

UNITED NATIONS REFORM ACT OF 2005;
FOREIGN RELATIONS AUTHORIZATION ACT,
FISCAL YEARS 2006 AND 2007; AND
EXPRESSING THE SENSE OF THE HOUSE OF REPRESENTATIVES
REGARDING THE MASSACRE AT SREBRENICA IN JULY 1995

MARKUP
BEFORE THE
COMMITTEE ON
INTERNATIONAL RELATIONS
HOUSE OF REPRESENTATIVES
ONE HUNDRED NINTH CONGRESS
FIRST SESSION
ON
H.R. 2745, H.R. 2601 and H. Res. 199

—————
JUNE 8 AND 9, 2005
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UNITED NATIONS REFORM ACT OF 2005; FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEARS 2006 AND 2007; AND EXPRESSING THE SENSE OF THE HOUSE OF REPRESENTATIVES REGARDING THE MASSACRE AT SREBRENICA IN JULY 1995

WEDNESDAY, JUNE 8, 2005

HOUSE OF REPRESENTATIVES,
COMMITTEE ON INTERNATIONAL RELATIONS,
Washington, DC.

The Committee met, pursuant to notice, at 10:35, a.m., in room 2172, Rayburn House Office Building, Hon. Henry J. Hyde (Chairman of the Committee) presiding.

Chairman HYDE. The Committee will come to order. Pursuant to notice, I call up the bill, H.R. 2745, the United Nations Reform Act of 2005, for purposes of markup and move its favorable recommendation to the House. Without objection, the bill will be considered as read and open for amendment at any point. The Chair recognizes himself for 5 minutes to explain the bill.

[H.R. 2745 follows:]

.....
(Original Signature of Member)

109TH CONGRESS
1ST SESSION

H. R. 2745

To reform the United Nations, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. HYDE (for himself and Mr. PENCE) introduced the following bill; which was referred to the Committee on _____

A BILL

To reform the United Nations, and for other purposes.

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

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

4 (a) SHORT TITLE.—This Act may be cited as the
5 “United Nations Reform Act of 2005”.

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

- Sec. 1. Short title; table of contents.
- Sec. 2. Definitions.
- Sec. 3. Statement of Congress.

TITLE I—MISSION AND BUDGET OF THE UNITED NATIONS

- Sec. 101. United States financial contributions to the United Nations.
- Sec. 102. Weighted voting.
- Sec. 103. Budget certification requirements.
- Sec. 104. Accountability.
- Sec. 105. Terrorism and the United Nations.
- Sec. 106. United Nations treaty bodies.
- Sec. 107. Equality at the United Nations.
- Sec. 108. Report on United Nations reform.
- Sec. 109. Report on United Nations personnel.

TITLE II—HUMAN RIGHTS AND THE ECONOMIC AND SOCIAL
COUNCIL (ECOSOC)

- Sec. 201. Human rights.
- Sec. 202. Economic and Social Council (ECOSOC).

TITLE III—INTERNATIONAL ATOMIC ENERGY AGENCY

- Sec. 301. International Atomic Energy Agency.
- Sec. 302. Sense of Congress regarding the Nuclear Security Action Plan of the IAEA.

TITLE IV—PEACEKEEPING

- Sec. 401. Sense of Congress regarding reform of United Nations peacekeeping operations.
- Sec. 402. Statement of policy relating to reform of United Nations peacekeeping operations.
- Sec. 403. Certification.

TITLE V—DEPARTMENT OF STATE AND GOVERNMENT
ACCOUNTABILITY OFFICE

- Sec. 501. Positions for United States citizens at international organizations.
- Sec. 502. Budget justification for regular assessed budget of the United Nations.
- Sec. 503. Review and report.
- Sec. 504. Government Accountability Office.

TITLE VI—CERTIFICATIONS AND WITHHOLDING OF
CONTRIBUTIONS

- Sec. 601. Certifications and withholding of contributions.

1 SEC. 2. DEFINITIONS.

2 In this Act:

- 3 (1) APPROPRIATE CONGRESSIONAL COMMIT-
- 4 TEES.—The term “appropriate congressional com-
- 5 mittees” means the Committee on International Re-

1 lations of the House of Representatives and the
2 Committee on Foreign Relations of the Senate.

3 (2) EMPLOYEE.—The term “employee” means
4 an individual who is employed in the general serv-
5 ices, professional staff, or senior management of the
6 United Nations, including contractors and consult-
7 ants.

8 (3) GENERAL ASSEMBLY.—The term “General
9 Assembly” means the General Assembly of the
10 United Nations.

11 (4) MEMBER STATE.—The term “Member
12 State” means a Member State of the United Na-
13 tions. Such term is synonymous with the term
14 “country”.

15 (5) SECRETARY.—The term “Secretary” means
16 the Secretary of State.

17 (6) SECRETARY GENERAL.—The term “Sec-
18 retary General” means the Secretary General of the
19 United Nations.

20 (7) SECURITY COUNCIL.—The term “Security
21 Council” means the Security Council of the United
22 Nations.

23 (8) SPECIALIZED AGENCIES AND SPECIALIZED
24 AGENCIES OF THE UNITED NATIONS.—The terms

1 “specialized agencies” and “specialized agencies of
2 the United Nations” mean—

3 (A) the Food and Agriculture Organization
4 (FAO);

5 (B) the International Atomic Energy
6 Agency (IAEA);

7 (C) the International Civil Aviation Orga-
8 nization (ICAO);

9 (D) the International Fund for Agricul-
10 tural Development (IFAD);

11 (E) the International Labor Organization
12 (ILO);

13 (F) the International Maritime Organi-
14 zation (IMO);

15 (G) the International Telecommunication
16 Union (ITU);

17 (H) the United Nations Educational, Sci-
18 entific, and Cultural Organization (UNESCO);

19 (I) the United Nations Industrial Develop-
20 ment Organization (UNIDO);

21 (J) the Universal Postal Union (UPU);

22 (K) the World Health Organization
23 (WHO) and its regional agencies;

24 (L) the World Meteorological Organization
25 (WMO); and

1 (M) the World Intellectual Property Orga-
2 nization (WIPO).

3 **SEC. 3. STATEMENT OF CONGRESS.**

4 Congress declares that, in light of recent history, it
5 is incumbent upon the United Nations to enact significant
6 reform measures if it is to restore the public trust and
7 confidence necessary for it to achieve the laudable goals
8 set forth in its Charter. To this end, the following Act
9 seeks to reform the United Nations.

10 **TITLE I—MISSION AND BUDGET**
11 **OF THE UNITED NATIONS**

12 **SEC. 101. UNITED STATES FINANCIAL CONTRIBUTIONS TO**
13 **THE UNITED NATIONS.**

14 (a) STATEMENTS OF POLICY.—

15 (1) IN GENERAL.—It shall be the policy of the
16 United States to use its voice, vote, and influence at
17 the United Nations to—

18 (A) pursue a streamlined, efficient, and ac-
19 countable regular assessed budget of the United
20 Nations; and

21 (B) shift funding mechanisms of certain
22 organizational programs of the United Nations
23 specified under paragraph (4) from the regular
24 assessed budget to voluntarily funded programs.

1 (2) UNITED STATES CONTRIBUTIONS.—It shall
2 be the policy of the United States to—

3 (A) redirect United States contributions to
4 the United Nations to achieve the policy objec-
5 tives described in paragraph (1)(B); and

6 (B) redirect a portion of funds from the
7 following organizational programs to pursue the
8 policy objectives described in paragraph (1)(A):

9 (i) Public Information.

10 (ii) General Assembly affairs and con-
11 ference services.

12 (3) FUTURE BIENNIUM BUDGETS.—It shall be
13 the policy of the United States to use its voice, vote,
14 and influence at the United Nations to ensure that
15 future biennial budgets of the United Nations, as
16 agreed to by the General Assembly, reflect the shift
17 in funding mechanisms described in paragraph
18 (1)(B) and the redirection of funds described in
19 paragraph (2).

20 (4) CERTAIN ORGANIZATIONAL PROGRAMS.—
21 The organizational programs referred to in para-
22 graph (1)(B) are the following:

23 (A) Economic and social affairs.

1 (B) Least-developed countries, landlocked
2 developing countries and small island devel-
3 oping States.

4 (C) United Nations support for the New
5 Partnership for Africa's Development.

6 (D) Trade and development.

7 (E) International Trade Center UNCTAD/
8 WTO.

9 (F) Environment.

10 (G) Human settlements.

11 (H) Crime prevention and criminal justice.

12 (I) International drug control.

13 (J) Economic and social development in
14 Africa.

15 (K) Economic and social development in
16 Asia and the Pacific.

17 (L) Economic development in Europe.

18 (M) Economic and social development in
19 Latin America and the Caribbean.

20 (N) Economic and social development in
21 Western Asia.

22 (O) Regular program of technical coopera-
23 tion.

24 (P) Development account.

1 “(A) pursue a streamlined, efficient, and
2 accountable regular assessed budget of the
3 United Nations; and

4 “(B) shift funding mechanisms of certain
5 organizational programs of the United Nations
6 specified under paragraph (2) of subsection (c)
7 from the regular assessed budget to voluntarily
8 funded programs.

9 “(2) UNITED STATES CONTRIBUTIONS.—It
10 shall be the policy of the United States to—

11 “(A) redirect United States contributions
12 to the United Nations to achieve the policy ob-
13 jectives described in paragraph (1)(B); and

14 “(B) redirect a portion of funds from the
15 following organizational programs to pursue the
16 policy objectives described in paragraph (1)(A):

17 “(i) Public Information.

18 “(ii) General Assembly affairs and
19 conferences services.

20 “(3) FUTURE BIENNIIUM BUDGETS.— The
21 President shall direct the United States Permanent
22 Representative to the United Nations to use the
23 voice, vote, and influence of the United States at the
24 United Nations to ensure that the shifting of fund-
25 ing mechanisms under paragraph (1)(B) and re-

1 directing of contributions under paragraph (2) be re-
2 flected in future resolutions agreed to by the General
3 Assembly for the regular assessed budget of the
4 United Nations for the period of a current biennium.
5 To achieve the policies described in paragraphs (1)
6 and (2), the United States Permanent Representa-
7 tive to the United Nations shall withhold the support
8 of the United States for a consensus for such budget
9 until such time as such budget is reflective of such
10 policies.

11 “(b) 22 PERCENT LIMITATION.—In accordance with
12 section 601 of the United Nations Reform Act of 2005,
13 the Secretary may not make a contribution to a regularly
14 assessed biennial budget of the United Nations in an
15 amount greater than 22 percent of the amount calculable
16 under subsection (c).

17 “(c) ANNUAL DUES.—

18 “(1) IN GENERAL.—For annual dues paid by
19 the United States to the United Nations each fiscal
20 year, the percentage specified in subsection (b) shall
21 be multiplied by one-half of the amount of the regu-
22 larly assessed budget of the United Nations for a
23 current biennial period, as agreed to by resolution of
24 the General Assembly.

1 “(2) CALCULATION WITH RESPECT TO CERTAIN
2 ORGANIZATIONAL PROGRAMS FOR REDIRECTION.—
3 The percentage specified in subsection (b) shall be
4 multiplied by one-half of the sum of amounts budg-
5 eted by resolution of the General Assembly for a
6 current biennial period for the following certain or-
7 ganizational programs:

8 “(A) Economic and social affairs.

9 “(B) Least-developed countries, landlocked
10 developing countries and small island devel-
11 oping States.

12 “(C) United Nations support for the New
13 Partnership for Africa’s Development.

14 “(D) Trade and development.

15 “(E) International Trade Center
16 UNCTAD/WTO.

17 “(F) Environment.

18 “(G) Human settlements.

19 “(H) Crime prevention and criminal jus-
20 tice.

21 “(I) International drug control.

22 “(J) Economic and social development in
23 Africa.

24 “(K) Economic and social development in
25 Asia and the Pacific.

1 “(L) Economic development in Europe.

2 “(M) Economic and social development in
3 in Latin America and the Caribbean.

4 “(N) Economic and social development in
5 Western Asia.

6 “(O) Regular program of technical co-
7 operation.

8 “(P) Development account.

9 “(Q) Protection of and assistance to refu-
10 gees.

11 “(R) Palestine refugees.

12 “(3) REDIRECTION OF FUNDS.—Of amounts
13 appropriated for contributions towards payment of
14 regular assessed dues to the United Nations for
15 2008 and each subsequent year, if the funding
16 mechanisms of one or more of the organizational
17 programs of the United Nations specified in para-
18 graph (2) have not been shifted from the regular as-
19 sessed budget to voluntarily funded programs in ac-
20 cordance with subsection (a)(1), the Secretary shall
21 ensure that such amounts in each such fiscal year
22 that are specified for each such organizational pro-
23 gram pursuant to the resolution agreed to by the
24 General Assembly for the regular assessed budget of
25 the United Nations for the period of a current bien-

1 nium are redirected from payment of the assessed
2 amount for the regular assessed budget as follows:

3 “(A) Subject to not less than 30 days prior
4 notification to Congress, the Secretary shall ex-
5 pend an amount, not to exceed 40 percent of
6 the amount specified for each such organiza-
7 tional program pursuant to the resolution
8 agreed to by the General Assembly for the reg-
9 ular assessed budget of the United Nations for
10 the period of a current biennium, as a contribu-
11 tion to an eligible organizational program speci-
12 fied in paragraph (4).

13 “(B) Subject to not less than 30 days prior
14 notification to Congress, the Secretary shall ex-
15 pend the remaining amounts under this para-
16 graph to voluntarily funded United Nations spe-
17 cialized agencies, funds, or programs.

18 “(4) ELIGIBLE ORGANIZATIONAL PROGRAMS.—
19 The eligible organizational programs referred to in
20 paragraph (3)(A) for redirection of funds under such
21 paragraph are the following:

22 “(A) Internal oversight.

23 “(B) Human rights.

24 “(C) Humanitarian assistance.

1 “(D) An organizational program specified
2 in subparagraphs (A) through (P) of paragraph
3 (2), subject to paragraph (5).

4 “(5) EXPENDITURE OF REMAINING AMOUNTS
5 TO CERTAIN ORGANIZATION PROGRAMS.—

6 “(A) VOLUNTARY CONTRIBUTION.—Sub-
7 ject to not less than 30 days prior notification
8 to Congress and the limitation specified under
9 subparagraph (B), the Secretary is authorized
10 to make a voluntary contribution to an organi-
11 zational program of the United Nations speci-
12 fied in subparagraphs (A) through (P) of para-
13 graph (2) of any amounts not contributed in a
14 fiscal year to an eligible organizational program
15 specified in subparagraphs (A) through (C) of
16 paragraph (4).

17 “(B) 10 PERCENT LIMITATION.—A vol-
18 untary contribution under subparagraph (A) to
19 an organizational program of the United Na-
20 tions specified in subparagraphs (A) through
21 (P) of paragraph (2) may not exceed 10 percent
22 of the total contribution made under paragraph
23 (3)(A).

1 “(d) FURTHER CALCULATION WITH RESPECT TO
2 BUDGETS FOR PUBLIC INFORMATION AND GENERAL AS-
3 SEMBLY AFFAIRS AND CONFERENCE SERVICES.—

4 “(1) 22 PERCENT LIMITATION.—The Secretary
5 may not make a contribution to a regularly assessed
6 biennial budget of the United Nations in an amount
7 greater than 22 percent of the amount calculable
8 under paragraph (2).

9 “(2) ANNUAL DUES EACH FISCAL YEAR.—

10 “(A) IN GENERAL.—For annual dues paid
11 by the United States to the United Nations
12 each fiscal year, the percentage specified in
13 paragraph (1) shall be multiplied by one-half of
14 the amount of the regularly assessed budget of
15 the United Nations for a current biennial pe-
16 riod, as agreed to by resolution of the General
17 Assembly.

18 “(B) CALCULATION WITH RESPECT TO
19 PUBLIC INFORMATION AND GENERAL ASSEMBLY
20 AFFAIRS AND CONFERENCE SERVICES.—With
21 respect to such United States annual dues, the
22 percentage specified in paragraph (1) shall be
23 multiplied by one-half of the sum of amounts
24 budgeted by resolution of the General Assembly

1 for the 2004–2005 biennial period for the fol-
2 lowing organizational programs:

3 “(i) Public Information.

4 “(ii) General Assembly affairs and
5 conferences services.

6 “(C) REDIRECTION OF FUNDS.—

7 “(i) IN GENERAL.—The President
8 shall direct the United States Permanent
9 Representative to the United Nations to
10 make every effort, including the with-
11 holding of United States support for a con-
12 sensus budget of the United Nations, to
13 reduce the budgets of the organizational
14 programs specified in subparagraph (B)
15 for 2007 by ten percent against the bud-
16 gets of such organizational programs for the
17 2004–2005 biennial period. If the budgets
18 of such organizational programs are not so
19 reduced, 20 percent the amount deter-
20 mined under subparagraph (B) for con-
21 tributions towards payment of regular as-
22 sessed dues for 2007 shall be redirected
23 from payment for the amount assessed for
24 United States annual contributions to the

1 regular assessed budget of the United Na-
2 tions.

3 “(ii) SPECIFIC AMOUNTS.—The Sec-
4 retary shall make the amount determined
5 under clause (i) available as a contribution
6 to an eligible organizational program speci-
7 fied in subparagraphs (A) through (C) of
8 paragraph (4) of subsection (c).

9 “(3) POLICY WITH RESPECT TO 2008–2009 BIEN-
10 NIAL PERIOD AND SUBSEQUENT BIENNIAL PERI-
11 ODS.—

12 “(A) IN GENERAL.—The President shall
13 direct the United States Permanent Represent-
14 ative to the United Nations to make every ef-
15 fort, including the withholding of United States
16 support for a consensus budget of the United
17 Nations, to reduce the budgets of the organiza-
18 tional programs specified in subparagraph (B)
19 of paragraph (2) for the 2008–2009 biennial
20 period and each subsequent biennial period by
21 20 percent against the budgets of such organi-
22 zational programs for the 2004–2005 biennial
23 period.

24 “(B) CERTIFICATION.—In accordance with
25 section 601, a certification shall be required

1 that certifies that the reduction in budgets de-
2 scribed in subparagraph (A) has been imple-
3 mented.”.

4 (d) EFFECTIVE DATE.—The amendment made by
5 subsection (c) shall take effect and apply beginning on Oc-
6 tober 1, 2006.

7 **SEC. 102. WEIGHTED VOTING.**

8 It shall be the policy of the United States to actively
9 pursue weighted voting with respect to all budgetary and
10 financial matters in the Administrative and Budgetary
11 Committee and in the General Assembly in accordance
12 with the level of the financial contribution of a Member
13 State to the regular assessed budget of the United Na-
14 tions.

15 **SEC. 103. BUDGET CERTIFICATION REQUIREMENTS.**

16 (a) CERTIFICATION.—In accordance with section
17 601, a certification shall be required that certifies that the
18 conditions described in subsection (b) have been satisfied.

19 (b) CONDITIONS.—The conditions under this sub-
20 section are the following:

21 (1) NEW BUDGET PRACTICES FOR THE UNITED
22 NATIONS.—The United Nations is implementing
23 budget practices that—

24 (A) require the maintenance of a budget
25 not in excess of the level agreed to by the Gen-

1 eral Assembly at the beginning of each United
2 Nations budgetary biennium, unless increases
3 are agreed to by consensus and do not exceed
4 ten percent; and

5 (B) require the identification of expendi-
6 tures by the United Nations by functional cat-
7 egories such as personnel, travel, and equip-
8 ment.

9 (2) PROGRAM EVALUATION.—

10 (A) EXISTING AUTHORITY.—The Secretary
11 General and the Director General of each spe-
12 cialized agency have used their existing authori-
13 ties to require program managers within the
14 United Nations Secretariat and the Secretariats
15 of the specialized agencies to conduct evalua-
16 tions in accordance with the standardized meth-
17 odology referred to in subparagraph (B) of—

18 (i) United Nations programs approved
19 by the General Assembly; and

20 (ii) programs of the specialized agen-
21 cies.

22 (B) DEVELOPMENT OF EVALUATION CRI-
23 TERIA.—

24 (i) UNITED NATIONS.—The Office of
25 Internal Oversight Services has developed

1 a standardized methodology for the evalua-
2 tion of United Nations programs approved
3 by the General Assembly, including specific
4 criteria for determining the continuing rel-
5 evance and effectiveness of the programs.

6 (ii) SPECIALIZED AGENCIES.—Pat-
7 terned on the work of the Office of Inter-
8 nal Oversight Services of the United Na-
9 tions, each specialized agency has devel-
10 oped a standardized methodology for the
11 evaluation of the programs of the agency,
12 including specific criteria for determining
13 the continuing relevance and effectiveness
14 of the programs.

15 (C) REPORT.—The Secretary General is
16 assessing budget requests and, on the basis of
17 evaluations conducted under subparagraph (B)
18 for the relevant preceding year, submits to the
19 General Assembly a report containing the re-
20 sults of such evaluations, identifying programs
21 that have satisfied the criteria for continuing
22 relevance and effectiveness, and an identifica-
23 tion of programs that have not satisfied such
24 criteria and should be terminated.

1 (D) SUNSET OF PROGRAMS.—Consistent
2 with the July 16, 1997, recommendations of the
3 Secretary General regarding a sunset policy and
4 results-based budgeting for United Nations pro-
5 grams, the United Nations and each specialized
6 agency has established and is implementing
7 procedures to require all new programs ap-
8 proved by the General Assembly to have a spe-
9 cific sunset date.

10 **SEC. 104. ACCOUNTABILITY.**

11 (a) CERTIFICATION OF CREATION OF INDEPENDENT
12 OVERSIGHT BOARD.—In accordance with section 601, a
13 certification shall be required that certifies that the fol-
14 lowing reforms related to the establishment of an Inde-
15 pendent Oversight Board (IOB) have been adopted by the
16 United Nations:

17 (1) An IOB is established from existing United
18 Nations budgetary and personnel resources. Except
19 as provided in this subsection, the IOB shall be an
20 independent entity within the United Nations and
21 shall not be subject to budget authority or organiza-
22 tional authority of any entity within the United Na-
23 tions.

24 (2) The head of the IOB shall be a Director,
25 who shall be nominated by the Secretary General

1 and who shall be subject to Security Council ap-
2 proval by a majority vote. The IOB shall also consist
3 of four other board members who shall be nominated
4 by the Secretary General and subject to Security
5 Council approval by a majority vote. The IOB shall
6 be responsible to the Security Council and the Direc-
7 tor and board members shall each serve terms of six
8 years, except that the terms of the initial board shall
9 be staggered so that no more than two board mem-
10 bers' terms will expire in any one year. No board
11 member may serve more than two terms. An IOB
12 board member may be removed for cause by a ma-
13 jority vote of the Security Council. The Director
14 shall appoint a professional staff headed by a Chief
15 of Staff and may employ contract staff as needed.

16 (3) The IOB shall receive operational and budg-
17 etary funding through appropriations by the General
18 Assembly from existing levels of United Nations
19 budgetary and personnel resources, and shall not be
20 dependent upon any other entity, bureau, division,
21 department, or specialized agency of the United Na-
22 tions for such funding.

23 (4) While the IOB shall have the authority to
24 evaluate all operations of the United Nations, the
25 primary mission of the IOB is to oversee the Office

1 of Internal Oversight Services and the Board of Ex-
2 ternal Auditors. The IOB may direct the Office of
3 Internal Oversight Services or the Board of External
4 Auditors to initiate, abandon, or modify the scope of
5 an investigation. Every three months or more fre-
6 quently when appropriate, the IOB shall submit, as
7 appropriate, to the Secretary General, the Security
8 Council, the General Assembly, or the Economic and
9 Social Council a report on its activities, relevant ob-
10 servations, and recommendations relating to its
11 audit operations, including information relating to
12 the inventory and status of investigations by the Of-
13 fice of Internal Oversight Services.

14 (5) In extraordinary circumstances and with the
15 concurrence of the Secretary General or the Security
16 Council by majority vote, the IOB may augment the
17 Office of Internal Oversight Services with a special
18 investigator and staff consisting of individuals who
19 are not employees of the United Nations, to inves-
20 tigate matters involving senior officials of the United
21 Nations or of its specialized agencies when allega-
22 tions of serious misconduct have been made and
23 such a special investigation is necessary to maintain
24 public confidence in the integrity of the investiga-
25 tion. A special investigator and staff shall comply

1 with all United Nations financial disclosure and con-
2 flict of interest rules, including the filing of an indi-
3 vidual Annual Financial Disclosure Form in accord-
4 ance with subsection (c).

5 (6) The IOB shall recommend annual budgets
6 for the Office of Internal Oversight Services and the
7 Board of External Auditors.

8 (b) CERTIFICATION OF UNITED NATIONS REFORMS
9 OF THE OFFICE OF INTERNAL OVERSIGHT SERVICES.—

10 In accordance with section 601, a certification shall be re-
11 quired that certifies that the following reforms related to
12 the Office of Internal Oversight Services (OIOS) have
13 been adopted by the United Nations:

14 (1) The OIOS is designated as an independent
15 entity within the United Nations. The OIOS shall
16 not be subject to budget authority or organizational
17 authority of any entity within the United Nations
18 except as provided in this section.

19 (2) The regular assessed budget of the United
20 Nations shall fully fund the Internal Oversight
21 Budget from existing levels of United Nations budg-
22 etary and personnel resources and shall not be de-
23 pendent upon any other entity, bureau, division, de-
24 partment, or specialized agency of the United Na-
25 tions for such funding.

1 (3) All United Nations officials, including offi-
2 cials from any entity, bureau, division, department,
3 or specialized agency of the United Nations, may—

4 (A) make a recommendation to the OIOS
5 to initiate an investigation of any aspect of the
6 United Nations; or

7 (B) report to the OIOS information or al-
8 legations of misconduct or inefficiencies within
9 the United Nations.

10 (4) The OIOS may, *sua sponte*, initiate and
11 conduct an investigation or audit of any entity, bu-
12 reau, division, department, specialized agency, em-
13 ployee (including the Secretary General) of the
14 United Nations, including any employee of the spe-
15 cialized agencies of the United Nations, or con-
16 tractor or consultant for the United Nations or its
17 specialized agencies.

18 (5) At least every three months and more fre-
19 quently when appropriate, the OIOS shall submit to
20 the IOB a report containing an inventory and status
21 of its investigations.

22 (6) The OIOS shall establish procedures for
23 providing “whistle-blower” status and employment
24 protections for all employees of the United Nations,
25 including employees of the specialized agencies of

1 the United Nations, who provide informational leads
2 and testimony related to allegations of wrongdoing.
3 Such procedures shall be adopted throughout the
4 United Nations. Such status and protection may not
5 be conferred on the Secretary General.

6 (7) The OIOS shall annually publish a public
7 report determining the proper number, distribution,
8 and expertise of auditors within the OIOS necessary
9 to carry out present and future duties of the OIOS,
10 including assessing the staffing requirements needed
11 to audit United Nations contracting activities
12 throughout the contract cycle from the bid process
13 to contract performance.

14 (8) Not later than six months after the date of
15 the enactment of this Act, the Director shall estab-
16 lish a position of Associate Director of OIOS for
17 Specialized Agencies and Funds and Programs who
18 shall be responsible for supervising the OIOS liaison
19 or oversight duties for each of the specialized agen-
20 cies and funds and programs of the United Nations.
21 With the concurrence of the Director, the Associate
22 Director of OIOS for Specialized Agencies and
23 Funds and Programs may, from existing levels of
24 United Nations budgetary and personnel resources,
25 hire and appoint necessary OIOS staff, including

1 staff serving within and located at specialized agen-
2 cies and funds and programs permanently or as
3 needed to liaison with existing audit functions within
4 each specialized agency and fund and program.

5 (9) Not later than six months after the date of
6 the enactment of this Act, the Director shall estab-
7 lish a position of Associate Director of OIOS for
8 Peacekeeping Operations, who shall be responsible
9 for the oversight and auditing of the field offices at-
10 tached to United Nations peacekeeping operations.
11 The Associate Director of OIOS for Peacekeeping
12 Operations shall receive informational leads and tes-
13 timony from any person regarding allegations of
14 wrongdoing by United Nations officials or peace-
15 keeping troops or regarding inefficiencies associated
16 with United Nations peacekeeping operations. The
17 Associate Director of OIOS for Peacekeeping Oper-
18 ations shall be responsible for initiating, conducting,
19 and overseeing investigations within peacekeeping
20 operations.

21 (10) Not later than six months after the date
22 of the enactment of this Act, the Director shall es-
23 tablish a position of Associate Director of OIOS for
24 Procurement and Contract Integrity, who shall be
25 responsible for auditing and inspecting procurement

1 and contracting win the United Nations, including
2 within the specialized agencies. The Associate Direc-
3 tor of OIOS for Procurement and Contract Integrity
4 shall receive informational leads and testimony from
5 any person regarding allegations of wrongdoing by
6 United Nations officials or regarding inefficiencies
7 associated with United Nations procurement or con-
8 tracting activities. The Associate Director of OIOS
9 for Procurement and Contract Integrity shall be re-
10 sponsible for initiating, conducting, and overseeing
11 investigations of procurement and contract activities.
12 Not later than 12 months after the establishment of
13 the position of Associate Director of OIOS for Pro-
14 curement and Contract Integrity, the Director, with
15 the assistance of the Associate Director of OIOS for
16 Procurement and Contract Integrity, shall undertake
17 a review of contract procedures to ensure that prac-
18 tices and policies are in place to ensure that—

19 (A) the United Nations has ceased issuing
20 single bid contracts except for such contracts
21 issued during an emergency situation that is
22 justified by the Under Secretary General for
23 Management;

1 (B) the United Nations has established ef-
2 fective controls to prevent conflicts of interest
3 in the award of contracts; and

4 (C) the United Nations has established ef-
5 fective procedures and policies to ensure effec-
6 tive and comprehensive oversight and moni-
7 toring of United Nations contract performance.

8 (c) CERTIFICATION OF ESTABLISHMENT OF UNITED
9 NATIONS OFFICE OF ETHICS.—In accordance with sec-
10 tion 601, a certification shall be required that certifies
11 that the following reforms related to the establishment of
12 a United Nations Office of Ethics have been adopted by
13 the United Nations:

14 (1) A United Nations Office of Ethics (UNOE)
15 is established. The UNOE shall be an independent
16 entity within the United Nations and shall not be
17 subject to budget authority or organizational author-
18 ity of any entity within the United Nations. The
19 UNEO shall be responsible for establishing, man-
20 aging, and enforcing a code of ethics for all employ-
21 ees of United Nations and its specialized agencies.
22 The UNEO shall also be responsible for providing
23 such employees with annual training related to such
24 code. The head of the UNEO shall be a Director
25 who shall be nominated by the Secretary General

1 and who shall be subject to Security Council ap-
2 proval by majority vote.

3 (2) The UNEO shall receive operational and
4 budgetary funding through appropriations by the
5 General Assembly from existing levels of United Na-
6 tions budgetary and personnel resources and shall
7 not be dependent upon any other entity, bureau, di-
8 vision, department, or specialized agency of the
9 United Nations for such funding.

10 (3) The Director of the UNEO shall, not later
11 than six months after the date of its establishment,
12 publish a report containing proposals for imple-
13 menting a system for the filing and review of indi-
14 vidual Annual Financial Disclosure Forms by each
15 employee of the United Nations, including by each
16 employee of its specialized agencies, at the P-5 level
17 and above and by all contractors and consultants
18 compensated at any salary level. Such system shall
19 be in place and operational not later than six
20 months after the date of the publication of the re-
21 port. Such completed forms shall be made available
22 to the Office of Internal Oversight Services at the
23 request of the Director of the Office of Internal
24 Oversight Services. Such system shall seek to iden-
25 tify and prevent conflicts of interest by United Na-

1 tions employees and shall be comparable to the sys-
2 tem used for such purposes by the United States
3 Government. Such report shall also address broader
4 reforms of the ethics program for the United Na-
5 tions, including—

6 (A) the effect of the establishment of eth-
7 ics officers throughout all organizations within
8 the United Nations;

9 (B) the effect of retention by the UNEO of
10 Annual Financial Disclosure Forms;

11 (C) proposals for making completed An-
12 nual Financial Disclosure Forms available to
13 the public on request through their Member
14 State's mission to the United Nations;

15 (D) proposals for annual disclosure to the
16 public of information related to the annual sala-
17 ries and payments, including pension payments
18 and buyouts, of employees of the United Na-
19 tions, including employees of its specialized
20 agencies, and of consultants;

21 (E) proposals for annual disclosure to the
22 public of information related to per diem rates
23 for all bureaus, divisions, departments, or spe-
24 cialized agencies within the United Nations;

1 (F) proposals for disclosure upon request
2 by the Ambassador of a Member State of infor-
3 mation related to travel and per diem payments
4 made from United Nations funds to any person;
5 and

6 (G) proposals for annual disclosure to the
7 public of information related to travel and per
8 diem rates and payments made from United
9 Nations funds to any person.

10 (d) CERTIFICATION OF UNITED NATIONS ESTAB-
11 LISHMENT OF POSITION OF CHIEF OPERATING OFFI-
12 CER.—In accordance with section 601, a certification shall
13 be required that certifies that the following reforms re-
14 lated to the establishment of the position of a Chief Oper-
15 ating Officer have been adopted by the United Nations:

16 (1) There is established the position of Chief
17 Operating Officer (COO). The COO shall report to
18 the Secretary General.

19 (2) The COO shall be responsible for formu-
20 lating general policies and programs for the United
21 Nations in coordination with the Secretary General
22 and in consultation with the Security Council and
23 the General Assembly. The COO shall be responsible
24 for the daily administration, operation and super-
25 vision, and the direction and control of the business

1 of the United Nations. The Chief Operating Officer
2 shall also perform such other duties and may exer-
3 cise such other powers as from time to time may be
4 assigned to the COO by the Secretary General.

5 (e) CERTIFICATION OF ACCESS BY MEMBER STATES
6 TO REPORTS AND AUDITS BY BOARD OF EXTERNAL
7 AUDITORS.—In accordance with section 601, a certifi-
8 cation shall be required that certifies that Member States
9 may, upon request, have access to all reports and audits
10 completed by the Board of External Auditors.

11 **SEC. 105. TERRORISM AND THE UNITED NATIONS.**

12 The President shall direct the United States Perma-
13 nent Representative to the United Nations to use the
14 voice, vote, and influence of the United States at the
15 United Nations to work toward adoption by the General
16 Assembly of—

17 (1) a definition of terrorism that builds upon
18 the recommendations of the Secretary General's
19 High-Level Panel on Threats, Challenges, and
20 Change, and includes as an essential component of
21 such definition any action that is intended to cause
22 death or serious bodily harm to civilians with the
23 purpose of intimidating a population or compelling a
24 government or an international organization to do,
25 or abstain from doing, any act; and

1 (2) a comprehensive convention on terrorism
2 that includes the definition described in paragraph
3 (1).

4 **SEC. 106. UNITED NATIONS TREATY BODIES.**

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

11 (1) a convention (without any protocols) or an
12 international covenant (without any protocols) to
13 which the United States is not party; or

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

16 **SEC. 107. EQUALITY AT THE UNITED NATIONS.**

17 (a) INCLUSION OF ISRAEL IN WEOG.—

18 (1) IN GENERAL.—The President shall direct
19 the United States Permanent Representative to the
20 United Nations to use the voice, vote, and influence
21 of the United States to expand the Western Euro-
22 pean and Others Group (WEOG) in the United Na-
23 tions to include Israel as a permanent member with
24 full rights and privileges.

1 (2) NOTIFICATION TO CONGRESS.—Not later
2 than six months after the date of the enactment of
3 this Act and every six months thereafter for the next
4 two years, the Secretary of State shall notify the ap-
5 propriate congressional committees concerning the
6 treatment of Israel in the United Nations and the
7 expansion of WEOG to include Israel as a perma-
8 nent member.

9 (b) DEPARTMENT OF STATE REVIEW AND RE-
10 PORT.—

11 (1) IN GENERAL.—To avoid duplicative efforts
12 and funding with respect to Palestinian interests
13 and to ensure balance in the approach to Israeli-
14 Palestinian issues, the Secretary shall, not later than
15 60 days after the date of the enactment of this
16 Act—

17 (A) conduct an audit of the functions of
18 the entities listed in paragraph (2); and

19 (B) submit to the appropriate congres-
20 sional committees a report containing rec-
21 ommendations for the elimination of such dupli-
22 cative entities and efforts.

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

1 (A) The United Nations Division for Pales-
2 tinian Rights.

3 (B) The Committee on the Exercise of the
4 Inalienable Rights of the Palestinian People.

5 (C) The United Nations Special Coordi-
6 nator for the Middle East Peace Process and
7 Personal Representative to the Palestine Lib-
8 eration Organization and the Palestinian Au-
9 thority.

10 (D) The NGO Network on the Question of
11 Palestine.

12 (c) IMPLEMENTATION BY PERMANENT REPRESENTA-
13 TIVE.—

14 (1) IN GENERAL.—The President shall direct
15 the United States Permanent Representative to the
16 United Nations to use the voice, vote, and influence
17 of the United States at the United Nations to seek
18 the implementation of the recommendations con-
19 tained in the report required under subsection
20 (b)(1).

21 (2) WITHHOLDING OF FUNDS.—Until such rec-
22 ommendations have been implemented, the United
23 States shall withhold from United States contribu-
24 tions to the regular assessed budget of the United
25 Nations for a biennial period amounts that are pro-

1 portional to the percentage of such budget that are
2 expended for such entities.

3 (d) GAO AUDIT.—The Comptroller General of the
4 United States of the Government Accountability Office
5 shall conduct an audit of—

6 (1) the status of the implementation of the re-
7 ommendations contained in the report required
8 under subsection (b)(1); and

9 (2) United States actions and achievements
10 under subsection (c).

11 **SEC. 108. REPORT ON UNITED NATIONS REFORM.**

12 (a) IN GENERAL.—Not later than 180 days after the
13 date of the enactment of this Act, and one year thereafter,
14 the Secretary shall submit to the appropriate congres-
15 sional committees a report on United Nations reform since
16 1990.

17 (b) CONTENTS.—The report required under para-
18 graph (1) shall describe—

19 (1) the status of the implementation of manage-
20 ment reforms within the United Nations and its spe-
21 cialized agencies;

22 (2) the number of outputs, reports, or other
23 items generated by General Assembly resolutions
24 that have been eliminated;

1 (3) the progress of the General Assembly to
2 modernize and streamline the committee structure
3 and its specific recommendations on oversight and
4 committee outputs, consistent with the March 2005
5 report of the Secretary General entitled “In larger
6 freedom: towards development, security and human
7 rights for all”;

8 (4) the status of the review by the General As-
9 sembly of all mandates older than five years and
10 how resources have been redirected to new chal-
11 lenges, consistent with such March 2005 report of
12 the Secretary General; and

13 (5) the continued utility and relevance of the
14 Economic and Financial Committee and the Social,
15 Humanitarian, and Cultural Committee, in light of
16 the duplicative agendas of those committees and the
17 Economic and Social Council.

18 **SEC. 109. REPORT ON UNITED NATIONS PERSONNEL.**

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

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

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

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

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

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

9 (A) tenure;

10 (B) performance reviews;

11 (C) the promotion system;

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

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

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

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

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

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

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

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

13 **TITLE II—HUMAN RIGHTS AND**
14 **THE ECONOMIC AND SOCIAL**
15 **COUNCIL (ECOSOC)**

16 **SEC. 201. HUMAN RIGHTS.**

17 (a) STATEMENT OF POLICY.—It shall be the policy
18 of the United States to use its voice, vote, and influence
19 at the United Nations to ensure that a credible and re-
20 spectable Human Rights Council or other human rights
21 body is established within the United Nations whose par-
22 ticipating Member States uphold the values embodied in
23 the Universal Declaration of Human Rights.

24 (b) HUMAN RIGHTS REFORMS AT THE UNITED NA-
25 TIONS.—The President shall direct the United States Per-

1 manent Representative to the United Nations to ensure
2 that the following human rights reforms have been adopt-
3 ed by the United Nations:

4 (1) A Member State that fails to uphold the
5 values embodied in the Universal Declaration of
6 Human Rights shall be ineligible for membership on
7 any United Nations human rights body.

8 (2) A Member State shall be ineligible for mem-
9 bership on any United Nations human rights body
10 if such Member State is—

11 (A) subject to sanctions by the Security
12 Council; or

13 (B) under a Security Council-mandated in-
14 vestigation for human rights abuses.

15 (3) A Member State that is currently subject to
16 an adopted country specific resolution, in the prin-
17 cipal body in the United Nations for the promotion
18 and protection of human rights, relating to human
19 rights abuses perpetrated by the government of such
20 country in such country, or has been the subject of
21 such an adopted country specific resolution in such
22 principal body within the previous three years, shall
23 be ineligible for membership on any United Nations
24 human rights body. For purposes of this subsection,

1 an adopted country specific resolution shall not in-
2 clude consensus resolutions on advisory services.

3 (4) A Member State that violates the principles
4 of a United Nations human rights body to which it
5 aspires to join shall be ineligible for membership on
6 such body.

7 (5) No human rights body has a standing agen-
8 da item that relates only to one country or region.

9 (c) CERTIFICATION.—In accordance with section
10 601, a certification shall be required that certifies that the
11 human rights reforms described under subsection (b) have
12 been adopted by the United Nations.

13 (d) PREVENTION OF ABUSE OF “NO ACTION” MO-
14 TIONS.—The United States Permanent Representative
15 shall work to prevent abuse of “no action” motions, par-
16 ticularly as such motions relate to country specific resolu-
17 tions.

18 (e) OFFICE OF THE UNITED NATIONS HIGH COMMIS-
19 SIONER FOR HUMAN RIGHTS.—

20 (1) STATEMENT OF POLICY.—It shall be the
21 policy of the United States to continue to strongly
22 support the Office of the United Nations High Com-
23 missioner for Human Rights.

24 (2) CERTIFICATION.—In accordance with sec-
25 tion 601, a certification shall be required that cer-

1 tifies that the Office of the United Nations High
2 Commissioner for Human Rights has been given
3 greater authority in field operation activities, such
4 as in the Darfur region of Sudan and in the Demo-
5 cratic Republic of the Congo, in furtherance of the
6 purpose and mission of the United Nations.

7 **SEC. 202. ECONOMIC AND SOCIAL COUNCIL (ECOSOC).**

8 (a) STATEMENT OF POLICY.—It shall be the policy
9 of the United States to use its voice, vote, and influence
10 at the United Nations to—

11 (1) abolish secret voting in the Economic and
12 Social Council (ECOSOC);

13 (2) ensure that, until such time as the Commis-
14 sion on Human Rights of the United Nations is
15 abolished, only countries that are not ineligible for
16 membership on a human rights body in accordance
17 with paragraph (1) through (4) of section 201(b)
18 shall be considered for membership on the Commis-
19 sion on Human Rights; and

20 (3) ensure that after candidate countries are
21 nominated for membership on the Commission on
22 Human Rights, the Economic and Social Council
23 conducts a recorded vote to determine such member-
24 ship.

1 (b) CERTIFICATION.—In accordance with section
2 601, a certification shall be required that certifies that the
3 policies described in subsection (a) have been implemented
4 by the Economic and Social Council.

5 **TITLE III—INTERNATIONAL**
6 **ATOMIC ENERGY AGENCY**

7 **SEC. 301. INTERNATIONAL ATOMIC ENERGY AGENCY.**

8 (a) ENFORCEMENT AND COMPLIANCE.—

9 (1) OFFICE OF COMPLIANCE.—

10 (A) ESTABLISHMENT.—The President
11 shall direct the United States Permanent Rep-
12 resentative to International Atomic Energy
13 Agency (IAEA) to use the voice, vote, and influ-
14 ence of the United States at the IAEA to estab-
15 lish an Office of Compliance in the Secretariat
16 of the IAEA.

17 (B) OPERATION.—The Office of Compli-
18 ance shall—

19 (i) function as an independent body
20 composed of technical experts who shall
21 work in consultation with IAEA inspectors
22 to assess compliance by IAEA Member
23 States and provide recommendations to the
24 IAEA Board of Governors concerning pen-
25 alties to be imposed on IAEA Member

1 States that fail to fulfill their obligations
2 under IAEA Board resolutions;

3 (ii) base its assessments and rec-
4 ommendations on IAEA inspection reports;
5 and

6 (iii) shall take into consideration in-
7 formation provided by IAEA Board Mem-
8 bers that are one of the five nuclear weap-
9 ons states as recognized by the Treaty on
10 the Non-Proliferation of Nuclear Weapons
11 (21 UST 483) (commonly referred to as
12 the “Nuclear Nonproliferation Treaty” or
13 the “NPT”).

14 (C) STAFFING.—The Office of Compliance
15 shall be staffed from existing personnel in the
16 Department of Safeguards of the IAEA or the
17 Department of Nuclear Safety and Security of
18 the IAEA.

19 (2) SPECIAL COMMITTEE ON SAFEGUARDS AND
20 VERIFICATION.—

21 (A) ESTABLISHMENT.—The President
22 shall direct the United States Permanent Rep-
23 resentative to the IAEA to use the voice, vote,
24 and influence of the United States at the IAEA

1 to establish a Special Committee on Safeguards
2 and Verification.

3 (B) RESPONSIBILITIES.—The Special
4 Committee shall—

5 (i) improve the ability of the IAEA to
6 monitor and enforce compliance by Mem-
7 ber States of the IAEA with the Nuclear
8 Nonproliferation Treaty and the Statute of
9 the International Atomic Energy Agency;
10 and

11 (ii) consider which additional meas-
12 ures are necessary to enhance the ability of
13 the IAEA, beyond the verification mecha-
14 nisms and authorities contained in the Ad-
15 ditional Protocol to the Safeguards Agree-
16 ments between the IAEA and Member
17 States of the IAEA, to detect with a high
18 degree of confidence undeclared nuclear ac-
19 tivities by a Member State.

20 (3) PENALTIES.—

21 (A) IN GENERAL.—The President shall di-
22 rect the United States Permanent Representa-
23 tive to the IAEA to use the voice, vote, and in-
24 fluence of the United States at the IAEA to en-
25 sure that a Member State of the IAEA that is

1 under investigation for a breach of or non-
2 compliance with its IAEA obligations or the
3 purposes and principles of the Charter of the
4 United Nations has its privileges suspended,
5 including—

6 (i) limiting its ability to vote on its
7 case;

8 (ii) being prevented from receiving
9 any technical assistance; and

10 (iii) being prevented from hosting
11 meetings.

12 (B) TERMINATION OF PENALTIES.—The
13 penalties specified under subparagraph (A)
14 shall be terminated when such investigation is
15 concluded and such Member State is no longer
16 in such breach or noncompliance.

17 (b) UNITED STATES CONTRIBUTIONS.—

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

23 (2) LIMITATION ON USE OF FUNDS.—The
24 President shall direct the United States Permanent

1 Representative to the IAEA to use the voice, vote,
2 and influence of the United States at the IAEA to—

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

7 (B) block the allocation of funds for any
8 other IAEA development, environmental, or nu-
9 clear science assistance or activity to a
10 country—

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

24 (ii) that is under investigation for a
25 breach of or noncompliance with its IAEA

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

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

15 (c) MEMBERSHIP.—

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

23 (A) is under investigation for a breach of
24 or noncompliance with its IAEA obligations or

1 the purposes and principles of the Charter of
2 the United Nations; or

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

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

10 (d) REPORT.—Not later than six months after the
11 date of the enactment of this Act and annually for two
12 years thereafter, the President shall submit to the appro-
13 priate congressional committees a report on the implemen-
14 tation of this section.

15 **SEC. 302. SENSE OF CONGRESS REGARDING THE NUCLEAR**
16 **SECURITY ACTION PLAN OF THE IAEA.**

17 It is the sense of Congress that the national security
18 interests of the United States are enhanced by the Nuclear
19 Security Action Plan of the IAEA and the Board of Gov-
20 ernors should recommend, and the General Conference
21 should adopt, a resolution incorporating the Nuclear Secu-
22 rity Action Plan into the regular budget of the IAEA.

1 **TITLE IV—PEACEKEEPING**
2 **SEC. 401. SENSE OF CONGRESS REGARDING REFORM OF**
3 **UNITED NATIONS PEACEKEEPING OPER-**
4 **ATIONS.**

5 It is the sense of Congress that—

6 (1) although United Nations peacekeeping oper-
7 ations have contributed greatly toward the pro-
8 motion of peace and stability for the past 57 years
9 and the majority of peacekeeping personnel who
10 have served under the United Nations flag have
11 done so with honor and courage, the record of
12 United Nations peacekeeping has been severely tar-
13 nished by operational failures and unconscionable
14 acts of misconduct; and

15 (2) if the reputation of and confidence in
16 United Nations peacekeeping operations is to be re-
17 stored, fundamental and far-reaching reforms, par-
18 ticularly in the areas of planning, management,
19 training, conduct, and discipline, must be imple-
20 mented without delay.

1 **SEC. 402. STATEMENT OF POLICY RELATING TO REFORM**
2 **OF UNITED NATIONS PEACEKEEPING OPER-**
3 **ATIONS.**

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

7 (1) PLANNING AND MANAGEMENT.—

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

16 (B) REVIEW OF MANDATES AND CLOSING
17 OPERATIONS.—In conjunction with the audit
18 described in subparagraph (A), the United Na-
19 tions Department of Peacekeeping Operations
20 should conduct a comprehensive review of all
21 United Nations peacekeeping operation man-
22 dates, with a view toward identifying objectives
23 that are practical and achievable, and report its
24 findings to the Security Council. In particular,
25 the review should consider the following:

1 (i) Activities that fall beyond the
2 scope of traditional peacekeeping activities
3 should be delegated to a new Peacebuilding
4 Commission, described in paragraph (3).

5 (ii) Long-standing operations that are
6 static and cannot fulfill their mandate
7 should be downsized or closed.

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

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

1 (D) PRE-DEPLOYMENT TRAINING.—Pre-
2 deployment training on interpretation of the
3 mandate of the operation, specifically in the
4 areas of use of force, civilian protection and
5 field conditions, the Code of Conduct, HIV/
6 AIDS, and human rights should be mandatory,
7 and all personnel, regardless of category or
8 rank, should be required to sign an oath that
9 each has received and understands such train-
10 ing as a condition of participation in the oper-
11 ation.

12 (2) CONDUCT AND DISCIPLINE.—

13 (A) ADOPTION OF A UNIFORM CODE OF
14 CONDUCT.—A single, uniform Code of Conduct
15 that has the status of a binding rule and ap-
16 plies equally to all personnel serving in United
17 Nations peacekeeping operations, regardless of
18 category or rank, should be promulgated, adopt-
19 ed, and enforced.

20 (B) UNDERSTANDING THE CODE OF CON-
21 DUCT.—All personnel, regardless of category or
22 rank, should receive training on the Code of
23 Conduct prior to deployment with a peace-
24 keeping operation, in addition to periodic fol-
25 low-on training. In particular—

1 (i) all personnel, regardless of cat-
2 egory or rank, should be provided with a
3 personal copy of the Code of Conduct that
4 has been translated into the national lan-
5 guage of such personnel, regardless of
6 whether such language is an official lan-
7 guage of the United Nations;

8 (ii) all personnel, regardless of cat-
9 egory or rank, should sign an oath that
10 each has received a copy of the Code of
11 Conduct, that each pledges to abide by the
12 Code of Conduct, and that each under-
13 stands the consequences of violating the
14 Code of Conduct, including immediate ter-
15 mination of the participation of such per-
16 sonnel in the peacekeeping operation to
17 which such personnel is assigned as a con-
18 dition of appointment to such operation;
19 and

20 (iii) peacekeeping operations should
21 conduct educational outreach programs to
22 reach local communities where peace-
23 keeping personnel of such operations are
24 based, including explaining prohibited acts
25 on the part of United Nations peace-

1 keeping personnel and identifying the indi-
2 vidual to whom the local population may
3 direct complaints or file allegations of ex-
4 ploitation, abuse, or other acts of mis-
5 conduct.

6 (C) MONITORING MECHANISMS.—Dedi-
7 cated monitoring mechanisms, such as the Per-
8 sonnel Conduct Units already deployed to sup-
9 port United Nations peacekeeping operations in
10 Haiti, Liberia, Burundi, and the Democratic
11 Republic of Congo, should be present in each
12 operation to monitor compliance with the Code
13 of Conduct, and—

14 (i) should report simultaneously to the
15 Head of Mission, the United Nations De-
16 partment of Peacekeeping Operations, and
17 the Associate Director of OIOS for Peace-
18 keeping Operations (established under sec-
19 tion 104(b)(10)); and

20 (ii) should be tasked with designing
21 and implementing mission-specific meas-
22 ures to prevent misconduct, conduct follow-
23 on training for personnel, coordinate com-
24 munity outreach programs, and assist in

1 investigations, as OIOS determines nec-
2 essary and appropriate.

3 (D) INVESTIGATIONS.—A permanent, pro-
4 fessional, and independent investigative body
5 should be established and introduced into
6 United Nations peacekeeping operations. In
7 particular—

8 (i) the investigative body should in-
9 clude professionals with experience in in-
10 vestigating sex crimes, as well as experts
11 who can provide guidance on standards of
12 proof and evidentiary requirements nec-
13 essary for any subsequent legal action;

14 (ii) provisions should be included in a
15 Model Memorandum of Understanding
16 that obligate Member States that con-
17 tribute troops to a peacekeeping operation
18 to designate a military prosecutor who will
19 participate in any investigation into an al-
20 legation of misconduct brought against an
21 individual of such Member State, so that
22 evidence is collected and preserved in a
23 manner consistent with the military law of
24 such Member State;

1 (iii) the investigative body should be
2 regionally based to ensure rapid deploy-
3 ment and should be equipped with modern
4 forensics equipment for the purpose of
5 positively identifying perpetrators and,
6 where necessary, for determining paternity;
7 and

8 (iv) the investigative body should re-
9 port directly to the Associate Director of
10 OIOS for Peacekeeping Operations, while
11 providing copies of any reports to the De-
12 partment of Peacekeeping Operations, the
13 Head of Mission, and the Member State
14 concerned.

15 (E) FOLLOW-UP.—A dedicated unit, simi-
16 lar to the Personnel Conduct Units, staffed and
17 funded through existing resources, should be es-
18 tablished within the headquarters of the United
19 Nations Department of Peacekeeping Oper-
20 ations and tasked with—

21 (i) promulgating measures to prevent
22 misconduct;

23 (ii) coordinating allegations of mis-
24 conduct, and reports received by field per-
25 sonnel; and

1 (iii) gathering follow-up information
2 on completed investigations, particularly by
3 focusing on disciplinary actions against the
4 individual concerned taken by the United
5 Nations or by the Member State that is
6 contributing troops to which such indi-
7 vidual belongs, and sharing such informa-
8 tion with the Security Council, the Head of
9 Mission, and the community hosting the
10 peacekeeping operation.

11 (F) FINANCIAL LIABILITY AND VICTIMS
12 ASSISTANCE.—Although peacekeeping oper-
13 ations should provide immediate medical assist-
14 ance to victims of sexual abuse or exploitation,
15 the responsibility for providing longer-term
16 treatment, care, or restitution lies solely with
17 the individual found guilty of the misconduct.
18 In particular, the following reforms should be
19 implemented:

20 (i) The United Nations should not as-
21 sume responsibility for providing long-term
22 treatment or compensation by creating a
23 “Victims Trust Fund”, or any other such
24 similar fund, financed through assessed
25 contributions to United Nations peace-

1 keeping operations, thereby shielding indi-
2 viduals from personal liability and rein-
3 forcing an atmosphere of impunity.

4 (ii) If an individual responsible for
5 misconduct has been repatriated, reas-
6 signed, redeployed, or is otherwise unable
7 to provide assistance, responsibility for
8 providing assistance to a victim should be
9 assigned to the Member State that contrib-
10 uted the troops to which such individual
11 belonged or to the manager concerned.

12 (iii) In the case of misconduct by a
13 member of a military contingent, appro-
14 priate funds shall be withheld from the
15 troop contributing country concerned.

16 (iv) In the case of misconduct by a ci-
17 vilian employee or contractor of the United
18 Nations, appropriate wages shall be gar-
19 nished from such individual or fines shall
20 be imposed against such individual, con-
21 sistent with existing United Nations Staff
22 Rules.

23 (G) MANAGERS AND COMMANDERS.—The
24 manner in which managers and commanders
25 handle cases of misconduct by those serving

1 under them should be included in their indi-
2 vidual performance evaluations, so that man-
3 agers and commanders who take decisive action
4 to deter and address misconduct are rewarded,
5 while those who create a permissive environ-
6 ment or impede investigations are penalized or
7 relieved of duty, as appropriate.

8 (H) DATA BASE.—A centralized data base
9 should be created and maintained within the
10 United Nations Department of Peacekeeping
11 Operations to track cases of misconduct, includ-
12 ing the outcome of investigations and subse-
13 quent prosecutions, to ensure that personnel
14 who have engaged in misconduct or other crimi-
15 nal activities, regardless of category or rank,
16 are permanently barred from participation in
17 future peacekeeping operations.

18 (I) WELFARE.—Peacekeeping operations
19 should assume responsibility for maintaining a
20 minimum standard of welfare for mission per-
21 sonnel to ameliorate conditions of service, while
22 adjustments are made to the discretionary wel-
23 fare payments currently provided to Member
24 States that contribute troops to offset the cost
25 of operation-provided recreational facilities.

1 (3) PEACEBUILDING COMMISSION.—

2 (A) ESTABLISHMENT.—Consistent with
3 the recommendations of the High Level Panel
4 Report, the United Nations should establish a
5 Peacebuilding Commission, supported by a
6 Peacebuilding Support Office, to marshal the
7 efforts of the United Nations, international fi-
8 nancial institutions, donors, and non-govern-
9 mental organizations to assist countries in tran-
10 sition from war to peace.

11 (B) STRUCTURE AND MEMBERSHIP.—The
12 Commission should—

13 (i) be a subsidiary body of the United
14 Nations Security Council, limited in size to
15 ensure efficiency;

16 (ii) include members of the United
17 Nations Security Council, major donors,
18 major troop contributing countries, appro-
19 priate United Nations organizations, the
20 World Bank, and the International Mone-
21 tary Fund; and

22 (iii) invite the President of ECOSOC,
23 regional actors, Member States that con-
24 tribute troops, regional development banks,
25 and other concerned parties that are not

1 already members, as determined appro-
2 priate, to consult or participate in meet-
3 ings as observers.

4 (C) RESPONSIBILITIES.—The Commission
5 should seek to ease the demands currently
6 placed upon the Department of Peacekeeping
7 Operations to undertake tasks that fall beyond
8 the scope of traditional peacekeeping, by—

9 (i) developing and integrating coun-
10 try-specific and system-wide conflict pre-
11 vention, post-conflict reconstruction, and
12 long-term development policies and strate-
13 gies; and

14 (ii) serving as the key coordinating
15 body for the design and implementation of
16 military, humanitarian, and civil adminis-
17 tration aspects of complex missions.

18 (D) RESOURCES.—The establishment of
19 the Peacebuilding Commission and the related
20 Peacebuilding Support Office, should be staffed
21 within existing resources.

22 **SEC. 403. CERTIFICATION.**

23 (a) NEW OR EXPANDED PEACEKEEPING OPER-
24 ATIONS CONTINGENT UPON PRESIDENTIAL CERTIFI-
25 CATION OF PEACEKEEPING OPERATIONS REFORMS.—

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

3 (A) CERTIFICATION.—Except as provided
4 in subparagraph (B), until the Secretary of
5 State certifies that the requirements described
6 in paragraph (2) have been satisfied, the Presi-
7 dent shall direct the United States Permanent
8 Representative to the United Nations to use the
9 voice, vote, and influence of the United States
10 at the United Nations to oppose the creation of
11 new, or expansion of existing, United Nations
12 peacekeeping operations.

13 (B) EXCEPTION AND NOTIFICATION.—The
14 requirements described under subparagraphs
15 (F) and (G) of paragraph (2) may be waived
16 until January 1, 2007, if the President deter-
17 mines that such is in the national interest of
18 the United States. If the President makes such
19 a determination, the President shall, not later
20 than 15 days before the exercise of such waiver,
21 notify the appropriate congressional committees
22 of such determination and resulting waiver.

23 (2) CERTIFICATION OF PEACEKEEPING OPER-
24 ATIONS REFORMS.—The certification referred to in
25 paragraph (1) is a certification made by the Sec-

1 retary to the appropriate congressional committees
2 that the following reforms, or an equivalent set of
3 reforms, related to peacekeeping operations have
4 been adopted by the United Nations Department of
5 Peacekeeping Operations or the General Assembly,
6 as appropriate:

7 (A) A single, uniform Code of Conduct
8 that has the status of a binding rule and ap-
9 plies equally to all personnel serving in United
10 Nations peacekeeping operations, regardless of
11 category or rank, has been adopted by the Gen-
12 eral Assembly and mechanisms have been estab-
13 lished for training such personnel concerning
14 the requirements of the Code and enforcement
15 of the Code.

16 (B) All personnel, regardless of category or
17 rank, serving in a peacekeeping operation have
18 been trained concerning the requirements of the
19 Code of Conduct and each has been given a per-
20 sonal copy of the Code, translated into the na-
21 tional language of such personnel.

22 (C) All personnel, regardless of category or
23 rank, are required to sign an oath that each has
24 received a copy of the Code of Conduct, that
25 each pledges to abide by the Code, and that

1 each understands the consequences of violating
2 the Code, including the immediate termination
3 of the participation of such personnel in the
4 peacekeeping operation to which such personnel
5 is assigned as a condition of the appointment to
6 such operation.

7 (D) All peacekeeping operations have de-
8 signed and implemented educational outreach
9 programs to reach local communities where
10 peacekeeping personnel of such operations are
11 based to explain prohibited acts on the part of
12 United Nations peacekeeping personnel and to
13 identify the individual to whom the local popu-
14 lation may direct complaints or file allegations
15 of exploitation, abuse, or other acts of mis-
16 conduct.

17 (E) A centralized data base has been cre-
18 ated and is being maintained in the United Na-
19 tions Department of Peacekeeping Operations
20 that tracks cases of misconduct, including the
21 outcomes of investigations and subsequent pros-
22 ecutions, to ensure that personnel, regardless of
23 category or rank, who have engaged in mis-
24 conduct or other criminal activities are perma-

1 nently barred from participation in future
2 peacekeeping operations.

3 (F) A Model Memorandum of Under-
4 standing between the United Nations and each
5 Member State that contributes troops to a
6 peacekeeping operation has been adopted by the
7 United Nations Department of Peacekeeping
8 Operations that specifically obligates each such
9 Member State to—

10 (i) designate a competent legal au-
11 thority, preferably a prosecutor with exper-
12 tise in the area of sexual exploitation and
13 abuse, to participate in any investigation
14 into an allegation of misconduct brought
15 against an individual of such Member
16 State;

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

23 (iii) report to the Department of
24 Peacekeeping Operations on the outcome
25 of any such investigation;

1 (iv) undertake to conduct on-site court
 2 martial proceedings relating to allegations
 3 of misconduct alleged against an individual
 4 of such Member State; and

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

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

14 **TITLE V—DEPARTMENT OF**
 15 **STATE AND GOVERNMENT AC-**
 16 **COUNTABILITY OFFICE**

17 **SEC. 501. POSITIONS FOR UNITED STATES CITIZENS AT**
 18 **INTERNATIONAL ORGANIZATIONS.**

19 The Secretary of State shall make every effort to re-
 20 cruit United States citizens for positions within inter-
 21 national organizations.

22 **SEC. 502. BUDGET JUSTIFICATION FOR REGULAR AS-**
 23 **SESSED BUDGET OF THE UNITED NATIONS.**

24 (a) DETAILED ITEMIZATION.—The annual congres-
 25 sional budget justification shall include a detailed itemized

1 request in support of the assessed contribution of the
2 United States to the regular assessed budget of the United
3 Nations.

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

6 (1) contain information relating to the amounts
7 requested in support of each of the various sections
8 and titles of the regular assessed budget of the
9 United Nations; and

10 (2) compare the amounts requested for the cur-
11 rent year with the actual or estimated amounts con-
12 tributed by the United States in previous fiscal years
13 for the same sections and titles.

14 (c) ADJUSTMENTS AND NOTIFICATION.—If the
15 United Nations proposes an adjustment to its regular as-
16 sessed budget, the Secretary of State shall, at the time
17 such adjustment is presented to the Advisory Committee
18 on Administrative and Budgetary Questions (ACABQ),
19 notify and consult with the appropriate congressional com-
20 mittees.

21 **SEC. 503. REVIEW AND REPORT.**

22 Not later than six months after the date of the enact-
23 ment of this Act, the Secretary of State shall conduct a
24 review of programs of the United Nations that are funded

1 through assessed contributions and submit to the appro-
2 priate congressional committees a report containing—

3 (1) the findings of such review; and

4 (2) recommendations relating to—

5 (A) the continuation of such programs;

6 and

7 (B) which of such programs should be vol-

8 untarily funded, other than those specified in

9 subparagraphs (A) through (R) of subsection

10 (c)(2) of section 11 of the United Nations Par-

11 ticipation Act of 1945, as amended by section

12 101(e) of this Act.

13 **SEC. 504. GOVERNMENT ACCOUNTABILITY OFFICE.**

14 (a) REPORT ON UNITED NATIONS REFORMS.—Not

15 later than 12 months after the date of the enactment of

16 this Act and again 12 months thereafter, the Comptroller

17 General of the United States of the Government Account-

18 ability Office shall submit to the appropriate congressional

19 committees a report on the status of the 1997, 2002, and

20 2005 management reforms initiated by the Secretary Gen-

21 eral and on the reforms mandated by this Act.

22 (b) REPORT ON DEPARTMENT OF STATE CERTIFI-

23 CATIONS.—Not later than six months after each certifi-

24 cation submitted by the Secretary of State to the appro-

25 priate congressional committees under this Act and sub-

1 section (d)(3) of section 11 of the United Nations Partici-
2 pation Act of 1945 (as amended by section 101(c) of this
3 Act), the Comptroller General shall submit to the appro-
4 priate congressional committees a report on each such cer-
5 tification. The Secretary shall provide the Comptroller
6 General with any information required by the Comptroller
7 General to submit any such report.

8 **TITLE VI—CERTIFICATIONS AND**
9 **WITHHOLDING OF CONTRIBU-**
10 **TIONS**

11 **SEC. 601. CERTIFICATIONS AND WITHHOLDING OF CON-**
12 **TRIBUTIONS.**

13 (a) CERTIFICATIONS.—

14 (1) IN GENERAL.—Except as provided in para-
15 graph (3), the certifications required under sub-
16 section (d)(3) of section 11 of the United Nations
17 Participation Act of 1945 (as amended by section
18 101(c) of this Act) and sections 103, 104(a) through
19 104(e), sections 201(c) and 201(e), and section 202
20 of this Act are certifications submitted to the appro-
21 priate congressional committees by the Secretary of
22 State that the requirements of each such section
23 have been satisfied with respect to reform of the
24 United Nations.

25 (2) ALTERNATE CERTIFICATION MECHANISM.—

1 (A) IN GENERAL.—Except as provided in
2 paragraph (3), in the event that the Secretary
3 is unable to submit a certification in accordance
4 with paragraph (1), the Secretary may submit
5 to the appropriate congressional committees, in
6 accordance with subparagraph (B), an alternate
7 certification that certifies that the requirements
8 of the section to which the original certification
9 applies have been implemented through reforms
10 that are substantially similar to the require-
11 ments of such section or accomplish the same
12 purposes as the requirements of such section.

13 (B) EQUIVALENCY.—Reforms are substan-
14 tially similar or accomplish the same purposes
15 if—

16 (i) such reforms are formally adopted
17 in written form by the entity or committee
18 of the United Nations or of its specialized
19 agency that has authority to enact or im-
20 plement such reforms or are issued by the
21 Secretariat or the appropriate entity or
22 committee in written form; and

23 (ii) such reforms are not identical to
24 the reforms required by a particular cer-
25 tification but in the determination of the

1 Secretary will have the same, or nearly the
2 same effect, as such reforms.

3 (C) WRITTEN JUSTIFICATION AND CON-
4 SULTATION.—

5 (i) WRITTEN JUSTIFICATION.—Not
6 later than 30 days before submitting an al-
7 ternate certification in accordance with
8 subparagraph (A), the Secretary shall sub-
9 mit to the appropriate congressional com-
10 mittees a written justification explaining in
11 detail the basis for such alternate certifi-
12 cation.

13 (ii) CONSULTATION.—After the Sec-
14 retary has submitted the written justifica-
15 tion under clause (i), but no later than 15
16 days before the Secretary exercises the al-
17 ternate certification mechanism described
18 under subparagraph (A), the Secretary
19 shall consult with the appropriate congress-
20 sional committees regarding such exercise.

21 (3) LIMITED EXCEPTION FOR SUBSTANTIAL
22 COMPLIANCE.—

23 (A) SUBSTANTIAL COMPLIANCE.—Subject
24 to subparagraph (B), if at least 32 of the 39
25 reforms represented by the ten certifications

1 specified under paragraph (1) have been imple-
2 mented, all such reforms (including the
3 unimplemented reforms) so represented shall be
4 deemed to have been implemented for the year
5 in which the Secretary submits such certifi-
6 cations.

7 (B) MANDATORY IMPLEMENTATION OF
8 CERTAIN REFORMS.—

9 (i) IN GENERAL.—The provisions of
10 subparagraph (A) shall not apply unless
11 the reforms under the following sections
12 have been implemented for the year to
13 which subparagraph (A) applies:

14 (I) Subsection (d)(3) of section
15 11 of the United Nations Participa-
16 tion Act of 1945 (as amended by sec-
17 tion 101(c) of this Act).

18 (II) Section 103(b)(1)(A).

19 (III) Section 103(b)(2)(D).

20 (IV) Section 104(a)(1).

21 (V) Section 104(a)(6).

22 (VI) Section 104(b)(1).

23 (VII) Section 104(b)(2).

24 (VIII) Section 104(c)(1).

25 (IX) Section 201(b)(1).

1 (X) Section 201(b)(2).

2 (XI) Section 201(b)(3).

3 (XII) Section 201(b)(5).

4 (XIII) Section 202(a)(1).

5 (XIV) Section 202(a)(2).

6 (ii) FULL COMPLIANCE IN SUC-
7 CEEDING YEAR.—If the unimplemented re-
8 forms under subparagraph (A) are not im-
9 plemented in the year succeeding the year
10 to which subparagraph (A) applies, the
11 provisions of subsection (b) shall apply for
12 such succeeding year.

13 (b) WITHHOLDING OF UNITED STATES CONTRIBU-
14 TIONS TO REGULAR ASSESSED BUDGET OF THE UNITED
15 NATIONS.—

16 (1) IN GENERAL.—Except as provided in para-
17 graph (4) and in accordance with paragraph (2),
18 until such time as all certifications (or alternate cer-
19 tifications) are submitted in accordance with sub-
20 section (a), the United States shall appropriate, but
21 withhold from expenditure, 50 percent of the con-
22 tributions of the United States to the regular as-
23 sessed budget of the United Nations for a biennial
24 period.

1 (2) AVAILABLE UNTIL EXPENDED.—The con-
2 tributions appropriated but withheld from expendi-
3 ture under paragraph (1) are authorized to remain
4 available until expended.

5 (3) APPLICATION WITH RESPECT TO SECTION
6 11(B) OF THE UNITED NATION PARTICIPATION ACT
7 OF 1945.—Until such time as all certifications (or al-
8 ternate certifications) are submitted in accordance
9 with subsection (a), subsection (b) of section 11 of
10 the United Nations Participation Act of 1945 (as
11 amended by section 101(c) of this Act) shall be ad-
12 ministered as though such section reads as follows:
13 “The Secretary may not make a contribution to a
14 regularly assessed biennial budget of the United Na-
15 tions in an amount greater than 11 percent of the
16 amount calculable under subsection (c).”.

17 (4) SECTION 11(D)(3) OF UNITED NATIONS PAR-
18 TICIPATION ACT OF 1945.—

19 (A) SPECIAL RULE.—A certification under
20 subsection (d)(3) of section 11 of the United
21 Nations Participation Act of 1945 (as amended
22 by section 101(c) of this Act) (relating to the
23 2008–2009 biennial period and subsequent bi-
24 ennial periods) shall not be required until such
25 time as the United Nations makes its formal

1 budget presentation for the 2008–2009 biennial
2 period.

3 (B) APPLICATION.—If the Secretary does
4 not submit a certification under such section,
5 the 50 percent withholding described under
6 paragraph (1) shall apply.

7 (c) RELEASE OF FUNDS.—At such time as all certifi-
8 cations (or alternate certifications) are submitted in ac-
9 cordance with subsection (a), the United States shall
10 transfer to the United Nations amounts appropriated but
11 withheld from expenditure under subsection (b).

12 (d) ANNUAL REVIEWS.—

13 (1) IN GENERAL.—The Secretary shall conduct
14 annual reviews, beginning one year after the date on
15 which the Secretary submits the final certification
16 (or alternate certification) in accordance with sub-
17 section (a), to determine if the United Nations con-
18 tinues to remain in compliance with all such certifi-
19 cations (or alternate certifications). Not later than
20 30 days after the completion of each such review,
21 the Secretary shall submit to the appropriate con-
22 gressional committees a report containing the find-
23 ings of each such review.

24 (2) ACTION.—If during the course of any such
25 review the Secretary determines that the United Na-

1 tions has failed to remain in compliance with a cer-
2 tification (or an alternate certification) that was
3 submitted in accordance with subsection (a), the 50
4 percent withholding described under subsection (b)
5 shall re-apply with respect to United States con-
6 tributions each fiscal year to the regular assessed
7 budget of the United Nations beginning with the fis-
8 cal year immediately following such review and sub-
9 sequent fiscal years until such time as all certifi-
10 cations (or alternate certifications) under subsection
11 (a) have been submitted.

12 (e) EFFECTIVE DATE.—The certifications (or alter-
13 nate certifications) specified under subsection (a) shall be
14 required with respect to United States contributions to-
15 wards payment of regular assessed dues of the United Na-
16 tions for 2007 and subsequent years.

Chairman HYDE. The subject of today's markup is the act to reform the United Nations. This Committee has been looking into the leadership and management of the United Nations over the course of two Congresses. During our oversight hearings, it has become apparent that fundamental and wide-ranging reforms are needed at the United Nations if we are to avoid repeating the recent events of mismanagement and ethical lapses and if the challenges the future holds for the United Nations are to be successfully met.

As I recognized at an earlier hearing, many regard the word "reform" as it is used in relation to the UN with suspicion, viewing it as a vehicle by which the United States can surreptitiously inflict intentional damage on an institution unpopular with the American people. But those who would claim an American antipathy to the United Nations are unfamiliar with the history of the organization.

The United States was the originator of the idea of the United Nations and its birth parent, as it had been decades before with the League of Nations. We bring the same constructive spirit to today's markup of the UN reform bill. The act before us today does not oppose the UN's role in facilitating diplomacy, mediating disputes, monitoring the peace, and feeding the hungry. Quite the contrary, it offers the hope of furthering these admirable goals through reforms which will strengthen the UN and enable it to meet its mandate in these areas.

The act does, however, address the UN's legendary bureaucratization, billions of dollars spent on multitudes of programs with meager results, and outright misappropriation and mismanagement of funds represented by the emerging scandal regarding the Oil-for-Food Program.

No observer, be they passionate supporter or dismissive critic, can pretend that the current structure and operations of the UN represents an acceptable standard. Even the UN itself has acknowledged the need for reform and, to its credit, has put forward a number of useful proposals for consideration. But it cannot be expected to shoulder this burden alone or, human nature and institutional inertia being what it is, initiate some of the more difficult reforms.

This act will usher in reforms that both Republican and Democratic Administrations alike have long called for, including a more focused and accountable budget, one that reflects what it should be and what should be the true priorities of the organization shorn of duplicative, ineffective, and outdated programs.

In addition to the major budget reforms, the act addresses oversight and accountability at the UN, peacekeeping, and human rights.

The proposed reforms are self-evident given the problems that have dogged the UN in these past few years. The mechanisms in the act that are designed to leverage reform at the UN, however, merit more comment. The leverage mechanisms are essential to achieving reform at the UN. Without these levers, reform will fail or be incomplete at best. The levers include the following: Withholding 50 percent of U.S.-assessed dues if certifications of reforms are not made in key areas; mandating cuts in specific programs; redirecting funds to priority areas; and withholding U.S. support for

expanded and new peacekeeping missions until certifications are made that reforms have been enacted.

I look forward to working with my colleagues on both sides of the aisle to make the United Nations become the institution it was intended to be and to fulfill the mission and vision by its founders.

I now yield to my very good friend and colleague, the Ranking Democratic Member, Mr. Lantos.

Mr. LANTOS. Thank you very much, Mr. Chairman. Let me say at the outset, as we all know, we will be dealing with two pieces of legislation today, the UN reform bill and the State Department authorization legislation.

The State Department authorization legislation is a bipartisan product, and I want to thank you personally and members of your staff for the collegial and cooperative manner in which we have reached consensus on the State Department authorization bill.

With respect to the UN reform bill, let me state at the outset that I share your passionate commitment to meaningful and thorough reforms at the United Nations. This global institution must become more transparent and open. Its employees must be held to the highest ethical and moral standards, and the abuses of the Oil-for-Food Program must never be repeated. And, Mr. Chairman, the United Nations must put an end to its pathological persecution of the democratic nation of Israel which has become the whipping boy for totalitarian regimes around the globe. Serial human rights abusers must also be kept off UN institutions explicitly designed to speak for the cause of human rights and democracy.

But, Mr. Chairman, the crushing flow of stories of scandal at the United Nations has forced the long overdue recognition of an essential fact about that organization. It is a derivative reality reflecting its less than perfect member states in a deeply flawed world.

I would like to remind my colleagues that there will be no quick fix for an organization composed of 191 member states that in varying degrees have their own shortcomings, injustices, flaws, and hypocrisies of all types. Because a quick fix is not to be expected and punitive measures will not even bring about a long-term fix, Mr. Chairman, I must oppose the legislation before the Committee today and indicate my intention to offer a substitute amendment.

Mr. Chairman, over the past several weeks we have tried to work out a compromise agreement on UN reform legislation. Despite our best efforts on both sides, we have been unable to reach a deal. Given the normally bipartisan work of this Committee, that is truly unfortunate.

Three weeks ago, Mr. Chairman, Deputy Assistant Secretary of State Mark Lagon told our Committee that our annual dues to the United Nations were, and I quote, "an obligation we have signed on to and that the Executive Branch stands by its request for appropriations for our dues both for the regular budget and the peacekeeping budget."

Mr. Chairman, high ranking officials at the State Department conveyed to us the Department's strong opposition to the legislation currently before the Committee. State Department officials told us that the legislation would undoubtedly create new arrears at the United Nations because all of the UN reform benchmarks contained in the Majority bill are not achievable.

While many of the UN reforms being sought in this legislation are worthy goals, many require unanimous agreement by all 191 UN member states, including the likes of Iran and Syria. Mr. Chairman, why threaten to blow up the universe if the planets refuse to align? Once in a while they will line up, but not on demand, and certainly not under threat. Indeed, it is ironic that just when there is momentum for reform, more reform than ever before, the legislation before us may undercut our ability to press for the very reforms we all seek.

Senior State Department officials also argued that the legislation, if enacted, could severely undermine America's national security interests by constraining new UN peacekeeping missions, including a possible mission to deal with the types of genocide we are currently witnessing in the Darfur region of Sudan.

On the bill's central proposal to move some programs from the assessed budget to the voluntary budget, the same senior State Department officials said that they can't possibly see a way to accomplish all of this task and that our closest reform-minded allies at the UN will oppose this initiative. This approach may lead to the adoption of a UN budget over our objections to the detriment of financial support for initiatives that are in our interests, such as support for elections in Afghanistan and Iraq or the disruption of financing for terrorism.

In short, Mr. Chairman, while the Majority's UN reform bill has the best intentions, it will cause our Nation to go back into arrears at the United Nations without achieving the desired outcome. Given the important role the United Nations is currently playing in Afghanistan, in Iraq, in Darfur, and scores of other places, I fail to see how going into arrears at the United Nations will promote America's national security interests. It will only force the United States to take on greater global responsibilities at a moment when our troops and our diplomats are already spread thin.

I also fail to see, Mr. Chairman, how tying the hands of our distinguished Secretary of State, Dr. Condoleezza Rice, as she pursues reform at the United Nations, will serve our national interests. The legislation before the Committee micromanages every possible reform at the United Nations, creates mechanical and automatic withholdings, and gives the Secretary of State no flexibility to get the job done.

For these reasons, Mr. Chairman, I will offer a substitute amendment to bring about UN reform while giving Secretary Rice the flexibility she needs and deserves from this Congress. Thank you, Mr. Chairman, and I look forward to the debate on this important legislation.

Chairman HYDE. Thank you, Mr. Lantos. We will now entertain—the Chair is more disposed to withhold opening statements from Members because of the prolixity of what we will have become, but at the same time wants everyone to get their say on this very critical and important bill. So what we will do is Mr. Lantos has a substitute to offer, and I will call for that; and once that has been offered, then we will entertain motions to strike the last words by such Members as choose to make them.

So are there any amendments?

Mr. LANTOS. Yes, Mr. Chairman. I have an amendment at the desk, and I ask for its immediate consideration.

Chairman HYDE. The clerk will designate the amendment and report the amendment.

Ms. RUSH. Amendment in the nature of a substitute offered by Mr. Lantos of California—

Mr. LANTOS. Mr. Chairman, I request unanimous consent that my 68-page amendment be considered as read.

Chairman HYDE. With great pleasure, we consider it read.

Mr. LANTOS. Thank you, Mr. Chairman.

Chairman HYDE. And thoroughly digested, too.

[The amendment referred to follows:]

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 2745
OFFERED BY MR. LANTOS OF CALIFORNIA**

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

2 (a) SHORT TITLE.—This Act may be cited as the
3 “United Nations Reform and Institutional Strengthening
4 Act of 2005”.

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

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.
Sec. 3. Statement of Congress.

TITLE I—MISSION AND BUDGET OF THE UNITED NATIONS

Sec. 101. United States financial Contributions to the United Nations.
Sec. 102. Weighted voting.
Sec. 103. Certification requirements.
Sec. 104. Accountability.
Sec. 105. Terrorism and the United Nations.
Sec. 106. Equality at the United Nations.
Sec. 107. Report on United Nations reform.
Sec. 108. Report on United Nations personnel.

TITLE II—HUMAN RIGHTS AND THE ECONOMIC AND SOCIAL
COUNCIL

Sec. 201. Human Rights.
Sec. 202. Economic and Social Council (ecosoc).

TITLE III—INTERNATIONAL ATOMIC ENERGY AGENCY

Sec. 301. International atomic energy agency.
Sec. 302. Sense of Congress regarding the Nuclear Security Action Plan of the
IAEA.

TITLE IV—PEACEKEEPING

- Sec. 401. Sense of Congress regarding reform of United Nations Peacekeeping Operations.
- Sec. 402. Statement of policy relating to reform of United Nations Peacekeeping Operations.
- Sec. 403. Certification.
- Sec. 404. United States Contributions to United Nations Peacekeeping Operations.

TITLE V—DEPARTMENT OF STATE AND GOVERNMENT
ACCOUNTABILITY OFFICE

- Sec. 501. Positions for United States citizens at international organizations.
- Sec. 502. Budget justification for regular assessed budget of the United Nations.
- Sec. 503. Review and report.
- Sec. 504. Government accountability office.

TITLE VI—CERTIFICATIONS AND WITHHOLDING OF
CONTRIBUTIONS

- Sec. 601. Certifications and withholding of Contributions.

TITLE VII—UNITED NATIONS RENEWAL AND TOOLS TO FULLY
IMPLEMENT UNITED NATIONS REFORM

- Sec. 701. Synchronization of U.S. assessed Contributions to International Organizations.
- Sec. 702. Increased funding for United States assessed contribution to the United Nations to support reform efforts.
- Sec. 703. Buyout of United Nations personnel.
- Sec. 704. United Nations democracy fund.
- Sec. 705. United States personnel to international organizations.

1 SEC. 2. DEFINITIONS.

2 In this Act:

3 (1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means the Committee on International Relations of the House of Representatives and the
4
5
6
7 Committee on Foreign Relations of the Senate.

8 (2) ECONOMIC AND SOCIAL COUNCIL.—The
9 term “Economic and Social Council” means the
10 Economic and Social Council of the United Nations.

1 (3) EMPLOYEE.—The term “employee” means
2 an individual who is employed in the general serv-
3 ices, professional staff, or senior management of the
4 United Nations.

5 (4) GENERAL ASSEMBLY.—The term “General
6 Assembly” means the General Assembly of the
7 United Nations.

8 (5) MEMBER STATE.—The term “Member
9 State” means a Member State of the United Na-
10 tions.

11 (6) OFFICE OF INTERNAL OVERSIGHT SERV-
12 ICES.—The terms “Office of Internal Oversight
13 Services” and “OIOS” mean the Office of Internal
14 Oversight Services of the United Nations.

15 (7) SECRETARY.—The term “Secretary” means
16 the Secretary of State.

17 (8) SECRETARY GENERAL.—The term “Sec-
18 retary General” means the Secretary General of the
19 United Nations.

20 (9) SECURITY COUNCIL.—The term “Security
21 Council” means the Security Council of the United
22 Nations.

23 (10) SPECIALIZED AGENCY.—The term “spe-
24 cialized agency” means any of the following agencies
25 of the United Nations:

1 (A) The Food and Agriculture Organiza-
2 tion, or FAO.

3 (B) The International Atomic Energy
4 Agency, or IAEA.

5 (C) The International Civil Aviation Orga-
6 nization, or ICAO.

7 (D) The International Fund for Agricul-
8 tural Development, or IFAD.

9 (E) The International Labor Organization,
10 or ILO.

11 (F) The International Maritime Organiza-
12 tion, or IMO.

13 (G) The International Telecommunication
14 Union, or ITU.

15 (H) The United Nations Educational, Sci-
16 entific, and Cultural Organization, or
17 UNESCO.

18 (I) The United Nations Industrial Develop-
19 ment Organization, or UNIDO.

20 (J) The Universal Postal Union, or UPU.

21 (K) The World Health Organization, or
22 WHO.

23 (L) The World Meteorological Organiza-
24 tion, or WMO.

1 (M) The World Intellectual Property Orga-
2 nization, or WIPO.

3 **SEC. 3. STATEMENT OF CONGRESS.**

4 Congress declares that, in light of recent history, it
5 is incumbent upon the United Nations to enact significant
6 reform measures if it is to restore the public trust and
7 confidence necessary for it to achieve the laudable goals
8 set forth in its Charter.

9 **TITLE I—MISSION AND BUDGET**
10 **OF THE UNITED NATIONS**

11 **SEC. 101. UNITED STATES FINANCIAL CONTRIBUTIONS TO**
12 **THE UNITED NATIONS.**

13 (a) AUTHORIZATION WITH RESPECT TO THE REG-
14 ULAR ASSESSED BUDGET OF THE UNITED NATIONS.—
15 The Secretary is authorized to make contributions toward
16 the amount assessed to the United States by the United
17 Nations for the purpose of funding the regular assessed
18 budget of the United Nations.

19 (b) UNITED STATES FINANCIAL CONTRIBUTIONS TO
20 THE UNITED NATIONS.—Section 11 of the United Na-
21 tions Participation Act of 1945 (22 U.S.C. 287e-3) is
22 amended to read as follows:

1 **“SEC. 11. UNITED STATES FINANCIAL CONTRIBUTIONS TO**
2 **THE UNITED NATIONS.**

3 “(a) POLICY OF THE UNITED STATES RELATING TO
4 THE REGULAR ASSESSED BUDGET OF THE UNITED NA-
5 TIONS.—

6 “(1) IN GENERAL.—The President shall direct
7 the United States Permanent Representative to the
8 United Nations to use the voice, vote, and influence
9 of the United States at the United Nations—

10 “(A) to pursue a streamlined, efficient,
11 and accountable regular assessed budget of the
12 United Nations; and

13 “(B) to make efforts to shift funding
14 mechanisms of some of the organizational pro-
15 grams of the United Nations from the regular
16 assessed budget to voluntarily funded programs.

17 “(2) FUTURE BIENNIUM BUDGETS.—The Presi-
18 dent shall direct the United States Permanent Rep-
19 resentative to the United Nations to use the voice,
20 vote, and influence of the United States at the
21 United Nations to seek to shift funding mechanisms
22 of operational programs of the United Nations and
23 to reduce the funding for programs specified in sub-
24 section (c) in future resolutions agreed to by the
25 General Assembly for the regular assessed budget of
26 the United Nations.

1 “(b) ELIGIBLE ORGANIZATIONAL PROGRAMS.—To
2 the extent that any organizational programs are shifted
3 from the regular assessed budget to voluntarily funded
4 programs, the Secretary shall seek to use funds created
5 by any reduction in the amount of the United States as-
6 sessed contribution to the United Nations to make vol-
7 untary contributions to programs at the United Nations
8 which—

9 “(1) conduct internal oversight;

10 “(2) promote human rights;

11 “(3) provide humanitarian assistance; and

12 “(4) are organizational programs which have
13 been shifted from assessed to voluntary contribu-
14 tions.

15 “(c) PUBLIC INFORMATION AND GENERAL ASSEM-
16 BLY AFFAIRS AND CONFERENCE SERVICES.—The Presi-
17 dent shall direct the United States Permanent Represent-
18 ative to the United Nations to use the voice, vote, and
19 influence of the United States at the United Nations to
20 reduce by 20 percent the amount budgeted by resolution
21 of the General Assembly for the 2008–2009 biennium
22 compared to the amount budgeted by resolution of General
23 Assembly for the 2004–2005 biennial period for the fol-
24 lowing organizational programs:

25 “(1) Public Information.

1 “(2) General Assembly affairs and conference
2 services.”

3 **SEC. 102. WEIGHTED VOTING.**

4 It shall be the policy of the United States to actively
5 pursue weighted voting in the United Nations with respect
6 to all budgetary and financial matters in the Administra-
7 tive and Budgetary Committee and in the General Assem-
8 bly in accordance with the level of the financial contribu-
9 tion of a Member State to the regular assessed budget
10 of the United Nations.

11 **SEC. 103. CERTIFICATION REQUIREMENTS.**

12 (a) CERTIFICATION.—In accordance with section
13 601, a certification shall be required that certifies that the
14 conditions described in subsection (b) have been satisfied.

15 (b) CONDITIONS.—The conditions under this sub-
16 section are the following:

17 (1) NEW BUDGET PRACTICES FOR THE UNITED
18 NATIONS.—The United Nations is implementing
19 budget practices that—

20 (A) require the maintenance of a budget
21 not in excess of the level agreed to by the Gen-
22 eral Assembly at the beginning of each United
23 Nations budgetary biennium, unless increases
24 are agreed to by consensus and do not exceed
25 ten percent, or unless the Secretary of State

1 certifies that any increase that would be incon-
2 sistent with this paragraph is important to the
3 national interest of the United States; and

4 (B) require the identification of expendi-
5 tures by the United Nations by functional cat-
6 egories such as personnel, travel, and equip-
7 ment.

8 (2) PROGRAM EVALUATION.—

9 (A) EVALUATION OF PROGRAMS.—The
10 Secretary General has used the existing au-
11 thorities to take measures to ensure that pro-
12 gram managers within the United Nations Sec-
13 retariat conduct evaluations of such programs
14 in accordance with the standardized method-
15 ology referred to in subparagraph (B) of United
16 Nations programs approved by the General As-
17 sembly.

18 (B) DEVELOPMENT OF EVALUATION CRI-
19 TERIA.—The Office of Internal Oversight Serv-
20 ices has developed a standardized methodology
21 for the evaluation of United Nations programs
22 approved by the General Assembly, including
23 specific criteria for determining the continuing
24 relevance and effectiveness of the programs.

1 (C) REPORT.—The Secretary General is
2 assessing budget requests and, on the basis of
3 the evaluations of programs conducted pursuant
4 to subparagraph (A) for the relevant preceding
5 year, reports to the General Assembly on the
6 continuing relevance and effectiveness of such
7 programs and identifies those that need reform
8 or should be terminated.

9 (D) SUNSET OF PROGRAMS.—Consistent
10 with the July 16, 1997, recommendations of the
11 Secretary General regarding a sunset policy and
12 results-based budgeting for United Nations pro-
13 grams, the United Nations has established and
14 is implementing procedures to require all new
15 programs approved by the General Assembly to
16 have a specific sunset date or a date by which
17 such programs should be evaluated for con-
18 tinuing relevance and effectiveness.

19 **SEC. 104. ACCOUNTABILITY.**

20 (a) CERTIFICATION OF CREATION OF INDEPENDENT
21 OVERSIGHT BOARD.—In accordance with section 601, a
22 certification shall be required that certifies that the fol-
23 lowing reforms related to the establishment of an Inde-
24 pendent Oversight Board (IOB) have been adopted by the
25 United Nations:

1 (1) An IOB or an equivalent entity is estab-
2 lished. Except as provided in paragraph (2), the
3 IOB shall be an independent entity within the
4 United Nations and shall not be subject to budget
5 authority or organizational authority of any entity
6 within the United Nations.

7 (2) The head of the IOB shall be a Director.
8 The IOB shall also consist of four other board mem-
9 bers who shall be nominated by the Secretary Gen-
10 eral and subject to Security Council approval by a
11 majority vote. The IOB shall be responsible to the
12 Security Council. The Director and board members
13 shall each serve terms of six years, except that the
14 terms of the initial board shall be staggered so that
15 the terms of not more than two board members will
16 expire in any one year. No board member may serve
17 more than two terms. An IOB board member may
18 be removed for cause by a majority vote of the Secu-
19 rity Council. The Director shall appoint a profes-
20 sional staff headed by a Chief of Staff and may em-
21 ploy contract staff as needed.

22 (3) The IOB shall receive operational and budg-
23 etary funding through appropriations by the General
24 Assembly and shall not be dependent upon any other

1 bureau, division, or department of the United Na-
2 tions for such funding.

3 (4) The IOB shall have the authority to evalu-
4 ate all operations of the Office of Internal Oversight
5 Services and the Board of External Auditors of the
6 United Nations. Every three months or more fre-
7 quently when appropriate, the IOB shall submit, as
8 appropriate, to the Secretary General, the Security
9 Council, the General Assembly, or the Economic and
10 Social Council a report on its activities, relevant ob-
11 servations, and recommendations relating to its
12 audit operations, including information relating to
13 the inventory and status of investigation by the Of-
14 fice of Internal Oversight Services. The IOB may di-
15 rect the Office of Internal Oversight Services or the
16 Board of External Auditors to initiate an investiga-
17 tion.

18 (5) In extraordinary circumstances, and with
19 the concurrence of the Secretary General and Secu-
20 rity Council by majority vote, the IOB may augment
21 the Office of Internal Oversight Services with a spe-
22 cial investigator and staff consisting of individuals
23 who are not employees of the United Nations, to in-
24 vestigate matters involving senior officials of the
25 United Nations when allegations of serious mis-

1 conduct have been made and such a special inves-
2 tigation is necessary to maintain public confidence in
3 the integrity of the investigation. A special investiga-
4 tion staff shall comply with all United Nations fi-
5 nancial disclosure and conflict of interest rules, in-
6 cluding the filing of an individual annual financial
7 disclosure form in accordance with subsection (c).

8 (6) The IOB shall recommend annual budgets
9 for the Office of Internal Oversight Services and the
10 Board of External Auditors.

11 (b) CERTIFICATION OF UNITED NATIONS REFORMS
12 OF THE OFFICE OF INTERNAL OVERSIGHT SERVICES.—

13 In accordance with section 601, a certification shall be re-
14 quired that certifies that the following reforms related to
15 the Office of Internal Oversight Services (OIOS) have
16 been adopted by the United Nations:

17 (1) The OIOS is designated as an independent
18 entity within the United Nations. The OIOS shall
19 not be subject to budget authority or organizational
20 authority of any entity within the United Nations.

21 (2) The head of the OIOS shall be a Director.

22 (3) The OIOS shall receive operational and
23 budgetary funding through appropriations by the
24 General Assembly and shall not be dependent upon

1 any other bureau, division, department, or special-
2 ized agency for such funding.

3 (4) All United Nations officials, including offi-
4 cials from any bureau, division, or department of the
5 United Nations, may—

6 (A) make a recommendation to the OIOS
7 to initiate an investigation of any aspect of the
8 United Nations; or

9 (B) report to the OIOS information or al-
10 legations of misconduct or inefficiencies within
11 the United Nations.

12 (5) The OIOS may, sua sponte, initiate and
13 conduct an investigation of any bureau, division, de-
14 partment, or employee (including the Secretary Gen-
15 eral) of the United Nations or contractor or consult-
16 ant for the United Nations.

17 (6) At least every three months and more fre-
18 quently when appropriate, the OIOS or another re-
19 sponsible office shall submit to the IOB a report
20 containing an inventory and status of its investiga-
21 tions.

22 (7) The OIOS shall establish or approve proce-
23 dures for providing “whistle-blower” status and em-
24 ployment protections for all employees of the United
25 Nations, who provide informational leads and testi-

1 mony related to allegations of wrongdoing. Such pro-
2 cedures shall be adopted throughout the United Na-
3 tions. Such status and protection may not be con-
4 ferred on the Secretary General.

5 (8) The OIOS shall annually publish a public
6 report determining the proper number, distribution,
7 and expertise of auditors within the OIOS necessary
8 to carry out present and future duties of the OIOS,
9 including assessing the staffing requirements needed
10 to audit United Nations contracting activities
11 throughout the contract cycle from the bid process
12 to contract performance.

13 (9) The Director of OIOS shall establish a posi-
14 tion of Associate Director of OIOS for Specialized
15 Agencies and Funds and Programs, who shall be re-
16 sponsible for supervising the OIOS liaison and over-
17 sight duties for each specialized agency and funds
18 and programs of the United Nations. With the con-
19 currence of the Director and the relevant specialized
20 agency, the Associate Director may hire and appoint
21 necessary OIOS staff, including staff serving within
22 and located at a specialized agency and funds and
23 programs permanently or as needed to liaison with
24 existing audit functions with each specialized agency
25 and funds and programs.

1 (10) Not later than six months after the date
2 of the enactment of this Act, the Director shall es-
3 tablish a position of Associate Director of OIOS for
4 Peacekeeping Operations or an equivalent position,
5 who shall be responsible for the oversight and audit-
6 ing of the field offices attached to United Nations
7 peacekeeping operations. The Associate Director of
8 OIOS for Peacekeeping Operations shall—

9 (A) receive informational leads and testi-
10 mony from any person regarding allegations of
11 wrongdoing by United Nations officials or
12 peacekeeping troops or regarding inefficiencies
13 associated with United Nations peacekeeping
14 operations; and

15 (B) shall be responsible for initiating, con-
16 ducting, and overseeing investigations within
17 peacekeeping operations.

18 (11)(A) Not later than six months after the
19 date of the enactment of this Act, the Director shall
20 establish a position of Associate Director of OIOS
21 for Procurement and Contract Integrity or an equiv-
22 alent position, who shall be responsible for auditing
23 and inspecting procurement and contracting within
24 the United Nations. The Associate Director of OIOS
25 for Procurement and Contract Integrity shall—

1 (i) receive informational leads and testi-
2 mony from any person regarding allegations of
3 wrongdoing by United Nations officials or re-
4 garding inefficiencies associated with United
5 Nations procurement or contracting activities;
6 and

7 (ii) be responsible for initiating, con-
8 ducting, and overseeing investigations of pro-
9 curement and contract activities.

10 (B) Not later than 12 months after the estab-
11 lishment of the position of Associate Director of
12 OIOS for Procurement and Contract Integrity, the
13 Director, with the assistance of the Associate Direc-
14 tor of OIOS for Procurement and Contract Integ-
15 rity, shall undertake a review of contract procedures
16 to ensure that practices and policies are in place to
17 ensure that—

18 (i) the United Nations has ceased issuing
19 single bid contracts, except during an emer-
20 gency situation that is justified by the Under
21 Secretary General for Management;

22 (ii) the United Nations has established ef-
23 fective controls to prevent conflicts of interest
24 in the award of contracts; and

1 (iii) the United Nations has established ef-
2 fective procedures and policies to ensure effec-
3 tive and comprehensive oversight and moni-
4 toring of United Nations contract performance.

5 (e) CERTIFICATION OF ESTABLISHMENT OF UNITED
6 NATIONS OFFICE OF ETHICS.—In accordance with sec-
7 tion 601, a certification shall be required that certifies
8 that the following reforms related to the establishment of
9 a United Nations Office of Ethics or an equivalent entity
10 (UNOE) have been established by the United Nations:

11 (1) A UNOE is established. The UNOE shall
12 be an independent entity within the United Nations
13 and shall not be subject to budget authority or orga-
14 nizational authority of any entity within the United
15 Nations. The UNEO shall be responsible for estab-
16 lishing, managing, and enforcing a code of ethics for
17 all employees of the United Nations. The UNEO
18 shall be responsible for providing such employees
19 with annual training related to such code. The head
20 of the UNEO shall be a Director.

21 (2) The UNEO shall receive operational and
22 budgetary funding through appropriations by the
23 General Assembly and shall not be dependent upon
24 any other bureau, division, department, or special-
25 ized agency of the United Nations for such funding.

1 (3) The Director of the UNEO shall, not later
2 than six months after the date of its establishment,
3 publish a report containing proposals for imple-
4 menting a system for the filing and review of indi-
5 vidual annual financial disclosure forms by each em-
6 ployee of the United Nations at the P-5 level and
7 above and by all consultants for the United Nations
8 compensated at any salary level. Such forms shall be
9 made available at the request of the Director of the
10 Office of Internal Oversight Services. Such system
11 shall seek to identify and prevent conflicts of inter-
12 est by United Nations employees and shall be com-
13 parable to the system used for such purposes by the
14 United States Government. Such report shall also
15 address broader reforms of the ethics program for
16 the United Nations, including—

17 (A) the effect of the establishment of eth-
18 ics officers throughout all organizations within
19 the United Nations;

20 (B) the effect of retention by the UNEO of
21 annual financial disclosure forms;

22 (C) proposals for making completed annual
23 financial disclosure forms of each employee and
24 consultant available to the public, on request,
25 through the mission to the United Nations of

1 the Member State of which the employee or
2 consultant is a national;

3 (D) proposals for annual disclosure to the
4 public of information related to the annual sala-
5 ries and payments, including pension payments
6 and buyouts, of employees of and consultants
7 for the United Nations;

8 (E) proposals for annual disclosure to the
9 public of information related to per diem rates
10 for all bureaus, divisions, departments, or spe-
11 cialized agencies within the United Nations;

12 (F) proposals for disclosure upon request
13 by the Ambassador of a Member State of infor-
14 mation related to travel and per diem payments
15 made from United Nations funds to any person;
16 and

17 (G) proposals for annual disclosure to the
18 public of information related to travel and per
19 diem payments made from United Nations
20 funds to any person.

21 (d) CERTIFICATION OF UNITED NATIONS ESTAB-
22 LISHMENT OF POSITION OF CHIEF OPERATING OFFI-
23 CER.—In accordance with section 601, a certification shall
24 be required that certifies that the following reforms re-
25 lated to the establishment of the position of a Chief Oper-

1 ating Officer or an equivalent position have been adopted
2 by the United Nations:

3 (1) There is established the position of Chief
4 Operating Officer (COO). The COO shall report to
5 the Secretary General.

6 (2) The COO shall be responsible for formu-
7 lating general policies and programs for the United
8 Nations in coordination with the Secretary General
9 and in consultation with the Security Council and
10 the General Assembly. The COO shall be responsible
11 for the daily administration, operation and super-
12 vision, and the direction and control of the business
13 of the United Nations. The COO shall also perform
14 such other duties and may exercise such other pow-
15 ers as from time to time may be assigned to the
16 COO by the Secretary General.

17 **SEC. 105. TERRORISM AND THE UNITED NATIONS.**

18 The President shall direct the United States Perma-
19 nent Representative to the United Nations to use the
20 voice, vote, and influence of the United States at the
21 United Nations to work toward adoption by the General
22 Assembly of—

23 (1) a definition of terrorism that builds upon
24 the recommendations of the Secretary General's
25 High-Level Panel on Threats, Challenges, and

1 Change, and includes as an essential component of
2 such definition any action that is intended to cause
3 death or serious bodily harm to civilians with the
4 purpose of intimidating a population or compelling a
5 government or an international organization to do,
6 or abstain from doing, any act; and

7 (2) a comprehensive convention on terrorism
8 that includes the definition described in paragraph
9 (1).

10 **SEC. 106. EQUALITY AT THE UNITED NATIONS.**

11 (a) INCLUSION OF ISRAEL IN WEOG.—

12 (1) IN GENERAL.—The President shall direct
13 the United States Permanent Representative to the
14 United Nations to use the voice, vote, and influence
15 of the United States to expand the Western Euro-
16 pean and Others Group (WEOG) in the United Na-
17 tions to include Israel as a permanent member with
18 full rights and privileges.

19 (2) NOTIFICATION TO CONGRESS.—Not later
20 than six months after the date of the enactment of
21 this Act and every six months thereafter for the suc-
22 ceeding 2-year period, the Secretary of State shall
23 notify the appropriate congressional committees con-
24 cerning the treatment of Israel in the United Na-

1 tions and the expansion of WEOG to include Israel
2 as a permanent member.

3 (b) DEPARTMENT OF STATE REVIEW AND RE-
4 PORT.—

5 (1) IN GENERAL.—To avoid duplicative efforts
6 and funding with respect to Palestinian interests
7 and to ensure balance in the approach to Israeli-
8 Palestinian issues, the Secretary shall conduct an
9 audit of the functions of the entities listed in para-
10 graph (2) and submit to the appropriate congress-
11 sional committees, not later than 60 days after en-
12 actment of this Act, a report containing rec-
13 ommendations for the elimination of such entities.

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

16 (A) The United Nations Division for Pales-
17 tinian Rights.

18 (B) The Committee on the Exercise of the
19 Inalienable Rights of the Palestinian People.

20 (C) The United Nations Special Coordi-
21 nator for the Middle East Peace Process and
22 Personal Representative to the Palestine Lib-
23 eration Organization and the Palestinian Au-
24 thority.

1 (D) The NGO Network on the Question of
2 Palestine.

3 (E) The United Nations Relief and Works
4 Agency for Palestinian Refugees in the Near
5 East.

6 (c) IMPLEMENTATION BY PERMANENT REPRESENTA-
7 TIVE.—

8 (1) IN GENERAL.—The President shall direct
9 the United States Permanent Representative to the
10 United Nations to use the voice, vote, and influence
11 of the United States at the United Nations to seek
12 the implementation of the recommendations con-
13 tained in the report required under subsection
14 (b)(1).

15 (2) WITHHOLDING OF FUNDS.—Until such rec-
16 ommendations have been implemented, the Secretary
17 of State is authorized to withhold from United
18 States contributions to the regular assessed budget
19 of the United Nations for a biennial period amounts
20 that are proportional to the percentage of such
21 budget that are expended for such entities.

22 (d) GAO AUDIT.—The Comptroller General of the
23 United States shall conduct an audit of—

1 (1) the status of the implementation of the rec-
2 ommendations contained in the report required
3 under subsection (b)(1); and

4 (2) United States action and achievements
5 under subsection (c).

6 **SEC. 107. REFORMS AT THE SPECIALIZED AGENCIES.**

7 (a) BUDGET REFORM.—The Secretary of State shall
8 direct the United States representative to each specialized
9 agency to use the voice, vote, and influence of the United
10 States ensure that each specialized agency—

11 (1) has developed a standardized methodology
12 for the evaluation of the programs of the agency, in-
13 cluding specific criteria for determining the con-
14 tinuing relevance and effectiveness of the programs,
15 patterned on the work of the Office of Internal
16 Oversight Services of the United Nations under sec-
17 tion 103;

18 (2) provides the results of such evaluations to
19 the governing body of such agency; and

20 (3) has established and is implementing proce-
21 dures to require all new programs of such agency
22 have a specific sunset date.

23 (b) ACCOUNTABILITY.—The Secretary of State shall
24 direct the United States representative to each specialized

1 agency to use the voice, vote and influence of the United
2 States to ensure that each specialized agency—

3 (1) has a strengthened internal inspection capa-
4 bility or has agreed to allow the Office on Internal
5 Oversight Services of the United Nations to conduct
6 an investigation or audit of any program in such
7 agency, including any employee or contractor of, or
8 consultant for, such agency; and

9 (2) has adopted whistleblower protections pat-
10 terned on the protections developed by OIOS under
11 section 104 of this Act.

12 (c) ETHICS.—The Secretary shall direct the United
13 States representative to each specialized agency to use the
14 voice, vote and influence of the United States to ensure
15 that each specialized agency—

16 (1) is using a system for the filing and review
17 of individual annual financial disclosure forms devel-
18 oped by the United Nations Ethics Office established
19 by section 104 of this Act or a system patterned
20 after such system; and

21 (2) has established its own ethics office or is
22 using the services of the United Nations Ethics Of-
23 fice to review and otherwise implement the ethics
24 system described in paragraph (1).

1 (d) **AUTHORITY.**—If the Secretary is unable to certify
2 that one or more of the policies described in this section
3 has been implemented for any specialized agency, the Sec-
4 retary is authorized to withhold up to 50 percent of the
5 United States contribution to the regular assessed budget
6 of such specialized agency, beginning with funds appro-
7 priated for such contribution for fiscal year 2008.

8 **SEC. 108. REPORT ON UNITED NATIONS REFORM.**

9 (a) **IN GENERAL.**—Not later than 180 days after the
10 date of the enactment of this Act, the Secretary shall sub-
11 mit to the appropriate congressional committees a report
12 on United Nations reform since 1990.

13 (b) **CONTENTS.**—The report required under para-
14 graph (1) shall describe—

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

18 (2) the number of outputs, reports, or other
19 items generated by General Assembly resolutions
20 that have been eliminated;

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

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

3 (4) the status of the review by the General As-
4 sembly of all mandates older than five years and
5 how resources have been redirected to new chal-
6 lenges, consistent with the March 2005 report of the
7 Secretary General referred to in paragraph (3); and

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

13 (c) UPDATE.—Not later than one year after submit-
14 ting the report under subsection (a), the Secretary shall
15 submit to the appropriate congressional committees a re-
16 port updating the information included in the first report.

17 **SEC. 109. REPORT ON UNITED NATIONS PERSONNEL.**

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

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

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

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

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

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

9 (A) tenure;

10 (B) performance reviews;

11 (C) the promotion system;

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

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

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

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

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

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

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

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

13 **TITLE II—HUMAN RIGHTS AND**
14 **THE ECONOMIC AND SOCIAL**
15 **COUNCIL**

16 **SEC. 201. HUMAN RIGHTS.**

17 (a) STATEMENT OF POLICY.—It shall be the policy
18 of the United States to use its voice, vote, and influence
19 at the United Nations to ensure that a credible and re-
20 spectable Human Rights Council or other human rights
21 body is established within the United Nations whose par-
22 ticipating Member States uphold the values embodied in
23 the Universal Declaration of Human Rights.

24 (b) HUMAN RIGHTS REFORMS AT THE UNITED NA-
25 TIONS.—The President shall direct the United States Per-

1 manent Representative to the United Nations to seek to
2 ensure that the following human rights reforms have been
3 adopted by the United Nations:

4 (1) A Member State that fails to uphold the
5 values embodied in the Universal Declaration of
6 Human Rights shall be ineligible for membership on
7 any United Nations human rights body.

8 (2) A Member State that is subject to sanctions
9 by the Security Council or under a Security Council-
10 mandated investigation for human rights abuses
11 shall be ineligible for membership on any United Na-
12 tions human rights body.

13 (3) A Member State that is subject to a country
14 specific resolution relating to human rights abuses
15 perpetrated in that country by the government of
16 that country that has been adopted, within the pre-
17 ceding 3-year period, by a United Nations or re-
18 gional organization that has competence regarding
19 such matters shall be ineligible for membership on
20 any United Nations human rights body. For pur-
21 poses of this paragraph, a country specific resolution
22 shall not include consensus resolutions on advisory
23 services.

24 (4) A Member State that violates the principles
25 of a United Nations human rights body to which it

1 aspires to join shall be ineligible for membership on
2 such body.

3 (5) No human rights body has a standing agen-
4 da item that only relates to one country or one re-
5 gion.

6 (c) CERTIFICATION.—In accordance with section
7 601, a certification shall be required that certifies that the
8 human rights reforms described under subsection (b) have
9 been adopted by the United Nations.

10 (d) PREVENTION OF ABUSE OF “NO ACTION” MO-
11 TIONS.—The United States Permanent Representative to
12 the United Nations shall work to prevent abuse of “no
13 action” motions, particularly as such motions relate to
14 country specific resolutions.

15 (e) OFFICE OF THE UNITED NATIONS HIGH COMMIS-
16 SIONER FOR HUMAN RIGHTS.—

17 (1) STATEMENT OF POLICY.—It shall be the
18 policy of the United States to continue to strongly
19 support the Office of the United Nations High Com-
20 missioner for Human Rights.

21 (2) CERTIFICATION.—In accordance with sec-
22 tion 601, a certification shall be required that cer-
23 tifies that the Office of the United Nations High
24 Commissioner for Human Rights has been given
25 greater authority in field operation activities, such

1 as in the Darfur region of Sudan and in the Demo-
2 cratic Republic of the Congo, in furtherance of the
3 purpose and mission of the United Nations.

4 **SEC. 202. ECONOMIC AND SOCIAL COUNCIL (ECOSOC).**

5 (a) STATEMENT OF POLICY.—It shall be the policy
6 of the United States to use its voice, vote, and influence
7 at the United Nations to—

8 (1) abolish secret voting in the Economic and
9 Social Council (ECOSOC);

10 (2) ensure that, until such time as the Commis-
11 sion on Human Rights of the United Nations is
12 abolished, only countries that are not ineligible for
13 membership on a human rights body in accordance
14 with paragraph (1) through (4) of section 201(b)
15 shall be considered for membership on the Commis-
16 sion on Human Rights; and

17 (3) ensure that after candidate countries are
18 nominated for membership on the Commission on
19 Human Rights, the Economic and Social Council
20 conducts a recorded vote to determine such member-
21 ship.

22 (b) CERTIFICATION.—In accordance with section
23 601, a certification shall be required that certifies that the
24 policies described in subsection (a) have been imple-
25 mented.

1 **TITLE III—INTERNATIONAL**
2 **ATOMIC ENERGY AGENCY**

3 **SEC. 301. INTERNATIONAL ATOMIC ENERGY AGENCY.**

4 (a) ENFORCEMENT AND COMPLIANCE.—

5 (1) OFFICE OF COMPLIANCE.—

6 (A) ESTABLISHMENT.—The President
7 shall direct the United States Permanent Rep-
8 resentative to International Atomic Energy
9 Agency (IAEA) to use the voice, vote, and influ-
10 ence of the United States at the IAEA to estab-
11 lish an Office of Compliance in the Secretariat
12 of the IAEA under the direction of the Deputy
13 Director General for Safeguards.

14 (B) OPERATION.—The Office of Compli-
15 ance shall—

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

1 (ii) base its assessments and rec-
2 ommendations on IAEA inspection reports;
3 and

4 (iii) take into consideration informa-
5 tion provided by IAEA Board Members
6 that are among the five nuclear weapons
7 states as recognized by the Treaty on the
8 Non-Proliferation of Nuclear Weapons (21
9 UST 483) (commonly referred to as the
10 “Nuclear Non-Proliferation Treaty” or the
11 “NPT”).

12 (C) STAFFING.—The Office of Compliance
13 shall be staffed from existing personnel in the
14 Department of Safeguards of the IAEA or the
15 Department of Nuclear Safety and Security of
16 the IAEA.

17 (D) OPERATION.—The Office of Compli-
18 ance shall operate in consultation with IAEA
19 inspectors and enforcement actions shall be
20 based on inspection reports, IAEA Board of
21 Governors resolutions, Director General reports,
22 and shall take into consideration information
23 provided by IAEA Board Members that are
24 among the five nuclear weapons states as recog-

1 nized by the Treaty on the Non-Proliferation of
2 Nuclear Weapons.

3 (2) SPECIAL COMMITTEE ON SAFEGUARDS AND
4 VERIFICATION.—

5 (A) ESTABLISHMENT.—The President
6 shall direct the United States Permanent Rep-
7 resentative to the IAEA to use the voice, vote,
8 and influence of the United States at the IAEA
9 to establish a Special Committee on Safeguards
10 and Verification.

11 (B) RESPONSIBILITIES.—The Special
12 Committee shall—

13 (i) improve the ability of the IAEA to
14 monitor and enforce compliance by Mem-
15 ber States of the IAEA with the Nuclear
16 Non-Proliferation Treaty and the Statute
17 of the International Atomic Energy Agen-
18 cy; and

19 (ii) consider which additional meas-
20 ures are necessary to enhance the ability of
21 the IAEA, beyond the verification mecha-
22 nisms and authorities contained in the Ad-
23 ditional Protocol to the Safeguards Agree-
24 ments between the IAEA and Member
25 States of the IAEA, to detect with a high

1 degree of confidence undeclared nuclear ac-
2 tivities by a Member State.

3 (3) PENALTIES.—

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

14 (i) limiting its ability to vote on its
15 case;

16 (ii) being prevented from receiving
17 any technical assistance; and

18 (iii) being prevented from hosting
19 meetings.

20 (B) TERMINATION OF PENALTIES.—The
21 penalties specified under subparagraph (A)
22 shall be terminated when the investigation is
23 concluded and the Member State is no longer in
24 such breach or noncompliance.

25 (b) UNITED STATES CONTRIBUTIONS.—

1 (1) VOLUNTARY CONTRIBUTIONS.—Voluntary
2 contributions of the United States to the IAEA may
3 only be used to fund activities relating to Nuclear
4 Safety and Security or activities relating to Nuclear
5 Verification.

6 (2) LIMITATION ON USE OF FUNDS.—The
7 President shall direct the United States Permanent
8 Representative to the IAEA to use the voice, vote,
9 and influence of the United States at the IAEA to—

10 (A) ensure that funds for safeguards in-
11 spections are used giving first priority to ad-
12 dress countries that are initiating or developing
13 nuclear activities; and

14 (B) block the allocation of funds for any
15 other IAEA development, environmental, or nu-
16 clear science assistance or activity to a
17 country—

18 (i) the government of which the Sec-
19 retary of State has determined—

20 (I) for purposes of section 6(j) of
21 the Export Administration Act of
22 1979, section 620A of the Foreign As-
23 sistance Act of 1961, section 40 of the
24 Arms Export Control Act, or other
25 provision of law, is a government that

1 has repeatedly provided support for
2 acts of international terrorism; and

3 (II) has not dismantled and sur-
4 rendered its weapons of mass destruc-
5 tion under international verification;

6 (ii) that is under investigation for a
7 breach of or noncompliance with its IAEA
8 obligations or the purposes and principles
9 of the Charter of the United Nations; or

10 (iii) that is in violation of its IAEA
11 obligations or the purposes and principles
12 of the Charter of the United Nations.

13 (3) **DETAIL OF EXPENDITURES.**—The Presi-
14 dent shall direct the United States Permanent Rep-
15 resentative to the IAEA to use the voice, vote, and
16 influence of the United States at the IAEA to se-
17 cure, as part of the regular budget presentation of
18 the IAEA to Member States of the IAEA, a detailed
19 breakdown by country of expenditures of the IAEA
20 for safeguards inspections and nuclear security ac-
21 tivities.

22 (c) **MEMBERSHIP.**—

23 (1) **IN GENERAL.**—The President shall direct
24 the United States Permanent Representative to the
25 IAEA to use the voice, vote, and influence of the

1 United States at the IAEA to block the membership
2 on the Board of Governors of the IAEA of a Mem-
3 ber State of the IAEA that has not signed and rati-
4 fied the IAEA Additional Protocol and—

5 (A) is under investigation for a breach of,
6 or noncompliance with, its IAEA obligations or
7 the purposes and principles of the Charter of
8 the United Nations; or

9 (B) is in violation of its IAEA obligations
10 or the purposes and principles of the Charter of
11 the United Nations.

12 (2) CRITERIA.—The United States Permanent
13 Representative to the IAEA shall make every effort
14 to modify the criteria for Board membership to re-
15 flect the principles described in paragraph (1).

16 (d) REPORT.—Not later than six months after the
17 date of the enactment of this Act and annually thereafter
18 for the succeeding 2-year period, the President shall sub-
19 mit to the appropriate congressional committees a report
20 on the implementation of this section.

21 **SEC. 302. SENSE OF CONGRESS REGARDING THE NUCLEAR**
22 **SECURITY ACTION PLAN OF THE IAEA.**

23 It is the sense of Congress that the national security
24 interests of the United States are enhanced by the Nuclear
25 Security Action Plan of the IAEA and the Board of Gov-

1 errors of the IAEA should recommend, and the General
2 Conference of the IAEA should adopt, a resolution incor-
3 porating the Nuclear Security Action Plan into the regular
4 budget of the IAEA.

5 **TITLE IV—PEACEKEEPING**

6 **SEC. 401. SENSE OF CONGRESS REGARDING REFORM OF**
7 **UNITED NATIONS PEACEKEEPING OPER-**
8 **ATIONS.**

9 It is the sense of Congress that—

10 (1) although United Nations peacekeeping oper-
11 ations have contributed greatly toward the pro-
12 motion of peace and stability for the past 57 years,
13 and the majority of peacekeeping personnel who
14 have served under the United Nations flag have
15 done so with honor and courage, the record of
16 United Nations peacekeeping has been severely tar-
17 nished by operational failures and unconscionable
18 acts of misconduct; and

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

1 **SEC. 402. STATEMENT OF POLICY RELATING TO REFORM**
2 **OF UNITED NATIONS PEACEKEEPING OPER-**
3 **ATIONS.**

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

7 (1) PLANNING AND MANAGEMENT.—

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

16 (B) REVIEW OF MANDATES AND CLOSING
17 OPERATIONS.—In conjunction with the audit
18 described in subparagraph (A), the United Na-
19 tions Department of Peacekeeping Operations
20 should conduct a comprehensive review of all
21 United Nations peacekeeping operation man-
22 dates, with a view toward identifying objectives
23 that are practical and achievable, and report its
24 findings to the Security Council. In particular,
25 the review should consider the following:

1 (i) Activities that fall beyond the
2 scope of traditional peacekeeping activities
3 should be delegated to a new Peacebuilding
4 Commission, described in paragraph (3).

5 (ii) Long-standing operations that are
6 static and cannot fulfill their mandate
7 should be downsized or closed.

8 (iii) If there is legitimate concern that
9 the withdrawal from a country of an other-
10 wise static United Nations peacekeeping
11 operation would result in the resumption of
12 major conflict, a burden-sharing arrange-
13 ment that reduces the level of assessed
14 contributions, similar to that currently
15 supporting the United Nations Peace-
16 keeping Force in Cyprus, should be ex-
17 plored and instituted.

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

1 (D) PRE-DEPLOYMENT TRAINING.—Pre-
2 deployment training on interpretation of the
3 mandate of the operation, specifically in the
4 areas of force, civilian protection, field condi-
5 tions, the Code of Conduct described in para-
6 graph (2)(A), HIV/AIDS, gender, and human
7 rights issues should be mandatory, and all per-
8 sonnel, regardless of category or rank, should
9 be required to sign an oath that each has re-
10 ceived and understands such training as a con-
11 dition of participation in the operation.

12 (2) CONDUCT AND DISCIPLINE.—

13 (A) ADOPTION OF A UNIFORM CODE OF
14 CONDUCT.—A single, uniform Code of Conduct
15 that has the status of a binding rule and ap-
16 plies equally to all personnel serving in United
17 Nations peacekeeping operations, regardless of
18 category or rank, should be promulgated, adopt-
19 ed, and enforced.

20 (B) UNDERSTANDING THE CODE OF CON-
21 DUCT.—All personnel, regardless of category or
22 rank, should receive training on the Code of
23 Conduct prior to deployment with a peace-
24 keeping operation, in addition to periodic fol-
25 low-on training. In particular—

1 (i) all personnel, regardless of cat-
2 egory or rank, should be provided with a
3 personal copy of the Code of Conduct that
4 has been translated into the national lan-
5 guage of such personnel, regardless of
6 whether such language is an official lan-
7 guage of the United Nations;

8 (ii) all personnel, regardless of cat-
9 egory or rank, should sign an oath that
10 each has received a copy of the Code of
11 Conduct, that each pledges to abide by the
12 Code of Conduct, and that each under-
13 stands the consequences of violating the
14 Code of Conduct as a condition of appoint-
15 ment to such operation, including imme-
16 diate termination of the participation of
17 such personnel in the peacekeeping oper-
18 ation to which such personnel is assigned;
19 and

20 (iii) peacekeeping operations should
21 conduct educational outreach programs
22 within communities hosting such oper-
23 ations, including explaining prohibited acts
24 on the part of United Nations peace-
25 keeping personnel and identifying the indi-

1 vidual to whom the local population may
2 direct complaints or file allegations of ex-
3 ploitation, abuse, or other acts of mis-
4 conduct.

5 (C) MONITORING MECHANISMS.—Dedi-
6 cated monitoring mechanisms, such as the per-
7 sonnel conduct units deployed to support
8 United Nations peacekeeping operations in
9 Haiti, Liberia, Burundi, and the Democratic
10 Republic of Congo, should be present in each
11 operation to monitor compliance with the Code
12 of Conduct, and—

13 (i) should report simultaneously to the
14 Head of Mission, the United Nations De-
15 partment of Peacekeeping Operations, and
16 the Associate Director of OIOS for Peace-
17 keeping Operations (established under sec-
18 tion 104(b)(9)); and

19 (ii) should be tasked with designing
20 and implementing mission-specific meas-
21 ures to prevent misconduct, conduct follow-
22 on training for personnel, coordinate com-
23 munity outreach programs, and assist in
24 investigations, as OIOS determines nec-
25 essary and appropriate.

1 (D) INVESTIGATIONS.—A permanent, pro-
2 fessional, and independent investigative body
3 should be established and introduced into
4 United Nations peacekeeping operations. In
5 particular—

6 (i) the investigative body should in-
7 clude professionals with experience in in-
8 vestigating sex crimes, as well as experts
9 who can provide guidance on standards of
10 proof and evidentiary requirements nec-
11 essary for any subsequent legal action;

12 (ii) provisions should be included in a
13 Model Memorandum of Understanding
14 that obligate each Member State that con-
15 tributes troops to a peacekeeping operation
16 to designate a military prosecutor who will
17 participate in any investigation into an al-
18 legation of misconduct brought against an
19 individual of that Member State, so that
20 evidence is collected and preserved in a
21 manner consistent with the military law of
22 that Member State;

23 (iii) the investigative body should be
24 regionally based to ensure rapid deploy-
25 ment and should be equipped with modern

1 forensics equipment for the purpose of
2 positively identifying perpetrators and,
3 where necessary, for determining paternity;
4 and

5 (iv) the investigative body should re-
6 port directly to the Associate Director of
7 OIOS for Peacekeeping Operations, while
8 providing copies of any reports to the De-
9 partment of Peacekeeping Operations, the
10 Head of Mission, and the Member State
11 concerned.

12 (E) FOLLOW-UP.—A dedicated unit, simi-
13 lar to the personnel conduct units, staffed and
14 funded through existing resources, should be es-
15 tablished within the headquarters of the United
16 Nations Department of Peacekeeping Oper-
17 ations and tasked with—

18 (i) promulgating measures to prevent
19 misconduct;

20 (ii) coordinating allegations of mis-
21 conduct, and reports received by field per-
22 sonnel; and

23 (iii) gathering follow-up information
24 on completed investigations, particularly by
25 focusing on disciplinary actions against the

1 individual concerned taken by the United
2 Nations or by the Member State that is
3 contributing troops to which the individual
4 belongs, and sharing that information with
5 the Security Council, the Head of Mission,
6 and the community hosting the peace-
7 keeping operation.

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

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

1 (ii) If an individual responsible for
2 misconduct has been repatriated, reas-
3 signed, redeployed, or is otherwise unable
4 to provide assistance, responsibility for
5 providing assistance to a victim should be
6 assigned to the Member State that contrib-
7 uted the troops to which the individual be-
8 longed or to the manager concerned.

9 (iii) In the case of misconduct by a
10 member of a military contingent, appro-
11 priate funds should be withheld from the
12 troop-contributing country concerned.

13 (iv) In the case of misconduct by a ci-
14 vilian employee or contractor of the United
15 Nations, appropriate wages should be gar-
16 nished from such individual or fines should
17 be imposed against such individual, con-
18 sistent with existing United Nations Staff
19 Rules.

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

1 to deter and address misconduct are rewarded,
2 while those who create a permissive environ-
3 ment or impede investigations are penalized or
4 relieved of duty, as appropriate.

5 (H) DATA BASE.—A centralized data base
6 should be created and maintained within the
7 United Nations Department of Peacekeeping
8 Operations to track cases of misconduct, includ-
9 ing the outcome of investigations and subse-
10 quent prosecutions, to ensure that personnel
11 who have engaged in misconduct or other crimi-
12 nal activities, regardless of category or rank,
13 are permanently barred from participation in
14 future peacekeeping operations.

15 (I) WELFARE.—Peacekeeping operations
16 should assume responsibility for maintaining a
17 minimum standard of welfare for mission per-
18 sonnel to ameliorate conditions of service, while
19 adjustments are made to the discretionary wel-
20 fare payments currently provided to Member
21 States that contribute troops to offset the cost
22 of operation-provided recreational facilities.

23 (3) PEACEBUILDING COMMISSION.—

24 (A) ESTABLISHMENT.—Consistent with
25 the recommendations of the Report of the Sec-

1 retary General's High Level Panel on Threats,
2 Challenges, and Change, the United Nations
3 should establish a Peacebuilding Commission,
4 supported by a Peacebuilding Support Office, to
5 marshal the efforts of the United Nations,
6 international financial institutions, donors, and
7 non-governmental organizations to assist coun-
8 tries in transition from war to peace.

9 (B) STRUCTURE AND MEMBERSHIP.—The
10 Commission should—

11 (i) be a subsidiary body of the United
12 Nations Security Council, limited in size to
13 ensure efficiency;

14 (ii) include members of the United
15 Nations Security Council, major donors,
16 and Member States that contribute troops,
17 appropriate United Nations organizations,
18 the World Bank, and the International
19 Monetary Fund; and

20 (iii) invite the President of ECOSOC,
21 regional actors, Member States that con-
22 tribute troops, regional development banks,
23 and other concerned parties that are not
24 already members, as determined appro-

1 appropriate, to consult or participate in meet-
2 ings as observers.

3 (C) RESPONSIBILITIES.—The Commission
4 should seek to ease the demands currently
5 placed upon the Department of Peacekeeping
6 Operations to undertake tasks that fall beyond
7 the scope of traditional peacekeeping, by—

8 (i) developing and integrating coun-
9 try-specific and system-wide conflict pre-
10 vention, post-conflict reconstruction, and
11 long-term development policies and strate-
12 gies; and

13 (ii) serving as the key coordinating
14 body for the design and implementation of
15 military, humanitarian, and civil adminis-
16 tration aspects of complex missions.

17 (D) RESOURCES.—The establishment of
18 the Peacebuilding Commission and the related
19 Peacebuilding Support Office should be staffed
20 with existing resources.

21 **SEC. 403. CERTIFICATION.**

22 (a) NEW OR EXPANDED PEACEKEEPING OPER-
23 ATIONS CONTINGENT UPON PRESIDENTIAL CERTIFI-
24 CATION OF PEACEKEEPING OPERATIONS REFORMS.—

1 (1) NO NEW OR EXPANDED PEACEKEEPING OP-
2 ERATIONS.—Beginning on January 1, 2007, and
3 until the Secretary certifies that the requirements
4 described in paragraph (2) have been satisfied, the
5 President shall direct the United States Permanent
6 Representative to the United Nations use the voice,
7 vote, and influence of the United States at the
8 United Nations to oppose the creation of new, or ex-
9 pansion of existing, United Nations peacekeeping op-
10 erations unless the Secretary certifies to the appro-
11 priate congressional committees that such creation
12 or expansion is in the national interest of the United
13 States, and includes with the certification a written
14 justification therefor.

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

24 (A) A single, uniform Code of Conduct
25 that has the status of a binding rule and ap-

1 plies equally to all personnel serving in United
2 Nations peacekeeping operations, regardless of
3 category or rank, has been adopted by the Gen-
4 eral Assembly and mechanisms have been estab-
5 lished for training such personnel concerning
6 the requirements of the Code and enforcement
7 of the Code.

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

14 (C) All personnel, regardless of category or
15 rank, are required to sign an oath that each has
16 received a copy of the Code of Conduct, that
17 each pledges to abide by the Code, and that
18 each understands the consequences of violating
19 the Code as a condition of the appointment to
20 such operation, including the immediate termi-
21 nation of the participation of such personnel in
22 the peacekeeping operation to which such per-
23 sonnel is assigned.

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

1 programs that reach local communities where
2 peacekeeping personnel of such operations are
3 based for a significant period of time, explain-
4 ing prohibited acts on the part of United Na-
5 tions peacekeeping personnel and identifying
6 the individual to whom the local population may
7 direct complaints or file allegations of exploi-
8 tation, abuse, or other acts of misconduct.

9 (E) A centralized data base has been cre-
10 ated and is being maintained in the United Na-
11 tions Department of Peacekeeping Operations
12 that tracks cases of misconduct, including the
13 outcomes of investigations and subsequent pros-
14 ecutions, to ensure that personnel, regardless of
15 category or rank, who have engaged in mis-
16 conduct or other criminal activities are perma-
17 nently barred from participation in future
18 peacekeeping operations.

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

1 (i) designate a competent legal au-
2 thority, preferably a prosecutor with exper-
3 tise in the area of sexual exploitation and
4 abuse, to participate in any investigation
5 into an allegation of misconduct brought
6 against an individual of the Member State;

7 (ii) refer to its competent national or
8 military authority for possible prosecution,
9 if warranted, any investigation of a viola-
10 tion of the Code of Conduct or other crimi-
11 nal activity by an individual of the Member
12 State;

13 (iii) report to the Department of
14 Peacekeeping Operations on the outcome
15 of any such investigation;

16 (iv) undertake to conduct on-site court
17 martial proceedings relating to allegations
18 of misconduct alleged against an individual
19 of the Member State;

20 (v) assume responsibility for the pro-
21 vision of appropriate assistance to a victim
22 of misconduct committed by an individual
23 of the Member State; and

24 (vi) establish a professional and inde-
25 pendent investigative and audit function

1 within the United Nations Department of
2 Peacekeeping Operations and the OIOS to
3 monitor United Nations peacekeeping oper-
4 ations.

5 **SEC. 404. UNITED STATES CONTRIBUTIONS TO UNITED NA-**
6 **TIONS PEACEKEEPING OPERATIONS.**

7 (a) 25 PERCENT LIMITATION.—Section 404(b)(2) of
8 the Foreign Relations Authorization Act, Fiscal Years
9 1994 and 1995 (22 U.S.C. 287e note; Public Law 103–
10 236) is amended to read as follows:

11 “(2) FISCAL YEAR 2006 AND SUBSEQUENT FIS-
12 CAL YEARS.—Funds authorized to be appropriated
13 for ‘Contributions for International Peacekeeping
14 Activities’ for fiscal years 2006 and 2007 shall not
15 be available for the payment of the United States
16 assessed contribution for a United Nations peace-
17 keeping operation in an amount which is greater
18 than 27.1 percent of the total of all assessed con-
19 tributions for that operation.”.

20 (b) EFFECTIVE DATE.—The amendment made by
21 subsection (a) shall take effect and apply beginning on Oc-
22 tober 1, 2005.

1 **TITLE V—DEPARTMENT OF**
2 **STATE AND GOVERNMENT AC-**
3 **COUNTABILITY OFFICE**

4 **SEC. 501. POSITIONS FOR UNITED STATES CITIZENS AT**
5 **INTERNATIONAL ORGANIZATIONS.**

6 The Secretary of State shall make every effort to re-
7 cruit United States citizens for positions within inter-
8 national organizations.

9 **SEC. 502. BUDGET JUSTIFICATION FOR REGULAR AS-**
10 **SESSED BUDGET OF THE UNITED NATIONS.**

11 (a) DETAILED ITEMIZATION.—The annual congres-
12 sional budget justification shall include a detailed itemized
13 request in support of the assessed contribution of the
14 United States to the regular assessed budget of the United
15 Nations.

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

18 (1) contain information relating to the amounts
19 requested in support of each of the various sections
20 and titles of the regular assessed budget of the
21 United Nations; and

22 (2) compare the amounts requested for the cur-
23 rent year with the actual or estimated amounts con-
24 tributed by the United States in previous fiscal years
25 for the same sections and titles.

1 (c) ADJUSTMENTS AND NOTIFICATION.—If the
2 United Nations proposes an adjustment to its regular as-
3 sessed budget, the Secretary of State shall, at the time
4 such adjustment is presented to the Advisory Committee
5 on Administrative and Budgetary Questions of the United
6 Nations (ACABQ), notify and consult with the appro-
7 priate congressional committees.

8 **SEC. 503. REVIEW AND REPORT.**

9 Not later than six months after the date of the enact-
10 ment of this Act, the Secretary of State shall conduct a
11 review of programs of the United Nations that are funded
12 through assessed contributions and submit to the appro-
13 priate congressional committees a report containing—

14 (1) the findings of such review; and

15 (2) recommendations relating to—

16 (A) the continuation of such programs;

17 and

18 (B) which of such programs should be vol-
19 untarily funded.

20 **SEC. 504. GOVERNMENT ACCOUNTABILITY OFFICE.**

21 (a) REPORT ON UNITED NATIONS REFORMS.—Not
22 later than 12 months after the date of the enactment of
23 this Act and 12 months thereafter, the Comptroller Gen-
24 eral of the United States shall submit to the appropriate
25 congressional committees a report on the status of the

1 1997, 2002, and 2005 management reforms initiated by
2 the Secretary General and on the reforms mandated by
3 this Act.

4 (b) REPORT ON DEPARTMENT OF STATE CERTIFI-
5 CATIONS.—Not later than six months after each certifi-
6 cation is submitted by the Secretary of State to the appro-
7 priate congressional committees under this Act, the Comp-
8 troller General shall submit to the appropriate congres-
9 sional committees a report on each such certification. The
10 Secretary shall provide the Comptroller General with any
11 information required by the Comptroller General to sub-
12 mit any such report.

13 **TITLE VI—CERTIFICATIONS AND**
14 **WITHHOLDING OF CONTRIBU-**
15 **TIONS**

16 **SEC. 601. CERTIFICATIONS AND WITHHOLDING OF CON-**
17 **TRIBUTIONS.**

18 (a) IN GENERAL.—The certifications required under
19 sections 103, 104(a) through 104(d), sections 201(c) and
20 201(e), and section 202 of this Act are certifications sub-
21 mitted to the appropriate congressional committees by the
22 Secretary of State that the requirements of each such sec-
23 tion have been satisfied with respect to reform of the
24 United Nations.

25 (b) ALTERNATIVE CERTIFICATION MECHANISM.—

1 (1) IN GENERAL.—In the event that the Sec-
2 retary is unable to make any certification described
3 in subsection (a), the Secretary may nonetheless sat-
4 isfy the requirements referred to in such certification
5 by certifying that—

6 (A) the United Nations has implemented
7 reforms that are either substantially similar to
8 or accomplish the same purposes as the require-
9 ments referred to in any such certification; or

10 (B) in the case of the policies described in
11 subsections (a) and (c) of section 11 the United
12 Nations Participation Act of 1945 (as amended
13 by section 101 of this Act) or the requirements
14 of sections 201(c) and 202(b) of this Act, sub-
15 stantial progress has been made in imple-
16 menting such policies or requirements.

17 (2) DEFINITIONS.—For the purposes of this
18 subsection, reforms are “substantially similar to or
19 accomplish the same purposes as” if the reforms
20 are—

21 (A) formally adopted by the organ or com-
22 mittee of the United Nations that has authority
23 to take such action or are issued by the Secre-
24 tariat or the appropriate entity or committee in
25 written form; and

1 (B) are not identical to the measures re-
2 quired by a particular certification but in the
3 judgment of the Secretary will have the same or
4 nearly the same effect as such measures.

5 (3) WRITTEN JUSTIFICATION AND CONSULTA-
6 TION.—

7 (A) WRITTEN JUSTIFICATION.—Not later
8 than 30 days before submitting an alternate
9 certification in accordance with paragraph (1),
10 the Secretary shall submit to the appropriate
11 congressional committees a written justification
12 explaining in detail the basis for such alternate
13 certification.

14 (B) CONSULTATION.—After the Secretary
15 has submitted the written justification under
16 subparagraph (A), but not later than 15 days
17 before the Secretary exercises the alternate cer-
18 tification mechanism described in clause (i), the
19 Secretary shall consult with the appropriate
20 congressional committees regarding such exer-
21 cise.

22 (c) WITHHOLDING OF UNITED STATES CONTRIBU-
23 TIONS TO REGULAR ASSESSED BUDGET OF THE UNITED
24 NATIONS.—If the Secretary is unable to make one or more
25 of the certifications described in subsection (a) or (b), the

1 Secretary is authorized to withhold from expenditure until
2 such time as the Secretary deems appropriate up to 50
3 percent of the contribution of the United States to the
4 regular assessed budget of the United Nations for a bien-
5 nial period, beginning with funds appropriated for the
6 United States Assessed contribution for fiscal year 2008.

7 (d) CONSULTATION ON PROGRESS OF REFORMS.—
8 Beginning six months after the date of the enactment of
9 this Act, and every three months thereafter until all the
10 certifications under subsection (a) and (b) are made, the
11 Secretary shall consult with the appropriate congressional
12 committees regarding the progress in adoption and imple-
13 mentation of the reforms described in this Act.

14 (e) DURATION OF FUNDS.—

15 (1) ASSESSED CONTRIBUTIONS TO THE U.N.—
16 Any amounts of funds appropriated for the United
17 States assessed contribution to the United Nations
18 that are withheld under subsection (c) are author-
19 ized to remain available until expended in fiscal
20 years after the fiscal year in which all certifications
21 are made under subsections (a) and (b).

22 (2) ASSESSED CONTRIBUTIONS TO SPECIALIZED
23 AGENCIES.—Any amounts of funds appropriated for
24 the United States assessed contribution to a special-
25 ized agency that are withheld under section 107(d)

1 are authorized to remain available until expended in
2 fiscal years after the fiscal year in which the Sec-
3 retary makes the certification with respect to the
4 policy or policies described in section 107 by reason
5 of which the funds were withheld.

6 (f) BIENNIAL REVIEWS.—

7 (1) IN GENERAL.—The Secretary shall conduct
8 biennial reviews, beginning two years after the date
9 on which the Secretary submits the last of the cer-
10 tifications under subsections (a) and (b), to deter-
11 mine if the United Nations continues to remain in
12 compliance with all such certifications. Not later
13 than 30 days after the completion of each such re-
14 view, the Secretary shall submit to the appropriate
15 congressional committees a report containing the
16 findings of each such review.

17 (2) ACTION.—If during the course of any such
18 review the Secretary determines that the United Na-
19 tions has failed to remain in compliance with a cer-
20 tification that was submitted in accordance with
21 subsection (a), the Secretary is authorized to exer-
22 cise the authority described in subsection (c) with
23 respect to the biennial period immediately following
24 such review and subsequent biennial periods until

1 such time as all certifications under subsection (a)
2 or (b) have been submitted.

3 **SEC. 602. DIPLOMATIC CAMPAIGN TO ACHIEVE REFORM.**

4 (a) SENSE OF CONGRESS.—It is the sense of the Con-
5 gress that in order to achieve the reforms required by this
6 Act, the President must undertake an extensive diplomatic
7 campaign, in combination with like-minded countries at
8 the United Nations to achieve those reforms, including
9 acting through the United States Permanent Representa-
10 tive to the United Nations to use its voice, vote and influ-
11 ence at the United Nations and direct diplomatic interven-
12 tion at the highest levels of government in Member States.

13 (b) REPORT TO CONGRESS.—Sixty days before exer-
14 cising the authority to withhold funds under section
15 601(e), the Secretary shall consult with the appropriate
16 congressional committees and submit a report on how the
17 exercise of such authority will further the purposes of this
18 Act.

19 (c) CONTENT OF REPORT.—The report required by
20 subsection (b) shall include—

21 (1) a description of efforts by the United States
22 to achieve the reforms required by this Act to date;

23 (2) an analysis of why reforms sought by the
24 United States have not been achieved; and

1 (3) an explanation of how United States policy
2 will be furthered by conditioning or withholding
3 funds for assessed contributions to the United Na-
4 tions, as well as an analysis of how withholding such
5 funds are expected to affect programs, operations,
6 staff, and reforms of the United Nations and United
7 States interests.

8 **TITLE VII—UNITED NATIONS RE-**
9 **NEWAL AND TOOLS TO FULLY**
10 **IMPLEMENT UNITED NA-**
11 **TIONS REFORM**

12 **SEC. 701. SYNCHRONIZATION OF U.S. ASSESSED CONTRIBU-**
13 **TIONS TO INTERNATIONAL ORGANIZATIONS.**

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

16 (1) In the early 1980s, the United States Gov-
17 ernment began to pay United States assessments to
18 certain international organizations in the last quar-
19 ter of the calendar year in which they were due.
20 This practice allowed the United States to pay its
21 annual assessment to the United Nations and other
22 international organizations with the next fiscal
23 year's appropriations, taking advantage of the fact
24 that international organizations operate on calendar
25 years. It also allowed the United States to reduce

1 budgetary outlays, making the United States budget
2 deficit appear smaller.

3 (2) The United States, which is assessed 22
4 percent of the United Nations regular budget, now
5 pays its dues at least 10 months late, and often later
6 depending on when the relevant appropriation is en-
7 acted.

8 (3) This practice causes the United Nations to
9 operate throughout much of the year without a sig-
10 nificant portion of its operating budget. By midyear,
11 the budget is usually depleted, forcing the United
12 Nations to borrow from its peacekeeping budget,
13 since the organization is prohibited from borrowing
14 externally. As a result, countries that contribute to
15 United Nations peacekeeping missions are not reim-
16 bursed on a timely basis.

17 (4) For years, continuing this practice is incon-
18 sistent with the purposes of this Act to encourage
19 the United Nations to engage in sound, fiscally re-
20 sponsible budgetary practices.

21 (b) AUTHORIZATION OF APPROPRIATIONS.—Begin-
22 ning in the fiscal year in which all certifications under sub-
23 section (a) and (b) of section 601 have been made, the
24 following amounts are authorized to be appropriated to a
25 process to synchronize the payment of its assessments to

1 the United Nations and other international organizations
2 over a multiyear period so that the United States can re-
3 sume paying its dues to such international organizations
4 at the beginning of each calendar year:

5 (1) For the fiscal year after all such certifi-
6 cations have been made, \$150,000,000.

7 (2) For the second year after all such certifi-
8 cations have been made, \$150,000,000.,

9 (3) For the third year after all such certifi-
10 cations have been made, \$150,000,000.

11 **SEC. 702. INCREASED FUNDING FOR UNITED STATES AS-**
12 **SESSED CONTRIBUTION TO THE UNITED NA-**
13 **TIONS TO SUPPORT REFORM EFFORTS.**

14 It is the sense of the Congress that the United States
15 should support an increase in the 2006–2007 United Na-
16 tions biennium budget and future United Nations budgets
17 to support the creation of new offices or institutions and
18 the strengthening of existing offices in order to fully im-
19 plement the reforms required by this Act.

20 **SEC. 703. BUYOUT OF UNITED NATIONS PERSONNEL.**

21 It is the sense of the Congress that the United States
22 should support an increase in the appropriate United Na-
23 tions biennium budget to fund a buyout of United Nations
24 personnel to the extent that the buyout is a targeted

1 buyout of personnel that do not have the skills necessary
2 for the United Nations in the 21st century.

3 **SEC. 704. UNITED NATIONS DEMOCRACY FUND.**

4 There is authorized for fiscal year 2006 for a vol-
5 untary contribution to the United Nations International
6 Democracy Fund \$10,000,000.

7 **SEC. 705. UNITED STATES PERSONNEL TO INTERNATIONAL**
8 **ORGANIZATIONS.**

9 The President is authorized to detail any United
10 States Government officer or employee to the United Na-
11 tions on a nonreimbursable basis for up to three years to
12 assist in the implementation of the reforms described in
13 this Act, including providing for any necessary housing,
14 education, cost-of-living allowances, or other allowances
15 authorized under the Foreign Service Act the United Na-
16 tions Participation Act of 1945.

Mr. LANTOS. Mr. Chairman, I request unanimous consent that my 68-page amendment be considered as read.

Chairman HYDE. With great pleasure, we consider it read.

Mr. LANTOS. Thank you, Mr. Chairman.

Chairman HYDE. And thoroughly digested, too.

Mr. LANTOS. Mr. Chairman, my amendment now before the Committee is in the nature of a substitute. The amendment replaces the entire text of the bill before the Committee with a new version designed to promote UN reform while giving Secretary of State Condoleezza Rice sufficient flexibility to do her job. As I previously indicated, Mr. Chairman, senior State Department officials have told us that the Department of State strongly opposes the Majority's bill in its current form.

With my substitute amendment, Mr. Chairman, the Democrats on the Committee align ourselves strongly on UN reform issues with the Department of State and are fighting to ensure that the United States is better armed to promote serious UN reform and not be forced to cut off funds to the United Nations in a manner that is counterproductive to our best national interests.

Mr. Chairman, my substitute amendment addresses four primary deficiencies in the Majority bill before our Committee. First, my substitute does not sever the link between achieving UN reform benchmarks and the possibility of withholding UN dues. Rather, the tough benchmarks are largely the same as in the Chairman's bill, but the Lantos amendment would give Secretary Rice the authority to withhold up to 50 percent of our UN dues but would not mandate such a cut.

Since this is sort of the core of the amendment, I want to restate this item. My amendment, Mr. Chairman, would give Secretary Rice the authority to withhold up to 50 percent of our UN dues but would not mandate such a cut. Secretary Rice must be able to use the financial threat to get the job done in New York, but must not be forced to cut off funds according to some mechanical and automatic withholding formula.

Second, Mr. Chairman, the Lantos substitute changes the provision in your bill under which the United States would unilaterally withhold a portion of our dues to the United Nations if they refuse to change certain programs from the assessed to the voluntary budget. My amendment keeps this reform as a goal but does not link it to a mandatory deduction in U.S. funds.

We all know, Mr. Chairman, that this reform is largely unachievable in the foreseeable future, and therefore Secretary Rice should not be forced to withhold U.S. dues from the UN on this matter. My amendment would give her the authority to withhold funds should that be necessary.

Third, Mr. Chairman, the Majority bill would prohibit the United States from supporting any new UN peacekeeping mission unless a far-reaching set of peacekeeping reforms is adopted. Given the dangerous world in which we live, I believe this provision is singularly unwise. My substitute keeps the far-reaching peacekeeping reforms, but provides Secretary Rice with a waiver in the event that such a new mission, such as preventing genocide in places like Darfur, is essential to America's national interests.

Finally, Mr. Chairman, my substitute also ensures that we do not withhold funds for the United Nations when it is separate specialized agencies, such as the World Health Organization or the World Intellectual Property Organization, that may have failed to make the necessary reforms. It is a non sequitur. It is fundamentally flawed reasoning to hold the UN accountable for the mistakes of organizations that the UN does not control. My substitute would authorize the Secretary to withhold funds from each specialized agency that fails to undertake reforms instead of automatically withholding the money from the United Nations.

Mr. Chairman, I would respectfully ask all of my colleagues on the Republican side of the aisle to support more flexibility for our Secretary of State by supporting my substitute amendment. It will better promote UN reform while giving Secretary Rice desperately needed flexibility. I thank you, Mr. Chairman.

Chairman HYDE. Thank you, Mr. Lantos. Mr. Pence of Indiana.

Mr. PENCE. Thank you, Mr. Chairman. And I rise in respectful opposition to my good friend Mr. Lantos' UN reform substitute amendment, believing in my heart as an original co-sponsor of the UN Reform Act that, however well intentioned, the Lantos amendment does not go far enough.

Now is the time for Congress to act. We must send a clear and strong message to the United Nations after years of misadministration and scandal, and we must back that message with decisive ramifications if those reforms are not made. In a word, Mr. Chairman, I believe the American people expect Congress to adopt UN reforms with teeth. History has shown us that when Congress uses the power of the purse the UN responds. It is unfortunate that periodically it takes financial ultimatums for the UN to move itself to act in its own best interests and the best interests of the world community that it serves, but that is nevertheless the case.

The Lantos substitute amendment is interesting and well intentioned, but I say, humbly, it is intrinsically flawed, because on the one hand it seems to agree with the Chairman's bill. It seems to agree that withholdings are necessary to provoke the UN to reform. But, on the other hand, it removes the power of the purse from Congress and invests it virtually in its entirety in a single Executive Branch official. With all due respect to Secretary of State Condoleezza Rice, the power of the purse belongs to Congress, and we should not cede that power to the Secretary of State. Furthermore, it would be incredibly difficult for any Secretary of State to take such a bold step of withholding 50 percent of the United Nations' budget unilaterally.

But there is flexibility in this bill. In the Hyde bill, the United Nations Reform Act, it provides the Secretary of State and the United Nations with some flexibility. Certification for UN action are not required until 2007. This gives the Secretary of State, the U.S. Ambassador to the UN, 2 years to lobby Turtle Bay to do what is in its best interest, and it allows the Secretary in 2007 to certify UN reforms that are substantially similar or accomplish the same purposes as the requirements in the act.

It also allows for certification of all 39 requirements if only 32 are completed by 2007, and allows even an extra year to complete

the final seven certifiable reforms. Yet some reforms are protected from a waiver, but the ones protected are the most fundamental of reforms such as making an internal oversight board independent, creating an independent budget, the accountability provisions that we establish in the budget. These are things that are achievable and are absolutely necessary. The certifiable reforms outlined in the bill are necessary. There are few that would dispute the areas we highlight for reform after the extraordinary revelations in the Oil-for-Food scandal and the mismanagement that it attests at minimum.

But equally important, the certifiable reforms are achievable. This legislation was carefully crafted to address the numerous areas in need of reform at the UN, yet to do so in a way that is truly responsible.

Shifting assessments to voluntary funding is also a crucial piece of this legislation. Voluntary funded programs are by their very nature more accountable, efficient, and results oriented. It is appropriate that the American people want the most value for our dollar. We want to know how our contributions are being used at the UN. We want to know the utility and effectiveness of the programs that our contributions go to, and the results of those programs. For many of the targeted programs, especially regarding the regional economic and social commissions which account for \$350 million of the biennial budget, we simply don't know the utility, the effectiveness, or the benefits of this program. Saying that the General Assembly will never shift programs off the assessed budget is not a sufficient reason for our continuing to pay tens of millions of dollars to these programs. If the General Assembly wants to continue to fund unaccountable programs, it can. But we should not continue to pay or ask the American people, more appropriately, to pay for programs that operate with essentially a blank check with no accountability for producing results.

Further, we do not require these shifts again until 2008. This gives the State Department ample time to build consensus for these necessary and practical initiatives.

And so, Mr. Chairman, I am grateful to have the opportunity to co-sponsor the UN Reform Act with you. And I am humbled if hesitant to rise in opposition to the Lantos UN reform substitute amendment. I oppose the Lantos amendment simply because, however well intentioned, I believe it does not go far enough. After years of misadministration and scandal, it is time that this Congress adopt UN reform with teeth, and the UN Reform Act that Chairman Hyde has authored and I have co-sponsored is precisely that.

Chairman HYDE. The gentleman's time has expired. Mr. Menendez.

Mr. MENENDEZ. Thank you, Mr. Chairman. Mr. Chairman, I speak in strong support of the Lantos amendment. I believe, as Mr. Lantos does, and as probably every Member of this Committee agrees, that the time has come for change at the United Nations. And it is time to make real reforms at the United Nations that address the real problems. But I believe that the Chairman's bill simply sets the United Nations up to fail by creating a series of requirements that are virtually impossible to meet. One might even

argue that this is the actual goal of some UN critics. Right now, this bill is the equivalent of medicine that could kill the patient rather than cure a specific disease.

Let us remember that the Secretary-General can't simply waive a magic wand and make these changes happen. The United Nations is governed by 191 countries, including those who have adverse interests to the United States, such as Syria, Iran, North Korea, and approving the majority of these changes in such a body under the conditions of the Chairman's bill is incredibly unlikely.

The Hyde bill also requires changes at UN specialized agencies, but the bill ignores the fact that the UN has little authority over these agencies to make them reform. So the bill punishes one agency for the lack of action at another agency it doesn't control. Yet the Hyde bill ties the hands of the Secretary of State by making the 50 percent withholding mandatory in all of these cases. So even if the United Nations has made significant progress, unless it meets almost all of the requirements the funds would be withheld. That is like kicking a child out of school who has moved from an F to a B because they didn't get an A.

Even members of the Administration have made it clear in their testimony before this Committee that they do not support linking reforms at the United Nations to our funding of the United Nations, and I would believe that at some future time we will probably see that in a statement of policy from the Administration.

I am particularly concerned that the Hyde bill would keep the United States from supporting any new peacekeeping missions until far-reaching reforms have been implemented. Many Members of this Committee have been at the forefront of the fight to stop the horrors in the Sudan, like my colleague Congressman Payne of New Jersey, to stop violence in Haiti, and to protect the lives of innocent civilians around the world. We do not know when and where UN peacekeepers will be needed next, but we do know that we cannot risk the lives of innocent people or risk American interests around the world. The alternative to that, in the base bill, in essence says that the alternative to UN peacekeepers is to risk only U.S. lives and spend only U.S. capital.

That is why I support the Lantos substitute which allows the Secretary of State to waive this restriction if it is in the national interests of the United States. We simply cannot create legislation which hurts our own security interests and our national interests while we are at war. This is a time when our own human and financial resources are stretched thin for the United States. In essence, this is a time for the United States to get the world to act with us. We must unite the world to fix our shared problems rather than destroy the institution which unites us.

Yes, it has many challenges and, yes, there is much to reform, and we join in that effort. Mr. Lantos's substitute strikes the balance. It seeks the high water mark of reforms but it gives us the flexibility not only to try to achieve those reforms and to prod those reforms and to make many of them happen, but at the same time it doesn't slay the participation in an institution that can ultimately be an incredibly useful tool in the national security and in the national interests of the United States.

I urge my colleagues to vote against the Hyde bill and to support the Lantos substitute and yield back the balance of my time.

Chairman HYDE. The gentleman from Iowa, Mr. Leach.

Mr. LEACH. Thank you, Mr. Chairman. Well, first let me compliment the staff for putting forth in a bill a large number of reforms that are very common sense. But having said that, let me say that I am obligated to oppose the underlying bill. While I will support the Lantos substitute amendment, I will vote against it if it prevails because both do not meet the test of constitutionalism. And I want to stress this to this Committee. The framework of the underlying bill is thoroughly inappropriate. The framework of the Lantos amendment is inappropriate. Both imply that there is no legal obligation binding upon the United States to pay the financial assessments at the UN. This position contravenes the United Nations's charter. And let me quote from the charter: "The expenses of the Organization shall be borne by the Members as apportioned by the General Assembly." In 1962, the International Court of Justice held, sustaining the argument of the United States of America, that apportionment of expenses by the General Assembly creates an obligation of each member to bear that part of the expense apportioned to it. Both of these approaches free the United States of any international obligation to pay its assessment. One directs it by the Congress, the other authorizes the Executive Branch to act illegally.

Let me further point out that, if you go to broader international statutes, for example, the Vienna Convention, the law of the treaties provides that every treaty in force is binding on the parties to it and must be performed by them in good faith. It specifies that a state party to a treaty may not invoke the provisions of its internal law as justification for its failure to perform the treaty.

The point is this Committee at this time is prepared out of a pique of the United Nations, a pique that I thoroughly share, in fact I am probably more disappointed than anybody here because I support the United Nations so much, but out of pique to violate law, and I cannot think of anything less appropriate.

Now, finally let me also stress there are actions that are so-called constructive in world affairs and there are actions that are counter-productive. Every single member of the United Nations today in New York has read about what this Committee intends to do, and they are appalled.

We think that we are putting some sort of squeeze on them. I think we are putting a dagger in our own hearts. We must be compliant with law in order to be respected as a country that wants to extend law. And so I will vote for the Lantos amendment because it is about 20 percent less devastating than the underlying bill. But I will vote against this bill and I would urge my colleagues to think seriously of that. Thank you.

Chairman HYDE. Thank you. Mr. Berman.

Mr. BERMAN. I will pass, Mr. Chairman.

Chairman HYDE. Mr. Faleomavaega.

Mr. FALEOMAVAEGA. Thank you, Mr. Chairman. I have not heard in such a long time and listening to the gentleman from Iowa and the sound reasoning that within his argument, points of his argument about not owning the constitutionality about the action that

we are about to take in proposed legislation now before the Committee. And I want to say at the outset as well my most profound respect for the gentleman of Iowa and the very, very pointed arguments that he makes concerning this issue.

I also want to state that I do have the utmost respect for you, Mr. Chairman, and on that side of the aisle, the Majority, for your untiring efforts in bringing this proposed legislation as has been described as being as a reform bill. While I respect the Majority's position in trying to find some sense of resolution to the problems that we are faced with in the United Nations, I have to say unfortunately I think that we have gone too far with the Majority's proposed resolution. I do respectfully say that the Lantos substitute is much more reasonable and more sound. In my humble opinion, the Majority proposal is not to reform; it is a major surgery that will kill the patient. And as I listened to my good friend in saying that we need to give Congress more teeth, and that is the reason that we need this reform legislation, in my humble opinion it is not just giving teeth, it is getting a sledge hammer to knock out the teeth of every member of the United Nations as far as I am concerned, in the Majority's proposed bill. And, for that reason, Mr. Chairman, I think the Lantos amendment is much more reasonable as a matter of policy.

I dare not challenge my good friend from Iowa's pointed arguments about the constitutionality of the actions that we are taking, but as a matter of policy if we are to make a decision of this fact, then I certainly think this substitute offered by the good friend, my colleague from California, is much more sound and more reasonable. Not only does it have the support of the Administration, I think that is something that I sincerely hope that that side of the aisle and Members of the Majority will consider seriously how much more flexible the Lantos substitute will give the Administration and Secretary Rice a better way to deal with the problems that we are faced with the United Nations.

With that, Mr. Chairman, I urge my colleagues to support the Lantos substitute. Thank you.

Chairman HYDE. Would the gentleman yield to me?

Mr. FALEOMAVAEGA. I yield to the gentleman.

Chairman HYDE. I thank you very much. You know, if you are going to reform something, reform it. If you give discretion to the Secretary, you will not have the reforms. I am not suggesting that this Secretary is different from other Secretaries, but I am talking about human nature and the experience we have in Congress. We pass a budget, but we waive the strictures of the budget time and time again, and it becomes meaningless. So if you really want a reform, you keep the purse with Congress, you don't give the purse to somebody else. And you don't let them waive requirements that demand reform.

There are 2 years to make these reforms. They will have to be real reforms. We pay the check. We ought to have something to say about it. I know there is an entire world of employees who want to keep things going as they have, but we are trying to revitalize the UN. We are trying to bring it to life and straighten it up after so many mistakes and costly errors. So that is what we are about.

I am pleased to—

Mr. LANTOS. Would the gentleman yield the remaining time?

Mr. FALEOMAVAEGA. I would yield to our senior Ranking Member.

Mr. LANTOS. I thank you very much for yielding. The Chairman's bill and my substitute seek the same goals: Substantive, meaningful, serious reform at the UN. But to underscore the absurdity of ultimaticity, I would like my colleagues to listen to the following very possible scenario: In 2 years' time, according to the underlying bill, 32 reform proposals will have to be enacted by the UN. Let us assume that 31 are enacted. Under the Chairman's bill, the Republican bill, if only 31 are achieved, not 32, there is an automatic 50 percent cut in UN dues.

Under my substitute, the Secretary of State could in her judgment impose some financial penalties, 50 percent, 25 percent, 5 percent, 1 percent. There would be judgment brought to bear on the decision by the United States, and we would not be frozen into an automatic formula which takes no account of different degrees of nonachievement. Thirty-one out of thirty-two automatically means a 50 percent cut. This simply makes no sense to me.

Thank you, Mr. Chairman.

Mr. FALEOMAVAEGA. And that is why I support the Lantos substitute, Mr. Chairman. Thank you.

Chairman HYDE. The Chair recognizes himself for 5 minutes.

The United Nations Reform Act does give the Secretary flexibility. The certification for UN action are not required until the year 2007. This gives the Secretary of State and the U.S. Ambassador to the UN 2 years to lobby the UN at Turtle Bay to do what is best in its interest. It allows the Secretary in 2007 to certify UN reforms are substantially similar to or accomplish the same purpose as the requirements in the act. It allows for certification of all 39 requirements if only 32 are completed in 2007. It allows an extra year to complete the final seven certifiable reforms.

Some reforms are protected from a waiver, but the ones protected are the most fundamental, such as making internal oversight independent with an independent budget and accountability provisions in the budget.

Now, if you think it is going to kill the UN to be accountable, then let us say so today. But if it is going to save the UN by making it accountable, let us say that, too. These are things that are achievable. They are absolutely necessary. The certifiable reforms that we list in our bill are absolutely necessary. There are a few who would dispute the areas we highlight, but equally important, these reforms are achievable. This legislation was very carefully crafted to address the numerous areas in need of reform but to do so in a responsible way.

The Chair yields back his time, and recognizes Mr. Smith of New Jersey.

Mr. SMITH OF NEW JERSEY. Thank you very much, Mr. Chairman. And let me just say I thank you and Mr. Pence for offering this UN reform legislation to this Committee today. Sweeping reform of the United Nations on a myriad of fronts, including human rights and peacekeeping, is compelling and long overdue. The Hyde-Pence UN reform measure under consideration is similar to

the vexing problems that it seeks to reform; it is in itself sweeping, it is comprehensive, and it is compelling.

On peacekeeping, for example, I would point out to my colleagues that the bill requires a global mandate and a review of mandates. Or, I should say, a review of mandates so that deployments are right-sized and they are justified: The adoption of minimum standards of qualifications for senior leaders and, the adoption of a uniform code of conduct that is applicable to all. Nobody is above the law from the top to the very bottom of the UN chain of command. Predeployment training on mission mandates a certain code of conduct, including on the ever pervasive problem of trafficking. In my Subcommittee on Africa, Global Human Rights and International Operations, we held two hearings on UN peacekeeping, and we focused in one of those hearings on the ongoing or at least hopefully, recently ended atrocities occurring in the Congo. Many of our witnesses made the point that there was zero tolerance when it came to the UN on peacekeeping and the rape of 13- and 14-year-olds, sometimes for a loaf of bread. However, there was zero compliance. I do think, to its credit, that the UN is trying to change. I do believe that Prince Zeid and other officials, including Dr. Jane Hall Lute, who did brief our Committee are making Herculean efforts to try to reform from within. I do believe the Hyde amendment puts additional impetus and push to that effort to let them know, even if they don't like some of the particulars, that we mean business and that the Congress is on the side of reform.

We support UN peacekeeping. It provides a very useful service to the world, to suffering individuals around the world in places where there is conflict or could be conflict. Also, the UN can go in some cases where others might not be able to, including the United States. So there is a very, very real value to UN peacekeeping. We want to ensure that we have a peacekeeping force that is deployed that is second to none and lives up to the highest standards.

I would point out that at our briefing, Dr. Jane Hall Lute, the Assistant Secretary General for Peacekeeping Operations, said, and I quote her: "The blue helmet has become black and blue through self-inflicted wounds, and some of our number . . ." meaning her and others, "will not sit idly by until the luster of the blue helmet is restored. It is unacceptable. It is completely unacceptable." Then she went on to make her statement.

The Subcommittee feels, and I feel the same way, that the Blue Helmets, the recipients of the Nobel Peace prize not so long ago, do a very valuable service for humanity. This legislation tries to ensure that they do it and that they do it right, and that those that commit atrocities, rape and pillaging will be held accountable. Regarding the database that will be established, I asked a series of questions during the hearing: Who keeps track of these peacekeepers and whether they commit acts of pedophilia or other acts of atrocities against the local population? There is no one. This legislation requires that a database be established so violators are tracked and they are not given an opportunity to recommit those atrocities.

On the human rights front as well, we all know that the Human Rights Commission has become utterly dysfunctional. I go over to that commission almost every year, and we see rogue nations sit-

ting in judgment of other nations and in league with each other to prevent those countries from being held accountable. Nations like Sudan and others work the building, work the members, and work the Ambassadors to ensure the language that finally comes out of the UN Commission on Human Rights is watered down. Cuba does it. Other countries do it.

I do think Secretary-General Kofi Annan is leading a noble effort to reform. This legislation adds another push to try to ensure that human rights are transparent, that there is no chicanery when it comes to enforcement of internationally recognized standards.

So I do want to thank you, Mr. Chairman, for your sponsorship of this legislation, and I do thank my friend the Ranking Member for his contribution. I know there is a little difference of opinion here, but hopefully over time we can work out those differences.

Chairman HYDE. Thank you very much. The gentleman from New Jersey, Mr. PAYNE.

Mr. PAYNE. Thank you very much, Mr. Chairman. And although we are one of the smallest states in the Union, you can see that we can differ in opinions as wide as this country is long and wide.

I could not oppose this wrong bill at the wrong time in the wrong place. To talk about reform, I think, is something that is noble, it is right, it is just, it is what ought to be. When we look at the United Nations, it is a complicated institution, as we have heard, 191 nations, tremendous differences in culture, religion, race, language, and therefore it is pretty difficult to try to make it work. But I would hate to see a world without a United Nations. And it looks like some people want to see a world without the United Nations, because it is very clear, perhaps not the Chairman, but many others would love to see the United Nations simply cease and desist.

I thought the ostrich had taken its head out of the sand decades ago. However, in a dangerous world, a world where we need to have friends, where we need to share in the danger, we are talking about destroying an institution that has done more to keep the world safe and sound and free of diseases. Just think where we would be without the United Nations. And that is what it appears to me we want to see. We stopped paying our dues back in the 1990s, as a matter of fact, as quiet as it was kept, that there was reluctance to send in peacekeepers to Rwanda because the United States hadn't paid its peacekeeping dues, and they didn't even know whether they were going to be able to get people to go in. Unfortunate. The Helms amendment kept us from paying peacekeeping dues.

When the United Nations started, we paid about 50 percent of the costs, down to 33 percent, we are down to 28, we are down to 22. We have reformed it. We have reformed it by reducing our share. We have reduced taxes. And that is what I guess is a major move in this country. Actually, by us reducing our share, it actually has increased disproportionate poorer countries because it is supposedly based on gross domestic product. And if you look at our GDP and what we pay as opposed to the other countries, we are way off.

But this is certainly wrong. Timothy Wirth, the former U.S. Senator and President of the United Nations Foundation, said that

leadership and vision is now the most needed ingredient for the UN's reform process. Change and reform require firm, consistent policy and strong, persistent diplomacy. Threatening to withhold funds is an idea that sounds good if you say it fast enough, but in fact is most often cost ineffective and definitely counterproductive.

There is a climate for UN reform. The UN knows it. We know it. To put in these punitive methods that will kill the organization if they went in, we have some serious problems in this world. Our country, tremendous debt, overstretched military resources, growing powers around the world. You know, no man is an island and no nation stands alone, nor is any nation an island and no nation can stand alone. However, we have people who seem to think that we can stand alone.

I have got children, I have got grandchildren, I hope to have great-grandchildren, and I want to see this world a safer place for them. To destroy the United Nations, as this bill will, will not make it safer for them. And that is my goal, as anyone would want for their children and their grandchildren and their great-grandchildren. I would not want my legacy to be that I am making this a more dangerous place for them.

Thank you.

Chairman HYDE. The gentleman from California, Mr. Rohrabacher. Would the gentleman yield to me for 1 second.

Mr. ROHRABACHER. I certainly will.

Chairman HYDE. I will make the flat statement that you can't have reform if you don't withhold dues. You can wish and you can pray, you can do all sorts of things, but if you don't withhold the dues, it is an empty gesture.

Mr. Rohrabacher.

Mr. ROHRABACHER. Yes, and I rise to respectfully oppose Mr. Lantos' amendment.

And let me just note that Mr. Lantos and I agree on many things and have taken many stands together. I think when you make a stand, you have got to make a stand. It is time for us to do that today. It is time to be definitive. It is time to draw a line in the sand.

It is not time for ambiguity or hyperbole about destroying the UN. It is not time to pass the buck and to delegate responsibility to maybe some official over in the Executive Branch.

It is time for us to say what is necessary and the standards that must be met if we are going to continue to finance this institution with the tax dollars of the American people.

The United Nations not only has not met expectations, but in some cases, has been a negative factor in this world. And we need to make sure that if the United Nations is to have any chance of meeting that vision that we heard about so many years ago, and we are hearing about today, we make sure we are doing that by setting a standard and reforming the United Nations in order to ensure that it continues going in that direction instead of being dragged down by forces, and corrupt forces, within the institution.

The United Nations in many, many cases has made a mockery out of human rights. Mr. Lantos knows that; he is one of the greatest champions of human rights in the Congress. Peacekeepers, the United Nations peacekeepers have committed horrible crimes, and

the waste of resources by the United Nations is beyond imagination.

Well, we have seen a United Nations not only not reaching its goal, but we have seen a United Nations in which corruption is reaching the very highest levels of the organization. And a lack of accountability and transparency is an insult to those who are paying the bill. And let us remember, today, we are the ones who represent the people paying the bill. These same people are demanding that the United Nations operate with some guidelines and some standards, if we continue, or that money will be a waste.

Peacekeeping operations, yes, should be supported, but only if the United Nations has taken the actions that will ensure that United Nations peacekeepers are not committing crimes against their own people that they are there to protect.

And the suggestions that have been made in this bill, or the mandates and requirements that have been made by our United Nations reform bill are responsible. They are very reasonable. And if the United Nations refuses to take those steps necessary to protect people from the United Nations peacekeepers themselves, we should not be financing them or participating with them.

Should the decision be left as to whether or not we are going to implement these reforms to one executive, unelected official in the Executive Branch of our Government; or should we set the standard today and give notice and give plenty of time to the United Nations and to our own officials to work out the agreements? That is the central issue of the Lantos amendment.

I say it is not time to delegate our authority again to the Executive Branch, but to represent the taxpayers and the people of the United States of America. Set the standards, give adequate time, as the Chairman has stated, plenty of adequate time to meet these standards, but if the United Nations refuses the reforms that are necessary to make it accountable, to have transparency within their operation, to ensure that peacekeepers are not committing crimes against the people they are supposedly protecting, then we should not delegate this decision to the Executive Branch, but should instead, today, in a very loud and clear voice say that this is not acceptable to us or the taxpayers, and we will not continue to fund the organization.

Today, if we back down and if we compromise just as the process of reform is being launched, what can we expect at the end of the process?

Chairman HYDE. The gentleman's time has expired.

Mr. ROHRABACHER. I would thus oppose the Lantos amendment.

Chairman HYDE. The gentleman from Massachusetts, Mr. Delahunt.

Mr. DELAHUNT. Thank you, Mr. Chairman. I think that while we are discussing the UN and reform of the UN, at the same time the gentleman from Iowa, Mr. Leach, has really addressed what is even more fundamental in terms of our deliberations here today, and that is something that really sets the United States of America apart. It is called the rule of law.

We hear much in the halls of Congress about the rule of law. I want to associate myself with the remarks of Mr. Leach. I think he has captured, really, what we are doing here today, if we sup-

port the base bill. We are telling the world that we will cherry-pick our responsibilities and we will send a message that things are changing in the United States.

Well, I don't believe they are. This is something that is so fundamental in terms of what America stands for, about American leadership, about our justifiable claim to moral authority.

Clearly, there is a consensus for reform in the UN. It is important that there be change so that the UN can be adapted to meet the challenges of the 21st century. And there are multiple proposals out there that share that common goal, including a comprehensive proposal put forth by the Secretary-General that seems to have generated widespread support among member nations.

There is also a task force being co-chaired by Newt Gingrich, the former Speaker, and George Mitchell, former Majority Leader in the U.S. Senate, and financed by this Congress that will shortly produce a report. It would be my preference to wait for that report, to give it some thoughtful analysis and consideration.

But that is not going to happen. Instead, we are on the verge of passing legislation out of this Committee that will undermine the United Nations, and that is bad for the United States. Because if the UN cannot carry out the important tasks that it has assumed, and we have been part of the decision-making to confer those tasks on the United Nations, then we will have to pick up the slack and the tab.

Let us not deceive ourselves, the United Nations needs American leadership, but the United States also needs the UN. This bill could very well force the U.S. military, which we know is already overstretched—one only has to read the daily reports coming out of Iraq and the lament of United States generals along the Syria-Iraqi border—that we would be compelled to deploy more military forces to inhospitable venues to restore order.

We only have to look in our own back yard. There are 6,700 blue helmets and another 1,400 UN police working to keep order in Haiti today. But without the UN presence, the United States would be left with the responsibilities of restoring order and providing security in Haiti, or else we would be dealing with a failed state right in our own back yard.

And I daresay the expense of keeping the Marines in Haiti would be greater than our total annual commitment to the United Nations, both assessed and voluntary. And as the world's richest nation, the pressure would be on us to deal with failed states like Haiti all over the world, to provide relief on our own for natural disasters, to combat disease, and to help rebuild war-ravaged societies.

The Administration has repeatedly stated it does not support withholding our dues. Mark Lagon, the Deputy Assistant Secretary for the State Department's Bureau of International Organizations and the man who helped write Helms-Biden, said as much in a response to a question that I posed to him before this Committee just recently.

Likewise, Mr. Kennedy, the former Ambassador to the United Nations for Management and Reform, the American point man for reform at the UN, said this before a hearing of the Oversight and Investigations Subcommittee in March, and I am quoting, "I cannot

recommend withholding because it is potentially too blunt an instrument.”

I find it ironic that I am in agreement with the Administration. I can only speculate as to why the Republican Majority would not insist on hearing from the Secretary of State before offering legislation that would potentially damage our national security.

Chairman HYDE. The gentleman's time has expired.

The gentleman from California, Mr. Royce.

Mr. ROYCE. Thank you, Mr. Chairman. In response to the gentleman from Massachusetts' comment concerning the rule of law, part of this reform package, in fact, is designed to promote transparency and accountability and responsibility, and things that are complementary to the rule of law, but things which are sadly lacking at the United Nations at this time.

I just wanted to add that I appreciate the gentleman from California, the Ranking Member's substitute. What I appreciate about it is that it strives to move from assessed to voluntary funding for certain programs. We share that goal. However, we differ on the means to get there. The difference is that the Chairman's bill, of course, requires this. The substitute encourages this.

I appreciate Mr. Lantos' work. We just differ on how to get to this end goal.

The reason I think we must make this vital change, the reason I think that this leverage is necessary is the same reason that we hold hearings in this Committee, and it is the same reason we ask for reports from the State Department; it is to keep these programs on their toes and held accountable. Right now, I have to tell you, these programs at the United Nations that we are discussing are on autopilot. They get their funding every year no matter what. By nature, voluntary funded programs are more accountable, they are more effective, and there is no incentive to get the job done if your funding is guaranteed.

My experience, through programs like the African Growth and Opportunity Act and the Millennium Challenge Account, tells me, if we set benchmarks for countries, they will strive to meet them. I believe the same concept is true here. Voluntary programs have the incentive to produce results and to be transparent. Doing so will enable them to attract more voluntary contributions and increase their mission.

We should also consider that moving from assessed to voluntary, frankly, will create buy-in for member states. I suspect many Members have never heard of these 18 programs until today, because we have never had to discuss them before. We have programs here, such as the regular program of Technical Cooperation and the Economic Development in Europe, and so on. We have never had to discuss them. Their funding was never in doubt.

It is never in doubt at the United Nations. They are on autopilot at the United Nations, and that is in contrast to many of the named programs of the institution that we discuss regularly, like the UNDP and the UNHCR. The difference is, their funding is voluntary. That should tell us something.

Lastly, this move enhances the United States' ability to lead at the United Nations, and the United States is a leader in that organization. Many countries follow the U.S. lead on making voluntary

contributions to these various programs. For nearly 60 years, as we know, the United States has been the single largest financial contributor to the UN system. Given that history, I don't think it is too much to ask that we lead in moving it to a more transparent and efficient and accountable system.

I yield back.

Chairman HYDE. I thank the gentleman.

Mr. Blumenauer of Oregon.

Mr. BLUMENAUER. Thank you, Mr. Chairman. I have appreciated the exchange, the ebb and flow here so far this morning. I appreciate what you and Mr. Lantos have set as goals for the performance of the United Nations, and listening to individual Members' analyses. Mr. Leach's, I thought, was very interesting.

I am of the opinion that some of the rhetorical flourishes this morning are a little overblown. I personally don't think that, while I disagree with the approach here, if it were somehow enacted, I don't think it is going to destroy the United Nations. The time has long passed where the United States can pull the plug and eliminate the United Nations. We started it. We were instrumental in moving it forward.

And there was a time when we undercut the League of Nations, and that led to all sorts of problems in Europe and world conflict. But now, with 190 other countries, with the United States' role in terms of its economic power diminishing—Japan already supplies 19 percent of the United Nations budget, with a much smaller economy than ours—the thought that somehow our action, were we to enable it, would pull the plug on the United Nations has passed.

The issue is the nature and role of our leadership and how we are going to accomplish most directly these reforms.

Unilateral action on behalf of the United States dealing with the United Nations has not helped us in the last several years, and certainly the approval of the Bolton nomination, were that to happen, is not likely to engage us more deeply in a cooperative fashion in the United Nations. We created it, we need this entity as much or more than it needs us.

Now, as I mentioned, I am in agreement, Mr. Chairman, about many of the areas of reform you have identified and supported by Mr. Lantos. Although I would note parenthetically that I have had a lot more pressure and pointed questions from churches at home, campuses at home, editorial writers at home wondering how the United States tolerates abuse of people in our custody, most recently the front page article about the innocent Afghan being beaten to death by American soldiers, and wondering what Congress is doing to focus on that where we have direct control and oversight responsibility, than I have heard about the abuses in the United Nations.

Maybe your experience is different, but for me, I am hearing far more about making sure that our house is in order, that we are transparent, that we are following through.

The legislation before us, in either form, is very unlikely to pass Congress in anything near the version that we have. I think it is wrong to tie the hands of any Administration. I would have felt this way about the Clinton Administration; I feel it about the Bush Administration and Secretary Rice. And any Member of this Com-

mittee can talk to people that you have confidence in in the State Department and hear why they think this is an inappropriate approach.

We are, in fact, going to very likely set back the effort of long-term reform by signaling to the United Nations that we are going to do another unilateral act and that we are going to try and force these things through. I think it is less likely we are going to get the cooperation we need from the other 190 countries.

I appreciate the focus on these concerns. I appreciate the commitment of our Chairman and Ranking Member and the passion that is being exhibited by Members on this Committee, but with all due respect, I think listening to the current Secretary of State, former Secretaries of State in both parties who share the goals, who have worked to try to move them forward, I would strongly urge against these unilateral actions that are likely to make our long-term objectives harder to achieve.

Chairman HYDE. I thank the gentleman.

The gentleman from Arizona, Mr. Flake.

Mr. FLAKE. I thank the Chairman. I thank the Chairman for bringing this bill forward. I will be very brief, but simply say this is not unreasonable at all. We have waited and waited and waited for some of these reforms for a long time, and the UN has been fully capable of moving ahead with some of these reforms on their own, yet they haven't.

I think we have the power of the purse here. We provide a great deal, 25 percent of the total budget, even higher with peacekeeping, and it is not unreasonable at all. I think the Chairman has been very careful to ensure that they have sufficient time necessary to do what they need to do.

When you continue to hear what is coming out of the UN, you just have to conclude that they just don't get it. And unless you have a little stronger incentive for them to get it, they simply won't.

I was reading an account of the World Economic Forum discussion just a few weeks ago in Jordan. Lakhdar Brahimi, UN Special Adviser, was talking about the insurgents in Iraq and said, "There is a legitimate aspect of the resistance there." I mean, statements like that, you just have to come back and say, Are these guys going to reform without some added pressure in terms of money?

And I would commend the Chairman for what he has done. I think he has been very careful. I believe I will have an amendment, and others will on the Floor, that will, I think, make this an even better bill; but I would love to see it move forward, and I plan to vote for it. Thanks.

Chairman HYDE. I thank the gentleman.

Ms. Berkley of Nevada.

Ms. BERKLEY. Thank you, Mr. Chairman, and I also appreciate the discussion that we have had. I have to admit to a great sense of frustration with the United Nations and a great deal of internal conflict regarding what to do about it.

Sixty years after its founding, the United Nations is unable to do the job for which it was chartered. It is handcuffed by the biases of its members and by its own ineffectiveness. A refusal to enforce Security Council resolutions in Iraq, charges of corruption in the

Oil-for-Food Program, an inability to stem the proliferation of nuclear weapons to the world's most dangerous regimes, near constant condemnation of Israel, and a strong anti-Semitic bias demonstrate that the UN is unfairly biased and ineffective.

Bureaucratic waste and corruption is rampant. Frivolous uncontrolled spending is the norm. Budgets for certain programs, I believe, should be reduced dramatically. Certain programs should be transferred from the excess budget to the voluntary contribution budget. Reforming the United Nations is long overdue.

I find it very difficult to believe that the UN cannot use its influence to help reform various UN specialized agencies, including the Food and Agriculture organization, Internal Civil Aviation organization, and the Internal Labor organization. These agencies don't exist in a vacuum. And to suggest that the UN has absolutely no control over these specialized agencies doesn't seem correct to me.

The way the UN peacekeeping operations are conducted must also be transformed, in my opinion; and I would support withholding U.S. troops from any new peacekeeping missions until the system has been altered. When Congressman Leach, with all due respect, stated that the United Nations is very aware of what we are considering today and they are appalled, let me suggest that I don't believe many member nations to the United Nations have any standing to criticize the United States and be appalled by our actions. I am rather appalled by theirs.

I am going to support the Lantos amendment, but if it fails, I am considering supporting the underlying bill if for no other reason than to send a message to the United Nations. I don't believe the United Nations is useless, and I don't wish to destroy it. Its vision and purpose are noble and right. The reality is, unfortunately, quite different.

What makes me hesitate in my support of the Hyde amendment, and there are several reasons why I do hesitate, one of the reasons is that many of the reforms suggested in the Hyde proposal require unanimous consent from all 191 member-states to implement. One hundred ninety-one member-states include countries such as North Korea, Iran, and Syria. I cannot see how we can get unanimous consent and how this can happen.

So when many of our colleagues suggest that this proposal is designed to end our Nation's support of the UN and, therefore, end the United Nations for all intents and purposes, I can certainly understand and share their concern that this might be too Draconian. So I am going to continue to listen to my other colleagues.

What I think concerns me the most is that the United Nations could be and should be such an important force for world peace and doing the right thing and implementing its original mission, and the fact that we have strayed so far from that, I think, is very unfortunate. It is unfortunate for all of us, and I would like to be able to do something about that.

I don't know whether withholding our money is the answer. Certainly continuing the way we are doesn't seem to be the answer either. It certainly doesn't satisfy me.

Thank you, Mr. Chairman.

Chairman HYDE. Would the gentlelady yield to me for a brief moment.

Ms. BERKLEY. Certainly, Mr. Chairman.

Chairman HYDE. A two-thirds vote, not a unanimous consent vote, is required in the UN, except on budgetary matters where there must be unanimous consent on the budget. But, otherwise, two-thirds will do it.

Ms. BERKLEY. May I reclaim my time and ask you a question?

Chairman HYDE. Surely.

Ms. BERKLEY. Aren't many of the proposals that you are suggesting of a budgetary nature?

Chairman HYDE. Yes, they are. There are some budgetary and some not, but that is the lineup. It is two-thirds or unanimous consent if it is a budget matter.

I thank the gentlelady, and I did appreciate her statement.

Ms. BERKLEY. Thank you.

Chairman HYDE. Mr. McCotter of Michigan.

Mr. MCCOTTER. Thank you, Mr. Chairman. I speak in opposition to the distinguished Ranking Minority Member's amendment.

It is fascinating to listen to the discussion, because in some ways it is what is not said, and what has not been said is that this bill is prospective. This does not punish the United Nations for the Oil-for-Food scandal, it does not punish them for the inappropriate deeds of the peacekeepers in the Congo, what this does is gives them a chance to reform. So I would think the United Nations should be grateful at this point in time that many people, myself included, were unable to have them punished for their past misdeeds that we have yet to see any rectification of.

Secondly, we hear so much that the U.S. will have to do, X, Y and Z, if we remove 50 percent of our funding from the United Nations; that we live in a world where the United States needs friends. Well, I don't have to buy my friends. My friends agree on things with me because we believe they are important to do. There are certain fundamental beliefs, our core beliefs, that are in convergence with each other. Thus, if Haiti is a problem with the United States, I would think Haiti is a problem for the rest of the world. If Darfur's genocide is problem for the United States, then it should be a problem for the rest of the world. And whether the United States pays 100 percent or 50 percent, it would still remain a problem for the rest of the world. And I would hope that their compassion and core convictions would lead them to come to fight for what is right for the rest of humanity.

Now, if you are saying that if we don't buy them with 100 percent of our dues, that somehow they will be derelict or abdicate their goals for humanity, then that is a shame and that is an indictment of the United Nations, not of the United States.

In terms of the overall consequences, you know, let's say I hire a contractor to build a doghouse in my back yard where I can sleep when my wife is upset with me. And the contractor looks at me and he doesn't do any work and he insults me all day. And so I say to my neighbor, "You know, I have this problem with the contractor building my doghouse; he just doesn't do any work and he insults me all day." And the neighbor says, "Did you think about saying, 'If you don't finish this up, I am only going to pay half?'" And I look at him and say, "No, I had better pay him 100 percent because at least he will insult me all day long. But if I only pay him 50 per-

cent, he won't do anything at all, and I don't think that is a very good bargain."

You are trying to say that we have to pay 50 percent or 100 percent to maybe get the UN to do the right thing, and I don't think that is a good bargain. If the UN is a derivative reality, then it is also a derivative investment, and I think if we spend our money wisely; if the UN is corrupt, it is better to keep the money here to pour into our national defense and domestic programs than it is to pour it into the derivative reality which is not necessarily acting in our best interest.

Further, having made the mistake of reading some of the legislation in front of us, it seems to me that the two distinctions between the amendment, which is very well intentioned and well written, and the underlying bill, which is very well intentioned and well written, amounts to this: Under the Chairman's bill, if the UN meets 31 of 32 requirements, it will then run the risk of automatically losing 50 percent of its funding. You may like that, you may not. However, under the amendment, if the United Nations does zero reforms, they can still get 100 percent of our funding.

I would prefer to run the risk under the Chairman's bill that the UN meets 31 out of 32 and receives half our dues than I would prefer to run the risk, if they do not do anything, they can still wind up with 100 percent of our dues. It would seem to be a more sane course.

For those who truly want reform, you should argue for the Hyde bill. This is a very firm and consistent policy, that if 32 objectives are not met, you will not get but 50 percent of the U.S. dues.

Under the Minority Member's amendment, there is discretion involved, which will then lead to an inconsistent policy based on the exigency where we find ourselves, which may or may not lead to reform.

So, Mr. Chairman, I thank you for this opportunity, and thank you for all your work, and the Minority Members as well.

Chairman HYDE. Thank you, sir.

Ms. Napolitano of California.

Mrs. NAPOLITANO. Thank you, Mr. Chairman. Sitting here listening to my colleagues' dialogue, I, for one, had not been very much in favor; and if you will recall, I was critical of their handling of the Oil-for-Food Program, and asked questions in regards to other programs that could also be in jeopardy. And I certainly agree with many of the comments that have been made.

I associate myself with the comments of my colleague from Nevada, Ms. Berkley.

You know, this bill, it just places unreasonable demands on the United Nations and does not give our Secretary of State the leeway to negotiate. We have agencies that we give them authority to be able to do these things. If we want to pull out, then say so, but don't dilly-dally around and say that the UN is not doing their job and there is nothing we can do about it.

I still think we need the UN and the UN needs us. Where would the world be without the United Nations? The rest of the deficiencies need to be addressed, and that is something the State Department should be able to work toward with our support. So I certainly don't agree with total withdrawal in the Hyde bill.

I am sorry, Mr. Chairman. It is just a little too much for me, even though I don't agree with some of the things that have happened. And I certainly hope that there is going to be oversight in making sure these things are rectified.

I would support Mr. Lantos' amendment, because I think it does have the possibilities that I would like to look for.

So thank you, and I yield back my time.

Chairman HYDE. I thank the gentlelady.

Ms. Ros-Lehtinen.

Ms. ROS-LEHTINEN. Thank you very much, Mr. Chairman, for the opportunity to speak against the substitute and in favor of the Chairman's bill. I wanted to talk about two specific items, or arguments, that have been made about the substitute. One is arrearages and the other is violation of international law.

The argument has been made that this bill, the Chairman's bill, would create arrearages, and we have just paid off the bulk of our arrearages under Helms-Biden. Why are we going to put ourselves in that position again? I will give you three good reasons why that is not going to happen.

The Kassebaum-Solomon amendment in 1985, a congressional directive to withhold contributions in 1994 unless an international oversight structure was implemented, and the Helms-Biden legislation in 1999 clearly have shown that Congress can prompt meaningful change in the United Nations if we apply the power of the purse.

For example, in Kassebaum-Solomon, Congress was able to use the power of the purse to promote budgetary accountability problems and make sure that we cleaned those up by the eventual implementation of consensus-based budgeting procedures. In 1994, the UN established the Office of Internal Oversight as U.S. withholdings were looming upon that institution.

And then in Helms-Biden, Congress agreed to pay the U.S. arrearages to the UN if changes were made. The UN agreed to the changes, and the U.S. paid.

So we are now in 2005, and I would be shocked if I were to find a single Member, just one Member who would state that the UN is doing just fine as it is.

We have got to act, Mr. Chairman, and change requires leadership. The responsibility for promoting change is being led by the United States Congress, by our bill, specifically this Committee and our Chairman, Henry Hyde.

No arrearages have to result from this legislation if the UN were to take action to address the needs that they have for efficiency, accountability, and effectiveness, all of which they lack. And if the UN fails to act, why should the United States continue to pay for programs that operate essentially with a blank check? No accountability for producing results, no checks undated, inefficient, duplicative initiatives, no effective results; and we have a human rights body that allows violator countries to sit as the arbitrators of human rights.

So if arrearages do result from this legislation, which I doubt, maybe it will serve as a much-needed wake-up for the United Nations and would provide incentives for that change.

Another argument, in the 30 seconds I have, Mr. Chairman: It says this bill would put us in violation of international law because of our failure to pay assessed dues to the UN as agreed to in the General Assembly. Contributions to the UN are subject to authorization and appropriations of the United States Congress. We have a duty to the American taxpayers to ensure good stewardship of their dollars. We have to hold the UN accountable.

All countries benefit from an efficient, transparent, accountable UN, and it is not just in the U.S. interest. This bill would not put us in violation of international law.

Chairman HYDE. Would the gentlelady yield?

Ms. ROS-LEHTINEN. Yes, Mr. Chairman.

Chairman HYDE. I find it fascinating that through all of the hearing we have had this morning not one criticism has been lodged against a reform. It is all on the consequences if they do not reform that is so horrible. But the reforms that we request, that we require, there doesn't seem to be any question about those.

I just thought that was sort of interesting.

Ms. ROS-LEHTINEN. I totally agree with the Chairman. Thank you for bringing that up.

Mr. LANTOS. Would the gentlelady yield?

Ms. ROS-LEHTINEN. Mr. Lantos, if I could first just wrap up my argument.

I want to read a quote from Ambassador Jean Kirkpatrick, who pointed out very clearly many years ago why this bill, the Chairman's bill, would not be in violation of international treaties. She says: "It is sometimes argued that as signatories to the treaty we assume an absolute legal obligation to pay the assessed share of the budget. It seems to me, after consultation and reflection, that this obligation is real, substantial, and serious, but that it is not absolute." It is not absolute. "We should not assume however," continuing with Jean Kirkpatrick's comments, "any expense proportioned by the General Assembly is absolutely valid."

I think reforms are needed. We are going to pay our dues, but we cannot continue with the UN as it is now.

I thank the Chairman for the time.

Chairman HYDE. Thank you.

The gentleman from California, Mr. Lantos, is recognized for 1 minute. We will just kind of sneak this in. Go ahead.

Mr. LANTOS. Thank you very much, Mr. Chairman.

Let me just remind my colleagues that a higher authority gave us the Ten Commandments, and this Committee proposes to give 39 commandments to the United Nations. And even if only 38 of those commandments will be adhered to, half of our budget is withheld automatically.

Now, for the life of me, I cannot grasp the omniscience behind the number of 39. We could have devised 52 commandments or 27, but we are now stuck with the figure 39. And if by the appropriate time only 38 of these will have been achieved by the United Nations, automatically, without any further action, half of United States dues to the UN are terminated.

The logic of putting ourselves in a straitjacket absolutely escapes me when, in point of fact, we could make intelligent, rational judgments through our Secretary of State at the time when it is called

for. Clearly, 535 people cannot have that discretionary power. Only one person can have it, and the appropriate person is the Secretary of State.

Thank you, Mr. Chairman.

Chairman HYDE. I would just like to respond to my friend from California that 39 is the reduced figure. We had double that number of programs. We cut it down to 39.

Mr. LANTOS. I am impressed, Mr. Chairman.

Chairman HYDE. A demonstration of our sparkling mood.

Ms. Watson of California.

Ms. WATSON. I would like to thank the Chairman for this time to speak at a level of diplomacy.

I have worked with the UN. There are 191 members, as has been said, representing many different areas of the world with many different traditions, customs and beliefs. In my recent travels, I have sensed a disdain toward the United States for many of the actions we have taken. Yes, the UN does need to be reformed, but I do not think this is the way to do it.

We have programs that we all support. I am concerned about the genocide in Darfur, I am concerned about the number of UN peacekeepers that we can send to hot spots throughout the globe. If we automatically pulled the funding out, we would not be able to participate relevant to our size and our wealth. We would no longer be the lead player in the world because we are not supplying the contributions that will allow the UN to react when necessary.

So I think we need to go back to the drawing board. I think that the Lantos amendment offers a way. It is not perfect, but the base bill would do the UN more harm than good. The message we send from here to the UN is that we are going to cut your feet out from under you.

We must work with nations who make up that 191 membership. We must do more to understand what we are dealing with and not pull out their life's blood. If we do that, we are not going to reach our goals, and particularly at a time when this country is going out around the globe asking for democracy.

We are going to have to back that up with resources. We are going to have to back the UN up with personnel and people and study groups.

So I don't think either one of the proposals is ready yet. However, I opt to support the amendment and hope that we can include in the amendment, Mr. Lantos, maybe a requirement for the Secretary to come for an annual oversight hearing and do us an annual report as to how we are meeting the goals.

Thank you so much, Mr. Chairman.

Chairman HYDE. I would like to announce that we have only about five more speakers, and then we will probably vote on this very important amendment around 12:30. So if you could check your hunger pangs until we vote, I would be appreciative.

Mr. Schiff.

Mr. SCHIFF. Mr. Chairman and Members, the world has changed dramatically since the United Nations was founded 60 years ago—and not only since then, but in fact, the world has changed dramatically in the last 5 years. The UN has been very slow to reform itself, and if we are candid with ourselves, so have we.

We are in the midst of reforming our intelligence agencies, our Department of Homeland Security, we are engaged in a military transformation that is taking altogether too long, and if there is any institution that has been slow to reform itself, it is the Congress itself, which has been very slow to act at all on the recommendations of the 9–11 Commission vis-a-vis the organization of Congress.

I have expressed my concern as a Member of the Subcommittee on Oversight and Investigations that while we have had several very important hearings on United Nations reform, we have yet to begin oversight of many of our own institutions.

I think the main issue before us today is, what is the challenge facing the United Nations? I think the biggest challenge facing the United Nations is to redefine itself from its mission of six decades ago with a focus on state-on-state warfare, to intrastate violence, to the danger of stateless terrorism, to the stubborn issues of poverty and disease.

Reform is essential, and the Chairman is exactly right, the encouraging thing about this hearing is that we are all not only united on the need for reform, but in fact on the very reforms that are being proposed. We have to end the corruption present in the institutions within the United Nations, as exemplified by Oil-for-Food; we have to end allowing human rights abusers a say in human rights issues; we have to end the endless attacks upon the democratic state of Israel, and we have to end the paralysis that allows the tragedy of Darfur and others to continue.

The question before the Committee, as the Chairman points out, is, how is this reform best achieved? Is it best achieved by starving the United Nations of funds if it fails to meet a pace of reform that all would like, but none truly believe is possible?

In the substitute from my colleague, Mr. Lantos—and I want to compliment him for all his fine work on this—the Secretary of State is given discretion to use the threat or the reality of dues reduction to achieve reform. This is a considerable leap of faith for many on this Committee, to place that level of discretion in the Secretary of State. And I assure those in the Majority, if they are uncomfortable giving the Secretary that discretion, it is nothing compared to those in the Minority who are uncomfortable giving the Secretary that discretion.

The advantage, of course, in giving the Secretary discretion is that depending on what is happening in the world, on the eve of new elections in Iraq, or requesting UN assistance on the drafting of a Constitution or other imperatives of national security, that the Secretary of State can consider the world situation and how withdrawing our dues at that moment would affect these other critical national security interests of the country.

Does the Majority really believe Dr. Rice will be too soft on UN reform, that she would coddle the UN, that she cannot be trusted with the discretion the Lantos bill provides? I remind the Majority, this is the same Secretary of State championing John Bolton's appointment for Ambassador to the United Nations. If that doesn't give the Democratic Members pause, I don't know what will.

If giving the Administration the power to withhold dues does not spur reform at the UN, I don't know what will either.

Of course, if the goal is not reform, but to starve the beast, well that is a different matter altogether. If we set such standards on ourselves, the pace of reform we are demanding of the United Nations, we would be cutting the legislative budget for Congress, not increasing it.

There is little dispute on this Committee of the need for reform or the direction of reform. That is the good news. The choice, I think, before us today is whether we work within the United Nations to achieve reform or we work without it. And given the critical areas where we need the United Nations, where they provide beneficial assistance, I think we work within the United Nations to achieve reform, not without it.

And I would like to conclude, Mr. Chairman, by asking unanimous consent to insert in the record excerpts of testimony by Mr. Kennedy, Ambassador to the United Nations, and also testimony of Deputy Assistant Secretary of State Mark Lagon, both of whom testified against the wisdom of an imperative dues withholding.

I request that unanimous consent, and with that would be happy to yield back the balance of my time.

Chairman HYDE. Without objection, so ordered.

[The information referred to follows:]

EXCERPT OF REMARKS BY PATRICK KENNEDY, AMBASSADOR TO THE UNITED NATIONS FOR MANAGEMENT AND REFORM, UNITED STATES MISSION TO THE UNITED NATIONS

OVERSIGHT & INVESTIGATIONS SUBCOMMITTEE HEARING ON "UNITED NATIONS OPERATIONS: INTEGRITY AND ACCOUNTABILITY," MARCH 2, 2005

There is a group that we have put together in New York. It is called the Extended Group for want of a better name. It is about 25 or 30 countries that make some of the major contributions to the U.N.

It is a like-minded group that seeks reform. It is the European Union, Canada, Australia, New Zealand, Russia, Switzerland, Norway, Japan, South Korea, and the United States.

We discuss these things, and we meet regularly to plan strategy, and when I can say, or my colleagues can say to them that our Parliament, our Congress, is very interested in making sure that every dollar is spent by the U.N. correctly, they listen and they hear that.

But then this goes to the kind of tools, and **I cannot recommend withholding, because it is potentially too blunt an instrument**, and let me give you an example. Let us say that you suggest that we achieve three goals, A, B, and C, whatever they might be. And I am in the process of negotiating an agreement with 190 other member states to get something done. And I can get A and B, and in the process of the negotiations, I get D and E.

That total package, A, B, D, and E, is greater than A, B, and C, in terms of a major step forward in terms of improving the United Nations operations. But I am now forced to withhold our contributions, causing the U.N. not to be able to assist the new Government of Iraq.

It was the United Nations that helped the Iraqi electoral commission, and to put on the elections that just took place. And there are two more elections set for Iraq this year; one to approve the new Constitution that will be written shortly, and a second to elect a new Government.

The Iraqis have never had an election up until the one a couple of weeks ago in a free and fair society. They need United Nations' help, the same help that is being given out. So I need to be able to say that my legislature is very interested in improvements.

But sanctions when I am negotiating improvements, the sanction of withholding is too blunt because it is not targeted enough. If I can get X, Y, and Z, instead of A, B, and C, I believe that I can come up and present that and you would accept that that is a better goal than the original.

And then if I am withholding, then it does not achieve our joint goals of improving U.N. operations and improving the ability of the United Nations to serve as a tool that assists us in achieving our national security goals.

EXCHANGE BETWEEN REPRESENTATIVE WILLIAM D. DELAHUNT AND DEPUTY ASSISTANT SECRETARY OF STATE FOR INTERNATIONAL ORGANIZATIONS MARK LAGON

HOUSE INTERNATIONAL RELATIONS COMMITTEE HEARING ON "REFORMING THE UNITED NATIONS: BUDGET AND MANAGEMENT PERSPECTIVES," MAY 19, 2005

REP. DELAHUNT: Yes, thank you, Madam Chair.

Mr. Secretary, if there should be a—let me rephrase that. What's the position of the administration on the withholding of dues? If this committee should come forward with legislation that incorporates withholding of dues, a percentage thereof, whatever—I'm certainly not supportive of that. What's the position of the administration?

MR. LAGON: In general we welcome legislation that shows that the Congress stands strongly behind the administration's effort for reforms. Specifically to answer your question about withholdings, the Executive Branch has made a request for appropriations in their authorization for our dues for both the regular budget and the peacekeeping budget. And we stand by that.

REP. DELAHUNT: Okay. So let me be clear because I think it's important that we do be clear and that we don't equivocate. But it's the position of the administration that the United States should pay its appropriate dues to the United Nations? Not a maybe, not a percentage, but you pay its full dues to the United Nations.

MR. LAGON: It's an obligation we have signed onto.

REP. DELAHUNT: Thank you.

Chairman HYDE. The gentleman from California, Mr. Sherman. He is not here. Ms. Lee of California.

Ms. LEE. Well, thank you, Mr. Chairman. Let me first just say, I think this is a healthy discussion, a healthy debate. And I must be quite frank with you and this Committee, I think—and we all have agreed, myself included, that there is need for reform at the United Nations, but I guess I must ask the question: Is the goal of this resolution, is the goal of the Administration and what the Congress is trying to do, is it real reform or is it really an effort to begin to dismantle or to withdraw from the United Nations?

And I have to say that because when I look at the nominee for the United Nations Ambassador post, you look at Mr. Bolton and his public statements of, I must say, disdain for the United Nations, then you look at the move now to withdraw our dues, I have to really question what we are up to.

I think it is very terrible, and it is a dangerous message to send on the eve of the 60th anniversary of the founding of the United Nations that we are still trying to figure out how to have our way all of the time, and that is what this is about.

We are part of a family of nations. There is no way that the United States can achieve our national security goals by withholding dues and by wanting or attempting or sending a message that we are willing to withdraw from this complex and collaborative process that requires diplomacy when it is in the United States' interest.

We seem to go to the United Nations and demand the UN pass certain measures, and generally the United Nations does. One of my colleagues said, "Friends must believe in what the United States believes in or else we don't have a responsibility to do much of anything." Well, I must respectfully disagree with that.

The rest of the world may not agree with what the United States says. Many of us have traveled all over the world, and we know.

And Congresswoman Watson talked about the lack of respect that many in the world have with regard to the United States at this point because of our unilateral actions and because of our demands that only our view be the view, and that other points of view not be considered valid.

So I think we get it. Many of us get it. And I think this is more than just about UN reform. I hope it is not.

But I think we should pay our dues and we should work with the United Nations to address not only reform efforts, but many of the complex problems and difficulties that the world has and that we must achieve in terms of sorting through.

When we have weapons of mass destruction and nuclear weapons pointed in all directions, you are going to tell me that we want to send a message that we have got to withdraw our dues, hold it as a form of blackmail until we get everything that we want, when we are part of a global community, a family of nations?

And so I just think this is a terrible, it is a horrible message to be sending to the United Nations and the rest of the world during a time when we are celebrating, or we should be celebrating, the 60th anniversary of its founding. We should be initiating efforts to win friends so that we can influence friends, so that we can begin to work more closely with the family of nations to achieve not only the United States' national security needs, but peace and security and stability throughout the world.

Thank you, Mr. Chairman.

Chairman HYDE. Thank the gentlelady.

Mr. BERMAN of California.

Mr. BERMAN. Thank you, Mr. Chairman. I missed the Chairman's opening statement in favor of the bill, but I listened carefully to Mr.——

Mr. LANTOS. Could we repeat the opening statement, Mr. Chairman?

Mr. BERMAN. But I listened to Mr. Pence's arguments. And put aside for a second the wisdom of these two approaches in terms of achieving the reform.

The argument of the gentleman from Indiana was basically an argument premised on the power of the purse and the use of the power of the purse. But there is a provision in this bill that has nothing to do with the power of the purse and which I have heard no comment on and which I would love to hear the gentleman from Indiana or the Chairman of the Committee defend, especially given the Chairman of the Committee's repeated commitment to keeping Congress from interfering with the prerogatives of the President, of the Commander-in-Chief, and that is that if this bill were to pass, the day after it passed, this law requires the President of the United States to veto a peacekeeping operation, either a new one or the expansion of an existing one, unless a certain number of the reforms provided for in this bill are adopted.

Those reforms are very good reforms. In fact, they are compelling reforms. But the notion that this Congress would mandate the President to exercise a veto of a peacekeeping operation is of dubious constitutionality and is really stupid. Because, let's say for a second, the problems of China vis-a-vis Sudan or some outbreak someplace in the world, and we have a consensus on the Security

Council, including the veto-wielding powers on the Security Council; that a new UN operation, which perhaps requires no obligation in terms of United States troops, comes up, an operation like the one undertaken in Sri Lanka or perhaps the one embracing the relatively meager efforts now going on in Darfur, with the more meaningful and robust UN peacekeeping operation.

We are requiring—because of the failure of the UN to undertake some of the reforms required, primarily dealing with codes of conduct involving UN peacekeeping troops, we are requiring the President to veto it. That is like saying we are going to prohibit the police departments of a local agency from undertaking any law enforcement operations until such time as they provide for an independent police-civilian review board and a code of conduct to overcome past brutality charges and allegations. It makes no sense.

It has nothing to do with the power of the purse and invades the progress of the Executive Branch in terms of foreign policy and exercising the veto at the United Nations, and it should be struck from this bill.

I would love to hear some defense of this provision, which is unrelated to the withholding of dues and which limits so dramatically the flexibility on something which we might all agree is a sensible operation for the UN to proceed on.

Chairman HYDE. I thank the gentleman.

Mr. Gallegly from California.

Mr. GALLEGLY. I thank the Chairman for yielding and I will yield to the gentleman from New Jersey, Mr. Smith.

Mr. SMITH OF NEW JERSEY. I thank my friend for yielding. In response to my good friend and colleague from California for raising what I think is a very good question, there are a total of seven vital, achievable reforms in the certification section.

Five reforms are linked to an immediate withholding of support for new or expanding missions. They include: (1) adoption of a uniform code of conduct; (2) training on the code of conduct; (3) signature of an oath to abide by the code of conduct; (4) designing programs to explain prohibitive acts to host populations; and (5) the creation of a centralized database to track cases of misconduct.

I would point out that two additional reforms that would not have to be certified until January 1, 2007, would be the adoption of a model memorandum of understanding and establishment of an independent investigative and oversight function.

So the first five, I would point out, have already been endorsed and raised except for the oath by the Commission. The C-34 Commission has been meeting at the United Nations. This legislation basically tries to give it additional oomph so that these very important reforms don't fall through the cracks and says that we are putting our power of the purse, to use the gentleman from Indiana's term, behind trying to make sure that they do indeed happen.

Mr. BERMAN. Would the gentleman just yield on that?

Mr. SMITH OF NEW JERSEY. Let me also point out to my colleagues that my good friend and colleague, Ms. Lee, mentioned earlier about how maybe there is some thought here of dismantling the United Nations. If you look at the next bill that we will be marking up, the Foreign Relations Act of 2006, 2007, the State Department bill, we in that bill double the amount of money for

peacekeeping. We go from \$483 million to \$1,035,000,000. And that is to accommodate five new missions that have already been approved or expanded in Burundi, Sudan, Cote d'Ivoire and Haiti.

Mr. BERMAN. Would the gentleman yield? I would ask unanimous consent the gentleman have 1 additional minute.

Chairman HYDE. The gentleman's time has expired.

Mr. BERMAN. I would ask unanimous consent to give 1 additional minute.

Chairman HYDE. Without objection, so ordered.

Mr. BERMAN. Would the gentleman yield?

Mr. SMITH OF NEW JERSEY. Sure.

Mr. BERMAN. Would the gentleman from California yield?

Mr. GALLEGLY. I would yield to the gentleman.

Mr. BERMAN. I thank the gentleman for yielding. My point wasn't the validity of these proposed reforms. They are compelling, as I said. My point was the bill requires the President of the United States to instruct the Secretary of State to veto any new peacekeeping operation or any expansion of a peacekeeping operation. It has nothing to do with holding dues or providing some oomph to achieve those reforms, which are so compelling. It says, notwithstanding the fact that it is in the world's interests and U.S. national interests for some new peacekeeping operation to take place, even if one or more of those five reforms haven't yet been fully implemented, including, I might add, the training of a very large number of peacekeepers, the U.S. must exercise the veto and kill that peacekeeping operation.

Chairman HYDE. Would the gentleman yield to me?

Mr. GALLEGLY. I would yield to the Chairman.

Chairman HYDE. The gentleman certainly has the United States in a UN hammerlock. Why should we have to designate any operation with our troops or with our money as a UN peacekeeping? If we want to send troops over to somewhere in Leach. Or into Haiti as American troops, we can do it. We don't have to do it under the—

Mr. BERMAN. Would the gentleman yield to me?

Chairman HYDE. Sure.

Mr. GALLEGLY. Mr. Chairman, how much time do I have remaining?

Mr. BERMAN. I ask unanimous consent the gentleman have 1 additional minute.

Chairman HYDE. Without objection, so ordered.

Mr. GALLEGLY. I would yield to Mr. Berman.

Mr. BERMAN. My point is we are talking about a UN peacekeeping operation that need not involve any U.S. troops. Take East Timor. East Timor was an operation sanctioned by the UN Security Council, led by the Australians, as far as I understand, except perhaps with a little bit of logistical help, no United States peacekeeping troops. That was in U.S. interests. The bill as now written goes far beyond the issue of withholding dues. It requires the Secretary of State or the UN Ambassador under the direction of the Secretary of State to veto that operation. You go too far, not for the first time.

Mr. SMITH OF NEW JERSEY. Would my friend yield? I think it should be made very clear that with all of these five safeguards

which ensure that the peacekeepers are being deployed to places like the Congo, where you have exceedingly vulnerable populations, such as 13- and 14-year-olds, as we heard at that witness table just a few months ago when we held our hearing on the Congo, why wouldn't we want to ensure that before we muster and send out into the world a group of peacekeepers, that they wouldn't have the training, the kind of code of conduct that would ensure that they don't rape and pillage? And when I say rape, we are talking about raping 13-year-olds. That is what happened. This isn't conjecture. We have already been alerted to a fact that we have a serious ongoing problem.

Mr. BERMAN. Tell it to the people of Darfur.

Mr. SMITH OF NEW JERSEY. And we want to ensure, too, that those who are deployed there—and I think that the African Union is going a great job in trying to ensure that the troops that will make up that force are indeed properly vetted—are not sent into a situation where they become part of the problem, not part of the solution.

This is minimalist stuff. This isn't exceedingly hard to do. This is already on the same page that the United Nations is on with the C-34 group and with Prince Sayad.

Mr. GALLEGLY. Reclaiming my time, Mr. Chairman. I yield back.
Chairman HYDE. Thank you.

Mr. Adam Smith of Washington.

Mr. SMITH OF WASHINGTON. Mr. Chairman, I made it clear that I did not wish to speak.

Chairman HYDE. Mr. Chandler of Kentucky.

Mr. CHANDLER. Thank you, Mr. Chairman.

I would like to associate myself, first of all, with remarks of Mr. Leach of Iowa and several Members on this side of the aisle. There is no question whatsoever that reforms are needed at the United Nations, but I do not believe that this is the way to achieve those reforms. We should be steadfast in our determination to improve the UN, but it must be done within the Constitution of the United Nations, if indeed we believe in the very notion of a United Nations. This bill is very akin, in my view, to the little child who takes his ball home when he doesn't get his way. We must work within the international system in order to gain the respect of the international community.

Over the last several years we have lost a great deal of respect throughout the world. I would suggest to you that our standing in the international community may have never been lower than it is today. This bill, I believe, would further erode our standing.

I think it would be wise for us to remember that we make up less than 5 percent of the population of this world. I believe it is rather important for us to gain and maintain the respect and the friendship of the other 95 percent. I believe it to be important indeed to our national security that we gain the respect and the friendship of the rest of the world. If every country in the world decided to withhold its dues because it did not agree what the UN did in certain instances, as this bill purports to do, the result would be utter chaos.

In sum, I know that this bill is well intentioned, I know that the efforts are sincere, and I know that the cause is just and the re-

forms are necessary. I find myself agreeing very strongly with the gentleman from Iowa, and will vote for the Lantos amendment, but intend to vote against the underlying bill. Thank you, Mr. Chairman.

Chairman HYDE. Thank you.

Mr. Weller.

Mr. WELLER. Thank you, Mr. Chairman. I yield my time to Mr. Pence from Indiana.

Mr. PENCE. I thank the gentleman for yielding. And I want to thank my colleague Mr. Berman for his compliments about the Hyde-Pence bill. I will look forward to quoting his description of these as good reforms on the House Floor. I say that very seriously, having an enormous amount of respect for the gentleman.

But as to the assertion of the reform that calls for the immediate withholding of support for new or expanded peacekeeping missions if the United Nations fails to meet the five criteria so effectively described by my colleague from New Jersey, Mr. Smith, a little bit of context. Mr. Berman says these reforms go too far.

Mr. BERMAN. No, I didn't.

Mr. PENCE. Retaining my time. Not according to the UN. The UN Special Commission on Peacekeeping has embraced all five of these reforms. It is in the wake of the extraordinary and unchallenged revelations of the rape of girls as young as 10 years old by UN peacekeeping officials, the intimidation of witnesses, the trafficking in child pornography, in photographic recreations of these barbaric incidents has brought the United Nations Special Commission on Peacekeeping to the table.

And the reforms that the Hyde-Pence bill calls for are not only not going too far, but they are precisely that which has been endorsed by the United Nations. They can be accomplished not in a matter of years, but, according to the United Nations, they can be accomplished in a matter of months or even weeks. Well they should be accomplished.

Within the confines of the balance of my time, I would respond to the gentlelady's remarks earlier where she asked what are we up to, which I think is a very good question to always ask colleagues in Congress. I want to say, as the only named co-sponsor, original named co-sponsor of this thoughtful measure, I cannot speak for Chairman Hyde, nor do I think I have need to. People in this institution know his heart and his integrity. As to this conservative's intentions in this bill, it is to achieve nothing less than the reforms that will ensure the continued vitality and credibility of the United Nations in the 21st century.

If we did not have a United Nations, we would have to invent it. But the United Nations today has, through scandal and profound mismanagement, become a disgrace, and it runs the risk of marginalizing itself as it increasingly becomes what President John F. Kennedy said in his inaugural address, a "forum for invective against the West." Only through the reforms contained in the Hyde bill with the enforcement in the Hyde bill that is not included in the Lantos amendment will we achieve the reforms necessary to ensure the ongoing vitality of this institution.

It is not in my heart or in my purpose, nor do I believe it is in the heart or the purpose of the esteemed Chairman of this Com-

mittee, to undo the UN, but it is to redo it with reform with teeth. A central part of that are the five reforms that Mr. Berman referred to: Calling on the President of the United States to stand with the UN Special Commission on Peacekeeping and say that unless and until in the weeks and months that it will be required to implement these five specific reforms to ensure that these abuses will not occur by peacekeepers again against innocent civilians, that we will withhold U.S. participation in new or expanded missions. And I yield back.

Mr. BERMAN. Point of personal privilege, Mr. Chairman.

Chairman HYDE. Mr. Berman.

Mr. BERMAN. I think my comments were unfortunately, and I am sure unintentionally, totally mischaracterized by the gentleman from Indiana. I never said these reforms went too far. I said the sanction to get these reforms went too far. Requiring the President to veto any new or—peacekeeping operation or any expansion of a peacekeeping operation without the regard to the merits of it, the extent to which it is in U.S. national interests, is a sanction both constitutionally questionable in terms of being forced by Congress and unwise in terms of U.S. foreign policy.

Chairman HYDE. I thank the gentleman.

Ms. LEE. Mr. Chairman.

Chairman HYDE. Ms. Lee.

Ms. LEE. May I respond to the gentleman in 1 minute, please?

Chairman HYDE. Okay, 1 minute, please.

Ms. LEE. I just wanted to say to the gentleman who just made his remarks that what I believe in terms of reforming the United Nations or helping to reform the United Nations requires collaboration, it requires working with the United Nations. It does not require such a measure as withholding of our dues, because, in fact, if we withhold our dues, and other nations begin to withhold their dues seeing that that is a strategy that is allowable, then, in fact, we will have no United Nations.

Mr. SMITH OF NEW JERSEY. Would the gentlelady yield?

Ms. LEE. Yes.

Mr. SMITH OF NEW JERSEY. I would just observe that it has been my experience that conditionality, especially when it relates to human rights, is about the only way to get the attention of people who are violating, especially when they are violating with impunity. Friends don't let friends commit human rights abuses.

The sad but real fact on the ground is that the Human Rights Commission has become a joke riddled with hypocrisy. In UN peacekeeping, very, very good people make up the majority of the ranks, but a disproportionate number of violators of human rights and people who are in this for reasons other than peacekeeping need to be reigned in.

We have found, whether it be the International Relations Freedom Act or the Trafficking and Victims Protection Act where we linked conditionality, funds in response to whether or not a country in that case, in this case an organization, were making progress in the area of human rights—so I do think conditionality—we are not saying withhold, we are saying conditionality reigns here.

Mr. PAYNE. And would you yield a second, Ms. Lee? The five issues that were mentioned by the gentleman that said it will go

into reform in the next month or 2, a year or so, were done without any kind of conditionality.

Chairman HYDE. The gentleman is not recognized.

Mr. PAYNE. Oh. Here I am.

Chairman HYDE. He is seen, but not recognized.

Mr. PAYNE. Okay.

Chairman HYDE. I think we have discussed this quite enough except for one more speaker, and that is me.

Mr. ACKERMAN. Mr. Chairman.

Chairman HYDE. Who is addressing the Chairman?

Mr. ACKERMAN. Mr. Chairman, I am over here.

Chairman HYDE. The Chair recognizes Mr. Ackerman.

Mr. ACKERMAN. I thank the Chair. I think this has been one of the better discussions that we have ever had. I especially like the part about the doghouse. I think that is really good. Sometimes there is a great need for doghouses, and a lot of us have been there. I would agree with the gentleman from Michigan in his presentation if I agreed that the UN was our contractor, and if it wasn't doing our bidding and building things our way according to our timetable because we hired them, then I would cut off the pay of my contractor because that is a different relationship, I think, between a customer and a contractor than is between a country constituent of an international organization, which I believe the UN is, rather than a contractor that we have hired.

Mr. MCCOTTER. Would the gentleman yield on that point?

Mr. ACKERMAN. Momentarily.

We are all citizens of the United States, and as citizens—and that is also a voluntary thing—we have to pay our dues to our country. It is in the form of taxes usually. If we don't like what our Government is doing, are we entitled to make unilateral decisions that there is not enough transparency, that the Government isn't sticking steadfastly to the appropriate code of conduct, that U.S. soldiers haven't done things that are of a terrible nature in different parts of the world, therefore giving me the right to withhold part of my taxes and you the right to withhold part of yours if you see things that you don't like?

In order to make this country work, we have to have enough respect for each other to fully participate, and in order for us to be as a Nation respected in the world body, we have to participate in that as well. The UN is not a contractor. If I thought I needed a doghouse, and the contractor wasn't working fast enough, my other option would be to build it myself. And I know what kind of carpenter I am. It would be a lot more expensive and take me a lot longer. And looking around the world with all of the problems and hot spots that we have and those that are yet to evolve, we would be in the permanent business of building doghouses all over the world at enormous cost and living in most of them.

I yield back the balance of my time.

Mr. MCCOTTER. Would the gentleman yield on the point?

Mr. ACKERMAN. I would be delighted.

Mr. MCCOTTER. The point is, is not in terms of relation to member countries, but in terms of Mr. Annan and others who are the administrative bureaucracy. They are contractors for every single

member nation. So, ergo, they do have a contractual relationship—

Mr. ACKERMAN. Reclaiming my time, Mr. Chairman.

You know, a lot of people have problems with the policies of Mr. Bush. That still doesn't give us the right to withhold our taxes. We still have to be positive, and we still have to have reforms from within, and we still have to have a consensus.

Mr. MCCOTTER. Again, but if the gentleman would yield. The point is not about the policies that they have pursued, it is about the misfeasance and malfeasance that has been seen in the organization.

Mr. ACKERMAN. That is exactly my point. Some of us think that there are problems even here in our own country, but does that give us the right—and this is still the greatest country in the world. I am sure the gentleman will feel free, on the Floor, to quote me, as Mr. Berman. Despite the fact, we have to still stick to the program, and we still have to participate in our country as our country has to participate as a reasonable player on the international stand.

Chairman HYDE. All time has expired. The Chair recognizes himself for 5 minutes prior to calling for the vote.

I would like to answer a few of the remarks that have passed up here. One of them was don't you trust Condi Rice? I not only trust her, I revere her. But I have never seen a Secretary of State from Thomas Jefferson on down to Condoleezza Rice who could withstand paying dues to some international organization. We take that burden from her by mandating the withholding of dues.

One of the most interesting aspects of this debate is the fact that Mr. Lantos' bill and his supporters' is identical with Mr. Hyde's bill and his supporters' except for the powers given to Condi Rice. The power given to Condi Rice's flexibility, she can waive it, she can allow them \$1 instead of the 50 percent. She has total control over the pursestrings under Mr. Lantos' bill.

But every one of the Democrats that is going to vote for his bill—and God bless them all—every one of them is voting to withhold dues as a means of enforcing reform, only they withhold the dues in a different fashion than we do. We legislate them. We say we have had enough waivers and waiving of point of order like we do every year on the budget time and time again to make it a meaningless document. We are going to have teeth in reform. We are going to legislate it. It isn't impossible. You can do 32 of 39 and still be certified; you have 2 more years to do the rest. But it is the identical format, the identical reforms, only it is the Secretary of State that has the authority, and we legislate it. That is the difference. So if you are for reform, you have a choice.

Now, with that—

Mr. LANTOS. Mr. Chairman.

Chairman HYDE. Yes. I yield to Mr. Lantos.

Mr. LANTOS. I appreciate that very much. Let me first commend all of my colleagues on both sides of the aisle for this well-informed, respectful, and intelligent discussion. And I specifically want to thank my good friend from Indiana, Mr. Pence, and you, Mr. Chairman, for your legislation.

Let me also say that the Chairman is correct. We believe that the problems at the UN are serious, and we are prepared on this side to go as far as to withhold dues in extremis, if reason, persuasion, recommendation are all unsuccessful.

Now, you, Mr. Chairman, have just indicated that you revere Condi Rice. I don't think I would use the word revere, but I have a great deal of respect for her. And in the vote about to ensue, we will have the unusual, almost extraordinary phenomenon of Members on the Democratic side providing the Secretary of State, charged to conduct U.S. foreign policy, flexibility for a time period that is yet to come.

The original legislation creates an unchangeable automatic mechanism of a 50 percent cut in United States dues to the United Nations. What this means is that if, in fact, 38 of the 39 commandments are fulfilled, a 50 percent automatic dues reduction follows. In our judgment, if 38 of the 39 commandments are fulfilled, the Secretary of State, whoever she or he may be, ought to have the judgment and discretion and flexibility to withhold an appropriate amount if he or she so demands. The notion that 39 is the magic number, and this incredibly complex and profoundly flawed organization of 191 members must meet all 39 criteria appears to this Member an absurdity which will not, in fact, unfold.

Thank you, Mr. Chairman.

Chairman HYDE. You are welcome. The Chair would like to say that the prospect of the Secretary of State withholding dues from the UN is also a far-fetched prospect.

The question now arises on the substitute offered by Mr. Lantos. I think, instead of wasting time with a voice vote, we will do a roll-call. So the clerk will call the roll.

Ms. RUSH. Mr. Leach.

Mr. LEACH. Yes.

Ms. RUSH. Mr. Leach votes yes.

Mr. SMITH from New Jersey.

Mr. SMITH OF NEW JERSEY. No.

Ms. RUSH. Mr. Smith votes no.

Mr. Burton.

[No response.]

Ms. RUSH. Mr. Gallegly.

Mr. GALLEGLY. No.

Ms. RUSH. Mr. Gallegly votes no.

Ms. Ros-Lehtinen.

Ms. ROS-LEHTINEN. No.

Ms. RUSH. Ms. Ros-Lehtinen votes no.

Mr. Rohrabacher.

Mr. ROHRABACHER. No.

Ms. RUSH. Mr. Rohrabacher votes no.

Mr. Royce.

Mr. ROYCE. No.

Ms. RUSH. Mr. Royce votes no.

Mr. King.

Mr. KING. No.

Ms. RUSH. Mr. King votes no.

Mr. Chabot.

Mr. CHABOT. No.

Ms. RUSH. Mr. Chabot votes no.
Mr. Tancredo.
Mr. TANCREDO. No.
Ms. RUSH. Mr. Tancredo votes no.
Mr. Paul.
Mr. PAUL. Yes.
Ms. RUSH. Mr. Paul votes yes.
Mr. Issa.
[No response.]
Ms. RUSH. Mr. Flake.
[No response.]
Ms. RUSH. Mrs. Davis.
Mrs. DAVIS. No.
Ms. RUSH. Mrs. Davis votes no.
Mr. Green.
Mr. GREEN. No.
Ms. RUSH. Mr. Green votes no.
Mr. Weller.
Mr. WELLER. No.
Ms. RUSH. Mr. Weller votes no.
Mr. Pence.
Mr. PENCE. No.
Ms. RUSH. Mr. Pence votes no.
Mr. McCotter.
Mr. MCCOTTER. No.
Ms. RUSH. Mr. McCotter votes no.
Ms. Harris.
Ms. HARRIS. No.
Ms. RUSH. Ms. Harris votes no.
Mr. Wilson.
Mr. WILSON. No.
Ms. RUSH. Mr. Wilson votes no.
Mr. Boozman.
Mr. BOOZMAN. No.
Ms. RUSH. Mr. Boozman votes no.
Mr. Barrett.
Mr. BARRETT. No.
Ms. RUSH. Mr. Barrett votes no.
Mr. Mack.
Mr. MACK. No.
Ms. RUSH. Mr. Mack votes no.
Mr. Fortenberry.
Mr. FORTENBERRY. No.
Ms. RUSH. Mr. Fortenberry votes no.
Mr. McCaul.
Mr. MCCAUL. No.
Ms. RUSH. Mr. McCaul votes no.
Mr. Poe.
Mr. POE. No.
Ms. RUSH. Mr. Poe votes no.
Mr. Lantos.
Mr. LANTOS. Yes.
Ms. RUSH. Mr. Lantos votes yes.
Mr. Berman.

Mr. BERMAN. Yes.
Ms. RUSH. Mr. Berman votes yes.
Mr. Ackerman.
Mr. ACKERMAN. Yes.
Ms. RUSH. Mr. Ackerman votes yes.
Mr. Faleomavaega.
Mr. FALEOMAVAEGA. Yes.
Ms. RUSH. Mr. Faleomavaega votes yes.
Mr. Payne.
Mr. PAYNE. Yes.
Ms. RUSH. Mr. Payne votes yes.
Mr. Menendez.
[No response.]
Ms. RUSH. Mr. Brown.
Mr. BROWN. Yes.
Ms. RUSH. Mr. Brown votes yes.
Mr. Sherman.
Mr. SHERMAN. Yes.
Ms. RUSH. Mr. Sherman votes yes.
Mr. Wexler.
Mr. WEXLER. Yes.
Ms. RUSH. Mr. Wexler votes yes.
Mr. Engel.
Mr. ENGEL. Yes.
Ms. RUSH. Mr. Engel votes yes.
Mr. Delahunt.
Mr. DELAHUNT. Yes.
Ms. RUSH. Mr. Delahunt votes yes.
Mr. Meeks.
Mr. MEEKS. Yes.
Ms. RUSH. Mr. Meeks votes yes.
Ms. Lee.
Ms. LEE. Yes.
Ms. RUSH. Ms. Lee votes yes.
Mr. Crowley.
Mr. CROWLEY. Yes.
Ms. RUSH. Mr. Crowley votes yes.
Mr. Blumenauer.
Mr. BLUMENAUER. Yes.
Ms. RUSH. Mr. Blumenauer votes yes.
Ms. Berkley.
Ms. BERKLEY. Yes.
Ms. RUSH. Ms. Berkley votes yes.
Mrs. Napolitano.
Mrs. NAPOLITANO. Yes.
Ms. RUSH. Mrs. Napolitano votes yes.
Mr. Schiff.
Mr. SCHIFF. Yes.
Ms. RUSH. Mr. Schiff votes yes.
Ms. Watson.
Ms. WATSON. Yes.
Ms. RUSH. Ms. Watson votes yes.
Mr. Smith from Washington.
Mr. SMITH OF WASHINGTON. Yes.

Ms. RUSH. Mr. Smith from Washington votes yes.

Ms. McCollum.

[No response.]

Ms. RUSH. Mr. Chandler.

Mr. CHANDLER. Yes.

Ms. RUSH. Mr. Chandler votes yes.

Mr. Cardoza.

Mr. CARDOZA. Yes.

Ms. RUSH. Mr. Cardoza votes yes.

Chairman Hyde.

Chairman HYDE. No.

Ms. RUSH. Chairman Hyde votes no.

Chairman HYDE. Mr. Issa.

Mr. ISSA. No.

Ms. RUSH. Mr. Issa votes no.

Chairman HYDE. Mr. Flake.

Mr. FLAKE. No.

Ms. RUSH. Mr. Flake votes no.

Chairman HYDE. Have all voted who wish? If so, the clerk will announce the roll.

Ms. RUSH. On this vote, there are 23 ayes and 24 noes.

Chairman HYDE. The amendment is not agreed to.

Mr. LANTOS. Mr. Chairman.

Chairman HYDE. Mr. Lantos.

Mr. LANTOS. Pursuant to the rules of the House, I respectfully request the requisite time to file additional views.

Chairman HYDE. Without objection, so ordered.

Are there any further amendments to the bill?

Mr. LEACH. Mr. Chairman, I have an amendment at the desk.

Chairman HYDE. The clerk will report the Leach amendment.

Ms. RUSH. Amendment offered by Mr. Leach from Iowa. At the appropriate place in the bill, insert the following new section and conform the table of contents accordingly—

Mr. LEACH. Mr. Chairman, I ask unanimous consent that—

Chairman HYDE. Without objection, the further reading of the amendment is dispensed with, and the gentleman from Iowa is recognized for 5 minutes in support of his amendment.

[The amendment referred to follows:]

Mr. LEACH. Thank you, Mr. Chairman. I will try to be brief.

This is a self-explanatory, one-sentence amendment simply saying it is the sense of Congress that the United States should support a regionally balanced expansion of the Security Council to include Japan, India, Germany, Brazil, and an appropriate African state, all members without veto authority.

The proposal is consistent with the December 2004 report of the UN high-level threats, challenges, and change, as well as the March 2005 report of the Secretary-General of the UN reform. It advances the four principal criteria set out in these reports: One, that we should increase involvement and decision-making of those who contribute most to the UN financially, militarily, and diplomatically; second, that we should bring into the decision-making process countries more representative of the broader UN membership; thirdly, that we not impair the effectiveness of the Security Council; fourthly, that we increase the democratic and accountable nature of the body.

I would just add one final note that, congruent with these reports, the phrase “regionally balanced” used in the amendment implies the possibility of additional seats for African emeritus. And I yield back the balance of my time.

Mr. LANTOS. Mr. Chairman.

Chairman HYDE. The Chair is inclined to accept the amendment. However, we will listen to any discordant notes, if there are any.

Mr. LANTOS. Mr. Chairman.

Chairman HYDE. Mr. Lantos.

Mr. LANTOS. I want to commend my friend from Iowa for offering this amendment, and I would like to inquire whether he would agree to a slight modification. His amendment as currently phrased concludes by adding “an appropriate African country as a permanent member of the Security Council.” Since there is a great deal of dispute as to whether it should be Nigeria or South Africa, or whether these two countries could alternate the African seat, would you accept a modification that allows for alternation of the African representation?

Mr. LEACH. I would be very open to that, and I think that is very appropriate.

Mr. LANTOS. Under those circumstances, we are pleased to accept that.

Mr. LEACH. Maybe we should then say country or countries.

Mr. ENGEL. Mr. Chairman.

Chairman HYDE. Mr. Engel.

Mr. ENGEL. Thank you, Mr. Chairman.

I, of course, am going to support the amendment, but I wanted to ask the sponsor of the amendment a question. This amendment does not in any way, shape, or form put us on record as opposing any other country who may be included when the United Nations expands its permanent members of the Security Council; am I correct about that?

Mr. LEACH. That is correct.

Mr. ENGEL. Thank you. Because I have long contended that Italy for many reasons deserves—if the Security Council is going to expand, then Italy ought to be part of that expansion as a new permanent Security Council member. And I just wanted to make sure

that this wouldn't imply that somehow or other these are the only countries that we supported.

Chairman HYDE. Is there further discussion?

Mr. ROHRABACHER. Mr. Chairman, just a point of information or a point of inquiry. Have we had hearings on this specific idea of expanding the United Nations with these countries? Has there been that?

Chairman HYDE. No, we have not.

Mr. ROHRABACHER. All right. Just to note, I think this is a very important decision, it is significant, and I think we should talk about it before we just bring it up for a vote like this. That is just my opinion. Thank you.

Mr. SCHIFF. Mr. Chairman.

Chairman HYDE. Mr. Schiff.

Mr. SCHIFF. Mr. Chairman, I just wanted to echo the comments of my colleague from California. I think this is a very significant issue as well that deserves more debate than I think we will probably have time to give it today, and I would suggest that we have a hearing perhaps devoted to this topic before—

Chairman HYDE. I wonder if I might ask Mr. Leach how disposed he is to defer this for a short while if we immediately have some hearings on it? Does the gentleman—would he prefer going ahead now without hearing?

Mr. LEACH. Well, I appreciate the point the gentleman has made. I will say that this bill deals with UN reform. The principle UN reform in a meaningful sense on political authority relates to the Security Council. This is the subject that is of the most extraordinary significance. This Congress, or at least this Committee, has moved in an absolutely extraordinary way that I believe is outside our constitutional judgmental authority in a direction that is outside the judgment of all parties in the world. What I have presented is—outside this country, that is.

What I have presented is an amendment that has been of a signal discourse in many places other than this Congress, and I think it is the most relevant subject to UN reform. If we are going to have a bill on UN reform, I don't see how it can be done. Whether—I mean, it is true we have not held a hearing, but that is to our discredit, not to the import of the issue, which is thoroughly relevant to this bill. If we are going to be doing something that is poking every other country in the world in the eye, why don't we at least do something that shows we are cognizant of international discourse on UN reform that meets—that is done in a way that is sensible?

This is a sense of the Congress the U.S. should support. That is exactly the way the underlying bill should have been structured, and it would have received unanimous endorsement from this Committee. But I for the life of me, I think it fits this bill, it fits the subject matter. To duck it is to duck the biggest issue of UN reform that we have.

Mr. ROHRABACHER. Would the gentleman yield for a question? If it was so important, why didn't we push this before and have hearings on it? You are a leader in this, you are Ranking—you are one of the leaders here, you are on the top row here. Why didn't you request hearings on this a long time ago?

Mr. LEACH. Well, that is a fair criticism of me, but this is not necessarily a reason not to have it on the bill.

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

Chairman HYDE. Before any of that, I think the Chair is going to request Mr. Leach to withhold his amendment and let us have some hearings expeditiously so we may thoroughly study this question, and then come back with an informed Committee action.

Mr. LEACH. May I ask the Chair a question, because I want to defer to the Chair. But would this—if we defer this amendment, which is thoroughly appropriate to this bill, would you object, if the bill comes to the Floor and we haven't held hearings at that point in time, that I be allowed to offer it on the Floor?

Chairman HYDE. Well, I want to accommodate the gentleman in any way possible.

Mr. LEACH. Then I would like to accommodate the Chair, and I would be happy—

Chairman HYDE. It is just that there is feeling or resistance to moving such a consequential amendment without some hearing. So I would guarantee early and expeditious treatment and get this back to the Full Committee very soon.

Mr. LEACH. Fair enough. Then I would withdraw the amendment.

Chairman HYDE. All right. I thank the gentleman very much.

Mr. Paul.

Mr. PAUL. Mr. Chairman, I have an amendment.

Chairman HYDE. The clerk will report the amendment.

Mr. PAUL. The amendment that talks about getting out of the United Nations. I have two of them there.

Ms. RUSH. American Sovereignty Act.

Mr. PAUL. That is it.

Mr. ACKERMAN. Mr. Chairman, have we had a hearing on getting out of the United Nations?

Chairman HYDE. I have never heard that suggestion.

Mr. ACKERMAN. Could we postpone this until we have that hearing?

Chairman HYDE. I suppose that would be—

Mr. ACKERMAN. Does anybody want to accommodate me? I object.

Chairman HYDE. Does anybody need to study this question any more?

Mr. PAUL. I ask unanimous consent that the amendment be considered as read, and that we proceed.

Chairman HYDE. Without objection, so ordered. The clerk will report the amendment.

Ms. RUSH. Amendment offered by Mr. Paul of Texas—

Mr. PAUL. I ask that it be considered as read.

Chairman HYDE. Without objection, so ordered.

[The amendment referred to follows:]

AMENDMENT TO H.R. 2745
OFFERED BY MR. PAUL OF TEXAS

Strike all after the enacting clause, and insert the following:

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “American Sovereignty
3 Restoration Act of 2005”.

4 **SEC. 2. REPEAL OF UNITED NATIONS PARTICIPATION ACT.**

5 (a) REPEAL.—The United Nations Participation Act
6 of 1945 (Public Law 79–264; 22 U.S.C. 287 et seq.) is
7 repealed.

8 (b) TERMINATION OF PARTICIPATION IN UNITED
9 NATIONS.—The President shall terminate all participation
10 by the United States in the United Nations, and any
11 organ, specialized agency, commission, or other formally
12 affiliated body of the United Nations.

13 (c) CLOSURE OF UNITED STATES MISSION TO
14 UNITED NATIONS.—The United States Mission to the
15 United Nations is closed. Any remaining functions of such
16 office shall not be carried out.

1 **SEC. 3. REPEAL OF UNITED NATIONS HEADQUARTERS**
2 **AGREEMENT ACT.**

3 (a) REPEAL.—The United Nations Headquarters
4 Agreement Act (Public Law 80–357) is repealed.

5 (b) WITHDRAWAL.—The United States withdraws
6 from the agreement between the United States of America
7 and the United Nations regarding the headquarters of the
8 United Nations (signed at Lake Success, New York, on
9 June 26, 1947, which was brought into effect by the
10 United Nations Headquarters Agreement Act).

11 **SEC. 4. UNITED STATES ASSESSED AND VOLUNTARY CON-**
12 **TRIBUTIONS TO THE UNITED NATIONS.**

13 (a) TERMINATION.—No funds are authorized to be
14 appropriated or otherwise made available for assessed or
15 voluntary contributions of the United States to the United
16 Nations or any organ, specialized agency, commission or
17 other formally affiliated body thereof, except that funds
18 may be appropriated to facilitate withdrawal of United
19 States personnel and equipment. Upon termination of
20 United States membership, no payments shall be made to
21 the United Nations or any organ, specialized agency, com-
22 mission or other formally affiliated body thereof, out of
23 any funds appropriated prior to such termination or out
24 of any other funds available for such purposes.

1 (b) APPLICATION.—The provisions of this section
2 shall apply to all agencies of the United Nations, including
3 independent or voluntary agencies.

4 **SEC. 5. UNITED NATIONS PEACEKEEPING OPERATIONS.**

5 (a) TERMINATION.—No funds are authorized to be
6 appropriated or otherwise made available for any United
7 States contribution to any United Nations military oper-
8 ation.

9 (b) TERMINATIONS OF UNITED STATES PARTICIPA-
10 TION IN UNITED NATIONS PEACEKEEPING OPER-
11 ATIONS.—No funds may be obligated or expended to sup-
12 port the participation of any member of the Armed Forces
13 of the United States as part of any United Nations mili-
14 tary or peacekeeping operation or force. No member of
15 the Armed Forces of the United States may serve under
16 the command of the United Nations.

17 **SEC. 6. WITHDRAWAL OF UNITED NATIONS PRESENCE IN**
18 **FACILITIES OF THE GOVERNMENT OF THE**
19 **UNITED STATES AND REPEAL OF DIPLO-**
20 **MATIC IMMUNITY.**

21 (a) WITHDRAWAL FROM UNITED STATES GOVERN-
22 MENT PROPERTY.—The United Nations (including any af-
23 filiated agency of the United Nations) shall not occupy
24 or use any property or facility of the United States Gov-
25 ernment.

1 (b) DIPLOMATIC IMMUNITY.—No officer or employee
2 of the United Nations or any representative, officer, or
3 employee of any mission to the United Nations of any for-
4 eign government shall be entitled to enjoy the privileges
5 and immunities of the Vienna Convention on Diplomatic
6 Relations of April 18, 1961, nor may any such privileges
7 and immunities be extended to any such individual. The
8 privileges, exemptions and immunities provided for in the
9 International Organizations Immunities Act of December
10 29, 1945 (59 Stat. 669; 22 U.S.C. 288, 288a–f), or in
11 any agreement or treaty to which the United States is a
12 party, including the agreement entitled “Agreement Be-
13 tween the United Nations and the United States of Amer-
14 ica Regarding the Headquarters of the United Nations”,
15 signed June 26, 1947 (22 U.S.C. 287), and the Conven-
16 tion on Privileges and Immunities of the United Nations,
17 entered into force with respect to the United States on
18 April 29, 1970 (21 UST 1418; TIAS 6900; UNTS 16),
19 shall not apply to the United Nations or any organ, spe-
20 cialized agency, commission or other formally affiliated
21 body thereof, to the officers and employees of the United
22 Nations, or any organ, specialized agency, commission or
23 other formally affiliated body thereof, or to the families,
24 suites or servants of such officers or employees.

1 **SEC. 7. REPEAL OF UNITED NATIONS EDUCATIONAL, SCI-**
2 **ENTIFIC, AND CULTURAL ORGANIZATION**
3 **ACT.**

4 The joint resolution entitled “A joint resolution pro-
5 viding for membership and participation by the United
6 States in the United Nations Educational, Scientific, and
7 Cultural Organization, and authorizing an appropriation
8 therefor” approved July 30, 1946 (Public Law 79–565,
9 22 U.S.C. 287m–287t), is repealed.

10 **SEC. 8. REPEAL OF UNITED NATIONS ENVIRONMENT PRO-**
11 **GRAM PARTICIPATION ACT OF 1973.**

12 The United Nations Environment Program Partici-
13 pation Act of 1973 (22 U.S.C. 287 note) is repealed.

14 **SEC. 9. REPEAL OF UNITED STATES PARTICIPATION IN THE**
15 **WORLD HEALTH ORGANIZATION.**

16 The joint resolution entitled “Joint Resolution pro-
17 viding for membership and participation by the United
18 States in the World Health Organization and authorizing
19 an appropriation therefor,” approved June 14, 1948 (22
20 U.S.C. 290, 290a–e–1) is repealed.

21 **SEC. 10. REPEAL OF INVOLVEMENT IN UNITED NATIONS**
22 **CONVENTIONS AND AGREEMENTS.**

23 As of the date of the enactment of this Act, the
24 United States will end any and all participation in any
25 and all conventions and agreements with the United Na-
26 tions and any organ, specialized agency, commission, or

1 other formally affiliated body of the United Nations. Any
2 remaining functions of such conventions and agreements
3 shall not be carried out.

4 **SEC. 11. REEMPLOYMENT WITH UNITED STATES GOVERN-**
5 **MENT AFTER SERVICE WITH AN INTER-**
6 **NATIONAL ORGANIZATION.**

7 Nothing in this Act shall be construed to affect the
8 rights of employees under subchapter IV of chapter 35
9 of title 5, United States Code, relating to reemployment
10 after service with an international organization.

11 **SEC. 12. NOTIFICATION.**

12 Effective on the date of the enactment of this Act,
13 the Secretary of State shall notify the United Nations and
14 any organ, specialized agency, commission, or other for-
15 mally affiliated body of the United Nations of the provi-
16 sions of this Act.

17 **SEC. 13. EFFECTIVE DATE.**

18 Except as otherwise provided, this Act and the
19 amendments made by this Act shall take effect 2 years
20 after the date of the enactment of this Act.

Mr. PAUL. Thank you, Mr. Chairman.

Chairman HYDE. The gentleman is recognized for 5 minutes.

Mr. PAUL. The amendment I have brings up the subject of getting out of the United Nations, which, as far as I am concerned, is true reform. Today we heard a lot of discussion about some of the terrible things that the United Nations has done over the years, the fiscal abuse as well as the human rights abuse, and that has been recognized by probably everybody here in the Committee. It has also been recognized by most people here in the Committee, too, of all the wonderful things that the United Nations has done. I understand that argument as well. It is just that I come down on the side of lacking faith.

Members here and Members on the Congress generally have a lot more faith in big government than I do. And I would like to make a few points on why we shouldn't be so blindly believing in an institution that really challenges our national sovereignty. So I have two arguments about being in the United Nations.

One, I sincerely believe it challenges our national sovereignty. I believe it definitely challenges the prerogatives of the Congress and the responsibilities that we have. At the same time, the effectiveness hasn't been all that great.

There has been a lot of shortcomings, and many of those shortcomings have already been mentioned, but soon after the United Nations was established, we quickly used the United Nations to go to war, which was not a very popular war, in Korea. The United Nations did very little to stop the war in Vietnam. I remember very clearly in 1991, it was explained to the American people that we didn't need to go to the U.S. Congress to get authority, even though the Constitution is pretty explicit that for us to send young men to war, you have to have a declaration of war. We were told at that time that the authority came from the United Nations, and we were bluntly told it didn't matter what the Congress did.

The Congress went ahead and gave some token approval. It didn't declare war, and that war has been ongoing. This is the same war. It has been going on for 15 years, and it has been sanctioned by the United Nations, even when we gave more authority to the current President to go in in 2003. If you read that resolution, the United Nations was mentioned, I think, 21 times. So, therefore, we were using the United Nations to send troops off to war while reneging on our responsibility to make a declaration of war, which to me means that we have a more defined policy and a more exit strategy and a design where winning is the goal rather than prolonging the effort. So I don't think the record is that good with the United Nations.

On the previous vote, I voted not to withhold funds unless these reforms came about. Some might wonder, anything that would withhold funds sounds like a pretty good idea for a fiscal conservative like myself and someone who opposes the United Nations. Let me tell you why I voted that way. Because although there seems to be a tinge of benefits to reforms that I have some sympathy for, I believe that this leverage that is being used under these 39 items and this pressure and authority given to our Secretary of State can be used perversely to promote a policy that—which is objectionable to us.

For instance, the new legislation actually changes policy significantly, as has this Administration changed policy significantly. Our Government for many years since 1953, since we installed the Shah in Iran, we have used our ability and our power to have regime changes. Now it is openly declared by our Government that regime change is a good policy, and, if we have to, we send in the troops, and even if we have to pressure or bend what the United Nations says, we should pursue this type of policy. So this policy now is being institutionalized and put in to the United Nations.

Those are the pressures that we are putting on, and very little has been discussed here. This is the neocon foreign policy put in with Wolfowitz at the head of the World Bank, and he is included in some of the commissions set up to deal with these problems. So I see this as institutionalizing the neoconservative foreign policy so that we can put it in the United Nations; and, if they don't do what we want, we use these sanctions and threat to promote bad policy.

Now, I know your side would say, we object to this because we will have good policies. My concern is that bad policy and the leverage that is gained by these sanctions that we can put on and by these threats of reform. So I come to the conclusion that it is not in the interest of the United States, it is not interest in our national sovereignty to be a member of a body that today I heard plenty of criticism. And I think if we were all more honest with ourselves, we would say that this organization is going to be very, very difficult to resuscitate. Just as we see the lack of desire for internationalism in Europe, I see also that creeping in. We should have more respect for self-determination, minding our own business, and not pretending that we can interfere in the internal affairs of other nations. I don't believe the United Nations should do that either.

Mr. LEACH [presiding]. The time of the Congress' leading constitutionalist has expired.

Mr. Lantos.

Mr. LANTOS. Thank you very much, Mr. Chairman. I will not use my 5 minutes; I will use less than a minute. I want to serve notice that I will request a rollcall vote on the gentleman's amendment.

I oppose the gentleman's amendment. It is analogous to the notion of stop the world, I want to get off. It is self-evident that an international organization is needed. The United Nations, with all of its flaws—and we could be here until midnight enumerating them—is needed. I think the gentleman's amendment should be defeated.

Thank you, Mr. Chairman.

Mr. LEACH. Does anyone seek recognition?

Mr. Delahunt.

Mr. DELAHUNT. Yes. I will be very brief also.

Again, there are parts of the arguments put forth by the gentleman that I concur with. You expressed some of the concerns I think that you know that I harbor. But I do oppose the amendment for the rationale as succinctly put forward by the Ranking Member.

I am glad that the Ranking Member has made the decision to call for a recorded vote, because what has occurred here today, particularly given the concerns that have been expressed by some Members, specifically the gentlelady from California Ms. Lee, about

what we are up to, and the response by the gentleman from Indiana regarding his—and I accept his word, obviously—his sincere support for the United Nations, maybe this vote itself can send a message about the support for the existence of the United Nations from this Committee and from this Congress, so that at some level hopefully it will ameliorate the message that was sent by the defeat of the Lantos amendment and presumably the passage of the base bill. With that I yield back.

Mr. LEACH. Does anyone else seek recognition?

Mr. ACKERMAN. Mr. Chairman.

Mr. LEACH. Mr. Ackerman.

Mr. ACKERMAN. In the words of Jimmy Durante, this is ridiculous.

I yield back the balance of my time.

Mr. LEACH. The vote comes on the amendment of the distinguished gentleman from Texas. All those in favor, say aye.

Opposed, nay.

Mr. LANTOS. I request a rollcall, Mr. Chairman.

Mr. LEACH. A rollcall is requested. The clerk will call the roll.

Ms. RUSH. Mr. Leach.

Mr. LEACH. No.

Ms. RUSH. Mr. Leach votes no.

Mr. Smith from New Jersey.

Mr. SMITH OF NEW JERSEY. No.

Ms. RUSH. Mr. Smith from New Jersey votes no.

Mr. Burton.

[No response.]

Ms. RUSH. Mr. Gallegly.

Mr. GALLEGLY. No.

Ms. RUSH. Mr. Gallegly votes no.

Ms. Ros-Lehtinen.

Ms. ROS-LEHTINEN. No.

Ms. RUSH. Ms. Ros-Lehtinen votes no.

Mr. Rohrabacher.

[No response.]

Ms. RUSH. Mr. Royce.

[No response.]

Ms. RUSH. Mr. King.

[No response.]

Ms. RUSH. Mr. Chabot.

Mr. CHABOT. No.

Ms. RUSH. Mr. Chabot votes no.

Mr. Tancredo.

[No response.]

Ms. RUSH. Mr. Paul.

Mr. PAUL. Yes.

Ms. RUSH. Mr. Paul votes yes.

Mr. Issa.

[No response.]

Ms. RUSH. Mr. Flake.

Mr. FLAKE. No.

Ms. RUSH. Mr. Flake votes no.

Mrs. Davis.

Mrs. DAVIS. No.

Ms. RUSH. Mrs. Davis votes no.
Mr. Green.
[No response.]
Ms. RUSH. Mr. Weller.
Mr. WELLER. No.
Ms. RUSH. Mr. Weller votes no.
Mr. Pence.
Mr. PENCE. No.
Ms. RUSH. Mr. Pence votes no.
Mr. McCotter.
[No response.]
Ms. RUSH. Ms. Harris.
Ms. HARRIS. No.
Ms. RUSH. Ms. Harris votes no.
Mr. Wilson.
Mr. WILSON. Yes.
Ms. RUSH. Mr. Wilson votes yes.
Mr. Boozman.
Mr. BOOZMAN. No.
Ms. RUSH. Mr. Boozman votes no.
Mr. Barrett.
Mr. BARRETT. Yes.
Ms. RUSH. Mr. Barrett votes yes.
Mr. Mack.
Mr. MACK. No.
Ms. RUSH. Mr. Mack votes no.
Mr. Fortenberry.
Mr. FORTENBERRY. No.
Ms. RUSH. Mr. Fortenberry votes no.
Mr. McCaul.
Mr. MCCAUL. No.
Ms. RUSH. Mr. McCaul votes no.
Mr. Poe.
Mr. POE. No.
Ms. RUSH. Mr. Poe votes no.
Mr. Lantos.
Mr. LANTOS. No.
Ms. RUSH. Mr. Lantos votes no.
Mr. Berman.
[No response.]
Ms. RUSH. Mr. Ackerman.
Mr. ACKERMAN. No.
Ms. RUSH. Mr. Ackerman votes no.
Mr. Faleomavaega.
Mr. FALEOMAVAEGA. No.
Ms. RUSH. Mr. Faleomavaega votes no.
Mr. Payne.
Mr. PAYNE. No.
Ms. RUSH. Mr. Payne votes no.
Mr. Menendez.
[No response.]
Ms. RUSH. Mr. Brown.
Mr. BROWN. No.
Ms. RUSH. Mr. Brown votes no.

Mr. Sherman.
[No response.]
Ms. RUSH. Mr. Wexler.
Mr. WEXLER. No.
Ms. RUSH. Mr. Wexler votes no.
Mr. Engel.
Mr. ENGEL. No.
Ms. RUSH. Mr. Engel votes no.
Mr. Delahunt.
Mr. DELAHUNT. No.
Ms. RUSH. Mr. Delahunt votes no.
Mr. Meeks.
Mr. MEEKS. No.
Ms. RUSH. Mr. Meeks votes no.
Ms. Lee.
Ms. LEE. No.
Ms. RUSH. Ms. Lee votes no.
Mr. Crowley.
Mr. CROWLEY. No.
Ms. RUSH. Mr. Crowley votes no.
Mr. Blumenauer.
Mr. BLUMENAUER. No.
Ms. RUSH. Mr. Blumenauer votes no.
Ms. Berkley.
Ms. BERKLEY. No.
Ms. RUSH. Ms. Berkley votes no.
Mrs. Napolitano.
Mrs. NAPOLITANO. No.
Ms. RUSH. Mrs. Napolitano votes no.
Mr. Schiff.
Mr. SCHIFF. No.
Ms. RUSH. Mr. Schiff votes no.
Ms. Watson.
Ms. WATSON. No.
Ms. RUSH. Ms. Watson votes no.
Mr. Smith from Washington.
Mr. SMITH OF WASHINGTON. No.
Ms. RUSH. Mr. Smith from Washington votes no.
Ms. McCollum.
[No response.]
Ms. RUSH. Mr. Chandler.
Mr. CHANDLER. No.
Ms. RUSH. Mr. Chandler votes no.
Mr. Cardoza.
Mr. CARDOZA. No.
Ms. RUSH. Mr. Cardoza votes no.
Chairman Hyde.
[No response.]
Ms. RUSH. Mr. Green votes no.
Mr. LEACH. Mr. King.
Mr. KING. No.
Ms. RUSH. Mr. King votes no.
Mr. LEACH. Mr. McCotter.
Mr. MCCOTTER. Mr. McCotter votes no.

Ms. RUSH. Mr. McCotter votes no.
 Mr. LEACH. Mr. Issa.
 Mr. ISSA. No.
 Ms. RUSH. Mr. Issa votes no.
 Mr. LEACH. Mr. Berman.
 Mr. BERMAN. No.
 Ms. RUSH. Mr. Berman votes no.
 Mr. Rohrabacher.
 Mr. ROHRABACHER. Is not present.
 Ms. RUSH. Mr. Rohrabacher votes present. Is not present. Votes present.
 Mr. LEACH. The clerk will report the total.
 Ms. RUSH. On this vote there are 3 ayes, 39 noes, and 1 present.
 Mr. LEACH. The amendment is defeated.
 Are there further amendments to the bill?
 We will temporarily recess pending the return of the Chairman, and he will be here momentarily, and he will lead us in the final passage. I am told we should all stay. After the vote on the bill, there may be a request of the Ranking Minority Member on that subject.
 [Recess.]
 Mr. LEACH. First, the Committee will reconvene. The Chairman will be in presently to vote, but he has suggested that we ought to proceed. The question now occurs on the motion to report the bill favorably. All in favor, say aye.
 All opposed, nay.
 Mr. LANTOS. I request a rollcall, Mr. Chairman.
 Mr. LEACH. A rollcall is requested. The clerk will call the roll.
 Ms. RUSH. Mr. Leach.
 Mr. LEACH. No.
 Ms. RUSH. Mr. Leach votes no.
 Mr. Smith from New Jersey.
 Mr. SMITH OF NEW JERSEY. Yes.
 Ms. RUSH. Mr. Smith from New Jersey votes yes.
 Mr. Burton.
 [No response.]
 Ms. RUSH. Mr. Gallegly.
 Mr. GALLEGLY. Yes.
 Ms. RUSH. Mr. Gallegly votes yes.
 Ms. Ros-Lehtinen.
 Ms. ROS-LEHTINEN. Yes.
 Ms. RUSH. Ms. Ros-Lehtinen votes yes.
 Mr. Rohrabacher.
 Mr. ROHRABACHER. Yes.
 Ms. RUSH. Mr. Rohrabacher votes yes.
 Mr. Royce.
 Mr. ROYCE. Yes.
 Ms. RUSH. Mr. Royce votes yes.
 Mr. King.
 Mr. KING. Yes.
 Ms. RUSH. Mr. King votes yes.
 Mr. Chabot.
 Mr. CHABOT. Yes.
 Ms. RUSH. Mr. Chabot votes yes.

Mr. Tancredo.
Mr. TANCREDO. Yes.
Ms. RUSH. Mr. Tancredo votes yes.
Mr. Paul.
Mr. PAUL. No.
Ms. RUSH. Mr. Paul votes no.
Mr. Issa.
[No response.]
Ms. RUSH. Mr. Flake.
Mr. FLAKE. Yes.
Ms. RUSH. Mr. Flake votes yes.
Mrs. Davis.
Mrs. DAVIS. Yes.
Ms. RUSH. Mrs. Davis votes yes.
Mr. Green.
Mr. GREEN. Yes.
Ms. RUSH. Mr. Green votes yes.
Mr. Weller.
Mr. WELLER. Yes.
Ms. RUSH. Mr. Weller votes yes.
Mr. Pence.
Mr. PENCE. Yes.
Ms. RUSH. Mr. Pence votes yes.
Mr. McCotter.
Mr. MCCOTTER. Yes.
Ms. RUSH. Mr. McCotter votes yes.
Ms. Harris.
Ms. HARRIS. Yes.
Ms. RUSH. Ms. Harris votes yes.
Mr. Wilson.
Mr. WILSON. Yes.
Ms. RUSH. Mr. Wilson votes yes.
Mr. Boozman.
Mr. BOOZMAN. Yes.
Ms. RUSH. Mr. Boozman votes yes.
Mr. Barrett.
Mr. BARRETT. Yes.
Ms. RUSH. Mr. Barrett votes yes.
Mr. Mack.
Mr. MACK. Yes.
Ms. RUSH. Mr. Mack votes yes.
Mr. Fortenberry.
Mr. FORTENBERRY. Yes.
Ms. RUSH. Mr. Fortenberry votes yes.
Mr. McCaul.
Mr. MCCAUL. Yes.
Ms. RUSH. Mr. McCaul votes yes.
Mr. Poe.
Mr. POE. Yes.
Ms. RUSH. Mr. Poe votes yes.
Mr. Issa.
Mr. ISSA. Yes.
Ms. RUSH. Mr. Issa votes yes.
Mr. Lantos.

Mr. LANTOS. No.
Ms. RUSH. Mr. Lantos votes no.
Mr. Berman.
Mr. BERMAN. No.
Ms. RUSH. Mr. Berman votes no.
Mr. Ackerman.
Mr. ACKERMAN. No.
Ms. RUSH. Mr. Ackerman votes no.
Mr. Faleomavaega.
Mr. FALEOMAVAEGA. No.
Ms. RUSH. Mr. Faleomavaega votes no.
Mr. Payne.
Mr. PAYNE. No.
Ms. RUSH. Mr. Payne votes no.
Mr. Menendez.
[No response.]
Ms. RUSH. Mr. Brown.
Mr. BROWN. No.
Ms. RUSH. Mr. Brown votes no.
Mr. Sherman.
[No response.]
Ms. RUSH. Mr. Wexler.
Mr. WEXLER. No.
Ms. RUSH. Mr. Wexler votes no.
Mr. Engel.
[No response.]
Ms. RUSH. Mr. Delahunt.
Mr. DELAHUNT. No.
Ms. RUSH. Mr. Delahunt votes no.
Mr. Meeks.
Mr. MEEKS. No.
Ms. RUSH. Mr. Meeks votes no.
Ms. Lee.
Ms. LEE. No.
Ms. RUSH. Ms. Lee votes no.
Mr. Crowley.
Mr. CROWLEY. No.
Ms. RUSH. Mr. Crowley votes no.
Mr. Blumenauer.
Mr. BLUMENAUER. No.
Ms. RUSH. Mr. Blumenauer votes no.
Ms. Berkley.
Ms. BERKLEY. Yes.
Ms. RUSH. Ms. Berkley votes yes.
Mrs. Napolitano.
Mrs. NAPOLITANO. No.
Ms. RUSH. Mrs. Napolitano votes no.
Mr. Schiff.
Mr. SCHIFF. No.
Ms. RUSH. Mr. Schiff votes no.
Ms. Watson.
Ms. WATSON. No.
Ms. RUSH. Ms. Watson votes no.
Mr. Smith from Washington.

Mr. SMITH OF WASHINGTON. No.
 Ms. RUSH. Mr. Smith from Washington votes no.
 Ms. McCollum.
 [No response.]
 Ms. RUSH. Mr. Chandler.
 Mr. CHANDLER. No.
 Ms. RUSH. Mr. Chandler votes no.
 Mr. Cardoza.
 Mr. CARDOZA. No.
 Ms. RUSH. Mr. Cardoza votes no.
 Chairman Hyde.
 Chairman HYDE. Yes.
 Ms. RUSH. Chairman Hyde votes yes.
 Mr. Sherman.
 Mr. SHERMAN. No.
 Ms. RUSH. Mr. Sherman votes no.
 Mr. Engel.
 Mr. ENGEL. No.
 Ms. RUSH. Mr. Engel votes no.
 Mr. LEACH. The clerk will call.
 Ms. RUSH. On this vote there are 25 yesses and 22 noes.
 Mr. LEACH. The ayes have it, and the motion to report is favorably adopted.
 Mr. SMITH OF NEW JERSEY. Mr. Chairman.
 Mr. LEACH. Mr. Smith.
 Mr. SMITH OF NEW JERSEY. I would ask unanimous consent that the short title of the bill, H.R. 2745, be modified to read, and I quote, "This act may be cited as the Henry J. Hyde United Nations Reform Act of 2005."
 Mr. LEACH. Without objection, the staff is directed to make any technical and conforming changes.
 Mr. LANTOS. Mr. Chairman, I respectfully request that adequate time be provided to the Democratic side to file a Minority report.
 Mr. LEACH. Pursuant to the rules, of course that is granted.
 Mr. LANTOS. I respectfully request that we resume this markup at 2:30.
 Mr. LEACH. Pursuant to the stomachs, that is respectfully granted.
 The Committee is in recess.
 [Recess.]
 Mr. SMITH OF NEW JERSEY [presiding]. The Full Committee will come to order. Pursuant to notice, I call up the bill H.R. 2601, the Foreign Relations Authorization Act for Fiscal Years 2006 and 2007 for purposes of markup.
 Without objection, the bill will be considered as read and open for amendment at any point, and I recognize myself for 5 minutes at this time to give a brief overview of the legislation.
 [H.R. 2601 follows:]

109TH CONGRESS
1ST SESSION

H. R. 2601

To authorize appropriations for the Department of State for fiscal years 2006 and 2007, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 24, 2005

Mr. SMITH of New Jersey (for himself and Mr. PAYNE) introduced the following bill; which was referred to the Committee on International Relations

A BILL

To authorize appropriations for the Department of State for fiscal years 2006 and 2007, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Foreign Relations Au-
5 thorization Act, Fiscal Years 2006 and 2007”.

6 **SEC. 2. TABLE OF CONTENTS.**

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

- Sec. 1. Short title.
- Sec. 2. Table of contents.
- Sec. 3. Definitions.

TITLE I—AUTHORIZATIONS OF APPROPRIATIONS

Sec. 101. Administration of foreign affairs.

- Sec. 102. Contributions to international organizations.
- Sec. 103. International Commissions.
- Sec. 104. Migration and Refugee Assistance.
- Sec. 105. Centers and foundations.
- Sec. 106. United States international broadcasting activities.

TITLE II—DEPARTMENT OF STATE AUTHORITIES AND
ACTIVITIES

- Sec. 201. Interference with protective functions.
- Sec. 202. International litigation fund.
- Sec. 203. Retention of medical reimbursements.
- Sec. 204. Buying power maintenance account.
- Sec. 205. Accountability review boards.
- Sec. 206. Designation of Colin L. Powell Residential Plaza.
- Sec. 207. Removal of contracting prohibition.

TITLE III—ORGANIZATION AND PERSONNEL OF THE
DEPARTMENT OF STATE

- Sec. 301. Education allowances.
- Sec. 302. Official residence expenses.
- Sec. 303. Increased limits applicable to post differentials and danger pay allowances.
- Sec. 304. Home leave.
- Sec. 305. Overseas equalization and comparability pay adjustment.
- Sec. 306. Fellowship of Hope Program.
- Sec. 307. Regulations regarding retirement credit for government service performed abroad.
- Sec. 308. Suspension of foreign service members without pay.
- Sec. 309. Death gratuity.
- Sec. 310. Clarification of Foreign Service Grievance Board procedures.
- Sec. 311. Repeal of recertification requirement for members of the Senior Foreign Service.
- Sec. 312. Technical amendments to Title 5 provisions on recruitment, relocation, and retention bonuses.
- Sec. 313. Limited appointments in the Foreign Service.
- Sec. 314. Statement of Congress.
- Sec. 315. Sense of Congress regarding additional United States consular posts.

TITLE IV—INTERNATIONAL ORGANIZATIONS

- Sec. 401. REDI Center.
- Sec. 402. Extension of authorization of appropriation for the United States Commission on International Religious Freedom.
- Sec. 403. International Center for Middle Eastern-Western Dialogue.

TITLE V—CHANGES IN ADMINISTRATIVE AUTHORITIES FOR
INTERNATIONAL BROADCASTING

- Sec. 501. Short title.
- Sec. 502. Middle East Broadcasting Networks.
- Sec. 503. Improving signal delivery to Cuba.
- Sec. 504. Establishing permanent authority for Radio Free Asia.
- Sec. 505. Personal services contracting program.
- Sec. 506. Commonwealth of the Northern Mariana Islands education benefits.

TITLE VI—MISCELLANEOUS PROVISIONS AND REPORTING
REQUIREMENTS

- Sec. 601. Statement of policy relating to democracy in Iran.
 Sec. 602. Dual gateway policy of the Government of Ireland.
 Sec. 603. Trans-Sahara counter-terrorism initiative.
 Sec. 604. Report on Haiti.
 Sec. 605. Reports on acquisition and major security upgrades.
 Sec. 606. Report on real estate transactions.
 Sec. 607. Verification reports to Congress.
 Sec. 608. Reports on protection of refugees from North Korea.
 Sec. 609. Reports on actions taken by the United States to encourage respect
 for human rights.
 Sec. 610. Report on services for children with autism at overseas missions.
 Sec. 611. Report on Internet jamming.
 Sec. 612. Report on Department of State employment composition.
 Sec. 613. Sense of Congress regarding Korean Fulbright programs.
 Sec. 614. Location of international institutions in Africa.
 Sec. 615. Prohibition on commemorations relating to leaders of Imperial Japan.

1 **SEC. 3. DEFINITIONS.**

2 In this Act:

3 (1) APPROPRIATE CONGRESSIONAL COMMIT-
 4 TEES.—The term “appropriate congressional com-
 5 mittees” means the Committee on International Re-
 6 lations of the House of Representatives and the
 7 Committee on Foreign Relations of the Senate.

8 (2) DEPARTMENT.—The term “Department”
 9 means the Department of State.

10 (3) SECRETARY.—The term “Secretary” means
 11 the Secretary of State.

12 **TITLE I—AUTHORIZATIONS OF**
 13 **APPROPRIATIONS**

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

15 The following amounts are authorized to be appro-
 16 priated for the Department of State under “Administra-

1 tion of Foreign Affairs” to carry out the authorities, func-
2 tions, duties, and responsibilities in the conduct of foreign
3 affairs of the United States and for other purposes author-
4 ized by law:

5 (1) DIPLOMATIC AND CONSULAR PROGRAMS.—

6 For “Diplomatic and Consular Programs”,
7 \$3,769,118,000 for fiscal year 2006, and
8 \$3,896,611,500 for fiscal year 2007.

9 (A) WORLDWIDE SECURITY UPGRADES.—

10 In addition to amounts authorized to be appro-
11 priated under paragraph (1), \$689,523,000 for
12 fiscal year 2006, and \$710,208,690 for fiscal
13 year 2007, are authorized to be appropriated
14 for worldwide security upgrades.

15 (B) PUBLIC DIPLOMACY.—Of the amounts

16 authorized to be appropriated under paragraph
17 (1), \$333,863,000 for fiscal year 2006, and
18 \$343,699,000 for fiscal year 2007, are author-
19 ized to be appropriated for public diplomacy.

20 (C) BUREAU OF DEMOCRACY, HUMAN

21 RIGHTS, AND LABOR.—Of the amounts author-
22 ized to be appropriated under paragraph (1),
23 \$20,000,000 for fiscal year 2006, and
24 \$20,000,000 for fiscal year 2007, are author-
25 ized to be appropriated for salaries and ex-

1 penses of the Bureau of Democracy, Human
2 Rights, and Labor.

3 (D) ANTI-SEMITISM.—Of the amounts au-
4 thorized to be appropriated under paragraph
5 (1), \$225,000 for fiscal year 2006 and
6 \$225,000 for fiscal year 2007 are authorized to
7 be appropriated for necessary expenses to fund
8 secondments, hiring of staff, and support tar-
9 geted projects of the Office of Democratic Insti-
10 tutions and Human Rights (ODIHR) of the Or-
11 ganization for Security and Cooperation in Eu-
12 rope (OSCE) regarding anti-Semitism and in-
13 tolerance and for the OSCE/ODIHR Law En-
14 forcement Officers Hate Crimes Training Pro-
15 gram.

16 (E) RELIGIOUS FREEDOM.—

17 (i) IN GENERAL.—Of the amounts au-
18 thorized to be appropriated under para-
19 graph (1), \$205,000 for fiscal year 2006
20 and \$205,000 for fiscal year 2007 are au-
21 thorized to be appropriated for necessary
22 expenses to fund activities of the Organiza-
23 tion for Security and Cooperation in Eu-
24 rope relating to freedom of religion and be-
25 lief.

1 (ii) OSCE PROJECTS, ACTIVITIES,
2 AND MISSIONS.—

3 (I) PROJECTS AND ACTIVITIES.—

4 Of the amounts authorized to be ap-
5 propriated under subparagraph (A),
6 \$125,000 for fiscal year 2006 and
7 \$125,000 for fiscal year 2007 are au-
8 thorized to be appropriated for nec-
9 essary expenses to fund for
10 secondments, hiring of staff, and sup-
11 port targeted projects of the Office of
12 Democratic Institutions and Human
13 Rights (ODIHR) of the Organization
14 for Security and Cooperation in Eu-
15 rope (OSCE) regarding religious free-
16 dom and for the OSCE/ODIHR Panel
17 of Experts on Freedom of Religion or
18 Belief.

19 (II) MISSIONS.—Of the amounts
20 authorized to be appropriated under
21 subparagraph (A), \$80,000 for fiscal
22 year 2006 and \$80,000 for fiscal year
23 2007 are authorized to be appro-
24 priated for OSCE Missions in Arme-
25 nia, Azerbaijan, Georgia, Kazakhstan,

1 Kyrgyzstan, Tajikistan, Turkmenistan
2 and Uzbekistan for activities to ad-
3 dress issues relating to religious free-
4 dom and belief and to fund the hiring
5 of new staff who are dedicated to reli-
6 gious freedom and belief.

7 (F) CHARLES B. RANGEL INTERNATIONAL
8 AFFAIRS PROGRAM.—Of the amounts author-
9 ized to be appropriated under paragraph (1),
10 \$1,500,000 for fiscal year 2006 and \$1,500,000
11 for fiscal year 2007 are authorized to be appro-
12 priated for the Charles B. Rangel International
13 Affairs Program at Howard University.

14 (2) CAPITAL INVESTMENT FUND.—For “Cap-
15 ital Investment Fund”, \$131,000,000 for fiscal year
16 2006, and \$131,000,000 for fiscal year 2007.

17 (3) EMBASSY SECURITY, CONSTRUCTION AND
18 MAINTENANCE.—For “Embassy Security, Construc-
19 tion and Maintenance”, \$1,526,000,000 for fiscal
20 year 2006, and \$1,550,000,000 for fiscal year 2007.

21 (4) EDUCATIONAL AND CULTURAL EXCHANGE
22 PROGRAMS.—

23 (A) IN GENERAL.—For “Educational and
24 Cultural Exchange Programs”, \$428,900,000

1 for the fiscal year 2006, and \$438,500,000 for
2 fiscal year 2007.

3 (B) SUMMER INSTITUTES FOR KOREAN
4 STUDENT LEADERS.—Of the amounts author-
5 ized to be appropriated under subparagraph
6 (A), \$750,000 for fiscal year 2006 and
7 \$750,000 for fiscal year 2007 are authorized to
8 be appropriated for summer academic study
9 programs in the United States (focusing on
10 United States political systems, government in-
11 stitutions, society, and democratic culture) for
12 college and university students from the Repub-
13 lic of Korea, to be known as the “United States
14 Summer Institutes for Korean Student Lead-
15 ers”.

16 (C) SUDANESE SCHOLARSHIPS.—Of the
17 amounts authorized to be available under sub-
18 paragraph (A), \$500,000 for fiscal year 2004
19 and \$500,000 for fiscal year 2005 is authorized
20 to be available for scholarships for students
21 from southern Sudan for secondary or postsec-
22 ondary education in the United States, to be
23 known as “Sudanese Scholarships”.

1 (5) REPRESENTATION ALLOWANCES.—For
2 “Representation Allowances”, \$8,281,000 for fiscal
3 year 2006, and \$8,281,000 for fiscal year 2007.

4 (6) PROTECTION OF FOREIGN MISSIONS AND
5 OFFICIALS.—For “Protection of Foreign Missions
6 and Officials”, \$9,390,000 for fiscal year 2006 and
7 \$9,390,000 for fiscal year 2007.

8 (7) EMERGENCIES IN THE DIPLOMATIC AND
9 CONSULAR SERVICE.—For “Emergencies in the Dip-
10 lomatic and Consular Service”, \$12,143,000 for fis-
11 cal year 2006, and \$12,143,000 for fiscal year 2007.

12 (8) REPATRIATION LOANS.—For “Repatriation
13 Loans”, \$1,319,000 for fiscal year 2006, and
14 \$1,319,000 for fiscal year 2007.

15 (9) PAYMENT TO THE AMERICAN INSTITUTE IN
16 TAIWAN.—For “Payment to the American Institute
17 in Taiwan”, \$19,751,000 for fiscal year 2006, and
18 \$20,146,020 for fiscal year 2007.

19 (10) OFFICE OF THE INSPECTOR GENERAL.—
20 For “Office of the Inspector General”, \$29,983,000
21 for fiscal year 2006, and \$29,983,000 for fiscal year
22 2007.

1 **SEC. 102. CONTRIBUTIONS TO INTERNATIONAL ORGANIZA-**
2 **TIONS.**

3 (a) ASSESSED CONTRIBUTIONS TO INTERNATIONAL
4 ORGANIZATIONS.—There are authorized to be appro-
5 priated for “Contributions to International Organiza-
6 tions”, \$1,296,500,000 for fiscal year 2006 and
7 \$1,322,430,000 for fiscal year 2007, for the Department
8 of State to carry out the authorities, functions, duties, and
9 responsibilities in the conduct of the foreign affairs of the
10 United States with respect to international organizations
11 and to carry out other authorities in law consistent with
12 such purposes.

13 (b) CONTRIBUTIONS FOR INTERNATIONAL PEACE-
14 KEEPING ACTIVITIES.—There are authorized to be appro-
15 priated for “Contributions for International Peacekeeping
16 Activities”, \$1,035,500,000 for fiscal year 2006, and such
17 sums as may be necessary for fiscal year 2007, for the
18 Department of State to carry out the authorities, func-
19 tions, duties, and responsibilities of the United States with
20 respect to international peacekeeping activities and to
21 carry out other authorities in law consistent with such
22 purposes. Amounts appropriated pursuant to this sub-
23 section are authorized to remain available until expended.

24 (c) FOREIGN CURRENCY EXCHANGE RATES.—

25 (1) AUTHORIZATION OF APPROPRIATIONS.—In
26 addition to amounts authorized to be appropriated

1 by subsection (a), there are authorized to be appro-
2 priated such sums as may be necessary for each of
3 fiscal years 2006 and 2007 to offset adverse fluctua-
4 tions in foreign currency exchange rates.

5 (2) AVAILABILITY OF FUNDS.—Amounts appro-
6 priated under this subsection shall remain available
7 for obligation and expenditure only to the extent
8 that the Director of the Office of Management and
9 Budget determines and certifies to Congress that
10 such amounts are necessary due to such fluctua-
11 tions.

12 **SEC. 103. INTERNATIONAL COMMISSIONS.**

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

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

23 (A) for “Salaries and Expenses”,
24 \$28,200,000 for fiscal year 2006, and
25 \$28,200,000 for fiscal year 2007; and

1 (B) for “Construction”, \$6,100,000 for fis-
2 cal year 2006, and \$6,100,000 for fiscal year
3 2007.

4 (2) INTERNATIONAL BOUNDARY COMMISSION,
5 UNITED STATES AND CANADA.—For “International
6 Boundary Commission, United States and Canada”,
7 \$1,429,000 for fiscal year 2006 and \$1,429,000 for
8 fiscal year 2007.

9 (3) INTERNATIONAL JOINT COMMISSION.—For
10 “International Joint Commission”, \$6,320,000 for
11 fiscal year 2006 and \$6,320,000 for fiscal year
12 2007.

13 (4) INTERNATIONAL FISHERIES COMMISS-
14 SIONS.—For “International Fisheries Commissions”,
15 \$25,123,000 for fiscal year 2006 and \$25,123,000
16 for fiscal year 2007.

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

18 There are authorized to be appropriated for the De-
19 partment of State for “Migration and Refugee Assistance”
20 for authorized activities, \$955,000,000 for fiscal year
21 2006 and \$983,650,000 for fiscal year 2007.

22 **SEC. 105. CENTERS AND FOUNDATIONS.**

23 (a) ASIA FOUNDATION.—There are authorized to be
24 appropriated for “The Asia Foundation” for authorized

1 activities, \$18,000,000 for fiscal year 2006 and
2 \$18,000,000 for fiscal year 2007.

3 (b) NATIONAL ENDOWMENT FOR DEMOCRACY.—
4 There are authorized to be appropriated for the “National
5 Endowment for Democracy” for authorized activities,
6 \$80,000,000 for fiscal year 2006 and \$80,000,000 for fis-
7 cal year 2007.

8 (c) CENTER FOR CULTURAL AND TECHNICAL INTER-
9 CHANGE BETWEEN EAST AND WEST.—There are author-
10 ized to be appropriated for the “Center for Cultural and
11 Technical Interchange Between East and West” for au-
12 thorized activities, \$13,024,000 for fiscal year 2006 and
13 \$13,024,000 for fiscal year 2007.

14 **SEC. 106. UNITED STATES INTERNATIONAL BROADCASTING**
15 **ACTIVITIES.**

16 The following amounts are authorized to be appro-
17 priated to carry out United States Government inter-
18 national broadcasting activities under the United States
19 Information and Educational Exchange Act of 1948, the
20 Radio Broadcasting to Cuba Act, the Television Broad-
21 casting to Cuba Act, the United States International
22 Broadcasting Act of 1994, and the Foreign Affairs Re-
23 form and Restructuring Act of 1998, and to carry out
24 other authorities in law consistent with such purposes:

1 (1) For “International Broadcasting Oper-
2 ations”, \$603,394,000 for fiscal year 2006 and
3 \$621,495,820 for fiscal year 2007. Of the amounts
4 authorized to be appropriated under under this
5 paragraph, \$5,000,000 is authorized to be appro-
6 priated for fiscal year 2006 and \$5,000,000 is au-
7 thorized to be appropriated for fiscal year 2007 for
8 increased broadcasting to Belarus.

9 (2) For “Broadcasting Capital Improvements”,
10 \$26,893,000 for fiscal year 2006 and \$26,893,000
11 for fiscal year 2007.

12 (3) For “Broadcasting to Cuba”, \$37,931,000
13 for fiscal year 2006 and \$29,931,000 for fiscal year
14 2007, to remain available until expended, for nec-
15 essary expenses to enable the Broadcasting Board of
16 Governors to carry out broadcasting to Cuba, includ-
17 ing the purchase, rent, construction, and improve-
18 ment of facilities for radio and television trans-
19 mission and reception, and the purchase, lease, and
20 installation of necessary equipment, including air-
21 craft, for radio and television transmission and re-
22 ception.

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

4 **SEC. 201. INTERFERENCE WITH PROTECTIVE FUNCTIONS.**

5 (a) OFFENSE.—Chapter 7 of title 18, United States
6 Code, is amended by adding at the end the following new
7 section:

8 **“§ 117. Interference with certain protective functions**

9 “Whoever knowingly and willfully obstructs, resists,
10 or interferes with a Federal law enforcement agent en-
11 gaged, within the United States or the special maritime
12 and territorial jurisdiction of the United States, in the per-
13 formance of the protective functions authorized by section
14 37 of the State Department Basic Authorities Act of 1956
15 (22 U.S.C. 2709) or section 103 of the Diplomatic Secu-
16 rity Act (22 U.S.C. 4802) shall be fined under this title
17 or imprisoned not more than one year, or both.”.

18 (b) CLERICAL AMENDMENT.—The table of sections
19 at the beginning of such chapter is amended by adding
20 at the end the following new item:

“117. Interference with certain protective functions.”.

21 **SEC. 202. INTERNATIONAL LITIGATION FUND.**

22 Section 38(d)(3) of the State Department Basic Au-
23 thorities Act of 1956 (22 U.S.C. 2710(d)(3)) is
24 amended—

1 (1) by inserting “as a result of a decision of an
2 international tribunal,” after “received by the De-
3 partment of State”; and

4 (2) by inserting a comma after “United States
5 Government”.

6 **SEC. 203. RETENTION OF MEDICAL REIMBURSEMENTS.**

7 Section 904 of the Foreign Service Act of 1980 (22
8 U.S.C. 4084) is amended by adding at the end the fol-
9 lowing new subsection:

10 “(g) Reimbursements paid to the Department of
11 State for funding the costs of medical care abroad for em-
12 ployees and eligible family members shall be credited to
13 the currently available applicable appropriation account.
14 Notwithstanding any other provision of law, such reim-
15 bursements shall be available for obligation and expendi-
16 ture during the fiscal year in which they are received or
17 for such longer period of time as may be provided in law.”.

18 **SEC. 204. BUYING POWER MAINTENANCE ACCOUNT.**

19 Section 24(b)(7) of the State Department Basic Au-
20 thorities Act of 1956 (22 U.S.C. 2696(b)(7)) is amended
21 by striking subparagraph (D).

22 **SEC. 205. ACCOUNTABILITY REVIEW BOARDS.**

23 Section 301(a) of the Diplomatic Security Act (22
24 U.S.C. 4831(a)) is amended—

1 (1) in paragraph (1), by striking “paragraph
2 (2)” and inserting “paragraphs (2) and (3)”; and

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

5 “(3) FACILITIES IN AFGHANISTAN AND IRAQ.—

6 “(A) LIMITED EXEMPTIONS FROM RE-
7 QUIREMENT TO CONVENE BOARD.—The Sec-
8 retary of State is not required to convene a
9 Board in the case of an incident that—

10 “(i) involves serious injury, loss of
11 life, or significant destruction of property
12 at, or related to, a United States Govern-
13 ment mission in Afghanistan or Iraq; and

14 “(ii) occurs during the period begin-
15 ning on July 1, 2004 and ending on Sep-
16 tember 30, 2009.

17 “(B) REPORTING REQUIREMENTS.—In the
18 case of an incident described in subparagraph
19 (A), the Secretary shall—

20 “(i) promptly notify the Committee on
21 International Relations of the House of
22 Representatives and the Committee on
23 Foreign Relations of the Senate of the in-
24 cident;

1 “(ii) conduct an inquiry of the inci-
2 dent; and

3 “(iii) upon completion of the inquiry
4 required by clause (ii), submit to each such
5 Committee a report on the findings and
6 recommendations related to such inquiry
7 and the actions taken with respect to such
8 recommendations.”.

9 **SEC. 206. DESIGNATION OF COLIN L. POWELL RESIDENTIAL**
10 **PLAZA.**

11 (a) The Federal building in Kingston, Jamaica, for-
12 merly known as the Crowne Plaza and currently a staff
13 housing facility for the Embassy of the United States in
14 Jamaica, shall be known and designated as the “Colin L.
15 Powell Residential Plaza”.

16 (b) Any reference in a law, map, regulation, docu-
17 ment, paper, or other record of the United States to the
18 Federal building referred to in subsection (a) shall be
19 deemed to be a reference to the “Colin L. Powell Residen-
20 tial Plaza”.

21 **SEC. 207. REMOVAL OF CONTRACTING PROHIBITION.**

22 Section 406(c) of the Omnibus Diplomatic Security
23 and Antiterrorism Act of 1986 (P.L. 99-399) (relating
24 to the ineligibility of persons doing business with Libya
25 to be awarded a contract) is repealed.

1 **TITLE III—ORGANIZATION AND**
2 **PERSONNEL OF THE DEPART-**
3 **MENT OF STATE**

4 **SEC. 301. EDUCATION ALLOWANCES.**

5 Section 5924(4) of title 5, United States Code, is
6 amended—

7 (1) in the first sentence of subparagraph (A),
8 by inserting “United States” after “nearest”;

9 (2) by striking subparagraph (B) and inserting
10 the following new subparagraph:

11 “(B) The travel expenses of dependents of
12 an employee to and from a secondary or post-
13 secondary educational institution, not to exceed
14 one annual trip each way for each dependent,
15 except that an allowance payment under sub-
16 paragraph (A) may not be made for a depend-
17 ent during the 12 months following the arrival
18 of the dependent at the selected educational in-
19 stitution under authority contained in this sub-
20 paragraph.”; and

21 (3) by adding at the end the following new sub-
22 paragraph:

23 “(D) Allowances provided pursuant to sub-
24 paragraphs (A) and (B) may include, at the
25 election of the employee, payment or reimburse-

1 ment of the costs incurred to store baggage for
2 the employee's dependent at or in the vicinity of
3 the dependent's school during the dependent's
4 annual trip between the school and the employ-
5 ee's duty station, except that such payment or
6 reimbursement may not exceed the cost that the
7 Government would incur to transport the bag-
8 gage with the dependent in connection with the
9 annual trip, and such payment or reimburse-
10 ment shall be in lieu of transportation of the
11 baggage.”.

12 **SEC. 302. OFFICIAL RESIDENCE EXPENSES.**

13 Section 5913 of Title 5, United States Code, is
14 amended by adding at the end the following new sub-
15 section:

16 “(c) Funds made available under subsection (b) may
17 be provided in advance to persons eligible to receive reim-
18 bursements.”.

19 **SEC. 303. INCREASED LIMITS APPLICABLE TO POST DIF-**
20 **FERENTIALS AND DANGER PAY ALLOW-**
21 **ANCES.**

22 (a) REPEAL OF LIMITED-SCOPE EFFECTIVE DATE
23 FOR PREVIOUS INCREASE.—Subsection (c) of section 591
24 of the Foreign Operations, Export Financing, and Related

1 Programs Appropriations Act, 2004 (division D of Public
2 Law 108–199) is repealed.

3 (b) POST DIFFERENTIALS.—Section 5925(a) of title
4 5, United States Code, is amended in the third sentence
5 by striking “25 percent of the rate of basic pay or, in the
6 case of an employee of the United States Agency for Inter-
7 national Development,”.

8 (c) DANGER PAY ALLOWANCES.—Section 5928 of
9 title 5, United States Code, is amended by striking “25
10 percent of the basic pay of the employee or 35 percent
11 of the basic pay of the employee in the case of an employee
12 of the United States Agency for International Develop-
13 ment” both places that it appears and inserting “35 per-
14 cent of the basic pay of the employee”.

15 (d) CRITERIA.—The Secretary of State shall inform
16 the Committee on International Relations of the House
17 of Representatives and the Committee on Foreign Rela-
18 tions of the Senate of the criteria to be used in determina-
19 tions of appropriate adjustments in post differentials
20 under section 5925(a) of title 5, United States Code, as
21 amended by subsection (b), and danger pay allowances
22 under section 5928 of title 5, United States Code, as
23 amended by subsection (c).

24 (e) STUDY AND REPORT.—Not later than two years
25 after the date of the enactment of this Act, the Secretary

1 of State shall conduct a study assessing the effect of the
 2 increases in post differentials and danger pay allowances
 3 made by the amendments in subsections (b) and (c), re-
 4 spectively, in filling “hard-to-fill” positions and shall sub-
 5 mit a report of such study to the congressional committees
 6 described in subsection (d).

7 **SEC. 304. HOME LEAVE.**

8 Chapter 9 of title I of the Foreign Service Act of
 9 1980 (relating to travel, leave, and other benefits) is
 10 amended—

11 (1) in section 901(6) (22 U.S.C. 4081(6)), by
 12 striking “unbroken by home leave” both places that
 13 it appears; and

14 (2) in section 903(a) (22 U.S.C. 4083), by
 15 striking “18 months” and inserting “12 months”.

16 **SEC. 305. OVERSEAS EQUALIZATION AND COMPARABILITY**
 17 **PAY ADJUSTMENT.**

18 (a) IN GENERAL.—Chapter 4 of the Foreign Service
 19 Act of 1980 (22 U.S.C. 3961 et seq.) (relating to com-
 20 pensation) is amended by adding at the end the following
 21 new section:

22 **“SEC. 415. OVERSEAS COMPARABILITY PAY ADJUSTMENT.**

23 “(a) IN GENERAL.—In accordance with subsection
 24 (c), a member of the Service who is designated class 1
 25 or below and who does not have as an official duty station

1 a location in the continental United States or in a non-
2 foreign area shall receive locality-based comparability pay-
3 ments under section 5304 of title 5, United States Code,
4 that would be paid to such member if such member's offi-
5 cial duty station would have been Washington, D.C.

6 “(b) TREATMENT AS BASIC PAY.—The locality-based
7 comparability payment described in subsection (a) shall—

8 “(1) be considered to be part of the basic pay
9 of a member in accordance with section 5304 of title
10 5, United States Code, for the same purposes for
11 which comparability payments are considered to be
12 part of basic pay under such section; and

13 “(2) be subject to any applicable pay limita-
14 tions.

15 “(c) PHASE-IN.—The comparability pay adjustment
16 described under this section shall be paid to a member
17 described in subsection (a) in three phases, as follows:

18 “(1) In fiscal year 2006, 33.33 percent of the
19 amount of such adjustment to which such member
20 is entitled.

21 “(2) In fiscal year 2007, 66.66 percent of the
22 amount of such adjustment to which such member
23 is entitled.

1 “(3) In fiscal year 2008 and subsequent fiscal
2 years, 100.00 percent of the amount of such adjust-
3 ment to which such member is entitled.”.

4 (b) CONFORMING AMENDMENTS RELATING TO THE
5 RETIREMENT AND DISABILITY SYSTEM OF THE FOREIGN
6 SERVICE.—

7 (1) CONTRIBUTIONS TO THE FUND.—Section
8 805(a) of the Foreign Service Act of 1980 (22
9 U.S.C. 4045(a)) is amended—

10 (A) in paragraph (1)—

11 (i) in the first sentence, by striking
12 “7.25 percent” and inserting “7.00 per-
13 cent”; and

14 (ii) in the second sentence, by striking
15 “The contribution by the employing agen-
16 cy” through “and shall be made” and in-
17 serting “An equal amount shall be contrib-
18 uted by the employing agency”;

19 (B) in paragraph (2)—

20 (i) in subparagraph (A), by striking
21 “plus an amount equal to .25 percent of
22 basic pay”; and

23 (ii) in subparagraph (B), in the first
24 sentence, by striking “plus an amount
25 equal to .25 percent of basic pay”; and

1 (C) in paragraph (3), by striking “plus .25
2 percent”.

3 (2) COMPUTATION OF ANNUITIES.—Section
4 806(a)(9) of such Act (22 U.S.C. 4046(a)(9)) is
5 amended—

6 (A) by striking “is outside” and inserting
7 “was outside”; and

8 (B) by inserting after “continental United
9 States” the following: “for any period of time
10 from December 29, 2002, to the first day of the
11 first full pay period beginning after the date of
12 applicability of the overseas comparability pay
13 adjustment under section 415”;

14 (3) ENTITLEMENT TO ANNUITY.—Section
15 855(a)(3) of such Act (22 U.S.C. 4071d(a)(3)) is
16 amended—

17 (A) by striking “is outside” and inserting
18 “was outside”; and

19 (B) by inserting after “continental United
20 States” the following: “for any period of time
21 from December 29, 2002, to the first day of the
22 first full pay period beginning after the date of
23 applicability of the overseas comparability pay
24 adjustment under section 415”.

1 (4) DEDUCTIONS AND WITHHOLDINGS FROM
 2 PAY.—Section 856(a)(2) of such Act (22 U.S.C.
 3 4071e(a)(2)) is amended to read as follows:

4 “(2) The applicable percentage under this sub-
 5 section shall be as follows:

“Percentage	Time Period
7.5	Before January 1, 1999.
7.75	January 1, 1999, to Decem- ber 31, 1999.
7.9	January 1, 2000, to Decem- ber 31, 2000.
7.55	January 11, 2003, to Sep- tember 30, 2004.
7.5	After September 30, 2004.”.

6 (c) EFFECTIVE DATE.—The amendments made by
 7 this section shall take effect on the date of the enactment
 8 of this Act and apply beginning on the first day of the
 9 first full pay period beginning after such date.

10 **SEC. 306. FELLOWSHIP OF HOPE PROGRAM.**

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

15 **“SEC. 506. FELLOWSHIP OF HOPE.**

16 “(a) The Secretary is authorized to establish a pro-
 17 gram to be known as the ‘Fellowship of Hope Program’.
 18 Under the Program, the Secretary may assign a member
 19 of the Service, for not more than one year, to a position
 20 with any designated country or designated entity that per-

1 mits an employee of such country or entity to be assigned
2 to a position with the Department.

3 “(b) The salary and benefits of a member of the Serv-
4 ice shall be paid as described in subsection (b) of section
5 503 during a period in which such member is participating
6 in the Fellowship of Hope Program. The salary and bene-
7 fits of an employee of a designated country or designated
8 entity participating in the Program shall be paid by such
9 country or entity during the period in which such employee
10 is participating in the Program.

11 “(c) In this section:

12 “(1) The term ‘designated country’ means a
13 member country of—

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

16 “(B) the European Union.

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

18 “(A) the North Atlantic Treaty Organiza-
19 tion; or

20 “(B) the European Union.

21 “(d) Nothing in this section shall be construed to—

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

24 “(A) an individual whose allegiance is to
25 any country, government, or foreign or inter-

1 national entity other than to the United States;

2 or

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

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

16 (b) TECHNICAL AND CONFORMING AMENDMENTS.—
17 Such Act is amended—

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

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

22 (B) in subsection (a)—

23 (i) in the matter preceding paragraph
24 (1), by inserting “foreign government,”
25 after “organization,”; and

1 (ii) in paragraph (1), by inserting “,
2 or with a foreign government under section
3 506” before the semicolon; and

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

5 (A) by striking the item relating to section
6 503 and inserting the following new item:

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

7 and

8 (B) by inserting after the item relating to
9 section 505 the following new item:

“Sec. 506. Fellowship of Hope Program.”.

10 **SEC. 307. REGULATIONS REGARDING RETIREMENT CREDIT**
11 **FOR GOVERNMENT SERVICE PERFORMED**
12 **ABROAD.**

13 Section 321(f) of the Foreign Relations Authorization
14 Act, Fiscal Year 2003 (5 U.S.C. 8411 note; Public Law
15 107–228) is amended by inserting “, not later than 60
16 days after the date of the enactment of the Foreign Rela-
17 tions Authorization Act, Fiscal Years 2006 and 2007,”
18 after “regulations”.

19 **SEC. 308. SUSPENSION OF FOREIGN SERVICE MEMBERS**
20 **WITHOUT PAY.**

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

1 “(c)(1) The Secretary may suspend a member of the
2 Service without pay when there is reasonable cause to be-
3 lieve that the member has committed a crime for which
4 a sentence of imprisonment may be imposed and there is
5 a connection between the conduct and the efficiency of the
6 Foreign Service.

7 “(2) Any member of the Service for whom a suspen-
8 sion is proposed shall be entitled to—

9 “(A) written notice stating the specific reasons
10 for the proposed suspension;

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

13 “(C) representation by an attorney or other
14 representative; and

15 “(D) a final written decision, including the spe-
16 cific reasons for such decision, as soon as prac-
17 ticable.

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

21 “(4) In this subsection:

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

23 “(i) with respect to a member of the Serv-
24 ice assigned to duty in the United States, 15

1 days after receiving notice of the proposed sus-
2 pension; and

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

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

10 (b) CONFORMING AND CLERICAL AMENDMENTS.—

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

15 (2) CLERICAL AMENDMENT.—Section 2 of such
16 Act is amended, in the table of contents, by striking
17 the item relating to section 610 and inserting the
18 following new item:

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

19 **SEC. 309. DEATH GRATUITY.**

20 Section 413(a) of the Foreign Service Act of 1980
21 (22 U.S.C. 3973(a)) is amended in the first sentence by
22 inserting before the period at the end the following: “or
23 \$100,000, whichever is greater”.

1 **SEC. 310. CLARIFICATION OF FOREIGN SERVICE GRIEV-**
2 **ANCE BOARD PROCEDURES.**

3 Section 1106(8) of the Foreign Service Act of 1980
4 (22 U.S.C. 4136(8)) is amended in the first sentence—

5 (1) by inserting “the involuntary separation of
6 the grievant (other than an involuntary separation
7 for cause under section 610(a)),” after “consid-
8 ering”; and

9 (2) by striking “the grievant or” and inserting
10 “the grievant, or”.

11 **SEC. 311. REPEAL OF RECERTIFICATION REQUIREMENT**
12 **FOR MEMBERS OF THE SENIOR FOREIGN**
13 **SERVICE.**

14 Section 305(d) of the Foreign Service Act of 1980
15 (22 U.S.C. 3945(d)) is hereby repealed.

16 **SEC. 312. TECHNICAL AMENDMENTS TO TITLE 5 PROVI-**
17 **SIONS ON RECRUITMENT, RELOCATION, AND**
18 **RETENTION BONUSES.**

19 Title 5, United States Code, is amended—

20 (1) in section 5753(a)(2)(A), by inserting be-
21 fore the semicolon at the end the following: “, but
22 does not include members of the Foreign Service
23 other than chiefs of mission and ambassadors-at-
24 large”; and

25 (2) in section 5754(a)(2)(A), by inserting be-
26 fore the semicolon at the end the following: “, but

1 does not include members of the Foreign Service
2 other than chiefs of mission and ambassadors-at-
3 large”.

4 **SEC. 313. LIMITED APPOINTMENTS IN THE FOREIGN SERV-**
5 **ICE.**

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

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

10 (2) in subsection (b)—

11 (A) by amending paragraph (3) to read as
12 follows:

13 “(3) as a career candidate, if—

14 “(A) continued service is determined appro-
15 priate to remedy a matter that would be cognizable
16 as a grievance under chapter 11; or

17 “(B) the career candidate is called to military
18 active duty pursuant to the Uniformed Services Em-
19 ployment and Reemployment Rights Act of 1994
20 (Public Law 103–353; codified in chapter 43 of title
21 38, United States Code) and the limited appoint-
22 ment expires in the course of such military active
23 duty.”;

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

1 (C) in paragraph (5) by striking the period
2 at the end and inserting “; and” ; and

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

5 “(6) in exceptional circumstances where the Sec-
6 retary determines the needs of the Service require the ex-
7 tension of a limited appointment—

8 “(A) for a period of time not to exceed 12
9 months, provided such period of time does not per-
10 mit additional review by the boards under section
11 306; or

12 “(B) for the minimum time needed to settle a
13 grievance, claim, or complaint not otherwise pro-
14 vided for in this section.”; and

15 (3) by adding at the end the following new sub-
16 section:

17 “(c) Noncareer specialist employees who have served
18 five consecutive years under a limited appointment may
19 be reappointed to a subsequent limited appointment pro-
20 vided there is at least a one year break in service before
21 such new appointment. This requirement may be waived
22 by the Director General in cases of special need.”.

23 **SEC. 314. STATEMENT OF CONGRESS.**

24 Congress declares that the recent changes proposed
25 by the Department of State to the career development pro-

1 gram for members of the Senior Foreign Service will help
2 promote well-rounded and effective members of the Senior
3 Foreign Service, and should be implemented as planned
4 in the coming years. Congress fully supports the proposed
5 changes that require that in order to be eligible for pro-
6 motion into the Senior Foreign Service, a member of the
7 Foreign Service must demonstrate over the course of the
8 career of such member the following:

9 (1) Operational effectiveness, including a
10 breadth of experience in several regions and over
11 several functions.

12 (2) Leadership and management effectiveness.

13 (3) Sustained professional language proficiency.

14 (4) Responsiveness to Service needs.

15 **SEC. 315. SENSE OF CONGRESS REGARDING ADDITIONAL**
16 **UNITED STATES CONSULAR POSTS.**

17 It is the sense of the Congress that to help advance
18 United States economic, political, and public diplomacy in-
19 terests, the Secretary of State should make best efforts
20 to establish United States consulates or other appropriate
21 United States diplomatic presence in Pusan, South Korea
22 and Hat Yai, Thailand.

1 **TITLE IV—INTERNATIONAL**
2 **ORGANIZATIONS**

3 **SEC. 401. REDI CENTER.**

4 The Secretary of State is authorized to provide for
5 the participation by the United States in the Regional
6 Emerging Disease Intervention (“REDI”) Center in
7 Singapore.

8 **SEC. 402. EXTENSION OF AUTHORIZATION OF APPROPRIA-**
9 **TION FOR THE UNITED STATES COMMISSION**
10 **ON INTERNATIONAL RELIGIOUS FREEDOM.**

11 (a) IN GENERAL.—Subsection (a) of section 207 of
12 the International Religious Freedom Act of 1998 (22
13 U.S.C. 6435) is amended by striking “\$3,000,000 for the
14 fiscal year 2003” and inserting “\$3,300,000 for each of
15 fiscal years 2006 through 2011”.

16 (b) TECHNICAL AMENDMENT.—Subsection (b) of
17 such section is amended by striking “subparagraph” and
18 inserting “subsection”.

19 **SEC. 403. INTERNATIONAL CENTER FOR MIDDLE EASTERN-**
20 **WESTERN DIALOGUE.**

21 Section 633(e) of the Departments of Commerce,
22 Justice, and State, the Judiciary, and Related Agencies
23 Appropriations Act, 2004 (division B of Public Law 108–
24 199; 22 U.S.C. 2078(e)) is amended—

1 (1) by striking “The United States, through the
2 Department of State, shall retain ownership of the
3 Palazzo Corpi building in Istanbul, Turkey, and the”
4 and inserting “The”; and

5 (2) by striking “at such location” and inserting
6 “at an appropriate location”.

7 **TITLE V—CHANGES IN ADMINIS-**
8 **TRATIVE AUTHORITIES FOR**
9 **INTERNATIONAL BROAD-**
10 **CASTING**

11 **SEC. 501. SHORT TITLE.**

12 This title may be cited as the “International Broad-
13 casting Authorization Act, Fiscal Years 2006 and 2007”.

14 **SEC. 502. MIDDLE EAST BROADCASTING NETWORKS.**

15 (a) MIDDLE EAST BROADCASTING NETWORKS.—The
16 United States International Broadcasting Act of 1994 (22
17 U.S.C. 6201 et seq.) is amended by inserting after section
18 309 (22 U.S.C. 6208) the following new section:

19 **“SEC. 309A. MIDDLE EAST BROADCASTING NETWORKS.**

20 “(a) AUTHORITY.—Grants authorized under section
21 305 shall be available to make annual grants to the Middle
22 East Broadcasting Networks for the purpose of carrying
23 out radio and television broadcasting to the Middle East
24 region.

1 “(b) FUNCTION.—Middle East Broadcasting Net-
2 works shall provide radio and television programming con-
3 sistent with the broadcasting standards and broadcasting
4 principles set forth in section 303.

5 “(c) GRANT AGREEMENT.—Any grant agreement or
6 grants under this section shall be subject to the following
7 limitations and restrictions:

8 “(1) The Board may not make any grant to the
9 non-profit corporation, Middle East Broadcasting
10 Networks, unless its certificate of incorporation pro-
11 vides that—

12 “(A) The Board of Directors of Middle
13 East Broadcasting Networks shall consist of the
14 members of the Broadcasting Board of Gov-
15 ernors established under section 304 and of no
16 other members.

17 “(B) Such Board of Directors shall make
18 all major policy determinations governing the
19 operation of Middle East Broadcasting Net-
20 works, and shall appoint and fix the compensa-
21 tion of such managerial officers and employees
22 of Middle East Broadcasting Networks as it
23 considers necessary to carry out the purposes of
24 the grant provided under this title, except that
25 no officer or employee may be paid basic com-

1 pensation at a rate in excess of the rate for
2 level II of the Executive Schedule as provided
3 under section 5313 of title 5, United States
4 Code.

5 “(2) Any grant agreement under this section
6 shall require that any contract entered into by Mid-
7 dle East Broadcasting Networks shall specify that
8 all obligations are assumed by Middle East Broad-
9 casting Networks and not by the United States Gov-
10 ernment.

11 “(3) Any grant agreement shall require that
12 any lease agreement entered into by Middle East
13 Broadcasting Networks shall be, to the maximum
14 extent possible, assignable to the United States Gov-
15 ernment.

16 “(4) Grants awarded under this section shall be
17 made pursuant to a grant agreement which requires
18 that grant funds be used only for activities con-
19 sistent with this section, and that failure to comply
20 with such requirements shall permit the grant to be
21 terminated without fiscal obligation to the United
22 States.

23 “(5) Duplication of language services and tech-
24 nical operations between the Middle East Broad-
25 casting Networks (including Radio Sawa), RFE/RL,

1 and the International Broadcasting Bureau will be
2 reduced to the extent appropriate, as determined by
3 the Board.

4 “(d) NOT A FEDERAL AGENCY OR INSTRUMENTALITY.—Nothing in this title may be construed to
5 make—
6

7 “(1) the Middle East Broadcasting Networks a
8 Federal agency or instrumentality; or

9 “(2) the officers or employees of the Middle
10 East Broadcasting Networks officers or employees of
11 the United States Government.”.

12 (b) TECHNICAL AND CONFORMING AMENDMENTS.—
13 Such Act is further amended—

14 (1) in section 304(g) (22 U.S.C. 6203(g)), by
15 inserting “, the Middle East Broadcasting Net-
16 works,” after “Incorporated”;

17 (2) in section 305 (22 U.S.C. 6204)—

18 (A) in subsection (a)—

19 (i) in paragraph (5), by striking “308
20 and 309” and inserting “308, 309, and
21 309A”; and

22 (ii) in paragraph (6), by striking “308
23 and 309” and inserting “308, 309, and
24 309A”; and

1 (B) in subsection (c), by striking “308 and
2 309” and inserting “308, 309, and 309A”; and
3 (3) in section 307 (22 U.S.C. 6206)—

4 (A) in subsection (a), by striking “308 and
5 309” and inserting “308, 309, and 309A”; and

6 (B) in subsection (c), in the second sen-
7 tence, by inserting “, the Middle East Broad-
8 casting Networks,” after “Asia”.

9 (c) TECHNICAL AND CONFORMING AMENDMENT TO
10 TITLE 5.—Section 8332(b)(11) of title 5, United States
11 Code, is amended by inserting “the Middle East Broad-
12 casting Networks;” after “Radio Free Asia;”.

13 **SEC. 503. IMPROVING SIGNAL DELIVERY TO CUBA.**

14 Section 3 of the Radio Broadcasting to Cuba Act (22
15 U.S.C. 1465a; Public Law 98–111) is amended—

16 (1) by striking subsection (b);

17 (2) by striking subsection (c) and inserting the
18 following new subsection:

19 “(c) To effect radio broadcasting to Cuba, the Board
20 is authorized to utilize the United States International
21 Broadcasting facilities located in Marathon, Florida, and
22 the 1180 AM frequency used at those facilities. In addi-
23 tion to the above facilities, the Board may simultaneously
24 utilize other governmental and nongovernmental broad-
25 casting transmission facilities and other frequencies, in-

1 cluding the Amplitude Modulation (AM) band, the Fre-
2 quency Modulation (FM) band, and the Shortwave (SW)
3 band. The Board may lease time on commercial or non-
4 commercial educational AM band, FM band, and SW band
5 radio broadcasting stations to carry a portion of the serv-
6 ice programs or to rebroadcast service programs.”;

7 (3) by striking subsection (d);

8 (4) by striking subsection (e) and inserting the
9 following new subsection:

10 “(e) Any service program of United States Govern-
11 ment radio broadcasts to Cuba authorized by this section
12 shall be designated ‘Radio Marti program’.”; and

13 (5) by striking subsection (f).

14 **SEC. 504. ESTABLISHING PERMANENT AUTHORITY FOR**
15 **RADIO FREE ASIA.**

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

18 (1) in subsection (c)(2), by striking “, and shall
19 further specify that funds to carry out the activities
20 of Radio Free Asia may not be available after Sep-
21 tember 30, 2009”; and

22 (2) by striking subsection (f).

1 **SEC. 505. PERSONAL SERVICES CONTRACTING PROGRAM.**

2 Section 504 of the Foreign Relations Authorization
3 Act, Fiscal Year 2003 (Public Law 107-228) is
4 amended—

5 (1) in the section heading, by striking
6 “**PILOT**”;

7 (2) in subsection (a)—

8 (A) by striking “pilot”;

9 (B) by striking “(in this section referred to
10 as the ‘program’)”; and

11 (C) by striking “producers, and writers”
12 and inserting “and other broadcasting special-
13 ists”;

14 (3) in subsection (b)(4), by striking “60” and
15 inserting “100”; and

16 (4) by striking subsection (c).

17 **SEC. 506. COMMONWEALTH OF THE NORTHERN MARIANA**
18 **ISLANDS EDUCATION BENEFITS.**

19 Section 305(a) of the United States International
20 Broadcasting Act of 1994 (22 U.S.C. 6204(a)) is amended
21 by inserting after paragraph (18) the following new para-
22 graph:

23 “(19)(A) To provide for the payment of pri-
24 mary and secondary school expenses for dependents
25 of personnel stationed in the Commonwealth of the
26 Northern Mariana Islands (CNMI) at a cost not to

1 exceed expenses authorized by the Department of
2 Defense for such schooling for dependents of mem-
3 bers of the Armed Forces stationed in the Common-
4 wealth, if the Board determines that schools avail-
5 able in the Commonwealth are unable to provide
6 adequately for the education of the dependents of
7 such personnel.

8 “(B) To provide transportation for dependents
9 of such personnel between their places of residence
10 and those schools for which expenses are provided
11 under subparagraph (A), if the Board determines
12 that such schools are not accessible by public means
13 of transportation.”.

14 **TITLE VI—MISCELLANEOUS**
15 **PROVISIONS AND REPORTING**
16 **REQUIREMENTS**

17 **SEC. 601. STATEMENT OF POLICY RELATING TO DEMOC-**
18 **RACY IN IRAN.**

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

20 (1) Iran is neither free nor democratic. Men
21 and women are not treated equally in Iran, women
22 are legally deprived of internationally recognized
23 human rights, and religious freedom is not respected
24 under the laws of Iran. Undemocratic institutions,

1 such as the Guardians Council, thwart the decisions
2 of elected leaders.

3 (2) The April 2005 report of the Department of
4 State states that Iran remained the most active
5 state sponsor of terrorism in 2004.

6 (3) That report also states that Iran continues
7 to provide funding, safe-haven, training, and weap-
8 ons to known terrorist groups, including Hizballah,
9 Hamas, the Palestine Islamic Jihad, al-Aqsa Mar-
10 tyrs Brigade, and the Popular Front for the Libera-
11 tion of Palestine, and has harbored senior members
12 of al-Qaeda.

13 (b) POLICY.—It is the policy of the United States
14 that—

15 (1) currently, there is not a free and fully
16 democratic government in Iran;

17 (2) the United States supports transparent, full
18 democracy in Iran;

19 (3) the United States supports the rights of the
20 Iranian people to choose their system of government;
21 and

22 (4) the United States condemns the brutal
23 treatment, imprisonment, and torture of Iranian ci-
24 vilians who express political dissent.

1 **SEC. 602. DUAL GATEWAY POLICY OF THE GOVERNMENT**
2 **OF IRELAND.**

3 (a) **IN GENERAL.**—The Secretary of State shall re-
4 view the dual gateway policy and determine the effects the
5 discontinuation of such policy might have on the economy
6 of the United States and the economy of western Ireland
7 before the United States takes any action that could lead
8 to the discontinuation of such policy.

9 (b) **ECONOMIC IMPACT STUDY.**—In determining the
10 effects that the discontinuation of such policy might have
11 on the economy of the United States, the Secretary, in
12 consultation with the heads of other appropriate depart-
13 ments and agencies, shall consider the effects the dis-
14 continuation of such policy might have on United States
15 businesses operating in western Ireland, Irish businesses
16 operating in and around Shannon Airport, and United
17 States air carriers serving Ireland.

18 (c) **REPORT.**—Not later than 180 days after the date
19 of the enactment of this Act, the Secretary shall submit
20 to Congress a report describing the determinations made
21 under subsection (a), together with any recommendations
22 for United States action.

23 (d) **DEFINITION.**—In this section, the term “dual
24 gateway policy” means the policy of the Government of
25 Ireland requiring certain air carriers serving Dublin Air-

1 port to undertake an equal numbers of flights to Shannon
2 Airport and Dublin Airport during each calendar year.

3 **SEC. 603. TRANS-SAHARA COUNTER-TERRORISM INITIA-**
4 **TIVE.**

5 (a) SENSE OF CONGRESS.—It is the sense of Con-
6 gress that efforts by the Government of the United States
7 to expand the Pan Sahel Initiative into a robust counter-
8 terrorism program in the Saharan region of Africa, to be
9 known as the “Trans-Sahara Counter Terrorism Initia-
10 tive”, should be strongly supported.

11 (b) REPORT.—

12 (1) IN GENERAL.—Not later than 120 days
13 after the date of the enactment of this Act, the Sec-
14 retary of State shall submit to the appropriate con-
15 gressional committees a detailed strategy, in classi-
16 fied form, regarding the plan of the Government of
17 the United States to expand the Pan Sahel Initiative
18 into a robust counter-terrorism program in the Sa-
19 haran region of Africa, to be known as the “Trans-
20 Sahara Counter Terrorism Initiative”.

21 (2) CONTENTS.— The report shall include the
22 following:

23 (A) The names of the countries that will
24 participate in the Initiative.

1 (B) A description of the types of security
2 assistance necessary to create rapid reaction se-
3 curity forces in order to bolster the capacity of
4 the countries referred to in subparagraph (A) to
5 govern their borders.

6 (C) A description of training to ensure re-
7 spect for human rights and civilian authority by
8 rapid reaction security forces referred to in sub-
9 paragraph (B) and other appropriate individ-
10 uals and entities of the countries referred to in
11 subparagraph (A).

12 (D) A description of the types of public di-
13 plomacy and related assistance that will be pro-
14 vided to promote development and counter rad-
15 ical Islamist elements that may be gaining a
16 foothold in the region.

17 (3) UPDATE.—The Secretary shall submit to
18 the appropriate congressional committees an update
19 of the report required by this subsection not later
20 than one year after the date of the initial submission
21 of the report under this subsection.

22 (c) COOPERATION OF OTHER DEPARTMENTS AND
23 AGENCIES.—The head of each appropriate department
24 and agency of the Government of the United States shall
25 cooperate fully with, and assist in the implementation of,

1 the strategy described in subsection (b)(1) and shall make
2 such resources and information available as is necessary
3 to ensure the success of the Initiative described in such
4 subsection.

5 **SEC. 604. REPORT ON HAITI.**

6 Not later than one year after the date of the enact-
7 ment of this Act and one year thereafter, the Secretary
8 of State shall submit to the appropriate congressional
9 committees a report on United States efforts to—

10 (1) assist in the disarmament of illegally armed
11 forces in Haiti, including through a program of gun
12 exchanges;

13 (2) assist in the reform of the Haitian National
14 Police; and

15 (3) support stabilization in Haiti.

16 **SEC. 605. REPORTS ON ACQUISITION AND MAJOR SECU-**
17 **RITY UPGRADES.**

18 Section 605(c) of the Secure Embassy Construction
19 and Counterterrorism Act of 1999 (title VI of the Admiral
20 James W. Nance and Meg Donovan Foreign Relations Au-
21 thorization Act, Fiscal Years 2000 and 2001; Public Law
22 106–113–Appendix G) is amended—

23 (1) in the heading, by striking “SEMIANNUAL
24 REPORTS” and inserting “REPORTS”;

1 (2) in the matter preceding paragraph (1), by
2 striking “June 1 and”; and

3 (3) in paragraph (1)(A), by striking “two fiscal
4 quarters” and inserting “year”.

5 **SEC. 606. REPORT ON REAL ESTATE TRANSACTIONS.**

6 Section 12 of the Foreign Service Buildings Act,
7 1926 (22 U.S.C. 303) is hereby repealed.

8 **SEC. 607. VERIFICATION REPORTS TO CONGRESS.**

9 Section 403(a) of the Arms Control and Disar-
10 mament Act (22 U.S.C. 2593a(a)) is amended in the mat-
11 ter preceding paragraph (1)—

12 (1) by striking “prepared by the Secretary of
13 State with the concurrence of the Director of Cen-
14 tral Intelligence and in consultation with the Sec-
15 retary of Defense, the Secretary of Energy, and the
16 Chairman of the Joint Chiefs of Staff,”; and

17 (2) by inserting “, as the President considers
18 appropriate” after “include”.

19 **SEC. 608. REPORTS ON PROTECTION OF REFUGEES FROM**
20 **NORTH KOREA.**

21 Section 305(a) of the North Korean Human Rights
22 Act of 2004 (Public Law 108–333; 22 U.S.C. 7845) is
23 amended—

24 (1) in paragraph (1), by striking “and” at the
25 end;

1 (2) in paragraph (2), by striking the period at
2 the end and inserting “; and”; and

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

5 “(3) a detailed description of the measures un-
6 dertaken by the Secretary of State to carry out sec-
7 tion 303, including country-specific information with
8 respect to United States efforts to secure the co-
9 operation and permission of the governments of
10 countries in East and Southeast Asia to facilitate
11 United States processing of North Koreans seeking
12 protection as refugees. The information required by
13 this paragraph may be provided in a classified for-
14 mat, if necessary.”.

15 **SEC. 609. REPORTS ON ACTIONS TAKEN BY THE UNITED**
16 **STATES TO ENCOURAGE RESPECT FOR**
17 **HUMAN RIGHTS.**

18 Section 665(e) of the Foreign Relations Authoriza-
19 tion Act, Fiscal Year 2003 (Public Law 107–228) is
20 amended by striking “30 days” and inserting “90 days”.

21 **SEC. 610. REPORT ON SERVICES FOR CHILDREN WITH AU-**
22 **TISM AT OVERSEAS MISSIONS.**

23 (a) *STUDY*.—With respect to countries in which there
24 is at least one mission of the United States, the Secretary
25 of State shall conduct a study of the availability of pro-

1 grams that address the special needs of children with au-
2 tism, including the availability of speech therapists and
3 pediatric occupational therapists at Department of De-
4 fense sponsored schools. Such study shall include the esti-
5 mated incidence of autism among dependents of members
6 of the Foreign Service and dependents of specialist For-
7 eign Service personnel. Such study shall also include an
8 analysis of the possibility of establishing “Educational
9 Centers of Excellence” for such children.

10 (b) REPORT.—Not later than 30 days after the com-
11 pletion of the study required under subsection (a), the Sec-
12 retary shall submit to the appropriate congressional com-
13 mittees a report containing the findings of the study to-
14 gether with any recommendations for related action.

15 **SEC. 611. REPORT ON INTERNET JAMMING.**

16 Not later than March 1 of the year following the date
17 of the enactment of this Act and one year thereafter, the
18 Chairman of the Broadcasting Board of Governors shall
19 submit to the appropriate congressional committees a re-
20 port on the status of state-sponsored and state-directed
21 Internet jamming by repressive foreign governments and
22 a description of efforts by the United States to counter
23 such jamming. Each report shall list the countries the gov-
24 ernments of which pursue Internet censorship or jamming,
25 provide information concerning the government agencies

1 or quasi-governmental organizations of such governments
2 that engage in Internet jamming; and describe with the
3 greatest particularity practicable the technological means
4 by which such jamming is accomplished. If the Chairman
5 determines that such is appropriate, the Chairman may
6 submit such report together with a classified annex.

7 **SEC. 612. REPORT ON DEPARTMENT OF STATE EMPLOY-**
8 **MENT COMPOSITION.**

9 (a) STATEMENT OF POLICY.—In order for the De-
10 partment of State to accurately represent all people in the
11 United States, the Department must accurately reflect the
12 diversity of the United States.

13 (b) REPORT.—Not later than one year after the date
14 of the enactment of this Act, the Secretary of State shall
15 submit to the appropriate congressional committees a re-
16 port containing information on—

17 (1) the number of racial and ethnic minorities
18 and the number of women employed at the Depart-
19 ment of State, including the percentages of each
20 such racial or ethnic minority and the percentage of
21 women in comparison with all employees of the De-
22 partment, as of the first day of the first fiscal year
23 after such date; and

24 (2) the number of racial and ethnic minorities
25 and the number of women recruited for employment

1 at the Department, including the percentages of
2 each such racial or ethnic minority and the percent-
3 age of women in comparison with all individuals re-
4 cruited for such employment, during the immediately
5 preceding fiscal year.

6 **SEC. 613. SENSE OF CONGRESS REGARDING KOREAN FUL-**
7 **BRIGHT PROGRAMS.**

8 It is the sense of Congress that Fulbright program
9 activities for the Republic of Korea (commonly referred
10 to as “South Korea”) should—

11 (1) include participation by students from
12 throughout South Korea, including proportional rep-
13 resentation from areas outside of Seoul;

14 (2) attempt to include Korean students from a
15 broad range of educational institutions, including
16 schools other than elite universities;

17 (3) broaden the Korean student emphasis be-
18 yond degree-seeking graduate students to include op-
19 portunities for one-year nondegree study at United
20 States colleges and universities by pre-doctoral Ko-
21 rean students; and

22 (4) include a significant number of Korean stu-
23 dents planning to work or practice in areas other
24 than advanced research and university teaching,

1 such as in government service, media, law, and busi-
2 ness.

3 **SEC. 614. LOCATION OF INTERNATIONAL INSTITUTIONS IN**
4 **AFRICA.**

5 (a) STATEMENT OF CONGRESS.—Congress declares
6 that, for the purpose of maintaining regional balances with
7 respect to the location of international organizations and
8 institutions in Africa, such organizations or institutions,
9 such as the African Development Bank, that move their
10 headquarters offices from their original locations for rea-
11 sons of security should return once those security issues
12 have been resolved or should relocate to another country
13 in the region in which the organization or institution was
14 originally headquartered.

15 (b) CONSULTATIONS REGARDING RETURN.—The
16 Secretary of State is authorized to begin consultations
17 with appropriate parties to determine the feasibility of re-
18 turning such organizations and institutions to the regions
19 in which they were originally headquartered.

20 **SEC. 615. PROHIBITION ON COMMEMORATIONS RELATING**
21 **TO LEADERS OF IMPERIAL JAPAN.**

22 The Department of State, both in Washington and
23 at United States diplomatic missions and facilities in for-
24 eign countries, shall not engage in any activity, including
25 the celebration of the recently enacted Showa holiday,

1 which may, in any manner, serve to commemorate or be
2 construed as serving to commemorate leaders of Imperial
3 Japan who were connected to the attack on the United
4 States Fleet at Pearl Harbor, Oahu, Hawaii, on December
5 7, 1941.

○

Mr. SMITH OF NEW JERSEY. I say to my colleagues that the Africa, Global Human Rights and International Operations Subcommittee marked up H.R. 2601 on May 26, and I want to acknowledge and thank my good friend and colleague Mr. Payne, who is a cosponsor of this bill, and other Members of the Subcommittee from both sides of the aisle whose collaborative efforts made this possible.

I also want to thank Chairman Hyde and, of course, Mr. Lantos, who made many, many important contributions to the legislation. As he said during our earlier discussion on the bill dealing with UN reform, this bill is truly a consensus bill. We have a number of people who provided very valuable input to the legislation.

The legislation, H.R. 2601, as passed by the Subcommittee, authorizes \$9.33 billion for the State Department and \$652 million for international broadcasting activities, for a total of \$9.985 billion, an increase of 12.4 percent over Fiscal Year 2005. This bill fully funds the management and programs of the State Department and meets the President's request.

Administration priorities included in the bill are a doubling of U.S. contributions for international peacekeeping, a 10.2 percent increase for international broadcasting, \$429 million for education and cultural exchanges and a \$334 million allocation for public diplomacy programs. The 6.5 percent increase in the diplomatic and consular programs account will fund over 150 new staffing positions for increased needs in Iraq, Afghanistan, Libya, and Sudan, as well as enabling increased language training staffing for the Office of Civilization and Reconstruction.

Security initiatives in H.R. 2601 include \$1.5 billion for security-related construction of U.S. Embassies, \$690 million to increase security for diplomatic personnel, and \$930 million for border security programs, which are increases of 1.5, 5.4 and 7.6 percent, respectively. These requests include funding for 55 additional diplomatic security personnel positions and 55 new consular positions.

Under the capital security construction program, eight new Embassy compounds and four USAID annexes would be funded. New provisions approved by the Subcommittee include permanent authorization for Radio Free Asia, increased funds for the Rangel Fellows Program, a program to train and attract more minorities to the ranks of our diplomatic corps, sense of Congress language that the United States should not support educational programs of the Palestinian Authority if that entity continues to include materials which foster anti-Semitism and rejecting the peace with Israel, and language to close the 16 percent gap between the base pay of officers stationed in Washington, DC, and those stationed overseas created by years of DC locality pay increases.

In conclusion, I urge the Full Committee's support for the bill. This bill gives our diplomatic service the resources it needs in this post-9/11 environment to promote U.S. interests and values abroad and to protect American citizens here at home.

I would like to yield to Mr. Lantos for any opening comments he might have.

Mr. LANTOS. Thank you very much, Mr. Chairman, and let me at the outset pay tribute to the outstanding work the Subcommittee did under your chairmanship in preparing this very

complicated piece of legislation. I also want to commend Chairman Hyde for the bipartisan manner in which both he and you have worked with our side on this legislation.

After a lively debate on the UN reform bill, I am pleased our Committee can now turn to a bill that reflects so much work from both Republicans and Democrats alike. This is an excellent piece of legislation, Mr. Chairman, and I strongly support its passage.

In general, it authorizes the full budget request of Secretary of State Condoleezza Rice, and it improves many important provisions sought by both our Secretary of State and many Members of this Committee to help her manage the Department.

The legislation also contains an extremely important initiative on a bipartisan basis to restructure American assistance to the Government of Egypt. Over the past 5 years, our economic aid to Egypt has been cut by \$40 million per year while military aid remains constant. The result is that last year Egypt received \$1.3 billion in military aid and less than half that, \$530 million, in economic support.

The Lantos-Hyde provision in our legislation reverses that trend, while keeping overall aid to Egypt constant. The \$40 million per year would be cut from military assistance while leaving economic aid untouched.

Egypt has an enviable external security situation, Mr. Chairman. It is at peace with all of its neighbors. It faces no threats. But its domestic situation is marred by poverty, substandard levels of education and health care, and severely limited freedom. It is time that we realign our foreign aid priorities with the needs of the Egyptian people and the requirements of Egyptian stability rather than with the desires of the Egyptian military. Our provision on aid to Egypt makes a modest start in that direction and points the way toward more meaningful reform in the future. The major beneficiaries of our approach will be the Egyptian people.

Our bill also contains important provisions that continue our commitment to the people of Tibet by bolstering the authorities granted to the Tibet coordinator at the Department of State. It also ensures that assistance provided by the United Nations Development Program in Burma does not benefit the totalitarian military regime in that country.

In the area of human rights, our bill increases the resources for the State Department's Bureau for Democracy, Human Rights and Labor. It provides authority to the Bureau to fund overseas staff positions for monitoring and reporting on human rights issues. The legislation also increases funding for the National Endowment for Democracy and for the Asia Foundation.

This, of course, is not a perfect bill, Mr. Chairman. None are. But it is a very good piece of legislation. We have included scores of important initiatives sought by our Committee Members and the Department of State, and undoubtedly, we will include more as the markup unfolds today.

Throughout the process, Chairman Hyde, you, Mr. Smith, and the Republican staff have been most cooperative and collegial, for which I express publicly my appreciation, and I want to thank you for recognizing me.

Mr. SMITH OF NEW JERSEY. Thank you very much, Mr. Lantos.

The Chair recognizes himself to offer an amendment in the nature of a substitute which, without objection, will be considered as read, and I ask unanimous consent that it be considered as base text.

Without objection, so ordered.

[The amendment referred to follows:]

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 2601
OFFERED BY MR. SMITH OF NEW JERSEY**

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Foreign Relations Au-
3 thorization Act, Fiscal Years 2006 and 2007”.

4 SEC. 2. TABLE OF CONTENTS.

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

- Sec. 1. Short Title.
- Sec. 2. Table of contents.
- Sec. 3. Definitions.

TITLE I—AUTHORIZATIONS OF APPROPRIATIONS

- Sec. 101. Administration of Foreign Affairs.
- Sec. 102. Contributions to International Organizations.
- Sec. 103. International Commissions.
- Sec. 104. Migration and Refugee Assistance.
- Sec. 105. Centers and foundations.
- Sec. 106. United States International Broadcasting activities.

TITLE II—DEPARTMENT OF STATE AUTHORITIES AND
ACTIVITIES

- Sec. 201. Consolidation of law enforcement powers; new criminal offense.
- Sec. 202. International litigation fund.
- Sec. 203. Retention of medical reimbursements.
- Sec. 204. Buying power maintenance account.
- Sec. 205. Authority to administratively amend surcharges.
- Sec. 206. Accountability review boards.
- Sec. 207. Designation of Colin L. Powell Residential Plaza.
- Sec. 208. Removal of contracting prohibition.
- Sec. 209. Translation of reports of the Department of State.
- Sec. 210. Entries within passports.
- Sec. 211. United States actions with respect to Jerusalem as the capital of
Israel.
- Sec. 212. Availability of unclassified telecommunications facilities.

- Sec. 213. Reporting formats.
- Sec. 214. Restrictions on United States voluntary contributions to the United Nations Development Program.
- Sec. 215. Extension of requirement for scholarships for Tibetans and Burmese.

TITLE III—ORGANIZATION AND PERSONNEL OF THE
DEPARTMENT OF STATE

- Sec. 301. Education allowances.
- Sec. 302. Official residence expenses.
- Sec. 303. Increased limits applicable to post differentials and danger pay allowances.
- Sec. 304. Home leave.
- Sec. 305. Overseas equalization and comparability pay adjustment.
- Sec. 306. Fellowship of Hope Program.
- Sec. 307. Regulations regarding retirement credit for Government Service performed abroad.
- Sec. 308. Promoting assignments to international organizations.
- Sec. 309. Suspension of Foreign Service members without pay.
- Sec. 310. Death gratuity.
- Sec. 311. Clarification of Foreign Service Grievance Board procedures.
- Sec. 312. Repeal of recertification requirement for members of the Senior Foreign Service.
- Sec. 313. Technical amendments to Title 5 provisions on recruitment, relocation, and retention bonuses.
- Sec. 314. Limited appointments in the Foreign Service.
- Sec. 315. Statement of Congress.
- Sec. 316. Sense of Congress regarding additional United States consular posts.
- Sec. 317. Office of the Culture of Lawfulness.

TITLE IV—INTERNATIONAL ORGANIZATIONS

- Sec. 401. REDI Center.
- Sec. 402. Extension of authorization of appropriation for the United States Commission on International Religious Freedom.
- Sec. 403. Property disposition.

TITLE V—CHANGES IN ADMINISTRATIVE AUTHORITIES FOR
INTERNATIONAL BROADCASTING

- Sec. 501. Short Title.
- Sec. 502. Middle East Broadcasting Networks.
- Sec. 503. Improving signal delivery to Cuba.
- Sec. 504. Establishing permanent authority for Radio Free Asia.
- Sec. 505. Personal services contracting Program.
- Sec. 506. Commonwealth of the Northern Mariana Islands education benefits.

TITLE VI—REPORTING REQUIREMENTS

- Sec. 601. Trans-Sahara counter-terrorism Initiative.
- Sec. 602. Annual patterns of global terrorism report.
- Sec. 603. Study and report on dual gateway policy of the Government of Ireland.
- Sec. 604. Report on Haiti.
- Sec. 605. Verification reports to Congress.
- Sec. 606. Reports on protection of refugees from North Korea.

- Sec. 607. Reports on actions taken by the United States to encourage respect for human rights.
- Sec. 608. Reports on acquisition and major security upgrades.
- Sec. 609. Report on services for children with autism at overseas missions.
- Sec. 610. Report on incidence and prevalence of autism worldwide.
- Sec. 611. Report on Internet jamming.
- Sec. 612. Report on Department of State employment composition.
- Sec. 613. Report on incitement to acts of discrimination.
- Sec. 614. Reports on child marriage.
- Sec. 615. Reports relating to Magen David Adom Society.
- Sec. 616. Reports relating to developments in and policy toward Indonesia.
- Sec. 617. Report relating to the murders of United States citizens John Branchizio, Mark Parson, and John Marin Linde.
- Sec. 618. Elimination of report on real estate transactions.

TITLE VII—STRATEGIC EXPORT CONTROL AND SECURITY
ASSISTANCE ACT OF 2005

Subtitle A—General Provisions

- Sec. 701. Short title.
- Sec. 702. Definitions.
- Sec. 703. Declaration of policy.

Subtitle B—Revising and Strengthening Strategic Export Control Policies

- Sec. 711. Amendments to the State Department Basic Authorities Act of 1956.
- Sec. 712. Strategic Export Control Board.

Subtitle C—Procedures relating to export licenses

- Sec. 721. Transparency of jurisdictional determinations.
- Sec. 722. Certifications relating to export of certain defense articles and defense services.
- Sec. 723. Priority for United States military operations.
- Sec. 724. License officer staffing and workload.
- Sec. 725. Database of United States military assistance.
- Sec. 726. Training and liaison for small businesses.
- Sec. 727. Commercial communications satellite technical data.
- Sec. 728. Reporting requirement for unlicensed exports.

Subtitle D—Terrorist-Related Provisions and Enforcement Matters

- Sec. 731. Sensitive technology transfers to foreign persons located within the United States.
- Sec. 732. Certification concerning exempt weapons transfers along the northern border of the United States.
- Sec. 733. Comprehensive nature of United States arms embargoes.
- Sec. 734. Control of items on Missile Technology Control Regime Annex.
- Sec. 735. Unlawful use of United States defense articles.

Subtitle E—Strengthening United States missile nonproliferation law

- Sec. 741. Probationary period for foreign persons.
- Sec. 742. Strengthening United States missile proliferation sanctions on foreign persons.
- Sec. 743. Comprehensive United States missile proliferation sanctions on all responsible foreign persons.

Subtitle F—Security assistance and related provisions

- Sec. 751. Authority to transfer naval vessels to certain foreign countries.
- Sec. 752. Transfer of obsolete and surplus items from Korean war reserves stockpile and removal or disposal of remaining items.
- Sec. 753. Extension of Pakistan waivers.
- Sec. 754. Reporting requirement for foreign military training.
- Sec. 755. Certain services provided by the United States in connection with foreign military sales.
- Sec. 756. Maritime interdiction patrol boats for Mozambique.
- Sec. 757. Reimbursement for International Military Education and Training.

TITLE VIII—FOREIGN ASSISTANCE PROVISIONS

- Sec. 801. Amendments to the Tibetan Policy Act of 2002.
- Sec. 802. Support for pro-democracy and human rights organizations in certain countries.
- Sec. 803. Amendments to the Afghanistan Freedom Support Act of 2002.
- Sec. 804. Assistance to promote democracy and human rights in Vietnam.
- Sec. 805. Economic Support Funds for Venezuela.
- Sec. 806. Assistance to support democracy in Zimbabwe.
- Sec. 807. Support for famine relief in Ethiopia.
- Sec. 808. Inter-Arab Democratic Charter.
- Sec. 809. Middle East Partnership Initiative.
- Sec. 810. Assistance to promote democracy in Belarus.
- Sec. 811. Requirements relating to Economic Support Fund assistance for Egypt.
- Sec. 812. Assistance for maternal and prenatal care for certain individuals of Belarus and Ukraine involved in the cleanup of the Chernobyl disaster.
- Sec. 813. Assistance for the Office of the Ombudsman for Northern Ireland.
- Sec. 814. Assistance to address non-infectious diseases in foreign countries.
- Sec. 815. Assistance to establish centers for the treatment of obstetric fistula in developing countries.
- Sec. 816. West Bank and Gaza Program.
- Sec. 817. Amendments to the Anglo-Irish Agreement Support Act of 1986.

TITLE IX—MISCELLANEOUS PROVISIONS

Subtitle A—General provisions

- Sec. 901. Statement of policy relating to Democracy in Iran.
- Sec. 902. Iranian nuclear activities.
- Sec. 903. Location of international institutions in Africa.
- Sec. 904. Benjamin Gilman International Scholarship program.
- Sec. 905. Prohibition on commemorations relating to leaders of Imperial Japan.
- Sec. 906. United States policy regarding World Bank Group loans to Iran.
- Sec. 907. Statement of policy regarding support for SECI Regional Center for Combating Trans-Border Crime.
- Sec. 908. Statement of policy urging Turkey to respect the rights and religious freedoms of the Ecumenical Patriarch.
- Sec. 909. Statement of policy regarding the murder of United States citizen John M. Alvis.

Subtitle B—Sense of Congress provisions

- Sec. 911. Korean Fulbright programs.

- Sec. 912. United States relations with Taiwan.
 Sec. 913. Nuclear proliferation and A. Q. Khan.
 Sec. 914. Palestinian textbooks.
 Sec. 915. International convention affirming the human rights and dignity of persons with disabilities.
 Sec. 916. Fulbright Scholarships for East Asia and the Pacific.
 Sec. 917. Baku-Tbilisi-Ceyhan energy pipeline.
 Sec. 918. United States foreign assistance.
 Sec. 919. Elimination of extreme poverty in developing countries.
 Sec. 920. Assistance for regional health care delivery.
 Sec. 921. Assistance for regional health education and training programs.

1 **SEC. 3. DEFINITIONS.**

2 In this Act:

3 (1) APPROPRIATE CONGRESSIONAL COMMITTEES.—Except as otherwise provided, the term “appropriate congressional committees” means the
 4 Committee on International Relations of the House
 5 of Representatives and the Committee on Foreign
 6 Relations of the Senate.
 7

8 (2) DEPARTMENT.—The term “Department”
 9 means the Department of State.
 10

11 (3) SECRETARY.—The term “Secretary” means
 12 the Secretary of State.
 13

14 **TITLE I—AUTHORIZATIONS OF
 APPROPRIATIONS**

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

16 The following amounts are authorized to be appro-
 17 priated for the Department of State under “Administra-
 18 tion of Foreign Affairs” to carry out the authorities, func-
 19 tions, duties, and responsibilities in the conduct of foreign

1 affairs of the United States and for other purposes author-
2 ized by law:

3 (1) DIPLOMATIC AND CONSULAR PROGRAMS.—
4 For “Diplomatic and Consular Programs”,
5 \$3,769,118,000 for fiscal year 2006, and
6 \$3,896,611,500 for fiscal year 2007.

7 (A) WORLDWIDE SECURITY UPGRADES.—
8 In addition to amounts authorized to be appro-
9 priated under paragraph (1), \$689,523,000 for
10 fiscal year 2006, and \$710,208,690 for fiscal
11 year 2007, are authorized to be appropriated
12 for worldwide security upgrades.

13 (B) PUBLIC DIPLOMACY.—Of the amounts
14 authorized to be appropriated under paragraph
15 (1), \$333,863,000 for fiscal year 2006, and
16 \$343,699,000 for fiscal year 2007, are author-
17 ized to be appropriated for public diplomacy.

18 (C) BUREAU OF DEMOCRACY, HUMAN
19 RIGHTS, AND LABOR.—Of the amounts author-
20 ized to be appropriated under paragraph (1),
21 \$20,000,000 for fiscal year 2006, and
22 \$20,000,000 for fiscal year 2007, are author-
23 ized to be appropriated for salaries and ex-
24 penses of the Bureau of Democracy, Human
25 Rights, and Labor.

1 (D) ANTI-SEMITISM.—Of the amounts au-
2 thorized to be appropriated under paragraph
3 (1), \$225,000 for fiscal year 2006 and
4 \$225,000 for fiscal year 2007 are authorized to
5 be appropriated for necessary expenses to fund
6 secondments, hiring of staff, and support tar-
7 geted projects of the Office of Democratic Insti-
8 tutions and Human Rights (ODIHR) of the Or-
9 ganization for Security and Cooperation in Eu-
10 rope (OSCE) regarding anti-Semitism and in-
11 tolerance and for the OSCE/ODIHR Law En-
12 forcement Officers Hate Crimes Training Pro-
13 gram.

14 (E) RELIGIOUS FREEDOM.—

15 (i) IN GENERAL.—Of the amounts au-
16 thorized to be appropriated under para-
17 graph (1), \$205,000 for fiscal year 2006
18 and \$205,000 for fiscal year 2007 are au-
19 thorized to be appropriated for necessary
20 expenses to fund activities of the Organiza-
21 tion for Security and Cooperation in Eu-
22 rope relating to freedom of religion and be-
23 lief.

24 (ii) OSCE PROJECTS, ACTIVITIES,
25 AND MISSIONS.—

1 (I) PROJECTS AND ACTIVITIES.—

2 Of the amounts authorized to be ap-
3 propriated under paragraph (1),
4 \$125,000 for fiscal year 2006 and
5 \$125,000 for fiscal year 2007 are au-
6 thorized to be appropriated for nec-
7 essary expenses to fund for
8 secondments, hiring of staff, and sup-
9 port targeted projects of the Office of
10 Democratic Institutions and Human
11 Rights (ODIHR) of the Organization
12 for Security and Cooperation in Eu-
13 rope (OSCE) regarding religious free-
14 dom and for the OSCE/ODIHR Panel
15 of Experts on Freedom of Religion or
16 Belief.

17 (II) MISSIONS.—Of the amounts
18 authorized to be appropriated under
19 paragraph (1), \$80,000 for fiscal year
20 2006 and \$80,000 for fiscal year
21 2007 are authorized to be appro-
22 priated for OSCE Missions in Arme-
23 nia, Azerbaijan, Georgia, Kazakhstan,
24 Kyrgyzstan, Tajikistan, Turkmenistan
25 and Uzbekistan for activities to ad-

1 dress issues relating to religious free-
2 dom and belief and to fund the hiring
3 of new staff who are dedicated to reli-
4 gious freedom and belief.

5 (F) CHARLES B. RANGEL INTERNATIONAL
6 AFFAIRS PROGRAM.—Of the amounts author-
7 ized to be appropriated under paragraph (1),
8 \$1,500,000 for fiscal year 2006 and \$1,500,000
9 for fiscal year 2007 are authorized to be appro-
10 priated for the Charles B. Rangel International
11 Affairs Program at Howard University.

12 (G) MINORITY RECRUITMENT.—Of the
13 amounts authorized to be appropriated under
14 paragraph (1), \$2,000,000 for fiscal year 2006
15 and \$2,000,000 for fiscal year 2007 is author-
16 ized to be appropriated for the recruitment of
17 members of minority groups for careers in the
18 Foreign Service and international affairs.

19 (2) CAPITAL INVESTMENT FUND.—For “Cap-
20 ital Investment Fund”, \$131,000,000 for fiscal year
21 2006, and \$131,000,000 for fiscal year 2007.

22 (3) EMBASSY SECURITY, CONSTRUCTION AND
23 MAINTENANCE.—For “Embassy Security, Construc-
24 tion and Maintenance”, \$1,526,000,000 for fiscal
25 year 2006, and \$1,550,000,000 for fiscal year 2007.

1 (4) EDUCATIONAL AND CULTURAL EXCHANGE
2 PROGRAMS.—

3 (A) IN GENERAL.—For “Educational and
4 Cultural Exchange Programs”, \$428,900,000
5 for the fiscal year 2006, and \$438,500,000 for
6 fiscal year 2007.

7 (B) SUMMER INSTITUTES FOR KOREAN
8 STUDENT LEADERS.—Of the amounts author-
9 ized to be appropriated under subparagraph
10 (A), \$750,000 for fiscal year 2006 and
11 \$750,000 for fiscal year 2007 are authorized to
12 be appropriated for summer academic study
13 programs in the United States (focusing on
14 United States political systems, government in-
15 stitutions, society, and democratic culture) for
16 college and university students from the Repub-
17 lic of Korea, to be known as the “United States
18 Summer Institutes for Korean Student Lead-
19 ers”.

20 (C) SUDANESE SCHOLARSHIPS.—Of the
21 amounts authorized to be available under sub-
22 paragraph (A), \$500,000 for fiscal year 2004
23 and \$500,000 for fiscal year 2005 is authorized
24 to be available for scholarships for students
25 from southern Sudan for secondary or postsec-

1 ondary education in the United States, to be
2 known as “Sudanese Scholarships”.

3 (D) SCHOLARSHIPS FOR INDIGENOUS PEO-
4 PLES OF MEXICO AND CENTRAL AND SOUTH
5 AMERICA.— Of the amounts authorized to be
6 appropriated under subparagraph (A),
7 \$250,000 for fiscal year 2006 and \$250,000 for
8 fiscal year 2007 are authorized to be appro-
9 priated for scholarships for secondary and post-
10 secondary education in the United States for
11 students from Mexico and the countries of Cen-
12 tral and South America who are descended
13 from the indigenous peoples of Mexico or such
14 countries.

15 (E) SOUTH PACIFIC EXCHANGES.—Of the
16 amounts authorized to be appropriated under
17 subparagraph (A), \$650,000 for fiscal year
18 2006 and \$650,000 for fiscal year 2007 are au-
19 thorized to be appropriated for South Pacific
20 Exchanges.

21 (F) TIBETAN SCHOLARSHIP PROGRAM.—
22 Of the amount authorized to be appropriated
23 under subparagraph (A), \$750,000 for fiscal
24 year 2006 and \$800,000 for fiscal year 2007 is
25 authorized to be made available to carry out the

1 Tibetan scholarship program established under
2 section 103(b)(1) of the Human Rights, Ref-
3 ugee, and Other Foreign Relations Provisions
4 Act of 1996 (Public Law 104–319; 22 U.S.C.
5 2151 note).

6 (G) NGAWANG CHOPEL EXCHANGE PRO-
7 GRAMS.—Of the amount authorized to be ap-
8 propriated under subparagraph (A), \$500,000
9 for fiscal year 2006 and \$500,000 for fiscal
10 year 2007 is authorized to be available for the
11 “Ngawang Choepel Exchange Programs” (for-
12 merly known as “programs of educational and
13 cultural exchange between the United States
14 and the people of Tibet”) under section 103(a)
15 of the Human Rights, Refugee, and Other For-
16 eign Relations Provisions Act of 1996 (Public
17 Law 104–319; 22 U.S.C. 2151 note).

18 (H) HIV/AIDS INITIATIVE.—Of the
19 amount authorized to be appropriated under
20 subparagraph (A), \$1,000,000 for fiscal year
21 2006 and \$1,000,000 for fiscal year 2007 is au-
22 thorized to be appropriated for HIV/AIDS re-
23 search and mitigation strategies.

1 (5) REPRESENTATION ALLOWANCES.—For
2 “Representation Allowances”, \$8,281,000 for fiscal
3 year 2006, and \$8,281,000 for fiscal year 2007.

4 (6) PROTECTION OF FOREIGN MISSIONS AND
5 OFFICIALS.—For “Protection of Foreign Missions
6 and Officials”, \$9,390,000 for fiscal year 2006 and
7 \$9,390,000 for fiscal year 2007.

8 (7) EMERGENCIES IN THE DIPLOMATIC AND
9 CONSULAR SERVICE.—For “Emergencies in the Dip-
10 lomatic and Consular Service”, \$12,143,000 for fis-
11 cal year 2006, and \$12,143,000 for fiscal year 2007.

12 (8) REPATRIATION LOANS.—For “Repatriation
13 Loans”, \$1,319,000 for fiscal year 2006, and
14 \$1,319,000 for fiscal year 2007.

15 (9) PAYMENT TO THE AMERICAN INSTITUTE IN
16 TAIWAN.—For “Payment to the American Institute
17 in Taiwan”, \$19,751,000 for fiscal year 2006, and
18 \$20,146,020 for fiscal year 2007.

19 (10) OFFICE OF THE INSPECTOR GENERAL.—
20 For “Office of the Inspector General”, \$29,983,000
21 for fiscal year 2006, and \$29,983,000 for fiscal year
22 2007.

1 **SEC. 102. CONTRIBUTIONS TO INTERNATIONAL ORGANIZA-**
2 **TIONS.**

3 (a) ASSESSED CONTRIBUTIONS TO INTERNATIONAL
4 ORGANIZATIONS.—There are authorized to be appro-
5 priated for “Contributions to International Organiza-
6 tions”, \$1,296,500,000 for fiscal year 2006 and
7 \$1,322,430,000 for fiscal year 2007, for the Department
8 of State to carry out the authorities, functions, duties, and
9 responsibilities in the conduct of the foreign affairs of the
10 United States with respect to international organizations
11 and to carry out other authorities in law consistent with
12 such purposes.

13 (b) CONTRIBUTIONS FOR INTERNATIONAL PEACE-
14 KEEPING ACTIVITIES.—There are authorized to be appro-
15 priated for “Contributions for International Peacekeeping
16 Activities”, \$1,035,500,000 for fiscal year 2006, and such
17 sums as may be necessary for fiscal year 2007, for the
18 Department of State to carry out the authorities, func-
19 tions, duties, and responsibilities of the United States with
20 respect to international peacekeeping activities and to
21 carry out other authorities in law consistent with such
22 purposes. Amounts appropriated pursuant to this sub-
23 section are authorized to remain available until expended.

24 (c) FOREIGN CURRENCY EXCHANGE RATES.—

25 (1) AUTHORIZATION OF APPROPRIATIONS.—In
26 addition to amounts authorized to be appropriated

1 under subsection (a), there are authorized to be ap-
2 propriated such sums as may be necessary for each
3 of fiscal years 2006 and 2007 to offset adverse fluctua-
4 tions in foreign currency exchange rates.

5 (2) AVAILABILITY OF FUNDS.—Amounts appro-
6 priated under this subsection shall remain available
7 for obligation and expenditure only to the extent
8 that the Director of the Office of Management and
9 Budget determines and certifies to Congress that
10 such amounts are necessary due to such fluctua-
11 tions.

12 **SEC. 103. INTERNATIONAL COMMISSIONS.**

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

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

23 (A) for “Salaries and Expenses”,
24 \$28,200,000 for fiscal year 2006, and
25 \$28,200,000 for fiscal year 2007; and

1 (B) for “Construction”, \$6,100,000 for fis-
2 cal year 2006, and \$6,100,000 for fiscal year
3 2007.

4 (2) INTERNATIONAL BOUNDARY COMMISSION,
5 UNITED STATES AND CANADA.—For “International
6 Boundary Commission, United States and Canada”,
7 \$1,429,000 for fiscal year 2006 and \$1,429,000 for
8 fiscal year 2007.

9 (3) INTERNATIONAL JOINT COMMISSION.—For
10 “International Joint Commission”, \$6,320,000 for
11 fiscal year 2006 and \$6,320,000 for fiscal year
12 2007.

13 (4) INTERNATIONAL FISHERIES COMMISS-
14 SIONS.—For “International Fisheries Commissions”,
15 \$25,123,000 for fiscal year 2006 and \$25,123,000
16 for fiscal year 2007.

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

18 (a) IN GENERAL.—There are authorized to be appro-
19 priated for the Department of State for “Migration and
20 Refugee Assistance” for authorized activities,
21 \$955,000,000 for fiscal year 2006 and \$983,650,000 for
22 fiscal year 2007.

23 (b) REFUGEES RESETTLING IN ISRAEL.—Of the
24 amounts authorized to be appropriated under subsection

1 (a), there are authorized to be appropriated \$40,000,000
2 for fiscal year 2006 and \$40,000,000 for fiscal year 2007.

3 **SEC. 105. CENTERS AND FOUNDATIONS.**

4 (a) ASIA FOUNDATION.—There are authorized to be
5 appropriated for “The Asia Foundation” for authorized
6 activities, \$18,000,000 for fiscal year 2006 and
7 \$18,000,000 for fiscal year 2007.

8 (b) NATIONAL ENDOWMENT FOR DEMOCRACY.—
9 There are authorized to be appropriated for the “National
10 Endowment for Democracy” for authorized activities,
11 \$80,000,000 for fiscal year 2006 and \$80,000,000 for fis-
12 cal year 2007.

13 (c) CENTER FOR CULTURAL AND TECHNICAL INTER-
14 CHANGE BETWEEN EAST AND WEST.—There are author-
15 ized to be appropriated for the “Center for Cultural and
16 Technical Interchange Between East and West” for au-
17 thorized activities, \$13,024,000 for fiscal year 2006 and
18 \$13,024,000 for fiscal year 2007.

19 **SEC. 106. UNITED STATES INTERNATIONAL BROADCASTING**
20 **ACTIVITIES.**

21 The following amounts are authorized to be appro-
22 priated to carry out United States Government inter-
23 national broadcasting activities under the United States
24 Information and Educational Exchange Act of 1948, the
25 Radio Broadcasting to Cuba Act, the Television Broad-

1 casting to Cuba Act, the United States International
2 Broadcasting Act of 1994, and the Foreign Affairs Re-
3 form and Restructuring Act of 1998, and to carry out
4 other authorities in law consistent with such purposes:

5 (1) For “International Broadcasting Oper-
6 ations”, \$603,394,000 for fiscal year 2006 and
7 \$621,495,820 for fiscal year 2007. Of the amounts
8 authorized to be appropriated under under this
9 paragraph, \$5,000,000 is authorized to be appro-
10 priated for fiscal year 2006 and \$5,000,000 is au-
11 thorized to be appropriated for fiscal year 2007 for
12 increased broadcasting to Belarus.

13 (2) For “Broadcasting Capital Improvements”,
14 \$10,893,000 for fiscal year 2006 and \$10,893,000
15 for fiscal year 2007.

16 (3) For “Broadcasting to Cuba”, \$37,656,000
17 for fiscal year 2006 and \$29,931,000 for fiscal year
18 2007, to remain available until expended, for nec-
19 essary expenses to enable the Broadcasting Board of
20 Governors to carry out broadcasting to Cuba, includ-
21 ing the purchase, rent, construction, and improve-
22 ment of facilities for radio and television trans-
23 mission and reception, and the purchase, lease, and
24 installation of necessary equipment, including air-

1 craft, for radio and television transmission and re-
2 ception.

3 (4) In addition to such amounts as are other-
4 wise authorized to be appropriated for the Broad-
5 casting Board of Governors, there are authorized to
6 be appropriated \$9,100,000 for fiscal years 2006
7 and 2007 to overcome the jamming of Radio Free
8 Asia by Vietnam.

9 **TITLE II—DEPARTMENT OF**
10 **STATE AUTHORITIES AND AC-**
11 **TIVITIES**

12 **SEC. 201. CONSOLIDATION OF LAW ENFORCEMENT POW-**
13 **ERS; NEW CRIMINAL OFFENSE.**

14 (a) IN GENERAL.—Chapter 203 of title 18, United
15 States Code, is amended by adding at the end the fol-
16 lowing new section:

17 **“§ 3064. Powers of special agents in the Department**
18 **of State and the Foreign Service**

19 “Whoever knowingly and willfully obstructs, resists,
20 or interferes with a Federal law enforcement agent en-
21 gaged in the performance of the protective functions au-
22 thorized by section 37 of the State Department Basic Au-
23 thorities Act of 1956 or by section 103 of the Omnibus
24 Diplomatic Security and Antiterrorism Act of 1986 shall

1 be fined under this title or imprisoned not more than one
2 year, or both.”.

3 (b) TABLE OF SECTIONS AMENDMENT.—The table of
4 sections at the beginning of chapter 203 of title 18, United
5 States Code, is amended by adding at the end the fol-
6 lowing new item:

“3064. Powers of special agents in the Department of State and the Foreign
Service.”.

7 **SEC. 202. INTERNATIONAL LITIGATION FUND.**

8 Section 38(d)(3) of the State Department Basic Au-
9 thorities Act of 1956 (22 U.S.C. 2710(d)(3)) is
10 amended—

11 (1) by inserting “as a result of a decision of an
12 international tribunal,” after “received by the De-
13 partment of State”; and

14 (2) by inserting a comma after “United States
15 Government”.

16 **SEC. 203. RETENTION OF MEDICAL REIMBURSEMENTS.**

17 Section 904 of the Foreign Service Act of 1980 (22
18 U.S.C. 4084) is amended by adding at the end the fol-
19 lowing new subsection:

20 “(g) Reimbursements paid to the Department of
21 State for funding the costs of medical care abroad for em-
22 ployees and eligible family members shall be credited to
23 the currently available applicable appropriation account.
24 Notwithstanding any other provision of law, such reim-

1 bursements shall be available for obligation and expendi-
 2 ture during the fiscal year in which they are received or
 3 for such longer period of time as may be provided in law.”.

4 **SEC. 204. BUYING POWER MAINTENANCE ACCOUNT.**

5 Section 24(b)(7) of the State Department Basic Au-
 6 thorities Act of 1956 (22 U.S.C. 2696(b)(7)) is amended
 7 by striking subparagraph (D).

8 **SEC. 205. AUTHORITY TO ADMINISTRATIVELY AMEND SUR-**
 9 **CHARGES.**

10 Beginning in fiscal year 2006 and thereafter, the Sec-
 11 retary of State is authorized to amend administratively the
 12 amounts of the surcharges related to consular services in
 13 support of enhanced border security (provided for in title
 14 IV of division B of the Consolidated Appropriations Act,
 15 2005 (Public Law 108–447)) that are in addition to the
 16 passport and immigrant visa fees in effect on January 1,
 17 2004.

18 **SEC. 206. ACCOUNTABILITY REVIEW BOARDS.**

19 Section 301(a) of the Diplomatic Security Act (22
 20 U.S.C. 4831(a)) is amended—

21 (1) in paragraph (1), by striking “paragraph
 22 (2)” and inserting “paragraphs (2) and (3)”; and

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

25 “(3) FACILITIES IN AFGHANISTAN AND IRAQ.—

1 and the actions taken with respect to such
2 recommendations.”.

3 **SEC. 207. DESIGNATION OF COLIN L. POWELL RESIDENTIAL**
4 **PLAZA.**

5 (a) The Federal building in Kingston, Jamaica, for-
6 merly known as the Crowne Plaza and currently a staff
7 housing facility for the Embassy of the United States in
8 Jamaica, shall be known and designated as the “Colin L.
9 Powell Residential Plaza”.

10 (b) Any reference in a law, map, regulation, docu-
11 ment, paper, or other record of the United States to the
12 Federal building referred to in subsection (a) shall be
13 deemed to be a reference to the “Colin L. Powell Residen-
14 tial Plaza”.

15 **SEC. 208. REMOVAL OF CONTRACTING PROHIBITION.**

16 Section 406(c) of the Omnibus Diplomatic Security
17 and Antiterrorism Act of 1986 (Public Law 99–399) (re-
18 lating to the ineligibility of persons doing business with
19 Libya to be awarded a contract) is repealed.

20 **SEC. 209. TRANSLATION OF REPORTS OF THE DEPART-**
21 **MENT OF STATE.**

22 (a) TRANSLATION.—Not later than 30 days after the
23 date of issuance of each of the reports listed in subsection
24 (c), the appropriate United States mission in a foreign
25 country shall translate into the official languages of such

1 country the respective country report from each of such
2 reports.

3 (b) POSTING ON WEBSITE.—Not later than five days
4 after each of the translations required under subsection
5 (a) are completed, the appropriate United States mission
6 shall post each of such translations on the website of the
7 United States Embassy (or other appropriate United
8 States mission) for such country.

9 (c) REPORTS.—The reports referred to in subsection
10 (a) are the following:

11 (1) The Country Reports on Human Rights
12 Practices, including the Trafficking in Persons Re-
13 port, required under sections 116 and 502B of the
14 Foreign Assistance Act of 1961 (22 U.S.C. 2151n
15 and 2304).

16 (2) The Annual Report on International Reli-
17 gious Freedom, required under section 102b of the
18 International Religious Freedom Act of 1998 (22
19 U.S.C. 6412).

20 **SEC. 210. ENTRIES WITHIN PASSPORTS.**

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

22 (1) The power of the executive branch to issue
23 passports or other travel documents to United
24 States citizens is derived solely from law.

1 (2) The Secretary of State has caused entries
2 to be made in passports of United States citizens
3 who were born in Jerusalem, Israel, that are incon-
4 sistent with the usual practice of entering the name
5 of a country and not a city as a place of birth.

6 (b) SENSE OF CONGRESS.—It is the sense of Con-
7 gress that United States citizens who have passports
8 ought not be required to carry passports which inac-
9 curately or inconsistently represent their personal details.

10 (c) AUTHORITY.—This section is passed in exercise
11 of the power of Congress, pursuant to Article 1, Section
12 8 of the Constitution of the United States “To make all
13 Laws which shall be necessary and proper for carrying
14 into Execution the foregoing Powers, and all other Powers
15 vested by the Constitution in the Government of the
16 United States, or in any Department or Officer thereof.”.

17 (d) REQUIREMENT THAT ACCURATE ENTRIES BE
18 MADE ON REQUEST OF CITIZEN.—The first section of
19 “An Act to regulate the issue and validity of passports,
20 and for other purposes”, approved July 3, 1926, (22
21 U.S.C. 211a; 44 Stat. 887), is amended by inserting after
22 the first sentence the following new sentence: “For pur-
23 poses of the issuance of a passport to a United States cit-
24 izen born in the city of Jerusalem, the Secretary shall,

1 upon the request of the citizen or the citizen's legal guard-
2 ian, record the place of birth as Israel.”.

3 **SEC. 211. UNITED STATES ACTIONS WITH RESPECT TO JE-**
4 **RUSALEM AS THE CAPITAL OF ISRAEL.**

5 (a) LIMITATION ON USE OF FUNDS FOR CONSULATE
6 IN JERUSALEM.—None of the funds authorized to be ap-
7 propriated by this Act may be expended for the operation
8 of a United States consulate or diplomatic facility in Jeru-
9 salem unless such consulate or diplomatic facility is under
10 the supervision of the United States Ambassador to Israel.

11 (b) LIMITATION ON USE OF FUNDS FOR PUBLICA-
12 TIONS.—None of the funds authorized to be appropriated
13 by this Act may be available for the publication of any
14 official United States Government document that lists
15 countries and their capital cities unless such publication
16 identifies Jerusalem as the capital of the State of Israel.

17 **SEC. 212. AVAILABILITY OF UNCLASSIFIED TELECOMMUNI-**
18 **CATIONS FACILITIES.**

19 The Secretary of State shall make available to the
20 appropriate congressional committees the use of unclassi-
21 fied telecommunications facilities of the Department of
22 State that are located in an embassy, consulate, or other
23 facility of the United States in a foreign country to allow
24 such committees to receive testimony or other communica-
25 tion from an individual in any such country.

1 **SEC. 213. REPORTING FORMATS.**

2 (a) IN GENERAL.—The Secretary of State shall, with
3 respect to a report that the Secretary is required to submit
4 to the appropriate congressional committees, submit each
5 such report [on suitable media] in machine-readable for-
6 mat, including in plain text and in hypertext mark-up lan-
7 guage (commonly referred to as “HTML”), in addition to
8 submission in written format.

9 (b) EFFECTIVE DATE.—The requirement specified
10 under subsection (a) shall apply beginning with the first
11 report that the Secretary is required to submit to the ap-
12 propriate congressional committees beginning [X time]
13 after the date of the enactment of this Act.

14 **SEC. 214. RESTRICTIONS ON UNITED STATES VOLUNTARY**
15 **CONTRIBUTIONS TO THE UNITED NATIONS**
16 **DEVELOPMENT PROGRAM.**

17 (a) LIMITATION.—Of the amounts made available for
18 each of fiscal years 2006 and 2007 for United States vol-
19 untary contributions to the United Nations Development
20 Program, an amount equal to the amount the United Na-
21 tions Development Program will spend in Burma during
22 each fiscal year (including all funds administered by the
23 United Nations Development Program in Burma) shall be
24 withheld unless during such fiscal year the Secretary of
25 State submits to the appropriate congressional committees
26 the certification described in paragraph (2).

1 (b) CERTIFICATION.—The certification referred to in
2 paragraph (1) is a certification by the Secretary that all
3 programs and activities of the United Nations Develop-
4 ment Program (including all programs and activities ad-
5 ministered by the United Nations Development Program)
6 in Burma—

7 (1) are focused on eliminating human suffering
8 and addressing the needs of the poor;

9 (2) are undertaken only through international
10 or private voluntary organizations that are inde-
11 pendent of the State Peace and Development Coun-
12 cil (SPDC) (formerly the State Law and Order Res-
13 toration Council or SLORC);

14 (3) provide no financial, political, or military
15 benefit, including the provision of goods, services, or
16 per diems, to the SPDC or any agency or entity of,
17 or affiliated with, the SPDC, including any entity
18 whose members are ineligible for admission to the
19 United States by reason of such membership under
20 any provision of section 212(a) of the Immigration
21 and Nationality Act (8 U.S.C. 1182(a)) (including
22 the Myanmar Maternal and Child Welfare Associa-
23 tion (MMCWA), the Myanmar Council of Churches
24 (MCC), the Myanmar Medical Association (MMA),
25 the Myanmar Women Affairs Federation (MWAF),

1 and the Union of Solidarity Development Association
2 (USDA)); and

3 (4) are carried out only after consultation with
4 the leadership of the National League for Democ-
5 racy and the leadership of the National Coalition
6 Government of the Union of Burma.

7 (5) REPORT.—Not later than 180 days after
8 the date of the enactment of this Act and every 180
9 days thereafter during fiscal years 2006 and 2007,
10 the Secretary shall submit to the appropriate con-
11 gressional committees a report on—

12 (A) all programs and activities of the
13 United Nations Development Program (includ-
14 ing all programs and activities administered by
15 the United Nations Development Program) in
16 Burma; and

17 (B) all recipients and subrecipients of
18 funds provided under such programs and activi-
19 ties.

20 **SEC. 215. EXTENSION OF REQUIREMENT FOR SCHOLAR-**
21 **SHIPS FOR TIBETANS AND BURMESE.**

22 Section 103(b)(1) of the Human Rights, Refugee,
23 and Other Foreign Relations Provisions Act of 1996 (Pub-
24 lic Law 104–319; 22 U.S.C. 2151 note) is amended by

1 striking “for the fiscal year 2003” and inserting “for each
2 of the fiscal years 2006 and 2007”.

3 **TITLE III—ORGANIZATION AND**
4 **PERSONNEL OF THE DEPART-**
5 **MENT OF STATE**

6 **SEC. 301. EDUCATION ALLOWANCES.**

7 Section 5924(4) of title 5, United States Code, is
8 amended—

9 (1) in the first sentence of subparagraph (A),
10 by inserting “United States” after “nearest”;

11 (2) by striking subparagraph (B) and inserting
12 the following new subparagraph:

13 “(B) The travel expenses of dependents of
14 an employee to and from a secondary or post-
15 secondary educational institution, not to exceed
16 one annual trip each way for each dependent,
17 except that an allowance payment under sub-
18 paragraph (A) may not be made for a depend-
19 ent during the 12 months following the arrival
20 of the dependent at the selected educational in-
21 stitution under authority contained in this sub-
22 paragraph.”; and

23 (3) by adding at the end the following new sub-
24 paragraph:

1 “(D) Allowances provided pursuant to sub-
2 paragraphs (A) and (B) may include, at the
3 election of the employee, payment or reimburse-
4 ment of the costs incurred to store baggage for
5 the employee’s dependent at or in the vicinity of
6 the dependent’s school during the dependent’s
7 annual trip between the school and the employ-
8 ee’s duty station, except that such payment or
9 reimbursement may not exceed the cost that the
10 Government would incur to transport the bag-
11 gage with the dependent in connection with the
12 annual trip, and such payment or reimburse-
13 ment shall be in lieu of transportation of the
14 baggage.”.

15 **SEC. 302. OFFICIAL RESIDENCE EXPENSES.**

16 Section 5913 of Title 5, United States Code, is
17 amended by adding at the end the following new sub-
18 section:

19 “(c) Funds made available under subsection (b) may
20 be provided in advance to persons eligible to receive reim-
21 bursements.”.

1 **SEC. 303. INCREASED LIMITS APPLICABLE TO POST DIF-**
2 **FERENTIALS AND DANGER PAY ALLOW-**
3 **ANCES.**

4 (a) REPEAL OF LIMITED-SCOPE EFFECTIVE DATE
5 FOR PREVIOUS INCREASE.—Subsection (c) of section 591
6 of the Foreign Operations, Export Financing, and Related
7 Programs Appropriations Act, 2004 (division D of Public
8 Law 108–199) is repealed.

9 (b) POST DIFFERENTIALS.—Section 5925(a) of title
10 5, United States Code, is amended in the third sentence
11 by striking “25 percent of the rate of basic pay or, in the
12 case of an employee of the United States Agency for Inter-
13 national Development,”.

14 (c) DANGER PAY ALLOWANCES.—Section 5928 of
15 title 5, United States Code, is amended by striking “25
16 percent of the basic pay of the employee or 35 percent
17 of the basic pay of the employee in the case of an employee
18 of the United States Agency for International Develop-
19 ment” both places that it appears and inserting “35 per-
20 cent of the basic pay of the employee”.

21 (d) CRITERIA.—The Secretary of State shall inform
22 the Committee on International Relations of the House
23 of Representatives and the Committee on Foreign Rela-
24 tions of the Senate of the criteria to be used in determina-
25 tions of appropriate adjustments in post differentials
26 under section 5925(a) of title 5, United States Code, as

1 amended by subsection (b), and danger pay allowances
2 under section 5928 of title 5, United States Code, as
3 amended by subsection (c).

4 (e) STUDY AND REPORT.—Not later than two years
5 after the date of the enactment of this Act, the Secretary
6 of State shall conduct a study assessing the effect of the
7 increases in post differentials and danger pay allowances
8 made by the amendments in subsections (b) and (c), re-
9 spectively, in filling “hard-to-fill” positions and shall sub-
10 mit a report of such study to the congressional committees
11 described in subsection (d).

12 **SEC. 304. HOME LEAVE.**

13 Chapter 9 of title I of the Foreign Service Act of
14 1980 (relating to travel, leave, and other benefits) is
15 amended—

16 (1) in section 901(6) (22 U.S.C. 4081(6)), by
17 striking “unbroken by home leave” both places that
18 it appears; and

19 (2) in section 903(a) (22 U.S.C. 4083), by
20 striking “18 months” and inserting “12 months”.

21 **SEC. 305. OVERSEAS EQUALIZATION AND COMPARABILITY**
22 **PAY ADJUSTMENT.**

23 (a) IN GENERAL.—Chapter 4 of the Foreign Service
24 Act of 1980 (22 U.S.C. 3961 et seq.) (relating to com-

1 pension) is amended by adding at the end the following
2 new section:

3 **“SEC. 415. OVERSEAS COMPARABILITY PAY ADJUSTMENT.**

4 “(a) IN GENERAL.—In accordance with subsection
5 (e), a member of the Service who is designated class 1
6 or below and who does not have as an official duty station
7 a location in the continental United States or in a non-
8 foreign area shall receive locality-based comparability pay-
9 ments under section 5304 of title 5, United States Code,
10 that would be paid to such member if such member’s offi-
11 cial duty station would have been Washington, D.C.

12 “(b) TREATMENT AS BASIC PAY.—The locality-based
13 comparability payment described in subsection (a) shall—

14 “(1) be considered to be part of the basic pay
15 of a member in accordance with section 5304 of title
16 5, United States Code, for the same purposes for
17 which comparability payments are considered to be
18 part of basic pay under such section; and

19 “(2) be subject to any applicable pay limita-
20 tions.

21 “(c) PHASE-IN.—The comparability pay adjustment
22 described under this section shall be paid to a member
23 described in subsection (a) in three phases, as follows:

1 “(1) In fiscal year 2006, 33.33 percent of the
2 amount of such adjustment to which such member
3 is entitled.

4 “(2) In fiscal year 2007, 66.66 percent of the
5 amount of such adjustment to which such member
6 is entitled.

7 “(3) In fiscal year 2008 and subsequent fiscal
8 years, 100.00 percent of the amount of such adjust-
9 ment to which such member is entitled.”.

10 (b) CONFORMING AMENDMENTS RELATING TO THE
11 RETIREMENT AND DISABILITY SYSTEM OF THE FOREIGN
12 SERVICE.—

13 (1) CONTRIBUTIONS TO THE FUND.—Section
14 805(a) of the Foreign Service Act of 1980 (22
15 U.S.C. 4045(a)) is amended—

16 (A) in paragraph (1)—

17 (i) in the first sentence, by striking
18 “7.25 percent” and inserting “7.00 per-
19 cent”; and

20 (ii) in the second sentence, by striking
21 “The contribution by the employing agen-
22 cy” through “and shall be made” and in-
23 serting “An equal amount shall be contrib-
24 uted by the employing agency”;

25 (B) in paragraph (2)—

1 (i) in subparagraph (A), by striking
2 “plus an amount equal to .25 percent of
3 basic pay”; and

4 (ii) in subparagraph (B), in the first
5 sentence, by striking “plus an amount
6 equal to .25 percent of basic pay”; and

7 (C) in paragraph (3), by striking “plus .25
8 percent”.

9 (2) COMPUTATION OF ANNUITIES.—Section
10 806(a)(9) of such Act (22 U.S.C. 4046(a)(9)) is
11 amended—

12 (A) by striking “is outside” and inserting
13 “was outside”; and

14 (B) by inserting after “continental United
15 States” the following: “for any period of time
16 from December 29, 2002, to the first day of the
17 first full pay period beginning after the date of
18 applicability of the overseas comparability pay
19 adjustment under section 415”;

20 (3) ENTITLEMENT TO ANNUITY.—Section
21 855(a)(3) of such Act (22 U.S.C. 4071d(a)(3)) is
22 amended—

23 (A) by striking “is outside” and inserting
24 “was outside”; and

1 (B) by inserting after “continental United
 2 States” the following: “for any period of time
 3 from December 29, 2002, to the first day of the
 4 first full pay period beginning after the date of
 5 applicability of the overseas comparability pay
 6 adjustment under section 415”.

7 (4) DEDUCTIONS AND WITHHOLDINGS FROM
 8 PAY.—Section 856(a)(2) of such Act (22 U.S.C.
 9 4071e(a)(2)) is amended to read as follows:

10 “(2) The applicable percentage under this sub-
 11 section shall be as follows:

Percentage	Time Period
7.5	Before January 1, 1999.
7.75	January 1, 1999, to Decem- ber 31, 1999.
7.9	January 1, 2000, to Decem- ber 31, 2000.
7.55	January 11, 2003, to Sep- tember 30, 2004.
7.5	After September 30, 2004.”.

12 (c) EFFECTIVE DATE.—The amendments made by
 13 this section shall take effect on the date of the enactment
 14 of this Act and apply beginning on the first day of the
 15 first full pay period beginning after such date.

16 **SEC. 306. FELLOWSHIP OF HOPE PROGRAM.**

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

1 **“SEC. 506. FELLOWSHIP OF HOPE.**

2 “(a) The Secretary is authorized to establish a pro-
3 gram to be known as the ‘Fellowship of Hope Program’.
4 Under the Program, the Secretary may assign a member
5 of the Service, for not more than one year, to a position
6 with any designated country or designated entity that per-
7 mits an employee of such country or entity to be assigned
8 to a position with the Department.

9 “(b) The salary and benefits of a member of the Serv-
10 ice shall be paid as described in subsection (b) of section
11 503 during a period in which such member is participating
12 in the Fellowship of Hope Program. The salary and bene-
13 fits of an employee of a designated country or designated
14 entity participating in the Program shall be paid by such
15 country or entity during the period in which such employee
16 is participating in the Program.

17 “(c) In this section:

18 “(1) The term ‘designated country’ means a
19 member country of—

20 “(A) the North Atlantic Treaty Organiza-
21 tion; or

22 “(B) the European Union.

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

24 “(A) the North Atlantic Treaty Organiza-
25 tion; or

26 “(B) the European Union.

1 “(d) Nothing in this section shall be construed to—

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

4 “(A) an individual whose allegiance is to
5 any country, government, or foreign or inter-
6 national entity other than to the United States;
7 or

8 “(B) an individual who has not met the re-
9 quirements of sections 3331, 3332, 3333, and
10 7311 of title 5, United States Code, and any
11 other provision of law concerning eligibility for
12 appointment as, and continuation of employ-
13 ment as, an officer or employee of the United
14 States; or

15 “(2) authorize the Secretary to assign a mem-
16 ber of the Service to a position with any foreign
17 country whose law, or to any foreign or international
18 entity whose rules, require such member to give alle-
19 giance or loyalty to such country or entity while as-
20 signed to such position.”.

21 (b) TECHNICAL AND CONFORMING AMENDMENTS.—

22 Such Act is amended—

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

1 (A) in the section heading, by striking
2 “**AND**” and inserting “**FOREIGN GOVERN-**
3 **MENTS, OR**”; and

4 (B) in subsection (a)—

5 (i) in the matter preceding paragraph
6 (1), by inserting “foreign government,”
7 after “organization,”; and

8 (ii) in paragraph (1), by inserting “,
9 or with a foreign government under section
10 506” before the semicolon; and

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

12 (A) by striking the item relating to section
13 503 and inserting the following new item:

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

14 and

15 (B) by inserting after the item relating to
16 section 505 the following new item:

“506. Fellowship of Hope Program.”.

17 **SEC. 307. REGULATIONS REGARDING RETIREMENT CREDIT**
18 **FOR GOVERNMENT SERVICE PERFORMED**
19 **ABROAD.**

20 Section 321(f) of the Foreign Relations Authorization
21 Act, Fiscal Year 2003 (5 U.S.C. 8411 note; Public Law
22 107–228) is amended by inserting “, not later than 60
23 days after the date of the enactment of the Foreign Rela-

1 tions Authorization Act, Fiscal Years 2006 and 2007,”
2 after “regulations”.

3 **SEC. 308. PROMOTING ASSIGNMENTS TO INTERNATIONAL**
4 **ORGANIZATIONS.**

5 (a) PROMOTIONS.—Section 603(b) of the Foreign
6 Service Act of 1980 (22 U.S.C. 4003) is amended by strik-
7 ing the period at the end and inserting the following: “,
8 and shall consider whether the member of the Service has
9 served in a position whose primary responsibility is to for-
10 mulate policy toward or represent the United States at
11 an international organization, a multilateral institution, or
12 a broad-based multilateral negotiation of an international
13 instrument.”.

14 (b) EFFECTIVE DATE.—The amendment made by
15 subsection (a) shall take effect and apply beginning on
16 January 1, 2010.

17 **SEC. 309. SUSPENSION OF FOREIGN SERVICE MEMBERS**
18 **WITHOUT PAY.**

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

22 “(c)(1) The Secretary may suspend a member of the
23 Service without pay when there is reasonable cause to be-
24 lieve that the member has committed a crime for which
25 a sentence of imprisonment may be imposed and there is

1 a connection between the conduct and the efficiency of the
2 Foreign Service.

3 “(2) Any member of the Service for whom a suspen-
4 sion is proposed shall be entitled to—

5 “(A) written notice stating the specific reasons
6 for the proposed suspension;

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

9 “(C) representation by an attorney or other
10 representative; and

11 “(D) a final written decision, including the spe-
12 cific reasons for such decision, as soon as prac-
13 ticable.

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

17 “(4) In this subsection:

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

19 “(i) with respect to a member of the Serv-
20 ice assigned to duty in the United States, 15
21 days after receiving notice of the proposed sus-
22 pension; and

23 “(ii) with respect to a member of the Serv-
24 ice assigned to duty outside the United States,

1 30 days after receiving notice of the proposed
2 suspension.

3 “(B) The terms ‘suspend’ and ‘suspension’
4 mean the placing of a member of the Service in a
5 temporary status without duties and pay.”.

6 (b) CONFORMING AND CLERICAL AMENDMENTS.—

7 (1) AMENDMENT OF SECTION HEADING.—Such
8 section, as amended by subsection (a), is further
9 amended in the section heading by inserting “; **SUS-**
10 **PENSION**” before the period at the end.

11 (2) CLERICAL AMENDMENT.—Section 2 of such
12 Act is amended, in the table of contents, by striking
13 the item relating to section 610 and inserting the
14 following new item:

“610. Separation for cause; suspension.”.

15 **SEC. 310. DEATH GRATUITY.**

16 Section 413(a) of the Foreign Service Act of 1980
17 (22 U.S.C. 3973(a)) is amended in the first sentence by
18 inserting before the period at the end the following: “or
19 \$100,000, whichever is greater”.

20 **SEC. 311. CLARIFICATION OF FOREIGN SERVICE GRIEV-**
21 **ANCE BOARD PROCEDURES.**

22 Section 1106(8) of the Foreign Service Act of 1980
23 (22 U.S.C. 4136(8)) is amended in the first sentence—

24 (1) by inserting “the involuntary separation of
25 the grievant (other than an involuntary separation

1 for cause under section 610(a),” after “considering”; and

2
3 (2) by striking “the grievant or” and inserting
4 “the grievant, or”.

5 **SEC. 312. REPEAL OF RECERTIFICATION REQUIREMENT**
6 **FOR MEMBERS OF THE SENIOR FOREIGN**
7 **SERVICE.**

8 Section 305(d) of the Foreign Service Act of 1980
9 (22 U.S.C. 3945(d)) is hereby repealed.

10 **SEC. 313. TECHNICAL AMENDMENTS TO TITLE 5 PROVI-**
11 **SIONS ON RECRUITMENT, RELOCATION, AND**
12 **RETENTION BONUSES.**

13 Title 5, United States Code, is amended—

14 (1) in section 5753(a)(2)(A), by inserting be-
15 fore the semicolon at the end the following: “, but
16 does not include members of the Foreign Service
17 other than chiefs of mission and ambassadors-at-
18 large”; and

19 (2) in section 5754(a)(2)(A), by inserting be-
20 fore the semicolon at the end the following: “, but
21 does not include members of the Foreign Service
22 other than chiefs of mission and ambassadors-at-
23 large”.

1 **SEC. 314. LIMITED APPOINTMENTS IN THE FOREIGN SERV-**
2 **ICE.**

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

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

7 (2) in subsection (b)—

8 (A) by amending paragraph (3) to read as
9 follows:

10 “(3) as a career candidate, if—

11 “(A) continued service is determined appro-
12 priate to remedy a matter that would be cognizable
13 as a grievance under chapter 11; or

14 “(B) the career candidate is called to military
15 active duty pursuant to the Uniformed Services Em-
16 ployment and Reemployment Rights Act of 1994
17 (Public Law 103–353; codified in chapter 43 of title
18 38, United States Code) and the limited appoint-
19 ment expires in the course of such military active
20 duty.”;

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

23 (C) in paragraph (5) by striking the period
24 at the end and inserting “; and” ; and

25 (D) by adding at the end the following new
26 paragraph:

1 “(6) in exceptional circumstances where the Sec-
2 retary determines the needs of the Service require the ex-
3 tension of a limited appointment—

4 “(A) for a period of time not to exceed 12
5 months, provided such period of time does not per-
6 mit additional review by the boards under section
7 306; or

8 “(B) for the minimum time needed to settle a
9 grievance, claim, or complaint not otherwise pro-
10 vided for in this section.”; and

11 (3) by adding at the end the following new sub-
12 section:

13 “(c) Noncareer specialist employees who have served
14 five consecutive years under a limited appointment may
15 be reappointed to a subsequent limited appointment pro-
16 vided there is at least a one year break in service before
17 such new appointment. This requirement may be waived
18 by the Director General in cases of special need.”.

19 **SEC. 315. STATEMENT OF CONGRESS.**

20 Congress declares that the recent changes proposed
21 by the Department of State to the career development pro-
22 gram for members of the Senior Foreign Service will help
23 promote well-rounded and effective members of the Senior
24 Foreign Service, and should be implemented as planned
25 in the coming years. Congress fully supports the proposed

1 changes that require that in order to be eligible for pro-
2 motion into the Senior Foreign Service, a member of the
3 Foreign Service must demonstrate over the course of the
4 career of such member the following:

5 (1) Operational effectiveness, including a
6 breadth of experience in several regions and over
7 several functions.

8 (2) Leadership and management effectiveness.

9 (3) Sustained professional language proficiency.

10 (4) Responsiveness to Service needs.

11 **SEC. 316. SENSE OF CONGRESS REGARDING ADDITIONAL**
12 **UNITED STATES CONSULAR POSTS.**

13 It is the sense of Congress that to help advance
14 United States economic, political, and public diplomacy in-
15 terests, the Secretary of State should make best efforts
16 to establish United States consulates or other appropriate
17 United States diplomatic presence in Pusan, South Korea,
18 Hat Yai, Thailand, and an additional location in India in
19 an under-served region.

20 **SEC. 317. OFFICE OF THE CULTURE OF LAWFULNESS.**

21 (a) ESTABLISHMENT.—There is established in the
22 Bureau for International Law Enforcement and Narcotics
23 of the Department of State an Office of the Culture of
24 Lawfulness.

1 (b) DIRECTOR AND STAFF.—The Office shall be
2 headed by a Director and staffed by not less than two pro-
3 fessional staff.

4 (c) DUTIES.—The Director of the Office shall coordi-
5 nate and increase the effectiveness of existing culture of
6 lawfulness programs in the Department that can directly
7 support foreign efforts to develop a culture of lawfulness,
8 including—

9 (1) seeking coordination between various pro-
10 grams and activities to support international nar-
11 cotics and other law enforcement, public diplomacy,
12 foreign assistance, and democracy efforts by the per-
13 sonnel of the Department in Washington, D.C., and
14 in United States embassies in foreign countries;

15 (2) developing new initiatives to foster a culture
16 of lawfulness through international organizations;

17 (3) ensuring that culture of lawfulness edu-
18 cation is included in the curricula of all law enforce-
19 ment and public security academies and training
20 programs that receive assistance from the United
21 States, and in democracy, civic education, and rule
22 of law assistance programs conducted with foreign
23 governments and nongovernmental organizations.

24 (d) REPORT.—Section 489(a) of the Foreign Assist-
25 ance Act of 1961 (22 U.S.C. 2291h(a)) is amended by

1 inserting after paragraph (7)(C)(viii) the following new
2 paragraph:

3 “(8) In addition, the efforts of the United
4 States to foster the culture of lawfulness in
5 countries around the world.”.

6 **TITLE IV—INTERNATIONAL**
7 **ORGANIZATIONS**

8 **SEC. 401. REDI CENTER.**

9 The Secretary of State is authorized to provide for
10 the participation by the United States in the Regional
11 Emerging Disease Intervention (“REDI”) Center in
12 Singapore.

13 **SEC. 402. EXTENSION OF AUTHORIZATION OF APPROPRIA-**
14 **TION FOR THE UNITED STATES COMMISSION**
15 **ON INTERNATIONAL RELIGIOUS FREEDOM.**

16 (a) IN GENERAL.—Subsection (a) of section 207 of
17 the International Religious Freedom Act of 1998 (22
18 U.S.C. 6435) is amended by striking “\$3,000,000 for the
19 fiscal year 2003” and inserting “\$3,300,000 for each of
20 fiscal years 2006 through 2011”.

21 (b) TECHNICAL AMENDMENT.—Subsection (b) of
22 such section is amended by striking “subparagraph” and
23 inserting “subsection”.

1 **SEC. 403. PROPERTY DISPOSITION.**

2 Section 633(e) of the Departments of Commerce,
3 Justice, and State, the Judiciary, and Related Agencies
4 Appropriations Act, 2004 (division B of Public Law 108–
5 199; 22 U.S.C. 2078(e)) is amended—

6 (1) by striking “The United States, through the
7 Department of State, shall retain ownership of the
8 Palazzo Corpi building in Istanbul, Turkey, and the”
9 and inserting “The”; and

10 (2) by striking “at such location” and inserting
11 “at an appropriate location”.

12 **TITLE V—CHANGES IN ADMINIS-**
13 **TRATIVE AUTHORITIES FOR**
14 **INTERNATIONAL BROAD-**
15 **CASTING**

16 **SEC. 501. SHORT TITLE.**

17 This title may be cited as the “International Broad-
18 casting Authorization Act, Fiscal Years 2006 and 2007”.

19 **SEC. 502. MIDDLE EAST BROADCASTING NETWORKS.**

20 (a) MIDDLE EAST BROADCASTING NETWORKS.—The
21 United States International Broadcasting Act of 1994 (22
22 U.S.C. 6201 et seq.) is amended by inserting after section
23 309 (22 U.S.C. 6208) the following new section:

24 **“SEC. 309A. MIDDLE EAST BROADCASTING NETWORKS.**

25 “(a) AUTHORITY.—Grants authorized under section
26 305 shall be available to make annual grants to the Middle

1 East Broadcasting Networks for the purpose of carrying
2 out radio and television broadcasting to the Middle East
3 region.

4 “(b) FUNCTION.—Middle East Broadcasting Net-
5 works shall provide radio and television programming con-
6 sistent with the broadcasting standards and broadcasting
7 principles set forth in section 303.

8 “(c) GRANT AGREEMENT.—Any grant agreement or
9 grants under this section shall be subject to the following
10 limitations and restrictions:

11 “(1) The Board may not make any grant to the
12 non-profit corporation, Middle East Broadcasting
13 Networks, unless its certificate of incorporation pro-
14 vides that—

15 “(A) The Board of Directors of Middle
16 East Broadcasting Networks shall consist of the
17 members of the Broadcasting Board of Gov-
18 ernors established under section 304 and of no
19 other members.

20 “(B) Such Board of Directors shall make
21 all major policy determinations governing the
22 operation of Middle East Broadcasting Net-
23 works, and shall appoint and fix the compensa-
24 tion of such managerial officers and employees
25 of Middle East Broadcasting Networks as it

1 considers necessary to carry out the purposes of
2 the grant provided under this title, except that
3 no officer or employee may be paid basic com-
4 pensation at a rate in excess of the rate for
5 level II of the Executive Schedule as provided
6 under section 5313 of title 5, United States
7 Code.

8 “(2) Any grant agreement under this section
9 shall require that any contract entered into by Mid-
10 dle East Broadcasting Networks shall specify that
11 all obligations are assumed by Middle East Broad-
12 casting Networks and not by the United States Gov-
13 ernment.

14 “(3) Any grant agreement shall require that
15 any lease agreement entered into by Middle East
16 Broadcasting Networks shall be, to the maximum
17 extent possible, assignable to the United States Gov-
18 ernment.

19 “(4) Grants awarded under this section shall be
20 made pursuant to a grant agreement which requires
21 that grant funds be used only for activities con-
22 sistent with this section, and that failure to comply
23 with such requirements shall permit the grant to be
24 terminated without fiscal obligation to the United
25 States.

1 “(5) Duplication of language services and tech-
2 nical operations between the Middle East Broad-
3 casting Networks (including Radio Sawa), RFE/RL,
4 and the International Broadcasting Bureau will be
5 reduced to the extent appropriate, as determined by
6 the Board.

7 “(d) NOT A FEDERAL AGENCY OR INSTRUMEN-
8 TALITY.—Nothing in this title may be construed to
9 make—

10 “(1) the Middle East Broadcasting Networks a
11 Federal agency or instrumentality; or

12 “(2) the officers or employees of the Middle
13 East Broadcasting Networks officers or employees of
14 the United States Government.”.

15 (b) TECHNICAL AND CONFORMING AMENDMENTS.—
16 Such Act is further amended—

17 (1) in section 304(g) (22 U.S.C. 6203(g)), by
18 inserting “, the Middle East Broadcasting Net-
19 works,” after “Incorporated”;

20 (2) in section 305 (22 U.S.C. 6204)—

21 (A) in subsection (a)—

22 (i) in paragraph (5), by striking “308
23 and 309” and inserting “308, 309, and
24 309A”; and

1 (ii) in paragraph (6), by striking “308
2 and 309” and inserting “308, 309, and
3 309A”; and

4 (B) in subsection (e), by striking “308 and
5 309” and inserting “308, 309, and 309A”; and
6 (3) in section 307 (22 U.S.C. 6206)—

7 (A) in subsection (a), by striking “308 and
8 309” and inserting “308, 309, and 309A”; and

9 (B) in subsection (e), in the second sen-
10 tence, by inserting “, the Middle East Broad-
11 casting Networks,” after “Asia”.

12 (c) TECHNICAL AND CONFORMING AMENDMENT TO
13 TITLE 5.—Section 8332(b)(11) of title 5, United States
14 Code, is amended by inserting “the Middle East Broad-
15 casting Networks;” after “Radio Free Asia;”.

16 **SEC. 503. IMPROVING SIGNAL DELIVERY TO CUBA.**

17 Section 3 of the Radio Broadcasting to Cuba Act (22
18 U.S.C. 1465a; Public Law 98–111) is amended—

19 (1) by striking subsection (b);

20 (2) by striking subsection (c) and inserting the
21 following new subsection:

22 “(c) To effect radio broadcasting to Cuba, the Board
23 is authorized to utilize the United States International
24 Broadcasting facilities located in Marathon, Florida, and
25 the 1180 AM frequency used at those facilities. In addi-

1 tion to the above facilities, the Board may simultaneously
2 utilize other governmental and nongovernmental broad-
3 casting transmission facilities and other frequencies, in-
4 cluding the Amplitude Modulation (AM) band, the Fre-
5 quency Modulation (FM) band, and the Shortwave (SW)
6 band. The Board may lease time on commercial or non-
7 commercial educational AM band, FM band, and SW band
8 radio broadcasting stations to carry a portion of the serv-
9 ice programs or to rebroadcast service programs.”;

10 (3) by striking subsection (d);

11 (4) by striking subsection (e) and inserting the
12 following new subsection:

13 “(e) Any service program of United States Govern-
14 ment radio broadcasts to Cuba authorized by this section
15 shall be designated ‘Radio Marti program’.”; and

16 (5) by striking subsection (f).

17 **SEC. 504. ESTABLISHING PERMANENT AUTHORITY FOR**
18 **RADIO FREE ASIA.**

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

21 (1) in subsection (c)(2), by striking “, and shall
22 further specify that funds to carry out the activities
23 of Radio Free Asia may not be available after Sep-
24 tember 30, 2009”; and

25 (2) by striking subsection (f).

1 **SEC. 505. PERSONAL SERVICES CONTRACTING PROGRAM.**

2 Section 504 of the Foreign Relations Authorization
3 Act, Fiscal Year 2003 (Public Law 107-228) is
4 amended—

5 (1) in the section heading, by striking
6 “**PILOT**”;

7 (2) in subsection (a)—

8 (A) by striking “pilot”;

9 (B) by striking “(in this section referred to
10 as the ‘program’)”; and

11 (C) by striking “producers, and writers”
12 and inserting “and other broadcasting special-
13 ists”;

14 (3) in subsection (b)(4), by striking “60” and
15 inserting “100”; and

16 (4) by striking subsection (c).

17 **SEC. 506. COMMONWEALTH OF THE NORTHERN MARIANA**
18 **ISLANDS EDUCATION BENEFITS.**

19 Section 305(a) of the United States International
20 Broadcasting Act of 1994 (22 U.S.C. 6204(a)) is amended
21 by inserting after paragraph (18) the following new para-
22 graph:

23 “(19)(A) To provide for the payment of pri-
24 mary and secondary school expenses for dependents
25 of personnel stationed in the Commonwealth of the
26 Northern Mariana Islands (CNMI) at a cost not to

1 exceed expenses authorized by the Department of
2 Defense for such schooling for dependents of mem-
3 bers of the Armed Forces stationed in the Common-
4 wealth, if the Board determines that schools avail-
5 able in the Commonwealth are unable to provide
6 adequately for the education of the dependents of
7 such personnel.

8 “(B) To provide transportation for dependents
9 of such personnel between their places of residence
10 and those schools for which expenses are provided
11 under subparagraph (A), if the Board determines
12 that such schools are not accessible by public means
13 of transportation.”.

14 **TITLE VI—REPORTING**
15 **REQUIREMENTS**

16 **SEC. 601. TRANS-SAHARA COUNTER-TERRORISM INITIA-**
17 **TIVE.**

18 (a) SENSE OF CONGRESS.—It is the sense of Con-
19 gress that efforts by the Government of the United States
20 to expand the Pan Sahel Initiative into a robust counter-
21 terrorism program in the Saharan region of Africa, to be
22 known as the “Trans-Sahara Counter Terrorism Initia-
23 tive”, should be strongly supported.

24 (b) REPORT.—

1 (1) IN GENERAL.—Not later than 120 days
2 after the date of the enactment of this Act, the Sec-
3 retary of State shall submit to the appropriate con-
4 gressional committees a detailed strategy, in classi-
5 fied form, regarding the plan of the Government of
6 the United States to expand the Pan Sahel Initiative
7 into a robust counter-terrorism program in the Sa-
8 haran region of Africa, to be known as the “Trans-
9 Sahara Counter Terrorism Initiative”.

10 (2) CONTENTS.—The report shall include the
11 following:

12 (A) The names of the countries that will
13 participate in the Initiative.

14 (B) A description of the types of security
15 assistance necessary to create rapid reaction se-
16 curity forces in order to bolster the capacity of
17 the countries referred to in subparagraph (A) to
18 govern their borders.

19 (C) A description of training to ensure re-
20 spect for human rights and civilian authority by
21 rapid reaction security forces referred to in sub-
22 paragraph (B) and other appropriate individ-
23 uals and entities of the countries referred to in
24 subparagraph (A).

1 (D) A description of the types of public di-
2 plomacy and related assistance that will be pro-
3 vided to promote development and counter rad-
4 ical Islamist elements that may be gaining a
5 foothold in the region.

6 (3) UPDATE.—The Secretary shall submit to
7 the appropriate congressional committees an update
8 of the report required by this subsection not later
9 than one year after the date of the initial submission
10 of the report under this subsection.

11 (c) COOPERATION OF OTHER DEPARTMENTS AND
12 AGENCIES.—The head of each appropriate department
13 and agency of the Government of the United States shall
14 cooperate fully with, and assist in the implementation of,
15 the strategy described in subsection (b)(1) and shall make
16 such resources and information available as is necessary
17 to ensure the success of the Initiative described in such
18 subsection.

19 **SEC. 602. ANNUAL PATTERNS OF GLOBAL TERRORISM RE-**
20 **PORT.**

21 (a) REQUIREMENT OF REPORT.—Section 140(a)
22 Foreign Relations Authorization Act, Fiscal Years 1988
23 and 1989 (22 U.S.C. 2656f(a)) is amended—

1 (1) in the heading, by striking “COUNTRY RE-
2 PORTS ON TERRORISM” and inserting “PATTERNS
3 OF GLOBAL TERRORISM REPORT”; and

4 (2) in the matter preceding paragraph (1), by
5 inserting “, the Committee on International Rela-
6 tions of the House of Representatives,” after
7 “Speaker of the House of Representatives”.

8 (b) ASSESSMENTS WITH RESPECT TO FOREIGN
9 COUNTRIES IN WHICH ACTS OF TERRORISM OC-
10 CURRED.—Section 140(a)(1)(A)(i) of the Foreign Rela-
11 tions Authorization Act, Fiscal Years 1988 and 1989 (22
12 U.S.C. 2656f(a)(1)(A)(i)) is amended—

13 (1) by striking “which were, in the opinion of
14 the Secretary, of major significance;” and inserting
15 “, including—”; and

16 (2) by adding at the end the following new sub-
17 clauses:

18 “(I) the number of such acts of ter-
19 rorism or attempted acts of terrorism;

20 “(II) the number of individuals, in-
21 cluding United States citizens, who were
22 killed or injured in such acts of terrorism;

23 “(III) the methods, and relative fre-
24 quency of methods, utilized in such acts of
25 terrorism; and

1 (ii) by striking “the act” and insert-
2 ing “acts of terrorism”; and

3 (iii) by striking “and” at the end;

4 (C) in subparagraph (B) by striking
5 “against United States citizens in the foreign
6 country”; and

7 (D) by adding at the end the following new
8 subparagraph:

9 “(C) the extent to which the government of
10 the foreign country is not cooperating with re-
11 spect to the matters described in subparagraphs
12 (A) and (B) and other matters relating to
13 counterterrorism efforts.”; and

14 (3) by striking paragraph (4).

15 (e) EXISTING PROVISIONS TO BE INCLUDED IN RE-
16 PORT.—Section 140(b) of the Foreign Relations Author-
17 ization Act, Fiscal Years 1988 and 1989 (22 U.S.C.
18 2656f(b)) is amended—

19 (1) in the matter preceding paragraph (1), by
20 striking “should to the extent feasible” and inserting
21 “shall”;

22 (2) in paragraph (1)—

23 (A) in the matter preceding subparagraph
24 (A), by inserting “and (a)(3)” after “subsection
25 (a)(1)(A)”;

1 (B) by redesignating subparagraphs (A),
2 (B), and (C) as subparagraphs (C), (D), and
3 (E), respectively;

4 (C) by inserting before subparagraph (C)
5 (as redesignated) the following new subpara-
6 graphs:

7 “(A) a separate list, in chronological order,
8 of all acts of international terrorism described
9 in subsection (a)(1)(A);

10 “(B) a review of efforts to combat the use
11 of financial institutions by terrorist groups;”;

12 (D) in subparagraph (D) (as redesign-
13 ated), by striking “affecting American citizens
14 or facilities”; and

15 (E) in subparagraph (E)—

16 (i) in clause (i), by adding at the end
17 before the semicolon the following: “by the
18 government of the country, government of-
19 ficials, nongovernmental organizations,
20 quasi-governmental organizations, or na-
21 tionals of the country”;

22 (ii) in clause (v), by adding “and” at
23 the end after the semicolon; and

24 (iii) by adding at the end the fol-
25 lowing new clause:

1 “(vi) other types of indirect support
2 for international terrorism, such as inciting
3 acts of terrorism or countenance of acts of
4 terrorism by the government of the coun-
5 try, government officials, nongovernmental
6 organizations, quasi-governmental organi-
7 zations, or nationals of the country;”;

8 (3) in paragraph (3)—

9 (A) in subparagraph (E), by striking
10 “and” at the end;

11 (B) in subparagraph (F), by adding “and”
12 at the end; and

13 (C) by adding at the end the following new
14 subparagraph:

15 “(G) information on the stated intentions
16 and patterns of activities of terrorist groups de-
17 scribed in subsection (a)(2), capabilities and
18 membership of such groups, recruitment and
19 fundraising activities of such groups, and the
20 relationships of such groups to criminal organi-
21 zations, including organizations involved in il-
22 licit narcotics trafficking;” and

23 (4) by redesignating paragraphs (3) and (4) (as
24 added by section 701(a)(2)(C) of the Intelligence
25 Authorization Act for Fiscal Year 2005 (Public Law

1 108–487; 118 Stat. 3961)) as paragraphs (6) and
2 (7), respectively.

3 (f) NEW PROVISIONS TO BE INCLUDED IN RE-
4 PORT.—Section 140(b) of the Foreign Relations Author-
5 ization Act, Fiscal Years 1988 and 1989 (22 U.S.C.
6 2656f(b)), as amended by subsection (e), is further
7 amended—

8 (1) in paragraph (6) (as redesignated), by strik-
9 ing “and” at the end;

10 (2) in paragraph (7) (as redesignated), by strik-
11 ing the period at the end and inserting a semicolon;
12 and

13 (3) by adding at the end the following new
14 paragraphs:

15 “(8) an analysis of the efforts of multilateral
16 organizations to combat international terrorism, in-
17 cluding efforts of the United Nations and its affili-
18 ated organizations, regional multilateral organiza-
19 tions, and nongovernmental organizations; and

20 “(9) an analysis of policy goals of the United
21 States for counterterrorism efforts in the subsequent
22 calendar year.”.

23 (g) CLASSIFICATION OF REPORT.—Section 140(e) of
24 the Foreign Relations Authorization Act, Fiscal Years

1 1988 and 1989 (22 U.S.C. 2656f(c)) is amended to read
2 as follows:

3 “(c) CLASSIFICATION OF REPORT.—The report re-
4 quired by subsection (a) shall be submitted in unclassified
5 form and shall contain a classified annex as necessary.”.

6 (h) INTER-AGENCY PROCESS FOR COMPILATION OF
7 REPORT.—Section 140 of Foreign Relations Authoriza-
8 tion Act, Fiscal Years 1988 and 1989 (22 U.S.C. 2656f)
9 is amended—

10 (1) by redesignating subsections (d) and (e) as
11 subsections (e) and (f), respectively; and

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

14 “(d) INTER-AGENCY PROCESS FOR COMPILATION OF
15 REPORT.—The Secretary of State shall, in preparing the
16 report required by subsection (a), establish an inter-agen-
17 cy process to—

18 “(1) consult and coordinate with other appro-
19 priate officials of the Government of the United
20 States who are responsible for collecting and ana-
21 lyzing counterterrorism intelligence; and

22 “(2) utilize, to the maximum extent practicable,
23 such counterterrorism intelligence and analyses.”.

24 (i) COMPARABILITY STANDARD WITH PRIOR RE-
25 PORT.—Section 140 of Foreign Relations Authorization

1 Act, Fiscal Years 1988 and 1989 (22 U.S.C. 2656f), as
2 amended by subsection (h), is further amended—

3 (1) by redesignating subsections (e) and (f) (as
4 redesignated) as subsections (f) and (g), respectively;
5 and

6 (2) by inserting after subsection (d) (as added
7 by subsection (h)) the following new subsection:

8 “(e) COMPARABILITY STANDARD WITH PRIOR RE-
9 PORT.—The Secretary of State shall, in preparing the re-
10 port required by subsection (a), use standards, criteria,
11 and methodologies in a consistent manner so that statis-
12 tical comparisons may be made among different reports.
13 If significant changes are made to any such standards,
14 criteria, or methodology, the Secretary shall, in consulta-
15 tion with other appropriate officials of the Government of
16 the United States, make appropriate adjustments, using
17 the best available methods, so that the data provided in
18 each report is comparable to the data provided in prior
19 reports.”.

20 (j) DEFINITIONS.—Section 140(f)(1) of Foreign Re-
21 lations Authorization Act, Fiscal Years 1988 and 1989 (as
22 redesignated) is amended to read as follows:

23 “(1) the term ‘international terrorism’ means—

24 “(A) terrorism involving citizens or the ter-
25 ritory of more than one country; or

1 “(B) terrorism involving citizens and the
2 territory of one country which is intended to in-
3 timidate or coerce not only the civilian popu-
4 lation or government of such country but also
5 other civilian populations or governments;”.

6 (k) REPORTING PERIOD.—Section 140(g) Foreign
7 Relations Authorization Act, Fiscal Years 1988 and 1989
8 (as redesignated) is amended to read as follows:

9 “(g) REPORTING PERIOD.—The report required
10 under subsection (a) shall cover the events of the calendar
11 year preceding the calendar year in which the report is
12 transmitted.”.

13 (l) APPEARANCE OF SECRETARY OF STATE BEFORE
14 CONGRESS.—Section 140 of the Foreign Relations Au-
15 thorization Act, Fiscal Years 1988 and 1989 (22 U.S.C.
16 2656f) is amended by adding at the end the following new
17 subsection:

18 “(h) APPEARANCE OF SECRETARY OF STATE BE-
19 FORE CONGRESS.—

20 “(1) IN GENERAL.—The Secretary of State
21 shall appear before Congress at annual hearings, as
22 specified in paragraph (2), regarding the provisions
23 included in the report required under subsection (a).

24 “(2) SCHEDULE.—The Secretary of State shall
25 appear before—

1 “(A) the Committee on International Rela-
2 tions of the House of Representatives on or
3 about May 20 of even numbered calendar years;

4 “(B) the Committee on Foreign Relations
5 of the Senate on or about May 20 of odd num-
6 bered calendar years; and

7 “(C) either Committee referred to in sub-
8 paragraph (A) or (B), upon request, following
9 the scheduled appearance of the Secretary be-
10 fore the other Committee under subparagraph
11 (A) or (B).”.

12 (m) CONFORMING AMENDMENT.—The heading of
13 section 140 of the Foreign Relations Authorization Act,
14 Fiscal Years 1988 and 1989 (22 U.S.C. 2656f) is amend-
15 ed to read as follows:

16 **“SEC. 140. ANNUAL PATTERNS OF GLOBAL TERRORISM RE-**
17 **PORT.”.**

18 (n) EFFECTIVE DATE.—The amendments made by
19 this section apply with respect to the report required to
20 be transmitted under section 140 of the Foreign Relations
21 Authorization Act, Fiscal Years 1988 and 1989 (22
22 U.S.C. 2656f), by April 30, 2007, and by April 30 of each
23 subsequent year.

1 **SEC. 603. STUDY AND REPORT ON DUAL GATEWAY POLICY**
2 **OF THE GOVERNMENT OF IRELAND.**

3 (a) **IN GENERAL.**—The Secretary of State shall re-
4 view the dual gateway policy and determine the effects the
5 discontinuation of such policy might have on the economy
6 of the United States and the economy of western Ireland
7 before the United States takes any action that could lead
8 to the discontinuation of such policy.

9 (b) **ECONOMIC IMPACT STUDY.**—In determining the
10 effects that the discontinuation of such policy might have
11 on the economy of the United States, the Secretary, in
12 consultation with the heads of other appropriate depart-
13 ments and agencies, shall consider the effects the dis-
14 continuation of such policy might have on United States
15 businesses operating in western Ireland, Irish businesses
16 operating in and around Shannon Airport, and United
17 States air carriers serving Ireland.

18 (c) **REPORT.**—Not later than 180 days after the date
19 of the enactment of this Act, the Secretary shall submit
20 to Congress a report describing the determinations made
21 under subsection (a), together with any recommendations
22 for United States action.

23 (d) **DEFINITION.**—In this section, the term “dual
24 gateway policy” means the policy of the Government of
25 Ireland requiring certain air carriers serving Dublin Air-

1 port to undertake an equal numbers of flights to Shannon
2 Airport and Dublin Airport during each calendar year.

3 **SEC. 604. REPORT ON HAITI.**

4 Not later than one year after the date of the enact-
5 ment of this Act and one year thereafter, the Secretary
6 of State shall submit to the appropriate congressional
7 committees a report on United States efforts to—

8 (1) assist in the disarmament of illegally armed
9 forces in Haiti, including through a program of gun
10 exchanges;

11 (2) assist in the reform of the Haitian National
12 Police; and

13 (3) support stabilization in Haiti.

14 **SEC. 605. VERIFICATION REPORTS TO CONGRESS.**

15 Section 403(a) of the Arms Control and Disar-
16 mament Act (22 U.S.C. 2593a(a)) is amended in the mat-
17 ter preceding paragraph (1)—

18 (1) by striking “prepared by the Secretary of
19 State with the concurrence of the Director of Cen-
20 tral Intelligence and in consultation with the Sec-
21 retary of Defense, the Secretary of Energy, and the
22 Chairman of the Joint Chiefs of Staff,”; and

23 (2) by inserting “, as the President considers
24 appropriate” after “include”.

1 **SEC. 606. REPORTS ON PROTECTION OF REFUGEES FROM**
2 **NORTH KOREA.**

3 Section 305(a) of the North Korean Human Rights
4 Act of 2004 (Public Law 108–333; 22 U.S.C. 7845) is
5 amended—

6 (1) in paragraph (1), by striking “and” at the
7 end;

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

10 (3) by adding at the end the following new
11 paragraph:

12 “(3) a detailed description of the measures un-
13 dertaken by the Secretary of State to carry out sec-
14 tion 303, including country-specific information with
15 respect to United States efforts to secure the co-
16 operation and permission of the governments of
17 countries in East and Southeast Asia to facilitate
18 United States processing of North Koreans seeking
19 protection as refugees. The information required by
20 this paragraph may be provided in a classified for-
21 mat, if necessary.”.

1 **SEC. 607. REPORTS ON ACTIONS TAKEN BY THE UNITED**
2 **STATES TO ENCOURAGE RESPECT FOR**
3 **HUMAN RIGHTS.**

4 Section 665(c) of the Foreign Relations Authoriza-
5 tion Act, Fiscal Year 2003 (Public Law 107–228) is
6 amended by striking “30 days” and inserting “90 days”.

7 **SEC. 608. REPORTS ON ACQUISITION AND MAJOR SECU-**
8 **RITY UPGRADES.**

9 Section 605(c) of the Secure Embassy Construction
10 and Counterterrorism Act of 1999 (title VI of the Admiral
11 James W. Nance and Meg Donovan Foreign Relations Au-
12 thorization Act, Fiscal Years 2000 and 2001; Public Law
13 106–113–Appendix G) is amended—

14 (1) in the heading, by striking “Semiannual Re-
15 ports” and inserting “Reports”;

16 (2) in the matter preceding paragraph (1), by
17 striking “June 1 and”; and

18 (3) in paragraph (1)(A), by striking “two fiscal
19 quarters” and inserting “year”.

20 **SEC. 609. REPORT ON SERVICES FOR CHILDREN WITH AU-**
21 **TISM AT OVERSEAS MISSIONS.**

22 (a) STUDY.—With respect to countries in which there
23 is at least one mission of the United States, the Secretary
24 of State shall conduct a study of the availability of pro-
25 grams that address the special needs of children with au-
26 tism, including the availability of speech therapists and

1 pediatric occupational therapists at Department of De-
2 fense sponsored schools. Such study shall include the esti-
3 mated incidence of autism among dependents of members
4 of the Foreign Service and dependents of specialist For-
5 eign Service personnel. Such study shall also include an
6 analysis of the possibility of establishing “Educational
7 Centers of Excellence” for such children.

8 (b) REPORT.—Not later than 30 days after the com-
9 pletion of the study required under subsection (a), the Sec-
10 retary shall submit to the appropriate congressional com-
11 mittees a report containing the findings of the study to-
12 gether with any recommendations for related action.

13 **SEC. 610. REPORT ON INCIDENCE AND PREVALENCE OF AU-**
14 **TISM WORLDWIDE.**

15 (a) STUDY.—

16 (1) IN GENERAL.—The Secretary of State shall
17 direct the United States representative to the Execu-
18 tive Board of the United Nations Children’s Fund
19 (UNICEF) to use the voice and vote of the United
20 States to urge UNICEF to provide for the conduct
21 of a study of the incidence and prevalence of autism
22 spectrum disorders (hereinafter referred to as “au-
23 tism”) worldwide.

24 (2) CONDUCT OF STUDY.—The study should—

1 (A) evaluate the incidence and prevalence
2 of autism in all countries worldwide and com-
3 pare such incidence and prevalence to the inci-
4 dence and prevalence of autism in the United
5 States and evaluate the reliability of the infor-
6 mation obtained from each country in carrying
7 out this subparagraph; and

8 (B) evaluate the feasibility of establishing
9 a method for the collection of information relat-
10 ing to the incidence and prevalence of autism in
11 all countries worldwide.

12 (b) REPORT.—The Secretary of State shall direct the
13 United States representative to the Executive Board of
14 UNICEF to use the voice and vote of the United States
15 to urge UNICEF to—

16 (1) provide for the preparation of a report that
17 contains the results of the study described in sub-
18 section (a); and

19 (2) provide for the availability of the report on
20 the Internet website of UNICEF.

21 (c) FUNDING.—Of the amounts made available for
22 fiscal year 2006 to carry out section 301 of the Foreign
23 Assistance Act of 1961 (22 U.S.C. 2221), \$1,500,000 is
24 authorized to be available for a voluntary contribution to

1 UNICEF to conduct the study described in subsection (a)
2 and prepare the report described in subsection (b).

3 **SEC. 611. REPORT ON INTERNET JAMMING.**

4 (a) REPORT.—Not later than March 1 of the year
5 following the date of the enactment of this Act, the Chair-
6 man of the Broadcasting Board of Governors shall submit
7 to the appropriate congressional committees a report on
8 the status of state-sponsored and state-directed Internet
9 jamming by repressive foreign governments and a descrip-
10 tion of efforts by the United States to counter such jam-
11 ming. Each report shall list the countries the governments
12 of which pursue Internet censorship or jamming and pro-
13 vide information concerning the government agencies or
14 quasi-governmental organizations of such governments
15 that engage in Internet jamming.

16 (b) FORMAT.—If the Chairman determines that such
17 is appropriate, the Chairman may submit such report to-
18 gether with a classified annex.

19 **SEC. 612. REPORT ON DEPARTMENT OF STATE EMPLOY-**
20 **MENT COMPOSITION.**

21 (a) STATEMENT OF POLICY.—In order for the De-
22 partment of State to accurately represent all people in the
23 United States, the Department must accurately reflect the
24 diversity of the United States.

1 (b) REPORT ON MINORITY RECRUITMENT.—Section
2 324 of the Foreign Relations Authorization Act, Fiscal
3 Year 2003 (Public Law 107–228) is amended—

4 (1) in the matter preceding paragraph (1), by
5 striking “April 1, 2003, and April 1, 2004,” and in-
6 serting “April 1, 2006, and April 1, 2007,”; and

7 (2) in paragraphs (1) and (2), by striking “mi-
8 nority groups” each place it appears and inserting
9 “minority groups and women”.

10 (c) ACQUISITION.—Section 324 of such Act is further
11 amended by adding at the end the following new para-
12 graph:

13 “(3) For the immediately preceding 12-month
14 period for which such information is available—

15 “(A) the numbers and percentages of
16 small, minority-owned businesses that provide
17 goods and services to the Department as a re-
18 sult of contracts with the Department during
19 such period;

20 “(B) the total number of such contracts;

21 “(C) the total dollar value of such con-
22 tracts; and

23 “(D) and the percentage value represented
24 by such contract proportionate to the total
25 value of all contracts held by the Department.”.

1 (d) USE OF FUNDS.—The provisions of section 325
2 of such Act shall apply to funds authorized to be appro-
3 priated under section 101(1)(G) of this Act.

4 **SEC. 613. REPORT ON INCITEMENT TO ACTS OF DISCRIMI-**
5 **NATION.**

6 (a) INCLUSION OF INFORMATION RELATING TO IN-
7 CITEMENT TO ACTS OF DISCRIMINATION IN ANNUAL
8 COUNTRY REPORTS ON HUMAN RIGHT PRACTICES.—

9 (1) COUNTRIES RECEIVING ECONOMIC ASSIST-
10 ANCE.—Section 116(d) of the Foreign Assistance
11 Act of 1961 (22 U.S.C. 2151n(d)) is amended—

12 (A) in paragraph (10) by striking “and” at
13 the end;

14 (B) in paragraph (11)(C), by striking the
15 period at the end and inserting “; and”; and

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

18 “(12) wherever applicable, a description of the
19 nature and extent of—

20 “(A) propaganda in foreign government
21 and foreign government-controlled media and
22 other sources, including foreign government-
23 produced educational materials and textbooks,
24 that attempt to justify or promote racial hatred

1 or incite acts of violence against any race or
2 people;

3 “(B) complicity or involvement by the for-
4 eign government in the creation of such propa-
5 ganda or incitement of acts of violence against
6 any race or people; and

7 “(C) a description of the actions, if any,
8 taken by the foreign government to eliminate
9 such propaganda or incitement.”.

10 (2) COUNTRIES RECEIVING SECURITY ASSIST-
11 ANCE.—Section 502B(b) of such Act (22 U.S.C.
12 2304(b)) is amended by inserting after the ninth
13 sentence the following new sentence: “Each report
14 under this section shall also include, wherever appli-
15 cable, a description of the nature and extent of prop-
16 aganda in foreign government and foreign govern-
17 ment-controlled media and other sources, including
18 foreign government-produced educational materials
19 and textbooks, that attempt to justify or promote ra-
20 cial hatred or incite acts of violence against any race
21 or people, complicity or involvement by the foreign
22 government in the creation of such propaganda or
23 incitement of acts of violence against any race or
24 people, and a description of the actions, if any,

1 taken by the foreign government to eliminate such
2 propaganda or incitement.”.

3 (b) EFFECTIVE DATE OF AMENDMENT.—The
4 amendment made by subsection (a) shall take effect on
5 the date of the enactment of this Act and apply beginning
6 with the first report submitted by the Secretary of State
7 under sections 116(d) and 502B(b) of the Foreign Assist-
8 ance Act of 1961 (22 U.S.C. 2151n(d) and 2304(b)) after
9 such date.

10 **SEC. 614. REPORTS ON CHILD MARRIAGE.**

11 (a) ONE TIME REPORT.—Not later than 180 days
12 after the date of the enactment of this Act, the Secretary
13 of State shall submit to the appropriate congressional
14 committees a one time report on the practice of the custom
15 of child marriage in countries around the world. The re-
16 port shall include the following information:

17 (1) A separate section for each country, as ap-
18 plicable, describing the nature and extent of child
19 marriage in such country.

20 (2) A description of the actions, if any, taken
21 by the government of each such country, where ap-
22 plicable, to revise the laws of such country and insti-
23 tutionalize comprehensive procedures and practices
24 to eliminate child marriage.

1 (3) A description of the actions taken by the
2 Department of State and other Federal departments
3 and agencies to encourage foreign governments to
4 eliminate child marriage and to support the activi-
5 ties of non-governmental organizations dedicated to
6 eliminating child marriage and supporting its vic-
7 tims.

8 (b) INCLUSION OF INFORMATION RELATING TO
9 CHILD MARRIAGE IN ANNUAL COUNTRY REPORTS ON
10 HUMAN RIGHTS PRACTICES.—

11 (1) COUNTRIES RECEIVING ECONOMIC ASSIST-
12 ANCE.—Section 116(d) of the Foreign Assistance
13 Act of 1961 (22 U.S.C. 2151n(d)), as amended by
14 section 611, is further amended—

15 (A) in paragraph (11)(C), as amended by
16 section 611, by striking “and” at the end;

17 (B) in paragraph (12)(C), as added by sec-
18 tion 611, by striking the period at the end and
19 inserting “; and”; and

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

22 “(13)(A) wherever applicable, a description of
23 the nature and extent of laws and traditions in each
24 country that enable or encourage the practice of
25 child marriage; and

1 “(B) a description of the actions, if any,
2 taken by the government of each such country
3 to revise the laws of such country and institu-
4 tionalize comprehensive procedures and prac-
5 tices to eliminate child marriage.”.

6 (2) COUNTRIES RECEIVING SECURITY ASSIST-
7 ANCE.—Section 502B(b) of such Act (22 U.S.C.
8 2304(b)), as amended by section 611, is further
9 amended by inserting after the tenth sentence, as
10 added by section 611, the following new sentence:
11 “Each report under this section shall also include,
12 wherever applicable, a description of the nature and
13 extent of laws and traditions in each country that
14 enable or encourage the practice of child marriage
15 and a description of the actions, if any, taken by the
16 government of each such country to revise the laws
17 of such country and institutionalize comprehensive
18 procedures and practices to eliminate child mar-
19 riage.”.

20 (c) EFFECTIVE DATE OF AMENDMENT.—The
21 amendment made by subsection (b) shall take effect on
22 the date of the enactment of this Act and apply beginning
23 with the first report submitted by the Secretary of State
24 under sections 116(d) and 502B(b) of the Foreign Assist-

1 ance Act of 1961 (22 U.S.C. 2151n(d) and 2304(b)) after
2 the report required under subsection (a).

3 **SEC. 615. REPORTS RELATING TO MAGEN DAVID ADOM SO-**
4 **CIETY.**

5 (a) FINDINGS.—Section 690(a) of the Foreign Rela-
6 tions Authorization Act, Fiscal Year 2003 (Public Law
7 107–228), is amended by adding at the end the following:

8 “(5) Since the founding of the Magen David
9 Adom Society in 1930, the American Red Cross has
10 regarded it as a sister national society forging close
11 working ties between the two societies and has con-
12 sistently advocated recognition and membership of
13 the Magen David Adom Society in the International
14 Red Cross and Red Crescent Movement.

15 “(6) The American Red Cross and the Magen
16 David Adom Society signed an important memo-
17 randum of understanding in November 2002, out-
18 lining areas for strategic collaboration, and the
19 American Red Cross will encourage other societies to
20 establish similar agreements with the Magen David
21 Adom Society.”.

22 (b) SENSE OF CONGRESS.—Section 690(b) of such
23 Act is amended—

24 (1) in paragraph (3), by striking “and” at the
25 end;

1 (2) by redesignating paragraph (4) as para-
2 graph (5); and

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

5 “(4) the High Contracting Parties to the Gene-
6 va Conventions of August 12, 1949, should adopt
7 the October 12, 2000, draft additional protocol
8 which would accord international recognition to an
9 additional distinctive emblem; and”.

10 (c) REPORT.—Section 690 of such Act is further
11 amended by adding at the end the following:

12 “(c) REPORT.—Not later than 60 days after the date
13 of the enactment of the Foreign Relations Authorization
14 Act, Fiscal Years 2006 and 2007, and one year thereafter,
15 the Secretary of State shall submit a report, on a classified
16 basis if necessary, to the appropriate congressional com-
17 mittees describing—

18 “(1) efforts by the United States to obtain full
19 membership for the Magen David Adom Society in
20 the International Red Cross and Red Crescent Move-
21 ment;

22 “(2) efforts by the International Committee of
23 the Red Cross to obtain full membership for the
24 Magen David Adom Society in the International Red
25 Cross and Red Crescent Movement;

1 “(3) efforts of the High Contracting Parties to
2 the Geneva Conventions of August 12, 1949, to
3 adopt the October 12, 2000, draft additional pro-
4 tocol to the Geneva Conventions;

5 “(4) the extent to which the Magen David
6 Adom Society is participating in the activities of the
7 International Red Cross and Red Crescent Move-
8 ment; and

9 “(5) efforts by any state, member, or official of
10 the International Red Cross and Red Crescent Move-
11 ment to prevent, obstruct, or place conditions
12 upon—

13 “(A) adoption by the High Contracting
14 Parties to the Geneva Conventions of August
15 12, 1949, of the October 12, 2000, draft addi-
16 tional protocol to the Geneva Conventions; and

17 “(B) full participation of the Magen David
18 Adom Society in the activities of the Inter-
19 national Red Cross and Red Crescent Move-
20 ment.”.

21 **SEC. 616. REPORTS RELATING TO DEVELOPMENTS IN AND**
22 **POLICY TOWARD INDONESIA.**

23 (a) STATEMENT OF CONGRESS RELATING TO RE-
24 CENT DEVELOPMENTS, HUMAN RIGHTS, AND REFORM.—
25 Congress—

1 (1) recognizes the remarkable progress in de-
2 mocratization and decentralization made by Indo-
3 nesia in recent years and commends the people of
4 Indonesia on the pace and scale of those continuing
5 reforms;

6 (2) reaffirms—

7 (A) its deep condolences to the people of
8 Indonesia for the profound losses inflicted by
9 the December 26, 2004, earthquake and tsu-
10 nami; and

11 (B) its commitment to generous United
12 States support for relief and long term recon-
13 struction efforts in affected areas;

14 (3) expresses its hope that in the aftermath of
15 the tsunami tragedy the Government of Indonesia
16 and other parties will succeed in reaching and imple-
17 menting a peaceful, negotiated settlement of the
18 long-standing conflict in Aceh;

19 (4) commends the Government of Indonesia for
20 allowing broad international access to Aceh after the
21 December 2004 tsunami, and urges that inter-
22 national nongovernmental organizations and media
23 be allowed unfettered access throughout Indonesia,
24 including in Papua and Aceh;

25 (5) notes with grave concern that—

1 (A) reform of the Indonesian security
2 forces has not kept pace with democratic political
3 reform, and that the Indonesian military is
4 subject to inadequate civilian control and oversight,
5 lacks budgetary transparency, and continues to
6 emphasize an internal security role within
7 Indonesia;

8 (B) members of the Indonesian security
9 forces continue to commit many serious human
10 rights violations, including killings, torture,
11 rape, and arbitrary detention, particularly in
12 areas of communal and separatist conflict; and

13 (C) the Government of Indonesia largely
14 fails to hold soldiers and police accountable for
15 extrajudicial killings and other serious human
16 rights abuses, both past and present, including
17 atrocities committed in East Timor prior to its
18 independence from Indonesia;

19 (6) condemns the intimidation and harassment
20 of human rights and civil society organizations by
21 members of the Indonesian security forces and military-
22 backed militia groups, and urges a complete investigation
23 of the fatal poisoning of prominent human rights
24 activist Munir in September 2004; and

1 (7) urges the Government of Indonesia and the
2 Indonesian military to continue to provide full, ac-
3 tive, and unfettered cooperation to the Federal Bu-
4 reau of Investigation of the Department of Justice
5 in its investigation of the August 31, 2002, attack
6 near Timika, Papua, which killed three people (in-
7 cluding two Americans, Rick Spier and Ted Burgon)
8 and injured 12 others, and to pursue the indictment,
9 apprehension, and prosecution of all parties respon-
10 sible for that attack.

11 (b) FINDINGS RELATING TO PAPUA.—Congress finds
12 the following:

13 (1) Papua, a resource-rich province whose in-
14 digenous inhabitants are predominantly Melanesian,
15 was formerly a colony of the Netherlands.

16 (2) While Indonesia has claimed Papua as part
17 of its territory since its independence in the late
18 1940s, Papua remained under Dutch administrative
19 control until 1962.

20 (3) On August 15, 1962, Indonesia and the
21 Netherlands signed an agreement at the United Na-
22 tions in New York (commonly referred to as the
23 “New York Agreement”) which transferred adminis-
24 tration of Papua first to a United Nations Tem-
25 porary Executive Authority (UNTEA), and then to

1 Indonesia in 1963, pending an “act of free choice
2 . . . to permit the inhabitants to decide whether
3 they wish to remain with Indonesia”.

4 (4) In the New York Agreement, Indonesia formally
5 recognized “the eligibility of all adults [in
6 Papua] . . . to participate in [an] act of self-deter-
7 mination to be carried out in accordance with inter-
8 national practice”, and pledged “to give the people
9 of the territory the opportunity to exercise freedom
10 of choice . . . before the end of 1969”.

11 (5) In July and August 1969, Indonesia con-
12 ducted an “Act of Free Choice”, in which 1,025 se-
13 lected Papuan elders voted unanimously to join In-
14 donesia, in circumstances that were subject to both
15 overt and covert forms of manipulation.

16 (6) In the intervening years, indigenous
17 Papuans have suffered extensive human rights
18 abuses, natural resource exploitation, environmental
19 degradation, and commercial dominance by immi-
20 grant communities, and some individuals and groups
21 estimate that more than 100,000 Papuans have been
22 killed during Indonesian rule, primarily during the
23 Sukarno and Suharto administrations.

24 (7) While the United States supports the terri-
25 torial integrity of Indonesia, Indonesia’s historical

1 reliance on force for the maintenance of control has
2 been counterproductive, and long-standing abuses by
3 security forces have galvanized independence senti-
4 ments among many Papuans.

5 (8) While the Indonesian parliament passed a
6 Special Autonomy Law for Papua in October 2001
7 that was intended to allocate greater revenue and
8 decision making authority to the Papuan provincial
9 government, the promise of special autonomy has
10 not been effectively realized and has been under-
11 mined in its implementation, such as by conflicting
12 legal directives further subdividing the province in
13 apparent contravention of the law and without the
14 consent of appropriate provincial authorities.

15 (9) Rather than demilitarizing its approach, In-
16 donesia has reportedly sent thousands of additional
17 troops to Papua, and military operations in the cen-
18 tral highlands since the fall of 2004 have displaced
19 thousands of civilians into very vulnerable cir-
20 cumstances, contributing further to mistrust of the
21 central government by many indigenous Papuans.

22 (10) According to the 2004 Annual Country
23 Report on Human Rights Practices of the Depart-
24 ment of State, in Indonesia “security force members
25 murdered, tortured, raped, beat, and arbitrarily de-

1 tained civilians and members of separatist move-
2 ments” and “police frequently and arbitrarily de-
3 tained persons without warrants, charges, or court
4 proceedings” in Papua.

5 (c) REPORTING REQUIREMENTS.—

6 (1) REPORT ON SPECIAL AUTONOMY.—Not
7 later than 180 days after the date of the enactment
8 of this Act and one year thereafter, the Secretary of
9 State shall submit to the appropriate congressional
10 committees a report detailing implementation of spe-
11 cial autonomy for Papua and Aceh. Such reports
12 shall include—

13 (A) an assessment of the extent to which
14 each province has enjoyed an increase in rev-
15 enue allocations and decision making authority;

16 (B) a description of access by international
17 press and non-governmental organizations to
18 each province;

19 (C) an assessment of the role played by
20 local civil society in governance and decision
21 making;

22 (D) a description of force levels and con-
23 duct of Indonesian security forces in each prov-
24 ince; and

1 (E) a description of United States efforts
2 to promote respect for human rights in each
3 province.

4 (2) REPORT ON THE 1969 ACT OF FREE
5 CHOICE.—Not later than 180 days after the date of
6 the enactment of this Act, the Secretary of State
7 shall submit to the appropriate congressional com-
8 mittees a report analyzing the 1969 Act of Free
9 Choice.

10 **SEC. 617. REPORT RELATING TO THE MURDERS OF UNITED**
11 **STATES CITIZENS JOHN BRANCHIZIO, MARK**
12 **PARSON, AND JOHN MARIN LINDE.**

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

15 (1) On October 15, 2003, a convoy of clearly
16 identified United States diplomatic vehicles was at-
17 tacked by Palestinian terrorists in Gaza resulting in
18 the death of United States citizens John Branchizio,
19 Mark Parson, and John Marin Linde, and the injury
20 of a fourth United States citizen.

21 (2) John Branchizio, Mark Parson, and John
22 Marin Linde were contract employees providing se-
23 curity to United States diplomatic personnel who
24 were visiting Gaza in order to identify potential Pal-
25 estinian candidates for Fulbright Scholarships.

1 (3) A senior official of the Palestinian Author-
2 ity was reported to have stated on September 22,
3 2004, that “Palestinian security forces know who
4 was behind the killing” of John Branchizio, Mark
5 Parson, and John Marin Linde.

6 (4) Following her visit to Israel and the West
7 Bank on February 7, 2005, Secretary of State
8 Condoleezza Rice announced that she had been “as-
9 sured by President Abbas of the Palestinian
10 Authority’s intention to bring justice to those who
11 murdered three American personnel in the Gaza in
12 2003”.

13 (5) Since the attack on October 15, 2003,
14 United States Government personnel have been pro-
15 hibited from all travel in Gaza.

16 (6) The United States Rewards for Justice pro-
17 gram is offering a reward of up to \$5,000,000 for
18 information leading to the arrest or conviction of
19 any persons involved in the murder of John
20 Branchizio, Mark Parson, and John Marin Linde.

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

23 (1) the continued inability or unwillingness of
24 the Palestinian Authority to actively and aggres-
25 sively pursue the murderers of United States citizens

1 John Branchizio, Mark Parson, and John Marin
2 Linde and bring them to justice calls into question
3 the Palestinian Authority's viability as a partner for
4 the United States in resolving the Palestinian-Israeli
5 conflict;

6 (2) future United States assistance to the Pal-
7 estinian Authority may be affected, and the contin-
8 ued operation of the PLO Representative Office in
9 Washington may be jeopardized, if the Palestinian
10 Authority does not fully and effectively cooperate in
11 bringing to justice the murderers of John
12 Branchizio, Mark Parson, and John Marin Linde;
13 and

14 (3) it is in the vital national security interest of
15 the United States to safeguard, to the greatest ex-
16 tent possible consistent with their mission, United
17 States diplomats and all embassy and consulate per-
18 sonnel, and to use the full power of the United
19 States to bring to justice any individual or entity
20 that threatens, jeopardizes, or harms them.

21 (c) REPORT.—Not later than 30 days after the date
22 of the enactment of this Act, and every 120 days there-
23 after, the Secretary of State shall submit a report, on a
24 classified basis if necessary, to the appropriate congres-
25 sional committees describing—

1 (1) efforts by the United States to bring to jus-
2 tice the murderers of United States citizens John
3 Branchizio, Mark Parson, and John Marin Linde;

4 (2) a detailed assessment of efforts by the Pal-
5 estinian Authority to bring to justice the murderers
6 of John Branchizio, Mark Parson, and John Marin
7 Linde, including—

8 (A) the number of arrests, interrogations,
9 and interviews by Palestinian Authority officials
10 related to the case;

11 (B) the number of Palestinian security
12 personnel and man-hours assigned to the case;

13 (C) the extent of personal supervision or
14 involvement by the President and Ministers of
15 the Palestinian Authority; and

16 (D) the degree of cooperation between the
17 United States and the Palestinian Authority in
18 regards to this case;

19 (3) a specific assessment by the Secretary of
20 whether the Palestinian efforts described in para-
21 graph (2) constitute the best possible effort by the
22 Palestinian Authority; and

23 (4) any additional steps or initiatives requested
24 or recommended by the United States that were not
25 pursued by the Palestinian Authority.

1 (d) CERTIFICATION.—The requirement to submit a
2 report under subsection (c) shall no longer apply if the
3 Secretary of State certifies to the appropriate congres-
4 sional committees that the murderers of United States
5 citizens John Branchizio, Mark Parson, and John Marin
6 Linde have been identified, arrested, and brought to jus-
7 tice.

8 (e) DEFINITION.—In this section, the term “appro-
9 priate congressional committees” means—

10 (1) the Committee on International Relations
11 and the Committee on Appropriations of the House
12 of Representatives; and

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

15 **SEC. 618. ELIMINATION OF REPORT ON REAL ESTATE**
16 **TRANSACTIONS.**

17 Section 12 of the Foreign Service Buildings Act,
18 1926 (22 U.S.C. 303) is hereby repealed.

19 **TITLE VII—STRATEGIC EXPORT**
20 **CONTROL AND SECURITY AS-**
21 **SISTANCE ACT OF 2005**

22 **Subtitle A—General Provisions**

23 **SEC. 701. SHORT TITLE.**

24 This title may be cited as the “Strategic Export Con-
25 trol and Security Assistance Act of 2005”.

1 **SEC. 702. DEFINITIONS.**

2 In this title:

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

6 (A) the Committee on International Rela-
7 tions and the Committee on Armed Services of
8 the House of Representatives; and

9 (B) the Committee on Foreign Relations
10 and the Committee on Armed Services of the
11 Senate.

12 (2) **DEFENSE ARTICLES AND DEFENSE SERV-**
13 **ICES.**—The term “defense articles and defense serv-
14 ices” has the meaning given the term in section
15 47(7) of the Arms Export Control Act (22 U.S.C.
16 2794 note).

17 (3) **DUAL USE.**—The term “dual use” means,
18 with respect to goods or technology, those goods or
19 technology that are specifically designed or devel-
20 oped for civil purposes but which also may be used
21 or deployed in a military or proliferation mode. Such
22 term does not include purely commercial items.

23 (4) **EXPORT.**—The term “export” has the
24 meaning given that term in section 120.17 of the
25 International Traffic in Arms Regulations, and in-

1 cludes re-exports, transfers, and re-transfers by any
2 means.

3 (5) EXPORT ADMINISTRATION REGULATIONS.—
4 The term “Export Administration Regulations”
5 means those regulations contained in sections 730
6 through 774 of title 15, Code of Federal Regulations
7 (or successor regulations).

8 (6) FOREIGN GOVERNMENT.—The term “for-
9 eign government” has the meaning given the term in
10 section 38(g)(9)(B) of the Arms Export Control Act
11 (22 U.S.C. 2778(g)(9)(B)).

12 (7) FOREIGN PERSON.—The term “foreign per-
13 son” has the meaning given the term in section
14 38(g)(9)(C) of the Arms Export Control Act (22
15 U.S.C. 2778(g)(9)(C)).

16 (8) GOOD.—The term “good” has the meaning
17 given the term in section 16(3) of the Export Ad-
18 ministration Act of 1979 (50 U.S.C. App. 2415(3)).

19 (9) INTERNATIONAL TRAFFIC IN ARMS REGULA-
20 TIONS.—The term “International Traffic in Arms
21 Regulations” means those regulations contained in
22 sections 120 through 130 of title 22, Code of Fed-
23 eral Regulations (or successor regulations).

24 (10) ITEM.—The term “item” means any good
25 or technology, defense article or defense service sub-

1 ject to the export jurisdiction of the United States
2 under law or regulation.

3 (11) LICENSE.—The term “license” means an
4 official written document of the United States Gov-
5 ernment issued pursuant to the Export Administra-
6 tion Regulations or the International Traffic in
7 Arms Regulations, as the case may be, authorizing
8 a specific export.

9 (12) MISSILE TECHNOLOGY CONTROL REGIME;
10 MTCR.—The term “Missile Technology Control Re-
11 gime” or “MTCR” has the meaning given the term
12 in section 11B(e)(2) of the Export Administration
13 Act of 1979 (50 U.S.C. App. 2401b(c)(2)).

14 (13) MISSILE TECHNOLOGY CONTROL REGIME
15 ANNEX; MTCR ANNEX.—The term “Missile Tech-
16 nology Control Regime Annex” or “MTCR Annex”
17 has the meaning given the term in section 11B(c)(4)
18 of the Export Administration Act of 1979 (50
19 U.S.C. App. 2401b(c)(4)).

20 (14) PERSON.—The term “person” has the
21 meaning given the term in section 38(g)(9)(E) of
22 the Arms Export Control Act (22 U.S.C.
23 2778(g)(9)(E)).

24 (15) STRATEGIC EXPORT CONTROL.—The term
25 “strategic export control” means the control of items

1 subject to the export jurisdiction of the United
2 States pursuant to the International Traffic in Arms
3 Regulations or the Export Administration Regula-
4 tions.

5 (16) TECHNOLOGY.—The term “technology”
6 has the meaning given the term in section 16(4) of
7 the Export Administration Act of 1979 (50 U.S.C.
8 App. 2415(4)).

9 (17) UNITED STATES MUNITIONS LIST.—The
10 term “United States Munitions List” means the list
11 referred to in section 38(a)(1) of the Arms Export
12 Control Act (22 U.S.C. 2778(a)(1)).

13 **SEC. 703. DECLARATION OF POLICY.**

14 Congress declares that, at a time of evolving threats
15 and changing relationships with other countries, United
16 States strategic export controls are in urgent need of a
17 comprehensive review in order to assure such controls are
18 achieving their intended purposes of protecting the na-
19 tional security interests of the United States in the Global
20 War on Terrorism and of promoting the foreign policy
21 purposes of the United States, in particular by assuring
22 that—

23 (1) export license procedures are properly de-
24 signed to prioritize readily which exports may be ap-
25 proved quickly for United States friends and allies

1 and which require greater scrutiny in order to safe-
2 guard national interests;

3 (2) technology related to the military superi-
4 ority of the United States Armed Forces is safe-
5 guarded during and after export to a high level of
6 confidence; and

7 (3) overlapping and duplicative functions
8 among the responsible departments and agencies of
9 the Government of the United States are consoli-
10 dated and integrated wherever appropriate in order
11 to enhance efficiency, information sharing, and the
12 consistent execution of United States policy.

13 **Subtitle B—Revising and Strength-**
14 **ening Strategic Export Control**
15 **Policies**

16 **SEC. 711. AMENDMENTS TO THE STATE DEPARTMENT**
17 **BASIC AUTHORITIES ACT OF 1956.**

18 (a) UNDER SECRETARY FOR ARMS CONTROL AND
19 INTERNATIONAL SECURITY.—Section 1(b)(2) of the State
20 Department Basic Authorities Act of 1956 (22 U.S.C.
21 2651a(b)(2)) is amended—

22 (1) in the first sentence, by striking “There”
23 and inserting the following:

24 “(A) IN GENERAL.—There”; and

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

3 “(B) DUTIES.—The Under Secretary for
4 Arms Control and International Security shall
5 be responsible for—

6 “(i) coordinating and executing a
7 United States strategy for strengthening
8 multilateral export controls;

9 “(ii) coordinating the activities of all
10 bureaus and offices of the Department of
11 State that have responsibility for export
12 control policy, licensing, or assistance; and

13 “(iii) serving as the chairperson of the
14 Strategic Export Control Board established
15 under section 712 of the Strategic Export
16 Control and Security Assistance Act of
17 2005.”.

18 (b) DEPUTY UNDER SECRETARY FOR STRATEGIC
19 EXPORT CONTROL.—Section 1(b)(2) of the State Depart-
20 ment Basic Authorities Act of 1956 (22 U.S.C.
21 2651a(b)(2)), as amended by subsection (a), is further
22 amended by adding at the end the following new subpara-
23 graph:

24 “(C) DEPUTY UNDER SECRETARY FOR
25 STRATEGIC EXPORT CONTROL.—There shall be

1 in the Department of State a Deputy Under
2 Secretary for Strategic Export Control who
3 shall have primary responsibility to assist the
4 Under Secretary for Arms Control and Inter-
5 national Security in carrying out the responsi-
6 bility of the Under Secretary described in sub-
7 paragraph(B)(iii).”.

8 (c) DEFENSE TRADE CONTROLS REGISTRATION
9 FEES.—Section 45 of the State Department Basic Au-
10 thorities Act of 1956 (22 U.S.C. 2717) is amended—

11 (1) in paragraph (2), by striking “and” at the
12 end;

13 (2) in paragraph (3), by striking the period at
14 the end and inserting “; and”; and

15 (3) by adding at the end the following new
16 paragraph:

17 “(4) functions of the Strategic Export Control
18 Board established under section 712 of the Strategic
19 Export Control and Security Assistance Act of
20 2005.”.

21 **SEC. 712. STRATEGIC EXPORT CONTROL BOARD.**

22 (a) ESTABLISHMENT.—There is established a Stra-
23 tegic Export Control Board (hereinafter in this section re-
24 ferred to as the “Board”). The Board shall consist of rep-
25 resentatives from the Department of Commerce, the De-

1 partment of Defense, the Department of Homeland Secu-
2 rity, the Department of Justice, the National Security
3 Council, the intelligence community (as defined in section
4 3(4) of the National Security Act of 1947 (50 U.S.C.
5 401a(4)), and other appropriate departments and agencies
6 of the Government of the United States, and the Under
7 Secretary for Arms Control and International Security of
8 the Department of State. The Under Secretary for Arms
9 Control and International Security shall serve as the
10 chairperson of the Board.

11 (b) FUNCTIONS.—The Board shall—

12 (1) conduct a comprehensive review of United
13 States strategic export controls in the context of the
14 Global War on Terrorism in order to strengthen con-
15 trols by regulation, where appropriate, and to formu-
16 late legislative proposals for any new authorities that
17 are needed for counter-terrorism purposes;

18 (2) develop a strategy for ensuring a high level
19 of confidence in the export control of any items im-
20 portant to the current and future military superi-
21 ority of the United States Armed Forces, including
22 in particular the security of sensitive software
23 through the use of tamper-resistant security soft-
24 ware and other emerging technologies;

1 (3) design standards and best practices for in-
2 formation assurance and protection for the robust
3 information technology systems, such as virtual pri-
4 vate networks, already utilized by United States de-
5 fense firms in the conduct of their export control
6 regulated activities with foreign partners, which can
7 also gain the support of United States friends and
8 allies;

9 (4) formulate, with the assistance of the United
10 States defense industry and the support of United
11 States friends and allies, an automated international
12 delivery confirmation system for commercial ship-
13 ments of lethal and other high risk items in order
14 to afford improved protection against attempts to
15 disrupt international supply chains or to divert sen-
16 sitive items to gray arms markets;

17 (5) prepare recommendations for the President
18 and Congress, as appropriate, with respect to—

19 (A) the consolidation of overlapping or du-
20 plicative functions among the responsible de-
21 partments and agencies of the Government of
22 the United States in such areas as enforcement,
23 end use monitoring, export licensing, watch
24 lists, and related areas;

1 (B) the cost-savings associated with inte-
2 gration of export licensing staffs and the pro-
3 mulgation of integrated export control regula-
4 tions; and

5 (C) the resultant rationalization of budg-
6 etary resources to be authorized among the re-
7 sponsible departments and agencies of the
8 United States Government;

9 (6) establish the necessary departmental and
10 inter-agency controls that will ensure legitimate ex-
11 ports by United States business organizations can be
12 readily identified and generally approved within 10
13 days, but no later than 30 days in more complex
14 cases, except in unusual circumstances, such as
15 those requiring congressional notification or foreign
16 government assurances;

17 (7) review and revise, where appropriate, plans
18 for modernizing information technology systems of
19 the relevant departments and agencies of the Gov-
20 ernment of the United States involved in export li-
21 censing, export enforcement, and screening of in-
22 volved private parties to ensure efficient, reliable,
23 and secure intra-governmental networks, at the ear-
24 liest practicable date among the relevant depart-

1 ments and agencies and United States exporters;
2 and

3 (8) develop a strategy for strengthening the
4 multilateral control regimes or developing new re-
5 gimes, as appropriate, to augment or supplement ex-
6 isting international arrangements.

7 (c) REPORT BY COMPTROLLER GENERAL.—Not later
8 than one year, two years, and three years after the date
9 of the enactment of this Act, the Comptroller General of
10 the United States shall submit to the appropriate congres-
11 sional committees a report that contains—

12 (1) an independent assessment of progress
13 made by the Board in carrying out its functions
14 under paragraphs (1) through (8) of subsection (b);

15 (2) the budgetary impact of each of the ree-
16 ommendations prepared under subsection (b)(5) and
17 any additional recommendations prepared by the
18 Comptroller General and the budgetary impact of
19 such recommendations; and

20 (3) a certification as to whether the Comp-
21 troller General had access to sufficient information
22 to enable the Comptroller General to make informed
23 judgments on the matters covered by the report.

1 **Subtitle C—Procedures Relating to**
2 **Export Licenses**

3 **SEC. 721. TRANSPARENCY OF JURISDICTIONAL DETER-**
4 **MINATIONS.**

5 (a) DECLARATION OF POLICY.—Congress declares
6 that the complete confidentiality surrounding several thou-
7 sand commodity classification determinations made each
8 year by the Department of Commerce pursuant to the Ex-
9 port Administration Regulations and several hundred
10 commodity jurisdiction determinations made each year by
11 the Department of State pursuant to the International
12 Traffic in Arms Regulations is not necessary to protect
13 legitimate proprietary interests of persons or their prices
14 and customers, is not in the best interests of the security
15 and foreign policy interests of the United States, is incon-
16 sistent with the need to ensure a level playing field for
17 United States exporters, and detracts from United States
18 efforts to promote greater transparency and responsibility
19 by other countries in their export control systems.

20 (b) PUBLICATION REQUIREMENT.—The Secretary of
21 Commerce and the Secretary of State shall—

22 (1) upon making a commodity classification de-
23 termination or a commodity jurisdiction classifica-
24 tion, as the case may be, referred to in subsection

25 (a) in response to a request by a private person,

1 publish in the Federal Register, not later than 30
2 days after the date of the determination—

3 (A) a description of the item, including
4 performance levels or other technical character-
5 istics where appropriate,

6 (B) an explanation of whether the item is
7 controlled under the International Traffic in
8 Arms Regulations or the Export Administration
9 Regulations, and

10 (C) the United States Munitions List des-
11 ignation or export control classification number
12 under which the item has been designated or
13 classified, as the case may be,

14 except that the name of the name of the person, the
15 person's business organization, customers, or prices
16 are not required to be published; and

17 (2) maintain on their respective Internet
18 websites an archive, that is accessible to the general
19 public and other departments and agencies of the
20 United States, of the determinations published in
21 the Federal Register under paragraph (1).

22 (c) REPORT.—Not later than 120 days after the date
23 of the enactment of this Act, the Secretary of State and
24 the Secretary of Commerce shall submit to the appropriate
25 congressional committees a joint report that contains a de-

1 scription of the plans to implement the requirements of
2 this section.

3 (d) REQUIREMENT.—Notwithstanding any other pro-
4 vision of law, beginning 180 days after the date of the
5 enactment of this Act, the Secretary of Commerce may
6 make a commodity classification determination referred to
7 in subsection (a), and the Secretary of State may make
8 a commodity jurisdiction determination referred to in sub-
9 section (a), in response to a request by a private person
10 only in in accordance with the requirements of subsection
11 (b).

12 **SEC. 722. CERTIFICATIONS RELATING TO EXPORT OF CER-**
13 **TAIN DEFENSE ARTICLES AND DEFENSE**
14 **SERVICES.**

15 (a) REPORTS ON COMMERCIAL AND GOVERNMENTAL
16 MILITARY EXPORTS; CONGRESSIONAL ACTION.—Section
17 36(e) of the Arms Export Control Act (22 U.S.C. 2776(e))
18 is amended—

19 (1) in the first sentence of paragraph (1), by
20 inserting after “\$1,000,000 or more” the following:
21 “, or, notwithstanding section 27(g) of this Act, for
22 any special comprehensive authorization under sec-
23 tions 120–130 of title 22, Code of Federal Regula-
24 tions (commonly known as the ‘ International Traf-
25 fic in Arms Regulations’) for the export of defense

1 articles or defense services in an aggregate amount
2 of \$100,000,000 or more”;

3 (2) in paragraph (2)—

4 (A) in subparagraph (A), by adding “and”
5 at the end;

6 (B) by striking subparagraph (B); and

7 (C) by redesignating subparagraph (C) as
8 subparagraph (B); and

9 (3) in the matter preceding subparagraph (A)
10 of paragraph (5), by inserting “or paragraph (2)”
11 after “paragraph (1)”.

12 (b) SENSE OF CONGRESS.—It is the sense of Con-
13 gress that the Department of State should revise its proce-
14 dures in order to improve the timeliness and quality of
15 service it is providing to United States exporters con-
16 cerning matters requiring notification to Congress under
17 sections 3 and 36 of the Arms Export Control Act (22
18 U.S.C. 2753 and 2776) by—

19 (1) expediting its internal and interagency proce-
20 sses such that consultations with the Committee on
21 International Relations of the House of Representa-
22 tives and the Committee on Foreign Relations of the
23 Senate commence not later than 30 days following
24 receipt of a proposal requiring notification;

1 (2) providing informal notice to such Commit-
2 tees within 10 days of receipt of such a proposal,
3 such that questions by the Committees may be ad-
4 dressed wherever feasible in conjunction with the
5 Department’s processing; and

6 (3) making each interval in the processing of
7 the proposal transparent to United States exporters
8 through the Internet website of the Department.

9 **SEC. 723. PRIORITY FOR UNITED STATES MILITARY OPER-**
10 **ATIONS.**

11 The Secretary of State may not accord higher priority
12 in the adjudication of munitions export licenses to any
13 measure included within the “Defense Trade Security Ini-
14 tiative” announced by the Department of State in May
15 2000 over the processing of licenses in support of Oper-
16 ation Enduring Freedom, Operation Iraqi Freedom, or
17 any other military operation involving the United States
18 Armed Forces.

19 **SEC. 724. LICENSE OFFICER STAFFING AND WORKLOAD.**

20 Section 36(a) Arms Export Control Act (22 U.S.C.
21 2776(a)) is amended—

22 (1) in paragraph (11), by striking “and” at the
23 end;

24 (2) in paragraph (12), by striking the period at
25 the end and inserting “; and”; and

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

3 “(13) a report on the number of civilian and
4 military officers assigned to munitions export licens-
5 ing at the Department of State and their average
6 weekly workload for both open and closed cases.”.

7 **SEC. 725. DATABASE OF UNITED STATES MILITARY ASSIST-**
8 **ANCE.**

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

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

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

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

1 **SEC. 726. TRAINING AND LIAISON FOR SMALL BUSINESSES.**

2 (a) SENSE OF CONGRESS.—It is the sense of Con-
3 gress that it is increasingly important that the Secretary
4 of State, in administering the licensing, registration, com-
5 pliance, and other authorities contained in section 38 of
6 the Arms Export Control Act (22 U.S.C. 2778), should
7 provide up-to-date training and other educational assist-
8 ance to small businesses in the United States aerospace
9 and defense industrial sector.

10 (b) SMALL BUSINESS LIAISON.—Not later than 180
11 days after the date of the enactment of this Act, the Sec-
12 retary shall designate, within the Office of Defense Trade
13 Controls of the Department of State, a coordinator for
14 small business affairs. The coordinator shall serve as a
15 liaison for small businesses in the United States aerospace
16 and defense industrial sector with respect to licensing and
17 registration requirements in order to facilitate the compli-
18 ance and other forms of participation by such small busi-
19 nesses in the United States munitions control system, in-
20 cluding by providing training, technical assistance, and
21 through other efforts as may be appropriate.

22 **SEC. 727. COMMERCIAL COMMUNICATIONS SATELLITE**
23 **TECHNICAL DATA.**

24 Not later than 180 days after the date of the enact-
25 ment of this Act, the Secretary of State, in consultation
26 with the Secretary of Defense, shall amend the Inter-

1 national Traffic in Arms Regulations to provide for the
2 export without a license of communications satellite tech-
3 nical data, at a level established by the Secretary of De-
4 fense, in instances in which—

5 (1) the exporter is a person registered under
6 section 38(b) of the Arms Export Control Act (22
7 U.S.C. 2778(b));

8 (2) the purpose of the export is to market a
9 sale of a United States manufactured communica-
10 tions satellite solely for commercial or civil end use;

11 (3) no party to the transaction is proscribed
12 under section 126.1 of the Regulations or otherwise
13 restricted from receiving United States defense arti-
14 cles; and

15 (4) each end user or recipient has agreed in
16 writing not to reexport or retransfer the United
17 States furnished technical data to any other person
18 without the prior written consent of the United
19 States Government.

20 **SEC. 728. REPORTING REQUIREMENT FOR UNLICENSED EX-**
21 **PORTS.**

22 Section 655(b) of the Foreign Assistance Act of 1961
23 (22 U.S.C. 2415(b)) is amended—

24 (1) in paragraph (2), by striking “or” at the
25 end;

1 (2) in paragraph (3), by striking the period at
2 the end and inserting “; or”; and

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

4 “(4) were exported without a license under sec-
5 tion 38 of the Arms Export Control Act (22 U.S.C.
6 2778) pursuant to an exemption established under
7 the International Traffic in Arms Regulations, other
8 than defense articles exported in furtherance of a
9 letter of offer and acceptance under the Foreign
10 Military Sales program or a technical assistance or
11 manufacturing license agreement, including the spe-
12 cific exemption provision in the regulation under
13 which the export was made.”.

14 **Subtitle D—Terrorist-Related Pro-**
15 **visions and Enforcement Mat-**
16 **ters**

17 **SEC. 731. SENSITIVE TECHNOLOGY TRANSFERS TO FOR-**
18 **EIGN PERSONS LOCATED WITHIN THE**
19 **UNITED STATES.**

20 (a) WEAPONS TRANSFERS.—Pursuant to regulations
21 issued under section 38(g)(6) of the Arms Export Control
22 (22 U.S.C. 2778(g)(6)), the President shall require a li-
23 cense for the transfer of any defense articles and defense
24 services, other than a firearm for personal use, specified
25 in a report required under subsection (c) to a foreign per-

1 son located within the United States (other than to a for-
2 eign government, unless such government is proscribed
3 under section 126.1 of the International Traffic in Arms
4 Regulations or otherwise restricted from receiving defense
5 articles and defense services).

6 (b) DUAL USE TRANSFERS.—Notwithstanding any
7 other provision of law, the President may require a license
8 under the Export Administration Regulations for the
9 transfer of any dual use goods and technology, other than
10 a firearm for personal use, specified in a report required
11 under subsection (c) to a foreign person located within the
12 United States.

13 (c) REPORT.—Not later than 180 days after the date
14 of the enactment of this Act, and annually thereafter, the
15 Secretary of State, in consultation with the Attorney Gen-
16 eral and the Secretary of Homeland Security, shall submit
17 to the appropriate congressional committees a report that
18 specifies those items which warrant scrutiny and enforce-
19 ment by the Government of the United States through li-
20 cense procedures prior to a transfer to a foreign person
21 located within the United States in order to deter efforts
22 on the part of such person to acquire such items for ter-
23 rorist or other unlawful purposes

1 **SEC. 732. CERTIFICATION CONCERNING EXEMPT WEAPONS**
2 **TRANSFERS ALONG THE NORTHERN BORDER**
3 **OF THE UNITED STATES.**

4 Not later than 180 days after the date of the enact-
5 ment of this Act, and annually thereafter, the Secretary
6 of State, in consultation with the Secretary of Homeland
7 Security, shall submit to the appropriate congressional
8 committees a written report certifying that—

9 (1) provisions of the International Traffic in
10 Arms Regulations permitting unlicensed temporary
11 imports into the United States from Canada by any
12 person of any unclassified defense article on the
13 United States Munitions List do not present a risk
14 to the national security of the United States; and

15 (2) personnel of the Bureau of Customs and
16 Border Protection of the Department of Homeland
17 Security located along the northern border of the
18 United States have adequate written guidance from
19 the Department of State which permits them to ef-
20 fectively enforce provisions of the International Traf-
21 fic in Arms Regulations permitting unlicensed ex-
22 ports to Canada of certain items on the United
23 States Munitions List.

24 **SEC. 733. COMPREHENSIVE NATURE OF UNITED STATES**
25 **ARMS EMBARGOES.**

26 (a) FINDINGS; SENSE OF CONGRESS.—

1 (1) FINDINGS.—Congress finds that—

2 (A) governments to which the Government
3 of the United States prohibits by law or policy
4 the transfer of implements of war, including
5 material, components, parts, and other defense
6 articles and defense services (as defined in
7 paragraphs (3) and (4) of section 47 of the
8 Arms Export Control Act (22 U.S.C. 2794(3)
9 and (4)), respectively) continue to seek to evade
10 these embargoes through increasingly sophisti-
11 cated illegal acquisitions via the “international
12 gray arms market” and by seeking to exploit
13 weaknesses in the export control system of the
14 United States and its friends and allies; and

15 (B) the strict and comprehensive applica-
16 tion of arms embargoes referred to in subpara-
17 graph (A), including those embargoes estab-
18 lished by the United Nations Security Council,
19 is of fundamental importance to the security
20 and foreign policy interests of the United
21 States.

22 (2) SENSE OF CONGRESS.—It is the sense of
23 Congress that the United States Government should
24 continue to provide a leadership role internationally

1 in ensuring the effectiveness of arms embargoes re-
2 ferred to in paragraph (1).

3 (b) SCOPE OF EMBARGOES.—Section 38 of the Arms
4 Export Control Act (22 U.S.C. 2778) is amended by add-
5 ing at the end the following:

6 “(k) Whenever the United States maintains an arms
7 embargo pursuant to United States law, or through public
8 notice by the President or Secretary of State pursuant to
9 the authorities of this Act, no defense article or defense
10 service subject to sections 120–130 of title 22, Code of
11 Federal Regulations (commonly known as the ‘Inter-
12 national Traffic in Arms Regulations’) and no dual use
13 good or technology subject to sections 730–774 of title 15,
14 Code of Federal Regulations (commonly known as the ‘Ex-
15 port Administration Regulations’) shall be sold or trans-
16 ferred to the military, intelligence or other security forces
17 of the embargoed government, including any associated
18 governmental agency, subdivision, entity, or other person
19 acting on their behalf, unless, at a minimum and without
20 prejudice to any additional requirements established in
21 United States law or regulation, the Secretary of State
22 and the Secretary of Defense have concurred in the sale
23 or transfer through issuance of a license.”.

24 (c) ESTABLISHMENT OF CONTROLS.—The Secretary
25 of State shall consult with the Secretary of Commerce to

1 ensure the establishment of appropriate foreign policy and
2 national security controls and license requirements under
3 the Export Administration Regulations in order to ensure
4 the effective implementation of section 38(k) of the Arms
5 Export Control Act, as added by subsection (b).

6 (d) REPORT.—Not later than 120 days after the date
7 of the enactment of this Act, the Secretary of State shall
8 submit to the appropriate congressional committees a re-
9 port that describes the actions taken to implement the re-
10 quirements of subsection (c).

11 **SEC. 734. CONTROL OF ITEMS ON MISSILE TECHNOLOGY**
12 **CONTROL REGIME ANNEX.**

13 (a) SENSE OF CONGRESS.—It is the sense of Con-
14 gress that all proposals to export or transfer to foreign
15 persons by other means, whether in the United States or
16 abroad, and any other activities subject to regulation
17 under section 38, 39, or 40 of the Arms Export Control
18 Act (22 U.S.C. 2778, 2779, or 2780), relating to items
19 on the Missile Technology Control Regime Annex, should
20 be accorded stringent control and scrutiny consistent with
21 the purposes of section 71 of the Arms Export Control
22 Act (22 U.S.C. 2797).

23 (b) CONTROL OF ITEMS ON MTCR ANNEX.—The
24 Secretary of State, in coordination with the Secretary of
25 Commerce, the Attorney General, and the Secretary of De-

1 fense, shall ensure that all items on the MTCR Annex are
2 subject to stringent control by the Government of the
3 United States pursuant to the International Traffic in
4 Arms Regulations and the Export Administration Regula-
5 tions.

6 (c) CERTIFICATION.—Not later than March 1 of each
7 year, the Secretary of State, in coordination with the Sec-
8 retary of Commerce, the Attorney General and the Sec-
9 retary of Defense, shall prepare and submit to the appro-
10 priate congressional committees a report that contains—

11 (1) a certification that the requirement of sub-
12 section (b) has been met for the prior year, or if the
13 requirement has not been met, the reasons therefor;
14 and

15 (2) a description of the updated coverage, if
16 any, of the regulations referred to in subsection (b)
17 with respect to all items on the MTCR Annex and
18 an explanation of any areas of overlap or omissions,
19 if any, among the regulations.

20 **SEC. 735. UNLAWFUL USE OF UNITED STATES DEFENSE AR-**
21 **TICLES.**

22 (a) INELIGIBILITY FOR TERRORIST RELATED
23 TRANSACTIONS.—Section 3(c)(1) of the Arms Export
24 Control Act (22 U.S.C. 2753(c)(1)) is amended—

1 (1) in each of subparagraphs (A) and (B), by
2 striking “or any predecessor Act,” and inserting “,
3 any predecessor Act, or licensed or approved under
4 section 38 of this Act, to carry out a transaction
5 with a country, the government of which the Sec-
6 retary of State has determined is a state sponsor of
7 international terrorism for purposes of section
8 6(j)(1) of the Export Administration Act of 1979
9 (50 U.S.C. App. 2405(j)(1)), or otherwise uses such
10 defense articles or defense services”; and

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

12 “(C) In this section, the term ‘transaction’
13 means the taking of any action, directly or indi-
14 rectly, by a foreign country that would be a
15 transaction prohibited by section 40 of this Act
16 with respect to the United States Government
17 and United States persons.”.

18 (b) REPORTING REQUIREMENT.—Section 3(e) of the
19 Arms Export Control Act (22 U.S.C. 2753(e)) is amended
20 by inserting after “the Foreign Assistance Act of 1961,”
21 the following: “regardless of whether the article or service
22 has been sold or otherwise furnished by the United States
23 Government or licensed under section 38 of this Act,”.

1 **Subtitle E—Strengthening United**
2 **States Missile Nonproliferation**
3 **Law**

4 **SEC. 741. PROBATIONARY PERIOD FOR FOREIGN PERSONS.**

5 (a) IN GENERAL.—Notwithstanding any other provi-
6 sion of law, upon the expiration, or the granting of a waiv-
7 er, on or after January 1, 2003, of sanctions against a
8 foreign person imposed under section 73(a) of the Arms
9 Export Control Act (22 U.S.C. 2797b(a)) or under section
10 11B(b)(1) of the Export Administration Act of 1979 (50
11 U.S.C. App. 2410b(b)(1)), as continued in effect under
12 the International Emergency Economic Powers Act, a li-
13 cense shall be required, for a period of not less than 3
14 years, for the export to that foreign person of all items
15 controlled for export under section 5 or 6 of the Export
16 Administration Act of 1979 (50 U.S.C. App. 2404, 2405),
17 as continued in effect under the International Emergency
18 Economic Powers Act, in accordance with the Export Ad-
19 ministration Regulations.

20 (b) TERMINATION.—Subsection (a) shall not apply to
21 a foreign person 30 days after the President notifies the
22 Committee on International Relations of the House of
23 Representatives and the Committee on Banking, Housing
24 and Urban Affairs and the Committee on Foreign Rela-

1 tions of the Senate that the President has determined
2 that—

3 (1) the foreign person has—

4 (A) ceased all activity related to the origi-
5 nal imposition of sanctions under section 73(a)
6 of the Arms Export Control Act or section
7 11B(b)(1) of the Export Administration Act of
8 1979, as the case may be; and

9 (B) has instituted a program of trans-
10 parency measures under which the United
11 States will be able to verify, for a period of at
12 least 3 years, that the foreign person is not en-
13 gaging in prohibited activities under those pro-
14 visions of law referred to in paragraph (1); and

15 (2) there has been an appropriate resolution of
16 the original violation or violations, such as financial
17 penalties, incarceration, destruction of prohibited
18 items, or other appropriate measures taken to pre-
19 vent a recurrence of the violation or violations.

20 (c) WAIVER.—Subsection (a) shall not apply to a for-
21 eign person if—

22 (1) the President issues a waiver of sanctions
23 imposed upon that person under section 73(a) of the
24 Arms Export Control Act or under section
25 11B(b)(1) of the Export Administration Act of

1 1979, on the basis that the waiver is essential to the
2 national security of the United States;

3 (2) the President designates the waiver as clas-
4 sified information (as defined in section 606 of the
5 National Security Act of 1947 (50 U.S.C. 426));
6 and

7 (3) the President transmits to the committees
8 referred to in subsection (b)—

9 (A) a justification for designating the waiv-
10 er as classified information; and

11 (B) a description of—

12 (i) any discussions with the foreign
13 person, concerning the activities that were
14 the subject of the sanctions, that have been
15 conducted by United States Government
16 officials, or by officials of the government
17 of the country that has jurisdiction over
18 the foreign person or in which the foreign
19 person conducted such activities; and

20 (ii) any actions that the foreign per-
21 son, or the government of the country that
22 has jurisdiction over the foreign person or
23 in which the foreign person conducted the
24 activities that were the subject of the sanc-

1 tions, has taken to prevent a recurrence of
2 the same or similar activities.

3 **SEC. 742. STRENGTHENING UNITED STATES MISSILE PRO-**
4 **LIFERATION SANCTIONS ON FOREIGN PER-**
5 **SONS.**

6 (a) ARMS EXPORT CONTROL ACT.—Section 73(a)(2)
7 of the Arms Export Control Act (22 U.S.C. 2797b(a)(2))
8 is amended by striking “2 years” each place it appears
9 and inserting “4 years”.

10 (b) PUBLIC INFORMATION.—Section 73(e)(2) of the
11 Arms Export Control Act (22 U.S.C. 2797b(e)(2)) is
12 amended by adding at the end the following new sentence:
13 “Such report may be classified only to the extent nec-
14 essary to protect intelligence sources and methods. If the
15 report is so classified, the President shall make every ef-
16 fort to acquire sufficient alternative information that
17 would allow a subsequent unclassified version of the report
18 to be issued.”.

19 (c) EXPORT ADMINISTRATION ACT OF 1979.—Any
20 sanction imposed on a foreign person under section
21 11B(b)(1) of the Export Administration Act of 1979 (50
22 U.S.C. App. 2410b(b)(1)), as continued in effect under
23 the International Emergency Economic Powers Act, shall
24 be in effect for a period of 4 years beginning on the date
25 on which the sanction was imposed.

1 (d) APPLICABILITY.—The amendments made by sub-
2 sections (a) and (b) and the provisions of subsection (c)
3 shall apply to all sanctions imposed under section 73(a)
4 of the Arms Export Control Act or section 11B(b)(1) of
5 the Export Administration Act of 1979, as continued in
6 effect under the International Emergency Economic Pow-
7 ers Act, by reason of acts giving rise to such sanctions
8 that were committed by foreign persons on or after Janu-
9 ary 1, 2004.

10 **SEC. 743. COMPREHENSIVE UNITED STATES MISSILE PRO-**
11 **LIFERATION SANCTIONS ON ALL RESPON-**
12 **SIBLE FOREIGN PERSONS.**

13 (a) ARMS EXPORT CONTROL ACT.—Section 73(a) of
14 the Arms Export Control Act (22 U.S.C. 2797b(a)) is
15 amended by adding at the end the following new para-
16 graph:

17 “(3)(A) Sanctions imposed upon a foreign person
18 under paragraph (2) shall also be imposed on any govern-
19 mental entity that the President determines exercises ef-
20 fective control over, benefits from, or directly or indirectly
21 facilitates the activities of that foreign person.

22 “(B) When a sanction is imposed on a foreign person
23 under paragraph (2), the President may also impose that
24 sanction on any other person or entity that the President
25 has reason to believe has or may acquire prohibited items

1 with the intent to transfer to that foreign person, or pro-
2 vide to that foreign person access to, such items. In this
3 subparagraph, ‘prohibited items’ are items that may not
4 be exported to that foreign person on account of the sanc-
5 tion imposed on that foreign person.

6 “(C) The President may also prohibit, for such period
7 of time as the President may determine, any transaction
8 or dealing, by a United States person or within the United
9 States, with any foreign person on whom sanctions have
10 been imposed under this subsection.

11 “(D) The President shall report on an annual basis
12 to the Committee on International Relations of the House
13 of Representatives and the Committee on Foreign Rela-
14 tions of the Senate the identity of any foreign person that
15 engages in any transaction or activity with a foreign per-
16 son on whom sanctions have been imposed under this sub-
17 section that either—

18 “(i) would be the basis for imposing sanctions
19 under subparagraph (B) but for which sanctions
20 have not been imposed; or

21 “(ii) would be the basis for imposing sanctions
22 under subparagraph (C) if the transaction or activity
23 had been carried out by a United States person or
24 by a person in the United States.

1 Such report shall be unclassified to the maximum extent
2 feasible, but may include a classified annex.”.

3 (b) DEFINITION OF PERSON.—Section 74(a)(8)(A) of
4 the Arms Export Control Act (22 U.S.C. 2797c(a)(8)(A))
5 is amended to read as follows:

6 “(8)(A) The term ‘person’ means—

7 “(i) a natural person;

8 “(ii) a corporation, business associa-
9 tion, partnership, society, trust,
10 transnational corporation, or transnational
11 joint venture, any other nongovernmental
12 entity, organization, or group, and any
13 governmental entity;

14 “(iii) any subsidiary, subunit, or par-
15 ent entity of any business enterprise or
16 other organization or entity listed in clause
17 (ii); and

18 “(iv) any successor of any business
19 enterprise or other organization or entity
20 listed in clause (ii) or (iii); and”.

21 (c) EXPORT ADMINISTRATION ACT OF 1979.—

22 (1) SANCTIONS IMPOSED ON GOVERNMENTAL
23 ENTITIES.—Any sanction imposed on a foreign per-
24 son under section 11B(b)(1)(B) of the Export Ad-
25 ministration Act of 1979 (50 U.S.C. App.

1 2410b(b)(1)(B)), as continued in effect under the
2 International Emergency Economic Powers Act (in
3 this subsection referred to as a “dual use sanction”),
4 shall also be imposed on any governmental entity
5 that the President determines exercises effective con-
6 trol over, benefits from, or directly or indirectly fa-
7 cilitates the activities of that foreign person.

8 (2) OTHER ENTITIES.—When a dual use sanc-
9 tion is imposed on a foreign person, the President
10 may also impose that sanction on any other person
11 or entity that the President has reason to believe
12 has or may acquire prohibited items with the intent
13 to transfer to that foreign person, or provide to that
14 foreign person access to, such items. In this para-
15 graph, “prohibited items” are items that may not be
16 exported to that foreign person on account of the
17 dual use sanction imposed on that foreign person.

18 (3) TRANSACTIONS BY THIRD PARTIES.—The
19 President may also prohibit, for such period of time
20 as he may determine, any transaction or dealing, by
21 a United States person or within the United States,
22 with any foreign person on whom dual use sanctions
23 have been imposed.

24 (4) REPORT.—The President shall submit on
25 an annual basis to the Committee on International

1 Relations of the House of Representatives and the
2 Committee on Banking, Housing and Urban Affairs
3 and the Committee on Foreign Relations of the Sen-
4 ate a report that contains the identity of any foreign
5 person that engages in any transaction or activity
6 with a foreign person on whom dual use sanctions
7 have been imposed that either—

8 (A) would be the basis for imposing dual
9 use sanctions under paragraph (2) but for
10 which such sanctions have not been imposed; or

11 (B) would be the basis for imposing dual
12 use sanctions under paragraph (3) if the trans-
13 action or activity had been carried out by a
14 United States person or by a person in the
15 United States.

16 Such report shall be unclassified to the maximum
17 extent feasible, but may include a classified annex.

18 (5) DEFINITIONS.—In this subsection:

19 (A) MISSILE EQUIPMENT OR TECH-
20 NOLOGY.—The term “missile equipment or
21 technology” has the meaning given that term in
22 section 11B(c) of the Export Administration
23 Act of 1979 (50 U.S.C. App. 2410b(c)).

24 (B) PERSON.—

25 (i) THE TERM “PERSON” MEANS.—

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(I) a natural person;

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(II) a corporation, business association, partnership, society, trust, transnational corporation, or transnational joint venture, any other nongovernmental entity, organization, or group, and any governmental entity;

(III) any subsidiary, subunit, or parent entity of any business enterprise or other organization or entity listed in subclause (II); and

(IV) any successor of any business enterprise or other organization or entity listed in subclause (II) or (III).

(ii) In the case of countries where it may be impossible to identify a specific governmental entity referred to in clause (i), the term “person” means

(I) all activities of that government relating to the development or production of any missile equipment or technology; and

1 (II) all activities of that govern-
2 ment affecting the development or
3 production of aircraft, electronics, and
4 space systems or equipment.

5 (C) UNITED STATES PERSON.—The term
6 “United States person” has the meaning given
7 that term in section 16(2) of the Export Ad-
8 ministration Act of 1979 (50 U.S.C. App.
9 2415(2)).

10 (d) EFFECTIVE DATE.—The amendments made by
11 subsections (a) and (b) shall apply with respect to sanc-
12 tions imposed on or after January 1, 2004, on foreign per-
13 sons under section 73(a)(2) of the Arms Export Control
14 Act, and the provisions of subsection (c) shall apply with
15 respect to sanctions imposed on or after January 1, 2004,
16 on foreign persons under section 11B(b)(1) of the Export
17 Administration Act of 1979 (50 U.S.C. App.
18 2410b(b)(1)), as continued in effect under the Inter-
19 national Emergency Economic Powers Act.

20 **Subtitle F—Security Assistance**
21 **and Related Provisions**

22 **SEC. 751. AUTHORITY TO TRANSFER NAVAL VESSELS TO**
23 **CERTAIN FOREIGN COUNTRIES.**

24 (a) AUTHORITY TO TRANSFER BY GRANT.—The
25 President is authorized to transfer vessels to foreign coun-

1 tries on a grant basis under section 516 of the Foreign
2 Assistance Act of 1961 (22 U.S.C. 2321j), as follows:

3 (1) GREECE.—To the Government of Greece,
4 the OSPREY class minehunter coastal ship PELLI-
5 CAN (MHC-53).

6 (2) EGYPT.—To the Government of Egypt, the
7 OSPREY class minehunter coastal ships CAR-
8 DINAL (MHC-60) and RAVEN (MHC-61).

9 (3) PAKISTAN.—To the Government of Paki-
10 stan, the SPRUANCE class destroyer ship
11 FLETCHER (DD-992).

12 (4) TURKEY.—To the Government of Turkey,
13 the SPRUANCE class destroyer ship CUSHING
14 (DD-985).

15 (b) AUTHORITY TO TRANSFER BY SALE.—The Presi-
16 dent is authorized to transfer vessels to foreign countries
17 on a sale basis under section 21 of the Arms Export Con-
18 trol Act (22 U.S.C. 2761), as follows:

19 (1) INDIA.—To the Government of India, the
20 AUSTIN class amphibious transport dock ship
21 TRENTON (LPD-14).

22 (2) GREECE.—To the Government of Greece,
23 the OSPREY class minehunter coastal ship HERON
24 (MHC-52).

1 (3) TURKEY.—To the Government of Turkey,
2 the SPRUANCE class destroyer ship O'BANNON
3 (DD-987).

4 (c) GRANTS NOT COUNTED IN ANNUAL TOTAL OF
5 TRANSFERRED EXCESS DEFENSE ARTICLES.—The value
6 of a vessel transferred to another country on a grant basis
7 pursuant to authority provided by subsection (a) shall not
8 be counted against the aggregate value of excess defense
9 articles transferred to countries in any fiscal year under
10 section 516(g) of the Foreign Assistance Act of 1961 (22
11 U.S.C. 2321j(g)).

12 (d) COSTS OF TRANSFERS.—Any expense incurred by
13 the United States in connection with a transfer authorized
14 under subsection (a) or (b) shall be charged to the recipi-
15 ent.

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

1 (f) EXPIRATION OF AUTHORITY.—The authority to
2 transfer a vessel under this section shall expire at the end
3 of the two-year period beginning on the date of the enact-
4 ment of this Act.

5 **SEC. 752. TRANSFER OF OBSOLETE AND SURPLUS ITEMS**
6 **FROM KOREAN WAR RESERVES STOCKPILE**
7 **AND REMOVAL OR DISPOSAL OF REMAINING**
8 **ITEMS.**

9 (a) TRANSFER OF ITEMS IN KOREAN STOCKPILE.—

10 (1) AUTHORITY.—Notwithstanding section 514
11 of the Foreign Assistance Act of 1961 (22 U.S.C.
12 2321h), the President is authorized to transfer to
13 the Republic of Korea, in return for concessions to
14 be negotiated by the Secretary of Defense, any or all
15 of the items described in paragraph (2).

16 (2) COVERED ITEMS.—The items referred to in
17 paragraph (1) are munitions, equipment, and mate-
18 riel such as tanks, trucks, artillery, mortars, general
19 purpose bombs, repair parts, barrier material, and
20 ancillary equipment, if such items are—

21 (A) obsolete or surplus items;

22 (B) in the inventory of the Department of
23 Defense;

24 (C) intended for use as reserve stocks for
25 the Republic of Korea; and

1 (D) as of the date of the enactment of this
2 Act, located in a stockpile in the Republic of
3 Korea.

4 (3) VALUATION OF CONCESSIONS.—(A) The
5 value of concessions negotiated pursuant to para-
6 graph (1) shall be at least equal to—

7 (i) the fair market value of the items
8 transferred; minus

9 (ii) the savings to the Department of De-
10 fense of the cost of removal of the items from
11 the Republic of Korea and disposal of the items
12 that would have been incurred by the Depart-
13 ment but for the transfer of the items pursuant
14 to paragraph (1), not to exceed the fair market
15 value of the items transferred.

16 (B) The concessions may include cash com-
17 pensation, service, waiver of charges otherwise pay-
18 able by the United States, such as charges for demo-
19 lition of United States-owned or United States-in-
20 tended munitions, and other items of value.

21 (4) PRIOR NOTIFICATIONS OF PROPOSED
22 TRANSFERS.—Not less than 30 days before making
23 a transfer under the authority of this subsection, the
24 President shall transmit to the Committees on
25 Armed Services and International Relations of the

1 House of Representatives and the Committees on
2 Armed Services and Foreign Relations of the Senate
3 a detailed notification of the proposed transfer,
4 which shall include an identification of the items to
5 be transferred and the concessions to be received.

6 (5) TERMINATION OF AUTHORITY.—No transfer
7 may be made under the authority of this subsection
8 more than three years after the date of the enact-
9 ment of this Act.

10 (b) REMOVAL OR DISPOSAL OF REMAINING ITEMS IN
11 KOREAN STOCKPILE.—The President shall provide for the
12 removal or disposal of all items described in subsection
13 (a)2) that are not transferred pursuant to the authority
14 of subsection (a) by not later than four years after the
15 date of the enactment of this Act.

16 **SEC. 753. EXTENSION OF PAKISTAN WAIVERS.**

17 The Act entitled “An Act to authorize the President
18 to exercise waivers of foreign assistance restrictions with
19 respect to Pakistan through September 30, 2003, and for
20 other purposes”, approved October 27, 2001 (Public Law
21 107–57; 115 Stat. 403), is amended—

22 (1) in section 1(b)—

23 (A) in the heading, by striking “FISCAL
24 YEARS 2005 AND 2006” and inserting “FISCAL
25 YEARS 2006 AND 2007”; and

1 (B) in paragraph (1), by striking “2005 or
2 2006” and inserting “2006 or 2007”;

3 (2) in section 3(2), by striking “and 2006” and
4 inserting “2006, and 2007”; and

5 (3) in section 6, by striking “2006” and insert-
6 ing “2007”.

7 **SEC. 754. REPORTING REQUIREMENT FOR FOREIGN MILI-**
8 **TARY TRAINING.**

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

11 (1) by striking “January 31” and inserting
12 “March 1”; and

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

15 **SEC. 755. CERTAIN SERVICES PROVIDED BY THE UNITED**
16 **STATES IN CONNECTION WITH FOREIGN**
17 **MILITARY SALES.**

18 (a) QUALITY ASSURANCE, INSPECTION, CONTRACT
19 ADMINISTRATION, AND CONTRACT AUDIT DEFENSE
20 SERVICES.—Section 21(h)(1)(A) of the Arms Export Con-
21 trol Act (22 U.S.C. 2761(h)(1)(A)) is amended by insert-
22 ing after “North Atlantic Treaty Organization” the fol-
23 lowing: “or the Governments of Australia, New Zealand,
24 Japan, or Israel”.

1 (b) CATALOGING DATA AND SERVICES.—Section
2 21(h)(2) of the Arms Export Control Act (22 U.S.C.
3 2761(h)(2)) is amended by striking “or to any member
4 government of that Organization if that Organization or
5 member government” and inserting “, to any member of
6 that Organization, or to the Governments of Australia,
7 New Zealand, Japan, or Israel if that Organization, mem-
8 ber government, or the Governments of Australia, New
9 Zealand, Japan, or Israel”.

10 **SEC. 756. MARITIME INTERDICTION PATROL BOATS FOR**
11 **MOZAMBIQUE.**

12 (a) IN GENERAL.—Of the amounts made available to
13 carry out section 23 of the Arms Export Control Act for
14 fiscal year 2006, there is authorized to be appropriated
15 \$1,000,000 for refurbishment, delivery, operational train-
16 ing, and related costs associated with the provision of not
17 more than four excess coastal patrol boats to the Govern-
18 ment of Mozambique for maritime patrol and interdiction
19 activities.

20 (b) AVAILABILITY.—Amounts appropriated pursuant
21 to the authorization of appropriations under subsection (a)
22 are authorized to remain available until September 30,
23 2007.

1 **SEC. 757. REIMBURSEMENT FOR INTERNATIONAL MILI-**
 2 **TARY EDUCATION AND TRAINING.**

3 Section 541 of the Foreign Assistance Act of 1961
 4 (22 U.S.C. 2347) is amended—

5 (1) in the first sentence, by striking “The
 6 President” and inserting “(a) The President”; and

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

9 “(b) The President shall seek reimbursement for mili-
 10 tary education and training furnished under this chapter
 11 from countries using assistance under section 23 of the
 12 Arms Export Control Act (22 U.S.C. 2763; relating to the
 13 the Foreign Military Financing Program) to purchase
 14 such military education and training at a rate comparable
 15 to the rate charged to countries receiving grant assistance
 16 for military education and training under this chapter.”.

17 **TITLE VIII—FOREIGN**
 18 **ASSISTANCE PROVISIONS**

19 **SEC. 801. AMENDMENTS TO THE TIBETAN POLICY ACT OF**
 20 **2002.**

21 (a) **BILATERAL ASSISTANCE.**—Section 616 of the Ti-
 22 betan Policy Act of 2002 (Public Law 107–228; 22 U.S.C.
 23 6901 note) is amended—

24 (1) by redesignating subsection (d) as sub-
 25 section (e); and

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

3 “(d) UNITED STATES ASSISTANCE.—

4 “(1) ASSISTANCE.—The President shall provide
5 grants to nongovernmental organizations to support
6 sustainable economic development, cultural preserva-
7 tion, health care, education, and environmental sus-
8 tainability projects for Tibetans inside Tibet that are
9 designed in accordance with the principles contained
10 in subsection (e).

11 “(2) ROLE OF SPECIAL COORDINATOR.—The
12 United States Special Coordinator for Tibetan
13 Issues (established under section 621(a)) shall re-
14 view and approve all projects carried out pursuant to
15 paragraph (1).

16 “(3) AUTHORIZATION OF APPROPRIATIONS.—
17 There are authorized to be appropriated to the
18 President to carry out this subsection \$6,000,000
19 for fiscal year 2006 and \$8,000,000 for fiscal year
20 2007.”.

21 (b) LANGUAGE TRAINING.— Section 619 of the Ti-
22 betan Policy Act of 2002 (Public Law 107–228; 22 U.S.C.
23 6901 note) is amended to read as follows:

24 “The Secretary shall ensure at least one Foreign Service
25 officer assigned to a United States post in the People’s

1 Republic of China responsible for monitoring develop-
2 ments in Tibet has at least six months of Tibetan lan-
3 guage training prior to taking up such assignment at such
4 post, unless such officer possesses equivalent fluency. If
5 the Secretary determines that training resources and tim-
6 ing permit, such officer shall receive one year of such
7 training.”.

8 (c) SPECIAL COORDINATOR FOR TIBETAN ISSUES.—
9 Section 621 of the Tibetan Policy Act of 2002 (Public
10 Law 107–228; 22 U.S.C. 6901 note) is amended by add-
11 ing at the end the following new subsection:

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

17 **SEC. 802. SUPPORT FOR PRO-DEMOCRACY AND HUMAN**
18 **RIGHTS ORGANIZATIONS IN CERTAIN COUN-**
19 **TRIES.**

20 Section 620A(a) of the Foreign Assistance Act of
21 1961 (22 U.S.C. 2371(a)) is amended by adding at the
22 end the following new sentence: “The prohibition con-
23 tained in the preceding sentence shall not apply with re-
24 spect to assistance under part I (including chapter 4 of
25 part II) of this Act provided in support of programs of

1 a pro-democracy or human rights organization located or
2 operating in a country described in such sentence, if, at
3 least 30 days before obligating funds for such assistance,
4 the Secretary of State notifies (in classified or unclassified
5 form) the congressional committees specified in section
6 634A(a) of this Act in accordance with the procedures ap-
7 plicable to reprogramming notifications under that section
8 that the pro-democracy or human rights organization op-
9 poses the use of terrorism, supports democracy and re-
10 spect for human rights, including the equality of women
11 and ethnic and religious minorities, and supports freedoms
12 of the press, speech, association, and religion.”.

13 **SEC. 803. AMENDMENTS TO THE AFGHANISTAN FREEDOM**
14 **SUPPORT ACT OF 2002.**

15 (a) DECLARATION OF POLICY.—It shall be the policy
16 of the United States to—

17 (1) assist Afghanistan in the preparation of
18 parliamentary elections which are currently sched-
19 uled to take place on September 18, 2005;

20 (2) urge donor governments and institutions to
21 provide significant financial support to support the
22 United Nations Assistance Mission in Afghanistan
23 (UNAMA) in carrying out such parliamentary elec-
24 tions;

1 (3) assist legitimate and recognized parliamen-
2 tary candidates and future elected parliamentary of-
3 ficials in carrying out the responsibilities and duties
4 of their elected offices; and

5 (4) assist Afghanistan in the preparation for fu-
6 ture presidential and parliamentary elections.

7 (b) PURPOSES OF ASSISTANCE.—Section 102 of the
8 Afghanistan Freedom Support Act of 2002 (22 U.S.C.
9 7512) is amended—

10 (1) by redesignating paragraphs (5) through
11 (9) as paragraphs (7) through (11), respectively;
12 and

13 (2) by inserting after paragraph (4) the fol-
14 lowing new paragraphs:

15 “(5) to ensure that parliamentary and presi-
16 dential elections in Afghanistan are carried out in a
17 free, fair, and transparent manner;

18 “(6) to provide assistance to legitimate and re-
19 cognized parliamentary candidates and future elected
20 parliamentary officials in Afghanistan to better edu-
21 cate such candidates and officials on parliamentary
22 procedures, anticorruption, transparency, and good
23 governance;”.

1 (c) ACTIVITIES SUPPORTED.—Section 103(a)(5)(C)
2 of the Afghanistan Freedom Support Act of 2002 (22
3 U.S.C. 7513(a)(5)(C)) is amended—

4 (1) by striking clauses (iii) and (iv);

5 (2) by redesignating clauses (v) through (vii) as
6 clauses (xi) through (xiii), respectively;

7 (3) by inserting after clause (ii) the following
8 new clauses:

9 “(iii) programs to promote com-
10 prehensive public information campaigns,
11 including nationwide voter and civic edu-
12 cation, for the public, candidates, and po-
13 litical parties, and special efforts with re-
14 spect to provinces in which small percent-
15 ages of women voted in the October 2004
16 presidential elections;

17 “(iv) programs to accelerate disar-
18 mament, demobilization, and reintegration
19 processes to ensure that candidates and
20 political groups are not influenced or sup-
21 ported by armed militias;

22 “(v) programs to support the registra-
23 tion of new voters and the preparation of
24 voter rolls;

1 “(vi) programs to support the vetting
2 process of candidates for the parliamentary
3 elections to ensure that such candidates
4 are eligible under the relevant Afghan elec-
5 tion requirements;

6 “(vii) programs to educate legitimate
7 and recognized parliamentary candidates
8 on campaign procedures and processes;

9 “(viii) capacity-building programs and
10 advanced professional training programs
11 for senior Afghan Government officials and
12 future elected parliamentary officials in
13 matters related to parliamentary proce-
14 dures, anti-corruption, accountability to
15 constituencies, transparency, good govern-
16 ance, and other matters related to demo-
17 cratic development;

18 “(ix) exchange programs to bring to
19 the United States future elected par-
20 liamentary officials and senior officials of
21 legitimate and recognized political parties
22 for educational activities regarding legisla-
23 tive procedures, debate, and general cam-
24 paign and legislative instruction;

1 “(x) programs to support nongovern-
2 mental organizations and other civil society
3 organizations that will assist in civil and
4 voter education programs and overall de-
5 mocracy development programs; ”;

6 (4) in clause (xii) (as redesignated), by striking
7 “and” at the end;

8 (5) in clause (xiii) (as redesignated), by striking
9 the period at the end and inserting “; and”; and

10 (6) by adding at the end the following new
11 clause:

12 “(xiv) other similar activities con-
13 sistent with the purposes set forth in sub-
14 section (a).”.

15 (d) AUTHORIZATION OF APPROPRIATIONS.—Section
16 103(a)(5)(C) of the Afghanistan Freedom Support Act of
17 2002 (22 U.S.C. 7513(a)(5)(C)), as amended by sub-
18 section (b), is further amended—

19 (1) in the matter preceding clause (i), by strik-
20 ing “To support” and inserting “(i) To support”;

21 (2) by redesignating clauses (i) through (xiv) as
22 subclauses (I) through (XIV), respectively; and

23 (3) by adding at the end the following new
24 clause:

1 “(ii) Of the amounts made available for
2 each of the fiscal years 2006 and 2007 to carry
3 out chapter 1 of part I of the Foreign Assist-
4 ance Act of 1961 and chapter 4 of part II of
5 such Act, \$50,000,000 for each such fiscal year
6 is authorized to be available to the President to
7 carry out subclauses (III) through (X) of clause
8 (i). ”.

9 (e) SENSE OF CONGRESS.—It is the sense of Con-
10 gress that the President should take all necessary and ap-
11 propriate steps to encourage all donor governments and
12 institutions to provide full financial and logistical support
13 to the United Nations Assistance Mission in Afghanistan
14 (UNAMA) to carry out the parliamentary elections in Af-
15 ghanistan, which are currently scheduled to take place on
16 September 18, 2005, so as to—

17 (1) ensure the parliamentary elections are le-
18 gitimate and free from influence, intimidation, and
19 violence by local militia leaders and illicit narcotics
20 terrorist organizations;

21 (2) make certain that all Afghans who want to
22 vote may do so and may be educated about their
23 choice in parliamentary candidates;

24 (3) provide that all legitimate and recognized
25 parliamentary candidates and officials of legitimate

1 and recognized political parties are informed and
2 educated on campaign procedures and processes;

3 (4) provide that future parliamentary officials
4 and senior officials of legitimate and recognized po-
5 litical parties are informed and educated on the leg-
6 islative procedures and process through exchange
7 programs; and

8 (5) assure sufficient funds for deployment of
9 international observers for the upcoming parliamen-
10 tary elections and future presidential and parliamen-
11 tary elections.

12 **SEC. 804. ASSISTANCE TO PROMOTE DEMOCRACY AND**
13 **HUMAN RIGHTS IN VIETNAM.**

14 (a) FINDING.—Congress finds that the Socialist Re-
15 public of Vietnam is a one-party state, ruled and con-
16 trolled by the Communist Party of Vietnam, which con-
17 tinues to deny the right of citizens to change their govern-
18 ment, prohibits independent political, labor, and social or-
19 ganizations, and continues to commit serious human
20 rights violations, including the detention and imprison-
21 ment of persons for the peaceful expression of dissenting
22 religious and political views.

23 (b) POLICY.—It is the policy of the United States—

24 (1) to limit United States nonhumanitarian as-
25 sistance provided to the Government of Vietnam, not

1 to exceed the amount so provided for fiscal year
2 2005, unless Vietnam makes substantial progress toward
3 releasing political and religious prisoners, respecting
4 religious freedom, allowing open access to
5 the United States for its refugee program, respecting
6 the rights of ethnic minorities in the Central
7 Highlands, and ensuring that it is not acting in
8 complicity with organizations engaged in the trafficking
9 of human persons; and

10 (2) to ensure that programs of educational and
11 cultural exchange with Vietnam actively promote
12 progress towards freedom and democracy in Vietnam
13 by ensuring that Vietnamese nationals who have already
14 demonstrated a commitment to these values
15 are included in such programs.

16 (c) DEFINITION.—In this section, the term “United
17 States nonhumanitarian assistance” means—

18 (1) any assistance under the Foreign Assistance
19 Act of 1961 (including programs under title IV of
20 chapter 2 of part I of such Act, relating to the Overseas
21 Private Investment Corporation), other than—

22 (A) disaster relief assistance, including any
23 assistance under chapter 9 of part I of such
24 Act;

1 (B) assistance which involves the provision
2 of food (including monetization of food) or med-
3 icine;

4 (C) assistance for refugees; and

5 (D) assistance to combat HIV/AIDS, in-
6 cluding any assistance under section 104A of
7 such Act; and

8 (2) sales, or financing on any terms, under the
9 Arms Export Control Act.

10 (d) AUTHORIZATION OF APPROPRIATIONS.—There
11 are authorized to be appropriated \$2,000,000 for nec-
12 essary expenses to fund nongovernmental organizations
13 and organizations that promote democracy and inter-
14 nationally recognized human rights in Vietnam.

15 **SEC. 805. ECONOMIC SUPPORT FUNDS FOR VENEZUELA.**

16 There are authorized to be appropriated to the Presi-
17 dent \$9,000,000 for each of the fiscal years 2006 and
18 2007 for assistance under chapter 4 of part II of the For-
19 eign Assistance Act of 1961 (22 U.S.C. 2346 et seq.; relat-
20 ing to the “Economic Support Fund”) to fund activities
21 which support political parties, the rule of law, civil soci-
22 ety, an independent media, and otherwise promote demo-
23 cratic, accountable governance in Venezuela.

1 **SEC. 806. ASSISTANCE TO SUPPORT DEMOCRACY IN**
2 **ZIMBABWE.**

3 Of the amounts made available for each of the fiscal
4 years 2006 and 2007 to carry out chapters 1 and 10 of
5 part I of the Foreign Assistance Act of 1961 and chapter
6 4 of part II of such Act, \$12,000,000 for each such fiscal
7 year is authorized to be available, consistent with the pro-
8 visions of the Zimbabwe Democracy and Economic Recov-
9 ery Act of 2001 (Public Law 107-99; 22 U.S.C. 2151
10 note), to support—

11 (1) the restoration of democratic legitimacy and
12 foster a free and fair electoral process in Zimbabwe,
13 particularly through legislative process training for
14 members of Parliament;

15 (2) capacity building for civil society organiza-
16 tions to effectively provide information on the polit-
17 ical process to citizens, defend the legal rights of mi-
18 norities, women and youth, document the level of ad-
19 herence by the Government of Zimbabwe to national
20 and international civil and human rights standards,
21 and monitor and report on the entire electoral proc-
22 ess in Zimbabwe;

23 (3) organizational capacity-building training for
24 political parties in Zimbabwe;

25 (4) poll watcher training for party and civil so-
26 ciety election observers in Zimbabwe; and

1 (5) the reestablishment of independent media
2 through overseas broadcasts and Internet sites.

3 **SEC. 807. SUPPORT FOR FAMINE RELIEF IN ETHIOPIA.**

4 (a) DEMONSTRATION INSURANCE PROJECT.—The
5 Secretary of State is authorized to make a United States
6 voluntary contribution to the United Nations World Food
7 Program to establish and carry out a demonstration insur-
8 ance project in the Federal Democratic Republic of Ethi-
9 opia using weather derivatives to transfer the risk of cata-
10 strophic drought resulting in famine from vulnerable sub-
11 sistence farmers to international capital markets for the
12 purpose of protecting vulnerable subsistence farmers
13 against income and asset losses during natural disasters.

14 (b) REPORT.—Not later than one year and two years
15 after the date of the enactment of this Act, the Secretary
16 shall submit to the appropriate congressional committees
17 a report on the implementation of the project referred to
18 in subsection (a).

19 (c) AUTHORIZATION OF APPROPRIATIONS.—There is
20 authorized to be appropriated to the Secretary to carry
21 out this section up to \$4,000,000 for fiscal year 2006.

22 **SEC. 808. INTER-ARAB DEMOCRATIC CHARTER.**

23 (a) STRATEGY.—The Secretary of State, acting
24 through the Assistant Secretary for Democracy, Human
25 Rights, and Labor, and in consultation with the Assistant

1 Secretary for Near East Affairs and the Assistant Sec-
2 retary for Western Hemisphere Affairs, shall develop and
3 implement a strategy to—

4 (1) support, including through the provision of
5 technical assistance, efforts to establish an Inter-
6 Arab Democratic Charter to promote human rights
7 and democracy in the Near East region; and

8 (2) support and promote coordination among
9 human rights organizations, pro-democracy advo-
10 cates, and civil society members from both the Near
11 East region and the Western Hemisphere to assist
12 in efforts to establish the Inter-Arab Democratic
13 Charter referred to in paragraph (1).

14 (b) REPORT.—Section 665(c) of the Foreign Rela-
15 tions Authorization Act, Fiscal Year 2003 (Public Law
16 107–228; 22 U.S.C. 2151n note) is amended by inserting
17 after the first sentence the following new sentence: “As
18 part of such separate report, the Secretary shall include
19 information on efforts by the Department of State to de-
20 velop and implement the strategy to support efforts to es-
21 tablish an Inter-Arab Democratic Charter pursuant to sec-
22 tion 708(a) of the Foreign Relations Authorization Act,
23 Fiscal Years 2006 and 2007.”.

24 (c) FUNDING.—Of the amounts made available for
25 each of the fiscal years 2006 and 2007 to carry out chap-

1 ter 4 of part II of the Foreign Assistance Act of 1961
2 (22 U.S.C. 2346 et seq.; relating to the “Economic Sup-
3 port Fund”), including amounts made available to carry
4 out the Human Rights and Democracy Fund and the Mid-
5 dle East Partnership Initiative, such sums as may be ne-
6 cessary for each such fiscal year is authorized to be avail-
7 able to the Secretary to carry out this section and the
8 amendments made by this section.

9 **SEC. 809. MIDDLE EAST PARTNERSHIP INITIATIVE.**

10 (a) FUNDING.—Of the amounts made available for
11 each of the fiscal years 2006 and 2007 to carry out chap-
12 ter 4 of part II of the Foreign Assistance Act of 1961
13 (22 U.S.C. 2346 et seq.; relating to the “Economic Sup-
14 port Fund”), such sums as may be necessary for each such
15 fiscal year is authorized to be available to the Secretary
16 of State to carry out programs and activities of the Middle
17 East Partnership Initiative.

18 (b) REQUIREMENT.—Not less than 50 percent of
19 amounts made available for each of the fiscal years 2006
20 and 2007 to carry out the Middle East Partnership Initia-
21 tive shall be used to—

22 (1) strengthen civil society, particularly non-
23 governmental organizations, and expand female and
24 minority participation in the political, economic, and

1 educational sectors of countries participating in the
2 Initiative; and

3 (2) strengthen the rule of law and promote
4 democratic values and institutions, particularly
5 through—

6 (A) developing and implementing stand-
7 ards for free and fair election in countries par-
8 ticipating in the Initiative; and

9 (B) supporting inter-regional efforts to
10 promote democracy in countries under authori-
11 tarian rule, including through the Community
12 of Democracies and Forum for the Future.

13 **SEC. 810. ASSISTANCE TO PROMOTE DEMOCRACY IN**
14 **BELARUS.**

15 Of the amounts made available for each of the fiscal
16 years 2006 and 2007 to carry out chapters 11 and 12
17 of part I of the Foreign Assistance Act of 1961 (22 U.S.C.
18 2295 et seq. and 2296 et seq.) and the FREEDOM Sup-
19 port Act (22 U.S.C. 5801 et seq.), \$12,000,000 for each
20 such fiscal year is authorized to be available for assistance
21 for the promotion of democracy in the Republic of Belarus,
22 including free and fair electoral processes, the develop-
23 ment of political parties and nongovernmental organiza-
24 tions, promoting democracy and respect for human rights
25 and the rule of law, independent media, and international

1 exchanges and training programs for leaders and members
2 of the democratic forces that foster civil society.

3 **SEC. 811. REQUIREMENTS RELATING TO ECONOMIC SUP-**
4 **PORT FUND ASSISTANCE FOR EGYPT.**

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

6 (1) Despite more than \$28 billion in economic
7 assistance provided by the United States to Egypt
8 since 1975, Egypt's economy and educational sys-
9 tems are underdeveloped and democratic develop-
10 ment remains extremely limited. Egypt remains near
11 the bottom of many indices of growth and human
12 development.

13 (2) Egypt's economic troubles, if not addressed
14 through programs to develop Egypt's private sector,
15 could destabilize the country.

16 (3) United States programs to promote growth
17 in Egypt, including traditional development assist-
18 ance as well as programs that attempt to link dis-
19 bursement of cash assistance to the adoption of eco-
20 nomic reforms by the Government of Egypt, have
21 had, at best, mixed success.

22 (4) The United States has provided more than
23 \$32 billion in military assistance to Egypt since
24 1979.

1 (5) Egypt is currently at peace with all its
2 neighbors.

3 (6) Egypt and the United States entered into
4 an agreement in March 2005, whereby Egypt under-
5 took to accomplish certain reform-oriented policies
6 primarily related to its financial sector, and the
7 United States undertook, subject to its constitu-
8 tional processes, to provide Egypt with cash assist-
9 ance. This program of financial reform is important
10 and should continue, supported by assistance in the
11 form of cash transferred from the United States, but
12 not in amounts in excess of amounts already agreed
13 to and not for lesser policy reforms than have al-
14 ready been agreed to.

15 (7) The model of an agreement for policy
16 change between the United States and Egypt, simi-
17 lar but not identical to, the concept of a “Millen-
18 nium Challenge” compact that emphasizes perform-
19 ance and outcomes, would be a way to reinvigorate
20 a program for the development of the Egyptian
21 economy that has languished for years, and would
22 give more Egyptians a stake in the proper planning
23 and execution of programs to assist in their coun-
24 try’s development.

1 (b) STATEMENT OF POLICY.—It shall be the policy
2 of the United States—

3 (1) to acknowledge that—

4 (A) threats to Egypt’s stability derive far
5 more from domestic problems, such as inad-
6 equate economic growth, deficient educational
7 and health-care systems, and lack of political
8 freedom, than from external dangers; and

9 (B) external threats to Egyptian stability
10 are, in fact, minimal;

11 (2) to provide non-military assistance to Egypt
12 which results in actual, sustainable, and, to the ex-
13 tent possible, measurable outcomes in terms of eco-
14 nomic growth, poverty reduction, humanitarian con-
15 ditions, health, education, and political reform;

16 (3) to restructure Egypt’s assistance package
17 over time so as to diminish military assistance and
18 end the reduction of economic assistance and to
19 begin the process of this restructuring without delay;
20 and

21 (4) to ensure that this restructuring is done in
22 such a manner that ensures that maintenance and
23 spare parts for existing Egyptian military equipment
24 is not jeopardized and that Egyptian military pur-
25 chases and projects to which the United States has

1 already committed itself be funded fully in accord-
2 ance with previous understandings.

3 (c) AMENDMENT TO THE FOREIGN ASSISTANCE ACT
4 OF 1961.—

5 (1) IN GENERAL.—Chapter 4 of part II of the
6 Foreign Assistance Act of 1961 (22 U.S.C. 2346 et
7 seq; relating to the “Economic Support Fund”) is
8 amended by inserting after section 534 the following
9 new section:

10 **“SEC. 535. REQUIREMENTS RELATING TO ASSISTANCE FOR**
11 **EGYPT.**

12 “(a) REQUIREMENT FOR ASSISTANCE.—Assistance
13 may be provided for Egypt under this chapter for a fiscal
14 year only if Egypt provides to the United States for the
15 fiscal year a proposal described in subsection (b) that is
16 evaluated and approved in accordance with subsection (c).

17 “(b) PROPOSAL.—

18 “(1) IN GENERAL.—A proposal described in
19 this subsection is a proposal that reflects Egyptian
20 priorities to use assistance provided under this chap-
21 ter to meet the requirements of paragraph (2).

22 “(2) REQUIREMENTS.—The requirements de-
23 scribed in this paragraph are—

24 “(A) promoting economic growth (includ-
25 ing economic freedom);

- 1 “(B) reducing poverty;
- 2 “(C) improving humanitarian conditions
- 3 among the poorest individuals in Egypt;
- 4 “(D) improving education and health sys-
- 5 tems for the people of Egypt;
- 6 “(E) reducing corruption in the public and
- 7 private sectors; and
- 8 “(F) strengthening democratic institutions
- 9 and individual freedoms.
- 10 “(c) EVALUATION AND APPROVAL OF PROPOSAL.—
- 11 “(1) EVALUATION.—The President, acting
- 12 through the Secretary of State, and in consultation
- 13 with the Secretary of the Treasury, the United
- 14 States Trade Representative, and the Administrator
- 15 of the United States Agency for International Devel-
- 16 opment, shall evaluate the proposal provided to the
- 17 United States pursuant to subsection (a) to deter-
- 18 mine the extent to which the proposal meets the re-
- 19 quirements of subparagraphs (A) through (F) of
- 20 subsection (b)(2).
- 21 “(2) APPROVAL.—The President shall approve
- 22 the proposal only if the President determines that—
- 23 “(A) the proposal sufficiently meets the re-
- 24 quirements of subparagraphs (A) through (F)
- 25 of subsection (b)(2) in a manner that achieves,

1 in particular, lasting economic growth and pov-
2 erty reduction and substantially strengthened
3 democratic institutions and individual freedoms;
4 and

5 “(B) the Government of Egypt—

6 “(i) has adopted and implemented re-
7 forms necessary to implement the proposal;

8 “(ii) has implemented the proposal
9 provided to the United States and ap-
10 proved for the prior fiscal year in accord-
11 ance with the requirements of subpara-
12 graphs (A) through (F) of subsection
13 (b)(2); and

14 “(iii) has demonstrated high stand-
15 ards of fiduciary controls and account-
16 ability with respect to assistance provided
17 for Egypt under this chapter.

18 “(d) SUSPENSION AND TERMINATION OF ASSIST-
19 ANCE.—The President, acting through the Secretary of
20 State, may suspend or terminate assistance in whole or
21 in part for Egypt under this chapter if the President de-
22 termines that the Government of Egypt is not imple-
23 menting the proposal in accordance with the requirements
24 of subparagraphs (A) through (F) of subsection (b)(2).

25 “(e) CASH ASSISTANCE.—

1 “(1) REQUIREMENT.—Notwithstanding any
2 other provision of this section, cash assistance may
3 be provided to Egypt under this chapter for a fiscal
4 year pursuant to the memorandum of understanding
5 specified in paragraph (2) only if a proposal pro-
6 vided to the United States pursuant to subsection
7 (a) for the fiscal year has been evaluated and ap-
8 proved in accordance with subsection (c).

9 “(2) MEMORANDUM OF UNDERSTANDING.—The
10 memorandum of understanding specified in this
11 paragraph is the memorandum of understanding
12 agreed to by the Government of the United States
13 and the Government of Egypt in March 2005, in-
14 cluding any modification to the memorandum of un-
15 derstanding, except—

16 “(A) a modification to increase the
17 amounts of assistance agreed to be provided
18 under the memorandum of understanding; or

19 “(B) a modification to reduce significantly
20 the scope of, or to extend significantly the time
21 for, the performance by Egypt of obligations
22 that it has undertaken under the memorandum
23 of understanding.

24 “(f) CONGRESSIONAL NOTIFICATION.—Assistance
25 may not be obligated for Egypt under this chapter until

1 30 days after the date on which the President has pro-
2 vided notice thereof to the Committee on International Re-
3 lations and the Committee on Appropriations of the House
4 of Representatives and to the Committee on Foreign Rela-
5 tions and the Committee on Appropriations of the Senate
6 in accordance with the procedures applicable to re-
7 programming notifications under section 634A(a) of this
8 Act.

9 “(g) REPORT.—The President, acting through the
10 Secretary of State, shall prepare and transmit to the Com-
11 mittee on International Relations of the House of Rep-
12 resentatives and the Committee on Foreign Relations of
13 the Senate a report for each fiscal year that contains—

14 “(1) the proposal provided to the United States
15 pursuant to subsection (a) for the fiscal year; and

16 “(2) the evaluation of the proposal carried out
17 pursuant to subsection (c)(1).

18 “(h) RULE OF CONSTRUCTION.—The provisions of
19 this section shall not be superseded except by a provision
20 of law enacted after the date of the enactment of the For-
21 eign Relations Authorization Act, Fiscal Years 2006 and
22 2007, which specifically repeals, modifies, or supersedes
23 the provisions of this section.”.

24 (2) EFFECTIVE DATE.—The amendment made
25 by paragraph (1) shall apply with respect to assist-

1 ance for Egypt under chapter 4 of part II of the
2 Foreign Assistance Act of 1961 for fiscal year 2007
3 and each subsequent fiscal year.

4 (d) MILITARY ASSISTANCE LEVELS FOR EGYPT;
5 TRANSFER REQUIREMENT.—The following amounts avail-
6 able for assistance for Egypt under section 23 of Arms
7 Export Control Act (22 U.S.C. 2763; relating to the “For-
8 eign Military Financing” program) shall be transferred to
9 and consolidated with amounts available for assistance for
10 Egypt under chapter 4 of part II of the Foreign Assist-
11 ance Act of 1961 (22 U.S.C. 2346 et seq.; relating to the
12 “Economic Support Fund”):

13 (1) For fiscal year 2006, the amount that ex-
14 ceeds \$1,260,000,000.

15 (2) For fiscal year 2007, the amount that ex-
16 ceeds \$1,220,000,000.

17 (3) For fiscal year 2008, the amount that ex-
18 ceeds \$1,180,000,000.

19 (e) CASH-FLOW FINANCING FOR EGYPT.—As soon as
20 practicable after the date of the enactment of this Act,
21 the President shall modify the program of cash-flow fi-
22 nancing for Egypt under section 23 of the Arms Export
23 Control Act (22 U.S.C. 2763; relating to the “Foreign
24 Military Financing” program) so as to accomplish the pur-

1 poses of the policy set forth in paragraphs (3) and (4)
2 of subsection (b) of this section.

3 (f) TRANSFER OF CERTAIN INTEREST FOR EGYPT.—
4 For fiscal year 2006 and subsequent fiscal years, any in-
5 terest earned from amounts in an interest bearing account
6 for Egypt to which funds made available under section 23
7 of the Arms Export Control Act (22 U.S.C. 2763; relating
8 to the “Foreign Military Financing” program) are
9 disbursed—

10 (1) shall be transferred to and consolidated
11 with amounts available for assistance for the Middle
12 East Partnership Initiative under chapter 4 of part
13 II of the Foreign Assistance Act of 1961 (22 U.S.C.
14 2346 et seq.; relating to the “Economic Support
15 Fund”); and

16 (2) shall be allocated for democracy and govern-
17 ance programs for Egypt, including direct support
18 for nongovernmental organizations.

19 **SEC. 812. ASSISTANCE FOR MATERNAL AND PRENATAL**
20 **CARE FOR CERTAIN INDIVIDUALS OF**
21 **BELARUS AND UKRAINE INVOLVED IN THE**
22 **CLEANUP OF THE CHORNOBYL DISASTER.**

23 Of the amounts made available for each of the fiscal
24 years 2006 and 2007 to carry out chapters 11 and 12
25 of part I of the Foreign Assistance Act of 1961 (22 U.S.C.

1 2295 et seq. and 2296 et seq.) and the FREEDOM Sup-
2 port Act (22 U.S.C. 5801 et seq.), such sums as may be
3 necessary for each such fiscal year are authorized to be
4 available for assistance to improve maternal and prenatal
5 care, especially for the purpose of helping prevent birth
6 defects and pregnancy complications, for individuals in the
7 Republic of Belarus and Ukraine involved in the cleanup
8 of the region affected by the Chernobyl disaster.

9 **SEC. 813. ASSISTANCE FOR THE OFFICE OF THE OMBUDS-**
10 **MAN FOR NORTHERN IRELAND.**

11 Of the amounts made available for each of the fiscal
12 years 2006 and 2007 to carry out section 481 of the For-
13 eign Assistance Act of 1961 (22 U.S.C. 2291), \$100,000
14 for each such fiscal year is authorized to be available for—

15 (1) specialized investigative training, including
16 training in the United States, of personnel of the
17 Office of the Ombudsman for Northern Ireland; and

18 (2) advisory support to the Office of the Om-
19 budsman for Northern Ireland for the development
20 and strengthening of its institutional capacity and
21 its investigations of human rights abuses by the po-
22 lice.

1 **SEC. 814. ASSISTANCE TO ADDRESS NON-INFECTIOUS DIS-**
2 **EASES IN FOREIGN COUNTRIES.**

3 (a) STATEMENT OF POLICY.—Congress declares the
4 following:

5 (1) Medical evidence indicates that non-infec-
6 tious diseases, like heart disease and obesity, are on
7 the rise worldwide.

8 (2) In response to these statistics, the current
9 allocation of funds appropriated to the United States
10 Agency for International Development for Child Sur-
11 vival and Maternal Health, Vulnerable Children,
12 HIV/AIDS, Infectious Diseases, Reproductive
13 Health and Family Planning, and the Global Fund
14 to Fight AIDS, Tuberculosis and Malaria does not
15 address non-infectious diseases.

16 (b) AUTHORIZATION OF ASSISTANCE.—The Presi-
17 dent, acting through the Administrator of the United
18 States Agency for International Development, is author-
19 ized to provide assistance, on such terms and conditions
20 as the President may determine, to address non-infectious
21 diseases in foreign countries.

22 **SEC. 815. ASSISTANCE TO ESTABLISH CENTERS FOR THE**
23 **TREATMENT OF OBSTETRIC FISTULA IN DE-**
24 **VELOPING COUNTRIES.**

25 (a) AMENDMENT.—Section 104(c) of the Foreign As-
26 sistance Act of 1961 (22 U.S.C. 2151b(c)) is amended—

1 (1) by redesignating paragraph (4) as para-
2 graph (5); and

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

5 “(4)(A) In carrying out the purposes of this sub-
6 section, the President is authorized to furnish assistance,
7 on such terms and conditions as the President may deter-
8 mine, for the establishment and operation of not less than
9 twelve centers for the treatment of obstetric fistula at ap-
10 propriate sites in developing countries.

11 “(B) In selecting sites for the establishment of cen-
12 ters pursuant to subparagraph (A), the President should
13 seek the consultation and advice of United States embassy
14 officials, appropriate nongovernmental organizations, and
15 local government officials in developing countries with
16 high rates of obstetric fistula, with particular emphasis on
17 countries in Africa.

18 “(C) Each center established pursuant to subpara-
19 graph (A) shall, to the maximum extent practicable, carry
20 out the following activities:

21 “(i) The provision of surgery to repair obstetric
22 fistula in women who do not otherwise have the re-
23 sources to pay for such surgery and the provision of
24 necessary post-surgery care and support for such
25 women.

1 “(ii) Assistance related to surgery and post-sur-
2 gery care and support described in clause (i), includ-
3 ing the provision of transportation to and from the
4 center for women in need of such transportation and
5 the provision of necessary temporary shelter and
6 food assistance to women in need of such shelter and
7 food assistance.

8 “(iii) Activities to reduce the incidence of ob-
9 stetric fistula, including the conduct of appropriate
10 seminars and the dissemination of appropriate edu-
11 cational materials, such as brochures, pamphlets,
12 and posters.

13 “(D) Each center established pursuant to subpara-
14 graph (A) shall, to the maximum extent practicable, en-
15 sure that women who suffer from obstetric fistula as a
16 result of sexual abuse during conflicts or as a result of
17 official abuse receive preference in receiving services de-
18 scribed in clauses (i) and (ii) of subparagraph (C).

19 “(E) Not later than January 31, 2008, the President
20 shall prepare and transmit to Congress a report on the
21 implementation of this paragraph for fiscal years 2006
22 and 2007.

23 “(F) In this paragraph, the term ‘obstetric fistula’
24 means a rupture or hole in tissues surrounding a woman’s
25 vagina, bladder, or rectum that occurs when the woman

1 is in obstructed childbirth for a prolonged period of time
2 without adequate medical attention.”.

3 (b) FUNDING.—Of the amounts made available for
4 each of the fiscal years 2006 and 2007 to carry out sec-
5 tions 104 and 496 of the Foreign Assistance Act of 1961
6 (22 U.S.C. 2151b and 2293), \$5,000,000 for each such
7 fiscal year is authorized to be available to carry out section
8 104(c)(4) of such Act (as added by subsection (a)).

9 **SEC. 816. WEST BANK AND GAZA PROGRAM.**

10 (a) OVERSIGHT.—For each of the fiscal years 2006
11 and 2007, the Secretary of State shall certify to the appro-
12 priate congressional committees not later than 30 days
13 prior to the initial obligation of funds for the West Bank
14 and Gaza that procedures have been established to ensure
15 that the Comptroller General of the United States will
16 have access to appropriate United States financial infor-
17 mation in order to review the use of United States assist-
18 ance for the West Bank and Gaza funded under chapter
19 4 of part II of the Foreign Assistance Act of 1961 (22
20 U.S.C. 2346 et seq.; relating to the “Economic Support
21 Fund”).

22 (b) VETTING.—Prior to any obligation of funds for
23 each of the fiscal years 2006 and 2007 to carry out chap-
24 ter 4 of part II of the Foreign Assistance Act of 1961
25 for assistance for the West Bank and Gaza, the Secretary

1 of State shall take all appropriate steps to ensure that
2 such assistance is not provided to or through any indi-
3 vidual or entity that the Secretary knows, or has reason
4 to believe, advocates, plans, sponsors, engages in, or has
5 engaged in, terrorist activity. The Secretary of State shall,
6 as appropriate, establish procedures specifying the steps
7 to be taken in carrying out this subsection and shall termi-
8 nate assistance to any individual or entity which the Sec-
9 retary has determined advocates, plans, sponsors, or en-
10 gages in terrorist activity.

11 (c) PROHIBITION.—None of the funds made available
12 for each of the fiscal years 2006 and 2007 to carry out
13 chapter 4 of part II of the Foreign Assistance Act of 1961
14 for the West Bank and Gaza program may be made avail-
15 able for the purpose of recognizing or otherwise honoring
16 individuals who commit, or have committed, acts of ter-
17 rorism.

18 (d) AUDITS.—

19 (1) IN GENERAL.—The Administrator of the
20 United States Agency for International Development
21 shall ensure that independent audits of all contrac-
22 tors and grantees, and significant subcontractors
23 and subgrantees, under the West Bank and Gaza
24 Program, are conducted for each of the fiscal years

1 2006 and 2007 to ensure, among other things, com-
2 pliance with this section.

3 (2) AUDITS BY INSPECTOR GENERAL OF
4 USAID.—Of the funds available for each of the fiscal
5 years 2006 and 2007 to carry out chapter 4 of part
6 II of the Foreign Assistance Act of 1961 that are
7 made available for assistance for the West Bank and
8 Gaza, up to \$1,000,000 for each such fiscal year
9 may be used by the Office of the Inspector General
10 of the United States Agency for International Devel-
11 opment for audits, inspections, and other activities
12 in furtherance of the requirements of paragraph (1).
13 Such funds are in addition to funds otherwise avail-
14 able for such purposes.

15 (e) DEFINITION.—In this subsection, the term “ap-
16 propriate congressional committees” means—

17 (1) the Committee on Appropriations and the
18 Committee on International Relations of the House
19 of Representatives; and

20 (2) the Committee on Appropriations and the
21 Committee on Foreign Relations of the Senate.

22 **SEC. 817. AMENDMENTS TO THE ANGLO-IRISH AGREEMENT**
23 **SUPPORT ACT OF 1986.**

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

1 (1) United States assistance for the Inter-
2 national Fund for Ireland (“International Fund”)
3 has contributed greatly to the economic development
4 of Northern Ireland and that both objectives of the
5 Anglo-Irish Agreement Support Act of 1986 (Public
6 Law 99–415), economic development and reconcili-
7 ation, remain critical to achieving a just and lasting
8 peace in the region, especially in the economically-
9 depressed areas; and

10 (2) since policing reform is a significant part of
11 winning public confidence and acceptance in the new
12 form of government in Northern Ireland, the Inter-
13 national Fund is encouraged to support programs
14 that enhance relations between communities, and be-
15 tween the police and the communities they serve,
16 promote human rights training for police, and en-
17 hance peaceful mediation in neighborhoods of contin-
18 ued conflict.

19 (b) AMENDMENTS.—

20 (1) FINDINGS AND PURPOSES.—Section 2(b) of
21 the Anglo-Irish Agreement Support Act of 1986
22 (Public Law 99–415) is amended by adding at the
23 end the following new sentence: “Furthermore, the
24 International Fund is encouraged to support pro-
25 grams that enhance relations between communities,

1 and between the police and the communities they
2 serve, promote human rights training for police, pro-
3 mote human rights training for the office of the Om-
4 budsman, enhance peaceful mediation in neighbor-
5 hoods of continued conflict, promote training pro-
6 grams to enhance the new district partnership police
7 boards recommended by the Patten Commission, and
8 assist in the transition of former British military in-
9 stallations and prisons into sites for peaceful, com-
10 munity-supported activities, such as housing, retail,
11 and commercial development.”.

12 (2) UNITED STATES CONTRIBUTIONS TO THE
13 INTERNATIONAL FUNDS.—Section 3 of the Anglo-
14 Irish Agreement Support Act of 1986 is amended by
15 adding at the end the following new subsection:

16 “(c) FISCAL YEARS 2006 AND 2007.—Of the
17 amounts made available for fiscal years 2006 and 2007
18 to carry out chapter 4 of part II of the Foreign Assistance
19 Act of 1961 (22 U.S.C. 2346 et seq.; relating to the eco-
20 nomic support fund), there are authorized to be appro-
21 priated \$20,000,000 for each such fiscal year for United
22 States contributions to the International Fund. Amounts
23 appropriated pursuant to the authorization of appropria-
24 tions under the preceding sentence are authorized to re-
25 main available until expended. Of the amount authorized

1 to be appropriated for fiscal years 2006 and 2007 under
2 this subsection, it is the sense of Congress that not less
3 than 35 percent of such amount for each such fiscal year
4 should be used to carry out the last sentence of section
5 2(b).”.

6 (3) ANNUAL REPORTS.—Section 6(1) of the
7 Anglo-Irish Agreement Support Act of 1986 is
8 amended by adding at the end before the semicolon
9 the following: “, specifically through improving local
10 community relations and relations between the police
11 and the people they serve”.

12 **TITLE IX—MISCELLANEOUS**
13 **PROVISIONS**

14 **Subtitle A—General Provisions**

15 **SEC. 901. STATEMENT OF POLICY RELATING TO DEMOC-**
16 **RACY IN IRAN.**

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

18 (1) Iran is neither free nor democratic. Men
19 and women are not treated equally in Iran, women
20 are legally deprived of internationally recognized
21 human rights, and religious freedom is not respected
22 under the laws of Iran. Undemocratic institutions,
23 such as the Guardians Council, thwart the decisions
24 of elected leaders.

1 (2) The April 2005 report of the Department of
2 State states that Iran remained the most active
3 state sponsor of terrorism in 2004.

4 (3) That report also states that Iran continues
5 to provide funding, safe-haven, training, and weap-
6 ons to known terrorist groups, including Hizballah,
7 Hamas, the Palestine Islamic Jihad, al-Aqsa Mar-
8 tyrs Brigade, and the Popular Front for the Libera-
9 tion of Palestine, and has harbored senior members
10 of al-Qaeda.

11 (b) POLICY.—It is the policy of the United States
12 that—

13 (1) currently, there is not a free and fully
14 democratic government in Iran;

15 (2) the United States supports transparent, full
16 democracy in Iran;

17 (3) the United States supports the rights of the
18 Iranian people to choose their system of government;
19 and

20 (4) the United States condemns the brutal
21 treatment, imprisonment, and torture of Iranian ci-
22 vilians who express political dissent.

23 **SEC. 902. IRANIAN NUCLEAR ACTIVITIES.**

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

1 (1) Iran remains the world's leading sponsors of
2 international terrorism and is on the Department of
3 State's list of countries that provide support for acts
4 of international terrorism.

5 (2) Iran has repeatedly called for the destruc-
6 tion of Israel, and Iran supports organizations, such
7 as Hizballah, Hamas, and the Palestine Islamic
8 Jihad, that deny Israel's right to exist and are re-
9 sponsible for terrorist attacks against Israel.

10 (3) The Ministry of Defense of the Government
11 of Iran confirmed in July 2003 that it had success-
12 fully conducted the final test of the Shahab-3 mis-
13 sile, giving Iran an operational intermediate-range
14 ballistic missile capable of striking both Israel and
15 United States troops throughout the Middle East
16 and Afghanistan.

17 (4) Inspections by the International Atomic En-
18 ergy Agency (IAEA) in Iran have revealed signifi-
19 cant undeclared activities, including plutonium re-
20 processing efforts.

21 (5) Plutonium reprocessing is a necessary step
22 in a nuclear weapons program that uses plutonium
23 created in a reactor.

24 (6) Iran continues to assert its right to pursue
25 nuclear power and related technology, continues con-

1 structing a heavy water reactor that is ideal for
2 making plutonium for weapons, and has not fully co-
3 operated with the ongoing investigation by the IAEA
4 of its nuclear activities.

5 (7) The United States has publicly opposed the
6 completion of reactors at the Bushehr nuclear power
7 plant because the transfer of civilian nuclear tech-
8 nology and training could help to advance Iran's nu-
9 clear weapons program.

10 (8) Russia, in spite of strong international con-
11 cern that Iran intended to use civilian nuclear en-
12 ergy plants to develop nuclear weapons, provided
13 Iran with support to complete the Bushehr nuclear
14 facility.

15 (9) Russia intends to begin supplying the
16 Bushehr nuclear facility with fuel in June 2005, and
17 the Bushehr nuclear plant is expected to begin oper-
18 ation at the beginning of 2006.

19 (10) The Iranian parliament has ratified a bill
20 supporting the construction of 20 new nuclear power
21 plants.

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

1 (1) Russia's provision of assistance to Iran on
2 the Bushehr nuclear reactor is inconsistent with the
3 nonproliferation goals of the United States;

4 (2) Iran's stated plans to construct 20 new nu-
5 clear facilities and its development of nuclear tech-
6 nologies, coupled with acknowledged and
7 unacknowledged ties to terrorist groups, constitute a
8 threat to global peace and security; and

9 (3) the national security interests of the United
10 States will best be served if the United States devel-
11 ops and implements a long-term strategy to halt all
12 foreign nuclear cooperation with Iran.

13 (c) STATEMENT OF CONGRESS.—Congress calls upon
14 the leaders of the governments of the G-8 to—

15 (1) insist that the Government of Russia termi-
16 nate all assistance, including fuel shipments, to the
17 Bushehr nuclear facility in Iran; and

18 (2) condition Russia's continued membership in
19 the G-8 on Russia's termination of all assistance,
20 including fuel shipments, to the Bushehr facility and
21 to any other nuclear plants in Iran.

22 **SEC. 903. LOCATION OF INTERNATIONAL INSTITUTIONS IN**
23 **AFRICA.**

24 (a) STATEMENT OF CONGRESS.—Congress declares
25 that, for the purpose of maintaining regional balances with

1 respect to the location of international organizations and
2 institutions in Africa, such organizations or institutions,
3 such as the African Development Bank, that move their
4 headquarters offices from their original locations for rea-
5 sons of security should return once those security issues
6 have been resolved or should relocate to another country
7 in the region in which the organization or institution was
8 originally headquartered.

9 (b) CONSULTATIONS REGARDING RETURN.—The
10 Secretary of State is authorized to begin consultations
11 with appropriate parties to determine the feasibility of re-
12 turning such organizations and institutions to the regions
13 in which they were originally headquartered.

14 **SEC. 904. BENJAMIN GILMAN INTERNATIONAL SCHOLAR-**
15 **SHIP PROGRAM.**

16 Section 305 of the International Academic Oppor-
17 tunity Act of 2000, as contained in title III of the Micro-
18 enterprise for Self-Reliance and International Anti-Cor-
19 ruption Act of 2000 (Public Law 106–309; 22 U.S.C.
20 2462 note) is amended by striking “\$1,500,000” and in-
21 serting “\$4,000,000”.

22 **SEC. 905. PROHIBITION ON COMMEMORATIONS RELATING**
23 **TO LEADERS OF IMPERIAL JAPAN.**

24 The Department of State, both in Washington and
25 at United States diplomatic missions and facilities in for-

1 eign countries, shall not engage in any activity, including
2 the celebration of the recently enacted Showa holiday,
3 which may, in any manner, serve to commemorate or be
4 construed as serving to commemorate leaders of Imperial
5 Japan who were connected to the attack on the United
6 States Fleet at Pearl Harbor, Oahu, Hawaii, on December
7 7, 1941.

8 **SEC. 906. UNITED STATES POLICY REGARDING WORLD**
9 **BANK GROUP LOANS TO IRAN.**

10 (a) UNITED STATES POLICY.—The Secretary of
11 State, in consultation with the Secretary of the Treasury,
12 shall work to secure the support of the governments of
13 countries represented on the decision-making boards and
14 councils of the international financial institutions of the
15 World Bank Group to oppose any further activity in Iran
16 by the international financial institutions of the World
17 Bank Group until Iran abandons its program to develop
18 nuclear weapons.

19 (b) NOTIFICATION.—Not later than 30 days after the
20 Secretary initiates efforts to carry out subsection (a), the
21 Secretary shall notify the appropriate congressional com-
22 mittees of such efforts.

23 (c) WORLD BANK GROUP DEFINED.—As used in this
24 section, the term “World Bank Group” means the Inter-
25 national Bank for Reconstruction and Development, the

1 International Development Association, the International
2 Financial Corporation, and the Multilateral Investment
3 Guaranty Agency.

4 **SEC. 907. STATEMENT OF POLICY REGARDING SUPPORT**
5 **FOR SECI REGIONAL CENTER FOR COM-**
6 **BATING TRANS-BORDER CRIME.**

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

8 (1) The Southeast European Cooperative Initia-
9 tive (SECI) Regional Center for Combating Trans-
10 Border Crime, located in Bucharest, Romania, is
11 composed of police and customs officers from each
12 of the 12 member states of SECI: Albania, Bosnia
13 and Herzegovina, Bulgaria, Croatia, Greece, Hun-
14 gary, Macedonia, Moldova, Romania, Slovenia, Ser-
15 bia and Montenegro and Turkey.

16 (2) The SECI Regional Center supports joint
17 trans-border crime fighting efforts through the es-
18 tablishment of task forces, including task forces re-
19 lating to trafficking in human beings, anti-drugs, fi-
20 nancial and computer crimes, stolen vehicles, anti-
21 smuggling and anti-fraud, and terrorism.

22 (b) STATEMENT OF POLICY.—It is the policy of the
23 United States to continue to support the activities of the
24 Southeast European Cooperative Initiative (SECI) Re-

1 gional Center for Combating Trans-border Crime located
2 in Bucharest, Romania.

3 **SEC. 908. STATEMENT OF POLICY URGING TURKEY TO RE-**
4 **SPECT THE RIGHTS AND RELIGIOUS FREE-**
5 **DOMS OF THE ECUMENICAL PATRIARCH.**

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

7 (1) Turkey is scheduled to begin accession ne-
8 gotiations with the European Union on October 3,
9 2005.

10 (2) In 1993 the European Union defined the
11 membership criteria for accession to the European
12 Union at the Copenhagen European Council, obli-
13 gating candidate countries to have achieved certain
14 levels of reform, including stability of institutions
15 guaranteeing democracy, the rule of law, and human
16 rights, and respect for and protection of minorities.

17 (3) The Government of Turkey refuses to rec-
18 ognize the Ecumenical Patriarch's international sta-
19 tus.

20 (4) The Government of Turkey has limited to
21 Turkish nationals the candidates available to the
22 Holy Synod for selection as the Ecumenical Patri-
23 arch and has refused to reopen the Theological
24 School at Halki, thus impeding training for the cler-
25 gy.

1 (b) STATEMENT OF POLICY.—Congress—

2 (1) calls on Turkey to continue to demonstrate
3 its willingness to adopt and uphold European stand-
4 ards for the protection of human rights;

5 (2) based on the ideals associated with the Eu-
6 ropean Union and its member states, calls on Tur-
7 key to eliminate all forms of discrimination, particu-
8 larly those based on race or religion, and
9 immediately—

10 (A) grant the Ecumenical Patriarch appro-
11 priate international recognition and ecclesiastic
12 succession;

13 (B) grant the Ecumenical Patriarchate the
14 right to train clergy of all nationalities, not just
15 Turkish nationals; and

16 (C) respect property rights and human
17 rights of the Ecumenical Patriarchate; and

18 (3) calls on Turkey to pledge to uphold and
19 safeguard religious and human rights without com-
20 promise.

21 **SEC. 909. STATEMENT OF POLICY REGARDING THE MUR-**
22 **DER OF UNITED STATES CITIZEN JOHN M.**
23 **ALVIS.**

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

1 (1) On November 30, 2000, United States cit-
2 izen John M. Alvis was brutally murdered in Baku,
3 Azerbaijan.

4 (2) John M. Alvis was serving his final two
5 weeks of a two year full-time commitment to the
6 International Republican Institute, a United States
7 nongovernmental organization carrying out assist-
8 ance projects for the Government of the United
9 States to help promote democracy and strengthen
10 the rule of law in Azerbaijan.

11 (3) The United States is committed to ensuring
12 that the truth of the murder of John M. Alvis is de-
13 termined and the individual or individuals who are
14 responsible for this heinous act are brought to jus-
15 tice.

16 (b) STATEMENT OF POLICY.—Congress—

17 (1) appreciates the efforts of the Government of
18 Azerbaijan to find the individual or individuals who
19 are responsible for the murder of United States cit-
20 izen John M. Alvis and urges the Government of
21 Azerbaijan to continue to make these efforts a high
22 priority; and

23 (2) urges the Secretary of State to continue to
24 raise the issue of the murder of United States cit-
25 izen John M. Alvis with the Government of Azer-

1 bajjan and to make this issue a priority in relations
2 between the Government of the United States and
3 the Government of Azerbaijan.

4 **Subtitle B—Sense of Congress**
5 **Provisions**

6 **SEC. 911. KOREAN FULBRIGHT PROGRAMS.**

7 It is the sense of Congress that Fulbright program
8 activities for the Republic of Korea (commonly referred
9 to as “South Korea”) should—

10 (1) include participation by students from
11 throughout South Korea, including proportional rep-
12 resentation from areas outside of Seoul;

13 (2) attempt to include Korean students from a
14 broad range of educational institutions, including
15 schools other than elite universities;

16 (3) broaden the Korean student emphasis be-
17 yond degree-seeking graduate students to include op-
18 portunities for one-year nondegree study at United
19 States colleges and universities by pre-doctoral Ko-
20 rean students; and

21 (4) include a significant number of Korean stu-
22 dents planning to work or practice in areas other
23 than advanced research and university teaching,
24 such as in government service, media, law, and busi-
25 ness.

1 **SEC. 912. UNITED STATES RELATIONS WITH TAIWAN.**

2 It is the sense of Congress that—

3 (1) it is in the national interests of the United
4 States to communicate directly with democratically
5 elected and appointed officials of Taiwan, including
6 the President of Taiwan, the Vice-President of Tai-
7 wan, the Foreign Minister of Taiwan, and the De-
8 fense Minister of Taiwan;

9 (2) the Department of State should, in accord-
10 ance with Public Law 103–416, admit such high
11 level officials of Taiwan to the United States to dis-
12 cuss issues of mutual concern with United States of-
13 ficials; and

14 (3) the Department of State should, in coopera-
15 tion with the Ministry of Foreign Affairs of Taiwan,
16 facilitate high level meetings between such high level
17 officials of Taiwan and their counterparts in the
18 United States.

19 **SEC. 913. NUCLEAR PROLIFERATION AND A. Q. KHAN.**

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

21 (1) Dr. Abdul Qadeer Khan, former director of
22 the A.Q. Khan Research Laboratory in Pakistan and
23 Special Adviser to the Prime Minister on the Stra-
24 tegic Programme, had the status of a federal min-
25 ister and established and operated an illegal inter-

1 national network which sold nuclear weapons and re-
2 lated technologies to a variety of countries.

3 (2) China provided Dr. Khan with nuclear
4 weapons designs, and the illegal international nu-
5 clear proliferation network established by Dr. Khan
6 may have provided other countries with these de-
7 signs.

8 (3) The illegal international nuclear prolifera-
9 tion network established by Dr. Khan assisted Iran
10 with its nuclear program by supplying Iran with
11 uranium-enrichment technology, including centrifuge
12 equipment and designs.

13 (4) The illegal international nuclear prolifera-
14 tion network established by Dr. Khan assisted North
15 Korea with its nuclear weapons program by pro-
16 viding centrifuge technology, including designs and
17 complete centrifuges.

18 (5) The illegal international nuclear prolifera-
19 tion network established by Dr. Khan assisted Libya
20 with its nuclear program by providing blueprints of
21 centrifuge parts and thousands of assembled cen-
22 trifuge parts.

23 (6) There is concern that the illegal inter-
24 national nuclear proliferation network created by Dr.

1 Khan may be still in existence and its work still on-
2 going.

3 (7) Defense cooperation and technology transfer
4 between China and Pakistan have been recently
5 strengthened, including the codevelopment and man-
6 ufacturing of a minimum of 400 J-17 “Thunder”
7 fighter aircraft, with a minimum of 250 going to
8 China. This and other Chinese-Pakistani technology
9 sharing provides an expanded basis for further Paki-
10 stani proliferation of advanced military technology.

11 (8) The illegal international nuclear prolifera-
12 tion network established by Dr. Khan is a threat to
13 United States national security.

14 (b) SENSE OF CONGRESS.—It is the sense of Con-
15 gress that the United States—

16 (1) should continue efforts to—

17 (A) dismantle the illegal international nu-
18 clear proliferation network created by Dr.
19 Abdul Qadeer Khan; and

20 (B) counter, through diplomacy and nego-
21 tiation, the proliferation of weapons of mass de-
22 struction from Pakistan to other countries;

23 (2) should request and Pakistan should grant
24 access to interview Dr. Khan and his top associates
25 to determine in greater detail what technology his

1 network provided or received from Iran, North
2 Korea, Libya, and China; and

3 (3) should take the steps necessary to ensure
4 that Pakistan has verifiably halted any cooperation
5 with any country in the development of nuclear or
6 missile technology, material, or equipment, or any
7 other technology, material, or equipment that is use-
8 ful for the development of weapons of mass destruc-
9 tion, including exports of such technology, material,
10 or equipment.

11 **SEC. 914. PALESTINIAN TEXTBOOKS.**

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

13 (1) Since 1993, the United States has provided
14 more than \$1,400,000,000 to assist the Palestinian
15 people, including to assist with the process of
16 strengthening the Palestinian education system.

17 (2) Since 1950, the United States has provided
18 more than \$3,200,000,000 in assistance to United
19 Nations Relief and Works Agency (UNRWA), which
20 operates schools in camps housing Palestinians.

21 (3) The Palestinian Authority has undertaken a
22 reform of its textbooks, a process which will be com-
23 pleted in 2006.

24 (4) These new textbooks, while an improvement
25 over past texts, fail in many respects to foster atti-

1 tudes amongst the Palestinian people conducive to
2 peace with Israel, including references to the infa-
3 mous Protocols of the Elders of Zion, failure to ac-
4 knowledge the State of Israel, and failure to discuss
5 Jews in sections dealing with religious tolerance.

6 (b) SENSE OF CONGRESS.—It is the sense of Con-
7 gress that the Secretary of State should express in the
8 strongest possible terms United States opposition to the
9 inclusion in Palestinian textbooks of materials which fos-
10 ter anti-Semitism and rejection of peace with Israel, and
11 to express the unwillingness of the United States to con-
12 tinue to support educational programs of the Palestinian
13 Authority, whether directly or indirectly, should the Pales-
14 tinian Authority continue to include material which does
15 not foster tolerance and peace.

16 **SEC. 915. INTERNATIONAL CONVENTION AFFIRMING THE**
17 **HUMAN RIGHTS AND DIGNITY OF PERSONS**
18 **WITH DISABILITIES.**

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

20 (1) There are more than 600,000,000 people
21 who have a disability and more than two-thirds of all
22 persons with disabilities live in developing countries.

23 (2) Only two percent of children with disabil-
24 ities in developing countries receive any education or
25 rehabilitation.

1 (3) A substantial shift has occurred globally
2 from an approach of charity toward persons with
3 disabilities to the recognition of the inherent uni-
4 versal human rights of persons with disabilities.

5 (4) A clearly defined international standard ad-
6 dressing the rights of persons with disabilities would
7 assist developing countries in the creation and imple-
8 mentation of national laws protecting those rights.

9 (5) To better protect and promote the rights of
10 persons with disabilities and to establish inter-
11 national norms, the United Nations General Assem-
12 bly adopted Resolution 56/168 (December 19, 2001)
13 which established an ad hoc committee to consider
14 proposals for a comprehensive and integral inter-
15 national convention that affirms the human rights
16 and dignity of persons with disabilities.

17 (6) With the strong commitment and leadership
18 of the United States and the vast domestic experi-
19 ence of the United States in the advancement of dis-
20 ability rights, the world community can benefit from
21 United States participation in the drafting of an
22 international convention that affirms the human
23 rights and dignity of persons with disabilities.

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

1 (1) the United States should play a leading role
2 in the drafting of an international convention that
3 affirms the human rights and dignity of persons
4 with disabilities and which is consistent with the
5 Constitution of the United States, the Americans
6 with Disabilities Act of 1990, and other rights en-
7 joyed by United States citizens with disabilities;

8 (2) for this purpose, the President should au-
9 thorize the Secretary of State to send to the Sixth
10 Session of the United Nations Ad Hoc Committee on
11 a Comprehensive and Integral International Conven-
12 tion on the Protection and Promotion of the Rights
13 and Dignity of Persons with Disabilities to be held
14 in August 2005 and to subsequent sessions of the
15 Ad Hoc Committee a United States delegation which
16 includes individuals with disabilities who are recog-
17 nized leaders in the United States disability rights
18 movement; and

19 (3) the United States delegation referred to in
20 paragraph (2) should seek the input and advice of
21 the Department of State's Advisory Committee on
22 Persons with Disabilities with respect to matters
23 considered at the Sixth Session of the United Na-
24 tions Ad Hoc Committee and subsequent sessions.

1 **SEC. 916. FULBRIGHT SCHOLARSHIPS FOR EAST ASIA AND**
2 **THE PACIFIC.**

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

4 (1) From 1949–2003, the Department of State
5 awarded 13,176 Fulbright Scholarships to students
6 from East Asia and the Pacific, but only 31 went to
7 Pacific Island students.

8 (2) In 2003–2004, the Department of State
9 awarded 315 scholarships to students from East
10 Asia and the Pacific, but none were awarded to Pa-
11 cific Island students.

12 (b) SENSE OF CONGRESS.—It is the sense of Con-
13 gress that the Department of State should conduct a re-
14 view and submit to Congress a report regarding the
15 marginalization of Pacific Islands students in the award-
16 ing of Fulbright Scholarships.

17 **SEC. 917. BAKU-TBILISI-CEYHAN ENERGY PIPELINE.**

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

19 (1) It has been the long-standing policy of the
20 United States to support the independence, security,
21 and economic development of the newly independent
22 states of the Caspian Sea region.

23 (2) The growth and stability of the newly inde-
24 pendent states of the Caspian Sea region will be
25 greatly enhanced by the development of their exten-
26 sive oil and natural gas resources and the export of

1 these resources unhindered along an east-west en-
2 ergy transportation corridor.

3 (3) The establishment of an east-west energy
4 transportation corridor would enhance the energy se-
5 curity of the United States, Turkey, and other
6 United States allies by ensuring an unhindered flow
7 of energy from the Caspian Sea region to world mar-
8 kets.

9 (4) The centerpiece of the proposed east-west
10 energy transportation corridor is the Baku-Tbilisi-
11 Ceyhan (BTC) pipeline, which was first endorsed by
12 the relevant regional governments in 1998 and
13 which will carry one million barrels of Caspian Sea
14 oil per day from Baku, Azerbaijan, to Ceyhan, Tur-
15 key, via a route that passes through Tbilisi, Georgia.

16 (5) The BTC pipeline was inaugurated on May
17 25, 2005, and Caspian Sea oil exports from the port
18 of Ceyhan, Turkey, will begin later this year.

19 (6) The BTC pipeline project has received
20 strong bipartisan support during the administrations
21 of both Presidents Bill Clinton and George W. Bush.

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

24 (1) the governments and peoples of Turkey and
25 the newly independent states of the Caspian Sea re-

1 gion should be congratulated for the successful com-
2 pletion of the Baku-Tbilisi-Ceyhan pipeline;

3 (2) the policy of the United States to support
4 the independence, security, and economic develop-
5 ment of the newly independent states of the Caspian
6 Sea region should be reaffirmed; and

7 (3) projects should be encouraged that would
8 further develop the east-west energy transportation
9 corridor between the newly independent states of the
10 Caspian Sea region and Europe and that advance
11 the strategic goals of the United States, especially
12 the promotion of appropriate multiple routes for the
13 transportation to world markets of oil and gas from
14 the Caspian Sea region.

15 **SEC. 918. UNITED STATES FOREIGN ASSISTANCE.**

16 It is the sense of Congress that—

17 (1) United States foreign assistance should be
18 used to support, and not replace or substitute, local
19 capacity-building in developing countries and should
20 focus on improving the institutional capacities of de-
21 veloping countries in order to promote long-term de-
22 velopment; and

23 (2) the Department of State, the United States
24 Agency for International Development, and the Mil-
25 lennium Challenge Corporation should increase their

1 efforts to enhance recipient country participation in
2 the planning of development programs, promote re-
3 cipient country ownership of the programs, and
4 build local capacity within the recipient country.

5 **SEC. 919. ELIMINATION OF EXTREME POVERTY IN DEVEL-**
6 **OPING COUNTRIES.**

7 It is the sense of Congress that—

8 (1) the elimination of extreme poverty in devel-
9 oping countries should be a major priority of United
10 States foreign policy;

11 (2) the United States should further dem-
12 onstrate its leadership and commitment to elimi-
13 nating extreme poverty by working with developing
14 countries, donor countries, and multilateral institu-
15 tions committed to the necessary reforms, policies,
16 and practices that reduce extreme poverty in devel-
17 oping countries and by pursuing greater coordina-
18 tion with key allies and international partners; and

19 (3) the President, acting through the Adminis-
20 trator of the United States Agency for International
21 Development, and in consultation with the heads of
22 other appropriate departments and agencies of the
23 Government of the United States, international or-
24 ganizations, international financial institutions, re-
25 cipient governments, civil society organizations, and

1 other appropriate entities, should develop a com-
2 prehensive strategy to eliminate extreme poverty in
3 developing countries that involves foreign assistance,
4 foreign and local private investment, technical assist-
5 ance, private-public partnerships, and debt relief.

6 **SEC. 920. ASSISTANCE FOR REGIONAL HEALTH CARE DE-**
7 **LIVERY.**

8 (a) STATEMENT OF POLICY.—Congress declares the
9 following:

10 (1) Health systems in developing countries for
11 allocating and managing health resources are dys-
12 functional and incapable of addressing evolving epi-
13 demiological and demographical changes.

14 (2) Neither regional nor countrywide health
15 problems can be adequately addressed without the
16 infrastructure for health systems in place.

17 (3) The areas in Africa, Europe, Eurasia, the
18 Middle East and Asia with the greatest health prob-
19 lems all lack the infrastructure for health systems
20 that can support providers and contain the cost of
21 treatment.

22 (b) SENSE OF CONGRESS.—It is the sense of Con-
23 gress that the United States Agency for International De-
24 velopment should use up to 5 percent of country-specific
25 health program funds, as needed, to support projects to

1 create and improve indigenous capacity for health care de-
2 livery in regions in which such projects are most needed.

3 **SEC. 921. ASSISTANCE FOR REGIONAL HEALTH EDUCATION**
4 **AND TRAINING PROGRAMS.**

5 (a) STATEMENT OF POLICY.—Congress recognizes
6 that many health problems are not country specific. In-
7 stead many health issues can be categorized and treated
8 more effectively on a regional basis.

9 (b) SENSE OF CONGRESS.—It is the sense of Con-
10 gress that the United States Agency for International De-
11 velopment should use up to 5 percent of country-specific
12 health program funds, as needed, to address regional
13 health issues in instances in which it would be more cost
14 effective to implement health education and training pro-
15 grams on a regional basis.

Mr. SMITH OF NEW JERSEY. I now have a series of perfecting amendments at the desk which consists of 35 amendments. They have been cleared by both Republican and the Democratic sides of the aisle. All Members have the list before them and the amendments themselves, and I do appreciate the hard work and the very diligent negotiations that have gone on right up until the last instant, as another amendment was added to this list.

I would ask unanimous consent that they be considered en bloc, and that they be considered as read and adopted.

Any Members who wish to insert remarks into the record of any of these amendments, will be permitted to do so.

[The en bloc amendments referred to follow:]

AMENDMENT TO H.R. 2601**OFFERED BY MS. BERKLEY OF NEVADA****(Foreign Relations Authorization Act, Fiscal Years 2006 and 2007)**

At the appropriate place in the bill, insert the following section (and conform the table of contents accordingly):

1 **SEC. ____ . STATEMENT OF CONGRESS AND POLICY WITH**
 2 **RESPECT TO THE DISENFRANCHISEMENT OF**
 3 **WOMEN.**

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

5 (1) Following the May 16, 2005, decision of the
 6 Kuwaiti parliament to enfranchise its female citizens,
 7 Saudi Arabia is now the only country in world
 8 that restricts the franchise and the right to hold
 9 elected office to men only.

10 (2) Only men were allowed to vote and run for
 11 office in Saudi Arabia’s municipal elections held earlier
 12 this year, the first elections of any kind that
 13 Saudi Arabia has held since 1963.

14 (b) **STATEMENTS OF CONGRSESS.**—Congress—

1 (1) strongly condemns the disenfranchisement
2 of women, including restrictions that prevent women
3 from holding office; and

4 (2) calls on the Government of Saudi Arabia to,
5 at the earliest possible time, promulgate a law that
6 grants women the right to vote and to run for office
7 in all future Saudi elections, whether local, provin-
8 cial, or national.

9 (c) POLICY.—The President is encouraged to take
10 such action as the President considers appropriate, includ-
11 ing a downgrading of diplomatic relations, to encourage
12 countries that disenfranchise women to grant women the
13 rights to vote and hold office.

**AMENDMENT TO THE AMENDMENT IN THE
NATURE OF A SUBSTITUTE TO H.R. 2601
OFFERED BY MS. BERKLEY OF NEVADA**

Page 65, line 19, strike “and” after the semicolon.

Page 65, insert the following after line 19:

- 1 “(9) a list of countries of concern with respect
- 2 to the financing of terrorism; and”.

Page 65, line 20, strike “(9)” and insert “(10)”.

AMENDMENT TO H.R. 2601
OFFERED BY MR. BLUMENAUER OF OREGON

**(Amendatory Instructions Refer to the Amendment in the
Nature of a Substitute)**

At the end of title VIII of the bill, insert the following new section (and conform the table of contents accordingly):

1 **SEC. ____ ASSISTANCE FOR DISASTER MITIGATION EF-**
2 **FORTS.**

3 (a) **FINDINGS.**—Congress finds the following:

4 (1) The devastating impacts of natural disas-
5 ters can be mitigated by assisting communities to
6 build in safer locations, construct sturdier dwellings,
7 enforce sound building codes and practices, and pro-
8 tect natural ecosystems.

9 (2) By 2050, two billion people are expected to
10 be especially vulnerable to floods due to growing
11 populations, indiscriminate logging, rapid urbaniza-
12 tion, and increasing development along coasts and in
13 other hazardous regions.

14 (3) According to a study by the World Bank
15 and the United States Geological Survey during the
16 1990s, \$40 billion invested in preventive measures

1 could have saved \$280 billion in disaster relief funds
2 and saved countless lives.

3 (b) SENSE OF CONGRESS.—It is the sense of Con-
4 gress that the Secretary of State, in consultation with the
5 heads of other appropriate departments and agencies of
6 the Government of the United States, should develop an
7 initiative to encourage the use of disaster mitigation tech-
8 niques, including techniques described in subsection
9 (a)(1), by foreign governments in regions considered espe-
10 cially vulnerable to natural disasters.

11 (c) AMENDMENT TO THE FOREIGN ASSISTANCE ACT
12 OF 1961.—Section 491(b) of the Foreign Assistance Act
13 of 1961 (22 U.S.C. 2292(b)) is amended by adding at the
14 end the following new sentence: “Assistance relating to
15 disaster preparedness under the preceding sentence shall
16 include assistance to encourage the use of disaster mitiga-
17 tion techniques, including to assist communities to build
18 in safer locations, construct sturdier dwellings, enforce
19 sound building codes and practices, and protect natural
20 ecosystems.”.

**AMENDMENT TO THE AMENDMENT IN A NATURE
OF A SUBSTITUTE TO H.R. 2601
OFFERED BY MR. BROWN OF OHIO**

At the end of title II (relating to Department of State authorities and activities), insert the following new section (and conform the table of contents accordingly):

1 **SEC. 216. AMERICAN INSTITUTE IN TAIWAN FACILITIES EN-**
2 **HANCEMENT.**

3 Section 3(a) of the American Institute in Taiwan Fa-
4 cilities Enhancement Act (Public Law 106-212) is amend-
5 ed by striking “the sum of \$75,000,000” and inserting
6 “such sums as may be necessary”.

**AMENDMENT TO THE AMENDMENT IN THE
NATURE OF A SUBSTITUTE TO H.R. 2601
OFFERED BY MR. CROWLEY OF NEW YORK**

At the appropriate place in the bill, insert the following new section (and conform the table of contents accordingly):

1 **SEC. ____ . SENSE OF CONGRESS WITH RESPECT TO LEGIS-**
2 **LATION REQUIRING THE FAIR, COMPREHEN-**
3 **SIVE, AND NONDISCRIMINATORY RESTITU-**
4 **TION OF PRIVATE PROPERTY CONFISCATED**
5 **IN POLAND.**

6 (a) FINDINGS.—Congress find the following:

7 (1) The protection of and respect for property
8 rights is a basic tenet for all democratic govern-
9 ments that operate according to the rule of law.

10 (2) Private properties were seized and con-
11 fiscated by the Nazis in occupied Poland or by the
12 Communist Polish government after World War II.

13 (3) Some post-Communist countries in Europe
14 have taken steps toward compensating individuals
15 whose property was seized and confiscated by the
16 Nazis during World War II and by Communist gov-
17 ernments after World War II.

1 (4) Poland has continuously failed to enact leg-
2 islation that requires realistically achievable restitu-
3 tion or compensation for those individuals who had
4 their private property seized and confiscated.

5 (5) Although President Aleksander
6 Kwasniewski of Poland later exercised his veto
7 power, in March 2001 the Polish Parliament passed
8 a bill that would have provided compensation for
9 seized and confiscated property, but only to individ-
10 uals who were registered as Polish citizens as of De-
11 cember 31, 1999, thereby excluding all those individ-
12 uals who emigrated from Poland during and after
13 World War II.

14 (6) President Kwasniewski met in 2002 with
15 congressional leaders of the United States Helsinki
16 Commission and stated that he intended to draft a
17 new law requiring the restitution of previously seized
18 and confiscated private property that would not dis-
19 criminate based on the residency or citizenship of an
20 individual, and which would be ready to take effect
21 by the beginning of 2003.

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

24 (1) Poland should develop a final and complete
25 settlement for those individuals who had their pri-

1 vate property seized and confiscated by the Nazis
2 during World War II or by the Communist Polish
3 government after the war;

4 (2) restitution should be made in a timely man-
5 ner if they are to be of any benefit to the many Hol-
6 ocaust survivors who are in their eighties or older;

7 (3) the President and the Secretary of State
8 should engage, as appropriate—

9 (A) in an open dialogue with the Govern-
10 ment of Poland supporting the adoption of leg-
11 islation requiring the fair, comprehensive, and
12 nondiscriminatory restitution of or compensa-
13 tion for private property that was seized and
14 confiscated; and

15 (B) in follow-up discussions with the Gov-
16 ernment of Poland regarding the status and im-
17 plementation of such legislation.

**AMENDMENT TO THE AMENDMENT IN THE
NATURE OF A SUBSTITUTE TO H.R. 2601
OFFERED BY MR. CROWLEY OF NEW YORK**

At the appropriate place in the bill, insert the following new section (and conform the table of contents accordingly):

1 **SEC. ____ . REPORT WITH RESPECT TO DIPLOMATIC RELA-**
2 **TIONS WITH ISRAEL.**

3 (a) FINDINGS.—Congress makes the following find-
4 ings:

5 (1) Israel is a friend and ally of the United
6 States whose security is vital to regional stability
7 and United States interests.

8 (2) Israel currently maintains diplomatic rela-
9 tions with 160 countries, 33 countries do not have
10 any diplomatic relations with Israel, and one country
11 has partial relations with Israel.

12 (3) The Government of Israel has been actively
13 seeking to establish formal relations with a number
14 of countries.

15 (4) After 57 years of existence, Israel deserves
16 to be treated as an equal country by its neighbors
17 and the world community.

1 (b) SENSE OF CONGRESS.—It is the sense of Con-
2 gress that the United States should assist Israel in its ef-
3 forts to establish diplomatic relations.

4 (c) REPORT.—Not later than 90 days after the date
5 of the enactment of this Act and annually thereafter, the
6 Secretary of State shall submit to the appropriate congres-
7 sional committees a report that includes the following in-
8 formation (in classified or unclassified form, as appro-
9 priate):

10 (1) Actions taken by representatives of the
11 United States to encourage other countries to estab-
12 lish full diplomatic relations with Israel.

13 (2) Specific responses solicited and received by
14 the Secretary from countries that do not maintain
15 full diplomatic relations with Israel with respect to
16 their attitudes toward and plans for entering into
17 diplomatic relations with Israel.

18 (3) Other measures being undertaken, and
19 measures that will be undertaken, by the United
20 States to ensure and promote Israel's full participa-
21 tion in the world diplomatic community.

22 (d) DEFINITION.—In this section, the term “appro-
23 priate congressional committees” means the Committee on
24 International Relations of the House of Representatives,
25 the Committee on Foreign Relations of the Senate, the

1 Committee on Appropriations of the House of Representa-
2 tives, and the Committee on Appropriations of the Senate.

**AMENDMENT TO THE AMENDMENT IN THE
NATURE OF A SUBSTITUTE TO H.R. 2601
OFFERED BY MR. CROWLEY OF NEW YORK**

In section 101(4) (relating to Educational and Cultural Exchange Programs), add at the end the following new subparagraph:

1 (I) PROJECT CHILDREN AND COOPERATION
2 WITH IRELAND.—Of the amounts authorized to
3 be appropriated under subparagraph (A),
4 \$500,000 for fiscal year 2006 and \$500,000 for
5 fiscal year 2007 are authorized to be appro-
6 priated for people-to-people activities (with a
7 focus on young people) to support the Northern
8 Ireland peace process involving Catholic and
9 Protestant participants from the Republic of
10 Ireland, the United Kingdom, and the United
11 States, to be known as “Project Children”.

**AMENDMENT TO THE AMENDMENT IN THE
NATURE OF A SUBSTITUTE TO H.R. 2601
OFFERED BY MR. DELAHUNT OF MASSACHUSETTS
(Foreign Relations Authorization Act, Fiscal Years 2006 and
2007)**

At the appropriate place in the bill, insert the following new section (and conform the table of contents accordingly):

1 SEC. ____ . REPORT ON TAX ENFORCEMENT IN COLOMBIA.

2 Not later than 90 days after the date of the enact-
3 ment of this Act, the Secretary of State shall submit to
4 the Committee on International Relations of the House
5 of Representatives, the Committee on Foreign Relations
6 of the Senate, the Committee on Appropriations of the
7 House of Representatives, and the Committee on Appro-
8 priations of the Senate a report detailing challenges to tax
9 code enforcement in Colombia. This report shall include,
10 as a percentage of Colombia's gross domestic product, an
11 estimate of current tax revenue, an estimate of potential
12 additional tax revenue if Colombia's existing tax laws were
13 fully enforced, and a discussion of how such additional rev-
14 enue could be used to achieve the objectives of Plan Co-
15 lombia, including supporting and expanding Colombia's

- 1 security forces and increasing the availability of alter-
- 2 native livelihoods for illicit crop growers and former com-
- 3 batants.

AMENDMENT TO H.R. _____**OFFERED BY MR. ENGEL OF NEW YORK****(Foreign Relations Authorization Act, Fiscal Years 2006 and
2007)**

At the appropriate place in the bill, insert the following new section (and conform the table of contents accordingly):

**1 SEC. ____ . REPORT RELATING TO PROVISION OF CONSULAR
2 AND VISA SERVICES IN PRISTINA, KOSOVA.**

3 (a) REPORT.—Not later than 90 days after the date
4 of the enactment of this Act, the Secretary of State shall
5 submit to the appropriate congressional committees a re-
6 port describing the possibility of providing consular and
7 visa services at the United States Office Pristina, Kosovo
8 (USOP) to residents of Kosovo.

9 (b) CONTENTS.—The report required under sub-
10 section (a) shall contain the following information:

11 (1) The reasons why consular and visa services
12 are not currently offered at the USOP, even though
13 the Office has been in operation for more than five
14 years.

15 (2) Plans for providing consular and visa serv-
16 ices at the USOP, including conditions required be-

1 fore such services would be provided and the planned
2 timing for providing such services.

3 (3) An explanation of why consular and visa
4 services will not be offered at the USOP by January
5 1, 2007, if such services are not planned to be of-
6 fered by such date.

7 (4) The number of residents of Kosova who
8 apply for their visas outside of Kosova for each cal-
9 endar year from 2000–2005.

AMENDMENT TO H.R. 2601
OFFERED BY MR. ENGEL OF NEW YORK

**(Amendatory Instructions Refer to the Amendment in the
Nature of a Substitute)**

At the appropriate place in the bill, insert the following new section (and conform the table of contents accordingly):

1 **SEC. ____.** **SENSE OF CONGRESS REGARDING CHILD LABOR**
2 **PRACTICES IN THE COCOA SECTORS OF COTE**
3 **D'IVOIRE AND GHANA.**

4 It is the sense of Congress that—

5 (1) the Government of the Republic of Cote
6 d'Ivoire and the Government of the Republic of
7 Ghana should be commended for the tangible steps
8 they have taken to address the situation of child
9 labor in the cocoa sector;

10 (2) the Government of Cote d'Ivoire and the
11 Government of Ghana should consider child labor
12 and forced labor issues top priorities;

13 (3) the chocolate industry signatories to the
14 September 19, 2001, voluntary Protocol for the
15 Growing and Processing of Cocoa Beans and their
16 Derivative Products in a Manner that Complies with

1 ILO Convention 182 Concerning the Prohibition and
2 Immediate Action for the Elimination of the Worst
3 Forms of Child Labor should meet the sixth and
4 final pillar of the Protocol, to “develop and imple-
5 ment credible, mutually-acceptable, voluntary, indus-
6 try-wide standards of public certification, consistent
7 with applicable federal law, that cocoa beans and
8 their derivative products have been grown and/or
9 processed without any of the worst forms of child
10 labor” by July 1, 2005;

11 (4) the chocolate industry, nongovernmental or-
12 ganizations, and the Government of Cote d’Ivoire
13 and the Government of Ghana should continue their
14 efforts in full force beyond July 1, 2005, to develop
15 and implement a system to monitor child labor in
16 the cocoa industry of Cote d’Ivoire and Ghana;

17 (5) the Office to Monitor and Combat Traf-
18 ficking in Persons of the Department of State
19 should include information on the association be-
20 tween trafficking in persons and the cocoa industries
21 of Cote d’Ivoire, Ghana, and other cocoa producing
22 regions in the annual trafficking in persons report to
23 Congress; and

24 (6) the Department of State should assist the
25 Government of Cote d’Ivoire and the Government of

- 1 Ghana in preventing the trafficking of persons into
- 2 the cocoa fields and other industries in West Africa.

**AMENDMENT TO THE AMENDMENT IN THE
NATURE OF A SUBSTITUTE FOR H.R. 2601
OFFERED BY MR. FALEOMAVAEGA OF AMERICAN
SAMOA
(Foreign Relations Authorization Act, Fiscal Years 2006 and
2007)**

At the appropriate place in the bill, insert the following new section (and conform the table of contents accordingly):

1 **SEC. ____ . REPORT RELATING TO DEMOCRACY IN PAKI-**
2 **STAN.**

3 Not later than December 31 in each of fiscal years
4 2006 and 2007, the President shall submit to the appro-
5 priate congressional committees a report that contains a
6 description of the extent to which, over the preceding 12-
7 month period, the Government of Pakistan has restored
8 a fully functional democracy in Pakistan in which free,
9 fair, and transparent elections are held.

1 **SEC. ____ . LIMITATION ON ASSISTANCE TO THE PALES-**
2 **TINIAN AUTHORITY.**

3 (a) AMENDMENT.—Chapter 1 of part III of the For-
4 eign Assistance Act of 1961 (22 U.S.C. 2351 et seq.) is
5 amended—

6 (1) by redesignating the second section 620G
7 (as added by section 149 of Public Law 104–164
8 (110 Stat. 1436)) as section 620J; and

9 (2) by adding at the end the following new sec-
10 tion:

11 **“SEC. 620K. LIMITATION ON ASSISTANCE TO THE PALES-**
12 **TINIAN AUTHORITY.**

13 “(a) LIMITATION.—Assistance may be provided
14 under this Act or any other provision of law to the Pales-
15 tinian Authority only during a period for which a certifi-
16 cation described in subsection (b) is in effect.

17 “(b) CERTIFICATION.—A certification described in
18 this subsection is a certification transmitted by the Presi-
19 dent to Congress that contains a determination of the
20 President that—

21 “(1) providing direct assistance to the Pales-
22 tinian Authority is important to the national secu-
23 rity interests of the United States; and

24 “(2) the Palestinian Authority—

1 “(A) is committed to and has initiated the
2 process of purging from its security services in-
3 dividuals with ties to terrorism;

4 “(B) has made demonstrable progress to-
5 ward dismantling the terrorist infrastructure,
6 confiscating unauthorized weapons, arresting
7 and bringing terrorists to justice, destroying
8 unauthorized arms factories, thwarting and pre-
9 empting terrorist attacks, and is fully cooper-
10 ating with Israel’s security services;

11 “(C) has made demonstrable progress to-
12 ward halting all anti-Israel incitement in Pales-
13 tinian Authority-controlled electronic and print
14 media and in schools, mosques, and other insti-
15 tutions it controls, and is replacing these mate-
16 rials, including textbooks, with materials that
17 promote tolerance, peace, and coexistence with
18 Israel;

19 “(D) has taken effective steps to ensure
20 democracy, the rule of law, and an independent
21 judiciary, and has adopted other reforms such
22 as ensuring transparent and accountable gov-
23 ernance;

1 “(E) is committed to ensuring that all
2 elections within areas it administers to be free,
3 fair, and transparent; and

4 “(F) is undertaking verifiable efforts to en-
5 sure the financial transparency and account-
6 ability of all government ministries and oper-
7 ations.

8 “(c) RECERTIFICATIONS.—Not later than 90 days
9 after the date on which the President transmits to Con-
10 gress an initial certification under subsection (b), and
11 every 6 months thereafter—

12 “(1) the President shall transmit to Congress a
13 recertification that the requirements contained in
14 subsection (b) are continuing to be met; or

15 “(2) if the President is unable to make such a
16 recertification, the President shall transmit to Con-
17 gress a report that contains the reasons therefor.

18 “(d) CONGRESSIONAL NOTIFICATION.—Assistance
19 made available under this Act or any other provision of
20 law to the Palestinian Authority may not be provided until
21 15 days after the date on which the President has pro-
22 vided notice thereof to the Committee on International Re-
23 lations and the Committee on Appropriations of the House
24 of Representatives and to the Committee on Foreign Rela-
25 tions and the Committee on Appropriations of the Senate

1 in accordance with the procedures applicable to re-
2 programming notifications under section 634A(a) of this
3 Act.”.

4 (b) REPORT BY COMPTROLLER GENERAL.—Not later
5 than 180 days after the date of the enactment of this Act,
6 the Comptroller General of the United States shall submit
7 to the appropriate congressional committees a report that
8 contains a review of the extent to which United States as-
9 sistance to the Palestinian Authority under the Foreign
10 Assistance Act of 1961 or any other provision of law is
11 properly audited by the Department of State, the United
12 States Agency for International Development, and all
13 other relevant departments and agencies of the Govern-
14 ment of the United States.

1 **SECTION ____ . REFORM OF THE INTERNATIONAL ATOMIC**
2 **ENERGY AGENCY.**

3 (a) FINDINGS WITH RESPECT TO THE INTER-
4 NATIONAL ATOMIC ENERGY AGENCY.—Congress finds the
5 following:

6 (1) Efforts to prevent the further spread of nu-
7 clear weapons capabilities would be enhanced by uni-
8 versal membership in the International Atomic En-
9 ergy Agency (IAEA).

10 (2) The enhanced authorities provided by the
11 Additional Protocol to the Safeguards Agreements
12 between the IAEA and Member States of the IAEA
13 are indispensable to the ability of the IAEA to con-
14 duct inspections of nuclear facilities to a high degree
15 of confidence.

16 (3) The national security interests of the
17 United States would be enhanced by the universal
18 ratification and implementation of the Additional
19 Protocol.

20 (4) The national security interests of the
21 United States would be enhanced by the rapid imple-
22 mentation by all Member States of the United Na-
23 tions of United Nations Security Council Resolution
24 1540, which prohibits all Member States from pro-

1 viding any form of support to non-state actors that
2 attempt to manufacture, acquire, possess, develop,
3 transport, transfer, or use nuclear, chemical, or bio-
4 logical weapons and their means of delivery, and re-
5 quiring all Member States to adopt and enforce ap-
6 propriate and effective domestic laws criminalizing
7 such acts.

8 (5) The national security interests of the
9 United States require that the IAEA possess suffi-
10 cient authorities and resources to comprehensively
11 and efficiently carry out its responsibilities for in-
12 spections and safeguards of nuclear facilities.

13 (6) Regularly assessed contributions of Member
14 States to the regular budget of the IAEA are due
15 in the first quarter of each calendar year.

16 (7) Currently, the United States does not pay
17 its regularly assessed contribution to the regular
18 budget of the IAEA until the last quarter of each
19 calendar year.

20 (8) This delayed payment results in recurring
21 shortages of funds for the IAEA, thus compromising
22 its ability to conduct safeguards inspections and nu-
23 clear security activities.

1 (b) FINDINGS WITH RESPECT TO THE NUCLEAR
2 NONPROLIFERATION TREATY.—Congress finds the fol-
3 lowing:

4 (1) The Treaty on the Non-Proliferation of Nu-
5 clear Weapons (21 UST 483) (commonly referred to
6 as the “Nuclear Nonproliferation Treaty” or the
7 “NPT”) is the foundation for international coopera-
8 tion to prevent the further spread of nuclear weap-
9 ons capabilities.

10 (2) The NPT was conceived, written, and rati-
11 fied by State Parties as a treaty for the specific pur-
12 pose of preventing the proliferation of nuclear weap-
13 ons and nuclear explosive devices, as stated in the
14 Preamble and first three Articles of the NPT.

15 (3) The overriding priority of the NPT is pre-
16 venting the proliferation of nuclear weapons and nu-
17 clear explosive devices.

18 (4) Article IV of the NPT conditions the “in-
19 alienable right to develop research, production and
20 use of nuclear energy for peaceful purposes without
21 discrimination” on conformity with Articles I and II,
22 which obligate signatories “not to manufacture of
23 otherwise acquire nuclear weapons or other nuclear
24 explosive devices; and not to seek or receive any as-

1 assistance in the manufacture of nuclear weapons or
2 other nuclear explosive devices”;

3 (5) Because the processes used for the enrich-
4 ment of uranium and the reprocessing of plutonium
5 for peaceful purposes are virtually identical to those
6 needed for military purposes and thereby inherently
7 pose an enhanced risk of proliferation, even under
8 strict international inspections, Article IV of the
9 NPT cannot be interpreted to recognize the inalien-
10 able right by every country to enrich uranium or re-
11 process plutonium.

12 (6) Because the factors needed for the develop-
13 ment of nuclear energy for peaceful purposes are vir-
14 tually identical to those required for the development
15 of nuclear weapons and devices, Article X cannot be
16 interpreted to allow a signatory country to develop
17 a nuclear weapons program based on materials, fa-
18 cilities, and equipment it has acquired through its
19 Article IV cooperation.

20 (c) STATEMENT OF CONGRESS.—Congress declares
21 that—

22 (1) all provisions of the NPT must be inter-
23 preted within the context of preventing the prolifera-
24 tion of nuclear weapons and nuclear explosive de-
25 vices;

1 (2) Article IV of the NPT, interpreted in con-
2 formity with the NPT's purpose, spirit, and freely
3 undertaken obligations by State Parties, does not
4 guarantee every country that is a State Party an in-
5 alienable right to enrich uranium or reprocess pluto-
6 nium; and

7 (3) if a State Party chooses to exercise its Arti-
8 cle X right of withdrawal from the NPT, such State
9 Party must surrender all of the materials, facilities,
10 and equipment it has acquired through its Article IV
11 cooperation, and no State Party will be recognized
12 as having legally exercised its Article X right of
13 withdrawal from the NPT until it has surrendered
14 all such materials, facilities, and equipment.

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

17 (1) the Director General of the IAEA should
18 strengthen efforts to secure universal ratification
19 and implementation of the Additional Protocol; and

20 (2) the IAEA possesses statutory authority, in-
21 cluding under Articles II, III, VIII, IX, XI, and XII
22 of the IAEA Statute, to undertake nuclear security
23 activities.

1 (e) PROMOTION OF ADDITIONAL PROTOCOL AND
2 UNITED NATIONS SECURITY COUNCIL RESOLUTION
3 1540.—

4 (1) UNIVERSAL RATIFICATION AND IMPLEMEN-
5 TATION; FULL COMPLIANCE.—The President shall
6 take such steps as the President determines nec-
7 essary to encourage—

8 (A) rapid universal ratification and imple-
9 mentation by Member States of the IAEA of
10 the Additional Protocol to the Safeguards
11 Agreements between the IAEA and Member
12 States; and

13 (B) full compliance by all foreign countries
14 with United Nations Security Council Resolu-
15 tion 1540, which calls for the adoption and en-
16 forcement by all foreign countries of “appropri-
17 ate effective laws which prohibit any non-
18 State actor to manufacture, acquire, possess,
19 develop, transport, transfer or use nuclear,
20 chemical or biological weapons and their means
21 of delivery, in particular for terrorist purposes,
22 as well as attempts to engage in any of the
23 foregoing activities, participate in them as an
24 accomplice, assist or finance them”.

1 (2) SUSPENSION OF UNITED STATES NON-HU-
2 MANITARIAN FOREIGN ASSISTANCE.—The President
3 is authorized to suspend United States non-humani-
4 tarian foreign assistance to any country that—

5 (A) has not signed and ratified the Addi-
6 tional Protocol; and

7 (B) has not fully complied with United Na-
8 tions Security Council Resolution 1540.

9 (3) REPORT.—

10 (A) IN GENERAL.—Not later than 90 days
11 after the date of the enactment of this Act and
12 annually thereafter until September 31, 2010,
13 the Secretary of State shall submit to the ap-
14 propriate congressional committees a report on
15 United States efforts to promote full compliance
16 by all countries with United Nations Security
17 Council Resolution 1540, with particular atten-
18 tion to:

19 (i) United States efforts in appro-
20 priate international organizations or fora
21 to elaborate and implement international
22 standards for such full compliance; and

23 (ii) steps taken by the United States
24 to assist other countries to meet their obli-

1 gations under United Nations Security
2 Council Resolution 1540.

3 (B) SUBMISSION.—The report required
4 under this paragraph may be submitted to-
5 gether with the report on “Patterns of Global
6 of Terrorism”.

7 (f) PAYMENT AT BEGINNING OF CALENDAR YEAR.—
8 The Secretary of State shall take expeditious action to en-
9 sure that the United States regularly assessed contribu-
10 tion to the IAEA is made at the beginning of each cal-
11 endar year.

12 (g) AUTHORIZATION OF APPROPRIATIONS.—In addi-
13 tion to amounts otherwise authorized to be appropriated
14 to the Secretary of State under this Act, there are author-
15 ized to be appropriated to the Secretary such sums as may
16 be necessary to permit the Secretary to ensure that the
17 United States regularly assessed contribution of its annual
18 dues to the IAEA is provided to the IAEA at the begin-
19 ning of each calendar year to compensate for the current
20 delayed payment described under subsection (b).

**AMENDMENT TO THE AMENDMENT IN THE
NATURE OF A SUBSTITUTE TO H.R. 2601
OFFERED BY MR. HYDE OF ILLINOIS**

In section 101(1)(G) (relating to minority recruitment), strike “\$2,000,000” both places it appears and insert “\$3,000,000”.

**AMENDMENT TO THE AMENDMENT IN THE
NATURE OF A SUBSTITUTE TO H.R. 2601
OFFERED BY MR. HYDE OF ILLINOIS**

In section 104(b) (relating to refugee resettlement in Israel), insert before the period at the end the following:
“for resettlement of refugees in Israel”.

Lantos Amendment #1 to H.R. 2601

On Page 199 line 18 strike the following: “, and not replace or substitute,”

On Page 202 line 13 after “health” insert “education and training needs” and strike “issues”

AMENDMENT TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE TO H.R. 2601, OFFERED BY MR. LANTOS OF CALIFORNIA

AT THE APPROPRIATE PLACE IN THE BILL, INSERT THE FOLLOWING NEW SECTION (AND CONFIRM THE TABLE OF CONTENTS ACCORDINGLY):



1 SEC. ____ ASSISTANCE FOR LAW ENFORCEMENT FORCES.

2 (a) IN GENERAL.—Section 660(b) of the Foreign As-
3 sistance Act of 1961 (22 U.S.C. 2420(b)) is amended—

4 (1) in paragraph (6)—

5 (A) by inserting “to any national, regional,
6 district, municipal, or other sub-national gov-
7 ernmental entity of a foreign country” after
8 “with respect to assistance”; and

9 (B) by striking “, and the provision of pro-
10 fessional” and all that follows through “democ-
11 racy”;

12 (2) in paragraph (7), by striking the period at
13 the end and inserting a semicolon; and

14 (3) by adding at the end the following new
15 paragraphs:

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

20 “(9) with respect to the provision of profes-
21 sional public safety training to any national, re-
22 gional, district, municipal, or other sub-national gov-
23 ernmental entity of a foreign country, particularly
24 training in international recognized standards of

1 human rights, the rule of law, conflict prevention,
2 and the promotion of civilian police roles that sup-
3 port democratic governance and foster improved po-
4 lice relations between law enforcement forces and
5 the communities in which they serve;

6 “(10) with respect to assistance to combat traf-
7 ficking in persons, particularly trafficking in persons
8 by organized crime; or

9 “(11) with respect to assistance in direct sup-
10 port of developing capabilities for and deployment to
11 impending or ongoing peace operations of the United
12 Nations or comparable regional organizations.”.

13 (b) TECHNICAL AMENDMENTS.—Section 660 of the
14 Foreign Assistance Act of 1961 (22 U.S.C. 2420) is
15 amended—

16 (1) in subsection (b) (as amended by subsection
17 (a) of this section)—

18 (A) by striking paragraph (2);

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

21 (C) in paragraph (7), by moving the mar-
22 gin 2 ems to the left; and

23 (D) by redesignating paragraphs (3)
24 through (11) as paragraphs (2) through (10),
25 respectively; and

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3

1 (2) by striking subsection (d).

AMENDMENT TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE TO H.R. 2601, OFFERED BY MR. LANTOS OF CALIFORNIA

AT THE APPROPRIATE PLACE IN THE BILL, INSERT THE FOLLOWING NEW SECTION (and conform THE TABLE OF CONTENTS ACCORDINGLY):



1 SEC. ____ ANNUAL FOREIGN LAW ENFORCEMENT TRAIN-

2 ING AND ASSISTANCE REPORT.

~~SECTION 489(a)~~

3 Chapter 9 of part III of the Foreign Assistance Act

4 of 1961 (22 U.S.C. 2401 et seq.) is amended by inserting

5 after section 656 the following new section:

6 ~~“SEC. 657. ANNUAL FOREIGN LAW ENFORCEMENT TRAIN-~~

~~ING AND ASSISTANCE REPORT.~~

~~“(a) Annual Report.~~

9 ~~“(1) In general.—Not later than January 31~~

10 of each year, the President shall prepare and trans-

11 mit to the appropriate congressional committees a

12 report on all police training and other

13 provided to foreign law enforcement personnel by the

14 Department of State, the Department of Defense,

15 the Department of Justice, and the United States

16 Agency for International Development during the

17 previous fiscal year and all such training proposed

18 for the current fiscal year.

19 ~~“(2) EXCEPTION FOR CERTAIN COUNTRIES.—~~

20 Paragraph (1) does not apply to any country that is

21 a member of the North Atlantic Treaty Organization

22 (NATO), Australia, Japan, or New Zealand, unless

23 one of the appropriate congressional committees has

24 specifically requested, in writing, inclusion of such

ADDING AT THE END THE FOLLOWING NEW PARAGRAPH:
(B) A SEPARATE SECTION ON ALL FOREIGN LAW ENFORCEMENT TRAINING AND ASSISTANCE THAT IS PROVIDED TO FOREIGN LAW ENFORCEMENT PERSONNEL AND OTHER RELATED GOVERNMENTAL AUTHORITIES.

" (A) The SECTION ON FOREIGN LAW ENFORCEMENT TRAINING AND ASSISTANCE

1 country in the report. Such request shall be made
2 not later than 90 calendar days prior to the date on
3 which the report is required to be transmitted.

4 ~~“(b) CONTENTS.—The report required by subsection~~

5 shall include the following:

6 “(1) For each law enforcement training
7 activity—

8 “(A) the purpose of the activity and the
9 foreign policy justification for the activity;

10 “(B) the number of foreign law enforce-
11 ment personnel who are provided training, their
12 units of operation, and countries of origin;

13 “(C) the type of training activity;

14 “(D) the location of the training activity;

15 “(E) the department or agency of the
16 United States Government which is conducting
17 the training, by unit or office; and

18 “(F) the cost of the training activity and
19 the specific budgetary account from which the
20 cost is paid.

21 “(2) For other law enforcement assistance—

22 “(A) the purpose of the assistance and the
23 foreign policy justification for the assistance;

24 “(B) the type of assistance;



1 “(C) the department or agency of the
2 United States Government which is providing
3 the assistance, by unit or office, where applica-
4 ble; and

5 “(D) the cost of the assistance and the
6 specific budgetary account from which the cost
7 is paid.

8 “(3) For each country—

9 “(A) the aggregate number of students
10 trained;

11 “(B) the aggregate cost of the law enforce-
12 ment training and other law enforcement assist-
13 ance; and

14 “(C) a plan describing the law enforcement
15 assistance and rule of law programs of the rel-
16 evant departments and agencies of the United
17 States Government.

18 “(b) FORM.—The report required by subsection (a)
19 shall be in unclassified form but may include a classified
20 annex.

21 “(d) AVAILABILITY ON INTERNET.—All unclassified
22 portions of the report required by subsection (a) shall be
23 made available to the public through the Internet website
24 of the Department of State.

1 “(e) DEFINITION.—In this section, the term ‘appro-
2 pate congressional committees’ means—

3 “(1) the Committee on Appropriations and the
4 Committee on International Relations of the House
5 of Representatives; and

6 “(2) the Committee on Appropriations and the
7 Committee on Foreign Relations of the Senate.”.

AMENDMENT TO H.R. _____
(STATE DEPARTMENT AUTHORIZATION, FISCAL
YEARS 2006 AND 2007)
OFFERED BY MR. LANTOS OF CALIFORNIA

Insert in the appropriate place the following new section:

1 **SEC. _____. SUPPORT FOR SMALL AND MEDIUM ENTER-**
2 **PRISES.**

3 Section 240 of the Foreign Assistance Act of 1961
4 (22 U.S.C. 2200) is amended by adding at the end the
5 following:

6 “(c) SUPPORT FOR SMALL AND MEDIUM ENTER-
7 PRISES IN SUB-SAHARAN AFRICA.—

8 “(1) SUPPORT.—The Corporation is com-
9 mended for its activities in support of the develop-
10 ment of small and medium enterprises, and is en-
11 couraged to exercise its authorities to promote in-
12 vestments in financial institutions that are duly in-
13 corporated in sub-Saharan African countries, to the
14 extent that the purpose of such investments is to ex-
15 pand investment and lending opportunities to small
16 and medium enterprises that—

1 “(A) are substantially owned by nationals
2 of sub-Saharan African countries; and

3 “(B) are engaged in domestic commerce or
4 international trade in sectors such as housing,
5 agriculture, fishing, textiles and apparel, tour-
6 ism, electronics, technology, manufacturing, and
7 services.

8 “(2) CONSIDERATION.—In making a determina-
9 tion to provide insurance and financing to financial
10 institutions referred to in paragraph (1), the Cor-
11 poration should take into consideration the extent to
12 which a project establishes and implements a non-
13 discrimination in lending policy to prohibit discrimi-
14 nation based on ethnicity, sex, color, race, religion,
15 physical disability, marital status, or age.

16 “(3) TECHNICAL ASSISTANCE.—In supporting a
17 project referred to in paragraph (1), the Corporation
18 may provide technical assistance to—

19 “(A) improve the quality of management of
20 financial institutions referred to in paragraph
21 (1) to ensure the safety and stability of such in-
22 stitutions;

23 “(B) create in such financial institutions
24 effective credit risk management systems to im-
25 prove the quality of the assets of such institu-

1 tions and the ability of such institutions to re-
2 search and assess the overall credit risk of crit-
3 ical industries in the domestic economy; and
4 “(C) support effective credit risk manage-
5 ment by developing internal credit rating sys-
6 tems and credit assessment tools that improve
7 the ability of such financial institutions to
8 evaluate individual credit worthiness and meas-
9 ure the overall amount of risk posed by the
10 total number of borrowers.”.

1 **SEC. ____ . REPORT ON THE STATUS OF THE SOVEREIGNTY**
2 **OF LEBANON.**

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

5 (1) all parties in the Middle East and inter-
6 nationally should exert every effort to implement in
7 its entirety the provisions of United Nations Secu-
8 rity Council Resolution 1559 (2004), which, among
9 other things—

10 (A) calls for “strict respect” for Lebanon’s
11 sovereignty, territorial integrity, unity, and po-
12 litical independence “under the sole and exclu-
13 sive authority of the Government of Lebanon
14 throughout Lebanon”;

15 (B) calls upon all remaining foreign forces
16 to withdraw from Lebanon;

17 (C) calls for the “disbanding and disar-
18 mament of all Lebanese and non-Lebanese mili-
19 tias”; and

20 (D) supports the extension of the control
21 of the Government of Lebanon over all Leba-
22 nese territory;

23 (2) in accordance with United Nations Security
24 Council Resolution 1559, all militias in Lebanon, in-

1 including Hizballah, should be disbanded and dis-
2 armed at the earliest possible opportunity, and the
3 armed forces of Lebanon should take full control of
4 all of Lebanon's territory and borders;

5 (3) the Government of Lebanon is responsible
6 for the disbanding and disarming of the militias, in-
7 cluding Hizballah, and preventing the flow of arma-
8 ments and other military equipment to the militias,
9 including Hizballah, from Syria, Iran, and other ex-
10 ternal sources;

11 (4) the Government of the United States should
12 closely monitor progress toward full implementation
13 of all aspects of United Nations Security Council
14 Resolution 1559, particularly the matters described
15 in subparagraphs (A) through (D) of paragraph (1);

16 (5) the Government of the United States should
17 closely monitor the Government of Lebanon's efforts
18 to stanch the flow of armaments and other military
19 equipment to Hizballah and other militias from ex-
20 ternal sources, such as Syria and Iran;

21 (6) the United States and its allies should con-
22 sider providing training and other assistance to the
23 armed forces of Lebanon to enhance their ability to
24 disarm Hizballah and other militias and stanch the
25 flow of arms to Hizballah and other militias; and

1 (7) United States assistance provided to Leb-
2 anon after the date of the enactment of this Act may
3 be affected if Lebanon does not make every effort to
4 disarm militias, including Hizballah, and to deny
5 them re-armament.

6 (b) REPORT.—Not later than 120 days after the date
7 of the enactment of this Act, and every 180 days there-
8 after, the Secretary of State shall submit to the appro-
9 priate congressional committees a report that describes
10 and evaluates—

11 (1) the extent to which armed militias continue
12 to operate in Lebanon and the progress of the Gov-
13 ernment of Lebanon to disband and disarm such mi-
14 litas;

15 (2) the extent to which the Government of Leb-
16 anon is committed to disbanding and disarming
17 Hizballah and other militias and stanching the flow
18 of arms to Hizballah and other militias;

19 (3) the progress of the armed forces of Lebanon
20 to deploy to and take full control of all of Lebanon's
21 borders;

22 (4) the extent to which countries in the region
23 attempt to direct arms to Lebanon-based militias or
24 allow their territory to be traversed for this purpose

1 and the extent to which these armament efforts suc-
2 ceed;

3 (5) the routes and means used by external
4 sources attempting to supply arms to the Lebanon-
5 based militias the countries that are involved in
6 these efforts;

7 (6) the efforts of the United States and its al-
8 lies to facilitate the process of disbanding and dis-
9 arming Lebanon-based militias and stanching the
10 flow of weapons to such militias; and

11 (7) any recommendations for legislation to sup-
12 port the disbanding and disarming of Lebanon-based
13 militias.

14 (c) FORM.—The report required by subsection (b)
15 shall be submitted in unclassified form and may contain
16 a classified annex if necessary.

17 (d) CERTIFICATION.—The requirement to submit a
18 report under subsection (b) shall no longer apply if the
19 Secretary certifies to the appropriate congressional com-
20 mittees that all Lebanon-based militias have been dis-
21 banded and disarmed and the armed forces of Lebanon
22 are deployed to and in full control of Lebanon's borders.

AMENDMENT TO H.R. 2601
OFFERED BY MR. LANTOS OF CALIFORNIA
(Amendatory Instructions Refer to the Amendment in the
Nature of a Substitute)

At the appropriate place in the bill, insert the following new section (and conform the table of contents accordingly):

1 **SEC. ____ . SENSE OF CONGRESS REGARDING THE CON-**
2 **TRIBUTIONS OF IRAQI KURDS.**

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

4 (1) Iraqi Kurdish forces played a unique and
5 significant role in the fight to liberate Iraq for all
6 Iraqis in 2003.

7 (2) Since Iraq's liberation, Iraqi Kurdish lead-
8 ers have played prominent and constructive roles in
9 the drafting and passage of the Transitional Admin-
10 istrative Law and, more generally, in seeking to
11 achieve a free, stable, and democratic Iraq.

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

14 (1) Iraqi Kurds should be commended for their
15 many contributions and sacrifices made in the cause
16 of creating a free, stable, and democratic Iraq; and

1 (2) the Iraqi Transitional Government and the
2 Kurdistan Regional Government are expected to ad-
3 here to the highest standards of democratic govern-
4 ance, including through enforcement of full equality
5 and rights for all religious and ethnic minorities,
6 such as Assyrians and Turcomans.

1 **TITLE ____—NUCLEAR BLACK**
2 **MARKET ELIMINATION ACT**

3 **SEC. _01. SHORT TITLE.**

4 This title shall be referred to as the “Nuclear Black
5 Market Elimination Act of 2005”.

6 **Subtitle A—Sanctions for Transfers**
7 **of Nuclear Enrichment, Reproc-**
8 **essing, and Weapons Tech-**
9 **nology, Equipment and Mate-**
10 **rials Involving Foreign Persons**
11 **and Terrorists**

12 **SEC. _11. AUTHORITY TO IMPOSE SANCTIONS ON FOREIGN**
13 **PERSONS.**

14 (a) DETERMINATION OF NUCLEAR ACTIVITIES BY
15 FOREIGN PERSONS.—Notwithstanding any other provi-
16 sion of law, the President is authorized to impose any or
17 all of the sanctions described in subsection (b) whenever
18 the President determines that a foreign person partici-
19 pated, on or after the date of the enactment of this Act,
20 in the export, transfer or trade of—

21 (1) nuclear enrichment or reprocessing equip-
22 ment, materials, or technology to any nonnuclear-

1 weapon state (as defined in section 102(c) of the
2 Arms Export Control Act) that—

3 (A) does not possess functioning nuclear
4 enrichment or reprocessing plants as of Janu-
5 ary 1, 2004; and

6 (B)(i) does not have in force an additional
7 protocol with the International Atomic Energy
8 Agency for the application of safeguards (as de-
9 rived from IAEA document INFCIRC/540 and
10 related corrections and additions); or

11 (ii) is developing, manufacturing, or ac-
12 quiring a nuclear explosive device; or

13 (2) any nuclear explosive device, or design in-
14 formation or component, equipment, materials, or
15 other items or technology that—

16 (A) is designated for national export con-
17 trols under the Nuclear Supplier Group Guide-
18 lines for the Export of Nuclear Material, Equip-
19 ment and Technology (published by the Inter-
20 national Atomic Energy Agency as IAEA docu-
21 ment INFICIRC/254/Rev. 6/Part 1 and subse-
22 quent revisions) and the Guidelines for Trans-
23 fers of Nuclear-Related Dual-Use Equipment,
24 Material, and Related Technology (published as

1 IAEA document INFCIRC/254/Rev. 5/ Part 2
2 and subsequent revisions); and

3 (B) contributes to the development, manu-
4 facture, or acquisition of a nuclear explosive de-
5 vice by—

6 (i) a nonnuclear weapon state; or

7 (ii) a foreign person.

8 (b) SANCTIONS.—The sanctions referred to in sub-
9 section (a) that are to be imposed on a foreign person are
10 the following:

11 (1) No assistance may be provided to the for-
12 eign person under the Foreign Assistance Act of
13 1961, and the foreign person may not participate in
14 any assistance program of the United States Gov-
15 ernment. Any such assistance being provided to the
16 foreign person, and any participation in such assist-
17 ance program by the foreign person, on the date on
18 which the sanction under this paragraph is imposed,
19 shall be terminated as of such date.

20 (2) The United States Government may not sell
21 any defense articles, defense services, or design or
22 construction services to the foreign person under the
23 Foreign Assistance Act of 1961 or the Arms Export
24 Control Act, and any contract to sell such articles or
25 services, under either such Act, that is in effect on

1 the date on which the sanction under this paragraph
2 is imposed, shall be terminated as of such date.

3 (3) Licenses or any other approval may not be
4 issued to the foreign person for the export or import
5 of any defense articles or defense services under the
6 Arms Export Control Act or its implementing regu-
7 lations. Any such license or approval that is in effect
8 on the on the date on which the sanction under this
9 paragraph is imposed, shall be terminated as of such
10 date.

11 (4) Licenses or any other approval may not be
12 issued to the foreign person for the export of any
13 goods or technology subject to the jurisdiction of the
14 Export Administration Regulations under chapter
15 VII of title 15, Code of Federal Regulations (or suc-
16 cessor regulations), other than food and other agri-
17 cultural commodities, medicines and medical equip-
18 ment. Any such license or approval that is in effect
19 on the on the date on which the sanction under this
20 paragraph is imposed, shall be terminated as of such
21 date.

22 (c) PERIOD SANCTIONS IN EFFECT.—The sanctions
23 referred to in subsection (b) should be imposed for not
24 less than two years, but may be imposed for longer peri-
25 ods. The President may suspend after one year any sanc-

1 tion imposed pursuant to this section 15 days after sub-
2 mitting to the appropriate congressional committees a re-
3 port explaining—

4 (1) the reasons for modifying or terminating
5 the sanction;

6 (2) how the purposes of this Act and United
7 States national security are furthered by such modi-
8 fication or termination; and

9 (3) what measures the United States will take
10 or is taking to ensure that the foreign person will
11 not engage in similar activities in the future.

12 **SEC. 12. PRESIDENTIAL NOTIFICATION ON ACTIVITIES OF**
13 **FOREIGN PERSONS.**

14 (a) **REPORTS TO CONGRESS.**—Not later than 180
15 days after enactment of this Act and no later than Janu-
16 ary 31 of each year thereafter, the President shall submit
17 to the appropriate congressional committees a report de-
18 tailing any activity by any foreign person described in sec-
19 tion 11. This report shall also include a description of
20 any sanctions that have been imposed and their duration.

21 (b) **PUBLICATION.**—When the President imposes
22 sanctions under section 11, the President shall, to the
23 maximum extent unclassified, publish in the Federal Reg-
24 ister, not later than 15 days after reporting such sanctions
25 to the appropriate congressional committees under sub-

1 section (a), the identity of each sanctioned foreign person,
2 the period for which sanctions will be in effect, and the
3 reasons for the sanctions.

4 **Subtitle B—Further Actions**
5 **Against Corporations Associated**
6 **With Sanctioned Foreign Per-**
7 **sons**

8 **SEC. 21. FINDINGS.**

9 The Congress finds the following:

10 (1) Foreign persons and corporations engaging
11 in nuclear black-market activities are motivated by
12 reasons of commercial gain and profit.

13 (2) Sanctions targeted solely against the busi-
14 ness interests of the sanctioned person or business
15 concern may be unsuccessful in halting these pro-
16 liferation activities, as the sanctions may be seen
17 merely as the cost of doing business, especially if the
18 business interests of the parent or subsidiary cor-
19 porate entities are unaffected by the sanctions.

20 (3) Such narrow targeting of sanctions creates
21 the incentive to create shell and “carve-out” cor-
22 porate entities to perform the proliferation activities
23 and attract sanctions, leaving all other aspects of the
24 larger corporation unaffected.

1 (4) To dissuade corporations from allowing
2 their associated commercial entities or persons from
3 engaging in proliferation black-market activities,
4 they must also be made to suffer financial loss and
5 commercial disadvantage; parent and subsidiary
6 commercial enterprises must be held responsible for
7 the proliferation activities of their associated enti-
8 ties.

9 (5) If a corporation perceives that the United
10 States Government will do everything possible to
11 make its commercial activity difficult around the
12 world, then that corporation has a powerful commer-
13 cial incentive to prevent any further proliferation ac-
14 tivity by its associated entities.

15 (6) Therefore, the United States Government
16 should seek to increase the risk of commercial loss
17 for associated corporate entities for the proliferation
18 actions of their subsidiaries.

19 **SEC. 22. CAMPAIGN BY U.S. GOVERNMENT OFFICIALS.**

20 The President shall instruct all agencies of the
21 United States Government to make every effort in their
22 interactions with foreign government and business officials
23 to persuade foreign governments and relevant corporations
24 not to engage in any business transaction with a foreign
25 person sanctioned under section 11, including any par-

1 ent or subsidiary of the sanctioned foreign person, for the
2 duration of the sanctions.

3 **SEC. __23. COORDINATION.**

4 The Secretary of State shall coordinate the actions
5 of the United States Government under section __22.

6 **SEC. __24. REPORT.**

7 Not later than 1 year after the date of the enactment
8 of this Act and annually thereafter, the Secretary of State
9 shall report to the appropriate congressional committees
10 on the actions taken by the United States to carry out
11 section section __22.

12 **Subtitle C—Incentives for Pro-**
13 **liferation Interdiction Coopera-**
14 **tion**

15 **SEC. __31. AUTHORITY TO PROVIDE ASSISTANCE TO COOP-**
16 **ERATIVE COUNTRIES.**

17 The President is authorized to provide, on such terms
18 as the President considers appropriate, assistance under
19 section __32 to any country that cooperates with the
20 United States and with other countries allied with the
21 United States to prevent the transport and transshipment
22 of items of proliferation concern in its national territory
23 or airspace or in vessels under its control or registry.

1 **SEC. 32. TYPES OF ASSISTANCE.**

2 The assistance authorized under section 31 is the
3 following:

4 (1) Assistance under section 23 of the Arms
5 Export Control Act (22 U.S.C. 2763).

6 (2) Assistance under chapters 4 and 5 of part
7 II of the Foreign Assistance Act of

8 (3) Drawdown of defense equipment and serv-
9 ices under section 516 of the Foreign Assistance Act
10 of 1961.

11 **SEC. 33. CONGRESSIONAL NOTIFICATION.**

12 Assistance authorized under this subtitle may not be
13 provided until at least 30 days after the date on which
14 the President has provided notice thereof to the appro-
15 priate congressional committees, in accordance with the
16 procedures applicable to reprogramming notifications
17 under section 634A(a) of the Foreign Assistance Act of
18 1961.

19 **SEC. 34. LIMITATION.**

20 Assistance may be provided to a country under sec-
21 tion 31 in no more than 3 fiscal years.

22 **SEC. 35. USE OF ASSISTANCE.**

23 To the extent practicable, assistance provided under
24 this subtitle shall be used to enhance the capability of the
25 recipient country to prevent the transport and trans-
26 shipment of items of proliferation concern in its national

1 territory or airspace, or in vessels under its control or reg-
2 istry, including through the development of a legal frame-
3 work in that country to enhance such capability by crim-
4 inalizing proliferation, enacting strict export controls, and
5 securing sensitive materials within its borders.

6 **SEC. _36. LIMITATION ON SHIP OR AIRCRAFT TRANSFERS**
7 **TO UNCOOPERATIVE COUNTRIES.**

8 Notwithstanding any other provision of law, the
9 United States may not transfer any excess defense article
10 that is a vessel or an aircraft to a country that has not
11 agreed that it will support and assist efforts by the United
12 States to interdict items of proliferation concern until thir-
13 ty days after the date on which the President has provided
14 notice of the proposed transfer to the appropriate congres-
15 sional committees in accordance with the procedures appli-
16 cable to reprogramming notifications under section
17 634A(a) of the Foreign Assistance Act of 1961, in addi-
18 tion to any other requirement of law.

19 **Subtitle D—Rollback of Nuclear**
20 **Proliferation Networks**

21 **SEC. _41. NONPROLIFERATION AS A CONDITION OF**
22 **UNITED STATES ASSISTANCE.**

23 United States foreign assistance should only be pro-
24 vided to countries that—

1 (1) are not cooperating with any non-nuclear
2 weapon state or any foreign group or individual who
3 may be engaged in, planning, or assisting inter-
4 national terrorism in the development of a nuclear
5 explosive device or its means of delivery and are tak-
6 ing all necessary measures to prevent their nationals
7 and other persons and entities subject to their juris-
8 diction from participating in such cooperation; and
9 (2) are fully and completely cooperating with
10 the United States in its efforts to eliminate nuclear
11 black-market networks or activities.

12 **SEC. 42. REPORT ON IDENTIFICATION OF NUCLEAR PRO-**
13 **LIFERATION NETWORK HOST COUNTRIES.**

14 (a) REPORT.—

15 (1) IN GENERAL.—Not later than 90 days after
16 the date of the enactment of this Act and annually
17 thereafter, the President shall submit a report to the
18 appropriate congressional committees that—

19 (A) identifies any country in which manu-
20 facturing, brokering, shipment, transshipment,
21 or other activity occurred in connection with the
22 transactions of the nuclear proliferation net-
23 work that supplied Libya, Iran, North Korea
24 and possibly other countries or entities, and

1 (B) includes any additional information
2 with respect to any country and any other nu-
3 clear proliferation networks or activities and the
4 foreign persons believed to be participating
5 therein, including any information relating to
6 the participation of any foreign person in the
7 export, transfer or trade described in section
8 __11.

9 (2) ADDITIONAL INFORMATION.—The report
10 under paragraph (1) shall also include a description
11 of the extent to which each country described in the
12 report is, in the opinion of the President, fully co-
13 operating with the United States in its efforts to
14 eliminate the nuclear proliferation network described
15 in paragraph (1)(A) and any other nuclear prolifera-
16 tion networks or activities. The President shall base
17 the determination regarding a country's cooperation
18 with the United States in part on the degree to
19 which the country has satisfied United States re-
20 quests for assistance and information, including
21 whether the United States has asked and been
22 granted direct investigatory access to key persons in-
23 volved in a nuclear proliferation network.

24 (b) CLASSIFICATION.—Reports under this section
25 shall be unclassified to the maximum extent possible.

1 **SEC. 43. SUSPENSION OF ARMS SALES LICENSES AND DE-**
2 **LIVERIES TO NUCLEAR PROLIFERATION NET-**
3 **WORK HOST COUNTRIES.**

4 (a) **SUSPENSION.**—Upon submission of the report
5 and any additional information under section 42 to the
6 appropriate congressional committees, the President shall
7 suspend all licenses issued under the Arms Export Control
8 Act, and shall prohibit any licenses to be issued under that
9 Act, to any country described in the report or additional
10 information, until such time as the President certifies to
11 the appropriate congressional committees that such
12 country—

13 (1)(A) has fully investigated or is fully inves-
14 tigating the activities of any person or entity within
15 its territory that has participated in the nuclear pro-
16 liferation network or activities; and

17 (B) has taken or is taking effective steps to
18 permanently halt similar illicit nuclear proliferation
19 or acquisition activities;

20 (2) has been or is fully cooperating with the
21 United States and other appropriate international
22 organizations in investigating and eliminating the
23 nuclear proliferation network, any successor net-
24 works operating within its territory, or other illicit
25 proliferation and acquisition activities; and

1 (3) has enacted or is enacting new laws, pro-
2 mulgated decrees or regulations, or established prac-
3 tices designed to prevent future such activities from
4 occurring within its territory.

5 (b) WAIVER.—The President may waive the require-
6 ments of subsection (a) in a fiscal year if—

7 (1) the President has certified to the appro-
8 priate congressional committees that the waiver is
9 important to the national security of the United
10 States; and

11 (2) 5 days have elapsed since making the cer-
12 tification under paragraph (1).

13 **Subtitle E—General Provisions**

14 **SEC. 51. DEFINITIONS.**

15 In this title:

16 (1) PARTICIPATED.—The term “participated”
17 means to have sold, transferred, brokered, financed,
18 assisted, delivered or otherwise provided or received,
19 and includes any conspiracy or attempt to partici-
20 pate in any of the preceding activities, as well as fa-
21 cilitating such activities by any other person.

22 (2) FOREIGN PERSON.—The term “foreign per-
23 son” has the meaning provided in section
24 38(g)(9)(C) of the Arms Export Control Act (22
25 U.S.C. 2778(g)(9)(C)) and includes, for purposes of

1 subsections (a) and (b) of section __11, successors,
2 assigns, subsidiaries, and subunits and other busi-
3 ness organizations or associations in which that per-
4 son may be deemed to have a controlling interest.

5 (3) APPROPRIATE CONGRESSIONAL COMMIT-
6 TEES.—The term “appropriate congressional com-
7 mittees” means the Committee on International Re-
8 lations of the House of Representatives and the
9 Committee on Foreign Relations of the Senate.

10 (4) EXCESS DEFENSE ARTICLE.—The term
11 “excess defense article” has the meaning given that
12 term in section 644(g) of the Foreign Assistance Act
13 of 1961 (22 U.S.C. 2403(g)).

14 (5) ITEMS OF PROLIFERATION CONCERN.—The
15 term “items of proliferation concern” means any
16 equipment, materials, or technology that could mate-
17 rially support the research, development, manufac-
18 turing, or acquisition by any means of a nuclear ex-
19 plosive device, a chemical or biological weapon, or
20 missile with a payload of 500 kilograms or greater
21 and with a range of 300 kilometers or greater.

22 (6) PERSON.—The term “person”—

23 (A) means a natural person as well as a
24 corporation, business association, partnership,
25 society, trust, any other nongovernmental enti-

1 ty, organization, or group, and any govern-
2 mental entity, or subsidiary, subunit, or parent
3 entity thereof, and any successor of any such
4 entity; and

5 (B) in the case of a country where it may
6 be impossible to identify a specific governmental
7 entity referred to in subparagraph (A), means
8 all activities of that government relating to the
9 development or production of any nuclear
10 equipment or technology.

11 (7) UNITED STATES FOREIGN ASSISTANCE.—
12 The term “United States foreign assistance” means
13 assistance under the foreign operations, export fi-
14 nancing, and related programs appropriations Act
15 for a fiscal year, and assistance under the Foreign
16 Assistance Act of 1961.

AMENDMENT TO H.R. 2601
OFFERED BY MR. MCCAUL OF TEXAS
(Amendatory Instructions Refer to the Amendment in the
Nature of a Substitute)

At the appropriate place in the bill, insert the following new section (and conform the table of contents accordingly):

1 **SEC. ____ . REPORT ON ACTIVITIES OF INTERNATIONAL TER-**
2 **RORIST ORGANIZATIONS IN LATIN AMERICA**
3 **AND THE CARIBBEAN.**

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

6 (1) activities in Latin America and the Carib-
7 bean by international terrorist organizations and
8 their affiliates and supporters represent a direct
9 threat to the national security of the United States
10 and hemispheric stability;

11 (2) international terrorist organizations, such
12 as Hezbollah and Hamas, have profited and taken
13 advantage of the dearth or weakened state of the
14 rule of law in many Latin American and Caribbean
15 countries to further their own aims; and

1 (3) the United States should work cooperatively
2 with countries of Latin America and the Caribbean
3 to expose and prevent such activities.

4 (b) REPORT.—Not later than 180 days after the date
5 of the enactment of this Act, and not later than June 30
6 of the year thereafter, the Secretary of State shall submit
7 to the appropriate congressional committees a report on
8 the activities of international terrorist organizations in
9 Latin America and the Caribbean. The report shall include
10 the following:

11 (1) An assessment of the membership, stated
12 intentions, recruitment, and terrorist fundraising ca-
13 pabilities of each international terrorist organization
14 operating in Latin America and the Caribbean.

15 (2) An assessment of the relationship of each
16 such international terrorist organization with other
17 criminal enterprises or terrorist organizations for
18 fundraising and other criminal purposes.

19 (3) An assessment of the activities of each such
20 international terrorist organization.

21 (c) FORM.—The report required by subsection (b)
22 shall be submitted in unclassified form but may contain
23 a classified annex.

**AMENDMENT TO THE AMENDMENT IN THE
NATURE OF A SUBSTITUTE FOR H.R. 2601
OFFERED BY MR. SCHIFF OF CALIFORNIA**

**(Foreign Relations Authorization Act, Fiscal Years 2006 and
2007)**

At the appropriate place in the bill, insert the following (and conform the table of contents accordingly):

1 **SEC. ____ . SENSE OF CONGRESS RELATING TO PROLIFERA-**
2 **TION SECURITY INITIATIVE.**

3 It is the sense of Congress that—

4 (1) the Secretary of State should strive to ex-
5 pand and strengthen the Proliferation Security Ini-
6 tiative announced on May 31, 2003, by President
7 George W. Bush, placing particular emphasis on in-
8 cluding countries outside of the North Atlantic Trea-
9 ty Organization (NATO); and

10 (2) the United States should seek an inter-
11 national instrument, in the form of a United Na-
12 tions Security Council resolution, multilateral treaty,
13 or other agreement, to enhance international co-
14 operation with the Proliferation Security Initiative
15 regarding the interdiction, seizure, and impound-
16 ment in international waters and airspace of illicit

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- 1 shipments of weapons of mass destruction and their
- 2 delivery systems and of related materials, equipment,
- 3 and technology.

AMENDMENT TO H.R. _____**OFFERED BY MR. SCHIFF OF CALIFORNIA****(Foreign Relations Authorization Act, Fiscal Years 2006 and 2007)**

At the appropriate place in the bill, insert the following new section (and conform the table of contents accordingly):

1 **SEC. ____ . ANALYSIS OF EMPLOYING WEAPONS SCIENTISTS**
 2 **FROM THE FORMER SOVIET UNION IN**
 3 **PROJECT BIOSHIELD.**

4 (a) REPORT.—Not later than November 1, 2006, the
 5 Secretary of State, after consultation with the Secretary
 6 of Health and Human Services, shall submit to the appro-
 7 priate congressional committees a report containing an
 8 analysis of—

9 (1) the scientific and technological contributions
 10 that scientists formerly employed in the former So-
 11 viet Union in the field of biological warfare could
 12 make to the research and development of biomedical
 13 countermeasures;

14 (2) the practical alternative methods through
 15 which the services of such scientists could be em-
 16 ployed so as to facilitate the application of the

1 knowledge and experience of such scientists to such
2 research and development;

3 (3) the cost-effectiveness of those methods of
4 employing the services of those scientists; and

5 (4) the desirability and national security impli-
6 cations of providing employment opportunities for
7 such scientists in the field of research and develop-
8 ment of biomedical countermeasures for purposes of
9 biological weapon nonproliferation.

10 (b) RECOMMENDATIONS.—Each Secretary shall also
11 include in the report required under subsection (a) any
12 recommendations of each for appropriate legislation to ad-
13 dress the issues analyzed in the report.

14 (c) DEFINITION.—In this section, the term “bio-
15 medical countermeasures” means a drug (as such term is
16 defined in section 201(g)(1) of the Federal Food, Drug,
17 and Cosmetic Act (21 U.S.C. 321(g)(1))), biological prod-
18 uct (as such term is defined in section 351(i) of the Public
19 Health Service Act (42 U.S.C. 262(i))), or device (as such
20 term is defined in section 201(h) of the Federal Food,
21 Drug, and Cosmetic Act (21 U.S.C. 321(h))) that is
22 used—

23 (1) in the diagnosis, cure, mitigation, treat-
24 ment, or prevention of harm from any biological,
25 chemical, radiological, or nuclear agent that may

1 cause a public health emergency affecting national
2 security; or
3 (2) in diagnosis, cure, mitigation, treatment, or
4 prevention of harm from a condition that may result
5 in adverse health consequences or death.

AMENDMENT TO H.R. _____
(STATE DEPARTMENT AUTHORIZATION, FISCAL
YEARS 2006 AND 2007)
OFFERED BY MR. SCHIFF OF CALIFORNIA

Insert in the appropriate place the following new section:

1 **SEC. ____ . SENSE OF CONGRESS REGARDING SECURITY**
2 **OF NUCLEAR WEAPONS AND MATERIALS.**

3 It is the sense of the Congress that the President
4 should seek to devise and implement standards to improve
5 the security of nuclear weapons and materials by—

6 (1) establishing with other willing nations a set
7 of guidelines containing performance-based stand-
8 ards for the security of nuclear weapons and mate-
9 rials;

10 (2) negotiating with those nations agreements
11 to adopt guidelines containing performance-based
12 standards and implement appropriate verification
13 measures to assure ongoing compliance;

14 (3) coordinating with those nations and the
15 International Atomic Energy Agency to strongly en-
16 courage other nations to adopt and verifiably imple-
17 ment the standards; and

1 (4) encouraging all nations to work with the
2 International Atomic Energy Agency to complete the
3 negotiation, adoption, and implementation of its pro-
4 posed series of documents related to the security of
5 nuclear materials.

SMITH AMENDMENT- SEC. 804

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1 and recognized political parties are informed and
 2 educated on campaign procedures and processes;

3 (4) provide that future parliamentary officials
 4 and senior officials of legitimate and recognized po-
 5 litical parties are informed and educated on the leg-
 6 islative procedures and process through exchange
 7 programs; and

8 (5) assure sufficient funds for deployment of
 9 international observers for the upcoming parliamen-
 10 tary elections and future presidential and parliamen-
 11 tary elections.

12 **SEC. 804. ASSISTANCE TO PROMOTE DEMOCRACY AND**
 13 **HUMAN RIGHTS IN VIETNAM.**

14 (a) **FINDING.**—Congress finds that the Socialist Re-
 15 public of Vietnam is a one-party state, ruled and con-
 16 trolled by the Communist Party of Vietnam, which con-
 17 tinues to deny the right of citizens to change their govern-
 18 ment, prohibits independent political, labor, and social or-
 19 ganizations, and continues to commit serious human
 20 rights violations, including the detention and imprison-
 21 ment of persons for the peaceful expression of dissenting
 22 religious and political views.

23 (b) **POLICY.**—It is the policy of the United States—
 24 (1) to limit United States nonhumanitarian as-
 25 sistance provided to the Government of Vietnam, not



1 to exceed the amount so provided for fiscal year
 2 2005, unless ^{the President certifies to Congress not} Vietnam makes substantial progress to-
 3 ward releasing political and religious prisoners, re-
 4 specting religious freedom, allowing open access to
 5 the United States for its refugee program, respect-
 6 ing the rights of ethnic minorities in the Central
 7 Highlands, and ensuring that it is not acting in
 8 complicity with organizations engaged in the traf-
 9 ficking of human persons; and

*and other
 universally
 recognized
 human rights,*

10 (2) to ensure that programs of educational and
 11 cultural exchange with Vietnam actively promote
 12 progress towards freedom and democracy in Vietnam
 13 by ensuring that Vietnamese nationals who have al-
 14 ready demonstrated a commitment to these values
 15 are included in such programs.

*later than 30 days
 after the
 enactment of this
 Act that during
 the 12-month
 period preceding
 the certification*

*cooperation
 fully on ~~the~~ ^{providing} staff
~~part and~~ ^{with} ~~the~~ ^{and} ~~area~~ ^{and} ~~area~~ ^{area}
 vs. ~~servicemen~~ ^{missing}
 taken prisoner or
 missing in action
 during the Vietnam
 conflict,*

16 (c) DEFINITION.—In this section, the term “United
 17 States nonhumanitarian assistance” means—

18 (1) any assistance under the Foreign Assistance
 19 Act of 1961 (including programs under title IV of
 20 chapter 2 of part I of such Act, relating to the Over-
 21 seas Private Investment Corporation), other than—

22 (A) disaster relief assistance, including any
 23 assistance under chapter 9 of part I of such
 24 Act;



1 (B) assistance which involves the provision
2 of food (including monetization of food) or med-
3 icine;

4 (C) assistance for refugees; and

5 (D) assistance to combat HIV/AIDS, in-
6 cluding any assistance under section 104A of
7 such Act; and

8 (2) sales, or financing on any terms, under the
9 Arms Export Control Act.

10 (d) AUTHORIZATION OF APPROPRIATIONS.—There
11 are authorized to be appropriated \$2,000,000 for nec-
12 essary expenses to fund nongovernmental organizations
13 and organizations that promote democracy and inter-
14 nationally recognized human rights in Vietnam.

15 **SEC. 805. ECONOMIC SUPPORT FUNDS FOR VENEZUELA.**

16 There are authorized to be appropriated to the Presi-
17 dent \$9,000,000 for each of the fiscal years 2006 and
18 2007 for assistance under chapter 4 of part II of the For-
19 eign Assistance Act of 1961 (22 U.S.C. 2346 et seq.; relat-
20 ing to the “Economic Support Fund”) to fund activities
21 which support political parties, the rule of law, civil soci-
22 ety, an independent media, and otherwise promote demo-
23 cratic, accountable governance in Venezuela.



AMENDMENT TO H.R. 2601
OFFERED BY MR. SMITH OF NEW JERSEY
(Amendatory Instructions Refer to the Amendment in the
Nature of a Substitute)

Page 17, after line 2, insert the following new subsection:

1 (c) PILOT PROGRAM FOR REFUGEE
2 WAREHOUSING.—

3 (1) PILOT PROGRAM.—Of the amounts author-
4 ized to be appropriated under subsection (a), there
5 are authorized to be appropriated \$2,500,000 for
6 each of fiscal years 2006 and 2007 for the establish-
7 ment and implementation of a two-year pilot pro-
8 gram to improve conditions for long-term refugee
9 populations that are currently assisted in camps or
10 other segregated settlements.

11 (2) REQUIREMENTS.—In carrying out the pilot
12 program under paragraph (1), the Secretary of
13 State shall—

14 (A) seek to protect and ensure basic rights
15 granted to refugees under the 1951 Convention
16 Relating to the Status of Refugees and the

1 1967 Protocol Relating to the Status of Refu-
2 gees;

3 (B) seek innovative modules or methods to
4 assist long-term refugee populations both within
5 and outside traditional camp settings, as appro-
6 priate, that support refugees living or working
7 in local communities, such as integration of ref-
8 ugees into local schools and services, resource
9 conservation and livelihood projects designed to
10 diminish conflict between refugee hosting com-
11 munities and refugees, and engagement of civil
12 society components of refugee hosting commu-
13 nities in a policy dialogue with the United Na-
14 tions High Commissioner for Refugees
15 (UNHCR) and international and nongovern-
16 mental refugee assistance organizations to en-
17 hance options to assist refugees and promote
18 the rights to which refugees may be entitled
19 under the 1951 Convention and 1967 Protocol;

20 (C) provide a United States voluntary con-
21 tribution to UNHCR to conduct the pilot pro-
22 gram in cooperation with nongovernmental or-
23 ganizations with expertise in the protection of
24 refugee rights, one or more major operational
25 humanitarian assistance agencies, and in con-

1 sultation with host countries, the United States,
2 and other donor countries; and

3 (D) urge UNHCR to select not less than
4 three host countries in which to conduct the
5 pilot program.

6 (3) REPORT.—Not later than one year after the
7 date on which the first pilot program is established
8 pursuant to paragraph (2), the Secretary shall sub-
9 mit to the appropriate congressional committees a
10 report on the implementation of this subsection, the
11 development of innovative models to protect and as-
12 sist refugees, and recommendations for ensuring ref-
13 ugee rights are respected in countries of temporary
14 asylum.

AMENDMENT TO H.R. 2601
OFFERED BY MS. WATSON OF CALIFORNIA
(Amendatory Instructions Refer to the Amendment in the
Nature of a Substitute)

At the appropriate place in the bill, insert the following new section (and conform the table of contents accordingly):

1 **SEC. ____ . REVIEW OF HUMAN RESOURCES POLICIES OF**
2 **THE DEPARTMENT OF STATE.**

3 (a) **BOTTOM-UP REVIEW OF ELEMENTS OF THE DE-**
4 **PARTMENT OF STATE.**—The Secretary of State shall con-
5 duct ongoing, thorough reviews of the organizational
6 structure and human resource policies of all elements of
7 the Department of State to determine those organizational
8 structures are most effectively organized and whether per-
9 sonnel with the appropriate skill sets are being hired,
10 trained, and utilized to meet national security challenges,
11 including those posed by international terrorist threats.

12 (b) **EMPHASIS ON DIVERSITY.**—The review con-
13 ducted under subsection (a) shall include an emphasis on
14 improving the ethnic, racial, cultural, and gender diversity
15 of personnel of the Department of State.

1 (c) BIENNIAL REPORT.—The Secretary shall submit
2 to the appropriate congressional committees a biennial re-
3 port on the reviews conducted under this section and ef-
4 ferts to improve diversity of the personnel of the Depart-
5 ment of State.

AMENDMENT TO H.R. 2601
OFFERED BY MR. WEXLER OF FLORIDA
(Amendatory Instructions Refer to the Amendment in the
Nature of a Substitute)

At the end of subtitle B of title IX of the bill, add the following new section:

1 **SEC. ____ . SENSE OF CONGRESS REGARDING ACTION**
2 **AGAINST AL-MANAR TELEVISION.**

3 (a) FINDINGS.—Congress finds that—

4 (1) in 1996, the Secretary of State designated
5 Hizballah as a foreign terrorist organization (FTO)
6 under section 219 of the Immigration and Nation-
7 ality Act;

8 (2) al-Manar television is owned and controlled
9 by Hizballah and acts on behalf of Hizballah, as
10 openly acknowledged by Hizballah leader Hasan
11 Nasrallah;

12 (3) al-Manar’s programming, in accordance
13 with Hizballah’s policy, openly promotes hatred of
14 and graphically glorifies and incites violence, includ-
15 ing suicide bombings, against Americans, Israelis,
16 and Jews;

1 (4) in December 2004, the Secretary of State
2 placed al-Manar on its Terrorist Exclusion List, im-
3 mediately after which the sole satellite company that
4 broadcast al-Manar in North America pulled al-
5 Manar off the air;

6 (5) in recent months, several European Union
7 (EU) countries and EU-based satellite companies
8 have taken actions that severely limit al-Manar's
9 broadcasting reach in Europe; and

10 (6) al-Manar continues to broadcast to all of
11 the Arab world, much of non-Arab Asia, most of
12 Central and South America, and parts of Europe,
13 with the cooperation of companies headquartered in
14 Europe and the Arab world.

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

17 (1) all countries that host satellite companies
18 that broadcast al-Manar, on whose territory al-
19 Manar may be viewed over media subject to govern-
20 ment regulation, or where advertising or other finan-
21 cial support for al-Manar originates, should take ac-
22 tion, by the strongest and most comprehensive ap-
23 propriate means available, to suppress al-Manar's
24 terroristic programming; and

1 (2) the Arab States Broadcasting Union, which
2 is part of the Arab League, should revoke al-
3 Manar's membership status because of its promotion
4 of hatred and incitement to violence, including sui-
5 cide bombings, directed toward Americans, Israelis,
6 and Jews.

AMENDMENT TO H.R. 2601
OFFERED BY MR. LANTOS OF CALIFORNIA
(Amendatory Instructions Refer to the Amendment in the
Nature of a Substitute)

At the end of the bill, add the following new title
(and conform the table of contents accordingly):

1 **TITLE ____—ADVANCE**
2 **DEMOCRACY ACT OF 2005**

3 **SEC. ____01. SHORT TITLE.**

4 This title may be cited as the “Advance Democratic
5 Values, Address Nondemocratic Countries, and Enhance
6 Democracy Act of 2005” or the “ADVANCE Democracy
7 Act of 2005”.

8 **SEC. ____02. FINDINGS.**

9 Congress finds the following:

10 (1) All human beings are created equal and
11 possess certain rights and freedoms, including the
12 fundamental right to participate in the political life
13 and government of their respective countries. These
14 inalienable rights are recognized in the Declaration
15 of Independence of the United States and in the
16 Universal Declaration of Human Rights of the
17 United Nations.

1 (2) The continued lack of democracy, freedom,
2 and fundamental human rights in some countries is
3 inconsistent with the universal values on which the
4 United States is based and such continued lack of
5 democracy, freedom, and fundamental human rights
6 also poses a national security threat to the United
7 States, its interests, and its friends, as it is in such
8 countries that radicalism, extremism, and terrorism
9 can flourish.

10 (3) There is also a correlation between non-
11 democratic rule and other threats to international
12 peace and security, including war, genocide, famine,
13 poverty, drug trafficking, corruption, refugee flows,
14 human trafficking, religious persecution, environ-
15 mental degradation, and discrimination against
16 women.

17 (4) The transition to democracy must be led
18 from within nondemocratic countries, including by
19 nongovernmental organizations, movements, and in-
20 dividuals, and by nationals of such countries who
21 live abroad. Nevertheless, democratic countries have
22 a number of instruments available for supporting
23 democratic reformers who are committed to pro-
24 moting effective, nonviolent change in nondemocratic
25 countries.

1 (5) United States efforts to promote democracy
2 and protect human rights in countries where they
3 are lacking can be strengthened to improve assist-
4 ance for such reformers. United States ambassadors
5 and diplomats can play a critical role in such efforts
6 to promote democracy by publicly demonstrating
7 support for democratic principles and supporting
8 democratic reformers. Training and incentives are
9 needed to assist United States officials in strength-
10 ening the techniques and skills required to promote
11 democracy.

12 (6) A full evaluation of United States funds ex-
13 pended for the support of democracy is also nec-
14 essary to ensure an efficient and effective use of the
15 resources that are dedicated to these efforts.

16 (7) The promotion of democracy requires a
17 broad-based effort with collaboration between all
18 democratic countries, including through the Commu-
19 nity of Democracies.

20 (8) The promotion of such universal democracy
21 constitutes a long-term challenge that does not al-
22 ways lead to an immediate transition to full democ-
23 racy, but through a dedicated and integrated ap-
24 proach can achieve universal democracy.

1 **SEC. ___ 03. STATEMENT OF POLICY.**

2 It shall be the policy of the United States—

3 (1) to promote freedom and democracy in for-
4 eign countries as a fundamental component of
5 United States foreign policy;

6 (2) to affirm fundamental freedoms and human
7 rights in foreign countries and to condemn offenses
8 against those freedoms and rights as a fundamental
9 component of United States foreign policy;

10 (3) to use all instruments of United States in-
11 fluence to support, promote, and strengthen demo-
12 cratic principles, practices, and values in foreign
13 countries, including the right to free, fair, and open
14 elections, secret balloting, and universal suffrage;

15 (4) to protect and promote fundamental free-
16 doms and rights, including the freedom of associa-
17 tion, of expression, of the press, and of religion, and
18 the right to own private property;

19 (5) to protect and promote respect for and ad-
20 herence to the rule of law in foreign countries;

21 (6) to provide appropriate support to organiza-
22 tions, individuals, and movements located in non-
23 democratic countries that aspire to live in freedom
24 and establish full democracy in such countries;

1 (7) to provide, political, economic, and other
2 support to foreign countries that are willingly under-
3 taking a transition to democracy;

4 (8) to commit United States foreign policy to
5 the challenge of achieving universal democracy; and

6 (9) to strengthen alliances and relationships
7 with other democratic countries in order to better
8 promote and defend shared values and ideals.

9 **SEC. ___ 04. DEFINITIONS.**

10 In this title:

11 (1) ANNUAL REPORT ON DEMOCRACY.—The
12 term “Annual Report on Democracy” means the An-
13 nual Report on Democracy required under section
14 ___ 12(a).

15 (2) APPROPRIATE CONGRESSIONAL COMMIT-
16 TEES.—The term “appropriate congressional com-
17 mittees” means—

18 (A) the Committee on International Rela-
19 tions of the House of Representatives; and

20 (B) the Committee on Foreign Relations of
21 the Senate.

22 (3) COMMUNITY OF DEMOCRACIES AND COMMU-
23 NITY.—The terms “Community of Democracies”
24 and “Community” mean the association of demo-
25 cratic countries committed to the global promotion

1 of democratic principles, practices, and values, which
2 held its First Ministerial Conference in Warsaw, Po-
3 land, in June 2000.

4 (4) DEPARTMENT.—The term “Department”
5 means the Department of State.

6 (5) ELIGIBLE ENTITY.—The term “eligible enti-
7 ty” means any nongovernmental organization, inter-
8 national organization, multilateral institution, pri-
9 vate foundation, corporation, partnership, associa-
10 tion, or other entity, organization, or group engaged
11 in (or with plans to engage in) the promotion of de-
12 mocracy and fundamental rights and freedoms in
13 foreign countries categorized as “partly democratic”
14 or “nondemocratic” in the most recent Annual Re-
15 port on Democracy.

16 (6) ELIGIBLE INDIVIDUAL.—The term “eligible
17 individual” means any individual engaged in, or who
18 intends to engage in, the promotion of democracy
19 and fundamental rights and freedoms in foreign
20 countries categorized as “democratic transition
21 countries” or “nondemocratic” in the most recent
22 Annual Report on Democracy.

23 (7) REGIONAL DEMOCRACY HUB AND HUB.—
24 The terms “Regional Democracy Hub” and “Hub”

1 mean the Regional Democracy Hubs established
2 under section __11(d)(2).

3 (8) SECRETARY.—The term “Secretary” means
4 the Secretary of State.

5 (9) UNDER SECRETARY.—The term “Under
6 Secretary” means the Under Secretary of State for
7 Democracy and Global Affairs established under sec-
8 tion 1(b) of the State Department Basic Authorities
9 Act of 1956 (22 U.S.C. 2651a(b)), as amended by
10 section __11(a)(2) of this Act.

11 **Subtitle A—Department of State**
12 **Activities**

13 **SEC. __11. PROMOTION OF DEMOCRACY IN FOREIGN**
14 **COUNTRIES.**

15 (a) CODIFICATION OF UNDER SECRETARY OF STATE
16 FOR DEMOCRACY AND GLOBAL AFFAIRS.—Section 1(b) of
17 the State Department Basic Authorities Act of 1956 (22
18 U.S.C. 2651a(b)) is amended—

19 (1) by redesignating paragraph (4) as para-
20 graph (5); and

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

23 “(4) UNDER SECRETARY OF STATE FOR DE-
24 MOCRACY AND GLOBAL AFFAIRS.—There shall be in
25 the Department of State, among the Under Secre-

1 taries authorized by paragraph (1), an Under Sec-
2 retary of State for Democracy and Global Affairs,
3 who shall have primary responsibility to assist the
4 Secretary and the Deputy Secretary in the formula-
5 tion and implementation of United States policies
6 and activities relating to the transition to and devel-
7 opment of democracy in nondemocratic countries
8 and to coordinate United States policy on global
9 issues, including issues related to human rights,
10 women’s rights, freedom of religion, labor standards
11 and relations, the preservation of the global environ-
12 ment, the status and protection of the oceans, sci-
13 entific cooperation, narcotics control, law enforce-
14 ment, population issues, refugees, migration, war
15 crimes, and trafficking in persons. The Secretary
16 may assign such other responsibilities to the Under
17 Secretary for Democracy and Global Affairs as the
18 Secretary determines appropriate or necessary. In
19 particular, the Under Secretary shall have the fol-
20 lowing responsibilities:

21 “(A) Coordinating with the Under Sec-
22 retary for Public Diplomacy and Public Affairs
23 and officers and employees from the regional
24 bureaus of the Department of State to promote
25 the transition to democracy in nondemocratic

1 countries and strengthen development of democ-
2 racy in countries that are in transition to de-
3 mocracy.

4 “(B) Advising the Secretary regarding any
5 recommendation requested by any official of
6 any other agency that relates to the human
7 rights situation in a foreign country or the ef-
8 fects on human rights or democracy in a for-
9 eign country of an agency program of such offi-
10 cial.”.

11 (b) ADDITIONAL DUTIES FOR ASSISTANT SEC-
12 RETARY OF STATE FOR DEMOCRACY, HUMAN RIGHTS,
13 AND LABOR.—Section 1(c)(2)(A) of the State Department
14 Basic Authorities Act of 1956 (22 U.S.C. 2651a(c)(2)) is
15 amended by inserting after the first sentence the following
16 new sentence: “The Assistant Secretary of State for De-
17 mocracy, Human Rights, and Labor shall also be respon-
18 sible for matters relating to the transition to and develop-
19 ment of democracy in nondemocratic countries, including
20 promoting and strengthening the development of democ-
21 racy in foreign countries that are in the early stages of
22 a transition to democracy and evaluating the effectiveness
23 of United States programs that promote democracy.”

24 (c) DEPARTMENT OF STATE AND UNITED STATES
25 MISSIONS ABROAD.—

1 (1) OFFICE OF DEMOCRATIC MOVEMENTS AND
2 TRANSITIONS.—

3 (A) ESTABLISHMENT.—There shall be
4 within the Bureau of Democracy, Human
5 Rights, and Labor of the Department of State
6 an office that shall be responsible for working
7 with democratic movements and facilitating the
8 transition of nondemocratic and partly demo-
9 cratic countries to full democracy.

10 (B) PURPOSE.—In addition to any other
11 responsibilities conferred on the office, the of-
12 fice shall promote transitions to full democracy
13 in countries that have been designated as non-
14 democratic or partly democratic in the most re-
15 cent Annual Report on Democracy required
16 under section ____12(a).

17 (C) RESPONSIBILITIES.—The Deputy As-
18 sistant Secretary of State described in para-
19 graph (4) and employees of the office shall—

20 (i) develop relations with, consult
21 with, and provide assistance to nongovern-
22 mental organizations, individuals, and
23 movements that are committed to the
24 peaceful promotion of democracy, demo-
25 cratic principles, practices, and values, and

11

1 fundamental rights and freedoms in coun-
2 tries described in subparagraph (B), in-
3 cluding fostering relationships with the
4 United States Government and the govern-
5 ments of other democratic countries;

6 (ii) assist officers and employees of
7 regional bureaus to develop strategies and
8 programs to promote peaceful change in
9 such countries;

10 (iii) foster dialogue, the extent prac-
11 ticable, between the leaders of such non-
12 governmental organizations, individuals,
13 and movements and the officials of such
14 countries;

15 (iv) create narratives and histories re-
16 quired under section ____16 for the Inter-
17 net site for global democracy and human
18 rights and assist in the preparation of the
19 report required under section ____12; and

20 (v) facilitate, in coordination with
21 public affairs officers and offices of the
22 Department of State responsible for public
23 diplomacy programs in such countries, de-
24 bates and discussions, including among
25 young people in other countries, regarding

1 the values and benefits of democracy and
2 human rights at academic institutions in
3 such countries.

4 (2) REGIONAL DEMOCRACY HUBS AT UNITED
5 STATES MISSIONS ABROAD.—

6 (A) PILOT PROGRAM.—

7 (i) IN GENERAL.—The Secretary shall
8 establish at least one Regional Democracy
9 Hub at one United States mission in two
10 of the following geographic regions:

11 (I) the Western Hemisphere;

12 (II) Europe;

13 (III) South Asia;

14 (IV) the Near East;

15 (V) East Asia and the Pacific;

16 and

17 (VI) Africa.

18 (ii) DIRECTOR.—Each Regional De-
19 mocracy Hub shall be headed by a Direc-
20 tor. The Director and the associated staff
21 shall be selected by the Secretary of State
22 in consultation with the Assistant Sec-
23 retary for Democracy, Human Rights, and
24 Labor.

1 (B) RESPONSIBILITIES.—Each Regional
2 Democracy Hub shall support the appropriate
3 United States ambassador and United States
4 employees assigned to United States missions in
5 each such geographic region to carry out the re-
6 sponsibilities described in this Act, including as-
7 sisting Ambassadors and other United States
8 Officials in each nondemocratic or partly demo-
9 cratic county in the geographic region in de-
10 signing and implementing strategies for transi-
11 tion to democracy of such county, including re-
12 gional strategies as appropriate.

13 (C) ACCREDITATION.—As appropriate, the
14 Department should seek accreditation for the
15 Director to all nondemocratic countries in each
16 geographic region for which each Hub is re-
17 sponsible.

18 (D) TERMINATION.—The Secretary may
19 terminate each Hub established under this
20 paragraph five years after it is established.

21 (E) CONTINUING RESPONSIBILITIES.—
22 Nothing in this paragraph shall be construed as
23 removing any responsibility under this or any
24 other act of any chief of mission or other em-
25 ployees of United States diplomatic missions,

1 including the development and implementation
2 of strategies to promote democracy.

3 (F) AUTHORIZATION OF APPROPRIA-
4 TIONS.—There are authorized to be appro-
5 priated to the Secretary such sums as may be
6 necessary to carry out the responsibilities de-
7 scribed in subparagraph (B), including hiring
8 additional staff to carry out such responsibil-
9 ities.

10 (3) RESPONSIBILITIES OF THE BUREAU OF IN-
11 TELLIGENCE AND RESEARCH.—The Assistant Sec-
12 retary for Intelligence and Research should coordi-
13 nate with the Department of the Treasury, the De-
14 partment of Justice, the Central Intelligence Agency,
15 other appropriate intelligence agencies, and, as ap-
16 propriate, with foreign governments to—

17 (A) monitor and document financial assets
18 inside and outside the United States held by
19 leaders of countries determined to be nondemo-
20 cratic or a democratic transition country under
21 section ____12;

22 (B) identify close associates of such lead-
23 ers; and

1 (C) monitor and document financial assets
2 inside and outside the United States held by
3 such close associates.

4 (4) COORDINATION.—

5 (A) DEPUTY ASSISTANT SECRETARY OF
6 STATE FOR DEMOCRACY, HUMAN RIGHTS, AND
7 LABOR.—There should be in the Department of
8 State a Deputy Assistant Secretary of State for
9 Democracy, Human Rights, and Labor. Any
10 such Deputy Assistant Secretary shall be in ad-
11 dition to the current number of such other Dep-
12 uty Assistant Secretaries so reporting. In addi-
13 tion to considering qualified noncareer can-
14 didates, the Secretary of State should seek to
15 recruit senior members of the Senior Foreign
16 Service to serve in such position.

17 (B) RESPONSIBILITIES.—In addition to
18 the duties described in paragraph (1) and such
19 other duties as the Secretary or Assistant Sec-
20 retary of State for Democracy, Human Rights,
21 and Labor may from time to time designate,
22 the Deputy Assistant Secretary of State for De-
23 mocracy, Human Rights, and Labor should—

24 (i) coordinate the work of the office
25 described in paragraph (1) with the work

1 of other offices and bureaus at the Depart-
2 ment of State and other United States
3 Government agencies that provide grants
4 and other assistance to nongovernmental
5 organizations, individuals, and movements;
6 and

7 (ii) forge connections between the
8 United States and nongovernmental orga-
9 nizations, individuals, and movements com-
10 mitted to the promotion of democracy and
11 democratic principles, practices, and values
12 and seek to embrace the work of such or-
13 ganization, individuals, and movements.

14 (5) RECRUITMENT.—The Secretary shall seek
15 to ensure that no later than December 31, 2012, not
16 less than 50 percent of the nonadministrative em-
17 ployees serving in the Bureau of Democracy, Human
18 Rights, and Labor are members of the Foreign Serv-
19 ice.

20 **SEC. 12. REPORTS.**

21 (a) ANNUAL REPORT ON DEMOCRACY.—

22 (1) PREPARATION AND DEADLINE FOR SUBMIS-
23 SION.—The Secretary of State shall prepare an An-
24 nual Report on Democracy. The Under Secretary of
25 State for Democracy and Global Affairs, with the as-

1 sistance of the Assistant Secretary of State for De-
2 mocracy, Human Rights, and Labor, shall have the
3 principal responsibility of assisting the Secretary in
4 the preparation of the Annual Report. The Under
5 Secretary and Assistant Secretary shall consult with
6 the regional bureaus of the Department of State in
7 the preparation of the Annual Report. Not later
8 than July 1 of each year, the Secretary shall submit
9 to the appropriate congressional committees the An-
10 nual Report on Democracy.

11 (2) CONTENTS.—The Annual Report on De-
12 mocracy shall contain the following:

13 (A) EXECUTIVE SUMMARY.—An Executive
14 Summary with a table listing every foreign
15 country, that the Secretary determine to be
16 “nondemocratic” and a list of countries the
17 Secretary determines to be “democratic transi-
18 tion countries” because they are at the early
19 stages of their trans. The Executive Summary
20 shall contain a short narrative highlighting the
21 status of democracy in each such country.

22 (i) DETERMINATION OF CATEGORIZA-
23 TION.—With respect to a country listed in
24 the Executive Summary, the Secretary
25 shall determine which of the categoriza-

1 tions specified under subparagraph (A) is
2 appropriate by reference to the principles
3 enshrined in the United Nations Charter,
4 the Universal Declaration of Human
5 Rights, the International Covenant on Civil
6 and Political Rights, the United Nations
7 Commission on Human Rights Resolution
8 1499/57 (entitled “Promotion of the Right
9 to Democracy”), the assessments used to
10 determine eligibility for financial assistance
11 disbursed from the Millennium Challenge
12 Account, the assessments of nongovern-
13 mental organizations of eligibility to partic-
14 ipate in the meetings of the Community
15 of Democracies, and the standards estab-
16 lished and adopted by the Community of
17 Democracies. In addition, the categoriza-
18 tion of a country should be informed by
19 the general consensus regarding the status
20 of civil and political rights in such country
21 by major nongovernmental organizations
22 that conduct assessments of such condi-
23 tions in such countries.

24 (ii) DETERMINATION OF NONDEMO-
25 CRATIC CATEGORIZATION.—

1 (I) IN GENERAL.—The Secretary
2 shall categorize a country as non-
3 democratic if such country fails to
4 satisfy any of the following require-
5 ments:

6 (aa) All citizens of such
7 county have the right to, and are
8 not restricted in practice from,
9 fully and freely participating in
10 the political life of such country
11 regardless of gender, race, lan-
12 guage, religion, or beliefs.

13 (bb) The national legislative
14 body of such country and, if di-
15 rectly elected, the head of govern-
16 ment of such country, are chosen
17 by free, fair, open, and periodic
18 elections, by universal and equal
19 suffrage, and by secret ballot.

20 (cc) More than one political
21 party in such country has can-
22 didates who seek elected office at
23 the national level and such par-
24 ties are not restricted in their po-
25 litical activities or their process

20

1 for selecting such candidates ex-
2 cept for reasonable administra-
3 tive requirements commonly ap-
4 plied in countries categorized as
5 fully democratic.

6 (dd) All citizens in such
7 country have a right to, and are
8 not restricted in practice from,
9 fully exercising the freedoms of
10 thought, conscience, belief, peace-
11 ful assembly and association,
12 speech, opinion, and expression,
13 and such country has a free,
14 independent, and pluralistic
15 media.

16 (ee) The current government
17 of such country did not come to
18 power in a manner contrary to
19 the rule of law.

20 (ff) Such country possesses
21 an independent judiciary and the
22 government of such country gen-
23 erally respects the rule of law.

24 (II) ADDITIONAL CONSIDER-
25 ATIONS.—Notwithstanding the satis-

1 faction by a country of the require-
2 ments specified under subclause (I),
3 the Secretary may categorize a coun-
4 try as nondemocratic if the Secretary
5 determines that such is appropriate
6 after consideration of the principles
7 specified under clause (i) with respect
8 to such country.

9 (B) STATUS OF DEMOCRACY.—A descrip-
10 tion of each country on the list described in
11 subparagraph (A), including—

12 (i) an evaluation of trends over the
13 preceding 12 months towards improvement
14 or deterioration in the commitment to and
15 protection of democratic principles, prac-
16 tices, values, institutions, and processes in
17 each such country;

18 (ii) an evaluation of the political
19 rights and freedoms enjoyed by individuals
20 in each such country and an evaluation of
21 the factors that prevent each such country
22 from being categorized as fully democratic;
23 and

24 (iii) for each country previously cat-
25 egorized as nondemocratic in the Executive

1 Summary from the preceding year, an
2 evaluation of any progress made over the
3 previous calendar year towards achieving a
4 categorization of “democratic transition
5 country”.

6 (C) STRATEGY FOR NONDEMOCRATIC
7 COUNTRIES.—An in-depth examination of each
8 country categorized as nondemocratic in the
9 Executive Summary, including—

10 (i) a strategy developed following con-
11 sultations with nongovernmental organiza-
12 tions, individuals, and movements that pro-
13 mote democratic principles, practices, and
14 values in each such country to promote
15 and achieve transition to full democracy in
16 each such country;

17 (ii) a summary of any actions taken
18 by the President with respect to any such
19 country, the effects of any such actions,
20 and if no such actions have been taken, a
21 statement explaining why not;

22 (iii) a summary of any actions taken
23 by the chief of mission and officials of the
24 United States in each such country with
25 which the United States maintains diplo-

1 matic and consular posts with respect to
2 promoting such a transition within that
3 country and any activities of the embassy
4 or consulate in that country to support in-
5 dividuals and organizations in that country
6 that actively advocate for such a transition;
7 (iv) a summary of efforts taken by of-
8 ficials of the United States to speak di-
9 rectly to the people in each country, and in
10 particular, a description of any visits taken
11 by the chief of mission and other officials
12 of the United States in each such country
13 to the colleges and universities and other
14 institutions in the country where young
15 people congregate and learn;
16 (v) a summary of any communications
17 between United States Government offi-
18 cials, including the chief of mission, and
19 the leader and other high government offi-
20 cials of each such country concerning re-
21 spect for liberty, democracy, and political,
22 social, and economic freedoms; and
23 (vi) a description and evaluation of
24 the efforts undertaken by other democratic
25 countries belonging to the Community of

1 Democracies to advance democracy in each
2 such county, including through relevant
3 bodies of the United Nations, regional or-
4 ganizations and bilateral policies and for-
5 eign assistance and the extent to which the
6 United States coordinated United States
7 actions and policies with such efforts.

8 (3) CLASSIFIED ADDENDUM.—If the Secretary
9 determines that it is in the national security inter-
10 ests of the United States, is necessary for the safety
11 of individuals identified in the Annual Report on De-
12 mocracy, or is necessary to further the purposes of
13 this Act, any information required by paragraph (2),
14 including policies adopted or actions taken by the
15 United States, may be summarized in the Annual
16 Report on Democracy or the Executive Summary
17 and submitted to the appropriate congressional com-
18 mittees in more detail in a classified addendum.

19 (b) ONE-TIME REPORT ON TRAINING AND GUIDE-
20 LINES FOR FOREIGN SERVICE OFFICERS AND CHIEFS OF
21 MISSION.—The Secretary of State, in consultation with
22 the Under Secretary of State for Democracy and Global
23 Affairs , shall submit to the appropriate congressional
24 committees a one-time report containing a description of
25 the training provided under section __19 for foreign serv-

1 ice officers, including chiefs of mission serving or pre-
2 paring to serve in countries categorized as partly demo-
3 cratic or nondemocratic or chiefs of mission in fully demo-
4 cratic countries whose job performance could benefit from
5 such training, with respect to methods to promote and
6 achieve transition to full democracy in each such country,
7 including nonviolent action. The Secretary shall submit
8 the report together with the first Annual Report on De-
9 mocracy required under subsection (b).

10 **SEC. 13. STRATEGIES TO ENHANCE THE PROMOTION OF**
11 **DEMOCRACY IN FOREIGN COUNTRIES.**

12 (a) WORKING GROUP ON NONDEMOCRATIC COUN-
13 TRIES.—Beginning in the year after the second Annual
14 Report on Democracy required under section 12(a) is
15 submitted and not less than once each year thereafter, the
16 Under Secretary of State for Democracy and Global Af-
17 fairs should convene a working group under subsection (c)
18 focused on each country designated as nondemocratic in
19 the most recent such report in order to—

20 (1) review progress on the action plan with re-
21 spect to each such country to promote and achieve
22 the transition to full democracy in such country; and

23 (2) receive recommendations regarding further
24 action that should be taken with respect to such
25 plan.

1 (b) WORKING GROUP ON COUNTRIES IN TRANSI-
2 TION.—Beginning in the year after the second Annual Re-
3 port on Democracy required under section ____12(a) is
4 submitted and not less than once each year thereafter, the
5 Under Secretary of State for Democracy and Global Af-
6 fairs should also convene a working group under sub-
7 section (c) focused on the progress towards a fully demo-
8 cratic form of governance in each country designated as
9 a “democratic transition country” in the most recent an-
10 nual report that was designated as “nondemocratic” in
11 any of the previous annual reports.

12 (c) MEMBERS OF WORKING GROUPS.—The working
13 groups referred to in subsections (a) and (b) should in-
14 clude officers and employees of the Department of State
15 and appropriate representatives from other relevant gov-
16 ernment agencies, including the United States Agency for
17 International Development, the Department of the Treas-
18 ury, and the Department of Defense.

19 (d) CONSULTATIONS WITH CHIEFS OF MISSIONS.—
20 The chief of mission for each country designated as non-
21 democratic or a democratic transition country in the most
22 recent Annual Report on Democracy shall meet with the
23 Under Secretary of State for Democracy and Global Af-
24 fairs at least once each year to discuss the transition to
25 full democracy in such country, including any actions the

1 chief of mission has taken to implement the action plan
2 for such country included in such report.

3 **SEC. 14. ACTIVITIES BY THE UNITED STATES TO PRO-**
4 **MOTE DEMOCRACY AND HUMAN RIGHTS IN**
5 **FOREIGN COUNTRIES.**

6 (a) FREEDOM INVESTMENT ACT OF 2002.—The
7 Freedom Investment Act of 2002 (subtitle E of title VI
8 of Public Law 107–228) is amended—

9 (1) in Section 663(a), (relating to human rights
10 activities at the Department of State)—

11 (A) in paragraph (1), by striking “and” at
12 the end;

13 (B) by redesignating paragraph (2) as
14 paragraph (4);

15 (C) by inserting after paragraph (1) the
16 following new paragraphs:

17 “(2) a United States mission abroad in a coun-
18 try that has been designated as nondemocratic in
19 the most recent Annual Report on Democracy (as
20 required under section 12(a) of the Advance
21 Democratic Values, Address Nondemocratic Coun-
22 tries, and Enhance Democracy Act of 2005) should
23 have at least one political officer who shall have pri-
24 mary responsibility for monitoring and promoting
25 democracy and human rights in such country;

1 “(3) the level of seniority of any such political
2 officer should be in direct relationship to the severity
3 of the problems associated with the establishment of
4 full democracy and respect for human rights in such
5 country; and”;

6 (D) in paragraph (4), as so redesignated,
7 by striking “monitoring human rights develop-
8 ments” and all that follows through “rec-
9 ommendation” and inserting the following:
10 “monitoring and promoting democracy and
11 human rights, including a political officer de-
12 scribed in paragraphs (2) and (3), in a foreign
13 country should be made after consultation with
14 and upon the recommendation”;

15 (2) in Section 665(e) (relating to reports on ac-
16 tions taken by the United States to encourage re-
17 spect for human rights), by striking the second sen-
18 tence and inserting adding at the end the following
19 new sentences: “If the Secretary elects to submit
20 such information as a separate report, such report
21 may be submitted as part of the Annual Report on
22 Democracy required under section ____12(a) of the
23 Advance Democratic Values, Address Nondemocratic
24 Countries, and Enhance Democracy Act of 2005. If
25 the Secretary makes such an election, such report

1 shall be organized so as to contain a separate section
2 for each country to which such information applies,
3 together with a short narrative describing the
4 extrajudicial killing, torture, or other serious viola-
5 tions of human rights that are indicated to have oc-
6 curred in each such country.”.

7 (b) FOREIGN ASSISTANCE ACT OF 1961.—The For-
8 eign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) is
9 amended—

10 (1) in section 116(d) (22 U.S.C. 2151n(d)), by
11 striking paragraph (10) and inserting the following
12 new paragraph:

13 “(10) for each country with respect to which
14 the report indicates that extrajudicial killings, tor-
15 ture, or other serious violations of human rights
16 have occurred in the country, a strategy, including
17 a specific list of priorities and an action plan, to end
18 such practices in the country, and any actions taken
19 in the previous year to end such practices in the
20 country.”; and

21 (2) in section 502B(b) (22 U.S.C. 2304(b)), by
22 striking the sixth sentence and inserting the fol-
23 lowing new sentence: “Such report shall also include,
24 for each country with respect to which the report in-
25 dicates that extrajudicial killings, torture, or other

1 serious violations of human rights have occurred in
2 the country, a strategy, including a specific list of
3 priorities and an action plan, to end such practices
4 in the country, and any actions taken in the previous
5 year to end such practices in the country.”.

6 **SEC. _15. DEMOCRACY PROMOTION AND HUMAN RIGHTS**
7 **ADVISORY BOARD.**

8 (a) ESTABLISHMENT.—There is established a De-
9 mocracy Promotion and Human Rights Advisory Board.

10 (b) PURPOSE AND DUTIES.—The Board shall advise
11 and provide recommendations to the Secretary of State,
12 the Under Secretary of State for Democracy and Global
13 Affairs, the Assistant Secretary of State for Democracy,
14 Human Rights, and Labor, and the Assistant Adminis-
15 trator for the Bureau of Democracy, Conflict and Human-
16 itarian Assistance of the United States Agency for Inter-
17 national Development concerning United States policies
18 regarding the promotion of democracy and the establish-
19 ment of universal democracy, including the following:

20 (1) Reviewing and making recommendations re-
21 garding the overall United States strategy for pro-
22 moting democracy and human rights in partly demo-
23 cratic and nondemocratic countries, including meth-
24 ods for incorporating the promotion of democracy
25 and human rights into United States diplomacy, the

1 use of international organizations to further United
2 States democracy promotion goals, and ways in
3 which the United States can work with other coun-
4 tries and the Community of Democracies to further
5 such purposes.

6 (2) Recommendations regarding specific strate-
7 gies to promote democracy in countries categorized
8 as nondemocratic in the most recent Annual Report
9 on Democracy under section ____12(a), in countries
10 that are in a transition to democracy, and methods
11 for consulting and coordinating with individuals (in-
12 cluding expatriates) and nongovernmental organiza-
13 tions that promote democratic principles, practices,
14 and ideals.

15 (3) Recommendations regarding the use of—

16 (A) programs related to the promotion of
17 democracy and human rights administered by
18 the United States Agency for International De-
19 velopment; and

20 (B) the Human Rights and Democracy
21 Fund, established under section 664 of the
22 Freedom Investment Act of 2002 (subtitle E of
23 title VI of Public Law 107–228).

24 (4) Recommendations regarding regulations to
25 be promulgated concerning—

1 (A) the standards of performance to be
2 met by members of the Foreign Service, includ-
3 ing chiefs of mission, under section 405(d) of
4 the Foreign Service Act of 1980 (22 U.S.C.
5 3965(d)); and

6 (B) the development of programs to pro-
7 mote democracy in foreign countries under sec-
8 tion 108, relating to programs undertaken by
9 United States missions in foreign countries and
10 the activities of chiefs of mission.

11 (c) STUDY ON DEMOCRACY ASSISTANCE.—

12 (1) IN GENERAL.—Not later than 18 months
13 after the appointment of five members of the Board,
14 the Board shall submit to the President, Congress,
15 and the Secretary a study on United States democ-
16 racy assistance.

17 (2) CONTENTS.—The study shall include—

18 (A) a comprehensive review and an overall
19 evaluation of the efficiency and effectiveness of
20 United States appropriations for the promotion
21 of democracy, including—

22 (i) information regarding the amount
23 of money dedicated to such purpose each
24 fiscal year;

1 (ii) an identification of the inter-
 2 national organizations, nongovernmental
 3 organizations, multilateral institutions, in-
 4 dividuals, private groups (including cor-
 5 porations and other businesses), and gov-
 6 ernment agencies and departments receiv-
 7 ing such funds for such purpose;

8 (iii) information regarding the effi-
 9 ciency and effectiveness of the use of such
 10 funds to promote a transition to democracy
 11 in nondemocratic countries with a special
 12 emphasis on activities related to the pro-
 13 motion of democracy under section 302(b),
 14 relating to the Human Rights and Democ-
 15 racy Fund; and

16 (iv) information regarding the effi-
 17 ciency and effectiveness of the use of such
 18 funds to promote and sustain democracy in
 19 countries that are already fully democratic
 20 or partly democratic;

whether
 U.S.
 international

21 (B) a review of—

22 (i) ^{the} ~~the~~ influence of the broadcasts ~~of~~
 23 ~~the Broadcasting Board of Governors~~ on
 24 citizens of countries categorized as non-
 25 democratic in the most recent Annual Re-

influence

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port on Democracy and the ~~the~~ impact
of increasing such broadcasts to such coun-
tries relative to the cost of such increases,
including information relating to program-
ming on the means of nonviolent protest
~~an successful movements for democratic
change in other countries around the
world; and~~ *and*

an
assessment
of

and
democratic
change

(ii) the potential contribution that
supporting private media sources that are
not controlled or owned by the United
States to reaching citizens of such coun-
tries, the situations where such support
may be appropriate and the mechanisms
that should be used to provide such sup-
port;

(C) policy recommendations to the Presi-
dent and Congress regarding ways to improve
United States programs for the promotion of
democracy, including coordination of such pro-
grams; and

(D) recommendations for reform of United
States Government agencies involved in the pro-
motion of democracy.

(d) MEMBERSHIP.—

1 (1) APPOINTMENT.—The Board shall be com-
2 posed of nine members, who shall be citizens of the
3 United States and who shall not be officers or em-
4 ployees of the United States. The Secretary shall ap-
5 point all such members. Not more than five mem-
6 bers may be affiliated with the same political party.

7 (2) SELECTION.—Members of the Board shall
8 be selected from among distinguished individuals
9 noted for their knowledge and experience in fields
10 relevant to the issues to be considered by the Board,
11 including issues related to the promotion of democ-
12 racy, international relations, management and orga-
13 nization of foreign assistance or comparable pro-
14 grams, methods and means of nonviolent protest,
15 academic study and debate of democracy, human
16 rights, and international law.

17 (3) TIME FOR APPOINTMENT.—The appoint-
18 ment of members to the Board under paragraph (1)
19 shall be made not later than 120 days after the date
20 of the enactment of this Act.

21 (4) TERM OF SERVICE AND SUNSET.—Each
22 member shall be appointed to the Board for a term
23 that shall expire on the date that is one year after
24 the date of the submission of the report under sub-
25 section (c).

1 (5) SUNSET.—The Board shall terminate on
2 the date that is one year after the date of the sub-
3 mission of the report under such subsection unless
4 the Secretary determines that it is in the interest of
5 the Department to extend the Board for a period of
6 an additional five years.

7 (6) SECURITY CLEARANCES.—The Secretary
8 shall ensure that all members of the Board, and ap-
9 propriate experts and consultants under paragraph
10 (7)(E), obtain relevant security clearances in an ex-
11 peditious manner.

12 (7) OPERATION.—

13 (A) CHAIR.—The Secretary shall appoint
14 one member of the Board to chair the Board.
15 The Board shall meet at the call of the Chair.

16 (B) TRAVEL EXPENSES.—Members of the
17 Board shall be allowed travel expenses, includ-
18 ing per diem in lieu of subsistence, at rates au-
19 thorized for employees of agencies under sub-
20 chapter I of chapter 57 of title 5, United States
21 Code, while away from their homes or regular
22 places of business in the performance of service
23 for the Board.

24 (C) OFFICE SPACE AND ADMINISTRATIVE
25 ASSISTANCE.—Upon the request of the chair-

1 person of the Board, the Secretary shall provide
2 reasonable and appropriate office space, sup-
3 plies, and administrative assistance.

4 (D) APPLICABILITY OF CERTAIN OTHER
5 LAWS.—Nothing in this section shall be con-
6 strued to cause the Board to be considered an
7 agency or establishment of the United States,
8 or to cause members of the Board to be consid-
9 ered officers or employees of the United States.
10 Executive branch agencies may conduct pro-
11 grams and activities and provide services in
12 support of the activities duties of the Board,
13 notwithstanding any other provision of law. The
14 Federal Advisory Committee Act (5 U.S.C.
15 App.) shall not apply to the Board.

16 (E) EXPERTS AND CONSULTANTS.—The
17 Board may procure temporary and intermittent
18 services under section 3109(b) of title 5, United
19 States Code.

20 (e) AUTHORIZATION OF APPROPRIATIONS.—There is
21 authorized to be appropriated to the Board such sums as
22 may be necessary for each of fiscal years 2006, 2007, and
23 2008.

1 **SEC. 16. ESTABLISHMENT AND MAINTENANCE OF INTER-**
2 **NET SITE FOR GLOBAL DEMOCRACY AND**
3 **HUMAN RIGHTS.**

4 (a) ESTABLISHMENT.—In order to facilitate access
5 by individuals and nongovernmental organizations in for-
6 eign countries to documents, streaming video and audio,
7 and other media regarding democratic principles, prac-
8 tices, and values, and the promotion and strengthening of
9 democracy, the Secretary of State, in cooperation with the
10 Under Secretary of State for Democracy and Global Af-
11 fairs, the Under Secretary for Public Diplomacy and Pub-
12 lic Affairs, and the Assistant Secretary of State for De-
13 mocracy, Human Rights, and Labor, shall establish and
14 maintain an Internet site for global democracy and human
15 rights.

16 (b) CONTENTS.—The Internet site for global democ-
17 racy established under subsection (a) shall include the fol-
18 lowing information:

19 (1) The Executive Summary prepared under
20 section 12(a)(2)(A), but only to the extent that in-
21 formation contained therein is not classified.

22 (2) Narratives and histories of significant
23 democratic movements in foreign countries, particu-
24 larly regarding successful nonviolent campaigns to
25 oust dictatorships.

1 (3) Narratives relating to the importance of the
2 establishment of and respect for fundamental free-
3 doms.

4 (4) Major human rights reports by the United
5 States Government or any other documents, ref-
6 erences, or links to external Internet sites the Sec-
7 retary or Under Secretary determines appropriate,
8 including reference to or links to training materials
9 regarding successful movements in the past, includ-
10 ing translations of such materials, as appropriate.

11 **SEC. 17. PROGRAMS BY UNITED STATES MISSIONS IN**
12 **FOREIGN COUNTRIES AND ACTIVITIES OF**
13 **CHIEFS OF MISSION.**

14 (a) DEVELOPMENT OF PROGRAMS TO PROMOTE DE-
15 MOCRACY IN FOREIGN COUNTRIES.—Each chief of mis-
16 sion in each foreign country categorized as nondemocratic
17 with the assistance of the director of the relevant Regional
18 Hub in the most recent Annual Report on Democracy
19 shall—

20 (1) develop, as part of annual program plan-
21 ning, a strategy to promote democracy in the foreign
22 country and to provide visible and material support
23 to individuals and nongovernmental organizations in
24 that country that are committed to democratic prin-
25 ciples, practices, and values, such as—

1 (A) consulting and coordinating with such
2 individuals and organizations regarding the pro-
3 motion of democracy;

4 (B) visiting local landmarks and other
5 local sites associated with nonviolent protest in
6 support of democracy and freedom from oppres-
7 sion;

8 (C) holding periodic public meetings with
9 such individuals and organizations to discuss
10 democracy and political, social, and economic
11 freedoms;

12 (D) issuing public condemnation of severe
13 violations of internationally recognized human
14 rights (as such term is described in section
15 116(a) of the Foreign Assistance Act of 1961
16 (22 U.S.C. 2151n(a)), violations of religious
17 freedom, including particularly severe violations
18 of religious freedom (as such terms are defined
19 in paragraphs (11) and (13) of section 3 of the
20 International Religious Freedom Act of 1998
21 (22 U.S.C. 6402)), political repression, and
22 government-tolerated or condoned trafficking in
23 persons; and

1 (E) providing technical, financial, and such
2 other support to such individuals and organiza-
3 tions;

4 (2) hold ongoing discussions with the leaders of
5 the nondemocratic country regarding a transition to
6 full democracy and the development of political, so-
7 cial, and economic freedoms and respect for human
8 rights, including freedom of religion or belief, in the
9 country; and

10 (3) conduct meetings with civil society, inter-
11 views with media that can directly reach citizens of
12 such country, and discussions with students and
13 young people of the nondemocratic country regard-
14 ing a transition to democracy and the development
15 of political, social, and economic freedoms in the
16 country.

17 (b) PUBLIC OUTREACH IN FOREIGN COUNTRIES.—
18 Each chief of mission or principal officer should spend
19 time at universities and other institutions of higher learn-
20 ing to—

21 (1) debate and discuss values and policies that
22 promote democracy; and

23 (2) communicate, promote, and defend such
24 United States values and policies.

1 (c) ACCESS TO UNITED STATES MISSIONS.—The
2 Secretary is encouraged to allow access to a United States
3 diplomatic or consular mission in each foreign country cat-
4 egorized as a democratic transition country or nondemo-
5 cratic in the most recent Annual Report on Democracy
6 by individuals and representatives of nongovernmental or-
7 ganizations in that country who are committed to demo-
8 cratic principles, practices, and values in that country.

9 **SEC. 18. TRAINING FOR FOREIGN SERVICE OFFICERS.**

10 (a) TRAINING IN DEMOCRACY AND THE PROMOTION
11 OF DEMOCRACY AND HUMAN RIGHTS.—Section 708 of
12 the Foreign Service Act of 1980 (22 U.S.C. 4028) is
13 amended by adding at the end the following new sub-
14 section:

15 “(c) TRAINING ON GLOBAL DEMOCRACY PRO-
16 MOTION.—

17 “(1) IN GENERAL.—In addition to the training
18 required under subsections (a) and (b), the Sec-
19 retary of State, in cooperation with other relevant
20 officials, including the Under Secretary of State for
21 Democracy and Global Affairs, and the Director of
22 the National Foreign Affairs Training Center of the
23 Foreign Service Institute of the Department of
24 State, shall establish as part of the training provided
25 after December 31, 2006, for members of the Serv-

1 ice, including all chiefs of mission and deputy chiefs
2 of mission, instruction in how to strengthen and pro-
3 mote democracy through peaceful means in consulta-
4 tion with individuals and nongovernmental organiza-
5 tions that support democratic principles, practice
6 and values. In particular, such instruction shall be
7 mandatory for members of the Service having re-
8 porting or other responsibilities relating to internal
9 political developments and human rights, including
10 religious freedom, in nondemocratic or partly demo-
11 cratic countries, including for chiefs of mission and
12 deputy chiefs of mission, and shall be completed be-
13 fore the time that such member or chief of mission
14 assumes a post (or, if such is not practical, within
15 the first year of assuming such post).

16 “(2) CONTENTS OF TRAINING.—The training
17 required under paragraph (1) shall include instruc-
18 tion, a training manual, and other materials regard-
19 ing the following:

20 “(A) International documents and United
21 States policy regarding electoral democracy and
22 respect for human rights.

23 “(B) United States policy regarding the
24 promotion and strengthening of democracy
25 around the world, with particular emphasis on

1 the transition to democracy in nondemocratic
2 countries.

3 “(C) For any member, chief of mission, or
4 deputy chief of mission who is to be assigned to
5 a foreign country that is categorized as non-
6 democratic in the Annual Report on Democracy
7 required under section ___12(a) of the Ad-
8 vance Democratic Values, Address Nondemo-
9 cratic Countries, and Enhance Democracy Act
10 of 2005, instruction regarding ways to promote
11 democracy in such a country and providing
12 technical, financial, and other support to indi-
13 viduals (including expatriated citizens) and non-
14 governmental organizations in such country
15 that support democratic principles, practices,
16 and values.

17 “(D) The protection of internationally rec-
18 ognized human rights (including the protection
19 of religious freedom) and standards related to
20 such rights, provisions of United States law re-
21 lated to such rights, diplomatic tools to promote
22 respect for such rights, the protection of indi-
23 viduals who have fled their countries due to vio-
24 lations of such rights (including the role of
25 United States embassies in providing access to

1 the United States Refugee Admissions Pro-
2 gram) and the relationship between respect for
3 such rights and democratic development and
4 national security. The Director of the National
5 Foreign Affairs Training Center of the Foreign
6 Service Institute of the Department of State
7 shall consult with nongovernmental organiza-
8 tions involved in the protection and promotion
9 of such rights and the United States Commis-
10 sion on International Religious Freedom (estab-
11 lished under section 201(a) of the International
12 Religious Freedom Act of 1998 (22 U.S.C.
13 6431(a)) in developing the training required by
14 this subparagraph.”.

15 (b) OTHER TRAINING.—The Secretary of State shall
16 ensure that the training described in subsection (a) is pro-
17 vided to members of the civil service who are assigned in
18 the United States or abroad who have reporting or other
19 responsibilities relating to internal political developments
20 and human rights in countries that are categorized as
21 partly democratic or nondemocratic in the Annual Report
22 on Democracy required under section ____12(a) of the
23 Advance Democratic Values, Address Nondemocratic
24 Countries, and Enhance Democracy Act of 2005.

1 (c) AUTHORIZATION OF APPROPRIATIONS.—There
2 are authorized to be appropriated such sums as may be
3 necessary to develop appropriate programs and materials
4 to accomplish the training required under subsection (c)
5 of section 708 of the Foreign Service Act of 1980 (22
6 U.S.C. 4028), as added by subsection (a).

7 (d) CLERICAL AMENDMENTS.—Section 708 of the
8 Foreign Service Act of 1980 is further amended—

9 (1) in subsection (a) by striking “(a) The” and
10 inserting “(a) TRAINING ON HUMAN RIGHTS.—
11 The”; and

12 (2) in subsection (b) by striking “(b) The” and
13 inserting “(b) TRAINING ON REFUGEE LAW AND
14 RELIGIOUS PERSECUTION.—The”.

15 **SEC. 19. PERFORMANCE PAY; PROMOTIONS; FOREIGN**
16 **SERVICE AWARDS.**

17 (a) PERFORMANCE PAY.—Section 405(d) of the For-
18 eign Service Act of 1980 (22 U.S.C. 3965(d)) is amended
19 by inserting after the second sentence the following new
20 sentence: “Meritorious or distinguished service in the pro-
21 motion of democracy in foreign countries, including con-
22 tact with and support of individuals and nongovernmental
23 organizations that promote democracy in a foreign country
24 categorized as nondemocratic in the most recent Annual
25 Report on Democracy (as required under section

1 ____12(A) of the Advance Democratic Values, Address
2 Nondemocratic Countries, and Enhance Democracy Act of
3 2005), shall also serve as a basis for granting awards
4 under this section.”.

5 (b) PROMOTIONS.—Section 603(b) of the Foreign
6 Service Act of 1980 (22 U.S.C. 4003(b)) is amended by
7 adding at the end the following new sentence: “Precepts
8 for selection boards shall also, where applicable, include
9 an evaluation of whether members of the Service and
10 members of the Senior Foreign Service have met the
11 standards of performance established by the Secretary
12 pursuant to section __19(c) of the Advance Democratic
13 Values, Address Nondemocratic Countries, and Enhance
14 Democracy Act of 2005, or have served in a position in
15 which the primary responsibility is to monitor or promote
16 democracy or human rights.”.

17 (c) REGULATIONS AND EVALUATIONS CONCERNING
18 STANDARDS OF PERFORMANCE AND PROGRAMS TO PRO-
19 MOTE DEMOCRACY.—With respect to members of the For-
20 eign Service, including all chiefs of mission, who are as-
21 signed to foreign countries categorized as nondemocratic
22 in the most recent Annual Report on Democracy, the Sec-
23 retary shall prescribe regulations concerning the standards
24 of performance to be met under sections 405(d) and
25 603(b) of the Foreign Service Act of 1980 (22 U.S.C.

1 3965(d) and 4003(b)), as amended by subsections (a) and
2 (b), respectively, and the development of programs to pro-
3 mote democracy in foreign countries under section 108.
4 The requirements of sections ____17 and ____18(a) shall
5 serve as one of the bases for performance criteria in evalu-
6 ating chiefs of mission and those officers at posts so des-
7 ignated by the chief of mission.

8 (d) FOREIGN SERVICE AWARDS.—Section 614 of the
9 Foreign Service Act of 1980 (22 U.S.C. 4013) is amended
10 by adding at the end the following new sentence: “Distin-
11 guished or meritorious service in the promotion of democ-
12 racy in foreign countries, including contact with and sup-
13 port of individuals and nongovernmental organizations
14 that promote democracy in a foreign country categorized
15 as nondemocratic in the most recent Annual Report on
16 Democracy (as required under section ____12(a) of the
17 Advance Democratic Values, Address Nondemocratic
18 Countries, and Enhance Democracy Act of 2005), shall
19 also serve as a basis for granting awards under this sec-
20 tion.”.

21 **SEC. 20. APPOINTMENTS.**

22 (a) APPOINTMENTS BY THE PRESIDENT.—Section
23 302 of the Foreign Service Act of 1980 (22 U.S.C. 3942)
24 is amended by adding at the end the following new sub-
25 section:

1 “(c) If an individual (with respect to subsection (a))
2 or a member of the Service (with respect to subsection
3 (b)) is appointed by the President to be and if such indi-
4 vidual or such member has previously served as a chief
5 of mission of the United States in a country at the time
6 such country was categorized as nondemocratic in an An-
7 nual Report on Democracy (required under section
8 ____12(a) of the Advance Democratic Values, Address
9 Nondemocratic Countries, and Enhance Democracy Act of
10 2005), the President shall transmit to the Committee on
11 Foreign Relations of the Senate a written report summa-
12 rizing the actions that such individual or member took
13 during the period of such prior service to promote democ-
14 racy and human rights in such country, including actions
15 in furtherance of the action plan contained in such re-
16 port.”.

17 (b) CHIEFS OF MISSION.—Section 304(a)(1) of such
18 Act (22 U.S.C. 3944(a)(1)) is amended by adding at the
19 end the following new sentence: “If the country in which
20 the individual is to serve is categorized as nondemocratic
21 in the most recent Annual Report on Democracy (as re-
22 quired under section ____12(a) of the Advance Demo-
23 cratic Values, Address Nondemocratic Countries, and En-
24 hance Democracy Act of 2005), the individual should pos-
25 sess clearly demonstrated competence in and commitment

1 to the promotion of democracy in that country, including
2 competence in promoting democratic practices, values, and
3 ideals through regular interaction with individuals, includ-
4 ing students and young people within that country, who
5 support and advocate such principles, practices, and val-
6 ues.”.

7 **Subtitle B—Alliances With Other**
8 **Democratic Countries**

9 **SEC. 31. ALLIANCES WITH OTHER DEMOCRATIC COUN-**
10 **TRIES.**

11 (a) FINDING.—Congress finds that it is in the na-
12 tional interest of the United States, including for humani-
13 tarian, economic, social, political, and security reasons, to
14 forge alliances with democratic countries to work together
15 to promote and protect—

16 (1) shared democratic principles, practices, and
17 values; and

18 (2) political, social, and economic freedoms
19 around the world.

20 (b) PURPOSES.—The purposes of this title are to en-
21 courage new ways of forging alliances with democratic
22 countries in order to—

23 (1) promote and protect democratic principles,
24 practices, and values, including the right to free,

1 fair, and open elections, secret balloting, and uni-
2 versal suffrage;

3 (2) promote and protect fundamental shared
4 political, social, and economic freedoms, including
5 the freedoms of association, of expression, of the
6 press, of religion, and to own private property;

7 (3) promote and protect respect for the rule of
8 law;

9 (4) develop, adopt, and pursue strategies to ad-
10 vance common interests in international organiza-
11 tions and multilateral institutions to which members
12 of the alliance of democratic countries belong; and

13 (5) provide political, economic, and other nec-
14 essary support to countries that are undergoing a
15 transition to democracy.

16 (c) SENSE OF CONGRESS REGARDING PARTICIPA-
17 TION.—It is the sense of Congress that any foreign coun-
18 try that is categorized as nondemocratic in the most recent
19 Annual Report on Democracy under section __12(a)
20 should not participate in any alliance of democratic coun-
21 tries aimed at working together to promote democracy.

1 **SEC. _32. SENSE OF CONGRESS REGARDING THE ESTAB-**
2 **LISHMENT OF A DEMOCRACY CAUCUS.**

3 (a) FINDINGS.—Congress finds that with the passage
4 of the Intelligence Reform and Terrorism Prevention Act
5 of 2004 (Public Law 108–458), Congress—

6 (1) encouraged the establishment of a Democ-
7 racy Caucus within the United Nations, the United
8 Nations Human Rights Commission, the United Na-
9 tions Conference on Disarmament, and at other
10 broad-based international organizations; and

11 (2) required increased training in multilateral
12 diplomacy for members of the Foreign Service and
13 appropriate members of the Civil Service to support
14 such an establishment.

15 (b) SENSE OF CONGRESS.—It is the sense of Con-
16 gress that the creation of a Democracy Caucus in each
17 international organization and multilateral institution of
18 which the United States is a member will not only improve
19 the internal governance of such organizations but will also
20 strengthen the implementation of commitments by such
21 organizations and institutions regarding democracy and
22 human rights.

23 **SEC. _33. ANNUAL DIPLOMATIC MISSIONS ON MULTILAT-**
24 **ERAL ISSUES.**

25 The Secretary of State, acting through the principal
26 officers responsible for advising the Secretary on inter-

1 national organizations, should ensure that a high level del-
2 egation from the United States is sent on an annual basis
3 to consult with key foreign governments in every region
4 to promote United States policies, including issues related
5 to democracy and human rights, at key international fora,
6 including the United Nations General Assembly, the
7 United Nations Human Rights Commission on other mul-
8 tilateral human right body, the Organization for Security
9 and Cooperation in Europe, and the United Nations Edu-
10 cation, Science, and Cultural Organization.

11 **SEC. 34. STRENGTHENING THE COMMUNITY OF DEMOC-**
12 **RACIES.**

13 (a) SENSE OF CONGRESS.—It is the sense of Con-
14 gress that the Community of Democracies should develop
15 a more formally mechanism for carrying out work between
16 ministerial meetings, including appropriate staff to carry
17 out such work, and should, as appropriate, establish a
18 headquarters..

19 (b) DETAIL OF PERSONNEL.—The Secretary is au-
20 thorized to detail on a nonreimbursable basis any em-
21 ployee of the Department of State to any country that is
22 a member of the Convening Group of the Community of
23 Democracies.

24 (c) REGIONAL GROUP IN THE COMMUNITY OF DE-
25 MOCRACIES.—It is the sense of Congress that regional

1 groups within the Community of Democracies should be
2 established and strengthened in order to facilitate coordi-
3 nation of common positions and action on multilateral
4 strategies to promote and consolidate democracy.

5 (d) INTERNATIONAL CENTER FOR DEMOCRATIC
6 TRANSITION.—

7 (1) SENSE OF CONGRESS.—It is the sense of
8 Congress that the United States should, along with
9 contributions from private individuals, support the
10 initiative of the Government of Hungary and the
11 governments of other European countries to estab-
12 lish a International Center for Democratic Transi-
13 tion to support transitions to full democracy.

14 (2) AUTHORIZATION OF APPROPRIATIONS.—
15 There is authorized to be appropriated for a grant
16 to the International Center for Democratic Transi-
17 tion \$1,000,000 for each of the fiscal years 2006,
18 fiscal year 2007, and 2008. Amounts appropriated
19 under this paragraph shall remain available until ex-
20 pended.

21 (3) USE OF FUNDS.—Any grant made in fiscal
22 year 2006 by the Secretary to the International Cen-
23 ter for Democratic Transition under paragraph (2)
24 may be used for the establishment and operations of
25 the Center and for programs and activities of the

1 Center. Any grant or voluntary contribution made in
2 any subsequent fiscal year by the Secretary to the
3 Center under such paragraph may be used for pro-
4 grams and activities of the Center.

5 **Subtitle C—Funding for Promotion**
6 **of Democracy**

7 **SEC. 41. POLICY.**

8 It shall be the policy of the United States to provide
9 financial assistance to eligible entities and eligible individ-
10 uals in order to assist such entities and individuals in the
11 promotion of democracy in countries categorized as non-
12 democratic in the most recent Annual Report on Democ-
13 racy under section ____12(a).

14 **SEC. 42. HUMAN RIGHTS AND DEMOCRACY FUND.**

15 (a) PURPOSES OF THE HUMAN RIGHTS AND DEMOC-
16 RACY FUND.—In addition to uses currently approved for
17 the Human Rights and Democracy Fund, the Secretary
18 of State, acting through the Assistant Secretary of State
19 for Democracy, Human Rights, and Labor shall use
20 amounts appropriated to the Human Rights and Democ-
21 racy Fund under subsection (g) to provide assistance to
22 eligible entities and eligible individuals to promote democ-
23 racy in foreign countries categorized as nondemocratic in
24 the most recent Annual Report on Democracy under sec-
25 tion ____12(a). The promotion of democracy in such coun-

1 tries for which such assistance may be provided may in-
2 clude the following activities:

3 (1) The publication and distribution of books
4 and the creation and distribution of other media re-
5 lating to information about current events in such
6 country and educational programming designed to
7 provide information regarding democracy, the rule of
8 law, free, fair and open elections, free market eco-
9 nomics, fundamental human rights (including the
10 rights of freedom of speech and of religion and the
11 rights to be free from slavery and bondage), and
12 successful democratic movements in history, includ-
13 ing educational programs for leaders and members
14 of democratic movements to convey information to
15 such individuals regarding the means of nonviolent
16 force and the methods of nonviolent action.

17 (2) The translation into languages spoken in
18 such countries of relevant programming and existing
19 books, videos, and other publications relating to the
20 subjects specified in paragraph (1).

21 (3) The promotion of political pluralism and the
22 rule of law within such countries, including the pro-
23 motion of nongovernmental organizations and move-
24 ments that promote democratic principles, practices,
25 and values.

1 (4) The creation of programs for student
2 groups to work with citizens of such countries who
3 are committed to democratic reforms and to the pro-
4 motion of a transition to democracy.

5 (5) The creation of training programs for citi-
6 zens of such countries concerning international legal
7 obligations to support democracy and human rights,
8 including religious freedom.

9 (6) Support for nongovernmental organizations
10 which have experience with the Community of De-
11 mocracies to assist the Community of Democracies
12 and its Convening Group.

13 (b) FREEDOM INVESTMENT ACT OF 2002.—Section
14 664(b) of the Freedom Investment Act of 2002 (subtitle
15 E of title VI of Public Law 107–228, relating to the pur-
16 poses of the Human Rights and Democracy Fund) is
17 amended—

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

20 (2) by redesignating paragraph (5) as para-
21 graph (6);

22 (3) by inserting after paragraph (4) the fol-
23 lowing new paragraph:

24 “(5) to support the study of democracy abroad,
25 including support for debates and discussions at aca-

1 demic institutions, regarding the values and benefits
2 of democracy; and”;

3 (4) in paragraph (6), as redesignated by para-
4 graph (2) of this subsection, by striking “(4)” and
5 inserting “(5)”.

6 (c) ADMINISTRATIVE AUTHORITIES.—Assistance pro-
7 vided through the Human Rights and Democracy Fund
8 may be provided to eligible entities and eligible individuals
9 in foreign countries notwithstanding any provisions of law
10 that prohibit assistance to a foreign country or to a gov-
11 ernment of a foreign country.

12 (d) ANNUAL REPORT ON THE STATUS OF THE
13 HUMAN RIGHTS AND DEMOCRACY FUND.—Within 60
14 days of the conclusion of each fiscal year, the Assistant
15 Secretary of State for Democracy, Human Rights, and
16 Labor shall submit to the appropriate congressional com-
17 mittees an annual report on the status of the Human
18 Rights and Democracy Fund. Each such annual report
19 shall contain the following information:

20 (1) An identification of each eligible entity and
21 eligible individual who received assistance during the
22 previous fiscal year under subsection (b) and a sum-
23 mary of the activities of each such recipient.

1 (2) An account of projects funded and outside
2 contributions received during the previous fiscal
3 year.

4 (3) A balance sheet of income and outlays cur-
5 rent as of the conclusion of fiscal year to which such
6 report is relevant.

7 (e) AUTHORIZATION OF APPROPRIATIONS.—

8 (1) IN GENERAL.—Of the funds available for
9 each of fiscal years 2006 and 2007, there are au-
10 thorized to be appropriated to the Human Rights
11 and Democracy Fund to carry out the purposes of
12 this section \$50,000,000 for fiscal year 2006 and
13 \$60,000,000 for fiscal year 2007. Amounts appro-
14 priated under this section shall remain available
15 until expended.

16 (2) ADMINISTRATIVE EXPENSES.—Not more
17 than five percent of amounts appropriated to the
18 Human Rights and Democracy Fund for each fiscal
19 year may be applied toward administrative expenses
20 of the carrying out this section.

21 (3) CONTRIBUTIONS.— The Secretary may ac-
22 cept contributions to the Human Rights and Democ-
23 racy Fund from the governments of other demo-
24 cratic countries, private foundations, private citizens,
25 and other nongovernmental sources.

1 **Subtitle D—Presidential Actions**

2 **SEC. 51. INVESTIGATION OF VIOLATIONS OF INTER-**
3 **NATIONAL HUMANITARIAN LAW.**

4 (a) **IN GENERAL.**—The President, with the assist-
5 ance of the Secretary of State, the Under Secretary of
6 State for Democracy and Global Affairs, and the Amba-
7 sador-at-Large for War Crimes Issues, shall collect infor-
8 mation regarding incidents that may constitute crimes
9 against humanity, genocide, slavery, or other violations of
10 international humanitarian law by leaders or other govern-
11 ment officials of foreign countries categorized as nondemo-
12 cratic in the most recent Annual Report on Democracy
13 under section ____12(a) or are partly democratic.

14 (b) **ACCOUNTABILITY.**—The President shall consider
15 what actions can be taken to ensure that the leaders or
16 other government officials of foreign countries who are
17 identified in accordance with subsection (a) as responsible
18 for crimes against humanity, genocide, slavery, or other
19 violations of international humanitarian law are brought
20 to account for such crimes in an appropriately constituted
21 tribunal.

22 **SEC. 52. PRESIDENTIAL COMMUNICATIONS.**

23 (a) **FINDING.**—Congress finds that direct commu-
24 nications from the President to citizens of countries that
25 are categorized as nondemocratic in the most recent An-

1 nual Report on Democracy would be extremely beneficial
2 to demonstrate that the United States supports such citi-
3 zens and the efforts and actions of such citizens to pro-
4 mote and achieve transition to democracy in such coun-
5 tries.

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

8 (1) from time to time as the President shall de-
9 termine appropriate, the President should broadcast
10 a message to the citizens of countries categorized as
11 nondemocratic in the most recent Annual Report on
12 Democracy under section ____12(a) expressing the
13 support of the United States for such citizens, dis-
14 cussing democratic principles, practices, and values,
15 and political, social, and economic freedoms, and
16 condemning violations of internationally recognized
17 human rights (as such term is described in section
18 116(a) of the Foreign Assistance Act of 1961 (22
19 U.S.C. 2151n(a))), violations of religious freedom,
20 including particularly severe violations of religious
21 freedom (as such terms are defined in paragraphs
22 (11) and (13) of section 3 of the International Reli-
23 gious Freedom Act of 1998 (22 U.S.C. 6402)), polit-
24 ical repression, and government-tolerated or con-

1 doned trafficking in persons that occur in such coun-
2 try; and
3 (2) the President should encourage leaders of
4 other democratic countries to make similar broad-
5 casts.

AMENDMENT TO H.R. _____**OFFERED BY MR. TANCREDO OF COLORADO****(Foreign Relations Authorization Act, Fiscal Years 2006 and 2007)**

At the appropriate place in the bill, insert the following new section (and conform the table of contents accordingly):

1 SEC. ____ . SENSE OF CONGRESS WITH RESPECT TO THE
2 INTERNATIONAL CRIMINAL COURT AND
3 GENOCIDE IN DARFUR, SUDAN.

4 Based upon the adoption of resolutions on July 22,
5 2004, by both the House of Representatives and the Sen-
6 ate and the declaration on September 9, 2004, by former
7 Secretary of State Colin Powell that the atrocities unfold-
8 ing in Darfur, Sudan, are genocide, it is the sense of Con-
9 gress that, notwithstanding the American
10 Servicemembers' Protection Act of 2002 (title II of the
11 2002 Supplemental Appropriations Act for Further Re-
12 covery From and Response To Terrorist Attacks on the
13 United States; Public Law 107-206), the United States
14 should render assistance to the efforts of the International
15 Criminal Court to bring to justice persons accused of
16 genocide, war crimes, or crimes against humanity in

1 Darfur, Sudan, provided that legally binding assurances
2 have been received from the United Nations Security
3 Council or the International Criminal Court that no cur-
4 rent or former United States Government official, em-
5 ployee (including any contractor), member of the United
6 States Armed Forces, or United States national will be
7 subject to prosecution by the International Criminal Court
8 in connection with those efforts.

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

3 "(d) UNITED STATES ASSISTANCE.—

4 "(1) ASSISTANCE.—The President shall provide
5 grants to nongovernmental organizations to support
6 sustainable economic development, cultural preservation,
7 tion, health care, education, and environmental sus-
8 tainability projects for Tibetans inside Tibet that are
9 designed in accordance with the principles contained
10 in subsection (e).

*and
historical*

11 "(2) ROLE OF SPECIAL COORDINATOR.—The
12 United States Special Coordinator for Tibetan
13 Issues (established under section 621(a)) shall re-
14 view and approve all projects carried out pursuant to
15 paragraph (1).

16 "(3) AUTHORIZATION OF APPROPRIATIONS.—
17 There are authorized to be appropriated to the
18 President to carry out this subsection \$6,000,000
19 for fiscal year 2006 and \$8,000,000 for fiscal year
20 2007."

21 (b) LANGUAGE TRAINING.— Section 619 of the Ti-
22 betan Policy Act of 2002 (Public Law 107-228, 22 U.S.C.
23 6901 note) is amended to read as follows:

24 "The Secretary shall ensure at least one Foreign Service
25 officer assigned to a United States post in the People's



Modified Version of Section 813
Offered by Mr. Smith of New Jersey

On page 169 Strike line 9 and all that follows through line 22 and insert in lieu thereof the following:

9 SEC. 813. ASSISTANCE FOR THE OFFICE OF THE ^{Police} OMBUDS-
10 MAN FOR NORTHERN IRELAND.
11 Of the amounts made available for each of the fiscal
12 years 2006 and 2007 to carry out section 481 of the For-
13 eign Assistance Act of 1961 (22 U.S.C. 2291), \$100,000
14 for each such fiscal year is authorized to be available for—
15 (1) specialized investigative training, including
16 training in the United States, of personnel of the
17 Office of the ^{Police} Ombudsman for Northern Ireland; and
18 (2) advisory support to the Office of the ^{Police} Om-
19 budsman for Northern Ireland for the development
20 and strengthening of its ^{Investigative} ~~institutional~~ capacity ~~and~~
21 ~~its investigations of human rights abuses by the po-~~
22 ~~lice.~~ in order to ensure human rights
Complaint policing in N. Ireland.

On Page 177 line 2, strike “pro-” and all that follows through the first comma on line 4

The effect is to strike the following language “promote human rights training for the office of the Ombudsman,

Make any technical and conforming changes.

AMENDMENT TO H.R. _____**OFFERED BY MR. TANCREDO OF COLORADO****(Foreign Relations Authorization Act, Fiscal Years 2006 and
2007)**

At the appropriate place in the bill, insert the following new section (and conform the table of contents accordingly):

1 **SEC. ____ . REPORTS WITH RESPECT TO EXTRADITION OF**
2 **VIOLENT CRIMINALS FROM MEXICO TO THE**
3 **UNITED STATES.**

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

5 (1) Mexico is unable to extradite criminals who
6 face life sentences without the possibility of parole
7 because of a 2001 decision of the Mexican Supreme
8 Court.

9 (2) As a result of this ruling, Mexico is unable
10 to extradite to the United States numerous suspects
11 wanted for violent crimes committed in the United
12 States unless the United States assures Mexico that
13 these criminals will not face life imprisonment with-
14 out the possibility of parole.

15 (3) The attorneys general from all 50 States
16 have asked the Government of the United States to

1 continue to address this extradition issue with the
2 Government of Mexico.

3 (4) The Government of the United States and
4 the Government of Mexico have experienced positive
5 cooperation on numerous matters relevant to their
6 bilateral relationship, including increased coopera-
7 tion on extraditions.

8 (b) SENSE OF CONGRESS.—It is the sense of Con-
9 gress that the Government of the United States should
10 encourage the Government of Mexico to continue to work
11 closely with the Mexican Supreme Court to urge the Court
12 to re-visit its October 2001 ruling so that the possibility
13 of life imprisonment without parole will not have an effect
14 on the timely extradition of criminal suspects from Mexico
15 to the United States.

16 (c) REPORTS.—

17 (1) ANNUAL NUMBER AND STATUS OF FORMAL
18 EXTRADITION REQUESTS MADE TO MEXICO BY THE
19 UNITED STATES.—Not later than six months after
20 the date of the enactment of this Act and annually
21 thereafter, the Secretary of State shall submit to the
22 appropriate congressional committees a report that
23 includes—

24 (A) the number of formal requests made to
25 the Government of Mexico by the Government

1 of the United States for the extradition of
2 Mexican nationals suspected of or convicted *in*
3 *absentia* for crimes committed in the United
4 States in the preceding fiscal year, the names
5 of such nationals, the crimes of which each such
6 national is suspected or has been convicted *in*
7 *absentia*, a detailed disposition of the status of
8 each such extradition request, and the progress
9 that has been made with respect to each such
10 extradition request in the preceding fiscal year;
11 and

12 (B) the number of such nationals who
13 Mexico has extradited to the United States in
14 response to formal extradition requests for such
15 nationals in the preceding fiscal year.

16 (2) AGGREGATE NUMBER AND STATUS OF FOR-
17 MAL EXTRADITION REQUESTS MADE TO MEXICO BY
18 THE UNITED STATES.—Not later than six months
19 after the date of the enactment of this Act and an-
20 nually thereafter, the Secretary of State shall submit
21 to the appropriate congressional committees a report
22 that includes—

23 (A) the number of formal requests made to
24 the Government of Mexico by the Government
25 of the United States for the extradition of

1 Mexican nationals suspected of or convicted *in*
2 *absentia* for crimes committed in the United
3 States since the signing of the Extradition trea-
4 ty, with appendix, between the United States
5 and Mexico, signed at Mexico City on May 4,
6 1978 (31 UST 5059), including the names of
7 such nationals, the crimes of which each such
8 national is suspected or has been convicted *in*
9 *absentia*, a detailed disposition of the status of
10 each such extradition request, and the progress
11 that has been made with respect to each such
12 extradition request since such signing; and

13 (B) the number of such nationals who
14 Mexico has extradited to the United States in
15 response to formal extradition requests for such
16 nationals since the signing of the Extradition
17 treaty, with appendix between the United
18 States and Mexico.

19 (3) COOPERATION BY THE UNITED STATES
20 WITH EXTRADITION REQUESTS FROM MEXICO.—Not
21 later than six months after the date of the enact-
22 ment of this Act and annually thereafter, the Sec-
23 retary of State shall submit to the appropriate con-
24 gressional committees a report that includes—

1 (A) the number of United States nationals
2 who the United States has extradited to Mexico
3 in response to formal extradition requests for
4 such nationals by Mexico in the preceding fiscal
5 year; and

6 (B) the number of United States nationals
7 who the United States has extradited to Mexico
8 in response to formal extradition requests for
9 such nationals by Mexico since the signing of
10 the Extradition treaty, with appendix between
11 the United States and Mexico.

12 (d) **FORMAT.**—If the Secretary of State determines
13 that such is appropriate, the Secretary may submit a re-
14 port required under subsection (c) with a classified annex.

Mr. LANTOS. Mr. Chairman, the Democratic side has no objections. We support all 35 amendments.

Mr. SMITH OF NEW JERSEY. I appreciate that support, and again, I deeply appreciate the spirit of cooperation with which you have engaged our side of the aisle on this legislation.

Are there any amendments to the Smith substitute amendment?

Mr. DELAHUNT. Parliamentary inquiry, Mr. Chairman.

Mr. SMITH OF NEW JERSEY. Mr. Delahunt will state his parliamentary inquiry.

Mr. DELAHUNT. When you say, are there any amendments to be offered to the Smith substitute?

Mr. SMITH OF NEW JERSEY. That is now the base text.

Mr. DELAHUNT. That is now the base text. That was the bill at the markup.

Mr. SMITH OF NEW JERSEY. That is correct.

Mr. DELAHUNT. Okay, well, I presume that they are—then I have an amendment at the desk.

Mr. SMITH OF NEW JERSEY. The Chair recognizes Mr. Delahunt for the purpose of proposing his amendment.

The clerk will designate the amendment by Mr. Delahunt.

Ms. RUSH. Amendment to the amendment in the nature of a substitute offered by Mr. Delahunt of Massachusetts: At the appropriate place in the bill insert the following new section and conform the table of contents accordingly. Section, blank, Report on Actions of the 661 Committee—

Mr. SMITH OF NEW JERSEY. Without objection, the amendment will be considered as read, and the gentleman is recognized for 5 minutes in favor of his amendment.

[The amendment referred to follows:]

**AMENDMENT TO THE AMENDMENT IN THE
NATURE OF A SUBSTITUTE TO H.R. 2601
OFFERED BY MR. DELAHUNT OF MASSACHUSETTS
(Foreign Relations Authorization Act, Fiscal Years 2006 and
2007)**

At the appropriate place in the bill, insert the following new section (and conform the table of contents accordingly):

1 SEC. ____ REPORT ON ACTIONS OF THE 661 COMMITTEE.

2 (a) REPORT.—Not later than 120 days after the date
3 of the enactment of this Act, the Secretary of State shall
4 submit to the appropriate congressional committees a re-
5 port on United States decisions, actions, communications,
6 and deliberations in the 661 Committee of the United Na-
7 tions regarding the issues of overpricing of contracts, kick-
8 backs from sales of humanitarian goods, oil smuggling, *efforts to*
9 and trade protocols. The report shall examine the process *correct and*
10 by which the United States made its decisions in the 661 *revalue the*
11 Committee, the officials in the United States Government *remaining contracts in*
12 involved in these decisions, and the names of the officials *the post-*
13 who made the final decisions. *Saddam C.M.*
14 (b) INCLUSION OF SUPPORTING DOCUMENTS.—The *The report shall also include the*
15 report required under subsection (a) shall contain all sup- *information detailing the positions on the*
above issues by
member States
of the 661
Committee.

1 porting documents with respect to the decisions, actions,
2 communications, and deliberations referred in such sub-
3 section.

4 (c) FORMAT.—If the Secretary determines that such
5 is appropriate, the Secretary may submit the report re-
6 quired under subsection (a) with a classified annex.

7 (d) DEFINITION.—In this section, the term “661
8 Committee” means the committee within the United Na-
9 tions that was tasked with administering the United Na-
10 tions oil for food program.

Mr. DELAHUNT. Yes, I thank the Chairman.

According to the Dulfer Report, and I am going to ask my staff member to put up as an exhibit a chart. I do not see him around. I am sure it will happen miraculously.

In any event, according to the Dulfer Report, summarized on a chart which will appear shortly, the regime of Saddam Hussein had four primary sources of illegal revenue during the course of the sanctions regime imposed on Iraq in the aftermath of the Gulf War. As it will be shown, 73 percent came from the so-called trade protocols. These were written agreements between Iraq and the Governments of Jordan, Turkey, Syria and Egypt that violated the United Nations resolution creating the sanctions regime. Another 11 percent came from good old-fashioned smuggling. Fourteen percent came from the kickbacks associated with the sale of humanitarian goods associated with the UN Oil-for-Food Program, and 2 percent came from illegal surcharges on the sale of oil. All together, this amounted to some \$12 billion that illegally went to support the Saddam regime in violation of the UN resolution imposing the sanctions.

It was the responsibility of the so-called 661 Committee of the UN to ensure that no illegal revenue accrued to the benefit of Saddam Hussein. It would appear that the 661 Committee failed to fulfill that responsibility. The 661 Committee, in reality, is made up of all of the 15 members of the Security Council, including the United States.

The American people need to know why the 661 Committee failed in this aspect of their responsibility. My amendment will help us determine why. It will require a report by the Secretary of State on U.S. actions on the 661 Committee. It will ensure that all necessary documentation and information is made available so that Congress can fully investigate what our own Government knew about the UN Oil-for-Food Program and the trade protocols and the illegal smuggling, and what it did or did not do to stop that.

Over the past year, this Committee has been investigating the UN Oil-for-Food Program, but it is important to note and underscore that the vast majority of illicit Iraqi revenue during the UN sanctions was from the sale of oil by Saddam outside of the UN Oil-for-Food Program, and we have not investigated how this happened. Most of it came from the so-called trade protocols, but when Jordan and Turkey told the 661 Committee of their intentions to purchase oil from Iraq in violation of the UN sanctions, the 661 Committee, in reality the Security Council, simply took note, whatever that means. It did nothing else.

The trade protocols, I would submit, were blatant violations of United Nations' sanctions, but the 661 Committee took no action to stop them. We need to know why.

Then there was the Khor al-Amaya shipments. From mid-February to March 2003, seven tankers loaded 7.7 million barrels of Iraqi oil in complete violation of the UN sanctions, resulting in over \$53 million of revenue for the Saddam Hussein regime on the eve of our invasion of Iraq. UN inspectors alerted the 661 Committee about these shipments while they were happening, but the Committee did nothing, and the naval interdiction force led by the United States did not stop the ships. We need to know why.

We also know that Saddam skimmed money from the Oil-for-Food contracts on more than 70 occasions. The 661 Committee was notified of glaring pricing irregularities, but, again, the 661 Committee, the Security Council, did nothing, allowing Saddam to continue stealing at the expense of his own population. We need to know why.

Then there are the failures in the oversight of the UN Secretariat's day-to-day management of the Oil-for-Food Program. The Volcker Commission and UN internal audits have shown that there were a number of problems with the operations of the program, yet it is unclear what, if any, steps were taken by the 661 Committee, that is the Security Council, to correct them. We need to know what happened.

My friend, Chairman Rohrabacher, has promised that we will hold hearings into the trade protocols. This amendment will provide us with the necessary information and documentation to begin preparation for those hearings.

Mr. Chairman, let me suggest that this amendment goes to the heart of our constitutional responsibility to conduct oversight of the Executive Branch. American taxpayers deserve to know why the 661 Committee allowed Saddam's regime to earn billions in illicit revenue in violation of UN sanctions and what role our Government may have played in doing so. I, therefore, urge adoption of this amendment, and I see my time has expired.

Mr. SMITH OF NEW JERSEY. Before recognizing Mr. Lantos, I would just ask Mr. Delahunt if he might consider withdrawing his amendment for perhaps a half-hour or so, so we can take a look at it. This is the first time we have seen it. It may be an excellent amendment. I think it has a great deal of surface appeal, and I think it probably is a good amendment.

Mr. DELAHUNT. Okay.

Mr. SMITH OF NEW JERSEY. I appreciate that.

The amendment is withdrawn, but obviously, you have the right to reoffer it. The Chair recognizes Mr. Lantos.

Mr. LANTOS. Mr. Chairman, I will just take a moment to commend my friend for this extremely important initiative, and I strongly support it.

Mr. SMITH OF NEW JERSEY. The Chair recognizes Mr. Poe for the purpose of offering an amendment.

Mr. POE. Mr. Chairman, I have an amendment at the table.

Mr. SMITH OF NEW JERSEY. The clerk will designate the amendment.

Ms. RUSH. Amendment offered by Mr. Poe of Texas. In Section 104 of the bill, strike "There" and insert section "(a) In General. There"; and—

Mr. POE. Mr. Chairman, I ask unanimous consent that the amendment be considered as read.

Mr. SMITH OF NEW JERSEY. Without objection, so ordered.

[The amendment referred to follows:]

AMENDMENT TO H.R. _____**OFFERED BY MR. POE OF TEXAS****(Foreign Relations Authorization Act, Fiscal Years 2006 and
2007)**

In section 104 of the bill—

(1) strike “There” and insert “(a) IN GENERAL.—There”; and

(2) add at the end the following new subsection:

1 (b) ASSISTANCE FOR INTERNALLY DISPLACED PER-
2 SONS IN EASTERN BURMA.—Of the amounts authorized
3 to be appropriated under subsection (a), \$3,000,000 for
4 fiscal year 2006 and \$3,000,000 for fiscal year 2007 are
5 authorized to be appropriated for assistance to Thailand-
6 based nongovernmental organizations operating along the
7 border between Thailand and Burma to provide food, med-
8 ical, and other humanitarian assistance to internally dis-
9 placed persons in eastern Burma.

Mr. POE. Mr. Chairman, a brutal campaign of village burnings, destruction of rice supplies, and killings in Burma by Burma's military regime has resulted in the forceful displacement of almost 500,000 to a million innocent victims and citizens in eastern Burma. Hundreds of thousands of these internal refugees we call internally displaced persons, or IDPs are persons persecuted for their strong commitment to democracy and belief in human rights. Regardless of their religion, all of the IDP victims are being systematically hunted by the evil military regime in Burma.

The Burmese Freedom and Democracy Act of 2003, which was passed by the United States Congress, overwhelmingly found that these tactics add up to ethnic cleansing in this area. Secretary of State Rice has rightfully called Burma one of six outposts of tyranny in our world. With all this said, virtually no humanitarian aid reaches those who have been driven from their homes in eastern Burma. The Burmese military regime blocks all that assistance.

Shockingly, as a result of attacks and the blocking of aid, the child mortality and malnutrition rates are comparable to those recorded among the internally displaced populations in the Horn of Africa. Even worse, maternal mortality rates are well above emergency levels. Acute respiratory infections, diarrhea, malaria and anemia are also serious problems.

The authorization language in the past has supported the possibility of providing aid to those vulnerable people trapped inside Burma, however the language gives the State Department the opportunity to have wiggle room as to where that aid is directed. Currently, all aid disbursed by the State Department ties the hands of the NGOs so that it can only be used for Burmese that have managed to flee Burma and are in refugee camps in Thailand.

The Department of State does not allow aid to get to the Burmese that are barred from entering Thailand. They are being hunted down in their own country. So the money never stays in Burma.

Mr. Chairman, it is time the State Department stopped this wiggle room on this issue and got to the task of implementing the will of Congress as expressed in the authorization bills in the past and in this amendment to split the money between those trapped in their own country and those that have moved to Thailand.

President Bush and Secretary Rice have made it clear that the foreign policy of the United States should include supporting people living under tyranny, when we can. In eastern Burma, we can help them, and I hope that we will.

So, Mr. Chairman, I will be working with Chairman Leach of the Asia Subcommittee to confront the State Department with this critical and serious issue as to how this money is disbursed. If, after meeting with the Department of State, we are not convinced that the appropriate aid will get both to the refugees in Thailand and to the IDPs in Burma, this amendment will be offered again on the House Floor.

Due to the support I have received from other Members, I anticipate the amendment will pass when it is submitted on the House Floor. Therefore, Mr. Chairman, I will withdraw my amendment pending adequate cooperation from the Department of State.

Mr. CROWLEY. Will the gentleman yield before he withdraws?

Mr. SMITH OF NEW JERSEY. The Chair recognizes Mr. Lantos, who wanted to speak on this, and then Mr. Crowley.

Mr. LANTOS. Thank you, Mr. Chairman. I want to commend my friend from Texas for offering this very important amendment. Two years ago, the President signed into law the Burma Freedom and Democracy Act that I authored and Congress passed, and your amendment is fully in line with that underlying bill, and I want to express my appreciation to you.

Aung San Suu Kyi, the leader of forces that favor democracy and freedom in Burma, is still held under unacceptable circumstances. It is important that the Burmese regime be reminded on a regular basis that the Congress of the United States totally disapproves of their anti-democratic policies, and I want to commend my friend from Texas.

Mr. SMITH OF NEW JERSEY. Mr. Crowley.

Mr. CROWLEY. Thank you, Mr. Chairman. Let me also thank the gentleman from Texas for offering this amendment. My understanding is he will withdraw, and we will see further action, hopefully on the Floor, on this. I have been working with Mr. Kirk to include similar language in an appropriations process and look forward to working with you as well on this in the future.

As the Ranking Member has indicated, Aung San Suu Kyi, the Nobel prize winner, is still held in house arrest, and her condition is not clear to the outside world in terms of her health. We know the work of the SPDC, the Burmese military, and what they have done to dislocate, to imprison, quite frankly, whole villages, the burning of rice fields, the only sustenance many of these villagers have, and that the money we are talking about will go to the BBC to support the interests of these internally dislocated individuals.

So I appreciate the work the gentleman from Texas is doing on this issue. I wholeheartedly support this amendment and hope to see action on the Floor, and I thank the gentleman.

Mr. SMITH OF NEW JERSEY. Mr. Rohrabacher.

Mr. ROHRABACHER. Yes, I commend my friend from Texas as well, and let us note that there are many people around the world who do not trust the United States' commitment to democracy. They claim the only time we support democracy is when it is in our national interest one way or the other, obtaining some strategic goal or whatever, otherwise we do not get involved in helping people who live under tyranny and injustice. Nothing would be more demonstrable about this country's commitment to liberty and justice and freedom than for us to stand with the people of Burma against the dictatorship there.

There is almost no strategic interest for the United States in that country, but there are millions of souls there who could live in prosperity and freedom but instead languish in deprivation and under a tyrant's heel. For us, it does good for our soul as a country and proves to the rest of the world that we do believe in liberty and justice for all by such activities as we see today. I would hope my friend from Texas does bring this up.

There is a story going around that the Burmese have just called for a general election, Mr. Chairman. That is, all the generals are going to get together and decide who is boss. That is what they call a general election.

So with that said, let us stick with the Burmese people so they can have a real democratic election and they can have some human rights respected in that country. Thank you, Mr. Chairman.

Mr. SMITH OF NEW JERSEY. The Chair recognizes Mr. Ackerman for purposes of an amendment.

Mr. ACKERMAN. Thank you, Mr. Chairman, I have an amendment at the desk.

Mr. SMITH OF NEW JERSEY. The clerk will designate the amendment.

Ms. RUSH. An amendment offered by Mr. Ackerman of New York: At the appropriate place in the bill, insert the following new title and conform the table of contents accordingly—

Mr. SMITH OF NEW JERSEY. Without objection, the amendment will be considered as read, and the gentleman from New York is recognized for 5 minutes in support of his amendment.

[The amendment referred to follows:]

AMENDMENT TO H.R. 2601

OFFERED BY MR. ACKERMAN OF NEW YORK

(Foreign Relations Authorization Act, Fiscal Years 2006 and
2007)

At the appropriate place in the bill, insert the following new title (and conform the table of contents accordingly):

1 **TITLE _____—PAKISTAN PRO-**
2 **LIFERATION ACCOUNT-**
3 **ABILITY ACT OF 2005**

4 **SEC. _01. SHORT TITLE.**

5 This title may be cited as the “Pakistan Proliferation
6 Accountability Act of 2005”.

7 **SEC. _02. FINDINGS.**

8 Congress makes the following findings:

9 (1) Dr. Abdul Qadeer Khan, former director of
10 the A.Q. Khan Research Laboratory in Pakistan and
11 Special Adviser to the Prime Minister on the Stra-
12 tegic Programme with the status of a federal min-
13 ister, established and operated an illegal inter-
14 national network which sold nuclear weapons and re-
15 lated technologies to a variety of countries.

1 (2) The illegal international nuclear prolifera-
2 tion network established by Dr. Khan provided
3 North Korea with complete uranium enrichment cen-
4 trifuges and designs and a list of components nec-
5 essary to manufacture additional uranium enrich-
6 ment centrifuges.

7 (3) Documents provided by the Government of
8 Libya to the Government of the United States and
9 the International Atomic Energy Agency (IAEA) in-
10 dicate that the illegal international nuclear prolifera-
11 tion network established by Dr. Khan provided
12 Libya with designs for a nuclear weapon, as well as
13 for uranium enrichment centrifuges.

14 (4) In March 2005, the Government of Paki-
15 stan acknowledged that the illegal international nu-
16 clear proliferation network established by Dr. Khan
17 provided uranium enrichment centrifuges to Iran.

18 (5) The Government of the United States still
19 does not know the entire extent of the activities of
20 the illegal international nuclear proliferation network
21 established by Dr. Khan and the Government of
22 Pakistan has not provided any opportunity for the
23 United States Government to interview Dr. Khan di-
24 rectly.

1 **SEC. _03. SENSE OF CONGRESS.**

2 It is the sense of Congress that—

3 (1) the illegal international nuclear proliferation
4 network established and operated by the Pakistani
5 nuclear scientist, Dr. Abdul Qadeer Khan, has done
6 grievous damage to the international nuclear non-
7 proliferation regime, has threatened the continued
8 viability of the Treaty on the Non-Proliferation of
9 Nuclear Weapons, and has jeopardized the vital na-
10 tional security interests of the United States;

11 (2) the Government of the United States has an
12 interest in knowing the full extent of the illegal
13 international nuclear proliferation network estab-
14 lished by Dr. Khan, which sold nuclear weapons and
15 related technologies to a variety of countries; and

16 (3) in order to ensure that the illegal inter-
17 national nuclear proliferation network established by
18 Dr. Khan has been dismantled, Dr. Khan should
19 give a full accounting of the activities and partici-
20 pants of the network to the United States Govern-
21 ment.

22 **SEC. _04. PROHIBITION ON UNITED STATES MILITARY AS-**
23 **SISTANCE TO PAKISTAN.**

24 (a) PROHIBITION.—No United States military assist-
25 ance may be provided to Pakistan and no military equip-
26 ment or technology may be sold, transferred, or licensed

1 for sale to Pakistan pursuant to the authorities contained
2 in the Foreign Assistance Act of 1961 (22 U.S.C. 2151
3 et seq.) or any other Act unless the President first certifies
4 to the appropriate congressional committees that—

5 (1) the Government of Pakistan has provided
6 the Government of the United States with unre-
7 stricted opportunities to interview the Pakistani nu-
8 clear scientist, Dr. Abdul Qadeer Khan, regarding
9 the illegal international nuclear proliferation network
10 established and operated by Dr. Khan;

11 (2) the Government of Pakistan has complied
12 with requests for assistance from the International
13 Atomic Energy Agency (IAEA) regarding the illegal
14 international nuclear proliferation network, including
15 by providing requested documents, materials, equip-
16 ment, and access to individuals; and

17 (3) the Government of the United States—

18 (A) has determined the full scope of the
19 activities and participants of the illegal inter-
20 national nuclear proliferation network;

21 (B) has determined the nature and extent
22 of the illegal international nuclear proliferation
23 network's connection to al Qaeda and Osama
24 bin Laden; and

1 (C) in conjunction with the International
2 Atomic Energy Agency, has confirmed that the
3 illegal international nuclear proliferation net-
4 work has been completely dismantled.

5 (b) INAPPLICABILITY OF CERTAIN PROVISIONS.—
6 The prohibition contained in subsection (a) does not apply
7 to any assistance or transfer for the purposes of any of
8 the provisions of law specified in subparagraphs (A)
9 through (D) of section 620E(e)(2) of the Foreign Assist-
10 ance Act of 1961 (22 U.S.C. 2375(e)(2)).

11 (c) DEFINITION.—In this section, the term “appro-
12 priate congressional committees” means—

13 (1) the Committee on International Relations
14 and the Committee on Appropriations of the House
15 of Representatives; and

16 (2) the Committee on Foreign Relations and
17 the Committee on Appropriations of the Senate.

Mr. ACKERMAN. Mr. Chairman, we know that Dr. Abdul Qadeer Khan ran an illegal international nuclear proliferation network, a nuclear Wal-Mart, if you will, that sold nuclear equipment and related technologies to North Korea and Iran, two-thirds of the axis of evil, and tried to sell it to the other third. We also know that Dr. Khan sold nuclear equipment and related technologies and even bomb designs to Libya.

That is what we do know. But it is what we do not know that should scare us. We do not know the full extent of the network. We do not know whether the network has been shut down or whether it still operates. We do not know how many countries or entities or individuals were involved. We do not know whether Dr. Khan or any of his associates had contact with al-Qaeda, as has been reported, or whether his associates transferred any nuclear equipment or technology to al-Qaeda. We do not know the extent of the involvement of figures who may still be in the Pakistani Government and military. We do not know if President Musharraf was aware of Dr. Khan's activities or whether he approved.

We do not know the answer to these questions because we have not been able to interview Dr. Khan. We pass the Government of Pakistan questions. Maybe they pass us answers; maybe they do not. Maybe the answers we get are true; maybe they are just what the Pakistani Government wants us to hear. We are not even sure that the answers we get are from Dr. Khan. We just do not know.

We have given Pakistan a get-out-of-jail-free card on the single worst case of proliferation in the last 50 years. It is time for that to change. My amendment would block military assistance and sales to Pakistan until the President certifies that the United States Government has had unrestricted access to Dr. Khan; that the Government of Pakistan has complied with requests for assistance from the IAEA regarding Dr. Khan's activities; and that the United States Government has determined the full scope of the activities of the Khan network, determined the nature and extent of the network's contacts with al-Qaeda, and has confirmed that the network has been completely dismantled.

Until then, economic assistance, as well as assistance for antiterrorism, counternarcotics, peacekeeping and IMET would continue uninterrupted with Pakistan. I want to repeat that. Until then, we continue the economic assistance, the assistance for antiterrorism and counternarcotics and peacekeeping and IMET, we continue that uninterrupted to Pakistan.

I know that there are provisions in the bill that already deal with Pakistan, but I would argue that sense of the Congress language and reporting requirements are very good as far as they go, but they are not going to get us the answers to the questions we need regarding the extent of Dr. Khan's network and the damage it has done to our national security.

The Bush Administration argues that the single most significant threat facing the United States is terrorists armed with weapons of mass destruction. They have got that right. Now, with Dr. Khan, we have all the ingredients to realize that threat. Yet when it comes to Pakistan, the Administration seems unconcerned that Pakistan's nuclear technology may have been passed into the hands of al-Qaeda. We need to make it clear to Pakistan that re-

solving this issue is absolutely essential for the United States. To date, we have not done that.

It seems as long as we get some minimal level of cooperation from Pakistan in the war on terrorism, we give them a pass on nuclear proliferation, democratic reform, or any other issue.

Mr. Chairman, I think our policy with regard to Pakistan is fatally flawed. It is true that we need their cooperation in the war on terrorism, but the price for that cooperation seems to keep going up. We have repeatedly waived sanctions against Pakistan and promised this military dictatorship a \$3 billion aid package, but that was not enough. We provided them with submarine surveillance planes, antitank missiles, anti-aircraft guns. Unless al-Qaeda has suddenly started using submarines and tanks and jet fighters, I do not see what application these systems have in the war on terror.

Now the Administration plans to sell Pakistan F-16s. Have we gotten demonstrably better cooperation from Pakistan as a result of any of this? I do not think so. Is nuclear technology in the hands of terrorists too high a price to pay for Pakistan's continued cooperation? I think the answer is very clear.

It is time to tell Pakistan that the answers regarding the A.Q. Khan network are an absolute priority of the United States. I think it is worthwhile withholding military assistance. That will not only get their attention, but it will get us the answers that we need, and I encourage my colleagues to consider supporting the amendment.

Mr. SMITH OF NEW JERSEY. Chairman Leach?

Mr. LEACH. Well, it is with the greatest reluctance that I differ with our distinguished former Chairman of the Asia Subcommittee. All of the premises about concern for this network are valid, but I would like to stress that I think, since 9/11, the Administration's policy toward Pakistan, which is to build a stable relationship, has been very wise and is resulting in impressive results. This network has been taken down. In country after country, those that were part of the network are now in the situation that they cannot operate.

I would also say that Pakistan is in a unique position. They have a government that has been extremely helpful. They have a public that is becoming increasingly antagonistic to the United States. For lots of reasons that relate some to this religious divide, the issue of the Koran kicking that we regret very much has taken the imagination of the Pakistani people very highly.

But I would stress, and the distinguished Ranking Member and I had a conversation yesterday with people from various agencies of the United States Government, and I will tell you I am quite impressed with the cooperation that our two sides have at this time. There are some imperfections in that cooperation, but a hard-edged approach like this can be as counterproductive as almost anything I know of.

We know that what seemed like very sensible reasons we passed something a decade or more ago called the Pressler amendment. That amendment probably did more damage to United States-Pakistani relations than anything conceivably could have done, and it did cause Pakistan to go in the exact reverse direction from which we might have hoped. I think this kind of stick in the eye is not

needed at this time. I think it is the type of thing that could be very difficult, and I would say this bill has addressed this very sensitively and in ways that I think are quite appropriate.

What this measure does is, in a very ironclad way, causes some circumstances that could smolder very easily. All I can suggest to the gentleman is if we pass something like this and all Pakistan's cooperation with us then ceases, how is that better for the national interests of the United States of America? I see no positive in this.

Now, it is awkward for all of us that A.Q. Kahn has escaped a jail sentence, but I think we all recognize the Pakistani Government, for its own survival, has probably gone about as far as it can. So I think if we prefer a government that is not controlled, with a disposition that is cooperative in the war on terror, we are moving in a direction to achieve that. I think that this amendment, as well-reasoned as it is, is perhaps as counterproductive as any amendment this Committee could be facing at this time.

Mr. ACKERMAN. Will the gentleman yield?

Mr. LEACH. Yes, of course.

Mr. ACKERMAN. I want to say at the outset how much respect I have for the current Chairman of the Asia Subcommittee, and I agree with the vast majority of what you have said, with the exception of the conclusion. This is not just about improving our relationship with Pakistan, that is cooperating to a good extent with us in the war on terrorism, with one exception. Why would it harm the relationship if we got to interview Dr. Khan ourselves instead of doing it through a third party that has a vested interest in protecting some of the information that he has?

This is not about retribution or seeking justice that A.Q. Kahn might have escaped. This is about his coming clean. We do not know that he has come clean. We do not know that that international network that he has set up has been dismantled. We know nothing to that extent, and we certainly do not know about his cooperation with al-Qaeda, what he might have provided them or to any other nation, rogue nation or not. I think it is in our national interest to determine that.

It is not about humiliating Pakistan. Historically, we have had a good relationship, and we should continue.

Mr. LEACH. Reclaiming my time, because there is just a bit here.

We do know more than the gentleman has indicated that we do not know. We know a lot about how much this network has been taken down, but I would also stress, yes, we would prefer to interview him. Yes, we would also prefer to have this government stay in power. Yes, from a Committee's point of view, we do not normally take the tact of constraining the constitutional authorities of the Executive Branch. We did earlier today. I do not think we should repeat it again in this measure. This does not even have a Presidential waiver to it. I think it is hard-headed in such a way that it is almost bound to be counterproductive.

The concerns the gentleman suggests are valid, although not as entirely valid as has been described because we have taken down a lot of people, and we know it. Now, whether there are more, that is possible but we have an awful lot of people dedicated to that particular circumstance.

Mr. ACKERMAN. If the gentleman would continue to yield for another moment?

Mr. LEACH. Of course.

Mr. ACKERMAN. I would just like to point out to the gentleman and the Committee that, under Section 614 of the Foreign Assistance Act, the President does have continual authority for waivers over anything that we might pass in this Committee or in this Congress, as well as the fact that this is only a one-time certification requirement that the President makes that we have access to A.Q. Kahn.

The gentleman points out that we know many things. The only things that we know are the many things that the Pakistanis have given us that they assert is from A.Q. Kahn. We do not know what we do not know. I think if different people who have a different interest, such as us, ask the right questions, there may be different answers.

I think when you have the world's most prolific proliferator, who is under house arrest by the Pakistanis, being questioned by people who might have been his co-collaborators in the proliferation, it is to their interest that we do not get the information. I think it behooves our national interest that we be allowed to question him directly to find out the answers to the questions we have in order to protect America, Americans and the free world.

Mr. SMITH OF NEW JERSEY. The Chair recognizes Mr. Lantos.

Mr. LANTOS. Thank you very much, Mr. Chairman. It is with the utmost reluctance that I rise in the strongest possible opposition to the amendment offered by my good friend from New York. If one were to ask the question what leader of what country has the most difficult assignment in 2005, President Musharraf would be right up there among the contenders for the most difficult, complex, almost impossible assignment.

We are all aware of the very negative role Pakistan played for many years, both in Afghanistan and with respect to many other issues. But in recent years, this has not been the case. The A.Q. Kahn network has been dismantled. It would be desirable, and I certainly would favor to have Mr. Khan examined and interrogated by our own people. For perfectly obvious domestic reasons, this does not appear feasible if we wish to preserve the position of President Musharraf.

I think the gentleman's amendment is extremely well-intentioned. I think the goal he seeks is one we all share, but I am convinced passage of this amendment would be contrary to U.S. national interests, and I strongly urge all of my colleagues to oppose this amendment.

Mr. ACKERMAN. Would the gentleman yield?

Mr. LANTOS. I would be delighted to yield to my friend.

Mr. ACKERMAN. I want to strongly disagree with the Ranking Member of the Full Committee, someone who I have the utmost of respect for. I do not know how anybody could say with any degree of authority that the A.Q. Kahn network has been fully dismantled. We have not asked him that question. It is certainly within the interests of General President Musharraf and A.Q. Kahn to pose the questions to themselves, if they are even doing that.

Mr. LANTOS. If I may take back my time. It is not a frivolous decision on the part of President Musharraf that he does not make A.Q. Kahn available for our interrogation. This issue has been raised with President Musharraf at the highest levels, at the highest levels, repeatedly. The response President Musharraf has given has satisfied many people, including myself.

So the notion that all we are asking is for him to make available this individual for interrogation by our own people is not a simple proposition, nor is it a new proposition. This proposition has been explored ad nauseam and ad infinitum, and we have come to the conclusion that there are overriding criteria which make the present status acceptable. Not ideal, but acceptable.

The situation of Pakistan is an incredibly complex one, and to single out one item, which this amendment does, does not do justice to the complexity of the issue. The complexity of the issue in terms of United States national security concerns indicates that this amendment should be defeated. It cannot be looked at as a separate item.

Why can't we explore all issues with this individual? Well, one reason is that he is viewed as a national hero in Pakistan. That is why he is not in prison. That is why he has not been extradited. There are complexities here that play directly into the role Pakistan is now playing very effectively with respect to United States national security interests. While the motivation of my good friend from New York is unquestioned, I think it would be profoundly contrary to U.S. national interests to have this amendment approved.

Mr. ACKERMAN. Would the gentleman yield?

Mr. LANTOS. I would be delighted to yield.

Mr. ACKERMAN. I thank you. Be assured that I understand and appreciate the complexities of this issue. I do understand that A.Q. Kahn is a national hero in Pakistan. I do understand that Adolf Hitler was a national hero in Germany, but I sure would have liked to have had a few private minutes with him.

A.Q. Kahn has information. Why in the world would we think that the guy who sold technology to North Korea, the guy who sold technology to Iran, the guy who tried to sell, but was rebuffed, technology to Iraq, all three of the evil axis, who sold technology to Libya, why would we think he stopped at that? It is in our national interest to find out the name of each and any other country, entity or person that he might have dealt with, because if we are—

Mr. LANTOS. Reclaiming my time, he is not now selling anything to anyone because he is under virtual house arrest. His network has been destroyed. While the gentleman's statements with respect to the past are accurate, the issue is what contributes to U.S. national interest today and in the months that lie ahead.

Historically, A.Q. Kahn has done enormous damage. There is no dispute over this. The question this Committee will now have to decide is whether today it is in United States national interest to terminate our military relationship with Pakistan or not, and I am convinced it is in our national interest to maintain and to strengthen that relationship.

Mr. ACKERMAN. Will the gentleman yield?

Mr. LANTOS. I yield back the balance of my time.

Mr. SMITH OF NEW JERSEY. Mr. Crowley.

Mr. CROWLEY. I thank the Chairman for yielding. Mr. Chairman, I want to speak in support of the Ackerman amendment, recognizing that two very good friends have an honest disagreement here on this issue.

I believe it is time to hold Pakistan accountable. While I understand the need of Pakistan's assistance in fighting the war on terrorism, I do not think we can overlook the contribution that my friend from California rightfully has stated that Dr. A.Q. Khan is acknowledged as a national hero in the country of Pakistan, which to me is just incredible, given the extent of damage I think he has done to the world in the leaking of information willfully to not only nations that do not have the interest of the United States in the best of mind but also possibly terrorist organizations. The full extent of the damage done by A.Q. Khan's illegal international nuclear proliferation network really is still unknown. What we do know is what the Pakistanis have told us about what he has done.

Pakistan refuses to allow any entity to question Khan about the extent of his network. I think this only makes not just the U.S. but the world more insecure. We have to ask, did Dr. Khan only sell his stolen nuclear secrets to countries who might, as I say, be threats, or even worse to terrorist organizations like al-Qaeda and others who would have no hesitation to use those weapons against our interests or us directly?

Pakistan should have Khan give the United States Government a full accounting of his network. If Pakistan continues to refuse access to Khan, then the United States must prohibit military assistance to Pakistan. I just believe that is the case. That is how I feel about this. I just want to add that I respect Mr. Leach very, very much in terms of his insight on these issues.

I also just want to point out, though, that we have yet to capture one of the ring leaders, I guess you can say, Osama bin Laden. We know he is traversing between the Pakistan and Afghanistan border, but as of yet have not been able to capture him. With all the intelligence, with everything we do know, we still have yet to do that. I think Pakistan needs to step forward and help produce that individual for the United States as well.

With that, I yield back my time.

Mr. LEACH. Will the gentleman yield?

Mr. CROWLEY. Yes, I will.

Mr. LEACH. Just briefly. The heart of this is whether we can talk to him. I think that is slightly preferable, possibly. But let's say we have an ideal interlocutor. Let's say Mr. Ackerman, who in my judgment would be an ideal interlocutor. There is no evidence that we would get more information from him than someone else. I would assume Mr. Khan would probably stonewall Mr. Ackerman. What we are suggesting here by a statute of the United States is to legislatively take an Administration Executive Branch position, and then we have the distinct possibility that we make an even greater martyr of Mr. Khan. And we make a distinct possibility that others will try to emulate Mr. Khan.

We have an issue of what Mr. Khan has done, but we have a bigger issue of not wanting anyone else, including Mr. Khan, to replicate what he has done in the past. If we pursue a path that looks

as if we are Americanizing a circumstance that we should be internationalizing, we have got a real dilemma.

I just would stress that there is reason the Executive Branch has doubts about this kind of approach, and there are reasons to believe that Pakistan has been very cooperative on the war on terror since a given point in time. If we want to reverse that direction, this is the type of thing that risks reversing that direction. It is a risk we should not take.

Mr. CROWLEY. Reclaiming my time, I just wanted to—

Mr. ACKERMAN. If the gentleman will yield?

Mr. CROWLEY. Go ahead.

Mr. ACKERMAN. Let me just say, I am not interested in bringing down the Musharraf Government. They are important to us. I am not interested in embarrassing or humiliating A.Q. Kahn. We interview terrorists and terrorist suspects in every country in the world that is cooperating with us. We do not do it on television or publicly. This is a very, very quiet kind of a deal, as these things are usually done.

We and the agencies of the United States who deal directly with this are certainly entitled, especially because the safety and security of the American people are at stake, to have that ability to talk to him and to get the real answers.

Mr. SMITH OF NEW JERSEY. Any further discussion on the pending amendment by Mr. Ackerman?

Mr. Sherman.

Mr. SHERMAN. I would just briefly like to second Mr. Ackerman's efforts here. If Pakistan is our friend, it needs to help us find out what damage its hero has done.

I could either yield the rest of my time to Mr. Ackerman or yield back to the Chair.

Yielding back to the Chair.

Mr. SMITH OF NEW JERSEY. Who seeks recognition?

Mr. DELAHUNT. Mr. Chairman?

Mr. SMITH OF NEW JERSEY. Mr. Delahunt.

Mr. DELAHUNT. I just want to respond to some of the observations by Mr. Leach. I would believe that giving the opportunity to interview Mr. Khan directly by members of American agencies would most likely yield significantly new information in terms of the implications of what occurred over the period when the A.Q. Kahn network was operating. I presume that we have possession of information that needs to be corroborated, that needs to be scrutinized, and that while it might be the inclination of A.Q. Kahn to stonewall, I would think that with some encouragement from Pakistani authorities and given the intelligence possessed by the United States, additional information that might absolutely be critical in terms of potential terrorist threats very well could be secured.

When we speak of A.Q. Kahn as a national hero in Pakistan, that is profoundly disturbing. And while, yes, this government, the Musharraf Government, has been cooperative at some level with our efforts in the aftermath of 9/11, I wonder if the instability that we see in Pakistan is due to repressive domestic policies by the Pakistani Government, and the anti-Americanism that is reported in newspapers and media outlets that seems to be increasing in Pakistan is our identification with the Musharraf Government.

I know it is a difficult, extremely difficult and sensitive issue, but in terms of the pantheon of potential terrorist threats, I would suggest that the actions by this network, by A.Q. Kahn, has put at risk, more than any other individual or network, global peace and the potential for absolutely devastating terrorist attacks. I appreciate what you say about our appropriate constitutional role, and I agree with what you said. I think you are accurate.

In this particular case, the actions of this individual have put the whole world at risk. He is in a class by himself. He is hall of fame when it comes to the terrorist hall of fame.

With that, I would yield back.

Mr. SMITH OF NEW JERSEY. Would any other Member like to be heard on the pending amendment? If not, the question occurs on the amendment offered by Mr. Ackerman. All those in favor, say aye. All those opposed, say no. In the opinion of the Chair, the noes have it.

Mr. ACKERMAN. Mr. Chairman, on that I would request a recorded vote.

Mr. SMITH OF NEW JERSEY. The gentleman has requested a recorded vote. Further proceedings on this amendment will be postponed until 5 o'clock.

Mr. Sherman.

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

Mr. SMITH OF NEW JERSEY. The gentleman is recognized for 5 minutes.

Mr. SHERMAN. I want to describe an amendment I am not offering and do so quite briefly. We are all concerned with the efforts of the State Department to promote democracy. In doing so, they have to do business with people who live in Iran or function in Iran or live in one of the other states that is not a democracy. Some of these states are on the terrorist list. So the effort to promote democracy, the effort to bring change to the policies and functions of hostile regimes runs headlong into our existing laws to prevent the export of dual-use technology. I am not going to offer an amendment because I hope to work with the Chairman and with the Majority staff toward including in this bill a provision that says, if you are the State Department or a grantee of the State Department trying to promote democracy in Iran or other terrorist countries, that you can acquire and use dual-use technology of the type that anyone could buy in an American store. To say that there is something for sale at Costco that we are going to prevent the Iranians from getting their hands on if they want it, the Iranian Government from getting their hands on, is simply absurd. There is nothing for sale in the American store that the Iranian Ambassador to Mexico or the UN cannot buy and cannot ship home.

On the other hand, for us to try to promote democracy in Iran and similar countries and to say, you can't use software, you can't use a cell phone, you can't use anything that might be listed on a dual-use list or might include even the low level of encryption that is for sale in every American store ties the hands of our democracy efforts. Our State Department-sanctioned democracy efforts must be able to use the ordinary technology that we all use in our offices. So the amendment that I hope to work out with staff would simply make it clear that if the Secretary of State herself looks at the mat-

ter and determines that a grantee of the State Department can use dual-use technology of a type acquirable in a United States store, that they can go ahead and do that and that our efforts to prevent high technology from reaching the mullahs in Iran does not impede our ability to bring democracy to the people of Iran. With that, I yield back.

Mr. SMITH OF NEW JERSEY. The Chair recognizes Ms. Lee for the purposes of an amendment.

Ms. LEE. Thank you, Mr. Chairman. I have an amendment at the desk.

Mr. SMITH OF NEW JERSEY. The clerk will designate the amendment.

Ms. RUSH. Amendment to the amendment in the nature of a substitute offered by Ms. Lee of California—

Mr. SMITH OF NEW JERSEY. Without objection, the amendment will be considered as read. The gentlelady is recognized for 5 minutes in support of her amendment.

[The amendment referred to follows:]

**AMENDMENT TO THE AMENDMENT IN THE
NATURE OF A SUBSTITUTE TO H.R. 2601
OFFERED BY MS. LEE OF CALIFORNIA**

At the end of subtitle B of title IX, add the following new section:

1 SEC. 922. SENSE OF CONGRESS.

2 It is the sense of Congress that the President should
3 develop a plan as soon as possible after the date of the
4 enactment of this Act to provide for the withdrawal of
5 United States Armed Forces from Iraq and transmit to
6 the appropriate congressional committees a report with
7 this plan.

Ms. LEE. Thank you, Mr. Chairman.

This amendment that I am offering is an amendment that really is a sense of Congress that the President present to Congress a plan for withdrawal of troops from Iraq. It is a very straightforward amendment that will show our troops in Iraq that we haven't forgotten them. It will help take the target off of our troops' backs by shattering the unity that we now see by the insurgency. It would deny foreign terrorists the ability to use our presence as a recruiting tool, which is happening now, and equally as important, ease the tension with our allies that the war in Iraq has created.

Furthermore, it will demonstrate to the Iraqi people that we have no designs on their country. So whether you were for or against the war, that is not the issue with this amendment. I don't believe that the public wants this war to continue in perpetuity.

Now, some of my colleagues may argue that this amendment demands that the President telegraph to the insurgents the precise date and time that our troops are leaving. Others may suggest that this is an amendment to cut and run. But these arguments are completely wrong. This amendment only asks the President to tell us how he plans to end the war. It does not require a specific date nor does it abandon our troops.

Mr. Chairman, it is really past the time that we should be having this debate here in Congress. And this debate, as you know, is happening all across the country. Just today, the *Washington Post* reported on a poll that found that about 75 percent of the American people believe that the number of casualties we have sustained in Iraq is totally unacceptable; that nearly 60 percent conclude that the war isn't worth fighting for; and that 52 percent are of the opinion that the war has not contributed to our long-term safety. These are serious indications that we here in the House need to become part of that debate; we do not need to continue to deny that we do not need this debate.

Mr. Chairman, to date, as you know, 1,600 of our young men and women have given their lives. Over 12,000 American troops have been injured. Who knows how many innocent Iraqi civilians including women and children have died in a war that really should have never started in the first place. This amendment is an important step in terms of securing our young men and women. It doesn't require any specific action, only to ask the President to develop a plan to provide for the withdrawal of the United States Armed Forces from Iraq, and we want him to transmit that plan to the appropriate Congressional Committees. Thank you. And I yield the balance of my time.

Mr. SMITH OF NEW JERSEY. Would anyone like to be heard of amendment of Ms. Lee?

Dr. Paul.

Mr. PAUL. Thank you, Mr. Chairman.

I would like to speak out in strong support of this amendment. It is a modest amendment. There are some of us who think that we should come out much sooner and be more emphatic, but this is very reasonable. It doesn't put too much pressure on the President to tell him exactly what to do and telegraph his exact plans. I think this is something that we are obligated to do. We have as

a Congress too often given up our prerogatives and our responsibilities dealing with war. We duck the responsibility. We give it to the Executive Branch. We give it to the United Nations. We do not assume the responsibility that we should have. I think when we don't assume that responsibility, the war becomes political, and it lingers.

Earlier today, I stated that I believe the Persian Gulf war has been going on since 1990. Hostilities never really quit during the 1990s. Bombings occurred. Killings occurred. Embargoes occurred. Here we are 15 years later. I heard the potential Ambassador saying yesterday that we have no plans for permanent bases in Iraq. I mean, who believes that? There are four major bases being built. We as a Congress have allocated nearly a billion dollars to build an Embassy over there. I mean, we are in there for the long haul. The Vice President has talked about being there until the end of this Administration. We are there indefinitely. We are still in Korea for 50 years. Some day we are going to run out of funds for this, and we are going to run out of energy. We will run out of young men, and we will run out of support from the American people. So this is appropriate. It is coming at the right time. It is not overly emphatic. It is very modest. We should be on record of reassessing our responsibility over the war issue.

This whole idea that we have totally rejected our responsibility under Article 1, Section 8, that if we send our young men and women off to war, that we declare war and we win the war and we get out. Now we let the UN decide. We let the President decide. We don't know what the exit strategy is. It lingers. It goes on. Men and women die; 1,600 have already died, 13,000 severely wounded and many, many ill who have not yet been counted. So it is time. The American people want this to happen.

But I see this as two things: The lack of the wisdom of the war means that we ought to call it to a halt and get out of there as soon as possible. Also, the responsibility of the Congress. We do still have the power of the purse. As poorly as we acted going into this war and renegeing on our responsibility, we still have a lot of responsibility through the power of the purse. This isn't even dealing with this, but it eventually will come to that. But if we can just get this started. So I plead with you, consider this. This is reasonable, and we should support this amendment. And I yield back.

Mr. SMITH OF NEW JERSEY. The Chair recognizes himself.

Let me just say I rise in very strong opposition to the Lee amendment, with all due respect to my friend from California. We do have a plan for withdrawal. It is well known. It involves the training of Iraqi security forces and providing space for the political and the economic reconstruction of Iraq. This amendment is a signal that we want to press the President for something other than his existing plan. We are frequently briefed as Members of this Committee, and the other Committees of Congress, particularly the Armed Services, know so well, that I think it would send precisely the wrong message to the 140,000 Americans presently serving in Iraq.

Yes, we want to bring them home. We want to bring them home as soon as possible. But we also want the mission and the sacrifice that they have expended on behalf of Iraqi Freedom and human

rights and democracy to take hold. The training, as we all know, of Iraqi police, of Iraqi military is robust; it is real. Many of the people who are dying now as a result of these terrorist attacks, which are cowardly acts that are being committed, are not being committed against United States troops but against those to whom the baton has been handed, and that is the Iraqi armed forces and Iraqi police. My hope is that we get our troops home, the men and women who are serving so bravely, as soon as humanly possible. But asking the President for a plan in this bill I think would send again precisely the wrong message, and I say that with all due respect to my good friend and colleague.

Would anyone else like to be heard?

Mr. Rohrabacher.

Mr. ROHRABACHER. Let me agree with the Chair's statement and identify with the Chair's statement in opposition to this, I would say, very sincere resolution but wrongheaded resolution nonetheless. There is a plan. The American people have not been kept in the dark about a plan. The American people had before them the President of the United States running for reelection. This was a major issue in the last election, and the American people heard the President's plan and overwhelmingly voted to endorse this President's reelection. That was the major issue in the campaign. There is no ambiguity about what the President's goals or what America's goals are in Iraq. The President made it very clear: Our goal in Iraq now is we have to defeat the terrorists, and basically that the terrorists and those other people who are committing terrorism there who might want to impose a government like that of Saddam Hussein or a radical Islamic Government, to support those elements in Iraq that would like to have more democratic, pro-Western government, and to train those people and equip those people so that they can do their own fighting, and that the United States can then begin withdrawing its forces from Iraq. We have no desire for a long-term military commitment there in terms of bases and the occupation of the country. That has been very clear. The President has made his position clear. The people of the United States heard that. They were satisfied with it. This effort would do nothing if passed except, again, and I agree with the Chairman, send exactly the wrong message after the American people have voted for the President and voted for his plan, now Congress is going to send another message that we are in some way going to put limits on the President's program and his plan for Iraq. If this would pass, the people of Iraq, their ability and their willingness to participate in these programs where we are training them to defend themselves and their nation, will be sapped. Of course, the terrorists will be bolstered saying, ah-hah, we now have got them, they are going to actually withdraw prior to our defeat. There are people in Congress who are pressuring the President to withdraw prior to the defeat of the terrorists and the radical Islamist threat there. So we are encouraging the wrong people and discouraging the wrong people by this resolution. With that, I would be happy to yield.

Ms. LEE. Thank you very much.

I appreciate the gentleman's comments, the gentleman from California's comments. I just want to remind the gentleman for the

record that 75 percent of the American people right after the election believed that Saddam Hussein was responsible for 9/11, and 75 percent of the American people believed that there was a connection between al-Qaeda and Saddam Hussein. Given the distortions and the fact that the American people did believe that there were weapons of mass destruction, did believe the Secretary of State when he went to the United Nations, trusted our Government with the information, then it is not hard to understand why you would make the statements with regard to the campaign.

Mr. ROHRABACHER. Reclaiming my time. This is a free and open election that we just had, and this was the major issue of the election. Casting doubt on, you might say, the intelligence of the American people is not the way to win an argument on foreign policy.

The fact is, the American people heard the debate, they voted on it. This was an issue debated over the months. Had the people have decided this was a mistake for us to get in, we should have gotten out, the election results would have been a lot different. The fact is that we need to hold firm. We have got the people, the American people have verified the President's decision, at least they are backing it up. We should not now try to undercut the President by in some way casting doubt on whether or not he now has the authority to fulfill his plan.

The bottom line, his plan is very clear. When we defeat the enemy and train those people there to defeat those forces themselves and to participate in their own defense, we will leave. The President hasn't made any bones about that. I think it is very clear. So this amendment would do nothing but encourage the wrong people. Thank you very much. I yield back the balance of my time.

Mr. SMITH OF NEW JERSEY. Would anyone else like to be heard?
Mr. Green?

Mr. GREEN. Thank you, Mr. Chairman. I am not a big believer in polls. I am not going to allow my policies or votes to be driven by polls other than those on Election Day. But I will give you a poll. One and a half weeks ago, I was in Iraq on a codel, and we met with government leaders from the new Iraqi Government, Speaker, Prime Minister, the new Minister of Defense, the gentleman who is the Chairman of the Constitutional Writing Committee. We met with military leaders at all levels. We met with rank-and-file soldiers from many parts of the country. Without exception, when asked, they said: "Please do not do this. This would be very bad. This would hurt us in our efforts." It would, just as the gentleman from California Mr. Rohrabacher has asserted, it would be very bad in terms of getting the cooperation of Iraqis in the process of training them to take over military intelligence and policing operations. They also said to us that it would cost lives because it would send a terrible signal, and it would tell our enemies, our rivals, that they merely need to hold out for a set period of time. Showing our cards, laying out on the table exactly what the time frame would be and the method would be from withdrawal, that is something that our troops and our allies within Iraq have asked us very strongly not to do. They said it would be a disastrous move. I guess that is the poll I would use here. Those folks aren't concerned about whether or not, what the reasons were for going

in. They were sent there. They are there now. They are under fire now. They are putting their lives on the line now. Those are the folks who are telling us not to do something like this. They are looking for support from us. I think that this amendment quite frankly would send precisely the opposite message to them and our enemies at what is a really important time right now in the operations within Iraq, I yield back.

Mr. SMITH OF NEW JERSEY. Ambassador Watson.

Ms. WATSON. Thank you so much, Mr. Chairman.

I speak in support of the amendment, and let me tell you why. Over a year ago in a meeting with Wolfowitz, I asked directly, are we planning to occupy Iraq? He got very perturbed with me for even suggesting occupation. But when I look at the fact that Iraq has 68 million people, but we are building the largest Embassy in the world in a nation that has 68 million people as compared to China with 1.3 billion people and India with 1.2 billion people, there is something disproportional about that.

Two years ago, in May, the President declared with a banner for the world to see: Mission accomplished. Now, if the mission was accomplished and if the team on the ground found no weapons of mass destruction and if there were an election held and they have elected a democratic government, we are occupying Iraq, clear and simple. Does anyone think that the insurgents are going to stop creating havoc whether we are there or not? If we are there, we are targets. If we pull out, then not so many of ours will die. Recruiting of young people has dropped off to almost nil. I know; I am out in those schools. No one wants to go into the military because they see themselves going to Iraq, possibly losing their lives and limbs. And for what good purpose? For what good purpose? To say we liberated Iraq?

I think we ought to be honest and up front. We ought to start developing a plan. The date can be put off to 2010 or whatever, because we are going to be there for another 10 years. I look at Vietnam, and we finally decided after losing tens of thousands of our people that we should declare victory and leave.

The longer we stay there, the longer we are responsible for the turmoil that is going. I can't even get a figure. No one wants to give you even a round figure of how many innocent Iraqis have been killed just because they have been in the way. The longer we stay, do you think for 1 minute people with suicide on their minds who see that it is an honorable way to die are going to stop? No. So one way or the other, we are sitting targets. I don't think we are improving the country. I think there ought to be a plan whether it goes public or not. We ought to be privy, and maybe you are saying that you can't trust Congress. Maybe that is the truth. We ought to know that there is some end to this. It is money down a gopher hole. When you are cutting services, health care services for your veterans, when you are not extending coverage to those who are in the National Guard and the Reservists, when we are cutting funds right here domestically to education programs, to the COPS programs, I don't want to see another taxpayer's dollar go in to a battle that we are going to continue out ad infinitum. So let us start being smart, let us have some strategic plans, and I think that we can finally see an end to this. Otherwise, let us just go on

and admit that we are going to occupy this country forever. Thank you, Mr. Chairman.

Mr. SMITH OF NEW JERSEY. Would anyone else like to be heard on the amendment?

Dr. Boozman.

Mr. BOOZMAN. Mr. Chairman, I think that we do have a plan that is very apparent. The first thing that we have tried to do, really three things is we have tried to help with the political process which everyone agrees has been a great success. I am a member of the NATO Parliament and have been a member for the last 2.5 years. When you talk to the Europeans, they are very, very impressed with the results of the election. As a result of the election and the good things that are happening in Iraq, NATO now is doing a tremendous job of training Iraqi soldiers. But we need help with the political process. We are doing that. We are doing a good job of that. Everyone agrees that that is moving in the right direction. I was in Fallujah a couple months ago. I met with the sheiks, I met with the town council of Fallujah. I drove and toured the damage. Those people are very upbeat and feel like, I guess, the real test is ask them. They feel like we are moving in the right direction.

The other thing that we are trying to do is help with the infrastructure and the economy. Again, I think we are moving in the right direction in that way also. Probably as far as their power grid and things like that, it is better than it has been. Lastly and so importantly, I mentioned earlier, training the Iraqi troops so that they can take over and defend themselves. Again, that also is going very, very well. NATO has bought into that. They are doing a tremendous job of training troops. Not necessarily there, but many of these are training troops in Jordan and countries like that.

I guess my question would be, what do you want? I mean, do you want us to say we are going to pull out when unemployment is 9 percent and this or that is happening? Again, I think we have got a great plan right now. I think when you look at the facts, when you look at what is happening over there, when you talk to the people—no, we didn't find weapons of mass destruction. What we did find was hundreds of thousands of graves of people that were tortured, raped and everything else. For those of us that have been there, we have seen the people who have had their tongues cut out because they decided to disagree with whatever was said about their government.

So again, I guess that would be my question, would be, in the sense that I think we are moving in the right direction, but, again, how would you word this? We are at war right now. I saw a young man when I was in Landstuhl a week ago who had lost his legs at 4 o'clock the evening before. We were there in the late afternoon. I mean, how do you go about doing this kind of thing? Is there any precedent at all in the history of warfare where you sit down and start saying, like I said, what do you want deployment at this or that?

Ms. LEE. Will the gentleman yield?

Mr. BOOZMAN. Yes. Very definitely.

Ms. LEE. Basically, and let me say, this amendment answers your question. All it says is, develop a plan. American taxpayers

have spent \$300 billion, and it is rising. Our young men and women continue to be placed in harm's way. I am the daughter of a veteran, a proud daughter of a veteran of two wars, and I know for a fact that supporting our troops, which I do, is a very high priority for all of us on either side of this issue. The most effective way to support our troops—and I am not talking about cutting and running. That is not what this amendment says. The most effective way to support our troops and to make sure that there is some stability and to ensure that the tax dollars that our American people work so hard for are not continually spent on war is to begin to simply develop a plan. That is all this amendment says is, develop a plan. To me, that is very rational, and it is an amendment that sends a signal to our troops that we honor their service, and we want them home as soon as this plan is developed.

Mr. BOOZMAN. I am not being argumentative. I also am the—my father did 20 years in the Air Force. My grandfather served in World War I and World War II. My other grandfather was killed in World War I. So all I would say is, I think when you do look at it, we do have a good plan. If you talk about what is best for the troops, I think if you go to Iraq and ask the troops, they will tell you that they are quite happy with the plan that we are implementing right now. Again, working on the political process, helping with the infrastructure and economy, trying to get it where these people like us, you know, can make a living, provide for their family. Then, most importantly, train the Iraqi troops who are beginning to do a great job of taking over their own country so that they won't have the mass graves, the hundreds of thousands of mass graves that a pullout would incur if we leave too early.

Mr. SMITH OF NEW JERSEY. Any other Member wishing to be heard? If not, the question occurs on the amendment by Ms. Lee. All those in favor, say aye. Those opposed, say no. In the opinion of the Chair, the noes have it.

Mr. ROHRBACHER. Mr. Chairman, on that I would request a recorded vote.

Mr. SMITH OF NEW JERSEY. The recorded vote will take place. Further proceedings on this amendment will be postponed until 5 o'clock or 15 minutes after the last vote. We may have a series of intervening votes during this markup.

Ms. Lee, you are recognized. You have a second amendment?

Ms. LEE. Thank you, Mr. Chairman. This is an amendment at the desk. I believe it is 028.

Mr. SMITH OF NEW JERSEY. The clerk will report the amendment.

Ms. RUSH. Amendment offered by Ms. Lee of California—

Mr. SMITH OF NEW JERSEY. Without objection, the amendment will be considered as read, and the gentlelady is recognized for 5 minutes in support of her amendment.

[The amendment referred to follows:]

AMENDMENT TO H.R. 2601

OFFERED BY MS. LEE OF CALIFORNIA

**(Amendatory Instructions Refer to the Amendment in the
Nature of a Substitute)**

At the appropriate place in the bill, insert the following new section (and conform the table of contents accordingly):

**1 SEC. ____ . STATEMENT OF POLICY REGARDING UNITED
2 STATES MILITARY PRESENCE IN IRAQ.**

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

4 (1) On April 13, 2004, President George W.
5 Bush stated: “As a proud and independent people,
6 Iraqis do not support an indefinite occupation and
7 neither does America.”.

8 (2) On February 17, 2005, Secretary of De-
9 fense Donald Rumsfeld, testifying before the Com-
10 mittee on Armed Services of the Senate, stated: “We
11 have no intention, at the present time, of putting
12 permanent bases in Iraq.”.

13 (b) STATEMENT OF POLICY.—It is the policy of the
14 United States not to enter into any base agreement with
15 the Government of Iraq that would lead to a permanent
16 United States military presence in Iraq.

Ms. LEE. Thank you, Mr. Chairman.

And perhaps for those who were opposed to my last amendment, perhaps they can support this amendment because this, again, it is a very simple amendment. What it does is say that the United States basically has no intent on being a permanent occupier in Iraq. In other words, we do not have any—we do not envision any future agreements with the Government of Iraq in terms of ensuring that military bases in Iraq are made permanent. Both the President and Secretary Rumsfeld I believe share this view. As I looked over some of their statements of recent months—in fact, on April 13 of last year, the President said, “As a proud and independent people, Iraqis do not support an indefinite occupation. Neither does America.”

On February 17 of this year, Secretary Rumsfeld declared, and this is a quote from Secretary Rumsfeld. He said: “We have no intention at the present time of putting permanent bases in Iraq.”

So the aim of my amendment is simply to codify this sentiment. We don’t need an open-ended indefinite presence in Iraq. That will only fuel the insurgency and make our troops more vulnerable. That is why I am urging my colleagues to support this amendment. Once again, it is a very simple amendment, and it just ensures that United States tax dollars do not pay for a continued presence in Iraq in terms of an indefinite occupation as it relates to a military presence. Thank you. And I yield the balance of my time.

Mr. SMITH OF NEW JERSEY. Anyone like to be heard on this amendment?

Mr. Rohrabacher is recognized.

Mr. ROHRABACHER. I rise in support of the amendment. I don’t see any wrong. Clearly, you are just restating policy as defined by the President and by Secretary Rumsfeld and again reiterating that we have no desire for permanent military bases in Iraq, and we are there to help the Iraqi people. I think that—I would think that this should be supported by both sides of the aisle, and thank the gentlelady for presenting it.

Mr. SMITH OF NEW JERSEY. The Chair recognizes himself.

First of all, I want to say that I frankly disagree with the amendment and would oppose it. I just returned from Romania, a country that has since 1989 matriculated into a full-scale democracy, the most recent election clearly further cementing that democracy. We are now in the process of a basing rights or facilities negotiation to use two of their facilities in the Black Sea where there will be joint training. We have basing rights in Turkey, in Greece, all over the world, and certainly in Germany, where we have a number of our bases, particularly as part of our NATO commitment. We have basing rights in South Korea. It seems to me that Iraq is a good friend and ally. If that relationship were to get to the point where we wanted or they wanted a base, it would have to be mutual. They have an independently elected government, want to have that kind of presence, and certainly the option should not be precluded by language contained in Ms. Lee’s amendment.

I don’t know, personally, of plans to establish such bases, but again, we have bases. That decision should be made on the ground at the time. You know, there are contingencies none of us can anticipate.

Mr. ROHRABACHER. Would the Chair yield for a question?

Mr. SMITH OF NEW JERSEY. Sure. I would be happy to.

Mr. ROHRABACHER. If that time comes about, it would have to come to the Congress, and we would change this policy. At this point, I think Ms. Lee is accurate in describing that it is our policy of not having permanent bases or a permanent presence of U.S. military troops there. If that changes, Congress can come back and pass a resolution making it the policy of the government to do so, if we find that that is in our interests.

Mr. SMITH OF NEW JERSEY. I think this is premature at best to suggest now that such an arrangement, if it was mutually beneficial, would be put off limits. I don't think we know enough as to where we will be in 2, 3, or 5 years to even contemplate this kind of amendment. We have a democracy, frankly, in Iraq that has taken hold. You pointed out yourself that the elections were beyond the expectations of most people and, again, at great risk to those who campaigned, those who put their names forward, some of whom have been killed, to say that there is no possibility of a base. We still—as was pointed out I think by Ms. Lee earlier, or maybe it was Dr. Paul when we talked about Korea—are there 50 years later, but why are we there? We are there to preserve and to protect a good friend and ally, and, frankly it has had the effect of complicating Kim Jong Il, and before him Kim Il Sung, from any aggressive action.

You know, deterrence is what usually basing buys. It is not just a jumping off point. It also mitigates points. I know, again, I say to my friend from California, of no plan, but I don't think we now, given our state of knowledge, should be precluding such a plan.

Mr. Paul. Dr. Paul.

Mr. PAUL. Thank you, Mr. Chairman.

I am glad to see there is some bipartisan support for this amendment, but I do have a question for the author of the amendment. What do you suppose the effect would be if this amendment were to pass on the expenditures that are probably already started in building bases that may well be permanent? Do you think this would affect those expenditures at all, or would more legislation be necessary?

Ms. LEE. Well, let me just say, Mr. Paul, that the President has said and so has Secretary Rumsfeld that they had no intention of putting permanent military bases in Iraq. So I would hope that they have not begun to expend and spend money to do that because they have said that they weren't going to do that.

Mr. PAUL. I thank the gentlelady and I yield back.

Mr. SMITH OF NEW JERSEY. Would anyone else like to be heard on the amendment?

Dr. Boozman.

Mr. BOOZMAN. Yes. Certainly, I agree with Ms. Lee in the sense that I would not be one, I don't think anybody here, who would like to see a permanent occupation of Iraq. So I very much, as well as the people of the Third District of Arkansas, would like to see our military presence there leave.

On the other hand, as I mentioned earlier, I was in Germany, and we still have a very large military presence there. We are certainly not occupying Germany. We are there because they asked us

to stay. We are in the context now of drastically reducing our forces, and we had a good briefing about that. Probably about 60 percent of our troops will be reassigned to other areas. We are still in Japan. Again, I think that nobody here would feel like we are occupying Japan, and yet we have a large military presence there that I think has really added to the stability of the region.

So I understand what you are trying to do, and I don't disagree with that, but I guess the only way that I would disagree is that, right now, as we are just really into this thing, I don't think I would vote for anything that would really tie our hands.

Mr. SMITH OF NEW JERSEY. Chairman Burton.

Would anyone else like to be heard on the Lee amendment? If not, the question occurs on the amendment offered by the gentlelady from California Ms. Lee. All those in favor, vote aye. Those opposed, say no. In the opinion of the Chair, the noes have it.

Ms. LEE. Recorded vote, please.

Mr. SMITH OF NEW JERSEY. Further proceedings on this amendment will be postponed until 5 o'clock or 15 minutes after the last series of votes, sometime around 5 o'clock. Everybody will be notified at that point.

Mr. Issa is recognized for purposes of offering an amendment.

Mr. ISSA. Thank you, Mr. Chairman.

I offer what should be at the desk as Issa Amendment 1.

Mr. SMITH OF NEW JERSEY. The clerk will designate the amendment.

Ms. RUSH. About striking Section 811? They have four for you.

Mr. ISSA. And there are three lines on that.

Ms. RUSH. Yes. Number 35 up in the top lefthand corner.

Mr. ISSA. That should be it.

Ms. RUSH. Amendment offered by Mr. Issa of California: Strike Section 811 of the bill—

Mr. SMITH OF NEW JERSEY. Without objection, the amendment offered by Mr. Issa is considered as read, and the gentleman is recognized for 5 minutes in support of his amendment.

[The amendment referred to follows:]

AMENDMENT TO H.R. 2601

OFFERED BY MR. ISSA OF CALIFORNIA

**(Amendatory Instructions Refer to the Amendment in the
Nature of a Substitute)**

Strike section 811 of the bill (relating to requirements relating to Economic Support Fund assistance for Egypt) and conform the table of contents accordingly.

Mr. ISSA. Thank you very much, Mr. Chairman. And I want to thank the Chairman and the Ranking Member for a huge body of work, the vast majority of which I support as presented.

However, in the case of this narrow portion of the bill we are considering today, what I find is something that is mistaken or misguided on two counts. This has to do with aid to Egypt. At present time, Section 811 calls for moving of \$40 million escalated by \$40 million a year for 3 years of what is presently military aid to Egypt and moving it to economic aid. There are a number of reasons I oppose this. Probably the most important is because I believe the moving of these funds could seriously endanger American lives around the world. Egypt has been a proven partner in the war on terrorism.

There are plenty of things on the economic side, and this bill talks about the failures on the economic side by the Egyptian Government that we can all mark. They have been slow to go to market their economy. They have been slow to improve their banking. As a matter of fact, in the legislation, the best argument for not taking the money from Defense, where it works and where it is protecting our security, and moving it to economic is the statement that we haven't been able to make the economic system work. So I would say that, if anything, if you can't make economic reforms work, you would take money from economic and perhaps move it to other places where it is working.

I would like to bring to the attention for comparative purposes some figures. The per capita military aid to Egypt is \$406.19. The per capita military aid to Israel is \$9,529. The significance of this is both of these countries are partners of ours that we depend on for helping in the war on terrorism, we depend on in ensuring security. Israel provides us certainly significant technical assistance. They certainly have been good at monitoring Iran and doing a lot of other things which I know this Committee is very appreciative of because it saves lives.

However, when it comes to the Egyptians, who are the only logical force to help us in Sudan and in Darfur, who in fact have been a consistent partner of ours in the war on terrorism, who have been most commonly a country that we have looked to for that kind of assistance, I think we have to. Last but not least, when Turkey turned us down and we couldn't take our forces into Iraq in the beginning of the war, it was Egypt that, on an emergency basis, found a way to get our Fourth Division through the Suez Canal so that they could arrive somewhat in time to be part of the relief effort. We are in a position today where the last thing we can afford to do is have Egypt making cuts.

Last but not least, I would just like to point out the percentages, because this talks—this reform talks about the possibility Egypt is spending too much considering it doesn't have an enemy. Egypt spends 3.6 percent—that is including our money—of its GDP on military. Israel spends 8.7. Syria spends 5.9. Lebanon, a country which I thought had no army, spends 4.8. Jordan, the other considered ally in the region, 20 percent of their GDP on the military, and Saudi Arabia, 10 percent. So, of all of these countries in the region, Egypt is the lowest, and yet Egypt is a country we count on for the training of Iraqi soldiers, and in so many other ways.

I think at this time, particularly considering that the Hyde-Lantos amendment in the form of a substitution speaks to the history of not being able to make economic reforms work, I call for us to strike the portion that would move the funds until or unless we can, one, establish that moving those funds will not affect U.S. security, and, two, that the economic funds would actually go to a purpose that we have a positive attitude about. With that, I yield back.

Mr. LANTOS. Mr. Chairman.

Mr. SMITH OF NEW JERSEY. The Chair recognizes Mr. Lantos.

Mr. LANTOS. Thank you very much, Mr. Chairman.

I rise in very strong opposition to the Issa amendment. Few states in the world inhabit a strategic environment more secure than Egypt's. Egypt shares land borders with three states, Libya, Sudan and Israel. And it is at peace with all of them. No nation threatens Egypt. No nation covets its territory or opposes its right to exist. In recent years, we have provided Egypt a total of \$32.7 billion—that is with a B—\$32.7 billion of military aid.

The only threats to Egyptian society come from within: Crushing poverty, a nearly dysfunctional education system, poor health care and very limited freedoms. Per capita income in Egypt is less than \$1,500; 30 percent of adult Egyptians, including more than half of adult women in Egypt, cannot read or write. One military backed political party has monopolized the party in Egypt for decades, and the most limited reforms proposed recently by Mr. Mubarak ensure that this situation will continue for the indefinite future.

Yet the stupefying truth is that the United States aid program reinforces this situation. Since Fiscal Year 1999, we have been cutting our economic support funds for Egypt by \$40 million every year while keeping military aid steady at \$1.3 billion. Military aid now accounts for more than two-thirds of our total aid package for Egypt. We are the enablers of an Egyptian military build-up that is simply a horrendous misallocation of priorities and resources, both theirs and ours.

When I raise this issue with my friends in the Egyptian military and with the Egyptian Embassy here, they point out that our foreign aid program for Israel is on a similar trajectory. They point out that Israel's economic aid is also declining and soon will end entirely while we are increasing Israel's military aid.

I find this apples and oranges comparison, frankly, absurd. Israel has a thriving economy, more than ten times Egypt's per capita income, but faces serious enemies on its doorstep and throughout the entire region, including one Iran that calls for Israel's destruction on theological grounds and is hell bent on acquiring nuclear weapons. It is totally illogical for Egypt to compare its foreign aid requirements with those of Israel. If one has two children, one obese and the other emaciated, I don't think you would want the doctor to prescribe the same medication for both. It is time that we realign our foreign aid priorities with the needs of the Egyptian people and the requirements of Egyptian stability rather than with the desires of the Egyptian military.

By halting the decrease in our economic aid for Egypt, the Hyde-Lantos provision makes a modest start in the right direction and points the way toward more meaningful reform in the future. What

the Hyde-Lantos provision would mean would be the cutting next year of military aid to Egypt from \$1.3 billion to \$1.26 billion, a \$40 million cut. To suggest that that threatens U.S. national security is beyond absurd.

Let me also say that my colleague's comments about how helpful Egypt has been to us have been enormously exaggerated. They are not in Afghanistan, although we have repeatedly asked them to be in Afghanistan. Their contribution to training police in Iraq or for Iraq has been minimal at best. Symbolic would be the proper word. I am convinced that, for the sake of the people of Egypt and Egypt's development toward a more rational open and democratic society, this modest provision, shifting \$40 million from a military aid package of \$1.3 billion to economic aid, is extremely modest, probably not adequate. My hope is that all of my colleagues will support this modest and rational amendment, the beneficiaries of which are clearly the Egyptian people.

Thank you, Mr. Chairman.

Mr. SMITH OF NEW JERSEY. Thank you.

The Chair recognizes Congresswoman Ros-Lehtinen, the Chairman of the Middle East Subcommittee.

Ms. ROS-LEHTINEN. Thank you so much, Mr. Smith, for recognizing me.

I would like to thank Chairman Hyde and my good friend from California, Mr. Lantos, for their work on this underlying text. It has been a pleasure for me to have been working with them for a number of years on this. I have had the opportunity to talk to a great Member of our Middle East Subcommittee, the author of this amendment about this issue.

But I agree with Congressman Lantos when he says that billions of dollars of United States aid, taxpayer dollars, have been going to Egypt with practically no accountability. Egypt has failed on true economic reform. It continues to be a repressive regime. The text, the underlying text in the bill as has been discussed, shifts military aid to economic aid in the sense of economic reform. It will go toward poverty reduction, education, political reform, improving the democratic process. Following the model for the millennium challenge account, the underlying text requires Egypt to develop its own developmental strategy. We are not telling it what to do, but to do its own homework and what Egypt can do best to push improvement in its governance, in its economy, in the reduction of poverty and the country. And what we already have in the Hyde-Lantos text provides the opportunity for Egypt to assume responsibility of designing this compact proposal for review and for funding by the United States. If Egypt will take this proposition seriously and develop a thorough compact process that reflects a coherent performance-based strategy with significant monitoring and evaluation to make sure that we have progress, then Egypt can finally achieve measurable advances in part because they will own their developmental activities.

So if, on the other hand, Egypt cannot or will not design or implement an assistance program in this way, which they would own for themselves and which would be based on performance, would be based on results, then the Secretary of State would not provide Egypt with the assistance funding. We cannot afford to continue

with the status quo, providing large amounts of assistance for very little return on the ground, and we should not expect that American tax dollars going to Egypt should not have to provide true results and an actual outcome. So because of the billions of dollars in assistance that we are giving to Egypt for 25 years, it is not unreasonable to have an expectation that the aid actually result in outcomes in terms of economic growth, poverty reduction, democratic reform and other performance measures that benefit the Egyptian people. We want a vibrant Egyptian economy. We want a true democratic process. We want the poverty reduction. These are all strategies in the national interests of the United States, and they are certainly in the interest of the Egyptian people and the Egyptian leadership. I do not think that the underlying text is hostile to Egypt in any way. It has been my pleasure to have worked with Mr. Issa on so many of our Middle East concerns, and we all want what is best for the people of that region. I think accountability for U.S. taxpayer dollars is at stake. So thank you. I will be glad to yield if I have the time.

Mr. ISSA. And I thank the gentlelady.

I couldn't be more in agreement with the portion of the bill that talks about bringing accountability, and I am pleased that you are talking in terms of bringing accountability.

There are two issues at stake here today. One is the accountability. The other is \$40 million growing to \$80 million, growing to \$120 million, because this increases over time. If we make the case that we haven't been able to figure out how to get the Egyptians to pursue their economic aid wisely, and no one here today has made a case that they are not using their military, their 3.6 percent is relatively small by Middle Eastern standards, wisely, then we have that problem. Just for the record, the Minister of Defense of Egypt has made an unconditional—he did it when he was here before our Committee—offer to do all training, at no cost or only at what reimbursement the United States would determine is reasonable, of Iraqis. They have made an unconditional willingness to do that. That is something that they have had on the table. It happens that, because of the nature of our military, there has been a reticence by the military to send troops outside of Iraq for training.

Ms. ROS-LEHTINEN. I understand. But if the Chairman would give me just an additional minute. We would further like some assurances from the Egyptian military and the leadership that they are going to do away with the Gaza tunnels that have still been used as a shipment point to get guns and other armaments to folks to use against the innocent Israeli citizens, and also an elimination or at the very least a reduction in the anti-Semitic, anti-Israel propaganda in the newspapers as well as in the textbooks that are used by the school children in Egypt. Those are assurances that they can give us as well.

Mr. SMITH OF NEW JERSEY. The Chair recognizes Ms. Berkley.

Ms. BERKLEY. Thank you, Mr. Chairman. There are times that I think I'm living in a parallel universe with my good friend, Mr. Issa, and this is one of those times. If it were up to me, we would not be giving any military aid to the Egyptians. While my very dear friend, Mr. Lantos, mentioned most of the things I had planned to, I would like to reiterate them for the record.

Again, the Egyptians have no enemies in the region. The only potential enemies they have would be the State of Israel, where they have a rather cold peace right now, and their own people. Now, to equate Egypt and Israel and suggest that they are equal allies of ours in the fight against terrorism, or in anything else, I think is laughable.

Israel's unwavering support for the United States is legendary. Egypt is a fair-weather friend at the very best. Israel is the only democracy in a very dangerous part of the world. While the Egyptians continue to pay lip service to the fact that they are moving toward democracy, I think it is not going to be seen in my lifetime certainly, nor my children's.

When we talk about the difference between the needs, military needs of Israel and Egypt, we are talking two different things: Israel is surrounded by a sea of enemies, countries that refuse to recognize its very right to exist; that if they had the opportunity and if it wasn't for the protection of the United States of America, they would attack in a moment.

When we met with Mr. Mubarak, President Mubarak, who I believe is probably one of the most arrogant world leaders I have ever met, when Members of Congress spoke to him about the anti-Semitic and anti-Western press that is pervasive in Egypt, he dismissed our concerns with the greatest of disdain, which I thought was incredibly insulting given the fact it is our foreign aid that is propping him up.

While again they pay lip service to this, I don't understand what type of ally, when it comes to terrorism, that Mr. Issa thinks that the Egyptians are. They are not in Afghanistan. They promised to help train Iraqi soldiers, yet we have to airlift the Iraqi soldiers to Egyptian soil, so that means it is a nonoffer. They did the same thing with the Palestinians.

The Israelis are unilaterally disengaging from the Gaza. The Egyptians supposedly were going to step up to the plate and help train the Palestinian force to take over once the Israelis leave. They have yet to train a single Palestinian security person. The reason for it is that they do not want to.

As far as the Gaza tunnels are concerned, Ms. Ros-Lehtinen already spoke of the fact that they have also paid lip service to eliminating them, but they have done nothing with that as well.

The problem in Egypt is not want of a strong military. As far as I'm concerned, the only reason they would use it is to keep their own people in line. The problems are crushing poverty, lack of education, lack of any economic opportunity, and lack of health care. Those are the issues that are crushing and hurting the Egyptian people. What we should be doing is taking that military money that the Egyptians clearly do not need and pouring it, pouring it into that nation so that we can lift up their people economically so that they can see a brighter future, and maybe we would be creating less terrorists instead of creating more of them.

I yield back whatever balance of time I have.

Mr. SMITH OF NEW JERSEY. Ms. Lee.

Ms. LEE. Thank you very much, Mr. Chairman. I move to strike the last word, and I would like to speak to Congressman Issa's amendment.

A couple of months ago—and as I listen to this debate, I wonder what world we all live in—I had the opportunity to visit Egypt with Members of the Congressional Black Caucus. We met with, of course, President Mubarak, the head of intelligence, the head of defense, and had an opportunity to talk to many, many people. We actually spent 5 days, probably the longest that most congressional delegations have spent in Egypt. And I am convinced more than ever, and I know my colleagues disagree with me on this, and I want to say to our Ranking Member that I respect his knowledge and expertise of the region, but I just must respectfully disagree, that Egypt is a strong ally in the region.

This cutting military assistance to Egypt at this point right now sends the wrong message at the wrong time, and I think it is very irresponsible and it totally ignores the reality of the region. I agree with the gentleman from California, Mr. Issa. The Pentagon and the State Department argued that this is harmful to U.S. interests in the region and the U.S. forces' ability to fight terrorism. After visiting and seeing what is taking place in the region, I am convinced that Egypt is a strong ally of the United States in fighting the war against terror.

Many argue that transferring funding for Egypt is appropriate because Egypt should concentrate on the economic challenges and Egypt has no regional military threats. However, these arguments, I believe, are shortsighted. While I agree that much more can be done to alleviate poverty in Egypt and throughout the world, just as more can be done in our own country in the United States, we have to understand the realities of the world and the fact that we need friends. We need allies in the Arab world.

We also need to understand that Egypt is working very hard in seeking peace throughout Africa as well as in the Middle East. Egypt's efforts to revitalize the Middle East process I believe are very clear and have been very forthright. Israelis and Palestinians agreed during the Sharm al-Sheikh Summit hosted by President Mubarak to restart negotiations, to coordinate on security issues and commit to a ceasefire. President Mubarak is playing a very vital role in the region, whether you agree or disagree with the domestic issues with which he is addressing and dealing with.

So I believe that Mr. Issa's amendment is perfectly appropriate given the realities of the world and the fact that this is a defining moment in the Middle East. And for the life of me, if we can't half-way rely on Egypt in the region, who will we rely on?

So I say to Mr. Issa, I hope that you get the votes for your amendment. I fully support it, and I would like to thank you for offering it.

Mr. SCHIFF. Mr. Chairman.

Mr. SMITH OF NEW JERSEY. Mr. Wexler, and then I will go to Mr. Schiff.

Mr. WEXLER. Thank you, Mr. Chairman. I move to strike the last word, and with great trepidation I would like to speak in support of Mr. Issa's amendment. Trepidation because there is no one in the world I have more respect for than Mr. Lantos, and I think his championing of political reform and enhanced freedom in Egypt is unprecedented and he enjoys extraordinary credibility in that respect.

I find myself in almost total agreement with all of the criticisms that Mr. Lantos, Ms. Ros-Lehtinen, and Ms. Berkley have offered with respect to the performance of Egypt at different junctures on different issues. But in fairness, if we are going to offer those criticisms, and I share the same zeal as they do in those criticisms, we must also offer the totality of the relationship and the behavior of Egypt.

If we are going to talk about Egypt's role, it is not fair not to talk about the fact that President Mubarak supported entirely the American-French effort with respect to removing Syria from Lebanon and the resolution which calls for the disarmament of Hezbollah. To say that Egypt was not America's ally in that pursuit, with all due respect, I don't think presents a fair and complete picture.

With respect to the Israeli-Palestinian conflict, there is much to criticize Egypt about, but it is in my view unfair not at the same time to also point out who it is that today is negotiating with Hamas about what Hamas' role will be with a delayed Palestinian election. Now, would I like to see the Egyptians demand that Hamas disarm? You bet I would. But it is Hamas that is negotiating with Egypt. Egypt, on behalf of what would be the joint interests of the United States, Egypt and Israel to keep that ceasefire in place while those Palestinian elections are being delayed.

When this issue was presented a year ago, many of us, including me, chided Egypt for not having their Ambassador back in Israel. They have since put their Ambassador back in Israel. Now, Egypt shouldn't be rewarded for doing that because they were obligated to do that under the peace agreements. But they shouldn't be penalized for doing it either.

The Prime Minister of Egypt was here, I think a couple of weeks ago. Many of the Members of this Committee got to meet with him. If you want to talk about political reform in Egypt and criticize him, that is very justified, but when you talk about economic reform, Egypt's record is pretty darned good over the last year. They have dropped their tax rates, they have made their economy more transparent, and they entered into qualified industrial zones using the American laws which enhances their relationship with Israel and promotes peace.

You talk very appropriately so about the smuggling of arms over the Gaza border. You bet there has been smuggling, and it is dead wrong, and Egypt has engaged in a process of offering 750 security officers on that border and they are working with the Israelis and hopefully the two, the Israelis and the Egyptians, will come up with a resolution which promotes peace and which minimizes the smuggling of those arms.

The question before this Subcommittee, I would respectfully suggest, is whether or not the language of this bill promotes the goals of political and economic reform or takes away from them. I would respectfully suggest that we will probably wind up doing more harm than good.

Is anti-Semitism too high in Egypt? Of course it is, way too high. And is the political reform too slow? Of course it is.

With respect to the training of Iraqi soldiers, yes, Mr. Chabot and I were in Cairo together, and we questioned both the Eryp-

tians and our American representatives in Cairo about this, and there is a discrepancy here. The discrepancy is that the Egyptians say they offered and continue to offer in a very significant way the ability to train Iraqis using Egyptian resources, but that the United States has not been particularly receptive and taken them up on the offer.

Now I'm not judging the question and I'm not criticizing our own military for making a decision, if they have, to not use that offer, but we can't have it both ways. We can't criticize the Egyptians for not making the offer when they apparently have made the offer if we for our own American interests decided not to take them up on it.

I think it is important at this very critical juncture, the Israelis are about to disengage from Gaza, who, other than the Israelis and the Palestinians, are more important than the Egyptians to make sure this is a success?

Mr. Lantos spoke very eloquently about the need for economic assistance. With all due respect to Mr. Lantos, he spoke only about the portion of the bill that it is my understanding he is most associated with. There are other portions of this bill which actually would subject Egypt to losing all their economic aid if they do not meet certain standards. Not their military aid but their economic aid, entirely, if they do not meet certain standards.

So with all due respect, we can't argue on the one hand what we ought to be doing is empowering the Egyptian people and increasing education and increasing economic development, and then on the other hand have language in this bill that we will be voting on that subjects Egypt to losing in its entirety all the economic assistance from the United States.

I worry about talking in favor of this bill. I hope people on this Committee understand that this is not something that I would ordinarily do. But for those of us that care so deeply about the process of peace, I think we have an obligation to analyze all sides of this equation. We can minimize, if we will, Egypt's participation with the American invasion in Iraq, but it was through the Suez Canal that tens of thousands of our troops went through. Who is protecting the Suez Canal? The Egyptians.

You can minimize it, but the fact is the fact. The Egyptians protect the Suez Canal and that is where our troops went through.

Mr. SMITH OF NEW JERSEY. The time of the gentleman has expired.

Mr. WEXLER. Thank you.

Mr. SMITH OF NEW JERSEY. Thank you. Anyone else wish to be heard on the Issa amendment? Mr. Schiff is recognized.

Mr. SCHIFF. Thank you, Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to speak today in opposition to the Issa amendment and support of the language drafted by Mr. Lantos and Mr. Hyde in the base bill. I think when we look at the course of really the last several years there have been times where Egypt has been a tremendous ally and a very important partner in the Mideast peace process. There have been other times when Egypt seems to have disengaged from the peace process, has with-

drawn its Ambassador, has not played the kind of role that we have come to hope for and expect from an ally like Egypt.

The same is true with respect to Egypt's halting steps toward democratic reform. It has been characterized sometimes as one step forward, two steps back; sometimes two steps forward and only one step back. Most recently we saw, I think much to our dismay, the arrest of Iman Nour, one of the leading reformers in Egypt, but then his subsequent release; then subsequent to his release the filing of criminal charges against Mr. Nour.

Similarly, we have seen President Mubarak call for contested Presidential elections in a step forward, and then the Egyptian Parliament draft restrictive rules controlling those elections to prevent certain legitimate candidates from running for President, in a step backward.

Other times, I think some of the most encouraging signs we have seen have come from not the opposition and not the presidency but rather other institutions within Egypt. I think one of the most hopeful signs within Egypt was the fact that 1,500 or more judges in Egypt got together to petition the government to say we will not simply rubber stamp an election. We want real independence. We want the authority to review critically whether elections are plagued with fraud or whether they are legitimate. The fact that so many judges within the Egyptian society, institutions, have stepped forward, I think is a courageous decision and represents in that respect a step forward.

I do think that the United States, much as Egypt is an ally, as a good ally we must continue to keep the pressure on Egypt to reform more, to progress more along the democratic path. The most populated of Arab nations, Egypt should be a leader in reform in the Middle East, not overtaken by reform in other countries, and I think it is incumbent upon us to continue to push and to prod that kind of positive change in Egypt.

I think the modest changes in military to economic aid that are represented in the base bill will facilitate those internal reforms and democratic processes without jeopardizing a country which faces no real military threat in the region. If anything, the threat to the Egyptian Government comes from within Egypt, not from without.

So I want to add my voice of support for the work Mr. Lantos has done on this in the base bill, reluctantly disagree with my other colleague from California, and yield back the balance of my time.

Mr. SMITH OF NEW JERSEY. I understand Mr. Crowley wants to be heard.

Mr. CROWLEY. Thank you, Mr. Chairman. I want to take a moment to speak in opposition to Mr. Issa's amendment as well. The Committee should not weaken this text by changing the way we will give economic support, funds, and military assistance to Egypt.

The United States has been steadily cutting ESF aid to Egypt while military assistance remains constant. Egypt is at peace, as has been stated by my colleague from Nevada, with all of its neighbors, and I see no external threats against them that warrant the need for keeping military assistance constant.

The real threat to Egypt is from within. The limited amount of freedom that exists for its people as well as the level of poverty increases I believe is a dangerous mix. The United States must do more to help end this dangerous mix before the problem creates even more instability.

Egypt has been a strong friend and ally and has done much to help bring about a peaceful solution to the Israeli-Palestinian conflict, but we cannot allow that to cloud our judgment. We must do what we think is in the best interest of the people of Egypt, and that is increase ESF and not the military spending.

I thank the Chairman for the time, and I yield back.

Mr. SMITH OF NEW JERSEY. Mr. Delahunt.

Mr. DELAHUNT. Yes, I thank the Chairman. I just approached the Chairman of the Committee on the Western Hemisphere, Mr. Burton, who is attending to another meeting right now, and I said I find this a bit fascinating and interesting. We are talking about \$1.2 or \$1.3 billion worth of military assistance to a single nation in the Middle East, the nation of Egypt, and yet when it comes to the entire hemisphere, Central America, South America and the Caribbean, we cannot find much more than approximately \$1 billion for our entire economic assistance in our own neighborhood. I just find that profoundly disturbing.

I support the Lantos amendment because I would hope that it is the beginning of a long process of demilitarization of the Middle East. I don't think the Lantos amendment goes far enough. I guess the message that we are sending out is that if you are an ally, whatever that really means, if you are an ally of ours we will do something if it meets very cross short-term interests.

We speak of democratizing the Middle East, bringing democracy to the dark corners of the Middle East, where it doesn't exist now. But our actions are entirely different. No, what we will do is if you are a single party state, where political rights are severely limited, where freedom of the press is restricted, and that is being kind, and where the practice of religion other than Islam is also severely restricted, that is okay.

I am not aware of the restrictions that the Lantos amendment does in terms of economic aid. I think we ought to be sending more economic aid to Egypt and other nations in the Middle East to advance the cause of peace. What I see and what I am hearing is a level of hypocrisy, to be perfectly candid.

Uzbekistan, another great symbol of democracy, receives \$300 million or \$400 million of assistance from the United States. This is probably the most repressive regime in the globe right now, yet we are sending them assistance. One only has to go to the State Department's Human Rights Reports. In there there is an allusion to an allegation surrounding the government there, really the dictatorship there in the form of Islam Karimov boiling victims of his regime in oil. And we are sending them money and we are preaching about democracy? It just doesn't compute.

Yet we cannot find the money for Latin America and Central America and in this hemisphere. We have the gall to be critical of governments in Latin America that are lightyears ahead of many of these states in the Middle East in terms of democratic rights, freedoms of press, political rights, treatment of women and freedom

to express oneself both in synagogues, churches, temples, whatever. We can't find a billion dollars, and we're arguing over \$40 million? There are countries in Latin America, there are programs that exist in Latin America that could use that \$40 million.

With that, I will yield back.

Mr. SMITH OF NEW JERSEY. Anybody else like to be heard?

If not, the question occurs on the amendment by Mr. Issa of California. All those in favor say aye. All those opposed say no.

In the opinion of the Chair, the noes have it.

Mr. LANTOS. Mr. Chairman, on that I request a recorded vote.

Mr. SMITH OF NEW JERSEY. The recorded vote will occur. Further proceedings will be postponed on this amendment until—now this is our most likely scenario—15 minutes after the last vote in the next series of votes. So everybody will be notified, but it will most likely occur then.

On behalf of Chairman Hyde and Mr. Flake, I offer two amendments and ask unanimous consent that they be considered en bloc as read and adopted.

Without objection, so ordered.

[The en block amendments referred to follow:]

AMENDMENT TO H.R. 2601**OFFERED BY MR. HYDE OF ILLINOIS**

**(Page and line numbers refer to the Amendment in the
Nature of a Substitute)**

Page 107, after line 23, insert the following new section (and conform the table contents accordingly):

1 **SEC. ____ . AUTHORIZATION FOR ADDITIONAL LICENSE AND**
2 **COMPLIANCE OFFICERS.**

3 (a) FUNDING.—Of the amounts authorized to be ap-
4 propriated under section 101 of this Act, up to
5 \$13,000,000 shall be available for each of the fiscal years
6 2006 and 2007 for salaries and expenses related to the
7 assignment of additional full time license and compliance
8 officers in the Directorate of Defense Trade Controls of
9 the Department of State.

10 (b) NOTIFICATION.—None of the funds authorized
11 under subsection (a) may be made available until 15 days
12 after the date on which the Secretary of State submits
13 a written report to the congressional committees specified
14 in section 634A(a) of the Foreign Assistance Act of 1961
15 (22 U.S.C.2394–1(a)) in accordance with the procedures
16 applicable to reprogramming notifications under such sec-
17 tion, which sets forth the plans and timetable of the De-

1 partment of State for measurable improvements in the
2 quality and timeliness of the service it provides in support
3 of United States Armed Forces abroad and routine ex-
4 ports by United States business organizations, as well as
5 for the elaboration of enhanced compliance measures ap-
6 propriate to the heightened security environment for arms
7 exports during the Global War on Terrorism.

AMENDMENT TO H.R. 2601

OFFERED BY MR. FLAKE OF ARIZONA

**(Amendatory Instructions Refer to the Amendment in the
Nature of a Substitute)**

At the appropriate place in the bill, insert the following new section (and conform the table of contents accordingly):

1 SEC. ____ . ACTIVITIES RELATED TO CUBA.

2 (a) ACTIVITIES.—Of the funds made available for fis-
3 cal year 2006 for the Bureau of Educational and Cultural
4 Affairs of the Department of State, \$5,000,000 shall be
5 used for activities related to Cuba under—

6 (1) the J. William Fulbright Educational Ex-
7 change Program;

8 (2) the Hubert Humphrey Fellowship Program;

9 (3) the International Visitors Program;

10 (4) the Benjamin A. Gilman International
11 Scholarship Program;

12 (5) the EducationUSA Program; and

13 (6) professional, cultural, and youth programs
14 operated by the Office of Citizen Exchanges of the
15 Bureau.

1 (b) PRIORITY.—The Secretary of State shall give pri-
2 ority to human rights dissidents, pro-democracy activists,
3 and independent civil society members for participation in
4 the activities described in subsection (a).

5 (c) CONGRESSIONAL NOTIFICATION.—Not later than
6 90 days after the date of the enactment of this Act, the
7 Secretary shall notify the appropriate congressional com-
8 mittees on efforts to identify eligible participants for ac-
9 tivities described in subsection (a). Not later than 15 days
10 prior to a final determination of eligible participants for
11 activities described in subsection (a), the Secretary shall
12 notify the appropriate congressional committees of such
13 determination and provide a list that contains the names
14 of such eligible participants.

Mr. SMITH OF NEW JERSEY. The Chair recognizes Mr. Delahunt.
Mr. DELAHUNT. Yes, thank you, Mr. Chairman.
As you can see to my right, the chart has appeared. It is there.
Mr. SMITH OF NEW JERSEY. Does the gentleman have an amendment?

Mr. DELAHUNT. Yes, I have an amendment at the desk.

Mr. SMITH OF NEW JERSEY. The clerk will designate the Delahunt amendment.

Ms. RUSH. Amendment to the amendment in the nature of a substitute offered by Mr. Delahunt—

Mr. SMITH OF NEW JERSEY. Without objection, the amendment will be considered as read, and the gentleman from Massachusetts is recognized for 5 minutes.

[The amendment referred to follows:]

**AMENDMENT TO THE AMENDMENT IN THE
NATURE OF A SUBSTITUTE TO H.R. 2601
OFFERED BY MR. DELAHUNT OF MASSACHUSETTS
(Foreign Relations Authorization Act, Fiscal Years 2006 and
2007)**

At the appropriate place in the bill, insert the following new section (and conform the table of contents accordingly):

- 1 **SEC. __. REPORT ON ACTIONS OF THE 661 COMMITTEE.**
- 2 (a) REPORT.—Not later than 120 days after the date
- 3 of the enactment of this Act, the Secretary of State shall
- 4 submit to the appropriate congressional committees a re-
- 5 port on United States decisions, actions, communications,
- 6 and deliberations in the 661 Committee of the United Na-
- 7 tions regarding the issues of overpricing of contracts, kick-
- 8 backs from sales of humanitarian goods, oil smuggling,
- 9 and trade protocols. The report shall examine the process
- 10 by which the United States made its decisions in the 661
- 11 Committee, the officials in the United States Government
- 12 involved in these decisions, and the names of the officials
- 13 who made the final decisions. The report shall also include the
- 14 (b) INCLUSION OF SUPPORTING DOCUMENTS.—The
- 15 report required under subsection (a) shall contain all sup-

efforts to correct and revalue the remaining contracts in the post-Saddam era.

The report shall also include the information detailing the positions on the above issues by member States of the 661 Committee

1 porting documents with respect to the decisions, actions,
2 communications, and deliberations referred in such sub-
3 section.

4 (c) FORMAT.—If the Secretary determines that such
5 is appropriate, the Secretary may submit the report re-
6 quired under subsection (a) with a classified annex.

7 (d) DEFINITION.—In this section, the term “661
8 Committee” means the committee within the United Na-
9 tions that was tasked with administering the United Na-
10 tions oil for food program.

Mr. DELAHUNT. Thank you, Mr. Chairman. I will only take 30 seconds. The amendment has been modified. In fact, I think it has been improved by suggestions from the Chairman of the Committee on Oversight and Investigations, Mr. Rohrabacher. I think it is a good amendment. I am confident that Mr. Rohrabacher, I see him here, will support it, and I would ask it be accepted.

Mr. SMITH OF NEW JERSEY. Anyone else like to be heard? Mr. Rohrabacher?

Mr. ROHRBACHER. I would just like to state for the record that I am supporting this amendment. I appreciate that Mr. Delahunt has worked with me on the language so that it is acceptable to both sides of the aisle, and I think that he is asking questions that deserve to be answered. We are watching out for the interest of the taxpayers and putting people on notice that we want accountability for what has been going on, and I am supportive of this amendment.

Mr. SMITH OF NEW JERSEY. I too want to thank Mr. Delahunt for suspending earlier and for a superb amendment, but also for working with this side of the aisle to work on some language. I do appreciate that.

The question now occurs on the amendment. All those in favor say aye. Opposed say no.

The ayes have it and the amendment is agreed to.

Are there any other amendments? The gentleman from Iowa, Chairman Leach, is recognized.

Mr. LEACH. Mr. Chairman, I have an amendment at the desk, and I'll try to be as brief as I can.

Mr. SMITH OF NEW JERSEY. The clerk will designate the amendment.

Ms. RUSH. Amendment offered by Mr. Leach. Insert at the appropriate place the following:—

Mr. LEACH. Mr. Chairman, I ask unanimous consent that the amendment be considered as read.

Mr. SMITH OF NEW JERSEY. Without objection.

[The amendment referred to follows:]

AMENDMENT TO H.R. _____
OFFERED BY MR. LEACH OF IOWA

Insert in the appropriate place the following:

1 **SECTION ____ . INTERPARLIAMENTARY UNION .**

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

4 (1) The Interparliamentary Union (in this sec-
 5 tion referred to as the “IPU”) is an international
 6 organization of Parliaments of sovereign States es-
 7 tablished in 1889.

8 (2) The IPU is the focal point for world-wide
 9 parliamentary dialogue and works for peace and co-
 10 operation among peoples and for the firm establish-
 11 ment of representative democracy.

12 (3) The United States Congress was a founding
 13 member of the IPU and participated actively in the
 14 Union, regularly sending high-level delegations to
 15 IPU meetings and hosting two of its conferences.
 16 Following the end of the Cold War, however, the
 17 United States Congress suspended its participation.

18 (4) The IPU has taken significant reorganiza-
 19 tion and reform over the last decade, which has led
 20 to stronger ties with the leadership of its 141 Mem-

1 ber Parliaments, the development of a broader range
2 of activities in support of democratic institutions
3 world wide, and a greater role in international co-
4 operation.

5 (5) A core area of activity for the IPU is the
6 defense and promotion of representative democracy,
7 particularly in countries in transition or those
8 emerging from conflict, which has including assisting
9 new parliaments in Afghanistan, Burundi, Cam-
10 bodia, Haiti, Kosovo, Rwanda and Timor-Leste, and
11 it is now helping in the establishment of the Transi-
12 tional National Assembly of Iraq.

13 (6) The IPU also is also committed to advanc-
14 ing human rights and international humanitarian
15 law through monitoring hundreds of cases of human
16 rights violations committed against freely elected
17 parliamentarians in many parts of the world, pro-
18 moting conditions that allow democratic opposition
19 leaders to express themselves freely and conduct
20 their work safely, and working closely with the Inter-
21 national Committee of the Red Cross to support the
22 effective implementation of the Geneva Conventions
23 and their Additional Protocols.

24 (7) The IPU strongly supports the participation
25 of women in politics and is widely acknowledged as

1 being among the most effective and innovative in the
2 field, including through serving as the global focal
3 point for statistical and factual data on women's
4 representation in government and elected office.

5 (8) The IPU is also active in other areas of on-
6 going interest to the United States, including inter-
7 national peace and security, sustainable develop-
8 ment, as well as education, science and culture.

9 (9) The IPU works closely with many United
10 States institutions in the promotion of democracy
11 and human rights, including the United States
12 Agency for International Development, the United
13 States Institute for Peace, the National Democratic
14 Institute, the International Republican Institute, the
15 International Foundation for Election Systems, and
16 the Ford Foundation.

17 (10) The renewal of United States congres-
18 sional membership in the IPU is in the national in-
19 terest of the United States and would strengthen
20 American efforts to promote representative democ-
21 racy and human rights, assist in the advancement of
22 women in global politics, foster greater dialogue on
23 issues from international peace and security to sus-
24 tainable development, and lead to greater inter-
25 change in the areas of education and culture.

1 (b) FUNDING.—

2 (1) AUTHORIZATION OF APPROPRIATIONS.—

3 There is authorized to be appropriated for each fis-
4 cal year for the annual contribution of the United
5 States toward the maintenance of the Inter-
6 parliamentary Union, an amount equal to 15 percent
7 of the budget of the Interparliamentary Union for
8 the year with respect to which such contribution is
9 to be made, if the American delegation to the Inter-
10 parliamentary Union appointed under subsection (c)
11 has approved such budget.

12 (2) FISCAL YEARS 2006 AND 2007.—Of the
13 amounts made available pursuant to section 102,
14 there shall be made available for the annual con-
15 tribution of the United States under paragraph (1)
16 for each of the fiscal years 2006 and 2007 an
17 amount equal to 15 percent of the budget of the
18 Interparliamentary Union for the year with respect
19 to which such contribution is to be made, if the
20 American delegation to the Interparliamentary
21 Union appointed under subsection (c) has approved
22 such budget.

23 (c) DELEGATIONS.—

24 (1) HOUSE.—The Speaker of the House of
25 Representatives, in consultation with the minority

1 leader of the House, shall appoint such delegates
2 from the House of Representatives to each con-
3 ference of the Interparliamentary Union as the
4 Speaker considers appropriate. The Speaker shall
5 designate the Chairman and Vice Chairman of the
6 House delegation for each such conference.

7 (2) SENATE.—The majority leader of the Sen-
8 ate, in consultation with the minority leader of the
9 Senate, shall appoint such delegates from the Senate
10 to each conference of the Interparliamentary Union
11 as the majority leader considers appropriate. The
12 majority leader shall designate the Chairman and
13 Vice Chairman of the Senate delegation for each
14 such conference.

15 (d) ADMINISTRATIVE MATTERS.—The Speaker of the
16 House of Representatives and the majority leader of the
17 Senate shall provide for such administrative services, and
18 shall develop such procedures, for the American delegation
19 to the Interparliamentary Union appointed under sub-
20 section (c) as the Speaker and the majority leader consider
21 appropriate.

Mr. LEACH. Mr. Chairman, what this amendment does is it authorizes on a permissive basis the Congress of the United States to rejoin the International Parliamentary Union. The IPU was established in 1889 as an association of individual parliamentarians and is the world's first permanent multilateral political forum. Over time, the IPU transformed itself into the International Organization of Parliaments of Sovereign States. The United States was one of the original participants in IPU activities begun in 1889, and the United States formally joined in 1935 when the House and Senate enacted statutory authority.

The IPU currently has 138 members, five regional organizations, or associate members. Some are imperfect democracies, including North Korea, and this makes it less than a perfectly democratic organization, although it is a parliamentary organization. On the other hand, we are a member of a lot of organizations that are imperfectly democratic.

While Congress formally joined it in 1935, we terminated our membership as of 1999 through legislation passed in 1998. So presumably if we are to rejoin it would require new legislation so to do. I personally think it is a thoughtful thing for our Congress to be part of, recognizing that some IPU members are definitively skeptical of some United States' policies. But just as I believe that in an Executive Branch empty chair diplomacy rarely works, I believe it legislatively as well, and I think the United States would be well advised to take advantage of this opportunity to rejoin the IPU.

Mr. SMITH OF NEW JERSEY. Mr. Faleomavaega.

Mr. FALEOMAVAEGA. Mr. Chairman, I want to offer my commendation to the gentleman from Iowa, Chairman Leach, for offering this amendment and my absolute support for its provisions.

The International Parliamentary Union is the largest parliamentary union composed of some 130 nations. Parliamentarians from these 130 nations get to participate on issues that relate not only to their respective countries but as a matter of education and having a better sense of appreciation and understanding of relationships existing among those countries and getting to know and to meet with the parliamentarians from those countries.

I attended a couple of the IPU meetings, and I say it was embarrassing, embarrassing in the fact that our country was never represented. Of course one of the things over the years is it has been very difficult for us participating in the Union's activities because they hold the conferences just at the time we are holding sessions. I think we tried several years in trying to appeal to the organization and the administrators of the IPU that it is very difficult for Members to attend this conference simply because it does meet at a time that we are meeting here and having our own sessions here in the Congress.

I am told by representatives of the IPU that they are going to definitely try to make every effort to see that there is some accommodation involved here.

Sometimes it has been critical, and I think it is an opportunity for Members of this body to participate and to get to know parliamentarians from other countries as a way hopefully to resolve some

of the serious issues and problems affecting not only the United Nations but certainly in our own country.

For that, Mr. Chairman, I strongly urge my colleagues to support the gentleman's resolution, or the proposed amendment. Thank you.

Mr. SMITH OF NEW JERSEY. Any other Members?

The question occurs on the amendment offered by Chairman Leach. Those in favor say aye. Those opposed say no.

In the opinion of the Chair, the noes have it.

Mr. LEACH. Excuse me. Did you say the noes have it?

Mr. SMITH OF NEW JERSEY. The noes.

Mr. LEACH. Then I would ask for a vote.

Mr. SMITH OF NEW JERSEY. Okay. Further proceedings on this amendment will be postponed and we will have a recorded vote.

I just would advise the Members that we have five votes on the Floor. We would like to return and continue the markup. So in consultation with Mr. Lantos, we thought 10 minutes after the last vote we will reconvene and hopefully get through tonight.

Ten minutes after the last vote. The Committee stands in recess. [Recess.]

Mr. SMITH OF NEW JERSEY. The Committee will resume. When the Committee recessed there were five amendments upon which recorded votes were ordered and further proceedings were postponed. These amendments are as follows and votes will be taken in this order. If I could have your attention.

The first vote will be on the Leach amendment relating to renewal of United States congressional membership in the IPU, or the Inter-Parliamentary Union.

Then we will vote on the Ackerman amendment relating to the Pakistan Proliferation Accountability Act.

The third vote will be on the Lee amendment relating to a plan for the withdrawal of the United States Armed Forces from Iraq.

The fourth will be on the Lee amendment relating to a statement of policy on the United States not to enter into a permanent base agreement with Iraq.

The final amendment, number 5, will be on the Darrell Issa amendment striking Section 811 of the bill concerning requirements relating to economic support assistance for Egypt.

So, if the clerk could call the roll on the Leach amendment, we will proceed to each of the amendments.

Ms. RUSH. Mr. Leach.

[No response.]

Ms. RUSH. Mr. Smith of New Jersey.

Mr. SMITH OF NEW JERSEY. No.

Ms. RUSH. Mr. Smith of New Jersey votes no.

Mr. Burton.

[No response.]

Ms. RUSH. Mr. Gallegly.

Mr. GALLEGLY. No.

Ms. RUSH. Mr. Gallegly votes no.

Ms. Ros-Lehtinen.

Ms. ROS-LEHTINEN. No.

Ms. RUSH. Ms. Ros-Lehtinen votes no.

Mr. Rohrabacher.

Mr. ROHRABACHER. No.
Ms. RUSH. Mr. Rohrabacher votes no.
Mr. Royce.
Mr. ROYCE. No.
Ms. RUSH. Mr. Royce votes no.
Mr. King.
Mr. KING. No.
Ms. RUSH. Mr. King votes no.
Mr. Chabot.
Mr. CHABOT. No.
Ms. RUSH. Mr. Chabot votes no.
Mr. Tancredo.
[No response.]
Ms. RUSH. Mr. Paul.
Mr. PAUL. No.
Ms. RUSH. Mr. Paul votes no.
Mr. Issa.
[No response.]
Ms. RUSH. Mr. Flake.
[No response.]
Ms. RUSH. Mrs. Davis.
Mrs. DAVIS. No.
Ms. RUSH. Mrs. Davis votes no.
Mr. Green.
Mr. GREEN. No.
Ms. RUSH. Mr. Green votes no.
Mr. Weller.
Mr. WELLER. Aye.
Ms. RUSH. Mr. Weller votes aye.
Mr. Pence.
Mr. PENCE. No.
Ms. RUSH. Mr. Pence votes no.
Mr. McCotter.
Mr. McCOTTER. No.
Ms. RUSH. Mr. McCotter votes no.
Ms. Harris.
Ms. HARRIS. No.
Ms. RUSH. Ms. Harris votes no.
Mr. Wilson.
[No response.]
Ms. RUSH. Mr. Boozman.
Mr. BOOZMAN. No.
Ms. RUSH. Mr. Boozman votes no.
Mr. Barrett.
Mr. BARRETT. No.
Ms. RUSH. Mr. Barrett votes no.
Mr. MACK.
Mr. MACK. No.
Ms. RUSH. Mr. Mack votes no.
Mr. Fortenberry.
[No response.]
Ms. RUSH. Mr. McCaul.
Mr. McCAUL. No.
Ms. RUSH. Mr. McCaul votes no.

Mr. Poe.
Mr. POE. No.
Ms. RUSH. Mr. Poe votes no.
Mr. Lantos.
Mr. LANTOS. Aye.
Ms. RUSH. Mr. Lantos votes aye.
Mr. Berman.
[No response.]
Ms. RUSH. Mr. Ackerman.
Mr. ACKERMAN. Aye.
Ms. RUSH. Mr. Ackerman votes aye.
Mr. Faleomavaega.
Mr. FALEOMAVAEGA. Aye.
Ms. RUSH. Mr. Faleomavaega votes aye.
Mr. Payne.
Mr. PAYNE. Aye.
Ms. RUSH. Mr. Payne votes aye.
Mr. Menendez.
[No response.]
Ms. RUSH. Mr. Brown.
[No response.]
Ms. RUSH. Mr. Sherman.
Mr. SHERMAN. Aye.
Ms. RUSH. Mr. Sherman votes aye.
Mr. Wexler.
[No response.]
Ms. RUSH. Mr. Engel.
[No response.]
Ms. RUSH. Mr. Delahunt.
Mr. DELAHUNT. Aye.
Ms. RUSH. Mr. Delahunt votes aye.
Mr. Meeks.
[No response.]
Ms. RUSH. Ms. Lee.
Ms. LEE. Aye.
Ms. RUSH. Ms. Lee votes aye.
Mr. Crowley.
Mr. CROWLEY. Aye.
Ms. RUSH. Mr. Crowley votes aye.
Mr. Blumenauer.
Mr. BLUMENAUER. Aye.
Ms. RUSH. Mr. Blumenauer votes aye.
Ms. Berkley.
Ms. BERKLEY. Aye.
Ms. RUSH. Ms. Berkley votes aye.
Mrs. Napolitano.
Mrs. NAPOLITANO. Aye.
Ms. RUSH. Mrs. Napolitano votes aye.
Mr. Schiff.
Mr. SCHIFF. Aye.
Ms. RUSH. Mr. Schiff votes aye.
Ms. Watson.
Ms. WATSON. Aye.
Ms. RUSH. Ms. Watson votes aye.

Mr. Smith of Washington.
 Mr. SMITH OF WASHINGTON. Aye.
 Ms. RUSH. Mr. Smith of Washington votes aye.
 Ms. McCollum.
 [No response.]
 Ms. RUSH. Mr. Chandler.
 [No response.]
 Ms. RUSH. Mr. Cardoza.
 Mr. CARDOZA. Aye.
 Ms. RUSH. Mr. Cardoza votes aye.
 Chairman Hyde.
 [No response.]
 Ms. RUSH. Mr. Issa.
 Mr. ISSA. No.
 Ms. RUSH. Mr. Issa votes no.
 Mr. Flake.
 Mr. FLAKE. No.
 Ms. RUSH. Mr. Flake votes no.
 Mr. WEXLER. Aye.
 Ms. RUSH. Mr. Wexler votes aye.
 Mr. SMITH OF NEW JERSEY. Mr. Fortenberry.
 Mr. FORTENBERRY. No.
 Mr. SMITH OF NEW JERSEY. The clerk would record Mr. Fortenberry.
 Ms. RUSH. Mr. Fortenberry votes no.
 Mr. Chandler.
 Mr. CHANDLER. Aye.
 Ms. RUSH. Mr. Chandler votes aye.
 Mr. SMITH OF NEW JERSEY. Are there other Members wishing to vote? The clerk will report the tally.
 Ms. RUSH. On this vote, there are 18 ayes and 21 noes.
 Mr. SMITH OF NEW JERSEY. The amendment is not agreed to.
 The clerk will now call the roll on the Ackerman amendment relating to Pakistan proliferation.
 Ms. RUSH. Mr. Leach.
 [No response.]
 Ms. RUSH. Mr. Smith of New Jersey.
 Mr. SMITH OF NEW JERSEY. No.
 Ms. RUSH. Mr. Smith of New Jersey votes no.
 Mr. Burton.
 [No response.]
 Ms. RUSH. Mr. Gallegly.
 Mr. GALLEGLY. No.
 Ms. RUSH. Mr. Gallegly votes no.
 Ms. Ros-Lehtinen.
 Ms. ROS-LEHTINEN. No.
 Ms. RUSH. Ms. Ros-Lehtinen votes no.
 Mr. Rohrabacher.
 Mr. ROHRABACHER. Aye.
 Ms. RUSH. Mr. Rohrabacher votes aye.
 Mr. Royce.
 [No response.]
 Ms. RUSH. Mr. King.
 Mr. KING. No.

Ms. RUSH. Mr. King votes no.
Mr. Chabot.
Mr. CHABOT. No.
Ms. RUSH. Mr. Chabot votes no.
Mr. Tancredo.
[No response.]
Ms. RUSH. Mr. Paul.
Mr. PAUL. No.
Ms. RUSH. Mr. Paul votes no.
Mr. Issa.
Mr. ISSA. No.
Ms. RUSH. Mr. Issa votes no.
Mr. Flake.
Mr. FLAKE. No.
Ms. RUSH. Mr. Flake votes no.
Mrs. Davis.
Mrs. DAVIS. No.
Ms. RUSH. Mrs. Davis votes no.
Mr. Green.
Mr. GREEN. No.
Ms. RUSH. Mr. Green votes no.
Mr. Weller.
Mr. WELLER. No.
Ms. RUSH. Mr. Weller votes no.
Mr. Pence.
Mr. PENCE. No.
Ms. RUSH. Mr. Pence votes no.
Mr. McCotter.
Mr. McCOTTER. No.
Ms. RUSH. Mr. McCotter votes no.
Ms. Harris.
Ms. HARRIS. No.
Ms. RUSH. Ms. Harris votes no.
Mr. Wilson.
[No response.]
Ms. RUSH. Mr. Boozman.
Mr. BOOZMAN. No.
Ms. RUSH. Mr. Boozman votes no.
Mr. Barrett.
Mr. BARRETT. No.
Ms. RUSH. Mr. Barrett votes no.
Mr. MACK.
Mr. MACK. No.
Ms. RUSH. Mr. Mack votes no.
Mr. Fortenberry.
Mr. FORTENBERRY. No.
Ms. RUSH. Mr. Fortenberry votes no.
Mr. McCaul.
Mr. MCCAUL. No.
Ms. RUSH. Mr. McCaul votes no.
Mr. Poe.
Mr. POE. No.
Ms. RUSH. Mr. Poe votes no.
Mr. Lantos.

Mr. LANTOS. No.
Ms. RUSH. Mr. Lantos votes no.
Mr. Berman.
[No response.]
Ms. RUSH. Mr. Ackerman.
Mr. ACKERMAN. Aye.
Ms. RUSH. Mr. Ackerman votes aye.
Mr. Faleomavaega.
Mr. FALEOMAVAEGA. No.
Ms. RUSH. Mr. Faleomavaega votes no.
Mr. Payne.
Mr. PAYNE. Aye.
Ms. RUSH. Mr. Payne votes aye.
Mr. Menendez.
[No response.]
Ms. RUSH. Mr. Brown.
[No response.]
Ms. RUSH. Mr. Sherman.
Mr. SHERMAN. Aye.
Ms. RUSH. Mr. Sherman votes aye.
Mr. Wexler.
Mr. WEXLER. Aye.
Ms. RUSH. Mr. Wexler votes aye.
Mr. Engel.
[No response.]
Ms. RUSH. Mr. Delahunt.
Mr. DELAHUNT. Aye.
Ms. RUSH. Mr. Delahunt votes aye.
Mr. Meeks.
Mr. MEEKS. Aye.
Ms. RUSH. Mr. Meeks votes aye.
Ms. Lee.
Ms. LEE. Aye.
Ms. RUSH. Ms. Lee votes aye.
Mr. Crowley.
Mr. CROWLEY. Aye.
Ms. RUSH. Mr. Crowley votes aye.
Mr. Blumenauer.
Mr. BLUMENAUER. Aye.
Ms. RUSH. Mr. Blumenauer votes aye.
Ms. Berkley.
Ms. BERKLEY. No.
Ms. RUSH. Ms. Berkley votes no.
Mrs. Napolitano.
Mrs. NAPOLITANO. Pass.
Ms. RUSH. Mrs. Napolitano passes.
Mr. Schiff.
Mr. SCHIFF. Aye.
Ms. RUSH. Mr. Schiff votes aye.
Ms. Watson.
Ms. WATSON. Aye.
Ms. RUSH. Ms. Watson votes aye.
Mr. Smith of Washington.
Mr. SMITH OF WASHINGTON. No.

Ms. RUSH. Mr. Smith of Washington votes no.
 Ms. McCollum.
 Ms. MCCOLLUM. Aye.
 Ms. RUSH. Ms. McCollum votes aye.
 Mr. Chandler.
 Mr. CHANDLER. No.
 Ms. RUSH. Mr. Chandler votes no.
 Mr. Cardoza.
 Mr. CARDOZA. No.
 Ms. RUSH. Mr. Cardoza votes no.
 Mr. SMITH OF NEW JERSEY. Any other Member wishing to cast his or her vote? Mr. Burton.
 Mr. BURTON. How am I recorded?
 Ms. RUSH. You are not recorded.
 Mr. BURTON. I think I better vote no, with all due respect to my colleague whom I love.
 Ms. RUSH. Mr. Burton votes no.
 Mr. SMITH OF NEW JERSEY. Mrs. Napolitano.
 Mrs. NAPOLITANO. No.
 Ms. RUSH. Mrs. Napolitano.
 Mrs. NAPOLITANO. No.
 Ms. RUSH. Mrs. Napolitano votes no.
 Mr. SMITH OF NEW JERSEY. The clerk will report the tally.
 If you could suspend reporting the tally. Mr. Engel is here. How do you vote, Mr. Engel?
 Mr. ENGEL. I vote aye.
 Ms. RUSH. Mr. Engel votes aye.
 Mr. SMITH OF NEW JERSEY. Right. The clerk will now report the tally.
 Ms. RUSH. On this vote there are 14 ayes and 28 noes.
 Mr. SMITH OF NEW JERSEY. The amendment is not agreed to. The question now comes to the Lee amendment for withdrawing United States Armed Forces from Iraq. If the clerk will call the roll.
 Ms. RUSH. Mr. Leach.
 [No response.]
 Ms. RUSH. Mr. Smith of New Jersey.
 Mr. SMITH OF NEW JERSEY. No.
 Ms. RUSH. Mr. Smith of New Jersey votes no.
 Mr. Burton.
 [No response.]
 Ms. RUSH. Mr. Gallegly.
 Mr. GALLEGLY. No.
 Ms. RUSH. Mr. Gallegly votes no.
 Ms. Ros-Lehtinen.
 Ms. ROS-LEHTINEN. No.
 Ms. RUSH. Ms. Ros-Lehtinen votes no.
 Mr. Rohrabacher.
 Mr. ROHRABACHER. No.
 Ms. RUSH. Mr. Rohrabacher votes no.
 Mr. Royce.
 Mr. ROYCE. No.
 Ms. RUSH. Mr. Royce votes no.
 Mr. King.

Mr. KING. No.
Ms. RUSH. Mr. King votes no.
Mr. Chabot.
Mr. CHABOT. No.
Ms. RUSH. Mr. Chabot votes no.
Mr. Tancredo.
[No response.]
Ms. RUSH. Mr. Paul.
Mr. PAUL. Aye.
Ms. RUSH. Mr. Paul votes aye.
Mr. Issa.
Mr. ISSA. No.
Ms. RUSH. Mr. Issa votes no.
Mr. Flake.
Mr. FLAKE. No.
Ms. RUSH. Mr. Flake votes no.
Mrs. Davis.
Mrs. DAVIS. No.
Ms. RUSH. Mrs. Davis votes no.
Mr. Green.
Mr. GREEN. No.
Ms. RUSH. Mr. Green votes no.
Mr. Weller.
Mr. WELLER. No.
Ms. RUSH. Mr. Weller votes no.
Mr. Pence.
Mr. PENCE. No.
Ms. RUSH. Mr. Pence votes no.
Mr. McCotter.
Mr. MCCOTTER. No.
Ms. RUSH. Mr. McCotter votes no.
Ms. Harris.
Ms. HARRIS. No.
Ms. RUSH. Ms. Harris votes no.
Mr. Wilson.
[No response.]
Ms. RUSH. Mr. Boozman.
Mr. BOOZMAN. No.
Ms. RUSH. Mr. Boozman votes no.
Mr. Barrett.
Mr. BARRETT. No.
Ms. RUSH. Mr. Barrett votes no.
Mr. MACK.
Mr. MACK. No.
Ms. RUSH. Mr. Mack votes no.
Mr. Fortenberry.
Mr. FORTENBERRY. No.
Ms. RUSH. Mr. Fortenberry votes no.
Mr. McCaul.
Mr. MCCAUL. No.
Ms. RUSH. Mr. McCaul votes no.
Mr. Poe.
Mr. POE. No.
Ms. RUSH. Mr. Poe votes no.

Mr. Lantos.
Mr. LANTOS. No.
Ms. RUSH. Mr. Lantos votes no.
Mr. Berman.
[No response.]
Ms. RUSH. Mr. Ackerman.
Mr. ACKERMAN. No.
Ms. RUSH. Mr. Ackerman votes no.
Mr. Faleomavaega.
Mr. FALEOMAVAEGA. No.
Ms. RUSH. Mr. Faleomavaega votes no.
Mr. Payne.
Mr. PAYNE. Aye.
Ms. RUSH. Mr. Payne votes aye.
Mr. Menendez.
[No response.]
Ms. RUSH. Mr. Brown.
[No response.]
Ms. RUSH. Mr. Sherman.
Mr. SHERMAN. Aye.
Ms. RUSH. Mr. Sherman votes aye.
Mr. Wexler.
Mr. WEXLER. Aye.
Ms. RUSH. Mr. Wexler votes aye.
Mr. Engel.
Mr. ENGEL. No.
Ms. RUSH. Mr. Engel votes no.
Mr. Delahunt.
Mr. DELAHUNT. Aye.
Ms. RUSH. Mr. Delahunt votes aye.
Mr. Meeks.
Mr. MEEKS. Aye.
Ms. RUSH. Mr. Meeks votes aye.
Ms. Lee.
Ms. LEE. Aye.
Ms. RUSH. Ms. Lee votes aye.
Mr. Crowley.
Mr. CROWLEY. No.
Ms. RUSH. Mr. Crowley votes no.
Mr. Blumenauer.
Mr. BLUMENAUER. Aye.
Ms. RUSH. Mr. Blumenauer votes aye.
Ms. Berkley.
Ms. BERKLEY. No.
Ms. RUSH. Ms. Berkley votes no.
Mrs. Napolitano.
Mrs. NAPOLITANO. No.
Ms. RUSH. Mrs. Napolitano votes no.
Mr. Schiff.
Mr. SCHIFF. No.
Ms. RUSH. Mr. Schiff votes no.
Ms. Watson.
Ms. WATSON. Aye.
Ms. RUSH. Ms. Watson votes aye.

Mr. Smith of Washington.
Mr. SMITH OF WASHINGTON. Aye.
Ms. RUSH. Mr. Smith of Washington votes aye.
Ms. McCollum.
Ms. MCCOLLUM. Aye.
Ms. RUSH. Ms. McCollum votes aye.
Mr. Chandler.
Mr. CHANDLER. No.
Ms. RUSH. Mr. Chandler votes no.
Mr. Cardoza.
Mr. CARDOZA. No.
Ms. RUSH. Mr. Cardoza votes no.
Mr. SMITH OF NEW JERSEY. Mr. Wilson.
Mr. WILSON. No.
Ms. RUSH. Mr. Wilson votes no.
Mr. SMITH OF NEW JERSEY. Anyone else wish to vote?
Mr. BURTON. Mr. Chairman, how am I recorded?
Ms. RUSH. You are not recorded.
Mr. BURTON. Well, I am going to vote no. Thank you.
Ms. RUSH. Mr. Burton votes no.
Mr. LEACH. Mr. Chairman, I vote yes.
Ms. RUSH. Mr. Leach votes yes.
Mr. SMITH OF NEW JERSEY. The clerk will report the tally.
Ms. RUSH. On this vote, there are 12 ayes and 33 noes.
Mr. SMITH OF NEW JERSEY. The amendment is not agreed to. We will now vote on the fourth amendment in the series, the Lee amendment relating to a statement of policy of the United States not to enter into a permanent base agreement with the Government of Iraq. The clerk will call the roll.
Ms. RUSH. Mr. Leach.
Mr. LEACH. Aye.
Ms. RUSH. Mr. Leach votes aye.
Mr. Smith of New Jersey.
Mr. SMITH OF NEW JERSEY. No.
Ms. RUSH. Mr. Smith of New Jersey votes no.
Mr. Burton.
Mr. BURTON. No.
Ms. RUSH. Mr. Burton votes no.
Mr. Gallegly.
Mr. GALLEGLY. No.
Ms. RUSH. Mr. Gallegly votes no.
Ms. Ros-Lehtinen.
Ms. ROS-LEHTINEN. No.
Ms. RUSH. Ms. Ros-Lehtinen votes no.
Mr. Rohrabacher.
Mr. ROHRABACHER. Aye.
Ms. RUSH. Mr. Rohrabacher votes aye.
Mr. Royce.
Mr. ROYCE. No.
Ms. RUSH. Mr. Royce votes no.
Mr. King.
Mr. KING. No.
Ms. RUSH. Mr. King votes no.
Mr. Chabot.

Mr. CHABOT. No.
Ms. RUSH. Mr. Chabot votes no.
Mr. Tancredo.
[No response.]
Ms. RUSH. Mr. Paul.
Mr. PAUL. Aye.
Ms. RUSH. Mr. Paul votes aye.
Mr. Issa.
Mr. ISSA. Aye.
Ms. RUSH. Mr. Issa votes aye.
Mr. SMITH OF NEW JERSEY. If the record would suspend briefly.
If Members could keep it down or the staff so that we could hear.
Thank you.
Ms. RUSH. Mr. Flake.
Mr. FLAKE. No.
Ms. RUSH. Mr. Flake votes no.
Mrs. Davis.
Mrs. DAVIS. No.
Ms. RUSH. Mrs. Davis votes no.
Mr. Green.
Mr. GREEN. No.
Ms. RUSH. Mr. Green votes no.
Mr. Weller.
Mr. WELLER. No.
Ms. RUSH. Mr. Weller votes no.
Mr. Pence.
Mr. PENCE. No.
Ms. RUSH. Mr. Pence votes no.
Mr. McCotter.
Mr. McCOTTER. No.
Ms. RUSH. Mr. McCotter votes no.
Ms. Harris.
Ms. HARRIS. No.
Ms. RUSH. Ms. Harris votes no.
Mr. Wilson.
Mr. WILSON. No.
Ms. RUSH. Mr. Wilson votes no.
Mr. Boozman.
Mr. BOOZMAN. No.
Ms. RUSH. Mr. Boozman votes no.
Mr. Barrett.
Mr. BARRETT. No.
Ms. RUSH. Mr. Barrett votes no.
Mr. MACK.
Mr. MACK. No.
Ms. RUSH. Mr. Mack votes no.
Mr. Fortenberry.
Mr. FORTENBERRY. No.
Ms. RUSH. Mr. Fortenberry votes no.
Mr. McCaul.
Mr. McCAUL. No.
Ms. RUSH. Mr. McCaul votes no.
Mr. Poe.
Mr. POE. No.

Ms. RUSH. Mr. Poe votes no.
Mr. Lantos.
Mr. LANTOS. No.
Ms. RUSH. Mr. Lantos votes no.
Mr. Berman.
[No response.]
Ms. RUSH. Mr. Ackerman.
Mr. ACKERMAN. No.
Ms. RUSH. Mr. Ackerman votes no.
Mr. Faleomavaega.
[No response.]
Ms. RUSH. Mr. Payne.
Mr. PAYNE. Aye.
Ms. RUSH. Mr. Payne votes aye.
Mr. Menendez.
[No response.]
Ms. RUSH. Mr. Brown.
[No response.]
Ms. RUSH. Mr. Sherman.
Mr. SHERMAN. Aye.
Ms. RUSH. Mr. Sherman votes aye.
Mr. Wexler.
Mr. WEXLER. Aye.
Ms. RUSH. Mr. Wexler votes aye.
Mr. Engel.
Mr. ENGEL. No.
Ms. RUSH. Mr. Engel votes no.
Mr. Delahunt.
Mr. DELAHUNT. Aye.
Ms. RUSH. Mr. Delahunt votes aye.
Mr. Meeks.
Mr. MEEKS. Aye.
Ms. RUSH. Mr. Meeks votes aye.
Ms. Lee.
Ms. LEE. Aye.
Ms. RUSH. Ms. Lee votes aye.
Mr. Crowley.
Mr. CROWLEY. No.
Ms. RUSH. Mr. Crowley votes no.
Mr. Blumenauer.
Mr. BLUMENAUER. Aye.
Ms. RUSH. Mr. Blumenauer votes aye.
Ms. Berkley.
Ms. BERKLEY. No.
Ms. RUSH. Ms. Berkley votes no.
Mrs. Napolitano.
Mrs. NAPOLITANO. Aye.
Ms. RUSH. Mrs. Napolitano votes aye.
Mr. Schiff.
Mr. SCHIFF. No.
Ms. RUSH. Mr. Schiff votes no.
Ms. Watson.
Ms. WATSON. Aye.
Ms. RUSH. Ms. Watson votes aye.

Mr. Smith of Washington.
 Mr. SMITH OF WASHINGTON. Aye.
 Ms. RUSH. Mr. Smith of Washington votes aye.
 Ms. McCollum.
 Ms. MCCOLLUM. Aye.
 Ms. RUSH. Ms. McCollum votes aye.
 Mr. Chandler.
 Mr. CHANDLER. No.
 Ms. RUSH. Mr. Chandler votes no.
 Mr. Cardoza.
 Mr. CARDOZA. Aye.
 Ms. RUSH. Mr. Cardoza votes aye.
 Mr. SMITH OF NEW JERSEY. Are there any other Members wishing to vote?
 Ms. RUSH. On this vote there are 15 ayes and 29 noes.
 Mr. SMITH OF NEW JERSEY. The amendment is not agreed to.
 The final vote in this series is the Darrell Issa amendment striking 811 of the bill concerning requirements relating to the economic support fund assistance for Egypt. The clerk will call the roll.
 Ms. RUSH. Mr. Leach.
 Mr. LEACH. Pass.
 Ms. RUSH. Mr. Leach passes.
 Mr. Smith of New Jersey.
 Mr. SMITH OF NEW JERSEY. No.
 Ms. RUSH. Mr. Smith of New Jersey votes no.
 Mr. Burton.
 Mr. BURTON. No.
 Ms. RUSH. Mr. Burton votes no.
 Mr. Gallegly.
 Mr. GALLEGLY. No.
 Ms. RUSH. Mr. Gallegly votes no.
 Ms. Ros-Lehtinen.
 Ms. ROS-LEHTINEN. No.
 Ms. RUSH. Ms. Ros-Lehtinen votes no.
 Mr. Rohrabacher.
 Mr. ROHRABACHER. Aye.
 Ms. RUSH. Mr. Rohrabacher votes aye.
 Mr. Royce.
 Mr. ROYCE. No.
 Ms. RUSH. Mr. Royce votes no.
 Mr. King.
 Mr. KING. Aye.
 Ms. RUSH. Mr. King votes aye.
 Mr. Chabot.
 Mr. CHABOT. Aye.
 Ms. RUSH. Mr. Chabot votes aye.
 Mr. Tancredo.
 [No response.]
 Ms. RUSH. Mr. Paul.
 Mr. PAUL. No.
 Ms. RUSH. Mr. Paul votes no.
 Mr. Issa.
 Mr. ISSA. Aye.
 Ms. RUSH. Mr. Issa votes aye.

Mr. Flake.
Mr. FLAKE. No.
Ms. RUSH. Mr. Flake votes no.
Mrs. Davis.
Mrs. DAVIS. Aye.
Ms. RUSH. Mrs. Davis votes aye.
Mr. Green.
Mr. GREEN. No.
Ms. RUSH. Mr. Green votes no.
Mr. Weller.
Mr. WELLER. No.
Ms. RUSH. Mr. Weller votes no.
Mr. Pence.
Mr. PENCE. No.
Ms. RUSH. Mr. Pence votes no.
Mr. McCotter.
Mr. McCOTTER. Aye.
Ms. RUSH. Mr. McCotter votes aye.
Ms. Harris.
Ms. HARRIS. No.
Ms. RUSH. Ms. Harris votes no.
Mr. Wilson.
Mr. WILSON. Aye.
Ms. RUSH. Mr. Wilson votes aye.
Mr. Boozman.
Mr. BOOZMAN. Aye.
Ms. RUSH. Mr. Boozman votes aye.
Mr. Barrett.
Mr. BARRETT. No.
Ms. RUSH. Mr. Barrett votes no.
Mr. Mack.
Mr. MACK. Aye.
Ms. RUSH. Mr. Mack votes aye.
Mr. Fortenberry.
Mr. FORTENBERRY. No.
Ms. RUSH. Mr. Fortenberry votes no.
Mr. McCaul.
Mr. McCAUL. No.
Ms. RUSH. Mr. McCaul votes no.
Mr. Poe.
Mr. POE. Aye.
Ms. RUSH. Mr. Poe votes aye.
Mr. Lantos.
Mr. LANTOS. No.
Ms. RUSH. Mr. Lantos votes no.
Mr. Berman.
[No response.]
Ms. RUSH. Mr. Ackerman.
Mr. ACKERMAN. No.
Ms. RUSH. Mr. Ackerman votes no.
Mr. Faleomavaega.
[No response.]
Ms. RUSH. Mr. Payne.
Mr. PAYNE. Pass.

Ms. RUSH. Mr. Payne passes.
Mr. Menendez.
[No response.]
Ms. RUSH. Mr. Brown.
[No response.]
Ms. RUSH. Mr. Sherman.
Mr. SHERMAN. No.
Ms. RUSH. Mr. Sherman votes no.
Mr. Wexler.
Mr. WEXLER. Aye.
Ms. RUSH. Mr. Wexler votes aye.
Mr. Engel.
Mr. ENGEL. No.
Ms. RUSH. Mr. Engel votes no.
Mr. Delahunt.
Mr. DELAHUNT. No.
Ms. RUSH. Mr. Delahunt votes no.
Mr. Meeks.
[No response.]
Ms. RUSH. Ms. Lee.
Ms. LEE. Aye.
Ms. RUSH. Ms. Lee votes aye.
Mr. Crowley.
Mr. CROWLEY. No.
Ms. RUSH. Mr. Crowley votes no.
Mr. Blumenauer.
Mr. BLUMENAUER. No.
Ms. RUSH. Mr. Blumenauer votes no.
Ms. Berkley.
Ms. BERKLEY. No.
Ms. RUSH. Ms. Berkley votes no.
Mrs. Napolitano.
Mrs. NAPOLITANO. No.
Ms. RUSH. Mrs. Napolitano votes no.
Mr. Schiff.
Mr. SCHIFF. No.
Ms. RUSH. Mr. Schiff votes no.
Ms. Watson.
Ms. WATSON. Aye.
Ms. RUSH. Ms. Watson votes aye.
Mr. Smith of Washington.
Mr. SMITH OF WASHINGTON. No.
Ms. RUSH. Mr. Smith of Washington votes no.
Ms. McCollum.
Ms. MCCOLLUM. Aye.
Ms. RUSH. Ms. McCollum votes aye.
Mr. Chandler.
Mr. CHANDLER. No.
Ms. RUSH. Mr. Chandler votes no.
Mr. Cardoza.
Mr. CARDOZA. No.
Ms. RUSH. Mr. Cardoza votes no.
Mr. LEACH. Mr. Chairman.
Mr. SMITH OF NEW JERSEY. Mr. Leach.

Mr. LEACH. I would like to go from pass to no.

Mr. SMITH OF NEW JERSEY. No.

Ms. RUSH. Mr. Leach votes no.

Mr. SMITH OF NEW JERSEY. Mr. Payne?

Mr. PAYNE. I vote no.

Ms. RUSH. Mr. Payne votes no.

Mr. SMITH OF NEW JERSEY. Are there any other Members who would like to cast their vote on this amendment? If not, the clerk will report.

Ms. RUSH. On this vote, there are 14 ayes and 29 noes.

Mr. SMITH OF NEW JERSEY. The amendment is not agreed to.

I would ask unanimous consent on a limitation of further amendments, and I would point out to my colleagues that after consultation with Mr. Lantos we have agreed that the following amendments would be offered. It is our hope to complete this markup this evening.

I would ask unanimous consent that the debate on H.R. 2601 be limited to the following amendments which are at the desk. Number one, the Blumenauer amendment on water, amendment number 14; the Crowley amendment relating to fistula, amendment number 21; the Lee amendment relating to Report on United States Weapons Transfers, Sales and Licensing to Haiti, amendment number 24; the Lee amendment relating to Assistance to Promote Economic and Social Development in Columbia, amendment 27; the Burton amendment relating to Assistance for Demobilization and Disarmament of Former Regular Combatants in Colombia—that is number 22; the Rohrabacher amendment relating to Ethiopia, 41; Mr. Issa's amendment relating to transfer of certain interest for Egypt amendment, number 36; the Issa amendment relating to national security waivers, number 38; the Issa amendment relating to military assistance to Egypt, amendment number 39; the Crowley amendment on security in Iraq, amendment number 23; and an amendment that I will offer that is a technical amendment on global terrorism.

Do I hear an objection? Without objection, so ordered and we will now proceed to Mr. Burton with his amendment—okay, we will go to Mr. Blumenauer.

[The amendment referred to follows:]

AMENDMENT TO H.R. _____**OFFERED BY MR. BLUMENAUER OF OREGON****(Foreign Relations Authorization Act, Fiscal Years 2006 and
2007)**

At the end of the bill, add the following new title:

1 **TITLE _____—WATER FOR THE**
 2 **POOR ACT OF 2005**

3 **SEC. __01. SHORT TITLE.**

4 This title may be cited as the “Water for the Poor
 5 Act of 2005”.

6 **SEC. __02. FINDINGS.**

7 Congress makes the following findings:

8 (1) Water-related diseases are a human trag-
 9 edy, killing up to 5 million people annually, pre-
 10 venting millions of people from leading healthy lives,
 11 and undermining development efforts.

12 (2) A child dies an average of every 15 seconds
 13 because of lack of access to safe water and adequate
 14 sanitation.

15 (3) In the poorest countries in the world, one
 16 out of five children dies from a preventable, water-
 17 related disease.

1 (4) Lack of access to safe drinking water, inad-
2 equate sanitation, and poor hygiene practices are di-
3 rectly responsible for the vast majority of diarrheal
4 diseases which kill over 2 million children each year.

5 (5) At any given time, half of all people in the
6 developing world are suffering from one or more of
7 the main diseases associated with inadequate provi-
8 sion of water supply and sanitation services.

9 (6) Over 1.2 billion people, one in every four
10 people in the developing world, lack access to safe
11 drinking water.

12 (7) Over 2.4 billion people, two in every five
13 people in the developing world, lack access to basic
14 sanitation services.

15 (8) Nearly 500 million people are affected by
16 water stress or serious water scarcity. Under current
17 trends, two-thirds of the world's population may be
18 subject to moderate to high water stress by 2025.

19 (9) Access to safe water and sanitation and im-
20 proved hygiene are significant factors in controlling
21 the spread of disease in the developing world and
22 positively affecting worker productivity and economic
23 development.

24 (10) Increasing access to safe water and sanita-
25 tion advances efforts toward other development ob-

1 jectives, such as fighting poverty and hunger, pro-
2 moting primary education and gender equality, re-
3 ducing child mortality, promoting environmental sta-
4 bility, improving the lives of slum dwellers, and
5 strengthening national security.

6 (11) Providing safe supplies of water and sani-
7 tation and hygiene improvements would save millions
8 of lives by reducing the prevalence of water-borne
9 diseases, water-based diseases, water-privation dis-
10 eases, and water-related vector diseases.

11 (12) Because women and girls in developing
12 countries are often the carriers of water, lack of ac-
13 cess to safe water and sanitation disproportionately
14 affects women and limits women's opportunities at
15 education, livelihood, and financial independence.

16 (13) Every \$1 invested in safe water and sani-
17 tation would yield an economic return of between \$3
18 and \$34, depending on the region.

19 (14) Developing sustainable financing mecha-
20 nisms, such as pooling mechanisms and revolving
21 funds, is necessary for the long-term viability of im-
22 proved water and sanitation services.

23 (15) The annual level of investment needed to
24 meet the water and sanitation needs of developing
25 countries far exceeds the amount of Official Develop-

1 ment Assistance (ODA) and spending by govern-
2 ments of developing countries, so facilitating and at-
3 tracting greater public and private investment is es-
4 sential.

5 (16) Meeting the water and sanitation needs of
6 the lowest-income developing countries will require
7 an increase in the resources available as grants from
8 donor countries.

9 (17) The long-term sustainability of improved
10 water and sanitation services can be advanced by
11 promoting community level action and engagement
12 with civil society.

13 (18) Target 10 of the United Nations Millen-
14 nium Development Goals is to reduce by half the
15 proportion of people without sustainable access to
16 safe drinking water by 2015.

17 (19) The participants in the 2002 World Sum-
18 mit on Sustainable Development, held in Johannes-
19 burg, South Africa, including the United States,
20 agreed to the Plan of Implementation of the World
21 Summit on Sustainable Development which included
22 an agreement to work to reduce by one-half “the
23 proportion of people who are unable to reach or af-
24 ford safe drinking water,” and “the proportion of
25 people without access to basic sanitation” by 2015.

1 (20) At the World Summit on Sustainable De-
2 velopment, the United States announced the Water
3 for the Poor Initiative, committing \$970 million for
4 fiscal years 2003 through 2005 to improve sustain-
5 able management of fresh water resources and accel-
6 erate and expand international efforts to achieve the
7 goal of cutting in half by 2015 the proportion of
8 people who are unable to reach or to afford safe
9 drinking water.

10 (21) United Nations General Assembly Resolu-
11 tion 58/217 (February 9, 2004) proclaimed “the pe-
12 riod from 2005 to 2015 the International Decade for
13 Action, ‘Water for Life’, to commence on World
14 Water Day, 22 March 2005” for the purpose of in-
15 creasing the focus of the international community on
16 water-related issues at all levels and on the imple-
17 mentation of water-related programs and projects.

18 **SEC. 03. SENSE OF CONGRESS.**

19 It is the sense of Congress that—

20 (1) in order to make the most effective use of
21 amounts of Official Development Assistance (ODA)
22 for water and sanitation and avoid waste and dupli-
23 cation, the United States should seek to establish in-
24 novative international coordination mechanisms
25 based on best practices in other development sectors;

1 (2) the United States should greatly increase
2 the amount of Official Development Assistance made
3 available to carry out section 104D of the Foreign
4 Assistance Act of 1961, as added by section 4(a) of
5 this title;

6 (3) United States water and sanitation assist-
7 ance programs should reflect an appropriate balance
8 of grants, loans, investment insurance, loan guaran-
9 tees, and other assistance to ensure affordability and
10 equity in the provision of access to safe water and
11 sanitation for the very poor;

12 (4) United States water and sanitation assist-
13 ance programs, to the extent possible, should sup-
14 port the poverty reduction strategies of recipient
15 countries;

16 (5) United States water and sanitation assist-
17 ance programs should promote community-based ap-
18 proaches in the provision of affordable and equitable
19 access to safe water and sanitation, including the in-
20 volvement of civil society; and

21 (6) protecting the supply and availability of safe
22 water requires sound environmental management.

1 **SEC. _04. ASSISTANCE TO PROVIDE SAFE WATER AND**
2 **SANITATION.**

3 (a) IN GENERAL.—Part I of the Foreign Assistance
4 Act of 1961 (22 U.S.C. 2151 et seq.) is amended by in-
5 serting after section 104C the following new section:

6 **“SEC. 104D. ASSISTANCE TO PROVIDE SAFE WATER AND**
7 **SANITATION.**

8 “(a) PURPOSES.—The purposes of assistance author-
9 ized by this section are—

10 “(1) to promote good health, economic develop-
11 ment, poverty reduction, women’s empowerment, and
12 environmental sustainability by providing assistance
13 to expand access to safe water and sanitation, pro-
14 moting integrated water resource management, and
15 improving hygiene for people around the world;

16 “(2) to seek to reduce by one-half from the
17 baseline year 1990 the proportion of people who are
18 unable to reach or afford safe drinking water and
19 the proportion of people without access to basic sani-
20 tation by 2015;

21 “(3) to focus water and sanitation assistance
22 toward the countries and people with the greatest
23 need;

24 “(4) to promote affordability and equity in the
25 provision of access to safe water and sanitation for

1 the very poor, women, and other vulnerable popu-
2 lations;

3 “(5) to promote long-term sustainability in the
4 affordable and equitable provision of access to safe
5 water and sanitation through the creation of innova-
6 tive financing mechanisms such as national revolving
7 funds, and by strengthening the capacity of recipient
8 governments and communities to formulate and im-
9 plement policies that expand access to safe water
10 and sanitation in a sustainable fashion, including se-
11 curing loans and strategic planning;

12 “(6) to secure the greatest amount of resources
13 possible, encourage private investment in water and
14 sanitation infrastructure and services, particularly in
15 lower middle-income countries, without creating
16 unsustainable debt for low-income countries or
17 unaffordable water and sanitation costs for the very
18 poor; and

19 “(7) to promote the capacity of recipient gov-
20 ernments to provide affordable, equitable, and sus-
21 tainable access to safe water and sanitation.

22 “(b) AUTHORIZATION.—To carry out the purposes of
23 subsection (a), the President is authorized to furnish as-
24 sistance for programs in developing countries to provide

1 affordable and equitable access to safe water and sanita-
2 tion.

3 “(c) ACTIVITIES SUPPORTED.—Assistance provided
4 under subsection (b) shall, to the maximum extent prac-
5 ticable, be used to—

6 “(1) expand affordable and equitable access to
7 safe water and sanitation for underserved popu-
8 lations;

9 “(2) support the construction, maintenance, up-
10 keep, repair, and operation of water delivery and
11 sanitation systems;

12 “(3) improve the safety and reliability of water
13 supplies, including environmental management; and

14 “(4) improve the institutional capacity of recipi-
15 ent governments, including capacity-building pro-
16 grams for improved water resource management.

17 “(d) LOCAL CURRENCY.—The President may use
18 payments made in local currencies under an agreement
19 made under title I of the Agricultural Trade Development
20 and Assistance Act of 1954 (7 U.S.C. 1701 et seq.) to
21 provide assistance under this section, including assistance
22 for activities related to drilling or maintaining wells.”.

23 (b) CONFORMING AMENDMENT.—Section 104(c) of
24 the Agricultural Trade Development and Assistance Act

1 of 1954 (7 U.S.C. 1704(c)) is amended by adding at the
2 end the following new paragraph:

3 “(9) SAFE WATER.—To provide assistance
4 under section 104D of the Foreign Assistance Act of
5 1961 to promote good health, economic development,
6 poverty reduction, women’s empowerment, and envi-
7 ronmental sustainability by improving the safety of
8 water supplies, including programs related to drilling
9 or maintaining wells.”.

10 **SEC. 5. SAFE WATER AND SANITATION STRATEGY.**

11 (a) STRATEGY.—The Administrator of the United
12 States Agency for International Development, in consulta-
13 tion with the heads of other appropriate Federal depart-
14 ments and agencies, international organizations, inter-
15 national financial institutions, recipient governments,
16 United States and international nongovernmental organi-
17 zations, indigenous civil society, and other appropriate en-
18 tities, shall develop and implement a strategy to further
19 the United States foreign assistance objective to provide
20 affordable and equitable access to safe water and sanita-
21 tion in developing countries.

22 (b) CONTENT.—The strategy required by subsection
23 (a) shall include—

24 (1) an assessment of the activities that have
25 been carried out, or that are planned to be carried

1 out, by all appropriate Federal departments and
2 agencies to improve affordable and equitable access
3 to safe water and sanitation and hygiene in all coun-
4 tries that receive assistance from the United States
5 Agency for International Development;

6 (2) specific and measurable goals, benchmarks,
7 and timetables to achieve the objective described in
8 subsection (a);

9 (3) an assessment of the level of resources that
10 are needed each year to achieve the goals, bench-
11 marks, and timetables described in paragraph (2);

12 (4) methods to mobilize and leverage the finan-
13 cial, technical, and managerial expertise of busi-
14 nesses, governments, nongovernmental organizations,
15 and civil society in the form of public-private alli-
16 ances;

17 (5) methods to encourage reforms and increase
18 the capacity of foreign governments to formulate
19 and implement policies that expand access to safe
20 water and sanitation in an affordable, equitable, and
21 sustainable fashion, including securing loans and
22 strategic planning;

23 (6) methods to coordinate and integrate United
24 States water and sanitation assistance programs
25 with other United States development assistance

1 programs to achieve the objective described in sub-
2 section (a);

3 (7) methods to better coordinate United States
4 water and sanitation assistance programs with pro-
5 grams of other donor countries and entities to
6 achieve the objective described in subsection (a);

7 (8) methods to take into account the different
8 needs of countries with an absolute lack of resources
9 to expand water and sanitation access and countries
10 with the need to better allocate potentially sufficient
11 existing resources and the different activities appro-
12 priate to each, as well as countries with existing
13 markets for investment in water and sanitation and
14 countries without existing markets for investment in
15 water and sanitation; and

16 (9) methods to take into account the need for
17 an appropriate balance of grants, loans, investment
18 insurance, loan guarantees, and other assistance to
19 ensure affordability and equity in the provision of
20 access to safe water and sanitation for the very poor.

21 (c) REPORTS.—

22 (1) INITIAL REPORT.—Not later than 180 days
23 after the date of the enactment of this Act, the Ad-
24 ministratoꝛ of the United States Agency for Inter-
25 national Development shall submit to the appro-

1 appropriate congressional committees a report that de-
2 scribes the strategy required by subsection (a).

3 (2) SUBSEQUENT REPORTS.—Not less than
4 once every year after the submission of the initial re-
5 port under paragraph (1) until 2015, the Adminis-
6 trator shall submit to the appropriate congressional
7 committees a report on the status of the implemen-
8 tation of the strategy, progress made in achieving
9 the objective described in subsection (a), and any
10 changes to the strategy since the date of the submis-
11 sion of the last report.

12 (3) DEFINITION.—In this subsection, the term
13 “appropriate congressional committees” means—

14 (A) the Committee on International Rela-
15 tions and the Committee on Appropriations of
16 the House of Representatives; and

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

20 **SEC. 06. AUTHORIZATION OF APPROPRIATIONS.**

21 (a) IN GENERAL.—There are authorized to be appro-
22 priated for fiscal year 2006 and each subsequent fiscal
23 year such sums as may be necessary to carry out this title
24 and the amendments made by this title.

1 (b) OTHER AMOUNTS.—Amounts appropriated pur-
2 suant to the authorization of appropriations in subsection
3 (a) shall be in addition to the amounts otherwise available
4 to carry out this title and the amendments made by this
5 title.

6 (c) AVAILABILITY.—Amounts appropriated pursuant
7 to the authorization of appropriations under section (a)
8 are authorized to remain available until expended.

Mr. BLUMENAUER. Thank you, Mr. Chairman. I have an amendment that would incorporate the Water for the Poor Act which has bipartisan support amongst our Committee. That is a companion bill to the Safe Water Currency for Peace Act which Senators Frist and Reid have introduced in the other body.

It is a bill designed to address the number one killer in the world, the lack of access to safe water and sanitation.

I won't go through the statistics. I think Members of the Committee are knowledgeable about that. I am appreciative of the number of my colleagues that have cosponsored it. I am appreciative of the support from the Chair and Ranking Member of the Committee to be able to move this forward. Based on those assurances, I would withdraw the amendment at this point and look forward to working with the Chair and Ranking Member to have a hearing and markup on this stand-alone bill.

Mr. SMITH OF NEW JERSEY. I want to thank Mr. Blumenauer for his earnestness in bringing forward this important legislation. Lack of water and poor sanitation has placed a very heavy toll on human life and caused suffering. As your bill notes, every 15 seconds a child dies because of lack of access to safe water and adequate sanitation. Chairman Hyde and this Committee will look forward to having a hearing and a markup of amended text of this legislation as agreed upon, with the hope of seeing this going to the House Floor.

We also welcome working with our Senate colleagues to help bring an end to the suffering and troubled lives for billions of lives across the world. As the gentleman notes, diarrheal disease, one of the consequences of poor water, is the leading killer of children in the world. I thank him for his initiative here.

Mr. SMITH OF WASHINGTON. Mr. Chairman.

Mr. SMITH OF NEW JERSEY. The gentleman is recognized.

Mr. SMITH OF WASHINGTON. Thank you. Not specific to this amendment, but I wanted to comment on the issue of poverty and thank actually the Chairman and Members of the Majority Party for agreeing to include a sense of Congress in the wording of the base bill on elimination of poverty in countries. This is an issue that many on the Committee have been working on, including Representatives Blumenauer and McCollum amongst others.

I just really wanted to thank them for doing that. Really the focus of that legislation is similar to a piece of legislation that I am working on that Representative McCollum has introduced as well focusing on elimination of extreme poverty, which is people living in extreme poverty, less than \$1 a day, about 1 billion people in the world in that situation. There are a number of groups, some in the Seattle area and beyond, who have gotten together to focus on this. It is a global initiative for reduction of world poverty headed up by Bill Gates, Sr., Bill Ruckelshaus, Bill Clapp and one other guy not named Bill, Dan Evans, and a number of other folks, trying to focus specifically on that extreme poverty.

This makes it the stated goal of the United States to work in cooperation with all other countries and entities that are interested in doing this to the point where we eliminate extreme poverty and urge the President to use USAID, among other areas, in any way possible, applauds the President for the Millennium Challenge Ac-

counts and for some other ideas, but really attempts to put the United States foreign policy on record as making this a top priority in our foreign policy, is the elimination of extreme poverty and also focusing on poverty more broadly speaking, which is people living on less than \$2 a day, which is another 2.7 billion people.

I want to thank again the Majority and all the other people working on this issue, including this language in the State Department authorizing bill. We are continuing to work with all those interested in this issue to move forward this important policy initiative.

With that, I yield back.

Mr. SMITH OF NEW JERSEY. Thank you.

Mr. Burton.

Mr. BURTON. Thank you, Mr. Chairman. I have an amendment at the desk.

Mr. SMITH OF NEW JERSEY. The clerk will designate the amendment.

Mr. BURTON. Number 22, I believe, is the amendment. The title is young fellow with gray hair. You should be able to find that without any trouble. That was a joke. Nobody is laughing. Not even Delahunt.

Ms. RUSH. Amendment offered by Mr. Burton of Indiana. At the end of title VIII of the bill add the following—

Mr. SMITH OF NEW JERSEY. Without objection, the amendment will be considered as read.

Chairman Burton is recognized for 5 minutes in support of his amendment.

[The amendment referred to follows:]

AMENDMENT TO H.R. 2601

OFFERED BY MR. BURTON OF INDIANA

(Amendatory Instructions Refer to the Amendment in the Nature of a Substitute)

At the end of title VIII of the bill, add the following new section (and conform the table of contents accordingly):

1 **SEC. ____ ASSISTANCE FOR DEMOBILIZATION AND DISAR-**
2 **MAMENT OF FORMER IRREGULAR COMBAT-**
3 **ANTS IN COLOMBIA.**

4 (a) **AUTHORIZATION.**—~~_____~~
5 ~~_____~~
6 ~~_____~~
7 ~~_____~~ amounts made available for fiscal
8 year 2006 and each subsequent fiscal year for assistance
9 for the Republic of Colombia under this Act or any other
10 provision of law may be made available for assistance for
11 the demobilization and disarmament of former members
12 of foreign terrorist organizations in Colombia, specifically
13 the United Self-Defense Forces of Colombia (AUC), the
14 Revolutionary Armed Forces of Colombia (FARC) and the
15 National Liberation Army (ELN), if the Secretary of
16 State makes a certification described in subsection (b) to

1 the appropriate congressional committees prior to the ini-
2 tial obligation of amounts for such assistance for the fiscal
3 year involved.

4 (b) CERTIFICATION.—A certification described in this
5 subsection is a certification that—

6 (1) assistance for the fiscal year will be pro-
7 vided only for individuals who have verifiably re-
8 nounced and terminated any affiliation or involve-
9 ment with foreign terrorist organizations;

10 (2) the Government of Colombia is continuing
11 to provide full cooperation with the Government of
12 the United States relating to extradition requests in-
13 volving leaders and members of the foreign terrorist
14 organizations involved in murder, kidnapping, nar-
15 cotics trafficking, and other violations of United
16 States law; and

17 (3) the Government of Colombia has established
18 a concrete and workable framework for dismantling
19 the organizational structures of foreign terrorist or-
20 ganizations that adequately balances the need for
21 both reconciliation and justice with concerns for fun-
22 damental human rights.

23 (c) DEFINITIONS.—In this section:

1 (1) APPROPRIATE CONGRESSIONAL COMMIT-
2 TEES.—The term “appropriate congressional com-
3 mittees” means—

4 (A) the Committee on Appropriations and
5 the Committee on International Relations of the
6 House of Representatives; and

7 (B) the Committee on Appropriations and
8 the Committee on Foreign Relations of the Sen-
9 ate.

10 (2) FOREIGN TERRORIST ORGANIZATION.—The
11 term “foreign terrorist organization” means an or-
12 ganization designated as a terrorist organization
13 under section 219 of the Immigration and Nation-
14 ality Act.

Mr. BURTON. Thank you, Mr. Chairman. We were down in Colombia not too long ago. One of the problems they have and we have is there are 11,500 former members of FARC and ELN and the drug cartels that have decided to get out of that business. They want to work within the system. They don't want to work with the drug cartels or the terrorist organizations down there anymore.

The problem is that they can't get work. One of the things that the Department of Justice has said in the PATRIOT Act, that there can be no material support for terrorism, and that includes ex-terrorists being transported on American aircraft.

Now, what they want to do down there is they want to put these guys to work eradicating opium and coca in various areas, and they need to be able to transport them out there. The Speaker of the House, when he was here, alluded to this in his remarks. The Chairman of this Committee, Mr. Hyde, is for this amendment. This is an amendment that would simply, very clearly define for Colombia and for this particular situation that those people who have renounced terrorism or renounced being involved with the drug cartel and want to work within the system can be transported to locations where they can help in the drug eradication program and make themselves citizens who are back in the system and not a problem.

Now, the Government of Colombia is willing to pay them \$8 a day, very minimum amount of money, but that will take care of their needs, in order to keep them out of the network.

If we don't deal with this, if we don't do something about this right now, the chances are very good because of the poverty rate down there, because they are not making any money, that they are going to go back into the drug business and they are going to go back into working with FARC and the ELN and other groups.

I think this is a very important amendment. It is one that will bring these people who are connected to these organizations out of the organizations. The ones who are already out want to work within the system, but they need to be able to be transported and be worked with in the drug eradication program.

I think this is a very simple amendment, a very important amendment, and it is one that the Justice Department said is needed in order for us to be able to utilize these people.

With that, Mr. Chairman, I will yield back my time.

Mr. SMITH OF NEW JERSEY. The gentleman yield backs his time. Would anyone else like to be heard on the Burton amendment?

Mr. LANTOS. Yes, Mr. Chairman. I want to commend my friend for offering a serious amendment. However, I am going to oppose it. You have distributed to every Member a letter signed by Senator Lugar and Senator Biden, the bipartisan leadership of the Senate Foreign Relations Committee, and Henry Hyde and me, basically opposing the substance of this amendment. If you read the letter, the arguments are all there. Time is late. I urge a no vote.

[The information referred to follows:]

United States Senate
WASHINGTON, DC 20510

February 2, 2005

The Honorable Alvaro Uribe
President
Republic of Colombia
Bogota, Colombia

Dear President Uribe:

It is a pleasure for us to be in communication with you again, and to express our appreciation for your government's efforts to improve security throughout Colombia.

In particular, we have been encouraged by the determination you have shown, in the face of difficult challenges, to confront the narco-guerrillas who have done so much damage to your country. We are hopeful for the release of the three U.S. hostages still being held by the Revolutionary Armed Forces of Colombia (FARC). We have also noted the large number of extradition requests that the Colombian government has fulfilled in recent years. Extradition is an important component of U.S.-Colombia relations, and we appreciate your government's clear public statements and continued cooperation on this issue.

We support efforts to achieve peace in Colombia, including through efforts to demobilize Foreign Terrorist Organizations (FTOs) such as the AUC paramilitaries. We understand that the demobilization of these groups is a delicate process, and that any concessions made to these narco-terrorists will set a precedent for future negotiations with other FTOs such as the FARC.

We also support U.S. funding to implement the demobilization of paramilitary combatants, if such a process is conducted pursuant to an effective legal framework, as determined by Colombians through good faith negotiations with the Colombian Congress, that will bring about the dismantlement of the underlying structure, illegal sources of financing, and economic power of these FTOs. In this regard, we believe it is crucial that paramilitaries seeking benefits from demobilization be required to first disclose fully their knowledge of the operative structure of these FTOs and the role of individual members in illegal activities, and to forfeit their illegally acquired assets.

It is also critical that the provision of benefits to the leaders of these FTOs be conditioned on the groups' compliance with the cease-fire and cessation of criminal activity by its members. Finally, it is necessary that the perpetrators of atrocities be held accountable for their crimes.

We also urge your government to put in place effective mechanisms to monitor demobilized individuals to prevent them from continuing to engage in organized criminal activity. The legal framework you arrive at for the paramilitaries should be equally applicable to other narco-terrorist organizations. There should be no distinction.

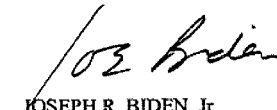
Again, we want to support this process if the necessary laws are in place to ensure its success.

Thank you for your leadership, and for consideration of our views.

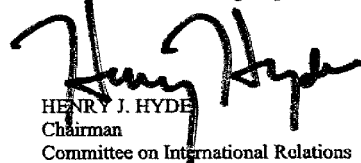
Respectfully,



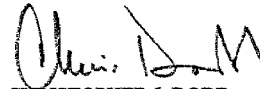
PATRICK LEAHY
Ranking Member
Subcommittee on Foreign Operations



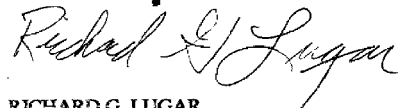
JOSEPH R. BIDEN, Jr.
Ranking Member
Committee on Foreign Relations



HENRY J. HYDE
Chairman
Committee on International Relations



CHRISTOPHER J. DODD
Ranking Member
Subcommittee on Western Hemisphere



RICHARD G. LUGAR
Chairman
Committee on Foreign Relations



TOM LANTOS
Ranking Member
Committee on International Relations

Mr. BURTON. Would the gentleman yield, please?

Mr. LANTOS. I will be delighted to yield.

Mr. BURTON. My good friend. There must be some misunderstanding because I am carrying this amendment on behalf of Chairman Hyde. So there has to be a misunderstanding. But I wish my colleague would reconsider. This is limited only to Colombia. It is intended to assist in bringing these people who are connected with the FARC, ELN and the drug cartels out of that system and back into the mainstream so that they can be a participant in a positive way in the economy. They want to do it.

There is already 11,500 of them who are willing and able and wanting to make this change. If we don't work with them in this way, then the Colombian Government cannot pay them \$8 a day for the eradication program that they can be involved in. I am very concerned that a large percentage of them are going to go back into the jungles and work with these radical elements and be participants in the drug production program.

Drugs are killing tens of thousands of Americans and maiming many others. We have been in this war against drugs for a long time. Here is a step that we can take that I think will help in that regard. I hope my colleague, whom I have the highest regard for, will reconsider his opposition.

Mr. SMITH OF NEW JERSEY. Mr. Payne.

Mr. PAYNE. Yes. Let me just say this came kind of cold to me here. But listening to Mr. Burton seems, it that it is difficult in some of these countries to try to get reforms and I think in some extraordinary situations we have to do things that we consider to be extraordinary. I think that may be an opportunity to take people who have decided that they want to change their way of living to be more productive citizens. I think that it could be very helpful. They probably are pretty tough individuals who would probably be able to do the job they have to do well.

So I commend you for the resolution and speak in support of it.

Mr. SMITH OF NEW JERSEY. Any other Member like to be heard?

Mr. DELAHUNT. Yes, Mr. Chairman.

Mr. SMITH OF NEW JERSEY. Who seeks recognition?

Mr. Delahunt.

Mr. DELAHUNT. I am very conflicted by this particular amendment. I appreciate the remarks and the sincerity of the remarks by Mr. Burton. My conflict is based on the fact that there have been many in Colombia that have talked about impunity that many of these individuals have committed, extremely heinous crimes. They are being provided an opportunity to walk away without real justice being done.

At the same time, I think that we have to recognize that in Colombia there has been a civil war raging for some 40 years, that the rise of the paramilitaries since the end of the 1980s have wreaked and compounded further violence on the people of Colombia. It is almost as if there is a choice here between justice and peace.

It is a hard one. The High Commissioner for Human Rights told a news conference back in May that she was concerned about a proposal being debated in the Colombian Congress that fails to

compel warlords to confess their crime, return plundered goods and pay reparations to victims.

At the same time, I recognize that it was a courageous act on the part of the Colombian Government to initiate talks and discussions, particularly with the AUC, a significant paramilitary group, and there has been progress made.

I have always taken the position that if peace is going to be attained, as Mr. Payne indicated,—extraordinary things are going to have to happen, and people in Colombia apparently have made the decision that peace is paramount, at least from what I understand from reports about legislation pending in the Colombian Government.

I would have preferred that this money would have been diverted to reparations to the victims of the crimes that have been committed. Presumably whatever occurs would not interfere with the extradition treaty that we have with Colombia.

I would hope that as this legislation winds its way through the Colombian Congress that those who recidivate, who recommit crimes of violence are held accountable, not just simply for that particular crime but for their past crimes of violence perpetrated against victims.

Having said all of that, we have to come down and make a choice here. It is a difficult one.

Mr. BURTON. Before you make that choice, would you yield to me?

Mr. DELAHUNT. Of course.

Mr. BURTON. I like to catch you before you make your decision, Bill, Representative Delahunt. First of all, the Colombian Government has extradited people to the United States. They have been very, very cooperative with us. Their government down there has said one of the biggest problems that the cartel has is a lot of the people are leaving because they are tired of the fight. They want to get out. They want to get back in the mainstream.

One of the things, in my opinion, that if we defeat this, that this will do is it will be giving aid and comfort to the drug leaders and to the terrorist groups down there. I know this is a very tough decision for a lot of people. The Government of Colombia believes that if they can give these people gainful employment, and if they committed heinous crimes where there is an extradition, they will work with us. They promised and the legislation demands, demands that these people be very tough on people who committed heinous crimes. Those who haven't, of the 11,500 who want to be gainfully employed, they really want to give them a chance so that they don't see a recidivism rate that is very high where they go back into the same situation they were in before.

Bill, I hope you will think hard about this when it comes to a vote, because I love you, man.

Mr. DELAHUNT. Well, I love you too, even though you are mostly wrong on your policy decisions. At the same time I think that what we have to do is to recognize that justice in this particular matter ought to be left to the Colombian people to determine.

Peace impacts not just Colombia, but the entire hemisphere. I think at this point in time we have to be willing to make the risk for peace. Again, I applaud the Uribe Administration for entering

into these negotiations. As you know, Chairman Burton, I am the only Member of Congress that flew into the Andes to speak with the FARC in an effort to advance the peace process. So I guess in the end I support this amendment and hopefully it will advance the peace process in Colombia.

Mr. PAYNE. Mr. Delahunt, would you yield for a minute before you give back your time. I was going, you know, with the same kind of feelings, you know, no justice, no peace. However, we found in a number of places, if you are looking at, as you have said, at the people at the table, the people in the back of the bush are the ones that suffer. The RUF in Sierra Leone could not be defeated by the troops of Nigeria, Sierra Leone, the rest, government reconciliation, some of these people had to sit around the table.

Northern Ireland, many of the ones elected after the Good Friday Accord, the people that had criminal records, had been in jail, been terrorists, killers—Mozambique, RENAMO, FRELIMO; Angola, UNITA. So at some point—South Africa—you just have to say I did it because I was bad and you walk, even though after all those years of apartheid.

So I think that even in some extraordinary situations we have to think of the people who get hurt. That is the bottom part. It is the bare-footed mother in the back that hasn't had a decent meal for her child for a long time. That is why I sort of anguished like you did and support Burton's amendment.

Mr. SMITH OF NEW JERSEY. Any other Members like to be heard?

If not, the question occurs on the amendment offered by Mr. Burton.

All those in favor say aye. All those opposed say no

The ayes have it. The amendment is agreed to.

The clerk will now report the Crowley amendment relating to fistula, number 21.

Ms. RUSH. Amendment offered by Mr. Crowley of New York—

Mr. CROWLEY. Mr. Chairman, I move we waive the reading.

Mr. SMITH OF NEW JERSEY. Without objection, so ordered.

[The amendment referred to follows:]

AMENDMENT TO H.R. 2601
OFFERED BY MR. CROWLEY OF NEW YORK

**(Page and line numbers refer to the Amendment in the
Nature of a Substitute)**

Page 171, line 9, after “treatment” insert “and prevention”.

Page 172, after line 12, insert the following new clause:

1 “(iv) Activities to expand access to
2 contraception services for the prevention of
3 pregnancies among women whose age or
4 health status place them at high risk of
5 prolonged or obstructed childbirth.”.

Mr. CROWLEY. First of all, Mr. Chairman, I want to thank you, Chris Smith, for what you have initially put into this bill, in the base of the bill, in recognizing this severe problem that exists in the developing world. Along with my friend and colleague and co-sponsor of this legislation, Congresswoman Woolsey, I would offer an amendment to address the needs on obstetric fistula.

Let me say that, again, I think this is not critical of the amendment itself. We are trying to improve the amendment. Fistula is a horrible condition that generally is caused by several days of obstructed labor. The consequences of fistula are life shattering. The baby usually in the process dies, and the woman in this process is left with chronic incontinence.

Moreover, a woman or a girl suffering from fistula is often ostracized by their husband and their families, left to fend for themselves, despite their debilitating affliction. Their ability to work and to be part of the community is severely diminished, and they generally become reliant on charity.

Obstetric fistula used to be a significant problem here in the United States. The first fistula hospital was located where presently the Waldorf-Astoria now stands in New York City. Thankfully the women in New York and women in high-income countries will effectively never have to face fistula again. But for millions of girls and women who live in the developing world fistula is an all too real part of their everyday existence.

While good data on fistula is scarce, in part because many girls and young women opt to suffer alone and in silence, a World Health Organization estimate holds that at least 50 to 100,000 new cases occur each year. The actual figures, especially in regions with high maternal mortality, are likely to be much higher.

In fact, I met with a physician today who repairs fistulas in Nigeria. He said that Nigeria sees 20,000 cases of new cases of fistula each year. To use his words—and I quote—“we can’t only treat these cases, we have to prevent them from happening in the first place.”

I am pleased that the base bill addresses the fistula issue for providing the funding in the amount of \$5 million per year of this bill for fistula treatment. I applaud again this Committee and in particular, Mr. Smith, for including this language on fistula in the underlying text of the bill. However, we do need to do both, prevention and treatment. Unless the incidents of fistula can be reduced to preventive activities, women and girls in the developing world will face a never-ending cycle of despair. The backlog of women needing surgical repair will never be erased.

For many the most effective way to prevent fistula is through proper family planning. It would be nice to imagine that all young girls in the developing world who were especially vulnerable to fistula would be able to delay their first pregnancy, but that simply is not the reality for many young girls. Many of these young girls are already married and it is through family planning that they could best prevent fistula and best protect their futures.

Moreover, malnutrition and other ravages of poverty can leave a woman in the position of attempting to deliver a child when her body is underdeveloped. These young women are also at particular

risk for fistula. For many of them family planning again is their best chance to prevent it.

To be sure, we need to address the largest social issues that contribute to the problem. Girls education, general access to health care and women's economic development and empowerment are all important parts of confronting the fistula tragedy.

For many the simplest and best answer is to make family planning available to those who want to use it. In fact, one estimate finds access to maternal planning would reduce infant mortality and death by at least 20 percent.

I thank this Committee for recognizing the impact of fistula, for expressing support for those who have already been afflicted by the condition. However, we also need to support the countless girls and young women throughout the developed world who have not yet been afflicted but are potentially at risk. As such, my amendment would see that the funding slated for fistula treatment would also cover fistula prevention.

If we understand fistula to be a tragedy, as it truly is, then the best response must also include steps to prevent women and girls from ever having to face it in the first place.

Just one other point that needs to be made. Many of these young girls in the developing world are being married at ages like 13 years of age. Their bodies aren't physically ready to be delivering children. Therefore, they find themselves in extended labor. The after effects can be horrific and indeed be life damaging for a 13-year-old or anyone in their early teens.

So with that, Mr. Chairman, I move the adoption of this amendment.

Mr. SMITH OF NEW JERSEY. The Chair recognizes himself. Let me just thank Mr. Crowley for his kind words. Section 815 of this legislation is, in essence, legislation that I have introduced in the last Congress and this Congress that we carried over into this bill.

As the gentleman points out, obstetric fistula is a preventable and a very treatable malady that affects, according to the World Health Organization, some 2 million women who are living with the devastating impact of fistula.

WHO also estimates that between 50,000 to 100,000 women this year will develop this very debilitating and life threatening situation, which the gentleman points out so correctly is often caused by an obstructed labor, a long labor, 3, 4, 5 days. The baby usually dies, and where a C-section would provide the opportunity for the baby and the mother to be healthy, regrettably many of these women develop tears that lead to chronic incontinence.

Part of what we are trying to do with this legislation is to set up not less than 12 centers—Africa has a disproportionate share of fistula cases. And I do accept the gentleman's amendment, by the way. But we are hoping that for \$300 or less, a woman can get the surgical operation, and her life can be restored.

Many of these women are ostracized. It is a very, very debilitating, and, like I said, life threatening, but certainly a socially ostracizing and very disease-prone type of condition. So this legislation, though I certainly would accept the gentleman's amendment.

Would anyone else like to be heard?

Mr. CROWLEY. I thank the gentleman for accepting.

Ms. LEE. Let me just thank the Chair and also Mr. Crowley for this amendment, and just basically say this amendment could save the lives of millions of children and women. I am very proud that the Committee is adopting it on a bipartisan basis.

Mr. SMITH OF NEW JERSEY. The question occurs on the amendment of Mr. Crowley.

All those in favor say aye. Opposed, no.

The ayes have it. The amendment is agreed to.

Mr. Rohrabacher.

Mr. ROHRABACHER. I have an amendment at the desk.

Mr. SMITH OF NEW JERSEY. The clerk will report the amendment.

Ms. RUSH. Amendment offered by Mr. Rohrabacher—

Mr. SMITH OF NEW JERSEY. Without objection, the amendment will be considered as read.

Mr. Rohrabacher.

[The amendment referred to follows:]

AMENDMENT TO H.R. 2601**OFFERED BY MR. ROHRABACHER OF CALIFORNIA**

At the appropriate place in the bill, insert the following new section (and conform the table of contents accordingly):

1 **SEC. ____ . SENSE OF CONGRESS REGARDING PROPERTY EX-**
2 **PROPRIATED BY THE GOVERNMENT OF ETHI-**
3 **OPIA.**

4 It is the sense of the Congress that the Government
5 of Ethiopia should account for, compensate for, or return
6 to United States citizens, and entities not less than 50
7 percent beneficially owned by United States citizens, prop-
8 erty of such citizens and entities that has been national-
9 ized, expropriated, or otherwise seized by the Government
10 of Ethiopia before the date of the enactment of this Act
11 in contravention of international law.

Mr. ROHRABACHER. Mr. Chairman, this should be a non-controversial bill, basically a sense of the Congress that property confiscated by the Government of Ethiopia that belongs to United States citizens should be returned to them.

This is especially important to me. I have a family in my district, an immigrant family from Ethiopia who are now United States citizens, whose business and property was confiscated by the Marxist government there 15 years ago. The current government has not returned it, not offered them just compensation. This is just a sense of the Congress saying the Ethiopian Government should return property owned by United States citizens or compensated.

Mr. ISSA. Could we ask unanimous consent?

Mr. SMITH OF NEW JERSEY. Without objection, the amendment is—

Mr. ROHRABACHER. That would be nice, yes.

Mr. SMITH OF NEW JERSEY. I would just announce to my colleagues that we do have additional amendments. We are likely going have to roll this over to tomorrow morning at 10:30, reconvene and then complete the bill, as well as the bill for the resolution on Srebrenica.

Mr. Issa.

Mr. ISSA. Mr. Chairman, if I can take 2 minutes I can eliminate my three en bloc.

Mr. SMITH OF NEW JERSEY. The gentleman is recognized.

[The en bloc amendments referred to follow:]

AMENDMENT TO H.R. 2601

OFFERED BY MR. ISSA OF CALIFORNIA

**(Amendatory Instructions Refer to the Amendment in the
Nature of a Substitute)**

Strike subsection (f) of section 811 of the bill (relating to transfer of certain interest for Egypt).

AMENDMENT TO H.R. 2601**OFFERED BY MR. ISSA OF CALIFORNIA**

**(Amendatory Instructions Refer to the Amendment in the
Nature of a Substitute)**

Page 166, after line 8, insert the following new subsection (and conform subsequent subsections accordingly):

1 “(g) NATIONAL SECURITY WAIVER.—The President
2 may waive any of the requirements of this section if the
3 President certifies to Congress that it is in the national
4 security interests of the United States to do so.”.

Page 168, after line 18, insert the following new subsection:

5 (g) NATIONAL SECURITY WAIVER.—The President
6 may waive any of the requirements of subsections (d), (e),
7 and (f) of this section if the President certifies to Congress
8 that it is in the national security interests of the United
9 States to do so.

AMENDMENT TO H.R. 2601**OFFERED BY MR. ISSA OF CALIFORNIA**

**(Amendatory Instructions Refer to the Amendment in the
Nature of a Substitute)**

Strike subsection (d) (relating to military assistance levels for Egypt; transfer requirement) and subsection (e) (relating to cash-flow financing for Egypt) of section 811 of the bill and insert the following new subsection (and redesignate subsequent subsections accordingly):

1 (d) MILITARY ASSISTANCE LEVELS FOR EGYPT;
2 TRANSFER REQUIREMENT.—

3 (1) IN GENERAL.—For each of the fiscal years
4 2006, 2007, and 2008, the amount that exceeds
5 \$1,260,000,000 that is available for assistance for
6 Egypt under section 23 of Arms Export Control Act
7 (22 U.S.C. 2763; relating to the “Foreign Military
8 Financing” program) shall be made available to
9 carry out one or more of the activities described in
10 paragraph (2).

11 (2) ACTIVITIES DESCRIBED.—The activities de-
12 scribed in this paragraph are the following:

13 (A) Training exercises with the military or
14 security forces of Iraq and Afghanistan.

1 (B) Anti-terrorism operations in the border
2 region of Egypt with Israel.

3 (C) Security operations to protect United
4 States Navy vessels transiting the Suez Canal.

5 (D) Regional humanitarian relief missions.

Mr. ISSA. I would ask that my additional three amendments be distributed so the Members would have them. I am offering them but will be withdrawing them. I will consider whether it becomes necessary to deal with this on the Floor. I believe here today we have probably pretty well educated people to the problem of the difference in opinion between the Chairman and Mr. Lantos and some of the other Members.

I would ask that you consider and look at some of the other over-all alternatives and ask all of my colleagues to take the opportunity to get more familiar with what the Egyptian Government does do in cooperation with us and perhaps some who see Mr. Lantos' statements, which I also see, will also realize that this may not be the right conclusion to reach, even though we can all agree on many of the problems.

With that I yield back, and I withdraw the amendments.

Mr. SMITH OF NEW JERSEY. I have an amendment at the desk. It is a technical amendment.

Ms. RUSH. Amendment offered by Chris Smith—

Mr. SMITH OF NEW JERSEY. Without objection, the amendment is considered as read. It is a technical amendment simply, and I would urge its adoption.

[The amendment referred to follows:]

AMENDMENT *by Rep Smith of
New Jersey*

On page 63, Line 10, STRIKE “ (B) a review of efforts to combat the use of financial institutions by terrorist groups;” and renumber

On page 65, Line 16, after “organizations”, add “(excluding the International Monetary Fund, the World Bank and other regional banks and the like)”

Mr. SMITH OF NEW JERSEY. Without objection, the amendment is accepted.

Let me again thank the Members.

Because I know Ms. Lee has two amendments and we have an additional amendment by Mr. Crowley, we will have to roll over until tomorrow because I do think they deserve time and the focus that a debate will allow.

We will recess until 10:30 tomorrow morning, and we will take up the Issa resolution and complete the amendment.

[Whereupon, at 7:20 p.m., the Committee was adjourned.]

UNITED NATIONS REFORM ACT OF 2005; FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEARS 2006 AND 2007; AND EXPRESSING THE SENSE OF THE HOUSE OF REPRESENTATIVES REGARDING THE MASSACRE AT SREBRENICA IN JULY 1995 (CONTINUED)

THURSDAY, JUNE 9, 2005

HOUSE OF REPRESENTATIVES,
COMMITTEE ON INTERNATIONAL RELATIONS,
Washington, DC.

The Committee met, pursuant to notice, at 10:48 a.m., in room 2172, Rayburn House Office Building, Hon. Henry J. Hyde (Chairman of the Committee) presiding.

Chairman HYDE. The Committee will come to order.

When the Committee recessed yesterday pursuant to a unanimous consent agreement, there were three amendments remaining to be disposed of. Subsequent to the disposition of these amendments, we will proceed to final passage. The clerk will report the Lee amendment number 24.

Ms. RUSH. Amendment offered by Ms. Lee of California. At the appropriate place in the bill, insert the following new section (and conform the table of contents accordingly): Report on United States Weapons Transfers, Sales, and Licensing to Haiti. Report.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall submit to the appropriate Congressional Committees a report on all United States weapons transfers, sales, and licensing to the Government of the Republic of Haiti for the period beginning on October 4, 1991, and ending on the date of the enactment of this Act.

(b) Contents.—The report required by subsection (a) shall include a detailed description of each of the following: (1) The names of the individuals or governmental entities to which weapons were transferred, sold, or licensed—

Ms. LEE. Mr. Chairman, I ask unanimous consent to suspend the reading.

Chairman HYDE. Does the gentlelady ask that the amendment be considered as read?

Ms. LEE. Right. Thank you.

[The amendment referred to follows:]

AMENDMENT TO H.R. 2601**OFFERED BY MS. LEE OF CALIFORNIA**

**(Amendatory Instructions Refer to the Amendment in the
Nature of a Substitute)**

At the appropriate place in the bill, insert the following new section (and conform the table of contents accordingly):

1 **SEC. ____ . REPORT ON UNITED STATES WEAPONS TRANS-**
2 **FERS, SALES, AND LICENSING TO HAITI.**

3 (a) REPORT.—Not later than 180 days after the date
4 of the enactment of this Act, the Secretary of State shall
5 submit to the appropriate congressional committees a re-
6 port on all United States weapons transfers, sales, and
7 licensing to the Government of the Republic of Haiti for
8 the period beginning on January ~~1~~ ^{October 4, 1991} 2001, and ending on
9 the date of the enactment of this Act.

10 (b) CONTENTS.—The report required by subsection
11 (a) shall include a detailed description of each of the fol-
12 lowing:

13 (1) The names of the individuals or govern-
14 mental entities to which weapons were transferred,
15 sold, or licensed.

1 (2) The number and types of weapons trans-
2 ferred, sold, or licensed.

3 (3) The safeguards, if any, that were required
4 prior to the transfer, sale, or license of the weapons.

5 (c) DEFINITION.—In this section, the term “United
6 States weapons transfers, sales, and licensing” means
7 transfers, sales, and licensing of weapons under—

8 (1) section 38 of the Arms Export Control Act
9 (22 U.S.C. 2778); or

10 (2) chapter 8 of part I of the Foreign Assist-
11 ance Act of 1961 (22 U.S.C. 2291 et seq.).

Chairman HYDE. The Chairman will state that we have reviewed the amendment as it has been amended, and we have no objection to it. And so if the gentlelady wishes, we will accept that amendment and move on.

Ms. LEE. Thank you, Mr. Chairman.

Chairman HYDE. Very well. The amendment is agreed to, and Mr. Crowley, number 23, is next.

Ms. RUSH. Amendment offered by Mr. Crowley of New York—

Mr. CROWLEY. Mr. Chairman? Mr. Chairman?

Chairman HYDE. Without objection, further—

Mr. CROWLEY. I have a substitute of the amendment 23 at the desk, and I ask unanimous consent to replace the previous amendment.

Chairman HYDE. The clerk will report the amendment.

Ms. RUSH. Amendment offered by Mr. Crowley of New York. At the end of Subtitle B of Title IX, add the following new section: Section—

Chairman HYDE. Without objection, further reading of the amendment is dispensed with.

[The information referred to follows:]

AMENDMENT TO H.R. 2601
OFFERED BY MR. CROWLEY OF NEW YORK

**(Amendatory Instructions Refer to the Amendment in the
Nature of a Substitute)**

At the end of subtitle B of title IX, add the following new section:

1 **SEC. ____.** **SENSE OF CONGRESS REGARDING STABILITY**
2 **AND SECURITY IN IRAQ.**

3 It is the sense of Congress that the President should
4 transmit to the appropriate congressional committees as
5 soon of possible after the date of the enactment of this
6 Act the ~~Administration's~~ plan to provide for a stable and
7 secure government of Iraq and an Iraqi military and police
8 force that will allow the United States military presence
9 in Iraq to be diminished.

Chairman HYDE. Mr. Crowley is recognized for 5 minutes in support of his amended amendment.

Mr. CROWLEY. Thank you, Mr. Chairman, and thank you for your cooperation.

Looking back at Operation Iraqi Freedom, there are many who have—there are many “what would have’s,” “what could have’s,” “what should have’s” taken place, and not only the President and the Secretary of Defense should have certainly planned for, but also what we in Congress on both sides of the aisle should have anticipated.

When the history of Operation Iraqi Freedom is written, a major part of that will be how the U.S. Congress, both parties, have lost the traditional role of oversight over the Administration and over this war. You cannot hide behind patriotism and the war on terror and not say that what this Administration has done from Abu Ghraib to a lack of intelligence is wrong. From the waste, fraud, and abuse of Halliburton to the lack of armored vehicles to the shortage of boots on the ground, this entire war has been poorly planned and executed by this Administration. And those who have suffered the most have been our troops, our young men and women. Their service and their dedication to not only protecting our country but bringing about a new Iraq for the Iraqi people has been exceptional.

Over 2 years ago, I voted to give this President the authority to wage war in Iraq. Saddam Hussein, I believe, was a threat not only to the United States but to the region and also to the Iraqi people. I am proud that the United States and our troops captured Saddam Hussein. I am proud that the Iraqi people turned out in record numbers to vote in a new Constitution. I am proud that the Iraqi people themselves are tasting the first bites of freedom, of Shiites and Sunnis and Kurds and Christians coming together to build a true free country, free from tyranny and free from Saddam Hussein.

These successes have also been marked with true failures and serious hardships and tragedies. Innocent Iraqis have been impacted in many respects as greatly as the men and women of our own armed forces. I knew, as did my constituents, that the sacrifices could and would be high. We would all agree that any loss of American life is tragic. The loss on account of lack of body armor, lack of protective vehicles, lack of planning are unconscionable and unacceptable.

Others have spoken about the President’s drafting a plan as soon as possible to provide for the removal of the troops. I think that that is a laudable goal. But removal is not what we need. What we need from this Administration is a success plan. Removal without success and security will not help the Iraqi people. Removal without stability cannot happen.

I quote the former Secretary of State Colin Powell, a fellow Bronx native, who said: “If you broke it, you own it.” Otherwise known as the Pottery Barn rule of law, as he called it.

My amendment also asks for withdrawal. But my amendment asks for a success plan before the withdrawal takes place, a plan from this Administration on how we will be providing for a stable

and secure Iraqi Government and a military and police force in Iraq that will allow the United States presence to be diminished.

I agree with many respected foreign relations experts who say that we need a success plan in Iraq. We created this problem. We need to work together to fix it. We need to hold this Administration accountable on a plan of success to restore security to the people of Iraq and that region.

I urge my colleagues to support this amendment, and I yield back the balance of my time.

Chairman HYDE. The Chair is prepared to accept the gentleman's amendment. Without any further discussion, the amendment is agreed to, and the clerk will read Lee amendment number 27.

Ms. RUSH. Amendment offered by Ms. Lee of California. At the end of title VIII of the bill, insert the following new section (and conform the table of contents accordingly): Section—. Assistance to Promote Economic and Social Development—

Chairman HYDE. Without objection, further reading of the gentlelady's amendment is dispensed with.

[The information referred to follows:]

AMENDMENT TO H.R. 2601**OFFERED BY MS. LEE OF CALIFORNIA**

**(Amendatory Instructions Refer to the Amendment in the
Nature of a Substitute)**

At the end of title VIII of the bill, insert the following new section (and conform the table of contents accordingly):

1 **SEC. ____ . ASSISTANCE TO PROMOTE ECONOMIC AND SO-**
2 **CIAL DEVELOPMENT IN COLOMBIA.**

3 (a) **AUTHORIZATION.**—The President is authorized to
4 furnish assistance, on such terms and conditions as the
5 President may determine, to promote economic and social
6 development in Colombia.

7 (b) **ACTIVITIES SUPPORTED.**—Assistance provided
8 under subsection (a) shall, to the maximum extent prac-
9 ticable, be used to carry out the following activities:

10 (1) The promotion of sustainable economic de-
11 velopment in rural areas of Colombia.

12 (2) The strengthening of civilian government in
13 rural areas of Colombia.

14 (3) The protection of human rights, the rule of
15 law, and democratic institutions in Colombia.

1 (c) FUNDING.—Of the amounts made available for
2 each of the fiscal years 2006 and 2007 to carry out section
3 481 of the Foreign Assistance Act of 1961 (22 U.S.C.
4 2291) to support counterdrug activities in the Andean re-
5 gion of South America, 40 percent of such amounts for
6 each such fiscal year is authorized to be available to carry
7 out this section.

Chairman HYDE. The gentlelady is recognized for 5 minutes in support of her amendment.

Ms. LEE. Thank you, Mr. Chairman. This amendment hopefully is non-controversial, and it is based upon the hearing that we participated in on Plan Colombia just last month.

What this amendment does is it would make a small increase, from about 33 percent to 40 percent, in the percentage of funds dedicated for alternative economic and social development, especially in rural areas. Furthermore, it would strengthen civil governance, encourage human rights protections, maintain the rule of law, and protect democratic institutions as funded by the Andean Counter-Drug Initiative through the Bureau for International Narcotics and Law Enforcement.

Now, I would like to be clear on this. This amendment does not increase the amount of money for ACI. It simply makes a very small increase in the percentage of funds used for alternative economic and social development, democracy, the rule of law, and human rights protections within the source of Plan Colombia funding. That is within the funding.

President Bush's fiscal year 2006 budget request already reflects the importance of existing efforts in rural areas and strengthening the governance and presence of civilian officials. In the final consolidated appropriation, the percentage for alternative development and institution building within ACI was 36 percent. This means that my amendment is only 4 percent above last year's allocation.

If we concentrate efforts on Colombian civil governance institutions now, eventually they will be able to reassert leadership in containing the civil war and providing alternative solutions to more vulnerable communities. In his testimony before this Committee last month, Roger Noriega, Assistant Secretary of State for the Bureau of Western Hemispheric Affairs, stated—and this is his quote. He said:

“There is no single explanation for the wide range of Colombia's troubles, but they are rooted in traditionally limited government presence in large areas of the interior, a history of civil conflict, violence, and deep social inequality. Overall goals will include support for programs that help countries to consolidate democracy, assert control over their entire national territories, and extend government services to their citizens.”

So this amendment would do exactly that, and it is simply a consistent continuation of existing policy. It is a very small effort to support the existing framework for Colombians and others in Latin America to increase their role in providing basic services, support, and economic alternatives for those who are in the greatest need.

I hope that this very small step now will reap benefits in the future, that it will wean Colombians from United States assistance, and make the country more secure for investments and sustainable development in the future. So I urge my colleagues to look at this amendment and support this very moderate amendment, which supports progress in the areas that I think this Full Committee would support, and urges a continuation of these efforts.

Thank you, and I reserve the balance of my time.

Mr. BURTON. Mr. Chairman?

Chairman HYDE. The gentleman from Indiana, Mr. Burton.

Mr. BURTON. Mr. Chairman, I am sure my colleague is very well intentioned, and I have high regard for her and her hard work, especially working on things like this amendment. I do disagree with her, though, and I would like to explain why.

Right now, 27 percent of the money that we are giving under Plan Colombia, according to the information I have, goes for economic assistance. President Uribe, who has been a stalwart in fighting against the war against drugs and against terrorism in Colombia, is not supportive of this, according to what I understand. He continues to have to fight the forces of terrorism and the forces of the drug cartels down there. And they have to focus their attention on defeating that enemy, at the same time providing for a strong and growing economy. He has been able to do that. He is a very good friend. We are very fortunate to have him as President of Colombia at this time even though his life has been threatened time and time again. I think the last thing that we want to do right now is reduce the amount of assistance that we are giving them for the war on drugs and the war against terrorism, FARC, ELN, and the other guerrilla movements.

So while I have high regard for the lady who sponsors the amendment, I really believe this is the wrong message to send right now. We have got to win this war on drugs, against drugs, and we have got to win this war against the terrorists. Uribe is doing everything he can right now, and for that reason, with great respect, I oppose this amendment and hope my colleagues will as well.

Chairman HYDE. The gentleman from California, Mr. Lantos.

Mr. LANTOS. Thank you very much, Mr. Chairman.

Mr. Chairman, the amendment of my good friend and Bay Area neighbor, Barbara Lee, deserves full support. Our assistance to Colombia through Plan Colombia and its successor program is critical for strengthening the most viable democracy and the most loyal United States ally in the Andean Region.

Colombia faces many challenges in addition to fighting the scourge of narcotics trafficking. Poverty is endemic in much of the countryside. Police, judges, prosecutors, doctors, and teachers are often not present in many small towns and hamlets because of the security situation and the lack of resources of the Colombian Government. Ms. Lee's amendment would seek to ensure that as we support the efforts of the Uribe Administration to beat back the terrorists and their drug-dealing accomplices, we also provide resources to President Uribe so that he can extend basic government services to those most in need.

Extending the benefits of democracy and the rule of law to the majority of Colombians is the best antidote against the poisonous rhetoric of terrorists or the populist appeals of Chavista-like leaders.

Mr. Chairman, I strongly support Ms. Lee's amendment and urge all of my colleagues to do so.

Chairman HYDE. The gentlelady from Florida, Ms. Harris.

Ms. HARRIS. Thank you, Mr. Chairman.

Mr. Chairman, I want to thank the gentlewoman from California for her thoughtful analysis in this, but if you recall back on March

17th when Speaker Hastert testified, he said that it was absolutely critical that we stay the course on this narcoterrorism and bring peace to Colombia. We visited there and we saw firsthand how the narcoterrorists are growing the coca, are working in the fields. And right now the United States has done such an amazing job in helping support Colombia in building up the hard side, the military efforts so that we can fight the narcoterrorists there.

I understand your interest in wanting to look at these rural alternative livelihoods, but I am very concerned about changing gears at this point. Under the terms of Plan Colombia, the United States was to do the heavy lifting on the military side, and we are already providing \$120 million. I would be deeply concerned if we retreated on the military side. The EU has made commitments to fulfill their soft side. I think we should look to the EU and press them further to live up to those commitments. We were in negotiations at a parliamentary effort in Europe and reminded them of their commitments. I think we really need to press the EU to move forward and fulfill that. But at this point I would think we would put ourselves in jeopardy as well as those we have made commitment to if we were to retreat on our commitment and enhance the rural soft side.

Thank you, Mr. Chairman.

Chairman HYDE. Thank you. Is there any—

Mr. DELAHUNT. Mr. Chairman?

Chairman HYDE. Mr. Delahunt.

Mr. DELAHUNT. I don't think there is any disagreement that we wish to support the efforts to reduce the flow of cocaine and heroin into the United States and assist the Colombian Government in terms of bringing order and stability and peace back to their society that has been plagued too long by violence. But it is clear that it is not going to simply happen if the sole focus is on the hard side, the so-called military side. And, therefore, I think that this is a minor change in terms of the balance between support for economic and social development, which is absolutely a prerequisite if we are going to have any success in the long term in terms of defeating terrorism and reducing the influence of the narcotrafficker in Colombia.

But there is something else that has to be discussed and I think it should be part of a hearing. I would recommend this to Mr. Burton, who chairs the Committee on the Western Hemisphere. It is that the percentage of GDP in Colombia that goes to revenues to support these efforts is some 14 percent. Here in the United States, American taxpayers in terms of GDP are asked to take 20 percent of the GDP to fund public services, obviously domestic as well as services such as this.

I guess what I am saying is are we asking the Colombian people—I heard someone allude—I think maybe it was Mr. Burton—to the fact that the Colombian economy is doing rather well now. I guess the issue is: Are we paying more than our fair share in terms of this particular effort, this particular policy? And that is something that has to be examined.

Why should the American taxpayer be asked to bear a disproportionate share of the burden? That is what this is about. You know, we have many nations in Latin America where the compliance and

enforcement of their tax laws is not very positive. You know, prior to the election of the Uribe Government, Colombians were paying less than 10 percent of every dollar they had for tax revenues. Here in the United States, it is 20 out of every \$100. How can we ask the American taxpayer to continue to support this effort when we really do not know—at least I have never heard of what the contribution of the Colombian Government is to this effort in terms of percentage of their revenues and their GDP.

Furthermore, we talk about what is happening on the hard side, the military side. I just recently visited the Joint Task Force in Key West. We have intelligence that is excellent in terms of the transport of narcotics through the Caribbean and through the Pacific, and we, the United States, do not have the assets that are necessary to interdict the flow of drugs. Maybe we should be spending more of our dollars that go to this effort on the purchase of American assets to interdict the drugs that are coming into this country, particularly when we have the intelligence that is available to us and yet we can do nothing about it.

But, again, going back to Congresswoman Lee's amendment, I think it makes sense, and I urge its adoption.

Chairman HYDE. The gentleman's time has expired.

Mr. Weller from Illinois.

Mr. WELLER. Thank you, Mr. Chairman. And with all due respect to my friend and colleague from California, I wish to state my opposition to her amendment, which I believe is well intentioned.

Plan Colombia is working. We are seeing progress. Today there is an estimated 30,000 terrorists in Colombia affiliated with three different terrorist organizations—two on the left, one on the right. Many of these terrorists are involved in one basic function—that is, the production of illegal drugs. They are narcotraffickers.

In the district I represent in Illinois, 85 percent of the cocaine consumed in Illinois comes from the Andean Region, from Colombia. One-half of the heroin consumed in the district that I represent originates in the Andean Region.

Again, we are making progress, and I commend President Uribe and his strong leadership in making progress. Today, for the first time, there is government presence in every municipality in Colombia, for the first time in a long time, where the elected Government in Colombia, which is the second oldest democracy in our hemisphere, our ally—they share our values—are looking to us as partners as they do a job for us to stop the flow of drugs at the source.

Now, my friend would like to reduce the investment when it comes to providing the support for Plan Colombia and shift it to some very well-meaning ideas, some well-meaning programs. Today, 40 percent of the cocaine that goes from Colombia now goes to Europe, and we, of course, have been working to partner with our European friends. And for those who argue for multilateralism, Plan Colombia, we have to remember, is a multilateral program. And we look to our European friends to honor a commitment that they made where they promised to invest in what we call the soft side of assistance, which is rural development and other various social programs that we all support. And as part of our bargain with our European allies and winning the war against narcotraffickers, winning the war against those who finance terrorism by the sales

of narcotics, it was the Europeans who are going to pick up this portion while the United States emphasizes assistance on military, security, and law enforcement. And, again, we are making progress with the reduction of various horrible crimes that are committed by the narcotrafficking terrorists.

Ladies and gentlemen, I have great respect for my friend and colleague from California. I know she is well meaning. However, our European friends have made this commitment. We should work to make sure they honor it. However, let's not pull the rug out from under Plan Colombia, which is succeeding, by supporting this amendment. I urge a no vote, Mr. Chairman. Thank you.

Chairman HYDE. Is there any further discussion?

Mr. CROWLEY. Mr. Chairman?

Chairman HYDE. The gentleman from New York.

Mr. CROWLEY. I would like to yield some time as she may consume to the gentlelady from California.

Ms. LEE. Thank you. I would like to thank the gentleman for yielding. I would just like to take a moment and respond to a couple of the points raised.

First of all, this amendment does not increase the amount of funding overall. What it does is increase the percentage. Drugs, and the fact that many of our communities are feeling and have felt the result of the inflow of drugs—heroin, cocaine—is really a concern that all of us share, and I think we have not seen over the last few years any diminution in the inflow of these drugs.

One of the issues that I am trying to accomplish here is to develop a more sustainable effort with regard to the growing of these crops. And if, in fact, these farmers do not have the resources they need to grow alternative crops, they will continue to do this. And so this is going to be a vicious cycle.

The fact that this must be a comprehensive approach is what I am—the point I am trying to make is that it must be comprehensive and that we must lean toward a long-range solution; otherwise, we are going to keep going in circles on this. And a long-term solution is providing for the long-term economic development efforts of the farmers, putting more resources to democracy-building and strengthening civil government. And so we are just talking in this amendment with regard to why I am doing this and why I think the shift needs to occur is primarily to create more balance and a more long-term sustainable type of effort so that we win this war on drugs and so the farmers have a way to survive.

Mr. FALEOMAVAEGA. Would the gentlelady yield?

Ms. LEE. Yes, I yield.

Mr. FALEOMAVAEGA. I commend the gentlelady, my colleague from California, for her proposed amendment. I recall years ago the former President of Colombia made a very interesting observation about our problems with the drug cartels. And his statement was, as I recall, that if there wasn't so much demand for drugs from our own country, then maybe there would be no reason for them to grow these crops and cause all the problems.

It seems that we are always putting the blame on their countries, but what are we doing in our own country in getting after the cartels selling the drugs in our own country? And I think that is exactly the point that the gentlelady's amendment addresses. It

is not just a problem of Colombia growing the crops. It is the demand, the consumption demand of our own country why we are having this problem. And I fully support the gentlelady's concerns, and I think she is right on the mark, and I urge my colleagues to support the amendment.

Chairman HYDE. Mr. Payne of New Jersey.

Mr. PAYNE. Thank you very much, Mr. Chairman. I certainly stand in strong support of the Lee amendment. I think that as she indicated, this would simply make a small increase in the percentage of funds dedicated for alternative economic and social development in rural areas, strengthening civil governance, encouraging human rights protection, maintaining the rule of law, and protecting democratic institutions as funded by the ACI through the Bureau of International Narcotics and Law Enforcement, the INL.

I think that this is very similar to the amendment that was proposed yesterday by my good colleague, the Ranking Member of this Committee, Mr. Lantos. As you may recall, in the debate, which won overwhelmingly, Mr. Lantos said that in the appropriations for funds to Egypt, he felt there should be a shifting of the funds going into the military and that there should be a proportion of it that would go for human development, would go for governance, would go for alleviating poverty, would go toward creating a better economic condition in that area. And I think that the Lee amendment is exactly the same.

We are saying do not increase or decrease, have no impact on the overall amount of money, but let's take the money that we are using for eradication for the military, for the rest, and take a small portion of that and use it for these things that I mentioned earlier that it would increase.

I think that this resolution makes sense. I think that the same way that the Lantos amendment overwhelmingly won yesterday, this is absolutely the exact same concept, the exact same philosophy, the exact same thrust to work with the people. Many times we can succeed much more with a plan to build the people up rather than simply build up the authorities, and so it would appear to me that this amendment is timely, it makes sense, and I would urge the Committee to support the Lee amendment..

Mr. BURTON. Would my colleague yield briefly?

Mr. PAYNE. Yes, certainly.

Mr. BURTON. First of all, as I recall, I think I supported the Lantos amendment. I think it made a lot of sense. I don't think it is the same kettle of fish as what we are talking about today though, Don. The situation we have down there is we are fighting against a series of drug cartels, we are fighting against the FARC and the ELN, and they are trying to undermine that government. If we were to lose the war and Plan Colombia didn't work, you would have mass immigration of people coming north because of the destabilization of that country and the surrounding areas.

And so the number 1 issue, in my opinion, down there is to win the war against these terrorists and the drug cartel. I think it is extremely important. Obviously, part of that is the economic issue, and that is why 27 percent of the money that we give to them goes for those purposes, but the number 1 responsibility is to win the

war against the cartels and the terrorists down there, and I think that is a little different kettle of fish than what we had in Egypt.

Mr. PAYNE. Reserving my time, I just want to respond that poverty is really creating a lot of destabilization. I think that we are missing the boat as your amendment, which I supported, which said take former terrorists, put them on U.S. planes. We said that we should never, that there should not—these folks should have a prison rather than transport on U.S. planes. However, it was a specific thing which I thought about and agree with your amendment that the former FARC, the 11,000 that were ready to change their way of life, should be given this opportunity. And so I think that in specific areas we ought to make specific things, and I will just yield back the remainder of my time to Ms. Lee.

Hurry up, Ms. Lee.

Ms. LEE. Very briefly, I just wanted to reiterate a couple of points with regard to this amendment. This amendment supports police assistance, military assistance. But I don't think any of us believe that we can win this war when after the Colombian Army leaves certain areas, and there is a void and there is a vacancy, that there is no choice but to cooperate with the guerrillas and the paramilitary. Those are the entities that are going to fill the vacancies.

If you don't have a sustainable development effort taking place, and if you don't have the rule of law and democracy building and civil organizations filling that void, we are going to be back where we started, and so I wanted to make that perfectly clear that this just increases by a small percentage our goal of creating a long-term sustainable effort. It does nothing in terms of the police assistance or military assistance, which actually is—

Chairman HYDE. The gentlelady's time has expired.

Mr. Green.

Mr. GREEN. Thank you, Mr. Chairman. I would like to yield my time to the gentleman from Illinois, Mr. Weller.

Mr. WELLER. I want to thank my colleague from Wisconsin for his courtesy, and again speak in opposition to my friend from California's amendment, which I believe is bad policy and pulls the rug out from under not only the Colombian military, but Colombian law enforcement and the democratically-elected Government of Colombia.

We as United States policy have been investing in sustainable agriculture, sustainable development. I personally have visited projects in Popayan, an area which originally was controlled by the left-wing FARC, one of the terrorists groups there, and of course now is returning to its historic role as a coffee-growing region. USAID has successful programs working with individuals who used to be known as cocateras are now known as capiteras because they have gone from being coca-growers to coffee-growers. They are benefiting from the initiative of the Bush Administration for the United States to rejoin the International Coffee Organization, and in the almost 2 years since the United States rejoined the International Coffee Organization, we have seen an increase in global coffee prices, on average are well over a dollar, and for specialty coffees much more, and income that can be available, and of course that provides a real alternative.

So we do have programs, and right now we spend 1 out of every 4 dollars that we invest in Plan Colombia is in these type of programs.

Let us look at the facts here. The people that we are dealing with are pretty bad people. People often think the terrorists are centered in the Middle East. One of the worst terrorist groups in the world is the FARC, centered in Colombia. The FARC, outside of Cuba, is the only entity holding political prisoners. There are almost 65 political prisoners held by the FARC, including a Presidential candidate, elected officials, judges, mayors and other officials. And I might note that they have been holding three Americans for almost 2 years. These are bad people.

And if we reduce our support for law enforcement, which is spreading its presence into the municipalities throughout Colombia, we pull the rug out from under them, and that is why it is so important.

As for the point that several of my friends have said, where there has been no impact here in the United States, I can tell you. We had a hearing, and I believe several of my colleagues joined me at that hearing, just talking about the progress being made on Plan Colombia. And according to the Drug Enforcement Administration, our own numbers, we have seen a 17 percent reduction in heroin purity on the streets of the United States as a result of Plan Colombia. And from the standpoint of my own State, statistics have shown that we have seen a one-third reduction of heroin admissions in Chicago, again as a result of Plan Colombia.

Right now 1 out of every 4 dollars we provide to Plan Colombia goes to social programs, and we are making progress.

But we are also making progress on the military and police front in the effort to stamp out the terrorists. My good friend said, you know, if we reduce our military presence in Colombia then the terrorist guerrillas, the FARC, the ELN, the right-wing paramilitaries will just come back into town. That is why our assistance is so important, to make sure that law enforcement has the resources, the professional training to be able to maintain a security presence in those communities. The reason the left-wing terrorist group FARC comes in and kidnaps mayors is because they detect a weak security presence. We are changing that. Plan Colombia is working. And today because of Plan Colombia, there now is a government presence, military, law enforcement, as well as a Federal Government presence in every municipality in Colombia.

Again, by adopting this amendment, we pull the rug out from under our efforts. Let us keep the plan that is working in progress. Let me remind everyone, today, 27 percent, 1 out of every 4 dollars we invest in Plan Colombia is going to social development programs. It is a good balance. It is working. Let us keep it working. I urge a no vote.

I want to thank the gentleman from Wisconsin for his courtesy. Mr. GREEN. And I yield back, Mr. Chairman.

Chairman HYDE. The Chair says that there will be three votes ahead of us before we can pass this bill. We expect a vote within 15 minutes on the Floor, so I would like to foreclose this fascinating debate and move on to final passage.

So the question is on the Lee amendment. Those in favor say aye.

Opposed, nay.

Mr. LANTOS. On that, Mr. Chairman, I request a rollcall, as well as on the previous Crowley amendment.

Chairman HYDE. An entirely reasonable request. Before we do that, Mr. Crowley was unhappy that he didn't get a rollcall on his—

Mr. CROWLEY. No unhappiness was expressed, Mr. Chairman.

Chairman HYDE [continuing]. Amendment that we accepted. So we shall—this is probably improper, but let us get rid of the issue. Having voted on the prevailing side on the Crowley amendment, I move that the vote by which that passed be reconsidered. All those in favor say aye.

Opposed, nay.

The ayes have it. The motion is reconsidered, and the clerk will call the roll on the Crowley amendment.

Ms. RUSH. Mr. Leach?

[No response.]

Ms. RUSH. Mr. Smith of New Jersey?

Mr. SMITH OF NEW JERSEY. Yes.

Ms. RUSH. Mr. Smith votes yes. Mr. Burton?

Mr. BURTON. Yes.

Ms. RUSH. Mr. Burton votes yes. Mr. Gallegly?

Mr. GALLEGLY. No.

Ms. RUSH. Mr. Gallegly votes no. Ms. Ros-Lehtinen?

Ms. ROS-LEHTINEN. Pass.

Ms. RUSH. Ms. Ros-Lehtinen passes. Mr. Rohrabacher?

Mr. ROHRABACHER. Pass.

Ms. RUSH. Mr. Rohrabacher passes. Mr. Royce?

Mr. ROYCE. Yes.

Ms. RUSH. Mr. Royce votes yes. Mr. King?

Mr. KING. No.

Ms. RUSH. Mr. King votes no. Mr. Chabot?

Mr. CHABOT. Aye.

Ms. RUSH. Mr. Chabot votes yes. Mr. Tancredo?

Mr. TANCREDO. Aye.

Ms. RUSH. Mr. Tancredo votes yes. Mr. Paul?

[No response.]

Ms. RUSH. Mr. Issa?

[No response.]

Ms. RUSH. Mr. Flake?

Mr. FLAKE. Yes.

Ms. RUSH. Mr. Flake votes yes. Mrs. Davis?

Mrs. DAVIS. No.

Ms. RUSH. Mrs. Davis votes no. Mr. Green?

Mr. GREEN. Aye.

Ms. RUSH. Mr. Green votes yes. Mr. Weller?

[No response.]

Ms. RUSH. Mr. Pence?

[No response.]

Ms. RUSH. Mr. McCotter?

Mr. McCOTTER. No.

Ms. RUSH. Mr. McCotter votes no. Ms. Harris?

Ms. HARRIS. Yes.
Ms. RUSH. Ms. Harris votes yes. Mr. Wilson?
Mr. WILSON. Yes.
Ms. RUSH. Mr. Wilson votes yes. Mr. Boozman?
Mr. BOOZMAN. No.
Ms. RUSH. Mr. Boozman votes no. Mr. Barrett?
Mr. BARRETT. Aye.
Ms. RUSH. Mr. Barrett votes yes. Mr. Mack?
Mr. MACK. Yes.
Ms. RUSH. Mr. Mack votes yes. Mr. Fortenberry?
Mr. FORTENBERRY. Yes.
Ms. RUSH. Mr. Fortenberry votes yes. Mr. McCaul?
Mr. MCCAUL. Yes.
Ms. RUSH. Mr. McCaul votes yes. Mr. Poe?
[No response.]
Ms. RUSH. Mr. Lantos?
Mr. LANTOS. Aye.
Ms. RUSH. Mr. Lantos votes yes. Mr. Berman?
Mr. BERMAN. Aye.
Ms. RUSH. Mr. Berman votes yes. Mr. Ackerman?
[No response.]
Ms. RUSH. Mr. Faleomavaega?
Mr. FALEOMAVAEGA. Yes.
Ms. RUSH. Mr. Faleomavaega votes yes. Mr. Payne?
Mr. PAYNE. Yes.
Ms. RUSH. Mr. Payne votes yes. Mr. Menendez?
[No response.]
Ms. RUSH. Mr. Brown?
[No response.]
Ms. RUSH. Mr. Sherman?
Mr. SHERMAN. Yes.
Ms. RUSH. Mr. Sherman votes yes. Mr. Wexler?
[No response.]
Ms. RUSH. Mr. Engel?
Mr. ENGEL. Yes.
Ms. RUSH. Mr. Engel votes yes. Mr. Delahunt?
[No response.]
Ms. RUSH. Mr. Meeks?
Mr. MEEKS. Yes.
Ms. RUSH. Mr. Meeks votes yes. Ms. Lee?
Ms. LEE. No.
Ms. RUSH. Ms. Lee votes no. Mr. Crowley?
Mr. CROWLEY. Aye.
Ms. RUSH. Mr. Crowley votes yes. Mr. Blumenauer?
Mr. BLUMENAUER. Yes.
Ms. RUSH. Mr. Blumenauer votes yes. Ms. Berkley?
Ms. BERKLEY. Aye.
Ms. RUSH. Ms. Berkley votes yes. Ms. Napolitano?
Mrs. NAPOLITANO. Yes.
Ms. RUSH. Ms. Napolitano votes yes. Mr. Schiff?
Mr. SCHIFF. Aye.
Ms. RUSH. Mr. Schiff votes yes. Ms. Watson?
Ms. WATSON. Aye.
Ms. RUSH. Ms. Watson votes yes. Mr. Smith of Washington?

Mr. SMITH OF WASHINGTON. Aye.
 Ms. RUSH. Mr. Smith of Washington votes yes. Ms. McCollum?
 Ms. MCCOLLUM. Aye.
 Ms. RUSH. Ms. McCollum votes yes. Mr. Chandler?
 Mr. CHANDLER. Yes.
 Ms. RUSH. Mr. Chandler votes yes. Mr. Cardoza?
 Mr. CARDOZA. Aye.
 Ms. RUSH. Mr. Cardoza votes yes. Chairman Hyde?
 Chairman HYDE. Aye.
 Ms. RUSH. Chairman Hyde votes yes.
 Mr. BURTON. Mr. Chairman?
 Chairman HYDE. Mr. Delahunt?
 Mr. DELAHUNT. How am I recorded?
 Ms. RUSH. You are not recorded.
 Mr. DELAHUNT. Aye.
 Ms. RUSH. Mr. Delahunt votes yes.
 Chairman HYDE. Mr. Burton?
 Mr. BURTON. Mr. Chairman, I thought we were on another amendment. I apologize. I want to change my vote to no.
 Ms. ROS-LEHTINEN. Mr. Chairman?
 Chairman HYDE. Ms. Ros-Lehtinen?
 Ms. ROS-LEHTINEN. I would like to vote no. Thank you.
 Ms. RUSH. Mr. Burton and Ms. Ros-Lehtinen both vote no.
 Mr. WELLER. Mr. Chairman?
 Chairman HYDE. Mr. Weller.
 Mr. WELLER. How am I recorded? I would like to be recorded as voting no.
 Ms. RUSH. Mr. Weller votes no.
 Chairman HYDE. If there are no further——
 Mr. ACKERMAN. Mr. Chairman?
 Chairman HYDE. Mr. Ackerman.
 Mr. ACKERMAN. How am I——
 Ms. RUSH. You are not recorded.
 Mr. ACKERMAN. Aye.
 Ms. RUSH. Mr. Ackerman votes yes.
 Chairman HYDE. The clerk will report.
 Ms. RUSH. On this vote there are 32 yeses and 9 noes.
 Chairman HYDE. And the amendment is agreed to.
 We now revert to the Lee amendment, number 27. And the clerk will call the roll.
 Ms. RUSH. Mr. Leach?
 [No response.]
 Ms. RUSH. Mr. Smith of New Jersey?
 Mr. SMITH OF NEW JERSEY. No.
 Ms. RUSH. Mr. Smith votes no. Mr. Burton?
 Mr. BURTON. No.
 Ms. RUSH. Mr. Burton votes no. Mr. Gallegly?
 Mr. GALLEGLY. No.
 Ms. RUSH. Mr. Gallegly votes no. Ms. Ros-Lehtinen?
 Ms. ROS-LEHTINEN. No.
 Ms. RUSH. Ms. Ros-Lehtinen votes no. Mr. Rohrabacher?
 Mr. ROHRABACHER. No.
 Ms. RUSH. Mr. Rohrabacher votes no. Mr. Royce?
 Mr. ROYCE. No.

Ms. RUSH. Mr. Royce votes no. Mr. King?
Mr. KING. No.
Ms. RUSH. Mr. King votes no. Mr. Chabot?
Mr. CHABOT. No.
Ms. RUSH. Mr. Chabot votes no. Mr. Tancredo?
Mr. TANCREDO. No.
Ms. RUSH. Mr. Tancredo votes no. Mr. Paul?
[No response.]
Ms. RUSH. Mr. Issa?
[No response.]
Ms. RUSH. Mr. Flake?
Mr. FLAKE. No.
Ms. RUSH. Mr. Flake votes no. Mrs. Davis?
Mrs. DAVIS. No.
Ms. RUSH. Mrs. Davis votes no. Mr. Green?
Mr. GREEN. No.
Ms. RUSH. Mr. Green votes no. Mr. Weller?
Mr. WELLER. No.
Ms. RUSH. Mr. Weller votes no. Mr. Pence?
[No response.]
Ms. RUSH. Mr. McCotter?
Mr. McCOTTER. No.
Ms. RUSH. Mr. McCotter votes no. Mrs. Harris?
Ms. HARRIS. No.
Ms. RUSH. Mrs. Harris votes no. Mr. Wilson?
Mr. WILSON. No.
Ms. RUSH. Mr. Wilson votes no. Mr. Boozman?
Mr. BOOZMAN. No.
Ms. RUSH. Mr. Boozman votes no. Mr. Barrett?
Mr. BARRETT. No.
Ms. RUSH. Mr. Barrett votes no. Mr. Mack?
Mr. MACK. No.
Ms. RUSH. Mr. Mack votes no. Mr. Fortenberry?
Mr. FORTENBERRY. No.
Ms. RUSH. Mr. Fortenberry votes no. Mr. McCaul?
Mr. McCAUL. No.
Ms. RUSH. Mr. McCaul votes no. Mr. Poe?
[No response.]
Ms. RUSH. Mr. Lantos?
Mr. LANTOS. Aye.
Ms. RUSH. Mr. Lantos votes yes. Mr. Berman?
Mr. BERMAN. Aye.
Ms. RUSH. Mr. Berman votes yes. Mr. Ackerman?
Mr. ACKERMAN. Aye.
Ms. RUSH. Mr. Ackerman votes yes. Mr. Faleomavaega?
Mr. FALEOMAVAEGA. Yes.
Ms. RUSH. Mr. Faleomavaega votes yes. Mr. Payne?
Mr. PAYNE. Yes.
Ms. RUSH. Mr. Payne votes yes. Mr. Menendez?
[No response.]
Ms. RUSH. Mr. Brown?
[No response.]
Ms. RUSH. Mr. Sherman?
Mr. SHERMAN. Yes.

Ms. RUSH. Mr. Sherman votes yes. Mr. Wexler?

[No response.]

Ms. RUSH. Mr. Engel?

Mr. ENGEL. Yes.

Ms. RUSH. Mr. Engel votes yes. Mr. Delahunt?

Mr. DELAHUNT. Yes.

Ms. RUSH. Mr. Delahunt votes yes. Mr. Meeks?

Mr. MEEKS. Yes.

Ms. RUSH. Mr. Meeks votes yes. Ms. Lee?

Ms. LEE. Yes.

Ms. RUSH. Ms. Lee votes yes. Mr. Crowley?

Mr. CROWLEY. Yes.

Ms. RUSH. Mr. Crowley votes yes. Mr. Blumenauer?

Mr. BLUMENAUER. Yes.

Ms. RUSH. Mr. Blumenauer votes yes. Ms. Berkley?

Ms. BERKLEY. Yes.

Ms. RUSH. Ms. Berkley votes yes. Ms. Napolitano?

Mrs. NAPOLITANO. Yes.

Ms. RUSH. Ms. Napolitano votes yes. Mr. Schiff?

Mr. SCHIFF. Aye.

Ms. RUSH. Mr. Schiff votes yes. Ms. Watson?

Ms. WATSON. Yes.

Ms. RUSH. Ms. Watson votes yes. Mr. Smith of Washington?

Mr. SMITH OF WASHINGTON. Aye.

Ms. RUSH. Mr. Smith of Washington votes yes. Ms. McCollum?

Ms. MCCOLLUM. Aye.

Ms. RUSH. Ms. McCollum votes yes. Mr. Chandler?

Mr. CHANDLER. Yes.

Ms. RUSH. Mr. Chandler votes yes. Mr. Cardoza?

Mr. CARDOZA. Aye.

Ms. RUSH. Mr. Cardoza votes yes. Chairman Hyde?

Chairman HYDE. No.

Ms. RUSH. Chairman Hyde votes no.

On this vote there are 20 yeases and 22 noes.

Chairman HYDE. Then the amendment is not agreed to.

The question now occurs on the Smith substitute amendment as amended. All those in favor say aye.

Opposed, nay.

The ayes have it, and the amendment is agreed to.

The Chair will now entertain a motion that the bill be reported favorably as amended.

Mr. SMITH OF NEW JERSEY. So moved, Mr. Chairman.

Chairman HYDE. The question occurs on the motion to report the bill favorably as amended. All in favor say aye.

All opposed, no.

Mr. SMITH OF NEW JERSEY. Mr. Chairman, ask for a rollcall vote.

Chairman HYDE. A rollcall has been requested and so the clerk will call—

Mr. LANTOS. Mr. Chairman?

Chairman HYDE. Yes, Mr. Lantos?

Mr. LANTOS. Before we proceed to the rollcall, may I, on behalf of all of us, thank some of the unsung heroes in this markup process, the people of the Legislative Counsel's Office who draft our amendments, correct our mistakes, answer our innumerable irra-

tional questions, and respond to our ridiculous demands, Matt Eckstein, Mark Synnes and Sandra Strokoff. Thank you, Mr. Chairman.

Chairman HYDE. Thank you, I think. I forget where we were. [Laughter.]

The question occurs on the motion to report the bill favorably as amended. All in favor say aye, and opposed no, and the clerk will call the roll.

Ms. RUSH. Mr. Leach?

[No response.]

Ms. RUSH. Mr. Smith of New Jersey?

Mr. SMITH OF NEW JERSEY. Yes.

Ms. RUSH. Mr. Smith votes yes. Mr. Burton?

Mr. BURTON. Yes.

Ms. RUSH. Mr. Burton votes yes. Mr. Gallegly?

Mr. GALLEGLY. Yes.

Ms. RUSH. Mr. Gallegly votes yes. Ms. Ros-Lehtinen?

Ms. ROS-LEHTINEN. Yes.

Ms. RUSH. Ms. Ros-Lehtinen votes yes. Mr. Rohrabacher?

Mr. ROHRABACHER. Yes.

Ms. RUSH. Mr. Rohrabacher votes yes. Mr. Royce?

Mr. ROYCE. Yes.

Ms. RUSH. Mr. Royce votes yes. Mr. King?

Mr. KING. Yes.

Ms. RUSH. Mr. King votes yes. Mr. Chabot?

Mr. CHABOT. Yes.

Ms. RUSH. Mr. Chabot votes yes. Mr. Tancredo?

Mr. TANCREDO. Aye.

Ms. RUSH. Mr. Tancredo votes yes. Mr. Paul?

[No response.]

Ms. RUSH. Mr. Issa?

Mr. ISSA. Yes.

Ms. RUSH. Mr. Issa votes yes. Mr. Flake?

Mr. FLAKE. Yes.

Ms. RUSH. Mr. Flake votes yes. Mrs. Davis?

Mrs. DAVIS. Aye.

Ms. RUSH. Mrs. Davis votes yes. Mr. Green?

Mr. GREEN. Aye.

Ms. RUSH. Mr. Green votes yes. Mr. Weller?

Mr. WELLER. Aye.

Ms. RUSH. Mr. Weller votes yes. Mr. Pence?

[No response.]

Ms. RUSH. Mr. McCotter?

Mr. MCCOTTER. Yes.

Ms. RUSH. Mr. McCotter votes yes. Ms. Harris?

Ms. HARRIS. Yes.

Ms. RUSH. Ms. Harris votes yes. Mr. Wilson?

Mr. WILSON. Yes.

Ms. RUSH. Mr. Wilson votes yes. Mr. Boozman?

Mr. BOOZMAN. Yes.

Ms. RUSH. Mr. Boozman votes yes. Mr. Barrett?

Mr. BARRETT. Aye.

Ms. RUSH. Mr. Barrett votes yes. Mr. Mack?

Mr. MACK. Yes.

Ms. RUSH. Mr. Mack votes yes. Mr. Fortenberry?
Mr. FORTENBERRY. Yes.
Ms. RUSH. Mr. Fortenberry votes yes. Mr. McCaul?
Mr. McCAUL. Yes.
Ms. RUSH. Mr. McCaul votes yes. Mr. Poe?
[No response.]
Ms. RUSH. Mr. Lantos?
Mr. LANTOS. Aye.
Ms. RUSH. Mr. Lantos votes yes. Mr. Berman?
Mr. BERMAN. Aye.
Ms. RUSH. Mr. Berman votes yes. Mr. Ackerman?
Mr. ACKERMAN. Aye.
Ms. RUSH. Mr. Ackerman votes yes. Mr. Faleomavaega?
Mr. FALEOMAVAEGA. Yes.
Ms. RUSH. Mr. Faleomavaega votes yes. Mr. Payne?
Mr. PAYNE. Pass.
Ms. RUSH. Mr. Payne passes. Mr. Menendez?
[No response.]
Ms. RUSH. Mr. Brown?
[No response.]
Ms. RUSH. Mr. Sherman?
Mr. SHERMAN. Yes.
Ms. RUSH. Mr. Sherman votes yes. Mr. Wexler?
Mr. WEXLER. Aye.
Ms. RUSH. Mr. Wexler votes yes. Mr. Engel?
Mr. ENGEL. Yes.
Ms. RUSH. Mr. Engel votes yes. Mr. Delahunt?
Mr. DELAHUNT. Yes.
Ms. RUSH. Mr. Delahunt votes yes. Mr. Meeks?
Mr. MEEKS. Yes.
Ms. RUSH. Mr. Meeks votes yes. Ms. Lee?
Ms. LEE. Aye.
Ms. RUSH. Ms. Lee votes yes. Mr. Crowley?
Mr. CROWLEY. Aye.
Ms. RUSH. Mr. Crowley votes yes. Mr. Blumenauer?
Mr. BLUMENAUER. Aye.
Ms. RUSH. Mr. Blumenauer votes yes. Ms. Berkley?
Ms. BERKLEY. Yes.
Ms. RUSH. Ms. Berkley votes yes. Ms. Napolitano?
Mrs. NAPOLITANO. Yes.
Ms. RUSH. Ms. Napolitano votes yes. Mr. Schiff?
Mr. SCHIFF. Aye.
Ms. RUSH. Mr. Schiff votes yes. Ms. Watson?
Ms. WATSON. Aye.
Ms. RUSH. Ms. Watson votes yes. Mr. Smith of Washington?
Mr. SMITH OF WASHINGTON. Aye.
Ms. RUSH. Mr. Smith of Washington votes yes. Ms. McCollum?
Ms. MCCOLLUM. Aye.
Ms. RUSH. Ms. McCollum votes yes. Mr. Chandler?
Mr. CHANDLER. Yes.
Ms. RUSH. Mr. Chandler votes yes. Mr. Cardoza?
Mr. CARDOZA. Aye.
Ms. RUSH. Mr. Cardoza votes yes. Chairman Hyde?
Chairman HYDE. Aye.

Ms. RUSH. Chairman Hyde votes yes.

Chairman HYDE. Mr. Payne?

Mr. PAYNE. Yes.

Ms. RUSH. Mr. Payne votes yes.

Chairman HYDE. Any other Members who have failed to vote or who wish to change their vote?

[No response.]

Chairman HYDE. If not, the clerk will report.

Ms. RUSH. On this vote there are 44 yeses and zero noes.

Chairman HYDE. And the motion to report favorably is adopted, and without objection the staff is directed to make any technical and conforming changes.

Without objection, the Chairman is authorized to seek consideration of the resolution, H. Res. 199, Expressing the Sense of the House of Representatives Regarding the Massacre at Srebrenica in July 1995, under suspension of the rules, and the amendment which is at the desk will be deemed adopted.

[The information referred to follows:]

109TH CONGRESS
1ST SESSION

H. RES. 199

Expressing the sense of the House of Representatives regarding the massacre at Srebrenica in July 1995.

IN THE HOUSE OF REPRESENTATIVES

APRIL 6, 2005

Mr. SMITH of New Jersey (for himself and Mr. CARDIN) submitted the following resolution; which was referred to the Committee on International Relations

RESOLUTION

Expressing the sense of the House of Representatives regarding the massacre at Srebrenica in July 1995.

Whereas in July 1995 thousands of men and boys who had sought safety in the United Nations-designated “safe area” of Srebrenica in Bosnia and Herzegovina under the protection of the United Nations Protection Force (UNPROFOR) were massacred by Serb forces operating in that country;

Whereas beginning in April 1992, aggression and ethnic cleansing perpetrated by Bosnian Serb forces, while taking control of the surrounding territory, resulted in a massive influx of Bosniaks seeking protection in Srebrenica and its environs, which the United Nations

Security Council designated a “safe area” in Resolution 819 on April 16, 1993;

Whereas the UNPROFOR presence in Srebrenica consisted of a Dutch peacekeeping battalion, with representatives of the United Nations High Commissioner for Refugees, the International Committee of the Red Cross, and the humanitarian medical aid agency Medecins Sans Frontieres (Doctors Without Borders) helping to provide humanitarian relief to the displaced population living in conditions of massive overcrowding, destitution, and disease;

Whereas Bosnian Serb forces blockaded the enclave early in 1995, depriving the entire population of humanitarian aid and outside communication and contact, and effectively reducing the ability of the Dutch peacekeeping battalion to deter aggression or otherwise respond effectively to a deteriorating situation;

Whereas beginning on July 6, 1995, Bosnian Serb forces attacked UNPROFOR outposts, seized control of the isolated enclave, held captured Dutch soldiers hostage and, after skirmishes with local defenders, ultimately took control of the town of Srebrenica on July 11, 1995;

Whereas an estimated one-third of the population of Srebrenica, including a relatively small number of soldiers, made a desperate attempt to pass through the lines of Bosnian Serb forces to the relative safety of Bosnian-held territory, but many were killed by patrols and ambushes;

Whereas the remaining population sought protection with the Dutch peacekeeping battalion at its headquarters in the village of Potocari north of Srebrenica but many of these

individuals were randomly seized by Bosnian Serb forces to be beaten, raped, or executed;

Whereas Bosnian Serb forces deported women, children, and the elderly in buses, held Bosniak males over 16 years of age at collection points and sites in northeastern Bosnia and Herzegovina under their control, and then summarily executed and buried the captives in mass graves;

Whereas approximately 20 percent of Srebrenica's total population at the time—at least 7,000 and perhaps thousands more—was either executed or killed;

Whereas the United Nations and its member states have largely acknowledged their failure to take actions and decisions that could have deterred the assault on Srebrenica and prevented the subsequent massacre;

Whereas Bosnian Serb forces, hoping to conceal evidence of the massacre at Srebrenica, subsequently moved corpses from initial mass grave sites to many secondary sites scattered throughout parts of northeastern Bosnia and Herzegovina under their control;

Whereas the massacre at Srebrenica was among the worst of many horrible atrocities to occur in the conflict in Bosnia and Herzegovina from April 1992 to November 1995, during which the policies of aggression and ethnic cleansing pursued by Bosnian Serb forces with the direct support of authorities in the Federal Republic of Yugoslavia (Serbia and Montenegro) ultimately led to the displacement of more than 2,000,000 people, an estimated 200,000 killed, tens of thousands raped or otherwise tortured and abused, and the innocent civilians of Sarajevo and other urban centers repeatedly subjected to shelling and sniper attacks;

Whereas Article 2 of the Convention on the Prevention and Punishment of the Crime of Genocide (done at Paris on December 9, 1948, and entered into force with respect to the United States on February 23, 1989) defines genocide as “any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such: (a) killing members of the group; (b) causing serious bodily or mental harm to members of the group; (c) deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; (d) imposing measures intended to prevent births within the group; (e) forcibly transferring children of the group to another group”;

Whereas on May 25, 1993, the United Nations Security Council adopted Resolution 827 establishing the world’s first international war crimes tribunal, the International Criminal Tribunal for the former Yugoslavia (ICTY), based in The Hague, the Netherlands, and charging the ICTY with responsibility for investigating and prosecuting individuals suspected of committing war crimes, genocide, crimes against humanity and grave breaches of the 1949 Geneva Conventions on the territory of the former Yugoslavia since 1991;

Whereas numerous members of the Bosnian Serb forces at various levels of responsibility have been indicted for grave breaches of the 1949 Geneva Conventions, violations of the laws or customs of war, crimes against humanity, genocide, and complicity in genocide associated with the massacre at Srebrenica, some of whom have been tried and sentenced while others, including Radovan Karadzic and Ratko Mladic, remain at large; and

Whereas the international community, including the United States, has continued to provide personnel and resources, including through direct military intervention, to prevent further aggression and ethnic cleansing, to negotiate the General Framework Agreement for Peace in Bosnia and Herzegovina (initialled in Dayton, Ohio, on November 21, 1995, and signed in Paris on December 14, 1995), and to help ensure its fullest implementation, including co-operation with the International Criminal Tribunal for the former Yugoslavia: Now therefore be it

1 *Resolved*, That it is the sense of the House of Rep-
2 resentatives that—

3 (1) the thousands of innocent people executed
4 at Srebrenica in Bosnia and Herzegovina in July
5 1995, along with all individuals who were victimized
6 during the conflict and genocide in Bosnia and
7 Herzegovina from 1992 to 1995, should be solemnly
8 remembered and honored;

9 (2) the policies of aggression and ethnic cleans-
10 ing as implemented by Serb forces in Bosnia and
11 Herzegovina from 1992 to 1995 meet the terms de-
12 fining the crime of genocide in Article 2 of the Con-
13 vention on the Prevention and Punishment of the
14 Crime of Genocide;

15 (3) foreign nationals, including United States
16 citizens, who have risked and in some cases lost
17 their lives in Bosnia and Herzegovina while working

1 toward peace should be solemnly remembered and
2 honored;

3 (4) the United Nations and its member states
4 should accept their share of responsibility for allow-
5 ing the Srebrenica massacre and genocide to occur
6 in Bosnia and Herzegovina from 1992 to 1995 by
7 failing to take sufficient, decisive, and timely action,
8 and the United Nations and its member states
9 should constantly seek to ensure that this failure is
10 not repeated in future crises and conflicts;

11 (5) it is in the national interest of the United
12 States that those individuals who are responsible for
13 war crimes, genocide, crimes against humanity, and
14 grave breaches of the 1949 Geneva Conventions,
15 committed in Bosnia and Herzegovina, should be
16 held accountable for their actions;

17 (6) all persons indicted by the International
18 Criminal Tribunal for the former Yugoslavia (ICTY)
19 should be apprehended and transferred to The
20 Hague without further delay, and all countries
21 should meet their obligations to cooperate fully with
22 the ICTY at all times; and

23 (7) the United States should continue to sup-
24 port the independence and territorial integrity of
25 Bosnia and Herzegovina, peace and stability in

1 southeastern Europe as a whole, and the right of all
2 people living in the region, regardless of national, ra-
3 cial, ethnic or religious background, to return to
4 their homes and enjoy the benefits of democratic in-
5 stitutions, the rule of law, and economic opportunity,
6 as well as to know the fate of missing relatives and
7 friends.

○

AMENDMENT TO H. RES. 199
OFFERED BY MR. SMITH OF NEW JERSEY

Amend the 12th clause of the preamble to read as follows:

Whereas the massacre at Srebrenica was among the worst of many horrible atrocities to occur in the conflict in Bosnia and Herzegovina from April 1992 to November 1995, during which the policies of aggression and ethnic cleansing pursued by Bosnian Serb forces with the direct support of the Serbian regime of Slobodan Milosevic and its followers ultimately led to ~~millions of people displaced, hundreds of thousands killed~~, tens of thousands raped or otherwise tortured and abused, and the innocent civilians of Sarajevo and other urban centers repeatedly subjected to shelling and sniper attacks;

the displacement of more than 2,000,000 people, an estimated 200,000 killed

Amend the 15th clause of the preamble to read as follows:

Whereas nineteen individuals at various levels of responsibility have been indicted, and in some cases convicted, for grave breaches of the 1949 Geneva Conventions, violations of the laws or customs of war, crimes against humanity, genocide, and complicity in genocide associated with the massacre at Srebrenica, three of whom, most notably Radovan Karadzic and Ratko Mladic, remain at large; and

In the 16th clause of the preamble, strike "initialled" and insert "initialed".

Chairman HYDE. Any Members who have statements they wish to include in the record will be permitted to do so, and the Committee happily stands—

Mr. LANTOS. Mr. Chairman?

Chairman HYDE. The gentleman from California.

Mr. LANTOS. Mr. Chairman, at a time when the Congress is so deeply divided, it is a tribute to your leadership that this important piece of legislation passed this Committee unanimously.

[Applause.]

Chairman HYDE. You are too kind. Thank you.

Anybody want extra time? [Laughter.]

Mr. SMITH OF NEW JERSEY. If the gentleman would yield, I too want to thank our distinguished Chairman for his leadership. He really has I think has set—

Chairman HYDE. I was kidding.

Mr. SMITH OF NEW JERSEY. I know. I am not. Has set the tone for the Congress on what bipartisanship and working the details can produce, and I want to thank you as well. Thank you, Mr. Chairman.

Chairman HYDE. I am hesitant to compliment Tom Lantos. It doesn't help him very much with his party. But I am compelled to say a lot of the smooth working of this Committee is because the rough edges have been worn off by Mr. Lantos.

Mr. BURTON. Mr. Chairman?

Chairman HYDE. Mr. Burton.

Mr. BURTON. I just want to add my voice to the chorus of voices saying what a nice guy you are, and in spite of your nastiness and the way you mistreat me, I just want you to know I still think you are a fine fellow. [Laughter.]

Chairman HYDE. You are very easy to mistreat. [Laughter.]

Before we all go to jail, the Committee stands adjourned.

[Whereupon, at 11:42 a.m., the Committee was adjourned.]

A P P E N D I X

MATERIAL SUBMITTED FOR THE HEARING RECORD

PREPARED STATEMENT OF THE HONORABLE JEFF FLAKE, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF ARIZONA

I appreciate the Chairman's support and I particularly appreciate the support of our colleague from Florida, Mrs. Ros-Lehtinen. My amendment is a simple effort to use in Cuba the public diplomacy tools that have worked so well all around the world, particularly in the Soviet Union and Eastern Europe.

I am reminded of the words President Reagan used in 1984 when he announced a major expansion of exchanges with the Soviet Union. "Meaningful contact with a closed society will never be easy," he said. But he also added, "Civilized people everywhere have a stake in keeping contacts, communication, and creativity as broad, deep, and free as possible."

It is in this spirit that I offer my amendment today.

We all know that public diplomacy is not an exact science. But our broad-based programs that foster direct citizen contact have a successful track record of reaching future elites in countries under communist rule. In all cases, they expose foreign participants to American values. They help to destroy the idea that demagogues in Cuba and elsewhere try to sell: that America threatens other nations' sovereignty by promoting democracy.

And in Cuba, where a new generation is looking to the day when it will take the reins of government, it is very much in our interest to reach as many Cubans as possible and to spread American ideas far and wide.

So my amendment dedicates a modest sum, \$5 million, to be used at the State Department's discretion for educational, cultural, and other citizen exchanges with regard to Cuba. This will probably be challenging, but it is a challenge that the State Department's Bureau of Educational and Cultural Affairs should take on, and we have included appropriate Congressional notification requirements. This effort will complement other U.S. government programs that foster communication with Cubans. It is very much in our national interest, and I appreciate the Chairman's support.

PREPARED STATEMENT OF THE HONORABLE ROBERT MENENDEZ, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW JERSEY

Mr. Chairman, Last Congress I offered language providing funds to increase recruitment of minorities and women in the Department of State and requiring the Department to track its results with a database and to report to Congress on the results. Two years later, there is a continued need for increased recruitment of minorities and women in the State Department. That is why I have offered this amendment. Our State Department should look like America and must also have the diversity of thought that makes America great.

My amendment would require the Secretary of State to submit a comprehensive report to Congress concerning the employment and promotion of minorities and women at the Department, including the Civil Service and the Foreign Service. The amendment would authorize three million dollars for this project.

The State Department shows our face to the rest of the world and we should actively encourage people from all different backgrounds to focus on American diplomacy.

That is why I also support the efforts of institutions like Kean University in New Jersey, which seek to increase the number of minorities participating in, and com-

pleting, degrees that will help them pursue careers in international affairs and the Foreign Service.

Programs like the Institute for Foreign Service and Diplomacy at Kean provide students with the academic knowledge and real world experience they need to successfully prepare for and pass the Foreign Service exam. And most importantly, Kean provides this opportunity to a student body composed primarily of minorities and historically disadvantaged populations.

We cannot expect to change the face of the State Department if we do not change the faces of those who can successfully apply for, take, and pass the Foreign Service exam, or join the Civil Service. And the catalyst for that change is making sure our minority students, and the institutions that serve them, receive the resources and tools they need.

If the State Department is to make progress, minorities and women must have a seat at the table.

PREPARED STATEMENT OF THE HONORABLE ROBERT MENENDEZ ON IRAN'S BUSHEHR NUCLEAR FACILITY

Mr. Chairman, Iran is playing games with the world and getting away with it. And the "toy" that Iran is building is a nuclear weapon. We could not be involved in a more deadly or serious game.

Iran's advances in ballistic missile technology, its push for nuclear capabilities, and the potential that Iran could transfer these weapons to terrorists threaten international security and stability. That is why I have remained at the forefront of the fight to stop Iran from acquiring a nuclear weapon, and believe Iran's nuclear program is a threat to security for Israel, the United States, and the world.

Although we don't know exactly when Iran will be capable of producing a nuclear weapon, we can be sure that that day will not be far off. As we have discussed before in this Committee, the EU has been negotiating with Iran since October 2003 regarding its nuclear program. While I understand the importance of these negotiations, the reality is that we are in no better position now than we were over a year and a half ago. We cannot be strung along forever.

For nearly two decades, Iran has pursued a clandestine nuclear program while claiming it had to keep this program hidden from the international community because of the sanctions against it. Iran has repeatedly stated that it will never give up its right to enrich fuel for peaceful purposes under the Nuclear Nonproliferation Treaty.

But I say to Iran—you forfeited your right to peaceful nuclear technology when you deliberately hid the activities, facilities, and materials of your nuclear program from the entire world for two decades.

Let's be clear. Iran is a country with huge oil and natural gas reserves. They don't need nuclear power for energy consumption. I, along with many of my colleagues, am deeply concerned that Russia is continuing to provide material to further Iran's nuclear energy program. And in the case of the Bushehr nuclear facility, Russia is helping Iran to establish a functioning nuclear power plant.

But Iran's ambitions do not stop with Bushehr—Iran has also announced that it plans to construct 20 new nuclear facilities.

Clearly, these plans, coupled with Iran's acknowledged and unacknowledged ties to terrorist groups, constitute a threat to global peace and security.

This global threat necessitates a global response, and the United States must take the lead on this issue.

Next month, the Group of Eight (G8) will meet in Scotland to discuss the major issues of the day. I understand that Prime Minister Blair has already indicated that the agenda will focus on the problems afflicting Africa and on global climate change. I would hope, however, that the G8 also takes the time to discuss the very real and growing danger created by Iran's nuclear program, and that the United States expresses our concerns to Russia regarding Russia's nuclear assistance to Iran.

That is why I have introduced this amendment, which makes it clear that Russia's provision of assistance to Iran's nuclear plants is inconsistent with our non-proliferation goals. The amendment also calls on the leaders of the G8 to insist that the Russian Government terminate all assistance, including fuel shipments, to the Bushehr nuclear facility. And finally, my amendment would call on the G8 to condition Russia's continued membership upon the termination of this assistance to the Bushehr facility and any other nuclear plants in Iran.

The United States must take the lead in stopping Iran's nuclear program. We must make it clear that the international community must take a stand, together,

in the fight against proliferation. I urge my colleagues to join me in supporting this amendment.

PREPARED STATEMENT OF THE HONORABLE ROBERT MENENDEZ ON THE ECUMENICAL PATRIARCH

Mr. Chairman, those who support religious freedom around the world have raised their voices to support the rights of the Ecumenical Patriarch in Istanbul, Turkey. During the Helsinki Commission's briefing on the Ecumenical Patriarch this past March, individuals from many faiths testified against the egregious abuses of the Turkish government against the Ecumenical Patriarch, including Rabbi Arthur Schneier of the Appeal of Conscience Foundation; Cardinal Theodore E. McCarrick, Catholic Archbishop of Washington; Dr. Anthony Limberakis, National Commander of the Archons of the Ecumenical Patriarchate of the Order of St. Andrew the Apostle; and Dr. Bob Edgar, General Secretary of the National Council of Churches. If we are to truly support religious freedoms, we must not be silent now.

The European Union is scheduled to begin accession negotiations with Turkey this October. I am deeply concerned because of Turkey's discriminatory actions towards religious minorities in Turkey such as the Greek Orthodox. The elimination of discrimination of any type must be an essential part of any country's accession negotiations.

Mr. Chairman, this amendment addresses the treatment and conditions under which the Ecumenical Patriarchate has suffered, and continues to suffer, at the hands of the Turkish government. The Ecumenical Patriarch in Istanbul is the spiritual leader of 300 million Orthodox Christians in the United States and throughout the world. Yet the Turkish Government continues to violate the Ecumenical Patriarchate's religious rights and freedoms. Clearly, Turkey has much more to do to eliminate religious discrimination.

The Government of Turkey:

- Refuses to recognize the Ecumenical Patriarch's international status and its significance to Orthodox Christians the world over;
- Allows only Turkish nationals to be candidates available to the Holy Synod for selection as the Ecumenical Patriarch;
- Refuses to reopen the Theological School at Halki, the only Greek Orthodox theological institute in Turkey, which impedes training for the clergy;
- Has confiscated 75% of Ecumenical Patriarchal properties since 2002; and
- Has levied a 42% retroactive tax on the Balukli Hospital, a philanthropic institution run by the Ecumenical Patriarchate which treats 30,000–40,000 patients a year.

That is why I have offered this amendment which will help protect the rights of the Ecumenical Patriarchate.

My amendment states that Turkey must immediately eliminate all forms of discrimination, particularly those based on race or religion. It also calls on Turkey to pledge to maintain and protect religious and human rights without compromise.

Specifically, this amendment calls on Turkey to:

- Grant the Ecumenical Patriarch appropriate international recognition and ecclesiastic succession;
- Grant the Ecumenical Patriarchate the right to train clergy of all nationalities, not just Turkish nationals; and
- Respect the property rights and human rights of the Ecumenical Patriarchate.

In the United States, as well as in Europe, freedom of religion is a right granted to each regardless of his or her affiliation. There is no reason why it should not be the same in Turkey. No one, at any time or in any place, should be discriminated against for his or her religious beliefs.

PREPARED STATEMENT OF THE HONORABLE WILLIAM D. DELAHUNT, A REPRESENTATIVE IN CONGRESS FROM THE COMMONWEALTH OF MASSACHUSETTS

Mr. Chairman,

Plan Colombia will only meet its objectives if it is a true partnership between the United States and the people who lead Colombia. We have provided Colombia \$4 billion in assistance since 2000. A substantial sum, but less than one percent of Co-

Colombia's entire economy [GDP] during that period. Contrast this to El Salvador during the 1980s, when the Reagan administration's aid added up to more than 25 percent of that nation's GDP.

Colombia's needs are significant. A rural development strategy has to bring the government, for the first time, into areas where coca and opium are the only economically viable choices for *campesinos*. Though Presidents Pastrana and Uribe have increased the size of the security forces, *there are still nowhere near enough soldiers and police to secure a territory the size of Texas and California combined. And there are even fewer resources to bring the rest of the government—the judges, the road-builders, the teachers, the doctors—into areas that the army is re-taking from guerrillas. Meanwhile, it appears that thousands of paramilitaries may soon be demobilizing—and the price tag for that is likely to be far higher than the \$160 million that the Colombian government has estimated.*

The American people cannot be asked to fund these efforts indefinitely and the money required must come from Colombia's own resources. And inside Colombia—a country where two-thirds of the population earns less than \$3 per day—that money will have to come from the country's wealthiest ten percent, who control most of the country's resources, and who earn 40 to 80 times more money each year than the bottom ten percent.

The only answer, then, is for Colombia to collect more taxes from that top ten percent. Colombia collects about 14 percent of its economy as taxes—and much of that is from regressive sales taxes. In 1998, the World Bank reported that Colombia collected less than half as much taxes from its citizens, as a proportion of the economy, than the United States did. One key reason for this is rampant, systemic, and unpunished tax evasion. According to the Council on Foreign Relations, of Colombia's population of 44 million, only 800,000 pay any income taxes. While municipalities, or counties, are empowered to collect property taxes from large landholders, the Council reports that most municipalities have been unable to collect a single centavo. Though Colombian law calls for prison terms for tax evasion, there are no cases of wealthy or prominent Colombians serving time for this crime. As a result of tax evasion, Colombia's central government is operating under a *staggering deficit*, proportionally larger than our own.

This is unacceptable. Colombia is a country at war, and the United States is investing heavily in Colombia's effort to end that war. This investment will be wasted, though, if the people who control most of Colombia's economy are not making the sacrifices necessary to resolve their country's many urgent problems. We must not be subsidizing this lack of sacrifice.

This is why I have proposed a report on tax collection in Colombia as one of the general provisions in this bill, and I am grateful that the Chairman has agreed to include it as part of the en bloc amendment.

The report is simple. It asks the Secretary of State to provide the amount of tax revenue that Colombia is currently collecting, an estimate of how much potential additional tax revenue is being lost to tax evasion, and how this lost income could be contributing to meeting the objectives of Plan Colombia.

Many of these objectives remain frustratingly distant, and I hope that a report illustrating this resource gap will help speed the day when these goals are met and Colombia is able to focus on its own development, instead of battling drugs and terrorists.

