

## Calendar No. 1074

110TH CONGRESS  
2D SESSION**S. 3563****[Report No. 110–496]**

To authorize appropriations under the Arms Export Control Act and the Foreign Assistance Act of 1961 for security assistance for fiscal years 2009 and 2010, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

SEPTEMBER 24 (legislative day, SEPTEMBER 17), 2008

Mr. DODD, from the Committee on Foreign Relations, reported the following original bill; which was read twice and placed on the calendar

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**A BILL**

To authorize appropriations under the Arms Export Control Act and the Foreign Assistance Act of 1961 for security assistance for fiscal years 2009 and 2010, and for other purposes.

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

3       **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4       (a) SHORT TITLE.—This Act may be cited as the  
 5       “Security Assistance Act of 2008”.

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

Sec. 1. Short title; table of contents.

#### TITLE I—MILITARY AND RELATED ASSISTANCE

##### Subtitle A—Funding Authorizations

- Sec. 101. Foreign military financing program.  
 Sec. 102. International military education and training.

##### Subtitle B—Foreign Assistance Act of 1961 Amendments and Related Provisions

- Sec. 111. Waiver of net proceeds resulting from disposal of United States defense articles provided to a foreign country on a grant basis.  
 Sec. 112. Additions to war reserve stockpiles for allies for fiscal years 2009 and 2010.  
 Sec. 113. Assistance for law enforcement forces.  
 Sec. 114. Database of United States military assistance.  
 Sec. 115. Annual report on foreign military training.  
 Sec. 116. Demining programs.  
 Sec. 117. Special waiver authority.  
 Sec. 118. Military coups.  
 Sec. 119. Focus on international military education and training.

##### Subtitle C—Arms Export Control Act Amendments and Related Provisions

- Sec. 121. Thresholds for advance notice to Congress of sales or upgrades of defense articles, design and construction services, and major defense equipment.  
 Sec. 122. Clarification of requirement for advance notice to Congress of comprehensive export authorizations.  
 Sec. 123. Transfers of small arms and light weapons.  
 Sec. 124. Plan regarding cluster munitions sold to foreign countries.  
 Sec. 125. Authority to provide cataloging data and services to non-NATO countries.  
 Sec. 126. Haitian Coast Guard.  
 Sec. 127. Security cooperation with the Republic of Korea.

#### TITLE II—AUTHORITY TO TRANSFER NAVAL VESSELS

- Sec. 201. Short title.  
 Sec. 202. Transfer of naval vessels to certain foreign recipients.

#### TITLE III—NONPROLIFERATION, ANTITERRORISM, AND EXPORT CONTROL ASSISTANCE

##### Subtitle A—Funding Authorizations

- Sec. 301. Nonproliferation, anti-terrorism, demining, and related programs.  
 Sec. 302. Contributions to international organizations supporting key non-proliferation goals.

##### Subtitle B—Program Authorizations, Restrictions, and Limitations

Sec. 311. Amendments to the Atomic Energy Act of 1954.

#### Subtitle C—Reporting Requirements

- Sec. 321. Amendments to the Arms Control and Disarmament Act.
- Sec. 322. Adequate funding for IAEA safeguards.
- Sec. 323. Amended annual report on nuclear nonproliferation.
- Sec. 324. Amended additional reports on nonproliferation.
- Sec. 325. Consolidation of reports on non-proliferation in South Asia.
- Sec. 326. Repeal of annual report on Russian debt reduction for nonproliferation.
- Sec. 327. Annual assessments of nonproliferation and disarmament fund projects.
- Sec. 328. Reports on 2010 Nuclear Non-Proliferation Treaty Review Conference.

### TITLE IV—NUCLEAR SAFEGUARDS AND SUPPLY

- Sec. 401. Short title.
- Sec. 402. Appropriate congressional committees defined.

#### Subtitle A—Nuclear Safeguards and Nuclear Fuel Supply

- Sec. 411. Findings.
- Sec. 412. Declaration of policy.
- Sec. 413. Safeguards Analytical Laboratory.
- Sec. 414. Safeguards technology development program.
- Sec. 415. Safeguards Cadre Program.

#### Subtitle B—Nuclear Fuel Supply

- Sec. 421. Authority for bilateral and multilateral nuclear fuel supply mechanisms.
- Sec. 422. Report on the establishment of an international fuel authority.
- Sec. 423. Sense of the Senate on IAEA fuel supply.

### TITLE V—GLOBAL PATHOGEN SURVEILLANCE

- Sec. 501. Short title.
- Sec. 502. Findings; purpose.
- Sec. 503. Definitions.
- Sec. 504. Eligibility for assistance.
- Sec. 505. Restriction.
- Sec. 506. Fellowship program.
- Sec. 507. In-country training in laboratory techniques and disease and syndrome surveillance.
- Sec. 508. Assistance for the purchase and maintenance of public health laboratory equipment and supplies.
- Sec. 509. Assistance for improved communication of public health information.
- Sec. 510. Assignment of public health personnel to United States missions and international organizations.
- Sec. 511. Expansion of certain United States Government laboratories abroad.
- Sec. 512. Assistance for international health networks and expansion of Field Epidemiology Training Programs.
- Sec. 513. Reports.
- Sec. 514. Authorization of appropriations.

### TITLE VI—INTERNATIONAL SPACE STATION PAYMENTS

Sec. 601. Short title.

Sec. 602. Authority to make certain extraordinary payments in connection with the International Space Station.

# **TITLE I—MILITARY AND RELATED ASSISTANCE**

## **Subtitle A—Funding Authorizations**

### **5 SEC. 101. FOREIGN MILITARY FINANCING PROGRAM.**

6 (a) AUTHORIZATION OF APPROPRIATIONS.—There  
7 are authorized to be appropriated to the President for  
8 grant assistance under section 23 of the Arms Export  
9 Control Act (22 U.S.C. 2763), \$4,982,000,000 for fiscal  
10 year 2009 and such sums as may be necessary for fiscal  
11 year 2010.

12 (b) ASSISTANCE FOR ISRAEL.—Section 513(c) of the  
13 Security Assistance Act of 2000 (Public Law 106–280;  
14 114 Stat. 856), as amended by section 1221(a) of the Se-  
15 curity Assistance Act of 2002 (division B of Public Law  
16 107–228; 116 Stat. 1430), is further amended—

17 (1) in paragraph (1), by striking “2002 and  
18 2003” and inserting “2009 and 2010”;

19 (2) in paragraph (3), by striking “Funds au-  
20 thorized” and all that follows through “later.” and  
21 inserting “Funds authorized to be available for  
22 Israel under subsection (b)(1) and paragraph (1) for  
23 fiscal year 2009 shall be disbursed not later than 30  
24 days after the date of the enactment of an Act mak-

ing appropriations for foreign operations, export financing, and related programs for fiscal year 2009, or October 31, 2008, whichever is later”; and

(3) in paragraph (4)—

(A) by striking “2002 and 2003” and inserting “2009 and 2010”; and

(B) by striking “\$535,000,000 for fiscal year 2002 and not less than \$550,000,000 for fiscal year 2003” and inserting “\$2,550,000,000 for fiscal year 2009 and not less than \$2,550,000,000 for fiscal year 2010”.

(c) ASSISTANCE FOR EGYPT.—Section 514 of the Security Assistance Act of 2000 (Public Law 106–280; 114 Stat. 857), as amended by section 1221(b) of the Security Assistance Act of 2002 (116 Stat. 1430), is further amended—

(1) in subsection (c) by striking “2002 and 2003” and inserting “2009 and 2010”; and

(2) in subsection (e), by striking “Funds estimated” and all that follows through “of the respective fiscal year, whichever is later” and inserting “Funds estimated to be outlayed for Egypt under subsection (c) during fiscal year 2009 shall be disbursed to an interest-bearing account for Egypt in the Federal Reserve Bank of New York not later

6 SEC. 102. INTERNATIONAL MILITARY EDUCATION AND  
7 TRAINING.

8 (a) AUTHORIZATION OF APPROPRIATIONS.—Section  
9 542 of the Foreign Assistance Act of 1961 (22 U.S.C.  
10 2347a) is amended by striking “There are authorized”  
11 and all that follows through “fiscal year 1987” and insert-  
12 ing “There are authorized to be appropriated to the Presi-  
13 dent to carry out the purposes of this chapter \$91,500,000  
14 for fiscal year 2009 and such sums as may be necessary  
15 for fiscal year 2010”.

(b) AUTHORITY TO PROVIDE TO INTERNATIONAL ORGANIZATIONS.—Section 541 of such Act (22 U.S.C. 2347) is amended in the first sentence by inserting “and comparable personnel of international organizations” after “foreign countries”.

1 **Subtitle B—Foreign Assistance Act**  
 2 **of 1961 Amendments and Re-**  
 3 **lated Provisions**

4 **SEC. 111. WAIVER OF NET PROCEEDS RESULTING FROM**  
 5 **DISPOSAL OF UNITED STATES DEFENSE AR-**  
 6 **TICLES PROVIDED TO A FOREIGN COUNTRY**  
 7 **ON A GRANT BASIS.**

8 Section 505(f) of the Foreign Assistance Act of 1961  
 9 (22 U.S.C. 2314(f)) is amended by striking “In the case  
 10 of items which were delivered prior to 1985, the” in the  
 11 second sentence and inserting “The”.

12 **SEC. 112. ADDITIONS TO WAR RESERVE STOCKPILES FOR**  
 13 **ALLIES FOR FISCAL YEARS 2009 AND 2010.**

14 Section 514(b)(2)(A) of the Foreign Assistance Act  
 15 of 1961 (22 U.S.C. 2321h(b)(2)(A)) is amended by strik-  
 16 ing “for each of fiscal years 2007 and 2008” and inserting  
 17 “for each of fiscal years 2009 and 2010”.

18 **SEC. 113. ASSISTANCE FOR LAW ENFORCEMENT FORCES.**

19 Section 660 of the Foreign Assistance Act of 1961  
 20 (22 U.S.C. 2420) is amended—

21 (1) in subsection (b)—

22 (A) in paragraph (4), by striking “or”;

23 (B) in paragraph (6), by striking “and the  
 24 provision of professional” and all that follows  
 25 through “democracy” and inserting “including

1           any regional, district, municipal, or other sub-  
2           national entity emerging from instability”;

3           (C) by striking the period at the end of  
4           paragraph (7) and inserting a semicolon; and

5           (D) by adding at the end the following new  
6           paragraphs:

7           “(8) with respect to assistance to combat cor-  
8           ruption in furtherance of the objectives for which  
9           programs are authorized to be established under sec-  
10          tion 133 of this Act;

11          “(9) with respect to the provision of profes-  
12          sional public safety training, including training in  
13          internationally recognized standards of human  
14          rights, the rule of law, and the promotion of civilian  
15          police roles that support democracy;

16          “(10) with respect to assistance to combat traf-  
17          ficking in persons; or

18          “(11) with respect to assistance for constabu-  
19          laries or comparable law enforcement authorities in  
20          support of developing capabilities for and deploy-  
21          ment to peace operations.”; and

22          (2) by striking subsection (d) and inserting the  
23          following new subsection:

24          “(d) Subsection (a) shall not apply to assistance for  
25          law enforcement forces for which the President, on a case-



1 by-case basis, determines that it is important to the na-  
 2 tional interest of the United States to furnish such assist-  
 3 ance and submits to the committees of the Congress re-  
 4 ferred to in subsection (a) of section 634A of this Act an  
 5 advance notification of the obligation of funds for such  
 6 assistance in accordance with such section.”.

7 **SEC. 114. DATABASE OF UNITED STATES MILITARY ASSIST-**  
 8 **ANCE.**

9 Section 655 of the Foreign Assistance Act of 1961  
 10 (22 U.S.C. 2415) is amended by striking subsection (c)  
 11 and inserting the following new subsection:

12 “(c) AVAILABILITY OF REPORT INFORMATION ON  
 13 THE INTERNET.—

14 “(1) REQUIREMENT FOR DATABASE.—The  
 15 President shall make available to the public the un-  
 16 classified portion of each such report in the form of  
 17 a database that is available via the Internet and that  
 18 may be searched by various criteria.

19 “(2) SCHEDULE FOR UPDATING.—Not later  
 20 than April 1 of each year, the President shall make  
 21 available in the database the information contained  
 22 in the annual report for the fiscal year ending the  
 23 previous September 30.”.

1 **SEC. 115. ANNUAL REPORT ON FOREIGN MILITARY TRAIN-**  
 2 **ING.**

3 Subsection (a)(1) of section 656 of the Foreign As-  
 4 sistance Act of 1961 (22 U.S.C. 2416) is amended—

5 (1) by striking “January 31” and inserting  
 6 “March 1”; and

7 (2) by striking “and all such training proposed  
 8 for the current year”.

9 **SEC. 116. DEMINING PROGRAMS.**

10 (a) CLARIFICATION OF AUTHORITY.—Section 551 of  
 11 the Foreign Assistance Act of 1961 (22 U.S.C. 2348) is  
 12 amended—

13 (1) in the second sentence, by striking “Such  
 14 assistance may include reimbursement” and insert-  
 15 ing “Such assistance may include the following:

16 “(1) Reimbursements”; and

17 (2) by adding at the end the following:

18 “(2) Demining activities, clearance of  
 19 unexploded ordnance, destruction of small arms,  
 20 light weapons, and other conventional weapons, and  
 21 related activities, notwithstanding any other provi-  
 22 sion of law.”.

23 (b) DISPOSAL OF DEMINING EQUIPMENT.—Notwith-  
 24 standing any other provision of law, demining equipment  
 25 available to the United States Agency for International  
 26 Development and the Department of State and used in

1 support of the clearance of landmines and unexploded ord-  
2 nance for humanitarian purposes, may be disposed of on  
3 a grant basis in foreign countries, subject to such terms  
4 and conditions as the President determines appropriate.

5 **SEC. 117. SPECIAL WAIVER AUTHORITY.**

6 (a) REVISION OF AUTHORITY.—Section 614 of the  
7 Foreign Assistance Act of 1961 (22 U.S.C. 2364) is  
8 amended in subsection (a)—

9 (1) by striking paragraphs (1) and (2) and in-  
10 serting the following new paragraph:

11 “(1) The President may authorize any assistance,  
12 sale, or other action under this Act, the Arms Export Con-  
13 trol Act (22 U.S.C. 2751 et seq.), or any other law that  
14 authorizes the furnishing of foreign assistance or the ap-  
15 propriation of funds for foreign assistance, without regard  
16 to any of the provisions described in subsection (b) if the  
17 President determines, and notifies the Committees on For-  
18 eign Relations and Appropriations of the Senate and the  
19 Committees on Foreign Affairs and Appropriations of the  
20 House of Representatives in writing—

21 “(A) with respect to assistance or other actions  
22 under chapter 2 or 5 of part II of this Act, or sales  
23 or other actions under the Arms Export Control Act,  
24 that to do so is vital to the national security inter-  
25 ests of the United States; and

1           “(B) with respect to other assistance or actions,  
2           that to do so is important to the security interests  
3           of the United States.”; and

4           (2) by redesignating paragraphs (3), (4), and  
5           (5) as paragraphs (2), (3), and (4), respectively.

6           (b) INCREASED LIMITATION ON SINGLE COUNTRY  
7           ALLOCATION.—Subsection (a)(3)(C) of such section, as  
8           redesignated, is amended by striking “\$50,000,000” and  
9           inserting “\$75,000,000”.

10          (c) REPEAL OF PROVISIONS RELATING TO GERMANY  
11          AND A CERTIFICATION REQUIREMENT.—Section 614 of  
12          such Act is further amended by striking subsections (b)  
13          and (c).

14          (d) INAPPLICABLE OR WAIVABLE LAWS.—Such sec-  
15          tion, as amended by subsection (c), is further amended  
16          by adding at the end the following:

17           “(b) INAPPLICABLE OR WAIVABLE LAWS.—The pro-  
18          visions referred to in subsection (a) are those set forth  
19          in any of the following:

20           “(1) Any provision of this Act.

21           “(2) Any provision of the Arms Export Control  
22          Act (22 U.S.C. 2751 et seq.).

23           “(3) Any provision of law that authorizes the  
24          furnishing of foreign assistance or appropriates  
25          funds for foreign assistance.

1           “(4) Any other provision of law that restricts  
2           assistance, sales or leases, or other action under a  
3           provision of law referred to in paragraph (1), (2), or  
4           (3).

5           “(5) Any provision of law that relates to re-  
6           ceipts and credits accruing to the United States.”.

7   **SEC. 118. MILITARY COUPS.**

8           Section 620 of the Foreign Assistance Act of 1961  
9           (22 U.S.C. 2370) is amended by inserting after subsection  
10          (l) the following new subsection (m):

11          “(m)(1) No assistance may be furnished under this  
12          Act or the Arms Export Control Act (22 U.S.C. 2751 et  
13          seq.) for the government of a country if the duly elected  
14          head of government for such country is deposed by decree  
15          or military coup. The prohibition in the preceding sentence  
16          shall cease to apply to a country if the President deter-  
17          mines and certifies to the Committee on Foreign Relations  
18          of the Senate and the Committee on Foreign Affairs of  
19          the House of Representatives that after the termination  
20          of assistance a democratically elected government for such  
21          country has taken office.

22          “(2) Paragraph (1) does not apply to assistance to  
23          promote democratic elections or public participation in  
24          democratic processes.

1 “(3) The President may waive the application of  
 2 paragraph (1), and any comparable provision of law, to  
 3 a country upon determining that it is important to the  
 4 national security interest of the United States to do so.”.

5 **SEC. 119. FOCUS ON INTERNATIONAL MILITARY EDU-**  
 6 **CATION AND TRAINING.**

7 Section 541 of the Foreign Assistance Act of 1961  
 8 (22 U.S.C. 2347) is amended—

9 (1) by striking “or (iv)” and inserting “(iv)”;  
 10 and

11 (2) by striking “rights.” and inserting “rights,  
 12 or (v) improve the protection of civilians, especially  
 13 women and children, including those who are refu-  
 14 gees or displaced persons.”.

15 **Subtitle C—Arms Export Control**  
 16 **Act Amendments and Related**  
 17 **Provisions**

18 **SEC. 121. THRESHOLDS FOR ADVANCE NOTICE TO CON-**  
 19 **GRESS OF SALES OR UPGRADES OF DEFENSE**  
 20 **ARTICLES, DESIGN AND CONSTRUCTION**  
 21 **SERVICES, AND MAJOR DEFENSE EQUIP-**  
 22 **MENT.**

23 (a) LETTERS OF OFFER TO SELL.—Subsection (b)  
 24 of section 36 of the Arms Export Control Act (22 U.S.C.  
 25 2776) is amended—

1 (1) in the first sentence of paragraph (1)—

2 (A) by striking “Subject to paragraph (6),  
3 in” and inserting “In”;

4 (B) by striking “Act for \$50,000,000” and  
5 inserting “Act for \$100,000,000”;

6 (C) by striking “services for  
7 \$200,000,000” and inserting “services for  
8 \$350,000,000”;

9 (D) by striking “\$14,000,000” and insert-  
10 ing “\$50,000,000”; and

11 (E) by inserting “and in other cases if the  
12 President determines it is appropriate,” before  
13 “before such letter”;

14 (2) in the first sentence of paragraph (5)(C)—

15 (A) by striking “Subject to paragraph (6),  
16 if” and inserting “If”;

17 (B) by striking “costs \$14,000,000” and  
18 inserting “costs \$50,000,000”;

19 (C) by striking “equipment, \$50,000,000”  
20 and inserting “equipment, \$100,000,000”;

21 (D) by striking “or \$200,000,000” and in-  
22 serting “or \$350,000,000”; and

23 (E) by inserting “and in other cases if the  
24 President determines it is appropriate,” before  
25 “then the President”; and

1           (3) by striking paragraph (6).

2           (b) EXPORT LICENSES.—Subsection (c) of section 36  
3 of the Arms Export Control Act (22 U.S.C. 2776) is  
4 amended—

5           (1) in the first sentence of paragraph (1)—

6                (A) by striking “Subject to paragraph (5),  
7 in” and inserting “In”;

8                (B) by striking “\$14,000,000” and insert-  
9 ing “\$50,000,000”;

10               (C) by striking “services sold under a con-  
11 tract in the amount of \$50,000,000” and in-  
12 serting “services sold under a contract in the  
13 amount of \$100,000,000”; and

14               (D) by inserting “and in other cases if the  
15 President determines it is appropriate,” before  
16 “before issuing such”;

17           (2) in the last sentence of paragraph (2), by  
18 striking “(A) and (B)” and inserting “(A), (B), and  
19 (C)”; and

20           (3) by striking paragraph (5).

21           (c) PRESIDENTIAL CONSENT.—Section 3(d) of the  
22 Arms Export Control Act (22 U.S.C. 2753(d)) is amend-  
23 ed—

24           (1) in paragraphs (1) and (3)(A)—



1 (A) by striking “Subject to paragraph (5),  
2 the” and inserting “The”;

3 (B) by striking “\$14,000,000” and insert-  
4 ing “\$50,000,000”; and

5 (C) by striking “service valued (in terms of  
6 its original acquisition cost) at \$50,000,000”  
7 and inserting “service valued (in terms of its  
8 original acquisition cost) at \$100,000,000”; and  
9 (2) by striking paragraph (5).

10 **SEC. 122. CLARIFICATION OF REQUIREMENT FOR ADVANCE**  
11 **NOTICE TO CONGRESS OF COMPREHENSIVE**  
12 **EXPORT AUTHORIZATIONS.**

13 Subsection (d) of section 36 of the Arms Export Con-  
14 trol Act (22 U.S.C. 2776) is amended—

15 (1) in paragraph (1)—

16 (A) by inserting “(A)” after “(1)”;

17 (B) by striking “this subsection” and in-  
18 serting “this subparagraph”; and

19 (C) by adding at the end the following new  
20 subparagraph:

21 “(B) Notwithstanding section 27(g), in the case of  
22 a comprehensive authorization described in section 126.14  
23 of title 22, Code of Federal Regulations (or any cor-  
24 responding similar regulation) for the proposed export of  
25 defense articles or defense services in an amount that ex-

ceeds a limitation set forth in subsection (c)(1), before the comprehensive authorization is approved or the addition of a foreign government or other foreign partner to the comprehensive authorization is approved, the President shall submit a certification with respect to the comprehensive authorization in a manner similar to the certification required under subsection (c)(1) of this section and containing comparable information, except that the last sentence of such subsection shall not apply to certifications submitted pursuant to this subparagraph.”; and

(2) in paragraph (4), by striking “Approval for an agreement subject to paragraph (1) may not be given under section 38” and inserting “Approval for an agreement subject to paragraph (1)(A), or for a comprehensive authorization subject to paragraph (1)(B), may not be given under section 38 or section 126.14 of title 22, Code of Federal Regulations (or any corresponding similar regulation), as the case may be,”.

**SEC. 123. TRANSFERS OF SMALL ARMS AND LIGHT WEAPONS.**

(a) LETTERS OF OFFER TO SELL DEFENSE ARTICLES OR SERVICES.—Subsection (b)(1) of section 36 of the Arms Export Control Act (22 U.S.C. 2776) is amended—

1           (1) in subparagraph (O), by striking “; and”  
2           and inserting a semicolon;

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

5           (3) by inserting after paragraph (P) the fol-  
6           lowing new subparagraph:

7                   “(Q) for any proposed sale of firearms list-  
8                   ed in category I of the United States Munitions  
9                   List that require a license for international ex-  
10                  port under this section—

11                           “(i) an analysis of the impact of the  
12                           proposed sale on efforts by the United  
13                           States relating to the collection and de-  
14                           struction of excess small arms and light  
15                           weapons; and

16                           “(ii) a detailed description of any pro-  
17                           vision or requirement for the recipient  
18                           state to dispose of firearms that would be-  
19                           come excess as a result of the proposed  
20                           sale.”.

21           (b) APPLICATIONS FOR EXPORT LICENSES.—The  
22           second sentence of subsection (c) of such section is amend-  
23           ed by inserting after “such offset agreement.” the fol-  
24           lowing: “Each numbered certification regarding the pro-  
25           posed export of firearms listed in category I of the United

1 States Munitions List shall include an analysis of the im-  
 2 pact of the proposed sales on efforts by the United States  
 3 relating to the collection and destruction of excess small  
 4 arms and light weapons and a detailed description of any  
 5 provision or requirement for the recipient state to dispose  
 6 of firearms that would become excess as a result of the  
 7 proposed export.”.

8 (c) TRANSFERS OF CERTAIN EXCESS DEFENSE AR-  
 9 TICLES.—Subsection (f)(2) of section 516 of the Foreign  
 10 Assistance Act of 1961 (22 U.S.C. 2321j) is amended—

11 (1) in subparagraph (C), by striking “; and”  
 12 and inserting a semicolon;

13 (2) by redesignating subparagraph (D) as sub-  
 14 paragraph (E); and

15 (3) by inserting after subparagraph (C) the fol-  
 16 lowing new subparagraph:

17 “(D) for any proposed transfer of firearms  
 18 listed in category I of the United States Muni-  
 19 tions List that would require a license for inter-  
 20 national export under section 36 of the Arms  
 21 Export Control Act (22 U.S.C. 2776)—

22 “(i) an analysis of the impact of the  
 23 proposed sale on efforts by the United  
 24 States relating to the collection and de-

struction of excess small arms and light weapons; and

“(ii) a detailed description of any provision or requirement for the recipient state to dispose of firearms that would become excess as a result of the proposed transfer; and”.

**SEC. 124. PLAN REGARDING CLUSTER MUNITIONS SOLD TO FOREIGN COUNTRIES.**

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

(1) Use by recipient countries of United States-origin cluster munitions that result in high rates of unexploded ordnance can damage the reputation of the United States, even if the United States no longer controls how such weapons are used, because of the human and economic damage such unexploded ordnance can cause.

(2) According to a 2005 report by the Defense Science Board Task Force on Munitions System Reliability, cluster munitions from a weapon acquisition program that reached the production and deployment phase by the first quarter of fiscal year 2005 are a major contributor to unexploded ordnance from cluster munition submunitions.

1           (3) According to the same 2005 report, cluster  
2           munitions are more likely to fail, and therefore leave  
3           unexploded ordnance, as they age past their design  
4           life.

5           (4) On June 19, 2008, the Secretary of Defense  
6           issued a memorandum on Department of Defense  
7           policy on cluster munitions and unintended harm to  
8           civilians.

9           (5) Under the June 2008 policy, the Depart-  
10          ment of Defense may, consistent with United States  
11          law and policy, seek to transfer cluster munitions  
12          that do not meet a specified performance rate for  
13          unexploded ordnance only if the receiving foreign  
14          government agrees not to use such cluster munitions  
15          after 2018.

16          (6) The June 2008 policy does not address  
17          cluster munitions that are past their design life.

18          (b) PLAN REQUIRED.—Not later than 180 days after  
19          the date of the enactment of this Act, the Secretary of  
20          State, in consultation with the Secretary of Defense, shall  
21          provide to the Committee on Foreign Relations of the Sen-  
22          ate and the Committee on Foreign Affairs of the House  
23          of Representatives an unclassified report, with a classified  
24          annex as necessary, that—

1           (1) identifies those cluster munitions that have  
 2       been sold or transferred pursuant to the Arms Ex-  
 3       port Control Act (22 U.S.C. 2751 et seq.);

4           (2) identifies the countries to which cluster mu-  
 5       nitions have been transferred pursuant to the Arms  
 6       Export Control Act, and the numbers of such muni-  
 7       tions in such countries that are, or will soon be, be-  
 8       yond their design life;

9           (3) identifies those countries that received clus-  
 10      ter munitions that are, or will soon be, beyond their  
 11      design life and have destroyed, deactivated, or refur-  
 12      bished such munitions or will not use such muni-  
 13      tions, except for purposes of training or development  
 14      of detection and clearing methods; and

15          (4) details a plan to eliminate from operational  
 16      stockpiles of other countries the risks to innocent ci-  
 17      vilians posed by United States-origin cluster muni-  
 18      tions that are past their design life.

19 **SEC. 125. AUTHORITY TO PROVIDE CATALOGING DATA AND**  
 20 **SERVICES TO NON-NATO COUNTRIES.**

21       Section 21(h)(2) of the Arms Export Control Act (22  
 22   U.S.C. 2761(h)(2)) is amended by striking “to the North  
 23   Atlantic Treaty Organization” and all that follows through  
 24   “provides” and inserting “to the North Atlantic Treaty  
 25   Organization, to any member government of that Organi-

1 zation, or to the government of any other country if that  
2 Organization, member government, or other government  
3 provides”.

4 **SEC. 126. HAITIAN COAST GUARD.**

5       The Government of Haiti shall be eligible to purchase  
6 defense articles and services for the Haitian Coast Guard  
7 under the Arms Export Control Act (22 U.S.C. 2751 et  
8 seq.), subject to the prior notification requirements under  
9 section 634A of the Foreign Assistance Act of 1961 (22  
10 U.S.C. 2394–1).

11 **SEC. 127. SECURITY COOPERATION WITH THE REPUBLIC**  
12 **OF KOREA.**

13       (a) FINDINGS.—Congress makes the following find-  
14 ings:

15           (1) Close and continuing defense cooperation  
16 between the United States and the Republic of  
17 Korea continues to be in the national security inter-  
18 est of the United States.

19           (2) The Republic of Korea was designated a  
20 Major Non-NATO Ally in 1987, the first such des-  
21 ignation.

22           (3) The Republic of Korea has been a major  
23 purchaser of United States defense articles and serv-  
24 ices through the Foreign Military Sales (FMS) pro-



1        gram, totaling \$6,900,000,000 in deliveries over the  
2        last 10 years.

3            (4) Purchases of United States defense articles,  
4        services, and major defense equipment facilitate and  
5        increase the interoperability of Republic of Korea  
6        military forces with the United States Armed  
7        Forces.

8            (5) Congress has previously enacted important,  
9        special defense cooperation arrangements for the Re-  
10       public of Korea, as in the Act entitled “An Act to  
11       authorize the transfer of items in the War Reserves  
12       Stockpile for Allies, Korea”, approved December 30,  
13       2005 (Public Law 109–159; 119 Stat. 2955), which  
14       authorized the President, notwithstanding section  
15       514 of the Foreign Assistance Act of 1961 (22  
16       U.S.C. 2321h), to transfer to the Republic of Korea  
17       certain defense items to be included in a war reserve  
18       stockpile for that country.

19            (6) Enhanced support for defense cooperation  
20        with the Republic of Korea is important to the na-  
21       tional security of the United States, including  
22       through creation of a status in law for the Republic  
23       of Korea similar to the countries in the North Atlan-  
24       tic Treaty Organization, Japan, Australia, and New

1 Zealand, with respect to consideration by Congress  
 2 of foreign military sales to the Republic of Korea.

3 (b) SPECIAL FOREIGN MILITARY SALES STATUS FOR  
 4 REPUBLIC OF KOREA.—Section 36 of the Arms Export  
 5 Control Act (22 U.S.C. 2776) is amended—

6 (1) in subsection (b), by inserting “the Republic  
 7 of Korea,” before “Japan” each place it appears;

8 (2) in subsection (c), by inserting “the Republic  
 9 of Korea,” before “Australia” both places it appears;  
 10 and

11 (3) in subsection (d)(2)(A), by inserting “the  
 12 Republic of Korea,” before “Australia”.

13 **SEC. 128. SENSE OF CONGRESS ON AGREEMENTS RELAT-**  
 14 **ING TO ASSISTANCE, TRANSFER, OR SALE OF**  
 15 **CERTAIN MILITARY TECHNOLOGIES.**

16 It is the sense of Congress that it is the responsibility  
 17 of the United States Government, not a private entity, to  
 18 negotiate with foreign governments any agreement pursu-  
 19 ant to section 646(b)(2) of the Department of State, For-  
 20 eign Operations, and Related Programs Appropriations  
 21 Act, 2008 (division J of Public Law 110-161; 121 Stat.  
 22 2336) specifying that qualifying cluster munitions or clus-  
 23 ter munitions technology will only be used against clearly  
 24 defined military targets and will not be used where civil-  
 25 ians are known to be present.

## **TITLE II—AUTHORITY TO TRANSFER NAVAL VESSELS**

### **SEC. 201. SHORT TITLE.**

This title may be cited as the “Naval Vessel Transfer Act of 2008”.

### **SEC. 202. TRANSFER OF NAVAL VESSELS TO CERTAIN FOREIGN RECIPIENTS.**

(a) TRANSFERS BY GRANT.—The President is authorized to transfer vessels to foreign recipients on a grant basis under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j), as follows:

(1) PAKISTAN.—To the Government of Pakistan, the OLIVER HAZARD PERRY class guided missile frigate MCINERNEY (FFG–8).

(2) GREECE.—To the Government of Greece, the OSPREY class minehunter coastal ships OSPREY (MHC–51) and ROBIN (MHC–54).

(3) CHILE.—To the Government of Chile, the KAISER class oiler ANDREW J. HIGGINS (AO–190).

(4) PERU.—To the Government of Peru, the NEWPORT class amphibious tank landing ships FRESNO (LST–1182) and RACINE (LST–1191).

(b) GRANTS NOT COUNTED IN ANNUAL TOTAL OF TRANSFERRED EXCESS DEFENSE ARTICLES.—The value

1 of a vessel transferred to a recipient on a grant basis pur-  
2 suant to authority provided by subsection (a) shall not be  
3 counted against the aggregate value of excess defense arti-  
4 cles transferred in any fiscal year under section 516 of  
5 the Foreign Assistance Act of 1961 (22 U.S.C. 2321j).

6 (c) COSTS OF TRANSFERS.—Any expense incurred by  
7 the United States in connection with a transfer authorized  
8 by this section shall be charged to the recipient (notwith-  
9 standing section 516(e) of the Foreign Assistance Act of  
10 1961 (22 U.S.C. 2321j(e))).

11 (d) REPAIR AND REFURBISHMENT IN UNITED  
12 STATES SHIPYARDS.—To the maximum extent prac-  
13 ticable, the President shall require, as a condition of the  
14 transfer of a vessel under this section, that the recipient  
15 to which the vessel is transferred have such repair or re-  
16 furbishment of the vessel as is needed, before the vessel  
17 joins the naval forces of the recipient, performed at a ship-  
18 yard located in the United States, including a United  
19 States Navy shipyard.

20 (e) EXPIRATION OF AUTHORITY.—The authority to  
21 transfer a vessel under this section shall expire at the end  
22 of the 2-year period beginning on the date of the enact-  
23 ment of this Act.

1 **TITLE III—NONPROLIFERATION,**  
 2 **ANTITERRORISM, AND EX-**  
 3 **PORT CONTROL ASSISTANCE**

4 **Subtitle A—Funding**  
 5 **Authorizations**

6 **SEC. 301. NONPROLIFERATION, ANTI-TERRORISM,**  
 7 **DEMINING, AND RELATED PROGRAMS.**

8 (a) AUTHORIZATION OF APPROPRIATIONS.—There  
 9 are authorized to be appropriated to the President  
 10 \$578,500,000 for fiscal year 2009 and such sums as may  
 11 be necessary for fiscal year 2010 for nonproliferation,  
 12 anti-terrorism, demining, and related programs and activi-  
 13 ties under—

14 (1) chapter 8 of part II of the Foreign Assist-  
 15 ance Act of 1961 (22 U.S.C. 2349aa et seq.), for  
 16 anti-terrorism assistance;

17 (2) chapter 9 of part II of the Foreign Assist-  
 18 ance Act of 1961 (22 U.S.C. 2349bb et seq.), for ex-  
 19 port control and related border security assistance,  
 20 for preventing diversion of scientific and technical  
 21 expertise related to nuclear, chemical, and biological  
 22 weapons and their means of delivery, and for other  
 23 global proliferation threat reduction efforts;

24 (3) paragraph (2) of section 551 of the Foreign  
 25 Assistance Act of 1961 (22 U.S.C. 2348), as added

1 by section 116 of this Act, for humanitarian  
2 demining;

3 (4) section 504 of the FREEDOM Support Act  
4 (22 U.S.C. 5854), for the Nonproliferation and Dis-  
5 armament Fund;

6 (5) section 23 of the Arms Export Control Act  
7 (22 U.S.C. 2763) and section 11 of the Department  
8 of State Authorities Act of 2006 (22 U.S.C.  
9 2349bb–6), for conventional weapons destruction;

10 (6) section 301 of the Foreign Assistance Act  
11 of 1961 (22 U.S.C. 2221), for a voluntary contribu-  
12 tion to the International Atomic Energy Agency and  
13 a United States contribution to the Comprehensive  
14 Test Ban Treaty Organization Preparatory Commis-  
15 sion; and

16 (7) the Global Pathogen Surveillance Act of  
17 2008 (title V of this Act).

18 (b) SUBALLOCATION.—Of the amounts authorized to  
19 be appropriated under subsection (a)—

20 (1) for fiscal year 2009, \$45,000,000 is author-  
21 ized to be available until expended, and for fiscal  
22 year 2010, such sums as may be necessary are au-  
23 thorized to be available until expended, for the Non-  
24 proliferation and Disarmament Fund, to promote,  
25 notwithstanding any other provision of law, bilateral

1 and multilateral activities relating to nonprolifera-  
2 tion and disarmament, including, when in the na-  
3 tional security interests of the United States, with  
4 respect to international organizations and in coun-  
5 tries other than the independent states of the former  
6 Soviet Union;

7 (2) for fiscal year 2009, \$41,300,000 is author-  
8 ized to be available until September 30, 2010, and  
9 for fiscal year 2010, such sums as may be necessary  
10 are authorized to be available until September 30,  
11 2011, for export control and related border security  
12 assistance;

13 (3) for fiscal year 2009, \$69,000,000 is author-  
14 ized to be available, and for fiscal year 2010, such  
15 sums as may be necessary are authorized to be avail-  
16 able, for global threat reduction;

17 (4) for fiscal year 2009, \$66,000,000 is author-  
18 ized to be available, and for fiscal year 2010, such  
19 sums as may be necessary are authorized to be avail-  
20 able, for a voluntary contribution to the Inter-  
21 national Atomic Energy Agency;

22 (5) for fiscal year 2009, \$10,000,000 is author-  
23 ized to be available until September 30, 2013, for a  
24 voluntary contribution to the International Atomic  
25 Energy Agency's Nuclear Security Fund, to support

1 measures to protect against nuclear terrorism, pro-  
2 vided—

3 (A) that such amounts may be deposited in  
4 the Fund only to the extent of deposits of  
5 matching amounts in that Fund by other gov-  
6 ernments, entities, or persons in excess of the  
7 amounts contributed by such governments, enti-  
8 ties or persons to the Nuclear Security Fund in  
9 2007; and

10 (B) that there are no conditions attached  
11 to the contributions being matched that would  
12 prevent the IAEA Office of Nuclear Security  
13 from using such contributions on any project  
14 that accords with a Nuclear Security Plan al-  
15 ready approved by the IAEA Board of Gov-  
16 ernors;

17 (6) for fiscal year 2009, \$31,000,000 is author-  
18 ized to be available, and for fiscal year 2010, such  
19 sums as may be necessary are authorized to be avail-  
20 able, for a United States contribution to the Com-  
21 prehensive Test Ban Treaty Organization Pre-  
22 paratory Commission, to pay the current and out-  
23 standing United States share of construction and  
24 provisional operation of the International Monitoring  
25 System and related functions;



1           (7) for fiscal year 2009, \$160,000,000 is au-  
2           thorized to be available until September 30, 2010,  
3           and for fiscal year 2010, such sums as may be nec-  
4           essary are authorized to be available until September  
5           30, 2011, for anti-terrorism assistance, of which—

6                   (A) \$8,900,000 is authorized to be avail-  
7                   able for fiscal year 2009 and such sums as are  
8                   necessary are authorized to be available for fis-  
9                   cal year 2010 for the Terrorist Interdiction  
10                  Program;

11                  (B) \$1,200,000 is authorized to be avail-  
12                  able for fiscal year 2009 and such sums as are  
13                  necessary are authorized to be available for fis-  
14                  cal year 2010 for counterterrorism engagement  
15                  with allies; and

16                  (C) \$8,425,000 is authorized to be avail-  
17                  able for fiscal year 2009 and such sums as are  
18                  necessary are authorized to be available for fis-  
19                  cal year 2010 for counterterrorism financing;  
20                  and

21           (8) for fiscal year 2009, \$151,200,000 is au-  
22           thorized to be available, and for fiscal year 2010,  
23           such sums as are necessary are authorized to be  
24           available, for conventional weapons destruction.

1 (c) AVAILABILITY.—Amounts authorized under this  
 2 section for the purposes specified in this section are in  
 3 addition to amounts otherwise available for such purposes.

4 **SEC. 302. CONTRIBUTIONS TO INTERNATIONAL ORGANIZA-**  
 5 **TIONS SUPPORTING KEY NONPROLIFERA-**  
 6 **TION GOALS.**

7 (a) FINDINGS.—Congress makes the following find-  
 8 ings:

9 (1) The United Nations Security Council, in Se-  
 10 curity Council Resolution 1540 (2004), affirmed  
 11 that “proliferation of nuclear, chemical and biologi-  
 12 cal weapons, as well as their means of delivery, con-  
 13 stitutes a threat to international peace and secu-  
 14 rity”.

15 (2) The Treaty on the Non-Proliferation of Nu-  
 16 clear Weapons, done at Washington, London, and  
 17 Moscow July 1, 1968, and entered into force March  
 18 5, 1970 (commonly known as the “Nuclear Non-  
 19 Proliferation Treaty” or “NPT”) and the effective  
 20 functioning of the International Atomic Energy  
 21 Agency (IAEA) are of critical importance to inter-  
 22 national peace and security and United States na-  
 23 tional security.

24 (3) President George W. Bush told the 46th  
 25 General Conference of the IAEA in 2002, “The

1 threat from nuclear proliferation remains real, im-  
2 mediate, and dangerous. We must ensure that the  
3 IAEA has the resources it needs to carry out its  
4 mission effectively.”

5 (4) The Convention on the Prohibition of the  
6 Development, Production, Stockpiling and Use of  
7 Chemical Weapons and on Their Destruction, done  
8 at Paris January 13, 1993, and entered into force  
9 April 29, 1997 (commonly known as the “Chemical  
10 Weapons Convention” or “CWC”) and the effective  
11 functioning of the Organization for the Prohibition  
12 of Chemical Weapons (OPCW) furthers United  
13 States national security by verifying that stockpiles  
14 of chemical weapons are destroyed and by ensuring  
15 that declared peaceful chemical activities are not di-  
16 verted to weapons purposes.

17 (5) On April 29, 2007, Secretary of State  
18 Condoleezza Rice offered her congratulations on the  
19 tenth anniversary of the CWC to Ambassador  
20 Rogelio Pfirter, Director-General of the OPCW. In  
21 that message, Secretary Rice stated, “The Organiza-  
22 tion for the Prohibition for Chemical Weapons  
23 (OPCW) and its staff continue to make important  
24 contributions to increasing security for every nation  
25 against the threat of chemical weapons.” Secretary

1 Rice also assured Director-General Pfirter of “the  
2 United States government’s continued strong sup-  
3 port for and commitment to the Convention and the  
4 OPCW”.

5 (6) Before fiscal year 1982, the United States  
6 paid its assessed contributions to the IAEA by mak-  
7 ing quarterly payments with funds appropriated for  
8 the fiscal year ending in the same year that con-  
9 tributions were due.

10 (7) At the request of the Executive Branch,  
11 Congress in fiscal year 1982 began deferring pay-  
12 ments so that contributions to several international  
13 organizations, including the IAEA, are paid in one  
14 lump sum near the end of the organization’s cal-  
15 endar year (or even later), with funds appropriated  
16 for the fiscal year ending in the following year.

17 (8) For those contributions paid under the de-  
18 ferral policy, in the best case no appropriated funds  
19 are available to pay the United States assessment  
20 before the final quarter of an international organiza-  
21 tion’s budget year. As early as February 1983, the  
22 Government Accountability Office (GAO) found that  
23 later United States payments as a result of the de-  
24 ferral policy “contributed to existing cash flow prob-  
25 lems [at the relevant international organizations]”.

1           (9) The deferral policy leaves very little overlap  
2           between the calendar year for which international  
3           organizations need the funds and the United States  
4           fiscal year in which payments are appropriated. The  
5           deferral policy therefore exacerbates the negative im-  
6           pact of failing to appropriate funds before the begin-  
7           ning of a given fiscal year. As a result of the defer-  
8           ral policy, the United States is often unable to pay  
9           its dues before the end of organizations' budget  
10          years.

11          (10) Late payment of United States dues can  
12          impair the ability of the IAEA and the OPCW to  
13          carry out critical missions.

14          (11) After entry into force of the Chemical  
15          Weapons Convention, the United States did not  
16          apply the formal deferral policy to assessed pay-  
17          ments to the OPCW. Recent budget shortfalls and  
18          exchange rate losses in the "Contributions to Inter-  
19          national Organizations" account have led the United  
20          States in recent years to defer, however, approxi-  
21          mately 70 percent of its assessed payment to the fol-  
22          lowing fiscal year.

23          (12) For 2008 the OPCW has approved its  
24          third straight budget of zero nominal growth. Never-  
25          theless, for five straight years OPCW has had to re-

1 turn unspent cash surpluses to Member States, in  
2 large part because the organization was unable to  
3 carry out budgeted activities when assessed dues  
4 were not paid in a timely manner. OPCW Director-  
5 General Pfirter in August 2007 stated, “The short-  
6 fall in cash receipts could, of course, severely under-  
7 mine the financial health of the OPCW.”

8 (13) Large portions of both the OPCW  
9 Verification and Inspections budget and the IAEA  
10 safeguards budget are allocated to paying fixed  
11 staffing costs for already-hired inspectors. These or-  
12 ganizations have few other choices than to cut back  
13 on budgets for recruitment and training of new in-  
14 spectors and investments in verification technology if  
15 cash is not available in a timely manner.

16 (14) The short-term budget gains created by  
17 the 1981 deferral switch have long since dis-  
18 appeared, while the damage both to the performance  
19 of organizations of vital importance to United States  
20 nonproliferation goals and to the standing and influ-  
21 ence of the United States in those organizations con-  
22 tinues. Ending the deferral policy for organizations  
23 serving missions of critical importance to inter-  
24 national peace and security would entail higher

1        budget costs for a small number of transition years  
2        but would pay benefits for many years to come.

3        (b) AUTHORIZATION OF APPROPRIATIONS.—In addi-  
4        tion to any other amounts authorized for contributions to  
5        international organizations, there is authorized to be ap-  
6        propriated \$50,000,000 for fiscal year 2009, for contribu-  
7        tions to international organizations, to meet obligations  
8        for membership in the International Atomic Energy Agen-  
9        cy and in the Organization for the Prohibition of Chemical  
10       Weapons assessed by those organizations for calendar year  
11       2008.

12       (c) REPORT.—Not later than June 30, 2009, the Sec-  
13       retary of State shall submit to the Committee on Foreign  
14       Relations and the Committee on Appropriations of the  
15       Senate and the Committee on Foreign Affairs and the  
16       Committee on Appropriations of the House of Representa-  
17       tives a report that includes the following:

18                (1) The amounts of any assessments by the  
19        International Atomic Energy Agency and the Orga-  
20        nization for the Prohibition of Chemical Weapons  
21        for calendar year 2009 or any prior year that the  
22        Secretary determines will remain unpaid by the  
23        United States on October 1, 2009.

24                (2) The reason or reasons such assessments will  
25        not have been paid by October 1, 2009.

1 **Subtitle B—Program Authoriza-**  
2 **tions, Restrictions, and Limita-**  
3 **tions**

4 **SEC. 311. AMENDMENTS TO THE ATOMIC ENERGY ACT OF**  
5 **1954.**

6 (a) INFORMATION TO ACCOMPANY PROPOSED  
7 AGREEMENTS FOR NUCLEAR COOPERATION.—Section  
8 123(b) of the Atomic Energy Act (42 U.S.C. 2153(b)) is  
9 amended by inserting after “Nuclear Proliferation Assess-  
10 ment Statement” the following: “and a report on the ac-  
11 tions taken and planned by the United States with the  
12 country identified in the proposed agreement for coopera-  
13 tion to fulfill the purposes of the program authorized in  
14 Section 502 of the Nuclear Nonproliferation Act of 1978  
15 (22 U.S.C. 3262)”.

16 (b) SUBSEQUENT ARRANGEMENTS UNDER AGREE-  
17 MENTS FOR NUCLEAR COOPERATION.—Section 131(b)(1)  
18 of such Act (42 U.S.C. 2160(b)(1)) is amended by insert-  
19 ing after “elapsed” the following: “, except that for any  
20 such subsequent arrangement under an agreement for co-  
21 operation which did not, pursuant to section 123(d) of this  
22 Act, become effective until there was enacted a joint reso-  
23 lution favoring such agreement, the Secretary of Energy  
24 may not enter into any such subsequent arrangement until  
25 Congress adopts, and there is enacted, a joint resolution



1 approving such subsequent arrangement, which resolution  
2 shall be considered pursuant to the procedures set forth  
3 in section 130(i) of this Act”.

4 (c) AMENDMENTS TO AGREEMENTS FOR NUCLEAR  
5 COOPERATION.—Section 123(d) of such Act (42 U.S.C.  
6 2153(d)) is amended—

7 (1) by inserting after “in connection there-  
8 with)” the following: “, or an amendment to such  
9 agreement,”;

10 (2) by inserting after “contained in that sub-  
11 section” the following: “, or an agreement with a na-  
12 tion or group of nations that does not have in force  
13 an additional protocol to its agreement with the  
14 International Atomic Energy Agency for the applica-  
15 tion of safeguards,”; and

16 (3) by inserting after “the Henry J. Hyde  
17 United States-India Peaceful Atomic Energy Co-  
18 operation Act of 2006” the following: “, or an  
19 amendment to such agreement,”.

20 **SEC. 312. BIOSECURITY ENGAGEMENT PROGRAM.**

21 Chapter 9 of Part II of the Foreign Assistance Act  
22 of 1961 (22 U.S.C. 2349bb et seq.) is amended by insert-  
23 ing after section 584 the following new section:

1 **“SEC. 584A. GLOBAL PATHOGEN SECURITY PROGRAM.**

2       “(a) ESTABLISHMENT.—The Secretary of State shall  
3 establish a program to combat bioterrorism world-wide by  
4 providing training, equipment, and financial and technical  
5 (including legal) assistance in such areas as biosecurity,  
6 biosafety, pathogen surveillance, and timely response to  
7 outbreaks of infectious disease, and by providing increased  
8 opportunity for scientists who possess expertise that could  
9 make a material contribution to the development, manu-  
10 facture, or use of biological weapons to engage in remu-  
11 nerative careers that promote public health and safety.

12       “(b) ACTIVITIES INCLUDED.—Activities in the pro-  
13 gram established pursuant to subsection (a) may include  
14 such activities as the Biosecurity Engagement Program of  
15 the Office of Cooperative Threat Reduction in the Depart-  
16 ment of State.”.

17                   **Subtitle C—Reporting**  
18                   **Requirements**

19 **SEC. 321. AMENDMENTS TO THE ARMS CONTROL AND DIS-**  
20 **ARMAMENT ACT.**

21       (a) VERIFICATION OF COMPLIANCE.—Section 306(a)  
22 of the Arms Control and Disarmament Act (22 U.S.C.  
23 2577(a)) is amended by inserting “or other formal com-  
24 mitment” after “agreement” each place it appears in  
25 paragraphs (1) and (2).

1 (b) ANNUAL REPORTS TO CONGRESS.—Section 403  
 2 of the Arms Control and Disarmament Act (22 U.S.C.  
 3 2593a) is amended to read as follows:

4 “ANNUAL REPORTS TO CONGRESS

5 “SEC. 403. (a) REPORT ON OBJECTIVES AND NEGOTIATIONS.—Not later than April 15 of each year, the  
 6 President shall submit to the Speaker of the House of  
 7 Representatives and to the Chairman of the Committee  
 8 on Foreign Relations of the Senate a report prepared by  
 9 the Secretary of State, in consultation with the Secretary  
 10 of Defense, the Secretary of Energy, the Director of Na-  
 11 tional Intelligence, and the Chairman of the Joint Chiefs  
 12 of Staff, on the status of United States policy and actions  
 13 with respect to arms control, nonproliferation, and disar-  
 14 mament. Such report shall include—

16 “(1) a detailed statement concerning the arms  
 17 control, nonproliferation, and disarmament objec-  
 18 tives of the executive branch of Government for the  
 19 forthcoming year; and

20 “(2) a detailed assessment of the status of any  
 21 ongoing arms control, nonproliferation, or disar-  
 22 mament negotiations, including a comprehensive de-  
 23 scription of negotiations or other activities during  
 24 the preceding year and an appraisal of the status  
 25 and prospects for the forthcoming year.

1       “(b) REPORT ON COMPLIANCE.—Not later than April  
2 15 of each year, the President shall submit to the Speaker  
3 of the House of Representatives and to the Chairman of  
4 the Committee on Foreign Relations of the Senate a re-  
5 port prepared by the Secretary of State with the concur-  
6 rence of the Director of National Intelligence and in con-  
7 sultation with the Secretary of Defense, the Secretary of  
8 Energy, and the Chairman of the Joint Chiefs of Staff  
9 on the status of United States policy and actions with re-  
10 spect to arms control, nonproliferation, and disarmament  
11 compliance. Such report shall include—

12           “(1) a detailed assessment of adherence of the  
13 United States to obligations undertaken in arms  
14 control, nonproliferation, and disarmament agree-  
15 ments, including information on the policies and or-  
16 ganization of each relevant agency or department of  
17 the United States to ensure adherence to such obli-  
18 gations, a description of national security programs  
19 with a direct bearing on questions of adherence to  
20 such obligations and of steps being taken to ensure  
21 adherence, and a compilation of any substantive  
22 questions raised during the preceding year and any  
23 corrective action taken;

24           “(2) a detailed assessment of the adherence of  
25 other nations to obligations undertaken in all arms

1 control, nonproliferation, and disarmament agree-  
2 ments or commitments, including the Missile Tech-  
3 nology Control Regime, to which the United States  
4 is a participating state, including information on ac-  
5 tions taken by each nation with regard to the size,  
6 structure, and disposition of its military forces in  
7 order to comply with arms control, nonproliferation,  
8 or disarmament agreements or commitments, includ-  
9 ing, in the case of each agreement or commitment  
10 about which compliance questions exist—

11 “(A) a description of each significant issue  
12 raised and efforts made and contemplated with  
13 the other participating state to seek resolution  
14 of the difficulty;

15 “(B) an assessment of damage, if any, to  
16 United States security and other interests;

17 “(C) recommendations as to any steps that  
18 should be considered to redress any damage to  
19 United States national security and to reduce  
20 compliance problems; and

21 “(D) for states that are not parties to such  
22 agreements or commitments, a description of  
23 activities of concern carried out by such states  
24 and efforts underway to bring such states into

1 adherence with such agreements or commit-  
2 ments;

3 “(3) a discussion of any material noncompliance  
4 by foreign governments with their binding commit-  
5 ments to the United States with respect to the pre-  
6 vention of the spread of nuclear explosive devices (as  
7 defined in section 830(4) of the Nuclear Prolifera-  
8 tion Prevention Act of 1994 (22 U.S.C. 6305(4)) by  
9 non-nuclear-weapon states (as defined in section  
10 830(5) of that Act (22 U.S.C. 6305(5)) or the ac-  
11 quisition by such states of unsafeguarded special nu-  
12 clear material (as defined in section 830(8) of that  
13 Act (22 U.S.C. 6305(8)), including—

14 “(A) a net assessment of the aggregate  
15 military significance of all such violations;

16 “(B) a statement of the compliance policy  
17 of the United States with respect to violations  
18 of those commitments; and

19 “(C) what actions, if any, the President  
20 has taken or proposes to take to bring any  
21 country committing such a violation into com-  
22 pliance with those commitments; and

23 “(4) a specific identification, to the maximum  
24 extent practicable in unclassified form, of each and  
25 every question that exists with respect to compliance

1 by other countries with arms control, nonprolifera-  
2 tion, and disarmament agreements and other formal  
3 commitments with the United States.

4 “(c) CHEMICAL WEAPONS CONVENTION COMPLI-  
5 ANCE REPORT REQUIREMENT SATISFIED.—The report  
6 submitted pursuant to subsection (b) shall include the in-  
7 formation required under section 2(10)(C) of Senate Reso-  
8 lution 75, 105th Congress, agreed to April 24, 1997, ad-  
9 vising and consenting to the ratification of the Convention  
10 on the Prohibition of Development, Production, Stock-  
11 piling and Use of Chemical Weapons and on Their De-  
12 struction, with annexes, done at Paris January 13, 1993  
13 and entered into force April 29, 1997 (popularly known  
14 as the ‘Chemical Weapons Convention’; T.Doc. 103–21).

15 “(d) CLASSIFICATION OF REPORT.—The reports re-  
16 quired by this section shall be submitted in unclassified  
17 form, with classified annexes, as appropriate. The report  
18 portions described in paragraphs (2) and (3) of subsection  
19 (b) shall summarize in detail, at least in classified an-  
20 nexes, the information, analysis, and conclusions relevant  
21 to possible noncompliance by other countries that are pro-  
22 vided by United States intelligence agencies.

23 “(e) REPORTING CONSECUTIVE NONCOMPLIANCE.—  
24 If the President in consecutive reports submitted to the  
25 Congress under subsection (b) reports that any country

1 is not in full compliance with its binding nonproliferation  
2 commitments to the United States, then the President  
3 shall include in the second such report an assessment of  
4 what actions are necessary to compensate for such viola-  
5 tions.

6 “(f) **ADDITIONAL REQUIREMENT.**—Each report re-  
7 quired by subsection (b) shall include a discussion of each  
8 significant issue described in paragraph (4) of such sub-  
9 section that was contained in a previous report issued  
10 under this section during 1995, or after December 31,  
11 1995, until the question or concern has been resolved and  
12 such resolution has been reported in detail to the Com-  
13 mittee on Foreign Relations and the Select Committee on  
14 Intelligence of the Senate and the Committee on Foreign  
15 Affairs and the Permanent Select Committee on Intel-  
16 ligence of the House of Representatives.”.

17 **SEC. 322. ADEQUATE FUNDING FOR IAEA SAFEGUARDS.**

18 (a) Section 201(b) of the Nuclear Non-Proliferation  
19 Act of 1978 (22 U.S.C. 3241(b)) is amended to read as  
20 follows:

21 “(b) ensure that the IAEA has the financial, tech-  
22 nical, and personnel resources available to fully carry out  
23 its safeguards mission and that, to the maximum extent  
24 possible, safeguards activities are financed by the regular



1 budget of the IAEA and not by voluntary contributions  
2 to the Agency;”.

3 **SEC. 323. ANNUAL REPORT ON NUCLEAR NONPROLIFERA-**  
4 **TION.**

5 (a) REPORT REQUIRED.—Not later than March 1 of  
6 each year, except in 2009 and every fourth year thereafter  
7 not later than June 1, the President, shall, submit to Con-  
8 gress a report on the efforts of Federal departments and  
9 agencies to prevent nuclear proliferation. The report shall  
10 include—

11 (1) a description of the progress made to-  
12 ward—

13 (A) negotiating the initiatives contemplated  
14 in sections 104 and 105 of Nuclear Non-Pro-  
15 liferation Act of 1978 (22 U.S.C. 3223 and  
16 3224);

17 (B) negotiating the international arrange-  
18 ments or other mutual undertakings con-  
19 templated in section 403 of the Nuclear Non-  
20 Proliferation Act of 1978 (42 U.S.C. 2153b);

21 (C) encouraging non-nuclear-weapon states  
22 that are not party to the Nuclear Non-Pro-  
23 liferation Treaty to adhere to the Treaty or,  
24 pending such adherence, to enter into com-  
25 parable agreements with respect to safeguards

1 and to foreswear the development of any nu-  
2 clear explosive devices, and discouraging nu-  
3 clear exports to non-nuclear-weapon states  
4 which have not taken such steps;

5 (D) strengthening the safeguards of the  
6 IAEA as contemplated in section 201 of the  
7 Nuclear Non-Proliferation Act of 1978 (22  
8 U.S.C. 3241), particularly including ensuring  
9 that IAEA safeguards programs are adequately  
10 funded and reducing the proportion of IAEA  
11 funding for safeguards activities covered by vol-  
12 untary contributions; and

13 (E) renegotiating agreements for coopera-  
14 tion as contemplated in section 404(a) of the  
15 Nuclear Non-Proliferation Act of 1978 (42  
16 U.S.C. 2153c);

17 (2) an assessment of the impact of the progress  
18 described in paragraph (1) on the non-proliferation  
19 policy of the United States;

20 (3) an explanation of the precise reasons why  
21 progress has not been made on any particular point  
22 and recommendations with respect to appropriate  
23 measures to encourage progress;

24 (4) a statement of the President's general and  
25 specific nonproliferation and threat reduction objec-

1       tives and how the efforts of Federal agencies will be  
2       coordinated most effectively, pursuant to section  
3       1334 of the Foreign Relations Authorization Act,  
4       Fiscal Year 2003 (50 U.S.C. 2357b), to achieve  
5       those objectives;

6           (5) a statement of what legislative modifica-  
7       tions, if any, are necessary in the President's judg-  
8       ment to achieve the nonproliferation policy of the  
9       United States;

10          (6) a determination as to which non-nuclear-  
11       weapon states with which the United States has an  
12       agreement for cooperation in effect or under negotia-  
13       tion, if any, have—

14           (A) detonated a nuclear device;

15           (B) refused to accept the safeguards of the  
16       IAEA on all of their peaceful nuclear activities;

17           (C) refused to give specific assurances that  
18       they will not manufacture or otherwise acquire  
19       any nuclear explosive device; or

20           (D) engaged in activities involving source  
21       or special nuclear material and having direct  
22       significance for the manufacture or acquisition  
23       of nuclear explosive devices;

24          (7) an assessment of whether any of the policies  
25       set forth in the Nuclear Non-Proliferation Act of

1       1978 (Public Law 95–242) have, on balance, been  
2       counterproductive from the standpoint of preventing  
3       proliferation;

4               (8) a description of the progress made toward  
5       establishing procedures to facilitate the timely proc-  
6       essing of requests for subsequent arrangements and  
7       export licenses in order to enhance the reliability of  
8       the United States in meeting its commitments to  
9       supply nuclear reactors and fuel to nations which  
10      adhere to effective non-proliferation policies;

11              (9) a description of the implementation of nu-  
12      clear and nuclear-related dual-use export controls in  
13      the preceding calendar year, including a summary by  
14      type of commodity and destination of—

15                      (A) all transactions for which—

16                              (i) an export license was issued for  
17                              any good controlled under section 309(c)  
18                              of the Nuclear Non-Proliferation Act of  
19                              1978 (42 U.S.C. 2139a(c));

20                              (ii) an export license was issued under  
21                              section 109 b. of the Atomic Energy Act of  
22                              1954 (42 U.S.C. 2139(b));

23                              (iii) approvals were issued under the  
24                              Export Administration Act of 1979 (50  
25                              U.S.C. App. 2401 et seq.) or section 109

1           b.(3) of the Atomic Energy Act of 1954  
2           (42 U.S.C. 2139(b)(3)), for the retransfer  
3           of any item, technical data, component, or  
4           substance; or

5           (iv) authorizations were made as re-  
6           quired by section 57 b.(2) of the Atomic  
7           Energy Act of 1954 (42 U.S.C.  
8           2077(b)(2)) to engage, directly or indi-  
9           rectly, in the production of special nuclear  
10          material;

11         (B) each instance in which—

12           (i) a sanction has been imposed under  
13           section 821(a) or section 824 of the Nu-  
14           clear Proliferation Prevention Act of 1994  
15           (22 U.S.C. 6301(a)) or section 102(b)(1)  
16           of the Arms Export Control Act (22  
17           U.S.C. 2799aa–1(b)(1));

18           (ii) sales or leases have been denied  
19           under section 3(f) of the Arms Export  
20           Control Act (22 U.S.C. 2753(f)) or trans-  
21           actions have been prohibited by reason of  
22           acts relating to proliferation of nuclear ex-  
23           plosive devices as described in section  
24           40(d) of that Act;

1 (iii) a sanction has not been imposed  
2 by reason of section 821(c)(2) of the Nu-  
3 clear Proliferation Prevention Act of 1994  
4 (22 U.S.C. 6301(c)(2)) or the imposition  
5 of a sanction has been delayed under sec-  
6 tion 102(b)(4) of the Arms Export Control  
7 Act (22 U.S.C. 2799aa-1(b)(4)); or

8 (iv) a waiver of a sanction has been  
9 made under—

10 (I) section 821(f) or section 824  
11 of the Nuclear Proliferation Preven-  
12 tion Act of 1994;

13 (II) section 620E(d) of the For-  
14 eign Assistance Act of 1961 (22  
15 U.S.C. 2375(d)), or paragraph (5) or  
16 (6)(B) of section 102(b) of the Arms  
17 Export Control Act (22 U.S.C.  
18 2799aa-1(b));

19 (III) section 40(g) of the Arms  
20 Export Control Act (22 U.S.C.  
21 2780(g)) with respect to the last sen-  
22 tence of section 40(d) of that Act (22  
23 U.S.C. 2780(g)); or

24 (IV) section 614 of the Foreign  
25 Assistance Act of 1961 (22 U.S.C.

1                   2364) with respect to section 620E of  
2                   that Act (22 U.S.C. 2375) or section  
3                   3(f), the last sentence of section  
4                   40(d), or 102(b)(1) of the Arms Ex-  
5                   port Control Act; and

6                   (C) the progress of those independent  
7                   states of the former Soviet Union that are non-  
8                   nuclear-weapon states and of the Baltic states  
9                   towards achieving the objective of applying full  
10                  scope safeguards to all their peaceful nuclear  
11                  activities.

12               (b) FORM.—Portions of the information required by  
13               subsection (a)(6) may be submitted in classified form, as  
14               necessary. Any such information that may not be pub-  
15               lished or disclosed under section 12(c)(1) of the Export  
16               Administration Act of 1979 (50 U.S.C. App. 2411(c)(1))  
17               shall be submitted as classified.

18               (c) INCORPORATION BY REFERENCE.—

19                   (1) COOPERATIVE THREAT REDUCTION PRO-  
20               GRAMS.—Information relevant to the report required  
21               under this section that is already contained in an  
22               annual report on activities and assistance under Co-  
23               operative Threat Reduction programs submitted to  
24               Congress under section 1308 of the Floyd D. Spence  
25               National Defense Authorization Act for Fiscal Year

1       2001 (Public Law 106-398; 114 Stat. 1654-341) for  
2       the year for which the report required under this  
3       section is submitted may be cited by reference in the  
4       report required under this section.

5               (2) IMPLEMENTING RECOMMENDATIONS OF  
6       THE 9/11 COMMISSION ACT OF 2007.—Information  
7       relevant to the report required under this section  
8       that is already contained in an annual report on the  
9       strategy and policies developed pursuant to section  
10      1841 of the Implementing Recommendations of the  
11      9/11 Commission Act of 2007 (50 U.S.C. 2931) for  
12      the current and future fiscal years during which the  
13      report required under this section is submitted may  
14      be cited by reference in the report required under  
15      this section.

16              (3) ARMS CONTROL, NONPROLIFERATION, AND  
17      DISARMAMENT.—Information relevant to the report  
18      required under this section that is already contained  
19      in an annual report on the status of United States  
20      policy and actions with respect to arms control, non-  
21      proliferation, and disarmament developed pursuant  
22      to section 403 of the Arms Control and Disar-  
23      mament Act (22 U.S.C. 2593a) for the year for  
24      which the report required under this section is sub-



mitted may be cited by reference in the report required under this section.

(4) NUCLEAR WEAPONS SECURITY.—Information relevant to the report required under this section that is already contained in an annual report on the security of nuclear weapons and related equipment and formula quantities of strategic special nuclear material outside of the United States developed pursuant to section 3134 of the National Defense Authorization Act for Fiscal Year 2008 (22 U.S.C. 3244 note) for the year for which the report required under this section is submitted may be cited by reference in the report required under this section.

**SEC. 324. AMENDED ADDITIONAL REPORTS ON NON-PROLIFERATION.**

Section 602(c)(1) of the Nuclear Non-Proliferation Act of 1978 (22 U.S.C. 3282(c)(1)) is amended—

(1) by striking “Director of Central Intelligence” and inserting “Director of National Intelligence”;

(2) by inserting “, Armed Services,” after “Foreign Relations”; and

1           (3) by striking “Committee on International  
2       Relations” and inserting “Committees on Foreign  
3       Affairs and Armed Services”.

4 **SEC. 325. CONSOLIDATION OF REPORTS ON NON-PRO-**  
5 **LIFERATION IN SOUTH ASIA.**

6       (a) IN GENERAL.—Section 620F(c) of the Foreign  
7       Assistance Act of 1961 (22 U.S.C. 2376(c)) is amended  
8       by adding at the end the following: “Such report shall also  
9       include a description of the efforts of the United States  
10      Government to achieve the objectives described in sub-  
11      sections (a) and (b) of section 1601 of the Foreign Rela-  
12      tions Authorization Act, Fiscal Year 2003 (Public Law  
13      107–228; 116 Stat. 1459), the progress made toward  
14      achieving such objectives, and the likelihood that such ob-  
15      jectives will be achieved within the year following the re-  
16      porting period.”.

17      (b) ELIMINATION OF DUPLICATIVE REPORTING RE-  
18      QUIREMENTS.—Section 1601 of the Foreign Relations Au-  
19      thorization Act, Fiscal Year 2003 (Public Law 107–228;  
20      116 Stat. 1459) is amended—

21           (1) in subsection (a), by striking “by September  
22      30, 2003”;

23           (2) in subsection (b), by striking “not later  
24      than September 30, 2003”; and

25           (3) by striking subsection (c).

1 **SEC. 326. REPEAL OF ANNUAL REPORT ON RUSSIAN DEBT**  
2 **REDUCTION FOR NONPROLIFERATION.**

3 Section 1321 of the Foreign Relations Authorization  
4 Act, Fiscal Year 2003 (Public Law 107–228; 22 U.S.C.  
5 5952 note), is hereby repealed.

6 **SEC. 327. ANNUAL ASSESSMENTS OF NONPROLIFERATION**  
7 **AND DISARMAMENT FUND PROJECTS.**

8 (a) IN GENERAL.—No later than September 1, 2009,  
9 and annually thereafter for the following two years, the  
10 Comptroller General of the United States shall submit to  
11 the Committee on Foreign Relations and the Committee  
12 on Appropriations in the Senate and the Committee on  
13 Foreign Affairs and the Committee on Appropriations in  
14 the House of Representatives an assessment of projects  
15 and project proposals carried out under the Nonprolifera-  
16 tion and Disarmament Fund (hereinafter, “NDF”) au-  
17 thorized under section 504 of the FREEDOM Support  
18 Act (Public Law 102–511; 22 U.S.C. 5854). The first  
19 such assessment shall apply to projects approved to be car-  
20 ried out during the previous 5 calendar years, and to  
21 project proposals not carried out by the NDF that were  
22 submitted to it between January 1, 2004, and December  
23 31, 2007. Each subsequent assessment shall cover projects  
24 approved to be carried out by the NDF during the pre-  
25 vious calendar year.

1 (b) CONTENT.—The first such assessment under sub-  
2 section (a) shall include—

3 (1) An examination of each project proposal, in-  
4 cluding—

5 (A) the purpose of such proposal;

6 (B) the name of the requesting Federal  
7 agency or drafting office;

8 (C) the reason or reasons why the Federal  
9 agency or drafting office requesting that the  
10 NDF carry out such proposed project was not  
11 able to undertake such project;

12 (D) a statement as to whether such project  
13 proposal was—

14 (i) fully funded;

15 (ii) funded at a different amount than  
16 the Federal agency or drafting office sub-  
17 mitting such proposal requested;

18 (iii) deferred (including the reason  
19 why such proposal was deferred); or

20 (iv) not funded (including the reason  
21 or reasons why such proposal was not  
22 funded).

23 (2) An examination of each project approved to  
24 be carried out under the NDF, including the infor-

1       mation required under subparagraphs (A), (B), and  
2       (C) of paragraph (1) and—

3               (A) the date on which the project was ap-  
4       proved;

5               (B) an assessment of whether the approved  
6       project included a schedule for completion;

7               (C) a review of the contract for the project,  
8       including whether the contract is consistent, or,  
9       for those projects with respect to which NDF  
10       notwithstanding authorities were used, would  
11       have been consistent, with the Federal Acquisi-  
12       tion Regulations;

13              (D) an examination, in consultation with  
14       the Office of the Legal Adviser in the Depart-  
15       ment of State, of whether and to what extent  
16       it was necessary to rely on NDF notwith-  
17       standing authorities to carry out such project;

18              (E) if the contract for the project involves  
19       design, construction, or acquisition of equip-  
20       ment, a listing of the private entities associated  
21       with such activities;

22              (F) an estimate of whether the project can  
23       be completed within the funding amounts pre-  
24       viously notified to Congress;

1 (G) the name of any international organi-  
2 zation receiving funds from the NDF and the  
3 purposes for which such funds are being made  
4 available to that organization; and

5 (H) the office that serves as the executive  
6 agent for such project.

7 (3) A summary of all funds that have been de-  
8 obligated for any NDF project previously notified to  
9 Congress.

10 (4) An examination of any funds previously no-  
11 tified to Congress that will not be expended on the  
12 originally notified project, and an assessment of the  
13 reasons why the amounts notified to Congress were  
14 not expended on that project, including whether such  
15 project was completed, withdrawn, or the funds were  
16 otherwise no longer needed.

17 (5) A summary of the unobligated and obli-  
18 gated balances of the NDF.

19 (6) An assessment, for those projects carried  
20 out by the NDF, of the extent to which the Federal  
21 agency or drafting office effectively coordinated draft  
22 project proposals with all Federal agencies with ap-  
23 plicable policy responsibilities.

24 (7) A review of NDF project implementation  
25 and mission management, including the following:

1           (A) The roles and functions with respect to  
2 NDF project implementation and mission man-  
3 agement of each of the following NDF officers:

- 4           (i) The Director.  
5           (ii) The Deputy Director.  
6           (iii) The Comptroller.  
7           (iv) NDF Policy Officers.  
8           (v) NDF Negotiators.  
9           (vi) The Executive Secretary.  
10          (vii) The Chief of Operations.  
11          (viii) Program managers.  
12          (ix) Contract administrators.  
13          (x) Project support specialists.  
14          (xi) Financial Specialists.

15          (B) The extent to which any of the posi-  
16 tions set forth in subparagraph (A) rely on or  
17 are performed by private entities.

18          (C) The extent to which accounting and  
19 fund control programs and offices of the De-  
20 partment of State, including the NDF Comp-  
21 troller, have the necessary information tech-  
22 nology and oversight tools to ensure that NDF  
23 funds are used in an efficient and accountable  
24 manner.

1 (D) Whether NDF has adequate internal  
2 audit capabilities.

3 (c) SUBSEQUENT ASSESSMENTS.—Each subsequent  
4 assessment under subsection (a) shall include only the  
5 matters addressed under paragraphs (2), (3), (4), (5), and  
6 (6) of subsection (b).

7 **SEC. 328. REPORTS ON 2010 NUCLEAR NON-PROLIFERATION**  
8 **TREATY REVIEW CONFERENCE.**

9 (a) REPORT ON COMPREHENSIVE OBJECTIVES,  
10 STRATEGY, AND POLICIES.—

11 (1) IN GENERAL.—Not later than October 31,  
12 2009, the President shall submit to Congress a re-  
13 port, in classified and unclassified forms, that details  
14 the comprehensive objectives, strategy, and policies  
15 of the United States regarding the 2010 Nuclear  
16 Non-Proliferation Treaty Review Conference.

17 (2) CONTENT.—The report required under  
18 paragraph (1) shall describe—

19 (A) overall changes or revisions to the  
20 international nuclear nonproliferation frame-  
21 work, including the Nuclear Non-Proliferation  
22 Treaty, that may be needed to realize a more  
23 robust and effective global nuclear nonprolifera-  
24 tion system;



1 (B) the spread of sensitive nuclear tech-  
2 nologies, in particular uranium enrichment and  
3 nuclear fuel reprocessing;

4 (C) country-specific nuclear proliferation  
5 concerns;

6 (D) efforts to uphold Article IV commit-  
7 ments on peaceful nuclear use, including the es-  
8 tablishment of a nuclear fuel bank or authority;

9 (E) accelerated implementation of obliga-  
10 tions and commitments under the Nuclear Non-  
11 Proliferation Treaty or pursuant to resolutions  
12 supported by the United States and adopted at  
13 previous Nuclear Non-Proliferation Treaty Re-  
14 view Conferences for the purpose of reducing  
15 the world's stockpiles of nuclear weapons and  
16 weapons-grade fissile material;

17 (F) nuclear and other nonproliferation ini-  
18 tiatives such as the Proliferation Security Ini-  
19 tiative;

20 (G) the United States assessment of the  
21 objectives and strategies of other states with re-  
22 gard to the 2010 Nuclear Non-Proliferation  
23 Treaty Review Conference, including the Nu-  
24 clear Weapons States under the Treaty, mem-  
25 bers of the Nuclear Suppliers Group, and lead-

ing States Parties associated with the Non-Aligned Movement; and

(H) the United States diplomatic strategy leading up to the Conference to build and strengthen the international consensus regarding United States objectives.

(b) REPORT ON OUTCOMES OF CONFERENCE.—

(1) IN GENERAL.—Not later than 60 days after the conclusion of the 2010 Nuclear Non-Proliferation Treaty Review Conference, the President shall submit to Congress a report, in classified and unclassified forms, regarding the outcomes of the Conference.

(2) CONTENT.—The report required under paragraph (1) shall provide an assessment of the overall outcome of the Conference as well as United States consultations and negotiations and outcomes regarding the items listed in subsection (a)(2).

## **TITLE IV—NUCLEAR SAFEGUARDS AND SUPPLY**

### **SEC. 401. SHORT TITLE.**

This title may be cited as the “Nuclear Safeguards and Supply Act of 2008”.

1 **SEC. 402. APPROPRIATE CONGRESSIONAL COMMITTEES**

2 **DEFINED.**

3 In this title, the term “appropriate congressional  
4 committees” means the Committee on Foreign Relations  
5 of the Senate and the Committee on Foreign Affairs of  
6 the House of Representatives.

7 **Subtitle A—Nuclear Safeguards**  
8 **and Nuclear Fuel Supply**

9 **SEC. 411. FINDINGS.**

10 Congress makes the following findings:

11 (1) The Nuclear Non-Proliferation Treaty and  
12 the safeguards system of the International Atomic  
13 Energy Agency (IAEA) are indispensable to inter-  
14 national peace and security.

15 (2) Congress has long supported efforts aimed  
16 at effective and efficient assurances of nuclear fuel  
17 supply, the strengthening of IAEA safeguards, and  
18 assistance to the developing world for nuclear and  
19 non-nuclear energy sources, as embodied in the Nu-  
20 clear Non-Proliferation Act of 1978 (22 U.S.C. 3201  
21 et seq.).

22 (3) The February 22, 2005, Report of the  
23 IAEA Experts Group on Multilateral Approaches to  
24 the Nuclear Fuel Cycle found that, in addition to in-  
25 creased verification activities in various nations such  
26 as Iran, another factor contributing to significant

1 and troubling demands on the IAEA safeguards sys-  
 2 tem was that “the civilian nuclear industry appears  
 3 to be poised for worldwide expansion” and that  
 4 “[r]apidly growing global demand for electricity, the  
 5 uncertainty of supply and price of natural gas, soar-  
 6 ing prices for oil, concerns about air pollution and  
 7 the immense challenge of lowering greenhouse gas  
 8 emissions, are all forcing a fresh look at nuclear  
 9 power. As the technical and organizational founda-  
 10 tions of nuclear safety improve, there is increasing  
 11 confidence in the safety of nuclear power plants. In  
 12 light of existing, new and reawakened interest in  
 13 many regions of the world, the prospect of new nu-  
 14 clear power stations on a large scale is therefore  
 15 real. A greater number of States will consider devel-  
 16 oping their own fuel cycle facilities and nuclear  
 17 know-how, and will seek assurances of supply in ma-  
 18 terials, services and technologies.”

19 (4) The same report also found, “Two primary  
 20 deciding factors dominate all assessments of multi-  
 21 lateral nuclear approaches namely ‘Assurance of  
 22 non-proliferation’ and ‘Assurance of supply and serv-  
 23 ices’. Both are recognised overall objectives for gov-  
 24 ernments and for the NPT community. In practice,  
 25 each of these two objectives can seldom be achieved

1 fully on its own. History has shown that it is even  
2 more difficult to find an optimum arrangement that  
3 will satisfy both objectives at the same time. As a  
4 matter of fact, multilateral approaches could be a  
5 way to satisfy both objectives.”

6 (5) The same report also found, “The non-pro-  
7 liferation value of a multilateral arrangement is  
8 measured by the various proliferation risks associ-  
9 ated with a nuclear facility, whether national or mul-  
10 tilateral. These risks include the diversion of mate-  
11 rials from [a multilateral nuclear approach or MNA]  
12 (reduced through the presence of a multinational  
13 team), the theft of fissile materials, the diffusion of  
14 proscribed or sensitive technologies from MNAs to  
15 unauthorized entities, the development of clandestine  
16 parallel programmes and the breakout scenario. The  
17 latter refers to the case of the host country ‘break-  
18 ing out’, for example, by expelling multinational  
19 staff, withdrawing from the NPT (and thereby ter-  
20 minating its safeguards agreement), and operating  
21 the multilateral facility without international con-  
22 trol.”

23 (6) The 2004 Report of the United Nations  
24 Secretary-General’s High-Level Panel on Threats,  
25 Challenges and Change found that creating incen-

1       tives for countries to forego the development of do-  
2       mestic uranium enrichment and reprocessing facili-  
3       ties is essential, and that such suggestions, if imple-  
4       mented swiftly and firmly, offer a real chance to re-  
5       duce the risk of a nuclear attack, whether by states  
6       or non-state actors, and that such proposals “should  
7       be put into effect without delay”.

8           (7) On February 11, 2004, President George  
9       W. Bush stated, “The world’s leading nuclear ex-  
10      porters should ensure that states have reliable access  
11      at reasonable cost to fuel for civilian reactors, so  
12      long as those states renounce enrichment and re-  
13      processing. Enrichment and reprocessing are not  
14      necessary for nations seeking to harness nuclear en-  
15      ergy for peaceful purposes.”

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

19          (9) Nuclear power may play an increasing role  
20      in electricity supply to both the developed and the  
21      developing world over the next several decades.

22          (10) The Government Accountability Office  
23      (GAO) stated in testimony before Congress in Sep-  
24      tember 2006 that a significant factor limiting the ef-  
25      fectiveness of the current IAEA safeguards system is

1       that “more than half, or 111 out of 189, of the  
2       NPT signatories have not yet brought the Additional  
3       Protocol into force, including the United States”.

4           (11) The GAO also testified that an additional  
5       “weakness in implementing strengthened safeguards  
6       is that safeguards are significantly limited or not ap-  
7       plied in about 60 percent, or 112 out of 189, of the  
8       NPT signatory countries—either because they have  
9       an agreement (known as a small quantities protocol)  
10      with IAEA, and are not subject to most safeguards  
11      measures, or because they have not concluded a  
12      comprehensive safeguards agreement with IAEA”.

13          (12) The GAO also testified that “while IAEA  
14      is increasingly relying on the analytical skills of its  
15      staff to detect countries’ undeclared nuclear activi-  
16      ties, the agency is facing a looming human capital  
17      crisis. In the next 5 years, IAEA will experience a  
18      large turnover of senior safeguards inspectors and  
19      high-level management officials. Delays in filling  
20      critical safeguards positions limit IAEA’s ability to  
21      implement strengthened safeguards.”

22          (13) Outdated and unnecessary staff restric-  
23      tions have prevented the IAEA from maintaining  
24      and equipping a well-trained cadre of professional

1 staff at the IAEA's Safeguards Analytical Labora-  
2 tory (SAL), located at Seibersdorf, Austria.

3 (14) A goal of the Department of State's budg-  
4 et request for fiscal year 2007 for United States vol-  
5 untary contributions to the IAEA was  
6 "[s]trengthening quality control and sensitivity of  
7 analyses by the Safeguards Analytical Laboratory  
8 (SAL) and the Network of Analytical Laboratories,  
9 and reviewing needs for possible refurbishment or  
10 replacement of SAL".

11 (15) Considerable investment is needed for SAL  
12 to meet future IAEA requirements as its workload  
13 is growing, the laboratory's infrastructure is aging,  
14 and IAEA requirements have become more demand-  
15 ing, and while initial plans have been made for lab-  
16 oratory enhancement and are currently pending  
17 budgetary approval (sometime in 2009), the simple  
18 fact is that, as more countries implement IAEA  
19 safeguards, many more nuclear samples come to  
20 SAL for analysis.

21 (16) Any proposals for the creation of bilateral  
22 or multilateral assurances of supply mechanisms  
23 must take into account, and be achieved in a manner  
24 that minimizes, the risk of nuclear proliferation or  
25 regional arms races and maximizes adherence to



1 international nonproliferation regimes, including, in  
2 particular, the Guidelines of the Nuclear Suppliers  
3 Group (NSG), and the IAEA Additional Protocol.

4 (17) Any proposal to create an assurance of  
5 supply mechanism in or with a certain country or  
6 group of countries should not result in decreased  
7 emphasis on existing nuclear safeguards verification  
8 efforts and compliance challenges.

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

16 (19) The existing IAEA safeguards system, and  
17 the Additional Protocol and the Guidelines of the  
18 NSG, represent the current, minimum standards for  
19 controlling access to and trade in civilian nuclear  
20 technology and should continue to be improved, ex-  
21 panded, and strengthened.

22 **SEC. 412. DECLARATION OF POLICY.**

23 (a) CONTINUATION OF EXISTING POLICY.—It shall  
24 remain the policy of the United States—

1           (1) to create mechanisms to provide adequate  
2       supplies of nuclear fuel consistent with the provi-  
3       sions of the Nuclear Non-Proliferation Act of 1978  
4       (22 U.S.C. 3201 et seq.), in particular title I of such  
5       Act (22 U.S.C. 3221 et seq.);

6           (2) to strengthen the IAEA safeguards system  
7       consistent with the provisions of the Nuclear Non-  
8       Proliferation Act of 1978 (22 U.S.C. 3201 et seq.),  
9       in particular title II of such Act (22 U.S.C. 3241 et  
10      seq.); and

11          (3) to cooperate with other nations, inter-  
12      national institutions, and private organizations to  
13      assist in the development of non-nuclear energy re-  
14      sources under title V of the Nuclear Non-Prolifera-  
15      tion Act of 1978 (22 U.S.C. 3261 et seq.).

16      (b) DECLARATION OF NEW POLICY.—It shall be the  
17      policy of the United States to discourage the development  
18      of enrichment and reprocessing capabilities in additional  
19      countries, encourage the creation of bilateral and multilat-  
20      eral assurances of nuclear fuel supply, and ensure that  
21      all supply mechanisms operate in strict accordance with  
22      the IAEA safeguards system and do not result in any ad-  
23      ditional unmet verification burdens for the system.

1 **SEC. 413. SAFEGUARDS ANALYTICAL LABORATORY.**

2 (a) AUTHORIZATION OF APPROPRIATIONS.—In addi-  
3 tion to the amount requested by the President for United  
4 States Voluntary Contributions to the IAEA for Fiscal  
5 Year 2009, an additional \$10,000,000 is authorized to be  
6 appropriated under this Act for the refurbishment or pos-  
7 sible replacement of the IAEA Safeguards Analytical Lab-  
8 oratory.

9 (b) REPORT.—Not later than 180 days after the date  
10 of the enactment of this Act, the Secretary of State shall  
11 submit to the appropriate congressional committees a re-  
12 port on the refurbishment or possible replacement of the  
13 IAEA Safeguards Analytical Laboratory pursuant to sub-  
14 section (a).

15 **SEC. 414. SAFEGUARDS TECHNOLOGY DEVELOPMENT PRO-**  
16 **GRAM.**

17 The Secretary of State is authorized, in cooperation  
18 with the Secretary of Energy and the Directors of the Na-  
19 tional Laboratories and in consultation with the Secretary  
20 of Defense and the Director of National Intelligence, to  
21 pursue a program—

22 (1) to strengthen technical safeguards research  
23 and development;

24 (2) to increase resources, identify near-term  
25 technology goals, formulate a technology roadmap,

1 and improve interagency coordination on safeguards  
2 technology; and

3 (3) to examine proliferation resistance in design  
4 and development of all future nuclear energy sys-  
5 tems.

6 **SEC. 415. SAFEGUARDS CADRE PROGRAM.**

7 (a) IN GENERAL.—The Secretary of State, in co-  
8 operation with the Secretary of Energy and the Directors  
9 of the United States Department of Energy National Lab-  
10 oratories and Technology Centers (in this title referred to  
11 as the “Directors of the National Laboratories”), is au-  
12 thorized to develop, in accordance with section 3343 of  
13 title 5, United States Code, a program to create a dedi-  
14 cated cadre of professionals assigned to the task of pro-  
15 moting, strengthening, and providing technical assistance  
16 to the IAEA safeguards system.

17 (b) CONTENT.—The program authorized under sub-  
18 section (a) shall ensure that—

19 (1) necessary incentives are in place to ensure  
20 that any United States persons serving within the  
21 IAEA are not professionally disadvantaged by such  
22 service when returning to the Federal workforce;

23 (2) high priority is placed on safeguards posi-  
24 tions within the IAEA by the United States;

1           (3) budget authority is provided to train and  
2       retain those personnel designated to be a part of the  
3       safeguards cadre program; and

4           (4) safeguards professionals retain appropriate  
5       security clearances during any work they undertake  
6       while serving in the IAEA safeguards system.

## 7       **Subtitle B—Nuclear Fuel Supply**

### 8       **SEC. 421. AUTHORITY FOR BILATERAL AND MULTILATERAL** 9                       **NUCLEAR FUEL SUPPLY MECHANISMS.**

10       (a) IN GENERAL.—The President is authorized to  
11       create, consistent with title I of the Nuclear Non-Pro-  
12       liferation Act of 1978 (22 U.S.C. 3221 et seq.), and other  
13       applicable provisions of law, bilateral and multilateral  
14       mechanisms to provide a reliable supply of nuclear fuel  
15       to those countries and groups of countries that adhere to  
16       policies designed to prevent the proliferation of nuclear  
17       weapons and that decide to forgo a national uranium en-  
18       richment program and spent nuclear fuel reprocessing fa-  
19       cilities.

20       (b) PURPOSE OF MECHANISMS.—The mechanisms  
21       authorized under subsection (a) shall, to the maximum ex-  
22       tent practicable, take into account the following:

23           (1) The economic rationale for a country or  
24       countries pursuing nuclear power, including existing  
25       sources of power for such country or countries.

1           (2) Whether such country or countries are in  
2           compliance with their obligations under applicable  
3           safeguards agreements and additional protocols with  
4           the IAEA.

5           (3) Whether or not the development in such  
6           country or countries of the complete nuclear fuel  
7           cycle would impose new, costly IAEA safeguards  
8           measures that cannot be supported by current IAEA  
9           safeguards implementation in such country or coun-  
10          tries, such that there is a reasonable assurance that  
11          all nuclear materials in such country or countries  
12          are for peaceful purposes and that there are no  
13          undeclared nuclear materials or activities in such  
14          country or countries.

15          (4) An evaluation of the proliferation dangers  
16          of such country or countries developing nuclear fuel  
17          cycle facilities for the production and disposition of  
18          source and special nuclear materials.

19          (5) Whether or not the country or countries  
20          that would be recipients of nuclear fuel or other as-  
21          sistance provided by the United States are or have  
22          ever been designated as state sponsors of terrorism  
23          pursuant to section 620A of the Foreign Assistance  
24          Act of 1961 (22 U.S.C. 2371), section 40 of the  
25          Arms Export Control Act (22 U.S.C. 2780), or sec-

1       tion 6(j) of the Export Administration Act (50  
2       U.S.C. App. 2405(j)).

3           (6) If done under a bilateral supply mechanism,  
4       whether IAEA safeguards are being applied or will  
5       be applied to any facility, site, or location where  
6       international nuclear fuel supply activities are to be  
7       carried out.

8           (7) Whether, in the case of a multilateral sup-  
9       ply mechanism, procedures are in place to ensure  
10      that when United States funds are used or when  
11      United States nuclear materials are to be used, ex-  
12      ported, or reexported, all applicable provisions of  
13      United States law are followed.

14          (8) Whether the recipient country or countries  
15      of any fuel provided under this Act are or will be-  
16      come a party, prior to the commencement of any nu-  
17      clear fuel supply under this Act, to—

18           (A) the Nuclear Non-Proliferation Treaty;

19           (B) in the case of a non-nuclear-weapon  
20      State Party to the Nuclear Non-Proliferation  
21      Treaty, a comprehensive safeguards agreement  
22      that is in force, pursuant to which the IAEA  
23      has the right and obligation to ensure that safe-  
24      guards are applied, in accordance with the  
25      terms of the agreement, on all source or special

1 fissionable material in all peaceful nuclear ac-  
2 tivities within the territory of such country,  
3 under its jurisdiction, or carried out under its  
4 control anywhere, for the exclusive purpose of  
5 verifying that such material is not diverted to  
6 nuclear weapons or other nuclear explosive de-  
7 vices;

8 (C) an additional protocol;

9 (D) the Convention on Nuclear Safety,  
10 done at Vienna September 20, 1994, and en-  
11 tered into force October 24, 1996;

12 (E) the Convention on Physical Protection  
13 of Nuclear Materials, done at Vienna October  
14 26, 1979, and entered into force February 8,  
15 1987; and

16 (F) the Convention on Supplementary  
17 Compensation for Nuclear Damage, done at Vi-  
18 enna September 12, 1997.

19 (9) The extent to which the recipient country or  
20 countries have or will have prior to the commence-  
21 ment of any nuclear fuel supply under this Act effec-  
22 tive and enforceable export controls regarding nu-  
23 clear and dual-use nuclear technology and other sen-  
24 sitive materials comparable to those maintained by  
25 the United States.



1           (10) The conformity of the safety and regu-  
2           latory regimes in the recipient country or countries  
3           regarding the nuclear power sector with similar  
4           United States laws and regulations.

5           (11) The history of safety or environmental  
6           problems associated with any nuclear site, facility, or  
7           location in the recipient country or countries in the  
8           past, and the potential for future safety or environ-  
9           mental problems or issues in connection with the ci-  
10          vilian nuclear power development plan of the country  
11          or countries.

12          (12) Whether the recipient country or countries  
13          have resident within them any persons or entities in-  
14          volved in the illicit trafficking of nuclear weapons,  
15          nuclear materials, or dual-use nuclear technology.

16          (13) Whether the recipient country or countries  
17          have or will have sufficiently open and transparent  
18          civilian power markets such that United States firms  
19          may benefit from any such bilateral or multilateral  
20          supply mechanisms.

21          (c) RULE OF CONSTRUCTION.—Nothing in this Act  
22          shall be construed to provide any authority with respect  
23          to bilateral cooperation with another country or countries  
24          or any international organization or organizations in  
25          atomic energy that is additional to the authority provided

1 under the Atomic Energy Act of 1954 (42 U.S.C. 2011  
2 et seq.) and all other applicable laws and regulations in  
3 effect on the date of the enactment of this Act.

4 **SEC. 422. REPORT ON THE ESTABLISHMENT OF AN INTER-**  
5 **NATIONAL FUEL AUTHORITY.**

6 (a) REPORT REQUIRED.—Not later than 180 days  
7 after the date of enactment of this Act, the President shall  
8 submit to the appropriate congressional committees a re-  
9 port detailing the feasibility of establishing an Inter-  
10 national Nuclear Fuel Authority (INFA) as called for in  
11 section 104 (a)(1) of the Nuclear Non-Proliferation Act  
12 of 1978 (22 U.S.C. 3223(a)(1)).

13 (b) CONTENT.—Without regard to any previous re-  
14 ports submitted under section 104 (a)(1) of the Nuclear  
15 Non-Proliferation Act of 1978 (22 U.S.C. 3223), the re-  
16 port required under subsection (a) shall evaluate, with re-  
17 spect to the feasibility of the establishment of the Inter-  
18 national Nuclear Fuel Authority, the following:

19 (1) United States laws and regulations that  
20 could be affected by the establishment of an INFA.

21 (2) What the cost to the United States Govern-  
22 ment could be of establishing an INFA.

23 (3) Potential locations for the INFA.

24 (4) The potential for creating a fuel supply  
25 bank under the control of the INFA.

1           (5) Nuclear materials that should be placed  
2           within the control of the INFA, including which nu-  
3           clear activities should be carried out by the INFA  
4           for the production of nuclear fuel or for use as fuel.

5           (6) Whether the INFA should provide nuclear  
6           fuel services to recipient countries.

7           (7) Whether a multilateral supply mechanism,  
8           such as the INFA, is, in the judgment of the Presi-  
9           dent, superior to bilateral mechanism for nuclear  
10          fuel supply.

11          (8) How such an international organization  
12          should operate to preserve freedom of markets in  
13          nuclear fuel and avoid undue interference in the effi-  
14          cient operation of the international nuclear fuel mar-  
15          ket.

16          (9) The degree and extent to which such a mul-  
17          tilateral supply mechanism should be under the con-  
18          trol of, or a subordinate organization within, the  
19          IAEA, including whether establishing such an INFA  
20          would be superior or preferable to allowing the  
21          IAEA, pursuant to Article IX of the Statute of the  
22          IAEA, to become an international broker of nuclear  
23          fuel and nuclear fuel services, including with respect  
24          to an examination of the costs to IAEA Member

1 States of effectively carrying out clauses (1) through  
 2 (4) of paragraph (H) of such Article.

3 (10) The likely receptivity of the major coun-  
 4 tries involved in the supply of nuclear fuel and nu-  
 5 clear services to the creation of a multilateral supply  
 6 mechanism such as the INFA or one under the  
 7 IAEA.

8 **SEC. 423. SENSE OF THE SENATE ON IAEA FUEL SUPPLY.**

9 It is the sense of the Senate that—

10 (1) consistent with the long-standing support  
 11 provided by Congress for the nuclear verification and  
 12 technical cooperation projects of the IAEA, and with  
 13 a view toward effective verification of safeguards and  
 14 a desire to ensure that the expansion of nuclear  
 15 power remains only for peaceful purposes, the  
 16 United States should support, either in annual vol-  
 17 untary and off-budget contributions to the IAEA, or  
 18 in the provision of nuclear fuel to the IAEA, a nu-  
 19 clear fuel bank within the IAEA;

20 (2) the Senate commends the President for the  
 21 September 26, 2005, announcement at the 49th Ses-  
 22 sion of the General Conference of the IAEA that the  
 23 United States will reserve up to 17 metric tons of  
 24 highly enriched uranium for an IAEA verifiable as-  
 25 sured supply arrangement;

1           (3) the Senate commends the efforts of the Nu-  
 2       clear Threat Initiative (NTI) to contribute  
 3       \$50,000,000 to the IAEA to help create a low en-  
 4       riched uranium stockpile owned and managed by the  
 5       IAEA; and

6           (4) a combination of public and private efforts,  
 7       including the provisions of law previously enacted in  
 8       the Nuclear Non-Proliferation Act of 1978 (22  
 9       U.S.C. 3201 et seq.) and other applicable laws, ini-  
 10      tiatives supported by the President, efforts provided  
 11      for by private groups, and the recommendations of  
 12      many relevant studies, such as those cited in section  
 13      101, will be necessary to effectively and flexibly  
 14      manage the growth of civilian nuclear power in a  
 15      manner that does not result in undue burdens on  
 16      the IAEA safeguards system.

## 17       **TITLE V—GLOBAL PATHOGEN** 18               **SURVEILLANCE**

### 19       **SEC. 501. SHORT TITLE.**

20       This title may be cited as the “Global Pathogen Sur-  
 21      veillance Act of 2008”.

### 22       **SEC. 502. FINDINGS; PURPOSE.**

23       (a) FINDINGS.—Congress makes the following find-  
 24      ings:

1           (1) The frequency of the occurrence of biologi-  
2 cal events that could threaten the national security  
3 of the United States has increased and is likely in-  
4 creasing. The threat to the United States from such  
5 events includes threats from diseases that infect hu-  
6 mans, animals, or plants regardless of if such dis-  
7 eases are introduced naturally, accidentally, or inten-  
8 tionally.

9           (2) Bioterrorism poses a grave national security  
10 threat to the United States. The insidious nature of  
11 a bioterrorist attack, the likelihood that the recogni-  
12 tion of such an attack would be delayed, and the  
13 underpreparedness of the domestic public health in-  
14 frastructure to respond to such an attack could re-  
15 sult in catastrophic consequences following a biologi-  
16 cal weapons attack against the United States.

17          (3) The ability to recognize that a country or  
18 organization is carrying out a covert biological weap-  
19 ons programs is dependent on a number of indica-  
20 tions and warnings. A critical component of this rec-  
21 ognition is the timely detection of sentinel events  
22 such as community-level outbreaks that could be the  
23 earliest indication of an emerging bioterrorist pro-  
24 gram in a foreign country. Early detection of such

1 events may enable earlier counterproliferation inter-  
2 vention.

3 (4) A contagious pathogen engineered as a bio-  
4 logical weapon and developed, tested, produced, or  
5 released in a foreign country could quickly spread to  
6 the United States. Considering the realities of inter-  
7 national travel, trade, and migration patterns, a  
8 dangerous pathogen appearing naturally, acciden-  
9 tally, or intentionally anywhere in the world can  
10 spread to the United States in a matter of days, be-  
11 fore any effective quarantine or isolation measures  
12 could be implemented.

13 (5) To combat bioterrorism effectively and en-  
14 sure that the United States is fully prepared to pre-  
15 vent, recognize, and contain a biological weapons at-  
16 tack or emerging infectious disease, measures to  
17 strengthen the domestic public health infrastructure  
18 and improve domestic event detection, surveillance,  
19 and response, while absolutely essential, are not suf-  
20 ficient.

21 (6) The United States should enhance coopera-  
22 tion with the World Health Organization, regional  
23 international health organizations, and individual  
24 countries, including data sharing with appropriate  
25 agencies and departments of the United States, to

1 help detect and quickly contain infectious disease  
2 outbreaks or a bioterrorism agent before such a dis-  
3 ease or agent is spread.

4 (7) The World Health Organization has done  
5 an impressive job in monitoring infectious disease  
6 outbreaks around the world, notably in the April  
7 2000 establishment and subsequent operation of the  
8 Global Outbreak Alert and Response Network.

9 (8) The capabilities of the World Health Orga-  
10 nization depend on the timeliness and quality of the  
11 data and information the Organization receives from  
12 the countries that are members of the Organization,  
13 pursuant to the 2005 revision of the International  
14 Health Regulations. Developing countries, in par-  
15 ticular, often lack the necessary resources to build  
16 and maintain effective public health infrastructures.

17 (9) Developing countries could benefit from—

18 (A) better trained public health profes-  
19 sionals and epidemiologists to recognize disease  
20 patterns;

21 (B) appropriate laboratory equipment for  
22 diagnosis of pathogens;

23 (C) disease reporting systems that—

24 (i) are based on disease and syndrome  
25 surveillance; and



1 (ii) could enable an effective response  
2 to a biological event to begin at the earliest  
3 possible opportunity;

4 (D) a narrowing of the existing technology  
5 gap in disease and syndrome surveillance capa-  
6 bilities, based on reported symptoms, and real-  
7 time information dissemination to public health  
8 officials; and

9 (E) appropriate communications equip-  
10 ment and information technology to efficiently  
11 transmit information and data within national,  
12 international regional, and international health  
13 networks, including inexpensive, Internet-based  
14 geographic information systems and relevant  
15 telephone-based systems for early recognition  
16 and diagnosis of diseases.

17 (10) An effective international capability to de-  
18 tect, monitor, and quickly diagnose infectious disease  
19 outbreaks will offer dividends not only in the event  
20 of biological weapons development, testing, produc-  
21 tion, and attack, but also in the more likely cases of  
22 naturally occurring infectious disease outbreaks that  
23 could threaten the United States. Furthermore, a  
24 robust surveillance system will serve to deter or con-

1       tain terrorist use of biological weapons, mitigating  
2       the intended effects of such malevolent uses.

3       (b) PURPOSES.—The purposes of this title are as fol-  
4       lows:

5               (1) To enhance the capability of the inter-  
6       national community, through international health or-  
7       ganizations and individual countries, to detect, iden-  
8       tify, and contain infectious disease outbreaks, wheth-  
9       er the cause of those outbreaks is intentional human  
10      action or natural in origin.

11              (2) To enhance the training of public health  
12      professionals and epidemiologists from eligible devel-  
13      oping countries in advanced Internet-based disease  
14      and syndrome surveillance systems, in addition to  
15      traditional epidemiology methods, so that such pro-  
16      fessionals and epidemiologists may better detect, di-  
17      agnose, and contain infectious disease outbreaks, es-  
18      pecially such outbreaks caused by the pathogens that  
19      may be likely to be used in a biological weapons at-  
20      tack.

21              (3) To provide assistance to eligible developing  
22      countries to purchase appropriate communications  
23      equipment and information technology to detect,  
24      analyze, and report biological threats, including—

1 (A) relevant computer equipment, Internet  
 2 connectivity mechanisms, and telephone-based  
 3 applications to effectively gather, analyze, and  
 4 transmit public health information for infec-  
 5 tious disease surveillance and diagnosis; and

6 (B) appropriate computer equipment and  
 7 Internet connectivity mechanisms—

8 (i) to facilitate the exchange of Geo-  
 9 graphic Information Systems-based disease  
 10 and syndrome surveillance information;  
 11 and

12 (ii) to effectively gather, analyze, and  
 13 transmit public health information for in-  
 14 fectionous disease surveillance and diagnosis.

15 (4) To make available greater numbers of pub-  
 16 lic health professionals who are employed by the  
 17 Government of the United States to international re-  
 18 gional and international health organizations, inter-  
 19 national regional and international health networks,  
 20 and United States diplomatic missions, as appro-  
 21 priate.

22 (5) To expand the training and outreach activi-  
 23 ties of United States laboratories located in foreign  
 24 countries, including the Centers for Disease Control  
 25 and Prevention or Department of Defense labora-

1       tories, to enhance the public health capabilities of  
2       developing countries.

3           (6) To provide appropriate technical assistance  
4       to existing international regional and international  
5       health networks and, as appropriate, seed money for  
6       new international regional and international net-  
7       works.

8   **SEC. 503. DEFINITIONS.**

9       In this title:

10           (1) **ELIGIBLE DEVELOPING COUNTRY.**—The  
11       term “eligible developing country” means any devel-  
12       oping country that—

13           (A) has agreed to the objective of fully  
14       complying with requirements of the World  
15       Health Organization on reporting public health  
16       information on outbreaks of infectious diseases;

17           (B) has not been determined by the Sec-  
18       retary, for purposes of section 40 of the Arms  
19       Export Control Act (22 U.S.C. 2780), section  
20       620A of the Foreign Assistance Act of 1961  
21       (22 U.S.C. 2371), or section 6(j) of the Export  
22       Administration Act of 1979 (as in effect pursu-  
23       ant to the International Emergency Economic  
24       Powers Act; 50 U.S.C. 1701 et seq.), to have  
25       repeatedly provided support for acts of inter-

1 national terrorism, unless the Secretary exer-  
 2 cises a waiver certifying that it is in the na-  
 3 tional interest of the United States to provide  
 4 assistance under the provisions of this title; and

5 (C) is a party to the Convention on the  
 6 Prohibition of the Development, Production and  
 7 Stockpiling of Bacteriological (Biological) and  
 8 Toxin Weapons and on Their Destruction, done  
 9 at Washington, London, and Moscow April 10,  
 10 1972 (26 UST 583).

11 (2) ELIGIBLE NATIONAL.—The term “eligible  
 12 national” means any citizen or national of an eligible  
 13 developing country who—

14 (A) does not have a criminal background;

15 (B) is not on any immigration or other  
 16 United States watch list; and

17 (C) is not affiliated with any foreign ter-  
 18 rorist organization.

19 (3) INTERNATIONAL HEALTH ORGANIZATION.—  
 20 The term “international health organization” in-  
 21 cludes the World Health Organization, regional of-  
 22 fices of the World Health Organization, and such  
 23 similar international organizations as the Pan Amer-  
 24 ican Health Organization.

1           (4) LABORATORY.—The term “laboratory”  
 2       means a facility for the biological, microbiological,  
 3       serological, chemical, immuno-hematological,  
 4       hematological, biophysical, cytological, pathological,  
 5       or other medical examination of materials derived  
 6       from the human body for the purpose of providing  
 7       information for the diagnosis, prevention, or treat-  
 8       ment of any disease or impairment of, or the assess-  
 9       ment of the health of, human beings.

10           (5) SECRETARY.—Unless otherwise provided,  
 11       the term “Secretary” means the Secretary of State.

12           (6) DISEASE AND SYNDROME SURVEILLANCE.—  
 13       The term “disease and syndrome surveillance”  
 14       means the recording of clinician-reported symptoms  
 15       (patient complaints) and signs (derived from phys-  
 16       ical examination and laboratory data) combined with  
 17       simple geographic locators to track the emergence of  
 18       a disease in a population.

19 **SEC. 504. ELIGIBILITY FOR ASSISTANCE.**

20       (a) IN GENERAL.—Except as provided in subsection  
 21       (b), assistance may be provided to an eligible developing  
 22       country under any provision of this title only if the govern-  
 23       ment of the eligible developing country—

24           (1) permits personnel from the World Health  
 25       Organization and the Centers for Disease Control

1       and Prevention to investigate outbreaks of infectious  
2       diseases within the borders of such country; and

3           (2) provides pathogen surveillance data to the  
4       appropriate agencies and departments of the United  
5       States and to international health organizations.

6       (b) WAIVER.—The Secretary may waive the prohibi-  
7       tion set out in subsection (a) if the Secretary determines  
8       that it is in the national interest of the United States to  
9       provide such a waiver.

10       (c) PRIOR NOTICE OF WAIVERS.—A waiver pursuant  
11       to subsection (b) may not be executed until 15 days after  
12       the Secretary provides to the Committee on Foreign Rela-  
13       tions of the Senate and the Committee on Foreign Affairs  
14       of the House of Representatives written notice of the in-  
15       tent to issue such waiver and the reasons for doing so.

16       **SEC. 505. RESTRICTION.**

17       (a) IN GENERAL.—Notwithstanding any other provi-  
18       sion of this title, no foreign national participating in a pro-  
19       gram authorized under this title shall have access, during  
20       the course of such participation, to a select agent or toxin  
21       described in section 73.4 of title 42, Code of Federal Reg-  
22       ulations (or any corresponding similar regulation) or an  
23       overlap select agent or toxin described in section 73.5 of  
24       such title (or any corresponding similar regulation) that

1 may be used as, or in, a biological weapon, except in a  
2 supervised and controlled setting.

3 (b) RELATIONSHIP TO REGULATIONS.—The restric-  
4 tion set out in subsection (a) may not be construed to limit  
5 the ability of the Secretary of Health and Human Services  
6 to prescribe, through regulation, standards for the han-  
7 dling of a select agent or toxin or an overlap select agent  
8 or toxin described in such subsection.

9 **SEC. 506. FELLOWSHIP PROGRAM.**

10 (a) ESTABLISHMENT.—There is established a fellow-  
11 ship program under which the Secretary, in consultation  
12 with the Secretary of Health and Human Services and the  
13 Secretary of Homeland Security and subject to the avail-  
14 ability of appropriations, shall award fellowships to eligible  
15 nationals to pursue public health education or training,  
16 as follows:

17 (1) MASTER OF PUBLIC HEALTH DEGREE.—  
18 Graduate courses of study leading to a master of  
19 public health degree with a concentration in epidemi-  
20 ology from an institution of higher education in the  
21 United States with a Center for Public Health Pre-  
22 paredness, as determined by the Director of the Cen-  
23 ters for Disease Control and Prevention.

24 (2) ADVANCED PUBLIC HEALTH EPIDEMIOLOGY  
25 TRAINING.—Advanced public health training in epi-



1        demiology for public health professionals from eligi-  
2        ble developing countries to be carried out at the  
3        Centers for Disease Control and Prevention, an ap-  
4        propriate facility of a State, or an appropriate facil-  
5        ity of another agency or department of the United  
6        States (other than a facility of the Department of  
7        Defense or a national laboratory of the Department  
8        of Energy) for a period of not less than 6 months  
9        or more than 12 months.

10       (b) SPECIALIZATION IN BIOTERRORISM.—In addition  
11       to the education or training specified in subsection (a),  
12       each recipient of a fellowship under this section (in this  
13       section referred to as a “fellow”) may take courses of  
14       study at the Centers for Disease Control and Prevention  
15       or at an equivalent facility on diagnosis and containment  
16       of likely bioterrorism agents.

17       (c) FELLOWSHIP AGREEMENT.—

18                (1) IN GENERAL.—A fellow shall enter into an  
19       agreement with the Secretary under which the fellow  
20       agrees—

21                        (A) to maintain satisfactory academic  
22                        progress, as determined in accordance with reg-  
23                        ulations issued by the Secretary and confirmed  
24                        in regularly scheduled updates to the Secretary  
25                        from the institution providing the education or

1 training on the progress of the fellow's edu-  
2 cation or training;

3 (B) upon completion of such education or  
4 training, to return to the fellow's country of na-  
5 tionality or last habitual residence (so long as  
6 it is an eligible developing country) and com-  
7 plete at least 4 years of employment in a public  
8 health position in the government or a non-  
9 governmental, not-for-profit entity in that coun-  
10 try or, with the approval of the Secretary, com-  
11 plete part or all of this requirement through  
12 service with an international health organiza-  
13 tion without geographic restriction; and

14 (C) that, if the fellow is unable to meet the  
15 requirements described in subparagraph (A) or  
16 (B), the fellow shall reimburse the United  
17 States for the value of the assistance provided  
18 to the fellow under the fellowship program, to-  
19 gether with interest at a rate that—

20 (i) is determined in accordance with  
21 regulations issued by the Secretary; and

22 (ii) is not higher than the rate gen-  
23 erally applied in connection with other  
24 Federal loans.

1           (2) WAIVERS.—The Secretary may waive the  
2           application of subparagraph (B) or (C) of paragraph  
3           (1) on a case by case basis if the Secretary deter-  
4           mines that—

5                   (A) it is in the national interest of the  
6           United States to provide such a waiver; or

7                   (B) humanitarian considerations require  
8           such a waiver.

9           (d) AGREEMENT.—The Secretary, in consultation  
10          with the Secretary of Health and Human Services and the  
11          Secretary of Homeland Security, is authorized to enter  
12          into an agreement with the government of an eligible de-  
13          veloping country under which such government agrees—

14                  (1) to establish a procedure for the nomination  
15                  of eligible nationals for fellowships under this sec-  
16                  tion;

17                  (2) to guarantee that a fellow will be offered a  
18                  professional public health position within the devel-  
19                  oping country upon completion of the fellow's stud-  
20                  ies; and

21                  (3) to submit to the Secretary a certification  
22                  stating that a fellow has concluded the minimum pe-  
23                  riod of employment in a public health position re-  
24                  quired by the fellowship agreement, including an ex-  
25                  planation of how the requirement was met.

1 (e) PARTICIPATION OF UNITED STATES CITIZENS.—

2 On a case-by-case basis, the Secretary may provide for the  
3 participation of a citizen of the United States in the fel-  
4 lowship program under the provisions of this section if—

5 (1) the Secretary determines that it is in the  
6 national interest of the United States to provide for  
7 such participation; and

8 (2) the citizen of the United States agrees to  
9 complete, at the conclusion of such participation, at  
10 least 5 years of employment in a public health posi-  
11 tion in an eligible developing country or at an inter-  
12 national health organization.

13 (f) USE OF EXISTING PROGRAMS.—The Secretary,  
14 with the concurrence of the Secretary of Health and  
15 Human Services, may elect to use existing programs of  
16 the Department of Health and Human Services to provide  
17 the education and training described in subsection (a) if  
18 the requirements of subsections (b), (c), and (d) will be  
19 substantially met under such existing programs.

20 **SEC. 507. IN-COUNTRY TRAINING IN LABORATORY TECH-**  
21 **NIQUES AND DISEASE AND SYNDROME SUR-**  
22 **VEILLANCE.**

23 (a) LABORATORY TECHNIQUES.—

24 (1) IN GENERAL.—The Secretary, after con-  
25 sultation with the Secretary of Health and Human

1 Services, the Secretary of Defense, and the Sec-  
2 retary of Homeland Security and in conjunction with  
3 elements of those departments that engage in activi-  
4 ties of this type overseas, and subject to the avail-  
5 ability of appropriations, shall provide assistance for  
6 short training courses for eligible nationals who are  
7 laboratory technicians or other public health per-  
8 sonnel in laboratory techniques relating to the iden-  
9 tification, diagnosis, and tracking of pathogens re-  
10 sponsible for possible infectious disease outbreaks.

11 (2) LOCATION.—The training described in  
12 paragraph (1) shall be held outside the United  
13 States and may be conducted in facilities of the Cen-  
14 ters for Disease Control and Prevention located in  
15 foreign countries or in Overseas Medical Research  
16 Units of the Department of Defense, as appropriate.

17 (3) COORDINATION WITH EXISTING PRO-  
18 GRAMS.—The Secretary shall coordinate the training  
19 described in paragraph (1), where appropriate, with  
20 existing programs and activities of international  
21 health organizations.

22 (b) DISEASE AND SYNDROME SURVEILLANCE.—

23 (1) IN GENERAL.—The Secretary, after con-  
24 sultation with the Secretary of Health and Human  
25 Services, the Secretary of Defense, and the Sec-

(3) COORDINATION WITH EXISTING PROGRAMS.—The Secretary shall coordinate the training described in paragraph (1), where appropriate, with existing programs and activities of international regional and international health organizations.

(a) AUTHORIZATION.—The President is authorized to provide, on such terms and conditions as the President may determine, assistance to eligible developing countries

1 to purchase and maintain the public health laboratory  
2 equipment and supplies described in subsection (b).

3 (b) EQUIPMENT AND SUPPLIES COVERED.—The  
4 equipment and supplies described in this subsection are  
5 equipment and supplies that are—

6 (1) appropriate, to the extent possible, for use  
7 in the intended geographic area;

8 (2) necessary to collect, analyze, and identify  
9 expeditiously a broad array of pathogens, including  
10 mutant strains, which may cause disease outbreaks  
11 or may be used in a biological weapon;

12 (3) compatible with general standards set forth  
13 by the World Health Organization and, as appro-  
14 priate, the Centers for Disease Control and Preven-  
15 tion, to ensure interoperability with international re-  
16 gional and international public health networks; and

17 (4) not defense articles, defense services, or  
18 training, as such terms are defined in the Arms Ex-  
19 port Control Act (22 U.S.C. 2751 et seq.).

20 (c) RULE OF CONSTRUCTION.—Nothing in this sec-  
21 tion shall be construed to exempt the exporting of goods  
22 and technology from compliance with applicable provisions  
23 of the Export Administration Act of 1979 (as in effect  
24 pursuant to the International Emergency Economic Pow-  
25 ers Act; 50 U.S.C. 1701 et seq.).

1       (d) LIMITATION.—Amounts appropriated to carry  
2 out this section shall not be made available for the pur-  
3 chase from a foreign country of equipment or supplies  
4 that, if made in the United States, would be subject to  
5 the Arms Export Control Act (22 U.S.C. 2751 et seq.)  
6 or likely be barred or subject to special conditions under  
7 the Export Administration Act of 1979 (as in effect pursu-  
8 ant to the International Emergency Economic Powers Act;  
9 50 U.S.C. 1701 et seq.).

10       (e) PROCUREMENT PREFERENCE.—In the use of  
11 grant funds authorized under subsection (a), preference  
12 should be given to the purchase of equipment and supplies  
13 of United States manufacture. The use of amounts appro-  
14 priated to carry out this section shall be subject to section  
15 604 of the Foreign Assistance Act of 1961 (22 U.S.C.  
16 2354).

17       (f) COUNTRY COMMITMENTS.—The assistance pro-  
18 vided under this section for equipment and supplies may  
19 be provided only if the eligible developing country that re-  
20 ceives such equipment and supplies agrees to provide the  
21 infrastructure, technical personnel, and other resources re-  
22 quired to house, maintain, support, secure, and maximize  
23 use of such equipment and supplies.



1 **SEC. 509. ASSISTANCE FOR IMPROVED COMMUNICATION**  
2 **OF PUBLIC HEALTH INFORMATION.**

3 (a) ASSISTANCE FOR PURCHASE OF COMMUNICATION  
4 EQUIPMENT AND INFORMATION TECHNOLOGY.—The  
5 President is authorized to provide, on such terms and con-  
6 ditions as the President may determine, assistance to eligi-  
7 ble developing countries to purchase and maintain the  
8 communications equipment and information technology  
9 described in subsection (b), and the supporting equipment,  
10 necessary to effectively collect, analyze, and transmit pub-  
11 lic health information.

12 (b) COVERED EQUIPMENT.—The communications  
13 equipment and information technology described in this  
14 subsection are communications equipment and informa-  
15 tion technology that—

16 (1) are suitable for use under the particular  
17 conditions of the area of intended use;

18 (2) meet the standards set forth by the World  
19 Health Organization and, as appropriate, the Sec-  
20 retary of Health and Human Services, to ensure  
21 interoperability with like equipment of other coun-  
22 tries and international organizations; and

23 (3) are not defense articles, defense services, or  
24 training, as those terms are defined in the Arms Ex-  
25 port Control Act (22 U.S.C. 2751 et seq.).

1       (c) RULE OF CONSTRUCTION.—Nothing in this sec-  
2 tion shall be construed to exempt the exporting of goods  
3 and technology from compliance with applicable provisions  
4 of the Export Administration Act of 1979 (as in effect  
5 pursuant to the International Emergency Economic Pow-  
6 ers Act; 50 U.S.C. 1701 et seq.).

7       (d) LIMITATION.—Amounts appropriated to carry  
8 out this section shall not be made available for the pur-  
9 chase from a foreign country of communications equip-  
10 ment or information technology that, if made in the  
11 United States, would be subject to the Arms Export Con-  
12 trol Act (22 U.S.C. 2751 et seq.) or likely be barred or  
13 subject to special conditions under the Export Administra-  
14 tion Act of 1979 (as in effect pursuant to the Inter-  
15 national Emergency Economic Powers Act; 50 U.S.C.  
16 1701 et seq.).

17       (e) PROCUREMENT PREFERENCE.—In the use of  
18 grant funds under subsection (a), preference should be  
19 given to the purchase of communications equipment and  
20 information technology of United States manufacture. The  
21 use of amounts appropriated to carry out this section shall  
22 be subject to section 604 of the Foreign Assistance Act  
23 of 1961 (22 U.S.C. 2354).

24       (f) ASSISTANCE FOR STANDARDIZATION OF REPORT-  
25 ING.—The President is authorized to provide, on such

1 terms and conditions as the President may determine,  
 2 technical assistance and grant assistance to international  
 3 health organizations to facilitate standardization in the re-  
 4 porting of public health information between and among  
 5 developing countries and international health organiza-  
 6 tions.

7 (g) COUNTRY COMMITMENTS.—The assistance pro-  
 8 vided under this section for communications equipment  
 9 and information technology may be provided only if the  
 10 eligible developing country that receives such equipment  
 11 and technology agrees to provide the infrastructure, tech-  
 12 nical personnel, and other resources required to house,  
 13 maintain, support, secure, and maximize use of such  
 14 equipment and technology.

15 **SEC. 510. ASSIGNMENT OF PUBLIC HEALTH PERSONNEL TO**  
 16 **UNITED STATES MISSIONS AND INTER-**  
 17 **NATIONAL ORGANIZATIONS.**

18 (a) IN GENERAL.—Upon the request of the chief of  
 19 a diplomatic mission of the United States or of the head  
 20 of an international regional or international health organi-  
 21 zation, and with the concurrence of the Secretary and of  
 22 the employee concerned, the head of an agency or depart-  
 23 ment of the United States may assign to the mission or  
 24 the organization any officer or employee of the agency or  
 25 department that occupies a public health position within

1 the agency or department for the purpose of enhancing  
2 disease and pathogen surveillance efforts in developing  
3 countries.

4 (b) REIMBURSEMENT.—The costs incurred by an  
5 agency or department of the United States by reason of  
6 the detail of personnel under subsection (a) may be reim-  
7 bursed to that agency or department out of the applicable  
8 appropriations account of the Department of State if the  
9 Secretary determines that the agency or department may  
10 otherwise be unable to assign such personnel on a non-  
11 reimbursable basis.

12 **SEC. 511. EXPANSION OF CERTAIN UNITED STATES GOV-**  
13 **ERNMENT LABORATORIES ABROAD.**

14 (a) IN GENERAL.—Subject to the availability of ap-  
15 propriations and with the concurrence of the government  
16 of each host country, the Director of the Centers for Dis-  
17 ease Control and Prevention and the Secretary of Defense  
18 shall each—

19 (1) increase the number of personnel assigned  
20 to laboratories of the Centers for Disease Control  
21 and Prevention or the Department of Defense, as  
22 appropriate, located in eligible developing countries  
23 that conduct research and other activities with re-  
24 spect to infectious diseases; and

1           (2) expand the operations of such laboratories,  
 2           especially with respect to the implementation of on-  
 3           site training of foreign nationals and activities af-  
 4           fecting the region in which the country is located.

5           (b) COOPERATION AND COORDINATION BETWEEN  
 6 LABORATORIES.—Subsection (a) shall be carried out in  
 7 such a manner as to foster cooperation and avoid duplica-  
 8 tion between and among laboratories.

9           (c) RELATION TO CORE MISSIONS AND SECURITY.—  
 10 The expansion of the operations of the laboratories of the  
 11 Centers for Disease Control and Prevention or the Depart-  
 12 ment of Defense located in foreign countries under this  
 13 section may not—

14           (1) detract from the established core missions  
 15           of the laboratories; or

16           (2) compromise the security of those labora-  
 17           tories, as well as their research, equipment, exper-  
 18           tise, and materials.

19 **SEC. 512. ASSISTANCE FOR INTERNATIONAL HEALTH NET-**  
 20 **WORKS AND EXPANSION OF FIELD EPIDEMI-**  
 21 **LOGY TRAINING PROGRAMS.**

22           (a) AUTHORITY.—The President is authorized, on  
 23 such terms and conditions as the President may deter-  
 24 mine, to provide assistance for the purposes of—

1           (1) enhancing the surveillance and reporting ca-  
2           pabilities of the World Health Organization and ex-  
3           isting international regional and international health  
4           networks; and

5           (2) developing new international regional and  
6           international health networks.

7           (b) **EXPANSION OF FIELD EPIDEMIOLOGY TRAINING**  
8 **PROGRAMS.**—The Secretary of Health and Human Serv-  
9 ices is authorized to establish new country or regional  
10 international Field Epidemiology Training Programs in el-  
11 igible developing countries, with the concurrence of the  
12 government of each host country.

13 **SEC. 513. REPORTS.**

14       Not later than 90 days after the date of enactment  
15 of this Act, the Secretary, in conjunction with the Sec-  
16 retary of Health and Human Services, the Secretary of  
17 Defense, and the Secretary of Homeland Security, shall  
18 submit to the Committee on Foreign Relations and the  
19 Committee on Homeland Security and Governmental Af-  
20 fairs of the Senate and the Committee on Foreign Affairs  
21 and the Committee on Homeland Security of the House  
22 of Representatives a report on the implementation of pro-  
23 grams under this title, including an estimate of the level  
24 of funding required to carry out such programs at a suffi-  
25 cient level.

1 **SEC. 514. AUTHORIZATION OF APPROPRIATIONS.**

2 (a) AUTHORIZATION OF APPROPRIATIONS.—Subject  
3 to subsection (c), there are authorized to be appropriated  
4 for the purpose of carrying out activities under this title  
5 the following amounts:

6 (1) \$40,000,000 for fiscal year 2009.

7 (2) \$75,000,000 for fiscal year 2010.

8 (b) AVAILABILITY OF FUNDS.—The amounts appro-  
9 priated pursuant to subsection (a) are authorized to re-  
10 main available until expended.

11 (c) LIMITATION ON OBLIGATION OF FUNDS.—Not  
12 more than 10 percent of the amount appropriated pursu-  
13 ant to subsection (a)(1) may be obligated before the date  
14 on which a report is submitted, or required to be sub-  
15 mitted, whichever first occurs, under section 513.

16 **TITLE VI—INTERNATIONAL**  
17 **SPACE STATION PAYMENTS**

18 **SEC. 601. SHORT TITLE.**

19 This title may be cited as the “International Space  
20 Station Payments Act of 2008”.

21 **SEC. 602. AUTHORITY TO MAKE CERTAIN EXTRAORDINARY**  
22 **PAYMENTS IN CONNECTION WITH THE**  
23 **INTERNATIONAL SPACE STATION.**

24 Section 7(1)(B) of the Iran, North Korea, and Syria  
25 Nonproliferation Act (Public Law 106–178; 50 U.S.C.  
26 1701 note) is amended—

1           (1) by striking “except that such term does not  
2       mean payments” and inserting the following: “except  
3       that such term does not mean—

4                       “(i) payments”;

5           (2) by striking “or contract related thereto.”  
6       and inserting “or contract related thereto; or”; and

7           (3) by adding at the end the following new  
8       clause:

9                       “(ii) payments in cash or in kind  
10           made or to be made by the United States  
11           Government between January 1, 2012, and  
12           reentry into Earth’s atmosphere of the  
13           International Space Station at its end of  
14           life, for work to be performed or services  
15           to be rendered during that period nec-  
16           essary to meet United States obligations  
17           under the Agreement Concerning Coopera-  
18           tion on the Civil International Space Sta-  
19           tion, with annex, signed at Washington  
20           January 29, 1998, and entered into force  
21           March 27, 2001, or any protocol, agree-  
22           ment, memorandum of understanding, or  
23           contract related thereto, except that this  
24           clause does not allow for payments in cash



1 or in kind to be made by the United States  
2 Government for—

3 “(I) any cargo services provided  
4 by a Progress vehicle; or

5 “(II) any crew transportation or  
6 rescue services provided by a Soyuz  
7 vehicle after—

8 “(aa) the Orion Crew Explo-  
9 ration Vehicle reaches full oper-  
10 ational capability; or

11 “(bb) a United States com-  
12 mercial provider of crew trans-  
13 portation and rescue services  
14 demonstrates the capability to  
15 meet mission requirements of the  
16 International Space Station.”.

**Calendar No. 1074**

110<sup>TH</sup> CONGRESS  
2<sup>D</sup> Session

**S. 3563**

[Report No. 110-496]

**A BILL**

To authorize appropriations under the Arms Export Control Act and the Foreign Assistance Act of 1961 for security assistance for fiscal years 2009 and 2010, and for other purposes.

SEPTEMBER 24 (legislative day, SEPTEMBER 17), 2008

Read twice and placed on the calendar