

**Calendar No. 724**

111<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

**S. 3798**

To authorize appropriations of United States assistance to help eliminate conditions in foreign prisons and other detention facilities that do not meet minimum humane standards of health, sanitation, and safety, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

SEPTEMBER 16, 2010

Mr. LEAHY (for himself and Mr. BROWNBACK) introduced the following bill;  
which was read twice and referred to the Committee on Foreign Relations

DECEMBER 21, 2010

Reported by Mr. KERRY, with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

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**A BILL**

To authorize appropriations of United States assistance to help eliminate conditions in foreign prisons and other detention facilities that do not meet minimum humane standards of health, sanitation, and safety, 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,*

1 **SECTION 1. SHORT TITLE.**

2       This Act may be cited as the “Foreign Prison Condi-  
3 tions Improvement Act of 2010”.

4 **SEC. 2. FINDINGS.**

5       Congress makes the following findings:

6           (1) Millions of incarcerated people in the world  
7       suffer inhumane conditions in prisons and other de-  
8       tention facilities that are overerowed, unsanitary,  
9       and unsafe to the point of endangering their lives.

10          (2) According to a 2009 International Centre  
11       for Prison Studies report, there are an estimated  
12       9,800,000 people held in penal institutions in the  
13       world, with prison populations increasing in 71 per-  
14       cent of the over 200 countries surveyed.

15          (3) Rates of malnutrition, disease, and death  
16       among prisoners and other detainees far exceed  
17       those of the general population, and medical treat-  
18       ment for serious illness or injury is, in many in-  
19       stances, non-existent or grossly inadequate.

20          (4) These conditions are compounded by severe  
21       overcrowding in prisons and other detention facili-  
22       ties. Excessive pre-trial detention and dysfunctional  
23       justice systems frequently result in prisoners and  
24       other detainees spending years in such conditions be-  
25       fore their cases are adjudicated. In some countries,  
26       such facilities are filled to capacity many times over

1       resulting in conditions so cramped that individual  
2       prisoners cannot move without all doing so en  
3       masse.

4               (5) Amnesty International's 2009 State of the  
5       World's Human Rights Report documented wide-  
6       spread inhumane prison conditions, including over-  
7       crowding, inadequate food and water, no access to  
8       hygiene products or medical care, juveniles detained  
9       with adults, and denial of visits from family.

10              (6) Some governments fail to provide even the  
11       most rudimentary sanitation in prisons and other  
12       detention facilities, putting prisoners and other de-  
13       tainees at even greater risk of easily preventable and  
14       often life-threatening diseases. Toilets are few or  
15       non-existent and human waste repositories often are  
16       located among the general prison population, forcing  
17       prisoners to eat, sleep, and live in grossly unsanitary  
18       conditions.

19              (7) According to a 2009 report by the United  
20       Nations Economic and Social Council's Commission  
21       on Crime Prevention and Criminal Justice, former  
22       prisoners are likely to spread diseases contracted in  
23       prison to the local population.

24              (8) Some governments fail to permit prisoners  
25       and other detainees reasonable exercise of religious

1       worship or contact with family members or other  
2       visitors.

3           (9) According to the United States Commission  
4       on International Religious Freedom's 2009 Annual  
5       Report, religious prisoners have been confined to  
6       overcrowded cells, exposed to extreme temperature  
7       fluctuations, denied adequate food and medical care,  
8       and denied access to clergy and religious literature.

9           (10) Inhumane conditions in prisons and other  
10       detention facilities often exist in countries where re-  
11       sources for law enforcement are limited and only a  
12       small fraction of such resources are made available  
13       for the operation and maintenance of prisons and  
14       other detention facilities. Inadequate, misplaced, or  
15       lost prison records often result in prisoners and de-  
16       tainees being incarcerated indefinitely because of  
17       never being tried or otherwise adjudicated, and being  
18       held long after their sentences have expired thereby  
19       further swelling prison populations. Allocating the  
20       relatively modest resources necessary to provide for  
21       the basic human needs of prisoners and other de-  
22       tainees and to remediate the inhumane conditions  
23       under which such prisoners are held is often a low  
24       priority.

1           (11) The United States Government currently  
2           provides significant amounts of assistance to coun-  
3           tries whose governments operate prisons and other  
4           detention facilities that, because of their inhumane  
5           conditions, seriously jeopardize the lives of prisoners  
6           and other detainees held under their authority.

7           (12) The Department of State's 2009 Country  
8           Reports on Human Rights Practices reported prison  
9           conditions as poor, inhumane, or life threatening in  
10          more than 100 countries, all of which receive United  
11          States assistance.

12          (13) The United States Government should use  
13          its influence and resources to help ensure that gov-  
14          ernments that receive United States assistance do  
15          not operate prisons and other detention facilities  
16          under inhumane conditions. The United States Gov-  
17          ernment also should assist countries that are making  
18          significant efforts to eliminate inhumane conditions  
19          in prisons and other detention facilities.

20          (14) Eliminating inhumane conditions in for-  
21          eign prisons and other detention facilities will  
22          strengthen the rule of law, save lives, and enhance  
23          the health and well-being of vulnerable people in  
24          poor countries, and it will advance United States in-  
25          terests.

1 **SEC. 3. DEFINITIONS.**

2 In this Act:

3 (1) **APPROPRIATE CONGRESSIONAL COMMIT-**  
4 **TEES.**—The term “appropriate congressional com-

5 mittees” means—

6 (A) the Committee on Appropriations and  
7 the Committee on Foreign Relations of the Sen-  
8 ate; and

9 (B) the Committee on Appropriations and  
10 the Committee on Foreign Affairs of the House  
11 of Representatives.

12 (2) **MINIMUM STANDARDS FOR THE ELIMI-**  
13 **NATION OF INHUMANE CONDITIONS IN FOREIGN**  
14 **PRISONS AND OTHER DETENTION FACILITIES.**—The  
15 term “minimum standards for the elimination of in-  
16 humane conditions in prisons and other detention fa-  
17 cilities” means, with respect to the operation or  
18 maintenance of prisons and other detention facilities  
19 in a foreign country that is a recipient of United  
20 States assistance, the following:

21 (A) The number of inmates or detainees  
22 held in a facility does not so exceed prison ca-  
23 pacity such that per capita floor space is insuf-  
24 ficient to allow for humane sleeping conditions  
25 and reasonable physical movement.

1           (B) Human waste facilities are sanitary  
2           and accessible, and human waste is disposed of  
3           regularly and in a sanitary manner.

4           (C) The lighting, ventilation, temperature,  
5           and physical construction of prisons and other  
6           detention facilities do not seriously endanger  
7           the health and safety of prisoners.

8           (D) Prisoners and other detainees have ac-  
9           cess to adequate food and potable drinking  
10          water.

11          (E) Prisoners and other detainees have ac-  
12          cess to essential and emergency medical care.

13          (F) To the maximum extent practicable,  
14          prisoners and other detainees are allowed reli-  
15          gious observance and materials, and contact  
16          with clergy, family, and friends, by both cor-  
17          respondence and personal visits.

18          (3) UNITED STATES ASSISTANCE.—The term  
19          “United States assistance” means any non-humani-  
20          tarian assistance furnished to carry out the provi-  
21          sions of the Foreign Assistance Act of 1961 (22  
22          U.S.C. 2151 et seq.), the Arms Export Control Act  
23          (22 U.S.C. 2751 et seq.), or the Millennium Chal-  
24          lenge Act of 2003 (22 U.S.C. 7701 et seq.).

1 **SEC. 4. ACTIONS TO HELP ELIMINATE INHUMANE CONDI-**  
2 **TIONS IN FOREIGN PRISONS AND OTHER DE-**  
3 **TENTION FACILITIES.**

4 (a) ANNUAL REPORT TO CONGRESS.—

5 (1) ANNUAL REPORT.—Not later than 180 days  
6 after the date of the enactment of this Act, and an-  
7 nually thereafter, the Secretary of State shall submit  
8 to the appropriate congressional committees a report  
9 describing the conditions in prisons and other deten-  
10 tion facilities in countries receiving United States  
11 assistance. The report shall include a list of those  
12 countries, if any, receiving United States assistance,  
13 whose governments—

14 (A) do not meet minimum standards for  
15 the elimination of inhumane conditions in pris-  
16 ons and other detention facilities but are mak-  
17 ing significant efforts to comply; and

18 (B) do not meet such standards and are  
19 not making significant efforts to comply.

20 (2) SIGNIFICANT EFFORTS.—In making deter-  
21 minations under paragraph (1) as to whether the  
22 government of a country is making significant ef-  
23 forts to meet minimum standards for the elimination  
24 of inhumane conditions in prisons and other deten-  
25 tion facilities, the Secretary of State shall consider



1 the extent to which the government of the country  
2 is—

3 (A) regularly monitoring the conditions of  
4 prisons and other detention facilities under its  
5 authority, including permitting prisoners and  
6 other detainees to submit complaints without  
7 censorship; cooperating with international ex-  
8 perts on eliminating and monitoring inhumane  
9 conditions in prisons and other detention facili-  
10 ties; promptly investigating credible allegations  
11 of inhumane conditions; and making informa-  
12 tion concerning conditions and investigations  
13 available to the public and the Secretary of  
14 State;

15 (B) taking effective steps to eliminate in-  
16 humane conditions in prisons and other deten-  
17 tion facilities, which may include, among other  
18 steps, appointing ombudsmen to serve on behalf  
19 of prisoners and other detainees; providing al-  
20 ternatives to incarceration for nonviolent of-  
21 fenders in order to alleviate inhumane over-  
22 crowding; addressing the status and cir-  
23 cumstances of confinement of juveniles; improv-  
24 ing pretrial detention practices; and imple-  
25 menting bail and recordkeeping procedures to

1           reduce pretrial detention periods and to ensure  
 2           that prisoners do not serve beyond the max-  
 3           imum sentence for the charged offense; and

4           (C) increasing the amount of government  
 5           resources to eliminate inhumane conditions in  
 6           prisons and other detention facilities.

7           (3) USE OF COUNTRY REPORTS.—The report  
 8           required under paragraph (1) may draw from the  
 9           discussion of prison conditions contained in the  
 10          Country Reports on Human Rights Practices re-  
 11          quired under sections 116(d) and 502B(b) of the  
 12          Foreign Assistance Act of 1961 (22 U.S.C.  
 13          2151n(d) and 2304(b)), but shall for each country  
 14          provide a detailed and up to date report covering,  
 15          whenever possible, each of the issues set forth in sec-  
 16          tion 3(2).

17          (4) PUBLICATION.—The report required under  
 18          paragraph (1) shall be made available to the public,  
 19          including on a publicly available website of the De-  
 20          partment of State.

21          (b) ASSISTANCE FOR GOVERNMENTS MAKING SIG-  
 22          NIFICANT EFFORTS TO ELIMINATE INHUMANE CONDI-  
 23          TIONS IN PRISONS AND OTHER DETENTION FACILI-  
 24          TIES.—

1           (1) IN GENERAL.—The Secretary of State and  
2           the Administrator of the United States Agency for  
3           International Development should furnish assistance  
4           for the purpose of helping to eliminate inhumane  
5           conditions in prisons and other detention facilities to  
6           countries whose governments do not meet minimum  
7           standards for the elimination of inhumane conditions  
8           in prisons and other detention facilities but are mak-  
9           ing significant efforts to comply.

10          (2) INAPPLICABILITY OF FOREIGN ASSISTANCE  
11          ACT PROHIBITION.—The prohibitions under section  
12          660 of the Foreign Assistance Act of 1961 (22  
13          U.S.C. 2420) shall not be applicable to assistance  
14          furnished to carry out the provisions of paragraph  
15          (1).

16          (3) GRANT FUNDS.—Grants made under this  
17          subsection shall be designated and used exclusively  
18          to help eliminate inhumane conditions in the country  
19          receiving the grant, but may not include the con-  
20          struction of new prisons. Funds made available  
21          under this section shall be subject to the regular no-  
22          tification procedures of the Committees on Appro-  
23          priations of the Senate and the House of Represent-  
24          atives.

1       (c) NEGOTIATIONS WITH GOVERNMENTS NOT MAK-  
 2       ING SIGNIFICANT EFFORTS TO ELIMINATE INHUMANE  
 3       CONDITIONS IN PRISONS AND OTHER DETENTION FA-  
 4       CILITIES.—

5               (1) NEGOTIATIONS.—In the case of a govern-  
 6       ment receiving United States assistance that is listed  
 7       in the report submitted under subsection (a)(1)(B)  
 8       as not making significant efforts to eliminate inhu-  
 9       mane conditions in prisons and other detention fa-  
 10      cilities, the Secretary of State shall, not later than  
 11      90 days after the date such report is submitted,  
 12      enter into negotiations with such government to  
 13      achieve the purposes of this Act.

14              (2) ACTIONS REGARDING ASSISTANCE AND  
 15      VISAS.—

16               (A) ASSISTANCE.—The Secretary of State  
 17       and the Administrator of the United States  
 18       Agency for International Development may re-  
 19       structure, reprogram, or reduce United States  
 20       assistance for a government described in para-  
 21       graph (1) to achieve the purposes of this Act.

22               (B) VISAS.—The Secretary of State may  
 23       issue or deny visas for travel to the United  
 24       States by officials of a government described in

1 paragraph (1) to achieve the purposes of this  
2 Act.

3 ~~(3) REPORT.~~—Not later than 180 days after  
4 the beginning of the negotiations required under  
5 paragraph (1), the Secretary shall submit to the ap-  
6 propriate congressional committees a report describ-  
7 ing the actions taken or agreed to be taken, if any,  
8 during such negotiations by the government of that  
9 country that constitute significant efforts to elimi-  
10 nate inhumane conditions in prisons and other de-  
11 tention facilities and the actions taken, or that will  
12 be taken, by the United States pursuant to para-  
13 graph (2) regarding assistance and visas. If the Sec-  
14 retary determines that United States assistance to  
15 such government should not be restructured, repro-  
16 grammed, or reduced, or that visas should be issued  
17 or denied to officials of such government, the report  
18 shall contain a detailed explanation for that decision.

19 **SEC. 5. TRAINING FOR FOREIGN SERVICE OFFICERS.**

20 Section 708 of the Foreign Service Act of 1980 (22  
21 U.S.C. 4028) is amended by adding at the end the fol-  
22 lowing new subsection:

23 “(d) The Secretary of State, with the assistance of  
24 other relevant officials, shall establish as part of the stand-  
25 ard training provided for chiefs of mission, deputy chiefs

1 of mission, and other officers of the Service who are or  
 2 will be involved in the assessment of conditions in foreign  
 3 prisons and other detention facilities or the drafting of the  
 4 annual Country Reports on Human Rights Practices, in-  
 5 struction on matters related to conditions in such prisons  
 6 and other detention facilities and the substance of the  
 7 Foreign Prison Conditions Improvement Act of 2010.”.

8 **SEC. 6. NEW POSITION TO MONITOR FOREIGN PRISON CON-**  
 9 **DITIONS.**

10 The Secretary of State shall establish, within the Bu-  
 11 reau of Democracy, Human Rights, and Labor, a new full-  
 12 time equivalent Deputy Assistant Secretary level position  
 13 which shall have responsibility for advancing the purposes  
 14 of this Act.

15 **SEC. 7. AUTHORIZATION OF APPROPRIATIONS.**

16 The Secretary of State may use funds available for  
 17 any fiscal year to carry out the provisions of part I and  
 18 chapter 4 of part II of the Foreign Assistance Act of 1961  
 19 (22 U.S.C. 2151 et seq. and 22 U.S.C. 2346 et seq.) and  
 20 the Support for East European Democracy (SEED) Act  
 21 of 1989 (22 U.S.C. 5401 et seq.) to carry out the provi-  
 22 sions of section 4(b) and section 6 of this Act and section  
 23 708(d) of the Foreign Service Act of 1980, as added by  
 24 section 5.

1 **SEC. 8. RULE OF CONSTRUCTION.**

2 For purposes of this Act—

3 (1) the prohibitions of section 104(f) of the  
4 Foreign Assistance Act of 1961 (22 U.S.C.  
5 2151b(f)) shall apply and shall not be construed to  
6 be altered by this Act; and

7 (2) the minimum standards for foreign prisons  
8 and other detention facilities shall not be determined  
9 based on the provision of services for which funding  
10 is prohibited by that section.

11 **SECTION 1. SHORT TITLE.**

12 *This Act may be cited as the “Foreign Prison Condi-*  
13 *tions Improvement Act of 2010”.*

14 **SEC. 2. FINDINGS.**

15 *Congress makes the following findings:*

16 (1) *Millions of incarcerated people in the world*  
17 *suffer inhumane conditions in prisons and other de-*  
18 *tention facilities that are overcrowded, unsanitary,*  
19 *and unsafe to the point of endangering their lives.*

20 (2) *According to a 2009 International Centre for*  
21 *Prison Studies report, there are an estimated*  
22 *9,800,000 people held in penal institutions in the*  
23 *world, with prison populations increasing in 71 per-*  
24 *cent of the over 200 countries surveyed.*

25 (3) *Rates of malnutrition, disease, and death*  
26 *among prisoners and other detainees far exceed those*

1       of the general population, and medical treatment for  
 2       serious illness or injury is, in many instances, non-  
 3       existent or grossly inadequate.

4           (4) These conditions are compounded by severe  
 5       overcrowding in prisons and other detention facilities.  
 6       Excessive pre-trial detention and dysfunctional justice  
 7       systems frequently result in prisoners and other de-  
 8       tainees spending years in such conditions before their  
 9       cases are adjudicated. In some countries, such facili-  
 10      ties are filled to capacity many times over resulting  
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13          (5) Amnesty International's 2009 State of the  
 14      World's Human Rights Report documented wide-  
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 20      most rudimentary sanitation in prisons and other de-  
 21      tention facilities, putting prisoners and other detain-  
 22      ees at even greater risk of easily preventable and often  
 23      life-threatening diseases. Toilets are few or non-exist-  
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 25      among the general prison population, forcing pris-



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2        *ditions.*

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4        *Nations Economic and Social Council's Commission*  
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6        *prisoners are likely to spread diseases contracted in*  
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9        *and other detainees reasonable exercise of religious*  
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19       *detention facilities often exist in countries where re-*  
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10    *tries whose governments operate prisons and other de-*  
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20    *its influence and resources to help ensure that govern-*  
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 7        *countries, and it will advance United States interests.*

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9        *In this Act:*

10            *(1) APPROPRIATE CONGRESSIONAL COMMIT-*  
 11        *TEES.—The term “appropriate congressional commit-*  
 12        *tees” means—*

13                    *(A) the Committee on Appropriations and*  
 14                    *the Committee on Foreign Relations of the Sen-*  
 15                    *ate; and*

16                    *(B) the Committee on Appropriations and*  
 17                    *the Committee on Foreign Affairs of the House*  
 18                    *of Representatives.*

19            *(2) MINIMUM STANDARDS FOR THE ELIMINATION*  
 20        *OF INHUMANE CONDITIONS IN FOREIGN PRISONS AND*  
 21        *OTHER DETENTION FACILITIES.—The term “min-*  
 22        *imum standards for the elimination of inhumane con-*  
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 24        *means, with respect to the operation or maintenance*  
 25        *of prisons and other detention facilities in a foreign*

country that is a recipient of United States assistance, the following:

(A) The number of inmates or detainees held in a facility does not so exceed prison capacity such that per capita floor space is insufficient to allow for humane sleeping conditions and reasonable physical movement.

(B) Human waste facilities are sanitary and accessible, and human waste is disposed of regularly and in a sanitary manner.

(C) The lighting, ventilation, temperature, and physical construction of prisons and other detention facilities do not seriously endanger the health and safety of prisoners.

(D) Prisoners and other detainees have access to adequate food and potable drinking water.

(E) Prisoners and other detainees have access to essential and emergency medical care.

(F) To the maximum extent practicable, prisoners and other detainees are allowed religious observance and materials, and contact with clergy, family, and friends, by both correspondence and personal visits.

(3) UNITED STATES ASSISTANCE.—The term “United States assistance” means any non-humani-

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 2        *sions of the Foreign Assistance Act of 1961 (22 U.S.C.*  
 3        *2151 et seq.), the Arms Export Control Act (22 U.S.C.*  
 4        *2751 et seq.), or the Millennium Challenge Act of*  
 5        *2003 (22 U.S.C. 7701 et seq.).*

6    **SEC. 4. ACTIONS TO HELP ELIMINATE INHUMANE CONDI-**  
 7                                **TIONS IN FOREIGN PRISONS AND OTHER DE-**  
 8                                **TENTION FACILITIES.**

9        *(a) ANNUAL REPORT TO CONGRESS.—*

10                *(1) ANNUAL REPORT.—Not later than 180 days*  
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 14        *scribing the conditions in prisons and other detention*  
 15        *facilities in countries receiving United States assist-*  
 16        *ance. The report shall be submitted on or proximate*  
 17        *to the date of the Department of State's Country Re-*  
 18        *ports on Human Rights Practices and shall include*  
 19        *a list of those countries, if any, receiving United*  
 20        *States assistance, whose governments—*

21                        *(A) do not meet minimum standards for the*  
 22        *elimination of inhumane conditions in prisons*  
 23        *and other detention facilities but are making sig-*  
 24        *nificant efforts to comply; and*

1           (B) do not meet such standards and are not  
2           making significant efforts to comply.

3           (2) *SIGNIFICANT EFFORTS.*—In making deter-  
4           minations under paragraph (1) as to whether the gov-  
5           ernment of a country is making significant efforts to  
6           meet minimum standards for the elimination of inhu-  
7           mane conditions in prisons and other detention facili-  
8           ties, the Secretary of State shall consider the extent to  
9           which the government of the country is—

10           (A) regularly monitoring the conditions of  
11           prisons and other detention facilities under its  
12           authority, including permitting prisoners and  
13           other detainees to submit complaints without  
14           censorship, cooperating with international ex-  
15           perts on eliminating and monitoring inhumane  
16           conditions in prisons and other detention facili-  
17           ties, promptly investigating credible allegations  
18           of inhumane conditions, and making informa-  
19           tion concerning conditions and investigations  
20           available to the public and the Secretary of  
21           State;

22           (B) taking effective steps to eliminate inhu-  
23           mane conditions in prisons and other detention  
24           facilities, which may include, among other steps,  
25           appointing ombudsmen to serve on behalf of pris-

oners and other detainees, providing alternatives to incarceration for nonviolent offenders in order to alleviate inhumane overcrowding, addressing the status and circumstances of confinement of juveniles, improving pretrial detention practices, and implementing bail and recordkeeping procedures to reduce pretrial detention periods and to ensure that prisoners do not serve beyond the maximum sentence for the charged offense; and

(C) increasing the amount of government resources to eliminate inhumane conditions in prisons and other detention facilities.

(3) *USE OF COUNTRY REPORTS.*—The report required under paragraph (1) may draw from the discussion of prison conditions contained in the Country Reports on Human Rights Practices required under sections 116(d) and 502B(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151n(d) and 2304(b)), but shall for each country provide a detailed and up to date report covering, whenever possible, each of the issues set forth in section 3(2).

(4) *PUBLICATION.*—The report required under paragraph (1) shall be made available to the public, including on a publicly available website of the Department of State.

1       (b) *ASSISTANCE FOR GOVERNMENTS MAKING SIGNIFI-*  
2 *CANT EFFORTS TO ELIMINATE INHUMANE CONDITIONS IN*  
3 *PRISONS AND OTHER DETENTION FACILITIES.*—

4           (1) *IN GENERAL.*—*The Secretary of State and*  
5 *the Administrator of the United States Agency for*  
6 *International Development should furnish assistance*  
7 *for the purpose of helping to eliminate inhumane con-*  
8 *ditions in prisons and other detention facilities to*  
9 *countries whose governments do not meet minimum*  
10 *standards for the elimination of inhumane conditions*  
11 *in prisons and other detention facilities but are mak-*  
12 *ing significant efforts to comply.*

13          (2) *INAPPLICABILITY OF FOREIGN ASSISTANCE*  
14 *ACT PROHIBITION.*—*The prohibitions under section*  
15 *660 of the Foreign Assistance Act of 1961 (22 U.S.C.*  
16 *2420) shall not be applicable to assistance furnished*  
17 *to carry out the provisions of paragraph (1).*

18          (3) *GRANT FUNDS.*—*Grants made under this*  
19 *subsection shall be designated and used exclusively to*  
20 *help eliminate inhumane conditions in the country*  
21 *receiving the grant, but may not include the construc-*  
22 *tion of new prisons. Funds made available under this*  
23 *section shall be subject to the regular notification pro-*  
24 *cedures of the Committees on Appropriations of the*  
25 *Senate and the House of Representatives.*



1       (c) *NEGOTIATIONS WITH GOVERNMENTS NOT MAKING*  
 2 *SIGNIFICANT EFFORTS TO ELIMINATE INHUMANE CONDI-*  
 3 *TIONS IN PRISONS AND OTHER DETENTION FACILITIES.—*

4           (1) *NEGOTIATIONS.—In the case of a government*  
 5 *receiving United States assistance that is listed in the*  
 6 *report submitted under subsection (a)(1)(B) as not*  
 7 *making significant efforts to eliminate inhumane con-*  
 8 *ditions in prisons and other detention facilities, the*  
 9 *Secretary of State shall, not later than 90 days after*  
 10 *the date such report is submitted, enter into negotia-*  
 11 *tions with such government to achieve the purposes of*  
 12 *this Act.*

13       (2) *ACTIONS REGARDING ASSISTANCE AND*  
 14 *VISAS.—*

15           (A) *ASSISTANCE.—The Secretary of State*  
 16 *and the Administrator of the United States*  
 17 *Agency for International Development may re-*  
 18 *structure, reprogram, or reduce United States as-*  
 19 *sistance for a government described in para-*  
 20 *graph (1) to achieve the purposes of this Act.*

21           (B) *VISAS.—The Secretary of State may*  
 22 *issue or deny visas for travel to the United*  
 23 *States by officials of a government described in*  
 24 *paragraph (1) to achieve the purposes of this*  
 25 *Act.*

1           (3) *BRIEFING*.—Not later than 180 days after  
 2     the beginning of the negotiations required under  
 3     paragraph (1), the Secretary shall brief the appro-  
 4     priate congressional committees on the actions taken  
 5     or agreed to be taken, if any, during such negotiations  
 6     by the government of that country that constitute sig-  
 7     nificant efforts to eliminate inhumane conditions in  
 8     prisons and other detention facilities and the actions  
 9     taken, or that will be taken, by the United States pur-  
 10    suant to paragraph (2) regarding assistance and  
 11    visas. Such information shall also be included in the  
 12    annual report required under subsection (a). If the  
 13    Secretary determines that United States assistance to  
 14    such government should not be restructured, repro-  
 15    grammed, or reduced, or that visas should be issued  
 16    or denied to officials of such government, the briefing  
 17    and report shall contain a detailed explanation for  
 18    that decision.

19 **SEC. 5. TRAINING FOR FOREIGN SERVICE OFFICERS.**

20       Section 708 of the Foreign Service Act of 1980 (22  
 21    U.S.C. 4028) is amended by adding at the end the following  
 22    new subsection:

23       “(d) The Secretary of State, with the assistance of  
 24    other relevant officials, shall establish as part of the stand-  
 25    ard training provided for chiefs of mission, deputy chiefs

1 *of mission, and other officers of the Service who are or will*  
 2 *be involved in the assessment of conditions in foreign pris-*  
 3 *ons and other detention facilities or the drafting of the an-*  
 4 *nual Country Reports on Human Rights Practices, instruc-*  
 5 *tion on matters related to conditions in such prisons and*  
 6 *other detention facilities and the substance of the Foreign*  
 7 *Prison Conditions Improvement Act of 2010.”.*

8 **SEC. 6. NEW POSITION TO MONITOR FOREIGN PRISON CON-**  
 9 **DITIONS.**

10 *The Secretary of State shall establish, within the Bu-*  
 11 *reau of Democracy, Human Rights, and Labor, a new full-*  
 12 *time equivalent Deputy Assistant Secretary level position*  
 13 *which shall have responsibility for advancing the purposes*  
 14 *of this Act.*

15 **SEC. 7. AUTHORIZATION OF APPROPRIATIONS.**

16 *(a) FOREIGN ASSISTANCE FUNDING.—In addition to*  
 17 *funds otherwise available for such purposes, the Secretary*  
 18 *of State may use funds available for any fiscal year to carry*  
 19 *out the provisions of part I and chapter 4 of part II of*  
 20 *the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.*  
 21 *and 22 U.S.C. 2346 et seq.) and the Support for East Euro-*  
 22 *pean Democracy (SEED) Act of 1989 (22 U.S.C. 5401 et*  
 23 *seq.) to carry out the provisions of section 4(b) of this Act,*  
 24 *including for administrative expenses.*

1       **(b) DIPLOMATIC AND CONSULAR AFFAIRS FUNDING.**—  
 2       *In addition to funds otherwise available for such purposes,*  
 3       *the Secretary of State may use funds available for any fis-*  
 4       *cal year to the Department of State for Diplomatic and*  
 5       *Consular Programs to carry out the provisions of section*  
 6       *6 of this Act and section 708(d) of the Foreign Service Act*  
 7       *of 1980, as added by section 5, including for administrative*  
 8       *expenses.*

9       **SEC. 8. RULE OF CONSTRUCTION.**

10       *For purposes of this Act—*

11               *(1) the prohibitions of section 104(f) of the For-*  
 12       *eign Assistance Act of 1961 (22 U.S.C. 2151b(f)) shall*  
 13       *apply and shall not be construed to be altered by this*  
 14       *Act; and*

15               *(2) the minimum standards for foreign prisons*  
 16       *and other detention facilities shall not be determined*  
 17       *based on the provision of services for which funding*  
 18       *is prohibited by that section.*



Calendar No. 724

11<sup>TH</sup> CONGRESS  
2<sup>D</sup> Session  
**S. 3798**

**A BILL**

To authorize appropriations of United States assistance to help eliminate conditions in foreign prisons and other detention facilities that do not meet minimum humane standards of health, sanitation, and safety, and for other purposes.

DECEMBER 21, 2010

Reported with an amendment