

111TH CONGRESS  
1ST SESSION

# H. R. 2475

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

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## IN THE HOUSE OF REPRESENTATIVES

MAY 19, 2009

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

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## A BILL

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

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Foreign Relations Au-  
5 thorization and Reform Act, Fiscal Years 2010 and  
6 2011”.

7 **SEC. 2. TABLE OF CONTENTS.**

8 The table of contents for this Act is as follows:

Sec. 1. Short title.

Sec. 2. Table of contents.

Sec. 3. Appropriate congressional committees defined.

## TITLE I—AUTHORIZATION OF APPROPRIATIONS

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

## TITLE II—DEPARTMENT OF STATE AUTHORITIES AND ACTIVITIES

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- Sec. 201. International Litigation Fund.
- Sec. 202. Actuarial valuations.
- Sec. 203. Special agents.
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## Subtitle B—Public Diplomacy at the Department of State

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- Sec. 213. United States-South Pacific Scholarship Program.
- Sec. 214. United States-Caribbean Educational Exchange Program.
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- Sec. 216. Public diplomacy plan for Haiti.

## Subtitle C—Consular Services and Related Matters

- Sec. 231. Extension of authority to assess passport surcharge.
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- Sec. 233. Tibet.

## TITLE III—ORGANIZATION AND PERSONNEL AUTHORITIES

- Sec. 301. Transatlantic diplomatic fellowship program.
- Sec. 302. Security officers exchange program.
- Sec. 303. Suspension of foreign service members without pay.
- Sec. 304. Repeal of recertification requirement for Senior Foreign Service.
- Sec. 305. Limited appointments in the Foreign Service.
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- Sec. 307. Protection of intellectual property rights.
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## TITLE IV—INTERNATIONAL ORGANIZATIONS

- Sec. 401. Statement of policy regarding peacekeeping operations contributions.
- Sec. 402. Enhancing nuclear safeguards.
- Sec. 403. Durban Review Conference funding.
- Sec. 404. Restrictions regarding Iran-led international organizations.
- Sec. 405. United Nations Human Rights Council.
- Sec. 406. United Nations Relief and Works Agency.
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- Sec. 408. Withholding of contributions to United Nations for legal fees of certain officers or employees.
- Sec. 409. Review of activities of international commissions.

#### TITLE V—UNITED STATES INTERNATIONAL BROADCASTING

- Sec. 501. Authorization of appropriations for international broadcasting.
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- Sec. 505. Establishing permanent authority for Radio Free Asia.

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

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

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- Sec. 611. Findings.
- Sec. 612. Apportionment of the United Nations regular budget on a voluntary basis.
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##### Subtitle B—Transparency and Accountability for United States Contributions to the United Nations

- Sec. 621. Findings.
- Sec. 622. Definitions.
- Sec. 623. Establishment and management of the Office of the United States Inspector General for contributions to the United Nations System.
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- Sec. 636. Terrorism and the United Nations.
- Sec. 637. Report on United Nations reform.
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- Sec. 651. Findings.
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- Sec. 661. International Atomic Energy Agency.
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- Sec. 701. Short title; definitions.

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- Sec. 711. Statement of policy regarding regional efforts to counter terrorism in the Western Hemisphere.
- Sec. 712. Amendments to annual country reports on terrorism.
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- Sec. 721. Statement of policy regarding the proliferation of weapons-related nuclear, chemical, and biological materials, technology, and facilities.
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- Sec. 723. Securing adherence to agreements regarding nuclear nonproliferation by countries in the Western Hemisphere.
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- Sec. 725. Cooperation with the Proliferation Security Initiative.
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- Sec. 731. Establishment of the Western Hemisphere Regional Coordination Centers.
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TITLE VIII—EXPORT CONTROL REFORM AND SECURITY ASSISTANCE

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- Sec. 801. Short title.  
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 Sec. 806. Audit by Inspector General of the Department of State.  
 Sec. 807. Increased flexibility for use of defense trade controls registration fees.  
 Sec. 808. Review of International Traffic in Arms Regulations and United States Munitions List.  
 Sec. 809. Special licensing authorization for certain exports to NATO member states, Australia, Japan, New Zealand, Israel, and South Korea.  
 Sec. 810. Availability of information on the status of license applications under chapter 3 of the Arms Export Control Act.  
 Sec. 811. Sense of Congress.  
 Sec. 812. Definitions.  
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Subtitle B—Provisions Relating to Export Licenses

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

- Sec. 841. Authority to build the capacity of foreign military forces.
- Sec. 842. Foreign Military Sales Stockpile Fund.
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- Sec. 844. Report on United States commitments to the security of Israel.
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#### TITLE IX—ACTIONS TO ENHANCE THE MERIDA INITIATIVE

- Sec. 901. Coordinator of United States Government activities to implement the Merida Initiative.
- Sec. 902. Adding the Caribbean to the Merida Initiative.
- Sec. 903. CARICOM country defined.
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#### TITLE X—REPORTING REQUIREMENTS

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

#### TITLE XI—MISCELLANEOUS PROVISIONS

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

#### TITLE XII—ISRAEL

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

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

TITLE XIII—IRAN REFINED PETROLEUM SANCTIONS

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

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

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

TITLE XV—HOLOCAUST INSURANCE ACCOUNTABILITY

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

TITLE XVI—BELARUS ARMS TRANSFERS ACCOUNTABILITY

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

TITLE XVII—ASIA-PACIFIC ECONOMIC COOPERATION FORUM ENGAGEMENT

- Sec. 1801. Asia-Pacific Economic Cooperation.

1 **SEC. 3. APPROPRIATE CONGRESSIONAL COMMITTEES DE-**  
 2 **FINED.**

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

1       **TITLE I—AUTHORIZATION OF**  
2                   **APPROPRIATIONS**

3       **SEC. 101. ADMINISTRATION OF FOREIGN AFFAIRS.**

4           The following amounts are authorized to be appro-  
5       priated for the Department of State under “Administra-  
6       tion of Foreign Affairs” to carry out the authorities, func-  
7       tions, duties, and responsibilities in the conduct of foreign  
8       affairs of the United States, and for other purposes au-  
9       thorized by law:

10           (1) **DIPLOMATIC AND CONSULAR PROGRAMS.—**

11                   (A) **AUTHORIZATION OF APPROPRIA-**  
12                   **TIONS.—**For “Diplomatic and Consular Pro-  
13                   grams” \$5,543,957,600 for fiscal year 2010,  
14                   and such sums as may be necessary for fiscal  
15                   year 2011.

16                   (B) **WORLDWIDE SECURITY PROTEC-**  
17                   **TION.—**In addition to the amounts authorized  
18                   to be appropriated by subparagraph (A),  
19                   \$1,361,978,171 for fiscal year 2010, and such  
20                   sums as may be necessary for fiscal year 2011  
21                   are authorized to be appropriated for worldwide  
22                   security protection.

23                   (C) **PUBLIC DIPLOMACY.—**Of the amounts  
24                   authorized to be appropriated under subpara-  
25                   graph (A), such sums as may be necessary for

1 each of fiscal years 2010 and 2011 are author-  
2 ized to be appropriated for public diplomacy.

3 (D) BUREAU OF DEMOCRACY, HUMAN  
4 RIGHTS, AND LABOR.—Of the amounts author-  
5 ized to be appropriated under subparagraph  
6 (A), \$20,659,000 for fiscal year 2010, and such  
7 sums as may be necessary for fiscal year 2011  
8 are authorized to be appropriated for the Bu-  
9 reau of Democracy, Human Rights, and Labor.

10 (2) CAPITAL INVESTMENT FUND.—For “Cap-  
11 ital Investment Fund”, \$73,627,000 for fiscal year  
12 2010, and such sums as may be necessary for fiscal  
13 year 2011.

14 (3) EMBASSY SECURITY, CONSTRUCTION AND  
15 MAINTENANCE.—For “Embassy Security, Construc-  
16 tion and Maintenance”, \$1,815,050,000 for fiscal  
17 year 2010, and such sums as may be necessary for  
18 fiscal year 2011.

19 (4) EDUCATIONAL AND CULTURAL EXCHANGE  
20 PROGRAMS.—

21 (A) AUTHORIZATION OF APPROPRIA-  
22 TIONS.—For “Educational and Cultural Ex-  
23 change Programs”, \$557,906,000 for fiscal  
24 year 2010, and such sums as may be necessary  
25 for fiscal year 2011.

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

11 (C) NGAWANG CHOEPHEL EXCHANGE PRO-  
12 GRAMS.—Of the amounts authorized to be ap-  
13 propriated under subsection (a), such sums as  
14 may be necessary for each of fiscal years 2010  
15 and 2011 are authorized to be appropriated for  
16 the “Ngawang Choepel Exchange Programs”  
17 (formerly known as “programs of educational  
18 and cultural exchange between the United  
19 States and the people of Tibet”) under section  
20 103(a) of the Human Rights, Refugee, and  
21 Other Foreign Relations Provisions Act of 1996  
22 (Public Law 104–319; 22 U.S.C. 2151 note).

23 (5) CIVILIAN STABILIZATION INITIATIVE.—For  
24 “Civilian Stabilization Initiative”, \$46,665,000 for

1 fiscal year 2010, and such sums as may be nec-  
2 essary for fiscal year 2011.

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

7 (7) PROTECTION OF FOREIGN MISSIONS AND  
8 OFFICIALS.—

9 (A) AUTHORIZATION OF APPROPRIA-  
10 TIONS.—For “Protection of Foreign Missions  
11 and Officials”, \$23,658,118 for fiscal year  
12 2010, and such sums as may be necessary for  
13 fiscal year 2011.

14 (B) REIMBURSEMENT FOR PAST EX-  
15 PENSES OWED BY THE UNITED STATES.—In  
16 addition to the amounts authorized to be appro-  
17 priated under subparagraph (A), there are au-  
18 thorized to be appropriated such sums as may  
19 be necessary for each of fiscal years 2010 and  
20 2011 for “Protection of Foreign Missions and  
21 Officials” to be used to reimburse State and  
22 local governments for necessary expenses in-  
23 curred since 1998 for the protection of foreign  
24 missions and officials and recognized by the  
25 United States.

1           (8) EMERGENCIES IN THE DIPLOMATIC AND  
2           CONSULAR SERVICE.—For “Emergencies in the Dip-  
3           lomatic and Consular Service”, \$9,333,000 for fiscal  
4           year 2010, and such sums as may be necessary for  
5           fiscal year 2011.

6           (9) REPATRIATION LOANS.—For “Repatriation  
7           Loans”, \$1,403,061 for fiscal year 2010, and such  
8           sums as may be necessary for fiscal year 2011.

9           (10) PAYMENT TO THE AMERICAN INSTITUTE  
10          IN TAIWAN.—For “Payment to the American Insti-  
11          tute in Taiwan”, \$17,463,080 for fiscal year 2010,  
12          and such sums as may be necessary for fiscal year  
13          2011.

14          (11) OFFICE OF THE INSPECTOR GENERAL.—

15                (A) AUTHORIZATION OF APPROPRIA-  
16                TIONS.—For “Office of the Inspector General”,  
17                \$101,201,000 for fiscal year 2010, and such  
18                sums as may be necessary for fiscal year 2011.

19                (B) SPECIAL INSPECTOR GENERAL FOR  
20                IRAQ RECONSTRUCTION.—Of the amounts au-  
21                thorized to be appropriated under subparagraph  
22                (A), such sums as may be necessary authorized  
23                to be for the Special Inspector General for Iraq  
24                Reconstruction.

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

7 **SEC. 102. INTERNATIONAL ORGANIZATIONS.**

8           (a) ASSESSED CONTRIBUTIONS TO INTERNATIONAL  
9 ORGANIZATIONS.—There are authorized to be appro-  
10 priated for “Contributions to International Organiza-  
11 tions”, \$1,604,400,000 for fiscal year 2010, and such  
12 sums as may be necessary for fiscal year 2011, for the  
13 Department of State to carry out the authorities, func-  
14 tions, duties, and responsibilities in the conduct of the for-  
15 eign affairs of the United States with respect to inter-  
16 national organizations and to carry out other authorities  
17 in law consistent with such purposes.

18           (b) CONTRIBUTIONS FOR INTERNATIONAL PEACE-  
19 KEEPING ACTIVITIES.—There are authorized to be appro-  
20 priated for “Contributions for International Peacekeeping  
21 Activities”, \$2,260,000,000 for fiscal year 2010, and such  
22 sums as may be necessary for fiscal year 2011, for the  
23 Department of State to carry out the authorities, func-  
24 tions, duties, and responsibilities of the United States with  
25 respect to international peacekeeping activities and to

1 carry out other authorities in law consistent with such  
2 purposes.

3 (c) FOREIGN CURRENCY EXCHANGE RATES.—In ad-  
4 dition to amounts authorized to be appropriated by sub-  
5 section (a), there are authorized to be appropriated such  
6 sums as may be necessary for each of fiscal years 2010  
7 and 2011 to offset adverse fluctuations in foreign currency  
8 exchange rates. Amounts appropriated under this sub-  
9 section shall be available for obligation and expenditure  
10 only to the extent that the Director of the Office of Man-  
11 agement and Budget determines and certifies to Congress  
12 that such amounts are necessary due to such fluctuations.

13 **SEC. 103. INTERNATIONAL COMMISSIONS.**

14 The following amounts are authorized to be appro-  
15 priated under “International Commissions” for the De-  
16 partment of State to carry out the authorities, functions,  
17 duties, and responsibilities in the conduct of the foreign  
18 affairs of the United States and for other purposes author-  
19 ized by law:

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

24 (A) for “Salaries and Expenses”,  
25 \$32,256,000 for fiscal year 2010, and such

1           sums as may be necessary for fiscal year 2011;  
2           and

3                   (B) for “Construction”, \$43,250,000 for  
4           fiscal year 2010, and such sums as may be nec-  
5           essary for fiscal year 2011.

6           (2) INTERNATIONAL BOUNDARY COMMISSION,  
7           UNITED STATES AND CANADA.—For “International  
8           Boundary Commission, United States and Canada”,  
9           \$1,970,000 for fiscal year 2010, and such sums as  
10          may be necessary for fiscal year 2011.

11          (3) INTERNATIONAL JOINT COMMISSION.—For  
12          “International Joint Commission”, \$7,559,000 for  
13          fiscal year 2010, and such sums as may be nec-  
14          essary for fiscal year 2011.

15          (4) INTERNATIONAL FISHERIES COMMISS-  
16          SIONS.—For “International Fisheries Commissions”,  
17          \$29,925,000 for fiscal year 2010, and such sums as  
18          may be necessary for fiscal year 2011.

19 **SEC. 104. MIGRATION AND REFUGEE ASSISTANCE.**

20          (a) AUTHORIZATION OF APPROPRIATIONS.—There  
21          are authorized to be appropriated for “Migration and Ref-  
22          ugee Assistance” for authorized activities \$1,577,500,000  
23          for fiscal year 2010, and such sums as may be necessary  
24          for fiscal year 2011.

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

6 **SEC. 105. CENTERS AND FOUNDATIONS.**

7 (a) ASIA FOUNDATION.—There are authorized to be  
8 appropriated for “The Asia Foundation” for authorized  
9 activities, \$16,592,000 for fiscal year 2010, and such  
10 sums as may be necessary for fiscal year 2011.

11 (b) NATIONAL ENDOWMENT FOR DEMOCRACY.—  
12 There are authorized to be appropriated for the “National  
13 Endowment for Democracy” for authorized activities,  
14 \$115,000,000 for fiscal year 2010, and such sums as may  
15 be necessary for fiscal year 2011.

16 (c) CENTER FOR CULTURAL AND TECHNICAL INTER-  
17 CHANGE BETWEEN EAST AND WEST.—There are author-  
18 ized to be appropriated for the “Center for Cultural and  
19 Technical Interchange Between East and West” for au-  
20 thorized activities, such sums as may be necessary for each  
21 of fiscal years 2010 and 2011.

1 **TITLE II—DEPARTMENT OF**  
2 **STATE AUTHORITIES AND AC-**  
3 **TIVITIES**

4 **Subtitle A—Basic Authorities and**  
5 **Activities**

6 **SEC. 201. INTERNATIONAL LITIGATION FUND.**

7 Section 38(d)(3) of the State Department Basic Au-  
8 thorities Act of 1956 (22 U.S.C. 2710(d)(3)) is amended  
9 by striking “by the Department of State from another  
10 agency of the United States Government or pursuant to”  
11 and inserting “by the Department of State as a result of  
12 a decision of an international tribunal, from another agen-  
13 cy of the United States Government, or pursuant to”.

14 **SEC. 202. ACTUARIAL VALUATIONS.**

15 The Foreign Service Act of 1980 is amended—

16 (1) in section 818 (22 U.S.C. 4058)—

17 (A) in the first sentence, by striking “Sec-  
18 retary of the Treasury” and inserting instead  
19 “Secretary of State”; and

20 (B) by amending the second sentence to  
21 read as follows: “The Secretary of State is au-  
22 thorized to expend from money to the credit of  
23 the Fund such sums as may be necessary to ad-  
24 minister the provisions of this chapter, includ-  
25 ing actuarial advice, but only to the extent and

1 in such amounts as are provided in advance in  
2 appropriations acts.”;

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

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

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

11 (A) by striking “Secretary of the Treas-  
12 ury” and inserting instead “Secretary of  
13 State”; and

14 (B) by striking “and shall advise the Sec-  
15 retary of State of” and inserting instead “that  
16 will provide”.

17 **SEC. 203. SPECIAL AGENTS.**

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

21 “(1) conduct investigations concerning—

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

1           “(B) identity theft or document fraud af-  
2           fecting or relating to the programs, functions,  
3           and authorities of the Department of State; and

4           “(C) Federal offenses committed within  
5           the special maritime and territorial jurisdiction  
6           of the United States as defined in paragraph  
7           (9) of section 7 of title 18, United States Code,  
8           except as that jurisdiction relates to the prem-  
9           ises of United States military missions and re-  
10          lated residences;”.

11          (b) **RULE OF CONSTRUCTION.**—Nothing in para-  
12          graph (1) of such section 37(a) (as amended by subsection  
13          (a) of this section) shall be construed to limit the inves-  
14          tigative authority of any other Federal department or  
15          agency.

16          **SEC. 204. DIPLOMATIC SECURITY PROGRAM CONTRACTING.**

17          Section 136 of the Foreign Relations Authorization  
18          Act, Fiscal Years 1990 and 1991 (22 U.S.C. 4864) is  
19          amended—

20                 (1) in subsection (c)—

21                         (A) in the matter preceding paragraph (1),  
22                         by striking “With respect” and inserting “Ex-  
23                         cept as provided in subsection (d), with re-  
24                         spect”; and

1 (B) in paragraph (3), by striking “sub-  
2 section (d)” and inserting “subsection (e)”;

3 (2) by redesignating subsections (d), (e), (f),  
4 and (g) as subsections (e), (f), (g), and (h), respec-  
5 tively;

6 (3) by inserting after subsection (c) the fol-  
7 lowing new subsection:

8 “(d) AWARD OF LOCAL GUARD AND PROTECTIVE  
9 SERVICE CONTRACTS IN HIGH RISK AREAS.—With re-  
10 spect to local guard contracts for Foreign Service build-  
11 ings located in high risk areas which exceed \$250,000 and  
12 were or are entered into after September 1, 2008, the Sec-  
13 retary of State shall—

14 “(1) comply with paragraphs (1) through (6) of  
15 subsection (c) in the award of such contracts;

16 “(2) in evaluating proposals for such contracts,  
17 award contracts to the firm representing the best  
18 value to the Government in accordance with the best  
19 value tradeoff process described in subpart 15.1 of  
20 the Federal Acquisition Regulation (48 C.F.R.  
21 15.101–1);

22 “(3) ensure that in all contracts awarded under  
23 this subsection, contractor personnel providing local  
24 guard or protective services are classified as—

25 “(A) employees of the offeror;

1           “(B) if the offeror is a joint venture, as  
2 the employees of one of the persons or parties  
3 constituting the joint venture; or

4           “(C) as employees of a subcontractor to  
5 the offeror, and not as independent contractors  
6 to the offeror or any other entity performing  
7 under such contracts.”; and

8           (4) in subsection (e), as redesignated by para-  
9 graph (2) of this section—

10           (A) in paragraph (3), by striking “and” at  
11 the end;

12           (B) in paragraph (4), by striking the pe-  
13 riod at the end and inserting “; and”; and

14           (C) by adding after paragraph (4) the fol-  
15 lowing new paragraph:

16           “(5) the term ‘high risk areas’ means—

17           “(A) an area designated as a contingency  
18 operation in accordance with section 101(a)(13)  
19 of title 10, United States Code; or

20           “(B) an area determined by the Assistance  
21 Secretary of Diplomatic Security to present an  
22 increased threat of serious damage or harm to  
23 United States diplomatic facilities or per-  
24 sonnel.”.

1     **Subtitle B—Public Diplomacy at**  
2             **the Department of State**

3     **SEC. 211. SPECIAL OLYMPICS.**

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

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

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

19                    (3) Special Olympics has documented the chal-  
20             lenge of ignorance and poor attitudes toward intel-  
21             lectual disability worldwide and its capacity to  
22             change discriminatory attitudes to understanding,  
23             acceptance, and advocacy for people with intellectual  
24             disabilities. It does so through an array of edu-  
25             cational and attitude change activities that affect

1 multiple levels of society. These activities have re-  
2 ceived financial support from the Bureau of Edu-  
3 cational and Cultural Affairs (ECA) of the Depart-  
4 ment of State, among other sources.

5 (b) ADMINISTRATION OF PROGRAM.—Section 3(b) of  
6 the Special Olympics Sport and Empowerment Act of  
7 2004 (Public Law 108–406) is amended, in the matter  
8 preceding paragraph (1) by striking “Secretary of State”  
9 and inserting “Secretary of State, acting through the As-  
10 sistant Secretary of State for Educational and Cultural  
11 Affairs”.

12 **SEC. 212. EXTENSION OF PROGRAM TO PROVIDE GRANTS**  
13 **TO AMERICAN-SPONSORED SCHOOLS IN PRE-**  
14 **DOMINANTLY MUSLIM COUNTRIES TO PRO-**  
15 **VIDE SCHOLARSHIPS.**

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

19 (1) in subsection (g)—

20 (A) by striking “Committee on Inter-  
21 national Relations” and inserting “Committee  
22 on Foreign Affairs”; and

23 (B) by striking “April 15, 2006, and April  
24 15, 2008” and inserting “June 15, 2010, and  
25 June 15, 2011”; and

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

3 **SEC. 213. UNITED STATES-SOUTH PACIFIC SCHOLARSHIP**  
4 **PROGRAM.**

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

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

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

16          (3) As the Chairman of the Subcommittee on  
17          Territories and Insular Affairs, the late Congress-  
18          man Phillip Burton was a voice for Pacific Island  
19          populations.

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

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

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

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

3           (b) SENSE OF CONGRESS.—It is the sense of Con-  
4           gress that—

5           (1) so that future generations will know his  
6           name and remember his service, it is fitting that the  
7           leadership and vision of Phillip Burton, especially as  
8           the Chairman of the Subcommittee on Territories  
9           and Insular Affairs, which indirectly impacted  
10          United States foreign policy in the South Pacific re-  
11          gion, should be honored; and

12          (2) the United States-South Pacific Scholarship  
13          Program should be renamed the Phillip Burton  
14          Scholarship Program for South Pacific Island Stu-  
15          dents.

16          (c) FUNDING.—

17          (1) IN GENERAL.—Of the amounts authorized  
18          to be appropriated pursuant to section 101(4), such  
19          sums as may be necessary are authorized to be ap-  
20          propriated for each of fiscal years 2010 and 2011 to  
21          be made available for the United States-South Pa-  
22          cific Scholarship Program.

23          (2) NAME.—Scholarships awarded under the  
24          Program shall be referred to as “Burton Scholar-

1       ships” and recipients of such scholarships shall be  
2       referred to as “Burton Scholars”.

3       **SEC. 214. UNITED STATES-CARIBBEAN EDUCATIONAL EX-**  
4       **CHANGE PROGRAM.**

5       (a) DEFINITIONS.—In this section:

6               (1) APPROPRIATE CONGRESSIONAL COMMIT-  
7       TEES.—The term “appropriate congressional com-  
8       mittees” means—

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

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

15              (2) CARICOM COUNTRY.—The term  
16       “CARICOM country” means a country that has  
17       been a full member country of the Caribbean Com-  
18       munity (CARICOM) for at least five years or the  
19       Dominican Republic, but does not include—

20              (A) a country having observer or associate  
21       status in CARICOM;

22              (B) a country the government of which the  
23       Secretary of State has determined, for purposes  
24       of section 6(j) of the Export Administration Act  
25       of 1979 (as continued in effect pursuant to the

1 International Emergency Economic Powers  
2 Act), section 40 of the Arms Export Control  
3 Act, section 620A of the Foreign Assistance Act  
4 of 1961, or any other provision of law, is a gov-  
5 ernment that has repeatedly provided support  
6 for acts of international terrorism; or

7 (C) a country that fails to adhere to  
8 human rights standards pursuant to sections  
9 116 and 502B(2) of the Foreign Assistance Act  
10 of 1961 (22 U.S.C. 2151n and 2304).

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

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

16 (A) an institution of higher education (as  
17 such term is defined in section 101(a) of the  
18 Higher Education Act of 1965 (20 U.S.C.  
19 1001(a))), including, to the maximum extent  
20 practicable, a historically Black college or uni-  
21 versity that is a part B institution (as such  
22 term is defined in section 322(2) of such Act  
23 (20 U.S.C. 1061(2))) or a Hispanic-serving in-  
24 stitution (as such term is defined in section  
25 502(5) of such Act (20 U.S.C. 1101a(5)));

1 (B) a higher education association;

2 (C) a nongovernmental organization incor-  
3 porated in the United States; or

4 (D) a consortium consisting of two or more  
5 such institutions, associations, or nongovern-  
6 mental organizations.

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

13 (1) secondary school students from CARICOM  
14 countries will—

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

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

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

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

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

4           (c) ELEMENTS OF PROGRAM.—The program author-  
5 ized under subsection (b) shall meet the following require-  
6 ments:

7           (1) The program will offer scholarships to stu-  
8 dents and scholars based on merit and need. It is  
9 the sense of Congress that scholarships should be of-  
10 fered to students and scholars who evidence merit,  
11 achievement, and strong potential for the studies  
12 such students and scholars wish to undertake under  
13 the program and 60 percent of scholarships offered  
14 under the program should be based on financial  
15 need.

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

18           (3) Fields of study under the program will sup-  
19 port the labor market and development needs of  
20 CARICOM countries, assuring a pool of technical  
21 experts to address such needs.

22           (4) The program will limit participation to—

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

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

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

5 (5) For a period of time equal to the period of  
6 time of participation in the program, but not to ex-  
7 ceed two years, the program will require participants  
8 who are students and scholars described in sub-  
9 section (a)(2) to—

10 (A) agree to return to live in a CARICOM  
11 country and maintain residence in such coun-  
12 try, within six months of completion of aca-  
13 demic studies; or

14 (B) agree to obtain employment that di-  
15 rectly benefits the growth, progress, and devel-  
16 opment of one or more CARICOM countries  
17 and the people of such countries.

18 (6) The Secretary may waive, shorten the dura-  
19 tion, or otherwise alter the requirements of para-  
20 graph (4) in limited circumstances of hardship, hu-  
21 manitarian needs, for specific educational purposes,  
22 or in furtherance of the national interests of the  
23 United States.

24 (d) ROLE OF UNITED STATES COOPERATING AGEN-  
25 CIES.—The Secretary shall consult with United States co-

1 operating agencies in developing the program authorized  
2 under subsection (b). The Secretary is authorized to pro-  
3 vide grants to United States cooperating agencies in car-  
4 rying out the program authorized under subsection (b).

5 (e) MONITORING AND EVALUATION OF PROGRAM.—

6 (1) IN GENERAL.—The Secretary shall monitor  
7 and evaluate the effectiveness and efficiency of the  
8 program authorized under subsection (b). In so  
9 doing, the Secretary shall, among other things,  
10 evaluate the program’s positive or negative effects  
11 on “brain drain” from the participating CARICOM  
12 countries and suggest ways in which the program  
13 may be improved to promote the basic goal of alle-  
14 viating brain drain from the participating  
15 CARICOM countries.

16 (2) REQUIREMENTS.—In carrying out para-  
17 graph (1), the Secretary shall review on a regular  
18 basis—

19 (A) financial information relating to the  
20 program;

21 (B) budget plans for the program;

22 (C) adjustments to plans established for  
23 the program;

24 (D) graduation rates of participants in the  
25 program;

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

4           (F) the percentage of participants who re-  
5 turn to their home country or another  
6 CARICOM country;

7           (G) the types of careers pursued by par-  
8 ticipants in the program and the extent to  
9 which such careers are linked to the political,  
10 economic, and social development needs of  
11 CARICOM countries; and

12           (H) the impact of gender, country of ori-  
13 gin, financial need of students, and other rel-  
14 evant factors on the data collected under sub-  
15 paragraphs (D) through (G).

16 (f) REPORTING REQUIREMENTS.—

17           (1) REPORT REQUIRED.—Not later than 120  
18 days after the date of the enactment of this section,  
19 the Secretary of State shall submit to the appro-  
20 priate congressional committees a report on plans to  
21 implement the program authorized under this sec-  
22 tion.

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

1 (A) a plan for selecting participants in the  
2 program, including an estimate of the number  
3 of secondary school students, undergraduate  
4 students, graduate students, post-graduate stu-  
5 dents, and scholars from each country, by edu-  
6 cational level, who will be selected as partici-  
7 pants in the program for each fiscal year;

8 (B) a timeline for selecting United States  
9 cooperating agencies that will assist in imple-  
10 menting the program;

11 (C) a financial plan that—

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

14 (ii) identifies plans or systems to en-  
15 sure that the costs to public school, college,  
16 and university education under the pro-  
17 gram and the costs to private school, col-  
18 lege, and university education under the  
19 program are reasonably allocated; and

20 (D) a plan to provide outreach to and link-  
21 ages with schools, colleges and universities, and  
22 nongovernmental organizations in both the  
23 United States and CARICOM countries for im-  
24 plementation of the program.

25 (3) UPDATES OF REPORT.—

1           (A) IN GENERAL.—The Secretary shall  
2 submit to the appropriate congressional com-  
3 mittees updates of the report required by para-  
4 graph (1) for each fiscal year for which  
5 amounts are appropriated pursuant to the au-  
6 thorization of appropriations under subsection  
7 (g).

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

10           (i) Information on United States co-  
11 operating agencies that are selected to as-  
12 sist in implementing the programs author-  
13 ized under this section.

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

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

1 **SEC. 215. EXCHANGES BETWEEN LIBERIA AND THE UNITED**  
2 **STATES FOR WOMEN LEGISLATORS.**

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

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

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

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

14 (b) PROGRAM.—The Secretary of State shall estab-  
15 lish an exchange program in cooperation with the Wom-  
16 en’s Legislative Caucus in Liberia to provide scholarships  
17 to fund exchanges to enable Liberian women legislators  
18 and exceptional women Liberian Congressional staffers to  
19 encourage more women to participate in, and continue to  
20 be active in, politics and the democratic process in Liberia.

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

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

2 The Secretary of State shall develop a public diplo-  
3 macy plan to be implemented in the event that Temporary  
4 Protected Status (TPS) is extended to Haitian nationals  
5 in the United States to effectively inform Haitians living  
6 in Haiti that—

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

10 (2) there are extraordinary dangers of travel by  
11 sea to the United States in unsafe, overcrowded ves-  
12 sels;

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

15 (4) the United States will continue its large as-  
16 sistance program to help the people of Haiti recover  
17 from recent hurricanes, restore stability, and pro-  
18 mote economic growth.

19 **Subtitle C—Consular Services and**  
20 **Related Matters**

21 **SEC. 231. EXTENSION OF AUTHORITY TO ASSESS PASSPORT**  
22 **SURCHARGE.**

23 Section 1 of the Passport Act of June 4, 1920 (22  
24 U.S.C. 214), is amended in subsection (b)(2) by striking  
25 “2010” and inserting “2015”.

1 **SEC. 232. ENGLISH LANGUAGE AND CULTURAL AWARENESS**  
2 **TRAINING FOR APPROVED REFUGEE APPLI-**  
3 **CANTS.**

4 (a) **IN GENERAL.**—The Secretary of State should es-  
5 tablish formal training programs in five overseas refugee  
6 processing regions to provide English as a second lan-  
7 guage, cultural orientation, and work orientation training  
8 for refugees who have been approved for admission to the  
9 United States before their departure for the United  
10 States.

11 (b) **DESIGN AND IMPLEMENTATION.**—In designing  
12 and implementing the training programs referred to in  
13 subsection (a), the Secretary should ensure that non-  
14 governmental organizations with direct ties to the United  
15 States refugee resettlement program are utilized in such  
16 training programs.

17 (c) **IMPACT ON PROCESSING TIMES.**—The Secretary  
18 should ensure that such training programs occur within  
19 current processing times and do not unduly delay the de-  
20 parture for the United States of refugees who have been  
21 approved for admission to the United States.

22 (d) **TIMELINE FOR IMPLEMENTATION AND REPORT**  
23 **TO CONGRESS.**—

24 (1) **TIMELINE FOR IMPLEMENTATION.**—It is  
25 the sense of Congress that not later than one year  
26 after the date of the enactment of this Act, such

1 training programs should be operating in at least  
2 one overseas refugee processing region, and not later  
3 than two years after the date of the enactment of  
4 this Act, such training programs should be operating  
5 in each of the five overseas refugee processing re-  
6 gions.

7 (2) REPORT TO CONGRESS.—Not later than 18  
8 months after the date of the enactment of this Act,  
9 the Secretary shall submit to the appropriate con-  
10 gressional committees a report on the implementa-  
11 tion of this section.

12 (e) RULE OF CONSTRUCTION.—Nothing in this sec-  
13 tion shall be construed to require that a refugee partici-  
14 pate in such a training program as a precondition for the  
15 admission to the United States of such refugee.

16 **SEC. 233. TIBET.**

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

20 (1) in paragraph (1), by inserting before the pe-  
21 riod at the end the following: “and should coordinate  
22 with other governments in multilateral efforts to-  
23 ward this goal”;

24 (2) by redesignating paragraph (2) as para-  
25 graph (3); and

1           (3) by inserting after paragraph (1) the fol-  
2           lowing new paragraph:

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

9           (b) BILATERAL ASSISTANCE.—Section 616 of the Ti-  
10          betan Policy Act of 2002 is amended—

11           (1) by redesignating subsection (d) as sub-  
12          section (e); and

13           (2) by inserting after subsection (c) the fol-  
14          lowing new subsection:

15          “(d) UNITED STATES ASSISTANCE.—The President  
16          shall provide grants to nongovernmental organizations to  
17          support sustainable economic development, cultural and  
18          historical preservation, health care, education, and envi-  
19          ronmental sustainability projects for Tibetan communities  
20          in the Tibet Autonomous Region and in other Tibetan  
21          communities in China, in accordance with the principles  
22          specified in subsection (e) and subject to the review and  
23          approval of the Special Coordinator for Tibetan Issues  
24          under section 621(d).”.

1 (c) SPECIAL COORDINATOR FOR TIBETAN ISSUES.—  
2 Section 621 of the Tibetan Policy Act of 2002 is amend-  
3 ed—

4 (1) in subsection (d)—

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

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

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

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

13 (2) by adding at the end the following new sub-  
14 section:

15 “(e) PERSONNEL.—The Secretary shall assign dedi-  
16 cated personnel to the Office of the Special Coordinator  
17 for Tibetan Issues sufficient to assist in the management  
18 of the responsibilities of this section and section  
19 616(d)(2).”.

20 (d) DIPLOMATIC REPRESENTATION RELATING TO  
21 TIBET.—

22 (1) UNITED STATES EMBASSY IN BEIJING.—

23 (A) IN GENERAL.—The Secretary of State  
24 is authorized to establish a Tibet Section within  
25 the United States Embassy in Beijing, People’s

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

12 (B) AUTHORIZATION OF APPROPRIA-  
13 TIONS.—Of the amounts authorized to be ap-  
14 propriated under section 101(a), there are au-  
15 thorized to be appropriated such sums as may  
16 be necessary for each of fiscal years 2010 and  
17 2011 to carry out this paragraph.

18 (2) IN TIBET.—Section 618 of the Tibetan Pol-  
19 icy Act of 2002 is amended to read as follows:

20 **“SEC. 618. ESTABLISHMENT OF A UNITED STATES CON-**  
21 **SULATE IN LHASA, TIBET.**

22 “The Secretary shall seek to establish a United  
23 States consulate in Lhasa, Tibet, to provide services to  
24 United States citizens traveling to Tibet and to monitor  
25 political, economic, and cultural developments in Tibet, in-

1 cluding Tibetan areas of Qinghai, Sichuan, Gansu, and  
2 Yunnan provinces.”.

3 (e) RELIGIOUS PERSECUTION IN TIBET.—Section  
4 620(b) of the Tibetan Policy Act of 2002 is amended by  
5 adding before the period at the end the following: “, in-  
6 cluding the reincarnation system of Tibetan Buddhism”.

## 7 **TITLE III—ORGANIZATION AND** 8 **PERSONNEL AUTHORITIES**

### 9 **SEC. 301. TRANSATLANTIC DIPLOMATIC FELLOWSHIP PRO-** 10 **GRAM.**

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

### 15 **“SEC. 506. TRANSATLANTIC DIPLOMATIC FELLOWSHIP** 16 **PROGRAM.**

17 “(a) IN GENERAL.—The Secretary is authorized to  
18 establish the Transatlantic Diplomatic Fellowship Pro-  
19 gram. Under the program, the Secretary may assign a  
20 member of the Service, for not more than one year, to  
21 a position with any designated country or designated enti-  
22 ty that permits an employee to be assigned to a position  
23 with the Department.

24 “(b) SALARY AND BENEFITS.—The salary and bene-  
25 fits of a member of the Service shall be paid as described

1 in subsection (b) of section 503 during a period in which  
2 such member is participating in the Transatlantic Diplo-  
3 matic Fellowship Program. The salary and benefits of an  
4 employee of a designated country or designated entity par-  
5 ticipating in such program shall be paid by such country  
6 or entity during the period in which such employee is par-  
7 ticipating in the program.

8 “(c) DEFINITIONS.—In this section:

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

11 “(A) the North Atlantic Treaty Organiza-  
12 tion; or

13 “(B) the European Union.

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

15 “(A) the North Atlantic Treaty Organiza-  
16 tion; or

17 “(B) the European Union.

18 “(d) RULE OF CONSTRUCTION.—Nothing in this sec-  
19 tion shall be construed to—

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

22 “(A) an individual whose allegiance is to  
23 any country, government, or foreign or inter-  
24 national entity other than to the United States;

25 or

1           “(B) an individual who has not met the re-  
2           quirements of sections 3331, 3332, 3333, and  
3           7311 of title 5, United States Code, and any  
4           other provision of law concerning eligibility for  
5           appointment as, and continuation of employ-  
6           ment as, an officer or employee of the United  
7           States; or

8           “(2) authorize the Secretary to assign a mem-  
9           ber of the Service to a position with any foreign  
10          country whose laws, or foreign or international enti-  
11          ty whose rules, require such member to give alle-  
12          giance or loyalty to such country or entity while as-  
13          signed to such position.”.

14          (b) TECHNICAL AND CONFORMING AMENDMENTS.—

15          The Foreign Service Act of 1980 is amended—

16                  (1) in section 503 (22 U.S.C. 3983)—

17                          (A) in the section heading, by striking  
18                          “**AND**” and inserting “**FOREIGN GOVERN-**  
19                          **MENTS, OR**”; and

20                          (B) in subsection (a)(1), by inserting be-  
21                          fore the semicolon at the end the following: “,  
22                          or with a foreign government under sections  
23                          506 or 507”; and

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

1 (A) by striking the item relating to section  
2 503 and inserting the following new item:

“Sec. 503. Assignments to agencies, international organizations, foreign govern-  
ments, or other bodies.”;

3 and

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

“Sec. 506. Transatlantic diplomatic fellowship program.”.

6 **SEC. 302. SECURITY OFFICERS EXCHANGE PROGRAM.**

7 (a) IN GENERAL.—Chapter 5 of title I of the Foreign  
8 Service Act of 1980 (22 U.S.C. 3981 et seq.) is amended  
9 by adding after section 506 (as added by section 311 of  
10 this Act) the following new section:

11 **“SEC. 507. SECURITY OFFICERS EXCHANGE PROGRAM.**

12 “(a) IN GENERAL.—The Secretary is authorized to  
13 establish the Security Officers Exchange Program. Under  
14 the program, the Secretary may assign a member of the  
15 Service, for not more than a total of three years, to a posi-  
16 tion with any country or international organization des-  
17 igned by the Secretary pursuant to subsection (c) that  
18 permits an employee to be assigned to a position with the  
19 Department.

20 “(b) SALARY AND BENEFITS.—The salary and bene-  
21 fits of the members of the Service shall be paid as de-  
22 scribed in subsection (b) of section 503 during a period  
23 in which such officer is participating in the Security Offi-

1 cers Exchange Program. The salary and benefits of an em-  
2 ployee of a designated country or international organiza-  
3 tion participating in such program shall be paid by such  
4 country or international organization during the period in  
5 which such employee is participating in the program.

6 “(c) DESIGNATION.—The Secretary may designate a  
7 country or international organization to participate in this  
8 program if the Secretary determines that such participa-  
9 tion is in the national security interests of the United  
10 States.

11 “(d) RULE OF CONSTRUCTION.—Nothing in this sec-  
12 tion shall be construed to—

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

15 “(A) an individual whose allegiance is to  
16 any country, government, or foreign or inter-  
17 national entity other than to the United States;  
18 or

19 “(B) an individual who has not met the re-  
20 quirements of sections 3331, 3332, 3333, and  
21 7311 of title 5, United States Code, and any  
22 other provision of law concerning eligibility for  
23 appointment as, and continuation of employ-  
24 ment as, an officer or employee of the United  
25 States; or



1           “(A) written notice stating the specific reasons  
2 for the proposed suspension;

3           “(B) a reasonable time to respond orally and in  
4 writing to the proposed suspension;

5           “(C) representation by an attorney or other  
6 representative; and

7           “(D) a final written decision, including the spe-  
8 cific reasons for such decision, as soon as prac-  
9 ticable.

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

13          “(4) In the case of a grievance filed under paragraph  
14 (3)—

15           “(A) the review by the Foreign Service Griev-  
16 ance Board shall be limited to a determination of  
17 whether the provisions of paragraphs (1) and (2)  
18 have been fulfilled; and

19           “(B) the Foreign Service Grievance Board may  
20 not exercise the authority provided under section  
21 1106(8).

22          “(5) In this subsection:

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

24                   “(i) with respect to a member of the For-  
25 eign Service assigned to duty in the United

1 States, 15 days after receiving notice of the  
2 proposed suspension; and

3 “(ii) with respect to a member of the For-  
4 eign Service assigned to duty outside the  
5 United States, 30 days after receiving notice of  
6 the proposed suspension.

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

10 (b) CONFORMING AND CLERICAL AMENDMENTS.—

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

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

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

19 **SEC. 304. REPEAL OF RECERTIFICATION REQUIREMENT**  
20 **FOR SENIOR FOREIGN SERVICE.**

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

1 **SEC. 305. LIMITED APPOINTMENTS IN THE FOREIGN SERV-**  
2 **ICE.**

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

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

7 (2) in subsection (b)—

8 (A) in paragraph (3)—

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

10 (ii) by inserting before the semicolon  
11 at the end the following: “, or (B), the ca-  
12 reer candidate is serving in the uniformed  
13 services, as defined by the Uniformed Serv-  
14 ices Employment and Reemployment  
15 Rights Act of 1994 (38 U.S.C. 4301 et  
16 seq.), and the limited appointment expires  
17 in the course of such service”;

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

20 (C) in paragraph (5), by striking the pe-  
21 riod at the end and inserting “; and”; and

22 (D) by adding after paragraph (5) the fol-  
23 lowing new paragraph:

24 “(6) in exceptional circumstances where the  
25 Secretary determines the needs of the Service re-  
26 quire the extension of a limited appointment (A), for

1 a period of time not to exceed 12 months (provided  
2 such period of time does not permit additional re-  
3 view by the boards under section 306), or (B), for  
4 the minimum time needed to settle a grievance,  
5 claim, or complaint not otherwise provided for in  
6 this section.”; and

7 (3) by adding at the end the following new sub-  
8 section:

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

15 **SEC. 306. COMPENSATORY TIME OFF FOR TRAVEL.**

16 Section 5550b of title 5, United States Code, is  
17 amended by adding at the end the following new sub-  
18 section:

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

1 **SEC. 307. PROTECTION OF INTELLECTUAL PROPERTY**  
2 **RIGHTS.**

3 (a) **RESOURCES TO PROTECT INTELLECTUAL PROP-**  
4 **ERTY RIGHTS.**—The Secretary of State shall ensure that  
5 the protection in foreign countries of the intellectual prop-  
6 erty rights of United States persons in other countries is  
7 a significant component of United States foreign policy in  
8 general and in relations with individual countries. The  
9 Secretary of State, in consultation with the Director Gen-  
10 eral of the United States and Foreign Commercial Service  
11 and other agencies as appropriate, shall ensure that ade-  
12 quate resources are available at diplomatic missions in any  
13 country that is identified under section 182(a)(1) of the  
14 Trade Act of 1974 (19 U.S.C. 2242(a)(1)) to ensure—

15 (1) support for enforcement action against vio-  
16 lations of the intellectual property rights of United  
17 States persons in such country; and

18 (2) cooperation with the host government to re-  
19 form its applicable laws, regulations, practices, and  
20 agencies to enable that government to fulfill its  
21 international and bilateral obligations with respect to  
22 intellectual property rights.

23 (b) **NEW APPOINTMENTS.**—The Secretary of State,  
24 in consultation with the Director General of the United  
25 States and Foreign Commercial Service, shall appoint 10  
26 intellectual property attachés to serve in United States

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

7 (c) PRIORITY ASSIGNMENTS.—

8 (1) IN GENERAL.—Subject to paragraph (2), in  
9 designating the embassies or other missions to which  
10 attachés are assigned under subsection (b), the Sec-  
11 retary of State shall give priority to those countries  
12 where the activities of an attaché may be carried out  
13 with the greatest potential benefit to reducing coun-  
14 terfeit and pirated products in the United States  
15 market, to protecting the intellectual property rights  
16 of United States persons and their licensees, and to  
17 protecting the interests of United States persons  
18 otherwise harmed by violations of intellectual prop-  
19 erty rights in those countries.

20 (2) ASSIGNMENTS TO PRIORITY COUNTRIES.—

21 In carrying out paragraph (1), the Secretary of  
22 State shall consider assigning intellectual property  
23 attachés—

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

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

7 (d) DUTIES AND RESPONSIBILITIES OF INTELLEC-  
8 TUAL PROPERTY ATTACHÉS.—The intellectual property  
9 attachés appointed under subsection (b), as well as others  
10 serving as intellectual property attachés of any other de-  
11 partment or agency of the United States, shall have the  
12 following responsibilities:

13 (1) To promote cooperation with foreign gov-  
14 ernments in the enforcement of intellectual property  
15 laws generally, and in the enforcement of laws  
16 against counterfeiting and piracy in particular.

17 (2) To assist United States persons holding in-  
18 tellectual property rights, and the licensees of such  
19 United States persons, in their efforts to combat  
20 counterfeiting and piracy of their products or works  
21 within the host country, including counterfeit or pi-  
22 rated goods exported from or transshipped through  
23 that country.

24 (3) To chair an intellectual property protection  
25 task force consisting of representatives from all

1 other relevant sections or bureaus of the embassy or  
2 other mission.

3 (4) To coordinate with representatives of the  
4 embassies or missions of other countries in informa-  
5 tion sharing, private or public communications with  
6 the government of the host country, and other forms  
7 of cooperation for the purpose of improving enforce-  
8 ment against counterfeiting and piracy.

9 (5) As appropriate and in accordance with ap-  
10 plicable laws and the diplomatic status of the  
11 attachés, to engage in public education efforts  
12 against counterfeiting and piracy in the host coun-  
13 try.

14 (6) To coordinate training and technical assist-  
15 ance programs of the United States Government  
16 within the host country that are aimed at improving  
17 the enforcement of laws against counterfeiting and  
18 piracy.

19 (7) To identify and promote other means to  
20 more effectively combat counterfeiting and piracy ac-  
21 tivities under the jurisdiction of the host country.

22 (e) TRAINING.—The Secretary of State shall ensure  
23 that each attaché appointed under subsection (b) is fully  
24 trained for the responsibilities of the position before as-

1 suming duties at the United States embassy or other mis-  
2 sion in question.

3 (f) COORDINATION.—The activities of intellectual  
4 property attachés under this section shall be carried out  
5 in coordination with the United States Intellectual Prop-  
6 erty Enforcement Coordinator appointed under section  
7 301 of the Prioritizing Resources and Organization for In-  
8 tellectual Property Act of 2008 (15 U.S.C. 8111).

9 (g) REPORT TO CONGRESS.—

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

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

19 (A) A description of the progress, or lack  
20 thereof, in the preceding year regarding the res-  
21 olution of general and specific intellectual prop-  
22 erty disputes in each country identified under  
23 section 182(a)(1) of the Trade Act of 1974 (19  
24 U.S.C. 2242(a)(1)), including any changes by

1 the host government in applicable laws and reg-  
2 ulations and their enforcement.

3 (B) An assessment of the obstacles pre-  
4 venting the host government of each country  
5 described in subparagraph (A) from imple-  
6 menting adequate measures to fulfill its inter-  
7 national and bilateral obligations with respect  
8 to intellectual property rights.

9 (C) An assessment of the adequacy of the  
10 resources of the Department of State employed  
11 to carry out subparagraphs (A) and (B) and, if  
12 necessary, an assessment of the need for addi-  
13 tional resources for such purposes.

14 (h) DEFINITIONS.—In this section:

15 (1) COUNTERFEITING; COUNTERFEIT GOODS.—

16 (A) COUNTERFEITING.—The term “coun-  
17 terfeiting” means activities related to produc-  
18 tion of or trafficking in goods, including pack-  
19 aging, that bear a spurious mark or designation  
20 that is identical to or substantially indistin-  
21 guishable from a mark or designation protected  
22 under trademark laws or related legislation.

23 (B) COUNTERFEIT GOODS.—The term  
24 “counterfeit goods” means those goods de-  
25 scribed in subparagraph (A).

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

5           (3) PIRACY; PIRATED GOODS.—

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

11           (B) PIRATED GOODS.—The term “pirated  
12 goods” means those copies or phonorecords de-  
13 scribed in subparagraph (A).

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

16           (A) any United States resident or national,

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

21           (C) any foreign subsidiary or affiliate (in-  
22 cluding any permanent foreign establishment)  
23 of any corporation, partnership, business entity,  
24 or organization described in subparagraph (B),



1 emergency and medical evacuations, post health units, visa  
2 support, and preferential status for employment at post.

3 **TITLE IV—INTERNATIONAL**  
4 **ORGANIZATIONS**

5 **SEC. 401. STATEMENT OF POLICY REGARDING PEACE-**  
6 **KEEPING OPERATIONS CONTRIBUTIONS.**

7 It remains the policy of the United States, pursuant  
8 to section 404(b)(2)(B) of the Foreign Relations Author-  
9 ization Act, Fiscal Years 1994 and 1995 (Public Law  
10 103–236; 22 U.S.C. 287e note) that United States as-  
11 sessed contributions for a United Nations peacekeeping  
12 operation shall not exceed 25 percent of the total of all  
13 assessed contributions for such operation.

14 **SEC. 402. ENHANCING NUCLEAR SAFEGUARDS.**

15 (a) FINDINGS.—Congress makes the following find-  
16 ings:

17 (1) The Treaty on the Non-Proliferation of Nu-  
18 clear Weapons, done at Washington, London, and  
19 Moscow July 1, 1968, and entered into force March  
20 5, 1970 (commonly known as the “Nuclear Non-  
21 Proliferation Treaty” or “NPT”), and the safe-  
22 guards system of the International Atomic Energy  
23 Agency (IAEA) are indispensable to international  
24 peace and security.

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

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

11          (4) The Government Accountability Office  
12          (GAO) stated in testimony before Congress in Sep-  
13          tember 2006 that “while IAEA is increasingly rely-  
14          ing on the analytical skills of its staff to detect coun-  
15          tries” undeclared nuclear activities, the agency is  
16          facing a looming human capital crisis.

17          (5) The Director General of the IAEA told the  
18          Board of Governors of the IAEA in March 2009  
19          that the “deteriorating conditions in our labora-  
20          tories, for example, threaten both our ability to de-  
21          liver our programmed, as well as our independent  
22          analytical capability”.

23          (6) Considerable investment is needed for the  
24          IAEA’s Safeguards Analytical Laboratory (SAL), to  
25          meet future IAEA requirements as its workload is

1 growing, the laboratory's infrastructure is aging,  
2 and IAEA requirements have become more demand-  
3 ing, and while initial plans have been made for lab-  
4 oratory enhancement and are currently pending  
5 budgetary approval (sometime in 2009), the simple  
6 fact is that, as more countries implement IAEA  
7 safeguards, many more nuclear samples come to  
8 SAL for analysis.

9 (7) The existing funding, planning, and execu-  
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 (b) AUTHORIZATION OF APPROPRIATIONS.—There is  
17 authorized to be appropriated \$10,000,000 for the refur-  
18 bishment or possible replacement of the IAEA's Safe-  
19 guards Analytical Laboratory.

20 (c) REPORT.—Not later than 180 days after the date  
21 of the enactment of this Act, the Secretary of State shall  
22 submit to the Committee on Foreign Affairs of the House  
23 of Representatives and the Committee on Foreign Rela-  
24 tions of the Senate a report on the refurbishment or pos-

1 sible replacement of the IAEA's Safeguards Analytical  
2 Laboratory pursuant to subsection (b).

3 **SEC. 403. DURBAN REVIEW CONFERENCE FUNDING.**

4 None of the funds authorized to be appropriated by  
5 this Act may be used by the Secretary of State as a con-  
6 tribution for any part of the Durban Review Conference  
7 or its preparatory or follow-on activities.

8 **SEC. 404. RESTRICTIONS REGARDING IRAN-LED INTER-**  
9 **NATIONAL ORGANIZATIONS.**

10 None of the funds authorized to be appropriated by  
11 this Act may be used by the Secretary of State as a con-  
12 tribution for any organization, agency, or program within  
13 the United Nations system in which Iran holds a position  
14 of leadership.

15 **SEC. 405. UNITED NATIONS HUMAN RIGHTS COUNCIL.**

16 None of the funds authorized to be appropriated by  
17 this Act may be used by the Secretary of State as a con-  
18 tribution for the United Nations Human Rights Council.

19 **SEC. 406. UNITED NATIONS RELIEF AND WORKS AGENCY.**

20 None of the funds authorized to be appropriated by  
21 this Act may be used by the Secretary of State as a con-  
22 tribution for the United Nations Relief and Works Agency.

1 **SEC. 407. UNITED NATIONS DEVELOPMENT PROGRAM ETH-**  
2 **ICS JURISDICTION.**

3 The Secretary of State shall withhold 10 percent  
4 from the United States voluntary contribution for fiscal  
5 year 2010 to the United Nations Development Program  
6 until the Secretary of State certifies to the Committee on  
7 Foreign Affairs and the Committee on Appropriations of  
8 the House of Representatives and the Committee on For-  
9 eign Relations and the Committee on Appropriations of  
10 the Senate that the United Nations Development Program  
11 has acceded to the jurisdiction of the United Nations Eth-  
12 ics Office.

13 **SEC. 408. WITHHOLDING OF CONTRIBUTIONS TO UNITED**  
14 **NATIONS FOR LEGAL FEES OF CERTAIN OFFI-**  
15 **CERS OR EMPLOYEES.**

16 The United States may not contribute to the United  
17 Nations any funds to be used to pay or reimburse legal  
18 expenses incurred by current or former United Nations  
19 officers or employees in connection with proceedings aris-  
20 ing out of alleged malfeasance in connection with the em-  
21 ployment of such officers or employees with the United  
22 Nations. The President shall ensure that no United States  
23 contributions to the United Nations are used for such pur-  
24 poses, including, where necessary, by withholding from  
25 United States contributions to the regularly assessed bien-

1 nial budget of the United Nations amounts equal to any  
2 amounts so paid or reimbursed.

3 **SEC. 409. REVIEW OF ACTIVITIES OF INTERNATIONAL COM-**  
4 **MISSIONS.**

5 (a) IN GENERAL.—Not later than one year after the  
6 date of the enactment of this Act, and two years there-  
7 after, the Secretary of State shall submit to the appro-  
8 priate congressional committees a report on the activities  
9 of each of the international commissions specified in sec-  
10 tion 103.

11 (b) REPORT ELEMENTS.—The reports required  
12 under subsection (a) shall include information on the fol-  
13 lowing:

14 (1) Amounts obligated and expended during the  
15 two previous fiscal years by each of such commis-  
16 sions.

17 (2) A description of the projects carried out  
18 during such years by each of such commissions and  
19 a description of the management and implementa-  
20 tion of such projects, including the use of private  
21 contractors.

22 (3) Projects anticipated during the next two fis-  
23 cal years relating to the activities of each of such  
24 commissions because of obligations that the United

1 States has entered into based on any treaty between  
2 the United States and another country.

3 (c) SUBMISSION OF REPORTS.—The reports required  
4 under subsection (a) may be combined with the annual  
5 budget justification submitted by the President in accord-  
6 ance with section 1105(a) of title 31, United States Code.

7 **TITLE V—UNITED STATES**  
8 **INTERNATIONAL BROAD-**  
9 **CASTING**

10 **SEC. 501. AUTHORIZATION OF APPROPRIATIONS FOR**  
11 **INTERNATIONAL BROADCASTING.**

12 The following amounts are authorized to be appro-  
13 priated to carry out United States international broad-  
14 casting activities under the United States Information and  
15 Educational Exchange Act of 1948, the Radio Broad-  
16 casting to Cuba Act, the Television Broadcasting to Cuba  
17 Act, the United States International Broadcasting Act of  
18 1994, and the Foreign Affairs Reform and Restructuring  
19 Act of 1998, and to carry out other authorities in law con-  
20 sistent with such purposes:

21 (1) For “International Broadcasting Oper-  
22 ations”, \$730,241,919 for fiscal year 2010 and such  
23 sums as may be necessary for fiscal year 2011.

1           (2) For “Broadcasting Capital Improvements”,  
2           \$11,713,952 for fiscal year 2010 and such sums as  
3           may be necessary for fiscal year 2011.

4           (3) For “Broadcasting to Cuba”, \$32,500,000  
5           for fiscal year 2010 and such sums as may be nec-  
6           essary for fiscal year 2011.

7   **SEC. 502. PERSONAL SERVICES CONTRACTING PROGRAM.**

8           Section 504(c) of the Foreign Relations Authoriza-  
9           tion Act, Fiscal Year 2003, (Public Law 107–228; 22  
10          U.S.C. 6206 note), is amended by striking “2009” and  
11          inserting “2011”.

12   **SEC. 503. EMPLOYMENT FOR INTERNATIONAL BROAD-**  
13                                   **CASTING.**

14          Section 804(1) of the United States Information and  
15          Educational Exchange Act of 1948 (22 U.S.C. 1474(1))  
16          is amended by inserting after “suitably qualified United  
17          States citizens” the following: “(for purposes of this para-  
18          graph, the term ‘suitably qualified United States citizens’  
19          means those United States citizen applicants who are  
20          equally or better qualified than non-United States citizen  
21          applicants)”.

22   **SEC. 504. DOMESTIC RELEASE OF THE VOICE OF AMERICA**  
23                                   **FILM ENTITLED “A FATEFUL HARVEST”.**

24          (a) IN GENERAL.—Notwithstanding section 208 of  
25          the Foreign Relations Authorization Act, Fiscal Years

1 1986 and 1987 (22 U.S.C. 1461–1a) and section 501(b)  
2 of the United States Information and Educational Ex-  
3 change Act of 1948 (22 U.S.C. 1461(b)), the Director of  
4 the International Broadcasting Bureau shall provide a  
5 master copy of the film entitled “A Fateful Harvest” to  
6 the Archivist of the United States for domestic release in  
7 accordance with subsection (b).

8 (b) DOMESTIC RELEASE.—Upon evidence that nec-  
9 essary United States rights and licenses have been secured  
10 by the person seeking domestic release of the film referred  
11 to in subsection (a), the Archivist shall—

12 (1) deposit the film in the National Archives of  
13 the United States; and

14 (2) make copies of the film available for pur-  
15 chase and public viewing within the United States.

16 **SEC. 505. ESTABLISHING PERMANENT AUTHORITY FOR**  
17 **RADIO FREE ASIA.**

18 Section 309 of the United States International  
19 Broadcasting Act of 1994 (22 U.S.C. 6208) is amended—

20 (1) in subsection (c)(2), by striking “, and shall  
21 further specify that funds to carry out the activities  
22 of Radio Free Asia may not be available after Sep-  
23 tember 30, 2010”;

24 (2) by striking subsection (f); and

1           (3) by redesignating subsections (g) and (h) as  
2           subsection (f) and (g), respectively.

3 **TITLE VI—UNITED NATIONS**  
4 **TRANSPARENCY, ACCOUNT-**  
5 **ABILITY, AND REFORM ACT**  
6 **OF 2009**

7 **SEC. 601. SHORT TITLE.**

8           This title may be cited as the “United Nations Trans-  
9           parency, Accountability, and Reform Act of 2009”.

10 **SEC. 602. DEFINITIONS.**

11           In this title :

12           (1) EMPLOYEE.—The term “employee” means  
13           an individual who is employed in the general serv-  
14           ices, professional staff, or senior management of the  
15           United Nations, including consultants, contractors  
16           and subcontractors.

17           (2) GENERAL ASSEMBLY.—The term “General  
18           Assembly” means the General Assembly of the  
19           United Nations.

20           (3) MEMBER STATE.—The term “Member  
21           State” means a Member State of the United Na-  
22           tions. Such term is synonymous with the term  
23           “country”.

24           (4) SECRETARY.—The term “Secretary” means  
25           the Secretary of State.



1 White House Office of Management and Budget),  
2 significantly more than any other country.

3 (2) Under current rules and contribution levels,  
4 it is possible to assemble the two-thirds majority  
5 needed for important United Nations budget votes  
6 with a group of countries that, taken together, pay  
7 less than 1 percent of the total United Nations reg-  
8 ular budget.

9 (3) The disconnect between contribution levels  
10 and management control creates significant perverse  
11 incentives in terms of United Nations spending,  
12 transparency, and accountability.

13 (4) The United Nations system suffers from  
14 unacceptably high levels of waste, fraud, and abuse,  
15 which seriously impair its ability to fulfill the lofty  
16 ideals of its founding.

17 (5) Amidst the continuing financial, corruption,  
18 and sexual abuse scandals of the past several years,  
19 American public disapproval of United Nations has  
20 reached all-time highs. A 2008 Gallup poll revealed  
21 that 65 percent of Americans believe that the United  
22 Nations is doing a poor job, a negative assessment  
23 shared by a majority of respondents from both polit-  
24 ical parties. Research polling by another firm in late  
25 2006 found that 71 percent of Americans think that

1 the United Nations is “no longer effective” and  
2 needs to be significantly reformed, while 75 percent  
3 think that the United Nations “needs to be held  
4 more accountable.”

5 (6) Significant improvements in United Nations  
6 transparency and accountability are necessary for  
7 improving public perceptions of and American sup-  
8 port for United Nations operations.

9 (7) Because of their need to justify future con-  
10 tributions from donors, voluntarily funded organiza-  
11 tions have more incentive to be responsive and effi-  
12 cient in their operations than organizations funded  
13 by compulsory contributions that are not tied to per-  
14 formance.

15 (8) Article XVII of the Charter of the United  
16 Nations, which states that “[t]he expenses of the  
17 Organization shall be borne by the Members as ap-  
18 portioned by the General Assembly”, leaves to the  
19 discretion of the General Assembly the basis of ap-  
20 portionment, which could be done on the basis of  
21 voluntary pledges by Member States.

22 (9) Unlike United States assessed contributions  
23 to the United Nations regular budget, which are  
24 statutorily capped at 22 percent of the total, there  
25 is no cap on voluntary contributions.

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

7 **SEC. 612. APPORTIONMENT OF THE UNITED NATIONS REG-**  
8 **ULAR BUDGET ON A VOLUNTARY BASIS.**

9           (a) UNITED STATES POLICY.—

10           (1) SHIFTING OF FUNDING.—It is the policy of  
11           the United States to seek to shift the funding mech-  
12           anism for the regular budget of the United Nations  
13           from an assessed to a voluntary basis.

14           (2) DIRECTION.—The President shall direct the  
15           United States Permanent Representative to the  
16           United Nations to use the voice, vote, and influence  
17           of the United States at the United Nations to shift  
18           the funding mechanism for the regular budget of the  
19           United Nations to a voluntary basis, and to make it  
20           a priority to build support for such a trans-  
21           formational change among Member States, particu-  
22           larly key United Nations donors.

23           (b) CERTIFICATION OF PREDOMINANTLY VOL-  
24           UNTARY UN REGULAR BUDGET FINDING.—A certifi-  
25           cation described in this section is a certification by the

1 Secretary of State to the Appropriate Congressional Com-  
2 mittees that at least 80 percent of the total regular budget  
3 of the United Nations is apportioned on a voluntary basis.  
4 Each such certification shall be shall be effective for a pe-  
5 riod of no more than 1 year, and shall be promptly revoked  
6 by the Secretary, with notice to the Appropriate Congres-  
7 sional Committees, if the underlying circumstances change  
8 so as not to warrant such certification.

9 (c) WITHHOLDING OF NONVOLUNTARY CONTRIBU-  
10 TIONS.—

11 (1) IN GENERAL.—Beginning two years after  
12 the effective date of this Act and notwithstanding  
13 any other provision of law, no funds may be obli-  
14 gated or expended for a United States assessed con-  
15 tribution to the regular budget of the United Na-  
16 tions in an amount greater than 50 percent of the  
17 United States share of assessed contributions for the  
18 regular budget of the United Nations unless there is  
19 in effect a certification by the Secretary, as de-  
20 scribed in subsection (b).

21 (2) RELEASE.—For a period of three years  
22 after appropriation, funds appropriated for use as a  
23 United States contribution to the regular budget of  
24 the United Nations but withheld from obligation and  
25 expenditure pursuant to paragraph (1) may be obli-

1       gated and expended for that purpose upon the cer-  
2       tification described in subsection (b). After three  
3       years, in the absence of such certification, those  
4       funds shall revert to the United States Treasury.

5 **SEC. 613. BUDGET JUSTIFICATION FOR UNITED STATES**  
6                   **CONTRIBUTIONS TO THE REGULAR BUDGET**  
7                   **OF THE UNITED NATIONS.**

8       (a) DETAILED ITEMIZATION.—The annual congres-  
9       sional budget justification shall include a detailed itemized  
10      request in support of the contribution of the United States  
11      to the regular budget of the United Nations.

12      (b) CONTENTS OF DETAILED ITEMIZATION.—The  
13      detailed itemization required under subsection (a) shall—

14              (1) contain information relating to the amounts  
15              requested in support of each of the various sections  
16              and titles of the regular budget of the United Na-  
17              tions; and

18              (2) compare the amounts requested for the cur-  
19              rent year with the actual or estimated amounts con-  
20              tributed by the United States in previous fiscal years  
21              for the same sections and titles.

22      (c) ADJUSTMENTS AND NOTIFICATION.—If the  
23      United Nations proposes an adjustment to its regular as-  
24      sessed budget, the Secretary of State shall, at the time  
25      such adjustment is presented to the Advisory Committee

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

4 **Subtitle B—Transparency and Ac-**  
5 **countability for United States**  
6 **Contributions to the United Na-**  
7 **tions**

8 **SEC. 621. FINDINGS.**

9 Congress finds the following:

10 (1) As underscored by continuing revelations of  
11 waste, fraud, and abuse, oversight and account-  
12 ability mechanisms within the United Nations sys-  
13 tem remain significantly deficient, despite decades of  
14 reform attempts, including those initiated by Secre-  
15 taries General of the United Nations.

16 (2) Notwithstanding the personal intentions of  
17 any Secretary General of the United Nations to pro-  
18 mote institutional transparency and accountability  
19 within the United Nations System, the Secretary  
20 General lacks the power to impose far reaching man-  
21 agement reforms without the concurrence of the  
22 General Assembly.

23 (3) Groupings of Member States whose voting  
24 power in the General Assembly significantly out-  
25 paces their proportional contributions to the United

1 Nations system have repeatedly and successfully de-  
2 feated, delayed, and diluted various reform proposals  
3 that would have enabled more detailed oversight and  
4 scrutiny of United Nations system operations and  
5 expenditures.

6 (4) To an unacceptable degree, major donor  
7 states, including the United States, lack access to  
8 reasonably detailed, reliable information that would  
9 allow them to determine how their contributions  
10 have been spent by various United Nations system  
11 entities, further contributing to the lack of account-  
12 ability within the United Nations system.

13 **SEC. 622. DEFINITIONS.**

14 In this title:

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

1 tions under section 1225(b)(3)(E) of the John War-  
2 ner National Defense Authorization Act for Fiscal  
3 Year 2007 (Public Law 109–364).

4 (2) UNITED NATIONS SYSTEM.—The term  
5 “United Nations System” means the aggregation of  
6 all United Nations Entities, as defined in paragraph  
7 (1).

8 (3) UNITED STATES CONTRIBUTION.—The term  
9 “United States Contribution” means an assessed or  
10 voluntary contribution, whether financial, in-kind, or  
11 otherwise, from the United States Federal Govern-  
12 ment to a United Nations Entity, including con-  
13 tributions passed through other entities for ultimate  
14 use by a United Nations Entity. United States Con-  
15 tributions include, but are not limited to, those con-  
16 tributions identified pursuant to section  
17 1225(b)(3)(E) of the John Warner National Defense  
18 Authorization Act for Fiscal Year 2007 (Public Law  
19 109–364).

20 (4) TRANSPARENCY CERTIFICATION.—The term  
21 “Transparency Certification” means an annual,  
22 written affirmation by the head or authorized des-  
23 ignee of a United Nations Entity that the Entity will  
24 cooperate with the Inspector General, including by  
25 providing the Inspector General, upon request, with

1 full access to Oversight Information as defined in  
2 this title.

3 (5) OVERSIGHT INFORMATION.—The term  
4 “Oversight Information” includes—

5 (A) internally and externally commissioned  
6 audits, program reviews, performance reports,  
7 and evaluations;

8 (B) financial statements, records, and bill-  
9 ing systems;

10 (C) program budgets and program budget  
11 implications, including revised estimates and re-  
12 ports produced by or provided to the Secretary  
13 General and the Secretary General’s agents on  
14 budget related matters;

15 (D) operational plans, budgets, and budg-  
16 etary analyses for peacekeeping operations;

17 (E) analyses and reports regarding the  
18 scale of assessments;

19 (F) databases and other data systems con-  
20 taining financial or programmatic information;

21 (G) documents or other records alleging or  
22 involving improper use of resources, mis-  
23 conduct, mismanagement, or other violations of  
24 rules and regulations applicable to the United  
25 Nations Entity; and

1 (H) other documentation relevant to the  
2 audit and investigative work of the United  
3 States Inspector General for Contributions to  
4 the United Nations System.

5 **SEC. 623. ESTABLISHMENT AND MANAGEMENT OF THE OF-**  
6 **FICE OF THE UNITED STATES INSPECTOR**  
7 **GENERAL FOR CONTRIBUTIONS TO THE**  
8 **UNITED NATIONS SYSTEM.**

9 (a) PURPOSE.—The purpose of this section is to  
10 make possible the independent and objective conduct of  
11 audits and investigations relating to United States Con-  
12 tributions to the United Nations System and the use of  
13 those contributions by United Nations Entities, in an ef-  
14 fort to eliminate and deter waste, fraud, and abuse in the  
15 use of those contributions, and thereby to contribute to  
16 the development of greater transparency, accountability,  
17 and internal controls throughout the United Nations Sys-  
18 tem.

19 (b) ESTABLISHMENT.—There is hereby established  
20 the Office of the United States Inspector General for Con-  
21 tributions to the United Nations System.

22 (c) INSPECTOR GENERAL.—

23 (1) APPOINTMENT.—The head of the Office of  
24 the United States Inspector General for Contribu-  
25 tions to the United Nations System is the Inspector

1 General for Contributions to the United Nations  
2 System, who shall be appointed by the President, by  
3 and with the advice and consent of the Senate, on  
4 the basis of integrity and demonstrated ability in ac-  
5 counting, auditing, financial analysis, law, manage-  
6 ment analysis, public administration, or investiga-  
7 tions.

8 (2) NOMINATION.—The nomination of an indi-  
9 vidual as Inspector General shall be made not later  
10 than 30 days after the enactment of this Act.

11 (3) REMOVAL.—The Inspector General may be  
12 removed from office by the President. The President  
13 shall communicate the reasons for any such removal  
14 to both Houses of Congress.

15 (4) COMPENSATION.—The annual rate of basic  
16 pay of the Inspector General shall be the annual rate  
17 of basic pay provided for positions at level IV of the  
18 Executive Schedule under section 5315 of title 5,  
19 United States Code.

20 (5) RELATIONSHIP TO BOARD.—

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

1           (B) Neither the Board, any officer of the  
2 Board, nor any officer of a federal department  
3 or agency shall prevent or prohibit the Inspec-  
4 tor General from initiating, carrying out, or  
5 completing any audit or investigation.

6           (6) DUTIES.—

7           (A) IN GENERAL.—It shall be the duty of  
8 the Inspector General to conduct, supervise,  
9 and coordinate audits and investigations of—

10                   (i) the treatment, handling, expendi-  
11                   ture, and use of United States Contribu-  
12                   tions by and to United Nations Entities;  
13                   and

14                   (ii) the adequacy of accounting, over-  
15                   sight, and internal control mechanisms at  
16                   United Nations Entities that receive  
17                   United States Contributions.

18           (B) SUPERVISION.—The Inspector General  
19 shall establish, maintain, and oversee such sys-  
20 tems, procedures, and controls as the Inspector  
21 General considers appropriate to discharge the  
22 duty under subparagraph (A).

23           (C) OPERATION.—The Inspector General  
24 shall carry out the duties specified in subpara-

1 graphs (A) and (B) in accordance with section  
2 4(b)(1) of the Inspector General Act of 1978.

3 (D) MAINTENANCE OF RECORDS.—The In-  
4 spector General shall collect and maintain cur-  
5 rent records regarding Transparency Certifi-  
6 cations by all United Nations Entities that re-  
7 ceive United States Contributions.

8 (E) NOTIFICATION.—The Inspector Gen-  
9 eral shall keep the Board of Directors and the  
10 Congress fully and promptly informed of how  
11 United Nations Entities are spending United  
12 States Contributions by means of reports, testi-  
13 mony, and briefings.

14 (F) REFERRALS.—

15 (i) The Inspector General shall  
16 promptly report to the United States At-  
17 torney General when Inspector General has  
18 reasonable grounds to believe a United  
19 States federal criminal law has been vio-  
20 lated by a United Nations Entity or one of  
21 its employees, contractors, or representa-  
22 tives.

23 (ii) The Inspector General shall  
24 promptly report, when appropriate, to the  
25 Secretary General or the head of the ap-

1           appropriate United Nations Entity cases  
2           where the Inspector General reasonably be-  
3           lieves that mismanagement, misfeasance,  
4           or malfeasance is likely to have taken place  
5           within a United Nations Entity and dis-  
6           ciplinary proceedings are likely justified.

7           (7) PERSONNEL, FACILITIES, AND OTHER RE-  
8           SOURCES.—

9           (A) IN GENERAL.—The Inspector General  
10          may select, appoint, and employ such officers  
11          and employees as may be necessary for carrying  
12          out the duties of the Inspector General.

13          (B) SERVICES.—The inspector general  
14          may obtain services as authorized by section  
15          3109 of title 5, United States Code, at daily  
16          rates not to exceed the equivalent rate pre-  
17          scribed for grade GS–15 of the General Sched-  
18          ule by section 5332 of such title.

19          (C) REAL PROPERTY.—The Inspector Gen-  
20          eral may lease, purchase, or otherwise acquire,  
21          improve, and use such real property wherever  
22          situated, as may be necessary for carrying out  
23          this section.

24          (D) CONTRACTS.—To the extent and in  
25          such amounts as may be provided in advance by

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

7 (E) DETAILEES.—Upon request by the In-  
8 spector General, the head of an agency may de-  
9 tail any employee of such agency to the Office  
10 of the United States Inspector General for Con-  
11 tributions to the United Nations System on a  
12 reimbursable basis. Any employee so detailed  
13 remains, for the purpose of preserving such em-  
14 ployee's allowances, privileges, rights, seniority,  
15 and other benefits, an employee of the agency  
16 from which detailed.

17 (8) COOPERATION BY UNITED STATES GOVERN-  
18 MENT ENTITIES.—

19 (A) IN GENERAL.—In carrying out the du-  
20 ties, responsibilities, and authorities of the In-  
21 spector General under this section, the Inspec-  
22 tor General shall receive the cooperation of in-  
23 spectors general of other Federal Government  
24 agencies.

1 (B) ASSISTANCE.—Upon request of the In-  
2 spector General for information or assistance  
3 from any department, agency, or other entity of  
4 the Federal Government, the head of such enti-  
5 ty shall, insofar as is practicable and not in  
6 contravention of any existing law, furnish such  
7 information or assistance to the Inspector Gen-  
8 eral, or an authorized designee.

9 (C) REPORT.—Whenever information or  
10 assistance requested by the Inspector General  
11 is, in the judgment of the Inspector General,  
12 unreasonably refused or not provided, the In-  
13 spector General shall report the circumstances  
14 to the Board of Directors and to the Appro-  
15 priate Congressional Committees without delay.

16 (9) CONFIRMATION OF TRANSPARENCY BY  
17 UNITED NATIONS ENTITIES.—

18 (A) PROMPT NOTICE BY INSPECTOR GEN-  
19 ERAL.—Whenever information or assistance re-  
20 quested from a United Nations Entity by the  
21 Inspector General pursuant to a Transparency  
22 Certification is, in the opinion of the Inspector  
23 General, unreasonably refused or not provided  
24 in a timely manner, the Inspector General shall  
25 notify the Board of Directors, the head of that

1 particular United Nations Entity, and the Sec-  
2 retary General of the circumstances in writing,  
3 without delay.

4 (B) NOTICE OF COMPLIANCE.—If and  
5 when the information or assistance being  
6 sought by the Inspector General in connection  
7 with a notification pursuant to subparagraph  
8 (A) is provided to the satisfaction of the Inspec-  
9 tor General, the Inspector General shall so no-  
10 tify in writing the United Nations Entity, the  
11 Board of Directors, and the Appropriate Con-  
12 gressional Committees.

13 (C) NONCOMPLIANCE.—If the information  
14 or assistance being sought by the Inspector  
15 General in connection with a notification pursu-  
16 ant to subparagraph (A) is not provided to the  
17 satisfaction of the Inspector General within 90  
18 days of that notification, then the United Na-  
19 tions Entity that is the subject of the notifica-  
20 tion is deemed to be noncompliant with its  
21 Transparency Certification, and the Inspector  
22 General shall provide prompt, written notifica-  
23 tion of that fact to the Board of Directors, Ap-  
24 propriate Congressional Committees, the head  
25 of that United Nations Entity, the Secretary

1 General, and any office or agency of the Fed-  
2 eral Government that has provided that United  
3 Nations Entity with any United States Con-  
4 tribution during the prior 2 years.

5 (D) RESTORATION OF COMPLIANCE.—

6 After the situation has been resolved to the sat-  
7 isfaction of the Board of Directors, a finding of  
8 Transparency Certification noncompliance pur-  
9 suant to subparagraph (B) may be reversed by  
10 an affirmative vote of at least 5 of the 7 mem-  
11 bers of the Board of Directors. The Board shall  
12 promptly provide notification of such restora-  
13 tion, along with a description of the basis for  
14 the Board's decision, to the Inspector General,  
15 Appropriate Congressional Committees, the  
16 head of the affected United Nations Entity, the  
17 Secretary General, and the head of any office or  
18 agency of the Federal Government that has  
19 provided that United Nations Entity with any  
20 United States Contribution during the prior 2  
21 years.

22 (E) COST REIMBURSEMENT.—The Inspec-

23 tor General may reimburse United Nations En-  
24 tities for the reasonable cost of providing to the  
25 Inspector General information or assistance

1 sought pursuant to a Transparency Certifi-  
2 cation for the purpose of performing the duties  
3 described in paragraph (6).

4 (10) REPORTS.—

5 (A) AUDIT AND INVESTIGATION RE-  
6 PORTS.—Promptly upon completion, the Inspec-  
7 tor General shall provide copies of each audit  
8 and investigation report completed pursuant to  
9 paragraph (6) to the Board of Directors, the  
10 Appropriate Congressional Committees, and, to  
11 the extent permissible under United States law,  
12 the head of each United Nations Entity that is  
13 the subject of that particular report.

14 (B) SEMIANNUAL REPORTS.—Not later  
15 than May 30, 2010, and semiannually there-  
16 after, the Inspector General shall submit to the  
17 Appropriate Congressional Committees a report  
18 that, among other things—

19 (i) meets the requirements of section  
20 5 of the Inspector General Act of 1978;  
21 and

22 (ii) includes a list of and detailed de-  
23 scription of the circumstances surrounding  
24 any notification of noncompliance issued  
25 pursuant to paragraph (9)(C) during the

1 covered timeframe, and whether and when  
2 Board of Directors has reversed such find-  
3 ing of noncompliance.

4 (C) PROHIBITED DISCLOSURES.—Nothing  
5 in this subsection shall be construed to author-  
6 ize the public disclosure of information that  
7 is—

8 (i) specifically prohibited from disclo-  
9 sure by any other provision of law;

10 (ii) specifically required by Executive  
11 order to be protected from disclosure in  
12 the interest of national defense or national  
13 security or in the conduct of foreign af-  
14 fairs; or

15 (iii) a part of an ongoing criminal in-  
16 vestigation.

17 (D) PRIVACY PROTECTIONS.—The Inspec-  
18 tor General shall exempt from public disclosure  
19 information received from a United Nations  
20 Entity or developed during an audit or inves-  
21 tigation that the Inspector General believes—

22 (i) constitutes a trade secret or privi-  
23 leged and confidential personal financial  
24 information;

1 (ii) accuses a particular person of a  
2 crime;

3 (iii) would, if publicly disclosed, con-  
4 stitute a clearly unwarranted invasion of  
5 personal privacy; and

6 (iv) would compromise an ongoing law  
7 enforcement investigation or judicial trial  
8 in the United States.

9 (E) PUBLICATION.—Subject only to the  
10 exceptions detailed in subparagraphs (C) and  
11 (D), the Inspector General shall promptly pub-  
12 lish each report under this subsection on a pub-  
13 licly available and searchable Internet website.

14 (d) BOARD OF DIRECTORS.—

15 (1) ESTABLISHMENT.—The Office of the  
16 United States Inspector General for Contributions to  
17 the United Nations System shall have a Board of  
18 Directors.

19 (2) DUTIES.—The Board shall receive informa-  
20 tion and reports of audits and investigations from  
21 the Office and the Inspector General, provide gen-  
22 eral direction and supervision to the Office and the  
23 Inspector General, and determine the restoration of  
24 compliance by any United Nations Entity with its

1 Transparency Certification pursuant to subsection  
2 (c)(9)(D).

3 (3) MEMBERSHIP.—The Board shall consist of  
4 the Secretary of State (or the Secretary’s designee),  
5 the Secretary of Labor (or the Secretary’s designee),  
6 the Secretary of Agriculture (or the Secretary’s des-  
7 igned), the Secretary of Defense (or the Secretary’s  
8 designee), the Administrator of the Environmental  
9 Protection Agency (or the Administrator’s designee),  
10 the Secretary of the Treasury (or the Secretary’s  
11 designee), and the Director of the Office of Manage-  
12 ment and Budget (or the Director’s designee).

13 (4) CHAIRMANSHIP.—The Board shall be  
14 chaired by a board member, and the chairmanship  
15 shall rotate among the member departments and  
16 agencies on an annual basis. The first chair shall be  
17 the Director or designee from the Office of Manage-  
18 ment and Budget.

19 **SEC. 624. TRANSPARENCY FOR UNITED STATES CONTRIBU-**  
20 **TIONS.**

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

1           (1) the intended United Nations Entity recipi-  
2           ent has not provided to the Inspector General within  
3           the preceding year a Transparency Certification as  
4           defined in section \_\_22(4); or

5           (2) the intended United Nations Entity recipi-  
6           ent is noncompliant with its Transparency Certifi-  
7           cation as described in section \_\_23(c)(9)(C).

8           (b) TREATMENT OF FUNDS WITHHELD FOR NON-  
9 COMPLIANCE.—At the conclusion of each fiscal year, any  
10 funds that had been appropriated for use as a United  
11 States Contribution to a United Nations Entity during  
12 that fiscal year, but could not be obligated or expended  
13 because of the restrictions of paragraph (1), shall be re-  
14 turned to the United States Treasury, and are not subject  
15 to reprogramming for any other use. Any such funds re-  
16 turned to the Treasury shall not be considered arrears to  
17 be repaid to any United Nations Entity.

18           (c) PRESIDENTIAL WAIVER.—The President may  
19 waive the limitations of this subsection with respect to a  
20 particular United States Contribution to a particular  
21 United Nations Entity within a single fiscal year if the  
22 President determines that it is required by the national  
23 security interests of the United States and provides notifi-  
24 cation and explanation of that determination to the Appro-  
25 priate Congressional Committees.

1 **SEC. 625. AUTHORIZATION OF APPROPRIATIONS.**

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

12 **Subtitle C—United States Policy at**  
13 **the United Nations**

14 **SEC. 631. ANNUAL PUBLICATION.**

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

23 **SEC. 632. ANNUAL FINANCIAL DISCLOSURE.**

24       The President shall direct the United States Perma-  
25 nent Representative to the United Nations to use the  
26 voice, vote, and influence of the United States at the

1 United Nations to implement a system for the required  
2 filing of individual annual financial disclosure forms by  
3 each employee of the United Nations and its specialized  
4 agencies, programs, and funds at the P-5 level and above,  
5 which shall be made available to the Office of Internal  
6 Oversight Services and, upon request, to Member States  
7 and their public.

8 **SEC. 633. POLICY WITH RESPECT TO EXPANSION OF THE**  
9 **SECURITY COUNCIL.**

10 It shall be the policy of the United States to use the  
11 voice, vote, and influence of the United States at the  
12 United Nations to oppose any proposals on expansion of  
13 the Security Council if such expansion would—

14 (1) diminish the influence of the United States  
15 on the Security Council;

16 (2) include veto rights for any new members of  
17 the Security Council; or

18 (3) undermine the effectiveness of the Security  
19 Council.

20 **SEC. 634. ACCESS TO REPORTS AND AUDITS.**

21 The President shall direct the United States Perma-  
22 nent Representative to the United Nations to use the  
23 voice, vote, and influence of the United States at the  
24 United Nations to ensure that Member States may, upon

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

3 **SEC. 635. WAIVER OF IMMUNITY.**

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

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

20       The President shall direct the United States Perma-  
21 nent Representative to the United Nations to use the  
22 voice, vote, and influence of the United States at the  
23 United Nations to work toward adoption by the general  
24 assembly of—

25               (1) a definition of terrorism that—

1 (A) builds upon the recommendations of  
2 the December 2004 report of the High-Level  
3 Panel on Threats, Challenges, and Change;

4 (B) includes as an essential component of  
5 such definition any action that is intended to  
6 cause death or serious bodily harm to civilians  
7 with the purpose of intimidating a population  
8 or compelling a government or an international  
9 organization to do, or abstain from doing, any  
10 act; and

11 (C) does not propose a legal or moral  
12 equivalence between an action described in  
13 paragraph (1)(B) and measures taken by a gov-  
14 ernment or international organization in self-de-  
15 fense against an action described in paragraph  
16 (1)(B); and

17 (2) a comprehensive convention on terrorism  
18 that includes the definition described in paragraph  
19 (1).

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

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

1 (b) CONTENTS.—The report required under sub-  
2 section (a) shall describe—

3 (1) progress toward the goal of shifting the  
4 funding for the United Nations Regular Budget to  
5 a voluntary basis as identified in section \_\_12 above,  
6 and a detailed description of efforts and activities by  
7 United States diplomats and officials toward that  
8 end;

9 (2) progress toward each of the policy goals  
10 identified in the prior sections of this title, and a de-  
11 tailed, goal-specific description of efforts and activi-  
12 ties by United States diplomats and officials toward  
13 those ends;

14 (3) the status of the implementation of manage-  
15 ment reforms within the United Nations and its spe-  
16 cialized agencies;

17 (4) the number of outputs, reports, or other  
18 mandates generated by General Assembly resolutions  
19 that have been eliminated;

20 (5) the progress of the General Assembly to  
21 modernize and streamline the committee structure  
22 and its specific recommendations on oversight and  
23 committee outputs, consistent with the March 2005  
24 report of the Secretary General entitled “In larger

1 freedom: towards development, security and human  
2 rights for all”;

3 (6) the status of the review by the General As-  
4 sembly of all mandates older than 5 years and how  
5 resources have been redirected to new challenges,  
6 consistent with such March 2005 report of the Sec-  
7 retary General;

8 (7) the continued utility and relevance of the  
9 Economic and Financial Committee and the Social,  
10 Humanitarian, and Cultural Committee, in light of  
11 the duplicative agendas of those committees and the  
12 Economic and Social Council; and

13 (8) whether the United Nations or any of its  
14 specialized agencies has contracted with any party  
15 included on the Lists of Parties Excluded from Fed-  
16 eral Procurement and Nonprocurement Programs.

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

18 (a) IN GENERAL.—Not later than one year after the  
19 date of the enactment of this Act, the Secretary of State  
20 shall submit to the appropriate congressional committees  
21 a report—

22 (1) concerning the progress of the General As-  
23 sembly to modernize human resource practices, con-  
24 sistent with the March 2005 report of the Secretary

1 General entitled “In larger freedom: towards devel-  
2 opment, security and human rights for all”; and

3 (2) containing the information described in sub-  
4 section (b).

5 (b) CONTENTS.—The report shall include—

6 (1) a comprehensive evaluation of human re-  
7 sources reforms at the United Nations, including an  
8 evaluation of—

9 (A) tenure;

10 (B) performance reviews;

11 (C) the promotion system;

12 (D) a merit-based hiring system and en-  
13 hanced regulations concerning termination of  
14 employment of employees; and

15 (E) the implementation of a code of con-  
16 duct and ethics training;

17 (2) the implementation of a system of proce-  
18 dures for filing complaints and protective measures  
19 for work-place harassment, including sexual harass-  
20 ment;

21 (3) policy recommendations relating to the es-  
22 tablishment of a rotation requirement for non-  
23 administrative positions;

24 (4) policy recommendations relating to the es-  
25 tablishment of a prohibition preventing personnel

1 and officials assigned to the mission of a member  
2 state to the united nations from transferring to a  
3 position within the United Nations Secretariat that  
4 is compensated at the P-5 level and above;

5 (5) policy recommendations relating to a reduc-  
6 tion in travel allowances and attendant oversight  
7 with respect to accommodations and airline flights;  
8 and

9 (6) an evaluation of the recommendations of the  
10 Secretary General relating to greater flexibility for  
11 the Secretary General in staffing decisions to accom-  
12 modate changing priorities.

13 **SEC. 639. WITHHOLDING OF UNITED STATES CONTRIBU-**  
14 **TIONS TO UNRWA.**

15 (a) WITHHOLDING.—Contributions by the United  
16 States to the regular budget of the United Nations Relief  
17 and Works Agency for Palestine Refugees in the Near  
18 East (UNRWA), to any successor or related entity, or to  
19 the regular budget of the United Nations for the support  
20 of UNRWA or a successor entity (through staff positions  
21 provided by the United Nations Secretariat, or otherwise),  
22 may be provided only during a period for which a certifi-  
23 cation described in subsection (b) is in effect.

24 (b) CERTIFICATION.—A certification described in this  
25 paragraph is a written determination by the Secretary,

1 based on all information available after diligent inquiry,  
2 and transmitted to the Appropriate Congressional Com-  
3 mittees along with a detailed description of the factual  
4 basis therefor, that—

5 (1) no official, employee, consultant, contractor,  
6 subcontractor, representative, or affiliate of  
7 UNRWA—

8 (A) is a member of a foreign terrorist or-  
9 ganization;

10 (B) has propagated, disseminated, or in-  
11 cited anti-American, anti-Israel, or anti-Semitic  
12 rhetoric or propaganda; or

13 (C) has used any UNRWA resources, in-  
14 cluding publications or Web sites, to propagate  
15 or disseminate political materials, including po-  
16 litical rhetoric regarding the Israeli-Palestinian  
17 conflict;

18 (2) no UNRWA school, hospital, clinic, other  
19 facility, or other infrastructure or resource is being  
20 used by a foreign terrorist organization for oper-  
21 ations, planning, training, recruitment, fundraising,  
22 indoctrination, communications, sanctuary, storage  
23 of weapons or other materials, or any other pur-  
24 poses;

1           (3) UNRWA is subject to comprehensive finan-  
2           cial audits by an internationally recognized third  
3           party independent auditing firm and has imple-  
4           mented an effective system of vetting and oversight  
5           to prevent the use, receipt, or diversion of any  
6           UNRWA resources by any foreign terrorist organiza-  
7           tion or members thereof;

8           (4) no UNRWA-funded school or educational  
9           institution uses textbooks or other educational mate-  
10          rials that propagate or disseminate anti-American,  
11          anti-Israel, or anti-Semitic rhetoric, propaganda or  
12          incitement; and

13          (5) no recipient of UNRWA funds or loans is  
14          a member of a foreign terrorist organization.

15          (c) DEFINITION.—In this section, the term “foreign  
16          terrorist organization” means an organization designated  
17          as a foreign terrorist organization by the Secretary of  
18          State in accordance with section 219(a) of the Immigra-  
19          tion and Nationality Act (8 U.S.C. 1189(a)).

20          (d) EFFECTIVE DURATION OF CERTIFICATION.—The  
21          certification described in subsection (b) shall be effective  
22          for a period of 180 days from the date of transmission  
23          to the Appropriate Congressional Committees, or until the  
24          Secretary receives information rendering that certification  
25          factually inaccurate, whichever is earliest. In the event

1 that a certification becomes ineffective, the Secretary shall  
2 promptly transmit to the Appropriate Congressional Com-  
3 mittees a description of any information that precludes the  
4 renewal or continuation of the certification.

5 (e) LIMITATION.—During a period for which a certifi-  
6 cation described in subsection (b) is in effect, the United  
7 States may not contribute to the United Nations Relief  
8 and Works Agency for Palestine Refugees in the Near  
9 East (UNRWA) or a successor entity an annual amount—

10 (1) greater than the highest annual contribu-  
11 tion to UNRWA made by a member country of the  
12 League of Arab States;

13 (2) that, as a proportion of the total UNRWA  
14 budget, exceeds the proportion of the total budget  
15 for the United Nations High Commissioner for Ref-  
16 ugees (UNHCR) paid by the United States; or

17 (3) that exceeds 22 percent of the total budget  
18 of UNRWA.

19 (f) SENSE OF CONGRESS.—It is the sense of Con-  
20 gress that, in order to alleviate the suffering of Palestinian  
21 refugees, responsibility for those refugees should be fully  
22 transferred to the Office of the United Nations High Com-  
23 missioner for Refugees.

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

2 The United States shall withhold from United States  
3 contributions to the regular assessed budget of the United  
4 Nations for a biennial period amounts that are propor-  
5 tional to the percentage of such budget that are expended  
6 with respect to a United Nations human rights treaty  
7 monitoring body or committee that was established by—

8 (1) a convention (without any protocols) or an  
9 international covenant (without any protocols) to  
10 which the United States is not party; or

11 (2) a convention, with a subsequent protocol, if  
12 the United States is a party to neither.

13 **SEC. 641. EQUALITY AT THE UNITED NATIONS.**

14 (a) DEPARTMENT OF STATE REVIEW AND RE-  
15 PORT.—

16 (1) IN GENERAL.—To avoid duplicative efforts  
17 and funding with respect to Palestinian interests  
18 and to ensure balance in the approach to Israeli-Pal-  
19 estinian issues, the Secretary shall, not later than  
20 180 days after the date of the enactment of this  
21 Act—

22 (A) complete an audit of the functions of  
23 the entities listed in paragraph (2); and

24 (B) submit to the appropriate congres-  
25 sional committees a report containing audit  
26 findings and conclusions, and recommendations

1 for the elimination of such duplicative entities  
2 and efforts.

3 (2) ENTITIES.—The entities referred to in  
4 paragraph (1) are the following:

5 (A) The United Nations Division for Pales-  
6 tinian Rights.

7 (B) The Committee on the Exercise of the  
8 Inalienable Rights of the Palestinian People.

9 (C) The United Nations Special Coordi-  
10 nator for the Middle East Peace Process and  
11 Personal Representative to the Palestine Lib-  
12 eration Organization and the Palestinian Au-  
13 thority.

14 (D) The NGO Network on the Question of  
15 Palestine.

16 (E) The Special Committee to Investigate  
17 Israeli Practices Affecting the Human Rights of  
18 the Palestinian People and Other Arabs of the  
19 Occupied Territories.

20 (F) Any other entity the Secretary deter-  
21 mines results in duplicative efforts or funding  
22 or fails to ensure balance in the approach to  
23 Israeli-Palestinian issues.

24 (b) IMPLEMENTATION BY PERMANENT REPRESENTA-  
25 TIVE.—

1           (1) IN GENERAL.—The President shall direct  
2           the United States Permanent Representative to the  
3           United Nations to use the voice, vote, and influence  
4           of the United States at the United Nations to seek  
5           the implementation of the recommendations con-  
6           tained in the report required under subsection  
7           (a)(1)(B).

8           (2) WITHHOLDING OF FUNDS.—Until such rec-  
9           ommendations have been implemented, the United  
10          States shall withhold from United States contribu-  
11          tions to the regular assessed budget of the United  
12          Nations for a biennial period amounts that are pro-  
13          portional to the percentage of such budget that are  
14          expended for such entities.

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

18               (1) the status of the implementation of the rec-  
19               ommendations contained in the report required  
20               under subsection (a)(1)(B); and

21               (2) United States actions and achievements  
22               under subsection (b).

23 **SEC. 642. ANTI-SEMITISM AND THE UNITED NATIONS.**

24          The President shall direct the United States perma-  
25          nent representative to the United Nations to use the voice,

1 vote, and influence of the United States at the United Na-  
2 tions to make every effort to—

3 (1) ensure the issuance and implementation of  
4 a directive by the Secretary General or the Secre-  
5 tariat, as appropriate, that—

6 (A) requires all employees of the United  
7 Nations and its specialized agencies to officially  
8 and publicly condemn anti-Semitic statements  
9 made at any session of the United Nations or  
10 its specialized agencies, or at any other session  
11 sponsored by the United Nations;

12 (B) requires employees of the United Na-  
13 tions and its specialized agencies, programs,  
14 and funds to be subject to punitive action, in-  
15 cluding immediate dismissal, for making anti-  
16 Semitic statements or references;

17 (C) proposes specific recommendations to  
18 the General Assembly for the establishment of  
19 mechanisms to hold accountable employees and  
20 officials of the United Nations and its special-  
21 ized agencies, programs, and funds, or Member  
22 States, that make such anti-Semitic statements  
23 or references in any forum of the United Na-  
24 tions or of its specialized agencies;

1 (D) continues to develop and implements  
2 education awareness programs about the Holo-  
3 caust and anti-Semitism throughout the world,  
4 as part of an effort to combat intolerance and  
5 hatred; and

6 (E) requires the Office of the United Na-  
7 tions High Commissioner for Human Rights  
8 (OHCHR) to develop programming and other  
9 measures that address anti-Semitism;

10 (2) secure the adoption of a resolution by the  
11 General Assembly that establishes the mechanisms  
12 described in paragraph (1)(C); and

13 (3) continue working toward further reduction  
14 of anti-Semitic language and anti-Israel resolutions  
15 in the United Nations and its specialized agencies,  
16 programs, and funds.

17 **SEC. 643. REGIONAL GROUP INCLUSION OF ISRAEL.**

18 The President shall direct the United States Perma-  
19 nent Representative to the United Nations to use the  
20 voice, vote, and influence of the United States at the  
21 United Nations to expand the Western European and Oth-  
22 ers Group (WEOG) in the United Nations to include  
23 Israel as a permanent member with full rights and privi-  
24 leges.

1 **Subtitle D—United Nations Human**  
2 **Rights Council**

3 **SEC. 651. FINDINGS.**

4 Congress finds the following:

5 (1) Since its establishment in 2006, the United  
6 Nations Human Rights Council has failed to mean-  
7 ingfully promote the protection of internationally  
8 recognized human rights, and has proven to be even  
9 more problematic than the United Nations Human  
10 Rights Commission that it was created to replace.

11 (2) The United Nations Human Rights Council  
12 suffers from significant structural flaws, such as the  
13 fact that it draws its members from the General As-  
14 sembly without any substantive membership criteria,  
15 with the perverse result that a number of the world's  
16 worst human rights abusers are members of the  
17 council.

18 (3) The structure and composition of the  
19 United Nations Human Rights Council have made it  
20 subject to gross political manipulation, with the re-  
21 sult that, during its two and one-half years of oper-  
22 ation, the Council has passed 20 resolutions cen-  
23 suring the democratic state of Israel, as compared to  
24 only 4 censuring the dictatorship in Burma, just one  
25 censuring the North Korean regime, and none con-

1 demning the severe, ongoing human rights abuses in  
2 Sudan, China, Cuba, Zimbabwe, Belarus, and else-  
3 where.

4 **SEC. 652. HUMAN RIGHTS COUNCIL MEMBERSHIP AND**  
5 **FUNDING.**

6 (a) IN GENERAL.—For each fiscal year subsequent  
7 to the effective date of this Act until the Secretary of State  
8 submits to Congress a certification that the requirements  
9 described in subsection (b) have been satisfied—

10 (1) the Secretary of State shall withhold from  
11 a United States contribution each fiscal year to a  
12 regularly assessed biennial budget of the United Na-  
13 tions an amount that is equal to the percentage of  
14 such contribution that the Secretary determines  
15 would be allocated by the United Nations to support  
16 the United Nations Human Rights Council;

17 (2) the Secretary of State shall not make a vol-  
18 untary contribution to the United Nations Human  
19 Rights Council; and

20 (3) the United States shall not run for a seat  
21 on the United Nations Human Rights Council.

22 (b) CERTIFICATION.—The annual certification re-  
23 ferred to in subsection (a) is a certification made by the  
24 Secretary to Congress that the United Nations Human  
25 Rights Council does not include a Member State—

1 (1) subject to sanctions by the Security Council;

2 (2) under a Security Council-mandated inves-  
3 tigation for human rights abuses;

4 (3) subject, within the prior 5 years, to a coun-  
5 try-specific resolution passed under Agenda Item 9  
6 by the former United Nations Human Rights Com-  
7 mission;

8 (4) which the Secretary of State has deter-  
9 mined, for purposes of section 6(j) of the Export Ad-  
10 ministration Act of 1979 (as continued in effect pur-  
11 suant to the International Emergency Economic  
12 Powers Act), section 40 of the Arms Export Control  
13 Act, section 620A of the Foreign Assistance Act of  
14 1961, or other provision of law, is a government that  
15 has repeatedly provided support for acts of inter-  
16 national terrorism; or

17 (5) which the President has designated as a  
18 country of particular concern for religious freedom  
19 under section 402(b) of the International Religious  
20 Freedom Act of 1998.

21 **Subtitle E—International Atomic**  
22 **Energy Agency**

23 **SEC. 661. INTERNATIONAL ATOMIC ENERGY AGENCY.**

24 (a) ENFORCEMENT AND COMPLIANCE.—

25 (1) OFFICE OF COMPLIANCE.—

1           (A) ESTABLISHMENT.—The President  
2 shall direct the United States Permanent Rep-  
3 resentative to International Atomic Energy  
4 Agency (IAEA) to use the voice, vote, and influ-  
5 ence of the United States at the IAEA to estab-  
6 lish an Office of Compliance in the Secretariat  
7 of the IAEA.

8           (B) OPERATION.—The Office of Compli-  
9 ance shall—

10           (i) function as an independent body  
11 composed of technical experts who shall  
12 work in consultation with IAEA inspectors  
13 to assess compliance by IAEA Member  
14 States and provide recommendations to the  
15 IAEA Board of Governors concerning pen-  
16 alties to be imposed on IAEA Member  
17 States that fail to fulfill their obligations  
18 under IAEA Board resolutions;

19           (ii) base its assessments and rec-  
20 ommendations on IAEA inspection reports;  
21 and

22           (iii) take into consideration informa-  
23 tion provided by IAEA Board Members  
24 that are 1 of the 5 nuclear weapons states  
25 as recognized by the Treaty on the Non-

1 Proliferation of Nuclear Weapons (21 UST  
2 483) (commonly referred to as the “Nu-  
3 clear Nonproliferation Treaty” or the  
4 “NPT”).

5 (C) STAFFING.—The Office of Compliance  
6 shall be staffed from existing personnel in the  
7 Department of Safeguards of the IAEA or the  
8 Department of Nuclear Safety and Security of  
9 the IAEA.

10 (2) COMMITTEE ON SAFEGUARDS AND  
11 VERIFICATION.—The President shall direct the  
12 United States Permanent Representative to the  
13 IAEA to use the voice, vote, and influence of the  
14 United States at the IAEA to ensure that the Com-  
15 mittee on Safeguards and Verification established in  
16 2005 shall develop and seek to put into force a  
17 workplan of concrete measures that will—

18 (A) improve the ability of the IAEA to  
19 monitor and enforce compliance by Member  
20 States of the IAEA with the Nuclear Non-  
21 proliferation Treaty and the Statute of the  
22 International Atomic Energy Agency; and

23 (B) enhance the ability of the IAEA, be-  
24 yond the verification mechanisms and authori-  
25 ties contained in the Additional Protocol to the

1 Safeguards Agreements between the IAEA and  
2 Member States of the IAEA, to detect with a  
3 high degree of confidence undeclared nuclear  
4 activities by a Member State.

5 (3) PENALTIES WITH RESPECT TO THE IAEA.—

6 (A) IN GENERAL.—The President shall di-  
7 rect the United States Permanent Representa-  
8 tive to the IAEA to use the voice, vote, and in-  
9 fluence of the United States at the IAEA to en-  
10 sure that a Member State of the IAEA that is  
11 under investigation for a breach of or non-  
12 compliance with its IAEA obligations or the  
13 purposes and principles of the Charter of the  
14 United Nations has its privileges suspended, in-  
15 cluding—

16 (i) limiting its ability to vote on its  
17 case;

18 (ii) being prevented from receiving  
19 any technical assistance; and

20 (iii) being prevented from hosting  
21 meetings.

22 (B) TERMINATION OF PENALTIES.—The  
23 penalties specified under subparagraph (A)  
24 shall be terminated when such investigation is

1           concluded and such Member State is no longer  
2           in such breach or noncompliance.

3           (4) PENALTIES WITH RESPECT TO THE NU-  
4           CLEAR NONPROLIFERATION TREATY.—The Presi-  
5           dent shall direct the United States Permanent Rep-  
6           resentative to the IAEA to use the voice, vote, and  
7           influence of the United States at the IAEA to en-  
8           sure that a Member State of the IAEA that is found  
9           to be in breach of, in noncompliance with, or has  
10          withdrawn from the Nuclear Nonproliferation Treaty  
11          shall return to the IAEA all nuclear materials and  
12          technology received from the IAEA, any Member  
13          State of the IAEA, or any Member State of the Nu-  
14          clear Nonproliferation Treaty.

15          (b) UNITED STATES CONTRIBUTIONS.—

16               (1) VOLUNTARY CONTRIBUTIONS.—Voluntary  
17               contributions of the United States to the IAEA  
18               should primarily be used to fund activities relating  
19               to Nuclear Safety and Security or activities relating  
20               to Nuclear Verification.

21               (2) LIMITATION ON USE OF FUNDS.—The  
22               President shall direct the United States Permanent  
23               Representative to the IAEA to use the voice, vote,  
24               and influence of the United States at the IAEA to—

1 (A) ensure that funds for safeguards in-  
2 spections are prioritized for countries that have  
3 newly established nuclear programs or are initi-  
4 ating nuclear programs; and

5 (B) block the allocation of funds for any  
6 other IAEA development, environmental, or nu-  
7 clear science assistance or activity to a coun-  
8 try—

9 (i) the government of which the Sec-  
10 retary of State has determined, for pur-  
11 poses of section 6(j) of the Export Admin-  
12 istration Act of 1979, section 620A of the  
13 Foreign Assistance Act of 1961, section 40  
14 of the Arms Export Control Act, or other  
15 provision of law, is a government that has  
16 repeatedly provided support for acts of  
17 international terrorism and the government  
18 of which the Secretary has determined has  
19 not dismantled and surrendered its weap-  
20 ons of mass destruction programs under  
21 international verification;

22 (ii) that is under investigation for a  
23 breach of or noncompliance with its IAEA  
24 obligations or the purposes and principles  
25 of the Charter of the United Nations; or

1 (iii) that is in violation of its IAEA  
2 obligations or the purposes and principles  
3 of the Charter of the United Nations.

4 (3) **DETAIL OF EXPENDITURES.**—The Presi-  
5 dent shall direct the United States Permanent Rep-  
6 resentative to the IAEA to use the voice, vote, and  
7 influence of the United States at the IAEA to se-  
8 cure, as part of the regular budget presentation of  
9 the IAEA to Member States of the IAEA, a detailed  
10 breakdown by country of expenditures of the IAEA  
11 for safeguards inspections and nuclear security ac-  
12 tivities.

13 (c) **MEMBERSHIP.**—

14 (1) **IN GENERAL.**—The President shall direct  
15 the United States Permanent Representative to the  
16 IAEA to use the voice, vote, and influence of the  
17 United States at the IAEA to block the membership  
18 on the Board of Governors of the IAEA for a Mem-  
19 ber State of the IAEA that has not signed and rati-  
20 fied the Additional Protocol and—

21 (A) is under investigation for a breach of  
22 or noncompliance with its IAEA obligations or  
23 the purposes and principles of the Charter of  
24 the United Nations; or

1 (B) that is in violation of its IAEA obliga-  
2 tions or the purposes and principles of the  
3 Charter of the United Nations.

4 (2) CRITERIA.—The United States Permanent  
5 Representative to the IAEA shall make every effort  
6 to modify the criteria for Board membership to re-  
7 flect the principles described in paragraph (1).

8 (d) SMALL QUANTITIES PROTOCOL.—The President  
9 shall direct the United States Permanent Representative  
10 to the IAEA to use the voice, vote, and influence of the  
11 United States at the IAEA to make every effort to ensure  
12 that the IAEA changes the policy regarding the Small  
13 Quantities Protocol in order to—

14 (1) rescind and eliminate the Small Quantities  
15 Protocol;

16 (2) require that any IAEA Member State that  
17 has previously signed a Small Quantities Protocol to  
18 sign, ratify, and implement the Additional Protocol,  
19 provide immediate access for IAEA inspectors to its  
20 nuclear-related facilities, and agree to the strongest  
21 inspections regime of its nuclear efforts; and

22 (3) require that any IAEA Member State that  
23 does not comply with paragraph (2) to be ineligible  
24 to receive nuclear material, technology, equipment,  
25 or assistance from any IAEA Member State and

1 subject to the penalties described in subsection  
2 (a)(3).

3 (e) NUCLEAR PROGRAM OF IRAN.—

4 (1) UNITED STATES ACTION.—The President  
5 shall direct the United States Permanent Represent-  
6 ative to the IAEA to use the voice, vote, and influ-  
7 ence of the United States at the IAEA to make  
8 every effort to ensure the adoption of a resolution by  
9 the IAEA Board of Governors that, in addition to  
10 the restrictions already imposed, makes Iran ineli-  
11 gible to receive any nuclear material, technology,  
12 equipment, or assistance from any IAEA Member  
13 State and ineligible for any IAEA assistance not re-  
14 lated to safeguards inspections or nuclear security  
15 until the IAEA Board of Governors determines that  
16 Iran—

17 (A) is providing full access to IAEA in-  
18 spectors to its nuclear-related facilities;

19 (B) has fully implemented and is in com-  
20 pliance with the Additional Protocol; and

21 (C) has permanently ceased and disman-  
22 tled all activities and programs related to nu-  
23 clear-enrichment and reprocessing.

24 (2) PENALTIES.—If an IAEA Member State is  
25 determined to have violated the prohibition on as-



## 1                   **Subtitle F—Peacekeeping**

### 2   **SEC. 671. REFORM OF UNITED NATIONS PEACEKEEPING** 3                   **OPERATIONS.**

4           It is the sense of Congress that—

5                   (1) although United Nations peacekeeping oper-  
6           ations have contributed greatly toward the pro-  
7           motion of peace and stability for nearly 6 decades  
8           and the majority of peacekeeping personnel who  
9           have served under the United Nations flag have  
10          done so with honor and courage, the record of  
11          United Nations peacekeeping has been severely tar-  
12          nished by operational failures and unconscionable  
13          acts of misconduct;

14                   (2) in response to such failures, in 2000 and  
15          2005, respectively, the Secretary General charged  
16          the high-level Panel on United Nations Peace Oper-  
17          ations, led by former Foreign Minister of Algeria  
18          Lakhdar Brahimi, and his Special Advisor on the  
19          Prevention of Sexual Exploitation and Abuse, His  
20          Royal Highness Prince Zeid Ra’ad Zeid Al-Hussein  
21          of Jordan, to provide honest assessments of the  
22          United Nations’ shortcomings and make rec-  
23          ommendations that would help restore the con-  
24          fidence of the international community in United  
25          Nations peacekeeping operations;

1           (3) audits of procurement practices in the De-  
2           partment of Peacekeeping Operations, conducted by  
3           the Office of Internal Oversight Services, also have  
4           uncovered “significant” corruption schemes, includ-  
5           ing a 2007 audit of peacekeeping contracts valued at  
6           \$1.4 billion, of which more than \$614 million, or 44  
7           percent, were subject to corruption;

8           (4) despite the fact that the United Nations has  
9           had more than eight years to implement the reforms  
10          contained in the Brahimi Report, nearly four years  
11          to implement the reforms in the Zeid Report, and  
12          the fact that Secretary General Ban Ki-Moon, his  
13          predecessor Kofi Annan, and the Special Committee  
14          on Peacekeeping Operations repeatedly have ex-  
15          pressed their commitment “to implementing funda-  
16          mental, systematic changes as a matter of urgency”,  
17          a number of critical reforms continue to be blocked  
18          or delayed by Members States who arguably benefit  
19          from maintenance of the status quo; and

20          (5) if the reputation of and confidence in  
21          United Nations peacekeeping operations is to be re-  
22          stored, fundamental and far-reaching reforms, par-  
23          ticularly in the areas of planning, management, pro-  
24          curement, training, conduct, and discipline, must be  
25          implemented without further delay.

1 **SEC. 672. POLICY RELATING TO REFORM OF UNITED NA-**  
2 **TIONS PEACEKEEPING OPERATIONS.**

3 It shall be the policy of the United States to pursue  
4 reform of United Nations peacekeeping operations in the  
5 following areas:

6 (1) **PLANNING AND MANAGEMENT.**—

7 (A) **GLOBAL AUDIT.**—As the size, cost,  
8 and number of United Nations peacekeeping  
9 operations have increased substantially over the  
10 past decade, an independent audit of each such  
11 operation, with a view toward “right-sizing” op-  
12 erations and ensuring that such operations are  
13 cost effective, should be conducted and its find-  
14 ings reported to the Security Council.

15 (B) **PROCUREMENT AND TRANS-**  
16 **PARENCY.**—A modern logistics system and  
17 transparent, streamlined procurement proce-  
18 dures should be established within the United  
19 Nations Department of Field Support to ensure  
20 that all peacekeeping missions are resourced ap-  
21 propriately and in a timely fashion while indi-  
22 vidual accountability for waste, fraud and abuse  
23 within United Nations peacekeeping missions is  
24 established and uniformly enforced.

25 (C) **REVIEW OF MANDATES AND CLOSING**  
26 **OPERATIONS.**—In conjunction with the audit

1 described in subparagraph (A), the United Na-  
2 tions Department of Peacekeeping Operations  
3 should conduct a comprehensive review of all  
4 United Nations peacekeeping operation man-  
5 dates, with a view toward identifying objectives  
6 that are practical and achievable, and report its  
7 findings to the Security Council. In particular,  
8 the review should consider the following:

9 (i) Except in extraordinary cases, in-  
10 cluding genocide, the United Nations De-  
11 partment of Peacekeeping Operations  
12 should not be tasked with activities that  
13 are impractical or unachievable without the  
14 cooperation of the Member State(s)  
15 hosting a United Nations peacekeeping op-  
16 eration, or which amount to de-facto  
17 Trusteeship outside of the procedures es-  
18 tablished for such under chapter XII of the  
19 United Nations Charter, thereby creating  
20 unrealistic expectations and obfuscating  
21 the primary responsibility of the Member  
22 States themselves in creating and main-  
23 taining conditions for peace.

1           (ii) Long-standing operations that are  
2           static and cannot fulfill their mandate  
3           should be downsized or closed.

4           (iii) Where there is legitimate concern  
5           that the withdrawal from a country of an  
6           otherwise static United Nations peace-  
7           keeping operation would result in the re-  
8           sumption of major conflict, a burden-shar-  
9           ing arrangement that reduces the level of  
10          assessed contributions, similar to that cur-  
11          rently supporting the United Nations  
12          Peacekeeping Force in Cyprus, should be  
13          explored and instituted.

14          (D) LEADERSHIP.—As peacekeeping oper-  
15          ations become larger and increasingly complex,  
16          the Secretariat should adopt a minimum stand-  
17          ard of qualifications for senior leaders and  
18          managers, with particular emphasis on specific  
19          skills and experience, and current senior leaders  
20          and managers who do not meet those standards  
21          should be removed.

22          (E) PRE-DEPLOYMENT TRAINING.—Pre-de-  
23          ployment training on interpretation of the man-  
24          date of the operation, specifically in the areas  
25          of use of force, civilian protection and field con-

1           ditions, the Code of Conduct, HIV/AIDS, and  
2           human rights should be mandatory, and all per-  
3           sonnel, regardless of category or rank, should  
4           be required to sign an oath that each has re-  
5           ceived and understands such training as a con-  
6           dition of participation in the operation.

7           (F) GRATIS MILITARY PERSONNEL.—The  
8           General Assembly should seek to strengthen the  
9           capacity the United Nations Department of  
10          Peacekeeping Operations and ease the extraor-  
11          dinary burden currently placed upon the limited  
12          number of headquarters staff by lifting restric-  
13          tions on the utilization of gratis military per-  
14          sonnel by the Department so that the Depart-  
15          ment may accept secondments from Member  
16          States of military personnel with expertise in  
17          mission planning, logistics, and other oper-  
18          ational specialties.

19          (2) CONDUCT AND DISCIPLINE.—

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

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

6 (B) UNDERSTANDING THE CODE OF CONDUCT.—All personnel, regardless of category or  
7 rank, should receive training on the Code of  
8 Conduct prior to deployment with a peace-  
9 keeping operation, in addition to periodic follow-on training. In particular—

12 (i) all personnel, regardless of category or rank, should be provided with a  
13 personal copy of the Code of Conduct that  
14 has been translated into the national language of such personnel, regardless of  
15 whether such language is an official language of the United Nations;

19 (ii) all personnel, regardless of category or rank, should sign an oath that  
20 each has received a copy of the Code of  
21 Conduct, that each pledges to abide by the  
22 Code of Conduct, and that each understands the consequences of violating the  
23 Code of Conduct, including immediate ter-  
24  
25

1           mination of participation in and permanent  
2           exclusion from all current and future  
3           peacekeeping operations , as well as the as-  
4           sumption of personal liability for victims  
5           compensation, as a condition of appoint-  
6           ment to any such operation; and

7           (iii) peacekeeping operations should  
8           conduct educational outreach programs to  
9           reach local communities where peace-  
10          keeping personnel of such operations are  
11          based, including explaining prohibited acts  
12          on the part of United Nations peace-  
13          keeping personnel and identifying the indi-  
14          vidual to whom the local population may  
15          direct complaints or file allegations of ex-  
16          ploitation, abuse, or other acts of mis-  
17          conduct.

18          (C) MONITORING MECHANISMS.—Dedi-  
19          cated monitoring mechanisms, such as the Con-  
20          duct and Discipline Units already deployed to  
21          support United Nations peacekeeping oper-  
22          ations in Haiti, Sudan, Kosovo, Burundi, Libe-  
23          ria, Lebanon, Timor Leste, Cote d'Ivoire, West-  
24          ern Sahara, and the Democratic Republic of  
25          Congo, should be present in each operation to

1 monitor compliance with the Code of Conduct,  
2 and—

3 (i) should report simultaneously to the  
4 Head of Mission, the United Nations De-  
5 partment of Peacekeeping Operations, and  
6 the Associate Director of OIOS for Peace-  
7 keeping Operations (established under sec-  
8 tion 1114(b)(9)); and

9 (ii) should be tasked with designing  
10 and implementing mission-specific meas-  
11 ures to prevent misconduct, conduct follow-  
12 on training for personnel, coordinate com-  
13 munity outreach programs, and assist in  
14 investigations, as OIOS determines nec-  
15 essary and appropriate.

16 (D) INVESTIGATIONS.—A permanent, pro-  
17 fessional, and independent investigative body  
18 should be established and introduced into  
19 United Nations peacekeeping operations. In  
20 particular—

21 (i) the investigative body should in-  
22 clude professionals with experience in in-  
23 vestigating sex crimes and the illegal ex-  
24 ploitation of resources, as appropriate, as  
25 well as experts who can provide guidance

1 on standards of proof and evidentiary re-  
2 quirements necessary for any subsequent  
3 legal action;

4 (ii) provisions should be included in  
5 all Memorandums of Understanding, in-  
6 cluding a Model Memorandum of Under-  
7 standing, that obligate Member States that  
8 contribute troops to a peacekeeping oper-  
9 ation to designate a military prosecutor  
10 who will participate in any investigation  
11 into credible allegations of misconduct  
12 brought against an individual of such  
13 Member State, so that evidence is collected  
14 and preserved in a manner consistent with  
15 the military law of such Member State;

16 (iii) the investigative body should be  
17 regionally based to ensure rapid deploy-  
18 ment and should be equipped with modern  
19 forensics equipment for the purpose of  
20 positively identifying perpetrators and,  
21 where necessary, for determining paternity;  
22 and

23 (iv) the investigative body should re-  
24 port directly to the Associate Director of  
25 OIOS for Peacekeeping Operations, while

1 providing copies of any reports to the De-  
2 partment of Peacekeeping Operations, the  
3 Head of Mission, and the Member State  
4 concerned.

5 (E) FOLLOW-UP.—The Conduct and Dis-  
6 cipline Team in the headquarters of the United  
7 Nations Department of Peacekeeping Oper-  
8 ations should be appropriately staffed,  
9 resourced, and tasked with—

10 (i) promulgating measures to prevent  
11 misconduct;

12 (ii) receiving reports by field per-  
13 sonnel and coordinating the Department's  
14 response to allegations of misconduct;

15 (iii) gathering follow-up information  
16 on completed investigations, particularly by  
17 focusing on disciplinary actions against the  
18 individual concerned taken by the United  
19 Nations or by the Member State that is  
20 contributing troops to which such indi-  
21 vidual belongs, and sharing such informa-  
22 tion with the Security Council, the Head of  
23 Mission, and the community hosting the  
24 peacekeeping operation; and

1 (iv) contributing pertinent data on  
2 conduct and discipline to the data base re-  
3 quired pursuant to subparagraph (H).

4 (F) FINANCIAL LIABILITY AND VICTIMS  
5 ASSISTANCE.—Although peacekeeping oper-  
6 ations should provide immediate medical assist-  
7 ance to victims of sexual abuse or exploitation,  
8 the responsibility for providing longer-term  
9 treatment, care, or restitution lies solely with  
10 the individual found guilty of the misconduct.  
11 In particular, the following reforms should be  
12 implemented:

13 (i) The United Nations should not as-  
14 sume responsibility for providing long-term  
15 treatment or compensation by creating a  
16 “Victims Trust Fund”, or any other such  
17 similar fund, financed through assessed  
18 contributions to United Nations peace-  
19 keeping operations, thereby shielding indi-  
20 viduals from personal liability and rein-  
21 forcing an atmosphere of impunity.

22 (ii) If an individual responsible for  
23 misconduct has been repatriated, reas-  
24 signed, redeployed, or is otherwise unable  
25 to provide assistance, responsibility for

1 providing assistance to a victim should be  
2 assigned to the Member State that contrib-  
3 uted the contingent to which such indi-  
4 vidual belonged or to the manager con-  
5 cerned.

6 (iii) In the case of misconduct by a  
7 member of a military contingent, appro-  
8 priate funds shall be withheld from the  
9 troop contributing country concerned.

10 (iv) In the case of misconduct by a ci-  
11 vilian employee or contractor of the United  
12 Nations, appropriate wages shall be gar-  
13 nished from such individual or fines shall  
14 be imposed against such individual, con-  
15 sistent with existing United Nations Staff  
16 Rules, and retirement funds shall not be  
17 shielded from liability.

18 (G) MANAGERS AND COMMANDERS.—The  
19 manner in which managers and commanders  
20 handle cases of misconduct by those serving  
21 under them should be included in their indi-  
22 vidual performance evaluations, so that man-  
23 agers and commanders who take decisive action  
24 to deter and address misconduct are rewarded,  
25 while those who create a permissive environ-

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

3           (H) DATA BASE.—A centralized data base,  
4           including personnel photos and fingerprints,  
5           should be created and maintained within the  
6           United Nations Department of Peacekeeping  
7           Operations, the Office of Field Support, and  
8           other relevant United Nations bodies without  
9           further delay to track cases of misconduct, in-  
10          cluding the outcome of investigations and sub-  
11          sequent prosecutions, to ensure that personnel  
12          who have engaged in misconduct or other crimi-  
13          nal activities, regardless of category or rank,  
14          are permanently barred from participation in  
15          future peacekeeping operations.

16          (I) COOPERATION OF MEMBER STATES.—  
17          If a Member State routinely refuses to cooper-  
18          ate with the directives contained herein or acts  
19          to shield its nationals from personal liability,  
20          that Member State should be barred from con-  
21          tributing troops or personnel to future peace-  
22          keeping operations.

23          (J) WELFARE.—Peacekeeping operations  
24          should continue to seek to maintain a minimum  
25          standard of welfare for mission personnel to

1 ameliorate conditions of service, while adjust-  
2 ments are made to the discretionary welfare  
3 payments currently provided to Member States  
4 that contribute troops to offset the cost of oper-  
5 ation-provided recreational facilities, as nec-  
6 essary and appropriate.

7 **SEC. 673. CERTIFICATION.**

8 (a) NEW OR EXPANDED PEACEKEEPING OPER-  
9 ATIONS CONTINGENT UPON PRESIDENTIAL CERTIFI-  
10 CATION OF PEACEKEEPING OPERATIONS REFORMS.—

11 (1) NO NEW OR EXPANDED PEACEKEEPING OP-  
12 ERATIONS.—

13 (A) CERTIFICATION.—Except as provided  
14 in subparagraph (B), until the Secretary of  
15 State certifies that the requirements described  
16 in paragraph (2) have been satisfied, the Presi-  
17 dent shall direct the United States Permanent  
18 Representative to the United Nations to use the  
19 voice, vote, and influence of the United States  
20 at the United Nations to oppose the creation of  
21 new, or expansion of existing, United Nations  
22 peacekeeping operations.

23 (B) EXCEPTION AND NOTIFICATION.—The  
24 requirements described under paragraph (2)  
25 may be waived with respect to a particular

1 peacekeeping operation if the President deter-  
2 mines that failure to deploy new or additional  
3 peacekeepers in such situation will significantly  
4 contribute to the widespread loss of human life,  
5 genocide, or the endangerment of a vital na-  
6 tional security interest of the United States. If  
7 the President makes such a determination, the  
8 President shall, not later than 15 days before  
9 the exercise of such waiver, notify the appro-  
10 priate congressional committees of such deter-  
11 mination and resulting waiver.

12 (2) CERTIFICATION OF PEACEKEEPING OPER-  
13 ATIONS REFORMS.—The certification referred to in  
14 paragraph (1) is a certification made by the Sec-  
15 retary to the appropriate congressional committees  
16 that the following reforms, or an equivalent set of  
17 reforms, related to peacekeeping operations have  
18 been adopted by the United Nations Department of  
19 Peacekeeping Operations or the General Assembly,  
20 as appropriate:

21 (A) A single, uniform Code of Conduct  
22 that has the status of a binding rule and ap-  
23 plies equally to all personnel serving in United  
24 Nations peacekeeping operations, regardless of  
25 category or rank, has been adopted by the Gen-

1           eral Assembly and duly incorporated into all  
2           contracts and a Model Memorandum of Under-  
3           standing, and mechanisms have been estab-  
4           lished for training such personnel concerning  
5           the requirements of the Code and enforcement  
6           of the Code.

7           (B) All personnel, regardless of category or  
8           rank, serving in a peacekeeping operation have  
9           been trained concerning the requirements of the  
10          Code of Conduct and each has been given a per-  
11          sonal copy of the Code, translated into the na-  
12          tional language of such personnel.

13          (C) All personnel, regardless of category or  
14          rank, are required to sign an oath that each has  
15          received a copy of the Code of Conduct, that  
16          each pledges to abide by the Code, and that  
17          each understands the consequences of violating  
18          the Code, including immediate termination of  
19          participation in and permanent exclusion from  
20          all current and future peacekeeping operations,  
21          as well as the assumption of personal liability  
22          for victims compensation as a condition of the  
23          appointment to such operation.

24          (D) All peacekeeping operations have de-  
25          signed and implemented educational outreach

1 programs to reach local communities where  
2 peacekeeping personnel of such operations are  
3 based to explain prohibited acts on the part of  
4 United Nations peacekeeping personnel and to  
5 identify the individual to whom the local popu-  
6 lation may direct complaints or file allegations  
7 of exploitation, abuse, or other acts of mis-  
8 conduct.

9 (E) The creation of a centralized data  
10 base, including personnel photos and finger-  
11 prints, has been completed and is being main-  
12 tained in the United Nations Department of  
13 Peacekeeping Operations that tracks cases of  
14 misconduct, including the outcomes of inves-  
15 tigation and subsequent prosecutions, to en-  
16 sure that personnel, regardless of category or  
17 rank, who have engaged in misconduct or other  
18 criminal activities are permanently barred from  
19 participation in future peacekeeping operations.

20 (F) A Model Memorandum of Under-  
21 standing between the United Nations and each  
22 Member State that contributes troops to a  
23 peacekeeping operation has been adopted by the  
24 United Nations Department of Peacekeeping

1           Operations that specifically obligates each such  
2           Member State to—

3                   (i) uphold the uniform Code of Con-  
4                   duct which shall apply equally to all per-  
5                   sonnel serving in United Nations peace-  
6                   keeping operations, regardless of category  
7                   or rank;

8                   (ii) designate a competent legal au-  
9                   thority, preferably a prosecutor with exper-  
10                  tise in the area of sexual exploitation and  
11                  abuse where appropriate, to participate in  
12                  any investigation into an allegation of mis-  
13                  conduct brought against an individual of  
14                  such Member State;

15                  (iii) refer to its competent national or  
16                  military authority for possible prosecution,  
17                  if warranted, any investigation of a viola-  
18                  tion of the Code of Conduct or other crimi-  
19                  nal activity by an individual of such Mem-  
20                  ber State;

21                  (iv) report to the Department of  
22                  Peacekeeping Operations on the outcome  
23                  of any such investigation;

24                  (v) undertake to conduct on-site court  
25                  martial proceedings, where practical and

1 appropriate, relating to allegations of mis-  
2 conduct alleged against an individual of  
3 such Member State; and

4 (vi) assume responsibility for the pro-  
5 vision of appropriate assistance to a victim  
6 of misconduct committed by an individual  
7 of such Member State.

8 (G) A professional and independent inves-  
9 tigative and audit function has been established  
10 within the United Nations Department of  
11 Peacekeeping Operations and the OIOS to mon-  
12 itor United Nations peacekeeping operations.

13 **TITLE VII—WESTERN HEMI-**  
14 **SPHERE COUNTERTER-**  
15 **RORISM AND NONPROLIFERA-**  
16 **TION ACT OF 2009**

17 **SEC. 701. SHORT TITLE; DEFINITIONS.**

18 (a) **SHORT TITLE.**—This title may be cited as the  
19 “Western Hemisphere Counterterrorism and Non-  
20 proliferation Act of 2009”.

21 (b) **DEFINITIONS.**—In this title:

22 (1) **APPROPRIATE CONGRESSIONAL COMMIT-**  
23 **TEES.**—The term “appropriate congressional com-  
24 mittees” means—

1 (A) the Committee on Foreign Affairs and  
2 the Committee on Homeland Security of the  
3 House of Representatives; and

4 (B) the Committee on Foreign Relations  
5 and the Committee on Homeland Security and  
6 Governmental Affairs of the Senate.

7 (2) NONHUMANITARIAN ASSISTANCE.—The  
8 term “nonhumanitarian assistance” means—

9 (A) any assistance under the Foreign As-  
10 sistance Act of 1961 (including programs under  
11 title IV of chapter 2 of part I of such Act, re-  
12 lating to the Overseas Private Investment Cor-  
13 poration), other than—

14 (i) disaster relief assistance, including  
15 any assistance under chapter 9 of part I of  
16 such Act;

17 (ii) assistance which involves the pro-  
18 vision of food (including monetization of  
19 food) or medicine; and

20 (iii) assistance for refugees;

21 (B) sales, or financing on any terms, under  
22 the Arms Export Control Act; and

23 (C) financing under the Export-Import  
24 Bank Act of 1945.

1           (3) STATE SPONSOR OF TERRORISM.—The term  
2           “state sponsor of terrorism” means a country the  
3           government of which has been determined by the  
4           Secretary of State, for purposes of section 6(j) of  
5           the Export Administration Act of 1979, section  
6           620A of the Foreign Assistance Act of 1961, section  
7           40 of the Arms Export Control Act, or other provi-  
8           sion of law, is a government that has repeatedly pro-  
9           vided support for acts of international terrorism.

10           **Subtitle A—Counterterrorism in**  
11           **the Western Hemisphere**

12           **SEC. 711. STATEMENT OF POLICY REGARDING REGIONAL**  
13                           **EFFORTS TO COUNTER TERRORISM IN THE**  
14                           **WESTERN HEMISPHERE.**

15           To enhance the security of the Western Hemisphere  
16           and bolster regional capacity to counter terrorism, it shall  
17           be the policy of the United States to promote the signing,  
18           ratification, and implementation by all countries in the  
19           Western Hemisphere of the following:

20                   (1) OAS AG/RES. 1840 (XXXII–O/02) Inter-  
21                   American Convention Against Terrorism.

22                   (2) Financial Action Task Force (FATF) 40  
23                   Recommendations on Money Laundering (ML) and  
24                   9 Special Recommendations (SR) on Terrorist Fi-  
25                   nancing (TF).

1           (3) The 1963 ICAO Convention on Offences  
2 and Certain Other Acts Committed on Board Air-  
3 craft.

4           (4) The 1970 ICAO Convention for the Sup-  
5 pression of Unlawful Seizure of Aircraft.

6           (5) The 1971 ICAO Convention for the Sup-  
7 pression of Unlawful Acts Against the Safety of Civil  
8 Aviation.

9           (6) The 1973 United Nations Convention on  
10 the Prevention and Punishment of Crimes Against  
11 Internationally Protected Person, including Diplo-  
12 matic Agents.

13           (7) The 1979 United Nations International  
14 Convention Against the Taking of Hostages.

15           (8) The 1988 ICAO Protocol for the Suppres-  
16 sion of Unlawful Acts of Violence at Airports Serv-  
17 ing International Civil Aviation, Supplementary to  
18 the Convention for the Suppression of Unlawful Acts  
19 Against the Safety of Civil Aviation.

20           (9) The 1988 IMO Convention for the Suppres-  
21 sion of Unlawful Acts against the Safety of Mari-  
22 time Navigation.

23           (10) The 1988 IMO Protocol for the Suppres-  
24 sion of Unlawful Acts against the Safety of Fixed  
25 Platforms Located on the Continental Shelf.

1           (11) The 1991 ICAO Convention on the Mark-  
2           ing of Plastic Explosives for the Purpose of Detec-  
3           tion.

4           (12) The 1997 United Nations International  
5           Convention for the Suppression of Terrorist Bomb-  
6           ings.

7           (13) The 1999 United Nations International  
8           Convention for the Suppression of the Financing of  
9           Terrorism.

10          (14) The 2001 United Nations S/Res/1373 Cre-  
11          ation of Counter Terrorism Committee (CTC).

12          (15) The 2005 United Nations S/Res/1624 Pro-  
13          hibition of incitement to commit terrorist act or  
14          acts.

15 **SEC. 712. AMENDMENTS TO ANNUAL COUNTRY REPORTS**  
16 **ON TERRORISM.**

17          Section 140(b) of the Foreign Relations Authoriza-  
18          tion Act, Fiscal Years 1988 and 1989 (22 U.S.C.  
19          2656f(b)) is amended—

20               (1) in paragraph (4)(D), by striking “and” at  
21               the end;

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



1 (B) by redesignating subparagraph (B) as  
2 subparagraph (C);

3 (C) by inserting after subparagraph (A)  
4 the following new subparagraph:

5 “(B) designate each country, if any, identi-  
6 fied in such report in which a link has been de-  
7 termined to exist between illicit drug trafficking  
8 and a designated foreign terrorist organization  
9 and that has failed demonstrably, during the  
10 previous 12 months, to make substantial ef-  
11 forts—

12 “(i) to adhere to its obligations under  
13 international counterterrorism agreements;  
14 and

15 “(ii) to implement effective counter-  
16 terrorism measures, including action on  
17 such issues as the rule of law, denying safe  
18 haven to terrorists, financing and money  
19 laundering, and law enforcement; and”;  
20 and

21 (D) in subparagraph (C), as so redesign-  
22 nated, by inserting before the period at the end  
23 the following: “under subparagraph (A) or  
24 (B)”;

25 (2) in paragraph (3)—

1 (A) in subparagraph (A), by striking “or”  
2 at the end;

3 (B) in subparagraph (B)(ii), by striking  
4 the period at the end and inserting “; or”; and

5 (C) by adding at the end the following new  
6 subparagraph:

7 “(C) subsequent to the designation being  
8 made under paragraph (2)(B), the country has  
9 made substantial efforts—

10 “(i) to adhere to its obligations under  
11 international counterterrorism agreements;  
12 and

13 “(ii) to implement effective counter-  
14 terrorism measures, including action on  
15 such issues as the rule of law, denying safe  
16 haven to terrorists, financing and money  
17 laundering, and law enforcement.”;

18 (3) by redesignating paragraph (8) as para-  
19 graph (9); and

20 (4) by inserting after paragraph (7) the fol-  
21 lowing new paragraph:

22 “(8) BILATERAL AGREEMENTS.—If a country  
23 designated under subparagraphs (A) and (B) of  
24 paragraph (2) does not receive a determination  
25 under subparagraphs (B) or (C) of paragraph (3),

1 the Secretary of State shall negotiate with such  
2 country a bilateral agreement describing actions to  
3 be taken by the United States and such country to  
4 satisfy such determinations during the one year pe-  
5 riod following such a designation. Such a bilateral  
6 agreement should include a needs assessment, a bi-  
7 lateral action plan, the provision of United States  
8 training and assistance, the use of International  
9 Law Enforcement Academy facilities in the region,  
10 and an exchange of model laws and best practices.”.

11 **SEC. 714. AMENDMENT TO INTERNATIONAL NARCOTICS**  
12 **CONTROL STRATEGY REPORT.**

13 Section 489(a) of the Foreign Assistance Act of 1961  
14 (22 U.S.C. 2291h(a)) is amended by adding at the end  
15 the following new paragraph:

16 “(9) A separate section that contains informa-  
17 tion relating to any links between illicit narcotics  
18 trafficking or money laundering and terrorists, ter-  
19 rorist acts, or designated foreign terrorist organiza-  
20 tions (as such term is used in section 219 of the Im-  
21 migration and Nationality Act (8 U.S.C. 1189)),  
22 and any actions taken by the United States Govern-  
23 ment or foreign government to address such links.”.

1 **SEC. 715. UNITED STATES EFFORTS IN THE WESTERN**  
2 **HEMISPHERE.**

3 (a) DETERMINATION.—For any country in the West-  
4 ern Hemisphere that the President has determined—

5 (1) is engaged in military cooperation with a  
6 state sponsor of terrorism,

7 (2) is engaged in nonmarket-based trade with a  
8 state sponsor of terrorism,

9 (3) is carrying out policies that threaten United  
10 States national security interests, or

11 (4) is not fully cooperating with United States  
12 counterterrorism or nonproliferation efforts,

13 the President is authorized to impose any of the sanctions  
14 described in subsection (b).

15 (b) SANCTIONS.—For any country in the Western  
16 Hemisphere with respect to which the President has made  
17 a determination in accordance with subsection (a), the  
18 President is authorized to—

19 (1) suspend United States nonhumanitarian  
20 foreign assistance to the government of that country;  
21 and

22 (2) prohibit the sale, provision, or transfer of  
23 articles, including the issuance of any specific license  
24 or grant of any other specific permission or author-  
25 ity to export any goods or technology under—

1 (A) the Export Administration Act of  
2 1979;

3 (B) the Arms Export Control Act;

4 (C) the Atomic Energy Act of 1954; or

5 (D) any other statute that requires the  
6 prior review and approval of the United States  
7 Government as a condition for the export or re-  
8 export of goods or services.

9 **SEC. 716. INTERNATIONAL LAW ENFORCEMENT ACADEMY**

10 **IN SAN SALVADOR, EL SALVADOR.**

11 (a) SENSE OF CONGRESS.—It is the sense of Con-  
12 gress that the International Law Enforcement Academy  
13 (ILEA) in San Salvador, El Salvador, should continue to  
14 serve as a critical component of United States regional  
15 counterterrorism efforts.

16 (b) NEGOTIATION.—The Secretary of State shall ne-  
17 gotiate with the appropriate agency entities to ensure that  
18 counterterrorism, including radical Islamist extremism  
19 within the Western Hemisphere, nonproliferation, and  
20 border security courses are instituted as part of the core  
21 curriculum at the International Law Enforcement Acad-  
22 emy in San Salvador.

23 (c) AUTHORIZATION OF APPROPRIATIONS.—There  
24 are authorized to be appropriated such sums as may be  
25 necessary to—

1           (1) complete all physical aspects of the ILEA  
2           facility in San Salvador; and

3           (2) implement the ILEA Global Network.

4 **SEC. 717. ACTIONS REGARDING THE ORGANIZATION OF**  
5 **AMERICAN STATES.**

6           (a) **DECLARATION REGARDING TERRORISM.**—The  
7 Secretary of State shall direct the United States Rep-  
8 resentative to the Organization of American States (OAS)  
9 to use the voice, vote, and influence of the United States  
10 at the OAS to move for a declaration at the first meeting  
11 of Member States of the OAS convened after the date of  
12 the enactment of this Act calling on countries to system-  
13 atically deny the use of their territories by terrorists or  
14 terrorist organizations.

15           (b) **REDUCTION IN UNITED STATES CONTRIBU-**  
16 **TION.**—

17           (1) **IN GENERAL.**—The Secretary of State shall  
18 reduce by 50 percent the amount of the United  
19 States assessed contribution to the OAS for fiscal  
20 year 2009 and each subsequent fiscal year.

21           (2) **USE OF FUNDS.**—

22           (A) **IN GENERAL.**—Of the amount reduced  
23 pursuant to paragraph (1), not less than ten  
24 percent of such amount shall be added to  
25 United States voluntary contributions to each

1 of the organizations specified in subparagraph  
2 (B) and the remaining amount shall be used to  
3 establish and maintain the Western Hemisphere  
4 Regional Coordination Centers under section  
5 731.

6 (B) ORGANIZATIONS SPECIFIED.—The or-  
7 ganizations referred to in subparagraph (A) are  
8 the following:

9 (i) The OAS Inter-American Com-  
10 mittee Against Terrorism (CICTE).

11 (ii) The OAS Inter-American Drug  
12 Abuse Control Commission (CICAD).

13 **SEC. 718. AMENDMENT TO DEPARTMENT OF STATE RE-**  
14 **WARDS PROGRAM.**

15 Section 36(b) of the State Department Basic Au-  
16 thorities Act of 1956 (22 U.S.C. 2708(b)) is amended—

17 (1) in paragraph (6), by striking “or” at the  
18 end;

19 (2) in paragraph (7)(B), by striking the period  
20 at the end and inserting “; or”; and

21 (3) by adding at the end the following new  
22 paragraph:

23 “(8) the arrest or conviction in any country of  
24 any individual wanted on terrorism charges pursuant  
25 to red notices duly issued by Interpol, if such reward

1 would help advance United States interests or the  
2 interests of United States allies in the global strug-  
3 gle against international terrorism.”.

4 **Subtitle B—Nonproliferation of Nu-**  
5 **clear, Chemical, and Biological**  
6 **Weapons in the Western Hemi-**  
7 **sphere**

8 **SEC. 721. STATEMENT OF POLICY REGARDING THE PRO-**  
9 **LIFERATION OF WEAPONS-RELATED NU-**  
10 **CLEAR, CHEMICAL, AND BIOLOGICAL MATE-**  
11 **RIALS, TECHNOLOGY, AND FACILITIES.**

12 (a) IN GENERAL.—To enhance the prevention of the  
13 proliferation of weapons-related nuclear, chemical, and bi-  
14 ological materials, technology, and facilities, it shall be the  
15 policy of the United States to—

16 (1) promote the negotiation and implementation  
17 by all countries of—

18 (A) a comprehensive safeguards agreement  
19 with the International Atomic Energy Agency  
20 (IAEA); and

21 (B) an Additional Protocol to the safe-  
22 guards agreement;

23 (2) secure guarantees by all countries of unre-  
24 stricted access by IAEA personnel to all nuclear-re-

1       lated materials and facilities in territories under the  
2       control of the host country;

3           (3) promote the implementation by all countries  
4       of United Nations Security Council Resolution 1540;  
5       and

6           (4) promote the accession to and ratification  
7       and implementation of—

8           (A) the Convention on the Prohibition of  
9       the Development, Production, Stockpiling and  
10      Use of Chemical Weapons and on their De-  
11      struction (also referred to as the Chemical  
12      Weapons Convention);

13          (B) the 1980 IAEA Convention on the  
14      Physical Protection of Nuclear Material;

15          (C) the 2005 United Nations International  
16      Convention for the Suppression of Acts of Nu-  
17      clear Terrorism; and

18          (D) the Convention on the Prohibition of  
19      the Development and Stockpiling of Bacterio-  
20      logical (Biological) and Toxin Weapons and on  
21      their Destruction (also referred to as the Bio-  
22      logical Weapons Convention).

23       (b) ADDITIONAL PROTOCOL DEFINED.—In this sec-  
24      tion, the term “Additional Protocol” means the Protocol  
25      Additional to an agreement between a country and the

1 International Atomic Energy Agency for the Application  
2 of Safeguards.

3 **SEC. 722. STATEMENT OF POLICY REGARDING THE SMALL**  
4 **QUANTITIES PROTOCOL.**

5 Because a Small Quantities Protocol (SQP) sets  
6 aside many of the operative provisions of a general safe-  
7 guards agreement, the ability of the IAEA to verify that  
8 nuclear materials and facilities in a country with an SQP  
9 are not being diverted for illicit purposes is significantly  
10 impaired. For this reason, it shall be the policy of the  
11 United States to—

12 (1) oppose the negotiation by the IAEA of an  
13 SQP for any country that did not have an SQP as  
14 of January 1, 2008; and

15 (2) encourage every country with an SQP to  
16 withdraw formally from or renegotiate that agree-  
17 ment for the purpose of increasing transparency and  
18 eliminating any exemption or provision that could  
19 restrict the ability of the IAEA to verify that a  
20 country's nuclear materials and facilities are not  
21 being diverted to impermissible uses.

1 **SEC. 723. SECURING ADHERENCE TO AGREEMENTS RE-**  
2 **GARDING NUCLEAR NONPROLIFERATION BY**  
3 **COUNTRIES IN THE WESTERN HEMISPHERE.**

4 (a) **IN GENERAL.**—The President shall use all avail-  
5 able political, economic, and diplomatic tools to ensure  
6 that each country in the Western Hemisphere—

7 (1) has signed and implemented a comprehen-  
8 sive safeguards agreement with the IAEA;

9 (2) has signed and implemented an Additional  
10 Protocol to its safeguards agreement;

11 (3) guarantees unrestricted access for IAEA  
12 personnel to all nuclear-related facilities;

13 (4) has implemented the provisions of United  
14 Nations Security Council Resolution 1540;

15 (5) has acceded to, ratified, and fully imple-  
16 mented the conventions referred to in section  
17 \_\_22(a)(4);

18 (6) does not negotiate with the IAEA an SQP  
19 if that country did not have an SQP as of January  
20 1, 2008; and

21 (7) withdraws formally from or renegotiates an  
22 SQP agreement if a country has such an agreement.

23 (b) **SANCTIONS.**—For any Western Hemisphere  
24 country that has not satisfied all of the requirements spec-  
25 ified in subsection (a), the President is authorized to—

1           (1) suspend United States nonhumanitarian  
2 foreign assistance to the government of that country;  
3 and

4           (2) prohibit the sale, provision, or transfer of  
5 articles, including the issuance of any specific license  
6 or grant of any other specific permission or author-  
7 ity to export any goods or technology under—

8                   (A) the Export Administration Act of  
9 1979;

10                   (B) the Arms Export Control Act;

11                   (C) the Atomic Energy Act of 1954; or

12                   (D) any other statute that requires the  
13 prior review and approval of the United States  
14 Government as a condition for the export or re-  
15 export of goods or services.

16 **SEC. 724. HALTING THE PROLIFERATION OF NUCLEAR**  
17 **FUEL FABRICATION.**

18           (a) STATEMENT OF POLICY.—It shall be the policy  
19 of the United States to oppose the development or acquisi-  
20 tion by any country of a capacity to fabricate nuclear fuel  
21 if such country did not have such capacity as of January  
22 1, 2008.

23           (b) PREVENTION OF CAPACITY TO FABRICATE NU-  
24 CLEAR FUEL.—The President shall use all available polit-  
25 ical, economic, and diplomatic tools, and shall use the

1 voice, vote, and influence of the United States in all inter-  
2 national organizations and associations of which it is a  
3 member, including the IAEA and the Nuclear Suppliers  
4 Group, to prevent the development or acquisition by any  
5 country of a capacity to fabricate nuclear fuel if such  
6 country did not have such capacity as of January 1, 2008.

7 (c) NUCLEAR TECHNICAL COOPERATION WITH THE  
8 IAEA.—The President shall direct the United States Per-  
9 manent Representative to the IAEA to use the voice, vote,  
10 and influence of the United States at the IAEA to block  
11 the allocation of funds for any IAEA development, envi-  
12 ronmental, or nuclear science assistance or activity to a  
13 country the government of which—

14 (1) the Secretary of State has determined, for  
15 purposes of section 6(j) of the Export Administra-  
16 tion Act of 1979, section 620A of the Foreign As-  
17 sistance Act of 1961, section 40 of the Arms Export  
18 Control Act, or other provision of law, is a govern-  
19 ment that has repeatedly provided support for acts  
20 of international terrorism;

21 (2) is actively cooperating with a government as  
22 described in paragraph (1);

23 (3) is under investigation for a breach of or  
24 noncompliance with its IAEA obligations or the pur-

1 poses and principles of the Charter of the United  
2 Nations; or

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

6 **SEC. 725. COOPERATION WITH THE PROLIFERATION SECU-**  
7 **RITY INITIATIVE.**

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

9 (1) From its inception on May 31, 2003, the  
10 Proliferation Security Initiative, also referred to as  
11 the PSI, has repeatedly demonstrated its effective-  
12 ness in preventing the proliferation of weapons of  
13 mass destruction.

14 (2) In his February 11, 2004, address at the  
15 National Defense University regarding additional  
16 measures to enhance global efforts against the pro-  
17 liferation of weapons of mass destruction President  
18 Bush proposed that “the work of the Proliferation  
19 Security Initiative be expanded to address more than  
20 shipments and transfers. Building on the tools we’ve  
21 developed to fight terrorists, we can take direct ac-  
22 tion against proliferation networks. We need greater  
23 cooperation not just among intelligence and military  
24 services, but in law enforcement, as well. PSI par-  
25 ticipants and other willing nations should use the

1 Interpol and all other means to bring to justice  
2 those who traffic in deadly weapons, to shut down  
3 their labs, to seize their materials, to freeze their as-  
4 sets. We must act on every lead. We will find the  
5 middlemen, the suppliers and the buyers.”.

6 (3) The number of countries participating in  
7 PSI has steadily increased, thereby greatly enhanc-  
8 ing its effectiveness.

9 (4) Many countries in the Western Hemisphere  
10 formally or informally cooperate with the PSI.

11 (5) Expanded law enforcement cooperation  
12 throughout the Western Hemisphere, including by  
13 means of greater coordination of policies, improved  
14 communications, and enhanced capabilities would  
15 significantly promote the objectives of the PSI.

16 (b) SENSE OF CONGRESS CONCERNING STRENGTH-  
17 ENING COOPERATION REGARDING NONPROLIFERA-  
18 TION.—It is the sense of Congress that—

19 (1) it is in the national security interest of the  
20 United States to establish comprehensive coopera-  
21 tion to prevent the proliferation of nuclear, chemical,  
22 and biological materials in the Western Hemisphere;  
23 and

24 (2) the Secretary of State should seek to secure  
25 the formal or informal cooperation by Western

1 Hemisphere countries for the purpose of securing  
2 the goals of the Proliferation Security Initiative an-  
3 nounced by the President on May 31, 2003.

4 **SEC. 726. ESTABLISHMENT OF THE WESTERN HEMISPHERE**  
5 **NONPROLIFERATION PARTNERSHIP INITIA-**  
6 **TIVE.**

7 (a) IN GENERAL.—The Secretary of State is author-  
8 ized, in consultation with relevant United States Govern-  
9 ment agencies, to negotiate with the leaders of the govern-  
10 ments of countries in the Western Hemisphere on a bilat-  
11 eral or multilateral basis, as appropriate, international  
12 agreements under which such governments work in part-  
13 nership to establish an initiative to be known as the  
14 “Western Hemisphere Nonproliferation Partnership Ini-  
15 tiative” (NPI).

16 (b) PURPOSE.—

17 (1) IN GENERAL.—The NPI shall—

18 (A) encourage the establishment of con-  
19 tacts and cooperative relationships, including  
20 the sharing of intelligence, between the respon-  
21 sible individuals and agencies of each partici-  
22 pant country with their counterparts in the  
23 United States Government and in other partici-  
24 pating countries; and

1           (B) encourage bilateral and multilateral  
2 support, cooperation, and coordination of na-  
3 tional programs and efforts to promote effective  
4 and in-depth cooperation to counter the illicit  
5 acquisition or trade of weapons-related nuclear,  
6 chemical, or biological materials, technology, or  
7 facilities.

8           (2) COOPERATIVE PROGRAMS.—The cooperative  
9 programs referred to under paragraph (1)(B) shall  
10 include the following:

11           (A) Training for government officials and  
12 agents from participating countries regarding  
13 the development and operation of NPI pro-  
14 grams.

15           (B) Assistance in developing a comprehen-  
16 sive legal and regulatory framework in each  
17 country, as appropriate, to enable the establish-  
18 ment and effective implementation of export  
19 controls and the capacity to track nuclear,  
20 chemical, and biological materials, equipment,  
21 technology, and facilities.

22           (C) Provision of equipment, development of  
23 infrastructure, and the acquisition of other re-  
24 sources required by participating countries to

1           effectively carry out the tasks referred to in  
2           subparagraphs (A) and (B).

3 **SEC. 727. PROHIBITED TRANSACTIONS.**

4           (a) IN GENERAL.—No defense article or defense serv-  
5 ice may be sold or licensed for export under this title in  
6 a fiscal year to a foreign country that the President deter-  
7 mines and certifies to Congress, not later than May 15  
8 of the calendar year in which such fiscal year begins, is  
9 carrying out policies aimed at undermining United States  
10 national security interests or is not cooperating fully with  
11 United States nonproliferation efforts.

12           (b) WAIVER.—The President may waive the prohibi-  
13 tion under subsection (a) with respect to a specific trans-  
14 action if the President determines that such transaction  
15 is important to the national security interests of the  
16 United States.

17 **SEC. 728. RESTRICTIONS ON NUCLEAR COOPERATION WITH**  
18                           **COUNTRIES ASSISTING THE NUCLEAR PRO-**  
19                           **GRAM OF VENEZUELA OR CUBA.**

20           (a) IN GENERAL.—Notwithstanding any other provi-  
21 sion of law or any international agreement, no agreement  
22 for cooperation between the United States and the govern-  
23 ment of any country that is assisting the nuclear program  
24 of Venezuela or Cuba or transferring advanced conven-  
25 tional weapons or missiles to Venezuela or Cuba may be

1 submitted to the President or to Congress pursuant to sec-  
2 tion 123 of the Atomic Energy Act of 1954 (42 U.S.C.  
3 2153), no such agreement may enter into force with such  
4 country, no license may be issued for export directly or  
5 indirectly to such country of any nuclear material, facili-  
6 ties, components, or other goods, services, or technology  
7 that would be subject to such agreement, and no approval  
8 may be given for the transfer or retransfer directly or indi-  
9 rectly to such country of any nuclear material, facilities,  
10 components, or other goods, services, or technology that  
11 would be subject to such agreement, until the President  
12 determines and reports to the Committee on Foreign Af-  
13 fairs of the House of Representatives and the Committee  
14 on Foreign Relations of the Senate that the government  
15 of the country that is assisting the nuclear program of  
16 Venezuela or Cuba or transferring advanced conventional  
17 weapons or missiles to Venezuela or Cuba—

18           (1) has suspended all nuclear assistance to Ven-  
19           ezuela or Cuba and all transfers of advanced conven-  
20           tional weapons and missiles to Venezuela or Cuba;  
21           and

22           (2) is committed to maintaining such suspen-  
23           sion until Venezuela or Cuba has implemented meas-  
24           ures that would permit the President to make the  
25           determination described in paragraph (1).

1 (b) RULES OF CONSTRUCTION.—The restrictions de-  
2 scribed in subsection (a)—

3 (1) shall apply in addition to all other applica-  
4 ble procedures, requirements, and restrictions re-  
5 quired by the Atomic Energy Act of 1954 and any  
6 other law; and

7 (2) shall not be construed as affecting the valid-  
8 ity of agreements for cooperation that are in effect  
9 on the date of the enactment of this Act.

10 (c) DEFINITIONS.—In this section:

11 (1) AGREEMENT FOR COOPERATION.—The term  
12 “agreement for cooperation” has the meaning given  
13 that term in section 11 b. of the Atomic Energy Act  
14 of 1954 (42 U.S.C. 2014 b.).

15 (2) ASSISTING THE NUCLEAR PROGRAM OF  
16 VENEZUELA OR CUBA.—The term “assisting the nu-  
17 clear program of Venezuela or Cuba” means the in-  
18 tentional transfer to Venezuela or Cuba by a govern-  
19 ment, or by a person subject to the jurisdiction of  
20 a government with the knowledge and acquiescence  
21 of such government, of goods, services, or technology  
22 listed on the Nuclear Suppliers Group Guidelines for  
23 the Export of Nuclear Material, Equipment and  
24 Technology (published by the International Atomic  
25 Energy Agency as Information Circular INFCIRC/

1 254/Rev. 3/Part 1, and subsequent revisions) or  
2 Guidelines for Transfers of Nuclear-Related Dual-  
3 Use Equipment, Material, and Related Technology  
4 (published by the International Atomic Energy  
5 Agency as Information Circular INFCIR/254/Rev. 3/  
6 Part 2, and subsequent revisions).

7 (3) COUNTRY THAT IS ASSISTING THE NU-  
8 CLEAR PROGRAM OF VENEZUELA OR CUBA OR  
9 TRANSFERRING ADVANCED CONVENTIONAL WEAP-  
10 ONS OR MISSILES TO VENEZUELA OR CUBA.—The  
11 term “country that is assisting the nuclear program  
12 of Venezuela or Cuba or transferring advanced con-  
13 ventional weapons or missiles to Venezuela or Cuba”  
14 means—

15 (A) Russia; and

16 (B) any other country determined by the  
17 President to be assisting the nuclear program  
18 of Venezuela or Cuba or transferring advanced  
19 conventional weapons or missiles to Venezuela  
20 or Cuba.

21 (4) TRANSFERRING ADVANCED CONVENTIONAL  
22 WEAPONS OR MISSILES TO VENEZUELA OR CUBA.—  
23 The term “transferring advanced conventional weap-  
24 ons or missiles to Venezuela or Cuba” means the in-  
25 tentional transfer to Venezuela or Cuba by a govern-

1 ment, or by a person subject to the jurisdiction of  
2 a government with the knowledge and acquiescence  
3 of such government, of goods, services, or technology  
4 listed on—

5 (A) the Wassenaar Arrangement list of  
6 Dual Use Goods and Technologies and Muni-  
7 tions list of July 12, 1996, and subsequent revi-  
8 sions; or

9 (B) the Missile Technology Control Regime  
10 Equipment and Technology Annex of June 11,  
11 1996, and subsequent revisions.

12 **Subtitle C—Western Hemisphere**  
13 **Regional Coordination Centers**

14 **SEC. 731. ESTABLISHMENT OF THE WESTERN HEMISPHERE**  
15 **REGIONAL COORDINATION CENTERS.**

16 (a) SENSE OF CONGRESS.—It is the sense of Con-  
17 gress that—

18 (1) the United States Government should carry  
19 out a comprehensive and integrated approach to  
20 United States counterterrorism and nonproliferation  
21 efforts, both domestically and abroad; and

22 (2) the Secretary of State should seek to en-  
23 gage leaders of the governments of countries in the  
24 Western Hemisphere to develop a comprehensive  
25 multilateral strategy to counter current and emerg-

1       ing threats and prevent the proliferation of nuclear,  
2       chemical, and biological weapons.

3       (b) PURPOSE.—Western Hemisphere Regional Co-  
4       ordination Centers shall serve as joint operational facilities  
5       dedicated to coordinating efforts, capacity, and intel-  
6       ligence among participating countries to counter current  
7       and emerging threats and prevent the proliferation of nu-  
8       clear, chemical, and biological weapons throughout the  
9       Western Hemisphere.

10       (c) ESTABLISHMENT.—The Secretary of State shall  
11       negotiate with the leaders of the governments of countries  
12       in the Western Hemisphere on a bilateral or multilateral  
13       basis, as appropriate, international agreements under  
14       which such governments work in partnership to establish  
15       centers to be known as the “Western Hemisphere Regional  
16       Coordination Centers” (RCC).

17       (d) COOPERATION WITH GOVERNMENTS IN THE  
18       WESTERN HEMISPHERE.—

19               (1) IN GENERAL.—The Secretary of State shall  
20       negotiate with—

21                       (A) the governments of countries in Cen-  
22                       tral and South America agreements for the es-  
23                       tablishment of one RCC in a country in Central  
24                       America and one RCC in a country in South  
25                       America; and

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

5 (2) COORDINATION.—The Secretary of State  
6 shall negotiate with the leaders of the governments  
7 of countries in the Western Hemisphere on a bilat-  
8 eral or multilateral basis, as appropriate, agreements  
9 under which a method is established for staffing par-  
10 allel representatives, from each participating country  
11 or region, for each United States agency represented  
12 at the relevant RCC.

13 (e) PARTICIPATION OF UNITED STATES GOVERN-  
14 MENT AGENCIES.—

15 (1) IN GENERAL.—The Secretary of State, in  
16 consultation with the Director of National Intel-  
17 ligence and the Secretary of Defense, shall deter-  
18 mine which departments and agencies of the United  
19 States Government, including the Department of  
20 Defense, the Department of Energy, the Department  
21 of Homeland Security, the Department of the Treas-  
22 ury, the Department of Justice, the Drug Enforce-  
23 ment Agency, and the Federal Bureau of Investiga-  
24 tion, are necessary to ensure the establishment and  
25 operation of the RCCs. The Secretary of State, in

1 consultation with the Director of National Intel-  
2 ligence and the Secretary of Defense, shall negotiate  
3 agreements with the heads of such agencies to en-  
4 sure their full participation and cooperation in such  
5 establishment and operation.

6 (2) ASSIGNMENT OF REGIONAL ATTACHES AND  
7 ADVISORS.—The Secretary of State shall transfer to  
8 appropriate RCCs regional attaches and advisors  
9 serving at United States diplomatic and consular  
10 missions in the Western Hemisphere.

11 (f) STRUCTURE.—

12 (1) MANAGEMENT OF THE RCCS.—The Sec-  
13 retary of State, in consultation with the Director of  
14 National Intelligence and the Secretary of Defense,  
15 shall be responsible for the management of the  
16 RCCs, including development of the budget, prior-  
17 ities, and programs of the RCCs.

18 (2) STAFFING AND DUTIES.—Each RCC shall  
19 have one United States Director, at least one but  
20 not more than two United States Deputy Directors,  
21 and one host country General Director. The United  
22 States Director and United States Deputy Directors  
23 may be employees of any of the United States na-  
24 tional security agencies and shall be chosen by the  
25 Secretary of State, in consultation with the Director

1 of National Intelligence and Secretary of Defense.  
2 The Director and Deputy Directors of each RCC  
3 shall keep the Chief of Mission of the United States  
4 Embassies in the host country of such RCC fully in-  
5 formed of activities and operations of such RCC.

6 (3) RCC POLICY BOARD.—

7 (A) ESTABLISHMENT.—There is estab-  
8 lished the RCC Policy Board.

9 (B) COMPOSITION.—The RCC Policy  
10 Board shall be comprised of senior representa-  
11 tives from the departments and agencies deter-  
12 mined by the Secretary of State, in consultation  
13 with the Director of National Intelligence and  
14 the Secretary of Defense, to be necessary to en-  
15 sure the establishment and operation of the  
16 RCCs in accordance with subsection (e).

17 (C) DUTIES.—The Policy Board shall  
18 monitor and provide guidance and oversight for  
19 the RCCs to ensure that their operations are  
20 consistent with United States foreign policy and  
21 law enforcement goals.

22 (D) MEETINGS.—The Policy Board shall  
23 meet bi-monthly and shall be co-chaired by offi-  
24 cers from the Office of the Coordinator for  
25 Counterterrorism of the Department of State

1           and the National Counterterrorism Center of  
2           the Office of the Director of National Intel-  
3           ligence.

4 **SEC. 732. REGIONAL SECURITY INITIATIVE.**

5           (a) SENSE OF CONGRESS.—It is the sense of Con-  
6           gress that the Latin America Regional Strategic Initiative  
7           (RSI) should serve as a critical component of United  
8           States regional counterterrorism and nonproliferation ef-  
9           forts.

10          (b) PARTICIPATION WITH THE RCCS.—The Latin  
11          America RSI shall conduct at least one inter-agency meet-  
12          ing at one of the three RCCs each fiscal year. The Direc-  
13          tor, a Deputy Director, or both, of each RCC shall partici-  
14          pate in all RSI meetings organized by the Department of  
15          State.

16          (c) REPORT.—Not later than 45 days after the con-  
17          clusion of each RSI meeting, the Secretary of State shall  
18          submit to the appropriate congressional committees a re-  
19          port, which shall include a classified annex if necessary,  
20          that describes—

21                 (1) the defined objectives of the RSI;

22                 (2) the extent to which such objectives have  
23                 been achieved;

24                 (3) the steps taken by the United States to ac-  
25                 complish such objectives;

1 (4) the extent of cooperation by other countries  
2 in the Western Hemisphere toward achieving such  
3 objectives; and

4 (5) the steps the United States will take in the  
5 subsequent months to accomplish such objectives.

6 **SEC. 733. AUTHORIZATION OF APPROPRIATIONS.**

7 There is authorized to be appropriated such sums as  
8 may be necessary for each of fiscal years 2010 and 2011  
9 and each subsequent fiscal year to carry out this subtitle.

10 **Subtitle D—Prohibitions on En-**  
11 **gagement With Certain Western**  
12 **Hemisphere Countries**

13 **SEC. 741. PROHIBITIONS ON ENGAGEMENT WITH CERTAIN**  
14 **WESTERN HEMISPHERE COUNTRIES.**

15 Nothing in this title shall be construed as weakening  
16 or removing any prohibitions on United States engage-  
17 ment with or assistance to any country in the Western  
18 Hemisphere that the Secretary of State has designated as  
19 a state sponsor of terrorism for a minimum of three con-  
20 secutive years.

21 **Subtitle E—Report**

22 **SEC. 751. REPORT.**

23 (a) IN GENERAL.—Not later than one year after the  
24 date of the enactment of this Act and annually thereafter,  
25 the Secretary of State shall submit to the appropriate con-

1 gressional committees a report on the activities carried out  
2 to achieve the objectives described in subtitles B and C  
3 that describe—

4           (1) the extent to which each such objective has  
5       been achieved;

6           (2) the steps taken by the United States and  
7       countries in the Western Hemisphere in the pre-  
8       ceding calendar year to accomplish such objectives;

9           (3) the extent of cooperation by other countries  
10      in the Western Hemisphere toward achieving such  
11      objectives; and

12          (4) the steps the United States will take in the  
13      current calendar year to accomplish such objectives.

14      (b) PREPARATION AND FORM OF REPORT.—The re-  
15      port required under subsection (a) shall rely on public in-  
16      formation to the extent possible, and shall include a classi-  
17      fied annex, if necessary.

1 **TITLE VIII—EXPORT CONTROL**  
2 **REFORM AND SECURITY AS-**  
3 **SISTANCE**

4 **Subtitle A—Defense Trade Controls**  
5 **Performance Improvement Act**  
6 **of 2009**

7 **SEC. 801. SHORT TITLE.**

8 This subtitle may be cited as the “Defense Trade  
9 Controls Performance Improvement Act of 2009”.

10 **SEC. 802. FINDINGS.**

11 Congress finds the following:

12 (1) In a time of international terrorist threats  
13 and a dynamic global economic and security environ-  
14 ment, United States policy with regard to export  
15 controls is in urgent need of a comprehensive review  
16 in order to ensure such controls are protecting the  
17 national security and foreign policy interests of the  
18 United States.

19 (2) In January 2007, the Government Account-  
20 ability Office designated the effective identification  
21 and protection of critical technologies as a govern-  
22 ment-wide, high-risk area, warranting a strategic re-  
23 examination of existing programs, including pro-  
24 grams relating to arms export controls.

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

7           (4) Both staffing and funding that relate to the  
8 Department of State's arms export control respon-  
9 sibilities have not kept pace with the increased work-  
10 load relating to such responsibilities, especially dur-  
11 ing the current decade.

12           (5) Outsourcing and off-shoring of defense pro-  
13 duction and the policy of many United States trad-  
14 ing partners to require offsets for major sales of de-  
15 fense and aerospace articles present a potential  
16 threat to United States national security and eco-  
17 nomic well-being and serve to weaken the defense in-  
18 dustrial base.

19           (6) Export control policies can have a negative  
20 impact on United States employment, nonprolifera-  
21 tion goals, and the health of the defense industrial  
22 base, particularly when facilitating the overseas  
23 transfer of technology or production and other forms  
24 of outsourcing, such as offsets (direct and indirect),  
25 co-production, subcontracts, overseas investment and

1 joint ventures in defense and commercial industries.  
2 Federal Government agencies must develop new and  
3 effective procedures for ensuring that export control  
4 systems address these problems and the threat they  
5 pose to national security.

6 (7) In the report to Congress required by the  
7 Conference Report (Report 109–272) accompanying  
8 the bill, H.R. 2862 (the Science, State, Justice,  
9 Commerce and Related Agencies Appropriations Act,  
10 2006; Public Law 109–108), the Department of  
11 State concluded that—

12 (A) defense trade licensing has become  
13 much more complex in recent years as a con-  
14 sequence of the increasing globalization of the  
15 defense industry;

16 (B) the most important challenge to the  
17 Department of State’s licensing process has  
18 been the sheer growth in volume of applicants  
19 for licenses and agreements, without the cor-  
20 responding increase in licensing officers; and

21 (C) the increase in licensing volume with-  
22 out a corresponding increase in trained and ex-  
23 periented personnel has resulted in delays and  
24 increased processing times.

1           (8) In 2006, the Department of State processed  
2 over three times as many licensing applications as  
3 the Department of Commerce with about a fifth of  
4 the staff of the Department of Commerce.

5           (9) On July 27, 2007, in testimony delivered to  
6 the Subcommittee on Terrorism, Nonproliferation  
7 and Trade of the Committee on Foreign Affairs of  
8 the House of Representatives to examine the effec-  
9 tiveness of the United States export control regime,  
10 the Government Accountability Office found that—

11           (A) the United States Government needs  
12 to conduct assessments to determine its overall  
13 effectiveness in the area of arms export control;  
14 and

15           (B) the processing times of the Depart-  
16 ment of State doubled over the period from  
17 2002 to 2006.

18           (10)(A) Allowing a continuation of the status  
19 quo in resources for defense trade licensing could ul-  
20 timately harm the United States defense industrial  
21 base. The 2007 Institute for Defense Analysis report  
22 entitled “Export Controls and the U.S. Defense In-  
23 dustrial Base” found that the large backlog and long  
24 processing times by the Department of State for ap-  
25 plications for licenses to export defense items led to

1 an impairment of United States firms in some sec-  
2 tors to conduct global business relative to foreign  
3 competitors.

4 (B) Additionally, the report found that United  
5 States commercial firms have been reluctant to en-  
6 gage in research and development activities for the  
7 Department of Defense because this raises the fu-  
8 ture prospects that the products based on this re-  
9 search and development, even if intrinsically com-  
10 mercial, will be saddled by Department of State mu-  
11 nitions controls due to the link to that research.

12 (11) According to the Department of State's  
13 fiscal year 2008 budget justification to Congress,  
14 commercial exports licensed or approved under the  
15 Arms Export Control Act exceeded  
16 \$30,000,000,000, with nearly eighty percent of these  
17 items exported to United States NATO allies and  
18 other major non-NATO allies.

19 (12) A Government Accountability Office report  
20 of October 9, 2001 (GAO-02-120), documented am-  
21 biguous export control jurisdiction affecting 25 per-  
22 cent of the items that the United States Government  
23 agreed to control as part of its commitments to the  
24 Missile Technology Control Regime. The United  
25 States Government has not clearly determined which

1 department has jurisdiction over these items, which  
2 increases the risk that these items will fall into the  
3 wrong hands. During both the 108th, 109th, and  
4 110th Congresses, the House of Representatives  
5 passed legislation mandating that the Administra-  
6 tion clarify this issue.

7 (13) During 2007 and 2008, the management  
8 and staff of the Directorate of Defense Trade Con-  
9 trols of the Department of State have, through ex-  
10 traordinary effort and dedication, eliminated the  
11 large backlog of open applications and have reduced  
12 average processing times for license applications;  
13 however, the Directorate remains understaffed and  
14 long delays remain for complicated cases.

15 **SEC. 803. STRATEGIC REVIEW AND ASSESSMENT OF THE**  
16 **UNITED STATES EXPORT CONTROLS SYSTEM.**

17 (a) REVIEW AND ASSESSMENT.—

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

24 (2) ELEMENTS.—The review and assessment  
25 required under paragraph (1) shall—

1 (A) determine the overall effectiveness of  
2 the United States arms export controls system  
3 in order to, where appropriate, strengthen con-  
4 trols, improve efficiency, and reduce unneces-  
5 sary redundancies across Federal Government  
6 agencies, through administrative actions, in-  
7 cluding regulations, and to formulate legislative  
8 proposals for new authorities that are needed;

9 (B) develop processes to ensure better co-  
10 ordination of arms export control activities of  
11 the Department of State with activities of other  
12 departments and agencies of the United States  
13 that are responsible for enforcing United States  
14 arms export control laws;

15 (C) ensure that weapons-related nuclear  
16 technology, other technology related to weapons  
17 of mass destruction, and all items on the Mis-  
18 sile Technology Control Regime Annex are sub-  
19 ject to stringent control by the United States  
20 Government;

21 (D) determine the overall effect of arms  
22 export controls on counterterrorism, law en-  
23 forcement, and infrastructure protection mis-  
24 sions of the Department of Homeland Security;

1 (E) determine the effects of export controls  
2 policies and the practices of the export control  
3 agencies on the United States defense industrial  
4 base and United States employment in the in-  
5 dustries affected by export controls;

6 (F) contain a detailed summary of known  
7 attempts by unauthorized end-users (such as  
8 international arms traffickers, foreign intel-  
9 ligence agencies, and foreign terrorist organiza-  
10 tions) to acquire items on the United States  
11 Munitions List and related technical data, in-  
12 cluding—

13 (i) data on—

14 (I) commodities sought, such as  
15 M-4 rifles, night vision devices, F-14  
16 spare parts;

17 (II) parties involved, such as the  
18 intended end-users, brokers, con-  
19 signees, and shippers;

20 (III) attempted acquisition of  
21 technology and technical data critical  
22 to manufacture items on the United  
23 States Munitions List;

24 (IV) destination countries and  
25 transit countries;

1 (V) modes of transport;

2 (VI) trafficking methods, such as  
3 use of false documentation and front  
4 companies registered under flags of  
5 convenience;

6 (VII) whether the attempted il-  
7 licit transfer was successful; and

8 (VIII) any administrative or  
9 criminal enforcement actions taken by  
10 the United States and any other gov-  
11 ernment in relation to the attempted  
12 illicit transfer;

13 (ii) a thorough evaluation of the Blue  
14 Lantern Program, including the adequacy  
15 of current staffing and funding levels;

16 (iii) a detailed analysis of licensing ex-  
17 emptions and their successful exploitation  
18 by unauthorized end-users; and

19 (iv) an examination of the extent to  
20 which the increased tendency toward out-  
21 sourcing and off-shoring of defense produc-  
22 tion harm United States national security  
23 and weaken the defense industrial base, in-  
24 cluding direct and indirect impact on em-  
25 ployment, and formulate policies to address

1           these trends as well as the policy of some  
2           United States trading partners to require  
3           offsets for major sales of defense articles;  
4           and

5           (G) assess the extent to which export con-  
6           trol policies and practices under the Arms Ex-  
7           port Control Act promote the protection of  
8           basic human rights.

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

17          (c) REPORT.—Not later than 18 months after the  
18          date of the enactment of this Act, the President shall  
19          transmit to the appropriate congressional committees and  
20          the Committee on Armed Services of the House of Rep-  
21          resentatives and the Committee on Armed Services of the  
22          Senate a report that contains the results of the review and  
23          assessment conducted under subsection (a). The report re-  
24          quired by this subsection shall contain a certification that  
25          the requirement of subsection (a)(2)(C) has been met, or

1 if the requirement has not been met, the reasons therefor.  
2 The report required by this subsection shall be submitted  
3 in unclassified form, but may contain a classified annex,  
4 if necessary.

5 **SEC. 804. PERFORMANCE GOALS FOR PROCESSING OF AP-**  
6 **PLICATIONS FOR LICENSES TO EXPORT**  
7 **ITEMS ON UNITED STATES MUNITIONS LIST.**

8 (a) IN GENERAL.—The Secretary of State, acting  
9 through the head of the Directorate of Defense Trade  
10 Controls of the Department of State, shall establish and  
11 maintain the following goals:

12 (1) The processing time for review of each ap-  
13 plication for a license to export items on the United  
14 States Munitions List (other than a Manufacturing  
15 License Agreement) shall be not more than 60 days  
16 from the date of receipt of the application.

17 (2) The processing time for review of each ap-  
18 plication for a commodity jurisdiction determination  
19 shall be not more than 60 days from the date of re-  
20 ceipt of the application.

21 (3) The total number of applications described  
22 in paragraph (1) that are unprocessed shall be not  
23 more than 7 percent of the total number of such ap-  
24 plications submitted in the preceding calendar year.

1           (b) ADDITIONAL REVIEW.—(1) If an application de-  
2 scribed in paragraph (1) or (2) of subsection (a) is not  
3 processed within the time period described in the respec-  
4 tive paragraph of such subsection, then the Managing Di-  
5 rector of the Directorate of Defense Trade Controls or the  
6 Deputy Assistant Secretary for Defense Trade and Re-  
7 gional Security of the Department of State, as appro-  
8 priate, shall review the status of the application to deter-  
9 mine if further action is required to process the applica-  
10 tion.

11           (2) If an application described in paragraph (1) or  
12 (2) of subsection (a) is not processed within 90 days from  
13 the date of receipt of the application, then the Assistant  
14 Secretary for Political-Military Affairs of the Department  
15 of State shall—

16           (A) review the status of the application to de-  
17 termine if further action is required to process the  
18 application; and

19           (B) submit to the appropriate congressional  
20 committees a notification of the review conducted  
21 under subparagraph (A), including a description of  
22 the application, the reason for delay in processing  
23 the application, and a proposal for further action to  
24 process the application.

1           (3) For each calendar year, the Managing Director  
2 of the Directorate of Defense Trade Controls shall review  
3 not less than 2 percent of the total number of applications  
4 described in paragraphs (1) and (2) of subsection (a) to  
5 ensure that the processing of such applications, including  
6 decisions to approve, deny, or return without action, is  
7 consistent with both policy and regulatory requirements  
8 of the Department of State.

9           (c) STATEMENTS OF POLICY.—

10           (1) UNITED STATES ALLIES.—Congress states  
11 that—

12                   (A) it shall be the policy of the Directorate  
13 of Defense Trade Controls of the Department  
14 of State to ensure that, to the maximum extent  
15 practicable, the processing time for review of  
16 applications described in subsection (a)(1) to  
17 export items that are not subject to the require-  
18 ments of section 36 (b) or (c) of the Arms Ex-  
19 port Control Act (22 U.S.C. 2776 (b) or (c)) to  
20 United States allies in direct support of combat  
21 operations or peacekeeping or humanitarian op-  
22 erations with United States Armed Forces is  
23 not more than 7 days from the date of receipt  
24 of the application; and

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

15 (2) PRIORITY FOR APPLICATIONS FOR EXPORT  
16 OF U.S.-ORIGIN EQUIPMENT.—In meeting the goals  
17 established by this section, it shall be the policy of  
18 the Directorate of Defense Trade Controls of the  
19 Department of State to prioritize the processing of  
20 applications for licenses and agreements necessary  
21 for the export of United States-origin equipment  
22 over applications for Manufacturing License Agree-  
23 ments.

24 (d) REPORT.—Not later than December 31, 2011,  
25 and December 31, 2012, the Secretary of State shall sub-

1 mit to the appropriate congressional committees a report  
2 that contains a detailed description of—

3 (1)(A) the average processing time for and  
4 number of applications described in subsection  
5 (a)(1) to—

6 (i) United States NATO allies, Australia,  
7 New Zealand, Japan, South Korea, and Israel;

8 (ii) other major non-NATO allies; and

9 (iii) all other countries; and

10 (B) to the extent practicable, the average proc-  
11 essing time for and number of applications described  
12 in subsection (b)(1) by item category;

13 (2) the average processing time for and number  
14 of applications described in subsection (a)(2);

15 (3) the average processing time for and number  
16 of applications for agreements described in part 124  
17 of title 22, Code of Federal Regulations (relating to  
18 the International Traffic in Arms Regulations (other  
19 than Manufacturing License Agreements));

20 (4) the average processing times for applica-  
21 tions for Manufacturing License Agreements;

22 (5) any management decisions of the Direc-  
23 torate of Defense Trade Controls of the Department  
24 of State that have been made in response to data  
25 contained in paragraphs (1) through (3); and

1           (6) any advances in technology that will allow  
2           the time-frames described in subsection (a)(1) to be  
3           substantially reduced.

4           (e) CONGRESSIONAL BRIEFINGS.—If, at the end of  
5           any month beginning after the date of the enactment of  
6           this Act, the total number of applications described in sub-  
7           section (a)(1) that are unprocessed is more than 7 percent  
8           of the total number of such applications submitted in the  
9           preceding calendar year, then the Secretary of State, act-  
10          ing through the Under Secretary for Arms Control and  
11          International Security, the Assistant Secretary for Polit-  
12          ical-Military Affairs, or the Deputy Assistant Secretary  
13          for Defense Trade and Regional Security of the Depart-  
14          ment of State, as appropriate, shall brief the appropriate  
15          congressional committees on such matters and the correc-  
16          tive measures that the Directorate of Defense Trade Con-  
17          trols will take to comply with the requirements of sub-  
18          section (a).

19          (f) TRANSPARENCY OF COMMODITY JURISDICTION  
20          DETERMINATIONS.—

21                 (1) DECLARATION OF POLICY.—Congress de-  
22                 clares that the complete confidentiality surrounding  
23                 several hundred commodity jurisdiction determina-  
24                 tions made each year by the Department of State  
25                 pursuant to the International Traffic in Arms Regu-

1 lations is not necessary to protect legitimate propri-  
2 etary interests of persons or their prices and cus-  
3 tomers, is not in the best security and foreign policy  
4 interests of the United States, is inconsistent with  
5 the need to ensure a level playing field for United  
6 States exporters, and detracts from United States  
7 efforts to promote greater transparency and respon-  
8 sibility by other countries in their export control sys-  
9 tems.

10 (2) PUBLICATION ON INTERNET WEBSITE.—

11 The Secretary of State shall—

12 (A) upon making a commodity jurisdiction  
13 determination referred to in paragraph (1) pub-  
14 lish on the Internet website of the Department  
15 of State not later than 30 days after the date  
16 of the determination—

17 (i) the name of the manufacturer of  
18 the item;

19 (ii) a brief general description of the  
20 item;

21 (iii) the model or part number of the  
22 item; and

23 (iv) the United States Munitions List  
24 designation under which the item has been  
25 designated, except that—

1 (I) the name of the person or  
2 business organization that sought the  
3 commodity jurisdiction determination  
4 shall not be published if the person or  
5 business organization is not the man-  
6 ufacturer of the item; and

7 (II) the names of the customers,  
8 the price of the item, and any propri-  
9 etary information relating to the item  
10 indicated by the person or business  
11 organization that sought the com-  
12 modity jurisdiction determination  
13 shall not be published; and

14 (B) maintain on the Internet website of  
15 the Department of State an archive, that is ac-  
16 cessible to the general public and other depart-  
17 ments and agencies of the United States, of the  
18 information published under subparagraph (A).

19 (g) RULE OF CONSTRUCTION.—Nothing in this sec-  
20 tion shall be construed to prohibit the President or Con-  
21 gress from undertaking a thorough review of the national  
22 security and foreign policy implications of a proposed ex-  
23 port of items on the United States Munitions List.

1 **SEC. 805. REQUIREMENT TO ENSURE ADEQUATE STAFF**  
2 **AND RESOURCES FOR THE DIRECTORATE OF**  
3 **DEFENSE TRADE CONTROLS OF THE DEPART-**  
4 **MENT OF STATE.**

5 (a) REQUIREMENT.—The Secretary of State shall en-  
6 sure that the Directorate of Defense Trade Controls of  
7 the Department of State has the necessary staff and re-  
8 sources to carry out this subtitle and the amendments  
9 made by this subtitle.

10 (b) MINIMUM NUMBER OF LICENSING OFFICERS.—  
11 For fiscal year 2011 and each subsequent fiscal year, the  
12 Secretary of State shall ensure that the Directorate of De-  
13 fense Trade Controls has at least 1 licensing officer for  
14 every 1,250 applications for licenses and other authoriza-  
15 tions to export items on the United States Munitions List  
16 by not later than the third quarter of such fiscal year,  
17 based on the number of licenses and other authorizations  
18 expected to be received during such fiscal year. The Sec-  
19 retary shall ensure that in meeting the requirement of this  
20 subsection, the performance of other functions of the Di-  
21 rectorate of Defense Trade Controls is maintained and  
22 adequate staff is provided for those functions.

23 (c) MINIMUM NUMBER OF STAFF FOR COMMODITY  
24 JURISDICTION DETERMINATIONS.—For each of the fiscal  
25 years 2010 through 2012, the Secretary of State shall en-  
26 sure that the Directorate of Defense Trade Controls has,

1 to the extent practicable, not less than three individuals  
2 assigned to review applications for commodity jurisdiction  
3 determinations.

4 (d) ENFORCEMENT RESOURCES.—In accordance  
5 with section 127.4 of title 22, Code of Federal Regula-  
6 tions, U.S. Immigration and Customs Enforcement is au-  
7 thorized to investigate violations of the International Traf-  
8 fic in Arms Regulations on behalf of the Directorate of  
9 Defense Trade Controls of the Department of State. The  
10 Secretary of State shall ensure that the Directorate of De-  
11 fense Trade Controls has adequate staffing for enforce-  
12 ment of the International Traffic in Arms Regulations.

13 **SEC. 806. AUDIT BY INSPECTOR GENERAL OF THE DEPART-**  
14 **MENT OF STATE.**

15 (a) AUDIT.—Not later than the end of each of the  
16 fiscal years 2011 and 2012, the Inspector General of the  
17 Department of State shall conduct an independent audit  
18 to determine the extent to which the Department of State  
19 is meeting the requirements of sections 804 and 805.

20 (b) REPORT.—The Inspector General shall submit to  
21 the appropriate congressional committees a report that  
22 contains the result of each audit conducted under sub-  
23 section (a).

1 **SEC. 807. INCREASED FLEXIBILITY FOR USE OF DEFENSE**  
2 **TRADE CONTROLS REGISTRATION FEES.**

3 (a) IN GENERAL.—Section 45 of the State Depart-  
4 ment Basic Authorities Act of 1956 (22 U.S.C. 2717) is  
5 amended—

6 (1) in the first sentence—

7 (A) by striking “For” and inserting “(a)  
8 IN GENERAL.—For”; and

9 (B) by striking “Office” and inserting “Di-  
10 rectorate”;

11 (2) by amending the second sentence to read as  
12 follows:

13 “(b) AVAILABILITY OF FEES.—Fees credited to the  
14 account referred to in subsection (a) shall be available only  
15 for payment of expenses incurred for—

16 “(1) management,

17 “(2) licensing (in order to meet the require-  
18 ments of section 805 of the Defense Trade Controls  
19 Performance Improvement Act of 2009 (relating to  
20 adequate staff and resources of the Directorate of  
21 Defense Trade Controls)),

22 “(3) compliance,

23 “(4) policy activities, and

24 “(5) facilities,

25 of defense trade controls functions.”; and

26 (3) by adding at the end the following:

1       “(c) ALLOCATION OF FEES.—In allocating fees for  
2 payment of expenses described in subsection (b), the Sec-  
3 retary of State shall accord the highest priority to pay-  
4 ment of expenses incurred for personnel and equipment  
5 of the Directorate of Defense Trade Controls, including  
6 payment of expenses incurred to meet the requirements  
7 of section 805 of the Defense Trade Controls Performance  
8 Improvement Act of 2009.”.

9       (b) CONFORMING AMENDMENT.—Section 38(b) of  
10 the Arms Export Control Act (22 U.S.C. 2778(b)) is  
11 amended by striking paragraph (3).

12 **SEC. 808. REVIEW OF INTERNATIONAL TRAFFIC IN ARMS**  
13 **REGULATIONS AND UNITED STATES MUNI-**  
14 **TIONS LIST.**

15       (a) IN GENERAL.—The Secretary of State, in coordi-  
16 nation with the heads of other relevant departments and  
17 agencies of the United States Government, shall review,  
18 with the assistance of United States manufacturers and  
19 other interested parties described in section 811(2) of this  
20 Act, the International Traffic in Arms Regulations and  
21 the United States Munitions List to determine those tech-  
22 nologies and goods that warrant different or additional  
23 controls.

24       (b) CONDUCT OF REVIEW.—In carrying out the re-  
25 view required under subsection (a), the Secretary of State

1 shall review not less than 20 percent of the technologies  
2 and goods on the International Traffic in Arms Regula-  
3 tions and the United States Munitions List in each cal-  
4 endar year so that for the 5-year period beginning with  
5 calendar year 2010, and for each subsequent 5-year pe-  
6 riod, the International Traffic in Arms Regulations and  
7 the United States Munitions List will be reviewed in their  
8 entirety.

9 (c) REPORT.—The Secretary of State shall submit to  
10 the appropriate congressional committees and the Com-  
11 mittee on Armed Services of the House of Representatives  
12 and the Committee on Armed Services of the Senate an  
13 annual report on the results of the review carried out  
14 under this section.

15 **SEC. 809. SPECIAL LICENSING AUTHORIZATION FOR CER-**  
16 **TAIN EXPORTS TO NATO MEMBER STATES,**  
17 **AUSTRALIA, JAPAN, NEW ZEALAND, ISRAEL,**  
18 **AND SOUTH KOREA.**

19 (a) IN GENERAL.—Section 38 of the Arms Export  
20 Control Act (22 U.S.C. 2778) is amended by adding at  
21 the end the following:

22 “(k) SPECIAL LICENSING AUTHORIZATION FOR CER-  
23 TAIN EXPORTS TO NATO MEMBER STATES, AUSTRALIA,  
24 JAPAN, NEW ZEALAND, ISRAEL, AND SOUTH KOREA.—

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

11           “(B) An authorization may be issued under  
12 subparagraph (A) only if the applicable government  
13 of the country described in subparagraph (A), acting  
14 through the applicant for the authorization, certifies  
15 that—

16           “(i) the export of spare and replacement  
17 parts or components supports a defense item  
18 previously lawfully exported;

19           “(ii) the spare and replacement parts or  
20 components will be transferred to a defense  
21 agency of a country described in subparagraph  
22 (A) that is a previously approved end-user of  
23 the defense items and not to a distributor or a  
24 foreign consignee of such defense items;

1           “(iii) the spare and replacement parts or  
2 components will not to be used to materially en-  
3 hance, optimize, or otherwise modify or upgrade  
4 the capability of the defense items;

5           “(iv) the spare and replacement parts or  
6 components relate to a defense item that is  
7 owned, operated, and in the inventory of the  
8 armed forces a country described in subpara-  
9 graph (A);

10           “(v) the export of spare and replacement  
11 parts or components will be effected using the  
12 freight forwarder designated by the purchasing  
13 country’s diplomatic mission as responsible for  
14 handling transfers under chapter 2 of this Act  
15 as required under regulations; and

16           “(vi) the spare and replacement parts or  
17 components to be exported under the special li-  
18 censing authorization are specifically identified  
19 in the application.

20           “(C) An authorization may not be issued under  
21 subparagraph (A) for purposes of establishing off-  
22 shore procurement arrangements or producing de-  
23 fense articles offshore.

24           “(D)(i) For purposes of this subsection, the  
25 term ‘United States-manufactured spare and re-

1 replacement parts or components’ means spare and  
2 replacement parts or components—

3 “(I) with respect to which—

4 “(aa) United States-origin content  
5 costs constitute at least 85 percent of the  
6 total content costs;

7 “(bb) United States manufacturing  
8 costs constitute at least 85 percent of the  
9 total manufacturing costs; and

10 “(cc) foreign content, if any, is limited  
11 to content from countries eligible to receive  
12 exports of items on the United States Mu-  
13 nitions List under the International Traffic  
14 in Arms Regulations (other than de mini-  
15 mis foreign content);

16 “(II) that were last substantially trans-  
17 formed in the United States; and

18 “(III) that are not—

19 “(aa) classified as significant military  
20 equipment; or

21 “(bb) listed on the Missile Technology  
22 Control Regime Annex.

23 “(ii) For purposes of clause (i)(I) (aa) and  
24 (bb), the costs of non-United States-origin content  
25 shall be determined using the final price or final cost

1 associated with the non-United States-origin con-  
2 tent.

3 “(2) INAPPLICABILITY PROVISIONS.—(A) The  
4 provisions of this subsection shall not apply with re-  
5 spect to re-exports or re-transfers of spare and re-  
6 placement parts or components and related services  
7 of defense items described in paragraph (1).

8 “(B) The congressional notification require-  
9 ments contained in section 36(c) of this Act shall  
10 not apply with respect to an authorization issued  
11 under paragraph (1).”.

12 (b) EFFECTIVE DATE.—The President shall issue  
13 regulations to implement amendments made by subsection  
14 (a) not later than 180 days after the date of the enactment  
15 of this Act.

16 **SEC. 810. AVAILABILITY OF INFORMATION ON THE STATUS**  
17 **OF LICENSE APPLICATIONS UNDER CHAPTER**  
18 **3 OF THE ARMS EXPORT CONTROL ACT.**

19 Chapter 3 of the Arms Export Control Act (22  
20 U.S.C. 2771 et seq.) is amended by inserting after section  
21 38 the following new section:

1 **“SEC. 38A. AVAILABILITY OF INFORMATION ON THE STA-**  
2 **TUS OF LICENSE APPLICATIONS UNDER THIS**  
3 **CHAPTER.**

4 “(a) AVAILABILITY OF INFORMATION.—Not later  
5 than one year after the date of the enactment of the De-  
6 fense Trade Controls Performance Improvement Act of  
7 2009, the President shall make available to persons who  
8 have pending license applications under this chapter and  
9 the committees of jurisdiction the ability to access elec-  
10 tronically current information on the status of each license  
11 application required to be submitted under this chapter.

12 “(b) MATTERS TO BE INCLUDED.—The information  
13 referred to in subsection (a) shall be limited to the fol-  
14 lowing:

15 “(1) The case number of the license application.

16 “(2) The date on which the license application  
17 is received by the Department of State and becomes  
18 an ‘open application’.

19 “(3) The date on which the Directorate of De-  
20 fense Trade Controls makes a determination with re-  
21 spect to the license application or transmits it for  
22 interagency review, if required.

23 “(4) The date on which the interagency review  
24 process for the license application is completed, if  
25 such a review process is required.

1           “(5) The date on which the Department of  
2 State begins consultations with the congressional  
3 committees of jurisdiction with respect to the license  
4 application.

5           “(6) The date on which the license application  
6 is sent to the congressional committees of jurisdic-  
7 tion.”.

8 **SEC. 811. SENSE OF CONGRESS.**

9 It is the sense of Congress that—

10           (1)(A) the advice provided to the Secretary of  
11 State by the Defense Trade Advisory Group  
12 (DTAG) supports the regulation of defense trade  
13 and helps ensure that United States national secu-  
14 rity and foreign policy interests continue to be pro-  
15 tected and advanced while helping to reduce unnec-  
16 essary impediments to legitimate exports in order to  
17 support the defense requirements of United States  
18 friends and allies; and

19           (B) therefore, the Secretary of State should  
20 share significant planned rules and policy shifts with  
21 DTAG for comment; and

22           (2) recognizing the constraints imposed on the  
23 Department of State by the nature of a voluntary  
24 organization such as DTAG, the Secretary of State  
25 is encouraged to ensure that members of DTAG are

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

5 **SEC. 812. DEFINITIONS.**

6 In this subtitle:

7 (1) INTERNATIONAL TRAFFIC IN ARMS REGULA-  
8 TIONS; ITAR.—The term “International Traffic in  
9 Arms Regulations” or “ITAR” means those regula-  
10 tions contained in parts 120 through 130 of title 22,  
11 Code of Federal Regulations (or successor regula-  
12 tions).

13 (2) MAJOR NON-NATO ALLY.—The term “major  
14 non-NATO ally” means a country that is designated  
15 in accordance with section 517 of the Foreign As-  
16 sistance Act of 1961 (22 U.S.C. 2321k) as a major  
17 non-NATO ally for purposes of the Foreign Assist-  
18 ance Act of 1961 (22 U.S.C. 2151 et seq.) and the  
19 Arms Export Control Act (22 U.S.C. 2751 et seq.).

20 (3) MANUFACTURING LICENSE AGREEMENT.—  
21 The term “Manufacturing License Agreement”  
22 means an agreement described in section 120.21 of  
23 title 22, Code of Federal Regulations (or successor  
24 regulations).

1           (4) MISSILE TECHNOLOGY CONTROL REGIME;  
2 MTCR.—The term “Missile Technology Control Re-  
3 gime” or “MTCR” has the meaning given the term  
4 in section 11B(c)(2) of the Export Administration  
5 Act of 1979 (50 U.S.C. App. 2401b(c)(2)).

6           (5) MISSILE TECHNOLOGY CONTROL REGIME  
7 ANNEX; MTCR ANNEX.—The term “Missile Tech-  
8 nology Control Regime Annex” or “MTCR Annex”  
9 has the meaning given the term in section 11B(c)(4)  
10 of the Export Administration Act of 1979 (50  
11 U.S.C. App. 2401b(c)(4)).

12           (6) OFFSETS.—The term “offsets” includes  
13 compensation practices required of purchase in ei-  
14 ther government-to-government or commercial sales  
15 of defense articles or defense services under the  
16 Arms Export Control Act (22 U.S.C. 2751 et seq.)  
17 and the International Traffic in Arms Regulations.

18           (7) UNITED STATES MUNITIONS LIST; USML.—  
19 The term “United States Munitions List” or  
20 “USML” means the list referred to in section  
21 38(a)(1) of the Arms Export Control Act (22 U.S.C.  
22 2778(a)(1)).

23 **SEC. 813. AUTHORIZATION OF APPROPRIATIONS.**

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

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

## 4 **Subtitle B—Provisions Relating to** 5 **Export Licenses**

### 6 **SEC. 821. AVAILABILITY TO CONGRESS OF PRESIDENTIAL** 7 **DIRECTIVES REGARDING UNITED STATES** 8 **ARMS EXPORT POLICIES, PRACTICES, AND** 9 **REGULATIONS.**

10 (a) IN GENERAL.—The President shall make avail-  
11 able to the Committee on Foreign Affairs of the House  
12 of Representatives and the Committee on Foreign Rela-  
13 tions of the Senate the text of each Presidential directive  
14 regarding United States export policies, practices, and  
15 regulations relating to the implementation of the Arms  
16 Export Control Act (22 U.S.C. 2751 et seq.) not later  
17 than 15 days after the date on which the directive has  
18 been signed or authorized by the President.

19 (b) TRANSITION PROVISION.—Each Presidential di-  
20 rective described in subsection (a) that is signed or author-  
21 ized by the President on or after January 1, 2009, and  
22 before the date of the enactment of this Act shall be made  
23 available to the congressional committees specified in sub-  
24 section (a) not later than 90 days after the date of the  
25 enactment of this Act.

1 (c) FORM.—To the maximum extent practicable, each  
2 Presidential directive described in subsection (a) shall be  
3 made available to the congressional committees specified  
4 in subsection (a) on an unclassified basis.

5 **SEC. 822. INCREASE IN VALUE OF DEFENSE ARTICLES AND**  
6 **SERVICES FOR CONGRESSIONAL REVIEW**  
7 **AND EXPEDITING CONGRESSIONAL REVIEW**  
8 **FOR ISRAEL.**

9 (a) FOREIGN MILITARY SALES.—

10 (1) IN GENERAL.—Section 36(b) of the Arms  
11 Export Control Act (22 U.S.C. 2776(b)) is amend-  
12 ed—

13 (A) in paragraph (1)—

14 (i) by striking “\$50,000,000” and in-  
15 serting “\$100,000,000”;

16 (ii) by striking “\$200,000,000” and  
17 inserting “\$300,000,000”;

18 (iii) by striking “\$14,000,000” and  
19 inserting “\$25,000,000”; and

20 (iv) by striking “The letter of offer  
21 shall not be issued” and all that follows  
22 through “enacts a joint resolution” and in-  
23 serting the following:

24 “(2) The letter of offer shall not be issued—

1           “(A) with respect to a proposed sale of any  
2           defense articles or defense services under this  
3           Act for \$200,000,000 or more, any design and  
4           construction services for \$300,000,000 or more,  
5           or any major defense equipment for  
6           \$75,000,000 or more, to the North Atlantic  
7           Treaty Organization (NATO), any member  
8           country of NATO, Japan, Australia, the Repub-  
9           lic of Korea, Israel, or New Zealand, if Con-  
10          gress, within 15 calendar days after receiving  
11          such certification, or

12           “(B) with respect to a proposed sale of any  
13          defense articles or services under this Act for  
14          \$100,000,000 or more, any design and con-  
15          struction services for \$200,000,000 or more, or  
16          any major defense equipment for \$50,000,000  
17          or more, to any other country or organization,  
18          if Congress, within 30 calendar days after re-  
19          ceiving such certification,  
20          enacts a joint resolution”; and

21           (B) by redesignating paragraphs (2)  
22          through (6) as paragraphs (3) through (7), re-  
23          spectively.

1           (2) TECHNICAL AND CONFORMING AMEND-  
2           MENTS.—Section 36 of the Arms Export Control  
3           Act (22 U.S.C. 2776) is amended—

4                   (A) in subsection (b)—

5                           (i) in paragraph (6)(C), as redesignig-  
6                           nated, by striking “Subject to paragraph  
7                           (6), if” and inserting “If”; and

8                           (ii) by striking paragraph (7), as re-  
9                           designated; and

10                   (B) in subsection (c)(4), by striking “sub-  
11                   section (b)(5)” each place it appears and insert-  
12                   ing “subsection (b)(6)”.

13           (b) COMMERCIAL SALES.—Section 36(c) of the Arms  
14           Export Control Act (22 U.S.C. 2776(c)) is amended—

15                   (1) in paragraph (1)—

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

18                           (B) by striking “\$14,000,000” and insert-  
19                           ing “\$25,000,000”; and

20                           (C) by striking “\$50,000,000” and insert-  
21                           ing “\$100,000,000”;

22                   (2) in paragraph (2)—

23                           (A) in subparagraph (A)—

24                                   (i) by inserting after “for an export”  
25                           the following: “of any major defense equip-

1           ment sold under a contract in the amount  
2           of \$75,000,000 or more or of defense arti-  
3           cles or defense services sold under a con-  
4           tract in the amount of \$200,000,000 or  
5           more, (or, in the case of a defense article  
6           that is a firearm controlled under category  
7           I of the United States Munitions List,  
8           \$1,000,000 or more)”; and

9           (ii) by striking “Organization,” and  
10          inserting “Organization (NATO),” and by  
11          further striking “that Organization” and  
12          inserting “NATO”; and

13          (B) in subparagraph (C), by inserting after  
14          “license” the following: “for an export of any  
15          major defense equipment sold under a contract  
16          in the amount of \$50,000,000 or more or of de-  
17          fense articles or defense services sold under a  
18          contract in the amount of \$100,000,000 or  
19          more, (or, in the case of a defense article that  
20          is a firearm controlled under category I of the  
21          United States Munitions List, \$1,000,000 or  
22          more)”; and

23          (3) by striking paragraph (5).

1 **SEC. 823. DIPLOMATIC EFFORTS TO STRENGTHEN NA-**  
2 **TIONAL AND INTERNATIONAL ARMS EXPORT**  
3 **CONTROLS.**

4 (a) SENSE OF CONGRESS.—It is the sense of Con-  
5 gress that the President should redouble United States  
6 diplomatic efforts to strengthen national and international  
7 arms export controls by establishing a senior-level initia-  
8 tive to ensure that those arms export controls are com-  
9 parable to and supportive of United States arms export  
10 controls, particularly with respect to countries of concern  
11 to the United States.

12 (b) REPORT.—Not later than one year after the date  
13 of the enactment of this Act, and annually thereafter for  
14 4 years, the President shall transmit to the Committee on  
15 Foreign Affairs of the House of Representatives and the  
16 Committee on Foreign Relations of the Senate a report  
17 on United States diplomatic efforts described in subsection  
18 (a).

19 **SEC. 824. REPORTING REQUIREMENT FOR UNLICENSED EX-**  
20 **PORTS.**

21 Section 655(b) of the Foreign Assistance Act of 1961  
22 (22 U.S.C. 2415(b)) is amended—

23 (1) in paragraph (2), by striking “or” at the  
24 end;

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

1 (3) by adding at the end the following:

2 “(4) were exported without a license under sec-  
3 tion 38 of the Arms Export Control Act (22 U.S.C.  
4 2778) pursuant to an exemption established under  
5 the International Traffic in Arms Regulations, other  
6 than defense articles exported in furtherance of a  
7 letter of offer and acceptance under the Foreign  
8 Military Sales program or a technical assistance or  
9 manufacturing license agreement, including the spe-  
10 cific exemption provision in the regulation under  
11 which the export was made.”.

12 **SEC. 825. REPORT ON VALUE OF MAJOR DEFENSE EQUIP-**  
13 **MENT AND DEFENSE ARTICLES EXPORTED**  
14 **UNDER SECTION 38 OF THE ARMS EXPORT**  
15 **CONTROL ACT.**

16 Section 38 of the Arms Export Control Act (22  
17 U.S.C. 2778) is amended by adding at the end the fol-  
18 lowing:

19 “(k) REPORT.—

20 “(1) IN GENERAL.—The President shall trans-  
21 mit to the Committee on Foreign Affairs of the  
22 House of Representatives and the Committee on  
23 Foreign Relations of the Senate a report that con-  
24 tains a detailed listing, by country and by inter-  
25 national organization, of the total dollar value of

1 major defense equipment and defense articles ex-  
2 ported pursuant to licenses authorized under this  
3 section for the previous fiscal year.

4 “(2) INCLUSION IN ANNUAL BUDGET.—The re-  
5 port required by this subsection shall be included in  
6 the supporting information of the annual budget of  
7 the United States Government required to be sub-  
8 mitted to Congress under section 1105 of title 31,  
9 United States Code.”.

10 **SEC. 826. AUTHORITY TO REMOVE SATELLITES AND RE-**  
11 **LATED COMPONENTS FROM THE UNITED**  
12 **STATES MUNITIONS LIST.**

13 (a) AUTHORITY.—Except as provided in subsection  
14 (b) and subject to subsection (d), the President is author-  
15 ized to remove satellites and related components from the  
16 United States Munitions List, consistent with the proce-  
17 dures in section 38(f) of the Arms Export Control Act (22  
18 U.S.C. 2778(f)).

19 (b) EXCEPTION.—The authority of subsection (a)  
20 may not be exercised with respect to any satellite or re-  
21 lated component that may, directly or indirectly, be trans-  
22 ferred to, or launched into outer space by, the People’s  
23 Republic of China.

24 (c) UNITED STATES MUNITIONS LIST.—In this sec-  
25 tion, the term “United States Munitions List” means the

1 list referred to in section 38(a)(1) of the Arms Export  
2 Control Act (22 U.S.C. 2778(a)(1)).

3 (d) EFFECTIVE DATE.—The President may not exer-  
4 cise the authority provided in this section before the date  
5 that is 90 days after the date of the enactment of this  
6 Act.

7 **SEC. 827. REVIEW AND REPORT OF INVESTIGATIONS OF**  
8 **VIOLATIONS OF SECTION 3 OF THE ARMS EX-**  
9 **PORT CONTROL ACT.**

10 (a) REVIEW.—The Inspector General of the Depart-  
11 ment of State shall conduct a review of investigations by  
12 the Department of State during each of fiscal years 2010  
13 through 2014 of any and all possible violations of section  
14 3 of the Arms Export Control Act (22 U.S.C. 2753) with  
15 respect to misuse of United States-origin defense items to  
16 determine whether the Department of State has fully com-  
17 plied with the requirements of such section, as well as its  
18 own internal procedures (and whether such procedures are  
19 adequate), for reporting to Congress any information re-  
20 garding the unlawful use or transfer of United States-ori-  
21 gin defense articles, defense services, and technology by  
22 foreign countries, as required by such section.

23 (b) REPORT.—The Inspector General of the Depart-  
24 ment of State shall submit to the Committee on Foreign  
25 Affairs of the House of Representatives and the Com-

1 mittee on Foreign Relations of the Senate for each of fis-  
2 cal years 2010 through 2014 a report that contains the  
3 findings and results of the review conducted under sub-  
4 section (a). The report shall be submitted in unclassified  
5 form to the maximum extent possible, but may include a  
6 classified annex.

7 **SEC. 828. REPORT ON SELF-FINANCING OPTIONS FOR EX-**  
8 **PORT LICENSING FUNCTIONS OF DDTC OF**  
9 **THE DEPARTMENT OF STATE.**

10 Not later than 90 days after the date of the enact-  
11 ment of this Act, the Secretary of State shall submit to  
12 the appropriate congressional committees a report on pos-  
13 sible mechanisms to place the export licensing functions  
14 of the Directorate of Defense Trade Controls of the De-  
15 partment of State on a 100 percent self-financing basis.

16 **SEC. 829. CLARIFICATION OF CERTIFICATION REQUIRE-**  
17 **MENT RELATING TO ISRAEL'S QUALITATIVE**  
18 **MILITARY EDGE.**

19 Section 36(h)(1) of the Arms Export Control Act (22  
20 U.S.C. 2776(h)(1)) is amended by striking “a determina-  
21 tion” and inserting “an unclassified determination”.

22 **SEC. 830. EXPEDITING CONGRESSIONAL DEFENSE EXPORT**  
23 **REVIEW PERIOD FOR ISRAEL.**

24 The Arms Export Control Act (22 U.S.C. 2751 et  
25 seq.) is amended—



1           “(2) CIVIL PENALTIES.—A person who commits  
2           an unlawful act described in paragraph (1) shall  
3           upon conviction be fined for each violation in an  
4           amount not to exceed the greater of—

5                   “(A) \$250,000; or

6                   “(B) an amount that is twice the amount  
7           of the transaction that is the basis of the viola-  
8           tion with respect to which the penalty is im-  
9           posed.

10           “(3) CRIMINAL PENALTIES.—A person who  
11           willfully commits an unlawful act described in para-  
12           graph (1) shall upon conviction—

13                   “(A) be fined for each violation in an  
14           amount not to exceed \$1,000,000, or

15                   “(B) in the case of a natural person, im-  
16           prisoned for not more than 20 years,  
17           or both.”.

18           (b) MECHANISMS TO IDENTIFY VIOLATORS.—Sec-  
19           tion 38(g) of the Arms Export Control Act (22 U.S.C.  
20           2778(g)) is amended—

21                   (1) in paragraph (1)—

22                           (A) in subparagraph (A)—

23                                   (i) in the matter preceding clause (i),  
24                           by inserting “or otherwise charged” after  
25                           “indictment”;

1 (ii) in clause (xi), by striking “or” at  
2 the end; and

3 (iii) by adding at the end the fol-  
4 lowing:

5 “(xiii) section 542 of title 18, United  
6 States Code, relating to entry of goods by  
7 means of false statements;

8 “(xiv) section 554 of title 18, United  
9 States Code, relating to smuggling goods from  
10 the United States; or

11 “(xv) section 1831 of title 18, United  
12 States Code, relating to economic espionage.”;  
13 and

14 (B) in subparagraph (B), by inserting “or  
15 otherwise charged” after “indictment”; and

16 (2) in paragraph (3)(A), by inserting “or other-  
17 wise charged” after “indictment”.

18 (c) EFFECTIVE DATE.—The amendment made by  
19 subsection (a) shall take effect on the date of the enact-  
20 ment of this Act and shall apply with respect to violations  
21 of sections 38 and 39 of the Arms Export Control Act  
22 committed on or after that date.

1                   **Subtitle C—Miscellaneous**  
2                   **Provisions**

3 **SEC. 841. AUTHORITY TO BUILD THE CAPACITY OF FOR-**  
4                   **EIGN MILITARY FORCES.**

5           (a) **AUTHORITY.**—The Secretary of State is author-  
6 ized to conduct a program to respond to contingencies in  
7 foreign countries or regions by providing training, pro-  
8 curement, and capacity-building of a foreign country’s na-  
9 tional military forces and dedicated counter-terrorism  
10 forces in order for that country to—

- 11                   (1) conduct counterterrorist operations; or  
12                   (2) participate in or support military and sta-  
13 bility operations in which the United States is a par-  
14 ticipant.

15           (b) **TYPES OF CAPACITY-BUILDING.**—The program  
16 authorized under subsection (a) may include the provision  
17 of equipment, supplies, and training.

18           (c) **LIMITATIONS.**—

19                   (1) **ASSISTANCE OTHERWISE PROHIBITED BY**  
20 **LAW.**—The Secretary of State may not use the au-  
21 thority in subsection (a) to provide any type of as-  
22 sistance described in subsection (b) that is otherwise  
23 prohibited by any provision of law.

24                   (2) **LIMITATION ON ELIGIBLE COUNTRIES.**—  
25 The Secretary of State may not use the authority in

1 subsection (a) to provide assistance described in sub-  
2 section (b) to any foreign country that is otherwise  
3 prohibited from receiving such type of assistance  
4 under any other provision of law.

5 (d) FORMULATION AND EXECUTION OF ACTIVI-  
6 TIES.—The Secretary of State shall consult with the head  
7 of any other appropriate department or agency in the for-  
8 mulation and execution of the program authorized under  
9 subsection (a).

10 (e) CONGRESSIONAL NOTIFICATION.—

11 (1) ACTIVITIES IN A COUNTRY.—Not less than  
12 15 days before obligating funds for activities in any  
13 country under the program authorized under sub-  
14 section (a), the Secretary of State shall submit to  
15 the congressional committees specified in paragraph  
16 (2) a notice of the following:

17 (A) The country whose capacity to engage  
18 in activities in subsection (a) will be assisted.

19 (B) The budget, implementation timeline  
20 with milestones, and completion date for com-  
21 pleting the activities.

22 (2) SPECIFIED CONGRESSIONAL COMMIT-  
23 TEES.—The congressional committees specified in  
24 this paragraph are the following:

1           (A) The Committee on Foreign Affairs and  
2           the Committee on Appropriations of the House  
3           of Representatives.

4           (B) The Committee on Foreign Relations  
5           and the Committee on Appropriations of the  
6           Senate.

7           (f) AUTHORIZATION OF APPROPRIATIONS.—

8           (1) IN GENERAL.—There is authorized to be  
9           appropriated to the Secretary of State \$25,000,000  
10          for each of the fiscal years 2010 and 2011 to con-  
11          duct the program authorized by subsection (a).

12          (2) USE OF FMF FUNDS.—The Secretary of  
13          State may use up to \$25,000,000 of funds available  
14          under the Foreign Military Financing program for  
15          each of the fiscal years 2010 and 2011 to conduct  
16          the program authorized under subsection (a).

17          (3) AVAILABILITY AND REFERENCE.—Amounts  
18          made available to conduct the program authorized  
19          under subsection (a)—

20                 (A) are authorized to remain available  
21                 until expended; and

22                 (B) may be referred to as the “Security  
23                 Assistance Contingency Fund”.

1 **SEC. 842. FOREIGN MILITARY SALES STOCKPILE FUND.**

2 (a) IN GENERAL.—Section 51(a) of the Arms Export  
3 Control Act (22 U.S.C. 2795(a)) is amended—

4 (1) in paragraph (1), by striking “Special De-  
5 fense Acquisition Fund” and inserting “Foreign  
6 Military Sales Stockpile Fund”; and

7 (2) in paragraph (4), by inserting “building the  
8 capacity of recipient countries and” before “nar-  
9 cotics control purposes”.

10 (b) CONTENTS OF FUND.—Section 51(b) of the Arms  
11 Export Control Act (22 U.S.C. 2795(b)) is amended—

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

14 (2) in paragraph (3), by inserting “and” at the  
15 end; and

16 (3) by inserting after paragraph (3) the fol-  
17 lowing:

18 “(4) collections from leases made pursuant to  
19 section 61 of this Act,”.

20 (c) CONFORMING AMENDMENTS.—(1) The heading  
21 of section 51 of the Arms Export Control Act is amended  
22 by striking “SPECIAL DEFENSE ACQUISITION FUND” and  
23 inserting “FOREIGN MILITARY SALES STOCKPILE FUND”.

24 (2) The heading of chapter 5 of the Arms Export  
25 Control Act is amended by striking “**SPECIAL DE-**  
26 **FENSE ACQUISITION FUND**” and inserting

1 **“FOREIGN MILITARY SALES STOCKPILE**  
2 **FUND”**.

3 **SEC. 843. ANNUAL ESTIMATE AND JUSTIFICATION FOR**  
4 **FOREIGN MILITARY SALES PROGRAM.**

5 Section 25(a)(1) of the Arms Export Control Act (22  
6 U.S.C. 2765(a)(1)) is amended by striking “, together  
7 with an indication of which sales and licensed commercial  
8 exports” and inserting “and”.

9 **SEC. 844. REPORT ON UNITED STATES COMMITMENTS TO**  
10 **THE SECURITY OF ISRAEL.**

11 (a) INITIAL REPORT.—Not later than 30 days after  
12 the date of the enactment of this Act, the President shall  
13 transmit to the appropriate congressional committees a re-  
14 port that contains—

15 (1) a complete, unedited, and unredacted copy  
16 of each assurance made by United States Govern-  
17 ment officials to officials of the Government of Israel  
18 regarding Israel’s security and maintenance of  
19 Israel’s qualitative military edge, as well as any  
20 other assurance regarding Israel’s security and  
21 maintenance of Israel’s qualitative military edge pro-  
22 vided in conjunction with exports under the Arms  
23 Export Control Act (22 U.S.C. 2751 et seq.), for the  
24 period beginning on January 1, 1975, and ending on  
25 the date of the enactment of this Act; and

1           (2) an analysis of the extent to which, and by  
2           what means, each such assurance has been and is  
3           continuing to be fulfilled.

4           (b) SUBSEQUENT REPORTS.—

5           (1) NEW ASSURANCES AND REVISIONS.—The  
6           President shall transmit to the appropriate congres-  
7           sional committees a report that contains the infor-  
8           mation required under subsection (a) with respect  
9           to—

10                   (A) each assurance described in subsection  
11                   (a) made on or after the date of the enactment  
12                   of this Act, or

13                   (B) revisions to any assurance described in  
14                   subsection (a) or subparagraph (A) of this  
15                   paragraph,  
16           within 15 days of the new assurance or revision  
17           being conveyed.

18           (2) 5-YEAR REPORTS.—Not later than 5 years  
19           after the date of the enactment of this Act, and  
20           every 5 years thereafter, the President shall trans-  
21           mit to the appropriate congressional committees a  
22           report that contains the information required under  
23           subsection (a) with respect to each assurance de-  
24           scribed in subsection (a) or paragraph (1)(A) of this  
25           subsection and revisions to any assurance described

1 in subsection (a) or paragraph (1)(A) of this sub-  
2 section during the preceding 5-year period.

3 (c) FORM.—Each report required by this section shall  
4 be transmitted in unclassified form, but may contain a  
5 classified annex, if necessary.

6 **SEC. 845. WAR RESERVES STOCKPILE.**

7 (a) DEPARTMENT OF DEFENSE APPROPRIATIONS  
8 ACT, 2005.—Section 12001(d) of the Department of De-  
9 fense Appropriations Act, 2005 (Public Law 108–287;  
10 118 Stat. 1011), is amended by striking “4” and inserting  
11 “7”.

12 (b) FOREIGN ASSISTANCE ACT OF 1961.—Section  
13 514(b)(2)(A) of the Foreign Assistance Act of 1961 (22  
14 U.S.C. 2321h(b)(2)(A)) is amended by striking “fiscal  
15 years 2007 and 2008” and inserting “fiscal years 2010  
16 and 2011”.

17 **SEC. 846. EXCESS DEFENSE ARTICLES FOR CENTRAL AND**  
18 **SOUTH EUROPEAN COUNTRIES AND CERTAIN**  
19 **OTHER COUNTRIES.**

20 Section 516(e) of the Foreign Assistance Act of 1961  
21 (22 U.S.C. 2321j(e)) is amended—

22 (1) in paragraph (1), by striking “paragraph  
23 (2)” and inserting “paragraphs (2) and (3)”;

1           (2) in paragraph (2), in the heading by striking  
2           “EXCEPTION” and inserting “GENERAL EXCEP-  
3           TION”; and

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

6           “(3) EXCEPTION FOR SPECIFIC COUNTRIES.—  
7           For fiscal years 2010 and 2011, the President may  
8           provide for the crating, packing, handling, and  
9           transportation of excess defense articles transferred  
10          under the authority of this section to Albania, Af-  
11          ghanistan, Bulgaria, Croatia, Estonia, Macedonia,  
12          Georgia, India, Iraq, Israel, Kazakhstan,  
13          Kyrgyzstan, Latvia, Lithuania, Moldova, Mongolia,  
14          Pakistan, Romania, Slovakia, Tajikistan,  
15          Turkmenistan, and Ukraine.”.

16 **TITLE IX—ACTIONS TO EN-**  
17 **HANCE THE MERIDA INITIA-**  
18 **TIVE**

19 **SEC. 901. COORDINATOR OF UNITED STATES GOVERNMENT**  
20 **ACTIVITIES TO IMPLEMENT THE MERIDA INI-**  
21 **TIATIVE.**

22          (a) DECLARATION OF POLICY.—Congress declares  
23 that the Merida Initiative is a Department of State-led  
24 initiative which combines the programs of numerous  
25 United States Government departments and agencies and

1 therefore requires a single individual to coordinate and  
2 track all Merida Initiative-related efforts government-wide  
3 to avoid duplication, coordinate messaging, and facilitate  
4 accountability to and communication with Congress.

5 (b) DESIGNATION OF HIGH-LEVEL COORDINATOR.—

6 (1) IN GENERAL.—The President shall des-  
7 ignate, within the Department of State, a Coordi-  
8 nator of United States Government Activities to Im-  
9 plement the Merida Initiative (hereafter in this sec-  
10 tion referred to as the “Coordinator”) who shall be  
11 responsible for—

12 (A) designing and shaping an overall strat-  
13 egy for the Merida Initiative;

14 (B) ensuring program and policy coordina-  
15 tion among United States Government depart-  
16 ments and agencies in carrying out the Merida  
17 Initiative, including avoiding duplication among  
18 programs and ensuring that a consistent mes-  
19 sage emanates from the United States Govern-  
20 ment;

21 (C) ensuring that efforts of the United  
22 States Government are in full consonance with  
23 the efforts of the countries within the Merida  
24 Initiative;

1 (D) tracking, in coordination with the rel-  
2 evant officials of the Department of Defense  
3 and other departments and agencies, United  
4 States assistance programs that fulfill the goals  
5 of the Merida Initiative or are closely related to  
6 the goals of the Merida Initiative, including to  
7 the extent possible, tracking information re-  
8 quired under the second section 620J of the  
9 Foreign Assistance Act of 1961 (22 U.S.C.  
10 2378d) (as added by section 651 of division J  
11 of Public Law 110–161) with respect to coun-  
12 tries participating in the Merida Initiative; and

13 (E) consulting with the Attorney General  
14 and the Secretary of Homeland Security with  
15 respect to the activities of Federal, State, and  
16 local law enforcement authorities in the United  
17 States relating to the goals of the Merida Ini-  
18 tiative, particularly along the United States-  
19 Mexico border.

20 (2) RANK AND STATUS OF THE COORDI-  
21 NATOR.—The Coordinator should have the rank and  
22 status of ambassador.

23 **SEC. 902. ADDING THE CARIBBEAN TO THE MERIDA INITIA-**  
24 **TIVE.**

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

1           (1) The illicit drug trade—which has taken a  
2 toll on the small countries of the Caribbean Commu-  
3 nity (CARICOM) for many years—is now moving  
4 even more aggressively into these countries.

5           (2) A March 2007 joint report by the United  
6 Nations Office on Drugs and Crime (UNODC) and  
7 the World Bank noted that murder rates in the Car-  
8ibbean—at 30 per 100,000 population annually—are  
9 higher than for any other region of the world and  
10 have risen in recent years for many of the region’s  
11 countries. The report also argues that the strongest  
12 explanation for the high crime and violence rates in  
13 the Caribbean and their rise in recent years is drug  
14 trafficking.

15           (3) If the United States does not move quickly  
16 to provide Merida Initiative assistance to the  
17 CARICOM countries, the positive results of the  
18 Merida Initiative in Mexico and Central America will  
19 move the drug trade deeper into the Caribbean and  
20 multiply the already alarming rates of violence.

21           (b) CONSULTATIONS.—Not later than 60 days after  
22 the date of the enactment of this Act, the Secretary of  
23 State is authorized to consult with the countries of the  
24 Caribbean Community (CARICOM) in preparation for  
25 their inclusion into the Merida Initiative.

1 (c) INCORPORATION OF CARICOM COUNTRIES INTO  
2 THE MERIDA INITIATIVE.—The President is authorized to  
3 incorporate the CARICOM countries into the Merida Ini-  
4 tiative.

5 **SEC. 903. CARICOM COUNTRY DEFINED.**

6 In this title, the term “CARICOM country” means  
7 a country that has been a full member country of the Car-  
8 ibbean Community (CARICOM) for at least five years or  
9 the Dominican Republic, but does not include—

10 (1) a country having observer or associate sta-  
11 tus in CARICOM;

12 (2) a country the government of which the Sec-  
13 retary of State has determined, for purposes of sec-  
14 tion 6(j) of the Export Administration Act of 1979  
15 (as continued in effect pursuant to the International  
16 Emergency Economic Powers Act), section 40 of the  
17 Arms Export Control Act, section 620A of the For-  
18 eign Assistance Act of 1961, or any other provision  
19 of law, is a government that has repeatedly provided  
20 support for acts of international terrorism; or

21 (3) a country that fails to adhere to human  
22 rights standards pursuant to sections 116 and  
23 502B(2) of the Foreign Assistance Act of 1961 (22  
24 U.S.C. 2151n and 2304).

1 **SEC. 904. MERIDA INITIATIVE MONITORING AND EVALUA-**  
2 **TION MECHANISM.**

3 (a) DEFINITIONS.—In this section:

4 (1) IMPACT EVALUATION RESEARCH.—The  
5 term “impact evaluation research” means the appli-  
6 cation of research methods and statistical analysis to  
7 measure the extent to which change in a population-  
8 based outcome can be attributed to program inter-  
9 vention instead of other environmental factors.

10 (2) OPERATIONS RESEARCH.—The term “oper-  
11 ations research” means the application of social  
12 science research methods, statistical analysis, and  
13 other appropriate scientific methods to judge, com-  
14 pare, and improve policies and program outcomes,  
15 from the earliest stages of defining and designing  
16 programs through their development and implemen-  
17 tation, with the objective of the rapid dissemination  
18 of conclusions and concrete impact on programming.

19 (3) PROGRAM MONITORING.—The term “pro-  
20 gram monitoring” means the collection, analysis,  
21 and use of routine program data to determine how  
22 well a program is carried out and how much the pro-  
23 gram costs.

24 (b) SENSE OF CONGRESS.—It is the sense of Con-  
25 gress that—

1           (1) to successfully support building the capacity  
2 of recipient countries' civilian security institutions,  
3 enhance the rule of law in recipient countries, and  
4 ensure the protection of human rights, the President  
5 should establish a program to conduct impact eval-  
6 uation research, operations research, and program  
7 monitoring to ensure effectiveness of assistance pro-  
8 vided under the Merida Initiative;

9           (2) long-term solutions to the security problems  
10 of Merida recipient countries depend on increasing  
11 the effectiveness and responsiveness of their civilian  
12 institutions, including their judicial system;

13           (3) a specific program of impact evaluation re-  
14 search, operations research, and program moni-  
15 toring, established at the inception of the program,  
16 is required to permit assessment of the operational  
17 effectiveness of the impact of United States assist-  
18 ance towards these goals; and

19           (4) the President, in developing performance  
20 measurement methods under the impact evaluation  
21 research, operations research, and program moni-  
22 toring, should consult with the appropriate congres-  
23 sional committees as well as the governments of  
24 Merida recipient countries.

1           (c) IMPACT EVALUATION RESEARCH, OPERATION  
2 RESEARCH, AND PROGRAM MONITORING OF ASSIST-  
3 ANCE.—The President shall establish and implement a  
4 program to assess the effectiveness of assistance provided  
5 under the Merida Initiative through impact evaluation re-  
6 search on a selected set of programmatic interventions, op-  
7 erations research in areas to ensure efficiency and effec-  
8 tiveness of program implementation, and monitoring to  
9 ensure timely and transparent delivery of assistance.

10           (d) REQUIREMENTS.—The program required under  
11 subsection (c) shall include—

12                   (1) a delineation of key impact evaluation re-  
13 search and operations research questions for main  
14 components of assistance provided under the Merida  
15 Initiative;

16                   (2) an identification of measurable performance  
17 goals for each of the main components of assistance  
18 provided under the Merida Initiative, to be expressed  
19 in an objective and quantifiable form at the incep-  
20 tion of the program;

21                   (3) the use of appropriate methods, based on  
22 rigorous social science tools, to measure program im-  
23 pact and operational efficiency; and

1           (4) adherence to a high standard of evidence in  
2           developing recommendations for adjustments to such  
3           assistance to enhance the impact of such assistance.

4           (e) CONSULTATION WITH CONGRESS.—Not later  
5 than 60 days after the date of the enactment of this Act,  
6 the President shall brief and consult with the appropriate  
7 congressional committees regarding the progress in estab-  
8 lishing and implementing the program required under sub-  
9 section (c).

10          (f) REPORT.—

11           (1) IN GENERAL.—Not later than 180 days  
12 after the date of the enactment of this section and  
13 not later than December 1 of each year thereafter,  
14 the President shall transmit to the appropriate con-  
15 gressional committees a report regarding programs  
16 and activities carried out under the Merida Initiative  
17 during the preceding fiscal year.

18           (2) MATTERS TO BE INCLUDED.—The reports  
19 required under this subsection shall include the fol-  
20 lowing:

21           (A) FINDINGS.—Findings related to the  
22 impact evaluation research, operation research,  
23 and program monitoring of assistance program  
24 established under subsection (c).

1 (B) COORDINATION.—Efforts of the  
2 United States Government to coordinate its ac-  
3 tivities, including—

4 (i) a description of all counter-  
5 narcotics and organized crime assistance  
6 provided to Merida Initiative recipient  
7 countries in the previous fiscal year;

8 (ii) an assessment of how such assist-  
9 ance was coordinated; and

10 (iii) recommendations for improving  
11 coordination.

12 (C) TRANSFER OF EQUIPMENT.—A de-  
13 scription of the transfer of equipment, includ-  
14 ing—

15 (i) a description of the progress of  
16 each recipient country toward the transfer  
17 of equipment, if any, from its armed forces  
18 to law enforcement agencies;

19 (ii) a list of agencies that have used  
20 air assets provided by the United States  
21 under the Merida Initiative to the govern-  
22 ment of each recipient country, and, to the  
23 extent possible, a detailed description of  
24 those agencies that have utilized such air

1 assets, such as by a percentage breakdown  
2 of use by each agency; and

3 (iii) a description of training of law  
4 enforcement agencies to operate equip-  
5 ment, including air assets.

6 (D) HUMAN RIGHTS.—In accordance with  
7 sections 116(d) and 502B(b) of the Foreign As-  
8 sistance Act of 1961 (22 U.S.C. 2151n(d) and  
9 2304(b)) and section 504 of the Trade Act of  
10 1974 (19 U.S.C. 2464), an assessment of the  
11 human rights impact of the equipment and  
12 training provided under the Merida Initiative,  
13 including—

14 (i) a list of accusations of serious  
15 human rights abuses committed by the  
16 armed forces and law enforcement agencies  
17 of recipient countries on or after the date  
18 of the enactment of this Act; and

19 (ii) a description of efforts by the gov-  
20 ernments of Merida recipient countries to  
21 investigate and prosecute allegations of  
22 abuses of human rights committed by any  
23 agency of such recipient countries.

24 (E) EFFECTIVENESS OF EQUIPMENT.—An  
25 assessment of the long-term effectiveness of the

1 equipment and maintenance packages and  
2 training provided to each recipient country's se-  
3 curity institutions.

4 (F) MEXICO PUBLIC SECURITY STRAT-  
5 EGY.—A description of Mexico's development of  
6 a public security strategy, including—

7 (i) effectiveness of the Mexican Fed-  
8 eral Registry of Police Personnel to vet po-  
9 lice recruiting at the National, state, and  
10 municipal levels to prevent rehiring from  
11 one force to the next after dismissal for  
12 corruption and other reasons; and

13 (ii) an assessment of how the Merida  
14 Initiative complements and supports the  
15 Mexican Government's own public security  
16 strategy.

17 (G) CENTRAL AMERICAN REGIONAL SECU-  
18 RITY PLAN.—A description of implementation  
19 by the countries of Central America of the Cen-  
20 tral American Regional Security Plan, including  
21 an assessment of how the Merida Initiative  
22 complements and supports the Central Amer-  
23 ican Regional Security Plan.

24 (H) USE OF CONTRACTORS.—A detailed  
25 description of contracts awarded to private

1 companies to carry out provisions of the Merida  
2 Initiative, including—

3 (i) a description of the number of  
4 United States and foreign national civilian  
5 contractors awarded contracts;

6 (ii) a list of the total dollar value of  
7 the contracts; and

8 (iii) the purposes of the contracts.

9 (I) PHASE OUT OF LAW ENFORCEMENT  
10 ACTIVITIES.—A description of the progress of  
11 phasing out law enforcement activities of the  
12 armed forces of each recipient country.

13 (J) IMPACT ON BORDER VIOLENCE AND  
14 SECURITY.—A description of the impact that  
15 activities authorized under the Merida Initiative  
16 have had on violence against United States and  
17 Mexican border personnel and the extent to  
18 which these activities have increased the protec-  
19 tion and security of the United States-Mexico  
20 border.

21 **SEC. 905. MERIDA INITIATIVE DEFINED.**

22 In this subtitle, the term “Merida Initiative” means  
23 the program announced by the United States and Mexico  
24 on October 22, 2007, to fight illicit narcotics trafficking

1 and criminal organizations throughout the Western Hemi-  
2 sphere.

3 **TITLE X—REPORTING**  
4 **REQUIREMENTS**

5 **SEC. 1001. REPORT ON UNITED STATES CAPACITIES TO**  
6 **PREVENT GENOCIDE AND MASS ATROCITIES.**

7 (a) STATEMENT OF POLICY AND STRATEGY RE-  
8 QUIRED.—It is the policy of the United States to make  
9 the prevention of genocide and mass atrocities wherever  
10 they may occur a national priority. Toward this end, the  
11 President, in consultation with Congress, shall develop and  
12 promulgate a government wide-strategy for effective early  
13 warning and preventive action in situations where geno-  
14 cide or mass atrocities may occur, and strengthen preven-  
15 tive diplomacy capacities within the Department of State  
16 to prevent and respond to threats of genocide or mass  
17 atrocities.

18 (b) REPORT.—Not later than 180 days after the date  
19 of the enactment of this Act, the President shall transmit  
20 to the appropriate congressional committees a report on  
21 specific plans for the development of a government-wide  
22 strategy for preventing genocide and mass atrocities in ac-  
23 cordance with subsection (a).

1 **SEC. 1002. REPORTS RELATING TO PROGRAMS TO ENCOUR-**  
2 **AGE GOOD GOVERNANCE.**

3 (a) IN GENERAL.—Subparagraph (C) of section  
4 133(d)(2) of the Foreign Assistance Act of 1961 (22  
5 U.S.C. 2152c(d)(2)) is amended by inserting at the end  
6 before the period the following: “, including, with respect  
7 to a country that produces or exports large amounts of  
8 natural resources such as petroleum or natural resources,  
9 the degree to which citizens of the country have access  
10 to information about government revenue from the extrac-  
11 tion of such resources and credible reports of human  
12 rights abuses against individuals from civil society or the  
13 media seeking to monitor such extraction.”.

14 (b) EFFECTIVE DATE.—The amendment made by  
15 subsection (a) shall apply with respect to reports required  
16 to be transmitted under section 133(d)(2) of the Foreign  
17 Assistance Act of 1961, as so amended, on or after the  
18 date of the enactment of this Act.

19 **SEC. 1003. REPORTS ON HONG KONG.**

20 Section 301 of the United States-Hong Kong Policy  
21 Act of 1992 (Public Law 102–383; 22 U.S.C. 5731) is  
22 amended, in the matter preceding paragraph (1), by strik-  
23 ing “and March 31, 2006” and inserting “March 31,  
24 2006, and March 31, 2010, and March 31 of every subse-  
25 quent year through 2020”.

1 **SEC. 1004. DEMOCRACY IN GEORGIA.**

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

20 (b) REPORT ON DEMOCRACY IN GEORGIA.—

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

1 Relations of the Senate a report on the programs,  
2 projects, and activities carried out in Georgia with  
3 United States foreign assistance following the Au-  
4 gust 2008 conflict with Russia and on continuing  
5 United States efforts to monitor the security of  
6 Georgia, Russian activities in Georgia, and diplo-  
7 matic efforts to support the sovereignty of Georgia.

8 (2) CONTENTS.—The report required under  
9 paragraph (1) shall include information concerning  
10 the following:

11 (A) The amount of United States assist-  
12 ance obligated and expended for reconstruction  
13 activities for the prior fiscal year.

14 (B) A description of the programs funded  
15 by such assistance, including humanitarian aid,  
16 reconstruction of critical infrastructure, eco-  
17 nomic development, political and democratic de-  
18 velopment, and broadcasting.

19 (C) An evaluation of the impact of such  
20 programs, including their contribution to the  
21 consolidation of democracy in Georgia and ef-  
22 forts by the Government of Georgia to improve  
23 democratic governance.

1 (D) An analysis of the implementation of  
2 the United States-Georgia Charter on Strategic  
3 Partnership.

4 (E) An assessment of the security of Geor-  
5 gia from external attack and internal conflict,  
6 including any acts by Russia or elements of its  
7 military or other agencies that may violate the  
8 sovereignty of Georgia or increase the likelihood  
9 of renewed conflict in Georgia.

10 (F) The status of United States diplomatic  
11 efforts in support of Georgia's sovereignty, spe-  
12 cifically those steps undertaken by the United  
13 States to assist Georgia in ensuring those de-  
14 fenses necessary to deter further attacks and  
15 steps taken to work with the European Union  
16 and its member-states to persuade the Govern-  
17 ment of Russia to full and immediately with-  
18 draw its forces from all of the territory of Geor-  
19 gia and to end all of its forms of support for  
20 the separatist regions within Georgia.

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

22 (a) SENSE OF CONGRESS.—It is the sense of Con-  
23 gress that the United States should assist Israel in its ef-  
24 forts to establish diplomatic relations.

1 (b) REPORT.—Not later than 90 days after the date  
2 of the enactment of this Act and annually thereafter, the  
3 Secretary of State shall submit to the appropriate congress-  
4 sional committees a report that includes the following in-  
5 formation:

6 (1) Actions taken by representatives of the  
7 United States to encourage other countries to estab-  
8 lish full diplomatic relations with Israel.

9 (2) Specific responses solicited and received by  
10 the Secretary from countries that do not maintain  
11 full diplomatic relations with Israel with respect to  
12 their attitudes toward and plans for entering into  
13 diplomatic relations with Israel.

14 (3) Other measures being undertaken, and  
15 measures that will be undertaken, by the United  
16 States to ensure and promote Israel's full participa-  
17 tion in the world diplomatic community.

18 (c) FORM OF SUBMISSION.—The report required  
19 under subsection (b) may be submitted in classified or un-  
20 classified form, as the Secretary determines appropriate.

21 **SEC. 1006. POLICE TRAINING REPORT.**

22 (a) IN GENERAL.—Not later than 180 days after the  
23 date of the enactment of this Act, the President shall, in  
24 coordination with the heads of relevant Federal depart-  
25 ments and agencies, conduct a study and transmit to Con-

1 gress a report on current overseas civilian police training  
2 in countries or regions that are at risk of, in, or are in  
3 transition from, conflict or civil strife.

4 (b) CONTENTS.—The report required under sub-  
5 section (a) shall contain information on the following:

6 (1) The coordination, communication, program  
7 management, and policy implementation among the  
8 United States civilian police training programs in  
9 countries or regions that are at risk of, in, or are  
10 in transition from, conflict or civil strife.

11 (2) The number of private contractors con-  
12 ducting such training, and the quality and cost of  
13 such private contractors.

14 (3) An assessment of pre-training procedures  
15 for verification of police candidates to adequately as-  
16 sess their aptitude, professional skills, integrity, and  
17 other qualifications that are essential to law enforce-  
18 ment work.

19 (4) An analysis of the practice of using existing  
20 Federal police entities to provide civilian police  
21 training in countries or regions that are at risk of,  
22 in, or are in transition from, conflict or civil strife,  
23 along with the subject matter expertise that each  
24 such entity may provide to meet local needs in lieu  
25 of the use of private contractors.

1           (5) Provide recommendations, including rec-  
2           ommendations related to required resources and ac-  
3           tions, to maximize the effectiveness and interagency  
4           coordination and the adequate provision of civilian  
5           police training programs in countries or regions that  
6           are at risk of, in, or are in transition from, conflict  
7           or civil strife.

8 **SEC. 1007. REVIEW OF SECURITY ASSISTANCE FOR EGYPT.**

9           (a) **DECLARATION OF POLICY.**—It shall be the policy  
10          of the United States to use its foreign assistance for  
11          Egypt, including assistance under the Foreign Military Fi-  
12          nancing Program, to encourage the advancement of polit-  
13          ical, economic, and religious liberty in Egypt.

14          (b) **REVIEW OF SECURITY ASSISTANCE FOR**  
15          **EGYPT.**—

16               (1) **IN GENERAL.**—Not later than 180 days  
17               after the date of the enactment of this Act, the Sec-  
18               retary of State shall conduct a study and submit to  
19               the appropriate congressional committees a report  
20               on United States security assistance to the Govern-  
21               ment of Egypt.

22               (2) **CONTENTS.**—The report submitted under  
23               paragraph (1) shall contain—

24                       (A) a description of the strategic objectives  
25                       of the United States regarding the provision of

1 security assistance and security cooperation  
2 programs to the Government of Egypt;

3 (B) biennial outlays for United States as-  
4 sistance to the Government of Egypt for the  
5 purposes of strategic planning, training, provi-  
6 sion of equipment, and construction of facilities,  
7 including funding streams;

8 (C) a description of vetting and end-user  
9 monitoring systems in place by both the Gov-  
10 ernment of Egypt and the United States for de-  
11 fense articles and training provided by the  
12 United States, including human rights vetting;  
13 and

14 (D) recommendations, including required  
15 resources and actions to maximize the effective-  
16 ness of United States security assistance to the  
17 Government of Egypt.

18 (3) COORDINATION.—The report submitted  
19 under paragraph (1) shall be coordinated with the  
20 Secretary of Defense and other relevant agencies.

21 (c) GOVERNMENT ACCOUNTABILITY OFFICE RE-  
22 PORT.—Not later than 120 days after the date of the sub-  
23 mission of the report required under subsection (b), the  
24 Comptroller General of the United States shall submit to  
25 the appropriate congressional committees a report that—

1           (1) reviews and comments on the report re-  
2           quired under subsection (b); and

3           (2) provides recommendations regarding any  
4           additional necessary actions.

5 **SEC. 1008. REVIEW OF SECURITY ASSISTANCE FOR YEMEN.**

6           (a) IN GENERAL.—Not later than 180 days after the  
7           date of the enactment of this Act, the Secretary of State  
8           shall conduct a study and submit to Congress a report  
9           on United States security assistance to the Government  
10          of Yemen.

11          (b) CONTENTS.—The report required under sub-  
12          section (a) shall contain—

13               (1) a description of the strategic objectives of  
14               the United States regarding the provision of security  
15               assistance and security cooperation programs to the  
16               Government of Yemen;

17               (2) a threat assessment for Yemen;

18               (3) biennial outlays for United States assistance  
19               to the Government of Yemen for the purposes of  
20               strategic planning, training, provision of equipment,  
21               and construction of facilities, including funding  
22               streams;

23               (4) a description of vetting and end-user moni-  
24               toring systems in place by both the Government of  
25               Yemen and the United States for defense articles

1 and training provided by the United States, to in-  
2 clude human rights vetting;

3 (5) a description of actions that the Govern-  
4 ment of Yemen is taking to combat foreign terrorist  
5 organizations; and

6 (6) recommendations, including required re-  
7 sources and actions to maximize the effectiveness  
8 United States security assistance to the Government  
9 of Yemen.

10 (c) COORDINATION.—The report required under sub-  
11 section (a) shall be coordinated with the Secretary of De-  
12 fense and other relevant agencies.

13 (d) GOVERNMENT ACCOUNTABILITY OFFICE RE-  
14 PORT.—Not later than 120 days after the date of the sub-  
15 mission of the report required under subsection (a), the  
16 Comptroller General of the United States shall submit to  
17 Congress a report that—

18 (1) reviews and comments on such report; and

19 (2) provides recommendations regarding any  
20 additional necessary actions.

21 **SEC. 1009. REVIEW OF SECURITY ASSISTANCE FOR THE**  
22 **GOVERNMENT OF LEBANON.**

23 (a) REQUIREMENT.—Not later than 180 days after  
24 the date of the enactment of this Act and annually there-  
25 after in connection with the submission of congressional

1 presentation materials for the foreign operations appro-  
2 priations and defense appropriations budget request, the  
3 Secretary of State shall submit to the appropriate congres-  
4 sional committees a report that includes the following:

5           (1) A description of the strategic objectives of  
6 the United States regarding the provision of security  
7 assistance and security cooperation programs to the  
8 Government of Lebanon, including arms sales to the  
9 Government of Lebanon, and a strategy for achiev-  
10 ing those objectives.

11           (2) Biennial outlays for United States security  
12 assistance to the Government of Lebanon for the  
13 purposes of strategic planning, training, provision of  
14 equipment, and construction of facilities.

15           (3) A breakdown of contributions and assist-  
16 ance provided by the United States, international or-  
17 ganizations, and other countries and entities to the  
18 Government of Lebanon, including the Ministry of  
19 Defense, the Ministry of Interior, the Lebanese  
20 Armed Forces, the Internal Security Forces, the  
21 General Security Directorate, the General Direc-  
22 torate of State Security, Lebanese Military Intel-  
23 ligence, and other organizations or agencies.

24           (4) A description of vetting and end-user moni-  
25 toring systems in place by the Government of Leb-

1 anon, the United States, international organizations,  
2 and other countries and entities providing security  
3 assistance to the Government of Lebanon.

4 (5) Metrics utilized by the United States Gov-  
5 ernment for measuring whether United States secu-  
6 rity assistance and security cooperation programs  
7 have improved the capacity of the Government of  
8 Lebanon's security forces to operate.

9 (b) CLASSIFIED ANNEX.—The report required under  
10 subsection (a) shall be in unclassified form to the max-  
11 imum extent possible, and may include a classified annex  
12 where necessary.

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

14 Not later than 180 days after the date of the enact-  
15 ment of this Act, the Director of United States Foreign  
16 Assistance, in conjunction with the Secretary of State,  
17 shall submit to the appropriate congressional committees  
18 a report on the following:

19 (1) HURRICANE EMERGENCY RECOVERY.—The  
20 status of activities in Haiti funded or authorized, in  
21 whole or in part, by the Department of State and  
22 the United States Agency for International Develop-  
23 ment (USAID) through assistance appropriated  
24 under the Consolidated Security, Disaster Assist-  
25 ance, and Continuing Appropriations Act, 2009.

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

10           (3) COORDINATION.—A description of how  
11           United States assistance is coordinated—

12                   (A) among United States departments and  
13                   agencies; and

14                   (B) with other donors to Haiti, including  
15                   programs through the United Nations, the  
16                   Inter-American Development Bank, and the Or-  
17                   ganization of American States.

18           (4) BENCHMARKS.—A summary of short-term  
19           and long-term objectives for United States assist-  
20           ance to Haiti and metrics that will be used to iden-  
21           tify, track, and manage the progress of United  
22           States activities in Haiti.

1           **TITLE XI—MISCELLANEOUS**  
2                           **PROVISIONS**

3   **SEC. 1101. ASSISTANCE TO SUPPORT MEASURES FOR THE**  
4                           **REUNIFICATION OF CYPRUS.**

5           (a) **ASSISTANCE AUTHORIZED.**—The President is au-  
6   thorized to provide assistance under this Act and the For-  
7   eign Assistance Act of 1961 to support measures aimed  
8   at the reunification of Cyprus.

9           (b) **CONSULTATION.**—The President shall, to the  
10   maximum extent practicable, consult with the Government  
11   of the Republic of Cyprus with respect to the provision  
12   of assistance under subsection (a) in order to ensure the  
13   transparency of such assistance.

14          (c) **REPORT.**—The President shall transmit to the  
15   appropriate congressional committees a report on the im-  
16   plementation of this section for each of the fiscal years  
17   2010 and 2011. The report shall include a description of  
18   the recipients of assistance under subsection (a), the ob-  
19   jectives of the programs and activities for which the assist-  
20   ance is provided, and the role of United States-funded pro-  
21   grams and activities in helping achieve the reunification  
22   of Cyprus.

23          (d) **AUTHORIZATION OF APPROPRIATIONS.**—Of the  
24   amounts authorized to be appropriated under this Act and  
25   the Foreign Assistance Act of 1961 for development, rec-

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

6 **SEC. 1102. LIMITATION ON ASSISTANCE TO THE FORMER**  
7 **YUGOSLAV REPUBLIC OF MACEDONIA.**

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

9 (1) Greece has demonstrated an enormous good  
10 will gesture in agreeing that “Macedonia” may be  
11 included in the future name of the Former Yugoslav  
12 Republic of Macedonia (FYROM) as long as that  
13 term is combined with a geographic qualifier that  
14 makes it clear that there are no territorial ambitions  
15 on the part of the FYROM with regard to the his-  
16 torical boundaries of the Greek province of Mac-  
17 edonia.

18 (2) The FYROM continues to utilize materials  
19 that violate provisions of the United Nations-bro-  
20 kered Interim Agreement between the FYROM and  
21 Greece regarding hostile activities or propaganda,  
22 and has failed to work with the United Nations and  
23 Greece to achieve the longstanding goals of the  
24 United States and the United Nations to find a mu-  
25 tually acceptable, new official name for the FYROM.

1 (b) SENSE OF CONGRESS.—It is the sense of Con-  
2 gress that amounts authorized to be appropriated under  
3 this Act or the Foreign Assistance Act of 1961 for the  
4 FYROM should be conditioned on the FYROM’s willing-  
5 ness to engage in meaningful discussions with Greece in  
6 accordance with United Nations Security Council Resolu-  
7 tion 817.

8 (c) LIMITATION.—None of the funds authorized to be  
9 appropriated under this Act or the Foreign Assistance Act  
10 of 1961 may be made available to the FYROM for pro-  
11 grams and activities that directly or indirectly promote  
12 hostile activities or propaganda by state-controlled agen-  
13 cies of the FYROM or encourage acts by private entities  
14 likely to incite violence, hatred or hostility, including sup-  
15 port for printing and publishing of textbooks, maps, and  
16 teaching aids that may include inaccurate information on  
17 the histories and geographies of Greece and FYROM.

18 (d) REPORT.—The President shall transmit to the  
19 appropriate congressional committees a report on the im-  
20 plementation of this section for each of the fiscal years  
21 2010 and 2011. The report shall include a description of  
22 the recipients of assistance provided to the FYROM under  
23 this Act and the Foreign Assistance Act of 1961, the ob-  
24 jectives of the programs and activities for which the assist-  
25 ance is provided, and the role of United States-funded pro-

1 grams and activities in helping achieve an agreement be-  
2 tween Greece and the FYROM on an acceptable name for  
3 the FYROM.

4 **SEC. 1103. STATEMENT OF POLICY REGARDING THE ECU-**  
5 **MINICAL PATRIARCHATE.**

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

7 (1) The Ecumenical Patriarchate is the spir-  
8 itual home of the world's oldest and second largest  
9 Christian Church.

10 (2) Within the 2,000 year old Sacred See of the  
11 Ecumenical Patriarchate, the New Testament was  
12 codified and the Nicene Creed was created.

13 (3) Ecumenical Patriarch Bartholomew is one  
14 of the world's preeminent spiritual leaders and  
15 peacemakers representing over 300 million Orthodox  
16 Christians worldwide.

17 (4) The disappearance of the Sacred See would  
18 mean the end of a crucial link between the Christian  
19 and the Muslim world since the continuing presence  
20 of the Ecumenical Patriarchate in Turkey is a living  
21 testimony of religious co-existence since 1453.

22 (5) The Ecumenical Patriarchate has a record  
23 of reaching out and working for peace and reconcili-  
24 ation amongst all faiths and has fostered dialogue  
25 among Christians, Jews, and Muslims.

1           (6) The Ecumenical Patriarchate co-sponsored  
2           the Peace and Tolerance Conference in Istanbul  
3           which issued the Bosphorus Declaration that stated,  
4           “A crime committed in the name of religion is a  
5           crime against religion.”.

6           (7) The Ecumenical Patriarch Bartholomew  
7           stated in Brussels in 2004, “The Ecumenical Patri-  
8           archate is a supranational ecclesiastical institution  
9           . . . which demonstrates religious tolerance as a  
10          beautiful reality. For we bear respect toward all of  
11          our humans, irrespective of their faith. Without any  
12          trace of fanaticism or discrimination on account of  
13          differences of religion, we coexist peacefully and in  
14          a spirit that honors each and every human being.”.

15          (8) The Ecumenical Patriarch Bartholomew has  
16          called for the admission of Turkey into the Euro-  
17          pean Union because, “. . . it may provide a concrete  
18          example and a powerful symbol of mutually bene-  
19          ficial cooperation between the western and Islamic  
20          worlds and put an end to the talk of the clash of civ-  
21          ilizations. This in turn would be a true strength-  
22          ening of Europe and the European ideals that con-  
23          verge with the values of the ‘pilgrims of the book’  
24          spoken of by the current Prime Minister of Tur-  
25          key.”.

1           (9) In 1993 the European Union defined the  
2 membership criteria for accession to the European  
3 Union at the Copenhagen European Council, obli-  
4 gating candidate countries to have achieved certain  
5 levels of reform, including stability of institutions  
6 guaranteeing democracy, the rule of law, and human  
7 rights, and respect for and protection of minorities.

8           (10) Under the terms of the draft European  
9 Union Constitution, current, and prospective mem-  
10 ber states should have the goal of eliminating dis-  
11 crimination based on sex, race, color, ethnic or social  
12 origin, genetic features, language, religion or belief,  
13 political or any other opinion, membership of a na-  
14 tional minority, property, birth, disability, age, or  
15 sexual orientation.

16           (11) The Turkish Constitution secures religious  
17 rights for all Turkish citizens.

18           (12) The Government of Turkey has failed to  
19 recognize the Ecumenical Patriarchate's inter-  
20 national status.

21           (13) The Government of Turkey has limited to  
22 Turkish nationals the candidates available to the  
23 Holy Synod of the Greek Orthodox Church for selec-  
24 tion as the Ecumenical Patriarchate and reneged on  
25 its agreement to reopen the Theological School at

1 Halki, thus impeding training for the Orthodox cler-  
2 gy in Turkey.

3 (14) The Government of Turkey has confiscated  
4 75 percent of the Ecumenical Patriarchate prop-  
5 erties and has placed a 42 percent retroactive tax on  
6 the Balukli Hospital of Istanbul which is operated  
7 by the Ecumenical Patriarchate.

8 (15) The European Council has agreed to open  
9 accession negotiations with Turkey, conditional upon  
10 the continuation by Turkey of reform processes to  
11 increase protection and support for human rights  
12 and civil liberties.

13 (b) STATEMENT OF POLICY.—The United States  
14 calls on the Republic of Turkey to—

15 (1) based on the goals set forth in the draft of  
16 the European Union Constitution, eliminate all  
17 forms of discrimination, particularly those based on  
18 race or religion, and immediately—

19 (A) grant the Ecumenical Patriarchate ap-  
20 propriate international recognition and eccle-  
21 siastic succession;

22 (B) grant the Ecumenical Patriarchate the  
23 right to train clergy of all nationalities, not just  
24 Turkish nationals; and

1 (C) respect the human rights and property  
2 rights of the Ecumenical Patriarchate;

3 (2) pledge to uphold and safeguard religious  
4 and human rights without compromise;

5 (3) continue the achievement of processes and  
6 programs to modernize and democratize its society;  
7 and

8 (4) respect international law and the basic te-  
9 nets of human rights.

10 **SEC. 1104. FREEDOM OF THE PRESS.**

11 (a) SHORT TITLE.—This section may be cited as the  
12 “Daniel Pearl Freedom of the Press Act of 2009”.

13 (b) INCLUSION OF ADDITIONAL INFORMATION RE-  
14 LATING TO FREEDOM OF THE PRESS WORLDWIDE IN AN-  
15 NUAL COUNTRY REPORTS ON HUMAN RIGHTS PRAC-  
16 TICES.—The Foreign Assistance Act of 1961 is amend-  
17 ed—

18 (1) in section 116(d) (22 U.S.C. 2151n(d)), as  
19 amended by section 333(d) of this Act—

20 (A) in paragraph (11), by striking “and”  
21 at the end;

22 (B) in paragraph (12), by striking the pe-  
23 riod at the end and inserting “; and”; and

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

1 “(13) wherever applicable—

2 “(A) a description of the status of freedom  
3 of the press, including initiatives in favor of  
4 freedom of the press and efforts to improve or  
5 preserve, as appropriate, the independence of  
6 the media, together with an assessment of  
7 progress made as a result of those efforts;

8 “(B) an identification of countries in which  
9 there were violations of freedom of the press,  
10 including direct physical attacks, imprisonment,  
11 indirect sources of pressure, and censorship by  
12 governments, military, intelligence, or police  
13 forces, criminal groups, or armed extremist or  
14 rebel groups; and

15 “(C) in countries where there are particu-  
16 larly severe violations of freedom of the press—

17 “(i) whether government authorities  
18 of each such country participate in, facili-  
19 tate, or condone such violations of the free-  
20 dom of the press; and

21 “(ii) what steps the government of  
22 each such country has taken to preserve  
23 the safety and independence of the media,  
24 and to ensure the prosecution of those in-

1           dividuals who attack or murder journal-  
2           ists.”; and

3           (2) in section 502B (22 U.S.C. 2304), by add-  
4           ing at the end the following new subsection:

5           “(i) The report required by subsection (b) shall in-  
6           clude, wherever applicable—

7           “(1) a description of the status of freedom of  
8           the press, including initiatives in favor of freedom of  
9           the press and efforts to improve or preserve, as ap-  
10          propriate, the independence of the media, together  
11          with an assessment of progress made as a result of  
12          those efforts;

13          “(2) an identification of countries in which  
14          there were violations of freedom of the press, includ-  
15          ing direct physical attacks, imprisonment, indirect  
16          sources of pressure, and censorship by governments,  
17          military, intelligence, or police forces, criminal  
18          groups, or armed extremist or rebel groups; and

19          “(3) in countries where there are particularly  
20          severe violations of freedom of the press—

21                 “(A) whether government authorities of  
22                 each such country participate in, facilitate, or  
23                 condone such violations of the freedom of the  
24                 press; and

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

6           (c) FREEDOM OF THE PRESS GRANT PROGRAM.—

7           (1) IN GENERAL.—The Secretary of State shall  
8           administer a grant program with the aim of pro-  
9           moting freedom of the press worldwide. The grant  
10          program shall be administered by the Department of  
11          State’s Bureau of Democracy, Human Rights and  
12          Labor in consultation with the Undersecretary for  
13          Public Affairs and Public Diplomacy.

14          (2) AMOUNTS AND TIME.—Grants may be  
15          awarded to nonprofit and international organizations  
16          and may span multiple years, up to five years.

17          (3) PURPOSE.—Grant proposals should promote  
18          and broaden press freedoms by strengthening the  
19          independence of journalists and media organizations,  
20          promoting a legal framework for freedom of the  
21          press, or through providing regionally and culturally  
22          relevant training and professionalization of skills to  
23          meet international standards in both traditional and  
24          digital media.

1 (d) MEDIA ORGANIZATION DEFINED.—In this sec-  
2 tion, the term “media organization” means a group or or-  
3 ganization that gathers and disseminates news and infor-  
4 mation to the public (through any medium of mass com-  
5 munication) in a foreign country in which the group or  
6 organization is located, except that the term does not in-  
7 clude a group or organization that is primarily an agency  
8 or instrumentality of the government of such foreign coun-  
9 try. The term includes an individual who is an agent or  
10 employee of such group or organization who acts within  
11 the scope of such agency or employment.

12 (e) AUTHORIZATION OF APPROPRIATIONS.—There is  
13 authorized to be appropriated such sums as may be nec-  
14 essary to carry out this section.

15 **SEC. 1105. INFORMATION FOR COUNTRY COMMERCIAL**  
16 **GUIDES ON BUSINESS AND INVESTMENT CLI-**  
17 **MATES.**

18 (a) IN GENERAL.—The Director General of the For-  
19 eign Commercial Service, in consultation with the Assist-  
20 ant Secretary of Commerce for Trade Promotion and the  
21 Assistant Secretary of State for Economic, Energy and  
22 Business Affairs, should ensure that the annual Country  
23 Commercial Guides for United States businesses include—

24 (1) detailed assessments concerning each for-  
25 eign country in which acts of unfair business and in-

1 vestment practices or other actions that have re-  
2 sulted in poor business and investment climates  
3 were, in the opinion of the Director General of the  
4 Foreign Commercial Service, of major significance;

5 (2) all relevant information about such unfair  
6 business and investment practices or other actions  
7 during the preceding year by members of the busi-  
8 ness community, the judiciary, and the government  
9 of such country which may have impeded United  
10 States business or investment in such country, in-  
11 cluding the capacity for United States citizens to op-  
12 erate their businesses without fear of reprisals; and

13 (3) information on—

14 (A) the extent to which the government of  
15 such country is working to prevent unfair busi-  
16 ness and investment practices; and

17 (B) the extent of United States Govern-  
18 ment action to prevent unfair business and in-  
19 vestment practices or other actions that harm  
20 United States business or investment interests  
21 in relevant cases in such country.

22 (b) ADDITIONAL PROVISIONS TO BE INCLUDED.—

23 The information required under subsection (a) should, to  
24 the extent feasible, include—

1           (1) with respect to paragraph (1) of such sub-  
2 section—

3           (A) a review of the efforts undertaken by  
4 each foreign country to promote a healthy busi-  
5 ness and investment climate that is also condu-  
6 cive to the United States business community  
7 and United States investors, including, as ap-  
8 propriate, steps taken in international fora;

9           (B) the response of the judicial and local  
10 arbitration systems of each such country that is  
11 the subject of such detailed assessment with re-  
12 spect to matters relating to the business and in-  
13 vestment climates affecting United States citi-  
14 zens and entities, or that have, in the opinion  
15 of the Director General of the Foreign Com-  
16 mercial Service, a significant impact on United  
17 States business and investment efforts; and

18           (C) each such country's access to the  
19 United States market;

20           (2) with respect to paragraph (2) of such sub-  
21 section—

22           (A) any actions undertaken by the govern-  
23 ment of each foreign country that prevent  
24 United States citizens and businesses from re-  
25 ceiving equitable treatment;

1           (B) actions taken by private businesses  
2           and citizens of each such country against mem-  
3           bers of the United States business community  
4           and United States investors;

5           (C) unfair decisions rendered by the legal  
6           systems of each such country that clearly ben-  
7           efit State and local corporations and industries;  
8           and

9           (D) unfair decisions rendered by local arbi-  
10          tration panels of each such country that do not  
11          exemplify objectivity and do not provide an eq-  
12          uitable ground for United States citizens and  
13          businesses to address their disputes; and

14          (3) with respect to paragraph (3) of such sub-  
15          section, actions taken by the United States Govern-  
16          ment to—

17               (A) promote the rule of law;

18               (B) prevent discriminatory treatment of  
19               United States citizens and businesses engaged  
20               in business or investment activities in each for-  
21               eign country;

22               (C) allow United States goods to enter  
23               each such country without requiring a co-pro-  
24               duction agreement; and

1                   (D) protect United States intellectual  
2                   property rights.

3           (c) CONSULTATION.—In carrying out this section, the  
4 Director General of the Foreign Commercial Service shall  
5 consult with business leaders, union leaders, representa-  
6 tives of the judicial system of each foreign country de-  
7 scribed in subsection (a), and relevant nongovernmental  
8 organizations.

9           (d) BUSINESS AND INVESTMENT CLIMATE WARN-  
10 INGS.—The Secretary of State, with the assistance of the  
11 Assistant Secretary of State for Economic, Energy and  
12 Business Affairs, as well as the Assistant Secretary of  
13 Commerce for Trade Promotion and the Director General  
14 of the Foreign Commercial Service, shall establish a warn-  
15 ing system that effectively alerts United States businesses  
16 and investors of—

17                   (1) a significant deterioration in the business  
18                   and investment climate in a foreign country, includ-  
19                   ing discriminatory treatment of United States busi-  
20                   nesses; or

21                   (2) a significant constraint on the ability of the  
22                   United States Government to assist United States  
23                   businesses and investors in a foreign country, such  
24                   as to the closure of a United States diplomatic or

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

3 (e) DEFINITIONS.—In this section:

4 (1) CO-PRODUCTION AGREEMENT.—The term  
5 “co-production agreement” means a United States  
6 Government or United States business working with  
7 a foreign government, foreign company, or an inter-  
8 national organization to produce or manufacture an  
9 item.

10 (2) RULE OF LAW.—The term “rule of law”  
11 means the extent to which laws of a foreign country  
12 are publicly promulgated, equally enforced, inde-  
13 pendently adjudicated, and are consistent with inter-  
14 national norms and standards.

15 (3) UNFAIR BUSINESS AND INVESTMENT PRAC-  
16 TICES.—The term “unfair business and investment  
17 practices” includes any of the following:

18 (A) Unlawful actions under international  
19 law or the law of the foreign country taken by  
20 the government of such country or by busi-  
21 nesses, citizens, or other entities of such coun-  
22 try that have resulted in lost assets, contracts,  
23 or otherwise contributed to an inhospitable  
24 business or investment climate.

1 (B) Discriminatory treatment of United  
2 States businesses, whether wholly or partially  
3 owned.

4 (C) Failure to protect intellectual property  
5 rights.

6 (D) Requiring a co-production agreement  
7 in order for goods from the United States to  
8 enter a foreign country.

9 **SEC. 1106. INTERNATIONAL PROTECTING GIRLS BY PRE-**  
10 **VENTING CHILD MARRIAGE.**

11 (a) SENSE OF CONGRESS.—It is the sense of Con-  
12 gress that—

13 (1) child marriage is a violation of human  
14 rights and the prevention and elimination of child  
15 marriage should be a foreign policy goal of the  
16 United States;

17 (2) the practice of child marriage undermines  
18 United States investments in foreign assistance to  
19 promote education and skills building for girls, re-  
20 duce maternal and child mortality, reduce maternal  
21 illness, halt the transmission of HIV/AIDS, prevent  
22 gender-based violence, and reduce poverty; and

23 (3) expanding educational opportunities for  
24 girls, economic opportunities for women, and reduc-  
25 ing maternal and child mortality are critical to

1 achieving the Millennium Development Goals and  
2 the global health and development objectives of the  
3 United States, including efforts to prevent HIV/  
4 AIDS.

5 (b) STRATEGY TO PREVENT CHILD MARRIAGE IN  
6 DEVELOPING COUNTRIES.—

7 (1) STRATEGY REQUIRED.—The President, act-  
8 ing through the Secretary of State, shall establish a  
9 multi-year strategy to prevent child marriage in de-  
10 veloping countries and promote the empowerment of  
11 girls at risk of child marriage in developing coun-  
12 tries, including by addressing the unique needs,  
13 vulnerabilities, and potential of girls under 18 in de-  
14 veloping countries.

15 (2) CONSULTATION.—In establishing the strat-  
16 egy required by paragraph (1), the President shall  
17 consult with Congress, relevant Federal departments  
18 and agencies, multilateral organizations, and rep-  
19 resentatives of civil society.

20 (3) ELEMENTS.—The strategy required by  
21 paragraph (1) shall—

22 (A) focus on areas in developing countries  
23 with high prevalence of child marriage; and

24 (B) encompass diplomatic initiatives be-  
25 tween the United States and governments of

1           developing countries, with attention to human  
2           rights, legal reforms and the rule of law, and  
3           programmatic initiatives in the areas of edu-  
4           cation, health, income generation, changing so-  
5           cial norms, human rights, and democracy build-  
6           ing.

7           (4) REPORT.—Not later than 180 days after  
8           the date of the enactment of this Act, the President  
9           shall transmit to Congress a report that includes—

10                   (A) the strategy required by paragraph  
11                   (1);

12                   (B) an assessment, including data  
13                   disaggregated by age and gender to the extent  
14                   possible, of current United States-funded ef-  
15                   forts to specifically assist girls in developing  
16                   countries; and

17                   (C) examples of best practices or programs  
18                   to prevent child marriage in developing coun-  
19                   tries that could be replicated.

20           (e) RESEARCH AND DATA COLLECTION.—The Sec-  
21           retary of State shall work with relevant Federal depart-  
22           ments and agencies as part of their ongoing research and  
23           data collection activities, to—

24                   (1) collect and make available data on the inci-  
25                   dence of child marriage in countries that receive for-

1       eign or development assistance from the United  
2       States where the practice of child marriage is preva-  
3       lent; and

4               (2) collect and make available data on the im-  
5       pact of the incidence of child marriage and the age  
6       at marriage on progress in meeting key development  
7       goals.

8       (d) DEPARTMENT OF STATE’S COUNTRY REPORTS  
9       ON HUMAN RIGHTS PRACTICES.—The Foreign Assistance  
10      Act of 1961 is amended—

11             (1) in section 116 (22 U.S.C. 2151n), by add-  
12      ing at the end the following new subsection:

13             “(g) The report required by subsection (d) shall in-  
14      clude for each country in which child marriage is prevalent  
15      at rates at or above 40 percent in at least one sub-national  
16      region, a description of the status of the practice of child  
17      marriage in such country. In this subsection, the term  
18      ‘child marriage’ means the marriage of a girl or boy, not  
19      yet the minimum age for marriage stipulated in law in  
20      the country in which such girl or boy is a resident.”; and

21             (2) in section 502B (22 U.S.C. 2304), as  
22      amended by section 1106(b)(2) of this Act, is fur-  
23      ther amended by adding at the end the following  
24      new subsection:

1       “(j) The report required by subsection (b) shall in-  
2 clude for each country in which child marriage is prevalent  
3 at rates at or above 40 percent in at least one sub-national  
4 region, a description of the status of the practice of child  
5 marriage in such country. In this subsection, the term  
6 ‘child marriage’ means the marriage of a girl or boy, not  
7 yet the minimum age for marriage stipulated in law in  
8 the country in which such girl or boy is a resident.”.

9       (e) DEFINITION.—In this section, the term “child  
10 marriage” means the marriage of a girl or boy, not yet  
11 the minimum age for marriage stipulated in law in the  
12 country in which the girl or boy is a resident.

13       (f) AUTHORIZATION OF APPROPRIATIONS.—Of the  
14 amounts authorized to be appropriated pursuant to sec-  
15 tion 101 of this Act, there is authorized to be appropriated  
16 as such sums as necessary for fiscal years 2010 through  
17 2011 to carry out this section and the amendments made  
18 by this section.

19 **SEC. 1107. PROGRAM TO IMPROVE BUILDING CONSTRUC-**  
20 **TION AND PRACTICES IN HAITI.**

21       (a) IN GENERAL.—The President, acting through the  
22 Administrator of the United States Agency for Inter-  
23 national Development, is authorized, under such terms  
24 and conditions as the President may determine, to carry

1 out a program to improve the building construction codes  
2 and practices in Haiti.

3 (b) PROGRAM DESCRIPTION.—The program shall be  
4 in the form of grants to, or contracts with, organizations  
5 to support the following activities:

6 (1) TRAINING.—Training of appropriate profes-  
7 sionals in Haiti from both the public and private  
8 sectors to enhance their understanding of building  
9 and housing codes and standards.

10 (2) OTHER ASSISTANCE.—Offering other rel-  
11 evant assistance as needed, such as helping govern-  
12 ment officials draft pertinent legislation to imple-  
13 ment building codes and practices that will help im-  
14 prove the resistance of buildings and housing in  
15 Haiti to hurricanes and other natural disasters.

16 **SEC. 1108. LIMITATION ON ASSISTANCE TO THE PALES-**  
17 **TINIAN AUTHORITY.**

18 (a) AMENDMENT.—Section 620K of the Foreign As-  
19 sistance Act of 1961 (22 U.S.C. 2378b) is amended to  
20 read as follows:

21 **“SEC. 620K. LIMITATION ON ASSISTANCE TO THE PALES-**  
22 **TINIAN AUTHORITY.**

23 “(a) LIMITATION.—Except as provided in subsection  
24 (e), assistance may be provided under this Act to the Pal-

1 estinian Authority only during a period for which a certifi-  
2 cation described in subsection (b) is in effect.

3 “(b) CERTIFICATION.—A certification described in  
4 this subsection is a certification transmitted by the Presi-  
5 dent to Congress that contains a determination of the  
6 President that—

7 “(1) no ministry, agency, or instrumentality of  
8 the Palestinian Authority is controlled by a foreign  
9 terrorist organization and no member of a foreign  
10 terrorist organization serves in a senior policy mak-  
11 ing position in a ministry, agency, or instrumentality  
12 of the Palestinian Authority;

13 “(2) the Palestinian Authority has—

14 “(A) publicly acknowledged Israel’s right  
15 to exist as a Jewish state; and

16 “(B) recommitted itself and is adhering to  
17 all previous agreements and understandings by  
18 the Palestine Liberation Organization and the  
19 Palestinian Authority with the Government of  
20 the United States, the Government of Israel,  
21 and the international community, including  
22 agreements and understandings pursuant to the  
23 Performance-Based Roadmap to a Permanent  
24 Two-State Solution to the Israeli-Palestinian

1 Conflict (commonly referred to as the ‘Road-  
2 map’); and

3 “(3) the Palestinian Authority has taken effec-  
4 tive steps and made demonstrable progress toward—

5 “(A) completing the process of purging  
6 from its security services individuals with ties to  
7 terrorism;

8 “(B) dismantling all terrorist infrastruc-  
9 ture, confiscating unauthorized weapons, arrest-  
10 ing and bringing terrorists to justice, destroying  
11 unauthorized arms factories, thwarting and pre-  
12 empting terrorist attacks, and fully cooperating  
13 with Israel’s security services;

14 “(C) halting all anti-Israel incitement in  
15 Palestinian Authority-controlled electronic and  
16 print media and in schools, mosques, and other  
17 institutions it controls, and replacing these ma-  
18 terials, including textbooks, with materials that  
19 promote tolerance, peace, and coexistence with  
20 Israel;

21 “(D) ensuring democracy, the rule of law,  
22 and an independent judiciary, and adopting  
23 other reforms such as ensuring transparent and  
24 accountable governance; and

1           “(E) ensuring the financial transparency  
2           and accountability of all government ministries  
3           and operations.

4           “(c) RECERTIFICATIONS.—Not later than 90 days  
5 after the date on which the President transmits to Con-  
6 gress an initial certification under subsection (b), and  
7 every six months thereafter—

8           “(1) the President shall transmit to Congress a  
9           recertification that the requirements contained in  
10          subsection (b) are continuing to be met; or

11          “(2) if the President is unable to make such a  
12          recertification, the President shall transmit to Con-  
13          gress a report that contains the reasons therefor.

14          “(d) CONGRESSIONAL NOTIFICATION.—Assistance  
15 made available under this Act to the Palestinian Authority  
16 may not be provided until 15 days after the date on which  
17 the President has provided notice thereof to the appro-  
18 priate congressional committees in accordance with the  
19 procedures applicable to reprogramming notifications  
20 under section 634A(a) of this Act.

21          “(e) EXCEPTION.—

22          “(1) ASSISTANCE TO SUPPORT THE MIDDLE  
23          EAST PEACE PROCESS.—Subsection (a) shall not  
24          apply with respect to assistance to the Office of the  
25          President of the Palestinian Authority for non-secu-

1 rity expenses directly related to facilitating a peace-  
2 ful resolution of the Israeli-Palestinian conflict if the  
3 President transmits to Congress a certification that  
4 contains a determination of the President that—

5 “(A) such assistance is critical to facili-  
6 tating a peaceful resolution of the Israeli-Pales-  
7 tinian conflict;

8 “(B) the President of the Palestinian Au-  
9 thority is not a member of or affiliated with a  
10 foreign terrorist organization and has rejected  
11 the use of terrorism to resolve the Israeli-Pales-  
12 tinian conflict;

13 “(C) such assistance will not be used to  
14 provide funds to any individual who is a mem-  
15 ber of or affiliated with a foreign terrorist orga-  
16 nization or who has not rejected the use of ter-  
17 rorism to resolve the Israeli-Palestinian conflict;  
18 and

19 “(D) such assistance will not be retrans-  
20 ferred to any other entity within or outside of  
21 the Palestinian Authority.

22 “(2) ADDITIONAL REQUIREMENTS.—Assistance  
23 described in paragraph (1) may be provided only if  
24 the President—

1           “(A) determines that the provision of such  
2 assistance is important to the national security  
3 interests of the United States; and

4           “(B) not less than 30 days prior to the ob-  
5 ligation of amounts for the provision of such as-  
6 sistance—

7           “(i) consults with the appropriate con-  
8 gressional committees regarding the spe-  
9 cific programs, projects, and activities to  
10 be carried out using such assistance; and

11           “(ii) submits to the appropriate con-  
12 gressional committees a written memo-  
13 randum that contains the determination of  
14 the President under subparagraph (A).

15       “(f) DEFINITIONS.—In this section:

16           “(1) APPROPRIATE CONGRESSIONAL COMMIT-  
17 TEES.—The term ‘appropriate congressional com-  
18 mittees’ means—

19           “(A) the Committee on Foreign Affairs  
20 and the Committee on Appropriations of the  
21 House of Representatives; and

22           “(B) the Committee on Foreign Relations  
23 and the Committee on Appropriations of the  
24 Senate.

1           “(2) FOREIGN TERRORIST ORGANIZATION.—  
2           The term ‘foreign terrorist organization’ means an  
3           organization designated as a foreign terrorist organi-  
4           zation by the Secretary of State in accordance with  
5           section 219(a) of the Immigration and Nationality  
6           Act (8 U.S.C. 1189(a)).

7           “(3) PALESTINIAN AUTHORITY.—The term  
8           ‘Palestinian Authority’ means the interim Pales-  
9           tinian administrative organization that governs part  
10          of the West Bank and all of the Gaza Strip (or any  
11          successor Palestinian governing entity), including  
12          the Palestinian Legislative Council.”.

13          (b) APPLICABILITY TO UNEXPENDED FUNDS.—Sec-  
14          tion 620K of the Foreign Assistance Act of 1961, as  
15          amended by subsection (a), applies with respect to unex-  
16          pended funds obligated for assistance under the Foreign  
17          Assistance Act of 1961 to the Palestinian Authority before  
18          the date of the enactment of this Act.

19          (c) SENSE OF CONGRESS.—It is the sense of Con-  
20          gress that the President should be guided by the principles  
21          and procedures described in section 620K of the Foreign  
22          Assistance Act of 1961, as amended by subsection (a), in  
23          providing direct assistance to the Palestinian Authority  
24          under any provision of law other than the Foreign Assist-  
25          ance Act of 1961.

1 **SEC. 1109. JORDAN CIVILIAN NUCLEAR COOPERATION**  
2 **AGREEMENT.**

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

4 (1) For many decades, the United States and  
5 Jordan have maintained a strong and mutually sup-  
6 portive relationship on a range of regional and inter-  
7 national issues, especially the creation of a mod-  
8 erate, prosperous, and stable Middle East. Jordan's  
9 support for the Israeli-Palestinian peace process and  
10 its efforts to halt Iran's nuclear weapons program  
11 have been especially useful.

12 (2) The importance of the relationship between  
13 the United States and Jordan has increased in re-  
14 cent years with Jordan's role as a vital United  
15 States ally in the effort to stabilize Iraq and our  
16 strengthened military and intelligence cooperation.  
17 Jordan has also demonstrated a long-standing com-  
18 mitment to combating terror financing and imple-  
19 menting effective export controls and customs en-  
20 forcement mechanisms.

21 (3) Jordan's assistance to efforts by the United  
22 States and other countries to halt Iran's nuclear  
23 weapons program, its safeguards agreement with the  
24 International Atomic Energy Agency, its adherence  
25 to the Additional Protocol to that safeguards agree-  
26 ment, and its agreement with the United States to

1       construct a modern storage facility for Jordan’s nu-  
2       clear waste monitored in strict accordance with  
3       IAEA guidelines, has demonstrated Jordan’s com-  
4       mitment to nuclear nonproliferation, including oppo-  
5       sition to the enrichment and reprocessing of nuclear  
6       materials that could be diverted to military uses.

7               (4) Given Jordan’s legitimate energy needs and  
8       its desire to benefit from its large deposits of ura-  
9       nium, as well as the potential for significant com-  
10      mercial opportunities for the United States nuclear  
11      sector, a nuclear cooperation agreement between the  
12      United States and Jordan would be of significant  
13      benefit to both countries.

14              (5) Given Jordan’s long-established record as a  
15      reliable ally of the United States, its efforts to com-  
16      bat terrorism, and its commitment to promoting  
17      peace and stability with Israel and throughout the  
18      region, a nuclear cooperation agreement between it  
19      and the United States could serve as a model for  
20      similar agreements with other countries throughout  
21      the Middle East.

22              (b) STATEMENT OF POLICY.—It shall be the policy  
23      of the United States to—

1           (1) establish an agreement on peaceful nuclear  
2 cooperation with Jordan pursuant to section 123 of  
3 the Atomic Energy Act of 1954; and

4           (2) ensure that any United States-Jordan nu-  
5 clear cooperation agreement is based on whether  
6 Jordan has—

7                   (A) developed and fully implemented an ef-  
8 fective export control regime;

9                   (B) developed and fully implemented the  
10 necessary legislative and functional actions to  
11 effectively combat the logistical and financial  
12 networks that support terrorist organizations;

13                   (C) cooperated with the United States in  
14 identifying, preventing, disrupting, and pros-  
15 ecuting entities and individuals that assist  
16 Iran’s procurement of nuclear goods, services,  
17 or technology and entities affiliated with the  
18 Iranian Revolutionary Guard Corps; and

19                   (D) permanently renounced the enrichment  
20 or reprocessing of nuclear materials and has  
21 undertaken all measures, including unrestricted  
22 inspection of its facilities by the International  
23 Atomic Energy Agency, that are necessary to  
24 ensure that no clandestine programs exist.

1 **SEC. 1110. UNITED STATES CONTRIBUTIONS TO THE INTER-**  
2 **NATIONAL TRUST FUND FOR DEMINING AND**  
3 **MINE VICTIMS ASSISTANCE.**

4 Of the amounts authorized to be appropriated for  
5 nonproliferation, anti-terrorism, demining and related pro-  
6 grams and activities, there is authorized to be appro-  
7 priated \$12,000,000 for each of the fiscal years 2010 and  
8 2011 for United States contributions to the International  
9 Trust Fund for Demining and Mine Victims Assistance  
10 for the removal of landmines, mine victim assistance pro-  
11 grams, mine risk education programs, and conventional  
12 weapons destruction.

13 **SEC. 1111. TRANSFER OF LIQUIDATED ASSETS OF CERTAIN**  
14 **ENTERPRISE FUNDS TO LEGACY INSTITU-**  
15 **TIONS.**

16 (a) TRANSFER OF LIQUIDATED ASSETS.—

17 (1) TO LEGACY INSTITUTIONS.—The President,  
18 acting through the Administrator of the United  
19 States Agency for International Development, shall  
20 instruct each Enterprise Fund described in sub-  
21 section (b) to make available to the legacy institu-  
22 tion of the Enterprise Fund not more than 50 per-  
23 cent of all assets from the liquidation, dissolution, or  
24 winding up of the Enterprise Fund.

25 (2) TO U.S. TREASURY.—Not less than 50 per-  
26 cent of all assets from the liquidation, dissolution, or

1 winding up of the Enterprise Fund shall be trans-  
2 ferred to the Treasury of the United States for pur-  
3 poses of payment on the public debt.

4 (b) ENTERPRISE FUNDS DESCRIBED.—The Enter-  
5 prise Funds described in this subsection are the following:

6 (1) The U.S.-Russia Investment Fund and the  
7 Western Newly Independent States Enterprise Fund  
8 established pursuant to Section 498b(c) of the For-  
9 eign Assistance Act of 1961 (22 U.S.C. 2295b(c)).

10 (2) The Albanian-American Enterprise Fund,  
11 the Baltic-American Enterprise Fund, the Czech and  
12 Slovak-American Enterprise Fund (or Slovak-Amer-  
13 ican Enterprise Fund), and the Romanian-American  
14 Enterprise Fund established pursuant to section 201  
15 of the Support for East European Democracy  
16 (SEED) Act of 1989 (22 U.S.C. 5421).

17 (3) The South African Enterprise Development  
18 Fund established pursuant to sections 496 and  
19 635(b) of the Foreign Assistance Act of 1961.

20 (c) OVERSIGHT OF LEGACY INSTITUTIONS.—Any leg-  
21 acy institution of an Enterprise Fund to which is trans-  
22 ferred no more than 50 percent of all assets from the liq-  
23 uidation, dissolution, or winding up of the Enterprise  
24 Fund shall receive such assets only upon the approval of  
25 the Administrator of the United States Agency for Inter-

1 national Development of appropriate and regular oversight  
2 procedures for the legacy institution, to include regular re-  
3 ports by the legacy institution regarding its programs and  
4 operations, expenditures for salary and travel costs, per-  
5 sonnel appointment procedures and personnel benefits  
6 programs, and the value at the time of reporting of the  
7 assets held by the legacy institution.

8 (d) LEGACY INSTITUTION DEFINED.—For purposes  
9 of this section, the term “legacy institution” means a non-  
10 profit foundation established to carry out successor pro-  
11 grams and activities in the country or countries for which  
12 an Enterprise Fund was established by the United States  
13 after that Enterprise Fund has agreed with the United  
14 States Agency for International Developments on the ter-  
15 mination and winding up of its operations. The non-profit  
16 foundation shall have as its objectives the promotion of  
17 civil society, rule of law, democracy, transparency of gov-  
18 ernance, and economic reform in the country or countries  
19 for which the Enterprise Fund was established by the  
20 United States.

21 **SEC. 1112. SENSE OF CONGRESS ON RESTRICTIONS ON RE-**  
22 **LIGIOUS FREEDOM IN VIETNAM.**

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

24 (1) The Secretary of State, under the Inter-  
25 national Religious Freedom Act of 1998 (22 U.S.C.

1 6401 et seq.) and authority delegated by the Presi-  
2 dent, designates nations found guilty of “particularly  
3 severe violations of religious freedom” as “Countries  
4 of Particular Concern”.

5 (2) In November 2006, the Secretary of State  
6 announced that the Socialist Republic of Vietnam  
7 was no longer designated as a “Country of Par-  
8 ticular Concern”.

9 (3) The Unified Buddhist Church of Vietnam  
10 (UBCV), the Hoa Hao Buddhists, and the Cao Dai  
11 groups continue to face unwarranted abuses because  
12 of their attempts to organize independently of the  
13 Government of Vietnam, including the detention and  
14 imprisonment of individual members of these reli-  
15 gious communities.

16 (4) Over the last 3 years, 18 Hoa Hao Bud-  
17 dhists have been arrested for distributing sacred  
18 texts or publically protesting the religious restric-  
19 tions placed on them by the Government of Vietnam,  
20 at least 12 remain in prison, including 4 sentenced  
21 in 2007 for staging a peaceful hunger strike.

22 (5) At least 15 individuals are being detained in  
23 long term house arrest for reasons relating to their  
24 faith, including the most venerable Thich Quang Do  
25 and most of the leadership of the UBCV.

1           (6) According to Human Rights Watch, “In  
2           April 2008 Montagnard Christian Y Ben Hdok was  
3           beaten to death while in police custody in Dak Lak  
4           after other Montagards in his district tried to flee to  
5           Cambodia to seek political asylum.”.

6           (7) According to the United States Commission  
7           on International Religious Freedom 2009 Annual  
8           Report, religious freedom advocates and human  
9           rights defenders Nguyen Van Dai, Le Thi Cong  
10          Nhan, and Fr. Thaddeus Nguyen Van Ly are in  
11          prison under Article 88 of the Criminal Code of  
12          Vietnam and Fr. Nguyen Van Loi is being held  
13          without official detention orders under house arrest.

14          (8) In February 2009, as many as 11  
15          Montagnard Protestants were detained for refusing  
16          to join the officially recognized Southern Evangelical  
17          Church of Vietnam, and 2 still remain in prison.

18          (9) Since August 2008, the Government of  
19          Vietnam has arrested and sentenced at least eight  
20          individuals and beaten, tear-gassed, harassed, pub-  
21          licly slandered, and threatened Catholics engaged in  
22          peaceful activities seeking the return of Catholic  
23          Church properties confiscated by the Vietnamese  
24          Government after 1954 in Hanoi, including in the  
25          Thai Ha parish.

1 (b) SENSE OF CONGRESS.—It is the sense of Con-  
2 gress that—

3 (1) the Secretary of State should place Vietnam  
4 on the list of “Countries of Particular Concern” for  
5 particularly severe violations of religious freedom;  
6 and

7 (2) the Government of Vietnam should lift re-  
8 strictions on religious freedom and implement nec-  
9 essary legal and political reforms to protect religious  
10 freedom.

11 **SEC. 1113. SENSE OF CONGRESS ON HOLOCAUST-ERA**  
12 **PROPERTY RESTITUTION AND COMPENSA-**  
13 **TION.**

14 It is the sense of Congress that—

15 (1) countries in Central and Eastern Europe  
16 which have not already done so—

17 (A) should return looted and confiscated  
18 properties to their rightful owners or, where  
19 restitution is not possible, pay equitable com-  
20 pensation to the rightful owners, in accordance  
21 with principles of justice and in a manner that  
22 is expeditious, transparent, and fair; and

23 (B) should enact and implement appro-  
24 priate restitution and compensation laws to ef-  
25 fectively facilitate private, communal, and reli-

1           gious property restitution in a manner that is  
2           expeditious, transparent and fair; and

3           (2) the Secretary of State should urge all gov-  
4           ernments of countries whose domestic insurance  
5           companies have not done an adequate job of settling  
6           Holocaust-era insurance policies and disclosing the  
7           names of policy owners to enact and implement nec-  
8           essary laws to resolve these remaining matters.

## 9                           **TITLE XII—ISRAEL**

### 10   **SEC. 1201. FOREIGN MILITARY FINANCING FOR ISRAEL.**

11           (a) SENSE OF CONGRESS.—It is the sense of Con-  
12           gress that the United States should continue to support  
13           the August 2007 announcement that it would increase  
14           United States military assistance to Israel by \$6 billion  
15           through incremental \$150 million annual increases in For-  
16           eign Military Financing to Israel, starting at \$2.55 billion  
17           in fiscal year 2009 and reaching \$3.15 billion by 2013  
18           through 2018.

19           (b) AUTHORIZATION OF APPROPRIATIONS.—There is  
20           authorized to be appropriated to the President for grant  
21           assistance to Israel under section 23 of the Arms Export  
22           Control Act (22 U.S.C. 2763; relating to the Foreign Mili-  
23           tary Financing Program) such sums as may be necessary  
24           for each of fiscal years 2010 and 2011.

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

2 (a) STATEMENT OF POLICY.—It shall be the policy  
3 of the United States to—

4 (1) provide for deployment as soon as is techno-  
5 logically possible of effective missile defense systems  
6 capable of defending Israel and all member nations  
7 of the North Atlantic Treaty Organization against  
8 ballistic missile attack from Iran, Syria and other  
9 potential threats; and

10 (2) fully resource and expand the ballistic mis-  
11 sile defense system of the United States to fully in-  
12 tegrate with the defenses of Israel to provide robust,  
13 layered protection against ballistic missile, and me-  
14 dium and short range projectile attack.

15 (b) AUTHORIZATION OF ASSISTANCE.—Of the  
16 amounts authorized to be appropriated to carry out this  
17 Act, there are authorized to be appropriated such sums  
18 as may be necessary for co-development of joint ballistic  
19 missile, medium and short-range projectile defense  
20 projects with Israel, including—

21 (1) complete accelerated co-production of Arrow  
22 missiles and continued integration with the ballistic  
23 missile defense system of the United States;

24 (2) system development of the Missile Defense  
25 Agency and Israel Missile Defense Organization  
26 joint program to develop a short-range ballistic mis-

1 sile defense capability, David’s Sling weapon system,  
2 and integrate the weapon system with the ballistic  
3 missile defense system and force protection efforts of  
4 the United States; and

5 (3) research, development, and test and evalua-  
6 tion of the Iron Dome short-range projectile defense  
7 system.

8 (c) REPORT AND STRATEGY.—

9 (1) REQUIREMENT.—Not later than 180 days  
10 after the date of the enactment of this Act, and an-  
11 nually thereafter in connection with the submission  
12 of congressional presentation materials for the for-  
13 eign operations appropriations and defense appro-  
14 priations budget request, the Secretary of State, in  
15 consultation with the Secretary of Defense, shall  
16 submit to the appropriate congressional committees  
17 a report regarding the activities authorized under  
18 subsection (b)(1).

19 (2) CLASSIFIED ANNEX.—The report required  
20 under paragraph (1) shall be submitted in unclassi-  
21 fied form to the maximum extent practicable, but  
22 may include a classified annex, if necessary.

23 (3) DEFINITION OF APPROPRIATE CONGRES-  
24 SIONAL COMMITTEES.—In this subsection, the term  
25 “appropriate congressional committees” means—

1 (A) the Committee on Foreign Affairs and  
2 the Committee on Armed Services of the House  
3 of Representatives; and

4 (B) the Committee on Foreign Relations  
5 and the Committee on Armed Services in the  
6 Senate.

7 **SEC. 1203. UNITED STATES-ISRAEL CIVILIAN NUCLEAR CO-**  
8 **OPERATION AGREEMENT.**

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

10 (1) The United States and Israel are robust de-  
11 mocracies, with a deeply rooted alliance that is based  
12 on a shared commitment to freedom, the promotion  
13 of human rights and dignity, and the determination  
14 to secure a just and lasting peace in the Middle  
15 East.

16 (2) The cooperation between the United States  
17 and Israel on political, military, intelligence, and  
18 economic matters is among the strongest of all of  
19 United States allies.

20 (3) Israel's economic well-being and security re-  
21 quire a guaranteed source of energy, which can be  
22 supplied through the use of peaceful nuclear power.  
23 Israel's role as a key ally in the Middle East ensures  
24 that the United States will have a strong and con-

1       tinuing interest in enhancing that well-being and se-  
2       curity.

3       (b) STATEMENT OF POLICY.—It shall be the policy  
4 of the United States to secure an agreement on peaceful  
5 nuclear cooperation with Israel pursuant to section 123  
6 of the Atomic Energy Act of 1954.

7 **SEC. 1204. UNITED STATES SUPPORT FOR ISRAEL IN THE**  
8                   **ORGANIZATION FOR ECONOMIC COOPERA-**  
9                   **TION AND DEVELOPMENT.**

10       It shall be the policy of the United States to support  
11 and advocate for Israel's accession to the OECD, includ-  
12 ing through coordination of efforts with other countries  
13 supportive of Israel's membership in the OECD.

14 **SEC. 1205. RECOGNITION OF JERUSALEM AS THE CAPITAL**  
15                   **OF THE STATE OF ISRAEL AND RELOCATION**  
16                   **OF THE UNITED STATES EMBASSY TO JERU-**  
17                   **SALEM.**

18       (a) SENSE OF CONGRESS.—It is the sense of Con-  
19 gress that—

20           (1) Jerusalem must remain an undivided city in  
21 which the rights of every ethnic and religious group  
22 are protected as they have been by Israel since  
23 1967;

24           (2) the President and the Secretary of State  
25 should publicly affirm as a matter of United States

1 policy that Jerusalem must remain the undivided  
2 capital of the State of Israel;

3 (3) the President should immediately implement  
4 the provisions of Jerusalem Embassy Act of 1995  
5 (Public Law 104–45) and begin the process of relo-  
6 cating the United States Embassy in Israel to Jeru-  
7 salem; and

8 (4) United States officials should refrain from  
9 any actions that contradict United States law on  
10 this subject.

11 (b) REMOVAL OF WAIVER AUTHORITY.—The Jeru-  
12 salem Embassy Act of 1995 (Public Law 104–45) is  
13 amended—

14 (1) by striking section 7; and

15 (2) by redesignating section 8 as section 7.

16 (c) IDENTIFICATION OF JERUSALEM ON GOVERN-  
17 MENT DOCUMENTS.—Notwithstanding any other provi-  
18 sion of law, any official document of the United States  
19 Government which lists countries and their capital cities  
20 shall identify Jerusalem as the capital of Israel.

21 (d) TIMETABLE.—

22 (1) STATEMENT OF POLICY.—It is the policy of  
23 the United States that the United States Embassy  
24 in Israel should be established in Jerusalem as soon  
25 as possible, and not later than January 1, 2012.

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

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

9           (1) FISCAL YEAR 2010.—Of the funds author-  
10          ized to be appropriated for “Acquisition and Mainte-  
11          nance of Buildings Abroad” for the Department of  
12          State for fiscal year 2010, such sums as may be nec-  
13          essary should be made available until expended only  
14          for construction and other costs associated with the  
15          establishment of the United States Embassy in  
16          Israel in the capital of Jerusalem.

17          (2) FISCAL YEAR 2011.—Of the funds author-  
18          ized to be appropriated for “Acquisition and Mainte-  
19          nance of Buildings Abroad” for the Department of  
20          State for fiscal year 2011, such sums as may be nec-  
21          essary should be made available until expended only  
22          for construction and other costs associated with the  
23          establishment of the United States Embassy in  
24          Israel in the capital of Jerusalem.

1 (f) DEFINITION.—As used in this Act, the term  
2 “United States Embassy” means the offices of the United  
3 States diplomatic mission and the residence of the United  
4 States chief of mission.

5 **TITLE XIII—IRAN REFINED**  
6 **PETROLEUM SANCTIONS**

7 **SEC. 1301. SHORT TITLE.**

8 This title may be cited as the “Iran Refined Petro-  
9 leum Sanctions Act of 2009”.

10 **SEC. 1302. AMENDMENTS TO THE IRAN SANCTIONS ACT OF**  
11 **1996.**

12 (a) EXPANSION OF SANCTIONS.—Section 5(a) of the  
13 Iran Sanctions Act of 1996 (50 U.S.C. 1701 note) is  
14 amended to read as follows:

15 “(a) SANCTIONS WITH RESPECT TO THE DEVELOP-  
16 MENT OF PETROLEUM RESOURCES OF IRAN AND EXPOR-  
17 TATION OF REFINED PETROLEUM TO IRAN.—

18 “(1) DEVELOPMENT OF PETROLEUM RE-  
19 SOURCES OF IRAN.—

20 “(A) INVESTMENT.—Except as provided in  
21 subsection (f), the President shall impose 2 or  
22 more of the sanctions described in paragraphs  
23 (1) through (6) of section 6(a) if the President  
24 determines that a person has, with actual  
25 knowledge, on or after the date of the enact-

1           ment of this Act, made an investment of  
2           \$20,000,000 or more (or any combination of in-  
3           vestments of at least \$5,000,000 each, which in  
4           the aggregate equals or exceeds \$20,000,000 in  
5           any 12-month period), that directly and signifi-  
6           cantly contributed to the enhancement of Iran’s  
7           ability to develop petroleum resources of Iran.

8           “(B) PRODUCTION OF REFINED PETRO-  
9           LEUM RESOURCES.—Except as provided in sub-  
10          section (f), the President shall impose the sanc-  
11          tions described in section 6(b) (in addition to  
12          any sanctions imposed under subparagraph (A))  
13          if the President determines that a person has,  
14          with actual knowledge, on or after the date of  
15          the enactment of the Iran Refined Petroleum  
16          Sanctions Act of 2009, sold, leased, or provided  
17          to Iran any goods, services, technology, infor-  
18          mation, or support that would allow Iran to  
19          maintain or expand its domestic production of  
20          refined petroleum resources, including any as-  
21          sistance in refinery construction, modernization,  
22          or repair.

23          “(2) EXPORTATION OF REFINED PETROLEUM  
24          RESOURCES TO IRAN.—Except as provided in sub-  
25          section (f), the President shall impose the sanctions

1 described in section 6(b) if the President determines  
2 that a person has, with actual knowledge, on or after  
3 the date of the enactment of the Iran Refined Petro-  
4 leum Sanctions Act of 2009, provided Iran with re-  
5 fined petroleum resources or engaged in any activity  
6 that could contribute to the enhancement of Iran’s  
7 ability to import refined petroleum resources, includ-  
8 ing—

9 “(A) providing ships or shipping services  
10 to deliver refined petroleum resources to Iran;

11 “(B) underwriting or otherwise providing  
12 insurance or reinsurance for such activity; or

13 “(C) financing or brokering such activity.”.

14 (b) DESCRIPTION OF SANCTIONS.—Section 6 of such  
15 Act is amended—

16 (1) by striking “The sanctions to be imposed on  
17 a sanctioned person under section 5 are as follows:”  
18 and inserting the following:

19 “(a) IN GENERAL.—The sanctions to be imposed on  
20 a sanctioned person under subsections (a)(1)(A) and (b)  
21 of section 5 are as follows:”; and

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

23 “(b) ADDITIONAL SANCTIONS.—The sanctions to be  
24 imposed on a sanctioned person under paragraphs (1)(B)  
25 and (2) of section 5(a) are as follows:

1           “(1) FOREIGN EXCHANGE.—The President  
2 shall, under such regulations as the President may  
3 prescribe, prohibit any transactions in foreign ex-  
4 change by the sanctioned person.

5           “(2) BANKING TRANSACTIONS.—The President  
6 shall, under such regulations as the President may  
7 prescribe, prohibit any transfers of credit or pay-  
8 ments between, by, through, or to any financial in-  
9 stitution, to the extent that such transfers or pay-  
10 ments involve any interest of the sanctioned person.

11           “(3) PROPERTY TRANSACTIONS.—The Presi-  
12 dent shall, under such regulations as the President  
13 may prescribe, prohibit any acquisition, holding,  
14 withholding, use, transfer, withdrawal, transpor-  
15 tation, importation, or exportation of, dealing in, or  
16 exercising any right, power, or privilege with respect  
17 to, or transactions involving, any property in which  
18 the sanctioned person has any interest by any per-  
19 son, or with respect to any property, subject to the  
20 jurisdiction of the United States.”.

21           (c) PRESIDENTIAL WAIVER.—Section 9(c)(2) of such  
22 Act is amended by amending subparagraph (C) to read  
23 as follows:

24                           “(C) an estimate of the significance of the  
25                           provision of the items described in paragraph

1 (1) or (2) of section 5(a) or section 5(b) to  
2 Iran’s ability to develop its petroleum resources,  
3 to maintain or expand its domestic production  
4 of refined petroleum resources, to import re-  
5 fined petroleum resources, or to develop its  
6 weapons of mass destruction or other military  
7 capabilities (as the case may be); and”.

8 (d) STRENGTHENING OF WAIVER AUTHORITY AND  
9 SANCTIONS IMPLEMENTATION.—

10 (1) INVESTIGATIONS.—Section 4(f) of the Iran  
11 Sanctions Act of 1996 (50 U.S.C. 1701 note) is  
12 amended—

13 (A) in paragraph (1)—

14 (i) by striking “should initiate” and  
15 inserting “shall immediately initiate”;

16 (ii) by inserting “or 5(b)” after “sec-  
17 tion 5(a)”;

18 (iii) by striking “as described in such  
19 section” and inserting “as described in sec-  
20 tion 5(a)(1) or other activity described in  
21 section 5(a)(2) or 5(b) (as the case may  
22 be)”;

23 (B) in paragraph (2), by striking “, pursu-  
24 ant to section 5(a), if a person has engaged in  
25 investment activity in Iran as described in such

1 section” and inserting “, pursuant to section  
2 5(a) or (b) (as the case may be), if a person  
3 has engaged in investment activity in Iran as  
4 described in section 5(a)(1) or other activity de-  
5 scribed in section 5(a)(2) or 5(b) (as the case  
6 may be)”; and

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

9 “(3) DEFINITION OF CREDIBLE INFORMA-  
10 TION.—For the purposes of this subsection, the term  
11 ‘credible information’ means public or classified in-  
12 formation or reporting supported by other substan-  
13 tiating evidence.”.

14 (2) EXCEPTION FOR PROLIFERATION SECURITY  
15 INITIATIVE.—Section 5(f) of the Iran Sanctions Act  
16 of 1996 (50 U.S.C. 1701 note) is amended—

17 (A) in paragraph (6), by striking “or” at  
18 the end;

19 (B) in paragraph (7), by striking the pe-  
20 riod at the end and inserting “; or”; and

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

23 “(8) if the President determines in writing that  
24 the person to which the sanctions would otherwise be  
25 applied is—

1           “(A) a citizen or resident of a country that  
2           is a participant in the Proliferation Security  
3           Initiative; or

4           “(B) a foreign person that is organized  
5           under the laws of a country described in sub-  
6           paragraph (A) and is a subsidiary of a United  
7           States person.”.

8           (3) GENERAL WAIVER AUTHORITY.—Section  
9           9(c)(1) of the Iran Sanctions Act of 1996 (50  
10          U.S.C. 1701 note) is amended by striking “import-  
11          tant to the national interest of the United States”  
12          and inserting “vital to the national security interest  
13          of the United States”.

14          (4) RULE OF CONSTRUCTION.—The amend-  
15          ments made by this subsection shall not be con-  
16          strued to affect any exercise of the authority of sec-  
17          tion 4(f) or section 9(c) of the Iran Sanctions Act  
18          of 1996 as in effect on the day before the date of  
19          the enactment of this Act.

20          (e) REPORTS ON UNITED STATES EFFORTS TO CUR-  
21          TAIL CERTAIN BUSINESS TRANSACTIONS RELATING TO  
22          IRAN.—Section 10 of such Act is amended by adding at  
23          the end the following:

24          “(d) REPORTS ON CERTAIN BUSINESS TRANS-  
25          ACTIONS RELATING TO IRAN.—

1           “(1) IN GENERAL.—Not later than 90 days  
2 after the date of the enactment of the Iran Refined  
3 Petroleum Sanctions Act of 2009, and every 6  
4 months thereafter, the President shall submit a re-  
5 port to the appropriate congressional committees re-  
6 garding any person who has—

7           “(A) provided Iran with refined petroleum  
8 resources;

9           “(B) sold, leased, or provided to Iran any  
10 goods, services, or technology that would allow  
11 Iran to maintain or expand its domestic produc-  
12 tion of refined petroleum resources; or

13           “(C) engaged in any activity that could  
14 contribute to the enhancement of Iran’s ability  
15 to import refined petroleum resources.

16           “(2) DESCRIPTION.—For each activity set forth  
17 in subparagraphs (A) through (C) of paragraph (1),  
18 the President shall provide a complete and detailed  
19 description of such activity, including—

20           “(A) the date or dates of such activity;

21           “(B) the name of any persons who partici-  
22 pated or invested in or facilitated such activity;

23           “(C) the United States domiciliary of the  
24 persons referred to in subparagraph (B);

1           “(D) any Federal Government contracts to  
2           which the persons referred to in subparagraph  
3           (B) are parties; and

4           “(E) the steps taken by the United States  
5           to respond to such activity.

6           “(3) FORM OF REPORTS; PUBLICATION.—The  
7           reports required under this subsection shall be—

8           “(A) submitted in unclassified form, but  
9           may contain a classified annex; and

10           “(B) published in the Federal Register.”.

11           (f) CLARIFICATION AND EXPANSION OF DEFINI-  
12           TIONS.—Section 14 of such Act is amended—

13           (1) in paragraph (13)(B)—

14           (A) by inserting “financial institution, in-  
15           surer, underwriter, guarantor, any other busi-  
16           ness organization, including any foreign sub-  
17           sidiary, parent, or affiliate of such a business  
18           organization,” after “trust,”; and

19           (B) by inserting “, such as an export cred-  
20           it agency” before the semicolon at the end; and

21           (2) by amending paragraph (14) to read as fol-  
22           lows:

23           “(14) PETROLEUM RESOURCES.—

24           “(A) IN GENERAL.—The term ‘petroleum  
25           resources’ includes petroleum, petroleum by-

1 products, oil or liquefied natural gas, oil or liq-  
2 uefied natural gas tankers, and products used  
3 to construct or maintain pipelines used to  
4 transport oil or compressed or liquefied natural  
5 gas.

6 “(B) PETROLEUM BY-PRODUCTS.—The  
7 term ‘petroleum by-products’ means gasoline,  
8 kerosene, distillates, propane or butane gas, die-  
9 sel fuel, residual fuel oil, and other goods classi-  
10 fied in headings 2709 and 2710 of the Har-  
11 monized Tariff Schedule of the United States.”.

12 (g) CONFORMING AMENDMENTS.—

13 (1) MULTILATERAL REGIME.—Section 4 of  
14 such Act is amended—

15 (A) in subsection (b)(2), by striking “(in  
16 addition to that provided in subsection (d))”;  
17 and

18 (B) by striking subsection (d) and redesign-  
19 ating subsections (e) and (f) as subsections (d)  
20 and (e), respectively.

21 (2) IMPOSITIONS OF SANCTIONS.—Section 5(b)  
22 of such Act is amended by striking “section 6” and  
23 inserting “section 6(a)”.

1 **TITLE XIV—LIMITATION ON NU-**  
2 **CLEAR COOPERATION WITH**  
3 **THE UNITED ARAB EMIRATES**

4 **SEC. 1401. SHORT TITLE.**

5 This title may be cited as the “Limitation on Nuclear  
6 Cooperation with the United Arab Emirates Act of 2009”.

7 **SEC. 1402. DEFINITIONS.**

8 In this title:

9 (1) GOVERNMENT OF THE UNITED ARAB EMIR-  
10 ATES.—

11 (A) IN GENERAL.—The term “Government  
12 of the United Arab Emirates” includes the gov-  
13 ernment of any subdivision of the United Arab  
14 Emirates, and any agency or instrumentality of  
15 the Government of the United Arab Emirates.

16 (B) AGENCY OR INSTRUMENTALITY.—For  
17 purposes of subparagraph (A), the term “agen-  
18 cy or instrumentality of the Government of the  
19 United Arab Emirates” means an agency or in-  
20 strumentality of a foreign state as defined in  
21 section 1603(b) of title 28, United States Code,  
22 with each reference in such section to “a for-  
23 eign state” deemed to be a reference to “the  
24 United Arab Emirates”.

25 (2) GOVERNMENT OF IRAN.—

1           (A) IN GENERAL.—The term “Government  
2 of Iran” includes the government of any sub-  
3 division of Iran, and any agency or instrumen-  
4 tality of the Government of Iran.

5           (B) AGENCY OR INSTRUMENTALITY.—For  
6 purposes of subparagraph (A), the term “agen-  
7 cy or instrumentality of the Government of  
8 Iran” means an agency or instrumentality of a  
9 foreign state as defined in section 1603(b) of  
10 title 28, United States Code, with each ref-  
11 erence in such section to “a foreign state”  
12 deemed to be a reference to “Iran”.

13       (3) NATIONAL OF THE UNITED ARAB EMIR-  
14 ATES.—The term “national of the United Arab  
15 Emirates” means—

16           (A) any citizen of the United Arab Emir-  
17 ates; or

18           (B) any other legal entity that is organized  
19 under the laws of the United Arab Emirates.

20       (4) NATIONAL OF IRAN.—The term “national  
21 of Iran” means—

22           (A) any citizen of Iran; or

23           (B) any other legal entity that is organized  
24 under the laws of Iran.

1 **SEC. 1403. RESTRICTION ON NUCLEAR COOPERATION WITH**  
2 **THE UNITED ARAB EMIRATES.**

3 (a) RESTRICTION ON NUCLEAR COOPERATION  
4 AGREEMENT.—Notwithstanding any other provision of  
5 law or any international agreement, no agreement for co-  
6 operation between the United States of America and the  
7 United Arab Emirates pursuant to section 123 of the  
8 Atomic Energy Act of 1954 (42 U.S.C. 2153) may enter  
9 into force on or after the date of the enactment of this  
10 Act unless not less than 30 legislative days prior to such  
11 entry into force the President certifies to the appropriate  
12 congressional committees that the requirements of sub-  
13 section (c) have been met.

14 (b) RESTRICTION ON EXPORTS OF NUCLEAR MATE-  
15 RIAL, EQUIPMENT, OR TECHNOLOGY.—No license may be  
16 issued for the export of nuclear material, equipment, or  
17 technology to the United Arab Emirates pursuant to an  
18 agreement for cooperation between the United States of  
19 America and the United Arab Emirates pursuant to sec-  
20 tion 123 of the Atomic Energy Act of 1954 (42 U.S.C.  
21 2153) for any fiscal year beginning after the date of the  
22 enactment of this Act unless not less than 30 legislative  
23 days prior to the issuance of such license the President  
24 certifies to the appropriate congressional committees for  
25 such fiscal year that the requirements of subsection (c)  
26 have been met.

1           (c) REQUIREMENTS.—The requirements referred to  
2 in this subsection are the following:

3           (1) The Government of the United Arab Emir-  
4 ates has taken, and is continuing to take, effective  
5 actions to prohibit, terminate, and prevent the trans-  
6 fer of goods, services, or technology to the Govern-  
7 ment of Iran, including fully implementing United  
8 Nations Security Council sanctions against Iran.

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

10           (A) there has been no cooperation with re-  
11 spect to any activity described in paragraph (1)  
12 between the Government of the United Arab  
13 Emirates and the Government of Iran, any na-  
14 tional of Iran, or any Iranian-controlled entity  
15 based on all credible information available to  
16 the United States at the time of the certifi-  
17 cation;

18           (B)(i) there has been no cooperation with  
19 respect to any activity described in paragraph  
20 (1) between any national of the United Arab  
21 Emirates and the Government of Iran, any na-  
22 tional of Iran, or any Iranian-controlled entity  
23 based on all credible information available to  
24 the United States at the time of the certifi-  
25 cation; or

1 (ii) the Government of the United Arab  
2 Emirates has—

3 (I) terminated all cooperation between  
4 any such United Arab Emirates national  
5 and the Government of Iran, any such Ira-  
6 nian national, or any such Iranian-con-  
7 trolled entity;

8 (II) instituted effective measures to  
9 prevent a reoccurrence of any such co-  
10 operation; and

11 (III) prosecuted any such United  
12 Arab Emirates national; and

13 (C) the Government of the United Arab  
14 Emirates has not engaged in or condoned ac-  
15 tivities that violate—

16 (i) the Iran Sanctions Act of 1996, in-  
17 cluding Executive Orders 12957, 12959,  
18 13059 and other executive orders issued  
19 pursuant to such Act;

20 (ii) the Iran, North Korea, and Syria  
21 Nonproliferation Act; and

22 (iii) other provisions of applicable  
23 United States law.

24 (3) The Government of the United Arab Emir-  
25 ates—

1 (A) has developed and fully implemented  
2 an export control regime in accordance with  
3 international standards;

4 (B) has developed and implemented the  
5 appropriate or necessary legislative and func-  
6 tional actions to target the logistical and finan-  
7 cial networks that support terrorist organiza-  
8 tions; and

9 (C) has cooperated with the United States  
10 in identifying, preventing, disrupting and,  
11 where appropriate, prosecuting entities and in-  
12 dividuals that assist Iran's procurement of  
13 goods, services, or technology, and entities af-  
14 filiated with the Iranian Revolutionary Guard  
15 Corps.

16 (d) GOODS, SERVICES, OR TECHNOLOGY DEFINED.—

17 (1) IN GENERAL.—Except as provided in para-  
18 graph (2), in this section, the term “goods, services,  
19 or technology” means—

20 (A) goods, services, or technology listed  
21 on—

22 (i)(I) the Nuclear Suppliers Group  
23 Guidelines for the Export of Nuclear Mate-  
24 rial, Equipment and Technology (published  
25 by the International Atomic Energy Agen-

1 cy as Information Circular INFCIRC/254/  
2 Rev. 8/Part 1, and subsequent revisions)  
3 and Guidelines for Transfers of Nuclear-  
4 Related Dual-Use Equipment, Material,  
5 and Related Technology (published by the  
6 International Atomic Energy Agency as In-  
7 formation Circular INFCIRC/254/Rev. 7/  
8 Part 2, and subsequent revisions);

9 (II) the Missile Technology Control  
10 Regime Equipment and Technology Annex  
11 of June 11, 1996, and subsequent revi-  
12 sions;

13 (III) the lists of items and substances  
14 relating to biological and chemical weapons  
15 the export of which is controlled by the  
16 Australia Group;

17 (IV) the Schedule One or Schedule  
18 Two list of toxic chemicals and precursors  
19 the export of which is controlled pursuant  
20 to the Convention on the Prohibition of the  
21 Development, Production, Stockpiling and  
22 Use of Chemical Weapons and on Their  
23 Destruction;

24 (V) the Wassenaar Arrangement list  
25 of Dual Use Goods and Technologies and

1 Munitions list of July 12, 1996, and subse-  
2 quent revisions;

3 (VI) the United States Munitions List  
4 under section 38 of the Arms Export Con-  
5 trol Act (22 U.S.C. 2778) for which special  
6 export controls are warranted under such  
7 Act (22 U.S.C. 2751 et seq.); or

8 (VII) the Commerce Control List  
9 maintained under part 774 of title 15,  
10 Code of Federal Regulations; or

11 (B) goods, services, or technology not list-  
12 ed on any list identified in subparagraph (A)  
13 but which nevertheless would be, if they were  
14 United States goods, services, or technology,  
15 prohibited for export to Iran because of their  
16 potential to make a material contribution to the  
17 development of nuclear, biological, or chemical  
18 weapons, or of ballistic or cruise missile sys-  
19 tems.

20 (2) EXCLUSION.—The term “goods, services, or  
21 technology” does not include goods, services, or tech-  
22 nology that are directly related to the operation of  
23 the Bushehr nuclear power reactor.

1           **TITLE XV—HOLOCAUST**  
2           **INSURANCE ACCOUNTABILITY**

3   **SEC. 1601. SHORT TITLE.**

4           This title may be cited as the “Holocaust Insurance  
5   Accountability Act of 2009”.

6   **SEC. 1602. VALIDITY OF STATE LAWS.**

7           (a) **VALIDITY OF LAWS CREATING CAUSE OF AC-**  
8   **TION.**—Any State law creating a cause of action against  
9   any insurer or related company based on a claim arising  
10   out of or related to a covered policy shall not be invalid  
11   or preempted by reason of any Executive agreement be-  
12   tween the United States and any foreign country.

13           (b) **VALIDITY OF LAWS REQUIRING DISCLOSURE OF**  
14   **INFORMATION.**—Any State law that is enacted on or after  
15   March 1, 1998, and that requires an insurer doing busi-  
16   ness in that State, including any related company, to dis-  
17   close information regarding any covered policy shall be  
18   deemed to be in effect on the date of the enactment of  
19   such law and shall not be invalid or preempted by reason  
20   of any Executive agreement between the United States  
21   and any foreign country.

22           (c) **WAIVER.**—The President may waive the applica-  
23   tion of subsection (a) or (b) with respect to any Executive  
24   agreement that is entered into between the United States  
25   and a foreign country on or after the date of the enact-

1 ment of this Act and that involves covered policies if, not  
2 later than 30 legislative days before the signing of the Ex-  
3 ecutive agreement—

4           (1) the President determines that the Executive  
5 agreement is vital to the national security interests  
6 of the United States; and

7           (2) the President provides to the appropriate  
8 congressional committees a report explaining the  
9 reasons for such determination.

10       (d) STATEMENTS OF INTEREST.—No funds may be  
11 used by the Department of State, or any other department  
12 or agency of the United States, for the purpose of issuing  
13 a statement of interest seeking to encourage a court in  
14 the United States to dismiss any claim brought to recover  
15 compensation arising out of or related to a covered policy.

16       (e) STATUTE OF LIMITATIONS.—No court may dis-  
17 miss a claim that is brought under a State law described  
18 in subsection (a) or (b) within 10 years after the date of  
19 the enactment of this Act on the ground that the claim  
20 is barred under any statute of limitations.

21 **SEC. 1603. APPLICABILITY.**

22       This title shall apply to any claim that is brought,  
23 before, on, or after the date of the enactment of this Act,  
24 under a State law described in subsection (a) or (b), in-  
25 cluding—

1           (1) any claim dismissed, before the date of the  
2 enactment of this Act, on the ground of executive  
3 preemption; and

4           (2) any claim that is deemed released as a re-  
5 sult of the settlement of a class action that was en-  
6 tered into before the date of the enactment of this  
7 title, if the claimant did not receive any payment  
8 pursuant to the settlement.

9 **SEC. 1604. DEFINITIONS.**

10 In this title:

11           (1) **APPROPRIATE CONGRESSIONAL COMMIT-**  
12 **TEES.**—The term “appropriate congressional com-  
13 mittees” means the Committee on Foreign Affairs in  
14 the House of Representatives, the Committee on  
15 Foreign Relations in the Senate, and the Commit-  
16 tees on the Judiciary of the House of Representa-  
17 tives and the Senate.

18           (2) **COVERED POLICY.**—

19           (A) **IN GENERAL.**—The term “covered pol-  
20 icy” means any life, dowry, education, property,  
21 or other insurance policy that—

22                   (i) was in effect at any time after  
23                   January 30, 1933, and before December  
24                   31, 1945; and

1                   (ii) was issued to a policyholder domi-  
2                   ciled in any area that was occupied or con-  
3                   trolled by Nazi Germany.

4                   (B) NAZI GERMANY.—In this paragraph,  
5                   the term “Nazi Germany” means—

6                   (i) the Nazi government of Germany;  
7                   and

8                   (ii) any government in any area occu-  
9                   pied by the military forces of the Nazi gov-  
10                  ernment of Germany.

11                  (3) INSURER.—The term “insurer” means any  
12                  person engaged in the business of insurance (includ-  
13                  ing reinsurance) in interstate or foreign commerce,  
14                  if the person issued a covered policy, or a successor  
15                  in interest to such person.

16                  (4) LEGISLATIVE DAYS.—The term “legislative  
17                  days” means those days on which both Houses of  
18                  Congress are in session.

19                  (5) RELATED COMPANY.—The term “related  
20                  company” means an affiliate, as that term is defined  
21                  in section 104(g) of the Gramm-Leach-Bliley Act  
22                  (15 U.S.C. 6701(g)).

1       **TITLE XVI—BELARUS ARMS**  
2       **TRANSFERS ACCOUNTABILITY**

3       **SEC. 1701. SHORT TITLE.**

4           This title may be cited as the “Belarus Arms Trans-  
5       fers Accountability Act of 2009”.

6       **SEC. 1702. SENSE OF CONGRESS.**

7           It is the sense of Congress that—

8                   (1) the Secretary of State should take into con-  
9       sideration the continuing reports of arms sales by  
10      Belarus to state sponsors of terrorism and states  
11      that do not fully cooperate with the United States  
12      in its anti-terrorism efforts, as well as any informa-  
13      tion gathered in the process of drafting the report  
14      to the appropriate congressional committees required  
15      under this title, and carefully consider whether the  
16      imposition of existing terrorism and nonproliferation  
17      sanctions would be appropriate to deter any such  
18      arms sales by Belarus; and

19                   (2) any use by Iran of civilian nuclear coopera-  
20      tion agreements with other countries as a means to  
21      proliferate weapons technology and expertise to  
22      countries such as Venezuela, either directly or by  
23      means of arrangements with Belarus or other coun-  
24      tries would not be in the interest of the United  
25      States.

1 **SEC. 1703. REPORT.**

2 (a) IN GENERAL.—Not later than 90 days after the  
3 date of the enactment of this Act, and on annual basis  
4 thereafter, the Secretary of State shall transmit to the ap-  
5 propriate congressional committees a report that de-  
6 scribes, with respect to the preceding 12-month period, the  
7 following:

8 (1) The scale and modalities of exports of weap-  
9 ons and related services by the Government of  
10 Belarus and Belarusian enterprises, including reve-  
11 nues flows, and the potential role of the government  
12 and enterprise of the Russian Federation in such ex-  
13 ports and revenues.

14 (2) The status of the stockpiles of weapons in-  
15 herited by Belarus from the former Soviet regime,  
16 including a determination as to the role such stock-  
17 piles may continue to play in the export of weapons  
18 by Belarus, and an assessment of the capability of  
19 Belarusian enterprises to manufacture conventional  
20 and advanced weaponry and provide services for  
21 such sales.

22 (3) A determination as to whether civilian nu-  
23 clear cooperation agreements and activities involving  
24 Iran, Belarus, or Venezuela are being used as a  
25 means to proliferate nuclear arms technology and  
26 expertise.

1           (4) The sale or delivery of weapons or weapons-  
2           related technologies from Belarus to any country  
3           that is designated as a state sponsor of terrorism or  
4           not fully cooperating with United States  
5           antiterrorism efforts for purposes of section 40A of  
6           the Arms Export Control Act, including Venezuela.

7           (b) FORM.—The report shall be in an unclassified  
8           form but may include a classified annex.

9           **SEC. 1704. STATE SPONSOR OF TERRORISM DEFINED.**

10          In this title, the term “state sponsor of terrorism”  
11          means a country the government of which the Secretary  
12          of State has determined, for purposes of section 6(j) of  
13          the Export Administration Act of 1979, section 620A of  
14          the Foreign Assistance Act of 1961, section 40 of the  
15          Arms Export Control Act, or any other provision of law,  
16          to be a government that has repeatedly provided support  
17          for acts of international terrorism.

18          **TITLE XVII—ASIA-PACIFIC ECO-**  
19          **NOMIC COOPERATION FORUM**  
20          **ENGAGEMENT**

21          **SEC. 1801. ASIA-PACIFIC ECONOMIC COOPERATION.**

22          (a) SENSE OF CONGRESS.—It is the sense of Con-  
23          gress that—

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

4           (2) the President must elevate the role of the  
5           United States in the Asia-Pacific Economic Coopera-  
6           tion forum (APEC) by ensuring that United States  
7           Government officials of the appropriate rank attend  
8           APEC activities; and

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

14          (b) SMALL BUSINESS DEFINED.—In this section, the  
15          term “small business” shall have the meaning given the  
16          term “small business concern” in section 410(9) of the  
17          Small Business Investment Act of 1958 (15 U.S.C.  
18          694a(9)).

19          (c) UNITED STATES PARTICIPATION AT APEC.—

20                 (1) DESIGNATION OF APEC COORDINATORS.—  
21                 The President shall designate in appropriate depart-  
22                 ments and agencies an existing official compensated  
23                 at a rate of basic pay not less than the minimum  
24                 rate of basic pay payable to a member of the Senior

1 Executive Service to serve as each such department's  
2 or agency's "APEC Coordinator".

3 (2) DUTIES OF APEC COORDINATORS.—

4 (A) IN GENERAL.—The APEC Coordina-  
5 tors of the appropriate departments and agen-  
6 cies designated in accordance with paragraph  
7 (1) shall, in consultation with the United States  
8 Ambassador to APEC, set department- and  
9 agency-wide guidelines for each such depart-  
10 ment's or agency's participation at APEC.

11 (B) REPORT.—Each APEC Coordinator  
12 shall annually submit to the appropriate con-  
13 gressional committees a report on efforts to en-  
14 hance each department's and agency's partici-  
15 pation at APEC.

16 (d) ENHANCING SMALL BUSINESS PARTICIPATION  
17 AT APEC.—

18 (1) DESIGNATION OF SMALL BUSINESS LIAI-  
19 SON.—The Secretary of State shall designate an ex-  
20 isting officer within the Bureau of East Asian and  
21 Pacific Affairs to serve as a "Small Business Liai-  
22 son". Such designated officer is authorized to be  
23 compensated at a rate of basic pay not less than the  
24 minimum rate of basic pay payable to an individual

1 at GS-14 of the General Schedule or FS-02 of the  
2 Foreign Service Schedule.

3 (2) DEPARTMENT OF STATE WEBSITE.—The  
4 Secretary of State shall post on the website of the  
5 Department of State a dedicated page for United  
6 States small businesses to facilitate direct commu-  
7 nication between the United States Government and  
8 the business community concerning APEC.

9 (3) COORDINATION.—The Secretary of State  
10 shall coordinate with existing private sector partners  
11 and relevant business associations to promote par-  
12 ticipation by small businesses at APEC. The Sec-  
13 retary shall ensure that notices about meetings and  
14 briefings provided by United States APEC officials  
15 on APEC-related issues are posted on the website of  
16 the Department of State (in accordance with para-  
17 graph (2)) not later than 15 days before the dates  
18 of such meetings and briefings.

19 (4) RENAMING.—The Office of Economic Policy  
20 within the Bureau of East Asian and Pacific Affairs  
21 of the Department of State shall be referred to as  
22 the “Office of APEC Affairs”. Any reference in a  
23 law, map, regulation, document, paper, or other  
24 record of the United States to the Office of Eco-

1        nomic Policy shall be deemed to be a reference to  
2        the Office of APEC Affairs.

3        (e) REPORT ON HOSTING OF APEC 2011 IN THE  
4 UNITED STATES.—Not later than 60 days after the date  
5 of the enactment of this Act, the Secretary of State shall  
6 submit to the appropriate congressional committees a re-  
7 port detailing the mechanisms that are in place or are  
8 being considered for hosting the 2011 meeting of APEC  
9 in the United States, including an analysis of the esti-  
10 mated or projected costs associated with such meetings.

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