

FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL
YEARS 2010 AND 2011

JUNE 4, 2009.—Committed to the Committee of the Whole House on the State of
the Union and ordered to be printed

Mr. BERMAN, from the Committee on Foreign Affairs,
submitted the following

R E P O R T

together with

DISSENTING VIEWS

[To accompany H.R. 2410]

[Including cost estimate of the Congressional Budget Office]

The Committee on Foreign Affairs, to whom was referred the bill (H.R. 2410) to authorize appropriations for the Department of State and the Peace Corps for fiscal years 2010 and 2011, to modernize the Foreign Service, and for other purposes, having considered the same, reports favorably thereon with an amendment and recommends that the bill as amended do pass.

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THE AMENDMENT

The amendment is as follows:
Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

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

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

- Sec. 1. Short title.
- Sec. 2. Table of contents.
- Sec. 3. Appropriate congressional committees defined.

TITLE I—AUTHORIZATION OF APPROPRIATIONS

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

TITLE II—DEPARTMENT OF STATE AUTHORITIES AND ACTIVITIES

Subtitle A—Basic Authorities and Activities

- Sec. 201. International Litigation Fund.
- Sec. 202. Actuarial valuations.
- Sec. 203. Special agents.
- Sec. 204. Repatriation loans.

Subtitle B—Public Diplomacy at the Department of State

- Sec. 211. Concentration of public diplomacy responsibilities.
- Sec. 212. Establishment of Public Diplomacy Reserve Corps.
- Sec. 213. Enhancing United States public diplomacy outreach.
- Sec. 214. Public diplomacy resource centers.
- Sec. 215. Grants for international documentary exchange programs.
- Sec. 216. United States Advisory Commission on Public Diplomacy.
- Sec. 217. Special Olympics.
- Sec. 218. Extension of program to provide grants to American-sponsored schools in predominantly Muslim countries to provide scholarships.
- Sec. 219. Central Asia scholarship program for public policy internships.
- Sec. 220. United States-South Pacific Scholarship Program.
- Sec. 221. Scholarships for indigenous peoples of Mexico and Central and South America.
- Sec. 222. United States-Caribbean Educational Exchange Program.
- Sec. 223. Exchanges between Sri Lanka and the United States to promote dialogue among minority groups in Sri Lanka.
- Sec. 224. Exchanges between Liberia and the United States for women legislators.
- Sec. 225. Public diplomacy plan for Haiti.
- Sec. 226. Transfer of the Vietnam Education Foundation to the Department of State.

Subtitle C—Consular Services and Related Matters

- Sec. 231. Permanent authority to assess passport surcharge.
- Sec. 232. Sense of Congress regarding additional consular services in Moldova.
- Sec. 233. Reforming refugee processing.
- Sec. 234. English language and cultural awareness training for approved refugee applicants.
- Sec. 235. Iraqi refugees and internally displaced persons.
- Sec. 236. Videoconference interviews.
- Sec. 237. Tibet.
- Sec. 238. Processing of certain visa applications.

Subtitle D—Strengthening Arms Control and Nonproliferation Activities at the Department of State

- Sec. 241. Findings and sense of Congress on the need to strengthen United States arms control and nonproliferation capabilities.
- Sec. 242. Authorization of additional arms control and nonproliferation positions.
- Sec. 243. Additional authority of the Secretary of State.
- Sec. 244. Additional flexibility for rightsizing arms control and nonproliferation functions.
- Sec. 245. Arms control and nonproliferation rotation program.
- Sec. 246. Arms control and nonproliferation scholarship program.
- Sec. 247. Scientific advisory committee.

TITLE III—ORGANIZATION AND PERSONNEL AUTHORITIES

Subtitle A—Towards Modernizing the Department of State

- Sec. 301. Towards a more modern and expeditionary Foreign Service.
- Sec. 302. Quadrennial review of diplomacy and development.
- Sec. 303. Establishment of the Lessons Learned Center.
- Sec. 304. Locally employed staff compensation.

Subtitle B—Foreign Service Pay Equity and Death Gratuity

- Sec. 311. Short title.
- Sec. 312. Overseas comparability pay adjustment.
- Sec. 313. Death gratuity.

Subtitle C—Other Organization and Personnel Matters

- Sec. 321. Transatlantic diplomatic fellowship program.
- Sec. 322. Security officers exchange program.
- Sec. 323. Suspension of Foreign Service members without pay.
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- Sec. 325. Limited appointments in the Foreign Service.
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- Sec. 327. Reemployment of Foreign Service annuitants.
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- Sec. 329. Protection of intellectual property rights.
- Sec. 330. Department of State employment composition.
- Sec. 331. Contracting.
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- Sec. 334. Office for Global Women's Issues.

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- Sec. 402. Promoting assignments to international organizations.
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- Sec. 411. Organization of American States.
- Sec. 412. Peacekeeping operations contributions.
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- Sec. 502. Personal services contracting program.
- Sec. 503. Radio Free Europe/Radio Liberty pay parity.
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- Sec. 505. Domestic release of the Voice of America film entitled "A Fateful Harvest".
- Sec. 506. Establishing permanent authority for Radio Free Asia.

TITLE VI—PEACE CORPS

- Sec. 601. Findings; statement of policy.
- Sec. 602. Amendments to the Peace Corps Act.
- Sec. 603. Report.

TITLE VII—SENATOR PAUL SIMON STUDY ABROAD FOUNDATION ACT OF 2009

- Sec. 701. Short title.
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- Sec. 703. Purposes.
- Sec. 704. Definitions.
- Sec. 705. Establishment and management of the Senator Paul Simon Study Abroad Foundation.
- Sec. 706. Establishment and operation of program.
- Sec. 707. Annual report.
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- Sec. 711. Authorization of appropriations.

TITLE VIII—EXPORT CONTROL REFORM AND SECURITY ASSISTANCE

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

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

- Sec. 841. Authority to build the capacity of foreign military forces.
- Sec. 842. Foreign Military Sales Stockpile Fund.
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- Sec. 1112. Statement of Congress regarding return of portraits of Holocaust victims to artist Dina Babbitt.
- Sec. 1113. Statement of policy regarding Somalia.

Subtitle B—Sense of Congress Provisions

- Sec. 1121. Promoting democracy and human rights in Belarus.
- Sec. 1122. Sense of Congress on the humanitarian situation in Sri Lanka.
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- Sec. 1126. Efforts to secure the freedom of Gilad Shalit.
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SEC. 3. APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.

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

TITLE I—AUTHORIZATION OF APPROPRIATIONS

SEC. 101. ADMINISTRATION OF FOREIGN AFFAIRS.

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

(1) DIPLOMATIC AND CONSULAR PROGRAMS.—

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

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

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

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

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

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

(4) EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS.—

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

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

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

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

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

(7) PROTECTION OF FOREIGN MISSIONS AND OFFICIALS.—

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

(B) REIMBURSEMENT FOR PAST EXPENSES OWED BY THE UNITED STATES.—In addition to the amounts authorized to be appropriated under subparagraph (A), there are authorized to be appropriated \$21,000,000 for fiscal year 2010 and \$25,000,000 for fiscal year 2011 for “Protection of Foreign Missions and Officials” to be used only to reimburse State and local governments for necessary expenses incurred since 1998 for the protection of foreign missions and officials and recognized by the United States.

(8) EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE.—For “Emergencies in the Diplomatic and Consular Service”, \$10,000,000 for fiscal year 2010, and such sums as may be necessary for fiscal year 2011.

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

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

(11) OFFICE OF THE INSPECTOR GENERAL.—

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

(B) SPECIAL INSPECTOR GENERAL FOR IRAQ RECONSTRUCTION.—Of the amounts authorized to be appropriated under subparagraph (A), \$30,000,000 is authorized to be for the Special Inspector General for Iraq Reconstruction.

(C) SPECIAL INSPECTOR GENERAL FOR AFGHANISTAN RECONSTRUCTION.—Of the amounts authorized to be appropriated under subparagraph (A), \$23,000,000 is authorized to be for the Special Inspector General for Afghanistan Reconstruction.

SEC. 102. INTERNATIONAL ORGANIZATIONS.

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

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

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

SEC. 103. INTERNATIONAL COMMISSIONS.

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

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

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

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

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

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

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

SEC. 104. MIGRATION AND REFUGEE ASSISTANCE.

(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for “Migration and Refugee Assistance” for authorized activities

\$1,577,500,000 for fiscal year 2010, and such sums as may be necessary for fiscal year 2011.

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

SEC. 105. CENTERS AND FOUNDATIONS.

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

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

(c) CENTER FOR CULTURAL AND TECHNICAL INTERCHANGE BETWEEN EAST AND WEST.—There are authorized to be appropriated for the “Center for Cultural and Technical Interchange Between East and West” for authorized activities, such sums as may be necessary for each of fiscal years 2010 and 2011.

TITLE II—DEPARTMENT OF STATE AUTHORITIES AND ACTIVITIES

Subtitle A—Basic Authorities and Activities

SEC. 201. INTERNATIONAL LITIGATION FUND.

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

SEC. 202. ACTUARIAL VALUATIONS.

The Foreign Service Act of 1980 is amended—

(1) in section 818 (22 U.S.C. 4058)—

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

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

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

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

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

(A) by striking “Secretary of the Treasury” and inserting “Secretary of State”; and

(B) by striking “and shall advise the Secretary of State of” and inserting “that will provide”.

SEC. 203. SPECIAL AGENTS.

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

“(1) conduct investigations concerning—

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

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

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

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

SEC. 204. REPATRIATION LOANS.

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

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

Subtitle B—Public Diplomacy at the Department of State

SEC. 211. CONCENTRATION OF PUBLIC DIPLOMACY RESPONSIBILITIES.

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

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

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

“(e) CONCENTRATION OF PUBLIC DIPLOMACY RESPONSIBILITIES.—

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

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

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

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

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

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

“(3) REPORTS REQUIRED.—

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

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

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

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

SEC. 212. ESTABLISHMENT OF PUBLIC DIPLOMACY RESERVE CORPS.

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

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

(1) the Foreign Service should recruit individuals with professional experience relevant to public diplomacy, and provide training and mentoring to cul-

tivate their skills in order to build up the corps of professionals in the public diplomacy cone; and

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

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

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

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

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

SEC. 213. ENHANCING UNITED STATES PUBLIC DIPLOMACY OUTREACH.

(a) FINDINGS.—Congress finds the following:

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

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

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

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

SEC. 214. PUBLIC DIPLOMACY RESOURCE CENTERS.

(a) ESTABLISHMENT AND MAINTENANCE OF LIBRARIES.—Section 1(b)(3) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a(b)(3)) is amended—

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

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

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

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

(b) OPERATION OF LIBRARIES.—

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

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

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

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

SEC. 215. GRANTS FOR INTERNATIONAL DOCUMENTARY EXCHANGE PROGRAMS.

(a) FINDINGS.—Congress finds the following:

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

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

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

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

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

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

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

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

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

(d) SPECIAL FACTORS.—In making the grants described in subsection (b), the Secretary shall give preference to nongovernmental organizations that—

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

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

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

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

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

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

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

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

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

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

(c) ENHANCING THE EXPERTISE OF THE UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY.—

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

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

SEC. 217. SPECIAL OLYMPICS.

(a) FINDINGS.—Congress finds the following:

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

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

(3) Special Olympics has documented the challenge of ignorance and poor attitudes toward intellectual disability worldwide and its capacity to change discriminatory attitudes to understanding, acceptance, and advocacy for people with intellectual disabilities. It does so through an array of educational and attitude change activities that affect multiple levels of society. These activities have received financial support from the Bureau of Educational and Cultural Affairs (ECA) of the Department of State, among other sources.

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

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

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

(1) in subsection (g)—

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

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

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

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

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

(b) **GENERAL PROVISIONS.**—

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

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

(A) shall be proficient in the English language;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) so that future generations will know his name and remember his service, it is fitting that the leadership and vision of Phillip Burton, especially as

the Chairman of the Subcommittee on Territories and Insular Affairs, which indirectly impacted United States foreign policy in the South Pacific region, should be honored; and

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

(c) FUNDING.—

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

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

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

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

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

(a) DEFINITIONS.—In this section:

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

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

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

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

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

(B) does not include—

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

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

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

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

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

(B) a higher education association;

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

or

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

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

(1) secondary school students from CARICOM countries will—

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

and

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

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

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

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

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

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

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

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

(4) The program will limit participation to—

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

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

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

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

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

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

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

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

(e) MONITORING AND EVALUATION OF PROGRAM.—

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

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

(A) financial information relating to the program;

(B) budget plans for the program;

(C) adjustments to plans established for the program;

(D) graduation rates of participants in the program;

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

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

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

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

(f) REPORTING REQUIREMENTS.—

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

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

(A) a plan for selecting participants in the program, including an estimate of the number of secondary school students, undergraduate students,

graduate students, post-graduate students, and scholars from each country, by educational level, who will be selected as participants in the program for each fiscal year;

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

(C) a financial plan that—

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

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

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

(3) UPDATES OF REPORT.—

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

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

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

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

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

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

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

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

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

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

(b) PROGRAM.—

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

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

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

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

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

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

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

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

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

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

SEC. 225. PUBLIC DIPLOMACY PLAN FOR HAITI.

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

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

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

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

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

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

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

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

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

“SEC. 204. ESTABLISHMENT.

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

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

“SEC. 205. VIETNAM EDUCATION FOUNDATION ADVISORY COMMITTEE.

“(a) ESTABLISHMENT.—

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

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

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

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

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

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

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

“(3) APPOINTMENT OF INCUMBENT MEMBERS OF BOARD OF DIRECTORS.—Members appointed to the Advisory Committee under paragraph (2) may include individuals who were members of the Board of Directors of the Foundation on the date immediately preceding the date of the enactment of this section.

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

(d) APPOINTMENT OF EXECUTIVE DIRECTOR.—Subsection (a) of section 208 of such Act is amended—

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

(2) by striking the last sentence.

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

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

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

(1) in section 203—

(A) by striking paragraph (1);

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

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

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

(2) in section 208—

(A) in subsection (a)—

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

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

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

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

(h) MUTUAL EDUCATIONAL AND CULTURAL EXCHANGE ACT OF 1961.—Section 112(a) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2460(a)) is amended—

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

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

and

(3) by adding at the end the following:

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

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

(j) SUPPORT FOR INSTITUTIONAL DEVELOPMENT IN VIETNAM.—

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

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

(B) feature both teaching and research components;

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

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

(E) enjoy autonomy from the Vietnamese government.

(2) APPLICATION.—

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

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

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

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

Subtitle C—Consular Services and Related Matters

SEC. 231. PERMANENT AUTHORITY TO ASSESS PASSPORT SURCHARGE.

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

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

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

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

SEC. 233. REFORMING REFUGEE PROCESSING.

(a) WORLDWIDE PROCESSING PRIORITY SYSTEM.—

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

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

(b) REFORM OF THE REFUGEE CONSULTATION PROCESS.—Section 207 of the Immigration and Nationality Act (8 U.S.C. 1157) is amended—

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

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

(c) FAMILY REUNIFICATION.—

(1) MULTIPLE FORMS OF RELIEF.—Applicants for admission as refugees shall be permitted to simultaneously pursue admission under any other visa categories for which such applicants may be eligible.

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

(3) CHILDREN OF REFUGEE SPOUSES.—For the purposes of sections 207(c)(2)(A) and 208(b)(3) of the Immigration and Nationality Act (8 U.S.C. 1157(c)(2)(A) and 1158(b)(3)), if a refugee or asylee spouse proves that such spouse is the biological or adoptive parent of a child, such child shall be eligible to accompany or follow to join such parent.

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

(1) in subsection (c)—

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

(B) in paragraph (2), in the second sentence—

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

(ii) by striking “\$100,000,000” and inserting “\$200,000,000”; and

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

(e) AUTHORIZATION OF APPROPRIATIONS.—

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

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

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

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

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

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

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

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

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

(d) TIMELINE FOR IMPLEMENTATION.—

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

(2) ADDITIONAL IMPLEMENTATION.—Not later than two years after the date of the enactment of this Act, the Secretary shall notify the appropriate congressional committees that such training programs are operating in five refugee processing regions.

(e) GAO REPORT.—Not later than two years after the date of the enactment of this Act, the Comptroller General of the United States shall conduct a study on the implementation of this section, including an assessment of the quality of English as a second language curriculum and instruction, the benefits of the orientation and English as a second language training program to refugees, and recommendations on whether such programs should be continued, broadened, or modified, and shall submit to the appropriate congressional committees a report on the findings of such study.

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

SEC. 235. IRAQI REFUGEES AND INTERNALLY DISPLACED PERSONS.

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

(b) INTERAGENCY PROCESS.—

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

(2) COMPOSITION.—The interagency working group shall consist of appropriate high-ranking officials from the National Security Council, the Department of State, the Department of Homeland Security, the United States Agency for International Development, and such other agencies as the President may determine.

(3) ROLE OF SECRETARY OF STATE.—The Secretary of State shall serve as principal liaison with the Government of Iraq, its neighboring refugee hosting countries, and the international community to solicit and direct bilateral and

multilateral contributions to address the needs of Iraqi refugees, IDPs, and returned refugees as well as with nongovernmental organizations working for and on behalf of displaced Iraqis.

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

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

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

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

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

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

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

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

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

(3) assistance to international organizations and other relevant entities, including such organizations and entities providing psychosocial services and cash assistance, and such organizations and entities facilitating voluntary returns of displaced persons;

(4) technical assistance to the Government of Iraq to establish better systems for meeting the needs of Iraqi IDPs and refugees, and to other government entities, international organizations, or nongovernmental organizations developing legal frameworks and systems to resolve land and housing claim disputes, including restitution;

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

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

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

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

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

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

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

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

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

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

(5) information gathered in fulfillment of subsection (g).

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

SEC. 236. VIDEOCONFERENCE INTERVIEWS.

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

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

SEC. 237. TIBET.

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

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

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

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

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

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

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

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

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

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

(1) in subsection (d)—

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

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

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

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

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

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

(d) DIPLOMATIC REPRESENTATION RELATING TO TIBET.—

(1) UNITED STATES EMBASSY IN BEIJING.—

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

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

(2) IN TIBET.—Section 618 of the Tibetan Policy Act of 2002 is amended to read as follows:

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

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

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

SEC. 238. PROCESSING OF CERTAIN VISA APPLICATIONS.

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

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

Subtitle D—Strengthening Arms Control and Non-proliferation Activities at the Department of State

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

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

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

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

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

(4) North Korea and Iran present fundamental challenges to the global non-proliferation regime, challenges that can only be met by active, committed, and long-term multilateral engagement, participation, and leadership by the United States.

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

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

(B) United States ratification of the Comprehensive Test Ban Treaty (CTBT), considered a foundational treaty by the global nonproliferation community for further advances toward greater stability and the reduction of role of nuclear weapons;

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

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

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

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

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

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

(I) strengthening the infrastructure and technical and financial resources available to the International Atomic Energy Agency (IAEA) and its international nuclear safeguards system; and

(J) engaging multiple international conventions and negotiations on restriction on conventional arms of various types.

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

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

(2) such plan should—

(A) focus especially on the recruitment and professional development of civilian and Foreign Service officers in the areas of arms control and nonproliferation within the Department of State, especially to increase the number of personnel assigned to arms control and nonproliferation and enhance recruitment of technical specialists, as well as provide for the long-term sustainability of personnel and resources; and

(B) identify measures to make service in arms control and nonproliferation offices, bureaus, and in foreign postings an attractive path for further promotion within the Foreign Service; and

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

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

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

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

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

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

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

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

SEC. 245. ARMS CONTROL AND NONPROLIFERATION ROTATION PROGRAM.

(a) ESTABLISHMENT.—

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

(2) GOALS.—The Rotation Program shall—

(A) be established in accordance with the human capital strategic plan of the Department;

(B) provide midlevel Foreign Service officers and employees of the Department, and employees of other Federal departments and agencies concerned with arms control and nonproliferation responsibilities the opportunity to broaden their knowledge through exposure to other areas of the Department and such other Federal departments and agencies;

(C) expand the knowledge base of the Department by providing for rotational assignments of employees to such other Federal departments and agencies;

(D) build professional relationships and contacts among the employees in such other Federal departments and agencies;

(E) invigorate the Department's arms control and nonproliferation workforce with professionally rewarding opportunities; and

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

(3) RESPONSIBILITIES.—The Secretary shall—

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

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

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

(D) establish incentives for such employees to participate in the Rotation Program, including promotions and employment preferences;

(E) ensure that the Rotation Program provides professional education and training;

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

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

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

(5) REPORTING.—Not later than one year after the date of the establishment of the Rotation Program, the Secretary shall submit to the appropriate congressional committees a report on the status of the Rotation Program, including a description of the Rotation Program, the number of individuals participating, and how the Rotation Program is used in succession planning and leadership development.

SEC. 246. ARMS CONTROL AND NONPROLIFERATION SCHOLARSHIP PROGRAM.

(a) ESTABLISHMENT.—

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

(2) SELECTION OF RECIPIENTS.—

(A) MERIT AND AGENCY NEEDS.—Individuals shall be selected to receive scholarships under this section through a competitive process primarily on the basis of academic merit and the arms control and nonproliferation needs of the Department.

(B) DEMONSTRATED COMMITMENT.—Individuals selected under this section shall have a demonstrated interest in public service and a commitment to the field of study for which the scholarship is awarded.

(3) CONTRACTUAL AGREEMENTS.—In order to carry out the scholarship program, the Secretary shall enter into contractual agreements with individuals selected under paragraph (2) pursuant to which such individuals agree to serve as full-time employees of the Department, for a period to be determined by the Secretary, not to exceed six years, in arms control and nonproliferation positions

needed by the Department and for which the individuals are qualified, in exchange for receiving a scholarship.

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

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

(d) **PROGRAMS AND FIELDS OF STUDY.**—The Secretary shall make publicly available a list of academic programs and fields of study for which scholarships under this section may be awarded.

(e) **SCHOLARSHIPS.**—

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

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

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

(4) **AMOUNT.**—The dollar amount of a scholarship awarded under this section for an academic year shall be determined under regulations issued by the Secretary, but shall in no case exceed the cost of tuition, fees, and other authorized expenses as determined by the Secretary.

(5) **USE OF SCHOLARSHIPS.**—A scholarship awarded under this section may be expended for tuition, fees, and other authorized expenses as established by the Secretary by regulation.

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

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

(g) **REPAYMENT.**—

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

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

(A) the total amount of the scholarship received by such recipient under this section; and

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

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

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

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

SEC. 247. SCIENTIFIC ADVISORY COMMITTEE.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—The President may establish a Scientific Advisory Committee (in this section referred to as the “Committee”) of not to exceed ten members, not fewer than eight of whom shall be scientists.

(2) APPOINTMENT.—If the Committee is established in accordance with paragraph (1), the members of the Committee shall be appointed by the President, as follows:

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

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

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

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

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

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

TITLE III—ORGANIZATION AND PERSONNEL AUTHORITIES

Subtitle A—Towards Modernizing the Department of State

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

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

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

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

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

(b) AUTHORIZED INCREASES.—

(1) AT THE DEPARTMENT OF STATE.—The Secretary of State is authorized to hire an additional 750 members of the Foreign Service (above attrition) in fiscal year 2010 over the number of such members employed as of September 30, 2009, and an additional 750 members of the Foreign Service (above attrition)

in fiscal year 2011 over the number of such members employed as of September 30, 2010.

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

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

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

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

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

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

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

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

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

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

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

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

(e) RECRUITING CANDIDATES WHO HAVE EXPERIENCE IN UNSTABLE SITUATIONS.—Section 301 of the Foreign Service Act of 1980 (22 U.S.C. 3941), as amended by section 212(c) of this Act, is further amended by adding at the end the following new subsection:

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

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

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

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

SEC. 302. QUADRENNIAL REVIEW OF DIPLOMACY AND DEVELOPMENT.

(a) DEVELOPMENT OF NATIONAL STRATEGY ON DIPLOMACY AND DEVELOPMENT.—

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

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

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

(C) The requirements for overseas infrastructure necessary to carry out such strategy.

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

(E) Budget requirements to carry out such strategy.

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

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

(b) REVIEW REQUIRED.—

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

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

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

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

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

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

(3) INTERAGENCY COORDINATION AND CONSULTATION.—

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

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

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

(d) QRDD AND CONGRESSIONAL COMMITTEES.—

(1) CONSULTATION.—In developing the strategy required under subsection (a) and conducting the review required under subsection (b), the President shall consult with the appropriate congressional committees.

(2) REPORT.—The President shall transmit to the appropriate congressional committees a report on each Quadrennial Review of Diplomacy and Development. The report shall be submitted in the year following the year in which such a Quadrennial Review is conducted, but not later than the date on which the President submits the budget for the next fiscal year to Congress under sec-

tion 1105(a) of title 31, United States Code. The report shall include the following:

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

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

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

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

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

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

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

(iv) the intensity, duration, and military and political end-states of conflicts and smaller-scale contingencies that arise in the diplomatic and development context.

(E) The anticipated roles and missions of the reserve components available to civilian agencies, including capabilities and resources necessary to assure that such reserve components can capably discharge such roles and missions.

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

(G) Any other matter the Secretary considers appropriate.

(e) INDEPENDENT PANEL ASSESSMENT.—

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

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

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

SEC. 303. ESTABLISHMENT OF THE LESSONS LEARNED CENTER.

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

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

(c) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees

a report on the status of efforts to establish the LLC. The report shall include recommendations—

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

(A) how to encourage service in the LLC;

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

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

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

(E) physical structure of the LLC; and

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

(d) DEFINITIONS.—In this section:

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

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

SEC. 304. LOCALLY EMPLOYED STAFF COMPENSATION.

(a) FINDINGS.—Congress finds the following:

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

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

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

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

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

(6) The Department of State OIG survey data show that the United States Government is providing salary increases that are approximately 60 percent of what is the prevailing practice of the local labor market.

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

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

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

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

of locally employed staff compensation adjustments, the timing of these activities, and the responsibility each office has for tracking implementation of locally employed staff compensation adjustments.

(3) The Bureau of Human Resources, in coordination with the Office of Management, Policy, Rightsizing and Innovation, should implement a locally employed staff compensation review process whereby the Office of Overseas Employment in the Bureau of Human Resources reviews and adjust each post's salary schedule every five years based on a recent salary survey. During the intervening years, the Department should authorize cost-of-living (or inflation) adjustments based on reliable inflation data.

(4) The Bureau of Human Resources, in coordination with the Office of Management, Policy, Rightsizing and Innovation, should implement a systematic process of providing comprehensive information to diplomatic and consular missions, Department of State offices, and agency headquarters on periodic salary survey reviews, including comprehensible salary survey analysis, explanations of salary survey changes, and if appropriate, copies of the off-the-shelf surveys for the host country. This approach should be documented and made a part of the periodic process.

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

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

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

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

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

(10) The Bureau of Human Resources should send the cable announcing the proposed salary increases for locally employed staff to the attention of both the chief of mission and the management officer.

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

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

Subtitle B—Foreign Service Pay Equity and Death Gratuity

SEC. 311. SHORT TITLE.

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

SEC. 312. OVERSEAS COMPARABILITY PAY ADJUSTMENT.

(a) OVERSEAS COMPARABILITY PAY ADJUSTMENT.—

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

“SEC. 415. OVERSEAS COMPARABILITY PAY ADJUSTMENT.

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

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

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

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

“(B) for purposes of chapter 8; and

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

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

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

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

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

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

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

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

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

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

(A) in paragraph (1)—

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

(ii) in the second sentence, by striking “The contribution by the employing agency” through “and shall be made” and inserting “An equal amount shall be contributed by the employing agency”;

(B) in paragraph (2)—

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

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

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

(2) COMPUTATION OF ANNUITIES.—Section 806(a)(9) of such Act (22 U.S.C. 4046(a)(9)) is amended by striking “is outside the continental United States shall” and inserting “was outside the continental United States during the period beginning on December 29, 2002, and ending on the day before the first

day of the first pay period beginning on or after October 1, 2011 (or during any portion thereof), shall, to the extent that such computation is based on the basic salary or basic pay of such member for such period (or portion thereof),”.

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

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

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

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

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

“Percentage	Time Period
7.5	Before January 1, 1999.
7.75	January 1, 1999, to December 31, 1999.
7.9	January 1, 2000, to December 31, 2000.
7.55	January 11, 2003, to the day before the first day of the first pay period beginning on or after October 1, 2011.
7.5	Beginning on the first day of the first pay period beginning on or after October 1, 2011.”.

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

SEC. 313. DEATH GRATUITY.

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

Subtitle C—Other Organization and Personnel Matters

SEC. 321. TRANSATLANTIC DIPLOMATIC FELLOWSHIP PROGRAM.

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

“SEC. 506. TRANSATLANTIC DIPLOMATIC FELLOWSHIP PROGRAM.

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

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

“(c) DEFINITIONS.—In this section:

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

“(A) the North Atlantic Treaty Organization; or

“(B) the European Union.

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

“(A) the North Atlantic Treaty Organization; or

“(B) the European Union.

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

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

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

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

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

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

(1) in section 503 (22 U.S.C. 3983)—

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

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

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

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

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

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

“Sec. 506. Transatlantic diplomatic fellowship program.”

SEC. 322. SECURITY OFFICERS EXCHANGE PROGRAM.

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

“SEC. 507. SECURITY OFFICERS EXCHANGE PROGRAM.

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

“(b) **SALARY AND BENEFITS.**—The salary and benefits of the members of the Service shall be paid as described in subsection (b) of section 503 during a period in which such officer is participating in the Security Officers Exchange Program. The salary and benefits of an employee of a designated country or international organization participating in such program shall be paid by such country or international organization during the period in which such employee is participating in the program.

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

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

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

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

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

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

(b) **TECHNICAL AND CONFORMING AMENDMENT.**—Section 2 of the Foreign Service Act of 1980 is amended, in the table of contents, by adding after the item relating to section 506 (as added by section 321(b)(2)(B) of this Act) the following new item: “Sec. 507. Security officers exchange program.”.

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

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

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

“(A) written notice stating the specific reasons for the proposed suspension;
“(B) a reasonable time to respond orally and in writing to the proposed suspension;

“(C) representation by an attorney or other representative; and
“(D) a final written decision, including the specific reasons for such decision, as soon as practicable.

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

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

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

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

“(5) In this subsection:

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

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

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

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

(b) **CONFORMING AND CLERICAL AMENDMENTS.**—

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

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

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

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

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

SEC. 325. LIMITED APPOINTMENTS IN THE FOREIGN SERVICE.

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

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

(2) in subsection (b)—

(A) in paragraph (3)—

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

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

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

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

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

“(6) in exceptional circumstances where the Secretary determines the needs of the Service require the extension of a limited appointment (A), for a period of time not to exceed 12 months (provided such period of time does not permit additional review by the boards under section 306), or (B), for the minimum time needed to

settle a grievance, claim, or complaint not otherwise provided for in this section.”; and

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

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

SEC. 326. COMPENSATORY TIME OFF FOR TRAVEL.

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

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

SEC. 327. REEMPLOYMENT OF FOREIGN SERVICE ANNUITANTS.

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

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

(b) by striking paragraph (2); and

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

SEC. 328. PERSONAL SERVICES CONTRACTORS.

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

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

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

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

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

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

(c) **STATUS OF PERSONAL SERVICE CONTRACTORS.**—

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

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

(A) the Ethics in Government Act of 1978;

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

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

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

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

SEC. 329. PROTECTION OF INTELLECTUAL PROPERTY RIGHTS.

(a) **RESOURCES TO PROTECT INTELLECTUAL PROPERTY RIGHTS.**—The Secretary of State shall ensure that the protection in foreign countries of the intellectual property rights of United States persons in other countries is a significant component of United States foreign policy in general and in relations with individual countries. The Secretary of State, in consultation with the Director General of the United States and Foreign Commercial Service and other agencies as appropriate, shall ensure that adequate resources are available at diplomatic missions in any country

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

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

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

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

(c) PRIORITY ASSIGNMENTS.—

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

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

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

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

(d) DUTIES AND RESPONSIBILITIES OF INTELLECTUAL PROPERTY ATTACHÉS.—The intellectual property attachés appointed under subsection (b), as well as others serving as intellectual property attachés of any other department or agency of the United States, shall have the following responsibilities:

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

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

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

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

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

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

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

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

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

(g) REPORT TO CONGRESS.—

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

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

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

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

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

(h) DEFINITIONS.—In this section:

(1) COUNTERFEITING; COUNTERFEIT GOODS.—

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

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

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

(3) PIRACY; PIRATED GOODS.—

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

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

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

(A) any United States resident or national,

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

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

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

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

SEC. 330. DEPARTMENT OF STATE EMPLOYMENT COMPOSITION.

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

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

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

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

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

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

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

“(b) DEVELOPMENT OF METRICS TO EVALUATE EMPLOYMENT COMPOSITION.—The report required by subsection (a) shall also include a description of the following:

“(1) The ability of current recruitment, advancement, and retention practices to attract and maintain a diverse pool of qualified individuals in sufficient

numbers throughout the Department, including in the Cooperative Education Program (also known as the 'Student Career Experience Program').

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

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

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

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

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

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

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

"(2) the total number of such contracts;

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

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

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

SEC. 331. CONTRACTING.

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

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

(a) REPORT ON IMPROVING EFFECTIVENESS OF DEPARTMENT OF STATE LEGISLATIVE LIAISON OFFICE.—Not later than six months after the date of the enactment of this Act, the Secretary of State shall submit to the Committee on Foreign Affairs and the Committee on House Administration of the House of Representatives and the Committee on Foreign Relations and the Committee on Rules and Administration of the Senate a report on the mission and effectiveness of the existing Department of State legislative liaison office.

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

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

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

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

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

SEC. 333. DISCRIMINATION RELATED TO SEXUAL ORIENTATION.

(a) TRACKING VIOLENCE OR CRIMINALIZATION RELATED TO SEXUAL ORIENTATION.—The Assistant Secretary for Democracy, Human Rights and Labor shall designate a Bureau-based officer or officers who shall be responsible for tracking violence, criminalization, and restrictions on the enjoyment of fundamental freedoms,

consistent with United States law, in foreign countries based on actual or perceived sexual orientation and gender identity.

(b) **INTERNATIONAL EFFORTS TO REVISE LAWS CRIMINALIZING HOMOSEXUALITY.**—In keeping with the Administration’s endorsement of efforts by the United Nations to decriminalize homosexuality in member states, the Secretary of State shall work through appropriate United States Government employees at United States diplomatic and consular missions to encourage the governments of other countries to reform or repeal laws of such countries criminalizing homosexuality or consensual homosexual conduct, or restricting the enjoyment of fundamental freedoms, consistent with United States law, by homosexual individuals or organizations.

(c) **ANNUAL COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES.**—The Foreign Assistance Act of 1961 is amended—

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

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

(B) in paragraph (11)—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(c) **DUTIES.**—

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

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

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

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

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

(2) **COORDINATING ROLE.**—The Ambassador shall coordinate with the United States Agency for International Development and the Millennium Challenge

Corporation on all policies, programs, and funding of such agencies relating to gender integration and women's empowerment.

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

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

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

TITLE IV—INTERNATIONAL ORGANIZATIONS

Subtitle A—International Leadership

SEC. 401. SHORT TITLE.

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

SEC. 402. PROMOTING ASSIGNMENTS TO INTERNATIONAL ORGANIZATIONS.

(a) **PROMOTIONS.**—

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

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

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

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

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

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

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

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

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

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

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

(a) **ESTABLISHMENT OF OFFICE.**—The Secretary of State is authorized to establish, within the Bureau of International Organization Affairs, an Office on Multilat-

eral Negotiations, to be headed by a Special Representative for Multilateral Negotiations (in this section referred to as the “Special Representative”).

(b) APPOINTMENT.—If the office referred to in subsection (a) is established, the Special Representative shall be appointed by the President by and with the advice and consent of the Senate and shall have the rank of Ambassador-at-Large. At the discretion of the President another official at the Department may serve as the Special Representative. The President may direct that the Special Representative report to the Assistant Secretary for International Organization Affairs.

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

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

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

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

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

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

(C) the composition of United States delegations to multilateral negotiations; and

(D) liaison with Congress, international organizations, nongovernmental organizations, and the private sector on matters affecting multilateral negotiations.

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

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

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

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

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

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

Subtitle B—General Provisions

SEC. 411. ORGANIZATION OF AMERICAN STATES.

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

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

(2) given the recent proliferation of multilateral groupings in the Americas region in which the United States is not a member, it is imperative to focus

on and promote United States diplomatic efforts in the Organization of American States (OAS), where the United States is a founding member and whose central tenets include democratic values considered vital for this region;

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

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

(b) MULTILATERAL FUND.—

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

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

- (A) United States diplomatic activities within and related to the OAS;
- (B) voluntary contributions to entities and organs of the OAS to carry out programs and activities that support the interests of the United States;
- (C) outreach and cultural activities;
- (D) conferences; and
- (E) general advocacy for United States interests.

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

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

SEC. 412. PEACEKEEPING OPERATIONS CONTRIBUTIONS.

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

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

SEC. 413. PACIFIC ISLANDS FORUM.

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

SEC. 414. REVIEW OF ACTIVITIES OF INTERNATIONAL COMMISSIONS.

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

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

- (1) Amounts obligated and expended during the two previous fiscal years by each of such commissions.
- (2) A description of the projects carried out during such years by each of such commissions and a description of the management and implementation of such projects, including the use of private contractors.
- (3) Projects anticipated during the next two fiscal years related to the activities of each of such commissions because of obligations that the United States has entered into based on any treaty between the United States and another country.

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

SEC. 415. ENHANCING NUCLEAR SAFEGUARDS.

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

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

(2) Congress has long supported efforts aimed at effective and efficient assurances of nuclear fuel supply, the strengthening of IAEA safeguards, and as-

sistance to the developing world for nuclear and non-nuclear energy sources, as embodied in the Nuclear Non-Proliferation Act of 1978 (22 U.S.C. 3201 et seq.).

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

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

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

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

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

(b) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated \$10,000,000 for the refurbishment or possible replacement of the IAEA’s Safeguards Analytical Laboratory.

(c) **REPORT.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall submit to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate a report on the refurbishment or possible replacement of the IAEA’s Safeguards Analytical Laboratory pursuant to subsection (b).

SEC. 416. IMPLEMENTATION OF RECOMMENDATIONS OF COMMISSION ON THE PREVENTION OF WEAPONS OF MASS DESTRUCTION PROLIFERATION AND TERRORISM.

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

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

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

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

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

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

(6) The United States should work with the IAEA Director General to require that the transfer of all items on the Nuclear Suppliers Group dual-use and trigger lists be reported to the IAEA or relevant authority and assist in de-

veloping a system to process and analyze the information gathered, making unreported transfers illegal and subject to seizure.

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

SEC. 417. ASIA-PACIFIC ECONOMIC COOPERATION.

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

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

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

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

(b) SMALL BUSINESS DEFINED.—In this section, the term “small business” shall have the meaning given the term “small business concern” in section 410(9) of the Small Business Investment Act of 1958 (15 U.S.C. 694a(9)).

(c) UNITED STATES PARTICIPATION AT APEC.—

(1) DESIGNATION OF APEC COORDINATORS.—The President shall designate in appropriate departments and agencies an existing official of appropriate senior rank to serve as each such department's or agency's “APEC Coordinator”.

(2) DUTIES OF APEC COORDINATORS.—

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

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

(d) ENHANCING SMALL BUSINESS PARTICIPATION AT APEC.—

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

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

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

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

TITLE V—UNITED STATES INTERNATIONAL BROADCASTING

SEC. 501. AUTHORIZATION OF APPROPRIATIONS FOR INTERNATIONAL BROADCASTING.

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

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

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

SEC. 502. PERSONAL SERVICES CONTRACTING PROGRAM.

Section 504 of the Foreign Relations Authorization Act, Fiscal Year 2003, (Public Law 107–228; 22 U.S.C. 6206 note), is amended—

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

(2) in subsection (a)—

(A) by striking “pilot”; and

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

(3) in subsection (b)—

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

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

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

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

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

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

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

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

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

SEC. 504. EMPLOYMENT FOR INTERNATIONAL BROADCASTING.

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

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

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

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

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

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

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

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

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

(2) by striking subsection (f); and

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

TITLE VI—PEACE CORPS

SEC. 601. FINDINGS; STATEMENT OF POLICY.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(3) promote all types of volunteerism by Americans in the developing world.

SEC. 602. AMENDMENTS TO THE PEACE CORPS ACT.

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

“SEC. 5A. PEACE CORPS RESPONSE PROGRAM.

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

(b) COORDINATION OF PEACE CORPS PROGRAMS.—Paragraph (2) of section 4(c) of the Peace Corps Act (22 U.S.C. 2503(c)) is amended to read as follows:

“(2) The Director of the Peace Corps shall, as appropriate and to the maximum extent practicable without diminishing any program or operational independence, work with the heads of Federal departments and agencies to identify synergies and avoid duplication of efforts with Peace Corps programs in the field and at headquarters.”

(c) READJUSTMENT ALLOWANCE.—Subsection (c) of section 5 of the Peace Corps Act (22 U.S.C. 2504(c)) is amended, in the first sentence, by striking “\$125” and inserting “\$225”.

(d) AUTHORIZATION OF APPROPRIATIONS.—Section 3(b)(1) of the Peace Corps Act (22 U.S.C. 2502(b)(1)) is amended by striking “\$270,000,000” and all that follows

through the period at the end and inserting the following: “\$450,000,000 for fiscal year 2010 and such sums as may be necessary for fiscal year 2011.”

SEC. 603. REPORT.

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

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

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

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

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

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

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

TITLE VII—SENATOR PAUL SIMON STUDY ABROAD FOUNDATION ACT OF 2009

SEC. 701. SHORT TITLE.

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

SEC. 702. FINDINGS.

Congress makes the following findings:

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

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

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

(4) According to the Lincoln Commission, “[s]tudy abroad is one of the major means of producing foreign language speakers and enhancing foreign language learning” and, for that reason, “is simply essential to the [N]ation’s security.”

(5) Studies consistently show that United States students score below their counterparts in other advanced countries on indicators of international knowledge. This lack of global literacy is a national liability in an age of global trade and business, global interdependence, and global terror.

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

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

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

(9) In any given year, only approximately one percent of all students enrolled in United States institutions of higher education study abroad.

(10) Less than 10 percent of the students who graduate from United States institutions of higher education with bachelors degrees have studied abroad.

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

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

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

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

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

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

SEC. 703. PURPOSES.

The purposes of this title are—

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

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

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

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

SEC. 704. DEFINITIONS.

In this title:

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

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

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

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

(3) CHIEF EXECUTIVE OFFICER.—The term “Chief Executive Officer” means the chief executive officer of the Foundation appointed pursuant to section 705(c).

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

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

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

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

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

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

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

SEC. 705. ESTABLISHMENT AND MANAGEMENT OF THE SENATOR PAUL SIMON STUDY ABROAD FOUNDATION.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—There is established in the executive branch a corporation to be known as the “Senator Paul Simon Study Abroad Foundation” that shall be responsible for carrying out this title. The Foundation shall be a government corporation, as defined in section 103 of title 5, United States Code.

(2) BOARD OF DIRECTORS.—The Foundation shall be governed by a Board of Directors in accordance with subsection (d).

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

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

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

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

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

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

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

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

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

(c) CHIEF EXECUTIVE OFFICER.—

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

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

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

(4) COMPENSATION AND RANK.—

(A) IN GENERAL.—The Chief Executive Officer shall be compensated at the rate provided for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(B) AMENDMENT.—Section 5315 of title 5, United States Code, is amended by adding at the end the following:

“Chief Executive Officer, Senator Paul Simon Study Abroad Foundation.”.

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

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

(d) BOARD OF DIRECTORS.—

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

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

(3) MEMBERSHIP.—The Board shall consist of—

(A) the Secretary of State (or the Secretary’s designee), the Secretary of Education (or the Secretary’s designee), the Secretary of Defense (or the Secretary’s designee), and the Administrator of the United States Agency for International Development (or the Administrator’s designee); and

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

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

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

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

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

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

(5) TERMS.—

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

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

(C) VACANCIES.—A vacancy in the Board shall be filled in the manner in which the original appointment was made.

(6) CHAIRPERSON.—There shall be a Chairperson of the Board. The Secretary of State (or the Secretary’s designee) shall serve as the Chairperson.

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

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

(9) COMPENSATION.—

(A) OFFICERS OF THE FEDERAL GOVERNMENT.—

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

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

(B) OTHER MEMBERS.—

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

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

SEC. 706. ESTABLISHMENT AND OPERATION OF PROGRAM.

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

(1) be administered by the Foundation; and

(2) award grants to—

(A) United States students for study abroad;

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

(C) institutions of higher education, individually or in consortium, in order to accomplish the objectives set forth in subsection (b).

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

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

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

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

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

(d) **STRUCTURE OF GRANTS.**—

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

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

(A) the Foundation should award not more than 25 percent of the funds awarded as grants to individuals described in subparagraph (A) of subsection (a)(2) and not less than 75 percent of such funds to institutions described in subparagraphs (B) and (C) of such subsection; and

(B) the Foundation should ensure that not less than 85 percent of the amount awarded to such institutions is used to award scholarships to students.

(e) **BALANCE OF LONG-TERM AND SHORT-TERM STUDY ABROAD PROGRAMS.**—In administering the program established under subsection (a), the Foundation shall seek an appropriate balance between—

(1) longer-term study abroad programs, which maximize foreign-language learning and intercultural understanding; and

(2) shorter-term study abroad programs, which maximize the accessibility of study abroad to nontraditional students.

(f) **QUALITY AND SAFETY IN STUDY ABROAD.**—In administering the program established under subsection (a), the Foundation shall require that institutions receiving grants demonstrate that—

(1) the study abroad programs for which students receive grant funds are for academic credit; and

(2) the programs have established health and safety guidelines and procedures.

SEC. 707. ANNUAL REPORT.

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

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

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

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

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

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

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

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

(A) the number of Foundation employees and the cost of compensation for Board members, Foundation employees, and personal service contractors;

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

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

(D) total representational expenses.

SEC. 708. POWERS OF THE FOUNDATION; RELATED PROVISIONS.

(a) **POWERS.**—The Foundation—

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

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

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

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

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

(6) may accept cash gifts or donations of services or of property (real, personal, or mixed), tangible or intangible, for the purpose of carrying out the provisions of this title;

(7) may use the United States mails in the same manner and on the same conditions as the executive departments;

(8) may contract with individuals for personal services, who shall not be considered Federal employees for any provision of law administered by the Office of Personnel Management;

(9) may hire or obtain passenger motor vehicles; and

(10) shall have such other powers as may be necessary and incident to carrying out this title.

(b) **PRINCIPAL OFFICE.**—The Foundation shall maintain its principal office in the metropolitan area of Washington, District of Columbia.

(c) **APPLICABILITY OF GOVERNMENT CORPORATION CONTROL ACT.**—

(1) **IN GENERAL.**—The Foundation shall be subject to chapter 91 of subtitle VI of title 31, United States Code, except that the Foundation shall not be authorized to issue obligations or offer obligations to the public.

(2) **CONFORMING AMENDMENT.**—Section 9101(3) of title 31, United States Code, is amended by adding at the end the following new subparagraph:

“(S) the Senator Paul Simon Study Abroad Foundation.”.

(d) **INSPECTOR GENERAL.**—

(1) IN GENERAL.—The Inspector General of the Department of State shall serve as Inspector General of the Foundation, and, in acting in such capacity, may conduct reviews, investigations, and inspections of all aspects of the operations and activities of the Foundation.

(2) AUTHORITY OF THE BOARD.—In carrying out the responsibilities under this subsection, the Inspector General shall report to and be under the general supervision of the Board.

(3) REIMBURSEMENT AND AUTHORIZATION OF SERVICES.—

(A) REIMBURSEMENT.—The Foundation shall reimburse the Department of State for all expenses incurred by the Inspector General in connection with the Inspector General's responsibilities under this subsection.

(B) AUTHORIZATION FOR SERVICES.—Of the amount authorized to be appropriated under section 711(a) for a fiscal year, up to \$2,000,000 is authorized to be made available to the Inspector General of the Department of State to conduct reviews, investigations, and inspections of operations and activities of the Foundation.

SEC. 709. GENERAL PERSONNEL AUTHORITIES.

(a) DETAIL OF PERSONNEL.—Upon request of the Chief Executive Officer, the head of an agency may detail any employee of such agency to the Foundation on a reimbursable basis. Any employee so detailed remains, for the purpose of preserving such employee's allowances, privileges, rights, seniority, and other benefits, an employee of the agency from which detailed.

(b) REEMPLOYMENT RIGHTS.—

(1) IN GENERAL.—An employee of an agency who is serving under a career or career conditional appointment (or the equivalent), and who, with the consent of the head of such agency, transfers to the Foundation, is entitled to be reemployed in such employee's former position or a position of like seniority, status, and pay in such agency, if such employee—

(A) is separated from the Foundation for any reason, other than misconduct, neglect of duty, or malfeasance; and

(B) applies for reemployment not later than 90 days after the date of separation from the Foundation.

(2) SPECIFIC RIGHTS.—An employee who satisfies paragraph (1) is entitled to be reemployed (in accordance with such paragraph) within 30 days after applying for reemployment and, on reemployment, is entitled to at least the rate of basic pay to which such employee would have been entitled had such employee never transferred.

(c) HIRING AUTHORITY.—Of persons employed by the Foundation, not to exceed 20 persons may be appointed, compensated, or removed without regard to the civil service laws and regulations.

(d) BASIC PAY.—The Chief Executive Officer may fix the rate of basic pay of employees of the Foundation without regard to the provisions of chapter 51 of title 5, United States Code (relating to the classification of positions), subchapter III of chapter 53 of such title (relating to General Schedule pay rates), except that no employee of the Foundation may receive a rate of basic pay that exceeds the rate for level IV of the Executive Schedule under section 5315 of such title.

(e) DEFINITIONS.—In this section—

(1) the term "agency" means an executive agency, as defined by section 105 of title 5, United States Code; and

(2) the term "detail" means the assignment or loan of an employee, without a change of position, from the agency by which such employee is employed to the Foundation.

SEC. 710. GAO REVIEW.

(a) REVIEW REQUIRED.—Not later than two years after the date of the enactment of this Act, the Comptroller General of the United States shall commence a review of the operations of the Foundation.

(b) CONTENT.—In conducting the review required under subsection (a), the Comptroller General shall analyze—

(1) whether the Foundation is organized and operating in a manner that will permit it to fulfill the purposes of this section, as set forth in section 603;

(2) the degree to which the Foundation is operating efficiently and in a manner consistent with the requirements of paragraphs (4) and (5) of section 605(b);

(3) whether grant-making by the Foundation is being undertaken in a manner consistent with subsections (d), (e), and (f) of section 606;

(4) the extent to which the Foundation is using best practices in the implementation of this Act and the administration of the program described in section 606; and

(5) other relevant matters, as determined by the Comptroller General, after consultation with the appropriate congressional committees.

(c) REPORT REQUIRED.—The Comptroller General shall submit a report on the results of the review conducted under subsection (a) to the Secretary of State (in the capacity of the Secretary as Chairperson of the Board of the Foundation) and to the appropriate congressional committees.

SEC. 711. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to carry out this title \$40,000,000 for fiscal year 2010 and \$80,000,000 for fiscal year 2011.

(2) AMOUNTS IN ADDITION TO OTHER AVAILABLE AMOUNTS.—Amounts authorized to be appropriated or otherwise made available for educational exchange programs, including the J. William Fulbright Educational Exchange Program and the Benjamin A. Gilman International Scholarship Program, administered by the Bureau of Educational and Cultural Affairs of the Department of State.

(b) ALLOCATION OF FUNDS.—

(1) IN GENERAL.—The Foundation may allocate or transfer to any agency of the United States Government any of the funds available for carrying out this Act. Such funds shall be available for obligation and expenditure for the purposes for which the funds were authorized, in accordance with authority granted in this Act or under authority governing the activities of the United States Government agency to which such funds are allocated or transferred.

(2) NOTIFICATION.—The Foundation shall notify the appropriate congressional committees not less than 15 days prior to an allocation or transfer of funds pursuant to paragraph (1).

TITLE VIII—EXPORT CONTROL REFORM AND SECURITY ASSISTANCE

Subtitle A—Defense Trade Controls Performance Improvement Act of 2009

SEC. 801. SHORT TITLE.

This subtitle may be cited as the “Defense Trade Controls Performance Improvement Act of 2009”.

SEC. 802. FINDINGS.

Congress finds the following:

(1) In a time of international terrorist threats and a dynamic global economic and security environment, United States policy with regard to export controls is in urgent need of a comprehensive review in order to ensure such controls are protecting the national security and foreign policy interests of the United States.

(2) In January 2007, the Government Accountability Office designated the effective identification and protection of critical technologies as a government-wide, high-risk area, warranting a strategic reexamination of existing programs, including programs relating to arms export controls.

(3) Federal Government agencies must review licenses for export of munitions in a thorough and timely manner to ensure that the United States is able to assist United States allies and to prevent nuclear and conventional weapons from getting into the hands of enemies of the United States.

(4) Both staffing and funding that relate to the Department of State’s arms export control responsibilities have not kept pace with the increased workload relating to such responsibilities, especially during the current decade.

(5) Outsourcing and off-shoring of defense production and the policy of many United States trading partners to require offsets for major sales of defense and aerospace articles present a potential threat to United States national security and economic well-being and serve to weaken the defense industrial base.

(6) Export control policies can have a negative impact on United States employment, nonproliferation goals, and the health of the defense industrial base, particularly when facilitating the overseas transfer of technology or production and other forms of outsourcing, such as offsets (direct and indirect), co-production, subcontracts, overseas investment and joint ventures in defense and commercial industries. Federal Government agencies must develop new and effec-

tive procedures for ensuring that export control systems address these problems and the threat they pose to national security.

(7) In the report to Congress required by the Conference Report (Report 109–272) accompanying the bill, H.R. 2862 (the Science, State, Justice, Commerce and Related Agencies Appropriations Act, 2006; Public Law 109–108), the Department of State concluded that—

(A) defense trade licensing has become much more complex in recent years as a consequence of the increasing globalization of the defense industry;

(B) the most important challenge to the Department of State’s licensing process has been the sheer growth in volume of applicants for licenses and agreements, without the corresponding increase in licensing officers; and

(C) the increase in licensing volume without a corresponding increase in trained and experienced personnel has resulted in delays and increased processing times.

(8) In 2006, the Department of State processed over three times as many licensing applications as the Department of Commerce with about a fifth of the staff of the Department of Commerce.

(9) On July 27, 2007, in testimony delivered to the Subcommittee on Terrorism, Nonproliferation and Trade of the Committee on Foreign Affairs of the House of Representatives to examine the effectiveness of the United States export control regime, the Government Accountability Office found that—

(A) the United States Government needs to conduct assessments to determine its overall effectiveness in the area of arms export control; and

(B) the processing times of the Department of State doubled over the period from 2002 to 2006.

(10)(A) Allowing a continuation of the status quo in resources for defense trade licensing could ultimately harm the United States defense industrial base. The 2007 Institute for Defense Analysis report entitled “Export Controls and the U.S. Defense Industrial Base” found that the large backlog and long processing times by the Department of State for applications for licenses to export defense items led to an impairment of United States firms in some sectors to conduct global business relative to foreign competitors.

(B) Additionally, the report found that United States commercial firms have been reluctant to engage in research and development activities for the Department of Defense because this raises the future prospects that the products based on this research and development, even if intrinsically commercial, will be saddled by Department of State munitions controls due to the link to that research.

(11) According to the Department of State’s fiscal year 2008 budget justification to Congress, commercial exports licensed or approved under the Arms Export Control Act exceeded \$30,000,000,000, with nearly eighty percent of these items exported to United States NATO allies and other major non-NATO allies.

(12) A Government Accountability Office report of October 9, 2001 (GAO–02–120), documented ambiguous export control jurisdiction affecting 25 percent of the items that the United States Government agreed to control as part of its commitments to the Missile Technology Control Regime. The United States Government has not clearly determined which department has jurisdiction over these items, which increases the risk that these items will fall into the wrong hands. During both the 108th, 109th, and 110th Congresses, the House of Representatives passed legislation mandating that the Administration clarify this issue.

(13) During 2007 and 2008, the management and staff of the Directorate of Defense Trade Controls of the Department of State have, through extraordinary effort and dedication, eliminated the large backlog of open applications and have reduced average processing times for license applications; however, the Directorate remains understaffed and long delays remain for complicated cases.

SEC. 803. STRATEGIC REVIEW AND ASSESSMENT OF THE UNITED STATES EXPORT CONTROLS SYSTEM.

(a) REVIEW AND ASSESSMENT.—

(1) IN GENERAL.—Not later than March 31, 2010, the President shall conduct a comprehensive and systematic review and assessment of the United States arms export controls system in the context of the national security interests and strategic foreign policy objectives of the United States.

(2) ELEMENTS.—The review and assessment required under paragraph (1) shall—

(A) determine the overall effectiveness of the United States arms export controls system in order to, where appropriate, strengthen controls, improve efficiency, and reduce unnecessary redundancies across Federal Government agencies, through administrative actions, including regulations, and to formulate legislative proposals for new authorities that are needed;

(B) develop processes to ensure better coordination of arms export control activities of the Department of State with activities of other departments and agencies of the United States that are responsible for enforcing United States arms export control laws;

(C) ensure that weapons-related nuclear technology, other technology related to weapons of mass destruction, and all items on the Missile Technology Control Regime Annex are subject to stringent control by the United States Government;

(D) determine the overall effect of arms export controls on counterterrorism, law enforcement, and infrastructure protection missions of the Department of Homeland Security;

(E) determine the effects of export controls policies and the practices of the export control agencies on the United States defense industrial base and United States employment in the industries affected by export controls;

(F) contain a detailed summary of known attempts by unauthorized end-users (such as international arms traffickers, foreign intelligence agencies, and foreign terrorist organizations) to acquire items on the United States Munitions List and related technical data, including—

(i) data on—

(I) commodities sought, such as M-4 rifles, night vision devices, F-14 spare parts;

(II) parties involved, such as the intended end-users, brokers, consignees, and shippers;

(III) attempted acquisition of technology and technical data critical to manufacture items on the United States Munitions List;

(IV) destination countries and transit countries;

(V) modes of transport;

(VI) trafficking methods, such as use of false documentation and front companies registered under flags of convenience;

(VII) whether the attempted illicit transfer was successful; and

(VIII) any administrative or criminal enforcement actions taken by the United States and any other government in relation to the attempted illicit transfer;

(ii) a thorough evaluation of the Blue Lantern Program, including the adequacy of current staffing and funding levels;

(iii) a detailed analysis of licensing exemptions and their successful exploitation by unauthorized end-users; and

(iv) an examination of the extent to which the increased tendency toward outsourcing and off-shoring of defense production harm United States national security and weaken the defense industrial base, including direct and indirect impact on employment, and formulate policies to address these trends as well as the policy of some United States trading partners to require offsets for major sales of defense articles; and

(G) assess the extent to which export control policies and practices under the Arms Export Control Act promote the protection of basic human rights.

(b) CONGRESSIONAL BRIEFINGS.—The President shall provide periodic briefings to the appropriate congressional committees on the progress of the review and assessment conducted under subsection (a). The requirement to provide congressional briefings under this subsection shall terminate on the date on which the President transmits to the appropriate congressional committees the report required under subsection (c).

(c) REPORT.—Not later than 18 months after the date of the enactment of this Act, the President shall transmit to the appropriate congressional committees and the Committee on Armed Services of the House of Representatives and the Committee on Armed Services of the Senate a report that contains the results of the review and assessment conducted under subsection (a). The report required by this subsection shall contain a certification that the requirement of subsection (a)(2)(C) has been met, or if the requirement has not been met, the reasons therefor. The report required by this subsection shall be submitted in unclassified form, but may contain a classified annex, if necessary.

SEC. 804. PERFORMANCE GOALS FOR PROCESSING OF APPLICATIONS FOR LICENSES TO EXPORT ITEMS ON UNITED STATES MUNITIONS LIST.

(a) **IN GENERAL.**—The Secretary of State, acting through the head of the Directorate of Defense Trade Controls of the Department of State, shall establish and maintain the following goals:

(1) The processing time for review of each application for a license to export items on the United States Munitions List (other than a Manufacturing License Agreement) shall be not more than 60 days from the date of receipt of the application.

(2) The processing time for review of each application for a commodity jurisdiction determination shall be not more than 60 days from the date of receipt of the application.

(3) The total number of applications described in paragraph (1) that are unprocessed shall be not more than 7 percent of the total number of such applications submitted in the preceding calendar year.

(b) **ADDITIONAL REVIEW.**—(1) If an application described in paragraph (1) or (2) of subsection (a) is not processed within the time period described in the respective paragraph of such subsection, then the Managing Director of the Directorate of Defense Trade Controls or the Deputy Assistant Secretary for Defense Trade and Regional Security of the Department of State, as appropriate, shall review the status of the application to determine if further action is required to process the application.

(2) If an application described in paragraph (1) or (2) of subsection (a) is not processed within 90 days from the date of receipt of the application, then the Assistant Secretary for Political-Military Affairs of the Department of State shall—

(A) review the status of the application to determine if further action is required to process the application; and

(B) submit to the appropriate congressional committees a notification of the review conducted under subparagraph (A), including a description of the application, the reason for delay in processing the application, and a proposal for further action to process the application.

(3) For each calendar year, the Managing Director of the Directorate of Defense Trade Controls shall review not less than 2 percent of the total number of applications described in paragraphs (1) and (2) of subsection (a) to ensure that the processing of such applications, including decisions to approve, deny, or return without action, is consistent with both policy and regulatory requirements of the Department of State.

(c) **STATEMENTS OF POLICY.**—

(1) **UNITED STATES ALLIES.**—Congress states that—

(A) it shall be the policy of the Directorate of Defense Trade Controls of the Department of State to ensure that, to the maximum extent practicable, the processing time for review of applications described in subsection (a)(1) to export items that are not subject to the requirements of section 36 (b) or (c) of the Arms Export Control Act (22 U.S.C. 2776 (b) or (c)) to United States allies in direct support of combat operations or peacekeeping or humanitarian operations with United States Armed Forces is not more than 7 days from the date of receipt of the application; and

(B) it shall be the goal, as appropriate, of the Directorate of Defense Trade Controls to ensure that, to the maximum extent practicable, the processing time for review of applications described in subsection (a)(1) to export items that are not subject to the requirements of section 36 (b) or (c) of the Arms Export Control Act to government security agencies of United States NATO allies, Australia, New Zealand, Japan, South Korea, Israel, and, as appropriate, other major non-NATO allies for any purpose other than the purpose described in paragraph (1) is not more than 30 days from the date of receipt of the application.

(2) **PRIORITY FOR APPLICATIONS FOR EXPORT OF U.S.-ORIGIN EQUIPMENT.**—In meeting the goals established by this section, it shall be the policy of the Directorate of Defense Trade Controls of the Department of State to prioritize the processing of applications for licenses and agreements necessary for the export of United States-origin equipment over applications for Manufacturing License Agreements.

(d) **REPORT.**—Not later than December 31, 2011, and December 31, 2012, the Secretary of State shall submit to the appropriate congressional committees a report that contains a detailed description of—

(1)(A) the average processing time for and number of applications described in subsection (a)(1) to—

(i) United States NATO allies, Australia, New Zealand, Japan, South Korea, and Israel;

- (ii) other major non-NATO allies; and
 - (iii) all other countries; and
- (B) to the extent practicable, the average processing time for and number of applications described in subsection (b)(1) by item category;
- (2) the average processing time for and number of applications described in subsection (a)(2);
 - (3) the average processing time for and number of applications for agreements described in part 124 of title 22, Code of Federal Regulations (relating to the International Traffic in Arms Regulations (other than Manufacturing License Agreements));
 - (4) the average processing times for applications for Manufacturing License Agreements;
 - (5) any management decisions of the Directorate of Defense Trade Controls of the Department of State that have been made in response to data contained in paragraphs (1) through (3); and
 - (6) any advances in technology that will allow the time-frames described in subsection (a)(1) to be substantially reduced.
- (e) CONGRESSIONAL BRIEFINGS.—If, at the end of any month beginning after the date of the enactment of this Act, the total number of applications described in subsection (a)(1) that are unprocessed is more than 7 percent of the total number of such applications submitted in the preceding calendar year, then the Secretary of State, acting through the Under Secretary for Arms Control and International Security, the Assistant Secretary for Political-Military Affairs, or the Deputy Assistant Secretary for Defense Trade and Regional Security of the Department of State, as appropriate, shall brief the appropriate congressional committees on such matters and the corrective measures that the Directorate of Defense Trade Controls will take to comply with the requirements of subsection (a).
- (f) TRANSPARENCY OF COMMODITY JURISDICTION DETERMINATIONS.—
- (1) DECLARATION OF POLICY.—Congress declares that the complete confidentiality surrounding several hundred commodity jurisdiction determinations made each year by the Department of State pursuant to the International Traffic in Arms Regulations is not necessary to protect legitimate proprietary interests of persons or their prices and customers, is not in the best security and foreign policy interests of the United States, is inconsistent with the need to ensure a level playing field for United States exporters, and detracts from United States efforts to promote greater transparency and responsibility by other countries in their export control systems.
- (2) PUBLICATION ON INTERNET WEBSITE.—The Secretary of State shall—
- (A) upon making a commodity jurisdiction determination referred to in paragraph (1) publish on the Internet website of the Department of State not later than 30 days after the date of the determination—
 - (i) the name of the manufacturer of the item;
 - (ii) a brief general description of the item;
 - (iii) the model or part number of the item; and
 - (iv) the United States Munitions List designation under which the item has been designated, except that—
 - (I) the name of the person or business organization that sought the commodity jurisdiction determination shall not be published if the person or business organization is not the manufacturer of the item; and
 - (II) the names of the customers, the price of the item, and any proprietary information relating to the item indicated by the person or business organization that sought the commodity jurisdiction determination shall not be published; and
 - (B) maintain on the Internet website of the Department of State an archive, that is accessible to the general public and other departments and agencies of the United States, of the information published under subparagraph (A).
- (g) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to prohibit the President or Congress from undertaking a thorough review of the national security and foreign policy implications of a proposed export of items on the United States Munitions List.
- SEC. 805. REQUIREMENT TO ENSURE ADEQUATE STAFF AND RESOURCES FOR THE DIRECTORATE OF DEFENSE TRADE CONTROLS OF THE DEPARTMENT OF STATE.**
- (a) REQUIREMENT.—The Secretary of State shall ensure that the Directorate of Defense Trade Controls of the Department of State has the necessary staff and resources to carry out this subtitle and the amendments made by this subtitle.
 - (b) MINIMUM NUMBER OF LICENSING OFFICERS.—For fiscal year 2011 and each subsequent fiscal year, the Secretary of State shall ensure that the Directorate of

Defense Trade Controls has at least 1 licensing officer for every 1,250 applications for licenses and other authorizations to export items on the United States Munitions List by not later than the third quarter of such fiscal year, based on the number of licenses and other authorizations expected to be received during such fiscal year. The Secretary shall ensure that in meeting the requirement of this subsection, the performance of other functions of the Directorate of Defense Trade Controls is maintained and adequate staff is provided for those functions.

(c) **MINIMUM NUMBER OF STAFF FOR COMMODITY JURISDICTION DETERMINATIONS.**—For each of the fiscal years 2010 through 2012, the Secretary of State shall ensure that the Directorate of Defense Trade Controls has, to the extent practicable, not less than three individuals assigned to review applications for commodity jurisdiction determinations.

(d) **ENFORCEMENT RESOURCES.**—In accordance with section 127.4 of title 22, Code of Federal Regulations, U.S. Immigration and Customs Enforcement is authorized to investigate violations of the International Traffic in Arms Regulations on behalf of the Directorate of Defense Trade Controls of the Department of State. The Secretary of State shall ensure that the Directorate of Defense Trade Controls has adequate staffing for enforcement of the International Traffic in Arms Regulations.

SEC. 806. AUDIT BY INSPECTOR GENERAL OF THE DEPARTMENT OF STATE.

(a) **AUDIT.**—Not later than the end of each of the fiscal years 2011 and 2012, the Inspector General of the Department of State shall conduct an independent audit to determine the extent to which the Department of State is meeting the requirements of sections 804 and 805.

(b) **REPORT.**—The Inspector General shall submit to the appropriate congressional committees a report that contains the result of each audit conducted under subsection (a).

SEC. 807. INCREASED FLEXIBILITY FOR USE OF DEFENSE TRADE CONTROLS REGISTRATION FEES.

(a) **IN GENERAL.**—Section 45 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2717) is amended—

(1) in the first sentence—

(A) by striking “For” and inserting “(a) IN GENERAL.—For”; and

(B) by striking “Office” and inserting “Directorate”;

(2) by amending the second sentence to read as follows:

“(b) **AVAILABILITY OF FEES.**—Fees credited to the account referred to in subsection (a) shall be available only for payment of expenses incurred for—

“(1) management,

“(2) licensing (in order to meet the requirements of section 805 of the Defense Trade Controls Performance Improvement Act of 2009 (relating to adequate staff and resources of the Directorate of Defense Trade Controls)),

“(3) compliance,

“(4) policy activities, and

“(5) facilities,

of defense trade controls functions.”; and

(3) by adding at the end the following:

“(c) **ALLOCATION OF FEES.**—In allocating fees for payment of expenses described in subsection (b), the Secretary of State shall accord the highest priority to payment of expenses incurred for personnel and equipment of the Directorate of Defense Trade Controls, including payment of expenses incurred to meet the requirements of section 805 of the Defense Trade Controls Performance Improvement Act of 2009.”.

(b) **CONFORMING AMENDMENT.**—Section 38(b) of the Arms Export Control Act (22 U.S.C. 2778(b)) is amended by striking paragraph (3).

SEC. 808. REVIEW OF INTERNATIONAL TRAFFIC IN ARMS REGULATIONS AND UNITED STATES MUNITIONS LIST.

(a) **IN GENERAL.**—The Secretary of State, in coordination with the heads of other relevant departments and agencies of the United States Government, shall review, with the assistance of United States manufacturers and other interested parties described in section 811(2) of this Act, the International Traffic in Arms Regulations and the United States Munitions List to determine those technologies and goods that warrant different or additional controls.

(b) **CONDUCT OF REVIEW.**—In carrying out the review required under subsection (a), the Secretary of State shall review not less than 20 percent of the technologies and goods on the International Traffic in Arms Regulations and the United States Munitions List in each calendar year so that for the 5-year period beginning with calendar year 2010, and for each subsequent 5-year period, the International Traffic

in Arms Regulations and the United States Munitions List will be reviewed in their entirety.

(c) REPORT.—The Secretary of State shall submit to the appropriate congressional committees and the Committee on Armed Services of the House of Representatives and the Committee on Armed Services of the Senate an annual report on the results of the review carried out under this section.

SEC. 809. SPECIAL LICENSING AUTHORIZATION FOR CERTAIN EXPORTS TO NATO MEMBER STATES, AUSTRALIA, JAPAN, NEW ZEALAND, ISRAEL, AND SOUTH KOREA.

(a) IN GENERAL.—Section 38 of the Arms Export Control Act (22 U.S.C. 2778) is amended by adding at the end the following:

“(k) SPECIAL LICENSING AUTHORIZATION FOR CERTAIN EXPORTS TO NATO MEMBER STATES, AUSTRALIA, JAPAN, NEW ZEALAND, ISRAEL, AND SOUTH KOREA.—

“(1) AUTHORIZATION.—(A) The President may provide for special licensing authorization for exports of United States-manufactured spare and replacement parts or components listed in an application for such special licensing authorization in connection with defense items previously exported to NATO member states, Australia, Japan, New Zealand, Israel, and South Korea. A special licensing authorization issued pursuant to this clause shall be effective for a period not to exceed 5 years.

“(B) An authorization may be issued under subparagraph (A) only if the applicable government of the country described in subparagraph (A), acting through the applicant for the authorization, certifies that—

“(i) the export of spare and replacement parts or components supports a defense item previously lawfully exported;

“(ii) the spare and replacement parts or components will be transferred to a defense agency of a country described in subparagraph (A) that is a previously approved end-user of the defense items and not to a distributor or a foreign consignee of such defense items;

“(iii) the spare and replacement parts or components will not be used to materially enhance, optimize, or otherwise modify or upgrade the capability of the defense items;

“(iv) the spare and replacement parts or components relate to a defense item that is owned, operated, and in the inventory of the armed forces of a country described in subparagraph (A);

“(v) the export of spare and replacement parts or components will be effected using the freight forwarder designated by the purchasing country’s diplomatic mission as responsible for handling transfers under chapter 2 of this Act as required under regulations; and

“(vi) the spare and replacement parts or components to be exported under the special licensing authorization are specifically identified in the application.

“(C) An authorization may not be issued under subparagraph (A) for purposes of establishing offshore procurement arrangements or producing defense articles offshore.

“(D)(i) For purposes of this subsection, the term ‘United States-manufactured spare and replacement parts or components’ means spare and replacement parts or components—

“(I) with respect to which—

“(aa) United States-origin content costs constitute at least 85 percent of the total content costs;

“(bb) United States manufacturing costs constitute at least 85 percent of the total manufacturing costs; and

“(cc) foreign content, if any, is limited to content from countries eligible to receive exports of items on the United States Munitions List under the International Traffic in Arms Regulations (other than de minimis foreign content);

“(II) that were last substantially transformed in the United States; and

“(III) that are not—

“(aa) classified as significant military equipment; or

“(bb) listed on the Missile Technology Control Regime Annex.

“(ii) For purposes of clause (i)(I) (aa) and (bb), the costs of non-United States-origin content shall be determined using the final price or final cost associated with the non-United States-origin content.

“(2) INAPPLICABILITY PROVISIONS.—(A) The provisions of this subsection shall not apply with respect to re-exports or re-transfers of spare and replacement parts or components and related services of defense items described in paragraph (1).

“(B) The congressional notification requirements contained in section 36(c) of this Act shall not apply with respect to an authorization issued under paragraph (1).”.

(b) EFFECTIVE DATE.—The President shall issue regulations to implement amendments made by subsection (a) not later than 180 days after the date of the enactment of this Act.

SEC. 810. AVAILABILITY OF INFORMATION ON THE STATUS OF LICENSE APPLICATIONS UNDER CHAPTER 3 OF THE ARMS EXPORT CONTROL ACT.

Chapter 3 of the Arms Export Control Act (22 U.S.C. 2771 et seq.) is amended by inserting after section 38 the following new section:

“SEC. 38A. AVAILABILITY OF INFORMATION ON THE STATUS OF LICENSE APPLICATIONS UNDER THIS CHAPTER.

“(a) AVAILABILITY OF INFORMATION.—Not later than one year after the date of the enactment of the Defense Trade Controls Performance Improvement Act of 2009, the President shall make available to persons who have pending license applications under this chapter and the committees of jurisdiction the ability to access electronically current information on the status of each license application required to be submitted under this chapter.

“(b) MATTERS TO BE INCLUDED.—The information referred to in subsection (a) shall be limited to the following:

“(1) The case number of the license application.

“(2) The date on which the license application is received by the Department of State and becomes an ‘open application’.

“(3) The date on which the Directorate of Defense Trade Controls makes a determination with respect to the license application or transmits it for inter-agency review, if required.

“(4) The date on which the interagency review process for the license application is completed, if such a review process is required.

“(5) The date on which the Department of State begins consultations with the congressional committees of jurisdiction with respect to the license application.

“(6) The date on which the license application is sent to the congressional committees of jurisdiction.”.

SEC. 811. SENSE OF CONGRESS.

It is the sense of Congress that—

(1)(A) the advice provided to the Secretary of State by the Defense Trade Advisory Group (DTAG) supports the regulation of defense trade and helps ensure that United States national security and foreign policy interests continue to be protected and advanced while helping to reduce unnecessary impediments to legitimate exports in order to support the defense requirements of United States friends and allies; and

(B) therefore, the Secretary of State should share significant planned rules and policy shifts with DTAG for comment; and

(2) recognizing the constraints imposed on the Department of State by the nature of a voluntary organization such as DTAG, the Secretary of State is encouraged to ensure that members of DTAG are drawn from a representative cross-section of subject matter experts from the United States defense industry, relevant trade and labor associations, academic, and foundation personnel.

SEC. 812. DEFINITIONS.

In this subtitle:

(1) INTERNATIONAL TRAFFIC IN ARMS REGULATIONS; ITAR.—The term “International Traffic in Arms Regulations” or “ITAR” means those regulations contained in parts 120 through 130 of title 22, Code of Federal Regulations (or successor regulations).

(2) MAJOR NON-NATO ALLY.—The term “major non-NATO ally” means a country that is designated in accordance with section 517 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321k) as a major non-NATO ally for purposes of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) and the Arms Export Control Act (22 U.S.C. 2751 et seq.).

(3) MANUFACTURING LICENSE AGREEMENT.—The term “Manufacturing License Agreement” means an agreement described in section 120.21 of title 22, Code of Federal Regulations (or successor regulations).

(4) MISSILE TECHNOLOGY CONTROL REGIME; MTCR.—The term “Missile Technology Control Regime” or “MTCR” has the meaning given the term in section 11B(c)(2) of the Export Administration Act of 1979 (50 U.S.C. App. 2401b(c)(2)).

(5) MISSILE TECHNOLOGY CONTROL REGIME ANNEX; MTCR ANNEX.—The term “Missile Technology Control Regime Annex” or “MTCR Annex” has the meaning

given the term in section 11B(c)(4) of the Export Administration Act of 1979 (50 U.S.C. App. 2401b(c)(4)).

(6) OFFSETS.—The term “offsets” includes compensation practices required of purchase in either government-to-government or commercial sales of defense articles or defense services under the Arms Export Control Act (22 U.S.C. 2751 et seq.) and the International Traffic in Arms Regulations.

(7) UNITED STATES MUNITIONS LIST; USML.—The term “United States Munitions List” or “USML” means the list referred to in section 38(a)(1) of the Arms Export Control Act (22 U.S.C. 2778(a)(1)).

SEC. 813. AUTHORIZATION OF APPROPRIATIONS.

Of the amounts authorized to be appropriated under section 101, there are authorized to be appropriated such sums as may be necessary for each of fiscal years 2010 and 2011 to carry out this subtitle and the amendments made by this subtitle.

Subtitle B—Provisions Relating to Export Licenses

SEC. 821. AVAILABILITY TO CONGRESS OF PRESIDENTIAL DIRECTIVES REGARDING UNITED STATES ARMS EXPORT POLICIES, PRACTICES, AND REGULATIONS.

(a) IN GENERAL.—The President shall make available to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate the text of each Presidential directive regarding United States export policies, practices, and regulations relating to the implementation of the Arms Export Control Act (22 U.S.C. 2751 et seq.) not later than 15 days after the date on which the directive has been signed or authorized by the President.

(b) TRANSITION PROVISION.—Each Presidential directive described in subsection (a) that is signed or authorized by the President on or after January 1, 2009, and before the date of the enactment of this Act shall be made available to the congressional committees specified in subsection (a) not later than 90 days after the date of the enactment of this Act.

(c) FORM.—To the maximum extent practicable, each Presidential directive described in subsection (a) shall be made available to the congressional committees specified in subsection (a) on an unclassified basis.

SEC. 822. INCREASE IN VALUE OF DEFENSE ARTICLES AND SERVICES FOR CONGRESSIONAL REVIEW AND EXPEDITING CONGRESSIONAL REVIEW FOR ISRAEL.

(a) FOREIGN MILITARY SALES.—

(1) IN GENERAL.—Section 36(b) of the Arms Export Control Act (22 U.S.C. 2776(b)) is amended—

(A) in paragraph (1)—

(i) by striking “\$50,000,000” and inserting “\$100,000,000”;

(ii) by striking “\$200,000,000” and inserting “\$300,000,000”;

(iii) by striking “\$14,000,000” and inserting “\$25,000,000”; and

(iv) by striking “The letter of offer shall not be issued” and all that follows through “enacts a joint resolution” and inserting the following:

“(2) The letter of offer shall not be issued—

“(A) with respect to a proposed sale of any defense articles or defense services under this Act for \$200,000,000 or more, any design and construction services for \$300,000,000 or more, or any major defense equipment for \$75,000,000 or more, to the North Atlantic Treaty Organization (NATO), any member country of NATO, Japan, Australia, the Republic of Korea, Israel, or New Zealand, if Congress, within 15 calendar days after receiving such certification, or

“(B) with respect to a proposed sale of any defense articles or services under this Act for \$100,000,000 or more, any design and construction services for \$200,000,000 or more, or any major defense equipment for \$50,000,000 or more, to any other country or organization, if Congress, within 30 calendar days after receiving such certification,

enacts a joint resolution”; and

(B) by redesignating paragraphs (2) through (6) as paragraphs (3) through (7), respectively.

(2) TECHNICAL AND CONFORMING AMENDMENTS.—Section 36 of the Arms Export Control Act (22 U.S.C. 2776) is amended—

(A) in subsection (b)—

(i) in paragraph (6)(C), as redesignated, by striking “Subject to paragraph (6), if” and inserting “If”; and

(ii) by striking paragraph (7), as redesignated; and

- (B) in subsection (c)(4), by striking “subsection (b)(5)” each place it appears and inserting “subsection (b)(6)”.
- (b) **COMMERCIAL SALES.**—Section 36(c) of the Arms Export Control Act (22 U.S.C. 2776(c)) is amended—
- (1) in paragraph (1)—
 - (A) by striking “Subject to paragraph (5), in” and inserting “In”;
 - (B) by striking “\$14,000,000” and inserting “\$25,000,000”; and
 - (C) by striking “\$50,000,000” and inserting “\$100,000,000”;
 - (2) in paragraph (2)—
 - (A) in subparagraph (A)—
 - (i) by inserting after “for an export” the following: “of any major defense equipment sold under a contract in the amount of \$75,000,000 or more or of defense articles or defense services sold under a contract in the amount of \$200,000,000 or more, (or, in the case of a defense article that is a firearm controlled under category I of the United States Munitions List, \$1,000,000 or more)”;
 - (ii) by striking “Organization,” and inserting “Organization (NATO),” and by further striking “that Organization” and inserting “NATO”; and
 - (B) in subparagraph (C), by inserting after “license” the following: “for an export of any major defense equipment sold under a contract in the amount of \$50,000,000 or more or of defense articles or defense services sold under a contract in the amount of \$100,000,000 or more, (or, in the case of a defense article that is a firearm controlled under category I of the United States Munitions List, \$1,000,000 or more)”;
 - (3) by striking paragraph (5).

SEC. 823. DIPLOMATIC EFFORTS TO STRENGTHEN NATIONAL AND INTERNATIONAL ARMS EXPORT CONTROLS.

(a) **SENSE OF CONGRESS.**—It is the sense of Congress that the President should redouble United States diplomatic efforts to strengthen national and international arms export controls by establishing a senior-level initiative to ensure that those arms export controls are comparable to and supportive of United States arms export controls, particularly with respect to countries of concern to the United States.

(b) **REPORT.**—Not later than one year after the date of the enactment of this Act, and annually thereafter for 4 years, the President shall transmit to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate a report on United States diplomatic efforts described in subsection (a).

SEC. 824. REPORTING REQUIREMENT FOR UNLICENSED EXPORTS.

Section 655(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2415(b)) is amended—

- (1) in paragraph (2), by striking “or” at the end;
 - (2) in paragraph (3), by striking the period at the end and inserting “; or”;
- and

(3) by adding at the end the following:

“(4) were exported without a license under section 38 of the Arms Export Control Act (22 U.S.C. 2778) pursuant to an exemption established under the International Traffic in Arms Regulations, other than defense articles exported in furtherance of a letter of offer and acceptance under the Foreign Military Sales program or a technical assistance or manufacturing license agreement, including the specific exemption provision in the regulation under which the export was made.”.

SEC. 825. REPORT ON VALUE OF MAJOR DEFENSE EQUIPMENT AND DEFENSE ARTICLES EXPORTED UNDER SECTION 38 OF THE ARMS EXPORT CONTROL ACT.

Section 38 of the Arms Export Control Act (22 U.S.C. 2778), as amended by section 809(a) of this Act, is further amended by adding at the end the following:

“(1) **REPORT.**—

“(1) **IN GENERAL.**—The President shall transmit to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate a report that contains a detailed listing, by country and by international organization, of the total dollar value of major defense equipment and defense articles exported pursuant to licenses authorized under this section for the previous fiscal year.

“(2) **INCLUSION IN ANNUAL BUDGET.**—The report required by this subsection shall be included in the supporting information of the annual budget of the United States Government required to be submitted to Congress under section 1105 of title 31, United States Code.”.

SEC. 826. AUTHORITY TO REMOVE SATELLITES AND RELATED COMPONENTS FROM THE UNITED STATES MUNITIONS LIST.

(a) **AUTHORITY.**—Except as provided in subsection (b) and subject to subsection (d), the President is authorized to remove satellites and related components from the United States Munitions List, consistent with the procedures in section 38(f) of the Arms Export Control Act (22 U.S.C. 2778(f)).

(b) **EXCEPTION.**—The authority of subsection (a) may not be exercised with respect to any satellite or related component that may, directly or indirectly, be transferred to, or launched into outer space by, the People's Republic of China.

(c) **UNITED STATES MUNITIONS LIST.**—In this section, the term “United States Munitions List” means the list referred to in section 38(a)(1) of the Arms Export Control Act (22 U.S.C. 2778(a)(1)).

(d) **EFFECTIVE DATE.**—The President may not exercise the authority provided in this section before the date that is 90 days after the date of the enactment of this Act.

SEC. 827. REVIEW AND REPORT OF INVESTIGATIONS OF VIOLATIONS OF SECTION 3 OF THE ARMS EXPORT CONTROL ACT.

(a) **REVIEW.**—The Inspector General of the Department of State shall conduct a review of investigations by the Department of State during each of fiscal years 2010 through 2014 of any and all possible violations of section 3 of the Arms Export Control Act (22 U.S.C. 2753) with respect to misuse of United States-origin defense items to determine whether the Department of State has fully complied with the requirements of such section, as well as its own internal procedures (and whether such procedures are adequate), for reporting to Congress any information regarding the unlawful use or transfer of United States-origin defense articles, defense services, and technology by foreign countries, as required by such section.

(b) **REPORT.**—The Inspector General of the Department of State shall submit to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate for each of fiscal years 2010 through 2014 a report that contains the findings and results of the review conducted under subsection (a). The report shall be submitted in unclassified form to the maximum extent possible, but may include a classified annex.

SEC. 828. REPORT ON SELF-FINANCING OPTIONS FOR EXPORT LICENSING FUNCTIONS OF DDTC OF THE DEPARTMENT OF STATE.

Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees a report on possible mechanisms to place the export licensing functions of the Directorate of Defense Trade Controls of the Department of State on a 100 percent self-financing basis.

SEC. 829. CLARIFICATION OF CERTIFICATION REQUIREMENT RELATING TO ISRAEL'S QUALITATIVE MILITARY EDGE.

Section 36(h)(1) of the Arms Export Control Act (22 U.S.C. 2776(h)(1)) is amended by striking “a determination” and inserting “an unclassified determination”.

SEC. 830. EXPEDITING CONGRESSIONAL DEFENSE EXPORT REVIEW PERIOD FOR ISRAEL.

The Arms Export Control Act (22 U.S.C. 2751 et seq.) is amended—

(1) in sections 3(d)(2)(B), 3(d)(3)(A)(i), 3(d)(5), 21(e)(2)(A), 36(b)(3) (as redesignated by section 822(a)(1)(B) of this Act), 36(c)(2)(A), 36(d)(2)(A), 62(c)(1), and 63(a)(2) by inserting “Israel,” before “or New Zealand”; and

(2) in section 3(b)(2), by inserting “the Government of Israel,” before “or the Government of New Zealand”.

SEC. 831. UPDATING AND CONFORMING PENALTIES FOR VIOLATIONS OF SECTIONS 38 AND 39 OF THE ARMS EXPORT CONTROL ACT.

(a) **IN GENERAL.**—Section 38(c) of the Arms Export Control Act (22 U.S.C. 2778(c)) is amended to read as follows:

“(c) **VIOLATIONS OF THIS SECTION AND SECTION 39.**—

“(1) **UNLAWFUL ACTS.**—It shall be unlawful for any person to violate, attempt to violate, conspire to violate, or cause a violation of any provision of this section or section 39, or any rule or regulation issued under either section, or who, in a registration or license application or required report, makes any untrue statement of a material fact or omits to state a material fact required to be stated therein or necessary to make the statements therein not misleading.

“(2) **CRIMINAL PENALTIES.**—A person who willfully commits an unlawful act described in paragraph (1) shall upon conviction—

“(A) be fined for each violation in an amount not to exceed \$1,000,000,

or

“(B) in the case of a natural person, be imprisoned for each violation for not more than 20 years,

or both.”

(b) MECHANISMS TO IDENTIFY VIOLATORS.—Section 38(g) of the Arms Export Control Act (22 U.S.C. 2778(g)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A)—

(i) in the matter preceding clause (i), by inserting “or otherwise charged” after “indictment”;

(ii) in clause (xi), by striking “or” at the end; and

(iii) by adding at the end the following:

“(xiii) section 542 of title 18, United States Code, relating to entry of goods by means of false statements;

“(xiv) section 554 of title 18, United States Code, relating to smuggling goods from the United States; or

“(xv) section 1831 of title 18, United States Code, relating to economic espionage.”; and

(B) in subparagraph (B), by inserting “or otherwise charged” after “indictment”; and

(2) in paragraph (3)(A), by inserting “or otherwise charged” after “indictment”.

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act and shall apply with respect to violations of sections 38 and 39 of the Arms Export Control Act committed on or after that date.

Subtitle C—Miscellaneous Provisions

SEC. 841. AUTHORITY TO BUILD THE CAPACITY OF FOREIGN MILITARY FORCES.

(a) AUTHORITY.—The Secretary of State is authorized to conduct a program to respond to contingencies in foreign countries or regions by providing training, procurement, and capacity-building of a foreign country’s national military forces and dedicated counterterrorism forces in order for that country to—

(1) conduct counterterrorist operations; or

(2) participate in or support military and stability operations in which the United States is a participant.

(b) TYPES OF CAPACITY-BUILDING.—The program authorized under subsection (a) may include the provision of equipment, supplies, and training.

(c) LIMITATIONS.—

(1) ASSISTANCE OTHERWISE PROHIBITED BY LAW.—The Secretary of State may not use the authority in subsection (a) to provide any type of assistance described in subsection (b) that is otherwise prohibited by any provision of law.

(2) LIMITATION ON ELIGIBLE COUNTRIES.—The Secretary of State may not use the authority in subsection (a) to provide assistance described in subsection (b) to any foreign country that is otherwise prohibited from receiving such type of assistance under any other provision of law.

(d) FORMULATION AND EXECUTION OF ACTIVITIES.—The Secretary of State shall consult with the head of any other appropriate department or agency in the formulation and execution of the program authorized under subsection (a).

(e) CONGRESSIONAL NOTIFICATION.—

(1) ACTIVITIES IN A COUNTRY.—Not less than 15 days before obligating funds for activities in any country under the program authorized under subsection (a), the Secretary of State shall submit to the congressional committees specified in paragraph (2) a notice of the following:

(A) The country whose capacity to engage in activities in subsection (a) will be assisted.

(B) The budget, implementation timeline with milestones, and completion date for completing the activities.

(2) SPECIFIED CONGRESSIONAL COMMITTEES.—The congressional committees specified in this paragraph are the following:

(A) The Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives.

(B) The Committee on Foreign Relations and the Committee on Appropriations of the Senate.

(f) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to the Secretary of State \$25,000,000 for each of the fiscal years 2010 and 2011 to conduct the program authorized by subsection (a).

(2) USE OF FMF FUNDS.—The Secretary of State may use up to \$25,000,000 of funds available under the Foreign Military Financing program for each of the

fiscal years 2010 and 2011 to conduct the program authorized under subsection (a).

(3) AVAILABILITY AND REFERENCE.—Amounts made available to conduct the program authorized under subsection (a)—

- (A) are authorized to remain available until expended; and
- (B) may be referred to as the “Security Assistance Contingency Fund”.

SEC. 842. FOREIGN MILITARY SALES STOCKPILE FUND.

(a) IN GENERAL.—Section 51(a) of the Arms Export Control Act (22 U.S.C. 2795(a)) is amended—

(1) in paragraph (1), by striking “Special Defense Acquisition Fund” and inserting “Foreign Military Sales Stockpile Fund”; and

(2) in paragraph (4), by inserting “building the capacity of recipient countries and” before “narcotics control purposes”.

(b) CONTENTS OF FUND.—Section 51(b) of the Arms Export Control Act (22 U.S.C. 2795(b)) is amended—

- (1) in paragraph (2), by striking “and” at the end;
- (2) in paragraph (3), by inserting “and” at the end; and
- (3) by inserting after paragraph (3) the following:

“(4) collections from leases made pursuant to section 61 of this Act.”.

(c) CONFORMING AMENDMENTS.—(1) The heading of section 51 of the Arms Export Control Act is amended by striking “SPECIAL DEFENSE ACQUISITION FUND” and inserting “FOREIGN MILITARY SALES STOCKPILE FUND”.

(2) The heading of chapter 5 of the Arms Export Control Act is amended by striking “SPECIAL DEFENSE ACQUISITION FUND” and inserting “FOREIGN MILITARY SALES STOCKPILE FUND”.

SEC. 843. ANNUAL ESTIMATE AND JUSTIFICATION FOR FOREIGN MILITARY SALES PROGRAM.

Section 25(a)(1) of the Arms Export Control Act (22 U.S.C. 2765(a)(1)) is amended by striking “, together with an indication of which sales and licensed commercial exports” and inserting “and”.

SEC. 844. SENSE OF CONGRESS ON THE GLOBAL ARMS TRADE.

It is the sense of Congress that—

(1) the United States, as the world’s largest exporter of conventional weapons, has a special obligation to promote responsible practices in the global arms trade and should actively work to prevent conventional weapons from being used to perpetrate—

- (A) breaches of the United Nations Charter relating to the use of force;
- (B) gross violations of international human rights;
- (C) serious violations of international humanitarian law;
- (D) acts of genocide or crimes against humanity;
- (E) acts of terrorism; and
- (F) destabilizing buildups of military forces and weapons; and

(2) the United States should actively engage in the development of a legally binding treaty establishing common international standards for the import, export, and transfer of conventional weapons.

SEC. 845. REPORT ON UNITED STATES’ COMMITMENTS TO THE SECURITY OF ISRAEL.

(a) INITIAL REPORT.—Not later than 30 days after the date of the enactment of this Act, the President shall transmit to the appropriate congressional committees a report that contains—

(1) a complete, unedited, and unredacted copy of each assurance made by United States Government officials to officials of the Government of Israel regarding Israel’s security and maintenance of Israel’s qualitative military edge, as well as any other assurance regarding Israel’s security and maintenance of Israel’s qualitative military edge provided in conjunction with exports under the Arms Export Control Act (22 U.S.C. 2751 et seq.), for the period beginning on January 1, 1975, and ending on the date of the enactment of this Act; and

(2) an analysis of the extent to which, and by what means, each such assurance has been and is continuing to be fulfilled.

(b) SUBSEQUENT REPORTS.—

(1) NEW ASSURANCES AND REVISIONS.—The President shall transmit to the appropriate congressional committees a report that contains the information required under subsection (a) with respect to—

(A) each assurance described in subsection (a) made on or after the date of the enactment of this Act, or

(B) revisions to any assurance described in subsection (a) or subparagraph (A) of this paragraph,

within 15 days of the new assurance or revision being conveyed.

(2) 5-YEAR REPORTS.—Not later than 5 years after the date of the enactment of this Act, and every 5 years thereafter, the President shall transmit to the appropriate congressional committees a report that contains the information required under subsection (a) with respect to each assurance described in subsection (a) or paragraph (1)(A) of this subsection and revisions to any assurance described in subsection (a) or paragraph (1)(A) of this subsection during the preceding 5-year period.

(c) FORM.—Each report required by this section shall be transmitted in unclassified form, but may contain a classified annex, if necessary.

SEC. 846. WAR RESERVES STOCKPILE.

(a) DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2005.—Section 12001(d) of the Department of Defense Appropriations Act, 2005 (Public Law 108–287; 118 Stat. 1011), is amended by striking “4” and inserting “7”.

(b) FOREIGN ASSISTANCE ACT OF 1961.—Section 514(b)(2)(A) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321h(b)(2)(A)) is amended by striking “fiscal years 2007 and 2008” and inserting “fiscal years 2010 and 2011”.

SEC. 847. EXCESS DEFENSE ARTICLES FOR CENTRAL AND SOUTH EUROPEAN COUNTRIES AND CERTAIN OTHER COUNTRIES.

Section 516(e) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j(e)) is amended—

(1) in paragraph (1), by striking “paragraph (2)” and inserting “paragraphs (2) and (3)”;

(2) in paragraph (2), in the heading by striking “EXCEPTION” and inserting “GENERAL EXCEPTION”; and

(3) by adding at the end the following new paragraph:

“(3) EXCEPTION FOR SPECIFIC COUNTRIES.—For fiscal years 2010 and 2011, the President may provide for the crating, packing, handling, and transportation of excess defense articles transferred under the authority of this section to Albania, Afghanistan, Bulgaria, Croatia, Estonia, Macedonia, Georgia, India, Iraq, Israel, Kazakhstan, Kyrgyzstan, Latvia, Lithuania, Moldova, Mongolia, Pakistan, Romania, Slovakia, Tajikistan, Turkmenistan, and Ukraine.”.

SEC. 848. SUPPORT TO ISRAEL FOR MISSILE DEFENSE.

(a) AUTHORIZATION OF ASSISTANCE.—Of the amounts authorized to be appropriated to carry out this Act, there are authorized to be appropriated such sums as may be necessary for co-development of joint ballistic missile, medium and short-range projectile defense projects with Israel, including—

(1) complete accelerated co-production of Arrow missiles;

(2) system development of the Israel Missile Defense Organization program to develop a short-range ballistic missile defense capability, David’s Sling weapon system, and integrate the weapon system with the ballistic missile defense system and force protection efforts of the United States; and

(3) research, development, and test and evaluation of the Iron Dome short-range projectile defense system.

(b) REPORT AND STRATEGY.—

(1) REQUIREMENT.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter in connection with the submission of congressional presentation materials for the foreign operations appropriations and defense appropriations budget request, the Secretary of State, in consultation with the Secretary of Defense, shall submit to the appropriate congressional committees a report regarding the activities authorized under subsection (a)(1).

(2) CLASSIFIED ANNEX.—The report required under paragraph (1) shall be submitted in unclassified form to the maximum extent practicable, but may include a classified annex, if necessary.

(3) DEFINITION OF APPROPRIATE CONGRESSIONAL COMMITTEES.—In this subsection, the term “appropriate congressional committees” means—

(A) the Committee on Foreign Affairs and the Committee on Armed Services of the House of Representatives; and

(B) the Committee on Foreign Relations and the Committee on Armed Services in the Senate.

TITLE IX—ACTIONS TO ENHANCE THE MERIDA INITIATIVE

Subtitle A—General Provisions

SEC. 901. COORDINATOR OF UNITED STATES GOVERNMENT ACTIVITIES TO IMPLEMENT THE MERIDA INITIATIVE.

(a) **DECLARATION OF POLICY.**—Congress declares that the Merida Initiative is a Department of State-led initiative which combines the programs of numerous United States Government departments and agencies and therefore requires a single individual to coordinate and track all Merida Initiative-related efforts government-wide to avoid duplication, coordinate messaging, and facilitate accountability to and communication with Congress.

(b) **DESIGNATION OF HIGH-LEVEL COORDINATOR.**—

(1) **IN GENERAL.**—The President shall designate, within the Department of State, a Coordinator of United States Government Activities to Implement the Merida Initiative (hereafter in this section referred to as the “Coordinator”) who shall be responsible for—

(A) designing and shaping an overall strategy for the Merida Initiative;

(B) ensuring program and policy coordination among United States Government departments and agencies in carrying out the Merida Initiative, including avoiding duplication among programs and ensuring that a consistent message emanates from the United States Government;

(C) ensuring that efforts of the United States Government are in full consonance with the efforts of the countries within the Merida Initiative;

(D) tracking, in coordination with the relevant officials of the Department of Defense and other departments and agencies, United States assistance programs that fulfill the goals of the Merida Initiative or are closely related to the goals of the Merida Initiative;

(E) to the extent possible, tracking information required under the second section 620J of the Foreign Assistance Act of 1961 (22 U.S.C. 2378d) (as added by section 651 of division J of Public Law 110–161) with respect to countries participating in the Merida Initiative; and

(F) consulting with the Attorney General and the Secretary of Homeland Security with respect to the activities of Federal, State, and local law enforcement authorities in the United States relating to the goals of the Merida Initiative, particularly along the United States-Mexico border.

(2) **RANK AND STATUS OF THE COORDINATOR.**—The Coordinator should have the rank and status of ambassador.

(3) **COUNTRIES WITHIN THE MERIDA INITIATIVE DEFINED.**—The term “countries within the Merida Initiative” means Belize, Costa Rica, El Salvador, Guatemala, Honduras, Mexico, Nicaragua, and Panama and includes Haiti and the Dominican Republic.

SEC. 902. ADDING THE CARIBBEAN TO THE MERIDA INITIATIVE.

(a) **FINDINGS.**—Congress finds the following:

(1) The illicit drug trade—which has taken a toll on the small countries of the Caribbean Community (CARICOM) for many years—is now moving even more aggressively into these countries.

(2) A March 2007 joint report by the United Nations Office on Drugs and Crime (UNODC) and the World Bank noted that murder rates in the Caribbean—at 30 per 100,000 population annually—are higher than for any other region of the world and have risen in recent years for many of the region’s countries. The report also argues that the strongest explanation for the high crime and violence rates in the Caribbean and their rise in recent years is drug trafficking.

(3) If the United States does not move quickly to provide Merida Initiative assistance to the CARICOM countries, the positive results of the Merida Initiative in Mexico and Central America will move the drug trade deeper into the Caribbean and multiply the already alarming rates of violence.

(b) **CONSULTATIONS.**—Not later than 30 days after the date of the enactment of this Act, the Secretary of State is authorized to consult with the countries of the Caribbean Community (CARICOM) in preparation for their inclusion into the Merida Initiative.

(c) **INCORPORATION OF CARICOM COUNTRIES INTO THE MERIDA INITIATIVE.**—The President is authorized to incorporate the CARICOM countries into the Merida Initiative.

SEC. 903. MERIDA INITIATIVE MONITORING AND EVALUATION MECHANISM.

(a) **DEFINITIONS.**—In this section:

(1) **IMPACT EVALUATION RESEARCH.**—The term “impact evaluation research” means the application of research methods and statistical analysis to measure the extent to which change in a population-based outcome can be attributed to program intervention instead of other environmental factors.

(2) **OPERATIONS RESEARCH.**—The term “operations research” means the application of social science research methods, statistical analysis, and other appropriate scientific methods to judge, compare, and improve policies and program outcomes, from the earliest stages of defining and designing programs through their development and implementation, with the objective of the rapid dissemination of conclusions and concrete impact on programming.

(3) **PROGRAM MONITORING.**—The term “program monitoring” means the collection, analysis, and use of routine program data to determine how well a program is carried out and how much the program costs.

(b) **SENSE OF CONGRESS.**—It is the sense of Congress that—

(1) to successfully support building the capacity of recipient countries’ civilian security institutions, enhance the rule of law in recipient countries, and ensure the protection of human rights, the President should establish a program to conduct impact evaluation research, operations research, and program monitoring to ensure effectiveness of assistance provided under the Merida Initiative;

(2) long-term solutions to the security problems of Merida recipient countries depend on increasing the effectiveness and responsiveness of their civilian institutions, including their judicial system;

(3) a specific program of impact evaluation research, operations research, and program monitoring, established at the inception of the program, is required to permit assessment of the operational effectiveness of the impact of United States assistance towards these goals; and

(4) the President, in developing performance measurement methods under the impact evaluation research, operations research, and program monitoring, should consult with the appropriate congressional committees as well as the governments of Merida recipient countries.

(c) **IMPACT EVALUATION RESEARCH, OPERATION RESEARCH, AND PROGRAM MONITORING OF ASSISTANCE.**—The President shall establish and implement a program to assess the effectiveness of assistance provided under the Merida Initiative through impact evaluation research on a selected set of programmatic interventions, operations research in areas to ensure efficiency and effectiveness of program implementation, and monitoring to ensure timely and transparent delivery of assistance.

(d) **REQUIREMENTS.**—The program required under subsection (c) shall include—

(1) a delineation of key impact evaluation research and operations research questions for main components of assistance provided under the Merida Initiative;

(2) an identification of measurable performance goals for each of the main components of assistance provided under the Merida Initiative, to be expressed in an objective and quantifiable form at the inception of the program;

(3) the use of appropriate methods, based on rigorous social science tools, to measure program impact and operational efficiency; and

(4) adherence to a high standard of evidence in developing recommendations for adjustments to such assistance to enhance the impact of such assistance.

(e) **CONSULTATION WITH CONGRESS.**—Not later than 60 days after the date of the enactment of this Act, the President shall brief and consult with the appropriate congressional committees regarding the progress in establishing and implementing the program required under subsection (c).

(f) **AUTHORIZATION OF APPROPRIATIONS.**—Of the amounts authorized to be appropriated for the Merida Initiative, up to five percent of such amounts is authorized to be appropriated to carry out this section.

(g) **REPORT.**—

(1) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this section and not later than December 1 of each year thereafter, the President shall transmit to the appropriate congressional committees a report regarding programs and activities carried out under the Merida Initiative during the preceding fiscal year.

(2) **MATTERS TO BE INCLUDED.**—The reports required under subsection (g) shall include the following:

(A) **FINDINGS.**—Findings related to the impact evaluation research, operation research, and program monitoring of assistance program established under subsection (c).

(B) COORDINATION.—Efforts of the United States Government to coordinate its activities, including—

- (i) a description of all counternarcotics and organized crime assistance provided to Merida Initiative recipient countries in the previous fiscal year;
- (ii) an assessment of how such assistance was coordinated; and
- (iii) recommendations for improving coordination.

(C) TRANSFER OF EQUIPMENT.—A description of the transfer of equipment, including—

- (i) a description of the progress of each recipient country toward the transfer of equipment, if any, from its armed forces to law enforcement agencies;
- (ii) a list of agencies that have used air assets provided by the United States under the Merida Initiative to the government of each recipient country, and, to the extent possible, a detailed description of those agencies that have utilized such air assets, such as by a percentage breakdown of use by each agency; and
- (iii) a description of training of law enforcement agencies to operate equipment, including air assets.

(D) HUMAN RIGHTS.—In accordance with sections 116(d) and 502B(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151n(d) and 2304(b)) and section 504 of the Trade Act of 1974 (19 U.S.C. 2464), an assessment of the human rights impact of the equipment and training provided under the Merida Initiative, including—

- (i) a list of accusations of serious human rights abuses committed by the armed forces and law enforcement agencies of recipient countries on or after the date of the enactment of this Act; and
- (ii) a description of efforts by the governments of Merida recipient countries to investigate and prosecute allegations of abuses of human rights committed by any agency of such recipient countries.

(E) EFFECTIVENESS OF EQUIPMENT.—An assessment of the long-term effectiveness of the equipment and maintenance packages and training provided to each recipient country's security institutions.

(F) MEXICO PUBLIC SECURITY STRATEGY.—A description of Mexico's development of a public security strategy, including—

- (i) effectiveness of the Mexican Federal Registry of Police Personnel to vet police recruiting at the National, state, and municipal levels to prevent rehiring from one force to the next after dismissal for corruption and other reasons; and
- (ii) an assessment of how the Merida Initiative complements and supports the Mexican Government's own public security strategy.

(G) FLOW OF ILLEGAL ARMS.—A description and assessment of efforts to reduce the southbound flow of illegal arms.

(H) USE OF CONTRACTORS.—A detailed description of contracts awarded to private companies to carry out provisions of the Merida Initiative, including—

- (i) a description of the number of United States and foreign national civilian contractors awarded contracts;
- (ii) a list of the total dollar value of the contracts; and
- (iii) the purposes of the contracts.

(I) PHASE OUT OF LAW ENFORCEMENT ACTIVITIES.—A description of the progress of phasing out law enforcement activities of the armed forces of each recipient country.

(J) IMPACT ON BORDER VIOLENCE AND SECURITY.—A description of the impact that activities authorized under the Merida Initiative have had on violence against United States and Mexican border personnel and the extent to which these activities have increased the protection and security of the United States-Mexico border.

SEC. 904. MERIDA INITIATIVE DEFINED.

In this subtitle, the term “Merida Initiative” means the program announced by the United States and Mexico on October 22, 2007, to fight illicit narcotics trafficking and criminal organizations throughout the Western Hemisphere.

Subtitle B—Prevention of Illicit Trade in Small Arms and Light Weapons

SEC. 911. TASK FORCE ON THE PREVENTION OF ILLICIT SMALL ARMS TRAFFICKING IN THE WESTERN HEMISPHERE.

(a) **ESTABLISHMENT.**—The President shall establish an inter-agency task force to be known as the “Task Force on the Prevention of Illicit Small Arms Trafficking in the Western Hemisphere” (in this section referred to as the “Task Force”).

(b) **DUTIES.**—The Task Force shall develop a strategy for the Federal Government to improve United States export controls on the illicit export of small arms and light weapons throughout the Western Hemisphere, including Mexico, Central America, the Caribbean, and South America. The Task Force shall—

(1) conduct a thorough review and analysis of the current regulation of exports of small arms and light weapons; and

(2) develop integrated Federal policies to better control exports of small arms and light weapons in a manner that furthers the foreign policy and national security interests of the United States within the Western Hemisphere.

(c) **MEMBERSHIP.**—The Task Force shall be composed of—

(1) the Secretary of State;

(2) the Attorney General;

(3) the Secretary of Homeland Security; and

(4) the heads of other Federal departments and agencies as appropriate.

(d) **CHAIRPERSON.**—The Secretary of State shall serve as the chairperson of the Task Force.

(e) **MEETINGS.**—The Task Force shall meet at the call of the chairperson or a majority of its members.

(f) **ANNUAL REPORTS.**—Not later than one year after the date of the enactment of this Act and annually thereafter until October 31, 2014, the chairperson of the Task Force shall submit to Congress and make available to the public a report that contains—

(1) a description of the activities of the Task Force during the preceding year; and

(2) the findings, strategies, recommendations, policies, and initiatives developed pursuant to the duties of the Task Force under subsection (b) during the preceding year.

SEC. 912. INCREASE IN PENALTIES FOR ILLICIT TRAFFICKING IN SMALL ARMS AND LIGHT WEAPONS TO COUNTRIES IN THE WESTERN HEMISPHERE.

(a) **IN GENERAL.**—Notwithstanding section 38(c) of the Arms Export Control Act (22 U.S.C. 2778(c)), any person who willfully exports to a country in the Western Hemisphere any small arm or light weapon without a license in violation of the requirements of section 38 of such Act shall upon conviction be fined for each violation not less than \$1,000,000 but not more than \$3,000,000 and imprisoned for not more than twenty years, or both.

(b) **DEFINITION.**—In this section, the term “small arm or light weapon” means any item listed in Category I(a), Category III (as it applies to Category I(a)), or grenades under Category IV(a) of the United States Munitions List (as contained in part 121 of title 22, Code of Federal Regulations (or successor regulations)) that requires a license for international export under this section.

SEC. 913. DEPARTMENT OF STATE REWARDS PROGRAM.

Section 36(b) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2708(b)) is amended—

(1) by redesignating paragraphs (4) through (7) as paragraphs (5) through (8), respectively;

(2) by inserting after paragraph (3) the following new paragraph:

“(4) the arrest or conviction in any country of any individual for illegally exporting or attempting to export to Mexico any small arm or light weapon (as defined in section 912(b) of the Foreign Relations Authorization Act, Fiscal Years 2010 and 2011);”;

(3) in paragraphs (5) and (6) (as redesignated), by striking “paragraph (1), (2), or (3)” each place it appears and inserting “paragraph (1), (2), (3), or (4)”.

SEC. 914. STATEMENT OF CONGRESS SUPPORTING UNITED STATES RATIFICATION OF CIFTA.

Congress supports the ratification by the United States of the Inter-American Convention Against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and Other Related Materials.

TITLE X—REPORTING REQUIREMENTS

SEC. 1001. ASSESSMENT OF SPECIAL COURT FOR SIERRA LEONE.

Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees an assessment on the continuing needs of the Special Court for Sierra Leone, including an assessment of the following activities of the Special Court:

- (1) Witness protection.
- (2) Archival activities, including recordkeeping associated with future legal work by the Special Court.
- (3) The residual registrar's capacity for enforcing Special Court sentences and maintaining relations with countries hosting imprisoned convicts of the Special Court, legal decisionmaking regarding future appeals, conditions of prisoner treatment, contempt proceedings, and financial matters relating to such activities.
- (4) Transfer or maintenance of Special Court records to a permanent record-keeping authority in Sierra Leone.
- (5) Ongoing needs or programs for community outreach, for the purpose of reconciliation and healing, regarding the Special Court's legal proceedings and decisions.
- (6) Plans for the Special Court's facilities in Sierra Leone and plans to use the Special Court, and expertise of its personnel, for further development of the legal profession and an independent and effective judiciary in Sierra Leone.
- (7) Unresolved cases, or cases that were not prosecuted.

SEC. 1002. REPORT ON UNITED STATES CAPACITIES TO PREVENT GENOCIDE AND MASS ATROCITIES.

(a) FINDINGS.—Congress finds the following:

- (1) The lack of an effective government-wide strategy and adequate capacities for preventing genocide and mass atrocities against civilians undermines the ability of the United States to contribute to the maintenance of global peace and security and protect vital United States interests.
- (2) The December 2008 Report of the Genocide Prevention Task Force, co-chaired by former Secretary of State Madeleine Albright and former Secretary of Defense William Cohen offers a valuable blueprint for strengthening United States capacities to help prevent genocide and mass atrocities.
- (3) Specific training and staffing will enhance the diplomatic capacities of the Department of State to help prevent and respond to threats of genocide and mass atrocities.

(b) REPORT.—

- (1) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees a report outlining specific plans for the development of a government-wide strategy and the strengthening of United States civilian capacities for preventing genocide and mass atrocities against civilians.
- (2) CONTENT.—The report required under paragraph (1) shall include the following:

(A) An evaluation of current mechanisms for government-wide early warning, information-sharing, contingency planning, and coordination of effort to prevent and respond to situations of genocide, mass atrocities, and other mass violence.

(B) An assessment of current capacities within the Department of State, including specific staffing and training, for early warning, preventive diplomacy, and crisis response to help avert genocide and mass atrocities.

(C) An evaluation of United States foreign assistance programs and mechanisms directed toward the prevention of genocide and mass atrocities, including costs, challenges to implementation, and successes of such programs and mechanisms.

(D) An assessment of the feasibility, effectiveness, and potential costs of implementing key recommendations made by the Genocide Prevention Task Force, including the establishment of an Atrocities Prevention Committee within the National Security Council and increased annual and contingency funding for the prevention of genocide and mass atrocities.

(E) Recommendations to further strengthen United States capacities to help prevent genocide, mass atrocities, and other mass violence, including enhanced early warning mechanisms, strengthened diplomatic capacities of the Department of State, and improved use of United States foreign assistance.

SEC. 1003. REPORTS RELATING TO PROGRAMS TO ENCOURAGE GOOD GOVERNANCE.

(a) **IN GENERAL.**—Subparagraph (C) of section 133(d)(2) of the Foreign Assistance Act of 1961 (22 U.S.C. 2152c(d)(2)) is amended by inserting before the period at the end the following: “, including, with respect to a country that produces or exports large amounts of natural resources such as petroleum or natural resources, the degree to which citizens of the country have access to information about government revenue from the extraction of such resources and credible reports of human rights abuses against individuals from civil society or the media seeking to monitor such extraction”.

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall apply with respect to reports required to be transmitted under section 133(d)(2) of the Foreign Assistance Act of 1961, as so amended, on or after the date of the enactment of this Act.

SEC. 1004. REPORTS ON HONG KONG.

Section 301 of the United States-Hong Kong Policy Act of 1992 (Public Law 102–383; 22 U.S.C. 5731) is amended, in the matter preceding paragraph (1), by striking “and March 31, 2006” and inserting “March 31, 2006, and March 31, 2010, and March 31 of every subsequent year through 2020,”.

SEC. 1005. DEMOCRACY IN GEORGIA.

(a) **SENSE OF CONGRESS.**—It is the sense of Congress that the development and consolidation of effective democratic governance in Georgia, including free and fair electoral processes, respect for human rights and the rule of law, an independent media, an independent judiciary, a vibrant civil society, as well as transparency and accountability of the executive branch and legislative process, is critically important to Georgia’s integration into Euro-Atlantic institutions, stability in the Caucasus region, and United States national security.

(b) **REPORT ON DEMOCRACY IN GEORGIA.**—

(1) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, and not later than December 31 of each of the two fiscal years thereafter, the Secretary of State shall submit to the appropriate congressional committees a report on the programs, projects, and activities carried out in Georgia with United States foreign assistance following the August 2008 conflict with Russia.

(2) **CONTENTS.**—The report required under paragraph (1) shall include information concerning the following:

(A) The amount of United States assistance obligated and expended for reconstruction activities for the prior fiscal year.

(B) A description of the programs funded by such assistance, including humanitarian aid, reconstruction of critical infrastructure, economic development, political and democratic development, and broadcasting.

(C) An evaluation of the impact of such programs, including their contribution to the consolidation of democracy in Georgia and efforts by the Government of Georgia to improve democratic governance.

(D) An analysis of the implementation of the United States-Georgia Charter on Strategic Partnership.

SEC. 1006. DIPLOMATIC RELATIONS WITH ISRAEL.

(a) **SENSE OF CONGRESS.**—It is the sense of Congress that the United States should assist Israel in its efforts to establish diplomatic relations.

(b) **REPORT.**—Not later than 180 days after the date of the enactment of this Act and annually thereafter, the Secretary of State shall submit to the appropriate congressional committees a report that includes the following information:

(1) Actions taken by representatives of the United States to encourage other countries to establish full diplomatic relations with Israel.

(2) Specific responses solicited and received by the Secretary from countries that do not maintain full diplomatic relations with Israel with respect to their attitudes toward and plans for entering into diplomatic relations with Israel.

(3) Other measures being undertaken, and measures that will be undertaken, by the United States to ensure and promote Israel’s full participation in the world diplomatic community.

(c) **FORM OF SUBMISSION.**—The report required under subsection (b) may be submitted in classified or unclassified form, as the Secretary determines appropriate.

SEC. 1007. POLICE TRAINING REPORT.

(a) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, the President shall, in coordination with the heads of relevant Federal departments and agencies, conduct a study and transmit to Congress a report on current overseas civilian police training in countries or regions that are at risk of, in, or are in transition from, conflict or civil strife.

(b) CONTENTS.—The report required under subsection (a) shall contain information on the following:

(1) The coordination, communication, program management, and policy implementation among the United States civilian police training programs in countries or regions that are at risk of, in, or are in transition from, conflict or civil strife.

(2) The number of private contractors conducting such training, and the quality and cost of such private contractors.

(3) An assessment of pre-training procedures for verification of police candidates to adequately assess their aptitude, professional skills, integrity, and other qualifications that are essential to law enforcement work.

(4) An analysis of the practice of using existing Federal police entities to provide civilian police training in countries or regions that are at risk of, in, or are in transition from, conflict or civil strife, along with the subject matter expertise that each such entity may provide to meet local needs in lieu of the use of private contractors.

(5) Provide recommendations, including recommendations related to required resources and actions, to maximize the effectiveness and interagency coordination and the adequate provision of civilian police training programs in countries or regions that are at risk of, in, or are in transition from, conflict or civil strife.

SEC. 1008. REPORTS ON HUMANITARIAN ASSISTANCE IN GAZA.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act and one year thereafter, the Secretary of State shall submit to the appropriate congressional committees a report detailing the humanitarian conditions and efficacy and obstacles to humanitarian and reconstruction assistance activities in Gaza.

(b) CONTENTS.—The reports required under subsection (a) shall include the following:

(1) An assessment of the level of access to basic necessities in Gaza, including food, fuel, water, sanitation, education, and healthcare.

(2) An assessment of the ability to successfully deliver and distribute humanitarian and reconstruction goods and supplies.

(3) A description of the efforts of the United States and its allies to facilitate the receipt and distribution of humanitarian and reconstruction assistance in Gaza.

(4) An assessment of the obstacles to the delivery of humanitarian and reconstruction assistance, including the activities and policies of Hamas and any organization designated as a foreign terrorist organization under section 219 of the Immigration and Nationality Act.

(5) Recommendations for actions the United States can take to best improve the level of access to basic necessities referred to in paragraph (1) and overcome obstacles described in paragraphs (2) through (4).

(6) An assessment of the policy prohibiting personnel of the Department of State and the United States Agency for International Development from traveling to Gaza following the tragic roadside bombing in 2003. Such an assessment should consider and evaluate the prospects that such personnel might resume humanitarian assistance operations or commence monitoring functions relating to humanitarian aid distribution in Gaza in order to ascertain that United States foreign assistance is not misused in ways that benefit any organization designated as a foreign terrorist organization under section 219 of the Immigration and Nationality Act (8 U.S.C. 1189).

SEC. 1009. REPORT ON ACTIVITIES IN HAITI.

Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees a report on the following:

(1) HURRICANE EMERGENCY RECOVERY.—The status of activities in Haiti funded or authorized, in whole or in part, by the Department of State and the United States Agency for International Development (USAID) through assistance appropriated under the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009.

(2) GENERAL ACTIVITIES.—A summary of activities funded or authorized, in whole or in part, by the Department of State and USAID in the previous 12-month period, how such activities supplement the work of the Government of Haiti to provide a safe and prosperous democracy for its citizens, and a timetable for when management and implementation of such activities will be turned over to the Government of Haiti or Haitian nationals.

(3) COORDINATION.—A description of how United States assistance is coordinated—

(A) among United States departments and agencies; and

(B) with other donors to Haiti, including programs through the United Nations, the Inter-American Development Bank, and the Organization of American States.

(4) BENCHMARKS.—A summary of short-term and long-term objectives for United States assistance to Haiti and metrics that will be used to identify, track, and manage the progress of United States activities in Haiti.

SEC. 1010. REPORT ON RELIGIOUS MINORITY COMMUNITIES IN THE MIDDLE EAST.

(a) INITIATIVE AUTHORIZED.—The Secretary of State is authorized to undertake a focused initiative to monitor the status of and provide specific policy recommendations to protect vulnerable religious minorities throughout the Middle East region.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, and one year thereafter, the Secretary of State shall submit to the appropriate congressional committees a report on the humanitarian conditions of religious minority communities in the Middle East and efficacy and obstacles to humanitarian assistance activities to help meet the basic needs of vulnerable persons affiliated with minority religions in the Middle East, and recommendations to mitigate adverse humanitarian circumstances facing such persons.

SEC. 1011. IRAN'S INFLUENCE IN THE WESTERN HEMISPHERE.

(a) FINDINGS.—Congress finds the following:

(1) The 2008 Country Report on Terrorism states that “Iran and Venezuela continued weekly flights connecting Tehran and Damascus with Caracas. Passengers on these flights were reportedly subject to only cursory immigration and customs controls at Simon Bolivar International Airport in Caracas.”

(2) The Governments of Venezuela and Iran have forged a close relationship.

(3) Iran has sought to strengthen ties with several countries in the Western Hemisphere in order to undermine United States foreign policy.

(b) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees a report that includes actions taken by the Government of Iran and Hezbollah in the Western Hemisphere. A classified annex may be included, if necessary.

TITLE XI—MISCELLANEOUS PROVISIONS

Subtitle A—General Provisions

SEC. 1101. BILATERAL COMMISSION WITH NIGERIA.

(a) SENSE OF CONGRESS.—It is the sense of Congress that not later than 180 days after the date of the enactment of this Act, the President should establish a bilateral commission between the United States and Nigeria to support bilateral cooperation in the areas of—

(1) trade and development;

(2) economic integration;

(3) infrastructure planning, finance, development, and management;

(4) budget reform and public finance management;

(5) higher education, including applied research;

(6) energy;

(7) peace and security reform;

(8) rule of law;

(9) anti-corruption efforts, establishment of greater transparency, and electoral reform; and

(10) monitoring whether bilateral efforts undertaken between respective Federal, State, and local governments are achieving the goals set forth by the Governments of the United States and Nigeria.

(b) BILATERAL COMMISSION.—

(1) COMPOSITION.—If the President establishes the bilateral commission referred to in subsection (a), the commission should have an equal number of members representing the United States and Nigeria and appointed by the respective Presidents of each country. Members should include representatives of Federal, State, and local governments, the private sector, and civil society organizations.

(2) FUNCTIONS.—The commission should—

(A) work to establish a bilateral process that establishes the mission, goals, and objectives of a bilateral partnership and establish guidelines for accountability and rules to measure the effectiveness for any initiatives undertaken;

(B) monitor bilateral technical assistance and capacity building projects that are consistent with and further the mission, goals, and objectives established by the commission; and

(C) submit to the United States President, the United States Congress, the Nigerian President, and the Nigerian National Assembly a report on the amount of progress achieved on projects undertaken by the two governments to achieve bilaterally-determined goals established by the commission.

(3) MONITORING OF PROJECTS.—The commission should select and monitor specific projects that involve an exchange of personnel between the Governments of the United States and Nigeria to determine whether technical assistance and capacity building are being used effectively and whether mutual benefit is being gained through the implementation of such bilateral projects.

(4) REVIEW AND REPORT.—The Secretary of State should review the work of the commission and annually submit to the President and Congress a report on whether progress has been made to meet the goals set forth by the commission and whether bilateral efforts have served the interest of United States and Nigerian bilateral relations.

(5) UNITED STATES CONTRIBUTIONS.—United States contributions to support the Commission should be financed through existing resources.

SEC. 1102. AUTHORITIES RELATING TO THE SOUTHERN AFRICA ENTERPRISE DEVELOPMENT FUND.

(a) USE OF PRIVATE VENTURE CAPITAL.—

(1) IN GENERAL.—In order to maximize the effectiveness of the activities of the Southern Africa Enterprise Development Fund, the Fund may conduct public offerings or private placements for the purpose of soliciting and accepting private venture capital which may be used, separately or together with funds made available from the United States Government, for any lawful investment purpose that the Board of Directors of the Fund may determine in carrying out the activities of the Fund.

(2) DISTRIBUTION OF FINANCIAL RETURNS.—Financial returns on Fund investments that include a component of private venture capital may be distributed, at such times and in such amounts as the Board of Directors of the Fund may determine, to the investors of such capital.

(b) NONAPPLICABILITY OF OTHER LAWS.—

(1) IN GENERAL.—Funds made available from the United States Government to the Fund may be used for the purposes of the agreement between the United States Government and the Fund notwithstanding any other provision of law.

(2) SUPPORT FROM FEDERAL DEPARTMENTS AND AGENCIES.—The heads of Federal departments and agencies may conduct programs and activities and provide services in support of the activities of the Fund notwithstanding any other provision of law.

(c) DEFINITION.—In this section, the term “Southern Africa Enterprise Development Fund” or “Fund” includes—

(1) any successor or related entity to the Southern Africa Enterprise Development Fund that is approved the United States Government; and

(2) any organization, corporation, limited-liability partnership, foundation, or other corporate structure that receives, or is authorized by the United States Government to manage, any or all of the remaining funds or assets of the Southern Africa Enterprise Development Fund.

SEC. 1103. DIABETES TREATMENT AND PREVENTION AND SAFE WATER AND SANITATION FOR PACIFIC ISLAND COUNTRIES.

(a) IN GENERAL.—There is authorized to be appropriated \$500,000 for each of fiscal years 2010 and 2011 to establish a diabetes prevention and treatment program for Pacific Island countries and for safe water and sanitation.

(b) PACIFIC ISLAND COUNTRIES DEFINED.—In this section, the term “Pacific Island countries” means Fiji, Kiribati, the Marshall Islands, the Federated States of Micronesia, Nauru, Niue, Palau, Papua New Guinea, Samoa, Solomon Islands, Tonga, Tuvalu, and Vanuatu.

SEC. 1104. STATELESSNESS.

(a) PURPOSE.—It is the purpose of this section to increase global stability and security for the United States and the international community and decrease traf-

ficking and discrimination by reducing the number of individuals who are de jure or de facto stateless and as a consequence are unable to avail themselves of their right to a nationality and its concomitant rights and obligations and are excluded from full participation in civil society.

(b) FINDINGS.—Congress finds the following:

(1) The right to a nationality is a foundation of human rights, and a deterrent to displacement and disaffection. The State is the primary vehicle through which individuals are guaranteed their inalienable rights and are made subject to the rule of law. Regional stability and security are undermined when individuals cannot avail themselves of their right to a nationality and its concomitant rights and obligations and are excluded from full participation in civil society.

(2) The right to a nationality and citizenship is therefore specifically protect in international declarations and treaties, including Article 15 of the Universal Declaration of Human Rights, the 1954 Convention Relating to the Status of Stateless Persons, the 1961 Convention on the Reduction of Statelessness, Article 24 of the International Covenant on Civil and Political Rights, and Article 9(2) of the Convention on the Elimination of Discrimination Against Women.

(3) In the 21st century, the adverse effects of de jure or de facto statelessness still impact at least an estimated 11,000,000 million people worldwide, who are unable to avail themselves of the rights of free people everywhere to an effective nationality, to the rights to legal residence, to travel, to work in the formal economy or professions, to attend school, to access basic health services, to purchase or own property, to vote, or to hold elected office, and to enjoy the protection and security of a country.

(c) THE UNITED NATIONS.—

(1) POLICY.—It shall be the policy of the United States that the President and the Permanent Representative of the United States to the United Nations work with the international community to increase political and financial support for the work of the United Nations High Commissioner for Refugees (UNHCR) to prevent and resolve problems related to de jure and de facto statelessness, and to promote the rights of the de jure or de facto stateless, by taking these and other actions:

(A) Increasing the attention of the United Nations and the UNHCR to de jure and de facto statelessness and increasing its capacity to reduce statelessness around the world by coordinating the mainstreaming of de jure and de facto statelessness into all of the United Nations human rights work, in cooperation with all relevant United Nations agencies.

(B) Urging United Nations country teams in countries with significant de jure or de facto stateless populations to devote increasing attention and resources to undertake coordinated efforts by all United Nations offices, funds, and programs to bring about the full registration and documentation of all persons resident in the territory of each country, either as citizens or as individuals in need of international protection.

(C) Urging the creation of an Inter-Agency Task Force on Statelessness with representation from the UNHCR, the United Nations Children's Fund (UNICEF), and other relevant United Nations agencies that will coordinate to increase agency awareness and information exchange on de jure and de facto statelessness to ensure a consistent and comprehensive approach to the identification of stateless groups and individuals and resolution of their status.

(D) Urging that nationality and de jure and de facto statelessness issues are addressed in all country reviews conducted by United Nations treaty bodies and relevant special mechanisms engaged in country visits, and pursuing creation of a standing mechanism within the United Nations to complement the work of the UNHCR in addressing issues of de jure and de facto statelessness that give rise to urgent human rights or security concerns.

(E) Urging the UNHCR to include nationality and statelessness in all country-specific and thematic monitoring, reporting, training, and protection activities, and across special procedures, and to designate at least one human rights officer to monitor, report, and coordinate the office's advocacy on nationality and de jure and de facto statelessness.

(F) Urging the United Nations to ensure that its work on trafficking includes measures to restore secure citizenship to trafficked women and girls, and to work with Member States to guarantee that national legislation gives women full and equal rights regarding citizenship.

(G) Urging the United Nations to increase its capacity to respond to the needs of de jure or de facto stateless individuals, particularly children, and to strengthen and expand the United Nations protection and assistance ac-

tivities, particularly in field operations, to better respond to the wide range of protection and assistance needs of de jure or de facto stateless individuals.

(H) Urging the UNICEF to increase its efforts to encourage all Member States of the United Nations to permit full and easy access to birth registration for all children born in their territories, particularly in Member States in which there are displaced populations, and work with the UNHCR and Member States to ensure the issuance of birth certificates to all children born to refugees and displaced persons.

(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated \$5,000,000 for each of fiscal years 2010 and 2011 to be made available to improve the UNHCR's assistance to de jure or de facto stateless individuals. Such funds may be used to—

(A) protect the rights, meet emergency humanitarian needs, and provide assistance to de jure or de facto stateless groups and individuals;

(B) provide additional resources to—

(i) increase the number of protection officers;

(ii) increase the number of professional staff in the statelessness unit; and

(iii) train protection officers and United Nations country teams in the field to identify, reduce, protect, and prevent de jure and de facto statelessness;

(C) improve identification of de jure or de facto stateless groups and individuals by carrying out a comprehensive annual study of the scope of de jure and de facto statelessness worldwide, including causes of de jure and de facto statelessness and dissemination of best practices for remedying de jure and de facto statelessness; and

(D) increase the United Nations educational and technical assistance programs to prevent de jure and de facto statelessness, including outreach to Member States and their legislatures, with particular emphasis on those countries determined to have protracted de jure or de facto statelessness situations.

(3) AUTHORIZATION OF APPROPRIATIONS TO THE UNICEF.—There is authorized to be appropriated \$3,000,000 for each of fiscal years 2010 and 2011 to augment to the UNICEF's ability to aid countries with significant de jure or de facto stateless populations to bring about the full registration of all children born to de jure or de facto stateless parents.

(d) THE UNITED STATES.—

(1) FOREIGN POLICY.—Given the importance of obtaining and preserving nationality and the protection of a government, and of preventing the exploitation or trafficking of de jure or de facto stateless groups or individuals, the President shall make the prevention and reduction of de jure or de facto statelessness an important goal of United States foreign policy and human rights efforts. Such efforts shall include—

(A) calling upon host countries to protect and assume responsibility for de jure or de facto stateless groups or individuals;

(B) working with countries of origin to facilitate the resolution of problems faced by de jure or de facto stateless groups or individuals;

(C) working with countries of origin and host countries to facilitate the resolution of disputes and conflicts that cause or result in the creation of de jure or de facto statelessness;

(D) encouraging host countries to afford de jure or de facto stateless groups or individuals the full protection of the 1954 Convention Relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness and all relevant international conventions;

(E) directing the Secretary of State to provide assistance to countries to prevent and resolve situations of de jure or de facto statelessness and to prevent the trafficking or exploitation of de jure or de facto stateless individuals;

(F) directing the Office of Trafficking in Persons of the Department of State to continue to document and analyze the effects of statelessness on trafficking in persons, both as a cause of trafficking and as an obstacle to reaching and assisting trafficked persons; and

(G) encouraging and facilitating the work of nongovernmental organizations in the United States and abroad that provide legal and humanitarian support to de jure or de facto stateless groups or individuals, to increase the access of de jure or de facto stateless groups or individuals to such organizations, and to encourage other governments to provide similar support and access.

(2) UNITED STATES ACTIVITIES.—

(A) **IN GENERAL.**—Given the importance of preventing new instances of de jure or de facto statelessness and the trafficking of de jure or de facto stateless individuals, and of protecting the human rights of de jure or de facto stateless individuals, the President shall submit to the Committee on Foreign Affairs and the Committee on the Judiciary of the House of Representatives and the Committee on Foreign Relations and the Committee on the Judiciary of the Senate a report that includes the following:

(i) A list of countries and territories with significant de jure or de facto stateless populations under their jurisdictions and the conditions and consequences of such de jure or de facto statelessness of such individuals.

(ii) United States international efforts to prevent further de jure or de facto statelessness and encourage the granting of full legal protection of the human rights of de jure or de facto stateless individuals.

(B) **STATEMENT OF POLICY.**—It shall be the policy of the United States to comply with the principles and provisions of the 1954 Convention Relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness to the fullest extent possible and to encourage other countries to do so as well.

(C) ACTIONS BY SECRETARY OF STATE.—

(i) **INCREASE IN RESOURCES AND STAFF.**—The Secretary of State shall permanently increase in the Bureau of Population, Refugees, and Migration in the Department of State the resources dedicated to and staff assigned to work toward the prevention and resolution of de jure and de facto statelessness and the protection of de jure or de facto stateless individuals.

(ii) **COORDINATION.**—To coordinate United States policies toward combating de jure and de facto statelessness, the Secretary of State shall establish an Interagency Working Group to Combat Statelessness. This working group should include representatives of the Bureau of Population, Refugees and Migration, the Bureau of International Organizations, the Bureau of Democracy, Human Rights and Labor, the Office of Trafficking in Persons of the Department of State, and the United States Agency for International Development, as well as representatives from relevant offices of the Department of Justice and relevant offices of the Department of Homeland Security.

(D) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this subsection.

SEC. 1105. STATEMENT OF POLICY REGARDING THE ECUMENICAL PATRIARCHATE.

It shall be the policy of the United States to urge Turkey to—

- (1) respect property rights and religious rights of the Ecumenical Patriarch;
- (2) grant the Ecumenical Patriarchate appropriate international recognition and ecclesiastic succession; and
- (3) grant the Ecumenical Patriarchate the right to train clergy of all nationalities, not just Turkish nationals.

SEC. 1106. LIMITATION ON ASSISTANCE FOR WEATHER COOPERATION ACTIVITIES TO COUNTRIES IN THE AMERICAS.

(a) **SENSE OF CONGRESS.**—It is the sense of Congress that the United States should facilitate international cooperation on hurricane preparedness because—

- (1) hundreds of millions of people in the Americas live in coastal communities and are susceptible to the immense risks posed by hurricanes;
- (2) the need for hurricane tracking overflights and other weather cooperation activities to track and monitor hurricanes in the Americas is acute; and
- (3) accurate hurricane forecasts can help prevent the loss of life and injury and reduce property loss and economic disruption.

(b) REPORT.—

(1) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall transmit to the appropriate congressional committees a report on the status of United States cooperation with other countries in the Americas on hurricane preparedness and other weather cooperation activities.

(2) **MATTERS TO BE INCLUDED.**—The report required under paragraph (1) shall include—

- (A) a list of countries in the Americas that do not cooperate with the United States on hurricane preparedness and other weather cooperation activities; and

(B) the status of any negotiations regarding hurricane preparedness and other weather cooperation activities between the United States and countries listed in subparagraph (A).

(c) **LIMITATION ON ASSISTANCE.**—The Secretary of State may not provide assistance for weather cooperation activities to countries listed in the report under subsection (b)(2)(A).

(d) **WAIVER.**—The Secretary of State may waive the limitation on assistance requirements under subsection (c) if the Secretary of State certifies to the appropriate congressional committees that the waiver is in the national interest of the United States.

SEC. 1107. STATEMENT OF CONGRESS REGARDING AFGHAN WOMEN.

Congress—

(1) supports the decision by President Hamid Karzai of Afghanistan to submit for review the Shi'ite Personal Status Law and strongly urges him not to publish such law on the grounds that such law violates the basic human rights of women and is inconsistent with the Constitution of Afghanistan;

(2) urges President Karzai, the Ministry of Justice, and other parties involved in reviewing the law to formally declare as unconstitutional the provisions of such law regarding marital rape and restrictions on women's freedom of movement;

(3) reiterates its strong sense that the provisions in such law which restrict the rights of women should be removed, and that an amended draft of the Shi'ite Personal Status Law should be submitted for parliamentary review;

(4) encourages the Secretary of State, the Special Representative for Afghanistan and Pakistan, the Ambassador-at-Large for Global Women's Issues, and the United States Ambassador to Afghanistan to consider and address the status of women's rights and security in Afghanistan to ensure that such rights are not being eroded through unjust laws, policies, or institutions; and

(5) encourages the Government of Afghanistan to solicit information and advice from the Ministry of Justice, the Ministry for Women's Affairs, the Afghanistan Independent Human Rights Commission, and women-led nongovernmental organizations to ensure that current and future legislation and official policies protect and uphold the equal rights of women, including through national campaigns to lead public discourse on the importance of women's status and rights to the overall stability of Afghanistan.

SEC. 1108. GLOBAL PEACE OPERATIONS INITIATIVE PROGRAMS AND ACTIVITIES.

(a) **FINDINGS.**—Congress makes the following findings:

(1) Over 100,000 military and civilian personnel are engaged in 18 United Nations peacekeeping operations around the world. Peacekeeping operations are critical to maintaining a peaceful and stable international environment.

(2) The United States has a vital interest in ensuring that United Nations peacekeeping operations are successful. Countries undergoing conflict threaten the national and economic security of the United States, risk becoming safe havens for terrorist organizations, and often feature levels of human rights abuses and human deprivation that are an affront to the values of the American people.

(3) Over the years, United Nations peacekeeping has evolved to meet the demands of different conflicts and a changing political landscape. Today's peacekeeping mission is most often "multidimensional" and includes a wide variety of complex tasks such as civilian protection, helping to build sustainable institutions of governance, human rights monitoring, security sector reform, facilitating delivery of humanitarian relief and disarmament, demobilization and reintegration of former combatants.

(4) United Nations peacekeeping operations allow the United States to respond to global crises within a multilateral framework with costs shared among nations. A 2007 Government Accountability Office report found that in general a United States peacekeeping operation is likely to be "much more expensive" than a United Nations peacekeeping operation, regardless of location.

(5) In many missions due to vast swaths of terrain and limited infrastructure, ongoing low-intensity fighting, and the presence of "peace spoilers", United Nations peacekeepers cannot carry out the complex tasks with which they are charged without critical enablers, and in particular air assets.

(6) The United Nations Secretary-General has repeatedly noted the deleterious impact of insufficient helicopters for peacekeeping missions in Darfur and the Democratic Republic of the Congo. History has shown that under-resourced peacekeeping troops are not only unable to carry out their mandates, they erode the credibility of the United Nations and are themselves likely to come under attack.

(7) Senate Resolution 432 and House Resolution 1351 of the 110th Congress—

(A) urged members of the international community, including the United States, that possessed the capability to provide tactical and utility helicopters needed for the United Nations-African Union Mission in Darfur (UNAMID) to do so as soon as possible; and

(B) urged the President to intervene personally by contacting other heads of state and asking them to contribute the aircraft and crews to the Darfur mission.

(8) The current framework of relying on member countries to provide air assets on a volunteer basis has not yielded sufficient results. The United Nations still faces a shortfall of over 50 helicopters for UNAMID, the Democratic Republic of Congo (MONUC), and the Republic of Chad (MINURCAT). A review of trend lines suggests that any new United Nations peacekeeping missions authorized within the next five to seven years would face similar shortfalls.

(9) Numerous studies and reports have determined that there is no global shortage of air assets. It is inexcusable to allow authorized United Nations peacekeeping missions to founder for the lack of critical mobility capabilities.

(b) PURPOSE.—The purpose of assistance authorized by this section is to help protect civilians by training and equipping peacekeepers worldwide, to include financing the refurbishment of helicopters.

(c) USE OF FUNDS.—

(1) IN GENERAL.—The Secretary of State is authorized to use amounts authorized to be appropriated to carry out this section to provide funding to carry out and expand Global Peace Operations Initiative programs and activities. Such programs and activities shall include—

(A) training and equipping peacekeepers worldwide, with a particular focus on Africa;

(B) enhancing the capacity of regional and sub-regional organizations to plan, train for, manage, conduct, sustain and obtain lessons-learned from peace support operations;

(C) carrying out a clearinghouse function to exchange information and coordinate G-8 efforts to enhance peace operations;

(D) providing transportation and logistics support for deploying peacekeepers;

(E) developing a cached equipment program to procure and warehouse equipment for use in peace operations globally;

(F) providing support to the international Center of Excellence for Stability Police Units (COESPU) in Italy to increase the capabilities and interoperability of stability police to participate in peace operations;

(G) conducting sustainment and self-sufficiency activities in support of the objectives described in subparagraphs (A) through (F) with a focus on assisting partners to sustain proficiencies gained in training programs; and

(H) financing the refurbishment of helicopters in preparation for their deployment to United Nations peacekeeping operations or to regional peacekeeping operations which have been approved by the United Nations Security Council.

(2) SENSE OF CONGRESS.—It is the sense of Congress that failure on the part of the international community to take all steps necessary to deploy and maintain fully capacitated United Nations peacekeeping operations will result in continued loss of life and human suffering. Therefore, in carrying out this section, the Secretary of State should prioritize the refurbishment of helicopters with a goal of participating in the financing of no fewer than three helicopter refurbishments by the end of fiscal year 2011.

(3) SUPPORT FROM OTHER COUNTRIES.—In providing funding under paragraph (1), the Secretary of State shall to the greatest extent possible seek to leverage such funding with financing from other countries.

(d) REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act and one year thereafter, the Secretary of State shall submit to the appropriate congressional committees a report on the activities of the United States Government to carry out the provisions of this section.

(2) CONTENTS.—The report required under paragraph (1) shall include—

(A) a description of the Global Peace Operations Initiative programs and activities undertaken, by country;

(B) a description of the funds obligated and expended in each country, by program and fiscal year;

(C) a description of the coordination of these efforts within the United States Government interagency process and with other nations along with any recommendations for improvements;

(D) a description of the GPOI's activities concerning the refurbishment of air assets for United Nations peacekeeping operations and regional peacekeeping operations that have been approved by the United Nations Security Council;

(E) data measuring the quality of the training and proficiency of the trainees program-wide;

(F) data on the training and deployment activities of graduates of the international Center of Excellence for Stability Police Units (COESPU) in their home countries;

(G) a description of vetting activities for all GPOI training to ensure that all individuals in composite units are vetted for human rights violations;

(H) data measuring the timeliness of equipment delivery and recommendations for improvement as appropriate; and

(I) description of how GPOI trainees and GPOI-provided equipment contribute to improved civilian protection in peace operations.

(e) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated such sums as may be necessary for each of fiscal years 2010 and 2011 to carry out this section.

(f) **DEFINITION.**—In this section, the term “Global Peace Operations Initiative” or “GPOI” means the program established by the Department of State to address major gaps in international peace operations support, including by building and maintaining capability, capacity, and effectiveness of peace operations.

SEC. 1109. FREEDOM OF THE PRESS.

(a) **SHORT TITLE.**—This section may be cited as the “Daniel Pearl Freedom of the Press Act of 2009”.

(b) **INCLUSION OF ADDITIONAL INFORMATION RELATING TO FREEDOM OF THE PRESS WORLDWIDE IN ANNUAL COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES.**—The Foreign Assistance Act of 1961 is amended—

(1) in section 116(d) (22 U.S.C. 2151n(d)), as amended by section 333(c) of this Act—

(A) in paragraph (11), by striking “and” at the end; and

(B) in paragraph (12), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following new paragraph:

“(13) wherever applicable—

“(A) a description of the status of freedom of the press, including initiatives in favor of freedom of the press and efforts to improve or preserve, as appropriate, the independence of the media, together with an assessment of progress made as a result of those efforts;

“(B) an identification of countries in which there were violations of freedom of the press, including direct physical attacks, imprisonment, indirect sources of pressure, and censorship by governments, military, intelligence, or police forces, criminal groups, or armed extremist or rebel groups; and

“(C) in countries where there are particularly severe violations of freedom of the press—

“(i) whether government authorities of each such country participate in, facilitate, or condone such violations of the freedom of the press; and

“(ii) what steps the government of each such country has taken to preserve the safety and independence of the media, and to ensure the prosecution of those individuals who attack or murder journalists.”; and

(2) in section 502B (22 U.S.C. 2304), by adding at the end the following new subsection:

“(i) The report required by subsection (b) shall include, wherever applicable—

“(1) a description of the status of freedom of the press, including initiatives in favor of freedom of the press and efforts to improve or preserve, as appropriate, the independence of the media, together with an assessment of progress made as a result of those efforts;

“(2) an identification of countries in which there were violations of freedom of the press, including direct physical attacks, imprisonment, indirect sources of pressure, and censorship by governments, military, intelligence, or police forces, criminal groups, or armed extremist or rebel groups; and

“(3) in countries where there are particularly severe violations of freedom of the press—

“(A) whether government authorities of each such country participate in, facilitate, or condone such violations of the freedom of the press; and

“(B) what steps the government of each such country has taken to preserve the safety and independence of the media, and to ensure the prosecution of those individuals who attack or murder journalists.”.

(c) **FREEDOM OF THE PRESS GRANT PROGRAM.**—

(1) **IN GENERAL.**—The Secretary of State shall administer a grant program with the aim of promoting freedom of the press worldwide. The grant program shall be administered by the Department of State’s Bureau of Democracy, Human Rights and Labor in consultation with the Undersecretary for Public Affairs and Public Diplomacy.

(2) **AMOUNTS AND TIME.**—Grants may be awarded to nonprofit and international organizations and may span multiple years, up to five years.

(3) **PURPOSE.**—Grant proposals should promote and broaden press freedoms by strengthening the independence of journalists and media organizations, promoting a legal framework for freedom of the press, or through providing regionally and culturally relevant training and professionalization of skills to meet international standards in both traditional and digital media.

(d) **MEDIA ORGANIZATION DEFINED.**—In this section, the term “media organization” means a group or organization that gathers and disseminates news and information to the public (through any medium of mass communication) in a foreign country in which the group or organization is located, except that the term does not include a group or organization that is primarily an agency or instrumentality of the government of such foreign country. The term includes an individual who is an agent or employee of such group or organization who acts within the scope of such agency or employment.

(e) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 1110. INFORMATION FOR COUNTRY COMMERCIAL GUIDES ON BUSINESS AND INVESTMENT CLIMATES.

(a) **IN GENERAL.**—The Director General of the Foreign Commercial Service, in consultation with the Assistant Secretary of Commerce for Trade Promotion and the Assistant Secretary of State for Economic, Energy and Business Affairs, should ensure that the annual Country Commercial Guides for United States businesses include—

(1) detailed assessments concerning each foreign country in which acts of unfair business and investment practices or other actions that have resulted in poor business and investment climates were, in the opinion of the Director General of the Foreign Commercial Service, of major significance;

(2) all relevant information about such unfair business and investment practices or other actions during the preceding year by members of the business community, the judiciary, and the government of such country which may have impeded United States business or investment in such country, including the capacity for United States citizens to operate their businesses without fear of reprisals; and

(3) information on—

(A) the extent to which the government of such country is working to prevent unfair business and investment practices; and

(B) the extent of United States Government action to prevent unfair business and investment practices or other actions that harm United States business or investment interests in relevant cases in such country.

(b) **ADDITIONAL PROVISIONS TO BE INCLUDED.**—The information required under subsection (a) should, to the extent feasible, include—

(1) with respect to paragraph (1) of such subsection—

(A) a review of the efforts undertaken by each foreign country to promote a healthy business and investment climate that is also conducive to the United States business community and United States investors, including, as appropriate, steps taken in international fora;

(B) the response of the judicial and local arbitration systems of each such country that is the subject of such detailed assessment with respect to matters relating to the business and investment climates affecting United States citizens and entities, or that have, in the opinion of the Director General of the Foreign Commercial Service, a significant impact on United States business and investment efforts; and

(C) each such country’s access to the United States market;

(2) with respect to paragraph (2) of such subsection—

(A) any actions undertaken by the government of each foreign country that prevent United States citizens and businesses from receiving equitable treatment;

(B) actions taken by private businesses and citizens of each such country against members of the United States business community and United States investors;

(C) unfair decisions rendered by the legal systems of each such country that clearly benefit State and local corporations and industries; and

(D) unfair decisions rendered by local arbitration panels of each such country that do not exemplify objectivity and do not provide an equitable ground for United States citizens and businesses to address their disputes; and

(3) with respect to paragraph (3) of such subsection, actions taken by the United States Government to—

(A) promote the rule of law;

(B) prevent discriminatory treatment of United States citizens and businesses engaged in business or investment activities in each foreign country;

(C) allow United States goods to enter each such country without requiring a co-production agreement; and

(D) protect United States intellectual property rights.

(c) CONSULTATION.—In carrying out this section, the Director General of the Foreign Commercial Service shall consult with business leaders, union leaders, representatives of the judicial system of each foreign country described in subsection (a), and relevant nongovernmental organizations.

(d) BUSINESS AND INVESTMENT CLIMATE WARNINGS.—The Secretary of State, with the assistance of the Assistant Secretary of State for Economic, Energy and Business Affairs, as well as the Assistant Secretary of Commerce for Trade Promotion and the Director General of the Foreign Commercial Service, shall establish a warning system that effectively alerts United States businesses and investors of—

(1) a significant deterioration in the business and investment climate in a foreign country, including discriminatory treatment of United States businesses; or

(2) a significant constraint on the ability of the United States Government to assist United States businesses and investors in a foreign country, such as to the closure of a United States diplomatic or consular mission, that is not explained in the most recent Country Commercial Guide for such country.

(e) DEFINITIONS.—In this section:

(1) CO-PRODUCTION AGREEMENT.—The term “co-production agreement” means a United States Government or United States business working with a foreign government, foreign company, or an international organization to produce or manufacture an item.

(2) RULE OF LAW.—The term “rule of law” means the extent to which laws of a foreign country are publicly promulgated, equally enforced, independently adjudicated, and are consistent with international norms and standards.

(3) UNFAIR BUSINESS AND INVESTMENT PRACTICES.—The term “unfair business and investment practices” includes any of the following:

(A) Unlawful actions under international law or the law of the foreign country taken by the government of such country or by businesses, citizens, or other entities of such country that have resulted in lost assets, contracts, or otherwise contributed to an inhospitable business or investment climate.

(B) Discriminatory treatment of United States businesses, whether wholly or partially owned.

(C) Failure to protect intellectual property rights.

(D) Requiring a co-production agreement in order for goods from the United States to enter a foreign country.

SEC. 1111. INTERNATIONAL PROTECTION OF GIRLS BY PREVENTING CHILD MARRIAGE.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) child marriage is a violation of human rights and the prevention and elimination of child marriage should be a foreign policy goal of the United States;

(2) the practice of child marriage undermines United States investments in foreign assistance to promote education and skills building for girls, reduce maternal and child mortality, reduce maternal illness, halt the transmission of HIV/AIDS, prevent gender-based violence, and reduce poverty; and

(3) expanding educational opportunities for girls, economic opportunities for women, and reducing maternal and child mortality are critical to achieving the Millennium Development Goals and the global health and development objectives of the United States, including efforts to prevent HIV/AIDS.

(b) STRATEGY TO PREVENT CHILD MARRIAGE IN DEVELOPING COUNTRIES.—

(1) **STRATEGY REQUIRED.**—The President, acting through the Secretary of State, shall establish a multi-year strategy to prevent child marriage in developing countries and promote the empowerment of girls at risk of child marriage in developing countries, including by addressing the unique needs, vulnerabilities, and potential of girls under 18 in developing countries.

(2) **CONSULTATION.**—In establishing the strategy required by paragraph (1), the President shall consult with Congress, relevant Federal departments and agencies, multilateral organizations, and representatives of civil society.

(3) **ELEMENTS.**—The strategy required by paragraph (1) shall—

(A) focus on areas in developing countries with high prevalence of child marriage; and

(B) encompass diplomatic initiatives between the United States and governments of developing countries, with attention to human rights, legal reforms and the rule of law, and programmatic initiatives in the areas of education, health, income generation, changing social norms, human rights, and democracy building.

(4) **REPORT.**—Not later than 180 days after the date of the enactment of this Act, the President shall transmit to Congress a report that includes—

(A) the strategy required by paragraph (1);

(B) an assessment, including data disaggregated by age and gender to the extent possible, of current United States-funded efforts to specifically assist girls in developing countries; and

(C) examples of best practices or programs to prevent child marriage in developing countries that could be replicated.

(c) **RESEARCH AND DATA COLLECTION.**—The Secretary of State shall work with relevant Federal departments and agencies as part of their ongoing research and data collection activities, to—

(1) collect and make available data on the incidence of child marriage in countries that receive foreign or development assistance from the United States where the practice of child marriage is prevalent; and

(2) collect and make available data on the impact of the incidence of child marriage and the age at marriage on progress in meeting key development goals.

(d) **DEPARTMENT OF STATE'S COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES.**—The Foreign Assistance Act of 1961 is amended—

(1) in section 116 (22 U.S.C. 2151n), by adding at the end the following new subsection:

“(g) The report required by subsection (d) shall include for each country in which child marriage is prevalent at rates at or above 40 percent in at least one sub-national region, a description of the status of the practice of child marriage in such country. In this subsection, the term ‘child marriage’ means the marriage of a girl or boy, not yet the minimum age for marriage stipulated in law in the country in which such girl or boy is a resident.”; and

(2) in section 502B (22 U.S.C. 2304), as amended by section 1109(b)(2) of this Act, is further amended by adding at the end the following new subsection:

“(j) The report required by subsection (b) shall include for each country in which child marriage is prevalent at rates at or above 40 percent in at least one sub-national region, a description of the status of the practice of child marriage in such country. In this subsection, the term ‘child marriage’ means the marriage of a girl or boy, not yet the minimum age for marriage stipulated in law in the country in which such girl or boy is a resident.”.

(e) **DEFINITION.**—In this section, the term “child marriage” means the marriage of a girl or boy, not yet the minimum age for marriage stipulated in law in the country in which the girl or boy is a resident.

(f) **AUTHORIZATION OF APPROPRIATIONS.**—Of the amounts authorized to be appropriated pursuant to section 101 of this Act, there is authorized to be appropriated as such sums as necessary for fiscal years 2010 through 2011 to carry out this section and the amendments made by this section.

SEC. 1112. STATEMENT OF CONGRESS REGARDING RETURN OF PORTRAITS OF HOLOCAUST VICTIMS TO ARTIST DINA BABBITT.

(a) **FINDINGS.**—Congress finds the following:

(1) Dina Babbitt (formerly known as Dinah Gottliebova), a United States citizen, has requested the return of watercolor portraits she painted while suffering a 1½-year-long internment at the Auschwitz death camp during World War II.

(2) Dina Babbitt was ordered to paint the portraits by the infamous war criminal Dr. Josef Mengele.

(3) Dina Babbitt's life, and her mother's life, were spared only because she painted portraits of doomed inmates of Auschwitz-Birkenau, under orders from Dr. Josef Mengele.

(4) These paintings are currently in the possession of the Auschwitz-Birkenau State Museum.

(5) Dina Babbitt is the rightful owner of the artwork, because the paintings were produced by her own talented hands as she endured the unspeakable conditions that existed at the Auschwitz death camp.

(6) This continued injustice can be righted through cooperation between agencies of the United States and Poland.

(7) This issue was raised in the Foreign Relations Authorization Act, Fiscal Year 2003 (Public Law 107-228).

(b) STATEMENT OF CONGRESS.—Congress—

(1) continues to recognize the moral right of Dina Babbitt to obtain the artwork she created, and recognizes her courage in the face of the evils perpetrated by the Nazi command of the Auschwitz-Birkenau death camp, including the atrocities committed by Dr. Josef Mengele;

(2) urges the President to make all efforts necessary to retrieve the seven watercolor portraits Dina Babbitt painted, while suffering a 1½-year-long internment at the Auschwitz death camp, and return them to her;

(3) urges the Secretary of State to make immediate diplomatic efforts to facilitate the transfer of the seven original watercolors painted by Dina Babbitt from the Auschwitz-Birkenau State Museum to Dina Babbitt, their rightful owner;

(4) urges the Government of Poland to immediately facilitate the return to Dina Babbitt of the artwork painted by her that is now in the possession of the Auschwitz-Birkenau State Museum; and

(5) urges the officials of the Auschwitz-Birkenau State Museum to transfer the seven original paintings to Dina Babbitt as expeditiously as possible.

SEC. 1113. STATEMENT OF POLICY REGARDING SOMALIA.

(a) STATEMENT OF POLICY.—It shall be the policy of the United States to—

(1) advance long-term stability and peace in Somalia;

(2) provide assistance to the government of Somalia and nongovernmental organizations, including Somali-led nongovernmental organizations, and particularly women's groups, as appropriate;

(3) support efforts to establish democratic civil authorities and institutions in Somalia that reflect local and traditional structures, built on the rule of law and respect for human rights, and strengthen the security sector; and

(4) support reconciliation efforts in Somalia in order to ensure lasting peace.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the President, acting through the Secretary of State, should develop a comprehensive policy in coordination with the international community and the government of Somalia that aligns humanitarian, development, economic, political, counterterrorism, anti-piracy, and regional strategies in order to bring about peace and stability in Somalia and the region.

Subtitle B—Sense of Congress Provisions

SEC. 1121. PROMOTING DEMOCRACY AND HUMAN RIGHTS IN BELARUS.

(a) FINDINGS.—Congress finds the following:

(1) Despite some modest improvements, notably the release of political prisoners, the Belarusian Government's human rights and democracy record remains poor as governmental authorities continue to commit frequent serious abuses.

(2) Since 1996, President Alexander Lukashenka has consolidated his power over all institutions and undermined the rule of law through authoritarian means.

(3) Belarus restricts civil liberties, including freedoms of press, speech, assembly, association, and religion. Nongovernmental organizations and political parties are subject to harassment, fines, prosecution, and closure. The Belarusian Government maintains a virtual monopoly over the country's information space.

(b) POLICY.—It is the policy of the United States to—

(1) support the aspirations of the people of Belarus for democracy, human rights, and the rule of law;

(2) support the aspirations of the people of Belarus to preserve the independence and sovereignty of their country;

(3) seek and support the growth of democratic movements and institutions in Belarus as well the development of a democratic political culture and civil society;

(4) seek and support the growth of an open market economy in Belarus through the development of entrepreneurship and protection of property rights; and

(5) remain open to re-evaluating United States policy toward Belarus, including existing sanctions, as warranted by demonstrable democratic and human rights progress made by the Belarusian Government.

(c) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the United States should furnish assistance to Belarus to the support democratic processes in that country, including—

(A) expanding and facilitating the development of independent print, radio, television, and internet broadcasting to and within Belarus;

(B) aiding the development of civil society through assistance to non-governmental organizations promoting democracy and supporting human rights, including youth groups, entrepreneurs, and independent trade unions;

(C) supporting the work of human rights defenders;

(D) enhancing the development of democratic political parties;

(E) assisting the promotion of free, fair, and transparent electoral processes;

(F) enhancing international exchanges, including youth and student exchanges, as well as advanced professional training programs for leaders and members of the democratic forces in skill areas central to the development of civil society; and

(G) supporting educational initiatives such as the European Humanities University, a Belarusian university in exile based in Vilnius, Lithuania; and

(2) the United States should support radio, television, and internet broadcasting to the people of Belarus in languages spoken in Belarus, including broadcasting by Radio Free Europe/Radio Liberty, European Radio for Belarus, and Belsat.

SEC. 1122. SENSE OF CONGRESS ON THE HUMANITARIAN SITUATION IN SRI LANKA.

It is the sense of Congress that—

(1) both the Liberation Tigers of Tamil Eelam (LTTE) and the Government of Sri Lanka must abide by their commitments to respect human life and cease offensive operations;

(2) the United States Government remains deeply concerned about the current danger to civilian lives and the dire humanitarian situation created by the fighting in the Mullaitivu area in Sri Lanka;

(3) the United States should call upon the Government and military of Sri Lanka and the LTTE to allow a humanitarian pause sufficient for the tens of thousands of civilians in the conflict area to escape the fighting;

(4) both sides must respect the right of free movement of those civilian men, women and children trapped by the fighting;

(5) the LTTE must immediately allow civilians to depart;

(6) the LTTE should then lay down their arms to a neutral third party;

(7) the Government of Sri Lanka should allow the United Nations High Commission for Refugees (UNHCR) and the International Committee of the Red Cross (ICRC) access to all sites where newly arrived displaced persons are being registered or being provided shelter, as well as to implement established international humanitarian standards in the camps for internally displaced persons;

(8) a durable and lasting peace will only be achieved through a political solution that addresses the legitimate aspirations of all Sri Lankan communities; and

(9) the Government of Sri Lanka should put forward a timely and credible proposal to engage its Tamil community who do not espouse violence or terrorism, and to develop power sharing arrangements so that lasting peace and reconciliation can be achieved.

SEC. 1123. WEST PAPUA.

(a) FINDINGS.—Congress finds the following:

(1) West Papua was a former Dutch colony just as East Timor was a former Portuguese colony just as Indonesia was a former colony of the Netherlands.

(2) In 1949, the Dutch granted independence to Indonesia and retained West Papua.

(3) In 1950, the Dutch prepared West Papua for independence.

(4) However, Indonesia, upon achieving independence, demanded the entire archipelago including the Dutch holding of West Papua and the Portuguese controlled territory of East Timor.

(5) In 1962, the United States mediated an agreement between the Dutch and Indonesia. Under terms of the agreement, the Dutch were to leave West Papua and transfer sovereignty to the United Nations after which time a national election would be held to determine West Papua's political status. But almost immediately after this agreement was reached, Indonesia violated the terms of the transfer and took over the administration of West Papua from the United Nations.

(6) Indonesia then orchestrated an election that many regarded as a brutal military operation. In what became known as an "act of no-choice", 1,025 West Papua elders under heavy military surveillance were selected to vote on behalf of more than 800,000 West Papuans on the territory's political status. The United Nations Representative sent to observe the election process produced a report which outlined various and serious violations of the United Nations Charter. In spite of the report and in spite of testimonials from the press, the opposition of fifteen countries, and the cries of help from the Papuans themselves, West Papua was handed over to Indonesia in November 1969.

(7) Since this time, the Papuans have suffered blatant human rights abuses including extrajudicial executions, imprisonment, torture, environmental degradation, natural resource exploitation and commercial dominance of immigrant communities and it is now estimated that more than 100,000 West Papuans and 200,000 East Timorese died as a direct result of Indonesian rule especially during the administrations of military dictators Sukarno and Suharto.

(8) Today, the violence continues. In its 2004 Country Reports on Human Rights Practices the Department of State reports that Indonesia "security force members murdered, tortured, raped, beat and arbitrarily detained civilians and members of separatist movements especially in Papua".

(9) In response to international pressure, Indonesia has promised to initiate Special Autonomy for West Papua.

(10) Considering that East Timor achieved independence from Indonesia in 2002 by way of a United Nations sanctioned referendum, Special Autonomy may be an effort to further disenfranchise a people who differ racially from the majority of Indonesians.

(11) West Papuans are Melanesian and believed to be of African descent.

(b) REPORTS.—

(1) SECRETARY OF STATE.—For fiscal year 2010, the Secretary of State shall submit to the appropriate congressional committees a report on the 1969 Act of Free Choice, the current political status of West Papua, and the extent to which the Government of Indonesia has implemented and included the leadership and the people of West Papua in the development and administration of Special Autonomy.

(2) PRESIDENT.—For each of fiscal years 2010 and 2011, the President shall transmit to the appropriate congressional committees a report that contains a description of the extent to which the Government of Indonesia has certified that it has halted human rights abuses in West Papua.

SEC. 1124. SENSE OF CONGRESS RELATING TO SOVIET NUCLEAR TESTS AND KAZAKHSTAN'S COMMITMENT TO NONPROLIFERATION.

(a) FINDINGS.—Congress finds the following:

(1) In 1991, immediately after achieving independence, Kazakhstan closed and sealed the world's second largest nuclear test site in Semipalatinsk which had been inherited from the former Soviet Union and at which more than 500 nuclear tests had been conducted from 1949 to 1991.

(2) The cumulative power of explosions from those tests, conducted above ground, on the ground, and underground is believed to be equal to the power of 20,000 explosions of the type of bomb dropped on Hiroshima, Japan, in 1945.

(3) More than 1,500,000 people in Kazakhstan suffered because of decades of Soviet nuclear weapons testing in the region.

(4) A horrifying array of disease will continue to destroy the lives of hundreds of thousands and their descendants for many generations to come as a result of these tests.

(5) Since its independence, Kazakhstan has constructed a stable and peaceful state, voluntarily disarmed the world's fourth largest nuclear arsenal, joined the Strategic Arms Reduction Treaty (START), and within the frameworks of the Cooperative Threat Reduction program the government of Kazakhstan, in cooperation with the United States Government, conducted a very successful secret operation, code-named Project Sapphire, as a result of which 581 kilograms

(1,278 pounds) of highly enriched uranium enough to produce 20–25 nuclear warheads were removed from Kazakhstan.

(6) Because of the successful cooperation between the Governments of the United States and Kazakhstan, the last lethal weapon was removed from Kazakhstan in April 1995.

(7) Kazakhstan, allegiant to its commitment to nonproliferation, in December 2004 signed with the United States an amendment to the bilateral agreement on the nonproliferation of weapons of mass destruction which will move the two nations towards a new level of cooperation in preventing the threat of bio-terrorism.

(8) By its actions, Kazakhstan has proven itself not only as a universally recognized leader and one of the key members in the nonproliferation process, but also as a reliable and consistent ally of the United States in reducing nuclear threats and preventing lethal weapons from being acquired by terrorist organizations such as Al-Qaeda.

(9) Recently Kazakhstan has also offered to host an international nuclear fuel bank where low-enriched uranium would be stored in accordance with the highest international standards for safety, security, and safeguards.

(10) The Norwegian Defence Research Establishment is also working with Kazakhstan to strengthen nuclear security and nonproliferation.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the people of Kazakhstan and its Government should be congratulated for their commitment to nonproliferation and their leadership in offering to host an international nuclear fuel bank; and

(2) the Secretary of State should work to establish a joint working group with the Governments of Kazakhstan and Norway to explore common challenges and opportunities on disarmament and non-proliferation, and to assist in assessing the environmental damage and health effects caused by Soviet nuclear testing in Semipalatinsk.

SEC. 1125. SENSE OF CONGRESS ON HOLOCAUST-ERA PROPERTY RESTITUTION AND COMPENSATION.

It is the sense of Congress that—

(1) countries in Central and Eastern Europe which have not already done so must return looted and confiscated properties to their rightful owners or, where restitution is not possible, pay equitable compensation, in accordance with principles of justice and in an expeditious manner that is transparent and fair;

(2) countries in Central and Eastern Europe must enact and implement appropriate restitution and compensation legislation to facilitate private, communal, and religious property restitution; and

(3) countries in Central and Eastern Europe must ensure that such restitution and compensation legislation establishes a simple, transparent, and timely process, so that such process results in a real benefit to those individuals who suffered from the unjust confiscation of their property.

SEC. 1126. EFFORTS TO SECURE THE FREEDOM OF GILAD SHALIT.

It is the sense of Congress that Israeli soldier Gilad Shalit, who has been held captive continuously since his illegal abduction by Gazan kidnappers in 2006, should be safely released at the earliest possible time and that, pending his release, the International Committee of the Red Cross should be granted full access to him, in accordance with international law and civilized values.

SEC. 1127. SENSE OF CONGRESS RELATING TO SUDAN.

It is the sense of Congress that—

(1) the United States should support efforts to find a stable and lasting peace in Sudan in the wake of a devastating conflict that led to a major humanitarian disaster and caused the deaths of hundreds of thousands, and continues to cause violence in Darfur and throughout Sudan;

(2) to achieve that peace, all parties must agree to uphold the Comprehensive Peace Agreement (CPA);

(3) international partners should aim to widen acceptance of the Darfur Peace Agreement by all stakeholders;

(4) the United States should support efforts to prepare for the national elections and for the referendum;

(5) the United States should support efforts to develop a coordinated international strategy to support the rebuilding of Sudan, with a particular focus on key CPA benchmarks including policy toward the Three Areas, transitional justice, which would include prosecuting perpetrators of war crimes, oil revenue

sharing, the census, the return of displaced Darfuris and other peoples to their homeland, and management of the armed forces; and

(6) United States policy toward Darfur should be fully integrated with United States policy toward the CPA, as full and lasting resolution to the Darfur crisis hinges on the resolution of a common set of national problems.

SEC. 1128. SENSE OF CONGRESS ON RESTRICTIONS ON RELIGIOUS FREEDOM IN VIETNAM.

(a) FINDINGS.—Congress finds the following:

(1) The Secretary of State, under the International Religious Freedom Act of 1998 (22 U.S.C. 6401 et seq.) and authority delegated by the President, designates nations found guilty of “particularly severe violations of religious freedom” as “Countries of Particular Concern”.

(2) In November 2006, the Secretary of State announced that the Socialist Republic of Vietnam was no longer designated as a “Country of Particular Concern”.

(3) The Unified Buddhist Church of Vietnam (UBCV), the Hoa Hao Buddhists, and the Cao Dai groups continue to face unwarranted abuses because of their attempts to organize independently of the Government of Vietnam, including the detention and imprisonment of individual members of these religious communities.

(4) Over the last 3 years, 18 Hoa Hao Buddhists have been arrested for distributing sacred texts or publically protesting the religious restrictions placed on them by the Government of Vietnam, at least 12 remain in prison, including 4 sentenced in 2007 for staging a peaceful hunger strike.

(5) At least 15 individuals are being detained in long term house arrest for reasons relating to their faith, including the most venerable Thich Quang Do and most of the leadership of the UBCV.

(6) According to Human Rights Watch, “In April 2008 Montagnard Christian Y Ben Hdok was beaten to death while in police custody in Dak Lak after other Montagnards in his district tried to flee to Cambodia to seek political asylum.”.

(7) According to the United States Commission on International Religious Freedom 2009 Annual Report, religious freedom advocates and human rights defenders Nguyen Van Dai, Le Thi Cong Nhan, and Fr. Thaddeus Nguyen Van Ly are in prison under Article 88 of the Criminal Code of Vietnam and Fr. Nguyen Van Loi is being held without official detention orders under house arrest.

(8) In February 2009, as many as 11 Montagnard Protestants were detained for refusing to join the officially recognized Southern Evangelical Church of Vietnam, and 2 still remain in prison.

(9) Since August 2008, the Government of Vietnam has arrested and sentenced at least eight individuals and beaten, tear-gassed, harassed, publicly slandered, and threatened Catholics engaged in peaceful activities seeking the return of Catholic Church properties confiscated by the Vietnamese Government after 1954 in Hanoi, including in the Thai Ha parish.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Secretary of State should place Vietnam on the list of “Countries of Particular Concern” for particularly severe violations of religious freedom; and

(2) the Government of Vietnam should lift restrictions on religious freedom and implement necessary legal and political reforms to protect religious freedom.

SUMMARY

The Foreign Relations Authorization Act, Fiscal Years 2010 and 2011 (H.R. 2410) authorizes funding for the Department of State, the Peace Corps, the Broadcasting Board of Governors which is responsible for U.S. international broadcasting activities, and other foreign affairs programs. H.R. 2410 continues efforts by this committee to protect the national security interests of the United States, reform the mission of U.S. foreign policy agencies, and strengthen the U.S. diplomatic platform to better serve U.S. citizens and promote U.S. interests. In particular, H.R. 2410 makes reforms to the Foreign Service Act to continue the transition of the Service from its traditional diplomatic framework toward a more

expeditionary mission with greater strategic depth to address the instability that threatens U.S. national security interests.

The legislation also continues efforts to focus on key foreign policy and national security problems facing the nation. The legislation creates a new foundation to help U.S. students study abroad, enhances U.S. efforts to assist Mexico and other countries in the Western Hemisphere to reduce drug violence, particularly along the U.S.-Mexico border, and addresses a number of key human rights and democracy issues around the world. It provides for critical enhancements of U.S. efforts in international organizations. H.R. 2410 also carries out reforms in the strategic export control area to rationalize U.S. procedures regarding the export of U.S. military technology and to improve oversight of various U.S. commitments regarding security assistance.

BACKGROUND AND PURPOSE FOR THE LEGISLATION

This bill provides various authorities for the Department of State, the Peace Corps and the Broadcasting Board of Governors to carry out operations of the agencies for Fiscal Years 2010 and 2011. As required by law, these agencies must have the authority which is provided in this bill to spend appropriated funds.

As the 20th century ended, the United States was engaged in more countries and on more issues than ever before in its history. The third wave of democracy and the dissolution of the Soviet Union led the United States to open up dozens of new diplomatic missions, straining the Foreign Service's capacity to represent the United States, as it tried to do more with less resources. The strain on U.S. civilian national security agencies has only increased since September 11, 2001, with a rapid increase in diplomatic activity, particularly the opening of two large missions in Afghanistan and Iraq and fielding an unprecedented number of civilian representatives throughout such countries in Provincial Reconstruction Teams. These conflicts absorbed the budgets designed to provide an increased capacity for the Department of State, leaving the Department stretched ever thinner. As the committee considers this legislation, the Department has a 16 percent vacancy rate, with one in ten positions overseas going unfilled. These gaps also force the Foreign Service to shuttle individuals from assignment to assignment without the training necessary to be most effective in furthering U.S. national security interests.

Given the bipartisan consensus, as reflected in statements by both former President George W. Bush and President Barack Obama, that our national security rests on the three pillars of diplomacy, development and defense, this situation is simply unacceptable and unsustainable. Without a robust diplomatic capability, the United States will continue to miss opportunities to prevent conflicts and mitigate them as they emerge, leading the United States to use other and more expensive instruments of national power. In part because of a lack of capacity, traditional foreign policy missions have also migrated from the Department of State to other agencies. Political leaders of both parties cannot continue to urge the civilian foreign affairs agencies to increase their activities in support of critical foreign policy missions in Iraq, Afghanistan and elsewhere, and at the same time fail to support the State Department's efforts to renew itself.

It is in this context that H.R. 2410 meets the President's request for increases in the amount for the daily operations of the Department of State, particularly its diplomatic operations abroad. It also supports a vigorous public diplomacy effort, an increased broadcasting framework, and a significant increase in the activity of the Peace Corps. It continues the work of modernization of the Foreign Service by reforming the goals, recruitment and training of the Foreign Service so that it can further adapt itself to the challenges of the 21st Century. It also creates a Quadrennial Review of Diplomacy and Development in order to deepen the strategic approach to U.S. foreign policy.

Moreover, H.R. 2410 continues the work of the Department of State to create an institutional structure for U.S. overseas efforts. Each U.S. Embassy is the platform for the implementation of U.S. foreign policy interests in each country, and serves as the base of operations for numerous U.S. agencies, including the Defense Department, the Justice Department, the Department of Homeland Security, the Treasury Department and virtually every other agency of the U.S. Government. In this connection, the committee fully funds the Embassy Security, Construction, and Maintenance Account, which ensures that U.S. Government employees have safe and secure facilities from which to work. The committee's long-term efforts have continued to bear fruit in preventing the deaths of U.S. employees abroad.

The bill also takes a balanced approach to improve the responsiveness of the export control system to legitimate needs of the U.S. business community. H.R. 2410 builds on recent management reforms initiated by new leadership at the Directorate of Defense Trade Controls at the Department of State to begin the process of reforming U.S. defense trade policies and practices, in particular by ensuring a more effective arms export licensing process.

Many foreign policy concerns are addressed in this bill, including particular countries and issues relating to human rights, democracy, poverty reduction, and improved delivery of security assistance. The bill also fully funds U.S. participation in international organizations, enhances U.S. leadership in multilateral diplomacy, and ensures that we try to fulfill U.S. obligations at such organizations. For too long our arrears have undermined the ability of the United States to successfully further U.S. national interests at our international organizations. H.R. 2410 begins the reversal of that approach.

HEARINGS

The committee and its subcommittees held numerous hearings on issues related to the bill. The full committee held a hearing on May 13, 2009, entitled, "Building Capacity to Protect U.S. National Security: The Fiscal Year 2010 International Affairs Budget." Testimony was heard from the Honorable Jacob J. Lew, Deputy Secretary of State for Management and Resources, U.S. Department of State.

On April 22, 2009, Secretary of State Hillary Rodham Clinton gave testimony before the full committee at a hearing entitled, "New Beginnings: Foreign Policy Priorities in the Obama Administration." On April 6, 2009, the full committee held a field hearing in Los Angeles entitled, "Sinking the Copyright Pirates: Global Pro-

tection of Intellectual Property,” and heard testimony from private witnesses.

The Subcommittee on the Western Hemisphere held a hearing on February 4, 2009 entitled, “U.S. Policy Toward Latin America in 2009 and Beyond.” Witnesses included: Mr. Sergio Bendixen, President, Bendixen & Associates; Cynthia McClintock, Ph.D., Professor of Political Science and International Affairs, Director, Latin America and Hemispheric Studies Program, The George Washington University; Mr. Eric Farnsworth, Vice President, Council of the Americas; and Ray Walser, Ph.D., Senior Policy Analyst for Latin America, Douglas and Sarah Allison Center for Foreign Policy Studies, The Heritage Foundation.

On March 18, 2009, the Subcommittee on the Western Hemisphere held a hearing entitled, “Drugs and Violence: The Merida Initiative and the Challenge in Mexico.” Witnesses included: The Honorable David Johnson, Assistant Secretary, Bureau of International Narcotics and Law Enforcement Affairs, U.S. Department of State; Ms. Roberta S. Jacobson, Deputy Assistant Secretary, Bureau of Western Hemisphere Affairs, U.S. Department of State; Ms. M. Kristen Rand, Legislative Director, Violence Policy Center Andrew Selee, Ph.D., Director, Mexico Institute, Woodrow Wilson International Center for Scholars; and Mr. Michael A. Braun, Managing Partner, Spectre Group International, LLC.

On April 2, 2009, the Subcommittee on Terrorism, Nonproliferation, and Trade held a hearing entitled, “Export Controls on Satellite Technology.” Testimony was heard from: Larry M. Wortzel, Ph.D., Vice Chairman, U.S.—China Economic and Security Review Commission; Mr. Pierre Chao, Senior Associate, Center for Strategic and International Studies; and Ms. Patricia Cooper, President, Satellite Industry Association.

COMMITTEE CONSIDERATION

The committee marked up the bill, H.R. 2410, on Wednesday, May 20, 2009. The following amendments were considered:

- 1) Berman—manager’s amendment—passed by voice vote
- 2) Ros-Lehtinen—substitute—defeated by voice vote
- 3) Jackson Lee (w/Lee, Watson and Payne)—Sense of Congress on Sudan—passed by voice vote
- 4) Burton—Support to Israel for Missile Defense—passed by voice vote (as amended by Berman #5)
- 5) Berman—substitute to Burton Israel Missile Defense amendment (4)—passed by voice vote
- 6) Wilson—regarding veterans—WITHDRAWN
- 7) Flake—Section 1115. Rule of Construction—WITHDRAWN
- 8) Smith (NJ)—Section 334. Office for Global Women’s Issues—defeated by a record vote of 17–22 (as amended by Inglis #9)
- 9) Inglis amendment to the Smith amendment (8)—increase women’s participation in political processes—passed by voice vote
- 10) Royce—Sense of Congress on Restrictions on Religious Freedom in Vietnam—passed by voice vote
- 11) Gallegly—regarding Mexico/W. Hemisphere and weapons trafficking—passed by voice vote

- 12) Pence—Section 333. Protection of Fundamental Human Rights—defeated by voice vote
- 13) Manzullo—Asia-Pacific Economic Cooperation—passed by voice vote
- 14) Mack—Jewish Community in Venezuela—WITHDRAWN
- 15) Berman—en bloc of 3 amendments: 1) Mack—Iran’s Influence in the Western Hemisphere; 2) Fortenberry—Implementation of Recommendations of Commission on the Prevention of Weapons of Mass Destruction Proliferation and Terrorism; and 3) Fortenberry—Report on Religious Minority Communities in the Middle East. Passed by voice vote.
- 16) Fortenberry—Nondiscrimination Requirements—WITHDRAWN

A motion to report H.R. 2410 favorably to the House, as amended, was agreed to by voice vote.

VOTES OF THE COMMITTEE

One record vote was taken during consideration of H.R. 2410:

Smith (NJ) amendment—Section 334. Office for Global Women’s Issues—defeated by a record vote of 17–22 (as amended by Inglis amendment to increase women’s participation in political processes, which passed by voice vote):

Voting YES: Ros-Lehtinen, Smith, Burton, Gallegly, Rohrabacher, Manzullo, Royce, Flake, Pence, Wilson, Boozman, Mack, Fortenberry, McCaul, Poe, Inglis, and Bilirakis

Voting NO: Berman, Ackerman, Faleomavaega, Payne, Sherman, Wexler, Engel, Delahunt, Meeks, Carnahan, Sires, Connolly, McMahan, Tanner, Woolsey, Lee, Berkley, Crowley, Miller, Scott, Giffords, and Klein.

COMMITTEE OVERSIGHT FINDINGS

In compliance with clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the committee reports that the findings and recommendations of the committee, based on oversight activities under clause 2(b)(1) of rule X of the Rules of the House of Representatives, are incorporated in the descriptive portions of this report.

NEW BUDGET AUTHORITY AND TAX EXPENDITURES

In compliance with Clause 3(c) (2) of House Rule XIII, the committee adopts as its own the estimate of new budget authority, entitlement authority, or tax expenditures or revenues contained in the cost estimate prepared by the Director of the Congressional Budget Office, pursuant to section 402 of the Congressional Budget Act of 1974.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

U.S. CONGRESS,
 CONGRESSIONAL BUDGET OFFICE,
 Washington, DC, June 4, 2009.

Hon. HOWARD L. BERMAN, *Chairman,*
Committee on Foreign Affairs,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 2410, the Foreign Relations Authorization Act, Fiscal Years 2010 and 2011.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Sunita D'Monte, who can be reached at 226-2840.

Sincerely,

DOUGLAS W. ELMENDORF.

Enclosure

cc: Honorable Ileana Ros-Lehtinen
 Ranking Member

H.R. 2410—Foreign Relations Authorization Act, Fiscal Years 2010 and 2011.

SUMMARY

H.R. 2410 would authorize appropriations for the Department of State, international broadcasting activities, international assistance programs, and related agencies. CBO estimates that implementing the bill would cost \$40.6 billion over the 2010–2014 period, assuming appropriation of the specified and estimated amounts.

The bill also contains provisions that would both increase and decrease direct spending, primarily from making permanent the department's authority to collect and spend certain passport fees. In total, CBO estimates that enacting the bill would reduce direct spending by \$49 million in 2011 and \$52 million over the 2011–2019 period. In addition, enacting the bill would increase governmental receipts (revenues) by raising criminal penalties; however, CBO estimates those effects would be insignificant.

H.R. 2410 contains no intergovernmental mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on state, local, or tribal governments. By making permanent the authority of the Secretary of State to collect certain passport fees, H.R. 2410 would impose a private-sector mandate as defined in UMRA on individuals who apply for a passport. Based on information from the Department of State, CBO estimates that the aggregate cost of complying with the mandate would exceed the annual threshold established in UMRA for private-sector mandates (\$139 million in 2009, adjusted annually for inflation).

ESTIMATED COST TO THE FEDERAL GOVERNMENT

The estimated budgetary impact of H.R. 2410 is shown in the following table. The costs of this legislation fall within budget functions 050 (national defense), 150 (international affairs), 300 (nat-

ural resources and environment), 370 (commerce and housing credit), 750 (administration of justice), and 800 (general government).

By Fiscal Year, in Millions of Dollars

	2010	2011	2012	2013	2014	2010–2014
CHANGES IN SPENDING SUBJECT TO APPROPRIATION						
Department of State and Related Agencies	18,731	19,298	38	39	40	38,146
Estimated Authorization Level						
Estimated Outlays	11,883	17,546	4,931	1,573	1,003	36,936
Peace Corps						
Estimated Authorization Level	450	465	0	0	0	915
Estimated Outlays	349	451	99	7	2	909
Personnel Programs						
Estimated Authorization Level	327	251	97	106	118	900
Estimated Outlays	236	260	144	114	115	870
Arrearages Owed to the United Nations						
Estimated Authorization Level	654	0	0	0	0	654
Estimated Outlays	654	0	0	0	0	654
Refugee Processing						
Estimated Authorization Level	100	101	101	101	101	503
Estimated Outlays	10	101	101	101	101	413
Security Assistance						
Estimated Authorization Level	168	169	18	18	18	390
Estimated Outlays	77	143	95	37	24	377
International Trade Administration						
Estimated Authorization Level	37	38	39	39	40	193
Estimated Outlays	31	37	39	39	40	186
Exchange and Scholarship Programs						
Estimated Authorization Level	43	83	0	0	0	128
Estimated Outlays	37	75	10	1	*	125
Other Nonsecurity Assistance						
Estimated Authorization Level	28	29	20	20	20	117
Estimated Outlays	9	20	16	17	19	80
Review and Assessment of State Department and USAID Programs						
Estimated Authorization Level	3	3	3	3	3	15
Estimated Outlays	3	3	3	3	3	14
Public Diplomacy						
Estimated Authorization Level	1	1	1	1	1	6
Estimated Outlays	1	1	1	1	1	6
Repatriation Loans						
Estimated Authorization Level	4	*	*	*	*	4
Estimated Outlays	4	*	*	*	*	4
Reporting Requirements						
Estimated Authorization Level	1	1	1	1	1	5
Estimated Outlays	1	1	1	1	1	5
Other Provisions						
Estimated Authorization Level	1	1	1	1	1	5
Estimated Outlays	1	1	1	1	1	5
Total Changes						
Estimated Authorization Level	20,548	20,440	319	329	343	41,981
Estimated Outlays	13,296	18,639	5,441	1,895	1,310	40,584
CHANGES IN DIRECT SPENDING ¹						
Estimated Budget Authority	0	0	0	0	0	0
Estimated Outlays	0	-49	-3	0	0	-52

Notes: Components may not sum to totals because of rounding; USAID = U.S. Agency for International Development; *= less than \$500,000.

¹The bill also would increase revenues, but CBO estimates those effects would not be significant.

BASIS OF ESTIMATE

Most of the bill's budgetary impact would stem from authorizations for the Department of State, international broadcasting activities, international assistance programs, and related agencies. For most programs, the bill would authorize specific amounts for 2010 and such sums as may be necessary for 2011. With a few exceptions, the specified amounts for 2010 are identical to the President's request for 2010, and CBO assumes that amounts necessary in 2011 for those programs would equal the estimate for 2011 in that request. The bill also contains provisions that would affect direct spending and revenues, primarily from making permanent the department's authority to collect and spend certain passport fees.

For this estimate, CBO assumes the legislation will be enacted near the start of fiscal year 2010, that the specified and estimated authorizations will be appropriated near the start of each fiscal year, and that outlays will follow historical patterns for similar and existing programs.

Spending Subject to Appropriation

The bill contains provisions that would affect spending for Department of State personnel, contributions to international organizations and commissions, international assistance programs, and related agencies. In total, CBO estimates that implementing the bill would cost \$40.6 billion over the 2010–2014 period, assuming appropriation of the specified and estimated amounts.

Department of State and Related Agencies. Most of the authorizations of appropriations in the bill would cover the operating expenses and other ongoing programs and activities of the Department of State and related agencies. CBO estimates that implementing those provisions would cost almost \$37 billion over the 2010–2014 period, assuming appropriation of the specified and estimated amounts.

Administration of Foreign Affairs. Section 101 would authorize the appropriation of \$11.4 billion in 2010 and, CBO estimates, \$11.9 billion in 2011 for the department's operating expenses and programs. We estimate that implementing those provisions would cost \$22.2 billion over the 2010–2014 period.

Contributions to International Organizations and Commissions. Various sections in title I would authorize the appropriation of \$4.2 billion in 2010 for contributions to international organizations, international peacekeeping activities, and various international commissions. CBO estimates that the same amount would be authorized for 2011. In addition, section 415 would authorize the appropriation of \$10 million for the International Atomic Energy Agency (IAEA) to refurbish or replace a laboratory that helps implement nuclear safeguards. In total, CBO estimates that implementing those provisions would cost \$8.4 billion over the 2010–2014 period.

The bill also would authorize such sums as may be necessary to offset adverse fluctuations in foreign exchange rates that might affect contributions to international organizations. Currency fluctuations are difficult to project, and could result in spending higher or lower than amounts authorized under the bill for such contribu-

tions. Therefore, CBO estimates no additional authorizations of appropriations for currency fluctuations.

International Information and Exchange Programs. Various sections would authorize the appropriation of \$1.5 billion in 2010 and, CBO estimates, the same amount in 2011 for international broadcasting, exchange programs, and other related programs. In addition, section 506 would permanently extend the authorization for Radio Free Asia (RFA). Based on the President's request for 2010, CBO estimates that implementing that section would cost \$110 million over the 2012–2014 period (the bill would authorize appropriations for RFA in 2010 and 2011 under International Broadcasting Operations). In total, CBO estimates these programs would cost \$3.1 billion.

Migration and Refugee Assistance. Section 104 would authorize the appropriation of about \$1.6 billion for each of 2010 and 2011 for migration and refugee assistance programs, CBO estimates. CBO estimates that implementing those programs would cost \$3.2 billion over the 2010–2014 period.

Peace Corps. Title VI would authorize the appropriation of \$450 million in 2010 and such sums as may be necessary in 2011 for the Peace Corps. It also would authorize the Director of the Peace Corps to establish a Peace Corps Response Program that would assign returning or other volunteers to provide shorter-term development or relief efforts. Finally, it would increase the readjustment allowance for returning volunteers from \$125 to \$225 for each month of service. CBO estimates that implementing those provisions would cost \$909 million over the 2010–2014 period, assuming appropriation of the estimated amounts.

Personnel Programs. Several provisions of the bill would affect personnel costs at the Department of State, the U.S. Agency for International Development (USAID), and other agencies. In total, CBO estimates that implementing these provisions would cost about \$870 million over the 2010–2014 period, assuming appropriation of the estimated amounts.

Foreign Service Expansion. Section 301 would authorize USAID and the Department of State to hire additional Foreign Service Officers (FSOs). The increase proposed for USAID (350 additional FSOs each year in 2010 and 2011) is consistent with the President's request for 2010 and the goal of the agency's Development Leadership Initiative to double its Foreign Service workforce by hiring 1,200 new FSOs by 2012. To cover the salaries and other personnel expenses of 700 junior and mid-level FSOs, CBO estimates this provision would require appropriations of \$134 million in 2010 and \$131 million in 2011. Because USAID also would need to increase its overseas office space to accommodate this significant increase in the workforce, CBO estimates additional authorizations of appropriations of \$142 million in 2010 and \$13 million in 2011 would be necessary for overseas capital space expansion.

The proposed expansion for the Department of State (750 additional FSOs each year in 2010 and 2011) is consistent with the President's request for 2010 and his estimate for 2011. The amounts authorized to be appropriated in title I for Diplomatic and Consular Programs are equal to the amounts in the President's request, and thus CBO estimates no additional authorizations of ap-

propriations would be required for expanding the Foreign Service at the department.

Pay for Overseas Postings. Section 312 would increase compensation for FSOs who are not members of the Senior Foreign Service and are posted overseas. Under current law, FSOs based in the United States receive comparability pay in addition to their base pay, to reduce the disparity between Federal and nonfederal workers. FSOs who are posted overseas do not receive those amounts. (Members of the Senior Foreign Service are compensated under a pay-for-performance system that does not differentiate pay by posting.)

Under the bill, FSOs who are posted overseas would be paid the same comparability pay received by FSOs posted to Washington, D.C. (That comparability pay represented about 19 percent of total basic pay for D.C. postings in 2009.) The bill also specifies a phase-in period: FSOs would receive one-third of the increased compensation for the three-month period from January through March 2009, two-thirds for the six-month period from April through September 2010, and the full annual amount starting in fiscal year 2011. (Section 312 would not increase retirement benefits, because FSOs who retire from overseas postings have their annuities calculated as though their official duty station had been Washington, D.C.)

Over 85 percent of FSOs work for the Department of State. The department has indicated that its financial plan for 2009, as well as the President's request for 2010 and estimate for 2011, already include funding for phasing in comparability pay. Thus, this estimate only addresses additional pay for FSOs employed by USAID and other agencies.

According to USAID and the American Foreign Service Association, roughly 1,200 FSOs are posted overseas and have an average basic pay of about \$75,000. In comparison, FSOs posted in Washington have an average basic pay of about \$92,300. After adjusting for growth in comparability pay (on average, 9.7 percent a year over the past four years) and anticipated growth in the Foreign Service (as specified in section 301 above), CBO estimates that fully eliminating the difference between pay for overseas and D.C. postings would cost \$24 million in 2010. Phasing that amount in as specified in the bill would cost \$10 million in 2010—three months at one-third of \$24 million plus six months at two-thirds of \$24 million. That increase in basic pay also would lead to an increase in other benefits paid to FSOs, such as life insurance, health insurance, hardship pay, and danger pay. According to the department, those types of compensation have historically averaged about 71 percent of basic pay. Therefore, CBO estimates that under the bill, in 2010, the department would pay an additional \$7 million in other compensation, for a total cost of \$17 million that year. After adjusting for inflation, CBO estimates that costs for implementing this section would total \$309 million over the 2010–2014 period.

Reemployment of Annuitants. Section 327 would grant the department greater flexibility in rehiring Foreign Service annuitants on a temporary basis for positions that are hard to fill. Under current law, if such reemployed annuitants are serving in Iraq or Afghanistan, the department may waive requirements that prohibit those individuals from receiving their annuity. That authority expires in 2009. The bill would permanently extend the authority and

broaden it by deleting the restriction that employees must be serving in Iraq or Afghanistan. Based on information from the department, CBO estimates that 30 additional annuitants would be hired under the bill and posted overseas, at an annual cost of \$500,000 each (that amount includes costs for basic pay, travel, family support, benefits, special pay such as hardship pay, and housing). After adjusting for inflation, CBO estimates that implementing this section would cost \$75 million over the 2010–2014 period.

Personal Services Contractors. Section 328 would establish a two-year pilot program allowing the department to hire up to 200 contractors (at any one time) to meet new or urgent needs. Based on information from the department, CBO estimates that the department would hire 100 contractors in 2010 and 200 in 2011 at an average annual cost of \$100,000 each, and that implementing this provision would cost \$29 million over the 2010–2014 period.

Public Diplomacy Reserve Corps. Section 212 would establish a Public Diplomacy Reserve Corps at the Department of State. The corps would consist of former mid- and senior-level FSOs or other individuals with public diplomacy experience in the private or public sector, who would be posted overseas for periods of between six months and two years. The department currently has about 1,085 FSOs working in public diplomacy. CBO estimates that after a phase-in period of two years, the reserve corps would reach 5 percent of the existing workforce—about 55 people—and each member would serve a year at a time, on average. CBO estimates that implementing this section would cost \$2 million in 2010, growing to \$5 million a year by 2012, for a total cost of \$21 million over the 2010–2014 period.

Intellectual Property Attaches. Section 329 would require the department to appoint 10 attaches to U.S. diplomatic missions to support enforcement of intellectual property rights. Based on information from the department about salary costs for attaches, CBO estimates that implementing this provision would cost about \$6 million over the 2010–2014 period.

Office on Multilateral Negotiations. Section 403 would establish a new office to prepare for multilateral diplomatic efforts, led by a Special Representative who would be appointed by the President. Based on information from the department, CBO estimates that implementing this section would require a staff of three people to assist the Special Representative and that personnel and operating costs would total \$5 million over the 2010–2014 period.

Task Force on Small Arms Trafficking. Section 911 would establish an inter-agency task force to prevent trafficking in small arms in the Western Hemisphere. Based on information from the department, CBO estimates that implementing this section would cost \$5 million over the 2010–2014 period.

Death Gratuities. Section 313 would increase the death gratuities payable to the surviving dependents of Foreign Service employees who die as a result of injuries sustained in the performance of their duty overseas. Under current law, the death gratuity equals an employee's annual salary at the time of death. Under the bill, the department would pay one year's salary at level II of the Executive Schedule at the time of death or, if the employee was compensated under a local compensation plan, one year's salary at the highest pay level under that plan at the time of their death. Based on his-

torical data from the department, CBO estimates that fewer than five death gratuities would be paid each year and that implementing this section would cost less than \$500,000 a year, and total \$1 million, over the 2010–2014 period.

Arrearages Owed to the United Nations. Section 405 would authorize the appropriation of such sums as may be necessary to pay U.S. arrearages to the United Nations (UN). According to the department, the United States owes the UN \$654 million, mostly as a result of caps imposed before 2000 on contributions to UN peacekeeping activities. CBO estimates that implementing this section would require additional appropriations of \$654 million in 2010 and the entire amount would be spent that same year.

Refugee Processing. Two provisions of the bill would affect refugee processing at the Department of State. In total, CBO estimates that implementing these provisions would cost about \$413 million over the 2010–2014 period, assuming appropriation of the authorized and estimated amounts.

Section 233 would authorize such sums as may be necessary to carry out certain reforms of the department's refugee admissions program and to raise the limit on appropriations for the Emergency Refugee and Migration Assistance (ERMA) Fund from \$100 million to \$200 million (when added to amounts previously appropriated to the Fund but not yet obligated). The department has indicated that it is already in the process of implementing the specified refugee processing reforms, including providing additional training to consular personnel and NGOs as well as re-opening its family reunification program. As a result, the primary effect of section 233 would be to authorize the appropriation of an additional \$100 million to the ERMA Fund in any fiscal year. CBO estimates that providing those additional amounts to the ERMA fund would cost \$410 million over the 2010–2014 period.

Section 234 would require the department to establish and operate overseas programs to provide training in English as a second language (ESL), cultural orientation (CO), and work orientation for refugees who have been approved for admission to the United States but have not yet left the processing site. Such training would have to be provided at three refugee processing sites within a year of the bill's enactment and at five sites within two years. The Bureau of Population, Refugees, and Migration (PRM) currently funds cooperative agreements with several entities to provide CO classes for eligible refugees prior to their departure at sites throughout the world. Such classes last from one to three days. Based on information from the department, CBO estimates a cost of about \$125,000 per year to establish and implement two-month ESL classes for about 240 eligible refugees at the average overseas refugee processing site. Thus CBO estimates that implementing programs of this scale at three sites in 2010 and five sites thereafter would cost \$3 million over the 2010–2014 period.

Security Assistance. Several provisions of the bill would affect security assistance at the Department of State, Department of Defense, and USAID. In total, CBO estimates that implementing those provisions would cost \$377 million over the 2010–2014 period, assuming appropriation of the specified and estimated amounts.

Global Peace Operations Initiative (GPOI). Section 1108 would authorize to be appropriated such sums as may be necessary in 2010 and 2011 to carry out and expand GPOI, a capacity-building program established in 2004 to train, equip, and sustain international peacekeepers. The State Department has indicated that all of the required programs and activities specified in section 1108 are reflected in the President's request of \$96.8 million in 2010 for GPOI, except for financing the refurbishment of helicopters in preparation for their deployment to UN peacekeeping operations. CBO estimates that it would cost about \$2 million to refurbish a medium-lift utility helicopter, based on the unit costs of refurbishing Black Hawk helicopters. CBO expects that the Secretary of State would finance the refurbishment of at least three medium-lift utility helicopters by the end of 2011. CBO estimates that implementing GPOI programs and activities would cost about \$195 million over the 2010–2014 period.

Security Assistance Contingency Fund. Section 841 would authorize the Secretary of State to provide training and materiel to build the capacity of foreign military forces in response to contingencies in foreign countries. To conduct this program, section 841 would authorize the appropriation of \$25 million and make available an additional \$25 million under the Foreign Military Financing program for each of 2010 and 2011. CBO estimates that implementing this program would cost \$98 million over the 2010–2014 period.

Merida Initiative. Title IX would authorize several actions that would affect the Merida Initiative, a security cooperation program announced by the United States and Mexico on October 22, 2007, with the goal of combating illicit drug trafficking and organized crime in the western hemisphere. Section 903 would require the President to establish and implement a program to assess the effectiveness of assistance provided under the Merida Initiative. Based on information provided by the State Department, CBO estimates that conducting impact evaluation research, operation research, and program monitoring would cost about \$51 million over the 2010–2014 period.

Section 902 would authorize the President to extend the Merida Initiative beyond Mexico and Central America to include Caribbean countries. However, the President requested \$45 million in 2010 for a Caribbean Basin Security Initiative, which would represent a separate but complementary multi-year, multi-account program to the Merida initiative. As a result, CBO does not expect that the President would exercise this authority. If he were to include Caribbean countries in the Merida initiative, CBO expects that additional authorization of appropriations would amount to \$45 million in 2010.

Foreign Military Sales Stockpile Fund. Section 842 would rename the Special Defense Acquisition Fund and allow the deposit of certain lease payments into the fund. It also would expand the purposes for which the Fund may be used to include building the capacity of recipient countries. Under current law, the Department of Defense may deposit into the fund the proceeds from selling military equipment not intended to be replaced and certain other defense articles. However, spending of the fund's balances is restricted to only those amounts provided in advance in appropriations acts. The Defense Security Cooperation Agency (DSCA) has

indicated that the fund is moribund and has no balances left, but that it would use the authorities provided under the bill to replenish the fund with sales proceeds and lease payments, and use the fund to purchase defense articles for use by U.S. allies. Based on information from DSCA, CBO estimates that deposits into the fund would begin in 2010 with lease payments worth about \$7 million a year, and, subject to appropriation of the estimated amounts, that the agency would spend roughly the same amount each year over the 2010–2014 period.

International Trade Administration. Under current law, the State Department, with assistance from other Federal agencies, annually publishes Country Commercial Guides (CCG), which provide an overview of a foreign country's business environment. Section 1110 would require the International Trade Administration (ITA) to prepare an assessment of the business and investment climate in countries where it finds the government, businesses, or citizens have engaged in unfair business or investment practices. This provision would require that assessment, along with other information, including efforts the foreign country has taken to promote a healthy business environment, to be included in future editions of the CCGs. Based on information from the ITA, CBO estimates that an additional 86 full-time positions would be needed to meet the requirements of this section. CBO estimates that implementing this provision would cost \$186 million over the 2010–2014 period, assuming appropriation of the necessary amounts, primarily for personnel costs at overseas locations.

Exchange and Scholarship Programs. In addition to the exchange programs authorized under title I, a few provisions of the bill would extend existing programs or authorize new exchange or scholarship programs. In total, CBO estimates that implementing those provisions would cost \$125 million over the 2010–2014 period, assuming appropriation of the estimated amounts.

Senator Paul Simon Study Abroad Foundation. Title VII would authorize the establishment of the Senator Paul Simon Study Abroad Foundation to encourage U.S. students to study overseas, particularly in nontraditional destinations, such as developing countries. The foundation would be directed to make grants to students, nongovernmental organizations, and educational institutions, and to report annually to the Congress.

The bill would authorize the appropriation of \$40 million in 2010 and \$80 million in 2011 for the foundation, and CBO estimates that implementing this title would cost \$117 million over the 2010–2014 period. (This provision also would have insignificant effects on direct spending, as discussed in that section of the estimate.)

Scholarships for Muslim Youths. Section 218 would extend through 2011 a scholarship program for youths attending American-sponsored schools in Muslim countries. Based on information from the department indicating that the program received \$3 million in 2007, CBO estimates that implementing this section would cost \$6 million over the 2010–2014 period.

Exchange Program for Sri Lankan Students. Section 223 would establish a new exchange program for high-school students from Sri Lanka. Based on information from the department about funding in 2009 for a similar program, CBO estimates that imple-

menting this section would cost less than \$500,000 each year, and total \$1 million, over the 2010–2014 period.

Exchange Program for Liberian Women. Section 224 would establish a new exchange program for female legislators and congressional staff from Liberia. Based on information from the department, CBO estimates that implementing this section would cost less than \$500,000 each year, and total \$1 million over the 2010–2014 period.

Other Nonsecurity Assistance. Several provisions of the bill would affect certain bilateral assistance programs implemented by the Department of State and USAID. In total, CBO estimates that implementing these provisions would cost \$80 million over the 2010–2014 period, assuming appropriation of the estimated amounts.

Freedom of Press. Section 1109 would authorize the Bureau of Democracy, Human Rights, and Labor (DRL) to provide grants to nonprofit and international organizations, with the aim of promoting freedom of the press worldwide. The DRL Bureau currently funds such media freedom programs through the Human Rights and Democracy Fund, whose grants typically last between one and three years and range between \$250,000 to \$1.5 million. Over the last three years, the bureau has issued media freedom grants totaling about \$40 million. CBO assumes the average award levels, adjusted for inflation, would remain constant through 2014. CBO estimates that awarding those grants would cost about \$42 million over the 2010–2014 period.

Statelessness. Section 1104 would authorize the appropriation of \$8 million a year in 2010 and 2011 to finance assistance for stateless individuals through the UN High Commissioner for Refugees and the UN Children’s Fund. In addition, the section would authorize the appropriation of such sums as may be necessary for the President and Secretary of State to undertake specified actions to prevent and reduce statelessness, including permanently increasing the resources and staff of the State Department’s Bureau of Population, Refugees, and Migration. Based on information provided by the State Department, CBO expects that the equivalent of at least two additional full-time staff would be required to effectively carry out those actions, at an estimated annual cost of \$1 million. CBO estimates that implementing this section would cost about \$21 million over the 2010–2014 period.

Tibet. Section 237 would amend the Tibetan Policy Act of 2002 by, among other things, requiring the President to provide grants to nongovernmental organizations (NGOs) to support various economic development projects in Tibetan communities in China and by requiring the Secretary of State to assign dedicated personnel to the Office of the Special Coordinator for Tibetan Issues. In recent years, the Undersecretary for Democracy and Global Affairs has also served as the Special Coordinator for Tibetan Issues, with two members of her staff assisting in the management of Tibetan issues. Those staff already review grants and other assistance provided for Tibet through other department bureaus as well as USAID. Thus, CBO expects that current staff levels would be sufficient to implement the new requirements of the Tibetan Policy Act of 2002. For 2010, the President requested \$5 million from the Economic Support Fund to support NGO projects in Tibet. CBO as-

sumes that the 2010 level, adjusted for inflation, would continue through 2014. CBO estimates that implementing this section would cost \$16 million over the 2010–2014 period.

Diabetes, Safe Water, and Sanitation. Section 1103 would authorize appropriations of \$500,000 for each of 2010 and 2011 to establish a program to promote diabetes prevention and treatment, safe water, and sanitation in Pacific Island countries. CBO estimates implementing that program would cost \$1 million over the 2010–2014 period, assuming appropriation of the authorized amounts.

Review and Assessment of State Department and USAID Programs. Section 302 would require the President to develop, and report to the Congress on, a national strategy for U.S. diplomacy and development programs over the next decade. The bill also would require a quadrennial review of that strategy, beginning in 2013. The department indicates that it has initiated some planning to develop a strategy and for a quadrennial review process, but has not yet implemented those plans. CBO estimates that implementing this section would require the equivalent of 10 full-time staff a year, and would cost \$2 million a year over the 2010–2014 period.

Section 303 would establish a Lessons Learned Center at the Department of State, which would function as a central organization for collecting, analyzing, and disseminating information on effective practices and lessons learned by USAID and department personnel in carrying out their agency's programs. CBO estimates that implementing this section would require the equivalent of five full-time staff a year, and would cost \$1 million a year over the 2010–2014 period.

Together, CBO estimates that implementing sections 302 and 303 would cost \$14 million over the 2010–2014 period, assuming appropriation of the estimated amounts.

Public Diplomacy. Section 211 would establish a working group, led by the Secretary of State, and composed of the heads of Federal agencies that undertake public diplomacy activities. The working group would meet every three months to consult and coordinate on public diplomacy programs. The head of each agency would report to the President on the public diplomacy activities undertaken by their agency. CBO estimates that implementing this provision would cost \$1 million a year over the 2010–2014 period.

Section 216 would extend the term of the Advisory Commission on Public Diplomacy through 2011. Based on information about the commission's operating costs, CBO estimates that implementing this section would cost \$1 million over the 2010–2014 period.

Together, CBO estimates that implementing sections 211 and 216 would cost \$6 million over the 2010–2014 period, assuming appropriation of the estimated amounts.

Repatriation Loans. Section 204 would allow the Secretary of State, subject to amounts being appropriated in advance, to forgive emergency loans made to assist destitute Americans living abroad to return to the United States. Cancelling those loans would constitute loan modifications (as defined by the Federal Credit Reform Act) and would require the Federal Government to write off the net present value of the expected stream of loan repayments, which would reflect the current likelihood of those loans being repaid.

Information from the department's 2008 Agency Financial Report indicates that the program had about \$7 million in loans that had been delinquent for longer than a year. CBO assumes that under the bill, the department would forgive all those outstanding loans in 2010 and would forgive less than \$500,000 each year starting in 2011. Thus, CBO estimates that implementing this section would cost \$4 million over the 2010–2014 period. That amount is an estimated subsidy cost—calculated as a net present value of forgone principal and interest payments—for the debt forgiveness.

Reporting Requirements. The bill contains several reporting requirements that CBO estimates, if taken individually, would have an insignificant effect on spending, but in total would increase spending by \$1 million a year, assuming the availability of appropriated funds.

Other Provisions. The bill contains several provisions, primarily affecting personnel, that CBO estimates, taken individually, would have an insignificant effect on spending, but in total would increase spending by \$1 million a year, assuming the availability of appropriated funds.

Nuclear Nonproliferation. Section 416 would require the department to negotiate with the IAEA to implement certain recommendations of the Commission on the Prevention of Weapons of Mass Destruction Proliferation and Terrorism, and to report to Congress on its progress. Any negotiations with the IAEA would require a multi-agency effort, including the Departments of State, Energy, and Defense, as well as other agencies such as the National Security Council, and costs for such an effort would depend on the difficulty in persuading other IAEA members to adopt the recommendations specified in the bill. The department indicated that it disagrees with some of the recommendations and that it would be difficult to implement them. If the IAEA agrees to implement the recommendations, any resulting increase in its budget would be partially funded by the United States (under current law, the United States pays 25 percent of the regular budget and makes other voluntary contributions). CBO has no basis for estimating costs to implement this section.

Direct Spending and Revenues

The bill contains provisions that would both increase and decrease direct spending, primarily from making permanent the department's authority to collect and spend certain passport fees. In total, CBO estimates that enacting the bill would reduce direct spending by \$52 million over the 2010–2019 period. In addition, the bill would increase governmental receipts (revenues) by raising criminal penalties, however CBO estimates those effects would be insignificant.

Passport Fees. Section 231 would make the department's authority to collect a \$20 surcharge on passport applications permanent. Those collections are retained by the department and spent on border security and consular programs. Based on information from the department, CBO estimates passport applications will average 16.2 million a year, and that enacting the bill would increase collections by \$324 million annually, starting in 2011 when the current authority expires. Initially, spending would lag behind collec-

tions, so that the net effect would be to reduce direct spending by \$52 million over the 2011–2019 period, CBO estimates.

Criminal Penalties. Section 912 would increase criminal penalties for exporting certain weapons to countries in the Western Hemisphere. Criminal penalties are recorded as revenues, deposited in the Crime Victims Fund, and subsequently spent without further appropriation. CBO has no basis for estimating the timing or magnitude of any additional fines. However, we estimate that any such effects would have no net costs over both the 2010–2014 and 2010–2019 periods.

Other Provisions. Several provisions in the bill would have insignificant effects on direct spending.

- Section 201 would allow the State Department’s International Litigation Fund to retain and spend awards of costs and attorney’s fees that result from decisions by international tribunals.
- Section 226 would revoke the status of the Vietnam Education Foundation as an independent Federal entity and incorporate it into the State Department. The foundation is funded by repayments of Federal loans made to Vietnam (which are considered offsetting receipts). It receives \$5 million a year and spends the entire amount each year.
- Title VII would allow the Senator Paul Simon Study Abroad Foundation to solicit funds and accept gifts and donations. Any such gifts and donations would be spent on its programs. CBO estimates that initially gifts and donations would total less than \$500,000 a year but could become significant in later years; however, the net effects on direct spending would likely be negligible in each year.
- Section 846 would extend through August 2011 the President’s authority to transfer to Israel obsolete or surplus defense articles in the U.S. War Reserve Stockpile for Allies in Israel in return for concessions to be negotiated by the Secretary of Defense. Those concessions may include cash, services, waiver of charges otherwise payable by the United States, or other items of value. Any noncash concessions could lower offsetting receipts to the Defense Department. However, the Defense Security Cooperation Agency has indicated that transfers to Israel from the fund in recent years have been paid for using foreign military financing rather than negotiating noncash concessions. CBO expects that this practice is likely to continue, and thus the authority is unlikely to be used.

ESTIMATED IMPACT ON STATE, LOCAL, AND TRIBAL GOVERNMENTS

H.R. 2410 contains no intergovernmental mandates as defined in UMRA. It would establish two new grant programs—one to support study abroad programs and another to support institutional development in Vietnam—and would make funds available to institutions of higher education. The grant programs would benefit public colleges and universities, and any costs they might incur would result from complying with conditions of aid.

ESTIMATED IMPACT ON THE PRIVATE SECTOR

H.R. 2410 would impose a private-sector mandate, as defined in UMRA, on individuals who apply for a passport by making permanent the authority of the Secretary of State to collect a surcharge on passport applications. The authority to collect the surcharge is scheduled to expire at the end of fiscal year 2010. Because a passport can only be issued by the Federal Government using its sovereign power, permanently increasing the cost of a passport application would be a new mandate on applicants. According to information from the Department of State, the surcharge is \$20 per passport application. Based on recent data on the number of passport applications processed, CBO estimates that the direct cost to comply with the mandate would be \$324 million annually, beginning in 2011, and would exceed the annual threshold established in UMRA for private-sector mandates (\$139 million in 2009, adjusted annually for inflation).

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 Deputy Assistant Director for Budget Analysis

PERFORMANCE GOALS AND OBJECTIVES

The Act is intended to increase the capacity of the Department of State to meet challenges of the 21st Century and to begin an increase in Peace Corps overseas activities. The Committee on Foreign Affairs considers program performance, including a program's success in developing and attaining outcome-related goals and objectives, in developing funding recommendations for the accounts authorized in this Act. In particular, the committee believes enactment of this Act will contribute to a significant reduction in overseas vacancies by the Department of State, the ability to find experienced personnel to serve in middle management positions at the Department of State, an increase in the number of new employees who have experience in unstable countries, and a decrease in arrears to the international organizations to which the United States is a member.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 3(d) (1) of rule XIII of the Rules of the House of Representatives, the committee finds the authority for this legislation in article I, section 8 of the Constitution.

NEW ADVISORY COMMITTEES

Section 226 of H.R. 2410 eliminates the Board of Directors of the Vietnam Education Foundation and establishes an advisory committee in its place. Section 247 authorizes the establishment of a scientific advisory commission. Section 302 establishes a panel to conduct an independent assessment of the Quadrennial Review of Diplomacy and Development provided for in that section.

CONGRESSIONAL ACCOUNTABILITY ACT

H.R. 2410 does not apply to the Legislative Branch.

EARMARK IDENTIFICATION

H.R. 2410 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of rule XXI.

SECTION-BY-SECTION ANALYSIS AND DISCUSSION

Section 1. Short title.

This section provides that the short title of the act is the “Foreign Relations Authorization Act, Fiscal Years 2010 and 2011.”

Section 2. Table of Contents.

This section provides a table of contents for the act.

Section 3. Appropriate Congressional Committees Defined.

This section states that “appropriate congressional committees” means the Committee on Foreign Affairs of the House, and the Committee on Foreign Relations of the Senate.

TITLE I—AUTHORIZATION OF APPROPRIATIONS

Section 101. Administration of Foreign Affairs.

This section authorizes appropriations under the heading “Administration of Foreign Affairs” for Fiscal Years 2010 and 2011. It includes funds for executive direction and policy formulation, conduct of diplomatic relations with foreign governments and international organizations, effective implementation of consular programs and its border security component, the acquisition and maintenance of office space and living quarters for the United States missions abroad, provision of security for those operations, and information resource management.

In particular, this section provides authorization of appropriations for the necessary expenses of the Department of State and the Foreign Service. These expenses include an authorization of appropriations for worldwide security upgrades, U.S. public diplomacy programs, capital investments, embassy security, construction, and maintenance, educational and cultural exchange programs, the civilian stabilization initiative, representational allowances, protection of foreign missions and officials, emergencies in the diplomatic and consular service, repatriations loans, payment to the American Institute in Taiwan, and for the Office of the Inspector General.

Paragraph (1) (A) authorizes the administration's request of \$7,312,016,000 for "Diplomatic and Consular Programs" for Fiscal Year 2010 and such sums as may be necessary for Fiscal Year 2011.

Paragraph (1) (B) authorizes the administration's request of \$1,648,000,000 for "Worldwide Security Protection" for Fiscal Year 2010 and such sums as may be necessary for Fiscal Year 2011.

Paragraph (1) (C) authorizes the administration's request of \$500,278,000 for "Public Diplomacy" for Fiscal Year 2010 and such sums as may be necessary for Fiscal Year 2011.

Paragraph (1) (D) authorizes the administration's request of \$20,659,000 for the "Bureau of Democracy, Human Rights, and Labor" for Fiscal Year 2010, and such sums as may be necessary for Fiscal Year 2011.

Paragraph (2) authorizes the administration's request of \$160,000,000 for the "Capital Investment Fund" for Fiscal Year 2010, and such sums as may be necessary for Fiscal Year 2011.

Paragraph (3) authorizes the administration's request of \$1,815,050,000 for "Embassy Security, Construction, and Maintenance" for Fiscal Year 2010, and such sums as may be necessary for Fiscal Year 2011.

Paragraph (4) (A) authorizes the administration's request of \$633,243,000 for "Education and Cultural Exchange Programs" for Fiscal Year 2010, and such sums as may be necessary for Fiscal Year 2011.

Paragraph (4) (B) authorizes \$750,000 for Fiscal Year 2010, and \$800,000 for Fiscal Year 2011 for the "Tibetan Scholarship Program," established under section 103 (b)(1) of the Human Rights, Refugee, and Other Foreign Relations Provisions Act of 1996 (Public Law 104-319).

Paragraph (4) (C) authorizes such sums as may be necessary for each of the Fiscal Years 2010 and 2011 for the "Ngawang Choepel Exchange Program," (formerly known as "programs of educational and cultural exchange between the United States and the people of Tibet") established under section 103 (a) of the Human Rights, Refugee, and Other Foreign Relations Provisions Act of 1996 (Public Law 104-319).

Paragraph (5) authorizes the administration's request of \$323,272,000 for the "Civilian Stabilization Initiative" for Fiscal Year 2010, and such sums as may be necessary for Fiscal Year 2011.

Paragraph (6) authorizes the administration's request of \$8,175,000 for "Representational Allowances" for Fiscal Year 2010, and such sums as may be necessary for Fiscal Year 2011.

Paragraph (7) (A) authorizes the administration's request of \$27,159,000 for "Protection of Foreign Missions and Officials" for Fiscal Year 2010, and such sums as may be necessary for Fiscal Year 2011.

Paragraph (7) (B) authorizes \$21,000,000 for Fiscal Year 2010 and \$25,000,000 in Fiscal Year 2011 for "Reimbursement for Past Expenses Owed By the United States for Protection of Foreign Missions and Officials." The committee directs that the Department of State use these authorities only to reimburse State and local governments for necessary expenses incurred since 1998 for the protec-

tion of foreign missions and officials recognized by the United States.

Paragraph (8) authorizes the administration's request of \$10,000,000 for "Emergencies in the Diplomatic and Consular Service" for Fiscal Year 2010, and such sums as may be necessary for Fiscal Year 2011.

Paragraph (9) authorizes the administration's request of \$1,450,000 for "Repatriation Loans" for Fiscal Year 2010, and such sums as may be necessary for Fiscal Year 2011.

Paragraph (10) authorizes the administration's request of \$21,174,000 for "Payment to the American Institute in Taiwan" for Fiscal Year 2010, and such sums as may be necessary for Fiscal Year 2011.

Paragraph (11) (A) authorizes the administration's request of \$100,000,000 for the "Office of the Inspector General" for Fiscal Year 2010 and such sums as may be necessary for Fiscal Year 2011.

Paragraph (11) (B) authorizes the administration's request of \$30,000,000 for "Special Inspector General for Iraq Reconstruction" for Fiscal Year 2010 and such sums as may be necessary for Fiscal Year 2011.

Paragraph (11) (C) authorizes the administrations' request of \$23,000,000 for "Special Inspector General for Afghanistan Reconstruction" for Fiscal Year 2010 and such sums as may be necessary for Fiscal Year 2011.

Section 102. International Organizations.

This section authorizes funds for U.S. contributions of its assessed share of the expenses of the United Nations and other international organizations of which the United States is a member. It also authorizes appropriations for assessed contributions to international peacekeeping activities as authorized by the Security Council.

Subsection (a) authorizes the administration's request of \$1,797,000,000 for "Contributions to International Organizations" for Fiscal Year 2010 and such sums as may be necessary for Fiscal Year 2011.

Subsection (b) authorizes the administration's request of \$2,260,000 for "Contributions for International Peacekeeping Activities" for Fiscal Year 2010 and such sums as may be necessary for Fiscal Year 2011.

Subsection (c) authorizes such sums as may be necessary for each of Fiscal Years 2010 and 2011 to offset adverse fluctuations in foreign currency exchange rates. Amounts appropriated under this subsection shall be available for obligation and expenditure only to the extent that the Director of the Office of Management and Budget determines and certifies to Congress that such amounts are necessary due to such fluctuations.

Section 103. International Commissions.

This section authorizes funding to enable the U.S. to meet obligations as participant in international commissions dealing with boundaries and related matters with Canada and Mexico; and those dealing with international fisheries.

Paragraph (1)(A) authorizes the administration's request of \$33,000,000 for "Salaries and Expenses" of the International Boundary and Water Commission for United States and Mexico for Fiscal Year 2010 and such sums as may be necessary for Fiscal Year 2011.

Paragraph (1) (B) authorizes the administration's request of \$43,250,000 for "Construction" for the International Boundary and Water Commission for United States and Mexico for Fiscal Year 2010 and such sums as may be necessary for Fiscal Year 2011.

Paragraph (2) authorizes the administration's request of \$2,385,000 for the International Boundary Commission, United States and Canada for Fiscal Year 2010, and such sums as may be necessary for Fiscal Year 2011.

Paragraph (3) authorizes the administration's request of \$7,974,000 for "International Joint Commission" for Fiscal Year 2010 and such sums as may be necessary for Fiscal Year 2011.

Paragraph (4) authorizes the administration's request of \$43,576,000 for "International Fisheries Commissions" for Fiscal Year 2010 and such sums as may be necessary for Fiscal Year 2011.

Section 104. Migration and Refugee Assistance.

This section authorizes appropriations for the Department of State to make contributions for the needs of migrants and refugees, including through contributions to the U.N., the International Committee for the Red Cross, other international organizations and by assistance to refugees through nongovernmental organizations and via bilateral assistance.

Subsection (a) authorizes \$1,577,500,000 for "Migration and Refugee Assistance" for authorized activities for Fiscal Year 2010 and such sums as may be necessary for Fiscal Year 2011.

Subsection (b) authorizes \$25,000,000 of the funds authorized in Subsection (a) for "Refugee Resettlement in Israel" for Fiscal Year 2010, and such sums as may be necessary for Fiscal Year 2011.

Section 105. Centers and Foundations.

This section authorizes funding for the East-West Center, the National Endowment for Democracy, and the Asia Foundation.

Subsection (a) authorizes \$20,000,000 for the "Asia Foundation" for Fiscal Year 2010 and \$23,000,000 for Fiscal Year 2011.

Subsection (b) authorizes the administration's request of \$100,000,000 for the "National Endowment for Democracy" for Fiscal Year 2010 and such sums as may be necessary for Fiscal Year 2011.

Subsection (c) authorizes such sums as may be necessary for each of Fiscal Years 2010 and 2011 for the "Center for Cultural and Technical Interchange between East and West."

TITLE II—DEPARTMENT OF STATE AUTHORITIES AND ACTIVITIES

SUBTITLE A—BASIC AUTHORITIES AND ACTIVITIES

Section 201. International Litigation Fund.

This section remedies an operating procedure of the International Litigation Fund (ILF). In 2002, Congress authorized the Department of State to replenish the ILF, which is used to defray

the expenses of the United States in major international litigation before international tribunals, by retaining a small percentage of amounts received for international claims prosecuted by the Department. That provision excludes retention of this amount in cases where the Department successfully defends the U.S. against international claims and receives an award for attorney's fees and expenses (which would be in lieu of the retention authority). Section 201 remedies this oversight.

Section 202. Actuarial Valuations.

This section transfers statutory responsibility for performing actuarial duties related to the State Department's retirement systems from the Secretary of the Treasury to the Secretary of State. The Department of State currently provides the data for actuarial variations. The section also authorizes the Secretary of State, subject to amounts provided in advance in appropriations acts to use monies in the Fund to cover the costs of administering the two retirement systems.

Section 203. Special Agents.

This section authorizes Department of State and Foreign Service special agents to investigate identity theft and document fraud, and Federal offenses committed in the special maritime and territorial jurisdictions of the United States.

Section 204. Repatriation Loans.

This section gives the Secretary of State the authority to waive recovery of repatriation loans "if it is shown that recovery would be against equity and good conscience or against the public interest."

SUBTITLE B—PUBLIC DIPLOMACY AT THE DEPARTMENT OF STATE

Section 211. Concentration of Public Diplomacy Responsibilities.

This section confers on the Secretary of State the lead role in coordinating the inter-agency process in public diplomacy (PD)/strategic communications and establishes a mechanism for coordination.

Section 212. Establishment of Public Diplomacy Reserve Corps.

Subsection (a) consists of a finding that a shortage of trained public diplomacy officers at the mid-career level threatens the effectiveness of U.S. outreach abroad. Subsection (b) expresses the sense of Congress that recruitment and training of all Foreign Service Officers should emphasize the importance of public diplomacy and related skills and provides that the Secretary should give priority to recruitment of individuals with PD-related experience. Subsection (c) authorizes establishment of a reserve corps for mid- and senior-level public diplomacy staff to serve at postings abroad for 6 months to 2 years.

Section 213. Enhancing United States Public Diplomacy Outreach.

Subsection (a) contains findings emphasizing the importance of platforms for public diplomacy programs outside the hardened embassy and consular compounds, such as American Corners, Amer-

ican Cultural Centers and other free-standing facilities. Subsection (b) encourages bilateral partnership arrangements for such facilities. Subsection (c) directs the Secretary to consider placing public diplomacy facilities at locations that maximize the role of such facilities, recognizing that any such decision must be taken in accordance with the Secretary's authority to waive provisions in section 606(a)(2)(B) of the Secure Embassy Construction and Counterterrorism Act of 1999 that U.S. Government employees be co-located at embassy and consular compounds.

Section 214. Public Diplomacy Resource Centers.

Subsection (a) amends the State Department Basic Authorities Act to provide for the establishment of new and the maintenance of existing libraries and resource centers. Subsection (b)(1) directs the Secretary to ensure that such libraries and centers are open to the public to the greatest extent practicable, in accordance with safety and security requirements. Subsection (b)(2) provides that to the extent practicable, such libraries and resource centers shall schedule public showings of films showcasing American culture, society, values and history. Subsection (c) requires a report by the Advisory Committee on Public Diplomacy evaluating the effectiveness of such libraries and centers. Subsection (d) authorizes such sums as may be necessary to carry out the section.

Section 215. Grants for International Documentary Exchange Programs.

This section authorizes the Secretary to make grants to U.S. non-governmental organizations that use independently-produced documentary films to promote better understanding of the United States abroad and to improve Americans' understanding of other countries' perspectives. Subsection (a) provides certain findings. Subsection (b) authorizes the making of grants to support such films. Subsection (c) describes certain activities that should be supported. Subsection (d) provides for certain special factors to be considered. Subsection (e) provides for a report on implementation of the section. Subsection (f) authorizes \$5,000,000 for each of the Fiscal Years 2010 and 2011 to carry out this section. In implementing this section, the committee believes that the Department should select such films on the basis of determining whether such films are accessible, compelling, and credible.

Section 216. United States Advisory Commission on Public Diplomacy.

Subsection (a) reauthorizes the Commission for 2 years. Subsection (b) mandates regular studies by the Commission for submission to Congress. Subsection (c) requires that at least four of the Commission's seven members, all of whom are political appointees, have substantial experience in public diplomacy or comparable activities in the private sector, and that no member may be an officer or employee of the United States.

Section 217. Special Olympics.

This section amends section 3 (b) of the Special Olympics Sport and Empowerment Act of 2004 (Public Law 108-406) so as to designate the Assistant Secretary of State for Educational and Cul-

tural Affairs to administer grants under the act to support initiatives targeted to changing attitudes toward people with intellectual disabilities, developing leaders among the intellectual disability population, supporting families of people with these disabilities, improving access to health services, and enhancing government policies and programs for people with intellectual disabilities. The committee notes that Special Olympics International has been receiving Federal funding since 2003 to support educational programs abroad to diminish discrimination against people with intellectual disabilities.

Section 218. Extension of Program to Provide Grants to American-Sponsored Schools in Predominantly Muslim Countries to Provide Scholarships.

This section amends section 7113 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458) by extending authorization for grants to American-sponsored schools in predominately Muslim counties to provide scholarships through Fiscal Year 2011. This section also extends the reporting requirement to Congress to June 15, 2011.

Section 219. Central Asia Scholarship Program for Public Policy Internships.

Subsection (a) establishes a pilot program for public policy internships for students from Central Asia. Subsection (b) describes the criteria for the implementation of the program. Subsection (c) authorizes \$600,000 for each of the Fiscal Years 2010 and 2011 of the amounts authorized to be made available for educational and cultural exchanges under section 101(4). The committee believes this level of funding will provide up to 50 undergraduate or graduate students from Central Asia the opportunity to participate in public policy internships in the United States for a period not exceeding 6 months.

Section 220. United States-South Pacific Scholarship Program.

Subsection (a) provides certain findings regarding the United States-South Pacific Scholarship (USSP) program. Subsection (b) expresses a sense of Congress that the program should be named for the late Congressman Phillip Burton. Subsection (c) provides \$750,000 for each of Fiscal Years 2010 and 2011 for the program and provides that scholarships awarded under the Program shall be referred to as “Burton Scholarships” and recipients of such scholarships shall be referred to as “Burton Scholars.”

Section 221. Scholarships for Indigenous Peoples of Mexico and Central and South America.

This section authorizes \$400,000 for each of Fiscal Years 2010 and 2011 for scholarships for secondary and post-secondary education in the United States for students from Mexico and the countries of Central and South America who are from the indigenous peoples of the region.

Section 222. United States-Caribbean Educational Exchange Program.

This section creates an educational exchange program that brings high school students, university students, and scholars from the nations of the Caribbean Community and Common Market, also known as CARICOM, to the United States on scholarships based on merit and need in order to support those countries' labor markets and development goals. The program would be known as the "Shirley A. Chisholm United States-Caribbean Educational Exchange Program."

Subsection (a) includes important definitions that limit the program to CARICOM countries that are members of the Caribbean Community but does not include a country that has observer status or that the U.S. Government has determined has repeatedly provided support for acts of international terrorism under other provisions of Federal law. In addition, this section identifies U.S. cooperating agencies as including an institution of higher education (including historically Black colleges and universities and Hispanic-serving institutions), a higher education association and a U.S. incorporated nongovernmental organization.

Subsection (b) authorizes the Secretary of State to create the "Shirley A. Chisholm United States-Caribbean Educational Exchange Program." Under this program, secondary school students from CARICOM countries will attend a public or private secondary school in the United States and participate in activities designed to promote a greater understanding of the values and culture of the United States, while undergraduate students, graduate students, post-graduate students, and scholars from CARICOM countries will attend a public or private college or university, including a community college, in the United States, and participate in activities designed to promote a greater understanding of the values and culture of the United States.

Caribbean citizens have come to the United States to pursue higher education for decades. Over the last few years, close to 14,000 students from the Caribbean have studied in the U.S. annually. Student exchange programs help increase mutual cultural understanding and assist in strengthening our ties with other nations. In particular, the Shirley A. Chisholm United States-Caribbean Educational Exchange Program will ensure closer ties between Americans and our Caribbean neighbors, and will help develop leaders in the Caribbean who will have enhanced knowledge of American systems of democracy and our free market economic system.

The committee notes that opportunities to study abroad have played a key role in the development of leadership throughout the CARICOM countries, impacting government, the economy and civil society in these nations. Many leaders in English-speaking countries have studied at the University of the West Indies, but many have also left the region to study in England, Canada and the United States. As an example, the current Prime Minister of Antigua and Barbuda, W. Baldwin Spencer, studied in England, Canada and Norway; the Prime Minister of Belize, Said Musa, studied in England; and the President of Haiti, Rene Préval, studied in Belgium. These leaders, and many others, chose to reinvest their education back into their nations and their home communities.

Many of the Caribbean's best and brightest have come to study in the U.S. and later obtained jobs here. They have made significant contributions to American communities and to our nation as a whole. But with their immigration to the U.S., our gain has come at a great price for the Caribbean nations they left. Over the decades, there has been a significant brain drain of talent from the Caribbean to the United States and Europe particularly. This bill seeks to address that problem by targeting young scholars who are committed to returning home, and those who are determined to contribute the knowledge and skills they gain through education in the U.S. for the betterment of their nations. By becoming leaders in business, politics, education and teaching, religion and civil society, the beneficiaries of this program can enhance job creation and opportunity in their home country, or another CARICOM nation.

The Caribbean has particularly narrow access to tertiary education for students in the relevant age group. While the gross enrollment ratio is 29 percent in Latin America, it is only 6 percent in the Caribbean. The University of the West Indies plays an important role in providing high-quality university and graduate education to citizens of the Caribbean. By providing access to tertiary education in the United States, the Shirley A. Chisholm United States-Caribbean Educational Exchange Program can expand the number of university graduates in the CARICOM countries, while ensuring that these nations benefit from the educational achievements of their citizens.

Subsection (c) identifies elements of the program, including the provision of scholarships based on merit and need. This subsection includes a sense of Congress that students should evidence merit, achievement and strong academic potential, and that 60 percent of scholarships offered should be based on need. The program would seek gender equity in granting scholarships and would support fields of study that will benefit the labor market and development needs of the CARICOM countries. High school participants and those pursuing graduate studies would remain in the United States for 1 year, while undergraduates would take part for 2 years. This subsection also requires scholarship recipients to return to live in a CARICOM country for 2 years or obtain employment that directly benefits the growth, progress and development of CARICOM countries or their people.

Subsection (d) authorizes the Secretary to provide grants to U.S. cooperating agencies to carry out the terms of this program.

Subsection (e) requires the Secretary to monitor and evaluate the program. In particular, this subsection would require the Secretary to evaluate the "brain drain" effect of this program on the CARICOM nations, the future academic achievements of scholarship recipients, the percentage of participants who do return to CARICOM nations, the types of careers chosen by the participants, and benefits to the CARICOM nations of those career paths. The Shirley A. Chisholm United States-Caribbean Educational Exchange Program will contribute toward assisting the CARICOM countries in developing their capacity to meet the educational challenges and goals necessary for their people to become vibrant contributors in growing national, regional and international economies.

Subsection (f) would require the Secretary to report to Congress on plans to implement this program not later than 120 days after enactment, including identifying the target number of scholarship recipients, outreach plans, and a timeline and budget for the program. An updated report would be required each year.

Subsection (g) would authorize such sums as may be necessary for Fiscal Years 2010 and 2011 to carry out this program, of the amount authorized in section 101(4).

Section 223. Exchanges Between Sri Lanka and the United States to Promote Dialogue Among Minority Groups in Sri Lanka.

This section establishes a program for Sri Lankan high school students from various ethnic, religious, linguistic and other minority groups to take part in post-conflict resolution, understanding and dialogue promotion workshops in the United States. Subsection (a) describes the purposes of the program. Subsection (b) establishes the program. Subsection (c) provides certain definitions for the section. Under the program, scholarship funds would support, in part or in full, the travel costs of participants as well as their living expenses while in the United States.

Section 224. Exchanges Between Liberia and the United States for Women Legislators.

This section establishes an exchange program in cooperation with the Liberian Women's Legislative Caucus to bring together female members of the Liberian Congress, their female staff members and women serving in the U.S. Congress as Members and staff. Subsection (a) describes the purposes of the program, including encouraging the participation of more women, and that they remain active in politics and the democratic process in Liberia. Subsection (b) establishes the program. Subsection (c) provides certain definitions for the section. Under the program, scholarship funds would support, in part or in full, the travel costs of participants as well as their living expenses while in the United States.

Section 225. Public Diplomacy Plan for Haiti.

This section requires the Secretary of State to develop a public diplomacy plan to be implemented in the event that Temporary Protected Status (TPS) is extended to Haitian nationals in the United States to effectively inform Haitians living in Haiti of the strictures of TPS status, the dangers of sea travel in unsafe vessels, the United States' repatriation policy, and the United States' assistance programs in Haiti.

Section 226. Transfer of the Vietnam Education Foundation to the Department of State.

This section makes various amendments to the Vietnam Education Foundation Act of 2000 (Pub. Law 106-554) in order to transfer to the Bureau of Educational and Cultural Affairs (ECA) of the Department of State the authority to operate the currently independent, congressionally-established Vietnam Education Foundation. Subsection (a) amends the purposes of the act to offer further support of academic institutions in Vietnam. Subsection (b) establishes the Foundation within ECA. Subsection (c) eliminates the Foundation's current board of directors and creates an advisory

committee—with members appointed by the Secretary of State and the majority and minority leaders of the House and the Senate—to advise ECA on the Foundation’s activities, and ensures that the Foundation’s executive director answers to this board. Subsection (d) vests appointment of the Executive Director of the Foundation with the Secretary. Subsection (e) modifies the responsibilities of the Executive Director. Subsection (f) reforms the Foundation’s fellowship program to focus on academic computer science, public policy, and academic and public management. Subsection (g) makes certain conforming amendments. Subsection (h) makes certain amendments to the Mutual Educational and Cultural Exchange Act of 1961. Subsection (i) provides for transfer of functions of the Foundation to the Department. Subsection (j) provides for graduate-level academic and public policy management leadership programs through ECA or through the Foundation. Subsection (k) provides that the amendments in this section of the act shall take place 90 days after enactment of the section.

SUBTITLE C—CONSULAR SERVICES AND RELATED MATTERS

Section 231. Permanent Authority to Assess Passport Surcharge.

The Passport Services Enhancement Act of 2005 (P.L. 109–167) amended the Passport Act to authorize the Secretary of State to establish and collect a surcharge to cover the costs of meeting the increased demand for passports as a result of actions taken to comply with section 7209(b) of the Intelligence Reform and Terrorism Prevention Act of 2004 (P.L. 108–458) (IRTPA). The authority to assess the surcharge expires on September 30, 2010. This section would make the authority permanent.

Section 232. Sense of Congress Regarding Additional Consular Services in Moldova.

This section addresses the numerous and ongoing problems faced by Moldova with regard to trafficking in persons. Moldova was briefly classified as a Tier 3 trafficking country last year, and the U.S. embassy there handles the highest number of United States Summer Work Travel program visa applications in Europe. The committee is concerned about reports of trafficking of Moldovan university students who have traveled to the U.S. on summer work program visas (commonly referred to as “J1 visas”). There is currently only one consular office in the embassy to cover a notable caseload of visa applications. The committee would like to ensure that sufficient consular staff are available at this post to minimize the risk of approving a visa to someone engaged with human traffickers and believes additional anti-trafficking training may be useful for consular staff at this post. This section recognizes these challenges and expresses the sense of Congress that the U.S. embassy in Moldova should be sufficiently resourced to address them.

Section 233. Reforming Refugee Processing.

This section would make a number of reforms to refugee processing and resettlement.

Subsection (a) reforms the State Department’s processing of refugees for admission to the United States. Paragraph (1) would require the Secretary of State to: Set forth a plan for ensuring that

all U.S. embassies and consulates are equipped and enabled to refer individuals in need of resettlement to the U.S. refugee admissions program; and establish a system for nongovernmental organizations (NGOs) to refer individuals in need of resettlement to the U.S. refugee program. The committee is concerned that despite prior efforts to support refugee referrals from NGOs, some refugees who are qualified for resettlement to the U.S. are not identified by the program. When refugees approach a U.S. Embassy, they are instructed to register with the U.N. High Commissioner for Refugees. While the committee supports the primary role of UNHCR in identifying and screening refugee applicants to the U.S., we encourage the State Department to ensure that applicants who approach the Embassy directly are able to access the resettlement program for consideration.

Subsection (b) would make reforms in the refugee consultation process between the Executive and Legislative Branches. Paragraph (1) would amend section 207(a)(2) of the Immigration and Nationality Act to permit up to one-fourth of the admissions goal that was set in the previous fiscal year to be admitted in the first quarter of the succeeding fiscal year in the event that a fiscal year begins without a Presidential Determination being in place. Paragraph (2) would amend section 207(e) of the Immigration and Nationality Act to require that the refugee consultation take place no later than June 1 of each year.

In some fiscal years, there are delays in the administration's release of the Presidential Determination (PD) which identifies the number of refugees from each region who may be admitted in that fiscal year. When this happens, refugees who may be in the process of resettlement are required to halt such processing until the PD is released. The new provision in paragraph (1) will provide flexibility that will allow the continued admission of refugees in the pipeline until the PD for the new fiscal year is issued.

The committee is concerned that the executive branch's consultation with Congress on the President's annual determination on refugee admissions often occurs so late in the fiscal year that Congress is unable to play its legally mandated consultative role in advising the administration on how many and what populations of refugees to admit to the United States. These consultations often occur in September, just a few days or weeks before the issuance of the Presidential Determination and long after the House of Representatives and Senate have made decisions about appropriations for refugee admissions and refugee resettlement. A requirement that the consultation occur by June 1 of each year would ensure that Congress performs more than just a perfunctory role in the consultation process.

Subsection (c) would make a number of reforms to better ensure the reunification of refugees with their family members. Paragraph (1) would nullify 8 C.F.R. 207.1(d), which precludes refugee applicants who are also eligible for immediate relative or special immigrant status from being admitted as refugees. Instead, Paragraph (1) would explicitly provide that refugee applicants may simultaneously pursue admission under visa categories for which they may be eligible. While current law does not preclude a person who is seeking refugee status from also pursuing admission to the United States under any other visa category for which he or she is eligible,

current regulations provide that a person who is eligible for admission to the United States as an immediate relative of a United States citizen or as a special immigrant cannot be admitted to the United States as a refugee. This has led to unfortunate circumstances in which an alien in a refugee camp has a legitimate refugee claim but cannot pursue it because the alien has a U.S. citizen spouse, child, or parent and is unable to communicate with that person.

Paragraph (2) would provide that a child who has been separated from his birth or adoptive parents and is living in a country of asylum under the care of an alien who has been granted refugee status shall, if it is in the best interest of the child, be admitted as a refugee and considered for placement with the alien who was caring for him or her.

The committee finds that it is not uncommon in refugee camps for children who have fled violence and turmoil to find themselves separated from their birth or adopted parents, either because of the death of their parents, because they have been abandoned by their parents, or because of their inability to locate their parents in the midst of a chaotic crisis. In many societies, these children are often taken in and cared for by other adults on the way to a place of refuge, or after arrival in places of refuge. Unfortunately, however, when these adults are granted refugee status in the U.S., current immigration law does not allow the children to accompany or follow to join these informal adoptive parents or guardians once those adults depart for the United States. Permitting separated children to accompany or follow to join these adoptive adults with whom they have been living, after appropriate review of their best interests, including a search for their birth parents or other family members who may wish to resume or assume custody of the child, would greatly alleviate the plight of these children.

Paragraph (3) would provide that if the spouse of a refugee or of a person who seeks asylum proves that such spouse is the biological or adoptive parent of a child, such child shall be eligible to accompany or follow to join such parent. A gap in current U.S. immigration law makes it possible for the child of a refugee's spouse to be unable to follow to join his or her parent in the United States. For example, this can happen when a derivative refugee is abandoned by her principal refugee spouse once she gets to the United States. Under current U.S. immigration law, even though she may well be a bona fide refugee, since she is not the principal refugee, she is not entitled to have her child to follow to join her. Changing immigration law to permit a derivative refugee to petition for her child to follow to join her would remedy this unfortunate situation.

Subsection (d) would amend the Migration and Refugee Assistance Act of 1962 to increase the cap on funds in the Emergency Refugee and Migration Assistance Account (ERMA) from \$100,000,000 to \$200,000,000 and permit the Secretary of State to draw down funds rather than the President of the United States.

Currently, the amount of funds that can be in the ERMA account at any moment are capped at \$100,000,000. However, in recent years, refugee crises around the world have required appropriations that exceed that amount. The Committee on Appropriations has regularly "waived" the \$100,000,000 cap. This increase in the cap would obviate the need for the appropriators to waive the cap.

Subsection (e) authorizes such sums as may be necessary to carry out this section.

Subsection (f) specifies that this section, and the amendments made by this section, shall take effect on the first day of the first fiscal year that begins after the date of the enactment of this section.

Section 234. English Language and Cultural Awareness Training for Approved Refugee Applicants.

This section provides basic English language and cultural awareness training for refugees in advance of their arrival in the United States.

Subsection (a) requires the Secretary of State to establish overseas refugee training programs to provide English as a Second Language (ESL), cultural orientation, and work orientation training for refugees who have been approved for admission to the United States before their departure to the United States.

In designing the training programs, subsection (b) requires the Secretary to consult with or utilize international or nongovernmental organizations with direct ties to the United States resettlement program and those with appropriate expertise in developing curriculum and teaching English as a second language.

Subsection (c) requires the Secretary to ensure that such training programs occur within the current processing times and do not unduly delay the departure for the United States of refugees who have been approved for admission to the United States.

Subsection (d) requires programs be established in at least three refugee processing regions within a year of the enactment of the act and in five regions within 2 years of enactment of the act. Subsection (e) calls on GAO to conduct a study assessing the program, its benefits, the quality of ESL instruction and to make a recommendation to Congress on continuation of the program 2 years after the date of enactment of the act. Subsection (f) provides that nothing in the section shall be construed to require that a refugee participate in the training programs described in the section as a precondition for being admitted to the United States as a refugee.

The committee has authorized this new program to improve the opportunities for newly arrived refugees who must make difficult and challenging transitions to live in the United States, enter school, find and keep jobs and in only a few months support themselves financially. Many refugees come to the United States after many years of displacement in refugee camps or other unsettled areas. Often they have been unable to work since leaving their homes; they may have lost their central breadwinner to violence and often do not speak English. Often women refugees must work outside of their household for the first time when they come to the United States. While the committee recognizes that a short-term ESL class will not guarantee fluency in the near term, the committee believes that refugees, who often come to the U.S. with few resources, little education and limited work experience, should receive appropriate education on the work and culture of the United States before their arrival to prepare them for the transition and the hard work that will be required for them to support their families. In addition, even limited familiarity with key words and phrases of English can help build confidence, provide basic vocabu-

lary upon arrival, and hopefully motivate arriving refugees to continue language studies once they settle in to their new environment.

During the resettlement of refugees from Southeast Asia in the 1970s and 1980s, some language training was provided to admitted refugees in Thailand. Given that most refugees spend months in the resettlement process, the committee believes this time can be used to provide ESL and the orientations needed for their transition to the U.S. In addition, providing this service regionally would allow the State Department to develop solid programs that work across nationalities. The committee does not believe that admission to the United States should in any way depend on a refugee's participation in such training, though we expect many refugees will be eager to participate in these programs to prepare them for their new lives in the United States.

Section 235. Iraqi Refugees and Internally Displaced Persons.

This section would require the President to develop and implement policies and strategies to address the protection, resettlement, and assistance needs of Iraqi refugees and internally displaced persons (IDPs), foster long-term solutions for stabilizing such persons' lives, monitor the development and implementation of assistance strategies to countries in the Middle East that are hosting refugees from Iraq, encourage the Government of Iraq to actively engage the problem of displaced persons and refugees and monitor its resolution of the problem, and ensure that budget requests to Congress are sufficient to meet an appropriate U.S. contribution to the needs of Iraqi refugees, internally displaced persons within Iraq, and other refugees in Iraq.

Six years into the war in Iraq, and three years after the major refugee outflow following the Samara bombing, the United States has failed to develop a well coordinated strategy and government response to the Iraq refugee crisis. While prior congressional proposals created a coordinator for Iraq refugee and IDP policy inside the White House, given the change in administration, the committee now wishes to give the President flexibility and is therefore authorizing an interagency working group to coordinate U.S. Government policy in this area. Subsection (b) would require the President to compose an interagency working group, consisting of the Department of State, the National Security Council, the Department of Homeland Security and the U.S. Agency for International Development (USAID), to carry out these objectives, facilitate interagency coordination and implement policies for Iraqi refugees and IDPs. It also would identify the Secretary of State as the principal liaison on diplomatic efforts on the needs of Iraqi refugees and IDPs with foreign governments, international organizations and nongovernmental organizations.

Subsection (c) calls on the Secretary to increase the resources available to support the processing of Iraqi refugees from inside Iraq. Currently, in-country processing of refugees from within Iraq is moving ahead but slowly at times. The committee understands that the Bureau of Population, Refugees and Migration has limited space within the Green Zone and cannot add additional staff at this time, but we urge the Secretary to be mindful of the need to im-

prove processing of refugees from Baghdad and take steps necessary to achieve that goal.

Subsection (d) supports U.S. humanitarian assistance efforts on behalf of Iraqi refugees and IDPs by: 1) seeking to ensure that other countries contribute to UNHCR and other international assistance organizations, 2) providing U.S. contributions that fund 50 percent or more of UNHCR and other international organizational appeals for Iraqi refugees; and 3) urging the Government of Iraq to make significant contributions to these appeals. By far, the United States has been the largest donor to the Iraq refugee crisis, including through its donations to UNHCR. Yet, this is an international crisis. The committee urges the Secretary of State to increase efforts to encourage contributions by other nations to UNHCR for this purpose. In addition, given our country's unique role in the war in Iraq, the committee supports the continuation of the U.S. providing 50 percent of the appeals issued by UNHCR, the International Committee for the Red Cross and other international organizations.

Subsection (e) states the policy of the U.S. to only encourage Iraqi refugee returns to Iraq on a safe and voluntary basis with the coordination of the Government of Iraq and UNHCR. The committee is concerned about the Government of Iraq's efforts to recruit refugees to return from Syria and Jordan before there is any plan or infrastructure in place to reabsorb these populations into Iraq and, most importantly, before security conditions inside Iraq warrant such returns. The committee is likewise concerned that the Government of Iraq not impose artificial or otherwise inappropriate deadlines for the refugees' return. The committee supports U.S. Government efforts to work with the Government of Iraq, UNHCR and other entities to address conditions inside Iraq and develop solid plans for the return of refugees when security conditions are safe enough for them to return in an organized manner. The committee is likewise concerned that the Government of Iraq does not impose artificial or otherwise inappropriate deadlines for the refugees' return.

Subsection (f) calls on the Secretary to work with foreign governments, international organizations and nongovernmental organizations to develop a long term comprehensive strategy for responding to the Iraqi refugee and IDP crisis. This includes: Assessing the needs of refugees, IDPs and their host communities; providing assistance through international organizations, including resettlement; providing assistance that supports psychosocial services and cash assistance programs; providing technical assistance to the Government of Iraq and other organizations to better meet the needs of Iraqi refugees and IDPs and to address the land and housing claim disputes, including restitution; and providing enhanced residency and work opportunities for Iraqi refugees and improving transparency among all governments and organizations relating to assistance provided to Iraqi refugees and IDPs. In particular, the committee remains concerned about the ability of assistance to meet the needs of refugees who have suffered incredible traumas as a result of the war or due to human rights violations of the Saddam Hussein regime or warring political factions inside Iraq. We note the reported success of cash assistance programs and encourage their expansion to larger numbers of refugee families. In addi-

tion, we note the continuing dearth of psychosocial services for refugee populations and reports of very high levels of trauma that have been found, and the need for widespread access to psychosocial services. Also, the committee notes the generosity of the people of Jordan and Syria in admitting and hosting these refugees and urges their governments to adopt plans that will allow refugees to make a livelihood during their stay in these neighboring countries.

Subsection (g) enhances accounting of U.S. assistance to Iraqi refugees and IDPs by calling on the Secretary of State and the USAID Administrator to develop performance measures to assess and report progress on U.S. goals and objectives for Iraqi refugees and IDPs and track funding apportioned, obligated and expended for Iraqi refugee programs in Jordan, Syria, Lebanon and other countries. This subsection adopts the recommendations of the GAO in report number GAO-09-120 to improve the U.S. Government's response to the Iraq refugee crisis.

Subsection (h) requires an annual report through 2011 concerning U.S. assistance funding, U.S. efforts for resettlement of Iraqi refugees, an evaluation of the Government of Iraq's efforts on behalf of Iraqi refugees and IDPs, including expenditures and reporting on the accounting measures required by subsection (g).

Section 236. Videoconference Interviews.

This section would authorize a 2-year pilot program that uses remote videoconferencing technology to conduct visa interviews for tourist visas. It would require reports a year into the pilot and after the completion of the pilot, identifying efficacy of videoconference interviews and including recommendations on whether such technology should be continued. In many large countries, such as China, India and Brazil, the number of tourist and business visitors to the United States has increased, and the potential for further visitors is greater still. However, a limited number of consulates in these countries means that many visitors must travel great distances in their own country to obtain a visa to the United States. The costs and logistics of these efforts to obtain a visa can be prohibitive or discouraging and may be limiting foreign tourism in the United States. For years there has been interest in testing videoconferencing technology, which is improving very rapidly, for consular officers to use in conducting visa interviews. This could make travel to the United States more likely and affordable for many in the world. The committee encourages the State Department to test the use of this technology in the visa issuance process to identify its potential future use.

Section 237. Tibet.

This section amends the Tibetan Policy Act of 2002 (P.L. 107-228). Subsection (a) directs the President to have the National Security Council play a coordination and communication role on U.S. policy on Tibet, and amends language to have the State Department formally coordinate with other foreign governments. Subsection (b) authorizes foreign assistance for projects in Tibet. Subsection (c) authorizes and directs the Office of the Special Coordinator for Tibetan Issues in the State Department to manage and administer this assistance. Subsection (d) authorizes funding for

the establishment of a Tibet Section within the U.S. Embassy in Beijing, and directs the Secretary of State to seek to establish a U.S. consulate in Lhasa, Tibet. Subsection (e) amends language to a Sense of Congress that government officials of the People's Republic of China should not interfere in the reincarnation system of Tibetan Buddhism. All of these provisions are aimed at strengthening the U.S. Government's efforts in addressing the Tibet situation and resolving the political stalemate regarding Tibet.

Section 238. Processing of Certain Visa Applications.

This section establishes Department of State policy to process immigrant visa applications of immediate relatives and nonimmigrant ("k-1") visa applications of fiancés within 30 days of receipt of a complete application and necessary paperwork from the applicant and the Department of Homeland Security, and 60 days for an applicant who is not an immediate relative of the sponsor. If such processing is not completed 5 days after these deadlines, the application will be reviewed by the head of the consular section and its processing will be expedited. The committee remains concerned with the long wait times some U.S. citizen applicants face when seeking to bring relatives or fiancés to the United States to join them. We urge the consular service to take these additional steps to ensure faster processing of these applications.

SUBTITLE D—STRENGTHENING ARMS CONTROL AND
NONPROLIFERATION ACTIVITIES AT THE DEPARTMENT OF STATE

Section 241. Findings and Sense of Congress on the Need to Strengthen United States Arms Control and Nonproliferation Capabilities.

The committee recognizes that international security relies upon collective security arrangements and alliances. Unilateral action by one country, no matter how powerful, is insufficient to cope effectively with security threats.

In the same manner, collective arrangements, conventions, and alliances devoted to halting the proliferation of weapons of mass destruction, their means of production and delivery, are critical to effective collective global action. As modern counterinsurgency doctrine seeks to employ the full spectrum of military, economic, diplomatic and other means to defeat an unconventional security threat, these collective arrangements, conventions, and alliances seek to use a broad range of diplomatic, commercial, financial and other means to counter the possession and proliferation of destabilizing numbers and types of weapons, especially weapons of mass destruction and the means to deliver them.

Unilateral actions by the United States are insufficient to counter the spread of destabilizing weapons. Therefore, in order to safeguard and advance U.S. national security, the Department of State must have the structural and human resources necessary to lead and participate in all international negotiations, conventions, organizations, arrangements and implementation fora in the field of nonproliferation and arms control. This is even truer as the global nonproliferation regime is fundamentally challenged by North Korea and Iran's nuclear activities.

These challenges to the global nonproliferation regime can only be met by active, committed, and long-term multilateral engagement, participation and leadership by the United States.

President Obama has outlined an ambitious agenda in arms control and nonproliferation for the coming years, including:

- the conclusion of a strategic arms reduction treaty with Russia;
- ratification of the Comprehensive Test Ban Treaty (CTBT);
- creation of a Fissile Material Cutoff Treaty (FMCT) to reduce the rate of production and ultimately halt the production of militarily-useful fissile material for nuclear weapons;
- securing of vulnerable nuclear material worldwide that could be stolen and utilized by terrorist groups and rogue nations for nuclear and radiological weapons; and
- the reinvigoration of the Treaty on the Nonproliferation of Nuclear Weapons (NPT), the cornerstone of the global nuclear nonproliferation regime, especially at the 2010 Review Conference.

This provision states these and other points as Findings.

Section 241 also states the Sense of Congress that the Secretary of State should immediately develop a plan to strengthen the capabilities of the Department of State in these areas, especially the human, organizational, and financial resources available to the Undersecretary of State for Arms Control and International Security. Such plan should focus on recruitment and professional development of civilian and Foreign Service officers in the areas of arms control and non-proliferation within the Department of State, especially to increase the number of personnel assigned to arms control and nonproliferation and enhance recruitment of technical specialists, as well as provide for the long-term sustainability of personnel and resources; and to keep Congress informed on the measures taken in this regard.

Section 242. Authorization of Additional Arms Control and Nonproliferation Positions.

This section authorizes additional 25 positions at the Department of State for arms control and nonproliferation functions, in keeping with the ambitious arms control and nonproliferation agenda laid out by the President, and the serious challenges confronting the global nonproliferation regime. It authorizes \$3,000,000 from the amounts authorized to be appropriated under section 101 of this act for this purpose.

Section 243. Additional Authority of the Secretary of State.

This section further strengthens the State Department's arms control and nonproliferation resources by allowing the Secretary of State to extend the period of employment of experts and consultants that she needs to accomplish critical U.S. goals, such as the negotiation of strategic arms control treaties with Moscow. Current law only allows these experts to be contracted for a little more than four months. This provision gives the Secretary the authority to extend that employment period. If the U.S. is at a critical juncture in arms control negotiations, for example, the U.S. cannot be hampered by the lapsing of a critical expert's contract to advise the Secretary or her negotiator.

Section 244. Additional Flexibility for Rightsizing Arms Control and Nonproliferation Functions.

This section provides the Secretary of State with the flexibility to reorganize the arms control and nonproliferation functions by removing the statutory requirement for a separate Assistant Secretary devoted solely to verification. Current law dictates that there must be an Assistant Secretary for Verification, Compliance and Implementation, performing specified duties. The Secretary and the President are unable to change or reorient that position to respond to the different arms control and nonproliferation challenges presented to the United States in today's global security environment.

The section does not itself remove or alter the current Bureau of Verification, Compliance and Implementation.

Section 245. Arms Control and Nonproliferation Rotation Program.

This section establishes the Arms Control and Nonproliferation Rotation Program for employees of the Department of State and such other Federal departments and agencies.

The Rotation Program will provide midlevel Foreign Service officers and employees of the Department, and employees of other Federal departments and agencies concerned with arms control and nonproliferation the opportunity to broaden their knowledge through professional interaction. It will also help to invigorate the Department's arms control and nonproliferation workforce with professionally rewarding opportunities.

Section 246. Arms Control and Nonproliferation Scholarship Program.

This section establishes the Arms Control and Nonproliferation Scholarship Program to award scholarships for the purpose of recruiting and preparing students for civilian careers in the fields of nonproliferation, arms control, and international security to meet the critical needs of the Department of State.

Section 247. Scientific Advisory Committee.

This section authorizes the President to establish a Scientific Advisory Committee to advise the President, the Secretary of State, and the Undersecretary for Arms Control and International Security regarding scientific, technical, and policy matters affecting arms control and nonproliferation. The existing "International Security Advisory Board" is focused more on policy studies. This Scientific Advisory Committee is intended to be a more-focused and technical resource to better inform U.S. arms control decision-making, policy and negotiations.

TITLE III—ORGANIZATION AND PERSONNEL AUTHORITIES

SUBTITLE A—TOWARDS MODERNIZING THE DEPARTMENT OF STATE

Section 301. Towards a More Modern and Expeditionary Foreign Service.

This section would make an initial reform effort to make the Foreign Service more expeditionary. Subsection (a) provides findings regarding the need for increased capacity of the Foreign Service.

Subsection (b) authorizes increases in Foreign Service personnel above attrition for both Fiscal Years 2010 and 2011 for both the Department of State and USAID, and includes a paragraph clarifying that subsection (b) is not a limitation on hiring. Subsection (c) expands the purposes of the Foreign Service to prevent, mitigate and respond to international crises and instability. Subsection (d) provides that all Foreign Service Officers must be available to be assigned worldwide. Subsection (e) provides for recruitment of individuals for the Foreign Service who have experience in permissive and semi-permissive environments. Subsection (f) provides for training in conflict resolution, functioning in a non-permissive or semi-permissive environment, and in advanced training over a Foreign Service Officer's career. This, combined with a section regarding a quadrennial review of diplomacy and development, seeks to create substantial reform in the Foreign Service, justifying the increased resources. The committee believes that as the Foreign Service expands, it must evolve into a more expeditionary role to meet the demands of the 21st century. The amendments made by this act will continue the work of the committee that began last Congress with H.R. 1084, the Reconstruction and Stabilization Civilian Management Act of 2008, which was enacted as title XVI of Public Law 110–417.

Section 302. Quadrennial Review of Diplomacy and Development.

This section establishes a requirement for a national strategy on foreign policy and foreign assistance, and requires a quadrennial review of said strategy.

Subsection (a) requires that not later than December 1, 2010, the President prepare a national strategy on foreign policy and foreign assistance. Subsection (b) requires a quadrennial review of that national strategy. Subsection (c) requires consultation with outside stakeholders. Subsection (d) provides for consultation and reporting to Congress. Subsection (e) provides for an independent panel to provide its assessment of the review. The committee expects that this authority will be delegated to the Secretary of State and believes that the State Department must have both a more strategic approach to its foreign policy planning and must increase its capacity to look more strategically at its mission generally.

Section 303. Establishment of the Lessons Learned Center.

This section establishes a “Lessons Learned Center” for the Department of State and USAID. Subsection (a) authorizes the Secretary of State in consultation with the Administrator of USAID to establish the Center. Subsection (b) clarifies the purpose of the Center to serve as a central organization for collection, analysis, archiving, and dissemination of observations, best practices, and lessons learned by, from, and to State Department and USAID civil service and Foreign Service employees. Subsection (c) requires the Secretary to submit a report including recommendations on space, costs, staffing, and curriculum needs associated with the Lessons Learned Center. Subsection (d) defines the term “lessons learned” and “academic freedom” for the purposes of this provision.

Section 304. Locally Employed Staff Compensation.

Subsection (a) contains a number of findings that describe the critical role that locally employed staff play in supporting U.S. diplomacy at overseas posts. The findings also establish that the United States is failing to provide competitive compensation packages for locally employed staff and that this is leading to locally employed staff defections to other governments and to the private sector. Subsection (b) requires the Secretary of State to undertake a policy review the adequacy of locally employed staff compensation and directs the Secretary to take into account the recommendations of the Department of State Inspector General in conducting the policy review. Subsection (c) requires the Secretary to report to Congress on this effort, including on the status of efforts to implement the recommendations of the Inspector General.

SUBTITLE B—FOREIGN SERVICE PAY EQUITY AND DEATH GRATUITY

This subtitle establishes an equalized global pay scale for junior members of the Foreign Service by resolving the pay discrepancy resulting from Washington D.C.-based locality pay that is not received by Foreign Service personnel stationed overseas. The bill also amends the current death gratuity benefit to standardize the amount paid to surviving dependents of a Foreign Service employee who dies as a result of injuries sustained while serving abroad.

The Subtitle reforms the Foreign Service compensation system to eliminate, over a 2-year period, wage disparities between U.S. Government employees who are members of the Foreign Service based in Washington D.C. who receive locality pay, and those overseas who do not. Locality-based comparability payments were initiated for certain Federal Government workers under the Federal Employees Pay Comparability Act of 1990 in order to make their salaries competitive with comparable employment in the private sector.

These payments were extended to employees of the Foreign Service, but only to those based within the United States. When low- or mid-level Foreign Service members are transferred from Washington D.C. to a post overseas, they experience a decrease of more than 23 percent in basic pay. In order to eliminate current and future inequalities between Foreign Service members stationed in the U.S. and those stationed abroad, the Subtitle increases overseas base salaries over a 2-year phase-in period to match those paid to Washington, D.C.-based employees. This equitable system will make the Foreign Service more competitive with the private sector and aid in recruiting and retaining employees.

The overseas death gratuity would also be amended to provide a more standardized benefit to surviving dependents of any Foreign Service employee who dies as a result of injuries sustained in the performance of duty abroad. This provision recognizes the risks that members of the Foreign Service face while serving in increasingly violent posts and situations.

Section 311. Short title.

This section designates this subtitle the “Foreign Service Oversees Pay Equity Act of 2009.”

Section 312. Overseas Comparability Pay Adjustment.

Subsections (a) and (b) would increase compensation for Foreign Service Officers (FSOs) who are not members of the Senior Foreign Service and are posted overseas. Under current law, FSOs based in the United States receive comparability pay in addition to their base pay, to reduce the pay disparity between Federal and non-federal workers. FSOs who are posted overseas do not receive those amounts. (Members of the Senior Foreign Service are compensated under a pay-for-performance system that does not differentiate pay by posting.)

This section establishes an equalized pay scale for junior members of the Foreign Service by resolving the pay discrepancy resulting from Washington D.C. based locality pay that is not received by Foreign Service personnel stationed overseas. The section increases overseas base salaries over a 2-year phase in period to match those paid to Washington D.C.-based employees.

The above increase in basic pay also would lead to an increase in other benefits paid to FSOs, such as life insurance, health insurance, hardship pay, and danger pay. In light of the changes affected by this section, subsection (c) requires the Secretary of State to submit a review of all allowances under the Foreign Service Act or Title 5 in order to determine whether any adjustments need to be made in light of these changes.

Section 313. Death Gratuity.

This section would amend the current death gratuity provided for by the Foreign Service Act of 1980 to standardize the payment made to surviving dependents of a Foreign Service employee who dies of injuries when serving abroad.

The section would increase the death gratuities payable to the surviving dependents of Foreign Service employees who die as a result of injuries sustained in the performance of their duty overseas. Under current law, the death gratuity equals an employee's annual salary at the time of death. Under the bill, the Department would pay 1 year's salary at level II of the Executive Schedule at the time of death or, if the employee was compensated under a local compensation plan, 1 year's salary at highest pay level under that plan at the time of their death.

SUBTITLE C—OTHER ORGANIZATION AND PERSONNEL MATTERS

Section 321. Transatlantic Diplomatic Fellowship Program.

This section amends the Foreign Service Act of 1980 to clarify the authority underlying a current and ongoing exchange program between the foreign affairs agencies of the United States, the European Union, NATO and their member states, created to promote collaboration among its young leaders.

Section 322. Security Officers Exchange Program.

This section amends the Foreign Service Act of 1980 to clarify the authority underlying a current and ongoing exchange program between the Department of State's Bureau of Diplomatic Security and the foreign affairs agencies of Australia and the United Kingdom.

Section 323. Suspension of Foreign Service Members Without Pay.

This section amends section 610 of the Foreign Service Act of 1980 to allow the Department to suspend without pay a member of the Foreign Service in cases where there is reasonable cause to believe that the Foreign Service Officer has committed a crime for which he/she may be imprisoned or when the member's security clearance is suspended. This is the same authority provided with regard to civil service employees under 5 U.S.C. 7513.

Section 324. Repeal of Recertification Requirement for Senior Foreign Service.

This section repeals section 305 (d) of the Foreign Service Act requiring the Secretary to establish a recertification requirement for members of the Senior Foreign Service (SFS) that is equivalent to the recertification process for the Senior Executive Service. The Homeland Security Act of 2002 repealed recertification requirements for SES employees contained in title 5 of the United States Code.

Section 325. Limited Appointments in the Foreign Service.

This section amends section 309 of the Foreign Service Act of 1980 to provide new authority to extend "limited appointments" in the Foreign Service. Section 309 currently provides that limited (non-career) appointments may not exceed 5 years in duration and may not be extended or renewed except under limited exception.

Section 326. Compensatory Time Off for Travel.

This section adds a new subsection (c) to 5 U.S.C. 5550b limiting accrual of compensatory time off for travel status away from the employee's official duty station to 104 hours (13 days). This 104 hour limitation is equivalent to standard yearly sick leave in the civil service.

Section 327. Reemployment of Foreign Service Annuitants.

This section broadens and makes permanent the authority of the Secretary of State under section 824 of the Foreign Service Act to reemploy Foreign Service annuitants to fill mission needs. In the context of expanding the Foreign Service, as authorized by this act, and in light of the increasing needs in Afghanistan in Pakistan, the Department needs the ability to bring back talented retired staff without limitation to facilitate these transitions. However, the committee expects the Department to use this authority judiciously and to be briefed by the Department and other agencies to ensure that there are no unintended consequences of the use of this authority.

Section 328. Personal Services Contractors.

This section provides authority for a pilot personal service contractor (PSC) program to enable the Department to obtain the services of personal contractors in the United States to respond to surge requirements and personnel shortfalls. Subsection (a) provides authority to hire such PSC's. Subsection (b) sets forth conditions for the use of the authority, including limiting the authority to 200 citizens and requiring that the hiring be for obtaining specialized skills. The committee expects that the Department will use

this authority to hire individuals directly rather than having to pay overhead payments to commercial contractors.

Section 329. Protection of Intellectual Property Rights.

This section contains provisions to strengthen the protection U.S. intellectual property (IP) rights in other countries. Subsection (a) requires the Secretary of State to enhance IP protection as a priority in U.S. foreign policy and to ensure that adequate resources are available at diplomatic missions to address IP enforcement issues. Subsection (b) requires the Secretary of State to appoint 10 intellectual property attaches to serve at United States embassies or other diplomatic missions. Subsection (c) requires the attaches be assigned to posts where they can have the greatest benefit, with priority given to those countries identified by the Office of the U.S. Trade Representative as the most serious IP violators, as well as at the Organization for Economic Cooperation and Development. Subsection (d) details the duties and responsibilities of the IP attaches. Subsection (e) requires the Secretary of State to ensure that the attaches have received adequate training. Subsection (f) requires coordination between the activities of the IP attaches and the IP Enforcement Coordinator. Subsection (g) requires an annual report to Congress on the progress of the IP attaches, the obstacles in the respective countries, and the adequacy of State Department resources devoted to IP issues. Subsection (h) provides definitions. Subsection (i) authorizes “such sums” as may be necessary of the amounts authorized under section 101.

Section 330. Department of State Employment Composition.

This section aims to encourage and monitor diversity efforts at the Department of State. Subsection (a) states that in order for the Department of State to accurately represent all people in the United States, the Department must accurately reflect the diversity of the United States. Subsection (b) expands the reporting requirement on State Department employment composition originally authorized in the Foreign Relations Authorization Act, Fiscal Year 2003 (Public Law 107–228) to include women, and updates the reporting requirement for the years 2010 and 2011. The report shall also assess the Department’s recruitment, retention, and advancement practices; efforts to develop a uniform definition of diversity, and the existence of additional matrixes for evaluating diversity plans. Subsection (c) requires that the report shall be made available on the Department’s website no later than 15 days after its submission to Congress.

Subsection (d) requires the GAO, in consultation with the appropriate congressional committees, to conduct a review of the Department’s employment composition, recruitment, advancement, and retention policies for women and minority groups. The committee believes that the Department needs to further address its composition, recruitment, advancement, and retention policies to ensure that it better reflects the diversity of the United States. As part of its review, the GAO should examine the successes and failures of developing and maintaining a diverse leadership within the Department, particularly at the Senior Foreign Officer levels; the effects of expanding the Department’s secondary educational programs to diverse civilian populations, including the Foreign Service

Institute; whether conducting a conference or other officially-sanctioned event attended by civil service employees, active and retired Senior Foreign Service and Foreign Service Officers, and corporate leaders on diversity to review current policies and the annual demographic data on the Department's employment composition would benefit the objective of creating a more diverse Department; the status of prior recommendations made to the Department and Congress concerning diversity initiatives within the Foreign Service and Senior Foreign Service; the incorporation of private sector practices that have been successful in cultivating diverse leadership; the establishment and maintenance of fair promotion and leadership opportunities for ethnic- and gender-specific members of the Foreign Service at the Foreign Service Officer FS-9 class and above; the benefits of pre-leadership assignments of ethnic-specific members of the Foreign Service and Senior Foreign Service; the existence and maintenance of fair promotion, assignment, and leadership opportunities for ethnic- and gender-specific members of the Foreign Service and Senior Foreign Service; the current institutional structure of the Office of Civil Rights of the Department, and of similar offices within the Department, and the ability of such offices to ensure effective and accountable diversity management across the Department; the options available for improving the substance or implementation of current plans and policies regarding diversity at the Department; and whether changes to the Foreign Service Exam and how the changes have affected the passage rate and hiring of ethnic and gender-specific applicants.

Subsection (e) requires that the report include data for the preceding twelve months on the numbers and percentages of small, minority, or disadvantaged businesses contracting to the Department, the total number and dollar values of such contracts, and the percentage value of such contracts proportionate to the total value of all contracts held by the Department. Subsection (f) applies sections of section 325 of the act to funds authorized to be appropriated in the act.

Section 331. Contracting.

This section requires that the Department in entering into any Federal contract adhere to title III of the Federal Property and Administrative Services Act and the Federal Acquisition Regulation (related to preferences for minority owned firms) unless such contract is otherwise authorized by statute to be entered into without regard to such act and regulation.

Section 332. Legislative Liaison Office of the Department of State.

This section requires the Secretary to assess the effectiveness of the Department's liaison office currently operating in the House of Representatives (State is currently in negotiations to open a separate office in the Senate). Seventy percent of the office's workload is related to fulfilling consular affairs requests from Members of Congress. With current budget and staffing numbers, the committee believes the liaison office is unable to effectively reach out to Members and committees of Congress to communicate the goals and missions of the Department of State. The study would require whether current funding, staff, and office space is sufficient to allow the liaison office to meet its mission.

Section 333. Discrimination Related to Sexual Orientation.

This section concerns U.S. efforts to counter the criminalization of homosexuality, and violence against homosexuals, overseas.

Subsection (a) requires the State Department's Bureau of Democracy, Human Rights and Labor to designate a Bureau-based officer or officers to track violence, criminalization, and restrictions on the enjoyment of fundamental freedoms, consistent with United States law, in foreign countries based on actual or perceived sexual orientation or gender identity.

Subsection (b) directs USG employees at U.S. diplomatic and consular missions to encourage the governments of other countries to reform or repeal laws of such countries criminalizing homosexuality or consensual homosexual conduct, or restricting the enjoyment of fundamental freedoms by homosexual individuals or organizations, consistent with United States law. The committee does not intend that the U.S. Government advocate for reforms that are inconsistent with generally accepted U.S. law, such as questions relating to marriage. Rather, the provision is about laws relating to criminalization and discrimination that are already part of Federal or state law.

In addition, the committee does not intend that this section require any Foreign Service Officer be forced to advocate for any reform to which he or she has a moral or religious objection. The committee notes that the Secretary should ensure that before a Foreign Service Officer bids for, or takes, an assignment the position for which such advocacy responsibilities may be required, the Foreign Service officer is aware of such responsibilities so that the officer can find another more suitable position.

Subsection (c) amends the Foreign Assistance Act to include, in the State Department's "Annual Country Reports on Human Rights Practices," a section on violence or discrimination that affects the fundamental freedoms of an individual in foreign countries, that is based on actual or perceived sexual orientation and gender identity.

Subsection (d) provides training for FSOs, in courses covering human rights reporting and advocacy work, on identifying violence or discrimination that affects the fundamental freedoms of an individual, that is based on actual or perceived sexual orientation and gender identity.

Section 334. Office for Global Women's Issues.

This section elevates the status of women's issues at the Department of State. Subsection (a) establishes in the Office of the Secretary of State an Office for Global Women's Issues, headed by the Ambassador-at-Large of the Office for Global Women's Issues, a Presidential appointee reporting to the Secretary. Subsection (b) specifies that the purpose of the Office is to coordinate U.S. efforts regarding gender integration and women's empowerment in U.S. foreign policy. Subsection (c) specifies that the Ambassador's responsibilities include coordinating and advising on gender integration and women's empowerment internationally; the implementation of limited related projects; the promotion of gender integration at the Department. Subsection (c) further specifies that the Ambassador shall coordinate with USAID and the MCC, and authorizes the Ambassador to represent the United States in relevant mat-

ters. Subsection (d) requires all bureaus at State to evaluate and monitor all women's empowerment programs, and report to the Office annually. Subsection (e) authorizes such sums as may be necessary for Fiscal Years 2010 and 2011, of the amount authorized under section 101, to carry out activities under this section.

Currently, U.S. programming on global women's issues is fractured and disorganized. A 2007 report by the Congressional Research Service on global violence against women programs supported by the U.S. Government resulted in a complicated and intricate matrix showing that multiple agencies were working on violence against women issues without a common mission, agreed upon goals or appropriate synergies between programs. By coordinating the efforts of Federal departments and agencies on global women's issues, this Office will ensure that the United States speaks with a coherent and unified voice, supports structured initiatives and policies to address the needs of women around the world, and emphasizes the critical role gender integration must play in our future programs.

The Office of Global Women's Issues faces many immediate challenges. The condition and plight of women in Iraq and Afghanistan will be of primary importance to the Office's initial work and the committee supports that effort, given the role of the U.S. in these conflicts and the critical need to build peace and security in these nations. Thousands of women continue to be raped in the Congo. Hundreds of thousands of women are on the run, recently displaced from their homes in Pakistan and Sri Lanka. In parts of the world, women are bartered and sold like property at marriage or upon the death of their spouses, and are killed for violating the so-called honor of their families. The committee believes this is a critical time under the leadership of the new administration, along with recent attention to these issues at the United Nations and in other fora, for the United States to play a new leadership role on women's issues that will have important impacts on peace and prosperity around the world.

TITLE IV—INTERNATIONAL ORGANIZATIONS

SUBTITLE A—INTERNATIONAL LEADERSHIP

Section 401. Short Title.

This section provides that the short title of the act is the "United States International Leadership Act of 2009."

Section 402. Promoting Assignments to International Organizations.

This section amends the Foreign Service Act of 1980 to require the Department of State to credit members of the Foreign Service for serving in positions whose primary purpose is to formulate policy toward, or represent the United States at, an international organization, a multilateral institution, or a broad-based multilateral negotiation of an international instrument. It also requires the Secretary to report on the feasibility of establishing a new cone in the Foreign Service that concentrates on members of the Service who serve at international organizations.

Section 403. Implementation and Establishment of Office on Multilateral Negotiations.

This section authorizes the Secretary of State to establish within the Bureau of International Organizational Affairs an Office on Multilateral Negotiations, headed by a Special Representative with the rank of Ambassador-at-Large and staffed by Foreign Service Officers and civil service officers skilled in multilateral diplomacy. The responsibility of the office is to improve U.S. effectiveness in multilateral negotiations.

Section 404. Synchronization of United States Contributions to International Organizations.

This section requires the President to transmit to Congress a plan for implementing section 404 of the Foreign Relations Act of 2003 relating to the resumption by the United States of payment of its full contributions to international organizations at the beginning of each calendar year.

Section 405. United States Arrearages to the United Nations.

This section authorizes, in addition to amounts otherwise available for the payment of Assessed Contributions to International Organizations, such sums as may be necessary to pay all United States arrearages in payments to the United Nations recognized by the United States.

SUBTITLE B—GENERAL PROVISIONS

Section 411. Organization of American States.

This section expresses the sense of the Congress that multilateral diplomacy in the Americas has suffered considerably in the past decade, to the direct detriment of the national interest of the United States in the region. The committee believes it is imperative to promote U.S. diplomatic efforts and reestablish the U.S.'s unique leadership voice in the Organization of American States (OAS), where the U.S. is a founding member and whose central tenets include democratic values we consider vital for this region. To do so, the section establishes a \$2 million fund specifically to promote U.S. multilateral interests of the U.S. in the region and in the OAS forum for each of Fiscal Years 2010 and 2011. Activities supported include U.S. diplomatic, outreach and advocacy activities in the OAS, as well as voluntary contributions to entities of the OAS for programs that support the interests of the U.S.

Section 412. Peacekeeping Operations Contribution.

This section amends section 404(b)(2)(B) of the Foreign Relations Authorization Act to lift the cap on U.S. payments to the U.N. for assessed dues in support of U.N. Peacekeeping Operations to 27.1 percent during calendar years 2009, 2010, and 2011.

Section 413. Pacific Islands Forum.

This section expresses a sense of Congress that the Secretary of State work should with the Pacific Islands Forum to find appropriate affiliations for representatives of American Samoa, Guam and the Commonwealth of the Northern Mariana Islands to the Forum, an inter-governmental organization established in 1971 to

promote regional cooperation among its nation-state members in Oceania and the Pacific Rim with regard to political and economic policies of mutual interest.

Section 414. Review of Activities of International Commissions.

This section requires the Secretary of State to submit to the appropriate congressional committees a report on the activities of the International Boundary and Water Commission, United States and Mexico, the International Boundary Commission, United States and Canada, and the International Joint Commission. The report shall include information on amounts obligated and expended; a description of projects carried out, and a list of projects anticipated.

Section 415. Enhancing Nuclear Safeguards.

This section authorizes \$10 million for a U.S. voluntary contribution to the International Atomic Energy Agency (IAEA) for the refurbishment, improvement or replacement of the IAEA's Safeguards Analytical Laboratory, which is critical to the IAEA's international nuclear safeguards efforts to detect the diversion of nuclear material from peaceful to military uses in foreign countries. The Secretary of State is required to report to Congress on the refurbishment or possible replacement of the Laboratory.

Section 416. Implementation of Recommendations of Commission on the Prevention of Weapons of Mass Destruction Proliferation and Terrorism.

This section urges the United States to implement the recommendations of the Report of the Commission on the Prevention of WMD Proliferation and Terrorism regarding strengthening the International Atomic Energy Agency (IAEA), and authorizes such sums as may be necessary for Fiscal Years 2010 and 2011 for such activities. Specifically, that the United States should lead an international effort to update and improve IAEA capabilities, including:

- working with the IAEA Director General to secure the resources (funding, personnel, safeguard technologies, etc.) needed to meet an increasing IAEA safeguards workload (perhaps by establishing a safeguards "user fee," whereby countries with inspected facilities would be assessed a fee to help defer inspection costs);
- the United States and other interested parties should take additional actions to strengthen the IAEA and improve its management, such as routinely assessing whether the IAEA can meet its own inspection goals; whether those goals afford "timely warning" of an ability to account for a bomb's worth of nuclear material, as required by U.S. law; and what corrective actions, if any, might help the IAEA to achieve its inspection goals;
- pushing for universal adherence to the IAEA Additional Protocol, possibly as a precondition of civil nuclear assistance, and
- assist in the acquisition of vital equipment, such as near-real-time surveillance cameras.

The committee believes that the effective functioning of the IAEA is of critical importance to international peace and security and United States national security.

The committee notes, however, that the IAEA is, however, hampered in accomplishing its inspections functions through inadequate resources, an aging laboratory, and expanding requirements. As the Commission on the Prevention on WMD Proliferation and Terrorism wrote in its “World at Risk” final report, with significant understatement: “The IAEA now faces uncertainties about its long-term ability to perform its fundamental mission—detecting the illicit diversion of nuclear materials and discovering clandestine activities associated with weapons programs.” This provision recognizes these challenges, and takes the necessary first steps to address them.

Section 417. Asia-Pacific Economic Cooperation.

This section enhances U.S. participation in the Asia-Pacific Economic Cooperation forum (APEC) and assists U.S. small business participation in APEC. Subsection (a) states the Sense of Congress on the need for this provision. Subsection (b) provides a definition of “small business.” Subsection (c) directs the appointment of “APEC Coordinators” in each U.S. government department and agency, who are tasked to set department- and agency-wide guidelines for their department’s or agency’s participation at APEC; this section also includes an annual reporting requirement on efforts to enhance U.S. Government participation at APEC. Subsection (d) directs the Secretary of State to appoint an existing officer in the Bureau of East Asian and Pacific Affairs to serve as a “Small Business Liaison,” instructs the Department to post on its website a page to facilitate direct communication between the U.S. Government and the business community, and calls on the Secretary to coordinate with the private sector to promote small business participation at APEC. Subsection (e) directs the Secretary to submit a report to Congress detailing the process of hosting the 2011 APEC meeting in the U.S.

TITLE V—UNITED STATES INTERNATIONAL BROADCASTING

Section 501. Authorization of Appropriations for International Broadcasting.

This section provides for the authorization of funding to carry out U.S. international broadcasting activities pursuant to the U.S. Information and Educational Exchange Act of 1948, the Radio Broadcasting to Cuba Act, the Television Broadcasting to Cuba Act, the U.S. International Broadcasting Act of 1994, and the Foreign Affairs Reform and Restructuring Act of 1998. For “International Broadcasting Operations,” there is authorized \$732,187,000 for FY2010, and such sums as necessary for FY 2011. For “Broadcasting Capital Improvement” there is authorized \$13,263,000 for FY 2010, and such sums as may be necessary for FY 2011.

Section 502. Personal Services Contracting Program.

This section permits the Broadcasting Board of Governors (BBG) to employ up to 200 personal services contractors in the United States at any given time. In the 2003 Foreign Relations Authorization Act, Congress granted authority to the BBG to conduct a pilot program employing up to 60 personal services contractors at any time. This pilot program ends on December 31, 2010. The BBG has

used this authority to respond to needs for surge broadcasts in priority areas, with the most recent examples in the Urdu, Dari and Pashto services, and for Zimbabwe and Somalia.

Section 503. Radio Free Europe/Radio Liberty Pay Parity.

This section allows parity of compensation between RFE/RL employees with those of the Federal service, and it brings RFE/RL's compensation policies in line with the overall policy of the BBG. Currently, RFE/RL is the only broadcasting entity of the BBG with salaries not fully compatible with the Senior Executive Service pay system.

Section 504. Employment for International Broadcasting.

This section would clarify the Broadcasting Board of Governors' (BBG) authority to hire a non-citizen when no equally or better qualified U.S. citizens are available to fill the post in question. The United States Information and Exchange Act of 1948 provides authority for the BBG to employ non-citizens to carry out its broadcast mission. Voice of America research indicates that audiences are more likely to tune in to programs where the vernacular language is spoken with native fluency, and when the program content demonstrates a strong understanding of current local political and institutional developments. In many cases, well-qualified U.S. citizens fulfill these requirements. In other instances, however, the agency will employ a non-citizen who is better qualified. At various times during the agency's history, first under the USIA and subsequently under the BBG, the intent of this legal section has been challenged. While the agency for more than 20 years has interpreted this section as providing flexibility to hire the best qualified applicant, others claim the statute requires the agency to give employment preference to U.S. citizens, even if a better qualified applicant, who is a non-citizen, is available. The section clarifies BBG employment authorities.

Section 505. Domestic Release of the Voice of America film Entitled "A Fateful Harvest."

This section would waive the Smith-Mundt domestic dissemination ban to make the film "A Fateful Harvest" available for public viewing in the United States. VOA's Afghan Service has produced a 52-minute documentary, "A Fateful Harvest," that examines all aspects of the narcotics industry in Afghanistan, including poppy-growing, opium production, trafficking, law enforcement efforts and the health effects of drugs. Financed by the Department of State's Bureau of International Narcotics and Law Enforcement Affairs, the film has aired inside Afghanistan in Dari and Pashto. It has also been available on the www.voanews.com website.

Section 506. Establishing Permanent Authority for Radio Free Asia.

This section eliminates the sunset for Radio Free Asia, permanently authorizing it.

TITLE VI—PEACE CORPS

Section 601. Findings; Statement of Policy.

Subsection (a) contains findings which describe the importance of the Peace Corps and the work of its volunteers in impoverished countries. The findings also describe President Obama's commitment to strengthening Peace Corps. Subsection (b) describes the policy of the United States to: Double the number of Peace Corps volunteers and strengthen and improve the Peace Corps and its programs; improve the coordination of Peace Corps programs with the development programs of other Federal departments and agencies; and promote volunteerism by Americans in the developing world.

Section 602. Amendments to the Peace Corps Act.

This section contains amendments to the Peace Corps Act. Subsection (a) amends the Peace Corps Act by authorizing the Director of the Peace Corps to establish a special program that assigns returned Peace Corps Volunteers or other volunteers to provide short term development or other relief assistance, or to be assigned to an entity identified by section 10(a)(1) of the act. The number of volunteers assigned to projects under longer term Peace Corps assignments may not be reduced, nor may the quality of Peace Corps projects be reduced, under this section, except to the extent determined necessary and appropriate by the Director.

In 1996, the Peace Corps began using returned Peace Corps volunteers for short term assignments on specific, targeted projects in a limited number of countries. Initially, the Crisis Corps, as it was then called, responded to calls for humanitarian and coordination assistance following natural disasters. This program, now called the Peace Corps Response Program, was expanded in this decade to respond to requests from nongovernmental organizations and international organizations around the world. The program provides the assistance of experienced returned Peace Corps volunteers who wish to extend their service or volunteer for a short time to assist with community-based development and coordination. The committee supports these efforts.

The Peace Corps plans to expand their corps of volunteers, especially experienced and mature professionals, in part by expanding the Peace Corps Response Program to include assignments for select volunteers who have not completed a standard 2-year term of service. The committee supports this plan and has thus authorized the program in this act. However, the committee continues its support for the traditional structure and format of a standard 2-year Peace Corps volunteer experience and implores the agency to ensure that neither the number or quality, nor assignments for standard Peace Corps volunteers are reduced or diminished as the Peace Corps is expanded. In fact, the committee has increased the authorization for 2010 beyond the President's request to support the expansion of the standard 2-year Peace Corps program, in addition to the Peace Corps Response Program and to assist the agency with other necessary modernization efforts.

Subsection (b) amends the Peace Corps Act by requiring the Director of the Peace Corps to work with the heads of Federal departments and agencies that carry out development assistance pro-

grams to ensure coordination and avoid duplication of efforts of Peace Corps programs and other U.S. development assistance programs at the headquarters and field level. The committee would like to emphasize the benefits that USAID and other development assistance programs may gain from understanding the successful and innovative community-based programs created by resourceful Peace Corps volunteers in a given country. We do not suggest any merger of programs, only that communications relating to ongoing programs, goals and best practices should be used to strengthen both development assistance programming and the efforts of Peace Corps volunteers within a country.

Subsection (c) amends the Peace Corps Act by increasing the readjustment allowance given to volunteers after completion of their service from \$125 per month to \$225 per month served. The committee observes that the stipend provided to Peace Corps volunteers upon their return from international service has increased very slowly since it was fixed at “at least \$125” per month in 1981. This section increases that amount to “at least \$225” per month, but the committee encourages the Peace Corps to increase the stipend further in the coming fiscal year. Currently, Peace Corps volunteers perform long challenging tours of service in foreign countries and get stipends upon their return that are less, per time of service, than the educational stipends given to AmeriCorps volunteers at the end of their service. The committee believes, at minimum, that the Peace Corps should seek to attain parity with the AmeriCorps stipend, or consider a higher stipend given the needs of Peace Corps volunteers to resettle and readjust to life in the U.S. when they return from overseas. We urge the agency to consider using any funds appropriate above the President’s budget request for this purpose and also urge the agency to continue seeking accommodations on student loans for Peace Corps volunteers.

Subsection (d) amends the Peace Corps Act by authorizing new funding levels for the Peace Corps. The funding levels would be as follows: \$450,000,000 for FY 2010 and such sums as may be necessary for FY 2011. The President requested \$373,000,000 for FY 2010 but the committee has authorized amounts well above that figure to support and encourage the dramatic expansion of Peace Corps volunteers and programming that the President has envisioned. In particular, the committee supports an enhanced readjustment stipend, increased numbers of Peace Corps volunteers, program expansion into new countries, as appropriate, and administrative and managerial enhancements, as needed.

Section 603. Report.

This section requires a report to Congress. Subsection (a) of this section requires the Director of the Peace Corps submit a report to the appropriate congressional committees not later than 1 year after the date of enactment on the Peace Corps Response Program authorized in section 602 of the act, identifying past achievements and challenges, and future goals, objectives and growth plans for the program. Subsection (b) requires an annual report by the Director of the Peace Corps on progress made in carrying out this Title, including efforts to increase coordination between the Peace Corps and other Federal departments and agencies carrying out development assistance programs.

TITLE VII—SENATOR PAUL SIMON STUDY ABROAD FOUNDATION ACT OF
2009

This Title authorizes the establishment of the Senator Paul Simon Study Abroad Foundation. The Foundation would be authorized to be established as a new executive branch Corporation operated by a Board of Directors, chaired by the Secretary of State and managed by a Chief Executive Officer selected by the Board. The Foundation would be authorized to raise funds and operate a program to award grants to: United States students for study abroad; nongovernmental institutions that provide and promote study abroad opportunities for United States students in consortium with institutions of higher education; and institutions of higher education.

Section 701. Short Title.

This section provides that the short title of the act is the “Senator Paul Simon Study Abroad Foundation Act of 2009.”

Section 702. Findings.

This section contains a number of findings that highlight the need to expand foreign study by U.S. students to equip the U.S. economy and U.S. foreign policy agencies to thrive in an increasingly global economy. The findings highlight the work of the congressionally-chartered Commission on the Abraham Lincoln Study Abroad Fellowship Program which reported to Congress and the President on their determination that “study abroad is one of the major means of producing foreign language speakers and enhancing foreign language learning” and for that reason “is simply essential to the [N]ation’s security.” The findings also document a U.S. deficit in cultural knowledge wherein any given year, only approximately 1 percent of all students enrolled in United States institutions of higher education study abroad. The findings also cite the Final Report of the National Commission on Terrorist Attacks Upon the United States (The 9/11 Commission Report) which recommended that the United States increase support for “scholarship, exchange, and library programs” and the 9/11 Public Discourse Project, successor to the 9/11 Commission, which noted in its November 14, 2005, status report that this recommendation was “unfulfilled,” and stated that “The U.S. should increase support for scholarship and exchange programs, our most powerful tool to shape attitudes over the course of a generation.”

Section 703. Purposes.

This section specifies the purpose of the act as follows: To significantly enhance the global competitiveness and international knowledge base of the United States by ensuring that more United States students have the opportunity to acquire foreign language skills and international knowledge through significantly enhanced study abroad; to enhance the foreign policy capacity of the United States by significantly expanding and diversifying the talent pool of individuals with non-traditional foreign language skills and cultural knowledge; to ensure that an increasing portion of study abroad will take place in non-traditional study abroad destinations; and to create greater cultural understanding of the United States

by exposing foreign students and their families to U.S. students in non-traditional host countries.

Section 704. Definitions.

Section 704 provides definitions for terms used in the text of the act.

Section 705. Establishment and Management of the Senator Paul Simon Study Abroad Foundation.

Subsection (a) provides for the establishment within the executive branch of a corporation, the "Senator Paul Simon Study Abroad Foundation," and provides that the Foundation shall be governed by a Board of Directors, chaired by the Secretary of State. It provides that the Foundation shall be a government corporation as defined in section 103 of title 5, United States Code. Subsection (a) also expresses the intent of Congress that the structure designed by this section will create an entity that will administer a study abroad program that serves the long-term foreign policy and national security needs of the United States while operating independently of short-term political and foreign policy considerations.

Subsection (b) provides that the mandate of the Foundation in administering the study abroad program shall be to advance the objectives and purposes of the act through responsive, flexible grant-making that will promote access to study abroad opportunities by United States students at diverse institutions of higher education, including 2-year institutions, minority-serving institutions, and institutions that serve non-traditional students. The Foundation's grant-making will also be designed to promote access to study abroad opportunities by diverse United States students, including minority students, students of limited financial means, and non-traditional students. Additionally, the Foundation will be permitted to raise funds from the private sector to supplement funds made available by the act, and will be committed to minimizing administrative costs and to maximizing the availability of funds under this act.

Subsection (c) provides that there shall be in the Foundation a Chief Executive Officer who shall be responsible for its management and for the appointment of all of its officers. The Chief Executive Officer shall be appointed by the Foundation's Board of Directors and shall be a leader in higher education, business, or foreign policy, chosen on the basis of a rigorous search. The Chief Executive Officer shall report to and be under the direct authority of the Board. This Officer shall be compensated at the rate provided for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

Subsection (d) provides that the Foundation be governed by a Board of Directors chaired by the Secretary of State (or the Secretary's designee), which will be subject to meet at the call of the chairperson. The membership of the Board also includes the Secretary of Education (or the Secretary's designee), the Secretary of Defense (or the Secretary's designee), and the Administrator of the United States Agency for International Development (or the Administrator's designee), and five other individuals with relevant experience in matters relating to study abroad (such as individuals who represent institutions of higher education, business organiza-

tions, foreign policy organizations, or other relevant organizations). This subsection also specifies that these five individuals shall be appointed by the President, by and with the advice and consent of the Senate. It further specifies that of the five, one individual shall be appointed from among a list of individuals submitted by the Speaker of the House of Representatives; one individual shall be appointed from among a list of individuals submitted by the minority leader of the House of Representatives; one individual shall be appointed from among a list of individuals submitted by the majority leader of the Senate; and one individual shall be appointed from among a list of individuals submitted by the minority leader of the Senate. This subsection also specifies that the Chief Executive Officer of the Foundation shall serve as a non-voting, ex-officio member of the Board.

This subsection also provides that the terms of office for the Secretary of State, the Secretary of Education, the Secretary of Defense and the Administrator of the United States Agency for International Development shall be concurrent with their term of Federal service. This subsection specifies that for the other five members of the Board, the term of appointment is 3 years, with the possibility of being reappointed for an additional 3 years. This subsection specifies that vacancies in the Board be filled in the manner in which the original appointment was made. This subsection specifies that a majority of the members of the board shall constitute a quorum except during the 135-day period beginning on the date of enactment of the act, during which any quorum must include at least one of the five individuals appointed by the President.

This subsection specifies that the Secretary of State, the Secretary of Education, the Secretary of Defense, and the Administrator of the United States Agency for International Development will not receive additional pay, allowances, or benefits by reason of their service on the Board. The other five members of the Board, appointed by the President shall receive travel expenses, including per diem in lieu of subsistence, in accordance with applicable sections under subchapter I of chapter 57 of title 5, United States Code. This subsection specifies however, that these members may not be paid such compensation for more than 90 days in any calendar year.

The committee expects the President to act promptly in nominating qualified appointees, including those selected from lists provided by Congressional leaders, to the Board. The success of the Foundation in reaching the goals of the act will depend significantly upon the expertise of the Board members and the direction and support they provide to the Chief Executive Officer and the Foundation.

Section 706. Establishment and Operation of Program.

This section outlines operations of the program. Subsection (a) establishes a program, administered by the Foundation to award grants to: United States students for study abroad; nongovernmental institutions that provide and promote study abroad opportunities for United States students, in consortium with institutions of higher education; and institutions of higher education. Subsection (b) specifies that the objectives of the program are that within 10 years of the date of enactment of the act not less than

one million undergraduate U.S. students will study abroad annually for credit; the demographics of study-abroad participation will reflect the demographics of the United States undergraduate population, including students enrolled in community colleges, minority-serving institutions, and institutions serving large numbers of low-income and first-generation students; and an increasing portion of study abroad will take place in nontraditional study abroad destinations, with a substantial portion of such increases taking place in developing countries. Subsection (c) further specifies that in administering the program, the Foundation shall take fully into account the recommendations of the Commission on the Abraham Lincoln Study Abroad Fellowship Program (established pursuant to section 104 of the Miscellaneous Appropriations and Offsets Act, 2004 (division H of Public Law 108–199)). As such, grants awarded under the program shall be structured to the maximum extent possible to promote appropriate reforms of higher education in order to remove barriers to participation by students who seek to study abroad. Subsection (d) provides that the Foundation seek an appropriate balance between longer-term study abroad programs, which maximize foreign-language learning and intercultural understanding, and shorter-term study abroad programs, which maximize the accessibility of study abroad to non-traditional students.

The committee expects that the Foundation, in designing its program of grant-making, will closely adhere to the six recommendations of the Commission on the Abraham Lincoln Study Abroad Fellowship Program as specified on pages 25–34 of its Report of November 2005, “Global Competence and National Needs: One Million Students Studying Abroad,” which was submitted to the White House and to Congress. In particular, the committee believes that if the Foundation is to reach the goals specified by the legislation, it will be critical that grant-making to institutions by the Foundation be used strategically to leverage increased enrollment targets by these institutions for their study abroad programs and by encouraging them, where feasible, to establish as a degree requirement participation in study abroad programs. The committee also believes strongly that the Foundation, in designing its grant-making program, must focus on the goal of diversifying students, institutions, and destinations. As such, the committee expects the Foundation to direct grant-making in a way to encourage more participation in study by under-represented groups which include: Racial/ethnic minorities; males; students majoring in science, engineering, and related disciplines; students attending 2-year colleges; and students with disabilities.

The committee also expects that Foundation grant-making resources will be directed at supporting study in areas other than Western Europe. The Foundation should also seek to ensure that large research universities and select small liberal arts colleges do not capture a disproportionate share of its grant-making resources, and that instead, a large share of such resources are directed at encouraging study abroad by students attending institutions where study abroad is not currently a routine practice. The committee also believes that wise stewardship of Foundation resources requires that grant awards be based on financial need.

The committee further expects that the vast majority of the Foundation’s budget will be directed to students, not to administra-

tive overhead. The committee is in agreement with the benchmark set in the Report of the Lincoln Commission, which specifies that not less than 88 percent of the Foundation's funds be provided to students either through individual or institutional grants and that not less than 75 percent of the funds must flow through institutional grants, rather than individual scholarship grants, in order to address non-financial barriers to study abroad at the campus level and leverage greater participation in study abroad. The committee understands that a significant portion of the Foundation's resources will be needed to finance a national competition of individual scholarships, in order to give every undergraduate in the United States the opportunity to apply for a grant, regardless of institutional affiliation.

The committee also strongly believes that the quality of the students' academic experiences is important to the overall success of the program. Students should receive grants only for study abroad programs that carry academic credit toward graduation.

Section 707. Annual Report.

This section mandates that not later than March 31, 2011, and each March 31 thereafter, the Foundation shall submit to the appropriate congressional committees a report on the implementation of the act during the prior fiscal year. Subsection (b) provides that the report include: The total financial resources available to the Foundation during the year, including appropriated funds, and the value and source of any gifts or donations accepted; a description of the Board's policy priorities for the year and the bases upon which competitive grant proposals were solicited and awarded to institutions of higher education, nongovernmental institutions, and consortiums; a list of grants made to institutions of higher education, nongovernmental institutions, and consortiums and that includes the identity of the institutional recipient, the dollar amount, and the estimated number of study abroad opportunities provided to United States students by each grant; a description of the bases upon which the Foundation made grants directly to United States students; the number and total dollar amount of grants made directly to United States students by the Foundation; and the total administrative and operating expenses of the Foundation for the year.

Section 708. Powers of the Foundation; Related Provisions.

This section specifies that the powers of the Foundation shall include: Perpetual succession unless dissolved by a law enacted after the date of enactment of the act; use of a seal that will be judicially noticed; the ability to make and perform contracts, grants, and other agreements with any person or government however designated and wherever situated, as may be necessary for carrying out the functions of the foundation; the ability to determine and prescribe the manner in which its obligations shall be incurred and its expenses allowed and paid, including expenses for representation; the ability to lease, purchase or otherwise acquire, improve, and use such real property wherever situated, as may be necessary for carrying out the functions of the Foundation; the right to accept cash gifts or donations of property (real, personal, or mixed), tangible or intangible, for the purposes of carrying out the

sections of this act; the right to use the U.S. mails in the same manner and on the same conditions as the executive departments; the right to contract with individuals for personal services, who shall not be considered Federal employees for a section of law administered by the Office of Personnel Management; the ability to hire or obtain passenger motor vehicles; and other unspecified powers as may be necessary and incident to carrying out the act. Subsection (b) provides that the foundation shall maintain its principal office in the metropolitan area of Washington, District of Columbia. Subsection (c) provides that the Foundation is subject to the Government Corporation Control Act. Finally, subsection (d) provides that the Inspector General (IG) of the Department of State will serve as the Inspector General of the Foundation. The reporting requirements of section 7 are intended to provide information that, in addition to helping the Congress to exercise responsible oversight, will assist the State IG in conducting the “reviews, investigations, and inspections of all actions of the operations and activities of the Foundation,” as outlined in this section.

Section 709. General Personnel Authorities.

This section provides that upon request of the Chief Executive Officer, the head of an agency may detail any employee of such agency to the Foundation on a reimbursable basis. The section provides these individuals with reemployment rights. The section also provides hiring authority specifying that of persons employed by the Foundation, not to exceed 20 persons may be appointed, compensated, or removed without regard to civil service laws and regulations. The section also provides that the Chief Executive Officer may fix the basic rate of pay of employees of the Foundation, except that no employee of the Foundation may receive a rate of basic pay that exceeds the rate for level IV of the Executive Schedule.

Section 710. GAO Review.

Subsection (a) requires that not later than 2 years after the date of enactment of this act, the Comptroller General of the United States commence a review of the operations of the Foundation. Subsection (b) defines categories for the Comptroller to analyze. Subsection (c) requires the Comptroller General to submit a report on the results of the review to the Secretary of State and the appropriate congressional committees.

Section 711. Authorization of Appropriations.

This section specifies that there are authorized to be appropriated to carry out the act, \$40,000,000 for Fiscal Year 2010 and \$80,000,000 for Fiscal Year 2011. The committee intends that this amount should be in addition to any amounts otherwise authorized or made available for other exchange programs, including the J. William Fulbright Educational Exchange Program and the Benjamin A. Gilman International Scholarship Program, administered by the Department of State’s Bureau of Educational and Cultural Affairs.

TITLE VIII—EXPORT CONTROL REFORM AND SECURITY ASSISTANCE
SUBTITLE A—DEFENSE TRADE CONTROLS PERFORMANCE
IMPROVEMENT ACT OF 2009

Section 801. Short Title.

This section designates this subtitle the, “Defense Trade Controls Performance Improvement Act of 2009.” This legislation was originally introduced by Congressman Brad Sherman (D-CA) and Congressman Donald A. Manzullo as H.R. 4246 in the 110th Congress. On May 15, 2008, this legislation passed the House, as incorporated in the Security Assistance and Arms Export Control Reform Act of 2008, H.R. 5916.

Section 802. Findings.

This section details past performance problems and staffing shortfalls at the Directorate of Defense Trade Controls (DDTC), the State Department agency responsible for adjudicating licenses for commercial arms sales; notes the importance of this function to national security; describes the growth in the volume and complexity of licensing applications; notes with concern the increased tendency towards off-shoring and outsourcing in the defense industry; and notes the need to update export control policies to address these trends.

Section 803. Strategic Review and Assessment of the United States Export Controls System.

This section requires that the President conduct an 18-month strategic review of defense trade controls beginning not later than March 31, 2010, to determine the effectiveness of the current export control regime, and make improvements where necessary. The review would also seek to identify ways to make the system more efficient and seek to improve coordination across government agencies responsible for export controls and enforcement. The President will be required to review known attempts to circumvent export controls with a view to improving enforcement. The review will also examine offshoring and outsourcing in the defense industry as well as the policy of U.S. trade partners to require “offsets” for arms sales. The section requires that the President report on the results of the review.

The committee requires this review in response to the January 2007 decision by the GAO to designate the protection of high technology critical to U.S. national security as a “high risk” area. GAO found that export control policies and procedures were in need of assessment for both effectiveness and efficiency. Given the changing nature of the security threats facing the United States from terrorism and nuclear proliferation, rapid advances in defense technology, the continued efforts by state and non-state actors to defeat U.S. export controls, and an increased willingness in both government and the private sector to procure defense-related production from overseas, the committee believes that a high-level government-wide review of arms export control and enforcement policies is necessary.

GAO also found that coordination between the various agencies involved in export control and enforcement policies is lacking.

Therefore, the strategic review should focus on ways that inter-agency cooperation and coordination can be improved. This is a government-wide review, and should not be limited to the DDTC's policies and procedures.

The review should thoroughly examine all known attempts—successful and unsuccessful—to circumvent U.S. export controls and enforcement mechanisms. The United States, as the leader in defense technology development and defense production, is a target for criminal proliferation rings and foreign security and intelligence agencies. The damage done when a group or State agent is able to circumvent export controls is not limited to the potential use of U.S. hardware by an adversary. Ineffective export controls and enforcement policies can seriously erode U.S. supremacy in critical military technologies and lead to the development of technology that can defeat U.S. defense systems.

In conducting this review, the administration should also devote significant attention to how export control policy facilitates the movement of technology and defense production overseas, and the national security implications of off-shoring and outsourcing in defense production. Defense cooperation with allies is essential; however, the committee is concerned that the defense industrial base has been harmed by the trend to offshore more and more defense production, and that the spread of defense technology and production capacity to foreign countries, especially those with inadequate export controls, may harm American security. Protecting the defense industrial base and American technological supremacy need to be top priorities for arms export control policy.

Section 703 requires that the administration periodically brief relevant Congressional committees on the progress of the review. This requirement is included to ensure Congressional oversight over the conduct of the strategic review while it is ongoing and to help ensure that the final product is fully responsive to Congressional concerns.

Section 804. Performance Goals for Processing of Applications for Licenses to Export Items on United States Munitions List.

This section sets a goal of 60 days for the DDTC to process licenses to export defense hardware to U.S. friends and allies, and sets a goal of 30 days for applications to export defense hardware to NATO and major non-NATO allies. This section also: Sets a goal of seven days in cases where the hardware is to be supplied to an ally operating with the United States in a combat, peacekeeping or humanitarian deployment, and requires that applications which have not been processed within 60 days be reviewed by the top political or civil servants at the DDTC; applications older than 90 days would require review by the relevant Assistant Secretary; and requires reporting on the average processing times for various categories of license. This provision also sets a goal for processing commodity jurisdiction (CJ) requests in 60 days, and requires increased transparency of those decisions (exporters seek CJs to determine if an item is on the U.S. Munitions List and thus subject to State Department licensing requirements).

Section 804 essentially codifies Presidential Directives issued in January 2008 that set a “soft” deadline of 60 days for the processing of applications for licenses to export items on the U.S. Muni-

tions List (USML). Nothing in this section or in the presidential directives requires that a decision on any specific application be made within 60 days. The committee recognizes that additional time may be needed to review an application to ensure that the export is consistent with U.S. national security. The presidential directives identify five factors that would require more than 60 days to adjudicate a license application. Section 804 does not alter that aspect of State Department policy.

Nevertheless, U.S. exporters should have reasonable assurance that their licenses will be adjudicated in a fairly predictable timeframe. Unnecessary delays in adjudication can cause U.S. suppliers to be viewed as unreliable, and U.S. firms are made less competitive. Defense trade business may increasingly go to foreign competitors if there are long delays in licensing decisions. In late 2006, the DDTC was found to have a backlog of some 10,000 open applications. As a result, applications were left to languish, sometimes for months. While the current management of DDTC has eliminated a number of the factors that led to that backlog and the resulting processing delays, the committee believes that codified goals for processing times are essential to ensure predictability for U.S. exporters, and for internal resource planning at the DDTC. Section 804 also requires that DDTC management brief relevant congressional committees on the steps they will implement to address any significant backlog that arises in the future to ensure that growing backlogs and proposed remedial measures come to the attention of Congress in a timely fashion.

The goals for license processing times contained in section 804 do not cover Manufacturing License Agreements under Part 124 of the International Traffic in Arms Regulations (ITAR) for defense services. These include technical assistance agreements and manufacturing agreements, which are needed to convey technical know-how and permission to produce USML items overseas. These agreements are often of greater complexity and have potentially greater impacts on national security, including by weakening the defense industrial base. As noted, the committee is concerned about the increased tendency to offshore production of defense items. DDTC should place the highest priority on processing license applications and agreements that provide for the export of U.S. hardware to allies, and should generally give Manufacturing Licensing Agreements a significantly higher level of scrutiny. Furthermore, consistent with U.S. national security, licensing resources should be allocated first and foremost to ensuring that the processing goals of section 704 are generally being met.

Section 804 includes a requirement that the managing director of the DDTC review a small percentage of the applications received by the agency to ensure that the decisions in those cases were consistent with applicable statute, regulations and DDTC policies. This requirement will serve to ensure that senior management determine whether the decisions of licensing officers are being made consistent with U.S. export control policy and practice. It will also allow for the identification and rectification of common mistakes, and to ensure that the "return-without-action" device is not used excessively to clear or effectively restart the clock on difficult cases.

Section 804 also requires that the Secretary submit annual reports to Congress no later than December 31, 2011, and December

31, 2012, on average processing times for various categories of licenses across different categories of allied or friendly country, and any management decisions taken to address trends in the data. This reporting requirement responds to GAO criticism of DDTC for not seeking to analyze trends in licensing data when setting policies and allocating the resources of the agency.

Section 804 requires the Secretary to make the results of commodity jurisdiction (CJ) decisions public via the internet. This requirement responds to concerns raised by U.S. manufacturers and NGOs that the lack of transparency in the CJ process has led to a lack of consistency in CJ decisions, is unfair to some exporters, and does not provide for meaningful criticism of CJ decisions, which are essentially secret. This section is tailored to ensure that only the minimum amount of information necessary to provide meaningful disclosure is released; to the greatest extent possible, the proprietary information of the CJ applicant is protected.

Section 805. Requirement to Ensure Adequate Staff and Resources for the Directorate of Defense Trade Controls of the Department of State.

This section requires that the Secretary ensure adequate staffing of the DDTC and mandates that there be one licensing officer on staff for every 1,250 applications that the agency is estimated to receive in a given year. DDTC currently has only roughly 40 licensing officers to process approximately 85,000 applications per year.

The committee believes that many of the past performance problems at DDTC relate to understaffing. As noted, while the licensing caseload has increased significantly, the number of licensing personnel at DDTC has not. The requirement that DDTC have at least one licensing officer for every 1,250 applications expected for a given fiscal year does not place a limit on the number of cases any one licensing officer may handle in a given year. Not all applications require the same level of staff attention, and officers who handle relatively uncomplicated applications will presumably handle more than those handling more complicated cases.

The State Department will have until the third quarter of 2011 to comply with this increased staffing requirement to allow for recruitment and training of additional licensing officers. Rather than prescribe a specific number of officers, the committee decided to mandate a staff-to-application ratio to ensure that staffing increases are made if applications continue to increase over successive years.

This section's staffing mandates are necessary not only to provide for the efficiency of the agency, but to ensure its national security function is met. Applications are not only increasing in number, they are becoming more complicated. Leaving aside efficiency and processing speed, a staffing increase is necessary to ensure that DDTC's licensing decisions are consistent with American national security and foreign policy goals.

Section 805 requires that the Secretary maintain staffing levels in other areas of DDTC responsibility, including especially policy and enforcement. In order to meet the mandates of section 805, the DDTC has to hire more people and sustain adequate staff in all of its functions throughout any given year. The requirement for licensing officers should not be met by merely pulling personnel off

other functions and making them licensing officers. Nor should DDTC use temporary assignments or other schemes to merely move personnel around the DDTC to fulfill the licensing officer mandate.

Section 806. Audit by Inspector General of the Department of State.

This section requires that the Department of State's IG conduct audits in 2011 and 2012 to determine whether DDTC is meeting the goals set out in sections 804 and 805.

Section 807. Increased Flexibility for Use of Defense Trade Controls Registration Fees.

This section provides DDTC with the ability to use the fees that it collects from arms manufacturers and exporters for all expenses associated with the agency.

It is the expectation of the committee, that after a funding structure is well established and secure in support of licensing operations, DDTC should move forward on improvements in caseload management and electronic licensing.

Section 808. Review of International Traffic In Arms Regulations and United States Munitions List.

This section requires that the Secretary review not less than 20 percent of the USML every calendar year, with input from U.S. defense manufacturers, NGOs, labor and small business, to determine if controls on various items should be relaxed or strengthened.

This section will ensure that the entire USML is reviewed every 5 years.

Section 808 provides that the USML and the wider ITAR should be reviewed in their entirety every 5 years to ensure that export controls keep up with advances in defense technology. The Commerce Department generally conducts a similar 5-year review of its Control List. The committee believes that the 20-percent-per-year review requirement should be a floor—not a ceiling—for the administration. The Secretary also should not wait to place a section of the USML under review where technological advances warrant an immediate review simply because it is not yet that section's "turn" in the 5 year rotation. The Secretary should strive to increase specificity, where appropriate, as to what the USML does and does not apply.

The Secretary should ensure that a broad cross-section of the defense industry is represented in the conduct of the review, including small- and medium-sized domestic enterprises that serve as suppliers for the large defense companies. The committee believes that it is critical to include labor and arms control groups in these consultations in order to ensure a balanced review. The committee further recommends consulting with U.S. partners and allies to benefit from their licensing experiences with their military and industry.

Section 809. Special Licensing Authorization for Certain Exports to NATO Member States, Australia, Japan, New Zealand, Israel, and South Korea.

This section provides for a special, 5-year blanket license for the export of spare parts and components for specific USML items previously exported to U.S. allies. The previously-exported equipment would have to be in inventory of a security agency of a close U.S. ally and the spare parts and components would be limited to relatively non-sensitive items (meaning, no Significant Military Equipment). The spare parts and components would have to be made in the U.S. in order to qualify for licensing under this special type of license.

Exporters have expressed concern about the need to obtain multiple licenses for spare parts and components for defense systems that have been previously exported. Section 809 provides for a special licensing procedure for spare parts and components that meet the criteria set out in the section. The special licensing authorization provided for by this section is in effect a blanket license for the export of multiple spare parts and components for defense items in the inventory of an allied country. Section 809 sets out a number of limitations and conditions on the use of this special license, including: The spare parts and components must be shipped to and used by a security agency of the allied country for an item in its inventory; they may not be used to enhance the performance of the previously exported defense items; and the freight forwarder utilized for shipment must be the one designated by the recipient country for the Foreign Military Sales program. These conditions are designed to ensure maximum security against misuse and diversion.

The licensing procedure provided for by section 809 does not replace, amend or eliminate any other license or exemption provided for by current law or regulations, including the exemption for the temporary import and subsequent export of defense items serviced or repaired in the United States provided for in section 123.4 of the ITAR.

The section is limited to parts and components with a high U.S. content that have been manufactured in the United States. A part or component must include 85 percent American content on a total content basis—inclusive of all costs, including raw materials, but exclusive of costs associated with research and development, intellectual property and legal services. Eighty-five percent of the costs associated with the manufacturing of a spare part or component must also be attributable to work done in the United States in order for a part or component to qualify for licensing under this section. The requirement that the last substantial modification be done in the United States is designed to exclude from this licensing procedure any part or component that has its final assembly is done abroad.

The requirement that any foreign content value be calculated based on the final price or final cost paid of the foreign item or service precludes an applicant from calculating foreign content using a price paid for that foreign content by an agent or middleman that is not reflective of the actual, final cost to the applicant. Foreign content, if any, is limited to content from countries that are eligible to receive exports of USML items, save for de minimis

amounts. The committee appreciates that it may be impossible for an applicant to trace the origin of every screw, washer and nut. However, all significant parts and processing that go into the product must be of U.S. or eligible foreign origin.

Section 810. Availability of Information on the Status of License Applications Under Chapter 3 of the Arms Export Control Act.

This section requires that information on the status of applications be made available electronically to the applicant and relevant Congressional committees.

Section 811. Sense of Congress.

The Defense Trade Advisory Group is an advisory committee that consults with the State Department on export control issues. This section calls on the State Department to make its membership more diverse by including labor, NGOs, and academics, in addition to the defense industry itself. The committee also recommends that the State Department, from time to time, consult with relevant government and industry representatives from major, foreign allies and trade partners for their perspectives.

Section 812. Definitions.

This section provides various definitions that are necessary for the act.

Section 813. Authorization of Appropriations.

This section provides a “such sums” authorization for Fiscal Years 2010 and 2011.

SUBTITLE B—PROVISIONS RELATING TO EXPORT LICENSES

Section 821. Availability to Congress of Presidential Directives Regarding United States Arms Export Policies, Practices, and Regulations.

This section requires the President to make all Presidential directives regarding U.S. export policies available to the Foreign Affairs Committee of the House of Representatives, and to the Foreign Relations Committee of the Senate, the committees of jurisdiction over arms exports.

Section 822. Increase in Value of Defense Articles and Services for Congressional Review and Expediting Congressional Review for Israel.

This section increases the value thresholds for Congressional 15/30-day review periods of Foreign Military Sales (FMS) and commercial arms sales between \$50 to \$100 million for various categories, and increases the threshold for notification of arms sales to Congress for all countries to account for inflation since the lower level was set in the 1980s. However, it retains the general statutory threshold levels for notification of the export to Congress. The result is that the committees will still see and evaluate arms exports to all parties at existing levels, thereby ensuring that Congressional oversight is retained, but for proposed sales below the new review thresholds export licenses can be awarded 2 to 4 weeks

earlier. Congressional oversight for national security is preserved, but defense exporters are able to be more competitive.

Section 823. Diplomatic Efforts to Strengthen National and International Arms Export Controls.

This section states the sense of Congress that the President should redouble United States diplomatic efforts to strengthen national and international arms export controls by establishing a senior-level initiative to ensure that such arms export controls are comparable to, and supportive of, United States arms export controls, particularly with respect to countries of concern to the United States. This section requires an annual report on such efforts for 5 years.

Section 824. Reporting Requirement for Unlicensed Exports.

This section adds a requirement to report on exempted commercial arms sales to an existing annual report.

Section 825. Report on Value of Major Defense Equipment and Defense Articles Exported Under Section 38 of the Arms Export Control Act.

This section requires an annual listing of the value of actual arms deliveries by country as part of the annual Congressional Budget Justification to improve the transparency of the U.S. arms export process and facilitate Congressional oversight.

Section 826. Authority to Remove Satellites and Related Components From the United States Munitions List.

This section grants the President the flexibility to transfer commercial satellite and satellite components from the U.S. Munitions List—where the National Defense Authorization Act of 1998 (P.L. 105–261) transferred them in the wake of the Cox Commission report—to the Commerce Control List, with the caveat that the removal of any such item must first be cleared by the Committees on Foreign Affairs of the House and Foreign Relations of the Senate under reprogramming/hold procedures.

The committee expects that, within 180 days of enactment of this act, the Secretary, in consultation with other appropriate government officials, will submit to the House Foreign Affairs Committee and Senate Foreign Relations Committee a proposal detailing which items and technology related to commercial satellites shall be removed from the United States Munitions List, along with a detailed justification. Such proposal may serve as notice of a decision to remove certain items from the United States Munitions List pursuant to section 38(f)(1) of the act (22 USC 2778(f)(1)).

It is the committee's expectation that, with the exception of those technologies deemed most militarily sensitive, most satellites and related components will be transferred to the licensing jurisdiction of the Commerce Control List, after a thorough consultation with the House Committee on Foreign Affairs and the Senate Committee on Foreign Relations pursuant to the procedures of section 38(f) of the Arms Export Control Act.

In light of its ongoing concerns with regard to transfers of sensitive satellite-related technologies to the People's Republic of China, the committee notes that the authority of subsection (a) is

not intended to supersede existing restrictions concerning satellite exports to or launches from the People's Republic of China, as enumerated in P.L. 101–246, P.L. 105–261, and P.L. 106–65. With subsection (b), the committee seeks to make clear its view that, as has been the case for more than a decade, no sensitive satellite-related technologies or components should be approved for export to China. However, subsection (b) should not be misinterpreted as a means to retain all satellites and related components on the USML.

Section 827. Review and Report of Investigations of Violations of Section 3 of the Arms Export Control Act.

This section requires the Department of State Inspector General to annually review for each of the Fiscal Years 2010 through 2014 the process of reviewing and reporting to Congress any misuse of U.S.-provided defense items, and to report the findings to the Committee on Foreign Affairs of the House, and the Committee on Foreign Relations of the Senate. The State Department failed spectacularly in one important case 3 years ago, and the subsequent IG investigation requested by the committee found rampant ignorance and incompetence in the violations review process. The Department of State promised improvements, but has recently failed again in a significant case. This section will help ensure that a rigorous and timely process will be instituted and followed consistently.

Section 828. Report on Self-Financing Options for Export Licensing Functions of DDTC of the Department of State.

This section requires the Secretary of State to submit a report on possible mechanisms for complete self-financing of the export licensing functions of the Department of State.

Section 829. Clarification of Certification Requirement Relating to Israel's Qualitative Military Edge.

This section requires that the required certification to accompany all U.S. arms sales to Middle Eastern countries other than Israel—that such sale does not constitute a threat to Israel's "Qualitative Military Edge"—be unclassified, as was originally intended.

Section 830. Expediting Congressional Defense Export Review Period for Israel.

This section grants Israel the same 15-day Congressional Review period of proposed arms sales that applies to NATO countries, Australia, New Zealand, South Korea, and Japan.

Section 831. Updating and Conforming Penalties for Violations of Sections 38 and 39 of the Arms Export Control Act.

This section updates the penalties in the Arms Export Control Act for violations in the export of U.S. arms to conform to the increased penalties enacted in the 110th Congress amending the International Emergency Economic Powers Act (IEEPA), which sets penalties for the illegal export of dual-use commodities and violations of country embargoes.

SUBTITLE C—MISCELLANEOUS PROVISIONS

Section 841. Authority to Build the Capacity of Foreign Military Forces.

This section grants the Secretary of State equip-and-train authority to respond to contingencies in foreign countries or regions with training, procurement and capacity-building of a foreign country's national military forces. It authorizes up to \$25,000,000 in new funds and \$25,000,000 in FMF funds for each of the Fiscal Years 2010 and 2011.

This authority is necessary for the Department of State to start stepping up to the responsibility to provide assistance to train and equip foreign military forces to support U.S. security operations and to better engage in counter-terror operations.

Section 842. Foreign Military Sales Stockpile Fund.

This section responds to a Department of Defense (DoD) request to update the moribund "Special Defense Acquisition Fund" in section 51 of the AECA by adding "building partner capacity" as a purpose of the Fund, allowing proceeds from the lease of defense items under section 61 of the AECA to go to the Fund, and allowing amounts in the Fund to remain available until expended. This Fund would allow DoD to purchase and stockpile high-demand defense items for anticipated FMS sales—such as uniforms, small arms, night vision goggles, etc.—to expedite the FMS delivery process.

Section 843. Annual Estimate and Justification for Foreign Military Sales Program.

This section would streamline the annual "Javits Report" by requiring the listing only of those arms sales that would likely be granted export licenses for the coming calendar year. Currently, the Javits Report lists all potential arms sales that are not only likely, but are just "wish-lists" by the country or U.S. industry. This section would make the Javits Report less onerous on the administration to compile and produce each year.

Section 844. Sense of Congress Relating on the Global Arms Trade.

This section states the Sense of Congress that the United States, as the world's largest exporter of conventional weapons, has a special obligation to promote responsible practices in the global arms trade. It also states that the U.S. should actively work to prevent arms from being used to perpetrate breaches of the U.N. Charter relating to the use of force, gross violations of international human rights, serious violations of international humanitarian law, acts of genocide or crimes against humanity or terrorism; and destabilizing buildups of military forces and weapons. Finally, it further states that the U.S. should actively engage in the development of a legally-binding treaty establishing common international standards for the import, export, and transfer of conventional arms.

Section 845. Report on the United States' Commitments to the Security of Israel.

This section requires the President to provide copies of all U.S. assurances made to Israel regarding its security since 1975 and on

an ongoing basis, including revisions of past assurances, to the Committee on Foreign Affairs of the House and the Foreign Relations Committee of the Senate, to enable Congressional oversight of the U.S.-Israel security relationship.

Section 846. War Reserves Stockpile.

This provision extends the dates and amounts of U.S. excess equipment that can be transferred to Israel from regional stockpiles.

Section 847. Excess Defense Articles to Central and South European Countries and Certain Other Countries.

This provision allows the President, for Fiscal Years 2010 and 2011, to provide for the crating, packing, handling, and transportation of excess defense articles transferred under the authority of section 516 of the Foreign Assistance Act of 1961, to Albania, Afghanistan, Bulgaria, Croatia, Estonia, Macedonia, Georgia, India, Iraq, Israel, Kazakhstan, Kyrgyzstan, Latvia, Lithuania, Moldova, Mongolia, Pakistan, Romania, Slovakia, Tajikistan, Turkmenistan, and Ukraine.

Section 848. Support to Israel for Missile Defense.

This section authorizes assistance to Israel for the continued co-development of medium and short-range missile defense systems and includes a reporting requirement on future U.S. assistance for the development and completion of the Arrow missile system. Subsection (a) authorizes assistance for: The accelerated co-production of the Arrow missile system, the development of short-range ballistic missile defense capability, David's Sling weapon system, and the integration of these weapons systems with U.S. ballistic missile defense systems and force protection efforts; and for the research, development, and test and evaluation of the Iron Dome short-range projectile defense system. Subsection (b) requires the Secretary of State, in consultation with the Secretary of Defense, to submit a report on U.S. assistance for the co-production of the Arrow missile system, with a classified annex if necessary.

TITLE IX—ACTIONS TO ENHANCE THE MERIDA INITIATIVE

SUBTITLE A—GENERAL PROVISIONS

Section 901. Coordinator of United States Government Activities to Implement the Merida Initiative.

This section would establish a “Merida Coordinator” to track all Merida Initiative-related efforts throughout the United States government. Subsection (a) declares that the Merida Initiative requires a single Coordinator to avoid duplication, coordinate messaging, and facilitate accountability to and communication with Congress. Subsection (b) requires the President to designate a Merida Coordinator at the Department of State, with the rank of Ambassador, to accomplish these goals. The Coordinator need not be a State Department employee prior to selection, but the position of the Coordinator shall be resident at the Department of State.

Section 902. Adding the Caribbean to the Merida Initiative.

This section would require the President to incorporate the CARICOM countries into the Merida Initiative. Subsection (a) provides findings on the toll that the drug trade and drug-related violence has taken on the countries of CARICOM. Subsection (b) requires the Secretary of State to begin consultations with the CARICOM countries in preparation for their inclusion in the Merida Initiative. Subsection (c) authorizes the President to incorporate the CARICOM countries into the Merida Initiative.

Section 903. Merida Initiative Monitoring and Evaluation Mechanism.

This section creates a monitoring and evaluation mechanism for the Merida Initiative. It directs the President to establish and implement a program to assess the effectiveness of assistance provided under Merida through impact evaluation research on a selected set of programmatic interventions, and operations research to ensure efficiency and effectiveness of program implementation. The program should include monitoring to ensure timely and transparent delivery of assistance. The section recognizes that such an evaluation program is needed to successfully support building the capacity of recipient countries' civilian security institutions, enhance the rule of law in recipient countries, and ensure the protection of human rights. Of the amounts authorized to be appropriated for the Merida Initiative, up to 5 percent of such amounts is authorized to carry out this section.

Additionally, the section creates a reporting requirement for the Merida Initiative to inform Congress of the evaluation of the program, efforts of the United States Government to coordinate its Merida-related activities, as well as utilization, disposition and effectiveness of equipment transferred under Merida. It directs further that the report specifically include: Information regarding human rights; the government of Mexico's public security strategy; the flow of illegal arms from the U.S. to Mexico; the use of contractors to carry out Merida programs; a description of the progress of phasing out law enforcement activities of the Armed Forces of each Merida recipient country; and the impact that Merida authorized activities have had on violence against United States and Mexican border personnel and the extent to which these activities have increased the protection and security of the United States-Mexico border.

Section 904. Merida Initiative Defined.

This section defines "Merida Initiative" as the program announced by the United States and Mexico on October 22, 2007, to fight illicit narcotics trafficking and criminal organizations throughout the Western Hemisphere.

SUBTITLE B—PREVENTION OF ILLICIT TRADE IN SMALL ARMS AND LIGHT WEAPONS

Section 911. Task Force on the Prevention of Illicit Small Arms Trafficking in the Western Hemisphere.

This section would create a interagency Task Force that would include Bureau of Alcohol, Tobacco, Firearms and Explosives

(ATF), the U.S. Customs and Border Protection Agency (CPB), the U.S. Immigration and Customs Enforcement Agency (ICE) and others, to develop a strategy to coordinate U.S. Government efforts “to reduce and prevent illegal firearms trafficking from the United States throughout the Western Hemisphere, including Mexico, Central America, the Caribbean, and South America.” The Task Force would also conduct a thorough review and analysis of current regulation of exports of small arms and light weapons.

Section 912. Increase in Penalties for Illicit Trafficking in Small Arms and Light Weapons to Countries in the Western Hemisphere.

The illicit transfer of small arms to Mexico and the Western Hemisphere is an export violation of the AECA, as small arms are controlled items under the U.S. Munitions List and require licenses for export. The existing penalty for such violations is a fine of no more than \$1,000,000 per violation, no more than 10 years in prison, or both. This provision increases that fine to between \$1,000,000 and \$3,000,000 and also requires prison time of no more than 20 years, or both.

Section 913. Department of State Rewards Program.

The existing State Rewards program is targeted against persons who have or are planning to commit terrorist acts against the United States, or commit narcotics-related offenses that violate U.S. narcotics laws. This new provision would add trafficking in small arms to Mexico as an additional category for which rewards can be paid to informants upon conviction of violators.

Section 914. Statement of Congress Supporting United States Ratification of CIFTA.

This provision expresses support for the ratification of the Inter-American Convention Against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and Other Related Materials (CIFTA).

TITLE X—REPORTING REQUIREMENTS

Section 1001. Assessment of Special Court for Sierra Leone.

This section requires the Secretary of State to submit an assessment to appropriate congressional committees on the continuing needs of the Special Court for Sierra Leone. The assessment would examine the Special Court’s archival, witness protection, physical facility, and community outreach needs. This assessment would also examine the residual registrar’s capacity for enforcing Special Court sentences, maintaining relations with countries hosting imprisoned convicts of the Special Court, legal decision-making regarding future appeals, conditions of prisoner treatment, contempt proceedings, and financial matters relating to such activities.

Section 1002. Report on United States Capacities to Prevent Genocide and Mass Atrocities.

Subsection (a) includes congressional findings noting the lack of an effective government-wide strategy and capacity for preventing genocide undermines the ability of the United States to contribute

to the maintenance of global peace, that the Report of the Genocide Prevention Task Force offers a valuable blueprint for strengthening U.S. capacities to help prevent genocide, and that specific training and staffing will enhance the diplomatic capacities of the Department of State to help prevent and respond to threats of genocide. Subsection (b) requires the Secretary to report to the appropriate congressional committees on plans for the development of a government-wide strategy to strengthen U.S. civilian capacities for preventing genocide and mass atrocities. The report would include assessments of interagency genocide prevention cooperation, current capacities within the State Department to help avert genocide, foreign assistance programs directed towards genocide prevention, and the feasibility of implementing key recommendation made by the Genocide Prevention Task Force.

Section 1003. Reports Relating to Programs to Encourage Good Governance.

This section amends section 133(d)(2)(C) of the Foreign Assistance Act of 1961 which requires a report on U.S. anti-corruption activities to include information regarding whether countries with extractive industries citizens of such countries with access to information about government revenue from the extraction of such resources and whether there are credible reports of human rights abuses against individuals from civil society or the media seeking to monitor extractive industries.

Section 1004. Reports on Hong Kong.

This section reauthorizes an annual report concerned with the status of democracy and universal suffrage in Hong Kong, demonstrating the United States' continued commitment to the democratic process in Hong Kong. The reporting requirement, which began in 1993, expired in 2006. Reauthorization would begin in 2010 and run through 2020.

Section 1005. Democracy in Georgia.

This section expresses the Sense of Congress that the development and consolidation of democratic governance in Georgia is critically important to its integration into Euro-Atlantic institutions. It asks the State Department to report to Congress within 180 days of the enactment of this act and no later than December 31 in each of the next 2 fiscal years on the programs, projects and activities carried out in Georgia with U.S. foreign assistance following the August 2008 conflict with Russia. The report should detail the programs funded with such assistance and evaluate their impact on the consolidation of democracy in Georgia, as well as efforts by the Government of Georgia to improve democratic governance. In addition, the report should analyze the implementation of the U.S.-Georgia Strategic Partnership.

Section 1006. Diplomatic Relations with Israel.

This section concerns international diplomatic relations with Israel.

Subsection (a) includes a Sense of Congress that the United States should assist Israel in its efforts to establish diplomatic relations. Subsection (b) includes a reporting requirement on actions

taken by representatives of the United States to encourage other countries to establish full diplomatic relations with Israel, specific responses solicited and received by the Secretary of State from countries that do not maintain full diplomatic relations with Israel with respect to their attitudes toward and plans for entering into diplomatic relations with Israel, and other measures being undertaken, and considered, by the United States to ensure and promote Israel's full participation in the world diplomatic community.

Section 1007. Police Training Report.

This section requires the President to conduct a study on overseas civilian police training conducted by the United States in countries or regions that are at risk of, in, or are in transition from conflict or civil strife. The committee is aware of numerous Departments and agencies that currently conduct such programs, and that such programs are conducted both by Federal employees and private contractors. The committee remains concerned that such programs might not be sufficiently coordinated. The committee would like to gain further understanding of the specific programs conducted by various Federal entities as well as awareness of the coordination among such entities in providing training. Subsection 1007(a) establishes the reporting requirement. Subsection 1007(b) spells out the required contents. Paragraph 1007(5) requests recommendations to improve interagency coordination.

Section 1008. Reports on Humanitarian Assistance in Gaza.

This section requires the Secretary to report to Congress on: The level of access to basic necessities in Gaza, including food, fuel, water, sanitation, education, and healthcare; the ability of NGOs and others to deliver and distribute humanitarian and reconstruction supplies; and a description of the efforts of the United States to facilitate the distribution of humanitarian assistance in Gaza. The assessment should consider and evaluate the prospects that the activities and policies of Hamas and other terrorist groups might pose challenges to the delivery of humanitarian and reconstruction assistance, and should provide recommendations for actions that can be taken to best improve the level of access to basic necessities. This section also requires an assessment of the policy prohibiting State Department or USAID personnel from traveling to Gaza. This further assessment should examine the feasibility of revising the official travel prohibition in order to facilitate humanitarian assistance operations and monitor the dispersion of U.S. foreign assistance to ensure that it does not benefit Hamas or any other terrorist organization.

Section 1009. Report on Activities in Haiti.

This section would instruct the Secretary of State to submit to the appropriate congressional committees a report on activities in Haiti funded or authorized by the Department of State and USAID, and how the activities supplement the work of the Government of Haiti to provide a safe and prosperous democracy for its citizens. It requests that the report contain a timetable for when management and implementation of such activities will be turned over to the Government of Haiti, as well as a description of how such assistance is coordinated among U.S. agencies and with other donors

to Haiti. Finally, the report should set out short-term and long-term objectives for U.S. assistance and metrics that will be used to identify, track, and manage progress of those activities.

Section 1010. Reports on Religious Minority Communities in the Middle East.

This section concerns religious minority communities in the Middle East. Subsection (a) authorizes the Secretary to monitor the status of religious minority communities in the Middle East and provide policy recommendations to protect these communities. Subsection (b) requires the Secretary to submit a report to Congress on religious minority communities in the Middle East, including an assessment of conditions faced by these communities and the efficacy of humanitarian assistance activities directed at them. This subsection also provides that the report include recommendations to alleviate the adverse humanitarian circumstances faced by religious minorities in the region.

Section 1011. Iran's Influence in the Western Hemisphere.

This section contains a number of findings regarding Iran's relationship with the government of Venezuela and its attempts to strengthen ties with other countries in the Western Hemisphere. This section also requires the Secretary of State to submit a report to Congress on activities of Iran and Hezbollah in the Western Hemisphere, with a classified annex if necessary.

TITLE XI—MISCELLANEOUS PROVISIONS

SUBTITLE A—GENERAL PROVISIONS

Section 1101. Bilateral Commission with Nigeria.

This section would request the President to establish a bilateral commission between the United States and Nigeria to support bilateral cooperation. The Commission would: Establish a bilateral process to determine the goals and objectives of a bilateral partnership and establish guidelines for accountability and rules to measure the effectiveness for any initiatives undertaken; monitor bilateral technical assistance and capacity building projects; and submit to the President of the United States, the United States Congress, the President of Nigeria, and the Nigerian National Assembly a report on the amount of progress achieved on projects undertaken.

Section 1102. Authorities Relating to the Southern Africa Enterprise Development Fund.

This section would give notwithstanding authority to the Southern Africa Enterprise Development Fund (SAEDF) akin to such authority that exists with the other existing enterprise funds. The SAEDF was created administratively by USAID, rather than by statute as were the funds for Central and Eastern Europe. As a result, SAEDF has functioned without notwithstanding authority and has been unable to attract and develop its investments and appropriate personnel as a result.

Section 1103. Diabetes Treatment and Prevention and Safe Water and Sanitation for Pacific Island Countries.

Subsection (a) authorizes the appropriation of \$500,000 for each of Fiscal Years 2010 and 2011 to establish a diabetes prevention and treatment program for Pacific Island countries and for safe water and sanitation. Subsection (b) defines Pacific Island countries to mean Fiji, Kiribati, the Marshall Islands, the Federated States of Micronesia, Nauru, Niue, Palau, Papua New Guinea, Samoa, Solomon Islands, Tonga, Tuvalu, and Vanuatu.

Section 1104. Statelessness.

This section addresses the issue of statelessness.

Subsection (a) states that the purposes of the section is to reduce the number of individuals who are de jure or de facto stateless and thereby increase global security and stability and combating trafficking in persons and legal and societal discrimination. Subsection (b) contains a number of findings establishing the right to de jure and de facto nationality as guaranteed in a number of international instruments; documents that at least 11 million people remain stateless; describes the negative impacts of statelessness in terms of employment, vulnerability to exploitation and deprivation of political and social rights; and establishes that UNHCR has been given the mandate to help stateless people, but has inadequate resources to carry out this mandate. Subsection (c) contains a policy section stating that it is the policy of the United States that the President and the Permanent Representative the U.N. will work with the international community to increase political and financial support for the work of UNHCR to increase its activities and provide structural changes to prevent and resolve problems of statelessness. The Subsection authorizes \$5 million in extra-budgetary funds be provided to UNHCR and \$3 million to UNICEF for each of Fiscal Years 2010 and 2011 to improve these agencies' assistance to stateless individuals. Subsection (d) establishes that the President shall make the prevention and reduction of statelessness an important goal of U.S. foreign policy. It also establishes that the U.S. will comply with the principles and sections of the 1954 Convention Relating to the Status of Stateless Persons to the largest extent possible, and that it will encourage other countries to do the same. It calls for a permanent and unspecified increase in resources to the States Department's Bureau of Population, Refugees, and Migration (PRM) to combat statelessness and directs the Secretary of State to establish an interagency working group on statelessness to include the Department of Justice and Homeland Security. It authorizes such sums as may be necessary to carry out the title.

Section 1105. Statement of Policy Regarding the Ecumenical Patriarchate.

This section makes a statement of policy that the United States shall urge Turkey to: Respect property rights and religious rights of the Ecumenical Patriarchate; grant the Ecumenical Patriarchate appropriate international recognition and ecclesiastic succession; and allow the Ecumenical Patriarchate the right to train and employ clergy of all nationalities, not just Turkish nationals.

Section 1106. Limitation on Assistance for Weather Cooperation Activities to Countries in the Americas.

This section expresses the Sense of Congress that the United States should facilitate international cooperation on hurricane preparedness, and requires the Secretary of State to transmit a report to Congress on the status of U.S. cooperation with other countries in the Americas on hurricane preparedness and other weather cooperation activities. The section prohibits the Secretary from providing assistance to countries listed under subsection (b)(2)(A) of the report, but allows the Secretary to waive that limitation if national security requires the action.

Section 1107. Statement of Congress Regarding Afghan women.

This section expresses the sense of Congress that: The draft Shi'ite Personal Status law violates the basic human rights of women and is inconsistent with the Constitution of Afghanistan; urges relevant parties to declare the draft law unconstitutional; reiterates its strong sense that the provisions in such draft law which restrict the rights of women should be removed; encourages the Secretary of State and others in the United States Government to address women's rights and security in Afghanistan; and encourages the Government of Afghanistan to solicit information and advice from relevant governmental bodies and from female-led nongovernmental organizations to ensure that current and future legislation and official policies protect and uphold the equal rights of women.

Section 1108. Global Peace Operations Initiative Programs and Activities.

This section expands U.S. efforts to support multilateral peacekeeping operations authorized by the U.N. Security Council. In particular, it addresses the shortage of helicopters facing many peacekeeping operations.

Subsection (a) states that countries undergoing conflict threaten the national and economic security of the United States and that the United States has a vital interest in ensuring that U.N.-authorized peacekeeping operations are successful. The subsection further finds that diplomatic efforts to secure critical enablers, such as helicopters, for many of these missions have not yielded sufficient results.

Subsection (b) states that the purpose of the assistance to be provided is to contribute to peace and security and to protect civilians by helping to train and equip peacekeepers.

Subsection (c) defines the activities for which funds shall be used. The subsection further requires the Secretary of State to seek to leverage U.S. funds for these activities with financing from other nations.

This subsection directs the Secretary to partner with other nations to help finance the refurbishing of helicopters for U.N. authorized peacekeeping missions. This is a new activity to respond to the critical shortfalls in air assets facing current peacekeeping missions, including those in Darfur, the Democratic Republic of Congo and Chad. The provision is also meant to apply to potential new authorized peacekeeping missions, which would likely face similar shortfalls given the trend lines.

It is our intent that the Secretary of State has discretion and flexibility to decide which peacekeeping missions should benefit from this support, as well as the most propitious time for intervention. We encourage the appropriators to allot such sums as may be necessary above the President's FY 2010 request of \$96 million for the Global Peace Operations Initiative (GPOI) in order to carry out this new task, which is critical to improving civilian protection and the operational effectiveness of peacekeeping operations on the ground. We encourage the State Department to move as quickly as possible toward filling the critical shortage of helicopters in global peacekeeping.

Subsection (d) would require an annual report to Congress on the program's activities and effectiveness.

Subsection (e) would authorize appropriations for this program from the peacekeeping operations account.

Subsection (f) defines the term "Global Peace Operations Initiative (GPOI)."

Section 1109. Freedom of the Press.

Subsection (a) references the short title of the section as the "Daniel Pearl Freedom of the Press Act of 2009." Subsection (b) expands the annual Country Reports on Human Rights Practices to include: (1) A description of the status of freedom of the press in each country reviewed in the report, including initiatives in favor of freedom of the press and efforts to improve or preserve, as appropriate, the independence of the media, together with an assessment of progress made as a result of those efforts; (2) An identification of countries in which there were violations of freedom of the press, including direct physical attacks, imprisonment, indirect sources of pressure, and censorship by governments, military, intelligence, or police forces, criminal groups, or armed extremist or rebel groups; and (3) Whether government authorities in countries in which there are particularly severe violations of freedom of the press participate in, facilitate, or condone such violations of the freedom of the press, and actions that the government of each such country has taken to preserve the safety and independence of the media, and to ensure the prosecution of those individuals who attack or murder journalists. Subsection (c) authorizes a freedom of the press grant program administered by the Department of State's Bureau of Democracy, Human Rights, and Labor in consultation with the Undersecretary for Public Affairs and Public Diplomacy. Grants may be awarded to nonprofit and international organizations and may span multiple years, up to 5 years. Grant proposals should promote and broaden press freedoms by strengthening the independence of journalists and media organizations, promoting a legal framework for freedom of the press, or through providing regionally and culturally relevant training and professionalization of skills to meet international standards in both traditional and digital media. Subsection (d) includes a definition of the term "media organization." Subsection (e) authorizes to be appropriated such sums as may be necessary to carry out this section.

Section 1110. Information for Country Commercial Guides on Business and Investment Climates.

This section calls for additional information on unfair business and investment practices to be included in the annual Country Commercial Guides produced by the U.S. Department of Commerce, and requires the establishment of a warning system to alert United States businesses and investors to significant deteriorations in the business and investment climates in foreign countries.

Subsection (a) states that the Director General of the Foreign Commercial Service, in consultation with other relevant officials, should ensure that the annual Country Commercial Guides include detailed assessments of each foreign country in which unfair practices have resulted in poor business and investment climates, as well as all relevant information about such practices and about the extent to which the host government and the United States Government have acted to prevent such practices.

Subsection (b) states that the information required under subsection (a) should, to the extent feasible, include: A review of efforts undertaken by each foreign country to promote a healthy business and investment climate; the response of the country's judicial and local arbitration systems to matters affecting United States businesses and investors; each country's access to the United States market; actions undertaken by the foreign government that prevent United States citizens and businesses from receiving equitable treatment; unfair actions taken and decisions rendered against United States citizens and businesses; and actions taken by the United States Government to promote the rule of law, prevent discriminatory treatment, avoid coproduction requirements, and protect intellectual property rights.

Subsection (c) requires that the Director General of the Foreign Commercial Service consult with business leaders, union leaders, representatives of the involved country's judicial system, and relevant nongovernmental organizations in carrying out this section.

Subsection (d) requires the Secretary of State, with the assistance of the Assistant Secretary of State for Economic, Energy and Business Affairs, as well as the Assistant Secretary of Commerce for Trade Promotion and the Director General of the Foreign Commercial Service, to establish a business and investment climate warning system. Such system must effectively alert United States businesses and investors of conditions that are not explained in the most recent Country Commercial Guide for a given country. Specifically, these conditions are: A significant deterioration in the business climate in a foreign country, including discriminatory treatment of United States businesses; or a significant constraint on the ability of the United States Government to assist United States businesses and investors in a foreign country, such as the closure of a United States diplomatic or consular mission.

Subsection (e) contains definitions of terms used in this section.

Section 1111. International Protection of Girls by Preventing Child Marriage.

This section addresses the problem of child marriage internationally. Subsection (a) includes a Sense of Congress that child marriage is: A violation of human rights and the prevention and elimination of child marriage should be a foreign policy goal of the

United States; the practice of child marriage undermines United States efforts to promote education and skills building for girls, reduce maternal and child mortality, reduce maternal illness, halt the transmission of HIV/AIDS, prevent gender-based violence, and reduce poverty; and expanding educational opportunities for girls, economic opportunities for women, and reducing maternal and child mortality are critical to achieving the Millennium Development Goals and the global health and development objectives of the United States, including efforts to prevent HIV/AIDS. Subsection (b) requires the President acting through the Secretary of State to establish a multi-year strategy to prevent child marriage in developing countries and promote the empowerment of girls at risk of child marriage in developing countries. In establishing the strategy the President shall consult with Congress, relevant Federal departments and agencies, multilateral organizations, and representatives of civil society. The strategy shall focus on areas in developing countries with high prevalence of child marriage. This subsection also requires the President to transmit a report to Congress that includes: The strategy; an assessment, including data disaggregated by age and gender to the extent possible, of current United States-funded efforts to specifically assist girls in developing countries; and examples of best practices or programs to prevent child marriage in developing countries that could be replicated. Subsection (c) requires the Secretary to work with other relevant Federal agencies and departments to collect and make available data on the incidence of child marriage in countries that receive foreign or development assistance from the United States where the practice of child marriage is prevalent, the impact of the incidence of child marriage, and the age at marriage on progress in meeting key development goals. Subsection (d) requires the Country Reports on Human Rights Practices to include for each country in which child marriage is prevalent a description of the status of the practice of child marriage in such country. Subsection (e) includes a definition of child marriage. Subsection (f) authorizes such sums as necessary for Fiscal Years 2010 and 2011 to carry out this section.

Section 1112. Statement of Congress Regarding Return of Portraits of Holocaust Victims to Artist Dina Babbitt.

This section contains findings noting that Dina Babbitt has requested the return of watercolor portraits she painted on the orders of the infamous war criminal Dr. Josef Mengele while imprisoned at the Auschwitz death camp during World War II. These paintings are currently in the possession of the Auschwitz-Birkenau State Museum. This section also contains a Statement of Congress recognizing Dina Babbitt's right to take possession of the artwork in question and urging the President and Secretary of State to undertake diplomatic efforts to help her retrieve the paintings.

Section 1113. Statement of Policy Regarding Somalia.

This section concerns conditions in Somalia. Section (a) states that it shall be the policy of the United States to advance long-term stability and peace in Somalia, to provide assistance to key groups, to support efforts to establish democratic authorities and civil institutions in Somalia, and to support the reconciliation process. Section (b) expresses a sense of Congress that the President, acting

through the Secretary of State, should develop a comprehensive policy to address the situation in Somalia, and that such policy should align humanitarian, development, economic, political, counterterrorism, anti-piracy, and regional strategies in order to bring about peace and stability in Somalia and the region.

SUBTITLE B—SENSE OF CONGRESS PROVISIONS

Section 1121. Promoting Democracy and Human Rights in Belarus.

This section draws on the Belarus Democracy Reauthorization Act. It reiterates concerns about the authoritarian crackdown in Belarus by President Lukashenka. It restates American support for the aspirations of the people of Belarus for democracy, human rights, and the rule of law. This section expresses the Sense of Congress that the United States should continue furnishing assistance to support democratic processes in Belarus, including the development of an open market economy. In addition, the U.S. would view positively a decision by the Government of Belarus to release critically ill American citizen Emanuel Zeltser from detention on humanitarian grounds.

Section 1122. Sense of Congress on the Humanitarian Situation in Sri Lanka.

This section expresses the Sense of Congress that the Liberation Tigers of Tamil Eelam (LTTE) and the Government of Sri Lanka must abide by their commitments to respect human life and cease offensive operations, expresses the concern of the United States Government regarding the humanitarian situation in the country, and calls for the LTTE to lay down its arms and allow civilians to depart conflict areas. This section also calls on the Government of Sri Lanka to allow the United Nations High Commission for Refugees (UNHCR) and the International Committee of the Red Cross (ICRC) access to civilian populations. Further, this section also calls for a durable and lasting peace and urges the Government of Sri Lanka to develop a political solution in order to achieve peace and reconciliation. The committee intends to monitor the ongoing developments in Sri Lanka and revise this section to appropriately reflect any new developments.

Section 1123. West Papua.

This section contains a number of findings regarding human rights violations against the people of West Papua and requires a report for each of the Fiscal Years 2010 and 2011 on whether Indonesia has stopped human rights abuses there and on the implementation of special autonomy in West Papua.

Section 1124. Sense of Congress Relating to Soviet Nuclear Tests and Kazakhstan's Commitment to Nonproliferation.

This section contains a number of findings on the effects of nuclear tests in Kazakhstan and includes a sense of congress regarding Kazakh efforts at nonproliferation and on encouraging Kazakhstan to work with Norway on issues of common environmental concerns.

Section 1125. Sense of Congress on Holocaust-Era Property Restitution and Compensation.

This section expresses a sense of Congress that countries in Central and Eastern Europe which have not already done so must return looted and confiscated properties to their rightful owners or, where restitution is not possible, pay equitable compensation. The section also includes a further sense of Congress that these countries must enact and implement property restitution legislation to establish a simple, transparent, and timely process, resulting in a real benefit to those who suffered from the unjust confiscation of their property.

Section 1126. Efforts to Secure the Freedom of Gilad Shalit.

This section contains a Sense of Congress that Israeli soldier Gilad Shalit should be safely released at the earliest possible date, and that pending his release, the International Committee of the Red Cross should be given full access to him.

Section 1127. Sense of Congress Relating to Sudan.

This section contains a Sense of Congress that the United States should support efforts to find a stable and lasting peace in Sudan, including by supporting the Comprehensive Peace Agreement.

Section 1128. Sense of Congress on Restrictions on Religious Freedom in Vietnam.

This amendment calls on the Department of State to re-list Vietnam as a “Country of Particular Concern” with respect to religious freedom and calls on the Government of Vietnam to allow for greater religious freedom. Subsection (a) lists recent cases in which certain religious groups and its adherents in Vietnam have been attacked, detained, or faced unwarranted abuses from the Vietnamese government. Subsection (b) urges the Department of State to place Vietnam on the list of “Countries of Particular Concern” for severe violations of religious freedom; condemns the ongoing violations of religious freedom in Vietnam; and calls on Vietnam to enact legal and political reforms that will allow for greater religious freedom.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, existing law in which no change is proposed is shown in roman):

STATE DEPARTMENT BASIC AUTHORITIES ACT OF 1956

* * * * *

TITLE I—BASIC AUTHORITIES GENERALLY

ORGANIZATION OF THE DEPARTMENT OF STATE

SECTION 1. (a) * * *

(b) UNDER SECRETARIES.—

(1) * * *

* * * * *

(3) UNDER SECRETARY FOR PUBLIC DIPLOMACY.—There shall be in the Department of State, among the Under Secretaries authorized by paragraph (1), an Under Secretary for Public Diplomacy, who shall have primary responsibility to assist the Secretary and the Deputy Secretary in the formation and implementation of United States public diplomacy policies and activities, including international educational and cultural exchange programs, information, and international broadcasting. The Under Secretary for Public Diplomacy shall—

(A) * * *

* * * * *

(D) assist the United States Agency for International Development and the Broadcasting Board of Governors to present the policies of the United States clearly and effectively; [and]

(E) submit statements of United States policy and editorial material to the Broadcasting Board of Governors for broadcast consideration[.]; and

(F) provide for the establishment of new and the maintenance of existing libraries and resource centers at or in connection with United States diplomatic and consular missions.

* * * * *

SEC. 4. (a) * * *

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(e) Under such regulations as the Secretary of State may prescribe, and in such amounts as are appropriated in advance, the Secretary is authorized to waive in whole or part the recovery of a repatriation loan under subsection (d) if it is shown that such recovery would be against equity and good conscience or against the public interest.

* * * * *

SEC. 36. DEPARTMENT OF STATE REWARDS PROGRAM.

(a) * * *

(b) REWARDS AUTHORIZED.—In the sole discretion of the Secretary (except as provided in subsection (c)(2)) and in consultation, as appropriate, with the Attorney General, the Secretary may pay a reward to any individual who furnishes information leading to—

(1) * * *

* * * * *

(4) the arrest or conviction in any country of any individual for illegally exporting or attempting to export to Mexico any small arm or light weapon (as defined in section 912(b) of the Foreign Relations Authorization Act, Fiscal Years 2010 and 2011);

[(4)] (5) the arrest or conviction in any country of any individual aiding or abetting in the commission of an act de-

scribed in [paragraph (1), (2), or (3)] *paragraph (1), (2), (3), or (4)*;

[(5)] (6) the prevention, frustration, or favorable resolution of an act described in [paragraph (1), (2), or (3)] *paragraph (1), (2), (3), or (4)*, including by dismantling an organization in whole or significant part;

[(6)] (7) the identification or location of an individual who holds a key leadership position in a terrorist organization; or

[(7)] (8) the disruption of financial mechanisms of a foreign terrorist organization, including the use by the organization of illicit narcotics production or international narcotics trafficking—

(A) * * *

* * * * *

SPECIAL AGENTS

SEC. 37. (a) GENERAL AUTHORITY.—Under such regulations as the Secretary of State may prescribe, special agents of the Department of State and the Foreign Service may—

[(1) conduct investigations concerning illegal passport or visa issuance or use;]

(1) *conduct investigations concerning—*

(A) *illegal passport or visa issuance or use;*

(B) *identity theft or document fraud affecting or relating to the programs, functions, and authorities of the Department of State; and*

(C) *Federal offenses committed within the special maritime and territorial jurisdiction of the United States as defined in paragraph (9) of section 7 of title 18, United States Code, except as that jurisdiction relates to the premises of United States military missions and related residences;*

* * * * *

EXPENSES RELATING TO PARTICIPATION IN ARBITRATIONS OF CERTAIN DISPUTES

SEC. 38. (a) * * *

* * * * *

(d) INTERNATIONAL LITIGATION FUND.—

(1) * * *

* * * * *

(3) TRANSFERS OF FUNDS.—Funds received [by the Department of State from another agency of the United States Government or pursuant to] *by the Department of State as a result of a decision of an international tribunal, from another agency of the United States Government, or pursuant to the Department of State Appropriations Act of 1937 (49 Stat. 1321, 22 U.S.C. 2661) to meet costs of preparing or prosecuting a proceeding before an international tribunal, or a claim by or against a foreign government or other foreign entity, shall be credited to the ILF.*

* * * * *

DEFENSE TRADE CONTROLS REGISTRATION FEES

SEC. 45. (a) *IN GENERAL.*—For each fiscal year, 100 percent of the registration fees collected by the [Office] Directorate of Defense Trade Controls of the Department of State shall be credited to a Department of State account, to be available without fiscal year limitation. [Fees credited to that account shall be available only for payment of expenses incurred for—

[(1) contract personnel to assist in the evaluation of defense trade controls license applications, reduction in processing time for license applications, and improved monitoring of compliance with the terms of licenses;

[(2) the automation of defense trade control functions, including compliance and enforcement activities, and the processing of defense trade control license applications, including the development, procurement, and utilization of computer equipment and related software; and

[(3) the enhancement of defense trade export compliance and enforcement activities, including compliance audits of United States and foreign parties, the conduct of administrative proceedings, monitoring of end-uses in cases of direct commercial arms sales or other transfers, and cooperation in proceedings for enforcement of criminal laws related to defense trade export controls.]

(b) *AVAILABILITY OF FEES.*—Fees credited to the account referred to in subsection (a) shall be available only for payment of expenses incurred for—

(1) management,

(2) licensing (in order to meet the requirements of section 805 of the Defense Trade Controls Performance Improvement Act of 2009 (relating to adequate staff and resources of the Directorate of Defense Trade Controls)),

(3) compliance,

(4) policy activities, and

(5) facilities,

of defense trade controls functions.

(c) *ALLOCATION OF FEES.*—In allocating fees for payment of expenses described in subsection (b), the Secretary of State shall accord the highest priority to payment of expenses incurred for personnel and equipment of the Directorate of Defense Trade Controls, including payment of expenses incurred to meet the requirements of section 805 of the Defense Trade Controls Performance Improvement Act of 2009.

* * * * *

SEC. 60. PUBLIC DIPLOMACY RESPONSIBILITIES OF THE DEPARTMENT OF STATE.

(a) * * *

(b) *COORDINATION AND DEVELOPMENT OF STRATEGY.*—The Secretary shall make every effort to—

(1) in accordance with subsection (e), coordinate, subject to the direction of the President, the public diplomacy activities of Federal agencies; and

* * * * *

(e) *CONCENTRATION OF PUBLIC DIPLOMACY RESPONSIBILITIES.*—

(1) *IN GENERAL.*—The Secretary of State shall, subject to the direction of the President, have primary responsibility for the coordination described in subsection (b)(1), and shall make every effort to establish and present to foreign publics unified United States public diplomacy activities.

(2) *QUARTERLY MEETINGS AND ONGOING CONSULTATIONS AND COORDINATION.*—

(A) *IN GENERAL.*—The Secretary shall, subject to the direction of the President, establish a working group of the heads of the Federal agencies referred to in subsection (b)(1) and should seek to convene such group not less often than once every three months to carry out the requirement specified in paragraph (1) of this subsection.

(B) *CHAIR AND ROTATING VICE CHAIR.*—The Secretary shall serve as the permanent chair of the quarterly meetings required under subparagraph (A). Each head of a Federal agency referred to in subsection (b)(1) shall serve on a rotating basis as the vice chair of each such quarterly meeting.

(C) *INITIAL MEETING.*—The initial meeting of the working group established under subparagraph (A) shall be not later than the date that is six months after the date of the enactment of this subsection.

(D) *ONGOING CONSULTATIONS AND COORDINATION.*—The Secretary and each head of the Federal agencies referred to in subsection (b)(1) shall designate a representative of each respective agency to consult and coordinate with such other representatives on an ongoing basis beginning not later than 30 days after the initial meeting of the working group under subparagraph (C) to carry out the requirement specified in paragraph (1) of this subsection. The designee of the Secretary shall have primary responsibility for such ongoing consultations and coordination.

(3) *REPORTS REQUIRED.*—

(A) *IN GENERAL.*—Except as provided in subparagraph (D), each head of a Federal agency referred to in subsection (b)(1) shall annually submit to the President a report on the public diplomacy activities of each such agency in the preceding year.

(B) *INFORMATION SHARING.*—The President shall make available to the Secretary the reports submitted pursuant to subparagraph (A).

(C) *INITIAL SUBMISSIONS.*—The first annual reports required under subparagraph (A) shall be submitted not later than the date that is one year after the date of the enactment of this subsection.

(D) *LIMITATION.*—Subparagraph (A) shall not apply with respect to activities carried out pursuant to section 167 of title 10, United States Code.

* * * * *

FOREIGN SERVICE ACT OF 1980

* * * * *
 SEC. 2. TABLE OF CONTENTS.—The table of contents for this Act is as follows:

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CHAPTER 5—CLASSIFICATION OF POSITIONS AND ASSIGNMENTS

* * * * *

[Sec. 503. Assignments to agencies, international organizations, and other bodies.]
Sec. 503. Assignments to agencies, international organizations, foreign governments, or other bodies.

* * * * *

Sec. 506. *Transatlantic diplomatic fellowship program.*

Sec. 507. *Security officers exchange program.*

CHAPTER 6—PROMOTION AND RETENTION

* * * * *

[Sec. 610. Separation for cause.]

Sec. 610. Separation for cause; suspension.

* * * * *

TITLE I—THE FOREIGN SERVICE OF THE UNITED STATES

CHAPTER 1—GENERAL PROVISIONS

* * * * *

SEC. 104. FUNCTIONS OF THE SERVICE.—Members of the Service shall, under the direction of the Secretary—

(1) * * *

(2) *work actively to prevent, mitigate, and respond in a timely manner to international crises and instability in foreign countries that threaten the key United States foreign policy and national security interests;*

[(2)] (3) provide guidance for the formulation and conduct of programs and activities of the Department and other agencies which relate to the foreign relations of the United States; and

[(3)] (4) perform functions on behalf of any agency or other Government establishment (including any establishment in the legislative or judicial branch) requiring their services.

* * * * *

CHAPTER 3—APPOINTMENTS

SEC. 301. GENERAL PROVISIONS RELATING TO APPOINTMENTS.—

(a) * * *

(b)(1) The Secretary shall prescribe, as appropriate, written, oral, physical, foreign language, and other examinations for appointment to the Service (other than as a chief of mission or ambassador at large).

(2)(A) *Except as provided in subparagraphs (B) and (C), at the time of entry into the Service, each member of the Service shall be available to be assigned worldwide.*

(B) *With respect to the medical eligibility of any applicant for appointment as a Foreign Service officer candidate, the Secretary of State shall determine such availability through appropriate medical examinations. If based on such examinations the Secretary determines that such applicant is ineligible to be assigned worldwide, the Secretary may waive the worldwide availability requirement under subparagraph (A) if the Secretary determines that such waiver is required to fulfill a compelling Service need. The Secretary shall establish an internal administrative review process for medical ineligibility determinations.*

(C) *The Secretary may also waive or reduce the worldwide availability requirement under subparagraph (A) if the Secretary determines, in the Secretary's discretion, that such waiver or reduction is warranted.*

* * * * *

(e) *ESTABLISHMENT OF PUBLIC DIPLOMACY RESERVE CORPS.—*

(1) *IN GENERAL.—The Secretary of State is authorized to establish in the Foreign Service a Public Diplomacy Reserve Corps consisting of mid- and senior-level former Foreign Service officers and other individuals with experience in the private or public sector relevant to public diplomacy, to serve for a period of six months to two years in postings abroad.*

(2) *PROHIBITION ON CERTAIN ACTIVITIES.—While actively serving with the Reserve Corps, individuals may not engage in activities directly or indirectly intended to influence public opinion within the United States in the same manner and to the same extent that employees of the Department of State engaged in public diplomacy are so prohibited.*

(f) *EXPERIENCE IN UNSTABLE SITUATIONS.—The fact that an applicant for appointment as a Foreign Service officer candidate has the experience of working in situations where public order has been undermined by instability, or where there is no civil authority that can effectively provide public safety, may be considered an affirmative factor in making such appointments.*

* * * * *

SEC. 305. APPOINTMENT TO THE SENIOR FOREIGN SERVICE.—

(a) * * *

* * * * *

[(d) The Secretary shall by regulation establish a recertification process for members of the Senior Foreign Service that is

equivalent to the recertification process for the Senior Executive Service under section 3993a of title 5, United States Code.】

* * * * *

SEC. 309. LIMITED APPOINTMENTS.—(a) A limited appointment in the Service, including an appointment of an individual who is an employee of an agency, may not exceed 5 years in duration and, except as provided in 【subsection (b)】 *subsection (b) or (c)*, may not be extended or renewed. A limited appointment in the Service which is limited by its terms to a period of one year or less is a temporary appointment.

(b) A limited appointment may be extended for continued service—

(1) * * *

* * * * *

(3) as a career candidate, if (A), continued service is determined appropriate to remedy a matter that would be cognizable as a grievance under chapter 11, or (B), *the career candidate is serving in the uniformed services, as defined by the Uniformed Services Employment and Reemployment Rights Act of 1994 (38 U.S.C. 4301 et seq.), and the limited appointment expires in the course of such service;*

(4) as a career employee in another Federal personnel system serving in a Foreign Service position on detail from another agency; 【and】

(5) as a foreign national employee【.】; and

(6) *in exceptional circumstances where the Secretary determines the needs of the Service require the extension of a limited appointment (A), for a period of time not to exceed 12 months (provided such period of time does not permit additional review by the boards under section 306), or (B), for the minimum time needed to settle a grievance, claim, or complaint not otherwise provided for in this section.*

(c) *Non-career Foreign Service employees who have served five consecutive years under a limited appointment may be reappointed to a subsequent limited appointment provided there is a one year break in service between each appointment. The Secretary may in cases of special need waive the requirement for a one year break in service.*

* * * * *

CHAPTER 4—COMPENSATION

* * * * *

SEC. 413. DEATH GRATUITY.—(a) The Secretary may provide for payment of a gratuity to the surviving dependents of any Foreign Service employee who dies as a result of injuries sustained in the performance of duty abroad, in an amount equal to one year’s salary 【at the time of death】 *at level II of the Executive Schedule under section 5313 of title 5, United States Code, at the time of death, except that for employees compensated under local compensation plans established under section 408, the amount shall be equal to the greater of 1 year’s salary at the time of death or 1 year’s salary at the highest step of the highest grade on the local compensation plan from which the employee was being paid at the time of*

death. Any death gratuity payment made under this section shall be held to have been a gift and shall be in addition to any other benefit payable from any source.

* * * * *

SEC. 415. OVERSEAS COMPARABILITY PAY ADJUSTMENT.

(a) *IN GENERAL.*—A member of the Service who is designated class 1 or below for purposes of section 403 and whose official duty station is neither in the continental United States nor in a non-foreign area shall receive, in accordance with the phase-in schedule set forth in subsection (c), a locality-based comparability payment (stated as a percentage) equal to the locality-based comparability payment (stated as a percentage) that would be provided under section 5304 of title 5, United States Code, if such member’s official duty station were in the District of Columbia.

(b) *TREATMENT AS BASIC PAY.*—The amount of any locality-based comparability payment which is payable to a member of the Service by virtue of this section—

(1) shall be considered to be part of the basic pay of such member—

(A) for the same purposes as provided for under section 5304(c)(2)(A) of title 5, United States Code; and

(B) for purposes of chapter 8; and

(2) shall be subject to any limitations on pay applicable to locality-based comparability payments under section 5304 of title 5, United States Code.

(c) *PHASE-IN.*—The locality-based comparability payment payable to a member of the Service under this section shall—

(1) beginning on the first day of the first pay period that is 90 days after the date of the enactment of this subsection, be equal to 33.33 percent of the payment which would otherwise apply under subsection (a);

(2) beginning on the first day of the first pay period in April 2010, be equal to 66.67 percent of the payment which would otherwise apply under subsection (a); and

(3) beginning on the first day of the first pay period in fiscal year 2011 and each subsequent fiscal year, be equal to the payment determined under subsection (a).

(d) *NON-FOREIGN AREA DEFINED.*—For purposes of this section, the term “non-foreign area” has the same meaning as is given such term in regulations carrying out section 5941 of title 5, United States Code.

CHAPTER 5—CLASSIFICATION OF POSITIONS AND ASSIGNMENTS

* * * * *

SEC. 503. ASSIGNMENTS TO AGENCIES, INTERNATIONAL ORGANIZATIONS, [AND] FOREIGN GOVERNMENTS, OR OTHER BODIES.—(a) The Secretary may (with the concurrence of the agency, organization, or other body concerned) assign a member of the Service for duty—

(1) in a non-Foreign Service (including Senior Executive Service) position in the Department or another agency, or with an international organization, international commission, or

other international body, or with a foreign government under sections 506 or 507;

* * * * *

SEC. 506. TRANSATLANTIC DIPLOMATIC FELLOWSHIP PROGRAM.

(a) *IN GENERAL.*—The Secretary is authorized to establish the Transatlantic Diplomatic Fellowship Program. Under the program, the Secretary may assign a member of the Service, for not more than one year, to a position with any designated country or designated entity that permits an employee to be assigned to a position with the Department.

(b) *SALARY AND BENEFITS.*—The salary and benefits of a member of the Service shall be paid as described in subsection (b) of section 503 during a period in which such member is participating in the Transatlantic Diplomatic Fellowship Program. The salary and benefits of an employee of a designated country or designated entity participating in such program shall be paid by such country or entity during the period in which such employee is participating in the program.

(c) *DEFINITIONS.*—In this section:

(1) The term “designated country” means a member country of—

- (A) the North Atlantic Treaty Organization; or
- (B) the European Union.

(2) The term “designated entity” means—

- (A) the North Atlantic Treaty Organization; or
- (B) the European Union.

(d) *RULE OF CONSTRUCTION.*—Nothing in this section shall be construed to—

(1) authorize the appointment as an officer or employee of the United States of—

(A) an individual whose allegiance is to any country, government, or foreign or international entity other than to the United States; or

(B) an individual who has not met the requirements of sections 3331, 3332, 3333, and 7311 of title 5, United States Code, and any other provision of law concerning eligibility for appointment as, and continuation of employment as, an officer or employee of the United States; or

(2) authorize the Secretary to assign a member of the Service to a position with any foreign country whose laws, or foreign or international entity whose rules, require such member to give allegiance or loyalty to such country or entity while assigned to such position.

SEC. 507. SECURITY OFFICERS EXCHANGE PROGRAM.

(a) *IN GENERAL.*—The Secretary is authorized to establish the Security Officers Exchange Program. Under the program, the Secretary may assign a member of the Service, for not more than a total of three years, to a position with any country or international organization designated by the Secretary pursuant to subsection (c) that permits an employee to be assigned to a position with the Department.

(b) *SALARY AND BENEFITS.*—The salary and benefits of the members of the Service shall be paid as described in subsection (b) of section 503 during a period in which such officer is participating

in the Security Officers Exchange Program. The salary and benefits of an employee of a designated country or international organization participating in such program shall be paid by such country or international organization during the period in which such employee is participating in the program.

(c) DESIGNATION.—The Secretary may designate a country or international organization to participate in this program if the Secretary determines that such participation is in the national security interests of the United States.

(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to—

(1) authorize the appointment as an officer or employee of the United States of—

(A) an individual whose allegiance is to any country, government, or foreign or international entity other than to the United States; or

(B) an individual who has not met the requirements of sections 3331, 3332, 3333, and 7311 of title 5, United States Code, and any other provision of law concerning eligibility for appointment as, and continuation of employment as, an officer or employee of the United States; or

(2) authorize the Secretary to assign a member of the Service to a position with any foreign country whose laws, or foreign or international entity whose rules, require such member to give allegiance or loyalty to such country or entity while assigned to such position.

CHAPTER 6—PROMOTION AND RETENTION

* * * * *

SEC. 603. BASIS FOR SELECTION BOARD REVIEW.—(a) * * *

(b) Precepts for selection boards shall include a description of the needs of the Service for performance requirements, skills, and qualities, which are to be considered in recommendations for promotion. The precepts for selection boards responsible for recommending promotions into and within the Senior Foreign Service shall emphasize performance which demonstrates the strong policy formulation capabilities, executive leadership qualities, and highly developed functional and area expertise, which are required for the Senior Foreign Service, and should consider whether the member of the Service has served in a position whose primary responsibility is to formulate policy toward, or represent the United States at, an international organization, a multilateral institution, or a broad-based multilateral negotiation of an international instrument. The precepts for selection boards shall include, whether the member of the Service or the member of the Senior Foreign Service, as the case may be, has demonstrated—

*(1) * * **

* * * * *

SEC. 610. SEPARATION FOR CAUSE; *SUSPENSION*.—(a) * * *

* * * * *

(c)(1) In order to promote the efficiency of the Service, the Secretary may suspend a member of the Foreign Service without pay when the member's security clearance is suspended or when there is

reasonable cause to believe that the member has committed a crime for which a sentence of imprisonment may be imposed.

(2) Any member of the Foreign Service for whom a suspension is proposed shall be entitled to—

(A) written notice stating the specific reasons for the proposed suspension;

(B) a reasonable time to respond orally and in writing to the proposed suspension;

(C) representation by an attorney or other representative; and

(D) a final written decision, including the specific reasons for such decision, as soon as practicable.

(3) Any member suspended under this section may file a grievance in accordance with the procedures applicable to grievances under chapter 11 of this title.

(4) In the case of a grievance filed under paragraph (3)—

(A) the review by the Foreign Service Grievance Board shall be limited to a determination of whether the provisions of paragraphs (1) and (2) have been fulfilled; and

(B) the Foreign Service Grievance Board may not exercise the authority provided under section 1106(8).

(5) In this subsection:

(A) The term “reasonable time” means—

(i) with respect to a member of the Foreign Service assigned to duty in the United States, 15 days after receiving notice of the proposed suspension; and

(ii) with respect to a member of the Foreign Service assigned to duty outside the United States, 30 days after receiving notice of the proposed suspension.

(B) The term “suspend” or “suspension” means the placing of a member of the Foreign Service in a temporary status without duties and pay.

* * * * *

CHAPTER 7—CAREER DEVELOPMENT, TRAINING, AND ORIENTATION

* * * * *

SEC. 708. TRAINING FOR FOREIGN SERVICE OFFICERS.

(a) The Secretary of State, with the assistance of other relevant officials, such as *the Secretary for Democracy, Human Rights and Labor*, the Ambassador at Large for International Religious Freedom appointed under section 101(b) of the International Religious Freedom Act of 1998, the Director of the Office to Monitor and Combat Trafficking, and the director of the George P. Shultz National Foreign Affairs Training Center, shall establish as part of the standard training provided after January 1, 1999, for officers of the Service, including chiefs of mission, instruction in the field of internationally recognized human rights. Such training shall include—

(1) * * *

(2) instruction on the internationally recognized right to freedom of religion, the nature, activities, and beliefs of different religions, and the various aspects and manifestations of violations of religious freedom; **[and]**

(3) instruction on international documents and United States policy on trafficking in persons, including provisions of the Trafficking Victims Protection Act of 2000 (division A of Public Law 106–386; 22 U.S.C. 7101 et seq.) which may affect the United States bilateral relationships[.]; and

(4) instruction, in courses covering human rights reporting and advocacy work, on identifying violence or discrimination that affects the fundamental freedoms, consistent with United States law, of an individual that is based on actual or perceived sexual orientation and gender identity.

* * * * *

(c) *The Secretary of State shall ensure that members of the Service, other than foreign national employees and consular agents, as appropriate, receive training on methods for conflict mitigation and resolution and on the necessary skills to be able to function successfully where public order has been undermined by instability or where there is no civil authority that can effectively provide public safety.*

(d) *The Secretary of State shall ensure that members of the Service, other than foreign national employees and consular agents, as appropriate, have opportunities during their careers to obtain advanced education and training in academic and other relevant institutions in the United States and abroad to increase the capacity of the Service to fulfill its mission.*

CHAPTER 8—FOREIGN SERVICE RETIREMENT AND DISABILITY

SUBCHAPTER I—FOREIGN SERVICE RETIREMENT AND DISABILITY SYSTEM

* * * * *

SEC. 805. CONTRIBUTIONS TO THE FUND.—(a)(1) Except as otherwise provided in this section, [7.25 percent] 7 percent of the basic salary received by each participant shall be deducted from the salary and contributed to the Fund for the payment of annuities, cash benefits, refunds, and allowances. [The contribution by the employing agency shall be a percentage of basic salary equal to the percentage in effect under section 7001(d)(1) of the Balanced Budget Act of 1997 (Public Law 105–33; 22 U.S.C. 4045 note), and section 505(h) of the Department of Transportation and Related Agencies Appropriations Act, 2001 (as enacted by Public Law 106–346; 114 Stat. 1356A–54), plus .25 percent of basic salary, and shall be made] *An equal amount shall be contributed by the employing agency from the appropriations or fund used for payment of the salary of the participant. The employing agency shall deposit in the Fund the amounts deducted and withheld from basic salary and the amounts contributed by the employing agency.*

(2) Notwithstanding the percentage limitation contained in paragraph (1) of this subsection—

(A) the employing agency shall deduct and withhold from the basic pay of a Foreign Service criminal investigator/inspector of the Office of the Inspector General, Agency for International Development, who is qualified to have his annuity computed in the same manner as that of a law enforcement officer pursuant to section 8339(d) of title 5, an amount equal to

that to be withheld from a law enforcement officer pursuant to section 8334(a)(1) of title 5, plus an amount equal to .25 percent of basic pay. The amounts so deducted shall be contributed to the Fund for the payment of annuities, cash benefits, refunds, and allowances. An equal amount shall be contributed by the employing agency from the appropriations or fund used for payment of the salary of the participant. The employing agency shall deposit in the Fund the amount deducted and withheld from basic salary and amounts contributed by the employing agency.

(B) The employing agency shall deduct and withhold from the basic pay of a Foreign Service criminal investigator/inspector of the Office of the Inspector General, Agency for International Development, who is qualified to have his annuity computed pursuant to section 8415(d) of title 5, an amount equal to that to be withheld from a law enforcement officer pursuant to section 8422(a)(2)(B) of title 5, plus an amount equal to .25 percent of basic pay. The amounts so deducted shall be contributed to the Fund for the payment of annuities, cash benefits, refunds, and allowances. An equal amount shall be contributed by the employing agency from the appropriations or fund used for payment of the salary of the participant. The employing agency shall deposit in the Fund the amounts deducted and withheld from basic salary and amounts contributed by the employing agency.

(3) For service as a special agent, paragraph (1) shall be applied by substituting for "7 percent" the percentage that applies to law enforcement officers under section 8334(a)(1) of title 5, United States Code, plus .25 percent.

* * * * *
 SEC. 806. COMPUTATION OF ANNUITIES.—(a)(1) * * *
 * * * * *

(9) For purposes of any annuity computation under this subsection, the basic salary or basic pay of any member of the Service whose official duty station [is outside the continental United States shall] *was outside the continental United States during the period beginning on December 29, 2002, and ending on the day before the first day of the first pay period beginning on or after October 1, 2011 (or during any portion thereof), shall, to the extent that such computation is based on the basic salary or basic pay of such member for such period (or portion thereof), be considered to be the salary or pay that would have been paid to the member had the member's official duty station been Washington, D.C., including locality-based comparability payments under section 5304 of title 5, United States Code, that would have been payable to the member if the member's official duty station had been Washington, D.C.*

* * * * *
 SEC. 818. ESTIMATE OF APPROPRIATIONS NEEDED.—The [Secretary of the Treasury] *Secretary of State* shall prepare the estimates of the annual appropriations required to be made to the Fund, and shall make actuarial valuations of the System at intervals of not more than five years. [The Secretary of State may expend from money to the credit of the Fund an amount not exceed-

ing \$5,000 per year for the incidental expenses necessary in administering the provisions of this subchapter, including actuarial advice.】 *The Secretary of State is authorized to expend from money to the credit of the Fund such sums as may be necessary to administer the provisions of this chapter, including actuarial advice, but only to the extent and in such amounts as are provided in advance in appropriations acts.*

SEC. 819. INVESTMENT OF THE FUND.—The Secretary of the Treasury shall invest from time to time in interest-bearing securities of the United States such portions of the Fund as in the judgment of the [Secretary of the Treasury] *Secretary of State* may not be immediately required for the payment of annuities, cash benefits, refunds, and allowances. The income derived from such investments shall constitute a part of the Fund.

* * * * *
 SEC. 824. REEMPLOYMENT.—(a) * * *

* * * * *
 (g)(1) The Secretary of State may waive the application of subsections (a) through (d) on a case-by-case basis for an annuitant reemployed on a temporary basis, or grant authority to the head of an Executive agency to waive the application of subsections (a) through (d) on a case-by-case basis for an annuitant reemployed on a temporary basis—

(A) * * *
 (B) [to facilitate the assignment of persons to Iraq and Afghanistan or to posts vacated by members of the Service assigned to Iraq and Afghanistan,] if the annuitant is employed in a position for which there is exceptional difficulty in recruiting or retaining a qualified employee; or

* * * * *
 [(2)(A) The authority of the Secretary to waive the application of subsections (a) through (d) for an annuitant pursuant to subparagraph (B) of paragraph (1), or to grant authority to the head of an Executive agency to waive the application of such subsections to an annuitant under such subparagraph, shall terminate on October 1, 2009. An annuitant reemployed pursuant to such authority prior to such termination date may be employed for a period ending not later than one year after such date.

[(B) The authority of the Secretary to waive the application of subsections (a) through (d) for an annuitant pursuant to subparagraph (C)(i) of paragraph (1) shall terminate on September 30, 2009.

[(C) The authority of the Secretary to waive the application of subsections (a) through (d) for an annuitant pursuant to subparagraph (C)(ii) of paragraph (1) shall terminate on September 30, 2009.]

[(3)] (2) The Secretary should prescribe procedures for the exercise of any authority under paragraph (1)(B), including criteria for any exercise of authority and procedures for a delegation of authority.

* * * * *
 SEC. 825. VOLUNTARY CONTRIBUTIONS.—(a) * * *

(b) The benefits provided by subsection (a) (2), (3), or (4) shall be actuarially equivalent in value to the payment provided for by subsection (a)(1) and shall be calculated upon such tables of mortality as may be from time to time prescribed for this purpose by the ~~Secretary of the Treasury~~ *Secretary of State*.

* * * * *

SUBCHAPTER II—FOREIGN SERVICE PENSION SYSTEM

* * * * *

SEC. 855. ENTITLEMENT TO ANNUITY.—(a)(1) * * *

* * * * *

(3) For purposes of any annuity computation under this subsection, the average pay (as used in ~~section 8414~~ *section 8415* of title 5, United States Code) of any member of the Service whose official duty station ~~is outside the continental United States shall~~ *was outside the continental United States during the period beginning on December 29, 2002, and ending on the day before the first day of the first pay period beginning on or after October 1, 2011 (or during any portion thereof), shall, to the extent that such computation is based on the basic salary or basic pay of such member for such period (or portion thereof), be considered to be the salary that would have been paid to the member had the member's official duty station been Washington, D.C., including locality-based comparability payments under section 5304 of title 5, United States Code, that would have been payable to the member if the member's official duty station had been Washington, D.C.*

* * * * *

SEC. 856. DEDUCTIONS AND WITHHOLDINGS FROM PAY.—(a)(1) * * *

[(2) The applicable percentage under this subsection shall be as follows:

7.5	Before January 1, 1999.
7.75	January 1, 1999, to December 31, 1999.
7.9	January 1, 2000, to December 31, 2000.
7.55	After January 11, 2003.]

(2) *The applicable percentage under this subsection shall be as follows:*

Percentage	Time Period
7.5	<i>Before January 1, 1999.</i>
7.75	<i>January 1, 1999, to December 31, 1999.</i>
7.9	<i>January 1, 2000, to December 31, 2000.</i>
7.55	<i>January 11, 2003, to the day before the first day of the first pay period beginning on or after October 1, 2011.</i>
7.5	<i>Beginning on the first day of the first pay period beginning on or after October 1, 2011.</i>

* * * * *
SEC. 859. GENERAL AND ADMINISTRATIVE PROVISIONS.—
(a) * * *

* * * * *
(c) At least every 5 years, the [Secretary of the Treasury] *Secretary of State* shall prepare periodic valuations of the Foreign Service Pension System [and shall advise the Secretary of State of] *that will provide* (1) the normal cost of the System, (2) the supplemental liability of the System, and (3) the amounts necessary to finance the costs of the System.

* * * * *

FOREIGN AFFAIRS REFORM AND RESTRUCTURING ACT OF 1998

DIVISION G—FOREIGN AFFAIRS REFORM AND RESTRUCTURING ACT OF 1998

* * * * *

SUBDIVISION A—CONSOLIDATION OF FOREIGN AFFAIRS AGENCIES

* * * * *

TITLE XIII—UNITED STATES INFORMATION AGENCY

* * * * *

Chapter 4—CONFORMING AMENDMENTS

* * * * *

SEC. 1334. SUNSET OF UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY.

The United States Advisory Commission on Public Diplomacy, established under section 604 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1469) and section 8 of Reorganization Plan Numbered 2 of 1977, shall continue to exist and operate under such provisions of law until [October 1, 2009] *October 1, 2011*.

* * * * *

UNITED STATES INFORMATION AND EDUCATIONAL EXCHANGE ACT OF 1948

* * * * *

TITLE VI—ADVISORY COMMISSIONS TO FORMULATE POLICIES

* * * * *

SEC. 604. UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY.

(a) ESTABLISHMENT.—(1) * * *

(2) The Commission shall consist of seven members appointed by the President, by and with the advice and consent of the Senate. The members of the Commission shall represent the public interest and shall be selected from a cross section of educational, communications, cultural, scientific, technical, public service, labor, business, and professional backgrounds. Not more than four members shall be from any one political party. *At least four members shall have substantial experience in the conduct of public diplomacy or comparable activities in the private sector. No member may be an officer or employee of the United States.*

* * * * *

(c) DUTIES AND RESPONSIBILITIES.—(1) * * *

[(2) The Commission shall submit to the Congress, the President, the Secretary of State, and the Director of the United States Information Agency annual reports on programs and activities carried out by the Agency, including appraisals, where feasible, as to the effectiveness of the several programs. The Commission shall also include in such reports such recommendations as shall have been made by the Commission to the Director for effectuating the purposes of the Agency, and the action taken to carry out such recommendations.]

(2)(A) Not less often than once every two years, the Commission shall undertake an in-depth review of United States public diplomacy programs, policies, and activities. Each study shall assess the effectiveness of the various mechanisms of United States public diplomacy in light of several factors, including public and media attitudes around the world toward the United States, United States citizens, and United States foreign policy, and make appropriate recommendations.

(B) The Commission shall submit to the Secretary and the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate a comprehensive report of each study required under subparagraph (A). At the discretion of the Commission, any report under this subsection may be submitted in classified form or with a classified appendix.

(C) Upon request of the Commission, the Secretary, the Chair of the Broadcasting Board of Governors, and the head of any other Federal agency that conducts public diplomacy or strategic communications activities shall provide to the Commission information to assist the Commission in carrying out its responsibilities under this paragraph.

* * * * *

TITLE VIII—ADMINISTRATIVE PROCEDURES

* * * * *

BASIC AUTHORITY

SEC. 804. In carrying out the provisions of this Act, the Secretary, or any Government agency authorized to administer such provisions, may—

(1) employ, without regard to the civil service and classification laws, aliens within the United States and abroad for service in the United States relating to the translation or narration of colloquial speech in foreign languages or the preparation and production of foreign language programs when suitably qualified United States citizens (*for purposes of this paragraph, the term “suitably qualified United States citizens” means those United States citizen applicants who are equally or better qualified than non-United States citizen applicants*) are not available when job vacancies occur, and aliens so employed abroad may be admitted to the United States, if otherwise qualified, as nonimmigrants under section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)) for such time and under such conditions and procedures as may be established by the Director of the United States Information Agency and the Attorney General;

* * * * *

SPECIAL OLYMPICS SPORT AND EMPOWERMENT ACT OF 2004

* * * * *

SEC. 3. ASSISTANCE FOR SPECIAL OLYMPICS.

(a) * * *

(b) INTERNATIONAL ACTIVITIES.—The [Secretary of State] *Secretary of State, acting through the Assistant Secretary of State for Educational and Cultural Affairs* may award grants to, or enter into contracts or cooperative agreements with, Special Olympics to carry out the following:

(1) Activities to increase the participation of individuals with intellectual disabilities in Special Olympics outside of the United States.

* * * * *

INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004

* * * * *

TITLE VII—IMPLEMENTATION OF 9/11 COMMISSION RECOMMENDATIONS

* * * * *

**Subtitle A—Diplomacy, Foreign Aid, and
the Military in the War on Terrorism**

* * * * *

**SEC. 7113. PROGRAM TO PROVIDE GRANTS TO AMERICAN-SPONSORED
SCHOOLS IN PREDOMINANTLY MUSLIM COUNTRIES TO
PROVIDE SCHOLARSHIPS.**

(a) * * *

* * * * *

(g) REPORT.—Not later than [April 15, 2006, and April 15, 2008] *June 15, 2010, and June 15, 2011*, the Secretary of State shall submit to the [Committee on International Relations] *Committee on Foreign Affairs* of the House of Representatives and the Committee on Foreign Relations of the Senate a report on the program. The report shall assess the success of the program, examine any obstacles encountered in its implementation, and address whether it should be continued, and if so, provide recommendations to increase its effectiveness.

(h) FUNDING.—There are authorized to be appropriated to the Secretary of State for each of the fiscal years [2007 and 2008] *2010 and 2011*, unless otherwise authorized by Congress, such sums as necessary to implement the program under this section.

* * * * *

VIETNAM EDUCATION FOUNDATION ACT OF 2000

* * * * *

SEC. 202. PURPOSES.

The purposes of this title are the following:

(1) * * *

* * * * *

(3) *To support the development of one or more academic institutions in Vietnam by financing the participation of United States institutions of higher education in the governance, management, and academic activities of such academic institutions in Vietnam.*

SEC. 203. DEFINITIONS.

In this title:

[(1) BOARD.—The term “Board” means the Board of Directors of the Foundation.]

[(2)] (1) FOUNDATION.—The term “Foundation” means the Vietnam Education Foundation established in section 204.

[(3)] (2) INSTITUTION OF HIGHER EDUCATION.—The term “institution of higher education” has the meaning given the term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

(3) SECRETARY.—*The term “Secretary” means the Secretary of State.*

* * * * *

[SEC. 204. ESTABLISHMENT.

There is established the Vietnam Education Foundation as an independent establishment of the executive branch under section 104 of title 5, United States Code.

[SEC. 205. BOARD OF DIRECTORS.

[(a) IN GENERAL.—The Foundation shall be subject to the supervision and direction of the Board of Directors, which shall consist of 13 members, as follows:

[(1) Two members of the House of Representatives appointed by the Speaker of the House of Representatives, one of whom shall be appointed upon the recommendation of the Majority Leader and one of whom shall be appointed upon the recommendation of the Minority Leader, and who shall serve as ex officio, nonvoting members.

[(2) Two members of the Senate, appointed by the President pro tempore, one of whom shall be appointed upon the recommendation of the Majority Leader and one of whom shall be appointed upon the recommendation of the Minority Leader, and who shall serve as ex officio, nonvoting members.

[(3) Secretary of State.

[(4) Secretary of Education.

[(5) Secretary of Treasury.

[(6) Six members to be appointed by the President from among individuals in the nongovernmental sector who have academic excellence or experience in the fields of concentration specified in section 202(1)(A) or a general knowledge of Vietnam, not less than three of whom shall be drawn from academic life.

[(b) ROTATION OF MEMBERSHIP.—(1) The term of office of each member appointed under subsection (a)(6) shall be 3 years, except that of the members initially appointed under that subsection, two shall serve for terms of 1 year, two shall serve for terms of 2 years, and two shall serve for terms of 3 years.

[(2) A member of Congress appointed under subsection (a)(1) or (2) shall not serve as a member of the Board for more than a total of 6 years.

[(3)(A) Any member appointed to fill a vacancy prior to the expiration of the term for which his or her predecessor was appointed shall be appointed for the remainder of such term.

[(B) Upon the expiration of his or her term of office, any member may continue to serve until a successor is appointed.

[(c) CHAIR.—The voting members of the Board shall elect one of the members appointed under subsection (a)(6) to serve as Chair.

[(d) MEETINGS.—The Board shall meet upon the call of the Chair but not less frequently than twice each year. A majority of the voting members of the Board shall constitute a quorum.

[(e) DUTIES.—The Board shall—

[(1) provide overall supervision and direction of the Foundation;

[(2) establish criteria for the eligibility of applicants, including criteria established by section 206(b), and for the selection of fellowship recipients; and

[(3) select the fellowship recipients.

[(f) COMPENSATION.—

[(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), each member of the Board shall serve without compensation.]

[(2) TRAVEL EXPENSES.—The members of the Board shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of service for the Board.]

[(3) COMPENSATION OF PRESIDENTIAL APPOINTEES.—The members of the Board appointed under subsection (a)(6) shall be paid at the daily equivalent of the rate of basic pay payable for positions at level V of the Executive Schedule under section 5316 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the actual performance of duties as a Board member.]

[(g) TREATMENT OF PRESIDENTIAL APPOINTEES AS SPECIAL GOVERNMENT EMPLOYEES.—The members of the Board appointed under subsection (a)(6) shall be special Government employees, as defined in section 202(a) of title 18, United States Code.]

[(h) TRAVEL REGULATIONS.—Members of the Board shall be subject to the same travel regulations as apply to officers and employees of the Department of State.]

SEC. 204. ESTABLISHMENT.

There is established, within the Bureau of Educational and Cultural Affairs of the Department of State, the Vietnam Education Foundation (referred to in this title as the "Foundation").

SEC. 205. VIETNAM EDUCATION FOUNDATION ADVISORY COMMITTEE.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—There may be established a Vietnam Education Foundation Advisory Committee (referred to in this section as the "Advisory Committee"), which shall provide advice to the Secretary and the Assistant Secretary for Educational and Cultural Affairs regarding the Foundation's activities.

(2) MEMBERSHIP.—The Advisory Committee shall be composed of seven members, of whom—

(A) three shall be appointed by the Secretary;

(B) one shall be appointed by the majority leader of the Senate;

(C) one shall be appointed by the minority leader of the Senate;

(D) one shall be appointed by the Speaker of the House of Representatives; and

(E) one shall be appointed by the minority leader of the House of Representatives.

(3) APPOINTMENT OF INCUMBENT MEMBERS OF BOARD OF DIRECTORS.—Members appointed to the Advisory Committee under paragraph (2) may include individuals who were members of the Board of Directors of the Foundation on the date immediately preceding the date of the enactment of this section.

(b) SUPERVISION.—The Foundation shall be subject to the supervision and direction of the Secretary, working through the Assistant Secretary for Educational and Cultural Affairs, and in con-

sultation with the Advisory Committee established under subsection (a).

SEC. 206. FELLOWSHIP PROGRAM.

(a) AWARD OF FELLOWSHIPS.—

(1) IN GENERAL.—To carry out the purposes of this title, the Foundation shall award fellowships to—

(A) Vietnamese nationals to study at institutions of higher education in the United States at graduate and post-graduate levels in the following fields: physical sciences, natural sciences, mathematics, environmental sciences, medicine, [technology, and computer sciences] *academic computer science, public policy, and academic and public management; and*

* * * * *

SEC. 208. FOUNDATION PERSONNEL MATTERS.

(a) APPOINTMENT BY [BOARD] SECRETARY.—There shall be an Executive Director of the Foundation who [shall be appointed] *may be appointed* by the [Board] Secretary without regard to the provisions of title 5, United States Code, or any regulation thereunder, governing appointment in the competitive service. The Executive Director shall be the Chief Executive Officer of the [Foundation and shall carry out] *Foundation, serve the Advisory Committee, and carry out* the functions of the Foundation subject to the supervision and direction of the [Board] Secretary. The Executive Director shall carry out such other functions consistent with the provisions of this title as the [Board] Secretary shall prescribe. [The decision to employ or terminate an Executive Director shall be made by an affirmative vote of at least six of the nine voting members of the Board.]

* * * * *

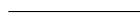
(d) COMPENSATION.—The [Board] Secretary may fix the compensation of the Executive Director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the Executive Director and other personnel may not exceed the rate payable for level IV of the Executive Schedule under section 5315 of such title.

SEC. 209. ADMINISTRATIVE PROVISIONS.

(a) * * *

(b) ANNUAL REPORT.—The [Board] Secretary shall submit to the President and to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives an annual report of the operations of the Foundation under this title, including the financial condition of the Foundation.

* * * * *



**MUTUAL EDUCATIONAL AND CULTURAL EXCHANGE
ACT OF 1961**

* * * * *

SEC. 112. (a) In order to carry out the purposes of this Act, there is established in the United States Information Agency, or in such appropriate agency of the United States as the President shall determine, a Bureau of Educational and Cultural Affairs (hereinafter in this section referred to as the "Bureau"). The Bureau shall be responsible for managing, coordinating, and overseeing programs established pursuant to this Act, including but not limited to—

(1) * * *

* * * * *

(8) the Samantha Smith Memorial Exchange Program which advances understanding between the United States and the independent states of the former Soviet Union and between the United States and Eastern European countries through the exchange of persons under the age of 21 years and of students at an institution of higher education (as defined in section 101 of the Higher Education Act of 1965) who have not received their initial baccalaureate degree or through other programs designed to promote contact between the young peoples of the United States, the independent states of the former Soviet Union, and Eastern European countries; **[and]**

(9) the Arts America program which promotes a greater appreciation and understanding of American art abroad by supporting exhibitions and tours by American artists in other countries~~].~~; *and*

(10) *programs administered by the Vietnam Education Foundation.*

* * * * *

SECTION 1 OF THE ACT OF JUNE 4, 1920

(Commonly known as the Passport Act of June 4, 1920)

CHAP. 223.—AN ACT MAKING APPROPRIATIONS FOR THE DIPLOMATIC AND CONSULAR SERVICE FOR THE FISCAL YEAR ENDING JUNE 30, 1921.

FEEES FOR PASSPPTS AND VISÉS.

SECTION 1. (a) * * *

(b)(1) The Secretary of State may by regulation establish and collect a surcharge on applicable fees for the filing of each application for a passport in order to cover the costs of meeting the increased demand for passports as a result of actions taken to comply with section 7209(b) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108-458; 8 U.S.C. 1185 note). Such surcharge shall be in addition to the fees provided for in subsection (a) and in addition to the surcharges or fees otherwise authorized by law and shall be deposited as an offsetting collection to the ap-

appropriate Department of State appropriation, to remain available until expended for the purposes of meeting such costs.

[(2) The authority to collect the surcharge provided under paragraph (1) may not be exercised after September 30, 2010.]

[(3)] (2) The Secretary of State shall ensure that, to the extent practicable, the total cost of a passport application during fiscal years 2006 and 2007, including the surcharge authorized under paragraph (1), shall not exceed the cost of the passport application as of December 1, 2005.

IMMIGRATION AND NATIONALITY ACT

* * * * *

TITLE II—IMMIGRATION

Chapter 1—Selection System

* * * * *

ANNUAL ADMISSION OF REFUGEES AND ADMISSION OF EMERGENCY SITUATION REFUGEES

SEC. 207. (a)(1) * * *

(2) Except as provided in subsection (b), the number of refugees who may be admitted under this section in any fiscal year after fiscal year 1982 shall be such number as the President determines, before the beginning of the fiscal year and after appropriate consultation, is justified by humanitarian concerns or is otherwise in the national interest. *In the event that a fiscal year begins without such determination having been made, there is authorized to be admitted in the first quarter of such fiscal year 25 percent of the number of refugees fixed by the President in the previous fiscal year's determination, and any refugees admitted under this sentence shall be counted toward the President's determination when it is made.*

* * * * *

(e) For purposes of this section, the term “appropriate consultation” means, with respect to the admission of refugees and allocation of refugee admissions, **[discussions in person]** *discussions in person, to be commenced not later than June 1 of each year*, by designated Cabinet-level representatives of the President with members of the Committees on the Judiciary of the Senate and of the House of Representatives to review the refugee situation or emergency refugee situation, to project the extent of possible participation of the United States therein, to discuss the reasons for believing that the proposed admission of refugees is justified by humanitarian concerns or grave humanitarian concerns or is otherwise in the national interest, and to provide such members with the following information:

(1) * * *

* * * * *

MIGRATION AND REFUGEE ASSISTANCE ACT OF 1962

* * * * *
 SEC. 2. (a) * * *
 * * * * *

(c)(1) Whenever the **President** *Secretary of State* determines it to be important to the national interest he is authorized to furnish on such terms and conditions as he may determine assistance under this Act for the purpose of meeting unexpected urgent refugee and migration needs.

(2) There is established a United States Emergency Refugee and Migration Assistance Fund to carry out the purposes of this section. There is authorized to be appropriated **to the President** from time to time such amounts as may be necessary for the fund to carry out the purposes of this section, except that no amount of funds may be appropriated which, when added to amounts previously appropriated but not yet obligated, would cause such amounts to exceed **\$100,000,000** *\$200,000,000*. Amounts appropriated hereunder shall remain available until expended.

* * * * *
 (d) The **President** *Secretary of State* shall keep the appropriate committees of Congress currently informed of the use of funds and the exercise of functions authorized in this chapter.
 * * * * *

TIBETAN POLICY ACT OF 2002

* * * * *

**DIVISION A—DEPARTMENT OF STATE
 AUTHORIZATION ACT, FISCAL YEAR
 2003**

* * * * *

**TITLE VI—MISCELLANEOUS
 PROVISIONS**

* * * * *

Subtitle B—Tibet Policy

* * * * *

SEC. 613. TIBET NEGOTIATIONS.

(a) POLICY.—

(1) **IN GENERAL.**—The President and the Secretary should encourage the Government of the People’s Republic of China to enter into a dialogue with the Dalai Lama or his representa-

tives leading to a negotiated agreement on Tibet and should coordinate with other governments in multilateral efforts toward this goal.

(2) POLICY COORDINATION.—The President shall direct the National Security Council to ensure that, in accordance with this Act, United States policy on Tibet is coordinated and communicated with all Executive Branch agencies in contact with the Government of China.

[(2)] (3) COMPLIANCE.—After such an agreement is reached, the President and the Secretary should work to ensure compliance with the agreement.

* * * * *

SEC. 616. ECONOMIC DEVELOPMENT IN TIBET.

(a) * * *

* * * * *

(d) UNITED STATE ASSISTANCE.—The President shall provide grants to nongovernmental organizations to support sustainable economic development, cultural and historical preservation, health care, education, and environmental sustainability projects for Tibetan communities in the Tibet Autonomous Region and in other Tibetan communities in China, in accordance with the principles specified in subsection (e) and subject to the review and approval of the Special Coordinator for Tibetan Issues under section 621(d).

[(d)] (e) TIBET PROJECT PRINCIPLES.—Projects in Tibet supported by international financial institutions, other international organizations, nongovernmental organizations, and the United States entities referred to in subsection (c), should—

(1) * * *

* * * * *

[SEC. 618. ESTABLISHMENT OF A UNITED STATES BRANCH OFFICE IN LHASA, TIBET.

[The Secretary should make best efforts to establish an office in Lhasa, Tibet, to monitor political, economic, and cultural developments in Tibet.]

SEC. 618. ESTABLISHMENT OF A UNITED STATES CONSULATE IN LHASA, TIBET.

The Secretary shall seek to establish a United States consulate in Lhasa, Tibet, to provide services to United States citizens traveling to Tibet and to monitor political, economic, and cultural developments in Tibet, including Tibetan areas of Qinghai, Sichuan, Gansu, and Yunnan provinces.

* * * * *

SEC. 620. RELIGIOUS PERSECUTION IN TIBET.

(a) * * *

(b) PROMOTION OF INCREASED ADVOCACY.—Pursuant to section 108(a) of the International Religious Freedom Act of 1998 (22 U.S.C. 6417(a)), it is the sense of Congress that representatives of the United States Government in exchanges with officials of the Government of the People’s Republic of China should call for and otherwise promote the cessation of all interference by the Government of the People’s Republic of China or the Communist Party in

the religious affairs of the Tibetan people, *including the reincarnation system of Tibetan Buddhism.*

SEC. 621. UNITED STATES SPECIAL COORDINATOR FOR TIBETAN ISSUES.

(a) * * *

* * * * *

(d) DUTIES AND RESPONSIBILITIES.—The Special Coordinator shall—

(1) * * *

* * * * *

(5) make efforts to establish contacts in the foreign ministries of other countries to pursue a negotiated solution for Tibet; **[and]**

(6) *review and approve all projects carried out pursuant to section 616(d); and*

[(6)] (7) take all appropriate steps to ensure adequate resources, staff, and bureaucratic support to fulfill the duties and responsibilities of the Special Coordinator.

(e) *PERSONNEL.—The Secretary shall assign dedicated personnel to the Office of the Special Coordinator for Tibetan Issues sufficient to assist in the management of the responsibilities of this section and section 616(d).*

* * * * *

ARMS CONTROL AND DISARMAMENT ACT

* * * * *

TITLE IV—GENERAL PROVISIONS

GENERAL AUTHORITY

SEC. 401. In addition to any authorities otherwise available, the Secretary of State in the performance of functions under this Act is authorized to—

(a) * * *

* * * * *

(d) procure services of experts and consultants or organizations thereof, including stenographic reporting services, as authorized by section 3109 of title 5 of the United States Code, and to pay in connection therewith travel expenses of individuals, including transportation and per diem in lieu of subsistence while away from their homes or regular places of business, as authorized by section 5703 of such title: *Provided*, That no such individual shall be employed for more than 130 days in any fiscal year unless **[the President]** *the Secretary of State* certifies that employment of such individual in excess of such number of days is necessary in the national interest: *And provided further*, That such contracts may be renewed annually;

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ADMIRAL JAMES W. NANCE AND MEG DONOVAN FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEARS 2000 AND 2001

* * * * *

SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS; TABLE OF CONTENTS.

(a) * * *

(b) **TABLE OF CONTENTS.**—The table of contents for this Act is as follows:

Sec. 1. Short title.

* * * * *

DIVISION B—ARMS CONTROL, NONPROLIFERATION, AND SECURITY ASSISTANCE PROVISIONS

* * * * *

TITLE XI—ARMS CONTROL AND NONPROLIFERATION

* * * * *

Subtitle A—Arms Control

CHAPTER 1—EFFECTIVE VERIFICATION OF COMPLIANCE WITH ARMS CONTROL AGREEMENTS

Sec. 1111. Key Verification Assets Fund.

[Sec. 1112. Assistant Secretary of State for Verification and Compliance.]

* * * * *

DIVISION B—ARMS CONTROL, NONPROLIFERATION, AND SECURITY ASSISTANCE PROVISIONS

* * * * *

TITLE XI—ARMS CONTROL AND NONPROLIFERATION

* * * * *

Subtitle A—Arms Control

CHAPTER 1—EFFECTIVE VERIFICATION OF COMPLIANCE WITH ARMS CONTROL AGREEMENTS

* * * * *

[SEC. 1112. ASSISTANT SECRETARY OF STATE FOR VERIFICATION AND COMPLIANCE.

[(a) DESIGNATION OF POSITION.—The Secretary of State shall designate one of the Assistant Secretaries of State authorized by section 1(c)(1) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a(c)(1)) as the Assistant Secretary of State for Verification and Compliance. The Assistant Secretary shall report

to the Under Secretary of State for Arms Control and International Security.

[(b) DIRECTIVE GOVERNING THE ASSISTANT SECRETARY OF STATE.—

[(1) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, the Secretary of State shall issue a directive governing the position of the Assistant Secretary.

[(2) ELEMENTS OF THE DIRECTIVE.—The directive issued under paragraph (1) shall set forth, consistent with this section—

[(A) the duties of the Assistant Secretary;

[(B) the relationships between the Assistant Secretary and other officials of the Department of State;

[(C) any delegation of authority from the Secretary of State to the Assistant Secretary; and

[(D) such matters as the Secretary considers appropriate.

[(c) DUTIES.—

[(1) IN GENERAL.—The Assistant Secretary shall have as his principal responsibility the overall supervision (including oversight of policy and resources) within the Department of State of all matters relating to verification and compliance with international arms control, nonproliferation, and disarmament agreements or commitments.

[(2) PARTICIPATION OF THE ASSISTANT SECRETARY.—

[(A) PRIMARY ROLE.—Except as provided in subparagraphs (B) and (C), the Assistant Secretary, or his designee, shall participate in all interagency groups or organizations within the executive branch of Government that assess, analyze, or review United States planned or ongoing policies, programs, or actions that have a direct bearing on verification or compliance matters, including interagency intelligence committees concerned with the development or exploitation of measurement or signals intelligence or other national technical means of verification.

[(B) REQUIREMENT FOR DESIGNATION.—Subparagraph (A) shall not apply to groups or organizations on which the Secretary of State or the Undersecretary of State for Arms Control and International Security sits, unless such official designates the Assistant Secretary to attend in his stead.

[(C) NATIONAL SECURITY LIMITATION.—

[(i) WAIVER BY PRESIDENT.—The President may waive the provisions of subparagraph (A) if inclusion of the Assistant Secretary would not be in the national security interests of the United States.

[(ii) WAIVER BY OTHERS.—With respect to an interagency group or organization, or meeting thereof, working with exceptionally sensitive information contained in compartments under the control of the Director of Central Intelligence, the Secretary of Defense, or the Secretary of Energy, such Director or Secretary, as the case may be, may waive the provision of subparagraph (A) if inclusion of the Assistant Secretary would not be in the national security interests of the United States.

[(iii) TRANSMISSION OF WAIVER TO CONGRESS.— Any waiver of participation under clause (i) or (ii) shall be transmitted in writing to the appropriate committees of Congress.

[(3) RELATIONSHIP TO THE INTELLIGENCE COMMUNITY.— The Assistant Secretary shall be the principal policy community representative to the intelligence community on verification and compliance matters.

[(4) REPORTING RESPONSIBILITIES.—The Assistant Secretary shall have responsibility within the Department of State for—

[(A) all reports required pursuant to section 306 of the Arms Control and Disarmament Act (22 U.S.C. 2577);

[(B) so much of the report required under paragraphs (4) through (6) of section 403(a) of the Arms Control and Disarmament Act (22 U.S.C. 2593a(a)(4) through (6)) as relates to verification or compliance matters;

[(C) so much of the reports required under section 104 of the Henry J. Hyde United States-India Peaceful Atomic Energy Cooperation Act of 2006 as relates to verification or compliance matters; and

[(D) other reports being prepared by the Department of State as of the date of enactment of this Act relating to arms control, nonproliferation, or disarmament verification or compliance matters.]

TITLE 5, UNITED STATES CODE

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PART III—EMPLOYEES

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SUBPART D—PAY AND ALLOWANCES

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CHAPTER 53—PAY RATES AND SYSTEMS

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SUBCHAPTER II—EXECUTIVE SCHEDULE PAY RATES

* * * * *

§ 5315. Positions at level IV

Level IV of the Executive Schedule applies to the following positions, for which the annual rate of basic pay shall be the rate determined with respect to such level under chapter 11 of title 2, as adjusted by section 5318 of this title:
Deputy Administrator of General Services.

* * * * *

Chief Executive Officer, Senator Paul Simon Study Abroad Foundation.

* * * * *

CHAPTER 55—PAY ADMINISTRATION

* * * * *

SUBCHAPTER V—PREMIUM PAY

* * * * *

§ 5550b. Compensatory time off for travel

(a) * * *

* * * * *

(c) *The maximum amount of compensatory time off earned under this section may not exceed 104 hours during any leave year (as defined by regulations established by the Office of Personnel Management).*

* * * * *

FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEAR 2003

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DIVISION DIVISION A—DEPARTMENT OF STATE AUTHORIZATION ACT, FISCAL YEAR 2003

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TITLE III—ORGANIZATION AND PERSONNEL OF THE DEPARTMENT OF STATE

* * * * *

Subtitle B—Personnel Matters

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SEC. 324. REPORT CONCERNING MINORITY EMPLOYMENT.

(a) *REPORT ON MINORITY GROUPS AND WOMEN.*—On [April 1, 2003, and April 1, 2004,] *April 1, 2010, and April 1, 2011,* the Secretary shall submit a comprehensive report to Congress, with respect to the preceding calendar year, concerning the employment of members of minority groups at the Department, including the Civil Service and the Foreign Service. The report shall include the following data (reported in terms of real numbers and percentages and not as ratios):

(1) For the last preceding Foreign Service examination and promotion cycles for which such information is available—

(A) the numbers and percentages of members of all [minority groups] *minority groups and women* taking the written Foreign Service examination;

(B) the numbers and percentages of members of all [minority groups] *minority groups and women* successfully completing and passing the written Foreign Service examination;

(C) the numbers and percentages of members of all [minority groups] *minority groups and women* successfully completing and passing the oral Foreign Service examination;

(D) the numbers and percentages of members of all [minority groups] *minority groups and women* entering the junior officer class of the Foreign Service;

(E) the numbers and percentages of members of all [minority groups] *minority groups and women* who are Foreign Service officers at each grade; and

(F) the numbers and percentages of members of all [minority groups] *minority groups and women* promoted to each grade of the Foreign Service.

(2) For the last preceding year for Civil Service employment at the Department for which such information is available—

(A) numbers and percentages of members of all [minority groups] *minority groups and women* entering the Civil Service;

(B) the number and percentages of members of all [minority groups] *minority groups and women* who are Civil Service employees at each grade of the Civil Service; and

(C) the number of and percentages of members of all [minority groups] *minority groups and women* promoted at each grade of the Civil Service.

* * * * *

(b) *DEVELOPMENT OF METRICS TO EVALUATE EMPLOYMENT COMPOSITION.*—The report required by subsection (a) shall also include a description of the following:

(1) *The ability of current recruitment, advancement, and retention practices to attract and maintain a diverse pool of qualified individuals in sufficient numbers throughout the Department, including in the Cooperative Education Program (also known as the “Student Career Experience Program”).*

(2) *Efforts to develop a uniform definition, to be used throughout the Department, of diversity that is congruent with the core values and vision of the Department for the future workforce.*

(3) *The existence of additional metrics and milestones for evaluating the diversity plans of the Department, including the Foreign Service and Senior Foreign Service, and for facilitating future evaluation and oversight.*

(c) *For the immediately preceding 12-month period for which the information referred to in subsection (a) is available—*

- (1) *the numbers and percentages of small, minority-owned, or disadvantaged businesses that provide goods and services to the Department as a result of contracts with the Department during such period;*
- (2) *the total number of such contracts;*
- (3) *the total dollar value of such contracts; and*
- (4) *and the percentage value represented by such contract proportionate to the total value of all contracts held by the Department.*

* * * * *

TITLE V—UNITED STATES INTERNATIONAL BROADCASTING ACTIVITIES

* * * * *

SEC. 504. PERSONAL SERVICES CONTRACTING [PILOT] PROGRAM.

(a) IN GENERAL.—The Director of the International Broadcasting Bureau (in this section referred to as the “Director”) may establish a [pilot] program (in this section referred to as the “program”) for the purpose of hiring United States citizens or aliens as personal services contractors, without regard to Civil Service and classification laws, for service in the United States as broadcasters and other broadcasting specialists in the International Broadcasting Bureau to respond to new or emerging broadcast needs or to augment broadcast services. *An individual hired as a personal service contractor pursuant to this section shall not, by virtue of such hiring, be considered to be an employee of the United States Government for purposes of any law administered by the Office of Personnel Management.*

(b) CONDITIONS.—The Director is authorized to use the authority of subsection (a) subject to the following conditions:

(1) * * *

* * * * *

(4) Not more than a total of [60] 200 United States citizens or aliens are employed at any one time as personal services contractors under the program.

(5) *The annual salary rate for personal services contractors may not exceed the rate for level IV of the Executive Schedule.*

(c) TERMINATION OF AUTHORITY.—The authority to award personal services contracts under the pilot program authorized by this section shall terminate on December 31, [2009] 2011. A contract entered into prior to the termination date under this subsection may remain in effect for a period not to exceed 6 months after such termination date.

* * * * *

FOREIGN ASSISTANCE ACT OF 1961

* * * * *

PART I

CHAPTER 1—POLICY; DEVELOPMENT ASSISTANCE AUTHORIZATIONS

* * * * *

SEC. 116. HUMAN RIGHTS.—(a) * * *

* * * * *

(d) The Secretary of State shall transmit to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate, by February 25 of each year, a full and complete report regarding—

(1) * * *

* * * * *

(10) for each country with respect to which the report indicates that extrajudicial killings, torture, or other serious violations of human rights have occurred in the country, the extent to which the United States has taken or will take action to encourage an end to such practices in the country; **[and]**

(11)(A) * * *

(B) what steps, if any, taken by the government of the country to eliminate such practices; **[and]**

(C) such other information related to the use by such government of individuals under the age of 18 as soldiers, as determined to be appropriate by the Secretary**[.]**;

(12) *wherever applicable, violence or discrimination that affects the fundamental freedoms, consistent with United States law, of an individual in foreign countries that is based on actual or perceived sexual orientation and gender identity; and*

(13) *wherever applicable—*

(A) *a description of the status of freedom of the press, including initiatives in favor of freedom of the press and efforts to improve or preserve, as appropriate, the independence of the media, together with an assessment of progress made as a result of those efforts;*

(B) *an identification of countries in which there were violations of freedom of the press, including direct physical attacks, imprisonment, indirect sources of pressure, and censorship by governments, military, intelligence, or police forces, criminal groups, or armed extremist or rebel groups; and*

(C) *in countries where there are particularly severe violations of freedom of the press—*

(i) *whether government authorities of each such country participate in, facilitate, or condone such violations of the freedom of the press; and*

(ii) *what steps the government of each such country has taken to preserve the safety and independence of the media, and to ensure the prosecution of those individuals who attack or murder journalists.*

* * * * *

(g) *The report required by subsection (d) shall include for each country in which child marriage is prevalent at rates at or above 40 percent in at least one sub-national region, a description of the status of the practice of child marriage in such country. In this sub-*

section, the term “child marriage” means the marriage of a girl or boy, not yet the minimum age for marriage stipulated in law in the country in which such girl or boy is a resident.

* * * * *

SEC. 133. PROGRAMS TO ENCOURAGE GOOD GOVERNANCE.

(a) * * *

* * * * *

(d) BIENNIAL REPORTS.—

(1) * * *

(2) REQUIRED CONTENTS.—The report required by paragraph (1) shall contain the following information with respect to each country described in paragraph (1):

(A) * * *

* * * * *

(C) An analysis of major actions taken by the government of the country to combat corruption and improve transparency and accountability in the country, *including, with respect to a country that produces or exports large amounts of natural resources such as petroleum or natural resources, the degree to which citizens of the country have access to information about government revenue from the extraction of such resources and credible reports of human rights abuses against individuals from civil society or the media seeking to monitor such extraction.*

* * * * *

PART II

CHAPTER 1—POLICY

* * * * *

SEC. 502B. HUMAN RIGHTS.—(a) * * *

(b) The Secretary of State shall transmit to the Congress, as part of the presentation materials for security assistance programs proposed for each fiscal year, a full and complete report, prepared with the assistance of the Assistant Secretary of State for Democracy, Human Rights, and Labor and with the assistance of the Ambassador at Large for International Religious Freedom, with respect to practices regarding the observance of and respect for internationally recognized human rights in each country proposed as a recipient of security assistance. Wherever applicable, such report shall include consolidated information regarding the commission of war crimes, crimes against humanity, and evidence of acts that may constitute genocide (as defined in article 2 of the Convention on the Prevention and Punishment of the Crime of Genocide and modified by the United States instrument of ratification to that convention and section 2(a) of the Genocide Convention Implementation Act of 1987). Wherever applicable, such report shall include information on practices regarding coercion in population control, including coerced abortion and involuntary sterilization. Such report shall also include, wherever applicable, information on violations of religious freedom, including particularly severe violations of religious freedom (as defined in section 3 of the International Re-

ligious Freedom Act of 1998). Wherever applicable, a description of the nature and extent of acts of anti-Semitism and anti-Semitic incitement that occur, including the descriptions of such acts required under section 116(d)(8). Such report shall also include, for each country with respect to which the report indicates that extrajudicial killings, torture, or other serious violations of human rights have occurred in the country, the extent to which the United States has taken or will take action to encourage an end to such practices in the country. Each report under this section shall list the votes of each member of the United Nations Commission on Human Rights on all country-specific and thematic resolutions voted on at the Commission's annual session during the period covered during the preceding year. Each report under this section shall describe the extent to which each country has extended protection to refugees, including the provision of first asylum and resettlement. *Wherever applicable, violence or discrimination that affects the fundamental freedoms, consistent with United States law, of an individual in foreign countries that is based on actual or perceived sexual orientation and gender identity.* Each report under this section shall also include (i) wherever applicable, a description of the nature and extent of the compulsory recruitment and conscription of individuals under the age of 18 by armed forces of the government of the country, government-supported paramilitaries, or other armed groups, the participation of such individuals in such groups, and the nature and extent that such individuals take a direct part in hostilities, (ii) what steps, if any, taken by the government of the country to eliminate such practices, and (iii) such other information related to the use by such government of individuals under the age of 18 as soldiers, as determined to be appropriate by the Secretary of State. In determining whether a government falls within the provisions of subsection (a)(3) and in the preparation of any report or statement required under this section, consideration shall be given to—

(1) * * *

* * * * *

(i) *The report required by subsection (b) shall include, wherever applicable—*

(1) *a description of the status of freedom of the press, including initiatives in favor of freedom of the press and efforts to improve or preserve, as appropriate, the independence of the media, together with an assessment of progress made as a result of those efforts;*

(2) *an identification of countries in which there were violations of freedom of the press, including direct physical attacks, imprisonment, indirect sources of pressure, and censorship by governments, military, intelligence, or police forces, criminal groups, or armed extremist or rebel groups; and*

(3) *in countries where there are particularly severe violations of freedom of the press—*

(A) *whether government authorities of each such country participate in, facilitate, or condone such violations of the freedom of the press; and*

(B) *what steps the government of each such country has taken to preserve the safety and independence of the media,*

and to ensure the prosecution of those individuals who attack or murder journalists.

(j) The report required by subsection (b) shall include for each country in which child marriage is prevalent at rates at or above 40 percent in at least one sub-national region, a description of the status of the practice of child marriage in such country. In this subsection, the term “child marriage” means the marriage of a girl or boy, not yet the minimum age for marriage stipulated in law in the country in which such girl or boy is a resident.

CHAPTER 2—MILITARY ASSISTANCE

* * * * *
SEC. 514. STOCKPILING OF DEFENSE ARTICLES FOR FOREIGN COUNTRIES.—(a) * * *

(b)(1) * * *

(2)(A) The value of such additions to stockpiles of defense articles in foreign countries shall not exceed \$200,000,000 for each of [fiscal years 2007 and 2008] *fiscal years 2010 and 2011*.

* * * * *
SEC. 516. AUTHORITY TO TRANSFER EXCESS DEFENSE ARTICLES.

(a) * * *

* * * * *
 (e) **TRANSPORTATION AND RELATED COSTS.**—

(1) **IN GENERAL.**—Except as provided in [paragraph (2)] *paragraphs (2) and (3)*, funds available to the Department of Defense may not be expended for crating, packing, handling, and transportation of excess defense articles transferred under the authority of this section.

(2) **[EXCEPTION] GENERAL EXCEPTION.**—The President may provide for the transportation of excess defense articles without charge to a country for the costs of such transportation if—

(A) * * *

* * * * *
 (3) **EXCEPTION FOR SPECIFIC COUNTRIES.**—*For fiscal years 2010 and 2011, the President may provide for the crating, packing, handling, and transportation of excess defense articles transferred under the authority of this section to Albania, Afghanistan, Bulgaria, Croatia, Estonia, Macedonia, Georgia, India, Iraq, Israel, Kazakhstan, Kyrgyzstan, Latvia, Lithuania, Moldova, Mongolia, Pakistan, Romania, Slovakia, Tajikistan, Turkmenistan, and Ukraine.*

CHAPTER 3—MISCELLANEOUS PROVISIONS

* * * * *
SEC. 655. ANNUAL MILITARY ASSISTANCE REPORT.

(a) * * *

(b) **INFORMATION RELATING TO MILITARY ASSISTANCE AND MILITARY EXPORTS.**—Each such report shall show the aggregate dollar value and quantity of defense articles (including excess defense ar-

titles), defense services, and international military education and training activities authorized by the United States and of such articles, services, and activities provided by the United States, excluding any activity that is reportable under title V of the National Security Act of 1947, to each foreign country and international organization. The report shall specify, by category, whether such defense articles—

(1) * * *
 (2) were furnished with the financial assistance of the United States Government, including through loans and guarantees; **[or]**

(3) were licensed for export under section 38 of the Arms Export Control Act and, if so, a specification of those defense articles that were exported during the fiscal year covered by the report, including, in the case of defense articles that are firearms controlled under category I of the United States Munitions List, a statement of the aggregate dollar value and quantity of semiautomatic assault weapons, or spare parts for such weapons, the manufacture, transfer, or possession of which is unlawful under section 922 of title 18, United States Code, that were licensed for export during the period covered by the report~~].~~; *or*

(4) were exported without a license under section 38 of the Arms Export Control Act (22 U.S.C. 2778) pursuant to an exemption established under the International Traffic in Arms Regulations, other than defense articles exported in furtherance of a letter of offer and acceptance under the Foreign Military Sales program or a technical assistance or manufacturing license agreement, including the specific exemption provision in the regulation under which the export was made.

* * * * *

**SECTION 404 OF THE FOREIGN RELATIONS
 AUTHORIZATION ACT, FISCAL YEARS 1994 AND 1995**

**SEC. 404. ASSESSED CONTRIBUTIONS FOR UNITED NATIONS
 PEACEKEEPING OPERATIONS.**

(a) * * *

(b) LIMITATION ON UNITED STATES CONTRIBUTIONS.—

(1) * * *

(2) SUBSEQUENT FISCAL YEARS.—

(A) * * *

(B) REDUCTION IN UNITED STATES SHARE OF ASSESSED CONTRIBUTIONS.—Notwithstanding the percentage limitation contained in subparagraph (A), the United States share of assessed contributions for each United Nations peacekeeping operation during the following periods is authorized to be as follows:

(i) * * *

* * * * *

(vi) For assessments made during calendar years 2009, 2010, and 2011, 27.1 percent.

**UNITED STATES INTERNATIONAL BROADCASTING ACT
OF 1994**

* * * * *

**TITLE III—UNITED STATES
INTERNATIONAL BROADCASTING ACT**

**SEC. 308. LIMITS ON GRANTS FOR RADIO FREE EUROPE AND RADIO
LIBERTY.**

(a) * * *

* * * * *

(h) **PROHIBITED USES OF GRANT FUNDS.**—No grant funds provided under this section may be used for the following purposes:

(1)(A) * * *

* * * * *

(C) Notwithstanding the limitations under subparagraph (A), grant funds provided under this section may be used by RFE/RL, Incorporated, to pay up to three employees employed in Washington, D.C. *and one employee abroad*, salary or other compensation not to exceed the rate of pay payable for level **【III】 II** of the Executive Schedule under section **【5314】 5313** of title 5, United States Code.

* * * * *

SEC. 309. RADIO FREE ASIA.

(a) * * *

* * * * *

(c) **SUBMISSION OF DETAILED PLAN FOR RADIO FREE ASIA.**—

(1) * * *

(2) Any grant agreement under this section shall require that any contract entered into by Radio Free Asia shall specify that all obligations are assumed by Radio Free Asia and not by the United States Government~~],~~ and shall further specify that funds to carry out the activities of Radio Free Asia may not be available after September 30, 2010~~].~~

* * * * *

【(f) SUNSET PROVISION.—The Board may not make any grant for the purpose of operating Radio Free Asia after September 30, 2009.**】**

【(g) (f) NOTIFICATION AND CONSULTATION REGARDING DISPLACEMENT OF VOICE OF AMERICA BROADCASTING.—The Board shall notify the appropriate congressional committees before entering into any agreements for the utilization of Voice of America transmitters, equipment, or other resources that will significantly reduce the broadcasting activities of the Voice of America in Asia or any other region in order to accommodate the broadcasting activities of Radio Free Asia. The Chairman of the Board shall consult with such committees on the impact of any such reduction in Voice of America broadcasting activities.

[(h)] (g) NOTIFICATION AND CONSULTATION REGARDING DISPLACEMENT OF VOICE OF AMERICA BROADCASTING.—The Board shall notify the appropriate congressional committees before entering into any agreements for the utilization of Voice of America transmitters, equipment, or other resources that will significantly reduce the broadcasting activities of the Voice of America in Asia or any other region in order to accommodate the broadcasting activities of Radio Free Asia. The Chairman of the Board shall consult with such committees on the impact of any such reduction in Voice of America broadcasting activities.

* * * * *

PEACE CORPS ACT

TITLE I—THE PEACE CORPS

* * * * *

AUTHORIZATION

SEC. 3. (a) * * *

(b)(1) There are authorized to be appropriated to carry out the purposes of this Act **[\$270,000,000 for fiscal year 2000, \$298,000,000 for fiscal year 2001, \$327,000,000 for fiscal year 2002, and \$365,000,000 for fiscal year 2003.]** *\$450,000,000 for fiscal year 2010 and such sums as may be necessary for fiscal year 2011.*

* * * * *

DIRECTOR OF THE PEACE CORPS AND DELEGATION OF FUNCTIONS

SEC. 4. (a) * * *

* * * * *

(c)(1) * * *

[(2)] The President shall prescribe appropriate procedures to assure coordination of Peace Corps activities with other activities of the United States Government in each country, under the leadership of the chief of the United States diplomatic mission.

(2) The Director of the Peace Corps shall, as appropriate and to the maximum extent practicable without diminishing any program or operational independence, work with the heads of Federal departments and agencies to identify synergies and avoid duplication of efforts with Peace Corps programs in the field and at headquarters.

* * * * *

PEACE CORPS VOLUNTEERS

SEC. 5. (a) * * *

* * * * *

(c) Volunteers shall be entitled to receive a readjustment allowance at a rate not less than **[\$125]** *\$225* for each month of satisfactory service as determined by the President. The readjustment allowance of each volunteer shall be payable on his return to the

United States: *Provided, however,* That, under such circumstances as the President may determine, the accrued readjustment allowance, or any part thereof, may be paid to the volunteer, members of his family or others, during the period of his service, or prior to his return to the United States. In the event of the volunteer's death during the period of his service, the amount of any unpaid readjustment allowance shall be paid in accordance with the provisions of section 5582(b) of title 5, United States Code. For purposes of the Internal Revenue Code of 1954 (26 U.S.C.), a volunteer shall be deemed to be paid and to receive each amount of a readjustment allowance to which he is entitled after December 31, 1964, when such amount is transferred from funds made available under this Act to the fund from which such readjustment allowance is payable.

* * * * *

SEC. 5A. PEACE CORPS RESPONSE PROGRAM.

The Director of the Peace Corps is authorized to establish a special program that assigns returned Peace Corps volunteers or other volunteers to provide short-term development or other relief assistance or to otherwise be assigned or made available to any entity referred to in subsection (a)(1) of section 10. The term of such service shall be less than the term of service of a volunteer under section 5. Except to the extent determined necessary and appropriate by the Director, the program established under this section may not cause a diminution in the number or quality of projects or volunteers assigned to longer term assignments under section 5.

* * * * *

SECTION 9101 OF TITLE 31, UNITED STATES CODE

§ 9101. Definitions

In this chapter—

(1) * * *

* * * * *

(3) “wholly owned Government corporation” means—

(A) * * *

* * * * *

(S) *the Senator Paul Simon Study Abroad Foundation.*

* * * * *

ARMS EXPORT CONTROL ACT

* * * * *

Chapter 1.—FOREIGN AND NATIONAL SECURITY POLICY OBJECTIVES AND RESTRAINTS

* * * * *

SEC. 3. ELIGIBILITY.—(a) * * *

(b) The consent of the President under paragraph (2) of subsection (a) or under paragraph (1) of section 505(a) of the Foreign Assistance Act of 1961 (as it relates to subparagraph (B) of such paragraph) shall not be required for the transfer by a foreign country or international organization of defense articles sold by the United States under this Act if—

(1) * * *

(2) the recipient is the government of a member country of the North Atlantic Treaty Organization, the Government of Australia, the Government of Japan, the Government of the Republic of Korea, *the Government of Israel*, or the Government of New Zealand;

* * * * *

(d)(1) * * *

(2)(A) * * *

(B) In the case of a proposed transfer to the North Atlantic Treaty Organization, or any member country of such Organization, Japan, Australia, the Republic of Korea, *Israel*, or New Zealand, unless the President states in the certification submitted pursuant to paragraph (1) of this subsection that an emergency exists which requires that consent to the proposed transfer become effective immediately in the national security interests of the United States, such consent shall not become effective until fifteen calendar days after the date of such submission and such consent shall become effective then only if the Congress does not enact, within such fifteen-day period, a joint resolution prohibiting the proposed transfer.

* * * * *

(3)(A) Subject to paragraph (5), the President may not give his consent to the transfer of any major defense equipment valued (in terms of its original acquisition cost) at \$14,000,000 or more, or of any defense article or defense service valued (in terms of its original acquisition cost) at \$50,000,000 or more, the export of which has been licensed or approved under section 38 of this Act, unless before giving such consent the President submits to the Speaker of the House of Representatives and the Chairman of the Committee on Foreign Relations of the Senate a certification containing the information specified in subparagraphs (A) through (E) of paragraph (1). Such certification shall be submitted—

(i) at least 15 calendar days before such consent is given in the case of a transfer to a country which is a member of the North Atlantic Treaty Organization or Australia, Japan, the Republic of Korea, *Israel*, or New Zealand; and

* * * * *

(5) In the case of a transfer to a member country of the North Atlantic Treaty Organization (NATO) or Australia, Japan, the Republic of Korea, *Israel*, or New Zealand that does not authorize a new sales territory that includes any country other than such countries, the limitations on consent of the President set forth in paragraphs (1) and (3)(A) shall apply only if the transfer is—

(A) * * *

* * * * *

Chapter 2.—FOREIGN MILITARY SALES AUTHORIZATIONS

SEC. 21. SALES FROM STOCKS.—(a) * * *

* * * * *

(e)(1) * * *

(2)(A) The President may reduce or waive the charge or charges which would otherwise be considered appropriate under paragraph (1)(B) for particular sales that would, if made, significantly advance United States Government Arms Export interests in North Atlantic Treaty Organization standardization, standardization with the Armed Forces of Japan, Australia, the Republic of Korea, *Israel*, or New Zealand in furtherance of the mutual defense treaties between the United States and those countries, or foreign procurement in the United States under coproduction arrangements.

* * * * *

SEC. 25. ANNUAL ESTIMATE AND JUSTIFICATION FOR SALES PROGRAM.—(a) Except as provided in subsection (d) of this section, no later than February 1 of each year, the President shall transmit to the appropriate congressional committees, as a part of the annual presentation materials for security assistance programs proposed for the next fiscal year, a report which sets forth—

(1) an Arms Sales Proposal covering all sales and licensed commercial exports under this Act of major weapons or weapons-related defense equipment for \$7,000,000 or more, or of any other weapons or weapons-related defense equipment for \$25,000,000 or more, which are considered eligible for approval during the current calendar year[, together with an indication of which sales and licensed commercial exports] *and* are deemed most likely actually to result in the issuance of a letter of offer or of an export license during such year;

* * * * *

Chapter 3.—MILITARY EXPORT CONTROLS

* * * * *

SEC. 36. REPORTS ON COMMERCIAL AND GOVERNMENTAL MILITARY EXPORTS; CONGRESSIONAL ACTION.—(a) * * *

(b)(1) Subject to paragraph (6), in the case of any letter of offer to sell any defense articles or services under this Act for **[\$50,000,000]** *\$100,000,000* or more, any design and construction services for **[\$200,000,000]** *\$300,000,000* or more, or any major defense equipment for **[\$14,000,000]** *\$25,000,000* or more, before such letter of offer is issued, the President shall submit to the Speaker of the House of Representatives and to the chairman of the Committee on Foreign Relations of the Senate a numbered certification with respect to such offer to sell containing the information specified in clauses (i) through (iv) of subsection (a), or (in the case of a sale of design and construction services) the information specified in clauses (A) through (D) of paragraph (9) of subsection (a), and a description, containing the information specified in paragraph (8) of subsection (a), of any contribution, gift, commission, or fee paid or offered or agreed to be paid in order to solicit, promote,

or otherwise to secure such letter of offer. Such numbered certifications shall also contain an item, classified if necessary, identifying the sensitivity of technology contained in the defense articles, defense services, or design and construction services proposed to be sold, and a detailed justification of the reasons necessitating the sale of such articles or services in view of the sensitivity of such technology. In a case in which such articles or services listed on the Missile Technology Control Regime Annex are intended to support the design, development, or production of a Category I space launch vehicle system (as defined in section 74), such report shall include a description of the proposed export and rationale for approving such export, including the consistency of such export with United States missile nonproliferation policy. Each such numbered certification shall contain an item indicating whether any offset agreement is proposed to be entered into in connection with such letter of offer to sell (if known on the date of transmittal of such certification). In addition, the President shall, upon the request of such committee or the Committee on Foreign Affairs of the House of Representatives, transmit promptly to both such committees a statement setting forth, to the extent specified in such request—

(A) * * *

* * * * *

A certification transmitted pursuant to this subsection shall be unclassified, except that the information specified in clause (ii) and the details of the description specified in clause (iii) of subsection (a) may be classified if the public disclosure thereof would be clearly detrimental to the security of the United States, in which case the information shall be accompanied by a description of the damage to the national security that could be expected to result from public disclosure of the information. [The letter of offer shall not be issued, with respect to a proposed sale to the North Atlantic Treaty Organization, any member country of such Organization, Japan, Australia, the Republic of Korea, or New Zealand, if the Congress, within fifteen calendar days after receiving such certification, or with respect to a proposed sale to any other country or organization, if the Congress within thirty calendar days after receiving such certification, enacts a joint resolution]

(2) *The letter of offer shall not be issued—*

(A) *with respect to a proposed sale of any defense articles or defense services under this Act for \$300,000,000 or more, any design and construction services for \$300,000,000 or more, or any major defense equipment for \$75,000,000 or more, to the North Atlantic Treaty Organization (NATO), any member country of NATO, Japan, Australia, the Republic of Korea, Israel, or New Zealand, if Congress, within 15 calendar days after receiving such certification, or*

(B) *with respect to a proposed sale of any defense articles or services under this Act for \$100,000,000 or more, any design and construction services for \$200,000,000 or more, or any major defense equipment for \$100,000,000 or more, to any other country or organization, if Congress, within 30 calendar days after receiving such certification,*

enacts a joint resolution prohibiting the proposed sale, unless the President states in his certification that an emergency exists which requires such sale in the national security interests of the United

States. If the President states in his certification that an emergency exists which requires the proposed sale in the national security interest of the United States, thus waiving the congressional review requirements of this subsection, he shall set forth in the certification a detailed justification for his determination, including a description of the emergency circumstances which necessitate the immediate issuance of the letter of offer and a discussion of the national security interests involved.

【(2)】 (3) Any such joint resolution shall be considered in the Senate in accordance with the provisions of section 601(b) of the International Security Assistance and Arms Export Control Act of 1976, except that for purposes of consideration of any joint resolution with respect to the North Atlantic Treaty Organization, any member country of such Organization, Japan, Australia, the Republic of Korea, *Israel*, or New Zealand, it shall be in order in the Senate to move to discharge a committee to which such joint resolution was referred if such committee has not reported such joint resolution at the end of five calendar days after its introduction.

【(3)】 (4) For the purpose of expediting the consideration and enactment of joint resolutions under this subsection, a motion to proceed to the consideration of any such joint resolution after it has been reported by the appropriate committee shall be treated as highly privileged in the House of Representatives.

【(4)】 (5) In addition to the other information required to be contained in a certification submitted to the Congress under this subsection, each such certification shall cite any quarterly report submitted pursuant to section 28 of this Act which listed a price and availability estimate, or a request for the issuance of a letter of offer, which was a basis for the proposed sale which is the subject of such certification.

【(5)】 (6)(A) * * *

* * * * *

(C) 【Subject to paragraph (6), if】 *If* the enhancement or upgrade in the sensitivity of technology or the capability of major defense equipment, defense articles, defense services, or design and construction services described in a numbered certification submitted under this subsection costs \$14,000,000 or more in the case of any major defense equipment, \$50,000,000 or more in the case of defense articles or defense services, or \$200,000,000 or more in the case of design or construction services, then the President shall submit to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate a new numbered certification which relates to such enhancement or upgrade and which shall be considered for purposes of this subsection as if it were a separate letter of offer to sell defense equipment, articles, or services, subject to all of the requirements, restrictions, and conditions set forth in this subsection. For purposes of this subparagraph, references in this subsection to sales shall be deemed to be references to enhancements or upgrades in the sensitivity of technology or the capability of major defense equipment, articles, or services, as the case may be.

* * * * *

【(6)】 The limitation in paragraph (1) and the requirement in paragraph (5)(C) shall apply in the case of a letter of offer to sell

to a member country of the North Atlantic Treaty Organization (NATO) or Australia, Japan, the Republic of Korea, or New Zealand that does not authorize a new sales territory that includes any country other than such countries only if the letter of offer involves—

[(A) the sale of major defense equipment under this Act for, or the enhancement or upgrade of major defense equipment at a cost of, \$25,000,000 or more, as the case may be; and

[(B) the sale of defense articles or services for, or the enhancement or upgrade of defense articles or services at a cost of, \$100,000,000 or more, as the case may be; or

[(C) the sale of design and construction services for, or the enhancement or upgrade of design and construction services at a cost of, \$300,000,000 or more, as the case may be.]

(c)(1) [Subject to paragraph (5), in] *In* the case of an application by a person (other than with regard to a sale under section 21 or section 22 of this Act) for a license for the export of any major defense equipment sold under a contract in the amount of ~~[\$14,000,000]~~ \$25,000,000 or more or of defense articles or defense services sold under a contract in the amount of ~~[\$50,000,000]~~ \$100,000,000 or more (or, in the case of a defense article that is a firearm controlled under category I of the United States Munitions List, \$1,000,000 or more), before issuing such license the President shall transmit to the Speaker of the House of Representatives and to the chairman of the Committee on Foreign Relations of the Senate an unclassified numbered certification with respect to such application specifying (A) the foreign country or international organization to which such export will be made, (B) the dollar amount of the items to be exported, and (C) a description of the items to be exported. Each such numbered certification shall also contain an item indicating whether any offset agreement is proposed to be entered into in connection with such export and a description of any such offset agreement. In addition, the President shall, upon the request of such committee or the Committee on Foreign Affairs of the House of Representatives, transmit promptly to both such committees a statement setting forth, to the extent specified in such request a description of the capabilities of the items to be exported, an estimate of the total number of United States personnel expected to be needed in the foreign country concerned in connection with the items to be exported and an analysis of the arms control impact pertinent to such application, prepared in consultation with the Secretary of Defense. In a case in which such articles or services listed on the Missile Technology Control Regime Annex are intended to support the design, development, or production of a Category I space launch vehicle system (as defined in section 74), such report shall include a description of the proposed export and rationale for approving such export, including the consistency of such export with United States missile nonproliferation policy. A certification transmitted pursuant to this subsection shall be unclassified, except that the information specified in clause (B) and the details of the description specified in clause (C) may be classified if the public disclosure thereof would be clearly detrimental to the security of the United States, in which case the information shall be accompanied by a description of the damage to the na-

tional security that could be expected to result from public disclosure of the information.

(2) Unless the President states in his certification that an emergency exists which requires the proposed export in the national security interests of the United States, a license for export described in paragraph (1)—

(A) in the case of a license for an export of any major defense equipment sold under a contract in the amount of \$75,000,000 or more or of defense articles or defense services sold under a contract in the amount of \$200,000,000 or more, (or, in the case of a defense article that is a firearm controlled under category I of the United States Munitions List, \$1,000,000 or more) to the North Atlantic Treaty [Organization,] Organization (NATO), any member country of [that Organization] NATO or Australia, Japan, the Republic of Korea, Israel, or New Zealand, shall not be issued until at least 15 calendar days after the Congress receives such certification, and shall not be issued then if the Congress, within that 15-day period, enacts a joint resolution prohibiting the proposed export;

* * * * *

(C) in the case of any other license for an export of any major defense equipment sold under a contract in the amount of \$50,000,000 or more or of defense articles or defense services sold under a contract in the amount of \$100,000,000 or more, (or, in the case of a defense article that is a firearm controlled under category I of the United States Munitions List, \$1,000,000 or more), shall not be issued until at least 30 calendar days after the Congress receives such certification, and shall not be issued then if the Congress, within that 30-day period, enacts a joint resolution prohibiting the proposed export.

* * * * *

(4) The provisions of [subsection (b)(5)] subsection (b)(6) shall apply to any equipment, article, or service for which a numbered certification has been transmitted to Congress pursuant to paragraph (1) in the same manner and to the same extent as that subsection applies to any equipment, article, or service for which a numbered certification has been transmitted to Congress pursuant to subsection (b)(1). For purposes of such application, any reference in [subsection (b)(5)] subsection (b)(6) to “a letter of offer” or “an offer” shall be deemed to be a reference to “a contract”.

[(5) In the case of an application by a person (other than with regard to a sale under section 21 or 22 of this Act) for a license for the export to a member country of the North Atlantic Treaty Organization (NATO) or Australia, Japan, the Republic of Korea, or New Zealand that does not authorize a new sales territory that includes any country other than such countries, the limitations on the issuance of the license set forth in paragraph (1) shall apply only if the license is for export of—

[(A) major defense equipment sold under a contract in the amount of \$25,000,000 or more; or

[(B) defense articles or defense services sold under a contract in the amount of \$100,000,000 or more.]

(d)(1) * * *

(2) A certification under this subsection shall be submitted—

(A) at least 15 days before approval is given in the case of an agreement for or in a country which is a member of the North Atlantic Treaty Organization or Australia, Japan, the Republic of Korea, *Israel*, or New Zealand; and

* * * * *

(h) CERTIFICATION REQUIREMENT RELATING TO ISRAEL'S QUALITATIVE MILITARY EDGE.—

(1) IN GENERAL.—Any certification relating to a proposed sale or export of defense articles or defense services under this section to any country in the Middle East other than Israel shall include **[a determination]** *an unclassified determination* that the sale or export of the defense articles or defense services will not adversely affect Israel's qualitative military edge over military threats to Israel.

* * * * *

SEC. 38. CONTROL OF ARMS EXPORTS AND IMPORTS.—(a) * * *

(b)(1) * * *

* * * * *

[(3)(A) For each of the fiscal years 1988 and 1989, \$250,000 of registration fees collected pursuant to paragraph (1) shall be credited to a Department of State account, to be available without fiscal year limitation. Fees credited to that account shall be available only for the payment of expenses incurred for—

[(i) contract personnel to assist in the evaluation of munitions control license applications, reduce processing time for license applications, and improve monitoring of compliance with the terms of licenses; and

[(ii) the automation of munitions control functions and the processing of munitions control license applications, including the development, procurement, and utilization of computer equipment and related software.

[(B) The authority of this paragraph may be exercised only to such extent or in such amounts as are provided in advance in appropriation Acts.

[(c) Any person who willfully violates any provision of this section or section 39, or any rule or regulation issued under either section, or who willfully, in a registration or license application or required report, makes any untrue statement of a material fact or omits to state a material fact required to be stated therein or necessary to make the statements therein not misleading, shall upon conviction be fined for each violation not more than \$1,000,000, or imprisoned not more than ten years, or both.]

(c) VIOLATIONS OF THIS SECTION AND SECTION 39.—

(1) UNLAWFUL ACTS.—It shall be unlawful for any person to violate, attempt to violate, conspire to violate, or cause a violation of any provision of this section or section 39, or any rule or regulation issued under either section, or who, in a registration or license application or required report, makes any untrue statement of a material fact or omits to state a material fact required to be stated therein or necessary to make the statements therein not misleading.

(2) *CRIMINAL PENALTIES.*—A person who willfully commits an unlawful act described in paragraph (1) shall upon conviction—

(A) be fined for each violation in an amount not to exceed \$1,000,000, or

(B) in the case of a natural person, be imprisoned for each violation for not more than 20 years, or both.

* * * * *

(g)(1) The President shall develop appropriate mechanisms to identify, in connection with the export licensing process under this section—

(A) persons who are the subject of an indictment or otherwise charged for, or have been convicted of, a violation under—

(i) * * *

* * * * *

(xi) section 603 (b) or (c) of the Comprehensive Anti-Apartheid Act of 1986 (22 U.S.C. 5113 (b) and (c)); [or]

* * * * *

(xiii) section 542 of title 18, United States Code, relating to entry of goods by means of false statements;

(xiv) section 554 of title 18, United States Code, relating to smuggling goods from the United States; or

(xv) section 1831 of title 18, United States Code, relating to economic espionage.

(B) persons who are the subject of an indictment or otherwise charged or have been convicted under section 371 of title 18, United States Code, for conspiracy to violate any of the statutes cited in subparagraph (A); and

* * * * *

(3) If the President determines—

(A) that an applicant for a license to export under this section is the subject of an indictment or otherwise charged for a violation of any of the statutes cited in paragraph (1),

* * * * *

(k) *SPECIAL LICENSING AUTHORIZATION FOR CERTAIN EXPORTS TO NATO MEMBER STATES, AUSTRALIA, JAPAN, NEW ZEALAND, ISRAEL, AND SOUTH KOREA.*—

(1) *AUTHORIZATION.*—(A) The President may provide for special licensing authorization for exports of United States-manufactured spare and replacement parts or components listed in an application for such special licensing authorization in connection with defense items previously exported to NATO member states, Australia, Japan, New Zealand, Israel, and South Korea. A special licensing authorization issued pursuant to this clause shall be effective for a period not to exceed 5 years.

(B) An authorization may be issued under subparagraph (A) only if the applicable government of the country described in subparagraph (A), acting through the applicant for the authorization, certifies that—

- (i) the export of spare and replacement parts or components supports a defense item previously lawfully exported;
 - (ii) the spare and replacement parts or components will be transferred to a defense agency of a country described in subparagraph (A) that is a previously approved end-user of the defense items and not to a distributor or a foreign consignee of such defense items;
 - (iii) the spare and replacement parts or components will not be used to materially enhance, optimize, or otherwise modify or upgrade the capability of the defense items;
 - (iv) the spare and replacement parts or components relate to a defense item that is owned, operated, and in the inventory of the armed forces a country described in subparagraph (A);
 - (v) the export of spare and replacement parts or components will be effected using the freight forwarder designated by the purchasing country's diplomatic mission as responsible for handling transfers under chapter 2 of this Act as required under regulations; and
 - (vi) the spare and replacement parts or components to be exported under the special licensing authorization are specifically identified in the application.
- (C) An authorization may not be issued under subparagraph (A) for purposes of establishing offshore procurement arrangements or producing defense articles offshore.
- (D)(i) For purposes of this subsection, the term "United States-manufactured spare and replacement parts or components" means spare and replacement parts or components—
- (I) with respect to which—
 - (aa) United States-origin content costs constitute at least 85 percent of the total content costs;
 - (bb) United States manufacturing costs constitute at least 85 percent of the total manufacturing costs; and
 - (cc) foreign content, if any, is limited to content from countries eligible to receive exports of items on the United States Munitions List under the International Traffic in Arms Regulations (other than de minimis foreign content);
 - (II) that were last substantially transformed in the United States; and
 - (III) that are not—
 - (aa) classified as significant military equipment; or
 - (bb) listed on the Missile Technology Control Regime Annex.
- (ii) For purposes of clause (i)(I) (aa) and (bb), the costs of non-United States-origin content shall be determined using the final price or final cost associated with the non-United States-origin content.
- (2) INAPPLICABILITY PROVISIONS.—(A) The provisions of this subsection shall not apply with respect to re-exports or re-transfers of spare and replacement parts or components and related services of defense items described in paragraph (1).

(B) *The congressional notification requirements contained in section 36(c) of this Act shall not apply with respect to an authorization issued under paragraph (1).*

(l) *REPORT.—*

(1) *IN GENERAL.—The President shall transmit to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate a report that contains a detailed listing, by country and by international organization, of the total dollar value of major defense equipment and defense articles exported pursuant to licenses authorized under this section for the previous fiscal year.*

(2) *INCLUSION IN ANNUAL BUDGET.—The report required by this subsection shall be included in the supporting information of the annual budget of the United States Government required to be submitted to Congress under section 1105 of title 31, United States Code.*

SEC. 38A. AVAILABILITY OF INFORMATION ON THE STATUS OF LICENSE APPLICATIONS UNDER THIS CHAPTER.

(a) *AVAILABILITY OF INFORMATION.—Not later than one year after the date of the enactment of the Defense Trade Controls Performance Improvement Act of 2009, the President shall make available to persons who have pending license applications under this chapter and the committees of jurisdiction the ability to access electronically current information on the status of each license application required to be submitted under this chapter.*

(b) *MATTERS TO BE INCLUDED.—The information referred to in subsection (a) shall be limited to the following:*

(1) *The case number of the license application.*

(2) *The date on which the license application is received by the Department of State and becomes an “open application”.*

(3) *The date on which the Directorate of Defense Trade Controls makes a determination with respect to the license application or transmits it for interagency review, if required.*

(4) *The date on which the interagency review process for the license application is completed, if such a review process is required.*

(5) *The date on which the Department of State begins consultations with the congressional committees of jurisdiction with respect to the license application.*

(6) *The date on which the license application is sent to the congressional committees of jurisdiction.*

* * * * *

**CHAPTER 5—[SPECIAL DEFENSE ACQUISITION FUND]
FOREIGN MILITARY SALES STOCKPILE FUND**

SEC. 51. [SPECIAL DEFENSE ACQUISITION FUND] FOREIGN MILITARY SALES STOCKPILE FUND.—(a)(1) Under the direction of the President and in consultation with the Secretary of State, the Secretary of Defense shall establish a [Special Defense Acquisition Fund] *Foreign Military Sales Stockpile Fund* (hereafter in this chapter referred to as the “Fund”), to be used as a revolving fund separate from other accounts, under the control of the Department of Defense, to finance the acquisition of defense articles and defense service in anticipation of their transfer pursuant to this Act,

the Foreign Assistance Act of 1961, or as otherwise authorized by law, to eligible foreign countries and international organizations, and may acquire such articles and services with the funds in the Fund as he may determine. Acquisition under this chapter of items for which the initial issue quantity requirements for United States Armed Forces have not been fulfilled and are not under current procurement contract shall be emphasized when compatible with security assistance requirements for the transfer of such items.

* * * * *

(4) The Fund shall also be used to acquire defense articles that are particularly suited for use for *building the capacity of recipient countries and* narcotics control purposes and are appropriate to the needs of recipient countries, such as small boats, planes (including helicopters), and communications equipment.

(b) The Fund shall consist of—

(1) * * *

(2) collections from sales representing the value of asset use charges (including contractor rental payments for United States Government-owned plant and production equipment) and charges for the proportionate recoupment of nonrecurring research, development, and production costs, [and]

(3) collections from sales made under letters of offer (or transfers made under the Foreign Assistance Act of 1961) of defense articles and defense services acquired under this chapter, representing the value of such items calculated in accordance with subparagraph (B) or (C) of section 21(a)(1) or section 22 of this Act or section 644(m) of the Foreign Assistance Act of 1961, as appropriate, and

(4) *collections from leases made pursuant to section 61 of this Act,*

together with such funds as may be authorized and appropriated or otherwise made available for the purposes of the Fund.

* * * * *

CHAPTER 6—LEASES OF DEFENSE ARTICLES AND LOAN AUTHORITY FOR COOPERATIVE RESEARCH AND DEVELOPMENT PURPOSES

* * * * *

SEC. 62. REPORTS TO THE CONGRESS.—(a) * * *

* * * * *

(c) The certification required by subsection (a) shall be transmitted—

(1) not less than 15 calendar days before the agreement is entered into or renewed in the case of an agreement with the North Atlantic Treaty Organization, any member country of that Organization or Australia, Japan, the Republic of Korea, *Israel*, or New Zealand; and

* * * * *

SEC. 63. LEGISLATIVE REVIEW.—(a)(1) * * *

(2) In the case of an agreement described in paragraph (1) that is entered into with a member country of the North Atlantic Treaty Organization (NATO) or Australia, Japan, the Republic of Korea,

Israel, or New Zealand, the limitations in paragraph (1) shall apply only if the agreement involves a lease or loan of—

(A) * * *

* * * * *

**SECTION 12001 OF THE DEPARTMENT OF DEFENSE
APPROPRIATIONS ACT, 2005**

SEC. 12001. (a) * * *

* * * * *

(d) No transfer may be made under the authority of this section more than **[4]** 7 years after the date of the enactment of this Act.

UNITED STATES-HONG KONG POLICY ACT OF 1992

SEC. 301. REPORTING REQUIREMENT.

Not later than March 31, 1993, March 31, 1995, March 31, 1996, March 31, 1997, March 31, 1998, March 31, 1999, March 31, 2000, March 31, 2001, March 31, 2002, March 31, 2003, March 31, 2004, March 31, 2005, **[and March 31, 2006]** *March 31, 2006, and March 31, 2010, and March 31 of every subsequent year through 2020*, the Secretary of State shall transmit to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate a report on conditions in Hong Kong of interest to the United States. This report shall cover (in the case of the initial report) the period since October 5, 1992, or (in the case of subsequent reports) the period since the most recent report pursuant to this section and shall describe—

(1) * * *

* * * * *

EXCHANGE OF LETTERS—JUDICIARY COMMITTEE AND FOREIGN
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ONE HUNDRED ELEVENTH CONGRESS
Congress of the United States
House of Representatives
COMMITTEE ON THE JUDICIARY
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GREGO HARPER, Mississippi

June 4, 2009

The Honorable Howard Berman
Chairman, Committee on Financial Services
U.S. House of Representatives
Washington, D.C. 20515

Dear Chairman Berman:

This is to advise you that, as a result of your having consulted with us on provisions in H.R. 2410, the Foreign Relations Authorization Act, Fiscal Years 2010 and 2011, that fall within the rule X jurisdiction of the Committee on the Judiciary, we are able to agree to discharging our committee from further consideration of the bill, and without seeking a formal referral, in order that it may proceed without delay to the House floor for consideration.

The Judiciary Committee takes this action with the understanding that by forgoing further consideration of H.R. 2410 at this time, we do not waive any jurisdiction over subject matter contained in this or similar legislation. We reserve the right to seek appointment of an appropriate number of conferees to any House-Senate conference involving this important legislation, and request your support if such a request is made.

I would appreciate your including this letter in your committee report, or in the Congressional Record during consideration of the bill on the House floor. Thank you for your attention to our requests, and for the cooperative relationship between our two committees.

Sincerely,


John Conyers, Jr.
Chairman

cc: The Honorable Lamar Smith
The Honorable Ileana Ros-Lehtinen
The Honorable John V. Sullivan, Parliamentarian

HOWARD BERMAN, CALIFORNIA
Chairman

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Chief Counsel

ONE HUNDRED ELEVENTH CONGRESS
CONGRESS OF THE UNITED STATES
COMMITTEE ON FOREIGN AFFAIRS
U.S. HOUSE OF REPRESENTATIVES
WASHINGTON, DC 20515

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June 4, 2009

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Republican Senior Policy Advisor
DOUGLAS C. ANDERSON
Republican Chief Counsel

The Honorable John Conyers, Jr.
Chairman
Committee on the Judiciary
2138 Rayburn House Office Building
Washington, D.C. 20515

Dear Mr. Chairman:

Thank you for your letter regarding H.R. 2410, the Foreign Relations Authorization Act, Fiscal Years 2010 and 2011.

I appreciate your willingness to work cooperatively on this legislation. I recognize that the bill contains provisions that fall within the jurisdiction of the Committee on the Judiciary. I acknowledge that the Committee will not seek a sequential referral of the bill and agree that the inaction of your Committee with respect to the bill does not waive any future jurisdictional claim over the matters contained in the bill which fall within your Committee's Rule X jurisdiction.

Further, as to any House-Senate conference on the bill, I understand that your Committee reserves the right to seek the appointment of conferees for consideration of portions of the bill that are within your Committee's jurisdiction, and I agree to support a request by your Committee with respect to serving as conferees on the bill, consistent with the Speaker's practice in this regard.

I will ensure that our exchange of letters is included in the Committee on Foreign Affairs' report on the bill and I look forward to working with you on this important legislation.

Sincerely,


HOWARD L. BERMAN
Chairman

HLB:kw/mco

EXCHANGE OF LETTERS—ARMED SERVICES COMMITTEE AND
FOREIGN AFFAIRS COMMITTEE

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HOUSE COMMITTEE ON ARMED SERVICES

U.S. House of Representatives

Washington, DC 20515-6035

ONE HUNDRED ELEVENTH CONGRESS

June 3, 2009

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ERIN C. CONATOL, STAFF DIRECTOR

Honorable Howard L. Berman
Chairman
Committee on Foreign Affairs
2170 Rayburn House Office Building
Washington, D.C. 20515

Dear Mr. Berman,

On May 20, 2009, the Committee on Foreign Affairs ordered H.R. 2410, the Foreign Relations Authorization Act, Fiscal Years 2010 and 2011, to be reported. As you know, this measure contains certain provisions that are within the jurisdiction of the Committee on Armed Services.

Our Committee recognizes the importance of H.R. 2410 and the need for the legislation to move expeditiously. Therefore, while we have a valid claim to jurisdiction over this legislation, the Committee on Armed Services will waive further consideration of H.R. 2410. I do so with the understanding that by waiving further consideration of the bill, the Committee does not waive any future jurisdictional claims over similar measures. In the event of a conference with the Senate on this bill, the Committee on Armed Services reserves the right to seek the appointment of conferees.

I would appreciate the inclusion of this letter and a copy of your response in your Committee's report on H.R. 2410 and the *Congressional Record* during consideration of the measure on the House floor.

Very truly yours,


IKE SKELTON
Chairman

IS:jfh

cc: Honorable Nancy Pelosi
Honorable John M. McHugh
Honorable Ileana Ros-Lehtinen
Honorable John V. Sullivan

DISSENTING VIEWS

At the outset of this process, we shared the chairman's hope that the Foreign Affairs Committee would be able to produce a bipartisan Foreign Relations Authorization Act that would help reestablish the committee's proper role in authorizing funding and providing policy direction for United States foreign affairs activities. We were hopeful that the chairman's earlier statements about the need for reform of our foreign affairs operations, programs, and budgeting would, indeed, help bridge the gap on some fundamental differences and help achieve a bipartisan legislative product. Our optimism was further fueled by the Secretary of State's testimony before the committee that she had "challenged the department to reform and innovate and save taxpayer dollars"¹ and the Deputy Secretary of State's affirmation that a comprehensive review was underway to achieve this goal.

While we appreciate the cooperation that we have shared with the majority on some specific issues, the text that has been ordered reported by the committee is conspicuously partisan and stands in stark contrast to the administration's and majority's expressed views and commitments to increased transparency, accountability, efficiency and reform that we share. As such, we cannot support the committee-reported version of H.R. 2410.

As reported, H.R. 2410 mandates a vast expansion of bureaucracy and spending. It adds billions of dollars in new funding, 2,200 new Foreign Service members, 48 new reporting requirements, and 20 new government entities (such as offices, foundations, programs, and working groups). The majority's bill grows the government at an irresponsible rate.

The majority's text significantly expands U.S. taxpayer subsidy of a sprawling and unaccountable United Nations system without requiring any prior reform.

The majority text also includes "poison pills" that are unpalatable to many Republican members because they seek to promote and advocate an international social agenda on issues that are controversial and remain unresolved within the United States, or contravene fundamental precepts of conscience.

Although we had identified to the majority our fundamental objections to certain provisions, had provided our views and concerns on the totality of the proposed bill, and had requested a number of additions and modifications prior to the markup, the majority opted not to accommodate most of them in their bill text. The rejection of the Republican substitute and other amendments at markup ensured that those problems remain in the committee-reported version.

¹ Testimony of Hon. Hillary Rodham Clinton before the House Committee on Foreign Affairs (April 22, 2009).

While the concerns listed below figured differently in each of our individual deliberations, all of us have regretfully concluded that we cannot support H.R. 2410 in its current form.

Exorbitant Spending Increases During a Time of Economic Hardship

The committee-approved text of H.R. 2410 includes funding levels that ignore the economic realities currently facing our Nation. Even though the Department of State has not yet provided a detailed Budget Justification, the majority has endorsed dramatic funding increases—including a single-year increase of 35 percent in the State Department’s basic salary and operations account, and a 23 percent pay raise for overseas Foreign Service Officers—at a time when many Americans are losing jobs and homes, and are having to make do with less.

At markup, the ranking member offered a Republican amendment in the nature of a substitute that contained no funding cuts for United States foreign affairs activities, but would have capped account increases at 3.7 percent, the annualized rate of inflation for the past year (and a larger increase than the cost-of-living adjustment authorized to be given to the men and women of our Armed Forces). By taking this fiscally responsible approach, the Republican substitute would have resulted in a single-year savings of \$2.84 billion, as compared to the majority’s bill.² The Republican proposal was rejected by the majority.

There appears to have been significant confusion about the funding content of H.R. 2410, even among its supporters. For example, the assertion at markup that “[t]he bill we have in front of us [H.R. 2410] . . . is eight percent (8 percent) over the projected levels for 2009” is simply incorrect.³

Even taking the most advantageous figures, the total, cumulative reauthorizations in H.R. 2410 are 13.2 percent over Fiscal Year 2009 (“FY09”) levels—more than 60 percent higher than the claimed expansion.⁴ Furthermore, because that cumulative figure includes a dramatic *decrease* in construction-related funding (due largely to the completion of the U.S. Embassy compound in Iraq during FY09), it obscures the remarkable *increases* being proposed for State Programs.

The FY10 reauthorizations for non-construction-related items in H.R. 2410 are 22.4 percent over FY 2009 levels,⁵ and include a number of even larger plus-ups.

- Sections 101(1) and 101(2) of the bill would increase the State Department’s basic salary and operations accounts by 35 percent, more than a third in a single year.⁶

²For clarity and consistency, cost estimates in these views assume appropriation of amounts authorized.

³Statement by Chairman Howard Berman at the committee markup of H.R. 2410 (May 20, 2009).

⁴\$17,584,716,500, as compared to \$15,531,333,500 for those same accounts in FY09. FY09 estimates and FY10 request levels are taken directly from the Department of State *Budget in Brief* and *International Affairs (Function 150) Summary and Highlights*.

⁵\$15,769,666,500, as compared to \$12,884,736,500 for those same accounts in FY09.

⁶The State Programs authorizations in the bill (encompassing Diplomatic and Consular Programs and the Capital Investment Fund) are 35 percent over FY09 levels.

- Section 312 authorizes a basic pay increase for all non-senior Foreign Service Officers (“FSOs”) serving overseas that is pegged to the Federal locality payment increase for the Washington, DC, area, which is currently 23 percent. Some question the need to extend locality pay to locations outside the United States because of other benefits that FSOs receive when they move overseas, such as: Free housing, free private education for dependants, local cost of living adjustments (known as “Post Allowances”), and other bonuses for Danger Pay (up to 35 percent of basic pay), Hardship Differential (up to 35 percent), language competency incentives, and others.
- Section 101(5) of the bill includes more than a seven-fold increase in funding for the Civilian Stabilization Initiative (from \$45 million to \$323.3 million), even though the administration has also requested potentially duplicative funding increases for other stabilization-related accounts in multiple agencies, including a 25 percent increase in the “Section 1207” Department of Defense stabilization funds that the Civilian Stabilization Initiative is supposed to replace. On the basis of the details currently available, we are not yet able to understand how this Initiative represents a genuine, government-wide consolidation of stabilization and reconstruction activities, rather than the expanded, independent funding stream that it appears to be.
- Section 602(d) of the bill would expand the Peace Corps budget by a third (32.4 percent) in a single year, to \$450,000,000.⁷

At the same time that the majority dramatically ramps up funding in these ways, they cut funding to State’s Office of the Inspector General, thus reducing the resources available for oversight of State’s expanding activities.⁸ It is difficult to see how this combination can result in anything other than an increased risk of waste and abuse of Department—and thus taxpayer—funds.

Section 327 of the majority’s bill would permanently remove the current statutory limitations on the Department’s ability to rehire retired Foreign Service Officers while they are drawing their full pensions. This change would gut the current legal protections against “double dipping”—i.e., FSOs deciding to retire earlier than they would otherwise, so that they can be rehired by the Department as contractors while they are receiving their full pensions, thus receiving two paychecks for the same amount of work.

The discussion above does not include the authorizations in the majority’s bill for wholly new entities and activities, such as the \$120 million authorization to create a new Senator Paul Simon Study Abroad Foundation. Notably, the State Department has raised serious concerns regarding potential program duplication and administrative costs. While many of those initiatives could receive support in times of plenitude, they are not the types of activi-

⁷ \$450 million for FY10, as compared to the Peace Corps’ FY09 budget of \$340 million.

⁸ In contrast to funding for State Programs, which would grow by 35 percent between FY09 and FY10, section 101(11) cuts the Office of the Inspector General by 1.2 percent, to \$100 million.

ties that we should be borrowing to fund in this harsh economic climate.

Finally, the majority refused to include language we requested that would help reduce our deficits and our growing reliance on overseas creditors by returning to the U.S. Treasury 50 percent of the assets of certain U.S.-funded enterprise funds when those funds cease their operations. That provision alone likely would result in approximately \$0.5 billion being returned to the U.S. Treasury, while still leaving an equal, generous amount to finance “legacy” institutions to continue promoting in those developing and formerly-Communist countries the market-based reforms for which the enterprise funds were originally designed. Moreover, the Republican alternative would have called for greater oversight of such legacy institutions, given the significant amounts of assets being turned over to them.

Expanding Taxpayer Subsidy of the U.N. System Without Any U.N. Reform

With the rejection of the Republican substitute, the committee has continued its 2½-year refusal to consider the United Nations Transparency, Accountability, and Reform Act (currently pending as H.R. 557, with 90 cosponsors), a carefully crafted, comprehensive plan to move the United Nations to more faithfully and efficiently fulfill its core mission and live up to its founding principles.

Instead, the majority’s bill is proposing a substantial increase in funding to the U.N. system without addressing—or even acknowledging—the countless, grave problems that have resulted in the U.N.’s squandering of American taxpayer funds in ways that are not only wasteful, but also harmful to the national interests of the United States.

For example, unlike the Republican substitute, the committee-reported text does not address: The continuing provision of nuclear assistance to the likes of Iran and Syria by the International Atomic Energy Agency; the U.N.’s refusal to extend the mandate of its Procurement Task Force after it uncovered over \$600 million in tainted contracts; the strident anti-U.S. and anti-Israel bias at the U.N. Human Rights Council; and other widespread corruption and mismanagement within the U.N. system.

To the contrary, section 102 of the committee-reported bill would increase U.S. contributions to the regular budget of the U.N. by nearly a third in a single year, without requiring any prior reforms.⁹

In addition to fully funding the administration’s requested amounts for those increased contributions, section 405 of the majority’s bill also authorizes the payment of all United States arrearages to the U.N. Again, it does so without attempting to use those payments to leverage any much-needed transparency or reform. Furthermore, whatever the intent of the majority, the specific language they use would authorize the payment of over \$745 million in longstanding “contested arrears” that the United States long ago

⁹The \$1.797 billion requested by the administration for Contributions to International Organizations, authorized in section 102(a), includes \$597.5 million in FY10 for the U.N.’s regular budget, a 32 percent increase over FY09 levels.

disclaimed as part of the bipartisan Helms-Biden Agreement (enacted as part of P.L. 106–113).¹⁰

The majority’s “blank check” approach to assessments, which treats U.S. taxpayer contributions as a U.N. entitlement, will only exacerbate the problems that have turned the U.N. system into the sprawling, unaccountable international bureaucracy that it has become.

Section 412 of the majority bill inexplicably authorizes U.S. contributions to U.N. peacekeeping at a higher rate (27.1 percent) than the U.N. is actually assessing the United States (25.9 percent), a change that, for next year alone, would have us pay over \$100 million more than what we are currently being charged. Enacting that authorization is a blatant invitation for the U.N. to increase its U.S. assessment rate, which flies in the face of the long-standing bipartisan agreement to work to limit U.S. peacekeeping contributions to 25 percent. That limitation was enshrined in statute by Public Law 103–236, the last Foreign Relations Authorization Act enacted by a Democrat-controlled Congress.¹¹

Finally, the committee-reported majority bill also affirms controversial international agreements to which the United States is not a party: \$4.1 million of the funds authorized by section 102(a) presume United States ratification of the U.N. Convention on the Law of the Sea (with implications for U.S. sovereignty, military and intelligence operations);¹² and section 1104(b)(2), regarding statelessness, cites as authoritative the Convention on the Elimination of Discrimination Against Women (CEDAW), a document that has been turned into a tool of radical social policy and abortion promotion by the treaty body charged with overseeing its implementation.

Refusal to Preclude Overseas Abortion Advocacy

Section 334 of the bill would create a new Office for Global Women’s Issues within the State Department, to be headed by a new Ambassador-at-Large who reports directly to the Secretary and is charged with the vague task of promoting “women’s empowerment internationally.” Aside from systemic questions about whether this structure is an advisable and well-ordered replacement for the International Women’s Issues office that currently exists in the Department, section 334 of the bill is deeply problematic because of its potential use to advocate legalized abortion around the world.

At markup, the majority rejected an amendment by Mr. Smith that would have authorized the creation of an identically situated Office, but with a much more robust and clearly defined set of goals to empower and protect women and girls, about which it is hard to conceive serious disagreement. Indeed, all of the situations of concern specifically mentioned by the majority in their Section-

¹⁰Section 405 authorizes payment of all arrears “recognized by the United States.” However, as underscored by the State Department, the U.S. recognizes the Helms-Biden “contested arrears” as arrears, but has so far decided not to pay them, for policy reasons.

¹¹H.R. 2333 in the 103rd Congress, introduced by Representatives Hamilton, Berman, and Gilman.

¹²The Contributions to International Organizations request authorized in section 102(a) includes \$2.7 million for the International Tribunal for the Law of the Sea (ITLOS) and \$1.4 million for the International Seabed Authority (ISA).

by-Section analysis on section 334, above, would be covered by the language of the Smith amendment.

More relevant to the outcome, however, the amendment also included a statement that “It is the policy of the United States Government not to lobby sovereign countries, including through multilateral mechanisms, to change their domestic laws and policies to legalize, fund, or promote abortion except in cases of forcible rape, incest, or to save the life of the mother.”

If (as was claimed by the majority during debate) such advocacy is already prohibited by law (such as by the Siljander Amendment), and if the administration and the majority genuinely intend to maintain that appropriations-based restriction into the future, then they also should have no objection to this clear restatement in the authorizing statute. The party-line vote, however, tells a different story.

The concerns that prompted the Smith amendment flow directly from Secretary Clinton’s testimony before the committee, in which she plainly stated her “fundamental disagreement” with the prior administration: “[W]e are now an administration that will protect the rights of women, including their rights to reproductive health care,” and “reproductive health includes access to abortion.”¹³ As the Secretary emphasized in her spirited exchange with Mr. Smith: “You are entitled to advocate . . . anywhere in the world, and so are we.”¹⁴

Secretary Clinton’s stated priorities, combined with the majority’s refusal to preclude the possibility, lead naturally to the conclusion that promoting the international legalization of abortion is among the intended tasks of the new Office and Ambassador. Thus, the current form of section 334 is absolutely unacceptable to pro-life members of the committee, who regret that the majority was not willing to seize the strong consensus that exists on promoting opportunities for—and protecting the human rights of—women and girls everywhere.

International Advocacy Regarding Sexual Orientation and Gender Identity

Section 333, concerning “Discrimination Related to Sexual Orientation,” is also problematic for some Republican members.

As explained during the markup, the opposition from members of the minority to section 333 has nothing to do with being indifferent toward violence against homosexuals, which we all abhor and must combat, or with support for the criminalization of homosexual behavior, which was expressly disclaimed during debate.

Rather, some remain concerned that the vague and difficult-to-parse provisions of section 333, which rely on significant undefined terms, could be used to require our Foreign Service to advocate for changes in foreign laws and promote a social policy that remains disputed within our own country, and is even more so in some parts of the world.

To try to move the text back to common ground, Mr. Pence offered an amendment that, drawing from the language of the For-

¹³Testimony of Hon. Hillary Rodham Clinton before the House Committee on Foreign Affairs (April 22, 2009).

¹⁴*Id.*

eign Assistance Act and the Civil Rights Act of 1964, charged the State Department to continue to work “to protect all people against gross violations of internationally recognized human rights, as described in section 116(a) of the Foreign Assistance Act of 1961.” By those terms, it would commit the United States to the protection of homosexual persons—as people—against torture or cruel, inhuman, or degrading treatment, prolonged detention without charges, disappearance by abduction, “or other flagrant denial of the right to life, liberty, and the security of person.”¹⁵ Nevertheless, after vocal opposition by the majority, the Pence amendment was defeated.

In defeating the Pence amendment, the majority rejected a universal approach focused on the protection of all people against serious abuses of their internationally recognized human rights, in favor of a subject-specific requirement to combat discrimination that “affects” or “restrict[s] the enjoyment of” unspecified “fundamental freedoms” based on “actual or perceived sexual orientation and gender identity.”

During debate, minority members noted that the provisions in majority’s bill, by focusing on the animus for discrimination—rather than on the harms from which all people deserve to be protected—are part of a larger policy shift that would put sexual orientation and homosexual behavior in the same protected class as race, sex, and religious creed. Such a proposition remains unsettled and highly controversial within our own country. However, mandating it as a foreign policy priority could, in certain foreign contexts, complicate our ability to effectively pursue and secure other key national security interests of the United States.

In addition, as was raised in questions by Mr. Smith and in the amendment offered and withdrawn by Mr. Fortenberry, it is conceivable that these reporting and advocacy requirements could result in some American Foreign Service Officers being directed to act contrary to deeply held religious or ethical convictions, in effect forcing them to choose between career and conscience.

While we appreciated the chairman’s personal commitment at the markup to “make it very clear that no one will be forced to promote an agenda in this area in carrying out the provisions of this law that they find morally repugnant,”¹⁶ such conscience protections cannot be dependably secured unless they are explicitly spelled out in the legislation itself, which they are not. Furthermore, by stating that a Foreign Service Officer should be made aware of the possibility of such advocacy prior to bidding or assignment “so that the officer can find another more suitable position,”¹⁷ the majority’s report language implies that, rather than requiring some form of accommodation, deeply held religious or conscientious objections may render a person unsuitable for service as a political or human rights officer overseas.

¹⁵ Section 116(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151n).

¹⁶ Statement by Chairman Howard Berman at committee markup of H.R. 2410 (May 20, 2009).

¹⁷ Section-by-Section Analysis of section 333, above.

Additional Concerns About Portions of the Majority Bill

Arms Control and Nonproliferation. The findings in section 241 elevate the effectiveness of “collective arrangements, conventions, and alliances” and denigrate unilateral efforts by the United States to counter the proliferation of weapons of mass destruction in disregard of the experience of the last several decades. “Collective action,” with its promise of shared burdens and multiplication of resources, sounds great, but the result is more often empty statements and constraints on action than effective measures. As a result, the United States repeatedly has been forced to assume the burdens of leadership, including through unilateral action, to ensure its security and that of other countries. The Proliferation Security Initiative is an outstanding example of U.S. leadership in the area of nonproliferation. The PSI has demonstrated that success can be achieved through a flexible consensus of like-minded countries without the need for an international bureaucracy, constraining treaties, or formal permission that often never comes.

The majority’s bill also contains contradictory provisions in the sections regarding the Department of State’s nonproliferation and arms control bureaucracy. On the one hand it asks the Secretary of State to develop a comprehensive plan to determine what the State Department actually needs in terms of personnel, additional authorities, new appropriations and so forth in order to carry out its arms control and nonproliferation policies. Yet before that plan has even been begun, this bill removes the statutory requirement for the Assistant Secretary for Verification and Arms Control, authorizes \$3 million for 25 new positions focused on arms control, and mandates other programs and activities. Instead of attempting to reshape the State Department before the requested plan has even been begun, it makes much more sense to wait and see what the Secretary of State says she actually needs before we tell her what she needs.

Western Hemisphere. While we do not oppose the provisions of sections 911 and 912 regarding the illicit trafficking of small arms and light weapons to the Western Hemisphere, we do feel that they contribute to the misperception that the majority of weapons found in Mexico originate from the United States. Furthermore, they place an unnecessary focus on U.S. arms policy, rather than focusing on the real impetus of regional insecurity—organized crime, corruption, and narcotrafficking.

The Western Hemisphere Counterterrorism and Nonproliferation Act (Title VII of the Republican substitute) offers a comprehensive approach to counter current and emerging threats and is premised on the development of regional capacity and collaboration to intensify ongoing counterterrorism and nonproliferation efforts in the Hemisphere. Its exclusion from the committee-reported bill is unfortunate.

At a time when U.S. leaders and OAS members are taking steps to reinstate the Communist Government of Cuba into the Organization of American States, we believe that—in contrast to the indiscriminate approach of section 411—U.S. assistance should be directed towards efforts that enhance and promote democratic ideals

and free market principles, rather than advancing the stature and legitimacy of dictatorial regimes.

European Issues. The language of H.R. 2410 regarding U.S. aid to Georgia would have been improved by the Republican substitute amendment, which expressed U.S. support for Georgia's sovereignty and territorial integrity and required that the Secretary of State provide Congress with an analysis of the security situation in Georgia, including steps the U.S. has taken to help Georgia create necessary defenses.

While section 1121 of the committee-reported bill includes language expressing concerns regarding the continuing suppression of democracy in Belarus, the Republican substitute contained an important addition requiring reporting on the questionable role that the dictatorial regime in Belarus appears to be playing in the sale of arms to states that support terrorism and to increasingly dictatorial regimes.

Although the bill expresses the sense of the Congress that countries in Central and Eastern Europe which have not already done so must return looted and confiscated properties to their rightful owners or, where restitution is not possible, pay equitable compensation, and also includes a sense of the Congress statement that such countries must enact and implement property restitution legislation that establishes a simple, transparent, and timely process, the Republican substitute also contained important language regarding Holocaust-era insurance policies, which regrettably is missing from H.R. 2410 as reported.

While section 1105 briefly addresses U.S. policy regarding the Ecumenical Patriarchate, it does not adequately capture the tremendous challenges the Patriarchate faces due to the severely restrictive policies of the Turkish Government. The Republican substitute provided a more comprehensive discussion of the grave challenges to the Patriarchate's property rights, financial concerns, and basic religious freedoms, which threaten its continued existence. Unlike the Republican alternative, H.R. 2410 neglects to address concerns over the continuing division of Cyprus and how best to ensure that U.S. aid to that country is utilized in the best manner possible to promote a peaceful reunification of that country. Additionally, the bill does not address the need for improved oversight of U.S. aid to the Former Yugoslav Republic of Macedonia (FYROM), as the Republican alternative did, in order to ensure that such aid does not support activities and propaganda that may be hostile towards Greece, but instead supports good faith participation in the U.N.-sponsored negotiations to find a mutually acceptable resolution to the dispute between the two countries over the official name of FYROM.

Security Assistance and Arms Export Control Reforms. With respect to Title VIII on export control reform and related provisions on security assistance, the minority believes that section 844—a sense of Congress on a global arms trade treaty—fails to address issues of compliance and to establish clear requirements that any potential negotiations toward such an international agreement must require universal application with robust monitoring and enforcement. Likewise, there are concerns with overly prescriptive lan-

guage in subtitle A of Title VIII, including limitations on the scope of a proposed new license for certain spare parts and components that could undermine the usefulness of this otherwise important authority.

Incorporation of Republican Proposals

We value the cooperation of the majority in accepting some specific Republican requests and amendments in the committee-reported text, such as:

- Mr. Burton's language affirming the United States' commitment to the security of Israel, including support for missile defense;
- Mr. Royce's proposal to extend the authorization for Radio Free Asia, and his amendment urging the redesignation of Vietnam as a Country of Particular Concern for religious freedom violations;
- Mr. Gallegly's amendment to increase penalties for illicit arms trafficking to Mexico;
- Mr. Manzullo's amendment to increase American small business involvement in the Asia-Pacific Economic Cooperation summit;
- Mr. Mack's amendment regarding Iran's influence in the Western Hemisphere; and
- Mr. Fortenberry's amendments regarding the recommendations of the Commission on the Prevention of Weapons of Mass Destruction Proliferation, and on religious minority communities in the Middle East.

We also appreciate the chairman's commitment at the markup to work with members to accommodate concerns included in amendments that were offered and withdrawn. We trust that all reasonable efforts will be made to ensure that the substance of those concerns is incorporated into the bill as it moves to the floor. In addition to those discussed earlier, such amendments included:

- Mr. Wilson's amendment requiring that, in light of their experience in working in unstable situations, veterans of the U.S. Armed Forces be given particular consideration in the new Foreign Service hiring contemplated by the committee-reported bill;
- Mr. Flake's amendment intended to ensure that legislative history will not be used to improperly modify or affect the implementation of the authorizations contained in the legislation itself; and
- Mr. Mack's amendment in support of the Jewish community in Venezuela.

However, in addition to those items, there were numerous other Republican proposals that the majority did not include in the committee-reported text. Some of the issues they address—such as the mortal threat posed to the United States and our allies by Iran's accelerating nuclear and missile development—are of even greater import than much of what is contained in the committee-reported bill. Among other things, those proposals included:

- Provisions attempting to block funding for International Atomic Energy Agency assistance to dangerous regimes such as Iran, Syria, Sudan, and Cuba, all of whom have received such assistance during the past decade;
- The text of Chairman Berman's bipartisan Iran Refined Petroleum Sanctions Act (also pending as H.R. 2194), which strengthens and expands existing sanctions under the Iran Sanctions Act regime, thereby denying Iran the resources needed to continue acquiring dangerous weapons and technologies, and expanding its threat to U.S. interests and allies;
- Conditions on U.S. aid to the United Nations Relief and Works Agency (UNRWA) requiring UNRWA to take steps to prevent our contributions from benefiting Foreign Terrorist Organizations like Hamas, and being used to propagandize against Israel;
- Conditions on U.S. aid to the United Nations Human Rights Council requiring the adoption of meaningful membership standards, to prevent human rights abusers like Cuba, China and Saudi Arabia from serving on the Council and using it to undermine human rights protections and United States interests;
- Restrictions on U.S. funding for International Organizations and programs led by Iran; and
- An authorization maintaining the FY09 funding levels for the National Endowment for Democracy, unlike the 13 percent cut carried in section 105(a) of the committee-reported text.

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 DANA ROHRABACHER.
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