#### 111TH CONGRESS 1ST SESSION

## H. R. 2475

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

#### IN THE HOUSE OF REPRESENTATIVES

May 19, 2009

Ms. Ros-Lehtinen introduced the following bill; which was referred to the Committee on Foreign Affairs

### A BILL

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

- 1 Be it enacted by the Senate and House of Representa-
- 2 tives of the United States of America in Congress assembled,
- 3 SECTION 1. SHORT TITLE.
- 4 This Act may be cited as the "Foreign Relations Au-
- 5 thorization and Reform Act, Fiscal Years 2010 and
- 6 2011".
- 7 SEC. 2. TABLE OF CONTENTS.
- 8 The table of contents for this Act is as follows:
  - Sec. 1. Short title.
  - Sec. 2. Table of contents.
  - Sec. 3. Appropriate congressional committees defined.

#### TITLE I—AUTHORIZATION OF APPROPRIATIONS

- Sec. 101. Administration of Foreign Affairs.
- Sec. 102. International organizations.
- Sec. 103. International commissions.
- Sec. 104. Migration and refugee assistance.
- Sec. 105. Centers and foundations.

### TITLE II—DEPARTMENT OF STATE AUTHORITIES AND ACTIVITIES

#### Subtitle A—Basic Authorities and Activities

- Sec. 201. International Litigation Fund.
- Sec. 202. Actuarial valuations.
- Sec. 203. Special agents.
- Sec. 204. Diplomatic security program contracting.

#### Subtitle B—Public Diplomacy at the Department of State

- Sec. 211. Special Olympics.
- Sec. 212. Extension of program to provide grants to American-sponsored schools in predominantly Muslim countries to provide scholar-ships.
- Sec. 213. United States-South Pacific Scholarship Program.
- Sec. 214. United States-Caribbean Educational Exchange Program.
- Sec. 215. Exchanges between Liberia and the United States for women legislators
- Sec. 216. Public diplomacy plan for Haiti.

#### Subtitle C—Consular Services and Related Matters

- Sec. 231. Extension of authority to assess passport surcharge.
- Sec. 232. English language and cultural awareness training for approved refugee applicants.
- Sec. 233. Tibet.

#### TITLE III—ORGANIZATION AND PERSONNEL AUTHORITIES

- Sec. 301. Transatlantic diplomatic fellowship program.
- Sec. 302. Security officers exchange program.
- Sec. 303. Suspension of foreign service members without pay.
- Sec. 304. Repeal of recertification requirement for Senior Foreign Service.
- Sec. 305. Limited appointments in the Foreign Service.
- Sec. 306. Compensatory time off for travel.
- Sec. 307. Protection of intellectual property rights.
- Sec. 308. Domestic partners as eligible family members.

#### TITLE IV—INTERNATIONAL ORGANIZATIONS

- Sec. 401. Statement of policy regarding peacekeeping operations contributions.
- Sec. 402. Enhancing nuclear safeguards.
- Sec. 403. Durban Review Conference funding.
- Sec. 404. Restrictions regarding Iran-led international organizations.
- Sec. 405. United Nations Human Rights Council.
- Sec. 406. United Nations Relief and Works Agency.
- Sec. 407. United Nations Development Program ethics jurisdiction.

- Sec. 408. Withholding of contributions to United Nations for legal fees of certain officers or employees.
- Sec. 409. Review of activities of international commissions.

#### TITLE V—UNITED STATES INTERNATIONAL BROADCASTING

- Sec. 501. Authorization of appropriations for international broadcasting.
- Sec. 502. Personal services contracting program.
- Sec. 503. Employment for international broadcasting.
- Sec. 504. Domestic release of the Voice of America film entitled "A Fateful Harvest".
- Sec. 505. Establishing permanent authority for Radio Free Asia.

### TITLE VI—UNITED NATIONS TRANSPARENCY, ACCOUNTABILITY, AND REFORM ACT OF 2009

- Sec. 601. Short title.
- Sec. 602. Definitions.

#### Subtitle A—Funding of the United Nations

- Sec. 611. Findings.
- Sec. 612. Apportionment of the United Nations regular budget on a voluntary basis.
- Sec. 613. Budget justification for United States contributions to the regular budget of the United Nations.

### Subtitle B—Transparency and Accountability for United States Contributions to the United Nations

- Sec. 621. Findings.
- Sec. 622. Definitions.
- Sec. 623. Establishment and management of the Office of the United States
  Inspector General for contributions to the United Nations System.
- Sec. 624. Transparency for United States contributions.
- Sec. 625. Authorization of appropriations.

#### Subtitle C—United States Policy at the United Nations

- Sec. 631. Annual publication.
- Sec. 632. Annual financial disclosure.
- Sec. 633. Policy with respect to expansion of the security council.
- Sec. 634. Access to reports and audits.
- Sec. 635. Waiver of immunity.
- Sec. 636. Terrorism and the United Nations.
- Sec. 637. Report on United Nations reform.
- Sec. 638. Report on United Nations personnel.
- Sec. 639. Withholding of United States contributions to UNRWA.
- Sec. 640. United Nations treaty bodies.
- Sec. 641. Equality at the United Nations.
- Sec. 642. Anti-Semitism and the United Nations.
- Sec. 643. Regional group inclusion of Israel.

#### Subtitle D-United Nations Human Rights Council

- Sec. 651. Findings.
- Sec. 652. Human Rights Council membership and funding.

#### Subtitle E—International Atomic Energy Agency

- Sec. 661. International Atomic Energy Agency.
- Sec. 662. Sense of Congress regarding the Nuclear Security Action Plan of the IAEA.

#### Subtitle F—Peacekeeping

- Sec. 671. Reform of United Nations peacekeeping operations.
- Sec. 672. Policy relating to reform of United Nations peacekeeping operations.
- Sec. 673. Certification.

### TITLE VII—WESTERN HEMISPHERE COUNTERTERRORISM AND NONPROLIFERATION ACT OF 2009

Sec. 701. Short title; definitions.

#### Subtitle A—Counterterrorism in the Western Hemisphere

- Sec. 711. Statement of policy regarding regional efforts to counter terrorism in the Western Hemisphere.
- Sec. 712. Amendments to annual country reports on terrorism.
- Sec. 713. Amendments to annual determination procedures.
- Sec. 714. Amendment to international narcotics control strategy report.
- Sec. 715. United States efforts in the Western Hemisphere.
- Sec. 716. International Law Enforcement Academy in San Salvador, El Salvador.
- Sec. 717. Actions regarding the Organization of American States.
- Sec. 718. Amendment to Department of State Rewards Program.

### Subtitle B—Nonproliferation of Nuclear, Chemical, and Biological Weapons in the Western Hemisphere

- Sec. 721. Statement of policy regarding the proliferation of weapons-related nuclear, chemical, and biological materials, technology, and facilities.
- Sec. 722. Statement of policy regarding the small quantities protocol.
- Sec. 723. Securing adherence to agreements regarding nuclear nonproliferation by countries in the Western Hemisphere.
- Sec. 724. Halting the proliferation of nuclear fuel fabrication.
- Sec. 725. Cooperation with the Proliferation Security Initiative.
- Sec. 726. Establishment of the Western Hemisphere Nonproliferation Partnership Initiative.
- Sec. 727. Prohibited transactions.
- Sec. 728. Restrictions on nuclear cooperation with countries assisting the nuclear program of Venezuela or Cuba.

#### Subtitle C—Western Hemisphere Regional Coordination Centers

- Sec. 731. Establishment of the Western Hemisphere Regional Coordination Centers.
- Sec. 732. Regional Security Initiative.
- Sec. 733. Authorization of appropriations.

### Subtitle D—Prohibitions on Engagement With Certain Western Hemisphere Countries

Sec. 741. Prohibitions on engagement with certain Western Hemisphere countries.

#### Subtitle E-Report

Sec. 751. Report.

### TITLE VIII—EXPORT CONTROL REFORM AND SECURITY ASSISTANCE

Subtitle A—Defense Trade Controls Performance Improvement Act of 2009

- Sec. 801. Short title.
- Sec. 802. Findings.
- Sec. 803. Strategic review and assessment of the United States export controls system.
- Sec. 804. Performance goals for processing of applications for licenses to export items on United States Munitions List.
- Sec. 805. Requirement to ensure adequate staff and resources for the Directorate of Defense Trade Controls of the Department of State.
- Sec. 806. Audit by Inspector General of the Department of State.
- Sec. 807. Increased flexibility for use of defense trade controls registration fees.
- Sec. 808. Review of International Traffic in Arms Regulations and United States Munitions List.
- Sec. 809. Special licensing authorization for certain exports to NATO member states, Australia, Japan, New Zealand, Israel, and South Korea.
- Sec. 810. Availability of information on the status of license applications under chapter 3 of the Arms Export Control Act.
- Sec. 811. Sense of Congress.
- Sec. 812. Definitions.
- Sec. 813. Authorization of appropriations.

#### Subtitle B—Provisions Relating to Export Licenses

- Sec. 821. Availability to Congress of Presidential directives regarding United States arms export policies, practices, and regulations.
- Sec. 822. Increase in value of defense articles and services for congressional review and expediting congressional review for Israel.
- Sec. 823. Diplomatic efforts to strengthen national and international arms export controls.
- Sec. 824. Reporting requirement for unlicensed exports.
- Sec. 825. Report on value of major defense equipment and defense articles exported under section 38 of the Arms Export Control Act.
- Sec. 826. Authority to remove satellites and related components from the United States Munitions List.
- Sec. 827. Review and report of investigations of violations of section 3 of the Arms Export Control Act.
- Sec. 828. Report on self-financing options for export licensing functions of DDTC of the Department of State.
- Sec. 829. Clarification of certification requirement relating to Israel's qualitative military edge.
- Sec. 830. Expediting congressional defense export review period for Israel.
- Sec. 831. Updating and conforming penalties for violations of sections 38 and 39 of the Arms Export Control Act.

#### Subtitle C—Miscellaneous Provisions

- Sec. 841. Authority to build the capacity of foreign military forces.
- Sec. 842. Foreign Military Sales Stockpile Fund.
- Sec. 843. Annual estimate and justification for Foreign Military Sales program.
- Sec. 844. Report on United States commitments to the security of Israel.
- Sec. 845. War Reserves Stockpile.
- Sec. 846. Excess defense articles for Central and South European countries and certain other countries.

#### TITLE IX—ACTIONS TO ENHANCE THE MERIDA INITIATIVE

- Sec. 901. Coordinator of United States Government activities to implement the Merida Initiative.
- Sec. 902. Adding the Caribbean to the Merida Initiative.
- Sec. 903. CARICOM country defined.
- Sec. 904. Merida Initiative monitoring and evaluation mechanism.
- Sec. 905. Merida Initiative defined.

#### TITLE X—REPORTING REQUIREMENTS

- Sec. 1001. Report on United States capacities to prevent genocide and mass atrocities.
- Sec. 1002. Reports relating to programs to encourage good governance.
- Sec. 1003. Reports on Hong Kong.
- Sec. 1004. Democracy in Georgia.
- Sec. 1005. Diplomatic relations with Israel.
- Sec. 1006. Police training report.
- Sec. 1007. Review of security assistance for Egypt.
- Sec. 1008. Review of security assistance for Yemen.
- Sec. 1009. Review of security assistance for the Government of Lebanon.
- Sec. 1010. Report on activities in Haiti.

#### TITLE XI—MISCELLANEOUS PROVISIONS

- Sec. 1101. Assistance to support measures for the reunification of Cyprus.
- Sec. 1102. Limitation on assistance to the Former Yugoslav Republic of Macedonia.
- Sec. 1103. Statement of policy regarding the Ecumenical Patriarchate.
- Sec. 1104. Freedom of the press.
- Sec. 1105. Information for Country Commercial Guides on business and investment climates.
- Sec. 1106. International Protecting Girls by Preventing Child Marriage.
- Sec. 1107. Program to improve building construction and practices in Haiti.
- Sec. 1108. Limitation on assistance to the Palestinian Authority.
- Sec. 1109. Jordan civilian nuclear cooperation agreement.
- Sec. 1110. United States contributions to the International Trust Fund for Demining and Mine Victims Assistance.
- Sec. 1111. Transfer of liquidated assets of certain Enterprise Funds to legacy institutions.
- Sec. 1112. Sense of Congress on restrictions on religious freedom in Vietnam.
- Sec. 1113. Sense of Congress on Holocaust-era property restitution and compensation.

#### TITLE XII—ISRAEL

- Sec. 1201. Foreign Military Financing for Israel.
- Sec. 1202. Support to Israel for missile defense.
- Sec. 1203. United States-Israel civilian nuclear cooperation agreement.

- Sec. 1204. United States support for Israel in the Organization for Economic Cooperation and Development.
- Sec. 1205. Recognition of Jerusalem as the capital of the state of Israel and relocation of the United States Embassy to Jerusalem.

#### TITLE XIII—IRAN REFINED PETROLEUM SANCTIONS

- Sec. 1301. Short title.
- Sec. 1302. Amendments to the Iran Sanctions Act of 1996.

### TITLE XIV—LIMITATION ON NUCLEAR COOPERATION WITH THE UNITED ARAB EMIRATES

- Sec. 1401. Short title.
- Sec. 1402. Definitions.
- Sec. 1403. Restriction on nuclear cooperation with the United Arab Emirates.

#### TITLE XV—HOLOCAUST INSURANCE ACCOUNTABILITY

- Sec. 1601. Short title.
- Sec. 1602. Validity of State laws.
- Sec. 1603. Applicability.
- Sec. 1604. Definitions.

#### TITLE XVI—BELARUS ARMS TRANSFERS ACCOUNTABILITY

- Sec. 1701. Short title.
- Sec. 1702. Sense of Congress.
- Sec. 1703. Report.
- Sec. 1704. State sponsor of terrorism defined.

### TITLE XVII—ASIA-PACIFIC ECONOMIC COOPERATION FORUM ENGAGEMENT

Sec. 1801. Asia-Pacific Economic Cooperation.

#### 1 SEC. 3. APPROPRIATE CONGRESSIONAL COMMITTEES DE-

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

### 1 TITLE I—AUTHORIZATION OF 2 APPROPRIATIONS

3	SEC. 101. ADMINISTRATION OF FOREIGN AFFAIRS.
4	The following amounts are authorized to be appro-
5	priated for the Department of State under "Administra-
6	tion of Foreign Affairs" to carry out the authorities, func-
7	tions, duties, and responsibilities in the conduct of foreign
8	affairs of the United States, and for other purposes au-
9	thorized by law:
10	(1) Diplomatic and consular programs.—
11	(A) AUTHORIZATION OF APPROPRIA-
12	Tions.—For "Diplomatic and Consular Pro-
13	grams" $$5,543,957,600$ for fiscal year $2010,$
14	and such sums as may be necessary for fiscal
15	year 2011.
16	(B) Worldwide Security Protec-
17	TION.—In addition to the amounts authorized
18	to be appropriated by subparagraph (A),
19	\$1,361,978,171 for fiscal year 2010, and such
20	sums as may be necessary for fiscal year 2011
21	are authorized to be appropriated for worldwide
22	security protection.
23	(C) Public diplomacy.—Of the amounts
24	authorized to be appropriated under subpara-

graph (A), such sums as may be necessary for

1	each of fiscal years 2010 and 2011 are author-
2	ized to be appropriated for pubic diplomacy.
3	(D) Bureau of Democracy, Human
4	RIGHTS, AND LABOR.—Of the amounts author-
5	ized to be appropriated under subparagraph
6	(A), \$20,659,000 for fiscal year 2010, and such
7	sums as may be necessary for fiscal year 2011
8	are authorized to be appropriated for the Bu-
9	reau of Democracy, Human Rights, and Labor
10	(2) Capital investment fund.—For "Cap-
11	ital Investment Fund", \$73,627,000 for fiscal year
12	2010, and such sums as may be necessary for fisca
13	year 2011.
14	(3) Embassy security, construction and
15	MAINTENANCE.—For "Embassy Security, Construc-
16	tion and Maintenance", \$1,815,050,000 for fisca
17	year 2010, and such sums as may be necessary for
18	fiscal year 2011.
19	(4) Educational and cultural exchange
20	PROGRAMS.—
21	(A) AUTHORIZATION OF APPROPRIA
22	TIONS.—For "Educational and Cultural Ex-
23	change Programs", \$557,906,000 for fisca
24	vear 2010, and such sums as may be necessary

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for fiscal year 2011.

(B) Tibetan scholarship program.— Of the amounts authorized to be appropriated under subsection (a), such sums as may be nec-essary for each of fiscal years 2010 and 2011 are authorized to be appropriated to carry out Tibetan scholarship program established under section 103(b)(1) of the Human Rights, Refugee, and Other Foreign Relations Provi-sions Act of 1996 (Public Law 104–319; 22 U.S.C. 2151 note).

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

(5) CIVILIAN STABILIZATION INITIATIVE.—For "Civilian Stabilization Initiative", \$46,665,000 for

- fiscal year 2010, and such sums as may be necessary for fiscal year 2011.
- 3 (6) Representation Allowances.—For 4 "Representation Allowances", \$8,175,000 for fiscal 5 year 2010, and such sums as may be necessary for 6 fiscal year 2011.
  - (7) Protection of foreign missions and officials.—
    - (A) AUTHORIZATION OF APPROPRIA-TIONS.—For "Protection of Foreign Missions and Officials", \$23,658,118 for fiscal year 2010, and such sums as may be necessary for fiscal year 2011.
    - (B) REIMBURSEMENT FORPAST EX-PENSES OWED BY THE UNITED STATES.—In addition to the amounts authorized to be appropriated under subparagraph (A), there are authorized to be appropriated such sums as may be necessary for each of fiscal years 2010 and 2011 for "Protection of Foreign Missions and Officials" to be used 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.

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1	(8) Emergencies in the diplomatic and
2	CONSULAR SERVICE.—For "Emergencies in the Dip-
3	lomatic and Consular Service", \$9,333,000 for fiscal
4	year 2010, and such sums as may be necessary for
5	fiscal year 2011.
6	(9) Repatriation Loans.—For "Repatriation
7	Loans", \$1,403,061 for fiscal year 2010, and such
8	sums as may be necessary for fiscal year 2011.
9	(10) Payment to the american institute
10	IN TAIWAN.—For "Payment to the American Insti-
11	tute in Taiwan", \$17,463,080 for fiscal year 2010,
12	and such sums as may be necessary for fiscal year
13	2011.
14	(11) Office of the inspector general.—
15	(A) AUTHORIZATION OF APPROPRIA-
16	TIONS.—For "Office of the Inspector General",
17	\$101,201,000 for fiscal year 2010, and such
18	sums as may be necessary for fiscal year 2011.
19	(B) Special inspector general for
20	IRAQ RECONSTRUCTION.—Of the amounts au-
21	thorized to be appropriated under subparagraph

(A), such sums as may be necessary authorized

to be for the Special Inspector General for Iraq

Reconstruction.

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1 (C) SPECIAL INSPECTOR GENERAL FOR
2 AFGHANISTAN RECONSTRUCTION.—Of the
3 amounts authorized to be appropriated under
4 subparagraph (A), such sums as may be nec5 essary authorized to be for the Special Inspec6 tor General for Afghanistan Reconstruction.

#### 7 SEC. 102. INTERNATIONAL ORGANIZATIONS.

- 8 (a) Assessed Contributions to International
- 9 Organizations.—There are authorized to be appro-
- 10 priated for "Contributions to International Organiza-
- 11 tions", \$1,604,400,000 for fiscal year 2010, and such
- 12 sums as may be necessary for fiscal year 2011, for the
- 13 Department of State to carry out the authorities, func-
- 14 tions, duties, and responsibilities in the conduct of the for-
- 15 eign affairs of the United States with respect to inter-
- 16 national organizations and to carry out other authorities
- 17 in law consistent with such purposes.
- 18 (b) Contributions for International Peace-
- 19 KEEPING ACTIVITIES.—There are authorized to be appro-
- 20 priated for "Contributions for International Peacekeeping"
- 21 Activities", \$2,260,000,000 for fiscal year 2010, and such
- 22 sums as may be necessary for fiscal year 2011, for the
- 23 Department of State to carry out the authorities, func-
- 24 tions, duties, and responsibilities of the United States with
- 25 respect to international peacekeeping activities and to

- 1 carry out other authorities in law consistent with such
- 2 purposes.
- 3 (c) Foreign Currency Exchange Rates.—In ad-
- 4 dition to amounts authorized to be appropriated by sub-
- 5 section (a), there are authorized to be appropriated such
- 6 sums as may be necessary for each of fiscal years 2010
- 7 and 2011 to offset adverse fluctuations in foreign currency
- 8 exchange rates. Amounts appropriated under this sub-
- 9 section shall be available for obligation and expenditure
- 10 only to the extent that the Director of the Office of Man-
- 11 agement and Budget determines and certifies to Congress
- 12 that such amounts are necessary due to such fluctuations.
- 13 SEC. 103. INTERNATIONAL COMMISSIONS.
- The following amounts are authorized to be appro-
- 15 priated under "International Commissions" for the De-
- 16 partment of State to carry out the authorities, functions,
- 17 duties, and responsibilities in the conduct of the foreign
- 18 affairs of the United States and for other purposes author-
- 19 ized by law:
- 20 (1) International boundary and water
- 21 COMMISSION, UNITED STATES AND MEXICO.—For
- 22 "International Boundary and Water Commission,
- 23 United States and Mexico''—
- 24 (A) for "Salaries and Expenses",
- 25 \$32,256,000 for fiscal year 2010, and such

1	sums as may be necessary for fiscal year 2011;
2	and
3	(B) for "Construction", \$43,250,000 for
4	fiscal year 2010, and such sums as may be nec-
5	essary for fiscal year 2011.
6	(2) International boundary commission,
7	UNITED STATES AND CANADA.—For "International
8	Boundary Commission, United States and Canada",
9	\$1,970,000 for fiscal year 2010, and such sums as
10	may be necessary for fiscal year 2011.
11	(3) International joint commission.—For
12	"International Joint Commission", \$7,559,000 for
13	fiscal year 2010, and such sums as may be nec-
14	essary for fiscal year 2011.
15	(4) International fisheries commis-
16	SIONS.—For "International Fisheries Commissions",
17	\$29,925,000 for fiscal year 2010, and such sums as
18	may be necessary for fiscal year 2011.
19	SEC. 104. MIGRATION AND REFUGEE ASSISTANCE.
20	(a) Authorization of Appropriations.—There
21	are authorized to be appropriated for "Migration and Ref-
22	ugee Assistance" for authorized activities \$1,577,500,000
23	for fiscal year 2010, and such sums as may be necessary
24	for fiscal year 2011.

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

#### 6 SEC. 105. CENTERS AND FOUNDATIONS.

- 7 (a) Asia Foundation.—There are authorized to be
- 8 appropriated for "The Asia Foundation" for authorized
- 9 activities, \$16,592,000 for fiscal year 2010, and such
- 10 sums as may be necessary for fiscal year 2011.
- 11 (b) National Endowment for Democracy.—
- 12 There are authorized to be appropriated for the "National
- 13 Endowment for Democracy" for authorized activities,
- 14 \$115,000,000 for fiscal year 2010, and such sums as may
- 15 be necessary for fiscal year 2011.
- 16 (c) Center for Cultural and Technical Inter-
- 17 CHANGE BETWEEN EAST AND WEST.—There are author-
- 18 ized to be appropriated for the "Center for Cultural and
- 19 Technical Interchange Between East and West" for au-
- 20 thorized activities, such sums as may be necessary for each
- 21 of fiscal years 2010 and 2011.

1	TITLE II—DEPARTMENT OF
2	STATE AUTHORITIES AND AC-
3	TIVITIES
4	Subtitle A—Basic Authorities and
5	Activities
6	SEC. 201. INTERNATIONAL LITIGATION FUND.
7	Section 38(d)(3) of the State Department Basic Au-
8	thorities Act of 1956 (22 U.S.C. 2710(d)(3)) is amended
9	by striking "by the Department of State from another
10	agency of the United States Government or pursuant to"
11	and inserting "by the Department of State as a result of
12	a decision of an international tribunal, from another agen-
13	cy of the United States Government, or pursuant to".
14	SEC. 202. ACTUARIAL VALUATIONS.
15	The Foreign Service Act of 1980 is amended—
16	(1) in section 818 (22 U.S.C. 4058)—
17	(A) in the first sentence, by striking "Sec-
18	retary of the Treasury" and inserting instead
19	"Secretary of State"; and
20	(B) by amending the second sentence to
21	read as follows: "The Secretary of State is au-
22	thorized to expend from money to the credit of
23	the Fund such sums as may be necessary to ad-
24	minister the provisions of this chapter, includ-
25	ing actuarial advice, but only to the extent and

1	in such amounts as are provided in advance in
2	appropriations acts.";
3	(2) in section 819 (22 U.S.C. 4059), in the first
4	sentence, by striking "Secretary of the Treasury"
5	the second place it appears and inserting "Secretary
6	of State";
7	(3) in section 825(b) (22 U.S.C. 4065(b)), by
8	striking "Secretary of the Treasury" and inserting
9	instead "Secretary of State"; and
10	(4) section 859(c) (22 U.S.C. 4071h(c))—
11	(A) by striking "Secretary of the Treas-
12	ury" and inserting instead "Secretary of
13	State"; and
14	(B) by striking "and shall advise the Sec-
15	retary of State of" and inserting instead "that
16	will provide".
17	SEC. 203. SPECIAL AGENTS.
18	(a) In General.—Paragraph (1) of section 37(a) of
19	the State Department Basic Authorities Act of 1956 (22
20	U.S.C. 2709(a)) is amended to read as follows:
21	"(1) conduct investigations concerning—
22	"(A) illegal passport or visa issuance or
23	use;

1	"(B) identity theft or document fraud af-
2	fecting or relating to the programs, functions,
3	and authorities of the Department of State; and
4	"(C) Federal offenses committed within
5	the special maritime and territorial jurisdiction
6	of the United States as defined in paragraph
7	(9) of section 7 of title 18, United States Code,
8	except as that jurisdiction relates to the prem-
9	ises of United States military missions and re-
10	lated residences;".
11	(b) Rule of Construction.—Nothing in para-
12	graph (1) of such section 37(a) (as amended by subsection
13	(a) of this section) shall be construed to limit the inves-
14	tigative authority of any other Federal department or
15	agency.
16	SEC. 204. DIPLOMATIC SECURITY PROGRAM CONTRACTING
17	Section 136 of the Foreign Relations Authorization
18	Act, Fiscal Years 1990 and 1991 (22 U.S.C. 4864) is
19	amended—
20	(1) in subsection (c)—
21	(A) in the matter preceding paragraph (1),
22	by striking "With respect" and inserting "Ex-
23	cept as provided in subsection (d), with re-
24	spect"; and

1	(B) in paragraph (3), by striking "sub-
2	section (d)" and inserting "subsection (e)";
3	(2) by redesignating subsections (d), (e), (f),
4	and (g) as subsections (e), (f), (g), and (h), respec-
5	tively;
6	(3) by inserting after subsection (c) the fol-
7	lowing new subsection:
8	"(d) Award of Local Guard and Protective
9	SERVICE CONTRACTS IN HIGH RISK AREAS.—With re-
10	spect to local guard contracts for Foreign Service build-
11	ings located in high risk areas which exceed \$250,000 and
12	were or are entered into after September 1, 2008, the Sec-
13	retary of State shall—
14	"(1) comply with paragraphs (1) through (6) of
15	subsection (c) in the award of such contracts;
16	"(2) in evaluating proposals for such contracts,
17	award contracts to the firm representing the best
18	value to the Government in accordance with the best
19	value tradeoff process described in subpart 15.1 of
20	the Federal Acquisition Regulation (48 C.F.R.
21	15.101–1);
22	"(3) ensure that in all contracts awarded under
23	this subsection, contractor personnel providing local
24	guard or protective services are classified as—
25	"(A) employees of the offeror:

1	"(B) if the offeror is a joint venture, as
2	the employees of one of the persons or parties
3	constituting the joint venture; or
4	"(C) as employees of a subcontractor to
5	the offeror, and not as independent contractors
6	to the offeror or any other entity performing
7	under such contracts."; and
8	(4) in subsection (e), as redesignated by para-
9	graph (2) of this section—
10	(A) in paragraph (3), by striking "and" at
11	the end;
12	(B) in paragraph (4), by striking the pe-
13	riod at the end and inserting "; and"; and
14	(C) by adding after paragraph (4) the fol-
15	lowing new paragraph:
16	"(5) the term 'high risk areas' means—
17	"(A) an area designated as a contingency
18	operation in accordance with section 101(a)(13)
19	of title 10, United States Code; or
20	"(B) an area determined by the Assistance
21	Secretary of Diplomatic Security to present an
22	increased threat of serious damage or harm to
23	United States diplomatic facilities or per-
24	sonnel.".

# Subtitle B—Public Diplomacy at the Department of State

3 SEC. 211. 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 programs for people with intellectual disabilities.
  - (3) Special Olympics has documented the challenge of ignorance and poor attitudes toward intellectual 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 educational and attitude change activities that affect

1	multiple levels of society. These activities have re-
2	ceived financial support from the Bureau of Edu-
3	cational and Cultural Affairs (ECA) of the Depart-
4	ment of State, among other sources.
5	(b) Administration of Program.—Section 3(b) of
6	the Special Olympics Sport and Empowerment Act of
7	2004 (Public Law 108–406) is amended, in the matter
8	preceding paragraph (1) by striking "Secretary of State"
9	and inserting "Secretary of State, acting through the As-
10	sistant Secretary of State for Educational and Cultural
11	Affairs".
12	SEC. 212. EXTENSION OF PROGRAM TO PROVIDE GRANTS
13	TO AMERICAN-SPONSORED SCHOOLS IN PRE-
14	DOMINANTLY MUSLIM COUNTRIES TO PRO-
15	VIDE SCHOLARSHIPS.
16	Section 7113 of the Intelligence Reform and Ter-
17	
17	rorism Prevention Act of 2004 (Public Law 108–458; 22
	rorism Prevention Act of 2004 (Public Law 108–458; 22
18	rorism Prevention Act of 2004 (Public Law 108–458; 22 U.S.C. 2452c) is amended—
18 19	rorism Prevention Act of 2004 (Public Law 108–458; 22 U.S.C. 2452c) is amended—  (1) in subsection (g)—
18 19 20	rorism Prevention Act of 2004 (Public Law 108–458; 22 U.S.C. 2452c) is amended—  (1) in subsection (g)—  (A) by striking "Committee on Inter-
18 19 20 21	rorism 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
18 19 20 21 22	rorism 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

1	(2) in subsection (h), by striking "2007 and
2	2008" and inserting "2010 and 2011".
3	SEC. 213. UNITED STATES-SOUTH PACIFIC SCHOLARSHIP
4	PROGRAM.
5	(a) FINDINGS.—Congress finds the following:
6	(1) The United States-South Pacific Scholar-
7	ship Program (USSP), authorized by Congress and
8	funded by the Bureau of Educational and Cultural
9	Affairs of the Department of State, is a competitive,
10	merit-based scholarship program that ensures that
11	Pacific Islanders have an opportunity to pursue
12	higher education in the United States and to obtain
13	first-hand knowledge of United States institutions.
14	(2) It is expected that these students will one
15	day assume leadership roles in their countries.
16	(3) As the Chairman of the Subcommittee on
17	Territories and Insular Affairs, the late Congress-
18	man Phillip Burton was a voice for Pacific Island
19	populations.
20	(4) He was also a voice for workers, the poor,
21	and the elderly.
22	(5) Congressman Burton was one of the most
23	brilliant and productive legislators in United States
24	politics.
25	(6) He served in Congress from 1964 to 1983.

1	(7) He worked every day of his life to ensure
2	social justice and human dignity for all people.
3	(b) Sense of Congress.—It is the sense of Con-
4	gress that—
5	(1) so that future generations will know his
6	name and remember his service, it is fitting that the
7	leadership and vision of Phillip Burton, especially as
8	the Chairman of the Subcommittee on Territories
9	and Insular Affairs, which indirectly impacted
10	United States foreign policy in the South Pacific re-
11	gion, should be honored; and
12	(2) the United States-South Pacific Scholarship
13	Program should be renamed the Phillip Burton
14	Scholarship Program for South Pacific Island Stu-
15	dents.
16	(c) Funding.—
17	(1) In general.—Of the amounts authorized
18	to be appropriated pursuant to section 101(4), such
19	sums as may be necessary are authorized to be ap-
20	propriated for each of fiscal years 2010 and 2011 to
21	be made available for the United States-South Pa-
22	cific Scholarship Program.
23	(2) Name.—Scholarships awarded under the
24	Program shall be referred to as "Burton Scholar-

1	ships" and recipients of such scholarships shall be
2	referred to as "Burton Scholars".
3	SEC. 214. UNITED STATES-CARIBBEAN EDUCATIONAL EX-
4	CHANGE PROGRAM.
5	(a) Definitions.—In this section:
6	(1) Appropriate congressional commit-
7	TEES.—The term "appropriate congressional com-
8	mittees" means—
9	(A) the Committee on Foreign Affairs and
10	the Committee on Appropriations of the House
11	of Representatives; and
12	(B) the Committee on Foreign Relations
13	and the Committee on Appropriations of the
14	Senate.
15	(2) CARICOM COUNTRY.—The term
16	"CARICOM country" means a country that has
17	been a full member country of the Caribbean Com-
18	munity (CARICOM) for at least five years or the
19	Dominican Republic, but does not include—
20	(A) a country having observer or associate
21	status in CARICOM;
22	(B) a country the government of which the
23	Secretary of State has determined, for purposes
24	of section 6(j) of the Export Administration Act
25	of 1979 (as continued in effect pursuant to the

1	International Emergency Economic Powers
2	Act), section 40 of the Arms Export Control
3	Act, section 620A of the Foreign Assistance Act
4	of 1961, or any other provision of law, is a gov-
5	ernment that has repeatedly provided support
6	for acts of international terrorism; or
7	(C) a country that fails to adhere to
8	human rights standards pursuant to sections
9	116 and $502B(2)$ of the Foreign Assistance Act
10	of 1961 (22 U.S.C. 2151n and 2304).
11	(3) Secretary.—Except as otherwise provided,
12	the term "Secretary" means the Secretary of State.
13	(4) United states cooperating agency.—
14	The term "United States cooperating agency"
15	means—
16	(A) an institution of higher education (as
17	such term is defined in section 101(a) of the
18	Higher Education Act of 1965 (20 U.S.C.
19	1001(a))), including, to the maximum extent
20	practicable, a historically Black college or uni-
21	versity that is a part B institution (as such
22	term is defined in section 322(2) of such Act
23	(20 U.S.C. 1061(2))) or a Hispanic-serving in-
24	stitution (as such term is defined in section
25	502(5) of such Act (20 U.S.C. 1101a(5)));

1	(B) a higher education association;
2	(C) a nongovernmental organization incor-
3	porated in the United States; or
4	(D) a consortium consisting of two or more
5	such institutions, associations, or nongovern-
6	mental organizations.
7	(b) Program Authorized.—The Secretary of State
8	is authorized to establish an educational exchange pro-
9	gram between the United States and CARICOM countries,
10	to be known as the "Shirley A. Chisholm United States-
11	Caribbean Educational Exchange Program", under
12	which—
13	(1) secondary school students from CARICOM
14	countries will—
15	(A) attend a public or private secondary
16	school in the United States; and
17	(B) participate in activities designed to
18	promote a greater understanding of the values
19	and culture of the United States; and
20	(2) undergraduate students, graduate students,
21	post-graduate students, and scholars from
22	CARICOM countries will—
23	(A) attend a public or private college or
24	university, including a community college, in
25	the United States; and

1	(B) participate in activities designed to
2	promote a greater understanding of the values
3	and culture of the United States.
4	(c) Elements of Program.—The program author-
5	ized under subsection (b) shall meet the following require-
6	ments:
7	(1) The program will offer scholarships to stu-
8	dents and scholars based on merit and need. It is
9	the sense of Congress that scholarships should be of-
10	fered to students and scholars who evidence merit,
11	achievement, and strong potential for the studies
12	such students and scholars wish to undertake under
13	the program and 60 percent of scholarships offered
14	under the program should be based on financial
15	need.
16	(2) The program will seek to achieve gender
17	equality in granting scholarships under the program.
18	(3) Fields of study under the program will sup-
19	port the labor market and development needs of
20	CARICOM countries, assuring a pool of technical
21	experts to address such needs.
22	(4) The program will limit participation to—
23	(A) one year of study for secondary school
24	students;

1	(B) two years of study for undergraduate
2	students; and
3	(C) 12 months of study for graduate stu-
4	dents, post-graduate students, and scholars.
5	(5) For a period of time equal to the period of
6	time of participation in the program, but not to ex-
7	ceed two years, the program will require participants
8	who are students and scholars described in sub-
9	section (a)(2) to—
10	(A) agree to return to live in a CARICOM
11	country and maintain residence in such coun-
12	try, within six months of completion of aca-
13	demic studies; or
14	(B) agree to obtain employment that di-
15	rectly benefits the growth, progress, and devel-
16	opment of one or more CARICOM countries
17	and the people of such countries.
18	(6) The Secretary may waive, shorten the dura-
19	tion, or otherwise alter the requirements of para-
20	graph (4) in limited circumstances of hardship, hu-
21	manitarian needs, for specific educational purposes,
22	or in furtherance of the national interests of the
23	United States.
24	(d) Role of United States Cooperating Agen-
25	CIES.—The Secretary shall consult with United States co-

1	operating agencies in developing the program authorized
2	under subsection (b). The Secretary is authorized to pro-
3	vide grants to United States cooperating agencies in car-
4	rying out the program authorized under subsection (b).
5	(e) Monitoring and Evaluation of Program.—
6	(1) In general.—The Secretary shall monitor
7	and evaluate the effectiveness and efficiency of the
8	program authorized under subsection (b). In so
9	doing, the Secretary shall, among other things,
10	evaluate the program's positive or negative effects
11	on "brain drain" from the participating CARICOM
12	countries and suggest ways in which the program
13	may be improved to promote the basic goal of alle-
14	viating brain drain from the participating
15	CARICOM countries.
16	(2) Requirements.—In carrying out para-
17	graph (1), the Secretary shall review on a regular
18	basis—
19	(A) financial information relating to the
20	program;
21	(B) budget plans for the program;
22	(C) adjustments to plans established for
23	the program;
24	(D) graduation rates of participants in the
25	program;

1	(E) the percentage of participants who are
2	students described in subsection (b)(1) who
3	pursue higher education;
4	(F) the percentage of participants who re-
5	turn to their home country or another
6	CARICOM country;
7	(G) the types of careers pursued by par-
8	ticipants in the program and the extent to
9	which such careers are linked to the political
10	economic, and social development needs of
11	CARICOM countries; and
12	(H) the impact of gender, country of ori-
13	gin, financial need of students, and other rel-
14	evant factors on the data collected under sub-
15	paragraphs (D) through (G).
16	(f) Reporting Requirements.—
17	(1) REPORT REQUIRED.—Not later than 120
18	days after the date of the enactment of this section
19	the Secretary of State shall submit to the appro-
20	priate congressional committees a report on plans to
21	implement the program authorized under this sec-
22	tion.
23	(2) Matters to be included.—The report
24	required by paragraph (1) shall include—

1	(A) a plan for selecting participants in the
2	program, including an estimate of the number
3	of secondary school students, undergraduate
4	students, graduate students, post-graduate stu-
5	dents, and scholars from each country, by edu-
6	cational level, who will be selected as partici-
7	pants in the program for each fiscal year;
8	(B) a timeline for selecting United States
9	cooperating agencies that will assist in imple-
10	menting the program;
11	(C) a financial plan that—
12	(i) identifies budget plans for each
13	educational level under the program; and
14	(ii) identifies plans or systems to en-
15	sure that the costs to public school, college,
16	and university education under the pro-
17	gram and the costs to private school, col-
18	lege, and university education under the
19	program are reasonably allocated; and
20	(D) a plan to provide outreach to and link-
21	ages with schools, colleges and universities, and
22	nongovernmental organizations in both the
23	United States and CARICOM countries for im-
24	plementation of the program.
25	(3) Updates of Report.—

1	(A) IN GENERAL.—The Secretary shall
2	submit to the appropriate congressional com-
3	mittees updates of the report required by para-
4	graph (1) for each fiscal year for which
5	amounts are appropriated pursuant to the au-
6	thorization of appropriations under subsection
7	(g).
8	(B) MATTERS TO BE INCLUDED.—Such
9	updates shall include the following:
10	(i) Information on United States co-
11	operating agencies that are selected to as-
12	sist in implementing the programs author-
13	ized under this section.
14	(ii) An analysis of the positive and
15	negative impacts the program authorized
16	under this section will have or is having on
17	"brain drain" from the participating
18	CARICOM countries.
19	(g) Authorization of Appropriations.—Of the
20	amounts authorized to be appropriated pursuant to sec-
21	tion 101(4), there are authorized to be appropriated such
22	sums as may be necessary for each of fiscal years 2010

and 2011 to carry out this section.

1	SEC. 215. EXCHANGES BETWEEN LIBERIA AND THE UNITED
2	STATES FOR WOMEN LEGISLATORS.
3	(a) Purpose.—It is the purpose of this section to
4	provide financial assistance to—
5	(1) establish an exchange program for Liberian
6	women legislators and women staff members of the
7	Liberian Congress;
8	(2) expand Liberian participation in exchange
9	programs of the Department of State; and
10	(3) promote the advancement of women in the
11	field of politics, with the aim of eventually reducing
12	the rates of domestic abuse, illiteracy, and sexism in
13	Liberia.
14	(b) Program.—The Secretary of State shall estab-
15	lish an exchange program in cooperation with the Wom-
16	en's Legislative Caucus in Liberia to provide scholarships
17	to fund exchanges to enable Liberian women legislators
18	and exceptional women Liberian Congressional staffers to
19	encourage more women to participate in, and continue to
20	be active in, politics and the democratic process in Liberia.
21	(c) Scholarship Defined.—In this section, the
22	term "scholarship" means an amount to be used for full
23	or partial support of living expenses in the United States
24	for a participant in the exchange program established
25	under subsection (b), including travel expenses to, from,

26 and within the United States.

### 1 SEC. 216. PUBLIC DIPLOMACY PLAN FOR HAITI.

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2	The Secretary of State shall develop a public diplo-
3	macy plan to be implemented in the event that Temporary
4	Protected Status (TPS) is extended to Haitian nationals
5	in the United States to effectively inform Haitians living
6	in Haiti that—
7	(1) TPS only permits people already in the
8	United States as of a specifically designated date to
9	remain in the United States;
10	(2) there are extraordinary dangers of travel by
11	sea to the United States in unsafe, overcrowded ves-
12	sels;
13	(3) any Haitian interdicted at sea traveling to
14	the United States will be repatriated to Haiti; and
15	(4) the United States will continue its large as-
16	sistance program to help the people of Haiti recover
17	from recent hurricanes, restore stability, and pro-
18	mote economic growth.
19	Subtitle C—Consular Services and
20	Related Matters
21	SEC. 231. EXTENSION OF AUTHORITY TO ASSESS PASSPORT
22	SURCHARGE.
23	Section 1 of the Passport Act of June 4, 1920 (22
24	U.S.C. 214), is amended in subsection (b)(2) by striking
25	"2010" and inserting "2015".

1	SEC. 232. ENGLISH LANGUAGE AND CULTURAL AWARENESS
2	TRAINING FOR APPROVED REFUGEE APPLI-
3	CANTS.
4	(a) In General.—The Secretary of State should es-
5	tablish formal training programs in five overseas refugee
6	processing regions to provide English as a second lan-
7	guage, cultural orientation, and work orientation training
8	for refugees who have been approved for admission to the
9	United States before their departure for the United
10	States.
11	(b) Design and Implementation.—In designing
12	and implementing the training programs referred to in
13	subsection (a), the Secretary should ensure that non-
14	governmental organizations with direct ties to the United
15	States refugee resettlement program are utilized in such
16	training programs.
17	(c) IMPACT ON PROCESSING TIMES.—The Secretary
18	should ensure that such training programs occur within
19	current processing times and do not unduly delay the de-
20	parture for the United States of refugees who have been
21	approved for admission to the United States.
22	(d) Timeline for Implementation and Report
23	TO CONGRESS.—
24	(1) Timeline for implementation.—It is
25	the sense of Congress that not later than one year
26	after the date of the enactment of this Act, such

- 1 training programs should be operating in at least
- 2 one overseas refugee processing region, and not later
- 3 than two years after the date of the enactment of
- 4 this Act, such training programs should be operating
- 5 in each of the five overseas refugee processing re-
- 6 gions.
- 7 (2) Report to congress.—Not later than 18
- 8 months after the date of the enactment of this Act,
- 9 the Secretary shall submit to the appropriate con-
- 10 gressional committees a report on the implementa-
- 11 tion of this section.
- 12 (e) Rule of Construction.—Nothing in this sec-
- 13 tion shall be construed to require that a refugee partici-
- 14 pate in such a training program as a precondition for the
- 15 admission to the United States of such refugee.
- 16 SEC. 233. TIBET.
- 17 (a) Tibet Negotiations.—Section 613(a) of the
- 18 Tibetan Policy Act of 2002 (Public Law 107–228; 22
- 19 U.S.C. 6901 note) is amended—
- 20 (1) in paragraph (1), by inserting before the pe-
- 21 riod at the end the following: "and should coordinate
- 22 with other governments in multilateral efforts to-
- ward this goal";
- 24 (2) by redesignating paragraph (2) as para-
- 25 graph (3); and

1 (3) by inserting after paragraph (1) the fol-2 lowing new paragraph: "(2) Policy coordination.—The President 3 4 shall direct the National Security Council to ensure 5 that, in accordance with this Act, United States pol-6 icy on Tibet is coordinated and communicated with all Executive Branch agencies in contact with the 7 8 Government of China.". (b) BILATERAL ASSISTANCE.—Section 616 of the Ti-9 betan Policy Act of 2002 is amended— 10 11 (1) by redesignating subsection (d) as sub-12 section (e); and 13 (2) by inserting after subsection (c) the fol-14 lowing new subsection: 15 "(d) United States Assistance.—The President shall provide grants to nongovernmental organizations to 16 17 support sustainable economic development, cultural and historical preservation, health care, education, and envi-18 ronmental sustainability projects for Tibetan communities 19 in the Tibet Autonomous Region and in other Tibetan 20 21 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).".

1	(c) Special Coordinator for Tibetan Issues.—
2	Section 621 of the Tibetan Policy Act of 2002 is amend-
3	ed—
4	(1) in subsection (d)—
5	(A) in paragraph (5), by striking "and" at
6	the end;
7	(B) by redesignating paragraph (6) as
8	paragraph (7); and
9	(C) by inserting after paragraph (5) the
10	following new paragraph:
11	"(6) review and approve all projects carried out
12	pursuant to section 616(d);".
13	(2) by adding at the end the following new sub-
14	section:
15	"(e) Personnel.—The Secretary shall assign dedi-
16	cated personnel to the Office of the Special Coordinator
17	for Tibetan Issues sufficient to assist in the management
18	of the responsibilities of this section and section
19	616(d)(2).".
20	(d) DIPLOMATIC REPRESENTATION RELATING TO
21	TIBET.—
22	(1) United states embassy in Beijing.—
23	(A) In General.—The Secretary of State
24	is authorized to establish a Tibet Section within
25	the United States Embassy in Beijing, People's

1 Republic of China, for the purposes of following 2 political, economic, and social developments in-3 side Tibet, including Tibetan areas of Qinghai, 4 Sichuan, Gansu, and Yunnan provinces, until such time as a United States consulate in Tibet 6 is established. Such Tibet Section shall have the 7 primary responsibility for reporting on human 8 rights issues in Tibet and shall work in close 9 cooperation with the Office of the Special Coor-10 dinator for Tibetan Issues. The chief of such 11 Tibet Section should be of senior rank.

- (B) AUTHORIZATION OF APPROPRIA-TIONS.—Of the amounts authorized to be appropriated under section 101(a), there are authorized to be appropriated such sums as may be necessary for each of fiscal years 2010 and 2011 to carry out this paragraph.
- 18 (2) IN TIBET.—Section 618 of the Tibetan Pol-19 icy Act of 2002 is amended to read as follows:
- 20 "SEC. 618. ESTABLISHMENT OF A UNITED STATES CON-21 SULATE 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, in-

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- 1 cluding Tibetan areas of Qinghai, Sichuan, Gansu, and
- 2 Yunnan provinces.".
- 3 (e) Religious Persecution in Tibet.—Section
- 4 620(b) of the Tibetan Policy Act of 2002 is amended by
- 5 adding before the period at the end the following: ", in-
- 6 cluding the reincarnation system of Tibetan Buddhism".

## 7 TITLE III—ORGANIZATION AND

## 8 PERSONNEL AUTHORITIES

- 9 SEC. 301. TRANSATLANTIC DIPLOMATIC FELLOWSHIP PRO-
- 10 GRAM.
- 11 (a) Fellowship Authorized.—Chapter 5 of title
- 12 I of the Foreign Service Act of 1980 (22 U.S.C. 3981
- 13 et seq.) is amended by adding at the end the following
- 14 new section:
- 15 "SEC. 506. TRANSATLANTIC DIPLOMATIC FELLOWSHIP
- 16 **PROGRAM.**
- 17 "(a) In General.—The Secretary is authorized to
- 18 establish the Transatlantic Diplomatic Fellowship Pro-
- 19 gram. Under the program, the Secretary may assign a
- 20 member of the Service, for not more than one year, to
- 21 a position with any designated country or designated enti-
- 22 ty that permits an employee to be assigned to a position
- 23 with the Department.
- 24 "(b) Salary and Benefits.—The salary and bene-
- 25 fits of a member of the Service shall be paid as described

1	in subsection (b) of section 503 during a period in which
2	such member is participating in the Transatlantic Diplo-
3	matic Fellowship Program. The salary and benefits of an
4	employee of a designated country or designated entity par-
5	ticipating in such program shall be paid by such country
6	or entity during the period in which such employee is par-
7	ticipating in the program.
8	"(c) Definitions.—In this section:
9	"(1) The term 'designated country' means a
10	member country of—
11	"(A) the North Atlantic Treaty Organiza-
12	tion; or
13	"(B) the European Union.
14	"(2) The term 'designated entity' means—
15	"(A) the North Atlantic Treaty Organiza-
16	tion; or
17	"(B) the European Union.
18	"(d) Rule of Construction.—Nothing in this sec-
19	tion shall be construed to—
20	"(1) authorize the appointment as an officer or
21	employee of the United States of—
22	"(A) an individual whose allegiance is to
23	any country, government, or foreign or inter-
24	national entity other than to the United States;
25	or

1	"(B) an individual who has not met the re-
2	quirements of sections 3331, 3332, 3333, and
3	7311 of title 5, United States Code, and any
4	other provision of law concerning eligibility for
5	appointment as, and continuation of employ-
6	ment as, an officer or employee of the United
7	States; or
8	"(2) authorize the Secretary to assign a mem-
9	ber of the Service to a position with any foreign
10	country whose laws, or foreign or international enti-
11	ty whose rules, require such member to give alle-
12	giance or loyalty to such country or entity while as-
13	signed to such position.".
14	(b) Technical and Conforming Amendments.—
15	The Foreign Service Act of 1980 is amended—
16	(1) in section 503 (22 U.S.C. 3983)—
17	(A) in the section heading, by striking
18	"AND" and inserting "FOREIGN GOVERN-
19	MENTS, OR"; and
20	(B) in subsection (a)(1), by inserting be-
21	fore the semicolon at the end the following: ",
22	or with a foreign government under sections
23	506 or 507"; and
24	(2) in section 2, in the table of contents—

(A) by striking the item relating to section
503 and inserting the following new item:
"Sec. 503. Assignments to agencies, international organizations, foreign governments, or other bodies.";
and
(B) by adding after the item relating to
section 505 the following new item:
"Sec. 506. Transatlantic diplomatic fellowship program.".
SEC. 302. SECURITY OFFICERS EXCHANGE PROGRAM.
(a) In General.—Chapter 5 of title I of the Foreign
Service Act of 1980 (22 U.S.C. 3981 et seq.) is amended
by adding after section 506 (as added by section 311 of
this Act) the following new section:
"SEC. 507. SECURITY OFFICERS EXCHANGE PROGRAM.
"(a) In General.—The Secretary is authorized to
establish the Security Officers Exchange Program. Under
the program, the Secretary may assign a member of the
Service, for not more than a total of three years, to a posi-
tion with any country or international organization des-
ignated 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 bene-
fits of the members of the Service shall be paid as de-
scribed in subsection (b) of section 503 during a period
in which such officer is participating in the Security Offi-

cers Exchange Program. The salary and benefits of an employee of a designated country or international organiza-3 tion participating in such program shall be paid by such 4 country or international organization during the period in 5 which such employee is participating in the program. 6 "(c) Designation.—The Secretary may designate a country or international organization to participate in this 8 program if the Secretary determines that such participation is in the national security interests of the United 10 States. "(d) Rule of Construction.—Nothing in this sec-11 tion shall be construed to— 12 "(1) authorize the appointment as an officer or 13 employee of the United States of— 14 "(A) an individual whose allegiance is to 15 16 any country, government, or foreign or inter-17 national entity other than to the United States; 18 or 19 "(B) an individual who has not met the re-20 quirements of sections 3331, 3332, 3333, and 21 7311 of title 5, United States Code, and any 22 other provision of law concerning eligibility for 23 appointment as, and continuation of employ-24 ment as, an officer or employee of the United 25 States; or

- 1 "(2) authorize the Secretary to assign a mem-
- 2 ber of the Service to a position with any foreign
- 3 country whose laws, or foreign or international enti-
- 4 ty whose rules, require such member to give alle-
- 5 giance or loyalty to such country or entity while as-
- 6 signed to such position.".
- 7 (b) Technical and Conforming Amendment.—
- 8 Section 2 of the Foreign Service Act of 1980 is amended,
- 9 in the table of contents, by adding after the item relating
- 10 to section 506 (as added by section 311(b)(2) of this Act)
- 11 the following new item:

"Sec. 507. Security officers exchange program.".

- 12 SEC. 303. SUSPENSION OF FOREIGN SERVICE MEMBERS
- 13 WITHOUT PAY.
- 14 (a) Suspension.—Section 610 of the Foreign Serv-
- 15 ice Act of 1980 (22 U.S.C. 4010) is amended by adding
- 16 at the end the following new subsection:
- " (c)(1) In order to promote the efficiency of the Serv-
- 18 ice, the Secretary may suspend a member of the Foreign
- 19 Service without pay when the member's security clearance
- 20 is suspended or when there is reasonable cause to believe
- 21 that the member has committed a crime for which a sen-
- 22 tence of imprisonment may be imposed.
- "(2) Any member of the Foreign Service for whom
- 24 a suspension is proposed shall be entitled to—

1	"(A) written notice stating the specific reasons
2	for the proposed suspension;
3	"(B) a reasonable time to respond orally and in
4	writing to the proposed suspension;
5	"(C) representation by an attorney or other
6	representative; and
7	"(D) a final written decision, including the spe-
8	cific reasons for such decision, as soon as prac-
9	ticable.
10	"(3) Any member suspended under this section may
11	file a grievance in accordance with the procedures applica-
12	ble to grievances under chapter 11 of this title.
13	"(4) In the case of a grievance filed under paragraph
14	(3)—
15	"(A) the review by the Foreign Service Griev-
16	ance Board shall be limited to a determination of
17	whether the provisions of paragraphs (1) and (2)
18	have been fulfilled; and
19	"(B) the Foreign Service Grievance Board may
20	not exercise the authority provided under section
21	1106(8).
22	"(5) In this subsection:
23	"(A) The term 'reasonable time' means—
24	"(i) with respect to a member of the For-
25	eign Service assigned to duty in the United

1	States, 15 days after receiving notice of the
2	proposed suspension; and
3	"(ii) with respect to a member of the For-
4	eign Service assigned to duty outside the
5	United States, 30 days after receiving notice of
6	the proposed suspension.
7	"(B) The term 'suspend' or 'suspension' means
8	the placing of a member of the Foreign Service in
9	a temporary status without duties and pay.".
10	(b) Conforming and Clerical Amendments.—
11	(1) Amendment of Section Heading.—Such
12	section, as amended by subsection (a) of this section,
13	is further amended, in the section heading, by in-
14	serting "; SUSPENSION" before the period at the
15	end.
16	(2) CLERICAL AMENDMENT.—The item relating
17	to such section in the table of contents in section 2
18	of such Act is amended to read as follows:
	"Sec. 610. Separation for cause; suspension.".
19	SEC. 304. REPEAL OF RECERTIFICATION REQUIREMENT
20	FOR SENIOR FOREIGN SERVICE.
21	Section 305(d) of the Foreign Service Act of 1980
22	(22 U.S.C. 3945(d)) is hereby repealed.

1	SEC. 305. LIMITED APPOINTMENTS IN THE FOREIGN SERV-
2	ICE.
3	Section 309 of the Foreign Service Act of 1980 (22
4	U.S.C. 3949), is amended—
5	(1) in subsection (a), by striking "subsection
6	(b)" and inserting "subsections (b) or (c)";
7	(2) in subsection (b)—
8	(A) in paragraph (3)—
9	(i) by inserting "(A)," after "if"; and
10	(ii) by inserting before the semicolon
11	at the end the following: ", or (B), the ca-
12	reer candidate is serving in the uniformed
13	services, as defined by the Uniformed Serv-
14	ices Employment and Reemployment
15	Rights Act of 1994 (38 U.S.C. 4301 et
16	seq.), and the limited appointment expires
17	in the course of such service";
18	(B) in paragraph (4), by striking "and" at
19	the end;
20	(C) in paragraph (5), by striking the pe-
21	riod at the end and inserting "; and"; and
22	(D) by adding after paragraph (5) the fol-
23	lowing new paragraph:
24	"(6) in exceptional circumstances where the
25	Secretary determines the needs of the Service re-
26	quire the extension of a limited appointment (A), for

- 1 a period of time not to exceed 12 months (provided
- 2 such period of time does not permit additional re-
- 3 view by the boards under section 306), or (B), for
- 4 the minimum time needed to settle a grievance,
- 5 claim, or complaint not otherwise provided for in
- 6 this section."; and
- 7 (3) by adding at the end the following new sub-
- 8 section:
- 9 "(c) Non-career Foreign Service employees who have
- 10 served five consecutive years under a limited appointment
- 11 may be reappointed to a subsequent limited appointment
- 12 provided there is a one year break in service between each
- 13 appointment. The Secretary may in cases of special need
- 14 waive the requirement for a one year break in service.".
- 15 SEC. 306. COMPENSATORY TIME OFF FOR TRAVEL.
- 16 Section 5550b of title 5, United States Code, is
- 17 amended by adding at the end the following new sub-
- 18 section:
- 19 "(c) The maximum amount of compensatory time off
- 20 earned under this section may not exceed 104 hours dur-
- 21 ing any leave year (as defined by regulations established
- 22 by the Office of Personnel Management).".

1	SEC. 307. PROTECTION OF INTELLECTUAL PROPERTY
2	RIGHTS.
3	(a) Resources To Protect Intellectual Prop-
4	ERTY RIGHTS.—The Secretary of State shall ensure that
5	the protection in foreign countries of the intellectual prop-
6	erty rights of United States persons in other countries is
7	a significant component of United States foreign policy in
8	general and in relations with individual countries. The
9	Secretary of State, in consultation with the Director Gen-
10	eral of the United States and Foreign Commercial Service
11	and other agencies as appropriate, shall ensure that ade-
12	quate resources are available at diplomatic missions in any
13	country that is identified under section $182(a)(1)$ of the
14	Trade Act of 1974 (19 U.S.C. 2242(a)(1)) to ensure—
15	(1) support for enforcement action against vio-
16	lations of the intellectual property rights of United
17	States persons in such country; and
18	(2) cooperation with the host government to re-
19	form its applicable laws, regulations, practices, and
20	agencies to enable that government to fulfill its
21	international and bilateral obligations with respect to
22	intellectual property rights.
23	(b) New Appointments.—The Secretary of State,
24	in consultation with the Director General of the United
25	States and Foreign Commercial Service, shall appoint 10
26	intellectual property attachés to serve in United States

- 1 embassies or other diplomatic missions. The 10 appoint-
- 2 ments shall be in addition to personnel serving, on the
- 3 date of the enactment of this Act, in the capacity of intel-
- 4 lectual property attachés from any department or agency
- 5 of the United States at United States embassies or other
- 6 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—

1	(A) to the countries that have been identi-
2	fied under section 182(a)(1) of the Trade Act
3	of 1974 (19 U.S.C. 2242(a)(1)); and
4	(B) to the country where the Organization
5	for Economic Cooperation and Development has
6	its headquarters.
7	(d) Duties and Responsibilities of Intellec-
8	TUAL PROPERTY ATTACHÉS.—The intellectual property
9	attachés appointed under subsection (b), as well as others
10	serving as intellectual property attachés of any other de-
11	partment or agency of the United States, shall have the
12	following responsibilities:
13	(1) To promote cooperation with foreign gov-
14	ernments in the enforcement of intellectual property
15	laws generally, and in the enforcement of laws
16	against counterfeiting and piracy in particular.
17	(2) To assist United States persons holding in-
18	tellectual property rights, and the licensees of such
19	United States persons, in their efforts to combat
20	counterfeiting and piracy of their products or works
21	within the host country, including counterfeit or pi-
22	rated goods exported from or transshipped through
23	that country.
24	(3) To chair an intellectual property protection
25	task force consisting of representatives from all

- other relevant sections or bureaus of the embassy or other mission.
  - (4) To coordinate with representatives of the embassies or missions of other countries in information sharing, private or public communications with the government of the host country, and other forms of cooperation for the purpose of improving enforcement against counterfeiting and piracy.
    - (5) As appropriate and in accordance with applicable laws and the diplomatic status of the attachés, to engage in public education efforts against counterfeiting and piracy in the host country.
    - (6) To coordinate training and technical assistance programs of the United States Government within the host country that are aimed at improving the enforcement of laws against counterfeiting and piracy.
    - (7) To identify and promote other means to more effectively combat counterfeiting and piracy activities under the jurisdiction of the host country.
- 22 (e) Training.—The Secretary of State shall ensure 23 that each attaché appointed under subsection (b) is fully 24 trained for the responsibilities of the position before as-

suming duties at the United States embassy or other mis-2 sion in question. 3 (f) COORDINATION.—The activities of intellectual property attachés under this section shall be carried out 5 in coordination with the United States Intellectual Prop-6 erty Enforcement Coordinator appointed under section 7 301 of the Prioritizing Resources and Organization for In-8 tellectual Property Act of 2008 (15 U.S.C. 8111). 9 (g) Report to Congress.— 10 (1) IN GENERAL.—The Secretary of State shall 11 submit to the Congress, not later than December 31 12 of each year, a report on the appointment, designa-13 tion for assignment, and activities of all intellectual 14 property attachés of any Federal department or 15 agency who are serving at United States embassies 16 or other diplomatic missions. 17 (2) Contents.—Each report under paragraph 18 (1) shall include the following: 19 (A) A description of the progress, or lack 20 thereof, in the preceding year regarding the res-21 olution of general and specific intellectual prop-22 erty disputes in each country identified under 23 section 182(a)(1) of the Trade Act of 1974 (19

U.S.C. 2242(a)(1), including any changes by

1	the host government in applicable laws and reg-
2	ulations and their enforcement.
3	(B) An assessment of the obstacles pre-
4	venting the host government of each country
5	described in subparagraph (A) from imple-
6	menting adequate measures to fulfill its inter-
7	national and bilateral obligations with respect
8	to intellectual property rights.
9	(C) An assessment of the adequacy of the
10	resources of the Department of State employed
11	to carry out subparagraphs (A) and (B) and, if
12	necessary, an assessment of the need for addi-
13	tional resources for such purposes.
14	(h) DEFINITIONS.—In this section:
15	(1) Counterfeiting; counterfeit goods.—
16	(A) Counterfeiting.—The term "coun-
17	terfeiting" means activities related to produc-
18	tion of or trafficking in goods, including pack-
19	aging, that bear a spurious mark or designation
20	that is identical to or substantially indistin-
21	guishable from a mark or designation protected
22	under trademark laws or related legislation.
23	(B) Counterfeit goods.—The term
24	"counterfeit goods" means those goods de-
25	scribed in subparagraph (A).

1	(2) Intellectual property rights.—The
2	term "intellectual property rights" means the rights
3	of holders of copyrights, patents, trademarks, other
4	forms of intellectual property, and trade secrets.
5	(3) Piracy; pirated goods.—
6	(A) Piracy.—The term "piracy" means
7	activities related to production of or trafficking
8	in unauthorized copies or phonorecords of
9	works protected under copyright law or related
10	legislation.
11	(B) PIRATED GOODS.—The term "pirated
12	goods" means those copies or phonorecords de-
13	scribed in subparagraph (A).
14	(4) United States Person.—The term
15	"United States person" means—
16	(A) any United States resident or national,
17	(B) any corporation, partnership, other
18	business entity, or other organization, that is
19	organized under the laws of the United States,
20	and
21	(C) any foreign subsidiary or affiliate (in-
22	cluding any permanent foreign establishment)
23	of any corporation, partnership, business entity,
24	or organization described in subparagraph (B),

- 1 that is controlled in fact by such corporation,
- 2 partnership, business entity, or organization,
- 3 except that such term does not include an individual
- 4 who resides outside the United States and is em-
- 5 ployed by an individual or entity other than an indi-
- 6 vidual or entity described in subparagraph (A), (B),
- 7 or (C).
- 8 (i) AUTHORIZATION OF APPROPRIATIONS.—Of the
- 9 amounts authorized to be appropriated under section 101,
- 10 there are authorized to be appropriated for each fiscal year
- 11 such sums as may be necessary for the training and sup-
- 12 port of the intellectual property attachés appointed under
- 13 subsection (b) and of other personnel serving as intellec-
- 14 tual property attachés of any other department or agency
- 15 of the United States.
- 16 SEC. 308. DOMESTIC PARTNERS AS ELIGIBLE FAMILY MEM-
- 17 BERS.
- 18 It should be the policy of the United States to amend
- 19 or promulgate the personnel regulations necessary to en-
- 20 sure that same-sex domestic partners of United States
- 21 Foreign Service Officers are provided with the same bene-
- 22 fits, protections, and services currently provided to Eligi-
- 23 ble Family Members under the Foreign Affairs Manual,
- 24 including inclusion in travel orders, and access to training,

1	emergency and medical evacuations, post health units, visa
2	support, and preferential status for employment at post.
3	TITLE IV—INTERNATIONAL
4	<b>ORGANIZATIONS</b>
5	SEC. 401. STATEMENT OF POLICY REGARDING PEACE-
6	KEEPING OPERATIONS CONTRIBUTIONS.
7	It remains the policy of the United States, pursuant
8	to section 404(b)(2)(B) of the Foreign Relations Author-
9	ization Act, Fiscal Years 1994 and 1995 (Public Law
10	103-236; 22 U.S.C. 287e note) that United States as-
11	sessed contributions for a United Nations peacekeeping
12	operation shall not exceed 25 percent of the total of all
13	assessed contributions for such operation.
14	SEC. 402. ENHANCING NUCLEAR SAFEGUARDS.
15	(a) FINDINGS.—Congress makes the following find-
16	ings:
17	(1) The Treaty on the Non-Proliferation of Nu-
18	clear Weapons, done at Washington, London, and
19	Moscow July 1, 1968, and entered into force March
20	5, 1970 (commonly known as the "Nuclear Non-
21	Proliferation Treaty" or "NPT"), and the safe-
22	guards system of the International Atomic Energy
23	Agency (IAEA) are indispensable to international
24	peace and security.

- 1 (2) Congress has long supported efforts aimed 2 at effective and efficient assurances of nuclear fuel 3 supply, the strengthening of IAEA safeguards, and 4 assistance to the developing world for nuclear and 5 non-nuclear energy sources, as embodied in the Nu-6 clear Non-Proliferation Act of 1978 (22 U.S.C. 3201 7 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

- 1 growing, the laboratory's infrastructure is aging,
- 2 and IAEA requirements have become more demand-
- 3 ing, and while initial plans have been made for lab-
- 4 oratory enhancement and are currently pending
- 5 budgetary approval (sometime in 2009), the simple
- 6 fact is that, as more countries implement IAEA
- 7 safeguards, many more nuclear samples come to
- 8 SAL for analysis.
- 9 (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.
- 16 (b) AUTHORIZATION OF APPROPRIATIONS.—There is
- 17 authorized to be appropriated \$10,000,000 for the refur-
- 18 bishment or possible replacement of the IAEA's Safe-
- 19 guards Analytical Laboratory.
- 20 (c) Report.—Not later than 180 days after the date
- 21 of the enactment of this Act, the Secretary of State shall
- 22 submit to the Committee on Foreign Affairs of the House
- 23 of Representatives and the Committee on Foreign Rela-
- 24 tions of the Senate a report on the refurbishment or pos-

- 1 sible replacement of the IAEA's Safeguards Analytical
- 2 Laboratory pursuant to subsection (b).
- 3 SEC. 403. DURBAN REVIEW CONFERENCE FUNDING.
- 4 None of the funds authorized to be appropriated by
- 5 this Act may be used by the Secretary of State as a con-
- 6 tribution for any part of the Durban Review Conference
- 7 or its preparatory or follow-on activities.
- 8 SEC. 404. RESTRICTIONS REGARDING IRAN-LED INTER-
- 9 NATIONAL ORGANIZATIONS.
- None of the funds authorized to be appropriated by
- 11 this Act may be used by the Secretary of State as a con-
- 12 tribution for any organization, agency, or program within
- 13 the United Nations system in which Iran holds a position
- 14 of leadership.
- 15 SEC. 405. UNITED NATIONS HUMAN RIGHTS COUNCIL.
- None of the funds authorized to be appropriated by
- 17 this Act may be used by the Secretary of State as a con-
- 18 tribution for the United Nations Human Rights Council.
- 19 SEC. 406. UNITED NATIONS RELIEF AND WORKS AGENCY.
- None of the funds authorized to be appropriated by
- 21 this Act may be used by the Secretary of State as a con-
- 22 tribution for the United Nations Relief and Works Agency.

1	SEC. 407. UNITED NATIONS DEVELOPMENT PROGRAM ETH-
2	ICS JURISDICTION.
3	The Secretary of State shall withhold 10 percent
4	from the United States voluntary contribution for fiscal
5	year 2010 to the United Nations Development Program
6	until the Secretary of State certifies to the Committee on
7	Foreign Affairs and the Committee on Appropriations of
8	the House of Representatives and the Committee on For-
9	eign Relations and the Committee on Appropriations of
10	the Senate that the United Nations Development Program
11	has acceded to the jurisdiction of the United Nations Eth-
12	ics Office.
13	SEC. 408. WITHHOLDING OF CONTRIBUTIONS TO UNITED
14	NATIONS FOR LEGAL FEES OF CERTAIN OFFI-
14 15	
	NATIONS FOR LEGAL FEES OF CERTAIN OFFI-
15	NATIONS FOR LEGAL FEES OF CERTAIN OFFI- CERS OR EMPLOYEES.
15 16 17	NATIONS FOR LEGAL FEES OF CERTAIN OFFI- CERS OR EMPLOYEES.  The United States may not contribute to the United
15 16 17	NATIONS FOR LEGAL FEES OF CERTAIN OFFI- CERS OR EMPLOYEES.  The United States may not contribute to the United Nations any funds to be used to pay or reimburse legal
15 16 17 18	NATIONS FOR LEGAL FEES OF CERTAIN OFFI- CERS OR EMPLOYEES.  The United States may not contribute to the United Nations any funds to be used to pay or reimburse legal expenses incurred by current or former United Nations
15 16 17 18	NATIONS FOR LEGAL FEES OF CERTAIN OFFI- CERS OR EMPLOYEES.  The United States may not contribute to the United Nations any funds to be used to pay or reimburse legal expenses incurred by current or former United Nations officers or employees in connection with proceedings aris-
115 116 117 118 119 220	NATIONS FOR LEGAL FEES OF CERTAIN OFFI- CERS OR EMPLOYEES.  The United States may not contribute to the United Nations any funds to be used to pay or reimburse legal expenses incurred by current or former United Nations officers or employees in connection with proceedings aris- ing out of alleged malfeasance in connection with the em-
115 116 117 118 119 220 221	NATIONS FOR LEGAL FEES OF CERTAIN OFFI- CERS OR EMPLOYEES.  The United States may not contribute to the United Nations any funds to be used to pay or reimburse legal expenses incurred by current or former United Nations officers or employees in connection with proceedings aris- ing out of alleged malfeasance in connection with the em- ployment of such officers or employees with the United
15 16 17 18 19 20 21 22 23	NATIONS FOR LEGAL FEES OF CERTAIN OFFI- CERS OR EMPLOYEES.  The United States may not contribute to the United Nations any funds to be used to pay or reimburse legal expenses incurred by current or former United Nations officers or employees in connection with proceedings aris- ing out of alleged malfeasance in connection with the em- ployment of such officers or employees with the United Nations. The President shall ensure that no United States

1	nial budget of the United Nations amounts equal to any
2	amounts so paid or reimbursed.
3	SEC. 409. REVIEW OF ACTIVITIES OF INTERNATIONAL COM-
4	MISSIONS.
5	(a) In General.—Not later than one year after the
6	date of the enactment of this Act, and two years there-
7	after, the Secretary of State shall submit to the appro-
8	priate congressional committees a report on the activities
9	of each of the international commissions specified in sec-
10	tion 103.
11	(b) Report Elements.—The reports required
12	under subsection (a) shall include information on the fol-
13	lowing:
14	(1) Amounts obligated and expended during the
15	two previous fiscal years by each of such commis-
16	sions.
17	(2) A description of the projects carried out
18	during such years by each of such commissions and
19	a description of the management and implementa-
20	tion of such projects, including the use of private
21	contractors.
22	(3) Projects anticipated during the next two fis-
23	cal years relating to the activities of each of such
24	commissions because of obligations that the United

1	States has entered into based on any treaty between
2	the United States and another country.
3	(c) Submission of Reports.—The reports required
4	under subsection (a) may be combined with the annual
5	budget justification submitted by the President in accord-
6	ance with section 1105(a) of title 31, United States Code
7	TITLE V—UNITED STATES
8	INTERNATIONAL BROAD-
9	CASTING
10	SEC. 501. AUTHORIZATION OF APPROPRIATIONS FOR
11	INTERNATIONAL BROADCASTING.
12	The following amounts are authorized to be appro-
13	priated to carry out United States international broad-
14	casting activities under the United States Information and
15	Educational Exchange Act of 1948, the Radio Broad-
16	casting to Cuba Act, the Television Broadcasting to Cuba
17	Act, the United States International Broadcasting Act of
18	1994, and the Foreign Affairs Reform and Restructuring
19	Act of 1998, and to carry out other authorities in law con-
20	sistent with such purposes:
21	(1) For "International Broadcasting Oper-
22	ations", \$730,241,919 for fiscal year 2010 and such
23	sums as may be necessary for fiscal year 2011.

- 1 (2) For "Broadcasting Capital Improvements", 2 \$11,713,952 for fiscal year 2010 and such sums as 3 may be necessary for fiscal year 2011. (3) For "Broadcasting to Cuba", \$32,500,000 5 for fiscal year 2010 and such sums as may be nec-6 essary for fiscal year 2011. 7 SEC. 502. PERSONAL SERVICES CONTRACTING PROGRAM. 8 Section 504(c) of the Foreign Relations Authorization Act, Fiscal Year 2003, (Public Law 107–228; 22 U.S.C. 6206 note), is amended by striking "2009" and inserting "2011". 11 SEC. 503. EMPLOYMENT FOR INTERNATIONAL BROAD-12 13 CASTING. 14 Section 804(1) of the United States Information and 15 Educational Exchange Act of 1948 (22 U.S.C. 1474(1)) is amended by inserting after "suitably qualified United 16 17 States citizens" the following: "(for purposes of this para-18 graph, the term 'suitably qualified United States citizens' 19 means those United States citizen applicants who are 20 equally or better qualified than non-United States citizen 21 applicants)". 22 SEC. 504. DOMESTIC RELEASE OF THE VOICE OF AMERICA
- 23 FILM ENTITLED "A FATEFUL HARVEST".
- 24 (a) In General.—Notwithstanding section 208 of
- the Foreign Relations Authorization Act, Fiscal Years

- 1 1986 and 1987 (22 U.S.C. 1461–1a) and section 501(b)
- 2 of the United States Information and Educational Ex-
- 3 change Act of 1948 (22 U.S.C. 1461(b)), the Director of
- 4 the International Broadcasting Bureau shall provide a
- 5 master copy of the film entitled "A Fateful Harvest" to
- 6 the Archivist of the United States for domestic release in
- 7 accordance with subsection (b).
- 8 (b) Domestic Release.—Upon evidence that nec-
- 9 essary United States rights and licenses have been secured
- 10 by the person seeking domestic release of the film referred
- 11 to in subsection (a), the Archivist shall—
- 12 (1) deposit the film in the National Archives of
- the United States; and
- 14 (2) make copies of the film available for pur-
- chase and public viewing within the United States.
- 16 SEC. 505. ESTABLISHING PERMANENT AUTHORITY FOR
- 17 RADIO FREE ASIA.
- 18 Section 309 of the United States International
- 19 Broadcasting Act of 1994 (22 U.S.C. 6208) is amended—
- 20 (1) in subsection (c)(2), by striking ", and shall
- 21 further specify that funds to carry out the activities
- of Radio Free Asia may not be available after Sep-
- 23 tember 30, 2010";
- 24 (2) by striking subsection (f); and

1	(3) by redesignating subsections (g) and (h) as
2	subsection (f) and (g), respectively.
3	TITLE VI—UNITED NATIONS
4	TRANSPARENCY, ACCOUNT-
5	ABILITY, AND REFORM ACT
6	OF 2009
7	SEC. 601. SHORT TITLE.
8	This title may be cited as the "United Nations Trans-
9	parency, Accountability, and Reform Act of 2009".
10	SEC. 602. DEFINITIONS.
11	In this title:
12	(1) Employee.—The term "employee" means
13	an individual who is employed in the general serv-
14	ices, professional staff, or senior management of the
15	United Nations, including consultants, contractors
16	and subcontractors.
17	(2) General Assembly.—The term "General
18	Assembly" means the General Assembly of the
19	United Nations.
20	(3) Member state.—The term "Member
21	State" means a Member State of the United Na-
22	tions. Such term is synonymous with the term
23	"country".
24	(4) Secretary.—The term "Secretary" means
25	the Secretary of State.

1	(5) Secretary General.—The term "Sec-
2	retary General" means the Secretary General of the
3	United Nations.
4	(6) Security Council.—The term "Security
5	Council" means the Security Council of the United
6	Nations.
7	(7) UN.—The term "UN" means the United
8	Nations.
9	(8) Appropriate congressional commit-
10	TEES.—The term "appropriate congressional com-
11	mittees" means—
12	(A) the Committees on Foreign Affairs,
13	Appropriations, and Oversight and Government
14	Reform of the House; and
15	(B) the Committees on Foreign Relations,
16	Appropriations, and Homeland Security and
17	Governmental Affairs of the Senate.
18	Subtitle A—Funding of the United
19	Nations
20	SEC. 611. FINDINGS.
21	Congress finds the following:
22	(1) The United States pays billions of dollars
23	into the United Nations system every year (over
24	5,300,000,000 dollars in 2005, according to the

- White House Office of Management and Budget),
   significantly more than any other country.
- (2) Under current rules and contribution levels,
  ti is possible to assemble the two-thirds majority
  needed for important United Nations budget votes
  with a group of countries that, taken together, pay
  less than 1 percent of the total United Nations regular budget.
  - (3) The disconnect between contribution levels and management control creates significant perverse incentives in terms of United Nations spending, transparency, and accountability.
  - (4) The United Nations system suffers from unacceptably high levels of waste, fraud, and abuse, which seriously impair its ability to fulfill the lofty ideals of its founding.
  - (5) Amidst the continuing financial, corruption, and sexual abuse scandals of the past several years, American public disapproval of United Nations has reached all-time highs. A 2008 Gallup poll revealed that 65 percent of Americans believe that the United Nations is doing a poor job, a negative assessment shared by a majority of respondents from both political parties. Research polling by another firm in late 2006 found that 71 percent of Americans think that

- the United Nations is "no longer effective" and needs to be significantly reformed, while 75 percent think that the United Nations "needs to be held more accountable."
  - (6) Significant improvements in United Nations transparency and accountability are necessary for improving public perceptions of and American support for United Nations operations.
  - (7) Because of their need to justify future contributions from donors, voluntarily funded organizations have more incentive to be responsive and efficient in their operations than organizations funded by compulsory contributions that are not tied to performance.
  - (8) Article XVII of the Charter of the United Nations, which states that "[t]he expenses of the Organization shall be borne by the Members as apportioned by the General Assembly", leaves to the discretion of the General Assembly the basis of apportionment, which could be done on the basis of voluntary pledges by Member States.
  - (9) Unlike United States assessed contributions to the United Nations regular budget, which are statutorily capped at 22 percent of the total, there is no cap on voluntary contributions.

1 (10) The United States, which contributes gen-2 erously to international organizations whose activi-3 ties it recognizes as credible, worthwhile, and effi-4 cient, contributes more than 22 percent of the budg-5 et of certain voluntarily funded United Nations Spe-6 cialized Agencies.

## 7 SEC. 612. APPORTIONMENT OF THE UNITED NATIONS REG-

- 8 ULAR BUDGET ON A VOLUNTARY BASIS.
  - (a) United States Policy.—

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- (1) Shifting of funding.—It is the policy of the United States to seek to shift the funding mechanism for the regular budget of the United Nations from an assessed to a voluntary basis.
- (2) DIRECTION.—The President shall direct the United States Permanent Representative to the United Nations to use the voice, vote, and influence of the United States at the United Nations to shift the funding mechanism for the regular budget of the United Nations to a voluntary basis, and to make it a priority to build support for such a transformational change among Member States, particularly key United Nations donors.
- 23 (b) CERTIFICATION OF PREDOMINANTLY VOL-24 UNTARY UN REGULAR BUDGET FINDING.—A certifi-25 cation described in this section is a certification by the

- 1 Secretary of State to the Appropriate Congressional Com-
- 2 mittees that at least 80 percent of the total regular budget
- 3 of the United Nations is apportioned on a voluntary basis.
- 4 Each such certification shall be shall be effective for a pe-
- 5 riod of no more than 1 year, and shall be promptly revoked
- 6 by the Secretary, with notice to the Appropriate Congres-
- 7 sional Committees, if the underlying circumstances change
- 8 so as not to warrant such certification.
- 9 (c) Withholding of Nonvoluntary Contribu-
- 10 Tions.—
- 11 (1) IN GENERAL.—Beginning two years after 12 the effective date of this Act and notwithstanding
- any other provision of law, no funds may be obli-
- gated or expended for a United States assessed con-
- tribution to the regular budget of the United Na-
- tions in an amount greater than 50 percent of the
- 17 United States share of assessed contributions for the
- 18 regular budget of the United Nations unless there is
- in effect a certification by the Secretary, as de-
- scribed in subsection (b).
- 21 (2) Release.—For a period of three years
- after appropriation, funds appropriated for use as a
- United States contribution to the regular budget of
- the United Nations but withheld from obligation and
- expenditure pursuant to paragraph (1) may be obli-

- 1 gated and expended for that purpose upon the cer-
- 2 tification described in subsection (b). After three
- 3 years, in the absence of such certification, those
- 4 funds shall revert to the United States Treasury.
- 5 SEC. 613. BUDGET JUSTIFICATION FOR UNITED STATES
- 6 CONTRIBUTIONS TO THE REGULAR BUDGET
- 7 OF THE UNITED NATIONS.
- 8 (a) Detailed Itemization.—The annual congres-
- 9 sional budget justification shall include a detailed itemized
- 10 request in support of the contribution of the United States
- 11 to the regular budget of the United Nations.
- 12 (b) Contents of Detailed Itemization.—The
- 13 detailed itemization required under subsection (a) shall—
- (1) contain information relating to the amounts
- requested in support of each of the various sections
- and titles of the regular budget of the United Na-
- tions; and
- 18 (2) compare the amounts requested for the cur-
- rent year with the actual or estimated amounts con-
- tributed by the United States in previous fiscal years
- 21 for the same sections and titles.
- 22 (c) Adjustments and Notification.—If the
- 23 United Nations proposes an adjustment to its regular as-
- 24 sessed budget, the Secretary of State shall, at the time
- 25 such adjustment is presented to the Advisory Committee

- 1 on Administrative and Budgetary Questions (ACABQ),
- 2 notify and consult with the appropriate congressional com-
- 3 mittees.

## 4 Subtitle B—Transparency and Ac-

- 5 countability for United States
- 6 Contributions to the United Na-
- 7 tions
- 8 **SEC. 621. FINDINGS.**
- 9 Congress finds the following:
- 10 (1) As underscored by continuing revelations of 11 waste, fraud, and abuse, oversight and account-12 ability mechanisms within the United Nations sys-
- tem remain significantly deficient, despite decades of
- reform attempts, including those initiated by Secre-
- taries General of the United Nations.
- 16 (2) Notwithstanding the personal intentions of
- any Secretary General of the United Nations to pro-
- mote institutional transparency and accountability
- 19 within the United Nations System, the Secretary
- General lacks the power to impose far reaching man-
- agement reforms without the concurrence of the
- General Assembly.
- 23 (3) Groupings of Member States whose voting
- power in the General Assembly significantly out-
- 25 paces their proportional contributions to the United

- Nations system have repeatedly and successfully defeated, delayed, and diluted various reform proposals that would have enabled more detailed oversight and scrutiny of United Nations system operations and expenditures.
- 6 (4) To an unacceptable degree, major donor 7 states, including the United States, lack access to 8 reasonably detailed, reliable information that would 9 allow them to determine how their contributions 10 have been spent by various United Nations system 11 entities, further contributing to the lack of account-12 ability within the United Nations system.

#### 13 SEC. 622. DEFINITIONS.

- 14 In this title:
- ENTITY.—The 15 (1)UNITED NATIONS term "United Nations Entity" means any United Nations 16 17 agency, commission, conference, council, court, de-18 partment, forum, fund, institute, office, organiza-19 tion, partnership, program, subsidiary body, tri-20 bunal, trust, university or academic body, related or-21 ganization or subsidiary body, wherever located, that 22 flies the United Nations flag or is authorized to use 23 the United Nations logo, including but not limited to 24 those United Nations affiliated agencies and bodies 25 identified as recipients of United States contribu-

- 1 tions under section 1225(b)(3)(E) of the John War-2 ner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364). 3
- UNITED NATIONS SYSTEM.—The "United Nations System" means the aggregation of 5 6 all United Nations Entities, as defined in paragraph 7 (1).
- 8 (3) United States Contribution.—The term 9 "United States Contribution" means an assessed or 10 voluntary contribution, whether financial, in-kind, or otherwise, from the United States Federal Govern-12 ment to a United Nations Entity, including con-13 tributions passed through other entities for ultimate 14 use by a United Nations Entity. United States Con-15 tributions include, but are not limited to, those con-16 tributions identified section pursuant to 17 1225(b)(3)(E) of the John Warner National Defense 18 Authorization Act for Fiscal Year 2007 (Public Law 19 109–364).
  - (4) Transparency certification.—The term "Transparency Certification" means an annual, written affirmation by the head or authorized designee of a United Nations Entity that the Entity will cooperate with the Inspector General, including by providing the Inspector General, upon request, with

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1	full access to Oversight Information as defined in
2	this title.
3	(5) Oversight information.—The term
4	"Oversight Information" includes—
5	(A) internally and externally commissioned
6	audits, program reviews, performance reports,
7	and evaluations;
8	(B) financial statements, records, and bill-
9	ing systems;
10	(C) program budgets and program budget
11	implications, including revised estimates and re-
12	ports produced by or provided to the Secretary
13	General and the Secretary General's agents on
14	budget related matters;
15	(D) operational plans, budgets, and budg-
16	etary analyses for peacekeeping operations;
17	(E) analyses and reports regarding the
18	scale of assessments;
19	(F) databases and other data systems con-
20	taining financial or programmatic information;
21	(G) documents or other records alleging or
22	involving improper use of resources, mis-
23	conduct, mismanagement, or other violations of
24	rules and regulations applicable to the United
25	Nations Entity: and

1	(H) other documentation relevant to the
2	audit and investigative work of the United
3	States Inspector General for Contributions to
4	the United Nations System.
5	SEC. 623. ESTABLISHMENT AND MANAGEMENT OF THE OF-
6	FICE OF THE UNITED STATES INSPECTOR
7	GENERAL FOR CONTRIBUTIONS TO THE
8	UNITED NATIONS SYSTEM.
9	(a) Purpose.—The purpose of this section is to
10	make possible the independent and objective conduct of
11	audits and investigations relating to United States Con-
12	tributions to the United Nations System and the use of
13	those contributions by United Nations Entities, in an ef-
14	fort to eliminate and deter waste, fraud, and abuse in the
15	use of those contributions, and thereby to contribute to
16	the development of greater transparency, accountability,
17	and internal controls throughout the United Nations Sys-
18	tem.
19	(b) Establishment.—There is hereby established
20	the Office of the United States Inspector General for Con-
21	tributions to the United Nations System.
22	(c) Inspector General.—
23	(1) APPOINTMENT.—The head of the Office of
24	the United States Inspector General for Contribu-
25	tions to the United Nations System is the Inspector

- General for Contributions to the United Nations
  System, who shall be appointed by the President, by
  and with the advice and consent of the Senate, on
  the basis of integrity and demonstrated ability in accounting, auditing, financial analysis, law, management analysis, public administration, or investigations.
  - (2) Nomination.—The nomination of an individual as Inspector General shall be made not later than 30 days after the enactment of this Act.
  - (3) Removal.—The Inspector General may be removed from office by the President. The President shall communicate the reasons for any such removal to both Houses of Congress.
  - (4) Compensation.—The annual rate of basic pay of the Inspector General shall be the annual rate of basic pay provided for positions at level IV of the Executive Schedule under section 5315 of title 5, United States Code.

## (5) Relationship to board.—

(A) Except as provided in subparagraph (B), the Inspector General shall report directly to and be under the general supervision of, the Board of Directors created in subsection (d).

1	(B) Neither the Board, any officer of the
2	Board, nor any officer of a federal department
3	or agency shall prevent or prohibit the Inspec-
4	tor General from initiating, carrying out, or
5	completing any audit or investigation.
6	(6) Duties.—
7	(A) IN GENERAL.—It shall be the duty of
8	the Inspector General to conduct, supervise,
9	and coordinate audits and investigations of—
10	(i) the treatment, handling, expendi-
11	ture, and use of United States Contribu-
12	tions by and to United Nations Entities;
13	and
14	(ii) the adequacy of accounting, over-
15	sight, and internal control mechanisms at
16	United Nations Entities that receive
17	United States Contributions.
18	(B) Supervision.—The Inspector General
19	shall establish, maintain, and oversee such sys-
20	tems, procedures, and controls as the Inspector
21	General considers appropriate to discharge the
22	duty under subparagraph (A).
23	(C) OPERATION.—The Inspector General
24	shall carry out the duties specified in subpara-

1	graphs (A) and (B) in accordance with section
2	4(b)(1) of the Inspector General Act of 1978.
3	(D) MAINTENANCE OF RECORDS.—The In-
4	spector General shall collect and maintain cur-
5	rent records regarding Transparency Certifi-
6	cations by all United Nations Entities that re-
7	ceive United States Contributions.
8	(E) NOTIFICATION.—The Inspector Gen-
9	eral shall keep the Board of Directors and the
10	Congress fully and promptly informed of how
11	United Nations Entities are spending United
12	States Contributions by means of reports, testi-
13	mony, and briefings.
14	(F) Referrals.—
15	(i) The Inspector General shall
16	promptly report to the United States At-
17	torney General when Inspector General has
18	reasonable grounds to believe a United
19	States federal criminal law has been vio-
20	lated by a United Nations Entity or one of
21	its employees, contractors, or representa-
22	tives.
23	(ii) The Inspector General shall
24	promptly report, when appropriate, to the
25	Secretary General or the head of the ap-

1	propriate United Nations Entity cases
2	where the Inspector General reasonably be-
3	lieves that mismanagement, misfeasance,
4	or malfeasance is likely to have taken place
5	within a United Nations Entity and dis-
6	ciplinary proceedings are likely justified.
7	(7) Personnel, facilities, and other re-
8	SOURCES.—
9	(A) IN GENERAL.—The Inspector General
10	may select, appoint, and employ such officers
11	and employees as may be necessary for carrying
12	out the duties of the Inspector General.
13	(B) Services.—The inspector general
14	may obtain services as authorized by section
15	3109 of title 5, United States Code, at daily
16	rates not to exceed the equivalent rate pre-
17	scribed for grade GS-15 of the General Sched-
18	ule by section 5332 of such title.
19	(C) REAL PROPERTY.—The Inspector Gen-
20	eral may lease, purchase, or otherwise acquire,
21	improve, and use such real property wherever
22	situated, as may be necessary for carrying out
23	this section.
24	(D) Contracts.—To the extent and in
25	such amounts as may be provided in advance by

appropriations Acts, the Inspector General my enter into contracts and other arrangements for audits, studies, analyses, and other services with public agencies and with private persons, and make such payments as may be necessary to carry out the duties of the Inspector General.

(E) Detailes.—Upon request by the Inspector General, the head of an agency may detail any employee of such agency to the Office of the United States Inspector General for Contributions to the United Nations System 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.

# (8) Cooperation by united states government entities.—

(A) IN GENERAL.—In carrying out the duties, responsibilities, and authorities of the Inspector General under this section, the Inspector General shall receive the cooperation of inspectors general of other Federal Government agencies.

- (B) Assistance.—Upon request of the Inspector General for information or assistance from any department, agency, or other entity of the Federal Government, the head of such entity shall, insofar as is practicable and not in contravention of any existing law, furnish such information or assistance to the Inspector General, or an authorized designee.
  - (C) Report.—Whenever information or assistance requested by the Inspector General is, in the judgment of the Inspector General, unreasonably refused or not provided, the Inspector General shall report the circumstances to the Board of Directors and to the Appropriate Congressional Committees without delay.
  - (9) Confirmation of transparency by united nations entities.—
    - (A) PROMPT NOTICE BY INSPECTOR GEN-ERAL.—Whenever information or assistance requested from a United Nations Entity by the Inspector General pursuant to a Transparency Certification is, in the opinion of the Inspector General, unreasonably refused or not provided in a timely manner, the Inspector General shall notify the Board of Directors, the head of that

- particular United Nations Entity, and the Secretary General of the circumstances in writing, without delay.
  - (B) Notice of compliance.—If and when the information or assistance being sought by the Inspector General in connection with a notification pursuant to subparagraph (A) is provided to the satisfaction of the Inspector General, the Inspector General shall so notify in writing the United Nations Entity, the Board of Directors, and the Appropriate Congressional Committees.
  - (C) Noncompliance.—If the information or assistance being sought by the Inspector General in connection with a notification pursuant to subparagraph (A) is not provided to the satisfaction of the Inspector General within 90 days of that notification, then the United Nations Entity that is the subject of the notification is deemed to be noncompliant with its Transparency Certification, and the Inspector General shall provide prompt, written notification of that fact to the Board of Directors, Appropriate Congressional Committees, the head of that United Nations Entity, the Secretary

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General, and any office or agency of the Federal Government that has provided that United Nations Entity with any United States Contribution during the prior 2 years.

RESTORATION OF COMPLIANCE.— After the situation has been resolved to the satisfaction of the Board of Directors, a finding of Transparency Certification noncompliance pursuant to subparagraph (B) may be reversed by an affirmative vote of at least 5 of the 7 members of the Board of Directors. The Board shall promptly provide notification of such restoration, along with a description of the basis for the Board's decision, to the Inspector General, Appropriate Congressional Committees, head of the affected United Nations Entity, the Secretary General, and the head of any office or agency of the Federal Government that has provided that United Nations Entity with any United States Contribution during the prior 2 years.

(E) Cost Reimbursement.—The Inspector General may reimburse United Nations Entities for the reasonable cost of providing to the Inspector General information or assistance

1 sought pursuant to a Transparency Certifi-2 cation for the purpose of performing the duties 3 described in paragraph (6). 4 (10) Reports.— (A)AUDIT AND INVESTIGATION RE-6 PORTS.—Promptly upon completion, the Inspec-7 tor General shall provide copies of each audit 8 and investigation report completed pursuant to 9 paragraph (6) to the Board of Directors, the 10 Appropriate Congressional Committees, and, to 11 the extent permissible under United States law, 12 the head of each United Nations Entity that is 13 the subject of that particular report. 14 SEMIANNUAL REPORTS.—Not later (B) 15 than May 30, 2010, and semiannually there-16 after, the Inspector General shall submit to the 17 Appropriate Congressional Committees a report 18 that, among other things— 19 (i) meets the requirements of section 20 5 of the Inspector General Act of 1978; 21 and 22 (ii) includes a list of and detailed de-23 scription of the circumstances surrounding 24 any notification of noncompliance issued

pursuant to paragraph (9)(C) during the

1	covered timeframe, and whether and when
2	Board of Directors has reversed such find-
3	ing of noncompliance.
4	(C) Prohibited disclosures.—Nothing
5	in this subsection shall be construed to author-
6	ize the public disclosure of information that
7	is—
8	(i) specifically prohibited from disclo-
9	sure by any other provision of law;
10	(ii) specifically required by Executive
11	order to be protected from disclosure in
12	the interest of national defense or national
13	security or in the conduct of foreign af-
14	fairs; or
15	(iii) a part of an ongoing criminal in-
16	vestigation.
17	(D) PRIVACY PROTECTIONS.—The Inspec-
18	tor General shall exempt from public disclosure
19	information received from a United Nations
20	Entity or developed during an audit or inves-
21	tigation that the Inspector General believes—
22	(i) constitutes a trade secret or privi-
23	leged and confidential personal financia
24	information;

1	(ii) accuses a particular person of a
2	crime;
3	(iii) would, if publicly disclosed, con-
4	stitute a clearly unwarranted invasion of
5	personal privacy; and
6	(iv) would compromise an ongoing law
7	enforcement investigation or judicial trial
8	in the United States.
9	(E) Publication.—Subject only to the
10	exceptions detailed in subparagraphs (C) and
11	(D), the Inspector General shall promptly pub-
12	lish each report under this subsection on a pub-
13	licly available and searchable Internet website.
14	(d) Board of Directors.—
15	(1) ESTABLISHMENT.—The Office of the
16	United States Inspector General for Contributions to
17	the United Nations System shall have a Board of
18	Directors.
19	(2) Duties.—The Board shall receive informa-
20	tion and reports of audits and investigations from
21	the Office and the Inspector General, provide gen-
22	eral direction and supervision to the Office and the
23	Inspector General, and determine the restoration of
24	compliance by any United Nations Entity with its

- 1 Transparency Certification pursuant to subsection 2 (c)(9)(D).
- (3) Membership.—The Board shall consist of 3 4 the Secretary of State (or the Secretary's designee), 5 the Secretary of Labor (or the Secretary's designee), 6 the Secretary of Agriculture (or the Secretary's des-7 ignee), the Secretary of Defense (or the Secretary's 8 designee), the Administrator of the Environmental 9 Protection Agency (or the Administrator's designee), 10 the Secretary of the Treasury (or the Secretary's 11 designee), and the Director of the Office of Manage-12 ment and Budget (or the Director's designee).
- 13 (4) CHAIRMANSHIP.—The Board shall be
  14 chaired by a board member, and the chairmanship
  15 shall rotate among the member departments and
  16 agencies on an annual basis. The first chair shall be
  17 the Director or designee from the Office of Manage18 ment and Budget.

## 19 SEC. 624. TRANSPARENCY FOR UNITED STATES CONTRIBU-

- 20 TIONS.
- 21 (a) Funding Prerequisites.—Notwithstanding
- 22 any other provision of law, no funds made available for
- 23 use as a United States Contribution to any United Na-
- 24 tions Entity may be obligated or expended if—

- 1 (1) the intended United Nations Entity recipi-
- 2 ent has not provided to the Inspector General within
- 3 the preceding year a Transparency Certification as
- 4 defined in section 22(4); or
- 5 (2) the intended United Nations Entity recipi-
- 6 ent is noncompliant with its Transparency Certifi-
- 7 cation as described in section  $\underline{23(c)(9)(C)}$ .
- 8 (b) Treatment of Funds Withheld for Non-
- 9 COMPLIANCE.—At the conclusion of each fiscal year, any
- 10 funds that had been appropriated for use as a United
- 11 States Contribution to a United Nations Entity during
- 12 that fiscal year, but could not be obligated or expended
- 13 because of the restrictions of paragraph (1), shall be re-
- 14 turned to the United States Treasury, and are not subject
- 15 to reprogramming for any other use. Any such funds re-
- 16 turned to the Treasury shall not be considered arrears to
- 17 be repaid to any United Nations Entity.
- 18 (c) President Maiver.—The President may
- 19 waive the limitations of this subsection with respect to a
- 20 particular United States Contribution to a particular
- 21 United Nations Entity within a single fiscal year if the
- 22 President determines that it is required by the national
- 23 security interests of the United States and provides notifi-
- 24 cation and explanation of that determination to the Appro-
- 25 priate Congressional Committees.

## 1 SEC. 625. AUTHORIZATION OF APPROPRIATIONS.

- 2 There are authorized to be appropriated such sums
- 3 as are necessary to carry out the activities of this title,
- 4 provided that such sums be not less than one half of 1
- 5 percent of the total amount of all assessed and voluntary
- 6 contributions of the United States Government to the
- 7 United Nations and United Nations affiliated agencies
- 8 and related bodies during the prior fiscal year, as identi-
- 9 fied pursuant to section 1225(b)(3)(E) of the John War-
- 10 ner National Defense Authorization Act for Fiscal Year
- 11 2007 (Public Law 109–364).

## 12 Subtitle C—United States Policy at

## the United Nations

- 14 SEC. 631. ANNUAL PUBLICATION.
- The President shall direct the United States Perma-
- 16 nent Representative to the United Nations to use the
- 17 voice, vote, and influence of the United States at the
- 18 United Nations to ensure the United Nations publishes
- 19 annually, including on a publicly searchable internet
- 20 website, a list of all United Nations subsidiary bodies and
- 21 their functions, budgets, staff, and contributions, both vol-
- 22 untary and assessed, sorted by donor.
- 23 SEC. 632. ANNUAL FINANCIAL DISCLOSURE.
- The President shall direct the United States Perma-
- 25 nent Representative to the United Nations to use the
- 26 voice, vote, and influence of the United States at the

- 1 United Nations to implement a system for the required
- 2 filing of individual annual financial disclosure forms by
- 3 each employee of the United Nations and its specialized
- 4 agencies, programs, and funds at the P-5 level and above,
- 5 which shall be made available to the Office of Internal
- 6 Oversight Services and, upon request, to Member States
- 7 and their public.
- 8 SEC. 633. POLICY WITH RESPECT TO EXPANSION OF THE
- 9 SECURITY COUNCIL.
- 10 It shall be the policy of the United States to use the
- 11 voice, vote, and influence of the United States at the
- 12 United Nations to oppose any proposals on expansion of
- 13 the Security Council if such expansion would—
- 14 (1) diminish the influence of the United States
- on the Security Council;
- 16 (2) include veto rights for any new members of
- the Security Council; or
- 18 (3) undermine the effectiveness of the Security
- 19 Council.
- 20 SEC. 634. ACCESS TO REPORTS AND AUDITS.
- The President shall direct the United States Perma-
- 22 nent Representative to the United Nations to use the
- 23 voice, vote, and influence of the United States at the
- 24 United Nations to ensure that Member States may, upon

- 1 request, have access to all reports and audits completed
- 2 by the Board of External Auditors.

#### 3 SEC. 635. WAIVER OF IMMUNITY.

- 4 The President shall direct the United States Perma-
- 5 nent Representative to the United Nations to use the
- 6 voice, vote, and influence of the United States at the
- 7 United Nations to ensure that the Secretary General exer-
- 8 cises the right and duty of the Secretary General under
- 9 section 20 of the Convention on the Privileges and Immu-
- 10 nities of the United Nations to waive the immunity of any
- 11 United Nations official in any case in which such immu-
- 12 nity would impede the course of justice. In exercising such
- 13 waiver, the Secretary General is urged to interpret the in-
- 14 terests of the United Nations as favoring the investigation
- 15 or prosecution of a United Nations official who is credibly
- 16 under investigation for having committed a serious crimi-
- 17 nal offense or who is credibly charged with a serious crimi-
- 18 nal offense.

## 19 SEC. 636. TERRORISM AND THE UNITED NATIONS.

- The President shall direct the United States Perma-
- 21 nent Representative to the United Nations to use the
- 22 voice, vote, and influence of the United States at the
- 23 United Nations to work toward adoption by the general
- 24 assembly of—
- 25 (1) a definition of terrorism that—

- 1 (A) builds upon the recommendations of 2 the December 2004 report of the High-Level 3 Panel on Threats, Challenges, and Change; 4 (B) includes as an essential component of
  - (B) includes as an essential component of such definition any action that is intended to cause death or serious bodily harm to civilians with the purpose of intimidating a population or compelling a government or an international organization to do, or abstain from doing, any act; and
  - (C) does not propose a legal or moral equivalence between an action described in paragraph (1)(B) and measures taken by a government or international organization in self-defense against an action described in paragraph (1)(B); and
- 17 (2) a comprehensive convention on terrorism 18 that includes the definition described in paragraph 19 (1).

## 20 SEC. 637. REPORT ON UNITED NATIONS REFORM.

21 (a) In General.—Not later than 180 days after the 22 date of the enactment of this Act and annually for each 23 of the next three years, the Secretary shall submit to the 24 appropriate congressional committees a report on United 25 Nations reform.

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1	(b) Contents.—The report required under sub-
2	section (a) shall describe—
3	(1) progress toward the goal of shifting the
4	funding for the United Nations Regular Budget to
5	a voluntary basis as identified in section12 above,
6	and a detailed description of efforts and activities by
7	United States diplomats and officials toward that
8	end;
9	(2) progress toward each of the policy goals
10	identified in the prior sections of this title, and a de-
11	tailed, goal-specific description of efforts and activi-
12	ties by United States diplomats and officials toward
13	those ends;
14	(3) the status of the implementation of manage-
15	ment reforms within the United Nations and its spe-
16	cialized agencies;

- (4) the number of outputs, reports, or other mandates generated by General Assembly resolutions that have been eliminated;
- (5) the progress of the General Assembly to modernize and streamline the committee structure and its specific recommendations on oversight and committee outputs, consistent with the March 2005 report of the Secretary General entitled "In larger

- freedom: towards development, security and humanrights for all";
- 3 (6) the status of the review by the General As-4 sembly of all mandates older than 5 years and how 5 resources have been redirected to new challenges, 6 consistent with such March 2005 report of the Sec-7 retary General;
- 8 (7) the continued utility and relevance of the 9 Economic and Financial Committee and the Social, 10 Humanitarian, and Cultural Committee, in light of 11 the duplicative agendas of those committees and the 12 Economic and Social Council; and
- 13 (8) whether the United Nations or any of its 14 specialized agencies has contracted with any party 15 included on the Lists of Parties Excluded from Fed-16 eral Procurement and Nonprocurement Programs.

#### 17 SEC. 638. REPORT ON UNITED NATIONS PERSONNEL.

- 18 (a) IN GENERAL.—Not later than one year after the
  19 date of the enactment of this Act, the Secretary of State
  20 shall submit to the appropriate congressional committees
  21 a report—
- 22 (1) concerning the progress of the General As-23 sembly to modernize human resource practices, con-24 sistent with the March 2005 report of the Secretary

1	General entitled "In larger freedom: towards devel-
2	opment, security and human rights for all"; and
3	(2) containing the information described in sub-
4	section (b).
5	(b) Contents.—The report shall include—
6	(1) a comprehensive evaluation of human re-
7	sources reforms at the United Nations, including an
8	evaluation of—
9	(A) tenure;
10	(B) performance reviews;
11	(C) the promotion system;
12	(D) a merit-based hiring system and en-
13	hanced regulations concerning termination of
14	employment of employees; and
15	(E) the implementation of a code of con-
16	duct and ethics training;
17	(2) the implementation of a system of proce-
18	dures for filing complaints and protective measures
19	for work-place harassment, including sexual harass-
20	ment;
21	(3) policy recommendations relating to the es-
22	tablishment of a rotation requirement for non-
23	administrative positions;
24	(4) policy recommendations relating to the es-
25	tablishment of a prohibition preventing personne

and officials assigned to the mission of a member state to the united nations from transferring to a position within the United Nations Secretariat that

is compensated at the P-5 level and above;

- 5 (5) policy recommendations relating to a reduc-6 tion in travel allowances and attendant oversight 7 with respect to accommodations and airline flights; 8 and
- 9 (6) an evaluation of the recommendations of the 10 Secretary General relating to greater flexibility for 11 the Secretary General in staffing decisions to accom-12 modate changing priorities.
- 13 SEC. 639. WITHHOLDING OF UNITED STATES CONTRIBU-
- 14 TIONS TO UNRWA.
- 15 (a) WITHHOLDING.—Contributions by the United
- 16 States to the regular budget of the United Nations Relief
- 17 and Works Agency for Palestine Refugees in the Near
- 18 East (UNRWA), to any successor or related entity, or to
- 19 the regular budget of the United Nations for the support
- 20 of UNRWA or a successor entity (through staff positions
- 21 provided by the United Nations Secretariat, or otherwise),
- 22 may be provided only during a period for which a certifi-
- 23 cation described in subsection (b) is in effect.
- 24 (b) CERTIFICATION.—A certification described in this
- 25 paragraph is a written determination by the Secretary,

1	based on all information available after diligent inquiry,
2	and transmitted to the Appropriate Congressional Com-
3	mittees along with a detailed description of the factual
4	basis therefor, that—
5	(1) no official, employee, consultant, contractor,
6	subcontractor, representative, or affiliate of
7	UNRWA—
8	(A) is a member of a foreign terrorist or-
9	ganization;
10	(B) has propagated, disseminated, or in-
11	cited anti-American, anti-Israel, or anti-Semitic
12	rhetoric or propaganda; or
13	(C) has used any UNRWA resources, in-
14	cluding publications or Web sites, to propagate
15	or disseminate political materials, including po-
16	litical rhetoric regarding the Israeli-Palestinian
17	conflict;
18	(2) no UNRWA school, hospital, clinic, other
19	facility, or other infrastructure or resource is being
20	used by a foreign terrorist organization for oper-
21	ations, planning, training, recruitment, fundraising,
22	indoctrination, communications, sanctuary, storage
23	of weapons or other materials, or any other pur-
24	poses;

- 1 (3) UNRWA is subject to comprehensive finan2 cial audits by an internationally recognized third
  3 party independent auditing firm and has imple4 mented an effective system of vetting and oversight
  5 to prevent the use, receipt, or diversion of any
  6 UNRWA resources by any foreign terrorist organiza7 tion or members thereof;
  - (4) no UNRWA-funded school or educational institution uses textbooks or other educational materials that propagate or disseminate anti-American, anti-Israel, or anti-Semitic rhetoric, propaganda or incitement; and
- 13 (5) no recipient of UNRWA funds or loans is 14 a member of a foreign terrorist organization.
- 15 (c) DEFINITION.—In this section, the term "foreign 16 terrorist organization" means an organization designated 17 as a foreign terrorist organization by the Secretary of 18 State in accordance with section 219(a) of the Immigra-19 tion and Nationality Act (8 U.S.C. 1189(a)).
- 20 (d) Effective Duration of Certification.—The 21 certification described in subsection (b) shall be effective 22 for a period of 180 days from the date of transmission 23 to the Appropriate Congressional Committees, or until the 24 Secretary receives information rendering that certification 25 factually inaccurate, whichever is earliest. In the event

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- 1 that a certification becomes ineffective, the Secretary shall
- 2 promptly transmit to the Appropriate Congressional Com-
- 3 mittees a description of any information that precludes the
- 4 renewal or continuation of the certification.
- 5 (e) LIMITATION.—During a period for which a certifi-
- 6 cation described in subsection (b) is in effect, the United
- 7 States may not contribute to the United Nations Relief
- 8 and Works Agency for Palestine Refugees in the Near
- 9 East (UNRWA) or a successor entity an annual amount—
- 10 (1) greater than the highest annual contribu-
- tion to UNRWA made by a member country of the
- 12 League of Arab States;
- 13 (2) that, as a proportion of the total UNRWA
- budget, exceeds the proportion of the total budget
- for the United Nations High Commissioner for Ref-
- ugees (UNHCR) paid by the United States; or
- 17 (3) that exceeds 22 percent of the total budget
- of UNRWA.
- 19 (f) Sense of Congress.—It is the sense of Con-
- 20 gress that, in order to alleviate the suffering of Palestinian
- 21 refugees, responsibility for those refugees should be fully
- 22 transferred to the Office of the United Nations High Com-
- 23 missioner for Refugees.

## 1 SEC. 640. UNITED NATIONS TREATY BODIES.

2	The United States shall withhold from United States
3	contributions to the regular assessed budget of the United
4	Nations for a biennial period amounts that are propor-
5	tional to the percentage of such budget that are expended
6	with respect to a United Nations human rights treaty
7	monitoring body or committee that was established by—
8	(1) a convention (without any protocols) or an
9	international covenant (without any protocols) to
10	which the United States is not party; or
11	(2) a convention, with a subsequent protocol, if
12	the United States is a party to neither.
13	SEC. 641. EQUALITY AT THE UNITED NATIONS.
14	(a) Department of State Review and Re-
15	PORT.—
16	(1) In general.—To avoid duplicative efforts
17	and funding with respect to Palestinian interests
18	and to ensure balance in the approach to Israeli-Pal-
19	estinian issues, the Secretary shall, not later than
20	180 days after the date of the enactment of this
21	Act—
22	(A) complete an audit of the functions of
23	the entities listed in paragraph (2); and
24	(B) submit to the appropriate congres-
25	sional committees a report containing audit
26	findings and conclusions, and recommendations

1	for the elimination of such duplicative entities
2	and efforts.
3	(2) Entities.—The entities referred to in
4	paragraph (1) are the following:
5	(A) The United Nations Division for Pales-
6	tinian Rights.
7	(B) The Committee on the Exercise of the
8	Inalienable Rights of the Palestinian People.
9	(C) The United Nations Special Coordi-
10	nator for the Middle East Peace Process and
11	Personal Representative to the Palestine Lib-
12	eration Organization and the Palestinian Au-
13	thority.
14	(D) The NGO Network on the Question of
15	Palestine.
16	(E) The Special Committee to Investigate
17	Israeli Practices Affecting the Human Rights of
18	the Palestinian People and Other Arabs of the
19	Occupied Territories.
20	(F) Any other entity the Secretary deter-
21	mines results in duplicative efforts or funding
22	or fails to ensure balance in the approach to
23	Israeli-Palestinian issues.
24	(b) Implementation by Permanent Representa-
25	TIVE.—

- 1 (1) In General.—The President shall direct 2 the United States Permanent Representative to the 3 United Nations to use the voice, vote, and influence of the United States at the United Nations to seek the implementation of the recommendations con-6 tained in the report required under subsection 7 (a)(1)(B). (2) WITHHOLDING OF FUNDS.—Until such rec-8 9 ommendations have been implemented, the United 10 States shall withhold from United States contribu-11 tions to the regular assessed budget of the United 12 Nations for a biennial period amounts that are pro-
- expended for such entities.

  (c) GAO AUDIT.—The Comptroller General of the
  United States of the Government Accountability Office
  shall conduct an audit of—

portional to the percentage of such budget that are

- 18 (1) the status of the implementation of the rec-19 ommendations contained in the report required 20 under subsection (a)(1)(B); and
- 21 (2) United States actions and achievements 22 under subsection (b).
- 23 SEC. 642. ANTI-SEMITISM AND THE UNITED NATIONS.
- The President shall direct the United States perma-25 nent representative to the United Nations to use the voice,

1	vote, and influence of the United States at the United Na-
2	tions to make every effort to—
3	(1) ensure the issuance and implementation of
4	a directive by the Secretary General or the Secre-
5	tariat, as appropriate, that—
6	(A) requires all employees of the United
7	Nations and its specialized agencies to officially
8	and publicly condemn anti-Semitic statements
9	made at any session of the United Nations or
10	its specialized agencies, or at any other session
11	sponsored by the United Nations;
12	(B) requires employees of the United Na-
13	tions and its specialized agencies, programs,
14	and funds to be subject to punitive action, in-
15	cluding immediate dismissal, for making anti-
16	Semitic statements or references;
17	(C) proposes specific recommendations to
18	the General Assembly for the establishment of
19	mechanisms to hold accountable employees and
20	officials of the United Nations and its special-
21	ized agencies, programs, and funds, or Member
22	States, that make such anti-Semitic statements
23	or references in any forum of the United Na-
24	tions or of its specialized agencies;

1	(D) continues to develop and implements
2	education awareness programs about the Holo-
3	caust and anti-Semitism throughout the world,
4	as part of an effort to combat intolerance and
5	hatred; and
6	(E) requires the Office of the United Na-
7	tions High Commissioner for Human Rights
8	(OHCHR) to develop programming and other
9	measures that address anti-Semitism;
10	(2) secure the adoption of a resolution by the
11	General Assembly that establishes the mechanisms
12	described in paragraph (1)(C); and
13	(3) continue working toward further reduction
14	of anti-Semitic language and anti-Israel resolutions
15	in the United Nations and its specialized agencies,
16	programs, and funds.
17	SEC. 643. REGIONAL GROUP INCLUSION OF ISRAEL.
18	The President shall direct the United States Perma-
19	nent Representative to the United Nations to use the
20	voice, vote, and influence of the United States at the
21	United Nations to expand the Western European and Oth-
22	ers Group (WEOG) in the United Nations to include
23	Israel as a permanent member with full rights and privi-
24	leges.

# Subtitle D—United Nations Human Rights Council

**SEC. 651. FINDINGS.** 

- 4 Congress finds the following:
  - (1) Since its establishment in 2006, the United Nations Human Rights Council has failed to meaningfully promote the protection of internationally recognized human rights, and has proven to be even more problematic than the United Nations Human Rights Commission that it was created to replace.
  - (2) The United Nations Human Rights Council suffers from significant structural flaws, such as the fact that it draws its members from the General Assembly without any substantive membership criteria, with the perverse result that a number of the world's worst human rights abusers are members of the council.
  - (3) The structure and composition of the United Nations Human Rights Council have made it subject to gross political manipulation, with the result that, during its two and one-half years of operation, the Council has passed 20 resolutions censuring the democratic state of Israel, as compared to only 4 censuring the dictatorship in Burma, just one censuring the North Korean regime, and none con-

1	demning the severe, ongoing human rights abuses in
2	Sudan, China, Cuba, Zimbabwe, Belarus, and else-
3	where.
4	SEC. 652. HUMAN RIGHTS COUNCIL MEMBERSHIP AND
5	FUNDING.
6	(a) In General.—For each fiscal year subsequent
7	to the effective date of this Act until the Secretary of State
8	submits to Congress a certification that the requirements
9	described in subsection (b) have been satisfied—
10	(1) the Secretary of State shall withhold from
11	a United States contribution each fiscal year to a
12	regularly assessed biennial budget of the United Na-
13	tions an amount that is equal to the percentage of
14	such contribution that the Secretary determines
15	would be allocated by the United Nations to support
16	the United Nations Human Rights Council;
17	(2) the Secretary of State shall not make a vol-
18	untary contribution to the United Nations Human
19	Rights Council; and
20	(3) the United States shall not run for a seat
21	on the United Nations Human Rights Council.
22	(b) Certification.—The annual certification re-
23	ferred to in subsection (a) is a certification made by the
24	Secretary to Congress that the United Nations Human
25	Rights Council does not include a Member State—

1	(1) subject to sanctions by the Security Council;
2	(2) under a Security Council-mandated inves-
3	tigation for human rights abuses;
4	(3) subject, within the prior 5 years, to a coun-
5	try-specific resolution passed under Agenda Item 9
6	by the former United Nations Human Rights Com-
7	mission;
8	(4) which the Secretary of State has deter-
9	mined, for purposes of section 6(j) of the Export Ad-
10	ministration Act of 1979 (as continued in effect pur-
11	suant to the International Emergency Economic
12	Powers Act), section 40 of the Arms Export Control
13	Act, section 620A of the Foreign Assistance Act of
14	1961, or other provision of law, is a government that
15	has repeatedly provided support for acts of inter-
16	national terrorism; or
17	(5) which the President has designated as a
18	country of particular concern for religious freedom
19	under section 402(b) of the International Religious
20	Freedom Act of 1998.
21	Subtitle E—International Atomic
22	Energy Agency
23	SEC. 661. INTERNATIONAL ATOMIC ENERGY AGENCY.
24	(a) Enforcement and Compliance.—
25	(1) Office of compliance.—

1	(A) ESTABLISHMENT.—The President
2	shall direct the United States Permanent Rep-
3	resentative to International Atomic Energy
4	Agency (IAEA) to use the voice, vote, and influ-
5	ence of the United States at the IAEA to estab-
6	lish an Office of Compliance in the Secretariat
7	of the IAEA.
8	(B) OPERATION.—The Office of Compli-
9	ance shall—
10	(i) function as an independent body
11	composed of technical experts who shall
12	work in consultation with IAEA inspectors
13	to assess compliance by IAEA Member
14	States and provide recommendations to the
15	IAEA Board of Governors concerning pen-
16	alties to be imposed on IAEA Member
17	States that fail to fulfill their obligations
18	under IAEA Board resolutions;
19	(ii) base its assessments and rec-
20	ommendations on IAEA inspection reports:
21	and
22	(iii) take into consideration informa-
23	tion provided by IAEA Board Members
24	that are 1 of the 5 nuclear weapons states
25	as recognized by the Treaty on the Non-

1	Proliferation of Nuclear Weapons (21 UST
2	483) (commonly referred to as the "Nu-
3	clear Nonproliferation Treaty' or the
4	"NPT").
5	(C) STAFFING.—The Office of Compliance
6	shall be staffed from existing personnel in the
7	Department of Safeguards of the IAEA or the
8	Department of Nuclear Safety and Security of
9	the IAEA.
10	(2) Committee on safeguards and
11	VERIFICATION.—The President shall direct the
12	United States Permanent Representative to the
13	IAEA to use the voice, vote, and influence of the
14	United States at the IAEA to ensure that the Com-
15	mittee on Safeguards and Verification established in
16	2005 shall develop and seek to put into force a
17	workplan of concrete measures that will—
18	(A) improve the ability of the IAEA to
19	monitor and enforce compliance by Member
20	States of the IAEA with the Nuclear Non-
21	proliferation Treaty and the Statute of the
22	International Atomic Energy Agency; and
23	(B) enhance the ability of the IAEA, be-
24	yond the verification mechanisms and authori-
25	ties contained in the Additional Protocol to the

1	Safeguards Agreements between the IAEA and
2	Member States of the IAEA, to detect with a
3	high degree of confidence undeclared nuclear
4	activities by a Member State.
5	(3) Penalties with respect to the IAEA.—
6	(A) In general.—The President shall di-
7	rect the United States Permanent Representa-
8	tive to the IAEA to use the voice, vote, and in-
9	fluence of the United States at the IAEA to en-
10	sure that a Member State of the IAEA that is
11	under investigation for a breach of or non-
12	compliance with its IAEA obligations or the
13	purposes and principles of the Charter of the
14	United Nations has its privileges suspended, in-
15	cluding—
16	(i) limiting its ability to vote on its
17	case;
18	(ii) being prevented from receiving
19	any technical assistance; and
20	(iii) being prevented from hosting
21	meetings.
22	(B) TERMINATION OF PENALTIES.—The
23	penalties specified under subparagraph (A)
24	shall be terminated when such investigation is

- concluded and such Member State is no longer
   in such breach or noncompliance.
- 3 (4) Penalties with respect to the Nu-CLEAR NONPROLIFERATION TREATY.—The President shall direct the United States Permanent Rep-5 6 resentative to the IAEA to use the voice, vote, and 7 influence of the United States at the IAEA to en-8 sure that a Member State of the IAEA that is found 9 to be in breach of, in noncompliance with, or has 10 withdrawn from the Nuclear Nonproliferation Treaty 11 shall return to the IAEA all nuclear materials and 12 technology received from the IAEA, any Member 13 State of the IAEA, or any Member State of the Nu-14 clear Nonproliferation Treaty.

#### (b) United States Contributions.—

- (1) Voluntary contributions.—Voluntary contributions of the United States to the IAEA should primarily be used to fund activities relating to Nuclear Safety and Security or activities relating to Nuclear Verification.
- (2) Limitation on use of funds.—The President shall direct the United States Permanent Representative to the IAEA to use the voice, vote, and influence of the United States at the IAEA to—

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1	(A) ensure that funds for safeguards in-
2	spections are prioritized for countries that have
3	newly established nuclear programs or are initi-
4	ating nuclear programs; and
5	(B) block the allocation of funds for any
6	other IAEA development, environmental, or nu-
7	clear science assistance or activity to a coun-
8	try—
9	(i) the government of which the Sec-
10	retary of State has determined, for pur-
11	poses of section 6(j) of the Export Admin-
12	istration Act of 1979, section 620A of the
13	Foreign Assistance Act of 1961, section 40
14	of the Arms Export Control Act, or other
15	provision of law, is a government that has
16	repeatedly provided support for acts of
17	international terrorism and the government
18	of which the Secretary has determined has
19	not dismantled and surrendered its weap-
20	ons of mass destruction programs under
21	international verification;
22	(ii) that is under investigation for a
23	breach of or noncompliance with its IAEA
24	obligations or the purposes and principles

of the Charter of the United Nations; or

1	(iii) that is in violation of its IAEA
2	obligations or the purposes and principles
3	of the Charter of the United Nations.
4	(3) Detail of expenditures.—The Presi-
5	dent shall direct the United States Permanent Rep-
6	resentative to the IAEA to use the voice, vote, and
7	influence of the United States at the IAEA to se-
8	cure, as part of the regular budget presentation of
9	the IAEA to Member States of the IAEA, a detailed
10	breakdown by country of expenditures of the IAEA
11	for safeguards inspections and nuclear security ac-
12	tivities.
13	(c) Membership.—
14	(1) In general.—The President shall direct
15	the United States Permanent Representative to the
16	IAEA to use the voice, vote, and influence of the
17	United States at the IAEA to block the membership
18	on the Board of Governors of the IAEA for a Mem-
19	ber State of the IAEA that has not signed and rati-
20	fied the Additional Protocol and—
21	(A) is under investigation for a breach of
22	or noncompliance with its IAEA obligations or
23	the purposes and principles of the Charter of
24	the United Nations; or

1	(B) that is in violation of its IAEA obliga-					
2	tions or the purposes and principles of the					
3	Charter of the United Nations.					
4	(2) Criteria.—The United States Permanent					
5	Representative to the IAEA shall make every effort					
6	to modify the criteria for Board membership to re-					
7	flect the principles described in paragraph (1).					
8	(d) SMALL QUANTITIES PROTOCOL.—The President					
9	shall direct the United States Permanent Representative					
10	to the IAEA to use the voice, vote, and influence of the					
11	United States at the IAEA to make every effort to ensure					
12	that the IAEA changes the policy regarding the Small					
13	Quantities Protocol in order to—					
14	(1) rescind and eliminate the Small Quantities					
15	Protocol;					
16	(2) require that any IAEA Member State that					
17	has previously signed a Small Quantities Protocol to					
18	sign, ratify, and implement the Additional Protocol,					
19	provide immediate access for IAEA inspectors to its					
20	nuclear-related facilities, and agree to the strongest					
21	inspections regime of its nuclear efforts; and					
22	(3) require that any IAEA Member State that					
23	does not comply with paragraph (2) to be ineligible					
24	to receive nuclear material, technology, equipment,					
25	or assistance from any IAEA Member State and					

subject to the penalties described in subsection

2	(a)(3).
3	(e) Nuclear Program of Iran.—
4	(1) United States action.—The President
5	shall direct the United States Permanent Represent-
6	ative to the IAEA to use the voice, vote, and influ-
7	ence of the United States at the IAEA to make
8	every effort to ensure the adoption of a resolution by
9	the IAEA Board of Governors that, in addition to
10	the restrictions already imposed, makes Iran ineli-
11	gible to receive any nuclear material, technology,
12	equipment, or assistance from any IAEA Member
13	State and ineligible for any IAEA assistance not re-
14	lated to safeguards inspections or nuclear security
15	until the IAEA Board of Governors determines that
16	Iran—
17	(A) is providing full access to IAEA in-
18	spectors to its nuclear-related facilities;
19	(B) has fully implemented and is in com-
20	pliance with the Additional Protocol; and
21	(C) has permanently ceased and disman-
22	tled all activities and programs related to nu-
23	clear-enrichment and reprocessing.
24	(2) Penalties.—If an IAEA Member State is
25	determined to have violated the prohibition on as-

- 1 sistance to Iran described in paragraph (1) before 2 the IAEA Board of Governors determines that Iran 3 has satisfied the conditions described in subparagraphs (A) through (C) of such paragraph, such 5 Member State shall be subject to the penalties de-6 scribed in subsection (a)(3), shall be ineligible to re-7 ceive nuclear material, technology, equipment, or as-8 sistance from any IAEA Member State, and shall be 9 ineligible to receive any IAEA assistance not related 10 to safeguards inspections or nuclear security until 11 such time as the IAEA Board of Governors makes such determination with respect to Iran. 12
- 13 (f) Report.—Not later than 6 months after the date 14 of the enactment of this Act and annually for 2 years 15 thereafter, the President shall submit to the appropriate 16 congressional committees a report on the implementation 17 of this section.

### 18 SEC. 662. SENSE OF CONGRESS REGARDING THE NUCLEAR

#### 19 SECURITY ACTION PLAN OF THE IAEA.

- It is the sense of Congress that the national security interests of the United States are enhanced by the Nuclear
- 22 Security Action Plan of the IAEA and the Board of Gov-
- 23 ernors should recommend, and the General Conference
- 24 should adopt, a resolution incorporating the Nuclear Secu-
- 25 rity Action Plan into the regular budget of the IAEA.

## Subtitle F—Peacekeeping

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2	SEC.	671.	REFORM	OF	UNITED	NATIONS	PEACEKEEPING

**OPERATIONS.** 

4 It is the sense of Congress that—

(1) although United Nations peacekeeping operations have contributed greatly toward the promotion of peace and stability for nearly 6 decades and the majority of peacekeeping personnel who have served under the United Nations flag have done so with honor and courage, the record of United Nations peacekeeping has been severely tarnished by operational failures and unconscionable acts of misconduct;

(2) in response to such failures, in 2000 and 2005, respectively, the Secretary General charged the high-level Panel on United Nations Peace Operations, led by former Foreign Minister of Algeria Lakhdar Brahimi, and his Special Advisor on the Prevention of Sexual Exploitation and Abuse, His Royal Highness Prince Zeid Ra'ad Zeid Al-Hussein of Jordan, to provide honest assessments of the United Nations' shortcomings and make recommendations that would help restore the confidence of the international community in United Nations peacekeeping operations;

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- (3) audits of procurement practices in the Department of Peacekeeping Operations, conducted by the Office of Internal Oversight Services, also have uncovered "significant" corruption schemes, including a 2007 audit of peacekeeping contracts valued at \$1.4 billion, of which more than \$614 million, or 44 percent, were subject to corruption;
  - (4) despite the fact that the United Nations has had more than eight years to implement the reforms contained in the Brahimi Report, nearly four years to implement the reforms in the Zeid Report, and the fact that Secretary General Ban Ki-Moon, his predecessor Kofi Annan, and the Special Committee on Peacekeeping Operations repeatedly have expressed their commitment "to implementing fundamental, systematic changes as a matter of urgency", a number of critical reforms continue to be blocked or delayed by Members States who arguably benefit from maintenance of the status quo; and
  - (5) if the reputation of and confidence in United Nations peacekeeping operations is to be restored, fundamental and far-reaching reforms, particularly in the areas of planning, management, procurement, training, conduct, and discipline, must be implemented without further delay.

1	SEC. 672. POLICY RELATING TO REFORM OF UNITED NA-
2	TIONS PEACEKEEPING OPERATIONS.
3	It shall be the policy of the United States to pursue
4	reform of United Nations peacekeeping operations in the
5	following areas:
6	(1) Planning and management.—
7	(A) GLOBAL AUDIT.—As the size, cost,
8	and number of United Nations peacekeeping
9	operations have increased substantially over the
10	past decade, an independent audit of each such
11	operation, with a view toward "right-sizing" op-
12	erations and ensuring that such operations are
13	cost effective, should be conducted and its find-
14	ings reported to the Security Council.
15	(B) Procurement and trans-
16	PARENCY.—A modern logistics system and
17	transparent, streamlined procurement proce-
18	dures should be established within the United
19	Nations Department of Field Support to ensure
20	that all peacekeeping missions are resourced ap-
21	propriately and in a timely fashion while indi-
22	vidual accountability for waste, fraud and abuse
23	within United Nations peacekeeping missions is
24	established and uniformly enforced.
25	(C) REVIEW OF MANDATES AND CLOSING
26	OPERATIONS.—In conjunction with the audit

described in subparagraph (A), the United Nations Department of Peacekeeping Operations should conduct a comprehensive review of all United Nations peacekeeping operation mandates, with a view toward identifying objectives that are practical and achievable, and report its findings to the Security Council. In particular, the review should consider the following:

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(i) Except in extraordinary cases, including genocide, the United Nations Deof Peacekeeping Operations partment should not be tasked with activities that are impractical or unachievable without the cooperation ofthe Member State(s) hosting a United Nations peacekeeping operation, or which amount to de-facto Trusteeship outside of the procedures established for such under chapter XII of the United Nations Charter, thereby creating unrealistic expectations and obfuscating the primary responsibility of the Member States themselves in creating and maintaining conditions for peace.

1	(ii) Long-standing operations that are
2	static and cannot fulfill their mandate
3	should be downsized or closed.
4	(iii) Where there is legitimate concern
5	that the withdrawal from a country of an
6	otherwise static United Nations peace-
7	keeping operation would result in the re-
8	sumption of major conflict, a burden-shar-
9	ing arrangement that reduces the level of
10	assessed contributions, similar to that cur-
11	rently supporting the United Nations
12	Peacekeeping Force in Cyprus, should be
13	explored and instituted.
14	(D) Leadership.—As peacekeeping oper-
15	ations become larger and increasingly complex,
16	the Secretariat should adopt a minimum stand-
17	ard of qualifications for senior leaders and
18	managers, with particular emphasis on specific
19	skills and experience, and current senior leaders
20	and managers who do not meet those standards
21	should be removed.
22	(E) Pre-deployment training.—Pre-de-
23	ployment training on interpretation of the man-
24	date of the operation, specifically in the areas
25	of use of force, civilian protection and field con-

ditions, the Code of Conduct, HIV/AIDS, and human rights should be mandatory, and all personnel, regardless of category or rank, should be required to sign an oath that each has received and understands such training as a condition of participation in the operation.

(F) Gratis military personnel.—The General Assembly should seek to strengthen the capacity the United Nations Department of Peacekeeping Operations and ease the extraordinary burden currently placed upon the limited number of headquarters staff by lifting restrictions on the utilization of gratis military personnel by the Department so that the Department may accept secondments from Member States of military personnel with expertise in mission planning, logistics, and other operational specialties.

#### (2) CONDUCT AND DISCIPLINE.—

(A) ADOPTION OF A UNIFORM CODE OF CONDUCT.—A single, uniform Code of Conduct that has the status of a binding rule and applies equally to all personnel serving in United Nations peacekeeping operations, regardless of category or rank, including military personnel,

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should be adopted and incorporated into legal documents governing participation in such an operation, including all contracts and Memorandums of Understanding, promulgated and effectively enforced.

- (B) Understanding the code of conduct.—All personnel, regardless of category or rank, should receive training on the Code of Conduct prior to deployment with a peace-keeping operation, in addition to periodic follow-on training. In particular—
  - (i) all personnel, regardless of category or rank, should be provided with a personal copy of the Code of Conduct that has been translated into the national language of such personnel, regardless of whether such language is an official language of the United Nations;
  - (ii) all personnel, regardless of category or rank, should sign an oath that each has received a copy of the Code of Conduct, that each pledges to abide by the Code of Conduct, and that each understands the consequences of violating the Code of Conduct, including immediate ter-

mination of participation in and permanent
exclusion from all current and future
peacekeeping operations, as well as the assumption of personal liability for victims
compensation, as a condition of appointment to any such operation; and

(iii) peacekeeping operations should conduct educational outreach programs to reach local communities where peacekeeping personnel of such operations are based, including explaining prohibited acts on the part of United Nations peacekeeping personnel and identifying the individual to whom the local population may direct complaints or file allegations of exploitation, abuse, or other acts of misconduct.

(C) Monitoring mechanisms, mechanisms.—Dedicated monitoring mechanisms, such as the Conduct and Discipline Units already deployed to support United Nations peacekeeping operations in Haiti, Sudan, Kosovo, Burundi, Liberia, Lebanon, Timor Leste, Cote d'Ivoire, Western Sahara, and the Democratic Republic of Congo, should be present in each operation to

1	monitor compliance with the Code of Conduct,
2	and—
3	(i) should report simultaneously to the
4	Head of Mission, the United Nations De-
5	partment of Peacekeeping Operations, and
6	the Associate Director of OIOS for Peace-
7	keeping Operations (established under sec-
8	tion $1114(b)(9)$ ; and
9	(ii) should be tasked with designing
10	and implementing mission-specific meas-
11	ures to prevent misconduct, conduct follow-
12	on training for personnel, coordinate com-
13	munity outreach programs, and assist in
14	investigations, as OIOS determines nec-
15	essary and appropriate.
16	(D) Investigations.—A permanent, pro-
17	fessional, and independent investigative body
18	should be established and introduced into
19	United Nations peacekeeping operations. In
20	particular—
21	(i) the investigative body should in-
22	clude professionals with experience in in-
23	vestigating sex crimes and the illegal ex-
24	ploitation of resources, as appropriate, as
25	well as experts who can provide guidance

1	on standards of proof and evidentiary re-
2	quirements necessary for any subsequent
3	legal action;
4	(ii) provisions should be included in
5	all Memorandums of Understanding, in-
6	cluding a Model Memorandum of Under-
7	standing, that obligate Member States that
8	contribute troops to a peacekeeping oper-
9	ation to designate a military prosecutor
10	who will participate in any investigation
11	into credible allegations of misconduct
12	brought against an individual of such
13	Member State, so that evidence is collected
14	and preserved in a manner consistent with
15	the military law of such Member State;
16	(iii) the investigative body should be
17	regionally based to ensure rapid deploy-
18	ment and should be equipped with modern
19	forensics equipment for the purpose of
20	positively identifying perpetrators and,
21	where necessary, for determining paternity;
22	and
23	(iv) the investigative body should re-
24	port directly to the Associate Director of
25	OIOS for Peacekeeping Operations, while

1	providing copies of any reports to the De-
2	partment of Peacekeeping Operations, the
3	Head of Mission, and the Member State
4	concerned.
5	(E) Follow-up.—The Conduct and Dis-
6	cipline Team in the headquarters of the United
7	Nations Department of Peacekeeping Oper-
8	ations should be appropriately staffed,
9	resourced, and tasked with—
10	(i) promulgating measures to prevent
11	misconduct;
12	(ii) receiving reports by field per-
13	sonnel and coordinating the Department's
14	response to allegations of misconduct;
15	(iii) gathering follow-up information
16	on completed investigations, particularly by
17	focusing on disciplinary actions against the
18	individual concerned taken by the United
19	Nations or by the Member State that is
20	contributing troops to which such indi-
21	vidual belongs, and sharing such informa-
22	tion with the Security Council, the Head of
23	Mission, and the community hosting the
24	peacekeeping operation; and

1	(iv) contributing pertinent data on
2	conduct and discipline to the data base re-
3	quired pursuant to subparagraph (H).
4	(F) FINANCIAL LIABILITY AND VICTIMS
5	ASSISTANCE.—Although peacekeeping oper-
6	ations should provide immediate medical assist-
7	ance to victims of sexual abuse or exploitation,
8	the responsibility for providing longer-term
9	treatment, care, or restitution lies solely with
10	the individual found guilty of the misconduct.
11	In particular, the following reforms should be
12	implemented:
13	(i) The United Nations should not as-
14	sume responsibility for providing long-term
15	treatment or compensation by creating a
16	"Victims Trust Fund", or any other such
17	similar fund, financed through assessed
18	contributions to United Nations peace-
19	keeping operations, thereby shielding indi-
20	viduals from personal liability and rein-
21	forcing an atmosphere of impunity.
22	(ii) If an individual responsible for
23	misconduct has been repatriated, reas-
24	signed, redeployed, or is otherwise unable
25	to provide assistance, responsibility for

1 providing assistance to a victim should be 2 assigned to the Member State that contrib-3 uted the contingent to which such individual belonged or to the manager concerned. 6 (iii) In the case of misconduct by a 7 member of a military contingent, appro-

- priate funds shall be withheld from the troop contributing country concerned.
- (iv) In the case of misconduct by a civilian employee or contractor of the United Nations, appropriate wages shall be garnished from such individual or fines shall be imposed against such individual, consistent with existing United Nations Staff Rules, and retirement funds shall not be shielded from liability.
- (G) Managers and commanders.—The manner in which managers and commanders handle cases of misconduct by those serving under them should be included in their individual performance evaluations, so that managers and commanders who take decisive action to deter and address misconduct are rewarded, while those who create a permissive environ-

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1 ment or impede investigations are penalized or 2 relieved of duty, as appropriate.

- (H) Data Base.—A centralized data base, including personnel photos and fingerprints, should be created and maintained within the United Nations Department of Peacekeeping Operations, the Office of Field Support, and other relevant United Nations bodies without further delay to track cases of misconduct, including the outcome of investigations and subsequent prosecutions, to ensure that personnel who have engaged in misconduct or other criminal activities, regardless of category or rank, are permanently barred from participation in future peacekeeping operations.
- (I) Cooperation of Member States.—
  If a Member State routinely refuses to cooperate with the directives contained herein or acts to shield its nationals from personal liability, that Member State should be barred from contributing troops or personnel to future peace-keeping operations.
- (J) Welfare.—Peacekeeping operations should continue to seek to maintain a minimum standard of welfare for mission personnel to

ameliorate conditions of service, while adjustments are made to the discretionary welfare

payments currently provided to Member States
that contribute troops to offset the cost of operation-provided recreational facilities, as necessary and appropriate.

#### 7 SEC. 673. CERTIFICATION.

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- 8 (a) New or Expanded Peacekeeping Oper-9 ations Contingent Upon Presidential Certifi-10 cation of Peacekeeping Operations Reforms.—
- 11 (1) No New or expanded peacekeeping op-12 erations.—
  - (A) CERTIFICATION.—Except as provided in subparagraph (B), until the Secretary of State certifies that the requirements described in paragraph (2) have been satisfied, the President shall direct the United States Permanent Representative to the United Nations to use the voice, vote, and influence of the United States at the United Nations to oppose the creation of new, or expansion of existing, United Nations peacekeeping operations.
    - (B) EXCEPTION AND NOTIFICATION.—The requirements described under paragraph (2) may be waived with respect to a particular

peacekeeping operation if the President determines that failure to deploy new or additional peacekeepers in such situation will significantly contribute to the widespread loss of human life, genocide, or the endangerment of a vital national security interest of the United States. If the President makes such a determination, the President shall, not later than 15 days before the exercise of such waiver, notify the appropriate congressional committees of such determination and resulting waiver.

- (2) CERTIFICATION OF PEACEKEEPING OPER-ATIONS REFORMS.—The certification referred to in paragraph (1) is a certification made by the Secretary to the appropriate congressional committees that the following reforms, or an equivalent set of reforms, related to peacekeeping operations have been adopted by the United Nations Department of Peacekeeping Operations or the General Assembly, as appropriate:
  - (A) A single, uniform Code of Conduct that has the status of a binding rule and applies equally to all personnel serving in United Nations peacekeeping operations, regardless of category or rank, has been adopted by the Gen-

eral Assembly and duly incorporated into all contracts and a Model Memorandum of Understanding, and mechanisms have been established for training such personnel concerning the requirements of the Code and enforcement of the Code.

- (B) All personnel, regardless of category or rank, serving in a peacekeeping operation have been trained concerning the requirements of the Code of Conduct and each has been given a personal copy of the Code, translated into the national language of such personnel.
- (C) All personnel, regardless of category or rank, are required to sign an oath that each has received a copy of the Code of Conduct, that each pledges to abide by the Code, and that each understands the consequences of violating the Code, including immediate termination of participation in and permanent exclusion from all current and future peacekeeping operations, as well as the assumption of personal liability for victims compensation as a condition of the appointment to such operation.
- (D) All peacekeeping operations have designed and implemented educational outreach

programs to reach local communities where peacekeeping personnel of such operations are based to explain prohibited acts on the part of United Nations peacekeeping personnel and to identify the individual to whom the local population may direct complaints or file allegations of exploitation, abuse, or other acts of misconduct.

- (E) The creation of a centralized data base, including personnel photos and finger-prints, has been completed and is being maintained in the United Nations Department of Peacekeeping Operations that tracks cases of misconduct, including the outcomes of investigations and subsequent prosecutions, to ensure that personnel, regardless of category or rank, who have engaged in misconduct or other criminal activities are permanently barred from participation in future peacekeeping operations.
- (F) A Model Memorandum of Understanding between the United Nations and each Member State that contributes troops to a peacekeeping operation has been adopted by the United Nations Department of Peacekeeping

1	Operations that specifically obligates each such
2	Member State to—
3	(i) uphold the uniform Code of Con-
4	duct which shall apply equally to all per-
5	sonnel serving in United Nations peace-
6	keeping operations, regardless of category
7	or rank;
8	(ii) designate a competent legal au-
9	thority, preferably a prosecutor with exper-
10	tise in the area of sexual exploitation and
11	abuse where appropriate, to participate in
12	any investigation into an allegation of mis-
13	conduct brought against an individual of
14	such Member State;
15	(iii) refer to its competent national or
16	military authority for possible prosecution,
17	if warranted, any investigation of a viola-
18	tion of the Code of Conduct or other crimi-
19	nal activity by an individual of such Mem-
20	ber State;
21	(iv) report to the Department of
22	Peacekeeping Operations on the outcome
23	of any such investigation;
24	(v) undertake to conduct on-site court
25	martial proceedings, where practical and

1	appropriate, relating to allegations of mis-
2	conduct alleged against an individual of
3	such Member State; and
4	(vi) assume responsibility for the pro-
5	vision of appropriate assistance to a victim
6	of misconduct committed by an individual
7	of such Member State.
8	(G) A professional and independent inves-
9	tigative and audit function has been established
10	within the United Nations Department of
11	Peacekeeping Operations and the OIOS to mon-
12	itor United Nations peacekeeping operations.
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13	TITLE VII—WESTERN HEMI-
13 14	TITLE VII—WESTERN HEMI- SPHERE COUNTERTER-
13 14 15	TITLE VII—WESTERN HEMI- SPHERE COUNTERTER- RORISM AND NONPROLIFERA-
13 14 15 16 17	TITLE VII—WESTERN HEMI- SPHERE COUNTERTER- RORISM AND NONPROLIFERA- TION ACT OF 2009
13 14 15 16 17	TITLE VII—WESTERN HEMI- SPHERE COUNTERTER- RORISM AND NONPROLIFERA- TION ACT OF 2009  SEC. 701. SHORT TITLE; DEFINITIONS.
13 14 15 16 17	TITLE VII—WESTERN HEMI- SPHERE COUNTERTER- RORISM AND NONPROLIFERA- TION ACT OF 2009  SEC. 701. SHORT TITLE; DEFINITIONS.  (a) SHORT TITLE.—This title may be cited as the
13 14 15 16 17 18	TITLE VII—WESTERN HEMI- SPHERE COUNTERTER- RORISM AND NONPROLIFERA- TION ACT OF 2009  SEC. 701. SHORT TITLE; DEFINITIONS.  (a) SHORT TITLE.—This title may be cited as the "Western Hemisphere Counterterrorism and Non-
13 14 15 16 17 18 19 20	TITLE VII—WESTERN HEMI- SPHERE COUNTERTER- RORISM AND NONPROLIFERA- TION ACT OF 2009  SEC. 701. SHORT TITLE; DEFINITIONS.  (a) SHORT TITLE.—This title may be cited as the "Western Hemisphere Counterterrorism and Non- proliferation Act of 2009".
13 14 15 16 17 18 19 20 21	TITLE VII—WESTERN HEMI- SPHERE COUNTERTER- RORISM AND NONPROLIFERA- TION ACT OF 2009  SEC. 701. SHORT TITLE; DEFINITIONS.  (a) SHORT TITLE.—This title may be cited as the "Western Hemisphere Counterterrorism and Non- proliferation Act of 2009".  (b) DEFINITIONS.—In this title:

1	(A) the Committee on Foreign Affairs and
2	the Committee on Homeland Security of the
3	House of Representatives; and
4	(B) the Committee on Foreign Relations
5	and the Committee on Homeland Security and
6	Governmental Affairs of the Senate.
7	(2) Nonhumanitarian assistance.—The
8	term "nonhumanitarian assistance" means—
9	(A) any assistance under the Foreign As-
10	sistance Act of 1961 (including programs under
11	title IV of chapter 2 of part I of such Act, re-
12	lating to the Overseas Private Investment Cor-
13	poration), other than—
14	(i) disaster relief assistance, including
15	any assistance under chapter 9 of part I of
16	such Act;
17	(ii) assistance which involves the pro-
18	vision of food (including monetization of
19	food) or medicine; and
20	(iii) assistance for refugees;
21	(B) sales, or financing on any terms, under
22	the Arms Export Control Act; and
23	(C) financing under the Export-Import
24	Bank Act of 1945.

1	(3) State sponsor of terrorism.—The term
2	"state sponsor of terrorism" means a country the
3	government of which has been determined by the
4	Secretary of State, for purposes of section 6(j) of
5	the Export Administration Act of 1979, section
6	620A of the Foreign Assistance Act of 1961, section
7	40 of the Arms Export Control Act, or other provi-
8	sion of law, is a government that has repeatedly pro-
9	vided support for acts of international terrorism.
10	Subtitle A—Counterterrorism in
11	the Western Hemisphere
12	SEC. 711. STATEMENT OF POLICY REGARDING REGIONAL
13	EFFORTS TO COUNTER TERRORISM IN THE
13 14	EFFORTS TO COUNTER TERRORISM IN THE WESTERN HEMISPHERE.
14	WESTERN HEMISPHERE.
14 15	WESTERN HEMISPHERE.  To enhance the security of the Western Hemisphere
14 15 16 17	WESTERN HEMISPHERE.  To enhance the security of the Western Hemisphere and bolster regional capacity to counter terrorism, it shall
14 15 16 17	WESTERN HEMISPHERE.  To enhance the security of the Western Hemisphere and bolster regional capacity to counter terrorism, it shall be the policy of the United States to promote the signing,
14 15 16 17	WESTERN HEMISPHERE.  To enhance the security of the Western Hemisphere and bolster regional capacity to counter terrorism, it shall be the policy of the United States to promote the signing, ratification, and implementation by all countries in the
114 115 116 117 118	WESTERN HEMISPHERE.  To enhance the security of the Western Hemisphere and bolster regional capacity to counter terrorism, it shall be the policy of the United States to promote the signing, ratification, and implementation by all countries in the Western Hemisphere of the following:
14 15 16 17 18 19 20	WESTERN HEMISPHERE.  To enhance the security of the Western Hemisphere and bolster regional capacity to counter terrorism, it shall be the policy of the United States to promote the signing, ratification, and implementation by all countries in the Western Hemisphere of the following:  (1) OAS AG/RES. 1840 (XXXII-O/02) Inter-
14 15 16 17 18 19 20 21	Western Hemisphere.  To enhance the security of the Western Hemisphere and bolster regional capacity to counter terrorism, it shall be the policy of the United States to promote the signing, ratification, and implementation by all countries in the Western Hemisphere of the following:  (1) OAS AG/RES. 1840 (XXXII-O/02) Inter-American Convention Against Terrorism.
14 15 16 17 18 19 20 21	WESTERN HEMISPHERE.  To enhance the security of the Western Hemisphere and bolster regional capacity to counter terrorism, it shall be the policy of the United States to promote the signing, ratification, and implementation by all countries in the Western Hemisphere of the following:  (1) OAS AG/RES. 1840 (XXXII–O/02) Inter-American Convention Against Terrorism.  (2) Financial Action Task Force (FATF) 40

(3) The 1963 ICAO Convention on Offences
and Certain Other Acts Committed on Board Air-
craft.
(4) The 1970 ICAO Convention for the Sup-
pression of Unlawful Seizure of Aircraft.
(5) The 1971 ICAO Convention for the Sup-
pression of Unlawful Acts Against the Safety of Civil
Aviation.
(6) The 1973 United Nations Convention on
the Prevention and Punishment of Crimes Against
Internationally Protected Person, including Diplo-
matic Agents.
(7) The 1979 United Nations International
Convention Against the Taking of Hostages.
(8) The 1988 ICAO Protocol for the Suppres-
sion of Unlawful Acts of Violence at Airports Serv-
ing International Civil Aviation, Supplementary to
the Convention for the Suppression of Unlawful Acts
Against the Safety of Civil Aviation.
(9) The 1988 IMO Convention for the Suppres-
sion of Unlawful Acts against the Safety of Mari-
time Navigation.
(10) The 1988 IMO Protocol for the Suppres-
sion of Unlawful Acts against the Safety of Fixed

Platforms Located on the Continental Shelf.

1	(11) The 1991 ICAO Convention on the Mark-
2	ing of Plastic Explosives for the Purpose of Detec-
3	tion.
4	(12) The 1997 United Nations International
5	Convention for the Suppression of Terrorist Bomb-
6	ings.
7	(13) The 1999 United Nations International
8	Convention for the Suppression of the Financing of
9	Terrorism.
10	(14) The 2001 United Nations S/Res/1373 Cre-
11	ation of Counter Terrorism Committee (CTC).
12	(15) The 2005 United Nations S/Res/1624 Pro-
13	hibition of incitement to commit terrorist act or
14	acts.
15	SEC. 712. AMENDMENTS TO ANNUAL COUNTRY REPORTS
16	ON TERRORISM.
17	Section 140(b) of the Foreign Relations Authoriza-
18	tion Act, Fiscal Years 1988 and 1989 (22 U.S.C.
19	2656f(b)) is amended—
20	(1) in paragraph (4)(D), by striking "and" at
21	the end;
22	(2) in paragraph (5), by striking the period at
23	the end and inserting "; and;

1	(3) by redesignating the second paragraph (3)
2	and the second paragraph (4) as paragraphs (6) and
3	(7), respectively;
4	(4) in paragraph (6), as so redesignated, by
5	striking "and" at the end;
6	(5) in paragraph (7), as so redesignated, by
7	striking the period at the end; and
8	(6) by adding after such paragraph (7) the fol-
9	lowing new paragraphs:
10	"(8) a comprehensive assessment of all United
11	States assistance available to combat terrorism in
12	each country that is a subject of such report; and
13	"(9) with respect to countries in the Western
14	Hemisphere that are the subjects of such report, the
15	level in each such country of threat posed by radical
16	Islamist terrorism.".
17	SEC. 713. AMENDMENTS TO ANNUAL DETERMINATION PRO-
18	CEDURES.
19	Section 706 of the Foreign Relations Authorization
20	Act, Fiscal Year 2003 (Public Law 107–228; 22 U.S.C.
21	2291j-1) is amended—
22	(1) in paragraph (2)—
23	(A) in subparagraph (A)(ii); by striking
24	"and" at the end;

1	(B) by redesignating subparagraph (B) as
2	subparagraph (C);
3	(C) by inserting after subparagraph (A)
4	the following new subparagraph:
5	"(B) designate each country, if any, identi-
6	fied in such report in which a link has been de-
7	termined to exist between illicit drug trafficking
8	and a designated foreign terrorist organization
9	and that has failed demonstrably, during the
10	previous 12 months, to make substantial ef-
11	forts—
12	"(i) to adhere to its obligations under
13	international counterterrorism agreements;
14	and
15	"(ii) to implement effective counter-
16	terrorism measures, including action on
17	such issues as the rule of law, denying safe
18	haven to terrorists, financing and money
19	laundering, and law enforcement; and";
20	and
21	(D) in subparagraph (C), as so redesig-
22	nated, by inserting before the period at the end
23	the following: "under subparagraph (A) or
24	(B)";
25	(2) in paragraph (3)—

1	(A) in subparagraph (A), by striking "or"
2	at the end;
3	(B) in subparagraph (B)(ii), by striking
4	the period at the end and inserting "; or"; and
5	(C) by adding at the end the following new
6	subparagraph:
7	"(C) subsequent to the designation being
8	made under paragraph (2)(B), the country has
9	made substantial efforts—
10	"(i) to adhere to its obligations under
11	international counterterrorism agreements;
12	and
13	"(ii) to implement effective counter-
14	terrorism measures, including action on
15	such issues as the rule of law, denying safe
16	haven to terrorists, financing and money
17	laundering, and law enforcement.";
18	(3) by redesignating paragraph (8) as para-
19	graph (9); and
20	(4) by inserting after paragraph (7) the fol-
21	lowing new paragraph:
22	"(8) Bilateral agreements.—If a country
23	designated under subparagraphs (A) and (B) of
24	paragraph (2) does not receive a determination
25	under subparagraphs (B) or (C) of paragraph (3),

1	the Secretary of State shall negotiate with such
2	country a bilateral agreement describing actions to
3	be taken by the United States and such country to
4	satisfy such determinations during the one year pe-
5	riod following such a designation. Such a bilateral
6	agreement should include a needs assessment, a bi-
7	lateral action plan, the provision of United States
8	training and assistance, the use of International
9	Law Enforcement Academy facilities in the region,
10	and an exchange of model laws and best practices.".
11	SEC. 714. AMENDMENT TO INTERNATIONAL NARCOTICS
12	CONTROL STRATEGY REPORT.
12 13	CONTROL STRATEGY REPORT.  Section 489(a) of the Foreign Assistance Act of 1961
13	Section 489(a) of the Foreign Assistance Act of 1961
13 14	Section 489(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291h(a)) is amended by adding at the end
13 14 15	Section 489(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291h(a)) is amended by adding at the end the following new paragraph:
13 14 15 16	Section 489(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291h(a)) is amended by adding at the end the following new paragraph:  "(9) A separate section that contains informa-
13 14 15 16 17	Section 489(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291h(a)) is amended by adding at the end the following new paragraph:  "(9) A separate section that contains informa- tion relating to any links between illicit narcotics
13 14 15 16 17	Section 489(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291h(a)) is amended by adding at the end the following new paragraph:  "(9) A separate section that contains informa- tion relating to any links between illicit narcotics trafficking or money laundering and terrorists, ter-
13 14 15 16 17 18	Section 489(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291h(a)) is amended by adding at the end the following new paragraph:  "(9) A separate section that contains informa- tion relating to any links between illicit narcotics trafficking or money laundering and terrorists, ter- rorist acts, or designated foreign terrorist organiza-

ment or foreign government to address such links.".

1	SEC. 715. UNITED STATES EFFORTS IN THE WESTERN
2	HEMISPHERE.
3	(a) Determination.—For any country in the West-
4	ern Hemisphere that the President has determined—
5	(1) is engaged in military cooperation with a
6	state sponsor of terrorism,
7	(2) is engaged in nonmarket-based trade with a
8	state sponsor of terrorism,
9	(3) is carrying out policies that threaten United
10	States national security interests, or
11	(4) is not fully cooperating with United States
12	counterterrorism or nonproliferation efforts,
13	the President is authorized to impose any of the sanctions
14	described in subsection (b).
15	(b) Sanctions.—For any country in the Western
16	Hemisphere with respect to which the President has made
17	a determination in accordance with subsection (a), the
18	President is authorized to—
19	(1) suspend United States nonhumanitarian
20	foreign assistance to the government of that country;
21	and
22	(2) prohibit the sale, provision, or transfer of
23	articles, including the issuance of any specific license
24	or grant of any other specific permission or author-
25	ity to export any goods or technology under—

1	(A) the Export Administration Act of
2	1979;
3	(B) the Arms Export Control Act;
4	(C) the Atomic Energy Act of 1954; or
5	(D) any other statute that requires the
6	prior review and approval of the United States
7	Government as a condition for the export or re-
8	export of goods or services.
9	SEC. 716. INTERNATIONAL LAW ENFORCEMENT ACADEMY
10	IN SAN SALVADOR, EL SALVADOR.
11	(a) Sense of Congress.—It is the sense of Con-
12	gress that the International Law Enforcement Academy
13	(ILEA) in San Salvador, El Salvador, should continue to
14	serve as a critical component of United States regional
15	counterterrorism efforts.
16	(b) Negotiation.—The Secretary of State shall ne-
17	gotiate with the appropriate agency entities to ensure that
18	counterterrorism, including radical Islamist extremism
19	within the Western Hemisphere, nonproliferation, and
20	border security courses are instituted as part of the core
21	curriculum at the International Law Enforcement Acad-
22	emy in San Salvador.
23	(c) Authorization of Appropriations.—There
24	are authorized to be appropriated such sums as may be
25	necessary to—

1	(1) complete all physical aspects of the ILEA
2	facility in San Salvador; and
3	(2) implement the ILEA Global Network.
4	SEC. 717. ACTIONS REGARDING THE ORGANIZATION OF
5	AMERICAN STATES.
6	(a) Declaration Regarding Terrorism.—The
7	Secretary of State shall direct the United States Rep-
8	resentative to the Organization of American States (OAS)
9	to use the voice, vote, and influence of the United States
10	at the OAS to move for a declaration at the first meeting
11	of Member States of the OAS convened after the date of
12	the enactment of this Act calling on countries to system-
13	atically deny the use of their territories by terrorists or
14	terrorist organizations.
15	(b) REDUCTION IN UNITED STATES CONTRIBU-
16	TION.—
17	(1) IN GENERAL.—The Secretary of State shall
18	reduce by 50 percent the amount of the United
19	States assessed contribution to the OAS for fiscal
20	year 2009 and each subsequent fiscal year.
21	(2) Use of funds.—
22	(A) IN GENERAL.—Of the amount reduced
23	pursuant to paragraph (1), not less than ten
24	percent of such amount shall be added to
25	United States voluntary contributions to each

1	of the organizations specified in subparagraph
2	(B) and the remaining amount shall be used to
3	establish and maintain the Western Hemisphere
4	Regional Coordination Centers under section
5	731.
6	(B) Organizations specified.—The or-
7	ganizations referred to in subparagraph (A) are
8	the following:
9	(i) The OAS Inter-American Com-
10	mittee Against Terrorism (CICTE).
11	(ii) The OAS Inter-American Drug
12	Abuse Control Commission (CICAD).
13	SEC. 718. AMENDMENT TO DEPARTMENT OF STATE RE-
14	WARDS PROGRAM.
	WARDS PROGRAM.  Section 36(b) of the State Department Basic Au-
15	
15 16	Section 36(b) of the State Department Basic Au-
15 16 17	Section 36(b) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2708(b)) is amended—
15 16 17 18	Section 36(b) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2708(b)) is amended— (1) in paragraph (6), by striking "or" at the
15 16 17 18 19	Section 36(b) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2708(b)) is amended— (1) in paragraph (6), by striking "or" at the end;
15 16 17 18 19 20	Section 36(b) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2708(b)) is amended—  (1) in paragraph (6), by striking "or" at the end;  (2) in paragraph (7)(B), by striking the period
15 16 17 18 19 20 21	Section 36(b) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2708(b)) is amended—  (1) in paragraph (6), by striking "or" at the end;  (2) in paragraph (7)(B), by striking the period at the end and inserting "; or"; and
15 16 17 18 19 20 21 22	Section 36(b) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2708(b)) is amended—  (1) in paragraph (6), by striking "or" at the end;  (2) in paragraph (7)(B), by striking the period at the end and inserting "; or"; and  (3) by adding at the end the following new
14 15 16 17 18 19 20 21 22 23 24	Section 36(b) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2708(b)) is amended—  (1) in paragraph (6), by striking "or" at the end;  (2) in paragraph (7)(B), by striking the period at the end and inserting "; or"; and  (3) by adding at the end the following new paragraph:

1	would help advance United States interests or the
2	interests of United States allies in the global strug-
3	gle against international terrorism.".
4	Subtitle B—Nonproliferation of Nu-
5	clear, Chemical, and Biological
6	Weapons in the Western Hemi-
7	sphere
8	SEC. 721. STATEMENT OF POLICY REGARDING THE PRO-
9	LIFERATION OF WEAPONS-RELATED NU-
10	CLEAR, CHEMICAL, AND BIOLOGICAL MATE-
11	RIALS, TECHNOLOGY, AND FACILITIES.
12	(a) In General.—To enhance the prevention of the
13	proliferation of weapons-related nuclear, chemical, and bi-
14	ological materials, technology, and facilities, it shall be the
15	policy of the United States to—
16	(1) promote the negotiation and implementation
17	by all countries of—
18	(A) a comprehensive safeguards agreement
19	with the International Atomic Energy Agency
20	(IAEA); and
21	(B) an Additional Protocol to the safe-
22	guards agreement;
23	(2) secure guarantees by all countries of unre-
24	stricted access by IAEA personnel to all nuclear-re-

1	lated materials and facilities in territories under the
2	control of the host country;
3	(3) promote the implementation by all countries
4	of United Nations Security Council Resolution 1540;
5	and
6	(4) promote the accession to and ratification
7	and implementation of—
8	(A) the Convention on the Prohibition of
9	the Development, Production, Stockpiling and
10	Use of Chemical Weapons and on their De-
11	struction (also referred to as the Chemical
12	Weapons Convention);
13	(B) the 1980 IAEA Convention on the
14	Physical Protection of Nuclear Material;
15	(C) the 2005 United Nations International
16	Convention for the Suppression of Acts of Nu-
17	clear Terrorism; and
18	(D) the Convention on the Prohibition of
19	the Development and Stockpiling of Bacterio-
20	logical (Biological) and Toxin Weapons and on
21	their Destruction (also referred to as the Bio-
22	logical Weapons Convention).
23	(b) Additional Protocol Defined.—In this sec-
24	tion, the term "Additional Protocol" means the Protocol
25	Additional to an agreement between a country and the

1	International Atomic Energy Agency for the Application
2	of Safeguards.
3	SEC. 722. STATEMENT OF POLICY REGARDING THE SMALL
4	QUANTITIES PROTOCOL.
5	Because a Small Quantities Protocol (SQP) sets
6	aside many of the operative provisions of a general safe-
7	guards agreement, the ability of the IAEA to verify that
8	nuclear materials and facilities in a country with an SQF
9	are not being diverted for illicit purposes is significantly
10	impaired. For this reason, it shall be the policy of the
11	United States to—
12	(1) oppose the negotiation by the IAEA of an
13	SQP for any country that did not have an SQP as
14	of January 1, 2008; and
15	(2) encourage every country with an SQP to
16	withdraw formally from or renegotiate that agree-
17	ment for the purpose of increasing transparency and
18	eliminating any exemption or provision that could
19	restrict the ability of the IAEA to verify that $\epsilon$
20	country's nuclear materials and facilities are not
21	being diverted to impermissible uses.

1	SEC. 723. SECURING ADHERENCE TO AGREEMENTS RE-
2	GARDING NUCLEAR NONPROLIFERATION BY
3	COUNTRIES IN THE WESTERN HEMISPHERE.
4	(a) In General.—The President shall use all avail-
5	able political, economic, and diplomatic tools to ensure
6	that each country in the Western Hemisphere—
7	(1) has signed and implemented a comprehen-
8	sive safeguards agreement with the IAEA;
9	(2) has signed and implemented an Additional
10	Protocol to its safeguards agreement;
11	(3) guarantees unrestricted access for IAEA
12	personnel to all nuclear-related facilities;
13	(4) has implemented the provisions of United
14	Nations Security Council Resolution 1540;
15	(5) has acceded to, ratified, and fully imple-
16	mented the conventions referred to in section
17	22(a)(4);
18	(6) does not negotiate with the IAEA an SQF
19	if that country did not have an SQP as of January
20	1, 2008; and
21	(7) withdraws formally from or renegotiates an
22	SQP agreement if a country has such an agreement
23	(b) Sanctions.—For any Western Hemisphere
24	country that has not satisfied all of the requirements spec-
25	ified in subsection (a) the President is authorized to—

1	(1) suspend United States nonhumanitarian
2	foreign assistance to the government of that country;
3	and
4	(2) prohibit the sale, provision, or transfer of
5	articles, including the issuance of any specific license
6	or grant of any other specific permission or author-
7	ity to export any goods or technology under—
8	(A) the Export Administration Act of
9	1979;
10	(B) the Arms Export Control Act;
11	(C) the Atomic Energy Act of 1954; or
12	(D) any other statute that requires the
13	prior review and approval of the United States
14	Government as a condition for the export or re-
15	export of goods or services.
16	SEC. 724. HALTING THE PROLIFERATION OF NUCLEAR
17	FUEL FABRICATION.
18	(a) STATEMENT OF POLICY.—It shall be the policy
19	of the United States to oppose the development or acquisi-
20	tion by any country of a capacity to fabricate nuclear fuel
21	if such country did not have such capacity as of January
22	1, 2008.
23	(b) Prevention of Capacity To Fabricate Nu-
24	CLEAR FUEL.—The President shall use all available polit-
25	ical, economic, and diplomatic tools, and shall use the

- 1 voice, vote, and influence of the United States in all inter-
- 2 national organizations and associations of which it is a
- 3 member, including the IAEA and the Nuclear Suppliers
- 4 Group, to prevent the development or acquisition by any
- 5 country of a capacity to fabricate nuclear fuel if such
- 6 country did not have such capacity as of January 1, 2008.
- 7 (c) Nuclear Technical Cooperation With the
- 8 IAEA.—The President shall direct the United States Per-
- 9 manent Representative to the IAEA to use the voice, vote,
- 10 and influence of the United States at the IAEA to block
- 11 the allocation of funds for any IAEA development, envi-
- 12 ronmental, or nuclear science assistance or activity to a
- 13 country the government of which—
- 14 (1) the Secretary of State has determined, for
- purposes of section 6(j) of the Export Administra-
- tion Act of 1979, section 620A of the Foreign As-
- sistance Act of 1961, section 40 of the Arms Export
- 18 Control Act, or other provision of law, is a govern-
- ment that has repeatedly provided support for acts
- of international terrorism;
- 21 (2) is actively cooperating with a government as
- described in paragraph (1);
- 23 (3) is under investigation for a breach of or
- 24 noncompliance with its IAEA obligations or the pur-

- poses and principles of the Charter of the United
   Nations; or
- 3 (4) is in violation of its IAEA obligations or the 4 purposes and principles of the Charter of the United 5 Nations.

#### 6 SEC. 725. COOPERATION WITH THE PROLIFERATION SECU-

### 7 RITY INITIATIVE.

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- (a) FINDINGS.—Congress finds the following:
- 9 (1) From its inception on May 31, 2003, the 10 Proliferation Security Initiative, also referred to as 11 the PSI, has repeatedly demonstrated its effective-12 ness in preventing the proliferation of weapons of 13 mass destruction.
  - (2) In his February 11, 2004, address at the National Defense University regarding additional measures to enhance global efforts against the proliferation of weapons of mass destruction President Bush proposed that "the work of the Proliferation Security Initiative be expanded to address more than shipments and transfers. Building on the tools we've developed to fight terrorists, we can take direct action against proliferation networks. We need greater cooperation not just among intelligence and military services, but in law enforcement, as well. PSI participants and other willing nations should use the

- Interpol and all other means to bring to justice those who traffic in deadly weapons, to shut down their labs, to seize their materials, to freeze their assets. We must act on every lead. We will find the middlemen, the suppliers and the buyers.".
- 6 (3) The number of countries participating in 7 PSI has steadily increased, thereby greatly enhanc-8 ing its effectiveness.
  - (4) Many countries in the Western Hemisphere formally or informally cooperate with the PSI.
- 11 (5) Expanded law enforcement cooperation 12 throughout the Western Hemisphere, including by 13 means of greater coordination of policies, improved 14 communications, and enhanced capabilities would 15 significantly promote the objectives of the PSI.
- 16 (b) Sense of Congress Concerning Strength-17 Ening Cooperation Regarding Nonprolifera-18 Tion.—It is the sense of Congress that—
- 19 (1) it is in the national security interest of the 20 United States to establish comprehensive coopera-21 tion to prevent the proliferation of nuclear, chemical, 22 and biological materials in the Western Hemisphere; 23 and
- 24 (2) the Secretary of State should seek to secure 25 the formal or informal cooperation by Western

1	Hemisphere countries for the purpose of securing
2	the goals of the Proliferation Security Initiative an-
3	nounced by the President on May 31, 2003.
4	SEC. 726. ESTABLISHMENT OF THE WESTERN HEMISPHERE
5	NONPROLIFERATION PARTNERSHIP INITIA-
6	TIVE.
7	(a) In General.—The Secretary of State is author-
8	ized, in consultation with relevant United States Govern-
9	ment agencies, to negotiate with the leaders of the govern-
10	ments of countries in the Western Hemisphere on a bilat-
11	eral or multilateral basis, as appropriate, international
12	agreements under which such governments work in part-
13	nership to establish an initiative to be known as the
14	"Western Hemisphere Nonproliferation Partnership Ini-
15	tiative" (NPI).
16	(b) Purpose.—
17	(1) In General.—The NPI shall—
18	(A) encourage the establishment of con-
19	tacts and cooperative relationships, including
20	the sharing of intelligence, between the respon-
21	sible individuals and agencies of each partici-
22	pant country with their counterparts in the
23	United States Government and in other partici-
24	pating countries; and

(B) encourage bilateral and multilateral
support, cooperation, and coordination of na-
tional programs and efforts to promote effective
and in-depth cooperation to counter the illicit
acquisition or trade of weapons-related nuclear,
chemical, or biological materials, technology, or
facilities.
(2) Cooperative programs.—The cooperative
programs referred to under paragraph (1)(B) shall
include the following:
(A) Training for government officials and
agents from participating countries regarding
the development and operation of NPI pro-
grams.
(B) Assistance in developing a comprehen-
sive legal and regulatory framework in each
country, as appropriate, to enable the establish-
ment and effective implementation of export
controls and the capacity to track nuclear,
chemical, and biological materials, equipment,
technology, and facilities.
(C) Provision of equipment, development of
infrastructure, and the acquisition of other re-

sources required by participating countries to

1	effectively carry out the tasks referred to in
2	subparagraphs (A) and (B).
3	SEC. 727. PROHIBITED TRANSACTIONS.
4	(a) In General.—No defense article or defense serv-
5	ice may be sold or licensed for export under this title in
6	a fiscal year to a foreign country that the President deter-
7	mines and certifies to Congress, not later than May 15
8	of the calendar year in which such fiscal year begins, is
9	carrying out policies aimed at undermining United States
10	national security interests or is not cooperating fully with
11	United States nonproliferation efforts.
12	(b) WAIVER.—The President may waive the prohibi-
13	tion under subsection (a) with respect to a specific trans-
14	action if the President determines that such transaction
15	is important to the national security interests of the
16	United States.
17	SEC. 728. RESTRICTIONS ON NUCLEAR COOPERATION WITH
18	COUNTRIES ASSISTING THE NUCLEAR PRO-
19	GRAM OF VENEZUELA OR CUBA.
20	(a) In General.—Notwithstanding any other provi-
21	sion of law or any international agreement, no agreement
22	for cooperation between the United States and the govern-
23	ment of any country that is assisting the nuclear program
24	of Venezuela or Cuba or transferring advanced conven-
25	tional weapons or missiles to Venezuela or Cuba may be

- 1 submitted to the President or to Congress pursuant to sec-
- 2 tion 123 of the Atomic Energy Act of 1954 (42 U.S.C.
- 3 2153), no such agreement may enter into force with such
- 4 country, no license may be issued for export directly or
- 5 indirectly to such country of any nuclear material, facili-
- 6 ties, components, or other goods, services, or technology
- 7 that would be subject to such agreement, and no approval
- 8 may be given for the transfer or retransfer directly or indi-
- 9 rectly to such country of any nuclear material, facilities,
- 10 components, or other goods, services, or technology that
- 11 would be subject to such agreement, until the President
- 12 determines and reports to the Committee on Foreign Af-
- 13 fairs of the House of Representatives and the Committee
- 14 on Foreign Relations of the Senate that the government
- 15 of the country that is assisting the nuclear program of
- 16 Venezuela or Cuba or transferring advanced conventional
- 17 weapons or missiles to Venezuela or Cuba—
- 18 (1) has suspended all nuclear assistance to Ven-
- ezuela or Cuba and all transfers of advanced conven-
- 20 tional weapons and missiles to Venezuela or Cuba;
- 21 and
- 22 (2) is committed to maintaining such suspen-
- sion until Venezuela or Cuba has implemented meas-
- ures that would permit the President to make the
- determination described in paragraph (1).

- 1 (b) Rules of Construction.—The restrictions de-2 scribed in subsection (a)—
- 3 (1) shall apply in addition to all other applica-4 ble procedures, requirements, and restrictions re-5 quired by the Atomic Energy Act of 1954 and any 6 other law; and
- 7 (2) shall not be construed as affecting the valid-8 ity of agreements for cooperation that are in effect 9 on the date of the enactment of this Act.
- 10 (c) Definitions.—In this section:

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- (1) AGREEMENT FOR COOPERATION.—The term "agreement for cooperation" has the meaning given that term in section 11 b. of the Atomic Energy Act of 1954 (42 U.S.C. 2014 b.).
  - (2) Assisting the Nuclear Program of Venezuela or Cuba.—The term "assisting the nuclear program of Venezuela or Cuba" means the intentional transfer to Venezuela or Cuba by a government, or by a person subject to the jurisdiction of a government with the knowledge and acquiescence of such government, of goods, services, or technology listed on the Nuclear Suppliers Group Guidelines for the Export of Nuclear Material, Equipment and Technology (published by the International Atomic Energy Agency as Information Circular INFCIRC/

- 1 254/Rev. 3/Part 1, and subsequent revisions) or 2 Guidelines for Transfers of Nuclear-Related Dual-3 Use Equipment, Material, and Related Technology (published by the International Atomic Energy Agency as Information Circular INFCIR/254/Rev. 3/ 5 6 Part 2, and subsequent revisions). 7 (3) Country that is assisting the nu-8 CLEAR PROGRAM OF VENEZUELA OR CUBA OR 9 TRANSFERRING ADVANCED CONVENTIONAL WEAP-10 ONS OR MISSILES TO VENEZUELA OR CUBA.—The 11 term "country that is assisting the nuclear program 12 of Venezuela or Cuba or transferring advanced conventional weapons or missiles to Venezuela or Cuba" 13 14 means—
  - (A) Russia; and
  - (B) any other country determined by the President to be assisting the nuclear program of Venezuela or Cuba or transferring advanced conventional weapons or missiles to Venezuela or Cuba.
  - (4) Transferring advanced conventional weapons or missiles to Venezuela or Cuba.—
    The term "transferring advanced conventional weapons or missiles to Venezuela or Cuba" means the intentional transfer to Venezuela or Cuba by a govern-

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1	ment, or by a person subject to the jurisdiction of
2	a government with the knowledge and acquiescence
3	of such government, of goods, services, or technology
4	listed on—
5	(A) the Wassenaar Arrangement list of
6	Dual Use Goods and Technologies and Muni-
7	tions list of July 12, 1996, and subsequent revi-
8	sions; or
9	(B) the Missile Technology Control Regime
10	Equipment and Technology Annex of June 11,
11	1996, and subsequent revisions.
12	Subtitle C—Western Hemisphere
13	<b>Regional Coordination Centers</b>
14	SEC. 731. ESTABLISHMENT OF THE WESTERN HEMISPHERE
<ul><li>14</li><li>15</li></ul>	SEC. 731. ESTABLISHMENT OF THE WESTERN HEMISPHERE REGIONAL COORDINATION CENTERS.
15	REGIONAL COORDINATION CENTERS.
15 16	REGIONAL COORDINATION CENTERS.  (a) Sense of Congress.—It is the sense of Con-
15 16 17	REGIONAL COORDINATION CENTERS.  (a) Sense of Congress.—It is the sense of Congress that—
15 16 17 18	REGIONAL COORDINATION CENTERS.  (a) Sense of Congress.—It is the sense of Congress that—  (1) the United States Government should carry
15 16 17 18 19	REGIONAL COORDINATION CENTERS.  (a) Sense of Congress.—It is the sense of Congress that—  (1) the United States Government should carry out a comprehensive and integrated approach to
15 16 17 18 19 20	REGIONAL COORDINATION CENTERS.  (a) Sense of Congress.—It is the sense of Congress that—  (1) the United States Government should carry out a comprehensive and integrated approach to United States counterterrorism and nonproliferation
15 16 17 18 19 20 21	REGIONAL COORDINATION CENTERS.  (a) Sense of Congress.—It is the sense of Congress that—  (1) the United States Government should carry out a comprehensive and integrated approach to United States counterterrorism and nonproliferation efforts, both domestically and abroad; and
15 16 17 18 19 20 21 22	REGIONAL COORDINATION CENTERS.  (a) SENSE OF CONGRESS.—It is the sense of Congress that—  (1) the United States Government should carry out a comprehensive and integrated approach to United States counterterrorism and nonproliferation efforts, both domestically and abroad; and  (2) the Secretary of State should seek to en-

1	ing threats and prevent the proliferation of nuclear,
2	chemical, and biological weapons.
3	(b) Purpose.—Western Hemisphere Regional Co-
4	ordination Centers shall serve as joint operational facilities
5	dedicated to coordinating efforts, capacity, and intel-
6	ligence among participating countries to counter current
7	and emerging threats and prevent the proliferation of nu-
8	clear, chemical, and biological weapons throughout the
9	Western Hemisphere.
10	(c) Establishment.—The Secretary of State shall
11	negotiate with the leaders of the governments of countries
12	in the Western Hemisphere on a bilateral or multilateral
13	basis, as appropriate, international agreements under
14	which such governments work in partnership to establish
15	centers to be known as the "Western Hemisphere Regional
16	Coordination Centers" (RCC).
17	(d) Cooperation With Governments in the
18	Western Hemisphere.—
19	(1) IN GENERAL.—The Secretary of State shall
20	negotiate with—
21	(A) the governments of countries in Cen-
22	tral and South America agreements for the es-
23	tablishment of one RCC in a country in Central
24	America and one RCC in a country in South
25	America: and

1	(B) the Government of Brazil, the Govern-
2	ment of Argentina, and the Government of
3	Paraguay an agreement for the establishment
4	of a RCC specifically in the tri-border area.

- (2) COORDINATION.—The Secretary of State shall negotiate with the leaders of the governments of countries in the Western Hemisphere on a bilateral or multilateral basis, as appropriate, agreements under which a method is established for staffing parallel representatives, from each participating country or region, for each United States agency represented at the relevant RCC.
- 13 (e) Participation of United States Govern-14 ment Agencies.—
  - (1) IN GENERAL.—The Secretary of State, in consultation with the Director of National Intelligence and the Secretary of Defense, shall determine which departments and agencies of the United States Government, including the Department of Defense, the Department of Energy, the Department of Homeland Security, the Department of the Treasury, the Department of Justice, the Drug Enforcement Agency, and the Federal Bureau of Investigation, are necessary to ensure the establishment and operation of the RCCs. The Secretary of State, in

- consultation with the Director of National Intelligence and the Secretary of Defense, shall negotiate agreements with the heads of such agencies to ensure their full participation and cooperation in such establishment and operation.
  - (2) Assignment of Regional attaches and advisors appropriate RCCs regional attaches and advisors serving at United States diplomatic and consular missions in the Western Hemisphere.

## (f) Structure.—

- (1) Management of the RCCs.—The Secretary of State, in consultation with the Director of National Intelligence and the Secretary of Defense, shall be responsible for the management of the RCCs, including development of the budget, priorities, and programs of the RCCs.
- (2) STAFFING AND DUTIES.—Each RCC shall have one United States Director, at least one but not more than two United States Deputy Directors, and one host country General Director. The United States Director and United States Deputy Directors may be employees of any of the United States national security agencies and shall be chosen by the Secretary of State, in consultation with the Director

1	of National Intelligence and Secretary of Defense.
2	The Director and Deputy Directors of each RCC
3	shall keep the Chief of Mission of the United States
4	Embassies in the host country of such RCC fully in-
5	formed of activities and operations of such RCC.
6	(3) RCC POLICY BOARD.—
7	(A) Establishment.—There is estab-
8	lished the RCC Policy Board.
9	(B) Composition.—The RCC Policy
10	Board shall be comprised of senior representa-
11	tives from the departments and agencies deter-
12	mined by the Secretary of State, in consultation
13	with the Director of National Intelligence and
14	the Secretary of Defense, to be necessary to en-
15	sure the establishment and operation of the
16	RCCs in accordance with subsection (e).
17	(C) Duties.—The Policy Board shall
18	monitor and provide guidance and oversight for
19	the RCCs to ensure that their operations are
20	consistent with United States foreign policy and
21	law enforcement goals.
22	(D) Meetings.—The Policy Board shall
23	meet bi-monthly and shall be co-chaired by offi-
24	cers from the Office of the Coordinator for

Counterterrorism of the Department of State

1	and the National Counterterrorism Center of
2	the Office of the Director of National Intel-
3	ligence.
4	SEC. 732. REGIONAL SECURITY INITIATIVE.
5	(a) Sense of Congress.—It is the sense of Con-
6	gress that the Latin America Regional Strategic Initiative
7	(RSI) should serve as a critical component of United
8	States regional counterterrorism and nonproliferation ef-
9	forts.
10	(b) Participation With the RCCs.—The Latin
11	America RSI shall conduct at least one inter-agency meet-
12	ing at one of the three RCCs each fiscal year. The Direc-
13	tor, a Deputy Director, or both, of each RCC shall partici-
14	pate in all RSI meetings organized by the Department of
15	State.
16	(c) Report.—Not later than 45 days after the con-
17	clusion of each RSI meeting, the Secretary of State shall
18	submit to the appropriate congressional committees a re-
19	port, which shall include a classified annex if necessary,
20	that describes—
21	(1) the defined objectives of the RSI;
22	(2) the extent to which such objectives have
23	been achieved;
24	(3) the steps taken by the United States to ac-
25	complish such objectives;

1	(4) the extent of cooperation by other countries
2	in the Western Hemisphere toward achieving such
3	objectives; and
4	(5) the steps the United States will take in the
5	subsequent months to accomplish such objectives.
6	SEC. 733. AUTHORIZATION OF APPROPRIATIONS.
7	There is authorized to be appropriated such sums as
8	may be necessary for each of fiscal years 2010 and 2011
9	and each subsequent fiscal year to carry out this subtitle.
10	Subtitle D—Prohibitions on En-
11	gagement With Certain Western
12	Hemisphere Countries
13	SEC. 741. PROHIBITIONS ON ENGAGEMENT WITH CERTAIN
14	WESTERN HEMISPHERE COUNTRIES.
15	Nothing in this title shall be construed as weakening
16	or removing any prohibitions on United States engage-
17	ment with or assistance to any country in the Western
18	Hemisphere that the Secretary of State has designated as
19	a state sponsor of terrorism for a minimum of three con-
20	secutive years.
21	Subtitle E—Report
22	SEC. 751. REPORT.
23	(a) In General.—Not later than one year after the
24	date of the enactment of this Act and annually thereafter,
25	the Secretary of State shall submit to the appropriate con-

1	gressional committees a report on the activities carried out
2	to achieve the objectives described in subtitles B and C
3	that describe—
4	(1) the extent to which each such objective has
5	been achieved;
6	(2) the steps taken by the United States and
7	countries in the Western Hemisphere in the pre-
8	ceding calendar year to accomplish such objectives;
9	(3) the extent of cooperation by other countries
10	in the Western Hemisphere toward achieving such
11	objectives; and
12	(4) the steps the United States will take in the
13	current calendar year to accomplish such objectives.
14	(b) Preparation and Form of Report.—The re-
15	port required under subsection (a) shall rely on public in-
16	formation to the extent possible, and shall include a classi-
	_ :

17 fied annex, if necessary.

# 1 TITLE VIII—EXPORT CONTROL

# 2 REFORM AND SECURITY AS-

## 3 **SISTANCE**

# 4 Subtitle A—Defense Trade Controls

- 5 Performance Improvement Act
- 6 **of 2009**
- 7 SEC. 801. SHORT TITLE.
- 8 This subtitle may be cited as the "Defense Trade
- 9 Controls Performance Improvement Act of 2009".
- 10 **SEC. 802. FINDINGS.**
- 11 Congress finds the following:
- 12 (1) In a time of international terrorist threats
- and a dynamic global economic and security environ-
- ment, United States policy with regard to export
- 15 controls is in urgent need of a comprehensive review
- in order to ensure such controls are protecting the
- 17 national security and foreign policy interests of the
- 18 United States.
- 19 (2) In January 2007, the Government Account-
- ability Office designated the effective identification
- and protection of critical technologies as a govern-
- 22 ment-wide, high-risk area, warranting a strategic re-
- examination of existing programs, including pro-
- 24 grams relating to arms export controls.

- 1 (3) Federal Government agencies must review
  2 licenses for export of munitions in a thorough and
  3 timely manner to ensure that the United States is
  4 able to assist United States allies and to prevent nu5 clear and conventional weapons from getting into the
  6 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

1	joint ventures in defense and commercial industries.
2	Federal Government agencies must develop new and
3	effective procedures for ensuring that export control
4	systems address these problems and the threat they
5	pose to national security.
6	(7) In the report to Congress required by the
7	Conference Report (Report 109–272) accompanying
8	the bill, H.R. 2862 (the Science, State, Justice,
9	Commerce and Related Agencies Appropriations Act,
10	2006; Public Law 109–108), the Department of
11	State concluded that—
12	(A) defense trade licensing has become
13	much more complex in recent years as a con-
14	sequence of the increasing globalization of the
15	defense industry;
16	(B) the most important challenge to the
17	Department of State's licensing process has
18	been the sheer growth in volume of applicants

- Department of State's licensing process has been the sheer growth in volume of applicants for licenses and agreements, without the corresponding increase in licensing officers; and (C) the increase in licensing volume with-
- (C) the increase in licensing volume without a corresponding increase in trained and experienced personnel has resulted in delays and increased processing times.

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1	(8) In 2006, the Department of State processed
2	over three times as many licensing applications as
3	the Department of Commerce with about a fifth of
4	the staff of the Department of Commerce.
5	(9) On July 27, 2007, in testimony delivered to
6	the Subcommittee on Terrorism, Nonproliferation
7	and Trade of the Committee on Foreign Affairs of
8	the House of Representatives to examine the effec-
9	tiveness of the United States export control regime,
10	the Government Accountability Office found that—
11	(A) the United States Government needs
12	to conduct assessments to determine its overall
13	effectiveness in the area of arms export control;
14	and
15	(B) the processing times of the Depart-
16	ment of State doubled over the period from
17	2002 to 2006.
18	(10)(A) Allowing a continuation of the status
19	quo in resources for defense trade licensing could ul-
20	timately harm the United States defense industrial
21	base. The 2007 Institute for Defense Analysis report
22	entitled "Export Controls and the U.S. Defense In-
23	dustrial Base" found that the large backlog and long
24	processing times by the Department of State for ap-

plications for licenses to export defense items led to

- an impairment of United States firms in some sectors to conduct global business relative to foreign competitors.
  - (B) Additionally, the report found that United States commercial firms have been reluctant to engage in research and development activities for the Department of Defense because this raises the future prospects that the products based on this research and development, even if intrinsically commercial, will be saddled by Department of State munitions controls due to the link to that research.
  - (11) According to the Department of State's fiscal year 2008 budget justification to Congress, commercial exports licensed or approved under the Arms Export Control Act exceeded \$30,000,000,000, with nearly eighty percent of these items exported to United States NATO allies and other major non-NATO allies.
  - (12) A Government Accountability Office report of October 9, 2001 (GAO-02-120), documented ambiguous export control jurisdiction affecting 25 percent of the items that the United States Government agreed to control as part of its commitments to the Missile Technology Control Regime. The United States Government has not clearly determined which

- department has jurisdiction over these items, which increases the risk that these items will fall into the wrong hands. During both the 108th, 109th, and 110th Congresses, the House of Representatives passed legislation mandating that the Administration clarify this issue.
- 7 (13) During 2007 and 2008, the management and staff of the Directorate of Defense Trade Con-8 9 trols of the Department of State have, through ex-10 traordinary effort and dedication, eliminated the 11 large backlog of open applications and have reduced 12 average processing times for license applications; 13 however, the Directorate remains understaffed and 14 long delays remain for complicated cases.

## 15 SEC. 803. STRATEGIC REVIEW AND ASSESSMENT OF THE

#### 16 UNITED STATES EXPORT CONTROLS SYSTEM.

- (a) Review and Assessment.—
- 18 (1) IN GENERAL.—Not later than March 31,
  19 2010, the President shall conduct a comprehensive
  20 and systematic review and assessment of the United
  21 States arms export controls system in the context of
  22 the national security interests and strategic foreign
  23 policy objectives of the United States.
  - (2) Elements.—The review and assessment required under paragraph (1) shall—

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1	(A) determine the overall effectiveness of
2	the United States arms export controls system
3	in order to, where appropriate, strengthen con-
4	trols, improve efficiency, and reduce unneces-
5	sary redundancies across Federal Government
6	agencies, through administrative actions, in-
7	cluding regulations, and to formulate legislative
8	proposals for new authorities that are needed;
9	(B) develop processes to ensure better co-
10	ordination of arms export control activities of
11	the Department of State with activities of other
12	departments and agencies of the United States
13	that are responsible for enforcing United States
14	arms export control laws;
15	(C) ensure that weapons-related nuclear
16	technology, other technology related to weapons
17	of mass destruction, and all items on the Mis-
18	sile Technology Control Regime Annex are sub-
19	ject to stringent control by the United States
20	Government;
21	(D) determine the overall effect of arms
22	export controls on counterterrorism, law en-
23	forcement, and infrastructure protection mis-

sions of the Department of Homeland Security;

1	(E) determine the effects of export controls
2	policies and the practices of the export control
3	agencies on the United States defense industrial
4	base and United States employment in the in-
5	dustries affected by export controls;
6	(F) contain a detailed summary of known
7	attempts by unauthorized end-users (such as
8	international arms traffickers, foreign intel-
9	ligence agencies, and foreign terrorist organiza-
10	tions) to acquire items on the United States
11	Munitions List and related technical data, in-
12	cluding—
13	(i) data on—
14	(I) commodities sought, such as
15	M-4 rifles, night vision devices, F-14
16	spare parts;
17	(II) parties involved, such as the
18	intended end-users, brokers, con-
19	signees, and shippers;
20	(III) attempted acquisition of
21	technology and technical data critical
22	to manufacture items on the United
23	States Munitions List;
24	(IV) destination countries and
25	transit countries:

1	(V) modes of transport;
2	(VI) trafficking methods, such as
3	use of false documentation and front
4	companies registered under flags of
5	convenience;
6	(VII) whether the attempted il-
7	licit transfer was successful; and
8	(VIII) any administrative or
9	criminal enforcement actions taken by
10	the United States and any other gov-
11	ernment in relation to the attempted
12	illicit transfer;
13	(ii) a thorough evaluation of the Blue
14	Lantern Program, including the adequacy
15	of current staffing and funding levels;
16	(iii) a detailed analysis of licensing ex-
17	emptions and their successful exploitation
18	by unauthorized end-users; and
19	(iv) an examination of the extent to
20	which the increased tendency toward out-
21	sourcing and off-shoring of defense produc-
22	tion harm United States national security
23	and weaken the defense industrial base, in-
24	cluding direct and indirect impact on em-
25	ployment, and formulate policies to address

these trends as well as the policy of some
United States trading partners to require

offsets for major sales of defense articles;

4 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.
- 9 (b) Congressional Briefings.—The President 10 shall provide periodic briefings to the appropriate congres-11 sional committees on the progress of the review and as-12 sessment conducted under subsection (a). The require-13 ment to provide congressional briefings under this sub-14 section shall terminate on the date on which the President 15 transmits to the appropriate congressional committees the

report required under subsection (c).

17 (c) Report.—Not later than 18 months after the
18 date of the enactment of this Act, the President shall
19 transmit to the appropriate congressional committees and
20 the Committee on Armed Services of the House of Rep21 resentatives and the Committee on Armed Services of the
22 Senate a report that contains the results of the review and
23 assessment conducted under subsection (a). The report re24 quired by this subsection shall contain a certification that

the requirement of subsection (a)(2)(C) has been met, or

1	if the requirement has not been met, the reasons therefor.
2	The report required by this subsection shall be submitted
3	in unclassified form, but may contain a classified annex,
4	if necessary.
5	SEC. 804. PERFORMANCE GOALS FOR PROCESSING OF AP-
6	PLICATIONS FOR LICENSES TO EXPORT
7	ITEMS ON UNITED STATES MUNITIONS LIST.
8	(a) In General.—The Secretary of State, acting
9	through the head of the Directorate of Defense Trade
10	Controls of the Department of State, shall establish and
11	maintain the following goals:
12	(1) The processing time for review of each ap-
13	plication for a license to export items on the United
14	States Munitions List (other than a Manufacturing
15	License Agreement) shall be not more than 60 days
16	from the date of receipt of the application.
17	(2) The processing time for review of each ap-
18	plication for a commodity jurisdiction determination
19	shall be not more than 60 days from the date of re-
20	ceipt of the application.
21	(3) The total number of applications described
22	in paragraph (1) that are unprocessed shall be not
23	more than 7 percent of the total number of such ap-
24	plications submitted in the preceding calendar year.

(b) Additional Review.—(1) If an application de-
scribed in paragraph (1) or (2) of subsection (a) is not
processed within the time period described in the respec-
tive paragraph of such subsection, then the Managing Di-
rector of the Directorate of Defense Trade Controls or the
Deputy Assistant Secretary for Defense Trade and Re-
gional Security of the Department of State, as appro-
priate, shall review the status of the application to deter-
mine if further action is required to process the applica-
tion.
(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 de-
termine if further action is required to process the
application; and
(B) submit to the appropriate congressional

(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.

1	(3) For each calendar year, the Managing Director
2	of the Directorate of Defense Trade Controls shall review
3	not less than 2 percent of the total number of applications
4	described in paragraphs (1) and (2) of subsection (a) to
5	ensure that the processing of such applications, including
6	decisions to approve, deny, or return without action, is
7	consistent with both policy and regulatory requirements
8	of the Department of State.
9	(c) Statements of Policy.—
10	(1) United States allies.—Congress states
11	that—
12	(A) it shall be the policy of the Directorate
13	of Defense Trade Controls of the Department
14	of State to ensure that, to the maximum extent
15	practicable, the processing time for review of
16	applications described in subsection $(a)(1)$ to
17	export items that are not subject to the require-
18	ments of section 36 (b) or (c) of the Arms Ex-
19	port Control Act (22 U.S.C. 2776 (b) or (c)) to
20	United States allies in direct support of combat
21	operations or peacekeeping or humanitarian op-
22	erations with United States Armed Forces is
23	not more than 7 days from the date of receipt
24	of the application; and

1 (B) it shall be the goal, as appropriate, of 2 the Directorate of Defense Trade Controls to 3 ensure that, to the maximum extent practicable, 4 the processing time for review of applications described in subsection (a)(1) to export items 6 that are not subject to the requirements of sec-7 tion 36 (b) or (c) of the Arms Export Control 8 Act to government security agencies of United 9 States NATO allies, Australia, New Zealand, 10 Japan, South Korea, Israel, and, as appro-11 priate, other major non-NATO allies for any 12 purpose other than the purpose described in 13 paragraph (1) is not more than 30 days from 14 the date of receipt of the application.

- (2) Priority for applications for export of U.S.-Origin equipment.—In meeting the goals established by this section, it shall be the policy of the Directorate of Defense Trade Controls of the Department of State to prioritize the processing of applications for licenses and agreements necessary for the export of United States-origin equipment over applications for Manufacturing License Agreements.
- (d) REPORT.—Not later than December 31, 2011,and December 31, 2012, the Secretary of State shall sub-

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1	mit to the appropriate congressional committees a report
2	that contains a detailed description of—
3	(1)(A) the average processing time for and
4	number of applications described in subsection
5	(a)(1) to—
6	(i) United States NATO allies, Australia,
7	New Zealand, Japan, South Korea, and Israel;
8	(ii) other major non-NATO allies; and
9	(iii) all other countries; and
10	(B) to the extent practicable, the average proc-
11	essing time for and number of applications described
12	in subsection (b)(1) by item category;
13	(2) the average processing time for and number
14	of applications described in subsection (a)(2);
15	(3) the average processing time for and number
16	of applications for agreements described in part 124
17	of title 22, Code of Federal Regulations (relating to
18	the International Traffic in Arms Regulations (other
19	than Manufacturing License Agreements));
20	(4) the average processing times for applica-
21	tions for Manufacturing License Agreements;
22	(5) any management decisions of the Direc-
23	torate of Defense Trade Controls of the Department
24	of State that have been made in response to data
25	contained in paragraphs (1) through (3); and

1	(6) any advances in technology that will allow
2	the time-frames described in subsection $(a)(1)$ to be
3	substantially reduced.
4	(e) Congressional Briefings.—If, at the end of
5	any month beginning after the date of the enactment of
6	this Act, the total number of applications described in sub-
7	section $(a)(1)$ that are unprocessed is more than 7 percent
8	of the total number of such applications submitted in the
9	preceding calendar year, then the Secretary of State, act-
10	ing through the Under Secretary for Arms Control and
11	International Security, the Assistant Secretary for Polit-
12	ical-Military Affairs, or the Deputy Assistant Secretary
13	for Defense Trade and Regional Security of the Depart-
14	ment of State, as appropriate, shall brief the appropriate
15	congressional committees on such matters and the correc-
16	tive measures that the Directorate of Defense Trade Con-
17	trols will take to comply with the requirements of sub-
18	section (a).
19	(f) Transparency of Commodity Jurisdiction
20	DETERMINATIONS.—
21	(1) Declaration of Policy.—Congress de-
22	clares that the complete confidentiality surrounding
23	several hundred commodity jurisdiction determina-
24	tions made each year by the Department of State
25	pursuant to the International Traffic in Arms Regu-

1	lations is not necessary to protect legitimate propri-
2	etary interests of persons or their prices and cus-
3	tomers, is not in the best security and foreign policy
4	interests of the United States, is inconsistent with
5	the need to ensure a level playing field for United
6	States exporters, and detracts from United States
7	efforts to promote greater transparency and respon-
8	sibility by other countries in their export control sys-
9	tems.
10	(2) Publication on internet website.—
11	The Secretary of State shall—
12	(A) upon making a commodity jurisdiction
13	determination referred to in paragraph (1) pub-
14	lish on the Internet website of the Department
15	of State not later than 30 days after the date
16	of the determination—
17	(i) the name of the manufacturer of
18	the item;
19	(ii) a brief general description of the
20	item;
21	(iii) the model or part number of the
22	item; and
23	(iv) the United States Munitions List
24	designation under which the item has been
25	designated, except that—

1	(I) the name of the person or
2	business organization that sought the
3	commodity jurisdiction determination
4	shall not be published if the person or
5	business organization is not the man-
6	ufacturer of the item; and
7	(II) the names of the customers,
8	the price of the item, and any propri-
9	etary information relating to the item
10	indicated by the person or business
11	organization that sought the com-
12	modity jurisdiction determination
13	shall not be published; and
14	(B) maintain on the Internet website of
15	the Department of State an archive, that is ac-
16	cessible to the general public and other depart-
17	ments and agencies of the United States, of the
18	information published under subparagraph (A).
19	(g) Rule of Construction.—Nothing in this sec-
20	tion shall be construed to prohibit the President or Con-
21	gress from undertaking a thorough review of the national
22	security and foreign policy implications of a proposed ex-
23	port of items on the United States Munitions List.

I	SEC. 805. REQUIREMENT TO ENSURE ADEQUATE STAFF
2	AND RESOURCES FOR THE DIRECTORATE OF
3	DEFENSE TRADE CONTROLS OF THE DEPART-
4	MENT OF STATE.
5	(a) Requirement.—The Secretary of State shall en-
6	sure that the Directorate of Defense Trade Controls of
7	the Department of State has the necessary staff and re-
8	sources to carry out this subtitle and the amendments
9	made by this subtitle.
10	(b) Minimum Number of Licensing Officers.—
11	For fiscal year 2011 and each subsequent fiscal year, the
12	Secretary of State shall ensure that the Directorate of De-
13	fense Trade Controls has at least 1 licensing officer for
14	every 1,250 applications for licenses and other authoriza-
15	tions to export items on the United States Munitions List
16	by not later than the third quarter of such fiscal year,
17	based on the number of licenses and other authorizations
18	expected to be received during such fiscal year. The Sec-
19	retary shall ensure that in meeting the requirement of this
20	subsection, the performance of other functions of the Di-
21	rectorate of Defense Trade Controls is maintained and
22	adequate staff is provided for those functions.
23	(c) Minimum Number of Staff for Commodity
24	JURISDICTION DETERMINATIONS.—For each of the fiscal
25	years 2010 through 2012, the Secretary of State shall en-
26	sure that the Directorate of Defense Trade Controls has.

- 1 to the extent practicable, not less than three individuals
- 2 assigned to review applications for commodity jurisdiction
- 3 determinations.
- 4 (d) Enforcement Resources.—In accordance
- 5 with section 127.4 of title 22, Code of Federal Regula-
- 6 tions, U.S. Immigration and Customs Enforcement is au-
- 7 thorized to investigate violations of the International Traf-
- 8 fic in Arms Regulations on behalf of the Directorate of
- 9 Defense Trade Controls of the Department of State. The
- 10 Secretary of State shall ensure that the Directorate of De-
- 11 fense Trade Controls has adequate staffing for enforce-
- 12 ment of the International Traffic in Arms Regulations.
- 13 SEC. 806. AUDIT BY INSPECTOR GENERAL OF THE DEPART-
- 14 MENT OF STATE.
- 15 (a) AUDIT.—Not later than the end of each of the
- 16 fiscal years 2011 and 2012, the Inspector General of the
- 17 Department of State shall conduct an independent audit
- 18 to determine the extent to which the Department of State
- 19 is meeting the requirements of sections 804 and 805.
- 20 (b) Report.—The Inspector General shall submit to
- 21 the appropriate congressional committees a report that
- 22 contains the result of each audit conducted under sub-
- 23 section (a).

1	SEC. 807. INCREASED FLEXIBILITY FOR USE OF DEFENSE
2	TRADE CONTROLS REGISTRATION FEES.
3	(a) In General.—Section 45 of the State Depart-
4	ment Basic Authorities Act of 1956 (22 U.S.C. 2717) is
5	amended—
6	(1) in the first sentence—
7	(A) by striking "For" and inserting "(a)
8	In General.—For"; and
9	(B) by striking "Office" and inserting "Di-
10	rectorate";
11	(2) by amending the second sentence to read as
12	follows:
13	"(b) AVAILABILITY OF FEES.—Fees credited to the
14	account referred to in subsection (a) shall be available only
15	for payment of expenses incurred for—
16	"(1) management,
17	"(2) licensing (in order to meet the require-
18	ments of section 805 of the Defense Trade Controls
19	Performance Improvement Act of 2009 (relating to
20	adequate staff and resources of the Directorate of
21	Defense Trade Controls)),
22	"(3) compliance,
23	"(4) policy activities, and
24	"(5) facilities,
25	of defense trade controls functions."; and
26	(3) by adding at the end the following:

- 1 "(c) Allocation of Fees.—In allocating fees for
- 2 payment of expenses described in subsection (b), the Sec-
- 3 retary of State shall accord the highest priority to pay-
- 4 ment of expenses incurred for personnel and equipment
- 5 of the Directorate of Defense Trade Controls, including
- 6 payment of expenses incurred to meet the requirements
- 7 of section 805 of the Defense Trade Controls Performance
- 8 Improvement Act of 2009.".
- 9 (b) Conforming Amendment.—Section 38(b) of
- 10 the Arms Export Control Act (22 U.S.C. 2778(b)) is
- 11 amended by striking paragraph (3).
- 12 SEC. 808. REVIEW OF INTERNATIONAL TRAFFIC IN ARMS
- 13 REGULATIONS AND UNITED STATES MUNI-
- 14 TIONS LIST.
- 15 (a) In General.—The Secretary of State, in coordi-
- 16 nation with the heads of other relevant departments and
- 17 agencies of the United States Government, shall review,
- 18 with the assistance of United States manufacturers and
- 19 other interested parties described in section 811(2) of this
- 20 Act, the International Traffic in Arms Regulations and
- 21 the United States Munitions List to determine those tech-
- 22 nologies and goods that warrant different or additional
- 23 controls.
- 24 (b) Conduct of Review.—In carrying out the re-
- 25 view required under subsection (a), the Secretary of State

- 1 shall review not less than 20 percent of the technologies
- 2 and goods on the International Traffic in Arms Regula-
- 3 tions and the United States Munitions List in each cal-
- 4 endar year so that for the 5-year period beginning with
- 5 calendar year 2010, and for each subsequent 5-year pe-
- 6 riod, the International Traffic in Arms Regulations and
- 7 the United States Munitions List will be reviewed in their
- 8 entirety.
- 9 (c) Report.—The Secretary of State shall submit to
- 10 the appropriate congressional committees and the Com-
- 11 mittee on Armed Services of the House of Representatives
- 12 and the Committee on Armed Services of the Senate an
- 13 annual report on the results of the review carried out
- 14 under this section.
- 15 SEC. 809. SPECIAL LICENSING AUTHORIZATION FOR CER-
- 16 TAIN EXPORTS TO NATO MEMBER STATES,
- 17 AUSTRALIA, JAPAN, NEW ZEALAND, ISRAEL,
- 18 AND SOUTH KOREA.
- 19 (a) IN GENERAL.—Section 38 of the Arms Export
- 20 Control Act (22 U.S.C. 2778) is amended by adding at
- 21 the end the following:
- 22 "(k) Special Licensing Authorization for Cer-
- 23 TAIN EXPORTS TO NATO MEMBER STATES, AUSTRALIA,
- 24 Japan, New Zealand, Israel, and South Korea.—

1 "(1) AUTHORIZATION.—(A) The President may 2 provide for special licensing authorization for exports 3 of United States-manufactured spare and replace-4 ment parts or components listed in an application 5 for such special licensing authorization in connection 6 with defense items previously exported to NATO member states, Australia, Japan, New Zealand, 7 8 Israel, and South Korea. A special licensing author-9 ization issued pursuant to this clause shall be effec-10 tive for a period not to exceed 5 years.

"(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;

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1	"(iii) the spare and replacement parts or							
2	components will not to be used to materially en-							
3	hance, optimize, or otherwise modify or upgrade							
4	the capability of the defense items;							
5	"(iv) the spare and replacement parts or							
6	components relate to a defense item that i							
7	owned, operated, and in the inventory of the							
8	armed forces a country described in subpara-							
9	graph (A);							
10	"(v) the export of spare and replacement							
11	parts or components will be effected using the							
12	freight forwarder designated by the purchasing							
13	country's diplomatic mission as responsible for							
14	handling transfers under chapter 2 of this Act							
15	as required under regulations; and							
16	"(vi) the spare and replacement parts or							
17	components to be exported under the special li-							
18	censing authorization are specifically identified							
19	in the application.							
20	"(C) An authorization may not be issued under							
21	subparagraph (A) for purposes of establishing off-							
22	shore procurement arrangements or producing de-							
23	fense articles offshore.							
24	"(D)(i) For purposes of this subsection, the							
25	term 'United States-manufactured spare and re-							

1	placement parts or components' means spare and
2	replacement parts or components—
3	"(I) with respect to which—
4	"(aa) United States-origin content
5	costs constitute at least 85 percent of the
6	total content costs;
7	"(bb) United States manufacturing
8	costs constitute at least 85 percent of the
9	total manufacturing costs; and
10	"(cc) foreign content, if any, is limited
11	to content from countries eligible to receive
12	exports of items on the United States Mu-
13	nitions List under the International Traffic
14	in Arms Regulations (other than de mini-
15	mis foreign content);
16	$``(\Pi)$ that were last substantially trans-
17	formed in the United States; and
18	"(III) that are not—
19	"(aa) classified as significant military
20	equipment; or
21	"(bb) listed on the Missile Technology
22	Control Regime Annex.
23	"(ii) For purposes of clause (i)(I) (aa) and
24	(bb), the costs of non-United States-origin content
25	shall be determined using the final price or final cost

associated with the non-United States-origin con-						
tent.						
"(2) Inapplicability provisions.—(A) The						
provisions of this subsection shall not apply with re-						
spect to re-exports or re-transfers of spare and re-						
placement parts or components and related services						
of defense items described in paragraph (1).						
"(B) The congressional notification require-						
ments 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						
(b) Effective Date.—The President shall issue regulations to implement amendments made by subsection						
regulations to implement amendments made by subsection						
regulations to implement amendments made by subsection (a) not later than 180 days after the date of the enactment						
regulations to implement amendments made by subsection (a) not later than 180 days after the date of the enactment of this Act.						
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						
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						

21 38 the following new section:

1	"SEC. 38A. AVAILABILITY OF INFORMATION ON THE STA
2	TUS OF LICENSE APPLICATIONS UNDER THIS
3	CHAPTER.
4	"(a) Availability of Information.—Not later
5	than one year after the date of the enactment of the De-
6	fense Trade Controls Performance Improvement Act of
7	2009, the President shall make available to persons who
8	have pending license applications under this chapter and
9	the committees of jurisdiction the ability to access elec-
10	tronically current information on the status of each license
11	application required to be submitted under this chapter
12	"(b) Matters To Be Included.—The information
13	referred to in subsection (a) shall be limited to the fol-
14	lowing:
15	"(1) The case number of the license application
16	"(2) The date on which the license application
17	is received by the Department of State and becomes
18	an 'open application'.
19	"(3) The date on which the Directorate of De-
20	fense Trade Controls makes a determination with re-
21	spect to the license application or transmits it for
22	interagency review, if required.
23	"(4) The date on which the interagency review
24	process for the license application is completed, if
25	such a raview process is required

1	"(5) The date on which the Department of
2	State begins consultations with the congressional
3	committees of jurisdiction with respect to the license
4	application.
5	"(6) The date on which the license application
6	is sent to the congressional committees of jurisdic-
7	tion.".
8	SEC. 811. SENSE OF CONGRESS.
9	It is the sense of Congress that—
10	(1)(A) the advice provided to the Secretary of
11	State by the Defense Trade Advisory Group
12	(DTAG) supports the regulation of defense trade
13	and helps ensure that United States national secu-
14	rity and foreign policy interests continue to be pro-
15	tected and advanced while helping to reduce unnec-
16	essary impediments to legitimate exports in order to
17	support the defense requirements of United States
18	friends and allies; and
19	(B) therefore, the Secretary of State should
20	share significant planned rules and policy shifts with
21	DTAG for comment; and
22	(2) recognizing the constraints imposed on the
23	Department of State by the nature of a voluntary
24	organization such as DTAG, the Secretary of State

is encouraged to ensure that members of DTAG are

- drawn from a representative cross-section of subject
- 2 matter experts from the United States defense in-
- dustry, relevant trade and labor associations, aca-
- 4 demic, and foundation personnel.

#### 5 SEC. 812. DEFINITIONS.

- 6 In this subtitle:
- 7 (1) International traffic in arms regula-
- 8 TIONS; ITAR.—The term "International Traffic in
- 9 Arms Regulations" or "ITAR" means those regula-
- tions contained in parts 120 through 130 of title 22,
- 11 Code of Federal Regulations (or successor regula-
- tions).
- 13 (2) Major non-nato ally.—The term "major
- 14 non-NATO ally" means a country that is designated
- in accordance with section 517 of the Foreign As-
- 16 sistance Act of 1961 (22 U.S.C. 2321k) as a major
- 17 non-NATO ally for purposes of the Foreign Assist-
- ance Act of 1961 (22 U.S.C. 2151 et seq.) and the
- 19 Arms Export Control Act (22 U.S.C. 2751 et seq.).
- 20 (3) Manufacturing License agreement.—
- The term "Manufacturing License Agreement"
- means an agreement described in section 120.21 of
- title 22, Code of Federal Regulations (or successor
- regulations).

1 (4) MISSILE TECHNOLOGY CONTROL REGIME; 2 MTCR.—The term "Missile Technology Control Re-3 gime" or "MTCR" has the meaning given the term 4 in section 11B(c)(2) of the Export Administration

Act of 1979 (50 U.S.C. App. 2401b(c)(2)).

- 6 (5) MISSILE TECHNOLOGY CONTROL REGIME
  7 ANNEX; MTCR ANNEX.—The term "Missile Tech8 nology Control Regime Annex" or "MTCR Annex"
  9 has the meaning given the term in section 11B(c)(4)
  10 of the Export Administration Act of 1979 (50)
  11 U.S.C. App. 2401b(c)(4)).
- 12 (6) Offsets.—The term "offsets" includes 13 compensation practices required of purchase in ei-14 ther government-to-government or commercial sales 15 of defense articles or defense services under the 16 Arms Export Control Act (22 U.S.C. 2751 et seq.) 17 and the International Traffic in Arms Regulations.
- 18 (7) UNITED STATES MUNITIONS LIST; USML.—
  19 The term "United States Munitions List" or
  20 "USML" means the list referred to in section
  21 38(a)(1) of the Arms Export Control Act (22 U.S.C.
  22 2778(a)(1)).

### 23 SEC. 813. AUTHORIZATION OF APPROPRIATIONS.

Of the amounts authorized to be appropriated under section 101, there are authorized to be appropriated such

- 1 sums as may be necessary for each of fiscal years 2010
- 2 and 2011 to carry out this subtitle and the amendments
- 3 made by this subtitle.

# Subtitle B—Provisions Relating to Export Licenses

- 6 SEC. 821. AVAILABILITY TO CONGRESS OF PRESIDENTIAL
- 7 DIRECTIVES REGARDING UNITED STATES
- 8 ARMS EXPORT POLICIES, PRACTICES, AND
- 9 **REGULATIONS.**
- 10 (a) In General.—The President shall make avail-
- 11 able to the Committee on Foreign Affairs of the House
- 12 of Representatives and the Committee on Foreign Rela-
- 13 tions of the Senate the text of each Presidential directive
- 14 regarding United States export policies, practices, and
- 15 regulations relating to the implementation of the Arms
- 16 Export Control Act (22 U.S.C. 2751 et seq.) not later
- 17 than 15 days after the date on which the directive has
- 18 been signed or authorized by the President.
- 19 (b) Transition Provision.—Each Presidential di-
- 20 rective described in subsection (a) that is signed or author-
- 21 ized by the President on or after January 1, 2009, and
- 22 before the date of the enactment of this Act shall be made
- 23 available to the congressional committees specified in sub-
- 24 section (a) not later than 90 days after the date of the
- 25 enactment of this Act.

1	(c) FORM.—To the maximum extent practicable, each
2	Presidential directive described in subsection (a) shall be
3	made available to the congressional committees specified
4	in subsection (a) on an unclassified basis.
5	SEC. 822. INCREASE IN VALUE OF DEFENSE ARTICLES AND
6	SERVICES FOR CONGRESSIONAL REVIEW
7	AND EXPEDITING CONGRESSIONAL REVIEW
8	FOR ISRAEL.
9	(a) Foreign Military Sales.—
10	(1) In general.—Section 36(b) of the Arms
11	Export Control Act (22 U.S.C. 2776(b)) is amend-
12	$\operatorname{ed}$ —
13	(A) in paragraph (1)—
14	(i) by striking "\$50,000,000" and in-
15	serting "\$100,000,000";
16	(ii) by striking "\$200,000,000" and
17	inserting "\$300,000,000";
18	(iii) by striking "\$14,000,000" and
19	inserting "\$25,000,000"; and
20	(iv) by striking "The letter of offer
21	shall not be issued" and all that follows
22	through "enacts a joint resolution" and in-
23	serting the following:
24	"(2) The letter of offer shall not be issued—

1	"(A) with respect to a proposed sale of any
2	defense articles or defense services under this
3	Act for \$200,000,000 or more, any design and
4	construction services for \$300,000,000 or more,
5	or any major defense equipment for
6	\$75,000,000 or more, to the North Atlantic
7	Treaty Organization (NATO), any member
8	country of NATO, Japan, Australia, the Repub-
9	lic of Korea, Israel, or New Zealand, if Con-
10	gress, within 15 calendar days after receiving
11	such certification, or
12	"(B) with respect to a proposed sale of any
13	defense articles or services under this Act for
14	\$100,000,000 or more, any design and con-
15	struction services for \$200,000,000 or more, or
16	any major defense equipment for \$50,000,000
17	or more, to any other country or organization,
18	if Congress, within 30 calendar days after re-
19	ceiving such certification,
20	enacts a joint resolution"; and
21	(B) by redesignating paragraphs (2)
22	through (6) as paragraphs (3) through (7), re-
23	spectively.

1	(2) Technical and conforming amend-								
2	MENTS.—Section 36 of the Arms Export Control								
3	Act (22 U.S.C. 2776) is amended—								
4	(A) in subsection (b)—								
5	(i) in paragraph (6)(C), as redesign								
6	nated, by striking "Subject to paragraph								
7	(6), if" and inserting "If"; and								
8	(ii) by striking paragraph (7), as re								
9	designated; and								
10	(B) in subsection (c)(4), by striking "sub-								
11	section (b)(5)" each place it appears and insert-								
12	ing "subsection (b)(6)".								
13	(b) Commercial Sales.—Section 36(c) of the Arms								
14	Export Control Act (22 U.S.C. 2776(e)) is amended—								
15	(1) in paragraph (1)—								
16	(A) by striking "Subject to paragraph (5),								
17	in" and inserting "In";								
18	(B) by striking "\$14,000,000" and insert-								
19	ing "\$25,000,000"; and								
20	(C) by striking "\$50,000,000" and insert-								
21	ing "\$100,000,000";								
22	(2) in paragraph (2)—								
23	(A) in subparagraph (A)—								
24	(i) by inserting after "for an export"								
25	the following: "of any major defense equip								

1	ment sold under a contract in the amount
2	of \$75,000,000 or more or of defense arti-
3	cles or defense services sold under a con-
4	tract in the amount of \$200,000,000 or
5	more, (or, in the case of a defense article
6	that is a firearm controlled under category
7	I of the United States Munitions List,
8	\$1,000,000 or more)"; and
9	(ii) by striking "Organization," and
10	inserting "Organization (NATO)," and by
11	further striking "that Organization" and
12	inserting "NATO"; and
13	(B) in subparagraph (C), by inserting after
14	"license" the following: "for an export of any
15	major defense equipment sold under a contract
16	in the amount of \$50,000,000 or more or of de-
17	fense articles or defense services sold under a
18	contract in the amount of \$100,000,000 or
19	more, (or, in the case of a defense article that
20	is a firearm controlled under category I of the
21	United States Munitions List, \$1,000,000 or
22	more)"; and
23	(3) by striking paragraph (5).

1	SEC. 823. DIPLOMATIC EFFORTS TO STRENGTHEN NA-							
2	TIONAL AND INTERNATIONAL ARMS EXPORT							
3	CONTROLS.							
4	(a) Sense of Congress.—It is the sense of Con-							
5	gress that the President should redouble United States							
6	diplomatic efforts to strengthen national and international							
7	arms export controls by establishing a senior-level initia-							
8	tive to ensure that those arms export controls are com-							
9	parable to and supportive of United States arms export							
10	controls, particularly with respect to countries of concern							
11	to the United States.							
12	(b) Report.—Not later than one year after the date							
13	of the enactment of this Act, and annually thereafter for							
14	4 years, the President shall transmit to the Committee on							
15	Foreign Affairs of the House of Representatives and the							
16	Committee on Foreign Relations of the Senate a report							
17	on United States diplomatic efforts described in subsection							
18	(a).							
19	SEC. 824. REPORTING REQUIREMENT FOR UNLICENSED EX-							
20	PORTS.							
21	Section 655(b) of the Foreign Assistance Act of 1961							
22	(22 U.S.C. 2415(b)) is amended—							
23	(1) in paragraph (2), by striking "or" at the							
24	end;							
25	(2) in paragraph (3), by striking the period at							
26	the end and inserting "; or"; and							

1	(3) by adding at the end the following:
2	"(4) were exported without a license under sec-
3	tion 38 of the Arms Export Control Act (22 U.S.C.
4	2778) pursuant to an exemption established under
5	the International Traffic in Arms Regulations, other
6	than defense articles exported in furtherance of a
7	letter of offer and acceptance under the Foreign
8	Military Sales program or a technical assistance or
9	manufacturing license agreement, including the spe-
10	cific exemption provision in the regulation under
11	which the export was made.".
12	SEC. 825. REPORT ON VALUE OF MAJOR DEFENSE EQUIP-
13	MENT AND DEFENSE ARTICLES EXPORTED
<ul><li>13</li><li>14</li></ul>	MENT AND DEFENSE ARTICLES EXPORTED  UNDER SECTION 38 OF THE ARMS EXPORT
14	
	UNDER SECTION 38 OF THE ARMS EXPORT
<ul><li>14</li><li>15</li><li>16</li></ul>	UNDER SECTION 38 OF THE ARMS EXPORT CONTROL ACT.
<ul><li>14</li><li>15</li><li>16</li><li>17</li></ul>	UNDER SECTION 38 OF THE ARMS EXPORT CONTROL ACT.  Section 38 of the Arms Export Control Act (22)
14 15 16 17 18	UNDER SECTION 38 OF THE ARMS EXPORT  CONTROL ACT.  Section 38 of the Arms Export Control Act (22  U.S.C. 2778) is amended by adding at the end the fol-
<ul><li>14</li><li>15</li><li>16</li><li>17</li></ul>	UNDER SECTION 38 OF THE ARMS EXPORT CONTROL ACT.  Section 38 of the Arms Export Control Act (22 U.S.C. 2778) is amended by adding at the end the following:
14 15 16 17 18	UNDER SECTION 38 OF THE ARMS EXPORT CONTROL ACT.  Section 38 of the Arms Export Control Act (22 U.S.C. 2778) is amended by adding at the end the following:  "(k) Report.—
14 15 16 17 18 19 20	UNDER SECTION 38 OF THE ARMS EXPORT  CONTROL ACT.  Section 38 of the Arms Export Control Act (22  U.S.C. 2778) is amended by adding at the end the following:  "(k) Report.—  "(1) In general.—The President shall trans-
14 15 16 17 18 19 20 21	UNDER SECTION 38 OF THE ARMS EXPORT  CONTROL ACT.  Section 38 of the Arms Export Control Act (22  U.S.C. 2778) is amended by adding at the end the following:  "(k) Report.—  "(1) In General.—The President shall transmit to the Committee on Foreign Affairs of the
14 15 16 17 18 19 20 21	UNDER SECTION 38 OF THE ARMS EXPORT  CONTROL ACT.  Section 38 of the Arms Export Control Act (22 U.S.C. 2778) is amended by adding at the end the following:  "(k) Report.—  "(1) In General.—The President shall transmit to the Committee on Foreign Affairs of the House of Representatives and the Committee on

- 1 major defense equipment and defense articles ex-
- 2 ported pursuant to licenses authorized under this
- 3 section for the previous fiscal year.
- 4 "(2) Inclusion in annual budget.—The re-
- 5 port required by this subsection shall be included in
- 6 the supporting information of the annual budget of
- 7 the United States Government required to be sub-
- 8 mitted to Congress under section 1105 of title 31,
- 9 United States Code.".
- 10 SEC. 826. AUTHORITY TO REMOVE SATELLITES AND RE-
- 11 LATED COMPONENTS FROM THE UNITED
- 12 STATES MUNITIONS LIST.
- 13 (a) AUTHORITY.—Except as provided in subsection
- 14 (b) and subject to subsection (d), the President is author-
- 15 ized to remove satellites and related components from the
- 16 United States Munitions List, consistent with the proce-
- 17 dures in section 38(f) of the Arms Export Control Act (22
- 18 U.S.C. 2778(f)).
- 19 (b) Exception.—The authority of subsection (a)
- 20 may not be exercised with respect to any satellite or re-
- 21 lated component that may, directly or indirectly, be trans-
- 22 ferred to, or launched into outer space by, the People's
- 23 Republic of China.
- 24 (c) United States Munitions List.—In this sec-
- 25 tion, the term "United States Munitions List" means the

- 1 list referred to in section 38(a)(1) of the Arms Export
- 2 Control Act (22 U.S.C. 2778(a)(1)).
- 3 (d) Effective Date.—The President may not exer-
- 4 cise the authority provided in this section before the date
- 5 that is 90 days after the date of the enactment of this
- 6 Act.
- 7 SEC. 827. REVIEW AND REPORT OF INVESTIGATIONS OF
- 8 VIOLATIONS OF SECTION 3 OF THE ARMS EX-
- 9 PORT CONTROL ACT.
- 10 (a) Review.—The Inspector General of the Depart-
- 11 ment of State shall conduct a review of investigations by
- 12 the Department of State during each of fiscal years 2010
- 13 through 2014 of any and all possible violations of section
- 14 3 of the Arms Export Control Act (22 U.S.C. 2753) with
- 15 respect to misuse of United States-origin defense items to
- 16 determine whether the Department of State has fully com-
- 17 plied with the requirements of such section, as well as its
- 18 own internal procedures (and whether such procedures are
- 19 adequate), for reporting to Congress any information re-
- 20 garding the unlawful use or transfer of United States-ori-
- 21 gin defense articles, defense services, and technology by
- 22 foreign countries, as required by such section.
- 23 (b) Report.—The Inspector General of the Depart-
- 24 ment of State shall submit to the Committee on Foreign
- 25 Affairs of the House of Representatives and the Com-

1	mittee on	Foreign	Relations	of the	Senate	for each	of fis-

- 2 cal years 2010 through 2014 a report that contains the
- 3 findings and results of the review conducted under sub-
- 4 section (a). The report shall be submitted in unclassified
- 5 form to the maximum extent possible, but may include a
- 6 classified annex.
- 7 SEC. 828. REPORT ON SELF-FINANCING OPTIONS FOR EX-
- 8 PORT LICENSING FUNCTIONS OF DDTC OF
- 9 THE DEPARTMENT OF STATE.
- Not later than 90 days after the date of the enact-
- 11 ment of this Act, the Secretary of State shall submit to
- 12 the appropriate congressional committees a report on pos-
- 13 sible mechanisms to place the export licensing functions
- 14 of the Directorate of Defense Trade Controls of the De-
- 15 partment of State on a 100 percent self-financing basis.
- 16 SEC. 829. CLARIFICATION OF CERTIFICATION REQUIRE-
- 17 MENT RELATING TO ISRAEL'S QUALITATIVE
- 18 **MILITARY EDGE.**
- 19 Section 36(h)(1) of the Arms Export Control Act (22
- 20 U.S.C. 2776(h)(1)) is amended by striking "a determina-
- 21 tion" and inserting "an unclassified determination".
- 22 SEC. 830. EXPEDITING CONGRESSIONAL DEFENSE EXPORT
- 23 REVIEW PERIOD FOR ISRAEL.
- The Arms Export Control Act (22 U.S.C. 2751 et
- 25 seq.) is amended—

1	(1) in sections $3(d)(2)(B)$ , $3(d)(3)(A)(i)$ ,
2	3(d)(5), 21(e)(2)(A), 36(b)(2), 36(c)(2)(A),
3	36(d)(2)(A), $62(c)(1)$ , and $63(a)(2)$ by inserting
4	"Israel," before "or New Zealand"; and
5	(2) in section 3(b)(2), by inserting "the Govern-
6	ment of Israel," before "or the Government of New
7	Zealand".
8	SEC. 831. UPDATING AND CONFORMING PENALTIES FOR
9	VIOLATIONS OF SECTIONS 38 AND 39 OF THE
10	ARMS EXPORT CONTROL ACT.
11	(a) In General.—Section 38(c) of the Arms Export
12	Control Act (22 U.S.C. 2778(c)) is amended to read as
13	follows:
14	"(c) VIOLATIONS OF THIS SECTION AND SECTION
15	39.—
16	"(1) UNLAWFUL ACTS.—It shall be unlawful
17	for any person to violate, attempt to violate, conspire
18	to violate, or cause a violation of any provision of
19	this section or section 39, or any rule or regulation
20	issued under either section, or who, in a registration
21	or license application or required report, makes any
22	untrue statement of a material fact or omits to state
23	a material fact required to be stated therein or nec-
24	essary to make the statements therein not mis-
25	leading.

1	"(2) CIVIL PENALTIES.—A person who commits
2	an unlawful act described in paragraph (1) shall
3	upon conviction be fined for each violation in an
4	amount not to exceed the greater of—
5	"(A) \$250,000; or
6	"(B) an amount that is twice the amount
7	of the transaction that is the basis of the viola-
8	tion with respect to which the penalty is im-
9	posed.
10	"(3) Criminal Penalties.—A person who
11	willfully commits an unlawful act described in para-
12	graph (1) shall upon conviction—
13	"(A) be fined for each violation in an
14	amount not to exceed \$1,000,000, or
15	"(B) in the case of a natural person, im-
16	prisoned for not more than 20 years,
17	or both.".
18	(b) Mechanisms To Identify Violators.—Sec-
19	tion 38(g) of the Arms Export Control Act (22 U.S.C.
20	2778(g)) is amended—
21	(1) in paragraph (1)—
22	(A) in subparagraph (A)—
23	(i) in the matter preceding clause (i),
24	by inserting "or otherwise charged" after
25	"indictment";

1	(ii) in clause (xi), by striking "or" at
2	the end; and
3	(iii) by adding at the end the fol-
4	lowing:
5	"(xiii) section 542 of title 18, United
6	States Code, relating to entry of goods by
7	means of false statements;
8	"(xiv) section 554 of title 18, United
9	States Code, relating to smuggling goods from
10	the United States; or
11	"(xv) section 1831 of title 18, United
12	States Code, relating to economic espionage.";
13	and
14	(B) in subparagraph (B), by inserting "or
15	otherwise charged" after "indictment"; and
16	(2) in paragraph (3)(A), by inserting "or other-
17	wise charged" after "indictment".
18	(c) Effective Date.—The amendment made by
19	subsection (a) shall take effect on the date of the enact-
20	ment of this Act and shall apply with respect to violations
21	of sections 38 and 39 of the Arms Export Control Act
22	committed on or after that date.

1	Subtitle C—Miscellaneous
2	Provisions
3	SEC. 841. AUTHORITY TO BUILD THE CAPACITY OF FOR-
4	EIGN MILITARY FORCES.
5	(a) Authority.—The Secretary of State is author-
6	ized to conduct a program to respond to contingencies in
7	foreign countries or regions by providing training, pro-
8	curement, and capacity-building of a foreign country's na-
9	tional military forces and dedicated counter-terrorism
10	forces in order for that country to—
11	(1) conduct counterterrorist operations; or
12	(2) participate in or support military and sta-
13	bility operations in which the United States is a par-
14	ticipant.
15	(b) Types of Capacity-Building.—The program
16	authorized under subsection (a) may include the provision
17	of equipment, supplies, and training.
18	(e) Limitations.—
19	(1) Assistance otherwise prohibited by
20	LAW.—The Secretary of State may not use the au-
21	thority in subsection (a) to provide any type of as-
22	sistance described in subsection (b) that is otherwise
23	prohibited by any provision of law.
24	(2) Limitation on eligible countries.—
25	The Secretary of State may not use the authority in

1	subsection (a) to provide assistance described in sub-
2	section (b) to any foreign country that is otherwise
3	prohibited from receiving such type of assistance
4	under any other provision of law.
5	(d) FORMULATION AND EXECUTION OF ACTIVI-
6	TIES.—The Secretary of State shall consult with the head
7	of any other appropriate department or agency in the for-
8	mulation and execution of the program authorized under
9	subsection (a).
10	(e) Congressional Notification.—
11	(1) ACTIVITIES IN A COUNTRY.—Not less than
12	15 days before obligating funds for activities in any
13	country under the program authorized under sub-
14	section (a), the Secretary of State shall submit to
15	the congressional committees specified in paragraph
16	(2) a notice of the following:
17	(A) The country whose capacity to engage
18	in activities in subsection (a) will be assisted.
19	(B) The budget, implementation timeline
20	with milestones, and completion date for com-
21	pleting the activities.
22	(2) Specified congressional commit-
23	TEES.—The congressional committees specified in
24	this paragraph are the following:

1	(A) The Committee on Foreign Affairs and
2	the Committee on Appropriations of the House
3	of Representatives.
4	(B) The Committee on Foreign Relations
5	and the Committee on Appropriations of the
6	Senate.
7	(f) Authorization of Appropriations.—
8	(1) In general.—There is authorized to be
9	appropriated to the Secretary of State \$25,000,000
10	for each of the fiscal years 2010 and 2011 to con-
11	duct the program authorized by subsection (a).
12	(2) Use of fmf funds.—The Secretary of
13	State may use up to \$25,000,000 of funds available
14	under the Foreign Military Financing program for
15	each of the fiscal years 2010 and 2011 to conduct
16	the program authorized under subsection (a).
17	(3) Availability and reference.—Amounts
18	made available to conduct the program authorized
19	under subsection (a)—
20	(A) are authorized to remain available
21	until expended; and
22	(B) may be referred to as the "Security
23	Assistance Contingency Fund".

1	SEC. 842. FOREIGN MILITARY SALES STOCKPILE FUND.
2	(a) In General.—Section 51(a) of the Arms Export
3	Control Act (22 U.S.C. 2795(a)) is amended—
4	(1) in paragraph (1), by striking "Special De-
5	fense Acquisition Fund" and inserting "Foreign
6	Military Sales Stockpile Fund"; and
7	(2) in paragraph (4), by inserting "building the
8	capacity of recipient countries and" before "nar-
9	cotics control purposes".
10	(b) Contents of Fund.—Section 51(b) of the Arms
11	Export Control Act (22 U.S.C. 2795(b)) is amended—
12	(1) in paragraph (2), by striking "and" at the
13	end;
14	(2) in paragraph (3), by inserting "and" at the
15	end; and
16	(3) by inserting after paragraph (3) the fol-
17	lowing:
18	"(4) collections from leases made pursuant to
19	section 61 of this Act,".
20	(c) Conforming Amendments.—(1) The heading
21	of section 51 of the Arms Export Control Act is amended
22	by striking "Special Defense Acquisition Fund" and
23	inserting "Foreign Military Sales Stockpile Fund".
24	(2) The heading of chapter 5 of the Arms Export
25	Control Act is amended by striking "SPECIAL DE-

**FENSE ACQUISITION FUND**" and inserting

1	"FOREIGN MILITARY SALES STOCKPILE
2	FUND".
3	SEC. 843. ANNUAL ESTIMATE AND JUSTIFICATION FOR
4	FOREIGN MILITARY SALES PROGRAM.
5	Section 25(a)(1) of the Arms Export Control Act (22
6	U.S.C. 2765(a)(1)) is amended by striking ", together
7	with an indication of which sales and licensed commercial
8	exports" and inserting "and".
9	SEC. 844. REPORT ON UNITED STATES COMMITMENTS TO
10	THE SECURITY OF ISRAEL.
11	(a) Initial Report.—Not later than 30 days after
12	the date of the enactment of this Act, the President shall
13	transmit to the appropriate congressional committees a re-
14	port that contains—
15	(1) a complete, unedited, and unredacted copy
16	of each assurance made by United States Govern-
17	ment officials to officials of the Government of Israel
18	regarding Israel's security and maintenance of
19	Israel's qualitative military edge, as well as any
20	other assurance regarding Israel's security and
21	maintenance of Israel's qualitative military edge pro-
22	vided in conjunction with exports under the Arms
23	Export Control Act (22 U.S.C. 2751 et seq.), for the
24	period beginning on January 1, 1975, and ending on
25	the date of the enactment of this Act, and

1	(2) an analysis of the extent to which, and by
2	what means, each such assurance has been and is
3	continuing to be fulfilled.
4	(b) Subsequent Reports.—
5	(1) NEW ASSURANCES AND REVISIONS.—The
6	President shall transmit to the appropriate congres-
7	sional committees a report that contains the infor-
8	mation required under subsection (a) with respect
9	to—
10	(A) each assurance described in subsection
11	(a) made on or after the date of the enactment
12	of this Act, or
13	(B) revisions to any assurance described in
14	subsection (a) or subparagraph (A) of this
15	paragraph,
16	within 15 days of the new assurance or revision
17	being conveyed.
18	(2) 5-YEAR REPORTS.—Not later than 5 years
19	after the date of the enactment of this Act, and
20	every 5 years thereafter, the President shall trans-
21	mit to the appropriate congressional committees a
22	report that contains the information required under
23	subsection (a) with respect to each assurance de-
24	scribed in subsection (a) or paragraph (1)(A) of this

subsection and revisions to any assurance described

- 1 in subsection (a) or paragraph (1)(A) of this sub-
- 2 section during the preceding 5-year period.
- 3 (c) FORM.—Each report required by this section shall
- 4 be transmitted in unclassified form, but may contain a
- 5 classified annex, if necessary.
- 6 SEC. 845. WAR RESERVES STOCKPILE.
- 7 (a) Department of Defense Appropriations
- 8 Act, 2005.—Section 12001(d) of the Department of De-
- 9 fense Appropriations Act, 2005 (Public Law 108–287;
- 10 118 Stat. 1011), is amended by striking "4" and inserting
- 11 "7".
- 12 (b) Foreign Assistance Act of 1961.—Section
- 13 514(b)(2)(A) of the Foreign Assistance Act of 1961 (22
- 14 U.S.C. 2321h(b)(2)(A)) is amended by striking "fiscal
- 15 years 2007 and 2008" and inserting "fiscal years 2010
- 16 and 2011".
- 17 SEC. 846. EXCESS DEFENSE ARTICLES FOR CENTRAL AND
- 18 SOUTH EUROPEAN COUNTRIES AND CERTAIN
- 19 **OTHER COUNTRIES.**
- 20 Section 516(e) of the Foreign Assistance Act of 1961
- 21 (22 U.S.C. 2321j(e)) is amended—
- (1) in paragraph (1), by striking "paragraph
- 23 (2)" and inserting "paragraphs (2) and (3)";

1	(2) in paragraph (2), in the heading by striking
2	"Exception" and inserting "General Excep-
3	TION"; and
4	(3) by adding at the end the following new
5	paragraph:
6	"(3) Exception for specific countries.—
7	For fiscal years 2010 and 2011, the President may
8	provide for the crating, packing, handling, and
9	transportation of excess defense articles transferred
10	under the authority of this section to Albania, Af-
11	ghanistan, Bulgaria, Croatia, Estonia, Macedonia,
12	Georgia, India, Iraq, Israel, Kazakhstan,
13	Kyrgyzstan, Latvia, Lithuania, Moldova, Mongolia,
14	Pakistan, Romania, Slovakia, Tajikistan,
15	Turkmenistan, and Ukraine.".
16	TITLE IX—ACTIONS TO EN-
17	HANCE THE MERIDA INITIA-
18	TIVE
19	SEC. 901. COORDINATOR OF UNITED STATES GOVERNMENT
20	ACTIVITIES TO IMPLEMENT THE MERIDA INI-
21	TIATIVE.
22	(a) Declaration of Policy.—Congress declares
23	that the Merida Initiative is a Department of State-led
24	initiative which combines the programs of numerous
25	United States Government departments and agencies and

1	therefore requires a single individual to coordinate and
2	track all Merida Initiative-related efforts government-wide
3	to avoid duplication, coordinate messaging, and facilitate
4	accountability to and communication with Congress.
5	(b) Designation of High-Level Coordinator.—
6	(1) In general.—The President shall des-
7	ignate, within the Department of State, a Coordi-
8	nator of United States Government Activities to Im-
9	plement the Merida Initiative (hereafter in this sec-
10	tion referred to as the "Coordinator") who shall be
11	responsible for—
12	(A) designing and shaping an overall strat-
13	egy for the Merida Initiative;
14	(B) ensuring program and policy coordina-
15	tion among United States Government depart-
16	ments and agencies in carrying out the Merida
17	Initiative, including avoiding duplication among
18	programs and ensuring that a consistent mes-
19	sage emanates from the United States Govern-
20	ment;
21	(C) ensuring that efforts of the United
22	States Government are in full consonance with
23	the efforts of the countries within the Merida
24	Initiative;

1	(D) tracking, in coordination with the rel-
2	evant officials of the Department of Defense
3	and other departments and agencies, United
4	States assistance programs that fulfill the goals
5	of the Merida Initiative or are closely related to
6	the goals of the Merida Initiative, including to
7	the extent possible, tracking information re-
8	quired under the second section 620J of the
9	Foreign Assistance Act of 1961 (22 U.S.C.
10	2378d) (as added by section 651 of division J
11	of Public Law 110–161) with respect to coun-
12	tries participating in the Merida Initiative; and
13	(E) consulting with the Attorney General
14	and the Secretary of Homeland Security with
15	respect to the activities of Federal, State, and
16	local law enforcement authorities in the United
17	States relating to the goals of the Merida Ini-
18	tiative, particularly along the United States-
19	Mexico border.
20	(2) Rank and status of the coordi-
21	NATOR.—The Coordinator should have the rank and
22	status of ambassador.
23	SEC. 902. ADDING THE CARIBBEAN TO THE MERIDA INITIA
24	TIVE.

- 1 (1) The illicit drug trade—which has taken a 2 toll on the small countries of the Caribbean Commu-3 nity (CARICOM) for many years—is now moving 4 even more aggressively into these countries.
- (2) A March 2007 joint report by the United 6 Nations Office on Drugs and Crime (UNODC) and 7 the World Bank noted that murder rates in the Car-8 ibbean—at 30 per 100,000 population annually—are 9 higher than for any other region of the world and 10 have risen in recent years for many of the region's 11 countries. The report also argues that the strongest 12 explanation for the high crime and violence rates in 13 the Caribbean and their rise in recent years is drug 14 trafficking.
  - (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.
- 21 (b) Consultations.—Not later than 60 days after 22 the date of the enactment of this Act, the Secretary of 23 State is authorized to consult with the countries of the 24 Caribbean Community (CARICOM) in preparation for
- 25 their inclusion into the Merida Initiative.

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1	(c) Incorporation of CARICOM Countries Into
2	THE MERIDA INITIATIVE.—The President is authorized to
3	incorporate the CARICOM countries into the Merida Ini-
4	tiative.
5	SEC. 903. CARICOM COUNTRY DEFINED.
6	In this title, the term "CARICOM country" means
7	a country that has been a full member country of the Car-
8	ibbean Community (CARICOM) for at least five years or
9	the Dominican Republic, but does not include—
10	(1) a country having observer or associate sta-
11	tus in CARICOM;
12	(2) a country the government of which the Sec-
13	retary of State has determined, for purposes of sec-
14	tion 6(j) of the Export Administration Act of 1979
15	(as continued in effect pursuant to the International
16	Emergency Economic Powers Act), section 40 of the
17	Arms Export Control Act, section 620A of the For-
18	eign Assistance Act of 1961, or any other provision
19	of law, is a government that has repeatedly provided
20	support for acts of international terrorism; or
21	(3) a country that fails to adhere to human
22	rights standards pursuant to sections 116 and
23	502B(2) of the Foreign Assistance Act of 1961 (22
24	U.S.C. 2151n and 2304).

### SEC. 904. MERIDA INITIATIVE MONITORING AND EVALUA-

2.	TION MECHANISM.
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- (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.
- 24 (b) Sense of Congress.—It is the sense of Con-25 gress that—

- 1 (1) to successfully support building the capacity
  2 of recipient countries' civilian security institutions,
  3 enhance the rule of law in recipient countries, and
  4 ensure the protection of human rights, the President
  5 should establish a program to conduct impact eval6 uation research, operations research, and program
  7 monitoring to ensure effectiveness of assistance pro8 vided under the Merida Initiative;
  - (2) long-term solutions to the security problems of Merida recipient countries depend on increasing the effectiveness and responsiveness of their civilian institutions, including their judicial system;
  - (3) a specific program of impact evaluation 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.

1	(c) Impact Evaluation Research, Operation
2	RESEARCH, AND PROGRAM MONITORING OF ASSIST-
3	ANCE.—The President shall establish and implement a
4	program to assess the effectiveness of assistance provided
5	under the Merida Initiative through impact evaluation re-
6	search on a selected set of programmatic interventions, op-
7	erations research in areas to ensure efficiency and effec-
8	tiveness of program implementation, and monitoring to
9	ensure timely and transparent delivery of assistance.
10	(d) REQUIREMENTS.—The program required under
11	subsection (c) shall include—
12	(1) a delineation of key impact evaluation re-
13	search and operations research questions for main
14	components of assistance provided under the Merida
15	Initiative;
16	(2) an identification of measurable performance
17	goals for each of the main components of assistance
18	provided under the Merida Initiative, to be expressed
19	in an objective and quantifiable form at the incep-
20	tion of the program;
21	(3) the use of appropriate methods, based on
22	rigorous social science tools, to measure program im-
23	pact and operational efficiency; and

1	(4) adherence to a high standard of evidence in
2	developing recommendations for adjustments to such
3	assistance to enhance the impact of such assistance
4	(e) Consultation With Congress.—Not later
5	than 60 days after the date of the enactment of this Act
6	the President shall brief and consult with the appropriate
7	congressional committees regarding the progress in estab-
8	lishing and implementing the program required under sub-
9	section (c).
10	(f) Report.—
11	(1) In general.—Not later than 180 days
12	after the date of the enactment of this section and
13	not later than December 1 of each year thereafter
14	the President shall transmit to the appropriate con-
15	gressional committees a report regarding programs
16	and activities carried out under the Merida Initiative
17	during the preceding fiscal year.
18	(2) Matters to be included.—The reports
19	required under this subsection shall include the fol-
20	lowing:
21	(A) FINDINGS.—Findings related to the
22	impact evaluation research, operation research
23	and program monitoring of assistance program
24	established under subsection (c)

1	(B) COORDINATION.—Efforts of the
2	United States Government to coordinate its ac-
3	tivities, including—
4	(i) a description of all counter-
5	narcotics and organized crime assistance
6	provided to Merida Initiative recipient
7	countries in the previous fiscal year;
8	(ii) an assessment of how such assist-
9	ance was coordinated; and
10	(iii) recommendations for improving
11	coordination.
12	(C) Transfer of equipment.—A de-
13	scription of the transfer of equipment, includ-
14	ing—
15	(i) a description of the progress of
16	each recipient country toward the transfer
17	of equipment, if any, from its armed forces
18	to law enforcement agencies;
19	(ii) a list of agencies that have used
20	air assets provided by the United States
21	under the Merida Initiative to the govern-
22	ment of each recipient country, and, to the
23	extent possible, a detailed description of
24	those agencies that have utilized such air

1	assets, such as by a percentage breakdown
2	of use by each agency; and
3	(iii) a description of training of law
4	enforcement agencies to operate equip-
5	ment, including air assets.
6	(D) Human rights.—In accordance with
7	sections 116(d) and 502B(b) of the Foreign As-
8	sistance Act of 1961 (22 U.S.C. 2151n(d) and
9	2304(b)) and section 504 of the Trade Act of
10	1974 (19 U.S.C. 2464), an assessment of the
11	human rights impact of the equipment and
12	training provided under the Merida Initiative,
13	including—
14	(i) a list of accusations of serious
15	human rights abuses committed by the
16	armed forces and law enforcement agencies
17	of recipient countries on or after the date
18	of the enactment of this Act; and
19	(ii) a description of efforts by the gov-
20	ernments of Merida recipient countries to
21	investigate and prosecute allegations of
22	abuses of human rights committed by any
23	agency of such recipient countries.
24	(E) Effectiveness of equipment.—An
25	assessment of the long-term effectiveness of the

1	equipment and maintenance packages and
2	training provided to each recipient country's se-
3	curity institutions.
4	(F) MEXICO PUBLIC SECURITY STRAT-
5	EGY.—A description of Mexico's development of
6	a public security strategy, including—
7	(i) effectiveness of the Mexican Fed-
8	eral Registry of Police Personnel to vet po-
9	lice recruiting at the National, state, and
10	municipal levels to prevent rehiring from
11	one force to the next after dismissal for
12	corruption and other reasons; and
13	(ii) an assessment of how the Merida
14	Initiative complements and supports the
15	Mexican Government's own public security
16	strategy.
17	(G) CENTRAL AMERICAN REGIONAL SECU-
18	RITY PLAN.—A description of implementation
19	by the countries of Central America of the Cen-
20	tral American Regional Security Plan, including
21	an assessment of how the Merida Initiative
22	complements and supports the Central Amer-
23	ican Regional Security Plan.
24	(H) USE OF CONTRACTORS.—A detailed
25	description of contracts awarded to private

1	companies to carry out provisions of the Merida
2	Initiative, including—
3	(i) a description of the number of
4	United States and foreign national civilian
5	contractors awarded contracts;
6	(ii) a list of the total dollar value of
7	the contracts; and
8	(iii) the purposes of the contracts.
9	(I) Phase out of law enforcement
10	ACTIVITIES.—A description of the progress of
11	phasing out law enforcement activities of the
12	armed forces of each recipient country.
13	(J) IMPACT ON BORDER VIOLENCE AND
14	SECURITY.—A description of the impact that
15	activities authorized under the Merida Initiative
16	have had on violence against United States and
17	Mexican border personnel and the extent to
18	which these activities have increased the protec-
19	tion and security of the United States-Mexico
20	border.
21	SEC. 905. MERIDA INITIATIVE DEFINED.
22	In this subtitle, the term "Merida Initiative" means
23	the program announced by the United States and Mexico
24	on October 22, 2007, to fight illicit narcotics trafficking

1	and criminal organizations throughout the Western Hemi-
2	sphere.
3	TITLE X—REPORTING
4	REQUIREMENTS
5	SEC. 1001. REPORT ON UNITED STATES CAPACITIES TO
6	PREVENT GENOCIDE AND MASS ATROCITIES.
7	(a) Statement of Policy and Strategy Re-
8	QUIRED.—It is the policy of the United States to make
9	the prevention of genocide and mass atrocities wherever
10	they may occur a national priority. Toward this end, the
11	President, in consultation with Congress, shall develop and
12	promulgate a government wide-strategy for effective early
13	warning and preventive action in situations where geno-
14	cide or mass atrocities may occur, and strengthen preven-
15	tive diplomacy capacities within the Department of State
16	to prevent and respond to threats of genocide or mass
17	atrocities.
18	(b) Report.—Not later than 180 days after the date
19	of the enactment of this Act, the President shall transmit
20	to the appropriate congressional committees a report on
21	specific plans for the development of a government-wide
22	strategy for preventing genocide and mass atrocities in ac-
23	cordance with subsection (a).

## SEC. 1002. REPORTS RELATING TO PROGRAMS TO ENCOUR-

- 2 AGE GOOD GOVERNANCE.
- 3 (a) IN GENERAL.—Subparagraph (C) of section
- 4 133(d)(2) of the Foreign Assistance Act of 1961 (22)
- 5 U.S.C. 2152c(d)(2)) is amended by inserting at the end
- 6 before the period the following: ", including, with respect
- 7 to a country that produces or exports large amounts of
- 8 natural resources such as petroleum or natural resources,
- 9 the degree to which citizens of the country have access
- 10 to information about government revenue from the extrac-
- 11 tion of such resources and credible reports of human
- 12 rights abuses against individuals from civil society or the
- 13 media seeking to monitor such extraction.".
- 14 (b) Effective Date.—The amendment made by
- 15 subsection (a) shall apply with respect to reports required
- 16 to be transmitted under section 133(d)(2) of the Foreign
- 17 Assistance Act of 1961, as so amended, on or after the
- 18 date of the enactment of this Act.
- 19 SEC. 1003. REPORTS ON HONG KONG.
- 20 Section 301 of the United States-Hong Kong Policy
- 21 Act of 1992 (Public Law 102–383; 22 U.S.C. 5731) is
- 22 amended, in the matter preceding paragraph (1), by strik-
- 23 ing "and March 31, 2006" and inserting "March 31,
- 24 2006, and March 31, 2010, and March 31 of every subse-
- 25 quent year through 2020".

# 1 SEC. 1004. DEMOCRACY IN GEORGIA.

2	(a) Sense of Congress.—It is the sense of Con-
3	gress that the development and consolidation of effective
4	democratic governance in Georgia, including free and fair
5	electoral processes, respect for human rights and the rule
6	of law, an independent media, an independent judiciary,
7	a vibrant civil society, as well as transparency and ac-
8	countability of the executive branch and legislative proc-
9	ess, is critically important to Georgia's integration into
10	Euro-Atlantic institutions, stability in the Caucasus re-
11	gion, and United States national security. It is further the
12	sense of Congress that United States should continue to
13	affirm the right of Georgia to exercise sovereignty over
14	all of its territory and the United States should urge the
15	European Union, its member-states, and the entire inter-
16	national community to call for an immediate and complete
17	withdrawal by Russia of its troops now deployed within
18	Georgia and an immediate end of all forms of Russia's
19	support for the separatist regions of Georgia.
20	(b) Report on Democracy in Georgia.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and not later than December 31 of each of the two fiscal years thereafter, the Secretary of State shall submit to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign

- Relations of the Senate a report on the programs,
  projects, and activities carried out in Georgia with
  United States foreign assistance following the August 2008 conflict with Russia and on continuing
  United States efforts to monitor the security of
  Georgia, Russian activities in Georgia, and diplomatic efforts to support the sovereignty of Georgia.
  - (2) Contents.—The report required under paragraph (1) shall include information concerning the following:
    - (A) The amount of United States assistance obligated and expended for reconstruction activities for the prior fiscal year.
    - (B) A description of the programs funded by such assistance, including humanitarian aid, reconstruction of critical infrastructure, economic development, political and democratic development, and broadcasting.
    - (C) An evaluation of the impact of such programs, including their contribution to the consolidation of democracy in Georgia and efforts by the Government of Georgia to improve democratic governance.

- 1 (D) An analysis of the implementation of 2 the United States-Georgia Charter on Strategic 3 Partnership.
  - (E) An assessment of the security of Georgia from external attack and internal conflict, including any acts by Russia or elements of its military or other agencies that may violate the sovereignty of Georgia or increase the likelihood of renewed conflict in Georgia.
  - (F) The status of United States diplomatic efforts in support of Georgia's sovereignty, specifically those steps undertaken by the United States to assist Georgia in ensuring those defenses necessary to deter further attacks and steps taken to work with the European Union and its member-states to persuade the Government of Russia to full and immediately withdraw its forces from all of the territory of Georgia and to end all of its forms of support for the separatist regions within Georgia.

#### 21 SEC. 1005. DIPLOMATIC RELATIONS WITH ISRAEL.

22 (a) Sense of Congress.—It is the sense of Congress that the United States should assist Israel in its efforts to establish diplomatic relations.

- 1 (b) Report.—Not later than 90 days after the date
- 2 of the enactment of this Act and annually thereafter, the
- 3 Secretary of State shall submit to the appropriate congres-
- 4 sional committees a report that includes the following in-
- 5 formation:
- 6 (1) Actions taken by representatives of the
- 7 United States to encourage other countries to estab-
- 8 lish full diplomatic relations with Israel.
- 9 (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.
- 14 (3) Other measures being undertaken, and
- measures that will be undertaken, by the United
- 16 States to ensure and promote Israel's full participa-
- tion in the world diplomatic community.
- 18 (c) FORM OF SUBMISSION.—The report required
- 19 under subsection (b) may be submitted in classified or un-
- 20 classified form, as the Secretary determines appropriate.
- 21 SEC. 1006. POLICE TRAINING REPORT.
- 22 (a) In General.—Not later than 180 days after the
- 23 date of the enactment of this Act, the President shall, in
- 24 coordination with the heads of relevant Federal depart-
- 25 ments and agencies, conduct a study and transmit to Con-

- 1 gress a report on current overseas civilian police training
- 2 in countries or regions that are at risk of, in, or are in
- 3 transition from, conflict or civil strife.
- 4 (b) Contents.—The report required under sub-
- 5 section (a) shall contain information on the following:
- 6 (1) The coordination, communication, program
- 7 management, and policy implementation among the
- 8 United States civilian police training programs in
- 9 countries or regions that are at risk of, in, or are
- in transition from, conflict or civil strife.
- 11 (2) The number of private contractors con-
- ducting such training, and the quality and cost of
- such private contractors.
- 14 (3) An assessment of pre-training procedures
- for verification of police candidates to adequately as-
- sess their aptitude, professional skills, integrity, and
- other qualifications that are essential to law enforce-
- ment work.
- 19 (4) An analysis of the practice of using existing
- Federal police entities to provide civilian police
- 21 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.

1	(5) Provide recommendations, including rec-
2	ommendations related to required resources and ac-
3	tions, to maximize the effectiveness and interagency
4	coordination and the adequate provision of civilian
5	police training programs in countries or regions that
6	are at risk of, in, or are in transition from, conflict
7	or civil strife.
8	SEC. 1007. REVIEW OF SECURITY ASSISTANCE FOR EGYPT.
9	(a) Declaration of Policy.—It shall be the policy
10	of the United States to use its foreign assistance for
11	Egypt, including assistance under the Foreign Military Fi-
12	nancing Program, to encourage the advancement of polit-
13	ical, economic, and religious liberty in Egypt.
14	(b) REVIEW OF SECURITY ASSISTANCE FOR
15	Egypt.—
16	(1) In General.—Not later than 180 days
17	after the date of the enactment of this Act, the Sec-
18	retary of State shall conduct a study and submit to
19	the appropriate congressional committees a report
20	on United States security assistance to the Govern-
21	ment of Egypt.
22	(2) Contents.—The report submitted under
23	paragraph (1) shall contain—
24	(A) a description of the strategic objectives
25	of the United States regarding the provision of

1	security assistance and security cooperation
2	programs to the Government of Egypt;
3	(B) biennial outlays for United States as-
4	sistance to the Government of Egypt for the
5	purposes of strategic planning, training, provi-
6	sion of equipment, and construction of facilities,
7	including funding streams;
8	(C) a description of vetting and end-user
9	monitoring systems in place by both the Gov-
10	ernment of Egypt and the United States for de-
11	fense articles and training provided by the
12	United States, including human rights vetting;
13	and
14	(D) recommendations, including required
15	resources and actions to maximize the effective-
16	ness of United States security assistance to the
17	Government of Egypt.
18	(3) COORDINATION.—The report submitted
19	under paragraph (1) shall be coordinated with the
20	Secretary of Defense and other relevant agencies.
21	(e) Government Accountability Office Re-
22	PORT.—Not later than 120 days after the date of the sub-
23	mission of the report required under subsection (b), the
24	Comptroller General of the United States shall submit to
25	the appropriate congressional committees a report that—

1	(1) reviews and comments on the report re-
2	quired under subsection (b); and
3	(2) provides recommendations regarding any
4	additional necessary actions.
5	SEC. 1008. REVIEW OF SECURITY ASSISTANCE FOR YEMEN.
6	(a) In General.—Not later than 180 days after the
7	date of the enactment of this Act, the Secretary of State
8	shall conduct a study and submit to Congress a report
9	on United States security assistance to the Government
10	of Yemen.
11	(b) Contents.—The report required under sub-
12	section (a) shall contain—
13	(1) a description of the strategic objectives of
14	the United States regarding the provision of security
15	assistance and security cooperation programs to the
16	Government of Yemen;
17	(2) a threat assessment for Yemen;
18	(3) biennial outlays for United States assistance
19	to the Government of Yemen for the purposes of
20	strategic planning, training, provision of equipment,
21	and construction of facilities, including funding
22	streams;
23	(4) a description of vetting and end-user moni-
24	toring systems in place by both the Government of
25	Yemen and the United States for defense articles

1	and training provided by the United States, to in-
2	clude human rights vetting;
3	(5) a description of actions that the Govern-
4	ment of Yemen is taking to combat foreign terrorist
5	organizations; and
6	(6) recommendations, including required re-
7	sources and actions to maximize the effectiveness
8	United States security assistance to the Government
9	of Yemen.
10	(c) COORDINATION.—The report required under sub-
11	section (a) shall be coordinated with the Secretary of De-
12	fense and other relevant agencies.
13	(d) Government Accountability Office Re-
14	PORT.—Not later than 120 days after the date of the sub-
15	mission of the report required under subsection (a), the
16	Comptroller General of the United States shall submit to
17	Congress a report that—
18	(1) reviews and comments on such report; and
19	(2) provides recommendations regarding any
20	additional necessary actions.
21	SEC. 1009. REVIEW OF SECURITY ASSISTANCE FOR THE
22	GOVERNMENT OF LEBANON.
23	(a) Requirement.—Not later than 180 days after
24	the date of the enactment of this Act and annually there-
25	after in connection with the submission of congressional

- 1 presentation materials for the foreign operations appro-
- 2 priations and defense appropriations budget request, the
- 3 Secretary of State shall submit to the appropriate congres-
- 4 sional committees a report that includes the following:
- 5 (1) A description of the strategic objectives of 6 the United States regarding the provision of security 7 assistance and security cooperation programs to the 8 Government of Lebanon, including arms sales to the 9 Government of Lebanon, and a strategy for achiev-10 ing those objectives.
  - (2) Biennial outlays for United States security assistance to the Government of Lebanon for the purposes of strategic planning, training, provision of equipment, and construction of facilities.
  - (3) A breakdown of contributions and assistance provided by the United States, international organizations, and other countries and entities to the Government of Lebanon, including the Ministry of Defense, the Ministry of Interior, the Lebanese Armed Forces, the Internal Security Forces, the General Security Directorate, the General Directorate of State Security, Lebanese Military Intelligence, and other organizations or agencies.
  - (4) A description of vetting and end-user monitoring systems in place by the Government of Leb-

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- anon, the United States, international organizations,
  and other countries and entities providing security
  assistance to the Government of Lebanon.
- (5) Metrics utilized by the United States Government for measuring whether United States security assistance and security cooperation programs have improved the capacity of the Government of Lebanon's security forces to operate.
- 9 (b) Classified Annex.—The report required under 10 subsection (a) shall be in unclassified form to the max11 imum extent possible, and may include a classified annex 12 where necessary.

## 13 SEC. 1010. REPORT ON ACTIVITIES IN HAITI.

- Not later than 180 days after the date of the enactment of this Act, the Director of United States Foreign Assistance, in conjunction with the Secretary of State, shall submit to the appropriate congressional committees a report on the following:
- 19 (1) Hurricane emergency recovery.—The 20 status of activities in Haiti funded or authorized, in 21 whole or in part, by the Department of State and 22 the United States Agency for International Develop-23 ment (USAID) through assistance appropriated 24 under the Consolidated Security, Disaster Assist-25 ance, and Continuing Appropriations Act, 2009.

1	(2) General activities.—A summary of ac-
2	tivities funded or authorized, in whole or in part, by
3	the Department of State and USAID in the previous
4	12-month period, how such activities are coordinated
5	with the work of the Government of Haiti to provide
6	a safe and prosperous democracy for its citizens, and
7	a description of efforts being made to build the ca-
8	pacity of the Government of Haiti to assume man-
9	agement and implementation of such activities.

- (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 Organization of American States.
- (4) Benchmarks.—A summary of short-term and long-term objectives for United States assistance to Haiti and metrics that will be used to identify, track, and manage the progress of United States activities in Haiti.

# TITLE XI—MISCELLANEOUS PROVISIONS

2	PROVISIONS
3	SEC. 1101. ASSISTANCE TO SUPPORT MEASURES FOR THE
4	REUNIFICATION OF CYPRUS.
5	(a) Assistance Authorized.—The President is au-
6	thorized to provide assistance under this Act and the For-
7	eign Assistance Act of 1961 to support measures aimed
8	at the reunification of Cyprus.
9	(b) Consultation.—The President shall, to the
10	maximum extent practicable, consult with the Government
11	of the Republic of Cyprus with respect to the provision
12	of assistance under subsection (a) in order to ensure the
13	transparency of such assistance.
14	(c) Report.—The President shall transmit to the
15	appropriate congressional committees a report on the im-
16	plementation of this section for each of the fiscal years
17	2010 and 2011. The report shall include a description of
18	the recipients of assistance under subsection (a), the ob-
19	jectives of the programs and activities for which the assist-
20	ance is provided, and the role of United States-funded pro-
21	grams and activities in helping achieve the reunification
22	of Cyprus.
23	(d) Authorization of Appropriations.—Of the
24	amounts authorized to be appropriated under this Act and
25	the Foreign Assistance Act of 1961 for development, rec-

- 1 onciliation, and cooperation between communities of for-
- 2 eign countries and related purposes, there is authorized
- 3 to be appropriated to the President such sums as may be
- 4 necessary for each of the fiscal years 2010 and 2011 to
- 5 carry out this section.

### 6 SEC. 1102. LIMITATION ON ASSISTANCE TO THE FORMER

### 7 YUGOSLAV REPUBLIC OF MACEDONIA.

- (a) FINDINGS.—Congress finds the following:
- (1) Greece has demonstrated an enormous good will gesture in agreeing that "Macedonia" may be included in the future name of the Former Yugoslav Republic of Macedonia (FYROM) as long as that term is combined with a geographic qualifier that makes it clear that there are no territorial ambitions on the part of the FYROM with regard to the historical boundaries of the Greek province of Macedonia.
  - (2) The FYROM continues to utilize materials that violate provisions of the United Nations-brokered Interim Agreement between the FYROM and Greece regarding hostile activities or propaganda, and has failed to work with the United Nations and Greece to achieve the longstanding goals of the United States and the United Nations to find a mutually acceptable, new official name for the FYROM.

- 1 (b) Sense of Congress.—It is the sense of Con-
- 2 gress that amounts authorized to be appropriated under
- 3 this Act or the Foreign Assistance Act of 1961 for the
- 4 FYROM should be conditioned on the FYROM's willing-
- 5 ness to engage in meaningful discussions with Greece in
- 6 accordance with United Nations Security Council Resolu-
- 7 tion 817.
- 8 (c) Limitation.—None of the funds authorized to be
- 9 appropriated under this Act or the Foreign Assistance Act
- 10 of 1961 may be made available to the FYROM for pro-
- 11 grams and activities that directly or indirectly promote
- 12 hostile activities or propaganda by state-controlled agen-
- 13 cies of the FYROM or encourage acts by private entities
- 14 likely to incite violence, hatred or hostility, including sup-
- 15 port for printing and publishing of textbooks, maps, and
- 16 teaching aids that may include inaccurate information on
- 17 the histories and geographies of Greece and FYROM.
- 18 (d) Report.—The President shall transmit to the
- 19 appropriate congressional committees a report on the im-
- 20 plementation of this section for each of the fiscal years
- 21 2010 and 2011. The report shall include a description of
- 22 the recipients of assistance provided to the FYROM under
- 23 this Act and the Foreign Assistance Act of 1961, the ob-
- 24 jectives of the programs and activities for which the assist-
- 25 ance is provided, and the role of United States-funded pro-

1	grams and activities in helping achieve an agreement be-
2	tween Greece and the FYROM on an acceptable name for
3	the FYROM.
4	SEC. 1103. STATEMENT OF POLICY REGARDING THE ECU-
5	MENICAL PATRIARCHATE.
6	(a) FINDINGS.—Congress finds the following:
7	(1) The Ecumenical Patriarchate is the spir-
8	itual home of the world's oldest and second largest
9	Christian Church.
10	(2) Within the 2,000 year old Sacred See of the
11	Ecumenical Patriarchate, the New Testament was
12	codified and the Nicene Creed was created.
13	(3) Ecumenical Patriarch Bartholomew is one
14	of the world's preeminent spiritual leaders and
15	peacemakers representing over 300 million Orthodox
16	Christians worldwide.
17	(4) The disappearance of the Sacred See would
18	mean the end of a crucial link between the Christian
19	and the Muslim world since the continuing presence
20	of the Ecumenical Patriarchate in Turkey is a living
21	testimony of religious co-existence since 1453.
22	(5) The Ecumenical Patriarchate has a record
23	of reaching out and working for peace and reconcili-
24	ation amongst all faiths and has fostered dialogue
25	among Christians, Jews, and Muslims.

- (6) The Ecumenical Patriarchate co-sponsored the Peace and Tolerance Conference in Istanbul which issued the Bosphorus Declaration that stated, "A crime committed in the name of religion is a crime against religion.".
  - (7) The Ecumenical Patriarch Bartholomew stated in Brussels in 2004, "The Ecumenical Patriarchate is a supranational ecclesiastical institution . . . which demonstrates religious tolerance as a beautiful reality. For we bear respect toward all of our humans, irrespective of their faith. Without any trace of fanaticism or discrimination on account of differences of religion, we coexist peacefully and in a spirit that honors each and every human being.".
  - (8) The Ecumenical Patriarch Bartholomew has called for the admission of Turkey into the European Union because, ". . . it may provide a concrete example and a powerful symbol of mutually beneficial cooperation between the western and Islamic worlds and put an end to the talk of the clash of civilizations. This in turn would be a true strengthening of Europe and the European ideals that converge with the values of the 'pilgrims of the book' spoken of by the current Prime Minister of Turkey.".

- 1 (9) In 1993 the European Union defined the 2 membership criteria for accession to the European 3 Union at the Copenhagen European Council, obli-4 gating candidate countries to have achieved certain 5 levels of reform, including stability of institutions 6 guaranteeing democracy, the rule of law, and human 7 rights, and respect for and protection of minorities.
  - (10) Under the terms of the draft European Union Constitution, current, and prospective member states should have the goal of eliminating discrimination based on sex, race, color, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age, or sexual orientation.
  - (11) The Turkish Constitution secures religious rights for all Turkish citizens.
  - (12) The Government of Turkey has failed to recognize the Ecumenical Patriarchate's international status.
  - (13) The Government of Turkey has limited to Turkish nationals the candidates available to the Holy Synod of the Greek Orthodox Church for selection as the Ecumenical Patriarchate and reneged on its agreement to reopen the Theological School at

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1	Halki, thus impeding training for the Orthodox cler-
2	gy in Turkey.
3	(14) The Government of Turkey has confiscated
4	75 percent of the Ecumenical Patriarchate prop-
5	erties and has placed a 42 percent retroactive tax on
6	the Balukli Hospital of Istanbul which is operated
7	by the Ecumenical Patriarchate.
8	(15) The European Council has agreed to open
9	accession negotiations with Turkey, conditional upon
10	the continuation by Turkey of reform processes to
11	increase protection and support for human rights
12	and civil liberties.
13	(b) STATEMENT OF POLICY.—The United States
14	calls on the Republic of Turkey to—
15	(1) based on the goals set forth in the draft of
16	the European Union Constitution, eliminate all
17	forms of discrimination, particularly those based on
18	race or religion, and immediately—
19	(A) grant the Ecumenical Patriarchate ap-
20	propriate international recognition and eccle-
21	siastic succession;
22	(B) grant the Ecumenical Patriarchate the
23	right to train clergy of all nationalities, not just
24	Turkish nationals; and

1	(C) respect the human rights and property
2	rights of the Ecumenical Patriarchate;
3	(2) pledge to uphold and safeguard religious
4	and human rights without compromise;
5	(3) continue the achievement of processes and
6	programs to modernize and democratize its society;
7	and
8	(4) respect international law and the basic te-
9	nets of human rights.
10	SEC. 1104. FREEDOM OF THE PRESS.
11	(a) Short Title.—This section may be cited as the
12	"Daniel Pearl Freedom of the Press Act of 2009".
13	(b) Inclusion of Additional Information Re-
14	LATING TO FREEDOM OF THE PRESS WORLDWIDE IN AN-
15	NUAL COUNTRY REPORTS ON HUMAN RIGHTS PRAC-
16	TICES.—The Foreign Assistance Act of 1961 is amend-
17	ed—
18	(1) in section 116(d) (22 U.S.C. 2151n(d)), as
19	amended by section 333(d) of this Act—
20	(A) in paragraph (11), by striking "and"
21	at the end;
22	(B) in paragraph (12), by striking the pe-
23	riod at the end and inserting "; and"; and
24	(C) by adding at the end the following new
25	paragraph:

1	"(13) wherever applicable—
2	"(A) a description of the status of freedom
3	of the press, including initiatives in favor of
4	freedom of the press and efforts to improve or
5	preserve, as appropriate, the independence of
6	the media, together with an assessment of
7	progress made as a result of those efforts;
8	"(B) an identification of countries in which
9	there were violations of freedom of the press,
10	including direct physical attacks, imprisonment,
11	indirect sources of pressure, and censorship by
12	governments, military, intelligence, or police
13	forces, criminal groups, or armed extremist or
14	rebel groups; and
15	"(C) in countries where there are particu-
16	larly severe violations of freedom of the press—
17	"(i) whether government authorities
18	of each such country participate in, facili-
19	tate, or condone such violations of the free-
20	dom of the press; and
21	"(ii) what steps the government of
22	each such country has taken to preserve
23	the safety and independence of the media,
24	and to ensure the prosecution of those in-

1	dividuals who attack or murder journal-
2	ists."; and
3	(2) in section 502B (22 U.S.C. 2304), by add-
4	ing at the end the following new subsection:
5	"(i) The report required by subsection (b) shall in-
6	clude, wherever applicable—
7	"(1) a description of the status of freedom of
8	the press, including initiatives in favor of freedom of
9	the press and efforts to improve or preserve, as ap-
10	propriate, the independence of the media, together
11	with an assessment of progress made as a result of
12	those efforts;
13	"(2) an identification of countries in which
14	there were violations of freedom of the press, includ-
15	ing direct physical attacks, imprisonment, indirect
16	sources of pressure, and censorship by governments,
17	military, intelligence, or police forces, criminal
18	groups, or armed extremist or rebel groups; and
19	"(3) in countries where there are particularly
20	severe violations of freedom of the press—
21	"(A) whether government authorities of
22	each such country participate in, facilitate, or
23	condone such violations of the freedom of the
24	press; and

1 "(B) what steps the government of each 2 such country has taken to preserve the safety 3 and independence of the media, and to ensure 4 the prosecution of those individuals who attack 5 or murder journalists.".

# (c) Freedom of the Press Grant Program.—

- (1) IN GENERAL.—The Secretary of State shall administer a grant program with the aim of promoting freedom of the press worldwide. The grant program shall be administered by the Department of State's Bureau of Democracy, Human Rights and Labor in consultation with the Undersecretary for Public Affairs and Public Diplomacy.
- (2) Amounts and time.—Grants may be awarded to nonprofit and international organizations and may span multiple years, up to five years.
- (3) Purpose.—Grant proposals should promote and broaden press freedoms by strengthening the independence of journalists and media organizations, promoting a legal framework for freedom of the press, or through providing regionally and culturally relevant training and professionalization of skills to meet international standards in both traditional and digital media.

1	(d) Media Organization Defined.—In this sec-
2	tion, the term "media organization" means a group or or-
3	ganization that gathers and disseminates news and infor-
4	mation to the public (through any medium of mass com-
5	munication) in a foreign country in which the group or
6	organization is located, except that the term does not in-
7	clude a group or organization that is primarily an agency
8	or instrumentality of the government of such foreign coun-
9	try. The term includes an individual who is an agent or
10	employee of such group or organization who acts within
11	the scope of such agency or employment.
12	(e) AUTHORIZATION OF APPROPRIATIONS.—There is
13	authorized to be appropriated such sums as may be nec-
13	control of the appropriate areas areas and the
14	essary to carry out this section.
14	essary to carry out this section.
14 15	essary to carry out this section.  SEC. 1105. INFORMATION FOR COUNTRY COMMERCIAL
<ul><li>14</li><li>15</li><li>16</li></ul>	essary to carry out this section.  SEC. 1105. INFORMATION FOR COUNTRY COMMERCIAL  GUIDES ON BUSINESS AND INVESTMENT CLI-
<ul><li>14</li><li>15</li><li>16</li><li>17</li></ul>	essary to carry out this section.  SEC. 1105. INFORMATION FOR COUNTRY COMMERCIAL  GUIDES ON BUSINESS AND INVESTMENT CLI- MATES.
<ul><li>14</li><li>15</li><li>16</li><li>17</li><li>18</li></ul>	essary to carry out this section.  SEC. 1105. INFORMATION FOR COUNTRY COMMERCIAL  GUIDES ON BUSINESS AND INVESTMENT CLI-  MATES.  (a) IN GENERAL.—The Director General of the For-
<ul><li>14</li><li>15</li><li>16</li><li>17</li><li>18</li><li>19</li></ul>	essary to carry out this section.  SEC. 1105. INFORMATION FOR COUNTRY COMMERCIAL  GUIDES ON BUSINESS AND INVESTMENT CLI-  MATES.  (a) IN GENERAL.—The Director General of the For- eign Commercial Service, in consultation with the Assist-
<ul><li>14</li><li>15</li><li>16</li><li>17</li><li>18</li><li>19</li><li>20</li></ul>	essary to carry out this section.  SEC. 1105. INFORMATION FOR COUNTRY COMMERCIAL  GUIDES ON BUSINESS AND INVESTMENT CLI-  MATES.  (a) IN GENERAL.—The Director General of the For- eign Commercial Service, in consultation with the Assist- ant Secretary of Commerce for Trade Promotion and the
14 15 16 17 18 19 20 21	essary to carry out this section.  SEC. 1105. INFORMATION FOR COUNTRY COMMERCIAL  GUIDES ON BUSINESS AND INVESTMENT CLI-  MATES.  (a) IN GENERAL.—The Director General of the For- eign Commercial Service, in consultation with the Assist- ant Secretary of Commerce for Trade Promotion and the Assistant Secretary of State for Economic, Energy and
14 15 16 17 18 19 20 21 22	essary to carry out this section.  SEC. 1105. INFORMATION FOR COUNTRY COMMERCIAL  GUIDES ON BUSINESS AND INVESTMENT CLI- MATES.  (a) IN GENERAL.—The Director General of the For- eign Commercial Service, in consultation with the Assist- ant Secretary of Commerce for Trade Promotion and the Assistant Secretary of State for Economic, Energy and Business Affairs, should ensure that the annual Country

- vestment 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.
- 22 (b) Additional Provisions To Be Included.—
  23 The information required under subsection (a) should, to
  24 the extent feasible, include—

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1	(1) with respect to paragraph (1) of such sub-
2	section—
3	(A) a review of the efforts undertaken by
4	each foreign country to promote a healthy busi-
5	ness and investment climate that is also condu-
6	cive to the United States business community
7	and United States investors, including, as ap-
8	propriate, steps taken in international fora;
9	(B) the response of the judicial and local
10	arbitration systems of each such country that is
11	the subject of such detailed assessment with re-
12	spect to matters relating to the business and in-
13	vestment climates affecting United States citi-
14	zens and entities, or that have, in the opinion
15	of the Director General of the Foreign Com-
16	mercial Service, a significant impact on United
17	States business and investment efforts; and
18	(C) each such country's access to the
19	United States market;
20	(2) with respect to paragraph (2) of such sub-
21	section—
22	(A) any actions undertaken by the govern-
23	ment of each foreign country that prevent
24	United States citizens and businesses from re-
25	ceiving equitable treatment;

1	(B) actions taken by private businesses
2	and citizens of each such country against mem-
3	bers of the United States business community
4	and United States investors;
5	(C) unfair decisions rendered by the legal
6	systems of each such country that clearly ben-
7	efit State and local corporations and industries;
8	and
9	(D) unfair decisions rendered by local arbi-
10	tration panels of each such country that do not
11	exemplify objectivity and do not provide an eq-
12	uitable ground for United States citizens and
13	businesses to address their disputes; and
14	(3) with respect to paragraph (3) of such sub-
15	section, actions taken by the United States Govern-
16	ment to—
17	(A) promote the rule of law;
18	(B) prevent discriminatory treatment of
19	United States citizens and businesses engaged
20	in business or investment activities in each for-
21	eign country;
22	(C) allow United States goods to enter
23	each such country without requiring a co-pro-
24	duction agreement: and

1	(D) protect United States intellectual
2	property rights.
3	(c) Consultation.—In carrying out this section, the
4	Director General of the Foreign Commercial Service shall
5	consult with business leaders, union leaders, representa-
6	tives of the judicial system of each foreign country de-
7	scribed in subsection (a), and relevant nongovernmental
8	organizations.
9	(d) Business and Investment Climate Warn-
10	INGS.—The Secretary of State, with the assistance of the
11	Assistant Secretary of State for Economic, Energy and
12	Business Affairs, as well as the Assistant Secretary of
13	Commerce for Trade Promotion and the Director General
14	of the Foreign Commercial Service, shall establish a warn-
15	ing system that effectively alerts United States businesses
16	and investors of—
17	(1) a significant deterioration in the business
18	and investment climate in a foreign country, includ-
19	ing discriminatory treatment of United States busi-
20	nesses; or
21	(2) a significant constraint on the ability of the
22	United States Government to assist United States
23	businesses and investors in a foreign country, such
24	as to the closure of a United States diplomatic or

- 1 consular mission, that is not explained in the most 2 recent Country Commercial Guide for such country. 3 (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.

1	(B) Discriminatory treatment of United
2	States businesses, whether wholly or partially
3	owned.
4	(C) Failure to protect intellectual property
5	rights.
6	(D) Requiring a co-production agreement
7	in order for goods from the United States to
8	enter a foreign country.
9	SEC. 1106. INTERNATIONAL PROTECTING GIRLS BY PRE-
10	VENTING CHILD MARRIAGE.
11	(a) Sense of Congress.—It is the sense of Con-
12	gress that—
13	(1) child marriage is a violation of human
14	rights and the prevention and elimination of child
15	marriage should be a foreign policy goal of the
16	United States;
17	(2) the practice of child marriage undermines
18	United States investments in foreign assistance to
19	promote education and skills building for girls, re-
20	duce maternal and child mortality, reduce maternal
21	illness, halt the transmission of HIV/AIDS, prevent
22	gender-based violence, and reduce poverty; and
23	(3) expanding educational opportunities for
24	girls, economic opportunities for women, and reduc-
25	ing maternal and child mortality are critical to

1	achieving the Millennium Development Goals and
2	the global health and development objectives of the
3	United States, including efforts to prevent HIV/
4	AIDS.
5	(b) Strategy To Prevent Child Marriage in
6	DEVELOPING COUNTRIES.—
7	(1) Strategy required.—The President, act-
8	ing through the Secretary of State, shall establish a
9	multi-year strategy to prevent child marriage in de-
10	veloping countries and promote the empowerment of
11	girls at risk of child marriage in developing coun-
12	tries, including by addressing the unique needs,
13	vulnerabilities, and potential of girls under 18 in de-
14	veloping countries.
15	(2) Consultation.—In establishing the strat-
16	egy required by paragraph (1), the President shall
17	consult with Congress, relevant Federal departments
18	and agencies, multilateral organizations, and rep-
19	resentatives of civil society.
20	(3) Elements.—The strategy required by
21	paragraph (1) shall—
22	(A) focus on areas in developing countries
23	with high prevalence of child marriage; and
24	(B) encompass diplomatic initiatives be-
25	tween the United States and governments of

1	developing countries, with attention to human
2	rights, legal reforms and the rule of law, and
3	programmatic initiatives in the areas of edu-
4	cation, health, income generation, changing so-
5	cial norms, human rights, and democracy build-
6	ing.
7	(4) Report.—Not later than 180 days after
8	the date of the enactment of this Act, the President
9	shall transmit to Congress a report that includes—
10	(A) the strategy required by paragraph
11	(1);
12	(B) an assessment, including data
13	disaggregated by age and gender to the extent
14	possible, of current United States-funded ef-
15	forts to specifically assist girls in developing
16	countries; and
17	(C) examples of best practices or programs
18	to prevent child marriage in developing coun-
19	tries that could be replicated.
20	(c) RESEARCH AND DATA COLLECTION.—The Sec-
21	retary of State shall work with relevant Federal depart-
22	ments and agencies as part of their ongoing research and
23	data collection activities, to—
24	(1) collect and make available data on the inci-
25	dence of child marriage in countries that receive for-

- 1 eign or development assistance from the United
- 2 States where the practice of child marriage is preva-
- 3 lent; and
- 4 (2) collect and make available data on the im-
- 5 pact of the incidence of child marriage and the age
- 6 at marriage on progress in meeting key development
- 7 goals.
- 8 (d) Department of State's Country Reports
- 9 ON HUMAN RIGHTS PRACTICES.—The Foreign Assistance
- 10 Act of 1961 is amended—
- 11 (1) in section 116 (22 U.S.C. 2151n), by add-
- ing at the end the following new subsection:
- 13 "(g) The report required by subsection (d) shall in-
- 14 clude for each country in which child marriage is prevalent
- 15 at rates at or above 40 percent in at least one sub-national
- 16 region, a description of the status of the practice of child
- 17 marriage in such country. In this subsection, the term
- 18 'child marriage' means the marriage of a girl or boy, not
- 19 yet the minimum age for marriage stipulated in law in
- 20 the country in which such girl or boy is a resident."; and
- 21 (2) in section 502B (22 U.S.C. 2304), as
- amended by section 1106(b)(2) of this Act, is fur-
- 23 ther amended by adding at the end the following
- 24 new subsection:

- 1 "(j) The report required by subsection (b) shall in-
- 2 clude for each country in which child marriage is prevalent
- 3 at rates at or above 40 percent in at least one sub-national
- 4 region, a description of the status of the practice of child
- 5 marriage in such country. In this subsection, the term
- 6 'child marriage' means the marriage of a girl or boy, not
- 7 yet the minimum age for marriage stipulated in law in
- 8 the country in which such girl or boy is a resident.".
- 9 (e) Definition.—In this section, the term "child
- 10 marriage" means the marriage of a girl or boy, not yet
- 11 the minimum age for marriage stipulated in law in the
- 12 country in which the girl or boy is a resident.
- 13 (f) AUTHORIZATION OF APPROPRIATIONS.—Of the
- 14 amounts authorized to be appropriated pursuant to sec-
- 15 tion 101 of this Act, there is authorized to be appropriated
- 16 as such sums as necessary for fiscal years 2010 through
- 17 2011 to carry out this section and the amendments made
- 18 by this section.
- 19 SEC. 1107. PROGRAM TO IMPROVE BUILDING CONSTRUC-
- 20 TION AND PRACTICES IN HAITI.
- 21 (a) IN GENERAL.—The President, acting through the
- 22 Administrator of the United States Agency for Inter-
- 23 national Development, is authorized, under such terms
- 24 and conditions as the President may determine, to carry

- 1 out a program to improve the building construction codes
- 2 and practices in Haiti.
- 3 (b) Program Description.—The program shall be
- 4 in the form of grants to, or contracts with, organizations
- 5 to support the following activities:
- 6 (1) Training of appropriate profes-
- 7 sionals in Haiti from both the public and private
- 8 sectors to enhance their understanding of building
- 9 and housing codes and standards.
- 10 (2) OTHER ASSISTANCE.—Offering other rel-
- evant assistance as needed, such as helping govern-
- ment officials draft pertinent legislation to imple-
- ment building codes and practices that will help im-
- prove the resistance of buildings and housing in
- Haiti to hurricanes and other natural disasters.
- 16 SEC. 1108. LIMITATION ON ASSISTANCE TO THE PALES-
- 17 TINIAN AUTHORITY.
- 18 (a) AMENDMENT.—Section 620K of the Foreign As-
- 19 sistance Act of 1961 (22 U.S.C. 2378b) is amended to
- 20 read as follows:
- 21 "SEC. 620K. LIMITATION ON ASSISTANCE TO THE PALES-
- 22 TINIAN AUTHORITY.
- 23 "(a) LIMITATION.—Except as provided in subsection
- 24 (e), assistance may be provided under this Act to the Pal-

1	estinian Authority only during a period for which a certifi-
2	cation described in subsection (b) is in effect.
3	"(b) Certification.—A certification described in
4	this subsection is a certification transmitted by the Presi-
5	dent to Congress that contains a determination of the
6	President that—
7	"(1) no ministry, agency, or instrumentality of
8	the Palestinian Authority is controlled by a foreign
9	terrorist organization and no member of a foreign
10	terrorist organization serves in a senior policy mak-
11	ing position in a ministry, agency, or instrumentality
12	of the Palestinian Authority;
13	"(2) the Palestinian Authority has—
14	"(A) publicly acknowledged Israel's right
15	to exist as a Jewish state; and
16	"(B) recommitted itself and is adhering to
17	all previous agreements and understandings by
18	the Palestine Liberation Organization and the
19	Palestinian Authority with the Government of
20	the United States, the Government of Israel,
21	and the international community, including
22	agreements and understandings pursuant to the
23	Performance-Based Roadmap to a Permanent
24	Two-State Solution to the Israeli-Palestinian

1	Conflict (commonly referred to as the 'Road-
2	map'); and
3	"(3) the Palestinian Authority has taken effec-
4	tive steps and made demonstrable progress toward—
5	"(A) completing the process of purging
6	from its security services individuals with ties to
7	terrorism;
8	"(B) dismantling all terrorist infrastruc-
9	ture, confiscating unauthorized weapons, arrest-
10	ing and bringing terrorists to justice, destroying
11	unauthorized arms factories, thwarting and pre-
12	empting terrorist attacks, and fully cooperating
13	with Israel's security services;
14	"(C) halting all anti-Israel incitement in
15	Palestinian Authority-controlled electronic and
16	print media and in schools, mosques, and other
17	institutions it controls, and replacing these ma-
18	terials, including textbooks, with materials that
19	promote tolerance, peace, and coexistence with
20	Israel;
21	"(D) ensuring democracy, the rule of law,
22	and an independent judiciary, and adopting
23	other reforms such as ensuring transparent and
24	accountable governance: and

1	"(E) ensuring the financial transparency
2	and accountability of all government ministries
3	and operations.
4	"(c) Recertifications.—Not later than 90 days
5	after the date on which the President transmits to Con-
6	gress an initial certification under subsection (b), and
7	every six months thereafter—
8	"(1) the President shall transmit to Congress a
9	recertification that the requirements contained in
10	subsection (b) are continuing to be met; or
11	"(2) if the President is unable to make such a
12	recertification, the President shall transmit to Con-
13	gress a report that contains the reasons therefor.
14	"(d) Congressional Notification.—Assistance
15	made available under this Act to the Palestinian Authority
16	may not be provided until 15 days after the date on which
17	the President has provided notice thereof to the appro-
18	priate congressional committees in accordance with the
19	procedures applicable to reprogramming notifications
20	under section 634A(a) of this Act.
21	"(e) Exception.—
22	"(1) Assistance to support the middle
23	EAST PEACE PROCESS.—Subsection (a) shall not
24	apply with respect to assistance to the Office of the
25	President of the Palestinian Authority for non-secu-

1	rity expenses directly related to facilitating a peace-
2	ful resolution of the Israeli-Palestinian conflict if the
3	President transmits to Congress a certification that
4	contains a determination of the President that—
5	"(A) such assistance is critical to facili-
6	tating a peaceful resolution of the Israeli-Pales-
7	tinian conflict;
8	"(B) the President of the Palestinian Au-
9	thority is not a member of or affiliated with a
10	foreign terrorist organization and has rejected
11	the use of terrorism to resolve the Israeli-Pales-
12	tinian conflict;
13	"(C) such assistance will not be used to
14	provide funds to any individual who is a mem-
15	ber of or affiliated with a foreign terrorist orga-
16	nization or who has not rejected the use of ter-
17	rorism to resolve the Israeli-Palestinian conflict;
18	and
19	"(D) such assistance will not be retrans-
20	ferred to any other entity within or outside of
21	the Palestinian Authority.
22	"(2) Additional requirements.—Assistance
23	described in paragraph (1) may be provided only if
24	the President—

1	"(A) determines that the provision of such
2	assistance is important to the national security
3	interests of the United States; and
4	"(B) not less than 30 days prior to the ob-
5	ligation of amounts for the provision of such as-
6	sistance—
7	"(i) consults with the appropriate con-
8	gressional committees regarding the spe-
9	cific programs, projects, and activities to
10	be carried out using such assistance; and
11	"(ii) submits to the appropriate con-
12	gressional committees a written memo-
13	randum that contains the determination of
14	the President under subparagraph (A).
15	"(f) Definitions.—In this section:
16	"(1) Appropriate congressional commit-
17	TEES.—The term 'appropriate congressional com-
18	mittees' means—
19	"(A) the Committee on Foreign Affairs
20	and the Committee on Appropriations of the
21	House of Representatives; and
22	"(B) the Committee on Foreign Relations
23	and the Committee on Appropriations of the
24	Senate.

- 1 "(2) Foreign terrorist organization.—
- 2 The term 'foreign terrorist organization' means an
- 3 organization designated as a foreign terrorist organi-
- 4 zation by the Secretary of State in accordance with
- 5 section 219(a) of the Immigration and Nationality
- 6 Act (8 U.S.C. 1189(a)).
- 7 "(3) Palestinian authority.—The term
- 8 'Palestinian Authority' means the interim Pales-
- 9 tinian administrative organization that governs part
- of the West Bank and all of the Gaza Strip (or any
- 11 successor Palestinian governing entity), including
- the Palestinian Legislative Council.".
- 13 (b) Applicability to Unexpended Funds.—Sec-
- 14 tion 620K of the Foreign Assistance Act of 1961, as
- 15 amended by subsection (a), applies with respect to unex-
- 16 pended funds obligated for assistance under the Foreign
- 17 Assistance Act of 1961 to the Palestinian Authority before
- 18 the date of the enactment of this Act.
- (c) Sense of Congress.—It is the sense of Con-
- 20 gress that the President should be guided by the principles
- 21 and procedures described in section 620K of the Foreign
- 22 Assistance Act of 1961, as amended by subsection (a), in
- 23 providing direct assistance to the Palestinian Authority
- 24 under any provision of law other than the Foreign Assist-
- 25 ance Act of 1961.

### SEC. 1109. JORDAN CIVILIAN NUCLEAR COOPERATION

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,	AGREEMENT.
_	ACTIVISIVITY I.

- (a) FINDINGS.—Congress finds the following:
- (1) For many decades, the United States and Jordan have maintained a strong and mutually supportive relationship on a range of regional and international issues, especially the creation of a moderate, prosperous, and stable Middle East. Jordan's support for the Israeli-Palestinian peace process and its efforts to halt Iran's nuclear weapons program have been especially useful.
  - (2) The importance of the relationship between the United States and Jordan has increased in recent years with Jordan's role as a vital United States ally in the effort to stabilize Iraq and our strengthened military and intelligence cooperation. Jordan has also demonstrated a long-standing commitment to combating terror financing and implementing effective export controls and customs enforcement mechanisms.
  - (3) Jordan's assistance to efforts by the United States and other countries to halt Iran's nuclear weapons program, its safeguards agreement with the International Atomic Energy Agency, its adherence to the Additional Protocol to that safeguards agreement, and its agreement with the United States to

construct a modern storage facility for Jordan's nuclear waste monitored in strict accordance with

IAEA guidelines, has demonstrated Jordan's commitment to nuclear nonproliferation, including opposition to the enrichment and reprocessing of nuclear

materials that could be diverted to military uses.

- (4) Given Jordan's legitimate energy needs and its desire to benefit from its large deposits of uranium, as well as the potential for significant commercial opportunities for the United States nuclear sector, a nuclear cooperation agreement between the United States and Jordan would be of significant benefit to both countries.
  - (5) Given Jordan's long-established record as a reliable ally of the United States, its efforts to combat terrorism, and its commitment to promoting peace and stability with Israel and throughout the region, a nuclear cooperation agreement between it and the United States could serve as a model for similar agreements with other countries throughout the Middle East.
- 22 (b) STATEMENT OF POLICY.—It shall be the policy 23 of the United States to—

1	(1) establish an agreement on peaceful nuclear
2	cooperation with Jordan pursuant to section 123 of
3	the Atomic Energy Act of 1954; and
4	(2) ensure that any United States-Jordan nu-
5	clear cooperation agreement is based on whether
6	Jordan has—
7	(A) developed and fully implemented an ef-
8	fective export control regime;
9	(B) developed and fully implemented the
10	necessary legislative and functional actions to
11	effectively combat the logistical and financial
12	networks that support terrorist organizations;
13	(C) cooperated with the United States in
14	identifying, preventing, disrupting, and pros-
15	ecuting entities and individuals that assist
16	Iran's procurement of nuclear goods, services,
17	or technology and entities affiliated with the
18	Iranian Revolutionary Guard Corps; and
19	(D) permanently renounced the enrichment
20	or reprocessing of nuclear materials and has
21	undertaken all measures, including unrestricted
22	inspection of its facilities by the International
23	Atomic Energy Agency, that are necessary to
24	ensure that no clandestine programs exist.

1	SEC. 1110. UNITED STATES CONTRIBUTIONS TO THE INTER-
2	NATIONAL TRUST FUND FOR DEMINING AND
3	MINE VICTIMS ASSISTANCE.
4	Of the amounts authorized to be appropriated for
5	nonproliferation, anti-terrorism, demining and related pro-
6	grams and activities, there is authorized to be appro-
7	priated \$12,000,000 for each of the fiscal years 2010 and
8	2011 for United States contributions to the International
9	Trust Fund for Demining and Mine Victims Assistance
10	for the removal of landmines, mine victim assistance pro-
11	grams, mine risk education programs, and conventional
12	weapons destruction.
13	SEC. 1111. TRANSFER OF LIQUIDATED ASSETS OF CERTAIN
14	ENTERPRISE FUNDS TO LEGACY INSTITU-
<ul><li>14</li><li>15</li></ul>	ENTERPRISE FUNDS TO LEGACY INSTITU-
15	TIONS.
15 16	TIONS.  (a) Transfer of Liquidated Assets.—
15 16 17	TIONS.  (a) Transfer of Liquidated Assets.—  (1) To legacy institutions.—The President,
15 16 17 18	TIONS.  (a) Transfer of Liquidated Assets.—  (1) To legacy institutions.—The President, acting through the Administrator of the United
15 16 17 18 19	TIONS.  (a) Transfer of Liquidated Assets.—  (1) To legacy institutions.—The President, acting through the Administrator of the United States Agency for International Development, shall
15 16 17 18 19 20	TIONS.  (a) Transfer of Liquidated Assets.—  (1) To legacy institutions.—The President, acting through the Administrator of the United States Agency for International Development, shall instruct each Enterprise Fund described in sub-
15 16 17 18 19 20 21	(a) Transfer of Liquidated Assets.—  (1) To legacy institutions.—The President, acting through the Administrator of the United States Agency for International Development, shall instruct each Enterprise Fund described in subsection (b) to make available to the legacy institu-
15 16 17 18 19 20 21 22	(a) Transfer of Liquidated Assets.—  (1) To legacy institutions.—The President, acting through the Administrator of the United States Agency for International Development, shall instruct each Enterprise Fund described in subsection (b) to make available to the legacy institution of the Enterprise Fund not more than 50 per-
15 16 17 18 19 20 21 22 23	(a) Transfer of Liquidated Assets.—  (1) To legacy institutions.—The President, acting through the Administrator of the United States Agency for International Development, shall instruct each Enterprise Fund described in subsection (b) to make available to the legacy institution of the Enterprise Fund not more than 50 percent of all assets from the liquidation, dissolution, or

- 1 winding up of the Enterprise Fund shall be trans-
- 2 ferred to the Treasury of the United States for pur-
- poses of payment on the public debt.
- 4 (b) Enterprise Funds Described.—The Enter-
- 5 prise Funds described in this subsection are the following:
- 6 (1) The U.S.-Russia Investment Fund and the
- Western Newly Independent States Enterprise Fund
- 8 established pursuant to Section 498b(c) of the For-
- 9 eign Assistance Act of 1961 (22 U.S.C. 2295b(c)).
- 10 (2) The Albanian-American Enterprise Fund,
- the Baltic-American Enterprise Fund, the Czech and
- 12 Slovak-American Enterprise Fund (or Slovak-Amer-
- ican Enterprise Fund), and the Romanian-American
- 14 Enterprise Fund established pursuant to section 201
- of the Support for East European Democracy
- 16 (SEED) Act of 1989 (22 U.S.C. 5421).
- 17 (3) The South African Enterprise Development
- Fund established pursuant to sections 496 and
- 19 635(b) of the Foreign Assistance Act of 1961.
- 20 (c) Oversight of Legacy Institutions.—Any leg-
- 21 acy institution of an Enterprise Fund to which is trans-
- 22 ferred no more than 50 percent of all assets from the liq-
- 23 uidation, dissolution, or winding up of the Enterprise
- 24 Fund shall receive such assets only upon the approval of
- 25 the Administrator of the United States Agency for Inter-

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1	national Development of appropriate and regular oversight
2	procedures for the legacy institution, to include regular re-
3	ports by the legacy institution regarding its programs and
4	operations, expenditures for salary and travel costs, per-
5	sonnel appointment procedures and personnel benefits
6	programs, and the value at the time of reporting of the
7	assets held by the legacy institution.
8	(d) Legacy Institution Defined.—For purposes
9	of this section, the term "legacy institution" means a non-
10	profit foundation established to carry out successor pro-
11	grams and activities in the country or countries for which
12	an Enterprise Fund was established by the United States
13	after that Enterprise Fund has agreed with the United
14	States Agency for International Developments on the ter-
15	mination and winding up of its operations. The non-profit
16	foundation shall have as its objectives the promotion of
17	civil society, rule of law, democracy, transparency of gov-
18	ernance, and economic reform in the country or countries
19	for which the Enterprise Fund was established by the
20	United States.
21	SEC. 1112. SENSE OF CONGRESS ON RESTRICTIONS ON RE

- 22 LIGIOUS FREEDOM IN VIETNAM.
- 23 (a) FINDINGS.—Congress finds the following:
- 24 (1) The Secretary of State, under the Inter-25 national 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.

- 1 (6) According to Human Rights Watch, "In 2 April 2008 Montagnard Christian Y Ben Hdok was 3 beaten to death while in police custody in Dak Lak 4 after other Montagards in his district tried to flee to 5 Cambodia to seek political asylum.".
  - (7) According to the United States Commission on International Religious Freedom 2009 Annual Report, religious freedom advocates and human rights defenders Nguyen Van Dai, Le Thi Cong Nhan, and Fr. Thaddeus Nguyen Van Ly are in prison under Article 88 of the Criminal Code of Vietnam and Fr. Nguyen Van Loi is being held without official detention orders under house arrest.
  - (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.

1	(b) Sense of Congress.—It is the sense of Con-
2	gress that—
3	(1) the Secretary of State should place Vietnam
4	on the list of "Countries of Particular Concern" for
5	particularly severe violations of religious freedom;
6	and
7	(2) the Government of Vietnam should lift re-
8	strictions on religious freedom and implement nec-
9	essary legal and political reforms to protect religious
10	freedom.
11	SEC. 1113. SENSE OF CONGRESS ON HOLOCAUST-ERA
12	PROPERTY RESTITUTION AND COMPENSA-
13	TION.
14	It is the sense of Congress that—
15	(1) countries in Central and Eastern Europe
16	which have not already done so—
17	(A) should return looted and confiscated
18	(22) SHOULD TOURS (121) CONTINUES
10	properties to their rightful owners or, where
19	
	properties to their rightful owners or, where
19	properties to their rightful owners or, where restitution is not possible, pay equitable com-
19 20	properties to their rightful owners or, where restitution is not possible, pay equitable com- pensation to the rightful owners, in accordance
19 20 21	properties to their rightful owners or, where restitution is not possible, pay equitable com- pensation to the rightful owners, in accordance with principles of justice and in a manner that
19 20 21 22	properties to their rightful owners or, where restitution is not possible, pay equitable com- pensation to the rightful owners, in accordance with principles of justice and in a manner that is expeditious, transparent, and fair; and

1	gious property restitution in a manner that is
2	expeditious, transparent and fair; and
3	(2) the Secretary of State should urge all gov-
4	ernments of countries whose domestic insurance
5	companies have not done an adequate job of settling
6	Holocaust-era insurance policies and disclosing the
7	names of policy owners to enact and implement nec-
8	essary laws to resolve these remaining matters.
9	TITLE XII—ISRAEL
10	SEC. 1201. FOREIGN MILITARY FINANCING FOR ISRAEL.
11	(a) Sense of Congress.—It is the sense of Con-
12	gress that the United States should continue to support
13	the August 2007 announcement that it would increase
14	United States military assistance to Israel by \$6 billion
15	through incremental \$150 million annual increases in For-
16	eign Military Financing to Israel, starting at \$2.55 billion
17	in fiscal year 2009 and reaching \$3.15 billion by 2013
18	through 2018.
19	(b) Authorization of Appropriations.—There is
20	authorized to be appropriated to the President for grant
21	assistance to Israel under section 23 of the Arms Export
22	Control Act (22 U.S.C. 2763; relating to the Foreign Mili-

23 tary Financing Program) such sums as may be necessary

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24~ for each of fiscal years  $2010~\mathrm{and}~2011.$ 

# 1 SEC. 1202. SUPPORT TO ISRAEL FOR MISSILE DEFENSE.

2	(a) Statement of Policy.—It shall be the policy
3	of the United States to—
4	(1) provide for deployment as soon as is techno-
5	logically possible of effective missile defense systems
6	capable of defending Israel and all member nations
7	of the North Atlantic Treaty Organization against
8	ballistic missile attack from Iran, Syria and other
9	potential threats; and
10	(2) fully resource and expand the ballistic mis-
11	sile defense system of the United States to fully in-
12	tegrate with the defenses of Israel to provide robust,
13	layered protection against ballistic missile, and me-
14	dium and short range projectile attack.
15	(b) AUTHORIZATION OF ASSISTANCE.—Of the
16	amounts authorized to be appropriated to carry out this
17	Act, there are authorized to be appropriated such sums
18	as may be necessary for co-development of joint ballistic
19	missile, medium and short-range projectile defense
20	projects with Israel, including—
21	(1) complete accelerated co-production of Arrow
22	missiles and continued integration with the ballistic
23	missile defense system of the United States;
24	(2) system development of the Missile Defense
25	Agency and Israel Missile Defense Organization
26	joint program to develop a short-range ballistic mis-

- sile 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.

## (c) 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 foreign operations appropriations and defense appropriations 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 (b)(1).
- (2) Classified annex.—The report required under paragraph (1) shall be submitted in unclassified form to the maximum extent practicable, but may include a classified annex, if necessary.
- (3) Definition of appropriate congressional committees.—In this subsection, the term "appropriate congressional committees" means—

1	(A) the Committee on Foreign Affairs and
2	the Committee on Armed Services of the House
3	of Representatives; and
4	(B) the Committee on Foreign Relations
5	and the Committee on Armed Services in the
6	Senate.
7	SEC. 1203. UNITED STATES-ISRAEL CIVILIAN NUCLEAR CO-
8	OPERATION AGREEMENT.
9	(a) FINDINGS.—Congress finds the following:
10	(1) The United States and Israel are robust de-
11	mocracies, with a deeply rooted alliance that is based
12	on a shared commitment to freedom, the promotion
13	of human rights and dignity, and the determination
14	to secure a just and lasting peace in the Middle
15	East.
16	(2) The cooperation between the United States
17	and Israel on political, military, intelligence, and
18	economic matters is among the strongest of all of
19	United States allies.
20	(3) Israel's economic well-being and security re-
21	quire a guaranteed source of energy, which can be
22	supplied through the use of peaceful nuclear power.
23	Israel's role as a key ally in the Middle East ensures
24	that the United States will have a strong and con-

1	tinuing interest in enhancing that well-being and se-
2	curity.
3	(b) STATEMENT OF POLICY.—It shall be the policy
4	of the United States to secure an agreement on peaceful
5	nuclear cooperation with Israel pursuant to section 123
6	of the Atomic Energy Act of 1954.
7	SEC. 1204. UNITED STATES SUPPORT FOR ISRAEL IN THE
8	ORGANIZATION FOR ECONOMIC COOPERA
9	TION AND DEVELOPMENT.
10	It shall be the policy of the United States to support
11	and advocate for Israel's accession to the OECD, includ-
12	ing through coordination of efforts with other countries
13	supportive of Israel's membership in the OECD.
14	SEC. 1205. RECOGNITION OF JERUSALEM AS THE CAPITAL
15	OF THE STATE OF ISRAEL AND RELOCATION
16	OF THE UNITED STATES EMBASSY TO JERU-
17	SALEM.
18	(a) Sense of Congress.—It is the sense of Con-
19	gress that—
20	(1) Jerusalem must remain an undivided city in
21	which the rights of every ethnic and religious group
22	are protected as they have been by Israel since
23	1967;
24	(2) the President and the Secretary of State
25	should publicly affirm as a matter of United States

1	policy that Jerusalem must remain the undivided
2	capital of the State of Israel;
3	(3) the President should immediately implement
4	the provisions of Jerusalem Embassy Act of 1995
5	(Public Law 104–45) and begin the process of relo-
6	cating the United States Embassy in Israel to Jeru-
7	salem; and
8	(4) United States officials should refrain from
9	any actions that contradict United States law on
10	this subject.
11	(b) Removal of Waiver Authority.—The Jeru-
12	salem Embassy Act of 1995 (Public Law 104–45) is
13	amended—
14	(1) by striking section 7; and
15	(2) by redesignating section 8 as section 7.
16	(c) Identification of Jerusalem on Govern-
17	MENT DOCUMENTS.—Notwithstanding any other provi-
18	sion of law, any official document of the United States
19	Government which lists countries and their capital cities
20	shall identify Jerusalem as the capital of Israel.
21	(d) Timetable.—
22	(1) Statement of Policy.—It is the policy of
23	the United States that the United States Embassy
24	in Israel should be established in Jerusalem as soon

1 (2) OPENING DETERMINATION.—Not more than
2 50 percent of the funds appropriated to the Depart3 ment of State for fiscal year 2012 for "Acquisition
4 and Maintenance of Buildings Abroad" may be obli5 gated until the Secretary of State determines and
6 reports to Congress that the United States Embassy
7 in Jerusalem has officially opened.

## (e) FISCAL YEARS 2010 AND 2011 FUNDING.—

- (1) FISCAL YEAR 2010.—Of the funds authorized to be appropriated for "Acquisition and Maintenance of Buildings Abroad" for the Department of State for fiscal year 2010, such sums as may be necessary should be made available until expended only for construction and other costs associated with the establishment of the United States Embassy in Israel in the capital of Jerusalem.
- (2) FISCAL YEAR 2011.—Of the funds authorized to be appropriated for "Acquisition and Maintenance of Buildings Abroad" for the Department of State for fiscal year 2011, such sums as may be necessary should be made available until expended only for construction and other costs associated with the establishment of the United States Embassy in Israel in the capital of Jerusalem.

1	(f) Definition.—As used in this Act, the term
2	"United States Embassy" means the offices of the United
3	States diplomatic mission and the residence of the United
4	States chief of mission.
5	TITLE XIII—IRAN REFINED
6	PETROLEUM SANCTIONS
7	SEC. 1301. SHORT TITLE.
8	This title may be cited as the "Iran Refined Petro-
9	leum Sanctions Act of 2009".
10	SEC. 1302. AMENDMENTS TO THE IRAN SANCTIONS ACT OF
11	1996.
12	(a) Expansion of Sanctions.—Section 5(a) of the
13	Iran Sanctions Act of 1996 (50 U.S.C. 1701 note) is
14	amended to read as follows:
15	"(a) Sanctions With Respect to the Develop-
16	MENT OF PETROLEUM RESOURCES OF IRAN AND EXPOR-
17	TATION OF REFINED PETROLEUM TO IRAN.—
18	"(1) Development of Petroleum Re-
19	SOURCES OF IRAN.—
20	"(A) Investment.—Except as provided in
21	subsection (f), the President shall impose 2 or
22	more of the sanctions described in paragraphs
23	(1) through (6) of section 6(a) if the President
24	determines that a person has, with actual
25	knowledge on or after the date of the enact-

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ment of this Act, made an investment of \$20,000,000 or more (or any combination of investments of at least \$5,000,000 each, which in the aggregate equals or exceeds \$20,000,000 in any 12-month period), that directly and significantly contributed to the enhancement of Iran's ability to develop petroleum resources of Iran.

"(B) Production of Refined Petro-Leum Resources.—Except as provided in subsection (f), the President shall impose the sanctions described in section 6(b) (in addition to any sanctions imposed under subparagraph (A)) if the President determines that a person has, with actual knowledge, on or after the date of the enactment of the Iran Refined Petroleum Sanctions Act of 2009, sold, leased, or provided to Iran any goods, services, technology, information, or support that would allow Iran to maintain or expand its domestic production of refined petroleum resources, including any assistance in refinery construction, modernization, or repair.

"(2) EXPORTATION OF REFINED PETROLEUM RESOURCES TO IRAN.—Except as provided in subsection (f), the President shall impose the sanctions

1	described in section 6(b) if the President determines
2	that a person has, with actual knowledge, on or after
3	the date of the enactment of the Iran Refined Petro-
4	leum Sanctions Act of 2009, provided Iran with re-
5	fined petroleum resources or engaged in any activity
6	that could contribute to the enhancement of Iran's
7	ability to import refined petroleum resources, includ-
8	ing—
9	"(A) providing ships or shipping services
10	to deliver refined petroleum resources to Iran;
11	"(B) underwriting or otherwise providing
12	insurance or reinsurance for such activity; or
13	"(C) financing or brokering such activity."
14	(b) Description of Sanctions.—Section 6 of such
15	Act is amended—
16	(1) by striking "The sanctions to be imposed on
17	a sanctioned person under section 5 are as follows:"
18	and inserting the following:
19	"(a) In General.—The sanctions to be imposed on
20	a sanctioned person under subsections (a)(1)(A) and (b)
21	of section 5 are as follows:"; and
22	(2) by adding at the end the following:
23	"(b) Additional Sanctions.—The sanctions to be
24	imposed on a sanctioned person under paragraphs (1)(B)
25	and (2) of section 5(a) are as follows:

- 1 "(1) FOREIGN EXCHANGE.—The President 2 shall, under such regulations as the President may 3 prescribe, prohibit any transactions in foreign ex-4 change by the sanctioned person.
  - "(2) Banking transactions.—The President shall, under such regulations as the President may prescribe, prohibit any transfers of credit or payments between, by, through, or to any financial institution, to the extent that such transfers or payments involve any interest of the sanctioned person.
  - "(3) Property transactions.—The President shall, under such regulations as the President may prescribe, prohibit any acquisition, holding, withholding, use, transfer, withdrawal, transportation, importation, or exportation of, dealing in, or exercising any right, power, or privilege with respect to, or transactions involving, any property in which the sanctioned person has any interest by any person, or with respect to any property, subject to the jurisdiction of the United States."
- 21 (c) Presidential Waiver.—Section 9(c)(2) of such 22 Act is amended by amending subparagraph (C) to read 23 as follows:
- 24 "(C) an estimate of the significance of the 25 provision of the items described in paragraph

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1	(1) or (2) of section 5(a) or section 5(b) to
2	Iran's ability to develop its petroleum resources,
3	to maintain or expand its domestic production
4	of refined petroleum resources, to import re-
5	fined petroleum resources, or to develop its
6	weapons of mass destruction or other military
7	capabilities (as the case may be); and".
8	(d) Strengthening of Waiver Authority and
9	SANCTIONS IMPLEMENTATION.—
10	(1) Investigations.—Section 4(f) of the Iran
11	Sanctions Act of 1996 (50 U.S.C. 1701 note) is
12	amended—
13	(A) in paragraph (1)—
14	(i) by striking "should initiate" and
15	inserting "shall immediately initiate";
16	(ii) by inserting "or 5(b)" after "sec-
17	tion 5(a)"; and
18	(iii) by striking "as described in such
19	section" and inserting "as described in sec-
20	tion 5(a)(1) or other activity described in
21	section $5(a)(2)$ or $5(b)$ (as the case may
22	be)";
23	(B) in paragraph (2), by striking ", pursu-
24	ant to section 5(a), if a person has engaged in
25	investment activity in Iran as described in such

1	section" and inserting ", pursuant to section
2	5(a) or (b) (as the case may be), if a person
3	has engaged in investment activity in Iran as
4	described in section 5(a)(1) or other activity de-
5	scribed in section $5(a)(2)$ or $5(b)$ (as the case
6	may be)"; and
7	(C) by adding at the end the following new
8	paragraph:
9	"(3) Definition of Credible Informa-
10	TION.—For the purposes of this subsection, the term
11	'credible information' means public or classified in-
12	formation or reporting supported by other substan-
13	tiating evidence.".
14	(2) Exception for proliferation security
15	INITIATIVE.—Section 5(f) of the Iran Sanctions Act
16	of 1996 (50 U.S.C. 1701 note) is amended—
17	(A) in paragraph (6), by striking "or" at
18	the end;
19	(B) in paragraph (7), by striking the pe-
20	riod at the end and inserting "; or"; and
21	(C) by adding at the end the following new
22	paragraph:
23	"(8) if the President determines in writing that
24	the person to which the sanctions would otherwise be
25	applied is—

1 "(A) a citizen or resident of a country that 2 is a participant in the Proliferation Security 3 Initiative; or "(B) a foreign person that is organized 4 under the laws of a country described in sub-6 paragraph (A) and is a subsidiary of a United 7 States person.". 8 (3) GENERAL WAIVER AUTHORITY.—Section 9 9(c)(1) of the Iran Sanctions Act of 1996 (50) 10 U.S.C. 1701 note) is amended by striking "impor-11 tant to the national interest of the United States" 12 and inserting "vital to the national security interest 13 of the United States". 14 (4) Rule of construction.—The amend-15 ments made by this subsection shall not be con-16 strued to affect any exercise of the authority of sec-17 tion 4(f) or section 9(c) of the Iran Sanctions Act 18 of 1996 as in effect on the day before the date of 19 the enactment of this Act. 20 (e) Reports on United States Efforts To Cur-21 TAIL CERTAIN BUSINESS TRANSACTIONS RELATING TO IRAN.—Section 10 of such Act is amended by adding at 23 the end the following: 24 "(d) Reports on Certain Business Trans-

ACTIONS RELATING TO IRAN.—

1	"(1) IN GENERAL.—Not later than 90 days
2	after the date of the enactment of the Iran Refined
3	Petroleum Sanctions Act of 2009, and every 6
4	months thereafter, the President shall submit a re-
5	port to the appropriate congressional committees re-
6	garding any person who has—
7	"(A) provided Iran with refined petroleum
8	resources;
9	"(B) sold, leased, or provided to Iran any
10	goods, services, or technology that would allow
11	Iran to maintain or expand its domestic produc-
12	tion of refined petroleum resources; or
13	"(C) engaged in any activity that could
14	contribute to the enhancement of Iran's ability
15	to import refined petroleum resources.
16	"(2) Description.—For each activity set forth
17	in subparagraphs (A) through (C) of paragraph (1),
18	the President shall provide a complete and detailed
19	description of such activity, including—
20	"(A) the date or dates of such activity;
21	"(B) the name of any persons who partici-
22	pated or invested in or facilitated such activity;
23	"(C) the United States domiciliary of the
24	persons referred to in subparagraph (B);

1	"(D) any Federal Government contracts to
2	which the persons referred to in subparagraph
3	(B) are parties; and
4	"(E) the steps taken by the United States
5	to respond to such activity.
6	"(3) Form of Reports; Publication.—The
7	reports required under this subsection shall be—
8	"(A) submitted in unclassified form, but
9	may contain a classified annex; and
10	"(B) published in the Federal Register.".
11	(f) CLARIFICATION AND EXPANSION OF DEFINI-
12	TIONS.—Section 14 of such Act is amended—
13	(1) in paragraph (13)(B)—
14	(A) by inserting "financial institution, in-
15	surer, underwriter, guarantor, any other busi-
16	ness organization, including any foreign sub-
17	sidiary, parent, or affiliate of such a business
18	organization," after "trust,"; and
19	(B) by inserting ", such as an export cred-
20	it agency' before the semicolon at the end; and
21	(2) by amending paragraph (14) to read as fol-
22	lows:
23	"(14) Petroleum resources.—
24	"(A) IN GENERAL.—The term 'petroleum
25	resources' includes petroleum, petroleum by-

1	products, oil or liquefied natural gas, oil or liq-
2	uefied natural gas tankers, and products used
3	to construct or maintain pipelines used to
4	transport oil or compressed or liquefied natural
5	gas.
6	"(B) Petroleum by-products.—The
7	term 'petroleum by-products' means gasoline
8	kerosene, distillates, propane or butane gas, die-
9	sel fuel, residual fuel oil, and other goods classi-
10	fied in headings 2709 and 2710 of the Har-
11	monized Tariff Schedule of the United States."
12	(g) Conforming Amendments.—
13	(1) Multilateral regime.—Section 4 of
14	such Act is amended—
15	(A) in subsection (b)(2), by striking "(in
16	addition to that provided in subsection (d))";
17	and
18	(B) by striking subsection (d) and redesig-
19	nating subsections (e) and (f) as subsections (d)
20	and (e), respectively.
21	(2) Impositions of Sanctions.—Section 5(b)
22	of such Act is amended by striking "section 6" and
23	inserting "section 6(a)".

# TITLE XIV—LIMITATION ON NU-CLEAR COOPERATION WITH 2 THE UNITED ARAB EMIRATES 3 4 SEC. 1401. SHORT TITLE. 5 This title may be cited as the "Limitation on Nuclear Cooperation with the United Arab Emirates Act of 2009". 6 7 SEC. 1402. DEFINITIONS. In this title: 8 9 (1) Government of the united arab emir-10 ATES.— 11 (A) IN GENERAL.—The term "Government 12 of the United Arab Emirates" includes the gov-13 ernment of any subdivision of the United Arab 14 Emirates, and any agency or instrumentality of 15 the Government of the United Arab Emirates. 16 (B) AGENCY OR INSTRUMENTALITY.—For 17 purposes of subparagraph (A), the term "agen-18 cy or instrumentality of the Government of the 19 United Arab Emirates" means an agency or in-20 strumentality of a foreign state as defined in 21 section 1603(b) of title 28, United States Code, 22 with each reference in such section to "a for-23 eign state" deemed to be a reference to "the 24 United Arab Emirates". 25 (2) Government of Iran.—

1	(A) IN GENERAL.—The term "Government
2	of Iran" includes the government of any sub-
3	division of Iran, and any agency or instrumen-
4	tality of the Government of Iran.
5	(B) AGENCY OR INSTRUMENTALITY.—For
6	purposes of subparagraph (A), the term "agen-
7	cy or instrumentality of the Government of
8	Iran" means an agency or instrumentality of a
9	foreign state as defined in section 1603(b) of
10	title 28, United States Code, with each ref-
11	erence in such section to "a foreign state"
12	deemed to be a reference to "Iran".
13	(3) National of the united arab emir-
14	ATES.—The term "national of the United Arab
15	Emirates" means—
16	(A) any citizen of the United Arab Emir-
17	ates; or
18	(B) any other legal entity that is organized
19	under the laws of the United Arab Emirates.
20	(4) National of Iran.—The term "national
21	of Iran' means—
22	(A) any citizen of Iran; or
23	(B) any other legal entity that is organized
24	under the laws of Iran.

#### SEC. 1403. RESTRICTION ON NUCLEAR COOPERATION WITH

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_			ADAD	EMIRATES.
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- 3 (a) Restriction on Nuclear Cooperation
- 4 AGREEMENT.—Notwithstanding any other provision of
- 5 law or any international agreement, no agreement for co-
- 6 operation between the United States of America and the
- 7 United Arab Emirates pursuant to section 123 of the
- 8 Atomic Energy Act of 1954 (42 U.S.C. 2153) may enter
- 9 into force on or after the date of the enactment of this
- 10 Act unless not less than 30 legislative days prior to such
- 11 entry into force the President certifies to the appropriate
- 12 congressional committees that the requirements of sub-
- 13 section (c) have been met.
- 14 (b) Restriction on Exports of Nuclear Mate-
- 15 RIAL, EQUIPMENT, OR TECHNOLOGY.—No license may be
- 16 issued for the export of nuclear material, equipment, or
- 17 technology to the United Arab Emirates pursuant to an
- 18 agreement for cooperation between the United States of
- 19 America and the United Arab Emirates pursuant to sec-
- 20 tion 123 of the Atomic Energy Act of 1954 (42 U.S.C.
- 21 2153) for any fiscal year beginning after the date of the
- 22 enactment of this Act unless not less than 30 legislative
- 23 days prior to the issuance of such license the President
- 24 certifies to the appropriate congressional committees for
- 25 such fiscal year that the requirements of subsection (c)
- 26 have been met.

- 1 (c) REQUIREMENTS.—The requirements referred to 2 in this subsection are the following:
- 1) The Government of the United Arab Emirates has taken, and is continuing to take, effective actions to prohibit, terminate, and prevent the transfer of goods, services, or technology to the Government of Iran, including fully implementing United Nations Security Council sanctions against Iran.

## (2) For the preceding 12-month period—

- (A) there has been no cooperation with respect to any activity described in paragraph (1) between the Government of the United Arab Emirates and the Government of Iran, any national of Iran, or any Iranian-controlled entity based on all credible information available to the United States at the time of the certification;
- (B)(i) there has been no cooperation with respect to any activity described in paragraph (1) between any national of the United Arab Emirates and the Government of Iran, any national of Iran, or any Iranian-controlled entity based on all credible information available to the United States at the time of the certification; or

1	(ii) the Government of the United Arab
2	Emirates has—
3	(I) terminated all cooperation between
4	any such United Arab Emirates national
5	and the Government of Iran, any such Ira-
6	nian national, or any such Iranian-con-
7	trolled entity;
8	(II) instituted effective measures to
9	prevent a reoccurrence of any such co-
10	operation; and
11	(III) prosecuted any such United
12	Arab Emirates national; and
13	(C) the Government of the United Arab
14	Emirates has not engaged in or condoned ac-
15	tivities that violate—
16	(i) the Iran Sanctions Act of 1996, in-
17	cluding Executive Orders 12957, 12959,
18	13059 and other executive orders issued
19	pursuant to such Act;
20	(ii) the Iran, North Korea, and Syria
21	Nonproliferation Act; and
22	(iii) other provisions of applicable
23	United States law.
24	(3) The Government of the United Arab Emir-
25	ates—

1	(A) has developed and fully implemented
2	an export control regime in accordance with
3	international standards;
4	(B) has developed and implemented the
5	appropriate or necessary legislative and func-
6	tional actions to target the logistical and finan-
7	cial networks that support terrorist organiza-
8	tions; and
9	(C) has cooperated with the United States
10	in identifying, preventing, disrupting and,
11	where appropriate, prosecuting entities and in-
12	dividuals that assist Iran's procurement of
13	goods, services, or technology, and entities af-
14	filiated with the Iranian Revolutionary Guard
15	Corps.
16	(d) Goods, Services, or Technology Defined.—
17	(1) In general.—Except as provided in para-
18	graph (2), in this section, the term "goods, services,
19	or technology" means—
20	(A) goods, services, or technology listed
21	on—
22	(i)(I) the Nuclear Suppliers Group
23	Guidelines for the Export of Nuclear Mate-
24	rial, Equipment and Technology (published
25	by the International Atomic Energy Agen-

1	cy as Information Circular INFCIRC/254/
2	Rev. 8/Part 1, and subsequent revisions)
3	and Guidelines for Transfers of Nuclear-
4	Related Dual-Use Equipment, Material,
5	and Related Technology (published by the
6	International Atomic Energy Agency as In-
7	formation Circular INFCIRC/254/Rev. 7/
8	Part 2, and subsequent revisions);
9	(II) the Missile Technology Control
10	Regime Equipment and Technology Annex
11	of June 11, 1996, and subsequent revi-
12	sions;
13	(III) the lists of items and substances
14	relating to biological and chemical weapons
15	the export of which is controlled by the
16	Australia Group;
17	(IV) the Schedule One or Schedule
18	Two list of toxic chemicals and precursors
19	the export of which is controlled pursuant
20	to the Convention on the Prohibition of the
21	Development, Production, Stockpiling and
22	Use of Chemical Weapons and on Their
23	Destruction;
24	(V) the Wassenaar Arrangement list
25	of Dual Use Goods and Technologies and

1	Munitions list of July 12, 1996, and subse-
2	quent revisions;
3	(VI) the United States Munitions List
4	under section 38 of the Arms Export Con-
5	trol Act (22 U.S.C. 2778) for which special
6	export controls are warranted under such
7	Act (22 U.S.C. 2751 et seq.); or
8	(VII) the Commerce Control List
9	maintained under part 774 of title 15,
10	Code of Federal Regulations; or
11	(B) goods, services, or technology not list-
12	ed on any list identified in subparagraph (A)
13	but which nevertheless would be, if they were
14	United States goods, services, or technology,
15	prohibited for export to Iran because of their
16	potential to make a material contribution to the
17	development of nuclear, biological, or chemical
18	weapons, or of ballistic or cruise missile sys-
19	tems.
20	(2) Exclusion.—The term "goods, services, or
21	technology" does not include goods, services, or tech-
22	nology that are directly related to the operation of
23	the Bushehr nuclear power reactor.

# 1 TITLE XV—HOLOCAUST 2 INSURANCE ACCOUNTABILITY

- 3 SEC. 1601. SHORT TITLE.
- 4 This title may be cited as the "Holocaust Insurance
- 5 Accountability Act of 2009".
- 6 SEC. 1602. VALIDITY OF STATE LAWS.
- 7 (a) Validity of Laws Creating Cause of Ac-
- 8 TION.—Any State law creating a cause of action against
- 9 any insurer or related company based on a claim arising
- 10 out of or related to a covered policy shall not be invalid
- 11 or preempted by reason of any Executive agreement be-
- 12 tween the United States and any foreign country.
- 13 (b) Validity of Laws Requiring Disclosure of
- 14 Information.—Any State law that is enacted on or after
- 15 March 1, 1998, and that requires an insurer doing busi-
- 16 ness in that State, including any related company, to dis-
- 17 close information regarding any covered policy shall be
- 18 deemed to be in effect on the date of the enactment of
- 19 such law and shall not be invalid or preempted by reason
- 20 of any Executive agreement between the United States
- 21 and any foreign country.
- (c) Waiver.—The President may waive the applica-
- 23 tion of subsection (a) or (b) with respect to any Executive
- 24 agreement that is entered into between the United States
- 25 and a foreign country on or after the date of the enact-

- 1 ment of this Act and that involves covered policies if, not
- 2 later than 30 legislative days before the signing of the Ex-
- 3 ecutive agreement—
- 4 (1) the President determines that the Executive
- 5 agreement is vital to the national security interests
- 6 of the United States; and
- 7 (2) the President provides to the appropriate
- 8 congressional committees a report explaining the
- 9 reasons for such determination.
- 10 (d) Statements of Interest.—No funds may be
- 11 used by the Department of State, or any other department
- 12 or agency of the United States, for the purpose of issuing
- 13 a statement of interest seeking to encourage a court in
- 14 the United States to dismiss any claim brought to recover
- 15 compensation arising out of or related to a covered policy.
- 16 (e) Statute of Limitations.—No court may dis-
- 17 miss a claim that is brought under a State law described
- 18 in subsection (a) or (b) within 10 years after the date of
- 19 the enactment of this Act on the ground that the claim
- 20 is barred under any statute of limitations.
- 21 SEC. 1603. APPLICABILITY.
- This title shall apply to any claim that is brought,
- 23 before, on, or after the date of the enactment of this Act,
- 24 under a State law described in subsection (a) or (b), in-
- 25 cluding—

1	(1) any claim dismissed, before the date of the
2	enactment of this Act, on the ground of executive
3	preemption; and
4	(2) any claim that is deemed released as a re-
5	sult of the settlement of a class action that was en-
6	tered into before the date of the enactment of this
7	title, if the claimant did not receive any payment
8	pursuant to the settlement.
9	SEC. 1604. DEFINITIONS.
10	In this title:
11	(1) Appropriate congressional commit-
12	TEES.—The term "appropriate congressional com-
13	mittees" means the Committee on Foreign Affairs in
14	the House of Representatives, the Committee or
15	Foreign Relations in the Senate, and the Commit-
16	tees on the Judiciary of the House of Representa-
17	tives and the Senate.
18	(2) Covered Policy.—
19	(A) IN GENERAL.—The term "covered pol-
20	icy' means any life, dowry, education, property
21	or other insurance policy that—
22	(i) was in effect at any time after
23	January 30, 1933, and before December
24	31, 1945; and

1	(ii) was issued to a policyholder domi-
2	ciled in any area that was occupied or con-
3	trolled by Nazi Germany.
4	(B) Nazi Germany.—In this paragraph,
5	the term "Nazi Germany" means—
6	(i) the Nazi government of Germany;
7	and
8	(ii) any government in any area occu-
9	pied by the military forces of the Nazi gov-
10	ernment of Germany.
11	(3) Insurer.—The term "insurer" means any
12	person engaged in the business of insurance (includ-
13	ing reinsurance) in interstate or foreign commerce,
14	if the person issued a covered policy, or a successor
15	in interest to such person.
16	(4) Legislative days.—The term "legislative
17	days" means those days on which both Houses of
18	Congress are in session.
19	(5) RELATED COMPANY.—The term "related
20	company" means an affiliate, as that term is defined
21	in section 104(g) of the Gramm-Leach-Bliley Act
22	$(15 \text{ U S C } 6701(\sigma))$

# 1 TITLE XVI—BELARUS ARMS 2 TRANSFERS ACCOUNTABILITY

- 3 SEC. 1701. SHORT TITLE.
- 4 This title may be cited as the "Belarus Arms Trans-
- 5 fers Accountability Act of 2009".
- 6 SEC. 1702. SENSE OF CONGRESS.
- 7 It is the sense of Congress that—
- 8 (1) the Secretary of State should take into con-9 sideration the continuing reports of arms sales by 10 Belarus to state sponsors of terrorism and states 11 that do not fully cooperate with the United States 12 in its anti-terrorism efforts, as well as any informa-13 tion gathered in the process of drafting the report 14 to the appropriate congressional committees required 15 under this title, and carefully consider whether the 16 imposition of existing terrorism and nonproliferation 17 sanctions would be appropriate to deter any such 18 arms sales by Belarus; and
  - (2) any use by Iran of civilian nuclear cooperation agreements with other countries as a means to proliferate weapons technology and expertise to countries such as Venezuela, either directly or by means of arrangements with Belarus or other countries would not be in the interest of the United States.

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#### 1 SEC. 1703. REPORT.

- 2 (a) IN GENERAL.—Not later than 90 days after the
- 3 date of the enactment of this Act, and on annual basis
- 4 thereafter, the Secretary of State shall transmit to the ap-
- 5 propriate congressional committees a report that de-
- 6 scribes, with respect to the preceding 12-month period, the
- 7 following:
- 8 (1) The scale and modalities of exports of weap-
- 9 ons and related services by the Government of
- Belarus and Belarusian enterprises, including reve-
- 11 nues flows, and the potential role of the government
- and enterprise of the Russian Federation in such ex-
- ports and revenues.
- 14 (2) The status of the stockpiles of weapons in-
- herited by Belarus from the former Soviet regime,
- including a determination as to the role such stock-
- piles may continue to play in the export of weapons
- by Belarus, and an assessment of the capability of
- Belarusian enterprises to manufacture conventional
- and advanced weaponry and provide services for
- such sales.
- 22 (3) A determination as to whether civilian nu-
- clear cooperation agreements and activities involving
- Iran, Belarus, or Venezuela are being used as a
- 25 means to proliferate nuclear arms technology and
- 26 expertise.

1	(4) The sale or delivery of weapons or weapons-	
2	related technologies from Belarus to any country	
3	that is designated as a state sponsor of terrorism or	
4	not fully cooperating with United States	
5	antiterrorism efforts for purposes of section 40A of	
6	the Arms Export Control Act, including Venezuela.	
7	(b) FORM.—The report shall be in an unclassified	
8	form but may include a classified annex.	
9	SEC. 1704. STATE SPONSOR OF TERRORISM DEFINED.	
10	In this title, the term "state sponsor of terrorism"	
11	means a country the government of which the Secretary	
12	of State has determined, for purposes of section 6(j) of	
13	the Export Administration Act of 1979, section 620A of	
14	the Foreign Assistance Act of 1961, section 40 of the	
15	Arms Export Control Act, or any other provision of law,	
16	to be a government that has repeatedly provided support	
17	for acts of international terrorism.	
18	TITLE XVII—ASIA-PACIFIC ECO-	
19	NOMIC COOPERATION FORUM	
20	ENGAGEMENT	
21	SEC. 1801. ASIA-PACIFIC ECONOMIC COOPERATION.	
22	(a) Sense of Congress.—It is the sense of Con-	

23 gress that—

1	(1) the United States continued engagement in
2	Asia must be a cornerstone of United States foreign
3	policy in the 21st Century;
4	(2) the President must elevate the role of the
5	United States in the Asia-Pacific Economic Coopera-
6	tion forum (APEC) by ensuring that United States
7	Government officials of the appropriate rank attend
8	APEC activities; and
9	(3) increased participation by United States
10	small businesses, particularly manufacturers, will
11	add substantial benefit to APEC discussions and
12	help strengthen the influence of the United States
13	within APEC.
14	(b) SMALL BUSINESS DEFINED.—In this section, the
15	term "small business" shall have the meaning given the
16	term "small business concern" in section $410(9)$ of the
17	Small Business Investment Act of 1958 (15 U.S.C.
18	694a(9)).
19	(e) United States Participation at APEC.—
20	(1) Designation of APEC coordinators.—
21	The President shall designate in appropriate depart-
22	ments and agencies an existing official compensated
23	at a rate of basic pay not less than the minimum
24	rate of basic pay payable to a member of the Senior

1	Executive Service to serve as each such department's
2	or agency's "APEC Coordinator".
3	(2) Duties of Apec coordinators.—
4	(A) IN GENERAL.—The APEC Coordina-
5	tors of the appropriate departments and agen-
6	cies designated in accordance with paragraph
7	(1) shall, in consultation with the United States
8	Ambassador to APEC, set department- and
9	agency-wide guidelines for each such depart-
10	ment's or agency's participation at APEC.
11	(B) Report.—Each APEC Coordinator
12	shall annually submit to the appropriate con-
13	gressional committees a report on efforts to en-
14	hance each department's and agency's partici-
15	pation at APEC.
16	(d) Enhancing Small Business Participation
17	AT APEC.—
18	(1) Designation of small business liai-
19	SON.—The Secretary of State shall designate an ex-
20	isting officer within the Bureau of East Asian and
21	Pacific Affairs to serve as a "Small Business Liai-
22	son". Such designated officer is authorized to be
23	compensated at a rate of basic pay not less than the

minimum rate of basic pay payable to an individual

- at GS-14 of the General Schedule or FS-02 of the
   Foreign Service Schedule.
- 3 (2) DEPARTMENT OF STATE WEBSITE.—The
  4 Secretary of State shall post on the website of the
  5 Department of State a dedicated page for United
  6 States small businesses to facilitate direct commu7 nication between the United States Government and
  8 the business community concerning APEC.
  - (3) 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.
    - (4) Renaming.—The Office of Economic Policy within the Bureau of East Asian and Pacific Affairs of the Department of State shall be referred to as the "Office of APEC Affairs". Any reference in a law, map, regulation, document, paper, or other record of the United States to the Office of Eco-

- 1 nomic Policy shall be deemed to be a reference to
- the Office of APEC Affairs.
- 3 (e) Report on Hosting of APEC 2011 in the
- 4 United States.—Not later than 60 days after the date
- 5 of the enactment of this Act, the Secretary of State shall
- 6 submit to the appropriate congressional committees a re-
- 7 port detailing the mechanisms that are in place or are
- 8 being considered for hosting the 2011 meeting of APEC
- 9 in the United States, including an analysis of the esti-
- 10 mated or projected costs associated with such meetings.

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