CONFLICT MINERALS TRADE ACT; INTERNATIONAL MEGAN'S LAW OF 2010; EXTENDING IMMUNITIES TO THE OFFICE OF THE HIGH REPRESENTATIVE AND THE INTERNATIONAL CIVILIAN OFFICE IN KOSOVO ACT OF 2010; LORD'S RESISTANCE ARMY DISARMAMENT AND NORTHERN UGANDA RECOVERY ACT OF 2009; AND GLOBAL SCIENCE PROGRAM FOR SECURITY, COMPETITIVENESS, AND DIPLOMACY ACT OF 2010

MARKUP
BEFORE THE
COMMITTEE ON FOREIGN AFFAIRS
HOUSE OF REPRESENTATIVES
ONE HUNDRED ELEVENTH CONGRESS
SECOND SESSION
ON
H.R. 4128, H.R. 5138, H.R. 5139, S. 1067
and H.R. 4801
APRIL 28, 2010
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WEDNESDAY, APRIL 28, 2010

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

The committee met, pursuant to notice, at 10:22 a.m. in room 2172, Rayburn House Office Building, Hon. Howard L. Berman (chairman of the committee) presiding.

Chairman Berman. The committee shall come to order. I think a quorum is present. Today we have five bills listed on the agenda. I understand that the committee has a consensus on four of the bills, and the Minority has requested we move en bloc.

The fifth bill, H.R. 4801, has pending amendments. I will just call up the four bills all at once and then call up H.R. 4801 separately.

Pursuant to notice, I ask unanimous consent to call up en bloc H.R. 4128, the Conflict Minerals Trade Act; H.R. 5138, the International Megan’s Law of 2010; H.R. 5139, Extending Immunities to the Office of the High Representative and the International Civilian Office in Kosovo Act of 2010; and S. 1067, the Lord’s Resistance Army Disarmament and Northern Uganda Recovery Act of 2009.

[The information referred to follows:]
111th CONGRESS
1st Session
H. R. 4128

To improve transparency and reduce trade in conflict minerals, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

November 19, 2009

Mr. McDermott (for himself, Mr. Wolf, Mr. Frank of Massachusetts, and Mr. Payne) introduced the following bill; which was referred to the Committee on Foreign Affairs, and in addition to the Committees on Ways and Means and Armed Services, 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.

A BILL

To improve transparency and reduce trade in conflict minerals, and for other purposes.

1 Be it enacted by the Senate and House of Representa-
2 tives of the United States of America in Congress assembled,
3 SECTION 1. SHORT TITLE.
4 This Act may be cited as the “Conflict Minerals
5 Trade Act”.
6 SEC. 2. FINDINGS.
7 Congress finds the following:
(1) The Democratic Republic of the Congo was devastated by a civil war in 1996 and 1997 and a war that began in 1998 and ended in 2003, which resulted in widespread human rights violations and the intervention of multiple armed forces and armed non-state actors from other countries in the region.

(2) Despite the signing of a peace agreement and subsequent withdrawal of foreign forces in 2003, the eastern region of the Democratic Republic of the Congo has continued to suffer from high levels of poverty, insecurity, and a culture of impunity, in which armed groups and military forces continue to commit widespread human rights abuses.

(3) According to a study by the International Rescue Committee released in January 2008, conflict and related humanitarian crisis in the Democratic Republic of the Congo have resulted in the deaths of an estimated 5,400,000 people since 1998 and continue to cause as many as 45,000 deaths each month.

(4) Sexual violence and rape remain pervasive tools of combat used by all parties in eastern region of the Democratic Republic of the Congo to terrorize and destroy communities. Sexual violence and rape affect hundreds of thousands of women and girls,
frequently resulting in traumatic fistula, other severe genital injuries, and long-term psychological trauma.

(5) The use of child soldiers on the front lines, as bonded labor, and as sex slaves is a widespread phenomenon among armed groups in the region.

(6) A report released by the Government Accountability Office in December 2007 describes how the mismanagement and illicit trade of extractive resources from the Democratic Republic of the Congo supports conflict between militias and armed domestic factions in neighboring countries.

(7) In its final report, released on December 12, 2008, the United Nations Group of Experts on the Democratic Republic of the Congo found armed groups in the eastern region of the Democratic Republic of the Congo continue to fight over, illegally plunder, and profit greatly from the trade of columbite-tantalite (coltan), cassiterite, wolframite, and gold in the eastern Congo.


(A) broadens existing sanctions relating to the Democratic Republic of the Congo to include “individuals or entities supporting the
armed groups . . . through illicit trade of natural resources,”; and

(B) encourages member countries to ensure that companies handling minerals from the Democratic Republic of the Congo exercise due diligence on their suppliers, including—

(i) determining the precise identity of the deposits from which the minerals they intend to purchase have been mined;

(ii) establishing whether or not these deposits are controlled or taxed by armed groups; and

(iii) refusing to buy minerals known to originate, or suspected to originate, from deposits controlled or taxed by armed groups.

(9) The illicit trade by armed groups and militias in eastern Congo in columbite-tantalite (coltan), cassiterite, wolframite, and gold continues to flourish, fuels war, robs the people of Congo of a valuable and legitimate resource, and undermines the peaceful evolution of the Government of the Democratic Republic of the Congo.

(10) Mineral derivatives from the Democratic Republic of the Congo are used in industrial and
technology products worldwide, including mobile tele-
phones, laptop computers, and digital video record-
ers.

(11) In February 2009, the Electronic Industry
Citizenship Coalition and the Global e-Sustainability
Initiative released a statement asserting that—

(A) use by the information communications
technology industry of mined commodities that
support conflict in such countries as the Demo-
cratic Republic of the Congo is unacceptable;

and

(B) consumer electronics companies can
and should uphold responsible practices in their
operations and work with suppliers to meet so-
cial and environmental standards with respect
to the raw materials used in the manufacture of
their products.

(12) Companies that create and sell products
that include columbite-tantalite (coltan), cassiterite,
wolframite, and their derivatives, and gold have the
ability to influence the situation in the Democratic
Republic of the Congo by—

(A) exercising due diligence over their
manufacturing processes, ensuring they and
their suppliers use raw materials in a manner that does not—

(i) directly finance armed conflict;

(ii) result in labor or human rights violations; or

(iii) damage the environment;

(B) verifying the country and mine from which the minerals used to build their products originate; and

(C) committing to support mineral exporters from the Democratic Republic of the Congo that certify that their minerals do not—

(i) directly finance armed conflict;

(ii) result in labor or human rights violations; or

(iii) damage the environment.

(13) There are ample sources of columbite-tantalite (coltan), cassiterite, and wolframite in non-conflict areas of the Congo and worldwide; processing columbite-tantalite, cassiterite, and wolframite for commercial use requires sophisticated technology; there are a limited number of processing facilities worldwide for columbite-tantalite, cassiterite, wolframite, and their derivatives; and determining the sources of columbite-tantalite, cassiterite,
wolframite, and their derivatives used by processing
facilities has already been successfully done at low
cost.

(14) Article XX of the General Agreement on
Tariffs and Trade provides that nothing in such
Agreement shall be construed to prevent the adop-
tion or enforcement by any contracting party of
measures necessary to protect public morals. As
such, the United States has the right to restrict the
importation of goods that are harmful to the life and
health of miners and others in the Democratic Re-
public of the Congo, including the importation of co-
lumbite-tantalite (coltan), cassiterite, wolframite, or
their derivatives.

SEC. 3. STATEMENT OF POLICY.

It is the policy of the United States, as affirmed by
the Democratic Republic of the Congo Relief, Security,
and Democracy Promotion Act of 2006 (Public Law 109–
456; 22 U.S.C. 2151 note) and consistent with United Na-
tions Security Council Resolution 1857 (2008), to promote
peace and security in the eastern Democratic Republic of
the Congo by supporting efforts of the Government of the
Democratic Republic of the Congo, other governments in
the Great Lakes Region of Africa, and the international
community to—
(1) monitor and stop commercial activities involving the natural resources of the Democratic Republic of the Congo that contribute to the activities of armed groups and human rights violations in the Democratic Republic of the Congo; and

(2) develop stronger governance and economic institutions that can facilitate and improve transparency in the cross-border trade involving the natural resources of the Democratic Republic of the Congo in order to reduce exploitation by armed groups and promote local and regional development.

SEC. 4. INVESTIGATION, REPORTS, AND STRATEGY REGARDING CONFLICT MINERALS AND HUMAN RIGHTS ABUSES IN THE DEMOCRATIC REPUBLIC OF THE CONGO.

(a) Congo Conflict Mineral-Rich Zones Map, and Armed Groups.—

(1) in general.—Not later than 120 days after the date of the enactment of this Act, the Secretary of State, in consultation with the Secretary of Defense, shall, in accordance with the recommendation of the United Nations Group of Experts on the Democratic Republic of the Congo in their December 2008 report, work with other member states of the
United Nations and local and international non-
governmental organizations to—

(A) produce a map of mineral-rich zones
and areas under the control of armed groups in
the Democratic Republic of the Congo;

(B) make such map available to the public;

and

(C) provide to the appropriate congressional committees, in classified form if neces-
sary, an explanatory note describing in gen-
eral terms the sources of information from
which such map is based, the definition of the
term “control of armed groups” utilized (for ex-
ample, physical control of mines or forced labor
of civilians, control of trade routes, and tax-
ation or extortion of goods in transit), and the
identification, where possible, of the armed
groups or other forces in control of the mines
depicted.

(2) DESIGNATION.—The map required under
this subsection shall be known as the “Congo Con-

flict Minerals Map”, and mines located in areas
under the control of armed groups in the Democratic
Republic of the Congo, as depicted on such Congo
Conflict Minerals Map, shall be known as “conflict zone mines”.

(3) UPDATES.—The Secretary of Defense, in consultation with the Secretary of State, shall update the map required under paragraph (1) not less frequently than once every 180 days until the Secretary of Defense certifies to Congress that no armed group that is a party to any ongoing armed conflict in the Democratic Republic of the Congo or any other country is involved in the mining, sale, or export of conflict minerals or gold, or the control thereof, or derives any benefits from such activities.

(4) PUBLICATION IN FEDERAL REGISTER.—The Secretary of State may add minerals to the list of conflict minerals. The Secretary shall publish in the Federal Register notice of intent to declare a mineral as a conflict mineral not later than one year before such declaration.

(b) GUIDANCE FOR COMMERCIAL ENTITIES.—

(1) IN GENERAL.—The Secretary of State and the Secretary of Commerce shall work with other member states of the United Nations, local and international nongovernmental organizations, and other interested parties to provide guidance to commercial entities seeking to exercise due diligence, in—
cluding documentation on the origin and chain of
custody for their products, on their suppliers to en-
sure that conflict minerals used in their products do
not—

(A) directly finance armed conflict;

(B) result in labor or human rights viola-
tions; or

(C) damage the environment.

(2) COOPERATION.—The Secretary of State and
the Secretary of Commerce shall work with commer-
cial entities and other interested parties to identify
best practices and opportunities to improve trans-
parency of the supply chains of such commercial en-
tities engaged in commerce or trade with products
that contain one or more derivatives of conflict min-
erals.

(e) STRATEGY.—

(1) IN GENERAL.—Not later than 180 days
after the date of the enactment of this Act, the Sec-
retary of State shall, working with the Administrator
of the United States Agency for International Devel-
opment, submit to the appropriate congressional
committees a strategy to address the linkages that
exist between human rights abuses, armed groups,
and the mining of conflict minerals.
(2) CONTENTS.—The strategy required by paragraph (1) shall include the following:

(A) A plan to assist governments plagued by conflict establishing and effectively implementing the necessary frameworks and institutions to formalize and improve transparency in the trade of conflict minerals.

(B) An outline of assistance currently being provided to the Democratic Republic of the Congo and an assessment of future assistance that could be provided by the Government of the United States to help the Democratic Republic of the Congo to strengthen the management and export of natural resources.

(C) A description of punitive measures that could be taken against individuals or entities whose commercial activities are supporting armed groups and human rights violations in the Democratic Republic of the Congo.

(d) ANNUAL HUMAN RIGHTS REPORTS.—In preparing those portions of the annual Country Reports on Human Rights Practices under sections 116(d) and 502B(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151n(d) and 2304(b)) relating to the Democratic Republic of the Congo or countries that share a border with the
Democratic Republic of the Congo, the Secretary of State shall ensure that such reports include a description of any instances or patterns of practice that indicate that the extraction and cross-border trade in conflict minerals has negatively affected human rights conditions or supported specific human rights violations, sexual or gender-based violence, or labor abuses in the eastern region of the Democratic Republic of the Congo, during the period covered by each such report.

(e) ANNUAL ORGANIZATION FOR ECONOMIC CO-OPERATION AND DEVELOPMENT INVESTMENT COMMITTEE REPORT.—In preparing the United States’ annual report to the Organization for Economic Co-operation and Development Investment Committee, the Secretary of State shall include a description of efforts by the United States to ensure, consistent with the Organization for Economic Co-operation and Development Guidelines for Multinational Enterprises, that enterprises under United States jurisdiction are exercising due diligence to ensure that their purchases of minerals or metals are not originating from mines and trading routes that are used to finance or benefit armed groups in the Democratic Republic of the Congo.

(f) SUPPORT OF MANDATE OF UNITED NATIONS GROUP OF EXPERTS ON THE DEMOCRATIC REPUBLIC OF
THE CONGO.—The President, acting through the Secretary of State, the United States Permanent Representative to the United Nations, and other appropriate United States Government officials, shall use the voice and vote of the United States at the United Nations Security Council to renew the mandate and strengthen the capacity of the United Nations Group of Experts on the Democratic Republic of the Congo to investigate links between natural resources and the financing of armed groups, and ensure that the Group of Experts’ recommendations are given serious consideration.

(g) Authorization of Appropriations.—There are authorized to be appropriated to the Secretary of State for fiscal year 2010 and each subsequent fiscal year for which the Secretary certifies to the appropriate congressional committees that a state of war is expected to continue to exist in the Democratic Republic of the Congo such sums as may be necessary to carry out this section.

SEC. 5. SENSE OF CONGRESS ON ASSISTANCE FOR AFFECTED COMMUNITIES AND SUSTAINABLE LIVELIHOODS.

(a) Sense of Congress on Assistance for Affected Communities.—It is the sense of Congress that the Administrator of the United States Agency for International Development should expand and better coordinate
programs to assist and empower communities in the eastern Democratic Republic of the Congo whose livelihoods depend on the mineral trade, particularly—

(1) communities affected by sexual and gender-based violence;

(2) communities affected by use of child soldiers and forced child servitude; and

(3) individuals displaced and communities affected by violence.

(b) Sense of Congress on Future Year Funding.—It is the sense of Congress that the Secretary of State and the Administrator of the United States Agency for International Development should work with 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 to increase assistance beginning in fiscal year 2010 for communities affected by violence in the Democratic Republic of the Congo, specifically to—

(1) provide medical treatment, psychological support, and rehabilitation assistance for survivors of sexual and gender-based violence;

(2) provide humanitarian relief and basic services to people displaced by violence;
(3) improve living conditions and livelihood prospects for artisanal miners and mine workers; and

(4) alleviate poverty by reconstructing infrastructure and revitalizing agricultural production.

(c) SENSE OF CONGRESS ON COORDINATION OF ASSISTANCE.—It is the sense of Congress that the United States should work with other countries, on a bilateral and multilateral basis to—

(1) increase protection and services for communities in the eastern Democratic Republic of the Congo at risk of human rights violations associated with the mineral trade, particularly women and girls;

(2) strengthen the management and trade of natural resources in the Democratic Republic of the Congo; and

(3) improve the conditions and livelihood prospects of artisanal miners and mine workers.

SEC. 6. IDENTIFICATION OF COMMERCIAL GOODS CONTAINING CONFLICT MINERALS.

(a) List of Goods Containing Conflict Minerals.—Not later than 180 days after the date of the enactment of this Act and annually thereafter, the Secretary of Commerce, in cooperation with the Secretary of State, the International Trade Commission, and the Com-
missioner responsible for U.S. Customs and Border Protection, shall determine and publish in the Federal Register a list of those articles specified in the Harmonized Tariff Schedule of the United States that should be identified as likely containing conflict minerals. Such list shall be referred to as the “Potential Conflict Goods List”.

(b) Creating List of Approved Auditors.—

(1) In general.—Not later than one year after the date of the enactment of this Act and annually thereafter, the Secretary of Commerce, in cooperation with the Secretary of State, the International Trade Commission, and in consultation with nongovernmental organizations and manufacturing industry representatives, shall determine and publish in the Federal Register a list which contains a sufficient number of approved private sector auditing services qualified to audit the processing facilities worldwide of conflict minerals.

(2) Update.—The Secretary of Commerce shall update the list required under paragraph (1) not less than once every 12 months and publish in the Federal Register the updated list. The Secretary of State shall work with and encourage relevant foreign governments to issue visas for auditors who are United States citizens for purposes of travel relating
to auditing of processing facilities described in paragraph (1).

(e) REGULAR AUDITING OF FACILITIES FOR USE OF CONFLICT MINERALS.—

(1) IN GENERAL.—The Secretary of Commerce shall seek to ensure that facilities that process conflict minerals and whose resulting materials are used in products shipped into the United States subject themselves to random audits not less than every four months by private sector auditing services approved by the Secretary pursuant to subsection (b) to certify each such processing facility as either “conflict mineral free” or a “conflict mineral facility”. A processing facility certified as a “conflict mineral facility” is a facility that processes one or more conflict minerals. A processing facility certified as “conflict mineral free” is a facility that has not processed conflict minerals in the previous 4 months or since the previous audit.

(2) AUDIT REPORTS.—

(A) IN GENERAL.—The Secretary of Commerce shall seek to ensure that private sector auditing services approved by the Secretary pursuant to subsection (b) submit to the Secretary reports on the audits conducted by such
services for those facilities that are audited pursuant to paragraph (1).

(B) CONTENTS.—The reports referred to in subparagraph (A) shall contain the following:

(i) The name and location of the processing facility audited.

(ii) The relevant minerals being processed at the facility.

(iii) The date of the audit and the period covered by the audit.

(iv) The date of notification of an impending audit.

(v) The country of origin of minerals purchased and processed, including local areas or specific mines of origin in the Democratic Republic of the Congo from which minerals were sourced.

(vi) A determination as to whether there were any minerals processed for which there is not a credibly documented and verifiable chain of custody.

(vii) A declaration of the facility as one that is a “Conflict Mineral Facility” or is “Conflict Mineral Free” for the period covered by each such report.
(3) Publication in Federal Register.—The Secretary of Commerce shall publish in the Federal Register the reports of private sector auditing services pursuant to paragraph (2) for those facilities that are audited pursuant to paragraph (1), including—

(A) whether any such facility has been certified as “conflict mineral free” or a “conflict mineral facility”; and

(B) if such service determines that the facility is a “conflict mineral facility”, the mine or local area of origin of the conflict minerals likely to have financed conflict in the Democratic Republic of the Congo.

(4) Additional Audits.—Processing facilities worldwide of conflict minerals may request additional audits from private sector auditing services approved by the Secretary pursuant to subsection (b). Any such additional audits shall be non-binding and may remain private.

(d) Auditing Protocol and Contents.—

(1) In general.—The Secretary of Commerce shall seek to ensure that, in carrying out audits in accordance with subsection (c) by private sector auditing services approved by the Secretary pursuant
to subsection (b), such services follow an audit protocol that includes the following:

(A) Determination of the mines of origin of processed materials.

(B) Verification of the chain of custody of minerals obtained and processed during the preceding four months, to verify whether revenues from possession, sale, or taxation of conflict minerals are flowing to parties financing conflict in the Democratic Republic of the Congo.

(C) Investigation of mineral sourcing and chain of custody in the Democratic Republic of the Congo and other countries, as necessary, to verify the information provided by suppliers.

(2) TIMING OF AUDITS.—Audits shall be randomly timed, but not without notice, in recognition of the rights of processing facilities worldwide and the sovereignty of the country in which they are located of conflict minerals.

SEC. 7. REQUIREMENTS RELATING TO IMPORTATION OF ARTICLES CONTAINING CONFLICT MINERALS.

(a) DECLARATION OF CERTAIN ARTICLES.—

(1) IN GENERAL.—Beginning on the date that is one year after the date of publication in the Fed-
eral Register of the initial list of approved private sector auditing services under section 6(b)(1) or two years after the date of the enactment of this Act, whichever occurs later, importers that import articles specified in the Harmonized Tariff Schedule of the United States that are identified pursuant to section 6(a) as included on the Potential Conflict Goods List shall certify on the importer’s Customs declaration that such articles “contain conflict minerals” or are “conflict mineral free” in accordance with section 6(c). Articles that contain components using conflict minerals from a facility audited and certified by an auditor on the list referred to in subsection 6(b) as—

(A) “conflict mineral free” shall be designated as “conflict mineral free”; and

(B) a “conflict mineral facility” shall be designated as “contains conflict minerals”.

(2) SPECIAL RULES.—For the purposes of this Act—

(A) recycled derivatives of conflict minerals shall be considered “conflict mineral free”; and

(B) articles that contain only components sourced from processing facilities that are “con-
conflict mineral free” may be labeled “conflict mineral free”.

(b) PROHIBITION ON IMPORTATION OF CERTAIN ARTICLES.—Unrefined conflict minerals, not including their derivatives from a conflict zone mine that is in raw or unrefined form for any commercial purpose may not be imported into the United States. Beginning on the date that is two years after the date of the enactment of this Act, articles made wholly or in part with components containing conflict minerals from facilities that have not been audited in accordance with section 6(c) may not be imported into the United States.

(c) EXEMPTION.—The President may exempt articles from inclusion on Potential Conflict Goods List and publish notice to this effect in the Federal Register, if the President—

(1) determines that such an exemption is in the national security interest of the United States and includes the reasons therefor; and

(2) establishes a date, not later than two years after the initial publication of such exemption, on which such exemption shall expire.
SEC. 8. REPORT BY UNITED STATES TRADE REPRESENTATIVE.

(a) In general.—Not later than 180 days after the implementation of the requirements of sections 6 and 7 and every 180 days thereafter, the United States Trade Representative, in consultation with the Commissioner responsible for U.S. Customs and Border Protection, shall publish in the Federal Register a list of those importers that have imported into the United States articles that “contain conflict minerals” in the preceding 180-day period.

(b) Matters to be included.—Each report required under subsection (a) shall, with respect to each importer identified under subsection (a), include the following information irrespective of whether any party to the importation has requested confidentiality: the carrier code, vessel country code, vessel name, voyage number, district/port of unlading, estimated arrival date, bill of lading number, foreign port of lading, manifest quantity, manifest units, weight, weight unit, shipper name, shipper address, consignee name, consignee address, notify party name, notify party address, piece count, description of goods, brand, manufacturing company, container number, and seal number.
SEC. 9. PENALTIES.

(a) Penalties Relating to Conflict Minerals.—If any person, by fraud, gross negligence, or negligence, enters, introduces, or attempts to enter or introduce any good that contains one or more conflict minerals (as such term is defined in section 11) into the territory of the United States by means of inaccurate information with respect to the imported good, such person shall be subject to penalties pursuant to section 592 of the Tariff Act of 1930 (19 U.S.C. 1592).

(b) Publication in the Federal Register.—The Commissioner responsible for U.S. Customs and Border Protection and the Secretary of Commerce shall publish in the Federal Register in a timely manner a list of all penalties imposed under subsection (a).

SEC. 10. REPORTS BY GOVERNMENT ACCOUNTABILITY OFFICE.

(a) Initial Report.—Not later than 36 months after the date of the enactment of this Act and annually thereafter, the Comptroller General of the United States shall submit to Congress a report that includes the following:

(1) An assessment of the accuracy of the approved private sector auditing services under section 6.
(2) Recommendations for such auditing services to—

(A) improve the accuracy of such auditing services; and

(B) establish standards of best practices.

(b) FOLLOW-UP REPORTS.—Not later than 36 months after the date of the enactment of this Act and annually thereafter, the Comptroller General of the United States shall submit to Congress a report that includes the following:

(1) An assessment of the effectiveness of the provisions of this Act.

(2) A description of the problems, if any, encountered by the Department of Commerce, the Department of State, the Office of the United States Trade Representative, U.S. Customs and Border Protection, and the Administrator of the United States Agency for International Development in carrying out the provisions of this Act.

(3) A description of the adverse impacts of carrying out the provisions of this Act, if any, on countries with columbite-tantalite (coltan), cassiterite, wolframite, or their derivatives, and in particular, communities in the eastern Democratic Republic of the Congo.
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(4) Recommendations for legislative or regulatory actions that can be taken to—

(A) improve the effectiveness of the provisions of this Act to promote peace and security in accordance with section 3;

(B) resolve the problems described in paragraph (2), if any; and

(C) mitigate the adverse impacts described in paragraph (3), if any.

10 SEC. 11. DEFINITIONS.

In this Act:

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

(A) the Committee on Appropriations, the Committee on Foreign Affairs, the Committee on Ways and Means, and the Committee on Financial Services of the House of Representatives; and

(B) the Committee on Appropriations, the Committee on Foreign Relations, the Committee on Finance, and the Committee on Banking, Housing, and Urban Affairs of the Senate.
(2) ARMED GROUP.—The term "armed group" means armed groups identified as perpetrators of serious human rights abuses in the annual Country Reports on Human Rights Practices under sections 116(d) and 502B(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151n(d) and 2304(b)) relating to the Democratic Republic of the Congo or countries that share a border with the Democratic Republic of the Congo.

(3) CONFLICT MINERALS.—The term "conflict minerals" means columbite-tantalite (coltan), cassiterite, wolframite, or their derivatives, or any other mineral determined by the Secretary of State to be financing conflict in the Democratic Republic of the Congo.

(4) UNITED STATES.—The term "United States" means the customs territory of the United States, as defined in general note 2 of the Harmonized Tariff Schedule of the United States.

SEC. 12. SUNSET.

This Act shall expire on the date on which the President determines and certifies to the appropriate congressional committees, but in no case earlier than the date that is one day after end of the 2-year period beginning on the date of the enactment of this Act, that—
(1) no armed group is a party to any ongoing armed conflict in the Democratic Republic of the Congo and is involved in the mining, sale, or export of one or more conflict minerals; or

(2) a regional framework has been established and effectively implemented to monitor and regulate trade and commerce in conflict minerals so that such activities do not benefit armed groups in the Democratic Republic of the Congo.
111TH CONGRESS 2d Session

H.R. 5138

To protect children from sexual exploitation by mandating reporting requirements for convicted sex traffickers and other registered sex offenders against minors intending to engage in international travel, providing advance notice of intended travel by high interest registered sex offenders outside the United States to the government of the country of destination, requesting foreign governments to notify the United States when a known child sex offender is seeking to enter the United States, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. SMITH of New Jersey (for himself, Mr. PAYNE, and [see ATTACHED LIST of cosponsors]) introduced the following bill; which was referred to the Committee on

A BILL

To protect children from sexual exploitation by mandating reporting requirements for convicted sex traffickers and other registered sex offenders against minors intending to engage in international travel, providing advance notice of intended travel by high interest registered sex offenders outside the United States to the government of the country of destination, requesting foreign governments to notify the United States when a known child
sex offender is seeking to enter the United States, and for other purposes.

Be it enacted by the Senate and House of Represen-
tatives 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 “International Megan’s Law of 2010”.

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

Sec. 1. Short title and table of contents.
Sec. 2. Findings and declaration of purposes.
Sec. 3. Definitions.
Sec. 4. Sex offender travel reporting requirement.
Sec. 5. Foreign registration requirement for sex offenders.
Sec. 6. International Sex Offender Travel Center.
Sec. 7. Center Sex Offender Travel Guidelines.
Sec. 8. Authority to restrict passports.
Sec. 9. Immunity for good faith conduct.
Sec. 10. Sense of Congress provisions.
Sec. 11. Enhancing the minimum standards for the elimination of trafficking.
Sec. 12. Special report on international mechanisms related to traveling child sex offenders.
Sec. 13. Assistance to foreign countries to meet minimum standards for the elimination of trafficking.
Sec. 14. Congressional reports.
Sec. 15. Authorization of appropriations.

SEC. 2. FINDINGS AND DECLARATION OF PURPOSES.

(a) FINDINGS.—Congress finds the following:

(1) Megan Nicole Kanka, who was 7 years old, was abducted, sexually assaulted, and murdered in 1994, in the State of New Jersey by a violent predator living across the street from her home. Unbeknownst to Megan Kanka and her family, he had
been convicted previously of a sex offense against a child.

(2) In 1996, Congress adopted Megan’s Law (Public Law 104–145) as a means to encourage States to protect children by identifying the whereabouts of sex offenders and providing the means to monitor their activities.

(3) The sexual exploitation of minors is a global phenomenon. The International Labour Organization estimates that 1.8 million children worldwide are exploited each year through prostitution and pornography.

(4) According to End Child Prostitution, Child Pornography and Trafficking in Children for Sexual Purposes (ECPAT International), all children are adversely affected by being commercially sexually exploited. Commercial sexual exploitation can result in serious, lifelong, even life-threatening consequences for the physical, psychological, spiritual, emotional and social development and well-being of a child.

(5) ECPAT International reports that children who are commercially sexually exploited are at great risk of contracting HIV or AIDS and are unlikely to receive adequate medical care. These children are also at great risk of further physical violence—those
who make an attempt to escape or counter their abuse may be severely injured or killed. The psychological effects of child sexual exploitation and threats usually plague the victims for the rest of their lives.

(6) ECPAT International further reports that children who have been exploited typically report feelings of shame, guilt, and low self-esteem. Some children do not believe they are worthy of rescue; some suffer from stigmatization or the knowledge that they were betrayed by someone whom they had trusted; others suffer from nightmares, sleeplessness, hopelessness, and depression—reactions similar to those exhibited in victims of torture. To cope, some children attempt suicide or turn to substance abuse. Many find it difficult to reintegrate successfully into society once they become adults.

(7) According to ECPAT International, child sex tourism is a specific form of child prostitution and is a developing phenomenon. Child sex tourism is defined as the commercial sexual exploitation of children by people who travel from one place to another and there engage in sexual acts with minors. This type of exploitation can occur anywhere in the world and no country or tourism destination is immune.
(8) According to research conducted by The Protection Project of The Johns Hopkins University Paul H. Nitze School of Advanced International Studies, sex tourists from the United States who target children form a significant percentage of child sex tourists in some of the most significant destination countries for child sex tourism.

(9) According to the National Center for Missing and Exploited Children (NCMEC), most victims of sex offenders are minors.

(10) Media reports indicate that known sex offenders who have committed crimes against children are traveling internationally, and that the criminal background of such individuals may not be known to local law enforcement prior to their arrival. For example, in April 2008, a United States registered sex offender received a prison sentence for engaging in illicit sexual activity with a 15-year-old United States citizen girl in Ciudad Juarez, Chihuahua, Mexico in exchange for money and crack cocaine.

(11) U.S. Immigration and Customs Enforcement (ICE) has taken a leading role in the fight against the sexual exploitation of minors abroad, in cooperation with other United States agencies, law enforcement from other countries, INTERPOL, and
nongovernmental organizations. In addition to discovering evidence of and investigating child sex crimes, ICE has provided training to foreign law enforcement and NGOs, as appropriate, for the prevention, detection, and investigation of cases of child sexual exploitation.

(12) Between 2003 and 2009, ICE obtained 73 convictions of individuals from the United States charged with committing sexual crimes against minors in other countries.

(13) While necessary to protect children and rescue victims, the detection and investigation of child sex predators overseas is costly. Such an undercover operation can cost approximately $250,000. A system that would aid in the prevention of such crimes is needed to safeguard vulnerable populations and to reduce the cost burden of addressing crimes after they are committed.

(14) Sex offenders are also attempting to enter the United States. In April 2008, a lifetime registered sex offender from the United Kingdom attempted to enter the United States with the intention of living with a woman who he had met on the Internet and her young daughters. Interpol London notified Interpol United States National Central Bu-
Interpol USNCB notified the United States Customs and Border Protection officers, who refused to allow the sex offender to enter the country.

(15) Foreign governments need to be encouraged to notify the United States as well as other countries when a known sex offender is entering their borders. For example, Canada has a national sex offender registry, but Canadian officials do not notify United States law enforcement when a known sex offender is entering the United States unless the sex offender is under investigation.

(16) Child sex tourists may travel overseas to commit sexual offenses against minors for the following reasons: perceived anonymity; law enforcement in certain countries is perceived as scarce, corrupt, or unsophisticated; perceived immunity from retaliation because the child sex tourist is a United States citizen; the child sex tourist has the financial ability to impress and influence the local population; the child sex tourist can “disappear” after a brief stay; the child sex tourist can target children meeting their desired preference; and, there is no need to expend time and effort “grooming” the victim.
(17) Individuals who have been arrested in and deported from a foreign country for sexually exploiting children have used long-term passports to evade return to their country of citizenship where they faced possible charges and instead have moved to a third country where they have continued to exploit and abuse children.

(18) The United States is obligated under Article 10 of the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography to, among other things, take all necessary steps to strengthen international cooperation by multilateral, regional, and bilateral arrangements for the prevention and detection of those responsible for acts involving the sale of children, child prostitution, child pornography, and child sex tourism. The United States also is required to promote international cooperation and coordination between authorities of other States Parties to the Convention, national and international nongovernmental organizations and international organizations to achieve these objectives.

(19) Article 10 of the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornog-
raphy further mandates that the United States and
other States Parties in a position to do so provide
financial, technical, or other assistance through ex-
isting multilateral, regional, bilateral, or other pro-
grams.

(20) In order to protect children, it is essential
that United States law enforcement be able to iden-
tify high risk child sex offenders in the United
States who are traveling abroad and child sex of-
fenders from other countries entering the United
States. Such identification requires cooperative ef-
forts between the United States and foreign govern-
ments. In exchange for providing notice of sex of-
fenders traveling to the United States, foreign au-
thorities will expect United States authorities to pro-
vide reciprocal notice of sex offenders traveling to
their countries.

(21) ICE and other Federal law enforcement
agencies currently are sharing information about sex
offenders traveling internationally with law enforce-
ment entities in some other countries on an ad hoc
basis through INTERPOL and other means. The
technology to detect and notify foreign governments
about travel by child sex offenders is available, but
a legal structure and additional resources are needed
to systematize and coordinate these detection and
notice efforts.

(22) Officials from the United Kingdom, Aus-
tralia, Spain, and other countries have expressed in-
terest in working with the United States Govern-
ment for increased international cooperation to pro-
tect children from sexual exploitation, and are call-
ing for formal arrangements to ensure that the risk
posed by traveling sex offenders is combated most
effectively.

(23) The United States, with its international
law enforcement relations, technological and commu-
nications capability, and established sex offender
registry system, should now take the opportunity to
lead the global community in the effort to save thou-
sands of potential child victims by notifying other
countries of travel by sex offenders who pose a high
risk of exploiting children, maintaining information
about sex offenders from the United States who re-
side overseas, and strongly encouraging other coun-
tries to undertake the same measures to protect chil-
dren around the world.

(b) DECLARATION OF PURPOSES.—The purpose of
this Act and the amendments made by this Act is to pro-
tect children from sexual exploitation by preventing or
monitoring the international travel of sex traffickers and
other sex offenders who pose a risk of committing a sex
offense against a minor while traveling by—

(1) establishing a system in the United States
to notify the appropriate officials of other countries
when a sex offender who is identified as a high inter-
rest registered sex offender intends to travel to
their country;

(2) strongly encouraging and assisting foreign
governments to establish a sex offender travel notifi-
cation system and to inform United States authori-
ties when a sex offender intends to travel or has de-
parted on travel to the United States;

(3) establishing and maintaining non-public sex
offender registries in United States diplomatic and
consular missions in order to maintain critical data
on United States citizen and lawful permanent resi-
dent sex offenders who are residing abroad;

(4) providing the Secretary of State with the
discretion to revoke the passport or passport card of
an individual who has been convicted overseas for a
sex offense against a minor, or limit the period of
validity of a passport or passport card issued to a
high interest registered sex offender;
(5) including whether a country is investigating and prosecuting its nationals suspected of engaging in severe forms of trafficking in persons abroad in the minimum standards for the elimination of human trafficking under section 108 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7101 et seq.); 

(6) mandating a report from the Secretary of State, in consultation with the Attorney General, about the status of international notifications between governments about child sex offender travel; and

(7) providing assistance to foreign countries under section 134 of the Foreign Assistance Act of 1961 (22 U.S.C. 2152d) to establish systems to identify sex offenders and provide and receive notification of child sex offender international travel.

SEC. 3. DEFINITIONS.

In this Act:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—Except as otherwise provided, the term “appropriate congressional committees” means—

(A) the Committee on Foreign Affairs and the Committee on the Judiciary of the House of Representatives; and
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(B) the Committee on Foreign Relations
and the Committee on the Judiciary of the Sen-
ate.

(2) CENTER.—The term "Center" means the
International Sex Offender Travel Center established
pursuant to section 6(a).

(3) CONVICTED AS EXCLUDING CERTAIN JUVE-
NILE ADJUDICATIONS.—The term "convicted" or a
variant thereof, used with respect to a sex offense of
a minor, does not include—

(A) adjudicated delinquent as a juvenile
for that offense; or

(B) convicted as an adult for that offense,
unless the offense took place after the offender
had attained the age of 14 years and the con-
duct upon which the conviction took place was
comparable to or more severe than aggravated
sexual abuse (as described in section 2241 of
title 18, United States Code), or was an at-
temt or conspiracy to commit such an offense;

(4) HIGH INTEREST REGISTERED SEX OF-
FENDER.—The term "high interest registered sex of-
fender" means a sex offender as defined under para-
graph (8) who the Center, pursuant to section 7 and
based on the totality of the circumstances, has a
reasonable belief presents a high risk of committing
a sex offense against a minor in a country to which
the sex offender intends to travel.

(5) **JURISDICTION.**—The term “jurisdiction”
means any of the following:

(A) A State.

(B) The District of Columbia.

(C) The Commonwealth of Puerto Rico.

(D) Guam.

(E) American Samoa.

(F) The Northern Mariana Islands.

(G) The United States Virgin Islands.

(H) A federally recognized Indian tribe
that maintains a sex offender registry, or an-
other jurisdiction to which an Indian tribe has
delegated the function of maintaining a sex of-
fender registry on its behalf.

(I) A United States diplomatic or consular
mission that maintains a sex offender registry
pursuant to section 5 of this Act.

(6) **MINOR.**—The term “minor" means an indi-
vidual who has not attained the age of 18 years.

(7) **PASSPORT CARD.**—The term “passport
card” means a document issued by the Department
of State pursuant to section 7209 of the Intelligence
Reform and Terrorism Prevention Act of 2004

(8) SEX OFFENDER.—Except as provided in
sections 12 and 13, the term “sex offender” means
a United States citizen or lawful permanent resident
who is convicted of a sex offense as defined in this
Act, including a conviction by a foreign court, and
who is legally required to register with a jurisdiction.

(9) SEX OFFENSE.—

(A) IN GENERAL.—The term “sex offense”
means a criminal offense against a minor, in-
cluding any Federal offense, that is punishable
by statute by more than one year of imprison-
ment and involves any of the following:

(i) Solicitation to engage in sexual
conduct.

(ii) Use in a sexual performance.

(iii) Solicitation to practice prostitu-
tion (whether for financial or other forms
of remuneration).

(iv) Video voyeurism as described in
section 1801 of title 18, United States
Code.

(v) Possession, production, or dis-
tribution of child pornography.
(vi) Criminal sexual conduct involving a minor, or the use of the Internet to facilitate or attempt such conduct.

(vii) Conduct that would violate section 1591 (relating to sex trafficking of children or by force, fraud, or coercion) of title 18, United States Code, if the conduct had involved interstate or foreign commerce and where the person recruited, enticed, harbored, transported, provided, or obtained had not attained the age of 18 years at the time of the conduct.

(viii) Any other conduct that by its nature is a sex offense against a minor.

(B) EXCEPTIONS.—The term “sex offense” does not include—

(i) a foreign conviction, unless the conviction was obtained with sufficient safeguards for fundamental fairness and due process for the accused; or

(ii) an offense involving consensual sexual conduct if the victim was at least 13 years old and the offender was not more than 4 years older than the victim.
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(C) Special rule for determining whether sufficient safeguards exist.—

For the purposes of subparagraph (B)(i), compliance with the guidelines or regulations established under section 112 of the Sex Offender Registration and Notification Act (42 U.S.C. 16911) creates a rebuttable presumption that the conviction was obtained with sufficient safeguards for fundamental fairness and due process for the accused.

SEC. 4. SEX OFFENDER TRAVEL REPORTING REQUIREMENT.

(a) Duty to report.—

(1) In general.—A sex offender who is a United States citizen or alien lawfully admitted to the United States for permanent residence shall notify a jurisdiction where he or she is registered as a sex offender of his or her intention to travel either from the United States to another country or from another country to the United States, subject to subsection (f) and in accordance with the rules issued under subsection (b). The sex offender shall provide notice—

(A) not later than 30 days before departure from or arrival in the United States; or
(B) in individual cases in which the Center determines that a personal or humanitarian emergency, business exigency, or other situation renders the deadline in subparagraph (A) to be impracticable or inappropriate, as early as possible.

(2) Transmission of notice from the jurisdiction to the Center.—A jurisdiction so notified pursuant to paragraph (1) shall transmit such notice to the Center within 24 hours or the next business day, whichever is later, of receiving such notice.

(3) Period of reporting requirement.—The duty to report required under paragraph (1) shall take effect on the date that is 425 days after the date of the enactment of this Act or after a sex offender has been duly notified of the duty to report pursuant to subsection (d), whichever is later, and terminate at such time as the sex offender is no longer required to register in any jurisdiction for a sex offense.

(4) Notice to jurisdictions.—Not later than 395 days after the date of the enactment of this Act, the Center shall provide notice to all jurisdictions of the requirement to receive notifications regarding
travel from sex offenders and the means for informing the Center about such travel notifications pursuant to paragraph (1).

(b) Rules for Reporting.—Not later than one year after the date of the enactment of this Act, the Secretary of Homeland Security, in coordination with the Attorney General and the Secretary of State, shall issue rules to carry out subsection (a) in accordance with the purposes of this Act. Such rules—

(1) shall establish procedures for reporting under subsection (a), including the method of payment and transmission of any fee to United States Immigration and Customs Enforcement (ICE) pursuant to subsection (c);

(2) shall set forth the information required to be reported, including—

(A) complete name(s);

(B) address of residence and home and cellular numbers;

(C) all e-mail addresses;

(D) date of birth;

(E) social security number;

(F) citizenship;

(G) passport or passport card number and date and place of issuance;
(H) alien registration number, where applicable;

(I) information as to the nature of the sex offense conviction;

(J) jurisdiction of conviction;

(K) travel itinerary, including the anticipated length of stay at each destination, and purpose of the trip;

(L) if a plane ticket or other means of transportation has been purchased, prior to the submission of this information, the date of such purchase;

(M) whether the sex offender is traveling alone or as part of a group; and

(N) contact information prior to departure and during travel; and

(3) in consultation with the jurisdictions, shall provide appropriate transitional provisions in order to make the phase-in of the requirements of this Act practicable.

(e) Fee Charge.—ICE is authorized to charge a sex offender a fee for the processing of a notice of intent to travel submitted pursuant to subsection (a)(1). Such fee—

(1) shall initially not exceed the amount of $25;
(2) may be increased thereafter not earlier than
30 days after consultation with the appropriate con-
gressional committees;

(3) shall be collected by the jurisdiction at the
time that the sex offender provides the notice of in-
tent to travel;

(4) shall be waived if the sex offender dem-
onstrates to the satisfaction of ICE, pursuant to a
fee waiver process established by ICE, that the pay-
ment of such fee would impose an undue financial
hardship on the sex offender;

(5) shall be used only for the activities specified
in sections 4, 6, and 7; and

(6) shall be shared equitably with the jurisdic-
tion that processes the notice of intent to travel.

(d) Criminal Penalty for Failure to Register
or Report.—

(1) New offense.—Section 2250 of title 18,
United States Code, is amended by adding at the
end the following:

“(d) Whoever knowingly fails to register with United
States officials in a foreign country or to report his or
her travel to or from a foreign country, as required by
the International Megan’s Law of 2010, after being duly
notified of the requirements shall be fined under this title
or imprisoned not more than 10 years, or both.”.

(2) Amendment to heading of section.—
The heading for section 2250 of title 18, United
States Code, is amended by inserting “or report
international travel” after “register”.

(3) Conforming amendment to affirmative defense.—Section 2250(b) of title 18, United
States Code, is amended by inserting “or (d)” after
“(a)”.

(4) Conforming amendment to federal
penalties for violent crimes.—Section 2250(c)
of title 18, United States Code, is amended by in-
serting “or (d)” after “(a)” each place it appears.

(5) Clerical amendment.—The item relating
to section 2250 in the table of sections at the begin-
ning of chapter 109B of title 18, United States
Code, is amended by inserting “or report inter-
national travel” after “register”.

(c) Duty to Notify Sex Offenders of Reporting
and International Registration Requirement.—

(1) In general.—When an official is required
under the law of a jurisdiction or under the rules es-
established pursuant to subsection (b) to notify a sex
offender (as defined in section 3(8)) of a duty to
register as a sex offender under the law of such ju-
risdiction, the official shall also, at the same time—

(A) notify the offender of such offender’s
duties to report international travel under this
section and to register as a sex offender under
section 5, and the procedure for fulfilling such
duties; and

(B) require such offender to read and sign
a form stating that such duties to report and
register, and the procedure for fulfilling such
duties, have been explained and that such off-
fender understands such duties and such proce-
dure.

(2) Sex Offenders Convicted in Foreign
Countries.—When a United States citizen or law-
ful permanent resident is convicted in a foreign
country of a sex offense and the United States diplo-
matic or consular mission in such country is in-
formed of such conviction, such diplomatic or con-
sular mission shall—

(A) notify such sex offender of such off-
fender’s duties to report travel to the United
States and to register as a sex offender under
this Act and the procedure for fulfilling such duties; and

(B) require such offender to read and sign a form stating that such duties to report and register, and the procedure for fulfilling such duties, have been explained and that such offender understands such duties and such procedure.

(3) Requirements relating to form.—The form required by paragraphs (1)(B) and (2)(B) shall be maintained by the entity that maintains the sex offender registry in the jurisdiction in which the sex offender was convicted.

(f) Procedures with respect to sex offenders who regularly transit across the United States borders.—

(1) In general.—Not later than one year after the date of the enactment of this Act, the Secretary of Homeland Security shall establish a system for identifying and monitoring, as appropriate and in accordance with the purposes of this Act, sex offenders who, for legitimate business, personal, or other reasons regularly transit across the border between the United States and Mexico or the border between the United States and Canada.
(2) REPORT.—Not later than the date of the
establishment of the border system pursuant to
paragraph (1), the Secretary of Homeland Security
shall transmit to the appropriate congressional com-
mitees a report on the implementation of such sys-
tem.

SEC. 5. FOREIGN REGISTRATION REQUIREMENT FOR SEX
OFFENDERS.

(a) IN GENERAL.—Not later than 395 days after the
date of the enactment of this Act, a designated United
States diplomatic or consular mission in each foreign
country shall establish and maintain a countrywide non-
public sex offender registry for sex offenders (as defined
in section 3(8)) who are United States citizens or aliens
lawfully admitted to the United States for permanent resi-
dence who remain in such country for the time period
specified in subsection (b). Such registry shall include the
information specified in subsection (d).

(b) INTERNATIONAL REGISTRY REQUIREMENT FOR
SEX OFFENDERS.—

(1) IN GENERAL.—A sex offender who is a
United States citizen or alien lawfully admitted to
the United States for permanent residence—

(A) who remains in a foreign country for
more than 30 consecutive days; or
(B) who remains in a foreign country for
more than 30 days within a 6-month period,
shall register, and keep such registration current, at
the designated United States diplomatic or consular
mission in such country.

(2) Period of registration require-
ment.—The registration requirement specified in
paragraph (1) shall—

(A) begin when the sex offender registry
has been established at the designated diplo-
matic or consular mission in the country in
which a sex offender is staying and such sex of-
fender has received notice of the requirement to
register pursuant to this section; and

(B) end on the sooner of—

(i) such time as the sex offender de-
parts such country and has provided notice
of all changes of information in the sex of-
fender registry as required under para-
graph (3);

(ii) in the case of a conviction in the
United States, such time has elapsed as
the sex offender would have otherwise been
required to register in the jurisdiction of
conviction for the applicable sex offense; or
(iii) in the case of a foreign conviction, such time as the sex offender would have otherwise been required to register under section 115 of the Sex Offender Registration and Notification Act (42 U.S.C. 16915) for the applicable sex offense.

(3) Keeping the registration current.—

Subject to the period of registration requirement under paragraph (2), not later than five business days after each change of name, residence, or employment or student status, or any change in any of the other information specified in subsection (d)(1), a sex offender residing in a foreign country shall notify a United States diplomatic or consular mission in such country for the purpose of providing information relating to such change for inclusion in the sex offender registry maintained by the designated diplomatic or consular mission in such country under subsection (a). If the diplomatic or consular mission is not the mission that maintains the registry in that country, the mission shall forward the changed information to the appropriate diplomatic or consular mission.
(4) Registration and notification procedure.—Not later than one year after the date of
the enactment of this Act, the Secretary of State, in
consultation with the Attorney General and the Sec-
retary of Homeland Security, shall issue regulations
for the establishment and maintenance of the reg-
istries described in subsection (a), including—

(A) the manner in which sex offenders who
are convicted in a foreign country of a sex of-
fense, whose conviction and presence in the for-
eign country are known by the United States
Government, and who are required to register
pursuant to United States law, including this
Act, will be notified of such requirement;

(B) the manner for registering and chang-
ing information as specified in paragraphs (1)
and (3);

(C) the manner for disclosing information
to eligible entities as specified in subsection
(h)(2); and

(D) a mechanism by which individuals list-
ed on the sex offender registry can notify the
diplomatic or consular mission of any errors
with respect to such listing and by which the
Department of State shall correct such errors.
(c) Cross Reference for Criminal Penalties
for Nonregistration.—Criminal penalties for nonreg-
istration are provided in section 2250(d) of title 18,
United States Code, which was added by section 4(d)(1)
of this Act.

(d) Information Required in Registration.—

(1) Provided by the Sex Offender.—A sex
offender described in subsection (b) shall provide the
following information:

(A) Name (including any alias).

(B) Passport or passport card, and visa
type and number, if applicable.

(C) Alien registration number, where appli-
cable.

(D) Social Security number of the sex of-
fender.

(E) Address of each residence at which the
sex offender resides or will reside in that coun-
try and the address of any residence maintained
in the United States.

(F) Purpose for the sex offender’s resi-
dence in the country.

(G) Name and address of any place where
the sex offender is an employee or will be or has
applied to be an employee and will have regular
contact with minors.

(H) Name and address of any place where
the sex offender is a student or will be or has
applied to be a student and will have regular
contact with minors.

(I) All e-mail addresses.

(J) Most recent address in the United
States and State of legal residence.

(K) The jurisdiction in which the sex off-
denser was convicted and the jurisdiction or jur-
sdictions in which the sex offender was most
recently legally required to register.

(L) The license plate number and a de-
scription of any vehicle owned or operated by
the sex offender.

(M) The date or approximate date when
the sex offender plans to leave the country.

(N) Any other information required by the
Secretary of State.

(2) PROVIDED BY THE ATTORNEY GENERAL
AND THE JURISDICTION OF CONVICTION.—

(A) IN GENERAL.—The United States dip-
plomatic or consular mission shall notify the At-
torney General that a sex offender is registering
with such mission pursuant to subsection (b).

Upon receipt of such notice, the Attorney General shall obtain the information specified in subparagraph (C) and transmit it to the mission within 15 business days.

(B) INFORMATION PROVIDED BY THE JURISDICTION OF CONVICTION.—If the only available source for any of the information specified in subparagraph (C) is the jurisdiction in which the conviction of the sex offender occurred, the Attorney General shall request such information from the jurisdiction of conviction. The jurisdiction shall provide the information to the Attorney General within 15 business days of receipt of the request.

(C) INFORMATION.—The information specified in this subparagraph is the following:

(i) The sex offense history of the sex offender, including—

(I) the text of the provision of law defining the sex offense;

(II) the dates of all arrests and convictions related to sex offenses; and

and
(III) the status of parole, probation, or supervised release.

(ii) The most-recent available photograph of the sex offender.

(iii) The time period for which the sex offender is required to register pursuant to the law of the jurisdiction of conviction.

(3) **Provided by the Diplomatic or Consular Mission.**—The United States diplomatic or consular mission at which a sex offender registers shall collect and include the following information in the registry maintained by such mission:

(A) Information provided pursuant to paragraphs (1) and (2).

(B) A physical description of the sex offender.

(C) Any other information required by the Secretary of State.

(e) **Periodic in Person Verification.**—Not less often than every six months, a sex offender who is registered under subsection (b) shall appear in person at a United States diplomatic or consular mission in the country where the sex offender is registered to allow such mission to take a current photograph of the sex offender and to verify the information in the sex offender registry main-
acquired by the designated diplomatic or consular mission
in such country under subsection (a). If such diplomatic
or consular mission is not the mission that maintains the
registry in such country, such mission shall forward such
photograph and information to the appropriate mission.

(f) TRANSMISSION OF REGISTRY INFORMATION TO
THE ATTORNEY GENERAL.—For the purposes of updating
the National Sex Offender Registry and keeping domestic
law enforcement informed as to the status of a sex of-

fender required to register under this section, when a
United States diplomatic or consular mission receives new
or changed information about a sex offender pursuant to
paragraphs (1) and (3) of subsection (b) for the sex of-
fender registry maintained by such mission under sub-
section (a), such mission shall, not later than 24 hours
or the next business day, whichever is later, after receipt
of such new or changed information, transmit to the At-
torney General such new or changed information. Not
later than 24 hours or the next business day, whichever
is later, after the receipt of such new or changed infor-
mation, the Attorney General shall transmit such new or
changed information to the State of legal residence or the
State of last-known address, as appropriate, of such sex
offender.
(g) **Access to Registry Information by United States Law Enforcement.**—Federal, State, local, tribal, and territorial law enforcement shall be afforded access for official purposes to all information on a sex offender registry maintained by a United States diplomatic or consular mission pursuant to subsection (a).

(h) **Other Access to Registry Information.**—

(1) **In general.**—Information on a registry established pursuant to subsection (a) shall not be made available to the general public except as provided in paragraph (2).

(2) **Exception for eligible entities.**—

(A) **In general.**—An eligible entity described in subparagraph (B) may request certain information on the sex offender registry maintained by the United States diplomatic or consular mission in the country where the eligible entity is located, in accordance with this paragraph.

(B) **Eligible entities described.**—An eligible entity referred to in subparagraph (A) is—

(i) an entity that provides direct services to minors;
(ii) an official law enforcement entity;

or

(iii) an investigative entity that is affiliated with an official law enforcement entity for the purpose of investigating a possible sex offense.

(C) INFORMATION REQUEST PROCESS.—An eligible entity may request information on the sex offender registry from the United States Government official designated for this purpose by the head of the diplomatic or consular mission in which the sex offender registry is maintained. The official, in consultation with the head of such diplomatic or consular mission, shall have the sole discretion whether and to what extent to provide information about a particular registered sex offender on the sex offender registry as designated in subparagraph (D). Before providing an eligible entity with such information, the official shall first obtain from the eligible entity a written certification that—

(i) the eligible entity shall provide access to the information only to the persons as designated in the certificate who require
access to such information for the purpose for which the information is provided;

(ii) the information shall be maintained and used by the eligible entity in a confidential manner for employment or volunteer screening or law enforcement purposes only, as applicable;

(iii) the information may not otherwise be disclosed to the public either by the eligible entity or by the employees of the eligible entity who are provided access; and

(iv) the eligible entity shall destroy the information or extract it from any documentation in which it is contained as soon as the information is no longer needed for the use for which it was obtained.

(D) INFORMATION TO BE DISCLOSED.—

(i) To Service Providers.—An eligible entity described in paragraph (2)(B) may request necessary and appropriate information on the registry with respect to an individual who is listed on the registry and is applying for or holds a position within the entity that involves contact with children.
(iii) To law enforcement and investigative entities.—An eligible entity described in paragraph (2)(B) may request necessary and appropriate information on the registry that may assist in the investigation of an alleged sex offense against a minor.

(E) Fee charge.—The employing agency of the designated official who receives the requests for information on the registry may charge eligible entities a reasonable fee for providing information pursuant to this subsection.

(F) Notification of possible access to information.—The diplomatic or consular mission that maintains a sex offender registry should make a reasonable effort to notify law enforcement entities and other entities that provide services to children, particularly schools that hire foreign teachers, within the country in which the mission is located of the possibility of limited access to registry information and the process for requesting such information as provided in this subsection.

(G) Denial of access to information.—An eligible entity that fails to comply
with the certificate provisions specified in sub-
paragraph (C) may be denied all future access
to information on a sex offender registry at the
discretion of the designated official.

(i) **Actions to Be Taken If a Sex Offender Fails to Comply.**—When a United States diplomatic or
consular mission determines that a sex offender has failed
to comply with the requirements of this section, such mis-
mission shall notify the Attorney General and revise the sex
offender registry maintained by such mission under sub-
section (a) to reflect the nature of such failure.

(j) **Federal Assistance Regarding Violations of Registration Requirements.**—The first sentence
of subsection (a) of section 142 of the Sex Offender Reg-
istration and Notification Act (Public Law 109–248; 42
U.S.C. 16941) is amended by inserting before the period
at the end the following: “, including under the Inter-
national Megan’s Law of 2010”.

**Sec. 6. International Sex Offender Travel Center.**

(a) **Establishment.**—Not later than 90 days after
the date of the enactment of this Act, the President shall
establish the International Sex Offender Travel Center to
carry out the activities specified in subsection (d).

(b) **Participants.**—The Center shall include rep-
resentatives from the following departments and agencies:
(1) The Department of Homeland Security, including United States Immigration and Customs Enforcement, United States Customs and Border Protection, and the Coast Guard.

(2) The Department of State, including the Office to Monitor and Combat Trafficking in Persons, the Bureau of Consular Affairs, the Bureau of International Narcotics and Law Enforcement Affairs, and the Bureau of Diplomatic Security.

(3) The Department of Justice, including the Interpol-United States National Central Bureau, the Federal Bureau of Investigation, the Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering and Tracking, the Criminal Division Child Exploitation and Obscenity Section, and the United States Marshals Service’s National Sex Offender Targeting Center.

(4) Such other officials as may be determined by the President.

(c) LEADERSHIP.—The Center shall be headed by the Assistant Secretary of Homeland Security for United States Immigration and Customs Enforcement.

(d) ACTIVITIES.—The Center shall carry out the following activities:
(1) Prior to the implementation of the sex offender travel reporting requirement under section 4, cooperate with each jurisdiction to implement the means for transmitting travel reports from that jurisdiction to the Center.

(2) Prior to the implementation of the sex offender travel reporting system under section 4, offer to provide training to officials within each jurisdiction who will be responsible for implementing any aspect of such system.

(3) Establish a means to receive, assess, and respond to an inquiry from a sex offender as to whether he or she is required to report international travel pursuant to this Act.

(4) Conduct assessments of sex offender travel pursuant to section 7.

(5) Establish a panel to review and respond within seven days to appeals from sex offenders who are determined to be high interest registered sex offenders. The panel shall consist of individuals who are not involved in the initial assessment of high interest registered sex offenders, and shall be from the following agencies:

(A) The Department of Justice.

(B) The Department of State.
(C) The Office for Civil Rights and Civil Liberties of the Department of Homeland Security.

(6) Transmit notice of impending or current international travel of high interest registered sex offenders to the Secretary of State, together with an advisory regarding whether or not the period of validity of the passport or passport card of the high interest registered sex offender should be limited to one year or such period of time as the Secretary of State shall determine appropriate.

(7) Establish a system to maintain and archive all relevant information related to the assessments conducted pursuant to paragraph (4) and the review of appeals conducted by the panel established pursuant to paragraph (5).

(8) Establish an annual review process to ensure that the Center Sex Offender Travel Guidelines issued pursuant to section 7(a) are being consistently and appropriately implemented.

(9) Establish a means to identify sex offenders who have not reported travel as required under section 4 and who are initiating travel, currently traveling, or have traveled outside the United States.
(e) ADDITIONAL ACTIVITY RELATED TO TRANSMISSION OF NOTICE.—The Center may, in its sole discretion, transmit notice of impending or current international travel of high interest registered sex offenders to the country or countries of destination of such sex offenders as follows:

(1) If a high interest registered sex offender submits an appeal to the panel established pursuant to subsection (d)(5), no notice may be transmitted to the destination country prior to the completion of the appeal review process, including transmission of the panel's decision to the sex offender.

(2) The notice may be transmitted through such means as determined appropriate by the Center, including through an ICE attaché, INTERPOL, or such other appropriate means as determined by the Center.

(3) If the Center has reason to believe that transmission of the notice poses a risk to the life or well-being of the high interest registered sex offender, the Center shall make every reasonable effort to issue a warning to the high interest registered sex offender of such risk prior to the transmission of such notice to the country or countries.
(f) CONSULTATIONS.—The Center shall engage in on-going consultations with—

(1) NCMEC, ECPAT–USA, Inc., World Vision, and other nongovernmental organizations that have experience and expertise in identifying and preventing child sex tourism and rescuing and rehabilitating minor victims of international sexual exploitation;

(2) the governments of countries interested in cooperating in the creation of an international sex offender travel notification system or that are primary destination or source countries for international sex tourism; and

(3) Internet service and software providers regarding available and potential technology to facilitate the implementation of an international sex offender travel notification system, both in the United States and in other countries.

(g) TECHNICAL ASSISTANCE.—The Secretary of Homeland Security and the Secretary of State may provide technical assistance to foreign authorities in order to enable such authorities to participate more effectively in the notification program system established under this section.
SEC. 7. CENTER SEX OFFENDER TRAVEL GUIDELINES.

(a) Issuance of Center Sex Offender Travel Guidelines.—Not later than 180 days after the date of the enactment of this Act, the Center shall issue the Center Sex Offender Travel Guidelines for the assessment of sex offenders—

(1) who report international travel from the United States to another country pursuant to section 4(a), or

(2) whose travel is reported pursuant to subsection (b),

for purposes of determining whether such sex offenders are considered high interest registered sex offenders by United States law enforcement.

(b) Law Enforcement Notification.—

(1) In general.—Federal, State, local, tribal, or territorial law enforcement entities or officials from within the United States who have reasonable grounds to believe that a sex offender is traveling outside the United States and may engage in a sex offense against a minor may notify the Center and provide as much information as practicable in accordance with section 4(b)(2).

(2) Notice to Law Enforcement Entities.—Not later than 425 days after the date of the enactment of this Act, the Center shall provide no-
notice to all known, official law enforcement entities within the United States of the possibility of notifying the Center of anticipated international travel by a sex offender pursuant to paragraph (1).

(c) **Travel Report Receipt Confirmation.**—

(1) **In General.**—Not later than seven days before the date of departure indicated in the sex offender travel report, the Center shall provide the sex offender with written confirmation of receipt of the travel report. The written communication shall include the following information:

(A) The sex offender should have the written communication in his or her possession at the time of departure from or return to the United States.

(B) The written communication is sufficient proof of satisfactory compliance with the travel reporting requirement under this Act if travel is commenced and completed within seven days before or after the dates of travel indicated in the travel report.

(C) The procedure that the sex offender may follow to request a change, at the sole discretion of the Center, of the time period covered by the written confirmation in the event of an
emergency or other unforeseen circumstances that prevent the sex offender from traveling within seven days of the dates specified in the sex offender's travel report.

(D) The requirement to register with a United States diplomatic or consular mission if the sex offender remains in a foreign country for more than 30 consecutive days or for more than 30 days within a 6-month period pursuant to section 5.

(E) Any additional information that the Center, in its sole discretion, determines necessary or appropriate.

(2) Departure from the United States.— If the sex offender is traveling from the United States, the written communication shall indicate, in addition to the information specified in paragraph (1), either—

(A) that the destination country or countries indicated in the travel report are not being notified of the sex offender's travel; or

(B)(i) that such country or countries are being notified that the sex offender is a high interest registered sex offender and intends to travel to such countries; and
(ii) that a review of such notification is available by the panel established pursuant to section 6(d)(5), together with an explanation of the process for requesting such a review, including the means for submitting additional information that may refute the Center's determination that the sex offender is a high interest registered sex offender.

(d) REPORT TO CONGRESS.—Upon the issuance of the Center Sex Offender Travel Guidelines under subsection (a), the Center shall submit to the appropriate congressional committees a report containing the guidelines in a manner consistent with the protection of law enforcement-sensitive information.

SEC. 8. AUTHORITY TO RESTRICT PASSPORTS.

(a) IN GENERAL.—The Secretary of State is authorized to—

(1) revoke the passport or passport card of an individual who has been convicted by a court of competent jurisdiction in a foreign country of a sex offense until such time as the individual returns to the United States and is determined eligible for the reissuance of such passport or passport card, as the case may be; and
(2) limit to one year or such period of time as
the Secretary of State shall determine appropriate
the period of validity of a passport or passport card
issued to a high interest registered sex offender.

(b) LIMITATION FOR RETURN TO UNITED STATES.—
Notwithstanding subsection (a), in no case shall a United
States citizen be precluded from entering the United
States. The Secretary of State may, prior to revocation,
limit a previously issued passport or passport card only
for return travel to the United States, or may issue a lim-
ited passport or passport card that only permits return
to the United States.

SEC. 9. IMMUNITY FOR GOOD FAITH CONDUCT.
The Federal Government, jurisdictions, political sub-
divisions of jurisdictions, and their agencies, officers, em-
ployees, and agents shall be immune from liability for good
faith conduct under this Act.

SEC. 10. SENSE OF CONGRESS PROVISIONS.
(a) BILATERAL AGREEMENTS.—It is the sense of
Congress that the President should negotiate memoranda
of understanding or other bilateral agreements with for-
eign governments to further the purposes of this Act and
the amendments made by this Act, including by—

(1) establishing systems to receive and transmit
notices as required by section 4;
(2) requiring Internet service providers and
other private companies located in foreign countries
to report evidence of child exploitation; and
(3) establishing mechanisms for private compa-
nies and nongovernmental organizations to report on
a voluntary basis suspected child pornography or ex-
ploration to foreign governments, the nearest
United States embassy in cases in which a possible
United States citizen may be involved, or other ap-
propriate entities.
(b) MINIMUM AGE OF CONSENT.—In order to better
protect children and young adolescents from domestic and
international sexual exploitation, it is the sense of Con-
gress that the President should strongly encourage those
foreign countries that have an age of consent to sexual
activity below the age of 16 to raise the age of consent
to sexual activity to at least the age of 16 and those coun-
tries that do not criminalize the appearance of persons
below the age of 18 in pornography or the engagement
of persons below the age of 18 in commercial sex trans-
actions to prohibit such activity.
(c) NOTIFICATION TO THE UNITED STATES OF SEX
OFFENSES COMMITTED ABROAD.—It is the sense of Con-
gress that the President should formally request foreign
governments to notify the United States when a United
1 State citizen has been arrested, convicted, sentenced, or
2 completed a prison sentence for a sex offense against a
3 minor in the foreign country.

SEC. 11. ENHANCING THE MINIMUM STANDARDS FOR THE
5 ELIMINATION OF TRAFFICKING.
6 Section 108(b)(4) of the Trafficking Victims Protec-
7 tion Act of 2000 (22 U.S.C. 7106(b)(4)) is amended by
8 adding at the end before the period the following: „, in-
9 cluding cases involving nationals of that country who are
10 suspected of engaging in severe forms of trafficking of per-
11 sons in another country”.

SEC. 12. SPECIAL REPORT ON INTERNATIONAL MECHA-
13 NISMS RELATED TO TRAVELING CHILD SEX
14 OFFENDERS.
15 (a) IN GENERAL.—Not later than one year after the
16 date of the enactment of this Act, the Secretary of State,
17 in consultation with the Attorney General, shall submit to
18 the appropriate congressional committees a report con-
19 taining the following information (to the extent such infor-
20 mation is available from the government concerned or
21 from other reliable sources):
22 (1) A list of those countries that have or could
23 easily acquire the technological capacity to identify
24 sex offenders who reside within the country.
(2) A list of those countries identified in paragraph (1) that utilize electronic means to identify and track the current status of sex offenders who reside within the country, and a summary of any additional information maintained by the government with respect to such sex offenders.

(3)(A) A list of those countries identified in paragraph (2) that currently provide, or may be willing to provide, information about a sex offender who is traveling internationally to the destination country.

(B) With respect to those countries identified in subparagraph (A) that currently notify destination countries that a sex offender is traveling to that country:

(i) The manner in which such notice is transmitted.

(ii) How many notices are transmitted on average each year, and to which countries.

(iii) Whether the sex offenders whose travel was so noticed were denied entry to the destination country on the basis of such notice.

(iv) Details as to how frequently and on what basis notice is provided, such as routinely pursuant to a legal mandate, or by individual
law enforcement personnel on a case-by-case basis.

(v) How sex offenders are defined for purpose of providing notice of travel by such individuals.

(vi) What international cooperation or mechanisms currently are unavailable and would make the transmission of such notifications more efficacious in terms of protecting children.

(C) With respect to those countries identified in subparagraph (A) that are willing but currently do not provide such information, the reason why destination countries are not notified.

(4)(A) A list of those countries that have an established mechanism to receive reports of sex offenders intending to travel from other countries to that country.

(B) A description of the mechanism identified in subparagraph (A).

(C) The number of reports of arriving sex offenders received in each of the past 5 years.

(D) What international cooperation or mechanisms currently are unavailable and would make the
receipt of such notifications more efficacious in
terms of protecting children.

(5) A list of those countries identified in para-
graph (4) that do not provide information about a
sex offender who is traveling internationally to the
destination country, and the reason or reasons for
such failure. If the failure is due to a legal prohibi-
tion within the country, an explanation of the nature
of the legal prohibition and the reason for such pro-
hibition.

(b) Definition.—In this section, the term “sex of-
fender” means an individual who has been convicted of
a criminal offense against a minor that involves any of
the acts described in clauses (i) through (viii) of section
3(9)(A).

SEC. 13. ASSISTANCE TO FOREIGN COUNTRIES TO MEET
MINIMUM STANDARDS FOR THE ELIM-
INATION OF TRAFFICKING.

(a) In General.—The President is strongly encour-
gaged to exercise the authorities of section 134 of the For-
gn Assistance Act of 1961 (22 U.S.C. 2152d) to provide
assistance to foreign countries directly, or through non-
governmental and multilateral organizations, for pro-
grams, projects, and activities, including training of law
enforcement entities and officials, designed to establish
systems to identify sex offenders and provide and receive notification of child sex offender international travel.

(b) DEFINITION.—In this section, the term "sex offender" means an individual who has been convicted of a criminal offense against a minor that involves any of the acts described in clauses (i) through (viii) of section 3(9)(A).

SEC. 14. CONGRESSIONAL REPORTS.

(a) INITIAL CONSULTATIONS.—Not less than 30 days before the completion of the activities required pursuant to sections 4(b), 5(b)(4), 6(a), and 7(a), the entities responsible for the implementation of such sections shall consult with the appropriate congressional committees concerning such implementation.

(b) INITIAL REPORT.—

(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the President shall transmit to the appropriate congressional committees a report on the implementation of this Act, including—

(A) how the International Sex Offender Travel Center has been established under section 6(a), including the role and responsibilities of the respective departments and agencies that are participating in the Center, and how those
roles are being coordinated to accomplish the purposes of this Act and the amendments made by this Act;

(B) the procedures established for implementing section 7 regarding the Center Sex Offender Travel Guidelines;

(C) the rules regarding sex offender travel reports issued pursuant to section 4(b);

(D) the establishment of registries at United States diplomatic missions pursuant to section 5, including the number and location of such registries and any difficulties encountered in their establishment or operation;

(E) the consultations that are being conducted pursuant to section 6(e), and a summary of the discussions that have taken place in the course of those consultations; and

(F) what, if any, assistance has been provided pursuant to section 6(f) and section 13.

(2) FORM.—The report required under paragraph (1) may be transmitted in whole or in part in classified form if such classification would further the purposes of this Act or the amendments made by this Act.
(c) **ANNUAL REPORT.**—Not later than one year after
the date of the enactment of this Act, and every year for
4 years thereafter, the President shall transmit to the ap-
propriate congressional committees a report on the imple-
mentation of this Act and the amendments made by this
Act, including—

(1)(A) the number of United States sex offend-
ers who have reported travel to or from a foreign
country pursuant to section 4(a);

(B) the number of sex offenders who were iden-
tified as having failed to report international travel
as required by section 4(a); and

(C) the number of those identified in each of
subparagraphs (A) and (B) who reported travel or
who traveled from the United States without pre-
viously reporting and whose travel was noticed to a
destination country;

(2) the number of United States sex offenders
charged, prosecuted, and convicted for failing to re-
port travel to or from a foreign country pursuant to
section 4(a);

(3) the number of sex offenders who were deter-
mmed to be high interest registered sex offenders by
the Center, the number of appeals of such deter-
minations received by the panel established pursuant
to section 6(d)(5), the length of time between the receipt of each such appeal and transmission of the response, the extent and nature of any information provided to the sex offender in response to the appeal, the reason for withholding any information requested by the sex offender, and the number of high interest registered sex offender determinations by the Center that were reversed by the review panel;

(4) if ICE charges a fee pursuant to section 4(c)—

(A) the amount of the fee;

(B) a description of the process to collect the fee and to transfer a percentage of the fee to the jurisdiction that processed the report;

(C) the percentage of the fee that is being shared with the jurisdictions, the basis for the percentage determination, and which jurisdictions received a percentage of the fees;

(D) how the revenues from the fee have been expended by ICE; and

(E) the fee waiver process established pursuant to section 4(c)(4), how many fee waiver requests were received, and how many of those received were granted;
(5) the results of the annual review process of the use of the Center Sex Offender Guidelines conducted pursuant to section 6(d)(6);

(6) what immediate actions have been taken, if any, by foreign countries and territories of destination following notification pursuant to section 6(d)(3), to the extent such information is available;

(7)(A) the number of United States citizens or lawful permanent residents arrested overseas and convicted in the United States for sex offenses, and in each instance—

(i) the age of the suspect and the number and age of suspected victims;

(ii) the country of arrest;

(iii) any prior criminal conviction or reported criminal behavior in the United States;

(iv) whether the individual was required to and did report pursuant to section 4; and

(v) if the individual reported travel pursuant to section 4 prior to the commission of the crime, whether the individual was deemed not to be a high interest registered sex offender by the Center; and

(B) for purposes of this paragraph, the term "sex offense" means a criminal offense involving
sexual conduct against a minor or an adult, including the activities listed in clauses (i) through (viii) in section 3(9)(A);

(8) which countries have been requested to notify the United States when a United States citizen has been arrested, convicted, sentenced, or completed a prison sentence for a sex offense in that country, and of those countries so requested, which countries have agreed to do so, through either formal or informal agreement;

(9) any memoranda of understanding or other bilateral agreements that the United States has negotiated with a foreign government to further the purposes of this Act pursuant to section 10(a); and

(10) recommendations as to how the United States can more fully participate in international law enforcement cooperative efforts to combat child sex exploitation.

SEC. 15. AUTHORIZATION OF APPROPRIATIONS.

To carry out this Act and the amendments made by this Act, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2011 through 2015.
H.R. 5139

To provide for the International Organizations Immunities Act to be extended to the Office of the High Representative in Bosnia and Herzegovina and the International Civilian Office in Kosovo.

IN THE HOUSE OF REPRESENTATIVES

Mr. Berman introduced the following bill, which was referred to the Committee on ____________________________

A BILL

To provide for the International Organizations Immunities Act to be extended to the Office of the High Representative in Bosnia and Herzegovina and the International Civilian Office in Kosovo.

1 Be it enacted by the Senate and House of Representa-
2 tives of the United States of America in Congress assembled,
3 SECTION 1. SHORT TITLE.
4 This Act may be cited as the “Extending Immunities to the Office of the High Representative and the International Civilian Office in Kosovo Act of 2010”.

SEC. 2. EXTENSION OF INTERNATIONAL ORGANIZATIONS IMMUNITIES ACT.

The International Organizations Immunities Act (22 U.S.C. 288 et seq.) is amended by adding at the end the following new section:

"SEC. 17. OFFICE OF THE HIGH REPRESENTATIVE IN BOSNIA AND HERZEGOVINA AND THE INTERNATIONAL CIVILIAN OFFICE IN KOSOVO; EXTENSION OF PRIVILEGES AND IMMUNITIES.

"The provisions of this title may be extended to the Office of the High Representative in Bosnia and Herzegovina (and to its officers and employees) or the International Civilian Office in Kosovo (and to its officers and employees) in the same manner, to the same extent, and subject to the same conditions, as they may be extended to a public international organization in which the United States participates pursuant to any treaty or under the authority of any Act of Congress authorizing such participation or making an appropriation for such participation. Any such extension may provide for the provisions of this title to extend to officers and employees of the Office of the High Representative in Bosnia and Herzegovina, or officers and employees of the International Civilian Office in Kosovo, even after that Office has been dissolved."
111TH CONGRESS
2d Session

S. 1067

IN THE HOUSE OF REPRESENTATIVES

MARCH 11, 2010
Referred to the Committee on Foreign Affairs

A BILL

To support stabilization and lasting peace in northern Uganda and areas affected by the Lord’s Resistance Army through development of a regional strategy to support multilateral efforts to successfully protect civilians and eliminate the threat posed by the Lord’s Resistance Army and to authorize funds for humanitarian relief and reconstruction, reconciliation, and transitional justice, and for other purposes.
Be it enacted by the Senate and House of Representa-
tives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Lord's Resistance
Army Disarmament and Northern Uganda Recovery Act
of 2009”.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) For over 2 decades, the Government of
Uganda engaged in an armed conflict with the
Lord's Resistance Army (LRA) in northern Uganda
that led to the internal displacement of more than
2,000,000 Ugandans from their homes.

(2) The members of the Lord's Resistance
Army used brutal tactics in northern Uganda, in-
cluding mutilating, abducting and forcing individuals
into sexual servitude and forcing a large number of
children and youth in Uganda, estimated by the Sur-
vey for War Affected Youth to be over 66,000, to
fight as part of the rebel force.

(3) The Secretary of State has placed the
Lord's Resistance Army on the Terrorist Exclusion
list pursuant to section 212(a)(3) of the Immigra-
tion and Nationality Act (8 U.S.C. 1182(a)(3)), and
LRA leader Joseph Kony has been designated a
“specially designated global terrorist” pursuant to Executive Order 13224.

(4) In late 2005, according to the United Nations Office for Coordination of Humanitarian Affairs, the Lord’s Resistance Army shifted their primary base of operations from southern Sudan to northeastern Democratic Republic of Congo, and the rebels have since withdrawn from northern Uganda.


(6) After nearly 2 years of negotiations, representatives from the parties reached the Final Peace Agreement in April 2008, but Joseph Kony, the leader of the Lord’s Resistance Army, refused to sign the Final Peace Agreement in May 2008 and his forces launched new attacks in northeastern Congo.

(7) According to the United Nations Office for the Coordination of Humanitarian Relief and the
United Nations High Commissioner for Refugees, the new activity of the Lord’s Resistance Army in northeastern Congo and southern Sudan since September 2008 has led to the abduction of at least 1,500 civilians, including hundreds of children, and the displacement of more than 540,000 people.

(8) In December 2008, the military forces of Uganda, the Democratic Republic of Congo, and southern Sudan launched a joint operation against the Lord’s Resistance Army’s bases in northeastern Congo, but the operation failed to apprehend Joseph Kony, and his forces retaliated with a series of new attacks and massacres in Congo and southern Sudan, killing an estimated 900 people in 2 months alone.

(9) Despite the refusal of Joseph Kony to sign the Final Peace Agreement, the Government of Uganda has committed to continue reconstruction plans for northern Uganda, and to implement those mechanisms of the Final Peace Agreement not conditional on the compliance of the Lord’s Resistance Army.

(10) Since 2008, recovery efforts in northern Uganda have moved forward with the financial support of the United States and other donors, but have
been hampered by a lack of strategic coordination, logistical delays, and limited leadership from the Government of Uganda.

SEC. 3. STATEMENT OF POLICY.

It is the policy of the United States to work with regional governments toward a comprehensive and lasting resolution to the conflict in northern Uganda and other affected areas by—

(1) providing political, economic, military, and intelligence support for viable multilateral efforts to protect civilians from the Lord’s Resistance Army, to apprehend or remove Joseph Kony and his top commanders from the battlefield in the continued absence of a negotiated solution, and to disarm and demobilize the remaining Lord’s Resistance Army fighters;

(2) targeting assistance to respond to the humanitarian needs of populations in northeastern Congo, southern Sudan, and Central African Republic currently affected by the activity of the Lord’s Resistance Army; and

(3) further supporting and encouraging efforts of the Government of Uganda and civil society to promote comprehensive reconstruction, transitional justice, and reconciliation in northern Uganda as af-

SEC. 4. REQUIREMENT OF A STRATEGY TO SUPPORT THE DISARMAMENT OF THE LORD'S RESISTANCE ARMY.

(a) Requirement for Strategy.—Not later than 180 days after the date of the enactment of this Act, the President shall develop and submit to the appropriate committees of Congress a strategy to guide future United States support across the region for viable multilateral efforts to mitigate and eliminate the threat to civilians and regional stability posed by the Lord’s Resistance Army.

(b) Content of Strategy.—The strategy shall include the following:

(1) A plan to help strengthen efforts by the United Nations and regional governments to protect civilians from attacks by the Lord’s Resistance
Army while supporting the development of institutions in affected areas that can help to maintain the rule of law and prevent conflict in the long term.

(2) An assessment of viable options through which the United States, working with regional governments, could help develop and support multilateral efforts to eliminate the threat posed by the Lord’s Resistance Army.

(3) An interagency framework to plan, coordinate, and review diplomatic, economic, intelligence, and military elements of United States policy across the region regarding the Lord’s Resistance Army.

(4) A description of the type and form of diplomatic engagement across the region undertaken to coordinate and implement United States policy regarding the Lord’s Resistance Army and to work multilaterally with regional mechanisms, including the Tripartite Plus Commission and the Great Lakes Pact.

(5) A description of how this engagement will fit within the context of broader efforts and policy objectives in the Great Lakes Region.

(c) FORM.—The strategy under this section shall be submitted in unclassified form, but may include a classified annex.
SEC. 5. HUMANITARIAN ASSISTANCE FOR AREAS OUTSIDE UGANDA AFFECTED BY THE LORD'S RESISTANCE ARMY.

In accordance with section 491 of the Foreign Assistance Act of 1961 (22 U.S.C. 2292) and section 2 of the Migration and Refugee Assistance Act of 1962 (22 U.S.C. 2601), the President is authorized to provide additional assistance to the Democratic Republic of Congo, southern Sudan, and Central African Republic to respond to the humanitarian needs of populations directly affected by the activity of the Lord’s Resistance Army.

SEC. 6. ASSISTANCE FOR RECOVERY AND RECONSTRUCTION IN NORTHERN UGANDA.

(a) AUTHORITY.—It is the sense of Congress that the President should support efforts by the people of northern Uganda and the Government of Uganda—

(1) to assist internally displaced people in transition and returnees to secure durable solutions by spurring economic revitalization, supporting livelihoods, helping to alleviate poverty, and advancing access to basic services at return sites, specifically clean water, health care, and schools;

(2) to enhance the accountability and administrative competency of local governance institutions and public agencies in northern Uganda with regard
to budget management, provision of public goods
and services, and related oversight functions;

(3) to strengthen the operational capacity of the
civilian police in northern Uganda to enhance public
safety, prevent crime, and deal sensitively with gen-
der-based violence, while strengthening account-
ability measures to prevent corruption and abuses;

(4) to rebuild and improve the capacity of the
justice system in northern Uganda, including the
courts and penal systems, with particular sensitivity
to the needs and rights of women and children;

(5) to establish mechanisms for the disar-
mament, demobilization, and reintegration of former
combatants and those abducted by the LRA, includ-
ing vocational education and employment opportuni-
ties, with attention given to the roles and needs of
men, women and children; and

(6) to promote programs to address psycho-
social trauma, particularly post-traumatic stress dis-
order.

(b) Future Year Funding.—It is the sense of Con-
gress that the Secretary of State and Administrator of the
United States Agency for International Development
should work with the appropriate committees of Congress
to increase assistance in future fiscal years to support ac-
tivities described in this section if the Government of
Uganda demonstrates a commitment to transparent and
accountable reconstruction in war-affected areas of northern
Uganda, specifically by—

(1) finalizing the establishment of mechanisms
within the Office of the Prime Minister to suffi-
ciently manage and coordinate the programs under
the framework of the Peace Recovery and Develop-
ment Plan for Northern Uganda (PRDP);

(2) increasing oversight activities and reporting,
at the local and national level in Uganda, to ensure
funds under the Peace Recovery and Development
Plan for Northern Uganda framework are used effi-
ciently and with minimal waste; and

(3) committing substantial funds of its own,
above and beyond standard budget allocations to
local governments, to the task of implementing the
Peace Recovery and Development Plan for Northern
Uganda such that communities affected by the war
can recover.

(c) COORDINATION WITH OTHER DONOR NA-
TIONS.—The United States should work with other donor
nations to increase contributions for recovery efforts in
northern Uganda and better leverage those contributions
to enhance the capacity and encourage the leadership of
the Government of Uganda in promoting transparent and
accountable reconstruction in northern Uganda.

(d) **Termination of Assistance.**—It is the sense
of Congress that the Secretary of State should withhold
non-humanitarian bilateral assistance to the Republic of
Uganda if the Secretary determines that the Government
of Uganda is not committed to reconstruction and rec-
conciliation in the war-affected areas of northern Uganda
and is not taking proactive steps to ensure this process
moves forward in a transparent and accountable manner.

**SEC. 7. ASSISTANCE FOR RECONCILIATION AND TRANSI-
TIONAL JUSTICE IN NORTHERN UGANDA.**

(a) **Sense of Congress.**—It is the sense of Con-
gress that, despite reconstruction and development efforts,
a continued failure to take meaningful steps toward na-
tional reconciliation and accountability risks perpetuating
longstanding political grievances and fueling new conflicts.

(b) **Authority.**—In accordance with section 531 of
the Foreign Assistance Act of 1961 (22 U.S.C. 2346), the
President is authorized to support efforts by the people
of northern Uganda and the Government of Uganda to
advance efforts to promote transitional justice and rec-
conciliation on both local and national levels, including to
encourage implementation of the mechanisms outlined in
the Annexure to the Agreement on Accountability and
12

Reconciliation between the Government of Uganda and the
Lord’s Resistance Army/Movement, signed at Juba February 19, 2008, namely—

(1) a body to investigate the history of the conflict, inquire into human rights violations committed
during the conflict by all sides, promote truth-telling
in communities, and encourage the preservation of
the memory of events and victims of the conflict
through memorials, archives, commemorations, and
other forms of preservation;

(2) a special division of the High Court of
Uganda to try individuals alleged to have committed
serious crimes during the conflict, and a special unit
to carry out investigations and prosecutions in sup-
port of trials;

(3) a system for making reparations to victims
of the conflict; and

(4) a review and strategy for supporting transi-
tional justice mechanisms in affected areas to pro-
mote reconciliation and encourage individuals to
take personal responsibility for their conduct during
the war.

SEC. 8. REPORT.

(a) REPORT REQUIRED.—Not later than 1 year after
the submission of the strategy required under section 4,
the Secretary of State shall prepare and submit to the ap-
propriate committees of Congress a report on the progress
made toward the implementation of the strategy required
under section 4 and a description and evaluation of the
assistance provided under this Act toward the policy objec-
tives described in section 3.

(b) CONTENTS.—The report required under section
(a) shall include—

(1) a description and evaluation of actions
taken toward the implementation of the strategy re-
quired under section 4;

(2) a description of assistance provided under
sections 5, 6, and 7;

(3) an evaluation of bilateral assistance pro-
vided to the Republic of Uganda and associated pro-
grams in light of stated policy objectives;

(4) a description of the status of the Peace Re-
cover and Development Plan for Northern Uganda
and the progress of the Government of Uganda in
fulfilling the steps outlined in section 6(b); and

(5) a description of amounts of assistance com-
mitted, and amounts provided, to northern Uganda
during the reporting period by the Government of
Uganda and each donor country.
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(c) Form.—The report under this section shall be submitted in unclassified form, but may include a classified annex.

SEC. 9. SENSE OF CONGRESS ON FUNDING.

It is the sense of Congress that—

(1) of the total amounts to be appropriated for fiscal year 2011 for the Department of State and foreign operations, up to $10,000,000 should be used to carry out activities under section 5; and

(2) of the total amounts to be appropriated for fiscal year 2011 through 2013 for the Department of State and foreign operations, up to $10,000,000 in each such fiscal year should be used to carry out activities under section 7.

SEC. 10. DEFINITIONS.

In this Act:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term “appropriate committees of Congress” means the Committee on Appropriations and the Committee on Foreign Relations of the Senate and the Committee on Appropriations and the Committee on Foreign Affairs of the House of Representatives.

(2) GREAT LAKES REGION.—The term “Great Lakes Region” means the region comprising Bu-
rundi, Democratic Republic of Congo, Rwanda, southern Sudan, and Uganda.

(3) LRA-AFFECTED AREAS.—The term “LRA-affected areas” means those portions of northern Uganda, southern Sudan, northeastern Democratic Republic of Congo, and southeastern Central African Republic determined by the Secretary of State to be affected by the Lord’s Resistance Army as of the date of the enactment of this Act.

Passed the Senate March 10, 2010.

Attest: NANCY ERICKSON,

Secretary.
Chairman Berman. Without objection, H.R. 5138, H.R. 5139 and S. 1067 are considered as read. Without objection, the amendment in the nature of a substitute for H.R. 4128—that is the Conflict Minerals Trade Act—before the members will be considered as base text for purposes of amendment, and that will be considered as read and will be open for amendment at any point. A summary of the amendment in the nature of a substitute is on each member's desk.

[The amendment of H.R. 4128 follows:]
AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 4128

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

This Act may be cited as the “Conflict Minerals Trade Act”.

4 SEC. 2. FINDINGS.

Congress finds the following:

6 (1) The Democratic Republic of the Congo was
7 devastated by a civil war in 1996 and 1997 and a
8 war that began in 1998 and ended in 2003, result-
9 ing in widespread human rights violations and the
10 intervention of multiple armed forces and armed
11 non-state actors from other countries in the region.
12
13 (2) Despite the signing of a peace agreement
14 and official withdrawal of foreign forces in 2003, the
15 eastern region of the Democratic Republic of the
16 Congo has continued to suffer from high levels of
17 poverty, insecurity, and a culture of impunity, in
18 which armed groups and military forces continue to
19 commit widespread human rights abuses.
(3) According to a study by the International Rescue Committee released in January 2008, conflict and related humanitarian crises in the Democratic Republic of the Congo have resulted in the deaths of millions of people since 1998 and continue to cause as many as 45,000 deaths each month.

(4) Sexual violence and rape remain pervasive tools of combat used by all parties in eastern Democratic Republic of the Congo to terrorize and destroy communities. Sexual violence and rape are inflicted upon thousands of women and girls, resulting in a range of traumatic effects, including fistula, other severe genital injuries, and long-term psychological trauma.

(5) The use of child soldiers on the front lines, as bonded labor, and as sex slaves is a widespread phenomenon among armed groups in the region.

(6) A report released by the Government Accountability Office in December 2007 describes how the mismanagement and illicit trade of extractive resources from the Democratic Republic of the Congo supports conflict between armed groups in the Democratic Republic of the Congo and neighboring countries.
(7) In its final report under United Nations Security Council Resolution 1807, released on December 12, 2008, the United Nations Group of Experts on the Democratic Republic of the Congo found armed groups in eastern Democratic Republic of the Congo continue to fight over, illegally plunder, and profit greatly from the trade of columbite-tantalite (coltan), cassiterite, wolframite, and gold in the eastern Congo.


(A) broadens existing sanctions relating to the Democratic Republic of the Congo to include "individuals or entities supporting the armed groups . . . through illicit trade of natural resources,"; and

(B) encourages Member States to ensure that companies handling minerals from the Democratic Republic of the Congo exercise due diligence on their suppliers, including—

(i) determining the precise identity of the deposits from which the minerals they intend to purchase have been mined;
(ii) establishing whether or not these deposits are controlled or taxed by armed groups; and

(iii) refusing to buy minerals known to originate, or suspected to originate, from deposits controlled or taxed by armed groups.

(9) The illicit trade by armed groups and militias in eastern Congo in columbite-tantalite (coltan), cassiterite, wolframite, and gold continues to flourish, fuels war, robs the people of Congo of a valuable and legitimate resource, and undermines the peaceful evolution of the Government of the Democratic Republic of the Congo.

(10) Mineral derivatives from the Democratic Republic of the Congo are used in industrial and technology products worldwide, including mobile telephones, laptop computers, and digital video recorders.

(11) In February 2009, the Electronic Industry Citizenship Coalition and the Global e-Sustainability Initiative released a statement asserting that—

(A) use by the information communications technology industry of mined commodities that support conflict in such countries as the Demo-
5

eratic Republic of the Congo is unacceptable;
and

(B) consumer electronics companies can
and should uphold responsible practices in their
operations and work with suppliers to meet so-
cial and environmental standards with respect
to the raw materials used in the manufacture of
their products.

(12) Companies that create and sell products
that include columbite-tantalite (coltan), cassiterite,
 wolframite, and their derivatives, and gold have the
opportunity to influence the situation in the Demo-
 cratic Republic of the Congo by—

(A) exercising due diligence over their
manufacturing processes, by ensuring that they
and their suppliers use raw materials in a man-
ner that does not—

(i) directly finance armed conflict;
(ii) result in labor or human rights
violations; or
(iii) damage the environment;

(B) verifying the country and mine from
which the minerals used to build their products
originate; and
(C) committing to support mineral exporters from the Democratic Republic of the Congo that certify that their minerals do not—

(i) directly finance armed conflict;

(ii) result in labor or human rights violations; or

(iii) damage the environment.

(13) There are ample sources of columbite-tantalite (coltan), cassiterite, wolframite, and gold in non-conflict areas of the Congo and worldwide; processing columbite-tantalite, cassiterite, wolframite, and gold for commercial use requires sophisticated technology; there are a limited number of processing facilities worldwide for columbite-tantalite, cassiterite, wolframite, gold, and their derivatives; and determining the sources of columbite-tantalite, cassiterite, wolframite, gold, and their derivatives used by processing facilities has already been successfully done at low cost.

SEC. 3. STATEMENT OF POLICY.

and security in the eastern Democratic Republic of the Congo by supporting efforts of the Government of the Democratic Republic of the Congo, including the Ministry of Mines and other relevant agencies, other governments in the Great Lakes Region of Africa, and the international community to—

(1) monitor and stop commercial activities involving the natural resources of the Democratic Republic of the Congo that contribute to the activities of armed groups and human rights violations in the Democratic Republic of the Congo; and

(2) develop stronger governance and economic institutions that can facilitate and improve transparency in the cross-border trade involving the natural resources of the Democratic Republic of the Congo in order to reduce exploitation by armed groups and promote local and regional development.

SEC. 4. INVESTIGATION, REPORTS, AND STRATEGY REGARDING CONFLICT MINERALS AND HUMAN RIGHTS ABUSES IN THE DEMOCRATIC REPUBLIC OF THE CONGO.

(a) CONGO CONFLICT MINERAL-RICH ZONES MAP, AND ARMED GROUPS.—

(1) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Sec-
retary of State, in consultation with the Secretary of
Defense, shall, in accordance with the recommenda-
tion of the United Nations Group of Experts on the
Democratic Republic of the Congo in their December
2008 report, work with the Government of the
Democratic Republic of the Congo, other Member
States of the United Nations, and local and inter-
national nongovernmental organizations to—

(A) produce a map of mineral-rich zones,
trade routes, and areas under the control of
armed groups in the Democratic Republic of
the Congo;

(B) make such map available to the public;
and

(C) provide to the appropriate congres-
sional committees, in classified form if nec-
essary, an explanatory note describing in gen-
eral terms the sources of information from
which such map is based, the definition of the
term “under the control of armed groups” uti-
lized (for example, physical control of mines or
forced labor of civilians, control of trade routes,
and taxation or extortion of goods in transit),
and the identification, where possible, of the
armed groups or other forces in control of the
mines depicted.

(2) DESIGNATION.—The map required under
this subsection shall be known as the "Congo Con-
flict Minerals Map", and mines located in areas
under the control of armed groups in the Democratic
Republic of the Congo, as depicted on such Congo
Conflict Minerals Map, shall be known as "conflict
zone mines".

(3) UPDATES.—The Secretary of State shall
update the map required under paragraph (1) not
less frequently than once every 180 days until the
Secretary certifies to Congress that no armed group
that is a party to any ongoing armed conflict in the
Democratic Republic of the Congo or any other
country is involved in the mining, sale, or export of
conflict minerals or gold, or the control thereof, or
derives any benefits from such activities.

(4) PUBLICATION IN FEDERAL REGISTER.—The
Secretary of State may add minerals to the list of
conflict minerals. The Secretary shall publish in the
Federal Register notice of intent to declare a min-
eral as a conflict mineral not later than one year be-
fore such declaration.

(b) GUIDANCE FOR COMMERCIAL ENTITIES.—
(1) IN GENERAL.—The Secretary of State and the Secretary of Commerce shall work with the Government of the Democratic Republic of the Congo, other Member States of the United Nations, local and international nongovernmental organizations, and other interested parties to provide guidance to commercial entities seeking to exercise due diligence, including documentation on the origin and chain of custody for their products, on their suppliers to ensure that conflict minerals used in their products do not—

(A) directly finance armed conflict;

(B) result in labor or human rights violations; or

(C) damage the environment.

(2) COOPERATION.—The Secretary of State and the Secretary of Commerce shall work with the Government of the Democratic Republic of the Congo, commercial entities, and other interested parties to identify best practices and opportunities to improve transparency of the supply chains of such commercial entities engaged in commerce or trade with products that contain one or more derivatives of conflict minerals.

(e) STRATEGY.—
(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall, working with the Administrator of the United States Agency for International Development, submit to the appropriate congressional committees a strategy to address the linkages that exist between human rights abuses, armed groups, and mining.

(2) CONTENTS.—The strategy required by paragraph (1) shall include the following:

   (A) A plan to assist governments plagued by conflict to establish and effectively implement the necessary frameworks and institutions to formalize and improve transparency in the trade of conflict minerals.

   (B) An outline of assistance currently being provided to the Democratic Republic of the Congo and an assessment of future assistance that could be provided by the Government of the United States to help to build the capacity of the Government of the Democratic Republic of the Congo to ensure that effective mechanisms are implemented to limit the financing of armed conflict through illicit mining, and in general to help the Democratic Republic
of the Congo to strengthen the management
and sustainable export of its natural resources.

(C) A description of punitive measures
that could be taken against individuals or enti-
ties whose commercial activities are supporting
armed groups and human rights violations in
the Democratic Republic of the Congo.

(d) **Annual Human Rights Reports.**—In pre-
paring those portions of the annual Country Reports on
Human Rights Practices under sections 116(d) and
502B(b) of the Foreign Assistance Act of 1961 (22 U.S.C.
2151n(d) and 2304(b)) relating to the Democratic Repub-
lic of the Congo or countries that share a border with the
Democratic Republic of the Congo, the Secretary of State
shall ensure that such reports include a description of any
instances or patterns of practice that indicate that the ex-
traction and cross-border trade in conflict minerals has
negatively affected human rights conditions or supported
specific human rights violations, sexual or gender-based
violence, or labor abuses in the eastern region of the
Democratic Republic of the Congo, during the period cov-
ered by each such report.

(e) **Annual Organization for Economic Co-Op-
eration and Development Investment Committee
Report.**—In preparing the United States’ annual report
to the Organization for Economic Co-operation and Development Investment Committee, the Secretary of State shall include a description of efforts by the United States to ensure, consistent with the Organization for Economic Co-operation and Development Guidelines for Multinational Enterprises, that enterprises under United States jurisdiction are exercising due diligence to ensure that their purchases of minerals or metals are not originating from mines and trading routes that are used to finance or benefit armed groups in the Democratic Republic of the Congo.

(f) SUPPORT OF MANDATE OF UNITED NATIONS GROUP OF EXPERTS ON THE DEMOCRATIC REPUBLIC OF THE CONGO.—The President, acting through the Secretary of State, the United States Permanent Representative to the United Nations, and other appropriate United States Government officials, shall use the voice and vote of the United States at the United Nations Security Council to renew the mandate and strengthen the capacity of the United Nations Group of Experts on the Democratic Republic of the Congo to investigate links between natural resources and the financing of armed groups, and ensure that the Group of Experts’ recommendations are given serious consideration.
SEC. 5. SENSE OF CONGRESS ON ASSISTANCE FOR AFFECTED COMMUNITIES AND SUSTAINABLE LIVELIHOODS.

(a) SENSE OF CONGRESS ON ASSISTANCE FOR AFFECTED COMMUNITIES.—It is the sense of Congress that the Administrator of the United States Agency for International Development should expand and better coordinate programs to assist and empower communities in the eastern Democratic Republic of the Congo whose livelihoods depend on the mineral trade, particularly—

(1) communities affected by sexual and gender-based violence;

(2) communities affected by use of child soldiers and forced child servitude; and

(3) individuals displaced and communities affected by violence.

(b) SENSE OF CONGRESS ON FUTURE YEAR FUNDING.—It is the sense of Congress that, in accordance with the Democratic Republic of the Congo Relief, Security, and Democracy Promotion Act of 2006 (Public Law 109–456), the Secretary of State and the Administrator of the United States Agency for International Development should work with 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 as well
as other donors and the Government of the Democratic
Republic of the Congo to increase assistance beginning in
fiscal year 2010 for communities affected by violence in
the Democratic Republic of the Congo, specifically to—

(1) provide treatment for injury or physical or
psychological trauma, including illness and infection,
psychological support, and rehabilitation assistance
for survivors of sexual and gender-based violence;

(2) provide humanitarian relief to people dis-
placed by violence;

(3) improve living conditions and livelihood
prospects for artisanal miners and mine workers;
and

(4) alleviate poverty by reconstructing infra-
structure and revitalizing agricultural production.

(c) SENSE OF CONGRESS ON COORDINATION OF AS-
SISTANCE.—It is the sense of Congress that the United
States should work with other countries, on a bilateral and
multilateral basis to assist the Government of the Demo-
cratic Republic of the Congo to effectively discharge its
responsibility to—

(1) increase protection and assistance for com-
munities in the eastern Democratic Republic of the
Congo at risk of human rights violations associated
with the mineral trade, particularly women and girls;
(2) strengthen the management and trade of natural resources in the Democratic Republic of the Congo; and

(3) improve the conditions and livelihood prospects of artisan miners and mine workers.

SEC. 6. IDENTIFICATION OF COMMERCIAL GOODS CONTAINING CONFLICT MINERALS.

(a) List of Goods Potentially Containing Conflict Minerals.—Not later than 180 days after the date of the enactment of this Act and annually thereafter, the Secretary of Commerce, in cooperation with the Secretary of State, the International Trade Commission, and the Commissioner responsible for U.S. Customs and Border Protection, shall determine and publish in the Federal Register a list of those articles specified in the Harmonized Tariff Schedule of the United States that should be identified as likely containing conflict minerals. Such list shall be referred to as the “Potential Conflict Goods List”.

(b) Creating List of Approved Auditors.—

(1) List.—

(A) In General.—Not later than one year after the date of the enactment of this Act and annually thereafter, the Secretary of Commerce, in cooperation with the Secretary of State, the
International Trade Commission, and in consultation with nongovernmental organizations and manufacturing industry representatives, shall determine and publish in the Federal Register a list which contains a sufficient number of approved private sector auditing services qualified to audit the processing facilities worldwide of conflict minerals.

(B) DETERMINATION AND APPROVAL.—

The Secretary of Commerce shall determine which private sector auditing services are qualified to audit the processing facilities worldwide of conflict minerals in accordance with subparagraph (A) on the basis of applications submitted to the Secretary by interested private sector auditing services that demonstrate the following:

(i) Subject matter expertise of trade in conflict minerals and their derivatives.

(ii) Working knowledge of the refining process for conflict minerals and their derivatives.

(iii) No conflict of interest with the industry being audited.
(C) EXPECTATIONS.—A private sector auditing service approved by the Secretary of Commerce under subparagraph (B) shall conduct investigations in the Democratic Republic of the Congo and neighboring countries and along the supply chain to the points of entry into the United States of conflict minerals and their derivatives, including the following:

(i) Reviewing documentation.

(ii) Conducting interviews.

(iii) Field assessments.

(iv) Reviewing shipping information.

(v) Conducting random spot checks of potential conflict minerals and their derivatives entering the United States.

(vi) Visiting mines and other sites of interest to the conflict mineral trade.

(2) UPDATE.—The Secretary of Commerce shall update the list required under paragraph (1) not less than once every 12 months and publish in the Federal Register the updated list. The Secretary of State shall work with and encourage relevant foreign governments to issue visas for auditors who are United States citizens for purposes of travel relating
to auditing of processing facilities described in paragraph (1).

3. (c) **Regular Auditing of Facilities for Use of Conflict Minerals.**

   (1) IN GENERAL.—The Secretary of Commerce shall seek to ensure that facilities that process conflict minerals and whose resulting materials are used in products shipped into the United States subject themselves to random audits to be financed by industry not less than every six months by private sector auditing services approved by the Secretary pursuant to subsection (b) to certify each such processing facility as either “conflict mineral free” or a “conflict mineral facility”. A processing facility certified as a “conflict mineral facility” is a facility that processes one or more conflict minerals from conflict zone mines. A processing facility certified as “conflict mineral free” is a facility that has not processed conflict minerals from conflict zone mines in the previous six months or since the previous audit.

   (2) **Audit Reports.**

      (A) IN GENERAL.—The Secretary of Commerce shall seek to ensure that private sector auditing services approved by the Secretary pursuant to subsection (b) submit to the Sec-
20

retary reports on the audits conducted by such
services for those facilities that are audited pur-
suant to paragraph (1).

(B) CONTENTS.—The reports referred to
in subparagraph (A) shall contain the following:

(i) The name and location of the pro-
cessing facility audited.

(ii) The relevant minerals being proc-
essed at the facility.

(iii) The date of the audit and the pe-
riod covered by the audit.

(iv) The date of notification of an im-
pending audit.

(v) The country of origin of minerals
purchased and processed, including local
areas or specific mines of origin in the
Democratic Republic of the Congo from
which minerals were sourced.

(vi) A determination as to whether
there were any minerals processed for
which there is not a credibly documented
and verifiable chain of custody.

(vii) A declaration of the facility as
one that is a “Conflict Mineral Facility” or
is “Conflict Mineral Free” for the period covered by each such report.

(3) Publication in Federal Register.—The Secretary of Commerce shall publish in the Federal Register the reports of private sector auditing services pursuant to paragraph (2) for those facilities that are audited pursuant to paragraph (1), including—

(A) whether any such facility has been certified as “conflict mineral free” or a “conflict mineral facility”; and

(B) if such service determines that the facility is a “conflict mineral facility”, the mine or local area of origin of the conflict minerals likely to have financed conflict in the Democratic Republic of the Congo.

(4) Additional Audits.—Processing facilities worldwide of conflict minerals may request additional audits from private sector auditing services approved by the Secretary pursuant to subsection (b). Any such additional audits shall be non-binding and may remain private.

(d) Auditing Protocol and Contents.—

(1) In General.—The Secretary of Commerce shall seek to ensure that, in carrying out audits in
accordance with subsection (c) by private sector auditing services approved by the Secretary pursuant to subsection (b), such services follow an audit protocol that includes the following:

(A) Determination of the mines of origin of processed materials.

(B) Verification of the chain of custody of minerals obtained and processed during the preceding four months, to verify whether revenues from possession, sale, or taxation of conflict minerals are flowing to parties financing conflict in the Democratic Republic of the Congo.

(C) Investigation of mineral sourcing and chain of custody in the Democratic Republic of the Congo and other countries, as necessary, to verify the information provided by suppliers.

(2) TIMING OF AUDITS.—Audits shall be randomly timed, but not without notice.

SEC. 7. REQUIREMENTS RELATING TO IMPORTATION OF ARTICLES CONTAINING CONFLICT MINERALS.

(a) DECLARATION OF CERTAIN ARTICLES.—

(1) IN GENERAL.—Beginning on the date that is one year after the date of publication in the Federal Register of the initial list of approved private
sector auditing services under section 6(b)(1) or two years after the date of the enactment of this Act, whichever occurs later, importers that import articles specified in the Harmonized Tariff Schedule of the United States that are identified pursuant to section 6(a) as included on the Potential Conflict Goods List shall certify on the importer's Customs declaration that such articles "contain conflict minerals" or are "conflict mineral free" in accordance with section 6(c). Articles that contain components using conflict minerals from a facility audited and certified by an auditor on the list referred to in subsection 6(b) as—

(A) "conflict mineral free" shall be designated as "conflict mineral free"; and

(B) a "conflict mineral facility" shall be designated as "contains conflict minerals".

(2) SPECIAL RULES.—For the purposes of this Act—

(A) recycled derivatives of conflict minerals shall be considered “conflict mineral free”; and

(B) articles that contain only components sourced from processing facilities that are “conflict mineral free” may be labeled “conflict mineral free".
(b) Prohibition on Importation of Certain Articles.—Unrefined conflict minerals, not including their derivatives, from a conflict zone mine that are in raw or unrefined form for any commercial purpose may not be imported into the United States. Beginning on the date that is two years after the date of the enactment of this Act, articles made wholly or in part with components containing conflict minerals from facilities that have not been audited in accordance with section 6(c) may not be imported into the United States.

(c) Exemption.—The President may exempt articles from inclusion on Potential Conflict Goods List and publish notice to this effect in the Federal Register, if the President—

(1) determines that such an exemption is in the national security interest of the United States and includes the reasons therefor; and

(2) establishes a date, not later than two years after the initial publication of such exemption, on which such exemption shall expire.

SEC. 8. REPORT BY UNITED STATES TRADE REPRESENTATIVE.

(a) In General.—Not later than 180 days after the implementation of the requirements of sections 6 and 7 and every 180 days thereafter, the United States Trade
Representative, in consultation with the Commissioner responsible for U.S. Customs and Border Protection, shall publish in the Federal Register a list of those importers that have imported into the United States articles that “contain conflict minerals” in the preceding 180-day period.

(b) Matters to Be Included.—Each report required under subsection (a) shall, with respect to each importer identified under subsection (a), include the following information irrespective of whether any party to the importation has requested confidentiality: the carrier code, vessel country code, vessel name, voyage number, district/port of unloading, estimated arrival date, bill of lading number, foreign port of lading, manifest quantity, manifest units, weight, weight unit, shipper name, shipper address, consignee name, consignee address, notify party name, notify party address, piece count, description of goods, brand, manufacturing company, container number, and seal number.


(a) Penalties Relating to Conflict Minerals.—If any person, by fraud, gross negligence, or negligence, enters, introduces, or attempts to enter or introduce any good that contains one or more conflict minerals (as such term is defined in section 11) into the territory
of the United States by means of inaccurate information with respect to the imported good, such person shall be subject to penalties pursuant to section 592 of the Tariff Act of 1930 (19 U.S.C. 1592).

(b) Publication in the Federal Register.—The Commissioner responsible for U.S. Customs and Border Protection and the Secretary of Commerce shall publish in the Federal Register in a timely manner a list of all penalties imposed under subsection (a).

SEC. 10. REPORTS BY GOVERNMENT ACCOUNTABILITY OFFICE.

(a) Initial Report.—Not later than 36 months after the date of the enactment of this Act and annually thereafter, the Comptroller General of the United States shall submit to Congress a report that includes the following:

(1) An assessment of the accuracy of the approved private sector auditing services under section 6.

(2) Recommendations for such auditing services to—

(A) improve the accuracy of such auditing services; and

(B) establish standards of best practices.
(b) FOLLOW-UP REPORTS.—Not later than 36 months after the date of the enactment of this Act and annually thereafter, the Comptroller General of the United States shall submit to Congress a report that includes the following:

(1) An assessment of the effectiveness of the provisions of this Act.

(2) A description of the problems, if any, encountered by the Department of Commerce, the Department of State, the Office of the United States Trade Representative, U.S. Customs and Border Protection, and the Administrator of the United States Agency for International Development in carrying out the provisions of this Act.

(3) A description of the adverse impacts of carrying out the provisions of this Act, if any, on countries with conflict minerals or their derivatives, and in particular, communities in eastern Democratic Republic of the Congo.

(4) Recommendations for legislative or regulatory actions that can be taken to—

(A) improve the effectiveness of the provisions of this Act to promote peace and security in accordance with section 3;
(B) resolve the problems described in paragraph (2), if any; and

(C) mitigate the adverse impacts described in paragraph (3), if any.

(5) Recommendations on the feasibility of establishing an appropriate international mechanism designed to effectively disrupt and prevent the trade in minerals of concern, such as columbite-tantalite (coltan), cassiterite, gold, wolframite, or their derivatives.

**SEC. 11. DEFINITIONS.**

In this Act:

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

(A) the Committee on Appropriations, the Committee on Foreign Affairs, the Committee on Ways and Means, and the Committee on Financial Services of the House of Representatives; and

(B) the Committee on Appropriations, the Committee on Foreign Relations, the Committee on Finance, and the Committee on Banking, Housing, and Urban Affairs of the Senate.
(2) Armed Group.—The term “armed group” means armed groups identified as perpetrators of serious human rights abuses in the annual Country Reports on Human Rights Practices under sections 116(d) and 502B(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151n(d) and 2304(b)) relating to the Democratic Republic of the Congo or countries that share a border with the Democratic Republic of the Congo.

(3) Conflict Minerals.—The term “conflict minerals” means columbite-tantalite (coltan), cassiterite, gold, wolframite, and any other mineral or metal determined by the Secretary of State to be financing conflict in the Democratic Republic of the Congo.

(4) Under the Control of Armed Groups.—The term “under the control of armed groups” means areas within the countries of the Great Lakes region in which armed groups—

(A) physically control mines or force labor of civilians to mine, transport or sell conflict minerals or their derivatives;

(B) tax, extort, or control any part of trade routes for conflict minerals or their de-
rivatives, including the entire trade route to the
point of export from the Great Lakes region; or

(C) tax, extort, or control trading facilities,
in whole or in part, including the point of ex-
port from the Great Lakes region.

(5) UNITED STATES.—The term “United
States” means the customs territory of the United
States, as defined in general note 2 of the Har-
mionized Tariff Schedule of the United States.

SEC. 12. SUNSET.

This Act shall expire on the date on which the Presi-
dent determines and certifies to the appropriate congres-
sional committees, but in no case earlier than the date
that is one day after end of the three-year period begin-
ing on the date of the enactment of this Act, that—

(1) no armed group is involved in the mining,
sale, or export of one or more conflict minerals;

(2) systemic violence as a result of mining has
ceased; and

(3) a regional framework is being effectively im-
plemented to monitor and regulate trade and com-
merce in mining so that activities do not benefit
armed groups in the future, or allow for domestic or
Chairman Berman. Without objection, I may recess the committee from time to time. I now recognize myself for as much time as I may consume to make an opening statement.

For more than a decade, we have been hearing about the tragic situation in the Democratic Republic of the Congo: Mass killings of civilians. Rape used as a weapon of war. Child soldiers forced to the front lines.

H.R. 4128, the Conflict Minerals Act, is one important step toward ending a conflict in Congo that by some estimates has killed more than 5 million people.

The bill establishes a mechanism to track minerals mined in the DRC that end up in products like cell phones and laptops, and will help us cut off financing to some of the planet’s most brutal armed groups. I am now supposed to hold up Marissa’s cell phone and say in this cell phone is tin and coltan, both conflict minerals coming from the Congo.

In many respects, this legislation builds on the work already begun by some American companies. H.R. 4128 will make those efforts more effective by creating a level playing field for all companies that do business in the United States.

The American people don’t want to put money in the hands of brutal thugs in the DRC, and neither do American companies. For less than 1 cent per cell phone, this bill will allow American consumers to make responsible choices, and help put the warlords out of business. I thank the author of the bill, Mr. McDermott, and my colleague Don Payne, chairman of the Africa Subcommittee, for all their hard work on these issues, and I encourage my colleagues to support the bill.

I would like to also commend Chris Smith for his hard work on H.R. 5138, the International Megan’s Law of 2010, and I mean hard work. Many child sex offenders are traveling internationally or reside abroad because the laws against sex acts with minors are weaker or rarely enforced in particular countries.

International Megan’s Law would establish a system for providing advance notice to foreign countries when a convicted child sex offender travels to that country and imposes a registration requirement for child sex offenders from the United States who reside abroad.

Worldwide, over 2 million children are sexually exploited each year through trafficking, prostitution and child-sex tourism. We all know the devastating emotional, physical and psychological effects on these child victims. We need to do all we can to prevent these predators from circumventing U.S. laws to prey on children in foreign countries. I encourage my colleagues to support this bill.
H.R. 5139, Extending Immunities to the Office of the High Representative and the International Civilian Office in Kosovo Act of 2010, is a technical fix to ensure legal protection for employees of both the Office of the High Representative (OHR) in Bosnia and Herzegovina, and the International Civilian Office (ICO) in Kosovo.

The bill, which adds the OHR and the ICO to the International Organization Immunities Act, will ensure that Americans serving in these important Balkans-based organizations will be protected from politically motivated litigation in the United States arising from their official duties and only their official duties.

The United States must protect its diplomats who serve in international organizations, often at great personal risk and sacrifice, from financially and personally ruinous litigation while also preserving its ability to use informal institutions in the conduct of foreign policy. Finally, we have S. 1067, the Lord’s Resistance Army Disarmament and Northern Uganda Recovery Act of 2009. I would like to thank the gentleman from Massachusetts, Mr. McGovern, for his work on the House version of this bill.

This legislation affirms the policy of the United States to work with regional governments toward a comprehensive and lasting resolution to the conflict in northern Uganda.

It further requires a strategy to support the disarmament of the Lord’s Resistance Army, and support for humanitarian efforts and recovery and reconstruction in areas of the Democratic Republic of Congo, Southern Sudan and the Central African Republic affected by Lord’s Resistance Army activity.

And it calls on the President to support efforts by the people of northern Uganda and the Government of Uganda to promote transitional justice and reconciliation on both local and national levels.

It should be noted that this bill does not include any earmarks.

I now yield back my time, and I turn to the ranking Republican member, Ileana Ros-Lehtinen, for her opening statement.

Ms. ROS-LEHTINEN. Thank you so much, Mr. Chairman. It is a pleasure to work with you and for our staff to work together in a bipartisan manner in a very open process to bring these bills to our committee again, so I thank you, Mr. Chairman, and I thank your most excellent staff.

I support the en bloc consideration of the legislative items before us. Let me begin by applauding the years of work by our colleague, Congressman Chris Smith of New Jersey, in making the International Megan’s Law a reality. Chris is a tenacious fighter for and a defender of the most vulnerable of our population, and I am so very proud of the work that he has done. It has taken a long time, and this is a happy day.

I was proud to be an original co-sponsor of its predecessor, H.R. 1623, and also of this new text, which was the result of months of bipartisan negotiation that Mr. Smith had with the Judiciary Committee, with input from relevant Executive Branch agencies.

The International Megan’s Law is an important and long overdue instrument to help protect children from dangerous sexual offenders who use the anonymity afforded by international travel to hide their dangerous and dehumanizing exploitation. By requiring convicted sexual offenders to report upcoming international travel and creating a nexus for communication between local, national and
international authorities, the International Megan’s Law will help curb international sex tourism by convicted predators. So thank you, Mr. Smith, for your work on this bill.

I am also proud, Mr. Chairman, to be adding my name as a co-sponsor of the revised text of H.R. 4128, the Conflict Minerals Trade Act, which is being considered today. This important human rights legislation will help disrupt the illegal mineral trade that funds and fuels the bloody conflict in the Democratic Republic of the Congo.

There are other measures being considered en bloc that, while not perfect, advance issues of great importance to our members and our Nation. I remain committed to seeing Senate bill S. 1067 enacted into law as quickly as possible to help end the Lord’s Resistance Army’s 23-year legacy of death and despondency in northern Uganda and the surrounding region.

While I regret that the Senate failed to consider the earmark moratorium adopted by House Republicans despite repeated attempts to highlight this issue, I appreciate the cooperative efforts to make clear that the bill before us today does not contain an earmark in order to help facilitate the progress of this important human rights measure as well.

Another bill, H.R. 5139, considered en bloc will allow the President to extend International Organizations Immunity Act protection to the Office of High Representative, the High Representative in Bosnia and the International Civilian Office in Kosovo. American personnel who work for those offices deserve the same protection against politically motivated nuisance lawsuits that are enjoyed by more than 80 other international organizations covered by the Act.

While we support the agreed upon text, Mr. Chairman, I would like to underscore our concerns about the State Department’s rush to secure the authorities in this bill while failing to respond in a timely manner to inquiries made on specific provisions, background and the need for this legislation. The Department needs to be placed on notice that the Congress, and specifically this committee, will not continue to come to the Department’s rescue at the last minute, when approached by the Department with a request for a fix on a particular issue or authority.

This committee expects the Department to come into compliance with its statutory obligations under a number of U.S. laws, including the Iran, North Korea and Syria Nonproliferation Act (INKSNA) before any further requests such as H.R. 5139 are made of this committee. So please come forward with the repeated request that we have made for information about INKSNA before coming up for further requests.

With that, Mr. Chairman, I thank you for the time and look forward to the continued markup.

Chairman BERMAN. The gentlelady yields back the balance of her time, and before I recognize the gentleman from New Jersey, I just will yield to myself to express the same concern expressed by the ranking member regarding the difficulty of getting the State Department to respond.

The need for this legislation is coming not from the State Department, but from the people who work in those organizations. They
have a clear and compelling case, and the State Department was very slow to respond on a variety of the legal issues. In fact, it wasn’t until very recently that we got the responses we had been trying to get for a long time.

At this point I am pleased to recognize the chairman of the Africa Subcommittee, the gentleman from New Jersey, Mr. Payne, who has spent a great deal of time on at least two of these measures that are before us in this en bloc motion.

Mr. PAYNE. Thank you very much, Mr. Chairman and ranking member. Let me begin by offering an amendment in the nature of a substitute to H.R. 4128.

Chairman BERMAN. Would the gentleman yield?

Mr. PAYNE. Yes.

Chairman BERMAN. We have already put that in as the base text for this.

Mr. PAYNE. Oh, great.

Chairman BERMAN. So it is the bill with that amendment in the nature of a substitute that is now before us.

Mr. PAYNE. Thank you very much. Thanks for that clarification. I certainly would like, as I mentioned, to thank the chairman and the ranking member and the full committee staff on both sides of the aisle for working with me and my staff on this measure, the conflict minerals bill. I would also especially like to thank Mr. McDermott from the Ways and Means Committee for a strong interest and in the work of his staff as we work together on this bill.

The Democratic Republic of Congo, the DRC, has been in political turmoil for decades. In the early 1900s, the region was King Leopold’s playground. In the 1960s, a nationalist movement led by Patrice Lumumba won Parliamentary elections in the Congo. Lumumba was considered a threat as a new leader in Africa and was later assassinated by Belgium troops, at that time supported by the United States Government.

In May 1997, the Alliance of the Democratic Forces for the Liberation of Congo Zaire, the AFDL, with the support of Rwanda and Uganda, marched into Kinshasa and ousted long-time dictator Mobutu Sese Seko. By August 1998, conflict erupted between Kabila and the Congolese forces supported by Rwanda. Angola, Namibia and Zimbabwe joined the fighting in support of Kabila. The Second Congolese War, often referred to as the African World War, contributed to displacement of many civilians, the destruction of towns and the death of millions.

Much progress has been made over the past several years in moving the DRC from political instability and civil war to relative stability and democratic rule. However, Eastern Congo remains marred by civil strife, and conflict minerals have been the source of much of the devastating violence in the region.

Although the government in Kinshasa has attempted to control the region, there is, for example, no direct road from the capital of Kinshasa to the eastern region of the country, therefore creating very, very difficult transportation problems and therefore making governance much more difficult.

The Conflict Minerals Trade Act promotes peace and security in the eastern region of the Democratic Republic of Congo by requiring the following: One, that the State Department create a map of
the DRC showing mines and areas that are under the control of militant groups involved in human rights violations;

That the Department of Commerce publishes a potential conflict goods list, products that may contain conflict minerals, and a list of international auditors who are approved to do audits of processing facilities to determine if conflict materials have been processed there in that area;

Three, that products containing conflict material from facilities that have not been audited may not be imported into the United States of America; and, four, the U.S. and other partner nations help build capacity of the Congolese Government.

The bill, while it will not change the situation in the DRC overnight, is a strong effort to build transparency in the mining sector. Our aim is to help bring about an end to the suffering of the people of Eastern Congo. As has been mentioned, I am offering this amendment in the nature of a substitute today to deal with some of the finer details of the bill.

Let me just say that I have been to the Eastern Congo on at least five occasions, have during the conflict time met with some of the warlords when they were head of militias, Bimba and Robetta. We have seen much progress made from those days to the present. However, there are still problems.

We have this bill, which follows a similar bill that I urged and pushed and we introduced years ago on conflict diamonds where the Kimberley Process now processes diamonds, and if they are not certified then those diamonds may not be sold on the marketplace and so we are expecting this particular bill to have the same result as it relates to tin and coltan and other valuable minerals that go into the processing.

And so I would like to once again appreciate the support of Chairman Berman and Ranking Member Ros-Lehtinen. They contributed to the provisions in the bill. We worked closely with them, and the bill will ensure that we provide a framework to assist the Government of the DRC.

On a number of occasions I have discussed this with President Kabila, my five or six meetings with him during the past 7 or 8 years, and we hope that this will help him in trying to bring under control that eastern region of this country. So I urge the members to support this amendment, H.R. 4128, and look forward to moving this bill to the Floor.

Secondly, I would just like to briefly urge members to support S. 1067, the Lord's Resistance Army's Disarmament in Northern Uganda Recovery Act of 2009. This bill seeks to bring an end to the more than 20 years of terror propagated by the Lord's Resistance Army, known as the LRA, in northern Uganda.

The bill calls for an interagency strategy to stop the LRA's reign of terror which has spread to neighboring DRC, South Sudan and the Central African Republic and to provide critical support to the innocent people, particularly the children whose lives have been devastated by Joseph Kony and those who support him.

Mr. Chairman, as you know, I had reservations about one section of the bill which says we should restrict assistance to the Government of Uganda if certain steps are not taken. I would like to say for the record the Government of Uganda has made significant ef-
forts to address the havoc wrecked by the LRA, and they have done a tremendous amount in trying to bring this under control.

But in the interest of moving the bill forward I agree to go ahead with the Senate version, but I would like to thank the chairman and Representative McGovern for working with me on alternative language to the House bill. I do support the Senate bill.

However, as I have mentioned, to hold punitive measures against a government who is trying to also deal with this situation. They have even, as you may recall, had the U.N. agree to have amnesty for Kony, which many of us thought was a horrible thing to do for such a terrible criminal.

However, if it would end the problem we went along with it, but Kony refused to go along with that and the ICC still has the indictment out for him. So I would be reluctant to penalize the Government of Uganda because of Kony, and that is what it says in the bill, but hopefully we can work on that to have that provision altered.

Finally, I just want to commend my colleague from New Jersey, Mr. Smith, and strongly urge the support of H.R. 5138, the International Megan's Law of 2010, which protects children from sexual exploitation by establishing an advance reporting requirement for registered sex offenders traveling internationally and provides a mechanism for notification and destination countries for traveling sex offenders who pose a risk to children. I certainly commend Congressman Smith for his leadership on the bill and Mr. Berman and Ms. Ros-Lehtinen for moving this forward.

As you know, Megan's Law, which was first passed in our home state of New Jersey in 1994 and later adopted by Congress in 1996, protects children from sex exploitation through community notification by identifying the whereabouts of sex offenders. International Megan's Law will protect children by preventing in some circumstances and monitoring in other cases, sex offenders who pose a risk of committing a sex offense against a minor while traveling abroad.

The United States has a moral obligation to strengthen international cooperation against sexual exploitation of a minor and must lead the global community in an effort to save potential children, child victims, by notifying other countries of U.S. sex offenders who pose a high risk of exploiting children. I strongly urge my colleagues to support this legislation. It will protect all children, both nationally and internationally, from sex offenders and sexual exploitation.

With that, Mr. Chairman, thank you for the time. I yield back.

Chairman Berman. The gentleman yields back, and now to the other gentleman from New Jersey, Mr. Smith, for 5 minutes.

Mr. Smith. Mr. Chairman, I move to strike the last word, and I want to thank you——

Chairman Berman. The gentleman is recognized for 5 minutes.

Mr. Smith [continuing]. For bringing before this committee all of these bills, but in particular the International Megan's Law, H.R. 5138, which as you and others have pointed out, establishes a model framework for intergovernmental notifications when a dangerous child sex offender travels internationally.
International Megan’s Law works synergistically with our efforts to combat human trafficking, in this case by providing information about high risk sex offenders, child sex offenders. These are people who have been convicted, who unfortunately, today, we have every reason to believe as the evidence is overwhelming, travel abroad in order to exploit children. This legislation will work in a hand and glove manner with our already enacted Trafficking Victims Protection Act and other similar pieces of legislation.

I do want to thank you, Mr. Chairman, and Ileana Ros-Lehtinen for your leadership on this bill. I want to thank Don Payne, the prime co-sponsor, for his work on this. I deeply appreciate it. As he correctly pointed out, the International Megan’s Law follows the Megan’s Law, which passed in New Jersey back in the early 1990s.

Megan Kanka was a little girl, a 7-year-old girl, who actually lived in my home town. She was severely sexually assaulted and then brutally murdered by a convicted pedophile who had already spent time, more than a dozen years, in prison. He lived across the street. Nobody knew his background.

He invited her into his home. He said, “Come in and see my puppy.” He had a little dog. And then he brutally raped and murdered her and nobody knew. Nobody knew who this person was. That led to enactment in New Jersey and then throughout all 50 states of the Megan’s Law, which has had the ability to deter. Knowledge is power to deter, and now we are trying to extend that internationally when people go on these sex tourism efforts to exploit children.

I especially want to thank Maureen and Richard Kanka, who founded the Kanka Foundation, Megan’s legacy. They have taken a horrific tragedy and have become national and now international proponents of Megan’s Law as a way of trying to mitigate these horrific crimes.

Mr. Chairman, despite the fact that 137 countries are party to the optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography abound, including in the United States. Little is being done internationally to comply with the obligation to prevent these acts in the context of the horrific phenomena of child sex tourism.

As evidenced by the troubling information in the State Department’s Annual Trafficking in Persons Report, child sex tourism is a serious and widespread problem. Congress has passed legislation to bring to justice those Americans who are caught sexually exploiting children abroad, but we have yet to institute measures that will protect children from suffering this exploitation in the first place and its lifelong consequences.

H.R. 5138 would implement one measure that is readily apparent: To identify and notify foreign governments of international travel by known dangerous sex child offenders. The move to such a formalized agreement is exemplified in a case in April 2008. A lifetime registered sex offender from the U.K. traveled to the U.S. with the intention of living with a woman he had communicated with on the internet and her young daughter. It was only after an alert of Interpol London that U.S. officials learned about the criminal history of this man and refused to allow him to enter the country.
There have been instances where ICE officials most recently in California learned of a group of men who were going to travel to South Korea, all of them sex offenders, all of them with grave MOs as to what they probably intended to do in South Korea. We notified South Korea. They didn’t grant a visa and they were not allowed to commit what we believe would have been crimes in South Korea against children.

U.S. Immigration and Customs Enforcement, together with other U.S. and foreign law enforcement agencies, are making a sincere, but occasional, effort to share information. It is all being done on an ad hoc basis through Interpol and other available means regarding traveling child sex offenders. A legal structure is needed to systematize and coordinate these detection and notification efforts.

The International Megan’s Law would provide this legal structure. It establishes a mechanism for U.S. law enforcement agencies to identify child sex offenders who pose a danger to children in a destination country and to notify that country about this child sex offender’s travel intentions. It also includes a sense of the Congress that the President can negotiate agreements——

Chairman Berman. The time of the gentleman has expired.

Without objection, the gentleman has 2 additional minutes.

Mr. Smith. I appreciate that. Thank you, Mr. Chairman.

It also includes a sense of Congress that the President, as you know, can negotiate agreements with other governments to establish bilateral systems to receive and transmit notices about dangerous child sex offenders so that children in our own country will be better protected from known predators.

The bill also establishes a registration requirement for U.S. child sex offenders when they are residing abroad. Currently there is no legal mechanism to identify and track Americans convicted of child sex offenses overseas or to continue tracking the location and activities of a child sex offender if they leave the United States for more than 30 days. H.R. 5138 will enable the U.S. diplomatic missions to notify U.S. law enforcement when a child sex offender who is required to register enters or re-enters the United States.

I would ask that my full statement be made a part of the record.

Chairman Berman. Without objection.

Mr. Smith. I would like to thank the many very dedicated staff on both sides of the aisle who worked so hard on this, beginning with Sheri Rickert. I would also like to thank Kristin Wells, who used to be with the committee who did yeoman’s work on this, Janice Kaguyutan, Doug Anderson, Shanna Winters, Rick Kessler, who has been working with us very closely, Stephanie Gidigbi and a large group of people on the Judiciary Committee as well because we have been engaging in negotiations there as well. Thank you, Mr. Chairman.

Chairman Berman. Will the gentleman yield?

Mr. Smith. I will be happy to yield.

Chairman Berman. I just want my colleagues on the committee to understand what you have done. You have gotten a bill like this through and with the approval and sign off and the waiving of jurisdiction of the staff of the House Judiciary Committee. Not a minor achievement.
Mr. SMITH. Thank you very much, and I do appreciate it very much.

Chairman BERMAN. The time of the gentleman has expired. Any member wish to be recognized to strike the last word or offer an amendment? The gentleman from Texas, Mr. Poe?

Mr. POE. Mr Chairman, I move to strike the last word.

Chairman BERMAN. The gentleman is recognized for 5 minutes.

Mr. POE. Thank you very much, Mr. Chairman. The International Megan’s Law, H.R. 5138, is very important to our country. As founder and co-chair of the Victim’s Rights Caucus, along with my friend, Mr. Costa, from California, I strongly urge support of H.R. 5138.

Unfortunately, unlawful sex tourism is big international business. One million children enter the multi-billion-dollar commercial sex every year. One million kids. Overall there are 2 million children that are enslaved in the global commercial sex trade.

These children are not statistics. They are real people. They are boys and girls who most often grow up in very poor families and broken homes from countries all over the world. They are lured away by recruiters who promise them jobs in another city. They are falsely imprisoned under the belief that they are going to go to some other country, have a job and send money back home to their families.

I recently was in the Ukraine and Bulgaria discussing this issue, and in some ways it is almost epidemic in the former eastern European bloc how young women primarily are lured away and then many of them never seen again because they are put into the sex trade.

When they leave home they are forced into prostitution, and studies show that child prostitutes serve between 2 and 30 clients a week, which means they serve anywhere between 100 and 1,500 clients per year. I don’t like calling them clients. I like calling them criminals, but that is what they are under the terminology.

Those who resist or fail to earn enough money, the people who have procured them beat these children until they go back to work, bringing in this filthy lucre. If they don’t die from an STD many of them fall into drug use, and without any hope or any other way many of them commit suicide.

The most startling statistic, Mr. Chairman, is the fact that Americans make up 25 percent of the world’s sex trade tourists. In other words, all of these going on in foreign countries, 25 percent of the clients are Americans. Many of them have gone abroad so that they can exploit children. That is to our shame. We need to deal with that issue.

The International Megan’s Law of 2010 is another tool to help free children and stop the child sex tourism. It makes it harder for Americans with a known history of the sex offender to sexually abuse children in another country because our laws have gotten stringent enough, these sex offenders who go to prison, and most of them statistically repeat once they leave the penitentiary. They decide to go to a foreign country where laws are different and they are less likely to be apprehended.

It says that if you abuse children here in the United States, you have to tell the U.S. Government when and where you are going
so we can warn other countries this criminal is coming to your country and he is a known child molester. It also says that if a country knows of a sex offender in their country we want to know what their plans are if they come to the United States.

The point of this law is to shine light on an industry that thrives in the darkness, in the depths of depravity. If you have a known history of sexually abusing children in our Nation, no longer can you just get on an airplane, go abuse other children in another country and come back home. I hope that means that a sex offender will think twice before exploiting other kids in foreign nations.

I hope this law puts the slimy pimps that prey on helpless children out of business, and this will help do that. They make profits by exploiting kids in the international sex tourism business. Hopefully children around the world, less of them will be caught in the sex trade and slavery. Children are victims of crime. Their freedom is stolen, their dignity, and their voices must be heard here in the United States and we must do what we can to help other kids throughout the world.

Lastly, I want to point out that once a person, a child, usually young women, are put into this atmosphere they never recover. They never get out of it, and those that do have tremendous physical, emotional and mental problems because of the sex trade tourism that they have been kidnapped and put into.

So I congratulate my friend from New Jersey for sponsoring this, and I totally support it. I yield back the remainder of my time.

Chairman Berman. The time of the gentleman has expired. Who else seeks recognition? The gentlelady from Texas.

Ms. Jackson Lee. To ask unanimous consent to speak for 5 minutes.

Chairman Berman. Without objection. The gentlelady moves to strike the last word and is recognized for 5 minutes.

Ms. Jackson Lee. Mr. Chairman, I want to thank you for your leadership and that of the ranking member for collecting these very important initiatives going forward. I will speak briefly about each of the initiatives that I am supporting.

The Conflict Minerals Trade Act has just really been galvanized by recent media stories about a high profile model that may have been either the victim or engaged or associated with allegations of conflict diamonds as it relates to the trial of Charles Taylor. It goes on and on and on. And so I think this legislation is long overdue, and I am very glad that businesses such as LG Electronics and Motorola and advocacy groups such as Oxam and Genocide Intervention Network, Global Witness are in support of this.

I received a letter from Corinna Gilfillan, who is with Global Witness, who indicated that the trade in conflict minerals by armed groups in the Eastern DRC has fueled horrific human rights abuses, including widespread killings of unarmed civilians, rape, torture, looting and Federal displacement of hundreds of thousands of people.

Might I just say that I wish that we were as forceful, though I know that there was much opposition, during the Liberian War
where these conflict minerals are clearly in play. So I support this legislation and look forward to its passage.

In addition, as the co-chair of the Congressional Caucus I am enthusiastically supporting H.R. 5138 and thank the co-sponsors and authors for the wisdom. I was a strong supporter and advocate of Megan's Law, and I believe that this is key in saving the lives of children.

I am reminded of visits early on in my congressional career to Bangladesh and to several other countries. I don't want to in essence call the roll, but countries who hopefully have made great strides in meeting with some of the Bangladesh leaders. I know that they have. Thailand, for example, with the horrific story of a year or 2 ago of individuals, men, who have left their country to abuse children.

This is intolerable and unacceptable, and if the Congress cannot stand before the major components of this bill, which is the establishment of a system for providing advance notice to foreign countries when a sex offender who poses a high risk is traveling and the imposition of a registration requirement for child offenders from the United States who reside abroad, what can we do?

So I am very grateful that we have put that legislation forward, and I do support it to avoid the result of HIV AIDS and other abuses, psychological trauma, disease, unwanted pregnancy that comes about through this horrific, horrible crime.

H.R. 5139, extending immunities to the Office of the High Representative Act, is a technical fix of which I support, and then in listening to my colleague from New Jersey, Chairman Payne, I want to associate myself on S. 1067 with his comments, his broad comments, the Lord's Resistance Army Disarmament in Northern Uganda Recovery Act.

We have spent time in Uganda, and certainly its President has had a long tenure. The rebel guerrilla army operating in Uganda and parts of Sudan, the LRA, has come to be known for its mass atrocities, and this seeking of disarmament to finally bring peace to this area is important.

I do think we should take into consideration who is to blame, but it should be noted that in this battle injuries targeted government troops, more than 200,000 lives have been taken, and millions of civilians have been displaced from their homes. Twenty thousand children have been abducted, raped, maimed and killed. This is long overdue. This legislation authorizes the President to provide additional assistance to respond to the humanitarian needs.

Let me also say that I support the Global Science Program for Security, Competitiveness and Diplomacy Act, H.R. 4801. Having been a 12-year member of the Science Committee, this is an excellent idea.

And I thank you for accepting my amendment, which expands it to Subsaharan countries that may have been a little bit more economically able because, for example, South Africa is a country that has an enormous range in science. Many of those individuals would be left out if they were not able to engage in this process of a scientific exchange. Science I believe is the work of the twenty-first century. We are in the twenty-first century, and we should leave no one out.
Mr. Chairman, I would like to ask for approval and passage of the bills that I have just commented on, and I thank the committee for yielding. I yield back.

Chairman BERMAN. The time of the gentlelady has expired.

Hearing no further amendments, I ask unanimous consent that the amendment in the nature of a substitute to H.R. 4128, the Conflict Minerals Trade Act, is considered adopted, and without objection I further ask unanimous consent to report en bloc the four bills favorably to the House, but as separate bills.

H.R. 5138, International Megan’s Law of 2010; H.R. 5139, Extending Immunities to the Office of the High Representative Act of 2010; S. 1067, the Lord’s Resistance Army Disarmament and Northern Uganda Recovery Act of 2009 will each be ordered reported without amendment. H.R. 4128, the Conflict Minerals Trade Act, will be ordered reported with an amendment in the nature of a substitute just adopted.

I move that these four bills as described be reported favorably to the House. All those in favor say aye.

[Chorus of ayes.]

Chairman BERMAN. All opposed say no.

[Chorus of noes.]

Chairman BERMAN. In the opinion of the chair, the ayes have it and the motion is agreed to without objection. The staff is authorized to make any technical and conforming changes. That takes care of four of the five bills. I thank the members for being here, and I ask you to stay for one more bill, which I really like because it is my bill.

Pursuant to notice I call up the final bill, H.R. 4801, the Global Science Program for Security, Competitiveness and Diplomacy Act of 2010.

[H.R. 4801 follows:]
111th Congress 2d Session

H.R. 4801

To establish the Global Science Program for Security, Competitiveness, and Diplomacy, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

March 10, 2010

Mr. Berman (for himself, Mr. Fortenberry, Mr. Lepinski, Mr. Bello, and Mr. Holt) introduced the following bill; which was referred to the Committee on Foreign Affairs, and in addition to the Committee on Science and Technology, 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.

A BILL

To establish the Global Science Program for Security, Competitiveness, and Diplomacy, and for other purposes.

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

3 SECTION 1. SHORT TITLE.

4 This Act may be cited as the “Global Science Program for Security, Competitiveness, and Diplomacy Act of 2010”.

6 SEC. 2. FINDINGS.

8 Congress finds the following:
(1) International scientific collaboration promotes the national security and economic competitiveness of the United States. It is therefore a key foreign policy priority of Congress to support such collaboration.

(2) During the Cold War, scientific collaboration bolstered relationships with United States allies and provided helpful engagement with adversaries.

(3) International scientific collaboration today helps the United States find technical solutions to key global challenges, promotes economic development at home and abroad, improves bilateral relationships, leverages the capabilities of foreign scientists and engineers, creates technology that improves quality of life, promotes United States values, and enhances the reputation of the United States in the world.

(4) The United States faces competition from other countries in the field of international scientific collaboration. Forging international networks with the best individuals and institutions abroad is essential to advancing long-term United States economic interests.

(5) Simultaneously, it is of the highest priority for United States national security to ensure that
scientists who have been engaged in weapons of
mass destruction (WMD)-related research and engi-
neering are encouraged and supported, in partner-
ship with foreign governments, to engage in produc-
tive civil initiatives. This collaboration and other
international scientific partnerships can be applied
directly to solving pressing problems of global secu-
rity, including global pandemics and climate change.

(6) Ensuring long-term stability and prosperity
in countries vulnerable to terrorist influence requires
promoting effective economic development and build-
ing the capacity of foreign partners to address con-
ditions that give rise to terrorism. International sci-
ettific collaboration provides a means to advance
these objectives.

(7) In an era where international skepticism
about United States foreign policy abounds, civil so-
ciety—including scientists and engineers—plays a
critical role in advancing the foreign policy interests
of the United States via engagement with scientists
abroad. Among foreign scientists and engineers, the
United States remains the most attractive destina-
tion in the world for graduate education and career-
long collaboration.
4

(8) There are a range of activities, such as collaborative research and exchange programs, best suited to non-government organizations, where independence from the United States Government provides greater flexibility, agility, and, in some cases, credibility, with foreign scientists.

(9) United States scientists, engineers, and innovators are an underutilized asset in efforts to advance United States diplomatic objectives; facilitating contact between such individuals and foreign populations of interest will advance overall United States foreign policy objectives.

SEC. 3. DEFINITIONS.

In this Act:

(1) ELIGIBLE COUNTRY.—The term “eligible country” means—

(A) a country classified by the World Bank as either lower-middle-income or low-income economies;

(B) a country located in the Middle East;

(C) a country with a majority population of Muslims; or

(D) any other country as determined by the Secretary of State.
5

(2) FEDERAL SCIENCE AGENCY.—The term “Federal science agency” means any Federal agency that is responsible for at least two percent of the total Federal obligation for research and development at institutions of higher education, according to the most recent data available from the National Science Foundation.

(3) ORGANIZATION.—The term “organization” means an educational institution, corporation, partnership, firm, or entity exempt from taxation under section 501(a) of the Internal Revenue Code of 1986 and described in section 501(c)(3) of such Code.

SEC. 4. GLOBAL SCIENCE PROGRAM FOR SECURITY, COMPETITIVENESS, AND DIPLOMACY.

(a) AUTHORIZATION.—The Secretary of State shall establish a program to be known as the “Global Science Program for Security, Competitiveness, and Diplomacy” (referred to in this section and sections 5 and 6 as the “Program”) in accordance with this section and sections 5 and 6.

(b) ACTIVITIES SUPPORTED.—The Program shall carry out, through the provision of grants, the following activities:

(1) COLLABORATIVE RESEARCH.—
(A) IN GENERAL.—Establish global research competitions that will undertake the following:

(i) Address the following global challenges: ocean acidification, nonproliferation, multiple drug resistant diseases, water-borne diseases, development of sustainable renewable energy resources, sanitation, food shortage, and water resources.

(ii) Engage former WMD scientists to assist in their transition to peaceful, civilian research.

(iii) Provide incentives for United States businesses to undertake programs employing such scientists for peaceful purposes.

(iv) Foster stronger partnerships and relations between United States and foreign universities in science and technology.

(B) ACTIVITIES.—Such global research competitions shall include—

(i) grants for not more than five years of collaborative research and development projects between United States scientists
and engineers and scientists and engineers from eligible countries; and
(ii) grants to enhance existing United States-based research programs by adding an international partner from an eligible country.

(2) INSTITUTIONAL CAPACITY BUILDING.—
(A) GOALS.—The goals of such grants shall be to—
(i) strengthen the research infrastructure and science and engineering curricula of institutes of higher learning in eligible countries;
(ii) engage foreign students early in their careers with United States scientists and engineers in order to bring such students into the global sphere of science and foster critical thinking; and
(iii) expand existing scholarship exchanges with students from eligible countries.
(B) RESTRICTIONS.—The following restrictions shall apply to the Program:
(i) Funds may not be used for construction of facilities.
(ii) Not more than 10 percent of each
grant may be used for purchase of equip-
ment.

(iii) No eligible country may receive
more than 10 percent of the funds author-
ized to be appropriated for the Program
for any fiscal year.

(C) ACTIVITIES.—Such grants may in-
clude—

(i) establishing research and education
centers at institutes of higher learning in
eligible countries to carry out the purposes
of this Act; and

(ii) providing equipment and training.

(3) NONPROLIFERATION.—

(A) IN GENERAL.—Conduct research and
training programs that—

(i) engage scientists and engineers
who might otherwise be exploited to par-
ticipate in illicit nuclear or WMD weapons
programs;

(ii) help prevent nuclear and WMD
proliferation; or

(iii) encourage foreign scientists and
engineers, in collaboration with United
States partners, to develop technologies and methods to combat WMD terrorism.

(B) Activities.—Such research and training programs may include—

(i) collaborative research competitions that would provide research grants to foreign scientists and engineers with WMD experience or who could be targeted to participate in a WMD or nuclear weapons program, and United States scientists and engineers; and

(ii) research and training programs for personnel of eligible countries who will be implementing nuclear cooperation agreements with the United States or otherwise participating in nuclear programs.

(4) Global Virtual Science Library.—To make grants to organizations that provide online access at little or no cost for scientists and engineers in eligible countries to worldwide science journals.

(c) Certain Requirements.—Grants awarded pursuant to subsection (b) (except for grants awarded pursuant to paragraph (3) of such subsection) shall be competitive, peer-reviewed, and merit-based.
(d) ADDITIONAL FUNDING.—In applying for a grant, an organization shall demonstrate how it will seek, to the maximum extent possible, additional funding from partner organizations, foreign governments, private businesses, and other entities, ideally to the level of a full match.

SEC. 5. MANAGEMENT.

(a) POLICY.—

(1) IN GENERAL.—The Secretary of State, in consultation with the Director of the Office of Science and Technology Policy, shall promulgate guidelines for review of grant applications to the Program.

(2) REQUIREMENTS.—The guidelines required under this subsection shall address, at a minimum, the following:

(A) Criteria by which grants shall be selected, including a description of diplomatic objectives of the Program.

(B) Policies to ensure that grants are in furtherance of United States diplomatic objectives.

(C) The countries and regions to participate in the Program.

(b) IMPLEMENTATION.—
11

(1) IN GENERAL.—The Secretary of State shall coordinate with the Director of the Office of Science and Technology Policy and the Director of the National Science Foundation to administer and implement the Program, in accordance with the guidelines promulgated pursuant to subsection (a).

(2) NATIONAL SCIENCE FOUNDATION.—The Director of the National Science Foundation shall perform the following activities for the Program:

(A) Subject to the guidelines promulgated pursuant to subsection (a), develop and issue solicitations for projects described in section 4(b), or coordinate with other Federal science agencies to develop and issue solicitations, as appropriate.

(B) Establish peer review panels comprised of individuals with demonstrated experience in relevant fields to—

(i) review proposals for grants; and

(ii) provide recommendations regarding evaluation of such proposals.

(C) Award grants based on the peer review recommendations.

(D) Administer grants on behalf of the Program.
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(c) ACCEPTANCE OF FUNDS FROM OUTSIDE SOURCES.—The Program may accept funds from outside sources, including foreign governments, nongovernmental organizations, and private business entities.

(d) RULE OF CONSTRUCTION.—Nothing in this Act may be construed to make any grant recipient an agent or establishment of the United States Government.

(e) ANNUAL REPORT.—

(1) IN GENERAL.—Not later than November 30 of each year, the President shall transmit to Congress a report relating to the Program for the preceding fiscal year.

(2) CONTENTS.—The report required under paragraph (1) shall include the following information:

(A) A comprehensive and detailed report on all operations, activities, and accomplishments under the Program.

(B) All expenditures of funds from the Program.

(C) A report on metrics used to gauge success of the Program.
SEC. 6. FUNDING.

(a) IN GENERAL.—There is authorized to be appro-
 priated to the President such sums as may be necessary to carry out sections 4 and 5.

(b) ADDITIONAL AUTHORITIES.—Amounts appro-
priated pursuant to the authorization for appropriations under subsection (a)—

(1) may be referred to as the “Global Science Program for Security, Competitiveness, and Diplomacy”; and

(2) may remain available until expended.

(c) TRANSFER AUTHORITY.—The Secretary of State may transfer funds authorized to be appropriated pursuant to this section to other Federal agencies, including the National Science Foundation, for the purposes of admin-
istering the Program. The Director of the National Science Foundation (NSF) may transfer funds trans-
ferred to the NSF, as appropriate, to other Federal science agencies for the purpose of implementing the Pro-
gram.

SEC. 7. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) the Office of the Science and Technology Advisor of the Department of State should be fur-
ther integrated into the overall activities of the De-
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Department of State, including greater involvement in
the activities of regional bureaus; and

(2) science is a critical, underutilized resource
for United States diplomacy, and that the activities
of bureaus with oversight over science programs
within the Department should be integrated.

SEC. 8. EMBASSY SCIENCE FELLOWS PROGRAM.

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

(1) scientific fellows at the Department of State
critically augment the capacity of the Department
and United States embassies to address science and
technology issues;

(2) Federal agencies are reluctant to pay the
costs of scientists detailed to serve in United States
embassies; and

(3) expanding existing fellowship programs will
meet the Department’s needs to enhance the role of
science at United States embassies.

(b) AUTHORIZATION.—The Secretary of State is au-
thorized to establish a program to be known as the “Em-
bassy Science Fellows Program” to serve the following
purposes:
(1) Pay for the costs of scientists employed at Federal agencies to serve in the Department of State for a period of not longer than three years.

(2) Enhance the role scientists play in strengthening United States diplomatic efforts.

(3) Ensure the placement of scientists at United States embassies.

(c) Authorization of Appropriations.—From amounts made available to the Diplomatic and Consular Programs account of the Department of State, there is authorized to be appropriated to the Secretary of State such sums as may be necessary to implement the Program authorized to be established in accordance with subsection (b).

(d) Acceptance of Funds From Outside Sources.—The Embassy Science Fellows Program may accept funds from outside sources, including foundations, nongovernmental organizations, and private business entities.

SEC. 9. JEFFERSON SCIENCE FELLOWS PROGRAM.

(a) Sense of Congress.—It is the sense of Congress that—

(1) tenured academic scientists from United States institutions of higher learning can provide
critical expertise and inform foreign policy matters
at the Department of State;

(2) United States academic institutions enjoy
an enhanced reputation in the international scientific
community;

(3) the presence of United States scientists at
the Department of State enhances the utility of
science as tool for diplomatic engagement; and

(4) the Jefferson Science Fellows Program au-
thorized to be established pursuant to this section
will provide a successful model for augmenting the
scientific expertise at the Department of State.

(b) AUTHORIZATION.—The Secretary of State is au-
thorized to establish a program to be known as the “Jef-
ferson Science Fellows Program” to serve the following
purposes:

(1) Provide an opportunity for tenured re-
search-active scientists and engineers from the
United States academic community to serve in the
Department of State for one year.

(2) Maintain an ongoing interactive relationship
between United States academic institutions and the
Department of State by utilizing former Jefferson
Fellows as expert consultants for short-term projects
for at least five years following their fellowship tenure.

(3) Enhance the availability at the Department of State of up-to-date scientific knowledge relevant to foreign policy and international relations.

(4) Enhance the use of science as a tool for diplomacy at the Department of State.

(c) Authorization of Appropriations.—From amounts made available to the Diplomatic and Consular Programs account of the Department of State, there is authorized to be appropriated to the Secretary of State such sums as may be necessary to implement the Jefferson Science Fellows Program authorized to be established in accordance with subsection (b).

(d) Acceptance of Funds from Outside Sources.—The Jefferson Science Fellows Program may accept funds from outside sources, including foundations, nongovernmental organizations, and private business entities.

SEC. 10. SCIENTIFIC ENVOYS PROGRAM.

(a) Authorization.—The Secretary of State shall establish a program to be known as the “Scientific Envoys Program”. In carrying out the Program, the Secretary shall appoint scientists and engineers, including Nobel
Prize Laureates and renowned researchers and professors, to serve as envoys on behalf of the United States to—

(1) represent the commitment of the United States to promote, in collaboration with other countries, the advancement of science and technology; and

(2) facilitate partnership with eligible countries.

(b) RESTRICTIONS.—The following restrictions shall apply to the Program:

(1) Of amounts authorized to be appropriated for the Program, funds may be used to cover only the travel and per diem costs of envoys appointed by the Secretary of State.

(2) The total length of travel for any envoy may not exceed 14 days.

(3) Not more than 12 envoys may be appointed annually.

(4) An envoy may serve a term of not longer than 3 years.

(c) AUTHORIZATION OF APPROPRIATIONS.—From amounts made available to the Exchange and Cultural Affairs account of the Department of State, there is authorized to be appropriated to the Secretary of State such sums as may be necessary to implement the Program au-
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1 thorized to be established in accordance with subsection
2 (a).

3 SEC. 11. SENSE OF CONGRESS REGARDING SCIENCE-RE-
4 LATED CONFERENCES, EXCHANGES, AND
5 PROGRAMS.

6 (a) FINDINGS.—Congress finds the following:
7 (1) The United States is a preeminent location
8 for science-related conferences, exchanges, and pro-
9 grams.
10 (2) Such conferences contribute to State and
11 local economies and provide critical opportunities for
12 United States scientists to interact with foreign
13 counterparts.
14 (3) Recently, the visa process to gain admission
15 to the United States for such events has become suf-
16 ficiently onerous to deter foreign visitors whom the
17 United States should welcome.

18 (b) SENSE OF CONGRESS.—It is the sense of Con-
19 gress that relevant Federal agencies should work to im-
20 prove the overall visa process to ensure that the United
21 States remains a central destination for such conferences,
22 exchanges, and programs.
Chairman Berman. 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. A summary of the amendment in the nature of a substitute is on each member's desk.

[The amendment of H.R. 4801 follows:]
AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 4801
OFFERED BY MR. BERMAN OF CALIFORNIA

Strike all after the enacting clause and insert the following:

1  SECTION 1. SHORT TITLE.

   This Act may be cited as the “Global Science Program for Security, Competitiveness, and Diplomacy Act of 2010”.

5  SEC. 2. FINDINGS.

6   Congress finds the following:

7   (1) International scientific collaboration promotes the national security and economic competitiveness of the United States. It is therefore a key foreign policy priority of Congress to support such collaboration.

12  (2) During the Cold War, scientific collaboration bolstered relationships with United States allies and provided helpful engagement with adversaries.

15  (3) International scientific collaboration today helps the United States find technical solutions to key global challenges, promotes economic development at home and abroad, improves bilateral rela-
2

tionships, leverages the capabilities of foreign scientis
tists and engineers, creates technology that im-
proves quality of life, promotes United States values,
and enhances the reputation of the United States in
the world.

(4) The United States faces competition from
other countries in the field of international scientific
collaboration. Forging international networks with
the best individuals and institutions abroad is essen-
tial to advancing long-term United States economic
interests.

(5) Simultaneously, it is of the highest priority
for United States national security to ensure that
scientists who have been engaged in weapons of
mass destruction (WMD)-related research and engi-
neering are encouraged and supported, in partner-
ship with foreign governments, to engage in produc-
tive civil initiatives. This collaboration and other
international scientific partnerships can be applied
directly to solving pressing problems of global secu-
rity, including global pandemics and climate change.

(6) Ensuring long-term stability and prosperity
in countries vulnerable to terrorist influence requires
promoting effective economic development and build-
ing the capacity of foreign partners to address con-
3

ditions that give rise to terrorism. International sci-

tific collaboration provides a means to advance

these objectives.

(7) In an era where international skepticism

about United States foreign policy abounds, civil so-

ciety—including scientists and engineers—plays a

critical role in advancing the foreign policy interests

of the United States via engagement with scientists

abroad. Among foreign scientists and engineers, the

United States remains the most attractive destina-

tion in the world for graduate education and career-

long collaboration.

(8) There are a range of activities, such as col-

laborative research and exchange programs, best

suited to non-government organizations, where inde-

pendence from the United States Government pro-

vides greater flexibility, agility, and, in some cases,

credibility, with foreign scientists.

(9) United States scientists, engineers, and

innovators are an underutilized asset in efforts to

advance United States diplomatic objectives; facili-

tating contact between such individuals and foreign

populations of interest will advance overall United

States foreign policy objectives.
SEC. 3. DEFINITIONS.

In this Act:

(1) ELIGIBLE COUNTRY.—The term “eligible country” means—

(A) a country classified by the World Bank as either lower-middle-income or low-income economies;

(B) a country located in the Middle East;

(C) a country with a majority population of Muslims;

(D) a country located in sub-Saharan Africa; or

(E) any other country as determined by the Secretary of State.

(2) FEDERAL SCIENCE AGENCY.—The term “Federal science agency” means any Federal agency that is responsible for at least two percent of the total Federal obligation for research and development at institutions of higher education, according to the most recent data available from the National Science Foundation.

(3) ORGANIZATION.—The term “organization” means an educational institution, corporation, partnership, firm, or entity exempt from taxation under section 501(a) of the Internal Revenue Code of 1986 and described in section 501(c)(3) of such Code.
SEC. 4. GLOBAL SCIENCE PROGRAM FOR SECURITY, COMPETITIVENESS, AND DIPLOMACY.

(a) AUTHORIZATION.—The Secretary of State shall establish a program to be known as the “Global Science Program for Security, Competitiveness, and Diplomacy” (referred to in this section and sections 5 and 6 as the “Program”) in accordance with this section and sections 5, 6, and 7.

(b) ACTIVITIES SUPPORTED.—The Program shall carry out, through the provision of grants, the following activities:

(1) COLLABORATIVE RESEARCH.—

(A) IN GENERAL.—Establish global research competitions that will undertake the following:

(i) Address the following global challenges: ocean acidification, nonproliferation, multiple drug resistant diseases, water-borne diseases, development of sustainable renewable energy resources, sanitation, food shortages, geological hazards, and water resources.

(ii) Engage former WMD scientists to assist in their transition to peaceful, civilian research.
(iii) Provide incentives for United States businesses to undertake programs employing such scientists for peaceful purposes.

(iv) Foster stronger partnerships and relations between United States and foreign universities in science and technology.

(B) ACTIVITIES.—Such global research competitions shall include—

(i) grants for not more than five years of collaborative research and development projects between United States scientists and engineers and scientists and engineers from eligible countries; and

(ii) grants to enhance existing United States-based research programs by adding an international partner from an eligible country.

(2) INSTITUTIONAL CAPACITY BUILDING.—

(A) GOALS.—The goals of such grants shall be to—

(i) strengthen the research infrastructure and science and engineering curricula of institutes of higher learning in eligible countries;
(ii) engage foreign students early in their careers with United States scientists and engineers in order to bring such students into the global sphere of science and foster critical thinking; and

(iii) expand existing scholarship exchanges with students from eligible countries.

(B) RESTRICTIONS.—The following restrictions shall apply to the Program:

(i) Funds may not be used for construction of facilities.

(ii) Not more than 10 percent of each grant may be used for purchase of equipment.

(iii) No eligible country may receive more than 10 percent of the funds authorized to be appropriated for the Program for any fiscal year.

(C) ACTIVITIES.—Such grants may include—

(i) establishing research and education centers at institutes of higher learning in eligible countries to carry out the purposes of this Act; and
(ii) providing equipment and training.

(3) NONPROLIFERATION.—

(A) IN GENERAL.—Conduct research and training programs that—

(i) engage scientists and engineers who might otherwise be exploited to participate in illicit nuclear or WMD weapons programs;

(ii) help prevent nuclear and WMD proliferation; or

(iii) encourage foreign scientists and engineers, in collaboration with United States partners, to develop technologies and methods to combat WMD terrorism.

(B) ACTIVITIES.—Such research and training programs may include—

(i) collaborative research competitions that would provide research grants to foreign scientists and engineers with WMD experience or who could be targeted to participate in a WMD or nuclear weapons program, and United States scientists and engineers; and

(ii) research and training programs for personnel of eligible countries who will
be implementing nuclear cooperation agreements with the United States or otherwise participating in nuclear programs.

(C) IMPLEMENTATION AND COORDINATION.—The Secretary of State, in consultation with the Director of the National Science Foundation, shall—

(i) implement the research and training programs described in this paragraph; and

(ii) coordinate such research and training programs with existing activities, including activities undertaken by the Department of State pursuant to the Cooperative Threat Reduction Act of 1993 (22 U.S.C. 5951 et seq.)

(4) GLOBAL VIRTUAL SCIENCE LIBRARY.—To make grants to organizations that provide online access at little or no cost for scientists and engineers in eligible countries to worldwide science journals.

(c) CERTAIN REQUIREMENTS.—Grants awarded pursuant to subsection (b) (except for grants awarded pursuant to paragraph (3) of such subsection) shall be competitive, peer-reviewed, and merit-based.
(d) ADDITIONAL FUNDING.—In applying for a grant, an organization shall demonstrate how it will seek, to the maximum extent possible, additional funding from partner organizations, foreign governments, private businesses, and other entities, ideally to the level of a full match.

SEC. 5. MANAGEMENT.

(a) POLICY.—

(1) IN GENERAL.—The Secretary of State, in consultation with the Director of the Office of Science and Technology Policy, shall promulgate guidelines for review of grant applications to the Program.

(2) REQUIREMENTS.—The guidelines required under this subsection shall address, at a minimum, the following:

(A) Criteria by which grants shall be selected, including a description of diplomatic objectives of the Program.

(B) Policies to ensure that grants are in furtherance of United States diplomatic objectives.

(C) The countries and regions to participate in the Program.

(3) PROHIBITION.—None of the funds authorized to be appropriated for the Program may be
used for a Congressional earmark as defined in clause 9(e) of rule XXI of the Rules of the House of Representatives.

(b) IMPLEMENTATION.—

(1) NATIONAL SCIENCE FOUNDATION.—The Director of the National Science Foundation, in accordance with the memorandum of understanding referred to in subsection (c), shall perform the following activities for the Program:

(A) Develop and issue solicitations for projects described in section 4(b), or coordinate with other Federal science agencies to develop and issue solicitations, as appropriate.

(B) Establish peer review panels comprised of individuals with demonstrated experience in relevant fields to—

(i) review proposals for grants based on scientific merit; and

(ii) provide recommendations regarding evaluation of such proposals.

(C) Make recommendations to the Secretary of State for grants based on the recommendations of peer review panels.

(D) Administer grants on behalf of the Program to organizations domiciled in the
United States that are collaborating with foreign organizations under the terms of this Act

(2) DEPARTMENT OF STATE.—The Secretary of State shall perform the following activities for the Program:

(A) Subject to the guidelines promulgated pursuant to subsection (a) and based on the recommendations forwarded to the Secretary of State by the Director of the National Science Foundation pursuant to paragraph (1)(C), make final determinations on the award of grants.

(B) Administer grants on behalf of the Program to foreign organizations collaborating with organizations domiciled in the United States in accordance with the terms of this Act.

(C) Coordinate with the Director of the Office of Science and Technology Policy and the Director of the National Science Foundation to administer and implement the Program, in accordance with the guidelines promulgated pursuant to subsection (a).

(c) AGREEMENT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall enter into a memorandum of understanding
with the Director of the National Science Foundation to
coordinate activities carried out pursuant to this Act.

(d) ACCEPTANCE OF FUNDS FROM OUTSIDE
SOURCES.—The Program may accept funds from outside
sources, including foreign governments, nongovernmental
organizations, and private business entities.

(e) RULE OF CONSTRUCTION.—Nothing in this Act
may be construed to make any grant recipient an agent
or establishment of the United States Government.

(f) ANNUAL REPORT.—

(1) IN GENERAL.—Not later than November 30
of each year, the President shall transmit to Con-
gress a report relating to the Program for the pre-
ceding fiscal year.

(2) CONTENTS.—The report required under
paragraph (1) shall include the following informa-
tion:

(A) A comprehensive and detailed report
on all operations, activities, and accomplish-
ments under the Program.

(B) All expenditures of funds from the
Program.

(C) A report on metrics used to gauge suc-
cess of the Program.
SEC. 6. ADVISORY PANEL ON INTERNATIONAL SCIENTIFIC COOPERATION.

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

(1) an advisory panel will assist the Secretary of State in maximizing the impact of the Program, including forging links between the global science and business community and United States scientists; and

(2) individuals with international business and science expertise who are not employees of the United States Government could bring invaluable perspective to the Program.

(b) ESTABLISHMENT.—The Secretary of State may establish a panel to be known as the “Advisory Panel on International Scientific Cooperation” (in this section referred to as the “Advisory Panel”).

c) RESPONSIBILITIES.—The Advisory Panel should provide advice and guidance to the Secretary of State on the policy and implementation of programs and projects of the Program.

(d) MEMBERSHIP.—Members of the Advisory Panel shall be drawn from—

(1) individuals with experience and leadership in the fields of science, international business, and engineering; and
(2) individuals with experience and leadership in nongovernmental entities, including universities, that implement science research programs.

(e) Prohibition on Compensation.—Members of the Advisory Panel may not receive compensation for services performed as a Member of the Advisory Panel.

SEC. 7. FUNDING.

(a) In General.—There is authorized to be appropriated to the President such sums as may be necessary to carry out sections 4 and 5.

(b) Additional Authorities.—Amounts appropriated pursuant to the authorization for appropriations under subsection (a)—

(1) may be referred to as the “Global Science Program for Security, Competitiveness, and Diplomacy”; and

(2) may remain available until expended.

(c) Transfer Authority.—The Secretary of State may transfer funds authorized to be appropriated pursuant to this section to other Federal agencies, including the National Science Foundation, for the purposes of administering the Program. The Director of the National Science Foundation (NSF) may transfer funds transferred to the NSF, as appropriate, to other Federal
science agencies for the purpose of implementing the Pro-
gram.

SEC. 8. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) the Office of the Science and Technology
Advisor of the Department of State should be fur-
ther integrated into the overall activities of the De-
partment of State, including greater involvement in
the activities of regional bureaus; and

(2) science is a critical, underutilized resource
for United States diplomacy, and that the activities
of bureaus with oversight over science programs
within the Department should be integrated.

SEC. 9. EMBASSY SCIENCE FELLOWS PROGRAM.

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

(1) scientific fellows at the Department of State
critically augment the capacity of the Department
and United States embassies to address science and
technology issues;

(2) Federal agencies are reluctant to pay the
costs of scientists detailed to serve in United States
embassies; and
(3) expanding existing fellowship programs will
meet the Department’s needs to enhance the role of
science at United States embassies.

(b) AUTHORIZATION.—The Secretary of State is au-
thorized to establish a program to be known as the “Em-
bassy Science Fellows Program” to serve the following
purposes:

(1) Pay for the costs of scientists employed at
Federal agencies to serve in the Department of
State for a period of not longer than three years.

(2) Enhance the role scientists play in strengthen-
ing United States diplomatic efforts.

(3) Ensure the placement of scientists at
United States embassies.

(c) AUTHORIZATION OF APPROPRIATIONS.—From
amounts made available to the Diplomatic and Consular
Programs account of the Department of State, there is
authorized to be appropriated to the Secretary of State
such sums as may be necessary to implement the Program
authorized to be established in accordance with subsection
(b).

(d) ACCEPTANCE OF FUNDS FROM OUTSIDE
SOURCES.—The Embassy Science Fellows Program may
accept funds from outside sources, including foundations,
nongovernmental organizations, and private business entities.

3 SEC. 10. JEFFERSON SCIENCE FELLOWS PROGRAM.

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

(1) tenured academic scientists from United States institutions of higher learning can provide critical expertise and inform foreign policy matters at the Department of State;

(2) United States academic institutions enjoy an enhanced reputation in the international scientific community;

(3) the presence of United States scientists at the Department of State enhances the utility of science as tool for diplomatic engagement; and

(4) the Jefferson Science Fellows Program authorized to be established pursuant to this section will provide a successful model for augmenting the scientific expertise at the Department of State.

(b) AUTHORIZATION.—The Secretary of State is authorized to establish a program to be known as the “Jefferson Science Fellows Program” to serve the following purposes:

(1) Provide an opportunity for tenured research-active scientists and engineers from the
United States academic community to serve in the Department of State for one year.

(2) Maintain an ongoing interactive relationship between United States academic institutions and the Department of State by utilizing former Jefferson Fellows as expert consultants for short-term projects for at least five years following their fellowship tenure.

(3) Enhance the availability at the Department of State of up-to-date scientific knowledge relevant to foreign policy and international relations.

(4) Enhance the use of science as a tool for diplomacy at the Department of State.

(c) Authorization of Appropriations.—From amounts made available to the Diplomatic and Consular Programs account of the Department of State, there is authorized to be appropriated to the Secretary of State such sums as may be necessary to implement the Jefferson Science Fellows Program authorized to be established in accordance with subsection (b).

(d) Acceptance of Funds From Outside Sources.—The Jefferson Science Fellows Program may accept funds from outside sources, including foundations, nongovernmental organizations, and private business entities.
SEC. 11. SCIENTIFIC ENVOYS PROGRAM.

(a) AUTHORIZATION.—The Secretary of State shall establish a program to be known as the “Scientific Envoys Program”. In carrying out the Program, the Secretary shall appoint scientists and engineers, including Nobel Prize Laureates and renowned researchers and professors, to serve as envoys on behalf of the United States to—

(1) represent the commitment of the United States to promote, in collaboration with other countries, the advancement of science and technology; and

(2) facilitate partnership with eligible countries.

(b) RESTRICTIONS.—The following restrictions shall apply to the Program:

(1) Of amounts authorized to be appropriated for the Program, funds may be used to cover only the travel and per diem costs of envoys appointed by the Secretary of State.

(2) The total length of travel for any envoy may not exceed 14 days.

(3) Not more than 12 envoys may be appointed annually.

(4) An envoy may serve a term of not longer than one year.

(e) AUTHORIZATION OF APPROPRIATIONS.—From amounts made available to the Exchange and Cultural Af-
fairs account of the Department of State, there is authorized to be appropriated to the Secretary of State such sums as may be necessary to implement the Program authorized to be established in accordance with subsection (a).

SEC. 12. SENSE OF CONGRESS REGARDING SCIENCE-RELATED CONFERENCES, EXCHANGES, AND PROGRAMS.

(a) FINDINGS.—Congress finds the following:

(1) The United States is a preeminent location for science-related conferences, exchanges, and programs.

(2) Such conferences contribute to State and local economies and provide critical opportunities for United States scientists to interact with foreign counterparts.

(3) Recently, the visa process to gain admission to the United States for such events has become sufficiently onerous to deter foreign visitors whom the United States should welcome.

(b) SENSE OF CONGRESS.—It is the sense of Congress that relevant Federal agencies should work to improve the overall visa process to ensure that the United
Chairman Berman. I yield myself 5 minutes to explain the amendment in the nature of a substitute.

H.R. 4801 bolsters U.S. science diplomacy programs by establishing a Global Science Program to provide grants to U.S. and foreign scientists. The bill also authorizes the Science Envoys Program introduced by President Obama in his Cairo speech last June.

Science diplomacy—the use of scientists, engineers and researchers to engage with their foreign counterparts—is a proven means of engaging foreign populations, improving the image of the United States and fostering cooperation with international partners. The amendment in the nature of a substitute addresses concerns of the National Science Foundation and clarifies the management structure of the Global Science Program.

I now turn to the ranking Republican member, Ileana Ros-Lehtinen, for her statement.

Ms. Ros-Lehtinen. Thank you so much, Mr. Chairman. Although I question the wisdom of establishing new programs during a time of trillion-dollar deficits and economic challenges for average Americans, I note that this bill does not authorize funding beyond “such sums.” It is also my hope that hard-pressed universities in the United States will be among the principal beneficiaries of this bill.

However, I do have concerns regarding the possibility that this bill might undermine existing prohibitions against providing assistance to certain countries. For that reason, I would like to note for the record, as your staff has confirmed, that the text under consideration does not grant the Secretary of State authority to provide any assistance that is prohibited by any provision of current law.

I support efforts to ensure that this legislation does not undermine U.S. security interests by inadvertently enabling foreign espionage efforts such as those previously outlined in the 2009 report of the U.S.-China Economic and Security Review Commission and many other such studies.

Finally, Mr. Chairman, I would like to confirm that the committee intends to file a written report on this bill which will afford opportunities for further clarification and the filing of additional views should members deem it necessary.

Chairman Berman. Would the gentlelady yield?

Ms. Ros-Lehtinen. Yes, sir.

Chairman Berman. The gentlelady is right. Nothing in this bill would allow assistance or grants or these kinds of programs in the science diplomacy field to go on with countries that are prohibited from getting assistance under other provisions of the Foreign Assistance Act, and if we need to we can even reaffirm that specifi-
cally within this provision with an amendment between now and the time this bill comes to the Floor.

There will be a written report. We will definitely have a report on the legislation with an opportunity for additional views and confirming the concerns that you have raised.

Ms. ROS-LEHTINEN. Thank you, Mr. Chairman. Reclaiming my time, given your assurance I am now prepared to move this bill forward. Thank you, Mr. Chairman.

Chairman BERMAN. The gentleman from Virginia, for what purpose do you seek recognition?

Mr. CONNOLLY. To strike the last word.

Chairman BERMAN. The gentleman is recognized for 5 minutes.

Mr. CONNOLLY. I thank the chair, and I just wanted to add I want to thank the chair for its leadership on this important legislation. While I certainly take the caveat of the ranking member seriously, I also believe that even in tough times, maybe especially in tough times, we need to always be looking at that scientific cutting edge.

Technology is the competitive advantage of the United States, and I believe that trying to harness the scientific community through in part this mechanism in our State Department I think is a very important adjunct to uniform policy and to making sure we protect the U.S. competitive advantage in the global arena. So I was very pleased to offer an amendment to this bill and that the chairman has incorporated it into the substitute amendment establishing the Advisory Panel on International Scientific Cooperation.

The district I represent, Mr. Chairman, is a very high tech district. This is the kind of thing that a lot of businesses, a lot of individuals from my district certainly and across the Nation want to see and want to see as a key part of our foreign policy moving forward, our diplomacy moving forward.

So I want to thank the chairman for his leadership, and I look forward to supporting this legislation and I thank you for incorporating my amendment. I yield back.

Chairman BERMAN. The gentleman yields back. The co-sponsor of this legislation has been a very wonderful person to work with on this issue. The gentleman from Nebraska, Mr. Fortenberry, seeks recognition, moves to strike the last word, and the gentleman is recognized for 5 minutes.

Mr. FORTENBERRY. Well, thank you, Mr. Chairman, for your kind words, and thank you, Ranking Member Ros-Lehtinen, as well for your efforts today on this markup.

But also I want to welcome the opportunity, as you have said, Mr. Chairman, to comment on the significance of the United States leadership and technology in the role of science and diplomacy and how this bill potentially furthers those efforts.

For decades, the U.S. Government has supported the exchange program based on the premise that individuals of goodwill can make a difference to help build just societies that serve people with integrity. To the extent that the United States can better leverage its technical expertise through prudent public diplomacy and engage others to join our commitment in the service of very worthy goals, we may actually help deprive twisted ideologies and corrupt
institutions elsewhere of the resources they might otherwise obtain by default to perpetrate misery and suffering around the world.

And that is exactly what this bill seeks to do. Ours is an era of unprecedented scientific achievement that can either be directed for great good or devastating harm to all of humanity. The choices is ours, and I believe we must lead or others may lead us where we may not wish to go.

Mr. Chairman, Albert Einstein once said that “concern for man himself and his fate must always form the chief interest of all technical endeavor.” He called on his fellow scientists to “never forget this in the midst of your diagrams and equations.”

This is the kind of science that will lead to numerous benefits across every sector of human endeavor. This is the kind of science our public policy should support. Simply put, effective scientific collaboration that may, for instance, mitigate security risks posed by weapons of mass destruction or promote ethical research to benefit humanity, advancing goals that all Americans can proudly share, is a good thing.

If one can collaborate effectively to divert energy and resources from let us say a potentially devastating catastrophic attack on civilians into a project that brings sanitation to dozens of rural villages or provides sustainable agriculture to help local communities take full ownership of their nutritional needs or lead to a cure or treatment of a disease that has thus far received far too little attention relative to its lethal effects, our exercise today may result in chaos averted, lives saved and prove to be one small step for common sense.

So thank you, Mr. Chairman, for your leadership on this, and I yield back.

Chairman Berman. The time of the gentleman has expired. Does any member seek recognition?

[No response.]

Chairman Berman. Hearing no further amendments, I ask unanimous consent the amendment in the nature of a substitute is amended to H.R. 4801, the Global Science Program and Security, Competitiveness and Diplomacy Act of 2010, is considered adopted, and I move that the bill as amended be reported favorably to the House. All those in favor say aye.

[Chorus of ayes.]

Chairman Berman. All those opposed, say no.

[Chorus of noes.]

Chairman Berman. In the opinion of the chair the ayes have it, and the motion is agreed to. Without objection, the staff is authorized to make any technical and conforming changes.

I thank all the members on both sides for participation, and the committee hearing markup is adjourned.

[Whereupon, at 11:15 a.m. the committee was adjourned.]
APPENDIX

MATERIAL SUBMITTED FOR THE HEARING 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

April 27, 2010

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 2122 of the Rayburn House Office Building (and available live via the WEBCAST link on the Committee website at http://www.house.gov) for the purpose of markup of the following legislation:

DATE: Wednesday, April 28, 2010

TIME: 10:00 a.m.

MARKUP OF:

H.R. 4128, Conflict Minerals Trade Act;

H.R. 4801, Global Science Program for Security, Competitiveness, and Diplomacy Act of 2010;

H.R. 5138, International Megan’s Law of 2010;

H.R. 5139, Extending Immunities to the Office of the High Representative and the International Civilian Office in Kosovo Act of 2010; and


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 202-225-3221 at least 48 hours in advance of the event, whenever possible. Questions with regard to special accommodations in general or regarding availability of Committee materials in alternative formats and accessible formats should be directed to the Committee.
COMMITTEE ON FOREIGN AFFAIRS

MINUTES OF FULL COMMITTEE HEARING

Day ___ Wednesday ___ Date 04/28/10 ___ Room 2172 RHOB

Starting Time 10:21 A.M. Ending Time 11:14 A.M.

Recesses ___ (to ___)

Presiding Member(s)

Howard L. Berman (CA), Chairman

CHECK ALL OF THE FOLLOWING THAT APPLY:

Open Session ☑ Executive (closed) Session ☑
Electronically Recorded (taped) ☑
Television ☑ Stenographic Record ☑

TITLE OF HEARING or BILLS FOR Markup: (Include bill number(s) and title(s) of legislation.)

H.R. 4128, Conflict Minerals Trade Act;
H.R. 4801, Global Science Program for Security, Competitiveness, and Diplomacy Act of 2010;
H.R. 5138, International Megan's Law of 2010;
H.R. 5139, Extending Immunities to the Office of the High Representative and the International Civilian Office in Kosovo Act of 2010; and

COMMITTEE MEMBERS PRESENT:
See attached

NON-COMMITTEE MEMBERS PRESENT:

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.)

n/a

ACTIONS TAKEN DURING THE Markup: (Attach copies of legislation and amendments.)

The following bills were reported favorably, by voice vote:

H.R. 4128, Conflict Minerals Trade Act, as amended (amendment in the nature of a substitute);
H.R. 4801, Global Science Program for Security, Competitiveness, and Diplomacy Act of 2010, as amended (amendment in the nature of a substitute);
H.R. 5138, International Megan's Law of 2010;
H.R. 5139, Extending Immunities to the Office of the High Representative and the International Civilian Office in Kosovo Act of 2010; and
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TIME SCHEDULED TO RECONVENE

or

TIME ADJOURNED 11:14 A.M.

[Signature]

Doug Campbell, Deputy Staff Director
Attendance - HCFA Full Committee MARKUP:
Wednesday, April 28, 2010 @ 10:00 a.m., 2172 RHOB

Howard L. Berman (CA)
Gary Ackerman (NY)
Donald Payne (NJ)
Brad Sherman (CA)
Eliot L. Engel (NY)
Diane E. Watson (CA)
Albio Sires (NJ)
Gerald E. Connolly (VA)
Michael E. McMahon (NY)
Gene Green (TX)
Sheila Jackson-Lee (TX)
Barbara Lee (CA)
Shelley Berkley (NV)
Joseph Crowley (NY)
Brad Miller (NC)
David Scott (GA)
Jim Costa (CA)
Keith Ellison (MN)
Ileana Ros-Lehtinen, (FL)
Christopher H. Smith (NJ)
Elton Gallegly (CA)
Edward R. Royce (CA)
Joe Wilson (SC)
Connie Mack (FL)
Jeff Fortenberry (NE)
Ted Poe (TX)
Bob Inglis (SC)
Gus Bilirakis (FL)

For more than a decade, we have been hearing about the tragic situation in the Democratic Republic of the Congo: Mass killings of civilians. Rape used as a weapon of war. Child soldiers forced to the front lines.

HR 4128, The Conflict Minerals Act, is one important step towards ending a conflict in Congo that by some estimates has killed more than five million people.

The bill establishes a mechanism to track minerals mined in the DRC that end up in products like cell phones and laptops, and will help us cut off financing to some of planet's most brutal armed groups.

In many respects, this legislation builds on the work already begun by some American companies. H.R. 4128 will make those efforts more effective by creating a level playing field for all companies that do business in the United States.

The American people don’t want to put money in the hands of brutal thugs in the DRC, and neither do American companies. For less than one cent per cell phone, this bill will allow American consumers to make responsible choices, and help put the warlords out of business. I thank the author of the bill, Mr. McDermott, and my colleague Don Payne for all their hard work on these issues, and I encourage my colleagues to support it.

I’d like to first commend Chris Smith for his hard work on H.R. 5138, the International Megan’s Law of 2010. Many child sex offenders are travelling internationally or reside abroad because laws against sex acts with minors are weaker or rarely enforced in particular countries.

International Megan’s Law would establish a system for providing advance notice to foreign countries when a convicted child sex offender travels to that country and imposes a registration requirement for child sex offenders from the United States who reside abroad.

Worldwide, over two million children are sexually exploited each year through trafficking, prostitution and child-sex tourism. We all know the devastating emotional, physical and psychological effects on these child victims. We need to do all we can to prevent these predators from circumventing U.S. laws to prey on children in foreign countries. I encourage my colleagues to support this bill.

H.R. 5139, Extending Immunities to the Office of the High Representative and the International Civilian Office in Kosovo Act of 2010, is a technical fix to ensure legal protection for employees of both the Office of the High Representative (OHR) in Bosnia and Herzegovina and the International Civilian Office (ICO) in Kosovo.

The bill, which adds the OHR and the ICO to the International Organization Immunities Act, will ensure that Americans serving in these important Balkans-based organizations will be protected from politically motivated litigation in the United States arising from their official activities.

The United States must protect its diplomats who serve in international organizations, often at great personal risk and sacrifice, from financially and personally ruinous litigation while also preserving its ability to use informal institutions in the conduct of foreign policy.
Finally, we have S. 1067, the Lord's Resistance Army Disarmament and Northern Uganda Recovery Act of 2009. I'd like to thank the gentleman from Massachusetts, Mr. McGovern, for his hard work on the House version of this bill.

This legislation affirms the policy of the United States to work with regional governments toward a comprehensive and lasting resolution to the conflict in northern Uganda.

It further requires a strategy to support the disarmament of the Lord's Resistance Army, and support for humanitarian efforts and recovery and reconstruction in areas of the Democratic Republic of Congo, Southern Sudan, and the Central African Republic affected by LRA activity.

And it calls on the President to support efforts by the people of northern Uganda and the government of Uganda to promote transitional justice and reconciliation on both local and national levels.

It should be noted that this bill does not include any earmarks.

H.R. 4801 bolsters U.S. science diplomacy programs by establishing a global science program to provide grants to U.S. and foreign scientists. The bill also authorizes the science envoy program introduced by President Obama in his Cairo speech last June.

Science diplomacy -- the use of scientists, engineers, and researchers to engage with their foreign counterparts -- is a proven means of engaging foreign populations, improving the image of the United States, and fostering cooperation with international partners.

The amendment in the nature of a substitute addresses the concerns of the National Science Foundation and clarifies the management structure of the Global Science Program.
COMMITTEE ON FOREIGN AFFAIRS
U.S. HOUSE OF REPRESENTATIVES
WASHINGTON, D.C. 20515

STATEMENT OF
THE HONORABLE ENI F.H. FALEOMAVAEGA
CHAIRMAN

before the
COMMITTEE ON FOREIGN AFFAIRS

Markup of H.R. 4128, H.R. 4801, H.R. 5138, H.R. 5139 and S.1067

MARCH 28, 2010
Mr. Chairman, H.R. 4128, the Conflict Minerals Trade Act; H.R. 4801, the Global Science Program for Security, Competitiveness, and Diplomacy Act of 2010; H.R. 5139, Extending Immunities to the Office of the High Representative and the International Civilian Office in Kosovo Act of 2010; H.R. 5138, the International Megan’s Law of 2010; and S. 1067, the Lord’s Resistance Army Disarmament and Northern Uganda Recovery Act of 2009 are all important pieces of legislation. I support each of these bills and urge my colleagues to do so as well.

The Conflict Minerals Trade Act is particularly important, and Congressman Payne, Chairman of the Subcommittee on Africa and Global Health, deserves special thanks and commendation for his hard work on the bill. The Act will go a long way toward cutting funding to warring factions in the Democratic Republic of Congo. That conflict, which has ravaged Congo and led to more than five million deaths, is the most deadly since World War II. Despite this stark fact, the fighting in Congo remains largely unknown in this country. Mr. Chairman, it is time for the United States to take concrete action, and H.R. 4128 is an important step in this regard.
The International Megan’s Law will take a similarly important step toward ending child prostitution, child pornography and the trafficking of children for sexual purposes outside the United States. These grotesque practices, and the child sex tourism that supports them, simply must be stopped. This legislation will mandate that notice be given to foreign countries when a child sex offender posing a high risk to children is traveling to that country. It will also impose a registration requirement for child sex offenders from the United States who reside abroad. By mandating these steps, this legislation will systematize the transfer of information from federal enforcement agencies to foreign governments, a transfer that, so far, has only been done on an ad hoc basis. Congressman Smith deserves our thanks and support for developing this legislation.

The Global Science Program for Security, Competitiveness, and Diplomacy Act of 2010, which our Chairman sponsored, will help the United States engage foreign audiences directly through science diplomacy. The bill promises to improve the image of the United States abroad, foster cooperation with some of our key foreign partners and enable existing programs that help prevent proliferation of weapons of mass destruction to continue. This bill, along with the other legislation that we are marking up—
providing legal protection for employees of the Office of the High Representative and the International Civilian Office in Kosovo – both deserve this Committee’s full support.

So, too, does the Lord’s Resistance Army Disarmament and Northern Uganda Recovery Act of 2009, for which Congressman McGovern has provided leadership in the House. This bill will move us closer to a proactive strategy to help end the threat posed by the Lord’s Resistance Army (LRA) and support reconstruction, justice, and reconciliation in northern Uganda, a country trapped in a war between the LRA and the Ugandan military for two decades. In one of the grimmest acts of a war – that displaced 1.8 million people, almost 90 percent of the area’s population, the LRA kidnapped 70,000 children and forced them to become child soldiers. This legislation is long overdue. I urge my colleagues to join me in supporting it along with the other four bills before us today.
Representative Russ Carnahan (MO-03)  
U.S. House Committee on Foreign Affairs

Statement for the Record  
H.R. 5139 “Extending Immunities to the Office of the High Representative and the International Civilian Office in Kosovo Act of 2010”

April 28, 2010

Mr. Chairman, I am pleased to support H.R. 5139 to extend immunities to the Office of the High Representative in Bosnia and Herzegovina and the International Civilian Office in Kosovo. This will ensure that U.S. employees working at the Office of the High Representative (OHR) enjoy the same privileges and immunities that are afforded to U.S. diplomats working in other international organizations.

The Office of the High Representative in Bosnia and Herzegovina has been performing a critical function in overseeing the civilian implementation of the Dayton Accords, signed in 1995. However, the OHR and its employees are subject to threats of politically motivated litigation here in the United States. We have an obligation to protect U.S. diplomats who work at the OHR, often at great personal risk and sacrifice, who could face litigation.

By helping us to recruit and retain the most qualified personnel, and extending them the necessary immunities, this legislation will advance U.S. foreign policy goals in Bosnia and Kosovo.
Chairman Berman and Ranking Member Ros-Lehtinen, I would like to thank you for holding this markup. This bill is another significant step forward in our engagement around the world. I have long advocated for the U.S. government to use all its available tools as a means of diplomacy.

H.R. 4801 will help advance this cause by creating the Global Science Program that will promote the use of scientists and other researchers as a component of US foreign policy. By leveraging some of our greatest assets – our scientific knowledge and research capabilities – we will be able to advance US interests abroad, continue to build our relationships with other countries, and deepen our involvement in cutting edge research around the world.

Again, I thank you for bringing this bill up for a markup, and look forward to the advancements in US foreign policy and science it will produce.
CONGRESSWOMAN SHEILA JACKSON LEE
OF TEXAS
Committee on Foreign Affairs

Statement for Full Committee Markup of
• H.R. 4128, Conflict Minerals Trade Act, as amended (amendment in the nature of a substitute);
• H.R. 4801, Global Science Program for Security, Competitiveness, and Diplomacy Act of 2010, as amended (amendment in the nature of a substitute);
• H.R. 5138, International Megan’s Law of 2010;
• H.R. 5139, Extending Immunities to the Office of the High Representative and the International Civilian Office in Kosovo Act of 2010; and

10:00 am Wednesday, April 28, 2010
2172 Rayburn House Office Building

Mr. Chairman, I ask for unanimous consent to strike the last word and to extend my remarks for the record. Thank you Chairman Berman and ranking member Ros-Lehtinen for your leadership in convening us for today’s important mark up of these five bills: H.R. 4128—the Conflict Minerals Trade Act, H.R. 4801—the Global Science Program for Security, Competitiveness, and Diplomacy Act of 2010, H.R. 5138—the International Megan’s Law of 2010, H.R. 5139—the Extending Immunities to the Office of the High Representative and the International Civilian Office in Kosovo Act of 2010, H.R. 5139—Extending Immunities to the Office of the High Representative Act of 2010, and S. 1067, Lord’s Resistance Army Disarmament and Northern Uganda Recovery Act of 2009. Each of these bills will make critical changes to our foreign policy. Collectively,
they will change the lives of millions of people throughout the world. I am proud to support each of these bills.

I especially want to thank Chairman Berman for incorporating my suggestion into the Global Science Program for Security, Competitiveness, and Diplomacy Act of 2010. My language will expand the list of eligible countries to include South Africa, Botswana, Gabon, and other African countries that climb above the low-middle income rung as defined by the World Bank. This change is significant because it sends a message to the wealthier African countries that their relative success will not exclude them from American support.

These scientific exchanges will be vital to countries such as South Africa—a nation that serves as an economic, political, and academic anchor for the Southern Africa region. On February 1, 2010, two South African scientists won the African Union's inaugural awards for excellence in science. Professor Diane Hildebrandt, co-director at the centre for optimization modeling and process synthesis at Johannesburg's University of Witwatersrand, was the winner in the basic science and innovation category. Patrick Eriksson, head of the geology department at the University of Pretoria, was the winner in the earth and life sciences category.

As South Africa’s President Jacob Zuma noted, “Science, technology and innovation form indispensable tools for driving socio-economic progress ... and is sustained by adequate and competent human capital.” Zuma’s comments were emblematic of the great promise of scientific innovation on the African continent, and this legislation will ensure that the United States remains an engaged partner in science and technology.
On a broader level, I support this legislation because it reaches out, in a concrete way, to vulnerable allies throughout the world. As co-Chair of the Congressional Pakistan Caucus, I note that this legislation will greatly facilitate the science and technology exchanges between the United States and Pakistan. Specifically, Pakistan has indicated to me that they have a strong working relationship with the National Science Foundation and are excited to work with the National Science Foundation to implement these exchanges between our countries. When building partnerships with our friends and allies in the Middle East, it is important to work through mutually-trusted institutions. This bill takes these concerns into consideration, and I am excited about the impact that it will have on my district, America, and countries throughout the world.

In regards to the Conflict Minerals Trade Act, I am encouraged to see the wide array of organizations that support leveraging our mineral investments and interests to stop human rights abuses in the Democratic Republic of the Congo. These groups include businesses such as LG Electronics and Motorola, and advocacy groups such as Oxfam, Genocide Intervention Network, and Global Witness. Yesterday, I received a letter of support from Corinna Gilfillan, the head of Global Witness’ U.S. office. In her letter, Ms. Gilfillan wrote: “The trade in conflict minerals by armed groups in the eastern Democratic Republic of Congo (DRC) has fuelled horrific human rights abuses, including widespread killings of unarmed civilians, rape, torture, looting and forced displacement of hundreds of thousands of people. The best way to eliminate funding for these armed groups is to cut off the market for the conflict minerals they control. Passage of H.R. 4128 would be an important step toward bringing this about.”
Ms. Gilfillan continues, “Legislation in the U.S. alone will not end the conflict in eastern Congo, but this bill would provide a crucial step toward the creation of a practical and enforceable means to ensure that the trade in Congolese minerals contributes to peace rather than war.” I agree wholeheartedly with Ms. Gilfillan that this legislation is not a silver bullet. However, there are few, if any, places on this earth where human suffering is more acute than in the warzones of the DRC. If we can make even a modest dent in this suffering, this legislation will be an overwhelming success.


As co-Chair of the Congressional Children’s Caucus, I am in strong support of extending Megan’s Law overseas to protect children throughout the world from child sex offenders. This legislation will be an important tool in protecting children from American registered child sex offenders who pose a high risk of sexually exploiting children while traveling or residing overseas.

Since 1994, Congress has taken bold steps to protect our children from sex offenders. These efforts have resulted in a national registry and alert system. To date, however, information about sex offenders in the United States is not shared with other countries. H.R. 5138 will improve our capacity to share this information with foreign countries—information that these countries can use to protect their children.

The bill consists of two major components: (1) the establishment of a system for providing advance notice to foreign countries when a child sex offender who poses a high risk to children is traveling to that country; and (2) the imposition of a registration requirement for child sex offenders from the United States who reside abroad.
The bill also provides additional discretionary authority to the Secretary of State to restrict passports of dangerous child sex offenders, a sense of Congress that foreign governments should notify the United States when a U.S. citizen has committed a sex offense against a minor overseas, and a mandate for a special report to Congress on international mechanisms to protect children everywhere from traveling sex offenders.

According to UNICEF, as many as two million children are subjected to prostitution in the global commercial sex trade. As the State Department’s 2009 Trafficking in Persons Report notes “There can be no exceptions and no cultural or socioeconomic rationalizations that prevent the rescue of children from sexual servitude. Sex trafficking has devastating consequences for minors, including long-lasting physical and psychological trauma, disease (including HIV/AIDS), drug addiction, unwanted pregnancy, malnutrition, social ostracism, and possible death.”

It is vital that we use every tool at our disposal to protect children abroad. This legislation will improve the capacity of countries to combat the sexual exploitation of minors.

**Regarding H.R. 5139—“Extending Immunities to the Office of the High Representative Act of 2010”**—I welcome this overdue technical fix to extend legal protection to our diplomats serving in the Office of the High Representative (OHR) in Bosnia and Herzegovina. Although our diplomats are currently protected, they may be vulnerable to litigation once the mandate of the OHR ends, and there is no longer the same protection provided to other US diplomats working in international organizations, under the International Organizations and Immunities Act.
Mr. Chairman, I am also in support of S. 1067—"The Lord’s Resistance Army Disarmament and Northern Uganda Recovery Act of 2009." The Lord’s Resistance Army, formed in 1987 is presently being led by Joseph Kony. As a rebel guerrilla army operating in Uganda and parts of Sudan, the LRA has come to be known for its mass atrocities and brutality. Currently engaged in one of Africa’s longest-running conflict, the LRA continues to fight the Ugandan Government for over 18 years.

In the midst of this battle with injuries targeted at government troops, more than 200,000 lives have been taken and millions of civilians have been displaced from their homes. 20,000 children have been abducted, raped, maimed, and killed. Unimaginable means have been used to alienate children from their families. Some children have been forced to kill their parents and relatives to ensure their own survival.

This two decade of battle between the Lord’s Resistance Army and the Ugandan government must end. The people of Uganda, as human beings, deserve both peace and justice. The international community must work with the people of Uganda, the International Criminal Court, and the Ugandan judiciary to ensure that peace and justice are guaranteed.

This legislation authorizes the President to provide additional assistance to respond to the humanitarian needs of populations the Democratic Republic of Congo, southern Sudan, and Central African Republic affected by LRA activity. The legislation also authorizes the President to support efforts by the people of northern Uganda and the government of Uganda to promote transitional justice and reconciliation.
Expresses the sense of Congress that the Secretary of State and the Administrator of USAID should work with Congress to increase future assistance to Uganda if the government of Uganda demonstrates a commitment to reconstruction in war-affected areas of northern Uganda; and Expresses the sense of Congress that the Secretary should withhold non-humanitarian assistance to Uganda if the government of Uganda is not committed to reconstruction and reconciliation in the war-affected areas of northern Uganda and is not taking steps to ensure this process moves forward in a transparent and accountable manner.

Once again Mr. Chairman, thank you for bringing these important bills up for vote in committee. I yield back the balance of my time.