H. R. 2410

IN THE SENATE OF THE UNITED STATES

JUNE 22, 2009

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

AN ACT

To authorize appropriations for the Department of State and the Peace Corps for fiscal years 2010 and 2011, to modernize the Foreign Service, to authorize democratic, economic, and social development assistance for Pakistan, to authorize security assistance for Pakistan, and for other purposes.
Be it enacted by the Senate and House of Representa-
tives of the United States of America in Congress assembled,

DIVISION A—FOREIGN RELA-
TIONS AUTHORIZATION ACT,
FISCAL YEARS 2010 AND 2011

SECTION 1. SHORT TITLE.

This division may be cited as the “Foreign Relations
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Except as otherwise provided in this division, the term “appropriate congressional committees” means the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate.

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Sec. 101. Administration of Foreign Affairs.

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

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

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

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

(D) Bureau of Democracy, Human Rights, and Labor.—Of the amounts authorized to be appropriated under subparagraph (A), $20,659,000 for fiscal year 2010, and such sums as may be necessary for fiscal year 2011 are authorized to be appropriated for the Bureau of Democracy, Human Rights, and Labor.
(2) **Capital Investment Fund.**—For “Capital Investment Fund”, $160,000,000 for fiscal year 2010, and such sums as may be necessary for fiscal year 2011.

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

(4) **Educational and Cultural Exchange Programs.**—

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

(B) **Tibetan Scholarship Program.**—Of the amounts authorized to be appropriated under subparagraph (A), $750,000 for fiscal year 2010 and $800,000 for fiscal year 2011 are authorized to be appropriated to carry out the Tibetan scholarship program established under section 103(b)(1) of the Human Rights, Refugee, and Other Foreign Relations Provi-

(C) NGAWANG CHOEPHEL EXCHANGE PROGRAMS.—Of the amounts authorized to be appropriated under subparagraph (A), such sums as may be necessary are authorized to be appropriated for each of fiscal years 2010 and 2011 for the “Ngawang Choepel Exchange Programs” (formerly known as “programs of educational and cultural exchange between the United States and the people of Tibet”) under section 103(a) of the Human Rights, Refugee, and Other Foreign Relations Provisions Act of 1996 (Public Law 104–319; 22 U.S.C. 2151 note).

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

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

(7) PROTECTION OF FOREIGN MISSIONS AND OFFICIALS.—
(A) Authorization of Appropriations.—For Protection of Foreign Missions and Officials, $27,159,000 for fiscal year 2010, and such sums as may be necessary for fiscal year 2011.

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

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

(9) Repatriation Loans.—For “Repatriation Loans”, $1,450,000 for fiscal year 2010, and such sums as may be necessary for fiscal year 2011.
(10) Payment to the American Institute in Taiwan.—For “Payment to the American Institute in Taiwan”, $21,174,000 for fiscal year 2010, and such sums as may be necessary for fiscal year 2011.

(11) Office of the Inspector General.—

(A) Authorization of Appropriations.—For “Office of the Inspector General”, $105,500,000 for fiscal year 2010, and such sums as may be necessary for fiscal year 2011.

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

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

SEC. 102. INTERNATIONAL ORGANIZATIONS.

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

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

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

SEC. 103. INTERNATIONAL COMMISSIONS.

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) National Endowment for Democracy.—
There are authorized to be appropriated for the “National
Endowment for Democracy” for authorized activities,
$100,000,000 for fiscal year 2010, and $115,000,000 for
fiscal year 2011.

(c) Center for Cultural and Technical Inter-
change Between East and West.—There are author-
ized to be appropriated for the “Center for Cultural and
Technical Interchange Between East and West” for au-
thorized activities, such sums as may be necessary for each
of fiscal years 2010 and 2011.

TITLE II—DEPARTMENT OF
STATE AUTHORITIES AND AC-
TIVITIES
Subtitle A—Basic Authorities and Activities

SEC. 201. INTERNATIONAL LITIGATION FUND.
Section 38(d)(3) of the State Department Basic Au-
thorities Act of 1956 (22 U.S.C. 2710(d)(3)) is amended
by striking “by the Department of State from another
agency of the United States Government or pursuant to”
and inserting “by the Department of State as a result of
a decision of an international tribunal, from another agency of the United States Government, or pursuant to”.

SEC. 202. ACTUARIAL VALUATIONS.

The Foreign Service Act of 1980 is amended—

(1) in section 818 (22 U.S.C. 4058)—

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

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

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

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

(4) in section 859(c) (22 U.S.C. 4071h(c))—
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(A) by striking “Secretary of the Treas-
ury” and inserting “Secretary of State”; and

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

SEC. 203. SPECIAL AGENTS.

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

“(1) conduct investigations concerning—

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

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

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

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

SEC. 204. REPATRIATION LOANS.

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

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

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

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

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

“(f) INELIGIBILITY.—

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

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

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

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

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

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

(b) Conforming amendment.—Subsection (b) of such section (22 U.S.C. 2708(b)) is amended in the matter preceding paragraph (1) by inserting “or to an officer or employee of a foreign government in accordance with subsection (f)(2)” after “individual”.
Subtitle B—Public Diplomacy at the Department of State

SEC. 211. CONCENTRATION OF PUBLIC DIPLOMACY RESPONSIBILITIES.

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

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

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

“(e) CONCENTRATION OF PUBLIC DIPLOMACY RESPONSIBILITIES.—

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

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

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

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

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

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

“(3) REPORTS REQUIRED.—

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

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

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

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

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

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

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

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

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

"(e) ESTABLISHMENT OF PUBLIC DIPLOMACY RESERVE CORPS.—

"(1) IN GENERAL.—The Secretary of State is authorized to establish in the Foreign Service a Public Diplomacy Reserve Corps consisting of mid- and senior-level former Foreign Service officers and
other individuals with experience in the private or public sector relevant to public diplomacy, to serve for a period of 6 months to 2 years in postings abroad.

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

SEC. 213. ENHANCING UNITED STATES PUBLIC DIPLOMACY OUTREACH.

(a) Findings.—Congress finds the following:

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

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

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

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

SEC. 214. PUBLIC DIPLOMACY RESOURCE CENTERS.

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

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

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

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

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

(b) Operation of Libraries.—

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

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

(c) Advisory Commission on Public Diplomacy.—Not later than 1 year after the date of the enactment of this section, the Advisory Commission on Public Diplomacy (authorized under section 1334 of the Foreign Affairs Reform and Restructuring Act of 1998 (22 U.S.C. 6553)) shall submit to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate a report containing an evaluation of the functions and effectiveness of the libraries and resource centers, including online outreach, that are authorized under this section.
(d) Authorization of Appropriations.—From amounts authorized to be appropriated for Diplomatic and Consular Programs pursuant to section 101(1)(A), there is authorized to be appropriated to the Secretary of State such sums as may be necessary for each of fiscal years 2010 and 2011 to carry out this section.

SEC. 215. GRANTS FOR INTERNATIONAL DOCUMENTARY EXCHANGE PROGRAMS.

(a) Findings.—Congress finds the following:

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

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

(3) Independently produced documentary films have proven to be an effective means of communicating United States ideas and values to populations of other countries.

(4) It is in the interest of the United States to provide assistance to United States nongovernmental
organizations that produce and distribute independently produced documentary films.

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

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

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

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

(3) Develop a network of overseas partners to produce, distribute, and broadcast such documentaries.
(d) Special Factors.—In making the grants described in subsection (b), the Secretary shall give preference to nongovernmental organizations that—

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

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

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

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

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

(a) Reauthorization of United States Advisory Commission on Public Diplomacy.—Section 1334 of the Foreign Affairs Reform and Restructuring

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

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

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

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

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

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

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

SEC. 217. SPECIAL OLYMPICS.

(a) FINDINGS.—Congress finds the following:

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

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

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

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

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

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

(1) in subsection (g)—

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

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

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

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

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

(b) GENERAL PROVISIONS.—

(1) IN GENERAL.—Except as otherwise provided in this section, the program established pursuant to subsection (a) shall be carried out under applicable provisions of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1431 et seq.) and the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2451 et seq.; also referred to as the “Fulbright-Hays Act”).

(2) SCHOLARSHIP ELIGIBILITY REQUIREMENTS.—In addition to such other requirements as may be established by the Secretary of State, a scholarship recipient under this section—

(A) shall be proficient in the English language;

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

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

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

(3) INTERNSHIPS.—Internships under this section shall be for periods of not more than 6 months.

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

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

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

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

(a) FINDINGS.—Congress finds the following:

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

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

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

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

(5) Congressman Burton was one of the most brilliant and productive legislators in United States politics.
(6) He served in Congress from 1964 to 1983.

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

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

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

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

(c) FUNDING.—

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

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

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

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

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

(a) DEFINITIONS.—In this section:

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

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

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

(2) CARICOM COUNTRY.—The term “CARICOM country”—
(A) means a member country of the Caribbean Community (CARICOM); but

(B) does not include—

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

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

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

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

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

(B) a higher education association;

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

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

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

(1) secondary school students from CARICOM countries will—

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

(B) participate in activities designed to promote a greater understanding of the values and culture of the United States; and
(2) undergraduate students, graduate students, post-graduate students, and scholars from CARICOM countries will—

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

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

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

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

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

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

(4) The program will limit participation to—

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

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

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

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

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

(B) agree to obtain employment that directly benefits the growth, progress, and development of one or more CARICOM countries and the people of such countries.

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

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

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

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

(2) **REQUIREMENTS.**—In carrying out paragraph (1), the Secretary shall review on a regular basis—

(A) financial information relating to the program;
(B) budget plans for the program;

(C) adjustments to plans established for the program;

(D) graduation rates of participants in the program;

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

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

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

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

(f) REPORTING REQUIREMENTS.—

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

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

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

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

(C) a financial plan that—

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

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

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

(3) Updates of report.—

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

(B) Matters to be included.—Such updates shall include the following:

(i) Information on United States cooperating agencies that are selected to assist in implementing the programs authorized under this section.

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

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

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

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

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

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

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

(b) PROGRAM.—

(1) IN GENERAL.—The Secretary of State shall establish an exchange program to provide scholarships to fund exchanges to enable Sri Lankan high school students from various ethnic, religious, linguistic, and other minority groups to participate in post-conflict resolution, understanding, and dialogue promotion workshops.
(2) **Dialogue Workshops.**—The exchange program established under paragraph (1) shall include a dialogue workshop located in the United States for participants in such program.

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

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

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

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

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

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

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

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

SEC. 225. PUBLIC DIPLOMACY PLAN FOR HAITI.

The Secretary of State shall develop a public diplomacy plan to be implemented in the event that Temporary Protected Status (TPS) is extended to Haitian nationals in the United States to effectively inform Haitians living in Haiti that—

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

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

(3) any Haitian interdicted at sea traveling to the United States will be repatriated to Haiti; and
(4) the United States will continue its large assistance program to help the people of Haiti recover from recent hurricanes, restore stability, and promote economic growth.

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

(a) PURPOSES.—Section 202 of the Vietnam Education Foundation Act of 2000 (Public Law 106–554) is amended by adding at the end the following new paragraph:

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

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

“SEC. 204. ESTABLISHMENT.

“There is established, within the Bureau of Educational and Cultural Affairs of the Department of State, the Vietnam Education Foundation (referred to in this title as the ‘Foundation’).”.
(c) Replacement of Board of Directors With Advisory Committee.—Section 205 of such Act is amended to read as follows:

“SEC. 205. VIETNAM EDUCATION FOUNDATION ADVISORY COMMITTEE.

“(a) Establishment.—

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

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

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

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

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

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

“(E) one shall be appointed by the minority leader of the House of Representatives.
“(3) Appointment of incumbent members
of board of directors.—Members appointed to
the Advisory Committee under paragraph (2) may
include individuals who were members of the Board
of Directors of the Foundation on the date imme-
diately preceding the date of the enactment of this
section.

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

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

“(2) Use of funds.—All or part of the
amounts allotted for the Foundation under para-
graph (1) may be transferred to the Foundation or
to the appropriate Department of State appropriation
for the purpose of carrying out or supporting
the Foundation’s activities.”.

(e) Appointment of Executive Director.—Sub-
section (a) of section 208 of such Act is amended—

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

(2) by striking the last sentence.
(f) Service of Executive Director to Advisory Committee.—Such subsection is further amended, in the second sentence, by striking “Foundation and shall carry out” and inserting “Foundation, serve the Advisory Committee, and carry out”.

(g) Fellowship Program.—Section 206(a)(1)(A) of such Act is amended by striking “technology, and computer sciences” and inserting “academic computer science, public policy, and academic and public management”.

(h) Conforming Amendments.—Such Act is amended—

(1) in section 203—

(A) by striking paragraph (1);

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

(C) by inserting after paragraph (2), as redesignated, the following:

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

(2) in section 208—

(A) in subsection (a)—

(i) in the subsection heading, by striking “BOARD” and inserting “SECRETARY”; and
(ii) by striking “Board” each place it appears and inserting “Secretary”; and

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

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


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

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

(3) by adding at the end the following:

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

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

(k) SUPPORT FOR INSTITUTIONAL DEVELOPMENT IN VIETNAM.—

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

(A) support Vietnam’s equitable and sustainable socioeconomic development;

(B) feature both teaching and research components;

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

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

(E) enjoy autonomy from the Vietnamese government.

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

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

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

(l) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on the date that is 90 days after the date of the enactment of this section.

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

(a) PURPOSE.—It is the purpose of this section to provide financial assistance to—
(1) establish an exchange program for Afghan women legislators of the National Assembly of Afghanistan;

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

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

(b) Program.—The Secretary of State shall establish an exchange program in cooperation with the women members of parliament in Afghanistan to enable Afghan women legislators to encourage more women to participate in, and continue to be active in, politics and the democratic process in Afghanistan.

Subtitle C—Consular Services and Related Matters

SEC. 231. PERMANENT AUTHORITY TO ASSESS PASSPORT SURCHARGE.

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

(1) striking subsection (b)(2); and
(2) redesignating subsection (b)(3) as subsection (b)(2).

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

It is the sense of Congress that in light of serious problems with human trafficking as well as the exceptionally high volume of applications by citizens of Moldova to the United States Summer Work Travel program, the Secretary of State should make every effort to enhance consular services at the United States embassy in Chisinau, Moldova, including considering assigning an additional consular officer to such post, and providing enhanced anti-trafficking training, especially related to student exchange visas and other vulnerable categories of visa applicants.

SEC. 233. REFORMING REFUGEE PROCESSING.

(a) WORLDWIDE PROCESSING PRIORITY SYSTEM.—

(1) EMBASSY REFERRALS.—The Secretary of State shall expand training of United States embassy and consular personnel to ensure that appropriate United States embassies and consulates are equipped and enabled to refer to the United States refugee admissions program aliens in urgent need of resettlement.

(2) NGO REFERRALS.—The Secretary shall expand training of, and communication with, non-
governmental organizations that provide assistance to displaced and persecuted persons to enable such organizations to refer to the United States refugee admissions program aliens in urgent need of resettlement.

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

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

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

(c) Family Reunification.—

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

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

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

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

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

(2) Rule of construction.—Nothing in this section may be construed to reduce funds or services for other refugee assistance or resettlement.

(f) Effective Date.—This section, and the amendments made by this section, shall take effect on the first day of the first fiscal year that begins after the date of enactment of this section.

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

(a) In general.—The Secretary of State shall establish overseas refugee training programs to provide English as a second language, cultural orientation, and work orientation training for refugees, including children, as appropriate, who have been approved for admission to the United States before their departure for the United States.

(b) Design and implementation.—In designing and implementing the training programs referred to in
subsection (a), the Secretary shall consult with or utilize both—

(1) nongovernmental or international organizations with direct ties to the United States refugee resettlement program; and

(2) nongovernmental or international organizations with appropriate expertise in developing curriculum and teaching English as a second language.

(e) IMPACT ON PROCESSING TIMES.—The Secretary shall ensure that such training programs occur within current processing times and do not unduly delay the departure for the United States of refugees who have been approved for admission to the United States.

(d) TIMELINE FOR IMPLEMENTATION.—

(1) INITIAL IMPLEMENTATION.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall ensure that such training programs are operating in at least three refugee processing regions.

(2) ADDITIONAL IMPLEMENTATION.—Not later than 2 years after the date of the enactment of this Act, the Secretary shall notify the appropriate congressional committees that such training programs are operating in five refugee processing regions.
(e) GAO Report.—Not later than 2 years after the date of the enactment of this Act, the Comptroller General of the United States shall conduct a study on the implementation of this section, including an assessment of the quality of English as a second language curriculum and instruction, the benefits of the orientation and English as a second language training program to refugees, and recommendations on whether such programs should be continued, broadened, or modified, and shall submit to the appropriate congressional committees a report on the findings of such study.

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

SEC. 235. IRAQI REFUGEES AND INTERNALLY DISPLACED PERSONS.

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

(b) INTERAGENCY PROCESS.—

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

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

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

(c) INCREASE IN REFUGEE PROCESSING CAPACITY.—The Secretary of State should, subject to the availability of appropriations for such purpose, seek to substantially increase the resources available to support the processing of refugee applicants in Iraq.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SEC. 236. Videoconference Interviews.

(a) Pilot Program.—The Secretary of State may develop and conduct a 2-year pilot program for the processing of tourist visas using secure remote videoconferencing technology as a method for conducting visa interviews of applicants.

(b) Report.—Not later than 1 year after initiating the pilot program under subsection (a) and again not later than 3 months after the conclusion of the 2-year period referred to in such subsection, the Secretary of State shall submit to the appropriate congressional committees a report on such pilot program. Each such report shall assess the efficacy of using secure remote videoconferencing technology as a method for conducting visa interviews of applicants, including any effect such method may have on an interviewer’s ability to determine an applicant’s credibility and uncover fraud, and shall include recommendations on whether or not the pilot program should be continued, broadened, or modified.
SEC. 237. TIBET.

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

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

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

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

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

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

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

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

“(d) UNITED STATE ASSISTANCE.—The President shall provide grants to nongovernmental organizations to
support sustainable economic development, cultural and
historical preservation, health care, education, and envi-
rornental sustainability projects for Tibetan communities
in the Tibet Autonomous Region and in other Tibetan
communities in China, in accordance with the principles
specified in subsection (e) and subject to the review and
approval of the Special Coordinator for Tibetan Issues
under section 621(d).”.

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

(1) in subsection (d)—

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

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

(C) by inserting after paragraph (5) the
following new paragraph:
“(6) review and approve all projects carried out
pursuant to section 616(d); and”; and

(2) by adding at the end the following new sub-
section:
“(e) PERSONNEL.—The Secretary shall assign dedi-
cated personnel to the Office of the Special Coordinator
for Tibetan Issues sufficient to assist in the management of the responsibilities of this section and section 616(d).”.

(d) **Diplomatic Representation Relating to Tibet.**—

(1) United States Embassy in Beijing.—

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

(B) Authorization of Appropriations.—Of the amounts authorized to be appropriated under section 101, there are authorized to be appropriated such sums as may be necessary for each of fiscal years 2010 and 2011 to carry out this paragraph.
(2) IN TIBET.—Section 618 of the Tibetan Policy Act of 2002 is amended to read as follows:

“SEC. 618. ESTABLISHMENT OF A UNITED STATES CONSULATE IN LHASA, TIBET.

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

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

SEC. 238. PROCESSING OF CERTAIN VISA APPLICATIONS.

(a) POLICY.—It shall be the policy of the Department of State to process immigrant visa applications of immediate relatives of United States citizens and nonimmigrant k-1 visa applications of fiancés of United States citizens within 30 days of the receipt of all necessary documents from the applicant and the Department of Homeland Security. In the case of a visa application where the sponsor of such applicant is a relative other than an immediate relative, it should be the policy of the Department of State to process such an application within 60 days of the re-
receipt of all necessary documents from the applicant and
the Department of Homeland Security.

(b) Review by Head of Consular Section.—For any visa application described in subsection (a), it shall be the policy of the Department of State to require the head of the consular section (or designee) of any United States diplomatic or consular post to review any such application that exceeds the applicable time period specified in such subsection by more than 5 days, and, as appropriate, provide for expedited processing of such application.

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

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


(2) Section 1244 of division A of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 396 et seq.).
(b) CONTENTS.—The report under subsection (a) shall address at least the following:

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

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

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

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

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

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

The Secretary of State, in consultation with the Attorney General and the Director of the Census Bureau, shall conduct a feasibility study and submit to Congress a report assessing methods of facilitating voting in United States elections by United States citizens living overseas using passports or other methods, and for using passports or other methods to count United States citizens living overseas in the United States Census.
Subtitle D—Strengthening Arms Control and Nonproliferation Activities at the Department of State

SEC. 241. FINDINGS AND SENSE OF CONGRESS ON THE NEED TO STRENGTHEN UNITED STATES ARMS CONTROL AND NONPROLIFERATION CAPABILITIES.

(a) FINDINGS.—Congress finds the following:

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

(2) In the same manner, collective arrangements, conventions, and alliances devoted to halting the proliferation of weapons of mass destruction, their means of production and delivery, frequently institutionalized within multilateral treaties and conventions, are critical to effective collective global action.

(3) In order to safeguard and advance United States national security, the Department of State must have the structural and human resources necessary to lead and participate in all international negotiations, conventions, organizations, arrangements,
and implementation fora in the field of nonprolifera-
tion and arms control.

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

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

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

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

(C) the creation of a Fissile Material Cut-
off Treaty (FMCT) to reduce the rate of pro-
duction and ultimately halt the production of
militarily-useful fissile material for nuclear weapons;

(D) the securing of vulnerable nuclear material worldwide that could be stolen and utilized by terrorist groups and rogue countries for nuclear and radiological weapons;

(E) the reinvigoration of the Treaty on the Nonproliferation of Nuclear Weapons (NPT), the cornerstone of the global nuclear non-proliferation regime, especially at the 2010 Review Conference;

(F) the expansion and greater development of the Proliferation Security Initiative (PSI) and the Global Initiative to Combat Nuclear Terrorism into durable international institutions;

(G) the disruption and prevention of nuclear black markets;

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

(I) strengthening the infrastructure and technical and financial resources available to the International Atomic Energy Agency (IAEA) and its international nuclear safeguards system; and
(J) engaging multiple international conventions and negotiations on restriction on conventional arms of various types.

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

(1) the Secretary of State should immediately develop a plan to strengthen the capabilities of the Department of State to lead and participate effectively in all international negotiations and implementation fora in the field of nonproliferation and arms control, especially to increase the human, organizational, and financial resources available to the Undersecretary of State for Arms Control and International Security;

(2) such plan should—

(A) focus especially on the recruitment and professional development of civilian and Foreign Service officers in the areas of arms control and nonproliferation within the Department of State, especially to increase the number of personnel assigned to arms control and nonproliferation and enhance recruitment of technical specialists, as well as provide for the long-term sustainability of personnel and resources; and
(B) identify measures to make service in arms control and nonproliferation offices, bureaus, and in foreign postings an attractive path for further promotion within the Foreign Service; and

(3) the Secretary of State should regularly keep Congress informed as to the measures taken to strengthen the arms control and nonproliferation capabilities of the Department of State, including what additional legal authority or appropriations are required.

SEC. 242. AUTHORIZATION OF ADDITIONAL ARMS CONTROL AND NONPROLIFERATION POSITIONS.

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

SEC. 243. ADDITIONAL AUTHORITY OF THE SECRETARY OF STATE.

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

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SEC. 244. ADDITIONAL FLEXIBILITY FOR RIGHTSIZING ARMS CONTROL AND NONPROLIFERATION FUNCTIONS.

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

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

SEC. 245. ARMS CONTROL AND NONPROLIFERATION ROTATION PROGRAM.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—The Secretary of State (in this section referred to as the “Secretary”), in consultation with the heads of other Federal departments and agencies that are involved in United States arms control and nonproliferation activities, shall establish the Arms Control and Nonproliferation Rotation Program (in this section referred to as the “Rotation Program”) for employees of the Department of State (in this section referred to as the “Department”) and such other Federal departments and agencies. The Rotation Program shall use applicable best practices, including those prescribed by the Chief Human Capital Officers Council. Employ-
ees of the Department and any other Federal department or agency participating in the Rotation Program may be detailed among the Department or such department or agency on a non-reimbursable basis.

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

(A) be established in accordance with the human capital strategic plan of the Depart-

(B) provide midlevel Foreign Service offi-

cers and employees of the Department, and em-

ployees of other Federal departments and agen-
cies concerned with arms control and non-

proliferation responsibilities the opportunity to broaden their knowledge through exposure to other areas of the Department and such other Federal departments and agencies;

(C) expand the knowledge base of the De-

partment by providing for rotational assign-

ments of employees to such other Federal de-

partments and agencies;

(D) build professional relationships and contacts among the employees in such other Federal departments and agencies;
(E) invigorate the Department’s arms control and nonproliferation workforce with professionally rewarding opportunities; and

(F) incorporate human capital strategic plans and activities of the Department, and address critical human capital deficiencies, professional development, recruitment and retention efforts, and succession planning within the Federal workforce of the Department.

(3) RESPONSIBILITIES.—The Secretary shall—

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

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

(C) establish eligibility for employees of other Federal departments and agencies concerned with national security responsibilities to participate in the Rotation Program and select participants from such employees who apply;

(D) establish incentives for such employees to participate in the Rotation Program, including promotions and employment preferences;
(E) ensure that the Rotation Program provides professional education and training;

(F) ensure that the Rotation Program develops qualified employees and future leaders with broad based experience throughout the Department; and

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

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

(5) REPORTING.—Not later than 1 year after the date of the establishment of the Rotation Program, the Secretary shall submit to the appropriate congressional committees and the Committee on Armed Services of the House of Representatives and the Committee on Armed Services of the Senate a report on the status of the Rotation Program, including a description of the Rotation Program, the number of individuals participating, and how the Rotation Program is used in succession planning and leadership development.
SEC. 246. ARMS CONTROL AND NONPROLIFERATION

SCHOLARSHIP PROGRAM.

(a) Establishment.—

(1) In general.—The Secretary of State (in this section referred to as the “Secretary”) shall es-
establish a scholarship program (to be known as the “Arms Control and Nonproliferation Scholarship Program”) to award scholarships for the purpose of recruiting and preparing students for civilian careers in the fields of nonproliferation, arms control, and international security to meet the critical needs of the Department of State (in this section referred to as the “Department”).

(2) Selection of recipients.—

(A) Merit and agency needs.—Individuals shall be selected to receive scholarships under this section through a competitive proc-
ess primarily on the basis of academic merit and the arms control and nonproliferation needs of the Department.

(B) Demonstrated commitment.—Individuals selected under this section shall have a demonstrated interest in public service and a commitment to the field of study for which the scholarship is awarded.
(3) Contractual agreements.—In order to carry out the scholarship program, the Secretary shall enter into contractual agreements with individuals selected under paragraph (2) pursuant to which such individuals agree to serve as full-time employees of the Department, for a period to be determined by the Secretary, not to exceed 6 years, in arms control and nonproliferation positions needed by the Department and for which the individuals are qualified, in exchange for receiving a scholarship.

(b) Eligibility.—Except as provided in subsection (f), in order to be eligible to participate in the scholarship program, an individual shall be enrolled or accepted for enrollment as a full-time student at an institution of higher education and be pursuing or intend to pursue undergraduate or graduate education in an academic field or discipline specified in the list made available under subsection (d) and be a United States citizen.

(c) Application.—An individual seeking a scholarship under this section shall submit to the Secretary an application at such time, in such manner, and containing such information, agreements, or assurances as the Secretary may require.

(d) Programs and Fields of Study.—The Secretary shall make publicly available a list of academic pro-
grams and fields of study for which scholarships under
this section may be awarded.

(c) SCHOLARSHIPS.—

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

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

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

(4) AMOUNT.—The dollar amount of a scholar-
ship awarded under this section for an academic
year shall be determined under regulations issued by
the Secretary, but shall in no case exceed the cost
of tuition, fees, and other authorized expenses as de-
termined by the Secretary.
(5) **Use of Scholarships.**—A scholarship awarded under this section may be expended for tuition, fees, and other authorized expenses as established by the Secretary by regulation.

(6) **Payment to Institution of Higher Education.**—The Secretary may enter into a contractual agreement with an institution of higher education under which the amounts provided for a scholarship under this section for tuition, fees, and other authorized expenses are paid directly to the institution with respect to which such scholarship is awarded.

(f) **Special Consideration for Current Employees.**—Notwithstanding subsection (b), up to 5 percent of the scholarships awarded under this section may be set aside for individuals who are Federal employees on the date of the enactment of this Act to enhance the education of such employees in areas of critical arms control or nonproliferation needs of the Department, for undergraduate or graduate education under the scholarship on a full-time or part-time basis.

(g) **Repayment.**—

(1) **In General.**—A scholarship recipient who fails to maintain a high level of academic standing, as defined by the Secretary who is dismissed for dis-
disciplinary reasons from the educational institution such recipient is attending, or who voluntarily terminates academic training before graduation from the educational program for which the scholarship was awarded shall be in breach of the contractual agreement under subsection (a)(3) and, in lieu of any service obligation arising under such agreement, shall be liable to the United States for repayment within 1 year after the date of such default of all scholarship funds paid to such recipient and to the institution of higher education on the behalf of such recipient under such agreement. The repayment period may be extended by the Secretary if the Secretary determines such to be necessary, as established by regulation.

(2) LIABILITY.—A scholarship recipient who, for any reason, fails to begin or complete the service obligation under the contractual agreement under subsection (a)(3) after completion of academic training, or fails to comply with the terms and conditions of deferment established by the Secretary under paragraph (1), shall be in breach of such contractual agreement and shall be liable to the United States for an amount equal to—
(A) the total amount of the scholarship received by such recipient under this section; and

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

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

(i) Institution of Higher Education Defined.—In this section, the term “institution of higher education” has the meaning given such term under section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

(j) Authorization of Appropriations.—Of the amounts authorized to be appropriated under section 101, such sums as may be necessary are authorized to be appropriated to carry out this section.

SEC. 247. SCIENTIFIC ADVISORY COMMITTEE.

(a) Establishment.—

(1) In general.—The President may establish a Scientific Advisory Committee (in this section referred to as the “Committee”) of not to exceed ten members, not fewer than eight of whom shall be scientists.
(2) APPOINTMENT.—If the Committee is established in accordance with paragraph (1), the members of the Committee shall be appointed by the President, as follows:

(A) One member, who shall be a person of special scientific distinction, shall be appointed by the President, by and with the advice and consent of the Senate, as Chairman of the Committee.

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

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

(b) FUNCTION.—If the Committee is established in accordance with subsection (a)(1), the Committee shall advise the President, the Secretary of State, and the Undersecretary for Arms Control and International Security regarding scientific, technical, and policy matters affecting arms control and nonproliferation.

(c) REIMBURSEMENT OF EXPENSES.—If the Committee is established in accordance with subsection (a)(1), the members of the Committee may receive reimbursement of expenses only in accordance with the provisions applicable to the reimbursement of experts and consultants under
section 401(d) of the Arms Control and Disarmament Act (Public Law 87–297; 22 U.S.C. 2581(d)).

(d) **Scientist Defined.**—In this section, the term “scientist” means an individual who has a demonstrated knowledge and technical expertise with respect to arms control, nonproliferation, and disarmament matters and who has distinguished himself or herself in any of the fields of physics, chemistry, mathematics, biology, or engineering, including weapons engineering.

**TITLE III—ORGANIZATION AND PERSONNEL AUTHORITIES**

Subtitle A—Towards Modernizing the Department of State

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

(a) **Targeted Expansion of Foreign Service.**—The Secretary of State shall expand the Foreign Service to—

(1) fill vacancies, particularly those vacancies overseas that are critical to key United States foreign policy and national security interests, and, in particular, to prevent crises before they emerge;

(2) increase the capacity of the Department of State to assign and deploy Foreign Service officers and other personnel to prevent, mitigate, and re-
respond to international crises and instability in foreign countries that threaten key United States foreign policy and national security interests; and

(3) ensure that before being assigned to assignments requiring new or improved skills, members of the Foreign Service, other than foreign national employees and consular agents (as such terms are defined in section 103 of the Foreign Service Act of 1980 (22 U.S.C. 3903)), as appropriate, receive language, security, area, and other training that is necessary to successfully execute their responsibilities and to enable such members to obtain advanced and other education that will increase the capacity of the Foreign Service to complete its mission.

(b) AUTHORIZED INCREASES.—

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

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

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

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

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

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

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

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

and

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

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

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

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

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

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

“(c) The Secretary of State shall ensure that members of the Service, other than foreign national employees and consular agents, as appropriate, receive training on methods for conflict mitigation and resolution and on the necessary skills to be able to function successfully where public order has been undermined by instability or where
there is no civil authority that can effectively provide pub-
lic safety.

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

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

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

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

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

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

tion.

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

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

ey.

(E) Budget requirements to carry out such
strategy.

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

(2) RELATIONSHIP TO NATIONAL SECURITY

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

(b) REVIEW REQUIRED.—
(1) IN GENERAL.—Beginning in 2013, the President shall every 4 years, during a year following a year evenly divisible by four, conduct a comprehensive examination (to be known as a “Quadrennial Review of Diplomacy and Development”) of the national strategy for United States diplomacy and development described in subsection (a).

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

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

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

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

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

(3) INTERAGENCY COORDINATION AND CON-
SULTATION.—

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

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

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

(d) QRDD AND CONGRESSIONAL COMMITTEES.—

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

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

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

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

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

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

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

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

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

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

(G) Any other matter the Secretary considers appropriate.

(e) INDEPENDENT PANEL ASSESSMENT.—

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

(2) REPORT ON ASSESSMENT.—Not later than 3 months after the date on which the report on such a Quadrennial Review is transmitted under subsection (d), the panel established under paragraph (1) shall submit to the appropriate congressional committees an assessment of such a Quadrennial
Review, including an assessment of the recommendations of such a Quadrennial Review, the stated and implied assumptions incorporated in such a Quadrennial Review, and the vulnerabilities of the strategy underlying such a Quadrennial Review.

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

SEC. 303. ESTABLISHMENT OF THE LESSONS LEARNED CENTER.

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

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

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

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

(A) how to encourage service in the LLC;

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

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

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

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

(d) Definitions.—In this section:

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

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

SEC. 304. LOCALLY EMPLOYED STAFF COMPENSATION.

(a) Findings.—Congress finds the following:

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

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

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

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

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

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

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

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

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

(3) The Bureau of Human Resources, in coordination with the Office of Management, Policy, Rightsizing and Innovation, should implement a locally employed staff compensation review process whereby the Office of Overseas Employment in the Bureau of Human Resources reviews and adjust each post’s salary schedule every 5 years based on a recent salary survey. During the intervening years, the Department should authorize cost-of-living (or inflation) adjustments based on reliable inflation data.
(4) The Bureau of Human Resources, in coordination with the Office of Management, Policy, Rightsizing and Innovation, should implement a systematic process of providing comprehensive information to diplomatic and consular missions, Department of State offices, and agency headquarters on periodic salary survey reviews, including comprehensible salary survey analysis, explanations of salary survey changes, and if appropriate, copies of the off-the-shelf surveys for the host country. This approach should be documented and made a part of the periodic process.

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

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

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

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

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

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

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

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

SEC. 305. INCREASING THE CAPACITY OF THE DEPARTMENT OF STATE TO RESPOND TO CRISSES.

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

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

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

“(B) individuals employed by personal services contract, including those employed pursuant to section 2(e) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2669(c)) and section 636(a)(3) of the Foreign Assistance Act of 1961 (22 U.S.C. 2396(a)(3)); and
“(C) individuals appointed under section 303 of the Foreign Service Act of 1980 (22 U.S.C. 3943).”.

Subtitle B—Foreign Service Pay Equity and Death Gratuity

SEC. 311. SHORT TITLE.

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

SEC. 312. OVERSEAS COMPARABILITY PAY ADJUSTMENT.

(a) OVERSEAS COMPARABILITY PAY ADJUSTMENT.—

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

“SEC. 415. OVERSEAS COMPARABILITY PAY ADJUSTMENT.

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

umbia.

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

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

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

“(B) for purposes of chapter 8; and

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

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

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

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

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

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

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

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

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

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

(A) in paragraph (1)—

(i) in the first sentence, by striking

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

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

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

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

(2) COMPUTATION OF ANNUITIES.—Section 806(a)(9) of such Act (22 U.S.C. 4046(a)(9)) is amended by striking “is outside the continental United States shall” and inserting “was outside the continental United States during the period beginning on December 29, 2002, and ending on the day before the first day of the first pay period beginning on or after October 1, 2011 (or during any portion thereof), shall, to the extent that such computation is based on the basic salary or basic pay of such member for such period (or portion thereof),”.
(3) Entitlement to Annuity.—Section 855(a)(3) of such Act (22 U.S.C. 4071d(a)(3)) is amended—

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

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

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

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

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<thead>
<tr>
<th>Percentage</th>
<th>Time Period</th>
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<tbody>
<tr>
<td>7.5</td>
<td>Before January 1, 1999.</td>
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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.’’.

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

SEC. 313. DEATH GRATUITY.

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

HR 2410 RFS
Subtitle C—Other Organization and Personnel Matters

SEC. 321. TRANSatlantic DIPLOMATIC FELLOwshiP PRO-GRAM.

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

“SEC. 506. TRANSatlantic DIPLOMATIC FELLOwshiP PRO-GRAM.

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

“(b) SALARY AND BENEFITS.—The salary and benefits of a member of the Service shall be paid as described in subsection (b) of section 503 during a period in which such member is participating in the Transatlantic Diplomatic Fellowship Program. The salary and benefits of an employee of a designated country or designated entity participating in such program shall be paid by such country.
or entity during the period in which such employee is par-
   ticipating in the program.

“(c) DEFINITIONS.—In this section:

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

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

“(B) the European Union.

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

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

“(B) the European Union.

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

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

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

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

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

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

The Foreign Service Act of 1980 is amended—

(1) in section 503 (22 U.S.C. 3983)—

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

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

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

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

“Sec. 503. Assignments to agencies, international organizations, foreign governments, or other bodies.”;
(B) by adding after the item relating to section 505 the following new item:

“Sec. 506. Transatlantic diplomatic fellowship program.”

SEC. 322. SECURITY OFFICERS EXCHANGE PROGRAM.

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

“SEC. 507. SECURITY OFFICERS EXCHANGE PROGRAM.

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

“(b) SALARY AND BENEFITS.—The salary and benefits of the members of the Service shall be paid as described in subsection (b) of section 503 during a period in which such officer is participating in the Security Officers Exchange Program. The salary and benefits of an employee of a designated country or international organization participating in such program shall be paid by such country or international organization during the period in which such employee is participating in the program.
“(c) DESIGNATION.—The Secretary may designate a country or international organization to participate in this program if the Secretary determines that such participation is in the national security interests of the United States.

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

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

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

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

“(2) authorize the Secretary to assign a member of the Service to a position with any foreign country whose laws, or foreign or international entity whose rules, require such member to give alle-
(b) TECHNICAL AND CONFORMING AMENDMENT.—
Section 2 of the Foreign Service Act of 1980 is amended, in the table of contents, by adding after the item relating to section 506 (as added by section 321(b)(2)(B) of this Act) the following new item:

“Sec. 507. Security officers exchange program.”

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

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

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

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

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

“(B) a reasonable time to respond orally and in writing to the proposed suspension;
“(C) representation by an attorney or other representative; and

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

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

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

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

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

“(5) In this subsection:

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

“(i) with respect to a member of the Foreign Service assigned to duty in the United States, 15 days after receiving notice of the proposed suspension; and

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

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

(b) CONFORMING AND CLERICAL AMENDMENTS.—

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

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

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

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

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

SEC. 325. LIMITED APPOINTMENTS IN THE FOREIGN SERVICE.

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

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

(2) in subsection (b)—
(A) in paragraph (3)—

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

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

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

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

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

“(6) in exceptional circumstances where the Secretary determines the needs of the Service require the extension of a limited appointment (A), for a period of time not to exceed 12 months (provided such period of time does not permit additional review by the boards under section 306), or (B), for the minimum time needed to settle a grievance, claim, or complaint not otherwise provided for in this section.”; and
(3) by adding at the end the following new subsection:

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

SEC. 326. COMPENSATORY TIME OFF FOR TRAVEL.

Section 5550b of title 5, United States Code, is amended by adding at the end the following new subsection:

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

SEC. 327. REEMPLOYMENT OF FOREIGN SERVICE ANNUITANTS.

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

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

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

SEC. 328. PERSONAL SERVICES CONTRACTORS.

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

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

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

(2) The contract length, including options, may not exceed 2 years, unless the Secretary makes a finding that exceptional circumstances justify an extension of up to one additional year.

(3) Not more than a total of 200 United States citizens or aliens are employed at any one time as personal services contractors under this section.
(4) This authority may only be used to obtain specialized skills or experience or to respond to urgent needs.

(c) Status of Personal Service Contractors.—

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

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

(A) the Ethics in Government Act of 1978;

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

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

(3) Exception.—This subsection shall not affect the determination as to whether an individual hired as a personal service contractor pursuant to
this section is an employee of the United States Gov-
ernment for purposes of any Federal law not speci-
fied in paragraphs (1) and (2).

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

SEC. 329. PROTECTION OF INTELLECTUAL PROPERTY
RIGHTS.

(a) RESOURCES TO PROTECT INTELLIGENT PROPERTY
RIGHTS.—The Secretary of State shall ensure that
the protection in foreign countries of the intellectual prop-
e rty rights of United States persons in other countries is
a significant component of United States foreign policy in
general and in relations with individual countries. The
Secretary of State, in consultation with the Director Gen-
eral of the United States and Foreign Commercial Service
and other agencies as appropriate, shall ensure that ade-
quately resources are available at diplomatic missions in any
country that is identified under section 182(a)(1) of the
Trade Act of 1974 (19 U.S.C. 2242(a)(1)) to ensure—
(1) support for enforcement action against violations of the intellectual property rights of United States persons in such country; and

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

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

(c) PRIORITY ASSIGNMENTS.—

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

(2) Assignments to Priority Countries.—In carrying out paragraph (1), the Secretary of State shall consider assigning intellectual property attachés—

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

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

(d) Duties and Responsibilities of Intellectual Property Attachés.—The intellectual property attachés appointed under subsection (b), as well as others serving as intellectual property attachés of any other department or agency of the United States, shall have the following responsibilities:

(1) To promote cooperation with foreign governments in the enforcement of intellectual property
laws generally, and in the enforcement of laws
against counterfeiting and piracy in particular.

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

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

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

(5) As appropriate and in accordance with ap-
plicable laws and the diplomatic status of the
attachés, to engage in public education efforts
against counterfeiting and piracy in the host coun-
try.
(6) To assist in the coordination of training and technical assistance programs of the United States Government within the host country that are aimed at improving the enforcement of laws against counterfeiting and piracy.

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

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

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

(g) REPORT TO CONGRESS.—

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

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

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

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

(C) An assessment of the adequacy of the resources of the Department of State employed to carry out this section and, if necessary, an assessment of the need for additional resources for such purposes.

(h) DEFINITIONS.—In this section:

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

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

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

(3) PIRACY; PIRATED GOODS.—

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

(B) PIRATED GOODS.—The term “pirated goods” means those copies or phonorecords described in subparagraph (A).

(4) UNITED STATES PERSON.—The term “United States person” means—
(A) any United States resident or national;

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

(C) any foreign subsidiary or affiliate (including any permanent foreign establishment) of any corporation, partnership, business entity, or organization described in subparagraph (B), that is controlled in fact by such corporation, partnership, business entity, or organization, except that such term does not include an individual who resides outside the United States and is employed by an individual or entity other than an individual or entity described in subparagraph (A), (B), or (C).

(i) Authorization of Appropriations.—Of the amounts authorized to be appropriated under section 101, there are authorized to be appropriated for each fiscal year such sums as may be necessary for the training and support of the intellectual property attachés appointed under subsection (b) and of other personnel serving as intellectual property attachés of any other department or agency of the United States.
SEC. 330. DEPARTMENT OF STATE EMPLOYMENT COMPOSITION.

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

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

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

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

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

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

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

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

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

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

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

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

(d) GAO Review.—The Comptroller General of the United States, in consultation with the appropriate congressional committees, shall conduct a review of the employment composition, recruitment, advancement, and retention policies of the Department of State for women and
minority groups, including the information in the reports required under section 324 of the Foreign Relations Authorization Act, Fiscal Year 2003, as amended by subsection (b) of this section.

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

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

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

“(2) the total number of such contracts;

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

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

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

SEC. 331. CONTRACTING.

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

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

(a) Report on Improving Effectiveness of Department of State Legislative Liaison Office.—Not later than 6 months after the date of the enactment of this Act, the Secretary of State shall submit to the Committee on Foreign Affairs and the Committee on House Administration of the House of Representatives and the Committee on Foreign Relations and the Committee on Rules and Administration of the Senate a report on the mission and effectiveness of the existing Department of State legislative liaison office.
(b) REPORT CONSIDERATIONS.—The report required by subsection (a) shall consider—

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

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

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

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

SEC. 333. DISCRIMINATION RELATED TO SEXUAL ORIENTATION.

(a) TRACKING VIOLENCE OR CRIMINALIZATION RELATED TO SEXUAL ORIENTATION.—The Assistant Secretary for Democracy, Human Rights and Labor shall designate a Bureau-based officer or officers who shall be responsible for tracking violence, criminalization, and restrictions on the enjoyment of fundamental freedoms, con-
sistent with United States law, in foreign countries based on actual or perceived sexual orientation and gender identity.

(b) International Efforts to Revise Laws Criminalizing Homosexuality.—In keeping with the Administration’s endorsement of efforts by the United Nations to decriminalize homosexuality in member states, the Secretary of State shall work though appropriate United States Government employees at United States diplomatic and consular missions to encourage the governments of other countries to reform or repeal laws of such countries criminalizing homosexuality or consensual homosexual conduct, or restricting the enjoyment of fundamental freedoms, consistent with United States law, by homosexual individuals or organizations.

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

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

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

(B) in paragraph (11)—

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

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

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

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

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

(1) in the matter preceeding paragraph (1), by inserting “the Secretary for Democracy, Human Rights and Labor,” before “the Ambassador at Large”;}
(2) in paragraph (2), by striking “and” at the end;

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

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

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

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

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

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

(c) DUTIES.—

(1) IN GENERAL.—The Ambassador shall—

(A) coordinate and advise on activities, policies, programs, and funding relating to gender integration and women’s empowerment internationally for all bureaus and offices of the Department of State and in the international programs of other United States Government departments and agencies;

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

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

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

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

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

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

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

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

SEC. 335. FOREIGN SERVICE VICTIMS OF TERRORISM.

(a) Additional Death Gratuities.—Section 413 of
the Foreign Service Act of 1980 (22 U.S.C. 3973) is
amended—

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

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

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

(b) Certain Specific Payments.—Subject to the availability of appropriations specifically for the purpose specified in this subsection as provided in appropriations Acts enacted on or after October 1, 2007, and notwithstanding any other provision of law, the Secretary of State shall pay the maximum amount of payment under section 413(d) of the Foreign Service Act of 1980 (as amended by subsection a(2) of this section) to an individual described in such section 413(d) or to an individual who was otherwise serving at a United States diplomatic or consular mission abroad without a regular salary who was killed as a result of an act of international terrorism (as such term is defined in section 2331(1) of title 18, United States Code) that occurred between January 1, 1998, and the date of the enactment of this section, including the victims of the bombing of August 7, 1998, in Nairobi, Kenya. Such a payment shall be deemed to be a payment
under section 413(d) of the Foreign Service Act of 1980,
except that for purposes of this section, such payment
shall, with respect to a United States citizen receiving pay-
ment under this section, be in an amount equal to ten
times the salary specified in this section. For purposes of
this section and section 413(d) of such Act, with respect
to a United States citizen receiving payment under this
section, the salary to be used for purposes of determining
such payment shall be $94,000.

SEC. 336. BROADENING EXPERIENCE WITHIN THE FOREIGN
SERVICE.

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

(1) requiring all Foreign Service officers to
serve at least 2 years in a bureau or office of the
Department not primarily focused on regional issues
prior to joining the Senior Foreign Service; and

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

Title IV—International Organizations
Subtitle A—International Leadership

Sec. 401. Short Title.
This subtitle may be cited as the “United States
International Leadership Act of 2009”.

Sec. 402. Promoting Assignments to International
Organizations.

(a) Promotions.—

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

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

(b) ESTABLISHMENT OF A MULTILATERAL DIPLOMACY CONE IN THE FOREIGN SERVICE.—

(1) FINDINGS.—Congress finds the following:

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

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

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

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

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

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

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

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

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

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

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

(2) ADVISORY ROLE.—The Special Representative shall advise the President and the Secretary of State, as appropriate, regarding advocacy at international organizations and multilateral institutions and negotiations and, in coordination with the Assistant Secretary for International Organization Affairs, shall make recommendations regarding—

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

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

(C) the composition of United States delegations to multilateral negotiations; and
(D) liaison with Congress, international organizations, nongovernmental organizations, and the private sector on matters affecting multilateral negotiations.

(3) LEADERSHIP AND MEMBERSHIP OF INTERNATIONAL ORGANIZATIONS.—The Special Representative, in coordination with the Assistant Secretary of International Organization Affairs, shall direct the efforts of the United States Government to reform the criteria for leadership and membership of international organizations.

(4) PARTICIPATION IN MULTILATERAL NEGOTIATIONS.—The Special Representative, or members of the Special Representative’s staff, may, as required by the President or the Secretary of State, serve on a United States delegation to any multilateral negotiation.

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

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

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

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

Subtitle B—General Provisions

SEC. 411. ORGANIZATION OF AMERICAN STATES.

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

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

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

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

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

(b) MULTILATERAL FUND.—

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

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

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

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

(C) outreach and cultural activities;
(D) conferences; and

(E) general advocacy for United States interests.

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

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

SEC. 412. PEACEKEEPING OPERATIONS CONTRIBUTIONS.

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

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

SEC. 413. PACIFIC ISLANDS FORUM.

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

SEC. 414. REVIEW OF ACTIVITIES OF INTERNATIONAL COMMISSIONS.

(a) In General.—Not later than 1 year after the date of the enactment of this Act and 2 years thereafter, the Secretary of State shall submit to the appropriate congressional committees a report on the activities of each of the commissions specified in paragraphs (1), (2), and (3) of section 103.

(b) Report Elements.—The reports required under subsection (a) shall include information concerning the following:

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

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

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

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

SEC. 415. ENHANCING NUCLEAR SAFEGUARDS.

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

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

(2) Congress has long supported efforts aimed at effective and efficient assurances of nuclear fuel supply, the strengthening of IAEA safeguards, and assistance to the developing world for nuclear and non-nuclear energy sources, as embodied in the Nuclear Non-Proliferation Act of 1978 (22 U.S.C. 3201 et seq.).
(3) According to some experts, global energy demand will grow by 50 percent in the next 20 years, predominantly in the developing world.

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

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

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

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

(b) Authorization of Appropriations.—There is
authorized to be appropriated $10,000,000 for the refur-
bishment or possible replacement of the IAEA’s Safe-
guards Analytical Laboratory.

c) Report.—Not later than 180 days after the date
of the enactment of this Act, the Secretary of State, in
consultation with the Secretary of Energy, shall submit
to the appropriate congressional committees and the Com-
mittee on Armed Services of the House of Representatives
and the Committee on Armed Services of the Senate a
report on the refurbishment or possible replacement of the
IAEA’s Safeguards Analytical Laboratory pursuant to
subsection (b).
SEC. 416. IMPLEMENTATION OF RECOMMENDATIONS OF COMMISSION ON THE PREVENTION OF WEAPONS OF MASS DESTRUCTION PROLIFERATION AND TERRORISM.

(a) Authorization of Appropriations.—There is authorized to be appropriated such sums as may be necessary for each of the fiscal years 2010 and 2011 to implement the following recommendations of the Report of the Commission on the Prevention of Weapons of Mass Destruction Proliferation and Terrorism regarding the International Atomic Energy Agency (IAEA) and nuclear safeguards reform:

(1) The United States should work with the IAEA Director General to consider establishing a safeguards user fee, whereby countries with inspected facilities would be assessed a fee to help defer the costs of IAEA inspections.

(2) The United States should work with the IAEA Director General and other interested parties to routinely (at least every 2 years) assess whether the IAEA can meet its own inspection goals, whether those goals afford timely warning of an ability to account for a bomb’s worth of nuclear material, as required by United States law, and what corrective actions, if any, might help the IAEA to achieve its inspection goals. This assessment should also clarify
those instances in which achieving the goals is not possible.

(3) The United States should work with the IAEA Director General to provide for the acquisition and implementation of near-real-time surveillance equipment at a number of sites where nuclear fuel rods are located and where such equipment must be installed so that the IAEA can establish the inspection continuity of the fresh and spent fuel rods and to install wide-area surveillance needed to monitor activities under the Additional Protocol.

(4) The United States should work with the IAEA Director General to promote much-needed transparency at suspect sites, to help deter transfers of nuclear fuel and nuclear weapons technology, and to encourage IAEA member states to maintain a registry of all foreign visitors at safeguarded sites. This registry should be made available to other IAEA members upon request.

(5) The United States should work with the IAEA Director General to establish a complete country-by-country inventory of nuclear materials that could be used to make nuclear bombs. The information should be shared, as appropriate, with individual IAEA member states and the public to ensure
that it can be used effectively in developing the plan for IAEA safeguards. The IAEA should update the database regularly.

(6) The United States should work with the IAEA Director General to require that the transfer of all items on the Nuclear Suppliers Group dual-use and trigger lists be reported to the IAEA or relevant authority and assist in developing a system to process and analyze the information gathered, making unreported transfers illegal and subject to seizure.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees and the Committee on Armed Services of the House of Representatives and the Committee on Armed Services of the Senate a report on progress toward the implementation of this section.

SEC. 417. ASIA-PACIFIC ECONOMIC COOPERATION.

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

(1) the United States’ continued engagement in Asia must be a cornerstone of United States foreign policy in the 21st Century;

(2) the President must elevate the role of the United States in the Asia-Pacific Economic Coopera-
tion forum (APEC) by ensuring that United States
Government officials of the appropriate rank attend
APEC activities; and

(3) increased participation by United States
small businesses, particularly manufacturers, will
add substantial benefit to APEC discussions and
help strengthen the influence of the United States
within APEC.

(b) SMALL BUSINESS DEFINED.—In this section, the
term “small business” shall have the meaning given the
term “small business concern” in section 410(9) of the
694a(9)).

(e) UNITED STATES PARTICIPATION AT APEC.—

(1) DESIGNATION OF APEC COORDINATORS.—
The President shall designate in appropriate depart-
ments and agencies an existing official of appro-
priate senior rank to serve as each such depart-
ment’s or agency’s “APEC Coordinator”.

(2) DUTIES OF APEC COORDINATORS.—

(A) IN GENERAL.—The APEC Coordina-
tors of the appropriate departments and agen-
cies designated in accordance with paragraph
(1) shall, in consultation with the United States
Ambassador to APEC, set department- and
agency-wide guidelines for each such department’s or agency’s participation at APEC.

(B) Report.—Not later than 180 days after the date of the enactment of this Act and annually thereafter, the Secretary of State, with input from each APEC Coordinator, shall submit to the appropriate congressional committees a report on efforts to enhance each department’s and agency’s participation at APEC.

(d) Enhancing Small Business Participation at APEC.—

(1) Designation of Small Business Liaison.—The Secretary of State shall designate an existing officer within the Bureau of East Asian and Pacific Affairs to serve as a “Small Business Liaison”. Such designee shall be of the appropriate senior rank.

(2) Department of State Website.—The Secretary of State shall post on the website of the Department of State a dedicated page for United States small businesses to facilitate direct communication between the United States Government and the business community concerning APEC.

(3) Coordination.—The Secretary of State shall coordinate with existing private sector partners
and relevant business associations to promote participation by small businesses at APEC. The Secretary shall ensure that notices about meetings and briefings provided by United States APEC officials on APEC-related issues are posted on the website of the Department of State (in accordance with paragraph (2)) not later than 15 days before the dates of such meetings and briefings.

(e) Report on Hosting of APEC 2011 in the United States.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees a report detailing the mechanisms that are in place or are being considered for hosting the 2011 meeting of APEC in the United States, including an analysis of the estimated or projected costs associated with such meetings.

SEC. 418. IMPLEMENTING AN INTERNATIONAL NUCLEAR FUEL BANK.

It is the sense of Congress that, not later than 120 after the date of the enactment of this Act, the Secretary of State should appoint a coordinator to help implement the International Nuclear Fuel Bank to ensure that countries have a supply of fuel for nuclear energy and do not have to enrich their own uranium.
SEC. 501. AUTHORIZATION OF APPROPRIATIONS FOR INTERNATIONAL BROADCASTING.

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

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

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

SEC. 502. PERSONAL SERVICES CONTRACTING PROGRAM.

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

(2) in subsection (a)—

(A) by striking “pilot”; and

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

(3) in subsection (b)—

(A) in paragraph (4), by striking “60” and inserting “125”; and

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

“(5) The annual salary rate for personal services contractors may not exceed the rate for level IV of the Executive Schedule.”; and

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

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

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

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

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

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

SEC. 504. EMPLOYMENT FOR INTERNATIONAL BROADCASTING.

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

SEC. 505. DOMESTIC RELEASE OF THE VOICE OF AMERICA FILM ENTITLED “A FATEFUL HARVEST”.

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

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

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

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

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

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

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

(2) by striking subsection (f); and

(3) by redesignating subsections (g) and (h) as subsection (f) and (g), respectively.
TITLE VI—PEACE CORPS

SEC. 601. FINDINGS; STATEMENT OF POLICY.

(a) FINDINGS.—Congress finds the following:

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

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

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

(A) To help the people of interested countries in meeting their needs for trained men and women.

(B) To promote a better understanding of Americans on the part of the peoples served.

(C) To help promote a better understanding of other peoples on the part of Americans.
(4) Over the last 48 years, nearly 200,000 Peace Corps volunteers have served in 139 countries.

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

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

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

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

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

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

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

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

(3) promote all types of volunteerism by Americans in the developing world.

SEC. 602. AMENDMENTS TO THE PEACE CORPS ACT.

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

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

(b) COORDINATION OF PEACE CORPS PROGRAMS.—Paragraph (2) of section 4(c) of the Peace Corps Act (22 U.S.C. 2503(c)) is amended to read as follows:

“(2) The Director of the Peace Corps shall, as appropriate and to the maximum extent practicable without diminishing any program or operational independence, work with the heads of Federal departments and agencies to identify synergies and avoid duplication of efforts with Peace Corps programs in the field and at headquarters.”.

(e) READJUSTMENT ALLOWANCE.—Subsection (e) of section 5 of the Peace Corps Act (22 U.S.C. 2504(e)) is amended, in the first sentence, by striking “$125” and inserting “$225”.

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(d) AUTHORIZATION OF APPROPRIATIONS.—Section 3(b)(1) of the Peace Corps Act (22 U.S.C. 2502(b)(1)) is amended by striking “$270,000,000” and all that follows through the period at the end and inserting the following: “$450,000,000 for fiscal year 2010 and such sums as may be necessary for fiscal year 2011.”.

SEC. 603. REPORT.

(a) PEACE CORPS RESPONSE PROGRAM REPORT.—Not later than 1 year after the date of the enactment of this Act, the Director of the Peace Corps shall submit to the appropriate congressional committees a report on the Peace Corps Response Program or any similar program developed under in accordance with section 5A of the Peace Corps Act (as added by section 602(a) of this Act), including information on the following:

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

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

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

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

(b) ANNUAL REPORTS.—Not later than 1 year after the date of the enactment of this Act and annually thereafter, the Director of the Peace Corps shall submit to the appropriate congressional committees a report on progress made in carrying out this title, including efforts to strengthen coordination between the Peace Corps and other Federal departments and agencies carrying out development assistance programs (as required under paragraph (2) of section 4(e) of the Peace Corps Act (22 U.S.C. 2503(c)), as amended by section 602(b) of this Act).
TITLE VII—SENATOR PAUL SIMON STUDY ABROAD FOUNDATION ACT OF 2009

SEC. 701. SHORT TITLE.

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

SEC. 702. FINDINGS.

Congress makes the following findings:

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

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

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

(4) According to the Lincoln Commission, “[s]tudy abroad is one of the major means of producing foreign language speakers and enhancing foreign language learning” and, for that reason, “is simply essential to the [N]ation’s security.”

(5) Studies consistently show that United States students score below their counterparts in other advanced countries on indicators of international knowledge. This lack of global literacy is a national liability in an age of global trade and business, global interdependence, and global terror.

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

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

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

(9) In any given year, only approximately 1 percent of all students enrolled in United States insti-
tutions of higher education study abroad.

(10) Less than 10 percent of the students who
graduate from United States institutions of higher
education with bachelors degrees have studied abroad.

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

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

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

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

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

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

SEC. 703. PURPOSES.

The purposes of this title are—

(1) to significantly enhance the global competitiveness and international knowledge base of the United States by ensuring that more United States students have the opportunity to acquire foreign language skills and international knowledge through significantly expanded study abroad;
(2) to enhance the foreign policy capacity of the United States by significantly expanding and diversifying the talent pool of individuals with non-traditional foreign language skills and cultural knowledge in the United States who are available for recruitment by United States foreign affairs agencies, legislative branch agencies, and nongovernmental organizations involved in foreign affairs activities;

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

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

SEC. 704. DEFINITIONS.

In this title:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means—
(A) the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives; and

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

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

(3) CHIEF EXECUTIVE OFFICER.—The term “Chief Executive Officer” means the chief executive officer of the Foundation appointed pursuant to section 705(e).

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

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

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

(7) Nontraditional study abroad destination.—The term “nontraditional study abroad destination” means a location that is determined by the Foundation to be a less common destination for United States students who study abroad.

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

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

(10) United States student.—The term “United States student” means a national of the United States who is enrolled at an institution of higher education located within the United States.
SEC. 705. ESTABLISHMENT AND MANAGEMENT OF THE 

SENATOR PAUL SIMON STUDY ABROAD FOUN-

DATION.

(a) Establishment.—

(1) In general.—There is established in the 
executive branch a corporation to be known as the 
“Senator Paul Simon Study Abroad Foundation” 
that shall be responsible for carrying out this title. 
The Foundation shall be a government corporation, 
as defined in section 103 of title 5, United States 
Code.

(2) Board of directors.—The Foundation 
shall be governed by a Board of Directors in accord-
ance with subsection (d).

(3) Intent of Congress.—It is the intent of 
Congress in establishing the structure of the Foun-
dation set forth in this subsection to create an entity 
that will administer a study abroad program that— 

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

but

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

(b) Mandate of Foundation.—In administering 
the program referred to in subsection (a)(3), the Founda-
tion shall—
(1) promote the objectives and purposes of this title;

(2) through responsive, flexible grant-making, promote access to study abroad opportunities by United States students at diverse institutions of higher education, including 2-year institutions, minority-serving institutions, and institutions that serve nontraditional students, and 4-year colleges and universities demonstrating an institutional commitment to increasing study abroad participation;

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

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

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

(c) CHIEF EXECUTIVE OFFICER.—

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

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

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

(4) COMPENSATION AND RANK.—

(A) IN GENERAL.—The Chief Executive Officer shall be compensated at the rate provided for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(B) AMENDMENT.—Section 5315 of title 5, United States Code, is amended by adding at the end the following:

“Chief Executive Officer, Senator Paul Simon Study Abroad Foundation.”.

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

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

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

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

(3) MEMBERSHIP.—The Board shall consist of—

(A) the Secretary of State (or the Secretary’s designee), the Secretary of Education (or the Secretary’s designee), the Secretary of Defense (or the Secretary’s designee), and the Administrator of the United States Agency for International Development (or the Administrator’s designee); and

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

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

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

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

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

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

(5) Terms.—

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

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

(C) VACANCIES.—A vacancy in the Board shall be filled in the manner in which the original appointment was made.

(6) CHAIRPERSON.—There shall be a Chairperson of the Board. The Secretary of State (or the Secretary’s designee) shall serve as the Chairperson.

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

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

(9) COMPENSATION.—

(A) OFFICERS OF THE FEDERAL GOVERNMENT.—
(i) **IN GENERAL.**—A member of the Board described in paragraph (3)(A) may not receive additional pay, allowances, or benefits by reason of the member’s service on the Board.

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

(B) **OTHER MEMBERS.**—

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

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

SEC. 706. ESTABLISHMENT AND OPERATION OF PROGRAM.

(a) Establishment of the Program.—There is hereby established a program, which shall—

(1) be administered by the Foundation; and

(2) award grants to—

(A) United States students for study abroad;

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

(C) institutions of higher education, individu-ally or in consortium, in order to accomplish the objectives set forth in subsection (b).

(b) Objectives.—The objectives of the program established under subsection (a) are that, within 10 years of the date of the enactment of this Act—

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

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

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

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

(d) STRUCTURE OF GRANTS.—

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

(A) the Foundation should award not more than 25 percent of the funds awarded as grants to individuals described in subparagraph (A) of subsection (a)(2) and not less than 75 percent of such funds to institutions described in subparagraphs (B) and (C) of such subsection; and

(B) the Foundation should ensure that not less than 85 percent of the amount awarded to such institutions is used to award scholarships to students.

(e) BALANCE OF LONG-TERM AND SHORT-TERM STUDY ABROAD PROGRAMS.—In administering the program established under subsection (a), the Foundation shall seek an appropriate balance between—

(1) longer-term study abroad programs, which maximize foreign-language learning and intercultural understanding; and

(2) shorter-term study abroad programs, which maximize the accessibility of study abroad to non-traditional students.

(f) QUALITY AND SAFETY IN STUDY ABROAD.—In administering the program established under subsection

(a), the Foundation shall require that institutions receiving grants demonstrate that—

(1) the study abroad programs for which students receive grant funds are for academic credit; and

(2) the programs have established health and safety guidelines and procedures.

SEC. 707. ANNUAL REPORT.

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

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

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

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

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

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

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

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

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

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

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

(D) total representational expenses.

SEC. 708. POWERS OF THE FOUNDATION; RELATED PROVISIONS.

(a) POWERS.—The Foundation—

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

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

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

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

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

(6) may accept cash gifts or donations of services or of property (real, personal, or mixed), tangible or intangible, for the purpose of carrying out the provisions of this title;

(7) may use the United States mails in the same manner and on the same conditions as the executive departments;

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

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

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

(b) PRINCIPAL OFFICE.—The Foundation shall maintain its principal office in the metropolitan area of Washington, District of Columbia.
(c) APPLICABILITY OF GOVERNMENT CORPORATION CONTROL ACT.—

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

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

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

(d) INSPECTOR GENERAL.—

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

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

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

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

SEC. 709. GENERAL PERSONNEL AUTHORITIES.

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

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

(A) is separated from the Foundation for any reason, other than misconduct, neglect of duty, or malfeasance; and

(B) applies for reemployment not later than 90 days after the date of separation from the Foundation.

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

(c) HIRING AUTHORITY.—Of persons employed by the Foundation, not to exceed 20 persons may be appointed, compensated, or removed without regard to the civil service laws and regulations.
(d) BASIC PAY.—The Chief Executive Officer may fix the rate of basic pay of employees of the Foundation without regard to the provisions of chapter 51 of title 5, United States Code (relating to the classification of positions), subchapter III of chapter 53 of such title (relating to General Schedule pay rates), except that no employee of the Foundation may receive a rate of basic pay that exceeds the rate for level IV of the Executive Schedule under section 5315 of such title.

(e) DEFINITIONS.—In this section—

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

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

SEC. 710. GAO REVIEW.

(a) REVIEW REQUIRED.—Not later than 2 years after the date of the enactment of this Act, the Comptroller General of the United States shall commence a review of the operations of the Foundation.

(b) CONTENT.—In conducting the review required under subsection (a), the Comptroller General shall analyze—
(1) whether the Foundation is organized and operating in a manner that will permit it to fulfill the purposes of this section, as set forth in section 603;

(2) the degree to which the Foundation is operating efficiently and in a manner consistent with the requirements of paragraphs (4) and (5) of section 605(b);

(3) whether grant-making by the Foundation is being undertaken in a manner consistent with subsections (d), (e), and (f) of section 606;

(4) the extent to which the Foundation is using best practices in the implementation of this Act and the administration of the program described in section 606; and

(5) other relevant matters, as determined by the Comptroller General, after consultation with the appropriate congressional committees.

(c) REPORT REQUIRED.—The Comptroller General shall submit a report on the results of the review conducted under subsection (a) to the Secretary of State (in the capacity of the Secretary as Chairperson of the Board of the Foundation) and to the appropriate congressional committees.
SEC. 711. AUTHORIZATION OF APPROPRIATIONS.

(a) Authorization of Appropriations.—

(1) In general.—There are authorized to be appropriated to carry out this title $40,000,000 for fiscal year 2010 and $80,000,000 for fiscal year 2011.

(2) Amounts in addition to other available amounts.—Amounts authorized to be appropriated by paragraph (1) are in addition to amounts authorized to be appropriated or otherwise made available for educational exchange programs, including the J. William Fulbright Educational Exchange Program and the Benjamin A. Gilman International Scholarship Program, administered by the Bureau of Educational and Cultural Affairs of the Department of State.

(b) Allocation of Funds.—

(1) In general.—The Foundation may allocate or transfer to any agency of the United States Government any of the funds available for carrying out this Act. Such funds shall be available for obligation and expenditure for the purposes for which the funds were authorized, in accordance with authority granted in this Act or under authority governing the activities of the United States Govern-
ment agency to which such funds are allocated or transferred.

(2) NOTIFICATION.—The Foundation shall notify the appropriate congressional committees not less than 15 days prior to an allocation or transfer of funds pursuant to paragraph (1).

TITLE VIII—EXPORT CONTROL REFORM AND SECURITY ASSISTANCE

Subtitle A—Defense Trade Controls Performance Improvement Act of 2009

SEC. 801. SHORT TITLE.

This subtitle may be cited as the “Defense Trade Controls Performance Improvement Act of 2009”.

SEC. 802. FINDINGS.

Congress finds the following:

(1) In a time of international terrorist threats and a dynamic global economic and security environment, United States policy with regard to export controls is in urgent need of a comprehensive review in order to ensure such controls are protecting the national security and foreign policy interests of the United States.
(2) In January 2007, the Government Accountability Office designated the effective identification and protection of critical technologies as a government-wide, high-risk area, warranting a strategic re-examination of existing programs, including programs relating to arms export controls.

(3) Federal Government agencies must review licenses for export of munitions in a thorough and timely manner to ensure that the United States is able to assist United States allies and to prevent nuclear and conventional weapons from getting into the hands of enemies of the United States.

(4) Both staffing and funding that relate to the Department of State’s arms export control responsibilities have not kept pace with the increased workload relating to such responsibilities, especially during the current decade.

(5) Outsourcing and off-shoring of defense production and the policy of many United States trading partners to require offsets for major sales of defense and aerospace articles present a potential threat to United States national security and economic well-being and serve to weaken the defense industrial base.
(6) Export control policies can have a negative impact on United States employment, nonproliferation goals, and the health of the defense industrial base, particularly when facilitating the overseas transfer of technology or production and other forms of outsourcing, such as offsets (direct and indirect), co-production, subcontracts, overseas investment and joint ventures in defense and commercial industries. Federal Government agencies must develop new and effective procedures for ensuring that export control systems address these problems and the threat they pose to national security.

(7) In the report to Congress required by the Conference Report (Report 109–272) accompanying the bill, H.R. 2862 (the Science, State, Justice, Commerce and Related Agencies Appropriations Act, 2006; Public Law 109–108), the Department of State concluded that—

(A) defense trade licensing has become much more complex in recent years as a consequence of the increasing globalization of the defense industry;

(B) the most important challenge to the Department of State’s licensing process has been the sheer growth in volume of applicants
for licenses and agreements, without the cor-
responding increase in licensing officers; and

(C) the increase in licensing volume with-
out a corresponding increase in trained and ex-
perienced personnel has resulted in delays and
increased processing times.

(8) In 2006, the Department of State processed
over three times as many licensing applications as
the Department of Commerce with about a fifth of
the staff of the Department of Commerce.

(9) On July 27, 2007, in testimony delivered to
the Subcommittee on Terrorism, Nonproliferation
and Trade of the Committee on Foreign Affairs of
the House of Representatives to examine the effec-
tiveness of the United States export control regime,
the Government Accountability Office found that—

(A) the United States Government needs
to conduct assessments to determine its overall
effectiveness in the area of arms export control;

and

(B) the processing times of the Depart-
ment of State doubled over the period from
2002 to 2006.

(10)(A) Allowing a continuation of the status
quo in resources for defense trade licensing could ul-
timately harm the United States defense industrial base. The 2007 Institute for Defense Analysis report entitled “Export Controls and the U.S. Defense Industrial Base” found that the large backlog and long processing times by the Department of State for applications for licenses to export defense items led to an impairment of United States firms in some sectors to conduct global business relative to foreign competitors.

(B) Additionally, the report found that United States commercial firms have been reluctant to engage in research and development activities for the Department of Defense because this raises the future prospects that the products based on this research and development, even if intrinsically commercial, will be saddled by Department of State munitions controls due to the link to that research.

(11) According to the Department of State’s fiscal year 2008 budget justification to Congress, commercial exports licensed or approved under the Arms Export Control Act exceeded $30,000,000,000, with nearly 80 percent of these items exported to United States NATO allies and other major non-NATO allies.
(12) A Government Accountability Office report of October 9, 2001 (GAO–02–120), documented ambiguous export control jurisdiction affecting 25 percent of the items that the United States Government agreed to control as part of its commitments to the Missile Technology Control Regime. The United States Government has not clearly determined which department has jurisdiction over these items, which increases the risk that these items will fall into the wrong hands. During both the 108th, 109th, and 110th Congresses, the House of Representatives passed legislation mandating that the Administration clarify this issue.

(13) During 2007 and 2008, the management and staff of the Directorate of Defense Trade Controls of the Department of State have, through extraordinary effort and dedication, eliminated the large backlog of open applications and have reduced average processing times for license applications; however, the Directorate remains understaffed and long delays remain for complicated cases.

SEC. 803. STRATEGIC REVIEW AND ASSESSMENT OF THE UNITED STATES EXPORT CONTROLS SYSTEM.

(a) Review and Assessment.—
(1) IN GENERAL.—Not later than March 31, 2010, the President shall conduct a comprehensive and systematic review and assessment of the United States arms export controls system in the context of the national security interests and strategic foreign policy objectives of the United States.

(2) ELEMENTS.—The review and assessment required under paragraph (1) shall—

(A) determine the overall effectiveness of the United States arms export controls system in order to, where appropriate, strengthen controls, improve efficiency, and reduce unnecessary redundancies across Federal Government agencies, through administrative actions, including regulations, and to formulate legislative proposals for new authorities that are needed;

(B) develop processes to ensure better co-ordination of arms export control activities of the Department of State with activities of other departments and agencies of the United States that are responsible for enforcing United States arms export control laws;

(C) ensure that weapons-related nuclear technology, other technology related to weapons of mass destruction, and all items on the Mis-
sile Technology Control Regime Annex are sub-
ject to stringent control by the United States
Government;

(D) determine the overall effect of arms
export controls on counterterrorism, law en-
forcement, and infrastructure protection mis-
sions of the Department of Homeland Security;

(E) determine the effects of export controls
policies and the practices of the export control
agencies on the United States defense industrial
base and United States employment in the in-
dustries affected by export controls;

(F) contain a detailed summary of known
attempts by unauthorized end-users (such as
international arms traffickers, foreign intel-
ligence agencies, and foreign terrorist organiza-
tions) to acquire items on the United States
Munitions List and related technical data, in-
cluding—

(i) data on—

(I) commodities sought, such as

M–4 rifles, night vision devices, F–14

spare parts;
(II) parties involved, such as the intended end-users, brokers, consignees, and shippers;

(III) attempted acquisition of technology and technical data critical to manufacture items on the United States Munitions List;

(IV) destination countries and transit countries;

(V) modes of transport;

(VI) trafficking methods, such as use of false documentation and front companies registered under flags of convenience;

(VII) whether the attempted illicit transfer was successful; and

(VIII) any administrative or criminal enforcement actions taken by the United States and any other government in relation to the attempted illicit transfer;

(ii) a thorough evaluation of the Blue Lantern Program, including the adequacy of current staffing and funding levels;
(iii) a detailed analysis of licensing exemptions and their successful exploitation by unauthorized end-users; and

(iv) an examination of the extent to which the increased tendency toward outsourcing and off-shoring of defense production harm United States national security and weaken the defense industrial base, including direct and indirect impact on employment, and formulate policies to address these trends as well as the policy of some United States trading partners to require offsets for major sales of defense articles; and

(G) assess the extent to which export control policies and practices under the Arms Export Control Act promote the protection of basic human rights.

(b) CONGRESSIONAL BRIEFINGS.—The President shall provide periodic briefings to the appropriate congressional committees on the progress of the review and assessment conducted under subsection (a). The requirement to provide congressional briefings under this subsection shall terminate on the date on which the President
transmits to the appropriate congressional committees the report required under subsection (e).

(c) REPORT.—Not later than 18 months after the date of the enactment of this Act, the President shall transmit to the appropriate congressional committees and the Committee on Armed Services of the House of Representatives and the Committee on Armed Services of the Senate a report that contains the results of the review and assessment conducted under subsection (a). The report required by this subsection shall contain a certification that the requirement of subsection (a)(2)(C) has been met, or if the requirement has not been met, the reasons therefor.

The report required by this subsection shall be submitted in unclassified form, but may contain a classified annex, if necessary.

SEC. 804. PERFORMANCE GOALS FOR PROCESSING OF APPLICATIONS FOR LICENSES TO EXPORT ITEMS ON UNITED STATES MUNITIONS LIST.

(a) IN GENERAL.—The Secretary of State, acting through the head of the Directorate of Defense Trade Controls of the Department of State, shall establish and maintain the following goals:

(1) The processing time for review of each application for a license to export items on the United States Munitions List (other than a Manufacturing
License Agreement) shall be not more than 60 days from the date of receipt of the application.

(2) The processing time for review of each application for a commodity jurisdiction determination shall be not more than 60 days from the date of receipt of the application.

(3) The total number of applications described in paragraph (1) that are unprocessed shall be not more than 7 percent of the total number of such applications submitted in the preceding calendar year.

(b) ADDITIONAL REVIEW.—(1) If an application described in paragraph (1) or (2) of subsection (a) is not processed within the time period described in the respective paragraph of such subsection, then the Managing Director of the Directorate of Defense Trade Controls or the Deputy Assistant Secretary for Defense Trade and Regional Security of the Department of State, as appropriate, shall review the status of the application to determine if further action is required to process the application.

(2) If an application described in paragraph (1) or (2) of subsection (a) is not processed within 90 days from the date of receipt of the application, then the Assistant Secretary for Political-Military Affairs of the Department of State shall—
(A) review the status of the application to determine if further action is required to process the application; and

(B) submit to the appropriate congressional committees a notification of the review conducted under subparagraph (A), including a description of the application, the reason for delay in processing the application, and a proposal for further action to process the application.

(3) For each calendar year, the Managing Director of the Directorate of Defense Trade Controls shall review not less than 2 percent of the total number of applications described in paragraphs (1) and (2) of subsection (a) to ensure that the processing of such applications, including decisions to approve, deny, or return without action, is consistent with both policy and regulatory requirements of the Department of State.

(c) Statements of Policy.—

(1) United States allies.—Congress states that—

(A) it shall be the policy of the Directorate of Defense Trade Controls of the Department of State to ensure that, to the maximum extent practicable, the processing time for review of applications described in subsection (a)(1) to
export items that are not subject to the requirements of section 36 (b) or (c) of the Arms Export Control Act (22 U.S.C. 2776 (b) or (c)) to United States allies in direct support of combat operations or peacekeeping or humanitarian operations with United States Armed Forces is not more than 7 days from the date of receipt of the application; and

(B) it shall be the goal, as appropriate, of the Directorate of Defense Trade Controls to ensure that, to the maximum extent practicable, the processing time for review of applications described in subsection (a)(1) to export items that are not subject to the requirements of section 36 (b) or (c) of the Arms Export Control Act to government security agencies of United States NATO allies, Australia, New Zealand, Japan, South Korea, Israel, and, as appropriate, other major non-NATO allies for any purpose other than the purpose described in paragraph (1) is not more than 30 days from the date of receipt of the application.

(2) PRIORITY FOR APPLICATIONS FOR EXPORT OF U.S.-ORIGIN EQUIPMENT.—In meeting the goals established by this section, it shall be the policy of
the Directorate of Defense Trade Controls of the Department of State to prioritize the processing of applications for licenses and agreements necessary for the export of United States-origin equipment over applications for Manufacturing License Agreements.

(d) REPORT.—Not later than December 31, 2011, and December 31, 2012, the Secretary of State shall submit to the appropriate congressional committees a report that contains a detailed description of—

(1)(A) the average processing time for and number of applications described in subsection (a)(1) to—

(i) United States NATO allies, Australia, New Zealand, Japan, South Korea, and Israel;

(ii) other major non-NATO allies; and

(iii) all other countries; and

(B) to the extent practicable, the average processing time for and number of applications described in subsection (b)(1) by item category;

(2) the average processing time for and number of applications described in subsection (a)(2);

(3) the average processing time for and number of applications for agreements described in part 124 of title 22, Code of Federal Regulations (relating to
the International Traffic in Arms Regulations (other
than Manufacturing License Agreements));

(4) the average processing times for applica-
tions for Manufacturing License Agreements;

(5) any management decisions of the Direc-
torate of Defense Trade Controls of the Department
of State that have been made in response to data
contained in paragraphs (1) through (3); and

(6) any advances in technology that will allow
the time-frames described in subsection (a)(1) to be
substantially reduced.

(e) CONGRESSIONAL BRIEFINGS.—If, at the end of
any month beginning after the date of the enactment of
this Act, the total number of applications described in sub-
section (a)(1) that are unprocessed is more than 7 percent
of the total number of such applications submitted in the
preceding calendar year, then the Secretary of State, act-
ing through the Under Secretary for Arms Control and
International Security, the Assistant Secretary for Polit-
ical-Military Affairs, or the Deputy Assistant Secretary
for Defense Trade and Regional Security of the Depart-
ment of State, as appropriate, shall brief the appropriate
congressional committees on such matters and the correc-
tive measures that the Directorate of Defense Trade Con-
trols will take to comply with the requirements of sub-
section (a).

(f) Transparency of commodity Jurisdiction
determinations.—

(1) Declaration of policy.—Congress de-
clares that the complete confidentiality surrounding
several hundred commodity jurisdiction determina-
tions made each year by the Department of State
pursuant to the International Traffic in Arms Regu-
lations is not necessary to protect legitimate propri-
etary interests of persons or their prices and cus-
tomers, is not in the best security and foreign policy
interests of the United States, is inconsistent with
the need to ensure a level playing field for United
States exporters, and detracts from United States
efforts to promote greater transparency and respon-
sibility by other countries in their export control sys-
tems.

(2) Publication on Internet website.—
The Secretary of State shall—

(A) upon making a commodity jurisdiction
determination referred to in paragraph (1) pub-
lish on the Internet website of the Department
of State not later than 30 days after the date
of the determination—
(i) the name of the manufacturer of
the item;

(ii) a brief general description of the
item;

(iii) the model or part number of the
item; and

(iv) the United States Munitions List
designation under which the item has been
designated, except that—

(I) the name of the person or
business organization that sought the
commodity jurisdiction determination
shall not be published if the person or
business organization is not the man-
ufacturer of the item; and

(II) the names of the customers,
the price of the item, and any propri-
etary information relating to the item
indicated by the person or business
organization that sought the com-
modity jurisdiction determination
shall not be published; and

(B) maintain on the Internet website of
the Department of State an archive, that is ac-
cessible to the general public and other depart-
ments and agencies of the United States, of the
information published under subparagraph (A).

(g) Rule of Construction.—Nothing in this sec-
tion shall be construed to prohibit the President or Con-
gress from undertaking a thorough review of the national
security and foreign policy implications of a proposed ex-
port of items on the United States Munitions List.

SEC. 805. REQUIREMENT TO ENSURE ADEQUATE STAFF
AND RESOURCES FOR THE DIRECTORATE OF
DEFENSE TRADE CONTROLS OF THE DEPART-
MENT OF STATE.

(a) Requirement.—The Secretary of State shall en-
sure that the Directorate of Defense Trade Controls of
the Department of State has the necessary staff and re-
sources to carry out this subtitle and the amendments
made by this subtitle.

(b) Minimum Number of Licensing Officers.—
For fiscal year 2011 and each subsequent fiscal year, the
Secretary of State shall ensure that the Directorate of De-
fense Trade Controls has at least 1 licensing officer for
every 1,250 applications for licenses and other authoriza-
tions to export items on the United States Munitions List
by not later than the third quarter of such fiscal year,
based on the number of licenses and other authorizations
expected to be received during such fiscal year. The Sec-
Secretary shall ensure that in meeting the requirement of this subsection, the performance of other functions of the Directorate of Defense Trade Controls is maintained and adequate staff is provided for those functions.

(c) **Minimum Number of Staff for Commodity Jurisdiction Determinations.**—For each of the fiscal years 2010 through 2012, the Secretary of State shall ensure that the Directorate of Defense Trade Controls has, to the extent practicable, not less than three individuals assigned to review applications for commodity jurisdiction determinations.

(d) **Enforcement Resources.**—In accordance with section 127.4 of title 22, Code of Federal Regulations, U.S. Immigration and Customs Enforcement is authorized to investigate violations of the International Traffic in Arms Regulations on behalf of the Directorate of Defense Trade Controls of the Department of State. The Secretary of State shall ensure that the Directorate of Defense Trade Controls has adequate staffing for enforcement of the International Traffic in Arms Regulations.

**SEC. 806. AUDIT BY INSPECTOR GENERAL OF THE DEPARTMENT OF STATE.**

(a) **Audit.**—Not later than the end of each of the fiscal years 2011 and 2012, the Inspector General of the Department of State shall conduct an independent audit
to determine the extent to which the Department of State is meeting the requirements of sections 804 and 805.

(b) REPORT.—The Inspector General shall submit to the appropriate congressional committees a report that contains the result of each audit conducted under subsection (a).

SEC. 807. INCREASED FLEXIBILITY FOR USE OF DEFENSE TRADE CONTROLS REGISTRATION FEES.

(a) IN GENERAL.—Section 45 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2717) is amended—

(1) in the first sentence—

(A) by striking “For” and inserting “(a) IN GENERAL.—For”; and

(B) by striking “Office” and inserting “Directorate”;

(2) by amending the second sentence to read as follows:

“(b) AVAILABILITY OF FEES.—Fees credited to the account referred to in subsection (a) shall be available only for payment of expenses incurred for—

“(1) management,

“(2) licensing (in order to meet the requirements of section 805 of the Defense Trade Controls Performance Improvement Act of 2009 (relating to
adequate staff and resources of the Directorate of Defense Trade Controls),

“(3) compliance,
“(4) policy activities, and
“(5) facilities,
of defense trade controls functions.”; and

(3) by adding at the end the following:

“(c) ALLOCATION OF FEES.—In allocating fees for payment of expenses described in subsection (b), the Secretary of State shall accord the highest priority to payment of expenses incurred for personnel and equipment of the Directorate of Defense Trade Controls, including payment of expenses incurred to meet the requirements of section 805 of the Defense Trade Controls Performance Improvement Act of 2009.”.

(b) CONFORMING AMENDMENT.—Section 38(b) of the Arms Export Control Act (22 U.S.C. 2778(b)) is amended by striking paragraph (3).

SEC. 808. REVIEW OF INTERNATIONAL TRAFFIC IN ARMS REGULATIONS AND UNITED STATES MUNITIONS LIST.

(a) IN GENERAL.—The Secretary of State, in coordination with the heads of other relevant departments and agencies of the United States Government, shall review, with the assistance of United States manufacturers and
other interested parties described in section 811(2) of this
division, the International Traffic in Arms Regulations
and the United States Munitions List to determine those
technologies and goods that warrant different or addi-
tional controls.

(b) CONDUCT OF REVIEW.—In carrying out the re-
view required under subsection (a), the Secretary of State
shall review not less than 20 percent of the technologies
and goods on the International Traffic in Arms Regula-
tions and the United States Munitions List in each cal-
endar year so that for the 5-year period beginning with
calendar year 2010, and for each subsequent 5-year pe-
riod, the International Traffic in Arms Regulations and
the United States Munitions List will be reviewed in their
entirety.

(c) REPORT.—The Secretary of State shall submit to
the appropriate congressional committees and the Com-
mittee on Armed Services of the House of Representatives
and the Committee on Armed Services of the Senate an
annual report on the results of the review carried out
under this section.
SEC. 809. SPECIAL LICENSING AUTHORIZATION FOR CERTAIN EXPORTS TO NATO MEMBER STATES,
AUSTRALIA, JAPAN, NEW ZEALAND, ISRAEL,
AND SOUTH KOREA.

(a) In General.—Section 38 of the Arms Export Control Act (22 U.S.C. 2778) is amended by adding at the end the following:

“(k) Special Licensing Authorization for Certain Exports to NATO Member States, Australia, Japan, New Zealand, Israel, and South Korea.—

“(1) Authorization.—(A) The President may provide for special licensing authorization for exports of United States-manufactured spare and replacement parts or components listed in an application for such special licensing authorization in connection with defense items previously exported to NATO member states, Australia, Japan, New Zealand, Israel, and South Korea. A special licensing authorization issued pursuant to this clause shall be effective for a period not to exceed 5 years.

“(B) An authorization may be issued under subparagraph (A) only if the applicable government of the country described in subparagraph (A), acting through the applicant for the authorization, certifies that—
“(i) the export of spare and replacement parts or components supports a defense item previously lawfully exported;

“(ii) the spare and replacement parts or components will be transferred to a defense agency of a country described in subparagraph (A) that is a previously approved end-user of the defense items and not to a distributor or a foreign consignee of such defense items;

“(iii) the spare and replacement parts or components will not to be used to materially enhance, optimize, or otherwise modify or upgrade the capability of the defense items;

“(iv) the spare and replacement parts or components relate to a defense item that is owned, operated, and in the inventory of the armed forces a country described in subparagraph (A);

“(v) the export of spare and replacement parts or components will be effected using the freight forwarder designated by the purchasing country’s diplomatic mission as responsible for handling transfers under chapter 2 of this Act as required under regulations; and
“(vi) the spare and replacement parts or components to be exported under the special licensing authorization are specifically identified in the application.

“(C) An authorization may not be issued under subparagraph (A) for purposes of establishing offshore procurement arrangements or producing defense articles offshore.

“(D)(i) For purposes of this subsection, the term ‘United States-manufactured spare and replacement parts or components’ means spare and replacement parts or components—

“(I) with respect to which—

“(aa) United States-origin content costs constitute at least 85 percent of the total content costs;

“(bb) United States manufacturing costs constitute at least 85 percent of the total manufacturing costs; and

“(cc) foreign content, if any, is limited to content from countries eligible to receive exports of items on the United States Munitions List under the International Traffic in Arms Regulations (other than de minimis foreign content);
“(II) that were last substantially transformed in the United States; and

“(III) that are not—

“(aa) classified as significant military equipment; or

“(bb) listed on the Missile Technology Control Regime Annex.

“(ii) For purposes of clause (i)(I) (aa) and (bb), the costs of non-United States-origin content shall be determined using the final price or final cost associated with the non-United States-origin content.

“(2) Inapplicability provisions.—(A) The provisions of this subsection shall not apply with respect to re-exports or re-transfers of spare and replacement parts or components and related services of defense items described in paragraph (1).

“(B) The congressional notification requirements contained in section 36(c) of this Act shall not apply with respect to an authorization issued under paragraph (1).”.

(b) Effective date.—The President shall issue regulations to implement amendments made by subsection (a) not later than 180 days after the date of the enactment of this Act.
SEC. 810. AVAILABILITY OF INFORMATION ON THE STATUS
OF LICENSE APPLICATIONS UNDER CHAPTER
3 OF THE ARMS EXPORT CONTROL ACT.

Chapter 3 of the Arms Export Control Act (22
U.S.C. 2771 et seq.) is amended by inserting after section
38 the following new section:

"SEC. 38A. AVAILABILITY OF INFORMATION ON THE STA-
TUS OF LICENSE APPLICATIONS UNDER THIS
CHAPTER."

"(a) AVAILABILITY OF INFORMATION.—Not later
than 1 year after the date of the enactment of the Defense
Trade Controls Performance Improvement Act of 2009,
the President shall make available to persons who have
pending license applications under this chapter and the
committees of jurisdiction the ability to access electroni-
cally current information on the status of each license ap-
plication required to be submitted under this chapter.

"(b) MATTERS TO BE INCLUDED.—The information
referred to in subsection (a) shall be limited to the fol-
lowing:

"(1) The case number of the license application.

"(2) The date on which the license application
is received by the Department of State and becomes
an ‘open application’.

"(3) The date on which the Directorate of De-
fense Trade Controls makes a determination with re-
spect to the license application or transmits it for
interagency review, if required.

“(4) The date on which the interagency review
process for the license application is completed, if
such a review process is required.

“(5) The date on which the Department of
State begins consultations with the congressional
committees of jurisdiction with respect to the license
application.

“(6) The date on which the license application
is sent to the congressional committees of jurisdi-
cction.”.

SEC. 811. SENSE OF CONGRESS.

It is the sense of Congress that—

(1)(A) the advice provided to the Secretary of
State by the Defense Trade Advisory Group
(DTAG) supports the regulation of defense trade
and helps ensure that United States national secu-
rity and foreign policy interests continue to be pro-
tected and advanced while helping to reduce unnec-
essary impediments to legitimate exports in order to
support the defense requirements of United States
friends and allies; and
(B) therefore, the Secretary of State should share significant planned rules and policy shifts with DTAG for comment; and

(2) recognizing the constraints imposed on the Department of State by the nature of a voluntary organization such as DTAG, the Secretary of State is encouraged to ensure that members of DTAG are drawn from a representative cross-section of subject matter experts from the United States defense industry, relevant trade and labor associations, academic, and foundation personnel.

SEC. 812. DEFINITIONS.

In this subtitle:

(1) INTERNATIONAL TRAFFIC IN ARMS REGULATIONS; ITAR.—The term “International Traffic in Arms Regulations” or “ITAR” means those regulations contained in parts 120 through 130 of title 22, Code of Federal Regulations (or successor regulations).

(2) MAJOR NON-NATO ALLY.—The term “major non-NATO ally” means a country that is designated in accordance with section 517 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321k) as a major non-NATO ally for purposes of the Foreign Assist-
ance Act of 1961 (22 U.S.C. 2151 et seq.) and the
Arms Export Control Act (22 U.S.C. 2751 et seq.).

(3) MANUFACTURING LICENSE AGREEMENT.—
The term “Manufacturing License Agreement”
means an agreement described in section 120.21 of
title 22, Code of Federal Regulations (or successor
regulations).

(4) MISSILE TECHNOLOGY CONTROL REGIME;
mtcr.—The term “Missile Technology Control Re-
gime” or “MTCR” has the meaning given the term
in section 11B(c)(2) of the Export Administration
Act of 1979 (50 U.S.C. App. 2401b(c)(2)).

(5) MISSILE TECHNOLOGY CONTROL REGIME
ANNEX; mtcr ANNEX.—The term “Missile Tech-
nology Control Regime Annex” or “MTCR Annex”
has the meaning given the term in section 11B(c)(4)
of the Export Administration Act of 1979 (50
U.S.C. App. 2401b(c)(4)).

(6) OFFSETS.—The term “offsets” includes
compensation practices required of purchase in ei-
ther government-to-government or commercial sales
of defense articles or defense services under the
Arms Export Control Act (22 U.S.C. 2751 et seq.)
and the International Traffic in Arms Regulations.
(7) UNITED STATES MUNITIONS LIST; USML.—

The term “United States Munitions List” or “USML” means the list referred to in section 38(a)(1) of the Arms Export Control Act (22 U.S.C. 2778(a)(1)).

SEC. 813. AUTHORIZATION OF APPROPRIATIONS.

Of the amounts authorized to be appropriated under section 101, there are authorized to be appropriated such sums as may be necessary for each of fiscal years 2010 and 2011 to carry out this subtitle and the amendments made by this subtitle.

Subtitle B—Provisions Relating to Export Licenses

SEC. 821. AVAILABILITY TO CONGRESS OF PRESIDENTIAL DIRECTIVES REGARDING UNITED STATES ARMS EXPORT POLICIES, PRACTICES, AND REGULATIONS.

(a) IN GENERAL.—The President shall make available to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate the text of each Presidential directive regarding United States export policies, practices, and regulations relating to the implementation of the Arms Export Control Act (22 U.S.C. 2751 et seq.) not later
than 15 days after the date on which the directive has been signed or authorized by the President.

(b) Transition Provision.—Each Presidential directive described in subsection (a) that is signed or authorized by the President on or after January 1, 2009, and before the date of the enactment of this Act shall be made available to the congressional committees specified in subsection (a) not later than 90 days after the date of the enactment of this Act.

(c) Form.—To the maximum extent practicable, each Presidential directive described in subsection (a) shall be made available to the congressional committees specified in subsection (a) on an unclassified basis.

SEC. 822. INCREASE IN VALUE OF DEFENSE ARTICLES AND SERVICES FOR CONGRESSIONAL REVIEW AND EXPEDITING CONGRESSIONAL REVIEW FOR ISRAEL.

(a) Foreign Military Sales.—

(1) In General.—Section 36(b) of the Arms Export Control Act (22 U.S.C. 2776(b)) is amended—

(A) in paragraph (1)—

(i) by striking “$50,000,000” and inserting “$100,000,000”;

(iii) by striking the period at the end of clause (i) and inserting a semicolon;

(iv) by striking “and” and inserting “, and”;

(v) by striking “(II) $100,000,000” and inserting “$100,000,000”;

(vi) by striking “(III) $150,000,000” and inserting “$150,000,000”;

(vii) by striking paragraph (2) and inserting—

(II) $100,000,000;

(iii) $150,000,000;

(II) $150,000,000;

(iii) $200,000,000;

(II) $200,000,000;

(iii) $300,000,000;

(II) $300,000,000;

(iii) $400,000,000; and

(iv) $500,000,000; and

(T) $500,000,000;

(iv) by striking the period at the end of clause (i) and inserting “;”;

(ii) in paragraphs (2) and (3), respectively, by striking “and” each place it appears and inserting “and”;

(II) $100,000,000;

(iii) $150,000,000;

(II) $150,000,000;

(iii) $200,000,000;

(II) $200,000,000;

(iii) $300,000,000;

(II) $300,000,000;

(iii) $400,000,000;

(II) $400,000,000;

(iii) $500,000,000; and

(III) $500,000,000;
(ii) by striking "$200,000,000" and inserting "$300,000,000";

(iii) by striking "$14,000,000" and inserting "$25,000,000"; and

(iv) by striking "The letter of offer shall not be issued" and all that follows through "enacts a joint resolution" and inserting the following:

"(2) The letter of offer shall not be issued—

"(A) with respect to a proposed sale of any defense articles or defense services under this Act for $200,000,000 or more, any design and construction services for $300,000,000 or more, or any major defense equipment for $75,000,000 or more, to the North Atlantic Treaty Organization (NATO), any member country of NATO, Japan, Australia, the Republic of Korea, Israel, or New Zealand, if Congress, within 15 calendar days after receiving such certification, or

"(B) with respect to a proposed sale of any defense articles or services under this Act for $100,000,000 or more, any design and construction services for $200,000,000 or more, or any major defense equipment for $50,000,000 or more, to any
other country or organization, if Congress, within 30
calendar days after receiving such certification,
enacts a joint resolution”; and
(B) by redesignating paragraphs (2)
through (6) as paragraphs (3) through (7), re-
spectively.

(2) TECHNICAL AND CONFORMING AMEND-
MENTS.—Section 36 of the Arms Export Control
Act (22 U.S.C. 2776) is amended—

(A) in subsection (b)—

(i) in paragraph (6)(C), as redesig-
nated, by striking “Subject to paragraph
(6), if” and inserting “If”; and

(ii) by striking paragraph (7), as re-
designated; and

(B) in subsection (c)(4), by striking “sub-
section (b)(5)” each place it appears and insert-
ing “subsection (b)(6)”.

(b) COMMERCIAL SALES.—Section 36(c) of the Arms
Export Control Act (22 U.S.C. 2776(c)) is amended—

(1) in paragraph (1)—

(A) by striking “Subject to paragraph (5),
in” and inserting “In”;

(B) by striking “$14,000,000” and insert-
ing “$25,000,000”; and
(C) by striking “$50,000,000” and inserting “$100,000,000”;

(2) in paragraph (2)—

(A) in subparagraph (A)—

(i) by inserting after “for an export” the following: “of any major defense equipment sold under a contract in the amount of $75,000,000 or more or of defense articles or defense services sold under a contract in the amount of $200,000,000 or more, (or, in the case of a defense article that is a firearm controlled under category I of the United States Munitions List, $1,000,000 or more)”;

(ii) by striking “Organization,” and inserting “Organization (NATO),” and by further striking “that Organization” and inserting “NATO”; and

(B) in subparagraph (C), by inserting after “license” the following: “for an export of any major defense equipment sold under a contract in the amount of $50,000,000 or more or of defense articles or defense services sold under a contract in the amount of $100,000,000 or more, (or, in the case of a defense article that
is a firearm controlled under category I of the
United States Munitions List, $1,000,000 or
more’’; and
(3) by striking paragraph (5).

SEC. 823. DIPLOMATIC EFFORTS TO STRENGTHEN NA-
TIONAL AND INTERNATIONAL ARMS EXPORT
CONTROLS.

(a) SENSE OF CONGRESS.—It is the sense of Con-
gress that the President should redouble United States
diplomatic efforts to strengthen national and international
arms export controls by establishing a senior-level initia-
tive to ensure that those arms export controls are com-
parable to and supportive of United States arms export
controls, particularly with respect to countries of concern
to the United States.

(b) REPORT.—Not later than 1 year after the date
of the enactment of this Act, and annually thereafter for
4 years, the President shall transmit to the Committee on
Foreign Affairs of the House of Representatives and the
Committee on Foreign Relations of the Senate a report
on United States diplomatic efforts described in subsection
(a).
SEC. 824. REPORTING REQUIREMENT FOR UNLICENSED EXPORTS.

Section 655(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2415(b)) is amended—

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

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

(3) by adding at the end the following:

“(4) were exported without a license under section 38 of the Arms Export Control Act (22 U.S.C. 2778) pursuant to an exemption established under the International Traffic in Arms Regulations, other than defense articles exported in furtherance of a letter of offer and acceptance under the Foreign Military Sales program or a technical assistance or manufacturing license agreement, including the specific exemption provision in the regulation under which the export was made.”.

SEC. 825. REPORT ON VALUE OF MAJOR DEFENSE EQUIPMENT AND DEFENSE ARTICLES EXPORTED UNDER SECTION 38 OF THE ARMS EXPORT CONTROL ACT.

Section 38 of the Arms Export Control Act (22 U.S.C. 2778), as amended by section 809(a) of this divi-
sion, is further amended by adding at the end the fol-
lowing:

“(l) Report.—

“(1) In general.—The President shall trans-
mit to the Committee on Foreign Affairs of the
House of Representatives and the Committee on
Foreign Relations of the Senate a report that con-
tains a detailed listing, by country and by inter-
national organization, of the total dollar value of
major defense equipment and defense articles ex-
ported pursuant to licenses authorized under this
section for the previous fiscal year.

“(2) Inclusion in annual budget.—The re-
port required by this subsection shall be included in
the supporting information of the annual budget of
the United States Government required to be sub-
mitted to Congress under section 1105 of title 31,
United States Code.”.

SEC. 826. AUTHORITY TO REMOVE SATELLITES AND REL-
ATED COMPONENTS FROM THE UNITED
STATES MUNITIONS LIST.

(a) Authority.—Except as provided in subsection
(b) and subject to subsection (d), the President is author-
ized to remove satellites and related components from the
United States Munitions List, consistent with the proce-
dures in section 38(f) of the Arms Export Control Act (22 U.S.C. 2778(f)).

(b) Exception.—The authority of subsection (a) may not be exercised with respect to any satellite or related component that may, directly or indirectly, be transferred to, or launched into outer space by, the People’s Republic of China.

(c) United States Munitions List.—In this section, the term “United States Munitions List” means the list referred to in section 38(a)(1) of the Arms Export Control Act (22 U.S.C. 2778(a)(1)).

(d) Effective Date.—The President may not exercise the authority provided in this section before the date that is 90 days after the date of the enactment of this Act.

SEC. 827. REVIEW AND REPORT OF INVESTIGATIONS OF VIOLATIONS OF SECTION 3 OF THE ARMS EXPORT CONTROL ACT.

(a) Review.—The Inspector General of the Department of State shall conduct a review of investigations by the Department of State during each of fiscal years 2010 through 2014 of any and all possible violations of section 3 of the Arms Export Control Act (22 U.S.C. 2753) with respect to misuse of United States-origin defense items to determine whether the Department of State has fully com-
plied with the requirements of such section, as well as its
own internal procedures (and whether such procedures are
adequate), for reporting to Congress any information re-
garding the unlawful use or transfer of United States-or-
gin defense articles, defense services, and technology by
foreign countries, as required by such section.

(b) REPORT.—The Inspector General of the Depart-
ment of State shall submit to the Committee on Foreign
Affairs of the House of Representatives and the Com-
mittee on Foreign Relations of the Senate for each of fis-
cal years 2010 through 2014 a report that contains the
findings and results of the review conducted under sub-
section (a). The report shall be submitted in unclassified
form to the maximum extent possible, but may include a
classified annex.

SEC. 828. REPORT ON SELF-FINANCING OPTIONS FOR EX-
PORT LICENSING FUNCTIONS OF DDTC OF
THE DEPARTMENT OF STATE.

Not later than 90 days after the date of the enact-
ment of this Act, the Secretary of State shall submit to
the appropriate congressional committees a report on pos-
sible mechanisms to place the export licensing functions
of the Directorate of Defense Trade Controls of the De-
partment of State on a 100 percent self-financing basis.
SEC. 829. CLARIFICATION OF CERTIFICATION REQUIREMENT RELATING TO ISRAEL'S QUALITATIVE MILITARY EDGE.

Section 36(h)(1) of the Arms Export Control Act (22 U.S.C. 2776(h)(1)) is amended by striking “a determination” and inserting “an unclassified determination”.

SEC. 830. EXPEDITING CONGRESSIONAL DEFENSE EXPORT REVIEW PERIOD FOR ISRAEL.

The Arms Export Control Act (22 U.S.C. 2751 et seq.) is amended—

(1) in sections 3(d)(2)(B), 3(d)(3)(A)(i), 3(d)(5), 21(e)(2)(A), 36(b)(3) (as redesignated by section 822(a)(1)(B) of this division), 36(c)(2)(A), 36(d)(2)(A), 62(c)(1), and 63(a)(2) by inserting “Israel,” before “or New Zealand”; and

(2) in section 3(b)(2), by inserting “the Government of Israel,” before “or the Government of New Zealand”.

SEC. 831. UPDATING AND CONFORMING PENALTIES FOR VIOLATIONS OF SECTIONS 38 AND 39 OF THE ARMS EXPORT CONTROL ACT.

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

“(c) CRIMINAL PENALTIES FOR VIOLATIONS OF THIS SECTION AND SECTION 39.—Whoever willfully—
“(1) violates this section or section 39, or
“(2) in a registration or license application or required report, makes any untrue statement of a material fact or omits to state a material fact required to be stated therein or necessary to make the statements therein not misleading,
shall be fined not more than $1,000,000 or imprisoned not more than 20 years, or both.”.

(b) MECHANISMS TO IDENTIFY VIOLATORS.—Section 38(g) of the Arms Export Control Act (22 U.S.C. 2778(g)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A)—

(i) in the matter preceding clause (i), by inserting “or otherwise charged” after “indictment”; 

(ii) in clause (xi), by striking “or” at the end; and

(iii) by adding at the end the following:

“(xiii) section 542 of title 18, United States Code, relating to entry of goods by means of false statements;
“(xiv) section 554 of title 18, United States Code, relating to smuggling goods from the United States; or
“(xv) section 1831 of title 18, United States Code, relating to economic espionage.”;
and
(B) in subparagraph (B), by inserting “or otherwise charged” after “indictment”; and
(2) in paragraph (3)(A), by inserting “or otherwise charged” after “indictment”.
(c) Effective Date.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act and shall apply with respect to violations of sections 38 and 39 of the Arms Export Control Act committed on or after that date.
SEC. 832. REPORT ON CERTAIN ASPECTS OF UNITED STATES EXPORT CONTROLS.
Not later than 180 days after the date of the enactment of this Act, the President, taking into account the views of the relevant Federal departments and agencies, shall transmit to Congress a report on the plans of such departments and agencies to streamline United States export controls and processes to better serve the needs of the United States scientific and research community, con-
sistent with the protection of United States national secu-

Subtitle C—Miscellaneous
Provisions

SEC. 841. AUTHORITY TO BUILD THE CAPACITY OF FOR-
EIGN MILITARY FORCES.

(a) Authority.—The Secretary of State is author-
ized to conduct a program to respond to contingencies in
foreign countries or regions by providing training, pro-
curement, and capacity-building of a foreign country’s na-
tional military forces and dedicated counterterrorism
forces in order for that country to—

(1) conduct counterterrorist operations; or

(2) participate in or support military and sta-
bility operations in which the United States is a par-
ticipant.

(b) Types of Capacity-Building.—The program
authorized under subsection (a) may include the provision
of equipment, supplies, and training.

(c) Limitations.—

(1) Assistance otherwise prohibited by
law.—The Secretary of State may not use the au-
thority in subsection (a) to provide any type of as-
sistance described in subsection (b) that is otherwise
prohibited by any provision of law.
(2) **Limitation on Eligible Countries.**—

The Secretary of State may not use the authority in subsection (a) to provide assistance described in subsection (b) to any foreign country that is otherwise prohibited from receiving such type of assistance under any other provision of law.

(d) **Formulation and Execution of Activities.**—

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

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

(e) **Congressional Notification.**—
(1) Activities in a Country.—Not less than 15 days before obligating funds for activities in any country under the program authorized under subsection (a), the Secretary of State shall submit to the congressional committees specified in paragraph (2) a notice of the following:

(A) The country whose capacity to engage in activities in subsection (a) will be assisted.

(B) The budget, implementation timeline with milestones, and completion date for completing the activities.

(2) Specified Congressional Committees.—The congressional committees specified in this paragraph are the following:

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

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

(f) Authorization of Appropriations.—

(1) In General.—There is authorized to be appropriated to the Secretary of State $25,000,000 for each of the fiscal years 2010 and 2011 to conduct the program authorized by subsection (a).
(2) USE OF FMF FUNDS.—The Secretary of State may use up to $25,000,000 of funds available under the Foreign Military Financing program for each of the fiscal years 2010 and 2011 to conduct the program authorized under subsection (a).

(3) AVAILABILITY AND REFERENCE.—Amounts made available to conduct the program authorized under subsection (a)—

(A) are authorized to remain available until expended; and

(B) may be referred to as the “Security Assistance Contingency Fund”.

SEC. 842. FOREIGN MILITARY SALES STOCKPILE FUND.

(a) IN GENERAL.—Section 51(a) of the Arms Export Control Act (22 U.S.C. 2795(a)) is amended—

(1) in paragraph (1), by striking “Special Defense Acquisition Fund” and inserting “Foreign Military Sales Stockpile Fund”; and

(2) in paragraph (4), by inserting “building the capacity of recipient countries and” before “narcotics control purposes”.

(b) CONTENTS OF FUND.—Section 51(b) of the Arms Export Control Act (22 U.S.C. 2795(b)) is amended—

(1) in paragraph (2), by striking “and” at the end;
(2) in paragraph (3), by inserting “and” at the end; and

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

“(4) collections from leases made pursuant to section 61 of this Act,”.

(e) CONFORMING AMENDMENTS.—(1) The heading of section 51 of the Arms Export Control Act is amended by striking “SPECIAL DEFENSE ACQUISITION FUND” and inserting “FOREIGN MILITARY SALES STOCKPILE FUND”.

(2) The heading of chapter 5 of the Arms Export Control Act is amended by striking “SPECIAL DEFENSE ACQUISITION FUND” and inserting “FOREIGN MILITARY SALES STOCKPILE FUND”.

SEC. 843. ANNUAL ESTIMATE AND JUSTIFICATION FOR FOREIGN MILITARY SALES PROGRAM.

Section 25(a)(1) of the Arms Export Control Act (22 U.S.C. 2765(a)(1)) is amended by striking “, together with an indication of which sales and licensed commercial exports” and inserting “and”.

SEC. 844. SENSE OF CONGRESS ON THE GLOBAL ARMS TRADE.

It is the sense of Congress that—
(1) the United States, as the world’s largest exporter of conventional weapons, has a special obligation to promote responsible practices in the global arms trade and should actively work to prevent conventional weapons from being used to perpetrate—

(A) breaches of the United Nations Charter relating to the use of force;

(B) gross violations of international human rights;

(C) serious violations of international humanitarian law;

(D) acts of genocide or crimes against humanity;

(E) acts of terrorism; and

(F) destabilizing buildups of military forces and weapons; and

(2) the United States should actively engage in the development of a legally binding treaty establishing common international standards for the import, export, and transfer of conventional weapons.

SEC. 845. REPORT ON UNITED STATES’ COMMITMENTS TO THE SECURITY OF ISRAEL.

(a) Initial Report.—Not later than 30 days after the date of the enactment of this Act, the President shall
transmit to the appropriate congressional committees a report that contains—

(1) a complete, unedited, and unredacted copy of each assurance made by United States Government officials to officials of the Government of Israel regarding Israel’s security and maintenance of Israel’s qualitative military edge, as well as any other assurance regarding Israel’s security and maintenance of Israel’s qualitative military edge provided in conjunction with exports under the Arms Export Control Act (22 U.S.C. 2751 et seq.), for the period beginning on January 1, 1975, and ending on the date of the enactment of this Act; and

(2) an analysis of the extent to which, and by what means, each such assurance has been and is continuing to be fulfilled.

(b) Subsequent Reports.—

(1) New assurances and revisions.—The President shall transmit to the appropriate congressional committees a report that contains the information required under subsection (a) with respect to—

(A) each assurance described in subsection (a) made on or after the date of the enactment of this Act; or
(B) revisions to any assurance described in subsection (a) or subparagraph (A) of this paragraph,
within 15 days of the new assurance or revision being conveyed.

(2) FIVE-YEAR REPORTS.—Not later than 5 years after the date of the enactment of this Act, and every 5 years thereafter, the President shall transmit to the appropriate congressional committees a report that contains the information required under subsection (a) with respect to each assurance described in subsection (a) or paragraph (1)(A) of this subsection and revisions to any assurance described in subsection (a) or paragraph (1)(A) of this subsection during the preceding 5-year period.

(c) FORM.—Each report required by this section shall be transmitted in unclassified form, but may contain a classified annex, if necessary.

SEC. 846. WAR RESERVES STOCKPILE.

(a) DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2005.—Section 12001(d) of the Department of Defense Appropriations Act, 2005 (Public Law 108–287; 118 Stat. 1011), is amended by striking “4” and inserting “7”.

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SEC. 847. EXCESS DEFENSE ARTICLES FOR CENTRAL AND SOUTH EUROPEAN COUNTRIES AND CERTAIN OTHER COUNTRIES.

Section 516(e) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j(e)) is amended—

(1) in paragraph (1), by striking “paragraph (2)” and inserting “paragraphs (2) and (3)”; 

(2) in paragraph (2), in the heading by striking “EXCEPTION” and inserting “GENERAL EXCEPTION”; and 

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

“(3) Exception for specific countries.—For fiscal years 2010 and 2011, the President may provide for the crating, packing, handling, and transportation of excess defense articles transferred under the authority of this section to Albania, Afghanistan, Bulgaria, Croatia, Estonia, Macedonia, Georgia, India, Iraq, Israel, Kazakhstan, Kyrgyzstan, Latvia, Lithuania, Moldova, Mongolia,
Pakistan, Romania, Slovakia, Tajikistan, Turkmenistan, and Ukraine.”.

SEC. 848. SUPPORT TO ISRAEL FOR MISSILE DEFENSE.

(a) Authorization of Assistance.—Of the amounts authorized to be appropriated to carry out this division, there are authorized to be appropriated such sums as may be necessary for co-development of joint ballistic missile, medium and short-range projectile defense projects with Israel, including—

(1) complete accelerated co-production of Arrow missiles;

(2) system development of the Israel Missile Defense Organization program to develop a short-range ballistic missile defense capability, David’s Sling weapon system, and integrate the weapon system with the ballistic missile defense system and force protection efforts of the United States; and

(3) research, development, and test and evaluation of the Iron Dome short-range projectile defense system.

(b) Report and Strategy.—

(1) Requirement.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter in connection with the submission of congressional presentation materials for the for-
eign operations appropriations and defense appro-
ishments budget request, the Secretary of State, in
consultation with the Secretary of Defense, shall
submit to the appropriate congressional committees
a report regarding the activities authorized under
subsection (a)(1).

(2) CLASSIFIED ANNEX.—The report required
under paragraph (1) shall be submitted in unclassi-
ified form to the maximum extent practicable, but
may include a classified annex, if necessary.

(3) DEFINITION OF APPROPRIATE CONGRES-
SIONAL COMMITTEES.—In this subsection, the term
"appropriate congressional committees" means—

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

(B) the Committee on Foreign Relations
and the Committee on Armed Services in the
Senate.

(d) RULE OF CONSTRUCTION.—Nothing in this sec-
tion shall be construed to authorize appropriations for the
Arrow Weapons System or David’s Sling weapons pro-
gram under any provision of law that is funded from ac-
counts within budget function 050 (National Defense).
TITLE IX—ACTIONS TO ENHANCE THE MERIDA INITIATIVE

Subtitle A—General Provisions

SEC. 901. COORDINATOR OF UNITED STATES GOVERNMENT ACTIVITIES TO IMPLEMENT THE MERIDA INITIATIVE.

(a) DECLARATION OF POLICY.—Congress declares that the Merida Initiative is a Department of State-led initiative which combines the programs of numerous United States Government departments and agencies and therefore requires a single individual to coordinate and track all Merida Initiative-related efforts government-wide to avoid duplication, coordinate messaging, and facilitate accountability to and communication with Congress.

(b) DESIGNATION OF HIGH-LEVEL COORDINATOR.—

(1) IN GENERAL.—The President shall designate, within the Department of State, a Coordinator of United States Government Activities to Implement the Merida Initiative (hereafter in this section referred to as the “Coordinator”) who shall be responsible for—

(A) designing and shaping an overall strategy for the Merida Initiative;
(B) ensuring program and policy coordination among United States Government departments and agencies in carrying out the Merida Initiative, including avoiding duplication among programs and ensuring that a consistent message emanates from the United States Government;

(C) ensuring that efforts of the United States Government are in full consonance with the efforts of the countries within the Merida Initiative;

(D) tracking, in coordination with the relevant officials of the Department of Defense and other departments and agencies, United States assistance programs that fulfill the goals of the Merida Initiative or are closely related to the goals of the Merida Initiative;

(E) to the extent possible, tracking information required under the second section 620J of the Foreign Assistance Act of 1961 (22 U.S.C. 2378d) (as added by section 651 of division J of Public Law 110–161) with respect to countries participating in the Merida Initiative; and
(F) consulting with the Attorney General and the Secretary of Homeland Security with respect to the activities of Federal, State, and local law enforcement authorities in the United States relating to the goals of the Merida Initiative, particularly along the United States-Mexico border.

(2) Rank and Status of the Coordinator.—The Coordinator should have the rank and status of ambassador.

(3) Countries within the Merida Initiative Defined.—The term “countries within the Merida Initiative” means Belize, Costa Rica, El Salvador, Guatemala, Honduras, Mexico, Nicaragua, and Panama and includes Haiti and the Dominican Republic.

SEC. 902. ADDING THE CARIBBEAN TO THE MERIDA INITIATIVE.

(a) Findings.—Congress finds the following:

(1) The illicit drug trade—which has taken a toll on the small countries of the Caribbean Community (CARICOM) for many years—is now moving even more aggressively into these countries.

(2) A March 2007 joint report by the United Nations Office on Drugs and Crime (UNODC) and
the World Bank noted that murder rates in the Car-
ibbean—at 30 per 100,000 population annually—are
higher than for any other region of the world and
have risen in recent years for many of the region’s
countries. The report also argues that the strongest
explanation for the high crime and violence rates in
the Caribbean and their rise in recent years is drug
trafficking.

(3) If the United States does not move quickly
to provide Merida Initiative assistance to the
CARICOM countries, the positive results of the
Merida Initiative in Mexico and Central America will
move the drug trade deeper into the Caribbean and
multiply the already alarming rates of violence.

(b) CONSULTATIONS.—Not later than 30 days after
the date of the enactment of this Act, the Secretary of
State is authorized to consult with the countries of the
Caribbean Community (CARICOM) in preparation for
their inclusion into the Merida Initiative.

(c) INCORPORATION OF CARICOM COUNTRIES INTO
THE MERIDA INITIATIVE.—The President is authorized to
incorporate the CARICOM countries into the Merida Ini-
tiative.
SEC. 903. MERIDA INITIATIVE MONITORING AND EVALUATION MECHANISM.

(a) DEFINITIONS.—In this section:

(1) IMPACT EVALUATION RESEARCH.—The term “impact evaluation research” means the application of research methods and statistical analysis to measure the extent to which change in a population-based outcome can be attributed to program intervention instead of other environmental factors.

(2) OPERATIONS RESEARCH.—The term “operations research” means the application of social science research methods, statistical analysis, and other appropriate scientific methods to judge, compare, and improve policies and program outcomes, from the earliest stages of defining and designing programs through their development and implementation, with the objective of the rapid dissemination of conclusions and concrete impact on programming.

(3) PROGRAM MONITORING.—The term “program monitoring” means the collection, analysis, and use of routine program data to determine how well a program is carried out and how much the program costs.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—
(1) to successfully support building the capacity of recipient countries’ civilian security institutions, enhance the rule of law in recipient countries, and ensure the protection of human rights, the President should establish a program to conduct impact evaluation research, operations research, and program monitoring to ensure effectiveness of assistance provided under the Merida Initiative;

(2) long-term solutions to the security problems of Merida recipient countries depend on increasing the effectiveness and responsiveness of their civilian institutions, including their judicial system;

(3) a specific program of impact evaluation research, operations research, and program monitoring, established at the inception of the program, is required to permit assessment of the operational effectiveness of the impact of United States assistance towards these goals; and

(4) the President, in developing performance measurement methods under the impact evaluation research, operations research, and program monitoring, should consult with the appropriate congressional committees as well as the governments of Merida recipient countries.
(c) **Impact Evaluation Research, Operation Research, and Program Monitoring of Assistance.**—The President shall establish and implement a program to assess the effectiveness of assistance provided under the Merida Initiative through impact evaluation research on a selected set of programmatic interventions, operations research in areas to ensure efficiency and effectiveness of program implementation, and monitoring to ensure timely and transparent delivery of assistance.

(d) **Requirements.**—The program required under subsection (c) shall include—

1. a delineation of key impact evaluation research and operations research questions for main components of assistance provided under the Merida Initiative;

2. an identification of measurable performance goals for each of the main components of assistance provided under the Merida Initiative, to be expressed in an objective and quantifiable form at the inception of the program;

3. the use of appropriate methods, based on rigorous social science tools, to measure program impact and operational efficiency; and
(4) adherence to a high standard of evidence in developing recommendations for adjustments to such assistance to enhance the impact of such assistance.

(c) Consultation with Congress.—Not later than 60 days after the date of the enactment of this Act, the President shall brief and consult with the appropriate congressional committees regarding the progress in establishing and implementing the program required under subsection (e).

(f) Authorization of Appropriations.—Of the amounts authorized to be appropriated for the Merida Initiative, up to 5 percent of such amounts is authorized to be appropriated to carry out this section.

(g) Report.—

(1) In general.—Not later than 180 days after the date of the enactment of this section and not later than December 1 of each year thereafter, the President shall transmit to the appropriate congressional committees a report regarding programs and activities carried out under the Merida Initiative during the preceding fiscal year.

(2) Matters to be included.—The reports required under subsection (g) shall include the following:
(A) FINDINGS.—Findings related to the impact evaluation research, operation research, and program monitoring of assistance program established under subsection (c).

(B) COORDINATION.—Efforts of the United States Government to coordinate its activities, including—

(i) a description of all counter-narcotics and organized crime assistance provided to Merida Initiative recipient countries in the previous fiscal year;

(ii) an assessment of how such assistance was coordinated; and

(iii) recommendations for improving coordination.

(C) TRANSFER OF EQUIPMENT.—A description of the transfer of equipment, including—

(i) a description of the progress of each recipient country toward the transfer of equipment, if any, from its armed forces to law enforcement agencies;

(ii) a list of agencies that have used air assets provided by the United States under the Merida Initiative to the govern-
ment of each recipient country, and, to the extent possible, a detailed description of those agencies that have utilized such air assets, such as by a percentage breakdown of use by each agency; and

(iii) a description of training of law enforcement agencies to operate equipment, including air assets.

(D) HUMAN RIGHTS.—In accordance with sections 116(d) and 502B(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151n(d) and 2304(b)) and section 504 of the Trade Act of 1974 (19 U.S.C. 2464), an assessment of the human rights impact of the equipment and training provided under the Merida Initiative, including—

(i) a list of accusations of serious human rights abuses committed by the armed forces and law enforcement agencies of recipient countries on or after the date of the enactment of this Act; and

(ii) a description of efforts by the governments of Merida recipient countries to investigate and prosecute allegations of
abuses of human rights committed by any
agency of such recipient countries.

(E) Effectiveness of equipment.—An
assessment of the long-term effectiveness of the
equipment and maintenance packages and
training provided to each recipient country’s se-
curity institutions.

(F) Mexico public security strategy.—A description of Mexico’s development of
a public security strategy, including—

(i) effectiveness of the Mexican Fed-
eral Registry of Police Personnel to vet po-
lice recruiting at the National, state, and
municipal levels to prevent rehiring from
one force to the next after dismissal for
corruption and other reasons; and

(ii) an assessment of how the Merida
Initiative complements and supports the
Mexican Government’s own public security
strategy.

(G) Flow of illegal arms.—A descrip-
tion and assessment of efforts to reduce the
southbound flow of illegal arms.

(H) Use of contractors.—A detailed
description of contracts awarded to private
companies to carry out provisions of the Merida Initiative, including—

(i) a description of the number of United States and foreign national civilian contractors awarded contracts;

(ii) a list of the total dollar value of the contracts; and

(iii) the purposes of the contracts.

(I) PHASE OUT OF LAW ENFORCEMENT ACTIVITIES.—A description of the progress of phasing out law enforcement activities of the armed forces of each recipient country.

(J) IMPACT ON BORDER VIOLENCE AND SECURITY.—A description of the impact that activities authorized under the Merida Initiative have had on violence against United States and Mexican border personnel and the extent to which these activities have increased the protection and security of the United States-Mexico border.

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

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

SEC. 904. MERIDA INITIATIVE DEFINED.

In this subtitle, the term “Merida Initiative” means the program announced by the United States and Mexico on October 22, 2007, to fight illicit narcotics trafficking and criminal organizations throughout the Western Hemisphere.

Subtitle B—Prevention of Illicit Trade in Small Arms and Light Weapons

SEC. 911. TASK FORCE ON THE PREVENTION OF ILLICIT SMALL ARMS TRAFFICKING IN THE WESTERN HEMISPHERE.

(a) Establishment.—The President shall establish an inter-agency task force to be known as the “Task Force on the Prevention of Illicit Small Arms Trafficking in the Western Hemisphere” (in this section referred to as the “Task Force”).

(b) Duties.—The Task Force shall evaluate United States export controls on the illicit export of small arms
and light weapons throughout the Western Hemisphere, including Mexico, Central America, the Caribbean, and South America. The Task Force shall—

(1) conduct a thorough review and analysis of the current regulation and enforcement of current regulations of exports of small arms and light weapons; and

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

e) Membership.—The Task Force shall be composed of—

(1) the Secretary of State;

(2) the Attorney General;

(3) the Secretary of Defense;

(4) the Secretary of Homeland Security; and

(5) the heads of other Federal departments and agencies as appropriate.

(d) Chairperson.—The Secretary of State shall serve as the chairperson of the Task Force.

e) Meetings.—The Task Force shall meet at the call of the chairperson or a majority of its members.
(f) **ANNUAL REPORTS.**—Not later than 1 year after the date of the enactment of this Act and annually thereafter until October 31, 2014, the chairperson of the Task Force shall submit to Congress and make available to the public a report that contains—

(1) a description of the activities of the Task Force during the preceding year; and

(2) the findings, strategies, recommendations, policies, and initiatives developed pursuant to the duties of the Task Force under subsection (b) during the preceding year.

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

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

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

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

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

SEC. 913. DEPARTMENT OF STATE REWARDS PROGRAM.

Section 36(b) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2708(b)) is amended—

(1) by redesignating paragraphs (4) through (7) as paragraphs (5) through (8), respectively;

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

“(4) the arrest or conviction in any country of any individual for illegally exporting or attempting to export to Mexico any small arm or light weapon (as defined in section 912(b) of the Foreign Relations Authorization Act, Fiscal Years 2010 and 2011);”; and
(3) in paragraphs (5) and (6) (as redesignated),

by striking “paragraph (1), (2), or (3)” each place
it appears and inserting “paragraph (1), (2), (3), or
(4)”.

**TITLE X—REPORTING REQUIREMENTS**

**SEC. 1001. ASSESSMENT OF SPECIAL COURT FOR SIERRA LEONE.**

Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees an assessment on the continuing needs of the Special Court for Sierra Leone, including an assessment of the following activities of the Special Court:

(1) Witness protection.

(2) Archival activities, including recordkeeping associated with future legal work by the Special Court.

(3) The residual registrar’s capacity for enforcing Special Court sentences and maintaining relations with countries hosting imprisoned convicts of the Special Court, legal decisionmaking regarding future appeals, conditions of prisoner treatment, contempt proceedings, and financial matters relating to such activities.
(4) Transfer or maintenance of Special Court records to a permanent recordkeeping authority in Sierra Leone.

(5) Ongoing needs or programs for community outreach, for the purpose of reconciliation and healing, regarding the Special Court’s legal proceedings and decisions.

(6) Plans for the Special Court’s facilities in Sierra Leone and plans to use the Special Court, and expertise of its personnel, for further development of the legal profession and an independent and effective judiciary in Sierra Leone.

(7) Unresolved cases, or cases that were not prosecuted.

SEC. 1002. REPORT ON UNITED STATES CAPACITIES TO PREVENT GENOCIDE AND MASS ATROCITIES.

(a) FINDINGS.—Congress finds the following:

(1) The lack of an effective government-wide strategy and adequate capacities for preventing genocide and mass atrocities against civilians undermines the ability of the United States to contribute to the maintenance of global peace and security and protect vital United States interests.

(2) The December 2008 Report of the Genocide Prevention Task Force, co-chaired by former Sec-
retary of State Madeleine Albright and former Sec-
retary of Defense William Cohen offers a valuable
blueprint for strengthening United States capacities
to help prevent genocide and mass atrocities.

(3) Specific training and staffing will enhance
the diplomatic capacities of the Department of State
to help prevent and respond to threats of genocide
and mass atrocities.

(b) REPORT.—

(1) REPORT REQUIRED.—Not later than 180
days after the date of the enactment of this Act, the
Secretary of State shall submit to the appropriate
congressional committees a report outlining specific
plans for the development of a government-wide
strategy and the strengthening of United States ci-
vilian capacities for preventing genocide and mass
atrocities against civilians.

(2) CONTENT.—The report required under
paragraph (1) shall include the following:

(A) An evaluation of current mechanisms
for government-wide early warning, informa-
tion-sharing, contingency planning, and coordi-
nation of effort to prevent and respond to situa-
tions of genocide, mass atrocities, and other
mass violence.
(B) An assessment of current capacities within the Department of State, including specific staffing and training, for early warning, preventive diplomacy, and crisis response to help avert genocide and mass atrocities.

(C) An evaluation of United States foreign assistance programs and mechanisms directed toward the prevention of genocide and mass atrocities, including costs, challenges to implementation, and successes of such programs and mechanisms.

(D) An assessment of the feasibility, effectiveness, and potential costs of implementing key recommendations made by the Genocide Prevention Task Force, including the establishment of an Atrocities Prevention Committee within the National Security Council and increased annual and contingency funding for the prevention of genocide and mass atrocities.

(E) Recommendations to further strengthen United States capacities to help prevent genocide, mass atrocities, and other mass violence, including enhanced early warning mechanisms, strengthened diplomatic capacities of the
Department of State, and improved use of United States foreign assistance.

SEC. 1003. REPORTS RELATING TO PROGRAMS TO ENCOURAGE GOOD GOVERNANCE.

(a) IN GENERAL.—Subparagraph (C) of section 133(d)(2) of the Foreign Assistance Act of 1961 (22 U.S.C. 2152c(d)(2)) is amended by inserting before the period at the end the following: “, including, with respect to a country that produces or exports large amounts of natural resources such as petroleum or natural resources, the degree to which citizens of the country have access to information about government revenue from the extraction of such resources and credible reports of human rights abuses against individuals from civil society or the media seeking to monitor such extraction”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to reports required to be transmitted under section 133(d)(2) of the Foreign Assistance Act of 1961, as so amended, on or after the date of the enactment of this Act.

SEC. 1004. REPORTS ON HONG KONG.

Section 301 of the United States-Hong Kong Policy Act of 1992 (Public Law 102–383; 22 U.S.C. 5731) is amended, in the matter preceding paragraph (1), by striking “and March 31, 2006” and inserting “March 31,
2006, and March 31, 2010, and March 31 of every subse-
quently year through 2020,”.

3 **SEC. 1005. DEMOCRACY IN GEORGIA.**

(a) Sense of Congress.—It is the sense of Con-
gress that the development and consolidation of effective
democratic governance in Georgia, including free and fair
electoral processes, respect for human rights and the rule
of law, an independent media, an independent judiciary,
a vibrant civil society, as well as transparency and ac-
countability of the executive branch and legislative proc-
ess, is critically important to Georgia’s integration into
Euro-Atlantic institutions, stability in the Caucasus re-
gion, and United States national security. The United
States should urge the European Union, its member
states, and the international community to call for an im-
mediate and complete withdrawal of Russian troops de-
ployed within Georgia in accordance with the August and
September 2008 ceasefire agreements and for Russia to
rescind its recognition of the independence of Abkhazia
and South Ossetia.

(b) Report on Democracy in Georgia.—

(1) In General.—Not later than 180 days
after the date of the enactment of this Act, and not
later than December 31 of each of the two fiscal
years thereafter, the Secretary of State shall submit
to the appropriate congressional committees a report
on the programs, projects, and activities carried out
in Georgia with United States foreign assistance fol-
lowing the August 2008 conflict with Russia.

(2) CONTENTS.—The report required under
paragraph (1) shall include information concerning
the following:

(A) The amount of United States assist-
ance obligated and expended for reconstruction
activities for the prior fiscal year.

(B) A description of the programs funded
by such assistance, including humanitarian aid,
reconstruction of critical infrastructure, eco-

(C) An evaluation of the impact of such
programs, including their contribution to the
consolidation of democracy in Georgia and ef-

(D) An analysis of the implementation of
the United States-Georgia Charter on Strategic
Partnership.
SEC. 1006. DIPLOMATIC RELATIONS WITH ISRAEL.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the United States should assist Israel in its efforts to establish diplomatic relations.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act and annually thereafter, the Secretary of State shall submit to the appropriate congressional committees a report that includes the following information:

(1) Actions taken by representatives of the United States to encourage other countries to establish full diplomatic relations with Israel.

(2) Specific responses solicited and received by the Secretary from countries that do not maintain full diplomatic relations with Israel with respect to their attitudes toward and plans for entering into diplomatic relations with Israel.

(3) Other measures being undertaken, and measures that will be undertaken, by the United States to ensure and promote Israel’s full participation in the world diplomatic community.

(c) FORM OF SUBMISSION.—The report required under subsection (b) may be submitted in classified or unclassified form, as the Secretary determines appropriate.
SEC. 1007. POLICE TRAINING REPORT.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the President shall, in coordination with the heads of relevant Federal departments and agencies, conduct a study and transmit to the appropriate congressional committees and the Committee on Armed Services of the House of Representatives and the Committee on Armed Services of the Senate a report on current overseas civilian police training in countries or regions that are at risk of, in, or are in transition from, conflict or civil strife.

(b) CONTENTS.—The report required under subsection (a) shall contain information on the following:

(1) The coordination, communication, program management, and policy implementation among the United States civilian police training programs in countries or regions that are at risk of, in, or are in transition from, conflict or civil strife.

(2) The number of private contractors conducting such training, and the quality and cost of such private contractors.

(3) An assessment of pre-training procedures for verification of police candidates to adequately assess their aptitude, professional skills, integrity, and other qualifications that are essential to law enforcement work.
(4) An analysis of the practice of using existing Federal police entities to provide civilian police training in countries or regions that are at risk of, in, or are in transition from, conflict or civil strife, along with the subject matter expertise that each such entity may provide to meet local needs in lieu of the use of private contractors.

(5) Provide recommendations, including recommendations related to required resources and actions, to maximize the effectiveness and interagency coordination and the adequate provision of civilian police training programs in countries or regions that are at risk of, in, or are in transition from, conflict or civil strife.

SEC. 1008. REPORTS ON HUMANITARIAN ASSISTANCE IN GAZA.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act and 1 year thereafter, the Secretary of State shall submit to the appropriate congressional committees a report detailing the humanitarian conditions and efficacy and obstacles to humanitarian and reconstruction assistance activities in Gaza.

(b) CONTENTS.—The reports required under subsection (a) shall include the following:
(1) An assessment of the level of access to basic necessities in Gaza, including food, fuel, water, sanitation, education, and healthcare.

(2) An assessment of the ability to successfully deliver and distribute humanitarian and reconstruction goods and supplies.

(3) A description of the efforts of the United States and its allies to facilitate the receipt and distribution of humanitarian and reconstruction assistance in Gaza.

(4) An assessment of the obstacles to the delivery of humanitarian and reconstruction assistance, including the activities and policies of Hamas and any organization designated as a foreign terrorist organization under section 219 of the Immigration and Nationality Act.

(5) Recommendations for actions the United States can take to best improve the level of access to basic necessities referred to in paragraph (1) and overcome obstacles described in paragraphs (2) through (4).

(6) An assessment of the policy prohibiting personnel of the Department of State and the United States Agency for International Development from traveling to Gaza following the tragic roadside
bombing in 2003. Such an assessment should consider and evaluate the prospects that such personnel might resume humanitarian assistance operations or commence monitoring functions relating to humanitarian aid distribution in Gaza in order to ascertain that United States foreign assistance is not misused in ways that benefit any organization designated as a foreign terrorist organization under section 219 of the Immigration and Nationality Act (8 U.S.C. 1189).

SEC. 1009. REPORT ON ACTIVITIES IN HAITI.

Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees a report on the following:

(1) Hurricane emergency recovery.—The status of activities in Haiti funded or authorized, in whole or in part, by the Department of State and the United States Agency for International Development (USAID) through assistance appropriated under the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009.

(2) General activities.—A summary of activities funded or authorized, in whole or in part, by the Department of State and USAID in the previous
12-month period, how such activities supplement the
work of the Government of Haiti to provide a safe
and prosperous democracy for its citizens, and a
timetable for when management and implementation
of such activities will be turned over to the Govern-
ment of Haiti or Haitian nationals.

(3) COORDINATION.—A description of how
United States assistance is coordinated—

(A) among United States departments and
agencies; and

(B) with other donors to Haiti, including
programs through the United Nations, the
Inter-American Development Bank, and the Or-
ganization of American States.

(4) BENCHMARKS.—A summary of short-term
and long-term objectives for United States assist-
ance to Haiti and metrics that will be used to iden-
tify, track, and manage the progress of United
States activities in Haiti.

SEC. 1010. REPORT ON RELIGIOUS MINORITY COMMU-
NITIES IN THE MIDDLE EAST.

(a) INITIATIVE AUTHORIZED.—The Secretary of
State is authorized to undertake a focused initiative to
monitor the status of and provide specific policy rec-
ommendations to protect vulnerable religious minorities throughout the Middle East region.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, and 1 year thereafter, the Secretary of State shall submit to the appropriate congressional committees a report on the humanitarian conditions of religious minority communities in the Middle East and efficacy and obstacles to humanitarian assistance activities to help meet the basic needs of vulnerable persons affiliated with minority religions in the Middle East, and recommendations to mitigate adverse humanitarian circumstances facing such persons.

SEC. 1011. IRAN’S INFLUENCE IN THE WESTERN HEMISPHERE.

(a) FINDINGS.—Congress finds the following:

(1) The 2008 Country Report on Terrorism states that “Iran and Venezuela continued weekly flights connecting Tehran and Damascus with Caracas. Passengers on these flights were reportedly subject to only cursory immigration and customs controls at Simon Bolivar International Airport in Caracas.”.

(2) The Governments of Venezuela and Iran have forged a close relationship.
(3) Iran has sought to strengthen ties with several countries in the Western Hemisphere in order to undermine United States foreign policy.

(b) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees a report that includes actions taken by the Government of Iran and Hezbollah in the Western Hemisphere. A classified annex may be included, if necessary.

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

(a) FINDINGS.—Congress finds the following:

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

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

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

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

force.

(5) The annual report of the Office of Person-

nel Management on “The Employment of Vet-
erans in the Federal Government” for fiscal year 2007, detailing the efforts by all agencies of the Federal Government to hire veterans, reported that 15.6 percent of all Department of State employees were veterans.

(b) SENSE OF CONGRESS.—It is the sense of Con-
gress that the Department of State and the United States Agency for International Development should intensify their efforts to recruit more veterans, that those appli-
cants who are entitled to five or ten point veterans pref-

erence have also served in the Armed Forces in areas of instability with specialties such as civil affairs, law en-

forcement, and assignments where they regularly per-
formed other nation-building activities, and that this expe-
rience should be an additional affirmative factor in making appointments to serve in the Foreign Service.

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

SEC. 1013. REPORT ON CHILD ABDUCTION.

Not later than 60 days after the date of the enactment of this Act, the Secretary of State shall submit to Congress a report containing recommendations for changes to the Hague Convention on the Civil Aspects of International Child Abduction and related United States laws and regulations regarding international parental child abduction that would, if enacted, provide the United States additional legal tools to ensure compliance with the Hague Convention and facilitate the swift return of United States children wrongfully removed from the United States as a result of international parental child abduction, such as in the case of Sean Goldman of Tinton Falls, New Jersey.
SEC. 1014. REPORT ON EFFECTS OF BUY AMERICA ACT WAIVERS UNDER THE PEPFAR PROGRAM.

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

(1) United States-based manufacturers; and

(2) availability of and access to HIV testing for at-risk populations in low-income countries.

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

SEC. 1015. REPORT ON UNITED STATES-BRAZIL JOINT ACTION PLAN TO ELIMINATE RACIAL DISCRIMINATION.

Not later than 180 days after the date of the enactment of this Act and 1 year thereafter, the Secretary of State shall submit to the appropriate congressional committees a report detailing the status, efficacy, and coordination of the United States-Brazil Joint Action Plan to Eliminate Racial Discrimination, and a summary of short and long-term efforts to address the plight of in Afro
Latinos and indigenous peoples in the Western Hemisphere through cooperation and bilateral efforts.

SEC. 1016. REPORT ON REDUCING SMUGGLING AND TRAFFICKING IN PERSONS.

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

SEC. 1017. REPORT ON WESTERN HEMISPHERE TRAVEL INITIATIVE.

Not later than 18 months after the date of enactment of this Act, the Secretary of State shall submit to Congress a report on the effects of the Western Hemisphere Travel Initiative (WHTI) on the flow of people, goods, and services across the international borders of the United States, Canada, Mexico, Bermuda, and the Caribbean region, with particular emphasis on whether WHTI has been effective in meeting its goal of strengthening United States border security and enhancing accountability of individuals entering the United States, and an assessment of the economic impact associated with WHTI and its effects on small businesses.
SEC. 1018. REPORT ON UNITED STATES CONTRIBUTIONS TO THE UNITED NATIONS.

(a) In General.—Not later than 90 days after the date of the enactment of this Act and annually thereafter for the next 2 years, the President shall submit to Congress a report, with respect to the preceding fiscal year, listing each United States agency, department, or entity that provides assessed or voluntary contributions to the United Nations and United Nations affiliated agencies and related bodies through grants, contracts, subgrants, or subcontracts that is not fully compliant with the requirements to post such funding information for the fiscal year covered by such report on the website “USAspending.gov” as required by the Federal Funding Accountability and Transparency Act (Public Law 109–282).

(b) Availability to Public.—The Office of Management and Budget shall post a public version of each report submitted under subsection (a) on a text-based searchable and publicly available Internet website.

TITLE XI—MISCELLANEOUS PROVISIONS

Subtitle A—General Provisions

SEC. 1101. BILATERAL COMMISSION WITH NIGERIA.

(a) Sense of Congress.—It is the sense of Congress that not later than 180 days after the date of the
enactment of this Act, the President should establish a
bilateral commission between the United States and Nige-
ria to support bilateral cooperation in the areas of—
(1) trade and development;
(2) economic integration;
(3) infrastructure planning, finance, develop-
ment, and management;
(4) budget reform and public finance manage-
ment;
(5) higher education, including applied re-
search;
(6) energy;
(7) peace and security reform;
(8) rule of law;
(9) anti-corruption efforts, establishment of
greater transparency, and electoral reform; and
(10) monitoring whether bilateral efforts under-
taken between respective Federal, State, and local
governments are achieving the goals set forth by the
Governments of the United States and Nigeria.
(b) BILATERAL COMMISSION.—
(1) COMPOSITION.—If the President establishes
the bilateral commission referred to in subsection
(a), the commission should have an equal number of
members representing the United States and Nigeria
and appointed by the respective Presidents of each
country. Members should include representatives of
Federal, State, and local governments, the private
sector, and civil society organizations.

(2) FUNCTIONS.—The commission should—

(A) work to establish a bilateral process
that establishes the mission, goals, and objec-
tives of a bilateral partnership and establish
guidelines for accountability and rules to meas-
ure the effectiveness for any initiatives under-
taken;

(B) monitor bilateral technical assistance
and capacity building projects that are con-
sistent with and further the mission, goals, and
objectives established by the commission; and

(C) submit to the United States President,
the United States Congress, the Nigerian Presi-
dent, and the Nigerian National Assembly a re-
port on the amount of progress achieved on
projects undertaken by the two governments to
achieve bilaterally determined goals established
by the commission.

(3) MONITORING OF PROJECTS.—The commis-
sion should select and monitor specific projects that
involve an exchange of personnel between the Gov-
ernments of the United States and Nigeria to determine whether technical assistance and capacity building are being used effectively and whether mutual benefit is being gained through the implementation of such bilateral projects.

(4) Review and report.—The Secretary of State should review the work of the commission and annually submit to the President and Congress a report on whether progress has been made to meet the goals set forth by the commission and whether bilateral efforts have served the interest of United States and Nigerian bilateral relations.

(5) United States contributions.—United States contributions to support the Commission should be financed through existing resources.

SEC. 1102. AUTHORITIES RELATING TO THE SOUTHERN AFRICA ENTERPRISE DEVELOPMENT FUND.

(a) Use of private venture capital.—

(1) In general.—In order to maximize the effectiveness of the activities of the Southern Africa Enterprise Development Fund, the Fund may conduct public offerings or private placements for the purpose of soliciting and accepting private venture capital which may be used, separately or together with funds made available from the United States
Government, for any lawful investment purpose that
the Board of Directors of the Fund may determine
in carrying out the activities of the Fund.

(2) Distribution of financial returns.—
Financial returns on Fund investments that include
a component of private venture capital may be dis-
distributed, at such times and in such amounts as the
Board of Directors of the Fund may determine, to
the investors of such capital.

(b) Nonapplicability of other laws.—

(1) In general.— Funds made available from
the United States Government to the Fund may be
used for the purposes of the agreement between the
United States Government and the Fund notwith-
standing any other provision of law.

(2) Support from Federal departments
and agencies.— The heads of Federal departments
and agencies may conduct programs and activities
and provide services in support of the activities of
the Fund notwithstanding any other provision of
law.

(c) Definition.— In this section, the term “Southern-
ern Africa Enterprise Development Fund” or “Fund” in-
cludes—
(1) any successor or related entity to the Southern Africa Enterprise Development Fund that is approved the United States Government; and

(2) any organization, corporation, limited-liability partnership, foundation, or other corporate structure that receives, or is authorized by the United States Government to manage, any or all of the remaining funds or assets of the Southern Africa Enterprise Development Fund.

SEC. 1103. DIABETES TREATMENT AND PREVENTION AND SAFE WATER AND SANITATION FOR PACIFIC ISLAND COUNTRIES.

(a) In General.—There is authorized to be appropriated $500,000 for each of fiscal years 2010 and 2011 to establish a diabetes prevention and treatment program for Pacific Island countries and for safe water and sanitation.

(b) Pacific Island Countries Defined.—In this section, the term “Pacific Island countries” means Fiji, Kiribati, the Marshall Islands, the Federated States of Micronesia, Nauru, Niue, Palau, Papua New Guinea, Samoa, Solomon Islands, Tonga, Tuvalu, and Vanuatu.

SEC. 1104. STATELESSNESS.

(a) Purpose.—It is the purpose of this section to increase global stability and security for the United States
and the international community and decrease trafficking
and discrimination by reducing the number of individuals
who are de jure or de facto stateless and as a consequence
are unable to avail themselves of their right to a nationality
and its concomitant rights and obligations and are
excluded from full participation in civil society.

(b) FINDINGS.—Congress finds the following:

(1) The right to a nationality is a foundation of
human rights, and a deterrent to displacement and
disaffection. The State is the primary vehicle
through which individuals are guaranteed their inalienable rights and are made subject to the rule of
law. Regional stability and security are undermined
when individuals cannot avail themselves of their right to a nationality and its concomitant rights and
obligations and are excluded from full participation
in civil society.

(2) The right to a nationality and citizenship is
therefore specifically protect in international declarations and treaties, including Article 15 of the Universal Declaration of Human Rights, the 1954 Convention Relating to the Status of Stateless Persons, the 1961 Convention on the Reduction of Statelessness, Article 24 of the International Covenant on Civil and Political Rights, and Article 9(2) of the
Convention on the Elimination of Discrimination
Against Women.

(3) In the 21st century, the adverse effects of
de jure or de facto statelessness still impact at least
an estimated 11,000,000 million people worldwide,
who are unable to avail themselves of the rights of
free people everywhere to an effective nationality, to
the rights to legal residence, to travel, to work in the
formal economy or professions, to attend school, to
access basic health services, to purchase or own
property, to vote, or to hold elected office, and to
enjoy the protection and security of a country.

(c) THE UNITED NATIONS.—

(1) POLICY.—It shall be the policy of the
United States that the President and the Permanent
Representative of the United States to the United
Nations work with the international community to
increase political and financial support for the work
of the United Nations High Commissioner for Refu-
gees (UNHCR) to prevent and resolve problems re-
lated to de jure and de facto statelessness, and to
promote the rights of the de jure or de facto state-
less, by taking these and other actions:

(A) Increasing the attention of the United
Nations and the UNHCR to de jure and de
facto statelessness and increasing its capacity
to reduce statelessness around the world by co-
ordinating the mainstreaming of de jure and de
facto statelessness into all of the United Na-
tions human rights work, in cooperation with all
relevant United Nations agencies.

(B) Urging United Nations country teams
in countries with significant de jure or de facto
stateless populations to devote increasing atten-
tion and resources to undertake coordinated ef-
forts by all United Nations offices, funds, and
programs to bring about the full registration
and documentation of all persons resident in
the territory of each country, either as citizens
or as individuals in need of international protec-
tion.

(C) Urging the creation of an Inter-Agency
Task Force on Statelessness with representa-
tion from the UNHCR, the United Nations
Children’s Fund (UNICEF), and other relevant
United Nations agencies that will coordinate to
increase agency awareness and information ex-
change on de jure and de facto statelessness to
ensure a consistent and comprehensive ap-
proach to the identification of stateless groups
and individuals and resolution of their status.

(D) Urging that nationality and de jure
and de facto statelessness issues are addressed
in all country reviews conducted by United Na-
tions treaty bodies and relevant special mecha-
isms engaged in country visits, and pursuing
creation of a standing mechanism within the
United Nations to complement the work of the
UNHCR in addressing issues of de jure and de
facto statelessness that give rise to urgent
human rights or security concerns.

(E) Urging the UNHCR to include nation-
ality and statelessness in all country-specific
and thematic monitoring, reporting, training,
and protection activities, and across special pro-
cedures, and to designate at least one human
rights officer to monitor, report, and coordinate
the office’s advocacy on nationality and de jure
and de facto statelessness.

(F) Urging the United Nations to ensure
that its work on trafficking includes measures
to restore secure citizenship to trafficked
women and girls, and to work with Member
States to guarantee that national legislation
gives women full and equal rights regarding citizenship.

(G) Urging the United Nations to increase its capacity to respond to the needs of de jure or de facto stateless individuals, particularly children, and to strengthen and expand the United Nations protection and assistance activities, particularly in field operations, to better respond to the wide range of protection and assistance needs of de jure or de facto stateless individuals.

(H) Urging the UNICEF to increase its efforts to encourage all Member States of the United Nations to permit full and easy access to birth registration for all children born in their territories, particularly in Member States in which there are displaced populations, and work with the UNHCR and Member States to ensure the issuance of birth certificates to all children born to refugees and displaced persons.

(2) Authorization of Appropriations.—There is authorized to be appropriated $5,000,000 for each of fiscal years 2010 and 2011 to be made available to improve the UNHCR’s assistance to de
jure or de facto stateless individuals. Such funds may be used to—

(A) protect the rights, meet emergency humanitarian needs, and provide assistance to de jure or de facto stateless groups and individuals;

(B) provide additional resources to—

(i) increase the number of protection officers;

(ii) increase the number of professional staff in the statelessness unit; and

(iii) train protection officers and United Nations country teams in the field to identify, reduce, protect, and prevent de jure and de facto statelessness;

(C) improve identification of de jure or de facto stateless groups and individuals by carrying out a comprehensive annual study of the scope of de jure and de facto statelessness worldwide, including causes of de jure and de facto statelessness and dissemination of best practices for remedying de jure and de facto statelessness; and

(D) increase the United Nations educational and technical assistance programs to
prevent de jure and de facto statelessness, in-
cluding outreach to Member States and their
legislatures, with particular emphasis on those
countries determined to have protracted de jure
or de facto statelessness situations.

(3) Authorization of Appropriations to
the UNICEF.—There is authorized to be appro-
priated $3,000,000 for each of fiscal years 2010 and
2011 to augment to the UNICEF’s ability to aid
countries with significant de jure or de facto state-
less populations to bring about the full registration
of all children born to de jure or de facto stateless
parents.

(d) The United States.—

(1) Foreign Policy.—Given the importance of
obtaining and preserving nationality and the protec-
tion of a government, and of preventing the exploi-
tation or trafficking of de jure or de facto stateless
groups or individuals, the President shall make the
prevention and reduction of de jure or de facto
statelessness an important goal of United States for-
eign policy and human rights efforts. Such efforts
shall include—
(A) calling upon host countries to protect and assume responsibility for de jure or de facto stateless groups or individuals;

(B) working with countries of origin to facilitate the resolution of problems faced by de jure or de facto stateless groups or individuals;

(C) working with countries of origin and host countries to facilitate the resolution of disputes and conflicts that cause or result in the creation of de jure or de facto statelessness;

(D) encouraging host countries to afford de jure or de facto stateless groups or individuals the full protection of the 1954 Convention Relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness and all relevant international conventions;

(E) directing the Secretary of State to provide assistance to countries to prevent and resolve situations of de jure or de facto statelessness and to prevent the trafficking or exploitation of de jure or de facto stateless individuals;

(F) directing the Office of Trafficking in Persons of the Department of State to continue
to document and analyze the effects of statelessness on trafficking in persons, both as a cause of trafficking and as an obstacle to reaching and assisting trafficked persons; and

(G) encouraging and facilitating the work of nongovernmental organizations in the United States and abroad that provide legal and humanitarian support to de jure or de facto stateless groups or individuals, to increase the access of de jure or de facto stateless groups or individuals to such organizations, and to encourage other governments to provide similar support and access.

(2) UNITED STATES ACTIVITIES.—

(A) IN GENERAL.—Given the importance of preventing new instances of de jure or de facto statelessness and the trafficking of de jure or de facto stateless individuals, and of protecting the human rights of de jure or de facto stateless individuals, the President shall submit to the Committee on Foreign Affairs and the Committee on the Judiciary of the House of Representatives and the Committee on Foreign Relations and the Committee on the Judiciary
of the Senate a report that includes the following:

(i) A list of countries and territories with significant de jure or de facto stateless populations under their jurisdictions and the conditions and consequences of such de jure or de facto statelessness of such individuals.

(ii) United States international efforts to prevent further de jure or de facto statelessness and encourage the granting of full legal protection of the human rights of de jure or de facto stateless individuals.

(B) STATEMENT OF POLICY.—It shall be the policy of the United States to comply with the principles and provisions of the 1954 Convention Relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness to the fullest extent possible and to encourage other countries to do so as well.

(C) ACTIONS BY SECRETARY OF STATE.—

(i) INCREASE IN RESOURCES AND STAFF.—The Secretary of State shall permanently increase in the Bureau of Popu-
lation, Refugees, and Migration in the Department of State the resources dedicated to and staff assigned to work toward the prevention and resolution of de jure and de facto statelessness and the protection of de jure or de facto stateless individuals.

(ii) COORDINATION.—To coordinate United States policies toward combating de jure and de facto statelessness, the Secretary of State shall establish an Interagency Working Group to Combat Statelessness. This working group should include representatives of the Bureau of Population, Refugees and Migration, the Bureau of International Organizations, the Bureau of Democracy, Human Rights and Labor, the Office of Trafficking in Persons of the Department of State, and the United States Agency for International Development, as well as representatives from relevant offices of the Department of Justice and relevant offices of the Department of Homeland Security.

(D) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appro-
appropriated such sums as may be necessary to carry out the provisions of this subsection.

SEC. 1105. STATEMENT OF POLICY REGARDING THE ECUMENICAL PATRIARCHATE.

It shall be the policy of the United States to urge Turkey to—

(1) respect property rights and religious rights of the Ecumenical Patriarch;

(2) grant the Ecumenical Patriarchate appropriate international recognition and ecclesiastic succession; and

(3) grant the Ecumenical Patriarchate the right to train clergy of all nationalities, not just Turkish nationals.

SEC. 1106. LIMITATION ON ASSISTANCE FOR WEATHER CO-OPERATION ACTIVITIES TO COUNTRIES IN THE AMERICAS.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the United States should facilitate international cooperation on hurricane preparedness because—

(1) hundreds of millions of people in the Americas live in coastal communities and are susceptible to the immense risks posed by hurricanes;
(2) the need for hurricane tracking overflights and other weather cooperation activities to track and monitor hurricanes in the Americas is acute; and

(3) accurate hurricane forecasts can help prevent the loss of life and injury and reduce property loss and economic disruption.

(b) Report.—

(1) In general.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall transmit to the appropriate congressional committees a report on the status of United States cooperation with other countries in the Americas on hurricane preparedness and other weather cooperation activities.

(2) Matters to be included.—The report required under paragraph (1) shall include—

(A) a list of countries in the Americas that do not cooperate with the United States on hurricane preparedness and other weather cooperation activities; and

(B) the status of any negotiations regarding hurricane preparedness and other weather cooperation activities between the United States and countries listed in subparagraph (A).
(c) LIMITATION ON ASSISTANCE.—The Secretary of State may not provide assistance for weather cooperation activities to countries listed in the report under subsection (b)(2)(A).

(d) WAIVER.—The Secretary of State may waive the limitation on assistance requirements under subsection (c) if the Secretary of State certifies to the appropriate congressional committees that the waiver is in the national interest of the United States.

SEC. 1107. STATEMENT OF CONGRESS REGARDING AFGHAN WOMEN.

Congress—

(1) supports the decision by President Hamid Karzai of Afghanistan to submit for review the Shi’ite Personal Status Law and strongly urges him not to publish such law on the grounds that such law violates the basic human rights of women and is inconsistent with the Constitution of Afghanistan;

(2) urges President Karzai, the Ministry of Justice, and other parties involved in reviewing the law to formally declare as unconstitutional the provisions of such law regarding marital rape and restrictions on women’s freedom of movement;

(3) reiterates its strong sense that the provisions in such law which restrict the rights of women
should be removed, and that an amended draft of
the Shi’ite Personal Status Law should be submitted
for parliamentary review;

(4) recognizes that actions limiting or sup-
pressing the human rights of Afghan women and
girls undermines the intent of the significant finan-
cial and training contributions that the United
States and international community have provided to
rebuild the country and to help establish institutions
that protect and promote respect of basic and funda-
mental human rights to overcome the devastating
damage to those rights from years of Taliban rule;

(5) encourages the Secretary of State, the Spe-
cial Representative for Afghanistan and Pakistan,
the Ambassador-at-Large for Global Women’s
Issues, and the United States Ambassador to Af-
ghanistan to consider and address the status of
women’s rights and security in Afghanistan to en-
sure that such rights are not being eroded through
unjust laws, policies, or institutions; and

(6) encourages the Government of Afghanistan
to solicit information and advice from the Ministry
of Justice, the Ministry for Women’s Affairs, the Af-
ghanistan Independent Human Rights Commission,
and women-led nongovernmental organizations to
ensure that current and future legislation and official policies protect and uphold the equal rights of women, including through national campaigns to lead public discourse on the importance of women’s status and rights to the overall stability of Afghanistan.

SEC. 1108. GLOBAL PEACE OPERATIONS INITIATIVE PROGRAMS AND ACTIVITIES.

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

(1) Over 100,000 military and civilian personnel are engaged in 18 United Nations peacekeeping operations around the world. Peacekeeping operations are critical to maintaining a peaceful and stable international environment.

(2) The United States has a vital interest in ensuring that United Nations peacekeeping operations are successful. Countries undergoing conflict threaten the national and economic security of the United States, risk becoming safe havens for terrorist organizations, and often feature levels of human rights abuses and human deprivation that are an affront to the values of the American people.

(3) Over the years, United Nations peacekeeping has evolved to meet the demands of dif-
ferent conflicts and a changing political landscape. Today’s peacekeeping mission is most often “multi-dimensional” and includes a wide variety of complex tasks such as civilian protection, helping to build sustainable institutions of governance, human rights monitoring, security sector reform, facilitating delivery of humanitarian relief and disarmament, demobilization and reintegration of former combatants.

(4) United Nations peacekeeping operations allow the United States to respond to global crises within a multilateral framework with costs shared among nations. A 2007 Government Accountability Office report found that in general a United States peacekeeping operation is likely to be “much more expensive” than a United Nations peacekeeping operation, regardless of location.

(5) In many missions due to vast swaths of terrain and limited infrastructure, ongoing low-intensity fighting, and the presence of “peace spoilers”, United Nations peacekeepers cannot carry out the complex tasks with which they are charged without critical enablers, and in particular air assets.

(6) The United Nations Secretary-General has repeatedly noted the deleterious impact of insufficient helicopters for peacekeeping missions in Darfur...
and the Democratic Republic of the Congo. History has shown that under-resourced peacekeeping troops are not only unable to carry out their mandates, they erode the credibility of the United Nations and are themselves likely to come under attack.

(7) Senate Resolution 432 and House Resolution 1351 of the 110th Congress—

(A) urged members of the international community, including the United States, that possessed the capability to provide tactical and utility helicopters needed for the United Nations-African Union Mission in Darfur (UNAMID) to do so as soon as possible; and

(B) urged the President to intervene personally by contacting other heads of state and asking them to contribute the aircraft and crews to the Darfur mission.

(8) The current framework of relying on member countries to provide air assets on a volunteer basis has not yielded sufficient results. The United Nations still faces a shortfall of over 50 helicopters for UNAMID, the Democratic Republic of Congo (MONUC), and the Republic of Chad (MINURCAT). A review of trend lines suggests that any new United Nations peacekeeping missions au-
authorized within the next 5 to 7 years would face similar shortfalls.

(9) Numerous studies and reports have determined that there is no global shortage of air assets. It is inexcusable to allow authorized United Nations peacekeeping missions to founder for the lack of critical mobility capabilities.

(b) PURPOSE.—The purpose of assistance authorized by this section is to contribute to peace and security and help protect civilians by training and equipping peacekeepers worldwide, to include financing the refurbishment of helicopters.

(c) USE OF FUNDS.—

(1) IN GENERAL.—The Secretary of State is authorized to use amounts authorized to be appropriated to carry out this section to provide funding to carry out and expand Global Peace Operations Initiative programs and activities. Such programs and activities shall include—

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

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

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

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

(F) financing the refurbishment of helicopters in preparation for their deployment to United Nations peacekeeping operations or to regional peacekeeping operations which have been approved by the United Nations Security Council.

(2) Sense of Congress.—It is the sense of Congress that failure on the part of the international community to take all steps necessary to deploy and maintain fully capacitated United Nations peacekeeping operations will result in contin-
ued loss of life and human suffering. Therefore, in carrying out this section, the Secretary of State should prioritize the refurbishment of helicopters with a goal of participating in the financing of no fewer than three helicopter refurbishments by the end of fiscal year 2011.

(3) SUPPORT FROM OTHER COUNTRIES.—In providing funding under paragraph (1), the Secretary of State shall to the greatest extent possible seek to leverage such funding with financing from other countries.

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

(d) REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act and 1 year thereafter, the Secretary of State shall submit to the appropriate congressional committees a report on the activities of the United States Government to carry out the provisions of this section.
(2) CONTENTS.—The report required under paragraph (1) shall include—

(A) a description of the Global Peace Operations Initiative programs and activities undertaken, by country;

(B) a description of the funds obligated and expended in each country, by program and fiscal year;

(C) a description of the coordination of these efforts within the United States Government interagency process and with other nations along with any recommendations for improvements;

(D) a description of the GPOI’s activities concerning the refurbishment of air assets for United Nations peacekeeping operations and regional peacekeeping operations that have been approved by the United Nations Security Council;

(E) information on the training and deployment activities of graduates of the international Center of Excellence for Stability Police Units (COESPU) in their home countries;

(F) a description of vetting activities for all GPOI training to ensure that all individuals
in composite units are vetted for human rights violations;

(G) information concerning the timeliness of equipment delivery and recommendations for improvement as appropriate; and

(H) description of how GPOI trainees and GPOI-provided equipment contribute to improved civilian protection in peace operations.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $140,000,000 for fiscal year 2010 and such sums as may be necessary for fiscal year 2011 to carry out this section.

(f) DEFINITION.—In this section, the term “Global Peace Operations Initiative” or “GPOI” means the program established by the Department of State to address major gaps in international peace operations support, including by building and maintaining capability, capacity, and effectiveness of peace operations.

SEC. 1109. FREEDOM OF THE PRESS.

(a) SHORT TITLE.—This section may be cited as the “Daniel Pearl Freedom of the Press Act of 2009”.

(b) INCLUSION OF ADDITIONAL INFORMATION RELATING TO FREEDOM OF THE PRESS WORLDWIDE IN ANNUAL COUNTRY REPORTS ON HUMAN RIGHTS PRACTICE.
tices.—The Foreign Assistance Act of 1961 is amended—

(1) in section 116(d) (22 U.S.C. 2151n(d)), as amended by section 333(e) of this division—

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

(B) in paragraph (12), by striking the period at the end and inserting “; and”; and

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

“(13) wherever applicable—

“(A) a description of the status of freedom of the press, including initiatives in favor of freedom of the press and efforts to improve or preserve, as appropriate, the independence of the media, together with an assessment of progress made as a result of those efforts;

“(B) an identification of countries in which there were violations of freedom of the press, including direct physical attacks, imprisonment, indirect sources of pressure, and censorship by governments, military, intelligence, or police forces, criminal groups, or armed extremist or rebel groups; and
“(C) in countries where there are particularly severe violations of freedom of the press—

“(i) whether government authorities of each such country participate in, facilitate, or condone such violations of the freedom of the press; and

“(ii) what steps the government of each such country has taken to preserve the safety and independence of the media, and to ensure the prosecution of those individuals who attack or murder journalists.”; and

(2) in section 502B (22 U.S.C. 2304), by adding at the end the following new subsection:

“(i) The report required by subsection (b) shall include, wherever applicable—

“(1) a description of the status of freedom of the press, including initiatives in favor of freedom of the press and efforts to improve or preserve, as appropriate, the independence of the media, together with an assessment of progress made as a result of those efforts;

“(2) an identification of countries in which there were violations of freedom of the press, including direct physical attacks, imprisonment, indirect
sources of pressure, and censorship by governments, military, intelligence, or police forces, criminal groups, or armed extremist or rebel groups; and

“(3) in countries where there are particularly severe violations of freedom of the press—

“(A) whether government authorities of each such country participate in, facilitate, or condone such violations of the freedom of the press; and

“(B) what steps the government of each such country has taken to preserve the safety and independence of the media, and to ensure the prosecution of those individuals who attack or murder journalists.”.

(c) FREEDOM OF THE PRESS GRANT PROGRAM.—

(1) IN GENERAL.—The Secretary of State shall administer a grant program with the aim of promoting freedom of the press worldwide. The grant program shall be administered by the Department of State’s Bureau of Democracy, Human Rights and Labor in consultation with the Undersecretary for Public Affairs and Public Diplomacy.

(2) AMOUNTS AND TIME.—Grants may be awarded to nonprofit and international organizations and may span multiple years, up to 5 years.
(3) Purpose.—Grant proposals should promote and broaden press freedoms by strengthening the independence of journalists and media organizations, promoting a legal framework for freedom of the press, or through providing regionally and culturally relevant training and professionalization of skills to meet international standards in both traditional and digital media.

(d) Media Organization Defined.—In this section, the term “media organization” means a group or organization that gathers and disseminates news and information to the public (through any medium of mass communication) in a foreign country in which the group or organization is located, except that the term does not include a group or organization that is primarily an agency or instrumentality of the government of such foreign country. The term includes an individual who is an agent or employee of such group or organization who acts within the scope of such agency or employment.

(e) Authorization of Appropriations.—There is authorized to be appropriated such sums as may be necessary to carry out this section.
SEC. 1110. INFORMATION FOR COUNTRY COMMERCIAL GUIDES ON BUSINESS AND INVESTMENT CLIMATES.

(a) IN GENERAL.—The Director General of the Foreign Commercial Service, in consultation with the Assistant Secretary of Commerce for Trade Promotion and the Assistant Secretary of State for Economic, Energy and Business Affairs, should ensure that the annual Country Commercial Guides for United States businesses include—

(1) detailed assessments concerning each foreign country in which acts of unfair business and investment practices or other actions that have resulted in poor business and investment climates were, in the opinion of the Director General of the Foreign Commercial Service, of major significance;

(2) all relevant information about such unfair business and investment practices or other actions during the preceding year by members of the business community, the judiciary, and the government of such country which may have impeded United States business or investment in such country, including the capacity for United States citizens to operate their businesses without fear of reprisals; and

(3) information on—
(A) the extent to which the government of such country is working to prevent unfair business and investment practices; and

(B) the extent of United States Government action to prevent unfair business and investment practices or other actions that harm United States business or investment interests in relevant cases in such country.

(b) ADDITIONAL PROVISIONS TO BE INCLUDED.—

The information required under subsection (a) should, to the extent feasible, include—

(1) with respect to paragraph (1) of such subsection—

(A) a review of the efforts undertaken by each foreign country to promote a healthy business and investment climate that is also conducive to the United States business community and United States investors, including, as appropriate, steps taken in international fora;

(B) the response of the judicial and local arbitration systems of each such country that is the subject of such detailed assessment with respect to matters relating to the business and investment climates affecting United States citizens and entities, or that have, in the opinion
of the Director General of the Foreign Commercial Service, a significant impact on United States business and investment efforts; and

(C) each such country’s access to the United States market;

(2) with respect to paragraph (2) of such subsection—

(A) any actions undertaken by the government of each foreign country that prevent United States citizens and businesses from receiving equitable treatment;

(B) actions taken by private businesses and citizens of each such country against members of the United States business community and United States investors;

(C) unfair decisions rendered by the legal systems of each such country that clearly benefit State and local corporations and industries; and

(D) unfair decisions rendered by local arbitration panels of each such country that do not exemplify objectivity and do not provide an equitable ground for United States citizens and businesses to address their disputes; and
(3) with respect to paragraph (3) of such subsection, actions taken by the United States Government to—

(A) promote the rule of law;

(B) prevent discriminatory treatment of United States citizens and businesses engaged in business or investment activities in each foreign country;

(C) allow United States goods to enter each such country without requiring a co-production agreement; and

(D) protect United States intellectual property rights.

(e) Consultation.—In carrying out this section, the Director General of the Foreign Commercial Service shall consult with business leaders, union leaders, representatives of the judicial system of each foreign country described in subsection (a), and relevant nongovernmental organizations.

(d) Business and Investment Climate Warnings.—The Secretary of State, with the assistance of the Assistant Secretary of State for Economic, Energy and Business Affairs, as well as the Assistant Secretary of Commerce for Trade Promotion and the Director General of the Foreign Commercial Service, shall establish a warn-
ing system that effectively alerts United States businesses and investors of—

(1) a significant deterioration in the business and investment climate in a foreign country, including discriminatory treatment of United States businesses; or

(2) a significant constraint on the ability of the United States Government to assist United States businesses and investors in a foreign country, such as to the closure of a United States diplomatic or consular mission, that is not explained in the most recent Country Commercial Guide for such country.

(e) DEFINITIONS.—In this section:

(1) CO-PRODUCTION AGREEMENT.—The term “co-production agreement” means a United States Government or United States business working with a foreign government, foreign company, or an international organization to produce or manufacture an item.

(2) RULE OF LAW.—The term “rule of law” means the extent to which laws of a foreign country are publicly promulgated, equally enforced, independently adjudicated, and are consistent with international norms and standards.
(3) **Unfair Business and Investment Practices.**—The term “unfair business and investment practices” includes any of the following:

(A) Unlawful actions under international law or the law of the foreign country taken by the government of such country or by businesses, citizens, or other entities of such country that have resulted in lost assets, contracts, or otherwise contributed to an inhospitable business or investment climate.

(B) Discriminatory treatment of United States businesses, whether wholly or partially owned.

(C) Failure to protect intellectual property rights.

(D) Requiring a co-production agreement in order for goods from the United States to enter a foreign country.

**SEC. 1111. INTERNATIONAL PROTECTION OF GIRLS BY PREVENTING CHILD MARRIAGE.**

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

(1) child marriage is a violation of human rights and the prevention and elimination of child
marriage should be a foreign policy goal of the United States;

(2) the practice of child marriage undermines United States investments in foreign assistance to promote education and skills building for girls, reduce maternal and child mortality, reduce maternal illness, halt the transmission of HIV/AIDS, prevent gender-based violence, and reduce poverty; and

(3) expanding educational opportunities for girls, economic opportunities for women, and reducing maternal and child mortality are critical to achieving the Millennium Development Goals and the global health and development objectives of the United States, including efforts to prevent HIV/AIDS.

(b) Strategy To Prevent Child Marriage in Developing Countries.—

(1) Strategy Required.—The President, acting through the Secretary of State, shall establish a multi-year strategy to prevent child marriage in developing countries and promote the empowerment of girls at risk of child marriage in developing countries, including by addressing the unique needs, vulnerabilities, and potential of girls under 18 in developing countries.
(2) Consultation.—In establishing the strategy required by paragraph (1), the President shall consult with Congress, relevant Federal departments and agencies, multilateral organizations, and representatives of civil society.

(3) Elements.—The strategy required by paragraph (1) shall—

(A) focus on areas in developing countries with high prevalence of child marriage; and

(B) encompass diplomatic initiatives between the United States and governments of developing countries, with attention to human rights, legal reforms and the rule of law, and programmatic initiatives in the areas of education, health, income generation, changing social norms, human rights, and democracy building.

(4) Report.—Not later than 180 days after the date of the enactment of this Act, the President shall transmit to Congress a report that includes—

(A) the strategy required by paragraph (1);

(B) an assessment, including data disaggregated by age and gender to the extent possible, of current United States-funded ef-
forts to specifically assist girls in developing
countries; and

(C) examples of best practices or programs
to prevent child marriage in developing coun-
tries that could be replicated.

(c) Research and Data Collection.—The Sec-
retary of State shall work with relevant Federal depart-
ments and agencies as part of their ongoing research and
data collection activities, to—

(1) collect and make available data on the inci-
dence of child marriage in countries that receive for-
eign or development assistance from the United
States where the practice of child marriage is preva-
lent; and

(2) collect and make available data on the im-
pact of the incidence of child marriage and the age
at marriage on progress in meeting key development
goals.

(d) Department of State’s Country Reports
on Human Rights Practices.—The Foreign Assistance
Act of 1961 is amended—

(1) in section 116 (22 U.S.C. 2151n), by add-
ing at the end the following new subsection:

“(g) The report required by subsection (d) shall in-
clude for each country in which child marriage is prevalent
at rates at or above 40 percent in at least one sub-national region, a description of the status of the practice of child marriage in such country. In this subsection, the term ‘child marriage’ means the marriage of a girl or boy, not yet the minimum age for marriage stipulated in law in the country in which such girl or boy is a resident.”; and

(2) in section 502B (22 U.S.C. 2304), as amended by section 1109(b)(2) of this division, is further amended by adding at the end the following new subsection:

“(j) The report required by subsection (b) shall include for each country in which child marriage is prevalent at rates at or above 40 percent in at least one sub-national region, a description of the status of the practice of child marriage in such country. In this subsection, the term ‘child marriage’ means the marriage of a girl or boy, not yet the minimum age for marriage stipulated in law in the country in which such girl or boy is a resident.”.

(e) DEFINITION.—In this section, the term “child marriage” means the marriage of a girl or boy, not yet the minimum age for marriage stipulated in law in the country in which the girl or boy is a resident.

(f) AUTHORIZATION OF APPROPRIATIONS.—Of the amounts authorized to be appropriated pursuant to section 101 of this division, there is authorized to be appro-
priated as such sums as necessary for fiscal years 2010 through 2011 to carry out this section and the amendments made by this section.

SEC. 1112. STATEMENT OF CONGRESS REGARDING RETURN OF PORTRAITS OF HOLOCAUST VICTIMS TO ARTIST DINA BABBITT.

(a) FINDINGS.—Congress finds the following:

(1) Dina Babbitt (formerly known as Dinah Gottliebova), a United States citizen, has requested the return of watercolor portraits she painted while suffering a 1 1⁄2-year-long internment at the Auschwitz death camp during World War II.

(2) Dina Babbitt was ordered to paint the portraits by the infamous war criminal Dr. Josef Mengele.

(3) Dina Babbitt’s life, and her mother’s life, were spared only because she painted portraits of doomed inmates of Auschwitz-Birkenau, under orders from Dr. Josef Mengele.

(4) These paintings are currently in the possession of the Auschwitz-Birkenau State Museum.

(5) Dina Babbitt is the rightful owner of the artwork, because the paintings were produced by her own talented hands as she endured the unspeakable conditions that existed at the Auschwitz death camp.
(6) This continued injustice can be righted through cooperation between agencies of the United States and Poland.

(7) This issue was raised in the Foreign Relations Authorization Act, Fiscal Year 2003 (Public Law 107–228).

(b) STATEMENT OF CONGRESS.—Congress—

(1) continues to recognize the moral right of Dina Babbitt to obtain the artwork she created, and recognizes her courage in the face of the evils perpetrated by the Nazi command of the Auschwitz-Birkenau death camp, including the atrocities committed by Dr. Josef Mengele;

(2) urges the President to make all efforts necessary to retrieve the seven watercolor portraits Dina Babbitt painted, while suffering a 1 1/2-year-long internment at the Auschwitz death camp, and return them to her;

(3) urges the Secretary of State to make immediate diplomatic efforts to facilitate the transfer of the seven original watercolors painted by Dina Babbitt from the Auschwitz-Birkenau State Museum to Dina Babbitt, their rightful owner;

(4) urges the Government of Poland to immediately facilitate the return to Dina Babbitt of the
artwork painted by her that is now in the possession
of the Auschwitz-Birkenau State Museum; and

(5) urges the officials of the Auschwitz-
Birkenau State Museum to transfer the seven origi-
nal paintings to Dina Babbitt as expeditiously as
possible.

SEC. 1113. STATEMENT OF POLICY REGARDING SOMALIA.

(a) STATEMENT OF POLICY.—It shall be the policy
of the United States to—

(1) advance long-term stability and peace in So-
malia;

(2) provide assistance to the government of So-
malia and nongovernmental organizations, including
Somali-led nongovernmental organizations, and par-
ticularly women’s groups, as appropriate;

(3) support efforts to establish democratic civil
authorities and institutions in Somalia that reflect
local and traditional structures, built on the rule of
law and respect for human rights, and strengthen
the security sector; and

(4) support reconciliation efforts in Somalia in
order to ensure lasting peace.

(b) SENSE OF CONGRESS.—It is the sense of Con-
gress that the President, acting through the Secretary of
State, should develop a comprehensive policy in coordina-
tion with the international community and the government of Somalia that aligns humanitarian, development, economic, political, counterterrorism, anti-piracy, and regional strategies in order to bring about peace and stability in Somalia and the region.

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

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

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

“(a) In General.—The Secretary of State should develop and implement a rigorous system to monitor and evaluate the effectiveness and efficiency of United States foreign assistance. The system should include a method of coordinating the monitoring and evaluation activities of the Department of State and the United States Agency for International Development with the monitoring and evaluation activities of other Federal departments and agencies carrying out United States foreign assistance programs, and when possible with other international bilateral and multilateral agencies and entities.
“(b) ELEMENTS.—In carrying out subsection (a), the Secretary, under the direction of the President, should ensure that the head of each Federal department or agency carrying out United States foreign assistance programs—

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

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

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

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

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

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

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

“(3) SUBMISSION TO CONGRESS.—Not later than 180 days after the date of the enactment of this section, the head of each Federal department or agency carrying out United States foreign assistance programs should submit to the appropriate congressional committees an evaluation plan consistent with this subsection.

“(d) CAPACITY BUILDING.—

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

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

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

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

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

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

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

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

“(g) DEFINITIONS.—

“(1) IN GENERAL.—In this section—

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

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

“(i) assistance authorized under this Act; and

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

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

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

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

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

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

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

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

(b) REPEALS OF OBSOLETE AUTHORIZATIONS OF ASSISTANCE; CONFORMING AMENDMENTS.—
(1) **REPEALS.**—The following provisions of the Foreign Assistance Act of 1961 are hereby repealed:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) be guided by a comprehensive strategy under Presidential leadership that integrates the policies and programs of all Federal agencies;
(2) be balanced and flexible to allow for programs that meet emergency needs and increased investments in longer-term programs;

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

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

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

(6) work within a framework of multilateral commitments.

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

(1) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, the President shall direct the Secretary of State to develop and implement a comprehensive strategy to address global hunger and food security with respect to international programs and policies for—
(A) emergency response and management;
(B) safety nets, social protection, and disaster risk reduction;
(C) nutrition;
(D) market-based agriculture, the rehabilitation and expansion of rural agricultural infrastructure, and rural development;
(E) agricultural education, research and development, and extension services;
(F) government-to-government technical assistance programs;
(G) natural resource management, environmentally sound agriculture, and responses to the impact of climate change on agriculture and food production;
(H) monitoring and evaluation mechanisms; and
(I) provision of adequate and sustained resources, including multiyear funding, to ensure the scale and duration of programs required to carry out the United States commitment to alleviate global hunger and promote food security.

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

(d) REPORTS.—

(1) IN GENERAL.—The Secretary of State shall submit to the President and Congress, not later than March 31, 2010, and annually thereafter for the next 2 years, an annual report on the implementation of the comprehensive strategy to address global hunger and food security required under subsection (c), including an assessment of agency innovations, achievements, and failures to perform, and policy and budget recommendations for changes to agency operations, priorities, and funding.

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

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

Congress makes the following statements:

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

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

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

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

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

(6) the United States welcomes the Government
of Sri Lanka’s commitment to place the camps
under civilian control and ensure that such camps
meet international humanitarian standards, includ-
ing the right to freedom of movement, as well as Sri
Lanka’s pledge to release camp residents, reunite
them with separated family members and permit
them to return to their homes at the earliest possible
opportunity.
SEC. 1117. AUDIT REQUIREMENTS FOR THE INSPECTORS

GENERAL OF THE DEPARTMENT OF STATE,

THE DEPARTMENT OF DEFENSE, AND THE

UNITED STATES AGENCY FOR INTER-

ATIONAL DEVELOPMENT, AND THE SPECIAL

INSPECTOR GENERAL FOR AFGHANISTAN RE-

CONSTRUCTION.

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


2. The goal expressed in section 102(4) of the Afghan Freedom Support Act (Public Law 107–327) to “help achieve a broad-based, multi-ethnic, gender-sensitive, and fully representative government in Afghanistan that is freely chosen by the people of Afghanistan and that respects the human rights of all Afghans, particularly women.”.
(b) **REPORT.**—Not later than 1 year after the date of the enactment of this Act, the Inspectors General of the Department of State, the Department of Defense, and the United States Agency for International Development, and the Special Inspector General for Afghanistan Reconstruction shall submit to Congress a report on the implementation of this section.

**SEC. 1118. GLOBAL CLEAN ENERGY EXCHANGE PROGRAM.**

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

(b) **DEFINITIONS.**—In this section:

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

(A) such as—

(i) solar technology;

(ii) wind technology;

(iii) geothermal technology;

(iv) hydroelectric technology

(v) alternative fuels; and

(vi) carbon capture technology; and

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

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

(ii) results in—

(I) reduced emissions of greenhouse gases; or

(II) increased geological sequestration; and

(iii) may—

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

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

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

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

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

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

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

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

(2) The financing of visits and exchanges be-
tween the United States and other countries of stu-
dents, trainees, teachers, instructors, professors, re-
searchers, entrepreneurs, and other persons who
study, teach, and conduct research in subjects such
as the physical sciences, environmental science, pub-
lic policy, economics, urban planning, and other sub-
jects and focus on developing and commercially de-
ploying clean and efficient energy technologies.

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

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

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

SEC. 1119. ALIEN REPATRIATION.

Section 243(d) of the Immigration and Nationality
Act (8 U.S.C. 1253(d)) is amended to read as follows:

“(d) Ensuring Return of Removed Aliens.—

“(1) Discontinuing granting visas to na-
tonals of countries denying or delaying ac-
cepting alien.—On being notified by the Secretary
of Homeland Security that the government of a for-
eign country denies or unreasonably delays accepting
an alien who is a citizen, subject, national, or resi-
dent of that country after the Secretary of Home-
land Security asks whether the government will ac-
cept the alien under this section, the Secretary of
State shall order consular officers in that foreign
country to discontinue granting immigrant visas or
nonimmigrant visas, or both, to citizens, subjects,
nationals, and residents of that country until the
Secretary of Homeland Security notifies the Sec-
retary of State that the country has accepted the
alien.

“(2) **DENYING ADMISSION TO FOREIGN GOV-
ERNMENT OFFICIALS OF COUNTRIES DENYING
ALIEN RETURN.**—If the Secretary of Homeland Se-
curity determines that the government of a foreign
country denies or unreasonably delays accepting an
alien who is a citizen, subject, national, or resident
of that country after the alien has been ordered re-
moved, the Secretary of Homeland Security, in con-
sultation with the Secretary of State, may deny ad-
mission to any citizen, subject, national, or resident
of that country who is seeking or has received a non-
immigrant visa pursuant to subparagraphs (A) and
(G) of section 101(a)(15).

“(3) **QUARTERLY REPORTS.**—Not later than 90
days after the date of the enactment of the Foreign
Relations Authorization Act, Fiscal Years 2010 and
2011, and every 3 months thereafter, the Secretary
of Homeland Security shall submit to the Congress a report that—

“(A) lists all the countries which refuse or unreasonably delay repatriation; and

“(B) includes the total number of aliens who were refused repatriation, disaggregated by—

“(i) country;

“(ii) detention status; and

“(iii) criminal status.”.

SEC. 1120. COMPREHENSIVE INTERAGENCY STRATEGY AND IMPLEMENTATION PLAN FOR SUDAN.

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

(b) Elements.—The comprehensive interagency strategy and implementation plan required under subsection (b) shall contain at least the following elements:
(1) Consistent with section 1127, a description of a comprehensive policy toward Sudan which balances United States interests in—

(A) resolving the conflict in Darfur;

(B) implementing the Comprehensive Peace Agreement (CPA) and promoting peace and stability in Southern Sudan;

(C) resolving long-standing conflicts in Abyei, Blue Nile, and Southern Kordofan;

(D) advancing respect for democracy, human rights, and religious freedom throughout the country;

(E) addressing internal and regional security; and

(F) combating Islamist extremism.

(2) Progress toward achieving the policy objectives specified in paragraph (1), including—

(A) facilitating the full deployment and freedom of movement of the hybrid United Nations-African Union Mission in Darfur;

(B) ensuring access and security for humanitarian organizations throughout the country including, as appropriate, those organizations that wrongfully have been expelled by the Sudanese regime;
(C) promoting reconciliation within and
among disparate groups;

(D) advancing regional security and co-
operation while eliminating cross-border support
for armed insurgents;

(E) meeting the CPA benchmarks, includ-
ing preparations for the conduct of national
elections and referendum; and

(F) shutting down safe-havens for extrem-
ists who pose a threat to the national security
of the United States and its allies.

(3) A description of how United States assist-
ance will be used to achieve the objectives of United
States policy toward Sudan, including a financial
plan and description of resources, programming, and
management of United States foreign assistance to
Sudan and the criteria used to determine their
prioritization.

(4) An evaluation and description of additional
measures that will be taken to advance United
States policy, which may range from—

(A) application of multilateral sanctions by
the United Nations or regional allies, or expan-
sion of existing United States sanctions;
(B) imposition of a no-fly zone or other coercive measures; or

(C) rapprochement with the Sudanese regime or other diplomatic measures.

(5) A complete description of both the evaluation process for reviewing and adjusting the strategy and implementation as necessary, and measures of effectiveness for the implementation of the strategy.

(e) Updates of Strategy.—The President shall transmit in writing to the appropriate congressional committees any updates of the comprehensive interagency strategy and implementation plan required under subsection (b), as necessary.

SEC. 1120A. STATEMENT OF POLICY REGARDING CLIMATE CHANGE.

To protect American jobs, spur economic growth and promote a “Green Economy”, it shall be the policy of the United States that, with respect to the United Nations Framework Convention on Climate Change, the President, the Secretary of State and the Permanent Representative of the United States to the United Nations should prevent any weakening of, and ensure robust compliance with and enforcement of, existing international legal requirements as of the date of the enactment of this Act for the protection of intellectual property rights related to energy or en-
environmental technology, including wind, solar, biomass, geothermal, hydro, landfill gas, natural gas, marine, trash combustion, fuel cell, hydrogen, micro-turbine, nuclear, clean coal, electric battery, alternative fuel, alternative refueling infrastructure, advanced vehicle, electric grid, or energy efficiency-related technologies.

Subtitle B—Sense of Congress

Provisions

SEC. 1121. PROMOTING DEMOCRACY AND HUMAN RIGHTS IN BELARUS.

(a) FINDINGS.—Congress finds the following:

(1) Despite some modest improvements, notably the release of political prisoners, the Belarusian Government’s human rights and democracy record remains poor as governmental authorities continue to commit frequent serious abuses.

(2) Since 1996, President Alexander Lukashenka has consolidated his power over all institutions and undermined the rule of law through authoritarian means.

(3) Belarus restricts civil liberties, including freedoms of press, speech, assembly, association, and religion. Nongovernmental organizations and political parties are subject to harassment, fines, prosecution, and closure. The Belarusian Government
maintains a virtual monopoly over the country’s information space.

(b) Policy.—It is the policy of the United States to—

(1) support the aspirations of the people of Belarus for democracy, human rights, and the rule of law;

(2) support the aspirations of the people of Belarus to preserve the independence and sovereignty of their country;

(3) seek and support the growth of democratic movements and institutions in Belarus as well the development of a democratic political culture and civil society;

(4) seek and support the growth of an open market economy in Belarus through the development of entrepreneurship and protection of property rights; and

(5) remain open to re-evaluating United States policy toward Belarus, including existing sanctions, as warranted by demonstrable democratic and human rights progress made by the Belarusian Government.

(c) Sense of Congress.—It is the sense of Congress that—
(1) the United States should furnish assistance to Belarus to the support democratic processes in that country, including—

(A) expanding and facilitating the development of independent print, radio, television, and internet broadcasting to and within Belarus;

(B) aiding the development of civil society through assistance to nongovernmental organizations promoting democracy and supporting human rights, including youth groups, entrepreneurs, and independent trade unions;

(C) supporting the work of human rights defenders;

(D) enhancing the development of democratic political parties;

(E) assisting the promotion of free, fair, and transparent electoral processes;

(F) enhancing international exchanges, including youth and student exchanges, as well as advanced professional training programs for leaders and members of the democratic forces in skill areas central to the development of civil society; and

(G) supporting educational initiatives such as the European Humanities University, a
Belarusian university in exile based in Vilnius, Lithuania; and

(2) the United States should support radio, television, and internet broadcasting to the people of Belarus in languages spoken in Belarus, including broadcasting by Radio Free Europe/Radio Liberty, European Radio for Belarus, and Belsat.

SEC. 1122. SENSE OF CONGRESS RELATING TO SOVIET NUCLEAR TESTS AND KAZAKHSTAN’S COMMITMENT TO NONPROLIFERATION.

(a) FINDINGS.—Congress finds the following:

(1) In 1991, immediately after achieving independence, Kazakhstan closed and sealed the world’s second largest nuclear test site in Semipalatinsk which had been inherited from the former Soviet Union and at which more than 500 nuclear tests had been conducted from 1949 to 1991.

(2) The cumulative power of explosions from those tests, conducted above ground, on the ground, and underground is believed to be equal to the power of 20,000 explosions of the type of bomb dropped on Hiroshima, Japan, in 1945.

(3) More than 1,500,000 people in Kazakhstan suffered because of decades of Soviet nuclear weapons testing in the region.
(4) A horrifying array of disease will continue to destroy the lives of hundreds of thousands and their descendants for many generations to come as a result of these tests.

(5) Since its independence, Kazakhstan has constructed a stable and peaceful state, voluntarily disarmed the world’s fourth largest nuclear arsenal, joined the Strategic Arms Reduction Treaty (START), and within the frameworks of the Cooperative Threat Reduction program the government of Kazakhstan, in cooperation with the United States Government, conducted a very successful secret operation, code-named Project Sapphire, as a result of which 581 kilograms (1,278 pounds) of highly enriched uranium enough to produce 20–25 nuclear warheads were removed from Kazakhstan.

(6) Because of the successful cooperation between the Governments of the United States and Kazakhstan, the last lethal weapon was removed from Kazakhstan in April 1995.

(7) Kazakhstan, allegiant to its commitment to nonproliferation, in December 2004 signed with the United States an amendment to the bilateral agreement on the nonproliferation of weapons of mass destruction which will move the two nations towards a
new level of cooperation in preventing the threat of bio-terrorism.

(8) By its actions, Kazakhstan has proven itself not only as a universally recognized leader and one of the key members in the nonproliferation process, but also as a reliable and consistent ally of the United States in reducing nuclear threats and preventing lethal weapons from being acquired by terrorist organizations such as Al-Qaeda.

(9) Recently Kazakhstan has also offered to host an international nuclear fuel bank where low-enriched uranium would be stored in accordance with the highest international standards for safety, security, and safeguards.

(10) The Norwegian Defence Research Establishment is also working with Kazakhstan to strengthen nuclear security and nonproliferation.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the people of Kazakhstan and its Government should be congratulated for their commitment to nonproliferation and their leadership in offering to host an international nuclear fuel bank; and

(2) the Secretary of State should work to establish a joint working group with the Governments of
Kazakhstan and Norway to explore common challenges and opportunities on disarmament and non-proliferation, and to assist in assessing the environmental damage and health effects caused by Soviet nuclear testing in Semipalatinsk.

SEC. 1123. SENSE OF CONGRESS ON HOLOCAUST-ERA PROPERTY RESTITUTION AND COMPENSATION.

It is the sense of Congress that—

(1) countries in Central and Eastern Europe which have not already done so must return looted and confiscated properties to their rightful owners or, where restitution is not possible, pay equitable compensation, in accordance with principles of justice and in an expeditious manner that is transparent and fair;

(2) countries in Central and Eastern Europe must enact and implement appropriate restitution and compensation legislation to facilitate private, communal, and religious property restitution; and

(3) countries in Central and Eastern Europe must ensure that such restitution and compensation legislation establishes a simple, transparent, and timely process, so that such process results in a real
benefit to those individuals who suffered from the
unjust confiscation of their property.

SEC. 1124. EFFORTS TO SECURE THE FREEDOM OF GILAD
SHALIT.

It is the sense of Congress that Israeli soldier Gilad
Shalit, who has been held captive continuously since his
illegal abduction by Gazan kidnappers in 2006, should be
safely released at the earliest possible time and that, pend-
ing his release, the International Committee of the Red
Cross should be granted full access to him, in accordance
with international law and civilized values.

SEC. 1125. SENSE OF CONGRESS RELATING TO SUDAN.

It is the sense of Congress that—

(1) the United States should support efforts to
find a stable and lasting peace in Sudan in the wake
of a devastating conflict that led to a major humani-
tarian disaster and caused the deaths of hundreds of
thousands, and continues to cause violence in Darfur
and throughout Sudan;

(2) to achieve that peace, all parties must agree
to uphold the Comprehensive Peace Agreement
(CPA);

(3) international partners should aim to widen
acceptance of the Darfur Peace Agreement by all
stakeholders;
(4) the United States should support efforts to prepare for the national elections and for the referendum;

(5) the United States should support efforts to develop a coordinated international strategy to support the rebuilding of Sudan, with a particular focus on key CPA benchmarks including policy toward the Three Areas, transitional justice, which would include prosecuting perpetrators of war crimes, oil revenue sharing, the census, the return of displaced Darfuris and other peoples to their homeland, and management of the armed forces; and

(6) United States policy toward Darfur should be fully integrated with United States policy toward the CPA, as full and lasting resolution to the Darfur crisis hinges on the resolution of a common set of national problems.

SEC. 1126. SENSE OF CONGRESS ON RESTRICTIONS ON RELIGIOUS FREEDOM IN VIETNAM.

(a) FINDINGS.—Congress finds the following:

(1) The Secretary of State, under the International Religious Freedom Act of 1998 (22 U.S.C. 6401 et seq.) and authority delegated by the President, designates nations found guilty of “particularly
severe violations of religious freedom” as “Countries of Particular Concern”.

(2) In November 2006, the Secretary of State announced that the Socialist Republic of Vietnam was no longer designated as a “Country of Particular Concern”.

(3) The Unified Buddhist Church of Vietnam (UBCV), the Hoa Hao Buddhists, and the Cao Dai groups continue to face unwarranted abuses because of their attempts to organize independently of the Government of Vietnam, including the detention and imprisonment of individual members of these religious communities.

(4) Over the last 3 years, 18 Hoa Hao Buddhists have been arrested for distributing sacred texts or publically protesting the religious restrictions placed on them by the Government of Vietnam, at least 12 remain in prison, including 4 sentenced in 2007 for staging a peaceful hunger strike.

(5) At least 15 individuals are being detained in long term house arrest for reasons relating to their faith, including the most venerable Thich Quang Do and most of the leadership of the UBCV.

(6) According to Human Rights Watch, “In April 2008 Montagnard Christian Y Ben Hdok was
beaten to death while in police custody in Dak Lak after other Montagards in his district tried to flee to Cambodia to seek political asylum.”.


(8) In February 2009, as many as 11 Montagnard Protestants were detained for refusing to join the officially recognized Southern Evangelical Church of Vietnam, and 2 still remain in prison.

(9) Since August 2008, the Government of Vietnam has arrested and sentenced at least eight individuals and beaten, tear-gassed, harassed, publicly slandered, and threatened Catholics engaged in peaceful activities seeking the return of Catholic Church properties confiscated by the Vietnamese Government after 1954 in Hanoi, including in the Thai Ha parish.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—
(1) the Secretary of State should place Vietnam on the list of “Countries of Particular Concern” for particularly severe violations of religious freedom; and

(2) the Government of Vietnam should lift restrictions on religious freedom and implement necessary legal and political reforms to protect religious freedom.

SEC. 1127. SENSE OF CONGRESS RELATING TO THE MURDER OF UNITED STATES AIR FORCE RESERVE MAJOR KARL D. HOERIG AND THE NEED FOR PROMPT JUSTICE IN STATE OF OHIO V. CLAUDIA C. HOERIG.

(a) FINDINGS.—Congress finds the following:

(1) United States Air Force Reserve Major Karl D. Hoerig of Newton Falls, Ohio, was a United States citizen and soldier who admirably served his country for over 25 years and flew over 200 combat missions.

(2) The State of Ohio has charged Claudia C. Hoerig with aggravated murder in the case of State of Ohio v. Claudia C. Hoerig.

(3) The State of Ohio charges that Claudia C. Hoerig, Karl D. Hoerig’s wife, allegedly purchased a .357 five-shot revolver, practiced shooting the weap-
on, and then shot Karl D. Hoerig three times, which led to his death on March 12, 2007.

(4) Claudia C. Hoerig fled to Brazil, and claims she is both a citizen of the United States and Brazil.

(5) Brazil’s constitution forbids extradition of its nationals, but the United States and Brazil recognize and uphold a Treaty of Extradition signed in 1964.

(6) Law enforcement officials are vigorously pursuing State of Ohio v. Claudia C. Hoerig, the charge of aggravated murder is internationally recognized, and the punishment, which is not capital punishment, is internationally respected.

(b) Sense of Congress.—It is the sense of Congress that—

(1) the alleged aggravated murder of United States Air Force Reserve Major Karl D. Hoerig is deserving of justice, and his family and friends deserve closure regarding the murder of their loved one;

(2) the United States Government should, as a priority matter, work with prosecutors in the State of Ohio, as well as facilitate cooperation with the Government of Brazil, in order to obtain justice in this tragic case; and
(3) a resolution of the case of State of Ohio v. Claudia Hoerig is important to maintain the traditionally close cooperation and friendship between the United States and Brazil.

SEC. 1128. SENSE OF CONGRESS REGARDING PENSION PAYMENTS OWED BY THE STATES OF THE FORMER SOVIET UNION.

It is the sense of Congress that the United States should continue working with the states of the former Soviet Union to come to an agreement whereby each state of the former Soviet Union would pay the tens of thousands of beneficiaries who have immigrated to the United States the pensions for which they are eligible and entitled.

SEC. 1129. SENSE OF CONGRESS RELATING TO ISRAEL’S RIGHT TO SELF-DEFENSE.

It is the sense of Congress that Israel has the inalienable right to defend itself in the face of an imminent nuclear or military threat from Iran, terrorist organizations, and the countries that harbor them.

SEC. 1130. INTERNATIONAL PREVENTION AND ELIMINATION OF CHILD SOLDIERS.

It is the sense of Congress that—

(1) the use of child soldiers is unacceptable;
(2) the use of child soldiers is a violation of human rights and the prevention and elimination of child soldiers should be a foreign policy goal of the United States;

(3) the use of child soldiers promotes killing and maiming, sexual violence, abductions, destabilization, and displacement;

(4) investing in the health, education, well being, and safety of children, and providing economic opportunity and vocational training for at-risk youth, is critical to achieving the goals of the United Nations Convention of the Rights of Children; and

(5) countries should raise to 18 years of age the minimum age for the voluntary recruitment of persons into their national armed forces.

DIVISION B—PEACE ACT OF 2009

SEC. 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This division may be cited as the “Pakistan Enduring Assistance and Cooperation Enhancement Act of 2009” or the “PEACE Act of 2009”.

(b) TABLE OF CONTENTS.—The table of contents of this division is as follows:

Sec. 1. Short title and table of contents.
Sec. 2. Definitions.
Sec. 3. Findings.
Sec. 4. Declaration of principles.

TITLE I—DEMOCRATIC, ECONOMIC, AND SOCIAL DEVELOPMENT ASSISTANCE FOR PAKISTAN
Sec. 101. Purposes of assistance.
Sec. 102. Authorization of assistance.
Sec. 103. Multilateral support for Pakistan.
Sec. 104. Pakistan Democracy and Prosperity Fund.
Sec. 105. Authorization of appropriations.

TITLE II—SECURITY ASSISTANCE FOR PAKISTAN
Sec. 201. Sense of Congress.
Sec. 203. Authorization of assistance.
Sec. 204. Pakistan Counterinsurgency Capability Fund.
Sec. 205. Exchange program between military and civilian personnel of Paki-
stan and certain other countries.
Sec. 206. Limitation on United States military assistance to Pakistan.
Sec. 207. Authorization of appropriations.

TITLE III—MISCELLANEOUS PROVISIONS
Sec. 301. Comprehensive regional security strategy.
Sec. 302. Monitoring and evaluation of assistance.
Sec. 303. Auditing.
Sec. 304. Requirements for civilian control of United States assistance for
Pakistan.
Sec. 305. Sense of Congress.
Sec. 306. Reports.
Sec. 307. Sunset.

TITLE IV—DUTY-FREE TREATMENT FOR CERTAIN GOODS FROM
RECONSTRUCTION OPPORTUNITY ZONES IN AFGHANISTAN AND
PAKISTAN
Sec. 401. Short title.
Sec. 402. Definitions; Purposes.
Sec. 403. Designation of Reconstruction Opportunity Zones.
Sec. 404. Duty-free treatment for certain nontextile and nonapparel articles.
Sec. 405. Duty-free treatment for certain textile and apparel articles.
Sec. 406. Protections against unlawful transshipment.
Sec. 407. Technical assistance, capacity building, compliance assessment, and
remediation program.
Sec. 408. Petition process.
Sec. 409. Limitations on providing duty-free treatment.
Sec. 410. Termination of benefits.
Sec. 411. Customs user fees.

1 SEC. 2. DEFINITIONS.

2 In this division:

3 (1) APPROPRIATE CONGRESSIONAL COMMIT-

4 TEES.—Except as otherwise provided in this divi-

5 sion, the term “appropriate congressional commit-
tees’’ means the Committees on Appropriations and
Foreign Affairs of the House of Representatives and
the Committees on Appropriations and Foreign Rel-
lations of the Senate.

(2) COUNTERINSURGENCY.—The term “counter-
insurgency” means efforts to defeat organized
movements that seek to overthrow the duly con-
stituted Governments of Pakistan and Afghanistan
through the use of subversion and armed conflict.

(3) COUNTERTERRORISM.—The term “counter-
terrorism’’ means efforts to combat—

(A) al Qaeda; and

(B) other terrorist organizations, as such
term is defined in section 212(a)(3)(B)(vi) of
the Immigration and Nationality Act (8 U.S.C.
1182(a)(3)(B)(vi)).

(4) FATA.—The term “FATA” means the
Federally Administered Tribal Areas of Pakistan.

(5) FCR.—The term “FCR’’ means the Front-
tier Crimes Regulation, codified under British law in
1901, and applicable to the FATA.

(6) NWFP.—The term “NWFP’’ means the
North West Frontier Province of Pakistan, which
has Peshawar as its provincial capital.
SEC. 3. FINDINGS.

Congress finds the following:

(1) The Islamic Republic of Pakistan has been a critical ally of the United States for more than 4 decades.

(2) With the free and fair election of February 18, 2008, Pakistan returned to civilian rule after almost 9 years under a military dictatorship.

(3) After the September 11, 2001, terrorist attacks against the United States, Pakistan chose to partner with the United States in the fight against al Qaeda, the Taliban, and other extremist and terrorist groups.

(4) Since 2001, the United States has contributed more than $12,000,000,000 to Pakistan to strengthen Pakistan’s governance, economy, education system, healthcare services, and military, so as to bring freedom and opportunities to the people of Pakistan while helping to combat terrorism and to counter a domestic insurgency.

(5) The United States requires a balanced, integrated, countrywide strategy that provides assistance throughout Pakistan and does not disproportionately focus on military assistance or one particular area or province.
(6) Despite killing or capturing hundreds of al Qaeda operatives and other terrorists—including major al Qaeda leaders, such as Khalid Sheikh Muhammad, Ramzi bin al-Shibh, and Abu Faraj al-Libi—Pakistan’s FATA, parts of the NWFP, Quetta in Balochistan, and Muridke in Punjab remain a sanctuary for al Qaeda, the Afghan Taliban, and affiliated groups from which these groups organize terrorist actions against Pakistan and other countries.

(7) Pakistan’s security forces have recently begun taking concerted action against those who threaten Pakistan’s security and stability, with military operations in the Bajour agency in the FATA and in the Swat, Buner, and Dir districts in the NWFP.

(8) The displacement of over 1,000,000 Pakistanis poses a grave humanitarian crisis and requires the immediate attention of the United Nations, and the strong support of donor nations, to provide food, water, shelter, medicine, sanitation and other emergency services and supplies to the displaced, along with longer-term development assistance. The humanitarian crisis highlights the need for Pakistan to develop an effective national counter-
insurgency strategy, in order to mitigate such dis-
placement.

SEC. 4. DECLARATION OF PRINCIPLES.

Congress declares that the relationship between the
United States and Pakistan should be based on the fol-
lowing principles:

(1) Pakistan is a critical friend and ally to the
United States, both in times of strife and in times
of peace, and the two countries share many common
goals, including combating terrorism and violent
radicalism, solidifying democracy and rule of law in
Pakistan, and promoting the social and material
well-being of the people of Pakistan.

(2) United States assistance to Pakistan is in-
tended to supplement, not supplant, Pakistan’s own
efforts in building a stable, secure, and prosperous
Pakistan, and United States assistance will be whol-
ly ineffective without Pakistan’s own serious efforts
to improve the health, education, and living stand-
ards of its population, including maintaining or in-
creasing the financial resources devoted to such ef-
forts.

(3) The United States supports Pakistan’s
struggle against extremist elements and recognizes
the profound sacrifice made by Pakistan in the fight
against terrorism, including the loss of more than 1,600 soldiers since 2001 in combat with al Qaeda, the Taliban, and other extremist and terrorist groups.

(4) The United States intends to work with the Government of Pakistan—

(A) to build mutual trust and confidence by actively and consistently pursuing a sustained, long-term, multifaceted relationship between the two countries, devoted to strengthening the mutual security, stability, and prosperity of both countries;

(B) to support the people of Pakistan and their democratic government in their efforts to consolidate democracy, through strengthening Pakistan’s parliament, helping Pakistan reestablish an independent and transparent judicial system, and working to extend the rule of law in all areas in Pakistan;

(C) to promote long-term development and infrastructure projects, including in healthcare, water management, and energy programs, in all areas of Pakistan, that are sustained and supported by each successive democratic government in Pakistan;
(D) to encourage sustainable economic development in Pakistan and the integration of Pakistan into the global economy in order to improve the living conditions of the people of Pakistan;

(E) to ensure that the people of Pakistan, including those living in areas governed by the FCR, have access to public, modernized education and vocational training to enable them to provide for themselves, for their families, and for a more prosperous future for their children;

(F) to expand people-to-people engagement between the two countries, through increased educational, technical, and cultural exchanges and other methods;

(G) to ensure transparency of and provide effective accountability for all United States assistance and reimbursements provided to Pakistan;

(H) to take steps to improve Pakistan’s counterterrorism financing and anti-money laundering laws to comply with international standards, to include applying for “Financial Action Task Force” observer status and adhering to the United Nations International Con-
vention for the Suppression of the Financing of Terrorism;

(I) to establish a counterinsurgency and counterterrorism strategy to prevent any territory of Pakistan from being used as a base or conduit for terrorist attacks in Pakistan, or elsewhere, and ensure that madrasas in Pakistan are not used to incite terrorism;

(J) to ensure that Pakistan has strong and effective law enforcement and national defense forces, under civilian leadership, with sufficient and appropriate security equipment and training to effectively defend Pakistan against internal and external threats;

(K) to ensure access of United States investigators to individuals suspected of engaging in worldwide proliferation of nuclear materials, as necessary, and restrict such individuals from travel or any other activity that could result in further proliferation;

(L) to help Pakistan meet its commitment to not support any person or group that conducts violence, sabotage, or other activities meant to instill fear or terror in Pakistan’s neighboring countries; and
(M) to help Pakistan gain control of its under-governed areas and stop any support, direction, guidance to, or acquiescence in the activities of, any person or group that engages in acts of violence or intimidation against civilians, civilian groups, or governmental entities.

TITLE I—DEMOCRATIC, ECONOMIC, AND SOCIAL DEVELOPMENT ASSISTANCE FOR PAKISTAN

SEC. 101. PURPOSES OF ASSISTANCE.

The purposes of assistance under this title are—

(1) to demonstrate unequivocally the long-term commitment of the United States to the people of Pakistan and Pakistan’s democratic institutions;

(2) to support the consolidation of democracy, good governance, and the rule of law in Pakistan;

(3) to help build the capacity of law enforcement forces in Pakistan to combat terrorism and violent militancy and expeditiously investigate, arrest, and prosecute alleged criminals, consistent with the rule of law and due process;

(4) to further the sustainable and effective economic and social development of Pakistan and the improvement of the living conditions of the people of
Pakistan, especially in areas of direct interest and importance to their daily lives;

(5) to strengthen regional ties between Pakistan and its neighbors by offering concrete nonmilitary assistance for issues of mutual economic and social concern;

(6) to strengthen Pakistan’s public education system, increase literacy, expand opportunities for vocational training, and help create an appropriate national curriculum for all schools in Pakistan;

(7) to expand people-to-people engagement between the United States and Pakistan, through increased educational, technical, and cultural exchanges and other methods;

(8) to strengthen respect for internationally recognized human rights in efforts to stabilize the security environment in Pakistan; and

(9) to promote the rights and empowerment of women and girls in Pakistan, including efforts to increase access to basic healthcare services to address Pakistan’s high maternal mortality rate and to increase girls’ and women’s access to education.

SEC. 102. AUTHORIZATION OF ASSISTANCE.

(a) IN GENERAL.—To carry out the purposes of section 101, the President is authorized to provide assistance
for Pakistan to support the activities described in subsection (b).

(b) Activities Supported.—Activities that may be supported by assistance under subsection (a) include the following:

(1) Fortifying Democratic Institutions.—To support, notwithstanding any other provision of law, democratic institutions in Pakistan in order to strengthen civilian rule and long-term stability, including assistance such as—

(A) support for efforts to strengthen the National Parliament of Pakistan, including—

(i) assistance to parliamentary committees to enhance the capacity to conduct public hearings and oversee government activities, including national security issues and the military budget, to solicit input on key public policy issues, and to oversee the conduct of elections;

(ii) support for the establishment of constituency offices and otherwise promote the responsibility of members of parliament to respond to constituents; and

(iii) strengthening of the role of parliamentary leadership;
(B) support for voter education and civil society training, including training with grassroots organizations to enhance the capacity of the organizations to advocate for the development of public policy;

(C) support for political parties, including increasing their capacity and protecting their right to carry out political activities without restriction (other than reasonable administrative requirements commonly applied in democratic countries) and fostering the responsiveness of such parties to the needs of the people of Pakistan;

(D) support for strengthening the capacity of the civilian Government of Pakistan to carry out its responsibilities, including supporting the establishment of frameworks that promote government transparency and criminalize corruption in both the government and private sector, audit offices, inspectors general offices, third-party monitoring of government procurement processes, whistle-blower protections, and anti-corruption agencies; and
(E) in particular, support for efforts by the
Government of Pakistan to promote governance
reforms in the FATA, including—
(i) extension of the Political Parties
Act;
(ii) local experimentation with meth-
ods to transition from the FCR; and
(iii) long-term development of durable
and responsive political institutions.

(2) ENHANCEMENT AND STRENGTHENING OF
THE JUDICIAL SYSTEM AND LAW ENFORCEMENT.—
To support, notwithstanding any other provision of
law, Pakistan’s efforts to expand the rule of law and
build the capacity, transparency, and trust in gov-
ernment institutions, at the national, provincial, and
local levels, including assistance such as—
(A) support for the rule of law and sys-

temic improvement of judicial and criminal jus-

tice institutions, including—
(i) management of courts;
(ii) enhanced career opportunities and
professional training for judges, public de-
fenders, and prosecutors; and
(iii) efforts to enhance the rule of law
to all areas in Pakistan where the writ of
the government is under heightened challenge by terrorists and militants, including through innovations in the delivery of judicial services that enhance the legitimacy of state institutions;

(B) support for professionalization of the police, including—

(i) training regarding use of force;

(ii) education and training regarding human rights;

(iii) training regarding evidence preservation and chain of custody; and

(iv) training regarding community policing;

(C) support for independent law enforcement agencies, such as the Intelligence Bureau of the Ministry of Interior, responsive to civilian control, including—

(i) enhanced coordination with judicial processes;

(ii) enhancement of forensics capabilities;

(iii) data collection and analyses;

(iv) case tracking and management;
(v) financial intelligence functions;
and
(vi) maintenance of data systems to track terrorist of criminal activity; and
(D) strengthening the capacity of the police and other civilian law enforcement agencies to provide a robust response to threats from extremists and terrorists along the frontier and elsewhere in Pakistan, including—

(i) the development of an elite rapid reaction force which could be deployed on short notice to secure areas that are threatened by militancy; and

(ii) facilitating improved counterterrorism and counterinsurgency coordination between local government officials, the police, paramilitary, and military leaders.

(3) SUPPORT FOR BROAD-BASED AND SUSTAINABLE ECONOMIC DEVELOPMENT.—To support economic development in Pakistan by—

(A) promoting energy sector reform and development;

(B) expanding assistance for agricultural and rural development, including farm-to-market roads, systems to prevent spoilage and
waste, and other small-scale infrastructure improvements that will enhance supply and distribution networks;

(C) increasing employment opportunities, including support to small and medium enterprises, microfinance and microenterprise activities, and in particular programs to improve the lives of women and girls;

(D) preventing youth from turning to extremism and militancy, and promoting the renunciation of such tactics and extremist ideologies, by providing economic, social, educational, and vocational opportunities and life-skills training to at-risk youth; and

(E) increasing investment in infrastructure, including construction of roads, water resource management systems, irrigation channels, and continued development of a national aviation industry and aviation infrastructure.

(4) SUPPORT TO INCREASE LOCAL CAPACITY.—To increase the capacity and improve the sustainability of Pakistan’s national, provincial, and local governmental and nongovernmental institutions, including assistance to—
(A) increase and improve the capacity of Pakistan’s national, provincial, and local governmental institutions by—

(i) providing technical assistance to all ministries to improve transparency and ability to respond to the needs of the people of Pakistan; and

(ii) promoting the implementation of fiscal and personnel management, including revenue tracking and expenditure systems; and

(B) enhance the capacity of Pakistan’s nongovernmental and civil society organizations to respond to the needs of the people of Pakistan by—

(i) increasing support for local nongovernmental organizations with demonstrated experience in delivering services to the people of Pakistan, particularly to women, children, and other vulnerable populations in Pakistan;

(ii) providing training and education to local nongovernmental and civil society organizations on ways to identify and im-
prove the delivery of services to the people of Pakistan; and

(iii) promoting local ownership and participation, including encouraging communities to contribute a percentage of the value of United States projects or activities carried out under this title in the form of labor, in-kind materials, or other provisions.

(5) Support for Public Education System.—To support Pakistan’s public education system, including—

(A) implementation of a national education strategy, to include both primary and secondary education, focused on literacy and civic education, including—

(i) programs to assist development of modern, nationwide school curriculums for public, private, and religious schools that incorporate relevant subjects, such as math, science, literature, and human rights awareness, in addition to agricultural education and training;

(ii) enhancement of civic education programs focused on political participation,
democratic institutions, and tolerance of
diverse ethnic and religious groups; and

(iii) support for the proper oversight
of all educational institutions, including
madrasas, as required by Pakistani law, in-
cluding registration with the Ministry of
Education and regular monitoring of cur-
riculum by the Ministry of Education to
ensure students in Pakistan receive a com-
prehensive education;

(B) initiatives to enhance the access to
education for women and girls, and to increase
women’s literacy, with special emphasis on help-
ning girls stay in school;

(C) funding to the Government of Pakistan
to use to increase immediately teacher salaries
and to recruit and train teachers and adminis-
trators, as well as develop formalized salary
scales with merit-based pay increases;

(D) establishment of vocational and tech-
nical programs to enhance employment opportu-
nities;

(E) encouragement of United States and
Pakistani public-private partnerships to in-
crease investment in higher education and technical training opportunities;

(F) construction and maintenance of libraries and public schools, including water sanitation, perimeter walls, and recreation areas;

(G) provision of textbooks and other learning materials and food assistance for student meals; and

(H) provision of software to educational institutions and students at the lowest possible cost, specifically targeting universities that specialize in information technology, and women’s colleges and women’s secondary schools.

(6) SUPPORT FOR HUMAN RIGHTS.—To promote respect for and compliance with internationally recognized human rights, including assistance such as—

(A) programs to strengthen civil society organizations that promote internationally recognized human rights, including religious freedom, freedom of expression, and freedom of association, and that support human rights monitoring;

(B) promotion of education regarding internationally recognized human rights;
(C) programs designed to end traditional practices and punishments that are inconsistent with internationally recognized human rights norms and protections, such as honor killings and other forms of cruel and unusual punishments;

(D) promotion of freedom of religion and religious tolerance, protection of religious minorities, and promotion of freedom of expression and association, including support for responsible independent media;

(E) promotion of nongovernmental organizations that focus on the protection of women and girls, including women-led organizations and programs that support the participation of women in the national, provincial, and local political process, and programs to end violence against women, including rape;

(F) technical, legal, and law enforcement assistance for the investigation of past disappearances of individuals in Pakistan and the development of a national database of such individuals; and

(G) programs in support and protection of the rights of ethnic minorities in Pakistan, in-
including Baluchis, Sindhis, and Pashtuns, to preserve their language, culture, traditional areas of inhabitancy, and to fight any direct or indirect discrimination.

(7) SUPPORT FOR REFUGEES AND INTERNALLY DISPLACED PERSONS.—It is the sense of Congress that—

(A) counterinsurgency operations being carried out by the Government of Pakistan should be designed to minimize civilian casualties and collateral damage to the people of Pakistan and to provide security for the delivery of humanitarian assistance to the affected civilian population;

(B) the United States should continue to provide robust assistance to the people of Pakistan who have been displaced as a result of ongoing conflict and violence;

(C) the United States should support international efforts to coordinate assistance to refugees and internally displaced persons in Pakistan, including by providing support to international and nongovernmental organizations for this purpose;
(D) the Administrator of the United States Agency for International Development should support the development objectives of the Refugee Affected and Host Areas (RAHA) Initiative in Pakistan to address livelihoods, health, education, infrastructure development, and environmental restoration in identified parts of the country where Afghan refugees have lived; and

(E) the Administrator of the United States Agency for International Development should evaluate the effectiveness of the livelihoods projects in the FATA in order to determine whether systems need to be put into place to improve programming in this key sector.

(8) SUPPORT FOR HEALTHCARE EFFORTS.—To provide urgently needed healthcare assistance to the people of Pakistan, including assistance to supplement the Government of Pakistan’s efforts to eliminate diseases, including hepatitis, and to reduce the nation’s high maternal and under-five mortality rates, including—

(A) support for repairing and building healthcare infrastructure, including purchase of equipment and training of health professionals,
to ensure adequate access to healthcare for
Pakistan’s population, especially among its rural, poor, marginalized and disadvantaged segments; and

(B) promotion of efforts by the Government of Pakistan to reduce maternal mortality, including through the provision of maternal and newborn health services and development of community-based skilled birth attendants.

(9) SUPPORT FOR PUBLIC DIPLOMACY.—To implement a more effective public diplomacy strategy in Pakistan in order to ensure that the Pakistani public recognizes that it is in Pakistan’s own interest to partner with the United States and other like-minded countries to combat militant extremism, as well as to promote a better understanding of the United States, including through the following:

(A) Partnering with the Government of Pakistan to highlight the negative behavior of insurgent groups and to encourage civil society, respected scholars, and other leaders to speak out against militancy and violence.

(B) Providing technical assistance to the Government of Pakistan to both disrupt and provide alternatives to the illegal FM radio sta-
tions used by insurgent groups in the FATA and adjacent districts of the NWFP.

(C) Expanded exchange activities under the Fulbright Program, the International Visitor Leadership Program, the Youth Exchange and Study Program, and related programs administered by the Department of State designed to promote mutual understanding and interfaith dialogue.

(D) Expansion of sister institution programs between United States and Pakistani schools and universities, towns and cities, and other organizations in such fields as medicine and healthcare, business management, environmental protection, information technology, and agriculture.

(E) Additional scholarships to enable students to study in the United States.

SEC. 103. MULTILATERAL SUPPORT FOR PAKISTAN.

To the extent that Pakistan continues to evolve toward civilian control of the government and to develop and implement comprehensive economic reform programs, the President should do the following:

(1) MULTILATERAL SUPPORT.—Take the lead in mobilizing international financial institutions, in
particular the International Monetary Fund and af-
affiliated institutions in the World Bank group, to pro-
vide timely and appropriate resources to help Paki-
stan.

(2) Stabilization Assistance.—In conjunc-
tion with other governments and international finan-
cial institutions (including the International Monet-
ary Fund), support the implementation of a plan of
the Government of Pakistan to attack structural
economic problems, address pressing social problems,
carry out comprehensive economic reform, and re-
lieve immediate and urgent balance of payments re-
quirements in Pakistan.

(3) Currency Stabilization Loans.—Pro-
vide leadership in supporting multilateral agree-
ments to provide government-to-government loans
for currency stabilization in Pakistan if the loans
can reduce inflation and thereby foster conditions
necessary for the effective implementation of eco-
omic reforms.

SEC. 104. PAKISTAN DEMOCRACY AND PROSPERITY FUND.
(a) Establishment of Fund.—There is estab-
lished in the Treasury of the United States a fund to be
known as the “Pakistan Democracy and Prosperity Fund”
(hereinafter in this section referred to as the “Fund”),
consisting of such amounts as may be appropriated or transferred to the Fund as provided in this section and which may be used for purposes of this title.

(b) TRANSFERS TO FUND.—The Fund shall consist of the following:

(1) Amounts appropriated to carry out this title.

(2) Amounts appropriated on or after the date of the enactment of this Act for “Development Assistance”, “Global Health and Child Survival”, and the “Economic Support Fund” for assistance for Pakistan under the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) that are transferred by the President to the Fund pursuant to subsection (d).

(3) To the extent or in the amounts provided in advance in appropriations Acts, amounts accepted by the President under subsection (c) that are transferred by the President to the Fund pursuant to subsection (d).

(c) ACCEPTANCE OF AMOUNTS FROM OUTSIDE SOURCES.—The President may accept funds from non-United States Government sources, including foreign governments, nongovernmental organizations, private business entities, and private individuals, for purposes of carrying out this title.
(d) Status of Availability of Amounts in Fund.—The President is authorized to transfer to the Fund amounts under paragraphs (2) and (3) of subsection (b). Such amounts shall be merged with and shall be available for any purpose for which any of the amounts so transferred are available.

(e) Report.—The President shall transmit to the appropriate congressional committees not later than 180 days after the date of the enactment of this Act, and every 180 days thereafter until September 30, 2018, a report on programs, projects, and activities carried out using amounts obligated and expended from the Fund.


(a) In General.—There are authorized to be appropriated to the President to carry out this title $1,500,000,000 for each of the fiscal years 2010 through 2013.

(b) Availability.—Amounts authorized to be appropriated to carry out this title for a fiscal year are—

(1) authorized to remain available until September 30 of the succeeding fiscal year; and

(2) in addition to amounts otherwise available for such purposes.

(c) Sense of the Congress.—It is the sense of Congress that United States assistance provided under
this title should be made available on a proportional and equitable basis between the FATA and other regions of Pakistan.

**TITLE II—SECURITY**

**ASSISTANCE FOR PAKISTAN**

**SEC. 201. SENSE OF CONGRESS.**

It is the sense of Congress that—

(1) United States security assistance for Pakistan should be used to improve relationships between United States military and Pakistani military personnel, including outreach to the “lost generation” of Pakistan’s officers who did not attend United States-sponsored training as a result of restrictions placed on United States assistance for Pakistan due to Pakistan’s possession of a nuclear device; and

(2) United States security assistance for Pakistan should be fully accountable, should be contingent on Pakistan ending support for terrorist groups, and should meet the national security needs of Pakistan.

**SEC. 202. PURPOSES OF ASSISTANCE.**

The purposes of assistance under this title are—

(1) to support Pakistan’s paramount national security need to fight and win the ongoing counter-insurgency within its borders;
(2) to work with the Government of Pakistan to protect and secure Pakistan’s borders and prevent any Pakistani territory from being used as a base or conduit for terrorist attacks in Pakistan, or elsewhere;

(3) to work in close cooperation with the Government of Pakistan to coordinate action against extremist and terrorist targets; and

(4) to develop knowledge of and appreciation for democratic governance and a military that is controlled by and responsible to democratically elected civilian leadership.

SEC. 203. AUTHORIZATION OF ASSISTANCE.

(a) INTERNATIONAL MILITARY EDUCATION AND TRAINING.—

(1) IN GENERAL.—Of the amounts authorized to be appropriated to carry out this title, not less than $4,000,000 for fiscal year 2010 and such sums as may be necessary for each of the fiscal years 2011 through 2013 are authorized be made available for assistance under chapter 5 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2347 et seq.; relating to international military education and training) for Pakistan, including expanded inter-
national military education and training (commonly known as “E–IMET”).

(2) Use of Funds.—Not less than 30 percent of the amount made available to carry out this subsection for a fiscal year may be used to pay for courses of study and training in counterinsurgency and civil-military relations.

(b) Foreign Military Financing Program.—

(1) In General.—Of the amounts authorized to be appropriated to carry out this title, not less than $300,000,000 for fiscal year 2010 and such sums as may be necessary for each of the fiscal years 2011 through 2013 are authorized to be made available for grant assistance under section 23 of the Arms Export Control Act (22 U.S.C. 2763; relating to the Foreign Military Financing program) for the purchase of defense articles, defense services, and military education and training for Pakistan.

(2) Use of Funds.—Not less than 75 percent of the amount made available to carry out this subsection for a fiscal year may be used for the purchase of defense articles, defense services, and military education and training for activities relating to counterinsurgency and counterterrorism operations.
in Pakistan. Such articles, services, and military education and training may include the following:

(A) Aviation maintenance and logistics support for United States-origin and United States-supported rotary wing aircraft and upgrades to such aircraft to include modern night vision and targeting capabilities.

(B) Intelligence, surveillance, and reconnaissance (ISR) ground and air manned and unmanned platforms, including sustainment.

(C) Command and control capabilities.

(D) Force protection and counter improvised explosive device capabilities, including protection of vehicles.

(E) Protective equipment, such as body armor and helmets, night vision goggles, and other individual equipment, including load-bearing equipment, individual and unit level first aid equipment, ballistic eye protection, and cold weather equipment.

(F) Appropriate individual and unit level medical services and articles for the Pakistan Army, the Pakistan Frontier Corps, and other appropriate security forces.
(G) Assistance to enable the Pakistani military to distribute humanitarian assistance and establish a tactical civil-military operations capability, including a civil affairs directorate.

(3) Restriction relating to F–16 program.—

(A) Congressional finding.—In accordance with the Letters of Offer and Acceptance signed between the United States and Pakistan in 2006, Congress finds that the Government of Pakistan is responsible for making the remaining payments on the 2006 sales relating to F–16 fighter aircraft and associated equipment with its own national funds, including the mid-life updates and munitions for such aircraft included in such Letters of Offer and Acceptance.

(B) Restriction.—Subject to subparagraph (C), amounts authorized to be made available under this subsection for a fiscal year may not be used for the purchase of, or upgrade to, F–16 fighter aircraft or munitions for such aircraft.

(C) Exception.—Amounts authorized to be made available under this subsection for a fiscal year are authorized to be used for mili-
military construction pursuant to the security plan contained in the Letters of Offer and Acceptance signed between the United States and Pakistan in 2006.

(D) WAIVER.—The President may waive the restriction under subparagraph (B) with respect to amounts authorized to be made available under this subsection for a fiscal year, other than amounts authorized to be made available under paragraph (2) of this subsection, if the President certifies to the appropriate congressional committees not later than 15 days prior to exercising the authority of this subparagraph that the waiver is important to the national security interests of the United States.

(4) SECURITY ASSISTANCE PLAN.—Not later than 180 days after the date of the enactment of this Act, the President shall transmit to the appropriate congressional committees a plan for the proposed use of amounts authorized to be made available under this subsection for each of the fiscal years 2010 through 2013. Such plan shall include an assessment of how the use of such amounts com-
plements or otherwise is related to amounts described in section 204.

(5) ADDITIONAL AUTHORITY.—Except as provided in section 3(a)(2) of the Arms Export Control Act and except as otherwise provided in this title, amounts authorized to be made available to carry out paragraph (2) for fiscal years 2010 and 2011 are authorized to be made available notwithstanding any other provision of law.

(6) DEFINITIONS.—In this section, the terms “defense articles”, “defense services”, and “military education and training” have the meaning given such terms in section 644 of the Foreign Assistance Act of 1961 (22 U.S.C. 2403).

(c) SENSE OF CONGRESS.—It is the sense of Congress that the United States should facilitate Pakistan’s establishment of a program to enable the Pakistani military to provide reconstruction assistance in areas damaged by combat operations.

SEC. 204. PAKISTAN COUNTERINSURGENCY CAPABILITY FUND.

(a) FOR FISCAL YEAR 2010.—

(1) IN GENERAL.—For fiscal year 2010, the Department of State’s Pakistan Counterinsurgency
Capability Fund, hereinafter in this section referred to as the “Fund”, shall consist of the following:

(A) Amounts appropriated to carry out this subsection.

(B) Amounts otherwise available to the Secretary of State to carry out this subsection.

(2) PURPOSES OF FUND.—Amounts in the Fund made available to carry out this subsection for any fiscal year are authorized to be used by the Secretary of State, with the concurrence of the Secretary of Defense, to build and maintain the counterinsurgency capability of Pakistan under the same terms and conditions (except as otherwise provided in this subsection) that are applicable to amounts made available under the Fund for fiscal year 2009.

(3) TRANSFER AUTHORITY.—

(A) IN GENERAL.—The Secretary of State is authorized to transfer amounts in the Fund made available to carry out this subsection for any fiscal year to the Department of Defense’s Pakistan Counterinsurgency Fund.

(B) TREATMENT OF TRANSFERRED FUNDS.—Subject to the requirements of paragraph (4), transfers from the Fund under the
authority of subparagraph (A) shall be merged with and be available for the same purposes and for the same time period as amounts in the Department of Defense’s Pakistan Counterinsurgency Fund.

(C) Relation to other authorities.—The authority to make transfers from the Fund under subparagraph (A) is in addition to any other transfer of funds authority of the Department of State. The authority to provide assistance under this subsection is in addition to any other authority to provide assistance to foreign countries.

(D) Notification.—The Secretary of State shall, not less than 15 days prior to making transfers from the Fund under subparagraph (A), notify the appropriate congressional committees in writing of the details of any such transfer.

(4) Restriction.—

(A) In general.—Subject to subparagraph (B), amounts in the Fund made available to carry out this subsection for any fiscal year may not be used to purchase F–16 fighter aircraft, to purchase mid-life updates for such air-
craft, or to make payments on the sales of F–16 fighter aircraft and associated equipment described in section 203(b)(3)(A).

(B) EXCEPTION.—Amounts in the Fund made available to carry out this subsection for any fiscal year are authorized to be used for military construction activities.

(C) WAIVER.—The President may waive the restriction under subparagraph (A) with respect to amounts described in subparagraph (A) if the President certifies to the appropriate congressional committees not later than 15 days prior to exercising the authority of this subparagraph that the waiver is important to the national security interests of the United States.

(5) AUTHORIZATION OF APPROPRIATIONS.—For fiscal year 2010, $300,000,000 is hereby authorized to be appropriated to carry out this subsection.

(b) SUBMISSION OF NOTIFICATIONS.—Any notification required by this section shall be submitted in classified form, but may include a unclassified annex if necessary.

(e) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term “appropriate congressional committees” means—
(1) the Committee on Appropriations, the Committee on Armed Services, and the Committee on Foreign Affairs of the House of Representatives; and

(2) the Committee on Appropriations, the Committee on Armed Services, and the Committee on Foreign Relations of the Senate.

SEC. 205. EXCHANGE PROGRAM BETWEEN MILITARY AND CIVILIAN PERSONNEL OF PAKISTAN AND CERTAIN OTHER COUNTRIES.

(a) In General.—The Secretary of State is authorized to establish an exchange program between—

(1) military and civilian personnel of Pakistan; and

(2)(A) military and civilian personnel of countries determined by the Secretary of State to be in transition to democracy; or

(B) military and civilian personnel of North Atlantic Treaty Organization member countries,

in order to foster greater respect for and understanding of the principle of civilian rule of Pakistan’s military. The program established under this subsection shall be known as the “Pakistan Military Transition Program”.

(b) Elements of Program.—The program authorized under subsection (a) may include—
(1) conferences, seminars, and other events;

(2) distribution of publications; and

(3) reimbursement of expenses of foreign military personnel participating in the program, including transportation expenses, translation services expenses, and administrative expenses relating to the program.

(c) Role of Nongovernmental Organizations.—Amounts authorized to be appropriated to carry out this title for a fiscal year are authorized to be made available for nongovernmental organizations to facilitate the implementation of the program authorized under subsection (a).

SEC. 206. LIMITATION ON UNITED STATES MILITARY ASSISTANCE TO PAKISTAN.

(a) Prohibition on Use of Funds.—None of the funds authorized to be appropriated for military assistance to Pakistan for fiscal year 2011 and each fiscal year thereafter may be obligated or expended if the President has not made the determinations described in subsection (b) for such fiscal year.

(b) Determinations Regarding Enhanced Cooperation Between the United States and Pakistan.—The determinations referred to in subsection (a) are—
(1) a determination by the President at the beginning of each fiscal year that the Government of Pakistan is continuing to cooperate with the United States in efforts to dismantle supplier networks relating to the acquisition of nuclear weapons-related materials, including, as necessary, providing direct access to Pakistani nationals associated with such networks; and

(2) a determination by the President at the beginning of each fiscal year that the Government of Pakistan during the preceding fiscal year has demonstrated a sustained commitment to and making progress towards combating terrorist groups, including taking into account the progress the Government of Pakistan has made with regard to—

(A) ceasing support, including by any elements within the Pakistan military or its intelligence agency, to extremist and terrorist groups, particularly to any group that has conducted attacks against United States or coalition forces in Afghanistan, or against the territory or people of neighboring countries;

(B) closing terrorist camps in the FATA, dismantling terrorist bases of operations in other parts of the country, including Quetta
and Muridke, and taking action when provided
with intelligence about high-level terrorist tar-
gets;
(C) preventing cross-border attacks into
neighboring countries; and
(D) strengthening counter-terrorism and
anti-money laundering laws.

(c) WAIVER.—The President may waive the restric-
tion under subsection (a) for any fiscal year if the Presi-
dent certifies to the appropriate congressional committees
15 days before the President exercises the authority of this
subsection that the provision of military assistance to
Pakistan is important to the national security interests of
the United States.

(d) CONSULTATION AND WRITTEN JUSTIFICA-
tion.—Not later than 5 days prior to making a deter-
mination described in subsection (b), the President shall
consult with the appropriate congressional committees
and, upon making such determination, shall submit to the
appropriate congressional committees a written justifica-
tion that specifies the basis upon which the President
made such a determination, including an acknowledgment
of the extent to which the Government of Pakistan has
made progress with regard to subsection (b)(2). The jus-
tification shall be unclassified but may include a classified
annex.

(e) GAO ANALYSIS AND REPORT.—Not later than
120 days after the President makes the determinations de-
scribed in subsection (b), the Comptroller General of the
United States shall conduct an independent analysis of
each of the determinations under subsection (b) and writ-
ten justifications for such determinations under subsection
(d) and shall submit to the appropriate congressional com-
mittees a report containing the results of the independent
analysis.

(f) DEFINITIONS.—For purposes of this section—

(1) the term “appropriate congressional com-
mittees” means—

(A) the Committee on Foreign Affairs, the
Committee on Armed Services, the Committee
on Oversight and Government Reform, and the
Permanent Select Committee on Intelligence of
the House of Representatives; and

(B) the Committee on Foreign Relations,
the Committee on Armed Services, and the Se-
lect Committee on Intelligence of the Senate;
and

(2) the term “military assistance”—
(A) means assistance authorized under section 23 of the Arms Export Control Act (22 U.S.C. 2763; relating to the Foreign Military Financing program), including assistance authorized under section 203(b) of this division and assistance authorized under part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2301 et seq.), other than assistance authorized under chapter 5 of part II of such Act (22 U.S.C. 2347 et seq.); but

(B) does not include assistance authorized under any provision of law that is funded from accounts within budget function 050 (National Defense).

SEC. 207. AUTHORIZATION OF APPROPRIATIONS.

(a) In General.—There are authorized to be appropriated to the President to carry out this title, other than section 204, $400,000,000 for fiscal year 2010 and such sums as may be necessary for each of the fiscal years 2011 through 2013.

(b) Relation to Other Available Funds.—Amounts authorized to be appropriated to carry out this title for a fiscal year are in addition to amounts otherwise available for such purposes.
TITLE III—MISCELLANEOUS PROVISIONS

SEC. 301. COMPREHENSIVE REGIONAL SECURITY STRATEGY.

(a) Sense of Congress.—It is the sense of Congress that the achievement of United States national security goals to eliminate terrorist threats and close safe havens in Pakistan requires the development of a comprehensive plan that utilizes all elements of national power, including in coordination and cooperation with other concerned governments, and that it is critical to Pakistan’s long-term prosperity and security to strengthen regional relationships among India, Pakistan, and Afghanistan.

(b) Comprehensive Regional Security Strategy.—The President shall develop a comprehensive regional security strategy to eliminate terrorist threats and close safe havens in Pakistan, including by working with the Government of Pakistan and other relevant governments and organizations in the region and elsewhere, as appropriate, to best implement effective counterinsurgency and counterterrorism efforts in and near the border areas of Pakistan and Afghanistan, including the FATA, NWFP, parts of Balochistan, and parts of Punjab.

(c) Report.—
(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the President shall transmit to the appropriate congressional committees a report on the comprehensive regional security strategy required under subsection (b).

(2) CONTENTS.—The report shall include a copy of the comprehensive regional security strategy, including specifications of goals, and proposed timelines and budgets for implementation of the strategy.

(d) DEFINITION.—For purposes of this section, the term “appropriate congressional committees” means the Committees on Foreign Affairs and Armed Services of the House of Representatives and the Committees on Foreign Relations and Armed Services of the Senate.

SEC. 302. MONITORING AND EVALUATION OF ASSISTANCE.

(a) DEFINITIONS.—In this section:

(1) IMPACT EVALUATION RESEARCH.—The term “impact evaluation research” means the application of research methods and statistical analysis to measure the extent to which change in a population-based outcome can be attributed to program intervention instead of other environmental factors.
(2) Operations Research.—The term “operations research” means the application of social science research methods, statistical analysis, and other appropriate scientific methods to judge, compare, and improve policies and program outcomes, from the earliest stages of defining and designing programs through their development and implementation, with the objective of the rapid dissemination of conclusions and concrete impact on programming.

(3) Program Monitoring.—The term “program monitoring” means the collection, analysis, and use of routine program data to determine how well a program is carried out and how much the program costs.

(b) Sense of Congress.—It is the sense of Congress that—

(1) to successfully enhance democracy and the rule of law in Pakistan, defeat extremist elements, and ensure the protection of human rights, the President should establish a program to conduct impact evaluation research, operations research, and program monitoring to ensure effectiveness of assistance provided under title I of this division;

(2) long-term solutions to Pakistan’s security problems depend on increasing the effectiveness and
responsiveness of civilian institutions in Pakistan, including the parliament and judicial system;

(3) a specific program of impact evaluation research, operations research, and program monitoring, established at the inception of the program, is required to permit assessment of the operational effectiveness of impact of United States assistance towards these goals; and

(4) the President, in developing performance measurement methods under the impact evaluation research, operations research, and program monitoring, should consult with the appropriate congressional committees as well as the Government of Pakistan.

(c) Impact Evaluation Research, Operations Research, and Program Monitoring of Assistance.—The President shall establish and implement a program to assess the effectiveness of assistance provided under title I of this division through impact evaluation research on a selected set of programmatic interventions, operations research in areas to ensure efficiency and effectiveness of program implementation, and monitoring to ensure timely and transparent delivery of assistance.

(d) Requirements.—The program required under subsection (c) shall include—
(1) a delineation of key impact evaluation research and operations research questions for main components of assistance provided under title I of this division;

(2) an identification of measurable performance goals for each of the main components of assistance provided under title I of this division to be expressed in an objective and quantifiable form at the inception of the program;

(3) the use of appropriate methods, based on rigorous social science tools, to measure program impact and operational efficiency; and

(4) adherence to a high standard of evidence in developing recommendations for adjustments to the assistance to enhance the impact of the assistance.

(e) ASSISTANCE TO ENHANCE THE CAPACITY OF PAKISTAN.—In carrying out the program required under subsection (c), the President is authorized to provide assistance to enhance the capacity of the Government of Pakistan to monitor and evaluate programs carried out by the national, provincial, and local governments in Pakistan in order to maximize the long-term sustainable development impact of such programs.

(f) CONSULTATION WITH CONGRESS.—Not later than 120 days after the date of the enactment of this Act,
the President shall brief and consult with the appropriate congressional committees regarding the progress in establishing and implementing the program required under subsection (c).

(g) Authorization of Appropriations.—Of the amounts authorized to be appropriated under section 105 of this division for each of the fiscal years 2010 through 2013, up to 5 percent of such amounts for such fiscal year is authorized to be made available to carry out this section for the fiscal year.

SEC. 303. AUDITING.

(a) Assistance Authorized.—The Inspector General of the Department of State and the Inspector General of the United States Agency for International Development shall audit, investigate, and oversee the obligation and expenditure of funds to carry out title I of this division.

(b) Requirement for In-Country Presence.—The Inspector General of the Department of State and the Inspector General of the United States Agency for International Development, after consultation with the Secretary of State and the Administrator of the United States Agency for International Development, are authorized to establish field offices in Pakistan with sufficient
staff from each of the Offices of the Inspector General in Pakistan respectively to carry out subsection (a).

(c) Authorization of Appropriations.—

(1) In general.—Of the amounts authorized to be appropriated under section 105 for each of the fiscal years 2010 through 2013, not less than $2,000,000 for each fiscal year is authorized to be made available to the Office of the Inspector General of the Department of State and not less than $2,000,000 for each fiscal year is authorized to be made available to the Office of the Inspector General of the United States Agency for International Development to carry out this section.

(2) Relation to other available funds.—Amounts made available under paragraph (1) are in addition to amounts otherwise available for such purposes.

SEC. 304. REQUIREMENTS FOR CIVILIAN CONTROL OF UNITED STATES ASSISTANCE FOR PAKISTAN.

(a) Requirements.—Any direct assistance provided or payments made on or after January 1, 2010, by the United States to the Government of Pakistan, and any information required by the United States prior to providing the assistance or making the payments, may only be provided or made to, or received from, civilian authori-
ties of a government of Pakistan constituted through a free and fair election. For purposes of this subsection, a government of Pakistan constituted through a free and fair election is a government that is determined by the President to have been elected in a free and fair manner, taking into account the laws and constitution of Pakistan and internationally recognized standards.

(b) WAIVER.—The President may waive—

(1) the requirements under subsection (a); or

(2) the requirements under any other provision of law that restricts assistance to the government of any country whose duly elected head of government is deposed by military coup or decree, as such provision of law applies with respect to the Government of Pakistan,

if the President certifies to the appropriate congressional committees that the waiver is important to the national security interests of the United States.

(c) RULE OF CONSTRUCTION.—Nothing in this section shall apply with respect to any activities subject to reporting requirements under title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.).

(d) DEFINITION.—In this section, the term “appropriate congressional committees” means the Committees on Appropriations, Armed Services, and Foreign Affairs
of the House of Representatives and the Committees on
Appropriations, Armed Services, and Foreign Relations of
the Senate.

SEC. 305. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) the Secretary of State, with the concurrence
of the Secretary of Defense, should establish a co-
ordinated, strategic communications strategy to en-
gage the people of Pakistan—one that is fully fund-
ed, staffed, and implemented—to help ensure the
success of the measures authorized by this division;
and

(2) the strategy should have clear and achiev-
able objectives, based on available resources, and
should be overseen by the United States Chief of
Mission in Pakistan.

SEC. 306. REPORTS.

(a) REPORT BY PRESIDENT.—

(1) IN GENERAL.—The President shall transmit
to the appropriate congressional committees a report
on assistance provided under titles I and II of this
division during the preceding fiscal year. The first
report shall be transmitted not later than 180 days
after the date of the enactment of this Act and sub-
sequent reports shall be transmitted not later than December 31 of each year thereafter.

(2) Matters to be included.—The report required under subsection (a) shall include the following:

(A) A detailed description of the assistance by program, project, and activity, as well as by geographic area.

(B) A general description of the performance goals established under section 302 and the progress made in meeting the goals.

(C) An evaluation of efforts undertaken by the Government of Pakistan to—

   (i) disrupt, dismantle, and defeat al Qaeda, the Taliban, and other extremist and terrorist groups in the FATA and settled areas;

   (ii) close terrorist camps, including those of Jamaat-ud-Dawa, Lashkar-e-Taiba, and Jaish-e-Mohammed;

   (iii) cease all support for extremist and terrorist groups;

   (iv) prevent cross-border attacks;

   (v) increase oversight over curriculum in madrasas, including closing madrasas
with direct links to the Taliban or other extremist and terrorist groups; and


(D) A detailed description of Pakistan’s efforts to prevent proliferation of nuclear-related material and expertise.

(E) An assessment of whether assistance provided to Pakistan pursuant to this division has directly or indirectly aided the expansion of Pakistan’s nuclear weapons program, whether by the diversion of United States assistance or the reallocation of Pakistan financial resources that would otherwise be spent for programs and activities unrelated to its nuclear weapons program.

(F) A description of the transfer or purchase of military equipment pursuant to title II of this division, including—

(i) a list of equipment provided; and
(ii) a detailed description of the extent
to which funds obligated and expended
pursuant to section 203(b) meet the re-
quirements of such section.

(G) An analysis of a suitable replacement
for the AH–1F and AH–1S Cobra attack heli-
copters, which includes recommendations for
sustainment, training, and any other matters
determined to be appropriate.

(H) An assessment of the extent to which
the Government of Pakistan exercises effective
civilian control of the military, including a de-
scription of the extent to which civilian execu-
tive leaders and parliament exercise oversight
and approval of military budgets, the chain of
command, the process of promotion for senior
military leaders, civilian involvement in stra-
tegic guidance and planning, and military in-
volve in civil administration.

(b) REPORT BY COMPTROLLER GENERAL.—

(1) IN GENERAL.—Not later than April 1,
2011, the Comptroller General of the United States
shall submit to the appropriate congressional com-
mittees a report evaluating the effectiveness of secu-
rity assistance provided to Pakistan under title II of this division during fiscal years 2010 and 2011.

(2) Matters to be included.—The report required under subsection (a) shall include the following:

(A) A detailed description of the expenditures made by Pakistan pursuant to grant assistance under section 23 of the Arms Export Control Act (22 U.S.C. 2763; relating to the Foreign Military Financing program).

(B) An assessment of the impact of the assistance on the security and stability of Pakistan.

(C) An evaluation of any issues of financial impropriety on behalf of personnel implementing the assistance.

(D) An assessment of the extent to which civilian authorities are involved in administration of the assistance provided by the United States.

SEC. 307. SUNSET.

The authority of this division, other than section 104 and title IV of this division, shall expire after September 30, 2013.
TITLE IV—DUTY-FREE TREATMENT FOR CERTAIN GOODS FROM RECONSTRUCTION OPPORTUNITY ZONES IN AFGHANISTAN AND PAKISTAN

SEC. 401. SHORT TITLE.
This title may be cited as the “Afghanistan-Pakistan Security and Prosperity Enhancement Act”.

SEC. 402. DEFINITIONS; PURPOSES.

(a) DEFINITIONS.—In this title:

(1) AGREEMENT ON TEXTILES AND CLOTHING.—The term “Agreement on Textiles and Clothing” means the Agreement on Textiles and Clothing referred to in section 101(d)(4) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(4)).

(2) CATEGORY; TEXTILE AND APPAREL CATEGORY NUMBER.—The terms “category” and “textile and apparel category number” mean the number assigned under the U.S. Textile and Apparel Category System of the Office of Textiles and Apparel of the Department of Commerce, as listed in the HTS under the applicable heading or subheading (as in effect on September 1, 2007).

(3) CORE LABOR STANDARDS.—The term “core labor standards” means—
(A) freedom of association;

(B) the effective recognition of the right to bargain collectively;

(C) the elimination of all forms of compulsory or forced labor;

(D) the effective abolition of child labor and a prohibition on the worst forms of child labor; and

(E) the elimination of discrimination in respect of employment and occupation.

(4) ENTERED.—The term “entered” means entered, or withdrawn from warehouse for consumption, in the customs territory of the United States.

(5) ENTITY.—The term “entity” means—

(A) a natural person, corporation, company, business association, partnership, society, trust, any other nongovernmental entity, organization, or group, whether or not for profit;

(B) any governmental entity or instrumentality of a government; and

(C) any successor, subunit, or subsidiary of any entity described in subparagraph (A) or (B).

(6) HTS.—The term “HTS” means the Harmonized Tariff Schedule of the United States.
(7) NAFTA.—The term “NAFTA” means the North American Free Trade Agreement concluded between the United States, Mexico, and Canada on December 17, 1992.

(8) RECONSTRUCTION OPPORTUNITY ZONE.—The term “Reconstruction Opportunity Zone” means any area that—

(A) solely encompasses portions of the territory of—

(i) Afghanistan; or

(ii) 1 or more of the following areas of Pakistan:

(I) the Federally Administered Tribal Areas;

(II) areas of Pakistan-administered Kashmir that the President determines were harmed by the earthquake of October 8, 2005;

(III) areas of Baluchistan that are within 100 miles of Pakistan’s border with Afghanistan; and

(IV) the North West Frontier Province;

(B) has been designated by the competent authorities in Afghanistan or Pakistan, as the
case may be, as an area in which merchandise may be introduced without payment of duty or excise tax; and

(C) has been designated by the President as a Reconstruction Opportunity Zone pursuant to section 403(a).

(b) PURPOSES.—The purposes of this title are—

(1) to stimulate economic activity and development in Afghanistan and the border region of Pakistan, critical fronts in the struggle against violent extremism;

(2) to reflect the strong support that the United States has pledged to Afghanistan and Pakistan for their sustained commitment in the global war on terrorism;

(3) to support the 3-pronged United States strategy in Afghanistan and the border region of Pakistan that leverages political, military, and economic tools, with Reconstruction Opportunity Zones as a critical part of the economic component of that strategy; and

(4) to offer a vital opportunity to improve livelihoods of indigenous populations of Reconstruction Opportunity Zones, promote good governance, improve economic and commercial ties between the
people of Afghanistan and Pakistan, and strengthen the Governments of Afghanistan and Pakistan.

**SEC. 403. DESIGNATION OF RECONSTRUCTION OPPORTUNITY ZONES.**

(a) **AUTHORITY TO DESIGNATE.**—The President is authorized to designate an area within Afghanistan or Pakistan described in section 402(a)(8) (A) and (B) as a Reconstruction Opportunity Zone if the President determines that—

(1) Afghanistan or Pakistan, as the case may be, meets the eligibility criteria set forth in subsection (b);

(2) Afghanistan or Pakistan, as the case may be, meets the eligibility criteria set forth in subsection (c) of section 502 of the Trade Act of 1974 (19 U.S.C. 2462(e)) for designation as a beneficiary developing country under that section and is not ineligible under subsection (b) of such section; and

(3) designation of the area as a Reconstruction Opportunity Zone is appropriate taking into account the factors listed in subsection (c).

(b) **ELIGIBILITY CRITERIA.**—Afghanistan or Pakistan, as the case may be, meets the eligibility criteria set forth in this subsection if that country—
(1) has established, or is making continual progress toward establishing—

(A) a market-based economy that protects private property rights, incorporates an open rules-based trading system, and minimizes government interference in the economy through measures such as price controls, subsidies, and government ownership of economic assets;

(B) the rule of law, political pluralism, and the right to due process, a fair trial, and equal protection under the law;

(C) economic policies to—

(i) reduce poverty;

(ii) increase the availability of health care and educational opportunities;

(iii) expand physical infrastructure;

(iv) promote the development of private enterprise; and

(v) encourage the formation of capital markets through microcredit or other programs;

(D) a system to combat corruption and bribery, such as ratifying and implementing the United Nations Convention Against Corruption; and
(E) protection of core labor standards and acceptable conditions of work with respect to minimum wages, hours of work, and occupational health and safety;

(2) is eliminating or has eliminated barriers to trade and investment, including by—

(A) providing national treatment and measures to create an environment conducive to domestic and foreign investment;

(B) protecting intellectual property; and

(C) resolving bilateral trade and investment disputes;

(3) does not engage in activities that undermine United States national security or foreign policy interests;

(4) does not engage in gross violations of internationally recognized human rights;

(5) does not provide support for acts of international terrorism; and

(6) cooperates in international efforts to eliminate human rights violations and terrorist activities.

(c) ADDITIONAL FACTORS.—In determining whether to designate an area in Afghanistan or Pakistan as a Re- construction Opportunity Zone, the President shall take into account—
(1) an expression by the government of the country of its desire to have a particular area designated as a Reconstruction Opportunity Zone under this title;

(2) the capability of the country to establish a program in the area meeting the requirements of section 407(d)(3) based on assessments undertaken by the Secretary of Labor and the government of the country of such factors as—

(A) the geographical suitability of the area for such a program;

(B) the nature of the labor market in the area;

(C) skills requirements and infrastructure needs for operation of such a program in the area; and

(D) all other relevant information;

(3) whether the government of the country has provided the United States with a monitoring and enforcement plan outlining specific steps the country will take to cooperate with the United States to—

(A) facilitate legitimate cross-border commerce;

(B) ensure that articles for which duty-free treatment is sought pursuant to this title sat-
isfy the applicable rules of origin described in section 404 (c) and (d) or section 405 (c) and (d), whichever is applicable; and

(C) prevent unlawful transshipment, as described in section 406(b)(4);

(4) the potential for such designation to create local employment and to promote local and regional economic development;

(5) the physical security of the proposed Reconstruction Opportunity Zone;

(6) the economic viability of the proposed Reconstruction Opportunity Zone, including—

(A) whether there are commitments to finance economic activity proposed for the Reconstruction Opportunity Zone; and

(B) whether there is existing or planned infrastructure for power, water, transportation, and communications in the area;

(7) whether such designation would be compatible with and contribute to the foreign policy and national security objectives of the United States, taking into account the information provided under subsection (d); and

(8) the views of interested persons submitted pursuant to subsection (e).
(d) INFORMATION RELATING TO COMPATIBILITY WITH AND CONTRIBUTION TO FOREIGN POLICY AND NATIONAL SECURITY OBJECTIVES OF THE UNITED STATES.—In determining whether designation of a Reconstruction Opportunity Zone would be compatible with and contribute to the foreign policy and national security objectives of the United States in accordance with subsection (c)(7), the President shall take into account whether Afghanistan or Pakistan, as the case may be, has provided the United States with a plan outlining specific steps it will take to verify the ownership and nature of the activities of entities to be located in the proposed Reconstruction Opportunity Zone. The specific steps outlined in a country’s plan shall include a mechanism to annually register each entity by a competent authority of the country and—

(1) to collect from each entity operating in, or proposing to operate in, a Reconstruction Opportunity Zone, information including—

(A) the name and address of the entity;

(B) the name and location of all facilities owned or operated by the entity that are operating in or proposed to be operating in a Reconstruction Opportunity Zone;
(C) the name, nationality, date and place
of birth, and position title of each person who
is an owner, director, or officer of the entity;
and
(D) the nature of the activities of each en-
tity;
(2) to update the information required under
paragraph (1) as changes occur; and
(3) to provide such information promptly to the
Secretary of State.

(e) Opportunity for Public Comment.—Before
the President designates an area as a Reconstruction Op-
portunity Zone pursuant to subsection (a), the President
shall afford an opportunity for interested persons to sub-
mit their views concerning the designation.

(f) Notification to Congress.—Before the Presi-
dent designates an area as a Reconstruction Opportunity
Zone pursuant to subsection (a), the President shall notify
Congress of the President’s intention to make the designa-
tion, together with the reasons for making the designation.

SEC. 404. DUTY-FREE TREATMENT FOR CERTAIN NONTEX-
TILE AND NONAPPAREL ARTICLES.

(a) In General.—The President is authorized to
proclaim duty-free treatment for—
(1) any article from a Reconstruction Opportunity Zone that the President has designated as an eligible article under section 503(a)(1)(A) of the Trade Act of 1974 (19 U.S.C. 2463(a)(1)(A));

(2) any article from a Reconstruction Opportunity Zone located in Afghanistan that the President has designated as an eligible article under section 503(a)(1)(B) of the Trade Act of 1974 (19 U.S.C. 2463(a)(1)(B)); or

(3) any article from a Reconstruction Opportunity Zone that is not a textile or apparel article, regardless of whether the article has been designated as an eligible article under section 503(a)(1)(A) or (B) of the Trade Act of 1974 (19 U.S.C. 2463(a)(1)(A) or (B)), if, after receiving the advice of the International Trade Commission pursuant to subsection (b), the President determines that such article is not import-sensitive in the context of imports from a Reconstruction Opportunity Zone.

(b) Advice Concerning Certain Eligible Articles.—Before proclaiming duty-free treatment for an article pursuant to subsection (a)(3), the President shall publish in the Federal Register and provide the International Trade Commission a list of articles which may be considered for such treatment. The provisions of sec-
tions 131 through 134 of the Trade Act of 1974 (19 U.S.C. 2151 through 2154) shall apply to any designation under subsection (a)(3) in the same manner as such sections apply to action taken under section 123 of the Trade Act of 1974 (19 U.S.C. 2133) regarding a proposed trade agreement.

(c) General Rules of Origin.—

(1) In General.—The duty-free treatment proclaimed with respect to an article described in paragraph (1) or (3) of subsection (a) shall apply to any article subject to such proclamation which is the growth, product, or manufacture of 1 or more Reconstruction Opportunity Zones if—

(A) that article is imported directly from a Reconstruction Opportunity Zone into the customs territory of the United States; and

(B)(i) with respect to an article that is an article of a Reconstruction Opportunity Zone in Pakistan, the sum of—

(I) the cost or value of the materials produced in 1 or more Reconstruction Opportunity Zones in Pakistan or Afghanistan;

(II) the direct costs of processing operations performed in 1 or more Recon-
struction Opportunity Zones in Pakistan or Afghanistan; and

(III) the cost or value of materials produced in the United States, determined in accordance with paragraph (2), is not less than 35 percent of the appraised value of the article at the time it is entered into the United States; or

(ii) with respect to an article that is an article of a Reconstruction Opportunity Zone in Afghanistan, the sum of—

(I) the cost or value of the materials produced in 1 or more Reconstruction Opportunity Zones in Pakistan or Afghanistan;

(II) the cost or value of the materials produced in 1 or more countries that are members of the South Asian Association for Regional Cooperation;

(III) the direct costs of processing operations performed in 1 or more Reconstruction Opportunity Zones in Pakistan or Afghanistan; and
(IV) the cost or value of materials produced in the United States, determined in accordance with paragraph (2), is not less than 35 percent of the appraised value of the article at the time it is entered into the United States.

(2) Determination of 35 percent for articles from reconstruction opportunity zones in Pakistan and Afghanistan.—If the cost or value of materials produced in the customs territory of the United States is included with respect to an article described in paragraph (1)(B), for purposes of determining the 35-percent appraised value requirement under clause (i) or (ii) of paragraph (1)(B), not more than 15 percent of the appraised value of the article at the time the article is entered into the United States may be attributable to the cost or value of such United States materials.

(d) Rules of origin for certain articles of reconstruction opportunity zones in Afghanistan.—

(1) In general.—The duty-free treatment proclaimed with respect to an article described in paragraph (2) of subsection (a) shall apply to any article subject to such proclamation which is the
growth, product, or manufacture of 1 or more Reconstruction Opportunity Zones in Afghanistan if—

(A) that article is imported directly from a Reconstruction Opportunity Zone in Afghanistan into the customs territory of the United States; and

(B) with respect to that article, the sum of—

(i) the cost or value of the materials produced in 1 or more Reconstruction Opportunity Zones in Afghanistan;

(ii) the cost or value of the materials produced in 1 or more countries that are members of the South Asian Association for Regional Cooperation;

(iii) the direct costs of processing operations performed in 1 or more Reconstruction Opportunity Zones in Afghanistan; and

(iv) the cost or value of materials produced in the United States, determined in accordance with paragraph (2), is not less than 35 percent of the appraised value of the product at the time it is entered into the United States.
(2) Determination of 35 percent for articles from reconstruction opportunity zones in Pakistan and Afghanistan.—If the cost or value of materials produced in the customs territory of the United States is included with respect to an article described in paragraph (1)(B), for purposes of determining the 35-percent appraised value requirement under paragraph (1)(B), not more than 15 percent of the appraised value of the article at the time the article is entered into the United States may be attributable to the cost or value of such United States materials.

(e) Exclusions.—An article shall not be treated as the growth, product, or manufacture of 1 or more Reconstruction Opportunity Zones, and no material shall be included for purposes of determining the 35-percent appraised value requirement under subsection (c)(1) or (d)(1), by virtue of having merely undergone—

(1) simple combining or packaging operations;

or

(2) mere dilution with water or with another substance that does not materially alter the characteristics of the article or material.

(f) Direct Costs of Processing Operations.—
IN GENERAL.—As used in subsections (e)(1)(B)(i)(II), (e)(1)(B)(ii)(III), and (d)(1)(B)(iii), the term “direct costs of processing operations” includes, but is not limited to—

(A) all actual labor costs involved in the growth, production, manufacture, or assembly of the article, including—

(i) fringe benefits;

(ii) on-the-job training; and

(iii) costs of engineering, supervisory, quality control, and similar personnel; and

(B) dies, molds, tooling, and depreciation on machinery and equipment which are allocable to the article.

EXCLUDED COSTS.—As used in subsections (e)(1)(B)(i)(II), (e)(1)(B)(ii)(III), and (d)(1)(B)(iii), the term “direct costs of processing operations” does not include costs which are not directly attributable to the article or are not costs of manufacturing the article, such as—

(A) profit; and

(B) general expenses of doing business which are either not allocable to the article or are not related to the growth, production, manufacture, or assembly of the article, such as ad-
ministrative salaries, casualty and liability in-
surance, advertising, and salesmen’s salaries,
commissions, or expenses.

(g) REGULATIONS.—The Secretary of the Treasury,
after consultation with the United States Trade Rep-
resentative, shall prescribe such regulations as may be
necessary to carry out this section. The regulations may
provide that, in order for an article to be eligible for duty-
free treatment under this section, the article—

(1) shall be wholly the growth, product, or manu-
facture of 1 or more Reconstruction Opportunity
Zones; or

(2) shall be a new or different article of com-
merce which has been grown, produced, or manufac-
tured in 1 or more Reconstruction Opportunity
Zones.

SEC. 405. DUTY-FREE TREATMENT FOR CERTAIN TEXTILE
AND APPAREL ARTICLES.

(a) DUTY-FREE TREATMENT.—The President is au-
thorized to proclaim duty-free treatment for any textile or
apparel article described in subsection (b), if—

(1) the article is a covered article described in
subsection (b); and

(2) the President determines that the country
in which the Reconstruction Opportunity Zone is lo-
cated has satisfied the requirements set forth in section 406.

(b) COVERED ARTICLES.—A covered article described in this subsection is an article in 1 of the following categories:

   (1) ARTICLES OF RECONSTRUCTION OPPORTUNITY ZONES.—An article that is the product of 1 or more Reconstruction Opportunity Zones and falls within the scope of 1 of the following textile and apparel category numbers, as set forth in the HTS (as in effect on September 1, 2007):

   237 ......................... 641 ......................... 751
   330 ......................... 642 ......................... 752
   331 ......................... 643 ......................... 758
   333 ......................... 644 ......................... 759
   334 ......................... 650 ......................... 831
   335 ......................... 651 ......................... 832
   336 ......................... 653 ......................... 833
   341 ......................... 654 ......................... 834
   342 ......................... 665 ......................... 835
   350 ......................... 669 ......................... 836
   351 ......................... 733 ......................... 838
   353 ......................... 734 ......................... 839
   354 ......................... 735 ......................... 840
   360 ......................... 736 ......................... 842
   361 ......................... 738 ......................... 843
   362 ......................... 739 ......................... 844
   363 ......................... 740 ......................... 845
   369 ......................... 741 ......................... 846
   465 ......................... 742 ......................... 850
   469 ......................... 743 ......................... 851
   630 ......................... 744 ......................... 852
   631 ......................... 745 ......................... 858
   633 ......................... 746 ......................... 859
   634 ......................... 747 ......................... 863
   635 ......................... 748 ......................... 899
   636 ......................... 750

   (2) ARTICLES OF RECONSTRUCTION OPPORTUNITY ZONES IN AFGHANISTAN.—The article is the product of 1 or more Reconstruction Opportunity Zones in Afghanistan and falls within the scope of
1 of the following textile and apparel category numbers, as set forth in the HTS (as in effect on September 1, 2007):

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(3) Certain other textile and apparel articles.—The article is the product of 1 or more Reconstruction Opportunity Zones and falls within the scope of 1 of the following textile and apparel category numbers as set forth in the HTS (as in effect on September 1, 2007) and is covered by the corresponding description for such category:

(A) Category 239.—An article in category 239 (relating to cotton and man-made fiber babies' garments) except for baby socks and baby booties described in subheading 6111.20.6050, 6111.30.5050, or 6111.90.5050 of the HTS.

(B) Category 338.—An article in category 338 (relating to men's and boys' cotton knit shirts) if the article is a certain knit-to-shape garment that meets the definition included in Statistical Note 6 to Chapter 61 of the HTS, and is provided for in subheading
6110.20.1026, 6110.20.2067, or 6110.90.9067 of the HTS.

(C) CATEGORY 339.—An article in category 339 (relating to women’s and girls’ cotton knit shirts and blouses) if the article is a knit-to-shape garment that meets the definition included in Statistical Note 6 to Chapter 61 of the HTS, and is provided for in subheading 6110.20.1031, 6110.20.2077, or 6110.90.9071 of the HTS.

(D) CATEGORY 359.—An article in category 359 (relating to other cotton apparel) except swimwear provided for in subheading 6112.39.0010, 6112.49.0010, 6211.11.8010, 6211.11.8020, 6211.12.8010, or 6211.12.8020 of the HTS.

(E) CATEGORY 632.—An article in category 632 (relating to man-made fiber hosiery) if the article is panty hose provided for in subheading 6115.21.0020 of the HTS.

(F) CATEGORY 638.—An article in category 638 (relating to men’s and boys’ man-made fiber knit shirts) if the article is a knit-to-shape garment that meets the definition included in Statistical Note 6 to Chapter 61 of the HTS,
and is provided for in subheading 6110.30.2051, 6110.30.3051, or 6110.90.9079 of the HTS.

(G) CATEGORY 639.—An article in category 639 (relating to women’s and girls’ man-made fiber knit shirts and blouses) if the article is a knit-to-shape garment that meets the definition included in Statistical Note 6 to Chapter 61 of the HTS, and is provided for in subheading 6110.30.2061, 6110.30.3057, or 6110.90.9081 of the HTS.

(H) CATEGORY 647.—An article in category 647 (relating to men’s and boys’ man-made fiber trousers) if the article is ski/snowboard pants that meets the definition included in Statistical Note 4 to Chapter 62 of the HTS, and is provided for in subheading 6203.43.3510, 6210.40.5031, or 6211.20.1525 of the HTS.

(I) CATEGORY 648.—An article in category 648 (relating to women’s and girls’ man-made fiber trousers) if the article is ski/snowboard pants that meets the definition included in Statistical Note 4 to Chapter 62 of the HTS, and
is provided for in subheading 6204.63.3010, 6210.50.5031, or 6211.20.1555 of the HTS.

(J) CATEGORY 659.—An article in category 659 (relating to other man-made fiber apparel) except for swimwear provided for in subheading 6112.31.0010, 6112.31.0020, 6112.41.0010, 6112.41.0020, 6112.41.0030, 6112.41.0040, 6211.11.1010, 6211.11.1020, 6211.12.1010, or 6211.12.1020 of the HTS.

(K) CATEGORY 666.—An article in category 666 (relating to other man-made fiber furnishings) except for window shades and window blinds provided for in subheading 6303.12.0010 or 6303.92.2030 of the HTS.

(4) CERTAIN OTHER ARTICLES.—The article is the product of 1 or more Reconstruction Opportunity Zones and falls within the scope of 1 of the following statistical reporting numbers of the HTS (as in effect on September 1, 2007):

| 4202.12.8010 | 6210.20.3000 | 6304.99.1000 |
| 4202.12.8050 | 6210.20.7000 | 6304.99.2500 |
| 4202.22.4010 | 6210.30.3000 | 6304.99.4000 |
| 4202.22.7000 | 6210.30.7000 | 6304.99.6030 |
| 4202.22.8070 | 6210.40.3000 | 6306.22.9010 |
| 4202.92.3010 | 6210.40.7000 | 6306.29.1100 |
| 4202.92.6010 | 6210.50.3000 | 6306.29.2100 |
| 4202.92.9010 | 6210.50.7000 | 6306.40.4100 |
| 4202.92.9015 | 6211.20.0810 | 6306.40.4900 |
| 5601.29.0010 | 6211.20.0820 | 6306.91.0000 |
| 5702.39.2090 | 6211.32.0003 | 6306.99.0000 |
| 5702.49.2000 | 6211.33.0003 | 6307.10.2030 |
| 5702.50.5900 | 6211.42.0003 | 6307.20.0000 |
| 5702.99.2000 | 6211.43.0003 | 6307.90.7200 |
| 5703.90.0000 | 6212.10.3000 | 6307.90.7500 |
| 5705.00.2090 | 6212.10.7000 | 6307.90.8500 |
| 6108.22.1000 | 6212.90.0050 | 6307.90.8950 |
(c) **Rules of Origin for Certain Covered Articles.**—

(1) **General Rules.**—Except with respect to an article listed in paragraph (2) of subsection (b), duty-free treatment may be proclaimed for an article listed in subsection (b) only if the article is imported directly into the customs territory of the United States from a Reconstruction Opportunity Zone and—

(A) the article is wholly the growth, product, or manufacture of 1 or more Reconstruction Opportunity Zones;

(B) the article is a yarn, thread, twine, cordage, rope, cable, or braiding, and—

(i) the constituent staple fibers are spun in; or
(ii) the continuous filament fiber is extruded in, 1 or more Reconstruction Opportunity Zones;

(C) the article is a fabric, including a fabric classifiable under chapter 59 of the HTS, and the constituent fibers, filaments, or yarns are woven, knitted, needled, tufted, felted, entangled, or transformed by any other fabric-making process in 1 or more Reconstruction Opportunity Zones; or

(D) the article is any other textile or apparel article that is cut (or knit-to-shape) and sewn or otherwise assembled in 1 or more Reconstruction Opportunity Zones from its component pieces.

(2) SPECIAL RULES.—

(A) CERTAIN MADE-UP ARTICLES, TEXTILE ARTICLES IN THE PIECE, AND CERTAIN OTHER TEXTILES AND TEXTILE ARTICLES.—Notwithstanding paragraph (1)(D) and except as provided in subparagraphs (C) and (D) of this paragraph, subparagraph (A), (B), or (C) of paragraph (1), as appropriate, shall determine whether a good that is classifiable under 1 of the following headings or subheadings of the
HTS shall be considered to meet the rules of origin of this subsection: 5609, 5807, 5811,
6209.20.50.40, 6213, 6214, 6301, 6302, 6303, 6304, 6305, 6306, 6307.10, 6307.90, 6308, and 9404.90.

(B) Certain Knit-To-Shape Textiles and Textile Articles.—Notwithstanding paragraph (1)(D) and except as provided in subparagraphs (C) and (D) of this paragraph, a textile or apparel article that is wholly formed on seamless knitting machines or by hand-knitting in 1 or more Reconstruction Opportunity Zones shall be considered to meet the rules of origin of this subsection.

(C) Certain Dyed and Printed Textiles and Textile Articles.—Notwithstanding paragraph (1)(D), an article classifiable under subheading 6117.10, 6213.00, 6214.00, 6302.22, 6302.29, 6302.52, 6302.53, 6302.59, 6302.92, 6302.93, 6302.99, 6303.92, 6303.99, 6304.19, 6304.93, 6304.99, 9404.90.85, or 9404.90.95 of the HTS, except for an article classifiable under 1 of such subheadings as of cotton or of wool or consisting of fiber blends containing 16 percent or more
by weight of cotton, shall be considered to meet
the rules of origin of this subsection if the fab-
ric in the article is both dyed and printed in 1
or more Reconstruction Opportunity Zones, and
such dyeing and printing is accompanied by 2
or more of the following finishing operations:
bleaching, shrinking, fulling, napping, decating,
permanent stiffening, weighting, permanent em-
bossing, or moireing.

(D) Fabrics of Silk, Cotton, Man-Made
Fiber, or Vegetable Fiber.—Notwith-
standing paragraph (1)(C), a fabric classifiable
under the HTS as of silk, cotton, man-made
fiber, or vegetable fiber shall be considered to
meet the rules of origin of this subsection if the
fabric is both dyed and printed in 1 or more
Reconstruction Opportunity Zones, and such
dyeing and printing is accompanied by 2 or
more of the following finishing operations:
bleaching, shrinking, fulling, napping, decating,
permanent stiffening, weighting, permanent em-
bossing, or moireing.

(d) Rules of Origin for Covered Articles
That Are Products of 1 or More Reconstruction
Opportunity Zones in Afghanistan.—
(1) General rules.—Duty-free treatment may be proclaimed for an article listed in paragraph (2) of subsection (b) only if the article is imported directly into the customs territory of the United States from a Reconstruction Opportunity Zone in Afghanistan and—

(A) the article is wholly the growth, product, or manufacture of 1 or more Reconstruction Opportunity Zones in Afghanistan;

(B) the article is a yarn, thread, twine, cordage, rope, cable, or braiding, and—

(i) the constituent staple fibers are spun in; or

(ii) the continuous filament fiber is extruded in,

1 or more Reconstruction Opportunity Zones in Afghanistan;

(C) the article is a fabric, including a fabric classifiable under chapter 59 of the HTS, and the constituent fibers, filaments, or yarns are woven, knitted, needled, tufted, felted, entangled, or transformed by any other fabric-making process in 1 or more Reconstruction Opportunity Zones in Afghanistan; or
(D) the article is any other textile or apparel article that is cut (or knit-to-shape) and sewn or otherwise assembled in 1 or more Reconstruction Opportunity Zones in Afghanistan from its component pieces.

(2) Special rules.—

(A) Certain made-up articles, textile articles in the piece, and certain other textiles and textile articles.—Notwithstanding paragraph (1)(D) and except as provided in subparagraphs (C) and (D) of this paragraph, subparagraph (A), (B), or (C) of paragraph (1), as appropriate, shall determine whether a good that is classifiable under 1 of the following headings or subheadings of the HTS shall be considered to meet the rules of origin of this subsection: 5609, 5807, 5811, 6209.20.50.40, 6213, 6214, 6301, 6302, 6303, 6304, 6305, 6306, 6307.10, 6307.90, 6308, and 9404.90.

(B) Certain knit-to-shape textiles and textile articles.—Notwithstanding paragraph (1)(D) and except as provided in subparagraphs (C) and (D) of this paragraph, a textile or apparel article that is wholly formed
on seamless knitting machines or by hand-knitting in 1 or more Reconstruction Opportunity Zones in Afghanistan shall be considered to meet the rules of origin of this subsection.

(C) CERTAIN DYED AND PRINTED TEXTILES AND TEXTILE ARTICLES.—Notwithstanding paragraph (1)(D), an article classifiable under subheading 6117.10, 6213.00, 6214.00, 6302.22, 6302.29, 6302.52, 6302.53, 6302.59, 6302.92, 6302.93, 6302.99, 6303.92, 6303.99, 6304.19, 6304.93, 6304.99, 9404.90.85, or 9404.90.95 of the HTS, except for an article classifiable under 1 of such subheadings as of cotton or of wool or consisting of fiber blends containing 16 percent or more by weight of cotton, shall be considered to meet the rules of origin of this subsection if the fabric in the article is both dyed and printed in 1 or more Reconstruction Opportunity Zones in Afghanistan, and such dyeing and printing is accompanied by 2 or more of the following finishing operations: bleaching, shrinking, fulling, napping, decating, permanent stiffening, weighting, permanent embossing, or moireing.
(D) Fabrics of silk, cotton, man-made fiber or vegetable fiber.—Notwithstanding paragraph (1)(C), a fabric classifiable under the HTS as of silk, cotton, man-made fiber, or vegetable fiber shall be considered to meet the rules of origin of this subsection if the fabric is both dyed and printed in 1 or more Reconstruction Opportunity Zones in Afghanistan, and such dyeing and printing is accompanied by 2 or more of the following finishing operations: bleaching, shrinking, fulling, napping, decating, permanent stiffening, weighting, permanent embossing, or moireing.

(e) Regulations.—The Secretary of the Treasury, after consultation with the United States Trade Representative, shall prescribe such regulations as may be necessary to carry out this section.

SEC. 406. PROTECTIONS AGAINST UNLAWFUL TRANSSHIPMENT.

(a) Duty-free Treatment Conditioned on Enforcement Measures.—

(1) In general.—The duty-free treatment described in section 405 shall not be provided to covered articles that are imported from a Reconstruction Opportunity Zone in a country unless the Presi-
dent determines that country meets the following criteria:

(A) The country has adopted—

(i) an effective visa or electronic certification system; and

(ii) domestic laws and enforcement procedures applicable to covered articles to prevent unlawful transshipment of the articles and the use of false documents relating to the importation of the articles into the United States.

(B) The country has enacted legislation or promulgated regulations that would permit U.S. Customs and Border Protection verification teams to have the access necessary to investigate thoroughly allegations of unlawful transshipment through such country.

(C) The country agrees to provide U.S. Customs and Border Protection with a monthly report on shipments of covered articles from each producer of those articles in a Reconstruction Opportunity Zone in that country.

(D) The country will cooperate fully with the United States to address and take action necessary to prevent circumvention, as de-
scribed in Article 5 of the Agreement on Textiles and Clothing.

(E) The country agrees to require each producer of a covered article in a Reconstruction Opportunity Zone in that country to register with the competent government authority, to provide that authority with the following information, and to update that information as changes occur:

(i) The name and address of the producer, including the location of all textile or apparel facilities owned or operated by that producer in Afghanistan or Pakistan.

(ii) The telephone number, facsimile number, and electronic mail address of the producer.

(iii) The names and nationalities of the producer’s owners, directors, and corporate officers, and their positions.

(iv) The number of employees the producer employs and their occupations.

(v) A general description of the covered articles of the producer and the producer’s production capacity.
(vi) The number and type of machines the producer uses to produce textile or apparel articles at each facility.

(vii) The approximate number of hours the machines operate per week.

(viii) The identity of any supplier to the producer of textile or apparel goods, or fabrics, yarns, or fibers used in the production of textile or apparel goods.

(ix) The name of, and contact information for, each of the producer’s customers in the United States.

(F) The country agrees to provide to U.S. Customs and Border Protection on a timely basis all of the information received by the competent government authority in accordance with subparagraph (E) and to provide U.S. Customs and Border Protection with an annual update of that information.

(G) The country agrees to require that all producers and exporters of covered articles in a Reconstruction Opportunity Zone in that country maintain complete records of the production and the export of covered articles, including materials used in the production, for at least 5
years after the production or export (as the case may be).

(H) The country agrees to provide, on a timely basis, at the request of U.S. Customs and Border Protection, documentation establishing the eligibility of covered articles for duty-free treatment under section 405.

(2) **Documentation Establishing Eligibility of Articles for Duty-Free Treatment.**—For purposes of paragraph (1)(H), documentation establishing the eligibility of a covered article for duty-free treatment under section 405 includes documentation such as production records, information relating to the place of production, the number and identification of the types of machinery used in production, the number of workers employed in production, and certification from both the producer and the exporter.

(b) **Customs Procedures and Enforcement.**—

(1) **In General.**—

(A) **Regulations.**—The Secretary of the Treasury, after consultation with the United States Trade Representative, shall promulgate regulations setting forth customs procedures similar in all material respects to the require-
ments of article 502(1) of the NAFTA as implemented pursuant to United States law, which shall apply to any importer that claims duty-free treatment for an article under section 405.

(B) DETERMINATION.—In order for articles produced in a Reconstruction Opportunity Zone to qualify for the duty-free treatment under section 405, there shall be in effect a determination by the President that Afghanistan or Pakistan, as the case may be—

(i) has implemented and follows; or

(ii) is making substantial progress toward implementing and following,

procedures and requirements similar in all material respects to the relevant procedures and requirements under chapter 5 of the NAFTA.

(2) CERTIFICATE OF ORIGIN.—A certificate of origin that otherwise would be required pursuant to the provisions of paragraph (1) shall not be required in the case of an article imported under section 405 if such certificate of origin would not be required under article 503 of the NAFTA, as implemented pursuant to United States law, if the article were imported from Mexico.
(3) Penalties.—If the President determines, based on sufficient evidence, that an entity has engaged in unlawful transshipment described in paragraph (4), the President shall deny for a period of 5 years beginning on the date of the determination all benefits under section 405 to the entity, any successor of the entity, and any other entity owned, operated, or controlled by the principals of the entity.

(4) Unlawful Transshipment Described.—For purposes of this section, unlawful transshipment occurs when duty-free treatment for a covered article has been claimed on the basis of material false information concerning the country of origin, manufacture, processing, or assembly of the article or any of its components. For purposes of the preceding sentence, false information is material if disclosure of the true information would mean or would have meant that the article is or was ineligible for duty-free treatment under section 405.

(5) Monitoring and Reports to Congress.—U.S. Customs and Border Protection shall monitor and the Commissioner responsible for U.S. Customs and Border Protection shall submit to Congress, not later than March 31 of each year, a report on the effectiveness of the visa or electronic certifi-
cation systems and the implementation of legislation
and regulations described in subsection (a) and on
measures taken by Afghanistan and Pakistan to pre-
vent circumvention as described in article 5 of the
Agreement on Textile and Clothing.

(c) ADDITIONAL CUSTOMS ENFORCEMENT.—U.S. Customs and Border Protection shall—

(1) make available technical assistance to Af-
ghanistan and Pakistan—

(A) in the development and implementation
of visa or electronic certification systems, legis-
lation, and regulations described in subsection
(a)(1)(A) and (B); and

(B) to train their officials in anti- trans-
shipment enforcement;

(2) send production verification teams to Af-
ghanistan and Pakistan as necessary; and

(3) to the extent feasible, place Afghanistan
and Pakistan on a relevant e-certification program.

(d) AUTHORIZATION OF APPROPRIATIONS.—To carry
out subsection (c), there are authorized to be appropriated
to U.S. Customs and Border Protection $10,000,000 for
each of the fiscal years 2010 through 2023.
SEC. 407. TECHNICAL ASSISTANCE, CAPACITY BUILDING, COMPLIANCE ASSESSMENT, AND REMEDIATION PROGRAM.

(a) Definitions.—In this section:

(1) Appropriate Congressional Committees.—The term “appropriate congressional committees” means—

(A) the Committee on Finance and the Committee on Armed Services of the Senate; and

(B) the Committee on Ways and Means and the Committee on Armed Services of the House of Representatives.

(2) Textile or Apparel Producer.—The term “textile or apparel producer” means a producer of a covered article described in section 405(b) that is located in a Reconstruction Opportunity Zone.

(b) Eligibility.—

(1) Presidential Certification of Compliance by Afghanistan or Pakistan with Requirements.—Upon the expiration of the 16-month period beginning on the date on which the President designates an area within Afghanistan or Pakistan, as the case may be, as a Reconstruction Opportunity Zone under section 403(a), duty-free treatment proclaimed under section 404(a) or 405(a) for articles
from such Reconstruction Opportunity Zone may re-
main in effect only if the President determines and
certifies to Congress that Afghanistan or Pakistan,
as the case may be—

(A) has implemented the requirements set
forth in subsections (c) and (d) with respect to
such Reconstruction Opportunity Zone; and

(B) has agreed to require textile or apparel
producers in such Reconstruction Opportunity
Zone to participate in the program described in
subsection (d) and has developed a system to
ensure participation in such program by such
producers, including by developing and main-
taining the registry described in subsection
(c)(2)(A).

(2) EXTENSION.—

(A) INITIAL EXTENSION.—The President
may extend the period for compliance by Af-
ghanistan or Pakistan under paragraph (1) for
an initial 6-month period if the President—

(i) determines that Afghanistan or
Pakistan, as the case may be, has made a
good faith effort toward implementing the
requirements set forth in paragraph (1)
(A) and (B) and has agreed to take addi-
tional steps towards implementing such re-
quirements that are satisfactory to the
President; and

(ii) provides to the appropriate con-
gressional committees, not later than 30
days before the last day of the 16-month
period specified in paragraph (1), a report
identifying the additional steps that Af-
ghanistan or Pakistan, as the case may be,
has agreed to take as described in clause
(i).

(B) Subsequent Extensions.—The
President may extend the period for compliance
by Afghanistan or Pakistan under paragraph
(1) for subsequent 6-month periods if, with re-
spect to each such extension, the President—

(i) provides an opportunity for public
comment and a public hearing on the pos-
sible extension not later than 45 days be-
fore the last day of the existing 6-month
extension;

(ii) consults with the Secretary of
Labor and the appropriate congressional
committees with respect to the possible ex-
tension not later than 45 days before the
last day of the existing 6-month extension;

(iii) determines, taking into account
any public comments and input received
during the public hearing described in
clause (i) and the consultations described
in clause (ii), that extraordinary cir-
cumstances exist that preclude Afghanistan
or Pakistan, as the case may be, from
meeting the requirements set forth in
paragraph (1) (A) and (B); and

(iv) publishes in the Federal Register
a notice that describes—

(I) the extraordinary cir-
cumstances described in clause (iii);

(II) the reasons why the extraor-
dinary circumstances preclude Af-
ghanistan or Pakistan, as the case
may be, from meeting the require-
ments set forth in paragraph (1) (A)
and (B); and

(III) the steps Afghanistan or
Pakistan, as the case may be, will
take during the 6-month period of the
extension to implement the require-
ments set forth in paragraph (1) (A) and (B).

(3) CONTINUING COMPLIANCE.—

(A) TERMINATION OF DUTY-FREE TREATMENT.—If, after making a certification under paragraph (1), the President determines that Afghanistan or Pakistan is no longer meeting the requirements set forth in paragraph (1) (A) and (B), the President shall terminate the duty-free treatment proclaimed under section 404(a) or 405(a).

(B) CONTINUATION OF DUTY-FREE TREATMENT NOTWITHSTANDING NONCOMPLIANCE.—

(i) INITIAL 6-MONTH CONTINUATION.—Notwithstanding subparagraph (A), if, after making a certification under paragraph (1), the President determines that Afghanistan or Pakistan is no longer meeting the requirements set forth in paragraph (1) (A) and (B), the President may extend the duty-free treatment proclaimed under section 404(a) or 405(a) for an initial 6-month period if the Presi—
(I) determines, after consultation with the Secretary of Labor and the appropriate congressional committees, that extraordinary circumstances exist that preclude Afghanistan or Pakistan, as the case may be, from continuing to meet the requirements set forth in paragraph (1) (A) and (B); and

(II) publishes in the Federal Register a notice, not later than 30 days after making the determination under subclause (I), that describes—

(aa) the extraordinary circumstances described in subclause (I); and

(bb) the reasons why the extraordinary circumstances preclude Afghanistan or Pakistan, as the case may be, from continuing to meet the requirements set forth in paragraph (1) (A) and (B).

(ii) Subsequent 6-Month Continuation.—The President may extend the
duty-free treatment proclaimed under section 404(a) or 405(a) for a subsequent 6-month period if, with respect to such extension, the President makes a determination that meets the requirements of clause (i)(I) and publishes in the Federal Register a notice that meets the requirements of clause (i)(II).

(C) Subsequent Compliance.—If the President, after terminating duty-free treatment under subparagraph (A), determines that Afghanistan or Pakistan, as the case may be, is implementing the requirements set forth in paragraph (1) (A) and (B) and meets the requirements of section 403, the President shall reinstate the application of duty-free treatment proclaimed under section 404(a) or 405(a).

(c) Labor Official.—

(1) In General.—The requirement under this subsection is that Afghanistan or Pakistan, as the case may be, has designated a labor official within the national government that—

(A) reports directly to the President of Afghanistan or Pakistan, as the case may be;
(B) is chosen by the President of Afghanistan or Pakistan, as the case may be, in consultation with labor unions and industry associations; and

(C) is vested with the authority to perform the functions described in paragraph (2).

(2) FUNCTIONS.—The functions of the labor official shall include—

(A) developing and maintaining a registry of textile or apparel producers, and developing, in consultation and coordination with any other appropriate officials of the Government of Afghanistan or Pakistan, as the case may be, a system to ensure participation by such producers in the program described in subsection (d);

(B) overseeing the implementation of the program described in subsection (d);

(C) receiving and investigating comments from any interested party regarding the conditions described in subsection (d)(2) in facilities of textile or apparel producers listed in the registry described in subparagraph (A) and, where appropriate, referring such comments or the result of such investigations to the appropriate
authorities of Afghanistan or Pakistan, as the case may be, and to the entity operating the program described in subsection (d);

(D) assisting, in consultation and coordination with any other appropriate authorities of Afghanistan or Pakistan, as the case may be, textile or apparel producers listed in the registry described in subparagraph (A) in meeting the conditions set forth in subsection (d)(2); and

(E) coordinating, with the assistance of the entity operating the program described in subsection (d), a tripartite committee comprised of appropriate representatives of government agencies, employers, and workers, as well as other relevant interested parties, for the purposes of evaluating progress in implementing the program described in subsection (d), and consulting on improving core labor standards and working conditions in the textile and apparel sector in Afghanistan or Pakistan, as the case may be, and on other matters of common concern relating to such core labor standards and working conditions.
(d) **Technical Assistance, Capacity Building, Compliance Assessment, and Remediation Program.**—

(1) **In General.**—The requirement under this subsection is that Afghanistan or Pakistan, as the case may be, in cooperation with the entity designated by the Secretary of Labor under paragraph (3)(A)(i), has established a program meeting the requirements under paragraph (3)—

(A) to assess compliance by textile or apparel producers listed in the registry described in subsection (c)(2)(A) with the conditions set forth in paragraph (2) and to assist such producers in meeting such conditions; and

(B) to provide assistance to improve the capacity of the Government of Afghanistan or Pakistan, as the case may be—

(i) to inspect facilities of textile or apparel producers listed in the registry described in subsection (c)(2)(A); and

(ii) to enforce national labor laws and resolve labor disputes, including through measures described in paragraph (5).

(2) **Conditions Described.**—The conditions referred to in paragraph (1) are—
(A) compliance with core labor standards;

and

(B) compliance with the labor laws of Afghanistan or Pakistan, as the case may be, that relate directly to core labor standards and to ensuring acceptable conditions of work with respect to minimum wages, hours of work, and occupational health and safety.

(3) REQUIREMENTS.—The requirements for the program are that the program—

(A) is operated by an entity that—

(i) is designated by the Secretary of Labor, in consultation with appropriate officials of the Government of Afghanistan or Pakistan, as the case may be;

(ii) operates independently of the Government of Afghanistan or Pakistan, as the case may be;

(iii) has expertise relating to monitoring of core labor standards;

(iv) if the entity designated under clause (i) is an entity other than the International Labor Organization, is subject to evaluation by the International Labor Or-
ganization at the request of the Secretary of Labor, including—

(I) annual review of the operation of the program; and

(II) annual recommendations to the entity operating the program, the Government of Afghanistan or Pakistan, as the case may be, and the Secretary of Labor to improve the operation of the program;

(v) prepares the annual report described in paragraph (4);

(B) is developed through a participatory process that includes the labor official described in subsection (c) of Afghanistan or Pakistan, as the case may be, and appropriate representatives of government agencies, employers, and workers;

(C) assess compliance by each textile or apparel producer listed in the registry described in subsection (c)(2)(A) with the conditions set forth in paragraph (2) and identify any deficiencies by such producer with respect to meeting such conditions, including by—
(i) conducting site visits to facilities of the producer;

(ii) conducting confidential interviews with workers and management of the facilities of the producer; and

(iii) providing to management and workers, and where applicable, worker organizations of the producer, on a confidential basis—

(I) the results of the assessment carried out under this subparagraph; and

(II) specific suggestions for remediating any such deficiencies;

(D) assist the textile or apparel producer in remediating any deficiencies identified under subparagraph (C);

(E) conduct prompt follow-up site visits to the facilities of the textile or apparel producer to assess progress on remediation of any deficiencies identified under subparagraph (C); and

(F) provide training to workers and management of the textile or apparel producer, and where appropriate, to other persons or entities, to promote compliance with paragraph (2).
(4) **ANNUAL REPORT.**—The annual report referred to in paragraph (3)(A)(v) is a report, by the entity operating the program, that is published (and available to the public in a readily accessible manner) on an annual basis, beginning 1 year after Afghanistan or Pakistan, as the case may be, has implemented a program under this subsection, covering the preceding 1-year period, and that includes the following:

(A) The name of each textile or apparel producer listed in the registry described in subsection (c)(2)(A) that has been in operation in the Reconstruction Opportunity Zone for at least 1 year and has been identified as having met the conditions under paragraph (2).

(B) The name of each textile or apparel producer listed in the registry described in subsection (c)(2)(A) that has been in operation in the Reconstruction Opportunity Zone for at least 1 year and has been identified as having deficiencies with respect to the conditions under paragraph (2), and has failed to remedy such deficiencies.

(C) For each textile or apparel producer listed under subparagraph (B)—
(i) a description of the deficiencies found to exist and the specific suggestions for remediating such deficiencies made by the entity operating the program;

(ii) a description of the efforts by the producer to remediate the deficiencies, including a description of assistance provided by any entity to assist in such remediation; and

(iii) with respect to deficiencies that have not been remediated, the amount of time that has elapsed since the deficiencies were first identified in a report under this subparagraph.

(D) For each textile or apparel producer identified as having deficiencies with respect to the conditions described under paragraph (2) in a prior report under this paragraph, a description of the progress made in remediating such deficiencies since the submission of the prior report, and an assessment of whether any aspect of such deficiencies persists.

(5) CAPACITY BUILDING.—The assistance to the Government of Afghanistan or Pakistan referred to in paragraph (1)(B) shall include programs—
(A) to review the labor laws and regulations of Afghanistan or Pakistan, as the case may be, and to develop and implement strategies for improving such labor laws and regulations;

(B) to develop additional strategies for protecting core labor standards and providing acceptable conditions of work with respect to minimum wages, hours of work, and occupational safety and health, including through legal, regulatory, and institutional reform;

(C) to increase awareness of core labor standards and national labor laws;

(D) to promote consultation and cooperation between government representatives, employers, worker representatives, and United States importers on matters relating to core labor standards and national labor laws;

(E) to assist the labor official of Afghanistan or Pakistan, as the case may be, designated pursuant to subsection (e) in establishing and coordinating operation of the committee described in subsection (e)(2)(E);
(F) to assist worker representatives in more fully and effectively advocating on behalf of their members; and

(G) to provide on-the-job training and technical assistance to labor inspectors, judicial officers, and other relevant personnel to build their capacity to enforce national labor laws and resolve labor disputes.

(e) Compliance With Eligibility Criteria.—

(1) Country Compliance With Core Labor Standards Eligibility Criteria.—In making a determination of whether Afghanistan or Pakistan is meeting the eligibility requirement set forth in section 403(b)(1)(E) relating to core labor standards, the President shall consider any reports produced under subsection (d)(4) and acceptable conditions of work with respect to minimum wages, hours of work, and occupational health and safety.

(2) Producer Eligibility.—

(A) Identification of Producers.—

(i) In General.—Except as provided in clause (ii), beginning 2 years after the President makes the certification under subsection (b)(1), the President shall identify on a biennial basis whether a textile or
apparel producer listed in the registry described in subsection (e)(2)(A) and in operation for at least 1 year has failed to comply with core labor standards and with the labor laws of Afghanistan or Pakistan, as the case may be, that directly relate to and are consistent with core labor standards.

(ii) Exception.—The President may identify a textile or apparel producer at any time under clause (i) if the evidence warrants such a review.

(B) Assistance to Producers; Withdrawal, etc., of Duty-Free Treatment.—For each textile or apparel producer that the President identifies under subparagraph (A), the President shall seek to assist such producer in coming into compliance with core labor standards and with the labor laws of Afghanistan or Pakistan, as the case may be, that directly relate to and are consistent with core labor standards. If, within a reasonable period of time, such efforts fail, the President shall withdraw, suspend, or limit the application of duty-free treatment to textile and apparel covered articles of such producer.
(C) Reinstating duty-free treatment.—If the President, after withdrawing, suspending, or limiting the application of duty-free treatment under subparagraph (B) to articles of a textile or apparel producer, determines that such producer is complying with core labor standards and with the labor laws of Afghanistan or Pakistan, as the case may be, that directly relate to and are consistent with core labor standards, the President shall reinstate the application of duty-free treatment under section 405 to the textile and apparel covered articles of such producer.

(D) Consideration of reports.—In making the identification under subparagraph (A) and the determination under subparagraph (C), the President shall consider the reports made available under subsection (d)(4).

(f) Reports by the President.—

(1) In general.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter, the President shall transmit to the appropriate congressional committees a report on the implementation of this section during the preceding 1-year period.
(2) MATTERS TO BE INCLUDED.—Each report required by paragraph (1) shall include the following:

(A) An explanation of the efforts of Afghanistan and Pakistan, the President, and entity designated by the Secretary of Labor to carry out this section.

(B) A summary of each report produced under subsection (d)(4) during the preceding 1-year period and a summary of the findings contained in such report.

(C) Identifications made under subsection (e)(2)(A) and determinations made under subsection (e)(2)(C).

(g) EVALUATION AND REPORT BY SECRETARY OF LABOR.—

(1) EVALUATION.—The Secretary of Labor shall evaluate the monitoring program established under this section to determine ways to improve adoption and adherence to core labor standards and acceptable conditions of work with respect to minimum wages, hours of work, and occupational health and safety. To the extent that producers of nontextile or nonapparel articles described in section 404 of this division have established operations in Recon-
struction Opportunity Zones, the report shall also evaluate options for expanding the program to include such producers.

(2) REPORT.—Not later than 1 year after the date on which Afghanistan or Pakistan, as the case may be, has implemented a program under this section, the Secretary of Labor shall submit to the appropriate congressional committees a report that contains the results of the evaluation required under paragraph (1) and recommendations to improve the program under this section and, if applicable, to expand the program to include producers of nontextile or nonapparel articles.

(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of Labor such sums as may be necessary to carry out this subsection.

(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section (other than subsection (g)) $20,000,000 for the period beginning on October 1, 2009, and ending on September 30, 2023.

SEC. 408. PETITION PROCESS.

Any interested party may file a request to have the status of Afghanistan or Pakistan reviewed with respect
to the eligibility requirements listed in this title, and the
President shall provide for this purpose the same proce-
dures as those that are provided for reviewing the status
of eligible beneficiary developing countries with respect to
the designation criteria listed in subsections (b) and (c)
of section 502 of the Trade Act of 1974 (19 U.S.C. 2462
(b) and (c)).

SEC. 409. LIMITATIONS ON PROVIDING DUTY-FREE TREAT-
MENT.

(a) IN GENERAL.—

(1) PROCLAMATION.—Except as provided in
paragraph (2), and subject to subsection (b) and the
conditions described in sections 403 through 407 of
this division, the President shall exercise the Presi-
dent’s authority under this title, and the President
shall proclaim any duty-free treatment pursuant to
that authority.

(2) WAIVER.—The President may waive the ap-
lication of this title if the President determines that
providing such treatment is inconsistent with the na-
tional interests of the United States. In making such
determination, the President shall consider—

(A) obligations of the United States under
international agreements;
(B) the national economic interests of the United States; and

(C) the foreign policy interests of the United States, including the economic development of Afghanistan and the border region of Pakistan.

(b) Withdrawal, Suspension, or Limitation of Duty-Free Treatment.—The President may withdraw, suspend, or limit the application of the duty-free treatment proclaimed under this title upon consideration of the factors set forth in section 403 (b) and (c) of this division, and section 502 (b) and (c) of the Trade Act of 1974 (19 U.S.C. 2462 (b) and (c)). In taking any action to withdraw, suspend, or limit duty-free treatment with respect to producers receiving benefits under section 404 or 405 of this division, the President shall consider the information described in section 403(d) of this division relating to verification of the ownership and nature of the activities of such producers and any other relevant information the President determines to be appropriate.

(c) Notice to Congress.—The President shall advise Congress—

(1) of any action the President takes to waive, withdraw, suspend, or limit the application of duty-free treatment with respect to Reconstruction Op-
portunity Zones in Afghanistan or Pakistan or enterprises receiving benefits under section 404 or 405 of this division; and

(2) if either Afghanistan or Pakistan fails to adequately take the actions described in section 403 (b) and (c) of this division or section 502 (b) and (e) of the Trade Act of 1974 (19 U.S.C. 2462 (b) and (e)).

SEC. 410. TERMINATION OF BENEFITS.

Duty-free treatment provided under this title shall remain in effect through September 30, 2024.

SEC. 411. CUSTOMS USER FEES.

(a) IN GENERAL.—The Secretary of the Treasury shall increase the amount of fees charged and collected under section 13031(a) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(a)) for the provision of customs services in connection with imports and travel from Afghanistan and Pakistan as necessary to meet the requirements of subsection (b).

(b) MINIMUM AMOUNT.—The amount of the increase in fees charged and collected under the authority of subsection (a)—

(1) shall not be less than $12,000,000 for the period beginning on the date of the enactment of
this Act and ending at the close of September 30, 2014; and

(2) shall not be less than $105,000,000 for the period beginning on the date of the enactment of this Act and ending at the close of September 30, 2019.

(e) Rule of Construction.—The amount of the increase in fees charged and collected under the authority of subsection (a) shall be in addition to the amount of fees that would otherwise be charged and collected under section 13031(a) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(a)) for the provision of customs services in connection with imports and travel from Afghanistan and Pakistan.

(d) Termination of Authority.—The authority provided under subsection (a) terminates at the close of the date on which the aggregate amount of the increase in fees charged and collected under the authority of subsection (a) equals $105,000,000.

Passed the House of Representatives June 10, 2009.

Attest: LORRAINE C. MILLER,

Clerk.