A Government Accountability Office report
20 of October 9, 2001 (GAO-02-120), documented am-
21 biguous export control jurisdiction affecting 25 per-
22 cent of the items that the United States Government
23 agreed to control as part of its commitments to the
24 Missile Technology Control Regime. The United
25 States Government has not clearly determined which

1 department has jurisdiction over these items, which
2 increases the risk that these items will fall into the
3 wrong hands. During both the 108th, 109th, and
4 110th Congresses, the House of Representatives
5 passed legislation mandating that the Administra-
6 tion clarify this issue.

7 (13) During 2007 and 2008, the management
8 and staff of the Directorate of Defense Trade Con-
9 trols of the Department of State have, through ex-
10 traordinary effort and dedication, eliminated the
11 large backlog of open applications and have reduced
12 average processing times for license applications;
13 however, the Directorate remains understaffed and
14 long delays remain for complicated cases.

15 **SEC. 803. STRATEGIC REVIEW AND ASSESSMENT OF THE**
16 **UNITED STATES EXPORT CONTROLS SYSTEM.**

17 (a) REVIEW AND ASSESSMENT.—

18 (1) IN GENERAL.—Not later than March 31,
19 2010, the President shall conduct a comprehensive
20 and systematic review and assessment of the United
21 States arms export controls system in the context of
22 the national security interests and strategic foreign
23 policy objectives of the United States.

24 (2) ELEMENTS.—The review and assessment
25 required under paragraph (1) shall—

1 (A) determine the overall effectiveness of
2 the United States arms export controls system
3 in order to, where appropriate, strengthen con-
4 trols, improve efficiency, and reduce unneces-
5 sary redundancies across Federal Government
6 agencies, through administrative actions, in-
7 cluding regulations, and to formulate legislative
8 proposals for new authorities that are needed;

9 (B) develop processes to ensure better co-
10 ordination of arms export control activities of
11 the Department of State with activities of other
12 departments and agencies of the United States
13 that are responsible for enforcing United States
14 arms export control laws;

15 (C) ensure that weapons-related nuclear
16 technology, other technology related to weapons
17 of mass destruction, and all items on the Mis-
18 sile Technology Control Regime Annex are sub-
19 ject to stringent control by the United States
20 Government;

21 (D) determine the overall effect of arms
22 export controls on counterterrorism, law en-
23 forcement, and infrastructure protection mis-
24 sions of the Department of Homeland Security;

1 (E) determine the effects of export controls
2 policies and the practices of the export control
3 agencies on the United States defense industrial
4 base and United States employment in the in-
5 dustries affected by export controls;

6 (F) contain a detailed summary of known
7 attempts by unauthorized end-users (such as
8 international arms traffickers, foreign intel-
9 ligence agencies, and foreign terrorist organiza-
10 tions) to acquire items on the United States
11 Munitions List and related technical data, in-
12 cluding—

13 (i) data on—

14 (I) commodities sought, such as
15 M-4 rifles, night vision devices, F-14
16 spare parts;

17 (II) parties involved, such as the
18 intended end-users, brokers, con-
19 signees, and shippers;

20 (III) attempted acquisition of
21 technology and technical data critical
22 to manufacture items on the United
23 States Munitions List;

24 (IV) destination countries and
25 transit countries;

1 (V) modes of transport;

2 (VI) trafficking methods, such as
3 use of false documentation and front
4 companies registered under flags of
5 convenience;

6 (VII) whether the attempted il-
7 licit transfer was successful; and

8 (VIII) any administrative or
9 criminal enforcement actions taken by
10 the United States and any other gov-
11 ernment in relation to the attempted
12 illicit transfer;

13 (ii) a thorough evaluation of the Blue
14 Lantern Program, including the adequacy
15 of current staffing and funding levels;

16 (iii) a detailed analysis of licensing ex-
17 emptions and their successful exploitation
18 by unauthorized end-users; and

19 (iv) an examination of the extent to
20 which the increased tendency toward out-
21 sourcing and off-shoring of defense produc-
22 tion harm United States national security
23 and weaken the defense industrial base, in-
24 cluding direct and indirect impact on em-
25 ployment, and formulate policies to address

1 these trends as well as the policy of some
2 United States trading partners to require
3 offsets for major sales of defense articles;
4 and

5 (G) assess the extent to which export con-
6 trol policies and practices under the Arms Ex-
7 port Control Act promote the protection of
8 basic human rights.

9 (b) CONGRESSIONAL BRIEFINGS.—The President
10 shall provide periodic briefings to the appropriate congres-
11 sional committees on the progress of the review and as-
12 sessment conducted under subsection (a). The require-
13 ment to provide congressional briefings under this sub-
14 section shall terminate on the date on which the President
15 transmits to the appropriate congressional committees the
16 report required under subsection (c).

17 (c) REPORT.—Not later than 18 months after the
18 date of the enactment of this Act, the President shall
19 transmit to the appropriate congressional committees and
20 the Committee on Armed Services of the House of Rep-
21 resentatives and the Committee on Armed Services of the
22 Senate a report that contains the results of the review and
23 assessment conducted under subsection (a). The report re-
24 quired by this subsection shall contain a certification that
25 the requirement of subsection (a)(2)(C) has been met, or

1 if the requirement has not been met, the reasons therefor.
2 The report required by this subsection shall be submitted
3 in unclassified form, but may contain a classified annex,
4 if necessary.

5 **SEC. 804. PERFORMANCE GOALS FOR PROCESSING OF AP-**
6 **PLICATIONS FOR LICENSES TO EXPORT**
7 **ITEMS ON UNITED STATES MUNITIONS LIST.**

8 (a) IN GENERAL.—The Secretary of State, acting
9 through the head of the Directorate of Defense Trade
10 Controls of the Department of State, shall establish and
11 maintain the following goals:

12 (1) The processing time for review of each ap-
13 plication for a license to export items on the United
14 States Munitions List (other than a Manufacturing
15 License Agreement) shall be not more than 60 days
16 from the date of receipt of the application.

17 (2) The processing time for review of each ap-
18 plication for a commodity jurisdiction determination
19 shall be not more than 60 days from the date of re-
20 ceipt of the application.

21 (3) The total number of applications described
22 in paragraph (1) that are unprocessed shall be not
23 more than 7 percent of the total number of such ap-
24 plications submitted in the preceding calendar year.

1 (b) ADDITIONAL REVIEW.—(1) If an application de-
2 scribed in paragraph (1) or (2) of subsection (a) is not
3 processed within the time period described in the respec-
4 tive paragraph of such subsection, then the Managing Di-
5 rector of the Directorate of Defense Trade Controls or the
6 Deputy Assistant Secretary for Defense Trade and Re-
7 gional Security of the Department of State, as appro-
8 priate, shall review the status of the application to deter-
9 mine if further action is required to process the applica-
10 tion.

11 (2) If an application described in paragraph (1) or
12 (2) of subsection (a) is not processed within 90 days from
13 the date of receipt of the application, then the Assistant
14 Secretary for Political-Military Affairs of the Department
15 of State shall—

16 (A) review the status of the application to de-
17 termine if further action is required to process the
18 application; and

19 (B) submit to the appropriate congressional
20 committees a notification of the review conducted
21 under subparagraph (A), including a description of
22 the application, the reason for delay in processing
23 the application, and a proposal for further action to
24 process the application.

1 (3) For each calendar year, the Managing Director
2 of the Directorate of Defense Trade Controls shall review
3 not less than 2 percent of the total number of applications
4 described in paragraphs (1) and (2) of subsection (a) to
5 ensure that the processing of such applications, including
6 decisions to approve, deny, or return without action, is
7 consistent with both policy and regulatory requirements
8 of the Department of State.

9 (c) STATEMENTS OF POLICY.—

10 (1) UNITED STATES ALLIES.—Congress states
11 that—

12 (A) it shall be the policy of the Directorate
13 of Defense Trade Controls of the Department
14 of State to ensure that, to the maximum extent
15 practicable, the processing time for review of
16 applications described in subsection (a)(1) to
17 export items that are not subject to the require-
18 ments of section 36 (b) or (c) of the Arms Ex-
19 port Control Act (22 U.S.C. 2776 (b) or (c)) to
20 United States allies in direct support of combat
21 operations or peacekeeping or humanitarian op-
22 erations with United States Armed Forces is
23 not more than 7 days from the date of receipt
24 of the application; and

1 (B) it shall be the goal, as appropriate, of
2 the Directorate of Defense Trade Controls to
3 ensure that, to the maximum extent practicable,
4 the processing time for review of applications
5 described in subsection (a)(1) to export items
6 that are not subject to the requirements of sec-
7 tion 36 (b) or (c) of the Arms Export Control
8 Act to government security agencies of United
9 States NATO allies, Australia, New Zealand,
10 Japan, South Korea, Israel, and, as appro-
11 priate, other major non-NATO allies for any
12 purpose other than the purpose described in
13 paragraph (1) is not more than 30 days from
14 the date of receipt of the application.

15 (2) PRIORITY FOR APPLICATIONS FOR EXPORT
16 OF U.S.-ORIGIN EQUIPMENT.—In meeting the goals
17 established by this section, it shall be the policy of
18 the Directorate of Defense Trade Controls of the
19 Department of State to prioritize the processing of
20 applications for licenses and agreements necessary
21 for the export of United States-origin equipment
22 over applications for Manufacturing License Agree-
23 ments.

24 (d) REPORT.—Not later than December 31, 2011,
25 and December 31, 2012, the Secretary of State shall sub-

1 mit to the appropriate congressional committees a report
2 that contains a detailed description of—

3 (1)(A) the average processing time for and
4 number of applications described in subsection
5 (a)(1) to—

6 (i) United States NATO allies, Australia,
7 New Zealand, Japan, South Korea, and Israel;

8 (ii) other major non-NATO allies; and

9 (iii) all other countries; and

10 (B) to the extent practicable, the average proc-
11 essing time for and number of applications described
12 in subsection (b)(1) by item category;

13 (2) the average processing time for and number
14 of applications described in subsection (a)(2);

15 (3) the average processing time for and number
16 of applications for agreements described in part 124
17 of title 22, Code of Federal Regulations (relating to
18 the International Traffic in Arms Regulations (other
19 than Manufacturing License Agreements));

20 (4) the average processing times for applica-
21 tions for Manufacturing License Agreements;

22 (5) any management decisions of the Direc-
23 torate of Defense Trade Controls of the Department
24 of State that have been made in response to data
25 contained in paragraphs (1) through (3); and

1 (6) any advances in technology that will allow
2 the time-frames described in subsection (a)(1) to be
3 substantially reduced.

4 (e) CONGRESSIONAL BRIEFINGS.—If, at the end of
5 any month beginning after the date of the enactment of
6 this Act, the total number of applications described in sub-
7 section (a)(1) that are unprocessed is more than 7 percent
8 of the total number of such applications submitted in the
9 preceding calendar year, then the Secretary of State, act-
10 ing through the Under Secretary for Arms Control and
11 International Security, the Assistant Secretary for Polit-
12 ical-Military Affairs, or the Deputy Assistant Secretary
13 for Defense Trade and Regional Security of the Depart-
14 ment of State, as appropriate, shall brief the appropriate
15 congressional committees on such matters and the correc-
16 tive measures that the Directorate of Defense Trade Con-
17 trols will take to comply with the requirements of sub-
18 section (a).

19 (f) TRANSPARENCY OF COMMODITY JURISDICTION
20 DETERMINATIONS.—

21 (1) DECLARATION OF POLICY.—Congress de-
22 clares that the complete confidentiality surrounding
23 several hundred commodity jurisdiction determina-
24 tions made each year by the Department of State
25 pursuant to the International Traffic in Arms Regu-

1 lations is not necessary to protect legitimate propri-
2 etary interests of persons or their prices and cus-
3 tomers, is not in the best security and foreign policy
4 interests of the United States, is inconsistent with
5 the need to ensure a level playing field for United
6 States exporters, and detracts from United States
7 efforts to promote greater transparency and respon-
8 sibility by other countries in their export control sys-
9 tems.

10 (2) PUBLICATION ON INTERNET WEBSITE.—

11 The Secretary of State shall—

12 (A) upon making a commodity jurisdiction
13 determination referred to in paragraph (1) pub-
14 lish on the Internet website of the Department
15 of State not later than 30 days after the date
16 of the determination—

17 (i) the name of the manufacturer of
18 the item;

19 (ii) a brief general description of the
20 item;

21 (iii) the model or part number of the
22 item; and

23 (iv) the United States Munitions List
24 designation under which the item has been
25 designated, except that—

1 (I) the name of the person or
2 business organization that sought the
3 commodity jurisdiction determination
4 shall not be published if the person or
5 business organization is not the man-
6 ufacturer of the item; and

7 (II) the names of the customers,
8 the price of the item, and any propri-
9 etary information relating to the item
10 indicated by the person or business
11 organization that sought the com-
12 modity jurisdiction determination
13 shall not be published; and

14 (B) maintain on the Internet website of
15 the Department of State an archive, that is ac-
16 cessible to the general public and other depart-
17 ments and agencies of the United States, of the
18 information published under subparagraph (A).

19 (g) RULE OF CONSTRUCTION.—Nothing in this sec-
20 tion shall be construed to prohibit the President or Con-
21 gress from undertaking a thorough review of the national
22 security and foreign policy implications of a proposed ex-
23 port of items on the United States Munitions List.

1 **SEC. 805. REQUIREMENT TO ENSURE ADEQUATE STAFF**
2 **AND RESOURCES FOR THE DIRECTORATE OF**
3 **DEFENSE TRADE CONTROLS OF THE DEPART-**
4 **MENT OF STATE.**

5 (a) REQUIREMENT.—The Secretary of State shall en-
6 sure that the Directorate of Defense Trade Controls of
7 the Department of State has the necessary staff and re-
8 sources to carry out this subtitle and the amendments
9 made by this subtitle.

10 (b) MINIMUM NUMBER OF LICENSING OFFICERS.—
11 For fiscal year 2011 and each subsequent fiscal year, the
12 Secretary of State shall ensure that the Directorate of De-
13 fense Trade Controls has at least 1 licensing officer for
14 every 1,250 applications for licenses and other authoriza-
15 tions to export items on the United States Munitions List
16 by not later than the third quarter of such fiscal year,
17 based on the number of licenses and other authorizations
18 expected to be received during such fiscal year. The Sec-
19 retary shall ensure that in meeting the requirement of this
20 subsection, the performance of other functions of the Di-
21 rectorate of Defense Trade Controls is maintained and
22 adequate staff is provided for those functions.

23 (c) MINIMUM NUMBER OF STAFF FOR COMMODITY
24 JURISDICTION DETERMINATIONS.—For each of the fiscal
25 years 2010 through 2012, the Secretary of State shall en-
26 sure that the Directorate of Defense Trade Controls has,

1 to the extent practicable, not less than three individuals
2 assigned to review applications for commodity jurisdiction
3 determinations.

4 (d) ENFORCEMENT RESOURCES.—In accordance
5 with section 127.4 of title 22, Code of Federal Regula-
6 tions, U.S. Immigration and Customs Enforcement is au-
7 thorized to investigate violations of the International Traf-
8 fic in Arms Regulations on behalf of the Directorate of
9 Defense Trade Controls of the Department of State. The
10 Secretary of State shall ensure that the Directorate of De-
11 fense Trade Controls has adequate staffing for enforce-
12 ment of the International Traffic in Arms Regulations.

13 **SEC. 806. AUDIT BY INSPECTOR GENERAL OF THE DEPART-**
14 **MENT OF STATE.**

15 (a) AUDIT.—Not later than the end of each of the
16 fiscal years 2011 and 2012, the Inspector General of the
17 Department of State shall conduct an independent audit
18 to determine the extent to which the Department of State
19 is meeting the requirements of sections 804 and 805.

20 (b) REPORT.—The Inspector General shall submit to
21 the appropriate congressional committees a report that
22 contains the result of each audit conducted under sub-
23 section (a).

1 **SEC. 807. INCREASED FLEXIBILITY FOR USE OF DEFENSE**
2 **TRADE CONTROLS REGISTRATION FEES.**

3 (a) IN GENERAL.—Section 45 of the State Depart-
4 ment Basic Authorities Act of 1956 (22 U.S.C. 2717) is
5 amended—

6 (1) in the first sentence—

7 (A) by striking “For” and inserting “(a)
8 IN GENERAL.—For”; and

9 (B) by striking “Office” and inserting “Di-
10 rectorate”;

11 (2) by amending the second sentence to read as
12 follows:

13 “(b) AVAILABILITY OF FEES.—Fees credited to the
14 account referred to in subsection (a) shall be available only
15 for payment of expenses incurred for—

16 “(1) management,

17 “(2) licensing (in order to meet the require-
18 ments of section 805 of the Defense Trade Controls
19 Performance Improvement Act of 2009 (relating to
20 adequate staff and resources of the Directorate of
21 Defense Trade Controls)),

22 “(3) compliance,

23 “(4) policy activities, and

24 “(5) facilities,

25 of defense trade controls functions.”; and

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

1 “(c) ALLOCATION OF FEES.—In allocating fees for
2 payment of expenses described in subsection (b), the Sec-
3 retary of State shall accord the highest priority to pay-
4 ment of expenses incurred for personnel and equipment
5 of the Directorate of Defense Trade Controls, including
6 payment of expenses incurred to meet the requirements
7 of section 805 of the Defense Trade Controls Performance
8 Improvement Act of 2009.”.

9 (b) CONFORMING AMENDMENT.—Section 38(b) of
10 the Arms Export Control Act (22 U.S.C. 2778(b)) is
11 amended by striking paragraph (3).

12 **SEC. 808. REVIEW OF INTERNATIONAL TRAFFIC IN ARMS**
13 **REGULATIONS AND UNITED STATES MUNI-**
14 **TIONS LIST.**

15 (a) IN GENERAL.—The Secretary of State, in coordi-
16 nation with the heads of other relevant departments and
17 agencies of the United States Government, shall review,
18 with the assistance of United States manufacturers and
19 other interested parties described in section 811(2) of this
20 Act, the International Traffic in Arms Regulations and
21 the United States Munitions List to determine those tech-
22 nologies and goods that warrant different or additional
23 controls.

24 (b) CONDUCT OF REVIEW.—In carrying out the re-
25 view required under subsection (a), the Secretary of State

1 shall review not less than 20 percent of the technologies
2 and goods on the International Traffic in Arms Regula-
3 tions and the United States Munitions List in each cal-
4 endar year so that for the 5-year period beginning with
5 calendar year 2010, and for each subsequent 5-year pe-
6 riod, the International Traffic in Arms Regulations and
7 the United States Munitions List will be reviewed in their
8 entirety.

9 (c) REPORT.—The Secretary of State shall submit to
10 the appropriate congressional committees and the Com-
11 mittee on Armed Services of the House of Representatives
12 and the Committee on Armed Services of the Senate an
13 annual report on the results of the review carried out
14 under this section.

15 **SEC. 809. SPECIAL LICENSING AUTHORIZATION FOR CER-**
16 **TAIN EXPORTS TO NATO MEMBER STATES,**
17 **AUSTRALIA, JAPAN, NEW ZEALAND, ISRAEL,**
18 **AND SOUTH KOREA.**

19 (a) IN GENERAL.—Section 38 of the Arms Export
20 Control Act (22 U.S.C. 2778) is amended by adding at
21 the end the following:

22 “(k) SPECIAL LICENSING AUTHORIZATION FOR CER-
23 TAIN EXPORTS TO NATO MEMBER STATES, AUSTRALIA,
24 JAPAN, NEW ZEALAND, ISRAEL, AND SOUTH KOREA.—

1 “(1) AUTHORIZATION.—(A) The President may
2 provide for special licensing authorization for exports
3 of United States-manufactured spare and replace-
4 ment parts or components listed in an application
5 for such special licensing authorization in connection
6 with defense items previously exported to NATO
7 member states, Australia, Japan, New Zealand,
8 Israel, and South Korea. A special licensing author-
9 ization issued pursuant to this clause shall be effec-
10 tive for a period not to exceed 5 years.

11 “(B) An authorization may be issued under
12 subparagraph (A) only if the applicable government
13 of the country described in subparagraph (A), acting
14 through the applicant for the authorization, certifies
15 that—

16 “(i) the export of spare and replacement
17 parts or components supports a defense item
18 previously lawfully exported;

19 “(ii) the spare and replacement parts or
20 components will be transferred to a defense
21 agency of a country described in subparagraph
22 (A) that is a previously approved end-user of
23 the defense items and not to a distributor or a
24 foreign consignee of such defense items;

1 “(iii) the spare and replacement parts or
2 components will not to be used to materially en-
3 hance, optimize, or otherwise modify or upgrade
4 the capability of the defense items;

5 “(iv) the spare and replacement parts or
6 components relate to a defense item that is
7 owned, operated, and in the inventory of the
8 armed forces a country described in subpara-
9 graph (A);

10 “(v) the export of spare and replacement
11 parts or components will be effected using the
12 freight forwarder designated by the purchasing
13 country’s diplomatic mission as responsible for
14 handling transfers under chapter 2 of this Act
15 as required under regulations; and

16 “(vi) the spare and replacement parts or
17 components to be exported under the special li-
18 censing authorization are specifically identified
19 in the application.

20 “(C) An authorization may not be issued under
21 subparagraph (A) for purposes of establishing off-
22 shore procurement arrangements or producing de-
23 fense articles offshore.

24 “(D)(i) For purposes of this subsection, the
25 term ‘United States-manufactured spare and re-

1 replacement parts or components’ means spare and
2 replacement parts or components—

3 “(I) with respect to which—

4 “(aa) United States-origin content
5 costs constitute at least 85 percent of the
6 total content costs;

7 “(bb) United States manufacturing
8 costs constitute at least 85 percent of the
9 total manufacturing costs; and

10 “(cc) foreign content, if any, is limited
11 to content from countries eligible to receive
12 exports of items on the United States Mu-
13 nitions List under the International Traffic
14 in Arms Regulations (other than de mini-
15 mis foreign content);

16 “(II) that were last substantially trans-
17 formed in the United States; and

18 “(III) that are not—

19 “(aa) classified as significant military
20 equipment; or

21 “(bb) listed on the Missile Technology
22 Control Regime Annex.

23 “(ii) For purposes of clause (i)(I) (aa) and
24 (bb), the costs of non-United States-origin content
25 shall be determined using the final price or final cost

1 associated with the non-United States-origin con-
2 tent.

3 “(2) INAPPLICABILITY PROVISIONS.—(A) The
4 provisions of this subsection shall not apply with re-
5 spect to re-exports or re-transfers of spare and re-
6 placement parts or components and related services
7 of defense items described in paragraph (1).

8 “(B) The congressional notification require-
9 ments contained in section 36(c) of this Act shall
10 not apply with respect to an authorization issued
11 under paragraph (1).”.

12 (b) EFFECTIVE DATE.—The President shall issue
13 regulations to implement amendments made by subsection
14 (a) not later than 180 days after the date of the enactment
15 of this Act.

16 **SEC. 810. AVAILABILITY OF INFORMATION ON THE STATUS**
17 **OF LICENSE APPLICATIONS UNDER CHAPTER**
18 **3 OF THE ARMS EXPORT CONTROL ACT.**

19 Chapter 3 of the Arms Export Control Act (22
20 U.S.C. 2771 et seq.) is amended by inserting after section
21 38 the following new section:

1 **“SEC. 38A. AVAILABILITY OF INFORMATION ON THE STA-**
2 **TUS OF LICENSE APPLICATIONS UNDER THIS**
3 **CHAPTER.**

4 “(a) AVAILABILITY OF INFORMATION.—Not later
5 than one year after the date of the enactment of the De-
6 fense Trade Controls Performance Improvement Act of
7 2009, the President shall make available to persons who
8 have pending license applications under this chapter and
9 the committees of jurisdiction the ability to access elec-
10 tronically current information on the status of each license
11 application required to be submitted under this chapter.

12 “(b) MATTERS TO BE INCLUDED.—The information
13 referred to in subsection (a) shall be limited to the fol-
14 lowing:

15 “(1) The case number of the license application.

16 “(2) The date on which the license application
17 is received by the Department of State and becomes
18 an ‘open application’.

19 “(3) The date on which the Directorate of De-
20 fense Trade Controls makes a determination with re-
21 spect to the license application or transmits it for
22 interagency review, if required.

23 “(4) The date on which the interagency review
24 process for the license application is completed, if
25 such a review process is required.

1 “(5) The date on which the Department of
2 State begins consultations with the congressional
3 committees of jurisdiction with respect to the license
4 application.

5 “(6) The date on which the license application
6 is sent to the congressional committees of jurisdic-
7 tion.”.

8 **SEC. 811. SENSE OF CONGRESS.**

9 It is the sense of Congress that—

10 (1)(A) the advice provided to the Secretary of
11 State by the Defense Trade Advisory Group
12 (DTAG) supports the regulation of defense trade
13 and helps ensure that United States national secu-
14 rity and foreign policy interests continue to be pro-
15 tected and advanced while helping to reduce unnec-
16 essary impediments to legitimate exports in order to
17 support the defense requirements of United States
18 friends and allies; and

19 (B) therefore, the Secretary of State should
20 share significant planned rules and policy shifts with
21 DTAG for comment; and

22 (2) recognizing the constraints imposed on the
23 Department of State by the nature of a voluntary
24 organization such as DTAG, the Secretary of State
25 is encouraged to ensure that members of DTAG are

1 drawn from a representative cross-section of subject
2 matter experts from the United States defense in-
3 dustry, relevant trade and labor associations, aca-
4 demic, and foundation personnel.

5 **SEC. 812. DEFINITIONS.**

6 In this subtitle:

7 (1) INTERNATIONAL TRAFFIC IN ARMS REGULA-
8 TIONS; ITAR.—The term “International Traffic in
9 Arms Regulations” or “ITAR” means those regula-
10 tions contained in parts 120 through 130 of title 22,
11 Code of Federal Regulations (or successor regula-
12 tions).

13 (2) MAJOR NON-NATO ALLY.—The term “major
14 non-NATO ally” means a country that is designated
15 in accordance with section 517 of the Foreign As-
16 sistance Act of 1961 (22 U.S.C. 2321k) as a major
17 non-NATO ally for purposes of the Foreign Assist-
18 ance Act of 1961 (22 U.S.C. 2151 et seq.) and the
19 Arms Export Control Act (22 U.S.C. 2751 et seq.).

20 (3) MANUFACTURING LICENSE AGREEMENT.—
21 The term “Manufacturing License Agreement”
22 means an agreement described in section 120.21 of
23 title 22, Code of Federal Regulations (or successor
24 regulations).

1 (4) MISSILE TECHNOLOGY CONTROL REGIME;
2 MTCR.—The term “Missile Technology Control Re-
3 gime” or “MTCR” has the meaning given the term
4 in section 11B(c)(2) of the Export Administration
5 Act of 1979 (50 U.S.C. App. 2401b(c)(2)).

6 (5) MISSILE TECHNOLOGY CONTROL REGIME
7 ANNEX; MTCR ANNEX.—The term “Missile Tech-
8 nology Control Regime Annex” or “MTCR Annex”
9 has the meaning given the term in section 11B(c)(4)
10 of the Export Administration Act of 1979 (50
11 U.S.C. App. 2401b(c)(4)).

12 (6) OFFSETS.—The term “offsets” includes
13 compensation practices required of purchase in ei-
14 ther government-to-government or commercial sales
15 of defense articles or defense services under the
16 Arms Export Control Act (22 U.S.C. 2751 et seq.)
17 and the International Traffic in Arms Regulations.

18 (7) UNITED STATES MUNITIONS LIST; USML.—
19 The term “United States Munitions List” or
20 “USML” means the list referred to in section
21 38(a)(1) of the Arms Export Control Act (22 U.S.C.
22 2778(a)(1)).

23 **SEC. 813. AUTHORIZATION OF APPROPRIATIONS.**

24 Of the amounts authorized to be appropriated under
25 section 101, there are authorized to be appropriated such

1 sums as may be necessary for each of fiscal years 2010
2 and 2011 to carry out this subtitle and the amendments
3 made by this subtitle.

4 **Subtitle B—Provisions Relating to**
5 **Export Licenses**

6 **SEC. 821. AVAILABILITY TO CONGRESS OF PRESIDENTIAL**
7 **DIRECTIVES REGARDING UNITED STATES**
8 **ARMS EXPORT POLICIES, PRACTICES, AND**
9 **REGULATIONS.**

10 (a) IN GENERAL.—The President shall make avail-
11 able to the Committee on Foreign Affairs of the House
12 of Representatives and the Committee on Foreign Rela-
13 tions of the Senate the text of each Presidential directive
14 regarding United States export policies, practices, and
15 regulations relating to the implementation of the Arms
16 Export Control Act (22 U.S.C. 2751 et seq.) not later
17 than 15 days after the date on which the directive has
18 been signed or authorized by the President.

19 (b) TRANSITION PROVISION.—Each Presidential di-
20 rective described in subsection (a) that is signed or author-
21 ized by the President on or after January 1, 2009, and
22 before the date of the enactment of this Act shall be made
23 available to the congressional committees specified in sub-
24 section (a) not later than 90 days after the date of the
25 enactment of this Act.

1 (c) FORM.—To the maximum extent practicable, each
2 Presidential directive described in subsection (a) shall be
3 made available to the congressional committees specified
4 in subsection (a) on an unclassified basis.

5 **SEC. 822. INCREASE IN VALUE OF DEFENSE ARTICLES AND**
6 **SERVICES FOR CONGRESSIONAL REVIEW**
7 **AND EXPEDITING CONGRESSIONAL REVIEW**
8 **FOR ISRAEL.**

9 (a) FOREIGN MILITARY SALES.—

10 (1) IN GENERAL.—Section 36(b) of the Arms
11 Export Control Act (22 U.S.C. 2776(b)) is amend-
12 ed—

13 (A) in paragraph (1)—

14 (i) by striking “\$50,000,000” and in-
15 sserting “\$100,000,000”;

16 (ii) by striking “\$200,000,000” and
17 inserting “\$300,000,000”;

18 (iii) by striking “\$14,000,000” and
19 inserting “\$25,000,000”; and

20 (iv) by striking “The letter of offer
21 shall not be issued” and all that follows
22 through “enacts a joint resolution” and in-
23 sserting the following:

24 “(2) The letter of offer shall not be issued—

1 “(A) with respect to a proposed sale of any
2 defense articles or defense services under this
3 Act for \$200,000,000 or more, any design and
4 construction services for \$300,000,000 or more,
5 or any major defense equipment for
6 \$75,000,000 or more, to the North Atlantic
7 Treaty Organization (NATO), any member
8 country of NATO, Japan, Australia, the Repub-
9 lic of Korea, Israel, or New Zealand, if Con-
10 gress, within 15 calendar days after receiving
11 such certification, or

12 “(B) with respect to a proposed sale of any
13 defense articles or services under this Act for
14 \$100,000,000 or more, any design and con-
15 struction services for \$200,000,000 or more, or
16 any major defense equipment for \$50,000,000
17 or more, to any other country or organization,
18 if Congress, within 30 calendar days after re-
19 ceiving such certification,
20 enacts a joint resolution”; and

21 (B) by redesignating paragraphs (2)
22 through (6) as paragraphs (3) through (7), re-
23 spectively.

1 (2) TECHNICAL AND CONFORMING AMEND-
2 MENTS.—Section 36 of the Arms Export Control
3 Act (22 U.S.C. 2776) is amended—

4 (A) in subsection (b)—

5 (i) in paragraph (6)(C), as redesignig-
6 nated, by striking “Subject to paragraph
7 (6), if” and inserting “If”; and

8 (ii) by striking paragraph (7), as re-
9 designated; and

10 (B) in subsection (c)(4), by striking “sub-
11 section (b)(5)” each place it appears and insert-
12 ing “subsection (b)(6)”.

13 (b) COMMERCIAL SALES.—Section 36(c) of the Arms
14 Export Control Act (22 U.S.C. 2776(c)) is amended—

15 (1) in paragraph (1)—

16 (A) by striking “Subject to paragraph (5),
17 in” and inserting “In”;

18 (B) by striking “\$14,000,000” and insert-
19 ing “\$25,000,000”; and

20 (C) by striking “\$50,000,000” and insert-
21 ing “\$100,000,000”;

22 (2) in paragraph (2)—

23 (A) in subparagraph (A)—

24 (i) by inserting after “for an export”
25 the following: “of any major defense equip-

1 ment sold under a contract in the amount
2 of \$75,000,000 or more or of defense arti-
3 cles or defense services sold under a con-
4 tract in the amount of \$200,000,000 or
5 more, (or, in the case of a defense article
6 that is a firearm controlled under category
7 I of the United States Munitions List,
8 \$1,000,000 or more)”; and

9 (ii) by striking “Organization,” and
10 inserting “Organization (NATO),” and by
11 further striking “that Organization” and
12 inserting “NATO”; and

13 (B) in subparagraph (C), by inserting after
14 “license” the following: “for an export of any
15 major defense equipment sold under a contract
16 in the amount of \$50,000,000 or more or of de-
17 fense articles or defense services sold under a
18 contract in the amount of \$100,000,000 or
19 more, (or, in the case of a defense article that
20 is a firearm controlled under category I of the
21 United States Munitions List, \$1,000,000 or
22 more)”; and

23 (3) by striking paragraph (5).

1 **SEC. 823. DIPLOMATIC EFFORTS TO STRENGTHEN NA-**
2 **TIONAL AND INTERNATIONAL ARMS EXPORT**
3 **CONTROLS.**

4 (a) SENSE OF CONGRESS.—It is the sense of Con-
5 gress that the President should redouble United States
6 diplomatic efforts to strengthen national and international
7 arms export controls by establishing a senior-level initia-
8 tive to ensure that those arms export controls are com-
9 parable to and supportive of United States arms export
10 controls, particularly with respect to countries of concern
11 to the United States.

12 (b) REPORT.—Not later than one year after the date
13 of the enactment of this Act, and annually thereafter for
14 4 years, the President shall transmit to the Committee on
15 Foreign Affairs of the House of Representatives and the
16 Committee on Foreign Relations of the Senate a report
17 on United States diplomatic efforts described in subsection
18 (a).

19 **SEC. 824. REPORTING REQUIREMENT FOR UNLICENSED EX-**
20 **PORTS.**

21 Section 655(b) of the Foreign Assistance Act of 1961
22 (22 U.S.C. 2415(b)) is amended—

23 (1) in paragraph (2), by striking “or” at the
24 end;

25 (2) in paragraph (3), by striking the period at
26 the end and inserting “; or”; and

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

2 “(4) were exported without a license under sec-
3 tion 38 of the Arms Export Control Act (22 U.S.C.
4 2778) pursuant to an exemption established under
5 the International Traffic in Arms Regulations, other
6 than defense articles exported in furtherance of a
7 letter of offer and acceptance under the Foreign
8 Military Sales program or a technical assistance or
9 manufacturing license agreement, including the spe-
10 cific exemption provision in the regulation under
11 which the export was made.”.

12 **SEC. 825. REPORT ON VALUE OF MAJOR DEFENSE EQUIP-**
13 **MENT AND DEFENSE ARTICLES EXPORTED**
14 **UNDER SECTION 38 OF THE ARMS EXPORT**
15 **CONTROL ACT.**

16 Section 38 of the Arms Export Control Act (22
17 U.S.C. 2778) is amended by adding at the end the fol-
18 lowing:

19 “(k) REPORT.—

20 “(1) IN GENERAL.—The President shall trans-
21 mit to the Committee on Foreign Affairs of the
22 House of Representatives and the Committee on
23 Foreign Relations of the Senate a report that con-
24 tains a detailed listing, by country and by inter-
25 national organization, of the total dollar value of

1 major defense equipment and defense articles ex-
2 ported pursuant to licenses authorized under this
3 section for the previous fiscal year.

4 “(2) INCLUSION IN ANNUAL BUDGET.—The re-
5 port required by this subsection shall be included in
6 the supporting information of the annual budget of
7 the United States Government required to be sub-
8 mitted to Congress under section 1105 of title 31,
9 United States Code.”.

10 **SEC. 826. AUTHORITY TO REMOVE SATELLITES AND RE-**
11 **LATED COMPONENTS FROM THE UNITED**
12 **STATES MUNITIONS LIST.**

13 (a) AUTHORITY.—Except as provided in subsection
14 (b) and subject to subsection (d), the President is author-
15 ized to remove satellites and related components from the
16 United States Munitions List, consistent with the proce-
17 dures in section 38(f) of the Arms Export Control Act (22
18 U.S.C. 2778(f)).

19 (b) EXCEPTION.—The authority of subsection (a)
20 may not be exercised with respect to any satellite or re-
21 lated component that may, directly or indirectly, be trans-
22 ferred to, or launched into outer space by, the People’s
23 Republic of China.

24 (c) UNITED STATES MUNITIONS LIST.—In this sec-
25 tion, the term “United States Munitions List” means the

1 list referred to in section 38(a)(1) of the Arms Export
2 Control Act (22 U.S.C. 2778(a)(1)).

3 (d) EFFECTIVE DATE.—The President may not exer-
4 cise the authority provided in this section before the date
5 that is 90 days after the date of the enactment of this
6 Act.

7 **SEC. 827. REVIEW AND REPORT OF INVESTIGATIONS OF**
8 **VIOLATIONS OF SECTION 3 OF THE ARMS EX-**
9 **PORT CONTROL ACT.**

10 (a) REVIEW.—The Inspector General of the Depart-
11 ment of State shall conduct a review of investigations by
12 the Department of State during each of fiscal years 2010
13 through 2014 of any and all possible violations of section
14 3 of the Arms Export Control Act (22 U.S.C. 2753) with
15 respect to misuse of United States-origin defense items to
16 determine whether the Department of State has fully com-
17 plied with the requirements of such section, as well as its
18 own internal procedures (and whether such procedures are
19 adequate), for reporting to Congress any information re-
20 garding the unlawful use or transfer of United States-ori-
21 gin defense articles, defense services, and technology by
22 foreign countries, as required by such section.

23 (b) REPORT.—The Inspector General of the Depart-
24 ment of State shall submit to the Committee on Foreign
25 Affairs of the House of Representatives and the Com-

1 mittee on Foreign Relations of the Senate for each of fis-
2 cal years 2010 through 2014 a report that contains the
3 findings and results of the review conducted under sub-
4 section (a). The report shall be submitted in unclassified
5 form to the maximum extent possible, but may include a
6 classified annex.

7 **SEC. 828. REPORT ON SELF-FINANCING OPTIONS FOR EX-**
8 **PORT LICENSING FUNCTIONS OF DDTC OF**
9 **THE DEPARTMENT OF STATE.**

10 Not later than 90 days after the date of the enact-
11 ment of this Act, the Secretary of State shall submit to
12 the appropriate congressional committees a report on pos-
13 sible mechanisms to place the export licensing functions
14 of the Directorate of Defense Trade Controls of the De-
15 partment of State on a 100 percent self-financing basis.

16 **SEC. 829. CLARIFICATION OF CERTIFICATION REQUIRE-**
17 **MENT RELATING TO ISRAEL'S QUALITATIVE**
18 **MILITARY EDGE.**

19 Section 36(h)(1) of the Arms Export Control Act (22
20 U.S.C. 2776(h)(1)) is amended by striking “a determina-
21 tion” and inserting “an unclassified determination”.

22 **SEC. 830. EXPEDITING CONGRESSIONAL DEFENSE EXPORT**
23 **REVIEW PERIOD FOR ISRAEL.**

24 The Arms Export Control Act (22 U.S.C. 2751 et
25 seq.) is amended—

1 “(2) CIVIL PENALTIES.—A person who commits
2 an unlawful act described in paragraph (1) shall
3 upon conviction be fined for each violation in an
4 amount not to exceed the greater of—

5 “(A) \$250,000; or

6 “(B) an amount that is twice the amount
7 of the transaction that is the basis of the viola-
8 tion with respect to which the penalty is im-
9 posed.

10 “(3) CRIMINAL PENALTIES.—A person who
11 willfully commits an unlawful act described in para-
12 graph (1) shall upon conviction—

13 “(A) be fined for each violation in an
14 amount not to exceed \$1,000,000, or

15 “(B) in the case of a natural person, im-
16 prisoned for not more than 20 years,
17 or both.”.

18 (b) MECHANISMS TO IDENTIFY VIOLATORS.—Section
19 38(g) of the Arms Export Control Act (22 U.S.C.
20 2778(g)) is amended—

21 (1) in paragraph (1)—

22 (A) in subparagraph (A)—

23 (i) in the matter preceding clause (i),
24 by inserting “or otherwise charged” after
25 “indictment”;

1 (ii) in clause (xi), by striking “or” at
2 the end; and

3 (iii) by adding at the end the fol-
4 lowing:

5 “(xiii) section 542 of title 18, United
6 States Code, relating to entry of goods by
7 means of false statements;

8 “(xiv) section 554 of title 18, United
9 States Code, relating to smuggling goods from
10 the United States; or

11 “(xv) section 1831 of title 18, United
12 States Code, relating to economic espionage.”;
13 and

14 (B) in subparagraph (B), by inserting “or
15 otherwise charged” after “indictment”; and

16 (2) in paragraph (3)(A), by inserting “or other-
17 wise charged” after “indictment”.

18 (c) EFFECTIVE DATE.—The amendment made by
19 subsection (a) shall take effect on the date of the enact-
20 ment of this Act and shall apply with respect to violations
21 of sections 38 and 39 of the Arms Export Control Act
22 committed on or after that date.

1 **Subtitle C—Miscellaneous**
2 **Provisions**

3 **SEC. 841. AUTHORITY TO BUILD THE CAPACITY OF FOR-**
4 **EIGN MILITARY FORCES.**

5 (a) **AUTHORITY.**—The Secretary of State is author-
6 ized to conduct a program to respond to contingencies in
7 foreign countries or regions by providing training, pro-
8 curement, and capacity-building of a foreign country’s na-
9 tional military forces and dedicated counterterrorism
10 forces in order for that country to—

- 11 (1) conduct counterterrorist operations; or
12 (2) participate in or support military and sta-
13 bility operations in which the United States is a par-
14 ticipant.

15 (b) **TYPES OF CAPACITY-BUILDING.**—The program
16 authorized under subsection (a) may include the provision
17 of equipment, supplies, and training.

18 (c) **LIMITATIONS.**—

19 (1) **ASSISTANCE OTHERWISE PROHIBITED BY**
20 **LAW.**—The Secretary of State may not use the au-
21 thority in subsection (a) to provide any type of as-
22 sistance described in subsection (b) that is otherwise
23 prohibited by any provision of law.

24 (2) **LIMITATION ON ELIGIBLE COUNTRIES.**—
25 The Secretary of State may not use the authority in

1 subsection (a) to provide assistance described in sub-
2 section (b) to any foreign country that is otherwise
3 prohibited from receiving such type of assistance
4 under any other provision of law.

5 (d) FORMULATION AND EXECUTION OF ACTIVI-
6 TIES.—The Secretary of State shall consult with the head
7 of any other appropriate department or agency in the for-
8 mulation and execution of the program authorized under
9 subsection (a).

10 (e) CONGRESSIONAL NOTIFICATION.—

11 (1) ACTIVITIES IN A COUNTRY.—Not less than
12 15 days before obligating funds for activities in any
13 country under the program authorized under sub-
14 section (a), the Secretary of State shall submit to
15 the congressional committees specified in paragraph
16 (2) a notice of the following:

17 (A) The country whose capacity to engage
18 in activities in subsection (a) will be assisted.

19 (B) The budget, implementation timeline
20 with milestones, and completion date for com-
21 pleting the activities.

22 (2) SPECIFIED CONGRESSIONAL COMMIT-
23 TEES.—The congressional committees specified in
24 this paragraph are the following:

1 (A) The Committee on Foreign Affairs and
2 the Committee on Appropriations of the House
3 of Representatives.

4 (B) The Committee on Foreign Relations
5 and the Committee on Appropriations of the
6 Senate.

7 (f) AUTHORIZATION OF APPROPRIATIONS.—

8 (1) IN GENERAL.—There is authorized to be
9 appropriated to the Secretary of State \$25,000,000
10 for each of the fiscal years 2010 and 2011 to con-
11 duct the program authorized by subsection (a).

12 (2) USE OF FMF FUNDS.—The Secretary of
13 State may use up to \$25,000,000 of funds available
14 under the Foreign Military Financing program for
15 each of the fiscal years 2010 and 2011 to conduct
16 the program authorized under subsection (a).

17 (3) AVAILABILITY AND REFERENCE.—Amounts
18 made available to conduct the program authorized
19 under subsection (a)—

20 (A) are authorized to remain available
21 until expended; and

22 (B) may be referred to as the “Security
23 Assistance Contingency Fund”.

1 **SEC. 842. FOREIGN MILITARY SALES STOCKPILE FUND.**

2 (a) IN GENERAL.—Section 51(a) of the Arms Export
3 Control Act (22 U.S.C. 2795(a)) is amended—

4 (1) in paragraph (1), by striking “Special De-
5 fense Acquisition Fund” and inserting “Foreign
6 Military Sales Stockpile Fund”; and

7 (2) in paragraph (4), by inserting “building the
8 capacity of recipient countries and” before “nar-
9 cotics control purposes”.

10 (b) CONTENTS OF FUND.—Section 51(b) of the Arms
11 Export Control Act (22 U.S.C. 2795(b)) is amended—

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

14 (2) in paragraph (3), by inserting “and” at the
15 end; and

16 (3) by inserting after paragraph (3) the fol-
17 lowing:

18 “(4) collections from leases made pursuant to
19 section 61 of this Act,”.

20 (c) CONFORMING AMENDMENTS.—(1) The heading
21 of section 51 of the Arms Export Control Act is amended
22 by striking “SPECIAL DEFENSE ACQUISITION FUND” and
23 inserting “FOREIGN MILITARY SALES STOCKPILE FUND”.

24 (2) The heading of chapter 5 of the Arms Export
25 Control Act is amended by striking “**SPECIAL DE-**
26 **FENSE ACQUISITION FUND**” and inserting

1 **“FOREIGN MILITARY SALES STOCKPILE**
2 **FUND”**.

3 **SEC. 843. ANNUAL ESTIMATE AND JUSTIFICATION FOR**
4 **FOREIGN MILITARY SALES PROGRAM.**

5 Section 25(a)(1) of the Arms Export Control Act (22
6 U.S.C. 2765(a)(1)) is amended by striking “, together
7 with an indication of which sales and licensed commercial
8 exports” and inserting “and”.

9 **SEC. 844. SENSE OF CONGRESS ON THE GLOBAL ARMS**
10 **TRADE.**

11 It is the sense of Congress that—

12 (1) the United States, as the world’s largest ex-
13 porter of conventional weapons, has a special obliga-
14 tion to promote responsible practices in the global
15 arms trade and should actively work to prevent con-
16 ventional weapons from being used to perpetrate—

17 (A) breaches of the United Nations Char-
18 ter relating to the use of force;

19 (B) gross violations of international human
20 rights;

21 (C) serious violations of international hu-
22 manitarian law;

23 (D) acts of genocide or crimes against hu-
24 manity;

25 (E) acts of terrorism; and

1 (F) destabilizing buildups of military
2 forces and weapons; and

3 (2) the United States should actively engage in
4 the development of a legally binding treaty estab-
5 lishing common international standards for the im-
6 port, export, and transfer of conventional weapons.

7 **SEC. 845. REPORT ON UNITED STATES' COMMITMENTS TO**
8 **THE SECURITY OF ISRAEL.**

9 (a) INITIAL REPORT.—Not later than 30 days after
10 the date of the enactment of this Act, the President shall
11 transmit to the appropriate congressional committees a re-
12 port that contains—

13 (1) a complete, unedited, and unredacted copy
14 of each assurance made by United States Govern-
15 ment officials to officials of the Government of Israel
16 regarding Israel's security and maintenance of
17 Israel's qualitative military edge, as well as any
18 other assurance regarding Israel's security and
19 maintenance of Israel's qualitative military edge pro-
20 vided in conjunction with exports under the Arms
21 Export Control Act (22 U.S.C. 2751 et seq.), for the
22 period beginning on January 1, 1975, and ending on
23 the date of the enactment of this Act; and

1 (2) an analysis of the extent to which, and by
2 what means, each such assurance has been and is
3 continuing to be fulfilled.

4 (b) SUBSEQUENT REPORTS.—

5 (1) NEW ASSURANCES AND REVISIONS.—The
6 President shall transmit to the appropriate congres-
7 sional committees a report that contains the infor-
8 mation required under subsection (a) with respect
9 to—

10 (A) each assurance described in subsection
11 (a) made on or after the date of the enactment
12 of this Act, or

13 (B) revisions to any assurance described in
14 subsection (a) or subparagraph (A) of this
15 paragraph,
16 within 15 days of the new assurance or revision
17 being conveyed.

18 (2) 5-YEAR REPORTS.—Not later than 5 years
19 after the date of the enactment of this Act, and
20 every 5 years thereafter, the President shall trans-
21 mit to the appropriate congressional committees a
22 report that contains the information required under
23 subsection (a) with respect to each assurance de-
24 scribed in subsection (a) or paragraph (1)(A) of this
25 subsection and revisions to any assurance described

1 in subsection (a) or paragraph (1)(A) of this sub-
2 section during the preceding 5-year period.

3 (c) FORM.—Each report required by this section shall
4 be transmitted in unclassified form, but may contain a
5 classified annex, if necessary.

6 **SEC. 846. WAR RESERVES STOCKPILE.**

7 (a) DEPARTMENT OF DEFENSE APPROPRIATIONS
8 ACT, 2005.—Section 12001(d) of the Department of De-
9 fense Appropriations Act, 2005 (Public Law 108–287;
10 118 Stat. 1011), is amended by striking “4” and inserting
11 “7”.

12 (b) FOREIGN ASSISTANCE ACT OF 1961.—Section
13 514(b)(2)(A) of the Foreign Assistance Act of 1961 (22
14 U.S.C. 2321h(b)(2)(A)) is amended by striking “fiscal
15 years 2007 and 2008” and inserting “fiscal years 2010
16 and 2011”.

17 **SEC. 847. EXCESS DEFENSE ARTICLES FOR CENTRAL AND**
18 **SOUTH EUROPEAN COUNTRIES AND CERTAIN**
19 **OTHER COUNTRIES.**

20 Section 516(e) of the Foreign Assistance Act of 1961
21 (22 U.S.C. 2321j(e)) is amended—

22 (1) in paragraph (1), by striking “paragraph
23 (2)” and inserting “paragraphs (2) and (3)”;

1 (2) in paragraph (2), in the heading by striking
2 “EXCEPTION” and inserting “GENERAL EXCEP-
3 TION”; and

4 (3) by adding at the end the following new
5 paragraph:

6 “(3) EXCEPTION FOR SPECIFIC COUNTRIES.—
7 For fiscal years 2010 and 2011, the President may
8 provide for the crating, packing, handling, and
9 transportation of excess defense articles transferred
10 under the authority of this section to Albania, Af-
11 ghanistan, Bulgaria, Croatia, Estonia, Macedonia,
12 Georgia, India, Iraq, Israel, Kazakhstan,
13 Kyrgyzstan, Latvia, Lithuania, Moldova, Mongolia,
14 Pakistan, Romania, Slovakia, Tajikistan,
15 Turkmenistan, and Ukraine.”.

16 **TITLE IX—ACTIONS TO EN-**
17 **HANCE THE MERIDA INITIA-**
18 **TIVE**

19 **Subtitle A—General Provisions**

20 **SEC. 901. COORDINATOR OF UNITED STATES GOVERNMENT**

21 **ACTIVITIES TO IMPLEMENT THE MERIDA INI-**
22 **TIATIVE.**

23 (a) DECLARATION OF POLICY.—Congress declares
24 that the Merida Initiative is a Department of State-led
25 initiative which combines the programs of numerous

1 United States Government departments and agencies and
2 therefore requires a single individual to coordinate and
3 track all Merida Initiative-related efforts government-wide
4 to avoid duplication, coordinate messaging, and facilitate
5 accountability to and communication with Congress.

6 (b) DESIGNATION OF HIGH-LEVEL COORDINATOR.—

7 (1) IN GENERAL.—The President shall des-
8 ignate, within the Department of State, a Coordi-
9 nator of United States Government Activities to Im-
10 plement the Merida Initiative (hereafter in this sec-
11 tion referred to as the “Coordinator”) who shall be
12 responsible for—

13 (A) designing and shaping an overall strat-
14 egy for the Merida Initiative;

15 (B) ensuring program and policy coordina-
16 tion among United States Government depart-
17 ments and agencies in carrying out the Merida
18 Initiative, including avoiding duplication among
19 programs and ensuring that a consistent mes-
20 sage emanates from the United States Govern-
21 ment;

22 (C) ensuring that efforts of the United
23 States Government are in full consonance with
24 the efforts of the countries within the Merida
25 Initiative;

1 (D) tracking, in coordination with the rel-
2 evant officials of the Department of Defense
3 and other departments and agencies, United
4 States assistance programs that fulfill the goals
5 of the Merida Initiative or are closely related to
6 the goals of the Merida Initiative, including to
7 the extent possible, tracking information re-
8 quired under the second section 620J of the
9 Foreign Assistance Act of 1961 (22 U.S.C.
10 2378d) (as added by section 651 of division J
11 of Public Law 110–161) with respect to coun-
12 tries participating in the Merida Initiative; and

13 (E) consulting with the Attorney General
14 and the Secretary of Homeland Security with
15 respect to the activities of Federal, State, and
16 local law enforcement authorities in the United
17 States relating to the goals of the Merida Ini-
18 tiative, particularly along the United States-
19 Mexico border.

20 (2) RANK AND STATUS OF THE COORDI-
21 NATOR.—The Coordinator should have the rank and
22 status of ambassador.

23 **SEC. 902. ADDING THE CARIBBEAN TO THE MERIDA INITIA-**
24 **TIVE.**

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

1 (1) The illicit drug trade—which has taken a
2 toll on the small countries of the Caribbean Commu-
3 nity (CARICOM) for many years—is now moving
4 even more aggressively into these countries.

5 (2) A March 2007 joint report by the United
6 Nations Office on Drugs and Crime (UNODC) and
7 the World Bank noted that murder rates in the Car-
8ibbean—at 30 per 100,000 population annually—are
9 higher than for any other region of the world and
10 have risen in recent years for many of the region’s
11 countries. The report also argues that the strongest
12 explanation for the high crime and violence rates in
13 the Caribbean and their rise in recent years is drug
14 trafficking.

15 (3) If the United States does not move quickly
16 to provide Merida Initiative assistance to the
17 CARICOM countries, the positive results of the
18 Merida Initiative in Mexico and Central America will
19 move the drug trade deeper into the Caribbean and
20 multiply the already alarming rates of violence.

21 (b) CONSULTATIONS.—Not later than 30 days after
22 the date of the enactment of this Act, the Secretary of
23 State is authorized to consult with the countries of the
24 Caribbean Community (CARICOM) in preparation for
25 their inclusion into the Merida Initiative.

1 (c) INCORPORATION OF CARICOM COUNTRIES INTO
2 THE MERIDA INITIATIVE.—The President is authorized to
3 incorporate the CARICOM countries into the Merida Ini-
4 tiative.

5 **SEC. 903. MERIDA INITIATIVE MONITORING AND EVALUA-**
6 **TION MECHANISM.**

7 (a) DEFINITIONS.—In this section:

8 (1) IMPACT EVALUATION RESEARCH.—The
9 term “impact evaluation research” means the appli-
10 cation of research methods and statistical analysis to
11 measure the extent to which change in a population-
12 based outcome can be attributed to program inter-
13 vention instead of other environmental factors.

14 (2) OPERATIONS RESEARCH.—The term “oper-
15 ations research” means the application of social
16 science research methods, statistical analysis, and
17 other appropriate scientific methods to judge, com-
18 pare, and improve policies and program outcomes,
19 from the earliest stages of defining and designing
20 programs through their development and implemen-
21 tation, with the objective of the rapid dissemination
22 of conclusions and concrete impact on programming.

23 (3) PROGRAM MONITORING.—The term “pro-
24 gram monitoring” means the collection, analysis,
25 and use of routine program data to determine how

1 well a program is carried out and how much the pro-
2 gram costs.

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

5 (1) to successfully support building the capacity
6 of recipient countries' civilian security institutions,
7 enhance the rule of law in recipient countries, and
8 ensure the protection of human rights, the President
9 should establish a program to conduct impact eval-
10 uation research, operations research, and program
11 monitoring to ensure effectiveness of assistance pro-
12 vided under the Merida Initiative;

13 (2) long-term solutions to the security problems
14 of Merida recipient countries depend on increasing
15 the effectiveness and responsiveness of their civilian
16 institutions, including their judicial system;

17 (3) a specific program of impact evaluation re-
18 search, operations research, and program moni-
19 toring, established at the inception of the program,
20 is required to permit assessment of the operational
21 effectiveness of the impact of United States assist-
22 ance towards these goals; and

23 (4) the President, in developing performance
24 measurement methods under the impact evaluation
25 research, operations research, and program moni-

1 toring, should consult with the appropriate congress-
2 sional committees as well as the governments of
3 Merida recipient countries.

4 (c) **IMPACT EVALUATION RESEARCH, OPERATION**
5 **RESEARCH, AND PROGRAM MONITORING OF ASSIST-**
6 **ANCE.**—The President shall establish and implement a
7 program to assess the effectiveness of assistance provided
8 under the Merida Initiative through impact evaluation re-
9 search on a selected set of programmatic interventions, op-
10 erations research in areas to ensure efficiency and effec-
11 tiveness of program implementation, and monitoring to
12 ensure timely and transparent delivery of assistance.

13 (d) **REQUIREMENTS.**—The program required under
14 subsection (c) shall include—

15 (1) a delineation of key impact evaluation re-
16 search and operations research questions for main
17 components of assistance provided under the Merida
18 Initiative;

19 (2) an identification of measurable performance
20 goals for each of the main components of assistance
21 provided under the Merida Initiative, to be expressed
22 in an objective and quantifiable form at the incep-
23 tion of the program;

1 (3) the use of appropriate methods, based on
2 rigorous social science tools, to measure program im-
3 pact and operational efficiency; and

4 (4) adherence to a high standard of evidence in
5 developing recommendations for adjustments to such
6 assistance to enhance the impact of such assistance.

7 (e) CONSULTATION WITH CONGRESS.—Not later
8 than 60 days after the date of the enactment of this Act,
9 the President shall brief and consult with the appropriate
10 congressional committees regarding the progress in estab-
11 lishing and implementing the program required under sub-
12 section (c).

13 (f) AUTHORIZATION OF APPROPRIATIONS.—Of the
14 amounts authorized to be appropriated for the Merida Ini-
15 tiative, up to five percent of such amounts is authorized
16 to be appropriated to carry out this section.

17 (g) REPORT.—

18 (1) IN GENERAL.—Not later than 180 days
19 after the date of the enactment of this section and
20 not later than December 1 of each year thereafter,
21 the President shall transmit to the appropriate con-
22 gressional committees a report regarding programs
23 and activities carried out under the Merida Initiative
24 during the preceding fiscal year.

1 (2) MATTERS TO BE INCLUDED.—The reports
2 required under subsection (g) shall include the fol-
3 lowing:

4 (A) FINDINGS.—Findings related to the
5 impact evaluation research, operation research,
6 and program monitoring of assistance program
7 established under subsection (e).

8 (B) COORDINATION.—Efforts of the
9 United States Government to coordinate its ac-
10 tivities, including—

11 (i) a description of all counter-
12 narcotics and organized crime assistance
13 provided to Merida Initiative recipient
14 countries in the previous fiscal year;

15 (ii) an assessment of how such assist-
16 ance was coordinated; and

17 (iii) recommendations for improving
18 coordination.

19 (C) TRANSFER OF EQUIPMENT.—A de-
20 scription of the transfer of equipment, includ-
21 ing—

22 (i) a description of the progress of
23 each recipient country toward the transfer
24 of equipment, if any, from its armed forces
25 to law enforcement agencies;

1 (ii) a list of agencies that have used
2 air assets provided by the United States
3 under the Merida Initiative to the govern-
4 ment of each recipient country, and, to the
5 extent possible, a detailed description of
6 those agencies that have utilized such air
7 assets, such as by a percentage breakdown
8 of use by each agency; and

9 (iii) a description of training of law
10 enforcement agencies to operate equip-
11 ment, including air assets.

12 (D) HUMAN RIGHTS.—In accordance with
13 sections 116(d) and 502B(b) of the Foreign As-
14 sistance Act of 1961 (22 U.S.C. 2151n(d) and
15 2304(b)) and section 504 of the Trade Act of
16 1974 (19 U.S.C. 2464), an assessment of the
17 human rights impact of the equipment and
18 training provided under the Merida Initiative,
19 including—

20 (i) a list of accusations of serious
21 human rights abuses committed by the
22 armed forces and law enforcement agencies
23 of recipient countries on or after the date
24 of the enactment of this Act; and

1 (ii) a description of efforts by the gov-
2 ernments of Merida recipient countries to
3 investigate and prosecute allegations of
4 abuses of human rights committed by any
5 agency of such recipient countries.

6 (E) EFFECTIVENESS OF EQUIPMENT.—An
7 assessment of the long-term effectiveness of the
8 equipment and maintenance packages and
9 training provided to each recipient country’s se-
10 curity institutions.

11 (F) MEXICO PUBLIC SECURITY STRAT-
12 EGY.—A description of Mexico’s development of
13 a public security strategy, including—

14 (i) effectiveness of the Mexican Fed-
15 eral Registry of Police Personnel to vet po-
16 lice recruiting at the National, state, and
17 municipal levels to prevent rehiring from
18 one force to the next after dismissal for
19 corruption and other reasons; and

20 (ii) an assessment of how the Merida
21 Initiative complements and supports the
22 Mexican Government’s own public security
23 strategy.

1 (G) FLOW OF ILLEGAL ARMS.—A descrip-
2 tion and assessment of efforts to reduce the
3 southbound flow of illegal arms.

4 (H) USE OF CONTRACTORS.—A detailed
5 description of contracts awarded to private
6 companies to carry out provisions of the Merida
7 Initiative, including—

8 (i) a description of the number of
9 United States and foreign national civilian
10 contractors awarded contracts;

11 (ii) a list of the total dollar value of
12 the contracts; and

13 (iii) the purposes of the contracts.

14 (I) PHASE OUT OF LAW ENFORCEMENT
15 ACTIVITIES.—A description of the progress of
16 phasing out law enforcement activities of the
17 armed forces of each recipient country.

18 (J) IMPACT ON BORDER VIOLENCE AND
19 SECURITY.—A description of the impact that
20 activities authorized under the Merida Initiative
21 have had on violence against United States and
22 Mexican border personnel and the extent to
23 which these activities have increased the protec-
24 tion and security of the United States-Mexico
25 border.

1 **SEC. 904. MERIDA INITIATIVE DEFINED.**

2 In this subtitle, the term “Merida Initiative” means
3 the program announced by the United States and Mexico
4 on October 22, 2007, to fight illicit narcotics trafficking
5 and criminal organizations throughout the Western Hemi-
6 sphere.

7 **Subtitle B—Prevention of Illicit**
8 **Trade in Small Arms and Light**
9 **Weapons**

10 **SEC. 911. TASK FORCE ON THE PREVENTION OF ILLICIT**
11 **SMALL ARMS TRAFFICKING IN THE WESTERN**
12 **HEMISPHERE.**

13 (a) **ESTABLISHMENT.**—The President shall establish
14 an inter-agency task force to be known as the “Task Force
15 on the Prevention of Illicit Small Arms Trafficking in the
16 Western Hemisphere” (in this section referred to as the
17 “Task Force”).

18 (b) **DUTIES.**—The Task Force shall develop a strat-
19 egy for the Federal Government to coordinate efforts to
20 reduce and prevent illegal firearms trafficking from the
21 United States throughout the Western Hemisphere, in-
22 cluding Mexico, Central America, the Caribbean, and
23 South America. The Task Force shall—

24 (1) coordinate strategies for maximizing co-
25 operation among departments and agencies of the
26 Federal Government and the use of resources of the

1 Federal Government to identify the sources and
2 types of firearms illegally trafficked from the United
3 States;

4 (2) conduct a thorough review and analysis of
5 the current regulation of exports of small arms and
6 light weapons; and

7 (3) develop integrated Federal policies to better
8 control exports of small arms and light weapons in
9 a manner that furthers the foreign policy and na-
10 tional security interests of the United States within
11 the Western Hemisphere.

12 (c) MEMBERSHIP.—The Task Force shall be com-
13 posed of—

14 (1) the Secretary of State;

15 (2) the Attorney General;

16 (3) the Secretary of Homeland Security; and

17 (4) the heads of other Federal departments and
18 agencies as appropriate.

19 (d) CHAIRPERSON.—The Secretary of State shall
20 serve as the chairperson of the Task Force.

21 (e) MEETINGS.—The Task Force shall meet at the
22 call of the chairperson or a majority of its members.

23 (f) ANNUAL REPORTS.—Not later than one year after
24 the date of the enactment of this Act and annually there-
25 after until October 31, 2014, the chairperson of the Task

1 Force shall submit to Congress and make available to the
2 public a report that contains—

3 (1) a description of the activities of the Task
4 Force during the preceding year; and

5 (2) the findings, strategies, recommendations,
6 policies, and initiatives developed pursuant to the
7 duties of the Task Force under subsection (b) dur-
8 ing the preceding year.

9 **SEC. 912. INCREASE IN PENALTIES FOR ILLICIT TRAF-**
10 **FICKING IN SMALL ARMS AND LIGHT WEAP-**
11 **ONS TO MEXICO.**

12 (a) IN GENERAL.—Notwithstanding section 38(c) of
13 the Arms Export Control Act (22 U.S.C. 2778(c)), any
14 person who willfully exports to Mexico any small arm or
15 light weapon without a license in violation of the require-
16 ments of section 38 of such Act shall upon conviction be
17 fined for each violation not less than \$1,000,000 but not
18 more than \$3,000,000 and imprisoned for not more than
19 ten years, or both.

20 (b) DEFINITION.—In this section, the term “small
21 arm or light weapon” means any item listed in Category
22 I(a), Category III (as it applies to Category I(a)), or gre-
23 nades under Category IV(a) of the United States Muni-
24 tions List (as contained in part 121 of title 22, Code of

1 Federal Regulations (or successor regulations)) that re-
2 quires a license for international export under this section.

3 (c) SUNSET.—Subsection (a) shall not apply begin-
4 ning on any date after September 30, 2012, on which the
5 President transmits to Congress a certification that con-
6 tains a determination of the President that the increased
7 penalties in subsection (a) are no longer necessary.

8 **SEC. 913. DEPARTMENT OF STATE REWARDS PROGRAM.**

9 Section 36(b) of the State Department Basic Au-
10 thorities Act of 1956 (22 U.S.C. 2708(b)) is amended—

11 (1) by redesignating paragraphs (4) through
12 (7) as paragraphs (5) through (8), respectively;

13 (2) by inserting after paragraph (3) the fol-
14 lowing new paragraph:

15 “(4) the arrest or conviction in any country of
16 any individual for illegally exporting or attempting
17 to export to Mexico any small arm or light weapon
18 (as defined in section 912(b) of the Foreign Rela-
19 tions Authorization Act, Fiscal Years 2010 and
20 2011;” and

21 (3) in paragraphs (5) and (6) (as redesignated),
22 by striking “paragraph (1), (2), or (3)” each place
23 it appears and inserting “paragraph (1), (2), (3), or
24 (4)”.

1 **SEC. 914. STATEMENT OF CONGRESS SUPPORTING UNITED**
2 **STATES RATIFICATION OF CIFTA.**

3 Congress supports the ratification by the United
4 States of the Inter-American Convention Against the Il-
5 licit Manufacturing of and Trafficking in Firearms, Am-
6 munition, Explosives, and Other Related Materials.

7 **TITLE X—REPORTING**
8 **REQUIREMENTS**

9 **SEC. 1001. ASSESSMENT OF SPECIAL COURT FOR SIERRA**
10 **LEONE.**

11 Not later than 180 days after the date of the enact-
12 ment of this Act, the Secretary of State shall submit to
13 the appropriate congressional committees an assessment
14 on the continuing needs of the Special Court for Sierra
15 Leone, including an assessment of the following activities
16 of the Special Court:

17 (1) Witness protection.

18 (2) Archival activities, including recordkeeping
19 associated with future legal work by the Special
20 Court.

21 (3) The residual registrar's capacity for enforce-
22 ing Special Court sentences and maintaining rela-
23 tions with countries hosting imprisoned convicts of
24 the Special Court, legal decisionmaking regarding
25 future appeals, conditions of prisoner treatment,

1 contempt proceedings, and financial matters relating
2 to such activities.

3 (4) Transfer or maintenance of Special Court
4 records to a permanent recordkeeping authority in
5 Sierra Leone.

6 (5) Ongoing needs or programs for community
7 outreach, for the purpose of reconciliation and heal-
8 ing, regarding the Special Court's legal proceedings
9 and decisions.

10 (6) Plans for the Special Court's facilities in Si-
11 erra Leone and plans to use the Special Court, and
12 expertise of its personnel, for further development of
13 the legal profession and an independent and effective
14 judiciary in Sierra Leone.

15 (7) Unresolved cases, or cases that were not
16 prosecuted.

17 **SEC. 1002. REPORT ON UNITED STATES CAPACITIES TO**
18 **PREVENT GENOCIDE AND MASS ATROCITIES.**

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

20 (1) The lack of an effective government-wide
21 strategy and adequate capacities for preventing
22 genocide and mass atrocities against civilians under-
23 mines the ability of the United States to contribute
24 to the maintenance of global peace and security and
25 protect vital United States interests.

1 (2) The December 2008 Report of the Genocide
2 Prevention Task Force, co-chaired by former Sec-
3 retary of State Madeline Albright and former Sec-
4 retary of Defense William Cohen offers a valuable
5 blueprint for strengthening United States capacities
6 to help prevent genocide and mass atrocities.

7 (3) Specific training and staffing will enhance
8 the diplomatic capacities of the Department of State
9 to help prevent and respond to threats of genocide
10 and mass atrocities.

11 (b) REPORT.—

12 (1) REPORT REQUIRED.—Not later than 180
13 days after the date of the enactment of this Act, the
14 Secretary of State shall submit to the appropriate
15 congressional committees a report outlining specific
16 plans for the development of a government-wide
17 strategy and the strengthening of United States ci-
18 vilian capacities for preventing genocide and mass
19 atrocities against civilians.

20 (2) CONTENT.—The report required under
21 paragraph (1) shall include the following:

22 (A) An evaluation of current mechanisms
23 for government-wide early warning, informa-
24 tion-sharing, contingency planning, and coordi-
25 nation of effort to prevent and respond to situa-

1 tions of genocide, mass atrocities, and other
2 mass violence.

3 (B) An assessment of current capacities
4 within the Department of State, including spe-
5 cific staffing and training, for early warning,
6 preventive diplomacy, and crisis response to
7 help avert genocide and mass atrocities.

8 (C) An evaluation of United States foreign
9 assistance programs and mechanisms directed
10 toward the prevention of genocide and mass
11 atrocities, including costs, challenges to imple-
12 mentation, and successes of such programs and
13 mechanisms.

14 (D) An assessment of the feasibility, effec-
15 tiveness, and potential costs of implementing
16 key recommendations made by the Genocide
17 Prevention Task Force, including the establish-
18 ment of an Atrocities Prevention Committee
19 within the National Security Council and in-
20 creased annual and contingency funding for the
21 prevention of genocide and mass atrocities.

22 (E) Recommendations to further strength-
23 en United States capacities to help prevent
24 genocide, mass atrocities, and other mass vio-
25 lence, including enhanced early warning mecha-

1 nisms, strengthened diplomatic capacities of the
2 Department of State, and improved use of
3 United States foreign assistance.

4 **SEC. 1003. REPORTS RELATING TO PROGRAMS TO ENCOUR-**
5 **AGE GOOD GOVERNANCE.**

6 (a) IN GENERAL.—Subparagraph (C) of section
7 133(d)(2) of the Foreign Assistance Act of 1961 (22
8 U.S.C. 2152c(d)(2)) is amended by inserting at the end
9 before the period the following: “, including, with respect
10 to a country that produces or exports large amounts of
11 natural resources such as petroleum or natural resources,
12 the degree to which citizens of the country have access
13 to information about government revenue from the extrac-
14 tion of such resources and credible reports of human
15 rights abuses against individuals from civil society or the
16 media seeking to monitor such extraction.”.

17 (b) EFFECTIVE DATE.—The amendment made by
18 subsection (a) shall apply with respect to reports required
19 to be transmitted under section 133(d)(2) of the Foreign
20 Assistance Act of 1961, as so amended, on or after the
21 date of the enactment of this Act.

22 **SEC. 1004. REPORTS ON HONG KONG.**

23 Section 301 of the United States-Hong Kong Policy
24 Act of 1992 (Public Law 102–383; 22 U.S.C. 5731) is
25 amended, in the matter preceding paragraph (1), by strik-

1 ing “and March 31, 2006” and inserting “March 31,
2 2006, and March 31, 2010, and March 31 of every subse-
3 quent year through 2020”.

4 **SEC. 1005. DEMOCRACY IN GEORGIA.**

5 (a) SENSE OF CONGRESS.—It is the sense of Con-
6 gress that the development and consolidation of effective
7 democratic governance in Georgia, including free and fair
8 electoral processes, respect for human rights and the rule
9 of law, an independent media, an independent judiciary,
10 a vibrant civil society, as well as transparency and ac-
11 countability of the executive branch and legislative proc-
12 ess, is critically important to Georgia’s integration into
13 Euro-Atlantic institutions, stability in the Caucasus re-
14 gion, and United States national security.

15 (b) REPORT ON DEMOCRACY IN GEORGIA.—

16 (1) IN GENERAL.—Not later than 180 days
17 after the date of the enactment of this Act, and not
18 later than December 31 of each of the two fiscal
19 years thereafter, the Secretary of State shall submit
20 to the Committee on Foreign Affairs of the House
21 of Representatives and the Committee on Foreign
22 Relations of the Senate a report on the programs,
23 projects, and activities carried out in Georgia with
24 United States foreign assistance following the Au-
25 gust 2008 conflict with Russia.

1 (2) CONTENTS.—The report required under
2 paragraph (1) shall include information concerning
3 the following:

4 (A) The amount of United States assist-
5 ance obligated and expended for reconstruction
6 activities for the prior fiscal year.

7 (B) A description of the programs funded
8 by such assistance, including humanitarian aid,
9 reconstruction of critical infrastructure, eco-
10 nomic development, political and democratic de-
11 velopment, and broadcasting.

12 (C) An evaluation of the impact of such
13 programs, including their contribution to the
14 consolidation of democracy in Georgia and ef-
15 forts by the Government of Georgia to improve
16 democratic governance.

17 (D) An analysis of the implementation of
18 the United States-Georgia Charter on Strategic
19 Partnership.

20 **SEC. 1006. DIPLOMATIC RELATIONS WITH ISRAEL.**

21 (a) SENSE OF CONGRESS.—It is the sense of Con-
22 gress that the United States should assist Israel in its ef-
23 forts to establish diplomatic relations.

24 (b) REPORT.—Not later than 90 days after the date
25 of the enactment of this Act and annually thereafter, the

1 Secretary of State shall submit to the appropriate congres-
2 sional committees a report that includes the following in-
3 formation:

4 (1) Actions taken by representatives of the
5 United States to encourage other countries to estab-
6 lish full diplomatic relations with Israel.

7 (2) Specific responses solicited and received by
8 the Secretary from countries that do not maintain
9 full diplomatic relations with Israel with respect to
10 their attitudes toward and plans for entering into
11 diplomatic relations with Israel.

12 (3) Other measures being undertaken, and
13 measures that will be undertaken, by the United
14 States to ensure and promote Israel's full participa-
15 tion in the world diplomatic community.

16 (c) FORM OF SUBMISSION.—The report required
17 under subsection (b) may be submitted in classified or un-
18 classified form, as the Secretary determines appropriate.

19 **SEC. 1007. POLICE TRAINING REPORT.**

20 (a) IN GENERAL.—Not later than 180 days after the
21 date of the enactment of this Act, the President shall, in
22 coordination with the heads of relevant Federal depart-
23 ments and agencies, conduct a study and transmit to Con-
24 gress a report on current overseas civilian police training

1 in countries or regions that are at risk of, in, or are in
2 transition from, conflict or civil strife.

3 (b) CONTENTS.—The report required under sub-
4 section (a) shall contain information on the following:

5 (1) The coordination, communication, program
6 management, and policy implementation among the
7 United States civilian police training programs in
8 countries or regions that are at risk of, in, or are
9 in transition from, conflict or civil strife.

10 (2) The number of private contractors con-
11 ducting such training, and the quality and cost of
12 such private contractors.

13 (3) An assessment of pre-training procedures
14 for verification of police candidates to adequately as-
15 sess their aptitude, professional skills, integrity, and
16 other qualifications that are essential to law enforce-
17 ment work.

18 (4) An analysis of the practice of using existing
19 Federal police entities to provide civilian police
20 training in countries or regions that are at risk of,
21 in, or are in transition from, conflict or civil strife,
22 along with the subject matter expertise that each
23 such entity may provide to meet local needs in lieu
24 of the use of private contractors.

1 (5) Provide recommendations, including rec-
2 ommendations related to required resources and ac-
3 tions, to maximize the effectiveness and interagency
4 coordination and the adequate provision of civilian
5 police training programs in countries or regions that
6 are at risk of, in, or are in transition from, conflict
7 or civil strife.

8 **SEC. 1008. REPORTS ON HUMANITARIAN ASSISTANCE IN**
9 **GAZA.**

10 (a) IN GENERAL.—Not later than 180 days after the
11 date of the enactment of this Act and one year thereafter,
12 the Secretary of State shall submit to the appropriate con-
13 gressional committees a report detailing the humanitarian
14 conditions and efficacy and obstacles to humanitarian and
15 reconstruction assistance activities in Gaza.

16 (b) CONTENTS.—The reports required under sub-
17 section (a) shall include the following:

18 (1) An assessment of the level of access to basic
19 necessities in Gaza, including food, fuel, water, sani-
20 tation, education, and healthcare.

21 (2) An assessment of the ability to successfully
22 deliver and distribute humanitarian and reconstruc-
23 tion goods and supplies.

24 (3) A description of the efforts of the United
25 States and its allies to facilitate the receipt and dis-

1 tribution of humanitarian and reconstruction assist-
2 ance in Gaza.

3 (4) An assessment of the obstacles to the deliv-
4 ery of humanitarian and reconstruction assistance,
5 including the activities and policies of Hamas and
6 any organization designated as a foreign terrorist or-
7 ganization under section 219 of the Immigration and
8 Nationality Act.

9 (5) Recommendations for actions the United
10 States can take to best improve the level of access
11 to basic necessities referred to in paragraph (1) and
12 overcome obstacles described in paragraphs (2)
13 through (4).

14 **TITLE XI—MISCELLANEOUS**
15 **PROVISIONS**

16 **Subtitle A—General Provisions**

17 **SEC. 1101. BILATERAL COMMISSION WITH NIGERIA.**

18 (a) SENSE OF CONGRESS.—It is the sense of Con-
19 gress that not later than 180 days after the date of the
20 enactment of this Act, the President should establish a
21 bilateral commission between the United States and Nige-
22 ria to support bilateral cooperation in the areas of—

23 (1) trade and development;

24 (2) economic integration;

1 (3) infrastructure planning, finance, develop-
2 ment, and management;

3 (4) budget reform and public finance manage-
4 ment;

5 (5) higher education, including applied re-
6 search;

7 (6) energy;

8 (7) peace and security reform;

9 (8) rule of law;

10 (9) anti-corruption efforts, establishment of
11 greater transparency, and electoral reform; and

12 (10) monitoring whether bilateral efforts under-
13 taken between respective Federal, State, and local
14 governments are achieving the goals set forth by the
15 Governments of the United States and Nigeria.

16 (b) BILATERAL COMMISSION.—

17 (1) COMPOSITION.—If the President establishes
18 the bilateral commission referred to in subsection
19 (a), the commission should have an equal number of
20 members representing the United States and Nigeria
21 and appointed by the respective Presidents of each
22 country. Members should include representatives of
23 Federal, State, and local governments, the private
24 sector, and civil society organizations.

25 (2) FUNCTIONS.—The commission should—

1 (A) work to establish a bilateral process
2 that establishes the mission, goals, and objec-
3 tives of a bilateral partnership and establish
4 guidelines for accountability and rules to meas-
5 ure the effectiveness for any initiatives under-
6 taken;

7 (B) monitor bilateral technical assistance
8 and capacity building projects that are con-
9 sistent with and further the mission, goals, and
10 objectives established by the commission; and

11 (C) submit to the United States President,
12 the United States Congress, the Nigerian Presi-
13 dent, and the Nigerian National Assembly a re-
14 port on the amount of progress achieved on
15 projects undertaken by the two governments to
16 achieve bilaterally-determined goals established
17 by the commission.

18 (3) MONITORING OF PROJECTS.—The commis-
19 sion should select and monitor specific projects that
20 involve an exchange of personnel between the Gov-
21 ernments of the United States and Nigeria to deter-
22 mine whether technical assistance and capacity
23 building are being used effectively and whether mu-
24 tual benefit is being gained through the implementa-
25 tion of such bilateral projects.

1 (4) REVIEW AND REPORT.—The Secretary of
2 State should review the work of the commission and
3 annually submit to the President and Congress a re-
4 port on whether progress has been made to meet the
5 goals set forth by the commission and whether bilat-
6 eral efforts have served the interest of United States
7 and Nigerian bilateral relations.

8 (5) UNITED STATES CONTRIBUTIONS.—United
9 States contributions to support the Commission
10 should be financed through existing resources.

11 **SEC. 1102. AUTHORITIES RELATING TO THE SOUTHERN AF-**
12 **RICA ENTERPRISE DEVELOPMENT FUND.**

13 (a) USE OF PRIVATE VENTURE CAPITAL.—

14 (1) IN GENERAL.—In order to maximize the ef-
15 fectiveness of the activities of the Southern Africa
16 Enterprise Development Fund, the Fund may con-
17 duct public offerings or private placements for the
18 purpose of soliciting and accepting private venture
19 capital which may be used, separately or together
20 with funds made available from the United States
21 Government, for any lawful investment purpose that
22 the Board of Directors of the Fund may determine
23 in carrying out the activities of the Fund.

24 (2) DISTRIBUTION OF FINANCIAL RETURNS.—
25 Financial returns on Fund investments that include

1 a component of private venture capital may be dis-
2 tributed, at such times and in such amounts as the
3 Board of Directors of the Fund may determine, to
4 the investors of such capital.

5 (b) NONAPPLICABILITY OF OTHER LAWS.—The
6 heads of Federal departments and agencies may conduct
7 programs and activities and provide services in support of
8 the activities of the Fund notwithstanding any other provi-
9 sion of law.

10 (c) DEFINITION.—In this section, the term “South-
11 ern Africa Enterprise Development Fund” or “Fund” in-
12 cludes—

13 (1) any successor or related entity to the South-
14 ern Africa Enterprise Development Fund that is ap-
15 proved the United States Government; and

16 (2) any organization, corporation, limited-liabil-
17 ity partnership, foundation, or other corporate struc-
18 ture that receives, or is authorized by the United
19 States Government to manage, any or all of the re-
20 maining funds or assets of the Southern Africa En-
21 terprise Development Fund.

1 **SEC. 1103. DIABETES TREATMENT AND PREVENTION AND**
2 **SAFE WATER AND SANITATION FOR PACIFIC**
3 **ISLAND COUNTRIES.**

4 (a) IN GENERAL.—There is authorized to be appro-
5 priated \$500,000 for each of fiscal years 2010 and 2011
6 to establish a diabetes prevention and treatment program
7 for Pacific Island countries and for safe water and sanita-
8 tion.

9 (b) PACIFIC ISLAND COUNTRIES DEFINED.—In this
10 section, the term “Pacific Island countries” means Fiji,
11 Kiribati, the Marshall Islands, the Federated States of Mi-
12 cronesia, Nauru, Niue, Palau, Papua New Guinea, Samoa,
13 Solomon Islands, Tonga, Tuvalu, and Vanuatu.

14 **SEC. 1104. STATELESSNESS.**

15 (a) PURPOSE.—It is the purpose of this section to
16 increase global stability and security for the United States
17 and the international community and decrease trafficking
18 and discrimination by reducing the number of individuals
19 who are de jure or de facto stateless and as a consequence
20 are unable to avail themselves of their right to a nation-
21 ality and its concomitant rights and obligations and are
22 excluded from full participation in civil society.

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

24 (1) The right to a nationality is a foundation of
25 human rights, and a deterrent to displacement and
26 disaffection. The State is the primary vehicle

1 through which individuals are guaranteed their in-
2 alienable rights and are made subject to the rule of
3 law. Regional stability and security are undermined
4 when individuals cannot avail themselves of their
5 right to a nationality and its concomitant rights and
6 obligations and are excluded from full participation
7 in civil society.

8 (2) The right to a nationality and citizenship is
9 therefore specifically protect in international declara-
10 tions and treaties, including Article 15 of the Uni-
11 versal Declaration of Human Rights, the 1954 Con-
12 vention Relating to the Status of Stateless Persons,
13 the 1961 Convention on the Reduction of Stateless-
14 ness, Article 24 of the International Covenant on
15 Civil and Political Rights, and Article 9(2) of the
16 Convention on the Elimination of Discrimination
17 Against Women.

18 (3) In the 21st century, the adverse effects of
19 de jure or de facto statelessness still impact at least
20 an estimated 11,000,000 million people worldwide,
21 who are unable to avail themselves of the rights of
22 free people everywhere to an effective nationality, to
23 the rights to legal residence, to travel, to work in the
24 formal economy or professions, to attend school, to
25 access basic health services, to purchase or own

1 property, to vote, or to hold elected office, and to
2 enjoy the protection and security of a country.

3 (c) THE UNITED NATIONS.—

4 (1) POLICY.—It shall be the policy of the
5 United States that the President and the Permanent
6 Representative of the United States to the United
7 Nations work with the international community to
8 increase political and financial support for the work
9 of the United Nations High Commissioner for Refu-
10 gees (UNHCR) to prevent and resolve problems re-
11 lated to de jure and de facto statelessness, and to
12 promote the rights of the de jure or de facto state-
13 less, by taking these and other actions:

14 (A) Increasing the attention of the United
15 Nations and the UNHCR to de jure and de
16 facto statelessness and increasing its capacity
17 to reduce statelessness around the world by co-
18 ordinating the mainstreaming of de jure and de
19 facto statelessness into all of the United Na-
20 tions human rights work, in cooperation with all
21 relevant United Nations agencies.

22 (B) Urging United Nations country teams
23 in countries with significant de jure or de facto
24 stateless populations to devote increasing atten-
25 tion and resources to undertake coordinated ef-

1 forts by all United Nations offices, funds, and
2 programs to bring about the full registration
3 and documentation of all persons resident in
4 the territory of each country, either as citizens
5 or as individuals in need of international protec-
6 tion.

7 (C) Urging the creation of an Inter-Agency
8 Task Force on Statelessness with representa-
9 tion from the UNHCR, the United Nations
10 Children’s Fund (UNICEF), and other relevant
11 United Nations agencies that will coordinate to
12 increase agency awareness and information ex-
13 change on de jure and de facto statelessness to
14 ensure a consistent and comprehensive ap-
15 proach to the identification of stateless groups
16 and individuals and resolution of their status.

17 (D) Urging that nationality and de jure
18 and de facto statelessness issues are addressed
19 in all country reviews conducted by United Na-
20 tions treaty bodies and relevant special mecha-
21 nisms engaged in country visits, and pursuing
22 creation of a standing mechanism within the
23 United Nations to complement the work of the
24 UNHCR in addressing issues of de jure and de

1 facto statelessness that give rise to urgent
2 human rights or security concerns.

3 (E) Urging the UNHCR to include nation-
4 ality and statelessness in all country-specific
5 and thematic monitoring, reporting, training,
6 and protection activities, and across special pro-
7 cedures, and to designate at least one human
8 rights officer to monitor, report, and coordinate
9 the office's advocacy on nationality and de jure
10 and de facto statelessness.

11 (F) Urging the United Nations to ensure
12 that its work on trafficking includes measures
13 to restore secure citizenship to trafficked
14 women and girls, and to work with Member
15 States to guarantee that national legislation
16 gives women full and equal rights regarding
17 citizenship.

18 (G) Urging the United Nations to increase
19 its capacity to respond to the needs of de jure
20 or de facto stateless individuals, particularly
21 children, and to strengthen and expand the
22 United Nations protection and assistance activi-
23 ties, particularly in field operations, to better
24 respond to the wide range of protection and as-

1 sistance needs of de jure or de facto stateless
2 individuals.

3 (H) Urging the UNICEF to increase its
4 efforts to encourage all Member States of the
5 United Nations to permit full and easy access
6 to birth registration for all children born in
7 their territories, particularly in Member States
8 in which there are displaced populations, and
9 work with the UNHCR and Member States to
10 ensure the issuance of birth certificates to all
11 children born to refugees and displaced persons.

12 (2) AUTHORIZATION OF APPROPRIATIONS.—

13 There is authorized to be appropriated \$5,000,000
14 for each of fiscal years 2010 and 2011 to be made
15 available to improve the UNHCR's assistance to de
16 jure or de facto stateless individuals. Such funds
17 may be used to—

18 (A) protect the rights, meet emergency hu-
19 manitarian needs, and provide assistance to de
20 jure or de facto stateless groups and individ-
21 uals;

22 (B) provide additional resources to—

23 (i) increase the number of protection
24 officers;

1 (ii) increase the number of profes-
2 sional staff in the statelessness unit; and

3 (iii) train protection officers and
4 United Nations country teams in the field
5 to identify, reduce, protect, and prevent de
6 jure and de facto statelessness;

7 (C) improve identification of de jure or de
8 facto stateless groups and individuals by car-
9 rying out a comprehensive annual study of the
10 scope of de jure and de facto statelessness
11 worldwide, including causes of de jure and de
12 facto statelessness and dissemination of best
13 practices for remedying de jure and de facto
14 statelessness; and

15 (D) increase the United Nations edu-
16 cational and technical assistance programs to
17 prevent de jure and de facto statelessness, in-
18 cluding outreach to Member States and their
19 legislatures, with particular emphasis on those
20 countries determined to have protracted de jure
21 or de facto statelessness situations.

22 (3) AUTHORIZATION OF APPROPRIATIONS TO
23 THE UNICEF.—There is authorized to be appro-
24 priated \$3,000,000 for each of fiscal years 2010 and
25 2011 to augment to the UNICEF’s ability to aid

1 countries with significant de jure or de facto stateless
2 populations to bring about the full registration
3 of all children born to de jure or de facto stateless
4 parents.

5 (d) THE UNITED STATES.—

6 (1) FOREIGN POLICY.—Given the importance of
7 obtaining and preserving nationality and the protec-
8 tion of a government, and of preventing the exploi-
9 tation or trafficking of de jure or de facto stateless
10 groups or individuals, the President shall make the
11 prevention and reduction of de jure or de facto
12 statelessness an important goal of United States for-
13 eign policy and human rights efforts. Such efforts
14 shall include—

15 (A) calling upon host countries to protect
16 and assume responsibility for de jure or de
17 facto stateless groups or individuals;

18 (B) working with countries of origin to fa-
19 cilitate the resolution of problems faced by de
20 jure or de facto stateless groups or individuals;

21 (C) working with countries of origin and
22 host countries to facilitate the resolution of dis-
23 putes and conflicts that cause or result in the
24 creation of de jure or de facto statelessness;

1 (D) encouraging host countries to afford
2 de jure or de facto stateless groups or individ-
3 uals the full protection of the 1954 Convention
4 Relating to the Status of Stateless Persons and
5 the 1961 Convention on the Reduction of State-
6 lessness and all relevant international conven-
7 tions;

8 (E) directing the Secretary of State to pro-
9 vide assistance to countries to prevent and re-
10 solve situations of de jure or de facto stateless-
11 ness and to prevent the trafficking or exploi-
12 tation of de jure or de facto stateless individ-
13 uals;

14 (F) directing the Office of Trafficking in
15 Persons of the Department of State to continue
16 to document and analyze the effects of state-
17 lessness on trafficking in persons, both as a
18 cause of trafficking and as an obstacle to reach-
19 ing and assisting trafficked persons; and

20 (G) encouraging and facilitating the work
21 of nongovernmental organizations in the United
22 States and abroad that provide legal and hu-
23 manitarian support to de jure or de facto state-
24 less groups or individuals, to increase the access
25 of de jure or de facto stateless groups or indi-

1 individuals to such organizations, and to encourage
2 other governments to provide similar support
3 and access.

4 (2) UNITED STATES ACTIVITIES.—

5 (A) IN GENERAL.—Given the importance
6 of preventing new instances of de jure or de
7 facto statelessness and the trafficking of de jure
8 or de facto stateless individuals, and of pro-
9 tecting the human rights of de jure or de facto
10 stateless individuals, the President shall submit
11 to the Committee on Foreign Affairs and the
12 Committee on the Judiciary of the House of
13 Representatives and the Committee on Foreign
14 Relations and the Committee on the Judiciary
15 of the Senate a report that includes the fol-
16 lowing:

17 (i) A list of countries and territories
18 with significant de jure or de facto state-
19 less populations under their jurisdictions
20 and the conditions and consequences of
21 such de jure or de facto statelessness of
22 such individuals.

23 (ii) United States international efforts
24 to prevent further de jure or de facto
25 statelessness and encourage the granting

1 of full legal protection of the human rights
2 of de jure or de facto stateless individuals.

3 (B) STATEMENT OF POLICY.—It shall be
4 the policy of the United States to comply with
5 the principles and provisions of the 1954 Con-
6 vention Relating to the Status of Stateless Per-
7 sons and the 1961 Convention on the Reduction
8 of Statelessness to the fullest extent possible
9 and to encourage other countries to do so as
10 well.

11 (C) ACTIONS BY SECRETARY OF STATE.—

12 (i) INCREASE IN RESOURCES AND
13 STAFF.—The Secretary of State shall per-
14 manently increase in the Bureau of Popu-
15 lation, Refugees, and Migration in the De-
16 partment of State the resources dedicated
17 to and staff assigned to work toward the
18 prevention and resolution of de jure and de
19 facto statelessness and the protection of de
20 jure or de facto stateless individuals.

21 (ii) COORDINATION.—To coordinate
22 United States policies toward combating de
23 jure and de facto statelessness, the Sec-
24 retary of State shall establish an Inter-
25 agency Working Group to Combat State-

1 lessness. This working group should in-
2 clude representatives of the Bureau of
3 Population, Refugees and Migration, the
4 Bureau of International Organizations, the
5 Bureau of Democracy, Human Rights and
6 Labor, the Office of Trafficking in Persons
7 of the Department of State, and the
8 United States Agency for International
9 Development, as well as representatives
10 from relevant offices of the Department of
11 Justice and relevant offices of the Depart-
12 ment of Homeland Security.

13 (D) AUTHORIZATION OF APPROPRIA-
14 TIONS.—There are authorized to be appro-
15 priated such sums as may be necessary to carry
16 out the provisions of this subsection.

17 **SEC. 1105. STATEMENT OF POLICY REGARDING THE ECU-**
18 **MINICAL PATRIARCHATE.**

19 It shall be the policy of the United States to urge
20 Turkey to—

21 (1) eliminate all forms of discrimination, par-
22 ticularly discrimination based on race or religion;

23 (2) grant the Ecumenical Patriarchate appro-
24 priate international recognition and ecclesiastic suc-
25 cession; and

1 (3) grant the Ecumenical Patriarchate the right
2 to train clergy of all nationalities, not just Turkish
3 nationals.

4 **SEC. 1106. TRANSFER OF LIQUIDATED ASSETS OF CERTAIN**
5 **ENTERPRISE FUNDS TO LEGACY INSTITU-**
6 **TIONS.**

7 (a) TRANSFER OF LIQUIDATED ASSETS.—The Presi-
8 dent, acting through the Administrator of the United
9 States Agency for International Development, shall in-
10 struct each Enterprise Fund described in subsection (b)
11 to make available to the legacy institution of the Enter-
12 prise Fund all assets resulting from the liquidation, dis-
13 solution, or winding up of the Enterprise Fund, in whole
14 or in part.

15 (b) ENTERPRISE FUNDS DESCRIBED.—The Enter-
16 prise Funds described in this subsection are the following:

17 (1) The U.S. Russia Investment Fund and the
18 Western Newly Independent States Enterprise Fund
19 established pursuant to section 498B(c) of the For-
20 eign Assistance Act of 1961 (22 U.S.C. 2295b(c)).

21 (2) The Albanian-American Enterprise Fund,
22 the Baltic-American Enterprise Fund, the Czech and
23 Slovak American Enterprise Fund, the Hungarian-
24 American Enterprise Fund, and the Romanian
25 American Enterprise Fund established pursuant to

1 section 201 of the Support for East European De-
2 mocracy (SEED) Act of 1989 (22 U.S.C. 5421).

3 **SEC. 1107. LIMITATION ON ASSISTANCE FOR HURRICANE**
4 **PREPAREDNESS AND OTHER WEATHER CO-**
5 **OPERATION ACTIVITIES TO COUNTRIES IN**
6 **THE AMERICAS.**

7 (a) SENSE OF CONGRESS.—It is the sense of Con-
8 gress that the United States should facilitate international
9 cooperation on hurricane preparedness because—

10 (1) hundreds of millions of people in the Amer-
11 icas live in coastal communities and are susceptible
12 to the immense risks posed by hurricanes;

13 (2) the need for hurricane tracking overflights
14 and other weather cooperation activities to track and
15 monitor hurricanes in the Americas is acute; and

16 (3) accurate hurricane forecasts can help pre-
17 vent the loss of life and injury and reduce property
18 loss and economic disruption.

19 (b) REPORT.—

20 (1) IN GENERAL.—Not later than 180 days
21 after the date of the enactment of this Act, the Sec-
22 retary of State shall transmit to the appropriate
23 congressional committees a report on the status of
24 United States cooperation with other countries in

1 the Americas on hurricane preparedness and other
2 weather cooperation activities.

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

5 (A) a list of countries in the Americas that
6 do not cooperate with the United States on hur-
7 ricane preparedness and other weather coopera-
8 tion activities; and

9 (B) the status of any negotiations regard-
10 ing hurricane preparedness and other weather
11 cooperation activities between the United States
12 and countries listed in subparagraph (A).

13 (c) LIMITATION ON ASSISTANCE.—The Secretary of
14 State may not provide assistance for hurricane prepared-
15 ness and other weather cooperation activities to countries
16 listed in the report under subsection (b)(2)(A).

17 (d) WAIVER.—The Secretary of State may waive the
18 limitation on assistance requirements under subsection (c)
19 if the Secretary of State certifies to the appropriate con-
20 gressional committees that the waiver is in the national
21 interest of the United States.

22 **SEC. 1108. STATEMENT OF CONGRESS REGARDING AFGHAN**
23 **WOMEN.**

24 Congress—

1 (1) supports the decision by President Hamid
2 Karzai of Afghanistan to submit for review the Shi
3 'ite Personal Status Law and strongly urges him not
4 to publish such law on the grounds that such law
5 violates the basic human rights of women and is in-
6 consistent with the Constitution of Afghanistan;

7 (2) urges President Karzai, the Ministry of
8 Justice, and other parties involved in reviewing the
9 law to formally declare as unconstitutional the provi-
10 sions of such law regarding marital rape and restric-
11 tions on women's freedom of movement;

12 (3) reiterates its strong sense that the provi-
13 sions in such law which restrict the rights of women
14 should be removed, and that an amended draft of
15 the Shi'ite Personal Status Law should be submitted
16 for parliamentary review;

17 (4) encourages the Secretary of State, the Spe-
18 cial Representative for Afghanistan and Pakistan,
19 the Ambassador-at-Large for Global Women's
20 Issues, and the United States Ambassador to Af-
21 ghanistan to consider and address the status of
22 women's rights and security in Afghanistan to en-
23 sure that such rights are not being eroded through
24 unjust laws, policies, or institutions; and

1 (5) encourages the Government of Afghanistan
2 to solicit information and advice from the Ministry
3 of Justice, the Ministry for Women’s Affairs, the Af-
4 ghanistan Independent Human Rights Commission,
5 and women-led nongovernmental organizations to
6 ensure that current and future legislation and offi-
7 cial policies protect and uphold the equal rights of
8 women, including through national campaigns to
9 lead public discourse on the importance of women’s
10 status and rights to the overall stability of Afghani-
11 stan.

12 **SEC. 1109. GLOBAL PEACE OPERATIONS INITIATIVE PRO-**
13 **GRAMS AND ACTIVITIES.**

14 (a) FINDINGS.—Congress makes the following find-
15 ings:

16 (1) Over 100,000 military and civilian per-
17 sonnel are engaged in 18 United Nations peace-
18 keeping operations around the world. Peacekeeping
19 operations are critical to maintaining a peaceful and
20 stable international environment.

21 (2) The United States has a vital interest in en-
22 suring that United Nations peacekeeping operations
23 are successful. Countries undergoing conflict threat-
24 en the national and economic security of the United
25 States, risk becoming safe havens for terrorist orga-

1 nizations, and often feature levels of human rights
2 abuses and human deprivation that are an affront to
3 the values of the American people.

4 (3) Over the years, United Nations peace-
5 keeping has evolved to meet the demands of dif-
6 ferent conflicts and a changing political landscape.
7 Today’s peacekeeping mission is most often “multi-
8 dimensional” and includes a wide variety of complex
9 tasks such as civilian protection, helping to build
10 sustainable institutions of governance, human rights
11 monitoring, security sector reform, facilitating deliv-
12 ery of humanitarian relief and disarmament, demobi-
13 lization and reintegration of former combatants.

14 (4) United Nations peacekeeping operations
15 allow the United States to respond to global crises
16 within a multilateral framework with costs shared
17 among nations. A 2007 Government Accountability
18 Office report found that in general a United States
19 peacekeeping operation is likely to be “much more
20 expensive” than a United Nations peacekeeping op-
21 eration, regardless of location.

22 (5) In many missions due to vast swaths of ter-
23 rain and limited infrastructure, ongoing low-inten-
24 sity fighting, and the presence of “peace spoilers”,
25 United Nations peacekeepers cannot carry out the

1 complex tasks with which they are charged without
2 critical enablers, and in particular air assets.

3 (6) The United Nations Secretary-General has
4 repeatedly noted the deleterious impact of insuffi-
5 cient helicopters for peacekeeping missions in Darfur
6 and the Democratic Republic of the Congo. History
7 has shown that under-resourced peacekeeping troops
8 are not only unable to carry out their mandates,
9 they erode the credibility of the United Nations and
10 are themselves likely to come under attack.

11 (7) Senate Resolution 432 and House Resolu-
12 tion 1351 of the 110th Congress—

13 (A) urged members of the international
14 community, including the United States, that
15 possessed the capability to provide tactical and
16 utility helicopters needed for the United Na-
17 tions-African Union Mission in Darfur
18 (UNAMID) to do so as soon as possible; and

19 (B) urged the President to intervene per-
20 sonally by contacting other heads of state and
21 asking them to contribute the aircraft and
22 crews to the Darfur mission.

23 (8) The current framework of relying on mem-
24 ber countries to provide air assets on a volunteer
25 basis has not yielded sufficient results. The United

1 Nations still faces a shortfall of over 50 helicopters
2 for UNAMID, the Democratic Republic of Congo
3 (MONUC), and the Republic of Chad
4 (MINURCAT). A review of trend lines suggests that
5 any new United Nations peacekeeping missions au-
6 thorized within the next five to seven years would
7 face similar shortfalls.

8 (9) Numerous studies and reports have deter-
9 mined that there is no global shortage of air assets.
10 It is inexcusable to allow authorized United Nations
11 peacekeeping missions to founder for the lack of
12 critical mobility capabilities.

13 (b) PURPOSE.—The purpose of assistance authorized
14 by this section is to help protect civilians by training and
15 equipping peacekeepers worldwide, to include financing
16 the refurbishment of helicopters.

17 (c) USE OF FUNDS.—

18 (1) IN GENERAL.—The Secretary of State is
19 authorized to use amounts authorized to be appro-
20 priated to carry out this section to provide funding
21 to carry out and expand Global Peace Operations
22 Initiative programs and activities. Such programs
23 and activities shall include—

24 (A) training and equipping peacekeepers
25 worldwide, with a particular focus on Africa;

1 (B) enhancing the capacity of regional and
2 sub-regional organizations to plan, train for,
3 manage, conduct, sustain and obtain lessons-
4 learned from peace support operations;

5 (C) carrying out a clearinghouse function
6 to exchange information and coordinate G-8 ef-
7 forts to enhance peace operations;

8 (D) providing transportation and logistics
9 support for deploying peacekeepers;

10 (E) developing a cached equipment pro-
11 gram to procure and warehouse equipment for
12 use in peace operations globally;

13 (F) providing support to the international
14 Center of Excellence for Stability Police Units
15 (COESPU) in Italy to increase the capabilities
16 and interoperability of stability police to partici-
17 pate in peace operations;

18 (G) conducting sustainment and self-suffi-
19 ciency activities in support of the objectives de-
20 scribed in subparagraphs (A) through (F) with
21 a focus on assisting partners to sustain pro-
22 ficiencies gained in training programs; and

23 (H) financing the refurbishment of heli-
24 copters in preparation for their deployment to
25 United Nations peacekeeping operations or to

1 regional peacekeeping operations which have
2 been approved by the United Nations Security
3 Council.

4 (2) SENSE OF CONGRESS.—It is the sense of
5 Congress that failure on the part of the inter-
6 national community to take all steps necessary to
7 deploy and maintain fully capacitated United Na-
8 tions peacekeeping operations will result in contin-
9 ued loss of life and human suffering. Therefore, in
10 carrying out this section, the Secretary of State
11 should prioritize the refurbishment of helicopters
12 with a goal of participating in the financing of no
13 fewer than three helicopter refurbishments by the
14 end of fiscal year 2011.

15 (3) SUPPORT FROM OTHER COUNTRIES.—In
16 providing funding under paragraph (1), the Sec-
17 retary of State shall to the greatest extent possible
18 seek to leverage such funding with financing from
19 other countries.

20 (d) REPORT.—

21 (1) IN GENERAL.—Not later than 180 days
22 after the date of the enactment of this Act and one
23 year thereafter, the Secretary of State shall submit
24 to the appropriate congressional committees a report

1 on the activities of the United States Government to
2 carry out the provisions of this section.

3 (2) CONTENTS.—The report required under
4 paragraph (1) shall include—

5 (A) a description of the Global Peace Op-
6 erations Initiative programs and activities un-
7 dertaken, by country;

8 (B) a description of the funds obligated
9 and expended in each country, by program and
10 fiscal year;

11 (C) a description of the coordination of
12 these efforts within the United States Govern-
13 ment interagency process and with other na-
14 tions along with any recommendations for im-
15 provements;

16 (D) a description of the GPOI's activities
17 concerning the refurbishment of air assets for
18 United Nations peacekeeping operations and re-
19 gional peacekeeping operations that have been
20 approved by the United Nations Security Coun-
21 cil;

22 (E) data measuring the quality of the
23 training and proficiency of the trainees pro-
24 gram-wide;

1 (F) data on the training and deployment
2 activities of graduates of the international Cen-
3 ter of Excellence for Stability Police Units
4 (COESPU) in their home countries;

5 (G) a description of vetting activities for
6 all GPOI training to ensure that all individuals
7 in composite units are vetted for human rights
8 violations;

9 (H) data measuring the timeliness of
10 equipment delivery and recommendations for
11 improvement as appropriate; and

12 (I) description of how GPOI trainees and
13 GPOI-provided equipment contribute to im-
14 proved civilian protection in peace operations.

15 (e) AUTHORIZATION OF APPROPRIATIONS.—There is
16 authorized to be appropriated such sums as may be nec-
17 essary for each of fiscal years 2010 and 2011 to carry
18 out this section.

19 (f) DEFINITION.—In this section, the term “Global
20 Peace Operations Initiative” or “GPOI” means the pro-
21 gram established by the Department of State to address
22 major gaps in international peace operations support, in-
23 cluding by building and maintaining capability, capacity,
24 and effectiveness of peace operations.

1 **SEC. 1110. FREEDOM OF THE PRESS.**

2 (a) SHORT TITLE.—This section may be cited as the
3 “Daniel Pearl Freedom of the Press Act of 2009”.

4 (b) INCLUSION OF ADDITIONAL INFORMATION RE-
5 LATING TO FREEDOM OF THE PRESS WORLDWIDE IN AN-
6 NUAL COUNTRY REPORTS ON HUMAN RIGHTS PRAC-
7 TICES.—The Foreign Assistance Act of 1961 is amend-
8 ed—

9 (1) in section 116(d) (22 U.S.C. 2151n(d)), as
10 amended by section 333(d) of this Act—

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

13 (B) in paragraph (12), by striking the pe-
14 riod at the end and inserting “; and”; and

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

17 “(13) wherever applicable—

18 “(A) a description of the status of freedom
19 of the press, including initiatives in favor of
20 freedom of the press and efforts to improve or
21 preserve, as appropriate, the independence of
22 the media, together with an assessment of
23 progress made as a result of those efforts;

24 “(B) an identification of countries in which
25 there were violations of freedom of the press,
26 including direct physical attacks, imprisonment,

1 indirect sources of pressure, and censorship by
2 governments, military, intelligence, or police
3 forces, criminal groups, or armed extremist or
4 rebel groups; and

5 “(C) in countries where there are particu-
6 larly severe violations of freedom of the press—

7 “(i) whether government authorities
8 of each such country participate in, facili-
9 tate, or condone such violations of the free-
10 dom of the press; and

11 “(ii) what steps the government of
12 each such country has taken to preserve
13 the safety and independence of the media,
14 and to ensure the prosecution of those in-
15 dividuals who attack or murder journal-
16 ists.”; and

17 (2) in section 502B (22 U.S.C. 2304), by add-
18 ing at the end the following new subsection:

19 “(i) The report required by subsection (b) shall in-
20 clude, wherever applicable—

21 “(1) a description of the status of freedom of
22 the press, including initiatives in favor of freedom of
23 the press and efforts to improve or preserve, as ap-
24 propriate, the independence of the media, together

1 with an assessment of progress made as a result of
2 those efforts;

3 “(2) an identification of countries in which
4 there were violations of freedom of the press, includ-
5 ing direct physical attacks, imprisonment, indirect
6 sources of pressure, and censorship by governments,
7 military, intelligence, or police forces, criminal
8 groups, or armed extremist or rebel groups; and

9 “(3) in countries where there are particularly
10 severe violations of freedom of the press—

11 “(A) whether government authorities of
12 each such country participate in, facilitate, or
13 condone such violations of the freedom of the
14 press; and

15 “(B) what steps the government of each
16 such country has taken to preserve the safety
17 and independence of the media, and to ensure
18 the prosecution of those individuals who attack
19 or murder journalists.”.

20 (c) FREEDOM OF THE PRESS GRANT PROGRAM.—

21 (1) IN GENERAL.—The Secretary of State shall
22 administer a grant program with the aim of pro-
23 moting freedom of the press worldwide. The grant
24 program shall be administered by the Department of
25 State’s Bureau of Democracy, Human Rights and

1 Labor in consultation with the Undersecretary for
2 Public Affairs and Public Diplomacy.

3 (2) AMOUNTS AND TIME.—Grants may be
4 awarded to nonprofit and international organizations
5 and may span multiple years, up to five years.

6 (3) PURPOSE.—Grant proposals should promote
7 and broaden press freedoms by strengthening the
8 independence of journalists and media organizations,
9 promoting a legal framework for freedom of the
10 press, or through providing regionally and culturally
11 relevant training and professionalization of skills to
12 meet international standards in both traditional and
13 digital media.

14 (d) MEDIA ORGANIZATION DEFINED.—In this sec-
15 tion, the term “media organization” means a group or or-
16 ganization that gathers and disseminates news and infor-
17 mation to the public (through any medium of mass com-
18 munication) in a foreign country in which the group or
19 organization is located, except that the term does not in-
20 clude a group or organization that is primarily an agency
21 or instrumentality of the government of such foreign coun-
22 try. The term includes an individual who is an agent or
23 employee of such group or organization who acts within
24 the scope of such agency or employment.

1 (e) AUTHORIZATION OF APPROPRIATIONS.—There is
2 authorized to be appropriated such sums as may be nec-
3 essary to carry out this section.

4 **SEC. 1111. INFORMATION FOR COUNTRY COMMERCIAL**
5 **GUIDES ON BUSINESS AND INVESTMENT CLI-**
6 **MATES.**

7 (a) IN GENERAL.—The Director General of the For-
8 eign Commercial Service, in consultation with the Assist-
9 ant Secretary of Commerce for Trade Promotion and the
10 Assistant Secretary of State for Economic, Energy and
11 Business Affairs, should ensure that the annual Country
12 Commercial Guides for United States businesses include—

13 (1) detailed assessments concerning each for-
14 eign country in which acts of unfair business and in-
15 vestment practices or other actions that have re-
16 sulted in poor business and investment climates
17 were, in the opinion of the Director General of the
18 Foreign Commercial Service, of major significance;

19 (2) all relevant information about such unfair
20 business and investment practices or other actions
21 during the preceding year by members of the busi-
22 ness community, the judiciary, and the government
23 of such country which may have impeded United
24 States business or investment in such country, in-

1 including the capacity for United States citizens to op-
2 erate their businesses without fear of reprisals; and

3 (3) information on—

4 (A) the extent to which the government of
5 such country is working to prevent unfair busi-
6 ness and investment practices; and

7 (B) the extent of United States Govern-
8 ment action to prevent unfair business and in-
9 vestment practices or other actions that harm
10 United States business or investment interests
11 in relevant cases in such country.

12 (b) ADDITIONAL PROVISIONS TO BE INCLUDED.—

13 The information required under subsection (a) should, to
14 the extent feasible, include—

15 (1) with respect to paragraph (1) of such sub-
16 section—

17 (A) a review of the efforts undertaken by
18 each foreign country to promote a healthy busi-
19 ness and investment climate that is also condu-
20 cive to the United States business community
21 and United States investors, including, as ap-
22 propriate, steps taken in international fora;

23 (B) the response of the judicial and local
24 arbitration systems of each such country that is
25 the subject of such detailed assessment with re-

1 spect to matters relating to the business and in-
2 vestment climates affecting United States citi-
3 zens and entities, or that have, in the opinion
4 of the Director General of the Foreign Com-
5 mercial Service, a significant impact on United
6 States business and investment efforts; and

7 (C) each such country's access to the
8 United States market;

9 (2) with respect to paragraph (2) of such sub-
10 section—

11 (A) any actions undertaken by the govern-
12 ment of each foreign country that prevent
13 United States citizens and businesses from re-
14 ceiving equitable treatment;

15 (B) actions taken by private businesses
16 and citizens of each such country against mem-
17 bers of the United States business community
18 and United States investors;

19 (C) unfair decisions rendered by the legal
20 systems of each such country that clearly ben-
21 efit State and local corporations and industries;
22 and

23 (D) unfair decisions rendered by local arbi-
24 tration panels of each such country that do not
25 exemplify objectivity and do not provide an eq-

1 uitable ground for United States citizens and
2 businesses to address their disputes; and

3 (3) with respect to paragraph (3) of such sub-
4 section, actions taken by the United States Govern-
5 ment to—

6 (A) promote the rule of law;

7 (B) prevent discriminatory treatment of
8 United States citizens and businesses engaged
9 in business or investment activities in each for-
10 eign country;

11 (C) allow United States goods to enter
12 each such country without requiring a co-pro-
13 duction agreement; and

14 (D) protect United States intellectual
15 property rights.

16 (c) CONSULTATION.—In carrying out this section, the
17 Director General of the Foreign Commercial Service shall
18 consult with business leaders, union leaders, representa-
19 tives of the judicial system of each foreign country de-
20 scribed in subsection (a), and relevant nongovernmental
21 organizations.

22 (d) BUSINESS AND INVESTMENT CLIMATE WARN-
23 INGS.—The Secretary of State, with the assistance of the
24 Assistant Secretary of State for Economic, Energy and
25 Business Affairs, as well as the Assistant Secretary of

1 Commerce for Trade Promotion and the Director General
2 of the Foreign Commercial Service, shall establish a warn-
3 ing system that effectively alerts United States businesses
4 and investors of—

5 (1) a significant deterioration in the business
6 and investment climate in a foreign country, includ-
7 ing discriminatory treatment of United States busi-
8 nesses; or

9 (2) a significant constraint on the ability of the
10 United States Government to assist United States
11 businesses and investors in a foreign country, such
12 as to the closure of a United States diplomatic or
13 consular mission, that is not explained in the most
14 recent Country Commercial Guide for such country.

15 (e) DEFINITIONS.—In this section:

16 (1) CO-PRODUCTION AGREEMENT.—The term
17 “co-production agreement” means a United States
18 Government or United States business working with
19 a foreign government, foreign company, or an inter-
20 national organization to produce or manufacture an
21 item.

22 (2) RULE OF LAW.—The term “rule of law”
23 means the extent to which laws of a foreign country
24 are publicly promulgated, equally enforced, inde-

1 pendently adjudicated, and are consistent with inter-
2 national norms and standards.

3 (3) UNFAIR BUSINESS AND INVESTMENT PRAC-
4 TICES.—The term “unfair business and investment
5 practices” includes any of the following:

6 (A) Unlawful actions under international
7 law or the law of the foreign country taken by
8 the government of such country or by busi-
9 nesses, citizens, or other entities of such coun-
10 try that have resulted in lost assets, contracts,
11 or otherwise contributed to an inhospitable
12 business or investment climate.

13 (B) Discriminatory treatment of United
14 States businesses, whether wholly or partially
15 owned.

16 (C) Failure to protect intellectual property
17 rights.

18 (D) Requiring a co-production agreement
19 in order for goods from the United States to
20 enter a foreign country.

21 **SEC. 1112. INTERNATIONAL PROTECTING GIRLS BY PRE-**
22 **VENTING CHILD MARRIAGE.**

23 (a) SENSE OF CONGRESS.—It is the sense of Con-
24 gress that—

1 (1) child marriage is a violation of human
2 rights and the prevention and elimination of child
3 marriage should be a foreign policy goal of the
4 United States;

5 (2) the practice of child marriage undermines
6 United States investments in foreign assistance to
7 promote education and skills building for girls, re-
8 duce maternal and child mortality, reduce maternal
9 illness, halt the transmission of HIV/AIDS, prevent
10 gender-based violence, and reduce poverty; and

11 (3) expanding educational opportunities for
12 girls, economic opportunities for women, and reduc-
13 ing maternal and child mortality are critical to
14 achieving the Millennium Development Goals and
15 the global health and development objectives of the
16 United States, including efforts to prevent HIV/
17 AIDS.

18 (b) STRATEGY TO PREVENT CHILD MARRIAGE IN
19 DEVELOPING COUNTRIES.—

20 (1) STRATEGY REQUIRED.—The President, act-
21 ing through the Secretary of State, shall establish a
22 multi-year strategy to prevent child marriage in de-
23 veloping countries and promote the empowerment of
24 girls at risk of child marriage in developing coun-
25 tries, including by addressing the unique needs,

1 vulnerabilities, and potential of girls under 18 in de-
2 veloping countries.

3 (2) CONSULTATION.—In establishing the strat-
4 egy required by paragraph (1), the President shall
5 consult with Congress, relevant Federal departments
6 and agencies, multilateral organizations, and rep-
7 resentatives of civil society.

8 (3) ELEMENTS.—The strategy required by
9 paragraph (1) shall—

10 (A) focus on areas in developing countries
11 with high prevalence of child marriage; and

12 (B) encompass diplomatic initiatives be-
13 tween the United States and governments of
14 developing countries, with attention to human
15 rights, legal reforms and the rule of law, and
16 programmatic initiatives in the areas of edu-
17 cation, health, income generation, changing so-
18 cial norms, human rights, and democracy build-
19 ing.

20 (4) REPORT.—Not later than 180 days after
21 the date of the enactment of this Act, the President
22 shall transmit to Congress a report that includes—

23 (A) the strategy required by paragraph
24 (1);

1 (B) an assessment, including data
2 disaggregated by age and gender to the extent
3 possible, of current United States-funded ef-
4 forts to specifically assist girls in developing
5 countries; and

6 (C) examples of best practices or programs
7 to prevent child marriage in developing coun-
8 tries that could be replicated.

9 (c) RESEARCH AND DATA COLLECTION.—The Sec-
10 retary of State shall work with relevant Federal depart-
11 ments and agencies as part of their ongoing research and
12 data collection activities, to—

13 (1) collect and make available data on the inci-
14 dence of child marriage in countries that receive for-
15 eign or development assistance from the United
16 States where the practice of child marriage is preva-
17 lent; and

18 (2) collect and make available data on the im-
19 pact of the incidence of child marriage and the age
20 at marriage on progress in meeting key development
21 goals.

22 (d) DEPARTMENT OF STATE’S COUNTRY REPORTS
23 ON HUMAN RIGHTS PRACTICES.—The Foreign Assistance
24 Act of 1961 is amended—

1 (1) in section 116 (22 U.S.C. 2151n), by add-
2 ing at the end the following new subsection:

3 “(g) The report required by subsection (d) shall in-
4 clude for each country in which child marriage is prevalent
5 at rates at or above 40 percent in at least one sub-national
6 region, a description of the status of the practice of child
7 marriage in such country. In this subsection, the term
8 ‘child marriage’ means the marriage of a girl or boy, not
9 yet the minimum age for marriage stipulated in law in
10 the country in which such girl or boy is a resident.”; and

11 (2) in section 502B (22 U.S.C. 2304), as
12 amended by section 1111(b)(2) of this Act, is fur-
13 ther amended by adding at the end the following
14 new subsection:

15 “(j) The report required by subsection (b) shall in-
16 clude for each country in which child marriage is prevalent
17 at rates at or above 40 percent in at least one sub-national
18 region, a description of the status of the practice of child
19 marriage in such country. In this subsection, the term
20 ‘child marriage’ means the marriage of a girl or boy, not
21 yet the minimum age for marriage stipulated in law in
22 the country in which such girl or boy is a resident.”.

23 (e) DEFINITION.—In this section, the term “child
24 marriage” means the marriage of a girl or boy, not yet

1 the minimum age for marriage stipulated in law in the
2 country in which the girl or boy is a resident.

3 (f) AUTHORIZATION OF APPROPRIATIONS.—Of the
4 amounts authorized to be appropriated pursuant to sec-
5 tion 101 of this Act, there is authorized to be appropriated
6 as such sums as necessary for fiscal years 2010 through
7 2011 to carry out this section and the amendments made
8 by this section.

9 **SEC. 1113. STATEMENT OF CONGRESS REGARDING RETURN**
10 **OF PORTRAITS OF HOLOCAUST VICTIMS TO**
11 **ARTIST DINA BABBITT.**

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

13 (1) Dina Babbitt (formerly known as Dinah
14 Gottliebova), a United States citizen, has requested
15 the return of watercolor portraits she painted while
16 suffering a 1½-year-long internment at the Ausch-
17 witz death camp during World War II.

18 (2) Dina Babbitt was ordered to paint the por-
19 traits by the infamous war criminal Dr. Josef
20 Mengele.

21 (3) Dina Babbitt's life, and her mother's life,
22 were spared only because she painted portraits of
23 doomed inmates of Auschwitz-Birkenau, under or-
24 ders from Dr. Josef Mengele.

1 (4) These paintings are currently in the posses-
2 sion of the Auschwitz-Birkenau State Museum.

3 (5) Dina Babbitt is the rightful owner of the
4 artwork, because the paintings were produced by her
5 own talented hands as she endured the unspeakable
6 conditions that existed at the Auschwitz death camp.

7 (6) This continued injustice can be righted
8 through cooperation between agencies of the United
9 States and Poland.

10 (7) This issue was raised in the Foreign Rela-
11 tions Authorization Act, Fiscal Year 2003 (Public
12 Law 107–228).

13 (b) STATEMENT OF CONGRESS.—Congress—

14 (1) continues to recognize the moral right of
15 Dina Babbitt to obtain the artwork she created, and
16 recognizes her courage in the face of the evils per-
17 petrated by the Nazi command of the Auschwitz-
18 Birkenau death camp, including the atrocities com-
19 mitted by Dr. Josef Mengele;

20 (2) urges the President to make all efforts nec-
21 essary to retrieve the seven watercolor portraits
22 Dina Babbitt painted, while suffering a 1½-year-
23 long internment at the Auschwitz death camp, and
24 return them to her;

1 (3) urges the Secretary of State to make imme-
2 diate diplomatic efforts to facilitate the transfer of
3 the seven original watercolors painted by Dina Bab-
4 bitt from the Auschwitz-Birkenau State Museum to
5 Dina Babbitt, their rightful owner;

6 (4) urges the Government of Poland to imme-
7 diately facilitate the return to Dina Babbitt of the
8 artwork painted by her that is now in the possession
9 of the Auschwitz-Birkenau State Museum; and

10 (5) urges the officials of the Auschwitz-
11 Birkenau State Museum to transfer the seven origi-
12 nal paintings to Dina Babbitt as expeditiously as
13 possible.

14 **SEC. 1114. STATEMENT OF POLICY REGARDING SOMALIA.**

15 (a) STATEMENT OF POLICY.—It shall be the policy
16 of the United States to—

17 (1) advance long-term stability and peace in So-
18 malia;

19 (2) provide assistance to the government of So-
20 malia and nongovernmental organizations, including
21 Somali-led nongovernmental organizations, and par-
22 ticularly women’s groups, as appropriate;

23 (3) support efforts to establish democratic civil
24 authorities and institutions in Somalia that reflect
25 local and traditional structures, built on the rule of

1 law and respect for human rights, and strengthen
2 the security sector; and

3 (4) support reconciliation efforts in Somalia in
4 order to ensure lasting peace.

5 (b) SENSE OF CONGRESS.—It is the sense of Con-
6 gress that the President, acting through the Secretary of
7 State, should develop a comprehensive policy in coordina-
8 tion with the international community and the government
9 of Somalia that aligns humanitarian, development, eco-
10 nomic, political, counterterrorism, anti-piracy, and re-
11 gional strategies in order to bring about peace and sta-
12 bility in Somalia and the region.

13 **Subtitle B—Sense of Congress** 14 **Provisions**

15 **SEC. 1121. PROMOTING DEMOCRACY AND HUMAN RIGHTS** 16 **IN BELARUS.**

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

18 (1) Despite some modest improvements, notably
19 the release of political prisoners, the Belarusian Gov-
20 ernment’s human rights and democracy record re-
21 mains poor as governmental authorities continue to
22 commit frequent serious abuses.

23 (2) Since 1996, President Alexander
24 Lukashenka has consolidated his power over all in-

1 stitutions and undermined the rule of law through
2 authoritarian means.

3 (3) Belarus restricts civil liberties, including
4 freedoms of press, speech, assembly, association, and
5 religion. Nongovernmental organizations and polit-
6 ical parties are subject to harassment, fines, pros-
7 ecution, and closure. The Belarusian Government
8 maintains a virtual monopoly over the country's in-
9 formation space.

10 (b) POLICY.—It is the policy of the United States
11 to—

12 (1) support the aspirations of the people of
13 Belarus for democracy, human rights, and the rule
14 of law;

15 (2) support the aspirations of the people of
16 Belarus to preserve the independence and sov-
17 ereignty of their country;

18 (3) seek and support the growth of democratic
19 movements and institutions in Belarus as well the
20 development of a democratic political culture and
21 civil society;

22 (4) seek and support the growth of an open
23 market economy in Belarus through the development
24 of entrepreneurship and protection of property
25 rights; and

1 (5) remain open to re-evaluating United States
2 policy toward Belarus, including existing sanctions,
3 as warranted by demonstrable democratic and
4 human rights progress made by the Belarusian Gov-
5 ernment.

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

8 (1) the United States should furnish assistance
9 to Belarus to the support democratic processes in
10 that country, including—

11 (A) expanding and facilitating the develop-
12 ment of independent print, radio, television, and
13 internet broadcasting to and within Belarus;

14 (B) aiding the development of civil society
15 through assistance to nongovernmental organi-
16 zations promoting democracy and supporting
17 human rights, including youth groups, entre-
18 preneurs, and independent trade unions;

19 (C) supporting the work of human rights
20 defenders;

21 (D) enhancing the development of demo-
22 cratic political parties;

23 (E) assisting the promotion of free, fair,
24 and transparent electoral processes;

1 (F) enhancing international exchanges, in-
2 cluding youth and student exchanges, as well as
3 advanced professional training programs for
4 leaders and members of the democratic forces
5 in skill areas central to the development of civil
6 society; and

7 (G) supporting educational initiatives such
8 as the European Humanities University, a
9 Belarusian university in exile based in Vilnius,
10 Lithuania; and

11 (2) the United States should support radio, tel-
12 evision, and internet broadcasting to the people of
13 Belarus in languages spoken in Belarus, including
14 broadcasting by Radio Free Europe/Radio Liberty,
15 European Radio for Belarus, and Belsat.

16 **SEC. 1122. SENSE OF CONGRESS ON THE HUMANITARIAN**
17 **SITUATION IN SRI LANKA.**

18 It is the sense of Congress that—

19 (1) both the Liberation Tigers of Tamil Eelam
20 (LTTE) and the Government of Sri Lanka must
21 abide by their commitments to respect human life
22 and cease offensive operations;

23 (2) the United States Government remains
24 deeply concerned about the current danger to civil-

1 ian lives and the dire humanitarian situation created
2 by the fighting in the Mullaittivu area in Sri Lanka;

3 (3) the United States should call upon the Gov-
4 ernment and military of Sri Lanka and the LTTE
5 to allow a humanitarian pause sufficient for the tens
6 of thousands of civilians in the conflict area to es-
7 cape the fighting;

8 (4) both sides must respect the right of free
9 movement of those civilian men, women and children
10 trapped by the fighting;

11 (5) the LTTE must immediately allow civilians
12 to depart;

13 (6) the LTTE should then lay down their arms
14 to a neutral third party;

15 (7) the Government of Sri Lanka should allow
16 the United Nations High Commission for Refugees
17 (UNHCR) and the International Committee of the
18 Red Cross (ICRC) access to all sites where newly ar-
19 rived displaced persons are being registered or being
20 provided shelter, as well as to implement established
21 international humanitarian standards in the camps
22 for internally displaced persons;

23 (8) a durable and lasting peace will only be
24 achieved through a political solution that addresses

1 the legitimate aspirations of all Sri Lankan commu-
2 nities; and

3 (9) the Government of Sri Lanka should put
4 forward a timely and credible proposal to engage its
5 Tamil community who do not espouse violence or
6 terrorism, and to develop power sharing arrange-
7 ments so that lasting peace and reconciliation can be
8 achieved.

9 **SEC. 1123. WEST PAPUA.**

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

11 (1) West Papua was a former Dutch colony just
12 as East Timor was a former Portuguese colony just
13 as Indonesia was a former colony of the Nether-
14 lands.

15 (2) In 1949, the Dutch granted independence
16 to Indonesia and retained West Papua.

17 (3) In 1950, the Dutch prepared West Papua
18 for independence.

19 (4) However, Indonesia, upon achieving inde-
20 pendence, demanded the entire archipelago including
21 the Dutch holding of West Papua and the Por-
22 tuguese controlled territory of East Timor.

23 (5) In 1962, the United States mediated an
24 agreement between the Dutch and Indonesia. Under
25 terms of the agreement, the Dutch were to leave

1 West Papua and transfer sovereignty to the United
2 Nations after which time a national election would
3 be held to determine West Papua's political status.
4 But almost immediately after this agreement was
5 reached, Indonesia violated the terms of the transfer
6 and took over the administration of West Papua
7 from the United Nations.

8 (6) Indonesia then orchestrated an election that
9 many regarded as a brutal military operation. In
10 what became known as an "act of no-choice", 1,025
11 West Papua elders under heavy military surveillance
12 were selected to vote on behalf of more than 800,000
13 West Papuans on the territory's political status. The
14 United Nations Representative sent to observe the
15 election process produced a report which outlined
16 various and serious violations of the United Nations
17 Charter. In spite of the report and in spite of
18 testimonials from the press, the opposition of fifteen
19 countries, and the cries of help from the Papuans
20 themselves, West Papua was handed over to Indo-
21 nesia in November 1969.

22 (7) Since this time, the Papuans have suffered
23 blatant human rights abuses including extrajudicial
24 executions, imprisonment, torture, environmental
25 degradation, natural resource exploitation and com-

1 mercial dominance of immigrant communities and it
2 is now estimated that more than 100,000 West
3 Papuan and 200,000 East Timorese died as a di-
4 rect result of Indonesian rule especially during the
5 administrations of military dictators Sukarno and
6 Suharto.

7 (8) Today, the violence continues. In its 2004
8 Country Reports on Human Rights Practices the
9 Department of State reports that Indonesia “secu-
10 rity force members murdered, tortured, raped, beat
11 and arbitrarily detained civilians and members of
12 separatist movements especially in Papua”.

13 (9) In response to international pressure, Indo-
14 nesia has promised to initiate Special Autonomy for
15 West Papua.

16 (10) Considering that East Timor achieved
17 independence from Indonesia in 2002 by way of a
18 United Nations sanctioned referendum, Special Au-
19 tonomy may be an effort to further disenfranchise a
20 people who differ racially from the majority of Indo-
21 nesians.

22 (11) West Papuan are Melanesian and believed
23 to be of African descent.

24 (b) REPORTS.—

1 (1) SECRETARY OF STATE.—For fiscal year
2 2010, the Secretary of State shall submit to the ap-
3 propriate congressional committees a report on the
4 1969 Act of Free Choice, the current political status
5 of West Papua, and the extent to which the Govern-
6 ment of Indonesia has implemented and included the
7 leadership and the people of West Papua in the de-
8 velopment and administration of Special Autonomy.

9 (2) PRESIDENT.—For each of fiscal years 2010
10 and 2011, the President shall transmit to the appro-
11 priate congressional committees a report that con-
12 tains a description of the extent to which the Gov-
13 ernment of Indonesia has certified that it has halted
14 human rights abuses in West Papua.

15 **SEC. 1124. SENSE OF CONGRESS RELATING TO SOVIET NU-**
16 **CLEAR TESTS AND KAZAKHSTAN'S COMMIT-**
17 **MENT TO NONPROLIFERATION.**

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

19 (1) In 1991, immediately after achieving inde-
20 pendence, Kazakhstan closed and sealed the world's
21 second largest nuclear test site in Semipalatinsk
22 which had been inherited from the former Soviet
23 Union and at which more than 500 nuclear tests
24 had been conducted from 1949 to 1991.

1 (2) The cumulative power of explosions from
2 those tests, conducted above ground, on the ground,
3 and underground is believed to be equal to the power
4 of 20,000 explosions of the type of bomb dropped on
5 Hiroshima, Japan, in 1945.

6 (3) More than 1,500,000 people in Kazakhstan
7 suffered because of decades of Soviet nuclear weap-
8 ons testing in the region.

9 (4) A horrifying array of disease will continue
10 to destroy the lives of hundreds of thousands and
11 their descendants for many generations to come as
12 a result of these tests.

13 (5) Since its independence, Kazakhstan has
14 constructed a stable and peaceful state, voluntarily
15 disarmed the world's fourth largest nuclear arsenal,
16 joined the Strategic Arms Reduction Treaty
17 (START), and within the frameworks of the Cooper-
18 ative Threat Reduction program the government of
19 Kazakhstan, in cooperation with the United States
20 Government, conducted a very successful secret op-
21 eration, code-named Project Sapphire, as a result of
22 which 581 kilograms (1,278 pounds) of highly en-
23 riched uranium enough to produce 20–25 nuclear
24 warheads were removed from Kazakhstan.

1 (6) Because of the successful cooperation be-
2 tween the Governments of the United States and
3 Kazakhstan, the last lethal weapon was removed
4 from Kazakhstan in April 1995.

5 (7) Kazakhstan, allegiant to its commitment to
6 nonproliferation, in December 2004 signed with the
7 United States an amendment to the bilateral agree-
8 ment on the nonproliferation of weapons of mass de-
9 struction which will move the two nations towards a
10 new level of cooperation in preventing the threat of
11 bio-terrorism.

12 (8) By its actions, Kazakhstan has proven itself
13 not only as a universally recognized leader and one
14 of the key members in the nonproliferation process,
15 but also as a reliable and consistent ally of the
16 United States in reducing nuclear threats and pre-
17 venting lethal weapons from being acquired by ter-
18 rorist organizations such as Al-Qaeda.

19 (9) Recently Kazakhstan has also offered to
20 host an international nuclear fuel bank where low-
21 enriched uranium would be stored in accordance
22 with the highest international standards for safety,
23 security, and safeguards.

1 (10) The Norwegian Defence Research Estab-
2 lishment is also working with Kazakhstan to
3 strengthen nuclear security and nonproliferation.

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

6 (1) the people of Kazakhstan and its Govern-
7 ment should be congratulated for their commitment
8 to nonproliferation and their leadership in offering
9 to host an international nuclear fuel bank; and

10 (2) the Secretary of State should work to estab-
11 lish a joint working group with the Governments of
12 Kazakhstan and Norway to explore common chal-
13 lenges and opportunities on disarmament and non-
14 proliferation, and to assist in assessing the environ-
15 mental damage and health effects caused by Soviet
16 nuclear testing in Semipalatinsk.

17 **SEC. 1125. SENSE OF CONGRESS ON HOLOCAUST-ERA**
18 **PROPERTY RESTITUTION AND COMPENSA-**
19 **TION.**

20 It is the sense of Congress that—

21 (1) countries in Central and Eastern Europe
22 which have not already done so must return looted
23 and confiscated properties to their rightful owners
24 or, where restitution is not possible, pay equitable
25 compensation, in accordance with principles of jus-

1 tice and in an expeditious manner that is trans-
2 parent and fair;

3 (2) countries in Central and Eastern Europe
4 must enact and implement appropriate restitution
5 and compensation legislation to facilitate private,
6 communal, and religious property restitution; and

7 (3) countries in Central and Eastern Europe
8 must ensure that such restitution and compensation
9 legislation establishes a simple, transparent, and
10 timely process, so that such process results in a real
11 benefit to those individuals who suffered from the
12 unjust confiscation of their property.

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