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FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEARS 2010 AND 2011 AND PAKISTAN ENDURING ASSISTANCE AND COOPERATION ENHANCEMENT ACT OF 2009

MARKUP

BEFORE THE

COMMITTEE ON FOREIGN AFFAIRS
HOUSE OF REPRESENTATIVES

ONE HUNDRED ELEVENTH CONGRESS

FIRST SESSION

ON

H.R. 2410 and H.R. 1886

MAY 20, 2009

Serial No. 111–36

Printed for the use of the Committee on Foreign Affairs

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FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEARS 2010 AND 2011 AND PAKISTAN ENDURING ASSISTANCE AND COOPERATION ENHANCEMENT ACT OF 2009

WEDNESDAY, MAY 20, 2009

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

The committee met, pursuant to notice, at 10:16 a.m. in room 2172, Rayburn House Office Building, Hon. Howard L. Berman (chairman of the committee) presiding.

Chairman BERMAN. The meeting of the Foreign Affairs Committee will come to order.

Pursuant to notice, I call up the bill, H.R. 2410, the Foreign Relations Authorization Act for Fiscal Years 2010 and 2011. Without objection, the bill will be considered as read and shall be open to amendment at any point.

[H.R. 2410 follows:]

I

111TH CONGRESS
1ST SESSION

H. R. 2410

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

IN THE HOUSE OF REPRESENTATIVES

MAY 14, 2009

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

---

A BILL

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

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

SECTION 1. SHORT TITLE.

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

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

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

TITLE I—AUTHORIZATION OF APPROPRIATIONS

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

TITLE II—DEPARTMENT OF STATE AUTHORITIES AND ACTIVITIES

Subtitle A—Basic Authorities and Activities

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

Subtitle B—Public Diplomacy at the Department of State

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

Subtitle C—Consular Services and Related Matters

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

TITLE III—ORGANIZATION AND PERSONNEL AUTHORITIES

Subtitle A—Towards Modernizing the Department of State

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

Subtitle B—Foreign Service Pay Equity and Death Gratuity

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

Subtitle C—Other Organization and Personnel Matters

Sec. 321. Transatlantic diplomatic fellowship program.
Sec. 322. Security officers exchange program.
Sec. 323. Suspension of Foreign Service members without pay.
Sec. 324. Repeal of recertification requirement for Senior Foreign Service.
Sec. 325. Limited appointments in the Foreign Service.
Sec. 326. Compensatory time off for travel.
Sec. 327. Reemployment of Foreign Service annuitants.
Sec. 328. Personal services contractors.
Sec. 329. Protection of intellectual property rights.
Sec. 330. Department of State employment composition.
Sec. 331. Contracting.
Sec. 332. Legislative liaison office of the Department of State.
Sec. 333. Discrimination related to sexual orientation.
Sec. 334. Office for Global Women's Issues.

TITLE IV—INTERNATIONAL ORGANIZATIONS

Subtitle A—International Leadership

Sec. 401. Short title.
Sec. 402. Promoting assignments to international organizations.
Sec. 403. Implementation and establishment of office on multilateral negotiations.
Sec. 404. Synchronization of United States contributions to international organizations.
Sec. 405. United States arrearages to the United Nations.

Subtitle B—General Provisions

Sec. 411. Organization of American States.
Sec. 412. Peacekeeping operations contributions.
Sec. 413. Pacific Islands Forum.
Sec. 414. Review of activities of international commissions.
Sec. 415. Enhancing nuclear safeguards.

TITLE V—UNITED STATES INTERNATIONAL BROADCASTING

Sec. 501. Authorization of appropriations for international broadcasting.
Sec. 502. Personal services contracting program.
Sec. 503. Radio Free Europe/Radio Liberty pay parity.
Sec. 504. Employment for international broadcasting.
Sec. 505. Domestic release of the Voice of America film entitled "A Fateful Harvest".
Sec. 506. Establishing permanent authority for Radio Free Asia.

TITLE VI—PEACE CORPS

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

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

Sec. 701. Short title.
Sec. 702. Findings.
Sec. 703. Purposes.
Sec. 704. Definitions.
Sec. 705. Establishment and management of the Senator Paul Simon Study Abroad Foundation.
Sec. 706. Establishment and operation of program.
Sec. 707. Annual report.
Sec. 708. Powers of the Foundation; related provisions.
Sec. 709. General personnel authorities.
Sec. 710. GAO review.
Sec. 711. Authorization of appropriations.

TITLE VIII—EXPORT CONTROL REFORM AND SECURITY ASSISTANCE

Subtitle A—Defense Trade Controls Performance Improvement Act of 2009

Sec. 801. Short title.
Sec. 802. Findings.
Sec. 803. Strategic review and assessment of the United States export controls system.
Sec. 804. Performance goals for processing of applications for licenses to export items on United States Munitions List.
Sec. 805. Requirement to ensure adequate staff and resources for the Directorate of Defense Trade Controls of the Department of State.
Sec. 806. Audit by Inspector General of the Department of State.
Sec. 807. Increased flexibility for use of defense trade controls registration fees.
Sec. 808. Review of International Traffic in Arms Regulations and United States Munitions List.
Sec. 809. Special licensing authorization for certain exports to NATO member states, Australia, Japan, New Zealand, Israel, and South Korea.
Sec. 810. Availability of information on the status of license applications under chapter 3 of the Arms Export Control Act.
Sec. 811. Sense of Congress.
Sec. 812. Definitions.
Sec. 813. Authorization of appropriations.

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.
Sec. 827. Review and report of investigations of violations of section 3 of the Arms Export Control Act.
Sec. 828. Report on self-financing options for export licensing functions of DDTC of the Department of State.
Sec. 829. Clarification of certification requirement relating to Israel's qualitative military edge.
Sec. 830. Expediting congressional defense export review period for Israel.
Sec. 831. Updating and conforming penalties for violations of sections 38 and 39 of the Arms Export Control Act.

Subtitle C—Miscellaneous Provisions

Sec. 841. Authority to build the capacity of foreign military forces.
Sec. 842. Foreign Military Sales Stockpile Fund.
Sec. 843. Annual estimate and justification for Foreign Military Sales program.
Sec. 844. Sense of Congress on the global arms trade.
Sec. 845. Report on United States' commitments to the security of Israel.
Sec. 846. War Reserves Stockpile.
Sec. 847. Excess defense articles for Central and South European countries and certain other countries.

TITLE IX—ACTIONS TO ENHANCE THE MERIDA INITIATIVE

Subtitle A—General Provisions

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Sec. 903. Merida Initiative monitoring and evaluation mechanism.
Sec. 904. Merida Initiative defined.

Subtitle B—Prevention of Illicit Trade in Small Arms and Light Weapons

Sec. 911. Task force on the prevention of illicit small arms trafficking in the Western Hemisphere.
Sec. 912. Increase in penalties for illicit trafficking in small arms and light weapons to Mexico.
Sec. 913. Department of State rewards program.
Sec. 914. Statement of Congress supporting United States ratification of CIFTA.

TITLE X—REPORTING REQUIREMENTS

Sec. 1001. Assessment of Special Court for Sierra Leone.
Sec. 1002. Report on United States capacities to prevent genocide and mass atrocities.
Sec. 1003. Reports relating to programs to encourage good governance.
Sec. 1004. Reports on Hong Kong.
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Sec. 1103. Diabetes treatment and prevention and safe water and sanitation for Pacific Island countries.
Sec. 1104. Statelessness.
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Sec. 1106. Transfer of liquidated assets of certain Enterprise Funds to legacy institutions.
Sec. 1107. Limitation on assistance for hurricane preparedness and other weather cooperation activities to countries in the Americas.
Sec. 1108. Statement of Congress regarding Afghan women.
Sec. 1109. Global Peace Operations Initiative programs and activities.
Sec. 1110. Freedom of the press.
Sec. 1111. Information for Country Commercial Guides on business and investment climates.
Sec. 1112. International Protecting Girls by Preventing Child Marriage.
Sec. 1113. Statement of Congress regarding return of portraits of Holocaust victims to artist Dina Babbitt.
Sec. 1114. Statement of policy regarding Somalia.

Subtitle B—Sense of Congress Provisions

Sec. 1121. Promoting democracy and human rights in Belarus.
Sec. 1122. Sense of Congress on the humanitarian situation in Sri Lanka.
Sec. 1123. West Papua.
Sec. 1124. Sense of Congress relating to Soviet nuclear tests and Kazakhstan's commitment to nonproliferation.
Sec. 1125. Sense of Congress on Holocaust-era property restitution and compensation.

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.

TITLE I—AUTHORIZATION OF APPROPRIATIONS

SEC. 101. ADMINISTRATION OF FOREIGN AFFAIRS.

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

(1) DIPLOMATIC AND CONSULAR PROGRAMS.—

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

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

(C) PUBLIC DIPLOMACY.—Of the amounts authorized to be appropriated under subparagraph (A), $500,278,000 for fiscal year 2010,

and such sums as may be necessary for fiscal year 2011 are authorized to be appropriated for pubic diplomacy.

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

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

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

(4) EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS.—

(A) AUTHORIZATION OF APPROPRIATIONS.—For ''Educational and Cultural Exchange Programs'', $633,243,000 for fiscal

year 2010, and such sums as may be necessary for fiscal year 2011.

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

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

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

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

(7) PROTECTION OF FOREIGN MISSIONS AND OFFICIALS.—

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

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

eign missions and officials and recognized by the United States.

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

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

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

(11) OFFICE OF THE INSPECTOR GENERAL.—

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

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

Special Inspector General for Iraq Reconstruction.

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

SEC. 102. INTERNATIONAL ORGANIZATIONS.

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

(b) CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES.—There are authorized to be appropriated for ''Contributions for International Peacekeeping Activities'', $2,260,000,000 for fiscal year 2010, and such sums as may be necessary for fiscal year 2011, for the Department of State to carry out the authorities, func-

tions, duties, and responsibilities of the United States with respect to international peacekeeping activities and to carry out other authorities in law consistent with such purposes.

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

SEC. 103. INTERNATIONAL COMMISSIONS.

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

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

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

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

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

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

(4) INTERNATIONAL FISHERIES COMMISSIONS.—For ''International Fisheries Commissions'', $12,608,000 for fiscal year 2010, and such sums as may be necessary for fiscal year 2011.

SEC. 104. MIGRATION AND REFUGEE ASSISTANCE.

(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for ''Migration and Refugee Assistance'' for authorized activities $1,577,500,000

for fiscal year 2010, and such sums as may be necessary for fiscal year 2011.

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

SEC. 105. CENTERS AND FOUNDATIONS.

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

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

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

TITLE II—DEPARTMENT OF STATE AUTHORITIES AND ACTIVITIES

Subtitle A—Basic Authorities and Activities

SEC. 201. INTERNATIONAL LITIGATION FUND.

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

SEC. 202. ACTUARIAL VALUATIONS.

The Foreign Service Act of 1980 is amended—

(1) in section 818 (22 U.S.C. 4058)—

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

(B) by amending the second sentence to read as follows: ''The Secretary of State is authorized to expend from money to the credit of the Fund such sums as may be necessary to administer the provisions of this chapter, including actuarial advice, but only to the extent and

in such amounts as are provided in advance in appropriations acts.'';

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

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

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

(A) by striking ''Secretary of the Treasury'' and inserting instead ''Secretary of State''; and

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

SEC. 203. SPECIAL AGENTS.

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

''(1) conduct investigations concerning—

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

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

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

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

SEC. 204. REPATRIATION LOANS.

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

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

Subtitle B—Public Diplomacy at the Department of State

SEC. 211. CONCENTRATION OF PUBLIC DIPLOMACY RESPONSIBILITIES.

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

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

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

''(e) CONCENTRATION OF PUBLIC DIPLOMACY RESPONSIBILITIES.—

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

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

''(A) IN GENERAL.—The Secretary shall, subject to the direction of the President, establish a working group of the heads of the Federal agencies referred to in subsection (b)(1)

and should seek to convene such group not less often than once every three months to carry out the requirement specified in paragraph (1) of this subsection.

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

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

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

specified in paragraph (1) of this subsection. The designee of the Secretary shall have primary responsibility for such ongoing consultations and coordination.

"(3) REPORTS REQUIRED.—

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

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

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

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

SEC. 212. ESTABLISHMENT OF PUBLIC DIPLOMACY RESERVE CORPS.

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

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

(1) the Foreign Service should recruit individuals with professional experience relevant to public diplomacy, and provide training and mentoring to cultivate their skills in order to build up the corps of professionals in the public diplomacy cone; and

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

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

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

"(1) IN GENERAL.—The Secretary of State is authorized to establish in the Foreign Service a Public Diplomacy Reserve Corps consisting of mid- and senior-level former Foreign Service officers and

other individuals with experience in the private or public sector relevant to public diplomacy, to serve for a period of six months to two years in postings abroad.

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

SEC. 213. ENHANCING UNITED STATES PUBLIC DIPLOMACY OUTREACH.

(a) FINDINGS.—Congress finds the following:

(1) The platform strategy for United States public diplomacy programs has changed dramatically with events of the past decade. The United States Government used to operate hundreds of free-standing facilities around the world, known as "American Centers" or "America Houses", that offered venues for cultural and educational events as well as access to books, magazines, films, and other selected materials about the United States. The consolidation of the United States Information Agency (USIA) into the Department of State accelerated the post-Cold

1 War process of closing these facilities, and the dead-
2 ly attacks on United States embassies in Tanzania
3 and Kenya prompted the imposition of security re-
4 quirements under law that included co-locating
5 United States Government employees in hardened
6 embassy compounds.

7 (2) Information Resource Centers, which offer
8 library services and space for public events, that are
9 now located in embassy compounds allow limited ac-
10 cess—and in some cases, none whatsoever—by the
11 public, and half of them operate on a ''by appoint-
12 ment only'' basis. ''American Corner'' facilities, op-
13 erated by local contacts in university or public li-
14 braries in some countries, are no substitute for a
15 designated venue recognized as a resource for infor-
16 mation on United States culture and education
17 staffed by a knowledgeable representative of the em-
18 bassy.

19 (b) PARTNERSHIP ARRANGEMENTS TO FURTHER
20 PUBLIC DIPLOMACY AND OUTREACH.—Recognizing the
21 security challenges of maintaining free-standing public di-
22 plomacy facilities outside of embassy compounds, the Sec-
23 retary of State shall consider new partnership arrange-
24 ments with local or regional entities in foreign countries
25 that can operate free-standing American Centers in areas

well-trafficked by a cross-section of people in such countries, including in downtown storefronts, health care clinics, and other locations that reach beyond library patrons and university students. Where such partnership arrangements currently exist, the Secretary shall evaluate the efficacy of such partnership arrangements and determine whether such partnership arrangements can provide a model for public diplomacy facilities outside of embassy and consulate compounds elsewhere. Not later than 180 days after the date of the enactment of this Act, the Secretary shall brief the appropriate congressional committees on the evaluation and determinations described in the preceding sentence.

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

that Act with respect to the location of certain United States diplomatic facilities in foreign countries.

SEC. 214. PUBLIC DIPLOMACY RESOURCE CENTERS.

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

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

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

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

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

(b) OPERATION OF LIBRARIES.—

(1) IN GENERAL.—The Secretary of State shall ensure that libraries and resource centers established and maintained in accordance with subparagraph (F) of section 1(b)(3) of the State Department Basic Authorities Act of 1956 (as added by subsection (a)(3) of this section) are open to the general public to the greatest extent practicable,

subject to policies and procedures established by the Secretary to ensure the safety and security of United States diplomatic and consular missions and of United States officers, employees, and personnel posted at such missions at which such libraries are located.

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

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

(d) AUTHORIZATION OF APPROPRIATIONS.—From amounts authorized to be appropriated for Diplomatic and

1 Consular Programs pursuant to section 101(1)(A), there
2 is authorized to be appropriated to the Secretary of State
3 such sums as may be necessary for each of fiscal years
4 2010 and 2011 to carry out this section.

5 **SEC. 215. GRANTS FOR INTERNATIONAL DOCUMENTARY**
6 **EXCHANGE PROGRAMS.**

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

8 (1) Since September 11, 2001, a distorted per-
9 ception of the United States has grown abroad, even
10 as many Americans struggle to understand the in-
11 creasingly complex world beyond the borders of the
12 United States.

13 (2) This public diplomacy crisis poses an ongo-
14 ing threat to United States security, diplomatic rela-
15 tions, commerce, and citizen-to-citizen relationships
16 between the United States and other countries.

17 (3) Independently produced documentary films
18 have proven to be an effective means of commu-
19 nicating United States ideas and values to popu-
20 lations of other countries.

21 (4) It is in the interest of the United States to
22 provide assistance to United States nongovernmental
23 organizations that produce and distribute independ-
24 ently produced documentary films.

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

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

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

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

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

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

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

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

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

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

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

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

(b) STUDY AND REPORT.—Section 604(c)(2) of the United States Information and Educational Exchange Act

of 1948 (22 U.S.C. 1469(c)) is amended to read as follows:

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

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

"(C) Upon request of the Commission, the Secretary, the Chair of the Broadcasting Board of Governors, and the head of any other Federal agency that conducts public diplomacy or strategic communications activities shall provide to the Commission

information to assist the Commission in carrying out its responsibilities under this paragraph.''.

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

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

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

SEC. 217. SPECIAL OLYMPICS.

(a) FINDINGS.—Congress finds the following:

(1) Special Olympics International has been recognized for more than four decades as the world leader in providing life-changing sports training and

1 competition experiences for persons with intellectual
2 disabilities at all levels of severity.
3 (2) While Special Olympics sports programming
4 is widely respected around the world, less well-known
5 are a number of supporting initiatives targeted to
6 changing attitudes toward people with intellectual
7 disabilities, developing leaders among the intellectual
8 disability population, supporting families of people
9 with these disabilities, improving access to health
10 services, and enhancing government policies and pro-
11 grams for people with intellectual disabilities.
12 (3) Special Olympics has documented the chal-
13 lenge of ignorance and poor attitudes toward intel-
14 lectual disability worldwide and its capacity to
15 change discriminatory attitudes to understanding,
16 acceptance, and advocacy for people with intellectual
17 disabilities. It does so through an array of edu-
18 cational and attitude change activities that affect
19 multiple levels of society. These activities have re-
20 ceived financial support from the Bureau of Edu-
21 cational and Cultural Affairs (ECA) of the Depart-
22 ment of State, among other sources.
23 (b) ADMINISTRATION OF PROGRAM.—Section 3(b) of
24 the Special Olympics Sport and Empowerment Act of
25 2004 (Public Law 108–406) is amended, in the matter

preceding paragraph (1) by striking ''Secretary of State'' and inserting ''Secretary of State, acting through the Assistant Secretary of State for Educational and Cultural Affairs''.

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

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

(1) in subsection (g)—

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

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

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

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

(a) PILOT PROGRAM ESTABLISHED.—As part of the educational and cultural exchange programs of the Department of State, the Secretary of State shall establish

1 a pilot program for fiscal years 2010 and 2011 to award
2 scholarships to undergraduate and graduate students from
3 Central Asia for public policy internships in the United
4 States. Subject to the availability of appropriations, for
5 each fiscal year not more than 50 students may partici-
6 pate in the program established under this section.

7 (b) GENERAL PROVISIONS.—

8 (1) IN GENERAL.—Except as otherwise pro-
9 vided in this section, the program established pursu-
10 ant to subsection (a) shall be carried out under ap-
11 plicable provisions of the United States Information
12 and Educational Exchange Act of 1948 (22 U.S.C.
13 1431 et seq.) and the Mutual Educational and Cul-
14 tural Exchange Act of 1961 (22 U.S.C. 2451 et
15 seq.; also referred to as the ''Fulbright-Hays Act'').

16 (2) SCHOLARSHIP ELIGIBILITY REQUIRE-
17 MENTS.—In addition to such other requirements as
18 may be established by the Secretary of State, a
19 scholarship recipient under this section—

20 (A) shall be proficient in the English lan-
21 guage;

22 (B) shall be a student at an undergraduate
23 or graduate school level at an accredited insti-
24 tution of higher education with a record of out-

1 standing academic achievement and dem-
2 onstrated intellectual abilities;
3 (C) may not have received an academic
4 scholarship or grant from the United States
5 Government in the three years preceding the
6 award of a scholarship under this section; and
7 (D) may not be or have been a member of
8 a foreign terrorist organization (as designated
9 by the Secretary of State in accordance with
10 section 219(a) of the Immigration and Nation-
11 ality Act (8 U.S.C. 1189(a))) or involved in or-
12 ganized crime.
13 (3) INTERNSHIPS.—Internships under this sec-
14 tion shall be for periods of not more than six
15 months.
16 (4) PRIORITY CONSIDERATION.—In the award
17 of internships under this section, the Secretary of
18 State shall give priority consideration to students
19 who are underprivileged or members of ethnic, reli-
20 gious, or cultural minorities.
21 (5) CENTRAL ASIA DEFINED.—For the pur-
22 poses of this section, the term ''Central Asia'' means
23 the countries of Kazakhstan, Kyrgyzstan, Tajikistan,
24 Turkmenistan, and Uzbekistan.

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

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

(a) FINDINGS.—Congress finds the following:

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

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

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

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

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

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

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

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

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

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

(c) FUNDING.—

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

for the United States-South Pacific Scholarship Program.

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

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

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

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

(a) DEFINITIONS.—In this section:

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

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

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

(2) CARICOM COUNTRY.—The term "CARICOM country"—

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

(B) does not include—

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

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

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

1 (4) UNITED STATES COOPERATING AGENCY.—
2 The term ''United States cooperating agency''
3 means—
4 (A) an institution of higher education (as
5 such term is defined in section 101(a) of the
6 Higher Education Act of 1965 (20 U.S.C.
7 1001(a))), including, to the maximum extent
8 practicable, a historically Black college or uni-
9 versity that is a part B institution (as such
10 term is defined in section 322(2) of such Act
11 (20 U.S.C. 1061(2))) or a Hispanic-serving in-
12 stitution (as such term is defined in section
13 502(5) of such Act (20 U.S.C. 1101a(5)));
14 (B) a higher education association;
15 (C) a nongovernmental organization incor-
16 porated in the United States; or
17 (D) a consortium consisting of two or more
18 such institutions, associations, or nongovern-
19 mental organizations.
20 (b) PROGRAM AUTHORIZED.—The Secretary of State
21 is authorized to establish an educational exchange pro-
22 gram between the United States and CARICOM countries,
23 to be known as the ''Shirley A. Chisholm United States-
24 Caribbean Educational Exchange Program'', under
25 which—

(1) secondary school students from CARICOM countries will—

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

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

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

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

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

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

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

the program and 60 percent of scholarships offered under the program should be based on financial need.

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

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

(4) The program will limit participation to—

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

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

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

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

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

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

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

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

(e) MONITORING AND EVALUATION OF PROGRAM.—

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

1 viating brain drain from the participating
2 CARICOM countries.
3 (2) REQUIREMENTS.—In carrying out para-
4 graph (1), the Secretary shall review on a regular
5 basis—
6 (A) financial information relating to the
7 program;
8 (B) budget plans for the program;
9 (C) adjustments to plans established for
10 the program;
11 (D) graduation rates of participants in the
12 program;
13 (E) the percentage of participants who are
14 students described in subsection (b)(1) who
15 pursue higher education;
16 (F) the percentage of participants who re-
17 turn to their home country or another
18 CARICOM country;
19 (G) the types of careers pursued by par-
20 ticipants in the program and the extent to
21 which such careers are linked to the political,
22 economic, and social development needs of
23 CARICOM countries; and
24 (H) the impact of gender, country of ori-
25 gin, financial need of students, and other rel-

evant factors on the data collected under subparagraphs (D) through (G).

(f) REPORTING REQUIREMENTS.—

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

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

(A) a plan for selecting participants in the program, including an estimate of the number of secondary school students, undergraduate students, graduate students, post-graduate students, and scholars from each country, by educational level, who will be selected as participants in the program for each fiscal year;

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

(C) a financial plan that—

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

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

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

(3) UPDATES OF REPORT.—

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

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

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

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

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

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

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

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

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

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

(b) PROGRAM.—

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

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

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

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

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

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

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

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

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

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

SEC. 225. PUBLIC DIPLOMACY PLAN FOR HAITI.

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

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

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

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

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

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

(a) IN GENERAL.—Section 204 of the Vietnam Education Foundation Act of 2000 (Public Law 106–554) is amended to read as follows:

"SEC. 204. ESTABLISHMENT.

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

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

"SEC. 205. VIETNAM EDUCATION FOUNDATION ADVISORY COMMITTEE.

"(a) ESTABLISHMENT.—

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

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

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

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

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

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

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

"(3) APPOINTMENT OF INCUMBENT MEMBERS OF BOARD OF DIRECTORS.—Members appointed to the Advisory Committee under paragraph (2) may include individuals who were members of the Board

of Directors of the Foundation on the date immediately preceding the date of the enactment of the Vietnam Education Foundation Amendments Act of 2008.

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

(c) APPOINTMENT OF EXECUTIVE DIRECTOR.—Subsection (a) of section 208 of such Act is amended, in the first sentence, by striking ''shall be appointed'' and inserting ''may be appointed''.

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

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

(1) in section 203—

(A) by striking paragraph (1);

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

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

''(3) SECRETARY.—The term 'Secretary' means the Secretary of State.'';

(2) in section 208—

(A) in subsection (a)—

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

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

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

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

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

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

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

(3) by adding at the end the following:

1 "(10) programs administered by the Vietnam
2 Education Foundation.".
3 (g) TRANSFER OF FUNCTIONS.—All functions and
4 assets of the Vietnam Education Foundation are trans-
5 ferred to the Bureau of Educational and Cultural Affairs
6 of the Department of State. The Assistant Secretary for
7 Educational and Cultural Affairs may hire personnel who
8 were employed by the Vietnam Education Foundation on
9 the date before the date of the enactment of this Act, and
10 such other personnel as may be necessary to support the
11 Foundation, in accordance with part III of title 5, United
12 States Code.
13 (h) SUPPORT FOR INSTITUTIONAL DEVELOPMENT IN
14 VIETNAM.—
15 (1) GRANTS AUTHORIZED.—The Secretary of
16 State, acting through the Assistant Secretary for
17 Educational and Cultural Affairs, is authorized to
18 award 1 or more grants to institutions of higher
19 education (as defined in section 101(a) of the High-
20 er Education Act of 1965 (20 U.S.C. 1001(a))),
21 which shall be used to implement graduate-level aca-
22 demic management programs in Vietnam. Such pro-
23 grams shall—
24 (A) respond to pressing needs of Viet-
25 namese society;

(B) feature both teaching and research components;

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

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

(E) enjoy legal autonomy from the Vietnamese government.

(2) APPLICATION.—

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

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

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

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

Subtitle C—Consular Services and Related Matters

SEC. 231. PERMANENT AUTHORITY TO ASSESS PASSPORT SURCHARGE.

Section 1 of the Passport Act of June 4, 1920 (22 U.S.C. 214), is amended by—

(1) striking subsection (b)(2); and

(2) redesignating subsection (b)(3) as subsection (b)(2).

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

It is the sense of Congress that in light of serious problems with human trafficking as well as the exceptionally high volume of applications by citizens of Moldova to the United States Summer Work Travel program, the Secretary of State should make every effort to enhance consular services at the United States embassy in Chisinau, Moldova, including considering assigning an additional consular officer to such post.

SEC. 233. REFORMING REFUGEE PROCESSING.

(a) REFORM OF THE WORLDWIDE PROCESSING PRIORITY SYSTEM.—

1 (1) IN GENERAL.—The Secretary of State shall
2 revise the system for processing refugees for admis-
3 sion to the United States to prioritize particularly
4 vulnerable refugees who are most urgently in need of
5 resettlement.
6 (2) EMBASSY AND NGO REFERRALS.—The Sec-
7 retary of State shall establish a training and imple-
8 mentation plan, including training of United States
9 embassy and consular personnel, for ensuring that
10 all United States embassies and consulates are
11 equipped and enabled to refer aliens in need of re-
12 settlement to the United States refugee admissions
13 program. The Secretary shall also establish a system
14 to provide ongoing regional support, training, and
15 communication with nongovernmental organizations
16 that provide assistance to displaced and persecuted
17 persons to enable such organizations to refer aliens
18 in need of resettlement to the United States refugee
19 admissions program.
20 (3) OVERSEAS REFUGEE PROCESSING.—On or
21 before October 1, 2011, the Secretary of State shall
22 ensure that any agreement, contract, or other ar-
23 rangement with an organization to process refugee
24 applicants overseas for admission to the United
25 States shall be granted through a competitive proc-

ess among nongovernmental organizations with experience in the processing or resettlement of refugees in the United States. The Secretary may waive such requirement if the Secretary determines that no qualifying organization is available, competent, and authorized to operate in the country at issue or that no such organization is willing or able to do so in a cost-effective manner.

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

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

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

(c) FAMILY REUNIFICATION.—

(1) MULTIPLE FORMS OF RELIEF.—Applicants for admission as refugees shall be permitted to si-

multaneously pursue admission under any other visa categories for which such applicants may be eligible.

(2) SEPARATED CHILDREN.—In the case of a child who has been separated from the birth or adoptive parents of such child and who is living in a country of asylum under the care of an alien who has been approved for admission to the United States as a refugee, such child shall be, if in the best interest of the child, deemed an unaccompanied refugee minor eligible for admission to the United States and considered for placement with such alien in the United States. Upon the child's admission to the United States, such admission shall be charged against the numerical limitation established in accordance with the appropriate section of the Immigration and Nationality Act under which such alien's admission is charged.

(3) CHILDREN OF REFUGEE SPOUSES.—For the purposes of sections 207(c)(2)(A) and 208(b)(3) of the Immigration and Nationality Act (8 U.S.C. 1157(c)(2)(A) and 1158(b)(3)), the child of an alien who qualifies for admission as a spouse under such sections shall be entitled to the same admission status as such spouse if accompanying, or following to

1 join, such spouse and if such child is otherwise ad-
2 missible as provided in such sections.
3 (d) ERMA ACCOUNT.—Section 2 of the Migration
4 and Refugee Assistance Act of 1962 (22 U.S.C. 2601) is
5 amended—
6 (1) in subsection (c)—
7 (A) in paragraph (1), by striking ''Presi-
8 dent'' and inserting ''Secretary of State''; and
9 (B) in paragraph (2), in the second
10 sentence—
11 (i) by striking ''to the President''; and
12 (ii) by striking ''100,000,000'' and in-
13 serting ''$200,000,000''; and
14 (2) in subsection (d), by striking ''President''
15 and inserting ''Secretary of State''.
16 (e) AUTHORIZATION OF APPROPRIATIONS.—
17 (1) IN GENERAL.—There is authorized to be
18 appropriated such sums as may be necessary to
19 carry out this section, including the amendments
20 made by this section.
21 (2) RULE OF CONSTRUCTION.—Nothing in this
22 section may be construed to reduce funds or services
23 for other refugee assistance or resettlement.
24 (f) EFFECTIVE DATE.—This section, and the amend-
25 ments made by this section, shall take effect on the first

day of the first fiscal year that begins after the date of the enactment of this section.

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

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

(b) DESIGN AND IMPLEMENTATION.—In designing and implementing the training programs referred to in subsection (a), the Secretary shall ensure that nongovernmental organizations with direct ties to the United States refugee resettlement program are utilized in such training programs.

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

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

(1) TIMELINE FOR IMPLEMENTATION.—Not later than one year after the date of the enactment of this Act, the Secretary shall ensure that such training programs are operating in at least one overseas refugee processing region, and not later than two years after the date of the enactment of this Act, such training programs are operating in each of the five overseas refugee processing regions.

(2) REPORT TO CONGRESS.—Not later than 18 months after the date of the enactment of this Act, the Secretary shall submit to the appropriate congressional committees a report on the implementation of this section.

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

SEC. 235. IRAQI REFUGEES AND INTERNALLY DISPLACED PERSONS.

(a) IN GENERAL.—The President shall develop and implement policies and strategies to address the protection, resettlement, and assistance needs of Iraqi refugees and internally displaced persons (IDPs), foster long-term solutions for stabilizing the lives of such refugees and IDPs, monitor the development and implementation of as-

1 sistance strategies to countries in the Middle East that
2 are hosting refugees from Iraq, encourage the Government
3 of Iraq to actively engage the problem of displaced persons
4 and refugees and monitor its resolution of the problem,
5 and ensure that budget requests to Congress are sufficient
6 to meet an appropriate United States contribution to the
7 needs of Iraqi refugees, IDPs within Iraq, and other refu-
8 gees in Iraq.

9 (b) INTERAGENCY PROCESS.—

10 (1) IN GENERAL.—The President shall establish
11 an interagency working group to carry out the goals
12 of subsection (a) by facilitating interagency coordi-
13 nation to develop and implement policies to address
14 the needs of Iraqi refugees and IDPs.

15 (2) COMPOSITION.—The interagency working
16 group shall consist of appropriate high-ranking offi-
17 cials from the National Security Council, the De-
18 partment of State, the Department of Homeland Se-
19 curity, the United States Agency for International
20 Development, and such other agencies as the Presi-
21 dent may determine.

22 (3) ROLE OF SECRETARY OF STATE.—The Sec-
23 retary of State shall serve as principal liaison with
24 the Government of Iraq, its neighboring refugee
25 hosting countries, and the international community

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

(c) INCREASE IN REFUGEE PROCESSING CAPACITY.—The Secretary of State should, subject to the availability of appropriations for such purpose, seek to substantially increase in fiscal year 2010 the resources available to support the processing of such applicants in Iraq.

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

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

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

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

1 (e) STATEMENT OF POLICY REGARDING ENCOUR-
2 AGING VOLUNTARY RETURNS.—It shall be the policy of
3 the United States to encourage Iraqi refugees to return
4 to Iraq only when conditions permit safe, sustainable re-
5 turns on a voluntary basis with the coordination of the
6 UNHCR and the Government of Iraq.

7 (f) INTERNATIONAL COOPERATION.—The Secretary
8 of State shall work with the international community, in-
9 cluding governments hosting the refugees, international
10 organizations, nongovernmental organizations, and do-
11 nors, to develop a long-term, comprehensive international
12 strategy for assistance and solutions for Iraqi refugees
13 and IDPs, and to provide—

14 (1) a comprehensive assessment of the needs of
15 Iraqi refugees and IDPs, and the needs of the popu-
16 lations that host such refugees and IDPs;

17 (2) assistance to international organizations as-
18 sisting IDPs and vulnerable persons in Iraq and
19 Iraqi refugees in neighboring countries, including
20 through resettlement;

21 (3) assistance to international organizations
22 and other relevant entities, including such organiza-
23 tions and entities providing psychosocial services and
24 cash assistance, and such organizations and entities
25 facilitating voluntary returns of displaced persons;

1 (4) technical assistance to the Government of
2 Iraq to establish better systems for meeting the
3 needs of Iraqi IDPs and refugees, and to other gov-
4 ernment entities, international organizations, or non-
5 governmental organizations developing legal frame-
6 works and systems to resolve land and housing claim
7 disputes, including restitution;
8 (5) enhanced residency protections and opportu-
9 nities for Iraqi refugees to work legally; and
10 (6) increased transparency on behalf of host
11 governments, international organizations, and non-
12 governmental organizations that receive assistance
13 for Iraqi refugees and IDPs.
14 (g) ENHANCED ACCOUNTING.—To better assess the
15 benefits of United States assistance to Iraqi refugees and
16 IDPs, the Secretary of State, in coordination with the Ad-
17 ministrator of the United States Agency for International
18 Development, as appropriate, shall—
19 (1) develop performance measures to fully as-
20 sess and report progress in achieving United States
21 goals and objectives for Iraqi refugees and IDPs;
22 and
23 (2) track and report funding apportioned, obli-
24 gated, and expended for Iraqi refugee programs in

1 Jordan, Syria, Lebanon, and the other host coun-
2 tries, to the extent practicable.
3 (h) REPORT TO CONGRESS.—Not later than 90 days
4 after the date of the enactment of this Act and annually
5 thereafter through 2011, the President shall transmit to
6 the appropriate congressional committees a report on the
7 implementation of this section. Such report shall include—
8 (1) information concerning assistance and fund-
9 ing to host countries and international organizations
10 and nongovernmental organizations;
11 (2) information concerning measures taken by
12 the United States to increase its capabilities to proc-
13 ess Iraqi refugees for resettlement, especially from
14 inside Iraq;
15 (3) an evaluation of the effectiveness of meas-
16 ures implemented by agencies of the Government of
17 Iraq to assist Iraqi refugees, IDPs, and other vul-
18 nerable persons and to facilitate the safe and vol-
19 untary return of refugees;
20 (4) an accounting of past expenditures and a
21 report on plans for expenditures by the Government
22 of Iraq on Iraqi refugees and IDPs; and
23 (5) information gathered in fulfillment of sub-
24 section (g).

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

SEC. 236. VIDEOCONFERENCE INTERVIEWS.

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

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

SEC. 237. TIBET.

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

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

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

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

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

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

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

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

''(d) UNITED STATE ASSISTANCE.—The President shall provide grants to nongovernmental organizations to support sustainable economic development, cultural and historical preservation, health care, education, and environmental sustainability projects for Tibetan communities

in the Tibet Autonomous Region and in other Tibetan communities in China, in accordance with the principles specified in subsection (e) and subject to the review and approval of the Special Coordinator for Tibetan Issues under section 621(d).''.

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

(1) in subsection (d)—

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

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

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

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

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

''(e) PERSONNEL.—The Secretary shall assign dedicated personnel to the Office of the Special Coordinator for Tibetan Issues sufficient to assist in the management of the responsibilities of this section and section 616(d)(2).''.

(d) DIPLOMATIC REPRESENTATION RELATING TO TIBET.—

(1) UNITED STATES EMBASSY IN BEIJING.—

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

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

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

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

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

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

TITLE III—ORGANIZATION AND PERSONNEL AUTHORITIES

Subtitle A—Towards Modernizing the Department of State

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

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

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

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

(3) ensure that before being assigned to assignments requiring new or improved skills, members of the Foreign Service receive language, security, area, and other training that is necessary to successfully execute their responsibilities and to enable such members to obtain advanced and other education that will increase the capacity of the Foreign Service to complete its mission.

(b) AUTHORIZED INCREASES.—

(1) AT THE DEPARTMENT OF STATE.—The Secretary of State is authorized to hire an additional 750 members of the Foreign Service (above attrition) in fiscal year 2010 over the number of such members employed as of September 30, 2009, and an additional 750 members of the Foreign Service (above attrition) in fiscal year 2011 over the number of such members employed as of September 30, 2010.

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

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

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

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

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

''(2) work actively to prevent, mitigate, and respond in a timely manner to international crises and instability in foreign countries that threaten the key

United States foreign policy and national security interests;''.

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

(1) by inserting ''(1)'' before ''The Secretary''; and

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

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

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

1 administrative review process for medical ineli-
2 gibility determinations.
3 ''(C) The Secretary may also waive or re-
4 duce the worldwide availability requirement
5 under subparagraph (A) if the Secretary deter-
6 mines, in the Secretary's discretion, that such
7 waiver or reduction is warranted.''.
8 (e) RECRUITING CANDIDATES WHO HAVE EXPERI-
9 ENCE IN UNSTABLE SITUATIONS.—Section 301 of the
10 Foreign Service Act of 1980 (22 U.S.C. 3941), as amend-
11 ed by section 212(c) of this Act, is further amended by
12 adding at the end the following new subsection:
13 ''(f) The fact that an applicant for appointment as
14 a Foreign Service officer candidate has the experience of
15 working in situations where public order has been under-
16 mined by instability, or where there is no civil authority
17 that can effectively provide public safety, may be consid-
18 ered an affirmative factor in making such appointments.''.
19 (f) TRAINING.—Section 708 of the Foreign Service
20 Act of 1980 (22 U.S.C. 4028) is amended by adding at
21 the end the following new subsections:
22 ''(c) The Secretary of State shall ensure that mem-
23 bers of the Service receive training on methods for conflict
24 mitigation and resolution and on the necessary skills to
25 be able to function successfully where public order has

been undermined by instability or where there is no civil authority that can effectively provide public safety.

''(d) The Secretary of State shall ensure that members of the Service have opportunities during their careers to obtain advanced education and training in academic and other relevant institutions in the United States and abroad to increase the capacity of the Service to fulfill its mission.''.

SEC. 302. QUADRENNIAL REVIEW OF DIPLOMACY AND DEVELOPMENT.

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

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

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

(B) A description of the roles of civilian agencies and mechanisms for implementing

such strategy, including interagency coordination.

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

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

(E) Budget requirements to carry out such strategy.

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

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

(b) REVIEW REQUIRED.—

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

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

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

(B) A review of the roles and responsibilities of Federal departments and agencies in carrying out the strategy described in subsection (a) and the mechanisms for cooperation between such departments and agencies, including the coordination of such departments and agencies and the relationship between the prin-

cipal offices of such departments and agencies and offices defining sufficient capacity, resources, overseas infrastructure, budget plan, and other elements of United States diplomacy and development of the United States that would be required to have a high level of confidence that the United States can successfully execute the full range of missions called for in such strategy.

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

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

(3) INTERAGENCY COORDINATION AND CONSULTATION.—

(A) IN GENERAL.—Each Quadrennial Review of Diplomacy and Development shall take

1 into account the views of the Secretary of State,
2 the Administrator of the United States Agency
3 for International Development, the Secretary of
4 Defense, the Secretary of the Treasury, the
5 United States Trade Representative, and the
6 head of any other relevant agency.
7 (B) DELEGATION.—If the President dele-
8 gates the requirements of this section, the head
9 of the Federal department or agency to whom
10 such delegation is made shall consult with each
11 official specified in subparagraph (A).
12 (c) CONSULTATION WITH OUTSIDE STAKE-
13 HOLDERS.—In developing the strategy required under
14 subsection (a) and conducting the review required under
15 subsection (b), the President shall consult with private
16 businesses, non-governmental organizations involved in di-
17 plomacy and development, and experts at academic insti-
18 tutions or institutions involved in the study of foreign pol-
19 icy or development matters.
20 (d) QRDD AND CONGRESSIONAL COMMITTEES.—
21 (1) CONSULTATION.—In developing the strat-
22 egy required under subsection (a) and conducting
23 the review required under subsection (b), the Presi-
24 dent shall consult with the appropriate congressional
25 committees.

(2) REPORT.—The President shall transmit to the appropriate congressional committees a report on each Quadrennial Review of Diplomacy and Development. The report shall be submitted in the year following the year in which such a Quadrennial Review is conducted, but not later than the date on which the President submits the budget for the next fiscal year to Congress under section 1105(a) of title 31, United States Code. The report shall include the following:

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

(B) The assumed or defined objectives and missions that inform the national strategy for

1 United States foreign policy and foreign assist-
2 ance policies and programs.
3 (C) The threats to the assumed or defined
4 objectives and missions of the United States
5 that were examined for the purposes of such a
6 Quadrennial Review.
7 (D) The assumptions used in such a Quad-
8 rennial Review, including assumptions relating
9 to—
10 (i) the capacity of United States dip-
11 lomatic and development personnel to re-
12 spond to such threats;
13 (ii) the cooperation and capacity of al-
14 lies, other friendly countries, and inter-
15 national institutions in addressing such
16 threats;
17 (iii) levels of engagement in oper-
18 ations other than war and smaller-scale
19 contingencies and withdrawal from such
20 operations and contingencies; and
21 (iv) the intensity, duration, and mili-
22 tary and political end-states of conflicts
23 and smaller-scale contingencies that arise
24 in the diplomatic and development context.

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

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

(G) Any other matter the Secretary considers appropriate.

(e) INDEPENDENT PANEL ASSESSMENT.—

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

(2) REPORT ON ASSESSMENT.—Not later than three months after the date on which the report on such a Quadrennial Review is transmitted under subsection (d), the panel established under paragraph (1) shall submit to the appropriate congressional committees an assessment of such a Quadren-

nial Review, including an assessment of the recommendations of such a Quadrennial Review, the stated and implied assumptions incorporated in such a Quadrennial Review, and the vulnerabilities of the strategy underlying such a Quadrennial Review.

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

SEC. 303. ESTABLISHMENT OF THE LESSONS LEARNED CENTER.

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

(b) PURPOSE.—The purpose of the LLC is to increase, enhance, and sustain the ability of the Department

of State and USAID to effectively carry out their missions by devising a system for the collection, analysis, archiving, and dissemination of lessons learned, improving information sharing and learning capacity, and enabling, encouraging, and rewarding critical, innovative analysis.

(c) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees a report on the status of efforts to establish the LLC. The report shall include recommendations—

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

(A) how to encourage service in the LLC;

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

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

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

(E) physical structure of the LLC; and

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

(d) DEFINITIONS.—In this section:

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

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

SEC. 304. LOCALLY EMPLOYED STAFF COMPENSATION.

(a) FINDINGS.—Congress finds the following:

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

(2) The locally employed staff is the backbone of diplomatic operations, providing management, programmatic, security, maintenance, custodial, and

other services wherever the Department of State has established an overseas post.

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

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

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

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

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

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

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

(2) The Office of Management, Policy, Rightsizing and Innovation, in coordination with the

1 Bureau of Human Resources and the Bureau of Re-
2 source Management, should ensure that the working
3 group on locally employed staff compensation re-
4 views the connectivity between the activities of the
5 Office of Overseas Employment and the Office of
6 State Programs, Operations and Budget in the Bu-
7 reau of Resource Management, and makes and dis-
8 tributes written, documented determinations as to
9 the data used by the two offices to make estimates
10 of locally employed staff compensation adjustments,
11 the timing of these activities, and the responsibility
12 each office has for tracking implementation of locally
13 employed staff compensation adjustments.
14 (3) The Bureau of Human Resources, in co-
15 ordination with the Office of Management, Policy,
16 Rightsizing and Innovation, should implement a lo-
17 cally employed staff compensation review process
18 whereby the Office of Overseas Employment in the
19 Bureau of Human Resources reviews and adjust
20 each post's salary schedule every five years based on
21 a recent salary survey. During the intervening years,
22 the Department should authorize cost-of-living (or
23 inflation) adjustments based on reliable inflation
24 data.

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

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

should replace the current practice of communicating salary review information by cable.

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

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

(8) The Office of Management, Policy, Rightsizing and Innovation should ensure that the working group on locally employed staff compensa-

tion considers the possibility of centralizing decision making for locally employed staff salary increases, and, whether such is eventually implemented or not, make a determination as to its value, document the decision in writing, and distribute the decision widely in the Department of State.

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

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

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

(c) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall

1 submit to the appropriate committees a report on the im-
2 plementation of this section, including a review of efforts
3 to implement the recommendations of the Office of the
4 Inspector General of the Department of State specified in
5 subsection (b).

6 Subtitle B—Foreign Service Pay
7 Equity and Death Gratuity

8 **SEC. 311. SHORT TITLE.**

9 This subtitle may be cited as the ''Foreign Service
10 Overseas Pay Equity Act of 2009''.

11 **SEC. 312. OVERSEAS COMPARABILITY PAY ADJUSTMENT.**

12 (a) OVERSEAS COMPARABILITY PAY ADJUSTMENT.—
13 (1) IN GENERAL.—Chapter 4 of the Foreign
14 Service Act of 1980 (22 U.S.C. 3961 and following)
15 is amended by adding at the end the following:

16 **''SEC. 415. OVERSEAS COMPARABILITY PAY ADJUSTMENT.**

17 ''(a) IN GENERAL.—A member of the Service who is
18 designated class 1 or below for purposes of section 403
19 and whose official duty station is neither in the continental
20 United States nor in a non-foreign area shall receive, in
21 accordance with the phase-in schedule set forth in sub-
22 section (c), a locality-based comparability payment (stated
23 as a percentage) equal to the locality-based comparability
24 payment (stated as a percentage) that would be provided
25 under section 5304 of title 5, United States Code, if such

member's official duty station were in the District of Columbia.

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

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

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

"(B) for purposes of chapter 8; and

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

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

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

"(2) beginning on the first day of the first pay period in April 2010, be equal to 66.67 percent of

the payment which would otherwise apply under subsection (a); and

"(3) beginning on the first day of the first pay period in fiscal year 2012 and each subsequent fiscal year, be equal to the payment determined under subsection (a).

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

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

"SEC. 415. OVERSEAS COMPARABILITY PAY ADJUSTMENT.".

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

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

(A) in paragraph (1)—

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

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

(B) in paragraph (2)—

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

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

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

(2) COMPUTATION OF ANNUITIES.—Section 806(a)(9) of such Act (22 U.S.C. 4046(a)(9)) is amended by striking ''is outside the continental United States shall'' and inserting ''was outside the continental United States during the period beginning on December 29, 2002, and ending on the day before the first day of the first pay period beginning on or after October 1, 2011 (or during any portion thereof), shall, to the extent that such computation is based on the basic salary or basic pay of such member for such period (or portion thereof),''.

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

(A) by striking ''section 8414'' and inserting ''section 8415''; and

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

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

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

''Percentage	**Time Period**
7.5	Before January 1, 1999.
7.75	January 1, 1999, to December 31, 1999.
7.9	January 1, 2000, to December 31, 2000.

7.55	January 11, 2003, to the day before the first day of the first pay period beginning on or after October 1, 2011.
7.5	Beginning on the first day of the first pay period beginning on or after October 1, 2011.''.

(c) REPORTING REQUIREMENTS.—

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

(2) DEFINITION.—For purposes of this subsection, the term ''appropriate congressional committees'' means the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate.

SEC. 313. DEATH GRATUITY.

The first sentence of section 413(a) of the Foreign Service Act of 1980 (22 U.S.C. 3973(a)) is amended by striking ''at the time of death'' and inserting ''at level II of the Executive Schedule under section 5313 of title 5,

United States Code, at the time of death, except that for employees compensated under local compensation plans established under section 408, the amount shall be equal to the greater of 1 year's salary at the time of death or 1 year's salary at the highest step of the highest grade on the local compensation plan from which the employee was being paid at the time of death''.

Subtitle C—Other Organization and Personnel Matters

SEC. 321. TRANSATLANTIC DIPLOMATIC FELLOWSHIP PROGRAM.

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

''SEC. 506. TRANSATLANTIC DIPLOMATIC FELLOWSHIP PROGRAM.

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

1 "(b) SALARY AND BENEFITS.—The salary and bene-
2 fits of a member of the Service shall be paid as described
3 in subsection (b) of section 503 during a period in which
4 such member is participating in the Transatlantic Diplo-
5 matic Fellowship Program. The salary and benefits of an
6 employee of a designated country or designated entity par-
7 ticipating in such program shall be paid by such country
8 or entity during the period in which such employee is par-
9 ticipating in the program.
10 "(c) DEFINITIONS.—In this section:
11 "(1) The term 'designated country' means a
12 member country of—
13 "(A) the North Atlantic Treaty Organiza-
14 tion; or
15 "(B) the European Union.
16 "(2) The term 'designated entity' means—
17 "(A) the North Atlantic Treaty Organiza-
18 tion; or
19 "(B) the European Union.
20 "(d) RULE OF CONSTRUCTION.—Nothing in this sec-
21 tion shall be construed to—
22 "(1) authorize the appointment as an officer or
23 employee of the United States of—
24 "(A) an individual whose allegiance is to
25 any country, government, or foreign or inter-

national entity other than to the United States; or

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

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

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

(1) in section 503 (22 U.S.C. 3983)—

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

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

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

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

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

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

"Sec. 506. Transatlantic diplomatic fellowship program.".

SEC. 322. SECURITY OFFICERS EXCHANGE PROGRAM.

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

"SEC. 507. SECURITY OFFICERS EXCHANGE PROGRAM.

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

"(b) SALARY AND BENEFITS.—The salary and benefits of the members of the Service shall be paid as described in subsection (b) of section 503 during a period in which such officer is participating in the Security 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

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

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 2 of the Foreign Service Act of 1980 is amended, in the table of contents, by adding after the item relating to section 506 (as added by section 311(b)(2) of this Act) the following new item:

"Sec. 507. Security officers exchange program.".

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

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

"(c)(1) In order to promote the efficiency of the Service, the Secretary may suspend a member of the Foreign Service without pay when the member's security clearance is suspended or when there is reasonable cause to believe that the member has committed a crime for which a sentence of imprisonment may be imposed.

"(2) Any member of the Foreign Service for whom a suspension is proposed shall be entitled to—

"(A) written notice stating the specific reasons for the proposed suspension;

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

"(C) representation by an attorney or other representative; and

"(D) a final written decision, including the specific reasons for such decision, as soon as practicable.

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

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

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

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

"(5) In this subsection:

"(A) The term 'reasonable time' means—

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

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

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

(b) CONFORMING AND CLERICAL AMENDMENTS.—

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

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

"Sec. 610. Separation for cause; suspension.".

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

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

SEC. 325. LIMITED APPOINTMENTS IN THE FOREIGN SERVICE.

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

(1) in subsection (a), by striking ''subsection (b)'' and inserting ''subsections (b) or (c)'';

(2) in subsection (b)—

(A) in paragraph (3)—

(i) by inserting ''(A),'' after ''if''; and

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

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

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

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

''(6) in exceptional circumstances where the Secretary determines the needs of the Service require the extension of a limited appointment (A), for

a period of time not to exceed 12 months (provided such period of time does not permit additional review by the boards under section 306), or (B), for the minimum time needed to settle a grievance, claim, or complaint not otherwise provided for in this section.''; and

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

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

SEC. 326. COMPENSATORY TIME OFF FOR TRAVEL.

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

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

SEC. 327. REEMPLOYMENT OF FOREIGN SERVICE ANNUITANTS.

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

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

(b) by striking paragraph (2); and

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

SEC. 328. PERSONAL SERVICES CONTRACTORS.

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

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

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

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

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

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

(c) STATUS OF PERSONAL SERVICE CONTRACTORS.—

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

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

(A) the Ethics in Government Act of 1978;

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

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

1 (3) EXCEPTION.—This subsection shall not af-
2 fect the determination as to whether an individual
3 hired as a personal service contractor pursuant to
4 this section is an employee of the United States Gov-
5 ernment for purposes of any Federal law not speci-
6 fied in paragraphs (1) and (2).
7 (d) TERMINATION OF AUTHORITY.—The authority to
8 award personal services contracts under the program au-
9 thorized by this section shall terminate on September 30,
10 2011. A contract entered into prior to the termination
11 date under this subsection may remain in effect until expi-
12 ration.

13 **SEC. 329. PROTECTION OF INTELLECTUAL PROPERTY**
14 **RIGHTS.**

15 (a) RESOURCES TO PROTECT INTELLECTUAL PROP-
16 ERTY RIGHTS.—The Secretary of State shall ensure that
17 the protection in foreign countries of the intellectual prop-
18 erty rights of United States persons in other countries is
19 a significant component of United States foreign policy in
20 general and in relations with individual countries. The
21 Secretary of State, in consultation with the Director Gen-
22 eral of the United States and Foreign Commercial Service
23 and other agencies as appropriate, shall ensure that ade-
24 quate resources are available at diplomatic missions in any

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

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

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

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

(c) PRIORITY ASSIGNMENTS.—

(1) IN GENERAL.—Subject to paragraph (2), in designating the embassies or other missions to which attachés are assigned under subsection (b), the Secretary of State shall give priority to those countries

where the activities of an attaché may be carried out with the greatest potential benefit to reducing counterfeit and pirated products in the United States market, to protecting the intellectual property rights of United States persons and their licensees, and to protecting the interests of United States persons otherwise harmed by violations of intellectual property rights in those countries.

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

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

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

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

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

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

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

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

(5) As appropriate and in accordance with applicable laws and the diplomatic status of the attachés, to engage in public education efforts

against counterfeiting and piracy in the host country.

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

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

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

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

(g) REPORT TO CONGRESS.—

(1) IN GENERAL.—The Secretary of State shall submit to the Congress, not later than December 31 of each year, a report on the appointment, designa-

1 tion for assignment, and activities of all intellectual
2 property attachés of any Federal department or
3 agency who are serving at United States embassies
4 or other diplomatic missions.

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

7 (A) A description of the progress, or lack
8 thereof, in the preceding year regarding the res-
9 olution of general and specific intellectual prop-
10 erty disputes in each country identified under
11 section 182(a)(1) of the Trade Act of 1974 (19
12 U.S.C. 2242(a)(1)), including any changes by
13 the host government in applicable laws and reg-
14 ulations and their enforcement.

15 (B) An assessment of the obstacles pre-
16 venting the host government of each country
17 described in subparagraph (A) from imple-
18 menting adequate measures to fulfill its inter-
19 national and bilateral obligations with respect
20 to intellectual property rights.

21 (C) An assessment of the adequacy of the
22 resources of the Department of State employed
23 to carry out subparagraphs (A) and (B) and, if
24 necessary, an assessment of the need for addi-
25 tional resources for such purposes.

(h) DEFINITIONS.—In this section:

(1) COUNTERFEITING; COUNTERFEIT GOODS.—

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

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

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

(3) PIRACY; PIRATED GOODS.—

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

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

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

(A) any United States resident or national,

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

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

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

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

tual property attachés of any other department or agency of the United States.

SEC. 330. DEPARTMENT OF STATE EMPLOYMENT COMPOSITION.

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

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

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

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

(B) by striking ''April 1, 2003, and April 1, 2004,'' and inserting ''April 1, 2010, and April 1, 2011,'';

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

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

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

"(1) The ability of current recruitment, advancement, and retention practices to attract and maintain a diverse pool of qualified individuals in sufficient numbers throughout the Department, including in the Cooperative Education Program (also known as the 'Student Career Experience Program').

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

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

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

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

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

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

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

''(2) the total number of such contracts;

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

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

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

SEC. 331. CONTRACTING.

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

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

(a) REPORT ON IMPROVING EFFECTIVENESS OF DEPARTMENT OF STATE LEGISLATIVE LIAISON OFFICE.—Not later than six months after the date of the enactment of this Act, the Secretary of State shall submit to the Committee on Foreign Affairs and the Committee on

House Administration of the House of Representatives and the Committee on Foreign Relations and the Committee on Rules and Administration of the Senate a report on the mission and effectiveness of the existing Department of State legislative liaison office.

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

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

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

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

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

SEC. 333. DISCRIMINATION RELATED TO SEXUAL ORIENTATION.

(a) PARTNER BENEFITS.—

1 (1) IN GENERAL.—For purposes of the Foreign
2 Service Act of 1980 and any other applicable provi-
3 sion of law, persons covered by section 511.3 of vol-
4 ume 14 of the Foreign Affairs Manual shall be
5 deemed to include the same-sex domestic partner of
6 a member of the Foreign Service (including an indi-
7 vidual serving in the Foreign Service on a temporary
8 basis as a limited noncareer appointee during the pe-
9 riod in which such individual is so serving). This
10 subsection shall apply to employees of the Peace
11 Corps who are appointed as members of the Foreign
12 Service in the same manner as this subsection and
13 such section 511.3 applies to such members of the
14 Foreign Service who are described in the preceding
15 sentence. The Secretary of State shall promulgate
16 new regulations to implement this section, including
17 criteria to certify the eligibility for the same-sex do-
18 mestic partner of a Foreign Service officer for bene-
19 fits under this section.
20 (2) CERTIFICATION OF ELIGIBILITY.—In order
21 to obtain benefits and assume obligations under this
22 Act, a member of the Foreign Service shall file an
23 affidavit of eligibility for benefits and obligations
24 with the Secretary of State identifying the domestic

partner of such member and certifying that such member and the domestic partner of such member—

(A) are each other's sole domestic partner and intend to remain so indefinitely;

(B) are at least 18 years of age and mentally competent to consent to contract;

(C) share responsibility for a significant measure of each other's common welfare and financial obligations;

(D) are not married to or domestic partners with anyone else; and

(E) are same sex domestic partners, and not related in a way that, if the two individuals were of opposite sex, would prohibit legal marriage in the State in which they reside.

(b) TRACKING VIOLENCE OR CRIMINALIZATION RELATED TO SEXUAL ORIENTATION.—The Assistant Secretary for Democracy, Human Rights and Labor shall designate a Bureau-based officer or officers who shall be responsible for tracking violence, criminalization, and restrictions on the enjoyment of fundamental freedoms, consistent with United States law, in foreign countries based on actual or perceived sexual orientation and gender identity.

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

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

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

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

(B) in paragraph (11)—

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

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

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

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

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

(e) TRAINING FOR FOREIGN SERVICE OFFICERS.—Section 708(a) of the Foreign Service Act of 1980 (22 16 U.S.C. 4028(a)) is amended—

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

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

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

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

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

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

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

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

(c) DUTIES.—

(1) IN GENERAL.—The Ambassador shall—

1 (A) coordinate and advise on activities,
2 policies, programs, and funding relating to gen-
3 der integration and women's empowerment
4 internationally for all bureaus and offices of the
5 Department of State and in the international
6 programs of other United States Government
7 departments and agencies;
8 (B) design, support, and as appropriate,
9 implement, limited projects regarding women's
10 empowerment internationally;
11 (C) actively promote and advance the full
12 integration of gender analysis into the pro-
13 grams, structures, processes, and capacities of
14 all bureaus and offices of the Department of
15 State and in the international programs of
16 other United States Government departments
17 and agencies; and
18 (D) direct, as appropriate, United States
19 Government resources to respond to needs for
20 gender integration and women's empowerment
21 in United States Government foreign policies
22 and international programs.
23 (2) COORDINATING ROLE.—The Ambassador
24 shall coordinate with the United States Agency for
25 International Development and the Millennium Chal-

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

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

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

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

TITLE IV—INTERNATIONAL ORGANIZATIONS

Subtitle A—International Leadership

SEC. 401. SHORT TITLE.

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

SEC. 402. PROMOTING ASSIGNMENTS TO INTERNATIONAL ORGANIZATIONS.

(a) PROMOTIONS.—

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

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

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

(1) FINDINGS.—Congress finds the following:

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

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

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

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

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

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

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

(a) ESTABLISHMENT OF OFFICE.—The Secretary of State is authorized to establish, within the Bureau of International Organization Affairs, an Office on Multilateral Negotiations, to be headed by a Special Representative for Multilateral Negotiations (in this section referred to as the ''Special Representative'').

1 (b) APPOINTMENT.—If the office referred to in sub-
2 section (a) is established, the Special Representative shall
3 be appointed by the President by and with the advice and
4 consent of the Senate and shall have the rank of Ambas-
5 sador-at-Large. At the discretion of the President another
6 official at the Department may serve as the Special Rep-
7 resentative. The President may direct that the Special
8 Representative report to the Assistant Secretary for Inter-
9 national Organization Affairs.
10 (c) STAFFING.—The Special Representative shall
11 have a staff of Foreign Service and civil service officers
12 skilled in multilateral diplomacy.
13 (d) DUTIES.—The Special Representative shall have
14 the following responsibilities:
15 (1) IN GENERAL.—The primary responsibility
16 of the Special Representative shall be to assist in the
17 organization of, and preparation for, United States
18 participation in multilateral negotiations, including
19 the advocacy efforts undertaken by the Department
20 of State and other United States agencies.
21 (2) ADVISORY ROLE.—The Special Representa-
22 tive shall advise the President and the Secretary of
23 State, as appropriate, regarding advocacy at inter-
24 national organizations and multilateral institutions
25 and negotiations and, in coordination with the As-

1 sistant Secretary for International Organization Af-
2 fairs, shall make recommendations regarding—
3 (A) effective strategies and tactics to
4 achieve United States policy objectives at multi-
5 lateral negotiations;
6 (B) the need for and timing of high level
7 intervention by the President, the Secretary of
8 State, the Deputy Secretary of State, and other
9 United States officials to secure support from
10 key foreign government officials for the United
11 States position at such organizations, institu-
12 tions, and negotiations;
13 (C) the composition of United States dele-
14 gations to multilateral negotiations; and
15 (D) liaison with Congress, international or-
16 ganizations, nongovernmental organizations,
17 and the private sector on matters affecting mul-
18 tilateral negotiations.
19 (3) LEADERSHIP AND MEMBERSHIP OF INTER-
20 NATIONAL ORGANIZATIONS.—The Special Represent-
21 ative, in coordination with the Assistant Secretary of
22 International Organization Affairs, shall direct the
23 efforts of the United States Government to reform
24 the criteria for leadership and membership of inter-
25 national organizations.

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

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

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

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

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

1 arrearages in payments to the United Nations recognized
2 by the United States.

3 Subtitle B—General Provisions

4 **SEC. 411. ORGANIZATION OF AMERICAN STATES.**

5 (a) SENSE OF CONGRESS.—It is the sense of Con-
6 gress that—

7 (1) multilateral diplomacy in the context of the
8 Americas has suffered considerably in the past dec-
9 ade, to the direct detriment of the national interest
10 of the United States in the region;

11 (2) given the recent proliferation of multilateral
12 groupings in the Americas region in which the
13 United States in not a member, it is imperative to
14 focus on and promote United States diplomatic ef-
15 forts in the Organization of American States (OAS),
16 where the United States is a founding member and
17 whose central tenets include democratic values con-
18 sidered vital for this region;

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

22 (4) an effective way to help achieve this short
23 term objective is to establish a fund to promote mul-
24 tilateral interests of the United States in the region.

25 (b) MULTILATERAL FUND.—

1 (1) IN GENERAL.—There is hereby established
2 in the Department of State a Fund to Promote
3 Multilateralism in the Americas (referred to in this
4 section as the ''Fund'').
5 (2) ACTIVITIES SUPPORTED.—The Fund shall
6 support activities that promote the multilateral in-
7 terests of the United States in the Americas region,
8 including—
9 (A) United States diplomatic activities
10 within and related to the OAS;
11 (B) voluntary contributions to entities and
12 organs of the OAS to carry out programs and
13 activities that support the interests of the
14 United States;
15 (C) outreach and cultural activities;
16 (D) conferences; and
17 (E) general advocacy for United States in-
18 terests.
19 (c) ADMINISTRATION.—The Fund shall be adminis-
20 tered by the United States Mission to the Organization
21 of American States, as directed by the United States Per-
22 manent Representative to the OAS, for use on matters
23 that arise in the context of the OAS.
24 (d) AUTHORIZATION.—Of the amounts authorized to
25 be appropriated for the Administration of Foreign Affairs

pursuant to section 101, there is authorized to be appropriated $2,000,000 for each of fiscal years 2010 and 2011 only to carry out this section.

SEC. 412. PEACEKEEPING OPERATIONS CONTRIBUTIONS.

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

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

SEC. 413. PACIFIC ISLANDS FORUM.

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

SEC. 414. REVIEW OF ACTIVITIES OF INTERNATIONAL COMMISSIONS.

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

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

(1) Amounts obligated and expended during the two previous fiscal years by each of such commissions.

(2) A description of the projects carried out during such years by each of such commissions and a description of the management and implementation of such projects, including the use of private contractors.

(3) Projects anticipated during the next two fiscal years related to the activities of each of such commissions because of obligations that the United States has entered into based on any treaty between the United States and another country.

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

SEC. 415. ENHANCING NUCLEAR SAFEGUARDS.

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

(1) The Treaty on the Non-Proliferation of Nuclear Weapons, done at Washington, London, and

1 Moscow July 1, 1968, and entered into force March
2 5, 1970 (commonly known as the ''Nuclear Non-
3 Proliferation Treaty'' or ''NPT'') and the safeguards
4 system of the International Atomic Energy Agency
5 (IAEA) are indispensable to international peace and
6 security.

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

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

17 (4) The Government Accountability Office
18 (GAO) stated in testimony before Congress in Sep-
19 tember 2006 that ''while IAEA is increasingly rely-
20 ing on the analytical skills of its staff to detect coun-
21 tries'' undeclared nuclear activities, the agency is
22 facing a looming human capital crisis.

23 (5) The Director General of the IAEA told the
24 Board of Governors of the IAEA in March 2009
25 that the ''deteriorating conditions in our labora-

tories, for example, threaten both our ability to deliver our programmed, as well as our independent analytical capability''.

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

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

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

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

TITLE V—UNITED STATES INTERNATIONAL BROADCASTING

SEC. 501. AUTHORIZATION OF APPROPRIATIONS FOR INTERNATIONAL BROADCASTING.

The following amounts are authorized to be appropriated to carry out United States international broadcasting activities under the United States Information and Educational Exchange Act of 1948, the Radio Broadcasting to Cuba Act, the Television Broadcasting to Cuba Act, the United States International Broadcasting Act of 1994, and the Foreign Affairs Reform and Restructuring Act of 1998, and to carry out other authorities in law consistent with such purposes:

(1) For "International Broadcasting Operations", $732,187,000 for fiscal year 2010 and such sums as may be necessary for fiscal year 2011.

(2) For ''Broadcasting Capital Improvements'', $13,263,000 for fiscal year 2010 and such sums as may be necessary for fiscal year 2011.

SEC. 502. PERSONAL SERVICES CONTRACTING PROGRAM.

Section 504 of the Foreign Relations Authorization Act, Fiscal Year 2003, (Public Law 107–228; 22 U.S.C. 6206 note), is amended—

(1) in the section heading, by striking ''**PILOT**'';

(2) in subsection (a)—

(A) by striking ''pilot''; and

(B) adding at the end the following new sentence: ''An individual hired as a personal service contractor pursuant to this section shall not, by virtue of such hiring, be considered to be an employee of the United States Government for purposes of any law administered by the Office of Personnel Management.'';

(3) in subsection (b)—

(A) in paragraph (4), by striking ''60'' and inserting ''200''; and

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

"(5) The annual salary rate for personal services contractors may not exceed the rate for level IV of the Executive Schedule."; and

(4) in subsection (c), by striking "2009" and inserting "2011".

SEC. 503. RADIO FREE EUROPE/RADIO LIBERTY PAY PARITY.

Section 308(h)(1)(C) of the United States International Broadcasting Act of 1994 (22 U.S.C. 6207(h)(1)(C)) is amended—

(1) by inserting "and one employee abroad" after "D.C.";

(2) by striking "III" and inserting "II"; and

(3) by striking "5314" and inserting "5313".

SEC. 504. EMPLOYMENT FOR INTERNATIONAL BROADCASTING.

Section 804(1) of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1474(1)) is amended by inserting after "suitably qualified United States citizens" the following: "(for purposes of this paragraph, the term 'suitably qualified United States citizens' means those United States citizen applicants who are equally or better qualified than non-United States citizen applicants)".

SEC. 505. DOMESTIC RELEASE OF THE VOICE OF AMERICA FILM ENTITLED "A FATEFUL HARVEST".

(a) IN GENERAL.—Notwithstanding section 208 of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987 (22 U.S.C. 1461–1a) and section 501(b) of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1461(b)), the Director of the International Broadcasting Bureau shall provide a master copy of the film entitled ''A Fateful Harvest'' to the Archivist of the United States for domestic release in accordance with subsection (b).

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

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

(2) make copies of the film available for purchase and public viewing within the United States.

SEC. 506. ESTABLISHING PERMANENT AUTHORITY FOR RADIO FREE ASIA.

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

(1) in subsection (c)(2), by striking '', and shall further specify that funds to carry out the activities

of Radio Free Asia may not be available after September 30, 2010'';

(2) by striking subsection (f); and

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

TITLE VI—PEACE CORPS

SEC. 601. FINDINGS; STATEMENT OF POLICY.

(a) FINDINGS.—Congress finds the following:

(1) On October 14, 1960, then Senator John F. Kennedy addressed students on the steps of the University of Michigan Union to enlist their effort to make the world a better place by serving their country abroad.

(2) On March 1, 1961, then President John F. Kennedy signed an Executive Order establishing a Peace Corps that was ''designed to permit our people to exercise more fully their responsibilities in the great common cause of world development''.

(3) Since its establishment, the Peace Corps has been guided by its mission to promote world peace and friendship and has sought to fulfill the following three goals:

(A) To help the people of interested countries in meeting their needs for trained men and women.

1 (B) To promote a better understanding of
2 Americans on the part of the peoples served.
3 (C) To help promote a better under-
4 standing of other peoples on the part of Ameri-
5 cans.
6 (4) Over the last 48 years, nearly 200,000
7 Peace Corps volunteers have served in 139 countries.
8 (5) The Peace Corps is the world's premier
9 international service organization dedicated to pro-
10 moting sustainable grassroots development by work-
11 ing with host communities in the areas of agri-
12 culture, business development, education, the envi-
13 ronment, health and HIV/AIDS, and youth.
14 (6) The Peace Corps remains committed to
15 sending well trained and well supported Peace Corps
16 volunteers overseas to promote peace, friendship,
17 cross-cultural awareness, and mutual understanding
18 between the United States and other countries. The
19 Peace Corps has an impressive record of engen-
20 dering good will through the service that American
21 volunteers provide.
22 (7) Recognizing the Peace Corps' unique and
23 effective role in promoting volunteer service by
24 American citizens, President Obama and Vice Presi-
25 dent Biden announced their intent to double the size

of Peace Corps in an expeditious and effective manner.

(8) Over 13,000 Americans applied in 2008 to volunteer their service to serve the world's poorest communities in the Peace Corps, a 16 percent increase over the nearly 11,000 applications received in 2007.

(9) Under current funding levels, the Peace Corps is able to provide new placements for only one-third of the American applicants seeking the opportunity to serve their country and the world. At the end of fiscal year 2008, there were nearly 8,000 Peace Corps volunteers serving in 76 countries around the world.

(b) STATEMENT OF POLICY.—It is the policy of the United States to—

(1) double the number of Peace Corps volunteers and strengthen and improve the Peace Corps and its programs;

(2) improve the coordination of Peace Corps programs with development programs of other Federal departments and agencies, without diminishing the independence of the Peace Corps; and

(3) promote all types of volunteerism by Americans in the developing world.

SEC. 602. AMENDMENTS TO THE PEACE CORPS ACT.

(a) PEACE CORPS RESPONSE PROGRAM.—The Peace Corps Act (22 U.S.C. 2501 et seq.) is amended by inserting after section 5 the following new section:

"SEC. 5A. PEACE CORPS RESPONSE PROGRAM.

''The Director of the Peace Corps is authorized to establish a special program that assigns returned Peace Corps volunteers or other volunteers to provide short-term development or other relief assistance or to otherwise be assigned or made available to any entity referred to in subsection (a)(1) of section 10. The term of such service shall be less than the term of service of a volunteer under section 5. Except to the extent determined necessary and appropriate by the Director, the program established under this section may not cause a diminution in the number or quality of projects or volunteers assigned to longer term assignments under section 5.''

(b) COORDINATION OF PEACE CORPS PROGRAMS.—Paragraph (2) of section 4(c) of the Peace Corps Act (22 U.S.C. 2503(c)) is amended to read as follows:

''(2) The Director of the Peace Corps shall, as appropriate and to the maximum extent practicable without diminishing any program or operational independence, work with the heads of Federal departments and agencies to identify synergies and

avoid duplication of efforts with Peace Corps programs in the field and at headquarters.''.

(c) VOLUNTEER LEADERS.—Section 6 (22 U.S.C. 2505) of the Peace Corps Act is amended—

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

(A) by striking ''and the term'' and inserting ''the term''; and

(B) by inserting before the colon the following: '', and the term 'partner' means an individual identified in good faith by a volunteer leader as the long-term or committed same-sex partner of such volunteer leader''; and

(2) in paragraphs (2), (3), and (4), by inserting '', partners,'' after ''spouses'' each place it appears.

(d) READJUSTMENT ALLOWANCE.—Subsection (c) of section 5 of the Peace Corps Act (22 U.S.C. 2504(c)) is amended, in the first sentence, by striking ''$125'' and inserting ''$225''.

(e) AUTHORIZATION OF APPROPRIATIONS.—Section 3(b)(1) of the Peace Corps Act (22 U.S.C. 2502(b)(1)) is amended by striking ''$270,000,000'' and all that follows through the period at the end and inserting the following: ''$400,000,000 for fiscal year 2010 and $450,000,000 for fiscal year 2011.''.

SEC. 603. REPORT.

(a) PEACE CORPS RESPONSE PROGRAM REPORT.—Not later than one year after the date of the enactment of this Act, the Director of the Peace Corps shall submit to the appropriate congressional committees a report on the Peace Corps Response Program or any similar program developed under in accordance with section 5A of the Peace Corps Act (as added by section 602(a) of this Act), including information on the following:

(1) The achievements and challenges of the Peace Corps Response Program or any similar program since its inception as the Peace Corps Crisis Corps in 1996.

(2) The goals, objectives, program areas, and growth projections for the Peace Corps Response Program or any similar program from fiscal year 2010 through fiscal year 2011.

(3) The process and standards for selecting partner organizations and projects for the Peace Corps Response Program or any similar program.

(4) The standards and requirements used to select volunteers for service under the Peace Corps Response Program or any similar program.

(5) The measures used to evaluate projects of the Peace Corps Response Program or any similar program and the effectiveness of volunteers assigned

to such Program or similar program at achieving identified objectives.

(b) ANNUAL REPORTS.—Not later than one year after the date of the enactment of this Act and annually thereafter, the Director of the Peace Corps shall submit to the appropriate congressional committees a report on progress made in carrying out this section, including efforts to strengthen coordination between the Peace Corps and other Federal departments and agencies carrying out development assistance programs (as required under paragraph (2) of section 4(c) of the Peace Corps Act (22 U.S.C. 2503(c)), as amended by section 602(b) of this Act).

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

SEC. 701. SHORT TITLE.

This Act may be cited as the ''Senator Paul Simon Study Abroad Foundation Act of 2009''.

SEC. 702. FINDINGS.

Congress makes the following findings:

(1) According to former President George W. Bush, ''America's leadership and national security rest on our commitment to educate and prepare our

youth for active engagement in the international community.''.

(2) According to former President William J. Clinton, ''Today, the defense of United States interests, the effective management of global issues, and even an understanding of our Nation's diversity require ever-greater contact with, and understanding of, people and cultures beyond our borders.''.

(3) Congress authorized the establishment of the Commission on the Abraham Lincoln Study Abroad Fellowship Program pursuant to section 104 of the Miscellaneous Appropriations and Offsets Act, 2004 (division h of Public Law 108–199). Pursuant to its mandate, the Lincoln Commission has submitted to Congress and the President a report of its recommendations for greatly expanding the opportunity for students at institutions of higher education in the United States to study abroad, with special emphasis on studying in developing nations.

(4) According to the Lincoln Commission, ''[s]tudy abroad is one of the major means of producing foreign language speakers and enhancing foreign language learning'' and, for that reason, ''is simply essential to the [N]ation's security.''.

(5) Studies consistently show that United States students score below their counterparts in other advanced countries on indicators of international knowledge. This lack of global literacy is a national liability in an age of global trade and business, global interdependence, and global terror.

(6) Americans believe that it is important for their children to learn other languages, study abroad, attend a college where they can interact with international students, learn about other countries and cultures, and generally be prepared for the global age.

(7) In today's world, it is more important than ever for the United States to be a responsible, constructive leader that other countries are willing to follow. Such leadership cannot be sustained without an informed citizenry with significant knowledge and awareness of the world.

(8) Study abroad has proven to be a very effective means of imparting international and foreign language competency to students.

(9) In any given year, only approximately one percent of all students enrolled in United States institutions of higher education study abroad.

(10) Less than 10 percent of the students who graduate from United States institutions of higher education with bachelors degrees have studied abroad.

(11) Far more study abroad must take place in developing countries. Ninety-five percent of the world's population growth over the next 50 years will occur outside of Europe, yet in the academic year 2004–2005, 60 percent of United States students studying abroad studied in Europe, and 45 percent studied in four countries—the United Kingdom, Italy, Spain, and France.

(12) The Final Report of the National Commission on Terrorist Attacks Upon the United States (the 9/11 Commission Report) recommended that the United States increase support for ''scholarship, exchange, and library programs''. The 9/11 Public Discourse Project, successor to the 9/11 Commission, noted in its November 14, 2005, status report that this recommendation was ''unfulfilled,'' and stated that ''[t]he U.S. should increase support for scholarship and exchange programs, our most powerful tool to shape attitudes over the course of a generation.''. In its December 5, 2005, Final Report on the 9/11 Commission Recommendations, the 9/11

Public Discourse Project gave the government a grade of "D" for its implementation of this recommendation.

(13) Investing in a national study abroad program would help turn a grade of "D" into an "A" by equipping United States students to communicate United States values and way of life through the unique dialogue that takes place among citizens from around the world when individuals study abroad.

(14) An enhanced national study abroad program could help further the goals of other United States Government initiatives to promote educational, social, and political reform and the status of women in developing and reforming societies around the world, such as the Middle East Partnership Initiative.

(15) To complement such worthwhile Federal programs and initiatives as the Benjamin A. Gilman International Scholarship Program, the National Security Education Program, and the National Security Language Initiative, a broad-based undergraduate study abroad program is needed that will make many more study abroad opportunities accessible to all undergraduate students, regardless of

1 their field of study, ethnicity, socio-economic status,
2 or gender.
3 (16) To restore America's standing in the
4 world, President Barack Obama has said that he will
5 call on our nation's greatest resource, our people, to
6 reach out to and engage with other nations.

7 **SEC. 703. PURPOSES.**

8 The purposes of this title are—
9 (1) to significantly enhance the global competi-
10 tiveness and international knowledge base of the
11 United States by ensuring that more United States
12 students have the opportunity to acquire foreign lan-
13 guage skills and international knowledge through
14 significantly expanded study abroad;
15 (2) to enhance the foreign policy capacity of the
16 United States by significantly expanding and diversi-
17 fying the talent pool of individuals with non-tradi-
18 tional foreign language skills and cultural knowledge
19 in the United States who are available for recruit-
20 ment by United States foreign affairs agencies, leg-
21 islative branch agencies, and nongovernmental orga-
22 nizations involved in foreign affairs activities;
23 (3) to ensure that an increasing portion of
24 study abroad by United States students will take
25 place in nontraditional study abroad destinations

such as the People's Republic of China, countries of the Middle East region, and developing countries; and

(4) to create greater cultural understanding of the United States by exposing foreign students and their families to United States students in countries that have not traditionally hosted large numbers of United States students.

SEC. 704. DEFINITIONS.

In this title:

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

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

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

(2) BOARD.—The term ''Board'' means the Board of Directors of the Foundation established pursuant to section 705(d).

(3) CHIEF EXECUTIVE OFFICER.—The term ''Chief Executive Officer'' means the chief executive

officer of the Foundation appointed pursuant to section 705(c).

(4) FOUNDATION.—The term ''Foundation'' means the Senator Paul Simon Study Abroad Foundation established by section 705(a).

(5) INSTITUTION OF HIGHER EDUCATION.—The term ''institution of higher education'' has the meaning given the term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

(6) NATIONAL OF THE UNITED STATES.—The term ''national of the United States'' means a national of the United States or an alien lawfully admitted for permanent residence (as those terms are defined in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101)).

(7) NONTRADITIONAL STUDY ABROAD DESTINATION.—The term ''nontraditional study abroad destination'' means a location that is determined by the Foundation to be a less common destination for United States students who study abroad.

(8) STUDY ABROAD.—The term ''study abroad'' means an educational program of study, work, research, internship, or combination thereof that is conducted outside the United States and that carries

academic credit toward fulfilling the participating student's degree requirements.

(9) UNITED STATES.—The term ''United States'' means any of the several States, the District of Columbia, Puerto Rico, the Northern Mariana Islands, the Virgin Islands, Guam, American Samoa, and any other territory or possession of the United States.

(10) UNITED STATES STUDENT.—The term ''United States student'' means a national of the United States who is enrolled at an institution of higher education located within the United States.

SEC. 705. ESTABLISHMENT AND MANAGEMENT OF THE SENATOR PAUL SIMON STUDY ABROAD FOUNDATION.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—There is established in the executive branch a corporation to be known as the ''Senator Paul Simon Study Abroad Foundation'' that shall be responsible for carrying out this title. The Foundation shall be a government corporation, as defined in section 103 of title 5, United States Code.

(2) BOARD OF DIRECTORS.—The Foundation shall be governed by a Board of Directors in accordance with subsection (d).

(3) INTENT OF CONGRESS.—It is the intent of Congress in establishing the structure of the Foundation set forth in this subsection to create an entity that will administer a study abroad program that—

(A) serves the long-term foreign policy and national security needs of the United States; but

(B) operates independently of short-term political and foreign policy considerations.

(b) MANDATE OF FOUNDATION.—In administering the program referred to in subsection (a)(3), the Foundation shall—

(1) promote the objectives and purposes of this title;

(2) through responsive, flexible grant-making, promote access to study abroad opportunities by United States students at diverse institutions of higher education, including two-year institutions, minority-serving institutions, and institutions that serve nontraditional students;

(3) through creative grant-making, promote access to study abroad opportunities by diverse United

States students, including minority students, students of limited financial means, and nontraditional students;

(4) solicit funds from the private sector to supplement funds made available under this title; and

(5) minimize administrative costs and maximize the availability of funds for grants under this title.

(c) CHIEF EXECUTIVE OFFICER.—

(1) IN GENERAL.—There shall be in the Foundation a Chief Executive Officer who shall be responsible for the management of the Foundation.

(2) APPOINTMENT.—The Chief Executive Officer shall be appointed by the Board and shall be a recognized leader in higher education, business, or foreign policy, chosen on the basis of a rigorous search.

(3) RELATIONSHIP TO BOARD.—The Chief Executive Officer shall report to and be under the direct authority of the Board.

(4) COMPENSATION AND RANK.—

(A) IN GENERAL.—The Chief Executive Officer shall be compensated at the rate provided for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(B) AMENDMENT.—Section 5315 of title 5, United States Code, is amended by adding at the end the following: ''Chief Executive Officer, Senator Paul Simon Study Abroad Foundation.''.

(5) AUTHORITIES AND DUTIES.—The Chief Executive Officer shall be responsible for the management of the Foundation and shall exercise the powers and discharge the duties of the Foundation.

(6) AUTHORITY TO APPOINT OFFICERS.—In consultation and with approval of the Board, the Chief Executive Officer shall appoint all officers of the Foundation.

(d) BOARD OF DIRECTORS.—

(1) ESTABLISHMENT.—There shall be in the Foundation a Board of Directors.

(2) DUTIES.—The Board shall perform the functions specified to be carried out by the Board in this title and may prescribe, amend, and repeal bylaws, rules, regulations, and procedures governing the manner in which the business of the Foundation may be conducted and in which the powers granted to it by law may be exercised.

(3) MEMBERSHIP.—The Board shall consist of—

(A) the Secretary of State (or the Secretary's designee), the Secretary of Education (or the Secretary's designee), the Secretary of Defense (or the Secretary's designee), and the Administrator of the United States Agency for International Development (or the Administrator's designee); and

(B) five other individuals with relevant experience in matters relating to study abroad (such as individuals who represent institutions of higher education, business organizations, foreign policy organizations, or other relevant organizations) who shall be appointed by the President, by and with the advice and consent of the Senate, of which—

(i) one individual shall be appointed from among a list of individuals submitted by the majority leader of the House of Representatives;

(ii) one individual shall be appointed from among a list of individuals submitted by the minority leader of the House of Representatives;

(iii) one individual shall be appointed from among a list of individuals submitted by the majority leader of the Senate; and

(iv) one individual shall be appointed from among a list of individuals submitted by the minority leader of the Senate.

(4) CHIEF EXECUTIVE OFFICER.—The Chief Executive Officer of the Foundation shall serve as a non-voting, ex-officio member of the Board.

(5) TERMS.—

(A) OFFICERS OF THE FEDERAL GOVERNMENT.—Each member of the Board described in paragraph (3)(A) shall serve for a term that is concurrent with the term of service of the individual's position as an officer within the other Federal department or agency.

(B) OTHER MEMBERS.—Each member of the Board described in paragraph (3)(B) shall be appointed for a term of three years and may be reappointed for one additional three-year term.

(C) VACANCIES.—A vacancy in the Board shall be filled in the manner in which the original appointment was made.

(6) CHAIRPERSON.—There shall be a Chairperson of the Board. The Secretary of State (or the Secretary's designee) shall serve as the Chairperson.

(7) QUORUM.—A majority of the members of the Board described in paragraph (3) shall constitute a quorum, which, except with respect to a meeting of the Board during the 135-day period beginning on the date of the enactment of this Act, shall include at least one member of the Board described in paragraph (3)(B).

(8) MEETINGS.—The Board shall meet at the call of the Chairperson.

(9) COMPENSATION.—

(A) OFFICERS OF THE FEDERAL GOVERNMENT.—

(i) IN GENERAL.—A member of the Board described in paragraph (3)(A) may not receive additional pay, allowances, or benefits by reason of the member's service on the Board.

(ii) TRAVEL EXPENSES.—Each such member of the Board shall receive travel expenses, including per diem in lieu of subsistence, in accordance with applicable pro-

1 visions under subchapter I of chapter 57 of
2 title 5, United States Code.
3 (B) OTHER MEMBERS.—
4 (i) IN GENERAL.—Except as provided
5 in clause (ii), a member of the Board de-
6 scribed in paragraph (3)(B) while away
7 from the member's home or regular place
8 of business on necessary travel in the ac-
9 tual performance of duties as a member of
10 the Board, shall be paid per diem, travel,
11 and transportation expenses in the same
12 manner as is provided under subchapter I
13 of chapter 57 of title 5, United States
14 Code.
15 (ii) LIMITATION.—A member of the
16 Board may not be paid compensation
17 under clause (i) for more than 90 days in
18 any calendar year.
19 **SEC. 706. ESTABLISHMENT AND OPERATION OF PROGRAM.**
20 (a) ESTABLISHMENT OF THE PROGRAM.—There is
21 hereby established a program, which shall—
22 (1) be administered by the Foundation; and
23 (2) award grants to—
24 (A) United States students for study
25 abroad;

(B) nongovernmental institutions that provide and promote study abroad opportunities for United States students, in consortium with institutions described in subparagraph (C); and

(C) institutions of higher education, individually or in consortium, in order to accomplish the objectives set forth in subsection (b).

(b) OBJECTIVES.—The objectives of the program established under subsection (a) are that, within ten years of the date of the enactment of this Act—

(1) not less than 1,000,000 undergraduate United States students will study abroad annually for credit;

(2) the demographics of study-abroad participation will reflect the demographics of the United States undergraduate population, including students enrolled in community colleges, minority-serving institutions, and institutions serving large numbers of low-income and first-generation students; and

(3) an increasing portion of study abroad will take place in nontraditional study abroad destinations, with a substantial portion of such increases taking place in developing countries.

(c) MANDATE OF THE PROGRAM.—In order to accomplish the objectives set forth in subsection (b), the

1 Foundation shall, in administering the program estab-
2 lished under subsection (a), take fully into account the rec-
3 ommendations of the Commission on the Abraham Lincoln
4 Study Abroad Fellowship Program (established pursuant
5 to section 104 of the Miscellaneous Appropriations and
6 Offsets Act, 2004 (division H of Public Law 108–199)).
7 (d) STRUCTURE OF GRANTS.—
8 (1) PROMOTING REFORM.—In accordance with
9 the recommendations of the Commission on the
10 Abraham Lincoln Study Abroad Fellowship Pro-
11 gram, grants awarded under the program estab-
12 lished under subsection (a) shall be structured to the
13 maximum extent practicable to promote appropriate
14 reforms in institutions of higher education in order
15 to remove barriers to participation by students in
16 study abroad.
17 (2) GRANTS TO INDIVIDUALS AND INSTITU-
18 TIONS.—It is the sense of Congress that—
19 (A) the Foundation should award not more
20 than 25 percent of the funds awarded as grants
21 to individuals described in subparagraph (A) of
22 subsection (a)(2) and not less than 75 percent
23 of such funds to institutions described in sub-
24 paragraphs (B) and (C) of such subsection; and

1 (B) the Foundation should ensure that not
2 less than 85 percent of the amount awarded to
3 such institutions is used to award scholarships
4 to students.
5 (e) BALANCE OF LONG-TERM AND SHORT-TERM
6 STUDY ABROAD PROGRAMS.—In administering the pro-
7 gram established under subsection (a), the Foundation
8 shall seek an appropriate balance between—
9 (1) longer-term study abroad programs, which
10 maximize foreign-language learning and intercultural
11 understanding; and
12 (2) shorter-term study abroad programs, which
13 maximize the accessibility of study abroad to non-
14 traditional students.
15 (f) QUALITY AND SAFETY IN STUDY ABROAD.—In
16 administering the program established under subsection
17 (a), the Foundation shall require that institutions receiv-
18 ing grants demonstrate that—
19 (1) the study abroad programs for which stu-
20 dents receive grant funds are for academic credit;
21 and
22 (2) the programs have established health and
23 safety guidelines and procedures.

SEC. 707. ANNUAL REPORT.

(a) REPORT REQUIRED.—Not later than December 15, 2010, and each December 15 thereafter, the Foundation shall submit to the appropriate congressional committees a report on the implementation of this title during the prior fiscal year.

(b) CONTENTS.—The report required by subsection (a) shall include—

(1) the total financial resources available to the Foundation during the year, including appropriated funds, the value and source of any gifts or donations accepted pursuant to section 708(a)(6), and any other resources;

(2) a description of the Board's policy priorities for the year and the bases upon which grant proposals were solicited and awarded to institutions of higher education, nongovernmental institutions, and consortiums pursuant to sections 706(a)(2)(B) and 706(a)(2)(C);

(3) a list of grants made to institutions of higher education, nongovernmental institutions, and consortiums pursuant to sections 706(a)(2)(B) and 706(a)(2)(C) that includes the identity of the institutional recipient, the dollar amount, the estimated number of study abroad opportunities provided to United States students by each grant, the amount of

1 the grant used by each institution for administrative
2 expenses, and information on cost-sharing by each
3 institution receiving a grant;
4 (4) a description of the bases upon which the
5 Foundation made grants directly to United States
6 students pursuant to section 706(a)(2)(A);
7 (5) the number and total dollar amount of
8 grants made directly to United States students by
9 the Foundation pursuant to section 706(a)(2)(A);
10 and
11 (6) the total administrative and operating ex-
12 penses of the Foundation for the year, as well as
13 specific information on—
14 (A) the number of Foundation employees
15 and the cost of compensation for Board mem-
16 bers, Foundation employees, and personal serv-
17 ice contractors;
18 (B) costs associated with securing the use
19 of real property for carrying out the functions
20 of the Foundation;
21 (C) total travel expenses incurred by Board
22 members and Foundation employees in connec-
23 tion with Foundation activities; and
24 (D) total representational expenses.

SEC. 708. POWERS OF THE FOUNDATION; RELATED PROVISIONS.

(a) POWERS.—The Foundation—

(1) shall have perpetual succession unless dissolved by a law enacted after the date of the enactment of this Act;

(2) may adopt, alter, and use a seal, which shall be judicially noticed;

(3) may make and perform such contracts, grants, and other agreements with any person or government however designated and wherever situated, as may be necessary for carrying out the functions of the Foundation;

(4) may determine and prescribe the manner in which its obligations shall be incurred and its expenses allowed and paid, including expenses for representation;

(5) may lease, purchase, or otherwise acquire, improve, and use such real property wherever situated, as may be necessary for carrying out the functions of the Foundation;

(6) may accept cash gifts or donations of services or of property (real, personal, or mixed), tangible or intangible, for the purpose of carrying out the provisions of this title;

(7) may use the United States mails in the same manner and on the same conditions as the executive departments;

(8) may contract with individuals for personal services, who shall not be considered Federal employees for any provision of law administered by the Office of Personnel Management;

(9) may hire or obtain passenger motor vehicles; and

(10) shall have such other powers as may be necessary and incident to carrying out this title.

(b) PRINCIPAL OFFICE.—The Foundation shall maintain its principal office in the metropolitan area of Washington, District of Columbia.

(c) APPLICABILITY OF GOVERNMENT CORPORATION CONTROL ACT.—

(1) IN GENERAL.—The Foundation shall be subject to chapter 91 of subtitle VI of title 31, United States Code, except that the Foundation shall not be authorized to issue obligations or offer obligations to the public.

(2) CONFORMING AMENDMENT.—Section 9101(3) of title 31, United States Code, is amended by adding at the end the following new subparagraph:

"(S) the Senator Paul Simon Study Abroad Foundation.".

(d) INSPECTOR GENERAL.—

(1) IN GENERAL.—The Inspector General of the Department of State shall serve as Inspector General of the Foundation, and, in acting in such capacity, may conduct reviews, investigations, and inspections of all aspects of the operations and activities of the Foundation.

(2) AUTHORITY OF THE BOARD.—In carrying out the responsibilities under this subsection, the Inspector General shall report to and be under the general supervision of the Board.

(3) REIMBURSEMENT AND AUTHORIZATION OF SERVICES.—

(A) REIMBURSEMENT.—The Foundation shall reimburse the Department of State for all expenses incurred by the Inspector General in connection with the Inspector General's responsibilities under this subsection.

(B) AUTHORIZATION FOR SERVICES.—Of the amount authorized to be appropriated under section 711(a) for a fiscal year, up to $2,000,000 is authorized to be made available to the Inspector General of the Department of

State to conduct reviews, investigations, and inspections of operations and activities of the Foundation.

SEC. 709. GENERAL PERSONNEL AUTHORITIES.

(a) DETAIL OF PERSONNEL.—Upon request of the Chief Executive Officer, the head of an agency may detail any employee of such agency to the Foundation on a reimbursable basis. Any employee so detailed remains, for the purpose of preserving such employee's allowances, privileges, rights, seniority, and other benefits, an employee of the agency from which detailed.

(b) REEMPLOYMENT RIGHTS.—

(1) IN GENERAL.—An employee of an agency who is serving under a career or career conditional appointment (or the equivalent), and who, with the consent of the head of such agency, transfers to the Foundation, is entitled to be reemployed in such employee's former position or a position of like seniority, status, and pay in such agency, if such employee—

(A) is separated from the Foundation for any reason, other than misconduct, neglect of duty, or malfeasance; and

(B) applies for reemployment not later than 90 days after the date of separation from the Foundation.

(2) SPECIFIC RIGHTS.—An employee who satisfies paragraph (1) is entitled to be reemployed (in accordance with such paragraph) within 30 days after applying for reemployment and, on reemployment, is entitled to at least the rate of basic pay to which such employee would have been entitled had such employee never transferred.

(c) HIRING AUTHORITY.—Of persons employed by the Foundation, not to exceed 20 persons may be appointed, compensated, or removed without regard to the civil service laws and regulations.

(d) BASIC PAY.—The Chief Executive Officer may fix the rate of basic pay of employees of the Foundation without regard to the provisions of chapter 51 of title 5, United States Code (relating to the classification of positions), subchapter III of chapter 53 of such title (relating to General Schedule pay rates), except that no employee of the Foundation may receive a rate of basic pay that exceeds the rate for level IV of the Executive Schedule under section 5315 of such title.

(e) DEFINITIONS.—In this section—

(1) the term ''agency'' means an executive agency, as defined by section 105 of title 5, United States Code; and

(2) the term ''detail'' means the assignment or loan of an employee, without a change of position, from the agency by which such employee is employed to the Foundation.

SEC. 710. GAO REVIEW.

(a) REVIEW REQUIRED.—Not later than two years after the date of the enactment of this Act, the Comptroller General of the United States shall commence a review of the operations of the Foundation.

(b) CONTENT.—In conducting the review required under subsection (a), the Comptroller General shall analyze—

(1) whether the Foundation is organized and operating in a manner that will permit it to fulfill the purposes of this section, as set forth in section 603;

(2) the degree to which the Foundation is operating efficiently and in a manner consistent with the requirements of paragraphs (4) and (5) of section 605(b);

(3) whether grant-making by the Foundation is being undertaken in a manner consistent with subsections (d), (e), and (f) of section 606;

(4) the extent to which the Foundation is using best practices in the implementation of this Act and the administration of the program described in section 606; and

(5) other relevant matters, as determined by the Comptroller General, after consultation with the appropriate congressional committees.

(c) REPORT REQUIRED.—The Comptroller General shall submit a report on the results of the review conducted under subsection (a) to the Secretary of State (in the capacity of the Secretary as Chairperson of the Board of the Foundation) and to the appropriate congressional committees.

SEC. 711. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to carry out this title $40,000,000 for fiscal year 2010 and $80,000,000 for fiscal year 2011.

(2) AMOUNTS IN ADDITION TO OTHER AVAILABLE AMOUNTS.—Amounts authorized to be appropriated by paragraph (1) are in addition to amounts

1 authorized to be appropriated or otherwise made
2 available for educational exchange programs, includ-
3 ing the J. William Fulbright Educational Exchange
4 Program and the Benjamin A. Gilman International
5 Scholarship Program, administered by the Bureau of
6 Educational and Cultural Affairs of the Department
7 of State.
8 (b) ALLOCATION OF FUNDS.—
9 (1) IN GENERAL.—The Foundation may allo-
10 cate or transfer to any agency of the United States
11 Government any of the funds available for carrying
12 out this Act. Such funds shall be available for obli-
13 gation and expenditure for the purposes for which
14 the funds were authorized, in accordance with au-
15 thority granted in this Act or under authority gov-
16 erning the activities of the United States Govern-
17 ment agency to which such funds are allocated or
18 transferred.
19 (2) NOTIFICATION.—The Foundation shall no-
20 tify the appropriate congressional committees not
21 less than 15 days prior to an allocation or transfer
22 of funds pursuant to paragraph (1).

TITLE VIII—EXPORT CONTROL REFORM AND SECURITY ASSISTANCE

Subtitle A—Defense Trade Controls Performance Improvement Act of 2009

SEC. 801. SHORT TITLE.

This subtitle may be cited as the ''Defense Trade Controls Performance Improvement Act of 2009''.

SEC. 802. FINDINGS.

Congress finds the following:

(1) In a time of international terrorist threats and a dynamic global economic and security environment, United States policy with regard to export controls is in urgent need of a comprehensive review in order to ensure such controls are protecting the national security and foreign policy interests of the United States.

(2) In January 2007, the Government Accountability Office designated the effective identification and protection of critical technologies as a government-wide, high-risk area, warranting a strategic reexamination of existing programs, including programs relating to arms export controls.

(3) Federal Government agencies must review licenses for export of munitions in a thorough and timely manner to ensure that the United States is able to assist United States allies and to prevent nuclear and conventional weapons from getting into the hands of enemies of the United States.

(4) Both staffing and funding that relate to the Department of State's arms export control responsibilities have not kept pace with the increased workload relating to such responsibilities, especially during the current decade.

(5) Outsourcing and off-shoring of defense production and the policy of many United States trading partners to require offsets for major sales of defense and aerospace articles present a potential threat to United States national security and economic well-being and serve to weaken the defense industrial base.

(6) Export control policies can have a negative impact on United States employment, nonproliferation goals, and the health of the defense industrial base, particularly when facilitating the overseas transfer of technology or production and other forms of outsourcing, such as offsets (direct and indirect), co-production, subcontracts, overseas investment and

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 perienced personnel has resulted in delays and
24 increased processing times.

(8) In 2006, the Department of State processed over three times as many licensing applications as the Department of Commerce with about a fifth of the staff of the Department of Commerce.

(9) On July 27, 2007, in testimony delivered to the Subcommittee on Terrorism, Nonproliferation and Trade of the Committee on Foreign Affairs of the House of Representatives to examine the effectiveness of the United States export control regime, the Government Accountability Office found that—

(A) the United States Government needs to conduct assessments to determine its overall effectiveness in the area of arms export control; and

(B) the processing times of the Department of State doubled over the period from 2002 to 2006.

(10)(A) Allowing a continuation of the status quo in resources for defense trade licensing could ultimately harm the United States defense industrial base. The 2007 Institute for Defense Analysis report entitled ''Export Controls and the U.S. Defense Industrial Base'' found that the large backlog and long processing times by the Department of State for applications for licenses to export defense items led to

an impairment of United States firms in some sectors to conduct global business relative to foreign competitors.

(B) Additionally, the report found that United States commercial firms have been reluctant to engage in research and development activities for the Department of Defense because this raises the future prospects that the products based on this research and development, even if intrinsically commercial, will be saddled by Department of State munitions controls due to the link to that research.

(11) According to the Department of State's fiscal year 2008 budget justification to Congress, commercial exports licensed or approved under the Arms Export Control Act exceeded $30,000,000,000, with nearly eighty percent of these items exported to United States NATO allies and other major non-NATO allies.

(12) A Government Accountability Office report of October 9, 2001 (GAO–02–120), documented ambiguous export control jurisdiction affecting 25 percent of the items that the United States Government agreed to control as part of its commitments to the Missile Technology Control Regime. The United States Government has not clearly determined which

department has jurisdiction over these items, which increases the risk that these items will fall into the wrong hands. During both the 108th, 109th, and 110th Congresses, the House of Representatives passed legislation mandating that the Administration clarify this issue.

(13) During 2007 and 2008, the management and staff of the Directorate of Defense Trade Controls of the Department of State have, through extraordinary effort and dedication, eliminated the large backlog of open applications and have reduced average processing times for license applications; however, the Directorate remains understaffed and long delays remain for complicated cases.

SEC. 803. STRATEGIC REVIEW AND ASSESSMENT OF THE UNITED STATES EXPORT CONTROLS SYSTEM.

(a) REVIEW AND ASSESSMENT.—

(1) IN GENERAL.—Not later than March 31, 2010, the President shall conduct a comprehensive and systematic review and assessment of the United States arms export controls system in the context of the national security interests and strategic foreign policy objectives of the United States.

(2) ELEMENTS.—The review and assessment required under paragraph (1) shall—

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 unnecess-
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;

(E) determine the effects of export controls policies and the practices of the export control agencies on the United States defense industrial base and United States employment in the industries affected by export controls;

(F) contain a detailed summary of known attempts by unauthorized end-users (such as international arms traffickers, foreign intelligence agencies, and foreign terrorist organizations) to acquire items on the United States Munitions List and related technical data, including—

(i) data on—

(I) commodities sought, such as M–4 rifles, night vision devices, F–14 spare parts;

(II) parties involved, such as the intended end-users, brokers, consignees, and shippers;

(III) attempted acquisition of technology and technical data critical to manufacture items on the United States Munitions List;

(IV) destination countries and transit countries;

(V) modes of transport;

(VI) trafficking methods, such as use of false documentation and front companies registered under flags of convenience;

(VII) whether the attempted illicit transfer was successful; and

(VIII) any administrative or criminal enforcement actions taken by the United States and any other government in relation to the attempted illicit transfer;

(ii) a thorough evaluation of the Blue Lantern Program, including the adequacy of current staffing and funding levels;

(iii) a detailed analysis of licensing exemptions and their successful exploitation by unauthorized end-users; and

(iv) an examination of the extent to which the increased tendency toward outsourcing and off-shoring of defense production harm United States national security and weaken the defense industrial base, including direct and indirect impact on employment, and formulate policies to

1 address these trends as well as the policy
2 of some United States trading partners to
3 require offsets for major sales of defense
4 articles; 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

if the requirement has not been met, the reasons therefor. The report required by this subsection shall be submitted in unclassified form, but may contain a classified annex, if necessary.

SEC. 804. PERFORMANCE GOALS FOR PROCESSING OF APPLICATIONS FOR LICENSES TO EXPORT ITEMS ON UNITED STATES MUNITIONS LIST.

(a) IN GENERAL.—The Secretary of State, acting through the head of the Directorate of Defense Trade Controls of the Department of State, shall establish and maintain the following goals:

(1) The processing time for review of each application for a license to export items on the United States Munitions List (other than a Manufacturing License Agreement) shall be not more than 60 days from the date of receipt of the application.

(2) The processing time for review of each application for a commodity jurisdiction determination shall be not more than 60 days from the date of receipt of the application.

(3) The total number of applications described in paragraph (1) that are unprocessed shall be not more than 7 percent of the total number of such applications submitted in the preceding calendar year.

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-

lations is not necessary to protect legitimate proprietary interests of persons or their prices and customers, is not in the best security and foreign policy interests of the United States, is inconsistent with the need to ensure a level playing field for United States exporters, and detracts from United States efforts to promote greater transparency and responsibility by other countries in their export control systems.

(2) PUBLICATION ON INTERNET WEBSITE.—The Secretary of State shall—

(A) upon making a commodity jurisdiction determination referred to in paragraph (1) publish on the Internet website of the Department of State not later than 30 days after the date of the determination—

(i) the name of the manufacturer of the item;

(ii) a brief general description of the item;

(iii) the model or part number of the item; and

(iv) the United States Munitions List designation under which the item has been designated, except that—

(I) the name of the person or business organization that sought the commodity jurisdiction determination shall not be published if the person or business organization is not the manufacturer of the item; and

(II) the names of the customers, the price of the item, and any proprietary information relating to the item indicated by the person or business organization that sought the commodity jurisdiction determination shall not be published; and

(B) maintain on the Internet website of the Department of State an archive, that is accessible to the general public and other departments and agencies of the United States, of the information published under subparagraph (A).

(g) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to prohibit the President or Congress from undertaking a thorough review of the national security and foreign policy implications of a proposed export of items on the United States Munitions List.

SEC. 805. REQUIREMENT TO ENSURE ADEQUATE STAFF AND RESOURCES FOR THE DIRECTORATE OF DEFENSE TRADE CONTROLS OF THE DEPARTMENT OF STATE.

(a) REQUIREMENT.—The Secretary of State shall ensure that the Directorate of Defense Trade Controls of the Department of State has the necessary staff and resources to carry out this subtitle and the amendments made by this subtitle.

(b) MINIMUM NUMBER OF LICENSING OFFICERS.—For fiscal year 2011 and each subsequent fiscal year, the Secretary of State shall ensure that the Directorate of Defense Trade Controls has at least 1 licensing officer for every 1,250 applications for licenses and other authorizations to export items on the United States Munitions List by not later than the third quarter of such fiscal year, based on the number of licenses and other authorizations expected to be received during such fiscal year. The Secretary shall ensure that in meeting the requirement of this subsection, the performance of other functions of the Directorate of Defense Trade Controls is maintained and adequate staff is provided for those functions.

(c) MINIMUM NUMBER OF STAFF FOR COMMODITY JURISDICTION DETERMINATIONS.—For each of the fiscal years 2010 through 2012, the Secretary of State shall ensure that the Directorate of Defense Trade Controls has,

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).

SEC. 807. INCREASED FLEXIBILITY FOR USE OF DEFENSE TRADE CONTROLS REGISTRATION FEES.

(a) IN GENERAL.—Section 45 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2717) is amended—

(1) in the first sentence—

(A) by striking ''For'' and inserting ''(a) IN GENERAL.—For''; and

(B) by striking ''Office'' and inserting ''Directorate'';

(2) by amending the second sentence to read as follows:

''(b) AVAILABILITY OF FEES.—Fees credited to the account referred to in subsection (a) shall be available only for payment of expenses incurred for—

''(1) management,

''(2) licensing (in order to meet the requirements of section 805 of the Defense Trade Controls Performance Improvement Act of 2009 (relating to adequate staff and resources of the Directorate of Defense Trade Controls)),

''(3) compliance,

''(4) policy activities, and

''(5) facilities,

of defense trade controls functions.''; and

(3) by adding at the end the following:

"(c) ALLOCATION OF FEES.—In allocating fees for payment of expenses described in subsection (b), the Secretary of State shall accord the highest priority to payment of expenses incurred for personnel and equipment of the Directorate of Defense Trade Controls, including payment of expenses incurred to meet the requirements of section 805 of the Defense Trade Controls Performance Improvement Act of 2009.".

(b) CONFORMING AMENDMENT.—Section 38(b) of the Arms Export Control Act (22 U.S.C. 2778(b)) is amended by striking paragraph (3).

SEC. 808. REVIEW OF INTERNATIONAL TRAFFIC IN ARMS REGULATIONS AND UNITED STATES MUNITIONS LIST.

(a) IN GENERAL.—The Secretary of State, in coordination with the heads of other relevant departments and agencies of the United States Government, shall review, with the assistance of United States manufacturers and other interested parties described in section 811(2) of this Act, the International Traffic in Arms Regulations and the United States Munitions List to determine those technologies and goods that warrant different or additional controls.

(b) CONDUCT OF REVIEW.—In carrying out the review required under subsection (a), the Secretary of State

shall review not less than 20 percent of the technologies and goods on the International Traffic in Arms Regulations and the United States Munitions List in each calendar year so that for the 5-year period beginning with calendar year 2010, and for each subsequent 5-year period, the International Traffic in Arms Regulations and the United States Munitions List will be reviewed in their entirety.

(c) REPORT.—The Secretary of State shall submit to the appropriate congressional committees and the Committee on Armed Services of the House of Representatives and the Committee on Armed Services of the Senate an annual report on the results of the review carried out under this section.

SEC. 809. SPECIAL LICENSING AUTHORIZATION FOR CERTAIN EXPORTS TO NATO MEMBER STATES, AUSTRALIA, JAPAN, NEW ZEALAND, ISRAEL, AND SOUTH KOREA.

(a) IN GENERAL.—Section 38 of the Arms Export Control Act (22 U.S.C. 2778) is amended by adding at the end the following:

"(k) SPECIAL LICENSING AUTHORIZATION FOR CERTAIN EXPORTS TO NATO MEMBER STATES, AUSTRALIA, JAPAN, NEW ZEALAND, ISRAEL, AND SOUTH KOREA.—

1 "(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;

"(iii) the spare and replacement parts or components will not to be used to materially enhance, optimize, or otherwise modify or upgrade the capability of the defense items;

"(iv) the spare and replacement parts or components relate to a defense item that is owned, operated, and in the inventory of the armed forces a country described in subparagraph (A);

"(v) the export of spare and replacement parts or components will be effected using the freight forwarder designated by the purchasing country's diplomatic mission as responsible for handling transfers under chapter 2 of this Act as required under regulations; and

"(vi) the spare and replacement parts or components to be exported under the special licensing authorization are specifically identified in the application.

"(C) An authorization may not be issued under subparagraph (A) for purposes of establishing offshore procurement arrangements or producing defense articles offshore.

"(D)(i) For purposes of this subsection, the term 'United States-manufactured spare and re-

1 placement 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

associated with the non-United States-origin content.

"(2) INAPPLICABILITY PROVISIONS.—(A) The provisions of this subsection shall not apply with respect to re-exports or re-transfers of spare and replacement parts or components and related services of defense items described in paragraph (1).

"(B) The congressional notification requirements contained in section 36(c) of this Act shall not apply with respect to an authorization issued under paragraph (1).".

(b) EFFECTIVE DATE.—The President shall issue regulations to implement amendments made by subsection (a) not later than 180 days after the date of the enactment of this Act.

SEC. 810. AVAILABILITY OF INFORMATION ON THE STATUS OF LICENSE APPLICATIONS UNDER CHAPTER 3 OF THE ARMS EXPORT CONTROL ACT.

Chapter 3 of the Arms Export Control Act (22 U.S.C. 2771 et seq.) is amended by inserting after section 38 the following new section:

"SEC. 38A. AVAILABILITY OF INFORMATION ON THE STATUS OF LICENSE APPLICATIONS UNDER THIS CHAPTER.

''(a) AVAILABILITY OF INFORMATION.—Not later than one year after the date of the enactment of the Defense Trade Controls Performance Improvement Act of 2009, the President shall make available to persons who have pending license applications under this chapter and the committees of jurisdiction the ability to access electronically current information on the status of each license application required to be submitted under this chapter.

''(b) MATTERS TO BE INCLUDED.—The information referred to in subsection (a) shall be limited to the following:

''(1) The case number of the license application.

''(2) The date on which the license application is received by the Department of State and becomes an 'open application'.

''(3) The date on which the Directorate of Defense Trade Controls makes a determination with respect to the license application or transmits it for interagency review, if required.

''(4) The date on which the interagency review process for the license application is completed, if such a review process is required.

"(5) The date on which the Department of State begins consultations with the congressional committees of jurisdiction with respect to the license application.

"(6) The date on which the license application is sent to the congressional committees of jurisdiction.".

SEC. 811. SENSE OF CONGRESS.

It is the sense of Congress that—

(1)(A) the advice provided to the Secretary of State by the Defense Trade Advisory Group (DTAG) supports the regulation of defense trade and helps ensure that United States national security and foreign policy interests continue to be protected and advanced while helping to reduce unnecessary impediments to legitimate exports in order to support the defense requirements of United States friends and allies; and

(B) therefore, the Secretary of State should share significant planned rules and policy shifts with DTAG for comment; and

(2) recognizing the constraints imposed on the Department of State by the nature of a voluntary organization such as DTAG, the Secretary of State is encouraged to ensure that members of DTAG are

drawn from a representative cross-section of subject matter experts from the United States defense industry, relevant trade and labor associations, academic, and foundation personnel.

SEC. 812. DEFINITIONS.

In this subtitle:

(1) INTERNATIONAL TRAFFIC IN ARMS REGULATIONS; ITAR.—The term ''International Traffic in Arms Regulations'' or ''ITAR'' means those regulations contained in parts 120 through 130 of title 22, Code of Federal Regulations (or successor regulations).

(2) MAJOR NON-NATO ALLY.—The term ''major non-NATO ally'' means a country that is designated in accordance with section 517 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321k) as a major non-NATO ally for purposes of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) and the Arms Export Control Act (22 U.S.C. 2751 et seq.).

(3) MANUFACTURING LICENSE AGREEMENT.—The term ''Manufacturing License Agreement'' means an agreement described in section 120.21 of title 22, Code of Federal Regulations (or successor regulations).

(4) MISSILE TECHNOLOGY CONTROL REGIME; MTCR.—The term ''Missile Technology Control Regime'' or ''MTCR'' has the meaning given the term in section 11B(c)(2) of the Export Administration Act of 1979 (50 U.S.C. App. 2401b(c)(2)).

(5) MISSILE TECHNOLOGY CONTROL REGIME ANNEX; MTCR ANNEX.—The term ''Missile Technology Control Regime Annex'' or ''MTCR Annex'' has the meaning given the term in section 11B(c)(4) of the Export Administration Act of 1979 (50 U.S.C. App. 2401b(c)(4)).

(6) OFFSETS.—The term ''offsets'' includes compensation practices required of purchase in either government-to-government or commercial sales of defense articles or defense services under the Arms Export Control Act (22 U.S.C. 2751 et seq.) and the International Traffic in Arms Regulations.

(7) UNITED STATES MUNITIONS LIST; USML.—The term ''United States Munitions List'' or ''USML'' means the list referred to in section 38(a)(1) of the Arms Export Control Act (22 U.S.C. 2778(a)(1)).

SEC. 813. AUTHORIZATION OF APPROPRIATIONS.

Of the amounts authorized to be appropriated under section 101, there are authorized to be appropriated such

sums as may be necessary for each of fiscal years 2010 and 2011 to carry out this subtitle and the amendments made by this subtitle.

Subtitle B—Provisions Relating to Export Licenses

SEC. 821. AVAILABILITY TO CONGRESS OF PRESIDENTIAL DIRECTIVES REGARDING UNITED STATES ARMS EXPORT POLICIES, PRACTICES, AND REGULATIONS.

(a) IN GENERAL.—The President shall make available to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate the text of each Presidential directive regarding United States export policies, practices, and regulations relating to the implementation of the Arms Export Control Act (22 U.S.C. 2751 et seq.) not later than 15 days after the date on which the directive has been signed or authorized by the President.

(b) TRANSITION PROVISION.—Each Presidential directive described in subsection (a) that is signed or authorized by the President on or after January 1, 2009, and before the date of the enactment of this Act shall be made available to the congressional committees specified in subsection (a) not later than 90 days after the date of the enactment of this Act.

(c) FORM.—To the maximum extent practicable, each Presidential directive described in subsection (a) shall be made available to the congressional committees specified in subsection (a) on an unclassified basis.

SEC. 822. INCREASE IN VALUE OF DEFENSE ARTICLES AND SERVICES FOR CONGRESSIONAL REVIEW AND EXPEDITING CONGRESSIONAL REVIEW FOR ISRAEL.

(a) FOREIGN MILITARY SALES.—

(1) IN GENERAL.—Section 36(b) of the Arms Export Control Act (22 U.S.C. 2776(b)) is amended—

(A) in paragraph (1)—

(i) by striking ''$50,000,000'' and inserting ''$100,000,000'';

(ii) by striking ''$200,000,000'' and inserting ''$300,000,000'';

(iii) by striking ''$14,000,000'' and inserting ''$25,000,000''; and

(iv) by striking ''The letter of offer shall not be issued'' and all that follows through ''enacts a joint resolution'' and inserting the following:

''(2) The letter of offer shall not be issued—

"(A) with respect to a proposed sale of any defense articles or defense services under this Act for $200,000,000 or more, any design and construction services for $300,000,000 or more, or any major defense equipment for $75,000,000 or more, to the North Atlantic Treaty Organization (NATO), any member country of NATO, Japan, Australia, the Republic of Korea, Israel, or New Zealand, if Congress, within 15 calendar days after receiving such certification, or

"(B) with respect to a proposed sale of any defense articles or services under this Act for $100,000,000 or more, any design and construction services for $200,000,000 or more, or any major defense equipment for $50,000,000 or more, to any other country or organization, if Congress, within 30 calendar days after receiving such certification,

enacts a joint resolution"; and

(B) by redesignating paragraphs (2) through (6) as paragraphs (3) through (7), respectively.

(2) TECHNICAL AND CONFORMING AMENDMENTS.—Section 36 of the Arms Export Control Act (22 U.S.C. 2776) is amended—

(A) in subsection (b)—

(i) in paragraph (6)(C), as redesignated, by striking ''Subject to paragraph (6), if'' and inserting ''If''; and

(ii) by striking paragraph (7), as redesignated; and

(B) in subsection (c)(4), by striking ''subsection (b)(5)'' each place it appears and inserting ''subsection (b)(6)''.

(b) COMMERCIAL SALES.—Section 36(c) of the Arms Export Control Act (22 U.S.C. 2776(c)) is amended—

(1) in paragraph (1)—

(A) by striking ''Subject to paragraph (5), in'' and inserting ''In'';

(B) by striking ''$14,000,000'' and inserting ''$25,000,000''; and

(C) by striking ''$50,000,000'' and inserting ''$100,000,000'';

(2) in paragraph (2)—

(A) in subparagraph (A)—

(i) by inserting after ''for an export'' the following: ''of any major defense equip-

ment sold under a contract in the amount of $75,000,000 or more or of defense articles or defense services sold under a contract in the amount of $200,000,000 or more, (or, in the case of a defense article that is a firearm controlled under category I of the United States Munitions List, $1,000,000 or more)''; and

(ii) by striking ''Organization,'' and inserting ''Organization (NATO),'' and by further striking ''that Organization'' and inserting ''NATO''; and

(B) in subparagraph (C), by inserting after ''license'' the following: ''for an export of any major defense equipment sold under a contract in the amount of $50,000,000 or more or of defense articles or defense services sold under a contract in the amount of $100,000,000 or more, (or, in the case of a defense article that is a firearm controlled under category I of the United States Munitions List, $1,000,000 or more)''; and

(3) by striking paragraph (5).

SEC. 823. DIPLOMATIC EFFORTS TO STRENGTHEN NATIONAL AND INTERNATIONAL ARMS EXPORT CONTROLS.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the President should redouble United States diplomatic efforts to strengthen national and international arms export controls by establishing a senior-level initiative to ensure that those arms export controls are comparable to and supportive of United States arms export controls, particularly with respect to countries of concern to the United States.

(b) REPORT.—Not later than one year after the date of the enactment of this Act, and annually thereafter for 4 years, the President shall transmit to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate a report on United States diplomatic efforts described in subsection (a).

SEC. 824. REPORTING REQUIREMENT FOR UNLICENSED EXPORTS.

Section 655(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2415(b)) is amended—

(1) in paragraph (2), by striking ''or'' at the end;

(2) in paragraph (3), by striking the period at the end and inserting ''; or''; and

(3) by adding at the end the following:

"(4) were exported without a license under section 38 of the Arms Export Control Act (22 U.S.C. 2778) pursuant to an exemption established under the International Traffic in Arms Regulations, other than defense articles exported in furtherance of a letter of offer and acceptance under the Foreign Military Sales program or a technical assistance or manufacturing license agreement, including the specific exemption provision in the regulation under which the export was made.".

SEC. 825. REPORT ON VALUE OF MAJOR DEFENSE EQUIPMENT AND DEFENSE ARTICLES EXPORTED UNDER SECTION 38 OF THE ARMS EXPORT CONTROL ACT.

Section 38 of the Arms Export Control Act (22 U.S.C. 2778) is amended by adding at the end the following:

"(k) REPORT.—

"(1) IN GENERAL.—The President shall transmit to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate a report that contains a detailed listing, by country and by international organization, of the total dollar value of

major defense equipment and defense articles exported pursuant to licenses authorized under this section for the previous fiscal year.

"(2) INCLUSION IN ANNUAL BUDGET.—The report required by this subsection shall be included in the supporting information of the annual budget of the United States Government required to be submitted to Congress under section 1105 of title 31, United States Code.".

SEC. 826. AUTHORITY TO REMOVE SATELLITES AND RELATED COMPONENTS FROM THE UNITED STATES MUNITIONS LIST.

(a) AUTHORITY.—Except as provided in subsection (b) and subject to subsection (d), the President is authorized to remove satellites and related components from the United States Munitions List, consistent with the procedures in section 38(f) of the Arms Export Control Act (22 U.S.C. 2778(f)).

(b) EXCEPTION.—The authority of subsection (a) may not be exercised with respect to any satellite or related component that may, directly or indirectly, be transferred to, or launched into outer space by, the People's Republic of China.

(c) UNITED STATES MUNITIONS LIST.—In this section, the term "United States Munitions List" means the

list referred to in section 38(a)(1) of the Arms Export Control Act (22 U.S.C. 2778(a)(1)).

(d) EFFECTIVE DATE.—The President may not exercise the authority provided in this section before the date that is 90 days after the date of the enactment of this Act.

SEC. 827. REVIEW AND REPORT OF INVESTIGATIONS OF VIOLATIONS OF SECTION 3 OF THE ARMS EXPORT CONTROL ACT.

(a) REVIEW.—The Inspector General of the Department of State shall conduct a review of investigations by the Department of State during each of fiscal years 2010 through 2014 of any and all possible violations of section 3 of the Arms Export Control Act (22 U.S.C. 2753) with respect to misuse of United States-origin defense items to determine whether the Department of State has fully complied with the requirements of such section, as well as its own internal procedures (and whether such procedures are adequate), for reporting to Congress any information regarding the unlawful use or transfer of United States-origin defense articles, defense services, and technology by foreign countries, as required by such section.

(b) REPORT.—The Inspector General of the Department of State shall submit to the Committee on Foreign Affairs of the House of Representatives and the Com-

mittee on Foreign Relations of the Senate for each of fiscal years 2010 through 2014 a report that contains the findings and results of the review conducted under subsection (a). The report shall be submitted in unclassified form to the maximum extent possible, but may include a classified annex.

SEC. 828. REPORT ON SELF-FINANCING OPTIONS FOR EXPORT LICENSING FUNCTIONS OF DDTC OF THE DEPARTMENT OF STATE.

Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees a report on possible mechanisms to place the export licensing functions of the Directorate of Defense Trade Controls of the Department of State on a 100 percent self-financing basis.

SEC. 829. CLARIFICATION OF CERTIFICATION REQUIREMENT RELATING TO ISRAEL'S QUALITATIVE MILITARY EDGE.

Section 36(h)(1) of the Arms Export Control Act (22 U.S.C. 2776(h)(1)) is amended by striking ''a determination'' and inserting ''an unclassified determination''.

SEC. 830. EXPEDITING CONGRESSIONAL DEFENSE EXPORT REVIEW PERIOD FOR ISRAEL.

The Arms Export Control Act (22 U.S.C. 2751 et seq.) is amended—

(1) in sections 3(d)(2)(B), 3(d)(3)(A)(i), 3(d)(5), 21(e)(2)(A), 36(b)(2), 36(c)(2)(A), 36(d)(2)(A), 62(c)(1), and 63(a)(2) by inserting ''Israel,'' before ''or New Zealand''; and

(2) in section 3(b)(2), by inserting ''the Government of Israel,'' before ''or the Government of New Zealand''.

SEC. 831. UPDATING AND CONFORMING PENALTIES FOR VIOLATIONS OF SECTIONS 38 AND 39 OF THE ARMS EXPORT CONTROL ACT.

(a) IN GENERAL.—Section 38(c) of the Arms Export Control Act (22 U.S.C. 2778(c) is amended to read as follows:

''(c) VIOLATIONS OF THIS SECTION AND SECTION 39.—

''(1) UNLAWFUL ACTS.—It shall be unlawful for any person to violate, attempt to violate, conspire to violate, or cause a violation of any provision of this section or section 39, or any rule or regulation issued under either section, or who, in a registration or license application or required report, makes any untrue statement of a material fact or omits to state a material fact required to be stated therein or necessary to make the statements therein not misleading.

"(2) CIVIL PENALTIES.—A person who commits an unlawful act described in paragraph (1) shall upon conviction be fined for each violation in an amount not to exceed the greater of—

"(A) $250,000; or

"(B) an amount that is twice the amount of the transaction that is the basis of the violation with respect to which the penalty is imposed.

"(3) CRIMINAL PENALTIES.—A person who willfully commits an unlawful act described in paragraph (1) shall upon conviction—

"(A) be fined for each violation in an amount not to exceed $1,000,000, or

"(B) in the case of a natural person, imprisoned for not more than 20 years,

or both.".

(b) MECHANISMS TO IDENTIFY VIOLATORS.—Section 38(g) of the Arms Export Control Act (22 U.S.C. 2778(g)) is amended—

(1) in paragraph (1)——

(A) in subparagraph (A)—

(i) in the matter preceding clause (i), by inserting "or otherwise charged" after "indictment";

(ii) in clause (xi), by striking ''or'' at the end; and

(iii) by adding at the end the following:

''(xiii) section 542 of title 18, United States Code, relating to entry of goods by means of false statements;

''(xiv) section 554 of title 18, United States Code, relating to smuggling goods from the United States; or

''(xv) section 1831 of title 18, United States Code, relating to economic espionage.''; and

(B) in subparagraph (B), by inserting ''or otherwise charged'' after ''indictment''; and

(2) in paragraph (3)(A), by inserting ''or otherwise charged'' after ''indictment''.

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act and shall apply with respect to violations of sections 38 and 39 of the Arms Export Control Act committed on or after that date.

Subtitle C—Miscellaneous Provisions

SEC. 841. AUTHORITY TO BUILD THE CAPACITY OF FOREIGN MILITARY FORCES.

(a) AUTHORITY.—The Secretary of State is authorized to conduct a program to respond to contingencies in foreign countries or regions by providing training, procurement, and capacity-building of a foreign country's national military forces and dedicated counterterrorism forces in order for that country to—

(1) conduct counterterrorist operations; or

(2) participate in or support military and stability operations in which the United States is a participant.

(b) TYPES OF CAPACITY-BUILDING.—The program authorized under subsection (a) may include the provision of equipment, supplies, and training.

(c) LIMITATIONS.—

(1) ASSISTANCE OTHERWISE PROHIBITED BY LAW.—The Secretary of State may not use the authority in subsection (a) to provide any type of assistance described in subsection (b) that is otherwise prohibited by any provision of law.

(2) LIMITATION ON ELIGIBLE COUNTRIES.—The Secretary of State may not use the authority in

subsection (a) to provide assistance described in subsection (b) to any foreign country that is otherwise prohibited from receiving such type of assistance under any other provision of law.

(d) FORMULATION AND EXECUTION OF ACTIVITIES.—The Secretary of State shall consult with the head of any other appropriate department or agency in the formulation and execution of the program authorized under subsection (a).

(e) CONGRESSIONAL NOTIFICATION.—

(1) ACTIVITIES IN A COUNTRY.—Not less than 15 days before obligating funds for activities in any country under the program authorized under subsection (a), the Secretary of State shall submit to the congressional committees specified in paragraph (2) a notice of the following:

(A) The country whose capacity to engage in activities in subsection (a) will be assisted.

(B) The budget, implementation timeline with milestones, and completion date for completing the activities.

(2) SPECIFIED CONGRESSIONAL COMMITTEES.—The congressional committees specified in this paragraph are the following:

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

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

(f) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to the Secretary of State $25,000,000 for each of the fiscal years 2010 and 2011 to conduct the program authorized by subsection (a).

(2) USE OF FMF FUNDS.—The Secretary of State may use up to $25,000,000 of funds available under the Foreign Military Financing program for each of the fiscal years 2010 and 2011 to conduct the program authorized under subsection (a).

(3) AVAILABILITY AND REFERENCE.—Amounts made available to conduct the program authorized under subsection (a)—

(A) are authorized to remain available until expended; and

(B) may be referred to as the ''Security Assistance Contingency Fund''.

SEC. 842. FOREIGN MILITARY SALES STOCKPILE FUND.

(a) IN GENERAL.—Section 51(a) of the Arms Export Control Act (22 U.S.C. 2795(a)) is amended—

(1) in paragraph (1), by striking ''Special Defense Acquisition Fund'' and inserting ''Foreign Military Sales Stockpile Fund''; and

(2) in paragraph (4), by inserting ''building the capacity of recipient countries and'' before ''narcotics control purposes''.

(b) CONTENTS OF FUND.—Section 51(b) of the Arms Export Control Act (22 U.S.C. 2795(b)) is amended—

(1) in paragraph (2), by striking ''and'' at the end;

(2) in paragraph (3), by inserting ''and'' at the end; and

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

''(4) collections from leases made pursuant to section 61 of this Act,''.

(c) CONFORMING AMENDMENTS.—(1) The heading of section 51 of the Arms Export Control Act is amended by striking ''SPECIAL DEFENSE ACQUISITION FUND'' and inserting ''FOREIGN MILITARY SALES STOCKPILE FUND''.

(2) The heading of chapter 5 of the Arms Export Control Act is amended by striking ''**SPECIAL DEFENSE ACQUISITION FUND**'' and inserting

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. SENSE OF CONGRESS ON THE GLOBAL ARMS**
10 **TRADE.**

11 It is the sense of Congress that—
12 (1) the United States, as the world's largest ex-
13 porter of conventional weapons, has a special obliga-
14 tion to promote responsible practices in the global
15 arms trade and should actively work to prevent con-
16 ventional weapons from being used to perpetrate—
17 (A) breaches of the United Nations Char-
18 ter relating to the use of force;
19 (B) gross violations of international human
20 rights;
21 (C) serious violations of international hu-
22 manitarian law;
23 (D) acts of genocide or crimes against hu-
24 manity;
25 (E) acts of terrorism; and

(F) destabilizing buildups of military forces and weapons; and

(2) the United States should actively engage in the development of a legally binding treaty establishing common international standards for the import, export, and transfer of conventional weapons.

SEC. 845. REPORT ON UNITED STATES' COMMITMENTS TO THE SECURITY OF ISRAEL.

(a) INITIAL REPORT.—Not later than 30 days after the date of the enactment of this Act, the President shall transmit to the appropriate congressional committees a report that contains—

(1) a complete, unedited, and unredacted copy of each assurance made by United States Government officials to officials of the Government of Israel regarding Israel's security and maintenance of Israel's qualitative military edge, as well as any other assurance regarding Israel's security and maintenance of Israel's qualitative military edge provided in conjunction with exports under the Arms Export Control Act (22 U.S.C. 2751 et seq.), for the period beginning on January 1, 1975, and ending on the date of the enactment of this Act; and

(2) an analysis of the extent to which, and by what means, each such assurance has been and is continuing to be fulfilled.

(b) SUBSEQUENT REPORTS.—

(1) NEW ASSURANCES AND REVISIONS.—The President shall transmit to the appropriate congressional committees a report that contains the information required under subsection (a) with respect to—

(A) each assurance described in subsection (a) made on or after the date of the enactment of this Act, or

(B) revisions to any assurance described in subsection (a) or subparagraph (A) of this paragraph,

within 15 days of the new assurance or revision being conveyed.

(2) 5-YEAR REPORTS.—Not later than 5 years after the date of the enactment of this Act, and every 5 years thereafter, the President shall transmit to the appropriate congressional committees a report that contains the information required under subsection (a) with respect to each assurance described in subsection (a) or paragraph (1)(A) of this subsection and revisions to any assurance described

in subsection (a) or paragraph (1)(A) of this subsection during the preceding 5-year period.

(c) FORM.—Each report required by this section shall be transmitted in unclassified form, but may contain a classified annex, if necessary.

SEC. 846. WAR RESERVES STOCKPILE.

(a) DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2005.—Section 12001(d) of the Department of Defense Appropriations Act, 2005 (Public Law 108–287; 118 Stat. 1011), is amended by striking ''4'' and inserting ''7''.

(b) FOREIGN ASSISTANCE ACT OF 1961.—Section 514(b)(2)(A) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321h(b)(2)(A)) is amended by striking ''fiscal years 2007 and 2008'' and inserting ''fiscal years 2010 and 2011''.

SEC. 847. EXCESS DEFENSE ARTICLES FOR CENTRAL AND SOUTH EUROPEAN COUNTRIES AND CERTAIN OTHER COUNTRIES.

Section 516(e) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j(e)) is amended—

(1) in paragraph (1), by striking ''paragraph (2)'' and inserting ''paragraphs (2) and (3)'';

(2) in paragraph (2), in the heading by striking ''EXCEPTION'' and inserting ''GENERAL EXCEPTION''; and

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

''(3) EXCEPTION FOR SPECIFIC COUNTRIES.—For fiscal years 2010 and 2011, the President may provide for the crating, packing, handling, and transportation of excess defense articles transferred under the authority of this section to Albania, Afghanistan, Bulgaria, Croatia, Estonia, Macedonia, Georgia, India, Iraq, Israel, Kazakhstan, Kyrgyzstan, Latvia, Lithuania, Moldova, Mongolia, Pakistan, Romania, Slovakia, Tajikistan, Turkmenistan, and Ukraine.''.

TITLE IX—ACTIONS TO ENHANCE THE MERIDA INITIATIVE

Subtitle A—General Provisions

SEC. 901. COORDINATOR OF UNITED STATES GOVERNMENT ACTIVITIES TO IMPLEMENT THE MERIDA INITIATIVE.

(a) DECLARATION OF POLICY.—Congress declares that the Merida Initiative is a Department of State-led initiative which combines the programs of numerous

United States Government departments and agencies and therefore requires a single individual to coordinate and track all Merida Initiative-related efforts government-wide to avoid duplication, coordinate messaging, and facilitate accountability to and communication with Congress.

(b) DESIGNATION OF HIGH-LEVEL COORDINATOR.—

(1) IN GENERAL.—The President shall designate, within the Department of State, a Coordinator of United States Government Activities to Implement the Merida Initiative (hereafter in this section referred to as the ''Coordinator'') who shall be responsible for—

(A) designing and shaping an overall strategy for the Merida Initiative;

(B) ensuring program and policy coordination among United States Government departments and agencies in carrying out the Merida Initiative, including avoiding duplication among programs and ensuring that a consistent message emanates from the United States Government;

(C) ensuring that efforts of the United States Government are in full consonance with the efforts of the countries within the Merida Initiative;

(D) tracking, in coordination with the relevant officials of the Department of Defense and other departments and agencies, United States assistance programs that fulfill the goals of the Merida Initiative or are closely related to the goals of the Merida Initiative, including to the extent possible, tracking information required under the second section 620J of the Foreign Assistance Act of 1961 (22 U.S.C. 2378d) (as added by section 651 of division J of Public Law 110–161) with respect to countries participating in the Merida Initiative; and

(E) consulting with the Attorney General and the Secretary of Homeland Security with respect to the activities of Federal, State, and local law enforcement authorities in the United States relating to the goals of the Merida Initiative, particularly along the United States-Mexico border.

(2) RANK AND STATUS OF THE COORDINATOR.—The Coordinator should have the rank and status of ambassador.

SEC. 902. ADDING THE CARIBBEAN TO THE MERIDA INITIATIVE.

(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-
8 ibbean—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 30 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.

(c) INCORPORATION OF CARICOM COUNTRIES INTO THE MERIDA INITIATIVE.—The President is authorized to incorporate the CARICOM countries into the Merida Initiative.

SEC. 903. MERIDA INITIATIVE MONITORING AND EVALUATION MECHANISM.

(a) DEFINITIONS.—In this section:

(1) IMPACT EVALUATION RESEARCH.—The term ''impact evaluation research'' means the application of research methods and statistical analysis to measure the extent to which change in a population-based outcome can be attributed to program intervention instead of other environmental factors.

(2) OPERATIONS RESEARCH.—The term ''operations research'' means the application of social science research methods, statistical analysis, and other appropriate scientific methods to judge, compare, and improve policies and program outcomes, from the earliest stages of defining and designing programs through their development and implementation, with the objective of the rapid dissemination of conclusions and concrete impact on programming.

(3) PROGRAM MONITORING.—The term ''program monitoring'' means the collection, analysis, and use of routine program data to determine how

well a program is carried out and how much the program costs.

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

(1) to successfully support building the capacity of recipient countries' civilian security institutions, enhance the rule of law in recipient countries, and ensure the protection of human rights, the President should establish a program to conduct impact evaluation research, operations research, and program monitoring to ensure effectiveness of assistance provided under the Merida Initiative;

(2) long-term solutions to the security problems of Merida recipient countries depend on increasing the effectiveness and responsiveness of their civilian institutions, including their judicial system;

(3) a specific program of impact evaluation research, operations research, and program monitoring, established at the inception of the program, is required to permit assessment of the operational effectiveness of the impact of United States assistance towards these goals; and

(4) the President, in developing performance measurement methods under the impact evaluation research, operations research, and program moni-

1 toring, should consult with the appropriate congres-
2 sional committees as well as the governments of
3 Merida recipient countries.

4 (c) IMPACT EVALUATION RESEARCH, OPERATION
5 RESEARCH, AND PROGRAM MONITORING OF ASSIST-
6 ANCE.—The President shall establish and implement a
7 program to assess the effectiveness of assistance provided
8 under the Merida Initiative through impact evaluation re-
9 search on a selected set of programmatic interventions, op-
10 erations research in areas to ensure efficiency and effec-
11 tiveness of program implementation, and monitoring to
12 ensure timely and transparent delivery of assistance.

13 (d) REQUIREMENTS.—The program required under
14 subsection (c) shall include—

15 (1) a delineation of key impact evaluation re-
16 search and operations research questions for main
17 components of assistance provided under the Merida
18 Initiative;

19 (2) an identification of measurable performance
20 goals for each of the main components of assistance
21 provided under the Merida Initiative, to be expressed
22 in an objective and quantifiable form at the incep-
23 tion of the program;

1 (3) the use of appropriate methods, based on
2 rigorous social science tools, to measure program im-
3 pact and operational efficiency; and
4 (4) adherence to a high standard of evidence in
5 developing recommendations for adjustments to such
6 assistance to enhance the impact of such assistance.
7 (e) CONSULTATION WITH CONGRESS.—Not later
8 than 60 days after the date of the enactment of this Act,
9 the President shall brief and consult with the appropriate
10 congressional committees regarding the progress in estab-
11 lishing and implementing the program required under sub-
12 section (c).
13 (f) AUTHORIZATION OF APPROPRIATIONS.—Of the
14 amounts authorized to be appropriated for the Merida Ini-
15 tiative, up to five percent of such amounts is authorized
16 to be appropriated to carry out this section.
17 (g) REPORT.—
18 (1) IN GENERAL.—Not later than 180 days
19 after the date of the enactment of this section and
20 not later than December 1 of each year thereafter,
21 the President shall transmit to the appropriate con-
22 gressional committees a report regarding programs
23 and activities carried out under the Merida Initiative
24 during the preceding fiscal year.

(2) MATTERS TO BE INCLUDED.—The reports required under subsection (g) shall include the following:

(A) FINDINGS.—Findings related to the impact evaluation research, operation research, and program monitoring of assistance program established under subsection (c).

(B) COORDINATION.—Efforts of the United States Government to coordinate its activities, including—

(i) a description of all counter-narcotics and organized crime assistance provided to Merida Initiative recipient countries in the previous fiscal year;

(ii) an assessment of how such assistance was coordinated; and

(iii) recommendations for improving coordination.

(C) TRANSFER OF EQUIPMENT.—A description of the transfer of equipment, including—

(i) a description of the progress of each recipient country toward the transfer of equipment, if any, from its armed forces to law enforcement agencies;

(ii) a list of agencies that have used air assets provided by the United States under the Merida Initiative to the government of each recipient country, and, to the extent possible, a detailed description of those agencies that have utilized such air assets, such as by a percentage breakdown of use by each agency; and

(iii) a description of training of law enforcement agencies to operate equipment, including air assets.

(D) HUMAN RIGHTS.—In accordance with sections 116(d) and 502B(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151n(d) and 2304(b)) and section 504 of the Trade Act of 1974 (19 U.S.C. 2464), an assessment of the human rights impact of the equipment and training provided under the Merida Initiative, including—

(i) a list of accusations of serious human rights abuses committed by the armed forces and law enforcement agencies of recipient countries on or after the date of the enactment of this Act; and

(ii) a description of efforts by the governments of Merida recipient countries to investigate and prosecute allegations of abuses of human rights committed by any agency of such recipient countries.

(E) EFFECTIVENESS OF EQUIPMENT.—An assessment of the long-term effectiveness of the equipment and maintenance packages and training provided to each recipient country's security institutions.

(F) MEXICO PUBLIC SECURITY STRATEGY.—A description of Mexico's development of a public security strategy, including—

(i) effectiveness of the Mexican Federal Registry of Police Personnel to vet police recruiting at the National, state, and municipal levels to prevent rehiring from one force to the next after dismissal for corruption and other reasons; and

(ii) an assessment of how the Merida Initiative complements and supports the Mexican Government's own public security strategy.

(G) FLOW OF ILLEGAL ARMS.—A description and assessment of efforts to reduce the southbound flow of illegal arms.

(H) USE OF CONTRACTORS.—A detailed description of contracts awarded to private companies to carry out provisions of the Merida Initiative, including—

(i) a description of the number of United States and foreign national civilian contractors awarded contracts;

(ii) a list of the total dollar value of the contracts; and

(iii) the purposes of the contracts.

(I) PHASE OUT OF LAW ENFORCEMENT ACTIVITIES.—A description of the progress of phasing out law enforcement activities of the armed forces of each recipient country.

(J) IMPACT ON BORDER VIOLENCE AND SECURITY.—A description of the impact that activities authorized under the Merida Initiative have had on violence against United States and Mexican border personnel and the extent to which these activities have increased the protection and security of the United States-Mexico border.

SEC. 904. MERIDA INITIATIVE DEFINED.

In this subtitle, the term ''Merida Initiative'' means the program announced by the United States and Mexico on October 22, 2007, to fight illicit narcotics trafficking and criminal organizations throughout the Western Hemisphere.

Subtitle B—Prevention of Illicit Trade in Small Arms and Light Weapons

SEC. 911. TASK FORCE ON THE PREVENTION OF ILLICIT SMALL ARMS TRAFFICKING IN THE WESTERN HEMISPHERE.

(a) ESTABLISHMENT.—The President shall establish an inter-agency task force to be known as the ''Task Force on the Prevention of Illicit Small Arms Trafficking in the Western Hemisphere'' (in this section referred to as the ''Task Force'').

(b) DUTIES.—The Task Force shall develop a strategy for the Federal Government to coordinate efforts to reduce and prevent illegal firearms trafficking from the United States throughout the Western Hemisphere, including Mexico, Central America, the Caribbean, and South America. The Task Force shall—

(1) coordinate strategies for maximizing cooperation among departments and agencies of the Federal Government and the use of resources of the

1 Federal Government to identify the sources and
2 types of firearms illegally trafficked from the United
3 States;
4 (2) conduct a thorough review and analysis of
5 the current regulation of exports of small arms and
6 light weapons; and
7 (3) develop integrated Federal policies to better
8 control exports of small arms and light weapons in
9 a manner that furthers the foreign policy and na-
10 tional security interests of the United States within
11 the Western Hemisphere.
12 (c) MEMBERSHIP.—The Task Force shall be com-
13 posed of—
14 (1) the Secretary of State;
15 (2) the Attorney General;
16 (3) the Secretary of Homeland Security; and
17 (4) the heads of other Federal departments and
18 agencies as appropriate.
19 (d) CHAIRPERSON.—The Secretary of State shall
20 serve as the chairperson of the Task Force.
21 (e) MEETINGS.—The Task Force shall meet at the
22 call of the chairperson or a majority of its members.
23 (f) ANNUAL REPORTS.—Not later than one year after
24 the date of the enactment of this Act and annually there-
25 after until October 31, 2014, the chairperson of the Task

Force shall submit to Congress and make available to the public a report that contains—

(1) a description of the activities of the Task Force during the preceding year; and

(2) the findings, strategies, recommendations, policies, and initiatives developed pursuant to the duties of the Task Force under subsection (b) during the preceding year.

SEC. 912. INCREASE IN PENALTIES FOR ILLICIT TRAFFICKING IN SMALL ARMS AND LIGHT WEAPONS TO MEXICO.

(a) IN GENERAL.—Notwithstanding section 38(c) of the Arms Export Control Act (22 U.S.C. 2778(c)), any person who willfully exports to Mexico any small arm or light weapon without a license in violation of the requirements of section 38 of such Act shall upon conviction be fined for each violation not less than $1,000,000 but not more than $3,000,000 and imprisoned for not more than ten years, or both.

(b) DEFINITION.—In this section, the term ''small arm or light weapon'' means any item listed in Category I(a), Category III (as it applies to Category I(a)), or grenades under Category IV(a) of the United States Munitions List (as contained in part 121 of title 22, Code of

1 Federal Regulations (or successor regulations)) that re-
2 quires a license for international export under this section.
3 (c) SUNSET.—Subsection (a) shall not apply begin-
4 ning on any date after September 30, 2012, on which the
5 President transmits to Congress a certification that con-
6 tains a determination of the President that the increased
7 penalties in subsection (a) are no longer necessary.

8 **SEC. 913. DEPARTMENT OF STATE REWARDS PROGRAM.**

9 Section 36(b) of the State Department Basic Au-
10 thorities Act of 1956 (22 U.S.C. 2708(b)) is amended—
11 (1) by redesignating paragraphs (4) through
12 (7) as paragraphs (5) through (8), respectively;
13 (2) by inserting after paragraph (3) the fol-
14 lowing new paragraph:
15 ''(4) the arrest or conviction in any country of
16 any individual for illegally exporting or attempting
17 to export to Mexico any small arm or light weapon
18 (as defined in section 912(b) of the Foreign Rela-
19 tions Authorization Act, Fiscal Years 2010 and
20 2011;''; and
21 (3) in paragraphs (5) and (6) (as redesignated),
22 by striking ''paragraph (1), (2), or (3)'' each place
23 it appears and inserting ''paragraph (1), (2), (3), or
24 (4)''.

SEC. 914. STATEMENT OF CONGRESS SUPPORTING UNITED STATES RATIFICATION OF CIFTA.

Congress supports the ratification by the United States of the Inter-American Convention Against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and Other Related Materials.

TITLE X—REPORTING REQUIREMENTS

SEC. 1001. ASSESSMENT OF SPECIAL COURT FOR SIERRA LEONE.

Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees an assessment on the continuing needs of the Special Court for Sierra Leone, including an assessment of the following activities of the Special Court:

(1) Witness protection.

(2) Archival activities, including recordkeeping associated with future legal work by the Special Court.

(3) The residual registrar's capacity for enforcing Special Court sentences and maintaining relations with countries hosting imprisoned convicts of the Special Court, legal decisionmaking regarding future appeals, conditions of prisoner treatment,

contempt proceedings, and financial matters relating to such activities.

(4) Transfer or maintenance of Special Court records to a permanent recordkeeping authority in Sierra Leone.

(5) Ongoing needs or programs for community outreach, for the purpose of reconciliation and healing, regarding the Special Court's legal proceedings and decisions.

(6) Plans for the Special Court's facilities in Sierra Leone and plans to use the Special Court, and expertise of its personnel, for further development of the legal profession and an independent and effective judiciary in Sierra Leone.

(7) Unresolved cases, or cases that were not prosecuted.

SEC. 1002. REPORT ON UNITED STATES CAPACITIES TO PREVENT GENOCIDE AND MASS ATROCITIES.

(a) FINDINGS.—Congress finds the following:

(1) The lack of an effective government-wide strategy and adequate capacities for preventing genocide and mass atrocities against civilians undermines the ability of the United States to contribute to the maintenance of global peace and security and protect vital United States interests.

(2) The December 2008 Report of the Genocide Prevention Task Force, co-chaired by former Secretary of State Madeline Albright and former Secretary of Defense William Cohen offers a valuable blueprint for strengthening United States capacities to help prevent genocide and mass atrocities.

(3) Specific training and staffing will enhance the diplomatic capacities of the Department of State to help prevent and respond to threats of genocide and mass atrocities.

(b) REPORT.—

(1) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees a report outlining specific plans for the development of a government-wide strategy and the strengthening of United States civilian capacities for preventing genocide and mass atrocities against civilians.

(2) CONTENT.—The report required under paragraph (1) shall include the following:

(A) An evaluation of current mechanisms for government-wide early warning, information-sharing, contingency planning, and coordination of effort to prevent and respond to situa-

tions of genocide, mass atrocities, and other mass violence.

(B) An assessment of current capacities within the Department of State, including specific staffing and training, for early warning, preventive diplomacy, and crisis response to help avert genocide and mass atrocities.

(C) An evaluation of United States foreign assistance programs and mechanisms directed toward the prevention of genocide and mass atrocities, including costs, challenges to implementation, and successes of such programs and mechanisms.

(D) An assessment of the feasibility, effectiveness, and potential costs of implementing key recommendations made by the Genocide Prevention Task Force, including the establishment of an Atrocities Prevention Committee within the National Security Council and increased annual and contingency funding for the prevention of genocide and mass atrocities.

(E) Recommendations to further strengthen United States capacities to help prevent genocide, mass atrocities, and other mass violence, including enhanced early warning mecha-

nisms, strengthened diplomatic capacities of the Department of State, and improved use of United States foreign assistance.

SEC. 1003. REPORTS RELATING TO PROGRAMS TO ENCOURAGE GOOD GOVERNANCE.

(a) IN GENERAL.—Subparagraph (C) of section 133(d)(2) of the Foreign Assistance Act of 1961 (22 U.S.C. 2152c(d)(2)) is amended by inserting at the end before the period the following: ", including, with respect to a country that produces or exports large amounts of natural resources such as petroleum or natural resources, the degree to which citizens of the country have access to information about government revenue from the extraction of such resources and credible reports of human rights abuses against individuals from civil society or the media seeking to monitor such extraction.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to reports required to be transmitted under section 133(d)(2) of the Foreign Assistance Act of 1961, as so amended, on or after the date of the enactment of this Act.

SEC. 1004. REPORTS ON HONG KONG.

Section 301 of the United States-Hong Kong Policy Act of 1992 (Public Law 102–383; 22 U.S.C. 5731) is amended, in the matter preceding paragraph (1), by strik-

ing "and March 31, 2006" and inserting "March 31, 2006, and March 31, 2010, and March 31 of every subsequent year through 2020".

SEC. 1005. DEMOCRACY IN GEORGIA.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the development and consolidation of effective democratic governance in Georgia, including free and fair electoral processes, respect for human rights and the rule of law, an independent media, an independent judiciary, a vibrant civil society, as well as transparency and accountability of the executive branch and legislative process, is critically important to Georgia's integration into Euro-Atlantic institutions, stability in the Caucasus region, and United States national security.

(b) REPORT ON DEMOCRACY IN GEORGIA.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and not later than December 31 of each of the two fiscal years thereafter, the Secretary of State shall submit to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate a report on the programs, projects, and activities carried out in Georgia with United States foreign assistance following the August 2008 conflict with Russia.

(2) CONTENTS.—The report required under paragraph (1) shall include information concerning the following:

(A) The amount of United States assistance obligated and expended for reconstruction activities for the prior fiscal year.

(B) A description of the programs funded by such assistance, including humanitarian aid, reconstruction of critical infrastructure, economic development, political and democratic development, and broadcasting.

(C) An evaluation of the impact of such programs, including their contribution to the consolidation of democracy in Georgia and efforts by the Government of Georgia to improve democratic governance.

(D) An analysis of the implementation of the United States-Georgia Charter on Strategic Partnership.

SEC. 1006. DIPLOMATIC RELATIONS WITH ISRAEL.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the United States should assist Israel in its efforts to establish diplomatic relations.

(b) REPORT.—Not later than 90 days after the date of the enactment of this Act and annually thereafter, the

1 Secretary of State shall submit to the appropriate congres-
2 sional committees a report that includes the following in-
3 formation:

4 (1) Actions taken by representatives of the
5 United States to encourage other countries to estab-
6 lish full diplomatic relations with Israel.

7 (2) Specific responses solicited and received by
8 the Secretary from countries that do not maintain
9 full diplomatic relations with Israel with respect to
10 their attitudes toward and plans for entering into
11 diplomatic relations with Israel.

12 (3) Other measures being undertaken, and
13 measures that will be undertaken, by the United
14 States to ensure and promote Israel's full participa-
15 tion in the world diplomatic community.

16 (c) FORM OF SUBMISSION.—The report required
17 under subsection (b) may be submitted in classified or un-
18 classified form, as the Secretary determines appropriate.

19 **SEC. 1007. POLICE TRAINING REPORT.**

20 (a) IN GENERAL.—Not later than 180 days after the
21 date of the enactment of this Act, the President shall, in
22 coordination with the heads of relevant Federal depart-
23 ments and agencies, conduct a study and transmit to Con-
24 gress a report on current overseas civilian police training

in countries or regions that are at risk of, in, or are in transition from, conflict or civil strife.

(b) CONTENTS.—The report required under subsection (a) shall contain information on the following:

(1) The coordination, communication, program management, and policy implementation among the United States civilian police training programs in countries or regions that are at risk of, in, or are in transition from, conflict or civil strife.

(2) The number of private contractors conducting such training, and the quality and cost of such private contractors.

(3) An assessment of pre-training procedures for verification of police candidates to adequately assess their aptitude, professional skills, integrity, and other qualifications that are essential to law enforcement work.

(4) An analysis of the practice of using existing Federal police entities to provide civilian police training in countries or regions that are at risk of, in, or are in transition from, conflict or civil strife, along with the subject matter expertise that each such entity may provide to meet local needs in lieu of the use of private contractors.

(5) Provide recommendations, including recommendations related to required resources and actions, to maximize the effectiveness and interagency coordination and the adequate provision of civilian police training programs in countries or regions that are at risk of, in, or are in transition from, conflict or civil strife.

SEC. 1008. REPORTS ON HUMANITARIAN ASSISTANCE IN GAZA.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act and one year thereafter, the Secretary of State shall submit to the appropriate congressional committees a report detailing the humanitarian conditions and efficacy and obstacles to humanitarian and reconstruction assistance activities in Gaza.

(b) CONTENTS.—The reports required under subsection (a) shall include the following:

(1) An assessment of the level of access to basic necessities in Gaza, including food, fuel, water, sanitation, education, and healthcare.

(2) An assessment of the ability to successfully deliver and distribute humanitarian and reconstruction goods and supplies.

(3) A description of the efforts of the United States and its allies to facilitate the receipt and dis-

tribution of humanitarian and reconstruction assistance in Gaza.

(4) An assessment of the obstacles to the delivery of humanitarian and reconstruction assistance, including the activities and policies of Hamas and any organization designated as a foreign terrorist organization under section 219 of the Immigration and Nationality Act.

(5) Recommendations for actions the United States can take to best improve the level of access to basic necessities referred to in paragraph (1) and overcome obstacles described in paragraphs (2) through (4).

TITLE XI—MISCELLANEOUS PROVISIONS

Subtitle A—General Provisions

SEC. 1101. BILATERAL COMMISSION WITH NIGERIA.

(a) SENSE OF CONGRESS.—It is the sense of Congress that not later than 180 days after the date of the enactment of this Act, the President should establish a bilateral commission between the United States and Nigeria to support bilateral cooperation in the areas of—

(1) trade and development;

(2) economic integration;

(3) infrastructure planning, finance, development, and management;

(4) budget reform and public finance management;

(5) higher education, including applied research;

(6) energy;

(7) peace and security reform;

(8) rule of law;

(9) anti-corruption efforts, establishment of greater transparency, and electoral reform; and

(10) monitoring whether bilateral efforts undertaken between respective Federal, State, and local governments are achieving the goals set forth by the Governments of the United States and Nigeria.

(b) BILATERAL COMMISSION.—

(1) COMPOSITION.—If the President establishes the bilateral commission referred to in subsection (a), the commission should have an equal number of members representing the United States and Nigeria and appointed by the respective Presidents of each country. Members should include representatives of Federal, State, and local governments, the private sector, and civil society organizations.

(2) FUNCTIONS.—The commission should—

(A) work to establish a bilateral process that establishes the mission, goals, and objectives of a bilateral partnership and establish guidelines for accountability and rules to measure the effectiveness for any initiatives undertaken;

(B) monitor bilateral technical assistance and capacity building projects that are consistent with and further the mission, goals, and objectives established by the commission; and

(C) submit to the United States President, the United States Congress, the Nigerian President, and the Nigerian National Assembly a report on the amount of progress achieved on projects undertaken by the two governments to achieve bilaterally-determined goals established by the commission.

(3) MONITORING OF PROJECTS.—The commission should select and monitor specific projects that involve an exchange of personnel between the Governments of the United States and Nigeria to determine whether technical assistance and capacity building are being used effectively and whether mutual benefit is being gained through the implementation of such bilateral projects.

(4) REVIEW AND REPORT.—The Secretary of State should review the work of the commission and annually submit to the President and Congress a report on whether progress has been made to meet the goals set forth by the commission and whether bilateral efforts have served the interest of United States and Nigerian bilateral relations.

(5) UNITED STATES CONTRIBUTIONS.—United States contributions to support the Commission should be financed through existing resources.

SEC. 1102. AUTHORITIES RELATING TO THE SOUTHERN AFRICA ENTERPRISE DEVELOPMENT FUND.

(a) USE OF PRIVATE VENTURE CAPITAL.—

(1) IN GENERAL.—In order to maximize the effectiveness of the activities of the Southern Africa Enterprise Development Fund, the Fund may conduct public offerings or private placements for the purpose of soliciting and accepting private venture capital which may be used, separately or together with funds made available from the United States Government, for any lawful investment purpose that the Board of Directors of the Fund may determine in carrying out the activities of the Fund.

(2) DISTRIBUTION OF FINANCIAL RETURNS.—Financial returns on Fund investments that include

a component of private venture capital may be distributed, at such times and in such amounts as the Board of Directors of the Fund may determine, to the investors of such capital.

(b) NONAPPLICABILITY OF OTHER LAWS.—The heads of Federal departments and agencies may conduct programs and activities and provide services in support of the activities of the Fund notwithstanding any other provision of law.

(c) DEFINITION.—In this section, the term ''Southern Africa Enterprise Development Fund'' or ''Fund'' includes—

(1) any successor or related entity to the Southern Africa Enterprise Development Fund that is approved the United States Government; and

(2) any organization, corporation, limited-liability partnership, foundation, or other corporate structure that receives, or is authorized by the United States Government to manage, any or all of the remaining funds or assets of the Southern Africa Enterprise Development Fund.

1 **SEC. 1103. DIABETES TREATMENT AND PREVENTION AND**
2 **SAFE WATER AND SANITATION FOR PACIFIC**
3 **ISLAND COUNTRIES.**

4 (a) IN GENERAL.—There is authorized to be appro-
5 priated $500,000 for each of fiscal years 2010 and 2011
6 to establish a diabetes prevention and treatment program
7 for Pacific Island countries and for safe water and sanita-
8 tion.

9 (b) PACIFIC ISLAND COUNTRIES DEFINED.—In this
10 section, the term ''Pacific Island countries'' means Fiji,
11 Kiribati, the Marshall Islands, the Federated States of Mi-
12 cronesia, Nauru, Niue, Palau, Papua New Guinea, Samoa,
13 Solomon Islands, Tonga, Tuvalu, and Vanuatu.

14 **SEC. 1104. STATELESSNESS.**

15 (a) PURPOSE.—It is the purpose of this section to
16 increase global stability and security for the United States
17 and the international community and decrease trafficking
18 and discrimination by reducing the number of individuals
19 who are de jure or de facto stateless and as a consequence
20 are unable to avail themselves of their right to a nation-
21 ality and its concomitant rights and obligations and are
22 excluded from full participation in civil society.

23 (b) FINDINGS.—Congress finds the following:

24 (1) The right to a nationality is a foundation of
25 human rights, and a deterrent to displacement and
26 disaffection. The State is the primary vehicle

through which individuals are guaranteed their inalienable rights and are made subject to the rule of law. Regional stability and security are undermined when individuals cannot avail themselves of their right to a nationality and its concomitant rights and obligations and are excluded from full participation in civil society.

(2) The right to a nationality and citizenship is therefore specifically protect in international declarations and treaties, including Article 15 of the Universal Declaration of Human Rights, the 1954 Convention Relating to the Status of Stateless Persons, the 1961 Convention on the Reduction of Statelessness, Article 24 of the International Covenant on Civil and Political Rights, and Article 9(2) of the Convention on the Elimination of Discrimination Against Women.

(3) In the 21st century, the adverse effects of de jure or de facto statelessness still impact at least an estimated 11,000,000 million people worldwide, who are unable to avail themselves of the rights of free people everywhere to an effective nationality, to the rights to legal residence, to travel, to work in the formal economy or professions, to attend school, to access basic health services, to purchase or own

1 property, to vote, or to hold elected office, and to
2 enjoy the protection and security of a country.
3 (c) THE UNITED NATIONS.—
4 (1) POLICY.—It shall be the policy of the
5 United States that the President and the Permanent
6 Representative of the United States to the United
7 Nations work with the international community to
8 increase political and financial support for the work
9 of the United Nations High Commissioner for Refu-
10 gees (UNHCR) to prevent and resolve problems re-
11 lated to de jure and de facto statelessness, and to
12 promote the rights of the de jure or de facto state-
13 less, by taking these and other actions:
14 (A) Increasing the attention of the United
15 Nations and the UNHCR to de jure and de
16 facto statelessness and increasing its capacity
17 to reduce statelessness around the world by co-
18 ordinating the mainstreaming of de jure and de
19 facto statelessness into all of the United Na-
20 tions human rights work, in cooperation with all
21 relevant United Nations agencies.
22 (B) Urging United Nations country teams
23 in countries with significant de jure or de facto
24 stateless populations to devote increasing atten-
25 tion and resources to undertake coordinated ef-

1 forts by all United Nations offices, funds, and
2 programs to bring about the full registration
3 and documentation of all persons resident in
4 the territory of each country, either as citizens
5 or as individuals in need of international protec-
6 tion.

7 (C) Urging the creation of an Inter-Agency
8 Task Force on Statelessness with representa-
9 tion from the UNHCR, the United Nations
10 Children's Fund (UNICEF), and other relevant
11 United Nations agencies that will coordinate to
12 increase agency awareness and information ex-
13 change on de jure and de facto statelessness to
14 ensure a consistent and comprehensive ap-
15 proach to the identification of stateless groups
16 and individuals and resolution of their status.

17 (D) Urging that nationality and de jure
18 and de facto statelessness issues are addressed
19 in all country reviews conducted by United Na-
20 tions treaty bodies and relevant special mecha-
21 nisms engaged in country visits, and pursuing
22 creation of a standing mechanism within the
23 United Nations to complement the work of the
24 UNHCR in addressing issues of de jure and de

1 facto statelessness that give rise to urgent
2 human rights or security concerns.
3 (E) Urging the UNHCR to include nation-
4 ality and statelessness in all country-specific
5 and thematic monitoring, reporting, training,
6 and protection activities, and across special pro-
7 cedures, and to designate at least one human
8 rights officer to monitor, report, and coordinate
9 the office's advocacy on nationality and de jure
10 and de facto statelessness.
11 (F) Urging the United Nations to ensure
12 that its work on trafficking includes measures
13 to restore secure citizenship to trafficked
14 women and girls, and to work with Member
15 States to guarantee that national legislation
16 gives women full and equal rights regarding
17 citizenship.
18 (G) Urging the United Nations to increase
19 its capacity to respond to the needs of de jure
20 or de facto stateless individuals, particularly
21 children, and to strengthen and expand the
22 United Nations protection and assistance activi-
23 ties, particularly in field operations, to better
24 respond to the wide range of protection and as-

1 sistance needs of de jure or de facto stateless
2 individuals.
3 (H) Urging the UNICEF to increase its
4 efforts to encourage all Member States of the
5 United Nations to permit full and easy access
6 to birth registration for all children born in
7 their territories, particularly in Member States
8 in which there are displaced populations, and
9 work with the UNHCR and Member States to
10 ensure the issuance of birth certificates to all
11 children born to refugees and displaced persons.
12 (2) AUTHORIZATION OF APPROPRIATIONS.—
13 There is authorized to be appropriated $5,000,000
14 for each of fiscal years 2010 and 2011 to be made
15 available to improve the UNHCR's assistance to de
16 jure or de facto stateless individuals. Such funds
17 may be used to—
18 (A) protect the rights, meet emergency hu-
19 manitarian needs, and provide assistance to de
20 jure or de facto stateless groups and individ-
21 uals;
22 (B) provide additional resources to—
23 (i) increase the number of protection
24 officers;

(ii) increase the number of professional staff in the statelessness unit; and

(iii) train protection officers and United Nations country teams in the field to identify, reduce, protect, and prevent de jure and de facto statelessness;

(C) improve identification of de jure or de facto stateless groups and individuals by carrying out a comprehensive annual study of the scope of de jure and de facto statelessness worldwide, including causes of de jure and de facto statelessness and dissemination of best practices for remedying de jure and de facto statelessness; and

(D) increase the United Nations educational and technical assistance programs to prevent de jure and de facto statelessness, including outreach to Member States and their legislatures, with particular emphasis on those countries determined to have protracted de jure or de facto statelessness situations.

(3) AUTHORIZATION OF APPROPRIATIONS TO THE UNICEF.—There is authorized to be appropriated $3,000,000 for each of fiscal years 2010 and 2011 to augment to the UNICEF's ability to aid

countries with significant de jure or de facto stateless populations to bring about the full registration of all children born to de jure or de facto stateless parents.

(d) THE UNITED STATES.—

(1) FOREIGN POLICY.—Given the importance of obtaining and preserving nationality and the protection of a government, and of preventing the exploitation or trafficking of de jure or de facto stateless groups or individuals, the President shall make the prevention and reduction of de jure or de facto statelessness an important goal of United States foreign policy and human rights efforts. Such efforts shall include—

(A) calling upon host countries to protect and assume responsibility for de jure or de facto stateless groups or individuals;

(B) working with countries of origin to facilitate the resolution of problems faced by de jure or de facto stateless groups or individuals;

(C) working with countries of origin and host countries to facilitate the resolution of disputes and conflicts that cause or result in the creation of de jure or de facto statelessness;

(D) encouraging host countries to afford de jure or de facto stateless groups or individuals the full protection of the 1954 Convention Relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness and all relevant international conventions;

(E) directing the Secretary of State to provide assistance to countries to prevent and resolve situations of de jure or de facto statelessness and to prevent the trafficking or exploitation of de jure or de facto stateless individuals;

(F) directing the Office of Trafficking in Persons of the Department of State to continue to document and analyze the effects of statelessness on trafficking in persons, both as a cause of trafficking and as an obstacle to reaching and assisting trafficked persons; and

(G) encouraging and facilitating the work of nongovernmental organizations in the United States and abroad that provide legal and humanitarian support to de jure or de facto stateless groups or individuals, to increase the access of de jure or de facto stateless groups or indi-

1 viduals to such organizations, and to encourage
2 other governments to provide similar support
3 and access.
4 (2) UNITED STATES ACTIVITIES.—
5 (A) IN GENERAL.—Given the importance
6 of preventing new instances of de jure or de
7 facto statelessness and the trafficking of de jure
8 or de facto stateless individuals, and of pro-
9 tecting the human rights of de jure or de facto
10 stateless individuals, the President shall submit
11 to the Committee on Foreign Affairs and the
12 Committee on the Judiciary of the House of
13 Representatives and the Committee on Foreign
14 Relations and the Committee on the Judiciary
15 of the Senate a report that includes the fol-
16 lowing:
17 (i) A list of countries and territories
18 with significant de jure or de facto state-
19 less populations under their jurisdictions
20 and the conditions and consequences of
21 such de jure or de facto statelessness of
22 such individuals.
23 (ii) United States international efforts
24 to prevent further de jure or de facto
25 statelessness and encourage the granting

of full legal protection of the human rights of de jure or de facto stateless individuals.

(B) STATEMENT OF POLICY.—It shall be the policy of the United States to comply with the principles and provisions of the 1954 Convention Relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness to the fullest extent possible and to encourage other countries to do so as well.

(C) ACTIONS BY SECRETARY OF STATE.—

(i) INCREASE IN RESOURCES AND STAFF.—The Secretary of State shall permanently increase in the Bureau of Population, Refugees, and Migration in the Department of State the resources dedicated to and staff assigned to work toward the prevention and resolution of de jure and de facto statelessness and the protection of de jure or de facto stateless individuals.

(ii) COORDINATION.—To coordinate United States policies toward combating de jure and de facto statelessness, the Secretary of State shall establish an Interagency Working Group to Combat State-

lessness. This working group should include representatives of the Bureau of Population, Refugees and Migration, the Bureau of International Organizations, the Bureau of Democracy, Human Rights and Labor, the Office of Trafficking in Persons of the Department of State, and the United States Agency for International Development, as well as representatives from relevant offices of the Department of Justice and relevant offices of the Department of Homeland Security.

(D) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this subsection.

SEC. 1105. STATEMENT OF POLICY REGARDING THE ECUMENICAL PATRIARCHATE.

It shall be the policy of the United States to urge Turkey to—

(1) eliminate all forms of discrimination, particularly discrimination based on race or religion;

(2) grant the Ecumenical Patriarchate appropriate international recognition and ecclesiastic succession; and

(3) grant the Ecumenical Patriarchate the right to train clergy of all nationalities, not just Turkish nationals.

SEC. 1106. TRANSFER OF LIQUIDATED ASSETS OF CERTAIN ENTERPRISE FUNDS TO LEGACY INSTITUTIONS.

(a) TRANSFER OF LIQUIDATED ASSETS.—The President, acting through the Administrator of the United States Agency for International Development, shall instruct each Enterprise Fund described in subsection (b) to make available to the legacy institution of the Enterprise Fund all assets resulting from the liquidation, dissolution, or winding up of the Enterprise Fund, in whole or in part.

(b) ENTERPRISE FUNDS DESCRIBED.—The Enterprise Funds described in this subsection are the following:

(1) The U.S. Russia Investment Fund and the Western Newly Independent States Enterprise Fund established pursuant to section 498B(c) of the Foreign Assistance Act of 1961 (22 U.S.C. 2295b(c)).

(2) The Albanian-American Enterprise Fund, the Baltic-American Enterprise Fund, the Czech and Slovak American Enterprise Fund, the Hungarian-American Enterprise Fund, and the Romanian American Enterprise Fund established pursuant to

1 section 201 of the Support for East European De-
2 mocracy (SEED) Act of 1989 (22 U.S.C. 5421).

3 **SEC. 1107. LIMITATION ON ASSISTANCE FOR HURRICANE**
4 **PREPAREDNESS AND OTHER WEATHER CO-**
5 **OPERATION ACTIVITIES TO COUNTRIES IN**
6 **THE AMERICAS.**

7 (a) SENSE OF CONGRESS.—It is the sense of Con-
8 gress that the United States should facilitate international
9 cooperation on hurricane preparedness because—

10 (1) hundreds of millions of people in the Amer-
11 icas live in coastal communities and are susceptible
12 to the immense risks posed by hurricanes;

13 (2) the need for hurricane tracking overflights
14 and other weather cooperation activities to track and
15 monitor hurricanes in the Americas is acute; and

16 (3) accurate hurricane forecasts can help pre-
17 vent the loss of life and injury and reduce property
18 loss and economic disruption.

19 (b) REPORT.—

20 (1) IN GENERAL.—Not later than 180 days
21 after the date of the enactment of this Act, the Sec-
22 retary of State shall transmit to the appropriate
23 congressional committees a report on the status of
24 United States cooperation with other countries in

the Americas on hurricane preparedness and other weather cooperation activities.

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

(A) a list of countries in the Americas that do not cooperate with the United States on hurricane preparedness and other weather cooperation activities; and

(B) the status of any negotiations regarding hurricane preparedness and other weather cooperation activities between the United States and countries listed in subparagraph (A).

(c) LIMITATION ON ASSISTANCE.—The Secretary of State may not provide assistance for hurricane preparedness and other weather cooperation activities to countries listed in the report under subsection (b)(2)(A).

(d) WAIVER.—The Secretary of State may waive the limitation on assistance requirements under subsection (c) if the Secretary of State certifies to the appropriate congressional committees that the waiver is in the national interest of the United States.

SEC. 1108. STATEMENT OF CONGRESS REGARDING AFGHAN WOMEN.

Congress—

(1) supports the decision by President Hamid Karzai of Afghanistan to submit for review the Shi'ite Personal Status Law and strongly urges him not to publish such law on the grounds that such law violates the basic human rights of women and is inconsistent with the Constitution of Afghanistan;

(2) urges President Karzai, the Ministry of Justice, and other parties involved in reviewing the law to formally declare as unconstitutional the provisions of such law regarding marital rape and restrictions on women's freedom of movement;

(3) reiterates its strong sense that the provisions in such law which restrict the rights of women should be removed, and that an amended draft of the Shi'ite Personal Status Law should be submitted for parliamentary review;

(4) encourages the Secretary of State, the Special Representative for Afghanistan and Pakistan, the Ambassador-at-Large for Global Women's Issues, and the United States Ambassador to Afghanistan to consider and address the status of women's rights and security in Afghanistan to ensure that such rights are not being eroded through unjust laws, policies, or institutions; and

(5) encourages the Government of Afghanistan to solicit information and advice from the Ministry of Justice, the Ministry for Women's Affairs, the Afghanistan Independent Human Rights Commission, and women-led nongovernmental organizations to ensure that current and future legislation and official policies protect and uphold the equal rights of women, including through national campaigns to lead public discourse on the importance of women's status and rights to the overall stability of Afghanistan.

SEC. 1109. GLOBAL PEACE OPERATIONS INITIATIVE PROGRAMS AND ACTIVITIES.

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

(1) Over 100,000 military and civilian personnel are engaged in 18 United Nations peacekeeping operations around the world. Peacekeeping operations are critical to maintaining a peaceful and stable international environment.

(2) The United States has a vital interest in ensuring that United Nations peacekeeping operations are successful. Countries undergoing conflict threaten the national and economic security of the United States, risk becoming safe havens for terrorist orga-

nizations, and often feature levels of human rights abuses and human deprivation that are an affront to the values of the American people.

(3) Over the years, United Nations peacekeeping has evolved to meet the demands of different conflicts and a changing political landscape. Today's peacekeeping mission is most often ''multidimensional'' and includes a wide variety of complex tasks such as civilian protection, helping to build sustainable institutions of governance, human rights monitoring, security sector reform, facilitating delivery of humanitarian relief and disarmament, demobilization and reintegration of former combatants.

(4) United Nations peacekeeping operations allow the United States to respond to global crises within a multilateral framework with costs shared among nations. A 2007 Government Accountability Office report found that in general a United States peacekeeping operation is likely to be ''much more expensive'' than a United Nations peacekeeping operation, regardless of location.

(5) In many missions due to vast swaths of terrain and limited infrastructure, ongoing low-intensity fighting, and the presence of ''peace spoilers'', United Nations peacekeepers cannot carry out the

complex tasks with which they are charged without critical enablers, and in particular air assets.

(6) The United Nations Secretary-General has repeatedly noted the deleterious impact of insufficient helicopters for peacekeeping missions in Darfur and the Democratic Republic of the Congo. History has shown that under-resourced peacekeeping troops are not only unable to carry out their mandates, they erode the credibility of the United Nations and are themselves likely to come under attack.

(7) Senate Resolution 432 and House Resolution 1351 of the 110th Congress—

(A) urged members of the international community, including the United States, that possessed the capability to provide tactical and utility helicopters needed for the United Nations-African Union Mission in Darfur (UNAMID) to do so as soon as possible; and

(B) urged the President to intervene personally by contacting other heads of state and asking them to contribute the aircraft and crews to the Darfur mission.

(8) The current framework of relying on member countries to provide air assets on a volunteer basis has not yielded sufficient results. The United

1 Nations still faces a shortfall of over 50 helicopters
2 for UNAMID, the Democratic Republic of Congo
3 (MONUC), and the Republic of Chad
4 (MINURCAT). A review of trend lines suggests that
5 any new United Nations peacekeeping missions au-
6 thorized within the next five to seven years would
7 face similar shortfalls.
8 (9) Numerous studies and reports have deter-
9 mined that there is no global shortage of air assets.
10 It is inexcusable to allow authorized United Nations
11 peacekeeping missions to founder for the lack of
12 critical mobility capabilities.
13 (b) PURPOSE.—The purpose of assistance authorized
14 by this section is to help protect civilians by training and
15 equipping peacekeepers worldwide, to include financing
16 the refurbishment of helicopters.
17 (c) USE OF FUNDS.—
18 (1) IN GENERAL.—The Secretary of State is
19 authorized to use amounts authorized to be appro-
20 priated to carry out this section to provide funding
21 to carry out and expand Global Peace Operations
22 Initiative programs and activities. Such programs
23 and activities shall include—
24 (A) training and equipping peacekeepers
25 worldwide, with a particular focus on Africa;

(B) enhancing the capacity of regional and sub-regional organizations to plan, train for, manage, conduct, sustain and obtain lessons-learned from peace support operations;

(C) carrying out a clearinghouse function to exchange information and coordinate G–8 efforts to enhance peace operations;

(D) providing transportation and logistics support for deploying peacekeepers;

(E) developing a cached equipment program to procure and warehouse equipment for use in peace operations globally;

(F) providing support to the international Center of Excellence for Stability Police Units (COESPU) in Italy to increase the capabilities and interoperability of stability police to participate in peace operations;

(G) conducting sustainment and self-sufficiency activities in support of the objectives described in subparagraphs (A) through (F) with a focus on assisting partners to sustain proficiencies gained in training programs; and

(H) financing the refurbishment of helicopters in preparation for their deployment to United Nations peacekeeping operations or to

1 regional peacekeeping operations which have
2 been approved by the United Nations Security
3 Council.
4 (2) SENSE OF CONGRESS.—It is the sense of
5 Congress that failure on the part of the inter-
6 national community to take all steps necessary to
7 deploy and maintain fully capacitated United Na-
8 tions peacekeeping operations will result in contin-
9 ued loss of life and human suffering. Therefore, in
10 carrying out this section, the Secretary of State
11 should prioritize the refurbishment of helicopters
12 with a goal of participating in the financing of no
13 fewer than three helicopter refurbishments by the
14 end of fiscal year 2011.
15 (3) SUPPORT FROM OTHER COUNTRIES.—In
16 providing funding under paragraph (1), the Sec-
17 retary of State shall to the greatest extent possible
18 seek to leverage such funding with financing from
19 other countries.
20 (d) REPORT.—
21 (1) IN GENERAL.—Not later than 180 days
22 after the date of the enactment of this Act and one
23 year thereafter, the Secretary of State shall submit
24 to the appropriate congressional committees a report

on the activities of the United States Government to carry out the provisions of this section.

(2) CONTENTS.—The report required under paragraph (1) shall include—

(A) a description of the Global Peace Operations Initiative programs and activities undertaken, by country;

(B) a description of the funds obligated and expended in each country, by program and fiscal year;

(C) a description of the coordination of these efforts within the United States Government interagency process and with other nations along with any recommendations for improvements;

(D) a description of the GPOI's activities concerning the refurbishment of air assets for United Nations peacekeeping operations and regional peacekeeping operations that have been approved by the United Nations Security Council;

(E) data measuring the quality of the training and proficiency of the trainees program-wide;

(F) data on the training and deployment activities of graduates of the international Center of Excellence for Stability Police Units (COESPU) in their home countries;

(G) a description of vetting activities for all GPOI training to ensure that all individuals in composite units are vetted for human rights violations;

(H) data measuring the timeliness of equipment delivery and recommendations for improvement as appropriate; and

(I) description of how GPOI trainees and GPOI-provided equipment contribute to improved civilian protection in peace operations.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary for each of fiscal years 2010 and 2011 to carry out this section.

(f) DEFINITION.—In this section, the term ''Global Peace Operations Initiative'' or ''GPOI'' means the program established by the Department of State to address major gaps in international peace operations support, including by building and maintaining capability, capacity, and effectiveness of peace operations.

SEC. 1110. FREEDOM OF THE PRESS.

(a) SHORT TITLE.—This section may be cited as the ''Daniel Pearl Freedom of the Press Act of 2009''.

(b) INCLUSION OF ADDITIONAL INFORMATION RELATING TO FREEDOM OF THE PRESS WORLDWIDE IN ANNUAL COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES.—The Foreign Assistance Act of 1961 is amended—

(1) in section 116(d) (22 U.S.C. 2151n(d)), as amended by section 333(d) of this Act—

(A) in paragraph (11), by striking ''and'' at the end; and

(B) in paragraph (12), by striking the period at the end and inserting ''; and''; and

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

''(13) wherever applicable—

''(A) a description of the status of freedom of the press, including initiatives in favor of freedom of the press and efforts to improve or preserve, as appropriate, the independence of the media, together with an assessment of progress made as a result of those efforts;

''(B) an identification of countries in which there were violations of freedom of the press, including direct physical attacks, imprisonment,

1 indirect sources of pressure, and censorship by
2 governments, military, intelligence, or police
3 forces, criminal groups, or armed extremist or
4 rebel groups; and
5 ''(C) in countries where there are particu-
6 larly severe violations of freedom of the press—
7 ''(i) whether government authorities
8 of each such country participate in, facili-
9 tate, or condone such violations of the free-
10 dom of the press; and
11 ''(ii) what steps the government of
12 each such country has taken to preserve
13 the safety and independence of the media,
14 and to ensure the prosecution of those in-
15 dividuals who attack or murder journal-
16 ists.''; and
17 (2) in section 502B (22 U.S.C. 2304), by add-
18 ing at the end the following new subsection:
19 ''(i) The report required by subsection (b) shall in-
20 clude, wherever applicable—
21 ''(1) a description of the status of freedom of
22 the press, including initiatives in favor of freedom of
23 the press and efforts to improve or preserve, as ap-
24 propriate, the independence of the media, together

with an assessment of progress made as a result of those efforts;

"(2) an identification of countries in which there were violations of freedom of the press, including direct physical attacks, imprisonment, indirect sources of pressure, and censorship by governments, military, intelligence, or police forces, criminal groups, or armed extremist or rebel groups; and

"(3) in countries where there are particularly severe violations of freedom of the press—

"(A) whether government authorities of each such country participate in, facilitate, or condone such violations of the freedom of the press; and

"(B) what steps the government of each such country has taken to preserve the safety and independence of the media, and to ensure the prosecution of those individuals who attack or murder journalists.".

(c) FREEDOM OF THE PRESS GRANT PROGRAM.—

(1) IN GENERAL.—The Secretary of State shall administer a grant program with the aim of promoting freedom of the press worldwide. The grant program shall be administered by the Department of State's Bureau of Democracy, Human Rights and

1 Labor in consultation with the Undersecretary for
2 Public Affairs and Public Diplomacy.
3 (2) AMOUNTS AND TIME.—Grants may be
4 awarded to nonprofit and international organizations
5 and may span multiple years, up to five years.
6 (3) PURPOSE.—Grant proposals should promote
7 and broaden press freedoms by strengthening the
8 independence of journalists and media organizations,
9 promoting a legal framework for freedom of the
10 press, or through providing regionally and culturally
11 relevant training and professionalization of skills to
12 meet international standards in both traditional and
13 digital media.
14 (d) MEDIA ORGANIZATION DEFINED.—In this sec-
15 tion, the term ''media organization'' means a group or or-
16 ganization that gathers and disseminates news and infor-
17 mation to the public (through any medium of mass com-
18 munication) in a foreign country in which the group or
19 organization is located, except that the term does not in-
20 clude a group or organization that is primarily an agency
21 or instrumentality of the government of such foreign coun-
22 try. The term includes an individual who is an agent or
23 employee of such group or organization who acts within
24 the scope of such agency or employment.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 1111. INFORMATION FOR COUNTRY COMMERCIAL GUIDES ON BUSINESS AND INVESTMENT CLIMATES.

(a) IN GENERAL.—The Director General of the Foreign Commercial Service, in consultation with the Assistant Secretary of Commerce for Trade Promotion and the Assistant Secretary of State for Economic, Energy and Business Affairs, should ensure that the annual Country Commercial Guides for United States businesses include—

(1) detailed assessments concerning each foreign country in which acts of unfair business and investment practices or other actions that have resulted in poor business and investment climates were, in the opinion of the Director General of the Foreign Commercial Service, of major significance;

(2) all relevant information about such unfair business and investment practices or other actions during the preceding year by members of the business community, the judiciary, and the government of such country which may have impeded United States business or investment in such country, in-

cluding the capacity for United States citizens to operate their businesses without fear of reprisals; and

(3) information on—

(A) the extent to which the government of such country is working to prevent unfair business and investment practices; and

(B) the extent of United States Government action to prevent unfair business and investment practices or other actions that harm United States business or investment interests in relevant cases in such country.

(b) ADDITIONAL PROVISIONS TO BE INCLUDED.—The information required under subsection (a) should, to the extent feasible, include—

(1) with respect to paragraph (1) of such subsection—

(A) a review of the efforts undertaken by each foreign country to promote a healthy business and investment climate that is also conducive to the United States business community and United States investors, including, as appropriate, steps taken in international fora;

(B) the response of the judicial and local arbitration systems of each such country that is the subject of such detailed assessment with re-

spect to matters relating to the business and investment climates affecting United States citizens and entities, or that have, in the opinion of the Director General of the Foreign Commercial Service, a significant impact on United States business and investment efforts; and

(C) each such country's access to the United States market;

(2) with respect to paragraph (2) of such subsection—

(A) any actions undertaken by the government of each foreign country that prevent United States citizens and businesses from receiving equitable treatment;

(B) actions taken by private businesses and citizens of each such country against members of the United States business community and United States investors;

(C) unfair decisions rendered by the legal systems of each such country that clearly benefit State and local corporations and industries; and

(D) unfair decisions rendered by local arbitration panels of each such country that do not exemplify objectivity and do not provide an eq-

1 uitable ground for United States citizens and
2 businesses to address their disputes; and
3 (3) with respect to paragraph (3) of such sub-
4 section, actions taken by the United States Govern-
5 ment to—
6 (A) promote the rule of law;
7 (B) prevent discriminatory treatment of
8 United States citizens and businesses engaged
9 in business or investment activities in each for-
10 eign country;
11 (C) allow United States goods to enter
12 each such country without requiring a co-pro-
13 duction agreement; and
14 (D) protect United States intellectual
15 property rights.
16 (c) CONSULTATION.—In carrying out this section, the
17 Director General of the Foreign Commercial Service shall
18 consult with business leaders, union leaders, representa-
19 tives of the judicial system of each foreign country de-
20 scribed in subsection (a), and relevant nongovernmental
21 organizations.
22 (d) BUSINESS AND INVESTMENT CLIMATE WARN-
23 INGS.—The Secretary of State, with the assistance of the
24 Assistant Secretary of State for Economic, Energy and
25 Business Affairs, as well as the Assistant Secretary of

1 Commerce for Trade Promotion and the Director General
2 of the Foreign Commercial Service, shall establish a warn-
3 ing system that effectively alerts United States businesses
4 and investors of—

5 (1) a significant deterioration in the business
6 and investment climate in a foreign country, includ-
7 ing discriminatory treatment of United States busi-
8 nesses; or

9 (2) a significant constraint on the ability of the
10 United States Government to assist United States
11 businesses and investors in a foreign country, such
12 as to the closure of a United States diplomatic or
13 consular mission, that is not explained in the most
14 recent Country Commercial Guide for such country.

15 (e) DEFINITIONS.—In this section:

16 (1) CO-PRODUCTION AGREEMENT.—The term
17 ''co-production agreement'' means a United States
18 Government or United States business working with
19 a foreign government, foreign company, or an inter-
20 national organization to produce or manufacture an
21 item.

22 (2) RULE OF LAW.—The term ''rule of law''
23 means the extent to which laws of a foreign country
24 are publicly promulgated, equally enforced, inde-

pendently adjudicated, and are consistent with international norms and standards.

(3) UNFAIR BUSINESS AND INVESTMENT PRACTICES.—The term ''unfair business and investment practices'' includes any of the following:

(A) Unlawful actions under international law or the law of the foreign country taken by the government of such country or by businesses, citizens, or other entities of such country that have resulted in lost assets, contracts, or otherwise contributed to an inhospitable business or investment climate.

(B) Discriminatory treatment of United States businesses, whether wholly or partially owned.

(C) Failure to protect intellectual property rights.

(D) Requiring a co-production agreement in order for goods from the United States to enter a foreign country.

SEC. 1112. INTERNATIONAL PROTECTING GIRLS BY PREVENTING CHILD MARRIAGE.

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

1 (1) child marriage is a violation of human
2 rights and the prevention and elimination of child
3 marriage should be a foreign policy goal of the
4 United States;
5 (2) the practice of child marriage undermines
6 United States investments in foreign assistance to
7 promote education and skills building for girls, re-
8 duce maternal and child mortality, reduce maternal
9 illness, halt the transmission of HIV/AIDS, prevent
10 gender-based violence, and reduce poverty; and
11 (3) expanding educational opportunities for
12 girls, economic opportunities for women, and reduc-
13 ing maternal and child mortality are critical to
14 achieving the Millennium Development Goals and
15 the global health and development objectives of the
16 United States, including efforts to prevent HIV/
17 AIDS.
18 (b) STRATEGY TO PREVENT CHILD MARRIAGE IN
19 DEVELOPING COUNTRIES.—
20 (1) STRATEGY REQUIRED.—The President, act-
21 ing through the Secretary of State, shall establish a
22 multi-year strategy to prevent child marriage in de-
23 veloping countries and promote the empowerment of
24 girls at risk of child marriage in developing coun-
25 tries, including by addressing the unique needs,

vulnerabilities, and potential of girls under 18 in developing countries.

(2) CONSULTATION.—In establishing the strategy required by paragraph (1), the President shall consult with Congress, relevant Federal departments and agencies, multilateral organizations, and representatives of civil society.

(3) ELEMENTS.—The strategy required by paragraph (1) shall—

(A) focus on areas in developing countries with high prevalence of child marriage; and

(B) encompass diplomatic initiatives between the United States and governments of developing countries, with attention to human rights, legal reforms and the rule of law, and programmatic initiatives in the areas of education, health, income generation, changing social norms, human rights, and democracy building.

(4) REPORT.—Not later than 180 days after the date of the enactment of this Act, the President shall transmit to Congress a report that includes—

(A) the strategy required by paragraph (1);

1 (B) an assessment, including data
2 disaggregated by age and gender to the extent
3 possible, of current United States-funded ef-
4 forts to specifically assist girls in developing
5 countries; and
6 (C) examples of best practices or programs
7 to prevent child marriage in developing coun-
8 tries that could be replicated.
9 (c) RESEARCH AND DATA COLLECTION.—The Sec-
10 retary of State shall work with relevant Federal depart-
11 ments and agencies as part of their ongoing research and
12 data collection activities, to—
13 (1) collect and make available data on the inci-
14 dence of child marriage in countries that receive for-
15 eign or development assistance from the United
16 States where the practice of child marriage is preva-
17 lent; and
18 (2) collect and make available data on the im-
19 pact of the incidence of child marriage and the age
20 at marriage on progress in meeting key development
21 goals.
22 (d) DEPARTMENT OF STATE'S COUNTRY REPORTS
23 ON HUMAN RIGHTS PRACTICES.—The Foreign Assistance
24 Act of 1961 is amended—

(1) in section 116 (22 U.S.C. 2151n), by adding at the end the following new subsection:

''(g) The report required by subsection (d) shall include for each country in which child marriage is prevalent at rates at or above 40 percent in at least one sub-national region, a description of the status of the practice of child marriage in such country. In this subsection, the term 'child marriage' means the marriage of a girl or boy, not yet the minimum age for marriage stipulated in law in the country in which such girl or boy is a resident.''; and

(2) in section 502B (22 U.S.C. 2304), as amended by section 1111(b)(2) of this Act, is further amended by adding at the end the following new subsection:

''(j) The report required by subsection (b) shall include for each country in which child marriage is prevalent at rates at or above 40 percent in at least one sub-national region, a description of the status of the practice of child marriage in such country. In this subsection, the term 'child marriage' means the marriage of a girl or boy, not yet the minimum age for marriage stipulated in law in the country in which such girl or boy is a resident.''.

(e) DEFINITION.—In this section, the term ''child marriage'' means the marriage of a girl or boy, not yet

1 the minimum age for marriage stipulated in law in the
2 country in which the girl or boy is a resident.

3 (f) AUTHORIZATION OF APPROPRIATIONS.—Of the
4 amounts authorized to be appropriated pursuant to sec-
5 tion 101 of this Act, there is authorized to be appropriated
6 as such sums as necessary for fiscal years 2010 through
7 2011 to carry out this section and the amendments made
8 by this section.

9 **SEC. 1113. STATEMENT OF CONGRESS REGARDING RETURN**
10 **OF PORTRAITS OF HOLOCAUST VICTIMS TO**
11 **ARTIST DINA BABBITT.**

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

13 (1) Dina Babbitt (formerly known as Dinah
14 Gottliebova), a United States citizen, has requested
15 the return of watercolor portraits she painted while
16 suffering a 1½-year-long internment at the Ausch-
17 witz death camp during World War II.

18 (2) Dina Babbitt was ordered to paint the por-
19 traits by the infamous war criminal Dr. Josef
20 Mengele.

21 (3) Dina Babbitt's life, and her mother's life,
22 were spared only because she painted portraits of
23 doomed inmates of Auschwitz-Birkenau, under or-
24 ders from Dr. Josef Mengele.

(4) These paintings are currently in the possession of the Auschwitz-Birkenau State Museum.

(5) Dina Babbitt is the rightful owner of the artwork, because the paintings were produced by her own talented hands as she endured the unspeakable conditions that existed at the Auschwitz death camp.

(6) This continued injustice can be righted through cooperation between agencies of the United States and Poland.

(7) This issue was raised in the Foreign Relations Authorization Act, Fiscal Year 2003 (Public Law 107–228).

(b) STATEMENT OF CONGRESS.—Congress—

(1) continues to recognize the moral right of Dina Babbitt to obtain the artwork she created, and recognizes her courage in the face of the evils perpetrated by the Nazi command of the Auschwitz-Birkenau death camp, including the atrocities committed by Dr. Josef Mengele;

(2) urges the President to make all efforts necessary to retrieve the seven watercolor portraits Dina Babbitt painted, while suffering a 1½-year-long internment at the Auschwitz death camp, and return them to her;

(3) urges the Secretary of State to make immediate diplomatic efforts to facilitate the transfer of the seven original watercolors painted by Dina Babbitt from the Auschwitz-Birkenau State Museum to Dina Babbitt, their rightful owner;

(4) urges the Government of Poland to immediately facilitate the return to Dina Babbitt of the artwork painted by her that is now in the possession of the Auschwitz-Birkenau State Museum; and

(5) urges the officials of the Auschwitz-Birkenau State Museum to transfer the seven original paintings to Dina Babbitt as expeditiously as possible.

SEC. 1114. STATEMENT OF POLICY REGARDING SOMALIA.

(a) STATEMENT OF POLICY.—It shall be the policy of the United States to—

(1) advance long-term stability and peace in Somalia;

(2) provide assistance to the government of Somalia and nongovernmental organizations, including Somali-led nongovernmental organizations, and particularly women's groups, as appropriate;

(3) support efforts to establish democratic civil authorities and institutions in Somalia that reflect local and traditional structures, built on the rule of

law and respect for human rights, and strengthen the security sector; and

(4) support reconciliation efforts in Somalia in order to ensure lasting peace.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the President, acting through the Secretary of State, should develop a comprehensive policy in coordination with the international community and the government of Somalia that aligns humanitarian, development, economic, political, counterterrorism, anti-piracy, and regional strategies in order to bring about peace and stability in Somalia and the region.

Subtitle B—Sense of Congress Provisions

SEC. 1121. PROMOTING DEMOCRACY AND HUMAN RIGHTS IN BELARUS.

(a) FINDINGS.—Congress finds the following:

(1) Despite some modest improvements, notably the release of political prisoners, the Belarusian Government's human rights and democracy record remains poor as governmental authorities continue to commit frequent serious abuses.

(2) Since 1996, President Alexander Lukashenka has consolidated his power over all in-

1 stitutions and undermined the rule of law through
2 authoritarian means.
3 (3) Belarus restricts civil liberties, including
4 freedoms of press, speech, assembly, association, and
5 religion. Nongovernmental organizations and polit-
6 ical parties are subject to harassment, fines, pros-
7 ecution, and closure. The Belarusian Government
8 maintains a virtual monopoly over the country's in-
9 formation space.
10 (b) POLICY.—It is the policy of the United States
11 to—
12 (1) support the aspirations of the people of
13 Belarus for democracy, human rights, and the rule
14 of law;
15 (2) support the aspirations of the people of
16 Belarus to preserve the independence and sov-
17 ereignty of their country;
18 (3) seek and support the growth of democratic
19 movements and institutions in Belarus as well the
20 development of a democratic political culture and
21 civil society;
22 (4) seek and support the growth of an open
23 market economy in Belarus through the development
24 of entrepreneurship and protection of property
25 rights; and

(5) remain open to re-evaluating United States policy toward Belarus, including existing sanctions, as warranted by demonstrable democratic and human rights progress made by the Belarusian Government.

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

(1) the United States should furnish assistance to Belarus to the support democratic processes in that country, including—

(A) expanding and facilitating the development of independent print, radio, television, and internet broadcasting to and within Belarus;

(B) aiding the development of civil society through assistance to nongovernmental organizations promoting democracy and supporting human rights, including youth groups, entrepreneurs, and independent trade unions;

(C) supporting the work of human rights defenders;

(D) enhancing the development of democratic political parties;

(E) assisting the promotion of free, fair, and transparent electoral processes;

(F) enhancing international exchanges, including youth and student exchanges, as well as advanced professional training programs for leaders and members of the democratic forces in skill areas central to the development of civil society; and

(G) supporting educational initiatives such as the European Humanities University, a Belarusian university in exile based in Vilnius, Lithuania; and

(2) the United States should support radio, television, and internet broadcasting to the people of Belarus in languages spoken in Belarus, including broadcasting by Radio Free Europe/Radio Liberty, European Radio for Belarus, and Belsat.

SEC. 1122. SENSE OF CONGRESS ON THE HUMANITARIAN SITUATION IN SRI LANKA.

It is the sense of Congress that—

(1) both the Liberation Tigers of Tamil Eelam (LTTE) and the Government of Sri Lanka must abide by their commitments to respect human life and cease offensive operations;

(2) the United States Government remains deeply concerned about the current danger to civil-

ian lives and the dire humanitarian situation created by the fighting in the Mullaittivu area in Sri Lanka;

(3) the United States should call upon the Government and military of Sri Lanka and the LTTE to allow a humanitarian pause sufficient for the tens of thousands of civilians in the conflict area to escape the fighting;

(4) both sides must respect the right of free movement of those civilian men, women and children trapped by the fighting;

(5) the LTTE must immediately allow civilians to depart;

(6) the LTTE should then lay down their arms to a neutral third party;

(7) the Government of Sri Lanka should allow the United Nations High Commission for Refugees (UNHCR) and the International Committee of the Red Cross (ICRC) access to all sites where newly arrived displaced persons are being registered or being provided shelter, as well as to implement established international humanitarian standards in the camps for internally displaced persons;

(8) a durable and lasting peace will only be achieved through a political solution that addresses

the legitimate aspirations of all Sri Lankan communities; and

(9) the Government of Sri Lanka should put forward a timely and credible proposal to engage its Tamil community who do not espouse violence or terrorism, and to develop power sharing arrangements so that lasting peace and reconciliation can be achieved.

SEC. 1123. WEST PAPUA.

(a) FINDINGS.—Congress finds the following:

(1) West Papua was a former Dutch colony just as East Timor was a former Portuguese colony just as Indonesia was a former colony of the Netherlands.

(2) In 1949, the Dutch granted independence to Indonesia and retained West Papua.

(3) In 1950, the Dutch prepared West Papua for independence.

(4) However, Indonesia, upon achieving independence, demanded the entire archipelago including the Dutch holding of West Papua and the Portuguese controlled territory of East Timor.

(5) In 1962, the United States mediated an agreement between the Dutch and Indonesia. Under terms of the agreement, the Dutch were to leave

West Papua and transfer sovereignty to the United Nations after which time a national election would be held to determine West Papua's political status. But almost immediately after this agreement was reached, Indonesia violated the terms of the transfer and took over the administration of West Papua from the United Nations.

(6) Indonesia then orchestrated an election that many regarded as a brutal military operation. In what became known as an ''act of no-choice'', 1,025 West Papua elders under heavy military surveillance were selected to vote on behalf of more than 800,000 West Papuans on the territory's political status. The United Nations Representative sent to observe the election process produced a report which outlined various and serious violations of the United Nations Charter. In spite of the report and in spite of testimonials from the press, the opposition of fifteen countries, and the cries of help from the Papuans themselves, West Papua was handed over to Indonesia in November 1969.

(7) Since this time, the Papuans have suffered blatant human rights abuses including extrajudicial executions, imprisonment, torture, environmental degradation, natural resource exploitation and com-

1 mercial dominance of immigrant communities and it
2 is now estimated that more than 100,000 West
3 Papuans and 200,000 East Timorese died as a di-
4 rect result of Indonesian rule especially during the
5 administrations of military dictators Sukarno and
6 Suharto.

7 (8) Today, the violence continues. In its 2004
8 Country Reports on Human Rights Practices the
9 Department of State reports that Indonesia ''secu-
10 rity force members murdered, tortured, raped, beat
11 and arbitrarily detained civilians and members of
12 separatist movements especially in Papua''.

13 (9) In response to international pressure, Indo-
14 nesia has promised to initiate Special Autonomy for
15 West Papua.

16 (10) Considering that East Timor achieved
17 independence from Indonesia in 2002 by way of a
18 United Nations sanctioned referendum, Special Au-
19 tonomy may be an effort to further disenfranchise a
20 people who differ racially from the majority of Indo-
21 nesians.

22 (11) West Papuans are Melanesian and believed
23 to be of African descent.

24 (b) REPORTS.—

(1) SECRETARY OF STATE.—For fiscal year 2010, the Secretary of State shall submit to the appropriate congressional committees a report on the 1969 Act of Free Choice, the current political status of West Papua, and the extent to which the Government of Indonesia has implemented and included the leadership and the people of West Papua in the development and administration of Special Autonomy.

(2) PRESIDENT.—For each of fiscal years 2010 and 2011, the President shall transmit to the appropriate congressional committees a report that contains a description of the extent to which the Government of Indonesia has certified that it has halted human rights abuses in West Papua.

SEC. 1124. SENSE OF CONGRESS RELATING TO SOVIET NUCLEAR TESTS AND KAZAKHSTAN'S COMMITMENT TO NONPROLIFERATION.

(a) FINDINGS.—Congress finds the following:

(1) In 1991, immediately after achieving independence, Kazakhstan closed and sealed the world's second largest nuclear test site in Semipalatinsk which had been inherited from the former Soviet Union and at which more than 500 nuclear tests had been conducted from 1949 to 1991.

(2) The cumulative power of explosions from those tests, conducted above ground, on the ground, and underground is believed to be equal to the power of 20,000 explosions of the type of bomb dropped on Hiroshima, Japan, in 1945.

(3) More than 1,500,000 people in Kazakhstan suffered because of decades of Soviet nuclear weapons testing in the region.

(4) A horrifying array of disease will continue to destroy the lives of hundreds of thousands and their descendants for many generations to come as a result of these tests.

(5) Since its independence, Kazakhstan has constructed a stable and peaceful state, voluntarily disarmed the world's fourth largest nuclear arsenal, joined the Strategic Arms Reduction Treaty (START), and within the frameworks of the Cooperative Threat Reduction program the government of Kazakhstan, in cooperation with the United States Government, conducted a very successful secret operation, code-named Project Sapphire, as a result of which 581 kilograms (1,278 pounds) of highly enriched uranium enough to produce 20–25 nuclear warheads were removed from Kazakhstan.

(6) Because of the successful cooperation between the Governments of the United States and Kazakhstan, the last lethal weapon was removed from Kazakhstan in April 1995.

(7) Kazakhstan, allegiant to its commitment to nonproliferation, in December 2004 signed with the United States an amendment to the bilateral agreement on the nonproliferation of weapons of mass destruction which will move the two nations towards a new level of cooperation in preventing the threat of bio-terrorism.

(8) By its actions, Kazakhstan has proven itself not only as a universally recognized leader and one of the key members in the nonproliferation process, but also as a reliable and consistent ally of the United States in reducing nuclear threats and preventing lethal weapons from being acquired by terrorist organizations such as Al-Qaeda.

(9) Recently Kazakhstan has also offered to host an international nuclear fuel bank where low-enriched uranium would be stored in accordance with the highest international standards for safety, security, and safeguards.

(10) The Norwegian Defence Research Establishment is also working with Kazakhstan to strengthen nuclear security and nonproliferation.

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

(1) the people of Kazakhstan and its Government should be congratulated for their commitment to nonproliferation and their leadership in offering to host an international nuclear fuel bank; and

(2) the Secretary of State should work to establish a joint working group with the Governments of Kazakhstan and Norway to explore common challenges and opportunities on disarmament and nonproliferation, and to assist in assessing the environmental damage and health effects caused by Soviet nuclear testing in Semipalatinsk.

SEC. 1125. SENSE OF CONGRESS ON HOLOCAUST-ERA PROPERTY RESTITUTION AND COMPENSATION.

It is the sense of Congress that—

(1) countries in Central and Eastern Europe which have not already done so must return looted and confiscated properties to their rightful owners or, where restitution is not possible, pay equitable compensation, in accordance with principles of jus-

tice and in an expeditious manner that is transparent and fair;

(2) countries in Central and Eastern Europe must enact and implement appropriate restitution and compensation legislation to facilitate private, communal, and religious property restitution; and

(3) countries in Central and Eastern Europe must ensure that such restitution and compensation legislation establishes a simple, transparent, and timely process, so that such process results in a real benefit to those individuals who suffered from the unjust confiscation of their property.

○

Chairman BERMAN. In a moment, I will yield myself 5 minutes to explain the bill—5 minutes, 310 pages—I will try to do that and then recognize the ranking member for 5 minutes to allow her to provide her views on the legislation.

If a member wishes to make a general statement on the bill, they may do so by asking to strike the last word once the bill is being considered for amendment.

Given the conflicting responsibilities of many members of the committee, I want to notify members that, without objection, I may recess the committee from time to time. In addition, I reserve the right to exercise the chair's prerogative, under Rule IV of the Committee Rules, to postpone votes for the convenience of the members. I will give members as much notice as I can on when such postponed votes will occur.

I now yield myself 5 minutes to explain the legislation.

H.R. 2410 authorizes funding for Fiscal Years 2010 and 2011 for the Department of State, the Peace Corps, U.S. international broadcasting activities, and other foreign affairs programs. This legislation continues efforts by this committee to strengthen U.S. foreign policy agencies to promote American national security interests and better serve U.S. citizens.

For far too long, we have failed to provide the State Department with the resources it needs to fill critical overseas posts, provide adequate training, and ensure effective oversight of the programs that it manages. With the expansion of the United States diplomatic responsibilities in the 1990s and the more recent demands of Iraq and Afghanistan, the Foreign Service has been strained to the breaking point.

Sixteen percent of all positions are currently unfilled. One in nine positions overseas is vacant.

H.R. 2410 builds on the process begun in the current fiscal year to help rebuild the capacity of the State Department. Specifically, our legislation supports the President's request for funding to hire over 1,000 new staff, including at least 750 Foreign Service Officers. Three hundred and thirty-two of these positions will be used to immediately expand our diplomatic presence in Afghanistan, Pakistan, and other strategic areas.

A further 213 positions will be dedicated to improving and expanding training in critical-needs languages such as Arabic, Chinese, Hindi, and Urdu.

The bill also provides resources for significant numbers of new public diplomacy officers, arms control experts, and counterterrorism specialists.

In addition, H.R. 2410 reforms the Foreign Service Act to accelerate the transition of the diplomatic corps from its traditional diplomatic framework to a more expeditionary mission to meet the new challenges facing our Nation.

Finally, to help ensure that the State Department can continue to attract the best and brightest to its ranks—and retain those professionals over the long term—our legislation closes the "pay gap" that currently results in a 21 percent pay cut when junior Foreign Service Officers leave Washington, DC, for overseas assignments.

Hiring and training a large number of new Foreign Service Officers to advance our national security interests overseas does not come cheap.

But investing resources now to help prevent conflict and failed states is a much more cost-effective method than providing massive amounts of humanitarian relief, funding peacekeeping operations, or, in the most extreme circumstances, putting U.S. boots on the ground.

H.R. 2410 also authorizes funds to pay our full dues and all recognized arrearages to the United Nations. The U.N. system is very far from perfect, and it certainly does not live up to our expectations on a number of occasions. But on a wide range of issues with implications for United States national security—from Iran's nuclear weapons program, to North Korea, to climate change—we need the close cooperation of the international community. And experience has shown that withholding U.S. dues to leverage change at the U.N. simply does not work—we are much more likely to get the reforms we want through active engagement.

H.R. 2410 also supports a significant expansion of the Peace Corps, a vigorous public diplomacy effort, an increase in international broadcasting activities, and a strengthened Arms Control and Nonproliferation Bureau at the State Department.

In addition, the legislation creates a new foundation to help U.S. students study abroad, enhances United States efforts to help Mexico and other Latin American countries to reduce the drug violence, and addresses a number of key human rights and democracy issues around the world.

Finally, H.R. 2410 reforms our system of export controls for military technology, improves oversight of U.S. security assistance, and requires a report to the Congress on actions taken by the United States to maintain Israel's qualitative military edge.

I think it is an excellent piece of legislation—I guess I would—but I want to thank all of the members, really, from both sides of the aisle who have contributed to its creation. Many of your thoughtful ideas are included in this text, and they have made the bill much better.

I urge all of my colleagues to support this legislation, and I now yield to the ranking member to explain her views on H.R. 2410.

Ms. ROS-LEHTINEN. Thank you so much, Mr. Chairman, and I am gratified that our committee is exerting our jurisdiction and our authority over State Department budgeting and programs through a markup of this foreign affairs authorization bill this morning.

I shared the chairman's initial hope that we would be able to move a bipartisan bill forward together in this Congress. We provided views on the majority's proposals, and we were able to reach agreement or acceptance on some of these issues.

I am also pleased to see the addition, in the chairman's manager's amendment, of reporting language calling for an assessment on the return of U.S. personnel to Gaza and vetting capabilities. I hope that the addition of this language is an indication of the chairman's willingness to consider our partner vetting systems bill at a future markup. This partner vetting systems bill, as the chairman knows, seeks to prevent U.S. taxpayer funds from falling into the hands of Palestinian terrorists.

Despite some areas of agreement, the hopes of adopting a bipartisan State Department authorization bill were dashed when policy provisions were included in the majority text that are poison pills, as they seek to promote or advance a social agenda overseas on issues that either remain unresolved here in the United States or that we fundamentally disagree as a matter of conscience.

The majority bill also includes funding levels that appear to ignore the economic reality that our Nation is currently facing. These significant funding increases in the majority bill do not appear to be linked to any specific criteria premised on any certain rational, nor do they appear to be the result of any sort of review of evaluation or budget justification from the Department of State.

I appreciated the statements made by Secretary Clinton when she appeared before our committee several weeks ago, and she said, and I quote, "I have challenged the Department to reform and innovate and save taxpayer dollars," but the majority's bill preempts the State Department's ongoing review by providing massive funding increases before any recommendation, before any changes, before any reforms are announced.

Without justification, the majority bill also represents an explosion of the bureaucracy, containing 48 new reporting requirements and creating 20 new government entities, offices, foundations, programs, and the like.

For these and many other reasons, we will be offering a Republican amendment in the nature of a substitute when the chairman's State Department Authorization bill is open to amendments that will expand on many of these concerns that I have just cited here. Thank you, Mr. Chairman, for your time.

Chairman BERMAN. I have an amendment at the desk, and I recognize myself. I have an amendment at the desk and ask for its immediate consideration.

Without objection, the amendments will be considered en bloc, and the clerk will report.

Ms. JACKSON LEE. Mr. Chairman, there were opening statements.

Chairman BERMAN. Let me get this amendment in, and then we will recognize people based on moving to strike the last word. That is what I announced at the beginning of the hearing, if that is all right.

[The amendment of Chairman Berman follows:]

AMENDMENT TO H.R. 2410

OFFERED BY MR. BERMAN OF CALIFORNIA

Page 9, lines 5 and 15, strike ''subsection (a)'' and insert ''subparagraph (A)''.

Page 14, line 19, strike ''$12,608,000'' and insert ''$43,576,000''.

Page 18, line 21, strike ''prescribe,'' and insert ''prescribe, and in such amounts as are appropriated in advance,''.

Page 51, beginning line 13, strike section 226 and insert the following:

1 **SEC. 226. TRANSFER OF THE VIETNAM EDUCATION FOUN-**
2 **DATION TO THE DEPARTMENT OF STATE.**

3 (a) PURPOSES.—Section 202 of the Vietnam Edu-
4 cation Foundation Act of 2000 (Public Law 106–554) is
5 amended by adding at the end the following new para-
6 graph:

7 ''(3) To support the development of one or
8 more academic institutions in Vietnam by financing
9 the participation of United States institutions of
10 higher education in the governance, management,

and academic activities of such academic institutions in Vietnam.''.

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

''SEC. 204. ESTABLISHMENT.

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

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

''SEC. 205. VIETNAM EDUCATION FOUNDATION ADVISORY COMMITTEE.

''(a) ESTABLISHMENT.—

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

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

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

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

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

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

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

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

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

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

(1) in the first sentence—

(A) by striking ''Secretary'' and inserting ''Director''; and

(B) by striking ''shall be appointed'' and inserting ''may be appointed''; and

(2) by striking the last sentence.

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

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

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

(1) in section 203—

(A) by striking paragraph (1);

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

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

''(3) SECRETARY.—The term 'Secretary' means the Secretary of State.'';

(2) in section 208—

(A) in subsection (a)—

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

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

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

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

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

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

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

(3) by adding at the end the following:

''(10) programs administered by the Vietnam Education Foundation.''.

(i) TRANSFER OF FUNCTIONS.—All functions and assets of the Vietnam Education Foundation are transferred to the Bureau of Educational and Cultural Affairs of the Department of State. The Assistant Secretary for Edu-

cational and Cultural Affairs may hire personnel who were employed by the Vietnam Education Foundation on the date before the date of the enactment of this Act, and such other personnel as may be necessary to support the Foundation, in accordance with part III of title 5, United States Code.

(j) SUPPORT FOR INSTITUTIONAL DEVELOPMENT IN VIETNAM.—

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

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

(B) feature both teaching and research components;

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

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

(E) enjoy autonomy from the Vietnamese government.

(2) APPLICATION.—

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

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

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

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

Page 57, line 22, strike ''post'' and insert ''post, and providing enhanced anti-trafficking training, especially

related to student exchange visas and other vulnerable categories of visa applicants''.

Page 57, strike line 24 through page 59, line 8, and insert the following:

(a) WORLDWIDE PROCESSING PRIORITY SYSTEM.—

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

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

Page 59, line 18, strike ''determination'' and insert ''determination, and any refugees admitted under this sentence shall be counted toward the President's determination when it is made''.

Page 60, strike line 3 through 17 and insert the following:

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

Page 60, line 21, strike ''the'' and all that follows through page 61, line 2, and insert the following: ''if a refugee or asylee spouse proves that such spouse is the biological or adoptive parent of a child, such child shall be eligible to accompany or follow to join such parent''.

Page 62, line 7, strike ''formal'' and insert ''overseas refugee''.

Page 62, beginning line 7, strike ''in five refugee processing regions''.

Page 62, strike line 13 and all that follows through line 18 and insert the following:

1 (b) DESIGN AND IMPLEMENTATION.—In designing
2 and implementing the pilot training programs referred to
3 in subsection (a), the Secretary shall consult with or uti-
4 lize both—
5 (1) nongovernmental or international organiza-
6 tions with direct ties to the United States refugee
7 resettlement program; and
8 (2) nongovernmental or international organiza-
9 tions with appropriate expertise in developing cur-
10 riculum and teaching English as a second language.

Page 62, strike line 24 and all that follows through page 63, line 13 and insert the following:

11 (d) TIMELINE FOR IMPLEMENTATION.—
12 (1) INITIAL IMPLEMENTATION.—Not later than
13 one year after the date of the enactment of this Act,
14 the Secretary shall ensure that such training pro-
15 grams are operating in at least three refugee proc-
16 essing regions.
17 (2) ADDITIONAL IMPLEMENTATION.—Not later
18 than two years after the date of the enactment of
19 this Act, the Secretary shall notify the appropriate
20 congressional committees that such training pro-
21 grams are operating in five refugee processing re-
22 gions.

Page 63, beginning line 14, insert the following:

1 (e) GAO REPORT.—Not later than two years after
2 the date of the enactment of this Act, the Comptroller
3 General of the United States shall conduct a study on the
4 implementation of this section, including an assessment of
5 the quality of English as a second language curriculum
6 and instruction, the benefits of the orientation and
7 English as a second language training program to refu-
8 gees, and recommendations on whether such programs
9 should be continued, broadened, or modified, and shall
10 submit to the appropriate congressional committees a re-
11 port on the findings of such study.

Page 63, line 14, strike ''(E)'' and insert ''(F)''.

Page 64, line 4, strike ''its'' and insert ''the Government of Iraq's''.

Page 65, line 9, strike ''in fiscal year 2010''.

Page 69, line 6, strike ''shall'' and insert ''may develop and''.

Page 69, line 8, strike ''which shall include the use of'' and insert ''using''.

Page 71, line 24, strike ''616(d)(2)'' and insert ''616(d)''.

Page 72, line 20, strike "101(a)" and insert "101".

Page 73, after line 12, insert the following:

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

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

(a) FINDINGS.—Congress finds the following:

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

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

(3) In order to safeguard and advance United States national security, the Department of State must have the structural and human resources nec-

essary to lead and participate in all international negotiations, conventions, organizations, arrangements, and implementation fora in the field of nonproliferation and arms control.

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

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

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

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

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

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

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

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

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

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

(I) strengthening the infrastructure and technical and financial resources available to

the International Atomic Energy Agency (IAEA) and its international nuclear safeguards system; and

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

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

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

(2) such plan should—

(A) focus especially on the recruitment and professional development of civilian and Foreign Service officers in the areas of arms control and nonproliferation within the Department of State, especially to increase the number of personnel assigned to arms control and nonproliferation and enhance recruitment of tech-

nical specialists, as well as provide for the long-term sustainability of personnel and resources; and

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

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

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

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

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

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

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

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

SEC. 245. ARMS CONTROL AND NONPROLIFERATION ROTATION PROGRAM.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—The Secretary of State (in this section referred to as the ''Secretary''), in consultation with the heads of other Federal departments and agencies that are involved in United States arms control and nonproliferation activities, shall establish the Arms Control and Nonproliferation Rotation Program (in this section referred to as the ''Rotation Program'') for employees of the Department of State (in this section referred to as the ''Department'') and such other Federal departments and agencies. The Rotation Program shall use appli-

cable best practices, including those prescribed by the Chief Human Capital Officers Council. Employees of the Department and any other Federal department or agency participating in the Rotation Program may be detailed among the Department or such department or agency on a non-reimbursable basis.

(2) GOALS.—The Rotation Program shall—

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

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

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

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

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

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

(3) RESPONSIBILITIES.—The Secretary shall—

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

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

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

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

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

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

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

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

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

SEC. 246. ARMS CONTROL AND NONPROLIFERATION SCHOLARSHIP PROGRAM.

(a) ESTABLISHMENT.—

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

(2) SELECTION OF RECIPIENTS.—

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

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

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

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

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

(d) PROGRAMS AND FIELDS OF STUDY.—The Secretary shall make publicly available a list of academic pro-

grams and fields of study for which scholarships under this section may be awarded.

(e) SCHOLARSHIPS.—

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

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

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

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

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

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

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

(g) REPAYMENT.—

(1) IN GENERAL.—A scholarship recipient who fails to maintain a high level of academic standing, as defined by the Secretary who is dismissed for dis-

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

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

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

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

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

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

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

SEC. 247. SCIENTIFIC ADVISORY COMMITTEE.

(a) ESTABLISHMENT.—

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

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

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

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

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

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

(c) REIMBURSEMENT OF EXPENSES.—If the Committee is established in accordance with subsection (a)(1), the members of the Committee may receive reimbursement of expenses only in accordance with the provisions applicable to the reimbursement of experts and consultants under

1 section 401(d) of the Arms Control and Disarmament Act
2 (Public Law 87–297; 22 U.S.C. 2581(d)).
3 (d) SCIENTIST DEFINED.—In this section, the term
4 ''scientist'' means an individual who has a demonstrated
5 knowledge and technical expertise with respect to arms
6 control, nonproliferation, and disarmament matters and
7 who has distinguished himself or herself in any of the
8 fields of physics, chemistry, mathematics, biology, or engi-
9 neering, including weapons engineering.

Page 74, line 9, strike ''Service'' and insert ''Service, other than foreign national employees and consular agents (as such terms are defined in section 103 of the Foreign Service Act of 1980 (22 U.S.C. 3903)), as appropriate''.

Page 77, line 23, strike ''Service'' and insert ''Service, other than foreign national employees and consular agents, as appropriate''.

Page 78, line 4, strike ''Service'' and insert ''Service, other than foreign national employees and consular agents, as appropriate''.

Page 97, line 4, strike ''2012'' and insert ''2011''.

Page 125, strike line 25 and all that follows through page 127, line 15.

Page 127, line 16, strike ''(b)'' and insert ''(a)''.

Page 128, line 1, strike ''(c)'' and insert ''(b)''.

Page 128, line 13, strike ''(d)'' and insert ''(c)''.

Page 129, line 15, strike ''(e)'' and insert ''(d)''.

Page 126, line 18, strike ''Foreign Service officer'' and insert ''a member of the Foreign Service''.

Page 126, line 22, strike ''Act'' and insert ''subsection''.

Page 132, line 19 strike ''Funds'' and all that follows through line 21.

Page 141, line 23, strike ''subsections (a), (b), and (c)'' and insert ''paragraphs (1), (2), and (3)''.

Page 153, strike lines 3 through 14.

Page 153, line 15, strike ''(d)'' and insert ''(c)''.

Page 153, line 19, strike ''(e)'' and insert ''(d)''.

Page 153, lines 22 through 23, strike ''following'' and all that follows through line 24 and insert '' 'following: $450,000,000 for fiscal year 2010 and such sums as may be necessary for fiscal year 2011.' ''.

Page 155, line 7, strike ''section'' and insert ''title''.

Page 226, strike lines 1 through 9.

Page 226, line 10, strike ''(3)'' and insert ''(2)''.

Page 226, line 15, strike ''imprisoned'' and insert ''be imprisoned for each violation''.

Page 238, line 6, strike ''Initiative, including to'' and insert ''Initiative:''.

Page 238, line 7, strike ''the'' and insert the following:

1 (E) To the

Page 238, line 13, strike ''(E)'' and insert ''(F)''.

Page 238, line 23, insert the following:

2 (3) COUNTRIES WITHIN THE MERIDA INITIA-
3 TIVE DEFINED.—The term ''countries within the
4 Merida Initiative'' means Belize, Costa Rica, El Sal-
5 vador, Guatemala, Honduras, Mexico, Nicaragua,
6 and Panama and includes Haiti and the Dominican
7 Republic.

Page 248, line 19, strike ''coordinate'' though ''United States'' on line 21 and insert ''improve United States export controls on the illicit export of small arms and light weapons''.

Page 248, strike line 24 through page 249, line 3.

Page 249, line 4, strike "(2)" and insert "(1)".

Page 249, line 7, strike "(3)" and insert "(2)".

Page 257, lines 20 through 22, strike "Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate" and insert "appropriate congressional committees".

Page 258, line 24, strike "90" and insert "180".

Page 262, after line 13, insert the following:

1 (6) An assessment of the policy prohibiting per-
2 sonnel of the Department of State and the United
3 States Agency for International Development from
4 traveling to Gaza following the tragic roadside
5 bombing in 2003. Such an assessment should con-
6 sider and evaluate the prospects that such personnel
7 might resume humanitarian assistance operations or
8 commence monitoring functions relating to humani-
9 tarian aid distribution in Gaza in order to ascertain
10 that United States foreign assistance is not misused
11 in ways that benefit any organization designated as
12 a foreign terrorist organization under section 219 of
13 the Immigration and Nationality Act (8 U.S.C.
14 1189).

Page 262, beginning line 14, insert the following:

SEC. 1009. REPORT ON ACTIVITIES IN HAITI.

Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees a report on the following:

(1) HURRICANE EMERGENCY RECOVERY.—The status of activities in Haiti funded or authorized, in whole or in part, by the Department of State and the United States Agency for International Development (USAID) through assistance appropriated under the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009.

(2) GENERAL ACTIVITIES.—A summary of activities funded or authorized, in whole or in part, by the Department of State and USAID in the previous 12-month period, how such activities supplement the work of the Government of Haiti to provide a safe and prosperous democracy for its citizens, and a timetable for when management and implementation of such activities will be turned over to the Government of Haiti or Haitian nationals.

(3) COORDINATION.—A description of how United States assistance is coordinated—

(A) among United States departments and agencies; and

1 (B) with other donors to Haiti, including
2 programs through the United Nations, the
3 Inter-American Development Bank, and the Or-
4 ganization of American States.
5 (4) BENCHMARKS.—A summary of short-term
6 and long-term objectives for United States assist-
7 ance to Haiti and metrics that will be used to iden-
8 tify, track, and manage the progress of United
9 States activities in Haiti.

page 266, strike lines 5-9, and insert the following:

10 (b) NONAPPLICABILITY OF OTHER LAWS.—
11 (1) IN GENERAL.—Funds made available from
12 the United States Government to the Fund may be
13 used for the purposes of the agreement between the
14 United States Government and the Fund notwith-
15 standing any other provision of law.
16 (2) SUPPORT FROM FEDERAL DEPARTMENTS
17 AND AGENCIES.—The heads of Federal departments
18 and agencies may conduct programs and activities
19 and provide services in support of the activities of
20 the Fund notwithstanding any other provision of
21 law.

Page 278, strike lines 21 through 22 and insert the following:

1 (1) respect property rights and religious rights
2 of the Ecumenical Patriarch;

Page 279, beginning line 4, strike section 1106.

Page 280, strike lines 3 through 6 and insert the following:

3 **SEC. 1107. LIMITATION ON ASSISTANCE FOR WEATHER CO-**
4 **OPERATION ACTIVITIES TO COUNTRIES IN**
5 **THE AMERICAS.**

Page 281, lines 14 through 15, strike ''hurricane preparedness and other''.

Page 300, line 21, strike ''**PROTECTING**'' and insert ''**PROTECTION OF**''.

Page 308, beginning line 13, insert the following:

6 **SEC. 1115. PROCESSING OF CERTAIN VISA APPLICATIONS.**
7 (a) POLICY.—It shall be the policy of the Department
8 of State to process immigrant visa applications of imme-
9 diate relatives of United States citizens and nonimmigrant
10 k-1 visa applications of fiances of United States citizens
11 within 30 days of the receipt of all necessary documents
12 from the applicant and the Department of Homeland Se-
13 curity. In the case of a visa application where the sponsor
14 of such applicant is a relative other than an immediate
15 relative, it should be the policy of the Department of State

1 to process such an application within 60 days of the re-
2 ceipt of all necessary documents from the applicant and
3 the Department of Homeland Security.

4 (b) REVIEW BY HEAD OF CONSULAR SECTION.—For
5 any visa application described in subsection (a), it shall
6 be the policy of the Department of State to require the
7 head of the consular section (or designee) of any United
8 States diplomatic or consular post to review any such ap-
9 plication that exceeds the applicable time period specified
10 in such subsection by more than five days, and, as appro-
11 priate, provide for expedited processing of such applica-
12 tion.

Page 320, after line 12, insert the following:

13 **SEC. 1126. EFFORTS TO SECURE THE FREEDOM OF GILAD**
14 **SHALIT.**

15 It is the sense of Congress that Israeli soldier Gilad
16 Shalit, who has been held captive continuously since his
17 illegal abduction by Gazan kidnappers in 2006, should be
18 safely released at the earliest possible time and that, pend-
19 ing his release, the International Committee of the Red
20 Cross should be granted full access to him, in accordance
21 with international law and civilized values.

Ms. JACKSON LEE. That is certainly all right. Thank you, Mr. Chairman.

Chairman BERMAN. The clerk will report.

Ms. RUSH. Amendment to H.R. 2410 offered by Mr. Berman of California. "Page 9"——

Chairman BERMAN. Without objection, the amendment will be considered as read, and I recognize myself for 5 minutes to explain the amendment.

This en bloc, or manager's, amendment makes a number of minor technical and conforming amendments to various provisions of the bill.

In addition, it adds a new Subtitle E to Title 2 to strengthen arms control and nonproliferation activities at the Department of State. Specifically, this provision provides for additional new positions in the Arms Control and Nonproliferation Bureau, makes it easier for the Department to hire experts, adds an arms control and nonproliferation rotation program and scholarship programs to enhance the Department's capacity, and provides for a Science Advisory Committee to help the Department develop a science-based approach to these issues.

I believe these provisions will go a long way to rebuild the capacity of the Department to conduct arms control negotiations at a time when these issues are high on the President's agenda.

The manager's amendment also increases the authorization for the Peace Corps above the level in the base text, which will allow the agency to place more volunteers in developing countries around the world.

In addition, the amendment includes two new provisions, one from the majority on Gilad Shalit and one from the minority on Haiti, and makes changes to a number of others—at the request of our Republican colleagues—including, I might add, a few reporting requirements.

Finally, I want to note that our base bill would have provided certain benefits to the committed, same-sex partners of Foreign Service Officers, including access to embassy medical services, transportation to and from posts, and training and recognizing potential terrorist threats.

It is my expectation, based on very recent conversations, that the Secretary of State will move forward with implementing all of the benefits provided in that provision in the very near future, and, based on that expectation, I have agreed to remove this provision from our legislation.

I am deeply committed to this issue and would not casually strike a provision on my own amendment if I did not feel confident that this would be taken care of by the administration. And I would like to say, parenthetically, that I am very pleased today that we have with us Ambassador Michael Guest, a Foreign Service Officer and our former Ambassador to Romania, who, for 26 years, served our country with distinction and who, sadly, was forced to leave the Foreign Service when he could no longer accept the second-class status accorded his lifetime partner.

I am saddened that the administrative changes needed to provide the life partners of Foreign Service Officers serving abroad with critical benefits, such as security training, emergency evacuation,

and access to embassy medical services, came too late for Ambassador Guest and his partner, but I am heartened that soon no more of our best and brightest will be forced to choose between family and country.

I urge all of my colleagues to support the amendment, and Ambassador Guest is in the audience there.

Does anyone wish to be heard on the amendment? I recognize the ranking member for 5 minutes.

Ms. ROS-LEHTINEN. Thank you, Mr. Chairman, and I do appreciate the hard work that you and your staff have put into this en bloc manager's amendment. It makes certain edits and technical changes to the underlying text in order to make corrections to clarify your policy intent and to reflect the substance of your discussions with other committees, such as Judiciary and Armed Services, who share jurisdiction over portions of this bill.

While I do not have specific problems with those aspects, I will, respectfully, oppose adoption of the manager's amendment because it would have the effect of further increasing the already prohibitive cost of this legislation and would also perfect some particular items that I cannot support.

As I previously stated, we will present our Republican amendment at the proper time this morning.

The majority's bill contains contradictory provisions in the sections regarding the Department of State's nonproliferation and arms control bureaucracy. On one hand, it asks the Department of State to develop a comprehensive plan to determine what the State Department actually needs, in terms of personnel, additional authorities, new appropriations, and so forth, in order to carry out its arms control and nonproliferation activities, yet before that plan has even begun, the bill removes the statutory requirement for the Assistant Secretary for verification and arms control, it authorizes $3 million for 25 new positions focused on arms control, and mandates other programs and activities.

Instead of attempting to reshape the State Department before the requested plan has even begun, it makes much more sense to wait and see what the Secretary of State says that she actually needs before we tell her what she needs.

As I said, we will present our Republican amendment at the proper time, and I urge my colleagues to oppose the manager's amendment.

Chairman BERMAN. The time of the gentlelady has expired.

Are there people who wish to strike the last word for purposes of opening statements? The gentleman from California, Mr. Sherman, for what purpose do you seek recognition?

Mr. SHERMAN. I would strike the last word, if the chairman thinks this is the appropriate time to just address the bill in general.

Chairman BERMAN. This is the appropriate time to just address the bill in general.

Mr. SHERMAN. Then I will enjoy doing that.

Chairman BERMAN. The gentleman is recognized for 5 minutes.

Mr. SHERMAN. I thank the chairman for including in the text of the bill, H.R. 4246, which was introduced in the 110th Congress, the Defense Trade Controls Performance Improvement Act.

I would also like to thank Mr. Manzullo, Mr. Royce, and Mr. Scott for their work on that bill, which will create, as included now in this larger piece of legislation, significant improvements in our process for licensing arms exports.

I would also note that many of the improvements that we were pushing for then have been undertaken by the State Department since the hearings we held in July 2007.

I would like to commend the chairman for including language similar to H.R. 1202, the State Department Report on Unfair Business Practices Abroad. This also came out of hearings of our subcommittee, and I especially commend Mr. Royce for his work on this effort.

Finally, I would like to commend the chairman for including in this bill a provision repealing the mandate that commercial satellites be controlled for export purposes on the munitions list under the International Traffic in Arms Regulation (ITAR). I think that it makes sense to give the State Department and the administration more flexibility in this area. The provision would maintain an effective embargo on satellite sales to China, as well as a prohibition on launching United States satellites in China.

I hope that the administration would use the authority granted by this provision of the bill, and I hope to work with the chairman on report language that calls for an orderly examination of satellite technologies to determine which items can safely come off the United States Munitions List, and I would hope that, within 6 months, that our report language would urge the administration to review this within 6 months. I yield back.

Chairman BERMAN. The gentleman yields back his time.

Is there anyone on either side who wishes to strike the last word for purposes of general comments on the bill?

Mr. ROHRABACHER. Yes.

Chairman BERMAN. The gentleman from California, Mr. Rohrabacher.

Mr. ROHRABACHER. I would just like to express my appreciation to Brad Sherman for the good work that he did and the diligence that he took in handling a very significant issue for American industry, but also for national security.

It was a complicated issue that he worked with both Republicans and Democrats and extended courtesy to me, as a member of this committee, and met many of the concerns that I had to make sure that we broadened the ability for our own industry to deal overseas but, at the same time, took care about the issue of China and the potential threat that it would pose, and I appreciate his leadership and just thought I would put that in the record.

Chairman BERMAN. I thank the gentleman. The gentleman from Virginia, Mr. Connolly, for what purpose do you seek recognition?

Mr. CONNOLLY. I move to strike the last word.

Chairman BERMAN. The gentleman is recognized for 5 minutes.

Mr. CONNOLLY. Mr. Chairman, just briefly, I wanted to express my support and appreciation to the chairman for the chairman's work and for the amendment he has just put in front of the committee. I think this represents, actually, a real, good-faith, bipartisan effort at addressing many of the issues we have been concerned about for quite some time.

I am a little surprised to hear references to "the prohibitive cost of the bill" or that somehow the arms control section of the bill ought to wait until we hear from the Secretary of State. We actually heard from the Secretary of State for 3½ hours at this committee, and I thought I heard the Secretary say she was in close consultation with the chairman and this committee and expressed general support for the principles clearly enshrined in this bill.

I think it would be naive to believe otherwise, that a bill of this magnitude authorizing the State Department would not have been put together with some careful consultation with the Secretary of State and her staff. So I have confidence moving forward.

Chairman BERMAN. Would the gentleman yield?

Mr. CONNOLLY. Yes, sir.

Chairman BERMAN. I thank the gentleman for yielding. He is correct, both as to the authorized number for the State Department, generally, and for the provisions that we have introduced in this manager's amendment. There is strong general support, both for the increase in numbers and for nearly all of the provisions in that amendment from the Department of State and the Secretary.

Mr. CONNOLLY. I thank the chairman. As to prohibitive cost, I also serve on the Budget Committee. The Function 150, the foreign affairs function, of the budget continues to, frankly, be the anemic part of the Federal budget, and, as Secretary Gates noted himself while still the Secretary of Defense under the Bush administration, unless we want to have a proliferation of military deployment all over the world, we have got to start investing in smart diplomacy, and that means we have got to shore up and beef up our resources with respect to the State Department and the Foreign Service, and I believe the bill, and the amendment to it, offered by our chairman does just that.

So I am looking forward to supporting this bill. It saddens me to hear there is going to be a "Republican substitute." I spent 10 years of my life as a senior staff member on the Senate Foreign Relations Committee, where we wrote State Department authorization bills and foreign aid bills. We did not have Republican or Democratic bills in those days; we had a bill, to which people offered amendments. Some were successful, some were not, but, at the end of the day, I would hope we could have a unified position moving forward in support of U.S. diplomacy abroad.

I thank the chairman and yield back.

Chairman BERMAN. The time of the gentleman has expired.

Does anyone else seek recognition to strike the last word?

Mr. SMITH OF NEW JERSEY. I move to strike the last word.

Chairman BERMAN. The gentleman from New Jersey.

Mr. SMITH OF NEW JERSEY. Thank you very much, Mr. Chairman.

It is good to see Walker Roberts here because he and other members of this committee will know that we have tried repeatedly, and actually succeeded. Henry Hyde did get a State Department bill through into law. We did it in the 1990s. We attached it in 2000 to an appropriations bill in its entirety. We worked in a bipartisan way, although we had our differences. I think those differences are sometimes constructive and good. We get a better bill.

I would like to raise a question, Mr. Chairman, with regard to Section 333, which seems to elevate the human rights agenda for homosexual rights to that of those rights enumerated in the Bill of Rights.

Section 333(b) in the old bill—I know you just amended it, in part, through the manager's amendment—requires the Secretary, the Assistant Secretary for Democracy, Human Rights, and Labor, tracks "restrictions on the enjoyment of fundamental freedoms consistent with U.S. law in foreign countries based on actual or perceived sexual orientation and gender."

In the Country Reports on Human Rights Practices, that now would be required to include "discrimination that affects the fundamental freedoms regarding actual or perceived sexual orientation and gender identity."

My question, first, would be, do the words "restrictions" and "discrimination" include laws in other countries that ban homosexual marriage?

And, secondly, on Part E, although it will be renumbered, I know, or redesignated, training for Foreign Service Officers concerning human rights reporting and advocacy identifying discrimination of an individual based on actual or perceived sexual orientation and gender; does that require Foreign Service Officers—does that make it permissive or mandatory that they be advocates for the homosexual agenda, and if a Foreign Service Officer had a religious tenet, perhaps based on his or her Christianity or perhaps on their Muslim beliefs or perhaps on their Jewish beliefs or any other faith or just a moral belief that it is not wrong, would they be compelled, under this legislation, to advocate and be involved in advocacy for that agenda?

Chairman BERMAN. If the gentleman will yield. Without seeking to have you expand on what you mean by "the homosexual agenda," I will point out, number one, you left out a few key provisions of that language—"tracking violence and criminalization" and "restrictions on the enjoyment of fundamental freedoms consistent with U.S. law." In other words, we are not asking our Foreign Officers abroad to track or report on any provisions which we have not ourselves adopted.

So, as to your question about same-sex marriage, the answer is, obviously, no. That is not something that is consistent with U.S. law.

This does not foster anybody's agenda on the Foreign Service Officers but on the fundamental questions of violence, criminalization, and restrictions on the enjoyment of fundamental freedoms. I want our Foreign Service Officers, in the spirit which you have so frequently and sincerely and passionately advocated, to be forces in favor of promoting human rights and individual rights and individual liberties and actions to deter and stop violence and to ensure that fundamental human liberties are not criminalized, and I do not apologize for supporting such a provision.

Mr. SMITH OF NEW JERSEY. If I could, Mr. Chairman, with regards to Foreign Service Officers, just so I am very clear, if he or she is the FSO that deals with the human rights agenda, and very often very low grade, in terms of their seniority, members of the Foreign Service, if he or she had a moral tenet, would they still

have to participate in this? I am not talking about violence; I am talking about the discrimination portion because "discrimination" is not defined in the bill.

There are people, sincerely, who believe that a ban on homosexual marriage is discriminatory. It is going on in many of our states, we all know, and it could become the law of our land. It is the law in several states.

Chairman BERMAN. Many things could become the law of our land. Many things could become the law of the U.S. That is not now the law of the U.S., and nothing in this bill—and I think the reports should reflect that—would force the Foreign Service Officer to do anything that was fundamentally contrary to his own moral precepts.

The time of the gentleman has expired. Who else seeks recognition? The gentlelady from Texas, Ms. Jackson Lee, for what purpose do you seek recognition?

Ms. JACKSON LEE. To strike the last word.

Chairman BERMAN. The gentlelady is recognized for 5 minutes.

Ms. JACKSON LEE. Thank you very much, Mr. Chairman. I rise to both enthusiastically support the Berman Amendment and, as well, H.R. 2410, which, I know, has been both long in coming but also a deliberative initiative that really sets the tone of this new President and new Secretary of State, and I think it is valid to express the importance of the partnership between the Members of Congress in foreign policy, as we move forward, to set a new tone for America, a new face of friendliness, and a new understanding of our Foreign Service leadership and the vast, brave men and women who are part of the Foreign Service.

So I am grateful that a number of items are in this legislation and that I will have subsequent amendments, or an amendment, that will deal with the, if you will, crisis or conflict in Sudan. However, let me express enormous gratification for the inclusion of my legislation, H.R. 72, to increase global stability and security for the United States relating to, de jure or de facto, stateless people.

We do know there are approximately 11 million individuals who are stateless. This encourages the United Nations to have a firm program providing the basic human right of giving everyone the opportunity to have a nationality.

Compounding the crisis of statelessness are internally displaced persons, and I look forward, as we move to our next legislation on this agenda dealing with Pakistan, to confront that question of, how do we help those people who are now presently being displaced in countries around the world, including Pakistan, because of conflict? This is the right thing to do.

I am also very grateful that, in this legislation, there is direction for the State Department to create a policy on genocide so that we do not sit idly by not because of intentions but because of lack of knowledge or how to approach it. This legislation has a provision on genocide so that we can be part of the world family in standing in the way of the horrificness [sic] of genocide.

I also believe this idea of working with the policy dealing with our military assistance and diplomacy is an important aspect that is evidenced in the language in this bill. The Secretary of State and the President make a point that the State Department and diplo-

macy should be engaged when the military are engaged in diplomacy, and I think the partnership that is set here is very important.

I want to applaud the chairman for his initiative on providing benefits to our Foreign Service partners. That is a simple premise of human dignity, and I look forward to this chairman working with the State Department and pushing the State Department to ensure that every person, regardless of their religious beliefs, regardless of their sexual orientation, regardless of whether they are tall or short, male or female, whether or not they are an athlete or nonathlete, will have the opportunity to live or work in dignity and serve their country.

I have been to a number of places. I have been grateful to have been able to serve in this Congress and visit on behalf of the United States. I have never seen a Foreign Service Officer advocating any personal policies that may be pertaining to their personal life. Maybe I have missed it and, therefore, have avoided any conversations like that.

But, Mr. Chairman, I think that we are on the right track, and I do want to acknowledge work that was done by my other colleagues that I join, which is adding the Caribbean to the Merida Initiative a very, very important element of providing resources for that part of the world, and, as well, which came out of the Western Hemisphere Committee, Mr. Engel and Mr. Meeks, and then the work of my good friend and colleague, Mr. Payne, on Somalia is in this legislation.

I conclude, Mr. Chairman, by just acknowledging to you that, hopefully, the members of Parliament from Pakistan are en route, and I hope that when they do come and come into the room, we will have seating for them, but, more importantly, we will be able to acknowledge them as a group.

I rise to support the amendment and H.R. 2410. I yield back.

Chairman BERMAN. The time of the gentlelady has expired.

We welcome their coming. The issue of seats is beyond my ability to handle because I do not want to throw anybody out.

We would like to get through the opening statements part of this. Who else seeks recognition? The gentlelady from California, Ms. Lee, is recognized for striking the last word——

Ms. LEE. Thank you very much, Mr. Chairman. I move to strike the last word.

Chairman BERMAN [continuing]. And is recognized for 5 minutes.

Ms. LEE. Thank you for holding this important hearing, and I want to also commend you for your hard work and your staff, all of our staffs, in bringing this important and forward-looking legislation before the committee.

I would also like to thank the chairman and his staff for their hard work and open minds in working with members of this committee to address issues of vital importance around the globe, and working with an open mind has really made a difference, Mr. Chairman, and I just want to thank you so much for that.

I am greatly encouraged that H.R. 2410 takes an important step toward reorienting our foreign policy for the 21st Century by authorizing funding to meet President Obama's budget request. In the words of President Obama, he said, "America is a friend of each

nation and every man, woman, and child who seeks a future of peace and dignity," and I think, Mr. Chairman, that this legislation rightfully commits the resources necessary to uphold that promise.

H.R. 2410 includes many valuable programs and provisions to extend the arm of diplomacy in the interest of development, peace, and progress.

I would also like to thank the chairman for including the United States Caribbean Educational Exchange program in this legislation. I introduced this legislation several years ago. It passed the House in the 110th Congress. It is called the "Shirley H. Chisholm United States Caribbean Educational Equity Act."

This valuable initiative will promote better understanding of the United States' values and culture by offering scholarships to Caribbean students to pursue secondary, undergraduate, and graduate or post-graduate studies in the United States.

The benefits of educational exchanges are limitless in our efforts to promote democratic values, a better understanding of the United States and our people, and the work done by these students will offer enormous opportunities for building the capacity of our longstanding allies in the Caribbean community and, actually, in the West Indies and in Caribbean nations.

I am also pleased that this legislation includes reporting language that I offered to address the enduring humanitarian crisis in Gaza. Residents of Gaza continue to lack appropriate access to basic necessities, including food, fuel, water, and reconstruction assistance, absolutely so vital to restoring basic infrastructure and access to services, such as education and healthcare following the 2008 and 2009 conflicts.

I am hopeful that this provision will provide much needed insight and information into the obstacles facing the successful delivery of humanitarian and reconstruction assistance in Gaza.

I am also confident, and I speak for my distinguished colleagues on the committee—I note several of them who I have talked to about this provision—we are confident that this will improve the lives of the Palestinian people in Gaza and that this is essential in fostering conditions necessary for stability, economic and social development and a lasting and sustained peace.

Lastly, Mr. Chairman, as you know, your staff has already worked very closely with my office on the contracting and hiring provisions which have been included in this bill to ensure that the State Department, in its composition and activities, accurately reflects the diversity of the United States, and I know that there are some issues that are still outstanding that we are going to work with on the minority, women-owned, and small business contracting provisions as we move this bill to the floor.

So I look forward to working with you on that additional language, and I thank you again, Mr. Chairman, for your open-mindedness and your willingness to really be very inclusive of all of the members of this committee in this bill. Thank you again.

Chairman BERMAN. The time of the gentlelady has expired. I thank the gentlelady for her comments. I am thanking her for forcing my mind to open. And I recognize the gentlelady from Arizona; for what purpose does she seek recognition?

Ms. GIFFORDS. Thank you, Mr. Chairman. I move to strike the last word.

Chairman BERMAN. The gentlelady is recognized for 5 minutes.

Ms. GIFFORDS. Thank you, Mr. Chairman. I would like to support H.R. 2410. It is an important piece of legislation that addresses issues pertaining to both domestic and international, but also it includes our Nation's export-control system.

As you know, I am the chair of the Space and Aeronautics Subcommittee on the Science and Technology Committee, and, in February of this year, the committee held a hearing on the impacts of U.S. export-control policies on science and technology competitiveness which are absolutely critical to our economic and national security.

There are a couple of members of the Science Committee here on the Foreign Affairs Committee, and many of you represent the space industries in your district.

The impact, in terms of what we are hearing from the reports, of the current export-controls regime on America's civil and commercial space programs and space research activities is significant, and we have heard some very troubling conclusions.

For example, the Center for Strategic and International Studies Working Group on the Health of the U.S. Space Industrial Base and the Impact of Export Controls found that, and I quote, "the current export-control policies is constricting U.S. engagement in partnership with the rest of the global space community and is feeding a growing separation between the U.S. space community and an emerging, non-U.S. space community."

It also went on to say that "export controls are adversely affecting U.S. companies' ability to compete for foreign space business, particularly the second and the third tier. It is those two tiers, the second and third tier, of the industry that are the source of much innovation for our country and is normally the most engaged in the global marketplace and in the aerospace and defense sector."

Space is increasingly becoming a global undertaking, with new space-faring nations emerging that will provide both competition and, I believe, opportunities for cooperation and commercial involvement.

I think provisions need to be included in this legislation to ensure that our export-control policies are structured to enable us to address both the competition but also the opportunities while still protecting legitimate security concerns.

So I do not intend to offer an amendment today, Mr. Chairman. I want to work with you, and I want to work with the ranking member, and I want to work with members that are interested in ITAR, but to develop an amendment for the floor that can be properly incorporated into the act.

H.R. 2410 initiates critical actions to reform export controls, and I thank you, Mr. Chairman, for introducing this legislation. I look forward to working with you and other members.

Chairman BERMAN. Will the gentlelady yield?

Ms. GIFFORDS. Yes, sir.

Chairman BERMAN. I very much appreciate the gentlelady's comments on this issue. You, at the end, made reference to some of the provisions already in this bill, but I very much am both aware of

those reports and very sensitive to the outdated nature of an Export Administration Act which is essentially the law last reauthorized fully in 1985 or 1986, if I am correct, and I can remember the Conference Committee on that and, since that time, it has not been.

So, obviously, this bill and some of the other regional issues, the State Department legislation, and the foreign assistance reform legislation are on our agenda, but third on my agenda, hopefully, is, in this Congress, to reauthorize the Export Administration Act and update the Export Administration Act along the lines of some of the reports that you have made reference to. I yield back.

Ms. GIFFORDS. Thank you, Mr. Chairman. Thank you, and I look forward to working with you on this. Thank you.

Chairman BERMAN. The time of the gentlelady has expired.

The Commerce Committee, on Monday, had opening comments on their climate change bill. They went all day.

Are we done? Do we need more, or can we go to amendments? All right.

Hopefully, the final speaker on the general statement portion on a motion to strike the last word, the gentlelady from California, is recognized for 5 minutes.

Ms. WATSON. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to thank you and your staff for working with my office to provide several provisions to the baseline text of the State Department Authorization bill, and I urge my colleagues to support this bill.

Section 214, "Public Diplomacy Resource Center," amends the State Department Basic Authorities Act of 1956 to direct the Secretary of State to ensure that diplomatic and consular mission libraries and resource centers are open to the general public, to the greatest extent possible, to schedule public showings of American films that showcase American culture, principles, values, and history.

Section 215, "Grants for International Documentary Exchange Programs," authorizes the Secretary of State to make grants to U.S. nongovernmental organizations that use independently produced documentary films to promote a better understanding of the United States abroad and a better understanding of global perspectives of other countries and the United States.

Section 216, "U.S. Advisory Commission on Public Diplomacy," amends the Foreign Affairs Reform and Restructuring Act of 1998 to reauthorize the United States Advisory Commission on Public Diplomacy through October 1, 2011.

Section 330, "Department of State Employment Compositions," amends the Foreign Relations Authorization Act of 2003 to direct the Secretary of State to report on efforts to develop a uniform definition of "diversity" that is congruent with core values and the vision of the Department and to evaluate the diversity plans specifically relating to Foreign Service and senior Foreign Service.

This section also provides for a GAO review by the comptroller general of the United States to assist the employment of composition, recruitment, advancement, and retention policies of the State Department for women and minority groups, and, as many of you may know, the Department of State has some of the worst diversity

rates among its Foreign Service Officers, to include the senior Foreign Service and Foreign Service specialists.

Mr. Chairman, I would like to submit for the record a report obtained by CRS from the State Department, which shows the lack of diversity within the various levels of the Foreign Service.

Chairman BERMAN. Without objection, that report will be included in the record of the markup.

Ms. WATSON. For example, Foreign Service generalists, by race and gender, shows that, as of September 30, 2008, there were 3,543 white males; 2,073 white females; 164 black males; 210 black females; 181 Spanish males; 108 Hispanic females; 205 Asian males; 182 Asian females; 11 Native American males; 12 Native American females; and as you look up the graph regarding diversity in top leadership levels, there is, basically, none.

I believe the reporting requirements in Section 330 and the GAO review will help the Department of State develop a policy where all groups are participants and involved in conducting our Nation's foreign policy.

So, Mr. Chairman, I urge my colleagues to support the passage of the State Department Reauthorization bill, which will enhance smart public diplomacy, and it will support our diplomacy abroad, our efforts worldwide, and diversity of our Foreign Service. I thank you very much, and I yield back the remaining time.

Chairman BERMAN. The time of the gentlelady has expired.

The pending question is the manager's amendment. The question occurs on the amendment. All in favor, vote aye.

[A chorus of ayes.]

Chairman BERMAN. All opposed will vote no.

[A chorus of noes.]

Chairman BERMAN. The ayes have it. The manager's amendment is adopted.

Ms. ROS-LEHTINEN. Mr. Chairman?

Chairman BERMAN. Should we go to final vote? No. Are there other amendments?

Given the tremendous restraint on the minority side regarding opening statements, I will——

Ms. ROS-LEHTINEN. We do have an amendment at the desk, Mr. Chairman.

Chairman BERMAN. The gentlelady is recognized.

Ms. ROS-LEHTINEN. Thank you. We have a Republican amendment that, I think, is being given out.

Chairman BERMAN. Pass it out, and then we will read it, and then we will stop reading it.

Ms. ROS-LEHTINEN. Thank you so much.

[Pause.]

[The information referred to follows:]

AMENDMENT IN THE NATURE OF A SUBSTITUTE TO H.R. 2410 OFFERED BY MS. ROS-LEHTINEN OF FLORIDA

Strike all after the enacting clause and insert the following:

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the ''Foreign Relations Au-
3 thorization and Reform Act, Fiscal Years 2010 and
4 2011''.

5 **SEC. 2. TABLE OF CONTENTS.**

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

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

TITLE I—AUTHORIZATION OF APPROPRIATIONS

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

TITLE II—DEPARTMENT OF STATE AUTHORITIES AND ACTIVITIES

Subtitle A—Basic Authorities and Activities

Sec. 201. International Litigation Fund.
Sec. 202. Actuarial valuations.
Sec. 203. Special agents.
Sec. 204. Diplomatic security program contracting.

Subtitle B—Public Diplomacy at the Department of State

Sec. 211. Special Olympics.

Sec. 212. Extension of program to provide grants to American-sponsored schools in predominantly Muslim countries to provide scholarships.
Sec. 213. United States-South Pacific Scholarship Program.
Sec. 214. United States-Caribbean Educational Exchange Program.
Sec. 215. Exchanges between Liberia and the United States for women legislators.
Sec. 216. Public diplomacy plan for Haiti.

Subtitle C—Consular Services and Related Matters

Sec. 231. Extension of authority to assess passport surcharge.
Sec. 232. English language and cultural awareness training for approved refugee applicants.
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.
Sec. 306. Compensatory time off for travel.
Sec. 307. Protection of intellectual property rights.

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.
Sec. 407. United Nations Development Program ethics jurisdiction.
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.
Sec. 502. Personal services contracting program.
Sec. 503. Employment for international broadcasting.
Sec. 504. Domestic release of the Voice of America film entitled "A Fateful Harvest".
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.

Subtitle A—Funding of the United Nations

Sec. 611. Findings.

Sec. 612. Apportionment of the United Nations regular budget on a voluntary basis.
Sec. 613. Budget justification for United States contributions to the regular budget of the United Nations.

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.
Sec. 624. Transparency for United States contributions.
Sec. 625. Authorization of appropriations.

Subtitle C—United States Policy at the United Nations

Sec. 631. Annual publication.
Sec. 632. Annual financial disclosure.
Sec. 633. Policy with respect to expansion of the security council.
Sec. 634. Access to reports and audits.
Sec. 635. Waiver of immunity.
Sec. 636. Terrorism and the United Nations.
Sec. 637. Report on United Nations reform.
Sec. 638. Report on United Nations personnel.
Sec. 639. Withholding of United States contributions to UNRWA.
Sec. 640. United Nations treaty bodies.
Sec. 641. Equality at the United Nations.
Sec. 642. Anti-Semitism and the United Nations.
Sec. 643. Regional group inclusion of Israel.

Subtitle D—United Nations Human Rights Council

Sec. 651. Findings.
Sec. 652. Human Rights Council membership and funding.

Subtitle E—International Atomic Energy Agency

Sec. 661. International Atomic Energy Agency.
Sec. 662. Sense of Congress regarding the Nuclear Security Action Plan of the IAEA.

Subtitle F—Peacekeeping

Sec. 671. Reform of United Nations peacekeeping operations.
Sec. 672. Policy relating to reform of United Nations peacekeeping operations.
Sec. 673. Certification.

TITLE VII—WESTERN HEMISPHERE COUNTERTERRORISM AND NONPROLIFERATION ACT OF 2009

Sec. 701. Short title; definitions.

Subtitle A—Counterterrorism in the Western Hemisphere

Sec. 711. Statement of policy regarding regional efforts to counter terrorism in the Western Hemisphere.

Sec. 712. Amendments to annual country reports on terrorism.
Sec. 713. Amendments to annual determination procedures.
Sec. 714. Amendment to international narcotics control strategy report.
Sec. 715. United States efforts in the Western Hemisphere.
Sec. 716. International Law Enforcement Academy in San Salvador, El Salvador.
Sec. 717. Actions regarding the Organization of American States.
Sec. 718. Amendment to Department of State Rewards Program.

Subtitle B—Nonproliferation of Nuclear, Chemical, and Biological Weapons in the Western Hemisphere

Sec. 721. Statement of policy regarding the proliferation of weapons-related nuclear, chemical, and biological materials, technology, and facilities.
Sec. 722. Statement of policy regarding the small quantities protocol.
Sec. 723. Securing adherence to agreements regarding nuclear nonproliferation by countries in the Western Hemisphere.
Sec. 724. Halting the proliferation of nuclear fuel fabrication.
Sec. 725. Cooperation with the Proliferation Security Initiative.
Sec. 726. Establishment of the Western Hemisphere Nonproliferation Partnership Initiative.
Sec. 727. Prohibited transactions.
Sec. 728. Restrictions on nuclear cooperation with countries assisting the nuclear program of Venezuela or Cuba.

Subtitle C—Western Hemisphere Regional Coordination Centers

Sec. 731. Establishment of the Western Hemisphere Regional Coordination Centers.
Sec. 732. Regional Security Initiative.
Sec. 733. Authorization of appropriations.

Subtitle D—Prohibitions on Engagement With Certain Western Hemisphere Countries

Sec. 741. Prohibitions on engagement with certain Western Hemisphere countries.

Subtitle E—Report

Sec. 751. Report.

TITLE VIII—EXPORT CONTROL REFORM AND SECURITY ASSISTANCE

Subtitle A—Defense Trade Controls Performance Improvement Act of 2009

Sec. 801. Short title.
Sec. 802. Findings.
Sec. 803. Strategic review and assessment of the United States export controls system.
Sec. 804. Performance goals for processing of applications for licenses to export items on United States Munitions List.
Sec. 805. Requirement to ensure adequate staff and resources for the Directorate of Defense Trade Controls of the Department of State.
Sec. 806. Audit by Inspector General of the Department of State.
Sec. 807. Increased flexibility for use of defense trade controls registration fees.

Sec. 808. Review of International Traffic in Arms Regulations and United States Munitions List.
Sec. 809. Special licensing authorization for certain exports to NATO member states, Australia, Japan, New Zealand, Israel, and South Korea.
Sec. 810. Availability of information on the status of license applications under chapter 3 of the Arms Export Control Act.
Sec. 811. Sense of Congress.
Sec. 812. Definitions.
Sec. 813. Authorization of appropriations.

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.
Sec. 827. Review and report of investigations of violations of section 3 of the Arms Export Control Act.
Sec. 828. Report on self-financing options for export licensing functions of DDTC of the Department of State.
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TITLE XIII—IRAN REFINED PETROLEUM SANCTIONS

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TITLE XVI—BELARUS ARMS TRANSFERS ACCOUNTABILITY

Sec. 1701. Short title.
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TITLE XVII—ASIA-PACIFIC ECONOMIC COOPERATION FORUM ENGAGEMENT

Sec. 1801. Asia-Pacific Economic Cooperation.

SEC. 3. APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.

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

TITLE I—AUTHORIZATION OF APPROPRIATIONS

SEC. 101. ADMINISTRATION OF FOREIGN AFFAIRS.

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

(1) DIPLOMATIC AND CONSULAR PROGRAMS.—

(A) AUTHORIZATION OF APPROPRIATIONS.—For ''Diplomatic and Consular Programs'' $5,543,957,600 for fiscal year 2010,

and such sums as may be necessary for fiscal year 2011.

(B) WORLDWIDE SECURITY PROTECTION.—In addition to the amounts authorized to be appropriated by subparagraph (A), $1,361,978,171 for fiscal year 2010, and such sums as may be necessary for fiscal year 2011 are authorized to be appropriated for worldwide security protection.

(C) PUBLIC DIPLOMACY.—Of the amounts authorized to be appropriated under subparagraph (A), such sums as may be necessary for each of fiscal years 2010 and 2011 are authorized to be appropriated for pubic diplomacy.

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

(2) CAPITAL INVESTMENT FUND.—For ''Capital Investment Fund'', $73,627,000 for fiscal year 2010, and such sums as may be necessary for fiscal year 2011.

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

(4) EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS.—

(A) AUTHORIZATION OF APPROPRIATIONS.—For ''Educational and Cultural Exchange Programs'', $557,906,000 for fiscal year 2010, and such sums as may be necessary for fiscal year 2011.

(B) TIBETAN SCHOLARSHIP PROGRAM.—Of the amounts authorized to be appropriated under subsection (a), such sums as may be necessary for each of fiscal years 2010 and 2011 are authorized to be appropriated to carry out the Tibetan scholarship program established under section 103(b)(1) of the Human Rights, Refugee, and Other Foreign Relations Provisions Act of 1996 (Public Law 104–319; 22 U.S.C. 2151 note).

(C) NGAWANG CHOEPEL EXCHANGE PROGRAMS.—Of the amounts authorized to be appropriated under subsection (a), such sums as

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

(5) CIVILIAN STABILIZATION INITIATIVE.—For ''Civilian Stabilization Initiative'', $46,665,000 for fiscal year 2010, and such sums as may be necessary for fiscal year 2011.

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

(7) PROTECTION OF FOREIGN MISSIONS AND OFFICIALS.—

(A) AUTHORIZATION OF APPROPRIATIONS.—For Protection of Foreign Missions and Officials, $23,658,118 for fiscal year 2010, and such sums as may be necessary for fiscal year 2011.

(B) REIMBURSEMENT FOR PAST EXPENSES OWED BY THE UNITED STATES.—In addition to the amounts authorized to be appropriated under subparagraph (A), there are authorized to be appropriated such sums as may be necessary for each of fiscal years 2010 and 2011 for ''Protection of Foreign Missions and Officials'' to be used to reimburse State and local governments for necessary expenses incurred since 1998 for the protection of foreign missions and officials and recognized by the United States.

(8) EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE.—For ''Emergencies in the Diplomatic and Consular Service'', $9,333,000 for fiscal year 2010, and such sums as may be necessary for fiscal year 2011.

(9) REPATRIATION LOANS.—For ''Repatriation Loans'', $1,403,061 for fiscal year 2010, and such sums as may be necessary for fiscal year 2011.

(10) PAYMENT TO THE AMERICAN INSTITUTE IN TAIWAN.—For ''Payment to the American Institute in Taiwan'', $17,463,080 for fiscal year 2010, and such sums as may be necessary for fiscal year 2011.

(11) OFFICE OF THE INSPECTOR GENERAL.—

(A) AUTHORIZATION OF APPROPRIATIONS.—For ''Office of the Inspector General'', $101,201,000 for fiscal year 2010, and such sums as may be necessary for fiscal year 2011.

(B) SPECIAL INSPECTOR GENERAL FOR IRAQ RECONSTRUCTION.—Of the amounts authorized to be appropriated under subparagraph (A), such sums as may be necessary authorized to be for the Special Inspector General for Iraq Reconstruction.

(C) SPECIAL INSPECTOR GENERAL FOR AFGHANISTAN RECONSTRUCTION.—Of the amounts authorized to be appropriated under subparagraph (A), such sums as may be necessary authorized to be for the Special Inspector General for Afghanistan Reconstruction.

SEC. 102. INTERNATIONAL ORGANIZATIONS.

(a) ASSESSED CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS.—There are authorized to be appropriated for ''Contributions to International Organizations'', $1,604,400,000 for fiscal year 2010, and such sums as may be necessary for fiscal year 2011, for the Department of State to carry out the authorities, functions, duties, and responsibilities in the conduct of the for-

1 eign affairs of the United States with respect to inter-
2 national organizations and to carry out other authorities
3 in law consistent with such purposes.

4 (b) CONTRIBUTIONS FOR INTERNATIONAL PEACE-
5 KEEPING ACTIVITIES.—There are authorized to be appro-
6 priated for ''Contributions for International Peacekeeping
7 Activities'', $2,260,000,000 for fiscal year 2010, and such
8 sums as may be necessary for fiscal year 2011, for the
9 Department of State to carry out the authorities, func-
10 tions, duties, and responsibilities of the United States with
11 respect to international peacekeeping activities and to
12 carry out other authorities in law consistent with such
13 purposes.

14 (c) FOREIGN CURRENCY EXCHANGE RATES.—In ad-
15 dition to amounts authorized to be appropriated by sub-
16 section (a), there are authorized to be appropriated such
17 sums as may be necessary for each of fiscal years 2010
18 and 2011 to offset adverse fluctuations in foreign currency
19 exchange rates. Amounts appropriated under this sub-
20 section shall be available for obligation and expenditure
21 only to the extent that the Director of the Office of Man-
22 agement and Budget determines and certifies to Congress
23 that such amounts are necessary due to such fluctuations.

SEC. 103. INTERNATIONAL COMMISSIONS.

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

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

(A) for ''Salaries and Expenses'', $32,256,000 for fiscal year 2010, and such sums as may be necessary for fiscal year 2011; and

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

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

(3) INTERNATIONAL JOINT COMMISSION.—For ''International Joint Commission'', $7,559,000 for

fiscal year 2010, and such sums as may be necessary for fiscal year 2011.

(4) INTERNATIONAL FISHERIES COMMISSIONS.—For ''International Fisheries Commissions'', $29,925,000 for fiscal year 2010, and such sums as may be necessary for fiscal year 2011.

SEC. 104. MIGRATION AND REFUGEE ASSISTANCE.

(a) AUTHORIZATION OF APPROPRIATIONS.— There are authorized to be appropriated for ''Migration and Refugee Assistance'' for authorized activities $1,577,500,000 for fiscal year 2010, and such sums as may be necessary for fiscal year 2011.

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

SEC. 105. CENTERS AND FOUNDATIONS.

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

(b) NATIONAL ENDOWMENT FOR DEMOCRACY.—There are authorized to be appropriated for the ''National Endowment for Democracy'' for authorized activities,

$115,000,000 for fiscal year 2010, and such sums as may be necessary for fiscal year 2011.

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

TITLE II—DEPARTMENT OF STATE AUTHORITIES AND ACTIVITIES

Subtitle A—Basic Authorities and Activities

SEC. 201. INTERNATIONAL LITIGATION FUND.

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

SEC. 202. ACTUARIAL VALUATIONS.

The Foreign Service Act of 1980 is amended—

(1) in section 818 (22 U.S.C. 4058)—

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

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

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

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

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

(A) by striking ''Secretary of the Treasury'' and inserting instead ''Secretary of State''; and

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

SEC. 203. SPECIAL AGENTS.

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

"(1) conduct investigations concerning—

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

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

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

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

SEC. 204. DIPLOMATIC SECURITY PROGRAM CONTRACTING.

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

(1) in subsection (c)—

(A) in the matter preceding paragraph (1), by striking ''With respect'' and inserting ''Except as provided in subsection (d), with respect''; and

(B) in paragraph (3), by striking ''subsection (d)'' and inserting ''subsection (e)'';

(2) by redesignating subsections (d), (e), (f), and (g) as subsections (e), (f), (g), and (h), respectively;

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

''(d) AWARD OF LOCAL GUARD AND PROTECTIVE SERVICE CONTRACTS IN HIGH RISK AREAS.—With respect to local guard contracts for Foreign Service buildings located in high risk areas which exceed $250,000 and were or are entered into after September 1, 2008, the Secretary of State shall—

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

''(2) in evaluating proposals for such contracts, award contracts to the firm representing the best value to the Government in accordance with the best value tradeoff process described in subpart 15.1 of

the Federal Acquisition Regulation (48 C.F.R. 15.101-1).

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

''(A) employees of the offeror;

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

''(C) as employees of a subcontractor to the offeror, and not as independent contractors to the offeror or any other entity performing under such contracts.''; and

(4) in subsection (e), as redesignated by paragraph (2) of this section—

(A) in paragraph (3), by striking ''and'' at the end;

(B) in paragraph (4), by striking the period at the end and inserting ''; and''; and

(C) by adding after paragraph (4) the following new paragraph:

''(5) the term 'high risk areas' means—

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

"(B) an area determined by the Assistance Secretary of Diplomatic Security to present an increased threat of serious damage or harm to United States diplomatic facilities or personnel.".

Subtitle B—Public Diplomacy at the Department of State

SEC. 211. SPECIAL OLYMPICS.

(a) FINDINGS.—Congress finds the following:

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

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

(3) Special Olympics has documented the challenge of ignorance and poor attitudes toward intel-

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

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

SEC. 212. EXTENSION OF PROGRAM TO PROVIDE GRANTS TO AMERICAN-SPONSORED SCHOOLS IN PREDOMINANTLY MUSLIM COUNTRIES TO PROVIDE SCHOLARSHIPS.

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

(1) in subsection (g)—

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

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

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

SEC. 213. UNITED STATES-SOUTH PACIFIC SCHOLARSHIP PROGRAM.

(a) FINDINGS.—Congress finds the following:

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

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

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

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

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

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

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

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

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

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

(c) FUNDING.—

(1) IN GENERAL.—Of the amounts authorized to be appropriated pursuant to section 101(4), such sums as may be necessary are authorized to be ap-

propriated for each of fiscal years 2010 and 2011 to be made available for the United States-South Pacific Scholarship Program.

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

SEC. 214. UNITED STATES-CARIBBEAN EDUCATIONAL EXCHANGE PROGRAM.

(a) DEFINITIONS.—In this section:

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

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

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

(2) CARICOM COUNTRY.—The term ''CARICOM country'' means a country that has been a full member country of the Caribbean Community (CARICOM) for at least five years or the Dominican Republic, but does not include—

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

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

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

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

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

(A) an institution of higher education (as such term is defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))), including, to the maximum extent

practicable, a historically Black college or university that is a part B institution (as such term is defined in section 322(2) of such Act (20 U.S.C. 1061(2))) or a Hispanic-serving institution (as such term is defined in section 502(5) of such Act (20 U.S.C. 1101a(5)));

(B) a higher education association;

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

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

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

(1) secondary school students from CARICOM countries will—

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

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

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

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

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

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

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

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

(3) Fields of study under the program will support the labor market and development needs of

CARICOM countries, assuring a pool of technical experts to address such needs.

(4) The program will limit participation to—

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

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

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

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

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

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

(6) The Secretary may waive, shorten the duration, or otherwise alter the requirements of paragraph (4) in limited circumstances of hardship, hu-

manitarian needs, for specific educational purposes, or in furtherance of the national interests of the United States.

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

(e) MONITORING AND EVALUATION OF PROGRAM.—

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

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

(A) financial information relating to the program;

(B) budget plans for the program;

(C) adjustments to plans established for the program;

(D) graduation rates of participants in the program;

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

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

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

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

(f) REPORTING REQUIREMENTS.—

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

implement the program authorized under this section.

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

(A) a plan for selecting participants in the program, including an estimate of the number of secondary school students, undergraduate students, graduate students, post-graduate students, and scholars from each country, by educational level, who will be selected as participants in the program for each fiscal year;

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

(C) a financial plan that—

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

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

(D) a plan to provide outreach to and linkages with schools, colleges and universities, and

nongovernmental organizations in both the United States and CARICOM countries for implementation of the program.

(3) UPDATES OF REPORT.—

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

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

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

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

(g) AUTHORIZATION OF APPROPRIATIONS.—Of the amounts authorized to be appropriated pursuant to section 101(4), there are authorized to be appropriated such

sums as may be necessary for each of fiscal years 2010 and 2011 to carry out this section.

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

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

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

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

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

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

(c) SCHOLARSHIP DEFINED.—In this section, the term ''scholarship'' means an amount to be used for full or partial support of living expenses in the United States

for a participant in the exchange program established under subsection (b), including travel expenses to, from, and within the United States.

SEC. 216. PUBLIC DIPLOMACY PLAN FOR HAITI.

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

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

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

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

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

Subtitle C—Consular Services and Related Matters

SEC. 231. EXTENSION OF AUTHORITY TO ASSESS PASSPORT SURCHARGE.

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

SEC. 232. ENGLISH LANGUAGE AND CULTURAL AWARENESS TRAINING FOR APPROVED REFUGEE APPLICANTS.

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

(b) DESIGN AND IMPLEMENTATION.—In designing and implementing the training programs referred to in subsection (a), the Secretary should ensure that nongovernmental organizations with direct ties to the United States refugee resettlement program are utilized in such training programs.

(c) IMPACT ON PROCESSING TIMES.—The Secretary should ensure that such training programs occur within

current processing times and do not unduly delay the departure for the United States of refugees who have been approved for admission to the United States.

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

(1) TIMELINE FOR IMPLEMENTATION.—It is the sense of Congress that not later than one year after the date of the enactment of this Act, such training programs should be operating in at least one overseas refugee processing region, and not later than two years after the date of the enactment of this Act, such training programs should be operating in each of the five overseas refugee processing regions.

(2) REPORT TO CONGRESS.—Not later than 18 months after the date of the enactment of this Act, the Secretary shall submit to the appropriate congressional committees a report on the implementation of this section.

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

SEC. 233. TIBET.

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

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

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

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

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

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

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

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

''(d) UNITED STATE ASSISTANCE.—The President shall provide grants to nongovernmental organizations to

support sustainable economic development, cultural and historical preservation, health care, education, and environmental sustainability projects for Tibetan communities in the Tibet Autonomous Region and in other Tibetan communities in China, in accordance with the principles specified in subsection (e) and subject to the review and approval of the Special Coordinator for Tibetan Issues under section 621(d).''.

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

(1) in subsection (d)—

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

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

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

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

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

''(e) PERSONNEL.—The Secretary shall assign dedicated personnel to the Office of the Special Coordinator for Tibetan Issues sufficient to assist in the management

of the responsibilities of this section and section 616(d)(2).".

(d) DIPLOMATIC REPRESENTATION RELATING TO TIBET.—

(1) UNITED STATES EMBASSY IN BEIJING.—

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

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

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

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

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

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

TITLE III—ORGANIZATION AND PERSONNEL AUTHORITIES

SEC. 301. TRANSATLANTIC DIPLOMATIC FELLOWSHIP PROGRAM.

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

"SEC. 506. TRANSATLANTIC DIPLOMATIC FELLOWSHIP PROGRAM.

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

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

"(c) DEFINITIONS.—In this section:

"(1) The term 'designated country' means a member country of—

"(A) the North Atlantic Treaty Organization; or

"(B) the European Union.

"(2) The term 'designated entity' means—

"(A) the North Atlantic Treaty Organization; or

"(B) the European Union.

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

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

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

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

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

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

(1) in section 503 (22 U.S.C. 3983)—

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

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

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

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

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

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

"Sec. 506. Transatlantic diplomatic fellowship program.".

SEC. 302. SECURITY OFFICERS EXCHANGE PROGRAM.

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

"SEC. 507. SECURITY OFFICERS EXCHANGE PROGRAM.

"(a) IN GENERAL.—The Secretary is authorized to establish the Security Officers Exchange Program. Under

the program, the Secretary may assign a member of the Service, for not more than a total of three years, to a position with any country or international organization designated by the Secretary pursuant to subsection (c) that permits an employee to be assigned to a position with the Department.

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

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

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

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

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

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

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

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 2 of the Foreign Service Act of 1980 is amended, in the table of contents, by adding after the item relating to section 506 (as added by section 311(b)(2) of this Act) the following new item:

"Sec. 507. Security officers exchange program.".

SEC. 303. SUSPENSION OF FOREIGN SERVICE MEMBERS WITHOUT PAY.

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

''(c)(1) In order to promote the efficiency of the Service, the Secretary may suspend a member of the Foreign Service without pay when the member's security clearance is suspended or when there is reasonable cause to believe that the member has committed a crime for which a sentence of imprisonment may be imposed.

''(2) Any member of the Foreign Service for whom a suspension is proposed shall be entitled to—

''(A) written notice stating the specific reasons for the proposed suspension;

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

''(C) representation by an attorney or other representative; and

''(D) a final written decision, including the specific reasons for such decision, as soon as practicable.

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

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

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

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

"(5) In this subsection:

"(A) The term 'reasonable time' means—

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

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

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

(b) CONFORMING AND CLERICAL AMENDMENTS.—

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

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

"Sec. 610. Separation for cause; suspension.".

SEC. 304. REPEAL OF RECERTIFICATION REQUIREMENT FOR SENIOR FOREIGN SERVICE.

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

SEC. 305. LIMITED APPOINTMENTS IN THE FOREIGN SERVICE.

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

(1) in subsection (a), by striking "subsection (b)" and inserting "subsections (b) or (c)";

(2) in subsection (b)—

(A) in paragraph (3)—

(i) by inserting "(A)," after "if"; and

(ii) by inserting before the semicolon at the end the following: ", or (B), the career candidate is serving in the uniformed services, as defined by the Uniformed Serv-

ices Employment and Reemployment Rights Act of 1994 (38 U.S.C. 4301 et seq.), and the limited appointment expires in the course of such service'';

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

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

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

''(6) in exceptional circumstances where the Secretary determines the needs of the Service require the extension of a limited appointment (A), for a period of time not to exceed 12 months (provided such period of time does not permit additional review by the boards under section 306), or (B), for the minimum time needed to settle a grievance, claim, or complaint not otherwise provided for in this section.''; and

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

''(c) Non-career Foreign Service employees who have served five consecutive years under a limited appointment may be reappointed to a subsequent limited appointment provided there is a one year break in service between each

appointment. The Secretary may in cases of special need waive the requirement for a one year break in service.''.

SEC. 306. COMPENSATORY TIME OFF FOR TRAVEL.

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

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

SEC. 307. PROTECTION OF INTELLECTUAL PROPERTY RIGHTS.

(a) RESOURCES TO PROTECT INTELLECTUAL PROPERTY RIGHTS.—The Secretary of State shall ensure that the protection in foreign countries of the intellectual property rights of United States persons in other countries is a significant component of United States foreign policy in general and in relations with individual countries. The Secretary of State, in consultation with the Director General of the United States and Foreign Commercial Service and other agencies as appropriate, shall ensure that adequate resources are available at diplomatic missions in any country that is identified under section 182(a)(1) of the Trade Act of 1974 (19 U.S.C. 2242(a)(1)) to ensure—

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

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

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

(c) PRIORITY ASSIGNMENTS.—

(1) IN GENERAL.—Subject to paragraph (2), in designating the embassies or other missions to which attachés are assigned under subsection (b), the Secretary of State shall give priority to those countries where the activities of an attaché may be carried out with the greatest potential benefit to reducing coun-

terfeit and pirated products in the United States market, to protecting the intellectual property rights of United States persons and their licensees, and to protecting the interests of United States persons otherwise harmed by violations of intellectual property rights in those countries.

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

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

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

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

(1) To promote cooperation with foreign governments in the enforcement of intellectual property

1 laws generally, and in the enforcement of laws
2 against counterfeiting and piracy in particular.
3 (2) To assist United States persons holding in-
4 tellectual property rights, and the licensees of such
5 United States persons, in their efforts to combat
6 counterfeiting and piracy of their products or works
7 within the host country, including counterfeit or pi-
8 rated goods exported from or transshipped through
9 that country.
10 (3) To chair an intellectual property protection
11 task force consisting of representatives from all
12 other relevant sections or bureaus of the embassy or
13 other mission.
14 (4) To coordinate with representatives of the
15 embassies or missions of other countries in informa-
16 tion sharing, private or public communications with
17 the government of the host country, and other forms
18 of cooperation for the purpose of improving enforce-
19 ment against counterfeiting and piracy.
20 (5) As appropriate and in accordance with ap-
21 plicable laws and the diplomatic status of the
22 attachés, to engage in public education efforts
23 against counterfeiting and piracy in the host coun-
24 try.

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

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

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

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

(g) REPORT TO CONGRESS.—

(1) IN GENERAL.—The Secretary of State shall submit to the Congress, not later than December 31 of each year, a report on the appointment, designation for assignment, and activities of all intellectual property attachés of any Federal department or

agency who are serving at United States embassies or other diplomatic missions.

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

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

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

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

(h) DEFINITIONS.—In this section:

(1) COUNTERFEITING; COUNTERFEIT GOODS.—

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

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

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

(3) PIRACY; PIRATED GOODS.—

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

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

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

(A) any United States resident or national,

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

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

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

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

TITLE IV—INTERNATIONAL ORGANIZATIONS

SEC. 401. STATEMENT OF POLICY REGARDING PEACEKEEPING OPERATIONS CONTRIBUTIONS.

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

SEC. 402. ENHANCING NUCLEAR SAFEGUARDS.

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

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

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

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

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

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

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

(6) Considerable investment is needed for the IAEA's Safeguards Analytical Laboratory (SAL), to meet future IAEA requirements as its workload is growing, the laboratory's infrastructure is aging, and IAEA requirements have become more demanding, and while initial plans have been made for lab-

oratory enhancement and are currently pending budgetary approval (sometime in 2009), the simple fact is that, as more countries implement IAEA safeguards, many more nuclear samples come to SAL for analysis.

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

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $10,000,000 for the refurbishment or possible replacement of the IAEA's Safeguards Analytical Laboratory.

(c) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall submit to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate a report on the refurbishment or possible replacement of the IAEA's Safeguards Analytical Laboratory pursuant to subsection (b).

SEC. 403. DURBAN REVIEW CONFERENCE FUNDING.

None of the funds authorized to be appropriated by this Act may be used by the Secretary of State as a contribution for any part of the Durban Review Conference or its preparatory or follow-on activities.

SEC. 404. RESTRICTIONS REGARDING IRAN-LED INTERNATIONAL ORGANIZATIONS.

None of the funds authorized to be appropriated by this Act may be used by the Secretary of State as a contribution for any organization, agency, or program within the United Nations system in which Iran holds a position of leadership.

SEC. 405. UNITED NATIONS HUMAN RIGHTS COUNCIL.

None of the funds authorized to be appropriated by this Act may be used by the Secretary of State as a contribution for the United Nations Human Rights Council.

SEC. 406. UNITED NATIONS RELIEF AND WORKS AGENCY.

None of the funds authorized to be appropriated by this Act may be used by the Secretary of State as a contribution for the United Nations Relief and Works Agency.

SEC. 407. UNITED NATIONS DEVELOPMENT PROGRAM ETHICS JURISDICTION.

The Secretary of State shall withhold ten percent from the United States voluntary contribution for fiscal year 2010 to the United Nations Development Program until the Secretary of State certifies to the Committee on

Foreign Affairs and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate that the United Nations Development Program has acceded to the jurisdiction of the United Nations Ethics Office.

SEC. 408. WITHHOLDING OF CONTRIBUTIONS TO UNITED NATIONS FOR LEGAL FEES OF CERTAIN OFFICERS OR EMPLOYEES.

The United States may not contribute to the United Nations any funds to be used to pay or reimburse legal expenses incurred by current or former United Nations officers or employees in connection with proceedings arising out of alleged malfeasance in connection with the employment of such officers or employees with the United Nations. The President shall ensure that no United States contributions to the United Nations are used for such purposes, including, where necessary, by withholding from United States contributions to the regularly assessed biennial budget of the United Nations amounts equal to any amounts so paid or reimbursed.

SEC. 409. REVIEW OF ACTIVITIES OF INTERNATIONAL COMMISSIONS.

(a) IN GENERAL.—Not later than one year after the date of the enactment of this Act, and two years there-

after, the Secretary of State shall submit to the appropriate congressional committees a report on the activities of each of the international commissions specified in section 103.

(b) REPORT ELEMENTS.—The reports required under subsection (a) shall include information on the following:

(1) Amounts obligated and expended during the two previous fiscal years by each of such commissions.

(2) A description of the projects carried out during such years by each of such commissions and a description of the management and implementation of such projects, including the use of private contractors.

(3) Projects anticipated during the next two fiscal years relating to the activities of each of such commissions because of obligations that the United States has entered into based on any treaty between the United States and another country.

(c) SUBMISSION OF REPORTS.—The reports required under subsection (a) may be combined with the annual budget justification submitted by the President in accordance with section 1105(a) of title 31, United States Code.

TITLE V—UNITED STATES INTERNATIONAL BROADCASTING

SEC. 501. AUTHORIZATION OF APPROPRIATIONS FOR INTERNATIONAL BROADCASTING.

The following amounts are authorized to be appropriated to carry out United States international broadcasting activities under the United States Information and Educational Exchange Act of 1948, the Radio Broadcasting to Cuba Act, the Television Broadcasting to Cuba Act, the United States International Broadcasting Act of 1994, and the Foreign Affairs Reform and Restructuring Act of 1998, and to carry out other authorities in law consistent with such purposes:

(1) For ''International Broadcasting Operations'', $730,241,919 for fiscal year 2010 and such sums as may be necessary for fiscal year 2011.

(2) For ''Broadcasting Capital Improvements'', $11,713,952 for fiscal year 2010 and such sums as may be necessary for fiscal year 2011.

(3) For ''Broadcasting to Cuba'', $32,500,000 for fiscal year 2010 and such sums as may be necessary for fiscal year 2011.

SEC. 502. PERSONAL SERVICES CONTRACTING PROGRAM.

Section 504(c) of the Foreign Relations Authorization Act, Fiscal Year 2003, (Public Law 107–228; 22 U.S.C. 6206 note), is amended by striking ''2009'' and inserting ''2011''.

SEC. 503. EMPLOYMENT FOR INTERNATIONAL BROADCASTING.

Section 804(1) of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1474(1)) is amended by inserting after ''suitably qualified United States citizens'' the following: ''(for purposes of this paragraph, the term 'suitably qualified United States citizens' means those United States citizen applicants who are equally or better qualified than non-United States citizen applicants)''.

SEC. 504. DOMESTIC RELEASE OF THE VOICE OF AMERICA FILM ENTITLED "A FATEFUL HARVEST".

(a) IN GENERAL.—Notwithstanding section 208 of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987 (22 U.S.C. 1461-1a) and section 501(b) of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1461(b)), the Director of the International Broadcasting Bureau shall provide a master copy of the film entitled ''A Fateful Harvest'' to the Archivist of the United States for domestic release in accordance with subsection (b).

(b) DOMESTIC RELEASE.—Upon evidence that necessary United States rights and licenses have been secured by the person seeking domestic release of the film referred to in subsection (a), the Archivist shall—

(1) deposit the film in the National Archives of the United States; and

(2) make copies of the film available for purchase and public viewing within the United States.

SEC. 505. ESTABLISHING PERMANENT AUTHORITY FOR RADIO FREE ASIA.

Section 309 of the United States International Broadcasting Act of 1994 (22 U.S.C. 6208) is amended—

(1) in subsection (c)(2), by striking ", and shall further specify that funds to carry out the activities of Radio Free Asia may not be available after September 30, 2010";

(2) by striking subsection (f); and

(3) by redesignating subsections (g) and (h) as subsection (f) and (g), respectively.

TITLE VI—UNITED NATIONS TRANSPARENCY, ACCOUNTABILITY, AND REFORM ACT OF 2009

SEC. 601. SHORT TITLE.

This title may be cited as the ''United Nations Transparency, Accountability, and Reform Act of 2009''.

SEC. 602. DEFINITIONS.

In this title :

(1) EMPLOYEE.—The term ''employee'' means an individual who is employed in the general services, professional staff, or senior management of the United Nations, including consultants, contractors and subcontractors.

(2) GENERAL ASSEMBLY.—The term ''General Assembly'' means the General Assembly of the United Nations.

(3) MEMBER STATE.—The term ''Member State'' means a Member State of the United Nations. Such term is synonymous with the term ''country''.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of State.

(5) SECRETARY GENERAL.—The term ''Secretary General'' means the Secretary General of the United Nations.

(6) SECURITY COUNCIL.—The term ''Security Council'' means the Security Council of the United Nations.

(7) UN.—The term ''UN'' means the United Nations.

(8) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

(A) the Committees on Foreign Affairs, Appropriations, and Oversight and Government Reform of the House; and

(B) the Committees on Foreign Relations, Appropriations, and Homeland Security and Governmental Affairs of the Senate.

Subtitle A—Funding of the United Nations

SEC. 611. FINDINGS.

Congress finds the following:

(1) The United States pays billions of dollars into the United Nations system every year (over 5,300,000,000 dollars in 2005, according to the

White House Office of Management and Budget), significantly more than any other country.

(2) Under current rules and contribution levels, it is possible to assemble the two-thirds majority needed for important United Nations budget votes with a group of countries that, taken together, pay less than 1 percent of the total United Nations regular budget.

(3) The disconnect between contribution levels and management control creates significant perverse incentives in terms of United Nations spending, transparency, and accountability.

(4) The United Nations system suffers from unacceptably high levels of waste, fraud, and abuse, which seriously impair its ability to fulfill the lofty ideals of its founding.

(5) Amidst the continuing financial, corruption, and sexual abuse scandals of the past several years, American public disapproval of United Nations has reached all-time highs. A 2008 Gallup poll revealed that 65 percent of Americans believe that the United Nations is doing a poor job, a negative assessment shared by a majority of respondents from both political parties. Research polling by another firm in late 2006 found that 71 percent of Americans think that

the United Nations is ''no longer effective'' and needs to be significantly reformed, while 75 percent think that the United Nations ''needs to be held more accountable.''

(6) Significant improvements in United Nations transparency and accountability are necessary for improving public perceptions of and American support for United Nations operations.

(7) Because of their need to justify future contributions from donors, voluntarily funded organizations have more incentive to be responsive and efficient in their operations than organizations funded by compulsory contributions that are not tied to performance.

(8) Article XVII of the Charter of the United Nations, which states that ''[t]he expenses of the Organization shall be borne by the Members as apportioned by the General Assembly,'' leaves to the discretion of the General Assembly the basis of apportionment, which could be done on the basis of voluntary pledges by Member States.

(9) Unlike United States assessed contributions to the United Nations regular budget, which are statutorily capped at 22 percent of the total, there is no cap on voluntary contributions.

(10) The United States, which contributes generously to international organizations whose activities it recognizes as credible, worthwhile, and efficient, contributes more than 22 percent of the budget of certain voluntarily funded United Nations Specialized Agencies.

SEC. 612. APPORTIONMENT OF THE UNITED NATIONS REGULAR BUDGET ON A VOLUNTARY BASIS.

(a) UNITED STATES POLICY.—

(1) SHIFTING OF FUNDING.—It is the policy of the United States to seek to shift the funding mechanism for the regular budget of the United Nations from an assessed to a voluntary basis.

(2) DIRECTION.—The President shall direct the United States Permanent Representative to the United Nations to use the voice, vote, and influence of the United States at the United Nations to shift the funding mechanism for the regular budget of the United Nations to a voluntary basis, and to make it a priority to build support for such a transformational change among Member States, particularly key United Nations donors;

(b) CERTIFICATION OF PREDOMINANTLY VOLUNTARY UN REGULAR BUDGET FINDING.—A certification described in this section is a certification by the

Secretary of State to the Appropriate Congressional Committees that at least 80 percent of the total regular budget of the United Nations is apportioned on a voluntary basis. Each such certification shall be shall be effective for a period of no more than 1 year, and shall be promptly revoked by the Secretary, with notice to the Appropriate Congressional Committees, if the underlying circumstances change so as not to warrant such certification.

(c) WITHHOLDING OF NONVOLUNTARY CONTRIBUTIONS.—

(1) IN GENERAL.—Beginning two years after the effective date of this Act and notwithstanding any other provision of law, no funds may be obligated or expended for a United States assessed contribution to the regular budget of the United Nations in an amount greater than 50 percent of the United States share of assessed contributions for the regular budget of the United Nations unless there is in effect a certification by the Secretary, as described in subsection (b).

(2) RELEASE.—For a period of three years after appropriation, funds appropriated for use as a United States contribution to the regular budget of the United Nations but withheld from obligation and expenditure pursuant to paragraph (1) may be obli-

gated and expended for that purpose upon the certification described in subsection (b). After three years, in the absence of such certification, those funds shall revert to the United States Treasury.

SEC. 613. BUDGET JUSTIFICATION FOR UNITED STATES CONTRIBUTIONS TO THE REGULAR BUDGET OF THE UNITED NATIONS.

(a) DETAILED ITEMIZATION.—The annual congressional budget justification shall include a detailed itemized request in support of the contribution of the United States to the regular budget of the United Nations.

(b) CONTENTS OF DETAILED ITEMIZATION.—The detailed itemization required under subsection (a) shall—

(1) contain information relating to the amounts requested in support of each of the various sections and titles of the regular budget of the United Nations; and

(2) compare the amounts requested for the current year with the actual or estimated amounts contributed by the United States in previous fiscal years for the same sections and titles.

(c) ADJUSTMENTS AND NOTIFICATION.—If the United Nations proposes an adjustment to its regular assessed budget, the Secretary of State shall, at the time such adjustment is presented to the Advisory Committee

on Administrative and Budgetary Questions (ACABQ), notify and consult with the appropriate congressional committees.

Subtitle B—Transparency and Accountability for United States Contributions to the United Nations

SEC. 621. FINDINGS.

Congress finds the following:

(1) As underscored by continuing revelations of waste, fraud, and abuse, oversight and accountability mechanisms within the United Nations system remain significantly deficient, despite decades of reform attempts, including those initiated by Secretaries-General of the United Nations.

(2) Notwithstanding the personal intentions of any Secretary-General of the United Nations to promote institutional transparency and accountability within the United Nations System, the Secretary-General lacks the power to impose far reaching management reforms without the concurrence of the General Assembly.

(3) Groupings of Member States whose voting power in the General Assembly significantly outpaces their proportional contributions to the United

Nations system have repeatedly and successfully defeated, delayed, and diluted various reform proposals that would have enabled more detailed oversight and scrutiny of United Nations system operations and expenditures.

(4) To an unacceptable degree, major donor states, including the United States, lack access to reasonably detailed, reliable information that would allow them to determine how their contributions have been spent by various United Nations system entities, further contributing to the lack of accountability within the United Nations system.

SEC. 622. DEFINITIONS.

In this title:

(1) UNITED NATIONS ENTITY.—The term ''United Nations Entity'' means any United Nations agency, commission, conference, council, court, department, forum, fund, institute, office, organization, partnership, program, subsidiary body, tribunal, trust, university or academic body, related organization or subsidiary body, wherever located, that flies the United Nations flag or is authorized to use the United Nations logo, including but not limited to those United Nations affiliated agencies and bodies identified as recipients of United States contribu-

tions under section 1225(b)(3)(E) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364).

(2) UNITED NATIONS SYSTEM.—The term ''United Nations System'' means the aggregation of all United Nations Entities, as defined in paragraph (1).

(3) UNITED STATES CONTRIBUTION.—The term ''United States Contribution'' means an assessed or voluntary contribution, whether financial, in-kind, or otherwise, from the United States federal government to a United Nations Entity, including contributions passed through other entities for ultimate use by a United Nations Entity. United States Contributions include, but are not limited to, those contributions identified pursuant to section 1225(b)(3)(E) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364).

(4) TRANSPARENCY CERTIFICATION.—The term ''Transparency Certification'' means an annual, written affirmation by the head or authorized designee of a United Nations Entity that the Entity will cooperate with the Inspector General, including by providing the Inspector General, upon request, with

full access to Oversight Information as defined in this title.

(5) OVERSIGHT INFORMATION.—The term ''Oversight Information'' includes—

(A) internally and externally commissioned audits, program reviews, performance reports, and evaluations;

(B) financial statements, records, and billing systems;

(C) program budgets and program budget implications, including revised estimates and reports produced by or provided to the Secretary General and the Secretary General's agents on budget related matters;

(D) operational plans, budgets, and budgetary analyses for peacekeeping operations;

(E) analyses and reports regarding the scale of assessments;

(F) databases and other data systems containing financial or programmatic information;

(G) documents or other records alleging or involving improper use of resources, misconduct, mismanagement, or other violations of rules and regulations applicable to the United Nations Entity; and

(H) other documentation relevant to the audit and investigative work of the United States Inspector General for Contributions to the United Nations System.

SEC. 623. ESTABLISHMENT AND MANAGEMENT OF THE OFFICE OF THE UNITED STATES INSPECTOR GENERAL FOR CONTRIBUTIONS TO THE UNITED NATIONS SYSTEM.

(a) PURPOSE.—The purpose of this section is to make possible the independent and objective conduct of audits and investigations relating to United States Contributions to the United Nations System and the use of those contributions by United Nations Entities, in an effort to eliminate and deter waste, fraud, and abuse in the use of those contributions, and thereby to contribute to the development of greater transparency, accountability, and internal controls throughout the United Nations System.

(b) ESTABLISHMENT.—There is hereby established the Office of the United States Inspector General for Contributions to the United Nations System.

(c) INSPECTOR GENERAL.—

(1) APPOINTMENT.—The head of the Office of the United States Inspector General for Contributions to the United Nations System is the Inspector

General for Contributions to the United Nations System, who shall be appointed by the President, by and with the advice and consent of the Senate, on the basis of integrity and demonstrated ability in accounting, auditing, financial analysis, law, management analysis, public administration, or investigations.

(2) NOMINATION.—The nomination of an individual as Inspector General shall be made not later than 30 days after the enactment of this Act.

(3) REMOVAL.—The Inspector General may be removed from office by the President. The President shall communicate the reasons for any such removal to both Houses of Congress.

(4) COMPENSATION.—The annual rate of basic pay of the Inspector General shall be the annual rate of basic pay provided for positions at level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(5) RELATIONSHIP TO BOARD.—

(A) Except as provided in subparagraph (B), the Inspector General shall report directly to and be under the general supervision of, the Board of Directors created in subsection (d).

(B) Neither the Board, any officer of the Board, nor any officer of a federal department or agency shall prevent or prohibit the Inspector General from initiating, carrying out, or completing any audit or investigation.

(6) DUTIES.—

(A) IN GENERAL.—It shall be the duty of the Inspector General to conduct, supervise, and coordinate audits and investigations of—

(I) the treatment, handling, expenditure, and use of United States Contributions by and to United Nations Entities; and

(ii) the adequacy of accounting, oversight, and internal control mechanisms at United Nations Entities that receive United States Contributions.

(B) SUPERVISION.—The Inspector General shall establish, maintain, and oversee such systems, procedures, and controls as the Inspector General considers appropriate to discharge the duty under subparagraph (A).

(C) OPERATION.—The Inspector General shall carry out the duties specified in subpara-

graphs (A) and (B) in accordance with section 4(b)(1) of the Inspector General Act of 1978.

(D) MAINTENANCE OF RECORDS.—The Inspector General shall collect and maintain current records regarding Transparency Certifications by all United Nations Entities that receive United States Contributions.

(E) NOTIFICATION.—The Inspector General shall keep the Board of Directors and the Congress fully and promptly informed of how United Nations Entities are spending United States Contributions by means of reports, testimony, and briefings.

(F) REFERRALS.—

(I) The Inspector General shall promptly report to the United States Attorney General when Inspector General has reasonable grounds to believe a United States federal criminal law has been violated by a United Nations Entity or one of its employees, contractors, or representatives.

(ii) The Inspector General shall promptly report, when appropriate, to the Secretary General or the head of the ap-

propriate United Nations Entity cases where the Inspector General reasonably believes that mismanagement, misfeasance, or malfeasance is likely to have taken place within a United Nations Entity and disciplinary proceedings are likely justified.

(7) PERSONNEL, FACILITIES, AND OTHER RESOURCES.—

(A) IN GENERAL.—The Inspector General may select, appoint, and employ such officers and employees as may be necessary for carrying out the duties of the Inspector General.

(B) SERVICES.—The inspector general may obtain services as authorized by section 3109 of title 5, united states code, at daily rates not to exceed the equivalent rate prescribed for grade GS–15 of the General Schedule by section 5332 of such title.

(C) REAL PROPERTY.—The Inspector General may lease, purchase, or otherwise acquire, improve, and use such real property wherever situated, as may be necessary for carrying out this section.

(D) CONTRACTS.—To the extent and in such amounts as may be provided in advance by

appropriations Acts, the Inspector General my enter into contracts and other arrangements for audits, studies, analyses, and other services with public agencies and with private persons, and make such payments as may be necessary to carry out the duties of the Inspector General.

(E) DETAILEES.—Upon request by the Inspector General, the head of an agency may detail any employee of such agency to the Office of the United States Inspector General for Contributions to the United Nations System on a reimbursable basis. Any employee so detailed remains, for the purpose of preserving such employee's allowances, privileges, rights, seniority, and other benefits, an employee of the agency from which detailed.

(8) COOPERATION BY UNITED STATES GOVERNMENT ENTITIES.—

(A) IN GENERAL.—In carrying out the duties, responsibilities, and authorities of the Inspector General under this section, the Inspector General shall receive the cooperation of inspectors general of other Federal Government agencies.

(B) ASSISTANCE.—Upon request of the Inspector General for information or assistance from any department, agency, or other entity of the Federal Government, the head of such entity shall, insofar as is practicable and not in contravention of any existing law, furnish such information or assistance to the Inspector General, or an authorized designee.

(C) REPORT.—Whenever information or assistance requested by the Inspector General is, in the judgment of the Inspector General, unreasonably refused or not provided, the Inspector General shall report the circumstances to the Board of Directors and to the Appropriate Congressional Committees without delay.

(9) CONFIRMATION OF TRANSPARENCY BY UNITED NATIONS ENTITIES.—

(A) PROMPT NOTICE BY INSPECTOR GENERAL.—Whenever information or assistance requested from a United Nations Entity by the Inspector General pursuant to a Transparency Certification is, in the opinion of the Inspector General, unreasonably refused or not provided in a timely manner, the Inspector General shall 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

General, and any office or agency of the Federal Government that has provided that United Nations Entity with any United States Contribution during the prior 2 years.

(D) RESTORATION OF COMPLIANCE.—After the situation has been resolved to the satisfaction of the Board of Directors, a finding of Transparency Certification noncompliance pursuant to subparagraph (B) may be reversed by an affirmative vote of at least 5 of the 7 members of the Board of Directors. The Board shall promptly provide notification of such restoration, along with a description of the basis for the Board's decision, to the Inspector General, Appropriate Congressional Committees, the head of the affected United Nations Entity, the Secretary General, and the head of any office or agency of the Federal Government that has provided that United Nations Entity with any United States Contribution during the prior 2 years.

(E) COST REIMBURSEMENT.—The Inspector General may reimburse United Nations Entities for the reasonable cost of providing to the Inspector General information or assistance

sought pursuant to a Transparency Certification for the purpose of performing the duties described in paragraph (6).

(10) REPORTS.—

(A) AUDIT AND INVESTIGATION REPORTS.—Promptly upon completion, the Inspector General shall provide copies of each audit and investigation report completed pursuant to paragraph (6) to the Board of Directors, the Appropriate Congressional Committees, and, to the extent permissible under United States law, the head of each United Nations Entity that is the subject of that particular report.

(B) SEMIANNUAL REPORTS.—Not later than May 30, 2010, and semiannually thereafter, the Inspector General shall submit to the Appropriate Congressional Committees a report that, among other things—

(I) meets the requirements of section 5 of the Inspector General Act of 1978; and

(ii) includes a list of and detailed description of the circumstances surrounding any notification of noncompliance issued 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;

(ii) accuses a particular person of a crime;

(iii) would, if publicly disclosed, constitute a clearly unwarranted invasion of personal privacy; and

(iv) would compromise an ongoing law enforcement investigation or judicial trial in the United States.

(E) PUBLICATION.—Subject only to the exceptions detailed in subparagraphs (C) and (D), the Inspector General shall promptly publish each report under this subsection on a publicly available and searchable Internet website.

(d) BOARD OF DIRECTORS.—

(1) ESTABLISHMENT.—The Office of the United States Inspector General for Contributions to the United Nations System shall have a Board of Directors.

(2) DUTIES.—The Board shall receive information and reports of audits and investigations from the Office and the Inspector General, provide general direction and supervision to the Office and the Inspector General, and determine the restoration of compliance by any United Nations Entity with its

Transparency Certification pursuant to subsection (c)(9)(D).

(3) MEMBERSHIP.—The Board shall consist of the Secretary of State (or the Secretary's designee), the Secretary of Labor (or the Secretary's designee), the Secretary of Agriculture (or the Secretary's designee), the Secretary of Defense (or the Secretary's designee), the Administrator of the Environmental Protection Agency (or the Administrator's designee), the Secretary of the Treasury (or the Secretary's designee), and the Director of the Office of Management and Budget (or the Director's designee).

(4) CHAIRMANSHIP.—The Board shall be chaired by a board member, and the chairmanship shall rotate among the member departments and agencies on an annual basis. The first chair shall be the Director or designee from the Office of Management and Budget.

SEC. 624. TRANSPARENCY FOR UNITED STATES CONTRIBUTIONS.

(a) FUNDING PREREQUISITES.—Notwithstanding any other provision of law, no funds made available for use as a United States Contribution to any United Nations Entity may be obligated or expended if—

(1) the intended United Nations Entity recipient has not provided to the Inspector General within the preceding year a Transparency Certification as defined in section __22(4); or

(2) the intended United Nations Entity recipient is noncompliant with its Transparency Certification as described in section __23(c)(9)(C).

(b) TREATMENT OF FUNDS WITHHELD FOR NONCOMPLIANCE.—At the conclusion of each fiscal year, any funds that had been appropriated for use as a United States Contribution to a United Nations Entity during that fiscal year, but could not be obligated or expended because of the restrictions of paragraph (1), shall be returned to the United States Treasury, and are not subject to reprogramming for any other use. Any such funds returned to the Treasury shall not be considered arrears to be repaid to any United Nations Entity.

(c) PRESIDENTIAL WAIVER.—The President may waive the limitations of this subsection with respect to a particular United States Contribution to a particular United Nations Entity within a single fiscal year if the President determines that it is required by the national security interests of the United States and provides notification and explanation of that determination to the Appropriate Congressional Committees.

SEC. 625. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out the activities of this title, provided that such sums be not less than one half of 1 percent of the total amount of all assessed and voluntary contributions of the United States Government to the United Nations and United Nations affiliated agencies and related bodies during the prior fiscal year, as identified pursuant to section 1225(b)(3)(E) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364).

Subtitle C—United States Policy at the United Nations

SEC. 631. ANNUAL PUBLICATION.

The President shall direct the United States Permanent Representative to the United Nations to use the voice, vote, and influence of the United States at the United Nations to ensure the United Nations publishes annually, including on a publicly searchable internet website, a list of all United Nations subsidiary bodies and their functions, budgets, staff, and contributions, both voluntary and assessed, sorted by donor.

SEC. 632. ANNUAL FINANCIAL DISCLOSURE.

The President shall direct the United States Permanent Representative to the United Nations to use the voice, vote, and influence of the United States at the

United Nations to implement a system for the required filing of individual annual financial disclosure forms by each employee of the United Nations and its specialized agencies, programs, and funds at the P–5 level and above, which shall be made available to the Office of Internal Oversight Services and, upon request, to Member States and their public.

SEC. 633. POLICY WITH RESPECT TO EXPANSION OF THE SECURITY COUNCIL.

It shall be the policy of the United States to use the voice, vote, and influence of the United States at the United Nations to oppose any proposals on expansion of the Security Council if such expansion would—

(1) diminish the influence of the United States on the Security Council;

(2) include veto rights for any new members of the Security Council; or

(3) undermine the effectiveness of the Security Council.

SEC. 634. ACCESS TO REPORTS AND AUDITS.

The President shall direct the United States Permanent Representative to the United Nations to use the voice, vote, and influence of the United States at the 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—

(A) builds upon the recommendations of the December 2004 report of the High-Level Panel on Threats, Challenges, and Change;

(B) includes as an essential component of such definition any action that is intended to cause death or serious bodily harm to civilians with the purpose of intimidating a population or compelling a government or an international organization to do, or abstain from doing, any act; and

(C) does not propose a legal or moral equivalence between an action described in paragraph (1)(B) and measures taken by a government or international organization in self-defense against an action described in paragraph (1)(B); and

(2) a comprehensive convention on terrorism that includes the definition described in paragraph (1).

SEC. 637. REPORT ON UNITED NATIONS REFORM.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act and annually for each of the next three years, the Secretary shall submit to the appropriate congressional committees a report on United Nations reform.

(b) CONTENTS.—The report required under subsection (a) shall describe—

(1) progress toward the goal of shifting the funding for the United Nations Regular Budget to a voluntary basis as identified in section __12 above, and a detailed description of efforts and activities by United States diplomats and officials toward that end;

(2) progress toward each of the policy goals identified in the prior sections of this title, and a detailed, goal-specific description of efforts and activities by United States diplomats and officials toward those ends;

(3) the status of the implementation of management reforms within the United Nations and its specialized agencies;

(4) the number of outputs, reports, or other mandates generated by General Assembly resolutions that have been eliminated;

(5) the progress of the General Assembly to modernize and streamline the committee structure and its specific recommendations on oversight and committee outputs, consistent with the March 2005 report of the Secretary General entitled "In larger

freedom: towards development, security and human rights for all'';

(6) the status of the review by the General Assembly of all mandates older than 5 years and how resources have been redirected to new challenges, consistent with such March 2005 report of the Secretary General;

(7) the continued utility and relevance of the Economic and Financial Committee and the Social, Humanitarian, and Cultural Committee, in light of the duplicative agendas of those committees and the Economic and Social Council; and

(8) whether the United Nations or any of its specialized agencies has contracted with any party included on the Lists of Parties Excluded from Federal Procurement and Nonprocurement Programs.

SEC. 638. REPORT ON UNITED NATIONS PERSONNEL.

(a) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees a report—

(1) concerning the progress of the General Assembly to modernize human resource practices, consistent with the March 2005 report of the Secretary

General entitled ''In larger freedom: towards development, security and human rights for all''; and

(2) containing the information described in subsection (b).

(b) CONTENTS.—The report shall include—

(1) a comprehensive evaluation of human resources reforms at the United Nations, including an evaluation of—

(A) tenure;

(B) performance reviews;

(C) the promotion system;

(D) a merit-based hiring system and enhanced regulations concerning termination of employment of employees; and

(E) the implementation of a code of conduct and ethics training;

(2) the implementation of a system of procedures for filing complaints and protective measures for work-place harassment, including sexual harassment;

(3) policy recommendations relating to the establishment of a rotation requirement for non-administrative positions;

(4) Policy recommendations relating to the establishment of a prohibition preventing personnel

and officials assigned to the mission of a member state to the united nations from transferring to a position within the United Nations Secretariat that is compensated at the P–5 level and above;

(5) policy recommendations relating to a reduction in travel allowances and attendant oversight with respect to accommodations and airline flights; and

(6) an evaluation of the recommendations of the Secretary General relating to greater flexibility for the Secretary General in staffing decisions to accommodate changing priorities.

SEC. 639. WITHHOLDING OF UNITED STATES CONTRIBUTIONS TO UNRWA.

(a) WITHHOLDING.—Contributions by the United States to the regular budget of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), to any successor or related entity, or to the regular budget of the United Nations for the support of UNRWA or a successor entity (through staff positions provided by the United Nations Secretariat, or otherwise), may be provided only during a period for which a certification described in subsection (b) is in effect.

(b) CERTIFICATION.—A certification described in this 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;

(3) UNRWA is subject to comprehensive financial audits by an internationally-recognized third party independent auditing firm and has implemented an effective system of vetting and oversight to prevent the use, receipt, or diversion of any UNRWA resources by any foreign terrorist organization or members thereof;

(4) no UNRWA-funded school or educational institution uses textbooks or other educational materials that propagate or disseminate anti-American, anti-Israel, or anti-Semitic rhetoric, propaganda or incitement; and

(5) no recipient of UNRWA funds or loans is a member of a foreign terrorist organization.

(c) DEFINITION.—In this section, the term ''foreign terrorist organization'' means an organization designated as a foreign terrorist organization by the Secretary of State in accordance with section 219(a) of the Immigration and Nationality Act (8 U.S.C. 1189(a)).

(d) EFFECTIVE DURATION OF CERTIFICATION.—The certification described in subsection (b) shall be effective for a period of 180 days from the date of transmission to the Appropriate Congressional Committees, or until the Secretary receives information rendering that certification factually inaccurate, whichever is earliest. In the event

that a certification becomes ineffective, the Secretary shall promptly transmit to the Appropriate Congressional Committees a description of any information that precludes the renewal or continuation of the certification.

(e) LIMITATION.—During a period for which a certification described in subsection (b) is in effect, the United States may not contribute to the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) or a successor entity an annual amount—

(1) greater than the highest annual contribution to UNRWA made by a member country of the League of Arab States;

(2) that, as a proportion of the total UNRWA budget, exceeds the proportion of the total budget for the United Nations High Commissioner for Refugees (UNHCR) paid by the United States; or

(3) that exceeds 22 percent of the total budget of UNRWA.

(f) SENSE OF CONGRESS.—It is the sense of Congress that, in order to alleviate the suffering of Palestinian refugees, responsibility for those refugees should be fully transferred to the Office of the United Nations High Commissioner for Refugees.

SEC. 640. UNITED NATIONS TREATY BODIES.

The United States shall withhold from United States contributions to the regular assessed budget of the United Nations for a biennial period amounts that are proportional to the percentage of such budget that are expended with respect to a United Nations human rights treaty monitoring body or committee that was established by—

(1) a convention (without any protocols) or an international covenant (without any protocols) to which the United States is not party; or

(2) a convention, with a subsequent protocol, if the United States is a party to neither.

SEC. 641. EQUALITY AT THE UNITED NATIONS.

(a) DEPARTMENT OF STATE REVIEW AND REPORT.—

(1) IN GENERAL.—To avoid duplicative efforts and funding with respect to Palestinian interests and to ensure balance in the approach to Israeli-Palestinian issues, the Secretary shall, not later than 180 days after the date of the enactment of this Act—

(A) complete an audit of the functions of the entities listed in paragraph (2); and

(B) submit to the appropriate congressional committees a report containing audit findings and conclusions, and recommendations

for the elimination of such duplicative entities and efforts.

(2) ENTITIES.—The entities referred to in paragraph (1) are the following:

(A) The United Nations Division for Palestinian Rights.

(B) The Committee on the Exercise of the Inalienable Rights of the Palestinian People.

(C) The United Nations Special Coordinator for the Middle East Peace Process and Personal Representative to the Palestine Liberation Organization and the Palestinian Authority.

(D) The NGO Network on the Question of Palestine.

(E) The Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories.

(F) Any other entity the Secretary determines results in duplicative efforts or funding or fails to ensure balance in the approach to Israeli-Palestinian issues.

(b) IMPLEMENTATION BY PERMANENT REPRESENTATIVE.—

(1) IN GENERAL.—The President shall direct the United States Permanent Representative to the United Nations to use the voice, vote, and influence of the United States at the United Nations to seek the implementation of the recommendations contained in the report required under subsection (a)(1)(B).

(2) WITHHOLDING OF FUNDS.—Until such recommendations have been implemented, the United States shall withhold from United States contributions to the regular assessed budget of the United Nations for a biennial period amounts that are proportional to the percentage of such budget that are expended for such entities.

(c) GAO AUDIT.—The Comptroller General of the United States of the Government Accountability Office shall conduct an audit of—

(1) the status of the implementation of the recommendations contained in the report required under subsection (a)(1)(B); and

(2) United States actions and achievements under subsection (b).

SEC. 642. ANTI-SEMITISM AND THE UNITED NATIONS.

The President shall direct the United States permanent representative to the United Nations to use the voice,

vote, and influence of the United States at the United Nations to make every effort to—

(1) ensure the issuance and implementation of a directive by the Secretary General or the Secretariat, as appropriate, that—

(A) requires all employees of the United Nations and its specialized agencies to officially and publicly condemn anti-Semitic statements made at any session of the United Nations or its specialized agencies, or at any other session sponsored by the United Nations;

(B) requires employees of the United Nations and its specialized agencies, programs, and funds to be subject to punitive action, including immediate dismissal, for making anti-Semitic statements or references;

(C) proposes specific recommendations to the General Assembly for the establishment of mechanisms to hold accountable employees and officials of the United Nations and its specialized agencies, programs, and funds, or Member States, that make such anti-Semitic statements or references in any forum of the United Nations or of its specialized agencies;

(D) continues to develop and implements education awareness programs about the Holocaust and anti-Semitism throughout the world, as part of an effort to combat intolerance and hatred; and

(E) requires the Office of the United Nations High Commissioner for Human Rights (OHCHR) to develop programming and other measures that address anti-Semitism;

(2) secure the adoption of a resolution by the General Assembly that establishes the mechanisms described in paragraph (1)(C); and

(3) continue working toward further reduction of anti-Semitic language and anti-Israel resolutions in the United Nations and its specialized agencies, programs, and funds.

SEC. 643. REGIONAL GROUP INCLUSION OF ISRAEL.

The President shall direct the United States Permanent Representative to the United Nations to use the voice, vote, and influence of the United States at the United Nations to expand the Western European and Others Group (WEOG) in the United Nations to include Israel as a permanent member with full rights and privileges.

Subtitle D—United Nations Human Rights Council

SEC. 651. FINDINGS.

Congress finds the following:

(1) Since its establishment in 2006, the United Nations Human Rights Council has failed to meaningfully promote the protection of internationally recognized human rights, and has proven to be even more problematic than the United Nations Human Rights Commission that it was created to replace.

(2) The United Nations Human Rights Council suffers from significant structural flaws, such as the fact that it draws its members from the General Assembly without any substantive membership criteria, with the perverse result that a number of the world's worst human rights abusers are members of the council.

(3) The structure and composition of the United Nations Human Rights Council have made it subject to gross political manipulation, with the result that, during its two and one-half years of operation, the Council has passed 20 resolutions censuring the democratic state of Israel, as compared to only 4 censuring the dictatorship in Burma, just one censuring the North Korean regime, and none con-

demning the severe, ongoing human rights abuses in Sudan, China, Cuba, Zimbabwe, Belarus, and elsewhere.

SEC. 652. HUMAN RIGHTS COUNCIL MEMBERSHIP AND FUNDING.

(a) IN GENERAL.—For each fiscal year subsequent to the effective date of this Act until the Secretary of State submits to Congress a certification that the requirements described in subsection (b) have been satisfied—

(1) the Secretary of State shall withhold from a United States contribution each fiscal year to a regularly assessed biennial budget of the United Nations an amount that is equal to the percentage of such contribution that the Secretary determines would be allocated by the United Nations to support the United Nations Human Rights Council;

(2) the Secretary of State shall not make a voluntary contribution to the United Nations Human Rights Council; and

(3) the United States shall not run for a seat on the United Nations Human Rights Council.

(b) CERTIFICATION.—The annual certification referred to in subsection (a) is a certification made by the Secretary to Congress that the United Nations Human Rights Council does not include a Member State—

(1) subject to sanctions by the Security Council;

(2) under a Security Council-mandated investigation for human rights abuses;

(3) subject, within the prior 5 years, to a country-specific resolution passed under Agenda Item 9 by the former United Nations Human Rights Commission;

(4) which the Secretary of State has determined, for purposes of section 6(j) of the Export Administration Act of 1979 (as continued in effect pursuant to the International Emergency Economic Powers Act), section 40 of the Arms Export Control Act, section 620A of the Foreign Assistance Act of 1961, or other provision of law, is a government that has repeatedly provided support for acts of international terrorism; or

(5) which the President has designated as a country of particular concern for religious freedom under section 402(b) of the International Religious Freedom Act of 1998.

Subtitle E—International Atomic Energy Agency

SEC. 661. INTERNATIONAL ATOMIC ENERGY AGENCY.

(a) ENFORCEMENT AND COMPLIANCE.—

(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-

Proliferation of Nuclear Weapons (21 UST 483) (commonly referred to as the ''Nuclear Nonproliferation Treaty'' or the ''NPT'').

(C) STAFFING.—The Office of Compliance shall be staffed from existing personnel in the Department of Safeguards of the IAEA or the Department of Nuclear Safety and Security of the IAEA.

(2) COMMITTEE ON SAFEGUARDS AND VERIFICATION.—The President shall direct the United States Permanent Representative to the IAEA to use the voice, vote, and influence of the United States at the IAEA to ensure that the Committee on Safeguards and Verification established in 2005 shall develop and seek to put into force a workplan of concrete measures that will—

(A) improve the ability of the IAEA to monitor and enforce compliance by Member States of the IAEA with the Nuclear Nonproliferation Treaty and the Statute of the International Atomic Energy Agency; and

(B) enhance the ability of the IAEA, beyond the verification mechanisms and authorities contained in the Additional Protocol to the

Safeguards Agreements between the IAEA and Member States of the IAEA, to detect with a high degree of confidence undeclared nuclear activities by a Member State.

(3) PENALTIES WITH RESPECT TO THE IAEA.—

(A) IN GENERAL.—The President shall direct the United States Permanent Representative to the IAEA to use the voice, vote, and influence of the United States at the IAEA to ensure that a Member State of the IAEA that is under investigation for a breach of or noncompliance with its IAEA obligations or the purposes and principles of the Charter of the United Nations has its privileges suspended, including—

(I) limiting its ability to vote on its case;

(ii) being prevented from receiving any technical assistance; and

(iii) being prevented from hosting meetings.

(B) TERMINATION OF PENALTIES.—The penalties specified under subparagraph (A) shall be terminated when such investigation is

concluded and such Member State is no longer in such breach or noncompliance.

(4) PENALTIES WITH RESPECT TO THE NUCLEAR NONPROLIFERATION TREATY.—The President shall direct the United States Permanent Representative to the IAEA to use the voice, vote, and influence of the United States at the IAEA to ensure that a Member State of the IAEA that is found to be in breach of, in noncompliance with, or has withdrawn from the Nuclear Nonproliferation Treaty shall return to the IAEA all nuclear materials and technology received from the IAEA, any Member State of the IAEA, or any Member State of the Nuclear Nonproliferation Treaty.

(b) UNITED STATES CONTRIBUTIONS.—

(1) VOLUNTARY CONTRIBUTIONS.—Voluntary contributions of the United States to the IAEA should primarily be used to fund activities relating to Nuclear Safety and Security or activities relating to Nuclear Verification.

(2) LIMITATION ON USE OF FUNDS.—The President shall direct the United States Permanent Representative to the IAEA to use the voice, vote, and influence of the United States at the IAEA to—

(A) ensure that funds for safeguards inspections are prioritized for countries that have newly established nuclear programs or are initiating nuclear programs; and

(B) block the allocation of funds for any other IAEA development, environmental, or nuclear science assistance or activity to a country—

(I) the government of which the Secretary of State has determined, for purposes of section 6(j) of the Export Administration Act of 1979, section 620A of the Foreign Assistance Act of 1961, section 40 of the Arms Export Control Act, or other provision of law, is a government that has repeatedly provided support for acts of international terrorism and the government of which the Secretary has determined has not dismantled and surrendered its weapons of mass destruction programs under international verification;

(ii) that is under investigation for a breach of or noncompliance with its IAEA obligations or the purposes and principles of the Charter of the United Nations; or

(iii) that is in violation of its IAEA obligations or the purposes and principles of the Charter of the United Nations.

(3) DETAIL OF EXPENDITURES.—The President shall direct the United States Permanent Representative to the IAEA to use the voice, vote, and influence of the United States at the IAEA to secure, as part of the regular budget presentation of the IAEA to Member States of the IAEA, a detailed breakdown by country of expenditures of the IAEA for safeguards inspections and nuclear security activities.

(c) MEMBERSHIP.—

(1) IN GENERAL.—The President shall direct the United States Permanent Representative to the IAEA to use the voice, vote, and influence of the United States at the IAEA to block the membership on the Board of Governors of the IAEA for a Member State of the IAEA that has not signed and ratified the Additional Protocol and

(A) is under investigation for a breach of or noncompliance with its IAEA obligations or the purposes and principles of the Charter of 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

subject to the penalties described in subsection (a)(3).

(e) NUCLEAR PROGRAM OF IRAN.—

(1) UNITED STATES ACTION.—The President shall direct the United States Permanent Representative to the IAEA to use the voice, vote, and influence of the United States at the IAEA to make every effort to ensure the adoption of a resolution by the IAEA Board of Governors that, in addition to the restrictions already imposed, makes Iran ineligible to receive any nuclear material, technology, equipment, or assistance from any IAEA Member State and ineligible for any IAEA assistance not related to safeguards inspections or nuclear security until the IAEA Board of Governors determines that Iran—

(A) is providing full access to IAEA inspectors to its nuclear-related facilities;

(B) has fully implemented and is in compliance with the Additional Protocol; and

(C) has permanently ceased and dismantled all activities and programs related to nuclear-enrichment and reprocessing.

(2) PENALTIES.—If an IAEA Member State is determined to have violated the prohibition on as-

sistance to Iran described in paragraph (1) before the IAEA Board of Governors determines that Iran has satisfied the conditions described in subparagraphs (A) through (C) of such paragraph, such Member State shall be subject to the penalties described in subsection (a)(3), shall be ineligible to receive nuclear material, technology, equipment, or assistance from any IAEA Member State, and shall be ineligible to receive any IAEA assistance not related to safeguards inspections or nuclear security until such time as the IAEA Board of Governors makes such determination with respect to Iran.

(f) REPORT.—Not later than 6 months after the date of the enactment of this Act and annually for 2 years thereafter, the President shall submit to the appropriate congressional committees a report on the implementation of this section.

SEC. 662. SENSE OF CONGRESS REGARDING THE NUCLEAR SECURITY ACTION PLAN OF THE IAEA.

It is the sense of Congress that the national security interests of the United States are enhanced by the Nuclear Security Action Plan of the IAEA and the Board of Governors should recommend, and the General Conference should adopt, a resolution incorporating the Nuclear Security Action Plan into the regular budget of the IAEA.

Subtitle F—Peacekeeping

SEC. 671. REFORM OF UNITED NATIONS PEACEKEEPING OPERATIONS.

It is the sense of Congress that—

(1) although United Nations peacekeeping operations have contributed greatly toward the promotion of peace and stability for nearly 6 decades and the majority of peacekeeping personnel who have served under the United Nations flag have done so with honor and courage, the record of United Nations peacekeeping has been severely tarnished by operational failures and unconscionable acts of misconduct;

(2) in response to such failures, in 2000 and 2005, respectively, the Secretary General charged the high-level Panel on United Nations Peace Operations, led by former Foreign Minister of Algeria Lakhdar Brahimi, and his Special Advisor on the Prevention of Sexual Exploitation and Abuse, His Royal Highness Prince Zeid Ra'ad Zeid Al-Hussein of Jordan, to provide honest assessments of the United Nations' shortcomings and make recommendations that would help restore the confidence of the international community in United Nations peacekeeping operations;

(3) audits of procurement practices in the Department of Peacekeeping Operations, conducted by the Office of Internal Oversight Services, also have uncovered ''significant'' corruption schemes, including a 2007 audit of peacekeeping contracts valued at $1.4 billion, of which more than $614 million, or 44%, were subject to corruption;

(4) despite the fact that the United Nations has had more than eight years to implement the reforms contained in the Brahimi Report, nearly four years to implement the reforms in the Zeid Report, and the fact that Secretary-General Ban Ki-Moon, his predecessor Kofi Annan, and the Special Committee on Peacekeeping Operations repeatedly have expressed their commitment ''to implementing fundamental, systematic changes as a matter of urgency,'' a number of critical reforms continue to be blocked or delayed by Members States who arguably benefit from maintenance of the status quo; and

(4) if the reputation of and confidence in United Nations peacekeeping operations is to be restored, fundamental and far-reaching reforms, particularly in the areas of planning, management, procurement, training, conduct, and discipline, must be implemented without further delay.

SEC. 672. POLICY RELATING TO REFORM OF UNITED NATIONS PEACEKEEPING OPERATIONS.

It shall be the policy of the United States to pursue reform of United Nations peacekeeping operations in the following areas:

(1) PLANNING AND MANAGEMENT.—

(A) GLOBAL AUDIT.—As the size, cost, and number of United Nations peacekeeping operations have increased substantially over the past decade, an independent audit of each such operation, with a view toward ''right-sizing'' operations and ensuring that such operations are cost effective, should be conducted and its findings reported to the Security Council.

(B) PROCUREMENT AND TRANSPARENCY.—A modern logistics system and transparent, streamlined procurement procedures should be established within the United Nations Department of Field Support to ensure that all peacekeeping missions are resourced appropriately and in a timely fashion while individual accountability for waste, fraud and abuse within United Nations peacekeeping missions is established and uniformly enforced.

(C) REVIEW OF MANDATES AND CLOSING 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
19 the United Nations Charter, thereby cre-
20 ating unrealistic expectations and obfus-
21 cating the primary responsibility of the
22 Member States themselves in creating and
23 maintaining conditions for peace.

(ii) Long-standing operations that are static and cannot fulfill their mandate should be downsized or closed.

(iii) Where there is legitimate concern that the withdrawal from a country of an otherwise static United Nations peacekeeping operation would result in the resumption of major conflict, a burden-sharing arrangement that reduces the level of assessed contributions, similar to that currently supporting the United Nations Peacekeeping Force in Cyprus, should be explored and instituted.

(D) LEADERSHIP.—As peacekeeping operations become larger and increasingly complex, the Secretariat should adopt a minimum standard of qualifications for senior leaders and managers, with particular emphasis on specific skills and experience, and current senior leaders and managers who do not meet those standards should be removed.

(E) PRE-DEPLOYMENT TRAINING.—Pre-deployment training on interpretation of the mandate of the operation, specifically in the areas of use of force, civilian protection and field con-

ditions, the Code of Conduct, HIV/AIDS, and human rights should be mandatory, and all personnel, regardless of category or rank, should be required to sign an oath that each has received and understands such training as a condition of participation in the operation.

(F) GRATIS MILITARY PERSONNEL.—The General Assembly should seek to strengthen the capacity the United Nations Department of Peacekeeping Operations and ease the extraordinary burden currently placed upon the limited number of headquarters staff by lifting restrictions on the utilization of gratis military personnel by the Department so that the Department may accept secondments from Member States of military personnel with expertise in mission planning, logistics, and other operational specialties.

(2) CONDUCT AND DISCIPLINE.—

(A) ADOPTION OF A UNIFORM CODE OF CONDUCT.—A single, uniform Code of Conduct that has the status of a binding rule and applies equally to all personnel serving in United Nations peacekeeping operations, regardless of category or rank, including military personnel,

should be adopted and incorporated into legal documents governing participation in such an operation, including all contracts and Memorandums of Understanding, promulgated and effectively enforced.

(B) UNDERSTANDING THE CODE OF CONDUCT.—All personnel, regardless of category or rank, should receive training on the Code of Conduct prior to deployment with a peacekeeping operation, in addition to periodic follow-on training. In particular—

(I) all personnel, regardless of category or rank, should be provided with a personal copy of the Code of Conduct that has been translated into the national language of such personnel, regardless of whether such language is an official language of the United Nations;

(ii) all personnel, regardless of category or rank, should sign an oath that each has received a copy of the Code of Conduct, that each pledges to abide by the Code of Conduct, and that each understands the consequences of violating the Code of Conduct, including immediate ter-

mination of participation in and permanent exclusion from all current and future peacekeeping operations , as well as the assumption of personal liability for victims compensation, as a condition of appointment to any such operation; and

(iii) peacekeeping operations should conduct educational outreach programs to reach local communities where peacekeeping personnel of such operations are based, including explaining prohibited acts on the part of United Nations peacekeeping personnel and identifying the individual to whom the local population may direct complaints or file allegations of exploitation, abuse, or other acts of misconduct.

(C) MONITORING MECHANISMS.—Dedicated monitoring mechanisms, such as the Conduct and Discipline Units already deployed to support United Nations peacekeeping operations in Haiti, Sudan, Kosovo, Burundi, Liberia, Lebanon, Timor Leste, Cote d'Ivoire, Western Sahara, and the Democratic Republic of Congo, should be present in each operation to

monitor compliance with the Code of Conduct, and

(I) should report simultaneously to the Head of Mission, the United Nations Department of Peacekeeping Operations, and the Associate Director of OIOS for Peacekeeping Operations (established under [section 1114(b)(9)]); and

(ii) should be tasked with designing and implementing mission-specific measures to prevent misconduct, conduct follow-on training for personnel, coordinate community outreach programs, and assist in investigations, as OIOS determines necessary and appropriate.

(D) INVESTIGATIONS.—A permanent, professional, and independent investigative body should be established and introduced into United Nations peacekeeping operations. In particular—

(I) the investigative body should include professionals with experience in investigating sex crimes and the illegal exploitation of resources, as appropriate, as well as experts who can provide guidance

on standards of proof and evidentiary requirements necessary for any subsequent legal action;

(ii) provisions should be included in all Memorandums of Understanding, including a Model Memorandum of Understanding, that obligate Member States that contribute troops to a peacekeeping operation to designate a military prosecutor who will participate in any investigation into credible allegations of misconduct brought against an individual of such Member State, so that evidence is collected and preserved in a manner consistent with the military law of such Member State;

(iii) the investigative body should be regionally based to ensure rapid deployment and should be equipped with modern forensics equipment for the purpose of positively identifying perpetrators and, where necessary, for determining paternity; and

(iv) the investigative body should report directly to the Associate Director of OIOS for Peacekeeping Operations, while

providing copies of any reports to the Department of Peacekeeping Operations, the Head of Mission, and the Member State concerned.

(E) FOLLOW-UP.—The Conduct and Discipline Team in the headquarters of the United Nations Department of Peacekeeping Operations should be appropriately staffed, resourced, and tasked with—

(I) promulgating measures to prevent misconduct;

(ii) receiving reports by field personnel and coordinating the Department's response to allegations of misconduct;

(iii) gathering follow-up information on completed investigations, particularly by focusing on disciplinary actions against the individual concerned taken by the United Nations or by the Member State that is contributing troops to which such individual belongs, and sharing such information with the Security Council, the Head of Mission, and the community hosting the peacekeeping operation; and

(iv) contributing pertinent data on conduct and discipline to the data base required pursuant to subparagraph (H).

(F) FINANCIAL LIABILITY AND VICTIMS ASSISTANCE.—Although peacekeeping operations should provide immediate medical assistance to victims of sexual abuse or exploitation, the responsibility for providing longer-term treatment, care, or restitution lies solely with the individual found guilty of the misconduct. In particular, the following reforms should be implemented:

(I) The United Nations should not assume responsibility for providing long-term treatment or compensation by creating a ''Victims Trust Fund'', or any other such similar fund, financed through assessed contributions to United Nations peacekeeping operations, thereby shielding individuals from personal liability and reinforcing an atmosphere of impunity.

(ii) If an individual responsible for misconduct has been repatriated, reassigned, redeployed, or is otherwise unable to provide assistance, responsibility for

providing assistance to a victim should be assigned to the Member State that contributed the contingent to which such individual belonged or to the manager concerned.

(iii) In the case of misconduct by a member of a military contingent, appropriate funds shall be withheld from the troop contributing country concerned.

(iv) In the case of misconduct by a civilian employee or contractor of the United Nations, appropriate wages shall be garnished from such individual or fines shall be imposed against such individual, consistent with existing United Nations Staff Rules, and retirement funds shall not be shielded from liability.

(G) MANAGERS AND COMMANDERS.—The manner in which managers and commanders handle cases of misconduct by those serving under them should be included in their individual performance evaluations, so that managers and commanders who take decisive action to deter and address misconduct are rewarded, while those who create a permissive environ-

ment or impede investigations are penalized or relieved of duty, as appropriate.

(H) DATA BASE.—A centralized data base, including personnel photos and fingerprints, should be created and maintained within the United Nations Department of Peacekeeping Operations, the Office of Field Support, and other relevant United Nations bodies without further delay to track cases of misconduct, including the outcome of investigations and subsequent prosecutions, to ensure that personnel who have engaged in misconduct or other criminal activities, regardless of category or rank, are permanently barred from participation in future peacekeeping operations.

(I) COOPERATION OF MEMBER STATES.—If a Member State routinely refuses to cooperate with the directives contained herein or acts to shield its nationals from personal liability, that Member State should be barred from contributing troops or personnel to future peacekeeping operations.

(J) WELFARE.—Peacekeeping operations should continue to seek to maintain a minimum standard of welfare for mission personnel to

ameliorate conditions of service, while adjustments are made to the discretionary welfare payments currently provided to Member States that contribute troops to offset the cost of operation-provided recreational facilities, as necessary and appropriate.

SEC. 673. CERTIFICATION.

(a) NEW OR EXPANDED PEACEKEEPING OPERATIONS CONTINGENT UPON PRESIDENTIAL CERTIFICATION OF PEACEKEEPING OPERATIONS REFORMS.—

(1) NO NEW OR EXPANDED PEACEKEEPING OPERATIONS.—

(A) CERTIFICATION.—Except as provided in subparagraph (B), until the Secretary of State certifies that the requirements described in paragraph (2) have been satisfied, the President shall direct the United States Permanent Representative to the United Nations to use the voice, vote, and influence of the United States at the United Nations to oppose the creation of new, or expansion of existing, United Nations peacekeeping operations.

(B) EXCEPTION AND NOTIFICATION.—The requirements described under paragraph (2) may be waived with respect to a particular

peacekeeping operation if the President determines that failure to deploy new or additional peacekeepers in such situation will significantly contribute to the widespread loss of human life, genocide, or the endangerment of a vital national security interest of the United States. If the President makes such a determination, the President shall, not later than 15 days before the exercise of such waiver, notify the appropriate congressional committees of such determination and resulting waiver.

(2) CERTIFICATION OF PEACEKEEPING OPERATIONS REFORMS.—The certification referred to in paragraph (1) is a certification made by the Secretary to the appropriate congressional committees that the following reforms, or an equivalent set of reforms, related to peacekeeping operations have been adopted by the United Nations Department of Peacekeeping Operations or the General Assembly, as appropriate:

(A) A single, uniform Code of Conduct that has the status of a binding rule and applies equally to all personnel serving in United Nations peacekeeping operations, regardless of category or rank, has been adopted by the Gen-

eral Assembly and duly incorporated into all contracts and a Model Memorandum of Understanding, and mechanisms have been established for training such personnel concerning the requirements of the Code and enforcement of the Code.

(B) All personnel, regardless of category or rank, serving in a peacekeeping operation have been trained concerning the requirements of the Code of Conduct and each has been given a personal copy of the Code, translated into the national language of such personnel.

(C) All personnel, regardless of category or rank, are required to sign an oath that each has received a copy of the Code of Conduct, that each pledges to abide by the Code, and that each understands the consequences of violating the Code, including immediate termination of participation in and permanent exclusion from all current and future peacekeeping operations, as well as the assumption of personal liability for victims compensation as a condition of the appointment to such operation.

(D) All peacekeeping operations have designed 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 tigations 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

Operations that specifically obligates each such Member State to—

(I) uphold the uniform Code of Conduct which shall apply equally to all personnel serving in United Nations peacekeeping operations, regardless of category or rank;

(ii) designate a competent legal authority, preferably a prosecutor with expertise in the area of sexual exploitation and abuse where appropriate, to participate in any investigation into an allegation of misconduct brought against an individual of such Member State;

(iii) refer to its competent national or military authority for possible prosecution, if warranted, any investigation of a violation of the Code of Conduct or other criminal activity by an individual of such Member State;

(iv) report to the Department of Peacekeeping Operations on the outcome of any such investigation;

(v) undertake to conduct on-site court martial proceedings, where practical and

appropriate, relating to allegations of misconduct alleged against an individual of such Member State; and

(vi) assume responsibility for the provision of appropriate assistance to a victim of misconduct committed by an individual of such Member State.

(G) A professional and independent investigative and audit function has been established within the United Nations Department of Peacekeeping Operations and the OIOS to monitor United Nations peacekeeping operations.

TITLE VII—WESTERN HEMISPHERE COUNTERTERRORISM AND NONPROLIFERATION ACT OF 2009

SEC. 701. SHORT TITLE; DEFINITIONS.

(a) SHORT TITLE.—This title may be cited as the ''Western Hemisphere Counterterrorism and Nonproliferation Act of 2009''.

(b) DEFINITIONS.—In this title:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

(A) the Committee on Foreign Affairs and the Committee on Homeland Security of the House of Representatives; and

(B) the Committee on Foreign Relations and the Committee on Homeland Security and Governmental Affairs of the Senate.

(2) NONHUMANITARIAN ASSISTANCE.—The term ''nonhumanitarian assistance'' means—

(A) any assistance under the Foreign Assistance Act of 1961 (including programs under title IV of chapter 2 of part I of such Act, relating to the Overseas Private Investment Corporation), other than—

(i) disaster relief assistance, including any assistance under chapter 9 of part I of such Act;

(ii) assistance which involves the provision of food (including monetization of food) or medicine; and

(iii) assistance for refugees;

(B) sales, or financing on any terms, under the Arms Export Control Act; and

(C) financing under the Export-Import Bank Act of 1945.

(3) STATE SPONSOR OF TERRORISM.—The term "state sponsor of terrorism" means a country the government of which has been determined by the Secretary of State, for purposes of section 6(j) of the Export Administration Act of 1979, section 620A of the Foreign Assistance Act of 1961, section 40 of the Arms Export Control Act, or other provision of law, is a government that has repeatedly provided support for acts of international terrorism.

Subtitle A—Counterterrorism in the Western Hemisphere

SEC. 711. STATEMENT OF POLICY REGARDING REGIONAL EFFORTS TO COUNTER TERRORISM IN THE WESTERN HEMISPHERE.

To enhance the security of the Western Hemisphere and bolster regional capacity to counter terrorism, it shall be the policy of the United States to promote the signing, ratification, and implementation by all countries in the Western Hemisphere of the following:

(1) OAS AG/RES. 1840 (XXXII-O/02) Inter-American Convention Against Terrorism.

(2) Financial Action Task Force (FATF) 40 Recommendations on Money Laundering (ML) and 9 Special Recommendations (SR) on Terrorist Financing (TF).

(3) The 1963 ICAO Convention on Offences and Certain Other Acts Committed on Board Aircraft.

(4) The 1970 ICAO Convention for the Suppression of Unlawful Seizure of Aircraft.

(5) The 1971 ICAO Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation.

(6) The 1973 United Nations Convention on the Prevention and Punishment of Crimes Against Internationally Protected Person, including Diplomatic Agents.

(7) The 1979 United Nations International Convention Against the Taking of Hostages.

(8) The 1988 ICAO Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, Supplementary to the Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation.

(9) The 1988 IMO Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation.

(10) The 1988 IMO Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf.

(11) The 1991 ICAO Convention on the Marking of Plastic Explosives for the Purpose of Detection.

(12) The 1997 United Nations International Convention for the Suppression of Terrorist Bombings.

(13) The 1999 United Nations International Convention for the Suppression of the Financing of Terrorism.

(14) The 2001 United Nations S/Res/1373 Creation of Counter Terrorism Committee (CTC).

(15) The 2005 United Nations S/Res/1624 Prohibition of incitement to commit terrorist act or acts.

SEC. 712. AMENDMENTS TO ANNUAL COUNTRY REPORTS ON TERRORISM.

Section 140(b) of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (22 U.S.C. 2656f(b)) is amended—

(1) in paragraph (4)(D), by striking ''and'' at the end;

(2) in paragraph (5), by striking the period at the end and inserting ''; and'';

(3) by redesignating the second paragraph (3) and the second paragraph (4) as paragraphs (6) and (7), respectively;

(4) in paragraph (6), as so redesignated, by striking ''and'' at the end;

(5) in paragraph (7), as so redesignated, by striking the period at the end; and

(6) by adding after such paragraph (7) the following new paragraphs:

''(8) a comprehensive assessment of all United States assistance available to combat terrorism in each country that is a subject of such report; and

''(9) with respect to countries in the Western Hemisphere that are the subjects of such report, the level in each such country of threat posed by radical Islamist terrorism.''.

SEC. 713. AMENDMENTS TO ANNUAL DETERMINATION PROCEDURES.

Section 706 of the Foreign Relations Authorization Act, Fiscal Year 2003 (Public Law 107–228; 22 U.S.C. 2291j-1) is amended—

(1) in paragraph (2)—

(A) in subparagraph (A)(ii); by striking ''and'' at the end;

(B) by redesignating subparagraph (B) as subparagraph (C);

(C) by inserting after subparagraph (A) the following new subparagraph:

''(B) designate each country, if any, identified in such report in which a link has been determined to exist between illicit drug trafficking and a designated foreign terrorist organization and that has failed demonstrably, during the previous 12 months, to make substantial efforts—

''(I) to adhere to its obligations under international counterterrorism agreements; and

''(ii) to implement effective counterterrorism measures, including action on such issues as the rule of law, denying safe haven to terrorists, financing and money laundering, and law enforcement; and''; and

(D) in subparagraph (C), as so redesignated, by inserting before the period at the end the following: ''under subparagraph (A) or (B)'';

(2) in paragraph (3)—

(A) in subparagraph (A), by striking ''or'' at the end;

(B) in subparagraph (B)(ii), by striking the period at the end and inserting ''; or''; and

(C) by adding at the end the following new subparagraph:

''(C) subsequent to the designation being made under paragraph (2)(B), the country has made substantial efforts—

''(I) to adhere to its obligations under international counterterrorism agreements; and

''(ii) to implement effective counterterrorism measures, including action on such issues as the rule of law, denying safe haven to terrorists, financing and money laundering, and law enforcement.'';

(3) by redesignating paragraph (8) as paragraph (9); and

(4) by inserting after paragraph (7) the following new paragraph:

''(8) BILATERAL AGREEMENTS.—If a country designated under subparagraphs (A) and (B) of paragraph (2) does not receive a determination

under subparagraphs (B) or (C) of paragraph (3), the Secretary of State shall negotiate with such country a bilateral agreement describing actions to be taken by the United States and such country to satisfy such determinations during the one year period following such a designation. Such a bilateral agreement should include a needs assessment, a bilateral action plan, the provision of United States training and assistance, the use of International Law Enforcement Academy facilities in the region, and an exchange of model laws and best practices.''.

SEC. 714. AMENDMENT TO INTERNATIONAL NARCOTICS CONTROL STRATEGY REPORT.

Section 489(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291h(a)) is amended by adding at the end the following new paragraph:

''(9) A separate section that contains information relating to any links between illicit narcotics trafficking or money laundering and terrorists, terrorist acts, or designated foreign terrorist organizations (as such term is used in section 219 of the Immigration and Nationality Act (8 U.S.C. 1189)), and any actions taken by the United States Government or foreign government to address such links.''.

SEC. 715. UNITED STATES EFFORTS IN THE WESTERN HEMISPHERE.

(a) DETERMINATION.—For any country in the Western Hemisphere that the President has determined—

(1) is engaged in military cooperation with a state sponsor of terrorism,

(2) is engaged in nonmarket-based trade with a state sponsor of terrorism,

(3) is carrying out policies that threaten United States national security interests, or

(4) is not fully cooperating with United States counterterrorism or nonproliferation efforts,

the President is authorized to impose any of the sanctions described in subsection (b).

(b) SANCTIONS.—For any country in the Western Hemisphere with respect to which the President has made a determination in accordance with subsection (a), the President is authorized to—

(1) suspend United States nonhumanitarian foreign assistance to the government of that country; and

(2) prohibit the sale, provision, or transfer of articles, including the issuance of any specific license or grant of any other specific permission or authority to export any goods or technology under—

(A) the Export Administration Act of 1979;

(B) the Arms Export Control Act;

(C) the Atomic Energy Act of 1954; or

(D) any other statute that requires the prior review and approval of the United States Government as a condition for the export or re-export of goods or services.

SEC. 716. INTERNATIONAL LAW ENFORCEMENT ACADEMY IN SAN SALVADOR, EL SALVADOR.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the International Law Enforcement Academy (ILEA) in San Salvador, El Salvador, should continue to serve as a critical component of United States regional counterterrorism efforts.

(b) NEGOTIATION.—The Secretary of State shall negotiate with the appropriate agency entities to ensure that counterterrorism, including radical Islamist extremism within the Western Hemisphere, nonproliferation, and border security courses are instituted as part of the core curriculum at the International Law Enforcement Academy in San Salvador.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to—

(1) complete all physical aspects of the ILEA facility in San Salvador; and

(2) implement the ILEA Global Network.

SEC. 717. ACTIONS REGARDING THE ORGANIZATION OF AMERICAN STATES.

(a) DECLARATION REGARDING TERRORISM.—The Secretary of State shall direct the United States Representative to the Organization of American States (OAS) to use the voice, vote, and influence of the United States at the OAS to move for a declaration at the first meeting of Member States of the OAS convened after the date of the enactment of this Act calling on countries to systematically deny the use of their territories by terrorists or terrorist organizations.

(b) REDUCTION IN UNITED STATES CONTRIBUTION.—

(1) IN GENERAL.—The Secretary of State shall reduce by 50 percent the amount of the United States assessed contribution to the OAS for fiscal year 2009 and each subsequent fiscal year.

(2) USE OF FUNDS.—

(A) IN GENERAL.—Of the amount reduced pursuant to paragraph (1), not less than ten percent of such amount shall be added to United States voluntary contributions to each

of the organizations specified in subparagraph (B) and the remaining amount shall be used to establish and maintain the Western Hemisphere Regional Coordination Centers under section 731.

(B) ORGANIZATIONS SPECIFIED.—The organizations referred to in subparagraph (A) are the following:

(I) The OAS Inter-American Committee Against Terrorism (CICTE).

(ii) The OAS Inter-American Drug Abuse Control Commission (CICAD).

SEC. 718. AMENDMENT TO DEPARTMENT OF STATE REWARDS PROGRAM.

Section 36(b) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2708(b)) is amended—

(1) in paragraph (6), by striking ''or'' at the end;

(2) in paragraph (7)(B), by striking the period at the end and inserting ''; or''; and

(3) by adding at the end the following new paragraph:

''(8) the arrest or conviction in any country of any individual wanted on terrorism charges pursuant to red notices duly issued by Interpol, if such reward

would help advance United States interests or the interests of United States allies in the global struggle against international terrorism.''.

Subtitle B—Nonproliferation of Nuclear, Chemical, and Biological Weapons in the Western Hemisphere

SEC. 721. STATEMENT OF POLICY REGARDING THE PROLIFERATION OF WEAPONS-RELATED NUCLEAR, CHEMICAL, AND BIOLOGICAL MATERIALS, TECHNOLOGY, AND FACILITIES.

(a) IN GENERAL.—To enhance the prevention of the proliferation of weapons-related nuclear, chemical, and biological materials, technology, and facilities, it shall be the policy of the United States to—

(1) promote the negotiation and implementation by all countries of—

(A) a comprehensive safeguards agreement with the International Atomic Energy Agency (IAEA); and

(B) an Additional Protocol to the safeguards agreement;

(2) secure guarantees by all countries of unrestricted access by IAEA personnel to all nuclear-re-

lated materials and facilities in territories under the control of the host country;

(3) promote the implementation by all countries of United Nations Security Council Resolution 1540; and

(4) promote the accession to and ratification and implementation of—

(A) the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction (also referred to as the Chemical Weapons Convention);

(B) the 1980 IAEA Convention on the Physical Protection of Nuclear Material;

(C) the 2005 United Nations International Convention for the Suppression of Acts of Nuclear Terrorism; and

(D) the Convention on the Prohibition of the Development and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction (also referred to as the Biological Weapons Convention).

(b) ADDITIONAL PROTOCOL DEFINED.—In this section, the term ''Additional Protocol'' means the Protocol Additional to an agreement between a country and the

International Atomic Energy Agency for the Application of Safeguards.

SEC. 722. STATEMENT OF POLICY REGARDING THE SMALL QUANTITIES PROTOCOL.

Because a Small Quantities Protocol (SQP) sets aside many of the operative provisions of a general safeguards agreement, the ability of the IAEA to verify that nuclear materials and facilities in a country with an SQP are not being diverted for illicit purposes is significantly impaired. For this reason, it shall be the policy of the United States to—

(1) oppose the negotiation by the IAEA of an SQP for any country that did not have an SQP as of January 1, 2008; and

(2) encourage every country with an SQP to withdraw formally from or renegotiate that agreement for the purpose of increasing transparency and eliminating any exemption or provision that could restrict the ability of the IAEA to verify that a country's nuclear materials and facilities are not being diverted to impermissible uses.

SEC. 723. SECURING ADHERENCE TO AGREEMENTS REGARDING NUCLEAR NONPROLIFERATION BY COUNTRIES IN THE WESTERN HEMISPHERE.

(a) IN GENERAL.—The President shall use all available political, economic, and diplomatic tools to ensure that each country in the Western Hemisphere—

(1) has signed and implemented a comprehensive safeguards agreement with the IAEA;

(2) has signed and implemented an Additional Protocol to its safeguards agreement;

(3) guarantees unrestricted access for IAEA personnel to all nuclear-related facilities;

(4) has implemented the provisions of United Nations Security Council Resolution 1540;

(5) has acceded to, ratified, and fully implemented the conventions referred to in section __22(a)(4);

(6) does not negotiate with the IAEA an SQP if that country did not have an SQP as of January 1, 2008; and

(7) withdraws formally from or renegotiates an SQP agreement if a country has such an agreement.

(b) SANCTIONS.—For any Western Hemisphere country that has not satisfied all of the requirements specified in subsection (a), the President is authorized to—

(1) suspend United States nonhumanitarian foreign assistance to the government of that country; and

(2) prohibit the sale, provision, or transfer of articles, including the issuance of any specific license or grant of any other specific permission or authority to export any goods or technology under—

(A) the Export Administration Act of 1979;

(B) the Arms Export Control Act;

(C) the Atomic Energy Act of 1954; or

(D) any other statute that requires the prior review and approval of the United States Government as a condition for the export or re-export of goods or services.

SEC. 724. HALTING THE PROLIFERATION OF NUCLEAR FUEL FABRICATION.

(a) STATEMENT OF POLICY.—It shall be the policy of the United States to oppose the development or acquisition by any country of a capacity to fabricate nuclear fuel if such country did not have such capacity as of January 1, 2008.

(b) PREVENTION OF CAPACITY TO FABRICATE NUCLEAR FUEL.—The President shall use all available political, 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-

poses and principles of the Charter of the United Nations; or

(4) is in violation of its IAEA obligations or the purposes and principles of the Charter of the United Nations.

SEC. 725. COOPERATION WITH THE PROLIFERATION SECURITY INITIATIVE.

(a) FINDINGS.—Congress finds the following:

(1) From its inception on May 31, 2003, the Proliferation Security Initiative, also referred to as the PSI, has repeatedly demonstrated its effectiveness in preventing the proliferation of weapons of mass destruction.

(2) In his February 11, 2004, address at the National Defense University regarding additional measures to enhance global efforts against the proliferation of weapons of mass destruction President Bush proposed that ''the work of the Proliferation Security Initiative be expanded to address more than shipments and transfers. Building on the tools we've developed to fight terrorists, we can take direct action against proliferation networks. We need greater cooperation not just among intelligence and military services, but in law enforcement, as well. PSI participants and other willing nations should use the

Interpol and all other means to bring to justice those who traffic in deadly weapons, to shut down their labs, to seize their materials, to freeze their assets. We must act on every lead. We will find the middlemen, the suppliers and the buyers.''.

(3) The number of countries participating in PSI has steadily increased, thereby greatly enhancing its effectiveness.

(4) Many countries in the Western Hemisphere formally or informally cooperate with the PSI.

(5) Expanded law enforcement cooperation throughout the Western Hemisphere, including by means of greater coordination of policies, improved communications, and enhanced capabilities would significantly promote the objectives of the PSI.

(b) SENSE OF CONGRESS CONCERNING STRENGTHENING COOPERATION REGARDING NONPROLIFERATION.—It is the sense of Congress that—

(1) it is in the national security interest of the United States to establish comprehensive cooperation to prevent the proliferation of nuclear, chemical, and biological materials in the Western Hemisphere; and

(2) the Secretary of State should seek to secure 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

(B) encourage bilateral and multilateral support, cooperation, and coordination of national programs and efforts to promote effective and in-depth cooperation to counter the illicit acquisition or trade of weapons-related nuclear, chemical, or biological materials, technology, or facilities.

(2) COOPERATIVE PROGRAMS.—The cooperative programs referred to under paragraph (1)(B) shall include the following:

(A) Training for government officials and agents from participating countries regarding the development and operation of NPI programs.

(B) Assistance in developing a comprehensive legal and regulatory framework in each country, as appropriate, to enable the establishment and effective implementation of export controls and the capacity to track nuclear, chemical, and biological materials, equipment, technology, and facilities.

(C) Provision of equipment, development of infrastructure, and the acquisition of other resources required by participating countries to

effectively carry out the tasks referred to in subparagraphs (A) and (B).

SEC. 727. PROHIBITED TRANSACTIONS.

(a) IN GENERAL.—No defense article or defense service may be sold or licensed for export under this title in a fiscal year to a foreign country that the President determines and certifies to Congress, not later than May 15 of the calendar year in which such fiscal year begins, is carrying out policies aimed at undermining United States national security interests or is not cooperating fully with United States nonproliferation efforts.

(b) WAIVER.—The President may waive the prohibition under subsection (a) with respect to a specific transaction if the President determines that such transaction is important to the national security interests of the United States.

SEC. 728. RESTRICTIONS ON NUCLEAR COOPERATION WITH COUNTRIES ASSISTING THE NUCLEAR PROGRAM OF VENEZUELA OR CUBA.

(a) IN GENERAL.—Notwithstanding any other provision of law or any international agreement, no agreement for cooperation between the United States and the government of any country that is assisting the nuclear program of Venezuela or Cuba or transferring advanced conventional 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).

(b) RULES OF CONSTRUCTION.—The restrictions described in subsection (a)—

(1) shall apply in addition to all other applicable procedures, requirements, and restrictions required by the Atomic Energy Act of 1954 and any other law; and

(2) shall not be construed as affecting the validity of agreements for cooperation that are in effect on the date of the enactment of this Act.

(c) DEFINITIONS.—In this section:

(1) AGREEMENT FOR COOPERATION.—The term ''agreement for cooperation'' has the meaning given that term in section 11 b. of the Atomic Energy Act of 1954 (42 U.S.C. 2014 b.).

(2) ASSISTING THE NUCLEAR PROGRAM OF VENEZUELA OR CUBA.—The term ''assisting the nuclear program of Venezuela or Cuba'' means the intentional transfer to Venezuela or Cuba by a government, or by a person subject to the jurisdiction of a government with the knowledge and acquiescence of such government, of goods, services, or technology listed on the Nuclear Suppliers Group Guidelines for the Export of Nuclear Material, Equipment and Technology (published by the International Atomic Energy Agency as Information Circular INFCIRC/

254/Rev. 3/Part 1, and subsequent revisions) or Guidelines for Transfers of Nuclear-Related Dual-Use Equipment, Material, and Related Technology (published by the International Atomic Energy Agency as Information Circular INFCIR/254/Rev. 3/Part 2, and subsequent revisions).

(3) COUNTRY THAT IS ASSISTING THE NUCLEAR PROGRAM OF VENEZUELA OR CUBA OR TRANSFERRING ADVANCED CONVENTIONAL WEAPONS OR MISSILES TO VENEZUELA OR CUBA.—The term ''country that is assisting the nuclear program of Venezuela or Cuba or transferring advanced conventional weapons or missiles to Venezuela or Cuba'' means—

(A) Russia; and

(B) any other country determined by the President to be assisting the nuclear program of Venezuela or Cuba or transferring advanced conventional weapons or missiles to Venezuela or Cuba.

(4) TRANSFERRING ADVANCED CONVENTIONAL WEAPONS OR MISSILES TO VENEZUELA OR CUBA.—The term ''transferring advanced conventional weapons or missiles to Venezuela or Cuba'' means the intentional transfer to Venezuela or Cuba by a govern-

ment, or by a person subject to the jurisdiction of a government with the knowledge and acquiescence of such government, of goods, services, or technology listed on—

(A) the Wassenaar Arrangement list of Dual Use Goods and Technologies and Munitions list of July 12, 1996, and subsequent revisions; or

(B) the Missile Technology Control Regime Equipment and Technology Annex of June 11, 1996, and subsequent revisions.

Subtitle C—Western Hemisphere Regional Coordination Centers

SEC. 731. ESTABLISHMENT OF THE WESTERN HEMISPHERE REGIONAL COORDINATION CENTERS.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the United States Government should carry out a comprehensive and integrated approach to United States counterterrorism and nonproliferation efforts, both domestically and abroad; and

(2) the Secretary of State should seek to engage leaders of the governments of countries in the Western Hemisphere to develop a comprehensive multilateral strategy to counter current and emerg-

ing threats and prevent the proliferation of nuclear, chemical, and biological weapons.

(b) PURPOSE.—Western Hemisphere Regional Coordination Centers shall serve as joint operational facilities dedicated to coordinating efforts, capacity, and intelligence among participating countries to counter current and emerging threats and prevent the proliferation of nuclear, chemical, and biological weapons throughout the Western Hemisphere.

(c) ESTABLISHMENT.—The Secretary of State shall negotiate with the leaders of the governments of countries in the Western Hemisphere on a bilateral or multilateral basis, as appropriate, international agreements under which such governments work in partnership to establish centers to be known as the ''Western Hemisphere Regional Coordination Centers'' (RCC).

(d) COOPERATION WITH GOVERNMENTS IN THE WESTERN HEMISPHERE.—

(1) IN GENERAL.—The Secretary of State shall negotiate with—

(A) the governments of countries in Central and South America agreements for the establishment of one RCC in a country in Central America and one RCC in a country in South America; and

(B) the Government of Brazil, the Government of Argentina, and the Government of Paraguay an agreement for the establishment of a RCC specifically in the tri-border area.

(2) COORDINATION.—The Secretary of State shall negotiate with the leaders of the governments of countries in the Western Hemisphere on a bilateral or multilateral basis, as appropriate, agreements under which a method is established for staffing parallel representatives, from each participating country or region, for each United States agency represented at the relevant RCC.

(e) PARTICIPATION OF UNITED STATES GOVERNMENT AGENCIES.—

(1) IN GENERAL.—The Secretary of State, in consultation with the Director of National Intelligence and the Secretary of Defense, shall determine which departments and agencies of the United States Government, including the Department of Defense, the Department of Energy, the Department of Homeland Security, the Department of the Treasury, the Department of Justice, the Drug Enforcement Agency, and the Federal Bureau of Investigation, are necessary to ensure the establishment and operation of the RCCs. The Secretary of State, in

consultation with the Director of National Intelligence and the Secretary of Defense, shall negotiate agreements with the heads of such agencies to ensure their full participation and cooperation in such establishment and operation.

(2) ASSIGNMENT OF REGIONAL ATTACHES AND ADVISORS.—The Secretary of State shall transfer to appropriate RCCs regional attaches and advisors serving at United States diplomatic and consular missions in the Western Hemisphere.

(f) STRUCTURE.—

(1) MANAGEMENT OF THE RCCS.—The Secretary of State, in consultation with the Director of National Intelligence and the Secretary of Defense, shall be responsible for the management of the RCCs, including development of the budget, priorities, and programs of the RCCs.

(2) STAFFING AND DUTIES.—Each RCC shall have one United States Director, at least one but not more than two United States Deputy Directors, and one host country General Director. The United States Director and United States Deputy Directors may be employees of any of the United States national security agencies and shall be chosen by the Secretary of State, in consultation with the Director

of National Intelligence and Secretary of Defense. The Director and Deputy Directors of each RCC shall keep the Chief of Mission of the United States Embassies in the host country of such RCC fully informed of activities and operations of such RCC.

(3) RCC POLICY BOARD.—

(A) ESTABLISHMENT.—There is established the RCC Policy Board.

(B) COMPOSITION.—The RCC Policy Board shall be comprised of senior representatives from the departments and agencies determined by the Secretary of State, in consultation with the Director of National Intelligence and the Secretary of Defense, to be necessary to ensure the establishment and operation of the RCCs in accordance with subsection (e).

(C) DUTIES.—The Policy Board shall monitor and provide guidance and oversight for the RCCs to ensure that their operations are consistent with United States foreign policy and law enforcement goals.

(D) MEETINGS.—The Policy Board shall meet bi-monthly and shall be co-chaired by officers from the Office of the Coordinator for Counterterrorism of the Department of State

and the National Counterterrorism Center of the Office of the Director of National Intelligence.

SEC. 732. REGIONAL SECURITY INITIATIVE.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the Latin America Regional Strategic Initiative (RSI) should serve as a critical component of United States regional counterterrorism and nonproliferation efforts.

(b) PARTICIPATION WITH THE RCCS.—The Latin America RSI shall conduct at least one inter-agency meeting at one of the three RCCs each fiscal year. The Director, a Deputy Director, or both, of each RCC shall participate in all RSI meetings organized by the Department of State.

(c) REPORT.—Not later than 45 days after the conclusion of each RSI meeting, the Secretary of State shall submit to the appropriate congressional committees a report, which shall include a classified annex if necessary, that describes—

(1) the defined objectives of the RSI;

(2) the extent to which such objectives have been achieved;

(3) the steps taken by the United States to accomplish such objectives;

(4) the extent of cooperation by other countries in the Western Hemisphere toward achieving such objectives; and

(5) the steps the United States will take in the subsequent months to accomplish such objectives.

SEC. 733. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated such sums as may be necessary for each of fiscal years 2010 and 2011 and each subsequent fiscal year to carry out this subtitle.

Subtitle D—Prohibitions on Engagement With Certain Western Hemisphere Countries

SEC. 741. PROHIBITIONS ON ENGAGEMENT WITH CERTAIN WESTERN HEMISPHERE COUNTRIES.

Nothing in this title shall be construed as weakening or removing any prohibitions on United States engagement with or assistance to any country in the Western Hemisphere that the Secretary of State has designated as a state sponsor of terrorism for a minimum of three consecutive years.

Subtitle E—Report

SEC. 751. REPORT.

(a) IN GENERAL.—Not later than one year after the date of the enactment of this Act and annually thereafter, the Secretary of State shall submit to the appropriate con-

gressional committees a report on the activities carried out to achieve the objectives described in subtitles B and C that describe—

(1) the extent to which each such objective has been achieved;

(2) the steps taken by the United States and countries in the Western Hemisphere in the preceding calendar year to accomplish such objectives;

(3) the extent of cooperation by other countries in the Western Hemisphere toward achieving such objectives; and

(4) the steps the United States will take in the current calendar year to accomplish such objectives.

(b) PREPARATION AND FORM OF REPORT.—The report required under subsection (a) shall rely on public information to the extent possible, and shall include a classified annex, if necessary.

TITLE VIII—EXPORT CONTROL REFORM AND SECURITY ASSISTANCE

Subtitle A—Defense Trade Controls Performance Improvement Act of 2009

SEC. 801. SHORT TITLE.

This subtitle may be cited as the ''Defense Trade Controls Performance Improvement Act of 2009''.

SEC. 802. FINDINGS.

Congress finds the following:

(1) In a time of international terrorist threats and a dynamic global economic and security environment, United States policy with regard to export controls is in urgent need of a comprehensive review in order to ensure such controls are protecting the national security and foreign policy interests of the United States.

(2) In January 2007, the Government Accountability Office designated the effective identification and protection of critical technologies as a government-wide, high-risk area, warranting a strategic reexamination of existing programs, including programs relating to arms export controls.

(3) Federal Government agencies must review licenses for export of munitions in a thorough and timely manner to ensure that the United States is able to assist United States allies and to prevent nuclear and conventional weapons from getting into the hands of enemies of the United States.

(4) Both staffing and funding that relate to the Department of State's arms export control responsibilities have not kept pace with the increased workload relating to such responsibilities, especially during the current decade.

(5) Outsourcing and off-shoring of defense production and the policy of many United States trading partners to require offsets for major sales of defense and aerospace articles present a potential threat to United States national security and economic well-being and serve to weaken the defense industrial base.

(6) Export control policies can have a negative impact on United States employment, nonproliferation goals, and the health of the defense industrial base, particularly when facilitating the overseas transfer of technology or production and other forms of outsourcing, such as offsets (direct and indirect), co-production, subcontracts, overseas investment and

joint ventures in defense and commercial industries. Federal Government agencies must develop new and effective procedures for ensuring that export control systems address these problems and the threat they pose to national security.

(7) In the report to Congress required by the Conference Report (Report 109–272) accompanying the bill, H.R. 2862 (the Science, State, Justice, Commerce and Related Agencies Appropriations Act, 2006; Public Law 109–108), the Department of State concluded that—

(A) defense trade licensing has become much more complex in recent years as a consequence of the increasing globalization of the defense industry;

(B) the most important challenge to the Department of State's licensing process has been the sheer growth in volume of applicants for licenses and agreements, without the corresponding increase in licensing officers; and

(C) the increase in licensing volume without a corresponding increase in trained and experienced personnel has resulted in delays and increased processing times.

(8) In 2006, the Department of State processed over three times as many licensing applications as the Department of Commerce with about a fifth of the staff of the Department of Commerce.

(9) On July 27, 2007, in testimony delivered to the Subcommittee on Terrorism, Nonproliferation and Trade of the Committee on Foreign Affairs of the House of Representatives to examine the effectiveness of the United States export control regime, the Government Accountability Office found that—

(A) the United States Government needs to conduct assessments to determine its overall effectiveness in the area of arms export control; and

(B) the processing times of the Department of State doubled over the period from 2002 to 2006.

(10)(A) Allowing a continuation of the status quo in resources for defense trade licensing could ultimately harm the United States defense industrial base. The 2007 Institute for Defense Analysis report entitled ''Export Controls and the U.S. Defense Industrial Base'' found that the large backlog and long processing times by the Department of State for applications for licenses to export defense items led to

an impairment of United States firms in some sectors to conduct global business relative to foreign competitors.

(B) Additionally, the report found that United States commercial firms have been reluctant to engage in research and development activities for the Department of Defense because this raises the future prospects that the products based on this research and development, even if intrinsically commercial, will be saddled by Department of State munitions controls due to the link to that research.

(11) According to the Department of State's fiscal year 2008 budget justification to Congress, commercial exports licensed or approved under the Arms Export Control Act exceeded $30,000,000,000, with nearly eighty percent of these items exported to United States NATO allies and other major non-NATO allies.

(12) A Government Accountability Office report of October 9, 2001 (GAO–02–120), documented ambiguous export control jurisdiction affecting 25 percent of the items that the United States Government agreed to control as part of its commitments to the Missile Technology Control Regime. The United States Government has not clearly determined which

department has jurisdiction over these items, which increases the risk that these items will fall into the wrong hands. During both the 108th, 109th, and 110th Congresses, the House of Representatives passed legislation mandating that the Administration clarify this issue.

(13) During 2007 and 2008, the management and staff of the Directorate of Defense Trade Controls of the Department of State have, through extraordinary effort and dedication, eliminated the large backlog of open applications and have reduced average processing times for license applications; however, the Directorate remains understaffed and long delays remain for complicated cases.

SEC. 803. STRATEGIC REVIEW AND ASSESSMENT OF THE UNITED STATES EXPORT CONTROLS SYSTEM.

(a) REVIEW AND ASSESSMENT.—

(1) IN GENERAL.—Not later than March 31, 2010, the President shall conduct a comprehensive and systematic review and assessment of the United States arms export controls system in the context of the national security interests and strategic foreign policy objectives of the United States.

(2) ELEMENTS.—The review and assessment required under paragraph (1) shall—

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 unnecess-
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;

(E) determine the effects of export controls policies and the practices of the export control agencies on the United States defense industrial base and United States employment in the industries affected by export controls;

(F) contain a detailed summary of known attempts by unauthorized end-users (such as international arms traffickers, foreign intelligence agencies, and foreign terrorist organizations) to acquire items on the United States Munitions List and related technical data, including—

(I) data on—

(I) commodities sought, such as M–4 rifles, night vision devices, F–14 spare parts;

(II) parties involved, such as the intended end-users, brokers, consignees, and shippers;

(III) attempted acquisition of technology and technical data critical to manufacture items on the United States Munitions List;

(IV) destination countries and transit countries;

(V) modes of transport;

(VI) trafficking methods, such as use of false documentation and front companies registered under flags of convenience;

(VII) whether the attempted illicit transfer was successful; and

(VIII) any administrative or criminal enforcement actions taken by the United States and any other government in relation to the attempted illicit transfer;

(ii) a thorough evaluation of the Blue Lantern Program, including the adequacy of current staffing and funding levels;

(iii) a detailed analysis of licensing exemptions and their successful exploitation by unauthorized end-users; and

(iv) an examination of the extent to which the increased tendency toward outsourcing and off-shoring of defense production harm United States national security and weaken the defense industrial base, including direct and indirect impact on employment, and formulate policies to

1 address these trends as well as the policy
2 of some United States trading partners to
3 require offsets for major sales of defense
4 articles; 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

if the requirement has not been met, the reasons therefor. The report required by this subsection shall be submitted in unclassified form, but may contain a classified annex, if necessary.

SEC. 804. PERFORMANCE GOALS FOR PROCESSING OF APPLICATIONS FOR LICENSES TO EXPORT ITEMS ON UNITED STATES MUNITIONS LIST.

(a) IN GENERAL.—The Secretary of State, acting through the head of the Directorate of Defense Trade Controls of the Department of State, shall establish and maintain the following goals:

(1) The processing time for review of each application for a license to export items on the United States Munitions List (other than a Manufacturing License Agreement) shall be not more than 60 days from the date of receipt of the application.

(2) The processing time for review of each application for a commodity jurisdiction determination shall be not more than 60 days from the date of receipt of the application.

(3) The total number of applications described in paragraph (1) that are unprocessed shall be not more than 7 percent of the total number of such applications submitted in the preceding calendar year.

(b) ADDITIONAL REVIEW.—(1) If an application described in paragraph (1) or (2) of subsection (a) is not processed within the time period described in the respective paragraph of such subsection, then the Managing Director of the Directorate of Defense Trade Controls or the Deputy Assistant Secretary for Defense Trade and Regional Security of the Department of State, as appropriate, shall review the status of the application to determine if further action is required to process the application.

(2) If an application described in paragraph (1) or (2) of subsection (a) is not processed within 90 days from the date of receipt of the application, then the Assistant Secretary for Political-Military Affairs of the Department of State shall—

(A) review the status of the application to determine if further action is required to process the application; and

(B) submit to the appropriate congressional committees a notification of the review conducted under subparagraph (A), including a description of the application, the reason for delay in processing the application, and a proposal for further action to process the application.

(3) For each calendar year, the Managing Director of the Directorate of Defense Trade Controls shall review not less than 2 percent of the total number of applications described in paragraphs (1) and (2) of subsection (a) to ensure that the processing of such applications, including decisions to approve, deny, or return without action, is consistent with both policy and regulatory requirements of the Department of State.

(c) STATEMENTS OF POLICY.—

(1) UNITED STATES ALLIES.—Congress states that—

(A) it shall be the policy of the Directorate of Defense Trade Controls of the Department of State to ensure that, to the maximum extent practicable, the processing time for review of applications described in subsection (a)(1) to export items that are not subject to the requirements of section 36 (b) or (c) of the Arms Export Control Act (22 U.S.C. 2776 (b) or (c)) to United States allies in direct support of combat operations or peacekeeping or humanitarian operations with United States Armed Forces is not more than 7 days from the date of receipt of the application; and

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-

mit to the appropriate congressional committees a report that contains a detailed description of—

(1)(A) the average processing time for and number of applications described in subsection (a)(1) to—

(I) United States NATO allies, Australia, New Zealand, Japan, South Korea, and Israel;

(ii) other major non-NATO allies; and

(iii) all other countries; and

(B) to the extent practicable, the average processing time for and number of applications described in subsection (b)(1) by item category;

(2) the average processing time for and number of applications described in subsection (a)(2);

(3) the average processing time for and number of applications for agreements described in part 124 of title 22, Code of Federal Regulations (relating to the International Traffic in Arms Regulations (other than Manufacturing License Agreements));

(4) the average processing times for applications for Manufacturing License Agreements;

(5) any management decisions of the Directorate of Defense Trade Controls of the Department of State that have been made in response to data contained in paragraphs (1) through (3); and

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-

lations is not necessary to protect legitimate proprietary interests of persons or their prices and customers, is not in the best security and foreign policy interests of the United States, is inconsistent with the need to ensure a level playing field for United States exporters, and detracts from United States efforts to promote greater transparency and responsibility by other countries in their export control systems.

(2) PUBLICATION ON INTERNET WEBSITE.—The Secretary of State shall—

(A) upon making a commodity jurisdiction determination referred to in paragraph (1) publish on the Internet website of the Department of State not later than 30 days after the date of the determination—

(I) the name of the manufacturer of the item;

(ii) a brief general description of the item;

(iii) the model or part number of the item; and

(iv) the United States Munitions List designation under which the item has been designated, except that—

(I) the name of the person or business organization that sought the commodity jurisdiction determination shall not be published if the person or business organization is not the manufacturer of the item; and

(II) the names of the customers, the price of the item, and any proprietary information relating to the item indicated by the person or business organization that sought the commodity jurisdiction determination shall not be published; and

(B) maintain on the Internet website of the Department of State an archive, that is accessible to the general public and other departments and agencies of the United States, of the information published under subparagraph (A).

(g) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to prohibit the President or Congress from undertaking a thorough review of the national security and foreign policy implications of a proposed export of items on the United States Munitions List.

SEC. 805. REQUIREMENT TO ENSURE ADEQUATE STAFF AND RESOURCES FOR THE DIRECTORATE OF DEFENSE TRADE CONTROLS OF THE DEPARTMENT OF STATE.

(a) REQUIREMENT.—The Secretary of State shall ensure that the Directorate of Defense Trade Controls of the Department of State has the necessary staff and resources to carry out this subtitle and the amendments made by this subtitle.

(b) MINIMUM NUMBER OF LICENSING OFFICERS.—For fiscal year 2011 and each subsequent fiscal year, the Secretary of State shall ensure that the Directorate of Defense Trade Controls has at least 1 licensing officer for every 1,250 applications for licenses and other authorizations to export items on the United States Munitions List by not later than the third quarter of such fiscal year, based on the number of licenses and other authorizations expected to be received during such fiscal year. The Secretary shall ensure that in meeting the requirement of this subsection, the performance of other functions of the Directorate of Defense Trade Controls is maintained and adequate staff is provided for those functions.

(c) MINIMUM NUMBER OF STAFF FOR COMMODITY JURISDICTION DETERMINATIONS.—For each of the fiscal years 2010 through 2012, the Secretary of State shall ensure that the Directorate of Defense Trade Controls has,

to the extent practicable, not less than three individuals assigned to review applications for commodity jurisdiction determinations.

(d) ENFORCEMENT RESOURCES.—In accordance with section 127.4 of title 22, Code of Federal Regulations, U.S. Immigration and Customs Enforcement is authorized to investigate violations of the International Traffic in Arms Regulations on behalf of the Directorate of Defense Trade Controls of the Department of State. The Secretary of State shall ensure that the Directorate of Defense Trade Controls has adequate staffing for enforcement of the International Traffic in Arms Regulations.

SEC. 806. AUDIT BY INSPECTOR GENERAL OF THE DEPARTMENT OF STATE.

(a) AUDIT.—Not later than the end of each of the fiscal years 2011 and 2012, the Inspector General of the Department of State shall conduct an independent audit to determine the extent to which the Department of State is meeting the requirements of sections 804 and 805.

(b) REPORT.—The Inspector General shall submit to the appropriate congressional committees a report that contains the result of each audit conducted under subsection (a).

SEC. 807. INCREASED FLEXIBILITY FOR USE OF DEFENSE TRADE CONTROLS REGISTRATION FEES.

(a) IN GENERAL.—Section 45 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2717) is amended—

(1) in the first sentence—

(A) by striking ''For'' and inserting ''(a) IN GENERAL.—For''; and

(B) by striking ''Office'' and inserting ''Directorate'';

(2) by amending the second sentence to read as follows:

''(b) AVAILABILITY OF FEES.—Fees credited to the account referred to in subsection (a) shall be available only for payment of expenses incurred for—

''(1) management,

''(2) licensing (in order to meet the requirements of section 805 of the Defense Trade Controls Performance Improvement Act of 2009 (relating to adequate staff and resources of the Directorate of Defense Trade Controls)),

''(3) compliance,

''(4) policy activities, and

''(5) facilities,

of defense trade controls functions.''; and

(3) by adding at the end the following:

"(c) ALLOCATION OF FEES.—In allocating fees for payment of expenses described in subsection (b), the Secretary of State shall accord the highest priority to payment of expenses incurred for personnel and equipment of the Directorate of Defense Trade Controls, including payment of expenses incurred to meet the requirements of section 805 of the Defense Trade Controls Performance Improvement Act of 2009.".

(b) CONFORMING AMENDMENT.—Section 38(b) of the Arms Export Control Act (22 U.S.C. 2778(b)) is amended by striking paragraph (3).

SEC. 808. REVIEW OF INTERNATIONAL TRAFFIC IN ARMS REGULATIONS AND UNITED STATES MUNITIONS LIST.

(a) IN GENERAL.—The Secretary of State, in coordination with the heads of other relevant departments and agencies of the United States Government, shall review, with the assistance of United States manufacturers and other interested parties described in section 811(2) of this Act, the International Traffic in Arms Regulations and the United States Munitions List to determine those technologies and goods that warrant different or additional controls.

(b) CONDUCT OF REVIEW.—In carrying out the review required under subsection (a), the Secretary of State

shall review not less than 20 percent of the technologies and goods on the International Traffic in Arms Regulations and the United States Munitions List in each calendar year so that for the 5-year period beginning with calendar year 2010, and for each subsequent 5-year period, the International Traffic in Arms Regulations and the United States Munitions List will be reviewed in their entirety.

(c) REPORT.—The Secretary of State shall submit to the appropriate congressional committees and the Committee on Armed Services of the House of Representatives and the Committee on Armed Services of the Senate an annual report on the results of the review carried out under this section.

SEC. 809. SPECIAL LICENSING AUTHORIZATION FOR CERTAIN EXPORTS TO NATO MEMBER STATES, AUSTRALIA, JAPAN, NEW ZEALAND, ISRAEL, AND SOUTH KOREA.

(a) IN GENERAL.—Section 38 of the Arms Export Control Act (22 U.S.C. 2778) is amended by adding at the end the following:

"(k) SPECIAL LICENSING AUTHORIZATION FOR CERTAIN EXPORTS TO NATO MEMBER STATES, AUSTRALIA, JAPAN, NEW ZEALAND, ISRAEL, AND SOUTH KOREA.—

1 "(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;

"(iii) the spare and replacement parts or components will not to be used to materially enhance, optimize, or otherwise modify or upgrade the capability of the defense items;

"(iv) the spare and replacement parts or components relate to a defense item that is owned, operated, and in the inventory of the armed forces a country described in subparagraph (A);

"(v) the export of spare and replacement parts or components will be effected using the freight forwarder designated by the purchasing country's diplomatic mission as responsible for handling transfers under chapter 2 of this Act as required under regulations; and

"(vi) the spare and replacement parts or components to be exported under the special licensing authorization are specifically identified in the application.

"(C) An authorization may not be issued under subparagraph (A) for purposes of establishing offshore procurement arrangements or producing defense articles offshore.

"(D)(I) For purposes of this subsection, the term 'United States-manufactured spare and re-

1 placement 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 (bb),
24 the costs of non-United States-origin content shall

be determined using the final price or final cost associated with the non-United States-origin content.

"(2) INAPPLICABILITY PROVISIONS.—(A) The provisions of this subsection shall not apply with respect to re-exports or re-transfers of spare and replacement parts or components and related services of defense items described in paragraph (1).

"(B) The congressional notification requirements contained in section 36(c) of this Act shall not apply with respect to an authorization issued under paragraph (1).".

(b) EFFECTIVE DATE.—The President shall issue regulations to implement amendments made by subsection (a) not later than 180 days after the date of the enactment of this Act.

SEC. 810. AVAILABILITY OF INFORMATION ON THE STATUS OF LICENSE APPLICATIONS UNDER CHAPTER 3 OF THE ARMS EXPORT CONTROL ACT.

Chapter 3 of the Arms Export Control Act (22 U.S.C. 2771 et seq.) is amended by inserting after section 38 the following new section:

"SEC. 38A. AVAILABILITY OF INFORMATION ON THE STATUS OF LICENSE APPLICATIONS UNDER THIS CHAPTER.

''(a) AVAILABILITY OF INFORMATION.—Not later than one year after the date of the enactment of the Defense Trade Controls Performance Improvement Act of 2009, the President shall make available to persons who have pending license applications under this chapter and the committees of jurisdiction the ability to access electronically current information on the status of each license application required to be submitted under this chapter.

''(b) MATTERS TO BE INCLUDED.—The information referred to in subsection (a) shall be limited to the following:

''(1) The case number of the license application.

''(2) The date on which the license application is received by the Department of State and becomes an 'open application'.

''(3) The date on which the Directorate of Defense Trade Controls makes a determination with respect to the license application or transmits it for interagency review, if required.

''(4) The date on which the interagency review process for the license application is completed, if such a review process is required.

"(5) The date on which the Department of State begins consultations with the congressional committees of jurisdiction with respect to the license application.

"(6) The date on which the license application is sent to the congressional committees of jurisdiction.".

SEC. 811. SENSE OF CONGRESS.

It is the sense of Congress that—

(1)(A) the advice provided to the Secretary of State by the Defense Trade Advisory Group (DTAG) supports the regulation of defense trade and helps ensure that United States national security and foreign policy interests continue to be protected and advanced while helping to reduce unnecessary impediments to legitimate exports in order to support the defense requirements of United States friends and allies; and

(B) therefore, the Secretary of State should share significant planned rules and policy shifts with DTAG for comment; and

(2) recognizing the constraints imposed on the Department of State by the nature of a voluntary organization such as DTAG, the Secretary of State is encouraged to ensure that members of DTAG are

drawn from a representative cross-section of subject matter experts from the United States defense industry, relevant trade and labor associations, academic, and foundation personnel.

SEC. 812. DEFINITIONS.

In this subtitle:

(1) INTERNATIONAL TRAFFIC IN ARMS REGULATIONS; ITAR.—The term ''International Traffic in Arms Regulations'' or ''ITAR'' means those regulations contained in parts 120 through 130 of title 22, Code of Federal Regulations (or successor regulations).

(2) MAJOR NON-NATO ALLY.—The term ''major non-NATO ally'' means a country that is designated in accordance with section 517 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321k) as a major non-NATO ally for purposes of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) and the Arms Export Control Act (22 U.S.C. 2751 et seq.).

(3) MANUFACTURING LICENSE AGREEMENT.—The term ''Manufacturing License Agreement'' means an agreement described in section 120.21 of title 22, Code of Federal Regulations (or successor regulations).

(4) MISSILE TECHNOLOGY CONTROL REGIME; MTCR.—The term ''Missile Technology Control Regime'' or ''MTCR'' has the meaning given the term in section 11B(c)(2) of the Export Administration Act of 1979 (50 U.S.C. App. 2401b(c)(2)).

(5) MISSILE TECHNOLOGY CONTROL REGIME ANNEX; MTCR ANNEX.—The term ''Missile Technology Control Regime Annex'' or ''MTCR Annex'' has the meaning given the term in section 11B(c)(4) of the Export Administration Act of 1979 (50 U.S.C. App. 2401b(c)(4)).

(6) OFFSETS.—The term ''offsets'' includes compensation practices required of purchase in either government-to-government or commercial sales of defense articles or defense services under the Arms Export Control Act (22 U.S.C. 2751 et seq.) and the International Traffic in Arms Regulations.

(7) UNITED STATES MUNITIONS LIST; USML.—The term ''United States Munitions List'' or ''USML'' means the list referred to in section 38(a)(1) of the Arms Export Control Act (22 U.S.C. 2778(a)(1)).

SEC. 813. AUTHORIZATION OF APPROPRIATIONS.

Of the amounts authorized to be appropriated under section 101, there are authorized to be appropriated such

sums as may be necessary for each of fiscal years 2010 and 2011 to carry out this subtitle and the amendments made by this subtitle.

Subtitle B—Provisions Relating to Export Licenses

SEC. 821. AVAILABILITY TO CONGRESS OF PRESIDENTIAL DIRECTIVES REGARDING UNITED STATES ARMS EXPORT POLICIES, PRACTICES, AND REGULATIONS.

(a) IN GENERAL.—The President shall make available to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate the text of each Presidential directive regarding United States export policies, practices, and regulations relating to the implementation of the Arms Export Control Act (22 U.S.C. 2751 et seq.) not later than 15 days after the date on which the directive has been signed or authorized by the President.

(b) TRANSITION PROVISION.—Each Presidential directive described in subsection (a) that is signed or authorized by the President on or after January 1, 2009, and before the date of the enactment of this Act shall be made available to the congressional committees specified in subsection (a) not later than 90 days after the date of the enactment of this Act.

(c) FORM.—To the maximum extent practicable, each Presidential directive described in subsection (a) shall be made available to the congressional committees specified in subsection (a) on an unclassified basis.

SEC. 822. INCREASE IN VALUE OF DEFENSE ARTICLES AND SERVICES FOR CONGRESSIONAL REVIEW AND EXPEDITING CONGRESSIONAL REVIEW FOR ISRAEL.

(a) FOREIGN MILITARY SALES.—

(1) IN GENERAL.—Section 36(b) of the Arms Export Control Act (22 U.S.C. 2776(b)) is amended—

(A) in paragraph (1)—

(I) by striking ''$50,000,000'' and inserting ''$100,000,000'';

(ii) by striking ''$200,000,000'' and inserting ''$300,000,000'';

(iii) by striking ''$14,000,000'' and inserting ''$25,000,000''; and

(iv) by striking ''The letter of offer shall not be issued'' and all that follows through ''enacts a joint resolution'' and inserting the following:

''(2) The letter of offer shall not be issued—

"(A) with respect to a proposed sale of any defense articles or defense services under this Act for $200,000,000 or more, any design and construction services for $300,000,000 or more, or any major defense equipment for $75,000,000 or more, to the North Atlantic Treaty Organization (NATO), any member country of NATO, Japan, Australia, the Republic of Korea, Israel, or New Zealand, if Congress, within 15 calendar days after receiving such certification, or

"(B) with respect to a proposed sale of any defense articles or services under this Act for $100,000,000 or more, any design and construction services for $200,000,000 or more, or any major defense equipment for $50,000,000 or more, to any other country or organization, if Congress, within 30 calendar days after receiving such certification,

enacts a joint resolution"; and

(B) by redesignating paragraphs (2) through (6) as paragraphs (3) through (7), respectively.

(2) TECHNICAL AND CONFORMING AMENDMENTS.—Section 36 of the Arms Export Control Act (22 U.S.C. 2776) is amended—

(A) in subsection (b)—

(I) in paragraph (6)(C), as redesignated, by striking ''Subject to paragraph (6), if'' and inserting ''If''; and

(ii) by striking paragraph (7), as redesignated; and

(B) in subsection (c)(4), by striking ''subsection (b)(5)'' each place it appears and inserting ''subsection (b)(6)''.

(b) COMMERCIAL SALES.—Section 36(c) of the Arms Export Control Act (22 U.S.C. 2776(c)) is amended—

(1) in paragraph (1)—

(A) by striking ''Subject to paragraph (5), in'' and inserting ''In'';

(B) by striking ''$14,000,000'' and inserting ''$25,000,000''; and

(C) by striking ''$50,000,000'' and inserting ''$100,000,000'';

(2) in paragraph (2)—

(A) in subparagraph (A)—

(I) by inserting after ''for an export'' the following: ''of any major defense equip-

ment sold under a contract in the amount of $75,000,000 or more or of defense articles or defense services sold under a contract in the amount of $200,000,000 or more, (or, in the case of a defense article that is a firearm controlled under category I of the United States Munitions List, $1,000,000 or more)''; and

(ii) by striking ''Organization,'' and inserting ''Organization (NATO),'' and by further striking ''that Organization'' and inserting ''NATO''; and

(B) in subparagraph (C), by inserting after ''license'' the following: ''for an export of any major defense equipment sold under a contract in the amount of $50,000,000 or more or of defense articles or defense services sold under a contract in the amount of $100,000,000 or more, (or, in the case of a defense article that is a firearm controlled under category I of the United States Munitions List, $1,000,000 or more)''; and

(3) by striking paragraph (5).

SEC. 823. DIPLOMATIC EFFORTS TO STRENGTHEN NATIONAL AND INTERNATIONAL ARMS EXPORT CONTROLS.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the President should redouble United States diplomatic efforts to strengthen national and international arms export controls by establishing a senior-level initiative to ensure that those arms export controls are comparable to and supportive of United States arms export controls, particularly with respect to countries of concern to the United States.

(b) REPORT.—Not later than one year after the date of the enactment of this Act, and annually thereafter for 4 years, the President shall transmit to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate a report on United States diplomatic efforts described in subsection (a).

SEC. 824. REPORTING REQUIREMENT FOR UNLICENSED EXPORTS.

Section 655(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2415(b)) is amended—

(1) in paragraph (2), by striking ''or'' at the end;

(2) in paragraph (3), by striking the period at the end and inserting ''; or''; and

(3) by adding at the end the following:

''(4) were exported without a license under section 38 of the Arms Export Control Act (22 U.S.C. 2778) pursuant to an exemption established under the International Traffic in Arms Regulations, other than defense articles exported in furtherance of a letter of offer and acceptance under the Foreign Military Sales program or a technical assistance or manufacturing license agreement, including the specific exemption provision in the regulation under which the export was made.''.

SEC. 825. REPORT ON VALUE OF MAJOR DEFENSE EQUIPMENT AND DEFENSE ARTICLES EXPORTED UNDER SECTION 38 OF THE ARMS EXPORT CONTROL ACT.

Section 38 of the Arms Export Control Act (22 U.S.C. 2778) is amended by adding at the end the following:

''(k) REPORT.—

''(1) IN GENERAL.—The President shall transmit to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate a report that contains a detailed listing, by country and by international organization, of the total dollar value of

major defense equipment and defense articles exported pursuant to licenses authorized under this section for the previous fiscal year.

"(2) INCLUSION IN ANNUAL BUDGET.—The report required by this subsection shall be included in the supporting information of the annual budget of the United States Government required to be submitted to Congress under section 1105 of title 31, United States Code.".

SEC. 826. AUTHORITY TO REMOVE SATELLITES AND RELATED COMPONENTS FROM THE UNITED STATES MUNITIONS LIST.

(a) AUTHORITY.—Except as provided in subsection (b) and subject to subsection (d), the President is authorized to remove satellites and related components from the United States Munitions List, consistent with the procedures in section 38(f) of the Arms Export Control Act (22 U.S.C. 2778(f)).

(b) EXCEPTION.—The authority of subsection (a) may not be exercised with respect to any satellite or related component that may, directly or indirectly, be transferred to, or launched into outer space by, the People's Republic of China.

(c) UNITED STATES MUNITIONS LIST.—In this section, the term "United States Munitions List" means the

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-

mittee on Foreign Relations of the Senate for each of fiscal years 2010 through 2014 a report that contains the findings and results of the review conducted under subsection (a). The report shall be submitted in unclassified form to the maximum extent possible, but may include a classified annex.

SEC. 828. REPORT ON SELF-FINANCING OPTIONS FOR EXPORT LICENSING FUNCTIONS OF DDTC OF THE DEPARTMENT OF STATE.

Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees a report on possible mechanisms to place the export licensing functions of the Directorate of Defense Trade Controls of the Department of State on a 100 percent self-financing basis.

SEC. 829. CLARIFICATION OF CERTIFICATION REQUIREMENT RELATING TO ISRAEL'S QUALITATIVE MILITARY EDGE.

Section 36(h)(1) of the Arms Export Control Act (22 U.S.C. 2776(h)(1)) is amended by striking ''a determination'' and inserting ''an unclassified determination''.

SEC. 830. EXPEDITING CONGRESSIONAL DEFENSE EXPORT REVIEW PERIOD FOR ISRAEL.

The Arms Export Control Act (22 U.S.C. 2751 et seq.) is amended—

(1) in sections 3(d)(2)(B), 3(d)(3)(A)(I), 3(d)(5), 21(e)(2)(A), 36(b)(2), 36(c)(2)(A), 36(d)(2)(A), 62(c)(1), and 63(a)(2) by inserting ''Israel,'' before ''or New Zealand''; and

(2) in section 3(b)(2), by inserting ''the Government of Israel,'' before ''or the Government of New Zealand''.

SEC. 831. UPDATING AND CONFORMING PENALTIES FOR VIOLATIONS OF SECTIONS 38 AND 39 OF THE ARMS EXPORT CONTROL ACT.

(a) IN GENERAL.—Section 38(c) of the Arms Export Control Act (22 U.S.C. 2778(c) is amended to read as follows:

''(c) VIOLATIONS OF THIS SECTION AND SECTION 39.—

''(1) UNLAWFUL ACTS.—It shall be unlawful for any person to violate, attempt to violate, conspire to violate, or cause a violation of any provision of this section or section 39, or any rule or regulation issued under either section, or who, in a registration or license application or required report, makes any untrue statement of a material fact or omits to state a material fact required to be stated therein or necessary to make the statements therein not misleading.

"(2) CIVIL PENALTIES.—A person who commits an unlawful act described in paragraph (1) shall upon conviction be fined for each violation in an amount not to exceed the greater of—

"(A) $250,000; or

"(B) an amount that is twice the amount of the transaction that is the basis of the violation with respect to which the penalty is imposed.

"(3) CRIMINAL PENALTIES.—A person who willfully commits an unlawful act described in paragraph (1) shall upon conviction—

"(A) be fined for each violation in an amount not to exceed $1,000,000, or

"(B) in the case of a natural person, imprisoned for not more than 20 years,

or both.".

(b) MECHANISMS TO IDENTIFY VIOLATORS.—Section 38(g) of the Arms Export Control Act (22 U.S.C. 2778(g)) is amended—

(1) in paragraph (1)——

(A) in subparagraph (A)—

(I) in the matter preceding clause (I), by inserting "or otherwise charged" after "indictment";

(ii) in clause (xi), by striking ''or'' at the end; and

(iii) by adding at the end the following:

''(xiii) section 542 of title 18, United States Code, relating to entry of goods by means of false statements;

''(xiv) section 554 of title 18, United States Code, relating to smuggling goods from the United States; or

''(xv) section 1831 of title 18, United States Code, relating to economic espionage.''; and

(B) in subparagraph (B), by inserting ''or otherwise charged'' after ''indictment''; and

(2) in paragraph (3)(A), by inserting ''or otherwise charged'' after ''indictment''.

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act and shall apply with respect to violations of sections 38 and 39 of the Arms Export Control Act committed on or after that date.

Subtitle C—Miscellaneous Provisions

SEC. 841. AUTHORITY TO BUILD THE CAPACITY OF FOREIGN MILITARY FORCES.

(a) AUTHORITY.—The Secretary of State is authorized to conduct a program to respond to contingencies in foreign countries or regions by providing training, procurement, and capacity-building of a foreign country's national military forces and dedicated counter-terrorism forces in order for that country to—

(1) conduct counterterrorist operations; or

(2) participate in or support military and stability operations in which the United States is a participant.

(b) TYPES OF CAPACITY-BUILDING.—The program authorized under subsection (a) may include the provision of equipment, supplies, and training.

(c) LIMITATIONS.—

(1) ASSISTANCE OTHERWISE PROHIBITED BY LAW.—The Secretary of State may not use the authority in subsection (a) to provide any type of assistance described in subsection (b) that is otherwise prohibited by any provision of law.

(2) LIMITATION ON ELIGIBLE COUNTRIES.—The Secretary of State may not use the authority in

subsection (a) to provide assistance described in subsection (b) to any foreign country that is otherwise prohibited from receiving such type of assistance under any other provision of law.

(d) FORMULATION AND EXECUTION OF ACTIVITIES.—The Secretary of State shall consult with the head of any other appropriate department or agency in the formulation and execution of the program authorized under subsection (a).

(e) CONGRESSIONAL NOTIFICATION.—

(1) ACTIVITIES IN A COUNTRY.—Not less than 15 days before obligating funds for activities in any country under the program authorized under subsection (a), the Secretary of State shall submit to the congressional committees specified in paragraph (2) a notice of the following:

(A) The country whose capacity to engage in activities in subsection (a) will be assisted.

(B) The budget, implementation timeline with milestones, and completion date for completing the activities.

(2) SPECIFIED CONGRESSIONAL COMMITTEES.—The congressional committees specified in this paragraph are the following:

(A) The Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives.

(B) The Committee on Foreign Relations and the Committee on Appropriations of the Senate.

(f) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to the Secretary of State $25,000,000 for each of the fiscal years 2010 and 2011 to conduct the program authorized by subsection (a).

(2) USE OF FMF FUNDS.—The Secretary of State may use up to $25,000,000 of funds available under the Foreign Military Financing program for each of the fiscal years 2010 and 2011 to conduct the program authorized under subsection (a).

(3) AVAILABILITY AND REFERENCE.—Amounts made available to conduct the program authorized under subsection (a)—

(A) are authorized to remain available until expended; and

(B) may be referred to as the ''Security Assistance Contingency Fund''.

SEC. 842. FOREIGN MILITARY SALES STOCKPILE FUND.

(a) IN GENERAL.—Section 51(a) of the Arms Export Control Act (22 U.S.C. 2795(a)) is amended—

(1) in paragraph (1), by striking ''Special Defense Acquisition Fund'' and inserting ''Foreign Military Sales Stockpile Fund''; and

(2) in paragraph (4), by inserting ''building the capacity of recipient countries and'' before ''narcotics control purposes''.

(b) CONTENTS OF FUND.—Section 51(b) of the Arms Export Control Act (22 U.S.C. 2795(b)) is amended—

(1) in paragraph (2), by striking ''and'' at the end;

(2) in paragraph (3), by inserting ''and'' at the end; and

(3) by inserting after paragraph (3) the following:

''(4) collections from leases made pursuant to section 61 of this Act,''.

(c) CONFORMING AMENDMENTS.—(1) The heading of section 51 of the Arms Export Control Act is amended by striking ''SPECIAL DEFENSE ACQUISITION FUND'' and inserting ''FOREIGN MILITARY SALES STOCKPILE FUND''.

(2) The heading of chapter 5 of the Arms Export Control Act is amended by striking ''**SPECIAL DEFENSE ACQUISITION FUND**'' and inserting

"**FOREIGN MILITARY SALES STOCKPILE FUND**".

SEC. 843. ANNUAL ESTIMATE AND JUSTIFICATION FOR FOREIGN MILITARY SALES PROGRAM.

Section 25(a)(1) of the Arms Export Control Act (22 U.S.C. 2765(a)(1)) is amended by striking ", together with an indication of which sales and licensed commercial exports" and inserting "and".

SEC. 844. REPORT ON UNITED STATES' COMMITMENTS TO THE SECURITY OF ISRAEL.

(a) INITIAL REPORT.—Not later than 30 days after the date of the enactment of this Act, the President shall transmit to the appropriate congressional committees a report that contains—

(1) a complete, unedited, and unredacted copy of each assurance made by United States Government officials to officials of the Government of Israel regarding Israel's security and maintenance of Israel's qualitative military edge, as well as any other assurance regarding Israel's security and maintenance of Israel's qualitative military edge provided in conjunction with exports under the Arms Export Control Act (22 U.S.C. 2751 et seq.), for the period beginning on January 1, 1975, and ending on the date of the enactment of this Act; and

(2) an analysis of the extent to which, and by what means, each such assurance has been and is continuing to be fulfilled.

(b) SUBSEQUENT REPORTS.—

(1) NEW ASSURANCES AND REVISIONS.—The President shall transmit to the appropriate congressional committees a report that contains the information required under subsection (a) with respect to—

(A) each assurance described in subsection (a) made on or after the date of the enactment of this Act, or

(B) revisions to any assurance described in subsection (a) or subparagraph (A) of this paragraph,

within 15 days of the new assurance or revision being conveyed.

(2) 5-YEAR REPORTS.—Not later than 5 years after the date of the enactment of this Act, and every 5 years thereafter, the President shall transmit to the appropriate congressional committees a report that contains the information required under subsection (a) with respect to each assurance described in subsection (a) or paragraph (1)(A) of this subsection and revisions to any assurance described

in subsection (a) or paragraph (1)(A) of this subsection during the preceding 5-year period.

(c) FORM.—Each report required by this section shall be transmitted in unclassified form, but may contain a classified annex, if necessary.

SEC. 845. WAR RESERVES STOCKPILE.

(a) DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2005.—Section 12001(d) of the Department of Defense Appropriations Act, 2005 (Public Law 108–287; 118 Stat. 1011), is amended by striking ''4'' and inserting ''7''.

(b) FOREIGN ASSISTANCE ACT OF 1961.—Section 514(b)(2)(A) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321h(b)(2)(A)) is amended by striking ''fiscal years 2007 and 2008'' and inserting ''fiscal years 2010 and 2011''.

SEC. 846. EXCESS DEFENSE ARTICLES FOR CENTRAL AND SOUTH EUROPEAN COUNTRIES AND CERTAIN OTHER COUNTRIES.

Section 516(e) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j(e)) is amended—

(1) in paragraph (1), by striking ''paragraph (2)'' and inserting ''paragraphs (2) and (3)'';

(2) in paragraph (2), in the heading by striking ''EXCEPTION'' and inserting ''GENERAL EXCEPTION''; and

(3) by adding at the end the following new paragraph:

''(3) EXCEPTION FOR SPECIFIC COUNTRIES.—For fiscal years 2010 and 2011, the President may provide for the crating, packing, handling, and transportation of excess defense articles transferred under the authority of this section to Albania, Afghanistan, Bulgaria, Croatia, Estonia, Macedonia, Georgia, India, Iraq, Israel, Kazakhstan, Kyrgyzstan, Latvia, Lithuania, Moldova, Mongolia, Pakistan, Romania, Slovakia, Tajikistan, Turkmenistan, and Ukraine.''.

TITLE IX—ACTIONS TO ENHANCE THE MERIDA INITIATIVE

SEC. 901. COORDINATOR OF UNITED STATES GOVERNMENT ACTIVITIES TO IMPLEMENT THE MERIDA INITIATIVE.

(a) DECLARATION OF POLICY.—Congress declares that the Merida Initiative is a Department of State-led initiative which combines the programs of numerous United States Government departments and agencies and

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;

(D) tracking, in coordination with the relevant officials of the Department of Defense and other departments and agencies, United States assistance programs that fulfill the goals of the Merida Initiative or are closely related to the goals of the Merida Initiative, including to the extent possible, tracking information required under the second section 620J of the Foreign Assistance Act of 1961 (22 U.S.C. 2378d) (as added by section 651 of division J of Public Law 110–161) with respect to countries participating in the Merida Initiative; and

(E) consulting with the Attorney General and the Secretary of Homeland Security with respect to the activities of Federal, State, and local law enforcement authorities in the United States relating to the goals of the Merida Initiative, particularly along the United States-Mexico border.

(2) RANK AND STATUS OF THE COORDINATOR.—The Coordinator should have the rank and status of ambassador.

SEC. 902. ADDING THE CARIBBEAN TO THE MERIDA INITIATIVE.

(a) FINDINGS.—Congress finds the following:

(1) The illicit drug trade – which has taken a toll on the small countries of the Caribbean Community (CARICOM) for many years – is now moving even more aggressively into these countries.

(2) A March 2007 joint report by the United Nations Office on Drugs and Crime (UNODC) and the World Bank noted that murder rates in the Caribbean – at 30 per 100,000 population annually – are higher than for any other region of the world and have risen in recent years for many of the region's countries. The report also argues that the strongest explanation for the high crime and violence rates in the Caribbean and their rise in recent years is drug trafficking.

(3) If the United States does not move quickly to provide Merida Initiative assistance to the CARICOM countries, the positive results of the Merida Initiative in Mexico and Central America will move the drug trade deeper into the Caribbean and multiply the already alarming rates of violence.

(b) CONSULTATIONS.—Not later than 60 days after the date of the enactment of this Act, the Secretary of State is authorized to consult with the countries of the Caribbean Community (CARICOM) in preparation for their inclusion into the Merida Initiative.

(c) INCORPORATION OF CARICOM COUNTRIES INTO THE MERIDA INITIATIVE.—The President is authorized to incorporate the CARICOM countries into the Merida Initiative.

SEC. 903. CARICOM COUNTRY DEFINED.

In this title, the term ''CARICOM country'' means a country that has been a full member country of the Caribbean Community (CARICOM) for at least five years or the Dominican Republic, but does not include—

(1) a country having observer or associate status in CARICOM;

(2) a country the government of which the Secretary of State has determined, for purposes of section 6(j) of the Export Administration Act of 1979 (as continued in effect pursuant to the International Emergency Economic Powers Act), section 40 of the Arms Export Control Act, section 620A of the Foreign Assistance Act of 1961, or any other provision of law, is a government that has repeatedly provided support for acts of international terrorism; or

(3) a country that fails to adhere to human rights standards pursuant to sections 116 and 502B(2) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151n and 2304).

SEC. 904. MERIDA INITIATIVE MONITORING AND EVALUATION MECHANISM.

(a) DEFINITIONS.—In this section:

(1) IMPACT EVALUATION RESEARCH.—The term ''impact evaluation research'' means the application of research methods and statistical analysis to measure the extent to which change in a population-based outcome can be attributed to program intervention instead of other environmental factors.

(2) OPERATIONS RESEARCH.—The term ''operations research'' means the application of social science research methods, statistical analysis, and other appropriate scientific methods to judge, compare, and improve policies and program outcomes, from the earliest stages of defining and designing programs through their development and implementation, with the objective of the rapid dissemination of conclusions and concrete impact on programming.

(3) PROGRAM MONITORING.—The term ''program monitoring'' means the collection, analysis, and use of routine program data to determine how well a program is carried out and how much the program costs.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) to successfully support building the capacity of recipient countries' civilian security institutions, enhance the rule of law in recipient countries, and ensure the protection of human rights, the President should establish a program to conduct impact evaluation research, operations research, and program monitoring to ensure effectiveness of assistance provided under the Merida Initiative;

(2) long-term solutions to the security problems of Merida recipient countries depend on increasing the effectiveness and responsiveness of their civilian institutions, including their judicial system;

(3) a specific program of impact evaluation research, operations research, and program monitoring, established at the inception of the program, is required to permit assessment of the operational effectiveness of the impact of United States assistance towards these goals; and

(4) the President, in developing performance measurement methods under the impact evaluation research, operations research, and program monitoring, should consult with the appropriate congressional committees as well as the governments of Merida recipient countries.

(c) IMPACT EVALUATION RESEARCH, OPERATION RESEARCH, AND PROGRAM MONITORING OF ASSISTANCE.—The President shall establish and implement a program to assess the effectiveness of assistance provided under the Merida Initiative through impact evaluation research on a selected set of programmatic interventions, operations research in areas to ensure efficiency and effectiveness of program implementation, and monitoring to ensure timely and transparent delivery of assistance.

(d) REQUIREMENTS.—The program required under subsection (c) shall include—

(1) a delineation of key impact evaluation research and operations research questions for main components of assistance provided under the Merida Initiative;

(2) an identification of measurable performance goals for each of the main components of assistance provided under the Merida Initiative, to be expressed in an objective and quantifiable form at the inception of the program;

(3) the use of appropriate methods, based on rigorous social science tools, to measure program impact and operational efficiency; and

(4) adherence to a high standard of evidence in developing recommendations for adjustments to such assistance to enhance the impact of such assistance.

(e) CONSULTATION WITH CONGRESS.—Not later than 60 days after the date of the enactment of this Act, the President shall brief and consult with the appropriate congressional committees regarding the progress in establishing and implementing the program required under subsection (c).

(f) REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this section and not later than December 1 of each year thereafter, the President shall transmit to the appropriate congressional committees a report regarding programs and activities carried out under the Merida Initiative during the preceding fiscal year.

(2) MATTERS TO BE INCLUDED.—The reports required under this subsection shall include the following:

(A) FINDINGS.—Findings related to the impact evaluation research, operation research, and program monitoring of assistance program established under subsection (c).

(B) COORDINATION.—Efforts of the United States Government to coordinate its activities, including—

(i) a description of all counter-narcotics and organized crime assistance provided to Merida Initiative recipient countries in the previous fiscal year;

(ii) an assessment of how such assistance was coordinated; and

(iii) recommendations for improving coordination.

(C) TRANSFER OF EQUIPMENT.—A description of the transfer of equipment, including—

(I) a description of the progress of each recipient country toward the transfer of equipment, if any, from its armed forces to law enforcement agencies;

(ii) a list of agencies that have used air assets provided by the United States under the Merida Initiative to the government of each recipient country, and, to the extent possible, a detailed description of those agencies that have utilized such air

assets, such as by a percentage breakdown of use by each agency; and

(iii) a description of training of law enforcement agencies to operate equipment, including air assets.

(D) HUMAN RIGHTS.—In accordance with sections 116(d) and 502B(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151n(d) and 2304(b)) and section 504 of the Trade Act of 1974 (19 U.S.C. 2464), an assessment of the human rights impact of the equipment and training provided under the Merida Initiative, including—

(I) a list of accusations of serious human rights abuses committed by the armed forces and law enforcement agencies of recipient countries on or after the date of the enactment of this Act; and

(ii) a description of efforts by the governments of Merida recipient countries to investigate and prosecute allegations of abuses of human rights committed by any agency of such recipient countries.

(E) EFFECTIVENESS OF EQUIPMENT.—An assessment of the long-term effectiveness of the

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

and criminal organizations throughout the Western Hemisphere.

TITLE X—REPORTING REQUIREMENTS

SEC. 1001. REPORT ON UNITED STATES CAPACITIES TO PREVENT GENOCIDE AND MASS ATROCITIES.

(a) STATEMENT OF POLICY AND STRATEGY REQUIRED.—It is the policy of the United States to make the prevention of genocide and mass atrocities wherever they may occur a national priority. Toward this end, the President, in consultation with Congress, shall develop and promulgate a government wide-strategy for effective early warning and preventive action in situations where genocide or mass atrocities may occur, and strengthen preventive diplomacy capacities within the Department of State to prevent and respond to threats of genocide or mass atrocities.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the President shall transmit to the appropriate congressional committees a report on specific plans for the development of a government-wide strategy for preventing genocide and mass atrocities in accordance with subsection (a).

SEC. 1002. REPORTS RELATING TO PROGRAMS TO ENCOURAGE GOOD GOVERNANCE.

(a) IN GENERAL.—Subparagraph (C) of section 133(d)(2) of the Foreign Assistance Act of 1961 (22 U.S.C. 2152c(d)(2)) is amended by inserting at the end before the period the following: ", including, with respect to a country that produces or exports large amounts of natural resources such as petroleum or natural resources, the degree to which citizens of the country have access to information about government revenue from the extraction of such resources and credible reports of human rights abuses against individuals from civil society or the media seeking to monitor such extraction.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to reports required to be transmitted under section 133(d)(2) of the Foreign Assistance Act of 1961, as so amended, on or after the date of the enactment of this Act.

SEC. 1003. REPORTS ON HONG KONG.

Section 301 of the United States-Hong Kong Policy Act of 1992 (Public Law 102–383; 22 U.S.C. 5731) is amended, in the matter preceding paragraph (1), by striking "and March 31, 2006" and inserting "March 31, 2006, and March 31, 2010, and March 31 of every subsequent year through 2020".

SEC. 1004. DEMOCRACY IN GEORGIA.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the development and consolidation of effective democratic governance in Georgia, including free and fair electoral processes, respect for human rights and the rule of law, an independent media, an independent judiciary, a vibrant civil society, as well as transparency and accountability of the executive branch and legislative process, is critically important to Georgia's integration into Euro-Atlantic institutions, stability in the Caucasus region, and United States national security. It is further the sense of Congress that United States should continue to affirm the right of Georgia to exercise sovereignty over all of its territory and the United States should urge the European Union, its member-states, and the entire international community to call for an immediate and complete withdrawal by Russia of its troops now deployed within Georgia and an immediate end of all forms of Russia's support for the separatist regions of Georgia.

(b) REPORT ON DEMOCRACY IN GEORGIA.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and not later than December 31 of each of the two fiscal years thereafter, the Secretary of State shall submit to the Committee on Foreign Affairs of the House 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.

(D) An analysis of the implementation of the United States-Georgia Charter on Strategic Partnership.

(E) An assessment of the security of Georgia from external attack and internal conflict, including any acts by Russia or elements of its military or other agencies that may violate the sovereignty of Georgia or increase the likelihood of renewed conflict in Georgia.

(F) The status of United States diplomatic efforts in support of Georgia's sovereignty, specifically those steps undertaken by the United States to assist Georgia in ensuring those defenses necessary to deter further attacks and steps taken to work with the European Union and its member-states to persuade the Government of Russia to full and immediately withdraw its forces from all of the territory of Georgia and to end all of its forms of support for the separatist regions within Georgia.

SEC. 1005. DIPLOMATIC RELATIONS WITH ISRAEL.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the United States should assist Israel in its efforts to establish diplomatic relations.

(b) REPORT.—Not later than 90 days after the date of the enactment of this Act and annually thereafter, the Secretary of State shall submit to the appropriate congressional committees a report that includes the following information:

(1) Actions taken by representatives of the United States to encourage other countries to establish full diplomatic relations with Israel.

(2) Specific responses solicited and received by the Secretary from countries that do not maintain full diplomatic relations with Israel with respect to their attitudes toward and plans for entering into diplomatic relations with Israel.

(3) Other measures being undertaken, and measures that will be undertaken, by the United States to ensure and promote Israel's full participation in the world diplomatic community.

(c) FORM OF SUBMISSION.—The report required under subsection (b) may be submitted in classified or unclassified form, as the Secretary determines appropriate.

SEC. 1006. POLICE TRAINING REPORT.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the President shall, in coordination with the heads of relevant Federal departments and agencies, conduct a study and transmit to 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.

(5) Provide recommendations, including recommendations related to required resources and actions, to maximize the effectiveness and interagency coordination and the adequate provision of civilian police training programs in countries or regions that are at risk of, in, or are in transition from, conflict or civil strife.

SEC. 1007. REVIEW OF SECURITY ASSISTANCE FOR EGYPT.

(a) DECLARATION OF POLICY.—It shall be the policy of the United States to use its foreign assistance for Egypt, including assistance under the Foreign Military Financing Program, to encourage the advancement of political, economic, and religious liberty in Egypt.

(b) REVIEW OF SECURITY ASSISTANCE FOR EGYPT.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall conduct a study and submit to the appropriate congressional committees a report on United States security assistance to the Government of Egypt.

(2) CONTENTS.—The report submitted under paragraph (1) shall contain—

(A) a description of the strategic objectives of the United States regarding the provision of

security assistance and security cooperation programs to the Government of Egypt;

(B) biennial outlays for United States assistance to the Government of Egypt for the purposes of strategic planning, training, provision of equipment, and construction of facilities, including funding streams;

(C) a description of vetting and end-user monitoring systems in place by both the Government of Egypt and the United States for defense articles and training provided by the United States, including human rights vetting; and

(D) recommendations, including required resources and actions to maximize the effectiveness of United States security assistance to the Government of Egypt.

(3) COORDINATION.—The report submitted under paragraph (1) shall be coordinated with the Secretary of Defense and other relevant agencies.

(c) GOVERNMENT ACCOUNTABILITY OFFICE REPORT.—Not later than 120 days after the date of the submission of the report required under subsection (b), the Comptroller General of the United States shall submit to the appropriate congressional committees a report that—

(1) reviews and comments on the report required under subsection (b); and

(2) provides recommendations regarding any additional necessary actions.

SEC. 1008. REVIEW OF SECURITY ASSISTANCE FOR YEMEN.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall conduct a study and submit to Congress a report on United States security assistance to the Government of Yemen.

(b) CONTENTS.—The report required under subsection (a) shall contain—

(1) a description of the strategic objectives of the United States regarding the provision of security assistance and security cooperation programs to the Government of Yemen;

(2) a threat assessment for Yemen;

(3) biennial outlays for United States assistance to the Government of Yemen for the purposes of strategic planning, training, provision of equipment, and construction of facilities, including funding streams;

(4) a description of vetting and end-user monitoring systems in place by both the Government of Yemen and the United States for defense articles

and training provided by the United States, to include human rights vetting;

(5) a description of actions that the Government of Yemen is taking to combat foreign terrorist organizations; and

(6) recommendations, including required resources and actions to maximize the effectiveness United States security assistance to the Government of Yemen.

(c) COORDINATION.—The report required under subsection (a) shall be coordinated with the Secretary of Defense and other relevant agencies.

(d) GOVERNMENT ACCOUNTABILITY OFFICE REPORT.—Not later than 120 days after the date of the submission of the report required under subsection (a), the Comptroller General of the United States shall submit to Congress a report that—

(1) reviews and comments on such report; and

(2) provides recommendations regarding any additional necessary actions.

SEC. 1009. REVIEW OF SECURITY ASSISTANCE FOR THE GOVERNMENT OF LEBANON.

(a) REQUIREMENT.—Not later than 180 days after the date of the enactment of this Act and annually thereafter in connection with the submission of congressional

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-

anon, the United States, international organizations, and other countries and entities providing security assistance to the Government of Lebanon.

(5) Metrics utilized by the United States Government for measuring whether United States security assistance and security cooperation programs have improved the capacity of the Government of Lebanon's security forces to operate.

(b) CLASSIFIED ANNEX.—The report required under subsection (a) shall be in unclassified form to the maximum extent possible, and may include a classified annex where necessary.

SEC. 1010. REPORT ON ACTIVITIES IN HAITI.

Not later than 180 days after the date of the enactment of this Act, the Director of United States Foreign Assistance, in conjunction with the Secretary of State, shall submit to the appropriate congressional committees a report on the following:

(1) HURRICANE EMERGENCY RECOVERY.—The status of activities in Haiti funded or authorized, in whole or in part, by the Department of State and the United States Agency for International Development (USAID) through assistance appropriated under the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009.

(2) GENERAL ACTIVITIES.—A summary of activities funded or authorized, in whole or in part, by the Department of State and USAID in the previous 12-month period, how such activities are coordinated with the work of the Government of Haiti to provide a safe and prosperous democracy for its citizens, and a description of efforts being made to build the capacity of the Government of Haiti to assume management and implementation of such activities.

(3) COORDINATION.—A description of how United States assistance is coordinated—

(A) among United States departments and agencies; and

(B) with other donors to Haiti, including programs through the United Nations, the Inter-American Development Bank, and the Organization of American States.

(4) BENCHMARKS.—A summary of short-term and long-term objectives for United States assistance to Haiti and metrics that will be used to identify, track, and manage the progress of United States activities in Haiti.

TITLE XI—MISCELLANEOUS PROVISIONS

SEC. 1101. ASSISTANCE TO SUPPORT MEASURES FOR THE REUNIFICATION OF CYPRUS.

(a) ASSISTANCE AUTHORIZED.—The President is authorized to provide assistance under this Act and the Foreign Assistance Act of 1961 to support measures aimed at the reunification of Cyprus.

(b) CONSULTATION.—The President shall, to the maximum extent practicable, consult with the Government of the Republic of Cyprus with respect to the provision of assistance under subsection (a) in order to ensure the transparency of such assistance.

(c) REPORT.—The President shall transmit to the appropriate congressional committees a report on the implementation of this section for each of the fiscal years 2010 and 2011. The report shall include a description of the recipients of assistance under subsection (a), the objectives of the programs and activities for which the assistance is provided, and the role of United States-funded programs and activities in helping achieve the reunification of Cyprus.

(d) AUTHORIZATION OF APPROPRIATIONS.—Of the amounts authorized to be appropriated under this Act and the Foreign Assistance Act of 1961 for development, rec-

onciliation, and cooperation between communities of foreign countries and related purposes, there is authorized to be appropriated to the President such sums as may be necessary for each of the fiscal years 2010 and 2011 to carry out this section.

SEC. 1102. LIMITATION ON ASSISTANCE TO THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA.

(a) FINDINGS.—Congress finds the following:

(1) Greece has demonstrated an enormous good will gesture in agreeing that ''Macedonia'' may be included in the future name of the Former Yugoslav Republic of Macedonia (FYROM) as long as that term is combined with a geographic qualifier that makes it clear that there are no territorial ambitions on the part of the FYROM with regard to the historical boundaries of the Greek province of Macedonia.

(2) The FYROM continues to utilize materials that violate provisions of the United Nations-brokered Interim Agreement between the FYROM and Greece regarding hostile activities or propaganda, and has failed to work with the United Nations and Greece to achieve the longstanding goals of the United States and the United Nations to find a mutually-acceptable, new official name for the FYROM.

(b) SENSE OF CONGRESS.—It is the sense of Congress that amounts authorized to be appropriated under this Act or the Foreign Assistance Act of 1961 for the FYROM should be conditioned on the FYROM's willingness to engage in meaningful discussions with Greece in accordance with United Nations Security Council Resolution 817.

(c) LIMITATION.—None of the funds authorized to be appropriated under this Act or the Foreign Assistance Act of 1961 may be made available to the FYROM for programs and activities that directly or indirectly promote hostile activities or propaganda by state-controlled agencies of the FYROM or encourage acts by private entities likely to incite violence, hatred or hostility, including support for printing and publishing of textbooks, maps, and teaching aids that may include inaccurate information on the histories and geographies of Greece and FYROM.

(d) REPORT.—The President shall transmit to the appropriate congressional committees a report on the implementation of this section for each of the fiscal years 2010 and 2011. The report shall include a description of the recipients of assistance provided to the FYROM under this Act and the Foreign Assistance Act of 1961, the objectives of the programs and activities for which the assistance is provided, and the role of United States-funded pro-

grams and activities in helping achieve an agreement between Greece and the FYROM on an acceptable name for the FYROM.

SEC. 1103. STATEMENT OF POLICY REGARDING THE ECUMENICAL PATRIARCHATE.

(a) FINDINGS.—Congress finds the following:

(1) The Ecumenical Patriarchate is the spiritual home of the world's oldest and second largest Christian Church.

(2) Within the 2,000 year old Sacred See of the Ecumenical Patriarchate, the New Testament was codified and the Nicene Creed was created.

(3) Ecumenical Patriarch Bartholomew is one of the world's preeminent spiritual leaders and peacemakers representing over 300 million Orthodox Christians worldwide.

(4) The disappearance of the Sacred See would mean the end of a crucial link between the Christian and the Muslim world since the continuing presence of the Ecumenical Patriarchate in Turkey is a living testimony of religious co-existence since 1453.

(5) The Ecumenical Patriarchate has a record of reaching out and working for peace and reconciliation amongst all faiths and has fostered dialogue among Christians, Jews, and Muslims.

(6) The Ecumenical Patriarchate co-sponsored the Peace and Tolerance Conference in Istanbul which issued the Bosphorus Declaration that stated, ''A crime committed in the name of religion is a crime against religion.''.

(7) The Ecumenical Patriarch Bartholomew stated in Brussels in 2004, ''The Ecumenical Patriarchate is a supranational ecclesiastical institution . . . which demonstrates religious tolerance as a beautiful reality. For we bear respect toward all of our humans, irrespective of their faith. Without any trace of fanaticism or discrimination on account of differences of religion, we coexist peacefully and in a spirit that honors each and every human being.''.

(8) The Ecumenical Patriarch Bartholomew has called for the admission of Turkey into the European Union because, ''. . . it may provide a concrete example and a powerful symbol of mutually beneficial cooperation between the western and Islamic worlds and put an end to the talk of the clash of civilizations. This in turn would be a true strengthening of Europe and the European ideals that converge with the values of the 'pilgrims of the book' spoken of by the current Prime Minister of Turkey.''.

(9) In 1993 the European Union defined the membership criteria for accession to the European Union at the Copenhagen European Council, obligating candidate countries to have achieved certain levels of reform, including stability of institutions guaranteeing democracy, the rule of law, and human rights, and respect for and protection of minorities.

(10) Under the terms of the draft European Union Constitution, current, and prospective member states should have the goal of eliminating discrimination based on sex, race, color, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age, or sexual orientation.

(11) The Turkish Constitution secures religious rights for all Turkish citizens.

(12) The Government of Turkey has failed to recognize the Ecumenical Patriarchate's international status.

(13) The Government of Turkey has limited to Turkish nationals the candidates available to the Holy Synod of the Greek Orthodox Church for selection as the Ecumenical Patriarchate and reneged on its agreement to reopen the Theological School at

Halki, thus impeding training for the Orthodox clergy in Turkey.

(14) The Government of Turkey has confiscated 75 percent of the Ecumenical Patriarchate properties and has placed a 42 percent retroactive tax on the Balukli Hospital of Istanbul which is operated by the Ecumenical Patriarchate.

(15) The European Council has agreed to open accession negotiations with Turkey, conditional upon the continuation by Turkey of reform processes to increase protection and support for human rights and civil liberties.

(b) STATEMENT OF POLICY.—The United States calls on the Republic of Turkey to—

(1) based on the goals set forth in the draft of the European Union Constitution, eliminate all forms of discrimination, particularly those based on race or religion, and immediately—

(A) grant the Ecumenical Patriarchate appropriate international recognition and ecclesiastic succession;

(B) grant the Ecumenical Patriarchate the right to train clergy of all nationalities, not just Turkish nationals; and

(C) respect the human rights and property rights of the Ecumenical Patriarchate;

(2) pledge to uphold and safeguard religious and human rights without compromise;

(3) continue the achievement of processes and programs to modernize and democratize its society; and

(4) respect international law and the basic tenets of human rights.

SEC. 1104. FREEDOM OF THE PRESS.

(a) SHORT TITLE.—This section may be cited as the ''Daniel Pearl Freedom of the Press Act of 2009''.

(b) INCLUSION OF ADDITIONAL INFORMATION RELATING TO FREEDOM OF THE PRESS WORLDWIDE IN ANNUAL COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES.—The Foreign Assistance Act of 1961 is amended—

(1) in section 116(d) (22 U.S.C. 2151n(d)), as amended by section 333(d) of this Act—

(A) in paragraph (11), by striking ''and'' at the end; and

(B) in paragraph (12), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following new paragraph:

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

"(B) what steps the government of each such country has taken to preserve the safety and independence of the media, and to ensure the prosecution of those individuals who attack or murder journalists.".

(c) FREEDOM OF THE PRESS GRANT PROGRAM.—

(1) IN GENERAL.—The Secretary of State shall administer a grant program with the aim of promoting freedom of the press worldwide. The grant program shall be administered by the Department of State's Bureau of Democracy, Human Rights and Labor in consultation with the Undersecretary for Public Affairs and Public Diplomacy

(2) AMOUNTS AND TIME.—Grants may be awarded to nonprofit and international organizations and may span multiple years, up to five years.

(3) PURPOSE.—Grant proposals should promote and broaden press freedoms by strengthening the independence of journalists and media organizations, promoting a legal framework for freedom of the press, or through providing regionally and culturally relevant training and professionalization of skills to meet international standards in both traditional and digital media.

(d) MEDIA ORGANIZATION DEFINED.—In this section, the term ''media organization'' means a group or organization that gathers and disseminates news and information to the public (through any medium of mass communication) in a foreign country in which the group or organization is located, except that the term does not include a group or organization that is primarily an agency or instrumentality of the government of such foreign country. The term includes an individual who is an agent or employee of such group or organization who acts within the scope of such agency or employment.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 1105. INFORMATION FOR COUNTRY COMMERCIAL GUIDES ON BUSINESS AND INVESTMENT CLIMATES.

(a) IN GENERAL.—The Director General of the Foreign Commercial Service, in consultation with the Assistant Secretary of Commerce for Trade Promotion and the Assistant Secretary of State for Economic, Energy and Business Affairs, should ensure that the annual Country Commercial Guides for United States businesses include—

(1) detailed assessments concerning each foreign country in which acts of unfair business and in-

vestment practices or other actions that have resulted in poor business and investment climates were, in the opinion of the Director General of the Foreign Commercial Service, of major significance;

(2) all relevant information about such unfair business and investment practices or other actions during the preceding year by members of the business community, the judiciary, and the government of such country which may have impeded United States business or investment in such country, including the capacity for United States citizens to operate their businesses without fear of reprisals; and

(3) information on—

(A) the extent to which the government of such country is working to prevent unfair business and investment practices; and

(B) the extent of United States Government action to prevent unfair business and investment practices or other actions that harm United States business or investment interests in relevant cases in such country.

(b) ADDITIONAL PROVISIONS TO BE INCLUDED.—The information required under subsection (a) should, to the extent feasible, include—

(1) with respect to paragraph (1) of such subsection—

(A) a review of the efforts undertaken by each foreign country to promote a healthy business and investment climate that is also conducive to the United States business community and United States investors, including, as appropriate, steps taken in international fora;

(B) the response of the judicial and local arbitration systems of each such country that is the subject of such detailed assessment with respect to matters relating to the business and investment climates affecting United States citizens and entities, or that have, in the opinion of the Director General of the Foreign Commercial Service, a significant impact on United States business and investment efforts; and

(C) each such country's access to the United States market;

(2) with respect to paragraph (2) of such subsection—

(A) any actions undertaken by the government of each foreign country that prevent United States citizens and businesses from receiving equitable treatment;

(B) actions taken by private businesses and citizens of each such country against members of the United States business community and United States investors;

(C) unfair decisions rendered by the legal systems of each such country that clearly benefit State and local corporations and industries; and

(D) unfair decisions rendered by local arbitration panels of each such country that do not exemplify objectivity and do not provide an equitable ground for United States citizens and businesses to address their disputes; and

(3) with respect to paragraph (3) of such subsection, actions taken by the United States Government to—

(A) promote the rule of law;

(B) prevent discriminatory treatment of United States citizens and businesses engaged in business or investment activities in each foreign country;

(C) allow United States goods to enter each such country without requiring a co-production agreement; and

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

consular mission, that is not explained in the most recent Country Commercial Guide for such country.

(e) DEFINITIONS.—In this section:

(1) CO-PRODUCTION AGREEMENT.—The term ''co-production agreement'' means a United States Government or United States business working with a foreign government, foreign company, or an international organization to produce or manufacture an item.

(2) RULE OF LAW.—The term ''rule of law'' means the extent to which laws of a foreign country are publicly promulgated, equally enforced, independently adjudicated, and are consistent with international norms and standards.

(3) UNFAIR BUSINESS AND INVESTMENT PRACTICES.—The term ''unfair business and investment practices'' includes any of the following:

(A) Unlawful actions under international law or the law of the foreign country taken by the government of such country or by businesses, citizens, or other entities of such country that have resulted in lost assets, contracts, or otherwise contributed to an inhospitable business or investment climate.

(B) Discriminatory treatment of United States businesses, whether wholly- or partially-owned.

(C) Failure to protect intellectual property rights.

(D) Requiring a co-production agreement in order for goods from the United States to enter a foreign country.

SEC. 1106. INTERNATIONAL PROTECTING GIRLS BY PREVENTING CHILD MARRIAGE.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) child marriage is a violation of human rights and the prevention and elimination of child marriage should be a foreign policy goal of the United States;

(2) the practice of child marriage undermines United States investments in foreign assistance to promote education and skills building for girls, reduce maternal and child mortality, reduce maternal illness, halt the transmission of HIV/AIDS, prevent gender-based violence, and reduce poverty; and

(3) expanding educational opportunities for girls, economic opportunities for women, and reducing maternal and child mortality are critical to

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 (c) 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-

estinian Authority only during a period for which a certification described in subsection (b) is in effect.

"(b) CERTIFICATION.—A certification described in this subsection is a certification transmitted by the President to Congress that contains a determination of the President that—

"(1) no ministry, agency, or instrumentality of the Palestinian Authority is controlled by a foreign terrorist organization and no member of a foreign terrorist organization serves in a senior policy making position in a ministry, agency, or instrumentality of the Palestinian Authority;

"(2) the Palestinian Authority has—

"(A) publicly acknowledged Israel's right to exist as a Jewish state; and

"(B) recommitted itself and is adhering to all previous agreements and understandings by the Palestine Liberation Organization and the Palestinian Authority with the Government of the United States, the Government of Israel, and the international community, including agreements and understandings pursuant to the Performance-Based Roadmap to a Permanent 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

"(E) ensuring the financial transparency and accountability of all government ministries and operations.

"(c) RECERTIFICATIONS.—Not later than 90 days after the date on which the President transmits to Congress an initial certification under subsection (b), and every six months thereafter—

"(1) the President shall transmit to Congress a recertification that the requirements contained in subsection (b) are continuing to be met; or

"(2) if the President is unable to make such a recertification, the President shall transmit to Congress a report that contains the reasons therefor.

"(d) CONGRESSIONAL NOTIFICATION.—Assistance made available under this Act to the Palestinian Authority may not be provided until 15 days after the date on which the President has provided notice thereof to the appropriate congressional committees in accordance with the procedures applicable to reprogramming notifications under section 634A(a) of this Act.

"(e) EXCEPTION.—

"(1) ASSISTANCE TO SUPPORT THE MIDDLE EAST PEACE PROCESS.—Subsection (a) shall not apply with respect to assistance to the Office of the President of the Palestinian Authority for non-secu-

rity expenses directly related to facilitating a peaceful resolution of the Israeli-Palestinian conflict if the President transmits to Congress a certification that contains a determination of the President that—

"(A) such assistance is critical to facilitating a peaceful resolution of the Israeli-Palestinian conflict;

"(B) the President of the Palestinian Authority is not a member of or affiliated with a foreign terrorist organization and has rejected the use of terrorism to resolve the Israeli-Palestinian conflict;

"(C) such assistance will not be used to provide funds to any individual who is a member of or affiliated with a foreign terrorist organization or who has not rejected the use of terrorism to resolve the Israeli-Palestinian conflict; and

"(D) such assistance will not be retransferred to any other entity within or outside of the Palestinian Authority.

"(2) ADDITIONAL REQUIREMENTS.—Assistance described in paragraph (1) may be provided only if the President—

"(A) determines that the provision of such assistance is important to the national security interests of the United States; and

"(B) not less than 30 days prior to the obligation of amounts for the provision of such assistance—

"(i) consults with the appropriate congressional committees regarding the specific programs, projects, and activities to be carried out using such assistance; and

"(ii) submits to the appropriate congressional committees a written memorandum that contains the determination of the President under subparagraph (A).

"(f) DEFINITIONS.—In this section:

"(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term 'appropriate congressional committees' means—

"(A) the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives; and

"(B) the Committee on Foreign Relations and the Committee on Appropriations of the Senate.

"(2) FOREIGN TERRORIST ORGANIZATION.—The term 'foreign terrorist organization' means an organization designated as a foreign terrorist organization by the Secretary of State in accordance with section 219(a) of the Immigration and Nationality Act (8 U.S.C. 1189(a)).

"(3) PALESTINIAN AUTHORITY.—The term 'Palestinian Authority' means the interim Palestinian administrative organization that governs part of the West Bank and all of the Gaza Strip (or any successor Palestinian governing entity), including the Palestinian Legislative Council.".

(b) APPLICABILITY TO UNEXPENDED FUNDS.—Section 620K of the Foreign Assistance Act of 1961, as amended by subsection (a), applies with respect to unexpended funds obligated for assistance under the Foreign Assistance Act of 1961 to the Palestinian Authority before the date of the enactment of this Act.

(c) SENSE OF CONGRESS.—It is the sense of Congress that the President should be guided by the principles and procedures described in section 620K of the Foreign Assistance Act of 1961, as amended by subsection (a), in providing direct assistance to the Palestinian Authority under any provision of law other than the Foreign Assistance Act of 1961.

SEC. 1109. JORDAN CIVILIAN NUCLEAR COOPERATION AGREEMENT.

(a) FINDINGS.—Congress finds the following:

(1) For many decades, the United States and Jordan have maintained a strong and mutually-supportive relationship on a range of regional and international issues, especially the creation of a moderate, prosperous, and stable Middle East. Jordan's support for the Israeli-Palestinian peace process and its efforts to halt Iran's nuclear weapons program have been especially useful.

(2) The importance of the relationship between the United States and Jordan has increased in recent years with Jordan's role as a vital United States ally in the effort to stabilize Iraq and our strengthened military and intelligence cooperation. Jordan has also demonstrated a long-standing commitment to combating terror financing and implementing effective export controls and customs enforcement mechanisms.

(3) Jordan's assistance to efforts by the United States and other countries to halt Iran's nuclear weapons program, its safeguards agreement with the International Atomic Energy Agency, its adherence to the Additional Protocol to that safeguards agreement, and its agreement with the United States to

construct a modern storage facility for Jordan's nuclear waste monitored in strict accordance with IAEA guidelines, has demonstrated Jordan's commitment to nuclear nonproliferation, including opposition to the enrichment and reprocessing of nuclear materials that could be diverted to military uses.

(4) Given Jordan's legitimate energy needs and its desire to benefit from its large deposits of uranium, as well as the potential for significant commercial opportunities for the United States nuclear sector, a nuclear cooperation agreement between the United States and Jordan would be of significant benefit to both countries.

(5) Given Jordan's long-established record as a reliable ally of the United States, its efforts to combat terrorism, and its commitment to promoting peace and stability with Israel and throughout the region, a nuclear cooperation agreement between it and the United States could serve as a model for similar agreements with other countries throughout the Middle East.

(b) STATEMENT OF POLICY.—It shall be the policy of the United States to—

(1) establish an agreement on peaceful nuclear cooperation with Jordan pursuant to section 123 of the Atomic Energy Act of 1954; and

(2) ensure that any United States-Jordan nuclear cooperation agreement is based on whether Jordan has—

(A) developed and fully implemented an effective export control regime;

(B) developed and fully implemented the necessary legislative and functional actions to effectively combat the logistical and financial networks that support terrorist organizations;

(C) cooperated with the United States in identifying, preventing, disrupting, and prosecuting entities and individuals that assist Iran's procurement of nuclear goods, services, or technology and entities affiliated with the Iranian Revolutionary Guard Corps; and

(D) permanently renounced the enrichment or reprocessing of nuclear materials and has undertaken all measures, including unrestricted inspection of its facilities by the International Atomic Energy Agency, that are necessary to ensure that no clandestine programs exist.

SEC. 1110. UNITED STATES CONTRIBUTIONS TO THE INTERNATIONAL TRUST FUND FOR DEMINING AND MINE VICTIMS ASSISTANCE.

Of the amounts authorized to be appropriated for nonproliferation, anti-terrorism, demining and related programs and activities, there is authorized to be appropriated $12,000,000 for each of the fiscal years 2010 and 2011 for United States contributions to the International Trust Fund for Demining and Mine Victims Assistance for the removal of landmines, mine victim assistance programs, mine risk education programs, and conventional weapons destruction.

SEC. 1111. TRANSFER OF LIQUIDATED ASSETS OF CERTAIN ENTERPRISE FUNDS TO LEGACY INSTITUTIONS.

(a) TRANSFER OF LIQUIDATED ASSETS.—

(1) TO LEGACY INSTITUTIONS.—The President, acting through the Administrator of the United States Agency for International Development, shall instruct each Enterprise Fund described in subsection (b) to make available to the legacy institution of the Enterprise Fund not more than 50 percent of all assets from the liquidation, dissolution, or winding up of the Enterprise Fund.

(2) TO U.S. TREASURY.—Not less than 50 percent 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-

national Development of appropriate and regular oversight procedures for the legacy institution, to include regular reports by the legacy institution regarding its programs and operations, expenditures for salary and travel costs, personnel appointment procedures and personnel benefits programs, and the value at the time of reporting of the assets held by the legacy institution.

(d) LEGACY INSTITUTION DEFINED.—For purposes of this section, the term ''legacy institution'' means a non-profit foundation established to carry out successor programs and activities in the country or countries for which an Enterprise Fund was established by the United States after that Enterprise Fund has agreed with the United States Agency for International Developments on the termination and winding up of its operations. The non-profit foundation shall have as its objectives the promotion of civil society, rule of law, democracy, transparency of governance, and economic reform in the country or countries for which the Enterprise Fund was established by the United States.

SEC. 1112. SENSE OF CONGRESS ON RESTRICTIONS ON RELIGIOUS FREEDOM IN VIETNAM.

(a) FINDINGS.—Congress finds the following:

(1) The Secretary of State, under the International Religious Freedom Act of 1998 (22 U.S.C.

6401 et seq.) and authority delegated by the President, designates nations found guilty of ''particularly severe violations of religious freedom'' as ''Countries of Particular Concern''.

(2) In November 2006, the Secretary of State announced that the Socialist Republic of Vietnam was no longer designated as a ''Country of Particular Concern''.

(3) The Unified Buddhist Church of Vietnam (UBCV), the Hoa Hao Buddhists, and the Cao Dai groups continue to face unwarranted abuses because of their attempts to organize independently of the Government of Vietnam, including the detention and imprisonment of individual members of these religious communities.

(4) Over the last 3 years, 18 Hoa Hao Buddhists have been arrested for distributing sacred texts or publically protesting the religious restrictions placed on them by the Government of Vietnam, at least 12 remain in prison, including 4 sentenced in 2007 for staging a peaceful hunger strike.

(5) At least 15 individuals are being detained in long term house arrest for reasons relating to their faith, including the most venerable Thich Quang Do and most of the leadership of the UBCV.

(6) According to Human Rights Watch, ''In April 2008 Montagnard Christian Y Ben Hdok was beaten to death while in police custody in Dak Lak after other Montagards in his district tried to flee to Cambodia to seek political asylum.''.

(7) According to the United States Commission on International Religious Freedom 2009 Annual Report, religious freedom advocates and human rights defenders Nguyen Van Dai, Le Thi Cong Nhan, and Fr. Thaddeus Nguyen Van Ly are in prison under Article 88 of the Criminal Code of Vietnam and Fr. Nguyen Van Loi is being held without official detention orders under house arrest.

(8) In February 2009, as many as 11 Montagnard Protestants were detained for refusing to join the officially recognized Southern Evangelical Church of Vietnam, and 2 still remain in prison.

(9) Since August 2008, the Government of Vietnam has arrested and sentenced at least eight individuals and beaten, tear-gassed, harassed, publicly slandered, and threatened Catholics engaged in peaceful activities seeking the return of Catholic Church properties confiscated by the Vietnamese Government after 1954 in Hanoi, including in the Thai Ha parish.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Secretary of State should place Vietnam on the list of ''Countries of Particular Concern'' for particularly severe violations of religious freedom; and

(2) the Government of Vietnam should lift restrictions on religious freedom and implement necessary legal and political reforms to protect religious freedom.

SEC. 1113. SENSE OF CONGRESS ON HOLOCAUST-ERA PROPERTY RESTITUTION AND COMPENSATION.

It is the sense of Congress that—

(1) countries in Central and Eastern Europe which have not already done so—

(A) should return looted and confiscated properties to their rightful owners or, where restitution is not possible, pay equitable compensation to the rightful owners, in accordance with principles of justice and in a manner that is expeditious, transparent, and fair; and

(B) should enact and implement appropriate restitution and compensation laws to effectively facilitate private, communal, and reli-

gious property restitution in a manner that is expeditious, transparent and fair; and

(2) the Secretary of State should urge all governments of countries whose domestic insurance companies have not done an adequate job of settling Holocaust-era insurance policies and disclosing the names of policy owners to enact and implement necessary laws to resolve these remaining matters.

SEC. 1114. EFFORTS TO SECURE THE FREEDOM OF GILAD SHALIT.

It is the sense of Congress that Israeli soldier Gilad Shalit, who has been held captive continuously since his illegal abduction by Gazan kidnappers in 2006, should be safely released at the earliest possible time and that, pending his release, the International Committee of the Red Cross should be granted full access to him, in accordance with international law and civilized values.

TITLE XII—ISRAEL

SEC. 1201. FOREIGN MILITARY FINANCING FOR ISRAEL.

[(a) SENSE OF CONGRESS.—It is the sense of Congress that the United States should continue to support the August 2007 announcement that it would increase United States military assistance to Israel by $6 billion through incremental $150 million annual increases in Foreign Military Financing to Israel, starting at $2.55 billion

in fiscal year 2009 and reaching $3.15 billion by 2013 through 2018.]

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the President for grant assistance to Israel under section 23 of the Arms Export Control Act (22 U.S.C. 2763; relating to the Foreign Military Financing Program) such sums as may be necessary for each of fiscal years 2010 and 2011.

SEC. 1202. SUPPORT TO ISRAEL FOR MISSILE DEFENSE.

(a) STATEMENT OF POLICY.—It shall be the policy of the United States to—

(1) provide for deployment as soon as is technologically possible of effective missile defense systems capable of defending Israel and all member nations of the North Atlantic Treaty Organization against ballistic missile attack from Iran, Syria and other potential threats; and

(2) fully resource and expand the ballistic missile defense system of the United States to fully integrate with the defenses of Israel to provide robust, layered protection against ballistic missile, and medium and short range projectile attack.

(b) AUTHORIZATION OF ASSISTANCE.—Of the amounts authorized to be appropriated to carry out this Act, there are authorized to be appropriated such sums

as may be necessary for co-development of joint ballistic missile, medium and short-range projectile defense projects with Israel, including—

(1) complete accelerated co-production of Arrow missiles and continued integration with the ballistic missile defense system of the United States;

(2) system development of the Missile Defense Agency and Israel Missile Defense Organization joint program to develop a short-range ballistic missile defense capability, David's Sling weapon system, and integrate the weapon system with the ballistic missile defense system and force protection efforts of the United States; and

(3) research, development, and test and evaluation of the Iron Dome short-range projectile defense system.

(c) REPORT AND STRATEGY.—

(1) REQUIREMENT.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter in connection with the submission of congressional presentation materials for the foreign operations appropriations and defense appropriations budget request, the Secretary of State, in consultation with the Secretary of Defense, shall submit to the appropriate congressional committees

a report regarding the activities authorized under subsection (b)(1).

(2) CLASSIFIED ANNEX.—The report required under paragraph (1) shall be submitted in unclassified form to the maximum extent practicable, but may include a classified annex, if necessary.

(3) DEFINITION OF APPROPRIATE CONGRESSIONAL COMMITTEES.—In this subsection, the term ''appropriate congressional committees'' means—

(A) the Committee on Foreign Affairs and the Committee on Armed Services of the House of Representatives; and

(B) the Committee on Foreign Relations and the Committee on Armed Services in the Senate.

SEC. 1203. UNITED STATES-ISRAEL CIVILIAN NUCLEAR COOPERATION AGREEMENT.

(a) FINDINGS.—Congress finds the following:

(1) The United States and Israel are robust democracies, with a deeply-rooted alliance that is based on a shared commitment to freedom, the promotion of human rights and dignity, and the determination to secure a just and lasting peace in the Middle East.

(2) The cooperation between the United States and Israel on political, military, intelligence, and economic matters is among the strongest of all of United States allies.

(3) Israel's economic well-being and security require a guaranteed source of energy, which can be supplied through the use of peaceful nuclear power. Israel's role as a key ally in the Middle East ensures that the United States will have a strong and continuing interest in enhancing that well-being and security.

(b) STATEMENT OF POLICY.—It shall be the policy of the United States to secure an agreement on peaceful nuclear cooperation with Israel pursuant to section 123 of the Atomic Energy Act of 1954.

SEC. 1204. UNITED STATES SUPPORT FOR ISRAEL IN THE ORGANIZATION FOR ECONOMIC COOPERATION AND DEVELOPMENT.

It shall be the policy of the United States to support and advocate for Israel's accession to the OECD, including through coordination of efforts with other countries supportive of Israel's membership in the OECD.

SEC. 1205. RECOGNITION OF JERUSALEM AS THE CAPITAL OF THE STATE OF ISRAEL AND RELOCATION OF THE UNITED STATES EMBASSY TO JERUSALEM.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) Jerusalem must remain an undivided city in which the rights of every ethnic and religious group are protected as they have been by Israel since 1967;

(2) the President and the Secretary of State should publicly affirm as a matter of United States policy that Jerusalem must remain the undivided capital of the State of Israel;

(3) the President should immediately implement the provisions of Jerusalem Embassy Act of 1995 (Public Law 104–45) and begin the process of relocating the United States Embassy in Israel to Jerusalem; and

(4) United States officials should refrain from any actions that contradict United States law on this subject.

(b) REMOVAL OF WAIVER AUTHORITY.—The Jerusalem Embassy Act of 1995 (Public Law 104–45) is amended—

(1) by striking section 7; and

(2) by redesignating section 8 as section 7.

(c) IDENTIFICATION OF JERUSALEM ON GOVERNMENT DOCUMENTS.—Notwithstanding any other provision of law, any official document of the United States Government which lists countries and their capital cities shall identify Jerusalem as the capital of Israel.

(d) TIMETABLE.—

(1) STATEMENT OF POLICY.—It is the policy of the United States that the United States Embassy in Israel should be established in Jerusalem as soon as possible, and not later than January 1, 2012.

(2) OPENING DETERMINATION.—Not more than 50 percent of the funds appropriated to the Department of State for fiscal year 2012 for ''Acquisition and Maintenance of Buildings Abroad'' may be obligated until the Secretary of State determines and reports to Congress that the United States Embassy in Jerusalem has officially opened.

(e) FISCAL YEARS 2010 AND 2011 FUNDING.—

(1) FISCAL YEAR 2010.—Of the funds authorized to be appropriated for ''Acquisition and Maintenance of Buildings Abroad'' for the Department of State for fiscal year 2010, such sums as may be necessary should be made available until expended only for construction and other costs associated with the

establishment of the United States Embassy in Israel in the capital of Jerusalem.

(2) FISCAL YEAR 2011.—Of the funds authorized to be appropriated for ''Acquisition and Maintenance of Buildings Abroad'' for the Department of State for fiscal year 2011, such sums as may be necessary should be made available until expended only for construction and other costs associated with the establishment of the United States Embassy in Israel in the capital of Jerusalem.

(f) DEFINITION.—As used in this Act, the term ''United States Embassy'' means the offices of the United States diplomatic mission and the residence of the United States chief of mission.

TITLE XIII—IRAN REFINED PETROLEUM SANCTIONS

SEC. 1301. SHORT TITLE.

This title may be cited as the ''Iran Refined Petroleum Sanctions Act of 2009''.

SEC. 1302. AMENDMENTS TO THE IRAN SANCTIONS ACT OF 1996.

(a) EXPANSION OF SANCTIONS.—Section 5(a) of the Iran Sanctions Act of 1996 (50 U.S.C. 1701 note) is amended to read as follows:

"(a) SANCTIONS WITH RESPECT TO THE DEVELOPMENT OF PETROLEUM RESOURCES OF IRAN AND EXPORTATION OF REFINED PETROLEUM TO IRAN.—

"(1) DEVELOPMENT OF PETROLEUM RESOURCES OF IRAN.—

"(A) INVESTMENT.—Except as provided in subsection (f), the President shall impose 2 or more of the sanctions described in paragraphs (1) through (6) of section 6(a) if the President determines that a person has, with actual knowledge, on or after the date of the enactment of this Act, made an investment of $20,000,000 or more (or any combination of investments of at least $5,000,000 each, which in the aggregate equals or exceeds $20,000,000 in any 12-month period), that directly and significantly contributed to the enhancement of Iran's ability to develop petroleum resources of Iran.

"(B) PRODUCTION OF REFINED PETROLEUM RESOURCES.—Except as provided in subsection (f), the President shall impose the sanctions described in section 6(b) (in addition to any sanctions imposed under subparagraph (A)) if the President determines that a person has, with actual knowledge, on or after the date of

the enactment of the Iran Refined Petroleum Sanctions Act of 2009, sold, leased, or provided to Iran any goods, services, technology, information, or support that would allow Iran to maintain or expand its domestic production of refined petroleum resources, including any assistance in refinery construction, modernization, or repair.

''(2) EXPORTATION OF REFINED PETROLEUM RESOURCES TO IRAN.—Except as provided in subsection (f), the President shall impose the sanctions described in section 6(b) if the President determines that a person has, with actual knowledge, on or after the date of the enactment of the Iran Refined Petroleum Sanctions Act of 2009, provided Iran with refined petroleum resources or engaged in any activity that could contribute to the enhancement of Iran's ability to import refined petroleum resources, including—

''(A) providing ships or shipping services to deliver refined petroleum resources to Iran;

''(B) underwriting or otherwise providing insurance or reinsurance for such activity; or

''(C) financing or brokering such activity.''.

(b) DESCRIPTION OF SANCTIONS.—Section 6 of such Act is amended—

(1) by striking ''The sanctions to be imposed on a sanctioned person under section 5 are as follows:'' and inserting the following:

''(a) IN GENERAL.—The sanctions to be imposed on a sanctioned person under subsections (a)(1)(A) and (b) of section 5 are as follows:''; and

(2) by adding at the end the following:

''(b) ADDITIONAL SANCTIONS.—The sanctions to be imposed on a sanctioned person under paragraphs (1)(B) and (2) of section 5(a) are as follows:

''(1) FOREIGN EXCHANGE.—The President shall, under such regulations as the President may prescribe, prohibit any transactions in foreign exchange by the sanctioned person.

''(2) BANKING TRANSACTIONS.—The President shall, under such regulations as the President may prescribe, prohibit any transfers of credit or payments between, by, through, or to any financial institution, to the extent that such transfers or payments involve any interest of the sanctioned person.

''(3) PROPERTY TRANSACTIONS.—The President shall, under such regulations as the President may prescribe, prohibit any acquisition, holding,

withholding, use, transfer, withdrawal, transportation, importation, or exportation of, dealing in, or exercising any right, power, or privilege with respect to, or transactions involving, any property in which the sanctioned person has any interest by any person, or with respect to any property, subject to the jurisdiction of the United States.''.

(c) PRESIDENTIAL WAIVER.—Section 9(c)(2) of such Act is amended by amending subparagraph (C) to read as follows:

''(C) an estimate of the significance of the provision of the items described in paragraph (1) or (2) of section 5(a) or section 5(b) to Iran's ability to develop its petroleum resources, to maintain or expand its domestic production of refined petroleum resources, to import refined petroleum resources, or to develop its weapons of mass destruction or other military capabilities (as the case may be); and''.

(d) STRENGTHENING OF WAIVER AUTHORITY AND SANCTIONS IMPLEMENTATION.—

(1) INVESTIGATIONS.—Section 4(f) of the Iran Sanctions Act of 1996 (50 U.S.C. 1701 note) is amended—

(A) in paragraph (1)—

(i) by striking ''should initiate'' and inserting ''shall immediately initiate'';

(ii) by inserting ''or 5(b)'' after ''section 5(a)''; and

(iii) by striking ''as described in such section'' and inserting ''as described in section 5(a)(1) or other activity described in section 5(a)(2) or 5(b) (as the case may be)'';

(B) in paragraph (2), by striking '', pursuant to section 5(a), if a person has engaged in investment activity in Iran as described in such section'' and inserting '', pursuant to section 5(a) or (b) (as the case may be), if a person has engaged in investment activity in Iran as described in section 5(a)(1) or other activity described in section 5(a)(2) or 5(b) (as the case may be)''; and

(C) by adding at the end the following new paragraph:

''(3) DEFINITION OF CREDIBLE INFORMATION.—For the purposes of this subsection, the term 'credible information' means public or classified information or reporting supported by other substantiating evidence.''.

(2) EXCEPTION FOR PROLIFERATION SECURITY INITIATIVE.—Section 5(f) of the Iran Sanctions Act of 1996 (50 U.S.C. 1701 note) is amended—

(A) in paragraph (6), by striking ''or'' at the end;

(B) in paragraph (7), by striking the period at the end and inserting ''; or''; and

(C) by adding at the end the following new paragraph:

''(8) if the President determines in writing that the person to which the sanctions would otherwise be applied is—

''(A) a citizen or resident of a country that is a participant in the Proliferation Security Initiative; or

''(B) a foreign person that is organized under the laws of a country described in subparagraph (A) and is a subsidiary of a United States person.''.

(3) GENERAL WAIVER AUTHORITY.—Section 9(c)(1) of the Iran Sanctions Act of 1996 (50 U.S.C. 1701 note) is amended by striking ''important to the national interest of the United States'' and inserting ''vital to the national security interest of the United States''.

(4) RULE OF CONSTRUCTION.—The amendments made by this subsection shall not be construed to affect any exercise of the authority of section 4(f) or section 9(c) of the Iran Sanctions Act of 1996 as in effect on the day before the date of the enactment of this Act.

(e) REPORTS ON UNITED STATES EFFORTS TO CURTAIL CERTAIN BUSINESS TRANSACTIONS RELATING TO IRAN.—Section 10 of such Act is amended by adding at the end the following:

"(d) REPORTS ON CERTAIN BUSINESS TRANSACTIONS RELATING TO IRAN.—

"(1) IN GENERAL.—Not later than 90 days after the date of the enactment of the Iran Refined Petroleum Sanctions Act of 2009, and every 6 months thereafter, the President shall submit a report to the appropriate congressional committees regarding any person who has—

"(A) provided Iran with refined petroleum resources;

"(B) sold, leased, or provided to Iran any goods, services, or technology that would allow Iran to maintain or expand its domestic production of refined petroleum resources; or

"(C) engaged in any activity that could contribute to the enhancement of Iran's ability to import refined petroleum resources.

"(2) DESCRIPTION.—For each activity set forth in subparagraphs (A) through (C) of paragraph (1), the President shall provide a complete and detailed description of such activity, including—

"(A) the date or dates of such activity;

"(B) the name of any persons who participated or invested in or facilitated such activity;

"(C) the United States domiciliary of the persons referred to in subparagraph (B);

"(D) any Federal Government contracts to which the persons referred to in subparagraph (B) are parties; and

"(E) the steps taken by the United States to respond to such activity.

"(3) FORM OF REPORTS; PUBLICATION.—The reports required under this subsection shall be—

"(A) submitted in unclassified form, but may contain a classified annex; and

"(B) published in the Federal Register.".

(f) CLARIFICATION AND EXPANSION OF DEFINITIONS.—Section 14 of such Act is amended—

(1) in paragraph (13)(B)—

(A) by inserting ''financial institution, insurer, underwriter, guarantor, any other business organization, including any foreign subsidiary, parent, or affiliate of such a business organization,'' after ''trust,''; and

(B) by inserting '', such as an export credit agency'' before the semicolon at the end; and

(2) by amending paragraph (14) to read as follows:

''(14) PETROLEUM RESOURCES.—

''(A) IN GENERAL.—The term 'petroleum resources' includes petroleum, petroleum by-products, oil or liquefied natural gas, oil or liquefied natural gas tankers, and products used to construct or maintain pipelines used to transport oil or compressed or liquefied natural gas.

''(B) PETROLEUM BY-PRODUCTS.—The term 'petroleum by-products' means gasoline, kerosene, distillates, propane or butane gas, diesel fuel, residual fuel oil, and other goods classified in headings 2709 and 2710 of the Harmonized Tariff Schedule of the United States.''.

(g) CONFORMING AMENDMENTS.—

(1) MULTILATERAL REGIME.—Section 4 of such Act is amended—

(A) in subsection (b)(2), by striking ''(in addition to that provided in subsection (d))''; and

(B) by striking subsection (d) and redesignating subsections (e) and (f) as subsections (d) and (e), respectively.

(2) IMPOSITIONS OF SANCTIONS.—Section 5(b) of such Act is amended by striking ''section 6'' and inserting ''section 6(a)''.

TITLE XIV—LIMITATION ON NUCLEAR COOPERATION WITH THE UNITED ARAB EMIRATES

SEC. 1401. SHORT TITLE.

This title may be cited as the ''Limitation on Nuclear Cooperation with the United Arab Emirates Act of 2009''.

SEC. 1402. DEFINITIONS.

In this title:

(1) GOVERNMENT OF THE UNITED ARAB EMIRATES.—

(A) IN GENERAL.—The term ''Government of the United Arab Emirates'' includes the government of any subdivision of the United Arab

Emirates, and any agency or instrumentality of the Government of the United Arab Emirates.

(B) AGENCY OR INSTRUMENTALITY.—For purposes of subparagraph (A), the term ''agency or instrumentality of the Government of the United Arab Emirates'' means an agency or instrumentality of a foreign state as defined in section 1603(b) of title 28, United States Code, with each reference in such section to ''a foreign state'' deemed to be a reference to ''the United Arab Emirates''.

(2) GOVERNMENT OF IRAN.—

(A) IN GENERAL.—The term ''Government of Iran'' includes the government of any subdivision of Iran, and any agency or instrumentality of the Government of Iran.

(B) AGENCY OR INSTRUMENTALITY.—For purposes of subparagraph (A), the term ''agency or instrumentality of the Government of Iran'' means an agency or instrumentality of a foreign state as defined in section 1603(b) of title 28, United States Code, with each reference in such section to ''a foreign state'' deemed to be a reference to ''Iran''.

(3) NATIONAL OF THE UNITED ARAB EMIRATES.—The term ''national of the United Arab Emirates'' means—

(A) any citizen of the United Arab Emirates; or

(B) any other legal entity that is organized under the laws of the United Arab Emirates.

(4) NATIONAL OF IRAN.—The term ''national of Iran'' means—

(A) any citizen of Iran; or

(B) any other legal entity that is organized under the laws of Iran.

SEC. 1403. RESTRICTION ON NUCLEAR COOPERATION WITH THE UNITED ARAB EMIRATES.

(a) RESTRICTION ON NUCLEAR COOPERATION AGREEMENT.—Notwithstanding any other provision of law or any international agreement, no agreement for cooperation between the United States of America and the United Arab Emirates pursuant to section 123 of the Atomic Energy Act of 1954 (42 U.S.C. 2153) may enter into force on or after the date of the enactment of this Act unless not less than 30 legislative days prior to such entry into force the President certifies to the appropriate congressional committees that the requirements of subsection (c) have been met.

1 (b) RESTRICTION ON EXPORTS OF NUCLEAR MATE-
2 RIAL, EQUIPMENT, OR TECHNOLOGY.—No license may be
3 issued for the export of nuclear material, equipment, or
4 technology to the United Arab Emirates pursuant to an
5 agreement for cooperation between the United States of
6 America and the United Arab Emirates pursuant to sec-
7 tion 123 of the Atomic Energy Act of 1954 (42 U.S.C.
8 2153) for any fiscal year beginning after the date of the
9 enactment of this Act unless not less than 30 legislative
10 days prior to the issuance of such license the President
11 certifies to the appropriate congressional committees for
12 such fiscal year that the requirements of subsection (c)
13 have been met.
14 (c) REQUIREMENTS.—The requirements referred to
15 in this subsection are the following:
16 (1) The Government of the United Arab Emir-
17 ates has taken, and is continuing to take, effective
18 actions to prohibit, terminate, and prevent the trans-
19 fer of goods, services, or technology to the Govern-
20 ment of Iran, including fully implementing United
21 Nations Security Council sanctions against Iran.
22 (2) For the preceding 12-month period—
23 (A) there has been no cooperation with re-
24 spect to any activity described in paragraph (1)
25 between the Government of the United Arab

Emirates and the Government of Iran, any national of Iran, or any Iranian-controlled entity based on all credible information available to the United States at the time of the certification;

(B)(i) there has been no cooperation with respect to any activity described in paragraph (1) between any national of the United Arab Emirates and the Government of Iran, any national of Iran, or any Iranian-controlled entity based on all credible information available to the United States at the time of the certification; or

(ii) the Government of the United Arab Emirates has—

(I) terminated all cooperation between any such United Arab Emirates national and the Government of Iran, any such Iranian national, or any such Iranian-controlled entity;

(II) instituted effective measures to prevent a reoccurrence of any such cooperation; and

(III) prosecuted any such United Arab Emirates national; and

(C) the Government of the United Arab Emirates has not engaged in or condoned activities that violate—

(i) the Iran Sanctions Act of 1996, including Executive Orders 12957, 12959, 13059 and other executive orders issued pursuant to such Act;

(ii) the Iran, North Korea, and Syria Nonproliferation Act; and

(iii) other provisions of applicable United States law.

(3) The Government of the United Arab Emirates—

(A) has developed and fully implemented an export control regime in accordance with international standards;

(B) has developed and implemented the appropriate or necessary legislative and functional actions to target the logistical and financial networks that support terrorist organizations; and

(C) has cooperated with the United States in identifying, preventing, disrupting and, where appropriate, prosecuting entities and individuals that assist Iran's procurement of

goods, services, or technology, and entities affiliated with the Iranian Revolutionary Guard Corps.

(d) GOODS, SERVICES, OR TECHNOLOGY DEFINED.—

(1) IN GENERAL.—Except as provided in paragraph (2), in this section, the term ''goods, services, or technology'' means—

(A) goods, services, or technology listed on—

(i)(I) the Nuclear Suppliers Group Guidelines for the Export of Nuclear Material, Equipment and Technology (published by the International Atomic Energy Agency as Information Circular INFCIRC/254/Rev. 8/Part 1, and subsequent revisions) and Guidelines for Transfers of Nuclear-Related Dual-Use Equipment, Material, and Related Technology (published by the International Atomic Energy Agency as Information Circular INFCIRC/254/Rev. 7/Part 2, and subsequent revisions);

(II) the Missile Technology Control Regime Equipment and Technology Annex of June 11, 1996, and subsequent revisions;

(III) the lists of items and substances relating to biological and chemical weapons the export of which is controlled by the Australia Group;

(IV) the Schedule One or Schedule Two list of toxic chemicals and precursors the export of which is controlled pursuant to the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction;

(V) the Wassenaar Arrangement list of Dual Use Goods and Technologies and Munitions list of July 12, 1996, and subsequent revisions;

(VI) the United States Munitions List under section 38 of the Arms Export Control Act (22 U.S.C. 2778) for which special export controls are warranted under such Act (22 U.S.C. 2751 3 et seq.); or

(VII) the Commerce Control List maintained under part 774 of title 15, Code of Federal Regulations; or

(B) goods, services, or technology not listed on any list identified in subparagraph (A)

but which nevertheless would be, if they were United States goods, services, or technology, prohibited for export to Iran because of their potential to make a material contribution to the development of nuclear, biological, or chemical weapons, or of ballistic or cruise missile systems.

(2) EXCLUSION.—The term ''goods, services, or technology'' does not include goods, services, or technology that are directly related to the operation of the Bushehr nuclear power reactor.

TITLE XV—HOLOCAUST INSURANCE ACCOUNTABILITY

SEC. 1601. SHORT TITLE.

This title may be cited as the ''Holocaust Insurance Accountability Act of 2009''.

SEC. 1602. VALIDITY OF STATE LAWS.

(a) VALIDITY OF LAWS CREATING CAUSE OF ACTION.—Any State law creating a cause of action against any insurer or related company based on a claim arising out of or related to a covered policy shall not be invalid or preempted by reason of any Executive agreement between the United States and any foreign country.

(b) VALIDITY OF LAWS REQUIRING DISCLOSURE OF INFORMATION.—Any State law that is enacted on or after

March 1, 1998, and that requires an insurer doing business in that State, including any related company, to disclose information regarding any covered policy shall be deemed to be in effect on the date of the enactment of such law and shall not be invalid or preempted by reason of any Executive agreement between the United States and any foreign country.

(c) WAIVER.—The President may waive the application of subsection (a) or (b) with respect to any Executive agreement that is entered into between the United States and a foreign country on or after the date of the enactment of this Act and that involves covered policies if, not later than 30 legislative days before the signing of the Executive agreement—

(1) the President determines that the Executive agreement is vital to the national security interests of the United States; and

(2) the President provides to the appropriate congressional committees a report explaining the reasons for such determination.

(d) STATEMENTS OF INTEREST.—No funds may be used by the Department of State, or any other department or agency of the United States, for the purpose of issuing a statement of interest seeking to encourage a court in

the United States to dismiss any claim brought to recover compensation arising out of or related to a covered policy.

(e) STATUTE OF LIMITATIONS.—No court may dismiss a claim that is brought under a State law described in subsection (a) or (b) within 10 years after the date of the enactment of this Act on the ground that the claim is barred under any statute of limitations.

SEC. 1603. APPLICABILITY.

This title shall apply to any claim that is brought, before, on, or after the date of the enactment of this Act, under a State law described in subsection (a) or (b), including—

(1) any claim dismissed, before the date of the enactment of this Act, on the ground of executive preemption; and

(2) any claim that is deemed released as a result of the settlement of a class action that was entered into before the date of the enactment of this title, if the claimant did not receive any payment pursuant to the settlement.

SEC. 1604. DEFINITIONS.

In this title:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means the Committee on Foreign Affairs in

the House of Representatives, the Committee on Foreign Relations in the Senate, and the Committees on the Judiciary of the House of Representatives and the Senate.

(2) COVERED POLICY.—

(A) IN GENERAL.—The term ''covered policy'' means any life, dowry, education, property, or other insurance policy that—

(i) was in effect at any time after January 30, 1933, and before December 31, 1945; and

(ii) was issued to a policyholder domiciled in any area that was occupied or controlled by Nazi Germany.

(B) NAZI GERMANY.—In this paragraph, the term ''Nazi Germany'' means—

(i) the Nazi government of Germany; and

(ii) any government in any area occupied by the military forces of the Nazi government of Germany.

(3) INSURER.—The term ''insurer'' means any person engaged in the business of insurance (including reinsurance) in interstate or foreign commerce,

if the person issued a covered policy, or a successor in interest to such person.

(4) LEGISLATIVE DAYS.—The term ''legislative days'' means those days on which both Houses of Congress are in session.

(5) RELATED COMPANY.—The term ''related company'' means an affiliate, as that term is defined in section 104(g) of the Gramm-Leach-Bliley Act (15 U.S.C. 6701(g)).

TITLE XVI—BELARUS ARMS TRANSFERS ACCOUNTABILITY

SEC. 1701. SHORT TITLE.

This title may be cited as the ''Belarus Arms Transfers Accountability Act of 2009''.

SEC. 1702. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) the Secretary of State should take into consideration the continuing reports of arms sales by Belarus to state sponsors of terrorism and states that do not fully cooperate with the United States in its anti-terrorism efforts, as well as any information gathered in the process of drafting the report to the appropriate congressional committees required under this title, and carefully consider whether the imposition of existing terrorism and nonproliferation

sanctions would be appropriate to deter any such arms sales by Belarus; and

(2) any use by Iran of civilian nuclear cooperation agreements with other countries as a means to proliferate weapons technology and expertise to countries such as Venezuela, either directly or by means of arrangements with Belarus or other countries would not be in the interest of the United States.

SEC. 1703. REPORT.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, and on annual basis thereafter, the Secretary of State shall transmit to the appropriate congressional committees a report that describes, with respect to the preceding 12-month period, the following:

(1) The scale and modalities of exports of weapons and related services by the Government of Belarus and Belarusian enterprises, including revenues flows, and the potential role of the government and enterprise of the Russian Federation in such exports and revenues.

(2) The status of the stockpiles of weapons inherited by Belarus from the former Soviet regime, including a determination as to the role such stock-

piles may continue to play in the export of weapons by Belarus, and an assessment of the capability of Belarusian enterprises to manufacture conventional and advanced weaponry and provide services for such sales.

(3) A determination as to whether civilian nuclear cooperation agreements and activities involving Iran, Belarus, or Venezuela are being used as a means to proliferate nuclear arms technology and expertise.

(4) The sale or delivery of weapons or weapons-related technologies from Belarus to any country that is designated as a state sponsor of terrorism or not fully cooperating with United States antiterrorism efforts for purposes of section 40A of the Arms Export Control Act, including Venezuela.

(b) FORM.—The report shall be in an unclassified form but may include a classified annex.

SEC. 1704. STATE SPONSOR OF TERRORISM DEFINED.

In this title, the term ''state sponsor of terrorism'' means a country the government of which the Secretary of State has determined, for purposes of section 6(j) of the Export Administration Act of 1979, section 620A of the Foreign Assistance Act of 1961, section 40 of the Arms Export Control Act, or any other provision of law,

to be a government that has repeatedly provided support for acts of international terrorism.

TITLE XVII—ASIA-PACIFIC ECONOMIC COOPERATION FORUM ENGAGEMENT

SEC. 1801. ASIA-PACIFIC ECONOMIC COOPERATION.

(a) SENSE OF CONGRESS.—It is the sense of Congress that——

(1) the United States' continued engagement in Asia must be a cornerstone of United States foreign policy in the 21st Century;

(2) the President must elevate the role of the United States in the Asia-Pacific Economic Cooperation forum (APEC) by ensuring that United States Government officials of the appropriate rank attend APEC activities; and

(3) increased participation by United States small businesses, particularly manufacturers, will add substantial benefit to APEC discussions and help strengthen the influence of the United States within APEC.

(b) SMALL BUSINESS DEFINED.—In this section, the term ''small business'' shall have the meaning given the term ''small business concern'' in section 410(9) of the

1 Small Business Investment Act of 1958 (15 U.S.C.
2 694a(9)).
3 (c) UNITED STATES PARTICIPATION AT APEC.—
4 (1) DESIGNATION OF APEC COORDINATORS.—
5 The President shall designate in appropriate depart-
6 ments and agencies an existing official compensated
7 at a rate of basic pay not less than the minimum
8 rate of basic pay payable to a member of the Senior
9 Executive Service to serve as each such department's
10 or agency's ''APEC Coordinator''.
11 (2) DUTIES OF APEC COORDINATORS.—
12 (A) IN GENERAL.—The APEC Coordina-
13 tors of the appropriate departments and agen-
14 cies designated in accordance with paragraph
15 (1) shall, in consultation with the United States
16 Ambassador to APEC, set department- and
17 agency-wide guidelines for each such depart-
18 ment's or agency's participation at APEC.
19 (B) REPORT.—Each APEC Coordinator
20 shall annually submit to the appropriate con-
21 gressional committees a report on efforts to en-
22 hance each department's and agency's partici-
23 pation at APEC.
24 (d) ENHANCING SMALL BUSINESS PARTICIPATION
25 AT APEC.—

(1) DESIGNATION OF SMALL BUSINESS LIAISON.—The Secretary of State shall designate an existing officer within the Bureau of East Asian and Pacific Affairs to serve as a ''Small Business Liaison''. Such designated officer is authorized to be compensated at a rate of basic pay not less than the minimum rate of basic pay payable to an individual at GS-14 of the General Schedule or FS-02 of the Foreign Service Schedule.

(2) DEPARTMENT OF STATE WEBSITE.—The Secretary of State shall post on the website of the Department of State a dedicated page for United States small businesses to facilitate direct communication between the United States Government and the business community concerning APEC.

(3) COORDINATION.—The Secretary of State shall coordinate with existing private sector partners and relevant business associations to promote participation by small businesses at APEC. The Secretary shall ensure that notices about meetings and briefings provided by United States APEC officials on APEC-related issues are posted on the website of the Department of State (in accordance with paragraph (2)) not later than 15 days before the dates of such meetings and briefings.

(4) RENAMING.—The Office of Economic Policy within the Bureau of East Asian and Pacific Affairs of the Department of State shall be referred to as the ''Office of APEC Affairs''. Any reference in a law, map, regulation, document, paper, or other record of the United States to the Office of Economic Policy shall be deemed to be a reference to the Office of APEC Affairs.

(e) REPORT ON HOSTING OF APEC 2011 IN THE UNITED STATES.—Not later than 60 days after the date of the enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees a report detailing the mechanisms that are in place or are being considered for hosting the 2011 meeting of APEC in the United States, including an analysis of the estimated or projected costs associated with such meetings.

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Chairman BERMAN. We would also like to point out that this amendment has been printed smaller so that two pages of the bill are on each page, and it is printed both front and back, and we congratulate the minority for their saving a few trees.

The clerk will read the amendment.

Ms. RUSH. Amendment in the nature of a substitute to H.R. 2410 offered by Ms. Ros-Lehtinen of Florida, "Strike all"——

Chairman BERMAN. Without objection, the reading of the amendment is dispensed with, and the gentlelady from Florida, the ranking member, is recognized for 5 minutes.

Ms. ROS-LEHTINEN. Thank you so much, Mr. Chairman.

Let me be clear to our colleagues, at the outset, this Republican substitute does not cut funding for U.S. foreign affairs activities. Let me repeat that: It does not cut funding for U.S. foreign affairs activities. But, unlike the majority's bill, it caps any account increases at 3.7 percent over current-year levels. This is a reasonable, 3.7-percent increase. That is the average rate of inflation for 2008. Even that amount is higher than the cost-of-living increases being given to our troops in the field.

By taking this measured approach, the Republican substitute would produce a minimum, single-year cost savings of $2.84 billion in 2010, as compared to the majority's bill. Let me repeat that, Mr. Chairman: The Republican substitute would produce a minimum, single-year cost savings of $2.84 billion in 2010, as compared to the majority's bill.

Among other key differences, the Republican substitute does not include the majority's proposal to authorize the payment of all claimed U.N. arrears or back payments. Instead, the Republican substitute leverages our contributions to the U.N. on specific, concrete reforms in that institution.

Why should American taxpayers be asked to write a blank check to the United Nations? Why not demand specific returns on our investments?

Also, the Republican substitute does not include the majority's inexplicable authorization to pay a higher rate for U.N. peacekeeping than even the U.N. is charging us, and that bears repetition as well. The Republican substitute does not include the majority's inexplicable authorization to pay a higher rate for U.N. peacekeeping than even the U.N. is charging us.

The majority's assessment rate could result in the U.S. paying, in 1 year alone, more than $100 million more for U.N. peacekeeping above that which the U.N. requires us to pay.

Instead, the Republican substitute includes the U.N. Transparency, Accountability, and Reform Act, a comprehensive approach to fundamental U.N. reform. This bill has been pending before the committee for the past 2½ years, notwithstanding the 88 current co-sponsors, our numbers requests to have it marked up, and our request that it be included in the bill before us today.

This section of the Republican substitute addresses the anti-U.S. and anti-Israel bias at the U.N. Human Rights Council. It addresses the continuing provision of nuclear assistance by the International Atomic Energy Agency to the likes of Iran and Syria. It addresses the widespread corruption at the U.N. and its agencies.

I would also like to emphasize, in light of the Gaza reporting language in the chairman manager's amendment, which I referenced to earlier in my opening remarks, that the Republican substitute includes language addressing problems with UNRWA, the United Nations Relief and Works Agency.

Keeping bilateral U.S. assistance to West Bank and Gaza from reaching unintended recipients is but one component of a broader problem: UNRWA has a notorious history of allowing the use of its facilities by the likes of Hamas and, even recently, was funneling assistance to Gaza through banks that are sanctioned by the United States for money-laundering and terrorist-financing concerns.

The majority bill and the manager's amendment are silent on this issue. Focused on reform and accountability, the Republican substitute maintains current levels of funding for the State Department's Office of Inspector General to continue its investigations and auditing while the majority bill cuts oversight funding for the IG, all the while ballooning the State funding that the IG is supposed to be monitoring.

Our substitute includes language requiring that the U.S. Treasury receive 50 percent of the remaining assets of the Enterprise Funds that were started with U.S. taxpayer money and are winding down. This could result, Mr. Chairman, in hundreds of millions of dollars being used to pay down our national debt.

The Republican substitute also includes important security-related provisions, such as an outright prohibition on assistance to a Palestinian Authority that includes Hamas and other Palestinian terrorist organizations.

It also has many other valuable components, such as Mr. Royce's amendment, Mr. Manzullo's amendment, and expands on Holocaust-era property restitution and compensation, and it has other items that, unfortunately, I have run out of time to explain.

Thank you, Mr. Chairman, and I hope that our colleagues see this as a responsible, calibrated approach that will provide necessary funding but will leverage transparency and reform in outlining foreign policy priorities for our Government. Thank you, Mr. Chairman.

Chairman BERMAN. The time of the gentlelady has expired.

Before I recognize myself, I would like to ask the committee to welcome, and I would ask my colleague from Texas, Ms. Sheila Jackson Lee, to introduce a group of Pakistani parliamentarians, part of an exciting parliamentary democracy for whom we will be focusing on after we finish this legislation. And we are very glad to have you here, and the gentlelady from Texas, with whom I went to Pakistan just a few weeks ago—my first trip, her 25th, I think—the gentlelady from Texas.

Ms. JACKSON LEE. Mr. Chairman, your kind indulgence will not be over utilized. Let me wish that you will visit Pakistan many, many more times. This is an exhibition of the true sense of international relations and the extended friendship that we want to continue with Pakistan.

Might I have these members of Parliament, who happen to be all women and who will be returning again for democratization issues in the month of June? The Member of Parliament Memon, is here,

if you would please stand; the Member of Parliament Ijaz; the Member of Parliament Yasir; the Member of Parliament Shadre; and the Member of Parliament Hasme, if you would just continue to stand.

We welcome you. We thank you for your presence here——

[Applause.]

Ms. JACKSON LEE [continuing]. And we look forward to working with you. We also acknowledge Tajah Gaya, who has worked with us on a number of issues. Thank you all very much. Mr. Chairman, I yield back. Welcome.

Chairman BERMAN. I thank the gentlelady, and I now recognize myself to strike the last word, and I speak in opposition to the substitute amendment. I will try and make this quick.

Basically, this bill reverses a trend that started under Secretary of State Powell and was continued under Secretary of State Rice in recognizing the vital loss of capacity inside the State Department to pursue a critical diplomatic agenda, an agenda that is vital to our own national security interests.

This cut is a cut from the proposed budget of a significant, huge amount of money. It is drastically reduced from the administration's budget request. It puts a cap on contributions to international peacekeeping that is too tight, given the fact that the assessment rate is being negotiated now for future years, and this would, in effect, preempt those negotiations.

It eliminates contributions to any U.N. organization in which Iran holds a position of leadership. That is not so bad.

By and large, I disagree with the fundamental notion that our withholding dues is a strategy that is going to achieve its goals. All it does is add to the arrearages—we end up paying it anyway, and the whole thrust of this bill is to get off of that particular track.

Again, I repeat: The bill that we have in front of us, which this would seriously wipe out, is 8 percent over the projected levels for 2009, which, to me, is only the first step toward restoring U.S. global leadership.

It is rather difficult for me to understand why we would want to deny the State Department these resources. Recall the vacancy figures in the current Foreign Service that I mentioned earlier, and think, for a moment, about the incredible needs to deal with issues like hunger and the global food insecurity that we are trying to deal with here, in our legislation. This substitute wipes that out.

With the crisis that exists with stabilization and reconstruction assistance, Secretary Gates, no less, and others in the military have asked us. In other words, here, we are cutting the State Department, and we know what is going to come.

The Defense Department will be asked to take on missions not directly related to their mission that the State Department should be performing. We will not be saving this kind of money by these cuts; we will be pushing it onto the Department of Defense, people not trained for that mission required to do that mission because of the urgent, national security interest we have in stabilization and reconstruction work.

So I could go through the whole bill. There are some good provisions in the substitute, but they are vastly overwhelmed by the fundamental assault on the President's budget request, and I urge

my colleagues on the committee to vote no, and I yield back the balance of my time.

Does anyone else seek recognition on this amendment? The gentleman from New Jersey, Mr. Smith.

Mr. SMITH OF NEW JERSEY. I yield the remainder of my time to Ranking Member Ros-Lehtinen.

Ms. ROS-LEHTINEN. Thank you so much. Thank you for the time.

I know that the word is used about "cut." Again, the substitute continues the trend of increasing funding for foreign affairs but keeps those increases to 3.7 percent as we continue to wait for the State Department's budget justification, which, every other year, we have received, and we wait for the conclusions of the Department's ongoing review. There is no such cut.

The Republican substitute also strengthens the United States-Israel relationship and highlights the 2007 memorandum of understanding between our two nations, reaffirming the increase in security assistance to help Israel meet the growing threats that she faces. The substitute also affirms our commitment to Israel's missile-defense capabilities, in light of Iran's stated intent to mass produce longer-range missiles and to help ease uncertainties about the overall U.S. commitment to missile defenses in Europe.

Just today, it was reported that Iran had successfully test fired a new, medium-range, surface-to-surface missile. In response, the Republican text incorporates the substance of the bipartisan, Iran Refined Petroleum Sanctions Act introduced by our chairman, which has been co-sponsored by over 100 Members.

We must urgently address the rising threat to the United States and our allies posed by Iran's pursuit of nuclear weapons capabilities and its support for violent and extremist Islamic militants like Hamas and Hezbollah.

The Republican substitute also includes the Western Hemisphere Counterterrorism and Nonproliferation Act to help address the growing threats in our own neighborhood.

Our substitute also includes a provision to increase accountability and oversight of taxpayer-funded activities, such as civilian police training and security assistance to Yemen and Lebanon.

Our substitute maintains current funding levels for the National Endowment for Democracy, where the majority's bill cuts funding to NED.

Our substitute does acknowledge the value of some of the provisions in the majority's bill and, therefore, includes language on protecting girls by preventing child marriage, providing exchanges between Liberia and the United States for women legislators, and calls attention on securing the release of Galad Shalit, the Israeli soldier held captive by his Gazan kidnappers since 2006, and it includes provisions on intellectual-property-rights protection, which is a priority for both the chairman and for me.

We hope that all of the members look carefully at the Republican substitute, which takes this calibrated approach. I thank my good friend for his time, and I yield back the time to him.

Chairman BERMAN. For what purpose does the gentleman from California seek recognition?

Mr. SHERMAN. [Off mike.]

Chairman BERMAN. The gentleman is recognized for 5 minutes.

Mr. SHERMAN. I would want to address the idea of the cap in this substitute amendment. I have to disagree with the ranking member when she uses the argument that 3.7 percent exceeds the rate-of-pay increase for our troops in the field.

The implication there is that somehow this bill is going to provide wild, large salary increases to State Department personnel. That is hardly the case. It is not an increase in the pay of each person; it is an increase in the number of people and the amount of activity that they will engage in.

It would be wrong, I think, to criticize a defense bill that had total personnel costs growing at more than 3.7 percent and say that bill was unduly generous to the troops because inflation is below 3.7 percent. Personnel costs in the Defense Department rise in the next few years chiefly as a result of the plan to increase the size of the Army.

But as to the idea of a 3.7-percent cap, I might be inclined to support it if there was language in the amendment which capped at the rate of inflation the propaganda budget for al-Qaeda, if there was a cap in this amendment on the number and severity of international crises that we are going to face, but those caps are not in the amendment.

The fact is that it is the Pentagon that tells us that we are entering treacherous waters around the world. I do not think there has been a more complicated time for our foreign policy, and it is the Pentagon that tells us that the right troops to deploy work for the State Department and USAID.

I think we have to deal with the foreign policy crises that confront us as effectively as possible, and I think those crises have grown faster than the rate of inflation. I yield back to the chairman.

Chairman BERMAN. Anyone else seeking debate? The gentleman from Indiana, Mr. Burton.

Mr. BURTON. Thank you, Mr. Chairman. I move to strike the last word.

Chairman BERMAN. The gentleman is recognized for 5 minutes.

Mr. BURTON. I am disappointed that the Republican substitute will not be accepted because I think every opportunity that we have right now, with the uncertainty that takes place in the Middle East, that we ought to be showing our support for Israel, and, in the bill that is before us, the Democrat bill, it is silent on the majority State Department Authorization bill, the Israel-related provisions contained in the Republican substitute text, which constitute a comprehensive, coordinated effort to provide the necessary military, economic, and diplomatic support for the State of Israel.

The aid request reflects the second year of a 10-year memorandum of understanding signed by the United States and Israel in 2007 to gradually increase U.S. security assistance to the Jewish state in order to meet increasing threats, and, by authorizing foreign military assistance and financial aid to Israel, the United States makes good on the 10-year memorandum of understanding, signed by the United States and Israel in 2007, to gradually increase U.S. security assistance to the Jewish state.

With what is going on over there right now, Mr. Chairman, I think it is important, in every single bill that we pass that deals

with foreign assistance, the State Department, or whatever it happens to be, we ought to state very, very clearly our strong support for the State of Israel because they are our only real, true friend and anchor in the Middle East, and if we do not show that support, and if we do not let the Iranian leader, Mr. Ahmadinejad, know that we are strongly in favor of Israel and the support of Israel, I think he is likely to continue rattling his sabers, as he did just yesterday when he launched that missile, and they said that it had pinpoint accuracy, and it had the distance capable of reaching Israel.

So all of the talk that we are hearing about discussing a peaceful solution to the nuclear program that Iran is developing really has not gained much footing.

So we need to show, very strongly, that we support Israel, we support them in every single way possible, and to send a very strong signal, a very strong signal, to Iran that we are going to continue to do that, and if they continue their nuclear development program, they will pay a very dear price.

Chairman BERMAN. Would the gentleman yield?

Mr. BURTON. I would be happy to yield to my colleague.

Chairman BERMAN. The actual language in the substitute is different than what the gentleman described, and, in fact, as a great supporter of our foreign assistance to Israel, I would find this language to question the intensity of our commitment, for the gentleman does not authorize appropriations of $2.7 million; he authorizes such sums as appropriated.

This is not a foreign assistance bill. This committee would always be earmarking the requested and the specific amount. The gentleman's amendment simply provides an authorization subject to appropriations——

Mr. BURTON. I understand that.

Chairman BERMAN [continuing]. And I would view it, given that you are trying to speak on an issue that is not appropriate for this bill, but your failure to talk about the dollar amount indicates less-than-full interest.

Mr. BURTON. Reclaiming my time, Mr. Chairman, I do not have a great deal left. Let me just say that I want to make sure that the message is clear, and, in the majority bill, I do not think it is clear.

I think that we ought to take every single opportunity to show our support for Israel, and we ought to make it very, very strong. I do not think the majority bill does that, and that is why I am disappointed that the substitute offered by the ranking member is not going to be accepted.

Chairman BERMAN. All right. The time of the gentleman has expired. The delegate from American Samoa, Mr. Eni Faleomavaega, is recognized.

Mr. FALEOMAVAEGA. Mr. Chairman, I move to strike the last word.

Chairman BERMAN. The gentleman is recognized for 5 minutes.

Mr. FALEOMAVAEGA. And I yield 5 minutes of my time to you, Mr. Chairman.

Chairman BERMAN. And I appreciate the gentleman yielding, but I have decided I do not want it.

Mr. FALEOMAVAEGA. For that, Mr. Chairman, I reserve the balance of my time.

Chairman BERMAN. All right. Any further debate on the amendment? The gentleman from South Carolina, Mr. Wilson, is recognized for 5 minutes.

Mr. WILSON. Thank you, Mr. Chairman, and I move to strike the last word.

Chairman BERMAN. The gentleman is recognized.

Mr. WILSON. Mr. Chairman, I want to commend the ranking member, Ileana Ros-Lehtinen, for her leadership in providing for the Republican substitute. This truly is, I think, a very significant alternative that caps spending. It stops the spending increases. It provides for a 3.7 increase, by way of inflation. It is not a cut; it is a cap. It is a very positive way to address the fiscal situation of the United States that we face today.

I, particularly, approve of the Republican substitute with the reform of the United Nations. I believe that we can, particularly, see, with the scandal of the oil-for-food scandal, that there should be transparency. The funds being spent by the U.N. are frequently just simply not accountable. There needs to be proper accounting.

I also want to thank you, Mr. Chairman, for recognizing that there are, in the Republican alternative, restraints on Iran, and the challenge of Iran, truly, today, has been revealed more than ever with their most recent missile test, which has the capability of striking to the West as far as southeastern Europe, Turkey, but, to the East, could strike our allies in Pakistan.

So what we have, in the Democrat bill, it provides for an increase of 12 percent in contributions to international organizations, and then it provides for a repayment of all U.N. arrears without requiring any U.N. reform or transparency. I would hope that could be addressed.

Additionally, it has been pointed out that the majority proposal provides for paying U.N. peacekeeping assessments at 27.1 percent, even though the U.N. has only requested and assessment of 25.9 percent. This is a $100 million increase per year of a bill which actually increases spending by $2.84 billion a year.

The increase in the basic salary and operations of the State Department, with the majority proposal, is a 34.5-percent increase, more than a third of the current spending.

Another concern I have is it creates 20 new government entities, 48 new reporting requirements. It decreases the funding for the Department of State Inspector General while vastly increasing the funding over which the IG has oversight, and I think this could lead to a potential for further fraud, waste, or abuse.

A final point I want to make is concern about earmarks. In this bill, there is a series of designated new funding earmarks, specifically, $120 million for the new Senator Paul Simon Study Abroad Foundation; $5 million to promote "independently produced documentary films." Again, I am concerned, how in the world would you define, truly, what is proper?

Additionally, there is a provision that provides for diabetes treatment and safe water for the Pacific Island countries, at $500,000 a year. That seems so broad that it could be subject to misunder-

standing or misinterpretation or misspending of the taxpayers' money.

So, with those points, I would like to urge persons to look at the Republican substitute. Congresswoman Ileana Ros-Lehtinen has done an extraordinary job of creating a bill with so many different points that she so eloquently stated a few minutes ago. I urge support of the Republican substitute, and I yield the balance of my time.

Chairman BERMAN. The time of the gentleman has expired.

The chair would like to call the question, if that is all right, on the Republican substitute. Can we vote on the question? Is there anyone? The gentleman from Florida is recognized.

Mr. BILIRAKIS. Thank you, Mr. Chairman. I move to strike the last word.

Chairman BERMAN. The gentleman is recognized for 5 minutes.

Mr. BILIRAKIS. Thank you for the time. I wanted to thank the ranking member for her excellent alternative to H.R. 2410 but, first, want to thank and acknowledge, you, Mr. Chairman, for including a small part of my language in Section 1105 of H.R. 2410 calling for religious freedom of the Ecumenical Patriarchate.

I am disappointed, however, that it does not go far enough. The language in H.R. 2410 fails to mention the human rights and property rights violations perpetrated by the Government of Turkey and against the Ecumenical Patriarchate.

More importantly, there is no mention of reopening the theological school at Halki, something that President Obama addressed in the Turkish Parliament weeks ago.

I appreciate the ranking member acknowledging the seriousness of the frail status of the Patriarchate, the center of faith for me and over a request of 1 billion Orthodox Christians worldwide.

The ranking member's substitute amendment is comprehensive and includes the totality of the language in a bipartisan resolution seeking religious freedom for the Ecumenical Patriarchate.

Ms. Ros-Lehtinen; I also appreciate her inclusion of additional important language regarding Cyprus and Afyon. The language you included in your substitute amendment that failed to be included in H.R. 2410 very simply asked for transparency and accountability of funding. The language requires the President to submit a report to Congress to make sure that U.S. tax dollars are being used for programs and activities that help achieve reunification of Cyprus.

In regards to Afyon, the substitute amendment also requires the President to submit a report to Congress which will ensure that U.S. funds are not being directed to programs that promote hostile activities or propaganda by the Government of Afyon, or private entities in Afyon, against Greece.

Again, thank you for your substitute amendment, Madam Ranking Member Ms. Ros-Lehtinen. Thank you very much, and I yield back the balance of my time, Mr. Chairman.

Chairman BERMAN. The time of the gentleman has expired.

The gentleman from New York; for what purpose do you seek recognition?

Mr. MCMAHON. Thank you, Mr. Chairman. I would also like to just strike the last word.

Chairman BERMAN. The gentleman is recognized for 5 minutes.

Mr. MCMAHON. Thank you, Mr. Chairman Berman. Thank you for your hard work, and I will be brief because I know you want to move this along.

I would just like to state for the record that I agree with Congressman Bilirakis. It is critical that the State Department and USAID work to foster the reunification of Cyprus. I strongly support the notion that a memorandum of understanding should be signed between the legitimate Government of Cyprus and USAID. However, I also understand that the Foreign Relations Authorization Act is not the appropriate vehicle in which to do this. If this amendment were to be placed in the bill, it would not be strong enough at this time and would not have effect.

I look forward to working with the committee on addressing this issue in the Foreign Assistance Act itself.

Chairman BERMAN. Would the gentleman yield?

Mr. MCMAHON. Yes, sir. I yield the remainder of my time. Yes, I yield, sir.

Chairman BERMAN. I thank the gentleman for yielding.

I want to respond, actually, to the comments of both you and the gentleman from Florida. Having just been to Cyprus, my fundamental interest in the unification of Cyprus was only enhanced by virtue of what I saw there and the people with whom I met, and I share both of your commitments to this being a priority foreign policy goal for the United States now, and I thank the gentleman for yielding.

Mr. MCMAHON. Thank you, sir, and I yield the remainder of my time.

Chairman BERMAN. The time of the gentleman has expired.

Can we vote on the pending amendment, the gentlelady from Florida, the ranking member's amendment in the nature of a substitute? All of those in favor, say aye.

[A chorus of ayes.]

Chairman BERMAN. All opposed, say no.

[A chorus of noes.]

Chairman BERMAN. In the opinion of the chair, the noes have it, and the amendment in the nature of a substitute fails.

Any other comments?

Ms. JACKSON LEE. Mr. Chairman?

Chairman BERMAN. The gentlelady from Texas.

Ms. JACKSON LEE. Mr. Chairman, I have an amendment at the desk.

Chairman BERMAN. The clerk will distribute the amendment, and the clerk will read.

[The amendment of Ms. Jackson Lee follows:]

AMENDMENT TO HR 2410

At the end of the bill please add:

Sec. 1126. SENSE OF CONGRESS SUDAN

It is the Sense of Congress that—

(1) the United States should support efforts to find a stable and lasting peace in Sudan in the wake of a devastating conflict that led to a major humanitarian disaster and caused the deaths of hundreds of thousands, and continues to cause violence in Darfur and throughout Sudan;

(2) that to achieve that peace, all parties must agree to uphold the Comprehensive Peace Agreement (CPA);

(3) that international partners should aim to widen acceptance of the Darfur Peace Agreement by all stakeholders;

(4) that the United States should support efforts to prepare for the national elections and for the referendum;

(5) that the United States should support efforts to develop a coordinated international strategy to support the rebuilding of Sudan, with a particular focus on key CPA benchmarks including policy toward the Three Areas; transitional justice, which would include prosecuting perpetrators of war crimes; oil revenue sharing; the census; the return of displaced Darfuris and other peoples to their homeland; and management of the armed forces; and

(6) that US policy toward Darfur should be fully integrated with US policy toward the CPA, as full and lasting resolution to the Darfur crisis hinges on the resolution of a common set of national problems.

Ms. RUSH. Amendment to H.R. 2410 offered by Ms. Jackson Lee of Texas. "At the end of the bill, please add: 'Section 1126. Sense of Congress Sudan. It is the Sense of Congress that—(1) the United States'"——

Ms. JACKSON LEE. Mr. Chairman, I ask unanimous consent that the amendment be considered as read.

Chairman BERMAN. Without objection, so ordered.

The "Sense of Congress on Sudan," an amendment offered by Ms. Jackson Lee of Texas; the gentlelady is recognized to speak on behalf of her amendment.

Ms. JACKSON LEE. Thank you, Mr. Chairman. First, I would like to thank the chairman and his staff for working with me and my office on this legislation that would be included in a very important, new initiative in our Foreign Affairs Authorization bill. It is to emphasize that the foreign policy of the United States is not unmindful of the continuing conditions and humanitarian crisis in Sudan.

There is an estimated 2.45 million people that are displaced, more than 240,000 people have been forced into neighboring Chad, and an estimated 450,000 people are killed.

Yesterday, members of the Congressional Black Caucus joined leaders on this issue, including a recent person who has experienced fasting for a number of days because of the conditions there, and the evidence is that our job is not yet complete.

We are delighted that an envoy has been appointed, but this is a crisis, and this resolution, "A Sense of Congress," continues to emphasize the importance of the United States participating in determining and helping to establish a stable and lasting peace in Sudan in the wake of a devastating conflict that continues to cause violence in Darfur and throughout Sudan.

Ms. ROS-LEHTINEN. Will the gentlelady yield for 30 seconds?

Ms. JACKSON LEE. I yield to the gentlelady.

Ms. ROS-LEHTINEN. Thank you. I am pleased to support the amendment by the gentlewoman from Texas, Ms. Jackson Lee, regarding Sudan. This amendment emphasizes the importance of finding a truly comprehensive peace for all of Sudan—north, south, east, and west—and now that the Sudanese regime has callously expelled number of humanitarians NGOs, the stakes are higher than ever.

The administration will, hopefully, soon develop a comprehensive approach toward Sudan, and I am pleased to support the amendment by the gentlelady from Texas.

Ms. JACKSON LEE. Thank you. Reclaiming my time, I would like to acknowledge the members on this committee who have been supportive, including the chairman of the Subcommittee on Africa, Congressman Donald Payne, that led to the commitment yesterday for many of us to begin fasting, along with the chairwoman of the Congressional Black Caucus, Congresswoman Barbara Lee.

I just will conclude by saying that the importance if this is to reinforce America's commitment to a peaceful Sudan and also prosecuting the perpetrators of war crimes and, as well, allowing the Darfurians and others to return to their homeland with safe elections and, of course, a legitimate referendum so that people can design their own destiny.

Mr. Chairman, I would hope that other members would welcome the opportunity to co-sponsor this amendment, but I believe that this is an important addition, and a necessary addition, to major legislation that will help establish the foreign policy of the United States of America, and I would ask my colleagues to support this amendment.

Chairman BERMAN. The time of the gentlelady has expired.

The question is——

Mr. ROHRABACHER. Mr. Chairman?

Chairman BERMAN. Who seeks recognition? On this amendment, the gentleman from California.

Mr. ROHRABACHER. Yes. Thank you very much. I will be very quick.

Chairman BERMAN. The gentleman is recognized for 5 minutes.

Mr. ROHRABACHER. Thank you very much. I support the amendment and thank my colleague for offering the amendment.

Let me just note that, while it is a good amendment, it neglects to mention the heinous role that China is playing in this ongoing Sudan tragedy, and I would, very quickly, remind my colleagues that, in spending more money, as this package of bills that we are putting together here now in this legislation will do, we are, basically, and considering the fact that we are now in such a heavy area of deficit spending for the overall budget, we, in essence, are borrowing more money from China in order to give to other peoples, which makes no sense whatsoever.

So I do support the amendment, but I think we should all note that China is playing a horrible role in the Sudan, but that exemplifies the role that it is playing throughout the world with other dictatorships as well.

Ms. JACKSON LEE. Will the gentleman yield?

Mr. ROHRABACHER. I certainly will.

Ms. JACKSON LEE. The gentleman has made a very, very important statement, and you can be assured that, in the writing of this amendment, the role of China was not ignored. In fact, we captured it, we hope, by declaring a marker in this legislation that it is important for the United States to be actively involved, which means to engage with sovereign nations, such as China, that have played a horrific role in bolstering up the Sudanese Government and the President of Sudan, who, as we all know, has been indicted.

We know that there is an envoy, as we speak, en route to China who has the full force of the United States Government to emphasize the key responsibility of China, in essence, recognizing its responsibility, and I would use the term "stand down," from creating a comfortable zone for these heinous acts to occur.

So I yield back to the gentleman, thanking him for his comment and indicating that it is not unmindful and not missed in the language of this particular amendment.

Chairman BERMAN. Would the gentleman yield further?

Mr. ROHRABACHER. I would yield further.

Chairman BERMAN. I want to use this one opportunity, and I will not repeat it again.

I certainly understand differences of opinion as to how much we should authorize for State Department and Peace Corps operations, and I am speaking to the gentleman's general comments.

Mr. ROHRABACHER. Right.

Chairman BERMAN. But this is not a foreign assistance bill. This is not about giving money to other countries. We will have that bill, and I will support that activity when it comes up, but that is not what this bill is about. This is about State Department and other related agencies' operations. The increases in this are to beef up and shore up what we view as a weak, deeply incapacitated, foreign relations agency that has lost positions and is unable to carry out its diplomatic mission to the degree that we think serves our interests.

I just want to make it clear that it is not foreign aid; it is State Department operations.

Mr. ROHRABACHER. Reclaiming my time, let me note, then, and be more perfect in my language, that we are borrowing more money from China in order to give to the United Nations. That might be a little bit more accurate. It is just as nonsensical—it is just borrowing more money from China to give to other countries. So, with that said, I think I have made my point.

Chairman BERMAN. I want accurate attacks, not——

Mr. ROHRABACHER. All right.

Chairman BERMAN. All right. I yield back. Is there any further—the gentleman from New Jersey, Mr. Payne, is recognized.

Mr. PAYNE. Thank you very much, Mr. Chairman.

Chairman BERMAN. The gentleman is recognized for 5 minutes.

Mr. PAYNE. Thank you. Let me just commend the gentlelady from Texas for this very timely amendment. We all know that it was, 4 years ago, a unanimous vote in the House, 422 to 0, that genocide was declared, and, for the first time in the history of this Congress, that genocide was declared while it was actually occurring, and it is still occurring.

However, we are certainly disappointed that the declaration has not ended the genocide, and we are also disappointed that the rest of the world has not really stepped up on this issue, as we were hoping.

We do urge our new envoy to Sudan, who is on his way to Beijing, that we have strong words with the Government of China. As you know, PetroChina is the sole oil company in Sudan, and we feel that they could be more supportive in urging the Government of Sudan to have more consideration for human rights.

We have gone to the region many times. We see the suffering continues. Thirteen organizations have been expelled. Unless there is an intervention by humanitarian organizations, many people will die, children. The rainy season will be coming soon, making it impossible to deliver food, if you wanted to, and so this is very, very important.

I also feel that the indicted President of Sudan should report to The Hague to answer the court's indictment, and I would like to also commend Mia Farrow, who led the "Darfur Fast for Peace," where she, after 12 days, was taken off the fast, and many of us picked it up.

The Congressional Black Caucus has picked up the "Darfur Fast for Peace," where the members will take a day, and we will send a "Dear Colleague" urging all of the Members of the Congress to have a "Darfur Fast for Life" for 1 day to fast so that we would

not only support this psychologically, but we could also feel the pain of even 1 day without food. We can drink water, but, even in Darfur, they do not have water to drink, as I did for the 4 days that I fasted last week.

I would hope that this will be picked up, but, primarily, we must stop the genocide in Darfur. We must support the Comprehensive Peace Agreement in Sudan. We must bring war criminals to justice. As a matter of fact, there were three rebels who were indicted also, and they are going to The Hague to stand trial, and I think that the President of Sudan should follow suit as the rebels. One has already turned himself in in The Hague, and I would hope that the others would.

So, once again, let me commend the gentlelady for this resolution and also commend our chair of the Congressional Black Caucus, Barbara Lee, for the outstanding work that she and other Members of the Congress have done. I yield back the balance of my time.

Chairman BERMAN. The time of the gentlemen has expired. The gentlemen from New Jersey is recognized on the pending amendment.

Mr. SMITH OF NEW JERSEY. Thank you very much, Mr. Chairman.

Chairman BERMAN. The gentleman is recognized for 5 minutes.

Mr. SMITH OF NEW JERSEY. Mr. Chairman, I do support strongly the "Sense of the Congress" resolution offered by my friend and colleague from Texas, and I think she puts a very important emphasis on the CPA, the Comprehensive Peace Agreement.

I remember one meeting in Khartoum, meeting with Salva Kiir, who made it very clear that if the CPA falls apart, a new genocide in Southern Sudan would be very likely. We already know that the genocide occurring in Darfur is unconscionable. Upwards of 450,000 people have been killed—nobody knows the exact number—and I think General Bashir's response, when indicted, to oust the nongovernmental organizations and the humanitarian-aid workers, in a like manner, was unconscionable.

I have been to the camps, like many members of this committee have been and other Members of Congress. I was in Mukjar and Kalma Camps, and to think that those camps, without the aid workers, without the doctors and the LPNs and the nurses and the people who are providing food and other humanitarian assistance, the situation, horrific as it is, only gets worse.

So my hope is that, with the continued pressure of the United States, the European community, this resolution, again, lifts the issue up, as it ought to be. Today, 12:00, genocide continues in Darfur. It is always appropriate to bring this up. I commend the gentlelady.

Ms. ROS-LEHTINEN. If the gentleman would yield, thank you, and I agree with the gentleman from New Jersey that if the CPA falls, there is little hope for finding a negotiated settlement for Darfur. Key to the importance of finding a truly comprehensive peace process is the implementation of the Comprehensive Peace Agreement. It ended two decades of conflict between former rebels in the South and the regime in Khartoum.

This is a critical time for the CPA. Elections are due this year, but, almost certainly, they will be delayed. Tensions in the con-

tested areas are still high, and intermittent fighting between rival ethnic groups has had a deathly toll. So we hope that there will soon be peace to this largely contested and so battled area. I yield back.

Chairman BERMAN. The time of the gentleman has expired. The gentlelady from California.

Ms. LEE. Thank you very much, Mr. Chairman. I, too, want to congratulate and thank the gentlelady from Texas for offering this amendment and would like to request that I be added as a co-sponsor of the amendment.

Chairman BERMAN. Without objection.

Ms. LEE. Thank you, Mr. Chairman. Let me just say how important this is at this moment because we have seen, and many of us have visited the camps in Darfur on many occasions and have seen the desperation in the eyes of the people of Darfur.

Hundreds of thousands of people have been killed, and millions of people have been displaced from their homes. We have got to turn the heat up now, and we have got to turn it up high.

Oftentimes, and I have to commend Congressman Don Payne for, as I always say, being the lone voice in the wilderness, calling what it is what it is, and that is genocide and, finally, put the United States on the right side of history in declaring genocide.

But also it is important that we do look at China and turn the heat up on China. I want to remind my colleague that we did pass a resolution, a couple of years ago, calling for China to join the world community to try to pressure and insist that the Sudanese Government end this genocide, and so we have to, I think, take it another step now, and I look forward to working with you on ways to do that.

Finally, let me just say, yes, the Congressional Black Caucus has mounted our fast efforts, and I want to just commend Congressman Payne for dealing the charge. Yesterday, members of the Caucus committed to at least a 24-hour fast. I started mine last night, Congresswoman Jackson Lee will take over tonight, and I hope that members of this committee will understand the value of fasting and consider joining with us in this effort because we have to raise awareness with regard to what is taking place in Darfur.

Again, young people in our country, the faith community, people have pulled together, but we still need to beat that drum much louder so that the world understands that the United States will not tolerate any more of this and will move very aggressively to end it.

So thank you, Mr. Chairman, and thank you, Congresswoman Jackson Lee.

Ms. JACKSON LEE. Will the gentlelady yield?

Ms. LEE. Yes, I will yield.

Ms. JACKSON LEE. Will the gentlelady yield? Let me just quickly say, Mr. Chairman, and I thank you, I want to thank the gentlelady for seeking to be a co-sponsor and just add my challenge to raising the ante and participating in the fast in a broad manner, as we are doing. Some of us have been arrested already and will probably try to do that in the future, but, in any event, I think it is very important, and I conclude by saying, if the humanitarian organizations have been evicted out of Sudan, it is a death knell

that is one that we could not understand the horror that is forthcoming if these humanitarian organizations do not come in.

The purpose of this sense of the resolution is to, again, heighten the emphasis of the United States that we are not going to abandon the people of Sudan or Darfur. I yield back to the gentlelady.

Chairman BERMAN. The time of the gentlelady has expired.

The question occurs on the Jackson Lee-Lee Amendment. All in favor, say aye.

[A chorus of ayes.]

Chairman BERMAN. All opposed, no. The ayes have it. The amendment is adopted. Are there any other amendments?

Mr. BURTON. Mr. Chairman?

Chairman BERMAN. The gentleman from Indiana.

Mr. BURTON. Mr. Chairman, I have an Amendment No. 1 at the desk.

Chairman BERMAN. The clerk will get a copy of the amendment, and then the clerk will——

Mr. BURTON. It is not going to be necessary for it to be handed up because I intend to withdraw the amendment. What I want to do is have a——

Chairman BERMAN. Do not even bother handing it out.

Mr. BURTON. I wanted to have a colloquy with the chairman. First of all, in our previous discussion, that was a "Sense of Congress" amendment that was added to the ranking member's substitute, and I think you indicated that the cost was going to be above what was anticipated, and, as I understand it from the staff, the savings in the overall GOP substitute offsetted the Foreign Military Financing costs for Israel.

Chairman BERMAN. Would the gentleman yield?

Mr. BURTON. Yes, sir.

Chairman BERMAN. I think it is my fault. I think I muddled through what I was trying to say so poorly that you heard something I did not intend to say.

Mr. BURTON. Whatever, in any event, what I would like to do, Mr. Chairman, is ask that, when we get to the Foreign Aid Authorization bill, that the Foreign Military Financing that we have given to Israel in the past will be a part of that, and, if I get your commitment, then we will move on.

Chairman BERMAN. You have my commitment, and you would have had it, even if you had not asked, and it is part of why I am here.

Mr. BURTON. Okay, Mr. Chairman. Thank you.

Chairman BERMAN. I appreciate it very much. We will not count that as a minority-side amendment since it was not passed out.

Mr. BURTON. Well, if that is the case, I have another amendment at the desk, Mr. Chairman.

Chairman BERMAN. Do you want to label the amendment at this time? Should it be passed out?

Mr. BURTON. Yes, it should be passed out, Mr. Chairman.

[The amendment of Mr. Burton follows:]

AMENDMENT TO H.R. 2410

OFFERED BY MR. BURTON

~~Strike section 405 of the bill (relating to United States arrearages to the United Nations).~~

At the appropriate place in the bill, insert the following new section:

1 **SEC. ____. 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.—In addition to
16 amounts otherwise available for the payment of Assessed

1 Contributions to International Organizations and Con-
2 tributions for International Peacekeeping Activities, there
3 is authorized to be appropriated such sums as may be nec-
4 essary for co-development of joint ballistic missile, medium
5 and short-range projectile defense projects with Israel, in-
6 cluding—
7 (1) complete accelerated co-production of Arrow
8 missiles and continue integration with the ballistic
9 missile defense system of the United States;
10 (2) system development of the Missile Defense
11 Agency and Israel Missile Defense Organization
12 joint program to develop a short-range ballistic mis-
13 sile defense capability, David's Sling weapon system,
14 and integrate the weapon system with the ballistic
15 missile defense system and force protection efforts of
16 the United States; and
17 (3) research, development, test and evaluation
18 of the Iron Dome short-range projectile defense sys-
19 tem.
20 (c) REPORT AND STRATEGY.—
21 (1) REQUIREMENT.—Not later than 180 days
22 after the date of the enactment of this Act, and an-
23 nually thereafter in connection with the submission
24 of congressional presentation materials for the for-
25 eign operations appropriations and defense appro-

1 priations budget request, the Secretary of State, in
2 consultation with the Secretary of Defense, shall
3 submit to the appropriate congressional committees
4 a report regarding the activities authorized under
5 subsection (b)(1).

6 (2) CLASSIFIED ANNEX.—The report required
7 under paragraph (1) shall be submitted in unclassi-
8 fied form to the maximum extent practicable, but
9 may include a classified annex, if necessary.

10 (3) DEFINITION OF APPROPRIATE CONGRES-
11 SIONAL COMMITTEES.—In this subsection, the term
12 "appropriate congressional committees" means—

13 (A) the Committee on Foreign Affairs and
14 the Committee on Armed Services of the House
15 of Representatives; and

16 (B) the Committee on Foreign Relations
17 and the Committee on Armed Services in the
18 Senate.

Mr. BURTON. This amendment deals with showing strong support for United States-Israeli missile defense projects. United States-Israeli missile defense cooperation has presently been authorized and appropriated in the Defense Authorization and Appropriation bills. I understand that this is the State Department bill, but I did want to bring this up.

Missile defense cooperation is generally not considered a form of direct aid, but many U.S. and Israeli observers consider it a vital component of the Israel's strategic relationship with the United States. Israel and the United States each financially contribute to several projects and share technology from co-developed weapons systems.

This provision not only supports these goals but specifies support to co-development of long- and medium-range, antiballistic-missile defenses, as well as short-range projectile defenses.

The ranking member mentioned, just a moment ago, when she was discussing the Republican substitute, that Iran just launched a missile that had a range of 1,200 miles, and, according to their defense minister, their Sajil II missile had pinpoint accuracy. That is very, very troubling.

As we know, Iran is trying to develop a nuclear capability. Now we know they have a missile that has pinpoint accuracy that can reach Europe and Israel, and Ahmadinejad has said he wants to see Israel wiped off the face of the Earth, and I think it is extremely important that we send a very strong message by adopting this amendment to this bill that we strongly support a cooperative effort to make sure we have anti-ballistic-missile technology that Israel can use to knock down those missiles, if they are fired at Israel.

Chairman BERMAN. The amendment is deemed as read, and I recognize myself for purposes of offering an amendment to the amendment and ask that it be considered, and I grant that it be considered. The clerk will read.

[The amendment of Chairman Berman follows:]

SUBSTITUTE AMENDMENT TO HR 2410 OFFERED BY MR. BERMAN TO THE AMENDMENT OFFERED BY MR. BURTON

Strike section 1202 and insert the following:

1 **SEC. 1202. SUPPORT TO ISRAEL FOR MISSILE DEFENSE.**

2 (a) AUTHORIZATION OF ASSISTANCE.—Of the
3 amounts authorized to be appropriated to carry out this
4 Act, there are authorized to be appropriated such sums
5 as may be necessary for co-development of joint ballistic
6 missile, medium and short-range projectile defense
7 projects with Israel, including—

8 (1) complete accelerated co-production of Arrow
9 missiles;

10 (2) system development of the Israel Missile
11 Defense Organization program to develop a short-
12 range ballistic missile defense capability, David's
13 Sling weapon system, and integrate the weapon sys-
14 tem with the ballistic missile defense system and
15 force protection efforts of the United States; and

16 (3) research, development, and test and evalua-
17 tion of the Iron Dome short-range projectile defense
18 system.

19 (b) REPORT AND STRATEGY.—

1 (1) REQUIREMENT.—Not later than 180 days
2 after the date of the enactment of this Act, and an-
3 nually thereafter in connection with the submission
4 of congressional presentation materials for the for-
5 eign operations appropriations and defense appro-
6 priations budget request, the Secretary of State, in
7 consultation with the Secretary of Defense, shall
8 submit to the appropriate congressional committees
9 a report regarding the activities authorized under
10 subsection (a)(1).
11 (2) CLASSIFIED ANNEX.—The report required
12 under paragraph (1) shall be submitted in unclassi-
13 fied form to the maximum extent practicable, but
14 may include a classified annex, if necessary.
15 (3) DEFINITION OF APPROPRIATE CONGRES-
16 SIONAL COMMITTEES.—In this subsection, the term
17 "appropriate congressional committees" means—
18 (A) the Committee on Foreign Affairs and
19 the Committee on Armed Services of the House
20 of Representatives; and
21 (B) the Committee on Foreign Relations
22 and the Committee on Armed Services in the
23 Senate.

Ms. RUSH. Substitute amendment to H.R. 2410 offered by Mr. Berman to the amendment offered by Mr. Burton. "Strike section 1202 and insert the following: 'Section 1202. Support to Israel for Missile Defense.' "——

Chairman BERMAN. The amendment should be considered as read, without objection, and I recognize myself on behalf of my substitute amendment.

Like the gentleman, I am a very strong supporter of a variety of different programs that the United States is working with the Government of Israel, in terms of dealing with short-, intermediate-, and long-range missile defense.

The substitute only changes two items. One, it removes language which would otherwise bring in the jurisdiction of other committees and conforms it to the jurisdiction of the committee; and, secondly, it eliminates reference to NATO because the words, "deployment as soon as is technologically possible," when dealing with NATO, can be viewed as—I interpret that as a possible mandate on us to deploy something which, with a little bit of negotiations, for instance, in the context of what we are planning to do in Poland and the Czech Republic vis-à-vis Iran's missile threat, some discussions and negotiations with other parties, in this particular case—the Russians—can create a much broader base of support for effective missile defense. And I interpret your language as literally offered, and the inclusion of the NATO countries to perhaps limit and constrain the ability to do that, the substitute speaks to the issues that you addressed as you debated on behalf of your amendment.

Ms. ROS-LEHTINEN. If the gentleman would yield.

Chairman BERMAN. I would be happy to yield.

Ms. ROS-LEHTINEN. Thank you, and I thank you for this substitute amendment to the Burton Amendment, and I congratulate Mr. Burton for always being an outspoken advocate for maintaining strong, positive ties with our greatest democratic ally in the Middle East, Israel, and doing everything that we can to ensure that she will always have the qualitative military edge and gets the protection that she needs, and this missile defense issue is of great importance.

So I am sure that Mr. Burton understands the corrections to his amendment that get to the very heart of what Mr. Burton seeks to do.

Mr. BURTON. Thank you for so eloquently stating my position. I agree.

Chairman BERMAN. And I agree with your eloquent statement of his position, and if we can go to the vote on the substitute amendment; all of those in favor, say aye.

[A chorus of ayes.]

Chairman BERMAN. All opposed, no. The ayes have it. The substitute amendment is adopted.

The question is now on the amendment, as amended. All of those in favor, say aye.

[A chorus of ayes.]

Chairman BERMAN. All opposed, no. The ayes have it, and the amendment is adopted.

The gentleman from South Carolina.

Mr. WILSON. Mr. Chairman, I have an amendment at the desk.

Chairman BERMAN. The clerk will read.

Mr. WILSON. And while it is being handed out, Mr. Chairman, I will proceed. The current bill under consideration——

Chairman BERMAN. Let us wait.

Mr. WILSON. It is so brief, you are going to love it.

Chairman BERMAN. In that case, we will dispense, by unanimous consent, with the reading. The gentleman is recognized for 5 minutes.

[The amendment of Mr. Wilson follows:]

AMENDMENT TO H.R. 2410

OFFERED BY MR. WILSON OF SOUTH CAROLINA

Page 77, line 17, strike "may" and insert "particularly those applicants who served in the Armed Forces, shall".

☒

Mr. WILSON. Thank you, Mr. Chairman. The current bill under consideration today adds 2,200 new Foreign Service Officer positions—that is over 2 years—for the State Department and the U.S. Agency for International Development, many to work in failed, failing, or at-risk states.

The bill states that a potential's higher experience in war zones "may be considered an affirmative factor in making such appointments."

My amendment is a technical amendment. It turns "may" into "shall," and it provides that applicants who served in the armed services fall into this category, which, obviously, I would interpret to be veterans.

Without this amendment, it would seem that these agencies will not get the veterans they need. The U.S. Agency for International Development's low, 5-percent veteran-hiring rate is evidence that we need a change, and this has been indicated by a report from the Congressional Research Service.

USAID and the State Department do give a preference to veterans, as do all U.S. Government agencies, but it is not big, five points on a 100-point scale. As a result, USAID has a mere 5.2 percent of new hires in Fiscal Year 2007 as veterans. This is far below the government average of 23 percent.

I know the State Department and USAID would benefit from having many more veterans and the skills and experiences they have, and I would specifically point out that, from the Office of Personnel Management, which was provided by the CRS, that, in the last 7 years, the number of Federal employees who have a background as veterans has increased from 17.4 percent to 22.9 percent,

but, sadly, with USAID, which is a great agency, there has been a reduction in veteran hires, from 9.9 percent to 5.2 percent, and so I believe this amendment would be helpful.

This bill stresses——

Chairman BERMAN. Would the gentleman yield?

Mr. WILSON. Yes.

Chairman BERMAN. I appreciate the gentleman yielding.

The gentleman seeks to cover this program for hiring of people with experience in areas of great instability to create a veterans' preference.

The chair agrees with the gentleman's intent. The chair is advised that because of the technical way this is drafted, this may undermine the general veterans' preference. The chair pledges to work with the gentleman, between now and the time that this comes to the floor, to see if he agrees with our conclusion about the way it is crafted, and, if he does, to work with him to provide language which achieves his purpose but without undermining the existing veterans.

Mr. WILSON. Mr. Chairman, thank you, and, with that said, I will withdraw the amendment.

I do want to point out that our veterans and persons serving overseas do have such experience that can be positive.

Chairman BERMAN. It makes perfect sense.

Mr. WILSON. I have seen humanitarian efforts in Iraq to provide potable water, schools, backpacks, health clinics, and, in Pakistan, I was honored to participate and observe in the providing of earthquake relief in Pakistan.

So, with your statements, and, again, I appreciate your enthusiasm for it, and withdraw the amendment.

Chairman BERMAN. I appreciate the gentleman's action to withdraw his amendment, and, by unanimous consent, the amendment is withdrawn.

Should we see what the next amendment is and, at least, have it pending before the vote? The gentleman from Arizona; for what purpose does he rise or sit?

Mr. FLAKE. I have an amendment at the desk.

Chairman BERMAN. The clerk will distribute and read the amendment.

[The amendment of Mr. Flake follows:]

AMENDMENT TO H.R. 2410

OFFERED BY MR. FLAKE OF ARIZONA

At the end of subtitle A of title XI of the bill, add the following new section:

1 **SEC. 1115. RULE OF CONSTRUCTION.**

2 Nothing in the legislative history of this Act shall be
3 construed to modify or otherwise affect the implementa-
4 tion of any provision of this Act that authorizes appropria-
5 tions for any foreign assistance program, project, or activ-
6 ity.

☒

Ms. RUSH. Amendment to H.R. 2410 offered by Mr. Flake of Arizona. "At the end of subtitle A of title XI of the bill, add the following new section: 'Section 1115. Rule of Construction. Nothing in the legislative history of this Act shall be construed to modify or otherwise affect the implementation of any provision of this Act that authorizes appropriations for any foreign assistance program, project, or activity.'"

Mr. FLAKE. Thank you, Mr. Chairman.

Chairman BERMAN. I think what we will do now, if it is okay, is—this amendment is pending. The gentleman from Arizona will be the first person recognized when we come back.

We have three votes. It is the intention of the chair to continue the markup after those votes and to get through as many additional amendments as we can before a vote, which we expect in about 1 hour, 1½ hours, after these three votes, and, with that, the committee is now recessed.

[Whereupon, at 12:11 p.m., a recess was taken.]

Chairman BERMAN. The committee will come to order. The gentleman from Arizona, Mr. Flake's, amendment regarding report language affecting Foreign Assistance Act authorizations is pending. The gentleman from Arizona is recognized for 5 minutes to speak on his amendment.

Mr. FLAKE. I thank the chairman.

This amendment, the intent is to go at soft earmarks that are sometimes included in conference reports that accompany an authorization bill.

I had a discussion with the chairman on the floor just now, and he noted that the big problem here is on appropriation bills. I will concede that. That is where most of the soft earmarks occur, in committee reports that accompany appropriation bills, but it has

also been a problem, in the past, on authorization bills like this one.

For example, language in the committee report for the last State Authorization bill, and this was approved in 2005, reads: "The committee encourages the Agency for International Development and other government agencies to consider sympathetically such applications as the Asian University for Women in Bangladesh or consider applications that they may make for additional assistance."

Now, this language was not included in the text of the bill, and, as a result, it was never able to be challenged on the House floor or anywhere else, and the problem with committee language is you cannot get at it or challenge it. It is typically put in in relative secrecy, and there is no ability to actually strike at it.

So I think that we do need to do something about this. I concede that this is mostly a problem with the appropriation bill, but we have had examples in the past where it has been a problem with the authorization bill as well, and, with that, you can yield back, and we will have a discussion, or I will yield time to the chairman.

Chairman BERMAN. Well, if it is all right with the gentleman, he could yield back his time, and I will just recognize myself, and then if you want to——

Mr. FLAKE. Well, let me just say, I do want to work with the chairman on this, and I take his point that there is no intent on this committee, under this leadership, to include these kinds of soft earmarks in authorization bills like this one, but, like I said, I do have examples where it has happened in the past.

If the chairman will commit that he will not allow soft earmarks in the committee report accompanying this authorization, then I am happy to withdraw, but, if not——

Chairman BERMAN. Okay.

Mr. FLAKE [continuing]. I feel that we need the language.

Chairman BERMAN. Will the gentleman yield?

Mr. FLAKE. Yes, I will yield.

Chairman BERMAN. I will commit that that kind of a soft earmark, none of which—there is no report yet, but we have no intention of doing anything like that in the report on this bill. I will commit to the gentleman to make sure we do nothing like that in the report on this bill. That commitment, I am prepared to give.

The problem with your language, and you have given me a good example of sort of a mush earmark, now, the fact is, if the chairman of this committee had any clout—which is a fact that is arguable, at best—he could not have that language about whatever university that was in Bangladesh, I think, and he would call the director of USAID or something, and he would say, "I want some of this money to go there."

So there is a limitation on what your amendment would do, but your amendment is crafted much broader than that, and we have a great example from this morning's discussion. The gentleman from New Jersey, Mr. Smith, in the context of certain language, made a good point. Would language regarding the dealing with tracking of violence and criminalization against a certain class of people force someone to do something that violated their moral or religious precepts? And I indicated that the committee report lan-

guage will make it clear that we do not intend for that provision to be construed to allow that to happen.

That is what report language generally does. It helps to elaborate, to create, to deal with some hypothetical issues that might be raised in a debate, like that one was, and tries to clarify it.

Your bill, your amendment, goes far beyond just the earmark question because it talks about the entire legislative history, and it is a fundamental attack on the report writers of the world.

Mr. FLAKE. If the gentleman would yield.

Chairman BERMAN. I would be happy to.

Mr. FLAKE. I have no intention to attack the chairman in his commitment to ensure that no soft earmarks, no funding earmarks, like this will be contained in the committee report, and I ask unanimous consent to withdraw the amendment.

Chairman BERMAN. Without objection, the amendment is withdrawn. Who else seeks recognition?

Mr. SMITH OF NEW JERSEY. Mr. Chairman, I have an amendment at the desk.

Chairman BERMAN. The gentleman from New Jersey is recognized.

The clerk will distribute the amendment. The word is coming back that we do not have an amendment, but this may be it now.

[The amendment of Mr. Smith of New Jersey follows:]

AMENDMENT TO H.R. 2410

OFFERED BY MR. SMITH OF NEW JERSEY

Page 130, beginning line 9, strike section 334 and insert the following:

SEC. 334. OFFICE FOR GLOBAL WOMEN'S ISSUES.

(a) ESTABLISHMENT.—There is established an Office for Global Women's Issues (in this section referred to as the ''Office'') in the Office of the Secretary of State in the Department of State. The Office shall be headed by the Ambassador-at-Large (in this section referred to as the ''Ambassador''), who shall be appointed by the President, by and with the advice and consent of the Senate. The Ambassador shall report directly to the Secretary of State.

(b) PURPOSE.—The Office shall coordinate efforts of the United States Government regarding the full integration of women and girls and women's empowerment in United States foreign policy.

(c) DUTIES.—

(1) IN GENERAL.—The Ambassador shall—

(A) coordinate and advise on activities, policies, programs, and funding relating to the full integration of women and girls and wom-

en's empowerment internationally for all bureaus and offices of the Department of State and in the international programs of other United States Government departments and agencies;

(B) design, support, promote, and, as appropriate, implement policies, programs, and activities to—

(i) expand and improve upon the educational opportunities of women and girls, particularly those of poor women, refugees, and internally displaced women, and women living in cultures that do not recognize a woman's equal right to education;

(ii) expand opportunities for women to participate in job training programs and microfinance and microenterprise initiatives, including savings-led approaches, particularly for women living on less than the equivalent of $1 per day;

(iii) protect the property and inheritance rights of women;

(iv) ensure that women receive equal pay as men for equal work;

(v) change male attitudes and behavior that are detrimental to the realization of the human rights of women;

(vi) improve maternal health, by providing medicine, supplies, training of midwives and other health professionals, access to safe blood, and increasing access to medical facilities for emergency obstetric care;

(vii) establish pregnancy care centers where women in need of assistance during pregnancy can obtain emotional support, legal and educational referrals, prenatal information, maternity and baby clothes, housing referrals, information on other community services, and adoption information;

(viii) eliminate coercive family planning practices, including coercive abortion and sterilization;

(ix) eliminate sex-selection abortion;

(x) prevent and treat cases of obstetric fistula;

(xi) eliminate female genital cutting;

(xii) eliminate child marriage;

(xiii) ensure that refugee women and girls and women in other vulnerable situations have secure shelter and safe access to water, sanitation facilities, food and health care;

(xiv) prevent and respond to violence against women through efforts aimed at the individual, family, community, local, national, international, and multilateral levels; and

(xv) prevent and prosecute the sex and labor trafficking of women and girls, and protect and assist in the safe re-integration of women and girls who have been trafficked;

(C) actively promote and advance the full integration of analysis on women's involvement into the programs, structures, processes, and capacities of all bureaus and offices of the Department of State and in the international programs of other United States Government departments and agencies; and

(D) direct, as appropriate, United States Government resources to respond to needs for the full integration of women and girls and

women's empowerment in United States Government foreign policies and international programs.

(2) COORDINATING ROLE.—The Ambassador shall coordinate with the United States Agency for International Development and the Millennium Challenge Corporation on all policies, programs, and funding of such agencies relating to the full integration of women and girls and women's empowerment.

(3) DIPLOMATIC REPRESENTATION.—Subject to the direction of the President and the Secretary of State, the Ambassador is authorized to represent the United States in matters relevant to the status of women internationally.

(d) STATEMENT OF POLICY.—

(1) IN GENERAL.—It is the policy of the United States Government not to lobby sovereign countries, including through multilateral mechanisms, to change their domestic laws and policies to legalize, fund, or promote abortion except in cases of forcible rape, incest, or to save the life of the mother.

(2) OPERATION.—All activities of the Office and the Ambassador shall be in accordance with the policy stated in (1).

(e) REPORTING.—The heads of all bureaus and offices of the Department of State, as appropriate, shall evaluate and monitor all women's empowerment programs administered by such bureaus and offices and annually submit to the Ambassador a report on such programs and on policies and practices that integrate women and girls.

(f) AUTHORIZATION OF APPROPRIATIONS.—Of the amounts authorized to be appropriated under section 101, there are authorized to be appropriated such sums as may be necessary for each of fiscal years 2010 and 2011 to carry out activities under this section. Funds appropriated pursuant to this subsection shall be under the direct control of the Ambassador.

☒

Ms. RUSH. Amendment to H.R. 2410 offered by Mr. Smith of New Jersey. "Page 130, beginning line 9, strike section 334 and insert the following: 'Section 334. Office for Global Women's Issues. (a) Establish'"——

Mr. SMITH OF NEW JERSEY. Mr. Chairman, I ask unanimous consent that the amendment be considered as read.

Chairman BERMAN. Without objection, the amendment is deemed read, and the gentleman is recognized for 5 minutes.

Mr. SMITH OF NEW JERSEY. Mr. Chairman, my amendment authorizes an Office for Women's Issues led by an ambassador-at-large designed to coordinate and advise on activities, policies, programs, and funding related to women's empowerment internationally.

The office would promote activities designed to expand educational opportunities and job training for women, push equal pay for equal work for women, push microfinancing and micro-enterprise programs for women, push property and inheritance rights for women, improve maternal health and expand pregnancy care centers, combat forced abortions, forced sterilization, sex and labor trafficking, and other forms of violence against women, seek an end to genital mutilation, stop child marriage, and promote changes in male attitudes and behavior that are detrimental to women.

Consistent with a core, human rights norm that all human life is precious and sacred and worthy of protection, regardless of age, sex, race, color, creed, disability, wontedness, or condition of dependency, my amendment seeks to protect unborn children and their mothers from the violence of abortion.

Dr. Alveda King, niece of the late Dr. Martin Luther King, Jr. has had two abortions but now, boldly and compassionately, she speaks out for both victims, mother and baby. She is part of a group of courageous, post-abortive women called the "Silent No More Campaign" and works tirelessly to help women deal with the emotional pain and find peace and a sense of reconciliation following an abortion.

In discussing her late uncle, Dr. Martin Luther King, Jr.'s remarkable dream of inclusion and justice, Alveda King recently said in a speech, "How can the dream of my uncle survive if we murder the children?" The niece of the late Dr. Martin Luther King, Jr. says, "Protection of the unborn is the civil rights issue of our time." Her words ought not to be dismissed lightly.

Mr. Chairman, it is absolutely imperative that women never be regarded or reduced to the status of objects or second-class citizens. The same is true, I would respectfully submit to my colleagues, of unborn children. They are human, they are alive, they are not objects or throw-aways, and, today, like never before, they are in need of friends.

Abortion is child abuse. Abortion methods dismember, chemically poison, starve to death, suction to death, or puncture to death, with ultra-sharp, surgical knives, the fragile bodies of young girls and boys. Human rights, especially the right to life, must be for all, including, and especially, the weakest and the most vulnerable.

Sex-selection abortion kills millions of baby girls around the world, singled out for destruction simply because they are girls.

Like genocide, gendercide is based on extreme prejudice enabled by indifference.

As part of a humane and consistent agenda for women, the Office of Global Women's Issues ought to be the first in line in affirming the inherent value and dignity of mothers and their babies, both before, as well as after, birth.

Like newborns, unborn babies are a class of human beings that need care, nurturing, love, and, as the littlest patients of all, medical interventions designed to mitigate disability or disease.

The Preamble of the U.N. Convention on the Rights of the Child states, and I quote, "The child, by reason of his or her physical and mental immaturity, needs special safeguards and care, including appropriate legal protection before, as well as after, birth."

Abortion is the antithesis of protection. It is the abandonment of both mother and child. If abortion is promoted by the Office for Global Women's Issues, it will profoundly undermine both the message and the mission of what would otherwise be a truly noble initiative. My amendment seeks to ensure that that will not be the case. I yield back the balance of my time.

Ms. WOOLSEY. Mr. Chairman?

Chairman BERMAN. For what purpose does the gentlelady from California seek recognition?

Ms. WOOLSEY. I would like to respond to Mr. Smith.

Chairman BERMAN. By striking the last word? The gentlelady is recognized for 5 minutes.

Ms. WOOLSEY. Thank you very much. Mr. Chairman and Mr. Smith, I strongly oppose this amendment, and I urge my colleagues to vote against it.

I want to express my respect for you, Representative Smith, and say that I believe this is a good-faith effort, on your part, to do the right thing, but this amendment is the wrong thing to do. Given that family planning actually prevents abortion, it should be one of the things that all of us support in every way we can.

I wish my colleague from New Jersey could truly appreciate how essential family planning and reproductive healthcare is to women in developing countries and, perhaps more importantly, how essential family planning is to their families and to their nations.

Mr. SMITH OF NEW JERSEY. Would my good friend yield on that point, just very briefly?

Ms. WOOLSEY. Briefly.

Mr. SMITH OF NEW JERSEY. There is nothing in this amendment that refers to planning family; this only deals with abortion.

Ms. WOOLSEY. Right, but, by assuming abortion and not supporting family planning in the past, we have ended up where we are, with women in Tanzania, where I visited just about a month ago, having death and dissemination of their families because they could not plan for their families because of what has come out of this committee in the past.

Women play a critical role in driving economic development throughout the world, and reducing the rate of maternal mortality is essential for driving broad-based, economic growth.

So the new Office of Global Women's Issues is mandated not only to promote gender integration and women's empowerment internationally for all U.S. programs, but the ambassador is to play a

leadership role, internationally, in all matters relevant to women. That is why the Office of Global Women's Issues is so important to us, and by narrowing the mandate of this office, we will only detract from our effort to improve the status of women around the world.

So I urge my colleagues to oppose the Smith Amendment. I yield back.

Chairman BERMAN. Has the gentlelady yielded back her time?

Ms. WOOLSEY. I have.

Chairman BERMAN. All right. Is there a speaker here on this amendment? Mr. Inglis?

Mr. INGLIS. Mr. Chairman, I have a perfecting amendment at the desk.

Chairman BERMAN. Perfecting?

Mr. INGLIS. Yes.

Chairman BERMAN. You are recognized. The clerk will distribute the perfecting amendment.

Mr. INGLIS. Mr. Chairman, this is an amendment to——

Chairman BERMAN. First, the clerk should read the amendment.

[The amendment of Mr. Inglis follows:]

INGLIS

Amendment to the Amendment offered by Mr. Smith of New Jersey

In Section 334 (c)(B) insert new (iii) and renumber accordingly

(iii) Increase women's participation in political processes at the local, national and international levels, including representation in governing bodies;

Ms. RUSH. Amendment by Mr. Inglis, amendment to the amendment offered by Mr. Smith of New Jersey. "In Section 334(c)(B) insert new [Subsection] (iii) and renumber accordingly. '[Subsection] (iii): Increase women's participation in political processes at the local, national, and international levels, including representation in governing bodies;'"

Chairman BERMAN. The gentleman is recognized on his amendment.

Mr. INGLIS. Thank you, Mr. Chairman. First of all, of course, I am very much in support of what Mr. Smith is doing here, and I simply seek to add another section that would instruct our State Department personnel to spend time doing what they may already be doing, but we want to encourage them, in the form of a statute, to increase women's participation in the political process and increase that representation in governing bodies.

It is very important for us to export concepts of human rights and dignity, and, of course, it is important, in that connection, to stress the significance of women's participation because we all know that, in our own country, we have had a problem with that, and elsewhere around the world there is a substantial problem with recognizing the full participation of women in the political process.

So I am very much in support of both what Mr. Smith is doing here because of the importance of the issues that he is raising as to the dignity of women around the world, and then I would suggest to the committee that we add this section about women's participation in the political process, and, with that, I would be happy to yield to the gentleman from New Jersey, if he would like to comment on this.

Mr. SMITH OF NEW JERSEY. I thank you for the amendment. I think it is a strengthening amendment. As we saw when the women parliamentarians from Pakistan visited earlier, women's participation in the political process is essential. So you do nothing but strengthen it, so I appreciate it.

Mr. INGLIS. Thank you, Mr. Chairman. I yield back.

Chairman BERMAN. The gentleman's time has expired.

Ms. WOOLSEY. Mr. Chairman?

Chairman BERMAN. Yes. The gentlelady from California on the perfecting amendment.

Ms. WOOLSEY. I move to strike the last word.

Chairman BERMAN. The gentlelady is recognized.

Ms. WOOLSEY. I would just like to comment that Mr. Inglis's amendment certainly is a good addition, but this amendment continues to restrict women's access to full reproduction options and should be voted against. I yield back.

Chairman BERMAN. The question is on the Inglis Perfecting Amendment to the Smith Amendment. All of those in favor, say aye.

[A chorus of ayes.]

Chairman BERMAN. Opposed? The ayes have it. The perfecting amendment is adopted.

On the Smith Amendment, as amended, I recognize myself and yield myself 5 minutes.

If I cannot persuade the gentleman to withdraw this amendment now, I am going to have to ask for a "no" vote. I say that reluctantly, but I will explain why I come down that way.

First of all, I have just seen the amendment. The amendment is very prescriptive, not that there is anything wrong with that, but there are a lot of things in there, and if you are going to have a prescriptive list of things you want that office to do, I can think of some prescriptive things that, if we are going to define it with a prescriptive list of things to do, we should think about whether a balanced approach would be to add some additional things.

So what occurs to me as I first look at this is that it talks about "eliminate family planning practices, including coercive abortion and sterilization." I agree with that completely, but maybe there should be something in there that calls on that office to promote noncoercive methods and choices of family planning alternatives to abortion that might be desperately needed and wanted in countries with peoples who are receiving our foreign assistance work and that the office is working on.

So, putting in a list of a number of detailed things which we have not had a chance to see if it has gaps in, I think, is a mistake.

Secondly, I just want to remind everyone that, right now, existing law says the Siljander Amendment of 1981, part of the Foreign Ops Appropriations Act of 2009—and it will continue to be—says:

"None of the funds made available under this Act may be used to lobby for or against abortion."

A more balanced way of saying the same thing is what the gentleman from New Jersey is driving at. The Leahy Amendment serves to clarify the term "motivate." Under the Helms Amendment, the Helms Amendment says: "None of the funds made available under this Act"—this was since 1973, again, part of the Foreign Operations Appropriations—"may be used to pay for the performance of abortion as a method of family planning or to motivate or coerce any person to practice abortions."

The Leahy Amendment clarifies the term "motivate," as it relates to family planning assistance, "shall not be construed to prohibit the provision, consistent with local law, of information and counseling about all pregnancy options."

We have a layer of provisions and laws already, and my third point is, this office, while it has some general obligations, its primary function right now is dealing with the women of Iraq and the women of Afghanistan who have suffered tremendously by virtue of what has gone in those two countries, and that is their emphasis now.

Now, all of a sudden, we are imposing a whole series of prescriptive duties on them that they may not be staffed and ready to accept.

So it is not, at first blush, anything you have in your amendment that bothers me; it is what is not in the amendment, the lack of time I have to get the full picture, and, for that reason, I reluctantly—well, I ask for the gentleman to withdraw his amendment for now to see if we can work through this process, understanding what he is going after, to see if we can come up with something before we go to the floor, or, in the alternative, I ask my colleagues to vote against the amendment.

My time has expired. The gentleman from California, Mr. Rohrabacher.

Mr. ROHRABACHER. Yes. I yield my time to Mr. Smith.

Mr. SMITH OF NEW JERSEY. I appreciate my friend for yielding.

With all due respect to the distinguished chairman, and I have an enormous amount of respect for Mr. Berman, I would ask that we do have a vote on this. We can continue to work on the language.

As I said to the distinguished gentlelady from California, nothing whatsoever in this precludes family planning being promoted. We know it will be promoted.

My concern is that so many things, like safe blood—I held a hearing in this room when we were in control of the House, and I chaired the Africa and Global Human Rights Subcommittee, and we heard from the World Health Organization that if women had access to safe blood, 44 percent of maternal mortality disappears.

So we have done some good things in that area, but I think, as an advocacy group, we do not expect that all of this will be done overnight by the Global Office. These are strongly held beliefs, I think, on both sides of the aisle, and these are the kinds of things that we want them to do.

The ultimate consensus breaker is abortion, and the hope is that we will see our way clear to say, "Let us have a foreign policy that is not promoting abortion."

As you said, the Siljander Amendment clearly states that, but does that apply to the Global Office. It is unclear.

Chairman BERMAN. It applies to any of the monies appropriated to the State Department.

Mr. SMITH OF NEW JERSEY. So this just makes it clear, in this piece of legislation.

I would urge my colleagues to join me in voting for this. I yield back.

Mr. ROHRABACHER. I yield back the balance of my time.

Chairman BERMAN. The gentleman from Virginia, Mr. Connolly.

Mr. CONNOLLY. I thank the chair.

Chairman BERMAN. The gentleman is recognized for 5 minutes.

Mr. CONNOLLY. You know, Mr. Chairman, I was the youngest member of the U.S. delegation to the first World Population Conference in Bucharest, Romania, in 1974.

Chairman BERMAN. You were not even that young then.

Mr. CONNOLLY. I was, believe it or not—I did not have any gray hair, that is right—appointed by the Nixon administration, and, you know, this debate is an important one, and I know that my colleague from New Jersey is sincere in wanting to express his values, but the notion that somehow the United States promotes abortion overseas is itself fallacious. It is a false premise. I have never known the United States Government to do that.

We have legislated on this issue for decades, and while it may make some sense for some people, in terms of making political points with certain parts of their constituencies, I do not know that it makes sense in terms of overall U.S. foreign policy.

Now, we need to be concerned about the health of women. We need to be concerned about the spacing of children and the morbidity and mortality rates of children, in terms of child survival rates. That is what we need to be focused on.

I have no reason to believe, nor does anyone on this committee, frankly, that somehow Secretary Clinton's Office of Women and Global Affairs would somehow promote something that, as you point out, Mr. Chairman, is already prohibited and prescribed by law. This amendment is designed to make a point, and it is a point, I think, that is not necessary at this time, and it actually could prove injurious to United States' foreign policy interests.

I join with the chairman, reluctantly, in urging my colleagues to vote no.

Mr. CONNOLLY. I will yield back the balance of my time.

Chairman BERMAN. Okay. The previous question has been moved by the ranking member. Debate is closed. We will now vote on the Smith Amendment, as amended. All of those in favor, say aye.

[A chorus of ayes.]

Chairman BERMAN. All opposed, say no. No. The noes have it.

Mr. SMITH OF NEW JERSEY. Mr. Chairman, can I request a recorded vote?

Chairman BERMAN. A recorded vote has been requested. The clerk will call the roll.

Ms. RUSH. Chairman Berman?

Chairman BERMAN. No.
Ms. RUSH. The chairman votes no. Mr. Ackerman?
[No response.]
Ms. RUSH. Mr. Faleomavaega?
Mr. FALEOMAVAEGA. No.
Ms. RUSH. Mr. Faleomavaega votes no. Mr. Payne?
[No response.]
Ms. RUSH. Mr. Sherman?
Mr. SHERMAN. No.
Ms. RUSH. Mr. Sherman votes no. Mr. Wexler?
[No response.]
Ms. RUSH. Mr. Engel?
Mr. ENGEL. No.
Ms. RUSH. Mr. Engel votes no. Mr. Delahunt?
Mr. DELAHUNT. No.
Ms. RUSH. Mr. Delahunt votes no. Mr. Meeks?
[No response.]
Ms. RUSH. Ms. Watson?
[No response.]
Ms. RUSH. Mr. Carnahan?
Mr. CARNAHAN. No.
Ms. RUSH. Mr. Carnahan votes no. Mr. Sires?
Mr. SIRES. No.
Ms. RUSH. Mr. Sires votes no. Mr. Connolly?
Mr. CONNOLLY. No.
Ms. RUSH. Mr. Connolly votes no. Mr. McMahon?
Mr. MCMAHON. No.
Ms. RUSH. Mr. McMahon votes no. Mr. Tanner?
Mr. TANNER. No.
Ms. RUSH. Mr. Tanner votes no. Mr. Green?
[No response.]
Ms. RUSH. Ms. Woolsey?
Ms. WOOLSEY. No.
Ms. RUSH. Ms. Woolsey votes no. Ms. Jackson Lee?
[No response.]
Ms. RUSH. Ms. Lee?
[No response.]
Ms. RUSH. Ms. Berkley?
Ms. BERKLEY. No.
Ms. RUSH. Ms. Berkley votes no. Mr. Crowley?
Mr. CROWLEY. No.
Ms. RUSH. Mr. Crowley votes no. Mr. Ross?
[No response.]
Ms. RUSH. Mr. Miller?
Mr. MILLER. No.
Ms. RUSH. Mr. Miller votes no. Mr. Scott?
Mr. SCOTT. No.
Ms. RUSH. Mr. Scott votes no. Mr. Costa?
[No response.]
Ms. RUSH. Mr. Ellison?
[No response.]
Ms. RUSH. Ms. Giffords?
Ms. GIFFORDS. No.
Ms. RUSH. Ms. Giffords votes no. Mr. Klein?

[No response.]
Ms. RUSH. Ms. Ros-Lehtinen?
Ms. ROS-LEHTINEN. Yes.
Ms. RUSH. Ms. Ros-Lehtinen votes yes. Mr. Smith?
Mr. SMITH OF NEW JERSEY. Mr. Smith votes yes. Mr. Burton?
Mr. BURTON. Yes.
Ms. RUSH. Mr. Burton votes yes. Mr. Gallegly?
Mr. GALLEGLY. Aye.
Ms. RUSH. Mr. Gallegly votes yes. Mr. Rohrabacher?
Mr. ROHRABACHER. Yes.
Ms. RUSH. Mr. Rohrabacher votes yes. Mr. Manzullo?
[No response.]
Ms. RUSH. Mr. Royce?
Mr. ROYCE. Yes.
Ms. RUSH. Mr. Royce votes yes. Mr. Paul?
[No response.]
Ms. RUSH. Mr. Flake?
Mr. FLAKE. Yes.
Ms. RUSH. Mr. Flake votes yes. Mr. Pence?
Mr. PENCE. Yes.
Ms. RUSH. Mr. Pence votes yes. Mr. Wilson?
Mr. WILSON. Yes.
Ms. RUSH. Mr. Wilson votes yes. Mr. Boozman?
Mr. BOOZMAN. Yes.
Ms. RUSH. Mr. Boozman votes yes. Mr. Barrett?
[No response.]
Ms. RUSH. Mr. Mack?
Mr. MACK. Yes.
Ms. RUSH. Mr. Mack votes yes. Mr. Fortenberry?
Mr. FORTENBERRY. Yes.
Ms. RUSH. Mr. Fortenberry votes yes. Mr. McCaul?
Mr. MCCAUL. Yes.
Ms. RUSH. Mr. McCaul votes yes. Mr. Poe?
Mr. POE. Yes.
Ms. RUSH. Mr. Poe votes yes. Mr. Inglis?
Mr. INGLIS. Yes.
Ms. RUSH. Mr. Inglis votes yes. Mr. Bilirakis?
Mr. BILIRAKIS. Yes.
Ms. RUSH. Mr. Bilirakis votes yes.
Chairman BERMAN. Are there other members who wish to be recorded? The gentlelady from California, Ms. Lee.
Ms. LEE. No.
Ms. RUSH. Ms. Lee votes no.
Chairman BERMAN. The gentleman from Florida.
Mr. WEXLER. No.
Ms. RUSH. Mr. Wexler votes no.
Chairman BERMAN. The gentleman from New Jersey.
Mr. PAYNE. No.
Ms. RUSH. Mr. Payne votes no.
Chairman BERMAN. The gentleman from New York.
Mr. MEEKS. No.
Ms. RUSH. Mr. Meeks votes no.
Chairman BERMAN. The gentleman from Florida.
Mr. KLEIN. No.

Ms. RUSH. Mr. Klein votes no.

Chairman BERMAN. The gentleman from New York, Mr. Ackerman.

Mr. ACKERMAN. No.

Ms. RUSH. Mr. Ackerman votes no.

Chairman BERMAN. Mr. Manzullo.

Mr. MANZULLO. Yes.

Ms. RUSH. Mr. Manzullo votes yes.

Chairman BERMAN. Is there anyone else who wishes to be recorded? If not, the clerk will tally. Mr. Mack?

Ms. RUSH. No. He voted.

Chairman BERMAN. He already voted. All right. The clerk is tallying the vote.

[Pause.]

Chairman BERMAN. Mr. Crowley?

Ms. RUSH. He voted.

Chairman BERMAN. Okay. That is it. The polls are closed.

Ms. RUSH. On this vote, there are 17 ayes and 22 noes.

Chairman BERMAN. The amendment, as amended, is not agreed to.

Mr. ROYCE. Mr. Chairman?

Chairman BERMAN. The gentleman from California, Mr. Royce.

Mr. ROYCE. Thank you, Mr. Chairman. I have an amendment at the desk.

Chairman BERMAN. The gentleman from California, Mr. Gallegly. You are next.

Mr. ROYCE. I have an amendment at the desk, Mr. Chairman.

Chairman BERMAN. The clerk will distribute.

[The amendment of Mr. Royce follows:]

AMENDMENT TO FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEARS 2010 AND 2011 OFFERED BY MR. ROYCE OF CALIFORNIA

At the appropriate place, insert the following new section:

1 **SEC. ___. SENSE OF CONGRESS ON RESTRICTIONS ON RE-**
2 **LIGIOUS FREEDOM IN VIETNAM.**

3 (a) FINDINGS.—Congress finds the following:

4 (1) The Secretary of State, under the Inter-
5 national Religious Freedom Act of 1998 (22 U.S.C.
6 6401 et seq.) and authority delegated by the Presi-
7 dent, designates nations found guilty of ''particularly
8 severe violations of religious freedom'' as ''Countries
9 of Particular Concern''.

10 (2) In November 2006, the Secretary of State
11 announced that the Socialist Republic of Vietnam
12 was no longer designated as a ''Country of Par-
13 ticular Concern''.

14 (3) The Unified Buddhist Church of Vietnam
15 (UBCV), the Hoa Hao Buddhists, and the Cao Dai
16 groups continue to face unwarranted abuses because
17 of their attempts to organize independently of the
18 Government of Vietnam, including the detention and

imprisonment of individual members of these religious communities.

(4) Over the last 3 years, 18 Hoa Hao Buddhists have been arrested for distributing sacred texts or publically protesting the religious restrictions placed on them by the Government of Vietnam, at least 12 remain in prison, including 4 sentenced in 2007 for staging a peaceful hunger strike.

(5) At least 15 individuals are being detained in long term house arrest for reasons relating to their faith, including the most venerable Thich Quang Do and most of the leadership of the UBCV.

(6) According to Human Rights Watch, ''In April 2008 Montagnard Christian Y Ben Hdok was beaten to death while in police custody in Dak Lak after other Montagards in his district tried to flee to Cambodia to seek political asylum.''.

(7) According to the United States Commission on International Religious Freedom 2009 Annual Report, religious freedom advocates and human rights defenders Nguyen Van Dai, Le Thi Cong Nhan, and Fr. Thaddeus Nguyen Van Ly are in prison under Article 88 of the Criminal Code of Vietnam and Fr. Nguyen Van Loi is being held without official detention orders under house arrest.

(8) In February 2009, as many as 11 Montagnard Protestants were detained for refusing to join the officially recognized Southern Evangelical Church of Vietnam, and 2 still remain in prison.

(9) Since August 2008, the Government of Vietnam has arrested and sentenced at least eight individuals and beaten, tear-gassed, harassed, publicly slandered, and threatened Catholics engaged in peaceful activities seeking the return of Catholic Church properties confiscated by the Vietnamese Government after 1954 in Hanoi, including in the Thai Ha parish.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Secretary of State should place Vietnam on the list of ''Countries of Particular Concern'' for particularly severe violations of religious freedom; and

(2) the Government of Vietnam should lift restrictions on religious freedom and implement necessary legal and political reforms to protect religious freedom.

☒

Ms. RUSH. Amendment to Foreign Relations Authorization Act, Fiscal Years 2010 and 2011, offered by Mr. Royce of California. "At the appropriate place, insert the following new section: 'Section blank. Sense of Congress on Restrictions'"——

Chairman BERMAN. Without objection, the amendment will be deemed read.

The gentleman from California is recognized for 5 minutes on his amendment.

Mr. ROYCE. Thank you, Mr. Chairman. A number of us, on both sides of the aisle, are members of the Human Rights Caucus, and I bring this resolution up for a particular reason.

There is a problem for the Buddhist Church in Vietnam, and, over the years, we have had this issue of the countries of particular concern, the list that allows us to apply some leverage in order to try to obtain the right kind of conduct, whether it is in Burma or Saudi Arabia. Vietnam was on that list and was taken off a few years ago, but, colleagues, Human Rights Watch said that they have commenced the worst crackdown on human rights in 20 years, and I just want to share this with you.

I had an opportunity, in the past, to visit some of those dissidents, some of those Buddhist monks, in prison. One was Thich Quang Do, who is serving 33 years. Another who was under house arrest was Le Quang Liem.

When you meet with someone, and, subsequently, they have their head bashed in by the state because they attempt to go to a religious ceremony for their prophet's birthday, I just want to read you the press account.

> "Mr. Trung Van Duk was clubbed to death on site. His body is kept at the Phu Tan District Prison. As for Mr. Le Quang Liem, he suffered several major blows to the head and shoulders. Fellow Hoa Hao Buddhists came to his aid, quickly carried him to the gates of the Thu Than City. Three thousand Hoa Hao Buddhists surrounded the gates to protect him. The policeman pursuing Mr. Le Quang Liem ruthlessly clubbed and beat the Hoa Hao Buddhists surrounding the gates of the city."

Now, we have Protestant leader Ben Hdok, this year, who was also beaten to death. This is a photograph from the Human Rights Report of Pastor Nguyen Kon Chin beaten over 20 times. This is his latest beating, July 12, 2008. His church was bulldozed twice.

The point I am trying to make here is that when Human Rights Watch gives us the hard evidence, in terms of the crackdown that occurred this year, and it is across the board, we must act. The church that has the greatest problem, I think, are the Buddhists because, as Le Quang Liem showed me, the sacred texts are not acceptable to the party, so the party has rewritten them to about 30 percent of what used to be in the document and changed the document. This is why the head of the Unified Buddhist Church, Thich Quang Do, and why Le Quang Liem cannot convert to the party's interpretation for their religion as Buddhists.

Now, the bottom line is that the State Department is going to do what it wants to do. We cannot compel Vietnam's inclusion, but we can use our judgment and express our view that the Vietnamese harassment of religious believers here is over the top.

So this is what I really recommend to all of you. For those of us who are members of the Human Rights Caucus, we have had hearings on this, we have heard in detail all that has happened, also to the Catholic Church at Thai Ha and to the parishioners there, how they have been beaten. I just think it is time, in a bipartisan way, we go on record in this body to, at least, express to the Vietnamese Government that someone is paying attention, just like we do to Burma and just like we do to the Saudis and so forth.

I will reserve the balance of my time, Mr. Chairman.

Chairman BERMAN. You cannot reserve it, but you can get one of your friends to yield.

Mr. ROYCE. Then let me explain one other point. The fact that Vietnam was put on the list shows how bad things were, and, for a while, that served to create some leverage, but now, as Human Rights Watch has told us, we have lost any leverage, and the U.S. Commission on International Religious Freedom, which is the custodian of this list, to begin with, now recommends that Vietnam be relisted, our own U.S. Commission on Religious Freedom. Thank you, Mr. Chairman.

Chairman BERMAN. The time of the gentleman has expired. The gentlemen from America Samoa; for what purpose do you seek recognition?

Mr. FALEOMAVAEGA. I move to strike the last word.

Chairman BERMAN. The gentleman is recognized for 5 minutes.

Mr. FALEOMAVAEGA. Mr. Chairman, I have the utmost respect for my colleague and friend from California, Mr. Royce, and I also am a member of the Human Rights Caucus, and I want to include, for the record, Mr. Chairman, the letter that was received from Vietnam's Ambassador to the United States in opposition to the Royce Amendment.

Chairman BERMAN. Without objection, that letter from the ambassador will be included.

Mr. FALEOMAVAEGA. I also want to include the State Department's response to the amendment.

Chairman BERMAN. I am sorry?

Mr. FALEOMAVAEGA. The State Department.

Chairman BERMAN. They have sent a communication on this issue.

Mr. FALEOMAVAEGA. Yes.

Chairman BERMAN. Having seen neither, we will include both.

Mr. FALEOMAVAEGA. Okay. Mr. Chairman, the State Department continues to list Vietnam as a country of particular concern with respect to religious freedom. This is what the amendment calls for:

> "Vietnam was placed on a Country of Particular Concern list in 2004, and, in 2006, under the Bush administration, the U.S. Department of State took Vietnam off of the CPC list because it no longer fit the criteria of a severe violator under the International Religious Freedom Act."

While I agree with my friend from California that problems remain in Vietnam, and while I am aware that the U.S. Commission on International Religious Freedom would like to see Vietnam put back on the list, the Commission on International Religious Free-

dom also recognizes some positive developments, as does the U.S. Department of State.

According to the State Department, Vietnam has addressed the central violations put forward in the Royce Amendment and has instituted policies and practices to protect religious freedom.

According to the statement from the State Department, and I quote,

> "All prisoners of faith that were on our list in 2004 have been released. There have been only isolated cases of renunciation in the past year. Almost all of the places of worship that were shut down prior to 2004 have been reopened, new churches and religious denominations continue to be recognized, religious texts are now printed and distributed to several ethnic minority languages, and many thousands of believers are able to practice their faith without harassment."

The reference that my good friend's amendment makes to the Catholic Church was a land dispute and not a religious dispute. In fact, according to the ambassador's letter, the improvement of religious freedom was acknowledged by Vatican Under Secretary of State Monsignor Pietro Parolini, the Pope's envoy during his visit to Vietnam in February of this year.

The ambassador's letter also reports that the Bush administration's decision to take Vietnam off the CPC list, that, in the year 2008 and early 2009, nine religious groups received national recognition, tripling the number that received recognition throughout 2007, the number of locally registered Protestant congregations has increased. In Ho Chi Minh City alone, there are now 130 registered congregations, and, by the end of the year 2008, there were 1,175 in the Central Highlands and about 126 in the Northern Provinces.

With that, Mr. Chairman, again, I respect very highly my good friend's proposed amendment, but, for the reasons——

Mr. ROYCE. Will the gentleman yield for a question?

Mr. FALEOMAVAEGA. I will gladly yield.

Mr. ROHRABACHER. The letter that you submitted; was it from the American Ambassador to Vietnam, or are you submitting a letter from Vietnamese Ambassador to the United States?

Mr. FALEOMAVAEGA. From the Ambassador of Vietnam to the United States.

Mr. ROHRABACHER. So the representative of the government who has been accused of the human rights abuses; he is the representative of that government, not our Government.

Mr. FALEOMAVAEGA. And rightly so.

Mr. ROHRABACHER. All right.

Mr. FALEOMAVAEGA. That is what he is here for, and I believe the same letter was also sent to other members of the committee.

Chairman BERMAN. Is the gentleman yielding back?

Mr. FALEOMAVAEGA. Mr. Chairman, with that, I yield back the balance of my time.

Mr. SMITH OF NEW JERSEY. Mr. Chairman?

Chairman BERMAN. The time of the gentleman has expired. The gentleman from New Jersey.

Mr. SMITH OF NEW JERSEY. Thank you very much, Mr. Chairman. First of all, let me thank Mr. Royce for his excellent amendment.

As one of the prime authors of the International Religious Freedom Act (IRFA)—Frank Wolf was the prime author, but all of the International Religious Freedom Act hearings, and the markup, were in this room—I was also the chair of the Human Rights Committee at the time—when we wrote that legislation, we meant for countries like Vietnam, which are egregious violators of religious freedom, to be listed as countries of particular concern. Vietnam actually uses the registration of churches as a way of suppressing these institutions and church membership.

I have been to Vietnam several times—as a matter of fact, David Killion and I were there on one of those trips, but my most recent trip took me to Ho Chi Minh City, Hanoi, and Hue. I met with about 60 dissidents who were out of prison. Several are under house arrest, including the venerable Thich Quang Do.

There was an easing in Vietnam's repression for a time. What happened, though, after PNTR and after Vietnam's ascension into the World Trade Organization, was a snapback. You will recall, my colleagues, probably that, like Charter 77, that great human rights manifesto of Czechoslovakia—Vaclav Havel and others have signed that—we have a similar manifesto for human rights in Vietnam today.

On 8406, April 8, 2006, some of the leading intellectuals in Vietnam all signed the Block 8406 document, many hundreds of them, and now, one by one, those men and women have been dragged back to prison—for some, it is the first trip—they have been totally mistreated—some have been tortured. We have seen a profound deterioration of the human rights situation in Vietnam.

On religious freedom, the U.S. Commission on International Religious Freedom, the individual body created by IRFA, the International Religious Freedom Act, back in 1998, has recommended, since 2001, that Vietnam be listed as a CPC, a Country of Particular Concern.

In 2004 and 2005, the Bush administration put them, designated them, as CPC countries, as they ought to have been.

Ambassador John Hanford, our ambassador-at-large, worked very hard, got a whole set of what he called "deliverables" that many of us thought, and had some expectation, that the Vietnamese Government would honor. One by one, those deliverables have been ripped in half, and the dissidents all hauled back into prison.

The Unified Buddhist Church remains outlawed, and we have severe depression there.

The Protestant Church, the Montagnards—there is a whole list and category of individuals, including the Catholic Church, which has now seen the pendulum that was easing go in the opposite direction.

So I strongly urge my colleagues to go with Mr. Royce on his CPC designation. It is well-founded, and I yield back the balance of my time.

Chairman BERMAN. The time of the gentleman has expired. I am going to recognize myself to speak in support of the Royce Amendment.

The U.S. Commission on International Religious Freedom has recommended that Vietnam be named a "Country of Particular Concern." There was a significant level of improvement, and whether it was a "snapback," as Mr. Smith said, or an erosion, the fact is, there are still far too many serious abuses and restrictions of religious freedom in Vietnam.

By redesignating Vietnam, I hope that the consequence will be that the Vietnamese Government will engage with us further on this issue and address these concerns. While some areas of United States-Vietnamese relations have improved quite markedly in recent years, restrictions on religious freedom remain an area of real concern, so I am going to vote for the amendment.

Ms. JACKSON LEE. Would the gentleman yield for just a moment?

Chairman BERMAN. Yes. I will yield for a moment.

Ms. JACKSON LEE. Let me, as a member of the Human Rights Commission, respectfully disagree with my distinguished colleague and agree with the chairman. This is, I think, an important step. It is a "Sense of Congress" that allows latitude, but I conclude by saying that you cannot label all of the Vietnamese-Americans that are here to be anti the present Government of Vietnam. They care about it. They care about their relatives, and they report to you all of the time the human rights abuses that they suffer.

My final statement is, if we reflect back on the Vietnam War, many of our contemporaries, those of us who remember that war, lost their life, upwards of 50,000-plus of Americans who died, so that there might be democracy, there might be justice, there might be human rights, and we cannot fail them, and I think this is a reasonable response to that, and I yield back and support the amendment.

Chairman BERMAN. My time has expired. The gentleman from California.

Mr. ROHRABACHER. I will make this very quick, Mr. Chairman. We need to go on record in opposition to the brutal human rights violations that are now taking place in Vietnam. I commend Mr. Royce for what he is doing. Less than 2 months ago, police in the Mekong Delta brutally beat to death the head of the Kamir Christians Alliance Church. And we just heard, in opposition to Mr. Royce's amendment, we heard the fact that so many churches have been registered, as if that is good thing. The fact that they had to register those churches with a regime that espouses an atheistic philosophy is actually something that indicates that we should be passing this resolution, as Mr. Royce has suggested.

One last note, as the situation has degenerated in Vietnam and human rights activists have been jailed and religious leaders have been brutally beaten to death, the American business community continues to invest in Vietnam and to go there, treating that government as if it is no different than the Belgian Government. We owe it to our founding fathers and everybody who built this country to value liberty and justice. And if we just value making money and letting our businessmen go over there like that and then write

policy for us, shame on us. Thank you, Mr. Royce and thank you, Mr. Chairman for supporting this amendment.

Chairman BERMAN. The time of the gentleman has expired. The question is on the amendment from the gentleman from California, Mr. Royce. All those in favor say aye.

[A chorus of ayes.]

Chairman BERMAN. All opposed, no.

[A chorus of noes.]

Chairman BERMAN. The ayes have it. The amendment is adopted. All right. Mr. Gallegly?

Mr. GALLEGLY. I have a short amendment.

Chairman BERMAN. A short amendment. Real short?

Mr. GALLEGLY. I think so. Everything I do is short.

Chairman BERMAN. If it is the one I think it is, I like it.

Mr. GALLEGLY. Okay. I have an amendment at the desk.

Chairman BERMAN. It is not on immigration?

Mr. GALLEGLY. No.

Chairman BERMAN. Okay.

Mr. GALLEGLY. Well, we may work something in there.

Chairman BERMAN. The gentleman is recognized.

[The amendment of Mr. Gallegly follows:]

Amendment #__ Offered by Mr. Gallegly of California

To H.R. 2410

line 11 and

Page 250, line 14, strike "Mexico" and insert "the Western Hemisphere"

Page 250, line 19, strike "ten" and insert "twenty"

Page 251 strike lines 3 through 7.

Mr. GALLEGLY. Mr. Chairman, this amendment makes three changes to section 912 of the bill, which increases——

Chairman BERMAN. The clerk will read the amendment.

Mr. GALLEGLY. Okay.

Chairman BERMAN. Without objection, the reading of the amendment is waived. The gentleman from California.

Mr. GALLEGLY. As I said, Mr. Chairman, this amendment makes three changes to section 912 of the bill, which increases penalties for illicit trafficking in arms and weapons to Mexico. First, this amendment expands the enhanced penalties from exports to Mexico, to exports to the Western Hemisphere. Trafficking weapons to the Caribbean or Central or South America is just as detrimental to our national security as smuggling guns to Mexico.

Second, this amendment increases the penalty for exporting weapons to the Western Hemisphere from 10–20 years. If we want to send a strong message to those putting guns in the hands of the drug cartels, we need to also increase the possible jail time.

And third, this amendment strikes subsection C of section 912, which imposes a sunset on these new penalties. Unfortunately, gun trafficking to Mexico and other countries is nothing new. This problem will not go away by the year 2012.

Chairman BERMAN. Would the gentleman yield?

Mr. GALLEGLY. Yes, I will.

Chairman BERMAN. The gentleman's amendment deals with the illegal trafficking of small arms to Mexico and others. It is all part of our Merida Initiative and our effort to deal with the crisis down there. It is an excellent amendment because it recognizes that the issue is not just Mexico. It is the entire Western Hemisphere. It is right in extending the penalties. The language in the bill had focused on fines. In some cases, you are dealing with people who can never pay for their fines. In some case, you are dealing with people for whom the fines are nothing because they have so much cash. So, the extension of the sentencing is a good idea and I do not think there is logic to the sunset clause. So, I urge the committee to adopt the amendment.

Is there any further discussion or debate?

[No further discussion.]

Chairman BERMAN. If not, the question is on the amendment by the gentleman from California, Mr. Gallegly. All those in favor, say aye.

[A chorus of ayes.]

Chairman BERMAN. All opposed, no.

[A chorus of noes.]

Chairman BERMAN. The ayes have it. The amendment is adopted. We will recess and come back at 3 o'clock where we hope to finish up this bill and take up the Pakistan bill.

[Whereupon, a recess was taken.]

Chairman BERMAN. The committee will come to order. The gentleman from Indiana.

Mr. PENCE. Thank you, Mr. Chairman. I have an amendment at the desk.

Chairman BERMAN. The clerk will read the amendment from Mr. Pence.

[The amendment of Mr. Pence follows:]

AMENDMENT TO H.R. 2410

OFFERED BY MR. PENCE OF INDIANA

In subsection C of Title III, strike the current section 333 and insert the following new section:

SEC. 333. PROTECTION OF FUNDAMENTAL HUMAN RIGHTS.

The Secretary of State shall continue to work through appropriate United States Government employees at United States diplomatic and consular missions to encourage the governments of other countries to protect all people against gross violations of internationally recognized human rights, as described in section 116(a) of the Foreign Assistance Act of 1961(22 U.S.C. 2151n), regardless of race, color, religion, sex, or national origin.

Ms. RUSH. Amendment to H.R. 2410 offered by Mr. Pence of Indiana. "In subsection C of Title III, strike the current section 333 and insert the following new section: 'Section 333. Protection of fundamental human rights. The Secretary of State shall continue to work through appropriate United States' "——

Mr. PENCE. Mr. Chairman, I would ask unanimous consent to consider the amendment as read.

Chairman BERMAN. Without objection, that will be the order and the gentleman of Indiana is recognized for 5 minutes on his amendment.

Mr. PENCE. Thank you, Mr. Chairman. This is a fairly straightforward amendment that follows on some action that this committee has already taken with regard to section 333. And my amendment would actually replace what remains of section 333 with a reaffirmation of our shared commitment to protect fundamental human rights for all people on the globe.

First, let me say rather emphatically, this is obviously a sensitive issue and it is an issue that has been recently debated on the floor of the Congress. The question of sexual orientation, gender identity is one that upon which many millions of Americans are divided and this Congress has debated and will continue to debate. But let me say emphatically, I do not support criminalization of homosexual behavior. And I understand the import of the aspects of this legislation that identify themselves with efforts toward ending the criminalization of homosexual behavior around the world. So, let me say emphatically on that point, this is not about that.

What I do oppose, though, as the current legislation suggests, I oppose mandating that our Secretary of State, diplomatic and consular staff essentially promote a gay rights agenda around the

globe over and above other issues. Currently, section 333(c) reads, in part,

> "in keeping with the administration's endorsement of efforts by the United Nations to decriminalize homosexuality in member states, the Secretary of State of State shall work through appropriate United States Government employees at United States diplomatic and consular missions to encourage governments of countries to reform or appeal laws, and again it refers to laws of such countries criminalizing homosexuality. But, then, it goes on to say to reform or appeal laws restricting the enjoyment of fundamental freedoms consistent with the United States law by homosexual individuals or organizations."

My amendment would simply delete that language and replace it, as my colleagues can see, with the assertion that the Secretary of State shall continue to work through appropriate United States Government employees, diplomatic and consular missions, to encourage governments of other countries to protect all people against gross violations of internationally recognized human rights, as described in the Foreign Assistance Act, regardless of race, creed, religion, sex, or national origin, which, of course, is from Title VII of the Civil Rights Act of 1964.

It seems to me that that is altogether much more appropriate than using this legislation to specifically direct, and I emphasize to my colleagues, the language of this legislation says "the Secretary of State shall work through employees, diplomatic staff, and consular missions" to promote a particular agenda on a particular issue bearing on a particular rights of particular individuals. We ought to rather have a broader statement on internationally recognized human rights.

And I want to say, respectfully, and we ought to identify race, color, religion, sex, national origins, those matters upon which the American people broadly agree, rather than introducing and singling out an issue that divides so many in our Nation and I suspect will continue to. My amendment will ensure that American diplomats speak with an undivided voice, undivided voice of the American people and their values. As currently drafted, ,our bill would tie the hands of American diplomats by mandating that they make sexual orientation a foreign policy priority regardless of other national security considerations.

So, I offer this legislation and would be delighted to have the chair accept it. But, I offer this legislation really in the spirit of saying let us move this critical reauthorization bill with the broadest possible consensus. I know the chairman. I respect the chairman. I respect my colleagues on both parties on this committee. But, as we just saw in recent days on the floor of this Congress, this is a difficult issue that goes to the very heart of values to the American people and we ought not single it out with a mandate in this reauthorization bill and essentially risk turning our diplomatic core into agents of a particular point of view that emerges out of the midst of the American political debate, but make them advocates of those broad principles and advocates of human rights that do unite the American people. And I yield back.

Chairman BERMAN. The time of the gentleman has expired. The gentleman from Virginia, Mr. Connolly, is recognized.

Mr. CONNOLLY. I thank the chair. Mr. Chairman, I find it amazing that ostensibly in the name of letting us have a broad consensus on the protection of fundamental human rights, the gentleman would carve out one whole class of human beings, who would be exempted from those human rights. I find that to be an exquisite contradiction that I certainly cannot support.

I represent a state that not so long ago enshrined discrimination in its statutes. It is a sorry part of our past we certainly do not want to go back to. And I think it is perfectly appropriate for the United States to include sexual orientation along with race, color, religion, sex, or national origin. I think it is wrong in the name of comity to say let us all agree we are going to carve out a whole class of human beings against whom we will sanction discrimination. And, again, sadly, we hear rhetoric about "a gay or homosexual agenda," whatever that is. I do not subscribe to any particular agenda other than that which says I do not favor discrimination. And I did not run for office to sign up to discriminate against any class of human beings and I am not going to do it now.

So, Mr. Chairman, I hope, unlike the gentleman from Indiana, I hope you will not accept this amendment because I do not think it represents fundamental American values. I yield back my time.

Chairman BERMAN. Can we call a question? Is there further debate? The gentlelady from California.

Ms. WATSON. I would like to align myself with Mr. Connolly's remarks, as well. I am reading the language in this amendment, section 333, and I do not see the language that he described in it. And it says "regardless of race, color, religion, sex, or national origin." Can the chair point out the language that Mr. Pence is referring to?

Chairman BERMAN. If the gentlelady will yield?

Ms. WATSON. I will yield.

Chairman BERMAN. I believe it is fair to say—and the gentleman from Indiana can correct me if I am wrong—that he seeks to strike subsection C of Title III, which starts with "international efforts to revise laws criminalizing homosexuality." He seeks to strike that paragraph from lines 1 through 12 and insert the language that has been passed out as his amendment. I am sorry, he is striking section 333, which starts with——

Ms. WATSON. I am looking at the bill, Mr. Chairman.

Chairman BERMAN. All right. Yes, I am sorry. If you are looking at the bill, look on page 125, section 333, "discrimination related to sexual orientation." Subsection (a) has already been struck by the amendment because for the reasons that we have a strong expectation that that issue will be dealt with administratively.

Subsection (b) is tracking violence or criminalization related to sexual orientation. The gentleman from Indiana seeks to strike that.

Subsection (c), "international efforts to revise laws criminalizing homosexuality," he seeks to strike that. And then he seeks to strike the country or ports on human rights language in the rest of the section.

He is striking everything in 333 that has not already been struck and substitute the language in front of him. Is that a fair characterization, Mr. Pence?

Mr. PENCE. Yes, Mr. Chairman, it is substituted with the language that is in my amendment.

Ms. WATSON. As the United States of America and as our Secretary of State travels the globe to spread the virtue of western democracy and the fact that in our Constitution, in our Bill of Rights, we protect human rights. I think it would be counterproductive and hypocritical to take the language that you have in the bill out and substitute with this language because it is obvious that this language would allow discrimination and we are a country that abhors discrimination. We have an inclusive society and we need to have language that protects the rights of all human beings regardless of color, creed, sex, or sexual orientation. I would hope that this amendment would be struck down. Thank you, Mr. Chairman, I yield back.

Chairman BERMAN. The time of the gentlelady has expired.

Mr. DELAHUNT. Mr. Chairman?

Chairman BERMAN. The gentleman from Massachusetts, Mr. Delahunt.

Mr. DELAHUNT. I will be very brief.

Chairman BERMAN. I wish to strike the last word and recognize——

Mr. DELAHUNT. I wish to strike the last word and I want to associate myself with the remarks of Mr. Connolly, the gentleman from Virginia. I want to be very clear. I do not consider the existing section as promoting a gay rights agenda. It simply does not do that. That is a mischaracterization of that particular section.

What the gentleman from Indiana's amendment would do, it would signal to the rest of the world that violence against people, gay people, gay men, lesbians, and bisexuals, and others with a different sexual orientation, would be of no concern, of less of a concern to the United States. This is about condemning violence against a category of people because of their sexual orientation. It is not about a gay rights agenda. It is about violence against gays. I think that is a bad message to send.

As you, Mr. Chairman, are aware, I recently came back from Moscow where there was an event and there was violence against people because of their sexual orientation and it was condemned by every single democracy in Europe. And I think that the gentleman's amendment, no matter how well intentioned, would be a move that would bring discredit to the United States. And with that, I yield back.

Ms. JACKSON LEE. Would the gentleman yield?

Mr. DELAHUNT. I will yield.

Ms. JACKSON LEE. We went through this before. The chairman indicated his viewpoint. He indicated he was going to work with the State Department, that we were going to stand on the basic respect for human dignity. What this amendment does with the reference to protecting rights, in essence, it takes away rights, as it refers to laws that may not, in fact, identify and respect sexual orientation differences. And so I would ask that we would oppose this amendment and I yield back to the chairman.

Chairman BERMAN. Will the gentleman yield?

Mr. DELAHUNT. I will yield further.

Chairman BERMAN. I appreciate the general feeling. I just want to join issue with my friend from Indiana on one aspect of his comment, a notion of a general statement versus specific references. First of all, a number of us, and I know you are one of them—who, in the context of the general respect for human rights, in terms of particular issues in particular countries—have been at the forefront of trying to jar attention. The earlier debate about religious freedom in Vietnam was an example. There are all kinds of issues, but in that specific situation, there was conduct by Vietnam that troubles us greatly and we tried to address it with language by Mr. Royce. I remember after the Gulf War the issue that Kuwait, who we had—as part of a coalition, had liberated from an Iraqi aggression, had a system, which did not allow women to vote. It became part of our agenda as parliamentarians and part of the State Department's agenda, in terms of bilateral relationships, to push. Obviously, the Kuwaitis will decide for themselves, but we would push the notion that that discrimination based on sex was wrong. And here we are 20 years later and Kuwaiti women have a right to vote. Kuwaiti women now have a right to run for Parliament and lo and behold, four Kuwaiti women were just elected to the parliamentary.

So, we have issues that were thought of as cultural norms in certain societies years ago change. And there was a time we talked about, oh, democracy would not work in Asia and it was contrary to Asian values. But, this is one of, I think, the fundamental freedoms. And by your own comments, you indicated your abhorrence, and I believe you, with both the violence and the criminalization of homosexual conduct and your opposition to that. There was a time in America where that was common, part of State laws. They were knocked out and a remnant to the past.

The one thing I do not think we should rightfully be doing is asking our diplomats to push issues that we, in our country, have not come to terms with yet. For instance, in some cases, I hate to say it, we do not have a Federal statute on employment discrimination based on sexual orientation. I hope one day soon we will. This language that you seek to strike is sensitive to all those issues. It focuses on it. The report language will make it very clear that no one will be forced to promote an agenda in this area in carrying out the provisions of this law that they find morally repugnant. And I would join my colleagues from Virginia, Texas, California, and Massachusetts in urging a no vote.

The gentleman from Arizona, Mr. Flake.

Mr. FLAKE. I move to strike the last word.

Chairman BERMAN. Yes. We have some members who have to go to the White House, so we would love to get a vote on this soon. The gentleman is recognized for 4½ minutes.

Mr. FLAKE. I yield to the gentleman from Indiana.

Mr. PENCE. I thank the gentleman for yielding. Let me just say, and I appreciate, other than everybody except Bill Delahunt, I appreciate the comments that were made by all the members of the panel and even those from my friend from Massachusetts. And it seems to me, Mr. Chairman, you just said we ought not to push

issues we have not come to terms with yet. I think I wrote that down. It is in the record. And maybe I am just not really getting an understanding, this language. It says, "the Secretary of State shall," I am looking now at section 333(c), "Secretary of State shall work through, diplomatic, consular, missions," et cetera, "to encourage governments" and, again, I am stepping over the criminalizing homosexuality part, but then also says, "reform or repeal laws restricting the enjoyment fundamental freedoms by homosexual individuals, organizations." That strikes me as singling out the interest of a particular group when what we ought to be doing is having our diplomatic corps be, as my amendment suggests, promoting internationally recognized human rights as described in the Foreign Assistance Act, the gentleman from Massachusetts referred to and the chairman did.

I abhor violence against individuals. I abhor discrimination. The reason I cited the Foreign Assistance Act of 1961, because it internationally recognized human rights. There is a long list of abuses against individuals, which are encompassed in this, that our diplomatic corps ought to be about pressing the interest of individuals, regardless of race, color, religion, sex, or national origin. It just seems to me that as we are in the business in this important committee of laying a legal foundation, we ought not to be singling out. It seems that one of my colleague's issues, the phrase that they were concerned, we were expressing less of a concern toward a group of individuals that may have homosexual or sexual preference. What troubles me about this language, Mr. Chairman, is just simply it seems like the bill as currently written puts more of a concern on individuals on the basis of sexual orientation and gender identity than a broad concern for individuals, who are the subject of human rights abuses or discrimination.

So, that is the reason why, as you accurately stated, I am calling for us to strike this section and replace it with what would be a very broad affirmation grounded in the Foreign Assistance Act, grounded in the Civil Rights Act of 1964, and simply say that as our Nation continues to debate along the fault lines of whether it would be hate crimes or other issues, that we would not be dictating, which I see when it says, "Secretary of State shall," we are dictating that our diplomatic corps, our foreign service essentially get in the business of promoting an agenda upon which there is broad disagreement and disagreement based on values and world view of millions of Americans. With that, I will be happy to yield back and move the previous question.

Chairman BERMAN. The time of the gentleman has expired. Can we go to the question? All those in favor of the amendment by the gentleman from Indiana say aye.

[A chorus of ayes.]

Chairman BERMAN. All opposed, say no.

[A chorus of noes.]

Chairman BERMAN. No. In the opinion of the chair, the noes have it. The gentleman from Illinois. The amendment fails, by the way.

Mr. MANZULLO. Thank you, Mr. Chairman. I have an amendment at the desk.

Chairman BERMAN. The clerk will read.

[The amendment of Mr. Manzullo follows:]

AMENDMENT TO H.R. 2410

OFFERED BY MR. MANZULLO OF ILLINOIS

At the end of subtitle B of title IV, add the following new section:

1 **SEC. 41__. ASIA-PACIFIC ECONOMIC COOPERATION.**

2 (a) SENSE OF CONGRESS.—It is the sense of Con-
3 gress that——

4 (1) the United States' continued engagement in
5 Asia must be a cornerstone of United States foreign
6 policy in the 21st Century;

7 (2) the President must elevate the role of the
8 United States in the Asia-Pacific Economic Coopera-
9 tion forum (APEC) by ensuring that United States
10 Government officials of the appropriate rank attend
11 APEC activities; and

12 (3) increased participation by United States
13 small businesses, particularly manufacturers, will
14 add substantial benefit to APEC discussions and
15 help strengthen the influence of the United States
16 within APEC.

17 (b) SMALL BUSINESS DEFINED.—In this section, the
18 term "small business" shall have the meaning given the
19 term "small business concern" in section 410(9) of the

Small Business Investment Act of 1958 (15 U.S.C. 694a(9)).

(c) UNITED STATES PARTICIPATION AT APEC.—

(1) DESIGNATION OF APEC COORDINATORS.—The President shall designate in appropriate departments and agencies an existing official ~~compensated at a rate of basic pay not less than the minimum rate of basic pay payable to a member of the Senior Executive Service~~ of appropriate senior rank to serve as each such department's or agency's "APEC Coordinator".

(2) DUTIES OF APEC COORDINATORS.—

(A) IN GENERAL.—The APEC Coordinators of the appropriate departments and agencies designated in accordance with paragraph (1) shall, in consultation with the United States Ambassador to APEC, set department- and agency-wide guidelines for each such department's or agency's participation at APEC.

No later than 180 day aft enactment of this Act and annually thereafter, the Secretary of State, with input from each

(B) REPORT.—~~Each~~ APEC Coordinator shall annually submit to the appropriate congressional committees a report on efforts to enhance each department's and agency's participation at APEC.

~~no later than 180 days after the enactment of this act.~~

(d) ENHANCING SMALL BUSINESS PARTICIPATION AT APEC.—

(1) DESIGNATION OF SMALL BUSINESS LIAISON.—The Secretary of State shall designate an existing officer within the Bureau of East Asian and Pacific Affairs to serve as a "Small Business Liaison". Such ~~designated~~ designee ~~officer is authorized to be compensated at a rate of basic pay not less than the minimum rate of basic pay payable to an individual at GS 14 of the General Schedule or FS 02 of the Foreign Service Schedule~~. shall be of the appropriate senior rank.

(2) DEPARTMENT OF STATE WEBSITE.—The Secretary of State shall post on the website of the Department of State a dedicated page for United States small businesses to facilitate direct communication between the United States Government and the business community concerning APEC.

(3) COORDINATION.—The Secretary of State shall coordinate with existing private sector partners and relevant business associations to promote participation by small businesses at APEC. The Secretary shall ensure that notices about meetings and briefings provided by United States APEC officials on APEC-related issues are posted on the website of the Department of State (in accordance with paragraph (2)) not later than 15 days before the dates of such meetings and briefings.

1 (4) RENAMING.—The Office of Economic Policy
2 within the Bureau of East Asian and Pacific Affairs
3 of the Department of State shall be referred to as
4 the "Office of APEC Affairs". Any reference in a
5 law, map, regulation, document, paper, or other
6 record of the United States to the Office of Eco-
7 nomic Policy shall be deemed to be a reference to
8 the Office of APEC Affairs.

9 (e) REPORT ON HOSTING OF APEC 2011 IN THE
10 UNITED STATES.—Not later than 90 days after the date
11 of the enactment of this Act, the Secretary of State shall
12 submit to the appropriate congressional committees a re-
13 port detailing the mechanisms that are in place or are
14 being considered for hosting the 2011 meeting of APEC
15 in the United States, including an analysis of the esti-
16 mated or projected costs associated with such meetings.

☒

Ms. RUSH. Amendment H.R. 2410, offered by——

Mr. MANZULLO. I move that the amendment be considered read.

Ms. RUSH [continuing]. Mr. Manzullo of Illinois——

Chairman BERMAN. Without objection, the amendment is considered as read. It is a long amendment.

Mr. MANZULLO. Thank you. This amendment seeks to correct a problem that barred American small businesses form participating in the Asian Pacific Economic Cooperation forum. What it does is when APEC gets together, businesses from all over the world are actively engaged in shaping important policies, such as standards, intellectual property rights, and even export promotion. But, unfortunately, America's 26 million small businesses are not given a seat at the table. The City of Rockford, which is in the district I represent, Mr. Chairman, has about 340,000 people and exports $1.4 billion worth of products. So, it is a heavy manufacturing, heavy exporting area and this bill allows small businesses the opportunity to come to the table.

The Small Business Exporters Association of America supports the amendment. It levels the field of America's small business and manufacturers. It will give the little guys the opportunity to attend and participate in the APEC meetings.

Mr. Chairman, I want to thank you for working with us on another issue which is also very important to manufacturers of northern Illinois. The inclusion of language in section 804 pertains to the Directorate of Defense trade controls on which Congressman Sherman and I worked last year is a huge boost. It is a step in the right direction. Mr. Sherman and I—our expert process and also the provision on satellites in section 826 will help create more manufacturing jobs. And I would urge the adoption of the amendment and I yield back.

Chairman BERMAN. The time of the gentleman has expired. I recognize myself for 5 minutes to support the Manzullo amendment. It addresses a need for more U.S. engagement in APEC and for assistance for small businesses to participate in the forum. And I yield the balance of my time to the gentleman from American Samoa, the chair of the Asia and Pacific Subcommittee.

Mr. FALEOMAVAEGA. I thank you, Mr. Chairman, for yielding. I do want to commend my good friend and ranking member of our subcommittee, the gentleman from Illinois, for offering this amendment. Mr. Chairman, I know of no one in this committee, who has a greater sense of passion, understanding, and commitment concerning the needs of our small businesses throughout our country. Because the gentleman was formerly chairman of the committee of small business and I as a former member of that committee, I thought the gentleman did an outstanding job in pressing for the needs of our small businesses throughout our Nation.

The gentleman's amendment is a clear statement to the State Department and several other Federal agencies of the importance of small businesses and quite often our small businesses never seem to get the attention and the proper treatment to be included in business contracts and transactions, especially with foreign countries. My only concern is that whether the gentleman's amendment is in the right structure as far as APEC is concerned. Problems with APEC is that while this organization is composed of 21

countries, which includes two unique entities, like Hong Kong and Taiwan, APEC today is still struggling with its own sense of identity and whether it will evolve into a formalized economic organization like NAFTA or the European Union.

Over the years, APEC has been an excellent forum, which allows heads of state and governments to conduct side meetings. My colleagues will recall our former President Bush attended the APEC meeting that was hosted by Prime Minister John Howard of Australia and long afterwards, he left the conference while the attendees were still in the meeting. As it is currently structured, every embassy we have around the world has economic advisors to each of our ambassadors. And I think this is where the rubber meets the road, Mr. Chairman. Do our economists or advisors of these embassies, does the State Department earnestly have programs that specifically address the needs of our small businesses?

It has been my experience that when we address economic trade relations with other countries, exports, imports, always seem to look after the needs of the larger corporations. But when it comes to including small businesses, nothing is done. Having said all of that, Mr. Chairman, it is my understanding the gentleman's amendment has been revised so as to also have the support of you, Mr. Chairman. And, again, to emphasize the gentleman's concerns, small business is never given proper consideration by the State Department and other Federal agencies to promote trade relations with other countries. And I could not have think of better what the gentleman is saying, that if you are not at the table, you will be on the menu. And I must say that our small businesses have been on the menu for all of these years and it is about time that the State Department and other agencies give due attention to this need. And I thank, again, my good friend from Illinois for proposing this amendment. I urge my colleagues to support the amendment.

Chairman BERMAN. The time of the gentleman has expired. The question is on the amendment from the gentleman from Indiana. All those in favor, say aye.

[A chorus of ayes.]

Chairman BERMAN. Illinois. We already dealt with. Illinois, it is close. All opposed, no.

[A chorus of noes.]

Chairman BERMAN. The ayes have it. The amendment is adopted. State of play, just a couple more amendments and then final passage. We, obviously, need a reporting quorum, so we are getting near the end of the first bell and I think the most time consuming one, I hope. The gentleman from Florida.

Mr. MACK. Thank you, Mr. Chairman. I have an amendment at the desk.

Chairman BERMAN. The clerk will read.

[The amendment of Mr. Mack follows:]

AMENDMENT TO H.R.

OFFERED BY MR. MACK OF FLORIDA

In title ~~XI~~ II, add at the end of subtitle B the following new section:

1 **SEC. 1126. JEWISH COMMUNITY IN VENEZUELA.**

2 (a) FINDINGS.—Congress finds the following:

3 (1) The Jewish community in Venezuela has
4 been a thriving one and the Jewish population in-
5 cluded families that have lived in the country for
6 over two centuries and many survivors of World War
7 II.

8 (2) According to the 2008 International Reli-
9 gious Freedom Report released by the Bureau of
10 Democracy, Human Rights, and Labor,
11 "[g]overnment-sponsored media outlets [in Ven-
12 ezuela] utilized anti-Jewish caricatures and political
13 cartoons on several occasions".

14 (3) The United States Commission on Inter-
15 national Religious Freedom has placed Venezuela on
16 its watch list of religious freedom violators, finding
17 that official state rhetoric against the Venezuelan
18 Jewish community created an environment where

1 Jewish religious leaders and institutions are at risk
2 of attack.
3 (4) On January of 2009, a Caracas synagogue
4 was ransacked and vandalized and the assailants
5 shattered religious objects, spray-painting "Jews, get
6 out" on the temple's walls and stole a computer
7 database containing names and addresses of Jews
8 living in Venezuela.
9 (5) In February 2009, assailants threw an ex-
10 plosive at a Jewish community center, spreading
11 widespread fear in the Jewish community in Ven-
12 ezuela.
13 (6) On January 6, 2009, Venezuela expelled
14 Israel's ambassador to Venezuela along with six
15 other Israeli diplomats.
16 (7) On January 14, 2009, Venezuela officially
17 severed relations with the State of Israel ending 60
18 years of diplomatic ties and deepening the vulner-
19 ability of Venezuelan Jews.
20 (b) STATEMENT OF POLICY.—It is the policy of the
21 United States to protect religious freedom and to oppose
22 hatred based on religion, nationality, race, or ethnicity, in-
23 cluding countering anti-Semitism, at home and abroad.
24 (c) SENSE OF CONGRESS.—It is the sense of Con-
25 gress that the United States should reach out to democ-

1 racy and human rights activists in Venezuela, and to as-
2 sist them in their efforts in combating anti-Semitism in
3 Venezuela, including—
4 (1) expressing its support for all Venezuelan
5 citizens targeted by the Chavez government, includ-
6 ing those in the Jewish community, in their daily
7 struggle for freedom, civil liberties, and the protec-
8 tion of the rule of law;
9 (2) calling on the Government of Venezuela to
10 abide by its international obligations and to protect
11 the rights of the Jewish Venezuelan community, ir-
12 respective of their political views;
13 (3) expressing the support of Congress for the
14 Jewish community in Venezuela.

Ms. RUSH. Amendment H.R. 2410, offered by Mr. Mack of Florida. "In title II, add at the end of subtitle B the following new section: 'Jewish community in Venezuela.' "——

Mr. MACK. I ask unanimous consent to waive the reading.

Chairman BERMAN. So ordered and without objection. And the gentleman from Florida is recognized on his amendment.

Mr. MACK. Thank you, Mr. Chairman. As we all aware, Hugo Chavez and his cronies have targeted the Jewish community of Venezuela and we, in Congress, must stand against tyrants and show our support to the Jewish community. The facts are clear, Mr. Chairman. Before Chavez took power, the Jewish community in Venezuela was a thriving one and the Jewish population included families that have lived in the country for over two centuries and were survivors of the Holocaust. Unfortunately, Mr. Chavez—sorry, Mr. Chairman—unfortunately, Mr. Chairman, we have witnessed growing state sponsored hostility toward the Jewish people in Venezuela. In January 2009, a Caracas synagogue was attacked. The men shattered religious objects, spray painted "Jews, get out" on the temple's walls, and stole a computer database containing names and addresses of Jews living in Venezuela. That same month, Venezuela expelled Israel's Ambassador to Venezuela, along with six other Israeli diplomats.

Later, Venezuela officially broke relations with the State of Israel, ending 60 years of diplomatic ties and deepening the vulnerability of Venezuela Jews. In February 2009, attackers through an explosive at a Jewish community center with the intent of spreading fear and terror. Mr. Chairman, the list goes on and on.

Countless organizations have already warned us on the current situation in Venezuela. One of them, the U.S. Commission on International Religious Freedoms placed Venezuela on its watch list of religious freedom violators, finding that official state rhetoric against the Venezuelan Jewish community created an environment where Jewish religious leaders and institutions are at risk of attack. Last month, the magazine of Venezuela's state-owned oil company printed on the front page a cartoon depicting a prison camp. Above it was an Israeli flag and the sign read "under new management." The facts are clear, this is state-sponsored hostility toward the Jewish population in Venezuela.

Mr. Chairman, my amendment asks for Members of Congress to stand side-by-side with the Jewish community in Venezuela and express to them our support and to let them know that they are not alone in their struggle. I know that many of you have expressed concerns as to the timing of this amendment of which I respect each and every one of your opinions. But to me, we cannot idly stand by and not talk and continue to condemn the actions of Hugo Chavez on the Jewish community in Venezuela. Thank you, Mr. Chairman.

Chairman BERMAN. The time of the gentleman has expired. The gentleman from Florida, Mr. Klein, is recognized.

Mr. KLEIN. Thank you, Mr. Chairman, I move to strike the last word.

Chairman BERMAN. The gentleman is recognized for 5 minutes.

Mr. KLEIN. Thank you, Mr. Chairman. First, I would like to thank the gentleman from Florida, Mr. Mack. He and I worked

very actively together on a number of Venezuela issues. I think all of us in this body and people in the United States are very concerned with Hugo Chavez, the tactics he has used on his own people, the strategies he has used in the Hemisphere to influence other countries and many of them are unacceptable.

The issue that Mr. Mack brings to us today is something that is very important, but does require a little more information for consideration. I live in south Florida and I have had the opportunity, along with others, to visit with members of the Venezuelan Jewish community that live in south Florida, people that do business in south Florida and have close relations with the Jewish community in Venezuela. And what I have heard over multiple meetings with them is, yes, this is certainly an environment that is not what it was. There have been incidents, as mentioned by Mr. Mack, that are more than troubling, that are not acceptable and we should condemn them. And at the same time we have heard from them, we are still able to conduct our businesses, we are still able to live, we are still able to do the things that we need to do.

Now, I cannot speak for them, other than to say that maybe if I was living in that environment, I would have gotten out. I certainly, as a student of history, and I know many of us understand the consequences of many of the European Jews that did not leave their countries when they did. But, we have to obviously look at each situation as it comes. And in this particular situation, there are a number of ongoing activities that have gone on that are being monitored by international Jewish organizations in Latin America, which I have also spoken with, and the word we are getting back is at the moment, the time being, the community there, by and large, believes that they re safe. They are not threatened physically. They do not like some of these activities that are going on, but they are continuing to be able to conduct their lives and choose to continue to live there. And, in fact, and this is the crux of the whole point, it would be more damaging if the United States Congress were to put this type of resolution out there right now, in their view, in terms of how their government would react, than other activities are going on right now in their region, specifically Argentina, and I met with the Ambassador from Argentina, Mr. Timmerman, and other countries in that region that have been working with the Venezuelan Government to back off and take back and deal with some of these issues.

Now, I am not accepting the fact that Mr. Chavez is going to all of a sudden turn around and have a different attitude. But what I am saying very clearly is there are times when we, in America, and this Congress can do the right thing. We feel it is the right thing. We know that we are sending a message out to the world that will, in fact, help a local community. And there are times when our good intentions or good wishes can do more damage. And what I am seeing specifically in this case, based on my conversations with the communities in south Florida that had direct relations and continue over the last number of weeks have direct relations and contacts with the Venezuela Jewish community, as well as ambassadors from various countries working in that area, as well as Jewish community international organizations that are very closely monitoring what is going on right now in that country,

that it is not in our best interest, with all good intents that Mr. Mack has, to take up this amendment at this time.

So, I would suggest, Mr. Chairman, that this committee do not accept this amendment, but absolutely continue to work very hard to monitor and assist this community in all ways possible.

Chairman BERMAN. The time of the gentleman has expired. The gentleman from Nebraska.

Mr. FORTENBERRY. I move to strike the last word.

Chairman BERMAN. The gentleman is recognized for 5 minutes.

Mr. FORTENBERRY. I yield time to the gentleman from Florida, Mr. Mack.

Mr. MACK. Thank you. And just real quickly, I believe that my friend, Mr. Klein, is correct, that when he says that there are those who believe that the time is not right. But, I also have heard from many, both from south Florida and as well from Venezuela, that believe that the time is now. It is time to act. And it is the decision that we have to make. Are we going to act and stand together and denounce the actions of Chavez and his government or are we going to delay and take a wait-and-see approach? And I believe, Mr. Chairman, that we ought to support this amendment. Thank you.

Chairman BERMAN. The gentlelady from Nevada.

Ms. BERKLEY. Thank you, Mr. Chairman. I move to——

Chairman BERMAN. The gentlelady is recognized for 5 minutes.

Ms. BERKLEY. Thank you. I move to strike the last word. I pride myself on being in touch with Jewish communities throughout the world and I would like to think of myself as being in the forefront of those concerned about the rise of anti-Semitism throughout Europe, Asia, and South America. I do not take a backseat to anybody on this issue. So when I first heard of the situation in Venezuela with the Jewish community, my first reaction was to react and I seriously contemplated sending a resolution around for people to sign up and to pass independently to support Mr. Mack's amendment. But, I also started hearing from members of the Venezuelan Jewish community and they have convinced me to take a step back and not do anything at this time that may further exacerbate the situation and cause more problems for the Jewish community. And as long as they took the time to contact me and spoke with such passion that this is not the right time for the United States Congress to react, I can only honor their wishes. And I thank the gentleman from Florida for bringing this to everybody's attention. But, I will be voting no, with the understanding that if we get a signal from the Venezuelan Jewish community, I will work very closely with you on this issue and move it forward in Congress as a separate resolution. And I yield back.

Chairman BERMAN. The time of the gentlelady has expired. The gentleman from New York, Mr. Ackerman, is recognized for 5 minutes.

Mr. ACKERMAN. Thank you, Mr. Chairman. Let me first thank the gentleman from Florida, Mr. Mack, for his sincere and genuine and heartfelt concern for this beleaguered community. We appreciate it, all of us in the Congress do and those of us with Jewish heritage, in particular.

I, also, serve as the president of the International Conference of Jewish Parliamentarians, representing members of parliaments all over the world, who are of the Jewish faith. And one of the things we do is try to look out for Jewish communities that are in peril all over the world and speak out on their behalf and try to defend their rights as part of the overall human rights concerns that we together share. This community finds itself in a very precarious position. And sometimes there are unattended consequences to the good and righteous actions that we would take as legislators, that we do not personally have the sensitivity to fully understand and is counterintuitive to what we would do in most other circumstances, as well. But this particular community in this particular country feel that they are literally under the gun and any push back at this time, although they welcome the moral support that we could give them as individuals, would be taken by the President of that country, as well as others, as a sign and signal that they should clamp down further on this particular community.

Sometimes, we have to ask those, who we would help, what is in their best interest. I know I tell some of my Republican conservative friends that I want to bring down a bunch of liberal Pinkos like me from New York to campaign in their Republican primary and they indicate they would not be helped by my kind intentions. There is a funny aspect to that. But, this is real and this is serious. I would ask the gentleman to consider rethinking this and working collectively with the rest of us, so that we can figure out a better way to help those people. My mother, who was my favorite philosopher, used to say if you want to help me, help me my way. I think that is the best advice a mother—and I think I speak for everybody—mother was always right.

I think we should take a look at try to figure out, and I know that everybody is not of the same view and think we should push this issue a little hard, but if the gentleman would consider withdrawing that, because even those of us, who would be reluctant to vote against this as a resolution because we agree with the notion and the sentiments, would be compelled to do so. And I think we might be able to figure out a better way to help those people, who certainly are deserving of the concern that you have shown and for which we are grateful. I yield back the balance of my time.

Chairman BERMAN. I recognize myself. Motion to strike the last word and yield to the gentleman from Florida.

Mr. MACK. Thank you, Mr. Chairman, and one of the things that I can do, even though I am from Florida, is look around and count votes. But with that being said, this is something that I am very, very passionate about and believe in deeply. And the crux of the argument is the time right and I believe that the time is right. I absolutely believe the time is right and that we should and must act now. But if there is sincerity on the other side to work with us, with me, in listening to those, who have contacted me, the chief rabbi from Venezuela, who is in support, then I would be incline to withdraw the amendment, but doing so in a way that really does foster an opportunity for us to work side by side with the hopes of bringing something either through the committee or to the floor that can move this issue forward.

Mr. ENGEL. Will the gentleman yield? Will Mr. Mack yield to me?

Mr. MACK. Yes.

Mr. ENGEL. I am sorry. Mr. Berman, I am sorry.

Chairman BERMAN. Yes, I will reclaim my time and we are moving ahead here and give the Western Hemisphere Subcommittee chairman, Mr. Engel, I yield to him.

Mr. ENGEL. Thank you. Thank you, Mr. Chairman. And let me first overall thank Mr. Mack and publicly state what a pleasure it is to work with him as the ranking member on my subcommittee. We have had many talks and many discussions about this issue and other issues and I have always found Mr. Mack to be a thoughtful, reasonable, and someone who cares very much about not only this issue, but——

Chairman BERMAN. You do not know him very well.

Mr. ENGEL. So, I just want to say to Mr. Mack that, obviously, as chairman of the Subcommittee on the Western Hemisphere, I follow this situation facing the Jewish community of Venezuela as closely as I have followed any issue in the region. The Jewish community has been under siege in Venezuela and members of this committee, Democrats and Republicans, were very effective in sending a letter, which I authored, to Hugo Chavez after the recent thrashing of the synagogue, deploring, condemning it, and saying that he has created an atmosphere in Venezuela that made it okay for people to think that they can thrash the Jewish community and perpetuate other anti-Semitic acts upon the small Jewish community in Venezuela.

So, we have not been quiet on this committee. The letter was signed by 11 Democrats and nine Republicans and as bipartisan as you can get. And I am told by many, many people, it had a great impact. People in the Jewish community in Venezuela have said that that letter had a great impact and changed the Venezuelan Government's not attitude necessarily, but how they were dealing with the Jewish community of Venezuela. So, I think that we can be effective. We can do the right thing.

And we have many people in that community now that we talk to clandestinely and I would tend to be guided by what they say. And as Mr. Klein had mentioned, Ms. Berkley, and others, Mr. Ackerman, the community is saying right now, they would prefer us not to do anything and to see how the situation is. The situation has gotten better. But, I do not mean to imply that it is good, because it is not good. And I want to assure Mr. Mack and everyone else on this committee that I will continue to speak out and involve other members of this committee in speaking out and letting the Jewish community and the Government of Venezuela and Hugo Chavez, himself, know that we are not turning a blind eye to this. It is not a matter of doing this resolution or doing nothing. We are not going to do nothing. We are going to do a lot of things and we are going to be guided by what the community there says. And if the community right now is saying that we have been effective, we got the government to back down, we have been helpful to them in this situation. And now, they are asking us right now to leave it. I think the best thing to do is to leave it. But, I want to tell Mr. Mack and then I will close, Mr. Chairman, that——

Chairman BERMAN. 8 seconds.

Mr. ENGEL [continuing]. In between—that is hard—in between the—even if I say it in Spanish, it is hard—in between the time now and when the bill finally hits the floor, we will continue to monitor the situation of the Jewish community. And I want to assure Mr. Mack that if at any point before the bill hits the floor, that they——

Chairman BERMAN. I yield myself an additional minute and without objection and yield it, seconds of it, to the gentleman from New York, so that I can yield the rest of it to the gentleman from New Jersey.

Mr. ENGEL. Thank you, Mr. Chairman. I was saying between now and the time the resolution hits the floor, we will be in constant contact with the Jewish community in Venezuela. And if they think it would be helpful to have this kind of a resolution, then I assure Mr. Mack that we will work to get it in, in time for the entire House to vote on it. And I just want to close by saying that Mr. Mack's resolution, I found it moderate. I found it temperate. I thought it was good. It is just not right at this time. But, if it is right in the future time, I want to assure Mr. Mack that I will be right there with him pushing the resolution. Thank you, Mr. Chairman. I yield back.

Chairman BERMAN. I yield the remaining 26 seconds to the gentleman from New Jersey.

Mr. SIRES. Thank you, Mr. Chairman. I, also, want to thank Congressman Mack. As someone who is Hispanic, but is very close to the Jewish issue through marriage, I can tell you that it is a concern and a constant conversation in my household. But the concern that I have is if we sort of do not do anything on this issue, we just have to make sure that we monitor the issue in Venezuela because today, it is a Jewish community. Tomorrow, it may be the Catholic community. The following year, it may be the Christian community. So, we have to make sure that this country monitors it, because I do not want to come back here in a year and say we should have done something stronger than we did today. So, that is just—I want to thank you, Chairman, for your time.

Chairman BERMAN. My time has expired and can we—the gentleman from Florida, as I understand it, is prepared to——

Mr. MACK. Mr. Chairman?

Chairman BERMAN. Yes.

Mr. MACK. With that, I would ask unanimous consent to withdraw the amendment.

Chairman BERMAN. Without objection, the amendment is withdrawn.

Ms. WOOLSEY. Mr. Chairman?

Chairman BERMAN. I have a proposal for the committee. Let me make a proposal to the committee here. As I understand it, we have several amendments. Three of them, I am prepared to accept. And I was wondering if we could consider them en bloc and then the members could speak to the amendment, but altogether. I think it might go faster that way—and simultaneously—no. The amendments would be Mack, the Western Hemisphere; Fortenberry, religious minorities in the Middle East; and Fortenberry, IAEA related to the weapons of mass destruction commission find-

ings. Would there be any objection to considering those three amendments en bloc?

[No objection.]

[The information referred to follows:]

AMENDMENT TO H.R. 2410

OFFERED BY MR. MACK OF FLORIDA

In title X, add at the end the following new section:

1 **SEC. 1009. IRAN'S INFLUENCE IN THE WESTERN HEMI-**
2 **SPHERE.**
3 (a) FINDINGS.—Congress finds the following:
4 (1) The 2008 Country Report on Terrorism
5 states that "Iran and Venezuela continued weekly
6 flights connecting Tehran and Damascus with Cara-
7 cas. Passengers on these flights were reportedly sub-
8 ject to only cursory immigration and customs con-
9 trols at Simon Bolivar International Airport in Ca-
10 racas.".
11 (2) The Governments of Venezuela and Iran
12 have forged a close relationship.
13 (3) Iran has sought to strengthen ties with sev-
14 eral countries in the Western Hemisphere in order
15 to undermine United States foreign policy.
16 (b) REPORT.—Not later than 90 days after the date
17 of the enactment of this Act, the Secretary of State shall
18 submit to the appropriate congressional committees a re-
19 port that includes actions taken by the Government of

1 Iran, and ~~its proxy militia~~ HEZBOLLAH, in the Western Hemisphere.

2 A classified annex may be included, if necessary.

☒

AMENDMENT TO H.R. 2410

OFFERED BY MR. FORTENBERRY OF NEBRASKA

At the end of title X of the bill, add the following new section:

SEC. 1009. REPORT ON RELIGIOUS MINORITY COMMUNITIES IN THE MIDDLE EAST.

(a) INITIATIVE AUTHORIZED.—The Secretary of State is authorized to undertake a focused initiative to monitor the status of and provide specific policy recommendations to protect vulnerable religious minorities throughout the Middle East region.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, and one year thereafter, the Secretary of State shall submit to the appropriate congressional committees a report on the humanitarian conditions of religious minority communities in the Middle East and efficacy and obstacles to humanitarian assistance activities to help meet the basic needs of vulnerable persons affiliated with minority religions in the Middle East, and recommendations to mitigate adverse humanitarian circumstances facing such persons.

☒

AMENDMENT TO H.R. 2410

OFFERED BY MR. FORTENBERRY OF NEBRASKA

At the end of subtitle B of title IV of the bill, add the following new section:

SEC. 416. IMPLEMENTATION OF RECOMMENDATIONS OF COMMISSION ON THE PREVENTION OF WEAPONS OF MASS DESTRUCTION PROLIFERATION AND TERRORISM.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary for each of the fiscal years 2010 and 2011 to implement the following recommendations of the Report of the Commission on the Prevention of Weapons of Mass Destruction Proliferation and Terrorism regarding the International Atomic Energy Agency (IAEA) and nuclear safeguards reform:

(1) The United States should work with the IAEA Director General to consider establishing a safeguards user fee, whereby countries with inspected facilities would be assessed a fee to help defer the costs of IAEA inspections.

(2) The United States should work with the IAEA Director General and other interested parties

to routinely (at least every two years) assess whether the IAEA can meet its own inspection goals, whether those goals afford timely warning of an ability to account for a bomb's worth of nuclear material, as required by United States law, and what corrective actions, if any, might help the IAEA to achieve its inspection goals. This assessment should also clarify those instances in which achieving the goals is not possible.

(3) The United States should work with the IAEA Director General to provide for the acquisition and implementation of near-real-time surveillance equipment at a number of sites where nuclear fuel rods are located and where such equipment must be installed so that the IAEA can establish the inspection continuity of the fresh and spent fuel rods and to install wide-area surveillance needed to monitor activities under the Additional Protocol.

(4) The United States should work with the IAEA Director General to promote much-needed transparency at suspect sites, to help deter transfers of nuclear fuel and nuclear weapons technology, and to encourage IAEA member states to maintain a registry of all foreign visitors at safeguarded sites.

This registry should be made available to other IAEA members upon request.

(5) The United States should work with the IAEA Director General to establish a complete country-by-country inventory of nuclear materials that could be used to make nuclear bombs. The information should be shared, as appropriate, with individual IAEA member states and the public to ensure that it can be used effectively in developing the plan for IAEA safeguards. The IAEA should update the database regularly.

(6) The United States should work with the IAEA Director General to require that the transfer of all items on the Nuclear Suppliers Group dual-use and trigger lists be reported to the IAEA or relevant authority and assist in developing a system to process and analyze the information gathered, making unreported transfers illegal and subject to seizure.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees a report on progress toward the implementation of this section.

☒

Chairman BERMAN. Without objection, that will be the order.

Mr. FORTENBERRY. Mr. Chairman?

Chairman BERMAN. The gentleman from Nebraska.

Mr. FORTENBERRY. I have no objection, except that I had three amendments. The third one, which——

Chairman BERMAN. The third one——

Mr. FORTENBERRY [continuing]. Overall, but I would like to make a statement on it.

Chairman BERMAN. Yes. After we do the en bloc amendment and the Woolsey colloquy, we will recognize——

Mr. FORTENBERRY. We will consider that separately, then. I see. Thank you.

Chairman BERMAN [continuing]. The gentleman from Nebraska for the final, final amendment. So, the clerk shall distribute the amendments en bloc.

Ms. RUSH. Amendment to H.R. 2410, en bloc, offered by Mr. Mack of Florida, "In title"——

Chairman BERMAN. Without objection, reading of the three amendments being considered en bloc will be waived. And let us see, I have never done this before. We have two different authors. Mr. Mack, why don't you start first.

Mr. MACK. It is a good amendment and I hope everybody will support it. Thank you, Mr. Chairman.

Chairman BERMAN. Mr. Fortenberry.

Mr. FORTENBERRY. I am sorry, Mr. Chairman, I do not have the ability to be that brief. I need to speak to mine. The first amendment simply relates to strengthening IAEA, the International Atomic Energy Agency safeguards by incorporating key recommendations of the bipartisan commission on the prevention of weapons of mass destruction, several important recommendations they have made, and I think will be helpful to strengthening the security of this country and identifying vulnerabilities and preventing misuse of sensitive nuclear materials and technologies worldwide.

The second amendment, would you like me to speak to that now——

Chairman BERMAN. Yes.

Mr. FORTENBERRY [continuing]. Now, Mr. Chairman? We all are aware that in many of our discussions on the Middle East tend to focus on Shi'a, Sunni, and Kurdish communities when talking about human rights and the status of differing ethnic populations. However, Iraq's constitution also guarantees religious freedom, but many of the religious minorities are main targets of sectarian violence and this includes Iraq's Christians, the Izidis, Shabacks, Sabi, and Mandians, Bahis, and remnant Jewish community that are highly vulnerable. So, this amendment simply calls for a more focused effort to examine the situation of religious minorities in Iraq, but also throughout the entire Middle East, to determine what steps that can be taken to decrease their vulnerability to intimation and violence.

Chairman BERMAN. If there is no further debate, the amendment en bloc is before us. All of those in favor, say aye.

[A chorus of ayes.]

Chairman BERMAN. All opposed.

[A chorus of noes.]

Chairman BERMAN. The ayes have it. One Mack and two Fortenberry amendments are hereby adopted. The gentlelady from California. We are almost done with this bill.

Ms. WOOLSEY. Thank you, Mr. Chairman. I would like to ask for a colloquy with you at this moment.

Chairman BERMAN. This is the moment.

Ms. WOOLSEY. Thank you. Thank you for the time and thank you for the work that you and your staff have put into this excellent forward-thinking bill. To all who have read and reviewed the policies set forth here, it is obvious that the bill will build upon the ideals of a strong State Department, one that executes policy based on diplomacy, engagement, and equality. I am very encouraged that in the early stage, the new leadership at the State Department, led by Secretary Hillary Clinton, has placed high importance on the issue of gender equality through the appointment of Mullane Vervier as the head of the new office on global women's issue. The Secretary made an early and unmistakable declaration that the role of women will be considered at every level of decision making.

Women deserve, as a basic human right, access to maternal healthcare. Unfortunately, as I saw on a recent trip to Tanzania, only a small percentage of women have access to prenatal delivery and postnatal care. Sometimes, it is as basic as a lack of transportation to a clinic or it could be as serious as corrective surgery for obstetric fistula. The obstacles to care are great. Every minute, someone in the world, a woman dies in pregnancy or childbirth. In the poorest region, one out of 22 women will die from these causes, compared with one in 4,800 in the United States of America. Today's bill serves to begin the process of rebuilding civilian capacity to conduct diplomacy and promote development.

Mr. Chairman, I understand that later this year, you plan to move forward with a larger scale foreign aid reform package. Is that correct?

Chairman BERMAN. It certainly is.

Ms. WOOLSEY. Well, thank you, Mr. Chairman. I hope you will consider the issue of maternal mortality and women's health in connection with the foreign aid reform package. Specifically, I hope to work with you to develop a comprehensive, evidence-based maternal action plan that is funded at a responsible level. I believe this is a key element I promoting security, stability, and prosperity for women and their families worldwide.

Chairman BERMAN. If the gentlelady will yield, I very much appreciate her comments. This is an issue that is really very important to me and I think it is important to a strong bipartisan majority of the committee, as a whole. And I look forward to working with you, specifically, as well as other members of the committee to help improve both the quality of healthcare for women and girls around the world and their access to it through our foreign assistance reform effort.

Ms. WATSON. Mr. Chairman?

Chairman BERMAN. The gentlelady from California has the time.

Ms. WOOLSEY. Am I able to yield to others? I will yield to Ambassador Watson.

Ms. WATSON. I wanted to go on the Jackson Lee Sudan amendment as a co-sponsor.

Chairman BERMAN. So it is Jackson Lee, Lee, and Watson.

Ms. WATSON. Thank you.

Mr. PAYNE. Mr. Chairman, I feel left out, without a man being on it. Would you add Payne to that list?

Chairman BERMAN. Without objection, you will all be, you and any others who want to by letting staff know, will be retroactively added as the authors of that amendment.

Ms. WOOLSEY. Excuse me, Mr. Chairman. This is my colloquy so I am assuming they are in support of my women's mortality issue also.

Chairman BERMAN. Yes.

Ms. WOOLSEY. Thank you very much.

I yield back.

Chairman BERMAN. Time is yielded back. The gentleman from Nebraska.

Mr. FORTENBERRY. Thank you again, Mr. Chairman, for leading the hearing today. I also want to thank our ranking member for attempting to offer some reasonable alternatives today.

My amendment that I propose——

Chairman BERMAN. I am sorry. You are offering your amendment at this point? Or are you just moving to strike the last words?

Mr. FORTENBERRY. I am sorry. I would like to be recognized to offer my amendment.

Chairman BERMAN. The gentleman is recognized, but first the clerk will distribute and read the amendment.

This is the Fortenberry Amendment on the conscious clause is the right term for it.

Mr. FORTENBERRY. Mr. Chairman, if it is acceptable I would move to dispense with the reading.

Ms. RUSH. Non-discrimination requirements?

Chairman BERMAN. It is coming around right now, so give people a chance to look at it. Without objection, the amendment will be deemed as read and the gentleman from Nebraska will be recognized for 5 minutes.

[The amendment of Mr. Fortenberry follows:]

AMENDMENT TO H.R. 2410

OFFERED BY MR. FORTENBERRY OF NEBRASKA

At the appropriate place in the bill, insert the following new section:

SEC. ___. NONDISCRIMINATION REQUIREMENTS.

No employee of the Department of State or any other Federal department or agency and no Federal Government contractor or subcontractor carrying out any program authorized or funded under this Act may be discriminated against on the grounds of refusal to participate in the program to which the employee or contractor or subcontractor (as the case may be), exercising deeply held convictions, has a religious or moral objection, or an objection of conscience,

☒

Mr. FORTENBERRY. Mr. Chairman, this amendment simply tries to provide sensible conscious protection for our diplomatic community. I propose that in order to try to do some service to help our diplomatic corps and our State Department, I do not want to put any diplomat in a position of violating their most deeply held belief of conscience, and I appreciate the fact that you have stated several times during this hearing that no Foreign Officer would be forced to act against their moral precepts. Unfortunately, as we have discussed in private, trying to codify this is more complicated than it first appeared. So I do appreciate our conversation and from what I understand your general inclination to seek language that may be acceptable in this regard that could potentially be in the manager's amendment. So I would be happy to withdraw the amendment given that understanding.

Chairman BERMAN. The gentleman will yield.

I was reminded about this in listening to President Obama's speech at Notre Dame where, if I can quote, he called for the first time for drafting a sensible conscience clause and went on to talk about honoring the conscience of people who disagree on abortion and other issues.

It is in that spirit that I was taken with the gentleman's amendment and wondering if there is a way to do this in a manageable way that allows the government to continue functioning, because this applies to employees as well as to Federal contracts. So I appreciate the gentleman raising the issue. I do intend to work with him to try and work through some of these processes to see if we can get a workable amendment to bring in some of the people familiar with State Department functions to discuss it. I yield back to him.

Mr. FORTENBERRY. Thank you for that commitment, and I look forward to continuing to work with you and wrestle through the complications here. So I yield back the time.

Chairman BERMAN. With unanimous consent, the gentleman's amendment is withdrawn.

The gentleman from New York, Mr. Ackerman, is he prepared to make a motion?

Mr. ACKERMAN. If you wish, Mr. Chairman.

Chairman BERMAN. Why not?

Mr. ACKERMAN. I move the favorable consideration and recommendation of H.R. 2410 as amended to the floor of the House.

Chairman BERMAN. The question occurs on the motion by the gentleman from New York to report H.R. 2410 as amended favorably to the House.

All in favor, say aye.

[A chorus of ayes.]

Chairman BERMAN. All opposed, no.

[No audible response.]

Chairman BERMAN. The ayes have it, and the motion is adopted.

Without objection, the bill we reported as a single amendment in the nature of a substitute incorporating the amendments adopted by the committee, and the staff is directed to make any technical and conforming amendments, to remove from the bill as amended provisions that would cause the bill to be referred to other committees, or that would result in additional direct spending.

I do want to thank the members for sitting through the first part of this markup and I hope they will stay for the second part, which is very important but I think will be much shorter.

I particularly want to thank the staff, both for the majority and the minority. Until I got this job I never, I knew they did well with the issues I cared about; I did not realize what it took to deal with the issues everyone on the committee cares about as well as a lot of other people in the House. They spent incredible hours putting this together, dealing with the amendments, dealing with the manager's amendment, and dealing with us most of all. I think we owe them a great debt of thanks.

I also want to mention Mat Eckstein and Mark Synnes from Legislative Counsel who we could really drive crazy with the various forms of issues that came up, and their great drafting skill.

With that, we move to, pursuant to notice I now call up H.R. 1886, the Pakistan Enduring Assistance and Cooperation Act.

Without objection the amendment in the nature of a substitute before the members will be considered as base text for purposes of amendment, will be considered as read and will be open for amendment at any point.

[The information referred to follows:]

I

111TH CONGRESS
1ST SESSION

H. R. 1886

To authorize democratic, economic, and social development assistance for Pakistan, to authorize security assistance for Pakistan, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 2, 2009

Mr. BERMAN (for himself, Mr. KIRK, Mr. ACKERMAN, Mr. ROYCE, Ms. JACKSON-LEE of Texas, Mr. SHERMAN, and Mr. WEXLER) introduced the following bill; which was referred to the Committee on Foreign Affairs, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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A BILL

To authorize democratic, economic, and social development assistance for Pakistan, to authorize security assistance for Pakistan, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Pakistan Enduring Assistance and Cooperation Enhancement Act of 2009" or the "PEACE Act of 2009".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title and table of contents.
Sec. 2. Definitions.
Sec. 3. Findings.
Sec. 4. Declaration of principles.

TITLE I—DEMOCRATIC, ECONOMIC, AND SOCIAL DEVELOPMENT ASSISTANCE FOR PAKISTAN

Sec. 101. Purposes of assistance.
Sec. 102. Authorization of assistance.
Sec. 103. Multilateral support for Pakistan.
Sec. 104. Pakistan Democracy and Prosperity Fund.
Sec. 105. Authorization of appropriations.

TITLE II—SECURITY ASSISTANCE FOR PAKISTAN

Sec. 201. Sense of Congress.
Sec. 202. Purposes of assistance.
Sec. 203. Authorization of assistance.
Sec. 204. Drawdown authority.
Sec. 205. Exchange program between military and civilian personnel of Pakistan and certain other countries.
Sec. 206. Limitation on United States military assistance to Pakistan.
Sec. 207. Role of Secretary of State.
Sec. 208. Authorization of appropriations.

TITLE III—MISCELLANEOUS PROVISIONS

Sec. 301. Regional security strategy.
Sec. 302. Monitoring and evaluation of assistance.
Sec. 303. Auditing.
Sec. 304. Requirements for civilian control of United States assistance for Pakistan.
Sec. 305. Sense of Congress.
Sec. 306. Reports.
Sec. 307. Sunset.

SEC. 2. DEFINITIONS.

In this Act:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—Except as otherwise provided in this Act, the term ''appropriate congressional committees'' means the Committees on Appropriations and Foreign Affairs of the House of Representatives and the Com-

mittees on Appropriations and Foreign Relations of the Senate.

(2) COUNTERINSURGENCY.—The term ''counterinsurgency'' means efforts to defeat organized movements that seek to overthrow the duly constituted Governments of Pakistan and Afghanistan through the use of subversion and armed conflict.

(3) COUNTERTERRORISM.—The term ''counterterrorism'' means efforts to combat—

(A) al Qaeda; and

(B) other terrorist organizations, as such term is defined in section 212(a)(3)(B)(vi) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(B)(vi)).

(4) FATA.—The term ''FATA'' means the Federally Administered Tribal Areas of Pakistan.

(5) FCR.—The term ''FCR'' means the Frontier Crimes Regulation, codified under British law in 1901, and applicable to the FATA.

(6) NWFP.—The term ''NWFP'' means the North West Frontier Province of Pakistan, which has Peshawar as its provincial capital.

SEC. 3. FINDINGS.

Congress finds the following:

(1) The Islamic Republic of Pakistan has been an invaluable ally of the United States for more than 4 decades.

(2) With the free and fair election of February 18, 2008, Pakistan returned to civilian rule after almost 9 years under a military dictatorship.

(3) After the September 11, 2001, terrorist attacks against the United States, Pakistan recognized the significant challenges emanating from within its borders, and chose to partner with the United States in its fight against al Qaeda, the Taliban, and other extremist and terrorist groups.

(4) Since 2001, the United States has contributed more than $10,000,000,000 to Pakistan to strengthen Pakistan's governance, economy, education system, healthcare services, and military, so as to bring freedom and opportunities to the people of Pakistan while helping to combat terrorism and to counter a domestic insurgency.

(5) The United States requires a balanced, integrated, countrywide strategy that targets assistance throughout Pakistan and does not disproportionately focus on military activities or one particular area or province.

(6) Despite apprehending the top leadership of al Qaeda—Khalid Sheikh Muhammad, Ramzi bin al-Shibh, and Abu Faraj al-Libi—as well as the leadership and rank and file of affiliated terrorist groups, Pakistan, particularly the FATA as well as areas under central government authority such as Quetta in Balochistan and Muridke in Punjab, remains a sanctuary for al Qaeda, the Afghan Taliban, and affiliated groups from which these groups organize terrorist actions against Pakistan and other countries.

SEC. 4. DECLARATION OF PRINCIPLES.

Congress declares that the relationship between the United States and Pakistan should be based on the following principles:

(1) Pakistan is an invaluable friend and ally to the United States, both in times of strife and in times of peace, and the 2 countries share many common goals, including combating terrorism and violent radicalism, solidifying democracy and rule of law in Pakistan, and promoting the social and material well-being of the people of Pakistan.

(2) The United States seeks a sustained, long-term, multifaceted relationship with Pakistan based on friendship between the peoples of the 2 countries, the commitment to democracy and the rule of law,

and the mutual interests of stability, security, and prosperity.

(3) It is critical for the United States to support Pakistan's democratic government and strengthen its democratic institutions, including its parliament and the judicial system.

(4) The United States supports Pakistan's struggle against extremist elements and recognizes the profound sacrifice made by Pakistan in the fight against terrorism, including the loss of more than 1,600 soldiers since 2001 in combat with al Qaeda, the Taliban, and other extremist and terrorist groups.

(5) The United States intends—

(A) to actively and consistently pursue a sustained, long-term, multifaceted relationship with Pakistan, devoted to strengthening the mutual security, stability, and prosperity of both countries;

(B) to support the people of Pakistan and their democratic government in their efforts to consolidate democracy, expand good governance, and enhance the rule of law, through strengthening Pakistan's parliament and in helping

Pakistan reestablish an independent and transparent judicial system;

(C) to promote long-term development projects, including healthcare, water management, and energy programs, in all areas of Pakistan;

(D) to encourage sustainable economic development in Pakistan and the integration of Pakistan into the global economy in order to improve the living conditions of the people of Pakistan;

(E) to work with the Government of Pakistan, particularly with provincial education authorities, to improve Pakistan's public school system, including by increasing access to secondary education and vocational training, and help to create an appropriate national curriculum program that would apply to public, private, and religious schools;

(F) to expand people-to-people engagement between the United States and Pakistan, through increased educational, technical, and cultural exchanges and other methods;

(G) to redouble its efforts to work with the Government of Pakistan, through all appro-

priate means, in establishing a counterinsurgency and counterterrorism strategy to prevent any territory of Pakistan from being used as a base or conduit for terrorist attacks in Pakistan, Afghanistan, or elsewhere, and ensure that madrasas in Pakistan are not used to incite terrorism; and

(H) to ensure that Pakistan has strong and effective law enforcement and national defense forces, under civilian leadership, with sufficient and appropriate defense equipment and training to effectively defend Pakistan against internal and external threats.

(6) Simultaneously, the United States expects Pakistan—

(A) to ensure a transparent, mutually beneficial, and trusting relationship with the United States which expands beyond the commitment of the 2 countries to fighting terrorism;

(B) to maintain its commitment to and ensure the uninterrupted practice of democracy and democratic governance, including the development of a strong parliament, an independent judicial system, and an extension of rule of law

to all areas of Pakistan, as committed to by the elected civilian government;

(C) to promote the long-term development of Pakistan through investments in infrastructure, rural development, and other similar programs that are sustained and supported by each successive democratic government in Pakistan;

(D) to ensure that the people of Pakistan, including those living in areas governed by the FCR, have access to public, modernized education and vocational training to enable them to provide for themselves, for their families, and for a more prosperous future for their children, and establish increased government oversight of the education curriculum of madrasas, as currently mandated by Pakistani law, to include the closing of any madrasas found to have links to terrorism;

(E) to ensure transparency and provide effective accountability of all United States assistance and reimbursements provided to Pakistan;

(F) to take steps to improve counterterrorism financing and anti-money

1 laundering laws to comply with international
2 standards, to include applying for ''Financial
3 Action Task Force'' observer status and adher-
4 ing to the United Nations International Con-
5 vention for the Suppression of the Financing of
6 Terrorism;
7 (G) to take all appropriate measures to
8 adapt its Armed Forces to be able to conduct
9 effective and sustained counterinsurgency and
10 counterterrorism operations;
11 (H) not to provide any support, direction,
12 guidance to, or acquiescence in the activities of,
13 any person or group that engages in any degree
14 in acts of violence or intimidation against civil-
15 ians, civilian groups, or governmental entities;
16 (I) to redouble its efforts to prevent the
17 presence of the Taliban and Taliban-affiliated
18 groups in Pakistan that support insurgents in
19 Afghanistan;
20 (J) not to support any person or group
21 that conducts violence, sabotage, or other activi-
22 ties meant to instill fear or terror in India; and
23 (K) to ensure access of United States in-
24 vestigators to individuals suspected of engaging
25 in worldwide proliferation of nuclear materials,

and restrict such individuals from travel or any other activity that could result in further proliferation.

TITLE I—DEMOCRATIC, ECONOMIC, AND SOCIAL DEVELOPMENT ASSISTANCE FOR PAKISTAN

SEC. 101. PURPOSES OF ASSISTANCE.

The purposes of assistance under this title are—

(1) to demonstrate unequivocally the long-term commitment of the United States to the people of Pakistan and Pakistan's democratic institutions;

(2) to support the consolidation of democracy, good governance, and the rule of law in Pakistan;

(3) to help build the capacity of law enforcement forces in Pakistan to combat terrorism and expeditiously investigate, arrest, and prosecute alleged criminals, consistent with the rule of law and due process;

(4) to further the sustainable and effective economic and social development of Pakistan and the improvement of the living conditions of the people of Pakistan, especially in areas of direct interest and importance to their daily lives;

(5) to strengthen regional ties between Pakistan and its neighbors by offering concrete nonmilitary assistance for issues of mutual concern;

(6) to strengthen Pakistan's public education system, increase literacy, expand opportunities for vocational training, and help create an appropriate national curriculum for all schools in Pakistan;

(7) to expand people-to-people engagement between the United States and Pakistan, through increased educational, technical, and cultural exchanges and other methods; and

(8) to strengthen respect for internationally recognized human rights in efforts to stabilize the security environment in Pakistan.

SEC. 102. AUTHORIZATION OF ASSISTANCE.

(a) IN GENERAL.—To carry out the purposes of section 101, the President is authorized to provide assistance for Pakistan to support the activities described in subsection (b).

(b) ACTIVITIES SUPPORTED.—Activities that may be supported by assistance under subsection (a) include the following:

(1) FORTIFYING DEMOCRATIC INSTITUTIONS.—To support, notwithstanding any other provision of law, democratic institutions in Pakistan in order to

strengthen civilian rule and long-term stability, including assistance such as—

(A) support for efforts to strengthen the National Parliament of Pakistan, including—

(i) assistance to parliamentary committees to enhance the capacity to conduct public hearings and oversee government activities, to solicit input on key public policy issues, and to oversee the conduct of elections;

(ii) support for the establishment of constituency offices and otherwise promote the responsibility of members of parliament to respond to constituents;

(iii) strengthening of the role of parliamentary leadership; and

(iv) efforts to increase the use of information technology by members of parliament, in addition to newspapers and leaflets, as a means of communication internally and with constituents;

(B) support for voter education and civil society training, including training with grassroots organizations to enhance the capacity of

1 the organizations to advocate for the develop-
2 ment of public policy;
3 (C) support for political parties, including
4 increasing their capacity and protecting their
5 right to carry out political activities without re-
6 striction (other than reasonable administrative
7 requirements commonly applied in democratic
8 countries) and fostering the responsiveness of
9 such parties to the needs of the people of Paki-
10 stan;
11 (D) support for strengthening the capacity
12 of the civilian Government of Pakistan to carry
13 out its responsibilities, including supporting the
14 establishment of frameworks that promote gov-
15 ernment transparency and criminalize corrup-
16 tion in both the government and private sector,
17 audit offices, inspectors general offices, third
18 party monitoring of government procurement
19 processes, whistle blower protections, and anti-
20 corruption agencies; and
21 (E) in particular, support for strength-
22 ening of governance programs in the FATA,
23 including—
24 (i) programs to develop and promote
25 political parties;

(ii) assistance to conduct voter education and training of elected officials; and

(iii) education in drafting legislation.

(2) ENHANCEMENT AND STRENGTHENING OF THE JUDICIAL SYSTEM AND LAW ENFORCEMENT.—To support, notwithstanding any other provision of law, Pakistan's efforts to expand the rule of law and build the capacity, transparency, and trust in government institutions, at the national, provincial, and local levels, including assistance such as—

(A) support for the rule of law and systematic improvement of judicial and criminal justice institutions, including—

(i) management of courts;

(ii) promotion of oral trials via training for the judicial sector;

(iii) increase in the number of judges, courtrooms, and related facilities;

(iv) professional training for judges;

(v) establishment of a center in the Ministry of Justice for receipt of citizen complaints; and

(vi) capacity building for public defenders and prosecutors;

(B) support for professionalization of the police, including—

(i) training regarding use of force;

(ii) education and training regarding human rights;

(iii) training regarding evidence preservation and chain of custody; and

(iv) training regarding community policing;

(C) support for revising the FCR to extend the writ of national law to all areas in Pakistan, as committed to by the Government of Pakistan; and

(D) support for independent law enforcement agencies, such as the Intelligence Bureau of the Ministry of Interior, responsive to civilian control, including—

(i) enhanced coordination with judicial processes;

(ii) enhancement of forensics capabilities;

(iii) data collection and analyses;

(iv) case tracking and management;

(v) financial intelligence functions; and

(vi) maintenance of data systems to track terrorist or criminal activity.

(3) SUPPORT FOR BROAD-BASED AND SUSTAINABLE ECONOMIC DEVELOPMENT.—To support economic development in Pakistan by—

(A) promoting energy sector reform and development;

(B) enhancing commercial supply and distribution networks;

(C) increasing employment opportunities, including support to small and medium enterprises, microfinance and microenterprise activities, and in particular programs to improve the lives of Pakistani women and girls;

(D) increasing investment in infrastructure, including construction of roads, water resource management systems, and irrigation channels; and

(E) expanding assistance for agricultural and rural development.

(4) SUPPORT TO INCREASE LOCAL CAPACITY.—To increase the capacity and improve the sustainability of Pakistani national, provincial, and local governmental and nongovernmental institutions, including assistance to—

(A) increase and improve the capacity of Pakistani national, provincial, and local governmental institutions by—

(i) providing technical assistance to all Pakistani ministries to improve transparency and ability to respond to the needs of the people of Pakistan;

(ii) promoting the implementation of fiscal and personnel management, including revenue tracking and expenditure systems;

(iii) assisting in developing ministry-wide recruitment systems;

(iv) creating or improving databases and other human resource information systems;

(v) providing training and technical assistance to the Ministry of Finance to better account for funding implemented by the Government of Pakistan; and

(vi) providing technical assistance to train provincial and local governmental personnel; and

(B) enhance the capacity of Pakistani non-governmental and civil society organizations to

respond to the needs of the people of Pakistan by—

(i) increasing support for local nongovernmental organizations with demonstrated experience in delivering services to the people of Pakistan, particularly to women, children, and other vulnerable populations in Pakistan;

(ii) providing training and education to local nongovernmental and civil society organizations on ways to identify and improve the delivery of services to the people of Pakistan; and

(iii) promoting local ownership and participation, including encouraging communities to contribute a percentage of the value of United States projects or activities carried out under this title in the form of labor, in-kind materials, or other provisions.

(5) SUPPORT FOR PUBLIC EDUCATION SYSTEM.—To support Pakistan's public education system, including—

(A) implementation of a national education strategy, to include both primary and secondary

education, focused on literacy and civic education, including—

(i) programs to assist development of modern, nationwide school curriculums for public, private, and religious schools that incorporate relevant subjects, such as math, science, literature, and human rights awareness, in addition to agricultural education and training;

(ii) enhancement of civic education programs focused on political participation, democratic institutions, and tolerance of diverse ethnic and religious groups; and

(iii) support for the proper oversight of all educational institutions, including madrasas, as required by Pakistani law, including registration with the Ministry of Education and regular monitoring of curriculum by the Ministry of Education to ensure students in Pakistan receive a comprehensive education;

(B) initiatives to enhance the access to education for women and girls, and to increase women's literacy;

(C) funding to the Government of Pakistan to use to increase immediately teacher salaries and to recruit and train teachers and administrators, as well as develop formalized salary scales with merit-based pay increases;

(D) establishment of vocational and technical programs to enhance employment opportunities;

(E) encouragement of United States and Pakistani public-private partnerships to increase investment in higher education and technical training opportunities;

(F) construction and maintenance of public schools, including water sanitation, perimeter walls, and recreation areas;

(G) provision of textbooks and other learning materials and food assistance for student meals; and

(H) provision of software to educational institutions and students at the lowest possible cost, specifically targeting universities that specialize in information technology, and women's colleges and women's secondary schools.

(6) SUPPORT FOR HUMAN RIGHTS.—To promote respect for and compliance with internationally

1 recognized human rights, including assistance such
2 as—
3 (A) support for the establishment of a pro-
4 fessional and independent National Human
5 Rights Commission;
6 (B) promotion of education regarding
7 internationally recognized human rights;
8 (C) programs designed to end traditional
9 practices and punishments that are inconsistent
10 with internationally recognized human rights
11 norms and protections, such as honor killings
12 and other forms of cruel and unusual punish-
13 ments;
14 (D) promotion of freedom of religion and
15 religious tolerance, protection of religious mi-
16 norities, and promotion of freedom of expres-
17 sion and association, including support for re-
18 sponsible independent media;
19 (E) promotion of nongovernmental organi-
20 zations that focus on the protection of women
21 and girls, including women-led organizations
22 and programs that support the participation of
23 women in the national, provincial, and local po-
24 litical process, and programs to end violence
25 against women, including rape;

(F) technical, legal, and law enforcement assistance for the investigation of past disappearances of individuals in Pakistan and the development of a national data base of such individuals;

(G) programs in support and protection of the rights of ethnic minorities in Pakistan, including Baluchis, Sindhis, and Pashtuns, to preserve their language, culture, traditional areas of inhabitancy, and to fight any direct or indirect discrimination; and

(H) programs to strengthen civil society organizations that promote internationally recognized human rights, including religious freedom, freedom of expression, and freedom of association, and that support human rights monitoring.

(7) SUPPORT FOR REFUGEES AND INTERNALLY DISPLACED PERSONS.—It is the sense of Congress that—

(A) counterinsurgency operations being carried out by the Government of Pakistan should be designed to minimize the impact on the people of Pakistan and to provide security

for the delivery of humanitarian assistance to the affected civilian population;

(B) the United States should continue to provide robust assistance to the people of Pakistan who have been displaced as a result of ongoing conflict and violence;

(C) the United States should support international efforts to coordinate assistance to refugees and internally displaced persons in Pakistan, including by providing support to international and nongovernmental organizations for this purpose;

(D) the Administrator of the United States Agency for International Development should support the development objectives of the Refugee Affected and Host Areas (RAHA) Initiative in Pakistan to address livelihoods, heath, education, infrastructure development, and environmental restoration in identified parts of the county where Afghan refugees have lived; and

(E) the Administrator of the United States Agency for International Development should evaluate the effectiveness of the livelihoods projects in the FATA in order to determine

whether systems need to be put into place to improve programming in this key sector.

(8) SUPPORT FOR HEALTHCARE EFFORTS.—To provide urgently needed healthcare assistance to the people of Pakistan, including assistance to supplement the Government of Pakistan's efforts to eliminate diseases, including hepatitis.

(9) SUPPORT FOR PUBLIC DIPLOMACY EFFORTS.—To increase and improve existing programs to expose the people of Pakistan to the United States, including through the following:

(A) Expanded exchange activities under the Fulbright Program, the International Visitor Leadership Program, and related programs administered by the Department of State.

(B) Contributions toward the establishment of cultural centers that can facilitate educational and cultural exchange and deeper understanding of Western social democracy. The centers shall be operated with Pakistani partners and overseen by United States staff present on-site.

(C) Expansion of sister institution programs between United States and Pakistani schools and universities, towns and cities, and

other organizations in such fields as medicine and healthcare, business management, environmental protection, information technology, and agriculture.

(D) Additional scholarships to enable students to study in the United States.

SEC. 103. MULTILATERAL SUPPORT FOR PAKISTAN.

To the extent that Pakistan continues to evolve toward civilian control of the government and to develop and implement comprehensive economic reform programs, the President should do the following:

(1) MULTILATERAL SUPPORT.—Take the lead in mobilizing international financial institutions, in particular the International Monetary Fund and affiliated institutions in the World Bank group, to provide timely and appropriate resources to help Pakistan.

(2) STABILIZATION ASSISTANCE.—In conjunction with other governments and international financial institutions (including the International Monetary Fund), support the implementation of a plan of the Government of Pakistan to attack structural economic problems, address pressing social problems, carry out comprehensive economic reform, and re-

lieve immediate and urgent balance of payments requirements in Pakistan.

(3) CURRENCY STABILIZATION LOANS.—Provide leadership in supporting multilateral agreements to provide government-to-government loans for currency stabilization in Pakistan if the loans can reduce inflation and thereby foster conditions necessary for the effective implementation of economic reforms.

SEC. 104. PAKISTAN DEMOCRACY AND PROSPERITY FUND.

(a) ESTABLISHMENT OF FUND.—There is established in the Treasury of the United States a fund to be known as the ''Pakistan Democracy and Prosperity Fund'' (hereinafter in this section referred to as the ''Fund''), consisting of such amounts as may be appropriated or transferred to the Fund as provided in this section.

(b) TRANSFERS TO FUND.—The Fund shall consist of the following:

(1) Amounts appropriated to carry out this title.

(2) Amounts appropriated on or after the date of the enactment of this Act for ''Development Assistance'', ''Global Health and Child Survival'', and the ''Economic Support Fund'' for assistance for Pakistan under the Foreign Assistance Act of 1961

(22 U.S.C. 2151 et seq.) that, notwithstanding any other provision of law, are transferred by the President to the Fund.

(3) To the extent or in the amounts provided in advance in appropriations Acts, amounts accepted by the President under subsection (c) that, notwithstanding any other provision of law, are transferred by the President to the Fund.

(c) ACCEPTANCE OF AMOUNTS FROM OUTSIDE SOURCES.—The President may accept funds from non-United States Government sources, including foreign governments, nongovernmental organizations, private business entities, and private individuals, for purposes of carrying out this title.

(d) STATUS OF AVAILABILITY OF AMOUNTS IN FUND.—Amounts transferred to the Fund under subsection (b) (2) and (3) shall be merged with and shall be available for any purpose for which any of the amounts so transferred are available.

(e) REPORT.—The President shall transmit to the appropriate congressional committees not later than 180 days after the date of the enactment of this Act, and every 180 days thereafter until September 30, 2019, a report on programs, projects, and activities carried out using amounts obligated and expended from the Fund.

SEC. 105. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to the President to carry out this title $1,500,000,000 for each of the fiscal years 2009 through 2013.

(b) AVAILABILITY.—Amounts authorized to be appropriated to carry out this title for a fiscal year are—

(1) authorized to remain available until September 30 of the succeeding fiscal year; and

(2) in addition to amounts otherwise available for such purposes.

(c) SENSE OF THE CONGRESS.—It is the sense of Congress that United States assistance provided under this title should be made available on a proportional and equitable basis between the FATA and other regions of Pakistan.

TITLE II—SECURITY ASSISTANCE FOR PAKISTAN

SEC. 201. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) United States security assistance for Pakistan should be used to improve relationships between United States military and Pakistani military personnel, including outreach to the ''lost generation'' of Pakistan's officers who did not attend United States-sponsored training as a result of restrictions

1 placed on United States assistance for Pakistan fol-
2 lowing Pakistan's detonation of a nuclear device;
3 and
4 (2) United States security assistance for Paki-
5 stan should be fully accountable, should be contin-
6 gent on Pakistan ending support for terrorist
7 groups, and should meet the national security needs
8 of Pakistan.

9 **SEC. 202. PURPOSES OF ASSISTANCE.**

10 The purposes of assistance under this title are—
11 (1) to support Pakistan's paramount national
12 security need to fight and win the ongoing
13 counterinsurgency within its borders;
14 (2) to work with the Government of Pakistan to
15 protect and secure Pakistan's borders and prevent
16 any Pakistani territory from being used as a base or
17 conduit for terrorist attacks in Pakistan, Afghani-
18 stan, or elsewhere;
19 (3) to work in close cooperation with the Gov-
20 ernment of Pakistan to coordinate military action
21 against terrorist targets; and
22 (4) to develop knowledge of and appreciation
23 for democratic governance and a military that is
24 controlled by and responsible to democratically elect-
25 ed civilian leadership.

SEC. 203. AUTHORIZATION OF ASSISTANCE.

(a) INTERNATIONAL MILITARY EDUCATION AND TRAINING.—

(1) IN GENERAL.—Of the amounts authorized to be appropriated to carry out this title for a fiscal year, not less than $4,000,000 is authorized be made available for assistance under chapter 5 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2347 et seq.; relating to international military education and training) for Pakistan, including expanded international military education and training (commonly known as ''E–IMET'').

(2) USE OF FUNDS.—Not less than 30 percent of the amount authorized to be made available under this subsection for a fiscal year is authorized to be used to pay for courses of study and training in counterinsurgency and civil-military relations.

(b) FOREIGN MILITARY FINANCING PROGRAM.—

(1) IN GENERAL.—Of the amounts authorized to be appropriated to carry out this title for a fiscal year, not less than $500,000,000 is authorized to be made available for grant assistance under section 23 of the Arms Export Control Act (22 U.S.C. 2763; relating to the Foreign Military Financing program) for the purchase of defense articles, defense services, and military education and training for Pakistan.

(2) USE OF FUNDS.—Not less than 75 percent of the amount authorized to be made available under this subsection for a fiscal year is authorized to be used for the purchase of defense articles, defense services, and military education and training for activities relating to counterinsurgency and counterterrorism operations in Pakistan. Such articles, services, and military education and training may include the following:

(A) Aviation maintenance and logistics support for United States-origin and United States-supported rotary wing aircraft and upgrades to such aircraft to include modern night vision and targeting capabilities.

(B) Intelligence, surveillance, and reconnaissance (ISR) ground and air manned and unmanned platforms, including sustainment.

(C) Command and control capabilities.

(D) Force protection and counter improvised explosive device capabilities, including protection of vehicles.

(E) Protective equipment, such as body armor and helmets, night vision goggles, and other individual equipment, including load-bearing equipment, individual and unit level first

aid equipment, ballistic eye protection, and cold weather equipment.

(F) Appropriate individual and unit level medical services and articles for the Pakistan Army and Pakistan Frontier Corps.

(G) Assistance to enable the Pakistani military to distribute humanitarian assistance and establish a tactical civil-military operations capability, including a civil affairs directorate.

(3) RESTRICTION RELATING TO F–16 PROGRAM.—

(A) IN GENERAL.—Except as provided in subparagraph (B), and subject to subparagraph (C), amounts authorized to be made available under this subsection for a fiscal year may not be used for the purchase of, or upgrade to, F–16 fighter aircraft or munitions for such aircraft.

(B) EXCEPTIONS.—Not more than $142,000,000 of the amount authorized to be made available under this subsection for fiscal year 2009 is authorized to be used for upgrade to F–16 fighter aircraft pursuant to letters of agreement signed between the United States and Pakistan in 2006. Amounts authorized to

be made available under this subsection for a fiscal year are authorized to be used for military construction pursuant to the security plan signed between the United States and Pakistan in 2006.

(C) WAIVER.—The President may waive the restriction under subparagraph (A) with respect to amounts authorized to be made available under this subsection for a fiscal year, other than amounts authorized to be made available under paragraph (2) of this subsection, if the President certifies to the appropriate congressional committees not later than 15 days prior to exercising the authority of this subparagraph that the waiver is vital to the national security interests of the United States.

(4) SECURITY ASSISTANCE PLAN.—Not later than 90 days after the date of the enactment of this Act, the President shall transmit to the appropriate congressional committees a plan for the proposed use of amounts authorized to be made available under this subsection for each of the fiscal years 2009 through 2013.

(5) DEFINITIONS.—In this section, the terms ''defense articles'', ''defense services'', and ''military

education and training'' have the meaning given such terms in section 644 of the Foreign Assistance Act of 1961 (22 U.S.C. 2403).

(c) SENSE OF CONGRESS.—It is the sense of Congress that the United States should facilitate Pakistan's establishment of a program to enable the Pakistani military to provide reconstruction assistance in areas damaged by combat operations.

SEC. 204. DRAWDOWN AUTHORITY.

(a) IN GENERAL.—The President is authorized to direct the drawdown of defense articles from the stocks of the Department of Defense, defense services of the Department of Defense, and military education and training for the purpose of providing such articles, services, and military education and training to the Government of Pakistan. The aggregate value of assistance provided under this subsection may not exceed $20,000,000 for any fiscal year.

(b) PRIOR NOTIFICATION.—The President may exercise the authority of subsection (a) only if—

(1) the President determines and notifies Congress in accordance with section 652 of the Foreign Assistance Act of 1961 (22 U.S.C. 2411) that it is important to the national security interests of the United States; and

(2) the President notifies the appropriate congressional committees at least 15 days in advance of the exercise of such authority in accordance with the procedures applicable to reprogramming notifications under section 634A of the Foreign Assistance Act (22 U.S.C. 2394–1).

(c) INFORMATION AND REPORTS.—The President shall keep the appropriate congressional committees fully and currently informed of all defense articles, defense services, and military education and training provided under subsection (a), including providing the appropriate congressional committees with a report that describes the articles, services, and military education and training upon delivery of the articles or upon completion of the services or education and training (as the case may be).

(d) RELATION TO OTHER AUTHORITIES.—The authority provided by this section is in addition to any other drawdown authority under the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.).

(e) DEFINITIONS.—In this section, the terms ''defense articles'', ''defense services'', ''military education and training'', and ''value'' have the meaning given such terms in section 644 of the Foreign Assistance Act of 1961 (22 U.S.C. 2403).

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the President such sums as may be necessary for each of the fiscal years 2009 through 2013 to reimburse the applicable appropriation, fund, or account for defense articles, defense services, and military education and training provided under subsection (a).

SEC. 205. EXCHANGE PROGRAM BETWEEN MILITARY AND CIVILIAN PERSONNEL OF PAKISTAN AND CERTAIN OTHER COUNTRIES.

(a) IN GENERAL.—The Secretary of State is authorized to establish an exchange program between military and civilian personnel of Pakistan and military and civilian personnel of countries determined by the Secretary of State to be in transition to democracy and military and civilian personnel of North Atlantic Treaty Organization member countries, in order to foster greater respect for and understanding of the principle of civilian rule of Pakistan's military. The program established under this subsection shall be known as the ''Pakistan Military Transition Program''.

(b) ELEMENTS OF PROGRAM.—The program authorized under subsection (a) may include—

(1) conferences, seminars, and other events;

(2) distribution of publications; and

(3) reimbursement of expenses of foreign military personnel participating in the program, including transportation expenses, translation services expenses, and administrative expenses relating to the program.

(c) ROLE OF NONGOVERNMENTAL ORGANIZATIONS.—Amounts authorized to be appropriated to carry out this title for a fiscal year are authorized to be made available for nongovernmental organizations to facilitate the implementation of the program authorized under subsection (a).

SEC. 206. LIMITATION ON UNITED STATES MILITARY ASSISTANCE TO PAKISTAN.

(a) PROHIBITION ON USE OF FUNDS.—No military assistance to Pakistan for a fiscal year may be obligated or expended if the President has not made the determinations described in subsection (c) for such fiscal year, or if a joint resolution described in subsection (f) disapproving any such determination is enacted into law.

(b) EXCEPTION.—Notwithstanding subsection (a), the President may provide military assistance to Pakistan for purposes of enhancing the ability of the Pakistan Frontier Corps to conduct counterterrorism operations along the border between Pakistan and Afghanistan.

(c) DETERMINATIONS REGARDING ENHANCED COOPERATION BETWEEN THE UNITED STATES AND PAKISTAN.—The determinations referred to in subsection (a) are—

(1) a determination by the President within 180 days of enactment of this Act and at the beginning of each fiscal year thereinafter that the Government of Pakistan is continuing to cooperate with the United States in efforts to dismantle supplier networks relating to the acquisition of nuclear weapons-related materials, including, as necessary, providing access to Pakistani nationals associated with such networks; and

(2) a determination by the President at the beginning of each fiscal year that the Government of Pakistan during the preceding fiscal year has demonstrated a sustained commitment to and made progress towards combating terrorist groups, including taking into account the progress the Government of Pakistan has made with regard to—

(A) ceasing support, including by any elements within the Pakistan military or its intelligence agency, to extremist and terrorist groups, particularly to any group that has conducted attacks against United States or coali-

tion forces in Afghanistan, including Afghanistan National Security Forces, or against the territory of India or the people of India;

(B) closing terrorist camps in the FATA, dismantling terrorist bases of operations in other parts of the country, including Quetta and Muridke, and taking action when provided with intelligence about high-level terrorist targets;

(C) preventing cross border attacks into neighboring countries; and

(D) strengthening counter-terrorism and anti-money laundering laws.

(d) WAIVER.—The President may waive the restriction under subsection (a) for any fiscal year if the President certifies to the appropriate congressional committees 15 days before the President exercises the authority of this subsection that the provision of military assistance to Pakistan is vital to the national security interest of the United States.

(e) CONSULTATION AND WRITTEN JUSTIFICATION.—Not later than 5 days prior to making a determination described in subsection (c), the President shall consult with the appropriate congressional committees and, upon making such determination, shall submit to the appro-

priate congressional committees a written justification that specifies the basis upon which the President made such a determination. The justification shall be unclassified but may include a classified annex.

(f) JOINT RESOLUTION DISAPPROVING PRESIDENTIAL DETERMINATION.—

(1) CONTENTS OF RESOLUTION.—For purposes of this subsection, a joint resolution referred to in subsection (a) is a joint resolution of the two Houses of Congress, which does not contain a preamble, and the sole matter after the resolving clause of which is as follows: "that the Congress disapproves the determination of the President transmitted to the Congress on _____" with the date of the determination described in subsection (c) filled in.

(2) INTRODUCTION OF RESOLUTION.—

(A) IN GENERAL.—A joint resolution described in paragraph (1) may be introduced at any time during the 90-day period beginning on the date on which the President transmits to Congress a determination or determinations described in subsection (c) in accordance with an applicable date described in such subsection. During the first 30 days of the 90-day period specified in the preceding sentence, a joint reso-

lution will be considered to be a joint resolution described in paragraph (1) only if it is introduced in the House of Representatives by the majority leader or minority leader of the House or introduced in the Senate by the majority leader or minority leader of the Senate. Only the first resolution introduced in accordance with this subparagraph with respect to a particular determination shall be considered to be a joint resolution described in paragraph (1).

(B) LIMITATION.—After a committee reports, or is discharged from further consideration of, a joint resolution disapproving a determination or determinations described in subsection (c) for an applicable deadline described in such subsection it shall not be in order to move to proceed to the consideration of another joint resolution disapproving such determination or determinations in either House.

(3) REFERRAL TO COMMITTEES.—A joint resolution described in paragraph (1) introduced in the House of Representatives shall be referred to the Committee on Foreign Affairs and a joint resolution described in paragraph (1) introduced in the Senate

shall be referred to the Committee on Foreign Relations.

(4) DISCHARGE OF COMMITTEES.—If the committee of either House to which a joint resolution described in paragraph (1) has been referred has not reported such joint resolution at the end of 10 calendar days (excluding Saturdays, Sundays, or legal holidays, except when the relevant House is in session on such a day) after its introduction, such committee shall be discharged from further consideration of such joint resolution, and such joint resolution shall be placed on the appropriate calendar of the relevant House.

(5) FLOOR CONSIDERATION IN THE HOUSE OF REPRESENTATIVES AND SENATE-.—

(A) IN GENERAL.—On or after the third calendar day (excluding Saturdays, Sundays, or legal holidays, except when the relevant House is in session on such a day) after the date on which the committee to which a joint resolution described in paragraph (1) is referred has reported, or has been discharged from further consideration of, such a joint resolution, it shall be in order for any Member of the relevant House to move to proceed to the consideration

of the joint resolution. A Member of the relevant House may make the motion only on the day after the calendar day on which the Member announces to the relevant House the Member's intention to do so. Such motion shall be privileged and shall not be debatable. The motion shall not be subject to amendment or to a motion to postpone. A motion to reconsider the vote by which the motion is agreed to shall not be in order. If a motion to proceed to the consideration of the joint resolution is agreed to, the relevant House shall immediately proceed to consideration of the joint resolution which shall remain the unfinished business until disposed of.

(B) DEBATE.—Debate on a joint resolution described in paragraph (1) and on all debatable motions and appeals in connection therewith, shall be limited to not more than 36 hours in the House of Representatives and not more than 50 hours in the Senate, which shall be divided equally between those favoring and those opposing the joint resolution. An amendment to the joint resolution shall not be in order. A motion to further limit debate shall be

in order and shall not be debatable. A motion to table, a motion to postpone, or a motion to recommit the joint resolution shall not be in order. A motion to reconsider the vote by which the joint resolution is agreed to or disagreed to shall not be in order.

(C) APPEALS.—Appeals from the decisions of the Chair to the procedure relating to a joint resolution described in paragraph (1) shall be decided without debate.

(6) CONSIDERATION BY THE OTHER HOUSE.—If, before the passage by one House of a joint resolution described in paragraph (1) of that House disapproving a determination or determinations described in subsection (c) for an applicable deadline described in such subsection, that House receives a joint resolution described in paragraph (1) from the other House disapproving the same determination or determinations, then the following procedures shall apply:

(A) The joint resolution of the other House shall not be referred to a committee and may not be considered in the House receiving it except in the case of final passage as provided in subparagraph (B)(ii).

(B) With respect to a joint resolution of the House receiving the joint resolution—

(i) the procedure in that House shall be the same as if no joint resolution had been received from the other House; but

(ii) the vote on final passage shall be on the joint resolution of the other House.

(C) Upon disposition of the joint resolution received from the other House, it shall no longer be in order to consider the joint resolution that originated in the receiving House.

(7) RULES OF HOUSE OF REPRESENTATIVES AND SENATE.—This section is enacted by Congress—

(A) as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and as such is deemed a part of the rules of each House, respectively, and such procedures supersede other rules only to the extent that they are inconsistent with such other rules; and

(B) with the full recognition of the constitutional right of either House to change the rules (so far as relating to the procedures of that House) at any time, in the same manner,

and to the same extent as any other rule of that House.

(g) DEFINITIONS.—For purposes of this section—

(1) the term ''appropriate congressional committees'' means the Committees on Foreign Affairs and Armed Services of the House of Representatives and the Committees on Foreign Relations and Armed Services of the Senate; and

(2) the term ''military assistance'' means—

(A) assistance authorized under section 23 of the Arms Export Control Act (22 U.S.C. 2763; relating to the Foreign Military Financing program), including assistance authorized under section 203(b) of this Act, assistance authorized under section 204 of this Act, and assistance authorized under part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2301 et seq.), other than assistance authorized under chapter 5 of part II of such Act (22 U.S.C. 2347 et seq.); and

(B) assistance authorized under any other provision of law that is similar to assistance described in subparagraph (A).

SEC. 207. ROLE OF SECRETARY OF STATE.

Amounts authorized to be appropriated to carry out this title or any other provision of law that authorizes military assistance for Pakistan for the purposes of counterinsurgency or counterterrorism may be made available only with the concurrence of the Secretary of State.

SEC. 208. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to the President to carry out this title, other than section 204, $600,000,000 for each of the fiscal years 2009 through 2013.

(b) RELATION TO OTHER AVAILABLE FUNDS.—Amounts authorized to be appropriated to carry out this title for a fiscal year are in addition to amounts otherwise available for such purposes.

TITLE III—MISCELLANEOUS PROVISIONS

SEC. 301. REGIONAL SECURITY STRATEGY.

(a) SENSE OF CONGRESS.—It is the sense of Congress that conditions in Pakistan will only be improved through regional coordination and cooperation, and long-term security in Pakistan depends on strengthening regional relationships among India, Pakistan, and Afghanistan.

(b) REGIONAL SECURITY STRATEGY.—The President shall develop a regional security strategy to work with the

1 Government of Pakistan and other relevant governments
2 and organizations in the region and elsewhere to best im-
3 plement effective counterinsurgency and counterterrorism
4 efforts in and near the border areas of Pakistan and Af-
5 ghanistan, including the FATA, NWFP, and parts of
6 Balochistan.

7 (c) REPORT.—

8 (1) IN GENERAL.—Not later than 90 days after
9 the date of the enactment of this Act, the President
10 shall transmit to the appropriate congressional com-
11 mittees a report on the regional security strategy re-
12 quired under subsection (b).

13 (2) CONTENTS.—The report shall include a
14 copy of the regional security strategy, including
15 specification of goals, and proposed timelines and
16 budgets for implementation of the strategy.

17 **SEC. 302. MONITORING AND EVALUATION OF ASSISTANCE.**

18 (a) DEFINITIONS.—In this section:

19 (1) IMPACT EVALUATION RESEARCH.—The
20 term ''impact evaluation research'' means the appli-
21 cation of research methods and statistical analysis to
22 measure the extent to which change in a population-
23 based outcome can be attributed to program inter-
24 vention instead of other environmental factors.

(2) OPERATIONS RESEARCH.—The term ''operations research'' means the application of social science research methods, statistical analysis, and other appropriate scientific methods to judge, compare, and improve policies and program outcomes, from the earliest stages of defining and designing programs through their development and implementation, with the objective of the rapid dissemination of conclusions and concrete impact on programming.

(3) PROGRAM MONITORING.—The term ''program monitoring'' means the collection, analysis, and use of routine program data to determine how well a program is carried out and how much the program costs.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) to successfully enhance democracy and the rule of law in Pakistan, defeat extremist elements, and ensure the protection of human rights, the President should establish a program to conduct impact evaluation research, operations research, and program monitoring to ensure effectiveness of assistance provided under title I of this Act;

(2) long-term solutions to Pakistan's security problems depend on increasing the effectiveness and

1 responsiveness of civilian institutions in Pakistan,
2 including the parliament and judicial system;
3 (3) a specific program of impact evaluation re-
4 search, operations research, and program moni-
5 toring, established at the inception of the program,
6 is required to permit assessment of the operational
7 effectiveness of impact of United States assistance
8 towards these goals; and
9 (4) the President, in developing performance
10 measurement methods under the impact evaluation
11 research, operations research, and program moni-
12 toring, should consult with the appropriate congres-
13 sional committees as well as the Government of
14 Pakistan.
15 (c) IMPACT EVALUATION RESEARCH, OPERATION
16 RESEARCH AND PROGRAM MONITORING OF ASSIST-
17 ANCE.—The President shall establish and implement a
18 program to assess the effectiveness of assistance provided
19 under title I of this Act through impact evaluation re-
20 search on a selected set of programmatic interventions, op-
21 erations research in areas to ensure efficiency and effec-
22 tiveness of program implementation, and monitoring to
23 ensure timely and transparent delivery of assistance.
24 (d) REQUIREMENTS.—The program required under
25 subsection (c) shall include—

(1) a delineation of key impact evaluation research and operations research questions for main components of assistance provided under title I of this Act;

(2) an identification of measurable performance goals for each of the main components of assistance provided under title I of this Act to be expressed in an objective and quantifiable form at the inception of the program;

(3) the use of appropriate methods, based on rigorous social science tools, to measure program impact and operational efficiency; and

(4) adherence to a high standard of evidence in developing recommendations for adjustments to the assistance to enhance the impact of the assistance.

(e) ASSISTANCE TO ENHANCE THE CAPACITY OF PAKISTAN.—In carrying out the program required under subsection (c), the President is authorized to provide assistance to enhance the capacity of the Government of Pakistan to monitor and evaluate programs carried out by the national, provincial, and local governments in Pakistan in order to maximize the long-term sustainable development impact of such programs.

(f) CONSULTATION WITH CONGRESS.—Not later than 120 days after the date of the enactment of this Act,

the President shall brief and consult with the appropriate congressional committees regarding the progress in establishing and implementing the program required under subsection (c).

(g) AUTHORIZATION OF APPROPRIATIONS.—Of the amounts authorized to be appropriated under section 105 for each of the fiscal years 2009 through 2013, up to 5 percent of such amounts for such fiscal year is authorized to be made available to carry out this section for the fiscal year.

SEC. 303. AUDITING.

(a) ASSISTANCE AUTHORIZED.—The Inspector General of the Department of State and the Inspector General of the United States Agency for International Development shall audit, investigate, and oversee the obligation and expenditure of funds to carry out title I of this Act.

(b) REQUIREMENT FOR IN-COUNTRY PRESENCE.—The Inspector General of the Department of State and the Inspector General of the United States Agency for International Development, after consultation with the Secretary of State and the Administrator of the United States Agency for International Development, are authorized to establish field offices in Pakistan with sufficient staff from each of the Offices of the Inspector General in Pakistan respectively to carry out subsection (a).

(c) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—Of the amounts authorized to be appropriated under section 105 for each of the fiscal years 2009 through 2013, not less than $2,000,000 for each fiscal year is authorized to be made available to the Office of the Inspector General of the Department of State and not less than $2,000,000 for each fiscal year is authorized to be made available to the Office of the Inspector General of the United States Agency for International Development to carry out this section.

(2) RELATION TO OTHER AVAILABLE FUNDS.—Amounts made available under paragraph (1) are in addition to amounts otherwise available for such purposes.

SEC. 304. REQUIREMENTS FOR CIVILIAN CONTROL OF UNITED STATES ASSISTANCE FOR PAKISTAN.

(a) REQUIREMENTS.—Any direct assistance provided or payments made on or after January 1, 2010, by the United States to the Government of Pakistan, and any information required by the United States prior to providing the assistance or making the payments, may only be provided or made to, or received from, civilian authorities of a government of Pakistan constituted through a free and fair election. For purposes of this subsection, a

government of Pakistan constituted through a free and fair election is a government that is determined by the President to have been elected in a free and fair manner, taking into account the laws and constitution of Pakistan and internationally recognized standards.

(b) WAIVER.—The President may waive the requirements under subsection (a) for a fiscal year if the President certifies to the appropriate congressional committees that the waiver is vital to the national security interests of the United States.

(c) RULE OF CONSTRUCTION.—Nothing in this section shall apply with respect to any activities subject to reporting requirements under title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.).

(d) DEFINITION.—In this section, the term ''appropriate congressional committees'' means the Committees on Appropriations, Armed Services, and Foreign Affairs of the House of Representatives and the Committees on Appropriations, Armed Services, and Foreign Relations of the Senate.

SEC. 305. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) the Secretary of State, with the concurrence of the Secretary of Defense, should establish a coordinated, strategic communications strategy to en-

gage the people of Pakistan—one that is fully funded, staffed, and implemented—to help ensure the success of the measures authorized by this Act; and

(2) the strategy should have clear and achievable objectives, based on available resources, and should be overseen by the United States Chief of Mission in Pakistan.

SEC. 306. REPORTS.

(a) REPORT BY PRESIDENT.—

(1) IN GENERAL.—The President shall transmit to the appropriate congressional committees a report on assistance provided under titles I and II of this Act during the preceding fiscal year. The first report shall be transmitted not later than 180 days after the date of the enactment of this Act and subsequent reports shall be transmitted not later than December 31 of each year thereafter.

(2) MATTERS TO BE INCLUDED.—The report required under subsection (a) shall include the following:

(A) A detailed description of the assistance by program, project, and activity, as well as by geographic area.

(B) A general description of the performance goals established under section 302 and the progress made in meeting the goals.

(C) An evaluation of efforts undertaken by the Government of Pakistan to—

(i) disrupt, dismantle, and defeat al Qaeda, the Taliban, and other extremist and terrorist groups in the FATA and settled areas;

(ii) close terrorist camps, including those of Jamaat-ud-Dawa and Lashkar-e-Taiba;

(iii) cease all support for extremist and terrorist groups;

(iv) prevent cross-border attacks;

(v) increase oversight over curriculum in madrasas, including closing madrasas with direct links to the Taliban or other extremist and terrorist groups; and

(vi) improve counter-terrorism financing and anti-money laundering laws, apply for observer status for the Financial Action Task Force, and steps taken to adhere to the United Nations International Con-

vention for the Suppression of Financing of Terrorism.

(D) A detailed description of Pakistan's efforts to prevent proliferation of nuclear-related material and expertise.

(E) A description of the transfer or purchase of military equipment pursuant to title II of this Act, including—

(i) a list of equipment provided; and

(ii) a detailed description of the extent to which funds obligated and expended pursuant to section 203(b) meet the requirements of such section.

(F) An analysis of a suitable replacement for the AH–1F and AH–1S Cobra attack helicopters, which includes recommendations for sustainment, training, and any other matters determined to be appropriate.

(b) REPORT BY COMPTROLLER GENERAL.—

(1) IN GENERAL.—Not later than April 1, 2011, the Comptroller General of the United States shall submit to the appropriate congressional committees a report evaluating the effectiveness of security assistance provided to Pakistan under title II of this Act during fiscal years 2009 and 2010.

(2) MATTERS TO BE INCLUDED.—The report required under subsection (a) shall include the following:

(A) A detailed description of the expenditures made by Pakistan pursuant to grant assistance under section 23 of the Arms Export Control Act (22 U.S.C. 2763; relating to the Foreign Military Financing program).

(B) An assessment of the impact of the assistance on the security and stability of Pakistan.

(C) An evaluation of any issues of financial impropriety on behalf of personnel implementing the assistance.

(D) An assessment of the extent to which civilian authorities are involved in administration of the assistance provided by the United States.

SEC. 307. SUNSET.

The authority of this Act shall expire after September 30, 2013.

○

AMENDMENT IN THE NATURE OF A SUBSTITUTE TO H.R. 1886 OFFERED BY MR. BERMAN OF CALIFORNIA

Strike all after the enacting clause and insert the following:

1 **SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.**

2 (a) SHORT TITLE.—This Act may be cited as the
3 "Pakistan Enduring Assistance and Cooperation En-
4 hancement Act of 2009" or the "PEACE Act of 2009".

5 (b) TABLE OF CONTENTS.—The table of contents of
6 this Act is as follows:

Sec. 1. Short title and table of contents.
Sec. 2. Definitions.
Sec. 3. Findings.
Sec. 4. Declaration of principles.

TITLE I—DEMOCRATIC, ECONOMIC, AND SOCIAL DEVELOPMENT ASSISTANCE FOR PAKISTAN

Sec. 101. Purposes of assistance.
Sec. 102. Authorization of assistance.
Sec. 103. Multilateral support for Pakistan.
Sec. 104. Pakistan Democracy and Prosperity Fund.
Sec. 105. Authorization of appropriations.

TITLE II—SECURITY ASSISTANCE FOR PAKISTAN

Sec. 201. Sense of Congress.
Sec. 202. Purposes of assistance.
Sec. 203. Authorization of assistance.
Sec. 204. Pakistan Counterinsurgency Capabilities Fund.
Sec. 205. Exchange program between military and civilian personnel of Pakistan and certain other countries.
Sec. 206. Limitation on United States military assistance to Pakistan.
Sec. 207. Authorization of appropriations.

TITLE III—MISCELLANEOUS PROVISIONS

Sec. 301. Comprehensive regional security strategy.
Sec. 302. Monitoring and evaluation of assistance.
Sec. 303. Auditing.
Sec. 304. Requirements for civilian control of United States assistance for Pakistan.
Sec. 305. Sense of Congress.
Sec. 306. Reports.
Sec. 307. Sunset.

SEC. 2. DEFINITIONS.

In this Act:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—Except as otherwise provided in this Act, the term ''appropriate congressional committees'' means the Committees on Appropriations and Foreign Affairs of the House of Representatives and the Committees on Appropriations and Foreign Relations of the Senate.

(2) COUNTERINSURGENCY.—The term ''counterinsurgency'' means efforts to defeat organized movements that seek to overthrow the duly constituted Governments of Pakistan and Afghanistan through the use of subversion and armed conflict.

(3) COUNTERTERRORISM.—The term ''counterterrorism'' means efforts to combat—

(A) al Qaeda; and

(B) other terrorist organizations, as such term is defined in section 212(a)(3)(B)(vi) of

the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(B)(vi)).

(4) FATA.—The term ''FATA'' means the Federally Administered Tribal Areas of Pakistan.

(5) FCR.—The term ''FCR'' means the Frontier Crimes Regulation, codified under British law in 1901, and applicable to the FATA.

(6) NWFP.—The term ''NWFP'' means the North West Frontier Province of Pakistan, which has Peshawar as its provincial capital.

SEC. 3. FINDINGS.

Congress finds the following:

(1) The Islamic Republic of Pakistan has been a critical ally of the United States for more than 4 decades.

(2) With the free and fair election of February 18, 2008, Pakistan returned to civilian rule after almost 9 years under a military dictatorship.

(3) After the September 11, 2001, terrorist attacks against the United States, Pakistan chose to partner with the United States in the fight against al Qaeda, the Taliban, and other extremist and terrorist groups.

(4) Since 2001, the United States has contributed more than $12,000,000,000 to Pakistan to

strengthen Pakistan's governance, economy, education system, healthcare services, and military, so as to bring freedom and opportunities to the people of Pakistan while helping to combat terrorism and to counter a domestic insurgency.

(5) The United States requires a balanced, integrated, countrywide strategy that provides assistance throughout Pakistan and does not disproportionately focus on military assistance or one particular area or province.

(6) Despite killing or capturing hundreds of al Qaeda operatives and other terrorists—including major al Qaeda leaders, such as Khalid Sheikh Muhammad, Ramzi bin al-Shibh, and Abu Faraj al-Libi—Pakistan's FATA, parts of the NWFP, Quetta in Balochistan, and Muridke in Punjab remain a sanctuary for al Qaeda, the Afghan Taliban, and affiliated groups from which these groups organize terrorist actions against Pakistan and other countries.

(7) Pakistan's security forces have recently begun taking concerted action against those who threaten Pakistan's security and stability, with military operations in the Bajour agency in the FATA

and in the Swat, Buner, and Dir districts in the NWFP.

(8) The displacement of over 1,000,000 Pakistanis poses a grave humanitarian crisis and requires the immediate attention of the United Nations, and the strong support of donor nations, to provide food, water, shelter, medicine, sanitation and other emergency services and supplies to the displaced, along with longer-term development assistance. The humanitarian crisis highlights the need for Pakistan to develop an effective national counterinsurgency strategy, in order to mitigate such displacement.

SEC. 4. DECLARATION OF PRINCIPLES.

Congress declares that the relationship between the United States and Pakistan should be based on the following principles:

(1) Pakistan is a critical friend and ally to the United States, both in times of strife and in times of peace, and the two countries share many common goals, including combating terrorism and violent radicalism, solidifying democracy and rule of law in Pakistan, and promoting the social and material well-being of the people of Pakistan.

(2) United States assistance to Pakistan is intended to supplement, not supplant, Pakistan's own efforts in building a stable, secure, and prosperous Pakistan, and United States assistance will be wholly ineffective without Pakistan's own serious efforts to improve the health, education, and living standards of its population, including maintaining or increasing the financial resources devoted to such efforts.

(3) The United States supports Pakistan's struggle against extremist elements and recognizes the profound sacrifice made by Pakistan in the fight against terrorism, including the loss of more than 1,600 soldiers since 2001 in combat with al Qaeda, the Taliban, and other extremist and terrorist groups.

(4) The United States intends to work with the Government of Pakistan—

(A) to build mutual trust and confidence by actively and consistently pursuing a sustained, long-term, multifaceted relationship between the two countries, devoted to strengthening the mutual security, stability, and prosperity of both countries;

(B) to support the people of Pakistan and their democratic government in their efforts to consolidate democracy, through strengthening Pakistan's parliament, helping Pakistan reestablish an independent and transparent judicial system, and working to extend the rule of law in all areas in Pakistan;

(C) to promote long-term development and infrastructure projects, including in healthcare, water management, and energy programs, in all areas of Pakistan, that are sustained and supported by each successive democratic government in Pakistan;

(D) to encourage sustainable economic development in Pakistan and the integration of Pakistan into the global economy in order to improve the living conditions of the people of Pakistan;

(E) to ensure that the people of Pakistan, including those living in areas governed by the FCR, have access to public, modernized education and vocational training to enable them to provide for themselves, for their families, and for a more prosperous future for their children;

(F) to expand people-to-people engagement between the two countries, through increased educational, technical, and cultural exchanges and other methods;

(G) to ensure transparency of and provide effective accountability for all United States assistance and reimbursements provided to Pakistan;

(H) to take steps to improve Pakistan's counterterrorism financing and anti-money laundering laws to comply with international standards, to include applying for ''Financial Action Task Force'' observer status and adhering to the United Nations International Convention for the Suppression of the Financing of Terrorism;

(I) to establish a counterinsurgency and counterterrorism strategy to prevent any territory of Pakistan from being used as a base or conduit for terrorist attacks in Pakistan, or elsewhere, and ensure that madrasas in Pakistan are not used to incite terrorism;

(J) to ensure that Pakistan has strong and effective law enforcement and national defense forces, under civilian leadership, with sufficient

and appropriate security equipment and training to effectively defend Pakistan against internal and external threats;

(K) to ensure access of United States investigators to individuals suspected of engaging in worldwide proliferation of nuclear materials, as necessary, and restrict such individuals from travel or any other activity that could result in further proliferation;

(L) to help Pakistan meet its commitment to not support any person or group that conducts violence, sabotage, or other activities meant to instill fear or terror in Pakistan's neighboring countries; and

(M) to help Pakistan gain control of its under governed areas and stop any support, direction, guidance to, or acquiescence in the activities of, any person or group that engages in acts of violence or intimidation against civilians, civilian groups, or governmental entities.

TITLE I—DEMOCRATIC, ECONOMIC, AND SOCIAL DEVELOPMENT ASSISTANCE FOR PAKISTAN

SEC. 101. PURPOSES OF ASSISTANCE.

The purposes of assistance under this title are—

(1) to demonstrate unequivocally the long-term commitment of the United States to the people of Pakistan and Pakistan's democratic institutions;

(2) to support the consolidation of democracy, good governance, and the rule of law in Pakistan;

(3) to help build the capacity of law enforcement forces in Pakistan to combat terrorism and violent militancy and expeditiously investigate, arrest, and prosecute alleged criminals, consistent with the rule of law and due process;

(4) to further the sustainable and effective economic and social development of Pakistan and the improvement of the living conditions of the people of Pakistan, especially in areas of direct interest and importance to their daily lives;

(5) to strengthen regional ties between Pakistan and its neighbors by offering concrete nonmilitary assistance for issues of mutual economic and social concern;

(6) to strengthen Pakistan's public education system, increase literacy, expand opportunities for vocational training, and help create an appropriate national curriculum for all schools in Pakistan;

(7) to expand people-to-people engagement between the United States and Pakistan, through increased educational, technical, and cultural exchanges and other methods; and

(8) to strengthen respect for internationally recognized human rights in efforts to stabilize the security environment in Pakistan.

SEC. 102. AUTHORIZATION OF ASSISTANCE.

(a) IN GENERAL.—To carry out the purposes of section 101, the President is authorized to provide assistance for Pakistan to support the activities described in subsection (b).

(b) ACTIVITIES SUPPORTED.—Activities that may be supported by assistance under subsection (a) include the following:

(1) FORTIFYING DEMOCRATIC INSTITUTIONS.—To support, notwithstanding any other provision of law, democratic institutions in Pakistan in order to strengthen civilian rule and long-term stability, including assistance such as—

(A) support for efforts to strengthen the National Parliament of Pakistan, including—

(i) assistance to parliamentary committees to enhance the capacity to conduct public hearings and oversee government activities, including national security issues and the military budget, to solicit input on key public policy issues, and to oversee the conduct of elections;

(ii) support for the establishment of constituency offices and otherwise promote the responsibility of members of parliament to respond to constituents; and

(iii) strengthening of the role of parliamentary leadership;

(B) support for voter education and civil society training, including training with grassroots organizations to enhance the capacity of the organizations to advocate for the development of public policy;

(C) support for political parties, including increasing their capacity and protecting their right to carry out political activities without restriction (other than reasonable administrative requirements commonly applied in democratic

countries) and fostering the responsiveness of such parties to the needs of the people of Pakistan;

(D) support for strengthening the capacity of the civilian Government of Pakistan to carry out its responsibilities, including supporting the establishment of frameworks that promote government transparency and criminalize corruption in both the government and private sector, audit offices, inspectors general offices, third party monitoring of government procurement processes, whistle blower protections, and anti-corruption agencies; and

(E) in particular, support for efforts by the Government of Pakistan to promote governance reforms in the FATA, including—

(i) extension of the Political Parties Act;

(ii) local experimentation with methods to transition from the FCR; and

(iii) long-term development of durable and responsive political institutions.

(2) ENHANCEMENT AND STRENGTHENING OF THE JUDICIAL SYSTEM AND LAW ENFORCEMENT.—To support, notwithstanding any other provision of

law, Pakistan's efforts to expand the rule of law and build the capacity, transparency, and trust in government institutions, at the national, provincial, and local levels, including assistance such as—

(A) support for the rule of law and systemic improvement of judicial and criminal justice institutions, including—

(i) management of courts;

(ii) enhanced career opportunities and professional training for judges, public defenders, and prosecutors;

(iii) efforts to enhance the rule of law to all areas in Pakistan where the writ of the government is under heightened challenge by terrorists and militants, including through innovations in the delivery of judicial services that enhance the legitimacy of state institutions;

(B) support for professionalization of the police, including—

(i) training regarding use of force;

(ii) education and training regarding human rights;

(iii) training regarding evidence preservation and chain of custody; and

(iv) training regarding community policing;

(C) support for independent law enforcement agencies, such as the Intelligence Bureau of the Ministry of Interior, responsive to civilian control, including—

(i) enhanced coordination with judicial processes;

(ii) enhancement of forensics capabilities;

(iii) data collection and analyses;

(iv) case tracking and management;

(v) financial intelligence functions; and

(vi) maintenance of data systems to track terrorist of criminal activity; and

(D) strengthening the capacity of the police and other civilian law enforcement agencies to provide a robust response to threats from extremists and terrorists along the frontier and elsewhere in Pakistan, including—

(i) the development of an elite rapid reaction force which could be deployed on short notice to secure areas that are threatened by militancy; and

(ii) facilitating improved counterterrorism and counterinsurgency coordination between local government officials, the police, paramilitary, and military leaders.

(3) SUPPORT FOR BROAD-BASED AND SUSTAINABLE ECONOMIC DEVELOPMENT.—To support economic development in Pakistan by—

(A) promoting energy sector reform and development;

(B) expanding assistance for agricultural and rural development, including farm-to-market roads, systems to prevent spoilage and waste, and other small-scale infrastructure improvements that will enhance supply and distribution networks;

(C) increasing employment opportunities, including support to small and medium enterprises, microfinance and microenterprise activities, and in particular programs to improve the lives of women and girls; and

(D) increasing investment in infrastructure, including construction of roads, water resource management systems, irrigation chan-

nels, and continued development of a national aviation industry and aviation infrastructure.

(4) SUPPORT TO INCREASE LOCAL CAPACITY.—To increase the capacity and improve the sustainability of Pakistan's national, provincial, and local governmental and nongovernmental institutions, including assistance to—

(A) increase and improve the capacity of Pakistan's national, provincial, and local governmental institutions by—

(i) providing technical assistance to all ministries to improve transparency and ability to respond to the needs of the people of Pakistan; and

(ii) promoting the implementation of fiscal and personnel management, including revenue tracking and expenditure systems;

(B) enhance the capacity of Pakistan's nongovernmental and civil society organizations to respond to the needs of the people of Pakistan by—

(i) increasing support for local nongovernmental organizations with demonstrated experience in delivering services

to the people of Pakistan, particularly to women, children, and other vulnerable populations in Pakistan;

(ii) providing training and education to local nongovernmental and civil society organizations on ways to identify and improve the delivery of services to the people of Pakistan; and

(iii) promoting local ownership and participation, including encouraging communities to contribute a percentage of the value of United States projects or activities carried out under this title in the form of labor, in-kind materials, or other provisions.

(5) SUPPORT FOR PUBLIC EDUCATION SYSTEM.—To support Pakistan's public education system, including—

(A) implementation of a national education strategy, to include both primary and secondary education, focused on literacy and civic education, including—

(i) programs to assist development of modern, nationwide school curriculums for public, private, and religious schools that

incorporate relevant subjects, such as math, science, literature, and human rights awareness, in addition to agricultural education and training;

(ii) enhancement of civic education programs focused on political participation, democratic institutions, and tolerance of diverse ethnic and religious groups; and

(iii) support for the proper oversight of all educational institutions, including madrasas, as required by Pakistani law, including registration with the Ministry of Education and regular monitoring of curriculum by the Ministry of Education to ensure students in Pakistan receive a comprehensive education;

(B) initiatives to enhance the access to education for women and girls, and to increase women's literacy, with special emphasis on helping girls stay in school;

(C) funding to the Government of Pakistan to use to increase immediately teacher salaries and to recruit and train teachers and administrators, as well as develop formalized salary scales with merit-based pay increases;

(D) establishment of vocational and technical programs to enhance employment opportunities;

(E) encouragement of United States and Pakistani public-private partnerships to increase investment in higher education and technical training opportunities;

(F) construction and maintenance of public schools, including water sanitation, perimeter walls, and recreation areas;

(G) provision of textbooks and other learning materials and food assistance for student meals; and

(H) provision of software to educational institutions and students at the lowest possible cost, specifically targeting universities that specialize in information technology, and women's colleges and women's secondary schools.

(6) SUPPORT FOR HUMAN RIGHTS.—To promote respect for and compliance with internationally recognized human rights, including assistance such as—

(A) programs to strengthen civil society organizations that promote internationally recognized human rights, including religious free-

dom, freedom of expression, and freedom of association, and that support human rights monitoring;

(B) promotion of education regarding internationally recognized human rights;

(C) programs designed to end traditional practices and punishments that are inconsistent with internationally recognized human rights norms and protections, such as honor killings and other forms of cruel and unusual punishments;

(D) promotion of freedom of religion and religious tolerance, protection of religious minorities, and promotion of freedom of expression and association, including support for responsible independent media;

(E) promotion of nongovernmental organizations that focus on the protection of women and girls, including women-led organizations and programs that support the participation of women in the national, provincial, and local political process, and programs to end violence against women, including rape;

(F) technical, legal, and law enforcement assistance for the investigation of past dis-

appearances of individuals in Pakistan and the development of a national data base of such individuals; and

(G) programs in support and protection of the rights of ethnic minorities in Pakistan, including Baluchis, Sindhis, and Pashtuns, to preserve their language, culture, traditional areas of inhabitancy, and to fight any direct or indirect discrimination.

(7) SUPPORT FOR REFUGEES AND INTERNALLY DISPLACED PERSONS.—It is the sense of Congress that—

(A) counterinsurgency operations being carried out by the Government of Pakistan should be designed to minimize civilian casualties and collateral damage to the people of Pakistan and to provide security for the delivery of humanitarian assistance to the affected civilian population;

(B) the United States should continue to provide robust assistance to the people of Pakistan who have been displaced as a result of ongoing conflict and violence;

(C) the United States should support international efforts to coordinate assistance to

refugees and internally displaced persons in Pakistan, including by providing support to international and nongovernmental organizations for this purpose;

(D) the Administrator of the United States Agency for International Development should support the development objectives of the Refugee Affected and Host Areas (RAHA) Initiative in Pakistan to address livelihoods, heath, education, infrastructure development, and environmental restoration in identified parts of the county where Afghan refugees have lived; and

(E) the Administrator of the United States Agency for International Development should evaluate the effectiveness of the livelihoods projects in the FATA in order to determine whether systems need to be put into place to improve programming in this key sector.

(8) SUPPORT FOR HEALTHCARE EFFORTS.—To provide urgently needed healthcare assistance to the people of Pakistan, including assistance to supplement the Government of Pakistan's efforts to eliminate diseases, including hepatitis.

(9) SUPPORT FOR PUBLIC DIPLOMACY.—To implement a more effective public diplomacy strategy in Pakistan in order to ensure that the Pakistani public recognizes that it is in Pakistan's own interest to partner with the United States and other like-minded countries to combat militant extremism, as well as to promote a better understanding of the United States, including through the following:

(A) Partnering with the Government of Pakistan to highlight the negative behavior of insurgent groups and to encourage civil society, respected scholars, and other leaders to speak out against militancy and violence.

(B) Providing technical assistance to the Government of Pakistan to both disrupt and provide alternatives to the illegal FM radio stations used by insurgent groups in the FATA and adjacent districts of the NWFP.

(C) Expanded exchange activities under the Fulbright Program, the International Visitor Leadership Program, the Youth Exchange and Study Program, and related programs administered by the Department of State designed to promote mutual understanding and interfaith dialogue.

(D) Expansion of sister institution programs between United States and Pakistani schools and universities, towns and cities, and other organizations in such fields as medicine and healthcare, business management, environmental protection, information technology, and agriculture.

(E) Additional scholarships to enable students to study in the United States.

SEC. 103. MULTILATERAL SUPPORT FOR PAKISTAN.

To the extent that Pakistan continues to evolve toward civilian control of the government and to develop and implement comprehensive economic reform programs, the President should do the following:

(1) MULTILATERAL SUPPORT.—Take the lead in mobilizing international financial institutions, in particular the International Monetary Fund and affiliated institutions in the World Bank group, to provide timely and appropriate resources to help Pakistan.

(2) STABILIZATION ASSISTANCE.—In conjunction with other governments and international financial institutions (including the International Monetary Fund), support the implementation of a plan of the Government of Pakistan to attack structural

economic problems, address pressing social problems, carry out comprehensive economic reform, and relieve immediate and urgent balance of payments requirements in Pakistan.

(3) CURRENCY STABILIZATION LOANS.—Provide leadership in supporting multilateral agreements to provide government-to-government loans for currency stabilization in Pakistan if the loans can reduce inflation and thereby foster conditions necessary for the effective implementation of economic reforms.

SEC. 104. PAKISTAN DEMOCRACY AND PROSPERITY FUND.

(a) ESTABLISHMENT OF FUND.—There is established in the Treasury of the United States a fund to be known as the ''Pakistan Democracy and Prosperity Fund'' (hereinafter in this section referred to as the ''Fund''), consisting of such amounts as may be appropriated or transferred to the Fund as provided in this section and which may be used for purposes of this title.

(b) TRANSFERS TO FUND.—The Fund shall consist of the following:

(1) Amounts appropriated to carry out this title.

(2) Amounts appropriated on or after the date of the enactment of this Act for ''Development As-

sistance'', ''Global Health and Child Survival'', and the ''Economic Support Fund'' for assistance for Pakistan under the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) that are transferred by the President to the Fund pursuant to subsection (d).

(3) To the extent or in the amounts provided in advance in appropriations Acts, amounts accepted by the President under subsection (c) that are transferred by the President to the Fund pursuant to subsection (d).

(c) ACCEPTANCE OF AMOUNTS FROM OUTSIDE SOURCES.—The President may accept funds from non-United States Government sources, including foreign governments, nongovernmental organizations, private business entities, and private individuals, for purposes of carrying out this title.

(d) STATUS OF AVAILABILITY OF AMOUNTS IN FUND.—The President is authorized to transfer to the Fund amounts under subsection (b) (2) and (3). Such amounts shall be merged with and shall be available for any purpose for which any of the amounts so transferred are available.

(e) REPORT.—The President shall transmit to the appropriate congressional committees not later than 180 days after the date of the enactment of this Act, and every

180 days thereafter until September 30, 2018, a report on programs, projects, and activities carried out using amounts obligated and expended from the Fund.

SEC. 105. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to the President to carry out this title $1,500,000,000 for each of the fiscal years 2010 through 2013.

(b) AVAILABILITY.—Amounts authorized to be appropriated to carry out this title for a fiscal year are—

(1) authorized to remain available until September 30 of the succeeding fiscal year; and

(2) in addition to amounts otherwise available for such purposes.

(c) SENSE OF THE CONGRESS.—It is the sense of Congress that United States assistance provided under this title should be made available on a proportional and equitable basis between the FATA and other regions of Pakistan.

TITLE II—SECURITY ASSISTANCE FOR PAKISTAN

SEC. 201. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) United States security assistance for Pakistan should be used to improve relationships between

United States military and Pakistani military personnel, including outreach to the ''lost generation'' of Pakistan's officers who did not attend United States-sponsored training as a result of restrictions placed on United States assistance for Pakistan due to Pakistan's possession of a nuclear device; and

(2) United States security assistance for Pakistan should be fully accountable, should be contingent on Pakistan ending support for terrorist groups, and should meet the national security needs of Pakistan.

SEC. 202. PURPOSES OF ASSISTANCE.

The purposes of assistance under this title are—

(1) to support Pakistan's paramount national security need to fight and win the ongoing counterinsurgency within its borders;

(2) to work with the Government of Pakistan to protect and secure Pakistan's borders and prevent any Pakistani territory from being used as a base or conduit for terrorist attacks in Pakistan, or elsewhere;

(3) to work in close cooperation with the Government of Pakistan to coordinate action against extremist and terrorist targets; and

(4) to develop knowledge of and appreciation for democratic governance and a military that is controlled by and responsible to democratically elected civilian leadership.

SEC. 203. AUTHORIZATION OF ASSISTANCE.

(a) INTERNATIONAL MILITARY EDUCATION AND TRAINING.—

(1) IN GENERAL.—Of the amounts authorized to be appropriated to carry out this title for a fiscal year, not less than $4,000,000 is authorized be made available for assistance under chapter 5 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2347 et seq.; relating to international military education and training) for Pakistan, including expanded international military education and training (commonly known as ''E–IMET'').

(2) USE OF FUNDS.—Not less than 30 percent of the amount authorized to be made available under this subsection for a fiscal year is authorized to be used to pay for courses of study and training in counterinsurgency and civil-military relations.

(b) FOREIGN MILITARY FINANCING PROGRAM.—

(1) IN GENERAL.—Of the amounts authorized to be appropriated to carry out this title for a fiscal year, not less than $300,000,000 is authorized to be

made available for grant assistance under section 23 of the Arms Export Control Act (22 U.S.C. 2763; relating to the Foreign Military Financing program) for the purchase of defense articles, defense services, and military education and training for Pakistan.

(2) USE OF FUNDS.—Not less than 75 percent of the amount authorized to be made available under this subsection for a fiscal year is authorized to be used for the purchase of defense articles, defense services, and military education and training for activities relating to counterinsurgency and counterterrorism operations in Pakistan. Such articles, services, and military education and training may include the following:

(A) Aviation maintenance and logistics support for United States-origin and United States-supported rotary wing aircraft and upgrades to such aircraft to include modern night vision and targeting capabilities.

(B) Intelligence, surveillance, and reconnaissance (ISR) ground and air manned and unmanned platforms, including sustainment.

(C) Command and control capabilities.

(D) Force protection and counter improvised explosive device capabilities, including protection of vehicles.

(E) Protective equipment, such as body armor and helmets, night vision goggles, and other individual equipment, including load-bearing equipment, individual and unit level first aid equipment, ballistic eye protection, and cold weather equipment.

(F) Appropriate individual and unit level medical services and articles for the Pakistan Army, the Pakistan Frontier Corps, and other appropriate security forces.

(G) Assistance to enable the Pakistani military to distribute humanitarian assistance and establish a tactical civil-military operations capability, including a civil affairs directorate.

(3) RESTRICTION RELATING TO F–16 PROGRAM.—

(A) CONGRESSIONAL FINDING.—In accordance with the Letters of Offer and Acceptance signed between the United States and Pakistan in 2006, Congress finds that the Government of Pakistan is responsible for making the remain-

ing payments of the F-16 sale with its own national funds.

(B) RESTRICTION.—Subject to subparagraph (C), amounts authorized to be made available under this subsection or section 204 for a fiscal year may not be used for the purchase of, or upgrade to, F–16 fighter aircraft or munitions for such aircraft.

(C) EXCEPTION.—Amounts authorized to be made available under this subsection for a fiscal year are authorized to be used for military construction pursuant to the security plan contained in the Letters of Offer and Acceptance signed between the United States and Pakistan in 2006.

(D) WAIVER.—The President may waive the restriction under subparagraph (B) with respect to amounts authorized to be made available under this subsection for a fiscal year, other than amounts authorized to be made available under paragraph (2) of this subsection, if the President certifies to the appropriate congressional committees not later than 15 days prior to exercising the authority of this subparagraph that the waiver is important to

the national security interests of the United States.

(4) SECURITY ASSISTANCE PLAN.—Not later than 180 days after the date of the enactment of this Act, the President shall transmit to the appropriate congressional committees a plan for the proposed use of amounts authorized to be made available under this subsection for each of the fiscal years 2010 through 2013. Such plan may be transmitted to the appropriate congressional committees in conjunction with the plan required under section 204(f)(1).

(5) DEFINITIONS.—In this section, the terms ''defense articles'', ''defense services'', and ''military education and training'' have the meaning given such terms in section 644 of the Foreign Assistance Act of 1961 (22 U.S.C. 2403).

(c) SENSE OF CONGRESS.—It is the sense of Congress that the United States should facilitate Pakistan's establishment of a program to enable the Pakistani military to provide reconstruction assistance in areas damaged by combat operations.

SEC. 204. PAKISTAN COUNTERINSURGENCY CAPABILITIES FUND.

(a) ESTABLISHMENT OF FUND.—There is established in the Treasury of the United States a fund to be known as the ''Pakistan Counterinsurgency Capabilities Fund'' (hereinafter in this section referred to as the ''Fund'' or the ''PCCF''), consisting of such amounts as may be appropriated or transferred to the Fund as provided in this section.

(b) TRANSFERS TO FUND.—The PCCF shall consist of the following:

(1) Amounts appropriated to carry out this section.

(2) Amounts appropriated on or after the date of the enactment of this Act to carry out the provisions of chapter 8 of part I and chapters 2, 5, 6, and 8 of part II of the Foreign Assistance Act of 1961 and section 23 of the Arms Export Control Act for assistance for enhancing counterinsurgency capabilities of Pakistan that are transferred by the President to the Fund pursuant to subsection (e).

(c) PURPOSES OF FUND.—Amounts in the Fund are authorized to be used by the Secretary of State, with the concurrence of the Secretary of Defense, to enhance the capability of Pakistan to conduct counterinsurgency and counterterrorism operations, including—

(1) the training and equipping of the armed forces of Pakistan, including the articles, services, and military education and training described in section 203(b)(2);

(2) the training and equipping of paramilitary and other security forces, including the Frontier Corps, and, on an exceptional basis, irregular security forces; and

(3) building the capability of the forces described in paragraphs (1) and (2) to respond to urgent humanitarian relief and reconstruction requirements that will immediately assist those civilians affected by military operations.

(d) ADDITIONAL AUTHORITY.—

(1) IN GENERAL.—Except as provided in section 3(a)(2) of the Arms Export Control Act and except as otherwise provided in this title, amounts in the Fund shall be available notwithstanding any other provision of law.

(2) AVAILABILITY.—Amounts in the Fund shall be available in the fiscal year they were appropriated and the succeeding fiscal year.

(e) TRANSFER AUTHORITY.—

(1) IN GENERAL.—The Secretary of State may transfer amounts appropriated for Pakistan pursu-

ant to the provisions of law described in subsection (b)(2) to the Fund. Such funds shall be merged with amounts in the Fund and shall be available for any purpose for which any of the amounts so transferred are available.

(2) TO OTHER AGENCIES.—The Secretary of State may transfer amounts in the Fund to the Department of Defense or any other Federal department or agency, with the concurrence of the head of such department or agency, to enable such departments and agencies to support Pakistan's counterinsurgency operations, and such amounts may be merged with and be available for the same purposes and for the same time period as the appropriation or fund to which transferred or may be transferred pursuant to the authorities contained in the Foreign Assistance Act of 1961.

(3) NOTIFICATION.—The Secretary of State shall, not less than 15 days prior to making transfers from Fund, notify the appropriate congressional committees in writing of the details of any such transfer. If the Secretary determines that it is in the national security interest of the United States to transfer such funds immediately, the Secretary shall

notify the appropriate congressional committees not later than 5 days after the transfer of such funds.

(4) RETRANSFER.—Upon determination by the Secretary of Defense or head of any other Federal department or agency, with the concurrence of the Secretary of State, that all or part of the funds transferred from the Fund pursuant to paragraph (2) are not necessary for the purposes described in subsection (c), such amounts may be transferred by the head of the relevant Federal department or agency back to the Fund and shall be available for the same purposes and for the same time period as originally appropriated.

(5) RELATIONSHIP TO OTHER LAWS.—The authority of this section is in addition to transfer authorities provided in the Foreign Assistance Act of 1961 or under any other provision of law.

(f) REPORT.—

(1) INITIAL SPENDING PLAN.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees an initial spending plan for the any amounts in the Fund.

(2) IMPLEMENTATION.—Not later than April 1, 2010, and every six months thereafter through Sep-

tember 30, 2013, the Secretary shall submit to the appropriate congressional committees a report summarizing, on a project-by-project basis, the activities carried out by the Fund, including a description of provisions of law waived to carry out such activities.

(g) SUBMISSION OF REPORTS AND NOTIFICATIONS.—Any report or notification required by this section shall be submitted in classified form, but may include a unclassified annex if necessary.

(h) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means—

(1) the Committee on Appropriations, the Committee on Armed Services, and the Committee on Foreign Affairs of the House of Representatives; and

(2) the Committee on Appropriations, the Committee on Armed Services, and the Committee on Foreign Relations of the Senate.

(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for the Fund $700,000,000 for fiscal year 2010 and such sums as may be necessary for each of the fiscal years 2011 through 2013.

SEC. 205. EXCHANGE PROGRAM BETWEEN MILITARY AND CIVILIAN PERSONNEL OF PAKISTAN AND CERTAIN OTHER COUNTRIES.

(a) IN GENERAL.—The Secretary of State is authorized to establish an exchange program between—

(1) military and civilian personnel of Pakistan, and

(2)(A) military and civilian personnel of countries determined by the Secretary of State to be in transition to democracy, or

(B) military and civilian personnel of North Atlantic Treaty Organization member countries,

in order to foster greater respect for and understanding of the principle of civilian rule of Pakistan's military. The program established under this subsection shall be known as the ''Pakistan Military Transition Program''.

(b) ELEMENTS OF PROGRAM.—The program authorized under subsection (a) may include—

(1) conferences, seminars, and other events;

(2) distribution of publications; and

(3) reimbursement of expenses of foreign military personnel participating in the program, including transportation expenses, translation services expenses, and administrative expenses relating to the program.

(c) ROLE OF NONGOVERNMENTAL ORGANIZATIONS.—Amounts authorized to be appropriated to carry out this title for a fiscal year are authorized to be made available for nongovernmental organizations to facilitate the implementation of the program authorized under subsection (a).

SEC. 206. LIMITATION ON UNITED STATES MILITARY ASSISTANCE TO PAKISTAN.

(a) PROHIBITION ON USE OF FUNDS.—None of the funds authorized to be appropriated for military assistance to Pakistan for fiscal year 2011 and each fiscal year thereafter may be obligated or expended if the President has not made the determinations described in subsection (b) for such fiscal year.

(b) DETERMINATIONS REGARDING ENHANCED COOPERATION BETWEEN THE UNITED STATES AND PAKISTAN.—The determinations referred to in subsection (a) are—

(1) a determination by the President at the beginning of each fiscal year that the Government of Pakistan is continuing to cooperate with the United States in efforts to dismantle supplier networks relating to the acquisition of nuclear weapons-related materials, including, as necessary, providing access

to Pakistani nationals associated with such networks; and

(2) a determination by the President at the beginning of each fiscal year that the Government of Pakistan during the preceding fiscal year has demonstrated a sustained commitment to and making progress towards combating terrorist groups, including taking into account the progress the Government of Pakistan has made with regard to—

(A) ceasing support, including by any elements within the Pakistan military or its intelligence agency, to extremist and terrorist groups, particularly to any group that has conducted attacks against United States or coalition forces in Afghanistan, or against the territory or people of neighboring countries.

(B) closing terrorist camps in the FATA, dismantling terrorist bases of operations in other parts of the country, including Quetta and Muridke, and taking action when provided with intelligence about high-level terrorist targets;

(C) preventing cross border attacks into neighboring countries; and

(D) strengthening counter-terrorism and anti-money laundering laws.

(c) WAIVER.—The President may waive the restriction under subsection (a) for any fiscal year if the President certifies to the appropriate congressional committees 15 days before the President exercises the authority of this subsection that the provision of military assistance to Pakistan is important to the national security interest of the United States.

(d) CONSULTATION AND WRITTEN JUSTIFICATION.—Not later than 5 days prior to making a determination described in subsection (b), the President shall consult with the appropriate congressional committees and, upon making such determination, shall submit to the appropriate congressional committees a written justification that specifies the basis upon which the President made such a determination, including an acknowledgment of the extent to which the Government of Pakistan has made progress with regard to subsection (b)(2). The justification shall be unclassified but may include a classified annex.

(e) DEFINITIONS.—For purposes of this section—

(1) the term ''appropriate congressional committees'' means the Committees on Foreign Affairs and Armed Services of the House of Representatives

and the Committees on Foreign Relations and Armed Services of the Senate; and

(2) the term "military assistance"—

(A) means assistance authorized under section 23 of the Arms Export Control Act (22 U.S.C. 2763; relating to the Foreign Military Financing program), including assistance authorized under section 203(b) of this Act, assistance authorized under section 204 of this Act, and assistance authorized under part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2301 et seq.), other than assistance authorized under chapter 5 of part II of such Act (22 U.S.C. 2347 et seq.); but

(B) does not include assistance authorized under any provision of law that is funded from accounts within budget function 050 (National Defense).

SEC. 207. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to the President to carry out this title, other than section 204, $400,000,000 for each of the fiscal years 2010 through 2013.

(b) RELATION TO OTHER AVAILABLE FUNDS.—Amounts authorized to be appropriated to carry out this

title for a fiscal year are in addition to amounts otherwise available for such purposes.

TITLE III—MISCELLANEOUS PROVISIONS

SEC. 301. COMPREHENSIVE REGIONAL SECURITY STRATEGY.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the achievement of United States national security goals to eliminate terrorist threats and close safe havens in Pakistan requires the development of a comprehensive plan that utilizes all elements of national power, including in coordination and cooperation with other concerned governments, and that it is critical to Pakistan's long term prosperity and security to strengthen regional relationships among India, Pakistan, and Afghanistan.

(b) COMPREHENSIVE REGIONAL SECURITY STRATEGY.—The President shall develop a comprehensive regional security strategy to eliminate terrorist threats and close safe havens in Pakistan, including by working with the Government of Pakistan and other relevant governments and organizations in the region and elsewhere, as appropriate, to best implement effective counterinsurgency and counterterrorism efforts in and near the border areas

of Pakistan and Afghanistan, including the FATA, NWFP, parts of Balochistan, and parts of Punjab.

(c) REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the President shall transmit to the appropriate congressional committees a report on the comprehensive regional security strategy required under subsection (b).

(2) CONTENTS.—The report shall include a copy of the comprehensive regional security strategy, including specifications of goals, and proposed timelines and budgets for implementation of the strategy.

(d) DEFINITION.—For purposes of this section, the term ''appropriate congressional committees'' means the Committees on Foreign Affairs and Armed Services of the House of Representatives and the Committees on Foreign Relations and Armed Services of the Senate.

SEC. 302. MONITORING AND EVALUATION OF ASSISTANCE.

(a) DEFINITIONS.—In this section:

(1) IMPACT EVALUATION RESEARCH.—The term ''impact evaluation research'' means the application of research methods and statistical analysis to measure the extent to which change in a population-

based outcome can be attributed to program intervention instead of other environmental factors.

(2) OPERATIONS RESEARCH.—The term ''operations research'' means the application of social science research methods, statistical analysis, and other appropriate scientific methods to judge, compare, and improve policies and program outcomes, from the earliest stages of defining and designing programs through their development and implementation, with the objective of the rapid dissemination of conclusions and concrete impact on programming.

(3) PROGRAM MONITORING.—The term ''program monitoring'' means the collection, analysis, and use of routine program data to determine how well a program is carried out and how much the program costs.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) to successfully enhance democracy and the rule of law in Pakistan, defeat extremist elements, and ensure the protection of human rights, the President should establish a program to conduct impact evaluation research, operations research, and program monitoring to ensure effectiveness of assistance provided under title I of this Act;

(2) long-term solutions to Pakistan's security problems depend on increasing the effectiveness and responsiveness of civilian institutions in Pakistan, including the parliament and judicial system;

(3) a specific program of impact evaluation research, operations research, and program monitoring, established at the inception of the program, is required to permit assessment of the operational effectiveness of impact of United States assistance towards these goals; and

(4) the President, in developing performance measurement methods under the impact evaluation research, operations research, and program monitoring, should consult with the appropriate congressional committees as well as the Government of Pakistan.

(c) IMPACT EVALUATION RESEARCH, OPERATION RESEARCH AND PROGRAM MONITORING OF ASSISTANCE.—The President shall establish and implement a program to assess the effectiveness of assistance provided under title I of this Act through impact evaluation research on a selected set of programmatic interventions, operations research in areas to ensure efficiency and effectiveness of program implementation, and monitoring to ensure timely and transparent delivery of assistance.

(d) REQUIREMENTS.—The program required under subsection (c) shall include—

(1) a delineation of key impact evaluation research and operations research questions for main components of assistance provided under title I of this Act;

(2) an identification of measurable performance goals for each of the main components of assistance provided under title I of this Act to be expressed in an objective and quantifiable form at the inception of the program;

(3) the use of appropriate methods, based on rigorous social science tools, to measure program impact and operational efficiency; and

(4) adherence to a high standard of evidence in developing recommendations for adjustments to the assistance to enhance the impact of the assistance.

(e) ASSISTANCE TO ENHANCE THE CAPACITY OF PAKISTAN.—In carrying out the program required under subsection (c), the President is authorized to provide assistance to enhance the capacity of the Government of Pakistan to monitor and evaluate programs carried out by the national, provincial, and local governments in Pakistan in order to maximize the long-term sustainable development impact of such programs.

(f) CONSULTATION WITH CONGRESS.—Not later than 120 days after the date of the enactment of this Act, the President shall brief and consult with the appropriate congressional committees regarding the progress in establishing and implementing the program required under subsection (c).

(g) AUTHORIZATION OF APPROPRIATIONS.—Of the amounts authorized to be appropriated under section 105 for each of the fiscal years 2010 through 2013, up to 5 percent of such amounts for such fiscal year is authorized to be made available to carry out this section for the fiscal year.

SEC. 303. AUDITING.

(a) ASSISTANCE AUTHORIZED.—The Inspector General of the Department of State and the Inspector General of the United States Agency for International Development shall audit, investigate, and oversee the obligation and expenditure of funds to carry out title I of this Act.

(b) REQUIREMENT FOR IN-COUNTRY PRESENCE.—The Inspector General of the Department of State and the Inspector General of the United States Agency for International Development, after consultation with the Secretary of State and the Administrator of the United States Agency for International Development, are authorized to establish field offices in Pakistan with sufficient

1 staff from each of the Offices of the Inspector General
2 in Pakistan respectively to carry out subsection (a).
3 (c) AUTHORIZATION OF APPROPRIATIONS.—
4 (1) IN GENERAL.—Of the amounts authorized
5 to be appropriated under section 105 for each of the
6 fiscal years 2010 through 2013, not less than
7 $2,000,000 for each fiscal year is authorized to be
8 made available to the Office of the Inspector General
9 of the Department of State and not less than
10 $2,000,000 for each fiscal year is authorized to be
11 made available to the Office of the Inspector General
12 of the United States Agency for International Devel-
13 opment to carry out this section.
14 (2) RELATION TO OTHER AVAILABLE FUNDS.—
15 Amounts made available under paragraph (1) are in
16 addition to amounts otherwise available for such
17 purposes.
18 **SEC. 304. REQUIREMENTS FOR CIVILIAN CONTROL OF**
19 **UNITED STATES ASSISTANCE FOR PAKISTAN.**
20 (a) REQUIREMENTS.—Any direct assistance provided
21 or payments made on or after January 1, 2010, by the
22 United States to the Government of Pakistan, and any
23 information required by the United States prior to pro-
24 viding the assistance or making the payments, may only
25 be provided or made to, or received from, civilian authori-

ties of a government of Pakistan constituted through a free and fair election. For purposes of this subsection, a government of Pakistan constituted through a free and fair election is a government that is determined by the President to have been elected in a free and fair manner, taking into account the laws and constitution of Pakistan and internationally recognized standards.

(b) WAIVER.—The President may waive—

(1) the requirements under subsection (a), or

(2) the requirements under any other provision of law that restricts assistance to the government of any country whose duly elected head of government is deposed by military coup or decree, as such provision of law applies with respect to the Government of Pakistan,

if the President certifies to the appropriate congressional committees that the waiver is important to the national security interests of the United States.

(c) RULE OF CONSTRUCTION.—Nothing in this section shall apply with respect to any activities subject to reporting requirements under title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.).

(d) DEFINITION.—In this section, the term ''appropriate congressional committees'' means the Committees on Appropriations, Armed Services, and Foreign Affairs

of the House of Representatives and the Committees on Appropriations, Armed Services, and Foreign Relations of the Senate.

SEC. 305. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) the Secretary of State, with the concurrence of the Secretary of Defense, should establish a coordinated, strategic communications strategy to engage the people of Pakistan—one that is fully funded, staffed, and implemented—to help ensure the success of the measures authorized by this Act; and

(2) the strategy should have clear and achievable objectives, based on available resources, and should be overseen by the United States Chief of Mission in Pakistan.

SEC. 306. REPORTS.

(a) REPORT BY PRESIDENT.—

(1) IN GENERAL.—The President shall transmit to the appropriate congressional committees a report on assistance provided under titles I and II of this Act during the preceding fiscal year. The first report shall be transmitted not later than 180 days after the date of the enactment of this Act and subsequent reports shall be transmitted not later than December 31 of each year thereafter.

(2) MATTERS TO BE INCLUDED.—The report required under subsection (a) shall include the following:

(A) A detailed description of the assistance by program, project, and activity, as well as by geographic area.

(B) A general description of the performance goals established under section 302 and the progress made in meeting the goals.

(C) An evaluation of efforts undertaken by the Government of Pakistan to—

(i) disrupt, dismantle, and defeat al Qaeda, the Taliban, and other extremist and terrorist groups in the FATA and settled areas;

(ii) close terrorist camps, including those of Jamaat-ud-Dawa, Lashkar-e-Taiba, and Jaish-e-Mohammed;

(iii) cease all support for extremist and terrorist groups;

(iv) prevent cross-border attacks;

(v) increase oversight over curriculum in madrasas, including closing madrasas with direct links to the Taliban or other extremist and terrorist groups; and

(vi) improve counter-terrorism financing and anti-money laundering laws, apply for observer status for the Financial Action Task Force, and steps taken to adhere to the United Nations International Convention for the Suppression of Financing of Terrorism.

(D) A detailed description of Pakistan's efforts to prevent proliferation of nuclear-related material and expertise.

(E) An assessment of whether assistance provided to Pakistan pursuant to this Act has directly or indirectly aided the expansion of Pakistan's nuclear weapons program, whether by the diversion of United States assistance or the reallocation of Pakistan financial resources that would otherwise be spent for programs and activities unrelated to its nuclear weapons program.

(F) A description of the transfer or purchase of military equipment pursuant to title II of this Act, including—

(i) a list of equipment provided; and

(ii) a detailed description of the extent to which funds obligated and expended

pursuant to section 203(b) meet the requirements of such section.

(G) An analysis of a suitable replacement for the AH–1F and AH–1S Cobra attack helicopters, which includes recommendations for sustainment, training, and any other matters determined to be appropriate.

(H) An assessment of the extent to which the Government of Pakistan exercises effective civilian control of the military, including a description of the extent to which civilian executive leaders and parliament exercise oversight and approval of military budgets, the chain of command, the process of promotion for senior military leaders, civilian involvement in strategic guidance and planning, and military involvement in civil administration.

(b) REPORT BY COMPTROLLER GENERAL.—

(1) IN GENERAL.—Not later than April 1, 2011, the Comptroller General of the United States shall submit to the appropriate congressional committees a report evaluating the effectiveness of security assistance provided to Pakistan under title II of this Act during fiscal years 2010 and 2011.

(2) MATTERS TO BE INCLUDED.—The report required under subsection (a) shall include the following:

(A) A detailed description of the expenditures made by Pakistan pursuant to grant assistance under section 23 of the Arms Export Control Act (22 U.S.C. 2763; relating to the Foreign Military Financing program).

(B) An assessment of the impact of the assistance on the security and stability of Pakistan.

(C) An evaluation of any issues of financial impropriety on behalf of personnel implementing the assistance.

(D) An assessment of the extent to which civilian authorities are involved in administration of the assistance provided by the United States.

SEC. 307. SUNSET.

The authority of this Act, other than section 104, shall expire after September 30, 2013.

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Chairman BERMAN. I recognize myself for up to 5 minutes to explain the amendment in the nature of a substitute.

The United States has an enormous stake in the security and stability of Pakistan. All of us are deeply concerned about the security and stability of that country.

We cannot allow al-Qaeda or any other terrorist group that threatens our national security to operate with impunity in the tribal regions of Pakistan. Nor can we permit the Pakistani state and its nuclear arsenal to be taken over by the Taliban.

To help prevent this nightmare scenario we need to forge a true strategic partnership with Pakistan, strengthen Pakistan's democratic government, and do what we can to make Pakistan a force with stability in a volatile region.

H.R. 1886 is designed to help achieve these goals. This legislation would massively expand economic, social and democracy assistance to Pakistan and provide a significant increase in military assistance.

Specifically, the bill provides funding to strengthen the capacity of Pakistan's democratic institutions, including its Parliament, judicial system and law enforcement agency. It also calls for increased assistance for Pakistan's public education system, with an emphasis on access for women and girls.

To demonstrate America's long-term commitment to the stability and democratic future of Pakistan, H.R. 1886 authorizes a permanent fund in the U.S. Treasury that will serve as the conduit for most non-military assistance to Pakistan.

With regard to military assistance, our legislation increases funding for professional military education with an emphasis on training in counterinsurgency and in civil/military relations. It boosts the funding available for Pakistan to purchase military equipment and requires that 75 percent of those funds be used for items directly related to counterinsurgency and counterterrorism.

The legislation also codifies the 2006 contract between the United States and Pakistan that requires Pakistan to pay for F–16 fighter aircraft with its own national funds rather than American tax dollars.

To strengthen civilian control of the military, H.R. 1886 mandates that all military assistance flow through Pakistan's elected civilian government.

The legislation authorizes a new Pakistan Counterinsurgency Capabilities Fund—we like to call it PCCF—in the State Department. This provision lays down an important marker that providing security assistance to other countries is a matter of foreign policy and should remain a core responsibility of the Secretary of State.

Finally, the legislation includes some important accountability provisions to ensure that security assistance to Pakistan is being spent in a manner consistent with U.S. national security interests. It requires an annual Presidential determination that Pakistan is cooperating with the United States on nonproliferation, is meeting its commitment to combat terrorist groups, and has made progress toward that end.

Contrary to what some have said, these are not rigid or inflexible conditions. To ensure that the President has sufficient flexibility,

we provide a waiver if he is unable to make the determinations. I believe this is an excellent bill that will strengthen the critical United States-Pakistan relationship and support U.S. national security objectives in South Asia and I urge all my colleagues to support the legislation.

I now turn to the ranking Republican member for her to express her views on this legislation.

Ms. ROS-LEHTINEN. Thank you, Mr. Chairman. As always, thank you so much.

At the outset, Mr. Chairman, I would like to emphasize that Congress and the administration are united in our goals toward Pakistan. We want a long term partnership with a modern, a prosperous, a democratic Pakistan that is at peace with itself and is at peace with her neighbors. We want a Pakistan that maintains robust controls over its nuclear weapons technology, and we want a Pakistan that does not provide safe havens for al-Qaeda, Taliban and other militant extremists.

Mr. Chairman, while I appreciate the hard work that has gone into your bill and the incorporation of some elements suggested by our side, serious concerns remain.

The manager's amendment does include certain helpful changes such as the inclusion of more flexible waiver standards, but on the whole, however, I fear that the size and the tenor of the bill still leaves the impression that Members of Congress are arm-chair generals and are endeavoring to micromanage U.S. policy toward Pakistan at a delicate time when this new administration has yet to develop and submit an implementation plan for its strategy.

As Secretary of Defense Gates and Chairman of the Joint Chiefs of Staff Mullen wrote to the members of the Armed Services Committee last month, the degree of conditionality and limitations on security assistance to Pakistan severely constrains the flexibility necessary for the Executive Branch and the Department of Defense given the fluid and dynamic environment that exists in Pakistan.

This concern is particularly acute in terms of the current Pakistani military offensive against the Taliban and other extremists in Swat and adjacent areas of the northwest frontier province. Instead, I will be offering a Republican substitute which I introduced yesterday in a bill form with the ranking members of the Committees on Appropriations, Armed Services, Homeland Security and Intelligence, and joined by Minority Leader Boehner, Minority Whip Cantor, and Conference Chairman Pence.

I asked my colleagues on the national security committees for insight and input to ensure maximum coordination and to some degree to emulate the administration's interagency strategic review approach. A parallel bill has also been introduced with respect to Afghanistan as it is my belief that Pakistan cannot and must not be considered in a vacuum. These countries are part of a wider theater of operations, and must be dealt with as one package as the administration has suggested following the conclusion of its strategic review.

The Republican substitute recognizes that of all the foreign policy challenges facing us, stabilizing and reforming Pakistan may be one of the most daunting.

Given the enormous complexities of the situation in Pakistan as well as the rapidly changing conditions on the ground, we believe that it is critical at this stage that all relevant agencies retain the necessary flexibility to craft policies that offer the best chance of successfully partnering with the Pakistani Government and people to defeat violent extremism.

At the same time our substitute requires an ongoing policy dialogue between the administration and the Congress regarding evolving U.S. policy toward Pakistan, as well as a robust congressional oversight mechanism of our strategy, our implementation plan, allocation and expenditure of U.S. assistance.

Accordingly, the Republican substitute requires that no later than 30 days after the enactment of the Supplemental Appropriations Act for 2009 the President submit to Congress a comprehensive interagency strategy and implementation plan for U.S. efforts to eliminate safe havens and assist toward the long term security and stability in Pakistan.

In doing so it requires that the strategy and implementation plan include a description of how U.S. assistance will be used to achieve U.S. foreign policy objectives. It will also describe progress on achieving these objectives as well as a financial plan and a description of the resources, programming and management of U.S. assistance to Pakistan and the criteria used to determine their need and value in advancing our U.S. objectives.

The Republican substitute fully funds the administration's pending request for non-military assistance, $1.5 billion; and provides such sums as may be deemed necessary through 2013.

I hope that you give serious consideration to our substitute amendment, Mr. Chairman.

Chairman BERMAN. The time of the gentlelady has expired.

Before we get to the Republican substitute, are there members who wish to have general comments on the bill?

The gentlelady from Texas.

Ms. JACKSON LEE. Thank you very much, Mr. Chairman.

Chairman BERMAN. A move to strike the last word, and is recognized for 5 minutes.

Ms. JACKSON LEE. I move to strike the last word, and I thank you so very much, Mr. Chairman.

I rise to support the legislation, and with great remorse and disappointment to oppose the pending, to be offered Republican substitute.

There has been a lot of hard work going into this initiative and I would offer to say that the first framework should be our committed friendship with Pakistan, a country founded 60 years ago on the democratic process. We are in this legislation protecting the national security of America, but we are emphasizing without a doubt the friendship that we have with Pakistan and the reality of the importance of Pakistan's surviving against the insurgents and Taliban and the existing and alleged presence of al-Qaeda and Osama bin Laden in the FATA and frontier area of Pakistan.

We know that they have escaped from places known previously in Afghanistan. We know that the disruption in Pakistan today is not of the hard-working Pakistani citizens who seek education and social justice, civil justice, who adhere to three branches of govern-

ment, a Parliament, a justice system, a judiciary, and a civilian executive. We also know that they have had a democratic election. We know they have experienced an enormous tragedy with the assassination of Benazir Bhutto. But yet they had a peaceful election of which I was present. What a miraculous episode or set of incidents, to tragically lose your candidate and then have an uninterrupted election. They did that.

In the weeks past their leadership came to Washington and proved themselves well. President Zardari indicated that he is interested and committed to securing their nuclear material. He is interested and committed in ensuring that the insurgents and Taliban do not disrupt, diminish, undermine his particular government. And it is evident by the bloodshed shown on behalf of the Pakistani military and the frontier area and now in Swat, that they are committed to the fight for justice.

So Mr. Chairman, I am very grateful that there is language in this legislation that in the list of, if you will, conditionalities or the list of benchmarks in Section 206, there is language I secured that indicates that we will acknowledge the progress that Pakistan makes in moving forward in assuring that they are in essence fighting against the insurgents and Taliban, that in fat their military and intelligence authorities are focusing on the security of their nation and the elimination of those who might be interested in undermining those systems of government. Meaning that insurgents and others would join the military. This is not a condemnation of the military. It is not a condemnation of the intelligence system in Pakistan. But it is a recognition that all of us have to be vigilant and diligent.

So we will acknowledge their success story.

Then there is language in here that emphasizes one of the weaknesses of the education system and that is to keep young girls in school. And we specifically indicate that that is an important aspect of that.

I hope that my colleagues will support this. In conversations that are not classified we know that there is attention being paid to the idea of securing their particular nuclear resources. We know the manager's amendment, or the amendment in the nature of a substitute will also speak to the protecting and not expanding or using U.S. dollars for any expansion of their nuclear resources.

Lastly I would say, Mr. Chairman, that this initiative is still making its way to the Congress. I would hope that the Pakistani people would see the good intentions here and the well-meaning partnership and not perceive the emphasis on protecting nuclear resources or the mention of military and intelligence as in any way of condemning the friendship or recognizing, or not recognizing the friendship or not recognizing the blood that was shed by the Pakistani military on behalf of freedom and on behalf of justice.

Lastly in these 21 seconds, there are now 1 million people who are being displaced by Swat. I hope that we can assure that the money that Secretary Clinton has put in place, we, Mr. Chairman, can work with the State Department. That money must get there now. And it must get to the NGOs now. And it must get to the people, and I would say almost not to the government, it has got to get to the people.

I yield back and I support this amendment and oppose the substitute. I yield back, Mr. Chairman.

Chairman BERMAN. Thank you.

The time of the gentlelady has expired.

The gentleman from New Jersey.

Mr. SMITH OF NEW JERSEY. Mr. Chairman, thank you for yielding. I yield to the distinguished ranking member.

Chairman BERMAN. The gentlelady is recognized.

Ms. ROS-LEHTINEN. Thank you so much, as always, Mr. Chairman and Mr. Smith.

I would like to further highlight some of the items that are included in the Republican substitute, Mr. Chairman.

One of the items to highlight is that the substitute seeks to ensure that congressional oversight, and congressional notifications, keep pace with the ever-changing conditions on the ground. This is very important as we have seen. Just look at today's and tomorrow's headlines how swiftly the situation keeps moving in Pakistan. It requires quarterly briefings on the developments in Pakistan. Written notification to Congress on adjustments in strategy, related changes, and allocations, changes in expenditures.

The Republican substitute also fully funds the administration's request for the critically important new Pakistan Counterinsurgency Capability Fund, PCCF. We will be hearing that phrase a lot in the months to come.

General David Petraeus, the head of U.S. CENTCOM, Central Command, describes this fund as a vital tool to provide our senior military representatives in Pakistan with swift access to funding to counter and perhaps prevent emerging threats and to rapidly enhance Pakistani counterinsurgency capabilities.

In short, Mr. Chairman, the Republican substitute is tailored to meet the pressing requirements for United States national security at this critical hour for Pakistan while at the same time laying the groundwork for long term security, long term stability in that country, but as well as for Afghanistan and the wider region, and preserving appropriate congressional oversight mechanisms throughout.

Thank you to the gentleman from New Jersey for the time, and I thank the chairman for the time as well.

Chairman BERMAN. The time of the gentleman from New Jersey has expired.

The gentlelady from California, Ms. Lee, is recognized to strike the last word. The young lady is recognized for 5 minutes.

Ms. LEE. Thank you, Mr. Chairman.

First let me say I am greatly encouraged by the goals of this legislation which aims to put the United States' smart power to work by reshaping our relationship with Pakistan based upon a long-term commitment to social, economic and political development.

The legislation integrates key benchmarks and limitations absent in previous aid packages which resulted in $10 billion in U.S. aid since 2001 yielding little or no results or progress on many fronts. This legislation also seeks to reshape the United States/Pakistan relationship by shifting the United States aid away form historical trends of almost exclusively military assistance and instead toward economic, social and democratic priorities.

As a long time supporter of nuclear nonproliferation efforts, I am also pleased that the chairman was able to work with myself and other members of the committee to address our concerns regarding the potential expansion of Pakistan's nuclear program which was reported in the press earlier this week.

The critical reporting requirement added to this bill will provide an important oversight mechanism to help ensure that no United States aid, whether directly or indirectly, would aid a destabilizing expansion of Pakistan's nuclear arsenal.

It is time we hold the Pakistani Government accountable for its management of United States aid dollars and more importantly to the people of Pakistan who desperately crave a stable, democratic and prosperous country.

Nuclear weapons unfortunately are pointed in many directions in many parts of the world and I do not want to see our country supporting any efforts that would allow the money to be fungible, that would allow for, by default, our U.S. tax dollars going to support the proliferation of nuclear weapons in Pakistan.

Thank you, Mr. Chairman. I yield the balance of my time.

Chairman BERMAN. I thank the gentlelady very much. The gentleman from Florida seeks recognition.

Mr. MACK. Thank you, Mr. Chairman.

Real quickly——

Chairman BERMAN. The gentleman is recognized for 5 minutes.

Mr. MACK. Thank you, and it will not be that long, I promise.

As we talk about Pakistan, there is a friend of mine who has done some extraordinary work in Pakistan. His name is Greg Mortinson. He has written a book called "Three Cups of Tea." I think many members, it would serve us all well to take the time to read the book and to, Mr. Chairman, if there is a time you would have time to meet with him and talk about his experience and what he has learned in Pakistan, I think the Congress could learn a lot from him and what he has done. So I just wanted to put that on the record, Mr. Chairman. Thank you.

Chairman BERMAN. If the gentleman would yield.

Mr. MACK. Yes.

Chairman BERMAN. Actually, I have not read the book but then that goes with a lot of books I have not read. But I have heard about this book. I hear it is a very important and powerful book and I would be happy to. I know a little bit about what it calls for and the experience and would be happy to follow up with you on that.

The time of the gentleman has expired.

The gentleman from Georgia, Mr. Scott, is recognized.

Mr. SCOTT. Thank you very much, Mr. Chairman. I too want to commend you and your leadership.

I do want to focus my remarks on the urgent concern of the nuclear arsenal within Pakistan. Certainly I want to concur and certainly agree with my colleague Ms. Barbara Lee and appreciate the inclusion of one aspect of our concern in the manager's amendment which was that none of our funds be directly or indirectly used to expand their nuclear capacity.

But Mr. Chairman, I would like to raise this concern, that it appears, and maybe you can answer for me, but it appears that the

other concern, not whether they will use any of this money to expand their nuclear arsenal, but the fact that we need some evidence, some information concerning Pakistan's ability to protect and secure Pakistan's existing nuclear arsenal from falling into control of internal or external extremist groups or non-state authorized actors.

Perhaps on page 55 of your amendment, and I ask this question of you, and then perhaps if you deem it necessary that we might add additional language to take care of that part or if this language would do so, is it your intent on page 55, section D, line 8, where we state, "A detailed description of Pakistan's efforts to prevent proliferation of nuclear-related material and expertise." If that is meant to arrive at the same point of making sure that the word "proliferation" applies to their existing arsenal and having protections that it not get into the hands of internal or external extremist groups——

Ms. ROS-LEHTINEN. If the gentleman would yield.

Mr. SCOTT. My concern is that the word "proliferation" tended to mean them on their own expanding it out as opposed to the protection and securing their existing nuclear arsenal from falling into other hands.

I am particularly concerned——

Chairman BERMAN. Would the gentleman yield on this issue?

Mr. SCOTT. Yes, I will yield, Mr. Chairman.

Chairman BERMAN. Section D is more what you interpret it to be than what you like it to be. It is a focus on any current proliferation issues.

The issue you raise is critically important, and I have spent a significant amount of time and a number of members of the committee have spent time on this issue. This is an issue that I say in all sincerity should not be discussed in the bill. It is a critical issue, but it is a little analogous to a discussion we had a little while ago. Do we help what we know is vitally important by discussing that in the bill? I would love to talk to you further about it, but I would like to make the case that the fact that that specifically is not referenced in the bill in no way signifies that we in Congress or the administration are not extremely sensitive to the issue.

But I believe putting it in the bill is counterproductive to what we both want. Trust me.

Mr. SCOTT. Quite naturally, I will trust you, Mr. Chairman.

Let me just make a final point on it, and I trust you, we have had conversations——

Chairman BERMAN. That was sort of a facetious comment, but——

Mr. SCOTT. Absolutely. You have my trust on it, and I wanted to raise the issue rather than put an amendment on there.

I am just very, very concerned not only about the external forces but as we know, Mr. Chairman, there is internal fragility going on in Pakistan as well. And I will leave it as you want it to be, and we will take the word "proliferation" to mean, and your commitment of trust, and I will accept that.

Chairman BERMAN. I appreciate that very much and we will talk about this some more.

The time of the gentleman has expired. The gentlelady from Nevada seeks recognition. For what purpose?

Ms. BERKLEY. I move to strike the last words.

Chairman BERMAN. The gentlelady is recognized for 5 minutes.

Ms. BERKLEY. Thank you.

I am going to support the majority bill, but I have serious reservations for both versions of the bill.

I recognize the importance of partnership with Pakistan and the United States in our efforts to fight against al-Qaeda and the Taliban, but I fear that the situation on the ground is spiraling out of control and I, as Ms. Lee said, have a serious concern about the fact that over the last few years we have given $10 billion to the Pakistanis and have very little to show for it other than the situation on the ground seems to be far worse, the government seems to be losing control of the situation, and we have little if any accountability for the billions of dollars that we have already spent.

I believe corruption is widespread and rampant in Pakistan. The new President, I have a serious lack of confidence in his ability to right this ship of state. I believe has done little if anything other than to contribute to the continuance of corruption in that country while the people of Pakistan are suffering.

As far as the nuclear arsenal is concerned, and I understand that this is probably not the place to talk about it, it seems to me that Pakistan is more focused on its perceived conflict with Pakistan than it is with partnering with us to root out the Taliban and al-Qaeda, and that worries me as well. I do not think we know enough about their nuclear arsenal location, capability and security of it.

Those are the concerns I have. I wanted to express them as I vote for the legislation. But I do think that our new President and new Congress are entitled to a Pakistani position of their own and that is the reason that I am supporting the legislation.

Chairman BERMAN. Have you already yielded or could you yield back to me just for one——

Ms. BERKLEY. I would like to yield the balance of my time to you.

Chairman BERMAN. And I will not use the balance of your time.

But you raise very important issues. What has happened over the past 8 years and the inability to account for so much of the money that has been appropriated, taxpayer money? There were a number of guiding principles in crafting the bill and the amendment in the nature of the substitute, and the amendment in the nature of the substitute does not change, but central to it was ensuring that never happen again. I will not take the time to explain all the different ways we try to make it, but within the provisions regarding monitoring and evaluation and the whole nature of—and here I think it is a bipartisan, bicameral and bi-branch—administration and the Congress—desire in creating the Pakistani Counterinsurgency Capabilities Fund, the PCCF, is to change the way we have been doing things, reimbursing for items that have not been receipted, providing significant amounts of funds for things that may not be related to the counterinsurgency. The whole thrust of this is to change that.

We think the issue is critical, but we think your comments are valid. It is valid to be skeptical if the past is prologue, and this is about changing the past.

Ms. BERKLEY. Reclaiming my time. That is why, as with Mr. Scott, I have great faith and confidence in our chairman and that is why I will be supporting you in this bill.

Chairman BERMAN. Thank you.

The gentlelady from Arizona is recognized.

Ms. GIFFORDS. Thank you, Mr. Chairman. I move to strike the last words.

Chairman BERMAN. The gentlelady is recognized for 5 minutes.

Ms. GIFFORDS. Mr. Chairman, I appreciate the work that you have done on this legislation and for the ranking member as well.

I support the underlying intent of this bill, but I just wanted to bring up one specific point. I think I am the only member in the majority that serves both on this committee and also on the Armed Services Committee. There may be a couple of folks on the other side. But there is some concern specifically about the differences on Title 2 between the Foreign Affairs Committee and HASC.

So Mr. Chairman, I look forward to hopefully seeing these differences worked out before the bill moves to the floor, but I just wanted to raise those concerns and let you know that I am looking forward to seeing that language.

Chairman BERMAN. If the gentlelady will yield, we are going to, I think, be spending a lot of time trying to work out those differences between here and the floor.

Ms. GIFFORDS. Thank you, Mr. Chairman.

Chairman BERMAN. Thank you.

The time of the gentlelady has expired.

I think I would like to recognize the gentlelady from Florida for purposes of offering a substitute amendment.

Ms. ROS-LEHTINEN. Thank you so much, Mr. Chairman, and I ask that the substitute be considered and be passed out to the members at this time.

Chairman BERMAN. Without objection, the amendment will be considered as read and the amendment is before us, and the gentlelady is recognized.

[The amendment of Ms. Ros-Lehtinen follows:]

AMENDMENT IN THE NATURE OF A SUBSTITUTE

TO H.R. 1886

OFFERED BY M._____

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''United States-Pakistan Security and Stability Act''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) Congress supports the following elements outlined in the President's White Paper of the Interagency Policy Group's Report on United States Policy Toward Afghanistan and Pakistan:

(A) The core goal of the United States must be to disrupt, dismantle, and defeat al Qaeda and its affiliated networks and their safe havens in Pakistan.

(B) The threat that al Qaeda poses to the United States and its allies in Pakistan—including the possibility of extremists obtaining fissile material—is all too real.

(C) The United States must overcome its trust deficit with Pakistan and demonstrate that it is a reliable, long-term partner.

(2) The Government of Pakistan is facing significant security and socio-economic challenges that set the conditions for greater radicalization and may threaten Pakistan's viability. Such challenges include the following:

(A) Al Qaeda's and other extremist groups' campaign of violent attacks throughout Pakistan, including the Red Mosque incident, the assassination of Benazir Bhutto, and the bombing of the Marriott Hotel in Islamabad.

(B) Pakistan's population growth at a rate of approximately two percent a year, with nearly half of its 172 million residents illiterate, under the age of 20, and living near or below the poverty line.

(3) Security and stability to Pakistan is further complicated given the prevalence of ungoverned spaces between Pakistan and Afghanistan in which state control has not been fully exercised given ethnic and tribal affiliations.

(4) The security and stability of Pakistan is vital to the national security of the United States,

and the consequences of failure poses a grave threat to the security of the American people, the region, and United States allies.

(5) The objectives of United States policy toward Pakistan are to empower and enable Pakistan to—

(A) develop into a prosperous and democratic state that is at peace with itself and with its neighbors;

(B) actively confront, and deny safe haven to al Qaeda, the Taliban, and other extremists;

(C) implement the economic, legal, and social reforms required to create an environment that discourages violent Islamic extremism; and

(D) maintain robust command and control over its nuclear weapons technology.

SEC. 3. COMPREHENSIVE INTERAGENCY STRATEGY AND IMPLEMENTATION PLAN FOR PAKISTAN.

(a) IN GENERAL.—Not later than 30 days after the date of the enactment of the Supplemental Appropriations Act, 2009, the President shall develop and transmit to the appropriate congressional committees a comprehensive interagency strategy and implementation plan for long-term security and stability in Pakistan which shall be composed of the elements specified in subsection (b).

(b) ELEMENTS.—The comprehensive interagency strategy and implementation plan required by subsection (a) shall contain at least the following elements:

(1) A description of how United States assistance described in section 4 will be used to achieve the objectives of United States policy toward Pakistan.

(2) Progress toward the following:

(A) Assisting efforts to enhance civilian control and a stable constitutional government in Pakistan and promote bilateral and regional trade and economic growth.

(B) Developing and operationally enabling Pakistani security forces so they are capable of succeeding in sustained counter-insurgency and counter-terror operations.

(C) Shutting down Pakistani safe havens for extremists.

(D) Improving Pakistan's capacity and capability to "hold" and "build" areas cleared of insurgents to prevent their return.

(E) Developing and strengthening mechanisms for Pakistan-Afghanistan cooperation.

(3) A financial plan and description of the resources, programming, and management of United

States foreign assistance to Pakistan, including the criteria used to determine their prioritization.

(4) A complete description of both the evaluation process for reviewing and adjusting the strategy and implementation as necessary, and measures of effectiveness for the implementation of the strategy.

(c) INTELLIGENCE SUPPORT.—The Director of National Intelligence shall provide intelligence support to the development of the comprehensive interagency strategy and implementation plan required by subsection (a).

(d) UPDATES OF STRATEGY.—The President shall transmit in writing to the appropriate congressional committees any updates of the comprehensive interagency strategy and implementation plan required by subsection (a), as necessary.

SEC. 4. AUTHORIZATION OF ASSISTANCE FOR PAKISTAN.

(a) FOREIGN ASSISTANCE ACT OF 1961.—There is authorized to be appropriated to the President, for the purposes of providing assistance to Pakistan under the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.), $1,500,000,000 or such sums as may be necessary for each of the fiscal years 2010 through 2013.

(b) PAKISTAN COUNTERINSURGENCY CAPABILITY FUND.—There is authorized to be appropriated to the President, for the purposes of building a more effective

counterinsurgency capability in Pakistan's security forces, up to $700,000,000 for the Pakistan Counterinsurgency Capability Fund, for fiscal year 2010.

(c) USE OF FUNDS.—Amounts authorized to be appropriated under this section or otherwise made available to carry out this Act shall be used to the maximum extent practicable as direct expenditures for programs, projects, and activities, subject to existing reporting and notification requirements.

SEC. 5. CONGRESSIONAL BRIEFING AND NOTIFICATION REQUIREMENTS.

(a) BRIEFING.—Not later than 30 days after the date of the transmission of the comprehensive interagency strategy and implementation plan required by section 3, and quarterly thereafter through December 1, 2013, the President, acting through the Secretary of State and the Secretary of Defense, shall brief the appropriate congressional committees on the status of the comprehensive interagency strategy and implementation plan.

(b) NOTIFICATION.—The President shall notify the appropriate congressional committees not later than 30 days prior to obligating any assistance described in section 4 as budgetary support to the Government of Pakistan or to any persons, agencies, instrumentalities, or elements of the Government of Pakistan and shall describe the pur-

pose and conditions attached to any such budgetary support assistance. The President shall notify the appropriate congressional committees not later than 30 days prior to obligating any other type of assistance described in section 4.

SEC. 6. DEFINITION.

In this Act, the term ''appropriate congressional committees'' means—

(1) the Committee on Appropriations, the Committee on Armed Services, the Committee on Foreign Affairs, and the Permanent Select Committee on Intelligence of the House of Representatives; and

(2) the Committee on Appropriations, the Committee on Armed Services, the Committee on Foreign Relations, and the Select Committee on Intelligence of the Senate.

Amend the title so as to read: ''A bill to require the President to develop a comprehensive interagency strategy and implementation plan for long-term security and stability in Pakistan, and for other purposes.''.

Ms. ROS-LEHTINEN. Thank you so much. I know the hour is late and you have already heard my explanation of what this substitute does, but I believe that it has the best approach because it gives the flexibility that all the relevant agencies need to react to the shifting situation on the ground. It gives the flexibility to the White House, to the Congress, to the Department of Defense, to the Department of State. And as I said, this is a bill that has been drafted with the ranking members of the appropriate committees as our previous speaker had pointed out. She was worried about how this bill would conflict or not conflict with her other committee, the Committee on Armed Services.

We have drafted our substitute in coordination with the ranking members and the other members of the pertinent committees, so we think this is a balanced approach and we think that this is the one that could go a long way toward stabilizing and reforming Pakistan without micromanaging from above.

I ask for its consideration.

Chairman BERMAN. I will recognize myself to speak to the Republican substitute, and I will make some points of why I do prefer my substitute to her substitute. But also to indicate that I would like between now and the floor—I do think it would be very useful to develop a bipartisan approach here and I am quite open to further discussions on this.

The ranking member has endorsed the Obama administration's request for a funding level of $1.5 billion a year for economic assistance. I am very happy to see that, and our bill does as well.

The fact that there is agreement on this point among the White House and members of the committee from both sides of the aisle underscores the fact that providing such assistance is the right and necessary thing to do.

The proposed amendment is long on aspirations and short on details. It does not take the time that our bill, our substitute, our amendment in the nature of a substitute and our original bill too, to describe how U.S. assistance should be expended. It says nothing about the expenditure of military assistance. It contains no accountability provisions to ensure that the U.S. assistance is used appropriately.

I believe that the United States relationship with Pakistan is too critical and too complex for Congress to be silent on such matters.

H.R. 1886 essentially includes all of the provisions of the gentlelady's substitute, but more. It requires the President to provide a comprehensive regional security strategy. Not Congress, the President. And includes extensive reporting requirements regarding progress toward disrupting terrorist networks. It authorizes the Pakistani Counterinsurgency Capabilities Fund. And H.R. 1886 includes other critical provisions including the establishment of a Pakistan Democracy and Prosperity Fund to provide additional flexibility for economic assistance and robust monitoring and evaluation mechanisms, the issues raised by the gentlelady from Nevada just a moment ago, to help ensure that this time there is the appropriate expenditure of such assistance.

One final word about the PCCF. The provision of security assistance has been and should remain a tool of the Secretary of State to advance foreign policy objectives. In the case of Pakistan, the

growing insurgency underscores the need for assistance but it does not necessitate establishing an entirely new authority in the Department of Defense.

H.R. 1886 established PCCF within the State Department to ensure that the Secretary of State remains the primary voice in the bilateral relationship with that country. But I do want to add that the whole way we created this fund, the many differences from traditional security assistance, with all the requirements and provisions of that and some of the bureaucratic hurdles that one has to overcome, are dealt with and eliminated in this bill based on conversations that we have had with the Chairman of the Joint Chiefs of Staff Mike Mullen, in line with the kinds of things that General Petraeus wants to do. In other words, we do not want traditional road blocks that mean when you provide security assistance it could be 6 months, 1 year or 2 years down the road before anything is procured and before that assistance is afforded.

We know this is an urgency and we take care to make sure that all the obstacles that would prevent that immediate assistance from happening are dealt with in our bill.

So I share the gentlelady's concerns and the gentlelady from Arizona's concerns, but fundamentally this is about a decision to provide security assistance. This has traditionally been and is rightfully so for many reasons appropriately a Department of State function and that is why we create PCCF in the Department of State.

I urge my colleagues to support H.R. 1886 and oppose the substitute amendment.

Can we go to a vote on this issue?

Before us is the substitute amendment proposed by the gentlelady from Florida, the ranking member. All those in favor say aye.

[A chorus of ayes.]

Chairman BERMAN. All opposed no?

[A chorus of noes.]

Chairman BERMAN. The noes have it. The noes prevail and the amendment is defeated.

Are there any further amendments?

Mr. MCCAUL. Mr. Chairman?

Chairman BERMAN. The gentleman from Texas.

Mr. MCCAUL. Thank you. I have an amendment at the desk.

Chairman BERMAN. The gentleman's amendment to be distributed and the clerk will read.

[The amendment of Mr. McCaul follows:]

AMENDMENT TO H.R. 1886
OFFERED BY MR. MCCAUL OF TEXAS

At the appropriate place in the bill, insert the following new section:

SEC. ___. RESTRICTION ON UNITED STATES MILITARY ASSISTANCE TO PAKISTAN.

(a) RESTRICTION.—United States military assistance may be provided to the Government of Pakistan on and after the date of the enactment of this Act only if the President transmits to Congress a certification described in subsection (b).

(b) CERTIFICATION.—A certification described in this subsection is a certification that contains a determination of the President that—

(1) the Government of Pakistan is making Dr. Abdul Qadeer Khan available to the United States Government for direct questioning; and

(2) the Government of Pakistan is providing adequate assurances to the United States Government that it will monitor Khan's movements and activities in such a manner as to prevent his participation in any efforts to disseminate nuclear technology or know-how.

(c) WAIVER.—The President may waive the restriction on assistance to the Government of Pakistan under this section if the President certifies to Congress that it is in the national interests of the United States to do so.

(d) DEFINITION.—In this section, the term ''United States military assistance'' includes the provision of equipment, supplies, and training.

☒

Ms. RUSH. Amendment to H.R. 1886 offered by Mr. McCaul of Texas. "At the appropriate place in the bill, insert the following new section: 'Section blank. Restriction on United States military assistance to Pakistan. (a)'"——

Chairman BERMAN. Without objection, the reading of the amendment shall be dispensed with, and the gentleman from Texas is recognized for 5 minutes on his amendment.

Mr. MCCAUL. I thank the chairman.

Since 9/11 we have spent nearly $10 billion in aid to Pakistan to assist the Government of Pakistan. It has been a series of carrots. I commend the chairman for putting sticks in his bill, particularly with respect to security in the FATA, in the tribal area, and also with respect to expansion of their nuclear program.

We have heard from members on the other side about the proliferation issue. You cannot look at the proliferation issue without raising the name of Dr. A.Q. Khan. He is perhaps the master nuclear proliferator of all time, proliferating nuclear weapons to countries like Iran, to North Korea, to Libya. He was indicted by the Dutch Government. He confessed to participating in a clandestine international network that provided nuclear technology to other nations.

After being released from house arrest there has been no conclusive evidence that the network that Khan helped build has been completely dismantled.

This is the real issue in Pakistan.

The United States has provided all the funding and yet the Government of Pakistan has refused to allow the United States direct access to Mr. Khan for questioning to find out how extensive is this proliferation. It seems to me if we are going to correctly assess what the proliferation damage is, that the United States Government needs to have that direct access to Mr. Khan.

This is a bipartisan idea. I am the ranking member on the Homeland Security Intelligence subcommittee. Jane Harman is the chair of that subcommittee. The provisions in this amendment are almost identical to a bill that she has filed that I have co-sponsored. It basically just says very simply that if we are going to provide this kind of funding we should at least be entitled to ask Dr. Khan directly questions about the damage and the expanse of his proliferation. It also asks that the government monitor his movements.

I hope this will be viewed, it is a very serious issue, and this committee will look at this amendment in a very bipartisan way. I urge that this committed adopt and pass this amendment.

With that, I yield back.

Chairman BERMAN. The time of the gentleman is expired, and I will recognize myself to address the amendment.

I regret that I have to ask, but strongly ask the members to oppose this amendment. I am very sympathetic to his interest, the gentleman's interest, in the United States gaining access to one of the world's worst nuclear proliferators, but this amendment is a mistake.

The gentleman's amendment is either exactly the same or very similar to an amendment that I believe he co-sponsored with Congresswoman Harman of California.

We have put into our bill in serious part occasioned by the Harman legislation a provision which prohibits—I want to make sure I am reading it right—Section 206, a limitation on U.S. military assistance to Pakistan and I am going to just take a moment to read it: "None of the funds authorized to be appropriated for military assistance to Pakistan for Fiscal Year 2011," which is the first year it could apply, and it is the same as the gentleman's, "or each fiscal year thereafter, may be obligated or expended if the President has not made the determinations described in subjection (b)...

"(b)(1) a determination by the President at the beginning of each fiscal year that the Government of Pakistan is continuing to cooperate with the United States in efforts to dismantle supplier networks relating to the acquisition of nuclear weapons-related materials, including, as necessary, providing access to Pakistani nationals associated with such networks."

Before additional security assistance goes, the President has to make that determination.

I have spoken with Congresswoman Harman about this issue, I would guess, 14 times. We fly on the same planes back and forth from California every week. She thinks that our language is the right way to move ahead. There is great pressure on us to take out the language we have in the bill, but making specific reference to A.Q. Khan in the legislation is a mistake because of the consequences in terms of building the relationship of partnership and trust that we want to build with Pakistan to take on this mission.

Everyone knows what we are talking about in our condition. Pointing the finger even at someone as notorious and appropriate to have a finger pointed at as A.Q. Khan creates a reaction that undermines what we want to do, it does not further it.

I am with the spirit of what the gentleman wants to do. I would have done what he did if I thought it would be more likely for us to gain access to that individual. I do not for a moment think naming him makes it more likely. It may not be very likely anyway, we will find out.

But what I do know is if we name him specifically in this bill it will be much less likely. So I would urge my colleagues here to, as difficult as it is, I think it is very important to oppose this amendment and I yield back the balance of——

Does the gentleman want to be yielded my remaining time, or does the gentleman seek his own time?

Mr. CONNOLLY. I would be glad to accept your time, Mr. Chairman. Just briefly.

I am an original co-sponsor of the Harman bill along with Congressman Royce, and I feel very strongly that we have to address the issue of the world's single most notorious proliferator since the advent of nuclear technology.

However, as the chairman says, there are ways of achieving objectives and there are other ways to achieve the objective we share.

I think that the language in this bill is carefully crafted. I have worked with the chairman on this language from the basis of the bill that mirrors the language of the gentleman, and we have also agreed we are going to look at report language and look at other opportunities for making sure we achieve this objective.

I would urge my colleague to give that some consideration. There are other ways of achieving the objective. I have been persuaded those ways are efficacious.

I thank the chairman.

Chairman BERMAN. My time has expired.

Does anyone else seek recognition on this subject? The gentleman from California, Mr. Rohrabacher.

Mr. ROHRABACHER. Mr. Chairman, over my many years in Washington, both in the White House and in Congress, I have seen time and again suggestions that we should back down from various standards that were set in order to ensure that what we are trying to accomplish is something that is within the realm of possibility and also is accomplished.

There are always people who want to talk us out of saying exactly what we are trying to do and drawing a line in the sane, claiming that it will be done some other way. Over and over again, that is not what happens.

We are told we are going to do it a different way, and guess what? It does not happen the other way. For whatever reason, the other side never really takes us seriously when we try to come at it in a much softer approach.

We have provided Pakistan with $12 billion in aid since 9/11. How much more do we have to do to prove our friendship? Is it too much to ask people who supported the Taliban, people who were instrumental in keeping the Taliban in power, when I spent my 1990s trying to get an alliance against the Taliban, and I remember when I went in and I went up to Peshawar and had to sleep with guns underneath our pillows, for Pete's sakes.

How long is it going to be before we know that Pakistan, we are their friends and the people who are not accepting things like what is being demanded of this legislation or this amendment, if they cannot accept that, they are not our friends and we should not give them any money.

A.Q. Khan is vital, the information about him is vital to our national security. We are talking about nuclear weapons here. What about the next 9/11 which A.Q. Khan may have given a nuclear weapon to a terrorist who is planning to light it off in one of our cities? How do we know that is not happening?

If they do not think of us as their friends enough to publicly make this person available to us, they should not get one red cent of our money. This is a security issue of such magnitude, we need to speak in very bold and distinct language and we need to draw the line and people need to know where we stand. We are not going to get anywhere by trying to treat people with kid gloves and not make them make a choice between the United States and the radical Islamists who would slaughter thousands and thousands of people in various countries in order to terrorist Western civilization.

This bill is very realistic. I support it 100 percent. I think it stems from a dialogue that we had with President Zardari when he visited recently, and I asked him specifically whether or not the United States would be permitted to question A.Q. Khan, and he dodged that issue.

I also asked whether or not American forces would be permitted to attack the Taliban staging areas just inside Pakistan from staging areas where they were staging attacks on American troops in Afghanistan, and he failed to answer that one correctly as well.

Now they are either going to be our friends or they are not. This is a good way to determine that. If they are not willing to be friends enough to tell us that they are going to let us know about A.Q. Khan and his nuclear threat to the security of the people of the United States, then they do not deserve our help.

That is as simple as that. I think it is very clear, the very last thing we need to do is be nebulous and try to be warm and fuzzy. Warm and fuzzy gets us nowhere. We are going to have to be tough and make sure we watch out for the security interests of the people of the United States.

Chairman BERMAN. The time of the gentleman has expired.

The gentleman from Missouri, Mr. Carnahan is recognized.

Would the gentleman yield?

Mr. CARNAHAN. I yield.

Chairman BERMAN. In some discussions I am told that the gentleman from Texas is open to inclusion of the word "direct" as a modifier of "access," and if we agree to that change, he would withdraw his amendment.

Is that a correct understanding? I yield to the gentleman Mr. Carnahan's time, but——

Mr. MCCAUL. Yes, if the gentleman will yield.

The issue here is not just access, but direct access. Access by the United States Government to Dr. Khan. Whether or not he is specified in this bill, if the language said direct access, because my understanding as the ranking member on the Homeland Security Intelligence Community, we have not been given that. It has been more indirect.

I will leave it at that.

Direct access to all Pakistan nationals.

Chairman BERMAN. To all Pakistan nationals associated with such networks.

Mr. MCCAUL. Correct.

Chairman BERMAN. We do not have enough people to have direct access.

Mr. MCCAUL. But I am saying they will provide direct access to all Pakistani, within the provisions——

Chairman BERMAN. Of this bill, which is a Presidential determination as necessary.

Mr. MCCAUL. Now remember, my amendment has a waiver provision in it.

Chairman BERMAN. If the word to be added—if we can dispense with all the yieldings and just get right down to it, if the word is just "direct," I am prepared to by unanimous consent amend our amendment in the nature of a substitute to include it.

Mr. MCCAUL. I think that would be reasonable.

This objection was not called to my attention until about 5 minutes ago.

Chairman BERMAN. I apologize. We had a few other things——

Mr. MCCAUL. I understand.

The issue for me is the direct access. That would encompass getting direct access to Dr. A.Q. Khan which I hope would be a part of the committee's record. It is on the record here. If that is the understanding of the chairman.

Mr. ROHRABACHER. Point of information, Mr. Chairman.

Chairman BERMAN. If the gentleman will withdraw his amendment then I will yield Mr. Carnahan's time to Mr. Rohrabacher and then offer a unanimous——

Mr. ROHRABACHER. This is a point of information about the issue that you are discussing, Mr. Chairman, in terms of this determination.

I believe that the point of information does, the parliamentary——

Chairman BERMAN. I never understood what that point of parliamentary information was, but I hereby recognize the gentleman for purposes of making it.

Mr. ROHRABACHER. The compromise you are offering is to take A.Q. Khan's name out of the legislation?

Chairman BERMAN. No. A.Q. Khan's name is not in the legislation. I think that is part of why the gentleman offered his amendment.

Mr. ROHRABACHER. I am talking about the gentleman's amendment.

Chairman BERMAN. No. This would be, the gentleman would withdraw his amendment and I would seek unanimous consent to insert the word "direct" in front of "access" in the amendment in the nature of a substitute.

Chairman BERMAN. But the result would be that what would pass this committee would be wording that would not include A.Q. Khan's name, is that correct?

Mr. ROHRABACHER. Yes.

Chairman BERMAN. Thank you.

Mr. MCCAUL. If the gentleman will yield.

I am prepared to withdraw the amendment if the language "direct access" is put into the language.

Chairman BERMAN. And I am prepared to put in "direct access" if the gentleman is willing to withdraw his amendment. I think we have a deal.

Mr. MCCAUL. But with the understanding from the chairman that the direct access to Pakistan nationals would encompass Dr. A.Q. Khan.

Chairman BERMAN. One thing I know is that that individual is a Pakistani national who is and certainly has been associated with such a network. I cannot, to be honest with you at this moment—I read some names—I cannot name a single other person who I, from my recollection, is so clearly associated.

Mr. MCCAUL. And I must say——

Chairman BERMAN. I do not think we are——

Mr. MCCAUL. I am not sure why we are so shy to acknowledge this.

Chairman BERMAN. Because if you believe the purpose of this bill is not—I mean my friend from California sort of characterized it to do something for the Pakistanis.

This is about an issue that we are doing something for America. We are talking about al-Qaeda; we are talking about the Taliban; we are talking about Afghanistan; we are talking about international terrorism. We are talking about a fundamental challenge to the control of a government that has nuclear weapons.

I cannot think of much more that is in our interest than doing something on this. And I am told by people who share that feeling that the reference to a specific individual is counterproductive to that effort. Do I know for sure whether it is or it is not? No, but I have gotten a little taste of it just from the discussions over the past 3 or 4 months, and I think they are right. That is the reason I do not want to mention A.Q. Khan. If we can vote on the amendment, or we can make this deal.

Mr. MCCAUL. If the chairman will yield. If I can be clear, I am willing to withdraw it if direct is put in there and with the understanding in the congressional record here on the record, that that would encompass direct access to Dr. A.Q. Khan.

Chairman BERMAN. First of all, it is in the context of, nothing we do will guarantee direct access to anybody in Pakistan under the control of the Pakistan Government because we do not get to have that kind of control over other countries.

So nothing is going to guarantee anything.

We are trying to establish a principle here. One of the important issues is dismantling this nuclear nonproliferation network. We want our security assistance, we want a determination of the President in terms of future security assistance to know that that has been done. We want to empower the President to make that determination. If he determines access to a particular individual is necessary to ensure the dismantlement of that network or that it has been dismantled, we want to empower him to do that. That is what our goal is here.

Mr. MCCAUL. If the chairman will yield again, I do not want to prolong this healthy discussion, but if you would agree that A.Q. Khan falls within the umbrella of this section——

Chairman BERMAN. We have always intended to have a report. Don't tell Congressman Flake I said this. That would describe in more detail what we mean by this.

Mr. MCCAUL. There would be reporting language on it this year—specifically talking about Dr. Khan.

With that said, I am prepared to withdraw if the language "direct" is put into the bill and the reporting language reflects that that would include access to Dr. Khan.

Chairman BERMAN. And no one will conclude that our report constitutes a mushy earmark. [Laughter].

Without objection, the amendment by the gentleman from Texas is withdrawn. I ask unanimous consent to add the term "direct" in front of "access" in the amendment, in Section 206 of the amendment in the nature of a substitute.

Without objection, so ordered.

The question is on the amendment in the nature of a substitute.

All in favor will vote aye.

[A chorus of ayes].

Chairman BERMAN. All opposed will vote no.

[A chorus of noes.]

Chairman BERMAN. The ayes have it and the amendment is agreed to.

The chairman is prepared to——

Mr. FALEOMAVAEGA. Mr. Chairman, first I just want to ask unanimous consent that my statement be put in the appropriate place regarding my strong support of H.R. 2410.

Chairman BERMAN. Yes, without objection that will be——

Mr. FALEOMAVAEGA. And Mr. Chairman I move a favorable recommendation of H.R. 1886 as amended to the House.

Chairman BERMAN. The question occurs on the motion by the gentleman, H.R. 1886 as amended favorably to the House.

All in favor say aye.

[A chorus of ayes.]

Chairman BERMAN. All opposed say no.

[No audible response].

Chairman BERMAN. The ayes have it and the motion is adopted. Without objection the bill will be reported as a single amendment in the nature of a substitute, incorporating the amendments adopted by the committee.

Staff is directed to make any technical and conforming amendments.

The gentleman from New York.

Mr. ACKERMAN. Mr. Chairman, in accordance with the rules of the House I ask for 2 days to file additional views on the legislation just considered.

Chairman BERMAN. Without objection, so ordered.

Ms. ROS-LEHTINEN. Mr. Chairman, I did mean to say "no" on the voice, and I was——

Chairman BERMAN. Let the record show the gentlelady from Florida thought no, even though she forgot to say it.

Ms. ROS-LEHTINEN. Thank you.

Chairman BERMAN. Again, thank you all very much. The committee is adjourned.

[Whereupon, at 5:21 p.m., the committee was adjourned.]

APPENDIX

Material Submitted for the Record

FULL COMMITTEE MARKUP NOTICE
Committee on Foreign Affairs
U.S. House of Representatives
Washington, D.C. 20515-0128

Howard L. Berman (D-CA), Chairman

May 18, 2009

TO: MEMBERS OF THE COMMITTEE ON FOREIGN AFFAIRS

You are respectfully requested to attend an OPEN markup of the Committee on Foreign Affairs, to be held in **Room 2172 of the Rayburn House Office Building,** for the purpose of mark up of the following legislation:

DATE: Wednesday, May 20, 2009

TIME: 10:00 a.m.

MARKUP OF: H.R. 1886, Pakistan Enduring Assistance and Cooperation Enhancement Act of 2009; and

H.R. 2410, the Foreign Relations Authorization Act, Fiscal Years 2010 and 2011.

By Direction of the Chairman

The Committee on Foreign Affairs seeks to make its facilities accessible to persons with disabilities. If you are in need of special accommodations, please call 202/225-5021 at least four business days in advance of the event, whenever practicable. Questions with regard to special accommodations in general (including availability of Committee materials in alternative formats and assistive listening devices) may be directed to the Committee.

COMMITTEE ON FOREIGN AFFAIRS

MINUTES OF FULL COMMITTEE HEARING

Day *Wednesday* Date *5-20-09* Room *2172 RHOB*

Starting Time *10:17 A.M.* Ending Time *5:22 P.M.*

Recesses *2* (*12:12* to *3:15*)

Presiding Member(s) *Howard L. Berman, Chairman*

CHECK ALL OF THE FOLLOWING THAT APPLY:

Open Session ☑
Executive (closed) Session ☐
Televised ☑

Electronically Recorded (taped) ☑
Stenographic Record ☑

TITLE OF HEARING or BILLS FOR MARKUP: *(Include bill number(s) and title(s) of legislation.)*

H.R. 1886, Pakistan Enduring Assistance and Cooperation Enhancement Act of 2009; and
H.R. 2410, the Foreign Relations Authorization Act, Fiscal Years 2010 and 2011

COMMITTEE MEMBERS PRESENT:

See attached

NON-COMMITTEE MEMBERS PRESENT:

n/a

HEARING WITNESSES: Same as meeting notice attached? Yes ☐ No ☐
(If "no", please list below and include title, agency, department, or organization.)

n/a

STATEMENTS FOR THE RECORD: *(List any statements submitted for the record.)*

State Department report on demographics ; Vietnam – Religious Freedom/Countries of Particular Concern
Vietnam Religious Issues – Religious Freedom Continued Improvements; Letter from the Embassy of Vietnam

ACTIONS TAKEN DURING THE MARKUP: *(Attach copies of legislation and amendments.)*

See attached markup summary

RECORDED VOTES TAKEN (FOR MARKUP): *(Attach final vote tally sheet listing each member.)*

Subject	Yeas	Nays	Present	Not Voting
Smith Amendment to H.R. 2410	*22*	*17*		*8*

TIME SCHEDULED TO RECONVENE _____
or
TIME ADJOURNED *5:22pm*

Doug Campbell

Doug Campbell, Deputy Staff Director

Attendance - HCFA Full Committee
Markup - Wednesday, May 20, 2009
10:00 a.m. Room 2172 RHOB

Howard L. Berman (CA)
Gary Ackerman (NY)
Eni F.H. Faleomavaega (AS)
Donald Payne (NJ)
Brad Sherman (CA)
Robert Wexler (FL)
Eliot L. Engel (NY)
William D. Delahunt (MA)
Gregory W. Meeks (NY)
Diane E. Watson (CA)
Russ Carnahan (MO)
Albio Sires (NJ)
Gerald E. Connolly (VA)
Michael E. McMahon (NY)
John S. Tanner (TN)
Gene Green (TX)
Lynn C. Woolsey (CA)
Sheila Jackson-Lee (TX)
Barbara Lee (CA)
Shelley Berkley (NV)
Joseph Crowley (NY)
Mike Ross (AR)
Brad Miller (NC)
David Scott (GA)
Jim Costa (CA)
Keith Ellison (MN)
Gabrielle Giffords (AZ)
Ron Klein (FL)

Ileana Ros-Lehtinen, (FL)
Christopher H. Smith (NJ)
Dan Burton (IN)
Elton Gallegly (CA)
Dana Rohrabacher (CA)
Donald Manzullo (IL)
Edward R. Royce (CA)
Jeff Flake (AZ)
Mike Pence (IN)
Joe Wilson (SC)
John Boozman (AR)
Connie Mack (FL)
Jeff Fortenberry (NE)
Michael T. McCaul (TX)
Ted Poe (TX)
Bob Inglis (SC)
Gus Bilirakis (FL)

Foreign Affairs Committee Markup Summary – 5/20/09

H.R. 2410 (Berman) – Foreign Relations Authorization Act, Fiscal Years 2010 and 2011.

Amendments offered:

1) Berman – manager's amendment – passed by voice vote
2) Ros-Lehtinen – substitute – defeated by voice vote
3) Jackson Lee (w/Lee, Watson and Payne) – Sense of Congress on Sudan – passed by voice vote
4) Burton – Support to Israel for Missile Defense – passed by voice vote (as amended by Berman #5)
5) Berman – substitute to Burton Israel Missile Defense amendment (4) – passed by voice vote
6) Wilson – regarding veterans – WITHDRAWN
7) Flake – Sec. 1115. Rule of Construction – WITHDRAWN
8) Smith (NJ) – Sec. 334. Office for Global Women's Issues – defeated by a record vote of 17-22 (as amended by Inglis #9)

Voting YES: Ros-Lehtinen, Smith, Burton, Gallegly, Rohrabacher, Manzullo, Royce, Flake, Pence, Wilson, Boozman, Mack, Fortenberry, McCaul, Poe, Inglis, and Bilirakis

Voting NO: Berman, Ackerman, Faleomavaega, Payne, Sherman, Wexler, Engel, Delahunt, Meeks, Carnahan, Sires, Connolly, McMahon, Tanner, Woolsey, Lee, Berkley, Crowley, Miller, Scott, Giffords, and Klein.

9) Inglis amendment to the Smith amendment (8) – increase women's participation in political processes – passed by voice vote
10) Royce – Sense of Congress on Restrictions on Religious Freedom in Vietnam – passed by voice vote
11) Gallegly – regarding Mexico/W. Hemisphere and weapons trafficking – passed by voice vote
12) Pence – Sec. 333. Protection of Fundamental Human Rights – defeated by voice vote
13) Manzullo – Asia-Pacific Economic Cooperation – passed by voice vote
14) Mack – Jewish Community in Venezuela – WITHDRAWN
15) Berman – en bloc of 3 amendments: 1) Mack – Iran's Influence in the Western Hemisphere; 2) Fortenberry – Implementation of Recommendations of Commission on the Prevention of Weapons of Mass Destruction Proliferation and Terrorism; and 3) Fortenberry – Report on Religious Minority Communities in the Middle East. Passed by voice vote.
16) Fortenberry – Nondiscrimination Requirements – WITHDRAWN

MOTION TO REPORT H.R. 2410 FAVORABLY TO THE HOUSE, AS AMENDED, WAS AGREED TO BY VOICE VOTE.

H.R. 1886 (Berman) – Pakistan Enduring Assistance and Cooperation Enhancement Act of 2009 (PEACE Act of 2009)

Amendments offered:

1) Berman – substitute – passed by voice vote, as amended (by the U.C. request – 4)
2) Ros-Lehtinen – substitute to the Berman substitute (1) – defeated by voice vote
3) McCaul – Restriction on United States Military Assistance to Pakistan – WITHDRAWN
4) U.C. request to add the word "direct" in front of the word "access" on page 41 of the Berman substitute.

MOTION TO REPORT H.R. 1886 FAVORABLY THE HOUSE, AS AMENDED, WAS AGREED TO BY VOICE VOTE.

Verbatim, as delivered

May 20, 2009

Chairman Berman's opening statement at markup of the Foreign Relations Authorization Act for Fiscal Years 2010 and 2011 (H.R. 2410)

H.R. 2410 authorizes funding for fiscal years 2010 and 2011 for the Department of State, the Peace Corps, U.S. international broadcasting activities, and other foreign affairs programs.

This legislation continues efforts by this Committee to strengthen U.S. foreign policy agencies to promote American national security interests and better serve U.S. citizens.

For far too long, we have failed to provide the State Department with the resources it needs to fill critical overseas posts, provide adequate training, and ensure effective oversight of the programs that it manages. With the expansion of U.S. diplomatic responsibilities in the 1990's and the more recent demands of Iraq and Afghanistan, the Foreign Service has been strained to the breaking point.

Sixteen percent of all positions are currently unfilled. One in nine positions overseas is vacant.

H.R. 2410 builds on the process begun in the current fiscal year to help rebuild the capacity of the State Department.

Specifically, our legislation supports the President's request for funding to hire over 1000 new staff, including at least 750 Foreign Service Officers.

332 of these positions will be used to immediately expand our diplomatic presence in Afghanistan, Pakistan and other strategic areas.

A further 213 positions will be dedicated to improving and expanding training in critical needs languages such as Arabic, Chinese, Hindi, and Urdu.

The bill also provides resources for significant numbers of new public diplomacy officers, arms control experts, and counterterrorism specialists.

In addition, H.R. 2410 reforms the Foreign Service Act to accelerate the transition of the diplomatic corps from its traditional diplomatic framework to a more expeditionary mission to meet the new challenges facing our nation.

Finally, to help ensure that the State Department can continue to attract the best and brightest to its ranks – and retain those professionals over the long term -- our legislation closes the "pay gap" that currently results in a 21 percent pay cut when junior Foreign Service Officers leave Washington, DC for overseas assignments.

Hiring and training a large number of new Foreign Service Officers to advance our national security interests overseas doesn't come cheap.

But investing resources now to help prevent conflict and failed states is much more cost effective than providing massive amounts of humanitarian relief, funding peacekeeping operations, or, in the most extreme circumstances, putting U.S. boots on the ground.

H.R. 2410 also authorizes funds to pay our full dues and all recognized arrearages to the United

Nations.

The U.N. system is very far from perfect, and doesn't always live up to our expectations on a number of occasions.

But on a wide range of issues with implications for U.S. national security – from Iran's nuclear weapons program, to North Korea, to climate change -- we need the close cooperation of the international community.

And experience has shown that withholding U.S. dues to leverage change at the UN simply doesn't work – we are much more likely to get the reforms we want through active engagement.

H.R. 2410 also supports a significant expansion of the Peace Corps, a vigorous public diplomacy effort, an increase in international broadcasting activities, and a strengthened arms control and nonproliferation Bureau at the State Department.

In addition, the legislation creates a new foundation to help U.S. students study abroad, enhances U.S. efforts to help Mexico and other Latin American countries to reduce drug violence, and addresses a number of key human rights and democracy issues around the world.

Finally, H.R. 2410 reforms our system of export controls for military technology, improves oversight of U.S. security assistance, and requires a report to the Congress on actions taken by the U.S. to maintain Israel's qualitative military edge.

I think it's an excellent piece of legislation – I guess I would – but I want to thank all the members from both sides of the aisle who have contributed to its creation. Many of your thoughtful ideas are included in this text, and they have made the bill much better. I urge all my colleagues to support this legislation.

Verbatim, as delivered

May 20, 2009

Chairman Berman's opening statement at markup of H.R. 1886, the Pakistan Enduring Assistance and Cooperation Act

The United States has an enormous stake in the security and stability of Pakistan, and all of us are deeply concerned about the security and stability of that country.

We cannot allow al Qaeda or any other terrorist group that threatens our national security to operate with impunity in the tribal regions of Pakistan.

Nor can we permit the Pakistani state – and its nuclear arsenal – to be taken over by the Taliban.

To help prevent this nightmare scenario, we need to forge a true strategic partnership with Pakistan, strengthen Pakistan's democratic government, and do what we can to make Pakistan a force for stability in a volatile region.

H.R. 1886, the Pakistan Enduring Assistance and Cooperation Enhancement Act, is designed to help achieve these goals.

This legislation would massively expand economic, social and democracy assistance to Pakistan, and also provide a significant increase in military assistance.

Specifically, the bill provides funding to strengthen the capacity of Pakistan's democratic institutions, including its parliament, judicial system and law enforcement agencies.

It also calls for increased assistance for Pakistan's public education system, with an emphasis on access for women and girls.

To demonstrate America's long-term commitment to the stability and democratic future of Pakistan, H.R. 1886 authorizes a permanent fund in the U.S. Treasury that will serve as the conduit for most non-military assistance to Pakistan.

With regard to military assistance, our legislation increases funding for professional military education, with an emphasis on training in counterinsurgency and in civil-military relations.

It boosts the funding available for Pakistan to purchase military equipment, and requires that 75 percent of those funds be used for items directly related to counterinsurgency and counterterrorism.

The legislation also codifies the 2006 contract between the U.S. and Pakistan that requires Pakistan to pay for F-16 fighter aircraft with its own national funds, rather than American tax dollars.

To strengthen civilian control of the military, H.R. 1886 mandates that all military assistance flow through Pakistan's elected civilian government.

The legislation authorizes a new Pakistan Counterinsurgency Capabilities Fund – we like to call it PCCF -- in the State Department.

This provision lays down an important marker that providing security assistance to other countries is a matter of foreign policy and should remain a core responsibility of the Secretary of State.

Finally, the legislation includes some important accountability provisions to ensure that security assistance to Pakistan is being spent in a manner consistent with U.S. national security interests.

It requires an annual presidential determination that Pakistan is cooperating with the U.S. on nonproliferation, is meeting its commitment to combat terrorist groups, and has made progress towards that end.

Contrary to what some have said, these are not "rigid" or "inflexible" conditions.

To ensure that the President has sufficient flexibility, we provide a waiver if he is unable to make the determinations.

I this is an excellent bill that will strengthen the critical U.S.-Pakistan relationship and support U.S. national security objectives in South Asia, and I urge all of my colleagues to support the legislation.

Total Foreign Service Generalist Race and Gender

Employee Pay Class	SEX and GENDER											
	MALE WHITE	FEMALE WHITE	MALE BLACK	FEMALE BLACK	MALE HISPANIC	FEMALE HISPANIC	MALE ASIAN	FEMALE ASIAN	MALE NATIVE AMERICAN	FEMALE NATIVE AMERICAN	UNSPECIFIED	TOTAL
CM	18	4	0	3	0	0	0	0	0	0	0	[illegible]
MC	245	78	20	17	13	5	6	2	1	0	1	[illegible]
OC	238	83	21	14	11	4	8	6	2	1	0	[illegible]
01	534	296	13	23	29	17	25	12	2	2	0	[illegible]
02	776	392	20	18	42	14	29	18	0	2	0	[illegible]
03	663	451	31	36	36	22	47	30	2	1	1	[illegible]
04	883	630	43	72	45	32	78	88	2	5	1	[illegible]
05	159	121	15	26	5	13	10	21	2	1	1	[illegible]
06	27	18	1	1	0	1	2	5	0	0	0	[illegible]
TOTAL	3543	2073	164	210	181	108	205	182	11	12	4	[illegible]

Total Foreign Service Specialist Race and Gender

Employee Pay Class	SEX and GENDER											
	MALE WHITE	FEMALE WHITE	MALE BLACK	FEMALE BLACK	MALE HISPANIC	FEMALE HISPANIC	MALE ASIAN	FEMALE ASIAN	MALE NATIVE AMERICAN	FEMALE NATIVE AMERICAN	UNSPECIFIED	TOTAL
MC	27	7	1	0	0	0	1	0	0	0	0	[illegible]
OC	75	12	5	0	2	0	2	1	0	0	0	[illegible]
01	244	55	8	7	5	2	13	3	1	0	0	[illegible]
02	525	146	41	15	46	10	22	13	5	0	0	[illegible]
03	828	200	102	23	79	9	54	18	7	1	1	[illegible]
04	719	209	94	28	73	21	61	20	2	0	2	[illegible]
05	194	180	17	24	12	15	10	20	0	1	0	[illegible]
06	186	247	8	33	13	32	12	26	1	0	0	[illegible]
07	9	59	1	12	0	3	1	4	0	0	0	[illegible]
TOTAL	2807	19	277	142	230	92	176	105	16	2	3	[illegible]

CLEARED FOR PUBLIC RELEASE

HR/RMA/WPC
FS Race and Gender as of: 09/30/2008

MATERIAL SUBMITTED FOR THE RECORD BY THE HONORABLE ENI F.H. FALEOMAVAEGA, A REPRESENTATIVE IN CONGRESS FROM AMERICAN SAMOA, AND CHAIRMAN, SUBCOMMITTEE ON ASIA, THE PACIFIC AND THE GLOBAL ENVIRONMENT

THE AMBASSADOR

EMBASSY OF VIETNAM
1233 20th Street, NW, Suite 400
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Tel: (202) 861-0373
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The Honorable Eni F. H. Faleomavaega
2422 Rayburn HOB
Washington, DC 20515-5201

Washington, May 18, 2009

Dear Chairman Faleomavaega,

I am writing to you to draw you attention to the H. Res. 20 introduced by Congressman Ed Royce on Jan. 6, 2009, calling on the State Department to list Vietnam as a "Country of Particular Concern":

As you may know in 2006 the State Department decided to remove Vietnam from the CPC list. This move reflected the reality, acknowledging Vietnam's straight records in the areas of human rights and religious freedom.

The Vietnamese Government and State have always set as their ultimate goals to improve the rights and freedom of their people for the sake of the Vietnamese people themselves. This continuous and consistent approach has brought about positive results: In 2008 and early 2009, nine religious groups received national recognition, tripling the number that received recognition throughout 2007. The number of locally registered Protestant congregations also increased. In Ho Chi Minh City, there are now 130 registered congregations and by the end of 2008 there were 1,175 in the Central Highlands and 126 in the Northern provinces. The improvement of religious freedom was acknowledged by Vatican Undersecretary of State Monsignor Pietro Parolin, the Pope's Envoy, during his visit to Vietnam earlier this year.

What was written in Congressman Royce's H. RES. 20 was a distortion of the situation in Vietnam. Those detained as mentioned in the Resolution are those who violated the laws of Vietnam, not because of their religious practices or beliefs. We are of the view that application of recommendations in the H. RES. 20 not only risks the credit of the US and the Congress as it does not reflect the reality, but also puts hindrance on our partnership which has been expanding drastically in recent years.

For these reasons, I do hope that you will look into the matter and make a just decision for the sake of our bilateral ties.

Thank you very much for your kind consideration and cooperation.

Sincerely,

Le Cong Phung

Vietnam – Religious Freedom/Country of Particular Concern

- The International Religious Freedom Act (IRF Act) states that a country is to be designated as a CPC if it engages in or tolerates particularly severe violations of religious freedom, including torture, extended detentions without charges, disappearances, and other flagrant denials of life, liberty, or security due to religious beliefs.

- A country can be designated a CPC at any time if considerable evidence is found to indicate that they are participating in widespread severe violations of religious freedom.

- After being placed on the CPC list in 2004, Vietnam addressed the central violations that caused it to be designated and instituted policies and practices to protect some religious freedoms. The Secretary removed Vietnam from the list in 2006 because it no longer fit the criteria of a severe violator under the IRF act.

- We will continue to monitor the situation in Vietnam to evaluate whether Vietnam has backslid on the progress made to date or has resumed engaging in widespread severe violations. If substantial evidence demonstrates that Vietnam is doing so, they may be re-designated.

- At this time religious leaders continue to report that conditions have vastly improved and that the majority of believers are able to practice their faith without harassment.

- We agree with US Commission on International Religious Freedom (USCIRF) that problems remain in Vietnam, and we would like to see continued improvements. However, in our judgment the evidence we have suggests that it is an overstatement to characterize the remaining problems as "widespread and severe."

- When Vietnam was designated a CPC in 2004 there was a large number of religious prisoners, religious believers throughout the country were subject to severe harassment, entire villages – with people numbering in the thousands – were forced to renounce their faith, and over one-thousand places of worship were shut down in the Central Highlands.

- By 2006, Vietnam had addressed the central violations that caused it to be designated a Country of Particular Concern, and had instituted policies and practices to protect religious freedom. The Secretary removed Vietnam from the list in 2006 because it no longer fit the criteria of a severe violator of religious freedoms, as defined by the IRF Act.

- All prisoners of faith that were on our list in 2004 have been released. There have been only isolated cases of renunciation in the past year, almost all the places of worship that were shut down prior to 2004 have re-opened, new churches and religious denominations continue to be recognized, religious texts are now printed and distributed in several ethnic minority languages, and many thousands of believers are able to practice their faith without harassment.

- The Government of Vietnam promulgated a new legal framework that bans forced renunciation of faith and sets guidelines for legally registering and recognizing religious groups. The Government has been providing training courses in remote areas of the country to direct local leaders on the implementation of the new legislation.

- The training and implementation of the legal framework has been imperfect and we continue to work with the Vietnamese to address these issues and speed up the registration process in remote areas. However the majority of believers report that the religious freedom conditions in Vietnam are vastly improved and that they are able to practice their faith with little or no harassment.

Vietnam Religious Issues

Religious Freedom Continued Improvements

- **Nine religious groups received national recognition** in 2008 and early 2009, **triple the number that received recognition throughout 2007.**
  - The nine are: Bani Muslim Sect, Vietnam Seventh Day Adventist, Vietnam Baptist Church, Vietnam Baptist Society, Presbyterian Church of Vietnam, Vietnam Mennonite Church, Vietnam Baha'i Community and two Buddhist churches.

- The number of locally registered protestant congregations also increased. In Ho Chi Minh City there are now 130 registered congregations and by the end of 2008 there were 1, 175 in the Central Highlands and 126 in the Northern provinces.

- The Committee on Religious Affairs (CRA) continues to hold **training programs** for religious denominations and local authorities on registration procedures and proper implementation of the legal framework on religion.

- **The Government reportedly revised** a **2006 version of a national training manual** on the legal framework on religion that **disparaged Protestantism** and instructed officials to encourage recent Protestant converts to return to their traditional animistic beliefs. **The Department does not have the funds to translate the document in order to conduct a full review it to ensure problematic language is removed.**

- Protestant believers throughout the country continued to **report significant improvements in their situation**.

- The **Catholic Church reported** that their **ability to gather and worship improved** and **restrictions have eased on assignment of new clergy**. Government approved **the establishment of one additional Catholic seminary**. And **no longer restricts the number of students** who may enter seminary each year.

- Monsignor **Pietro Parolin**, the Holy See's **Undersecretary of State for Relations with States** lead a Holy See's delegation to Vietnam in late February 2009 to discuss **forming a working group to explore opening diplomatic relations**. This visit was the culmination of continued **reciprocal official visits** between the Vatican and the Government in recent years and has been partially attributed to recent improvements in religious freedom in the country. l
- In April 2008 provincial authorities and the Catholic Church **reached agreement** on **the return of La Vang church and pilgrimage center**, a significant Catholic pilgrimage site and one of three priority properties the Catholic Church has formally requested the Government return.

Vietnam Religious Issues

Continuing Religious Freedom Problems

- **Registrations are still moving slowly** in the **NW highlands**. Since 2006, over **1,000 ECVN congregations have applied** for registration and **only 126 applications have been accepted.**

- During the reporting period there were several reports of harassment, abuse, and in a few cases **forced renunciation** of faith against **unregistered** congregations.

- Restrictions remain on the UBCV, Khmer Krom Buddhists, and on numerous unregistered Hoa Hao, Cao Dai, and Protestant groups.

- There are still a number of property restitution issues outstanding:
  - **Throughout 2008 large demonstrations took place at the former Papal Nunciature in Hanoi demanding return of the property**. The Government and the Church have yet to resolve the dispute. The Nunciature was confiscated from the Church after 1975. Earlier the land housed a Buddhist temple that the French tore down to build the Catholic mission. Land issues are thus sensitive as one claim begets another.

  - In **March 2008** the Southern Evangelical Church of Vietnam (**SECV**) issued a **global "call to prayer"** alleging interference in ecclesiastical affairs and seeking restitution **for more than 250 confiscated properties.**

- The Government continued to **oppose efforts by the UBCV to operate** and continued to **restrict the movement of UBCV leaders**, including the Ven. Thich Quang Do.

U.S. Policy and Action

- At the May 2008 **U.S.-Vietnam Human Rights Dialogue A/S Kramer raised** the following religious freedom issues:
  1) **The need to expedite registrations for congregations in the Northwest Highlands,**
  2) **the need to expand training on religious laws for local officials,**
  3) **the importance of increasing accountability for officials who do not fairly implement those laws, and**
  4) **the need to address property restitution for religious groups.**

- **U.S. officials raised religious freedom concerns** with **the Prime Minister, Deputy Prime Minister, government cabinet ministers, Communist Party of Vietnam (CPV) leaders, senior provincial officials, and others.**

- **President Bush pressed Prime Minister Dung** on the importance of religious freedom during their **June 2008 meeting.**

STATEMENT OF THE HONORABLE ENI F.H. FALEOMAVAEGA BEFORE THE HOUSE COMMITTEEE ON FOREIGN AFFAIRS REGARDING THE ROYCE AMENDMENT WHICH CALLS FOR THE U.S. STATE DEPARTMENT TO LIST VIETNAM AS A "COUNTRY OF PARTICULAR CONCERN"

May 20, 2009

Mr. Chairman:

I move to strike the last word, and wish to include for the record a letter from Vietnam's Ambassador to the U.S. in opposition to the Royce amendment. I also wish to include the State Department's response to the amendment.

The Royce amendment calls for the State Department to list Vietnam as a "Country of Particular Concern" (CPC) with respect to religious freedom.

Vietnam was placed on "Country of Particular Concern" (CPC) list in 2004. In 2006, under the Bush Administration, the U.S. Department of State took Vietnam off of the CPC list because it "no longer fit the criteria of a severe violator under the International Religious Freedom (IRF) Act."

While I agree with Mr. Royce that problems remain in Vietnam, and while I am aware that the U.S. Commission on International Religious Freedom would like to see Vietnam put back on the list, the Commission on International Religious Freedom also recognizes positive developments, as does the U.S. Department of State. According to the State Department, Vietnam has addressed the central violations put forward in the Royce amendment, and has "instituted policies and practices to protect religious freedom."

According to State, "All prisoners of faith that were on our list in 2004 have been released. There have been only isolated cases of renunciation in the past year, almost all of the places of worship that were shut down prior to 2004 have re-opened, new churches and religious denominations continue to be recognized, religious texts are now printed and distributed in several ethnic minority languages, and many thousands of believers are able to practices their faith without harassment."

The reference Mr. Royce's amendment makes to the Catholic Church was a land dispute, not a religious dispute. In fact, according to Ambassador Phung, "the improvement of religious freedom was acknowledged by Vatican Undersecretary of State Monsignor Pietro Parolin, the Pope's Envoy, during his visit to Vietnam earlier this year."

Ambassador Phung also reports that since the Bush Administration's decision to take Vietnam off the CPC list, "in 2008 and early 2009, nine religious groups received national recognition, tripling the number that received recognition throughout 2007. The number of locally registered

Protestant congregations also increased. In Ho Chi Minh City, there are now 130 registered congregations and by the end of 2008 there were 1,175 in the Central Highlands and 126 in the Northern provinces."

Given Vietnam's progress and willingness to work with the United States on this issue that is important to all of us and also considering that the U.S. Department of State, as well as our U.S. Ambassador to Vietnam does not support Vietnam being placed back on the CPC list, I encourage my colleagues to extend a hand rather than a fist as I believe it is far better for "America to play its role in ushering in a new era of peace," as President Obama said, than for us to shun our neighbors and refuse to engage in the process of change. For these reasons, I urge a no vote on the Royce amendment.

STATEMENT OF THE HONORABLE ENI F.H. FALEOMAVAEGA REGARDING H.R. 2410, THE STATE DEPARTMENT REAUTHORIZTION ACT

May 20, 2009

Mr. Chairman:

I commend you for your leadership in offering H.R. 2410, the State Department Authorization bill, and I thank you for including a number of my provisions in the base text.

I am especially appreciative for the inclusion of my provision to rename the United States-South Pacific Scholarship Program (USSP) in honor of my mentor, the late Congressman Phillip Burton who was a voice for Pacific Island populations, and worked every day of his life to ensure social justice and human dignity for all people.

I also thank you for accepting my request to recognize Kazakhstan's commitment to nonproliferation and for offering to host a nuclear fuel bank.

My office also worked closely with you to establish a Central Asia Scholarship program for public policy internships, and to establish scholarships for indigenous peoples of Mexico and Central and South America.

I also appreciate your support of my efforts on behalf of Pacific Island States. Diabetes, a seriously debilitating disease, has reached epidemic proportions in the Pacific Islands States including the Cook Islands, Fiji, Kiribati, Marshall Islands, Micronesia, Nauru, Palau, Papua New Guinea, Samoa, Solomon Islands, Tonga, Tuvalu, and Vanuatu. While recognizing that simple, relatively low-cost means already exist to reduce the incidence of diabetes significantly through appropriate prevention and treatment programs, these programs have not as yet reached the Pacific Islands so as to effect a major reduction in the incidence of diabetes. In order to contribute to the improvement of health conditions, the authorization I requested will provide assistance for health services designed to prevent and treat diabetes in the Pacific Islands, and also for safe water and sanitation.

I also thank you for including language regarding West Papua. I believe it is necessary for the Secretary of State to report on the 1969 Act of 'Free' Choice, the current political status of West Papua, and the extent to which the Government of Indonesia has implemented and included the leadership and the people of West Papua in the development and administration of Special Autonomy. It is also necessary for the Administration to report to the appropriate Congressional committees the extent to which the Government of Indonesia has certified that it has halted human rights abuses in West Papua.

Again, I thank you for your support of these initiatives, and once more I commend you for your leadership in moving this legislation forward.

CONGRESSMAN MICHAEL E. MCMAHON
STATEMENT ON JERUSALEM WAIVER
COMMITTEE ON FOREIGN AFFAIRS MARKUP

Jerusalem Waiver:

Mr. Chairman, I whole-heartedly believe that the rightful capital of Israel is Jerusalem; however given the proposed cuts to embassy security in the International Affairs FY'10 budget, I do not believe that this is the appropriate time to remove the waiver.

The administration should not lose the option to keep the consulate in Tel Aviv until a time where the United States can be sure of the safety of its Foreign Service staff…

Thank you, Mr. Chairman

CONGRESSMAN MICHAEL E. MCMAHON
STATEMENT ON SEC. 333
COMMITTEE ON FOREIGN AFFAIRS MARKUP

MAY 20, 2009

Sec. 333: Same-sex partners' benefits:

Mr. Chairman, I think that it is important to note that our brave Foreign Service officers serve in some of the most dangerous places in the world and their loved ones' sacrifices should be recognized, despite identity or sexual orientation.

The United States needs the courage and professionalism of our Foreign Service, and the least we can do is to ensure that our country will reward these sacrifices.

We have a duty to protect our Foreign Service officers and their families, and disagreement with one's lifestyle does not validate leaving any citizen or government official or loved one stranded in what is most likely, an incredibly dismal situation.

CONGRESSMAN MICHAEL E. MCMAHON
STATEMENT ON CYPRUS AMENDMENT
COMMITTEE ON FOREIGN AFFAIRS MARKUP

MAY 20, 2009

Cyprus Amendment
Mr. Chairman, I would like to strike the last word.
Chairman Berman, I agree with Congressman Bilirakis. It is critical that the State Department and USAID work to foster the re-unification of Cyprus.

I strongly support the notion that a memorandum of understanding should be signed between the legitimate government of Cyprus and USAID, however I also understand that the foreign relations authorization act is not the appropriate vehicle in which to do this.

If this amendment were to be placed in this bill, it would essentially be worthless.

I look forward to working with the committee on addressing this issue in the foreign assistance act.

CONGRESSMAN MICHAEL E. MCMAHON
STATEMENT BEFORE THE
COMMITTEE ON FOREIGN AFFAIRS MARKUP

MAY 20, 2009

OPENING STATEMENT:

- Mr. Chairman, today's mark-up signifies a new way forward for not only this distinguished committee, but for our world.
- The mark-up of the Foreign Relations Authorization Act and the PEACE Act will lead the way forward in bolstering civilian institutions and reclaiming America's distinguished seat in the international arena.
- It is time to us to lead as a Congress as a partner with President Obama and Secretary Clinton and put foreign assistance on an equal footing with our military assistance.
- Chairman Berman recognizes that and I want to commend him on his yeoman's work in developing this legislation.
- This bill does that, it re-engages the United States with the world, starting with the United Nations Population Fund. An invaluable resource to helping women and children in the developing world.
- It does this by treating the domestic partner of an American foreign service office with the same equality and respect we would treat a spouse or family member.
- This bill signals a new day in giving the United States Department of State the tools it needs to meet the challenges in a very challenging world.
- In this spirit, I am particularly encouraged by the inclusion of two of my exchange program requests in the state department authorization designed to promote democracy and equality in Liberia and Sri Lanka.
- I am incredibly proud of the US-Liberia Women's Legislator Exchange, but the Sri Lankan minority group exchange for high school students comes at a critical time.
- The end of a brutal 26 year war has been announced in Sri Lanka, but there is still much to be done.
- The disproportionate standard of living amongst the various ethnic regions in Sri Lanka sets the stage for a resurgence of terrorism and must be curtailed responsibly.

- The over 30,000 displaced civilians currently housed in IDP camps need a political solution to the root causes of the conflict that have been ignored for decades.
- Through programs like this cultural minority exchange and an increase in tightly monitored assistance to the region for those that need it most, the United States can restore a broken trust that exists between Sri Lankan minority groups and the government.
- Mr. Chairman, I have included a provision in the foreign relations act which asks the Government of Sri Lanka to put forward a timely and credible proposal to engage its Tamil community who do not espouse violence or terrorism, and to develop power sharing arrangements so that lasting peace and reconciliation can be achieved.
- Accordingly, this provision also raises the issue of the restricted access of journalists and aid agencies into the IDP camps and urges for all parties to allow these parties unobstructed access to the region to prevent further suffering, and ultimately, future uprisings, as well.
- On the topic of the Peace Act, I commend the committee for pursuing new paths to avoid a catastrophe in Pakistan.
- This bill provides incentives, security and flexibility that have long been missing in the global community's strategy in both Pakistan and Afghanistan.
- I was touched by a story in yesterday's New York Times describing a Pakistani youth group known as "Responsible Citizens," taking matters into their own hands to keep their community in Lahore, Pakistan clean and orderly.
- The PEACE Act will give these future leaders of Pakistan the opportunity to avoid the strong extremist influence in the region and grow to become influential leaders in a stable Pakistan.
- I am glad that the United States is showing Pakistan that they will not leave an ally high and dry, yet the US will also not stand to be manipulated to continue writing blank checks to the Pakistani government.
- Mr. Chairman, I would like to once again express my strong support for these two bills and for the return to a combination of soft and hard power tools to restore the United States' image and place in the world.
- Thank you, I yield my time.

CONGRESSWOMAN SHEILA JACKSON LEE OF TEXAS
STATEMENT BEFORE THE
COMMITTEE ON FOREIGN AFFAIRS
MARKUP OF HR 2410, THE DEPARTMENT OF STATE REAUTHORIZATION

MAY 20, 2009

Let me first thank Chairman Berman his leadership in bringing this important legislation before the Committee. I am pleased to have worked very closely with Chairman Berman to ensure that my language was included in the text of the bill or in amendment language.

I have included provisions on statelessness that has now been included in the bill. These provisions found in section 235 address the issue of internally displaced persons in Iraq. My language ensures that these persons are able to return to their homelands. These provisions mirror the provisions that I have in my stand alone bill on stateless. I am pleased that this language has been included so that these populations can be assisted.

In addition, I have included Sense of Congress language that the United States should support efforts to find a stable and lasting peace in Sudan in the wake of devastating conflict that led to major humanitarian disaster in Darfur and through the Sudan. This conflict caused the deaths of hundreds of thousands. The language further provides that to achieve peace in Darfur, all parties must agree to uphold the Comprehensive Peace Agreement (CPA). Moreover, the language provides that the United States should support efforts to prepare for the national elections and for the referendum. It further provides that the United States should support efforts to develop international strategy to support the rebuilding of Sudan, with a particular focus on key CPA benchmarks including transitional justice, actions addressing the perpetrators of war crimes, policies towards, the return of displaced Darfuris and other people to their homeland, and management of the armed forces, and that U.S. policy toward Darfur should be fully integrated with U.S. policy toward the CPA as a full and lasting resolution to the Darfur crisis hinges on the resolution of a common set of national problems.

To understand the importance of my Sense of Congress language, it is important to address the history of Sudan. The crisis in Darfur began in February 2003, when two rebel groups emerged to challenge the National Congress Party (NCP) government in Darfu. The crisis in Darfus in western Sudan has led to a major humanitarian disaster, with an estimated 2.45 million people displaced, more than 240,000 people forced into neighboring Chad, and an estimated 450,000 people killed.

In July 2004, the House and Senate declared the atrocities in Darfur genocide and on May 4, 2006, the Government of National Unity and the Sudan Liberation Movement/Army signed the Darfur Peace Agreement after almost two years of negotiation. In July 2007, the U.N. Security Council passed Resolution 1769, authorizing the deployment of a robust peacekeeping force in Darfur. The resolution authorized the United Nations African Union force in Darfur to take all necessary measures to protect its personnel and humanitarian workers.

In July 2008, International Criminal Court (ICC) Chief Prosecutor Luis Moreno-Ocampo accused President Omar Bashir of Sudan of genocide, crimes against humanity, and war crimes and asked ICC judges to issue an arrest warrant for President Bashir. On March 4, 2009, the ICC

Pre-Trial Chamber issued a warrant of arrest for President Bashir. On March 4, 2009, the ICC Pre-Trial Chamber issued a warrant of arrest for President Bashir for war crimes and crimes against humanity.

It is important that against this backdrop that the U.S. reaffirm that genocide is still occurring in Darfur, displaced individuals should be resettled in their homeland, and the perpetrators of war crimes should be prosecuted.

This legislation is intended to shore up U.S. diplomacy and development efforts. Defense, diplomacy, and development are the three pillars of our national security. In recent years, diplomacy and development have been short-changed. Capacity must be rebuilt in these critical areas.

The legislation authorizes hiring 1500 additional Foreign Service Officers over the next two years and contains provisions on recruitment and training of officers to improve the Foreign Service's ability to respond to modern challenges. It requires the State Department to conduct a quadrennial review of its policies and programs that defines objectives, budget requirements and how these programs fit into the President's national security strategy.

Among other significant measures in the bill are provisions that:

- ensure that the United States will meet its financial commitments to the United Nations (U.N.) and other international organizations
- allow financing the refurbishment of helicopters for U.N. peacekeeping missions in Darfur, the Republic of Congo and Chad
- establish the Senator Paul Simon Study Abroad Foundation as a new executive branch corporation to expand dramatically the number and economic diversity of U.S. students studying overseas
- end the long-standing practice of excluding the committed partners of Foreign Service officers from the benefits routinely provided to the spouses and children of officers serving abroad
- support the Administration's plan to double the size of the Peace Corps, and authorize a plan to use short-term volunteers to respond to humanitarian and development needs worldwide
- broaden the Merida anti-drug trafficking initiative to include the Caribbean, and improve monitoring and evaluation of Merida programs
- and increase resources and training for enforcement of intellectual property rights, especially in countries identified by the U.S. government as lax in enforcing those rights.

I would ask that my colleagues support this bill. I yield back the balance of my time.

CONGRESSWOMAN SHEILA JACKSON LEE,

OF TEXAS

STATEMENT ON H.R. 1886, PAKISTAN ENDURING ASSISTANCE AND COOPERATION ENHANCEMENT ACT OF 2009

May 20, 2009

Thank you, Mr. Chairman for hosting today's very important markup. At today's markup, members of the Foreign Affairs Committee will consider H.R. 1886, Pakistan Enduring Assistance and Cooperation Enhancement Act of 2009.

This legislation establishes a new, more positive framework for U.S.-Pakistan relations. The legislation establishes a set of principles that should govern the U.S.-Pakistan relationship, including the actions that the two countries should take to maintain a robust, relevant and lasting relationship. The bill is comprised of three titles. The first Title provides Economic, Social and Democratic Development Assistance for Pakistan; the second Title provides Security Assistance for Pakistan; and the third Title requires the President to develop a regional security strategy; provides for enhanced monitoring, evaluation, and auditing of U.S. assistance; requires a Presidential report on Pakistan, including an evaluation on Pakistan's progress in counterterrorism and an assessment of whether assistance provided to Pakistan is in any way facilitating the expansion of Pakistan's nuclear weapons program; and requires that all assistance to Pakistan be provided through a civilian government in Pakistan established by free and fair elections.

AMENDMENT LANGUAGE

I have worked tirelessly with Chairman Berman to include several key provisions in this important legislation. I worked very closely with the Chairman to include my language in his Manager's Amendment. First, I am pleased that the Chairman has included language on page 5 of the legislation which states that the United States recognizes the recent major efforts that Pakistan has taken in the SWAT area. Second, the manager's amendment includes language on page 40 in section 206 which states that any limitations on the dispensation of military funds to Pakistan should be modified or reconsidered if Pakistan has made rapid compliance with the objectives contained in the section (i.e., those objectives that lead to cooperation with the United States). Lastly, the Manager's Amendment includes important language on page 19 that funding for education must be used for the education of school girls between the ages of 10-20 and that the money should be used to make sure that these girls stay in school.

I would urge that my colleagues support the Manager's Amendment. I believe that it contains language that would be of benefit to the Pakistani people. In the future, I would like to see additional language included in the bill that addresses the issue of displaced persons and that attempts to repatriate those people in their homeland.

CODELS to PAKISTAN

I have been to Pakistan many times. My belief in this country and its relationship with the United States drove me to co-chair the Pakistan Caucus. This year alone, I have participated in two Congressional Delegation Trips to Pakistan, and I am very passionate about diplomatically relations between our two countries.

Benazir Bhutto, shortly before her death said that "The next few months are critical to Pakistan's future direction as a democratic state committed to promoting peace, fighting terrorism and working for social justice. Democracy is necessary to peace and to undermining the forces of terrorism." I had the pleasure of knowing the late Benazir Bhutto and losing her death was truly a tragedy felt beyond Pakistan. She made this statement over two years ago, yet is relevant today more than ever.

PAKISTAN

As much as we must focus on the internal conflicts in Pakistan, we must not forget the external issues affecting the region as a whole and the need for stabilization.

Over the years, U.S. assistance to Pakistan has fluctuated with political events, sending mixed messages and leading most Pakistanis to question both our intentions and our staying power. Today, many Pakistanis believe the United States will cut and run when it serves our purpose, a belief which undermines our long-term efforts to defeat extremists, foster democratic change, and support transparent and accountable institutions that promote security and stability in Pakistan.

However, the *status quo* is not working: many in the United States believe we are paying too much and getting too little—and most Pakistanis believe exactly the opposite. Without changing this baseline, there is little likelihood of drying up popular tolerance for anti-U.S. terrorist groups or persuading Pakistani leaders to devote the political capital necessary to deny such groups sanctuary and covert material support.

CONGRESSWOMAN SHEILA JACKSON LEE,

OF TEXAS

STATEMENT ON H.R. 1886, PAKISTAN ENDURING ASSISTANCE AND COOPERATION ENHANCEMENT ACT OF 2009

May 20, 2009

Concerning this bill, consider making an amendment at Rules that deals with displaced persons in Pakistan.

More than a million peace loving people of Swat, Malakand, Buner and Dir have chosen the way to sacrifice the lives of their beloved family members, their homes and belongings, and the assets built over generations, for the sake of Peace and Security of Pakistan and its implications for the whole world. A recent UN report indicates this Internal Displacement of well over one million souls as the biggest in the past fifteen years

Besides older people (mostly traumatized) the IDPs include over half a million children and infants who are not even aware of the complexities of the crises.... What lies ahead of them and for how long... no one can predict at this stage. They need your support.... It is not only the food, shelter and health care .... They need a lot more.... They need your moral support initially and then as practical supporters to get them back to normal life as quickly as possible, even they are away from heir homes for an indefinite period awaiting rehabilitation.

And then there is YOUTH ....especially male, the most vulnerable lot under such environment of unrest, misery and despondency and above all without amenities of life....at this juncture they are just like aimless missiles, we have to guide them and keep them OCCUPIED with constructive devices: like functional literacy, life based skills, food-for-work, marketable skills training, recreation and above all sensitization for tolerance and conflict resolution... and that too well in time before they are charged into any destructive mode. So we all have a responsibility to share!

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