

CONFLICT MINERALS TRADE ACT; INTERNATIONAL MEGAN'S
LAW OF 2010; EXTENDING IMMUNITIES TO THE OFFICE OF
THE HIGH REPRESENTATIVE AND THE INTERNATIONAL CIVIL-
IAN OFFICE IN KOSOVO ACT OF 2010; LORD'S RESISTANCE
ARMY DISARMAMENT AND NORTHERN UGANDA RECOVERY
ACT OF 2009; AND GLOBAL SCIENCE PROGRAM FOR SECUR-
ITY, COMPETITIVENESS, AND DIPLOMACY ACT OF 2010

MARKUP

BEFORE THE

COMMITTEE ON FOREIGN AFFAIRS
HOUSE OF REPRESENTATIVES

ONE HUNDRED ELEVENTH CONGRESS

SECOND SESSION

ON

**H.R. 4128, H.R. 5138, H.R. 5139, S. 1067
and H.R. 4801**

APRIL 28, 2010

Serial No. 111-92

Printed for the use of the Committee on Foreign Affairs



Available via the World Wide Web: <http://www.foreignaffairs.house.gov/>

U.S. GOVERNMENT PRINTING OFFICE

56-199PDF

WASHINGTON : 2010

For sale by the Superintendent of Documents, U.S. Government Printing Office
Internet: bookstore.gpo.gov Phone: toll free (866) 512-1800; DC area (202) 512-1800
Fax: (202) 512-2104 Mail: Stop IDCC, Washington, DC 20402-0001

COMMITTEE ON FOREIGN AFFAIRS

HOWARD L. BERMAN, California, *Chairman*

GARY L. ACKERMAN, New York	ILEANA ROS-LEHTINEN, Florida
ENI F.H. FALEOMAVAEGA, American Samoa	CHRISTOPHER H. SMITH, New Jersey
DONALD M. PAYNE, New Jersey	DAN BURTON, Indiana
BRAD SHERMAN, California	ELTON GALLEGLY, California
ELIOT L. ENGEL, New York	DANA ROHRABACHER, California
BILL DELAHUNT, Massachusetts	DONALD A. MANZULLO, Illinois
GREGORY W. MEEKS, New York	EDWARD R. ROYCE, California
DIANE E. WATSON, California	RON PAUL, Texas
RUSS CARNAHAN, Missouri	JEFF FLAKE, Arizona
ALBIO SIRES, New Jersey	MIKE PENCE, Indiana
GERALD E. CONNOLLY, Virginia	JOE WILSON, South Carolina
MICHAEL E. McMAHON, New York	JOHN BOOZMAN, Arkansas
JOHN S. TANNER, Tennessee	J. GRESHAM BARRETT, South Carolina
GENE GREEN, Texas	CONNIE MACK, Florida
LYNN WOOLSEY, California	JEFF FORTENBERRY, Nebraska
SHEILA JACKSON LEE, Texas	MICHAEL T. McCAUL, Texas
BARBARA LEE, California	TED POE, Texas
SHELLEY BERKLEY, Nevada	BOB INGLIS, South Carolina
JOSEPH CROWLEY, New York	GUS BILIRAKIS, Florida
MIKE ROSS, Arkansas	
BRAD MILLER, North Carolina	
DAVID SCOTT, Georgia	
JIM COSTA, California	
KEITH ELLISON, Minnesota	
GABRIELLE GIFFORDS, Arizona	
RON KLEIN, Florida	
VACANT	

RICHARD J. KESSLER, *Staff Director*

YLEEM POBLETE, *Republican Staff Director*

SHANNA WINTERS, *General Counsel and Senior Policy Advisor*

LAURA RUSH, *Professional Staff Member/Security Officer*

GENELL BROWN, *Senior Staff Associate/Hearing Coordinator*

CONTENTS

	Page
MARKUP OF	
H.R. 4128, To improve transparency and reduce trade in conflict minerals, and for other purposes	2
Amendment in the Nature of a Substitute to H.R. 4128	108
H.R. 5138, To protect children from sexual exploitation by mandating reporting requirements for convicted sex traffickers and other registered sex offenders against minors intending to engage in international travel, providing advance notice of intended travel by high interest registered sex offenders outside the United States to the government of the country of destination, requesting foreign governments to notify the United States when a known child sex offender is seeking to enter the United States, and for other purposes	31
H.R. 5139, To provide for the International Organizations Immunities Act to be extended to the Office of the High Representative in Bosnia and Herzegovina and the International Civilian Office in Kosovo	90
S. 1067, To support stabilization and lasting peace in northern Uganda and areas affected by the Lord's Resistance Army through development of a regional strategy to support multilateral efforts to successfully protect civilians and eliminate the threat posed by the Lord's Resistance Army and to authorize funds for humanitarian relief and reconstruction, reconciliation, and transitional justice, and for other purposes	92
H.R. 4801, To establish the Global Science Program for Security, Competitiveness, and Diplomacy, and for other purposes	150
Amendment in the Nature of a Substitute to H.R. 4801 offered by the Honorable Howard L. Berman	170
APPENDIX	
Hearing notice	196
Hearing minutes	197
The Honorable Howard L. Berman, a Representative in Congress from the State of California, and Chairman, Committee on Foreign Affairs: Prepared statement	200
The Honorable Eni F.H. Faleomavaega, a Representative in Congress from American Samoa: Prepared statement	202
The Honorable Russ Carnahan, a Representative in Congress from the State of Missouri: Prepared statements	206
The Honorable Sheila Jackson Lee, a Representative in Congress from the State of Texas: Prepared statement	208

**CONFLICT MINERALS TRADE ACT; INTERNATIONAL MEGAN'S
LAW OF 2010; EXTENDING IMMUNITIES TO THE OFFICE OF
THE HIGH REPRESENTATIVE AND THE INTERNATIONAL
CIVILIAN OFFICE IN KOSOVO ACT OF 2010; LORD'S RESIST-
ANCE ARMY DISARMAMENT AND NORTHERN UGANDA RE-
COVERY ACT OF 2009; AND GLOBAL SCIENCE PROGRAM
FOR SECURITY, COMPETITIVENESS, AND DIPLOMACY ACT
OF 2010**

WEDNESDAY, APRIL 28, 2010

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FOREIGN AFFAIRS,
Washington, DC.

The committee met, pursuant to notice, at 10:22 a.m. in room 2172, Rayburn House Office Building, Hon. Howard L. Berman (chairman of the committee) presiding.

Chairman BERMAN. The committee shall come to order. I think a quorum is present. Today we have five bills listed on the agenda. I understand that the committee has a consensus on four of the bills, and the Minority has requested we move en bloc.

The fifth bill, H.R. 4801, has pending amendments. I will just call up the four bills all at once and then call up H.R. 4801 separately.

Pursuant to notice, I ask unanimous consent to call up en bloc H.R. 4128, the Conflict Minerals Trade Act; H.R. 5138, the International Megan's Law of 2010; H.R. 5139, Extending Immunities to the Office of the High Representative and the International Civilian Office in Kosovo Act of 2010; and S. 1067, the Lord's Resistance Army Disarmament and Northern Uganda Recovery Act of 2009.

[The information referred to follows:]

111TH CONGRESS
1ST SESSION

H. R. 4128

To improve transparency and reduce trade in conflict minerals, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 19, 2009

Mr. McDERMOTT (for himself, Mr. WOLF, Mr. FRANK of Massachusetts, and Mr. PAYNE) introduced the following bill; which was referred to the Committee on Foreign Affairs, and in addition to the Committees on Ways and Means and Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To improve transparency and reduce trade in conflict minerals, 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 “Conflict Minerals
5 Trade Act”.

6 SEC. 2. FINDINGS.

7 Congress finds the following:

1 (1) The Democratic Republic of the Congo was
2 devastated by a civil war in 1996 and 1997 and a
3 war that began in 1998 and ended in 2003, which
4 resulted in widespread human rights violations and
5 the intervention of multiple armed forces and armed
6 non-state actors from other countries in the region.

7 (2) Despite the signing of a peace agreement
8 and subsequent withdrawal of foreign forces in
9 2003, the eastern region of the Democratic Republic
10 of the Congo has continued to suffer from high lev-
11 els of poverty, insecurity, and a culture of impunity,
12 in which armed groups and military forces continue
13 to commit widespread human rights abuses.

14 (3) According to a study by the International
15 Rescue Committee released in January 2008, con-
16 flict and related humanitarian crisis in the Demo-
17 cratic Republic of the Congo have resulted in the
18 deaths of an estimated 5,400,000 people since 1998
19 and continue to cause as many as 45,000 deaths
20 each month.

21 (4) Sexual violence and rape remain pervasive
22 tools of combat used by all parties in eastern region
23 of the Democratic Republic of the Congo to terrorize
24 and destroy communities. Sexual violence and rape
25 affect hundreds of thousands of women and girls,

1 frequently resulting in traumatic fistula, other severe
2 genital injuries, and long-term psychological trauma.

3 (5) The use of child soldiers on the front lines,
4 as bonded labor, and as sex slaves is a widespread
5 phenomenon among armed groups in the region.

6 (6) A report released by the Government Ac-
7 countability Office in December 2007 describes how
8 the mismanagement and illicit trade of extractive re-
9 sources from the Democratic Republic of the Congo
10 supports conflict between militias and armed domes-
11 tic factions in neighboring countries.

12 (7) In its final report, released on December
13 12, 2008, the United Nations Group of Experts on
14 the Democratic Republic of the Congo found armed
15 groups in the eastern region of the Democratic Re-
16 public of the Congo continue to fight over, illegally
17 plunder, and profit greatly from the trade of colum-
18 bite-tantalite (coltan), cassiterite, wolframite, and
19 gold in the eastern Congo.

20 (8) United Nations Security Council Resolution
21 1857, unanimously adopted on December 22,
22 2008—

23 (A) broadens existing sanctions relating to
24 the Democratic Republic of the Congo to in-
25 clude “individuals or entities supporting the

1 armed groups . . . through illicit trade of nat-
2 ural resources,”; and

3 (B) encourages member countries to en-
4 sure that companies handling minerals from the
5 Democratic Republic of the Congo exercise due
6 diligence on their suppliers, including—

7 (i) determining the precise identity of
8 the deposits from which the minerals they
9 intend to purchase have been mined;

10 (ii) establishing whether or not these
11 deposits are controlled or taxed by armed
12 groups; and

13 (iii) refusing to buy minerals known
14 to originate, or suspected to originate,
15 from deposits controlled or taxed by armed
16 groups.

17 (9) The illicit trade by armed groups and mili-
18 tias in eastern Congo in columbite-tantalite (coltan),
19 cassiterite, wolframite, and gold continues to flour-
20 ish, fuels war, robs the people of Congo of a valuable
21 and legitimate resource, and undermines the peace-
22 ful evolution of the Government of the Democratic
23 Republic of the Congo.

24 (10) Mineral derivatives from the Democratic
25 Republic of the Congo are used in industrial and

1 technology products worldwide, including mobile tele-
2 phones, laptop computers, and digital video record-
3 ers.

4 (11) In February 2009, the Electronic Industry
5 Citizenship Coalition and the Global e-Sustainability
6 Initiative released a statement asserting that—

7 (A) use by the information communications
8 technology industry of mined commodities that
9 support conflict in such countries as the Demo-
10 cratic Republic of the Congo is unacceptable;
11 and

12 (B) consumer electronics companies can
13 and should uphold responsible practices in their
14 operations and work with suppliers to meet so-
15 cial and environmental standards with respect
16 to the raw materials used in the manufacture of
17 their products.

18 (12) Companies that create and sell products
19 that include columbite-tantalite (coltan), cassiterite,
20 wolframite, and their derivatives, and gold have the
21 ability to influence the situation in the Democratic
22 Republic of the Congo by—

23 (A) exercising due diligence over their
24 manufacturing processes, ensuring they and

1 their suppliers use raw materials in a manner
2 that does not—

- 3 (i) directly finance armed conflict;
4 (ii) result in labor or human rights
5 violations; or
6 (iii) damage the environment;

7 (B) verifying the country and mine from
8 which the minerals used to build their products
9 originate; and

10 (C) committing to support mineral export-
11 ers from the Democratic Republic of the Congo
12 that certify that their minerals do not—

- 13 (i) directly finance armed conflict;
14 (ii) result in labor or human rights
15 violations; or
16 (iii) damage the environment.

17 (13) There are ample sources of columbite-tan-
18 talite (coltan), cassiterite, and wolframite in non-
19 conflict areas of the Congo and worldwide; proc-
20 essing columbite-tantalite, cassiterite, and wolf-
21 ramite for commercial use requires sophisticated
22 technology; there are a limited number of processing
23 facilities worldwide for columbite-tantalite, cas-
24 siterite, wolframite, and their derivatives; and deter-
25 mining the sources of columbite-tantalite, cassiterite,

1 wolframite, and their derivatives used by processing
2 facilities has already been successfully done at low
3 cost.

4 (14) Article XX of the General Agreement on
5 Tariffs and Trade provides that nothing in such
6 Agreement shall be construed to prevent the adop-
7 tion or enforcement by any contracting party of
8 measures necessary to protect public morals. As
9 such, the United States has the right to restrict the
10 importation of goods that are harmful to the life and
11 health of miners and others in the Democratic Re-
12 public of the Congo, including the importation of co-
13 lumbite-tantalite (coltan), cassiterite, wolframite, or
14 their derivatives.

15 **SEC. 3. STATEMENT OF POLICY.**

16 It is the policy of the United States, as affirmed by
17 the Democratic Republic of the Congo Relief, Security,
18 and Democracy Promotion Act of 2006 (Public Law 109–
19 456; 22 U.S.C. 2151 note) and consistent with United Na-
20 tions Security Council Resolution 1857 (2008), to promote
21 peace and security in the eastern Democratic Republic of
22 the Congo by supporting efforts of the Government of the
23 Democratic Republic of the Congo, other governments in
24 the Great Lakes Region of Africa, and the international
25 community to—

1 (1) monitor and stop commercial activities in-
2 volving the natural resources of the Democratic Re-
3 public of the Congo that contribute to the activities
4 of armed groups and human rights violations in the
5 Democratic Republic of the Congo; and

6 (2) develop stronger governance and economic
7 institutions that can facilitate and improve trans-
8 parency in the cross-border trade involving the nat-
9 ural resources of the Democratic Republic of the
10 Congo in order to reduce exploitation by armed
11 groups and promote local and regional development.

12 **SEC. 4. INVESTIGATION, REPORTS, AND STRATEGY RE-**
13 **GARDING CONFLICT MINERALS AND HUMAN**
14 **RIGHTS ABUSES IN THE DEMOCRATIC RE-**
15 **PUBLIC OF THE CONGO.**

16 (a) CONGO CONFLICT MINERAL-RICH ZONES MAP,
17 AND ARMED GROUPS.—

18 (1) IN GENERAL.—Not later than 120 days
19 after the date of the enactment of this Act, the Sec-
20 retary of State, in consultation with the Secretary of
21 Defense, shall, in accordance with the recommenda-
22 tion of the United Nations Group of Experts on the
23 Democratic Republic of the Congo in their December
24 2008 report, work with other member states of the

1 United Nations and local and international non-
2 governmental organizations to—

3 (A) produce a map of mineral-rich zones
4 and areas under the control of armed groups in
5 the Democratic Republic of the Congo;

6 (B) make such map available to the public;
7 and

8 (C) provide to the appropriate congressional
9 committees, in classified form if necessary, an explanatory note describing in general
10 terms the sources of information from
11 which such map is based, the definition of the
12 term “control of armed groups” utilized (for example, physical control of mines or forced labor
13 of civilians, control of trade routes, and taxation or extortion of goods in transit), and the
14 identification, where possible, of the armed
15 groups or other forces in control of the mines
16 depicted.

17 (2) DESIGNATION.—The map required under
18 this subsection shall be known as the “Congo Conflict Minerals Map”, and mines located in areas
19 under the control of armed groups in the Democratic
20 Republic of the Congo, as depicted on such Congo

1 Conflict Minerals Map, shall be known as “conflict
2 zone mines”.

3 (3) UPDATES.—The Secretary of Defense, in
4 consultation with the Secretary of State, shall up-
5 date the map required under paragraph (1) not less
6 frequently than once every 180 days until the Sec-
7 retary of Defense certifies to Congress that no
8 armed group that is a party to any ongoing armed
9 conflict in the Democratic Republic of the Congo or
10 any other country is involved in the mining, sale, or
11 export of conflict minerals or gold, or the control
12 thereof, or derives any benefits from such activities.

13 (4) PUBLICATION IN FEDERAL REGISTER.—The
14 Secretary of State may add minerals to the list of
15 conflict minerals. The Secretary shall publish in the
16 Federal Register notice of intent to declare a min-
17 eral as a conflict mineral not later than one year be-
18 fore such declaration.

19 (b) GUIDANCE FOR COMMERCIAL ENTITIES.—

20 (1) IN GENERAL.—The Secretary of State and
21 the Secretary of Commerce shall work with other
22 member states of the United Nations, local and
23 international nongovernmental organizations, and
24 other interested parties to provide guidance to com-
25 mercial entities seeking to exercise due diligence, in-

1 including documentation on the origin and chain of
2 custody for their products, on their suppliers to en-
3 sure that conflict minerals used in their products do
4 not—

5 (A) directly finance armed conflict;

6 (B) result in labor or human rights viola-
7 tions; or

8 (C) damage the environment.

9 (2) COOPERATION.—The Secretary of State and
10 the Secretary of Commerce shall work with commer-
11 cial entities and other interested parties to identify
12 best practices and opportunities to improve trans-
13 parency of the supply chains of such commercial en-
14 tities engaged in commerce or trade with products
15 that contain one or more derivatives of conflict min-
16 erals.

17 (c) STRATEGY.—

18 (1) IN GENERAL.—Not later than 180 days
19 after the date of the enactment of this Act, the Sec-
20 retary of State shall, working with the Administrator
21 of the United States Agency for International Devel-
22 opment, submit to the appropriate congressional
23 committees a strategy to address the linkages that
24 exist between human rights abuses, armed groups,
25 and the mining of conflict minerals.

1 (2) CONTENTS.—The strategy required by
2 paragraph (1) shall include the following:

3 (A) A plan to assist governments plagued
4 by conflict establishing and effectively imple-
5 menting the necessary frameworks and institu-
6 tions to formalize and improve transparency in
7 the trade of conflict minerals.

8 (B) An outline of assistance currently
9 being provided to the Democratic Republic of
10 the Congo and an assessment of future assist-
11 ance that could be provided by the Government
12 of the United States to help the Democratic Re-
13 public of the Congo to strengthen the manage-
14 ment and export of natural resources.

15 (C) A description of punitive measures
16 that could be taken against individuals or enti-
17 ties whose commercial activities are supporting
18 armed groups and human rights violations in
19 the Democratic Republic of the Congo.

20 (d) ANNUAL HUMAN RIGHTS REPORTS.—In pre-
21 paring those portions of the annual Country Reports on
22 Human Rights Practices under sections 116(d) and
23 502B(b) of the Foreign Assistance Act of 1961 (22 U.S.C.
24 2151n(d) and 2304(b)) relating to the Democratic Repub-
25 lic of the Congo or countries that share a border with the

1 Democratic Republic of the Congo, the Secretary of State
2 shall ensure that such reports include a description of any
3 instances or patterns of practice that indicate that the ex-
4 traction and cross-border trade in conflict minerals has
5 negatively affected human rights conditions or supported
6 specific human rights violations, sexual or gender-based
7 violence, or labor abuses in the eastern region of the
8 Democratic Republic of the Congo, during the period cov-
9 ered by each such report.

10 (e) ANNUAL ORGANIZATION FOR ECONOMIC CO-OP-
11 ERATION AND DEVELOPMENT INVESTMENT COMMITTEE
12 REPORT.—In preparing the United States' annual report
13 to the Organization for Economic Co-operation and Devel-
14 opment Investment Committee, the Secretary of State
15 shall include a description of efforts by the United States
16 to ensure, consistent with the Organization for Economic
17 Co-operation and Development Guidelines for Multi-
18 national Enterprises, that enterprises under United States
19 jurisdiction are exercising due diligence to ensure that
20 their purchases of minerals or metals are not originating
21 from mines and trading routes that are used to finance
22 or benefit armed groups in the Democratic Republic of
23 the Congo.

24 (f) SUPPORT OF MANDATE OF UNITED NATIONS
25 GROUP OF EXPERTS ON THE DEMOCRATIC REPUBLIC OF

1 THE CONGO.—The President, acting through the Sec-
2 retary of State, the United States Permanent Representa-
3 tive to the United Nations, and other appropriate United
4 States Government officials, shall use the voice and vote
5 of the United States at the United Nations Security Coun-
6 cil to renew the mandate and strengthen the capacity of
7 the United Nations Group of Experts on the Democratic
8 Republic of the Congo to investigate links between natural
9 resources and the financing of armed groups, and ensure
10 that the Group of Experts' recommendations are given se-
11 rious consideration.

12 (g) AUTHORIZATION OF APPROPRIATIONS.—There
13 are authorized to be appropriated to the Secretary of State
14 for fiscal year 2010 and each subsequent fiscal year for
15 which the Secretary certifies to the appropriate congres-
16 sional committees that a state of war is expected to con-
17 tinue to exist in the Democratic Republic of the Congo
18 such sums as may be necessary to carry out this section.

19 **SEC. 5. SENSE OF CONGRESS ON ASSISTANCE FOR AF-**
20 **FECTED COMMUNITIES AND SUSTAINABLE**
21 **LIVELIHOODS.**

22 (a) SENSE OF CONGRESS ON ASSISTANCE FOR AF-
23 FECTED COMMUNITIES.—It is the sense of Congress that
24 the Administrator of the United States Agency for Inter-
25 national Development should expand and better coordinate

1 programs to assist and empower communities in the east-
2 ern Democratic Republic of the Congo whose livelihoods
3 depend on the mineral trade, particularly—

4 (1) communities affected by sexual and gender
5 based violence;

6 (2) communities affected by use of child sol-
7 diers and forced child servitude; and

8 (3) individuals displaced and communities af-
9 fected by violence.

10 (b) SENSE OF CONGRESS ON FUTURE YEAR FUND-
11 ING.—It is the sense of Congress that the Secretary of
12 State and the Administrator of the United States Agency
13 for International Development should work with the Com-
14 mittee on Foreign Affairs and the Committee on Appro-
15 priations of the House of Representatives and the Com-
16 mittee on Foreign Relations and the Committee on Appro-
17 priations of the Senate to increase assistance beginning
18 in fiscal year 2010 for communities affected by violence
19 in the Democratic Republic of the Congo, specifically to—

20 (1) provide medical treatment, psychological
21 support, and rehabilitation assistance for survivors
22 of sexual and gender-based violence;

23 (2) provide humanitarian relief and basic serv-
24 ices to people displaced by violence;

1 (3) improve living conditions and livelihood
2 prospects for artisanal miners and mine workers;
3 and

4 (4) alleviate poverty by reconstructing infra-
5 structure and revitalizing agricultural production.

6 (c) SENSE OF CONGRESS ON COORDINATION OF AS-
7 SISTANCE.—It is the sense of Congress that the United
8 States should work with other countries, on a bilateral and
9 multilateral basis to—

10 (1) increase protection and services for commu-
11 nities in the eastern Democratic Republic of the
12 Congo at risk of human rights violations associated
13 with the mineral trade, particularly women and girls;

14 (2) strengthen the management and trade of
15 natural resources in the Democratic Republic of the
16 Congo; and

17 (3) improve the conditions and livelihood pros-
18 pects of artisan miners and mine workers.

19 **SEC. 6. IDENTIFICATION OF COMMERCIAL GOODS CON-**
20 **TAINING CONFLICT MINERALS.**

21 (a) LIST OF GOODS CONTAINING CONFLICT MIN-
22 ERALS.—Not later than 180 days after the date of the
23 enactment of this Act and annually thereafter, the Sec-
24 retary of Commerce, in cooperation with the Secretary of
25 State, the International Trade Commission, and the Com-

1 missioner responsible for U.S. Customs and Border Pro-
2 tection, shall determine and publish in the Federal Reg-
3 ister a list of those articles specified in the Harmonized
4 Tariff Schedule of the United States that should be identi-
5 fied as likely containing conflict minerals. Such list shall
6 be referred to as the “Potential Conflict Goods List”.

7 (b) CREATING LIST OF APPROVED AUDITORS.—

8 (1) IN GENERAL.—Not later than one year
9 after the date of the enactment of this Act and an-
10 nually thereafter, the Secretary of Commerce, in co-
11 operation with the Secretary of State, the Inter-
12 national Trade Commission, and in consultation with
13 nongovernmental organizations and manufacturing
14 industry representatives, shall determine and publish
15 in the Federal Register a list which contains a suffi-
16 cient number of approved private sector auditing
17 services qualified to audit the processing facilities
18 worldwide of conflict minerals.

19 (2) UPDATE.—The Secretary of Commerce
20 shall update the list required under paragraph (1)
21 not less than once every 12 months and publish in
22 the Federal Register the updated list. The Secretary
23 of State shall work with and encourage relevant for-
24 eign governments to issue visas for auditors who are
25 United States citizens for purposes of travel relating

1 to auditing of processing facilities described in para-
2 graph (1).

3 (c) REGULAR AUDITING OF FACILITIES FOR USE OF
4 CONFLICT MINERALS.—

5 (1) IN GENERAL.—The Secretary of Commerce
6 shall seek to ensure that facilities that process con-
7 flict minerals and whose resulting materials are used
8 in products shipped into the United States subject
9 themselves to random audits not less than every four
10 months by private sector auditing services approved
11 by the Secretary pursuant to subsection (b) to cer-
12 tify each such processing facility as either “conflict
13 mineral free” or a “conflict mineral facility”. A
14 processing facility certified as a “conflict mineral fa-
15 cility” is a facility that processes one or more con-
16 flict minerals. A processing facility certified as “con-
17 flict mineral free” is a facility that has not processed
18 conflict minerals in the previous 4 months or since
19 the previous audit.

20 (2) AUDIT REPORTS.—

21 (A) IN GENERAL.—The Secretary of Com-
22 merce shall seek to ensure that private sector
23 auditing services approved by the Secretary
24 pursuant to subsection (b) submit to the Sec-
25 retary reports on the audits conducted by such

1 services for those facilities that are audited pur-
2 suant to paragraph (1).

3 (B) CONTENTS.—The reports referred to
4 in subparagraph (A) shall contain the following:

5 (i) The name and location of the proc-
6 essing facility audited.

7 (ii) The relevant minerals being proc-
8 essed at the facility.

9 (iii) The date of the audit and the pe-
10 riod covered by the audit.

11 (iv) The date of notification of an im-
12 pending audit.

13 (v) The country of origin of minerals
14 purchased and processed, including local
15 areas or specific mines of origin in the
16 Democratic Republic of the Congo from
17 which minerals were sourced.

18 (vi) A determination as to whether
19 there were any minerals processed for
20 which there is not a credibly documented
21 and verifiable chain of custody.

22 (vii) A declaration of the facility as
23 one that is a “Conflict Mineral Facility” or
24 is “Conflict Mineral Free” for the period
25 covered by each such report.

1 (3) PUBLICATION IN FEDERAL REGISTER.—The
2 Secretary of Commerce shall publish in the Federal
3 Register the reports of private sector auditing serv-
4 ices pursuant to paragraph (2) for those facilities
5 that are audited pursuant to paragraph (1), includ-
6 ing—

7 (A) whether any such facility has been cer-
8 tified as “conflict mineral free” or a “conflict
9 mineral facility”; and

10 (B) if such service determines that the fa-
11 cility is a “conflict mineral facility”, the mine
12 or local area of origin of the conflict minerals
13 likely to have financed conflict in the Demo-
14 cratic Republic of the Congo.

15 (4) ADDITIONAL AUDITS.—Processing facilities
16 worldwide of conflict minerals may request addi-
17 tional audits from private sector auditing services
18 approved by the Secretary pursuant to subsection
19 (b). Any such additional audits shall be non-binding
20 and may remain private.

21 (d) AUDITING PROTOCOL AND CONTENTS.—

22 (1) IN GENERAL.—The Secretary of Commerce
23 shall seek to ensure that, in carrying out audits in
24 accordance with subsection (c) by private sector au-
25 diting services approved by the Secretary pursuant

to subsection (b), such services follow an audit protocol that includes the following:

(A) Determination of the mines of origin of processed materials.

(B) Verification of the chain of custody of minerals obtained and processed during the preceding four months, to verify whether revenues from possession, sale, or taxation of conflict minerals are flowing to parties financing conflict in the Democratic Republic of the Congo.

(C) Investigation of mineral sourcing and chain of custody in the Democratic Republic of the Congo and other countries, as necessary, to verify the information provided by suppliers.

(2) TIMING OF AUDITS.—Audits shall be randomly timed, but not without notice, in recognition of the rights of processing facilities worldwide and the sovereignty of the country in which they are located of conflict minerals.

SEC. 7. REQUIREMENTS RELATING TO IMPORTATION OF ARTICLES CONTAINING CONFLICT MINERALS.

(a) DECLARATION OF CERTAIN ARTICLES.—

(1) IN GENERAL.—Beginning on the date that is one year after the date of publication in the Fed-

1 eral Register of the initial list of approved private
2 sector auditing services under section 6(b)(1) or two
3 years after the date of the enactment of this Act,
4 whichever occurs later, importers that import arti-
5 cles specified in the Harmonized Tariff Schedule of
6 the United States that are identified pursuant to
7 section 6(a) as included on the Potential Conflict
8 Goods List shall certify on the importer's Customs
9 declaration that such articles "contain conflict min-
10 erals" or are "conflict mineral free" in accordance
11 with section 6(c). Articles that contain components
12 using conflict minerals from a facility audited and
13 certified by an auditor on the list referred to in sub-
14 section 6(b) as—

15 (A) "conflict mineral free" shall be des-
16 ignated as "conflict mineral free"; and

17 (B) a "conflict mineral facility" shall be
18 designated as "contains conflict minerals".

19 (2) SPECIAL RULES.—For the purposes of this
20 Act—

21 (A) recycled derivatives of conflict minerals
22 shall be considered "conflict mineral free"; and

23 (B) articles that contain only components
24 sourced from processing facilities that are "con-

1 flict mineral free” may be labeled “conflict min-
2 eral free”.

3 (b) PROHIBITION ON IMPORTATION OF CERTAIN AR-
4 TICLES.—Unrefined conflict minerals, not including their
5 derivatives from a conflict zone mine that is in raw or
6 unrefined form for any commercial purpose may not be
7 imported into the United States. Beginning on the date
8 that is two years after the date of the enactment of this
9 Act, articles made wholly or in part with components con-
10 taining conflict minerals from facilities that have not been
11 audited in accordance with section 6(c) may not be im-
12 ported into the United States.

13 (c) EXEMPTION.—The President may exempt articles
14 from inclusion on Potential Conflict Goods List and pub-
15 lish notice to this effect in the Federal Register, if the
16 President—

17 (1) determines that such an exemption is in the
18 national security interest of the United States and
19 includes the reasons therefor; and

20 (2) establishes a date, not later than two years
21 after the initial publication of such exemption, on
22 which such exemption shall expire.

1 **SEC. 8. REPORT BY UNITED STATES TRADE REPRESENTA-**
2 **TIVE.**

3 (a) IN GENERAL.—Not later than 180 days after the
4 implementation of the requirements of sections 6 and 7
5 and every 180 days thereafter, the United States Trade
6 Representative, in consultation with the Commissioner re-
7 sponsible for U.S. Customs and Border Protection, shall
8 publish in the Federal Register a list of those importers
9 that have imported into the United States articles that
10 “contain conflict minerals” in the preceding 180-day pe-
11 riod.

12 (b) MATTERS TO BE INCLUDED.—Each report re-
13 quired under subsection (a) shall, with respect to each im-
14 porter identified under subsection (a), include the fol-
15 lowing information irrespective of whether any party to
16 the importation has requested confidentiality: the carrier
17 code, vessel country code, vessel name, voyage number,
18 district/port of unlading, estimated arrival date, bill of lad-
19 ing number, foreign port of lading, manifest quantity,
20 manifest units, weight, weight unit, shipper name, shipper
21 address, consignee name, consignee address, notify party
22 name, notify party address, piece count, description of
23 goods, brand, manufacturing company, container number,
24 and seal number.

1 **SEC. 9. PENALTIES.**

2 (a) PENALTIES RELATING TO CONFLICT MIN-
3 ERALS.—If any person, by fraud, gross negligence, or neg-
4 ligence, enters, introduces, or attempts to enter or intro-
5 duce any good that contains one or more conflict minerals
6 (as such term is defined in section 11) into the territory
7 of the United States by means of inaccurate information
8 with respect to the imported good, such person shall be
9 subject to penalties pursuant to section 592 of the Tariff
10 Act of 1930 (19 U.S.C. 1592).

11 (b) PUBLICATION IN THE FEDERAL REGISTER.—The
12 Commissioner responsible for U.S. Customs and Border
13 Protection and the Secretary of Commerce shall publish
14 in the Federal Register in a timely manner a list of all
15 penalties imposed under subsection (a).

16 **SEC. 10. REPORTS BY GOVERNMENT ACCOUNTABILITY OF-**
17 **FICE.**

18 (a) INITIAL REPORT.—Not later than 36 months
19 after the date of the enactment of this Act and annually
20 thereafter, the Comptroller General of the United States
21 shall submit to Congress a report that includes the fol-
22 lowing:

23 (1) An assessment of the accuracy of the ap-
24 proved private sector auditing services under section
25 6.

1 (2) Recommendations for such auditing services
2 to—

3 (A) improve the accuracy of such auditing
4 services; and

5 (B) establish standards of best practices.

6 (b) FOLLOW-UP REPORTS.—Not later than 36
7 months after the date of the enactment of this Act and
8 annually thereafter, the Comptroller General of the United
9 States shall submit to Congress a report that includes the
10 following:

11 (1) An assessment of the effectiveness of the
12 provisions of this Act.

13 (2) A description of the problems, if any, en-
14 countered by the Department of Commerce, the De-
15 partment of State, the Office of the United States
16 Trade Representative, U.S. Customs and Border
17 Protection, and the Administrator of the United
18 States Agency for International Development in car-
19 rying out the provisions of this Act.

20 (3) A description of the adverse impacts of car-
21 rying out the provisions of this Act, if any, on coun-
22 tries with columbite-tantalite (coltan), cassiterite,
23 wolframite, or their derivatives, and in particular,
24 communities in the eastern Democratic Republic of
25 the Congo.

1 (4) Recommendations for legislative or regu-
2 latory actions that can be taken to—

3 (A) improve the effectiveness of the provi-
4 sions of this Act to promote peace and security
5 in accordance with section 3;

6 (B) resolve the problems described in para-
7 graph (2), if any; and

8 (C) mitigate the adverse impacts described
9 in paragraph (3), if any.

10 **SEC. 11. DEFINITIONS.**

11 In this Act:

12 (1) APPROPRIATE CONGRESSIONAL COMMIT-
13 TEES.—The term “appropriate congressional com-
14 mittees” means—

15 (A) the Committee on Appropriations, the
16 Committee on Foreign Affairs, the Committee
17 on Ways and Means, and the Committee on Fi-
18 nancial Services of the House of Representa-
19 tives; and

20 (B) the Committee on Appropriations, the
21 Committee on Foreign Relations, the Com-
22 mittee on Finance, and the Committee on
23 Banking, Housing, and Urban Affairs of the
24 Senate.

1 (2) ARMED GROUP.—The term “armed group”
2 means armed groups identified as perpetrators of se-
3 rious human rights abuses in the annual Country
4 Reports on Human Rights Practices under sections
5 116(d) and 502B(b) of the Foreign Assistance Act
6 of 1961 (22 U.S.C. 2151n(d) and 2304(b)) relating
7 to the Democratic Republic of the Congo or coun-
8 tries that share a border with the Democratic Re-
9 public of the Congo.

10 (3) CONFLICT MINERALS.—The term “conflict
11 minerals” means columbite-tantalite (coltan), cas-
12 siterite, wolframite, or their derivatives, or any other
13 mineral determined by the Secretary of State to be
14 financing conflict in the Democratic Republic of the
15 Congo.

16 (4) UNITED STATES.—The term “United
17 States” means the customs territory of the United
18 States, as defined in general note 2 of the Har-
19 monized Tariff Schedule of the United States.

20 **SEC. 12. SUNSET.**

21 This Act shall expire on the date on which the Presi-
22 dent determines and certifies to the appropriate congres-
23 sional committees, but in no case earlier than the date
24 that is one day after end of the 2-year period beginning
25 on the date of the enactment of this Act, that—

1 (1) no armed group is a party to any ongoing
2 armed conflict in the Democratic Republic of the
3 Congo and is involved in the mining, sale, or export
4 of one or more conflict minerals; or

5 (2) a regional framework has been established
6 and effectively implemented to monitor and regulate
7 trade and commerce in conflict minerals so that such
8 activities do not benefit armed groups in the Demo-
9 cratic Republic of the Congo.

.....
(Original Signature of Member)

111TH CONGRESS
2D SESSION

H. R. 5138

To protect children from sexual exploitation by mandating reporting requirements for convicted sex traffickers and other registered sex offenders against minors intending to engage in international travel, providing advance notice of intended travel by high interest registered sex offenders outside the United States to the government of the country of destination, requesting foreign governments to notify the United States when a known child sex offender is seeking to enter the United States, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. SMITH of New Jersey (for himself, Mr. PAYNE, and [see ATTACHED LIST of cosponsors]) introduced the following bill; which was referred to the Committee on _____

A BILL

To protect children from sexual exploitation by mandating reporting requirements for convicted sex traffickers and other registered sex offenders against minors intending to engage in international travel, providing advance notice of intended travel by high interest registered sex offenders outside the United States to the government of the country of destination, requesting foreign governments to notify the United States when a known child

sex offender is seeking to enter the United States, and for other purposes.

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

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “International Megan’s Law of 2010”.

(b) **TABLE OF CONTENTS.**—The table of contents for this Act is as follows:

- Sec. 1. Short title and table of contents.
- Sec. 2. Findings and declaration of purposes.
- Sec. 3. Definitions.
- Sec. 4. Sex offender travel reporting requirement.
- Sec. 5. Foreign registration requirement for sex offenders.
- Sec. 6. International Sex Offender Travel Center.
- Sec. 7. Center Sex Offender Travel Guidelines.
- Sec. 8. Authority to restrict passports.
- Sec. 9. Immunity for good faith conduct.
- Sec. 10. Sense of Congress provisions.
- Sec. 11. Enhancing the minimum standards for the elimination of trafficking.
- Sec. 12. Special report on international mechanisms related to traveling child sex offenders.
- Sec. 13. Assistance to foreign countries to meet minimum standards for the elimination of trafficking.
- Sec. 14. Congressional reports.
- Sec. 15. Authorization of appropriations.

SEC. 2. FINDINGS AND DECLARATION OF PURPOSES.

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

(1) Megan Nicole Kanka, who was 7 years old, was abducted, sexually assaulted, and murdered in 1994, in the State of New Jersey by a violent predator living across the street from her home. Unbeknownst to Megan Kanka and her family, he had

1 been convicted previously of a sex offense against a
2 child.

3 (2) In 1996, Congress adopted Megan's Law
4 (Public Law 104-145) as a means to encourage
5 States to protect children by identifying the where-
6 abouts of sex offenders and providing the means to
7 monitor their activities.

8 (3) The sexual exploitation of minors is a global
9 phenomenon. The International Labour Organiza-
10 tion estimates that 1.8 million children worldwide
11 are exploited each year through prostitution and
12 pornography.

13 (4) According to End Child Prostitution, Child
14 Pornography and Trafficking in Children for Sexual
15 Purposes (ECPAT International), all children are
16 adversely affected by being commercially sexually ex-
17 ploited. Commercial sexual exploitation can result in
18 serious, lifelong, even life-threatening consequences
19 for the physical, psychological, spiritual, emotional
20 and social development and well-being of a child.

21 (5) ECPAT International reports that children
22 who are commercially sexually exploited are at great
23 risk of contracting HIV or AIDS and are unlikely to
24 receive adequate medical care. These children are
25 also at great risk of further physical violence—those

1 who make an attempt to escape or counter their
2 abuse may be severely injured or killed. The psycho-
3 logical effects of child sexual exploitation and threats
4 usually plague the victims for the rest of their lives.

5 (6) ECPAT International further reports that
6 children who have been exploited typically report
7 feelings of shame, guilt, and low self-esteem. Some
8 children do not believe they are worthy of rescue;
9 some suffer from stigmatization or the knowledge
10 that they were betrayed by someone whom they had
11 trusted; others suffer from nightmares, sleepless-
12 ness, hopelessness, and depression—reactions similar
13 to those exhibited in victims of torture. To cope,
14 some children attempt suicide or turn to substance
15 abuse. Many find it difficult to reintegrate success-
16 fully into society once they become adults.

17 (7) According to ECPAT International, child
18 sex tourism is a specific form of child prostitution
19 and is a developing phenomenon. Child sex tourism
20 is defined as the commercial sexual exploitation of
21 children by people who travel from one place to an-
22 other and there engage in sexual acts with minors.
23 This type of exploitation can occur anywhere in the
24 world and no country or tourism destination is im-
25 mune.

1 (8) According to research conducted by The
2 Protection Project of The Johns Hopkins University
3 Paul H. Nitze School of Advanced International
4 Studies, sex tourists from the United States who
5 target children form a significant percentage of child
6 sex tourists in some of the most significant destina-
7 tion countries for child sex tourism.

8 (9) According to the National Center for Miss-
9 ing and Exploited Children (NCMEC), most victims
10 of sex offenders are minors.

11 (10) Media reports indicate that known sex of-
12 fenders who have committed crimes against children
13 are traveling internationally, and that the criminal
14 background of such individuals may not be known to
15 local law enforcement prior to their arrival. For ex-
16 ample, in April 2008, a United States registered sex
17 offender received a prison sentence for engaging in
18 illicit sexual activity with a 15-year-old United
19 States citizen girl in Ciudad Juarez, Chihuahua,
20 Mexico in exchange for money and crack cocaine.

21 (11) U.S. Immigration and Customs Enforce-
22 ment (ICE) has taken a leading role in the fight
23 against the sexual exploitation of minors abroad, in
24 cooperation with other United States agencies, law
25 enforcement from other countries, INTERPOL, and

1 nongovernmental organizations. In addition to dis-
2 covering evidence of and investigating child sex
3 crimes, ICE has provided training to foreign law en-
4 forcement and NGOs, as appropriate, for the pre-
5 vention, detection, and investigation of cases of child
6 sexual exploitation.

7 (12) Between 2003 and 2009, ICE obtained 73
8 convictions of individuals from the United States
9 charged with committing sexual crimes against mi-
10 nors in other countries.

11 (13) While necessary to protect children and
12 rescue victims, the detection and investigation of
13 child sex predators overseas is costly. Such an un-
14 dercover operation can cost approximately \$250,000.
15 A system that would aid in the prevention of such
16 crimes is needed to safeguard vulnerable populations
17 and to reduce the cost burden of addressing crimes
18 after they are committed.

19 (14) Sex offenders are also attempting to enter
20 the United States. In April 2008, a lifetime reg-
21 istered sex offender from the United Kingdom at-
22 tempted to enter the United States with the inten-
23 tion of living with a woman who he had met on the
24 Internet and her young daughters. Interpol London
25 notified Interpol United States National Central Bu-

1 reau (USNCB) about the sex offender's status.
2 Interpol USNCB notified the United States Customs
3 and Border Protection officers, who refused to allow
4 the sex offender to enter the country.

5 (15) Foreign governments need to be encour-
6 aged to notify the United States as well as other
7 countries when a known sex offender is entering our
8 borders. For example, Canada has a national sex of-
9 fender registry, but Canadian officials do not notify
10 United States law enforcement when a known sex of-
11 fender is entering the United States unless the sex
12 offender is under investigation.

13 (16) Child sex tourists may travel overseas to
14 commit sexual offenses against minors for the fol-
15 lowing reasons: perceived anonymity; law enforce-
16 ment in certain countries is perceived as scarce, cor-
17 rupt, or unsophisticated; perceived immunity from
18 retaliation because the child sex tourist is a United
19 States citizen; the child sex tourist has the financial
20 ability to impress and influence the local population;
21 the child sex tourist can "disappear" after a brief
22 stay; the child sex tourist can target children meet-
23 ing their desired preference; and, there is no need to
24 expend time and effort "grooming" the victim.

1 (17) Individuals who have been arrested in and
2 deported from a foreign country for sexually exploit-
3 ing children have used long-term passports to evade
4 return to their country of citizenship where they
5 faced possible charges and instead have moved to a
6 third country where they have continued to exploit
7 and abuse children.

8 (18) The United States is obligated under Arti-
9 cle 10 of the Optional Protocol to the Convention on
10 the Rights of the Child on the Sale of Children,
11 Child Prostitution and Child Pornography to, among
12 other things, take all necessary steps to strengthen
13 international cooperation by multilateral, regional,
14 and bilateral arrangements for the prevention and
15 detection of those responsible for acts involving the
16 sale of children, child prostitution, child pornog-
17 raphy, and child sex tourism. The United States also
18 is required to promote international cooperation and
19 coordination between authorities of other States
20 Parties to the Convention, national and international
21 nongovernmental organizations and international or-
22 ganizations to achieve these objectives.

23 (19) Article 10 of the Optional Protocol to the
24 Convention on the Rights of the Child on the Sale
25 of Children, Child Prostitution and Child Pornog-

1 raphy further mandates that the United States and
2 other States Parties in a position to do so provide
3 financial, technical, or other assistance through ex-
4 isting multilateral, regional, bilateral, or other pro-
5 grams.

6 (20) In order to protect children, it is essential
7 that United States law enforcement be able to iden-
8 tify high risk child sex offenders in the United
9 States who are traveling abroad and child sex of-
10 fenders from other countries entering the United
11 States. Such identification requires cooperative ef-
12 forts between the United States and foreign govern-
13 ments. In exchange for providing notice of sex of-
14 fenders traveling to the United States, foreign au-
15 thorities will expect United States authorities to pro-
16 vide reciprocal notice of sex offenders traveling to
17 their countries.

18 (21) ICE and other Federal law enforcement
19 agencies currently are sharing information about sex
20 offenders traveling internationally with law enforce-
21 ment entities in some other countries on an ad hoc
22 basis through INTERPOL and other means. The
23 technology to detect and notify foreign governments
24 about travel by child sex offenders is available, but
25 a legal structure and additional resources are needed

1 to systematize and coordinate these detection and
2 notice efforts.

3 (22) Officials from the United Kingdom, Aus-
4 tralia, Spain, and other countries have expressed in-
5 terest in working with the United States Govern-
6 ment for increased international cooperation to pro-
7 tect children from sexual exploitation, and are call-
8 ing for formal arrangements to ensure that the risk
9 posed by traveling sex offenders is combated most
10 effectively.

11 (23) The United States, with its international
12 law enforcement relations, technological and commu-
13 nications capability, and established sex offender
14 registry system, should now take the opportunity to
15 lead the global community in the effort to save thou-
16 sands of potential child victims by notifying other
17 countries of travel by sex offenders who pose a high
18 risk of exploiting children, maintaining information
19 about sex offenders from the United States who re-
20 side overseas, and strongly encouraging other coun-
21 tries to undertake the same measures to protect chil-
22 dren around the world.

23 (b) DECLARATION OF PURPOSES.—The purpose of
24 this Act and the amendments made by this Act is to pro-
25 tect children from sexual exploitation by preventing or

1 monitoring the international travel of sex traffickers and
2 other sex offenders who pose a risk of committing a sex
3 offense against a minor while traveling by—

4 (1) establishing a system in the United States
5 to notify the appropriate officials of other countries
6 when a sex offender who is identified as a high in-
7 terest registered sex offender intends to travel to
8 their country;

9 (2) strongly encouraging and assisting foreign
10 governments to establish a sex offender travel notifi-
11 cation system and to inform United States authori-
12 ties when a sex offender intends to travel or has de-
13 parted on travel to the United States;

14 (3) establishing and maintaining non-public sex
15 offender registries in United States diplomatic and
16 consular missions in order to maintain critical data
17 on United States citizen and lawful permanent resi-
18 dent sex offenders who are residing abroad;

19 (4) providing the Secretary of State with the
20 discretion to revoke the passport or passport card of
21 an individual who has been convicted overseas for a
22 sex offense against a minor, or limit the period of
23 validity of a passport or passport card issued to a
24 high interest registered sex offender;

1 (5) including whether a country is investigating
2 and prosecuting its nationals suspected of engaging
3 in severe forms of trafficking in persons abroad in
4 the minimum standards for the elimination of
5 human trafficking under section 108 of the Traf-
6 ficking Victims Protection Act of 2000 (22 U.S.C.
7 7101 et seq.);

8 (6) mandating a report from the Secretary of
9 State, in consultation with the Attorney General,
10 about the status of international notifications be-
11 tween governments about child sex offender travel;
12 and

13 (7) providing assistance to foreign countries
14 under section 134 of the Foreign Assistance Act of
15 1961 (22 U.S.C. 2152d) to establish systems to
16 identify sex offenders and provide and receive notifi-
17 cation of child sex offender international travel.

18 **SEC. 3. DEFINITIONS.**

19 In this Act:

20 (1) APPROPRIATE CONGRESSIONAL COMMIT-
21 TEES.—Except as otherwise provided, the term “ap-
22 propriate congressional committees” means—

23 (A) the Committee on Foreign Affairs and
24 the Committee on the Judiciary of the House of
25 Representatives; and

1 (B) the Committee on Foreign Relations
2 and the Committee on the Judiciary of the Sen-
3 ate.

4 (2) CENTER.—The term “Center” means the
5 International Sex Offender Travel Center established
6 pursuant to section 6(a).

7 (3) CONVICTED AS EXCLUDING CERTAIN JUVENILE
8 ADJUDICATIONS.— The term “convicted” or a
9 variant thereof, used with respect to a sex offense of
10 a minor, does not include—

11 (A) adjudicated delinquent as a juvenile
12 for that offense; or

13 (B) convicted as an adult for that offense,
14 unless the offense took place after the offender
15 had attained the age of 14 years and the con-
16 duct upon which the conviction took place was
17 comparable to or more severe than aggravated
18 sexual abuse (as described in section 2241 of
19 title 18, United States Code), or was an at-
20 tempt or conspiracy to commit such an offense;

21 (4) HIGH INTEREST REGISTERED SEX OF-
22 FENDER.—The term “high interest registered sex of-
23 fender” means a sex offender as defined under para-
24 graph (8) who the Center, pursuant to section 7 and
25 based on the totality of the circumstances, has a

1 reasonable belief presents a high risk of committing
2 a sex offense against a minor in a country to which
3 the sex offender intends to travel.

4 (5) JURISDICTION.—The term “jurisdiction”
5 means any of the following:

6 (A) A State.

7 (B) The District of Columbia.

8 (C) The Commonwealth of Puerto Rico.

9 (D) Guam.

10 (E) American Samoa.

11 (F) The Northern Mariana Islands.

12 (G) The United States Virgin Islands.

13 (H) A federally recognized Indian tribe
14 that maintains a sex offender registry, or an-
15 other jurisdiction to which an Indian tribe has
16 delegated the function of maintaining a sex of-
17 fender registry on its behalf.

18 (I) A United States diplomatic or consular
19 mission that maintains a sex offender registry
20 pursuant to section 5 of this Act.

21 (6) MINOR.—The term “minor” means an indi-
22 vidual who has not attained the age of 18 years.

23 (7) PASSPORT CARD.—The term “passport
24 card” means a document issued by the Department
25 of State pursuant to section 7209 of the Intelligence

1 Reform and Terrorism Prevention Act of 2004
2 (Public Law 108-458; 8 U.S.C. 1185 note).

3 (8) SEX OFFENDER.—Except as provided in
4 sections 12 and 13, the term “sex offender” means
5 a United States citizen or lawful permanent resident
6 who is convicted of a sex offense as defined in this
7 Act, including a conviction by a foreign court, and
8 who is legally required to register with a jurisdiction.

9 (9) SEX OFFENSE.—

10 (A) IN GENERAL.—The term “sex offense”
11 means a criminal offense against a minor, in-
12 cluding any Federal offense, that is punishable
13 by statute by more than one year of imprison-
14 ment and involves any of the following:

15 (i) Solicitation to engage in sexual
16 conduct.

17 (ii) Use in a sexual performance.

18 (iii) Solicitation to practice prostitu-
19 tion (whether for financial or other forms
20 of remuneration).

21 (iv) Video voyeurism as described in
22 section 1801 of title 18, United States
23 Code.

24 (v) Possession, production, or dis-
25 tribution of child pornography.

1 (vi) Criminal sexual conduct involving
2 a minor, or the use of the Internet to fa-
3 cilitate or attempt such conduct.

4 (vii) Conduct that would violate sec-
5 tion 1591 (relating to sex trafficking of
6 children or by force, fraud, or coercion) of
7 title 18, United States Code, if the conduct
8 had involved interstate or foreign com-
9 merce and where the person recruited, en-
10 ticed, harbored, transported, provided, or
11 obtained had not attained the age of 18
12 years at the time of the conduct.

13 (viii) Any other conduct that by its
14 nature is a sex offense against a minor.

15 (B) EXCEPTIONS.—The term “sex of-
16 fense” does not include—

17 (i) a foreign conviction, unless the
18 conviction was obtained with sufficient
19 safeguards for fundamental fairness and
20 due process for the accused; or

21 (ii) an offense involving consensual
22 sexual conduct if the victim was at least 13
23 years old and the offender was not more
24 than 4 years older than the victim.

1 (C) SPECIAL RULE FOR DETERMINING
2 WHETHER SUFFICIENT SAFEGUARDS EXIST.—

3 For the purposes of subparagraph (B)(i), com-
4 pliance with the guidelines or regulations estab-
5 lished under section 112 of the Sex Offender
6 Registration and Notification Act (42 U.S.C.
7 16911) creates a rebuttable presumption that
8 the conviction was obtained with sufficient safe-
9 guards for fundamental fairness and due proc-
10 ess for the accused.

11 **SEC. 4. SEX OFFENDER TRAVEL REPORTING REQUIRE-**
12 **MENT.**

13 (a) DUTY TO REPORT.—

14 (1) IN GENERAL.—A sex offender who is a
15 United States citizen or alien lawfully admitted to
16 the United States for permanent residence shall no-
17 tify a jurisdiction where he or she is registered as
18 a sex offender of his or her intention to travel either
19 from the United States to another country or from
20 another country to the United States, subject to sub-
21 section (f) and in accordance with the rules issued
22 under subsection (b). The sex offender shall provide
23 notice—

24 (A) not later than 30 days before depar-
25 ture from or arrival in the United States; or

1 (B) in individual cases in which the Center
2 determines that a personal or humanitarian
3 emergency, business exigency, or other situation
4 renders the deadline in subparagraph (A) to be
5 impracticable or inappropriate, as early as pos-
6 sible.

7 (2) TRANSMISSION OF NOTICE FROM THE JU-
8 RISDICTION TO THE CENTER.—A jurisdiction so no-
9 tified pursuant to paragraph (1) shall transmit such
10 notice to the Center within 24 hours or the next
11 business day, whichever is later, of receiving such
12 notice.

13 (3) PERIOD OF REPORTING REQUIREMENT.—
14 The duty to report required under paragraph (1)
15 shall take effect on the date that is 425 days after
16 the date of the enactment of this Act or after a sex
17 offender has been duly notified of the duty to report
18 pursuant to subsection (d), whichever is later, and
19 terminate at such time as the sex offender is no
20 longer required to register in any jurisdiction for a
21 sex offense.

22 (4) NOTICE TO JURISDICTIONS.—Not later than
23 395 days after the date of the enactment of this Act,
24 the Center shall provide notice to all jurisdictions of
25 the requirement to receive notifications regarding

1 travel from sex offenders and the means for inform-
2 ing the Center about such travel notifications pursu-
3 ant to paragraph (1).

4 (b) RULES FOR REPORTING.—Not later than one
5 year after the date of the enactment of this Act, the Sec-
6 retary of Homeland Security, in coordination with the At-
7 torney General and the Secretary of State, shall issue
8 rules to carry out subsection (a) in accordance with the
9 purposes of this Act. Such rules—

10 (1) shall establish procedures for reporting
11 under subsection (a), including the method of pay-
12 ment and transmission of any fee to United States
13 Immigration and Customs Enforcement (ICE) pur-
14 suant to subsection (c);

15 (2) shall set forth the information required to
16 be reported, including—

17 (A) complete name(s);

18 (B) address of residence and home and cel-
19 lular numbers;

20 (C) all e-mail addresses;

21 (D) date of birth;

22 (E) social security number;

23 (F) citizenship;

24 (G) passport or passport card number and
25 date and place of issuance;

1 (H) alien registration number, where appli-
2 cable;

3 (I) information as to the nature of the sex
4 offense conviction;

5 (J) jurisdiction of conviction;

6 (K) travel itinerary, including the antici-
7 pated length of stay at each destination, and
8 purpose of the trip;

9 (L) if a plane ticket or other means of
10 transportation has been purchased, prior to the
11 submission of this information, the date of such
12 purchase;

13 (M) whether the sex offender is traveling
14 alone or as part of a group; and

15 (N) contact information prior to departure
16 and during travel; and

17 (3) in consultation with the jurisdictions, shall
18 provide appropriate transitional provisions in order
19 to make the phase-in of the requirements of this Act
20 practicable.

21 (c) FEE CHARGE.—ICE is authorized to charge a sex
22 offender a fee for the processing of a notice of intent to
23 travel submitted pursuant to subsection (a)(1). Such fee—

24 (1) shall initially not exceed the amount of \$25;

1 (2) may be increased thereafter not earlier than
2 30 days after consultation with the appropriate con-
3 gressional committees;

4 (3) shall be collected by the jurisdiction at the
5 time that the sex offender provides the notice of in-
6 tent to travel;

7 (4) shall be waived if the sex offender dem-
8 onstrates to the satisfaction of ICE, pursuant to a
9 fee waiver process established by ICE, that the pay-
10 ment of such fee would impose an undue financial
11 hardship on the sex offender;

12 (5) shall be used only for the activities specified
13 in sections 4, 6, and 7; and

14 (6) shall be shared equitably with the jurisdic-
15 tion that processes the notice of intent to travel.

16 (d) CRIMINAL PENALTY FOR FAILURE TO REGISTER
17 OR REPORT.—

18 (1) NEW OFFENSE.—Section 2250 of title 18,
19 United States Code, is amended by adding at the
20 end the following:

21 “(d) Whoever knowingly fails to register with United
22 States officials in a foreign country or to report his or
23 her travel to or from a foreign country, as required by
24 the International Megan’s Law of 2010, after being duly

1 notified of the requirements shall be fined under this title
2 or imprisoned not more than 10 years, or both.”.

3 (2) AMENDMENT TO HEADING OF SECTION.—

4 The heading for section 2250 of title 18, United
5 States Code, is amended by inserting “**or report**
6 **international travel**” after “**register**”.

7 (3) CONFORMING AMENDMENT TO AFFIRMA-
8 TIVE DEFENSE.—Section 2250(b) of title 18, United
9 States Code, is amended by inserting “or (d)” after
10 “(a)”.

11 (4) CONFORMING AMENDMENT TO FEDERAL
12 PENALTIES FOR VIOLENT CRIMES.—Section 2250(c)
13 of title 18, United States Code, is amended by in-
14 serting “or (d)” after “(a)” each place it appears.

15 (5) CLERICAL AMENDMENT.—The item relating
16 to section 2250 in the table of sections at the begin-
17 ning of chapter 109B of title 18, United States
18 Code, is amended by inserting “or report inter-
19 national travel” after “register”.

20 (e) DUTY TO NOTIFY SEX OFFENDERS OF REPORT-
21 ING AND INTERNATIONAL REGISTRATION REQUIRE-
22 MENT.—

23 (1) IN GENERAL.—When an official is required
24 under the law of a jurisdiction or under the rules es-
25 tablished pursuant to subsection (b) to notify a sex

1 offender (as defined in section 3(8)) of a duty to
2 register as a sex offender under the law of such ju-
3 risdiction, the official shall also, at the same time—

4 (A) notify the offender of such offender's
5 duties to report international travel under this
6 section and to register as a sex offender under
7 section 5, and the procedure for fulfilling such
8 duties; and

9 (B) require such offender to read and sign
10 a form stating that such duties to report and
11 register, and the procedure for fulfilling such
12 duties, have been explained and that such of-
13 fender understands such duties and such proce-
14 dure.

15 (2) SEX OFFENDERS CONVICTED IN FOREIGN
16 COUNTRIES.—When a United States citizen or law-
17 ful permanent resident is convicted in a foreign
18 country of a sex offense and the United States diplo-
19 matic or consular mission in such country is in-
20 formed of such conviction, such diplomatic or con-
21 sular mission shall—

22 (A) notify such sex offender of such of-
23 fender's duties to report travel to the United
24 States and to register as a sex offender under

1 this Act and the procedure for fulfilling such
2 duties; and

3 (B) require such offender to read and sign
4 a form stating that such duties to report and
5 register, and the procedure for fulfilling such
6 duties, have been explained and that such of-
7 fender understands such duties and such proce-
8 dure.

9 (3) REQUIREMENTS RELATING TO FORM.—The
10 form required by paragraphs (1)(B) and (2)(B) shall
11 be maintained by the entity that maintains the sex
12 offender registry in the jurisdiction in which the sex
13 offender was convicted.

14 (f) PROCEDURES WITH RESPECT TO SEX OFFEND-
15 ERS WHO REGULARLY TRANSIT ACROSS THE UNITED
16 STATES BORDERS.—

17 (1) IN GENERAL.—Not later than one year
18 after the date of the enactment of this Act, the Sec-
19 retary of Homeland Security shall establish a system
20 for identifying and monitoring, as appropriate and
21 in accordance with the purposes of this Act, sex of-
22 fenders who, for legitimate business, personal, or
23 other reasons regularly transit across the border be-
24 tween the United States and Mexico or the border
25 between the United States and Canada.

1 (2) REPORT.—Not later than the date of the
2 establishment of the border system pursuant to
3 paragraph (1), the Secretary of Homeland Security
4 shall transmit to the appropriate congressional com-
5 mittees a report on the implementation of such sys-
6 tem.

7 **SEC. 5. FOREIGN REGISTRATION REQUIREMENT FOR SEX**
8 **OFFENDERS.**

9 (a) IN GENERAL.—Not later than 395 days after the
10 date of the enactment of this Act, a designated United
11 States diplomatic or consular mission in each foreign
12 country shall establish and maintain a countrywide non-
13 public sex offender registry for sex offenders (as defined
14 in section 3(8)) who are United States citizens or aliens
15 lawfully admitted to the United States for permanent resi-
16 dence who remain in such country for the time period
17 specified in subsection (b). Such registry shall include the
18 information specified in subsection (d).

19 (b) INTERNATIONAL REGISTRY REQUIREMENT FOR
20 SEX OFFENDERS.—

21 (1) IN GENERAL.—A sex offender who is a
22 United States citizen or alien lawfully admitted to
23 the United States for permanent residence—

24 (A) who remains in a foreign country for
25 more than 30 consecutive days; or

1 (B) who remains in a foreign country for
2 more than 30 days within a 6-month period,
3 shall register, and keep such registration current, at
4 the designated United States diplomatic or consular
5 mission in such country.

6 (2) PERIOD OF REGISTRATION REQUIRE-
7 MENT.—The registration requirement specified in
8 paragraph (1) shall—

9 (A) begin when the sex offender registry
10 has been established at the designated diplo-
11 matic or consular mission in the country in
12 which a sex offender is staying and such sex of-
13 fender has received notice of the requirement to
14 register pursuant to this section; and

15 (B) end on the sooner of—

16 (i) such time as the sex offender de-
17 parts such country and has provided notice
18 of all changes of information in the sex of-
19 fender registry as required under para-
20 graph (3);

21 (ii) in the case of a conviction in the
22 United States, such time has elapsed as
23 the sex offender would have otherwise been
24 required to register in the jurisdiction of
25 conviction for the applicable sex offense; or

1 (iii) in the case of a foreign convic-
2 tion, such time as the sex offender would
3 have otherwise been required to register
4 under section 115 of the Sex Offender
5 Registration and Notification Act (42
6 U.S.C. 16915) for the applicable sex of-
7 fense.

8 (3) KEEPING THE REGISTRATION CURRENT.—
9 Subject to the period of registration requirement
10 under paragraph (2), not later than five business
11 days after each change of name, residence, or em-
12 ployment or student status, or any change in any of
13 the other information specified in subsection (d)(1),
14 a sex offender residing in a foreign country shall no-
15 tify a United States diplomatic or consular mission
16 in such country for the purpose of providing infor-
17 mation relating to such change for inclusion in the
18 sex offender registry maintained by the designated
19 diplomatic or consular mission in such country
20 under subsection (a). If the diplomatic or consular
21 mission is not the mission that maintains the reg-
22 istry in that country, the mission shall forward the
23 changed information to the appropriate diplomatic
24 or consular mission.

1 (4) REGISTRATION AND NOTIFICATION PROCE-
2 DURE.—Not later than one year after the date of
3 the enactment of this Act, the Secretary of State, in
4 consultation with the Attorney General and the Sec-
5 retary of Homeland Security, shall issue regulations
6 for the establishment and maintenance of the reg-
7 istries described in subsection (a), including—

8 (A) the manner in which sex offenders who
9 are convicted in a foreign country of a sex of-
10 fense, whose conviction and presence in the for-
11 eign country are known by the United States
12 Government, and who are required to register
13 pursuant to United States law, including this
14 Act, will be notified of such requirement;

15 (B) the manner for registering and chang-
16 ing information as specified in paragraphs (1)
17 and (3);

18 (C) the manner for disclosing information
19 to eligible entities as specified in subsection
20 (h)(2); and

21 (D) a mechanism by which individuals list-
22 ed on the sex offender registry can notify the
23 diplomatic or consular mission of any errors
24 with respect to such listing and by which the
25 Department of State shall correct such errors.

1 (c) CROSS REFERENCE FOR CRIMINAL PENALTIES
2 FOR NONREGISTRATION.—Criminal penalties for nonreg-
3 istration are provided in section 2250(d) of title 18,
4 United States Code, which was added by section 4(d)(1)
5 of this Act.

6 (d) INFORMATION REQUIRED IN REGISTRATION.—

7 (1) PROVIDED BY THE SEX OFFENDER.—A sex
8 offender described in subsection (b) shall provide the
9 following information:

10 (A) Name (including any alias).

11 (B) Passport or passport card, and visa
12 type and number, if applicable.

13 (C) Alien registration number, where appli-
14 cable.

15 (D) Social Security number of the sex of-
16 fender.

17 (E) Address of each residence at which the
18 sex offender resides or will reside in that coun-
19 try and the address of any residence maintained
20 in the United States.

21 (F) Purpose for the sex offender's resi-
22 dence in the country.

23 (G) Name and address of any place where
24 the sex offender is an employee or will be or has

1 applied to be an employee and will have regular
2 contact with minors.

3 (H) Name and address of any place where
4 the sex offender is a student or will be or has
5 applied to be a student and will have regular
6 contact with minors.

7 (I) All e-mail addresses.

8 (J) Most recent address in the United
9 States and State of legal residence.

10 (K) The jurisdiction in which the sex of-
11 fender was convicted and the jurisdiction or ju-
12 risdictions in which the sex offender was most
13 recently legally required to register.

14 (L) The license plate number and a de-
15 scription of any vehicle owned or operated by
16 the sex offender.

17 (M) The date or approximate date when
18 the sex offender plans to leave the country.

19 (N) Any other information required by the
20 Secretary of State.

21 (2) PROVIDED BY THE ATTORNEY GENERAL
22 AND THE JURISDICTION OF CONVICTION.—

23 (A) IN GENERAL.—The United States dip-
24 lomatic or consular mission shall notify the At-
25 torney General that a sex offender is registering

1 with such mission pursuant to subsection (b).
2 Upon receipt of such notice, the Attorney Gen-
3 eral shall obtain the information specified in
4 subparagraph (C) and transmit it to the mis-
5 sion within 15 business days.

6 (B) INFORMATION PROVIDED BY THE JU-
7 RISDICTION OF CONVICTION.—If the only avail-
8 able source for any of the information specified
9 in subparagraph (C) is the jurisdiction in which
10 the conviction of the sex offender occurred, the
11 Attorney General shall request such information
12 from the jurisdiction of conviction. The jurisdic-
13 tion shall provide the information to the Attor-
14 ney General within 15 business days of receipt
15 of the request.

16 (C) INFORMATION.—The information spec-
17 ified in this subparagraph is the following:

18 (i) The sex offense history of the sex
19 offender, including—

20 (I) the text of the provision of
21 law defining the sex offense;

22 (II) the dates of all arrests and
23 convictions related to sex offenses;

24 and

1 (III) the status of parole, proba-
2 tion, or supervised release.

3 (ii) The most-recent available photo-
4 graph of the sex offender.

5 (iii) The time period for which the sex
6 offender is required to register pursuant to
7 the law of the jurisdiction of conviction.

8 (3) PROVIDED BY THE DIPLOMATIC OR CON-
9 SULAR MISSION.—The United States diplomatic or
10 consular mission at which a sex offender registers
11 shall collect and include the following information in
12 the registry maintained by such mission:

13 (A) Information provided pursuant to
14 paragraphs (1) and (2).

15 (B) A physical description of the sex of-
16 fender.

17 (C) Any other information required by the
18 Secretary of State.

19 (e) PERIODIC IN PERSON VERIFICATION.—Not less
20 often than every six months, a sex offender who is reg-
21 istered under subsection (b) shall appear in person at a
22 United States diplomatic or consular mission in the coun-
23 try where the sex offender is registered to allow such mis-
24 sion to take a current photograph of the sex offender and
25 to verify the information in the sex offender registry main-

1 tained by the designated diplomatic or consular mission
2 in such country under subsection (a). If such diplomatic
3 or consular mission is not the mission that maintains the
4 registry in such country, such mission shall forward such
5 photograph and information to the appropriate mission.

6 (f) TRANSMISSION OF REGISTRY INFORMATION TO
7 THE ATTORNEY GENERAL.—For the purposes of updating
8 the National Sex Offender Registry and keeping domestic
9 law enforcement informed as to the status of a sex of-
10 fender required to register under this section, when a
11 United States diplomatic or consular mission receives new
12 or changed information about a sex offender pursuant to
13 paragraphs (1) and (3) of subsection (b) for the sex of-
14 fender registry maintained by such mission under sub-
15 section (a), such mission shall, not later than 24 hours
16 or the next business day, whichever is later, after receipt
17 of such new or changed information, transmit to the At-
18 torney General such new or changed information. Not
19 later than 24 hours or the next business day, whichever
20 is later, after the receipt of such new or changed informa-
21 tion, the Attorney General shall transmit such new or
22 changed information to the State of legal residence or the
23 State of last-known address, as appropriate, of such sex
24 offender.

1 (g) ACCESS TO REGISTRY INFORMATION BY UNITED
2 STATES LAW ENFORCEMENT.—Federal, State, local, trib-
3 al, and territorial law enforcement shall be afforded access
4 for official purposes to all information on a sex offender
5 registry maintained by a United States diplomatic or con-
6 sular mission pursuant to subsection (a).

7 (h) OTHER ACCESS TO REGISTRY INFORMATION.—

8 (1) IN GENERAL.—Information on a registry es-
9 tablished pursuant to subsection (a) shall not be
10 made available to the general public except as pro-
11 vided in paragraph (2).

12 (2) EXCEPTION FOR ELIGIBLE ENTITIES.—

13 (A) IN GENERAL.—An eligible entity de-
14 scribed in subparagraph (B) may request cer-
15 tain information on the sex offender registry
16 maintained by the United States diplomatic or
17 consular mission in the country where the eligi-
18 ble entity is located, in accordance with this
19 paragraph.

20 (B) ELIGIBLE ENTITIES DESCRIBED.—An
21 eligible entity referred to in subparagraph (A)
22 is—

23 (i) an entity that provides direct serv-
24 ices to minors;

1 (ii) an official law enforcement entity;
2 or

3 (iii) an investigative entity that is af-
4 filiated with an official law enforcement
5 entity for the purpose of investigating a
6 possible sex offense.

7 (C) INFORMATION REQUEST PROCESS.—

8 An eligible entity may request information on
9 the sex offender registry from the United States
10 Government official designated for this purpose
11 by the head of the diplomatic or consular mis-
12 sion in which the sex offender registry is main-
13 tained. The official, in consultation with the
14 head of such diplomatic or consular mission,
15 shall have the sole discretion whether and to
16 what extent to provide information about a par-
17 ticular registered sex offender on the sex of-
18 fender registry as designated in subparagraph
19 (D). Before providing an eligible entity with
20 such information, the official shall first obtain
21 from the eligible entity a written certification
22 that—

23 (i) the eligible entity shall provide ac-
24 cess to the information only to the persons
25 as designated in the certificate who require

1 access to such information for the purpose
2 for which the information is provided;

3 (ii) the information shall be main-
4 tained and used by the eligible entity in a
5 confidential manner for employment or vol-
6 unteer screening or law enforcement pur-
7 poses only, as applicable;

8 (iii) the information may not other-
9 wise be disclosed to the public either by the
10 eligible entity or by the employees of the
11 eligible entity who are provided access; and

12 (iv) the eligible entity shall destroy
13 the information or extract it from any doc-
14 umentation in which it is contained as soon
15 as the information is no longer needed for
16 the use for which it was obtained.

17 (D) INFORMATION TO BE DISCLOSED.—

18 (i) TO SERVICE PROVIDERS.—An eli-
19 gible entity described in paragraph (2)(B)
20 may request necessary and appropriate in-
21 formation on the registry with respect to
22 an individual who is listed on the registry
23 and is applying for or holds a position
24 within the entity that involves contact with
25 children.

1 (ii) TO LAW ENFORCEMENT AND IN-
2 VESTIGATIVE ENTITIES.—An eligible entity
3 described in paragraph (2)(B) may request
4 necessary and appropriate information on
5 the registry that may assist in the inves-
6 tigation of an alleged sex offense against a
7 minor.

8 (E) FEE CHARGE.—The employing agency
9 of the designated official who receives the re-
10 quests for information on the registry may
11 charge eligible entities a reasonable fee for pro-
12 viding information pursuant to this subsection.

13 (F) NOTIFICATION OF POSSIBLE ACCESS
14 TO INFORMATION.—The diplomatic or consular
15 mission that maintains a sex offender registry
16 should make a reasonable effort to notify law
17 enforcement entities and other entities that pro-
18 vide services to children, particularly schools
19 that hire foreign teachers, within the country in
20 which the mission is located of the possibility of
21 limited access to registry information and the
22 process for requesting such information as pro-
23 vided in this subsection.

24 (G) DENIAL OF ACCESS TO INFORMA-
25 TION.—An eligible entity that fails to comply

1 with the certificate provisions specified in sub-
2 paragraph (C) may be denied all future access
3 to information on a sex offender registry at the
4 discretion of the designated official.

5 (i) ACTIONS TO BE TAKEN IF A SEX OFFENDER
6 FAILS TO COMPLY.—When a United States diplomatic or
7 consular mission determines that a sex offender has failed
8 to comply with the requirements of this section, such mis-
9 sion shall notify the Attorney General and revise the sex
10 offender registry maintained by such mission under sub-
11 section (a) to reflect the nature of such failure.

12 (j) FEDERAL ASSISTANCE REGARDING VIOLATIONS
13 OF REGISTRATION REQUIREMENTS.—The first sentence
14 of subsection (a) of section 142 of the Sex Offender Reg-
15 istration and Notification Act (Public Law 109–248; 42
16 U.S.C. 16941) is amended by inserting before the period
17 at the end the following: “, including under the Inter-
18 national Megan’s Law of 2010”.

19 **SEC. 6. INTERNATIONAL SEX OFFENDER TRAVEL CENTER.**

20 (a) ESTABLISHMENT.—Not later than 90 days after
21 the date of the enactment of this Act, the President shall
22 establish the International Sex Offender Travel Center to
23 carry out the activities specified in subsection (d).

24 (b) PARTICIPANTS.—The Center shall include rep-
25 resentatives from the following departments and agencies:

1 (1) The Department of Homeland Security, in-
2 cluding United States Immigration and Customs
3 Enforcement, United States Customs and Border
4 Protection, and the Coast Guard.

5 (2) The Department of State, including the Of-
6 fice to Monitor and Combat Trafficking in Persons,
7 the Bureau of Consular Affairs, the Bureau of Inter-
8 national Narcotics and Law Enforcement Affairs,
9 and the Bureau of Diplomatic Security.

10 (3) The Department of Justice, including the
11 Interpol-United States National Central Bureau, the
12 Federal Bureau of Investigation, the Office of Sex
13 Offender Sentencing, Monitoring, Apprehending,
14 Registering and Tracking, the Criminal Division
15 Child Exploitation and Obscenity Section, and the
16 United States Marshals Service's National Sex Of-
17 fender Targeting Center.

18 (4) Such other officials as may be determined
19 by the President.

20 (c) LEADERSHIP.—The Center shall be headed by the
21 Assistant Secretary of Homeland Security for United
22 States Immigration and Customs Enforcement.

23 (d) ACTIVITIES.—The Center shall carry out the fol-
24 lowing activities:

1 (1) Prior to the implementation of the sex of-
2 fender travel reporting requirement under section 4,
3 cooperate with each jurisdiction to implement the
4 means for transmitting travel reports from that ju-
5 risdiction to the Center.

6 (2) Prior to the implementation of the sex of-
7 fender travel reporting system under section 4, offer
8 to provide training to officials within each jurisdic-
9 tion who will be responsible for implementing any
10 aspect of such system.

11 (3) Establish a means to receive, assess, and re-
12 spond to an inquiry from a sex offender as to wheth-
13 er he or she is required to report international travel
14 pursuant to this Act.

15 (4) Conduct assessments of sex offender travel
16 pursuant to section 7.

17 (5) Establish a panel to review and respond
18 within seven days to appeals from sex offenders who
19 are determined to be high interest registered sex of-
20 fenders. The panel shall consist of individuals who
21 are not involved in the initial assessment of high in-
22 terest registered sex offenders, and shall be from the
23 following agencies:

24 (A) The Department of Justice.

25 (B) The Department of State.

1 (C) The Office for Civil Rights and Civil
2 Liberties of the Department of Homeland Secu-
3 rity.

4 (6) Transmit notice of impending or current
5 international travel of high interest registered sex of-
6 fenders to the Secretary of State, together with an
7 advisory regarding whether or not the period of va-
8 lidity of the passport or passport card of the high
9 interest registered sex offender should be limited to
10 one year or such period of time as the Secretary of
11 State shall determine appropriate.

12 (7) Establish a system to maintain and archive
13 all relevant information related to the assessments
14 conducted pursuant to paragraph (4) and the review
15 of appeals conducted by the panel established pursu-
16 ant to paragraph (5).

17 (8) Establish an annual review process to en-
18 sure that the Center Sex Offender Travel Guidelines
19 issued pursuant to section 7(a) are being consist-
20 ently and appropriately implemented.

21 (9) Establish a means to identify sex offenders
22 who have not reported travel as required under sec-
23 tion 4 and who are initiating travel, currently trav-
24 eling, or have traveled outside the United States.

1 (e) ADDITIONAL ACTIVITY RELATED TO TRANS-
2 MISSION OF NOTICE.—The Center may, in its sole discre-
3 tion, transmit notice of impending or current international
4 travel of high interest registered sex offenders to the coun-
5 try or countries of destination of such sex offenders as
6 follows:

7 (1) If a high interest registered sex offender
8 submits an appeal to the panel established pursuant
9 to subsection (d)(5), no notice may be transmitted
10 to the destination country prior to the completion of
11 the appeal review process, including transmission of
12 the panel's decision to the sex offender.

13 (2) The notice may be transmitted through
14 such means as determined appropriate by the Cen-
15 ter, including through an ICE attaché, INTERPOL,
16 or such other appropriate means as determined by
17 the Center.

18 (3) If the Center has reason to believe that
19 transmission of the notice poses a risk to the life or
20 well-being of the high interest registered sex of-
21 fender, the Center shall make every reasonable effort
22 to issue a warning to the high interest registered sex
23 offender of such risk prior to the transmission of
24 such notice to the country or countries.

1 (f) CONSULTATIONS.—The Center shall engage in on-
2 going consultations with—

3 (1) NCMEC, ECPAT–USA, Inc., World Vision,
4 and other nongovernmental organizations that have
5 experience and expertise in identifying and pre-
6 venting child sex tourism and rescuing and rehabili-
7 tating minor victims of international sexual exploi-
8 tation;

9 (2) the governments of countries interested in
10 cooperating in the creation of an international sex
11 offender travel notification system or that are pri-
12 mary destination or source countries for inter-
13 national sex tourism; and

14 (3) Internet service and software providers re-
15 garding available and potential technology to facili-
16 tate the implementation of an international sex of-
17 fender travel notification system, both in the United
18 States and in other countries.

19 (g) TECHNICAL ASSISTANCE.—The Secretary of
20 Homeland Security and the Secretary of State may pro-
21 vide technical assistance to foreign authorities in order to
22 enable such authorities to participate more effectively in
23 the notification program system established under this
24 section.

1 **SEC. 7. CENTER SEX OFFENDER TRAVEL GUIDELINES.**

2 (a) **ISSUANCE OF CENTER SEX OFFENDER TRAVEL**
3 **GUIDELINES.**—Not later than 180 days after the date of
4 the enactment of this Act, the Center shall issue the Cen-
5 ter Sex Offender Travel Guidelines for the assessment of
6 sex offenders—

7 (1) who report international travel from the
8 United States to another country pursuant to sec-
9 tion 4(a), or

10 (2) whose travel is reported pursuant to sub-
11 section (b),
12 for purposes of determining whether such sex offenders
13 are considered high interest registered sex offenders by
14 United States law enforcement.

15 (b) **LAW ENFORCEMENT NOTIFICATION.**—

16 (1) **IN GENERAL.**—Federal, State, local, tribal,
17 or territorial law enforcement entities or officials
18 from within the United States who have reasonable
19 grounds to believe that a sex offender is traveling
20 outside the United States and may engage in a sex
21 offense against a minor may notify the Center and
22 provide as much information as practicable in ac-
23 cordance with section 4(b)(2).

24 (2) **NOTICE TO LAW ENFORCEMENT ENTI-**
25 **TIES.**—Not later than 425 days after the date of the
26 enactment of this Act, the Center shall provide no-

1 tice to all known, official law enforcement entities
2 within the United States of the possibility of noti-
3 fying the Center of anticipated international travel
4 by a sex offender pursuant to paragraph (1).

5 (c) TRAVEL REPORT RECEIPT CONFIRMATION.—

6 (1) IN GENERAL.—Not later than seven days
7 before the date of departure indicated in the sex of-
8 fender travel report, the Center shall provide the sex
9 offender with written confirmation of receipt of the
10 travel report. The written communication shall in-
11 clude the following information:

12 (A) The sex offender should have the writ-
13 ten communication in his or her possession at
14 the time of departure from or return to the
15 United States.

16 (B) The written communication is suffi-
17 cient proof of satisfactory compliance with the
18 travel reporting requirement under this Act if
19 travel is commenced and completed within seven
20 days before or after the dates of travel indi-
21 cated in the travel report.

22 (C) The procedure that the sex offender
23 may follow to request a change, at the sole dis-
24 cretion of the Center, of the time period covered
25 by the written confirmation in the event of an

1 emergency or other unforeseen circumstances
2 that prevent the sex offender from traveling
3 within seven days of the dates specified in the
4 sex offender's travel report.

5 (D) The requirement to register with a
6 United States diplomatic or consular mission if
7 the sex offender remains in a foreign country
8 for more than 30 consecutive days or for more
9 than 30 days within a 6-month period pursuant
10 to section 5.

11 (E) Any additional information that the
12 Center, in its sole discretion, determines nec-
13 essary or appropriate.

14 (2) DEPARTURE FROM THE UNITED STATES.—

15 If the sex offender is traveling from the United
16 States, the written communication shall indicate, in
17 addition to the information specified in paragraph
18 (1), either—

19 (A) that the destination country or coun-
20 tries indicated in the travel report are not being
21 notified of the sex offender's travel; or

22 (B)(i) that such country or countries are
23 being notified that the sex offender is a high in-
24 terest registered sex offender and intends to
25 travel to such countries; and

1 (ii) that a review of such notification is
2 available by the panel established pursuant to
3 section 6(d)(5), together with an explanation of
4 the process for requesting such a review, includ-
5 ing the means for submitting additional infor-
6 mation that may refute the Center's determina-
7 tion that the sex offender is a high interest reg-
8 istered sex offender.

9 (d) REPORT TO CONGRESS.—Upon the issuance of
10 the Center Sex Offender Travel Guidelines under sub-
11 section (a), the Center shall submit to the appropriate con-
12 gressional committees a report containing the guidelines
13 in a manner consistent with the protection of law enforce-
14 ment-sensitive information.

15 **SEC. 8. AUTHORITY TO RESTRICT PASSPORTS.**

16 (a) IN GENERAL.—The Secretary of State is author-
17 ized to—

18 (1) revoke the passport or passport card of an
19 individual who has been convicted by a court of com-
20 petent jurisdiction in a foreign country of a sex of-
21 fense until such time as the individual returns to the
22 United States and is determined eligible for the
23 reissuance of such passport or passport card, as the
24 case may be; and

1 (2) limit to one year or such period of time as
2 the Secretary of State shall determine appropriate
3 the period of validity of a passport or passport card
4 issued to a high interest registered sex offender.

5 (b) LIMITATION FOR RETURN TO UNITED STATES.—
6 Notwithstanding subsection (a), in no case shall a United
7 States citizen be precluded from entering the United
8 States. The Secretary of State may, prior to revocation,
9 limit a previously issued passport or passport card only
10 for return travel to the United States, or may issue a lim-
11 ited passport or passport card that only permits return
12 travel to the United States.

13 **SEC. 9. IMMUNITY FOR GOOD FAITH CONDUCT.**

14 The Federal Government, jurisdictions, political sub-
15 divisions of jurisdictions, and their agencies, officers, em-
16 ployees, and agents shall be immune from liability for good
17 faith conduct under this Act.

18 **SEC. 10. SENSE OF CONGRESS PROVISIONS.**

19 (a) BILATERAL AGREEMENTS.—It is the sense of
20 Congress that the President should negotiate memoranda
21 of understanding or other bilateral agreements with for-
22 eign governments to further the purposes of this Act and
23 the amendments made by this Act, including by—

24 (1) establishing systems to receive and transmit
25 notices as required by section 4;

1 (2) requiring Internet service providers and
2 other private companies located in foreign countries
3 to report evidence of child exploitation; and

4 (3) establishing mechanisms for private compa-
5 nies and nongovernmental organizations to report on
6 a voluntary basis suspected child pornography or ex-
7 ploitation to foreign governments, the nearest
8 United States embassy in cases in which a possible
9 United States citizen may be involved, or other ap-
10 propriate entities.

11 (b) MINIMUM AGE OF CONSENT.—In order to better
12 protect children and young adolescents from domestic and
13 international sexual exploitation, it is the sense of Con-
14 gress that the President should strongly encourage those
15 foreign countries that have an age of consent to sexual
16 activity below the age of 16 to raise the age of consent
17 to sexual activity to at least the age of 16 and those coun-
18 tries that do not criminalize the appearance of persons
19 below the age of 18 in pornography or the engagement
20 of persons below the age of 18 in commercial sex trans-
21 actions to prohibit such activity.

22 (c) NOTIFICATION TO THE UNITED STATES OF SEX
23 OFFENSES COMMITTED ABROAD.—It is the sense of Con-
24 gress that the President should formally request foreign
25 governments to notify the United States when a United

1 State citizen has been arrested, convicted, sentenced, or
2 completed a prison sentence for a sex offense against a
3 minor in the foreign country.

4 **SEC. 11. ENHANCING THE MINIMUM STANDARDS FOR THE**
5 **ELIMINATION OF TRAFFICKING.**

6 Section 108(b)(4) of the Trafficking Victims Protec-
7 tion Act of 2000 (22 U.S.C. 7106(b)(4)) is amended by
8 adding at the end before the period the following: “, in-
9 cluding cases involving nationals of that country who are
10 suspected of engaging in severe forms of trafficking of per-
11 sons in another country”.

12 **SEC. 12. SPECIAL REPORT ON INTERNATIONAL MECHA-**
13 **NISMS RELATED TO TRAVELING CHILD SEX**
14 **OFFENDERS.**

15 (a) IN GENERAL.—Not later than one year after the
16 date of the enactment of this Act, the Secretary of State,
17 in consultation with the Attorney General, shall submit to
18 the appropriate congressional committees a report con-
19 taining the following information (to the extent such infor-
20 mation is available from the government concerned or
21 from other reliable sources):

22 (1) A list of those countries that have or could
23 easily acquire the technological capacity to identify
24 sex offenders who reside within the country.

1 (2) A list of those countries identified in para-
2 graph (1) that utilize electronic means to identify
3 and track the current status of sex offenders who re-
4 side within the country, and a summary of any addi-
5 tional information maintained by the government
6 with respect to such sex offenders.

7 (3)(A) A list of those countries identified in
8 paragraph (2) that currently provide, or may be will-
9 ing to provide, information about a sex offender who
10 is traveling internationally to the destination coun-
11 try.

12 (B) With respect to those countries identified in
13 subparagraph (A) that currently notify destination
14 countries that a sex offender is traveling to that
15 country:

16 (i) The manner in which such notice is
17 transmitted.

18 (ii) How many notices are transmitted on
19 average each year, and to which countries.

20 (iii) Whether the sex offenders whose trav-
21 el was so noticed were denied entry to the des-
22 tination country on the basis of such notice.

23 (iv) Details as to how frequently and on
24 what basis notice is provided, such as routinely
25 pursuant to a legal mandate, or by individual

1 law enforcement personnel on a case-by-case
2 basis.

3 (v) How sex offenders are defined for pur-
4 pose of providing notice of travel by such indi-
5 viduals.

6 (vi) What international cooperation or
7 mechanisms currently are unavailable and
8 would make the transmission of such notifica-
9 tions more efficacious in terms of protecting
10 children.

11 (C) With respect to those countries identified in
12 subparagraph (A) that are willing but currently do
13 not provide such information, the reason why des-
14 tination countries are not notified.

15 (4)(A) A list of those countries that have an es-
16 tablished mechanism to receive reports of sex offend-
17 ers intending to travel from other countries to that
18 country.

19 (B) A description of the mechanism identified
20 in subparagraph (A).

21 (C) The number of reports of arriving sex of-
22 fenders received in each of the past 5 years.

23 (D) What international cooperation or mecha-
24 nisms currently are unavailable and would make the

1 receipt of such notifications more efficacious in
2 terms of protecting children.

3 (5) A list of those countries identified in para-
4 graph (4) that do not provide information about a
5 sex offender who is traveling internationally to the
6 destination country, and the reason or reasons for
7 such failure. If the failure is due to a legal prohibi-
8 tion within the country, an explanation of the nature
9 of the legal prohibition and the reason for such pro-
10 hibition.

11 (b) DEFINITION.—In this section, the term “sex of-
12 fender” means an individual who has been convicted of
13 a criminal offense against a minor that involves any of
14 the acts described in clauses (i) through (viii) of section
15 3(9)(A).

16 **SEC. 13. ASSISTANCE TO FOREIGN COUNTRIES TO MEET**
17 **MINIMUM STANDARDS FOR THE ELIMI-**
18 **NATION OF TRAFFICKING.**

19 (a) IN GENERAL.—The President is strongly encour-
20 aged to exercise the authorities of section 134 of the For-
21 eign Assistance Act of 1961 (22 U.S.C. 2152d) to provide
22 assistance to foreign countries directly, or through non-
23 governmental and multilateral organizations, for pro-
24 grams, projects, and activities, including training of law
25 enforcement entities and officials, designed to establish

1 systems to identify sex offenders and provide and receive
2 notification of child sex offender international travel.

3 (b) DEFINITION.—In this section, the term “sex of-
4 fender” means an individual who has been convicted of
5 a criminal offense against a minor that involves any of
6 the acts described in clauses (i) through (viii) of section
7 3(9)(A).

8 **SEC. 14. CONGRESSIONAL REPORTS.**

9 (a) INITIAL CONSULTATIONS.—Not less than 30 days
10 before the completion of the activities required pursuant
11 to sections 4(b), 5(b)(4), 6(a), and 7(a), the entities re-
12 sponsible for the implementation of such sections shall
13 consult with the appropriate congressional committees
14 concerning such implementation.

15 (b) INITIAL REPORT.—

16 (1) IN GENERAL.—Not later than 1 year after
17 the date of the enactment of this Act, the President
18 shall transmit to the appropriate congressional com-
19 mittees a report on the implementation of this Act,
20 including—

21 (A) how the International Sex Offender
22 Travel Center has been established under sec-
23 tion 6(a), including the role and responsibilities
24 of the respective departments and agencies that
25 are participating in the Center, and how those

1 roles are being coordinated to accomplish the
2 purposes of this Act and the amendments made
3 by this Act;

4 (B) the procedures established for imple-
5 menting section 7 regarding the Center Sex Of-
6 fender Travel Guidelines;

7 (C) the rules regarding sex offender travel
8 reports issued pursuant to section 4(b);

9 (D) the establishment of registries at
10 United States diplomatic missions pursuant to
11 section 5, including the number and location of
12 such registries and any difficulties encountered
13 in their establishment or operation;

14 (E) the consultations that are being con-
15 ducted pursuant to section 6(e), and a sum-
16 mary of the discussions that have taken place
17 in the course of those consultations; and

18 (F) what, if any, assistance has been pro-
19 vided pursuant to section 6(f) and section 13.

20 (2) FORM.—The report required under para-
21 graph (1) may be transmitted in whole or in part in
22 classified form if such classification would further
23 the purposes of this Act or the amendments made
24 by this Act.

1 (c) ANNUAL REPORT.—Not later than one year after
2 the date of the enactment of this Act, and every year for
3 4 years thereafter, the President shall transmit to the ap-
4 propriate congressional committees a report on the imple-
5 mentation of this Act and the amendments made by this
6 Act, including—

7 (1)(A) the number of United States sex offend-
8 ers who have reported travel to or from a foreign
9 country pursuant to section 4(a);

10 (B) the number of sex offenders who were iden-
11 tified as having failed to report international travel
12 as required by section 4(a); and

13 (C) the number of those identified in each of
14 subparagraphs (A) and (B) who reported travel or
15 who traveled from the United States without pre-
16 viously reporting and whose travel was noticed to a
17 destination country;

18 (2) the number of United States sex offenders
19 charged, prosecuted, and convicted for failing to re-
20 port travel to or from a foreign country pursuant to
21 section 4(a);

22 (3) the number of sex offenders who were deter-
23 mined to be high interest registered sex offenders by
24 the Center, the number of appeals of such deter-
25 minations received by the panel established pursuant

1 to section 6(d)(5), the length of time between the re-
2 ceipt of each such appeal and transmission of the re-
3 sponse, the extent and nature of any information
4 provided to the sex offender in response to the ap-
5 peal, the reason for withholding any information re-
6 quested by the sex offender, and the number of high
7 interest registered sex offender determinations by
8 the Center that were reversed by the review panel;

9 (4) if ICE charges a fee pursuant to section
10 4(c)—

11 (A) the amount of the fee;

12 (B) a description of the process to collect
13 the fee and to transfer a percentage of the fee
14 to the jurisdiction that processed the report;

15 (C) the percentage of the fee that is being
16 shared with the jurisdictions, the basis for the
17 percentage determination, and which jurisdic-
18 tions received a percentage of the fees;

19 (D) how the revenues from the fee have
20 been expended by ICE; and

21 (E) the fee waiver process established pur-
22 suant to section 4(c)(4), how many fee waiver
23 requests were received, and how many of those
24 received were granted;

1 (5) the results of the annual review process of
2 the use of the Center Sex Offender Guidelines con-
3 ducted pursuant to section 6(d)(6);

4 (6) what immediate actions have been taken, if
5 any, by foreign countries and territories of destina-
6 tion following notification pursuant to section
7 6(d)(3), to the extent such information is available;

8 (7)(A) the number of United States citizens or
9 lawful permanent residents arrested overseas and
10 convicted in the United States for sex offenses, and
11 in each instance—

12 (i) the age of the suspect and the number
13 and age of suspected victims;

14 (ii) the country of arrest;

15 (iii) any prior criminal conviction or re-
16 ported criminal behavior in the United States;

17 (iv) whether the individual was required to
18 and did report pursuant to section 4; and

19 (v) if the individual reported travel pursu-
20 ant to section 4 prior to the commission of the
21 crime, whether the individual was deemed not
22 to be a high interest registered sex offender by
23 the Center; and

24 (B) for purposes of this paragraph, the term
25 “sex offense” means a criminal offense involving

1 sexual conduct against a minor or an adult, includ-
2 ing the activities listed in clauses (i) through (viii)
3 in section 3(9)(A);

4 (8) which countries have been requested to no-
5 tify the United States when a United States citizen
6 has been arrested, convicted, sentenced, or com-
7 pleted a prison sentence for a sex offense in that
8 country, and of those countries so requested, which
9 countries have agreed to do so, through either for-
10 mal or informal agreement;

11 (9) any memoranda of understanding or other
12 bilateral agreements that the United States has ne-
13 gotiated with a foreign government to further the
14 purposes of this Act pursuant to section 10(a); and

15 (10) recommendations as to how the United
16 States can more fully participate in international law
17 enforcement cooperative efforts to combat child sex
18 exploitation.

19 **SEC. 15. AUTHORIZATION OF APPROPRIATIONS.**

20 To carry out this Act and the amendments made by
21 this Act, there are authorized to be appropriated such
22 sums as may be necessary for each of the fiscal years 2011
23 through 2015.

.....
(Original Signature of Member)

111TH CONGRESS
2D SESSION

H. R. 5139

To provide for the International Organizations Immunities Act to be extended to the Office of the High Representative in Bosnia and Herzegovina and the International Civilian Office in Kosovo.

IN THE HOUSE OF REPRESENTATIVES

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

A BILL

To provide for the International Organizations Immunities Act to be extended to the Office of the High Representative in Bosnia and Herzegovina and the International Civilian Office in Kosovo.

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 “Extending Immunities
5 to the Office of the High Representative and the Inter-
6 national Civilian Office in Kosovo Act of 2010”.

1 **SEC. 2. EXTENSION OF INTERNATIONAL ORGANIZATIONS**
2 **IMMUNITIES ACT.**

3 The International Organizations Immunities Act (22
4 U.S.C. 288 et seq.) is amended by adding at the end the
5 following new section:

6 **“SEC. 17. OFFICE OF THE HIGH REPRESENTATIVE IN BOS-**
7 **NIA AND HERZEGOVINA AND THE INTER-**
8 **NATIONAL CIVILIAN OFFICE IN KOSOVO; EX-**
9 **TENSION OF PRIVILEGES AND IMMUNITIES.**

10 “The provisions of this title may be extended to the
11 Office of the High Representative in Bosnia and
12 Herzegovina (and to its officers and employees) or the
13 International Civilian Office in Kosovo (and to its officers
14 and employees) in the same manner, to the same extent,
15 and subject to the same conditions, as they may be ex-
16 tended to a public international organization in which the
17 United States participates pursuant to any treaty or under
18 the authority of any Act of Congress authorizing such par-
19 ticipation or making an appropriation for such participa-
20 tion. Any such extension may provide for the provisions
21 of this title to extend to officers and employees of the Of-
22 fice of the High Representative in Bosnia and
23 Herzegovina, or officers and employees of the Inter-
24 national Civilian Office in Kosovo, even after that Office
25 has been dissolved.”.

111TH CONGRESS
2D SESSION

S. 1067

IN THE HOUSE OF REPRESENTATIVES

MARCH 11, 2010

Referred to the Committee on Foreign Affairs

A BILL

To support stabilization and lasting peace in northern Uganda and areas affected by the Lord's Resistance Army through development of a regional strategy to support multilateral efforts to successfully protect civilians and eliminate the threat posed by the Lord's Resistance Army and to authorize funds for humanitarian relief and reconstruction, reconciliation, and transitional justice, 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 “Lord’s Resistance
5 Army Disarmament and Northern Uganda Recovery Act
6 of 2009”.

7 **SEC. 2. FINDINGS.**

8 Congress makes the following findings:

9 (1) For over 2 decades, the Government of
10 Uganda engaged in an armed conflict with the
11 Lord’s Resistance Army (LRA) in northern Uganda
12 that led to the internal displacement of more than
13 2,000,000 Ugandans from their homes.

14 (2) The members of the Lord’s Resistance
15 Army used brutal tactics in northern Uganda, in-
16 cluding mutilating, abducting and forcing individuals
17 into sexual servitude and forcing a large number of
18 children and youth in Uganda, estimated by the Sur-
19 vey for War Affected Youth to be over 66,000, to
20 fight as part of the rebel force.

21 (3) The Secretary of State has placed the
22 Lord’s Resistance Army on the Terrorist Exclusion
23 list pursuant to section 212(a)(3) of the Immigra-
24 tion and Nationality Act (8 U.S.C. 1182(a)(3)), and
25 LRA leader Joseph Kony has been designated a

1 “specially designated global terrorist” pursuant to
2 Executive Order 13224.

3 (4) In late 2005, according to the United Na-
4 tions Office for Coordination of Humanitarian Af-
5 fairs, the Lord’s Resistance Army shifted their pri-
6 mary base of operations from southern Sudan to
7 northeastern Democratic Republic of Congo, and the
8 rebels have since withdrawn from northern Uganda.

9 (5) Representatives of the Government of
10 Uganda and the Lord’s Resistance Army began
11 peace negotiations in 2006, mediated by the Govern-
12 ment of Southern Sudan in Juba, Sudan, and signed
13 the Cessation of Hostilities Agreement on August
14 20, 2006, which provided for hundreds of thousands
15 of internally displaced people to return home in safe-
16 ty.

17 (6) After nearly 2 years of negotiations, rep-
18 resentatives from the parties reached the Final
19 Peace Agreement in April 2008, but Joseph Kony,
20 the leader of the Lord’s Resistance Army, refused to
21 sign the Final Peace Agreement in May 2008 and
22 his forces launched new attacks in northeastern
23 Congo.

24 (7) According to the United Nations Office for
25 the Coordination of Humanitarian Relief and the

1 United Nations High Commissioner for Refugees,
2 the new activity of the Lord's Resistance Army in
3 northeastern Congo and southern Sudan since Sep-
4 tember 2008 has led to the abduction of at least
5 1,500 civilians, including hundreds of children, and
6 the displacement of more than 540,000 people.

7 (8) In December 2008, the military forces of
8 Uganda, the Democratic Republic of Congo, and
9 southern Sudan launched a joint operation against
10 the Lord's Resistance Army's bases in northeastern
11 Congo, but the operation failed to apprehend Joseph
12 Kony, and his forces retaliated with a series of new
13 attacks and massacres in Congo and southern
14 Sudan, killing an estimated 900 people in 2 months
15 alone.

16 (9) Despite the refusal of Joseph Kony to sign
17 the Final Peace Agreement, the Government of
18 Uganda has committed to continue reconstruction
19 plans for northern Uganda, and to implement those
20 mechanisms of the Final Peace Agreement not con-
21 ditional on the compliance of the Lord's Resistance
22 Army.

23 (10) Since 2008, recovery efforts in northern
24 Uganda have moved forward with the financial sup-
25 port of the United States and other donors, but have

1 been hampered by a lack of strategic coordination,
2 logistical delays, and limited leadership from the
3 Government of Uganda.

4 **SEC. 3. STATEMENT OF POLICY.**

5 It is the policy of the United States to work with re-
6 gional governments toward a comprehensive and lasting
7 resolution to the conflict in northern Uganda and other
8 affected areas by—

9 (1) providing political, economic, military, and
10 intelligence support for viable multilateral efforts to
11 protect civilians from the Lord's Resistance Army,
12 to apprehend or remove Joseph Kony and his top
13 commanders from the battlefield in the continued
14 absence of a negotiated solution, and to disarm and
15 demobilize the remaining Lord's Resistance Army
16 fighters;

17 (2) targeting assistance to respond to the hu-
18 manitarian needs of populations in northeastern
19 Congo, southern Sudan, and Central African Repub-
20 lic currently affected by the activity of the Lord's
21 Resistance Army; and

22 (3) further supporting and encouraging efforts
23 of the Government of Uganda and civil society to
24 promote comprehensive reconstruction, transitional
25 justice, and reconciliation in northern Uganda as af-

1 firmed in the Northern Uganda Crisis Response Act
2 of 2004 (Public Law 108–283) and subsequent reso-
3 lutions, including Senate Resolution 366, 109th
4 Congress, agreed to February 2, 2006, Senate Reso-
5 lution 573, 109th Congress, agreed to September
6 19, 2006, Senate Concurrent Resolution 16, 110th
7 Congress, agreed to in the Senate March 1, 2007,
8 and House Concurrent Resolution 80, 110th Con-
9 gress, agreed to in the House of Representatives
10 June 18, 2007.

11 **SEC. 4. REQUIREMENT OF A STRATEGY TO SUPPORT THE**
12 **DISARMAMENT OF THE LORD’S RESISTANCE**
13 **ARMY.**

14 (a) REQUIREMENT FOR STRATEGY.—Not later than
15 180 days after the date of the enactment of this Act, the
16 President shall develop and submit to the appropriate
17 committees of Congress a strategy to guide future United
18 States support across the region for viable multilateral ef-
19 forts to mitigate and eliminate the threat to civilians and
20 regional stability posed by the Lord’s Resistance Army.

21 (b) CONTENT OF STRATEGY.—The strategy shall in-
22 clude the following:

23 (1) A plan to help strengthen efforts by the
24 United Nations and regional governments to protect
25 civilians from attacks by the Lord’s Resistance

1 Army while supporting the development of institu-
2 tions in affected areas that can help to maintain the
3 rule of law and prevent conflict in the long term.

4 (2) An assessment of viable options through
5 which the United States, working with regional gov-
6 ernments, could help develop and support multilat-
7 eral efforts to eliminate the threat posed by the
8 Lord's Resistance Army.

9 (3) An interagency framework to plan, coordi-
10 nate, and review diplomatic, economic, intelligence,
11 and military elements of United States policy across
12 the region regarding the Lord's Resistance Army.

13 (4) A description of the type and form of diplo-
14 matic engagement across the region undertaken to
15 coordinate and implement United States policy re-
16 garding the Lord's Resistance Army and to work
17 multilaterally with regional mechanisms, including
18 the Tripartite Plus Commission and the Great Lakes
19 Pact.

20 (5) A description of how this engagement will
21 fit within the context of broader efforts and policy
22 objectives in the Great Lakes Region.

23 (c) FORM.—The strategy under this section shall be
24 submitted in unclassified form, but may include a classi-
25 fied annex.

1 **SEC. 5. HUMANITARIAN ASSISTANCE FOR AREAS OUTSIDE**
2 **UGANDA AFFECTED BY THE LORD'S RESIST-**
3 **ANCE ARMY.**

4 In accordance with section 491 of the Foreign Assist-
5 ance Act of 1961 (22 U.S.C. 2292) and section 2 of the
6 Migration and Refugee Assistance Act of 1962 (22 U.S.C.
7 2601), the President is authorized to provide additional
8 assistance to the Democratic Republic of Congo, southern
9 Sudan, and Central African Republic to respond to the
10 humanitarian needs of populations directly affected by the
11 activity of the Lord's Resistance Army.

12 **SEC. 6. ASSISTANCE FOR RECOVERY AND RECONSTRUC-**
13 **TION IN NORTHERN UGANDA.**

14 (a) **AUTHORITY.**—It is the sense of Congress that the
15 President should support efforts by the people of northern
16 Uganda and the Government of Uganda—

17 (1) to assist internally displaced people in tran-
18 sition and returnees to secure durable solutions by
19 spurring economic revitalization, supporting liveli-
20 hoods, helping to alleviate poverty, and advancing
21 access to basic services at return sites, specifically
22 clean water, health care, and schools;

23 (2) to enhance the accountability and adminis-
24 trative competency of local governance institutions
25 and public agencies in northern Uganda with regard

1 to budget management, provision of public goods
2 and services, and related oversight functions;

3 (3) to strengthen the operational capacity of the
4 civilian police in northern Uganda to enhance public
5 safety, prevent crime, and deal sensitively with gen-
6 der-based violence, while strengthening account-
7 ability measures to prevent corruption and abuses;

8 (4) to rebuild and improve the capacity of the
9 justice system in northern Uganda, including the
10 courts and penal systems, with particular sensitivity
11 to the needs and rights of women and children;

12 (5) to establish mechanisms for the disar-
13 mament, demobilization, and reintegration of former
14 combatants and those abducted by the LRA, includ-
15 ing vocational education and employment opportuni-
16 ties, with attention given to the roles and needs of
17 men, women and children; and

18 (6) to promote programs to address psycho-
19 social trauma, particularly post-traumatic stress dis-
20 order.

21 (b) FUTURE YEAR FUNDING.—It is the sense of Con-
22 gress that the Secretary of State and Administrator of the
23 United States Agency for International Development
24 should work with the appropriate committees of Congress
25 to increase assistance in future fiscal years to support ac-

1 activities described in this section if the Government of
2 Uganda demonstrates a commitment to transparent and
3 accountable reconstruction in war-affected areas of north-
4 ern Uganda, specifically by—

5 (1) finalizing the establishment of mechanisms
6 within the Office of the Prime Minister to suffi-
7 ciently manage and coordinate the programs under
8 the framework of the Peace Recovery and Develop-
9 ment Plan for Northern Uganda (PRDP);

10 (2) increasing oversight activities and reporting,
11 at the local and national level in Uganda, to ensure
12 funds under the Peace Recovery and Development
13 Plan for Northern Uganda framework are used effi-
14 ciently and with minimal waste; and

15 (3) committing substantial funds of its own,
16 above and beyond standard budget allocations to
17 local governments, to the task of implementing the
18 Peace Recovery and Development Plan for Northern
19 Uganda such that communities affected by the war
20 can recover.

21 (c) COORDINATION WITH OTHER DONOR NA-
22 TIONS.—The United States should work with other donor
23 nations to increase contributions for recovery efforts in
24 northern Uganda and better leverage those contributions
25 to enhance the capacity and encourage the leadership of

1 the Government of Uganda in promoting transparent and
2 accountable reconstruction in northern Uganda.

3 (d) TERMINATION OF ASSISTANCE.—It is the sense
4 of Congress that the Secretary of State should withhold
5 non-humanitarian bilateral assistance to the Republic of
6 Uganda if the Secretary determines that the Government
7 of Uganda is not committed to reconstruction and rec-
8 onciliation in the war-affected areas of northern Uganda
9 and is not taking proactive steps to ensure this process
10 moves forward in a transparent and accountable manner.

11 **SEC. 7. ASSISTANCE FOR RECONCILIATION AND TRANSI-**
12 **TIONAL JUSTICE IN NORTHERN UGANDA.**

13 (a) SENSE OF CONGRESS.—It is the sense of Con-
14 gress that, despite reconstruction and development efforts,
15 a continued failure to take meaningful steps toward na-
16 tional reconciliation and accountability risks perpetuating
17 longstanding political grievances and fueling new conflicts.

18 (b) AUTHORITY.—In accordance with section 531 of
19 the Foreign Assistance Act of 1961 (22 U.S.C. 2346), the
20 President is authorized to support efforts by the people
21 of northern Uganda and the Government of Uganda to
22 advance efforts to promote transitional justice and rec-
23 onciliation on both local and national levels, including to
24 encourage implementation of the mechanisms outlined in
25 the Annexure to the Agreement on Accountability and

1 Reconciliation between the Government of Uganda and the
2 Lord's Resistance Army/Movement, signed at Juba Feb-
3 ruary 19, 2008, namely—

4 (1) a body to investigate the history of the con-
5 flict, inquire into human rights violations committed
6 during the conflict by all sides, promote truth-telling
7 in communities, and encourage the preservation of
8 the memory of events and victims of the conflict
9 through memorials, archives, commemorations, and
10 other forms of preservation;

11 (2) a special division of the High Court of
12 Uganda to try individuals alleged to have committed
13 serious crimes during the conflict, and a special unit
14 to carry out investigations and prosecutions in sup-
15 port of trials;

16 (3) a system for making reparations to victims
17 of the conflict; and

18 (4) a review and strategy for supporting transi-
19 tional justice mechanisms in affected areas to pro-
20 mote reconciliation and encourage individuals to
21 take personal responsibility for their conduct during
22 the war.

23 **SEC. 8. REPORT.**

24 (a) REPORT REQUIRED.—Not later than 1 year after
25 the submission of the strategy required under section 4,

1 the Secretary of State shall prepare and submit to the ap-
2 propriate committees of Congress a report on the progress
3 made toward the implementation of the strategy required
4 under section 4 and a description and evaluation of the
5 assistance provided under this Act toward the policy objec-
6 tives described in section 3.

7 (b) CONTENTS.—The report required under section
8 (a) shall include—

9 (1) a description and evaluation of actions
10 taken toward the implementation of the strategy re-
11 quired under section 4;

12 (2) a description of assistance provided under
13 sections 5, 6, and 7;

14 (3) an evaluation of bilateral assistance pro-
15 vided to the Republic of Uganda and associated pro-
16 grams in light of stated policy objectives;

17 (4) a description of the status of the Peace Re-
18 covery and Development Plan for Northern Uganda
19 and the progress of the Government of Uganda in
20 fulfilling the steps outlined in section 6(b); and

21 (5) a description of amounts of assistance com-
22 mitted, and amounts provided, to northern Uganda
23 during the reporting period by the Government of
24 Uganda and each donor country.

1 (c) FORM.—The report under this section shall be
2 submitted in unclassified form, but may include a classi-
3 fied annex.

4 **SEC. 9. SENSE OF CONGRESS ON FUNDING.**

5 It is the sense of Congress that—

6 (1) of the total amounts to be appropriated for
7 fiscal year 2011 for the Department of State and
8 foreign operations, up to \$10,000,000 should be
9 used to carry out activities under section 5; and

10 (2) of the total amounts to be appropriated for
11 fiscal year 2011 through 2013 for the Department
12 of State and foreign operations, up to \$10,000,000
13 in each such fiscal year should be used to carry out
14 activities under section 7.

15 **SEC. 10. DEFINITIONS.**

16 In this Act:

17 (1) APPROPRIATE COMMITTEES OF CON-
18 GRESS.—The term “appropriate committees of Con-
19 gress” means the Committee on Appropriations and
20 the Committee on Foreign Relations of the Senate
21 and the Committee on Appropriations and the Com-
22 mittee on Foreign Affairs of the House of Rep-
23 resentatives.

24 (2) GREAT LAKES REGION.—The term “Great
25 Lakes Region” means the region comprising Bu-

1 rundi, Democratic Republic of Congo, Rwanda,
2 southern Sudan, and Uganda.

3 (3) LRA-AFFECTED AREAS.—The term “LRA-
4 affected areas” means those portions of northern
5 Uganda, southern Sudan, northeastern Democratic
6 Republic of Congo, and southeastern Central African
7 Republic determined by the Secretary of State to be
8 affected by the Lord’s Resistance Army as of the
9 date of the enactment of this Act.

Passed the Senate March 10, 2010.

Attest:

NANCY ERICKSON,

Secretary.

Chairman BERMAN. Without objection, H.R. 5138, H.R. 5139 and S. 1067 are considered as read. Without objection, the amendment in the nature of a substitute for H.R. 4128—that is the Conflict Minerals Trade Act—before the members will be considered as base text for purposes of amendment, and that will be considered as read and will be open for amendment at any point. A summary of the amendment in the nature of a substitute is on each member's desk.

[The amendment of H.R. 4128 follows:]

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 4128**

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Conflict Minerals
3 Trade Act”.

4 SEC. 2. FINDINGS.

5 Congress finds the following:

6 (1) The Democratic Republic of the Congo was
7 devastated by a civil war in 1996 and 1997 and a
8 war that began in 1998 and ended in 2003, result-
9 ing in widespread human rights violations and the
10 intervention of multiple armed forces and armed
11 non-state actors from other countries in the region.

12 (2) Despite the signing of a peace agreement
13 and official withdrawal of foreign forces in 2003, the
14 eastern region of the Democratic Republic of the
15 Congo has continued to suffer from high levels of
16 poverty, insecurity, and a culture of impunity, in
17 which armed groups and military forces continue to
18 commit widespread human rights abuses.

1 (3) According to a study by the International
2 Rescue Committee released in January 2008, con-
3 flict and related humanitarian crises in the Demo-
4 cratic Republic of the Congo have resulted in the
5 deaths of millions of people since 1998 and continue
6 to cause as many as 45,000 deaths each month.

7 (4) Sexual violence and rape remain pervasive
8 tools of combat used by all parties in eastern Demo-
9 cratic Republic of the Congo to terrorize and destroy
10 communities. Sexual violence and rape are inflicted
11 upon thousands of women and girls, resulting in a
12 range of traumatic effects, including fistula, other
13 severe genital injuries, and long-term psychological
14 trauma.

15 (5) The use of child soldiers on the front lines,
16 as bonded labor, and as sex slaves is a widespread
17 phenomenon among armed groups in the region.

18 (6) A report released by the Government Ac-
19 countability Office in December 2007 describes how
20 the mismanagement and illicit trade of extractive re-
21 sources from the Democratic Republic of the Congo
22 supports conflict between armed groups in the
23 Democratic Republic of the Congo and neighboring
24 countries.

1 (7) In its final report under United Nations Se-
2 curity Council Resolution 1807, released on Decem-
3 ber 12, 2008, the United Nations Group of Experts
4 on the Democratic Republic of the Congo found
5 armed groups in eastern Democratic Republic of the
6 Congo continue to fight over, illegally plunder, and
7 profit greatly from the trade of columbite-tantalite
8 (coltan), cassiterite, wolframite, and gold in the east-
9 ern Congo.

10 (8) United Nations Security Council Resolution
11 1857, unanimously adopted on December 22,
12 2008—

13 (A) broadens existing sanctions relating to
14 the Democratic Republic of the Congo to in-
15 clude “individuals or entities supporting the
16 armed groups . . . through illicit trade of nat-
17 ural resources,”; and

18 (B) encourages Member States to ensure
19 that companies handling minerals from the
20 Democratic Republic of the Congo exercise due
21 diligence on their suppliers, including—

22 (i) determining the precise identity of
23 the deposits from which the minerals they
24 intend to purchase have been mined;

1 (ii) establishing whether or not these
2 deposits are controlled or taxed by armed
3 groups; and

4 (iii) refusing to buy minerals known
5 to originate, or suspected to originate,
6 from deposits controlled or taxed by armed
7 groups.

8 (9) The illicit trade by armed groups and mili-
9 tias in eastern Congo in columbite-tantalite (coltan),
10 cassiterite, wolframite, and gold continues to flour-
11 ish, fuels war, robs the people of Congo of a valuable
12 and legitimate resource, and undermines the peace-
13 ful evolution of the Government of the Democratic
14 Republic of the Congo.

15 (10) Mineral derivatives from the Democratic
16 Republic of the Congo are used in industrial and
17 technology products worldwide, including mobile tele-
18 phones, laptop computers, and digital video record-
19 ers.

20 (11) In February 2009, the Electronic Industry
21 Citizenship Coalition and the Global e-Sustainability
22 Initiative released a statement asserting that—

23 (A) use by the information communications
24 technology industry of mined commodities that
25 support conflict in such countries as the Demo-

1 cratic Republic of the Congo is unacceptable;
2 and

3 (B) consumer electronics companies can
4 and should uphold responsible practices in their
5 operations and work with suppliers to meet so-
6 cial and environmental standards with respect
7 to the raw materials used in the manufacture of
8 their products.

9 (12) Companies that create and sell products
10 that include columbite-tantalite (coltan), cassiterite,
11 wolframite, and their derivatives, and gold have the
12 opportunity to influence the situation in the Demo-
13 cratic Republic of the Congo by—

14 (A) exercising due diligence over their
15 manufacturing processes, by ensuring that they
16 and their suppliers use raw materials in a man-
17 ner that does not—

18 (i) directly finance armed conflict;

19 (ii) result in labor or human rights
20 violations; or

21 (iii) damage the environment;

22 (B) verifying the country and mine from
23 which the minerals used to build their products
24 originate; and

1 (C) committing to support mineral export-
2 ers from the Democratic Republic of the Congo
3 that certify that their minerals do not—

- 4 (i) directly finance armed conflict;
5 (ii) result in labor or human rights
6 violations; or
7 (iii) damage the environment.

8 (13) There are ample sources of columbite-tan-
9 talite (coltan), cassiterite, wolframite, and gold in
10 non-conflict areas of the Congo and worldwide; proc-
11 essing columbite-tantalite, cassiterite, wolframite,
12 and gold for commercial use requires sophisticated
13 technology; there are a limited number of processing
14 facilities worldwide for columbite-tantalite, cas-
15 siterite, wolframite, gold, and their derivatives; and
16 determining the sources of columbite-tantalite, cas-
17 siterite, wolframite, gold, and their derivatives used
18 by processing facilities has already been successfully
19 done at low cost.

20 **SEC. 3. STATEMENT OF POLICY.**

21 It is the policy of the United States, in accordance
22 with the Democratic Republic of the Congo Relief, Secu-
23 rity, and Democracy Promotion Act of 2006 (Public Law
24 109–456; 22 U.S.C. 2151 note) and United Nations Secu-
25 rity Council Resolution 1857 (2008), to promote peace

1 and security in the eastern Democratic Republic of the
2 Congo by supporting efforts of the Government of the
3 Democratic Republic of the Congo, including the Ministry
4 of Mines and other relevant agencies, other governments
5 in the Great Lakes Region of Africa, and the international
6 community to—

7 (1) monitor and stop commercial activities in-
8 volving the natural resources of the Democratic Re-
9 public of the Congo that contribute to the activities
10 of armed groups and human rights violations in the
11 Democratic Republic of the Congo; and

12 (2) develop stronger governance and economic
13 institutions that can facilitate and improve trans-
14 parency in the cross-border trade involving the nat-
15 ural resources of the Democratic Republic of the
16 Congo in order to reduce exploitation by armed
17 groups and promote local and regional development.

18 **SEC. 4. INVESTIGATION, REPORTS, AND STRATEGY RE-**
19 **GARDING CONFLICT MINERALS AND HUMAN**
20 **RIGHTS ABUSES IN THE DEMOCRATIC RE-**
21 **PUBLIC OF THE CONGO.**

22 (a) CONGO CONFLICT MINERAL-RICH ZONES MAP,
23 AND ARMED GROUPS.—

24 (1) IN GENERAL.—Not later than 120 days
25 after the date of the enactment of this Act, the Sec-

1 retary of State, in consultation with the Secretary of
2 Defense, shall, in accordance with the recommenda-
3 tion of the United Nations Group of Experts on the
4 Democratic Republic of the Congo in their December
5 2008 report, work with the Government of the
6 Democratic Republic of the Congo, other Member
7 States of the United Nations, and local and inter-
8 national nongovernmental organizations to—

9 (A) produce a map of mineral-rich zones,
10 trade routes, and areas under the control of
11 armed groups in the Democratic Republic of
12 the Congo;

13 (B) make such map available to the public;
14 and

15 (C) provide to the appropriate congres-
16 sional committees, in classified form if nec-
17 essary, an explanatory note describing in gen-
18 eral terms the sources of information from
19 which such map is based, the definition of the
20 term “under the control of armed groups” uti-
21 lized (for example, physical control of mines or
22 forced labor of civilians, control of trade routes,
23 and taxation or extortion of goods in transit),
24 and the identification, where possible, of the

1 armed groups or other forces in control of the
2 mines depicted.

3 (2) DESIGNATION.—The map required under
4 this subsection shall be known as the “Congo Con-
5 flict Minerals Map”, and mines located in areas
6 under the control of armed groups in the Democratic
7 Republic of the Congo, as depicted on such Congo
8 Conflict Minerals Map, shall be known as “conflict
9 zone mines”.

10 (3) UPDATES.—The Secretary of State shall
11 update the map required under paragraph (1) not
12 less frequently than once every 180 days until the
13 Secretary certifies to Congress that no armed group
14 that is a party to any ongoing armed conflict in the
15 Democratic Republic of the Congo or any other
16 country is involved in the mining, sale, or export of
17 conflict minerals or gold, or the control thereof, or
18 derives any benefits from such activities.

19 (4) PUBLICATION IN FEDERAL REGISTER.—The
20 Secretary of State may add minerals to the list of
21 conflict minerals. The Secretary shall publish in the
22 Federal Register notice of intent to declare a min-
23 eral as a conflict mineral not later than one year be-
24 fore such declaration.

25 (b) GUIDANCE FOR COMMERCIAL ENTITIES.—

1 (1) IN GENERAL.—The Secretary of State and
2 the Secretary of Commerce shall work with the Gov-
3 ernment of the Democratic Republic of the Congo,
4 other Member States of the United Nations, local
5 and international nongovernmental organizations,
6 and other interested parties to provide guidance to
7 commercial entities seeking to exercise due diligence,
8 including documentation on the origin and chain of
9 custody for their products, on their suppliers to en-
10 sure that conflict minerals used in their products do
11 not—

12 (A) directly finance armed conflict;

13 (B) result in labor or human rights viola-
14 tions; or

15 (C) damage the environment.

16 (2) COOPERATION.—The Secretary of State and
17 the Secretary of Commerce shall work with the Gov-
18 ernment of the Democratic Republic of the Congo,
19 commercial entities, and other interested parties to
20 identify best practices and opportunities to improve
21 transparency of the supply chains of such commer-
22 cial entities engaged in commerce or trade with
23 products that contain one or more derivatives of con-
24 flict minerals.

25 (c) STRATEGY.—

1 (1) IN GENERAL.—Not later than 180 days
2 after the date of the enactment of this Act, the Sec-
3 retary of State shall, working with the Administrator
4 of the United States Agency for International Devel-
5 opment, submit to the appropriate congressional
6 committees a strategy to address the linkages that
7 exist between human rights abuses, armed groups,
8 and mining.

9 (2) CONTENTS.—The strategy required by
10 paragraph (1) shall include the following:

11 (A) A plan to assist governments plagued
12 by conflict to establish and effectively imple-
13 ment the necessary frameworks and institutions
14 to formalize and improve transparency in the
15 trade of conflict minerals.

16 (B) An outline of assistance currently
17 being provided to the Democratic Republic of
18 the Congo and an assessment of future assist-
19 ance that could be provided by the Government
20 of the United States to help to build the capac-
21 ity of the Government of the Democratic Re-
22 public of the Congo to ensure that effective
23 mechanisms are implemented to limit the fi-
24 nancing of armed conflict through illicit mining,
25 and in general to help the Democratic Republic

1 of the Congo to strengthen the management
2 and sustainable export of its natural resources.

3 (C) A description of punitive measures
4 that could be taken against individuals or enti-
5 ties whose commercial activities are supporting
6 armed groups and human rights violations in
7 the Democratic Republic of the Congo.

8 (d) ANNUAL HUMAN RIGHTS REPORTS.—In pre-
9 paring those portions of the annual Country Reports on
10 Human Rights Practices under sections 116(d) and
11 502B(b) of the Foreign Assistance Act of 1961 (22 U.S.C.
12 2151n(d) and 2304(b)) relating to the Democratic Repub-
13 lic of the Congo or countries that share a border with the
14 Democratic Republic of the Congo, the Secretary of State
15 shall ensure that such reports include a description of any
16 instances or patterns of practice that indicate that the ex-
17 traction and cross-border trade in conflict minerals has
18 negatively affected human rights conditions or supported
19 specific human rights violations, sexual or gender-based
20 violence, or labor abuses in the eastern region of the
21 Democratic Republic of the Congo, during the period cov-
22 ered by each such report.

23 (e) ANNUAL ORGANIZATION FOR ECONOMIC CO-OP-
24 ERATION AND DEVELOPMENT INVESTMENT COMMITTEE
25 REPORT.—In preparing the United States' annual report

1 to the Organization for Economic Co-operation and Devel-
2 opment Investment Committee, the Secretary of State
3 shall include a description of efforts by the United States
4 to ensure, consistent with the Organization for Economic
5 Co-operation and Development Guidelines for Multi-
6 national Enterprises, that enterprises under United States
7 jurisdiction are exercising due diligence to ensure that
8 their purchases of minerals or metals are not originating
9 from mines and trading routes that are used to finance
10 or benefit armed groups in the Democratic Republic of
11 the Congo.

12 (f) SUPPORT OF MANDATE OF UNITED NATIONS
13 GROUP OF EXPERTS ON THE DEMOCRATIC REPUBLIC OF
14 THE CONGO.—The President, acting through the Sec-
15 retary of State, the United States Permanent Representa-
16 tive to the United Nations, and other appropriate United
17 States Government officials, shall use the voice and vote
18 of the United States at the United Nations Security Coun-
19 cil to renew the mandate and strengthen the capacity of
20 the United Nations Group of Experts on the Democratic
21 Republic of the Congo to investigate links between natural
22 resources and the financing of armed groups, and ensure
23 that the Group of Experts' recommendations are given se-
24 rious consideration.

1 **SEC. 5. SENSE OF CONGRESS ON ASSISTANCE FOR AF-**
2 **FFECTED COMMUNITIES AND SUSTAINABLE**
3 **LIVELIHOODS.**

4 (a) SENSE OF CONGRESS ON ASSISTANCE FOR AF-
5 FECTED COMMUNITIES.—It is the sense of Congress that
6 the Administrator of the United States Agency for Inter-
7 national Development should expand and better coordinate
8 programs to assist and empower communities in the east-
9 ern Democratic Republic of the Congo whose livelihoods
10 depend on the mineral trade, particularly—

11 (1) communities affected by sexual and gender
12 based violence;

13 (2) communities affected by use of child sol-
14 diers and forced child servitude; and

15 (3) individuals displaced and communities af-
16 fected by violence.

17 (b) SENSE OF CONGRESS ON FUTURE YEAR FUND-
18 ING.—It is the sense of Congress that, in accordance with
19 the Democratic Republic of the Congo Relief, Security,
20 and Democracy Promotion Act of 2006 (Public Law 109–
21 456), the Secretary of State and the Administrator of the
22 United States Agency for International Development
23 should work with the Committee on Foreign Affairs and
24 the Committee on Appropriations of the House of Rep-
25 resentatives and the Committee on Foreign Relations and
26 the Committee on Appropriations of the Senate as well

1 as other donors and the Government of the Democratic
2 Republic of the Congo to increase assistance beginning in
3 fiscal year 2010 for communities affected by violence in
4 the Democratic Republic of the Congo, specifically to—

5 (1) provide treatment for injury or physical or
6 psychological trauma, including illness and infection,
7 psychological support, and rehabilitation assistance
8 for survivors of sexual and gender-based violence;

9 (2) provide humanitarian relief to people dis-
10 placed by violence;

11 (3) improve living conditions and livelihood
12 prospects for artisanal miners and mine workers;
13 and

14 (4) alleviate poverty by reconstructing infra-
15 structure and revitalizing agricultural production.

16 (c) SENSE OF CONGRESS ON COORDINATION OF AS-
17 SISTANCE.—It is the sense of Congress that the United
18 States should work with other countries, on a bilateral and
19 multilateral basis to assist the Government of the Demo-
20 cratic Republic of the Congo to effectively discharge its
21 responsibility to—

22 (1) increase protection and assistance for com-
23 munities in the eastern Democratic Republic of the
24 Congo at risk of human rights violations associated
25 with the mineral trade, particularly women and girls;

1 (2) strengthen the management and trade of
2 natural resources in the Democratic Republic of the
3 Congo; and

4 (3) improve the conditions and livelihood pros-
5 pects of artisan miners and mine workers.

6 **SEC. 6. IDENTIFICATION OF COMMERCIAL GOODS CON-**
7 **TAINING CONFLICT MINERALS.**

8 (a) LIST OF GOODS POTENTIALLY CONTAINING CON-
9 FLICT MINERALS.—Not later than 180 days after the date
10 of the enactment of this Act and annually thereafter, the
11 Secretary of Commerce, in cooperation with the Secretary
12 of State, the International Trade Commission, and the
13 Commissioner responsible for U.S. Customs and Border
14 Protection, shall determine and publish in the Federal
15 Register a list of those articles specified in the Har-
16 monized Tariff Schedule of the United States that should
17 be identified as likely containing conflict minerals. Such
18 list shall be referred to as the “Potential Conflict Goods
19 List”.

20 (b) CREATING LIST OF APPROVED AUDITORS.—

21 (1) LIST.—

22 (A) IN GENERAL.—Not later than one year
23 after the date of the enactment of this Act and
24 annually thereafter, the Secretary of Commerce,
25 in cooperation with the Secretary of State, the

1 International Trade Commission, and in con-
2 sultation with nongovernmental organizations
3 and manufacturing industry representatives,
4 shall determine and publish in the Federal Reg-
5 ister a list which contains a sufficient number
6 of approved private sector auditing services
7 qualified to audit the processing facilities world-
8 wide of conflict minerals.

9 (B) DETERMINATION AND APPROVAL.—
10 The Secretary of Commerce shall determine
11 which private sector auditing services are quali-
12 fied to audit the processing facilities worldwide
13 of conflict minerals in accordance with subpara-
14 graph (A) on the basis of applications sub-
15 mitted to the Secretary by interested private
16 sector auditing services that demonstrate the
17 following:

18 (i) Subject matter expertise of trade
19 in conflict minerals and their derivatives.

20 (ii) Working knowledge of the refining
21 process for conflict minerals and their de-
22 rivatives.

23 (iii) No conflict of interest with the
24 industry being audited.

1 (C) EXPECTATIONS.—A private sector au-
2 diting service approved by the Secretary of
3 Commerce under subparagraph (B) shall con-
4 duct investigations in the Democratic Republic
5 of the Congo and neighboring countries and
6 along the supply chain to the points of entry
7 into the United States of conflict minerals and
8 their derivatives, including the following:

- 9 (i) Reviewing documentation.
10 (ii) Conducting interviews.
11 (iii) Field assessments.
12 (iv) Reviewing shipping information.
13 (v) Conducting random spot checks of
14 potential conflict minerals and their deriva-
15 tives entering the United States.
16 (vi) Visiting mines and other sites of
17 interest to the conflict mineral trade.

18 (2) UPDATE.—The Secretary of Commerce
19 shall update the list required under paragraph (1)
20 not less than once every 12 months and publish in
21 the Federal Register the updated list. The Secretary
22 of State shall work with and encourage relevant for-
23 eign governments to issue visas for auditors who are
24 United States citizens for purposes of travel relating

1 to auditing of processing facilities described in para-
2 graph (1).

3 (c) REGULAR AUDITING OF FACILITIES FOR USE OF
4 CONFLICT MINERALS.—

5 (1) IN GENERAL.—The Secretary of Commerce
6 shall seek to ensure that facilities that process con-
7 flict minerals and whose resulting materials are used
8 in products shipped into the United States subject
9 themselves to random audits to be financed by in-
10 dustry not less than every six months by private sec-
11 tor auditing services approved by the Secretary pur-
12 suant to subsection (b) to certify each such proc-
13 essing facility as either “conflict mineral free” or a
14 “conflict mineral facility”. A processing facility cer-
15 tified as a “conflict mineral facility” is a facility that
16 processes one or more conflict minerals from conflict
17 zone mines. A processing facility certified as “con-
18 flict mineral free” is a facility that has not processed
19 conflict minerals from conflict zone mines in the pre-
20 vious six months or since the previous audit.

21 (2) AUDIT REPORTS.—

22 (A) IN GENERAL.—The Secretary of Com-
23 merce shall seek to ensure that private sector
24 auditing services approved by the Secretary
25 pursuant to subsection (b) submit to the Sec-

1 retary reports on the audits conducted by such
2 services for those facilities that are audited pur-
3 suant to paragraph (1).

4 (B) CONTENTS.—The reports referred to
5 in subparagraph (A) shall contain the following:

6 (i) The name and location of the proc-
7 essing facility audited.

8 (ii) The relevant minerals being proc-
9 essed at the facility.

10 (iii) The date of the audit and the pe-
11 riod covered by the audit.

12 (iv) The date of notification of an im-
13 pending audit.

14 (v) The country of origin of minerals
15 purchased and processed, including local
16 areas or specific mines of origin in the
17 Democratic Republic of the Congo from
18 which minerals were sourced.

19 (vi) A determination as to whether
20 there were any minerals processed for
21 which there is not a credibly documented
22 and verifiable chain of custody.

23 (vii) A declaration of the facility as
24 one that is a “Conflict Mineral Facility” or

1 is “Conflict Mineral Free” for the period
2 covered by each such report.

3 (3) PUBLICATION IN FEDERAL REGISTER.—The
4 Secretary of Commerce shall publish in the Federal
5 Register the reports of private sector auditing serv-
6 ices pursuant to paragraph (2) for those facilities
7 that are audited pursuant to paragraph (1), includ-
8 ing—

9 (A) whether any such facility has been cer-
10 tified as “conflict mineral free” or a “conflict
11 mineral facility”; and

12 (B) if such service determines that the fa-
13 cility is a “conflict mineral facility”, the mine
14 or local area of origin of the conflict minerals
15 likely to have financed conflict in the Demo-
16 cratic Republic of the Congo.

17 (4) ADDITIONAL AUDITS.—Processing facilities
18 worldwide of conflict minerals may request addi-
19 tional audits from private sector auditing services
20 approved by the Secretary pursuant to subsection
21 (b). Any such additional audits shall be non-binding
22 and may remain private.

23 (d) AUDITING PROTOCOL AND CONTENTS.—

24 (1) IN GENERAL.—The Secretary of Commerce
25 shall seek to ensure that, in carrying out audits in

1 accordance with subsection (c) by private sector au-
2 diting services approved by the Secretary pursuant
3 to subsection (b), such services follow an audit pro-
4 tocol that includes the following:

5 (A) Determination of the mines of origin
6 of processed materials.

7 (B) Verification of the chain of custody of
8 minerals obtained and processed during the pre-
9 ceding four months, to verify whether revenues
10 from possession, sale, or taxation of conflict
11 minerals are flowing to parties financing con-
12 flict in the Democratic Republic of the Congo.

13 (C) Investigation of mineral sourcing and
14 chain of custody in the Democratic Republic of
15 the Congo and other countries, as necessary,
16 to verify the information provided by suppliers.

17 (2) TIMING OF AUDITS.—Audits shall be ran-
18 domly timed, but not without notice.

19 **SEC. 7. REQUIREMENTS RELATING TO IMPORTATION OF**
20 **ARTICLES CONTAINING CONFLICT MIN-**
21 **ERALS.**

22 (a) DECLARATION OF CERTAIN ARTICLES.—

23 (1) IN GENERAL.—Beginning on the date that
24 is one year after the date of publication in the Fed-
25 eral Register of the initial list of approved private

1 sector auditing services under section 6(b)(1) or two
2 years after the date of the enactment of this Act,
3 whichever occurs later, importers that import arti-
4 cles specified in the Harmonized Tariff Schedule of
5 the United States that are identified pursuant to
6 section 6(a) as included on the Potential Conflict
7 Goods List shall certify on the importer's Customs
8 declaration that such articles "contain conflict min-
9 erals" or are "conflict mineral free" in accordance
10 with section 6(c). Articles that contain components
11 using conflict minerals from a facility audited and
12 certified by an auditor on the list referred to in sub-
13 section 6(b) as—

14 (A) "conflict mineral free" shall be des-
15 ignated as "conflict mineral free"; and

16 (B) a "conflict mineral facility" shall be
17 designated as "contains conflict minerals".

18 (2) SPECIAL RULES.—For the purposes of this
19 Act—

20 (A) recycled derivatives of conflict minerals
21 shall be considered "conflict mineral free"; and

22 (B) articles that contain only components
23 sourced from processing facilities that are "con-
24 flict mineral free" may be labeled "conflict min-
25 eral free".

1 (b) PROHIBITION ON IMPORTATION OF CERTAIN AR-
2 TICLES.—Unrefined conflict minerals, not including their
3 derivatives, from a conflict zone mine that are in raw or
4 unrefined form for any commercial purpose may not be
5 imported into the United States. Beginning on the date
6 that is two years after the date of the enactment of this
7 Act, articles made wholly or in part with components con-
8 taining conflict minerals from facilities that have not been
9 audited in accordance with section 6(c) may not be im-
10 ported into the United States.

11 (c) EXEMPTION.—The President may exempt articles
12 from inclusion on Potential Conflict Goods List and pub-
13 lish notice to this effect in the Federal Register, if the
14 President—

15 (1) determines that such an exemption is in the
16 national security interest of the United States and
17 includes the reasons therefor; and

18 (2) establishes a date, not later than two years
19 after the initial publication of such exemption, on
20 which such exemption shall expire.

21 **SEC. 8. REPORT BY UNITED STATES TRADE REPRESENTA-**
22 **TIVE.**

23 (a) IN GENERAL.—Not later than 180 days after the
24 implementation of the requirements of sections 6 and 7
25 and every 180 days thereafter, the United States Trade

1 Representative, in consultation with the Commissioner re-
2 sponsible for U.S. Customs and Border Protection, shall
3 publish in the Federal Register a list of those importers
4 that have imported into the United States articles that
5 “contain conflict minerals” in the preceding 180-day pe-
6 riod.

7 (b) MATTERS TO BE INCLUDED.—Each report re-
8 quired under subsection (a) shall, with respect to each im-
9 porter identified under subsection (a), include the fol-
10 lowing information irrespective of whether any party to
11 the importation has requested confidentiality: the carrier
12 code, vessel country code, vessel name, voyage number,
13 district/port of unlading, estimated arrival date, bill of lad-
14 ing number, foreign port of lading, manifest quantity,
15 manifest units, weight, weight unit, shipper name, shipper
16 address, consignee name, consignee address, notify party
17 name, notify party address, piece count, description of
18 goods, brand, manufacturing company, container number,
19 and seal number.

20 **SEC. 9. PENALTIES.**

21 (a) PENALTIES RELATING TO CONFLICT MIN-
22 ERALS.—If any person, by fraud, gross negligence, or neg-
23 ligence, enters, introduces, or attempts to enter or intro-
24 duce any good that contains one or more conflict minerals
25 (as such term is defined in section 11) into the territory

1 of the United States by means of inaccurate information
2 with respect to the imported good, such person shall be
3 subject to penalties pursuant to section 592 of the Tariff
4 Act of 1930 (19 U.S.C. 1592).

5 (b) PUBLICATION IN THE FEDERAL REGISTER.—The
6 Commissioner responsible for U.S. Customs and Border
7 Protection and the Secretary of Commerce shall publish
8 in the Federal Register in a timely manner a list of all
9 penalties imposed under subsection (a).

10 **SEC. 10. REPORTS BY GOVERNMENT ACCOUNTABILITY OF-**
11 **FICE.**

12 (a) INITIAL REPORT.—Not later than 36 months
13 after the date of the enactment of this Act and annually
14 thereafter, the Comptroller General of the United States
15 shall submit to Congress a report that includes the fol-
16 lowing:

17 (1) An assessment of the accuracy of the ap-
18 proved private sector auditing services under section
19 6.

20 (2) Recommendations for such auditing services
21 to—

22 (A) improve the accuracy of such auditing
23 services; and

24 (B) establish standards of best practices.

1 (b) FOLLOW-UP REPORTS.—Not later than 36
2 months after the date of the enactment of this Act and
3 annually thereafter, the Comptroller General of the United
4 States shall submit to Congress a report that includes the
5 following:

6 (1) An assessment of the effectiveness of the
7 provisions of this Act.

8 (2) A description of the problems, if any, en-
9 countered by the Department of Commerce, the De-
10 partment of State, the Office of the United States
11 Trade Representative, U.S. Customs and Border
12 Protection, and the Administrator of the United
13 States Agency for International Development in car-
14 rying out the provisions of this Act.

15 (3) A description of the adverse impacts of car-
16 rying out the provisions of this Act, if any, on coun-
17 tries with conflict minerals or their derivatives, and
18 in particular, communities in eastern Democratic
19 Republic of the Congo.

20 (4) Recommendations for legislative or regu-
21 latory actions that can be taken to—

22 (A) improve the effectiveness of the provi-
23 sions of this Act to promote peace and security
24 in accordance with section 3;

1 (B) resolve the problems described in para-
2 graph (2), if any; and

3 (C) mitigate the adverse impacts described
4 in paragraph (3), if any.

5 (5) Recommendations on the feasibility of es-
6 tablishing an appropriate international mechanism
7 designed to effectively disrupt and prevent the trade
8 in minerals of concern, such as columbite-tantalite
9 (coltan), cassiterite, gold, wolframite, or their deriva-
10 tives.

11 **SEC. 11. DEFINITIONS.**

12 In this Act:

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

16 (A) the Committee on Appropriations, the
17 Committee on Foreign Affairs, the Committee
18 on Ways and Means, and the Committee on Fi-
19 nancial Services of the House of Representa-
20 tives; and

21 (B) the Committee on Appropriations, the
22 Committee on Foreign Relations, the Com-
23 mittee on Finance, and the Committee on
24 Banking, Housing, and Urban Affairs of the
25 Senate.

1 (2) ARMED GROUP.—The term “armed group”
2 means armed groups identified as perpetrators of se-
3 rious human rights abuses in the annual Country
4 Reports on Human Rights Practices under sections
5 116(d) and 502B(b) of the Foreign Assistance Act
6 of 1961 (22 U.S.C. 2151n(d) and 2304(b)) relating
7 to the Democratic Republic of the Congo or coun-
8 tries that share a border with the Democratic Re-
9 public of the Congo.

10 (3) CONFLICT MINERALS.—The term “conflict
11 minerals” means columbite-tantalite (coltan), cas-
12 siderite, gold, wolframite, and any other mineral or
13 metal determined by the Secretary of State to be fi-
14 nancing conflict in the Democratic Republic of the
15 Congo.

16 (4) UNDER THE CONTROL OF ARMED
17 GROUPS.—The term “under the control of armed
18 groups” means areas within the countries of the
19 Great Lakes region in which armed groups—

20 (A) physically control mines or force labor
21 of civilians to mine, transport or sell conflict
22 minerals or their derivatives;

23 (B) tax, extort, or control any part of
24 trade routes for conflict minerals or their de-

1 rivatives, including the entire trade route to the
2 point of export from the Great Lakes region; or
3 (C) tax, extort, or control trading facilities,
4 in whole or in part, including the point of ex-
5 port from the Great Lakes region.

6 (5) UNITED STATES.—The term “United
7 States” means the customs territory of the United
8 States, as defined in general note 2 of the Har-
9 monized Tariff Schedule of the United States.

10 **SEC. 12. SUNSET.**

11 This Act shall expire on the date on which the Presi-
12 dent determines and certifies to the appropriate congres-
13 sional committees, but in no case earlier than the date
14 that is one day after end of the three-year period begin-
15 ning on the date of the enactment of this Act, that—

16 (1) no armed group is involved in the mining,
17 sale, or export of one or more conflict minerals;

18 (2) systemic violence as a result of mining has
19 ceased; and

20 (3) a regional framework is being effectively im-
21 plemented to monitor and regulate trade and com-
22 merce in mining so that activities do not benefit
23 armed groups in the future, or allow for domestic or

- 1 foreign elements from being engaged in illegal trade
- 2 activities in the Democratic Republic of the Congo.



Chairman BERMAN. Without objection, I may recess the committee from time to time. I now recognize myself for as much time as I may consume to make an opening statement.

For more than a decade, we have been hearing about the tragic situation in the Democratic Republic of the Congo: Mass killings of civilians. Rape used as a weapon of war. Child soldiers forced to the front lines.

H.R. 4128, the Conflict Minerals Act, is one important step toward ending a conflict in Congo that by some estimates has killed more than 5 million people.

The bill establishes a mechanism to track minerals mined in the DRC that end up in products like cell phones and laptops, and will help us cut off financing to some of the planet's most brutal armed groups. I am now supposed to hold up Marissa's cell phone and say in this cell phone is tin and coltan, both conflict minerals coming from the Congo.

In many respects, this legislation builds on the work already begun by some American companies. H.R. 4128 will make those efforts more effective by creating a level playing field for all companies that do business in the United States.

The American people don't want to put money in the hands of brutal thugs in the DRC, and neither do American companies. For less than 1 cent per cell phone, this bill will allow American consumers to make responsible choices, and help put the warlords out of business. I thank the author of the bill, Mr. McDermott, and my colleague Don Payne, chairman of the Africa Subcommittee, for all their hard work on these issues, and I encourage my colleagues to support the bill.

I would like to also commend Chris Smith for his hard work on H.R. 5138, the International Megan's Law of 2010, and I mean hard work. Many child sex offenders are traveling internationally or reside abroad because the laws against sex acts with minors are weaker or rarely enforced in particular countries.

International Megan's Law would establish a system for providing advance notice to foreign countries when a convicted child sex offender travels to that country and imposes a registration requirement for child sex offenders from the United States who reside abroad.

Worldwide, over 2 million children are sexually exploited each year through trafficking, prostitution and child-sex tourism. We all know the devastating emotional, physical and psychological effects on these child victims. We need to do all we can to prevent these predators from circumventing U.S. laws to prey on children in foreign countries. I encourage my colleagues to support this bill.

H.R. 5139, Extending Immunities to the Office of the High Representative and the International Civilian Office in Kosovo Act of 2010, is a technical fix to ensure legal protection for employees of both the Office of the High Representative (OHR) in Bosnia and Herzegovina, and the International Civilian Office (ICO) in Kosovo.

The bill, which adds the OHR and the ICO to the International Organization Immunities Act, will ensure that Americans serving in these important Balkans-based organizations will be protected from politically motivated litigation in the United States arising from their official duties and only their official duties.

The United States must protect its diplomats who serve in international organizations, often at great personal risk and sacrifice, from financially and personally ruinous litigation while also preserving its ability to use informal institutions in the conduct of foreign policy. Finally, we have S. 1067, the Lord's Resistance Army Disarmament and Northern Uganda Recovery Act of 2009. I would like to thank the gentleman from Massachusetts, Mr. McGovern, for his work on the House version of this bill.

This legislation affirms the policy of the United States to work with regional governments toward a comprehensive and lasting resolution to the conflict in northern Uganda.

It further requires a strategy to support the disarmament of the Lord's Resistance Army, and support for humanitarian efforts and recovery and reconstruction in areas of the Democratic Republic of Congo, Southern Sudan and the Central African Republic affected by Lord's Resistance Army activity.

And it calls on the President to support efforts by the people of northern Uganda and the Government of Uganda to promote transitional justice and reconciliation on both local and national levels.

It should be noted that this bill does not include any earmarks.

I now yield back my time, and I turn to the ranking Republican member, Ileana Ros-Lehtinen, for her opening statement.

Ms. ROS-LEHTINEN. Thank you so much, Mr. Chairman. It is a pleasure to work with you and for our staff to work together in a bipartisan manner in a very open process to bring these bills to our committee again, so I thank you, Mr. Chairman, and I thank your most excellent staff.

I support the en bloc consideration of the legislative items before us. Let me begin by applauding the years of work by our colleague, Congressman Chris Smith of New Jersey, in making the International Megan's Law a reality. Chris is a tenacious fighter for and a defender of the most vulnerable of our population, and I am so very proud of the work that he has done. It has taken a long time, and this is a happy day.

I was proud to be an original co-sponsor of its predecessor, H.R. 1623, and also of this new text, which was the result of months of bipartisan negotiation that Mr. Smith had with the Judiciary Committee, with input from relevant Executive Branch agencies.

The International Megan's Law is an important and long overdue instrument to help protect children from dangerous sexual offenders who use the anonymity afforded by international travel to hide their dangerous and dehumanizing exploitation. By requiring convicted sexual offenders to report upcoming international travel and creating a nexus for communication between local, national and

international authorities, the International Megan's Law will help curb international sex tourism by convicted predators. So thank you, Mr. Smith, for your work on this bill.

I am also proud, Mr. Chairman, to be adding my name as a cosponsor of the revised text of H.R. 4128, the Conflict Minerals Trade Act, which is being considered today. This important human rights legislation will help disrupt the illegal mineral trade that funds and fuels the bloody conflict in the Democratic Republic of the Congo.

There are other measures being considered en bloc that, while not perfect, advance issues of great importance to our members and our Nation. I remain committed to seeing Senate bill S. 1067 enacted into law as quickly as possible to help end the Lord's Resistance Army's 23-year legacy of death and despondency in northern Uganda and the surrounding region.

While I regret that the Senate failed to consider the earmark moratorium adopted by House Republicans despite repeated attempts to highlight this issue, I appreciate the cooperative efforts to make clear that the bill before us today does not contain an earmark in order to help facilitate the progress of this important human rights measure as well.

Another bill, H.R. 5139, considered en bloc will allow the President to extend International Organizations Immunity Act protection to the Office of High Representative, the High Representative in Bosnia and the International Civilian Office in Kosovo. American personnel who work for those offices deserve the same protection against politically motivated nuisance lawsuits that are enjoyed by more than 80 other international organizations covered by the Act.

While we support the agreed upon text, Mr. Chairman, I would like to underscore our concerns about the State Department's rush to secure the authorities in this bill while failing to respond in a timely manner to inquiries made on specific provisions, background and the need for this legislation. The Department needs to be placed on notice that the Congress, and specifically this committee, will not continue to come to the Department's rescue at the last minute, when approached by the Department with a request for a fix on a particular issue or authority.

This committee expects the Department to come into compliance with its statutory obligations under a number of U.S. laws, including the Iran, North Korea and Syria Nonproliferation Act (INKSNA) before any further requests such as H.R. 5139 are made of this committee. So please come forward with the repeated request that we have made for information about INKSNA before coming up for further requests.

With that, Mr. Chairman, I thank you for the time and look forward to the continued markup.

Chairman BERMAN. The gentlelady yields back the balance of her time, and before I recognize the gentleman from New Jersey, I just will yield to myself to express the same concern expressed by the ranking member regarding the difficulty of getting the State Department to respond.

The need for this legislation is coming not from the State Department, but from the people who work in those organizations. They

have a clear and compelling case, and the State Department was very slow to respond on a variety of the legal issues. In fact, it wasn't until very recently that we got the responses we had been trying to get for a long time.

At this point I am pleased to recognize the chairman of the Africa Subcommittee, the gentleman from New Jersey, Mr. Payne, who has spent a great deal of time on at least two of these measures that are before us in this en bloc motion.

Mr. PAYNE. Thank you very much, Mr. Chairman and ranking member. Let me begin by offering an amendment in the nature of a substitute to H.R. 4128.

Chairman BERMAN. Would the gentleman yield?

Mr. PAYNE. Yes.

Chairman BERMAN. We have already put that in as the base text for this.

Mr. PAYNE. Oh, great.

Chairman BERMAN. So it is the bill with that amendment in the nature of a substitute that is now before us.

Mr. PAYNE. Thank you very much. Thanks for that clarification.

I certainly would like, as I mentioned, to thank the chairman and the ranking member and the full committee staff on both sides of the aisle for working with me and my staff on this measure, the conflict minerals bill. I would also especially like to thank Mr. McDermott from the Ways and Means Committee for a strong interest and in the work of his staff as we work together on this bill.

The Democratic Republic of Congo, the DRC, has been in political turmoil for decades. In the early 1900s, the region was King Leopold's playground. In the 1960s, a nationalist movement led by Patrice Lumumba won Parliamentary elections in the Congo. Lumumba was considered a threat as a new leader in Africa and was later assassinated by Belgium troops, at that time supported by the United States Government.

In May 1997, the Alliance of the Democratic Forces for the Liberation of Congo Zaire, the AFDL, with the support of Rwanda and Uganda, marched into Kinshasa and ousted long-time dictator Mobutu Sese Seko. By August 1998, conflict erupted between Kabila and the Congolese forces supported by Rwanda. Angola, Namibia and Zimbabwe joined the fighting in support of Kabila. The Second Congolese War, often referred to as the African World War, contributed to displacement of many civilians, the destruction of towns and the death of millions.

Much progress has been made over the past several years in moving the DRC from political instability and civil war to relative stability and democratic rule. However, Eastern Congo remains marred by civil strife, and conflict minerals have been the source of much of the devastating violence in the region.

Although the government in Kinshasa has attempted to control the region, there is, for example, no direct road from the capital of Kinshasa to the eastern region of the country, therefore creating very, very difficult transportation problems and therefore making governance much more difficult.

The Conflict Minerals Trade Act promotes peace and security in the eastern region of the Democratic Republic of Congo by requiring the following: One, that the State Department create a map of

the DRC showing mines and areas that are under the control of militant groups involved in human rights violations;

That the Department of Commerce publishes a potential conflict goods list, products that may contain conflict minerals, and a list of international auditors who are approved to do audits of processing facilities to determine if conflict materials have been processed there in that area;

Three, that products containing conflict material from facilities that have not been audited may not be imported into the United States of America; and, four, the U.S. and other partner nations help build capacity of the Congolese Government.

The bill, while it will not change the situation in the DRC overnight, is a strong effort to build transparency in the mining sector. Our aim is to help bring about an end to the suffering of the people of Eastern Congo. As has been mentioned, I am offering this amendment in the nature of a substitute today to deal with some of the finer details of the bill.

Let me just say that I have been to the Eastern Congo on at least five occasions, have during the conflict time met with some of the warlords when they were head of militias, Bimba and Robetta. We have seen much progress made from those days to the present. However, there are still problems.

We have this bill, which follows a similar bill that I urged and pushed and we introduced years ago on conflict diamonds where the Kimberley Process now processes diamonds, and if they are not certified then those diamonds may not be sold on the marketplace and so we are expecting this particular bill to have the same result as it relates to tin and coltan and other valuable minerals that go into the processing.

And so I would like to once again appreciate the support of Chairman Berman and Ranking Member Ros-Lehtinen. They contributed to the provisions in the bill. We worked closely with them, and the bill will ensure that we provide a framework to assist the Government of the DRC.

On a number of occasions I have discussed this with President Kabila, my five or six meetings with him during the past 7 or 8 years, and we hope that this will help him in trying to bring under control that eastern region of this country. So I urge the members to support this amendment, H.R. 4128, and look forward to moving this bill to the Floor.

Secondly, I would just like to briefly urge members to support S. 1067, the Lord's Resistance Army's Disarmament in Northern Uganda Recovery Act of 2009. This bill seeks to bring an end to the more than 20 years of terror propagated by the Lord's Resistance Army, known as the LRA, in northern Uganda.

The bill calls for an interagency strategy to stop the LRA's reign of terror which has spread to neighboring DRC, South Sudan and the Central African Republic and to provide critical support to the innocent people, particularly the children whose lives have been devastated by Joseph Kony and those who support him.

Mr. Chairman, as you know, I had reservations about one section of the bill which says we should restrict assistance to the Government of Uganda if certain steps are not taken. I would like to say for the record the Government of Uganda has made significant ef-

forts to address the havoc wrecked by the LRA, and they have done a tremendous amount in trying to bring this under control.

But in the interest of moving the bill forward I agree to go ahead with the Senate version, but I would like to thank the chairman and Representative McGovern for working with me on alternative language to the House bill. I do support the Senate bill.

However, as I have mentioned, to hold punitive measures against a government who is trying to also deal with this situation. They have even, as you may recall, had the U.N. agree to have amnesty for Kony, which many of us thought was a horrible thing to do for such a terrible criminal.

However, if it would end the problem we went along with it, but Kony refused to go along with that and the ICC still has the indictment out for him. So I would be reluctant to penalize the Government of Uganda because of Kony, and that is what it says in the bill, but hopefully we can work on that to have that provision altered.

Finally, I just want to commend my colleague from New Jersey, Mr. Smith, and strongly urge the support of H.R. 5138, the International Megan's Law of 2010, which protects children from sexual exploitation by establishing an advance reporting requirement for registered sex offenders traveling internationally and provides a mechanism for notification and destination countries for traveling sex offenders who pose a risk to children. I certainly commend Congressman Smith for his leadership on the bill and Mr. Berman and Ms. Ros-Lehtinen for moving this forward.

As you know, Megan's Law, which was first passed in our home state of New Jersey in 1994 and later adopted by Congress in 1996, protects children from sex exploitation through community notification by identifying the whereabouts of sex offenders. International Megan's Law will protect children by preventing in some circumstances and monitoring in other cases, sex offenders who pose a risk of committing a sex offense against a minor while traveling abroad.

The United States has a moral obligation to strengthen international cooperation against sexual exploitation of a minor and must lead the global community in an effort to save potential children, child victims, by notifying other countries of U.S. sex offenders who pose a high risk of exploiting children. I strongly urge my colleagues to support this legislation. It will protect all children, both nationally and internationally, from sex offenders and sexual exploitation.

With that, Mr. Chairman, thank you for the time. I yield back.

Chairman BERMAN. The gentleman yields back, and now to the other gentleman from New Jersey, Mr. Smith, for 5 minutes.

Mr. SMITH. Mr. Chairman, I move to strike the last word, and I want to thank you—

Chairman BERMAN. The gentleman is recognized for 5 minutes.

Mr. SMITH [continuing]. For bringing before this committee all of these bills, but in particular the International Megan's Law, H.R. 5138, which as you and others have pointed out, establishes a model framework for intergovernmental notifications when a dangerous child sex offender travels internationally.

International Megan's Law works synergistically with our efforts to combat human trafficking, in this case by providing information about high risk sex offenders, child sex offenders. These are people who have been convicted, who unfortunately, today, we have every reason to believe as the evidence is overwhelming, travel abroad in order to exploit children. This legislation will work in a hand and glove manner with our already enacted Trafficking Victims Protection Act and other similar pieces of legislation.

I do want to thank you, Mr. Chairman, and Ileana Ros-Lehtinen for your leadership on this bill. I want to thank Don Payne, the prime co-sponsor, for his work on this. I deeply appreciate it. As he correctly pointed out, the International Megan's Law follows the Megan's Law, which passed in New Jersey back in the early 1990s.

Megan Kanka was a little girl, a 7-year-old girl, who actually lived in my home town. She was severely sexually assaulted and then brutally murdered by a convicted pedophile who had already spent time, more than a dozen years, in prison. He lived across the street. Nobody knew his background.

He invited her into his home. He said, "Come in and see my puppy." He had a little dog. And then he brutally raped and murdered her and nobody knew. Nobody knew who this person was. That led to enactment in New Jersey and then throughout all 50 states of the Megan's Law, which has had the ability to deter. Knowledge is power to deter, and now we are trying to extend that internationally when people go on these sex tourism efforts to exploit children.

I especially want to thank Maureen and Richard Kanka, who founded the Kanka Foundation, Megan's legacy. They have taken a horrific tragedy and have become national and now international proponents of Megan's Law as a way of trying to mitigate these horrific crimes.

Mr. Chairman, despite the fact that 137 countries are party to the optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography abound, including in the United States. Little is being done internationally to comply with the obligation to prevent these acts in the context of the horrific phenomena of child sex tourism.

As evidenced by the troubling information in the State Department's Annual Trafficking in Persons Report, child sex tourism is a serious and widespread problem. Congress has passed legislation to bring to justice those Americans who are caught sexually exploiting children abroad, but we have yet to institute measures that will protect children from suffering this exploitation in the first place and its lifelong consequences.

H.R. 5138 would implement one measure that is readily apparent: To identify and notify foreign governments of international travel by known dangerous sex child offenders. The move to such a formalized agreement is exemplified in a case in April 2008. A lifetime registered sex offender from the U.K. traveled to the U.S. with the intention of living with a woman he had communicated with on the internet and her young daughter. It was only after an alert of Interpol London that U.S. officials learned about the criminal history of this man and refused to allow him to enter the country.

There have been instances where ICE officials most recently in California learned of a group of men who were going to travel to South Korea, all of them sex offenders, all of them with grave MOs as to what they probably intended to do in South Korea. We notified South Korea. They didn't grant a visa and they were not allowed to commit what we believe would have been crimes in South Korea against children.

U.S. Immigration and Customs Enforcement, together with other U.S. and foreign law enforcement agencies, are making a sincere, but occasional, effort to share information. It is all being done on an ad hoc basis through Interpol and other available means regarding traveling child sex offenders. A legal structure is needed to systematize and coordinate these detection and notification efforts.

The International Megan's Law would provide this legal structure. It establishes a mechanism for U.S. law enforcement agencies to identify child sex offenders who pose a danger to children in a destination country and to notify that country about this child sex offender's travel intentions. It also includes a sense of the Congress that the President can negotiate agreements——

Chairman BERMAN. The time of the gentleman has expired. Without objection, the gentleman has 2 additional minutes.

Mr. SMITH. I appreciate that. Thank you, Mr. Chairman.

It also includes a sense of Congress that the President, as you know, can negotiate agreements with other governments to establish bilateral systems to receive and transmit notices about dangerous child sex offenders so that children in our own country will be better protected from known predators.

The bill also establishes a registration requirement for U.S. child sex offenders when they are residing abroad. Currently there is no legal mechanism to identify and track Americans convicted of child sex offenses overseas or to continue tracking the location and activities of a child sex offender if they leave the United States for more than 30 days. H.R. 5138 will enable the U.S. diplomatic missions to notify U.S. law enforcement when a child sex offender who is required to register enters or re-enters the United States.

I would ask that my full statement be made a part of the record.

Chairman BERMAN. Without objection.

Mr. SMITH. I would like to thank the many very dedicated staff on both sides of the aisle who worked so hard on this, beginning with Sheri Rickert. I would also like to thank Kristin Wells, who used to be with the committee who did yeoman's work on this, Janice Kaguyutan, Doug Anderson, Shanna Winters, Rick Kessler, who has been working with us very closely, Stephanie Gidigbi and a large group of people on the Judiciary Committee as well because we have been engaging in negotiations there as well. Thank you, Mr. Chairman.

Chairman BERMAN. Will the gentleman yield?

Mr. SMITH. I will be happy to yield.

Chairman BERMAN. I just want my colleagues on the committee to understand what you have done. You have gotten a bill like this through and with the approval and sign off and the waiving of jurisdiction of the staff of the House Judiciary Committee. Not a minor achievement.

Mr. SMITH. Thank you very much, and I do appreciate it very much.

Chairman BERMAN. The time of the gentleman has expired. Any member wish to be recognized to strike the last word or offer an amendment? The gentleman from Texas, Mr. Poe?

Mr. POE. Mr Chairman, I move to strike the last word.

Chairman BERMAN. The gentleman is recognized for 5 minutes.

Mr. POE. Thank you very much, Mr. Chairman. The International Megan's Law, H.R. 5138, is very important to our country. As founder and co-chair of the Victim's Rights Caucus, along with my friend, Mr. Costa, from California, I strongly urge support of H.R. 5138.

Unfortunately, unlawful sex tourism is big international business. One million children enter the multi-billion-dollar commercial sex every year. One million kids. Overall there are 2 million children that are enslaved in the global commercial sex trade.

These children are not statistics. They are real people. They are boys and girls who most often grow up in very poor families and broken homes from countries all over the world. They are lured away by recruiters who promise them jobs in another city. They are falsely imprisoned under the belief that they are going to go to some other country, have a job and send money back home to their families.

I recently was in the Ukraine and Bulgaria discussing this issue, and in some ways it is almost epidemic in the former eastern European bloc how young women primarily are lured away and then many of them never seen again because they are put into the sex trade.

When they leave home they are forced into prostitution, and studies show that child prostitutes serve between 2 and 30 clients a week, which means they serve anywhere between 100 and 1,500 clients per year. I don't like calling them clients. I like calling them criminals, but that is what they are under the terminology.

Those who resist or fail to earn enough money, the people who have procured them beat these children until they go back to work, bringing in this filthy lucre. If they don't die from an STD many of them fall into drug use, and without any hope or any other way many of them commit suicide.

The most startling statistic, Mr. Chairman, is the fact that Americans make up 25 percent of the world's sex trade tourists. In other words, all of these going on in foreign countries, 25 percent of the clients are Americans. Many of them have gone abroad so that they can exploit children. That is to our shame. We need to deal with that issue.

The International Megan's Law of 2010 is another tool to help free children and stop the child sex tourism. It makes it harder for Americans with a known history of the sex offender to sexually abuse children in another country because our laws have gotten stringent enough, these sex offenders who go to prison, and most of them statistically repeat once they leave the penitentiary. They decide to go to a foreign country where laws are different and they are less likely to be apprehended.

It says that if you abuse children here in the United States, you have to tell the U.S. Government when and where you are going

so we can warn other countries this criminal is coming to your country and he is a known child molester. It also says that if a country knows of a sex offender in their country we want to know what their plans are if they come to the United States.

The point of this law is to shine light on an industry that thrives in the darkness, in the depths of depravity. If you have a known history of sexually abusing children in our Nation, no longer can you just get on an airplane, go abuse other children in another country and come back home. I hope that means that a sex offender will think twice before exploiting other kids in foreign nations.

I hope this law puts the slimy pimps that prey on helpless children out of business, and this will help do that. They make profits by exploiting kids in the international sex tourism business. Hopefully children around the world, less of them will be caught in the sex trade and slavery. Children are victims of crime. Their freedom is stolen, their dignity, and their voices must be heard here in the United States and we must do what we can to help other kids throughout the world.

Lastly, I want to point out that once a person, a child, usually young women, are put into this atmosphere they never recover. They never get out of it, and those that do have tremendous physical, emotional and mental problems because of the sex trade tourism that they have been kidnapped and put into.

So I congratulate my friend from New Jersey for sponsoring this, and I totally support it. I yield back the remainder of my time.

Chairman BERMAN. The time of the gentleman has expired. Who else seeks recognition? The gentlelady from Texas. For what purpose do you seek recognition?

Ms. JACKSON LEE. To ask unanimous consent to speak for 5 minutes.

Chairman BERMAN. Without objection. The gentlelady moves to strike the last word and is recognized for 5 minutes.

Ms. JACKSON LEE. Mr. Chairman, I want to thank you for your leadership and that of the ranking member for collecting these very important initiatives going forward. I will speak briefly about each of the initiatives that I am supporting.

The Conflict Minerals Trade Act has just really been galvanized by recent media stories about a high profile model that may have been either the victim or engaged or associated with allegations of conflict diamonds as it relates to the trial of Charles Taylor. It goes on and on and on. And so I think this legislation is long overdue, and I am very glad that businesses such as LG Electronics and Motorola and advocacy groups such as Oxfam and Genocide Intervention Network, Global Witness are in support of this.

I received a letter from Corinna Gilfillan, who is with Global Witness, who indicated that the trade in conflict minerals by armed groups in the Eastern DRC has fueled horrific human rights abuses, including widespread killings of unarmed civilians, rape, torture, looting and Federal displacement of hundreds of thousands of people.

Might I just say that I wish that we were as forceful, though I know that there was much opposition, during the Liberian War

where these conflict minerals are clearly in play. So I support this legislation and look forward to its passage.

In addition, as the co-chair of the Congressional Caucus I am enthusiastically supporting H.R. 5138 and thank the co-sponsors and authors for the wisdom. I was a strong supporter and advocate of Megan's Law, and I believe that this is key in saving the lives of children.

I am reminded of visits early on in my congressional career to Bangladesh and to several other countries. I don't want to in essence call the roll, but countries who hopefully have made great strides in meeting with some of the Bangladesh leaders. I know that they have. Thailand, for example, with the horrific story of a year or 2 ago of individuals, men, who have left their country to abuse children.

This is intolerable and unacceptable, and if the Congress cannot stand before the major components of this bill, which is the establishment of a system for providing advance notice to foreign countries when a sex offender who poses a high risk is traveling and the imposition of a registration requirement for child offenders from the United States who reside abroad, what can we do?

So I am very grateful that we have put that legislation forward, and I do support it to avoid the result of HIV AIDS and other abuses, psychological trauma, disease, unwanted pregnancy that comes about through this horrific, horrible crime.

H.R. 5139, extending immunities to the Office of the High Representative Act, is a technical fix of which I support, and then in listening to my colleague from New Jersey, Chairman Payne, I want to associate myself on S. 1067 with his comments, his broad comments, the Lord's Resistance Army Disarmament in Northern Uganda Recovery Act.

We have spent time in Uganda, and certainly its President has had a long tenure. The rebel guerrilla army operating in Uganda and parts of Sudan, the LRA, has come to be known for its mass atrocities, and this seeking of disarmament to finally bring peace to this area is important.

I do think we should take into consideration who is to blame, but it should be noted that in this battle injuries targeted government troops, more than 200,000 lives have been taken, and millions of civilians have been displaced from their homes. Twenty thousand children have been abducted, raped, maimed and killed. This is long overdue. This legislation authorizes the President to provide additional assistance to respond to the humanitarian needs.

Let me also say that I support the Global Science Program for Security, Competitiveness and Diplomacy Act, H.R. 4801. Having been a 12-year member of the Science Committee, this is an excellent idea.

And I thank you for accepting my amendment, which expands it to Subsaharan countries that may have been a little bit more economically able because, for example, South Africa is a country that has an enormous range in science. Many of those individuals would be left out if they were not able to engage in this process of a scientific exchange. Science I believe is the work of the twenty-first century. We are in the twenty-first century, and we should leave no one out.

Mr. Chairman, I would like to ask for approval and passage of the bills that I have just commented on, and I thank the committee for yielding. I yield back.

Chairman BERMAN. The time of the gentlelady has expired.

Hearing no further amendments, I ask unanimous consent that the amendment in the nature of a substitute to H.R. 4128, the Conflict Minerals Trade Act, is considered adopted, and without objection I further ask unanimous consent to report en bloc the four bills favorably to the House, but as separate bills.

H.R. 5138, International Megan's Law of 2010; H.R. 5139, Extending Immunities to the Office of the High Representative Act of 2010; S. 1067, the Lord's Resistance Army Disarmament and Northern Uganda Recovery Act of 2009 will each be ordered reported without amendment. H.R. 4128, the Conflict Minerals Trade Act, will be ordered reported with an amendment in the nature of a substitute just adopted.

I move that these four bills as described be reported favorably to the House. All those in favor say aye.

[Chorus of ayes.]

Chairman BERMAN. All opposed say no.

[Chorus of noes.]

Chairman BERMAN. In the opinion of the chair, the ayes have it and the motion is agreed to without objection. The staff is authorized to make any technical and conforming changes. That takes care of four of the five bills. I thank the members for being here, and I ask you to stay for one more bill, which I really like because it is my bill.

Pursuant to notice I call up the final bill, H.R. 4801, the Global Science Program for Security, Competitiveness and Diplomacy Act of 2010.

[H.R. 4801 follows:]

111TH CONGRESS
2D SESSION

H. R. 4801

To establish the Global Science Program for Security, Competitiveness, and Diplomacy, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 10, 2010

Mr. BERMAN (for himself, Mr. FORTENBERRY, Mr. LIPINSKI, Mr. BAIRD, and Mr. HOLT) introduced the following bill; which was referred to the Committee on Foreign Affairs, and in addition to the Committee on Science and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To establish the Global Science Program for Security, Competitiveness, and Diplomacy, 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 “Global Science Pro-
5 gram for Security, Competitiveness, and Diplomacy Act
6 of 2010”.

7 **SEC. 2. FINDINGS.**

8 Congress finds the following:

1 (1) International scientific collaboration pro-
2 motes the national security and economic competi-
3 tiveness of the United States. It is therefore a key
4 foreign policy priority of Congress to support such
5 collaboration.

6 (2) During the Cold War, scientific collabora-
7 tion bolstered relationships with United States allies
8 and provided helpful engagement with adversaries.

9 (3) International scientific collaboration today
10 helps the United States find technical solutions to
11 key global challenges, promotes economic develop-
12 ment at home and abroad, improves bilateral rela-
13 tionships, leverages the capabilities of foreign sci-
14 entists and engineers, creates technology that im-
15 proves quality of life, promotes United States values,
16 and enhances the reputation of the United States in
17 the world.

18 (4) The United States faces competition from
19 other countries in the field of international scientific
20 collaboration. Forging international networks with
21 the best individuals and institutions abroad is essen-
22 tial to advancing long-term United States economic
23 interests.

24 (5) Simultaneously, it is of the highest priority
25 for United States national security to ensure that

1 scientists who have been engaged in weapons of
2 mass destruction (WMD)-related research and engi-
3 neering are encouraged and supported, in partner-
4 ship with foreign governments, to engage in produc-
5 tive civil initiatives. This collaboration and other
6 international scientific partnerships can be applied
7 directly to solving pressing problems of global secu-
8 rity, including global pandemics and climate change.

9 (6) Ensuring long-term stability and prosperity
10 in countries vulnerable to terrorist influence requires
11 promoting effective economic development and build-
12 ing the capacity of foreign partners to address con-
13 ditions that give rise to terrorism. International sci-
14 entific collaboration provides a means to advance
15 these objectives.

16 (7) In an era where international skepticism
17 about United States foreign policy abounds, civil so-
18 ciety—including scientists and engineers—plays a
19 critical role in advancing the foreign policy interests
20 of the United States via engagement with scientists
21 abroad. Among foreign scientists and engineers, the
22 United States remains the most attractive destina-
23 tion in the world for graduate education and career-
24 long collaboration.

1 (8) There are a range of activities, such as col-
2 laborative research and exchange programs, best
3 suited to non-government organizations, where inde-
4 pendence from the United States Government pro-
5 vides greater flexibility, agility, and, in some cases,
6 credibility, with foreign scientists.

7 (9) United States scientists, engineers, and
8 innovators are an underutilized asset in efforts to
9 advance United States diplomatic objectives; facili-
10 tating contact between such individuals and foreign
11 populations of interest will advance overall United
12 States foreign policy objectives.

13 **SEC. 3. DEFINITIONS.**

14 In this Act:

15 (1) **ELIGIBLE COUNTRY.**—The term “eligible
16 country” means—

17 (A) a country classified by the World Bank
18 as either lower-middle-income or low-income
19 economies;

20 (B) a country located in the Middle East;

21 (C) a country with a majority population
22 of Muslims; or

23 (D) any other country as determined by
24 the Secretary of State.

1 (2) FEDERAL SCIENCE AGENCY.—The term
2 “Federal science agency” means any Federal agency
3 that is responsible for at least two percent of the
4 total Federal obligation for research and develop-
5 ment at institutions of higher education, according
6 to the most recent data available from the National
7 Science Foundation.

8 (3) ORGANIZATION.—The term “organization”
9 means an educational institution, corporation, part-
10 nership, firm, or entity exempt from taxation under
11 section 501(a) of the Internal Revenue Code of 1986
12 and described in section 501(c)(3) of such Code.

13 **SEC. 4. GLOBAL SCIENCE PROGRAM FOR SECURITY, COM-**
14 **PETITIVENESS, AND DIPLOMACY.**

15 (a) AUTHORIZATION.—The Secretary of State shall
16 establish a program to be known as the “Global Science
17 Program for Security, Competitiveness, and Diplomacy”
18 (referred to in this section and sections 5 and 6 as the
19 “Program”) in accordance with this section and sections
20 5 and 6.

21 (b) ACTIVITIES SUPPORTED.—The Program shall
22 carry out, through the provision of grants, the following
23 activities:

24 (1) COLLABORATIVE RESEARCH.—

1 (Λ) IN GENERAL.—Establish global re-
2 search competitions that will undertake the fol-
3 lowing:

4 (i) Address the following global chal-
5 lenges: ocean acidification, nonprolifera-
6 tion, multiple drug resistant diseases,
7 water-borne diseases, development of sus-
8 tainable renewable energy resources, sani-
9 tation, food shortage, and water resources.

10 (ii) Engage former WMD scientists to
11 assist in their transition to peaceful, civil-
12 ian research.

13 (iii) Provide incentives for United
14 States businesses to undertake programs
15 employing such scientists for peaceful pur-
16 poses.

17 (iv) Foster stronger partnerships and
18 relations between United States and for-
19 eign universities in science and technology.

20 (B) ACTIVITIES.—Such global research
21 competitions shall include—

22 (i) grants for not more than five years
23 of collaborative research and development
24 projects between United States scientists

1 and engineers and scientists and engineers
2 from eligible countries; and

3 (ii) grants to enhance existing United
4 States-based research programs by adding
5 an international partner from an eligible
6 country.

7 (2) INSTITUTIONAL CAPACITY BUILDING.—

8 (A) GOALS.—The goals of such grants
9 shall be to—

10 (i) strengthen the research infrastruc-
11 ture and science and engineering curricula
12 of institutes of higher learning in eligible
13 countries;

14 (ii) engage foreign students early in
15 their careers with United States scientists
16 and engineers in order to bring such stu-
17 dents into the global sphere of science and
18 foster critical thinking; and

19 (iii) expand existing scholarship ex-
20 changes with students from eligible coun-
21 tries.

22 (B) RESTRICTIONS.—The following restric-
23 tions shall apply to the Program:

24 (i) Funds may not be used for con-
25 struction of facilities.

1 (ii) Not more than 10 percent of each
2 grant may be used for purchase of equip-
3 ment.

4 (iii) No eligible country may receive
5 more than 10 percent of the funds author-
6 ized to be appropriated for the Program
7 for any fiscal year.

8 (C) ACTIVITIES.—Such grants may in-
9 clude—

10 (i) establishing research and education
11 centers at institutes of higher learning in
12 eligible countries to carry out the purposes
13 of this Act; and

14 (ii) providing equipment and training.

15 (3) NONPROLIFERATION.—

16 (A) IN GENERAL.—Conduct research and
17 training programs that—

18 (i) engage scientists and engineers
19 who might otherwise be exploited to par-
20 ticipate in illicit nuclear or WMD weapons
21 programs;

22 (ii) help prevent nuclear and WMD
23 proliferation; or

24 (iii) encourage foreign scientists and
25 engineers, in collaboration with United

1 States partners, to develop technologies
2 and methods to combat WMD terrorism.

3 (B) ACTIVITIES.—Such research and train-
4 ing programs may include—

5 (i) collaborative research competitions
6 that would provide research grants to for-
7 eign scientists and engineers with WMD
8 experience or who could be targeted to par-
9 ticipate in a WMD or nuclear weapons
10 program, and United States scientists and
11 engineers; and

12 (ii) research and training programs
13 for personnel of eligible countries who will
14 be implementing nuclear cooperation agree-
15 ments with the United States or otherwise
16 participating in nuclear programs.

17 (4) GLOBAL VIRTUAL SCIENCE LIBRARY.—To
18 make grants to organizations that provide online ac-
19 cess at little or no cost for scientists and engineers
20 in eligible countries to worldwide science journals.

21 (e) CERTAIN REQUIREMENTS.—Grants awarded pur-
22 suant to subsection (b) (except for grants awarded pursu-
23 ant to paragraph (3) of such subsection) shall be competi-
24 tive, peer-reviewed, and merit-based.

1 (d) ADDITIONAL FUNDING.—In applying for a grant,
2 an organization shall demonstrate how it will seek, to the
3 maximum extent possible, additional funding from partner
4 organizations, foreign governments, private businesses,
5 and other entities, ideally to the level of a full match.

6 **SEC. 5. MANAGEMENT.**

7 (a) POLICY.—

8 (1) IN GENERAL.—The Secretary of State, in
9 consultation with the Director of the Office of
10 Science and Technology Policy, shall promulgate
11 guidelines for review of grant applications to the
12 Program.

13 (2) REQUIREMENTS.—The guidelines required
14 under this subsection shall address, at a minimum,
15 the following:

16 (A) Criteria by which grants shall be se-
17 lected, including a description of diplomatic ob-
18 jectives of the Program.

19 (B) Policies to ensure that grants are in
20 furtherance of United States diplomatic objec-
21 tives.

22 (C) The countries and regions to partici-
23 pate in the Program.

24 (b) IMPLEMENTATION.—

1 (1) IN GENERAL.—The Secretary of State shall
2 coordinate with the Director of the Office of Science
3 and Technology Policy and the Director of the Na-
4 tional Science Foundation to administer and imple-
5 ment the Program, in accordance with the guidelines
6 promulgated pursuant to subsection (a).

7 (2) NATIONAL SCIENCE FOUNDATION.—The Di-
8 rector of the National Science Foundation shall per-
9 form the following activities for the Program:

10 (A) Subject to the guidelines promulgated
11 pursuant to subsection (a), develop and issue
12 solicitations for projects described in section
13 4(b), or coordinate with other Federal science
14 agencies to develop and issue solicitations, as
15 appropriate.

16 (B) Establish peer review panels comprised
17 of individuals with demonstrated experience in
18 relevant fields to—

19 (i) review proposals for grants; and

20 (ii) provide recommendations regard-
21 ing evaluation of such proposals.

22 (C) Award grants based on the peer review
23 recommendations.

24 (D) Administer grants on behalf of the
25 Program.

1 (c) ACCEPTANCE OF FUNDS FROM OUTSIDE
2 SOURCES.—The Program may accept funds from outside
3 sources, including foreign governments, nongovernmental
4 organizations, and private business entities.

5 (d) RULE OF CONSTRUCTION.—Nothing in this Act
6 may be construed to make any grant recipient an agent
7 or establishment of the United States Government.

8 (e) ANNUAL REPORT.—

9 (1) IN GENERAL.—Not later than November 30
10 of each year, the President shall transmit to Con-
11 gress a report relating to the Program for the pre-
12 ceding fiscal year.

13 (2) CONTENTS.—The report required under
14 paragraph (1) shall include the following informa-
15 tion:

16 (A) A comprehensive and detailed report
17 on all operations, activities, and accomplish-
18 ments under the Program.

19 (B) All expenditures of funds from the
20 Program.

21 (C) A report on metrics used to gauge suc-
22 cess of the Program.

1 **SEC. 6. FUNDING.**

2 (a) IN GENERAL.—There is authorized to be appro-
3 priated to the President such sums as may be necessary
4 to carry out sections 4 and 5.

5 (b) ADDITIONAL AUTHORITIES.—Amounts appro-
6 priated pursuant to the authorization for appropriations
7 under subsection (a)—

8 (1) may be referred to as the “Global Science
9 Program for Security, Competitiveness, and Diplo-
10 macy”; and

11 (2) may remain available until expended.

12 (c) TRANSFER AUTHORITY.—The Secretary of State
13 may transfer funds authorized to be appropriated pursu-
14 ant to this section to other Federal agencies, including the
15 National Science Foundation, for the purposes of admin-
16 istering the Program. The Director of the National
17 Science Foundation (NSF) may transfer funds trans-
18 ferred to the NSF, as appropriate, to other Federal
19 science agencies for the purpose of implementing the Pro-
20 gram.

21 **SEC. 7. SENSE OF CONGRESS.**

22 It is the sense of Congress that—

23 (1) the Office of the Science and Technology
24 Advisor of the Department of State should be fur-
25 ther integrated into the overall activities of the De-

1 partment of State, including greater involvement in
2 the activities of regional bureaus; and

3 (2) science is a critical, underutilized resource
4 for United States diplomacy, and that the activities
5 of bureaus with oversight over science programs
6 within the Department should be integrated.

7 **SEC. 8. EMBASSY SCIENCE FELLOWS PROGRAM.**

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

10 (1) scientific fellows at the Department of State
11 critically augment the capacity of the Department
12 and United States embassies to address science and
13 technology issues;

14 (2) Federal agencies are reluctant to pay the
15 costs of scientists detailed to serve in United States
16 embassies; and

17 (3) expanding existing fellowship programs will
18 meet the Department's needs to enhance the role of
19 science at United States embassies.

20 (b) AUTHORIZATION.—The Secretary of State is au-
21 thorized to establish a program to be known as the “Em-
22 bassy Science Fellows Program” to serve the following
23 purposes:

1 (1) Pay for the costs of scientists employed at
2 Federal agencies to serve in the Department of
3 State for a period of not longer than three years.

4 (2) Enhance the role scientists play in strength-
5 ening United States diplomatic efforts.

6 (3) Ensure the placement of scientists at
7 United States embassies.

8 (c) AUTHORIZATION OF APPROPRIATIONS.—From
9 amounts made available to the Diplomatic and Consular
10 Programs account of the Department of State, there is
11 authorized to be appropriated to the Secretary of State
12 such sums as may be necessary to implement the Program
13 authorized to be established in accordance with subsection
14 (b).

15 (d) ACCEPTANCE OF FUNDS FROM OUTSIDE
16 SOURCES.—The Embassy Science Fellows Program may
17 accept funds from outside sources, including foundations,
18 nongovernmental organizations, and private business enti-
19 ties.

20 **SEC. 9. JEFFERSON SCIENCE FELLOWS PROGRAM.**

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

23 (1) tenured academic scientists from United
24 States institutions of higher learning can provide

1 critical expertise and inform foreign policy matters
2 at the Department of State;

3 (2) United States academic institutions enjoy
4 an enhanced reputation in the international scientific
5 community;

6 (3) the presence of United States scientists at
7 the Department of State enhances the utility of
8 science as tool for diplomatic engagement; and

9 (4) the Jefferson Science Fellows Program au-
10 thorized to be established pursuant to this section
11 will provide a successful model for augmenting the
12 scientific expertise at the Department of State.

13 (b) AUTHORIZATION.—The Secretary of State is au-
14 thorized to establish a program to be known as the “Jef-
15 ferson Science Fellows Program” to serve the following
16 purposes:

17 (1) Provide an opportunity for tenured re-
18 search-active scientists and engineers from the
19 United States academic community to serve in the
20 Department of State for one year.

21 (2) Maintain an ongoing interactive relationship
22 between United States academic institutions and the
23 Department of State by utilizing former Jefferson
24 Fellows as expert consultants for short-term projects

1 for at least five years following their fellowship ten-
2 ure.

3 (3) Enhance the availability at the Department
4 of State of up-to-date scientific knowledge relevant
5 to foreign policy and international relations.

6 (4) Enhance the use of science as a tool for di-
7 plomacy at the Department of State.

8 (c) AUTHORIZATION OF APPROPRIATIONS.—From
9 amounts made available to the Diplomatic and Consular
10 Programs account of the Department of State, there is
11 authorized to be appropriated to the Secretary of State
12 such sums as may be necessary to implement the Jefferson
13 Science Fellows Program authorized to be established in
14 accordance with subsection (b).

15 (d) ACCEPTANCE OF FUNDS FROM OUTSIDE
16 SOURCES.—The Jefferson Science Fellows Program may
17 accept funds from outside sources, including foundations,
18 nongovernmental organizations, and private business enti-
19 ties.

20 **SEC. 10. SCIENTIFIC ENVOYS PROGRAM.**

21 (a) AUTHORIZATION.—The Secretary of State shall
22 establish a program to be known as the “Scientific Envoys
23 Program”. In carrying out the Program, the Secretary
24 shall appoint scientists and engineers, including Nobel

1 Prize Laureates and renowned researchers and professors,
2 to serve as envoys on behalf of the United States to—

3 (1) represent the commitment of the United
4 States to promote, in collaboration with other coun-
5 tries, the advancement of science and technology;
6 and

7 (2) facilitate partnership with eligible countries.

8 (b) RESTRICTIONS.—The following restrictions shall
9 apply to the Program:

10 (1) Of amounts authorized to be appropriated
11 for the Program, funds may be used to cover only
12 the travel and per diem costs of envoys appointed by
13 the Secretary of State.

14 (2) The total length of travel for any envoy may
15 not exceed 14 days.

16 (3) Not more than 12 envoys may be appointed
17 annually.

18 (4) An envoy may serve a term of not longer
19 than 3 years.

20 (c) AUTHORIZATION OF APPROPRIATIONS.—From
21 amounts made available to the Exchange and Cultural Af-
22 fairs account of the Department of State, there is author-
23 ized to be appropriated to the Secretary of State such
24 sums as may be necessary to implement the Program au-

1 thorized to be established in accordance with subsection
2 (a).

3 **SEC. 11. SENSE OF CONGRESS REGARDING SCIENCE-RE-**
4 **LATED CONFERENCES, EXCHANGES, AND**
5 **PROGRAMS.**

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

7 (1) The United States is a preeminent location
8 for science-related conferences, exchanges, and pro-
9 grams.

10 (2) Such conferences contribute to State and
11 local economies and provide critical opportunities for
12 United States scientists to interact with foreign
13 counterparts.

14 (3) Recently, the visa process to gain admission
15 to the United States for such events has become suf-
16 ficiently onerous to deter foreign visitors whom the
17 United States should welcome.

18 (b) SENSE OF CONGRESS.—It is the sense of Con-
19 gress that relevant Federal agencies should work to im-
20 prove the overall visa process to ensure that the United
21 States remains a central destination for such conferences,
22 exchanges, and programs.

Chairman BERMAN. Without objection, the amendment in the nature of a substitute before the members will be considered as base text for purposes of amendment, will be considered as read and will be open for amendment at any point. A summary of the amendment in the nature of a substitute is on each member's desk.

[The amendment of H.R. 4801 follows:]

AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 4801
OFFERED BY MR. BERMAN OF CALIFORNIA

Strike all after the enacting clause and insert the following:

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Global Science Pro-
3 gram for Security, Competitiveness, and Diplomacy Act
4 of 2010”.

5 **SEC. 2. FINDINGS.**

6 Congress finds the following:

7 (1) International scientific collaboration pro-
8 motes the national security and economic competi-
9 tiveness of the United States. It is therefore a key
10 foreign policy priority of Congress to support such
11 collaboration.

12 (2) During the Cold War, scientific collabora-
13 tion bolstered relationships with United States allies
14 and provided helpful engagement with adversaries.

15 (3) International scientific collaboration today
16 helps the United States find technical solutions to
17 key global challenges, promotes economic develop-
18 ment at home and abroad, improves bilateral rela-

1 tionships, leverages the capabilities of foreign sci-
2 entists and engineers, creates technology that im-
3 proves quality of life, promotes United States values,
4 and enhances the reputation of the United States in
5 the world.

6 (4) The United States faces competition from
7 other countries in the field of international scientific
8 collaboration. Forging international networks with
9 the best individuals and institutions abroad is essen-
10 tial to advancing long-term United States economic
11 interests.

12 (5) Simultaneously, it is of the highest priority
13 for United States national security to ensure that
14 scientists who have been engaged in weapons of
15 mass destruction (WMD)-related research and engi-
16 neering are encouraged and supported, in partner-
17 ship with foreign governments, to engage in produc-
18 tive civil initiatives. This collaboration and other
19 international scientific partnerships can be applied
20 directly to solving pressing problems of global secu-
21 rity, including global pandemics and climate change.

22 (6) Ensuring long-term stability and prosperity
23 in countries vulnerable to terrorist influence requires
24 promoting effective economic development and build-
25 ing the capacity of foreign partners to address con-

1 conditions that give rise to terrorism. International sci-
2 entific collaboration provides a means to advance
3 these objectives.

4 (7) In an era where international skepticism
5 about United States foreign policy abounds, civil so-
6 ciety—including scientists and engineers—plays a
7 critical role in advancing the foreign policy interests
8 of the United States via engagement with scientists
9 abroad. Among foreign scientists and engineers, the
10 United States remains the most attractive destina-
11 tion in the world for graduate education and career-
12 long collaboration.

13 (8) There are a range of activities, such as col-
14 laborative research and exchange programs, best
15 suited to non-government organizations, where inde-
16 pendence from the United States Government pro-
17 vides greater flexibility, agility, and, in some cases,
18 credibility, with foreign scientists.

19 (9) United States scientists, engineers, and
20 innovators are an underutilized asset in efforts to
21 advance United States diplomatic objectives; facili-
22 tating contact between such individuals and foreign
23 populations of interest will advance overall United
24 States foreign policy objectives.

1 **SEC. 3. DEFINITIONS.**

2 In this Act:

3 (1) **ELIGIBLE COUNTRY.**—The term “eligible
4 country” means—

5 (A) a country classified by the World Bank
6 as either lower-middle-income or low-income
7 economies;

8 (B) a country located in the Middle East;

9 (C) a country with a majority population
10 of Muslims;

11 (D) a country located in sub-Saharan Afri-
12 ca; or

13 (E) any other country as determined by
14 the Secretary of State.

15 (2) **FEDERAL SCIENCE AGENCY.**—The term
16 “Federal science agency” means any Federal agency
17 that is responsible for at least two percent of the
18 total Federal obligation for research and develop-
19 ment at institutions of higher education, according
20 to the most recent data available from the National
21 Science Foundation.

22 (3) **ORGANIZATION.**—The term “organization”
23 means an educational institution, corporation, part-
24 nership, firm, or entity exempt from taxation under
25 section 501(a) of the Internal Revenue Code of 1986
26 and described in section 501(c)(3) of such Code.

1 **SEC. 4. GLOBAL SCIENCE PROGRAM FOR SECURITY, COM-**
2 **PETITIVENESS, AND DIPLOMACY.**

3 (a) AUTHORIZATION.—The Secretary of State shall
4 establish a program to be known as the “Global Science
5 Program for Security, Competitiveness, and Diplomacy”
6 (referred to in this section and sections 5 and 6 as the
7 “Program”) in accordance with this section and sections
8 5, 6, and 7.

9 (b) ACTIVITIES SUPPORTED.—The Program shall
10 carry out, through the provision of grants, the following
11 activities:

12 (1) COLLABORATIVE RESEARCH.—

13 (A) IN GENERAL.—Establish global re-
14 search competitions that will undertake the fol-
15 lowing:

16 (i) Address the following global chal-
17 lenges: ocean acidification, nonprolifera-
18 tion, multiple drug resistant diseases,
19 water-borne diseases, development of sus-
20 tainable renewable energy resources, sani-
21 tation, food shortages, geological hazards,
22 and water resources.

23 (ii) Engage former WMD scientists to
24 assist in their transition to peaceful, civil-
25 ian research.

1 (iii) Provide incentives for United
2 States businesses to undertake programs
3 employing such scientists for peaceful pur-
4 poses.

5 (iv) Foster stronger partnerships and
6 relations between United States and for-
7 eign universities in science and technology.

8 (B) ACTIVITIES.—Such global research
9 competitions shall include—

10 (i) grants for not more than five years
11 of collaborative research and development
12 projects between United States scientists
13 and engineers and scientists and engineers
14 from eligible countries; and

15 (ii) grants to enhance existing United
16 States-based research programs by adding
17 an international partner from an eligible
18 country.

19 (2) INSTITUTIONAL CAPACITY BUILDING.—

20 (A) GOALS.—The goals of such grants
21 shall be to—

22 (i) strengthen the research infrastruc-
23 ture and science and engineering curricula
24 of institutes of higher learning in eligible
25 countries;

1 (ii) engage foreign students early in
2 their careers with United States scientists
3 and engineers in order to bring such stu-
4 dents into the global sphere of science and
5 foster critical thinking; and

6 (iii) expand existing scholarship ex-
7 changes with students from eligible coun-
8 tries.

9 (B) RESTRICTIONS.—The following restric-
10 tions shall apply to the Program:

11 (i) Funds may not be used for con-
12 struction of facilities.

13 (ii) Not more than 10 percent of each
14 grant may be used for purchase of equip-
15 ment.

16 (iii) No eligible country may receive
17 more than 10 percent of the funds author-
18 ized to be appropriated for the Program
19 for any fiscal year.

20 (C) ACTIVITIES.—Such grants may in-
21 clude—

22 (i) establishing research and education
23 centers at institutes of higher learning in
24 eligible countries to carry out the purposes
25 of this Act; and

1 (ii) providing equipment and training.

2 (3) NONPROLIFERATION.—

3 (A) IN GENERAL.—Conduct research and
4 training programs that—

5 (i) engage scientists and engineers
6 who might otherwise be exploited to par-
7 ticipate in illicit nuclear or WMD weapons
8 programs;

9 (ii) help prevent nuclear and WMD
10 proliferation; or

11 (iii) encourage foreign scientists and
12 engineers, in collaboration with United
13 States partners, to develop technologies
14 and methods to combat WMD terrorism.

15 (B) ACTIVITIES.—Such research and train-
16 ing programs may include—

17 (i) collaborative research competitions
18 that would provide research grants to for-
19 eign scientists and engineers with WMD
20 experience or who could be targeted to par-
21 ticipate in a WMD or nuclear weapons
22 program, and United States scientists and
23 engineers; and

24 (ii) research and training programs
25 for personnel of eligible countries who will

1 be implementing nuclear cooperation agree-
2 ments with the United States or otherwise
3 participating in nuclear programs.

4 (C) IMPLEMENTATION AND COORDINA-
5 TION.—The Secretary of State, in consultation
6 with the Director of the National Science Foun-
7 dation, shall—

8 (i) implement the research and train-
9 ing programs described in this paragraph;
10 and

11 (ii) coordinate such research and
12 training programs with existing activities,
13 including activities undertaken by the De-
14 partment of State pursuant to the Cooper-
15 ative Threat Reduction Act of 1993 (22
16 U.S.C. 5951 et seq.)

17 (4) GLOBAL VIRTUAL SCIENCE LIBRARY.—To
18 make grants to organizations that provide online ac-
19 cess at little or no cost for scientists and engineers
20 in eligible countries to worldwide science journals.

21 (c) CERTAIN REQUIREMENTS.—Grants awarded pur-
22 suant to subsection (b) (except for grants awarded pursu-
23 ant to paragraph (3) of such subsection) shall be competi-
24 tive, peer-reviewed, and merit-based.

1 (d) ADDITIONAL FUNDING.—In applying for a grant,
2 an organization shall demonstrate how it will seek, to the
3 maximum extent possible, additional funding from partner
4 organizations, foreign governments, private businesses,
5 and other entities, ideally to the level of a full match.

6 **SEC. 5. MANAGEMENT.**

7 (a) POLICY.—

8 (1) IN GENERAL.—The Secretary of State, in
9 consultation with the Director of the Office of
10 Science and Technology Policy, shall promulgate
11 guidelines for review of grant applications to the
12 Program.

13 (2) REQUIREMENTS.—The guidelines required
14 under this subsection shall address, at a minimum,
15 the following:

16 (A) Criteria by which grants shall be se-
17 lected, including a description of diplomatic ob-
18 jectives of the Program.

19 (B) Policies to ensure that grants are in
20 furtherance of United States diplomatic objec-
21 tives.

22 (C) The countries and regions to partici-
23 pate in the Program.

24 (3) PROHIBITION.—None of the funds author-
25 ized to be appropriated for the Program may be

1 used for a Congressional earmark as defined in
2 clause 9(e) of rule XXI of the Rules of the House
3 of Representatives.

4 (b) IMPLEMENTATION.—

5 (1) NATIONAL SCIENCE FOUNDATION.—The Di-
6 rector of the National Science Foundation, in ac-
7 cordance with the memorandum of understanding
8 referred to in subsection (c), shall perform the fol-
9 lowing activities for the Program:

10 (A) Develop and issue solicitations for
11 projects described in section 4(b), or coordinate
12 with other Federal science agencies to develop
13 and issue solicitations, as appropriate.

14 (B) Establish peer review panels comprised
15 of individuals with demonstrated experience in
16 relevant fields to—

17 (i) review proposals for grants based
18 on scientific merit; and

19 (ii) provide recommendations regard-
20 ing evaluation of such proposals.

21 (C) Make recommendations to the Sec-
22 retary of State for grants based on the rec-
23 ommendations of peer review panels.

24 (D) Administer grants on behalf of the
25 Program to organizations domiciled in the

1 United States that are collaborating with for-
2 eign organizations under the terms of this Act

3 (2) DEPARTMENT OF STATE.—The Secretary of
4 State shall perform the following activities for the
5 Program:

6 (A) Subject to the guidelines promulgated
7 pursuant to subsection (a) and based on the
8 recommendations forwarded to the Secretary of
9 State by the Director of the National Science
10 Foundation pursuant to paragraph (1)(C),
11 make final determinations on the award of
12 grants.

13 (B) Administer grants on behalf of the
14 Program to foreign organizations collaborating
15 with organizations domiciled in the United
16 States in accordance with the terms of this Act.

17 (C) Coordinate with the Director of the
18 Office of Science and Technology Policy and the
19 Director of the National Science Foundation to
20 administer and implement the Program, in ac-
21 cordance with the guidelines promulgated pur-
22 suant to subsection (a).

23 (c) AGREEMENT REQUIRED.—Not later than 90 days
24 after the date of the enactment of this Act, the Secretary
25 of State shall enter into a memorandum of understanding

1 with the Director of the National Science Foundation to
2 coordinate activities carried out pursuant to this Act.

3 (d) ACCEPTANCE OF FUNDS FROM OUTSIDE
4 SOURCES.—The Program may accept funds from outside
5 sources, including foreign governments, nongovernmental
6 organizations, and private business entities.

7 (e) RULE OF CONSTRUCTION.—Nothing in this Act
8 may be construed to make any grant recipient an agent
9 or establishment of the United States Government.

10 (f) ANNUAL REPORT.—

11 (1) IN GENERAL.—Not later than November 30
12 of each year, the President shall transmit to Con-
13 gress a report relating to the Program for the pre-
14 ceding fiscal year.

15 (2) CONTENTS.—The report required under
16 paragraph (1) shall include the following informa-
17 tion:

18 (A) A comprehensive and detailed report
19 on all operations, activities, and accomplish-
20 ments under the Program.

21 (B) All expenditures of funds from the
22 Program.

23 (C) A report on metrics used to gauge suc-
24 cess of the Program.

1 **SEC. 6. ADVISORY PANEL ON INTERNATIONAL SCIENTIFIC**
2 **COOPERATION.**

3 (a) SENSE OF CONGRESS.—It is the sense of Con-
4 gress—

5 (1) an advisory panel will assist the Secretary
6 of State in maximizing the impact of the Program,
7 including forging links between the global science
8 and business community and United States sci-
9 entists; and

10 (2) individuals with international business and
11 science expertise who are not employees of the
12 United States Government could bring invaluable
13 perspective to the Program.

14 (b) ESTABLISHMENT.—The Secretary of State may
15 establish a panel to be known as the “Advisory Panel on
16 International Scientific Cooperation” (in this section re-
17 ferred to as the “Advisory Panel”).

18 (c) RESPONSIBILITIES.—The Advisory Panel should
19 provide advice and guidance to the Secretary of State on
20 the policy and implementation of programs and projects
21 of the Program.

22 (d) MEMBERSHIP.—Members of the Advisory Panel
23 shall be drawn from—

24 (1) individuals with experience and leadership
25 in the fields of science, international business, and
26 engineering; and

1 (2) individuals with experience and leadership
2 in nongovernmental entities, including universities,
3 that implement science research programs.

4 (e) PROHIBITION ON COMPENSATION.—Members of
5 the Advisory Panel may not receive compensation for serv-
6 ices performed as a Member of the Advisory Panel.

7 **SEC. 7. FUNDING.**

8 (a) IN GENERAL.—There is authorized to be appro-
9 priated to the President such sums as may be necessary
10 to carry out sections 4 and 5.

11 (b) ADDITIONAL AUTHORITIES.—Amounts appro-
12 priated pursuant to the authorization for appropriations
13 under subsection (a)—

14 (1) may be referred to as the “Global Science
15 Program for Security, Competitiveness, and Diplo-
16 macy”; and

17 (2) may remain available until expended.

18 (c) TRANSFER AUTHORITY.—The Secretary of State
19 may transfer funds authorized to be appropriated pursu-
20 ant to this section to other Federal agencies, including the
21 National Science Foundation, for the purposes of admin-
22 istering the Program. The Director of the National
23 Science Foundation (NSF) may transfer funds trans-
24 ferred to the NSF, as appropriate, to other Federal

1 science agencies for the purpose of implementing the Pro-
2 gram.

3 **SEC. 8. SENSE OF CONGRESS.**

4 It is the sense of Congress that—

5 (1) the Office of the Science and Technology
6 Advisor of the Department of State should be fur-
7 ther integrated into the overall activities of the De-
8 partment of State, including greater involvement in
9 the activities of regional bureaus; and

10 (2) science is a critical, underutilized resource
11 for United States diplomacy, and that the activities
12 of bureaus with oversight over science programs
13 within the Department should be integrated.

14 **SEC. 9. EMBASSY SCIENCE FELLOWS PROGRAM.**

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

17 (1) scientific fellows at the Department of State
18 critically augment the capacity of the Department
19 and United States embassies to address science and
20 technology issues;

21 (2) Federal agencies are reluctant to pay the
22 costs of scientists detailed to serve in United States
23 embassies; and

1 (3) expanding existing fellowship programs will
2 meet the Department's needs to enhance the role of
3 science at United States embassies.

4 (b) AUTHORIZATION.—The Secretary of State is au-
5 thorized to establish a program to be known as the “Em-
6 bassy Science Fellows Program” to serve the following
7 purposes:

8 (1) Pay for the costs of scientists employed at
9 Federal agencies to serve in the Department of
10 State for a period of not longer than three years.

11 (2) Enhance the role scientists play in strength-
12 ening United States diplomatic efforts.

13 (3) Ensure the placement of scientists at
14 United States embassies.

15 (c) AUTHORIZATION OF APPROPRIATIONS.—From
16 amounts made available to the Diplomatic and Consular
17 Programs account of the Department of State, there is
18 authorized to be appropriated to the Secretary of State
19 such sums as may be necessary to implement the Program
20 authorized to be established in accordance with subsection
21 (b).

22 (d) ACCEPTANCE OF FUNDS FROM OUTSIDE
23 SOURCES.—The Embassy Science Fellows Program may
24 accept funds from outside sources, including foundations,

1 nongovernmental organizations, and private business enti-
2 ties.

3 **SEC. 10. JEFFERSON SCIENCE FELLOWS PROGRAM.**

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

6 (1) tenured academic scientists from United
7 States institutions of higher learning can provide
8 critical expertise and inform foreign policy matters
9 at the Department of State;

10 (2) United States academic institutions enjoy
11 an enhanced reputation in the international scientific
12 community;

13 (3) the presence of United States scientists at
14 the Department of State enhances the utility of
15 science as tool for diplomatic engagement; and

16 (4) the Jefferson Science Fellows Program au-
17 thorized to be established pursuant to this section
18 will provide a successful model for augmenting the
19 scientific expertise at the Department of State.

20 (b) AUTHORIZATION.—The Secretary of State is au-
21 thorized to establish a program to be known as the “Jef-
22 ferson Science Fellows Program” to serve the following
23 purposes:

24 (1) Provide an opportunity for tenured re-
25 search-active scientists and engineers from the

1 United States academic community to serve in the
2 Department of State for one year.

3 (2) Maintain an ongoing interactive relationship
4 between United States academic institutions and the
5 Department of State by utilizing former Jefferson
6 Fellows as expert consultants for short-term projects
7 for at least five years following their fellowship ten-
8 ure.

9 (3) Enhance the availability at the Department
10 of State of up-to-date scientific knowledge relevant
11 to foreign policy and international relations.

12 (4) Enhance the use of science as a tool for di-
13 plomacy at the Department of State.

14 (c) AUTHORIZATION OF APPROPRIATIONS.—From
15 amounts made available to the Diplomatic and Consular
16 Programs account of the Department of State, there is
17 authorized to be appropriated to the Secretary of State
18 such sums as may be necessary to implement the Jefferson
19 Science Fellows Program authorized to be established in
20 accordance with subsection (b).

21 (d) ACCEPTANCE OF FUNDS FROM OUTSIDE
22 SOURCES.—The Jefferson Science Fellows Program may
23 accept funds from outside sources, including foundations,
24 nongovernmental organizations, and private business enti-
25 ties.

1 **SEC. 11. SCIENTIFIC ENVOYS PROGRAM.**

2 (a) AUTHORIZATION.—The Secretary of State shall
3 establish a program to be known as the “Scientific Envoys
4 Program”. In carrying out the Program, the Secretary
5 shall appoint scientists and engineers, including Nobel
6 Prize Laureates and renowned researchers and professors,
7 to serve as envoys on behalf of the United States to—

8 (1) represent the commitment of the United
9 States to promote, in collaboration with other coun-
10 tries, the advancement of science and technology;
11 and

12 (2) facilitate partnership with eligible countries.

13 (b) RESTRICTIONS.—The following restrictions shall
14 apply to the Program:

15 (1) Of amounts authorized to be appropriated
16 for the Program, funds may be used to cover only
17 the travel and per diem costs of envoys appointed by
18 the Secretary of State.

19 (2) The total length of travel for any envoy may
20 not exceed 14 days.

21 (3) Not more than 12 envoys may be appointed
22 annually.

23 (4) An envoy may serve a term of not longer
24 than one year.

25 (c) AUTHORIZATION OF APPROPRIATIONS.—From
26 amounts made available to the Exchange and Cultural Af-

1 fairs account of the Department of State, there is author-
2 ized to be appropriated to the Secretary of State such
3 sums as may be necessary to implement the Program au-
4 thorized to be established in accordance with subsection
5 (a).

6 **SEC. 12. SENSE OF CONGRESS REGARDING SCIENCE-RE-**
7 **LATED CONFERENCES, EXCHANGES, AND**
8 **PROGRAMS.**

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

10 (1) The United States is a preeminent location
11 for science-related conferences, exchanges, and pro-
12 grams.

13 (2) Such conferences contribute to State and
14 local economies and provide critical opportunities for
15 United States scientists to interact with foreign
16 counterparts.

17 (3) Recently, the visa process to gain admission
18 to the United States for such events has become suf-
19 ficiently onerous to deter foreign visitors whom the
20 United States should welcome.

21 (b) SENSE OF CONGRESS.—It is the sense of Con-
22 gress that relevant Federal agencies should work to im-
23 prove the overall visa process to ensure that the United

- 1 States remains a central destination for such conferences,
- 2 exchanges, and programs.



Chairman BERMAN. I yield myself 5 minutes to explain the amendment in the nature of a substitute.

H.R. 4801 bolsters U.S. science diplomacy programs by establishing a Global Science Program to provide grants to U.S. and foreign scientists. The bill also authorizes the Science Envoys Program introduced by President Obama in his Cairo speech last June.

Science diplomacy—the use of scientists, engineers and researchers to engage with their foreign counterparts—is a proven means of engaging foreign populations, improving the image of the United States and fostering cooperation with international partners. The amendment in the nature of a substitute addresses concerns of the National Science Foundation and clarifies the management structure of the Global Science Program.

I now turn to the ranking Republican member, Ileana Ros-Lehtinen, for her statement.

Ms. ROS-LEHTINEN. Thank you so much, Mr. Chairman. Although I question the wisdom of establishing new programs during a time of trillion-dollar deficits and economic challenges for average Americans, I note that this bill does not authorize funding beyond “such sums.” It is also my hope that hard-pressed universities in the United States will be among the principal beneficiaries of this bill.

However, I do have concerns regarding the possibility that this bill might undermine existing prohibitions against providing assistance to certain countries. For that reason, I would like to note for the record, as your staff has confirmed, that the text under consideration does not grant the Secretary of State authority to provide any assistance that is prohibited by any provision of current law.

I support efforts to ensure that this legislation does not undermine U.S. security interests by inadvertently enabling foreign espionage efforts such as those previously outlined in the 2009 report of the U.S.-China Economic and Security Review Commission and many other such studies.

Finally, Mr. Chairman, I would like to confirm that the committee intends to file a written report on this bill which will afford opportunities for further clarification and the filing of additional views should members deem it necessary.

Chairman BERMAN. Would the gentlelady yield?

Ms. ROS-LEHTINEN. Yes, sir.

Chairman BERMAN. The gentlelady is right. Nothing in this bill would allow assistance or grants or these kinds of programs in the science diplomacy field to go on with countries that are prohibited from getting assistance under other provisions of the Foreign Assistance Act, and if we need to we can even reaffirm that specifi-

cally within this provision with an amendment between now and the time this bill comes to the Floor.

There will be a written report. We will definitely have a report on the legislation with an opportunity for additional views and confirming the concerns that you have raised.

Ms. ROS-LEHTINEN. Thank you, Mr. Chairman. Reclaiming my time, given your assurance I am now prepared to move this bill forward. Thank you, Mr. Chairman.

Chairman BERMAN. The gentleman from Virginia, for what purpose do you seek recognition?

Mr. CONNOLLY. To strike the last word.

Chairman BERMAN. The gentleman is recognized for 5 minutes.

Mr. CONNOLLY. I thank the chair, and I just wanted to add I want to thank the chair for its leadership on this important legislation. While I certainly take the caveat of the ranking member seriously, I also believe that even in tough times, maybe especially in tough times, we need to always be looking at that scientific cutting edge.

Technology is the competitive advantage of the United States, and I believe that trying to harness the scientific community through in part this mechanism in our State Department I think is a very important adjunct to uniform policy and to making sure we protect the U.S. competitive advantage in the global arena. So I was very pleased to offer an amendment to this bill and that the chairman has incorporated it into the substitute amendment establishing the Advisory Panel on International Scientific Cooperation.

The district I represent, Mr. Chairman, is a very high tech district. This is the kind of thing that a lot of businesses, a lot of individuals from my district certainly and across the Nation want to see and want to see as a key part of our foreign policy moving forward, our diplomacy moving forward.

So I want to thank the chairman for his leadership, and I look forward to supporting this legislation and I thank you for incorporating my amendment. I yield back.

Chairman BERMAN. The gentleman yields back. The co-sponsor of this legislation has been a very wonderful person to work with on this issue. The gentleman from Nebraska, Mr. Fortenberry, seeks recognition, moves to strike the last word, and the gentleman is recognized for 5 minutes.

Mr. FORTENBERRY. Well, thank you, Mr. Chairman, for your kind words, and thank you, Ranking Member Ros-Lehtinen, as well for your efforts today on this markup.

But also I want to welcome the opportunity, as you have said, Mr. Chairman, to comment on the significance of the United States leadership and technology in the role of science and diplomacy and how this bill potentially furthers those efforts.

For decades, the U.S. Government has supported the exchange program based on the premise that individuals of goodwill can make a difference to help build just societies that serve people with integrity. To the extent that the United States can better leverage its technical expertise through prudent public diplomacy and engage others to join our commitment in the service of very worthy goals, we may actually help deprive twisted ideologies and corrupt

institutions elsewhere of the resources they might otherwise obtain by default to perpetrate misery and suffering around the world.

And that is exactly what this bill seeks to do. Ours is an era of unprecedented scientific achievement that can either be directed for great good or devastating harm to all of humanity. The choices is ours, and I believe we must lead or others may lead us where we may not wish to go.

Mr. Chairman, Albert Einstein once said that "concern for man himself and his fate must always form the chief interest of all technical endeavor." He called on his fellow scientists to "never forget this in the midst of your diagrams and equations."

This is the kind of science that will lead to numerous benefits across every sector of human endeavor. This is the kind of science our public policy should support. Simply put, effective scientific collaboration that may, for instance, mitigate security risks posed by weapons of mass destruction or promote ethical research to benefit humanity, advancing goals that all Americans can proudly share, is a good thing.

If one can collaborate effectively to divert energy and resources from let us say a potentially devastating catastrophic attack on civilians into a project that brings sanitation to dozens of rural villages or provides sustainable agriculture to help local communities take full ownership of their nutritional needs or lead to a cure or treatment of a disease that has thus far received far too little attention relative to its lethal effects, our exercise today may result in chaos averted, lives saved and prove to be one small step for common sense.

So thank you, Mr. Chairman, for your leadership on this, and I yield back.

Chairman BERMAN. The time of the gentleman has expired. Does any member seek recognition?

[No response.]

Chairman BERMAN. Hearing no further amendments, I ask unanimous consent the amendment in the nature of a substitute is amended to H.R. 4801, the Global Science Program and Security, Competitiveness and Diplomacy Act of 2010, is considered adopted, and I move that the bill as amended be reported favorably to the House. All those in favor say aye.

[Chorus of ayes.]

Chairman BERMAN. All those opposed, say no.

[Chorus of noes.]

Chairman BERMAN. In the opinion of the chair the ayes have it, and the motion is agreed to. Without objection, the staff is authorized to make any technical and conforming changes.

I thank all the members on both sides for participation, and the committee hearing markup is adjourned.

[Whereupon, at 11:15 a.m. the committee was adjourned.]

A P P E N D I X

MATERIAL SUBMITTED FOR THE HEARING RECORD

FULL COMMITTEE MARKUP NOTICE
COMMITTEE ON FOREIGN AFFAIRS
U.S. HOUSE OF REPRESENTATIVES
WASHINGTON, D.C. 20515-0128

Howard L. Berman (D-CA), Chairman

April 27, 2010

TO: MEMBERS OF THE COMMITTEE ON FOREIGN AFFAIRS

You are respectfully requested to attend an OPEN markup of the Committee on Foreign Affairs, to be held in **Room 2172 of the Rayburn House Office Building (and available live, via the WEBCAST link on the Committee website at <http://www.hcfa.house.gov>)** for the purpose of markup of the following legislation:

DATE: Wednesday, April 28, 2010

TIME: 10:00 a.m.

MARKUP OF: H.R. 4128, Conflict Minerals Trade Act;

H.R. 4801, Global Science Program for Security, Competitiveness, and Diplomacy Act of 2010;

H.R. 5138, International Megan's Law of 2010;

H.R. 5139, Extending Immunities to the Office of the High Representative and the International Civilian Office in Kosovo Act of 2010; and

S. 1067, Lord's Resistance Army Disarmament and Northern Uganda Recovery Act of 2009.

By Direction of the Chairman

The Committee on Foreign Affairs seeks to make its facilities accessible to persons with disabilities. If you are in need of special accommodations, please call 202/225-5021 at least four business days in advance of the event, whenever practicable. Questions with regard to special accommodations in general (including availability of Committee materials in alternative formats and assistive listening devices) may be directed to the Committee.

COMMITTEE ON FOREIGN AFFAIRS

MINUTES OF FULL COMMITTEE HEARING

Day Wednesday Date 04/28/10 Room 2172 RHOBStarting Time 10:21 A.M. Ending Time 11:14 A.M.Recesses (to)

Presiding Member(s)

Howard L. Berman (CA), Chairman

CHECK ALL OF THE FOLLOWING THAT APPLY:

Open Session	✓	Electronically Recorded (taped)	✓
Executive (closed) Session		Stenographic Record	✓
Televised	✓		

TITLE OF HEARING or BILLS FOR MARKUP: *(Include bill number(s) and title(s) of legislation.)*

H.R. 4128, Conflict Minerals Trade Act;
H.R. 4801, Global Science Program for Security, Competitiveness, and Diplomacy Act of 2010;
H.R. 5138, International Megan's Law of 2010;
H.R. 5139, Extending Immunities to the Office of the High Representative and the International Civilian Office in Kosovo Act of 2010; and
S. 1067, Lord's Resistance Army Disarmament and Northern Uganda Recovery Act of 2009.

COMMITTEE MEMBERS PRESENT:

See attached

NON-COMMITTEE MEMBERS PRESENT:

HEARING WITNESSES: Same as meeting notice attached? Yes No
(If "no", please list below and include title, agency, department, or organization.)

STATEMENTS FOR THE RECORD: *(List any statements submitted for the record.)*n/a

ACTIONS TAKEN DURING THE MARKUP: *(Attach copies of legislation and amendments.)*

The following bills were reported favorably, by voice vote:

H.R. 4128, Conflict Minerals Trade Act, as amended (amendment in the nature of a substitute);
H.R. 4801, Global Science Program for Security, Competitiveness, and Diplomacy Act of 2010, as amended (amendment in the nature of a substitute);
H.R. 5138, International Megan's Law of 2010;
H.R. 5139, Extending Immunities to the Office of the High Representative and the International Civilian Office in Kosovo Act of 2010; and
S. 1067, Lord's Resistance Army Disarmament and Northern Uganda Recovery Act of 2009.

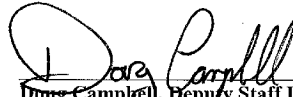
RECORDED VOTES TAKEN (FOR MARKUP): *(Attach final vote tally sheet listing each member.)*

<u>Subject</u>	<u>Yeas</u>	<u>Nays</u>	<u>Present</u>	<u>Not Voting</u>
----------------	-------------	-------------	----------------	-------------------

TIME SCHEDULED TO RECONVENE _____

or

TIME ADJOURNED 11:14 A.M.


 Doug Campbell, Deputy Staff Director

**Attendance - HCFA Full Committee MARKUP:
Wednesday, April 28, 2010 @ 10:00 a.m. , 2172 RHOB**

Howard L. Berman (CA)
Gary Ackerman (NY)
Donald Payne (NJ)
Brad Sherman (CA)
Eliot L. Engel (NY)
Diane E. Watson (CA)
Albio Sires (NJ)
Gerald E. Connolly (VA)
Michael E. McMahon (NY)
Gene Green (TX)
Sheila Jackson-Lee (TX)
Barbara Lee (CA)
Shelley Berkley (NV)
Joseph Crowley (NY)
Brad Miller (NC)
David Scott (GA)
Jim Costa (CA)
Keith Ellison (MN)

Ileana Ros-Lehtinen, (FL)
Christopher H. Smith (NJ)
Elton Gallegly (CA)
Edward R. Royce (CA)
Joe Wilson (SC)
Connie Mack (FL)
Jeff Fortenberry (NE)
Ted Poe (TX)
Bob Inglis (SC)
Gus Bilirakis (FL)

Wednesday, April 28, 2010

Chairman Berman's opening remarks at markup of Conflict Minerals Trade Act, H.R. 4128; International Megan's Law of 2010, H.R. 5138; Global Science Program for Security, Competitiveness, and Diplomacy Act of 2010, H.R. 4801; among other bills

For more than a decade, we have been hearing about the tragic situation in the Democratic Republic of the Congo: Mass killings of civilians. Rape used as a weapon of war. Child soldiers forced to the front lines.

HR 4128, The Conflict Minerals Act, is one important step towards ending a conflict in Congo that by some estimates has killed more than five million people.

The bill establishes a mechanism to track minerals mined in the DRC that end up in products like cell phones and laptops, and will help us cut off financing to some of planet's most brutal armed groups.

In many respects, this legislation builds on the work already begun by some American companies. H.R. 4128 will make those efforts more effective by creating a level playing field for all companies that do business in the United States.

The American people don't want to put money in the hands of brutal thugs in the DRC, and neither do American companies. For less than one cent per cell phone, this bill will allow American consumers to make responsible choices, and help put the warlords out of business. I thank the author of the bill, Mr. McDermott, and my colleague Don Payne for all their hard work on these issues, and I encourage my colleagues to support it.

I'd like to first commend Chris Smith for his hard work on H.R. 5138, the International Megan's Law of 2010. Many child sex offenders are travelling internationally or reside abroad because laws against sex acts with minors are weaker or rarely enforced in particular countries.

International Megan's Law would establish a system for providing advance notice to foreign countries when a convicted child sex offender travels to that country and imposes a registration requirement for child sex offenders from the United States who reside abroad.

Worldwide, over two million children are sexually exploited each year through trafficking, prostitution and child-sex tourism. We all know the devastating emotional, physical and psychological effects on these child victims. We need to do all we can to prevent these predators from circumventing U.S. laws to prey on children in foreign countries. I encourage my colleagues to support this bill.

H.R. 5139, Extending Immunities to the Office of the High Representative and the International Civilian Office in Kosovo Act of 2010, is a technical fix to ensure legal protection for employees of both the Office of the High Representative (OHR) in Bosnia and Herzegovina and the International Civilian Office (ICO) in Kosovo.

The bill, which adds the OHR and the ICO to the International Organization Immunities Act, will ensure that Americans serving in these important Balkans-based organizations will be protected from politically motivated litigation in the United States arising from their official activities.

The United States must protect its diplomats who serve in international organizations, often at great personal risk and sacrifice, from financially and personally ruinous litigation while also preserving its ability to use informal institutions in the conduct of foreign policy

Finally, we have S. 1067, the Lord's Resistance Army Disarmament and Northern Uganda Recovery Act of 2009. I'd like to thank the gentleman from Massachusetts, Mr. McGovern, for his hard work on the House version of this bill.

This legislation affirms the policy of the United States to work with regional governments toward a comprehensive and lasting resolution to the conflict in northern Uganda.

It further requires a strategy to support the disarmament of the Lord's Resistance Army, and support for humanitarian efforts and recovery and reconstruction in areas of the Democratic Republic of Congo, Southern Sudan, and the Central African Republic affected by LRA activity.

And it calls on the President to support efforts by the people of northern Uganda and the government of Uganda to promote transitional justice and reconciliation on both local and national levels.

It should be noted that this bill does not include any earmarks.

H.R. 4801 bolsters U.S. science diplomacy programs by establishing a global science program to provide grants to U.S. and foreign scientists. The bill also authorizes the science envoys program introduced by President Obama in his Cairo speech last June.

Science diplomacy – the use of scientists, engineers, and researchers to engage with their foreign counterparts – is a proven means of engaging foreign populations, improving the image of the United States, and fostering cooperation with international partners.

The amendment in the nature of a substitute addresses the concerns of the National Science Foundation and clarifies the management structure of the Global Science Program.

COMMITTEE ON FOREIGN AFFAIRS
U.S. HOUSE OF REPRESENTATIVES
WASHINGTON, D.C. 20515

STATEMENT OF
THE HONORABLE ENI F.H. FALEOMAVAEGA
CHAIRMAN

before the
COMMITTEE ON FOREIGN AFFAIRS

Markup of H.R. 4128, H.R. 4801, H.R. 5138, H.R. 5139 and S.1067

MARCH 28, 2010

Mr. Chairman, H.R. 4128, the Conflict Minerals Trade Act; H.R. 4801, the Global Science Program for Security, Competitiveness, and Diplomacy Act of 2010; H.R. 5139, Extending Immunities to the Office of the High Representative and the International Civilian Office in Kosovo Act of 2010; H.R. 5138, the International Megan's Law of 2010; and S.1067, the Lord's Resistance Army Disarmament and Northern Uganda Recovery Act of 2009 are all important pieces of legislation. I support each of these bills and urge my colleagues to do so as well.

The Conflict Minerals Trade Act is particularly important, and Congressman Payne, Chairman of the Subcommittee on Africa and Global Health, deserves special thanks and commendation for his hard work on the bill. The Act will go a long way toward cutting funding to warring factions in the Democratic Republic of Congo. That conflict, which has ravaged Congo and led to more than five million deaths, is the most deadly since World War II. Despite this stark fact, the fighting in Congo remains largely unknown in this country. Mr. Chairman, it is time for the United States to take concrete action, and H.R. 4128 is an important step in this regard.

The International Megan's Law will take a similarly important step toward ending child prostitution, child pornography and the trafficking of children for sexual purposes outside the United States. These grotesque practices, and the child sex tourism that supports them, simply must be stopped. This legislation will mandate that notice be given to foreign countries when a child sex offender posing a high risk to children is traveling to that country. It will also impose a registration requirement for child sex offenders from the United States who reside abroad. By mandating these steps, this legislation will systematize the transfer of information from federal enforcement agencies to foreign governments, a transfer that, so far, has only been done on an ad hoc basis. Congressman Smith deserves our thanks and support for developing this legislation.

The Global Science Program for Security, Competitiveness, and Diplomacy Act of 2010, which our Chairman sponsored, will help the United States engage foreign audiences directly through science diplomacy. The bill promises to improve the image of the United States abroad, foster cooperation with some of our key foreign partners and enable existing programs that help prevent proliferation of weapons of mass destruction to continue. This bill, along with the other legislation that we are marking up –

providing legal protection for employees of the Office of the High Representative and the International Civilian Office in Kosovo – both deserve this Committee’s full support.

So, too, does the Lord's Resistance Army Disarmament and Northern Uganda Recovery Act of 2009, for which Congressman McGovern has provided leadership in the House. This bill will move us closer to a proactive strategy to help end the threat posed by the Lord’s Resistance Army (LRA) and support reconstruction, justice, and reconciliation in northern Uganda, a country trapped in a war between the LRA and the Ugandan military for two decades. In one of the grimmest acts of a war – that displaced 1.8 million people, almost 90 percent of the area’s population, the LRA kidnapped 70,000 children and forced them to become child soldiers. This legislation is long overdue. I urge my colleagues to join me in supporting it along with the other four bills before us today.

Representative Russ Carnahan (MO-03)
U.S. House Committee on Foreign Affairs

Statement for the Record
H.R. 5139 “Extending Immunities to the Office of the High Representative
and the International Civilian Office in Kosovo Act of 2010”

April 28, 2010

Mr. Chairman, I am pleased to support H.R. 5139 to extend immunities to the Office of the High Representative in Bosnia and Herzegovina and the International Civilian Office in Kosovo. This will ensure that U.S. employees working at the Office of the High Representative (OHR) enjoy the same privileges and immunities that are afforded to U.S. diplomats working in other international organizations.

The Office of the High Representative in Bosnia and Herzegovina has been performing a critical function in overseeing the civilian implementation of the Dayton Accords, signed in 1995. However, the OHR and its employees are subject to threats of politically motivated litigation here in the United States. We have an obligation to protect U.S. diplomats who work at the OHR, often at great personal risk and sacrifice, who could face litigation.

By helping us to recruit and retain the most qualified personnel, and extending them the necessary immunities, this legislation will advance U.S. foreign policy goals in Bosnia and Kosovo.

**OPENING STATEMENT OF
THE HONORABLE RUSS CARNAHAN (MO-03)
COMMITTEE ON FOREIGN AFFAIRS**

Markup of

*H.R. 4801, Global Science Program for Security, Competitiveness, and Diplomacy Act of
2010*

**Wednesday, April 28, 2010, 10:00am
2172 Rayburn House Office Building**

Chairman Berman and Ranking Member Ros-Lehtinen, I would like to thank you for holding this markup. This bill is another significant step forward in our engagement around the world. I have long advocated for the U.S government to use all its available tools as a means of diplomacy.

H.R. 4801 will help advance this cause by creating the Global Science Program that will promote the use of scientists and other researchers as a component of US foreign policy. By leveraging some of our greatest assets – our scientific knowledge and research capabilities – we will be able to advance US interests abroad, continue to build our relationships with other countries, and deepen our involvement in cutting edge research around the world.

Again, I thank you for bringing this bill up for a markup, and look forward to the advancements in US foreign policy and science it will produce.

CONGRESSWOMAN SHEILA JACKSON LEE

OF TEXAS

Committee on Foreign Affairs

Statement for Full Committee Markup of

- H.R. 4128, Conflict Minerals Trade Act, as amended (amendment in the nature of a substitute);
- H.R. 4801, Global Science Program for Security, Competitiveness, and Diplomacy Act of 2010, as amended (amendment in the nature of a substitute);
- H.R. 5138, International Megan’s Law of 2010;
- H.R. 5139, Extending Immunities to the Office of the High Representative and the International Civilian Office in Kosovo Act of 2010; and
- S. 1067, Lord's Resistance Army Disarmament and Northern Uganda Recovery Act of 2009.

10:00 am Wednesday, April 28, 2010

2172 Rayburn House Office Building

Mr. Chairman, I ask for unanimous consent to strike the last word and to extend my remarks for the record. Thank you Chairman Berman and ranking member Ros-Lehtinen for your leadership in convening us for today’s important mark up of these five bills: H.R. 4128—the Conflict Minerals Trade Act, H.R. 4801—the Global Science Program for Security, Competitiveness, and Diplomacy Act of 2010, H.R. 5138—the International Megan’s Law of 2010, H.R. 5139—the Extending Immunities to the Office of the High Representative and the International Civilian Office in Kosovo Act of 2010, H.R. 5139—Extending Immunities to the Office of the High Representative Act of 2010, and S. 1067, Lord's Resistance Army Disarmament and Northern Uganda Recovery Act of 2009. Each of these bills will make critical changes to our foreign policy. Collectively,

they will change the lives of millions of people throughout the world. I am proud to support each of these bills.

I especially want to thank Chairman Berman for incorporating my suggestion into the Global Science Program for Security, Competitiveness, and Diplomacy Act of 2010. My language will expand the list of eligible countries to include South Africa, Botswana, Gabon, and other African countries that climb above the low-middle income rung as defined by the World Bank. This change is significant because it sends a message to the wealthier African countries that their relative success will not exclude them from American support.

These scientific exchanges will be vital to countries such as South Africa—a nation that serves as an economic, political, and academic anchor for the Southern Africa region. On February 1, 2010, two South African scientists won the African Union's inaugural awards for excellence in science. Professor Diane Hildebrandt, co-director at the centre for optimization modeling and process synthesis at Johannesburg's University of Witwatersrand, was the winner in the basic science and innovation category. Patrick Eriksson, head of the geology department at the University of Pretoria, was the winner in the earth and life sciences category.

As South Africa's President Jacob Zuma noted, "Science, technology and innovation form indispensable tools for driving socio-economic progress ... and is sustained by adequate and competent human capital." Zuma's comments were emblematic of the great promise of scientific innovation on the African continent, and this legislation will ensure that the United States remains an engaged partner in science and technology.

On a broader level, I support this legislation because it reaches out, in a concrete way, to vulnerable allies throughout the world. As co-Chair of the Congressional Pakistan Caucus, I note that this legislation will greatly facilitate the science and technology exchanges between the United States and Pakistan. Specifically, Pakistan has indicated to me that they have a strong working relationship with the National Science Foundation and are excited to work with the National Science Foundation to implement these exchanges between our countries. When building partnerships with our friends and allies in the Middle East, it is important to work through mutually-trusted institutions. This bill takes these concerns into consideration, and I am excited about the impact that it will have on my district, America, and countries throughout the world.

In regards to the Conflict Minerals Trade Act, I am encouraged to see the wide array of organizations that support leveraging our mineral investments and interests to stop human rights abuses in the Democratic Republic of the Congo. These groups include businesses such as LG Electronics and Motorola, and advocacy groups such as Oxfam, Genocide Intervention Network, and Global Witness. Yesterday, I received a letter of support from Corinna Gilfillan, the head of Global Witness' U.S. office. In her letter, Ms. Gilfillan wrote: "The trade in conflict minerals by armed groups in the eastern Democratic Republic of Congo (DRC) has fuelled horrific human rights abuses, including widespread killings of unarmed civilians, rape, torture, looting and forced displacement of hundreds of thousands of people. The best way to eliminate funding for these armed groups is to cut off the market for the conflict minerals they control. Passage of H.R. 4128 would be an important step toward bringing this about."

Ms. Gilfillan continues, “Legislation in the U.S. alone will not end the conflict in eastern Congo, but this bill would provide a crucial step toward the creation of a practical and enforceable means to ensure that the trade in Congolese minerals contributes to peace rather than war.” I agree wholeheartedly with Ms. Gilfillan that this legislation is not a silver bullet. However, there are few, if any, places on this earth where human suffering is more acute than in the warzones of the DRC. If we can make even a modest dent in this suffering, this legislation will be an overwhelming success.

Regarding H.R. 5138, International Megan’s Law of 2010.

As co-Chair of the Congressional Children’s Caucus, I am in strong support of extending Meghan’s Law overseas to protect children throughout the world from child sex offenders. This legislation will be an important tool in protecting children from American registered child sex offenders who pose a high risk of sexually exploiting children while traveling or residing overseas.

Since 1994, Congress has taken bold steps to protect our children from sex offenders. These efforts have resulted in a national registry and alert system. To date, however, information about sex offenders in the United States is not shared with other countries. H.R. 5138 will improve our capacity to share this information with foreign countries—information that these countries can use to protect their children.

The bill consists of two major components: (1) the establishment of a system for providing advance notice to foreign countries when a child sex offender who poses a high risk to children is traveling to that country; and (2) the imposition of a registration requirement for child sex offenders from the United States who reside abroad.

The bill also provides additional discretionary authority to the Secretary of State to restrict passports of dangerous child sex offenders, a sense of Congress that foreign governments should notify the United States when a U.S. citizen has committed a sex offense against a minor overseas, and a mandate for a special report to Congress on international mechanisms to protect children everywhere from traveling sex offenders.

According to UNICEF, as many as two million children are subjected to prostitution in the global commercial sex trade. As the State Department's 2009 Trafficking in Persons Report notes "There can be no exceptions and no cultural or socioeconomic rationalizations that prevent the rescue of children from sexual servitude. Sex trafficking has devastating consequences for minors, including long-lasting physical and psychological trauma, disease (including HIV/ AIDS), drug addiction, unwanted pregnancy, malnutrition, social ostracism, and possible death."

It is vital that we use every tool at our disposal to protect children abroad. This legislation will improve the capacity of countries to combat the sexual exploitation of minors.

Regarding H.R. 5139—"Extending Immunities to the Office of the High Representative Act of 2010"—I welcome this overdue technical fix to extend legal protection to our diplomats serving in the Office of the High Representative (OHR) in Bosnia and Herzegovina. Although our diplomats are currently protected, they may be vulnerable to litigation once the mandate of the OHR ends, and there is not. This protection is the same protection provided to other US diplomats working in international organizations, under the International Organizations and Immunities Act.

Mr. Chairman, I am also in support of S. 1067—**“The Lord’s Resistance Army Disarmament and Northern Uganda Recovery Act of 2009.”** The Lord’s Resistance Army, formed in 1987 is presently being led by Joseph Kony. As a rebel guerrilla army operating in Uganda and parts of Sudan, the LRA has come to be known for its mass atrocities and brutality. Currently engaged in one of Africa’s longest-running conflict, the LRA continues to fight the Ugandan Government for over 18 years.

In the midst of this battle with injuries targeted at government troops, more than 200,000 lives have been taken and millions of civilians have been displaced from their homes. 20,000 children have been abducted, raped, maimed, and killed. Unimaginable means have been used to alienate children from their families. Some children have been forced to kill their parents and relatives to ensure their own survival.

This two decade of battle between the Lord’s Resistance Army and the Ugandan government must end. The people of Uganda, as human beings, deserve both peace and justice. The international community must work with the people of Uganda, the International Criminal Court, and the Ugandan judiciary to ensure that peace and justice are guaranteed.

This legislation authorizes the President to provide additional assistance to respond to the humanitarian needs of populations the Democratic Republic of Congo, southern Sudan, and Central African Republic affected by LRA activity. The legislation also authorizes the President to support efforts by the people of northern Uganda and the government of Uganda to promote transitional justice and reconciliation.

Expresses the sense of Congress that the Secretary of State and the Administrator of USAID should work with Congress to increase future assistance to Uganda if the government of Uganda demonstrates a commitment to reconstruction in war-affected areas of northern Uganda; and Expresses the sense of Congress that the Secretary should withhold non-humanitarian assistance to Uganda if the government of Uganda is not committed to reconstruction and reconciliation in the war-affected areas of northern Uganda and is not taking steps to ensure this process moves forward in a transparent and accountable manner.

Once again Mr. Chairman, thank you for bringing these important bills up for vote in committee. I yield back the balance of my time.