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# VARIOUS BILLS AND RESOLUTIONS

## MARKUP

BEFORE THE

## COMMITTEE ON FOREIGN AFFAIRS
## HOUSE OF REPRESENTATIVES

ONE HUNDRED TENTH CONGRESS

FIRST SESSION

ON

**H.R. 3887, H.R. 275, H.R. 1746, H.R. 3890, H.R. 2705, H.R. 2949, H.R. 3320, H.R. 3912, H.R. 3913, H. Res. 435, H. Res. 550, H. Res. 573, H. Res. 726, H. Res. 740, H. Res. 747, H. Con. Res. 234 and H. Con. Res. 236**

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# VARIOUS BILLS AND RESOLUTIONS

**TUESDAY, OCTOBER 23, 2007**

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

The committee met, pursuant to notice, at 10:08 a.m. in room 2172, Rayburn House Office Building, Hon. Tom Lantos (chairman of the committee) presiding.

Chairman LANTOS. The meeting of the committee will come to order. Pursuant to notice, I call up the bill, H.R. 3887, The William Wilberforce Trafficking Victims Protection Reauthorization Act of 2007, for purposes of markup.

[H.R. 3887 follows:]

I

110TH CONGRESS
1ST SESSION

# H. R. 3887

To authorize appropriations for fiscal years 2008 through 2011 for the Trafficking Victims Protection Act of 2000, to enhance measures to combat forced labor, and for other purposes.

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IN THE HOUSE OF REPRESENTATIVES

OCTOBER 18, 2007

Mr. LANTOS (for himself, Mr. SMITH of New Jersey, Mr. CONYERS, Mr. WOLF, Mr. GEORGE MILLER of California, Ms. ROS-LEHTINEN, Ms. ZOE LOFGREN of California, Mr. PITTS, Mrs. MALONEY of New York, Mrs. DRAKE, Mr. NADLER, and Mr. HASTINGS of Florida) introduced the following bill; which was referred to the Committee on Foreign Affairs, and in addition to the Committees on the Judiciary and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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# A BILL

To authorize appropriations for fiscal years 2008 through 2011 for the Trafficking Victims Protection Act of 2000, to enhance measures to combat forced labor, and for other purposes.

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

**SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.**

(a) SHORT TITLE.—This Act may be cited as the ''William Wilberforce Trafficking Victims Protection Reauthorization Act of 2007''.

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

Sec. 1. Short title and table of contents.

TITLE I—COMBATTING INTERNATIONAL TRAFFICKING IN PERSONS

Sec. 101. Interagency Task Force to Monitor and Combat Trafficking.
Sec. 102. Office to Monitor and Combat Trafficking.
Sec. 103. Prevention and prosecution of trafficking in foreign countries.
Sec. 104. Assistance for victims of trafficking in other countries.
Sec. 105. Increasing effectiveness of anti-trafficking programs.
Sec. 106. Minimum standards for the elimination of trafficking.
Sec. 107. Actions against governments failing to meet minimum standards.
Sec. 108. Research on domestic and international trafficking in persons.
Sec. 109. Presidential Award for Extraordinary Efforts to Combat Trafficking in Persons.
Sec. 110. Responsibilities of consular officers of the Department of State.
Sec. 111. Report on activities of the Department of Labor to monitor and combat forced labor and child labor.
Sec. 112. Sense of Congress regarding multilateral framework between labor exporting and labor importing countries.

TITLE II—COMBATTING TRAFFICKING IN PERSONS IN THE UNITED STATES

Subtitle A—Ensuring Availability of Possible Witnesses and Informants

Sec. 201. Protecting trafficking victims against retaliation.
Sec. 202. Information for work-based nonimmigrants on legal rights and resources.
Sec. 203. Clarification of roles of Secretary of Homeland Security and Attorney General.
Sec. 204. Relief for certain victims pending actions on petitions and applications for relief.
Sec. 205. Parole for derivatives of trafficking victims.
Sec. 206. Implementation of Trafficking Victims Protection Reauthorization Act of 2005.

Subtitle B—Assistance for Trafficking Victims

Sec. 211. Victim of trafficking certification process.
Sec. 212. Assistance for certain visa applicants.
Sec. 213. Interim assistance for child victims of trafficking.
Sec. 214. Ensuring assistance for all victims of trafficking in persons.

Subtitle C—Penalties Against Traffickers and Other Crimes

Sec. 221. Enhancing trafficking and other related offenses.
Sec. 222. Jurisdiction in certain trafficking offenses.
Sec. 223. Amendment of other crimes related to trafficking.
Sec. 224. Model statutes provided to States.

Subtitle D—Activities of the United States Government

Sec. 231. Annual report by the Attorney General.
Sec. 232. Annual anti-trafficking conference.
Sec. 233. Senior Policy Operating Group.
Sec. 234. Coordinators to Combat Human Trafficking.
Sec. 235. Preventing United States travel by traffickers.
Sec. 236. Enhancing efforts to combat the trafficking of children.

TITLE III—AUTHORIZATIONS OF APPROPRIATIONS

Sec. 301. Trafficking Victims Protection Act of 2000.
Sec. 302. Trafficking Victims Protection Reauthorization Act of 2005.
Sec. 303. Rule of construction.
Sec. 304. Technical amendments.

TITLE IV—PREVENTION OF THE USE OF CHILD SOLDIERS

Sec. 401. Short title.
Sec. 402. Definitions.
Sec. 403. Findings.
Sec. 404. Sense of Congress.
Sec. 405. Prohibition on provision of military assistance to foreign governments that recruit or use child soldiers.
Sec. 406. Reports.
Sec. 407. Training for Foreign Service officers.

# TITLE I—COMBATTING INTERNATIONAL TRAFFICKING IN PERSONS

## SEC. 101. INTERAGENCY TASK FORCE TO MONITOR AND COMBAT TRAFFICKING.

Section 105(b) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7103(b)) is amended by inserting ''the Secretary of Education,'' after ''the Secretary of Homeland Security,''.

**SEC. 102. OFFICE TO MONITOR AND COMBAT TRAFFICKING.**

(a) IN GENERAL.—Section 105(e) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7103(e)) is amended to read as follows:

''(e) OFFICE TO MONITOR AND COMBAT TRAFFICKING.—

''(1) ESTABLISHMENT.—The Secretary of State shall establish within the Department of State an Office to Monitor and Combat Trafficking, which shall be headed by a Director, who shall be appointed by the President, by and with the advice and consent of the Senate, with the rank of Ambassador-at-Large.

''(2) RESPONSIBILITIES.—The Director shall have the following responsibilities:

''(A) The Director shall have primary responsibility for assisting the Secretary of State in carrying out the purposes of this division, shall provide assistance to the Task Force, and may have additional responsibilities as determined by the Secretary of State.

''(B) The Director shall consult with nongovernmental organizations and multilateral organizations, and with trafficking victims or other affected persons. The Director shall have

the authority to take evidence in public hearings or by other means.

''(C) The Director shall, in coordination and cooperation with the Assistant Secretary for International Labor Affairs and other officials at the Department of State involved in corporate responsibility and other relevant officials of the United States Government, be responsible for promoting, building, and sustaining partnerships between the United States Government and private entities (including foundations, universities, corporations, community-based organizations, and other nongovernmental organizations) to ensure that United States citizens do not use any item, product, or material produced or extracted with the use of labor from victims of severe forms of trafficking and to ensure that such entities do not contribute to trafficking in persons involving sexual exploitation, such as through work with the airlines and tourism industries.

''(D) The Director shall be responsible for all policy, funding, and programming decisions regarding funds made available for trafficking

in persons programs that are centrally controlled by the Department of State.

''(3) COORDINATION.—Any trafficking in persons programs of the Department of State or the United States Agency for International Development that are not centrally controlled by the Department of State shall be carried out with concurrence of the Director.''.

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

(1) the Secretary of State should make every effort to locate the Office to Monitor and Combat Trafficking, established pursuant to section 105(e) of the Trafficking Victims Protection Act of 2000 (as amended by subsection (a) of this section), at the headquarters for the Department of State, known as the Harry S. Truman Federal Building, located in the District of Columbia; and

(2) the Office to Monitor and Combat Trafficking should be assigned office space in such building that reflects the importance of the implementation of such Act and the mission of the Office.

**SEC. 103. PREVENTION AND PROSECUTION OF TRAFFICKING IN FOREIGN COUNTRIES.**

(a) PREVENTION.—Section 106 of the Trafficking Victims Protection Act of 2000 (22 U.S. C. 7104) is amended by adding at the end the following new subsection:

''(i) ADDITIONAL MEASURES TO PREVENT AND DETER TRAFFICKING.—The President shall establish and carry out programs to prevent and deter trafficking in persons. Such programs may include—

''(1) technical assistance and other support for the capacity of foreign governments to investigate, identify, and carry out inspections of private entities, including labor recruitment centers, at which trafficking victims may be exploited, particularly exploitation involving forced and child labor;

''(2) technical assistance and other support for foreign governments and nongovernmental organizations to provide immigrant populations with information regarding the rights of such populations in the foreign country and any information regarding in-country nongovernmental organization-operated hotlines of the type described in section 107(a)(1)(A) of this Act, with such information to be provided in the native languages of the major immigrant groups of such populations;

''(3) technical assistance to provide legal frameworks and other programs to foreign governments and nongovernmental organizations to ensure that foreign migrant workers are provided protection equal to nationals of the foreign country, that labor recruitment firms are regulated, and that workers provided domestic services in households are provided protection under labor rights laws; and

''(4) assistance to foreign governments to register vulnerable populations as citizens or nationals of the country to reduce the ability of traffickers to exploit such populations.''.

(b) PROSECUTION.—Section 134(a)(2) of the Foreign Assistance Act of 1961 (22 U.S.C. 2152d(a)(2)) is amended by adding at the end before the semi-colon the following: '', including investigation of individuals and entities that may be involved in trafficking in persons involving sexual exploitation''.

**SEC. 104. ASSISTANCE FOR VICTIMS OF TRAFFICKING IN OTHER COUNTRIES.**

Section 107(a) of Trafficking Victims Protection Act of 2000 (22 U.S.C. 7105(a)) is amended—

(1) in paragraph (1)—

(A) in the second sentence, by inserting at the end before the period the following: '', and

shall be carried out in a manner which takes into account the cross-border, regional, and transnational aspects of trafficking in persons''; and

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

''(F) In cooperation and coordination with the United Nations High Commissioner for Refugees, the International Organization of Migration, and other relevant organizations, support for increased protections for refugees and internally displaced persons, including outreach and education efforts to prevent such refugees and internally displaced persons from being exploited by traffickers.''; and

(2) in paragraph (2), by adding at the end the following new sentence: ''In carrying out this paragraph, the Secretary and the Administrator shall take all appropriate steps to ensure that cooperative efforts among foreign countries are undertaken on a regional basis.''.

**SEC. 105. INCREASING EFFECTIVENESS OF ANTI-TRAFFICKING PROGRAMS.**

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

(1) United States assistance programs require enhanced monitoring and evaluation to ensure that United States funds are appropriately spent.

(2) Such monitoring and evaluation should measure results—the actual effects of assistance—as well as outcomes—the numerical product of assistance, such as individuals assisted, systems established, and funds provided through programs.

(3) While the results of programs related to trafficking in person may be difficult to measure because of the criminal and underground nature of trafficking in persons, making efforts to measure such results are critical to learning the extent to which United States assistance programs evolve.

(b) AMENDMENT.—The Trafficking Victims Protection Act of 2000 (22 U.S.C. 7101 et seq.) is amended by inserting after section 107 the following new section:

**"SEC. 107A. INCREASING EFFECTIVENESS OF ANTI-TRAFFICKING PROGRAMS.**

''(a) AWARDING OF GRANTS, COOPERATIVE AGREEMENTS, AND CONTRACTS.—The head of each department and agency of the United States Government that administers funds made available for programs described in this division and the amendments made by this division in the United States and foreign countries shall—

''(1) make solicitations of grants, cooperative agreements, and contracts for such programs publicly available;

''(2) award grants, cooperative agreements, and contracts on a full and open competitive basis, consistent with existing law; and

''(3) ensure that internal department or agency review process for such grants, cooperative agreements, and contracts is not subject to ad hoc or intermittent review by individuals or organizations outside the United States Government not otherwise provided for in the process described in paragraphs (1) and (2).

''(b) EVALUATION OF TRAFFICKING PROGRAMS.—

''(1) IN GENERAL.—The President shall establish and implement a system to monitor and evaluate the effectiveness and efficiency of assistance provided under anti-trafficking programs established and carried out under this division and the amendments made by this division on a program-by-program basis in order to maximize the long-term sustainable development impact of such assistance.

''(2) REQUIREMENTS.—In carrying out paragraph (1), the President shall—

''(A) establish performance goals for assistance described in paragraph (1) and express such goals in an objective and quantifiable form, to the extent practicable;

''(B) establish performance indicators to be used in measuring and assessing the achievement of the performance goals described in subparagraph (A); and

''(C) provide a basis for recommendations for adjustments to assistance described in paragraph (1) to enhance the impact of such assistance.

''(c) TARGETED USE OF TRAFFICKING PROGRAMS.—The Director of the Office to Monitor and Combat Trafficking shall undertake efforts to provide assistance to foreign countries and nongovernmental organizations under this division and the amendments made by this division based on the priorities and country assessments contained in the most recent report submitted by the Secretary of State to Congress pursuant to section 110(b) of this Act.

''(d) AUTHORIZATION OF APPROPRIATIONS.—For each of the fiscal years 2008 through 2011, up to 2 percent of the amounts made available to carry out this division and the amendments made by this division may be used to carry out this section.''.

**SEC. 106. MINIMUM STANDARDS FOR THE ELIMINATION OF TRAFFICKING.**

(a) MINIMUM STANDARDS.—Section 108 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7106) is amended—

(1) in the matter preceding paragraph (1) of subsection (a), by striking ''a significant number of''; and

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

''(c) RULE OF CONSTRUCTION.—For purposes of subsection (a), the minimum standards for the elimination of trafficking shall not apply to the government of a country if the Secretary of State determines by credible evidence that there is not a significant number of victims that leave, enter, or transit the country, and the Secretary describes the basis for such determination and an analysis of any steps that the country has taken to reduce trafficking in persons to such a level, if any, in the most recent report submitted by the Secretary to Congress pursuant to section 110(b) of this Act.''.

(b) CRITERIA.—Subsection (b) of such section is amended—

(1) in paragraph (1)—

(A) in the first sentence, by inserting at the end before the period the following: '', in-

cluding in all appropriate cases requiring incarceration of individuals convicted of such acts''; and

(B) by inserting after the first sentence the following new sentence: ''For purposes of the preceding sentence, suspended or significantly-reduced sentences for convictions of acts of severe forms of trafficking in persons shall not be considered to be an indicator of serious and sustained efforts to eliminate severe forms of trafficking in persons.'';

(2) in paragraph (2), by inserting at the end before the period the following: '', including by providing training to law enforcement and immigration officials in the identification and treatment of trafficking victims using approaches that focus on the needs of the victims'';

(3) in paragraph (3), by striking '', measures to reduce the demand for commercial sex acts and for participation in international sex tourism by nationals of the country'' and inserting '', measures to establish the identity of local populations, including birth registration, citizenship, and nationality''; and

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

''(11) Whether the government has made serious and sustained efforts to reduce the demand for commercial sex acts and for participation in international sex tourism by nationals of the country.''.

**SEC. 107. ACTIONS AGAINST GOVERNMENTS FAILING TO MEET MINIMUM STANDARDS.**

(a) COUNTRIES ON SPECIAL WATCH LIST RELATING TO TRAFFICKING IN PERSONS FOR TWO CONSECUTIVE YEARS.—Subsection (b)(3) of section 110 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7107) is amended by adding the following at the end the following new subparagraph:

''(D) COUNTRIES ON SPECIAL WATCH LIST FOR TWO CONSECUTIVE YEARS.—If a country is included on the special watch list described in subparagraph (A) for two consecutive years, such country shall be included on the list of countries described in paragraph (1)(C), unless the Secretary of State provides to the appropriate congressional committees credible evidence that (i) the country has a written plan to begin making significant efforts to bring itself into compliance with the minimum standards for the elimination of trafficking, (ii) the plan, if implemented, would constitute making such

significant efforts, and (iii) the country is devoting sufficient resources to implement the plan. Such credible evidence shall be provided as part of the report required by paragraph (1) and the interim assessment required by subparagraph (B).''.

(b) CLARIFICATION OF MEASURES AGAINST CERTAIN FOREIGN COUNTRIES.—Subsection (d)(1)(A)(ii) of such section is amended by striking ''the United States will not provide'' and inserting ''the United States will not provide such assistance to the government of the country for the subsequent fiscal year and will not provide''.

(c) TRANSLATION OF TRAFFICKING IN PERSONS REPORT.—

(1) TRANSLATION REQUIRED.—The Secretary of State shall expand the timely translation of the annual report required under section 110(b) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7107(b)) into the principal languages of as many countries as possible, with particular emphasis on those countries on the lists described in subparagraphs (B) and (C) of paragraph (1) of such section and shall ensure that such translations are made available to the public, including through postings on appropriate Internet websites.

(2) MATTERS TO BE INCLUDED.—The translation required by paragraph (1) shall include the introduction, other sections of general interest, and the relevant country narratives of the annual report. The Secretary of State shall ensure that such translations are available on the Internet Web site of the Department of State.

**SEC. 108. RESEARCH ON DOMESTIC AND INTERNATIONAL TRAFFICKING IN PERSONS.**

(a) IN GENERAL.—Subsection (a)(5) of section 112A of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7109a) is amended by adding at the end the following new sentence: ''Such mechanism shall include, not later than two years after the date of the enactment of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2007, the establishment of an integrated data base by combining all applicable data collected by each Federal department and agency represented on the Interagency Task Force to Monitor and Combat Trafficking (established under section 105 of this Act) and, to the maximum extent practicable, applicable data from relevant international organizations, for the purpose of undertaking a meta-analysis of patterns of trafficking in persons, slavery, and slave-like conditions.''.

(b) ROLE OF GOVERNMENT.—Subsection (b) of such section is amended by inserting after ''subsection (a)(4)'' the following: ''and the second sentence of subsection (a)(5)''.

**SEC. 109. PRESIDENTIAL AWARD FOR EXTRAORDINARY EFFORTS TO COMBAT TRAFFICKING IN PERSONS.**

The Trafficking Victims Protection Act of 2000 (22 U.S.C. 7101 et seq.) is amended by inserting after section 112A the following new section:

**''SEC. 112B. PRESIDENTIAL AWARD FOR EXTRAORDINARY EFFORTS TO COMBAT TRAFFICKING IN PERSONS.**

''(a) ESTABLISHMENT OF AWARD.—The President is authorized to establish an award for extraordinary efforts engaged in outside the United States to combat trafficking in persons, to be known as the 'Presidential Award for Extraordinary Efforts to Combat Trafficking in Persons'. To the maximum extent practicable, the Secretary should make the award annually to up to 5 individuals, including individuals who are foreign nationals.

''(b) SELECTION.—The President shall establish procedures for selecting recipients of the award authorized under subsection (a). The criteria for selecting recipients of the award shall include whether the candidate risked

his or her physical safety during efforts to combat trafficking in persons.

''(c) CEREMONY.—The President shall host an annual ceremony for recipients of the award authorized under subsection (a) at the time the report required by section 110(b) of this Act is submitted by the Secretary of State to Congress pursuant to such section. The Secretary of State is authorized to pay the costs associated with travel by each recipient to the ceremony.

''(d) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2008 through 2011.''.

**SEC. 110. RESPONSIBILITIES OF CONSULAR OFFICERS OF THE DEPARTMENT OF STATE.**

(a) INTERVIEWS.—

(1) IN GENERAL.—In the case of a consular interview of an alien for an employment- or education-based nonimmigrant visa, the consular officer conducting the interview shall ensure that the alien has information relating to the following, both orally and through the pamphlet required under section 202:

(A) The illegality of slavery, peonage, trafficking in persons, sexual assault, extortion,

blackmail and worker exploitation in the United States, and the right of the alien to retain the alien's passport in the alien's possession at all times.

(B) The availability of services for victims of human trafficking and worker exploitation in the United States, including the contact information for relevant community organizations that provide services to trafficking victims (to the extent practicable), the National Trafficking in Persons and Worker Exploitation Task Force complaint line, the Operation Rescue and Restore hotline, and a general description of the types of victims services available if an individual is subject to trafficking in persons.

(C) The legal rights of immigrant victims of trafficking in persons, worker exploitation, and other related crimes under immigration, labor, and employment law, including the right to report abuse without retaliation, the availability of immigration and public benefits to such victims, and the right to seek redress in United States courts.

(D) The requirements that section 202(g)(2) places upon persons engaging in foreign labor contracting activity.

(2) REVIEW.—Before conducting an interview described in paragraph (1), the consular officer shall review the summary of the pamphlet required under section 202.

(3) DEFINITION.—In this subsection, the term ''employment- or education-based nonimmigrant visa'' has the meaning given such term in section 202(h).

(b) SPECIAL PROVISIONS RELATING TO ALIENS ISSUED A–3 AND G–5 VISAS.—

(1) ELEMENTS OF MANDATORY INTERVIEW.—The interview required under subsection (a) shall be required for the issuance to an alien of a nonimmigrant visa under subparagraph (A)(iii) or (G)(v) of section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)). The consular officer conducting the interview shall ensure that the employment contract of the alien is in a language that the alien can understand.

(2) FEASIBILITY OF OVERSIGHT OF EMPLOYEES OF DIPLOMATS AND REPRESENTATIVES OF OTHER INSTITUTIONS.—Not later than 180 days after the

date of the enactment of this Act, the Secretary of State shall submit to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate a report on the feasibility of—

(A) establishing a system to monitor the treatment of aliens who have been admitted to the United States as nonimmigrants described in subparagraph (A)(iii) or (G)(v) of section 101(a)(15) of the Immigration and Nationality Act; and

(B) a range of compensation approaches, such as a bond program, compensation fund, or insurance scheme, to ensure that nonimmigrants described in subparagraph (A)(iii) or (G)(v) of section 101(a)(15) of the Immigration and Nationality Act receive appropriate compensation if their employer violates the terms of their employment contract and, with respect to each proposed compensation approach, an evaluation and proposal of how claims of rights violations will be adjudicated, compensation determinations will be made, and the program, fund, or scheme will be administered.

(3) ASSISTANCE TO LAW ENFORCEMENT INVESTIGATIONS.—The Secretary of State shall cooperate, to the fullest extent possible consistent with the United States obligations under the Vienna Convention on Diplomatic Relations, done at Vienna, April 18, 1961, (23 U.S.T. 3229), with any investigation by United States law enforcement authorities of crimes related to trafficking in persons, worker exploitation, or other related violations of United States law with respect to an alien described in paragraph (1).

(4) ZERO TOLERANCE FOR ABUSE.—

(A) LIMITATION.—The Secretary of State shall direct consular officers not to issue a visa to an alien who applies for a visa under subparagraph (A)(iii) or (G)(v) of section 101(a)(15) of the Immigration and Nationality Act if the person who would employ such an alien serves at a diplomatic mission or an international institution described in subparagraph (B) of this paragraph.

(B) MISSION OR INSTITUTION.—A diplomatic mission or international institution is referred to in subparagraph (A) if—

(i) the Secretary of State determines that an alien described in paragraph (1) has been subjected to trafficking of persons, worker exploitation, or other related violations of United States law, by an individual serving at such a mission or institution during the two year period before the date of the application for a visa referred to in subparagraph (A); or

(ii) an individual serving at such a mission or institution has departed the United States because there is credible evidence that such individual trafficked, exploited, or otherwise abused an alien described in paragraph (1).

(C) EXCEPTION.—The Secretary of State may suspend the application of the limitation under subparagraph (A) if the Secretary determines and reports to the committees specified in paragraph (2) that a mechanism is in place to ensure that such trafficking, exploitation, or abuse does not occur again with respect to any alien employed by such mission or institution.

(5) REPORT.—Not later than June 1, 2008, and annually thereafter, the Secretary of State shall

submit to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate a report describing the diplomatic missions or international institutions that are subject to the visa restriction referred to in subparagraph (A) of paragraph (4), any exceptions that have been made pursuant to subparagraph (C) of such paragraph (4), and any requests for waivers of diplomatic immunity that have been made that are related to actions involving trafficking of persons, worker exploitation, or other related violations of United States law.

**SEC. 111. REPORT ON ACTIVITIES OF THE DEPARTMENT OF LABOR TO MONITOR AND COMBAT FORCED LABOR AND CHILD LABOR.**

(a) INTERIM REPORT.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Labor shall submit to the appropriate congressional committees an interim report on the implementation of section 105(b) of the Trafficking Victims Protection Reauthorization Act of 2005 (22 U.S.C. 7112(b)), which shall include a description of the progress made toward developing the list of goods described in paragraph (2)(C) of such section.

(b) FINAL REPORT; PUBLIC AVAILABILITY OF LIST.—Not later than September 30, 2008, the Secretary of Labor shall—

(1) submit to the appropriate congressional committees a final report on the implementation of section 105(b) of the Trafficking Victims Protection Reauthorization Act of 2005, which shall include an initial list of goods described in paragraph (2)(C) of such section; and

(2) make available to the public such list of goods in accordance with paragraph (2)(C) of such section.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' has the meaning given the term in section 103 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102).

**SEC. 112. SENSE OF CONGRESS REGARDING MULTILATERAL FRAMEWORK BETWEEN LABOR EXPORTING AND LABOR IMPORTING COUNTRIES.**

It is the sense of Congress that the Secretary of State, in conjunction with the International Labor Organization, the United Nations Office of Drug and Crime Prevention, and other relevant international and nongovern-

mental organizations, should seek to establish a multilateral framework between labor exporting and labor importing countries to ensure that workers migrating between such countries are protected from trafficking in persons and worker exploitation of any kind.

# TITLE II—COMBATTING TRAFFICKING IN PERSONS IN THE UNITED STATES

## Subtitle A—Ensuring Availability of Possible Witnesses and Informants

### SEC. 201. PROTECTING TRAFFICKING VICTIMS AGAINST RETALIATION.

(a) T VISAS.—Section 101(a)(15)(T) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(T)) is amended—

(1) in clause (i)—

(A) in the matter preceding subclause (I), by striking ''jointly;'' and inserting ''jointly,'';

(B) in subclause (I), by striking the comma at the end and inserting a semicolon;

(C) in subclause (II), by adding at the end the following: '', including physical presence on account of the alien having been allowed entry

into the United States for participation in investigative or judicial processes;'';

(D) in subclause (III)—

(i) in item (aa), by striking ''or'' at the end;

(ii) in item (bb), by striking '', and'' at the end and inserting ''; and'';

(iii) by redesignating item (bb) as item (cc); and

(iv) by inserting after item (aa) the following:

''(bb) in the Secretary's sole and unreviewable discretion, that the alien is unlikely or unable to cooperate with such a request due to physical or psychological trauma; or''; and

(E) in subclause (IV)—

(i) by striking ''involving unusual and severe harm''; and

(ii) by adding ''and'' at the end;

(2) in clause (ii)(II), by striking ''alien;'' and inserting ''alien and any parents or siblings of such alien who establish a present danger of retaliation as a result of the alien's cooperation with law enforcement;''; and

(3) by striking clause (iii).

(b) REQUIREMENTS FOR T VISA ISSUANCE.—Section 214(o) of the Immigration and Nationality Act (8 U.S.C. 1184(o)) is amended by adding at the end the following:

''(8)(A) If the Secretary of Homeland Security, in the Secretary's discretion and with the consultation of the Attorney General, determines that a trafficking victim, due to psychological or physical trauma, is unable to cooperate with a request for assistance described in section 101(a)(15)(T)(i)(III)(aa), the request is unreasonable.

''(B) In determining whether extreme hardship described in section 101(a)(15)(T)(i)(IV) exists, the Secretary of Homeland Security, in consultation with investigators, prosecutors, and relevant individuals responsible for working with victims and witnesses shall consider whether the country to which the alien is likely to be removed can adequately address security concerns and the mental and physical health needs of the alien and of persons described in section 101(a)(15)(T)(ii).''.

(c) EXPANSION OF AUTHORITY TO PERMIT CONTINUED PRESENCE IN THE UNITED STATES.—

(1) IN GENERAL.—Section 107(c)(3) of the Trafficking Victims Protection Act (22 U.S.C. 7105(c)(3)) is amended to read as follows:

''(3) AUTHORITY TO PERMIT CONTINUED PRESENCE IN THE UNITED STATES.—

''(A) TRAFFICKING VICTIMS.—

''(i) IN GENERAL.—Upon application from law enforcement officials, the Secretary of Homeland Security may permit an alien's continued presence in the United States if—

''(I) after a prima facie assessment, the Secretary determines that such alien may be a victim of a severe form of trafficking; and

''(II) the Secretary is notified by such law enforcement officials that such alien may be a potential witness to such trafficking, in order to effectuate prosecution of those responsible.

''(ii) SAFETY.—Federal law enforcement officials described in clause (i), in investigating and prosecuting traffickers, shall protect the safety of trafficking victims, including taking measures to protect

trafficked persons and their family members from intimidation, threats of reprisals, and reprisals from traffickers and their associates.

''(iii) CONTINUATION OF PRESENCE.—The Secretary shall continue to permit the continued presence of an alien described in clause (i) if such alien has filed a civil action under section 1595 of title 18, United States Code, until such action is concluded.

''(B) PAROLE FOR RELATIVES.—Pursuant to section 240A(b)(6) of the Immigration and Nationality Act (8 U.S.C. 1229b(b)(b)), as added by section 205 of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2007, law enforcement officials may submit a written request to the Secretary of Homeland Security to permit the parole into the United States of certain relatives of an alien described in subparagraph (A)(i).''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on the date of enactment of this Act and shall apply to requests for continued presence filed pursuant to section

107(c)(3) of the Trafficking Victims Protection Act (22 U.S.C. 7105(c)(3)) before, on, or after such date, except that this paragraph does not permit the application of section 107(c)(3)(A) of such Act, as added by paragraph (1), to an alien who is not present in the United States.

(d) ADJUSTMENT OF STATUS .—Section 245(l) of the Immigration and Nationality Act (8 U.S.C. 1255(l)) is amended—

(1) in paragraph (1)(B), by inserting ''subject to paragraph (6),'' after ''(B)'';

(2) in paragraph (1)(C)(ii), by striking ''involving unusual and severe harm''; and

(3) by adding at the end the following new paragraph—

''(6) For purposes of paragraph (1)(B), the Secretary of Homeland Security, in the Secretary's sole and unreviewable discretion, may waive consideration of a disqualification from good moral character (described in section 101(f)) with respect to an alien if the disqualification was caused by, or was incident to, the trafficking described in section 101(a)(15)(T)(i)(I).''.

**SEC. 202. INFORMATION FOR WORK-BASED NON-IMMIGRANTS ON LEGAL RIGHTS AND RESOURCES.**

(a) IN GENERAL.—The Secretary of Homeland Security, in consultation with the Secretary of State and the Trafficking in Persons and Worker Exploitation Task Force, shall develop an information pamphlet, as described in subsection (b), on legal rights and resources for aliens applying for employment- or education-based nonimmigrant visas, and shall distribute and make such pamphlet available as described in subsection (e). In preparing the information pamphlet, the Secretary of Homeland Security shall consult with nongovernmental organizations with expertise on the legal rights of workers and victims of severe forms of trafficking in persons.

(b) INFORMATION PAMPHLET.—The information pamphlet developed under subsection (a) shall include information on employment- or education-based nonimmigrant visas or on student or cultural exchanges, as follows:

(1) The nonimmigrant visa application processes, including information about whether the particular employment- or education-based nonimmigrant visa program includes portability of employment or educational institution.

(2) The illegality of slavery, peonage, trafficking in persons, sexual assault, extortion, blackmail, and worker exploitation in the United States.

(3) Services for victims of severe forms of trafficking in persons and worker exploitation in the United States, including the Trafficking in Persons and Worker Exploitation Task Force complaint line and the Operation Rescue and Restore hotline.

(4) The legal rights of immigrant victims of worker exploitation and other crimes in immigration, criminal justice, family law, and other matters, including the right of access to immigrant and labor rights groups, the right to seek redress in United States courts, and the right to report abuse without retaliation.

(5) The requirements that subsection (g) places upon a person engaging in foreign labor contracting activity, including the disclosure of any debts.

(c) SUMMARIES.—The Secretary of Homeland Security, in consultation with the Attorney General and the Secretary of State, shall develop summaries of the information pamphlet developed under subsection (a) that shall be used by Federal officials when reviewing the pamphlet in interviews required by section 110.

(d) TRANSLATION.—

(1) IN GENERAL.—In order to best serve the language groups having the greatest concentration of employment- or education-based nonimmigrant visas, the information pamphlet developed under subsection (a) shall, subject to paragraph (2), be translated by the Secretary of State into foreign languages, including Russian, Spanish, Tagalog, Vietnamese, Chinese, Ukrainian, Thai, Korean, Polish, Japanese, French, Creole, Arabic, Portuguese, Hindi, and such other languages as the Secretary of State, in the Secretary's discretion, may specify.

(2) REVISION.—Every 2 years, the Secretary of Homeland Security, in consultation with the Attorney General and the Secretary of State, shall determine at least 14 specific languages into which the information pamphlet shall be translated based on the languages spoken by the greatest concentrations of employment- or education-based nonimmigrant visas.

(e) AVAILABILITY AND DISTRIBUTION.—

(1) POSTING ON FEDERAL WEBSITES.—The information pamphlet developed under subsection (a) shall be posted on the websites of the Department of State and the Department of Homeland Security, as well as on the websites of all United States con-

sular posts processing applications for nonimmigrant visas.

(2) OTHER DISTRIBUTION.—The information pamphlet developed under subsection (a) shall also be made available to any foreign labor broker, government agency, or nongovernmental advocacy organization.

(f) DEADLINE FOR PAMPHLET DEVELOPMENT AND DISTRIBUTION.—The information pamphlet developed under subsection (a) shall be distributed and made available (including in the languages specified under subsection (d)) not later than 120 days after the date of the enactment of this Act.

(g) PROTECTIONS FOR WORKERS RECRUITED ABROAD.—

(1) DEFINITIONS.—In this section—

(A) the term ''foreign labor contractor'' means any person who for any money or other consideration paid or promised to be paid, performs any foreign labor contracting activity;

(B) the term ''foreign labor contracting activity'' means recruiting, soliciting, hiring, employing, or furnishing, an individual who resides outside of the United States to be employed in the United States; and

(C) the term ''worker'' means an individual who is the subject of foreign labor contracting activity.

(2) DISCLOSURE.—Any person who engages in foreign labor contracting activity shall ascertain and disclose in writing, in English and in a language understood by the worker being recruited, to each worker who is recruited for employment, at the time of the worker's recruitment, the following information:

(A) The location and period of employment, and any travel or transportation expenses to be assessed.

(B) The compensation for the employment and any other employee benefit to be provided and any costs to be charged for each benefit.

(C) A description of employment requirements and activities.

(D) The existence of any labor organizing effort, strike, lockout, or other labor dispute at the place of employment.

(E) The existence of any arrangement with any person involving the receipt of a commission or any other benefit for the provision of items or services to workers.

(F) The extent to which workers will be compensated through workers' compensation, private insurance, or other means for injuries or death.

(G) Any education or training to be provided or required, including the nature and cost of such training and the person who will pay such costs, and whether the training is a condition of employment, continued employment, or future employment.

(3) RESTRICTION.—No foreign labor contractor or employer who engages in foreign labor contracting activity shall knowingly provide materially false or misleading information to any worker concerning any matter required to be disclosed under paragraph (2). The disclosure required by this section is a document concerning the proper administration of a matter within the jurisdiction of a department or agency of the United States for the purposes of section 1519 of title 18, United States Code.

(4) REGISTRATION.—

(A) IN GENERAL.—Before engaging in any foreign labor contracting activity, any person who is a foreign labor contractor shall obtain a

certificate of registration from the Secretary of Labor specifying the activities that such person is authorized to perform.

(B) ISSUANCE.—The Secretary shall promulgate regulations to establish an efficient electronic process for the investigation and approval of an application for a certificate of registration of foreign labor contractors not later than 14 days after such application is filed, including—

(i) requirements under paragraphs (1), (4), and (5) of section 102 of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1812);

(ii) an expeditious means to update registrations and renew certificates; and

(iii) any other requirements that the Secretary may prescribe.

(C) TERM OF REGISTRATION.—Unless suspended or revoked, a certificate under this subparagraph shall be valid for 2 years.

(D) REFUSAL TO ISSUE; REVOCATION.—In accordance with regulations promulgated by the Secretary of Labor, the Secretary shall refuse to issue or renew, or shall revoke, after notice

and an opportunity for a hearing, a certificate of registration under this subparagraph if—

(i) the applicant for, or holder of, the certification has knowingly made a material misrepresentation in the application for such certificate;

(ii) the applicant for, or holder of, the certification is not the real party in interest in the application or certificate of registration and the real party in interest—

(I) is a person who has been refused issuance or renewal of a certificate;

(II) has had a certificate revoked; or

(III) does not qualify for a certificate under this paragraph; or

(iii) the applicant for, or holder of, the certification has failed to comply with this Act.

(E) COMPLAINTS AND INVESTIGATIONS.—The Secretary of Labor shall establish a process for the receipt, investigation, and disposition of complaints respecting a foreign labor contractor's compliance with this Act. Complaints may

be filed by any aggrieved person or organization (including bargaining representatives). No investigation or hearing shall be conducted on a complaint concerning a violation of this Act unless the complaint was filed not later than 12 months after the date of the violation. The Secretary shall conduct an investigation under this paragraph if there is reasonable cause to believe that such a violation occurred.

(F) MAINTENANCE OF LISTS.—

(i) IN GENERAL.—The Secretary shall maintain a list of all foreign labor contractors registered under this Act; and

(ii) PUBLIC AVAILABILITY.—The Secretary shall make the list described in clause (i) publicly available, including through publication on the Internet.

(G) RE-REGISTRATION OF VIOLATORS.—The Secretary shall provide a procedure by which a foreign labor contractor that has had its registration revoked may seek to re-register under this paragraph by demonstrating to the Secretary's satisfaction that the foreign labor contractor has not violated this section in the previous 5 years.

(5) AMENDMENT TO IMMIGRATION AND NATIONALITY ACT.—Section 214 of the Immigration and Nationality Act is amended by adding at the end the following:

''(s) A visa shall not be issued under the subparagraph (A)(iii), (G)(v), (H), (J), (L), (Q), or (R) of section 101(a)(15) until the consular officer—

''(1) has provided to and reviewed with the applicant, in the applicant's language (or a language the applicant understands), a copy of the information and resources pamphlet required by section 202 of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2007; and

''(2) has reviewed and made a part of the visa file the foreign labor recruiter disclosures required by such section 202.''.

(6) ENFORCEMENT PROVISIONS.—

(A) ADMINISTRATIVE ENFORCEMENT.—The Secretary of Labor may impose, for knowingly or recklessly failing to comply with the requirements of this section—

(i) a fine in an amount not more than $4,000 per affected worker; and

(ii) upon the occasion of a third offense or failure to comply with representa-

tions, a fine of not more than $10,000 per affected worker.

(B) CIVIL ACTION.—

(i) IN GENERAL.—The Secretary of Labor may bring a civil action in any court of competent jurisdiction—

(I) to seek remedial action, including injunctive relief;

(II) to recover damages suffered by any worker harmed by such a violation, which shall include wages owed, and any debts incurred or fees paid by such worker, to any person, in reliance on the representations of the defendant or agents of the defendants; and

(III) to ensure compliance with requirements of this section.

(ii) SUMS RECOVERED.—Any sums recovered by the Secretary on behalf of an employee under clause (i) shall be held in a special deposit account and shall be paid, on order of the Secretary, directly to each employee affected. Any such sums not paid to an employee because of inability to do

so within a period of 3 years shall be credited as an offsetting collection to the appropriations account of the Secretary of Labor for expenses for the administration of this section and shall remain available to the Secretary until expended.

(iii) REPRESENTATION.—Except as provided in section 518(a) of title 28, United States Code, the Solicitor of Labor may appear for and represent the Secretary of Labor in any civil litigation brought under this subsection. All such litigation shall be subject to the direction and control of the Attorney General.

(C) AGENCY LIABILITY.—An employer who retains the services of a foreign labor contractor shall only use those foreign labor contractors who are registered under paragraph (4). An employer who uses a foreign labor contractor who is not registered under paragraph (4), or who uses a foreign labor contractor knowing or in reckless disregard that such contractor has violated any provision of this section, shall be subject to paragraph (5) for violations committed by such foreign labor contractor to the

same extent as if the employer had committed the violation.

(h) DEFINITIONS.—In this section:

(1) EMPLOYMENT- OR EDUCATION-BASED NONIMMIGRANT VISA.—The term ''employment- or education-based nonimmigrant visa'' means a nonimmigrant visa issued for the purpose of employment, education, or training in the United States, including a visas issued under subparagraph (A)(iii), (G)(v), (H), (J), (L), (Q), or (R) of section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)).

(2) SEVERE FORMS OF TRAFFICKING IN PERSONS.—The term ''severe forms of trafficking in persons'' has the meaning given the term in section 103 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102).

**SEC. 203. CLARIFICATION OF ROLES OF SECRETARY OF HOMELAND SECURITY AND ATTORNEY GENERAL.**

(a) T VISA CLASSIFICATION.—Section 101(a)(15)(T)(i) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(T)(i)), as amended by section 201(a), is further amended by striking '', or in the case

of subclause (III)(aa) the Secretary of Homeland Security and the Attorney General jointly,''.

(b) ADJUSTMENT OF STATUS FOR VICTIMS OF TRAFFICKING.—Section 245(l)(1) of the Immigration and Nationality Act (8 U.S.C. 1255(l)(1)) is amended—

(1) in the matter preceding subparagraph (A), by striking '', or in the case of subparagraph (C)(i), the Attorney General,,'';

(2) in subparagraph (A), by striking ''Attorney General,'' and inserting ''Secretary of Homeland Security,''; and

(3) in subparagraph (C)(ii), by striking '', or in the case of subparagraph (C)(i), the Attorney General,''.

(c) ADJUSTMENT OF STATUS FOR CRIME VICTIMS.—Section 245(m)(1) of the Immigration and Nationality Act (8 U.S.C. 1255(m)(1)) is amended, in the matter preceding subparagraph (A), by striking ''unless the Attorney General'' and inserting ''unless the Secretary''.

**SEC. 204. RELIEF FOR CERTAIN VICTIMS PENDING ACTIONS ON PETITIONS AND APPLICATIONS FOR RELIEF.**

Section 237 of the Immigration and Nationality Act (8 U.S.C. 1227) is amended by adding at the end the following:

''(d)(1) In the case of an alien in the United States for whom an application for nonimmigrant status (whether as a principal alien or a derivative relative) under section 101(a)(15)(T) has been filed, if the application sets forth a prima facie case for approval, the Secretary of Homeland Security may grant the alien a stay of removal or deportation until the application is approved or the application is denied after exhaustion of administrative appeals. Any appeal of the denial of a stay of removal or deportation under this paragraph must accompany any appeal of the underlying substantive petition or application for benefits.

''(2) During a period in which an alien is provided a stay of removal under this subsection, the alien shall not be removed or deported.

''(3) Nothing in this subsection shall be construed as limiting the authority of the Secretary of Homeland Security to grant a stay of removal or deportation in any case not described in this subsection.''.

**SEC. 205. PAROLE FOR DERIVATIVES OF TRAFFICKING VICTIMS.**

Section 240A(b) of the Immigration and Nationality Act (8 U.S.C. 1229b(b)) is amended by adding at the end the following:

''(6) RELATIVES OF TRAFFICKING VICTIMS.—

"(A) IN GENERAL.—Upon written request by a law enforcement official, the Secretary of Homeland Security shall grant parole under section 212(d)(5) to any alien who is a relative of an alien granted continued presence pursuant to section 107(c)(3)(A) of the Trafficking Victims Protection Act (22 U.S.C. 7105(c)(3)(A)), if the relative was, on the date on which law enforcement applied for such continued presence—

"(i) in the case of an alien granted continued presence who is under 21 years of age, the spouse, child, parent, or unmarried sibling under 18 years of age, of the alien; or

"(ii) in the case of an alien granted continued presence who is 21 years of age or older, the spouse or child of the alien, or a parent or sibling of the alien who establishes a present danger of retaliation as a result of the alien's cooperation with law enforcement.

"(B) DURATION OF PAROLE.—

"(i) IN GENERAL.—The grant of parole under subparagraph (A) shall extend

until the date an application filed by the principal alien under section 101(a)(15)(T)(ii) has been finally adjudicated.

''(ii) OTHER LIMITS ON DURATION.—If no such application is filed, the grant of parole shall extend until the later of—

''(I) the date on which the principal alien's continued presence in the United States under section 107(c)(3)(A) of the Trafficking Victims Protection Act (22 U.S.C. 7105(c)(3)(A)) is terminated; or

''(II) the date on which a civil action filed by the principal alien under section 1595 of title 18, United States Code, is concluded.

''(iii) DUE DILIGENCE.—Failure by the principal alien to exercise due diligence in filing a visa petition on behalf of an alien described in clause (i) or (ii) of subparagraph (A) may result in revocation of parole.''.

**SEC. 206. IMPLEMENTATION OF TRAFFICKING VICTIMS PROTECTION REAUTHORIZATION ACT OF 2005.**

Not later than 120 days after the date of the enactment of this Act, the Secretary of Homeland Security shall issue interim regulations regarding the adjustment of status to permanent residence for nonimmigrants admitted into the United States under section 101(a)(15)(T) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(T)). If the regulations are not issued before such deadline, the Secretary shall submit a report explaining in detail the reasons such regulations have not been issued to the Committee on Foreign Affairs and the Committee on the Judiciary of the House of Representatives and the Committee on Foreign Relations and the Committee on the Judiciary of the Senate.

# Subtitle B—Assistance for Trafficking Victims

**SEC. 211. VICTIM OF TRAFFICKING CERTIFICATION PROCESS.**

Subsection 107(b)(1)(E) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7105(b)(1)(E)), is amended—

(1) in clause (i)—

(A) in the matter preceding subclause (I), by striking ''consultation'' and all that follows

through ''person'' and inserting ''consultation with the Attorney General or the Secretary of Homeland Security, that the person''; and

(B) in subclause (II)(bb), by striking ''United States'' and all that follows through ''ensuring'' and inserting ''United States the Secretary of Homeland Security is ensuring''; and

(2) in clause (ii), by striking ''so long as'' and all that follows through ''determines'' and inserting ''so long as the Secretary of Homeland Security determines''.

**SEC. 212. ASSISTANCE FOR CERTAIN VISA APPLICANTS.**

(a) IN GENERAL.—Section 431(c) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1641(c)) is amended—

(1) by striking ''or'' at the end of paragraph (2)(B);

(2) by striking the period at the end of paragraph (3)(B) and inserting ''or;''; and

(3) by adding at the end the following:

''(4) an alien who has applied for and not been denied, or who holds, status as a nonimmigrant under clause (i) or (ii) of section 101(a)(15)(T) of the Immigration and Nationality Act.''.

(b) CONSTRUCTION.—The provisions of section 431(c)(4) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1641(c)(4)), as added by subsection (a), are in addition to the access to public benefits provided in the Trafficking Victims Protection Act of 2000 and the Trafficking Victims Reauthorization Act of 2003.

(c) EFFECTIVE DATE.—The amendments made by subsection (a) apply to applications for public benefits and public benefits provided on or after the date of the enactment of this Act without regard to whether regulations to carry out such amendments are implemented.

**SEC. 213. INTERIM ASSISTANCE FOR CHILD VICTIMS OF TRAFFICKING.**

(a) IN GENERAL.—Subsection (b)(1) of section 107 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7105) is amended by adding at the end the following new subparagraphs:

''(F) ELIGIBILITY OF INTERIM ASSISTANCE FOR CHILD VICTIMS.—

''(i) DETERMINATION.—With respect to a person referred to in subparagraph (C)(ii)(I) who is seeking assistance under this paragraph, if credible information is presented on behalf of the person that the

person has been subjected to a severe form of trafficking in persons, the Secretary of Health and Human Services shall promptly make a determination of the person's eligibility under this paragraph.

''(ii) EXCLUSIVE AUTHORITY.—The Secretary of Health and Human Services shall have exclusive authority in making determinations of edibility under clause (i).

''(iii) DURATION.—Assistance provided under this paragraph for an individual determined to be eligible under clause (i) may be provided for up to 90 days and may be extended for an additional 30 days.

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

''(I) to ensure the best interests of the child and to create an increased chance of cooperation by child victims of severe forms of trafficking in persons, the United States Government should provide assistance to protect and care for such child victims during the pendency of proceedings to deter-

mine whether a child is a victim of severe forms of trafficking; and

''(II) in order to further the objective of subclause (I), the Secretary of Health and Human Services should make the determination of eligibility for assistance under clause (i) on the basis of the information provided and the Secretary's own assessment of such information without regard to the assessments by other departments and agencies of the United States Government regarding whether such child victim's application for relief or benefits under this Act or the Immigration and Nationality Act will be approved.

''(G) NOTIFICATION OF CHILD VICTIMS FOR INTERIM ASSISTANCE.—

''(i) FEDERAL OFFICIALS.—Any Federal official who has reason to believe that a person may be a juvenile victim of trafficking referred to in subparagraph (C)(ii)(I) shall notify the Secretary of Health and Human Services not later than

48 hours after the official first learns that the person may be a juvenile victim of trafficking for the purpose of facilitating the provision of interim assistance under subparagraph (F).

''(ii) STATE AND LOCAL OFFICIALS.—Any State or local official who has reason to believe that a person may be a juvenile victim of trafficking referred to in subparagraph (C)(ii)(I) shall notify the Secretary of Health and Human Services not later than 72 hours after the official first learns that the person may be a juvenile victim of trafficking for the purpose of facilitating the provision of interim assistance under subparagraph (F).''.

(b) TRAINING OF GOVERNMENT PERSONNEL.—Subsection (c)(4) of such section is amended—

(1) by striking ''and the Department of Justice'' and inserting '', the Department of Homeland Security, and the Department of Health and Human Services'';

(2) by inserting before the period at the end the following: '', including the identification of juvenile victims of trafficking''; and

(3) by adding at the end the following new sentence: ''The Attorney General and the Secretary of Heath and Human Services shall provide education and guidance to State and local officials on the identification of aliens who are the victims of severe forms of trafficking, and in particular child victims of trafficking, including education and guidance on the requirements of subsection (b)(1)(G)(ii).''.

**SEC. 214. ENSURING ASSISTANCE FOR ALL VICTIMS OF TRAFFICKING IN PERSONS.**

(a) AMENDMENTS TO THE TRAFFICKING VICTIMS PROTECTION ACT OF 2000.—

(1) ASSISTANCE FOR UNITED STATES CITIZENS.—Section 107 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7105) is amended by adding at the end the following:

''(h) ASSISTANCE FOR UNITED STATES CITIZENS.—

''(1) IN GENERAL.—The Secretary of Health and Human Services and the Attorney General, in consultation with the Secretary of State and the Secretary of Labor, are authorized to establish a program to provide assistance to United States citizens who are victims of severe forms of trafficking. In determining the types of assistance that would be most beneficial for such victims, the Secretary of

Health and Human Services and the Attorney General shall consult with nongovernmental organizations that provide services to victims of severe forms of trafficking in the United States.

''(2) USE OF EXISTING PROGRAMS.—In addition to such other specialized services as may be required for victims described in paragraph (1), the program established pursuant to paragraph (1) shall facilitate communication and coordination between the providers of assistance to such victims, and provide a means of identifying such providers and making referrals to programs for which such victims are already eligible (including programs administered by the Department of Justice and the Department of Health and Human Services).

''(3) GRANTS.—The Secretary of Health and Human Services and the Attorney General may make grants to States, Indian tribes, units of local government, and non-profit, nongovernmental victims' service organizations to develop, expand, and strengthen victim service programs authorized under this subsection. The Federal share of a grant made under this subsection may not exceed 75 percent of the total costs of the projects described in the application submitted.''.

(2) AUTHORIZATION OF APPROPRIATIONS.—Section 113 of such Act (22 U.S.C. 7110) is amended—

(A) in subsection (b), by adding at the end the following new sentence: ''To carry out the purposes of section 107(h), there are authorized to be appropriated to the Secretary of Health and Human Services $2,500,000 for fiscal year 2008, $5,000,0000 for fiscal year 2009, $10,000,000 for fiscal year 2010, and $15,000,000 for fiscal year 2011.''; and

(B) in subsection (d), by adding at the end the following new sentence: ''To carry out the purposes of section 107(h), there are authorized to be appropriated to the Attorney General $2,500,000 for fiscal year 2008, $5,000,0000 for fiscal year 2009, $10,000,000 for fiscal year 2010, and $15,000,000 for fiscal year 2011.''.

(b) ASSISTANCE FOR POTENTIAL VICTIMS OF TRAFFICKING AND RELATED CRIMES.—

(1) VICTIMS OF CRIMES ACT.—The Attorney General is authorized to use funds available under the Victims of Crimes Act of 1984 to provide assistance to persons victimized in cases brought under chapter 117 of title 18, United States Code.

(2) USE OF EXISTING PROGRAMS.—The President is authorized to facilitate communication and coordination between the providers of assistance to persons victimized in cases brought under chapter 117 of title 18, United States Code, and to provide a means of identifying such providers and making referrals to programs for which such victims are already eligible (including programs administered by the Department of Justice and the Department of Health and Human Services).

(3) EFFECT ON OTHER PROGRAMS.—Nothing in this section or the amendments made by this section shall derogate from the programs for victims of sexual abuse or commercial sexual exploitation or survivors of sexual abuse or commercial sexual exploitation authorized by section 202 of the Trafficking Victims Protection Reauthorization of 2005.

(c) PARTNERSHIPS AMONG ORGANIZATIONS.—Beginning not later than 120 days after the date of the enactment of this Act, all applications for grants made by the Attorney General or the Secretary of Health and Human Services to States, Indian tribes, units of local government, and nonprofit, nongovernmental victims' service organizations to establish or maintain assistance programs for victims of severe forms of trafficking in persons or sex

trafficking that occurs, in whole or in part, within the territorial jurisdiction of the United States shall include a statement by the applicant of whether the services will be available to both United States citizens and foreign trafficking victims, or if the applicant intends to specialize in serving a particular victim population, what referral mechanisms or collaborative relationships they will undertake to ensure that all victims are assisted regardless of alienage. The statement required by this section will not be used to make a determination regarding the award of the grant.

(d) STUDY.—

(1) REQUIREMENT.—Not later than one year after the date of the enactment of this Act, the Attorney General and the Secretary of Health and Human Services shall submit to the appropriate congressional committees a report identifying the existence or extent of any service gap between foreign and United States citizen victims of severe forms of trafficking and victims of sex trafficking, as defined in section 103 of the Trafficking Victims Protection Act of 2000.

(2) ELEMENTS.—In carrying out the study under subparagraph (1), the Attorney General and Secretary of Health and Human Services shall—

(A) investigate factors relating to the legal ability of foreign and United States citizen victims of trafficking to access government-funded social services in general, including the application of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1641(c)(5)) and the Illegal Immigration and Immigrant Responsibility Act of 1996 (division C of Public Law 104–208; 110 Stat. 3009 et seq.);

(B) investigate any other impediments to the access of foreign and United States citizen victims of trafficking to government-funded social services in general;

(C) investigate any impediments to the access of foreign and United States citizen victims of trafficking to government-funded services targeted to victims of severe forms of trafficking and victims of sex trafficking;

(D) investigate the effect of trafficking service-provider infrastructure development, continuity of care, and availability of caseworkers on the eventual restoration and rehabilitation of foreign and United States citizen victims of trafficking; and

(E) include findings, best practices, and recommendations based on the study of the elements in subparagraphs (A) through (D) and any other related information.

## Subtitle C—Penalties Against Traffickers and Other Crimes

**SEC. 221. ENHANCING TRAFFICKING AND OTHER RELATED OFFENSES.**

(a) CLARIFYING AMENDMENT.—Section 1591(a) of title 18, United States Code, is amended—

(1) by striking ''that the person has not attained the age of 18 years and'' and inserting ''that the person (being a person who has not attained the age of 18 years)''; and

(2) by inserting at the end ''In a prosecution under this subsection, the Government need not prove that the defendant knew that the person had not attained the age of 18 years.''.

(b) COMPELLED SERVICE.—

(1) IN GENERAL.—Section 1592 of title 18, United States Code, is amended to read as follows:

**''§ 1592. Unlawful compelled service**

''(a) GENERALLY.—Whoever knowingly, with intent to obtain or maintain the labor or services of a person

or to obtain or maintain a person for use in a commercial sex act (as defined in section 1591)—

''(1) destroys, conceals, removes, confiscates, or possesses any actual or purported passport or other immigration document, or any other actual or purported government identification document, of another person to prevent or restrict or to attempt to prevent or restrict, without lawful authority, the persons ability to move or travel;

''(2) improperly uses a position of real or apparent governmental authority;

''(3) asserts as fact, exposes, or threatens to expose, a matter, whether true or false, tending to subject some person to hatred, contempt or ridicule; or

''(4) exposes any person to bankruptcy or other financial harm,

shall be punished as provided in subsection (b).

''(b) PUNISHMENT.—A violator of subsection (a) shall—

''(1) if the offense involved a violation of subsection (a)(1) or (2), or a violation of subsection (a)(3) in which bodily injury, incarceration, or deportation occurred as a result of the blackmail, be

fined under this title or imprisoned not more than 5 years, or both;

''(2) if the offense involved a violation of subsection (a)(3) not resulting in bodily injury or incarceration, or a violation of subsection (a)(4) in which bankruptcy or financial harm occurred and the loss of at least one person was over ten thousand dollars, be fined under this title or imprisoned not more than 3 years, or both; and

''(3) in any other case, be fined under title 18, United States Code, or imprisoned not more than one year, or both.

''(c) DEFINITION.—For purposes of this paragraph, 'financial harm' includes the factors set forth in section 892(b) of this title, and fees charged for foreign labor contracting activity, as defined in section 202(g) of the William Wilberforce Trafficking Reauthorization Act of 2007, that are not reasonably related to services provided to the foreign worker.''.

(2) CLERICAL AMENDMENT.—The item relating to section 1592 in the table of sections at the beginning of chapter 77 of title 18, United States Code, is amended to read as follows:

''1592.Unlawful compelled service.''.

(c) RESTITUTION OF FORFEITED ASSETS.—(1) Section 1593(b) of title 18, United States Code, is amended by inserting at the end the following:

''(4) The distribution of proceeds among multiple victims in an order of restitution under this section shall govern the distribution of forfeited funds through the processes of remission or restoration under this section or any other statute that explicitly authorizes restoration or remission of forfeited property.''

(2) Section 1594 of title 18, United States Code, is amended—

(A) in subsection (b), by striking ''The court,'' and inserting ''Subject to remission or restoration, the court,''; and

(B) in subsection (c), by adding at the end the following:

''(3) The Attorney General shall grant restoration or remission of property to victims of a offense under this chapter that result in forfeiture under this section or under any other statute that explicitly authorizes restoration or remission of forfeited property.

''(4) In a prosecution brought under any other provision of Federal law, the Attorney General may grant restoration or remission of property to victims of severe forms of trafficking as defined in section 103 of the Trafficking

Victims Protection Act of 2000, in accordance with section 1594(b)(4).''.

(d) ENHANCEMENT OF CIVIL ACTION.—Section 1595 of title 18, United States Code, is amended—

(1) in subsection (a) by—

(A) by striking ''of section 1589, 1590, or 1591''; and

(B) by inserting ''(or any person who knowingly benefits, financially or by receiving anything of value from participation in a venture which has engaged in an act in violation of this chapter)'' after ''perpetrator''.

(2) by adding at the end the following:

''(c) No action shall be maintained under this section unless it is commenced within 10 years after the cause of action arose.''.

(e) ENDING FOREIGN LABOR CONTRACTING ABUSES.—

(1) IN GENERAL.—Chapter 73 of title 18, United States Code, is amended by adding at the end the following:

**''§ 1521. Retaliation in foreign labor contracting**

''(a)(1) Whoever knowingly uses intimidation, threatens, or corruptly persuades another person, or attempts to do so, or engages in misleading conduct toward another

person, with intent to prevent or to retaliate against such person for—

''(A) the disclosure of information by such person concerning violations with respect to aliens of the provisions of employment-based immigration programs or any other Federal labor or employment law; or

''(B) the cooperation of such person in an investigation or other proceeding concerning compliance with respect to aliens with the requirements of employment-based immigration programs or any other Federal labor or employment law,

shall be punished as provided in paragraph (2).

''(2) A violator of paragraph (1) shall—

''(A) if death results from the violation, or if the violation includes kidnapping or an attempt to kidnap, aggravated sexual abuse, or the attempt to commit aggravated sexual abuse, or an attempt to kill, be fined under this title or imprisoned for any term of years or life, or both;

''(B) if the offense resulted in bodily injury, but not death, be fined under this title or imprisoned for not more than 10 years, or both; or

''(C) in any other case, be fined under this title or imprisoned not more than 5 years, or both.

''(b) An individual who is the victim of an offense under this section may, in a civil action, recover damages (including reasonable attorneys' fees) for the harm done the victim by that offense. Any civil action filed under this section shall be stayed during the pendency of any criminal action arising out of the same occurrence in which the claimant is the victim.

''(c) For the purposes of this section, the term 'employment-based immigration' means a nonimmigrant visa issued for the purpose of employment, student exchange employment, or job training in the United States, including those issued under subparagraph (A)(iii), (G)(v), (H), (J), (L), (Q), or (R) of section 101(a)(15) of the Immigration and Nationality Act.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 73 of title 18, United States Code, is amended by adding at the end the following new item:

''1521. Retaliation in foreign labor contracting.''.

(f) TRANSPORTATION GENERALLY.—Section 2421 of title 18, United States Code, is amended—

(1) by inserting ''or affecting'' after ''individual in''; and

(2) by inserting ''in the special maritime and territorial jurisdiction of the United States,'' after ''foreign commerce,''.

(g) SEX TOURISM.—

(1) GENERALLY.—Chapter 117 of title 18, United States Code, is amended by inserting after section 2423 the following:

**"§ 2423A. Sex tourism**

"(a) TRAVEL WITH INTENT TO ENGAGE IN ILLICIT SEXUAL CONDUCT.—A person who travels in interstate commerce or travels into the United States, or a United States citizen or an alien admitted for permanent residence in the United States who travels in foreign commerce, for the purpose of engaging in any illicit sexual conduct with another person shall be fined under this title or imprisoned not more than 10 years, or both.

"(b) ENGAGING IN ILLICIT SEXUAL CONDUCT IN FOREIGN PLACES.—Any United States citizen or alien admitted for permanent residence who travels in foreign commerce, and engages in any illicit sexual conduct with another person shall be fined under this title or imprisoned not more than 10 years, or both.

"(c) ARRANGING TRAVEL AND RELATED CONDUCT.—Whoever, for the purpose of commercial advantage or private financial gain, arranges, induces, procures, or facilitates the travel of a person knowing that such a person is traveling in interstate commerce or foreign commerce for the purpose of engaging in illicit sexual conduct

shall be fined under this title, imprisoned not more than 10 years, or both.

''(d) INCREASED PENALTY FOR OFFENSES INVOLVING CHILDREN.—If the illicit sexual conduct is with a child, the maximum term of imprisonment for an offense under this section is 30 years.

''(e) ATTEMPT AND CONSPIRACY.—Whoever attempts or conspires to violate this section shall be punishable in the same manner as for the completed violation.

''(f) DEFINITIONS.—As used in this section—

''(1) the term 'illicit sexual conduct' means—

''(A) a sexual act (as defined in section 2246) that would be in violation of chapter 109A if the sexual act occurred in the special maritime and territorial jurisdiction of the United States; or

''(B) any commercial sex act (as defined in section 1591); and

''(2) the term 'child' means a person under 18 years of age.

''(g) DEFENSE.—In a prosecution under this section for a violation where an element of the offense involves commercial sex act with a child, it is a defense, which the defendant must establish by a preponderance of the evi-

dence, that the person engaging in that act reasonably believed that the other person was not a child.'';

(2) CONFORMING AMENDMENT.—Section 2423 of title 18, United States Code, is amended by striking subsections (b) through (g).

(3) AMENDMENT TO TABLE OF SECTIONS.—The table of sections at the beginning of chapter 117 of title 18, United States Code, is amended by inserting after the item relating to section 2423 the following new item:

''2423A. Sex tourism.''.

(h) AMENDMENT TO THE SENTENCING GUIDELINES.—Pursuant to its authority under section 994 of title 28, United States Code, and in accordance with this section, the United States Sentencing Commission shall review and, if appropriate, amend the sentencing guidelines and policy statements applicable—

(1) to persons convicted of offenses created by this section other than those created by subsections (f) and (g), to ensure conformity with the United States Sentencing Guidelines, sections 2H4.1 (peonage offenses) and 2H4.2 (labor offenses); and

(2) to persons convicted of offenses created by subsection (f) or (g) of this section, to ensure conformity with the United States Sentencing Guidelines, sections 2G1.1 (promoting commercial sex acts

with persons other than minors) and 2G1.3 (promoting commercial sex acts or prohibited sexual conduct with a minor, and related offenses.

**SEC. 222. JURISDICTION IN CERTAIN TRAFFICKING OFFENSES.**

(a) IN GENERAL.—Chapter 77 of title 18, United States Code, is amended by adding at the end the following:

**"§ 1596. Additional jurisdiction in certain trafficking offenses**

''(a) IN GENERAL.—In addition to any domestic or extra-territorial jurisdiction otherwise provided by law, the courts of the United States have extra-territorial jurisdiction over any offense (or any attempt or conspiracy to commit an offense) under section 1581, 1583, 1584, 1589, 1590, or 1591 if—

''(1) an alleged offender or victim of the offense is a national of the United States or an alien lawfully admitted for permanent residence (as those terms are defined in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101)); or

''(2) an alleged offender is present in the United States, irrespective of the nationality of the alleged offender.

''(b) LIMITATION ON PROSECUTIONS OF OFFENSES PROSECUTED IN OTHER COUNTRIES.—No prosecution may be commenced against a person under this section if a foreign government, in accordance with jurisdiction recognized by the United States, has prosecuted or is prosecuting such person for the conduct constituting such offense, except upon the approval of the Attorney General or the Deputy Attorney General (or a person acting in either such capacity), which function of approval may not be delegated.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 77 of title 18, United States Code, is amended by adding at the end the following new item:

''1596. Additional jurisdiction in certain trafficking offenses.''.

**SEC. 223. AMENDMENT OF OTHER CRIMES RELATED TO TRAFFICKING.**

(a) ALIENS ENTERING THE UNITED STATES.—

(1) IN GENERAL.—Section 278 of the Immigration and Nationality Act (8 U.S.C. 1328) is amended to read as follows:

''ALIENS IN PROSTITUTION

''SEC. 278. (a) GENERALLY.—Whoever, for the purposes of prostitution or for any other any sexual activity for which any person can be charged with a criminal offense—

''(1) knowingly imports or attempts to import any alien; or

''(2) knowing or in reckless disregard of the fact that an individual is an alien who lacks lawful authority to come to, enter, or reside in the United States, knowingly holds, keeps, maintains, supports, employs, or harbors the individual in any place in the United States, including any building or any means of transportation, or attempts to do so,

shall be fined under title 18, United States Code, or imprisoned not more than 10 years, or both.

''(b) SPECIAL EVIDENTIARY RULE.—In all prosecutions under this section, the testimony of a husband or wife shall be admissible and competent evidence against each other.''.

(2) CLERICAL AMENDMENT.—The table of contents of the Immigration and Nationality Act is amended by amending the item relating to section 278 to read as follows:

''Sec. 278. Aliens in prostitution.''.

(b) AMENDMENT TO THE SENTENCING GUIDELINES.—Pursuant to its authority under section 994 of title 28, United States Code, and in accordance with this section, the United States Sentencing Commission shall review and, if appropriate, amend the sentencing guidelines and policy statements applicable to persons convicted

of offenses created by this section to ensure conformity with the United States Sentencing Guidelines, section 2H4.1 (peonage offenses) in violations involving a holding under section 278(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1328(a)(2)), and section.2G1.1 otherwise.

(c) IMBRA VIOLATIONS.—Section 833(d)(5)(B) of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109–162) is amended by striking ''interstate or foreign commerce, an international marriage broker that, within the special maritime and territorial jurisdiction of the United States, violates'' and inserting ''interstate or foreign commerce or within the special maritime and territorial jurisdiction of the United States, an international marriage broker that violates''.

**SEC. 224. MODEL STATUTES PROVIDED TO STATES.**

(a) REQUIRED CHANGES TO MODEL STATUTE.—The Attorney General shall ensure that any model antitrafficking statute provided to any State shall specifically provide that no provision of such model statute shall be construed as derogating from or in any way limiting or constraining the operation of State law relating to prostitution and individuals involved in securing, exploiting, or otherwise abusing prostitutes.

(b) PUBLICATION.—The Attorney General shall ensure that any new model statute that is consistent with subsection (a) shall be immediately put on the website of the Department of Justice in place of the existing statute.

(c) ADDITIONAL MODEL STATE STATUTE.—The Department of Justice shall draft and post on the website of the Department of Justice a model state statute setting forth best legislative practices in the area of state and local antiprostitution enforcement for use by States of the United States.

## Subtitle D—Activities of the United States Government

**SEC. 231. ANNUAL REPORT BY THE ATTORNEY GENERAL.**

Section 105(d)(7) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7103(d)(7)) is amended—

(1) in subparagraph (A), by inserting ''the Attorney General,'' after ''the Secretary of Labor,'';

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

(3) by redesignating subparagraph (H) as subparagraph (J); and

(4) by inserting after subparagraph (G) the following new subparagraphs:

''(H) activities by the Department of Defense to combat trafficking in persons, includ-

ing educational efforts for and disciplinary actions taken against members of the United States Armed Forces, materials included in training of the armed forces of foreign countries, and efforts to ensure that United States Government contractors do not engage in trafficking in persons;

''(I) activities or actions by Federal departments and agencies to enforce—

''(i) section 106(g) of this Act and any similar provision of law, regulation, or policy relating to United States Government contractors and their employees or United States Government subcontractors and their employees that engage in severe forms of trafficking in persons, procurement of commercial sex acts, or use of forced labor, including debt bondage;

''(ii) section 307 of the Tariff Act of 1930 (19 U.S.C. 1307; relating to prohibition on importation of convict made goods), including any determinations by the Secretary of Homeland Security to waive the restrictions of such section; and

''(iii) prohibitions on the procurement by the United States Government of items or services produced by slave labor, consistent with Executive Order 13107 (December 10, 1998); and''.

**SEC. 232. ANNUAL ANTI-TRAFFICKING CONFERENCE.**

Section 201(a)(2)(A)(ii) of the Trafficking Victims Protection Reauthorization Act of 2005 (42 U.S.C. 14044(a)(2)(A)(ii)) is amended by inserting before the semi-colon at the end the following: ''and the use of existing Federal and State criminal laws that do not require force, fraud, or coercion as an element of a felony crime to prosecute such persons''.

**SEC. 233. SENIOR POLICY OPERATING GROUP.**

Section 206 of the Trafficking Victims Protection Reauthorization Act of 2005 (42 U.S.C. 14044d) is amended by striking '', as the department or agency determines appropriate,''.

**SEC. 234. COORDINATORS TO COMBAT HUMAN TRAFFICKING.**

(a) DEPARTMENT OF JUSTICE.—

(1) ESTABLISHMENT.—The Attorney General shall establish within the Office of the Deputy Attorney General a Coordinator to Combat Human Trafficking.

(2) DUTIES.—In addition to any other responsibilities that the Attorney General may assign, the Coordinator shall have the following responsibilities:

(A) Ensure coordination of policies relating to victims of trafficking among the various offices and components of the Department of Justice, including the Civil Division, the Criminal Division, the Office of Justice Programs, and the Federal Bureau of Investigation.

(B) Monitor, review, and make recommendations regarding assistance to victims of trafficking to ensure that assistance polices are consistent with the Department's prosecution strategies and activities.

(C) Ensure improved communication and coordination with State and local law enforcement agencies regarding prosecution of offenses relating to victims of trafficking.

(D) Represent the Department at interagency mechanisms relating to trafficking in persons, including the Senior Policy Operating Group.

(E) Serve, in conjunction with the Coordinator to Combat Human Trafficking of the Department of Labor (established pursuant to

subsection (b)), as the executive secretariat of the Trafficking in Persons and Worker Exploitation Task Force.

(3) STAFF.—The Attorney General shall ensure that the Coordinator has sufficient staff to carry out the duties described in paragraph (2).

(4) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary to carry out this subsection.

(b) DEPARTMENT OF LABOR.—

(1) ESTABLISHMENT.—The Secretary of Labor shall establish within the Department of Labor a Coordinator to Combat Human Trafficking.

(2) DUTIES.—In addition to any other responsibilities that the Secretary of Labor may assign, the Coordinator shall have the following responsibilities:

(A) Ensure coordination of policies relating to victims of trafficking, both in the United States and abroad, among the various offices and components of the Department of Labor, including the Office of the Solicitor, the Employment Standards Administration, the Wage and Hour Division, the Bureau of International Labor Affairs, and the Office of Child Labor, Forced Labor, and Human Trafficking.

(B) Ensure improved communication and coordination with State labor agencies relating to trafficking in persons.

(C) Represent the Department at interagency mechanisms relating to trafficking in persons, including the Senior Policy Operating Group.

(D) Serve, in conjunction with the Coordinator to Combat Human Trafficking of the Department of Justice (established pursuant to subsection (a)), as the executive secretariat of the Trafficking in Persons and Worker Exploitation Task.

(3) STAFF.—The Secretary of Labor shall ensure that the Coordinator has sufficient staff to carry out the duties described in paragraph (2).

(4) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary to carry out this subsection.

(c) DEFINITION.—In this section, the term ''victim of trafficking'' has the meaning given the term in section 103 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102).

**SEC. 235. PREVENTING UNITED STATES TRAVEL BY TRAFFICKERS.**

Section 212(a)(2)(H)(i) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(2)(H)(i)) is amended by striking ''consular officer'' and inserting ''consular officer, the Secretary of State,''.

**SEC. 236. ENHANCING EFFORTS TO COMBAT THE TRAFFICKING OF CHILDREN.**

(a) FINDINGS AND SENSE OF CONGRESS.—

(1) FINDINGS.—The Congress finds as follows:

(A) The United States Government currently estimates that up to 17,500 individuals are trafficked into the United States each year. Of these, some 50 percent are believed to be under the age of 18. Many of these children are victims of sex trafficking and are forced into prostitution and other exploitative activities in the United States.

(B) Despite the large number of children trafficked into the United States every year, the Department of Health and Human Services has identified an average of 20 children per year as trafficking victims through fiscal year 2006. This disparity between estimated and identified victims demonstrates that much more needs to

be done in educating individuals who may be coming into contact with trafficked children.

(2) SENSE OF CONGRESS.—It is the sense of the Congress that, to the extent consistent with the treaties and other international agreements to which the United States is a party, and to the extent practicable, the United States Government should undertake efforts to protect children from severe forms of trafficking and ensure that it does not repatriate children in Federal custody into settings that would threaten their life or safety.

(b) COMBATTING CHILD TRAFFICKING AT THE BORDER AND PORTS OF ENTRY OF THE UNITED STATES.—

(1) POLICIES AND PROCEDURES.—In order to enhance the efforts of the United States to prevent trafficking in persons, the Secretary of State, in conjunction with the Secretary of Homeland Security and the Secretary of Health and Human Services, shall develop policies and procedures to ensure that unaccompanied alien children in the United States are safely repatriated to their country of nationality or of last habitual residence.

(2) SPECIAL RULES FOR CHILDREN FROM CONTIGUOUS COUNTRIES.—

(A) DETERMINATIONS.—Any unaccompanied alien child who is a national or habitual resident of a country that is contiguous with the United States and has an agreement in writing with the United States described in subparagraph (C), shall be treated in accordance with subparagraph (B), if the Secretary of Homeland Security determines, on a case-by-case basis, that—

(i) such child has not been a victim of a severe form of trafficking in persons, and such child does not have a fear of being trafficked upon return to the child's country of nationality or of last habitual residence;

(ii) such child does not have a fear of returning to the child's country of nationality or of last habitual residence owing to a fear of persecution;

(iii) the return of such child to the child's country of nationality or of last habitual residence would not endanger the life or safety of such child; and

(iv) the child is able to make an independent decision to withdraw the child's

application for admission to the United States.

(B) RETURN.—An immigration officer who finds an unaccompanied alien child described in subparagraph (A) at a land border or port of entry of the United States and determines that such child is inadmissible under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) shall—

(i) permit such child to withdraw the child's application for admission pursuant to section 235(a)(4) of the Immigration and Nationality Act (8 U.S.C. 1225(a)(4)); and

(ii) return such child to the child's country of nationality or country of last habitual residence.

(C) CONTIGUOUS COUNTRY AGREEMENTS.—The Secretary of State shall ensure that any agreements entered into between the United States and a country contiguous to the United States with respect to the repatriation of children shall be designed to protect children from severe forms of trafficking in persons.

Such agreements shall, at a minimum, provide that—

(i) no child shall be returned to the child's country of nationality or of last habitual residence unless returned to appropriate officials or employees of the accepting country's government;

(ii) no child shall be returned to the child's country of nationality or of last habitual residence outside of reasonable business hours; and

(iii) border personnel of the countries that are parties to such agreements are trained in the terms of such agreements.

(3) RULE FOR OTHER CHILDREN.—The custody of unaccompanied alien children not described in paragraph (2)(A) who are apprehended at the border of the United States or at a United States port of entry shall be treated in accordance with subsection (c).

(4) SCREENING.—Within 48 hours of the apprehension of a child who is believed to be described in paragraph (2)(A), but in any event prior to returning such child to the child's country of nationality or of last habitual residence, the child shall be

screened to determine whether the child meets the criteria listed in paragraph (2)(A). If the child does not meet such criteria, or if no determination can be made within 48 hours of apprehension, the child shall immediately be transferred to the Secretary of Health and Human Services and treated in accordance with subsection (c).

(5) ENSURING THE SAFE REPATRIATION OF CHILDREN.—

(A) REPATRIATION PILOT PROGRAM.—To protect children from trafficking and exploitation, the Secretary of State shall create a pilot program, in conjunction with non-governmental organizations and other national and international agencies and experts, to develop and implement best practices to ensure the safe and secure repatriation and reintegration of unaccompanied alien children into their country of nationality or of last habitual residence, including placement with their families or other sponsoring agencies.

(B) ASSESSMENT OF COUNTRY CONDITIONS.—The Secretary of Homeland Security shall consult the Country Reports on Human Rights Practices and the Trafficking in Persons

Report in assessing whether to repatriate an unaccompanied alien child to a particular country. Such assessment shall consider whether there is reasonable risk that repatriation of an unaccompanied alien child would threaten the life or safety of the child.

(C) REPORT ON REPATRIATION OF UNACCOMPANIED ALIEN CHILDREN.—Not later than 18 months after the date of the enactment of this Act, and annually thereafter, the Secretary of Homeland Security, in conjunction with the Secretary of State and Secretary of Health and Human Services, shall submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives on efforts to repatriate unaccompanied alien children. Such report shall include—

(i) the number of unaccompanied alien children ordered removed and the number of such children actually removed from the United States;

(ii) a statement of the nationalities, ages, and gender of such children;

(iii) a description of the policies and procedures used to effect the removal of such children from the United States and the steps taken to ensure that such children were safely and humanely repatriated to their country of nationality or of last habitual residence, including a description of the repatriation pilot program created pursuant to subparagraph (A);

(iv) a description of the type of immigration relief sought and denied to such children;

(v) any information gathered in assessments of country and local conditions pursuant to paragraph (2); and

(vi) statistical information and other data on unaccompanied alien children as provided for in section 462(b)(1)(J) of the Homeland Security Act of 2002 (6 U.S.C. 279(b)(1)(J)).

(D) PLACEMENT IN REMOVAL PROCEEDINGS.—Any unaccompanied alien child sought to be removed by the Department of Homeland Security, except for an unaccompanied alien child from a contiguous country

subject to exceptions under subsection (b)(2), shall be placed in removal proceedings under section 240 of the Immigration and Nationality Act (8 U.S.C. 1229a).

(c) COMBATTING CHILD TRAFFICKING AND EXPLOITATION IN THE UNITED STATES.—

(1) CARE AND CUSTODY OF UNACCOMPANIED ALIEN CHILDREN.—

(A) IN GENERAL.—Except as otherwise provided under subparagraphs (B) and (C) and subsection (b), the care and custody of all unaccompanied alien children, including responsibility for their detention, where appropriate, shall be the responsibility of the Secretary of Health and Human Services.

(B) EXCEPTION FOR CHILDREN WHO HAVE COMMITTED CRIMES.—Notwithstanding subparagraph (A), the Attorney General shall retain or assume the custody and care of any unaccompanied alien child who is pending prosecution for a Federal crime or serving a sentence pursuant to a conviction for a Federal crime.

(C) EXCEPTION FOR CHILDREN WHO THREATEN NATIONAL SECURITY.—Notwith-

standing subparagraph (A), the Secretary of Homeland Security shall retain or assume the custody and care of an unaccompanied alien child if the Secretary of Homeland Security has substantial evidence, based on an individualized determination, that such child could personally endanger the national security of the United States.

(2) NOTIFICATION.—Each department or agency of the Federal Government shall notify the Department of Health and Human services within 48 hours upon—

(A) the apprehension or discovery of an unaccompanied alien child; or

(B) any claim or suspicion that an alien in the custody of such department or agency is under 18 years of age.

(3) TRANSFERS OF UNACCOMPANIED ALIEN CHILDREN.—Any department or agency of the Federal Government that has an unaccompanied alien child in its custody shall transfer the custody of such child to the Secretary of Health and Human Services within 72 hours—

(A) upon a determination that such child is an unaccompanied alien child, if the child is

not described in subparagraph (B) or (C) of paragraph (1); or

(B) if the custody and care of the child has been retained or assumed by the Attorney General under paragraph (1)(B) or by the Secretary of Homeland Security under paragraph (1)(C), upon a determination that the child no longer meets the description set forth in such subparagraphs.

(4) AGE DETERMINATIONS.—

(A) IN GENERAL.—The Secretary of Health and Human Services shall make an age determination for an alien described in paragraph (2)(B) and take whatever other steps are necessary to determine whether such alien is eligible for treatment under this section or section 462 of the Homeland Security Act of 2002 (6 U.S.C. 279).

(B) PROCEDURES.—The Secretary of Health and Human Services, in consultation with the Secretary of Homeland Security, shall develop procedures to make a prompt determination of the age of an alien, which procedures shall be used by the Secretary of Homeland Security and the Secretary of Health and

Human Services for children in their respective custody. At a minimum, these procedures shall permit the presentation of multiple forms of evidence, including the non-exclusive use of radiographs, to determine the age of the unaccompanied alien.

(d) PROVIDING SAFE AND SECURE PLACEMENTS FOR CHILDREN.—

(1) POLICIES AND PROGRAMS.—The Secretary of Health and Human Services, Secretary of Homeland Security, Attorney General, and Secretary of State shall establish policies and programs to ensure that unaccompanied alien children in the United States are protected from traffickers and other persons seeking to victimize or otherwise engage such children in criminal, harmful, or exploitative activity, including policies and programs reflecting best practices in witness security programs.

(2) SAFE AND SECURE PLACEMENTS.—Subject to section 462(b)(2) of the Homeland Security Act of 2002 (6 U.S.C. 279(b)(2)), an unaccompanied alien child in the custody of the Secretary of Health and Human Services shall be promptly placed in the least restrictive setting that is in the best interest of the child. Placement of child trafficking victims may

include placement with competent adult victims of the same trafficking scheme in order to ensure continuity of care and support. A child shall not be placed in a secure facility absent an independent finding that the child poses a danger to self or others.

(3) SAFETY AND SUITABILITY ASSESSMENTS.—

(A) IN GENERAL.—Subject to the requirements of subparagraph (B), an unaccompanied alien child may not be placed with a person or entity unless the Secretary of Health and Human Services makes a determination that the proposed custodian is capable of providing for the child's physical and mental well-being. Such determination shall, at a minimum, include verification of the custodian's identity and relationship to the child, if any, as well as an independent finding that the individual has not engaged in any activity that would indicate a potential risk to the child.

(B) HOME STUDIES.—Before placing the child with an individual, the Secretary of Health and Human Services shall determine whether a home study is first necessary. A home study shall be conducted for a child who

is a victim of a severe form of trafficking in persons, a special needs child with a disability (as defined in section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102(2))), or a child who has been a victim of physical or sexual abuse under circumstances that indicate that the child's health or welfare has been significantly harmed or threatened. The Secretary of Health and Human Services shall conduct follow-up services, during the pendency of removal proceedings, on children and custodians for whom a home study was conducted.

(C) DATABASE ACCESS.—In conducting suitability assessments, the Secretary of Health and Human Services shall have access to all relevant information in the appropriate Federal, State, and local law enforcement and immigration databases.

(4) LEGAL ORIENTATION PRESENTATIONS.—The Secretary of Health and Human Services shall ensure that custodians receive legal orientation presentations provided through the Legal Orientation Program administered by the Executive Office for Immigration Review. At a minimum, such presentations shall address the custodian's responsibility to

ensure the child's appearance at all immigration proceedings and to protect the child from mistreatment, exploitation, and trafficking.

(5) ACCESS TO COUNSEL.—The Secretary of Health and Human Services shall ensure, to the greatest extent practicable, that all unaccompanied alien children who are or have been in the custody of the Secretary or the Secretary of Homeland Security, and who are not described in subsection (b)(2)(A), have competent counsel to represent them in legal proceedings or matters and protect them from mistreatment, exploitation, and trafficking. To the greatest extent practicable, the Secretary of Health and Human Services shall make every effort to utilize the services of competent pro bono counsel who agree to provide representation to such children without charge.

(6) GUARDIANS AD LITEM.—The Secretary of Health and Human Services shall implement a program to appoint independent guardians ad litem for child trafficking victims and other vulnerable unaccompanied alien children. A guardian ad litem shall be provided access to materials necessary to effectively advocate for the best interest of the child. The guardian ad litem shall not be compelled to testify

or provide evidence in any proceeding concerning any information or opinion received from the child in the course of serving as a guardian ad litem. The guardian ad litem shall be presumed to be acting in good faith and be immune from civil and criminal liability for lawful conduct of duties as described in this provision.

(7) CONFIDENTIALITY.—The Secretary of Health and Human Services shall maintain the privacy and confidentiality of all information gathered in the course of the care, custody, and placement of unaccompanied alien children, consistent with its role and responsibilities under the Homeland Security Act of 2002 to act as guardian in loco parentis in the best interest of the unaccompanied alien child, by not disclosing such information to other government agencies or nonparental third parties. The Secretary may provide information to a duly recognized law enforcement entity in connection with a prosecution or investigation of an offense described in paragraph (2) or (3) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)), when such information is requested in writing by such entity.

(e) PERMANENT PROTECTION FOR CERTAIN AT-RISK CHILDREN.—

(1) IN GENERAL.—Section 101(a)(27)(J) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)(J)) is amended—

(A) in clause (i), by striking ''State and who has been deemed eligible by that court for long-term foster care due to abuse, neglect, or abandonment;'' and inserting ''State, or an individual or entity appointed by a State or juvenile court located in the United States, and whose reunification with one or both of the immigrant's parents is not viable due to abuse, neglect, abandonment, or a similar basis found under State law;'';

(B) in clause (iii), in the matter preceding subclause (I), by striking ''the Attorney General expressly consents to the dependency order serving as a precondition to the grant of special immigrant juvenile status;'' and inserting ''the Secretary of Homeland Security consents to the grant of special immigrant juvenile status,''; and

(C) in clause (iii)(I), by striking ''in the actual or constructive custody of the Attorney

General unless the Attorney General specifically consents to such jurisdiction;'' and inserting ''in the custody of the Secretary of Health and Human Services unless the Secretary of Health and Human Services specifically consents to such jurisdiction;''.

(2) EXPEDITIOUS ADJUDICATION.—All applications for special immigrant status under section 101(a)(27)(J) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)(J)) shall be adjudicated by the Secretary of Homeland Security not later than 180 days after the date of filing the application.

(3) ADJUSTMENT OF STATUS.—Section 245(h)(2)(A) of the Immigration and Nationality Act (8 U.S.C. 1255(h)(2)(A)) is amended to read as follows:

''(A) paragraphs (4), (5)(A), (6)(A), (6)(C), (6)(D), (7)(A), 9(B), and 9(C)(i)(I) of section 212(a) shall not apply; and''.

(4) ELIGIBILITY FOR ASSISTANCE.—

(A) IN GENERAL.—A child who has been granted special immigrant status under section 101(a)(27)(J) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)(J)) and who

was either in the custody of the Secretary of Health and Human Services at the time a dependency order was granted for such child or who was receiving services pursuant to section 501(a) of the Refugee Education Assistance Act of 1980 (8 U.S.C. 1522 note) at the time such dependency order was granted, shall be eligible for placement and services under section 412(d) of the Immigration and Nationality Act (8 U.S.C. 1522(d)) until the earlier of—

(i) the date on which the child reaches the age designated in section 412(d)(2)(B) of the Immigration and Nationality Act (8 U.S.C. 1522(d)(2)(B)); or

(ii) the date on which the child is placed in a permanent adoptive home.

(B) STATE REIMBURSEMENT.—If State foster care funds are expended on behalf of a child who is not described in subparagraph (A) and has been granted special immigrant status under section 101(a)(27)(J) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)(J)), the Federal Government shall reimburse the State in which the child resides for such expenditures by the State.

(5) STATE COURTS ACTING IN LOCO PARENTIS.—A department or agency of a State, or an individual or entity appointed by a State court or juvenile court located in the United States, acting in loco parentis, shall not be considered a legal guardian for purposes of this section or section 462 of the Homeland Security Act of 2002 (6 U.S.C. 279).

(6) TRANSITION RULE.—Notwithstanding any other provision of law, an alien described in section 101(a)(27)(J) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)(J)), as amended by paragraph (1), may not be denied special immigrant status under such section after the date of the enactment of this Act based on age if the alien was a child on the date on which the alien applied for such status.

(7) ACCESS TO ASYLUM PROTECTIONS.—Section 208 of the Immigration and Nationality Act (8 U.S.C. 1158) is amended—

(A) in subsection (a)(2), by adding at the end the following:

"(E) APPLICABILITY.—Subparagraphs (A) and (B) shall not apply to an unaccompanied alien child (as defined in section 462(g) of the

Homeland Security Act of 2002 (6 U.S.C. 279(g)).''; and

(B) in subsection (b)(3), by adding at the end the following:

''(C) INITIAL JURISDICTION.—An asylum officer (as defined in section 235(b)(1)(E)) shall have initial jurisdiction over any asylum application filed by an unaccompanied alien child (as defined in section 462(g) of the Homeland Security Act of 2002 (6 U.S.C. 279(g))), regardless of whether filed in accordance with this section or section 235(b).''.

(8) SPECIALIZED NEEDS OF CHILDREN.—Applications for asylum and other forms of relief from removal in which a child is the principal applicant shall be governed by regulations which take into account the specialized needs of children and which address both procedural and substantive aspects of handling children's cases.

(f) TRAINING.—The Secretary of State, the Secretary of Homeland Security, the Secretary of Health and Human Services and the Attorney General shall provide specialized training to all Federal personnel who come into contact with unaccompanied alien children. Such personnel shall be trained to work with unaccompanied alien

children, including identifying children who are a victim of a severe form of trafficking in persons, and children for whom asylum or special immigrant relief may be appropriate, including children described in subsection (b)(2).

(g) AMENDMENTS TO THE HOMELAND SECURITY ACT OF 2002.—

(1) ADDITIONAL RESPONSIBILITIES.—Section 462(b)(1)(L) of the Homeland Security Act of 2002 (6 U.S.C. 279(b)(1)(L)) is amended by striking the period at the end and inserting ", including regular follow-up visits to such facilities, placements, and other entities, to assess the continued suitability of such placements.".

(2) TECHNICAL CORRECTIONS.—Section 462(b) of the Homeland Security Act of 2002 (6 U.S.C. 279(b)) is amended—

(A) in paragraph (3), by striking "paragraph (1)(G)," and inserting "paragraph (1),"; and

(B) by adding at the end the following:

"(4) RULE OF CONSTRUCTION.—Nothing in paragraph (2)(B) may be construed to require that a bond be posted for an unaccompanied alien child who is released to a qualified sponsor.".

(h) DEFINITION OF UNACCOMPANIED ALIEN CHILD.—

(1) IN GENERAL.—For purposes of this section, the term ''unaccompanied alien child'' has the meaning given such term in section 462(g) of the Homeland Security Act of 2002 (6 U.S.C. 279(g)).

(2) CLARIFICATION OF DEFINITION.—For the purposes of section 462(g)(2) of the Homeland Security Act of 2002 (6 U.S.C. 279(g)(2)) and this section, a parent or legal guardian shall not be considered to be available to provide care and physical custody of an alien child unless such parent is in the physical presence of, and able to exercise parental responsibilities over, such child at the time of such child's apprehension and during the child's detention.

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

(j) APPLICABILITY.—This section shall apply to all aliens in the United States before, on, or after the date of the enactment of this Act.

(k) GRANTS AND CONTRACTS.—The Secretary of Health and Human Services may award grants to, and enter into contracts with, voluntary agencies to carry out

this section and section 462 of the Homeland Security Act of 2002 (6 U.S.C. 279).

# TITLE III—AUTHORIZATIONS OF APPROPRIATIONS

**SEC. 301. TRAFFICKING VICTIMS PROTECTION ACT OF 2000.**

Section 113 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7110) is amended—

(1) in subsection (a)—

(A) in the first sentence—

(i) by striking ''104,''; and

(ii) by striking ''$1,500,000'' and all that follows through ''2007'' and inserting ''$5,000,000 for each of the fiscal years 2008 through 2011''; and

(B) in the second sentence—

(i) by inserting ''$1,500,000 for additional personnel for each of the fiscal years 2008 through 2011'' after ''Office to Monitor and Combat Trafficking''; and

(ii) by striking ''2006 and 2007'' and inserting ''2008 through 2011'';

(2) in the first sentence of subsection (b), by striking ''$5,000,000'' and all that follows through ''2007'' and inserting ''$15,000,000 for each of the fiscal years 2008 through 2011'';

(3) in subsection (c)—

(A) in paragraph (1)—

(i) by striking ''2004, 2005, 2006, and 2007'' each place it appears and inserting ''2008 through 2011'';

(ii) in subparagraph (B)—

(I) by striking ''$15,000,000'' and inserting ''$10,000,000''; and

(II) by adding at the end the following new sentence: ''To carry out the purposes of section 107(a)(1)(F), there are authorized to be appropriated to the Secretary of State $500,000 for fiscal year 2008, $750,000 for fiscal year 2009, and $1,000,000 for each of the fiscal years 2010 and 2011.''; and

(iii) in subparagraph (C), by inserting ''(as added by section 109)'' after ''section 134 of the Foreign Assistance Act of 1961'';

(B) by striking paragraph (2);

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

(D) in paragraph (2) (as redesignated by subparagraph (C))—

(i) by striking ''section 104'' and inserting ''sections 116(f) and 502B(h) of the Foreign Assistance Act of 1961 (as added by section 104)''; and

(ii) by striking '', including the preparation'' and all that follows through ''section'';

(4) in subsection (d)—

(A) in the first sentence, by striking ''$10,000,000'' and all that follows through ''2007'' and inserting ''$15,000,000 for each of the fiscal years 2008 through 2011''; and

(B) in the second sentence, by striking ''$250,000'' and all that follows through ''2007'' and inserting ''$500,000 for each of the fiscal years 2008 through 2011'';

(5) in subsection (e)—

(A) in paragraph (1), by striking ''$5,000,000'' and all that follows through ''2007'' and inserting ''$15,000,000 for each of the fiscal years 2008 through 2011'';

(B) in paragraph (2)—

(i) by striking ''section 109'' and inserting ''section 134 of the Foreign Assistance Act of 1961 (as added by section 109)''; and

(ii) by striking ''$5,000,000'' and all that follows through ''2007'' and inserting ''$15,000,000 for each of the fiscal years 2008 through 2011''; and

(C) in paragraph (3), by striking ''$300,000'' and all that follows through ''2007'' and inserting ''$500,000 for each of the fiscal years 2008 through 2011'';

(6) in subsection (f), by striking ''$5,000,000'' and all that follows through ''2007'' and inserting ''$15,000,000 for each of the fiscal years 2008 through 2011'';

(7) in subsection (h), by striking ''fiscal year 2006'' and inserting ''each of the fiscal years 2008 through 2011''; and

(8) in subsection (i), by striking ''$18,000,000'' and all that follows through ''2007'' and inserting ''$18,000,000 for each of the fiscal years 2008 through 2011''.

**SEC. 302. TRAFFICKING VICTIMS PROTECTION REAUTHORIZATION ACT OF 2005.**

The Trafficking Victims Protection Reauthorization Act of 2005 (Public Law 109–164) is amended—

(1) in paragraph (7) of section 102(b), by striking ''2006 and 2007'' and inserting ''2008 through 2011'';

(2) in subsection (b) of section 105, by adding at the end the following new paragraph:

''(3) AUTHORIZATION OF APPROPRIATIONS.—To carry out this subsection, there are authorized to be appropriated to the Secretary of Labor $1,000,000 for each of the fiscal years 2008 through 2011.'';

(3) in subsection (c) of section 201—

(A) in paragraph (1), by striking ''$2,500,000 for each of the fiscal years 2006 and 2007'' each place it appears and inserting ''$3,000,000 for each of the fiscal years 2008 through 2011''; and

(B) in paragraph (2), by striking ''$1,000,000'' and all that follows through ''2007'' and inserting ''$1,000,000 for each of the fiscal years 2008 through 2011'';

(4) in subsection (d) of section 202, by striking ''$10,000,000'' and all that follows through ''2007''

and inserting ''$15,000,000 for each of the fiscal years 2008 through 2011'';

(5) in subsection (g) of section 203, by striking ''$5,000,000'' and all that follows through ''2007'' and inserting ''$5,000,000 for each of the fiscal years 2008 through 2011''; and

(6) in subsection (d) of section 204, by striking ''$25,000,000'' and all that follows through ''2007'' and inserting ''$25,000,000 for each of the fiscal years 2008 through 2011''.

**SEC. 303. RULE OF CONSTRUCTION.**

The amendments made by sections 301 and 302 shall not be construed to affect the availability of funds appropriated pursuant to the authorizations of appropriations under the Trafficking Victims Protection Act of 2000 (division A of Public Law 106–386; 22 U.S.C. 7101 et seq.) and the Trafficking Victims Protection Reauthorization Act of 2005 (Public Law 109–164) before the date of the enactment of this Act.

**SEC. 304. TECHNICAL AMENDMENTS.**

(a) TRAFFICKING VICTIMS PROTECTION ACT OF 2000.—Sections 103(1) and 105(d)(7) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102(1) and 7103(d)(7)) are amended by striking ''Committee on

International Relations'' each place it appears and inserting ''Committee on Foreign Affairs''.

(b) TRAFFICKING VICTIMS PROTECTION REAUTHORIZATION ACT OF 2005.—Section 102(b)(6) and subsections (c)(2)(B)(i) and (e)(2) of section 104 of the Trafficking Victims Protection Reauthorization Act of 2005 (Public Law 109–164) are amended by striking ''Committee on International Relations'' each place it appears and inserting ''Committee on Foreign Affairs''.

# TITLE IV—PREVENTION OF THE USE OF CHILD SOLDIERS

**SEC. 401. SHORT TITLE.**

This title may be cited as the ''Child Soldier Prevention Act of 2007''.

**SEC. 402. DEFINITIONS.**

In this title:

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

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

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

(2) CHILD SOLDIER.—Consistent with the provisions of the Optional Protocol, the term ''child soldier''—

(A) means—

(i) any person under age 18 who takes a direct part in hostilities as a member of governmental armed forces;

(ii) any person under age 18 who has been compulsorily recruited into governmental armed forces;

(iii) any person under age 15 voluntarily recruited into governmental armed forces; and

(iv) any person under age 18 recruited or used in hostilities by armed forces distinct from the armed forces of a state; and

(B) includes any person described in clauses (ii), (iii), and (iv) of subparagraph (A) who is serving in any capacity, including in a support role such as a cook, porter, messenger, medic, guard, or sex slave.

(3) OPTIONAL PROTOCOL.—The term ''Optional Protocol'' means the Optional Protocol to the Convention on the Rights of the Child on the Involve-

ment of Children in Armed Conflict, which establishes 18 as the minimum age for conscription or forced recruitment and requires states party to ensure that members of their armed forces under the age of 18 do not take a direct part in hostilities

(4) UNITED STATES MUNITIONS LIST.—The term ''United States Munitions List'' means the list referred to in section 38(a)(1) of the Arms Export Control Act (22 U.S.C. 2778(a)(1)).

**SEC. 403. FINDINGS.**

Congress makes the following findings:

(1) According to the September 7, 2005, report to the General Assembly of the United Nations by the Special Representative of the Secretary-General for Children and Armed Conflict, ''In the last decade, two million children have been killed in situations of armed conflict, while six million children have been permanently disabled or injured. Over 250,000 children continue to be exploited as child soldiers and tens of thousands of girls are being subjected to rape and other forms of sexual violence.''.

(2) According to the Center for Emerging Threats and Opportunities (CETO), Marine Corps Warfighting Laboratory, ''The Child Soldier Phenomenon has become a post-Cold War epidemic that

has proliferated to every continent with the exception of Antarctica and Australia.''.

(3) Many of the children currently serving in armed forces or paramilitaries were forcibly conscripted through kidnapping or coercion, a form of human trafficking, while others joined military units due to economic necessity, to avenge the loss of a family member, or for their own personal safety.

(4) Some military and militia commanders force child soldiers to commit gruesome acts of ritual killings or torture, including acts of violence against other children.

(5) Many female child soldiers face the additional psychological and physical horrors of rape and sexual abuse, enslavement for sexual purposes by militia commanders, and severe social stigma should they return home.

(6) Some military and militia commanders target children for recruitment because of their psychological immaturity and vulnerability to manipulation and indoctrination. Children are often separated from their families in order to foster dependence on military units and leaders. Consequently, many of these children suffer from deep trauma and are in need of psychological counseling and rehabilitation.

(7) Child soldiers are exposed to hazardous conditions and are at risk of physical injury and disability, psychological trauma, sexually transmitted diseases, respiratory and skin infections, and often death.

(8) On May 25, 2000, the United Nations adopted and opened for signature, ratification, and accession the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict.

(9) On June 18, 2002, the Senate unanimously approved the resolution advising and consenting to the ratification of the Optional Protocol.

(10) On December 23, 2002, the United States presented the ratified Optional Protocol to the United Nations.

(11) More than 110 governments worldwide have ratified the Optional Protocol, establishing a clear international norm concerning the use of children in combat.

(12) On December 2, 1999, the United States ratified International Labour Convention 182, the Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms

of Child Labour, which includes the use of child soldiers among the worst forms of child labor.

(13) On October 7, 2005, the Senate gave its advice and consent to the ratification of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime.

(14) It is in the national security interest of the United States to reduce the chances that members of the United States Armed Forces will be forced to encounter children in combat situations.

(15) Section 502B(a)(3) of the Foreign Assistance Act of 1961 (22 U.S.C. 2304(a)(3)) provides that ''the President is directed to formulate and conduct international security assistance programs of the United States in a manner which will promote and advance human rights and avoid identification of the United States, through such programs, with governments which deny to their people internationally recognized human rights and fundamental freedoms, in violation of international law or in contravention of the policy of the United States as expressed in this section or otherwise''.

**SEC. 404. SENSE OF CONGRESS.**

It is the sense of Congress that—

(1) the United States Government should condemn the conscription, forced recruitment or use of children by governments, paramilitaries, or other organizations in hostilities;

(2) the United States Government should support and, where practicable, lead efforts to establish and uphold international standards designed to end this abuse of human rights;

(3) the United States Government should expand ongoing services to rehabilitate recovered child soldiers and to reintegrate them back into their communities by—

(A) offering ongoing psychological services to help victims recover from their trauma and relearn how to deal with others in nonviolent ways such that they are no longer a danger to their community;

(B) facilitating reconciliation with their communities through negotiations with traditional leaders and elders to enable recovered abductees to resume normal lives in their communities; and

(C) providing educational and vocational assistance;

(4) the United States should work with the international community, including, where appropriate, third country governments, nongovernmental organizations, faith-based organizations, United Nations agencies, local governments, labor unions, and private enterprise—

(A) on efforts to bring to justice rebel organizations that kidnap children for use as child soldiers, including the Lord's Resistance Army (LRA) in Uganda, Fuerzas Armadas Revolucionarias de Colombia (FARC), and Liberation Tigers of Tamil Eelam (LTTE), including, where feasible, by arresting the leaders of such groups; and

(B) on efforts to recover those children who have been abducted and to assist them in their rehabilitation and reintegration into communities;

(5) the Secretary of State, the Secretary of Labor, and the Secretary of Defense should coordinate programs to achieve the goals specified in paragraph (3), and in countries where the use of child soldiers is an issue, whether or not it is supported or sanctioned by the governments of such countries, United States diplomatic missions should include in

their mission program plans a strategy to achieve the goals specified in such paragraph;

(6) United States diplomatic missions in countries in which governments use or tolerate child soldiers should develop, as part of annual program planning, strategies to promote efforts to end this abuse of human rights; and

(7) in allocating or recommending the allocation of funds or recommending candidates for programs and grants funded by the United States Government, United States diplomatic missions should give serious consideration to those programs and candidates deemed to promote the end to this abuse of human rights.

**SEC. 405. PROHIBITION ON PROVISION OF MILITARY ASSISTANCE TO FOREIGN GOVERNMENTS THAT RECRUIT OR USE CHILD SOLDIERS.**

(a) IN GENERAL.—Subject to subsections (b), (c), and (d), none of the funds made available to carry out sections 516 or 541 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j or 2347) or section 23 of the Arms Export Control Act (22 U.S.C. 2763) may be used to provide assistance to, and no item on the United States Munition List may be exported to, the government of a country that the Secretary of State determines has governmental armed

forces or government supported armed groups, including paramilitaries, militias, or civil defense forces, that recruit or use child soldiers.

(b) PUBLICATION OF LIST OF FOREIGN GOVERNMENTS AND NOTIFICATION TO FOREIGN GOVERNMENTS.—

(1) PUBLICATION OF LIST OF FOREIGN GOVERNMENTS.—The Secretary of State shall include a list of the foreign governments subject to the prohibition in subsection (a) in the report required by section 110(b) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7107(b)).

(2) NOTIFICATION TO FOREIGN GOVERNMENTS.—The Secretary of State shall formally notify each foreign government subject to the prohibition in subsection (a).

(c) NATIONAL INTEREST WAIVER.—

(1) WAIVER.—The President may waive the application to a foreign government of the prohibition in subsection (a) if the President determines that such waiver is in the interest of the United States.

(2) PUBLICATION AND NOTIFICATION.—The President shall publish each waiver granted under paragraph (1) in the Federal Register and shall notify the appropriate congressional committees of

each such waiver, including the justification for the waiver, in accordance with the regular notification procedures of such committees.

(d) REINSTATEMENT OF ASSISTANCE.—The President may provide to a foreign government assistance otherwise prohibited under subsection (a) upon certifying to the appropriate congressional committees that the foreign government—

(1) has implemented effective measures to come into compliance with the standards of this title; and

(2) has implemented effective policies and mechanisms to prohibit and prevent future use of child soldiers and to ensure that no children are recruited, conscripted, or otherwise compelled to serve as child soldiers.

(e) EXCEPTIONS.—

(1) ASSISTANCE TO ADDRESS THE PROBLEM OF CHILD SOLDIERS AND PROFESSIONALIZATION OF THE MILITARY.—

(A) IN GENERAL.—The President may provide to a foreign government assistance under section 541 of the Foreign Assistance Act of 1961 (22 U.S.C. 2347; relating to international military education and training) otherwise prohibited under subsection (a) upon certi-

fying to the appropriate congressional committees that—

(i) the government is implementing effective measures to demobilize child soldiers in its forces or in government supported paramilitaries and to provide demobilization, rehabilitation, and reintegration assistance to those former child soldiers; and

(ii) the assistance provided by the United States Government to the government will go to programs that will directly support professionalization of the military.

(B) LIMITATION.—The exception under subparagraph (A) may not remain in effect for more than 2 years following the date of notification specified in subsection (b)(2).

(2) ASSISTANCE TO FURTHER COOPERATION WITH THE UNITED STATES TO COMBAT INTERNATIONAL TERRORISM.—The President may provide to a foreign government assistance under any provision of law specified in subsection (a) if the purpose of the assistance is specifically designed to further cooperation between the United States and the foreign government to combat international terrorism.

(f) EFFECTIVE DATE; APPLICABILITY.—This section takes effect 180 days after the date of the enactment of this Act and shall apply to funds made available for the first fiscal year beginning after such effective date and each subsequent fiscal year.

**SEC. 406. REPORTS.**

(a) PREPARATION OF REPORTS REGARDING CHILD SOLDIERS.—The Secretary of State shall ensure that United States missions abroad thoroughly investigate reports of the use of child soldiers in the countries in which such missions are located.

(b) INFORMATION FOR ANNUAL HUMAN RIGHTS REPORTS.—In preparing those portions of the Department of State's annual Country Reports on Human Rights Practices that relate to child soldiers, the Secretary of State shall ensure that such portions include a description of the use of child soldiers in each foreign country, including—

(1) trends toward improvement in such country of the status of child soldiers or the continued or increased tolerance of such practices; and

(2) the role of the government of such country in engaging in or tolerating the use of child soldiers.

(c) NOTIFICATION TO CONGRESS.—Not later than June 15 of each year for 10 years following the date of

the enactment of this Act, the President shall submit to the appropriate congressional committees—

(1) a list of any waivers or exceptions exercised under section 405;

(2) a justification for those waivers and exceptions; and

(3) a description of any assistance provided pursuant to section 405.

(d) REPORT ON IMPLEMENTATION OF TITLE.—Not later than 180 days after the date of the enactment of this Act, the President shall submit to appropriate congressional committees a report setting forth a strategy for achieving the policy objectives of this title, including a description of an effective mechanism for coordination of United States Government efforts to implement this strategy.

(e) REPORT ON CHILD SOLDIERS IN BURMA.—Not later than 120 days after the date of enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees a report of the recruitment and use of child soldiers by the governmental armed forces or government-supported armed groups of the Government of Burma, including paramilitaries, militias, or civil defense forces.

**SEC. 407. TRAINING FOR FOREIGN SERVICE OFFICERS.**

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

''(c) The Secretary of State, with the assistance of other relevant officials, shall establish as part of the standard training provided after January 1, 2008, for members of the Service, including chiefs of mission, instruction on matters related to child soldiers and the terms of the Child Soldier Prevention Act of 2007.''.

○

Chairman LANTOS. The chair recognizes himself to explain the bill. As members of the committee heard last week, the scourge of human trafficking remains a large and ever-expanding global problem. It is the world's fastest-growing, international organized crime and one of the most profitable, yielding up to $7 billion in profits every single year.

Every year, traffickers move between 700,000 and 2 million women and children across international borders for the purpose of serving the sex trade and into forced labor.

Last week, in the committee, we heard testimony about children in prostitution in Cambodia, and the trafficking survivor spoke to us about her 4-year experience with slavery and abuse right here in Washington, DC.

I was also struck by the consensus that our witnesses expressed about what needs to be done to further combat trafficking, much of which is in the bill we are now considering. The legislation before the committee today continues the committee's past efforts, under the leadership of our distinguished colleague, my good friend from New Jersey, Mr. Smith, to prevent trafficking, protect victims, and prosecute perpetrators.

I am very pleased that we are continuing to work together in a bipartisan way to further amplify U.S. and international efforts to combat human trafficking. H.R. 3887, The William Wilberforce Trafficking Victims Protection Reauthorization Act of 2007, provides a wide-ranging set of new initiatives to prevent trafficking abroad, protect victims here in the United States, and prosecute perpetrators around the globe.

Some of the key provisions include requiring a comprehensive analysis of trafficking data to help us better understand where victims are actually going and how to free them; providing more help for countries to inspect locations where forced labor occurs; to register vulnerable populations and to provide more protection to foreign workers; ensuring that U.S. assistance programs are transparent and effective; urging the administration to work with our friends to reach agreements between labor exporters and labor importers so that vulnerable workers have more rather than less protection; creating a zero-tolerance policy for diplomats who abuse their workers; and, finally, addressing the issue of child soldiers.

I urge all of my colleagues to join me in supporting this very important legislation, and I now yield to my friend from Florida, the ranking member and the key sponsor of this legislation.

Ms. ROS-LEHTINEN. Thank you so much, Mr. Chairman. As you had stated, and as underscored in the heart-breaking testimony that we heard at last week's hearing, human trafficking is a scourge that continues to rob countless men and women, especially children, of their security, their freedom, and their dignity.

Mr. Chairman, I want to thank you for your leadership in introducing this bill, which I am proud to co-sponsor. I commend the diligence and the dedication of your staff and look forward to your continued cooperation as we move this ambitious bill forward in the legislative process. And I also want to recognize the singular leadership of my good friend from New Jersey, Mr. Chris Smith, the author of the original Trafficking Victims Protection Act of 2000, which this bill reauthorizes and expands, and, with that, I

would like to yield my time, Mr. Chairman, to the gentleman from New Jersey.

Mr. SMITH OF NEW JERSEY. Thank you very much, Mr. Chairman and to Ranking Member Ros-Lehtinen.

This is truly a bipartisan piece of legislation. It is one of those issues where there has been no gap between us on either side of the aisle. It has united conservatives, moderates, and liberals in a grand fight to combat the scourge of modern-day slavery.

I think it is particularly appropriate that you named it after William Wilberforce, the leader in the House of Commons who led the fight against slavery and lost battle after battle in the House of Commons through all kinds of treachery. Those of you who have read any of the books about his life know that he was a praying man, a fasting man, and never gave up in his fight to end slavery in the U.K., all of its colonies, the Caribbean and everywhere else where they had an impact. So it is very appropriate, I think, that you have so designated this piece of legislation.

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

Chairman LANTOS. Without objection.

[The prepared statement of Mr. Smith follows:]

PREPARED STATEMENT OF THE HONORABLE CHRISTOPHER H. SMITH, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW JERSEY

In supporting the Trafficking Victims Protection Act, as well as its first and second reauthorizations in 2003 and 2005, respectively, you, Mr. Chairman, and this Committee have demonstrated a commitment to eradicate the scourge of modern day slavery and to bring healing to its victims.

Mr. Chairman, this legislation, H.R. 3887, will continue the progress begun by the Trafficking Victims Protection Act (TVPA) of 2000 and its subsequent re-authorizations, which helped transform the way our Government, the private sector, and governments around the world respond to the crime of trafficking.

Since enactment of the TVPA, the traffickers here and abroad are increasingly likely to face prosecution and conviction. In contrast to the six-year period before its enactment, the Department of Justice has in the last 6 years prosecuted 360 defendants compared to 89, representing a more than 300% increase; secured 238 convictions and guilty pleas, a 250% increase from the 67 obtained previously; and opened 639 new investigations, an almost 400% increase from the 128 opened prior to implementation of the trafficking legislation.

Worldwide, nearly 6,000 traffickers were prosecuted last year, and more than 3,000 were convicted. And international organizations are taking important measures to address factors that contribute to trafficking. For example, the United Nations Department for Peacekeeping Operations has established a secure Web-based software program to track all sexual exploitation and abuse cases, and to ensure that those personnel who have been dismissed or repatriated for sexual exploitation and abuse violations are barred from serving in future UN missions.

The importance of this bi-partisan effort to confront human trafficking on a global scale is apparent not only from the evidence of the appalling physical and psychological wounds inflicted on its victims. In addition to being one of the most appalling human rights abuses of our time, trafficking is contributing to one of the greatest pandemics of our time. As indicated in the State Department's 2007 Trafficking in Persons Report, both prostitution and sex trafficking contribute to the spread of HIV/AIDS. The Report cites as an example the astonishing statistic that over 70 % of the women prostituted in South Africa are infected with HIV. This correlation between prostitution and sex trafficking and HIV prevalence rates will be important for this Committee to keep in mind as we prepare to re-authorize the President's Emergency Plan for AIDS Relief.

In addition to re-authorizing the Trafficking Victims Protection Act of 2000, the bill before us contains a number of important provisions that will further strengthen our goals of prosecution, protection and prevention. One such provision amends the section relating to the countries on the Special Watch List by limiting the period a country can remain on the Watch List to two years, subject to certain qualifica-

tions. This provision reflects the original congressional intent that the watch list serve as an impetus to countries that are not complying with the minimum standards for the elimination of trafficking to commit the political will and resources necessary to seriously address this human rights abuse.

The bill also incorporates the key provisions of H.R. 3028, the Child Soldier Prevention Act of 2007, introduced in the House by my good friend and colleague Representative Jeff Fortenberry, and which I had the honor to co-sponsor. These provisions condemn the conscription, forced recruitment or use of children by governments, paramilitaries, or other organizations in hostilities. They also urge our government to lead efforts to uphold international standards to end this human rights abuse and to expand efforts to recover and reintegrate child soldiers into their communities. This legislation correctly includes this horrific form of exploitation of children as trafficking and therefore as a human rights violation to be recognized and confronted by the international community.

I urge my colleagues to support these and the other important provisions of this bill. I yield back the balance of my time.

Mr. SMITH OF NEW JERSEY. TVPA of 2000 and its follow-up authorizations and this one as well have really led the effort, not just here in the United States but globally. The three-pronged strategy is on prevention, prosecution, and the effort to really take this overseas and ensure that other countries enact similar legislation so that there is a seamlessness to this effort.

Since the enactment of the TVPA, traffickers here and abroad are increasingly likely to face prosecution and conviction. In the 6-year period before the enactment, the Department of Justice had 89 cases, and in the 6 years following its enactment, they have prosecuted 360 cases, representing a 300 percent increase. Worldwide, 6,000 traffickers were prosecuted last year, and more than 3,000 were convicted.

We have, I think, made a very, very strong effort to make this a global effort, and, again, this legislation takes that one very significant step further.

Finally, it also incorporates key provisions of the Child Soldiers Prevention Act of 2007, introduced in the House by our friend and colleague, Jeff Fortenberry, and I want to thank you for including that and providing a vehicle to move that legislation forward as well. I yield back the balance of my time.

Chairman LANTOS. I have a series of perfecting amendments at the desk. The clerk will designate the amendments.

Ms. RUSH. Amendment to H.R. 3887 offered by Mr. Lantos of California. Page 5, line 22, insert "solely" after "responsible." Page 6, line 17, strike "and the mission—"

[The information referred to follows:]

## AMENDMENT TO H.R. 3887

## OFFERED BY MR. LANTOS OF CALIFORNIA

Page 5, line 22, insert "solely" after "responsible".

Page 6, line 17, strike "and the mission of the Office" and insert "and the broad and historic mission of the Office to end modern-day slavery".

Page 8, line 7, strike "provided" the first place it appears and insert "providing".

Page 10, line 7, insert "the number of" before "individuals".

Page 10, line 10, strike "person" and insert "persons".

Page 10, line 14, strike "evolve" and insert "affect the nature and severity of trafficking and change the fundamental conditions that facilitate trafficking".

Page 12, beginning on line 5, strike "establish performance indicators to be used in measuring and assessing" and insert "ensure that performance indicators are used for each United States program authorized by this division and the amendments made by this division to measure and assess".

Page 12, after line 20, insert the following:

"(d) CONSISTENCY WITH OTHER PROGRAMS.—The President shall take steps to ensure that the design, monitoring, and evaluation of United States assistance programs for emergency relief, development, and poverty alleviation under part I and chapter 4 of part II of the Foreign Assistance Act of 1961 and other similar United States assistance programs are carried out in a manner that takes into account and are consistent with United States policies and other United States programs relating to combatting trafficking in persons.".

Page 12, line 21, strike "(d)" and insert "(e)".

Page 13, strike lines 3 through 21 and insert the following:

(a) MINIMUM STANDARDS.—Subsection (a) of section 108 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7106) is amended in the matter preceding paragraph (1) by striking "a significant number of".

Page 15, beginning on line 19, strike "provides to the appropriate congressional committees credible evidence" and insert "determines".

Page 16, strike lines 3 through 6 and insert "plan, and, as part of the report required by paragraph (1) and

the interim assessment required by subparagraph (B), the Secretary provides to the appropriate congressional committees credible evidence that the country meets the requirements of clauses (i) through (iii). The Secretary may make a determination under the preceding sentence with respect to a country for not more than two consecutive years.".

Page 17, line 22, strike "purpose" and insert "purposes of improving coordination of the collection of data related to trafficking in persons by each agency of the United States Government that collects such data, promoting uniformity of such data collection and standards systems related to such collection, and".

Page 18, line 20, strike "individuals" and insert "individuals or organizations".

Page 18, line 21, strike "foreign nationals" and insert "United States citizens or foreign nationals and United States or foreign nongovernmental organizations".

Page 18, beginning on line 24, strike "The criteria" and all that follows through line 2 on page 19.

Page 19, beginning on line 21, strike "information" and all that follows through line 23 and insert "received, both orally in a language that the applicant understands

and though the pamphlet required under section 202, information relating to the following:".

Page 21, line 6, after "review" insert "with the applicant".

Page 24, line 12, strike "because" and insert "and".

Page 25, line 12, add at the end the following: "Such report may be combined with the annual report required by section 110(b) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7107(b)).".

Page 26, line 2, strike "September 30, 2008" and insert "January 15, 2009".

Page 40, lines 20 and 25, strike "Act" each place it appears and insert "subsection".

Page 41, line 4, strike "Act" and insert "subsection".

Page 53, line 9, strike "edibility" and insert "eligibility".

Page 65, line 18, strike "a offense" and insert "an offense".

Page 68, line 19, strike "Section 2421" and insert "Section 2422(a)".

Page 68. line 21, strike "individual" and insert "travel".

Page 81, after line 19, insert the following:

(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as affecting or derogating from the responsibilities of the Senior Policy Operating Group established by section 206 of the Trafficking Victims Protection Reauthorization Act of 2005.

Page 81, line 20, strike "(c)" and insert "(d)".

Page 112, line 11, strike "15" and insert "16".

Page 117, line 19, after "community" insert ", taking into consideration the needs of girl soldiers, who may be at risk of exclusion from disarmament, demobilization, and reintegration programs".

Page 119, line 7, after "human rights" insert ", identifying and integrating global best practices, as available, into such strategies to avoid duplication of effort".

Amend the title so as to read: "A bill to authorize appropriations for fiscal years 2008 through 2011 for the Trafficking Victims Protection Act of 2000, to enhance measures to combat trafficking in persons, and for other purposes.".

Chairman LANTOS. Without objection, the amendments will be considered en bloc and will be considered as read. The chair is recognized for 5 minutes to explain the amendments.

These amendments are, for the most part, minor, clarifying or technical in nature and correct several errors that have been found in the text. They include suggestions by several members, including Mr. Fortenberry, and have been cleared by both sides.

Does anyone want to be recognized to speak on the amendment?

[No response.]

Chairman LANTOS. If not, the question is on the amendment. All in favor, say aye.

[A chorus of ayes.]

Chairman LANTOS. All opposed, say no. The ayes have it.

Are there any other amendments? Ms. Woolsey?

Ms. WOOLSEY. Thank you, Mr. Chairman. I just wanted to comment and thank you and Congressman Smith for the leadership on this issue and thank Congressman Smith for his steadfast commitment to human rights.

It is essential that we reauthorize this bill and accept that antitrafficking efforts of our Government have not gone quite far enough, need to go much farther. They touch the lives of people every single day, and these are not faceless people. These are real children, real women, and sexual slavery, slave labor for children just cannot be tolerated.

I am going to vote for it. I think this is a great bill, but between now and the floor, Mr. Chairman, I would like to work with you and talk about an amendment that would strengthen the protection for victims of trafficking so that they are absolutely ensured that they are safe so that they will speak out. Maybe I have missed in this bill what does that as well as I think it should, but I would like to ask you to work with me on an amendment before we get to the floor.

Chairman LANTOS. I would be very pleased to do so.

Ms. WOOLSEY. Thank you very much.

Chairman LANTOS. Any other colleague with an amendment?

Ms. JACKSON LEE. Mr. Chairman?

Chairman LANTOS. Ms. Sheila Jackson Lee.

Ms. JACKSON LEE. I do not have an amendment at this time. I simply want to briefly thank the chairman and the ranking member and Mr. Smith for the provisions covering child soldiers, and, just to recount, two countries, in particular, Sierra Leone and Liberia, have to be two of the worst examples of abusing children as child soldiers, and the remnants of that continue to plague those countries trying to now integrate those child soldiers back into society.

It is a violent life, it is a vicious life, and this legislation, by reauthorizing the protection of those children, is vital. Thank you for what it does for labor conditions and the protection of women who are subjected to the violence of human trafficking. I yield back and ask my colleagues to support the bill. I yield back.

Chairman LANTOS. Thank you. The gentleman from Indiana, Mr. Burton.

Mr. BURTON. Thank you, Mr. Chairman. I just briefly want to say something about the name that this bill has on it, William Wilberforce.

I just finished a book called *Amazing Grace*, and I hope everybody will get the opportunity to read it. This man is not known by an awful lot of people in this country or in the world, but he is probably one of the greatest men who ever lived, and I really mean that. What he did for humanity and to eliminate repressive acts and slave trading is just unbelievable. He spent his whole life doing that, and I just want to say that everybody ought to know who he is, and everybody, if they get an opportunity, ought to read that book. It is called *Amazing Grace*, and I strongly support this bill.

Chairman LANTOS. I thank my friend from Indiana. Mr. Fortenberry?

Mr. FORTENBERRY. Thank you, Mr. Chairman. I do very much appreciate your leadership on this very important legislation to prevent human trafficking, prosecute perpetrators of this most vicious set of crimes, and bring support and healing to victims.

I wish to focus my comments as well on one particular aspect of the bill which addresses the use of child soldiers, one of the most egregious human rights violations of our time. It is estimated that more than 250,000 children are currently exploited as child soldiers, and tens of thousands of girls are subjected to rape and other forms of sexual violence as a result of this heinous practice.

In many areas throughout the world, children who "volunteer" as child soldiers often do so because they are desperate to survive in combat-ravaged regions where their families and every semblance of community support have been devastated.

Mr. Chairman, children belong on playgrounds and not battlegrounds, and as you have kindly mentioned, I have submitted legislation, along with Mr. Payne of New Jersey, which did build on previous efforts of Mr. Smith of New Jersey as well, urging the U.S. Government to take action against foreign governments and paramilitaries that coerce children into combat, and I am very grateful and pleased that this language has been included in your human trafficking bill. Thank you.

Chairman LANTOS. Thank you, Mr. Fortenberry. It is a sheer joy to work on a bipartisan piece of legislation. We always do our best job when we work together.

The chairman is prepared to receive a motion.

Mr. BERMAN. Mr. Chairman, I move the favorable recommendation of H.R. 3887, as amended, to the House.

Chairman LANTOS. The question occurs on the motion by the gentleman from California to report H.R. 3887, as amended, favorably to the House. All in favor, say aye.

[A chorus of ayes.]

Chairman LANTOS. All opposed, say no. The ayes have it, and the motion is adopted.

Without objection, the bill will be reported as a single amendment in the nature of a substitute incorporating the amendments adopted by the committee, and the staff is directed to make any technical and conforming amendments.

Pursuant to notice, I call up the bill, H.R. 275, The Global Online Freedom Act, for purposes of markup and move its favorable recommendation to the House. Without objection, the amendment in the nature of a substitute before the members will be considered as the base text for purposes of amendment. It will be considered as read and open for amendment at any point.

[The information referred to follows:]

I

110TH CONGRESS
1ST SESSION

# H. R. 275

To promote freedom of expression on the Internet, to protect United States businesses from coercion to participate in repression by authoritarian foreign governments, and for other purposes.

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IN THE HOUSE OF REPRESENTATIVES

JANUARY 5, 2007

Mr. SMITH of New Jersey (for himself and Mr. WOLF) introduced the following bill; which was referred to the Committee on Foreign Affairs, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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# A BILL

To promote freedom of expression on the Internet, to protect United States businesses from coercion to participate in repression by authoritarian foreign governments, and for other purposes.

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

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

(a) SHORT TITLE.—This Act may be cited as the ''Global Online Freedom Act of 2007''.

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

Sec. 1. Short title; table of contents.
Sec. 2. Findings.
Sec. 3. Definitions.
Sec. 4. Severability.

TITLE I—PROMOTION OF GLOBAL INTERNET FREEDOM

Sec. 101. Statement of policy.
Sec. 102. Sense of Congress.
Sec. 103. Annual Country Reports on Human Rights Practices.
Sec. 104. Office of Global Internet Freedom.
Sec. 105. Annual designation of Internet-restricting countries; report.

TITLE II—MINIMUM CORPORATE STANDARDS FOR ONLINE FREEDOM

Sec. 201. Protection of personally identifiable information.
Sec. 202. Integrity of personally identifiable information.
Sec. 203. Transparency regarding search engine filtering.
Sec. 204. Transparency regarding Internet censorship.
Sec. 205. Protection of United States-supported online content.
Sec. 206. Penalties.
Sec. 207. Presidential waiver.

TITLE III—EXPORT CONTROLS FOR INTERNET-RESTRICTING COUNTRIES

Sec. 301. Feasibility study on establishment of export controls.
Sec. 302. Report.

**SEC. 2. FINDINGS.**

Congress makes the following findings:

(1) Freedom of speech and freedom of the press are fundamental human rights, and free flow of information on the Internet is protected in Article 19 of the Universal Declaration of Human Rights, which guarantees freedom to ''receive and impart information and ideas through any media regardless of frontiers''.

(2) The Internet has been a success because it quickly provides information to its more than 972,000,000 users globally.

(3) The growth of the Internet and other information technologies can be a force for democratic change if the information is not subject to political censorship.

(4) The Internet has played a role in bringing international attention to issues the discussion of which are forbidden by authoritarian foreign governments, such as attempts by the Government of the People's Republic of China to suppress news of the severe acute respiratory syndrome (SARS) outbreak in 2004.

(5) The rapid provision of full and uncensored information through the Internet has become a major industry of the United States, and one of its major exports.

(6) Political censorship of the Internet degrades the quality of that service and ultimately threatens the integrity and viability of the industry itself, both in the United States and abroad.

(7) Authoritarian foreign governments such as the Governments of Belarus, Cuba, Ethiopia, Iran, Laos, North Korea, the People's Republic of China,

Tunisia, and Vietnam block, restrict, and monitor the information their citizens try to obtain.

(8) Web sites that provide uncensored news and information, such as the Web sites of the Voice of America and Radio Free Asia, are routinely blocked in such countries.

(9) In June 2003, the Government of the Socialist Republic of Vietnam arrested, convicted of ''spying'', and sentenced to 13 years imprisonment and 3 years house arrest (later reduced on appeal to 5 years imprisonment and 3 years house arrest) Dr. Pham Hong Son after he translated an Internet article titled ''What is Democracy'' from the Web site of the United States Embassy in Vietnam.

(10) According to the Department of State's Country Reports on Human Rights Practices, the Government of Vietnam in 2004 tightened control of the Internet, requiring Internet agents, such as cyber cafes, to register the personal information of their customers and store records of Internet sites visited by customers. The Vietnamese Government also monitored electronic mail, searched for sensitive key words, and regulated Internet content.

(11) The Government of the People's Republic of China has employed censorship of the Internet in

violation of Article 35 of the Chinese Constitution, which guarantees freedom of speech, freedom of the press, freedom of assembly, freedom of association, freedom of procession, and freedom of demonstration.

(12) This censorship by the Chinese Government promotes, perpetuates, and exacerbates a xenophobic—and at times particularly anti-American—Chinese nationalism, the long-term effect of which will be deleterious to United States efforts to prevent the relationship between the United States and China from becoming hostile.

(13) Technology companies in the United States that operate in countries controlled by authoritarian foreign governments have a moral responsibility to comply with the principles of the Universal Declaration of Human Rights.

(14) Technology companies in the United States have succumbed to pressure by authoritarian foreign governments to provide such governments with information about Internet users that has led to the arrest and imprisonment of cyber dissidents, in violation of the corporate responsibility of such companies to protect and uphold human rights.

(15) Technology companies in the United States have provided technology and training to authoritarian foreign governments which have been used by such governments in filtering and blocking information that promotes democracy and freedom.

(16) Technology companies in the United States should develop standards by which they can conduct business with authoritarian foreign governments while protecting human rights to freedom of speech and freedom of expression.

(17) The United States supports the universal right to freedom of speech and freedom of the press.

**SEC. 3. DEFINITIONS.**

In this Act:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—Except as otherwise provided in this Act, the term ''appropriate congressional committees'' means—

(A) the Committee on International Relations of the House of Representatives; and

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

(2) FOREIGN OFFICIAL.—

(A) IN GENERAL.—The term ''foreign official'' means—

(i) any officer or employee of a foreign government or any department, agency, state-owned enterprise, or instrumentality thereof; or

(ii) any person acting in an official capacity for or on behalf of any such government or department, agency, state-owned enterprise, or instrumentality.

(B) STATE-OWNED ENTERPRISE.—For purposes of subparagraph (A), the term ''state-owned enterprise'' means a commercial entity in which a foreign government owns, directly or indirectly, more than 50 percent of the outstanding capital stock or other beneficial interest in such commercial entity.

(3) INTERNET.—The term ''Internet'' means the combination of computer facilities, telecommunications facilities, electromagnetic transmission media, and related equipment and software, comprising the interconnected worldwide network of computer networks that employ the Transmission Control Protocol/Internet Protocol or any successor protocol to transmit information.

(4) INTERNET CONTENT HOSTING SERVICE.—The terms ''Internet content hosting service'' and ''content hosting service'' mean a service that—

(A) stores, through electromagnetic or other means, electronic data, including the content of Web pages, electronic mail, documents, images, audio and video files, online discussion boards, and Web logs; and

(B) makes such data available via the Internet.

(5) INTERNET JAMMING.—The term ''Internet jamming'' means jamming, censoring, blocking, monitoring, or restricting access to the Internet, or to content made available via the Internet, by using technologies such as firewalls, filters, and ''black boxes''.

(6) INTERNET-RESTRICTING COUNTRY.—The term ''Internet-restricting country'' means a country designated by the President pursuant to section 105(a) of this Act.

(7) INTERNET SEARCH ENGINE.—The term ''Internet search engine'' or ''search engine'' means a service made available via the Internet that, on the basis of query consisting of terms, concepts, questions, or other data input by a user, searches infor-

mation available on the Internet and returns to the user a means, such as a hyperlinked list of Uniform Resource Identifiers, of locating, viewing, or downloading information or data available on the Internet relating to that query.

(8) LEGITIMATE FOREIGN LAW ENFORCEMENT PURPOSES.—

(A) IN GENERAL.—The term ''legitimate foreign law enforcement purposes'' means for purposes of enforcement, investigation, or prosecution by a foreign official based on a publicly promulgated law of reasonable specificity that proximately relates to the protection or promotion of the health, safety, or morals of the citizens of that jurisdiction.

(B) RULE OF CONSTRUCTION.—For purposes of this Act, the control, suppression, or punishment of peaceful expression of political or religious opinion, which is protected by Article 19 of the International Covenant on Civil and Political Rights, does not constitute a legitimate foreign law enforcement purpose.

(9) PERSONALLY IDENTIFIABLE INFORMATION.—The term ''personally identifiable information''—

(A) includes any information described in section 2703(c)(2) of title 18, United States Code; and

(B) does not include—

(i) any traffic data (as such term is defined in section 201(b) of this Act); or

(ii) any record of aggregate data that does not identify particular persons.

(10) SUBSTANTIAL RESTRICTIONS ON INTERNET FREEDOM.—The term ''substantial restrictions on Internet freedom'' means actions that restrict or punish the free availability of information via the Internet for reasons other than legitimate foreign law enforcement purposes, including—

(A) deliberately blocking, filtering, or censoring information available via the Internet based on its peaceful political or religious content; or

(B) persecuting, prosecuting, or otherwise punishing an individual or group for posting or transmitting peaceful political or religious opinions via the Internet, including by electronic mail.

(11) UNITED STATES BUSINESS.—The term ''United States business'' means—

(A) any corporation, partnership, association, joint-stock company, business trust, unincorporated organization, or sole proprietorship that—

(i) has its principal place of business in the United States; or

(ii) is organized under the laws of a State of the United States or a territory, possession, or commonwealth of the United States;

(B) any issuer of a security registered pursuant to section 12 of the Securities Exchange Act of 1934 (15 U.S.C. 78l); and

(C) any foreign subsidiary of an entity described in subparagraph (A) or (B) to the extent such entity—

(i) controls the voting shares or other equities of the foreign subsidiary; or

(ii) authorizes, directs, controls, or participates in acts carried out by the foreign subsidiary that are prohibited by this Act.

(12) UNITED STATES-SUPPORTED CONTENT.—The term ''United States-supported content'' means content that is created or developed, in whole or in

part, by a United States-supported information entity.

(13) UNITED STATES-SUPPORTED INFORMATION ENTITY.—The term ''United States-supported information entity'' means—

(A) any authority of the Government of the United States; and

(B) any entity that—

(i) receives grants from the Broadcasting Board of Governors to carry out international broadcasting activities in accordance with the United States International Broadcasting Act of 1994 (title III of Public Law 103–236; 22 U.S.C. 6201 et seq.);

(ii) in coordination with the International Broadcasting Bureau, carries out all nonmilitary international broadcasting activities supported by the Government of the United States in accordance with such Act (other than the international broadcasting activities supported by the Broadcasting Board of Governors as specified in such Act); or

(iii) receives grants or other similar funding from the Government of the United States to carry out any information dissemination activities.

(14) UNITED STATES-SUPPORTED WEB SITE.—The term ''United States-supported Web site'' means a location on the World Wide Web that is owned or managed by, or is registered to, a United States-supported information entity.

**SEC. 4. SEVERABILITY.**

If any provision of this Act, or the application of such provision to any person or circumstance, is held invalid, the remainder of this Act, and the application of such provision to other persons not similarly situated or to other circumstances, shall not be affected by such invalidation.

# TITLE I—PROMOTION OF GLOBAL INTERNET FREEDOM

**SEC. 101. STATEMENT OF POLICY.**

It shall be the policy of the United States—

(1) to promote as a fundamental component of United States foreign policy the right of everyone to freedom of opinion and expression, including the freedom to hold opinions without interference and to seek, receive, and impart information and ideas through any media and regardless of frontiers;

(2) to use all appropriate instruments of United States influence, including diplomacy, trade policy, and export controls, to support, promote, and strengthen principles, practices, and values that promote the free flow of information, including through the Internet and other electronic media; and

(3) to deter any United States business from cooperating with officials of Internet-restricting countries in effecting the political censorship of online content.

**SEC. 102. SENSE OF CONGRESS.**

It is the sense of Congress that—

(1) the President should through bilateral, and where appropriate, multilateral activities, seek to obtain the agreement of other countries to promote the goals and objectives of this Act and to protect Internet freedom; and

(2) to the extent that a United States business empowers or assists an authoritarian foreign government in its efforts to restrict online access to the Web sites of Radio Free Asia, the Voice of America, or other United States-supported Web sites and online access to United States Government reports such as the Annual Country Reports on Human Rights Practices, the Annual Reports on Inter-

national Religious Freedom, and the Annual Trafficking in Human Persons Reports, that business is working contrary to the foreign policy interests of the United States, and is undercutting United States taxpayer-funded efforts to promote freedom of information for all people, including those in undemocratic and repressive societies.

**SEC. 103. ANNUAL COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES.**

(a) REPORT RELATING TO ECONOMIC ASSISTANCE.—Section 116 of the Foreign Assistance Act of 1961 (22 U.S.C. 2151n) is amended by adding at the end the following new subsection:

''(g)(1) The report required by subsection (d) shall include an assessment of the freedom of electronic information in each foreign country. Such assessment shall include the following:

''(A) An assessment of the general extent to which Internet access is available to and used by citizens in that country.

''(B) An assessment of the extent to which government authorities in that country attempt to filter, censor, or otherwise block Internet content, as well as a description of the means by which they attempt to block such content.

''(C) A description of known instances in which government authorities in that country have persecuted, prosecuted, or otherwise punished a person or group for the peaceful expression of political, religious, or dissenting views via the Internet, including electronic mail.

''(2) In compiling data and making assessments for the purposes of paragraph (1), United States diplomatic mission personnel shall consult with human rights organizations and other appropriate nongovernmental organizations.''.

(b) REPORT RELATING TO SECURITY ASSISTANCE.—Section 502B of the Foreign Assistance Act of 1961 (22 U.S.C. 2304) is amended by adding at the end the following new subsection:

''(i)(1) The report required by subsection (b) shall include an assessment of the freedom of electronic information in each foreign country. Such assessment shall include the following:

''(A) An assessment of the general extent to which Internet access is available to and used by citizens in that country.

''(B) An assessment of the extent to which government authorities in that country attempt to filter, censor, or otherwise block Internet content, as well

as a description of the means by which they attempt to block such content.

''(C) A description of known instances in which government authorities in that country have persecuted, prosecuted, or otherwise punished a person or group for the peaceful expression of political, religious, or dissenting views via the Internet, including electronic mail.

''(2) In compiling data and making assessments for the purposes of paragraph (1), United States diplomatic mission personnel shall consult with human rights organizations and other appropriate nongovernmental organizations.''.

**SEC. 104. OFFICE OF GLOBAL INTERNET FREEDOM.**

(a) ESTABLISHMENT.—There is established in the Department of State the Office of Global Internet Freedom (in this section referred to as the ''Office'').

(b) DUTIES.—In addition to such other responsibilities as the President may assign, the Office shall—

(1) serve as the focal point for interagency efforts to protect and promote freedom of electronic information abroad;

(2) develop and ensure the implementation of a global strategy and programs to combat state-sponsored and state-directed Internet jamming by au-

thoritarian foreign governments, and the intimidation and persecution by such governments of their citizens who use the Internet;

(3) provide assistance to the President in connection with the annual designation of Internet-restricting countries required by section 105(a) of this Act;

(4) beginning not later than 180 days after the date of the enactment of this Act—

(A) identify key words, terms, and phrases relating to human rights, democracy, religious free exercise, and peaceful political dissent, both in general and as specifically related to the particular context and circumstances of each Internet-restricting country; and

(B) maintain, update, and make publicly available on a regular basis the key words, terms, and phrases identified pursuant to subparagraph (A);

(5) establish mechanisms by which United States businesses can transmit to the Office the information required to be reported by sections 203 and 204 of this Act;

(6) establish a regularized consultative process with appropriate technology companies involved in

providing, maintaining, or servicing the Internet, human rights organizations, academic experts, and others to develop a voluntary code of minimum corporate standards related to Internet freedom, and to consult with such companies, organizations, experts, and others regarding new technologies and the implementation of appropriate policies relating to such technologies; and

(7) advise the appropriate congressional committees of legislative action that may be necessary to keep the provisions of this Act and the amendments made by this Act relevant to changing technologies.

(c) COOPERATION OF OTHER FEDERAL DEPARTMENTS AND AGENCIES.—Each department and agency of the Government of the United States, including the Department of Commerce, the Office of the United States Trade Representative, the Department of Justice, the International Broadcasting Bureau, and the Office of the Director of National Intelligence, shall—

(1) cooperate fully with, and assist in the implementation of, the duties of the Office described in subsection (b), including the strategy developed by the Office pursuant to paragraph (2) of subsection (b); and

(2) make such resources and information available to the Office on a nonreimbursable basis as is necessary to achieve the purposes of this Act and the amendments made by this Act.

(d) DEFINITION.—In this section, the term ''appropriate congressional committees'' means—

(1) the Committee on International Relations and the Committee on Energy and Commerce of the House of Representatives; and

(2) the Committee on Foreign Relations and the Committee on Commerce, Science, and Transportation of the Senate.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Office to carry out this section $50,000,000 for each of the fiscal years 2008 and 2009.

**SEC. 105. ANNUAL DESIGNATION OF INTERNET-RESTRICTING COUNTRIES; REPORT.**

(a) DESIGNATION.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter, the President shall designate Internet-restricting countries for purposes of this Act.

(2) STANDARD.—A foreign country shall be designated as an Internet-restricting country if the President determines that the government of the country is directly or indirectly responsible for a systematic pattern of substantial restrictions on Internet freedom during the preceding 1-year period.

(3) INITIAL DESIGNEES.—

(A) IN GENERAL.—Each of the countries specified in subparagraph (B) shall be deemed to be designated as an Internet-restricting country pursuant to paragraph (1) beginning on the date of the enactment of this Act and ending on the date on which the President certifies to the appropriate congressional committees that the country involved is no longer directly or indirectly responsible for a systematic pattern of substantial restrictions on Internet freedom.

(B) COUNTRIES.—The countries referred to in subparagraph (A) are Belarus, Cuba, Ethiopia, Iran, Laos, North Korea, the People's Republic of China, Tunisia, and Vietnam.

(b) REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and an-

nually thereafter, the President shall transmit to the appropriate congressional committees a report that contains the following:

(A) The name of each foreign country that at the time of the transmission of the report is designated as an Internet-restricting country pursuant to subsection (a).

(B) An identification of each government agency and quasi-government organization responsible for the substantial restrictions on Internet freedom in each foreign country designated as an Internet-restricting country pursuant to subsection (a).

(C) A description of efforts by the United States to counter the substantial restrictions on Internet freedom referred to in subparagraph (B).

(2) FORM.—The information required by paragraph (1)(C) of the report may be provided in a classified form if necessary.

(3) INTERNET AVAILABILITY.—All unclassified portions of the report shall be made publicly available on the Internet Web site of the Department of State.

# TITLE II—MINIMUM CORPORATE STANDARDS FOR ONLINE FREEDOM

## SEC. 201. PROTECTION OF PERSONALLY IDENTIFIABLE INFORMATION.

(a) PROHIBITION OF LOCATING PERSONALLY IDENTIFIABLE INFORMATION IN INTERNET-RESTRICTING COUNTRIES.—A United States business may not locate, within a designated Internet-restricting country, any electronic communication that contains any personally identifiable information.

(b) DEFINITIONS.—In this section:

(1) TITLE 18 DEFINITIONS.—The terms ''electronic communication'', ''electronic communications system'', ''electronic storage'', and ''contents'' have the meanings given such terms in section 2510 of title 18, United States Code.

(2) LOCATE.—The term ''locate'' includes, with respect to an electronic communication—

(A) computer storage or processing by facilities of a remote computing service, as such term is defined in section 2711 of title 18, United States Code;

(B) electronic storage by any electronic or computer server or facility of an electronic communications system; and

(C) any other storage by any electronic or computer server or facility.

(3) TRAFFIC DATA.—The term ''traffic data'' means, with respect to an electronic communication, any information contained in or relating to such communication that is processed for the purpose of the conveyance of the communication by an electronic communications system or for the billing thereof, including any Internet Protocol address or other means of identifying a location within an electronic communications system, but that does not by itself identify a particular person. Such term does not include the contents of any electronic communication.

**SEC. 202. INTEGRITY OF PERSONALLY IDENTIFIABLE INFORMATION.**

(a) USER PROTECTION.—If a United States business collects or obtains personally identifiable information through the provision of products or services on the Internet, such business may not provide such information to any foreign official of an Internet-restricting country, ex-

cept for legitimate foreign law enforcement purposes as determined by the Department of Justice.

(b) USE OF ESTABLISHED LEGAL CHANNELS.—Any information that may be provided under subsection (a) for legitimate foreign law enforcement purposes may only be provided through established legal channels as determined by the Department of Justice.

(c) PRIVATE RIGHT OF ACTION.—Any person aggrieved by a violation of this section may bring an action for damages, including punitive damages, or other appropriate relief in the appropriate district court of the United States, without regard to the amount in controversy, and without regard to the citizenship of the parties.

**SEC. 203. TRANSPARENCY REGARDING SEARCH ENGINE FILTERING.**

Any United States business that creates, provides, or hosts an Internet search engine shall provide the Office of Global Internet Freedom, in a format and with a frequency to be specified by the Office, with all terms and parameters used to filter, limit, or otherwise affect the results provided by the search engine that are implemented—

(1) at the request of, or by reason of any other direct or indirect communication by, any foreign official of an Internet-restricting country; or

(2) to comply with a policy or practice of restrictions on Internet freedom in an Internet-restricting country.

**SEC. 204. TRANSPARENCY REGARDING INTERNET CENSORSHIP.**

(a) PROVISION OF URLS.—Any United States business that maintains an Internet content hosting service shall provide the Office of Global Internet Freedom, in a format and with a frequency to be specified by the Office, with the Uniform Resource Locators (URLs) of all data and content that such business has, under the circumstances set forth in subsection (b)—

(1) removed from the content hosting service of such business;

(2) blocked from availability on the Internet; or

(3) blocked from transmission via the Internet into or within an Internet-restricting country.

(b) CIRCUMSTANCES.—The circumstances referred to in subsection (a) are that the United States business took the action under subsection (a)—

(1) at the request of, or by reason of any other direct or indirect communication by, any foreign official of an Internet-restricting country; or

(2) in order to comply with a policy or practice of restrictions on Internet freedom in an Internet-restricting country.

**SEC. 205. PROTECTION OF UNITED STATES-SUPPORTED ONLINE CONTENT.**

A United States business that maintains an Internet content hosting service may not conduct Internet jamming of a United States-supported Web site or United States-supported content in an Internet-restricting country.

**SEC. 206. PENALTIES.**

(a) CIVIL PENALTIES.—(1)(A) Any United States business that violates section 202(a) shall be subject to a civil penalty of not more than $2,000,000 imposed in an action brought by the Attorney General.

(B) Any officer, director, employee, or agent, or stockholder of a United States business, who is acting on behalf of that business concern and who violates section 202(a), shall be subject to a civil penalty of not more $100,000 imposed in an action brought by the Attorney General.

(2) Any United States business that violates section 201, 203, 204, or 205, or any officer, director, employee, or agent, or stockholder of a United States business, who is acting on behalf of that business concern and who violates section 201, 203, 204, or 205, shall be subject to

a civil penalty of not more than $10,000 imposed in an action brought by the Attorney General.

(b) CRIMINAL PENALTIES.—(1)(A) Any United States business that willfully violates, or willfully attempts to violate, section 202(a) shall be fined not more than $2,000,000.

(B) Any officer, director, employee, or agent, or stockholder of a United States business, who is acting on behalf of that business concern, and who willfully violates, or willfully attempts to violate, section 202(a), shall be fined not more than $100,000, or imprisoned not more than 5 years, or both.

(2)(A) Any United States business that willfully violates, or willfully attempts to violate, section 201, 203, 204, or 205 shall be fined not more than $10,000.

(B) Any officer, director, employee, or agent, or stockholder of a United States business, who is acting on behalf of that business concern and who willfully violates, or willfully attempts to violate, section 201, 203, 204, or 205, shall be fined not more than $10,000, or imprisoned not more than 1 year, or both.

(c) PAYMENT OF FINES.—Whenever a fine is imposed under subsection (a) or (b) upon any officer, director, employee, agent, or stockholder of a United States

business, the fine may not be paid, directly or indirectly, by the United States business.

**SEC. 207. PRESIDENTIAL WAIVER.**

(a) IN GENERAL.—Subject to subsection (b), the President may waive the application of any of the provisions of sections 201 through 205 with respect to a United States business or an Internet-restricting country, if the President determines and so reports to the appropriate congressional committees that—

(1) the government of the country has ceased the activities giving rise to the designation of the country as an Internet-restricting country;

(2) the exercise of such waiver authority would further the purposes of this Act; or

(3) the important national interest of the United States requires the exercise of such waiver authority.

(b) CONGRESSIONAL NOTIFICATION.—Not later than the date of the exercise of a waiver under subsection (a), the President shall notify the appropriate congressional committees of the waiver or the intention to exercise the waiver, together with a detailed justification for the waiver.

# TITLE III—EXPORT CONTROLS FOR INTERNET-RESTRICTING COUNTRIES

**SEC. 301. FEASIBILITY STUDY ON ESTABLISHMENT OF EXPORT CONTROLS.**

Not later than 180 days after the date of the enactment of this Act, the Secretary of Commerce, in consultation with the Secretary of State, shall complete a feasibility study regarding the development of export license requirements regarding the export of any item subject to sections 730 through 774 of title 15, Code of Federal Regulations (commonly known as the ''Export Administration Regulations'') to an end user in an Internet-restricting country for the purpose, in whole or in part, of facilitating substantial restrictions on Internet freedom.

**SEC. 302. REPORT.**

Not later than 30 days after the end of the 180-day period described in section 301, the Secretary of Commerce, in consultation with the Secretary of State, shall submit to the appropriate congressional committees a report describing the actions taken to carry out section 301.

○

# AMENDMENT IN THE NATURE OF A SUBSTITUTE TO H.R. 275 OFFERED BY MR. SMITH OF NEW JERSEY

Strike all after the enacting clause and insert the following:

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

(a) SHORT TITLE.—This Act may be cited as the ''Global Online Freedom Act of 2007''.

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

Sec. 1. Short title; table of contents.
Sec. 2. Findings.
Sec. 3. Definitions.
Sec. 4. Severability.

TITLE I—PROMOTION OF GLOBAL INTERNET FREEDOM

Sec. 101. Statement of policy.
Sec. 102. Sense of Congress.
Sec. 103. Annual country reports on human rights practices.
Sec. 104. Office of Global Internet Freedom.
Sec. 105. Annual designation of Internet-restricting countries; report.

TITLE II—MINIMUM CORPORATE STANDARDS FOR ONLINE FREEDOM

Sec. 201. Protection of personally identifiable information.
Sec. 202. Integrity of personally identifiable information.
Sec. 203. Transparency regarding search engine filtering.
Sec. 204. Transparency regarding Internet censorship.
Sec. 205. Protection of United States-supported online content.
Sec. 206. Penalties.
Sec. 207. Presidential waiver.

TITLE III—EXPORT CONTROLS FOR INTERNET-RESTRICTING COUNTRIES

Sec. 301. Feasibility study on establishment of export controls.
Sec. 302. Report.

**SEC. 2. FINDINGS.**

Congress makes the following findings:

(1) Freedom of speech and freedom of the press are fundamental human rights, and free flow of information on the Internet is protected in Article 19 of the Universal Declaration of Human Rights, which guarantees freedom to ''receive and impart information and ideas through any media regardless of frontiers''.

(2) The Internet has been a success because it quickly provides information to its more than one billion users globally.

(3) The growth of the Internet and other information technologies can be a force for democratic change if the information is not subject to political censorship.

(4) The Internet has played a role in bringing international attention to issues the discussion of which are forbidden by authoritarian foreign governments, such as attempts by the Government of the People's Republic of China to suppress news of the severe acute respiratory syndrome (SARS) outbreak in 2004.

(5) Authoritarian foreign governments such as the Governments of Belarus, Cuba, Ethiopia, Iran, Laos, North Korea, the People's Republic of China,

Tunisia, and Vietnam, among others, block, restrict, and monitor the information their citizens try to obtain.

(6) Web sites that provide uncensored news and information, such as the Web sites of the Voice of America and Radio Free Asia, are routinely blocked in such countries.

(7) In June 2003, the Government of the Socialist Republic of Vietnam arrested, convicted of ''spying'', and sentenced to 13 years imprisonment and 3 years house arrest (later reduced on appeal to 5 years imprisonment and 3 years house arrest) Dr. Pham Hong Son after he translated an Internet article titled ''What is Democracy'' from the Web site of the United States Embassy in Vietnam.

(8) According to the Department of State's Country Reports on Human Rights Practices, the Government of Vietnam in 2004 tightened control of the Internet, requiring Internet agents, such as ''cyber cafes'', to register the personal information of their customers and store records of Internet sites visited by customers. The Vietnamese Government also monitored electronic mail, searched for sensitive key words, and regulated Internet content.

(9) The Government of the People's Republic of China has employed censorship of the Internet in violation of Article 35 of the Chinese Constitution, which guarantees freedom of speech and freedom of the press.

(10) This censorship by the Chinese Government allows that Government to promote a xenophobic—and at times particularly anti-American—Chinese nationalism, the long-term effect of which will be deleterious to United States efforts to improve the relationship between the United States and China.

(11) Technology companies in the United States that operate in countries controlled by authoritarian foreign governments have a moral responsibility to comply with the principles of the Universal Declaration of Human Rights.

(12) Technology companies in the United States have succumbed to pressure by authoritarian foreign governments to provide such governments with information about Internet users that has led to the arrest and imprisonment of ''cyber dissidents'', in violation of the corporate responsibility of such companies to protect and uphold human rights.

(13) Technology companies in the United States have provided technology and training to authoritarian foreign governments which have been used by such governments in filtering and blocking information that promotes democracy and freedom.

(14) Technology companies in the United States should develop standards by which they can conduct business with authoritarian foreign governments while protecting human rights to freedom of speech and freedom of expression.

**SEC. 3. DEFINITIONS.**

In this Act:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—Except as otherwise provided in this Act, the term ''appropriate congressional committees'' means—

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

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

(2) FOREIGN OFFICIAL.—

(A) IN GENERAL.—The term ''foreign official'' means—

(i) any officer or employee of a foreign government or any department, agen-

cy, state-owned enterprise, or instrumentality thereof; or

(ii) any person acting in an official capacity for or on behalf of any such government or department, agency, state-owned enterprise, or instrumentality.

(B) STATE-OWNED ENTERPRISE.—For purposes of subparagraph (A), the term ''state-owned enterprise'' means a commercial entity in which a foreign government owns, directly or indirectly, more than 50 percent of the outstanding capital stock or other beneficial interest in such commercial entity.

(3) INTERNET.—The term ''Internet'' means the combination of computer facilities, telecommunications facilities, electromagnetic transmission media, and related equipment and software, comprising the interconnected worldwide network of computer networks that employ the Transmission Control Protocol/Internet Protocol or any successor protocol to transmit information.

(4) INTERNET CONTENT HOSTING SERVICE.—The terms ''Internet content hosting service'' and ''content hosting service'' mean a service that—

(A) stores, through electromagnetic or other means, electronic data, including the content of Web pages, electronic mail, documents, images, audio and video files, online discussion boards, and Web logs; and

(B) makes such data available via the Internet.

(5) INTERNET JAMMING.—The term ''Internet jamming'' means jamming, censoring, blocking, monitoring, or restricting access to the Internet, or to content made available via the Internet, by using technologies such as firewalls, filters, and ''black boxes''.

(6) INTERNET-RESTRICTING COUNTRY.—The term ''Internet-restricting country'' means a country designated by the President pursuant to section 105(a) of this Act.

(7) INTERNET SEARCH ENGINE.—The term ''Internet search engine'' or ''search engine'' means a service made available via the Internet that, on the basis of query consisting of terms, concepts, questions, or other data input by a user, searches information available on the Internet and returns to the user a means, such as a hyperlinked list of Uniform Resource Identifiers, of locating, viewing, or

downloading information or data available on the Internet relating to that query.

(8) LEGITIMATE FOREIGN LAW ENFORCEMENT PURPOSES.—

(A) IN GENERAL.—The term ''legitimate foreign law enforcement purposes'' means for purposes of enforcement, investigation, or prosecution by a foreign official based on a publicly promulgated law of reasonable specificity that proximately relates to the protection or promotion of the health, safety, or morals of the citizens of that jurisdiction.

(B) RULE OF CONSTRUCTION.—For purposes of this Act, the control, suppression, or punishment of peaceful expression of political or religious opinion, which is protected by Article 19 of the International Covenant on Civil and Political Rights, does not constitute a legitimate foreign law enforcement purpose.

(9) PERSONALLY IDENTIFIABLE INFORMATION.—The term ''personally identifiable information''—

(A) includes any information described in section 2703(c)(2) of title 18, United States Code; and

(B) does not include—

(i) any traffic data (as such term is defined in section 201(b) of this Act); or

(ii) any record of aggregate data that does not identify particular persons.

(10) SUBSTANTIAL RESTRICTIONS ON INTERNET FREEDOM.—The term ''substantial restrictions on Internet freedom'' means actions that restrict or punish the free availability of information via the Internet for reasons other than legitimate foreign law enforcement purposes, including—

(A) deliberately blocking, filtering, or censoring information available via the Internet based on its peaceful political or religious content; or

(B) persecuting, prosecuting, or otherwise punishing an individual or group for posting or transmitting peaceful political or religious opinions via the Internet, including by electronic mail.

(11) UNITED STATES BUSINESS.—The term ''United States business'' means—

(A) any corporation, partnership, association, joint-stock company, business trust, unin-

corporated organization, or sole proprietorship that—

(i) has its principal place of business in the United States; or

(ii) is organized under the laws of a State of the United States or a territory, possession, or commonwealth of the United States;

(B) any issuer of a security registered pursuant to section 12 of the Securities Exchange Act of 1934 (15 U.S.C. 78l); and

(C) any foreign subsidiary of an entity described in subparagraph (A) or (B) to the extent such entity—

(i) controls the voting shares or other equities of the foreign subsidiary; or

(ii) authorizes, directs, controls, or participates in acts carried out by the foreign subsidiary that are prohibited by this Act.

(12) UNITED STATES-SUPPORTED CONTENT.—The term ''United States-supported content'' means content that is created or developed, in whole or in part, by a United States-supported information entity.

(13) UNITED STATES-SUPPORTED INFORMATION ENTITY.—The term ''United States-supported information entity'' means—

(A) any authority of the Government of the United States; and

(B) any entity that—

(i) receives grants from the Broadcasting Board of Governors to carry out international broadcasting activities in accordance with the United States International Broadcasting Act of 1994 (title III of Public Law 103–236; 22 U.S.C. 6201 et seq.);

(ii) exists within the Broadcasting Board of Governors and carries out nonmilitary international broadcasting activities supported by the Government of the United States in accordance with such Act; or

(iii) receives grants or other similar funding from the Government of the United States to carry out any information dissemination activities.

(14) UNITED STATES-SUPPORTED WEB SITE.—The term ''United States-supported Web site''

means a location on the World Wide Web that is owned or managed by, or is registered to, a United States-supported information entity.

**SEC. 4. SEVERABILITY.**

If any provision of this Act, or the application of such provision to any person or circumstance, is held invalid, the remainder of this Act, and the application of such provision to other persons not similarly situated or to other circumstances, shall not be affected by such invalidation.

# TITLE I—PROMOTION OF GLOBAL INTERNET FREEDOM

**SEC. 101. STATEMENT OF POLICY.**

It shall be the policy of the United States—

(1) to promote as a fundamental component of United States foreign policy the right of every individual to freedom of opinion and expression, including the right to hold opinions without interference and to seek, receive, and impart information and ideas through any media and regardless of frontiers;

(2) to use all appropriate instruments of United States influence, including diplomacy, trade policy, and export controls, to support, promote, and strengthen principles, practices, and values that promote the free flow of information, including through the Internet and other electronic media; and

(3) to deter any United States business from cooperating with officials of Internet-restricting countries in effecting the political censorship of online content.

**SEC. 102. SENSE OF CONGRESS.**

It is the sense of Congress that—

(1) the President should through bilateral, and where appropriate, multilateral activities, seek to obtain the agreement of other countries to promote the goals and objectives of this Act and to protect Internet freedom; and

(2) to the extent that a United States business empowers or assists an authoritarian foreign government in its efforts to restrict online access to the Web sites of Radio Free Asia, the Voice of America, or other United States-supported Web sites and online access to United States Government reports such as the Annual Country Reports on Human Rights Practices, the Annual Reports on International Religious Freedom, and the Annual Trafficking in Human Persons Reports, or to identify individual Internet users, that business is working contrary to the foreign policy interests of the United States, and is undercutting United States taxpayer-funded efforts to promote freedom of information for

all people, including those in undemocratic and repressive societies.

**SEC. 103. ANNUAL COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES.**

(a) REPORT RELATING TO ECONOMIC ASSISTANCE.—Section 116 of the Foreign Assistance Act of 1961 (22 U.S.C. 2151n) is amended by adding at the end the following new subsection:

''(g)(1) The report required by subsection (d) shall include an assessment of the freedom of electronic information in each foreign country. Such assessment shall include the following:

''(A) An assessment of the general extent to which Internet access is available to and used by citizens in that country.

''(B) An assessment of the extent to which government authorities in that country attempt to filter, censor, or otherwise block Internet content, as well as a description of the means by which they attempt to block such content.

''(C) A description of known instances in which government authorities in that country have persecuted, prosecuted, or otherwise punished a person or group for the peaceful expres-

sion of political, religious, or dissenting views via the Internet, including electronic mail.

''(D) A description of known instances in which government authorities in that country have sought to collect, request, obtain or disclose the personally identifiable information of a person in connection with that person's communication of ideas, facts or views where such communication would be protected by the International Covenant on Civil and Political Rights.

''(2) In compiling data and making assessments for the purposes of paragraph (1), United States diplomatic mission personnel shall consult with human rights organizations, technology and internet companies and other appropriate nongovernmental organizations.''.

(b) REPORT RELATING TO SECURITY ASSISTANCE.—Section 502B of the Foreign Assistance Act of 1961 (22 U.S.C. 2304) is amended by adding at the end the following new subsection:

''(i)(1) The report required by subsection (b) shall include an assessment of the freedom of electronic information in each foreign country. Such assessment shall include the following:

''(A) An assessment of the general extent to which Internet access is available to and used by citizens in that country.

''(B) An assessment of the extent to which government authorities in that country attempt to filter, censor, or otherwise block Internet content, as well as a description of the means by which they attempt to block such content.

''(C) A description of known instances in which government authorities in that country have persecuted, prosecuted, or otherwise punished a person or group for the peaceful expression of political, religious, or dissenting views via the Internet, including electronic mail.

''(D) A description of known instances in which government authorities in that country have sought to collect, request, obtain or disclose the personally identifiable information of a person in connection with that person's communication of ideas, facts or views where such communication would be protected by the International Covenant on Civil and Political Rights.

''(2) In compiling data and making assessments for the purposes of paragraph (1), United States diplomatic mission personnel shall consult with

human rights organizations, technology and internet companies, and other appropriate nongovernmental organizations.''.

**SEC. 104. OFFICE OF GLOBAL INTERNET FREEDOM.**

(a) ESTABLISHMENT.—There is established in the Department of State the Office of Global Internet Freedom (in this section referred to as the ''Office'').

(b) DUTIES.—In addition to such other responsibilities as the President may assign, the Office shall—

(1) serve as the focal point for interagency efforts to protect and promote freedom of electronic information abroad;

(2) develop and ensure the implementation of a global strategy and programs to combat state-sponsored and state-directed Internet jamming by authoritarian foreign governments, and the intimidation and persecution by such governments of their citizens who use the Internet;

(3) provide assistance to the President in connection with the annual designation of Internet-restricting countries required by section 105(a) of this Act;

(4) beginning not later than 180 days after the date of the enactment of this Act—

(A) identify key words, terms, and phrases relating to human rights, democracy, religious free exercise, and peaceful political dissent, both in general and as specifically related to the particular context and circumstances of each Internet-restricting country; and

(B) maintain, update, and make publicly available on a regular basis the key words, terms, and phrases identified pursuant to subparagraph (A);

(5) establish mechanisms to collect the information required to be reported by sections 116(g) and 502B(i) of the Foreign Assistance Act of 1961 (as added by section 103 of this Act) and sections 203 and 204 of this Act;

(6) establish a regularized consultative process with appropriate technology companies involved in providing, maintaining, or servicing the Internet, human rights organizations, academic experts, and others to develop a voluntary code of minimum corporate standards related to Internet freedom, and to consult with such companies, organizations, experts, and others regarding new technologies and the implementation of appropriate policies relating to such technologies; and

(7) advise the appropriate congressional committees of legislative action that may be necessary to keep the provisions of this Act and the amendments made by this Act relevant to changing technologies.

(c) COOPERATION OF OTHER FEDERAL DEPARTMENTS AND AGENCIES.—Each department and agency of the Government of the United States, including the Department of Commerce, the Office of the United States Trade Representative, the Department of Justice, the International Broadcasting Bureau, and the Office of the Director of National Intelligence, shall—

(1) cooperate fully with, and assist in the implementation of, the duties of the Office described in subsection (b), including the strategy developed by the Office pursuant to paragraph (2) of subsection (b); and

(2) make such resources and information available to the Office on a nonreimbursable basis as is necessary to achieve the purposes of this Act and the amendments made by this Act.

(d) DEFINITION.—In this section, the term ''appropriate congressional committees'' means—

(1) the Committee on Foreign Affairs and the Committee on Energy and Commerce of the House of Representatives; and

(2) the Committee on Foreign Relations and the Committee on Commerce, Science, and Transportation of the Senate.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Office to carry out this section $50,000,000 for each of the fiscal years 2008 and 2009.

**SEC. 105. ANNUAL DESIGNATION OF INTERNET-RESTRICTING COUNTRIES; REPORT.**

(a) DESIGNATION.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter, the President shall designate Internet-restricting countries for purposes of this Act.

(2) STANDARD.—A foreign country shall be designated as an Internet-restricting country if the President determines that the government of the country is directly or indirectly responsible for a systematic pattern of substantial restrictions on Internet freedom during the preceding 1-year period.

(b) REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter, the President shall transmit to the

appropriate congressional committees a report that contains the following:

(A) The name of each foreign country that at the time of the transmission of the report is designated as an Internet-restricting country pursuant to subsection (a).

(B) An identification of each government agency and quasi-government organization responsible for the substantial restrictions on Internet freedom in each foreign country designated as an Internet-restricting country pursuant to subsection (a).

(C) A description of efforts by the United States to counter the substantial restrictions on Internet freedom referred to in subparagraph (B).

(2) FORM.—The information required by paragraph (1)(C) of the report may be provided in a classified form if necessary.

(3) INTERNET AVAILABILITY.—All unclassified portions of the report shall be made publicly available on the Internet Web site of the Department of State.

# TITLE II—MINIMUM CORPORATE STANDARDS FOR ONLINE FREEDOM

**SEC. 201. PROTECTION OF PERSONALLY IDENTIFIABLE INFORMATION.**

(a) PROHIBITION OF LOCATING PERSONALLY IDENTIFIABLE INFORMATION IN INTERNET-RESTRICTING COUNTRIES.—A United States business may not locate, within a designated Internet-restricting country, any electronic communication that contains any personally identifiable information.

(b) DEFINITIONS.—In this section:

(1) TITLE 18 DEFINITIONS.—The terms ''electronic communication'', ''electronic communications system'', ''electronic storage'', and ''contents'' have the meanings given such terms in section 2510 of title 18, United States Code.

(2) LOCATE.—The term ''locate'' includes, with respect to an electronic communication—

(A) computer storage or processing by facilities of a remote computing service, as such term is defined in section 2711 of title 18, United States Code;

(B) electronic storage by any electronic or computer server or facility of an electronic communications system; and

(C) any other storage by any electronic or computer server or facility.

(3) TRAFFIC DATA.—The term ''traffic data'' means, with respect to an electronic communication, any information contained in or relating to such communication that is processed for the purpose of the conveyance of the communication by an electronic communications system or for the billing thereof, including any Internet Protocol address or other means of identifying a location within an electronic communications system, but that does not by itself identify a particular person. Such term does not include the contents of any electronic communication.

**SEC. 202. INTEGRITY OF PERSONALLY IDENTIFIABLE INFORMATION.**

(a) USER PROTECTION.—If a United States business collects or obtains personally identifiable information through the provision of products or services on the Internet, such business may not provide such information to any foreign official of an Internet-restricting country, ex-

cept for legitimate foreign law enforcement purposes as determined by the Department of Justice.

(b) USE OF ESTABLISHED LEGAL CHANNELS.—Any information that may be provided under subsection (a) for legitimate foreign law enforcement purposes may only be provided through established legal channels as determined by the Department of Justice.

(c) PRIVATE RIGHT OF ACTION.—Any person aggrieved by a violation of this section may bring an action for damages, including punitive damages, or other appropriate relief in the appropriate district court of the United States, without regard to the amount in controversy, and without regard to the citizenship of the parties.

**SEC. 203. TRANSPARENCY REGARDING SEARCH ENGINE FILTERING.**

Any United States business that creates, provides, or hosts an Internet search engine shall provide the Office of Global Internet Freedom, in a format and with a frequency to be specified by the Office, with all terms and parameters used to filter, limit, or otherwise affect the results provided by the search engine that are implemented—

(1) at the request of, or by reason of any other direct or indirect communication by, any foreign official of an Internet-restricting country; or

(2) to comply with a policy or practice of restrictions on Internet freedom in an Internet-restricting country.

**SEC. 204. TRANSPARENCY REGARDING INTERNET CENSORSHIP.**

(a) PROVISION OF URLS.—Any United States business that maintains an Internet content hosting service shall provide the Office of Global Internet Freedom, in a format and with a frequency to be specified by the Office, with the Uniform Resource Locators (URLs) of all data and content that such business has, under the circumstances set forth in subsection (b)—

(1) removed from the content hosting service of such business;

(2) blocked from availability on the Internet; or

(3) blocked from transmission via the Internet into or within an Internet-restricting country.

(b) CIRCUMSTANCES.—The circumstances referred to in subsection (a) are that the United States business took the action under subsection (a)—

(1) at the request of, or by reason of any other direct or indirect communication by, any foreign official of an Internet-restricting country; or

(2) in order to comply with a policy or practice of restrictions on Internet freedom in an Internet-restricting country.

**SEC. 205. PROTECTION OF UNITED STATES-SUPPORTED ONLINE CONTENT.**

A United States business that maintains an Internet content hosting service may not conduct Internet jamming of a United States-supported Web site or United States-supported content in an Internet-restricting country.

**SEC. 206. PENALTIES.**

(a) CIVIL PENALTIES.—(1)(A) Any United States business that violates section 202(a) shall be subject to a civil penalty of not more than $2,000,000 imposed in an action brought by the Attorney General.

(B) Any officer, director, employee, or agent, or stockholder of a United States business, who is acting on behalf of that business concern and who violates section 202(a), shall be subject to a civil penalty of not more $100,000 imposed in an action brought by the Attorney General.

(2) Any United States business that violates section 201, 203, 204, or 205, or any officer, director, employee, or agent, or stockholder of a United States business, who is acting on behalf of that business concern and who violates section 201, 203, 204, or 205, shall be subject to

a civil penalty of not more than $10,000 imposed in an action brought by the Attorney General.

(b) CRIMINAL PENALTIES.—(1)(A) Any United States business that willfully violates, or willfully attempts to violate, section 202(a) shall be fined not more than $2,000,000.

(B) Any officer, director, employee, or agent, or stockholder of a United States business, who is acting on behalf of that business concern, and who willfully violates, or willfully attempts to violate, section 202(a), shall be fined not more than $100,000, or imprisoned not more than 5 years, or both.

(2)(A) Any United States business that willfully violates, or willfully attempts to violate, section 201, 203, 204, or 205 shall be fined not more than $10,000.

(B) Any officer, director, employee, or agent, or stockholder of a United States business, who is acting on behalf of that business concern and who willfully violates, or willfully attempts to violate, section 201, 203, 204, or 205, shall be fined not more than $10,000, or imprisoned not more than 1 year, or both.

(c) PAYMENT OF FINES.—Whenever a fine is imposed under subsection (a) or (b) upon any officer, director, employee, agent, or stockholder of a United States

business, the fine may not be paid, directly or indirectly, by the United States business.

**SEC. 207. PRESIDENTIAL WAIVER.**

(a) IN GENERAL.—Subject to subsection (b), the President may waive the application of any of the provisions of sections 201 through 205 with respect to a United States business or an Internet-restricting country, if the President determines and so reports to the appropriate congressional committees that—

(1) the government of the country has ceased the activities giving rise to the designation of the country as an Internet-restricting country;

(2) the exercise of such waiver authority would further the purposes of this Act; or

(3) the important national interest of the United States requires the exercise of such waiver authority.

(b) CONGRESSIONAL NOTIFICATION.—Not later than the date of the exercise of a waiver under subsection (a), the President shall notify the appropriate congressional committees of the waiver or the intention to exercise the waiver, together with a detailed justification for the waiver.

# TITLE III—EXPORT CONTROLS FOR INTERNET-RESTRICTING COUNTRIES

**SEC. 301. FEASIBILITY STUDY ON ESTABLISHMENT OF EXPORT CONTROLS.**

Not later than 180 days after the date of the enactment of this Act, the Secretary of Commerce, in consultation with the Secretary of State, shall complete a feasibility study regarding the development of export controls and export license requirements regarding the export of any item subject to sections 730 through 774 of title 15, Code of Federal Regulations (commonly known as the ''Export Administration Regulations'') to an end user in an Internet-restricting country for the purpose, in whole or in part, of facilitating substantial restrictions on Internet freedom.

**SEC. 302. REPORT.**

Not later than 30 days after the end of the 180-day period described in section 301, the Secretary of Commerce, in consultation with the Secretary of State, shall submit to the appropriate congressional committees a report describing the actions taken to carry out section 301.

Chairman LANTOS. I yield to the sponsor of the bill, Mr. Smith, to explain his legislation.

Mr. SMITH OF NEW JERSEY. Thank you very much, Mr. Chairman. Mr. Chairman, this legislation, again, a bipartisan piece of legislation, which I know you strongly back and have worked in shaping the text, has strong support from virtually every one of the major human rights organizations, such as Amnesty International, Human Rights Watch, and Reporters without Borders, to name just a few.

The legislation was several years in the making. As a matter of fact, we had a very significant hearing last year, as you will recall. It was probably the longest hearing I have ever chaired. It went almost 8 hours. We heard from Cisco, Microsoft, Google, and a number of other very interested parties raising the issue about how the Internet, while it has great promise and great hope—I do Google searches all of the time—I am sure other members of this committee do in like manner, but it is increasingly being used as a tool of repression in what we designate in the bill as "Internet-restricting countries."

We know for a fact—it is beyond any reasonable doubt—that countries like China and Vietnam, Ethiopia, and some of the other countries where the Internet has now become a tool used and employed by the secret police to find, incarcerate, and then, ultimately, torture and give long prison sentences to men and women who are speaking out on behalf of freedom and democracy.

I would point out that the office that is created in this legislation mirrors what we did with trafficking in the Trafficking Victims Protection Act when we established an office that would be the hub, the nerve center, the command-and-control center at the Department of State to work the issue of trafficking. We do, likewise, now in the area of Internet restrictions and Internet violations of freedom.

We also did the same thing in the IRFA bill, the International Religious Freedom Act, and that office, which was initially opposed by the State Department, has worked wonders in trying to promote religious freedom all around the globe.

I would also point out to my colleagues that the Heritage Foundation, back in 2004, made a number of recommendations, including the establishment of an Office of Global Internet Freedom, which is precisely what we do in this legislation.

So both on the conservative and on the liberal side, again, we have this joining of interests and concerns on behalf of those who are suffering the fate of dictatorships around the world.

One of the things I pointed out in our hearing, and I repeat it again today to my colleagues, history shows us that American companies and their subsidiaries have, at times, provided the technology to crush human rights.

I encourage every member of this body to read Edwin Blake's book, *IBM and the Holocaust*. It reveals the dark story of IBM's strategic alliance with Nazi Germany, and that includes IBM-United States as well as IBM-Germany. He asks the question and then answers it in the book: Did you ever wonder why the Gestapo always had such long lists of people, where they lived, who they were? And we are talking about mostly Jews now.

It was because they were the demographers of their time, and then they collaborated—they were good soldiers, if you will—with the Gestapo and tracked down, hunted down virtually every one of the Jews except those that were shielded and jettisoned off to safety in the West.

I say that because, wittingly or unwittingly, many of those companies that are now operating in places like China, who originally thought that this would be a boon to freedom and to openness, have discovered, and still have not fully appreciated, that they are now part of a regime.

Dictatorships, as we all know, need two major things to operate and to flourish and to prosper. They need propaganda, and now the Internet has become the means by which, through filtering and the like, certain words—the Dalai Lama last week, we congratulated him and gave him the Congressional Gold Medal, as we ought to do. He is a great leader on behalf of human rights and the Buddhists and the Tibetan people.

Yet, if you go in and do a Google search in the PRC and put in the Dalai Lama, you will get nothing but tirades against the man. You will also probably get a knock on your door from the cyber police, 35,000 strong, in China, which continually monitors the Internet, courtesy of United States and Western technology.

So propaganda and the secret police, the two pillars upon which dictatorship rests, are now being exponentially advanced by the Internet.

Our legislation creates an office and begins to try to take back, and we are talking about two basic areas: Peaceful political or religious content. The definition of what we are looking at to protect is peaceful political or religious content. So that is the kind of thing that is being filtered in these dictatorships, and that is the kind of thing that we are trying to address.

Reporters without Borders made a very, very cogent statement, and I urge members to go to their Web site and read what is really happening. They point out that, in China, where there are at least 52 people that we know of in prison for expressing themselves online, self-censorship is now in full force. They point out that, just 5 years ago, many people thought Chinese society and politics would be revolutionized by the Internet, a supposedly uncontrollable medium.

Now, with China enjoying geopolitical influence, people are wondering the opposite, whether perhaps China's Internet model, based on censorship and surveillance, may one day be imposed on the rest of the world.

This legislation seeks to protect personally identifying information. Shi Tao and many other people who have gotten long prison sentences in China did so when they simply sent an e-mail. In his case, he sent information about what the propaganda office in China had sent out, a closed memo, about the Tiananmen Square massacre.

They said, "You can't say this, and you can't say that," so he sent it out. For that, he got 10 years in prison, 10 years. Yahoo! collaborated and provided that information. That personally identifying information needs to be removed from these dictatorships, put out-

side the country, outside the reach of these dictatorships so that we do not have more Shi Taos finding themselves in prison.

In Hanoi, I met with a woman who is the wife of Dr. Pham Hong Son. What did he do? Dr. Son took off U.S. Embassy Hanoi's Web site, a wonderfully written, very short piece, an essay called "What Is Democracy?". He translated it into Vietnamese. He was tracked down because he posted it on the Internet and got 5 years in prison.

Reporters without Borders reports that, in May alone of 2007, some six cyber individuals got prison sentences. These individuals were arrested as part of this ever-growing crackdown of using the Internet to find and incarcerate the democracy activists.

We also, in the legislation, finally, Mr. Chairman, provide a penalty for those who collaborate in the jamming of Radio Free Asia, of Voice of America, and United States surrogate broadcasting. It seems unconscionable to me that a U.S. company would want to, in any way, participate in stifling that message.

We know, during the Warsaw Pact in the Soviet Union days, that broadcasts into those areas, as well as the BBC, helped keep hope alive. Now we have Internet companies who are collaborating with the secret police in order to make a buck, to jam those sites and to put them off limits.

During our hearing, and I have done this many times since, I went to the Internet search engine for China and typed in "Tiananmen Square." If you do a Google search for "Tiananmen Square," you get millions of hits. You see people in the streets, descriptions of the bayoneting and the killing that went on. If you go to the Google search inside of China and use their search engine, you get wonderful pictures of people posing for photographs on Tiananmen Square.

So it is a Potemkin village, and, believe me, if you do that enough, if you control the propaganda and the message enough, democracy has no hope, no hope whatsoever, in these dictatorships.

Mr. ROYCE. Will the gentleman yield?

Mr. SMITH OF NEW JERSEY. I would be happy to yield.

Mr. ROYCE. Is the gentleman aware that some of the United States companies, or at least one, that sold some of the same equipment that would allow broadcasting on behalf of Radio Free Asia have now basically sold the equivalent of the Gestapo the technology which would allow them to silence or to jam those very broadcasts?

The irony here is that U.S. taxpayers would pay for the ability to broadcast a surrogate free radio and then have the U.S. firm sell the technology which they developed to jam that very asset that they helped develop is truly one of the most despicable ironies that I am aware of, and I just wanted to commend the gentleman for the legislation, and I thank you, Mr. Chairman.

Mr. SMITH OF NEW JERSEY. Mr. Chairman, I will just conclude on this.

Cisco sold Police.net to the Chinese Secret Police. Police.net has now enabled the Chinese apparatus, has connected one police station after another. It has given them the ability to monitor everything that is going across the worldwide net, obviously, in the PRC, to find these individuals who speak out, like the Dalai Lama, like

Rebiya Kadeer, who is now, thankfully, in the United States, and so many other brave dissidents.

I asked the question before, and I ask it again today, as you survived the Holocaust, Mr. Chairman, would we want to collaborate with the finding of someone like Anne Frank and say, "Oh, she is over here in Apartment 5B"?

That is what these companies are doing, and I say, maybe unwittingly. I like the way the Heritage Foundation puts it: "China's Orwellian Internet." That is what we have allowed. We can make a difference.

We may not be able to stop it completely, but I think we can mitigate the ability of the Chinese Government to continue the technological progress they are making, and other dictatorships, like Belarus, which also uses the Internet to destroy the dissidents and to disrupt religious freedom.

Chairman LANTOS. I want to thank my friend for his powerful statement.

Are there any amendments? Mr. Smith?

Mr. SMITH OF WASHINGTON. I do not have an amendment, Mr. Chairman. I just want to comment on the bill, if I may.

I think, first of all, the Office of Global Security Freedom makes an enormous amount of sense. It is something that we should be working on much more aggressively than we are to figure out how to deal with many of the challenges that Mr. Smith raises in terms of how do you allow the Internet to go forward and be the bastion of openness that it is and still combat many of the issues that were raised here? I think that makes a great deal of sense.

I also think that the suppression Mr. Smith mentions that is going on in China is as bad as he describes it. However, we have to look at exactly what would happen under this bill. None of what Mr. Smith just described would change. China would not all of a sudden be unable to do any of the things that he just mentioned. They just would not be doing it with any U.S. products. So let us be clear on that, first of all.

We here, in this committee or in this Congress, are not in a position to stop the behavior that is being described. All we would be doing is we would be preventing United States companies from doing any business in China because, regrettably, we are not the only people in the world who know how to make this stuff work. I think that is a fact that some in this Congress seem to forget.

China, for instance, has a number of software companies, a number of Internet companies. They are developing that technology, and our friends in Europe also have companies along those lines, and they are placing no such restrictions on them.

Now, I think what would make a certain amount of sense is you hear some of the specific technology, and what I am very sympathetic to is to come up with ways to prohibit the selling of technology that has no other purpose than the suppression. I am sorry. I am forgetting the example that Mr. Smith mentioned at the end there about specific technology that was designed to help the secret police in China for no other purpose, a specifically designed piece of software. That would make a great deal of sense.

But the bill, as we have it now, is overly broad. Basically, it says that our companies cannot do any business with these countries, as

far as providing personal identifiable information, except for legitimate foreign law enforcement purposes.

What does that mean? Well, I will get a little local here to draw an example. We have, ironically, another issue that is working its way through Congress right now, and that is whether or not telecom companies in this country should be exempt from liability for providing that exact same type of information to our Government under the warrantless wire tap program that was instituted by the President. So we are trying to exempt them from liability for a warrantless search situation, same thing.

Mr. ROYCE. Will the gentleman yield?

Chairman LANTOS. I would like to ask my colleagues to suspend this colloquy. I want to hear everybody. But I think it is important we proceed with a vote because we now have a reporting quorum. It is my hope that all of my colleagues will return after we cast our vote.

This is an important discussion. I think Mr. Smith is entitled to explain his position in total, but I want to be certain that the vote takes place on this legislation, and then I will open up the opportunity for any additional comments. Is that satisfactory? I thank my colleagues.

Mr. SMITH OF WASHINGTON. I guess I am unclear. Am I allowed to finish before we go?

Chairman LANTOS. I would like to ask you to withhold until we can have a dialogue following the vote on the floor.

Mr. SMITH OF WASHINGTON. Well, I guess that is okay. It is a little hard to make an argument when you are 2 minutes into it, and all of a sudden it is cut off, and everyone goes away for 15 minutes, and you come back. It sort of undermines the effectiveness just a little bit.

Chairman LANTOS. I do not wish to undermine my friend's dialogue. I do wish to state that we now have, I believe, 7 minutes left for the vote, so the committee will stand in recess.

[Whereupon, at 10:38 a.m., a short recess was taken.]

Chairman LANTOS. The committee will resume. Mr. Smith is recognized to conclude his argument.

Mr. SMITH OF WASHINGTON. Thank you, Mr. Chairman. I appreciate the opportunity, and I will, to some degree, restart my argument, in addition to concluding it.

First of all, I just want to make it clear that I think there are a couple of very good things that Mr. Smith, the other Mr. Smith, is trying to get at in this bill, and I think we do not have a sufficient hold on the impact of this type of technology on basic human rights and establishing more freedom in the world, or we also do not have a significant hold on how government can pass laws that can positively impact that.

Getting back to the last point that I was making—I did not really mean it to be as incendiary as it might have sounded—I referenced the example of local telecom companies right now trying to figure out if they are exempt from liability for complying with what I believe, at least one point, the courts later ruled an unconstitutional request for access to personal information is that when you say, you know, you can only comply with legitimate requests, you have really created a large amount of uncertainty, and what that

large amount of uncertainty means is that companies that are placed in the middle of it will not do business there. They will not. You cannot take the chance. The damages in a lawsuit like this are incalculable and the impact that it could have.

Any country where there is ambiguity on their laws and whether or not there laws are "legitimate," you will not go there, and certainly China is at the top of that list, but there are many, many other countries as well throughout the Middle East and other parts that have much more restrictive laws in terms of how they impact personal freedom and access to personal information than we would like.

But I would also point out that it is a debate we have in this country as well. It is a debate we are having right now on the FISA legislation on exactly what access to personal information should our Government have, and what should be the process of getting it, and there are people who differ dramatically on what is legitimate and what is not legitimate. That is the purpose of raising that example, is to let that be known.

So the problem I have with this legislation is it is too all-encompassing, and it would wipe out many, many things. You get into the issue of computers. What if you sell the basic laptop computer that is used in storing this information? Have you then collaborated? Do you have to specifically know what they are going to do with the product once you have sold it to them?

I think that is a question that is also unanswered by this legislation, and I would, again, as I said, agree with Mr. Smith, if you have an example where a specific software application, not just a general application, but you specifically put the software together to allow a country like China to do something repressive to clearly violate basic human rights, then I would certainly be willing to look at ways to restrict that sale.

We have that broadly, and we have wrestled with that issue in this committee and also on the Armed Services Committee, on which I serve, on the issue of export technology. There are restrictions. Obviously, you cannot sell China a nuclear bomb, for instance, but between that and going all the way down to super computers and dual-use technology, it crosses over from stuff that can be used for a thousand different legitimate purposes but also used in a way that is harmful to U.S. interests or harmful to human rights.

This is a very, very delicate area to step in and regulate, and this is a very, very indelicate piece of legislation. It will have a profound impact that I do not think is being full anticipated or fully analyzed, and I think it is something that would benefit from a longer conversation.

I do not know what conversations the sponsor of this bill has had since our hearing—I think it was February of last year—quite a while ago. I expressed concerns about it then. I think a couple of other members of the committee did as well. I do not know if any conversations have gone on with our leading technology companies to discuss with them how we might do this in a way that achieves the goals without having quite such a sweeping impact.

But I will also say that I think it is a little unfair to compare our leading technology companies in this country somewhat unfa-

vorably to Nazis. I do think they try a little bit harder to balance these concerns. They have, since that hearing, which I think was perfectly appropriate, by the way, to raise these issues, they have formed a number of working groups to look at exactly these questions and figure out what practices the industry should have, and, I might add, they have tried to do it in a worldwide, comprehensive way because, as I started off my argument, if you simply target U.S. companies, you do not impact the situation.

Mr. ROHRABACHER. Would the gentleman yield for a question?

Mr. SMITH OF WASHINGTON. Yes.

Mr. ROHRABACHER. Are you aware that IBM began operations and actually provided their very latest computer technology to Adolph Hitler just prior to World War II?

Mr. SMITH OF WASHINGTON. That point has been made about a dozen times in this committee, so, yes, it has penetrated my consciousness.

Mr. ROHRABACHER. What would your position have been with that particular deal, if someone was trying to cut that off?

Mr. SMITH OF WASHINGTON. I guess I would prefer to deal in what is here and now. I have a hard enough time with that. I would think, off the top of my head, that, you know, yes, that is something that, if there was a way for the U.S. Government to pass a law to have restricted that in this time-space argument——

Mr. ROHRABACHER. What about this particular law? We have Mr. Smith back here——

Mr. SMITH OF WASHINGTON. Reclaiming my time, if I may——

Chairman LANTOS. The gentleman's time has expired. I am pleased to recognize Mr. Burton.

Mr. SMITH OF WASHINGTON. Mr. Chairman, if I could, I believe Mr. Smith's, the prime sponsor, time expired quite a while before he was done talking, and I will just wrap this up in 30 seconds.

Chairman LANTOS. Please go ahead.

Mr. SMITH OF WASHINGTON. I think it should be balanced. What I am saying is we should try to cut that stuff off. It is very, very difficult to do without cutting a broader stroke here, and I do not think that this committee, at this point, has tried hard enough to find the ways to go after what we want to stop without going too far.

I think it would be wise of all of us to wait a little while longer, have some conversations with those technology companies about what might be a way to do this legitimately, and conversations internally, to come up with a more carefully targeted bill that does the best of getting at the bad stuff without casting too broad of a brush. Thank you, Mr. Chairman.

Chairman LANTOS. Mr. Burton?

Mr. BURTON. Thank you, Mr. Chairman. At the beginning of the 19th century, when slave trading was at its zenith, the same arguments were made in the British Parliament about the fiscal impact that it would have on Britain if they stopped the slave trading. They said all of the other countries in Europe were doing it. Spain was doing it. France was doing it. Everybody was doing it, so why should Britain take the brunt of it?

It took years and years and years to stop the slave trading, and Great Britain was the first one because of the man I mentioned a

while ago, William Wilberforce. But the arguments were made again and again and again in the British Parliament and in other Parliaments in Europe that, Oh, my gosh, look at the fiscal impact. We will not be able to be competitive with these other countries if we stop the slave trading because of the low cost of slaves doing the work.

You know, I just think this argument that has just been made rings very, very hollow. Somebody has to start. Somebody has to start. Some nation has to start to stop what is going on in China and the rest of the world and let it be us. Let it be us today.

Chairman LANTOS. Mr. Manzullo.

Mr. MANZULLO. Thank you, Mr. Chairman. First of all, I commend the authors of this bill for their intent. It makes a lot of sense. However, I have some reservations with regard to the wording.

First of all, the spending; we are going to spend $50 million a year in order to monitor what we know——

Mr. SMITH OF NEW JERSEY. Would the gentleman yield on that?

Mr. MANZULLO. No. Let me finish first. Are we going to spend $50 million a year on a new program, and I understand why it is necessary that the Office of Global Internet Freedom be set up, but in terms of fiscal responsibility, perhaps there may be other areas within the State Department that can do this?

Second of all, if you look at page 29 on the feasibility study, it calls for a study of new export controls. I have spent most of my time in Congress working on manufacturing issues. I travel the world looking at manufacturing processes, and I have visited hundreds of factories. The problem that I have here is the feasibility study says the development of export controls and export license requirements regarding the export of any items subject to what is in the bill.

As the chairman well knows, any regulations have to go through OMB and they could come to the conclusion that it is impossible to promulgate regulations to carry out the intended effect of the legislation, and it would die at that point.

We just went through this with State and Commerce, where there was a proposal that would deny exports of even simple three-axis machine tools if the person who manufactured the machine tool knew, or had reason to know, that there might be a military purchase as a result of it. It got down to the point where a company making brakes used for trucks here in the United States was placed in a position where they could not sell that three-axis machine. This is one of the reasons why the United States only has a 2-percent market share of machine tool sales in the world. At one time, it was 15 percent.

What I would like to see is that we spend more time on the intricacies of this language because we could end up doing more harm than good. For example, we might place ourselves in the position of being unable to export to China the very same computer that we are buying from them because we have such things that are going on now.

So I think it is wrong what goes on. You could take this to the logical extent, if we still made printing press equipment in this

country, would this forbid the sale of printing press equipment to the Chinese if they did not believe in the free press?

So I, very reluctantly, have these problems, and I want to see legislation like this somehow pass, but this is not comparing slave trading to the manufacturing industry, but that export administration, it is not. The Export Administration Act is a very, very delicate issue. It slabs over into ITAR, and, Mr. Burton, you have a lot of manufacturers in your district also. I have lost 15,000 highly skilled jobs. You have lost tens of thousands also. One of the reasons is that we have export control laws that nobody understands.

Now we may come in with another export control law on one of our greatest exports, which is computers. We just need to take the time to ferret this thing through. The studies should be done before the legislation comes here, so that way, we would know what the impact on it would be.

I would yield. I believe Mr. Smith had a question.

Mr. SMITH OF NEW JERSEY. I thank my friend for yielding. Let me just say to my good friend from Michigan that there is no spending requirement——

Mr. MANZULLO. It is Illinois.

Mr. SMITH OF NEW JERSEY. I am sorry.

Mr. MANZULLO. That is okay. We have both lost jobs in manufacturing.

Mr. SMITH OF NEW JERSEY. There is no $50 million authorization—the amendment in the nature of a substitute authorizes "such sums as necessary."

Mr. MANZULLO. I am sorry.

Mr. SMITH OF NEW JERSEY. And the second part, about Title III, that simply is a study. We are asking for a study. We changed the legislation——

Mr. MANZULLO. Yes, but look at line 22. It says, "shall submit to the appropriate congressional committee a report describing the actions taken to carry out Section 301." It presumes that you will come up with a set of regulations.

Mr. SMITH OF NEW JERSEY. Well, I know for a fact that I have tried for years to get the USTR to do an investigation. As a matter of fact, last year, working with the AFL–CIO with regard to the gross abuse of labor rights in the PRC, we joined on as signers, Ben Cardin and I, of the call to do an investigation, and they just turned us down. They have the ability to just do that, and they did.

This was not the original language. We actually went to a study when objections were made earlier on in the subcommittee markup last year.

Let me just say, if I could, if the gentleman will continue yielding, I would ask members to read the language of the bill and to look at it very carefully. We are talking about minimum corporate standards for online freedom, personally identifying information.

Companies have already made the differentiation between the two. G-Mail, Google's e-mail service, decided to locate their personally identifying information outside the country. Yahoo! did not. So where is the Government of China getting its convictions? They go to Yahoo! and those who have Yahoo! accounts.

So companies have already shown at least some sensitivity to it, although Google, meanwhile, has joined in, hook, line, and sinker, with the propaganda apparatus of Beijing.

Let me also say, you know, we are talking about transparency, about search engine filtering. We do not know what words, what phrases, on a day-to-day basis are being filtered out. This requires that the office receive that information so we know what Google or any other search engine is filtering out: The Dalai Lama, Tiananmen Square, torture, George Bush, whatever it might be. We want to know what kinds of collaboration they are engaging in.

Internet censorship. We want to——

Mr. MANZULLO. Reclaiming my time, as I said, I agree with the intent of the bill. The problem is that when you get into these export controls, it is so delicate.

We are dealing now with a situation involving airplane parts. It has a $7 billion impact on the economy, on bread-and-butter items, and no one ever thought it would reach that point. But I just do not want to see us create something, a whole area, that we really cannot be able to control. There has got to be another way to do this. I do not know what it is, Mr. Smith, but I would be willing to work with you on it.

Mr. SMITH OF NEW JERSEY. Again, getting the administration or any administration to follow up on a 301 complaint is like pulling teeth. It just almost never happens. But if I could——

Mr. MANZULLO. Is that Section 301 of this bill?

Mr. SMITH OF NEW JERSEY. If you would continue yielding——

Chairman LANTOS. The gentleman's time has expired.

Before recognizing my next colleague, it gives me a great deal of pleasure to recognize our friend, Harry Wu, who has dedicated his life to fight for freedom in China, has risked his life on countless occasions, and has worked with this committee on all human rights issues in China. Harry, will you please stand?

[Applause.]

Chairman LANTOS. The gentleman from California, Mr. Rohrabacher.

Mr. ROHRABACHER. Thank you very much, Mr. Chairman. It is surprising how our minds run parallel. I was about to mention Harry Wu as well.

I am in the middle of a fight right now on another piece of legislation, which I believe will undermine—Mr. Berman and I are at odds with one another—America's ability to keep control, or at least to make sure that the technology that our inventors invent is not stolen by overseas interests, especially China.

It is interesting that the very same people who are pushing for the legislation, which I believe would totally undermine our patent system an open up this wholesale theft by China are the same people who we are talking about here, especially those people who would oppose what Mr. Smith is doing, namely, Google, Cisco, and basically these computer billionaires, these electronic industry billionaires, who are over trying to curry favor with gangsters and tyrants of the worst sort.

The question that I asked my colleague about what position he would have taken right before World War II, when it was evident what type of regime Adolph Hitler was, what position he would

have taken if the same piece of legislation was being offered, we need to think about that.

The Chinese—we have been told over and over and over again that what we need to do—and now we see the biggest corporate leaders who are profiting tremendously from interaction with China. Here we are over there helping them censor the electronic technology that we are selling them when we were told, by selling them the electronics technology and interacting economically, China would end up evolving toward a more liberal society.

You cannot have it both ways. If we are interacting with China economically, we have got to ensure that the technology does lead to a more liberal China instead of having a situation where we are actually allowing our technology to be used to bolster the police state.

I commend Mr. Smith. I think what we have here is very necessary, and it is very analogous. I am also, as you know, the author of legislation, which some of you have joined—I hope more will—to boycott the Olympics until there is a noticed change of policy in China. And again, the 1936 Nazi Olympics was something the United States should not have participated in. I know people will say, "Well, look, it did good things." No, it did not do good things. It legitimized Adolph Hitler.

It was not right to sell computers to Hitler. We should have had a resolution like this when IBM was selling their computers to Hitler back in the 1930s, and it is not right while China, which is the world's worst human rights abuser, is utilizing the capabilities of its dictatorial regime to track down any dissidents, we should not be just blithely doing business with them in a way that transfers technology that will bolster the regime.

You will not have an evolution. There will not be this engaging the Chinese will lead to a better and more peaceful world. It will be just the opposite.

So I thank Mr. Smith and support his resolution totally.

Chairman LANTOS. Mr. Royce?

Mr. ROYCE. Thank you. I move to strike the last word. Mr. Chairman, I think the IBM example might be on point in discussing the roles of United States companies in China, some of whom are working with Chinese security officials. We should keep in mind, I think, that we are talking about minimum corporate standards here when dealing with a regime that monitors the e-mail for internal control of its own people, that blocks Internet sites in the country, and, frankly, that hacks into our own computers here.

Now, we are willing to continue down this road while, at the same time, we have a debate here in the U.S. on the issue of listening in to foreign terrorist in foreign countries and recognizing that occasionally a foreign terrorist who is a target might call in the United States, and let us take a case in point. In theory, Mahmoud Karani, who came over the border in California in the trunk of a car, is the brother of the Hezbollah general in Lebanon. I am not sure how he was contacted, but let us say it was General Karani in Lebanon that contacted him.

Well, we are involved in a debate about suing our own telecom communication companies because once a foreign terrorist is in the United States, whether he is here legally or illegally, he becomes

a U.S. person under the law, and, therefore, in theory, we can sue a telecom company under such an arrangement. Now, even though they did it under the law, this is one argument that is being advanced.

The point that I want to make here is that, as we are willing to engage in this debate about how we sue our own companies here in the United States for attempting to prevent the killing of Americans when they are doing it under the law, and, at the same time, we are not willing to engage in the debate of what we do when a United States company basically does what IBM did in the late thirties and deliver technology to the Third Reich, or, in this case, deliver technology to the Communist apparatus in China to use for the purpose of internal control, especially when we see these sentences handed down.

That strikes me, again, as a real irony, and I would hope that we would advance this legislation because I think these minimum standards are necessary in light of history.

Mr. BERMAN. Would the gentleman yield?

Mr. ROYCE. I would yield.

Mr. BERMAN. Your formulation of the proposition, when you say "doing it under the law," obviously, when there is a warrant that a judge, be it a judge in a criminal-enforcement case or a FISA judge in an intelligence-gathering, granted, it is under the law, but you assumed that in your proposition, the fight here is not about telecom companies providing identifiable information to people pursuant to a warrant.

Mr. ROYCE. Well, the example I gave is one in which, as I gave the example of Mahmoud Karani, it is certainly my reading, and certainly the reading of the administration, that in a case like that it was under the law because the target of investigation would have been his brother, would have been the Hezbollah operative overseas. We did not even know the agent was here.

The question is the question under debate. That is exactly how this problem has developed. It is one of foreign terrorists contacting in the United States, on occasion, individuals with whom they have a relationship, and, under our current system, we then get a warrant because we cannot know in advance about the call.

But the point that I am making is that if we are willing to go down that road of entertaining how we create a felony or how we would entertain a suit against a United States company under that circumstance, we, at least, should entertain the idea that it is time to monitor the technology that United States firms could provide China where it is used in cases——

Chairman LANTOS. The gentleman's time has expired. Is there any other colleague who wishes to be recognized? If not, the chair would like to make some observations.

I have no doubt that some high-tech companies oppose this legislation. Change is hard. But in testimony last year before our committee, some of these same companies argued strongly that the United States Government needed to establish black-and-white rules for them on how they should operate in countries such as China.

So, today, we are providing those concrete rules. If the Chinese police come to Yahoo! with a subpoena for information on political

dissidents, Yahoo! will be able to tell Chinese authorities that they are prevented by United States law from complying with the subpoena unless they go through the U.S. Justice Department. Speaking of Yahoo!, the president of Yahoo! will appear before this committee on November 6th, so we are giving plenty of opportunity to the leaders of these gigantic high-tech companies to present their case.

If China demands that Google self-censor their search engine, Google will be able to tell them that the computers which run their China operation are not physically located in China because of United States law. Therefore, they cannot comply with this request.

Now, I know that some high-tech companies will argue that they will be forced to pull out of China. Nothing could be further from the truth. They will just have to operate under different and more appropriate conditions. China wants Yahoo! and Google in their country as much as these corporations want to be there and probably more so.

Let me reiterate my strong support for this legislation.

The question occurs on the amendment in the nature of a substitute. All in favor will say aye.

[A chorus of ayes.]

Chairman LANTOS. All opposed will say no. The ayes have it, and the amendment is agreed to.

The question now occurs on the chair's motion to report H.R. 275, as amended, favorably. All in favor, say aye. Aye.

[A chorus of ayes.]

Chairman LANTOS. All opposed, say no. The ayes have it, and the motion is agreed to.

Without objection, the bill will be reported as a single amendment in the nature of a substitute incorporating the amendments adopted by the committee, and staff is directed to make any technical and conforming amendments.

We have a series of noncontroversial bills on the agenda. It is the intention of the chair to consider these measures en bloc and, by unanimous consent, authorize the chair to report certain measures to the whole House and seek consideration of the remaining bills under suspension of the rules. All members are given leave to insert remarks on the measures into the record, should they choose to do so.

Ms. ROS-LEHTINEN. Mr. Chairman?

Ms. JACKSON LEE. Mr. Chairman?

Chairman LANTOS. Ms. Ros-Lehtinen.

Ms. ROS-LEHTINEN. Thank you so much, Mr. Chairman. It is always a pleasure to work with you and your staff in a truly bipartisan manner in this committee, and I am so thankful that you have put on for unanimous consent some bills that are of extreme importance to members on my side of the aisle, and thank you for the work that has gone into putting these bills together.

I want to thank my Florida colleague, Mr. Wexler, with whom I have worked on the Holocaust bill——

Chairman LANTOS. I would like to ask colleagues to stay, if they can, because we will be having votes shortly.

Ms. ROS-LEHTINEN [continuing]. H.R. 1746. Thank you, Mr. Chairman. I am glad that we were able to accommodate the concerns that you had to seek just restitution to Holocaust survivors and the families of victims.

Mr. Chairman, you and I are still in negotiations over the Syria Accountability and Nonproliferation Act. Members will see it on their markup sheet. It is H.R. 2332, and this is a bill that I introduced with my good friend from New York, Mr. Eliot Engel, 6 months ago. We have 105 co-sponsors, and the bill will be pulled today, and I am optimistic that, after much discussion, the majority and minority had reached an agreement that will allow this critical initiative to—strong bipartisan support.

We still have one substantive amendment, which you would like to add to the bill, Mr. Chairman. We need to work that out, and as the chairman remembers, we had an exchange in a previous markup where he committed to move the bill in our next markup session, which is today.

But I would like to make some substantive comments about the difficulty of the amendment and the pulling of this bill.

This bill, Mr. Chairman, comes at a critical time. We have seen the reports in the press daily that would-be terrorists in the foiled German plot were carrying Syrian-origin detonators, that the Israeli raid targeted a Syrian nuclear facility being developed with North Korean assistance, that Syria continues to target pro-Western Lebanese opposition members for assassination and direct interference with the Lebanese political process, that Syria continues to facilitate attacks against American personnel in Iraq, causing the death of our brave men and women there, that the Syrian dictator, Assad, is a blatant and vicious anti-Semite. He declared that Israel was a racist society, even more racist than the Nazis.

He could not have made his support for Israel's destruction by war any clearer, stating that "as long as Israel exists, the threat exists. Since its very inception, Israel has been a threat. It is the Israeli nature, and, for that, Israel was established."

Just last year, Assad blatantly threatened Israel, telling a German magazine that "Israel must realize that time is not on its side. On the contrary," he continues, "a generation will come which is even more determined to strike Israel, which will exact revenge for what it had committed in the past, and then your Israeli sons will pay the price."

We were unable to reach a compromise, Mr. Chairman, on how to deny the Syrian regime the legitimacy and the resources that it needs to pursue its threatening policies, but I am hopeful that the chairman will be able to accept an offer which clarifies in our bill that the codification of sanctions, that section of our bill, does not alter the law regarding United States diplomatic policy.

So I look forward, Mr. Chairman, to continuing this dialogue and I am hopeful that we can work this out.

As a primary co-sponsor of H. Res. 726, I want to thank its author, Congresswoman DeLauro, for accommodating our request to remove all language that could be construed as supporting abortion so that we might focus with unanimous support on stopping violence against the women and girls of Darfur.

Finally, Mr. Chairman, I am pleased to be an original co-sponsor of two measures that you recently introduced, H.R. 3890, which will broaden sanctions against the repressive military regime in Burma, and, secondly, H.R. 3912, the Naval Vessel Transfer Act of 2007, which is based on a request from the administration.

Chairman LANTOS. Before I recognize, there is a history behind this legislation. Part of that history was the vicious and idiotic attack by members of the administration against the Speaker of the House of Representatives, and others of us who visited Damascus.

It was not only vicious and idiotic, it was hypercritical because, simultaneously, Republican members visited Damascus for conversations with al-Assad, and there was no attack on that.

This pattern of behavior was further aggravated by a proposed amendment, on the floor of the House by Congressman King of Iowa, which specifically prohibited the spending of public funds by the Speaker of the House of Representatives to visit any of these countries which are on the terrorism list, ranging from Cuba to Syria.

It was my great honor to oppose that amendment, and to the credit of many Republican colleagues, including my good friend the ranking member, I believe the majority of our Republican colleagues voted with every single Democrat rejecting this absurd amendment.

I pointed out during the debate that the City of San Francisco is represented by two Members of Congress, Mrs. Pelosi and myself. The King amendment would have allowed me to visit Syria or Cuba, or any other country on the list, but would not have allowed duly elected fellow member Nancy Pelosi to do the same.

And it speaks well for the House of Representatives that this ill-advised and absurd amendment was overwhelmingly rejected by a partisan vote to repeat with every single Democrat voting for it, and the majority of my Republican colleagues voting for it.

The issue is a very fundamental issue. Some of us believe in dialogue. At the height of the cold war, beginning with my service in 1981, I went to the Soviet Union almost every year with a group of colleagues, most of whom had never been to the Soviet Union. This was at a time when vast numbers of nuclear Soviet missiles were aimed at our cities. Nevertheless, I judged it appropriate, even necessary, for Members of Congress to engage in a dialogue with our counterparts in the Soviet Union. And while I certainly don't claim credit that our visits resulted in the implosion of the Soviet Union, it certainly contributed to doubts within the Soviet leadership about the viability of their system. And probably the happiest moment for all of us on this committee was when the Soviet system imploded.

Some of us feel very deeply that the administration's policy of opposing blocking, and denying dialogue with leaders in countries with which we disagree, is a profoundly erroneous, mistaken, wrong policy.

So, while I will do my utmost to try to accommodate my good friend from Florida, I do not see any rational way for us to remove this paragraph from the serial legislation. It belongs in the serial legislation. It belongs in the serial legislation because some on the other side have chosen Syria as the very country with which we

should have no dialogue. This is deeply felt by many of us that we need to have dialogue.

And, as we sit here this morning, I am continuing my 10-year-old effort to gain access to Iran. Kofi Annan attempted to obtain a visa for me, and now Ban Ki-moon is in the same pursuit, so far unsuccessfully.

I think American national interest would be advanced if my colleagues and I would have an opportunity of visiting Tehran for a dialogue with the Iranian leadership. It is not in our interest to have no dialogue with the Iranian leadership.

Ms. ROS-LEHTINEN. Mr. Chairman——

Chairman LANTOS. I will be delighted to yield to my colleague.

Ms. ROS-LEHTINEN. Thank you, Mr. Chairman.

I don't wish to give the members of our committee the wrong impression of what is or is not in the bill that we are discussing: The Syrian Accountability and Liberation Act.

Mr. Chairman, you have raised some very serious and important points, none of which have anything to do with the bill. Mr. Chairman, with all due respect, you wish to add a statement in the bill that is not currently there. So it's not to modify, it is to add another element of the Syria debate to this bill, which will make it a controversial bill.

The bill, as it is stated now, we've already made a lot of accommodations to make sure that it is a bill that has strong bi-partisan support, and there is nothing in the bill that would go against any diplomatic engagement, or any ongoing negotiation. Whether the administration is negotiating or not with Syria, it has nothing to do with this bill.

We neither encourage it nor prevent it. It is not a part of this bill. So I wish your very important point could be raised on your own bill, and your own resolution, which could certainly go to the floor as early as next week, and you would win, or we would win, whatever. But our Syria Accountability and Liberation Act does other things. It is not addressing the issue of what one is already able to do, which is engage in diplomatic initiatives.

So I just want to be clear with the members on the bill. It is not that I wish to add something to the bill to prevent diplomatic initiatives. It is just that the chairman wishes to add that it is a sense of Congress that we should have that. And I think that is a great debate on another bill. And this bill seeks to do other things, and I wish that it would ride on its own merits.

But we will continue negotiations, Mr. Chairman, and I am optimistic that we will get there.

Chairman LANTOS. I thank my friend for her comments.

Ms. ROS-LEHTINEN. Thank you.

Chairman LANTOS. Without objection, the following measures are reported favorably to the House of Representatives.

Mr. SHERMAN. Mr. Chairman?

Chairman LANTOS. Are you speaking to this issue?

Mr. SHERMAN. Not the Syria issue but among the bills that are being considered.

Chairman LANTOS. Yes, there will be plenty of opportunity.

Mr. SHERMAN. I look forward to it.

Chairman LANTOS. Without objection, the following measures are reported favorably to the House of Representatives; and the amendments to those measures which the members have before them shall be deemed adopted: H.R. 1746, the Holocaust Insurance Accountability Act of 2007, and H.R. 3890, the Block Burmese JADE Act of 2007.

Without objection, the chairman is authorized to seek consideration of the following bills under suspension of the rules, and the amendments to those measures, which members have before them, shall be deemed adopted: H.R. 2705, Compacts of Free Association Amendments of 2007; H.R. 2949, the Eurasia Foundation Act of 2007; H.R. 3320, Support for the Museum of the History of Polish Jews Act of 2007; H.R. 3912, Naval Vessel Transfer Act of 2007; H.R. 3913, To amend the International Center Act to authorize the lease or sublease of certain property described in such Act; H. Res. 435, Expressing concern relating to the threatening behavior of the Iranian regime and its leader Mahmoud Ahmadinejad, and the activities of terrorist organizations sponsored by that regime in Latin America; H. Res. 550, Congratulating the people of Ethiopia on the second millennium of Ethiopia; H. Res. 573, Recognizing and commending the efforts of the United States public and advocacy groups to raise awareness about and help end the worsening humanitarian crisis and genocide in Darfur, Sudan; H. Res. 726, Calling on the President of the United States and the international community to take immediate steps to respond to and prevent acts of rape and sexual violence against women and girls in Darfur, Sudan, Eastern Chad and the Central African Republic; H. Res. 740, Condemning in the strongest terms the attacks on African Union peacekeepers that occurred in Haskanita, Darfur on September 29, 2007; H. Res. 747, Recognizing the religious and historical significance of the Festival of Diwali; H. Con. Res. 234, Calling on the Government of the People's Republic of China to respect the human rights of North Korean refugees; and H. Con. Res. 236, Recognizing the close relationship between the United States and the Republic of San Marino.

[The information referred to follows:]

I

110TH CONGRESS
1ST SESSION

# H. R. 1746

To require disclosure of Holocaust-era policies by insurers and establish a federal cause of action for claims arising out of a covered policy.

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IN THE HOUSE OF REPRESENTATIVES

MARCH 28, 2007

Ms. ROS-LEHTINEN (for herself, Mr. WEXLER, Mr. CANTOR, Mr. PENCE, and Mr. CHABOT) introduced the following bill; which was referred to the Committee on Financial Services, and in addition to the Committees on Foreign Affairs and Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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# A BILL

To require disclosure of Holocaust-era policies by insurers and establish a federal cause of action for claims arising out of a covered policy.

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

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''Holocaust Insurance Accountability Act of 2007''.

**SEC. 2. FINDINGS.**

Congress finds the following:

(1) The Holocaust, an event in which millions of people endured enormous suffering through torture and other violence, including the murder of 6,000,000 Jews and millions of others, the destruction of families and communities, and the theft of their assets, was one of the most heinous crimes in human history.

(2) Before and during World War II, millions of people purchased insurance policies to safeguard family assets, plan for retirement, provide for a dowry, or save for their children's education.

(3) When Holocaust survivors or heirs of Holocaust victims presented claims to insurance companies after World War II, many were rejected because they did not have death certificates or physical possession of policy documents that had been confiscated by the Nazis or lost in the devastation of the Holocaust.

(4) In many instances, insurance company records and records in government archives are the only proof of the existence of insurance policies belonging to Holocaust victims.

(5) Holocaust survivors and heirs have been attempting for decades to persuade insurance companies to settle unpaid insurance claims.

(6) In 1998, the International Commission on Holocaust Era Insurance Claims (in this section referred to as the ''ICHEIC'') was established by the National Association of Insurance Commissioners in cooperation with several European insurance companies, European regulators, the Government of Israel, and non-governmental organizations with the promise that it would expeditiously address the issue of unpaid insurance policies issued to Holocaust victims.

(7) On July 17, 2000, the United States and Germany signed an Executive Agreement in support of the German Foundation ''Remembrance, Responsibility, and the Future'', which designated the ICHEIC to resolve all Holocaust-era insurance policies issued by German companies and their subsidiaries.

(8) On January 17, 2001, the United States and Austria signed an Executive Agreement, which designated the ICHEIC to resolve all Holocaust-era insurance policies issued by Austrian companies and their subsidiaries.

(9) Between 1998 and the closing of the ICHEIC claims deadline on December 31, 2003, few names of the Jewish policy holders from Eastern

Europe were published, though more than two-thirds of the Jewish population of the territory occupied by the Nazis and their allies were from Eastern Europe.

(10) The ICHEIC is scheduled to close in 2007 without the disclosure of thousands of names of policies sold to Jewish residents of Europe prior to World War II as of February of 2007.

(11) With the ICHEIC process essentially completed, companies holding Holocaust-era insurance policies continue to withhold names of owners and beneficiaries of thousands of insurance policies sold to Jewish customers prior to World War II.

(12) Experts estimate that the value in 2006 of unpaid life, annuity, endowment, and dowry insurance theft from European Jewry from the Holocaust and its aftermath ranges between $17,000,000,000 and $200,000,000,000.

(13) As of the latest report by the ICHEIC on February 20, 2007, the value of claims paid in recognition of victims' policies was approximately $250,000,000 and fewer than 5 percent of the policies estimated to have been sold to Jews at the beginning of World War II have been paid through ICHEIC.

(14) As of 2006, ICHEIC has not provided the State Department with the information required by paragraphs (3) through (7) of section 704(a) of the Foreign Relations Authorization Act, Fiscal Year 2003 (Public Law 107–228), which requires the Secretary of State to report to the appropriate congressional committees on the status of the implementation of the Executive Agreement between Germany and the United States.

(15) In American Insurance Association, Inc., v. Garamendi, the United States Supreme Court held that under the supremacy clause of the Constitution of the United States, executive agreements and Federal Government policy calling for insurance claims against German and Austrian companies to be handled within ICHEIC preempted State laws authorizing State insurance commissioners to subpoena company records and require publication of the names of Holocaust era policy holders.

(16) In the Garamendi case, the Supreme Court stated that Congress, which has the power to regulate international commerce, and prescribe Federal Court jurisdiction, had not addressed disclosure and restitution of Holocaust victims' insurance policies.

(17) Subsequent court decisions have dismissed survivors' suits against Assicurazioni Generali, S.p.A., even though there is no executive agreement between the United States and Italy.

(18) Congress believes that United States courts do currently have jurisdiction to entertain actions by Holocaust victims and heirs of Holocaust victims to recover insurance proceeds sold to their families before the Holocaust.

(19) Due to lower court interpretations of the Garamendi case, this Act expresses the intent of Congress to legislate to the maximum extent allowed by the Constitution regarding the rights of Holocaust survivors and the heirs and beneficiaries of Holocaust victims to obtain information from insurers and to bring actions in United States courts to recover unpaid funds from entities that participated in the theft of family insurance assets or the affiliates of such entities.

(20) The ICHEIC either chose not to pursue or did not put forth sufficient effort to investigate or obtain restitution for forms of insurance other than life, annuity, endowment, or dowry insurance sold to Holocaust victims, despite documentation that other forms of insurance benefits such as property and

casualty insurance, disability insurance, health insurance, transport insurance, and marine insurance were also improperly withheld from Jews, nor did the ICHEIC make sufficient effort to investigate the records of reinsurers who provided coverage for Jews' policies prior to World War II, despite evidence that reinsurers and reinsurance played a significant role in the theft of the family assets of Holocaust victims.

(21) Disclosures in 2006 concerning the vast Nazi archives at Bad Arolsen Germany, which have been closed to direct access by Holocaust survivors, families of Holocaust victims, and researchers since 1955, underscores the necessity a comprehensive opening of all archival sources of information for Holocaust victims and their families.

(22) Insurance payments should be expedited to the victims of the most heinous crime of the 20th Century to ensure that justice is served.

(23) States should be allowed to collect Holocaust-era insurance information from any insurance companies that want to do business in such States.

(24) Tens of thousands of Holocaust survivors around the world, including in the United States, live below or near the poverty level, and cannot meet

their basic day-to-day needs for food, medicine, shelter, and other necessities.

(25) This Act will enable survivors, heirs, and beneficiaries to obtain compensation commensurate with the real monetary value of their losses, and to penalize unjustly enriched insurers for their fraudulent, deceptive, and unfair practices, which continue to the present day, and to deter such conduct in the future.

(26) Holocaust victims and their families should be able to recover claims arising from Holocaust era insurance policies and the Federal Government should be able to recover for the unjust enrichment of insurers in Federal court when they consider it necessary to seek redress through the judicial system.

(27) Under the circumstances faced by Holocaust victims and their families, the courts of the United States should be open to Holocaust victims and their families for a reasonable number of years after enactment of this Act, without regard to any other statutes of limitation.

**SEC. 3. HOLOCAUST INSURANCE REGISTRY.**

(a) ESTABLISHMENT AND MAINTENANCE.—Chapter 21 of title 44, United States Code, is amended by adding at the end the following:

**"§ 2119. Holocaust Insurance Registry**

''(a) ESTABLISHMENT.—The Archivist shall establish and maintain a collection of records that shall—

''(1) consist of the information provided to the Archivist under section 5 of the Holocaust Victims Insurance Relief Act of 2007;

''(2) be known as the Holocaust Insurance Registry.

''(b) PUBLIC ACCESS TO THE RECORDS.—The Archivist shall make all the aforementioned records accessible to the public and searchable by means of the Internet and by any other means the Archivist deems appropriate.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 21 of title 44, United States Code, is amended by adding at the end the following:

''2119. Holocaust Insurance Registry.''.

(c) AGREEMENTS WITH EUROPEAN COUNTRIES.—

(1) AGREEMENTS.—The Secretary of State shall seek to enter into agreements with European countries to make available to the Holocaust Insurance Registry information on covered policies that is

stored in the archives or other government repositories of such countries.

(2) REPORT.—Not later than 6 months after the date of the enactment of this Act, and every 6 months thereafter, the Secretary of State shall submit to Congress a report on efforts to carry out this subsection.

**SEC. 4. DISCLOSURE OF HOLOCAUST-ERA POLICIES BY INSURERS.**

(a) REQUIREMENT.—An insurer shall file, in an electronic format, with the Secretary of Commerce the following information:

(1) The first name, last name, date of birth, and domicile of the policyholder of each covered policy issued or reinsured by the insurer or a related company of the insurer.

(2) The name of the entity that issued the covered policy.

(3) The name of the entity that is responsible for the liabilities of the entity that issued the covered policy.

(b) FILING.—Information under subsection (a) shall be filed not later than 90 days after the date of the enactment of this Act.

**SEC. 5. PROVISION OF INFORMATION TO ARCHIVIST.**

The Secretary of Commerce shall provide to the Archivist of the United States any information filed with the Secretary under section 4(a) promptly after the filing of such information.

**SEC. 6. PENALTY.**

The Secretary of Commerce shall assess a civil penalty of not less than $5,000 for each day that an insurer fails to comply with the requirements of section 4, as determined by the Secretary.

**SEC. 7. USE OF AMOUNTS RECEIVED AS CIVIL PENALTIES.**

To the extent or in the amounts provided in advance in appropriation Acts, the Archivist of the United States may use amounts received by the Government as civil penalties under section 6 to maintain the Holocaust Insurance Registry.

**SEC. 8. NOTIFICATION.**

(a) INITIAL NOTIFICATION.—Not later than 180 days after the date of the enactment of this Act, and periodically thereafter, the Secretary of Commerce shall notify each State's commissioner of insurance of the identity of each insurer that has failed to comply with the requirements of section 4 or has not satisfied any civil penalty for which the insurer is liable under section 6.

(b) REQUESTS BY STATES.—On request by the commissioner of insurance of a State concerning an insurer

operating in that State, the Secretary of Commerce shall inform the commissioner of insurance whether the insurer has failed to comply with the requirements of section 4 or has not satisfied any civil penalty for which the insurer is liable under section 6.

**SEC. 9. STATE HOLOCAUST INSURANCE STATUTES.**

(a) PREEMPTION.—Nothing in this Act preempts—

(1) any State law requiring an insurer in such State to disclose information regarding covered policies sold or for which reinsurance was provided; or

(2) any rights or remedies available to a claimant under State law relating to a covered policy.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that if any litigation challenging any State law described in subsection (a) is dismissed because the State's commissioner of insurance chooses to rely on this Act and therefore no longer seeks to enforce the State law, each party should bear its own legal fees and costs.

**SEC. 10. FEDERAL CAUSE OF ACTION FOR COVERED CLAIMS.**

(a) FEDERAL CAUSE OF ACTION.—

(1) IN GENERAL.—There shall exist a Federal cause of action for any claim arising out of or related to a covered policy against any insurer or related company.

(2) EFFECT ON OTHER CAUSES OF ACTION.—An action under paragraph (1) shall be maintainable in addition to any cause of action arising under State or international law.

(3) STANDING.—A claim under paragraph (1) may be brought by the person who purchased such covered policy, a beneficiary or heir of such person, or an assignee of such person or a beneficiary or heir of such person.

(4) TREBLE DAMAGES; INTEREST.—In an action under this subsection, the measure of damages shall be not less than three times the amount of—

(A) the claim under the covered policy in United States dollars as of December 31, 1938; and

(B) interest at a rate of 6 percent per year compounded annually from the date when the claim for which an action exists under this subsection could have first been made until the date of judgment under this subsection.

(5) ATTORNEYS FEES.—In an action under this subsection, a court shall award a successful claimant reasonable attorneys fees and costs incurred in investigating and prosecuting the claim.

(b) SUBJECT MATTER JURISDICTION.—The district courts shall have original jurisdiction of any civil action arising out of or related to a covered policy (whether brought under subsection (a) or otherwise).

(c) PERSONAL JURISDICTION.—Notwithstanding any provision of Rule 4 of the Federal Rules of Civil Procedure to the contrary, in a civil action arising from or related to a covered policy (whether brought under subsection (a) or otherwise) commenced in a district where the defendant is not a resident—

(1) the court may exercise jurisdiction over such defendant on any basis not inconsistent with the Constitution of the United States; and

(2) service of process, summons, and subpoena may be made on such defendant in any manner not inconsistent with the Constitution of the United States.

(d) RETROACTIVE APPLICATION.—This Act shall apply retroactively to any claim arising out of or related to a covered policy to the fullest extent permitted by the Constitution of the United States, including claims previously dismissed on the ground of executive preemption and claims for which class action settlements occurring prior to the effective date of this Act purport to effect a release of claims not accompanied by an actual payment.

(e) STATUTE OF LIMITATIONS.—Any action brought under this Act shall be filed not later than 10 years after the effective date of this Act.

**SEC. 11. DEFINITIONS.**

In this Act:

(1) COMMISSIONER OF INSURANCE.—The term ''commissioner of insurance'' means the highest ranking officer of a State responsible for regulating insurance.

(2) COVERED POLICY.—The term ''covered policy'' means any life, dowry, education, property or other insurance policy that was—

(A) in effect at any time after January 30, 1933, and before December 31, 1945; and

(B) issued to a policyholder domiciled in any area that was occupied or controlled by Nazi Germany or by any ally or sympathizer of Nazi Germany at any time during the period described in subparagraph (A).

(3) INSURER.—The term ''insurer'' means any person engaged in the business of insurance (including reinsurance) in interstate or foreign commerce, if the person or a related company of the person issued or reinsured a covered policy, regardless of

when the related company became a related company of the insurer.

(4) RELATED COMPANY.—The term ''related company'' means an affiliate, as that term is defined in section 104(g) of the Gramm-Leach-Bliley Act (15 U.S.C. 6701(g)).

○

**AMENDMENT IN THE NATURE OF A SUBSTITUTE**

**TO H.R. 1746**

**OFFERED BY MS. ROS-LEHTINEN OF FLORIDA**

**AND MR. LANTOS OF CALIFORNIA**

Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''Holocaust Insurance Accountability Act of 2007''.

**SEC. 2. FINDINGS.**

Congress finds the following:

(1) The Holocaust, an event in which millions of people endured enormous suffering through torture and other violence, including the murder of 6,000,000 Jews and millions of others, the destruction of families and communities, and the theft of their assets, was one of the most heinous crimes in human history.

(2) Before and during World War II, millions of people purchased insurance policies to safeguard family assets, plan for retirement, provide for a dowry, or save for their children's education.

(3) When Holocaust survivors or heirs of Holocaust victims presented claims to insurance companies after World War II, many were rejected because they did not have death certificates or physical possession of policy documents that had been confiscated by the Nazis or lost in the devastation of the Holocaust.

(4) In many instances, insurance company records and records in government archives are the only proof of the existence of insurance policies belonging to Holocaust victims.

(5) Holocaust survivors and heirs attempted for decades to persuade insurance companies to settle unpaid insurance claims.

(6) In 1998, the International Commission on Holocaust Era Insurance Claims (in this section referred to as the ''ICHEIC'') was established by the National Association of Insurance Commissioners in cooperation with several European insurance companies, European regulators, the Government of Israel, and nongovernmental organizations with the promise that it would expeditiously address the issue of unpaid insurance policies issued to Holocaust victims.

(7) On July 17, 2000, the United States and Germany signed an Executive Agreement in support

of the German Foundation ''Remembrance, Responsibility, and the Future'', which designated the ICHEIC to resolve all Holocaust-era insurance policies issued by German companies and their subsidiaries.

(8) On January 17, 2001, the United States and Austria signed an Executive Agreement.

(9) Between 1998 and the closing of the ICHEIC claims deadline on December 31, 2003, ICHEIC undertook an effort to identify and publish the names of Jewish policy holders throughout Europe. Working with a number of available relevant archives in 15 countries, ICHEIC researchers located almost 78,000 policy records, and there remain additional archival files to be examined.

(10) The ICHEIC closed in 2007 after the disclosure of thousands of names and payments on thousands of policies sold to Jewish residents of Europe prior to World War II. However, experts and survivors assert that thousands of names and policies have not been disclosed or paid.

(11) In total, ICHEIC helped secure a total of $306,000,000 on behalf of 48,000 Holocaust survivors and their heirs, of whom 17,000 survivors and

heirs received payments on policies and 31,000 received humanitarian payments of $1,000 each.

(12) Notwithstanding ICHEIC's efforts, some experts have disputed the ICHEIC determination to be low.

(13) Therefore, with the ICHEIC process essentially completed, names of owners and beneficiaries of insurance policies sold to Jewish customers prior to World War II remain to be made public.

(14) It is estimated that the value in 2006 of unpaid life, annuity, endowment, and dowry insurance theft from European Jewry from the Holocaust and its aftermath ranges between $17,000,000,000 and $200,000,000,000.

(15) As of the final report by ICHEIC on February 20, 2007, it is estimated that the value of claims paid through ICHEIC has been fewer than five percent of the policies estimated to have been sold to Jews at the beginning of World War II.

(16) Although ICHEIC provided occasional reports regarding its activities to members, alternates, and observers of the Commission, at its conclusion in 2007, ICHEIC has not provided the Department of State with the information required by para-

graphs (3) through (7) of section 704(a) of the Foreign Relations Authorization Act, Fiscal Year 2003 (Public Law 107–228), which required the Secretary of State to report to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate on the status of the implementation of the Executive Agreement between Germany and the United States.

(17) In American Insurance Association, Inc., v. Garamendi, the United States Supreme Court held that under the supremacy clause of the Constitution of the United States, executive agreements and Federal Government policy calling for insurance claims against German and Austrian companies to be handled within ICHEIC preempted State laws authorizing State insurance commissioners to subpoena company records and require publication of the names of Holocaust era policy holders.

(18) In the Garamendi case, the Supreme Court stated that Congress, which has the power to regulate international commerce, and prescribe Federal court jurisdiction, had not addressed disclosure and restitution of Holocaust victims' insurance policies.

(19) Congress believes that United States courts do currently have jurisdiction to entertain actions by Holocaust victims and heirs of Holocaust victims to recover insurance proceeds sold to their families before the Holocaust, notwithstanding any Executive Agreements previously entered into, the establishment of the ICHEIC process, statements by high-level Executive branch officials, or prior court decisions to the contrary.

(20) Due to lower court interpretations of the Garamendi case, this Act expresses the intent of Congress to legislate to the maximum extent allowed by the Constitution regarding the rights of Holocaust survivors and the heirs and beneficiaries of Holocaust victims to obtain information from insurers and to bring actions in United States courts to recover unpaid funds from entities that participated in the theft of family insurance assets or the affiliates of such entities.

(21) Based on its analysis of possible policies owned prior to the period in question, ICHEIC did not generally obtain restitution for forms of insurance other than life, annuity, endowment, or dowry insurance sold to Holocaust victims, such as property and casualty insurance, disability insurance,

health insurance, transport insurance, and marine insurance which were also improperly withheld from Jews, nor did the ICHEIC investigate the records of reinsurers who provided coverage for policies during the period in question.

(22) It is the intent of Congress to ensure that insurance companies, their subsidiaries, and related entities are held accountable to survivors, heirs, beneficiaries, and the public for their handling of insurance sold to Holocaust victims, including property and casualty insurance, health insurance, transport insurance, and marine insurance, the benefits of which were improperly withheld from their Jewish owners, and provide full restitution thereof.

(23) Disclosures in 2006 concerning the vast Nazi archives at Bad Arolsen, Germany, which have been closed to direct access by Holocaust survivors, families of Holocaust victims, and researchers since 1955, underscores the necessity a comprehensive opening of all archival sources of information for Holocaust victims and their families.

(24) Insurance payments should be expedited to the victims of the most heinous crime of the 20th century to ensure that justice is served.

(25) States should be allowed to collect Holocaust-era insurance information from any insurance companies that want to do business in such States.

(26) Tens of thousands of Holocaust survivors around the world, including in the United States, live below or near the poverty level, and cannot meet their basic day-to-day needs for food, medicine, shelter, and other necessities.

(27) This Act will enable survivors, heirs, and beneficiaries to obtain compensation commensurate with the real monetary value of their losses, and to penalize unjustly enriched insurers for their fraudulent, deceptive, and unfair practices, which continue to the present day, and to deter such conduct in the future.

(28) Holocaust victims and their families should be able to recover claims arising from Holocaust era insurance policies and the Federal Government should be able to recover for the unjust enrichment of insurers in Federal court when they consider it necessary to seek redress through the judicial system.

(29) Under the circumstances faced by Holocaust victims and their families, the courts of the United States should be open to Holocaust victims

and their families for a reasonable number of years after the enactment of this Act, without regard to any other statutes of limitation.

**SEC. 3. HOLOCAUST INSURANCE REGISTRY.**

(a) ESTABLISHMENT AND MAINTENANCE.—Chapter 21 of title 44, United States Code, is amended by adding at the end the following:

**''SEC. 2119. HOLOCAUST INSURANCE REGISTRY.**

''(a) ESTABLISHMENT.—The Archivist shall establish and maintain a collection of records that shall—

''(1) consist of the information provided to the Archivist under section 5 of the Holocaust Insurance Accountability Act of 2007; and

''(2) be known as the Holocaust Insurance Registry.

''(b) PUBLIC ACCESS TO THE RECORDS.—The Archivist shall make all the aforementioned records accessible to the public and searchable by means of the Internet and by any other means the Archivist deems appropriate.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 21 of title 44, United States Code, is amended by adding at the end the following:

''2119. Holocaust Insurance Registry.''.

(c) AGREEMENTS WITH EUROPEAN COUNTRIES.—

(1) AGREEMENTS.—The Secretary of State shall seek to enter into agreements with European

countries to make available to the Holocaust Insurance Registry information on covered policies that is stored in the archives or other government repositories of such countries.

(2) REPORT.—Not later than 6 months after the date of the enactment of this Act, and every 6 months thereafter, the Secretary of State shall submit to Congress a report on efforts to carry out this subsection.

**SEC. 4. DISCLOSURE OF HOLOCAUST-ERA POLICIES BY INSURERS.**

(a) REQUIREMENT.—An insurer shall file, in an electronic format, with the Secretary of Commerce the following information:

(1) The first name, last name, date of birth, and domicile of the policyholder of each covered policy issued or reinsured by the insurer or a related company of the insurer.

(2) The name of the entity that issued the covered policy.

(3) The name of the entity that is responsible for the liabilities of the entity that issued the covered policy.

(b) FILING.—Information under subsection (a) shall be filed not later than 90 days after the date of the enactment of this Act.

**SEC. 5. PROVISION OF INFORMATION TO ARCHIVIST.**

The Secretary of Commerce shall provide to the Archivist of the United States any information filed with the Secretary under section 4(a) promptly after the filing of such information.

**SEC. 6. PENALTY.**

The Secretary of Commerce shall assess a civil penalty of not less than $5,000 for each day that an insurer fails to comply with the requirements of section 4, as determined by the Secretary.

**SEC. 7. USE OF AMOUNTS RECEIVED AS CIVIL PENALTIES.**

To the extent or in the amounts provided in advance in appropriation Acts, the Archivist of the United States may use amounts received by the Government as civil penalties under section 6 to maintain the Holocaust Insurance Registry.

**SEC. 8. NOTIFICATION.**

(a) INITIAL NOTIFICATION.—Not later than 180 days after the date of the enactment of this Act, and periodically thereafter, the Secretary of Commerce shall notify each State's commissioner of insurance of the identity of each insurer that has failed to comply with the require-

ments of section 4 or has not satisfied any civil penalty for which the insurer is liable under section 6.

(b) REQUESTS BY STATES.—On request by the commissioner of insurance of a State concerning an insurer operating in that State, the Secretary of Commerce shall inform the commissioner of insurance whether the insurer has failed to comply with the requirements of section 4 or has not satisfied any civil penalty for which the insurer is liable under section 6.

**SEC. 9. STATE HOLOCAUST INSURANCE STATUTES.**

(a) PREEMPTION.—Nothing in this Act preempts—

(1) any State law requiring an insurer in such State to disclose information regarding covered policies sold or for which reinsurance was provided; or

(2) any rights or remedies available to a claimant under State law relating to a covered policy.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that if any litigation challenging any State law described in subsection (a) is dismissed because the State's commissioner of insurance chooses to rely on this Act and therefore no longer seeks to enforce the State law, each party should bear its own legal fees and costs.

**SEC. 10. FEDERAL CAUSE OF ACTION FOR COVERED CLAIMS.**

(a) FEDERAL CAUSE OF ACTION.—

(1) IN GENERAL.—There shall exist a Federal cause of action for any claim arising out of or related to a covered policy against any insurer or related company.

(2) EFFECT ON OTHER CAUSES OF ACTION.—An action under paragraph (1) shall be maintainable in addition to any cause of action arising under State or international law.

(3) STANDING.—A claim under paragraph (1) may be brought by the person who purchased such covered policy, a beneficiary or heir of such person, or an assignee of such person or a beneficiary or heir of such person.

(4) TREBLE DAMAGES; INTEREST.—In an action under this subsection, the measure of damages shall be not less than three times the amount of—

(A) the claim under the covered policy in United States dollars as of December 31, 1938; and

(B) interest at a rate of six percent per year compounded annually from the date when the claim for which an action exists under this subsection could have first been made until the date of judgment under this subsection.

(5) ATTORNEYS FEES.—In an action under this subsection, a court shall award a successful claimant reasonable attorneys fees and costs incurred in investigating and prosecuting the claim.

(b) SUBJECT MATTER JURISDICTION.—The district courts shall have original jurisdiction of any civil action arising out of or related to a covered policy (whether brought under subsection (a) or otherwise).

(c) PERSONAL JURISDICTION.—Notwithstanding any provision of Rule 4 of the Federal Rules of Civil Procedure to the contrary, in a civil action arising from or related to a covered policy (whether brought under subsection (a) or otherwise) commenced in a district where the defendant is not a resident—

(1) the court may exercise jurisdiction over such defendant on any basis not inconsistent with the Constitution of the United States; and

(2) service of process, summons, and subpoena may be made on such defendant in any manner not inconsistent with the Constitution of the United States.

(d) RETROACTIVE APPLICATION.—This Act shall apply retroactively to any claim arising out of or related to a covered policy to the fullest extent permitted by the Constitution of the United States, including claims pre-

viously dismissed on the ground of executive preemption and claims for which class action settlements occurring prior to the effective date of this Act purport to effect a release of claims not accompanied by an actual payment, for which a recipient signed a release.

(e) STATUTE OF LIMITATIONS.—Any action brought under this Act shall be filed not later than ten years after the effective date of this Act.

(f) SEVERABILITY.—If any provision of this section or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the section whch can be given effect without the invalid provision or application, and to this end the provisions of this section are declared severable.

**SEC. 11. DEFINITIONS.**

In this Act:

(1) COMMISSIONER OF INSURANCE.—The term ''commissioner of insurance'' means the highest ranking officer of a State responsible for regulating insurance.

(2) COVERED POLICY.—The term ''covered policy'' means any life, dowry, education, property or other insurance policy that was—

(A) in effect at any time after January 30, 1933, and before December 31, 1945; and

(B) issued to a policyholder domiciled in any area that was occupied or controlled by Nazi Germany or by any ally or sympathizer of Nazi Germany at any time during the period described in subparagraph (A).

(3) INSURER.—The term ''insurer'' means any person engaged in the business of insurance (including reinsurance) in interstate or foreign commerce, if the person or a related company of the person issued or reinsured a covered policy, regardless of when the related company became a related company of the insurer.

(4) RELATED COMPANY.—The term ''related company'' means an affiliate, as that term is defined in section 104(g) of the Gramm-Leach-Bliley Act (15 U.S.C. 6701(g)).

I

110TH CONGRESS
1ST SESSION

# H. R. 3890

To amend the Burmese Freedom and Democracy Act of 2003 to waive the requirement for annual renewal resolutions relating to import sanctions, impose import sanctions on Burmese gemstones, expand the number of individuals against whom the visa ban is applicable, expand the blocking of assets and other prohibited activities, and for other purposes.

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IN THE HOUSE OF REPRESENTATIVES

OCTOBER 18, 2007

Mr. LANTOS (for himself, Ms. ROS-LEHTINEN, Mr. KING of New York, Mrs. MALONEY of New York, Mr. SMITH of New Jersey, and Mr. PITTS) introduced the following bill; which was referred to the Committee on Foreign Affairs, and in addition to the Committees on Ways and Means and Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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# A BILL

To amend the Burmese Freedom and Democracy Act of 2003 to waive the requirement for annual renewal resolutions relating to import sanctions, impose import sanctions on Burmese gemstones, expand the number of individuals against whom the visa ban is applicable, expand the blocking of assets and other prohibited activities, and for other purposes.

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

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''Block Burmese JADE (Junta's Anti-Democratic Efforts) Act of 2007''.

**SEC. 2. FINDINGS.**

Congress finds the following:

(1) The Burmese regime has continued and worsened its obstruction of democratic processes and mass violation of human rights identified in the Burmese Freedom and Democracy Act of 2003 (Public Law 108–61; 50 U.S.C. 1701 note). In August and September 2007, Burmese people from all walks of life conducted their largest peaceful public protests since 1988. The peaceful public protests responded to a drastic increase in fuel prices, as well as the Burmese regime's ongoing denial of the democratic and human rights of the Burmese people. On September 24, 2007, Buddhist monks actively participated and increasingly led these peaceful demonstrations, culminating in an estimated 100,000 people marching through Rangoon, Burma. The protesters peacefully demanded the release of 1991 Nobel Peace Prize Winner Daw Aung San Suu Kyi, the leader of the National League for Democracy (NLD), marching past security barricades to her house in a show of support for Burmese democracy. The Burmese regime continues to refuse to recog-

nize the results of the 1990 election, won by the NLD, which gave Aung San Suu Kyi the right to be named Prime Minister.

(2) The Burmese regime, which calls itself the State Peace and Development Council (SPDC), responded to these peaceful protests with a violent crackdown leading to the reported killing of some 200 people, including a Japanese photojournalist, and hundreds of injuries. Human rights groups further estimate that over 2,000 individuals have been detained, arrested, imprisoned, beaten, tortured, or otherwise intimidated as part of this crackdown. The Burmese regime continues to detain, torture, and otherwise intimidate those individuals whom it believes participated in or led the protests and it has closed down or otherwise limited access to several monasteries and temples that played key roles in the protests.

(3) The Burmese regime and its supporters finance their ongoing violations of human rights, undemocratic policies, and military activities through financial transactions, travel, and trade involving the United States, including the sale of gemstones. Despite the sanctions imposed in the Burmese Freedom and Democracy Act of 2003, the Burmese regime

seeks out ways to evade these restrictions. Millions of dollars in gemstones that are exported from Burma ultimately enter the United States but the Burmese regime attempts to conceal the origin of the gemstones in an effort to evade the sanctions in the Burmese Freedom and Democracy Act of 2003. For example, over 90 percent of the world's ruby supply originates in Burma but only three percent of the rubies entering the United States are claimed to be of Burmese origin. The value of Burmese gemstones is more than 99 percent a function of their original quality and geological origin, and not a result of the labor involved in cutting and polishing the gemstones.

**SEC. 3. AMENDMENTS TO THE BURMESE FREEDOM AND DEMOCRACY ACT OF 2003.**

(a) ANNUAL RENEWAL RESOLUTIONS NO LONGER REQUIRED.—

(1) IN GENERAL.—Subsection (b) of section 9 of the Burmese Freedom and Democracy Act of 2003 is amended to read as follows:

''(b) CONTINUATION OF IMPORT SANCTIONS.—The import restrictions under section 3(a)(1) shall continue until such time as such restrictions are terminated—

''(1) pursuant to the enactment into law of a joint resolution of the two Houses of Congress, the sole matter after the resolving clause of which is as follows: 'That Congress terminates the import restrictions under section 3(a)(1) of the Burmese Freedom and Democracy Act of 2003.'; or

''(2) by the President in accordance with subsection (a).''.

(2) REPEAL.—Section 9 of such Act is amended by striking subsection (c).

(b) IMPORT RESTRICTIONS ON GEMSTONES.—Paragraph (1) of section 3(a) of the Burmese Freedom and Democracy Act of 2003 is amended by striking the period at the end and inserting the following: '', including the importation of any gemstone or rough unfinished geological material mined or extracted from Burma, whether imported as a loose item or as any part or component of a finished piece of jewelry. Such restriction on such importation shall not be deemed to be an amendment to the general rules of origin applied by the United States.''.

(c) VISA BAN.—Paragraph (1) of section 6(a) of the Burmese Freedom and Democracy Act of 2003 is amended to read as follows:

''(1) VISA BAN.—

"(A) IN GENERAL.—The Secretary of State shall deny the issuance of a visa and the Secretary of Homeland Security shall deny admission to the United States to—

"(i) former and present leadership of the SPDC or the Union Solidarity Development Association;

"(ii) any member of the Burmese military involved in the violent repression of the public protests in Burma in August, September, and October 2007;

"(iii) any Burmese official who has engaged in, ordered, or facilitated acts of gross violations of internationally recognized human rights (as defined in section 502B(d)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2304(d)(1)), either as an individual or as a member of a group or government; and

"(iv) any member of the immediate family of any individual described in clauses (i), (ii), or (iii).

"(B) WAIVER.—The ban described in subparagraph (A) may be waived only if the President determines and certifies in writing to Con-

gress that such is in the national interests of the United States.''.

(d) FREEZING ASSETS OF THE BURMESE REGIME IN THE UNITED STATES.—Section 4 of the Burmese Freedom and Democracy Act of 2003 is amended—

(1) by redesignating subsections (b) and (c) as subsection (c) and (d); and

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

''(b) BLOCKING OF ASSETS AND OTHER PROHIBITED ACTIVITIES.—

''(1) IN GENERAL.—The President shall block all property and interests in property, including all commercial, industrial, or public utility undertakings or entities, that, on or after the date of the enactment of the Block Burmese JADE (Junta's Anti-Democratic Efforts) Act of 2007—

''(A) are owned, in whole or in part, by an individual on the list specified in section 6(a)(1)(A); and

''(B) are in the United States, or in the possession or control of the Government of the United States or of any United States financial institution, including any branch or office of

such financial institution that is located outside the United States.

''(2) PROHIBITED ACTIVITIES.—Activities prohibited by reason of the blocking of property and interests in property under paragraph (1) shall include—

''(A) payments or transfers of any property, or any transactions involving the transfer of anything of economic value by any United States person, including any United States financial institution and any branch or office of such financial institution that is located outside the United States, to an individual on the list specified in section 6(a)(1)(A);

''(B) direct or indirect payments of any tax, cancellation penalty, or any other amount to the Burmese Government;

''(C) the export or reexport to any entity owned, controlled, or operated by such an individual directly or indirectly, of any goods, technology, or services by a United States person; or

''(D) the performance by any United States person of any contract, including a contract providing a loan or other financing, in

support of an industrial, commercial, or public utility operated, controlled, or owned by such an individual.

''(3) EXTENSION OF AUTHORITY.—The President may block all property and interests in property of the following persons, to the same extent as property and interests in property of a foreign person determined to have committed acts of terrorism for purposes of Executive Order No. 13224 of September 21, 2001, (50 U.S.C. 1701 note) may be blocked:

''(A) Persons and financial institutions who assist or provide financial, material, or technological support for, or financial or other services to or in support of, an individual on the list specified in section 6(a)(1)(A) or entities owned or effectively controlled by such an individual.

''(B) Persons otherwise associated with such an individual.

''(4) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to prohibit any contract or other financial transaction with any non-governmental humanitarian organization in Burma.

''(5) EXCEPTIONS.—The prohibitions and restrictions described in paragraphs (1), (2), and (3) shall not apply to medicine, medical equipment or supplies, food, or any other form of humanitarian assistance provided to Burma as relief in response to a humanitarian crisis.

''(6) PENALTIES.—Any person who violates any prohibition or restriction described in paragraph (1), (2), or (3) shall be subject to the penalties under section 6 of the International Emergency Economic Powers Act (50 U.S.C. 1705) to the same extent as for a violation under that Act.

''(7) UNITED STATES PERSON DEFINED.—In this subsection, the term 'United States person' means—

''(A) any United States citizen or alien lawfully admitted for permanent residence to the United States;

''(B) any entity organized under the laws of the United States, and any foreign branch or subsidiary of such an entity; and

''(C) any person in the United States.''.

**SEC. 4. DENIAL OF TAX BENEFITS RELATING TO THE BURMESE REGIME.**

(a) IN GENERAL.—No deduction or credit against tax shall be allowed under the Internal Revenue Code of 1986 with respect to amounts paid or incurred with respect to the Burmese Government, the SPDC, or a joint production agreement relating to the Yadana gas field or pipeline.

(b) EFFECTIVE DATE.—This section shall apply to amounts paid or incurred after the date of the enactment of this Act.

○

**AMENDMENT IN THE NATURE OF A SUBSTITUTE**

**TO H.R. 3890**

**OFFERED BY MR. LANTOS OF CALIFORNIA**

Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''Block Burmese JADE (Junta's Anti-Democratic Efforts) Act of 2007''.

**SEC. 2. FINDINGS.**

Congress finds the following:

(1) The Burmese regime has continued and worsened its obstruction of democratic processes and mass violation of human rights identified in the Burmese Freedom and Democracy Act of 2003 (Public Law 108–61; 50 U.S.C. 1701 note). In August and September 2007, Burmese people from all walks of life conducted their largest peaceful public protests since 1988. The peaceful public protests responded to a drastic increase in fuel prices, as well as the Burmese regime's ongoing denial of the democratic and human rights of the Burmese people. On September 24, 2007, Buddhist monks actively participated and increasingly led these peaceful demonstra-

tions, culminating in an estimated 100,000 people marching through Rangoon, Burma. The protesters peacefully demanded the release of 1991 Noble Peace Prize Winner Daw Aung San Suu Kyi, the leader of the National League for Democracy (NLD), marching past security barricades to her house in a show of support for Burmese democracy. The Burmese regime continues to refuse to recognize the results of the 1990 election, won by the NLD, which gave Aung San Suu Kyi the right to be named Prime Minister.

(2) The Burmese regime, which calls itself the State Peace and Development Council (SPDC), responded to these peaceful protests with a violent crackdown leading to the reported killing of some 200 people, including a Japanese photojournalist, and hundreds of injuries. Human rights groups further estimate that over 2,000 individuals have been detained, arrested, imprisoned, beaten, tortured, or otherwise intimidated as part of this crackdown. The Burmese regime continues to detain, torture, and otherwise intimidate those individuals whom it believes participated in or led the protests and it has closed down or otherwise limited access to several

monasteries and temples that played key roles in the protests.

(3) The Burmese regime and its supporters finance their ongoing violations of human rights, undemocratic policies, and military activities through financial transactions, travel, and trade involving the United States, including the sale of gemstones. Despite the sanctions imposed in the Burmese Freedom and Democracy Act of 2003, the Burmese regime seeks out ways to evade these restrictions. Millions of dollars in gemstones that are exported from Burma ultimately enter the United States but the Burmese regime attempts to conceal the origin of the gemstones in an effort to evade the sanctions in the Burmese Freedom and Democracy Act of 2003. For example, over 90 percent of the world's ruby supply originates in Burma but only three percent of the rubies entering the United States are claimed to be of Burmese origin. The value of Burmese gemstones is more than 99 percent a function of their original quality and geological origin, and not a result of the labor involved in cutting and polishing the gemstones.

**SEC. 3. AMENDMENTS TO THE BURMESE FREEDOM AND DEMOCRACY ACT OF 2003.**

(a) ANNUAL RENEWAL RESOLUTIONS NO LONGER REQUIRED.—

(1) IN GENERAL.—Subsection (b) of section 9 of the Burmese Freedom and Democracy Act of 2003 is amended to read as follows:

''(b) CONTINUATION OF IMPORT SANCTIONS.—The import restrictions under section 3(a)(1) shall continue until such time as such restrictions are terminated—

''(1) pursuant to the enactment into law of a joint resolution of the two Houses of Congress, the sole matter after the resolving clause of which is as follows: 'That Congress terminates the import restrictions under section 3(a)(1) of the Burmese Freedom and Democracy Act of 2003.'; or

''(2) by the President in accordance with subsection (a).''.

(2) REPEAL.—Section 9 of such Act is amended by striking subsection (c).

(b) IMPORT RESTRICTIONS ON GEMSTONES.—Paragraph (1) of section 3(a) of the Burmese Freedom and Democracy Act of 2003 is amended by striking the period at the end and inserting the following: '', including the importation of any gemstone, pearl, or rough unfinished geological or mineral material mined or extracted from

Burma, whether imported as a loose item or as any part or component of a finished piece of jewelry. Such restriction on such importation shall not be deemed to be an amendment to the general rules of origin applied by the United States.''.

(c) VISA BAN.—Paragraph (1) of section 6(a) of the Burmese Freedom and Democracy Act of 2003 is amended to read as follows:

''(1) VISA BAN.—

''(A) IN GENERAL.—The Secretary of State shall deny the issuance of a visa and the Secretary of Homeland Security shall deny admission to the United States to—

''(i) former and present leadership of the SPDC or the Union Solidarity Development Association;

''(ii) any member of the Burmese military involved in the violent repression of the public protests in Burma in August, September, and October 2007;

''(iii) any Burmese official who has engaged in, ordered, or facilitated acts of gross violations of internationally recognized human rights (as defined in section 502B(d)(1) of the Foreign Assistance Act

of 1961 (22 U.S.C. 2304(d)(1)), either as an individual or as a member of a group or government; and

''(iv) any member of the immediate family of any individual described in clauses (i), (ii), or (iii).

''(B) WAIVER.—The ban described in subparagraph (A) may be waived only if the President determines and certifies in writing to Congress that such is in the national interests of the United States.''.

(d) FREEZING ASSETS OF THE BURMESE REGIME IN THE UNITED STATES.—Section 4 of the Burmese Freedom and Democracy Act of 2003 is amended—

(1) by redesignating subsections (b) and (c) as subsection (c) and (d); and

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

''(b) BLOCKING OF ASSETS AND OTHER PROHIBITED ACTIVITIES.—

''(1) IN GENERAL.—The President shall block all property and interests in property, including all commercial, industrial, or public utility undertakings or entities, that, on or after the date of the enact-

ment of the Block Burmese JADE (Junta's Anti-Democratic Efforts) Act of 2007—

"(A) are owned, in whole or in part, by an individual on the list specified in section 6(a)(1)(A); and

"(B) are in the United States, or in the possession or control of the Government of the United States or of any United States financial institution, including any branch or office of such financial institution that is located outside the United States.

"(2) PROHIBITED ACTIVITIES.—Activities prohibited by reason of the blocking of property and interests in property under paragraph (1) shall include—

"(A) payments or transfers of any property, or any transactions involving the transfer of anything of economic value by any United States person, including any United States financial institution and any branch or office of such financial institution that is located outside the United States, to an individual on the list specified in section 6(a)(1)(A);

"(B) direct or indirect payments of any tax, cancellation penalty, or other amount to the Burmese Government;

"(C) the export or reexport to any entity owned, controlled, or operated by such an individual directly or indirectly, of any goods, technology, or services by a United States person; or

"(D) the performance by any United States person of any contract, including a contract providing a loan or other financing, in support of an industrial, commercial, or public utility operated, controlled, or owned by such an individual.

"(3) EXTENSION OF AUTHORITY.—The President may block all property and interests in property of the following persons, to the same extent as property and interests in property of a foreign person determined to have committed acts of terrorism for purposes of Executive Order No. 13224 of September 21, 2001, (50 U.S.C. 1701 note) may be blocked:

"(A) Persons and financial institutions who assist or provide financial, material, or technological support for, or financial or other

services to or in support of, an individual on the list specified in section 6(a)(1)(A) or entities owned or effectively controlled by such an individual.

''(B) Persons otherwise associated with such an individual.

''(4) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to prohibit any contract or other financial transaction with any non-governmental humanitarian organization in Burma.

''(5) EXCEPTIONS.—The prohibitions and restrictions described in paragraphs (1), (2), and (3) shall not apply to medicine, medical equipment or supplies, food, or any other form of humanitarian assistance provided to Burma as relief in response to a humanitarian crisis.

''(6) PENALTIES.—Any person who violates any prohibition or restriction described in paragraph (1), (2), or (3) shall be subject to the penalties under section 6 of the International Emergency Economic Powers Act (50 U.S.C. 1705) to the same extent as for a violation under that Act.

''(7) UNITED STATES PERSON DEFINED.—In this subsection, the term 'United States person' means—

"(A) any United States citizen or alien lawfully admitted for permanent residence to the United States;

"(B) any entity organized under the laws of the United States, and any foreign branch or subsidiary of such an entity; and

"(C) any person in the United States.".

**SEC. 4. DENIAL OF TAX BENEFITS RELATING TO THE BURMESE REGIME.**

(a) IN GENERAL.—No deduction or credit against tax shall be allowed under the Internal Revenue Code of 1986 with respect to amounts paid or incurred with respect to the Burmese Government, the SPDC, or a joint production agreement relating to the Yadana gas field or pipeline.

(b) EFFECTIVE DATE.—This section shall apply to amounts paid or incurred after the date of the enactment of this Act.

**SEC. 5. SUPPORT FOR DEMOCRACY PROMOTION AND HUMANITARIAN ASSISTANCE IN BURMA.**

(a) IN GENERAL.—The President is authorized to use all available resources to assist Burma democracy activists and humanitarian aid workers in their efforts to promote freedom, democracy, and human rights in Burma.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $20,000,000 to the Secretary of State for each of the fiscal years 2008 and 2009 for the following purposes:

(1) To provide aid to democracy and human rights activists and organizations inside and outside of Burma working to bring a transition to democracy inside Burma, including to individuals and groups that—

(A) promote democracy and human rights;

(B) represent the ethnic minorities of Burma;

(C) broadcast radio and television programs into Burma that promote democracy and report on human rights conditions inside Burma; or

(D) compile evidence of human rights violations by the SPDC and its civilian militia, the Union Solidarity and Development Association (USDA), and of the SPDC and its entities' efforts to repress peaceful activities.

(2) To provide aid to humanitarian workers who—

(A) provide food, medical, educational, or other assistance to refugees and internally displaced persons;

(B) assist women and girls after incidents of rape and other forms of sexual violence; or

(C) assist in the rehabilitation of child soldiers.

(c) PROTECTING FUNDS FROM ENRICHING THE SPDC.—None of the funding made available under this section may be provided to SPDC-controlled entities, entities working with or providing cash or resources to the SPDC, including organizations affiliated with the United Nations, or entities requiring the approval of the SPDC to operate within the borders of Burma.

**SEC. 6. REPORT ON MILITARY AND INTELLIGENCE AID TO BURMA.**

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall submit to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate a report containing a list of countries, companies, and other entities that provide military or intelligence aid to the SPDC and describing such military or intelligence aid provided by each such country, company, and other entity.

(b) MILITARY OR INTELLIGENCE AID DEFINED.—For the purpose of this section, the term ''military or intelligence aid'' means, with respect to the SPDC—

(1) the provision of weapons, weapons parts, military vehicles, or military aircraft;

(2) the provision of military or intelligence training, including advice and assistance on subject matter expert exchanges;

(3) the provision of weapons of mass destruction and related materials, capabilities, and technology, including nuclear, chemical, or dual-use capabilities;

(4) conducting joint military exercises;

(5) the provision of naval support, including ship development and naval construction;

(6) the provision of technical support, including computer and software development and installations, networks, and infrastructure development and construction; or

(7) the construction or expansion of airfields, including radar and anti-aircraft systems.

(c) FORM.—The report required under subsection (a) shall be submitted in unclassified form but may include a classified annex.

I

110TH CONGRESS
1ST SESSION

# H. R. 2705

To amend the Compact of Free Association Amendments Act of 2003, and for other purposes.

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IN THE HOUSE OF REPRESENTATIVES

JUNE 13, 2007

Mrs. CHRISTENSEN (for herself, Mr. FALEOMAVAEGA, Mr. FORTUÑO, and Ms. BORDALLO) introduced the following bill; which was referred to the Committee on Foreign Affairs

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# A BILL

To amend the Compact of Free Association Amendments Act of 2003, and for other purposes.

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

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''Compacts of Free Association Amendments Act of 2007''.

**SEC. 2. APPROVAL OF AGREEMENTS.**

(a) IN GENERAL.—Section 101 of the Compact of Free Association Amendments Act of 2003 (48 U.S.C. 1921) is amended—

(1) in the first sentence of subsection (a), by inserting before the period at the end the following: ‘‘, including Article X of the Federal Programs and Services Agreement Between the Government of the United States and the Government of the Federated States of Micronesia, as amended under the Agreement to Amend Article X that was signed by those two Governments on June 30, 2004, which shall serve as the authority to implement the provisions thereof’’; and

(2) in the first sentence of subsection (b), by inserting before the period at the end the following: ‘‘, including Article X of the Federal Programs and Services Agreement Between the Government of the United States and the Government of the Republic of the Marshall Islands, as amended under the Agreement to Amend Article X that was signed by those two Governments on June 18, 2004, which shall serve as the authority to implement the provisions thereof’’.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall be effective as of January 31, 2008.

**SEC. 3. FUNDS TO FACILITATE FEDERAL ACTIVITIES.**

Unobligated amounts appropriated before the date of the enactment of this Act pursuant to section

105(f)(1)(A)(ii) of the Compact of Free Association Amendments Act of 2003 shall be available to both the United States Agency for International Development and the Federal Emergency Management Agency to facilitate each agency's activities under the Federal Programs and Services Agreements.

**SEC. 4. CONFORMING AMENDMENT.**

(a) IN GENERAL.—Section 105(f)(1)(A) of the Compact of Free Association Amendments Act of 2003 (48 U.S.C. 1921d(f)(1)(A)) is amended to read as follows:

"(A) EMERGENCY AND DISASTER ASSISTANCE.—

"(i) IN GENERAL.—Subject to clause (ii), section 221(a)(6) of the U.S.–FSM Compact and section 221(a)(5) of the U.S.–RMI Compact shall each be construed and applied in accordance with the two Agreements to Amend Article X of the Federal Programs and Service Agreements signed on June 30, 2004, and on June 18, 2004, respectively, provided that all activities carried out by the United States Agency for International Development and the Federal Emergency Management Agency under Article X of the Federal Programs

and Services Agreements may be carried out notwithstanding any other provision of law. In the sections referred to in this clause, the term 'United States Agency for International Development, Office of Foreign Disaster Assistance' shall be construed to mean 'the United States Agency for International Development'.

''(ii) DEFINITION OF WILL PROVIDE FUNDING.—In the second sentence of paragraph 12 of each of the Agreements described in clause (i), the term 'will provide funding' means will provide funding through a transfer of funds using Standard Form 1151 or a similar document or through an interagency, reimbursable agreement.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall be effective as of January 31, 2008.

**SEC. 5. CLARIFICATIONS REGARDING PALAU.**

Section 105(f)(1)(B) of the Compact of Free Association Amendments Act of 2003 (48 U.S.C. 1921d(f)(1)(B)) is amended—

(1) in clause (ii)(II), by striking ''and its territories'' and inserting '', its territories, and the Republic of Palau'';

(2) in clause (iii)(II), by striking '', or the Republic of the Marshall Islands'' and inserting '', the Republic of the Marshall Islands, or the Republic of Palau''; and

(3) in clause (ix)—

(A) by striking ''Republic'' both places it appears and inserting ''government, institutions, and people'';

(B) by striking ''2007'' and inserting ''2009''; and

(C) by striking ''was'' and inserting ''were''.

**SEC. 6. AVAILABILITY OF LEGAL SERVICES.**

Section 105(f)(1)(C) of the Compact of Free Association Amendments Act of 2003 (48 U.S.C. 1921d(f)(1)(C)) is amended by inserting before the period at the end the following: '', which shall also continue to be available to the citizens of the Federated States of Micronesia, the Republic of Palau, and the Republic of the Marshall Islands who legally reside in the United States (including territories and possessions)''.

**SEC. 7. TECHNICAL AMENDMENTS.**

(a) TITLE I.—

(1) SECTION 177 AGREEMENT.—Section 103(e)(1) of the Compact of Free Association Amendments Act of 2003 (48 U.S.C. 1921b(e)(1)) is amended by striking ''section 177'' and inserting ''Section 177''.

(2) INTERPRETATION AND UNITED STATES POLICY.—Section 104 of the Compact of Free Association Amendments Act of 2003 (48 U.S.C. 1921c) is amended—

(A) in subsection (b)(1), by inserting ''the'' before ''U.S.–RMI Compact,'';

(B) in subsection (e)—

(i) in the matter preceding subparagraph (A) of paragraph (8), by striking ''to include'' and inserting ''and include'';

(ii) in paragraph (9)(A), by inserting a comma after ''may''; and

(iii) in paragraph (10), by striking ''related to service'' and inserting ''related to such services''; and

(C) in the first sentence of subsection (j), by inserting ''the'' before ''Interior''.

(3) SUPPLEMENTAL PROVISIONS.—Section 105(b)(1) of the Compact of Free Association

Amendments Act of 2003 (48 U.S.C. 1921d(b)(1)) is amended by striking ''Trust Fund'' and inserting ''Trust Funds''.

(b) TITLE II.—

(1) U.S.–FSM COMPACT.—The Compact of Free Association, as amended, between the Government of the United States of America and the Government of the Federated States of Micronesia (as provided in section 201(a) of the Compact of Free Association Amendments Act of 2003 (117 Stat. 2757)) is amended—

(A) in section 174—

(i) in subsection (a), by striking ''courts'' and inserting ''court''; and

(ii) in subsection (b)(2), by striking ''the'' before ''November'';

(B) in section 177(a), by striking '', or Palau'' and inserting ''(or Palau)'';

(C) in section 179(b), by striking ''amended Compact'' and inserting ''Compact, as amended,'';

(D) in section 211—

(i) in the fourth sentence of subsection (a), by striking ''Compact, as Amended, of Free Association'' and insert-

ing ''Compact of Free Association, as amended'';

(ii) in the fifth sentence of subsection (a), by striking ''Trust Fund Agreement,'' and inserting ''Agreement Between the Government of the United States of America and the Government of the Federated States of Micronesia Implementing Section 215 and Section 216 of the Compact, as Amended, Regarding a Trust Fund (Trust Fund Agreement),'';

(iii) in subsection (b)—

(I) in the first sentence, by striking ''Government of the'' before ''Federated''; and

(II) in the second sentence, by striking ''Sections 321 and 323 of the Compact of Free Association, as Amended'' and inserting ''Sections 211(b), 321, and 323 of the Compact of Free Association, as amended,''; and

(iv) in the last sentence of subsection (d), by inserting before the period at the end the following: ''and the Federal Pro-

grams and Services Agreement referred to in section 231'';

(E) in the first sentence of section 215(b), by striking ''subsection(a)'' and inserting ''subsection (a)'';

(F) in section 221—

(i) in subsection (a)(6), by inserting ''(Federal Emergency Management Agency)'' after ''Homeland Security''; and

(ii) in the first sentence of subsection (c), by striking ''agreements'' and inserting ''agreement'';

(G) in the second sentence of section 222, by inserting ''in'' after ''referred to'';

(H) in the second sentence of section 232, by striking ''sections 102 (c)'' and all that follows through ''January 14, 1986)'' and inserting ''section 102(b) of Public Law 108–188, 117 Stat. 2726, December 17, 2003'';

(I) in the second sentence of section 252, by inserting '', as amended,'' after ''Compact'';

(J) in the first sentence of the first undesignated paragraph of section 341, by striking ''Section 141'' and inserting ''section 141'';

(K) in section 342—

(i) in subsection (a), by striking ''14 U.S.C. 195'' and inserting ''section 195 of title 14, United States Code''; and

(ii) in subsection (b)—

(I) by striking ''46 U.S.C. 1295(b)(6)'' and inserting ''section 1303(b)(6) of the Merchant Marine Act, 1936 (46 U.S.C. 1295b(b)(6))''; and

(II) by striking ''46 U.S.C. 1295b(b)(6)(C)'' and inserting ''section 1303(b)(6)(C) of that Act'';

(L) in the third sentence of section 354(a), by striking ''section 442 and 452'' and inserting ''sections 442 and 452'';

(M) in section 461(h), by striking ''Telecommunications'' and inserting ''Telecommunication'';

(N) in section 462(b)(4), by striking ''of Free Association'' the second place it appears; and

(O) in section 463(b), by striking ''Articles IV'' and inserting ''Article IV''.

(2) U.S.–RMI COMPACT.—The Compact of Free Association, as amended, between the Government of

the United States of America and the Government of the Republic of the Marshall Islands (as provided in section 201(b) of the Compact of Free Association Amendments Act of 2003 (117 Stat. 2795)) is amended—

(A) in section 174(a), by striking ''court'' and inserting ''courts'';

(B) in section 177(a), by striking the comma before ''(or Palau)'';

(C) in section 179(b), by striking ''amended Compact,'' and inserting ''Compact, as amended,'';

(D) in section 211—

(i) in the fourth sentence of subsection (a), by striking ''Compact, as Amended, of Free Association'' and inserting ''Compact of Free Association, as amended'';

(ii) in the first sentence of subsection (b), by striking ''Agreement between the Government of the United States and the Government of the Republic of the Marshall Islands Regarding Miliary Use and Operating Rights'' and inserting ''Agreement Regarding the Military Use and Op-

erating Rights of the Government of the United States in the Republic of the Marshall Islands concluded Pursuant to Sections 321 and 323 of the Compact of Free Association, as Amended (Agreement between the Government of the United States and the Government of the Republic of the Marshall Islands Regarding Military Use and Operating Rights)''; and

(iii) in the last sentence of subsection (e), by inserting before the period at the end the following: ''and the Federal Programs and Services Agreement referred to in section 231'';

(E) in section 221(a)—

(i) in the matter preceding paragraph (1), by striking ''Section 231'' and inserting ''section 231''; and

(ii) in paragraph (5), by inserting ''(Federal Emergency Management Agency)'' after ''Homeland Security'';

(F) in the second sentence of section 232, by striking ''sections 103(m)'' and all that follows through ''(January 14, 1986)'' and insert-

ing ''section 103(k) of Public Law 108–188, 117 Stat. 2734, December 17, 2003'';

(G) in the first sentence of section 341, by striking ''Section 141'' and inserting ''section 141'';

(H) in section 342—

(i) in subsection (a), by striking ''14 U.S.C. 195'' and inserting ''section 195 of title 14, United States Code''; and

(ii) in subsection (b)—

(I) by striking ''46 U.S.C. 1295(b)(6)'' and inserting ''section 1303(b)(6) of the Merchant Marine Act, 1936 (46 U.S.C. 1295b(b)(6))''; and

(II) by striking ''46 U.S.C. 1295b(b)(6)(C)'' and inserting ''section 1303(b)(6)(C) of that Act'';

(I) in the third sentence of section 354(a), by striking ''section 442 and 452'' and inserting ''sections 442 and 452'';

(J) in the first sentence of section 443, by inserting '', as amended.'' after ''the Compact'';

(K) in the matter preceding paragraph (1) of section 461(h)—

(i) by striking ''1978'' and inserting ''1998''; and

(ii) by striking ''Telecommunications'' and inserting ''Telecommunication Union''; and

(L) in section 463(b), by striking ''Article'' and inserting ''Articles''.

**SEC. 8. TRANSMISSION OF VIDEOTAPE PROGRAMMING.**

Section 111(e)(2) of title 17, United States Code, is amended by striking ''or the Trust Territory of the Pacific Islands'' and inserting ''the Federated States of Micronesia, the Republic of Palau, or the Republic of the Marshall Islands''.

**SEC. 9. PALAU ROAD MAINTENANCE.**

The Government of the Republic of Palau may deposit the payment otherwise payable to the Government of the United States under section 111 of Public Law 101–219 (48 U.S.C. 1960) into a trust fund if—

(1) the earnings of the trust fund are expended solely for maintenance of the road system constructed pursuant to section 212 of the Compact of Free Association between the Government of the United States of America and the Government of Palau (48 U.S.C. 1931 note); and

(2) the trust fund is established and operated pursuant to an agreement entered into between the Government of the United States and the Government of the Republic of Palau.

**SEC. 10. CLARIFICATION OF TAX-FREE STATUS OF TRUST FUNDS.**

In the U.S.–RMI Compact, the U.S.–FSM Compact, and their respective trust fund subsidiary agreements, for the purposes of taxation by the United States or its subsidiary jurisdictions, the term ''State'' means ''State, territory, or the District of Columbia''.

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**AMENDMENT TO H.R. 2705**

**OFFERED BY MR. LANTOS OF CALIFORNIA**

Page 2, line 22, strike ''January 31, 2008'' and insert ''April 30, 2008''.

Page 4, line 19, strike ''January 31, 2008'' and insert ''April 30, 2008''

I

110TH CONGRESS
1ST SESSION

# H. R. 2949

To authorize grants to the Eurasia Foundation, and for other purposes.

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IN THE HOUSE OF REPRESENTATIVES

JUNE 28, 2007

Mr. WEXLER (for himself, Mr. GALLEGLY, and Mr. ACKERMAN) introduced the following bill; which was referred to the Committee on Foreign Affairs

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# A BILL

To authorize grants to the Eurasia Foundation, and for other purposes.

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

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''Eurasia Foundation Act''.

**SEC. 2. FINDINGS AND PURPOSES.**

(a) FINDINGS.—The Congress finds that—

(1) there has been established in the District of Columbia a private, nonprofit corporation known as the Eurasia Foundation (hereafter in this Act referred to as the ''Foundation''), which is not an

agency or establishment of the United States Government;

(2) in recognition of the valuable contributions of the Foundation to long-range United States foreign policy interests, the United States Government has, through the United States Agency for International Development and the Department of State, provided financial support for the Foundation; and

(3) it is in the interest of the United States, and the further strengthening of cooperation with the nations of the region, to establish a more permanent mechanism for United States Government financial support for the ongoing activities of the Foundation, while preserving the independent character of the Foundation.

(b) PURPOSES.—The purposes of the Foundation are—

(1) to promote civil society, private enterprise, and sound public administration and policy in the former Soviet Union and in lending encouragement and assistance to local citizens in their own efforts to develop more open, just, and democratic societies;

(2) to strengthen indigenous institutions that foster national development, constructive social change, equitable economic growth, and cooperative

international relationships that are fully consistent with and supportive of long-term United States interests in Eurasia; and

(3) to conduct programs in response to initiatives in the region that would be difficult or impossible for an official United States entity, and, as a result of its position in the Eurasia region, to respond quickly and flexibly to meet new opportunities.

**SEC. 3. GRANTS TO THE FOUNDATION.**

(a) IN GENERAL.—The Secretary of State shall make an annual grant to the Foundation to enable the Foundation to carry out its purposes as specified in section 2(b). Such grants shall be made with funds specifically appropriated for grants to the Foundation. Such grants shall be made pursuant to a grant agreement between the Secretary and the Foundation which requires that grant funds will only be used for activities the Board of Directors of the Foundation determines are consistent with the purposes described in section 2(b), and that the Foundation will otherwise comply with the requirements of this Act. The grant agreement may not require the Foundation to comply with requirements other than those specified in this Act.

(b) USE OF FUNDS.—Funds so granted may be used by the Foundation to carry out the purposes described in section 2(b), and otherwise applicable limitations on the purposes for which funds appropriated to the Department of State may be used shall not apply to funds granted to the Foundation.

(c) RULE OF CONSTRUCTION.—Nothing in this Act shall be construed to make the Foundation an agency or establishment of the United States Government or to make the members of the Board of Directors of the Foundation, or the officers or employees of the Foundation, officers or employees of the United States.

(d) OVERSIGHT.—The Foundation and its grantees shall be subject to the appropriate oversight procedures of the Congress.

(e) OTHER FUNDING.—The Foundation shall have authority to accept funding from non-United States Government sources to complement United States Government funding.

**SEC. 4. ELIGIBILITY OF THE FOUNDATION FOR GRANTS.**

(a) COMPLIANCE WITH STATUTORY REQUIREMENTS.—Grants may be made to the Foundation under this Act only if the Foundation agrees to comply with the requirements specified in this section and elsewhere in this Act.

(b) FUNDING FOR COVERED PROGRAMS ONLY.—The Foundation may provide funding only for programs that are consistent with the purposes set forth in section 2(b).

(c) COMPENSATION FOR OFFICERS AND EMPLOYEES OF THE FOUNDATION.—If an individual who is an officer or employee of the United States Government serves as a member of the Board of Directors or as an officer or employee of the Foundation, that individual may not receive any compensation or travel expenses in connection with service performed for the Foundation.

(d) PROHIBITION RESPECTING FINANCIAL MATTERS.—The Foundation shall not issue any shares of stock or declare or pay any dividends. No part of the assets of the Foundation shall inure to the benefit of any member of the Board of Directors of the Foundation, any officer or employee of the Foundation, or any other individual, except as salary or reasonable compensation for expenses incurred in the performance of duties to the Foundation.

(e) AUDIT OF ACCOUNTS; REPORTING REQUIREMENTS.—

(1) AUDIT OF ACCOUNTS.—The accounts of the Foundation shall be audited annually in accordance with generally accepted auditing standards by independent certified public accountants or independent

licensed public accountants certified or licensed by a regulatory authority of a State or other political subdivision of the United States.

(2) REPORTING REQUIREMENTS.—The report of each such independent audit shall be included in the annual report required by subsection (h) of this section. The audit report shall set forth the scope of the audit and include such statements as are necessary to present fairly the Foundation's assets and liabilities, surplus or deficit, with an analysis of the changes therein during the year, supplemented in reasonable detail by a statement of the Foundation's income and expenses during the year, and a statement of the application of funds, together with the independent auditor's opinion of those statements.

(f) AUDIT OF FINANCIAL TRANSACTIONS.—

(1) AUDIT OF FINANCIAL TRANSACTIONS.—The financial transactions of the Foundation for each fiscal year may be audited by the Government Accountability Office in accordance with such principles and procedures and under such rules and regulations as may be prescribed by the Comptroller General of the United States.

(2) REPORTING REQUIREMENTS.—A report of each such audit shall be made by the Comptroller

General to the Congress. The report to the Congress shall contain such comments and information as the Comptroller General may deem necessary to inform the Congress of the financial operations and condition of the Foundation, together which such recommendations with respect thereto as the Comptroller General may deem advisable. A copy of each report shall be furnished to the President and to the Foundation at the time submitted to the Congress.

(g) RECORDKEEPING REQUIREMENTS; AUDIT AND EXAMINATION OF BOOKS.—

(1) RECORDKEEPING REQUIREMENTS.—The Foundation shall ensure that each recipient of assistance provided through the Foundation under this Act keeps such records as may be reasonably necessary to fully disclose the amount and the disposition by such recipient of the proceeds of such assistance, the total cost of the project or undertaking in connection with which such assistance is given or used, and the amount and nature of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

(2) AUDIT AND EXAMINATION OF BOOKS.—The Foundation shall ensure that it, or any of its duly

authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipient that are pertinent to assistance provided through the Foundation under this Act. The Comptroller General of the United States or any duly authorized representative of the Comptroller General shall also have access thereto for such purpose.

(h) ANNUAL REPORT; CONTENTS; TESTIMONY RESPECTING REPORT.—Not later than March 31 of each year, the Foundation shall submit an annual report for the preceding fiscal year to the President for transmittal to the Congress. The report shall include a comprehensive and detailed report of the Foundation's operations, activities, financial condition, and accomplishments under this Act and may include such recommendations as the Foundation deems appropriate.

(i) GRANTEE; CONFLICT OF INTEREST.—A member of the Board of Directors of the Foundation who serves as a member of the board of directors or an officer of a grantee of the Foundation may not receive compensation for their services but shall be entitled to reimbursement for travel and other expenses incurred by them in connection with their duties on behalf of such grantee.

**SEC. 5. AUTHORIZATION OF APPROPRIATIONS.**

(a) IN GENERAL.—There are authorized to be appropriated to carry out this Act $20,000,000 for fiscal year 2008 and such sums as may be necessary for each of the fiscal years 2009 and 2010.

(b) AVAILABILITY.—Amounts appropriated pursuant to the authorization of appropriation under subsection (a) are authorized to remain available until expended.

○

**AMENDMENT IN THE NATURE OF A SUBSTITUTE**

**TO H.R. 2949**

**OFFERED BY MR. WEXLER OF FLORIDA**

Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''Eurasia Foundation Act''.

**SEC. 2. FINDINGS AND PURPOSES.**

(a) FINDINGS.—Congress finds the following:

(1) There has been established in the District of Columbia a private, nonprofit corporation known as the Eurasia Foundation (hereafter in this Act referred to as the ''Foundation''), which is not an agency or establishment of the United States Government.

(2) In recognition of the valuable contributions of the Foundation to long-range United States foreign policy interests, the United States Government has, through the United States Agency for International Development and the Department of State, provided financial support for the Foundation.

(3) It is in the interest of the United States, and the further strengthening of cooperation with the countries of Eurasia, to establish a more permanent mechanism for United States Government financial support for the ongoing activities of the Foundation, while preserving the independent character of the Foundation.

(b) PURPOSES.—The purposes of the Foundation are—

(1) to promote civil society, private enterprise, and sound public administration and policy in the countries of Eurasia and in lending encouragement and assistance to citizens of such countries in their own efforts to develop more open, just, and democratic societies;

(2) to strengthen indigenous institutions that foster national development, constructive social change, equitable economic growth, and cooperative international relationships that are fully consistent with and supportive of long-term United States interests with respect to the countries of Eurasia; and

(3) to conduct programs in response to initiatives in the countries of Eurasia that would be difficult or impossible for an official United States entity, and, as a result of its position in the countries

of Eurasia, to respond quickly and flexibly to meet new opportunities.

**SEC. 3. GRANTS TO THE FOUNDATION.**

(a) GRANTS REQUIRED.—

(1) IN GENERAL.—The Secretary of State shall make an annual grant to the Foundation to enable the Foundation to carry out its purposes as specified in section 2(b).

(2) ADDITIONAL REQUIREMENTS.—Each grant required under paragraph (1)—

(A) shall be made with funds specifically appropriated for grants to the Foundation; and

(B) shall be made pursuant to a grant agreement between the Secretary and the Foundation which—

(i) requires that grant funds will only be used for activities the Board of Directors of the Foundation determines are consistent with the purposes described in section 2(b), and that the Foundation will otherwise comply with the requirements of this Act; and

(ii) may not require the Foundation to comply with requirements other than those specified in this Act.

(b) USE OF FUNDS.—The Foundation may use funds received under a grant described in subsection (a) to carry out the purposes described in section 2(b), and otherwise applicable limitations on the purposes for which funds appropriated to the Department of State may be used shall not apply to funds received by the Foundation under such grant.

(c) RULE OF CONSTRUCTION.—Nothing in this Act shall be construed to make the Foundation an agency or establishment of the United States Government or to make the members of the Board of Directors of the Foundation, or the officers or employees of the Foundation, officers or employees of the United States.

(d) OVERSIGHT.—The Foundation and its grantees shall be subject to the appropriate oversight procedures of Congress.

(e) OTHER FUNDING.—The Foundation shall have authority to accept funding from non-United States Government sources to complement United States Government funding.

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

(1) a robust Foundation, funded at the levels authorized under section 6 of this Act, and at appropriate levels in subsequent fiscal years, can con-

tribute significantly to the political, economic, and social development of democracy and human rights in the countries of Eurasia;

(2) notwithstanding the Foundation's distinguished record of performance, organizations that seek competitive grants typically perform in a more transparent and effective manner; and

(3) to the maximum extent possible, the Foundation should seek competitive grants to supplement appropriations from the United States Government, and at least 20 percent of the funding received in each fiscal year by the Foundation should be from non-United States Government sources to ensure continued strong performance of the Foundation.

**SEC. 4. ELIGIBILITY OF THE FOUNDATION FOR GRANTS.**

(a) COMPLIANCE WITH STATUTORY REQUIREMENTS.—Grants may be made to the Foundation under this Act only if the Foundation agrees to comply with the requirements specified in this section and elsewhere in this Act.

(b) FUNDING FOR COVERED PROGRAMS ONLY.—The Foundation may provide funding only for programs that are consistent with the purposes set forth in section 2(b).

(c) COMPENSATION FOR OFFICERS AND EMPLOYEES OF THE FOUNDATION.—If an individual who is an officer

or employee of the United States Government serves as a member of the Board of Directors or as an officer or employee of the Foundation, that individual may not receive any compensation or travel expenses in connection with service performed for the Foundation.

(d) PROHIBITION RESPECTING FINANCIAL MATTERS.—The Foundation shall not issue any shares of stock or declare or pay any dividends. No part of the assets of the Foundation shall inure to the benefit of any member of the Board of Directors of the Foundation, any officer or employee of the Foundation, or any other individual, except as salary or reasonable compensation for expenses incurred in the performance of duties to the Foundation.

(e) AUDIT OF ACCOUNTS; REPORTING REQUIREMENTS.—

(1) AUDIT OF ACCOUNTS.—The accounts of the Foundation shall be audited annually in accordance with generally accepted auditing standards by independent certified public accountants or independent licensed public accountants certified or licensed by a regulatory authority of a State or other political subdivision of the United States.

(2) REPORTING REQUIREMENTS.—The report of each such independent audit shall be included in

the annual report required by subsection (h) of this section. The audit report shall set forth the scope of the audit and include such statements as are necessary to present fairly the Foundation's assets and liabilities, surplus or deficit, with an analysis of the changes therein during the year, supplemented in reasonable detail by a statement of the Foundation's income and expenses during the year, and a statement of the application of funds, together with the independent auditor's opinion of those statements.

(f) AUDIT OF FINANCIAL TRANSACTIONS.—

(1) AUDIT OF FINANCIAL TRANSACTIONS.—The financial transactions of the Foundation for each fiscal year may be audited by the Government Accountability Office in accordance with such principles and procedures and under such rules and regulations as may be prescribed by the Comptroller General of the United States.

(2) REPORTING REQUIREMENTS.—A report of each such audit shall be made by the Comptroller General to the Congress. The report to the Congress shall contain such comments and information as the Comptroller General may deem necessary to inform the Congress of the financial operations and condition of the Foundation, together which such rec-

ommendations with respect thereto as the Comptroller General may deem advisable. A copy of each report shall be furnished to the President and to the Foundation at the time submitted to the Congress.

(g) RECORDKEEPING REQUIREMENTS; AUDIT AND EXAMINATION OF BOOKS.—

(1) RECORDKEEPING REQUIREMENTS.—The Foundation shall ensure that each recipient of assistance provided through the Foundation under this Act keeps such records as may be reasonably necessary to fully disclose the amount and the disposition by such recipient of the proceeds of such assistance, the total cost of the project or undertaking in connection with which such assistance is given or used, and the amount and nature of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

(2) AUDIT AND EXAMINATION OF BOOKS.—The Foundation shall ensure that it, or any of its duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipient that are pertinent to assistance provided through the Foundation under this Act. The Comptroller General of

the United States or any duly authorized representative of the Comptroller General shall also have access thereto for such purpose.

(h) ANNUAL REPORT; TESTIMONY RELATING TO REPORT.—

(1) ANNUAL REPORT.—

(A) IN GENERAL.—Not later than March 31 of each year, the Foundation shall submit an annual report for the preceding fiscal year to the President for transmittal to the Congress.

(B) CONTENTS.—The report required under subparagraph (A) shall include a comprehensive and detailed report of the Foundation's operations, activities, financial condition, and accomplishments under this Act and may include such recommendations as the Foundation deems appropriate. The report should also include any information regarding allegations or reports on the misuse of funds and how such allegations or reports were addressed by the Foundation.

(2) TESTIMONY RELATING TO REPORT.—The Board members and officers of the Foundation shall be available to testify before appropriate committees

of the Congress with respect to the report required under paragraph (1), the report of any audit made by the Comptroller General of the United States pursuant to subsection (f) of this section, or any other matter which any such committees may determine.

(i) GRANTEE; CONFLICT OF INTEREST.—A member of the Board of Directors of the Foundation who serves as a member of the board of directors or an officer of a grantee of the Foundation may not receive compensation for their services but shall be entitled to reimbursement for travel and other expenses incurred by them in connection with their duties on behalf of such grantee.

**SEC. 5. AGREEMENT BETWEEN FOUNDATION AND SUCCESSOR OR RELATED ENTITY TO THE U.S. RUSSIA INVESTMENT FUND.**

(a) AGREEMENT REQUIRED.—The Foundation and any successor or related entity to the U.S. Russia Investment Fund shall enter into a memorandum of understanding for the purpose of coordinating activities carried out by the Foundation and the successor or related entity. The memorandum of understanding shall include language that prohibits the same entities from carrying out the same activities.

(b) DEADLINE.—The memorandum of understanding described in subsection (a) shall be entered into between the Foundation and the successor or related entity described in subsection (a) by not later than the later of the following:

(1) If the successor or related entity is established on or before the date of the enactment of this Act, 90 days after the date of the enactment of this Act.

(2) If the successor or related entity is established after the date of the enactment of this Act, 90 days after the date on which the entity is established.

(c) SUBMISSION TO SECRETARY OF STATE AND CONGRESS.—The Foundation and the successor or related entity described in subsection (a) shall submit to the Secretary of State and Congress a copy of the memorandum of understanding described in subsection (a) not later than 30 days after the date on which the parties enter into the memorandum of understanding.

(d) LIMITATIONS.—For the period beginning on the date on which the successor or related entity described in subsection (a) is established, or the date of the enactment of this Act, whichever occurs later, and ending on the date

on which the memorandum of understanding described in subsection (a) is entered into—

(1) United States assistance may not be provided to the Foundation under any other provision of law; and

(2) funds may not be transferred from the U.S. Russia Investment Fund to the successor or related entity or placed in a trust on behalf of the successor or related entity.

(e) SUCCESSOR OR RELATED ENTITY TO THE U.S. RUSSIA INVESTMENT FUND DEFINED.—In this section, the term ''successor or related entity to the U.S. Russia Investment Fund'' or ''successor or related entity'' means any organization, corporation, limited-liability partnership, foundation, or other corporate structure that receives any or all of the remaining funds of the U.S. Russia Investment Fund after liquidation of assets upon closure of the U.S. Russia Investment Fund.

**SEC. 6. COUNTRIES OF EURASIA DEFINED.**

In this Act, the term ''countries of Eurasia'' means Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, the Kyrgyz Republic, Moldova, the Russian Federation, Tajikistan, Turkmenistan, Ukraine, and Uzbekistan.

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

(a) IN GENERAL.—There are authorized to be appropriated to carry out this Act $15,000,000 for fiscal year 2008 and such sums as may be necessary for fiscal year 2009.

(b) AVAILABILITY.—Amounts appropriated pursuant to the authorization of appropriation under subsection (a) are authorized to remain available for 2 years from the end of the fiscal year for which the amount was appropriated.

I

110TH CONGRESS
1ST SESSION

# H. R. 3320

To provide assistance for the Museum of the History of Polish Jews in Warsaw, Poland.

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IN THE HOUSE OF REPRESENTATIVES

AUGUST 2, 2007

Mr. SMITH of New Jersey (for himself, Mr. LANTOS, Ms. ROS-LEHTINEN, Mr. WEXLER, Mr. BURTON of Indiana, Mr. NADLER, Mr. BERMAN, Mr. ROTHMAN, and Mr. EMANUEL) introduced the following bill; which was referred to the Committee on Foreign Affairs

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# A BILL

To provide assistance for the Museum of the History of Polish Jews in Warsaw, Poland.

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

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''Support for the Museum of the History of Polish Jews Act of 2007''.

**SEC. 2. FINDINGS.**

Congress finds the following:

(1) Current and future generations benefit greatly by visible reminders and documentation of the historical and cultural roots of their society.

(2) It is in the national interest of the United States to encourage the preservation and protection of artifacts associated with the heritage of United States citizens who trace their forbearers to other countries and to encourage the collection and dissemination of knowledge about that heritage.

(3) According to the 2000 United States Census, nearly 9,000,000 Americans are of Polish ancestry.

(4) At the beginning of World War II, Poland had the largest Jewish population in Europe.

(5) In 1996, Yeshayahu Weinberg, a founding director of Tel Aviv's Diaspora Museum and the United States Holocaust Memorial Museum, created an international team of experts with the goal of establishing a Museum of the History of Polish Jews.

(6) The Museum of the History of Polish Jews will preserve and present the history of the Jewish people in Poland and the wealth of their culture spanning a period of 1,000 years.

(7) In 1997, the City of Warsaw donated a parcel of land, opposite the Warsaw Ghetto Uprising

Memorial, for the explicit use for the Museum of the History of Polish Jews.

(8) In 2005, the Government of Poland and the City of Warsaw agreed to provide 40,000,000 Polish zlotys for the construction of the Museum of the History of Polish Jews.

(9) In 2005, an international architectural competition selected a Finnish firm to design the building for the Museum of the History of Polish Jews.

(10) In 2006, the building for the Museum of the History of Polish Jews moved into the last phase of project design.

**SEC. 3. ASSISTANCE FOR THE MUSEUM OF THE HISTORY OF POLISH JEWS.**

(a) IN GENERAL.—Assistance provided by the Bureau of Educational and Cultural Affairs of the Department of State shall be made available to assist in the development of the permanent collection of the Museum of the History of Polish Jews.

(b) AUTHORIZATION FOR ASSISTANCE.—To carry out the purposes of subsection (a), the Secretary of State is authorized to provide $5,000,000, which shall remain available until expended, to the Museum for the History of Polish Jews.

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(Original Signature of Member)

110TH CONGRESS
1ST SESSION

# H. R. 3912

To provide for the transfer of naval vessels to certain foreign recipients.

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IN THE HOUSE OF REPRESENTATIVES

Mr. LANTOS introduced the following bill; which was referred to the Committee on _____

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# A BILL

To provide for the transfer of naval vessels to certain foreign recipients.

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

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Naval Vessel Transfer Act of 2007".

**SEC. 2. TRANSFER OF NAVAL VESSELS TO CERTAIN FOREIGN RECIPIENTS.**

(a) TRANSFERS BY GRANT.—The President is authorized to transfer vessels to foreign countries on a grant

basis under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j), as follows:

(1) TURKEY.—To the Government of Turkey—

(A) the OLIVER HAZARD PERRY class guided missile frigates GEORGE PHILIP (FFG–12) and SIDES (FFG–14); and

(B) the OSPREY class minehunter coastal ship BLACKHAWK (MHC–58).

(2) LITHUANIA.—To the Government of Lithuania, the OSPREY class minehunter coastal ships CORMORANT (MHC–57) and KINGFISHER (MHC–56).

(b) TRANSFERS BY SALE.—The President is authorized to transfer vessels to foreign recipients on a sale basis under section 21 of the Arms Export Control Act (22 U.S.C. 2761), as follows:

(1) TAIWAN.—To the Taipei Economic and Cultural Representative Office in the United States (which is the Taiwan instrumentality designated pursuant to section 10(a) of the Taiwan Relations Act (22 U.S.C. 3309(a))), the OSPREY class minehunter coastal ships ORIOLE (MHC–55) and FALCON (MHC–59).

(2) TURKEY.—To the Government of Turkey, the OSPREY class minehunter coastal ship SHRIKE (MHC–62).

(c) GRANTS NOT COUNTED IN ANNUAL TOTAL OF TRANSFERRED EXCESS DEFENSE ARTICLES.—The value of a vessel transferred to a recipient on a grant basis pursuant to authority provided by subsection (a) shall not be counted against the aggregate value of excess defense articles transferred in any fiscal year under section 516(g) of the Foreign Assistance Act of 1961.

(d) COSTS OF TRANSFERS.—Any expense incurred by the United States in connection with a transfer authorized by this section shall be charged to the recipient.

(e) REPAIR AND REFURBISHMENT IN UNITED STATES SHIPYARDS.—To the maximum extent practicable, the President shall require, as a condition of the transfer of a vessel under this section, that the recipient to which the vessel is transferred have such repair or refurbishment of the vessel as is needed before the vessel joins the naval forces of the recipient performed at a shipyard located in the United States, including a United States Navy shipyard.

(f) EXPIRATION OF AUTHORITY.—The authority to transfer a vessel under this section shall expire at the end

of the 2-year period beginning on the date of the enactment of this Act.

.....
(Original Signature of Member)

110TH CONGRESS
1ST SESSION

# H. R. 3913

To amend the International Center Act to authorize the lease or sublease of certain property described in such Act to an entity other than a foreign government or international organization if certain conditions are met.

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IN THE HOUSE OF REPRESENTATIVES

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

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# A BILL

To amend the International Center Act to authorize the lease or sublease of certain property described in such Act to an entity other than a foreign government or international organization if certain conditions are met.

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

**SECTION 1. AMENDMENT TO THE INTERNATIONAL CENTER ACT.**

The first section of the International Center Act (Public Law 90–553; 82 Stat. 958) is amended by adding

at the end the following new sentence: ''Notwithstanding the foregoing limitations, the property identified by the District of Columbia as tax lots 803, 804, 805, and 806 within the area described in this section may be leased or subleased to an entity other than a foreign government or international organization, so long as the Secretary maintains the right to approve the occupant and the intended use of the property.''.

IV

110TH CONGRESS
1ST SESSION

# H. RES. 435

Expressing concern relating to the threatening behavior of the Iranian regime and its leader Mahmoud Ahmadinejad, and the activities of terrorist organizations sponsored by that regime in Latin America.

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IN THE HOUSE OF REPRESENTATIVES

MAY 23, 2007

Mr. KLEIN of Florida (for himself, Mr. MACK, Mr. BURTON of Indiana, Mr. MCCAUL of Texas, Mr. SCOTT of Georgia, Mr. KIRK, Mr. BOUSTANY, Mr. LANTOS, Ms. BERKLEY, Mr. WEXLER, Mr. CANTOR, Ms. WASSERMAN SCHULTZ, Mr. CARNAHAN, Mr. CROWLEY, Mr. ANDREWS, Mr. ROTHMAN, Ms. WATSON, Mr. ISRAEL, Mr. BERMAN, Mr. SIRES, Mr. LYNCH, Mr. FOSSELLA, Ms. BEAN, Mr. FORTUÑO, Mr. MCCOTTER, Mr. HASTINGS of Florida, Mrs. BONO, Mr. BARRETT of South Carolina, Mr. PENCE, Mr. WILSON of South Carolina, Mrs. JO ANN DAVIS of Virginia, Mr. ACKERMAN, Ms. SCHWARTZ, Mr. CHABOT, Mr. CARNEY, and Mrs. MYRICK) submitted the following resolution; which was referred to the Committee on Foreign Affairs

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# RESOLUTION

Expressing concern relating to the threatening behavior of the Iranian regime and its leader Mahmoud Ahmadinejad, and the activities of terrorist organizations sponsored by that regime in Latin America.

Whereas the Department of State has said that Iran is the ''most active state sponsor of terrorism'';

Whereas the Department of State 2007 International Narcotics Control Strategy Report moved Iran to a ''Jurisdiction of Primary Concern'';

Whereas in February 2006, the chairman of the Iranian legislative body announced plans to assist Venezuela with its nuclear program;

Whereas in February 2006, Cuba, Venezuela, and Syria were the only 3 member nations of the 35-nation board of the International Atomic Energy Agency to vote against referring Iran to the United Nations Security Council for its nuclear program;

Whereas in January 2007, Mahmoud Ahmadinejad, the president of Iran, made his second visit to Central and South America in 5 months to meet with Hugo Chavez, president of Venezuela, to visit Daniel Ortega, president of Nicaragua, and to attend the inauguration of Rafael Correa, president of Ecuador;

Whereas in February 2007, Mr. Ahmadinejad hosted Iran's first day-long conference on Latin America and the conference was attended by parliamentarians from Argentina, Colombia, Venezuela, Cuba, Brazil, Uruguay, Italy, and the Russian Federation;

Whereas at the Iranian conference on Latin America, Iran announced that it would reopen embassies in Chile, Colombia, Ecuador, Nicaragua, and Uruguay and send a representative to Bolivia;

Whereas routine civilian airline flights have been established from Tehran, Iran directly into Caracas, Venezuela, and the Government of Venezuela has been found to be indiscriminate in the issuance of Venezuelan passports and other identifying documents that could help terrorists

and other criminal elements enter the United States with these documents;

Whereas Mr. Ahmadinejad and Mr. Chavez have announced plans for a $2,000,000,000 shared fund to invest in projects in countries seeking to ''liberate themselves from the U.S. imperialist yoke'';

Whereas Iran's proxy terrorist group, Hizbollah, executed the deadliest terrorist attack against Americans abroad since World War II, the 1983 suicide bombing of a United States Marine barracks in Beirut, Lebanon, that killed 241 American servicemen;

Whereas Iran and Hizbollah were involved in the two deadliest terrorist attacks in Argentina: the March 1992 bombing of the Israeli Embassy in Buenos Aires, Argentina and the July 1994 attack against the Argentine-Israeli Mutual Association (AMIA);

Whereas the Government of Argentina is currently seeking legal action against the perpetrators of the 1994 AMIA terrorist attack, and INTERPOL has issued arrest warrants for several former Iranian officials and a Hizbollah leader in connection with the attack;

Whereas the 2006 State Department's Country Reports on Terrorism stated that Venezuela is ''not fully cooperating'' with United States antiterrorism efforts;

Whereas the relationship of the Government of Venezuela with its Jewish community is at its ''worst in 40 years'', according to Venezuela's chief rabbi, with increasing instances of graffiti on local synagogues, and more frequent anti-Semitic cartoons and statements in the media, none of which the Government of Venezuela denounced;

Whereas on October 23, 2006, the police in Caracas, Venezuela found two explosive devices near the United States Embassy, one of which was in a box that contained brochures referencing Hizbollah;

Whereas in October 2006, Teodoro Darnott, leader of an organization in Venezuela that calls itself ''Hizbollah Latin America,'' announced that 2007 would be the beginning of the ''Jihad in America'';

Whereas according to a Naval War College report, Hizbollah raises an estimated $10,000,000 each year in the tri-border region of South America where Brazil, Paraguay, and Argentina meet;

Whereas in 2004, the United States Southern Command, which is responsible for providing contingency planning, operations, and security cooperation for Central and South America, estimated that Islamist terrorist groups raise between $300,000,000 and $500,000,000 each year in the tri-border region, in northern Chile, in Maicao, Colombia, on Margarita Island in Venezuela, in Panama's Colon Free Trade Zone, and in other areas;

Whereas in March 2007, Brazilian officials arrested 31 people for illegally issuing passports over the past 14 years, and press reports indicate that some of these passports may have been provided to members of terrorist organizations, including members of Hizbollah;

Whereas Brazil, Argentina, Paraguay, and the United States have formed the 3+1 Group, which has focused on the financing of terrorism, drug and arms trafficking, and border security, as well as the exchange of information, with the purpose of preventing terrorism and transnational crimes;

Whereas in November 2006, Brazil established a new Regional Intelligence Center in the tri-border region, dedicated to coordinating intelligence activities of the police forces of Argentina, Brazil, and Paraguay, and invited Argentina and Paraguay to send official representatives to the center; and

Whereas in March 2007, the Organization of American States' Inter-American Committee Against Terrorism (CICTE) reaffirmed, ''terrorism in all its forms and manifestations, whatever its origin or motivation, has no justification whatsoever, affects the full enjoyment and exercise of human rights, and constitutes a grave threat to international peace and security, democratic institutions, and the values enshrined in the OAS Charter, the Inter-American Democratic Charter, and other regional and international instruments'': Now, therefore, be it

*Resolved,* That the House of Representatives—

(1) expresses concern over the emerging national security implications of the relationships between the leaders of Iran and regimes in the Western Hemisphere like Venezuela;

(2) expresses its continued support for the people of Iran and Venezuela as they strive for freedom, respect for human rights and civil liberties, democratic self-governance, and the establishment of the rule of law;

(3) supports the existing counterterrorism efforts of Latin American countries, including the successful counterterrorism efforts of the 3+1 Group

(consisting of Brazil, Argentina, Paraguay, and the United States);

(4) emphasizes the importance of eliminating Hizbollah's financial network in the tri-border region of South America where Brazil, Paraguay, and Argentina meet and throughout the Western Hemisphere;

(5) calls on the United States government to work with governments in the Western Hemisphere to pursue an antiterrorism campaign based on cooperation and constant vigilance;

(6) urges the United States Government to work bilaterally and multilaterally with countries in the Western Hemisphere to create antiterrorism legislation that would give governmental authorities new tools to take action against terrorist networks; and

(7) recommends that the President of the United States create more mechanisms for joint counterterrorism operations and intraregional information sharing among supportive countries in the Western Hemisphere, especially in light of Iran's increased involvement in the region.

○

**AMENDMENT IN THE NATURE OF A SUBSTITUTE**

**TO H. RES. 435**

**OFFERED BY MR. KLEIN OF FLORIDA**

Strike the preamble and insert the following:

Whereas the Department of State has said that Iran is the ''most active state sponsor of terrorism'';

Whereas the Department of State 2007 International Narcotics Control Strategy Report moved Iran to a ''Jurisdiction of Primary Concern'';

Whereas in February 2006, the chairman of the Iranian legislative body announced an offer to assist Venezuela with a nuclear program;

Whereas in February 2006, Cuba, Venezuela, and Syria were the only 3 member nations of the 35-nation board of the International Atomic Energy Agency to vote against referring Iran to the United Nations Security Council for its nuclear program;

Whereas in September 2007, Iran requested observer-status membership in the Bolivarian Alternative for the Peoples of the Americas (ALBA), an organization led by Hugo Chavez, President of Venezuela, to counter United States-led efforts for free trade in that region;

Whereas in September 2007, Mahmoud Ahmadinejad, the President of Iran, made his third visit in one year to Latin America, this time visiting Venezuela and Bolivia, where Mr. Ahmadinjead announced a commitment of Ira-

nian investment in Bolivia of up to $1,000,000,000 over five years;

Whereas Mr. Ahmadinejad and Mr. Chavez have announced plans for a $2,000,000,000 shared fund to invest in projects in countries that Mr. Chavez characterized as seeking to ''liberate themselves from the U.S. imperialist yoke'';

Whereas in July 2007, the Venezuelan energy minister announced plans to sell gasoline to Iran following riots in Iran opposing the Iranian Government's policy of gas rationing;

Whereas in March, 2007 routine civilian airline flights were established from Tehran, Iran directly to Caracas, Venezuela;

Whereas the 2006 State Department's Country Reports on Terrorism stated that Venezuela is not ''fully cooperating'' with United States antiterrorism efforts;

Whereas according to the State Department, ''an individual claiming to be a member of an Islamic extremist group in Venezuela placed two pipe bombs outside the American Embassy in Caracas on October 23, 2006. Venezuelan police safely disposed of the two pipe bombs and immediately made one arrest. The investigation by Venezuelan authorities resulted in the additional arrest of the alleged ideological leader of the group. At year's end, both suspects remained in jail and prosecutors were pressing terrorism charges against them'';

Whereas Hizbollah, Iran's proxy terrorist group, executed the deadliest terrorist attack against Americans abroad since World War II, the 1983 suicide bombing of a United

States Marine barracks in Beirut, Lebanon, that killed 241 American servicemen;

Whereas Iran and Hizbollah were involved in the two deadliest terrorist attacks in Argentina: the March 1992 bombing of the Israeli Embassy in Buenos Aires, Argentina, which killed 29 people and the July 1994 attack against the Argentine-Israeli Mutual Association (AMIA), which killed 85 people;

Whereas the Government of Argentina is currently seeking legal action against the perpetrators of the 1994 AMIA terrorist attack;

Whereas in September 2007, the President of Argentina said to the United Nations General Assembly, ''I want to stress here, in the United Nations headquarters, that unfortunately until now, the Islamic Republic of Iran has not collaborated with the Argentine justice system to clarify what occurred'';

Whereas according to a 2003 report by the Library of Congress, money laundered in the tri-border region, the area where Argentina, Paraguay and Brazil meet, ''probably are in the billions of dollars per year'' and ''Hizbollah has reaped hundreds of millions of dollars in profits from narcotics and arms trafficking, product piracy, and other illicit activities in the tri-border area'';

Whereas the television station Telemundo interviewed residents of the tri-border region who said that ''they're only waiting for an order to put bombs on their body and attack the United States'';

Whereas in March 2007, Brazilian officials arrested 31 people for illegally issuing passports over the past 14 years, and press reports indicate that some of these passports

may have been provided to members of terrorist organizations, including members of Hizbollah;

Whereas Brazil, Argentina, Paraguay, and the United States have formed the 3+1 Group, which has focused on the financing of terrorism, drug and arms trafficking, and border security, as well as the exchange of information, with the purpose of preventing terrorism and transnational crimes in the tri-border region;

Whereas in November 2006, Brazil established a new Regional Intelligence Center in the tri-border region, dedicated to coordinating intelligence activities of the police forces of Argentina, Brazil, and Paraguay, and invited Argentina and Paraguay to send official representatives to the Center;

Whereas in March 2007, the Organization of American States' Inter-American Committee Against Terrorism (CICTE) reaffirmed that ''terrorism in all its forms and manifestations, whatever its origin or motivation, has no justification whatsoever, affects the full enjoyment and exercise of human rights, and constitutes a grave threat to international peace and security, democratic institutions, and the values enshrined in the OAS Charter, the Inter-American Democratic Charter, and other regional and international instruments'';

Whereas in July 2007, the Government of Argentina enacted anti-terrorism legislation that put in place harsher penalties for cooperating with terrorists; and

Whereas as of March 2007, the Government of Brazil was considering expanded anti-terrorism legislation: Now, therefore, be it

Strike all after the resolving clause and insert the following:

That the House of Representatives—

(1) expresses concern over the emerging national security implications of the Iranian regime's efforts to expand its influence in Latin America;

(2) supports the existing counterterrorism efforts of Latin American countries, including the successful counterterrorism efforts of the 3+1 Group (consisting of Brazil, Argentina, Paraguay, and the United States);

(3) emphasizes the importance of eliminating Hizbollah's financial network in the tri-border region of South America where Brazil, Paraguay, and Argentina meet and throughout the Western Hemisphere;

(4) commends and supports the efforts of individual countries and regional bodies in the Western Hemisphere that have led efforts to eliminate terrorist financing and other terrorist operations;

(5) calls on the United States Government to work with governments in the Western Hemisphere to pursue an antiterrorism campaign based on cooperation and constant vigilance;

(6) urges the United States Government to work bilaterally and multilaterally with countries in the Western Hemisphere to help them create antiterrorism legislation that would give governmental authorities new tools to take action against terrorist networks; and

(7) recommends that the President of the United States create more mechanisms for joint counterterrorism operations and intraregional information sharing among supportive countries in the Western Hemisphere, especially in light of Iran's increased involvement in the region.

IV

110TH CONGRESS
1ST SESSION

# H. RES. 550

Congratulating the people of Ethiopia on the second millennium of Ethiopia, and for other purposes.

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IN THE HOUSE OF REPRESENTATIVES

JULY 16, 2007

Mr. HONDA (for himself and Mr. PAYNE) submitted the following resolution; which was referred to the Committee on Foreign Affairs

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# RESOLUTION

Congratulating the people of Ethiopia on the second millennium of Ethiopia, and for other purposes.

Whereas Ethiopia is a proud country with a long, rich history;

Whereas the earliest known hominid, internationally known as Lucy and classified as the Australopithecus Afarensis, was found in Ethiopia;

Whereas Ethiopia is the only country in Africa that was never colonized, with the exception of the 6 years of occupation by the Fascist government of Italy;

Whereas in 615, the people of Ethiopia welcomed the followers of the Prophet Mohammed, including the Prophet's wife;

Whereas in the 9th century, Ethiopians discovered coffee in what is now known as the Kaffa region;

Whereas in 1137, the Zagwe Dynasty came to power in the Christian Highlands of Ethiopia;

Whereas the Zagwe Dynasty is responsible for the construction of Lalibela, a group of 11 medieval monolithic rock-hewn churches of the 13th-century;

Whereas Lalibela was recognized as a wonder of the world in 1978 by the World Heritage mission of the United Nations Educational, Scientific and Cultural Organization (UNESCO);

Whereas in 1270, Yekuno Amlak took power from the last ruler of the Zagwe Dynasty, Emperor Habre II, restoring the Solomonic Dynasty in Ethiopia;

Whereas in 1529, Ahmad Ibn Ibrahim al-Ghazi, also known as Ahmad the Left-Handed or in Amharic Ahmad Gran, invaded Ethiopia and by 1535 his forces took control of southern and central regions of Ethiopia;

Whereas in 1543, Ethiopian Emperor Galawdewos defeated the occupation forces of Gran, who was killed in battle;

Whereas Emperor Tewdros II began the modernization of Ethiopia and led a successful campaign to unify Ethiopia;

Whereas on April 10, 1868, Emperor Tewdros committed suicide rather than surrender to the invading forces of Britain in the Battle of Maqdal;

Whereas in 1889, King Menelik II of Shoa became Emperor of Ethiopia and ruled Ethiopia until 1913;

Whereas the proud and courageous people of Ethiopia defeated the invading Italian army in the Battle of Adwa in 1896;

Whereas United States-Ethiopian relations were established on December 27, 1903, by Emperor Menelik and President Theodore Roosevelt;

Whereas since then, the Ethiopian-American community has grown to become the second largest African immigrant group in the United States;

Whereas in 1908, colonial powers recognized Ethiopia's borders and sovereignty;

Whereas in 1917, railroad work connecting Addis Ababa, the capital, and Djibouti was completed;

Whereas in 1923, Ethiopia officially banned the slave trade;

Whereas in 1923, Ethiopia joined the League of Nations;

Whereas in 1931, the Bank of Ethiopia was founded;

Whereas in 1930, Ras Tafari Makonnen was crowned as Emperor Haile Selassie of Ethiopia;

Whereas Emperor Haile Selassie modernized Ethiopia, kept the country united, and largely peaceful;

Whereas Ethiopia played a pivotal role in creating the Organization of Africa Unity (OAU), which was founded on May 25, 1963;

Whereas Addis Ababa, Ethiopia, became the headquarters of the OAU and remains the headquarters of its successor, the African Union;

Whereas in 1974, Emperor Haile Selassie was ousted from power through a military coup by a military junta known as the Derg;

Whereas in May 1991, the brutal dictatorship of the Derg came to an end after a 17-year reign of terror;

Whereas Ethiopia played an important role in the struggle for freedom for many African countries during the colonial period;

Whereas in January 1962, freedom fighter Nelson Mandela in his address before the Pan African Freedom Movement of East and Central Africa (PAFMECA) declared the following: ''It was not without reason, we believe, that the Secretariat of PAFMECA chose as the seat of this conference the great country of Ethiopia, which, with hundreds of years of colorful history behind it, can rightly claim to have paid the full price of freedom and independence. His Imperial Majesty, himself a rich and unfailing fountain of wisdom, has been foremost in promoting the cause of unity, independence, and progress in Africa, as was so amply demonstrated in the address he graciously delivered in opening this assembly.''; and

Whereas the 8th African Union Summit, held from January 29–30, 2007, officially declared the second Ethiopian millennium as the second African millennium: Now, therefore, be it

*Resolved,* That the House of Representatives—

(1) congratulates the people of Ethiopia on the second millennium of Ethiopia;

(2) recognizes the long, rich history of Ethiopia;

(3) commends Ethiopia's contribution to peace and stability on the African continent through the role it played in the creation of the Organization of African Unity (OAU);

(4) recognizes the longstanding relationship between Ethiopia and the United States;

(5) commends the organizers of the second millennium celebration in Ethiopia and the United States; and

(6) calls for a peaceful and jubilant celebration of the second millennium of Ethiopia.

○

## AMENDMENT TO H. RES. 550

## OFFERED BY MR. LANTOS OF CALIFORNIA

Strike the preamble and insert the following:

Whereas Ethiopia is a proud country with a long, rich history;

Whereas the earliest known hominid, internationally known as Lucy and classified as the Australopithecus Afarensis, was found in Ethiopia;

Whereas Ethiopia is the only country in Africa that was never colonized, with the exception of the 6 years of occupation by the Fascist government of Italy;

Whereas in 615, the people of Ethiopia welcomed the followers of the Prophet Mohammed, including the Prophet's wife;

Whereas in the 9th century, Ethiopians discovered coffee in what is now known as the Kaffa region;

Whereas in 1137, the Zagwe Dynasty came to power in the Christian Highlands of Ethiopia;

Whereas the Zagwe Dynasty is responsible for the construction of Lalibela, a group of 11 medieval monolithic rock-hewn churches of the 13th-century;

Whereas Lalibela was recognized as a wonder of the world in 1978 by the World Heritage mission of the United Nations Educational, Scientific and Cultural Organization (UNESCO);

Whereas in 1270, Yekuno Amlak took power from the last ruler of the Zagwe Dynasty, Emperor Habre II, restoring the Solomonic Dynasty in Ethiopia;

Whereas in 1529, Ahmad Ibn Ibrahim al-Ghazi, also known as Ahmad the Left-Handed or in Amharic Ahmad Gran, invaded Ethiopia and by 1535 his forces took control of southern and central regions of Ethiopia;

Whereas in 1543, Ethiopian Emperor Galawdewos defeated the occupation forces of Gran, who was killed in battle;

Whereas Emperor Tewdros II began the modernization of Ethiopia and led a successful campaign to unify Ethiopia;

Whereas on April 10, 1868, Emperor Tewdros committed suicide rather than surrender to the invading forces of Britain in the Battle of Maqdal;

Whereas in 1889, King Menelik II of Shoa became Emperor of Ethiopia and ruled Ethiopia until 1913;

Whereas the proud and courageous people of Ethiopia defeated the invading Italian army in the Battle of Adwa in 1896;

Whereas United States-Ethiopian relations were established on December 27, 1903, by Emperor Menelik and President Theodore Roosevelt;

Whereas since then, the Ethiopian-American community has grown to become the second largest African immigrant group in the United States;

Whereas in 1908, colonial powers recognized Ethiopia's borders and sovereignty;

Whereas in 1917, railroad work connecting Addis Ababa, the capital, and Djibouti was completed;

Whereas in 1923, Ethiopia officially banned the slave trade;

Whereas in 1923, Ethiopia joined the League of Nations;

Whereas in 1931, the Bank of Ethiopia was founded;

Whereas in 1930, Ras Tafari Makonnen was crowned as Emperor Haile Selassie of Ethiopia;

Whereas Emperor Haile Selassie modernized Ethiopia, kept the country united, and largely peaceful;

Whereas Ethiopia played a pivotal role in creating the Organization of Africa Unity (OAU), which was founded on May 25, 1963;

Whereas Addis Ababa, Ethiopia, became the headquarters of the OAU and remains the headquarters of its successor, the African Union;

Whereas in 1974, Emperor Haile Selassie was ousted from power through a military coup by a military junta known as the Derg;

Whereas in May 1991, the brutal dictatorship of the Derg came to an end after a 17-year reign of terror;

Whereas Ethiopia played an important role in the struggle for freedom for many African countries during the colonial period;

Whereas in January 1962, freedom fighter Nelson Mandela in his address before the Pan African Freedom Movement of East and Central Africa (PAFMECA) declared the following: ''It was not without reason, we believe, that the Secretariat of PAFMECA chose as the seat of this conference the great country of Ethiopia, which, with hundreds of years of colorful history behind it, can rightly claim to have paid the full price of freedom and independence. His Imperial Majesty, himself a rich and unfailing fountain of wisdom, has been foremost in pro-

moting the cause of unity, independence, and progress in Africa, as was so amply demonstrated in the address he graciously delivered in opening this assembly.'';

Whereas the 8th African Union Summit, held from January 29-30, 2007, officially declared the second Ethiopian millennium as the second African millennium;

Whereas the Ark of Covenant is found in the Holy City of Axum, in the church of Saint Mary of Zion, in Northern Ethiopia;

Whereas the three great religions Judaism, Christianity, and Islam coexisted in harmony for many centuries in Ethiopia;

Whereas the people of Ethiopia have their own unique script, the Geez/Ethiopic alphabet, and literary tradition that has been in use for thousands of years in Ethiopia;

Whereas Ethiopia had its own currency minted of gold, silver, and bronze coins depicting the great civilization of Ethiopia from the third to the eighth centuries;

Whereas in the 6th century, Yared (later canonized as Saint Yared) is one of the first artists in the world who contributed to the field of art and whose great works of music and song are still in use in the Orthodox Church of Ethiopia;

Whereas the Axumite Empire is responsible for the construction and erection of the great obelisks at Axum recognized and registered as world heritage by UNESCO;

Whereas the great castles of Gonder were constructed by emperors and princes of Ethiopia that ruled from the 16th to the 19th centuries;

Whereas in the 16th century, the great wall of the city of Harar was built by the Sultan the of Harar, Amir Nur Ibn Mujahid;

Whereas the city of Harar is recognized and registered as world cultural heritage site by UNESCO in 1989;

Whereas in 1872, Emperor Yohannes IV assumed the throne as emperor of Ethiopia;

Whereas Emperor Yohannes IV defeated the invading forces of Egypt twice at the battles of Gundagundi and Gurae in 1875 and 1876 respectively;

Whereas in 1887, Ras Alula crushed the invading forces of Italy at the battle of Sehati and Dogoali;

Whereas in 1896, Emperor Menelik and Empress Taytu defeated the invading forces of Italy at the battle of Adwa; and

Whereas Ethiopia was a founding member of the United Nations and one of the original drafters of the Security Council Charter: Now, therefore, be it

IV

110TH CONGRESS
1ST SESSION

# H. RES. 573

Recognizing and commending the efforts of the United States public and advocacy groups to raise awareness about and help end the worsening humanitarian crisis and genocide in Darfur, Sudan, and for other purposes.

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IN THE HOUSE OF REPRESENTATIVES

JULY 25, 2007

Mr. MORAN of Virginia (for himself, Mr. LANTOS, Mr. PAYNE, Mr. WOLF, Ms. LEE, and Mr. MCGOVERN) submitted the following resolution; which was referred to the Committee on Foreign Affairs

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# RESOLUTION

Recognizing and commending the efforts of the United States public and advocacy groups to raise awareness about and help end the worsening humanitarian crisis and genocide in Darfur, Sudan, and for other purposes.

Whereas the violence conducted by the Sudanese-backed Janjaweed militia in Darfur, Sudan, has left nearly 2,500,000 people displaced from their homes and up to 400,000 civilians dead;

Whereas despite the signing of the Darfur Peace Agreement on May 5, 2006, violence, death, and destruction in Darfur continue unabated, threatening the lives of thousands of civilians, humanitarian aid workers, United Nations officials, and African Union peacekeepers;

Whereas President Omar Hassan El-Bashir of Sudan continues to reject the deployment of a United Nations peacekeeping force to Darfur as stipulated in United Nations Security Council Resolution 1706 (2006) and has yet to unconditionally accept the terms of the African Union/United Nations hybrid peacekeeping force as generally agreed to on November 12, 2006;

Whereas on July 22, 2004, Congress declared the atrocities unfolding in Darfur as genocide, and on September 9, 2004, former Secretary of State Colin Powell declared that ''genocide has been committed in Darfur and that the [G]overnment of Sudan and the Janjaweed bear responsibility'';

Whereas on April 18, 2007, President George W. Bush declared at the United States Holocaust Museum, where the Committee on Conscience has spent considerable efforts advocating to end the genocide in Darfur, that the United States has a moral obligation to help end the genocide in Darfur;

Whereas hundreds of United States faith-based, human rights, humanitarian and youth-led advocacy organizations have established Darfur-related campaigns since the United States declaration of genocide in 2004;

Whereas hundreds of State and local communities, schools, universities, and individual citizens have mobilized and organized fundraisers, campaigns, and initiatives to help end the genocide in Darfur;

Whereas over 600 chapters of anti-genocide high school, college and university student organizations have been established since 2004 to help end the genocide in Darfur;

Whereas 54 American colleges and universities, 18 American States, 8 American cities, and 8 international and faith-based organizations have adopted divestment policies from Sudan thus far;

Whereas on April 30, 2006, thousands of Americans gathered at the National Mall in Washington, D.C., to urge the United States and the international community to help end the genocide in Darfur;

Whereas similar public advocacy efforts in the United States to end mass human rights violations, racial discrimination, and violence in Africa have not been seen since the South African anti-apartheid movement;

Whereas these aforementioned efforts have embraced the slogans ''Never Again'' and ''Not On Our Watch'', reminiscent of the failure of the international community to stop the Holocaust and the genocides in Bosnia and Rwanda; and

Whereas the United States has led the international community's condemnation of the atrocities and violence in Darfur: Now, therefore, be it

*Resolved,* That the House of Representatives—

(1) recognizes and commends the efforts of the United States public and advocacy groups to raise awareness about and help end the worsening humanitarian crisis and genocide in Darfur, Sudan;

(2) supports the efforts of the various local schools, communities, and faith-based, human rights, humanitarian, and youth-led advocacy organizations that have dedicated their time and energy to help

end the genocide in Darfur and to promote peace, defend human rights, and improve the lives of those affected in Sudan and Chad; and

(3) urges the United States to work with its partners in the international community to implement a more robust set of multilateral measures until President El-Bashir accepts a full-scale international peacekeeping force in Darfur.

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**AMENDMENT IN THE NATURE OF A SUBSTITUTE**

**TO H. RES. 573**

**OFFERED BY MR. LANTOS OF CALIFORNIA**

Strike the preamble and insert the following:

Whereas the violence conducted by the Armed Forces of Sudan, government-backed Janjaweed militia, and various rebel factions in Darfur, Sudan, has left nearly 2,500,000 people displaced from their homes and up to 400,000 civilians dead;

Whereas despite the signing of the Darfur Peace Agreement on May 5, 2006, violence, death, and destruction in Darfur continue unabated, threatening the lives of thousands of civilians, humanitarian aid workers, United Nations officials, African Union international peacekeepers;

Whereas on July 22, 2004, Congress declared the atrocities unfolding in Darfur as genocide, and on September 9, 2004, former Secretary of State Colin Powell declared that ''genocide has been committed in Darfur and that the [G]overnment of Sudan and the Janjaweed bear responsibility'';

Whereas on April 18, 2007, President George W. Bush declared at the United States Holocaust Museum, where the Committee on Conscience has spent considerable efforts advocating to end the genocide in Darfur, that the United States has a moral obligation to help end the genocide in Darfur;

Whereas hundreds of United States faith-based, human rights, humanitarian and youth-led advocacy organizations have established Darfur-related campaigns since the United States declaration of genocide in 2004;

Whereas hundreds of State and local communities, schools, universities, and individual citizens have mobilized and organized fundraisers, campaigns, and initiatives to help end the genocide in Darfur;

Whereas over 600 chapters of anti-genocide high school, college and university student organizations have been established since 2004 to help end the genocide in Darfur;

Whereas 57 United States colleges and universities, 20 States, ten United States cities, and eight international and faith-based organizations have adopted divestment policies from Sudan thus far;

Whereas on April 30, 2006, thousands of people gathered at the National Mall in Washington, D.C., to urge the United States and the international community to help end the genocide in Darfur;

Whereas similar public advocacy efforts in the United States to end mass human rights violations, racial discrimination, and violence in Africa have not been seen since the South African anti-apartheid movement;

Whereas these aforementioned efforts have embraced the slogans ''Never Again'' and ''Not On Our Watch'', reminiscent of the failure of the international community to stop the Holocaust and the genocides in Bosnia and Rwanda; and

Whereas the United States has led the international community's condemnation of the atrocities and violence in Darfur: Now, therefore, be it

Strike all after the resolving clause and insert the following:

That the House of Representatives—

(1) recognizes and commends the efforts of the United States public and advocacy groups to raise awareness about and help end the worsening humanitarian crisis and genocide in Darfur, Sudan;

(2) supports the efforts of the various local schools, communities, and faith-based, human rights, humanitarian, and youth-led advocacy organizations that have dedicated their time and energy to help end the genocide in Darfur and to promote peace, defend human rights, and improve the lives of those affected in Sudan and Chad; and

(3) urges the United States to work with its partners in the international community to support a negotiated settlement to the conflict in Darfur, while implementing a more robust set of multilateral measures against those individuals who act as obstructionists to peace in Darfur, including by launching attacks against civilians, humanitarian operations, or peacekeeping forces, or by blocking the deployment of a credible African Union-United Nations hybrid peacekeeping force.

IV

110TH CONGRESS
1ST SESSION

# H. RES. 726

Calling on the President of the United States and the international community to take immediate steps to respond to and prevent acts of rape and sexual violence against women and girls in Darfur, Sudan, eastern Chad and the Central African Republic.

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IN THE HOUSE OF REPRESENTATIVES

OCTOBER 10, 2007

Ms. DELAURO (for herself, Ms. ROS-LEHTINEN, Mr. MILLER of North Carolina, Ms. NORTON, Mr. NADLER, Mr. FORTUÑO, Mr. MCGOVERN, Ms. LEE, Mr. OLVER, Mrs. CAPPS, Mr. SERRANO, Mr. BISHOP of Georgia, Ms. BORDALLO, Mrs. MALONEY of New York, Mr. LANTOS, Ms. SCHAKOWSKY, Mr. ISRAEL, Mr. DAVIS of Illinois, Mr. CHABOT, Mr. MCCAUL of Texas, Mr. FORTENBERRY, Mr. WEXLER, Ms. WATSON, Ms. JACKSON-LEE of Texas, Mr. DOGGETT, Mr. MCDERMOTT, Ms. WOOLSEY, Ms. GIFFORDS, Mr. HONDA, Ms. SUTTON, Mr. KUCINICH, Mr. DELAHUNT, Ms. MCCOLLUM of Minnesota, Mr. FATTAH, Mr. SHAYS, Mrs. JONES of Ohio, Mr. COHEN, Ms. SHEA-PORTER, Mr. MICHAUD, Mr. CROWLEY, Ms. LORETTA SANCHEZ of California, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. LYNCH, Mrs. MCCARTHY of New York, Mr. PAYNE, Mr. ALLEN, and Mr. CHANDLER) submitted the following resolution; which was referred to the Committee on Foreign Affairs

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# RESOLUTION

Calling on the President of the United States and the international community to take immediate steps to respond to and prevent acts of rape and sexual violence against women and girls in Darfur, Sudan, eastern Chad and the Central African Republic.

Whereas, during war, rape and sexual violence are often used systematically as a weapon of intimidation, humiliation, terror and ethnic cleansing;

Whereas it is estimated that between 250,000 and 500,000 women and girls were raped during the genocide in Rwanda;

Whereas, on September 2, 1998, the United National International Criminal Tribunal for Rwanda found Jean Paul Akayesu guilty of rape and held that rape and sexual assault constitute crimes against humanity;

Whereas, on October 31, 2000, the United Nations Security Council adopted Security Council Resolution 1325, calling on all parties to an armed conflict to take, ''special measures to protect women and girls from gender-based violence, particularly rape and other forms of sexual abuse'';

Whereas the Rome Statute of the International Criminal Court, which entered into force on July 1, 2002, states that rape and ''any other form of sexual violence of comparable gravity'' may constitute both ''crimes against humanity'' and ''war crimes'';

Whereas since 2003, mass rape committed by members of the Sudanese armed forces and affiliated militias with the support of the Government of Sudan has been a central component of the Government of Sudan's violence and ethnic cleansing in Darfur;

Whereas women and girls leaving Internally Displaced Persons camps in Darfur and refugee camps in eastern Chad, to seek firewood, water or outside sources of income are often attacked and subjected to rape and sexual violence perpetrated by members of the Sudanese armed

forces and associated Janjaweed militia and other armed combatants;

Whereas, on July 19, 2004, Amnesty International reported that it collected the names of 250 women who had been raped in Darfur and information on 250 additional rapes;

Whereas, on January 25, 2005, the International Commission of Inquiry on Darfur, in a report to the United Nations Secretary General, reported numerous cases of mass rape throughout Darfur including an incident in which a large number of Janjaweed attacked a boarding school, and raped as many as 110 girls;

Whereas, on March 8, 2005, Doctors Without Borders reported that between October 2004 and the first half of February 2005, doctors from the organization treated almost 500 rape victims in numerous locations in South and West Darfur;

Whereas, on March 9, 2007, members of the United Nations High-Level Mission on the situation of human rights in Darfur reported that ''rape and sexual assualt have been widespread and systematic, terrorizing women and breaking down families and communities'' and that ''women are also attacked in and around refugee camps in eastern Chad'';

Whereas, on April 27, 2007, the International Criminal Court, acting under the authority provided in Security Council Resolution 1593, issued arrest warrants for Sudan's Humanitarian Affairs Minister Ahmad Muhammad Harun and Janjaweed Colonel Ali Muhammad Al Abd-Al-Raham seeking their arrest for 51 counts including 6 counts involving rape;

Whereas under Sudanese law victims of rape have virtually no legal recourse and may in fact be charged with the crime of zina, or sexual intercourse outside of marriage, punishable by one hundred lashes if the victim is unmarried and death by stoning if she is married;

Whereas, on July 31, 2007, the United Nations Security Council adopted Security Council Resolution 1769 authorizing the deployment of a United Nations-African Union peacekeeping force (UNAMID) to Darfur and expressing strong concern about ''on-going attacks on the civilian population and humanitarian workers and continued and widespread sexual violence'' while ''emphasising the need to bring to justice the perpetrators of such crimes''; and

Whereas, on August 20, 2007, the United Nations High Commissioner for Human Rights, reported on attacks, abductions and systematic rapes of women by the Sudanese armed forces and associated militias occurring in Darfur, as well as the resulting pregnancies, ''grave health risks,'' and ''psychological trauma'' and declared that these acts may constitute war crimes: Now, therefore, be it

*Resolved,* That the House of Representatives—

(1) calls upon the President of the United States to develop within the United States Department of State and the United States Agency for International Development a Women and Girls of Darfur Initiative to improve assistance to victims and potential victims of rape and sexual violence in

Darfur, Sudan, eastern Chad and the Central African Republic by—

(A) offering specialized grants to non-governmental organizations, operating within IDP and refugee camps in Sudan, Chad and the Central African Republic that can provide all necessary comprehensive and quality health care services and medical supplies, psychological and social counseling, and legal advice to Darfuri victims of rape and sexual violence;

(B) providing treatment for the prevention of sexually transmitted diseases, including antiretroviral drugs to prevent HIV infections, and specialized care for rape victims already infected with HIV/AIDS and other sexually transmitted diseases;

(C) meeting the psychological, social and educational needs of victimized women, girls, children born as a result of rape, their family and the community in order to limit the stigmatization associated with rape; and

(D) providing financial, technical and other forms of assistance to support women's peace initiatives;

(2) calls upon the Secretary General of the United Nations, the permanent members of the United Nations Security Council, the African Union, the European Union, the Arab League and other nations to immediately take steps to—

(A) ensure that a fully funded and fully equipped UNAMID is deployed to Darfur, Sudan;

(B) mandate that UNAMID employ all necessary measures to protect women and girls from acts of rape and sexual violence both outside and within Darfuri refugee and IDP camps;

(C) provide sufficient resources and training to UNAMID troops and police to ensure a capability to properly respond to acts of rape and sexual violence;

(D) provide for firewood patrols and other safeguarding measures to protect women and girls leaving refugee and IDP camps; and

(E) include an adequate number of female troops and police in UNAMID to properly manage incidents of rape and sexual violence;

(3) calls on the United Nations Security Council to immediately—

(A) find the Government of Sudan in non-compliance with Security Council Resolution 1325;

(B) call on the Government of Sudan to provide full legal protections to victims of rape and sexual violence and to bring to justice individuals responsible for such crimes; and

(C) adopt under Chapter VII of the United Nations Charter a Security Council Resolution calling on the Government of Sudan to respect all related Security Council Resolutions, including Security Council Resolution 1593, enforce the arrest warrants for Ahmad Muhammad Harun and Ali Muhammad Al Abd-Al-Raham, and further recognize the systematic rape of women and girls in Darfur as crimes against humanity and war crimes.

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**AMENDMENT IN THE NATURE OF A SUBSTITUTE**

**TO H. RES. 726**

**OFFERED BY MR. LANTOS OF CALIFORNIA**

Strike the preamble and insert the following:

Whereas, during war, rape and sexual violence are often used systematically as a weapon of intimidation, humiliation, terror and ethnic cleansing;

Whereas it is estimated that between 250,000 and 500,000 women and girls were raped during the genocide in Rwanda;

Whereas, on September 2, 1998, the United National International Criminal Tribunal for Rwanda found Jean Paul Akayesu guilty of rape and held that rape and sexual assault constitute crimes against humanity;

Whereas, on October 31, 2000, the United Nations Security Council adopted Security Council Resolution 1325 (2000), calling on all parties to an armed conflict to take, ''special measures to protect women and girls from gender-based violence, particularly rape and other forms of sexual abuse'';

Whereas the Rome Statute of the International Criminal Court, which entered into force on July 1, 2002, states that rape and ''any other form of sexual violence of comparable gravity'' may constitute both ''crimes against humanity'' and ''war crimes'';

Whereas since 2003, mass rape committed by members of the Sudanese armed forces and affiliated militias with the

support of the Government of Sudan has been a central component of the Government of Sudan's violence and ethnic cleansing in Darfur;

Whereas women and girls leaving Internally Displaced Persons camps in Darfur and refugee camps in eastern Chad, to seek firewood, water or outside sources of income are often attacked and subjected to rape and sexual violence perpetrated by members of the Sudanese armed forces and associated Janjaweed militia and other armed combatants;

Whereas, on July 19, 2004, Amnesty International reported that it collected the names of 250 women who had been raped in Darfur and information on 250 additional rapes;

Whereas, on January 25, 2005, the International Commission of Inquiry on Darfur, in a report to the United Nations Secretary General, reported numerous cases of mass rape throughout Darfur including an incident in which a large number of Janjaweed attacked a boarding school, and raped as many as 110 girls;

Whereas, on October 14, 2005, the Secretary General of the United Nations reported ''Many girls have given birth as a result of rape. Although local communities are trying to accept the offspring, the children face a great deal of stigmatization.'';

Whereas, on March 9, 2007, members of the United Nations High-Level Mission on the situation of human rights in Darfur reported that ''rape and sexual assualt have been widespread and systematic, terrorizing women and breaking down families and communities'' and that ''women are also attacked in and around refugee camps in eastern Chad'';

Whereas, on April 27, 2007, the International Criminal Court, acting under the authority provided in Security Council Resolution 1593 (2005), issued arrest warrants for Sudan's Humanitarian Affairs Minister Ahmad Muhammad Harun and Janjaweed Colonel Ali Muhammad Al Abd-Al-Raham seeking their arrest for 51 counts including 6 counts involving rape;

Whereas under Sudanese law victims of rape have virtually no legal recourse and may in fact be charged with the crime of zina, or sexual intercourse outside of marriage, punishable by one hundred lashes if the victim is unmarried and death by stoning if she is married;

Whereas, on July 31, 2007, the United Nations Security Council adopted Security Council Resolution 1769 authorizing the deployment of a United Nations-African Union peacekeeping force (UNAMID) to Darfur and expressing strong concern about ''on-going attacks on the civilian population and humanitarian workers and continued and widespread sexual violence'' while ''emphasising the need to bring to justice the perpetrators of such crimes''; and

Whereas, on August 20, 2007, the United Nations High Commissioner for Human Rights, reported on attacks, abductions and systematic rapes of women in Darfur and the resulting ''grave health risks from the consequent physical injuries and psychological trauma'', and declared that these acts may ''constitute war crimes'': Now, therefore be it:

Strike all after the resolving clause and insert the following:

That the House of Representatives—

(1) calls upon the President of the United States to develop within the United States Department of State and the United States Agency for International Development a Women and Girls of Darfur Initiative to improve assistance to victims and potential victims of rape and sexual violence in Darfur, Sudan, eastern Chad and the Central African Republic by—

(A) offering specialized grants to non-governmental organizations, operating within IDP and refugee camps in Sudan, Chad and the Central African Republic that can provide all essential quality health care services and medical supplies, psychological and social counseling, and legal advice to Darfuri victims of rape and sexual violence;

(B) providing treatment for the prevention of sexually transmitted diseases, including antiretroviral drugs to prevent HIV infections, and specialized care for rape victims already infected with HIV/AIDS and other sexually transmitted diseases;

(C) meeting the psychological, social and educational needs of victimized women, girls,

children born as a result of rape, their family and the community in order to limit the stigmatization associated with rape; and

(D) providing financial, technical and other forms of assistance to support women's peace initiatives;

(2) calls upon the Secretary General of the United Nations, the permanent members of the United Nations Security Council, the African Union, the European Union, the Arab League and other nations to immediately take steps to—

(A) ensure that a fully funded and fully equipped UNAMID is deployed to Darfur, Sudan;

(B) mandate that UNAMID employ all necessary measures to protect women and girls from acts of rape and sexual violence both outside and within Darfuri refugee and IDP camps;

(C) provide sufficient resources and training to UNAMID troops and police to ensure a capability to properly respond to acts of rape and sexual violence;

(D) provide for firewood patrols and other safeguarding measures to protect women and girls leaving refugee and IDP camps; and

(E) include an adequate number of female troops and police in UNAMID to properly manage incidents of rape and sexual violence; and

(3) calls on the United Nations Security Council to immediately—

(A) find the Government of Sudan in noncompliance with Security Council Resolution 1325 (2000);

(B) call on the Government of Sudan to provide full legal protections to victims of rape and sexual violence and to bring to justice individuals responsible for such crimes; and

(C) adopt under Chapter VII of the United Nations Charter a Security Council Resolution calling on the Government of Sudan to respect all related Security Council Resolutions, including Security Council Resolution 1593 (2005), enforce the arrest warrants for Ahmad Muhammad Harun and Ali Muhammad Al Abd-Al-Raham, and further recognize the systematic rape of women and girls in Darfur as crimes against humanity and war crimes.

IV

110TH CONGRESS
1ST SESSION

# H. RES. 740

Condemning in the strongest terms the attacks on African Union peacekeepers that occurred in Haskanita, Darfur, Sudan, on September 29, 2007.

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IN THE HOUSE OF REPRESENTATIVES

OCTOBER 15, 2007

Ms. JACKSON-LEE of Texas (for herself, Mr. CHABOT, Mr. LANTOS, Ms. ROS-LEHTINEN, Ms. LEE, Mr. MCCAUL of Texas, Mr. BISHOP of Georgia, Mrs. TAUSCHER, Mr. DOGGETT, Mr. FORTUÑO, Mr. MCNULTY, Mrs. MALONEY of New York, Mr. DELAHUNT, Mr. WYNN, Mr. LEWIS of Georgia, Mrs. JONES of Ohio, Ms. CLARKE, and Mr. RUSH) submitted the following resolution; which was referred to the Committee on Foreign Affairs

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# RESOLUTION

Condemning in the strongest terms the attacks on African Union peacekeepers that occurred in Haskanita, Darfur, Sudan, on September 29, 2007.

Whereas, on September 29, 2007, an estimated 1,000 members of a heavily-armed Darfur rebel group overran a small base in Haskanita, Darfur, Sudan, occupied by the African Union Mission in Sudan (AMIS), brutally killing 10 peacekeepers—seven Nigerian peacekeepers and three other soldiers from Mali, Senegal, and Botswana—and wounding seven peacekeepers, with 50 soldiers missing;

Whereas, in an assault described by the African Union commander as ''deliberate and sustained'', the rebel group

broke into the AMIS base in 30 vehicles with heavy artillery and mortars and battled for hours until AMIS forces ran out of ammunition;

Whereas the attacks were the worst attacks on AMIS peacekeepers since the deployment of the peacekeepers to Sudan in July 2004;

Whereas the United Nations Security Council condemned the ''murderous attack'' on AMIS peacekeepers and demanded that ''no effort be spared'' to identify and bring to justice the perpetrators of the attacks;

Whereas, in the aftermath of the attacks, Haskanita has been burned to the ground, driving more than 15,000 civilians into the bush or neighboring towns;

Whereas the attacks have been openly condemned by the United States Government, the African Union, the international community, and civilized people everywhere;

Whereas the Government of Sudan has not publicly spoken out against or condemned the attacks; and

Whereas the attacks occurred amid international peace efforts to deploy a hybrid African Union-United Nations peacekeeping force to Darfur, Sudan, and convene peace talks scheduled for October 27, 2007, in Tripoli, Libya: Now, therefore, be it

*Resolved,* That the House of Representatives—

(1) condemns in the strongest terms the attacks on African Union peacekeepers that occurred in Haskanita, Darfur, Sudan, on September 29, 2007;

(2) expresses its condolences to the people and Governments of Nigeria, Mali, Senegal, and Bot-

swana, the families and friends of those individuals who were killed or missing in the attacks, and expresses its sympathies to those individuals who have been injured;

(3) expresses the solidarity of the people and Government of the United States with the African Union and the African Union peacekeepers as they recover from these cowardly and inhuman attacks;

(4) expresses its readiness to support efforts to bring to justice those individuals responsible for the attacks and efforts to detect, pursue, disrupt, and dismantle the networks that plan and carry out such attacks;

(5) expresses its support for the people of Darfur, Sudan, in their continued struggle against extremism and violence and support for their efforts to secure a permanent peace, justice, and return to their restored villages and homes; and

(6) encourage all parties involved in the conflict to commit to negotiate a final and binding peace agreement at the peace talks scheduled for October 27, 2007, in Tripoli, Libya.

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**AMENDMENT TO H. RES. 740**

**OFFERED BY MS. JACKSON-LEE OF TEXAS**

Amend the first clause of the preamble to read as follows:

Whereas, on September 29, 2007, an estimated 1,000 heavily-armed rebels in Darfur overran a small base in Haskanita, Darfur, Sudan, occupied by the African Union Mission in Sudan (AMIS), brutally killing 10 peacekeepers—seven Nigerian soldiers and three other unarmed military observers and civilian police officers from Mali, Senegal, and Botswana—and wounding seven other peacekeepers, with 50 peacekeepers still missing;

Amend the 5th clause of the preamble to read as follows:

Whereas, in the aftermath of the attacks, the Government of Sudan secured the area reportedly to facilitate the evacuation of AMIS peacekeepers, but later was accused of burning Haskanita to the ground, driving more than 15,000 civilians into the wilderness or neighboring towns;

In the 6th clause of the preamble, insert ''and'' at the end.

Strike the 7th clause of the preamble.

IV

110TH CONGRESS
1ST SESSION

# H. RES. 747

Recognizing the religious and historical significance of the festival of Diwali.

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IN THE HOUSE OF REPRESENTATIVES

OCTOBER 16, 2007

Mr. WILSON of South Carolina (for himself and Mr. MCDERMOTT) submitted the following resolution; which was referred to the Committee on Foreign Affairs

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# RESOLUTION

Recognizing the religious and historical significance of the festival of Diwali.

Whereas Diwali, a festival of great significance to Indian Americans and the people of India, is celebrated annually by Hindus, Sikhs, Buddhists, and Jains throughout the United States and the world;

Whereas there are more than 2,000,000 Hindus, Sikhs, Buddhists, and Jains in the United States;

Whereas the word ''Diwali'' is a shortened version of the Sanskrit term ''Deepavali'', which means ''a row of lamps'';

Whereas Diwali is a festival of lights, during which celebrants light small oil lamps, place them around the home, and pray for health, knowledge, and peace;

Whereas celebrants of Diwali believe that the rows of lamps symbolize the light within the individual that rids the soul of the darkness of ignorance;

Whereas Diwali, falling on the last day of the last month in the lunar calendar, is celebrated as a day of thanksgiving and the beginning of the new year for many Hindus;

Whereas for Hindus, Diwali is a celebration of the victory of good over evil;

Whereas for Sikhs, Diwali is feted as the day that the sixth founding Sikh Guru, or revered teacher, Guru Hargobind ji, was released from captivity from the ruling Mughal Emperor; and

Whereas for Jains, Diwali marks the anniversary of the attainment of moksha or liberation by Mahavira, the last of the Tirthankaras, who were the great teachers of Jain dharma, at the end of his life in 527 B.C.: Now, therefore, be it

*Resolved,* That the House of Representatives—

(1) during this time of celebration, in order to demonstrate support for Indian Americans and the Indian Diaspora throughout the world, recognizes Diwali as an important festival;

(2) acknowledges the international religious and historical importance of the festival of Diwali;

(3) recognizes and appreciates the religious diversity in both India and the United States and throughout the world;

(4) acknowledges and supports the new relationship of collaboration and dialogue in international efforts between the United States and India; and

(5) in observance of and out of respect for the start of Diwali, the festival of lights, acknowledges the onset of Diwali and expresses its deepest respect to Indian Americans and the Indian Diaspora throughout the world on this significant occasion.

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IV

110TH CONGRESS
1ST SESSION

# H. CON. RES. 234

Calling on the Government of the People's Republic of China to respect the human rights of refugees from North Korea.

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IN THE HOUSE OF REPRESENTATIVES

OCTOBER 15, 2007

Mr. ROYCE (for himself and Ms. WATSON) submitted the following concurrent resolution; which was referred to the Committee on Foreign Affairs

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# CONCURRENT RESOLUTION

Calling on the Government of the People's Republic of China to respect the human rights of refugees from North Korea.

Whereas the Government of North Korea is a dictatorial regime that commits gross human rights violations against the North Korean people;

Whereas the Government of North Korea attempts to exert absolute control over the lives of North Koreans through the use of deplorable systems of punishment and torture and by restricting the flow of information;

Whereas the Government of North Korea engages in the systematic torture, unlawful detainment, and mass murder of tens of thousands of political prisoners, defectors, and refugees, employing the world's most brutal concentration camp system;

Whereas the lack of freedom, government persecution, and policies of selective starvation have driven hundreds of thousands of North Koreans to northeast China, fleeing for their lives from prison camps or political persecution;

Whereas the Government of the People's Republic of China forcibly repatriates North Korean refugees and imprisons foreign aid workers who try to assist North Korean refugees inside China;

Whereas to encourage these repatriation efforts, Chinese central government authorities assign local public security bureaus in northeastern China a target number of North Koreans that they must detain in order to receive favorable work evaluations;

Whereas the refugees returned to North Korea by the Government of the People's Republic of China face imprisonment, brutal persecution, or execution;

Whereas up to 90 percent of North Korean women refugees fall prey to traffickers in China who sell the refugees into sexual slavery;

Whereas the United Nations Convention relating to the Status of Refugees, done at Geneva on July 28, 1951 (189 UNTS 150), as modified by the Protocol relating to the Status of Refugees, done at New York on January 31, 1967 (606 UNTS 267), defines a refugee as a person who, ''owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country'';

Whereas the Government of the People's Republic of China violates its obligations under the United Nations Convention relating to the Status of Refugees and the Protocol relating to the Status of Refugees by impeding access to the United Nations High Commissioner for Refugees (UNHCR) and continually classifying North Korean refugees as ''economic migrants'', denying them asylum and forcibly returning them to North Korea without the review to which they are entitled;

Whereas the UNHCR fails to robustly press the Government of the People's Republic of China to grant the UNHCR access to North Korean refugees and has failed in initiate a binding arbitration proceeding against the Government of the People's Republic of China pursuant to the terms of Article XIV of the Agreement on Upgrading of the UNHCR Mission in the People's Republic of China to the UNHCR Branch Office in the People's Republic of China, done at Geneva on December 1, 1995, governing refugee access and the refugee designation process;

Whereas the UNHCR's failure to bring such an arbitration proceeding was determined by the United States Congress in the North Korean Human Rights Act of 2004 (Public Law 108–333; 22 U.S.C. 7801 et seq.) to constitute a ''a significant abdication by the UNHCR of one of its core responsibilities'';

Whereas the failure of the People's Republic of China to abide by its treaty obligations toward the United Nations is a critical means by which the Government of North Korea is allowed to subject the people of North Korea to persecution and effectively imprison them within its borders;

Whereas Special Envoy for Human Rights in North Korea Jay Lefkowitz testified before the House Foreign Affairs Subcommittee on Asia, the Pacific, and the Global Environment on March 1, 2007, that ''the fact that the Government of China is not honoring its international commitments, is not providing genuine access as it is required to the U.N. High Commissioner on Human Rights, I think is really the single most significant issue we have outside of the North Korean Government's own emigration policies that is a barrier now to the free movement of people in that region'';

Whereas the International Parliamentarians Coalition for North Korean Refugees' Human Rights, a coalition of parliamentarians from across the globe, met in Seoul, South Korea, on August 29, 2007, and called on the international community to increase its efforts to protect North Korean refugees; and

Whereas the Korean-American community, acting through various religious and civic organizations, including the ''Let My People Go Campaign'', has worked to bring awareness to the plight of the hundreds of thousands North Korean refugees living in China: Now, therefore, be it

*Resolved by the House of Representatives (the Senate concurring),* That Congress—

(1) strongly encourages the Government of the People's Republic of China to honor its obligations under the United Nations Convention relating to the Status of Refugees, done at Geneva on July 28, 1951 (189 UNTS 150), as modified by the Protocol

relating to the Status of Refugees, done at New York on January 31, 1967 (606 UNTS 267), by—

(A) halting the forced repatriation of North Koreans who face a well-founded fear of persecution if they are returned to North Korea;

(B) making genuine efforts to identify and protect the refugees among the North Korean migrants encountered by Chinese authorities, including providing refugees with a reasonable opportunity to request asylum; and

(C) granting the United Nations High Commissioner for Refugees unfettered access to such refugees to determine their status and the degree of assistance to which they are entitled; and

(2) recognizes the efforts of the Korean-American community for bringing attention to the plight of North Korean refugees.

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IV

110TH CONGRESS
1ST SESSION

# H. CON. RES. 236

Recognizing the close relationship between the United States and the Republic of San Marino.

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IN THE HOUSE OF REPRESENTATIVES

OCTOBER 16, 2007

Mr. DREIER (for himself, Ms. ROS-LEHTINEN, Mr. PRICE of North Carolina, Mr. LINCOLN DIAZ-BALART of Florida, Mr. GALLEGLY, Mrs. NAPOLITANO, Mr. RADANOVICH, Mr. SCHIFF, Mr. BURTON of Indiana, and Mr. BLUNT) submitted the following concurrent resolution; which was referred to the Committee on Foreign Affairs

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# CONCURRENT RESOLUTION

Recognizing the close relationship between the United States and the Republic of San Marino.

Whereas the Republic of San Marino is the oldest republic in the world;

Whereas the Republic of San Marino was founded by those fleeing the religious persecution of the Roman Empire, and has adhered to the principles of tolerance and individual liberty throughout its history;

Whereas the United States and the Republic of San Marino have long held close ties based on common interests and common values;

Whereas the special bond between the Republic of San Marino and the United States was first expressed nearly a century and a half ago in an exchange of letters between President Abraham Lincoln and the Captains Regent of San Marino;

Whereas President Lincoln expressed in his letter his deep respect for the Republic of San Marino as ''one of the most honored in all of history'' and took encouragement from its example that a ''government founded on republican principles is capable of being so administered as to be secure and enduring'';

Whereas the Republic of San Marino has been a steadfast ally of the United States in many international organizations, such as the United Nations and the International Monetary Fund;

Whereas the Republic of San Marino has been a close collaborator on a number of key economic issues, such as the protection of intellectual property;

Whereas the Republic of San Marino has been a close collaborator in the global War on Terror, including efforts to combat international terrorist financing;

Whereas through its chairmanship of the Committee of Ministers of the Council of Europe, the Republic of San Marino has worked to promote inter-religious and intercultural dialogue;

Whereas earlier this year, the United States and the Republic of San Marino upgraded their diplomatic relations to ambassador-level, and exchanged the first bilateral Ambassadors in our history;

Whereas Paolo Rondelli, the first Ambassador Extraordinary and Plenipotentiary of the Republic of San Marino to the

United States, presented his credentials to President Bush at a ceremony at the White House on July 25, 2007; and

Whereas Ronald P. Spogli, the first Ambassador Extraordinary and Plenipotentiary of the United States to the Republic of San Marino, presented credentials to the Captains Regent (co-Heads of State) in a ceremony in San Marino's Palazzo Publico on March 8, 2007: Now, therefore, be it

*Resolved by the House of Representatives (the Senate concurring),* That Congress—

(1) recognizes the close relationship between the United States and the Republic of San Marino;

(2) expresses its deep gratitude to the Republic of San Marino for its close collaboration and support in issues of critical importance to our economic and national security interests; and

(3) commemorates the first bilateral exchange of Ambassadors in the history of our long relationship.

○

**AMENDMENT TO H.CON.RES. 236**

**OFFERED BY MR. LANTOS OF CALIFORNIA**

Page 2, in the eighth whereas clause, strike ''in the global War on terror'' and insert ''in the fight against terrorism''.

Ms. JACKSON LEE. Mr. Chairman?

Chairman LANTOS. I am now pleased to recognize my friend from California, Mr. Sherman.

Mr. SHERMAN. Thank you, Mr. Chairman. I would like to comment on two of the bills. The first is the Holocaust Insurance Accountability Act. I look forward to working with Chairman Frank of the Financial Services Committee, on which I have worked for 11 years, along with the ranking member of this committee and the chairman of the Europe Subcommittee, as this bill moves from our committee to the Financial Services Committee, I want to focus on three issues here.

One is the situation in which a United States subsidiary of a European parent corporation says that, at the subsidiary level, they are doing everything possible to comply with the bill, but their parent corporation refuses to provide information. And, I look forward to working with what sanctions or pressure can be brought on that U.S. subsidiary if its parent refuses to treat justly the families who purchased insurance before the Holocaust.

The second is to see how the bill can protect the state laws that are designed to help Holocaust insurance purchasers and their families. The states have gotten ahead of the Federal Government on some of these issues. They face arguments that they are somehow conflicting with Federal policy. And I would say that those states that have acted in this area, if anything, are acting in furtherance of what I would like to see Federal policy to be, namely to protect the families that purchased insurance before the Holocaust.

Finally, we may want to add to the bill a presumption that if the insured would be over 90 years old and there is no evidence that that insured survived World War II that the family doesn't have to produce a death certificate or evidence of death, but rather the presumption would carry that the insured is no longer surviving.

The second bill I would like to comment on is H.R. 3912. Mr. Chairman, I know that you had planned to have a pro-Turkish bill come before this markup of the committee, and I was scanning to see if we decided to do so, and I found that it is the Naval Vessels Transfer Act. We have over the years provided millions of dollars of military aid to Turkey because Turkey has health and security issues.

It borders Iraq. It borders Iran. Which raises the question, in dealing with the defense concerns on its Iraqi and Iranian border, where will Turkey deploy these naval vessels? The last time ocean-going ships were seen in Eastern Anatolia, it was Noah's Ark. I know Turkey when it is unhappy sends threats to the——

Chairman LANTOS. This committee has a deep, historical understanding of the issues.

Mr. SHERMAN. Thank you, Mr. Chairman. Naval history begins with Noah's Ark. When Turkey is unhappy, they tell us so very loudly. Their threats are made with a certain amount of volume and rancor. Yet, this bill is going to transfer four vessels to Turkey. Each of these vessels had an original acquisition cost of between $120 million and $140 million. Three of these vessels are being transferred for free. The fourth vessel is being transferred for only 15 percent of its original acquisition cost.

So, while I saw the threatening ads, a full page in the *Wall Street Journal*, I have been scanning the little classified ads—not in the *Wall Street Journal*, excuse me, in the *Washington Post*, I have been scanning the little classified ads in the *Washington Post* to try to find a thank you from the Turkish Government for these four vessels. I have yet to see that. I am still reading every page of the *Washington Post* classifieds, and I look forward to hearing a thank you from Turkey that is as loud as the threats we heard in recent weeks. And I yield back.

Chairman LANTOS. The gentleman from Florida, Mr. Klein.

Mr. KLEIN. Thank you, Mr. Chairman. First of all, thank you very much to you and Ranking Member Ros-Lehtinen for your support in allowing this committee to consider House Resolution 435. This resolution calls attention to the growing trend of Iranian influence in Latin America and the security implications for the United States and the rest of our Western Hemisphere.

Back home in Florida, in my area in South Florida, they say when there is a bump in the road in Latin America, we feel it in Florida. As Iran's power grows closer to home, I am deeply concerned about how it plays out here in the United States.

Just days after I was sworn in as a member of the United States House of Representatives, I read that Iranian President Ahmadinejad was making his rounds, visiting with sympathetic heads of state in Central and Latin America. He has been back in the region twice since, each time announcing new deals and ways that he believes that he can undercut United States policy in this region.

Most notably, President Ahmadinejad announced a $2 billion deal with Venezuelan President Hugo Chavez and other neighboring countries to "liberate countries from the yoke of imperialism." Those were his words. He has tried to sway leaders in supporting the dangerous Iranian nuclear program. So far, his strategy in the region is gaining momentum. And this is extremely alarming, I know, to all members of this committee and this Congress.

Iranian involvement in Latin America is particularly concerning, especially considering Iran's history in places like Argentina. Today, Argentines are still waiting for justice to be served against those responsible for the 1994 bombing of the Jewish Community Center, and Hezbollah and Iran are the leading suspects.

I also remain concerned about Hezbollah in our hemisphere, as it relates to fundraising in the Tri-Border area of South America and other places as well. In fact, just last week, Admiral Jim Stavridis, head of the United States Southern Command, wrote, and I quote: "We consider Latin America and the Caribbean as being highly likely bases for future terrorist threats to the United States and others."

Although our region has seen some progress with some countries adopting new anti-terrorism legislation and increasing counterterrorism efforts, we have a long way to go and our neighbors need to work with us to do that. Eliminating the threat of terrorism and its state sponsors is not just in the best interests of the United States. The countries in our hemisphere will be safer if we all work together. The United States and Central and Latin America have

an aligned interest. And, Mr. Chairman, I hope that this resolution is seen as a signal that the United States is willing to help our friends in Latin America make their countries safer and free from terrorism, as we are doing.

I would also like to thank my friend from Florida, Congressman Mack, the Republican lead sponsor of this resolution who has also been very involved in these issues, who understands the threat very clearly and has been an invaluable partner in this process. And, Mr. Chairman, if I may yield to Congressman Mack.

Mr. MACK. Thank you, and thank you Congressman Klein. It has been a pleasure working with you and your staff and also with the committee's staff on this. We obviously can't do these things without them, so it has been a pleasure.

Also, the gentleman from Florida has a passion for Latin America and these issues. Something tells me that if you weren't driving this bill, we might not be here today, so thank you for your leadership.

This resolution, which has garnered wide bipartisan support, formally expresses what many of us have known for some time. Iran's growing ties and interest in Latin America is a grave concern to us all. There is no doubt that Iran has given strategic, financial, logistic and technical support and safe haven to terrorist groups such as Hezbollah and others.

And according to military leaders, as you just heard from Congressman Klein, at U.S. Central Southern Command there is no doubt that Islamic terrorist groups such as Hezbollah have been infiltrating groups throughout significant portions of Latin America, in order to develop terrorist networks throughout the region. Of particular concern to me is the growing friendship between Iran's Ahmadinejad and Venezuela's President, Hugo Chavez.

I want to make this point clear. Iran, in my opinion, is seeking to do in Venezuela what the former Soviet Union did in Cuba, establishing a base for operations in the Western Hemisphere. This, Mr. Chairman and members of the committee, should be a concern to all of us. But the problem is bigger than just Iran and Venezuela alone. For far too long, we have ignored growing unrest and loss of freedoms and the foundation of democracy throughout Latin America.

I have publicly and privately urged this administration and the Congress to embrace our allies and do more throughout the region. The reason that there is an opportunity for Iran is because we haven't paid enough attention to the people of Latin America, which then gives opportunity to others like Iran, like Castro, to spread their message and influence throughout the region.

Mr. Chairman, I would urge all the members of this committee to support this resolution. I wish to continue to work with my friend from Florida, Mr. Klein. I think this is an area where we have largely given lip service, and we have to move forward to make sure that Latin America continues to be an ally and a friend of the United States. Thank you.

Chairman LANTOS. I want to thank both of my friends for their comments. The gentleman from Florida, Mr. Wexler.

Mr. WEXLER. Thank you very much, Mr. Chairman. I just wanted to quickly address H.R. 1746, the Holocaust Insurance Account-

ability Act of 2007 and first and foremost want to thank you, Chairman Lantos, for your extraordinary support and cooperation of this bill. I also want to thank Mrs. Ros-Lehtinen for her extraordinary leadership and the staffs of both you, Mr. Lantos, and the Republican staff as well.

This bill does essentially two things which are critical. A vast majority of the more than 800,000 insurance policies that were sold to Jewish people before World War II have not been paid, have not been honored. There has been a process set up which expired this year.

What this bill does, it does two primary things. For the insurance companies involved, it mandates that they make public their records which will establish who did or did not have insurance policies, and two, once those records are made public that individuals involved have an opportunity to seek redress in the Federal courts in the United States of America. That is all the bill does.

It is the last and best hope to provide some level of financial justice for the victims of the Holocaust. And I would respectfully at this point reiterate a request that the administration join our efforts to make those records public so that Holocaust survivors can at least have that information and base judgments on it. This is an exceptional circumstance where it is highly unconscionable when we are asking families and survivors of the Holocaust, when people had records burned all throughout the Nazi occupation, that the burden is somehow on them to provide insurance policies when the companies themselves have the records and have failed to make them public.

Also, Mr. Chairman, I just want to quickly thank you for marking up H.R. 2949, which supports the Eurasia Foundation with an authorization of $15 million. I want to thank Mr. Gallegly for participating with me on this. He was the prime sponsor in the previous Congress.

The Eurasia Foundation is doing extraordinarily important work at the governmental and nongovernmental level in a region that stretches from Armenia to Uzbekistan and from Ukraine to Kazakhstan. I thank you for marking that up.

And if I may very quickly, just with respect to Turkey, and I do not wish to engage in a debate, but may I simply remind our friends that Turkey is a Mediterranean country. It participates in a very significant way in NATO naval operations with all of our NATO allies and also engages in bination and trination naval exercises with the United States and with Israel.

Thank you very much, Mr. Chairman.

Chairman LANTOS. The gentlelady from California, Ms. Watson.

Ms. WATSON. Thank you, Mr. Chairman. I intend to contact the author of H.R. 2705. As a former Ambassador to the Federated States of Micronesia, I am concerned.

There is one provision here, and the provision would authorize the Government of Palau to deposit the payments to the United States Government into a trust fund for the maintenance of roads. I would like to have that provision also applied to the Federated States of Micronesia as well.

Under my watch, there was an amount of money appropriated for roads that had not been entirely built. So I would like to alert

the members that, after talking with the author, and after looking at the contract, I would like to apply the same authorization to the Federated States of Micronesia.

Chairman LANTOS. The gentlelady from Texas, Sheila Jackson Lee.

Ms. JACKSON LEE. Mr. Chairman, let me thank you first of all for the support of the legislation that I wish to speak of, which is H. Res. 740.

I was delighted to co-sponsor this legislation with Mr. Chabot from Ohio. I believe we are the first delegation codel to go into the Sudan shortly after the commitment was made on the U.N. peacekeepers with Adrian Smith.

This legislation tries to bolster—in fact, the experience that we had: One, that the devastation still continues, and lives are still being lost. But also that there are great efforts by the African Union, and the incident that occurred on September 29th, where an estimated 1,000 heavily armed rebels in Darfur over-ran a small base in Haskanita, Darfur, brutally killing ten peacekeepers, seven Nigerian soldiers, and three other unarmed military observers, and civilian police officers from Mali, Senegal and Botswana, and wounding seven other peacekeepers, with 50 peacekeepers still missing, should be denounced.

I do know that an amendment has been included in this that would clarify that the Government of Sudan secure the area, reportedly to facilitate the evacuation. But there is still a great need, primarily because of the circumstance that is going on with the peacekeepers.

And I must say to my colleagues that even the peacekeepers we met, the distinguished general, can't do this alone. I have written an Op Ed to suggest that the U.N. needs to take even more vigorous participation, or action, or embracing of the African Union troops, because they really say that they can't do this alone.

So we may want to consider how we can encourage the Secretary General, who visited, Mr. Chairman, shortly after our visit.

Let me thank you and the ranking member, and let me quickly—I will have to yield to my distinguished colleague, just mention my support of the Block Burma JADE Act, and I really support the idea of the sanctions against the military leaders. This is an oppressive, dictatorial and vicious society.

Lastly, might I join my colleagues in supporting all of the Sudan bills, particularly those that deal with women and girls, of which we saw.

And my congratulations as well to Ethiopia on their millennium. We were there, likewise.

I would be happy now to yield to my distinguished colleague from Ohio, Mr. Chabot.

Mr. CHABOT. I thank you gentlelady for yielding. I will be brief. I want to thank her for her leadership and her involvement when we traveled to Darfur. We went to AbuShuk, which is one of the refugee camps there in Darfur, along with our colleague from Nebraska, Adrian Smith.

Words really can't describe some of the inhumanity, the terror, the devastation that devastated the region of Darfur in the Sudan. Somewhere between 200,000 and 400,000 people have been killed.

We have 2.5 million people who have been displaced and separated from their families.

There are approximately 6,000 African Union peacekeepers deployed there now by various African nations, including Mali, Nigeria, Senegal, Botswana, and others. They were intended to bring some semblance of security and stability to the region. However, their efforts have been thwarted time and time again. And the attacks on the innocent peacekeepers on September 29th, as our colleague Ms. Jackson Lee just mentioned, demonstrate that the situation in Darfur continues to be precarious.

One of the keys is to get the additional hybrid-force troops in there as quickly as possible. We discussed this with both high officials in the Sudanese Government, as well as our people on the ground, and other African nations, the challenges and the roadblocks that have been placed before getting those additional troops there.

But Congress cannot let the September 29th attacks go unaddressed; the world can't let it go unaddressed. Passage of this resolution will send the message that the United States, and really the world, will not tolerate such violent attacks and brazen defiance, and is prepared to support any and all efforts to hold those responsible for such attacks accountable. And that we are committed to working to finding a solution to this truly human tragedy, probably one of the worst tragedies that we have seen in many years, what has been happening in Darfur.

Again, I want to thank the gentlelady for her leadership, and I also want to thank Chris Smith, Tom Tancredo, Frank Wolf, and others, who I have spoken to prior to going over there to make sure that we did and said the right things. They were very helpful, and I want to thank them for that. I have to yield back.

Ms. JACKSON LEE. Thank you, and I will just close.

Chairman LANTOS. Gentlelady, the time has expired.

Ms. JACKSON LEE. I will just close by——

Chairman LANTOS. The gentleman from New Jersey, Mr. Payne.

Mr. PAYNE. Thank you, Mr. Chairman. I, too, would like to commend the authors, Jackson Lee and Chabot, on H. Res. 740, commending the attack on the African Union; also H. Res. 726, by Ms. Deloro, talking about the sexual violence and rape used as a weapon in Darfur, Chad and the Central African Republic; and also, finally, Jim Moran.

Congressman Moran's House Resolution 573, commending public and advocacy groups for raising awareness. Many young people, children and elementary, even as low as pre-school, have had discussions where little 3- and 4-year-olds would discuss: Why does this child from Darfur look sad?

They would just have conversations where, even at that young age, we were able to teach suffering and tolerance, or intolerance.

Let me also quickly commend Congressman Honda on H. Res. 550, congratulating the people of Ethiopia on their second millennium. As you know, Ethiopia is a country steeped in tradition, led many years by Emperor Haile Selassie, the only African country to defeat European power and remain under colonized. It never was colonized by any European countries. It set up the Organization of African Unity that brought all of Africa together.

So I strongly support them. I think that they are great friends of the United States. However, I do also say that the Government of Ethiopia must have democratic freedom. We are friends, but we have to tell our friends when they are doing wrong, so that they can change their act.

Finally, I agree with my friend who spilled all the water, Mr. Sherman——

Mr. SHERMAN. That wasn't the act that inspired this agreement,

Mr. PAYNE. I think that we are pleased that Turkey is a part of NATO. But, once again, as I say, about Ethiopia: We can't let our friends do things that are wrong, the recent vote into Iraq with the Kurds. Although they have said that they are not going to invade Iraq to deal with the Turks,

I think that Armenians did die, and a genocide did occur.

Their threats, I think, are wrong; and, finally, Turkey still occupies Cyprus. Since 1974, they have had the green light. So I think that we do have to tell countries that are breaking the law, that we think they should not.

With that, Mr. Chairman, thank you very much for the time.

Chairman LANTOS. Congressman Smith?

Mr. SMITH OF NEW JERSEY. Thank you very much. Just briefly, I want to associate myself with the remarks of Mr. Payne about the resolutions dealing with Darfur, especially the peacekeeping resolution. You know peacekeeping is a treacherous, difficult, often thankless, endeavor, and I have traveled with those A. U. troops throughout Darfur to the camps.

They are professional, they are brave, and they put their lives on the line, often with a mandate that is not commensurate with the work that they do, but that is not their fault. That is the political leadership side. And with ten killed and seven wounded, it underscores just how sad and tragic but also how treacherous the work is. Our great concern goes out to their families, so I do thank my colleagues for bringing that forward.

I also want to thank you, Mr. Chairman, for bringing forward H.R. 3320, the bill that would authorize $5 million to support the development of a permanent collection of the Museum on the History of Polish Jews.

I, like perhaps other members, have studied the plans and met with top officials in Warsaw. This will be one of the most unique museums, an unprecedented museum with regards to the history of Polish Jews. Approximately 80% of all world Jewry has family ties to this pre-war community.

Tragically, as we all know, as a result of the Holocaust, a once-thriving community was virtually decimated. In 1996, a group of people conceived the idea for the museum dedicated to the culture, art and history of Poland's Jews.

As one advocate observed, in Poland, they teach how Jews died, but not how they lived. I think it is very important that the history of the Polish Jews celebrate a 1,000 years of Polish Jewish life; and obviously commemorates a remembrance of the 3 million Polish Jews who died during World War II.

Also of equal significance, it will provide a living educational center that will make major contributions in combating anti-Semitism,

which regrettably, in Europe and in other parts of the world, is on the rise. This is a very important museum.

Again, I think the chairman.

Chairman LANTOS. I want to thank all of my colleagues for their work. I want to thank the extraordinary staff work that went into this complex hearing. The meeting of the committee is now adjourned.

[Whereupon, at 12:12 p.m., the committee was adjourned.]

# APPENDIX

## MATERIAL SUBMITTED FOR THE HEARING RECORD

### PREPARED STATEMENTS OF THE HONORABLE SHEILA JACKSON LEE, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF TEXAS

#### IN SUPPORT OF H.R. 3887, THE WILLIAM WILBURFORCE TRAFFICKING VICTIMS PROTECTION REAUTHORIZATION ACT OF 2007

Thank you, Mr. Chairman. I urge my colleagues to join me in support of H.R. 3887, the William Wilburforce Trafficking Victims Protection Reauthorization Act of 2007. I would like to thank you, Mr. Chairman, for introducing this important, bipartisan legislation that will authorize appropriations for FY 2008–20011 for the Trafficking Victims Protection Act of 2000, enhancing measures to combat forced labor, as well as for your ongoing leadership on this and other crucial human rights issues.

Mr. Chairman, the issue of the trafficking of persons is one of the utmost significance, one which no nation is exempt from. Within the United States, we pride ourselves on overcoming the historic stain of slavery, and we are comforted by the thought that while others may persist in this repulsive practice, we do not. This however, is simply not the case. According to the GAO, "as many as 17,500 people are believed to be trafficked into the United States each year." The trafficking of persons is our problem; they are forced through our borders and used by our people. This extreme injustice can no longer go unnoticed.

The flow of human trafficking is no surprise; traffic flows from the less industrialized countries to the more industrialized countries. This fact makes the issue of human trafficking a problem for all nations alike on a political, social, and moral level. The U.S. Department of State estimates that 800,000 people are trafficked across national borders every year, in addition to the reported millions of people trafficked within their own countries. The trafficking industry generates billions of dollars annually, and, together with drugs and weapons, is now a leading source of profits for organized crime. According to most analysts, the largest number of victims trafficked internationally come from Asia, though significant numbers of women and girls trafficked to work in the commercial sex industry come from the former Soviet Union and southeastern Europe.

One subset of trafficking, and one of particular interest to the United States, is trafficking for forced labor, which the International Labor Organization defines as "any situation in which work is carried out involuntarily under the menace of a penalty." The ILO estimates that some 12.3 million people have been the victims of forced labor, with agriculture, construction, domestic service, restaurants, and manufacturing sectors being the most prominent industries into which forced labor is trafficked.

In March of this year, the Committee on Homeland Security, on which I am a senior Member and I serve as Chairwoman of a subcommittee, held a hearing on the crossing of borders and victims of trafficking which produced a meaningful discourse on horrific implications of the trafficking of persons and sought to address said issues. However, 7 months later, the issue is not resolved. The current policy of the United States, under the Trafficking Victims Prevention Act of 2000, allows the government to support many types of anti-trafficking domestically and overseas. However, much more must be done. The GAO currently reports that, while the government allocated funds to combat trafficking, there was an over-emphasis by the government on sex slavery, which came at a price for the majority of others who are a victim of human trafficking.

Reliable information and independent evaluations of the success of the United States in combating this human atrocity have been hard to come by. While the State

Department points to progress by citing the increase of countries with anti-trafficking initiatives and an increase in the number of arrests and convictions for human traffickers, the GAO report cites a less optimistic reality. The U.S. government has yet to develop a coordinated, inter-agency response to combat trafficking overseas or a systematic way to evaluate the effectiveness of its anti-trafficking policies. In addition, a July 2007 GAO report entitled "Monitoring and Evaluation of International Projects are Limited, but Experts Suggest Improvements," found that monitoring mechanisms are lacking in U.S.-funded international projects, and that the U.S. and international organizations have encountered difficulties collaborating with host governments that often lack the resources, capacity, and/or political will to address trafficking.

Given the very real and persistent nature of the crime of human trafficking, it is our responsibility as Members of the Congress of the most powerful nation in the world to address and resolve this atrocity once and for all. Nearly 150 years after our great country abolished slavery at home, it is our job to once again be a beacon of progress and hope and no longer allow one man to profit from the suffering of another.

I believe that this legislation makes important strides towards addressing this serious problem. After hearing the profoundly disturbing testimony on this issue last week, I am particularly pleased that this legislation includes provisions aimed at ensuring that individuals are trafficked into the United States to work in diplomatic missions and embassies. I an extremely concerned about this issue, and I look forward to working further with my colleagues on this Committee to establish a mechanism capable of preventing such abuses in the future.

Mr. Chairman, this important reauthorization speaks directly to a serious but often hidden problem that we face, on both a national and an international level. I strongly urge my colleagues to join me in supporting this legislation.

Thank you, Mr. Chairman. I yield back the balance of my time.

IN SUPPORT OF H.RES. 740

Thank you, Mr. Chairman. I urge my colleagues to join me in supporting H.Res. 740, which I introduced, together with my good friend and distinguished colleague, Mr. Chabot. This bipartisan legislation condemns, in the strongest terms, the attacks on African Union peacekeepers that occurred in Haskanita, Darfur, Sudan, on September 29, 2007. I would like to thank the Chairman and the Ranking Member of the Full Committee, Mr. Lantos and Ms. Ros-Lehtinen, and of the subcommittee on Africa and Global Health, Mr. Payne and Mr. Smith, for their support and cosponsorship of this important bill.

Since 2003, we have witnessed a systematic campaign of displacement, starvation, rape, mass murder, and terror in the western Sudanese region of Darfur. In the worst humanitarian crisis of our time, an estimated 400,000 people have been killed in Darfur by the Government of Sudan and its Janjaweed allies. An additional 2,000,000 people have been displaced from their homes and livelihoods. Both the House of Representatives and the Senate declared that the atrocities in Darfur constitute genocide in July 2004, and the Bush administration reached the same conclusion in September 2004.

However, three years later, the situation in Darfur continues to deteriorate. The United Nations reported a substantial decline in the humanitarian situation during the first three months of 2007, during which time 21 humanitarian vehicles were hijacked, 15 additional vehicles were looted, and gunmen raided 6 humanitarian compounds. The security situation makes it extremely difficult for aid organizations to reach vulnerable populations, and, in the 12 months preceding April 2007, the number of humanitarian relief workers in Darfur decreased by 16%, largely due to security concerns, restrictions on access, and funding limitations. The flow of humanitarian aid has been severely threatened by the escalating violence in the region.

Since 2004, a small contingent of African Union peacekeepers have been deployed to Darfur, responsible for maintaining security in a region roughly the size of France. The 7,000 peacekeepers under the banner of the African Union Mission in Sudan, or AMIS, have displayed exemplary courage and resilience, but they are woefully outmanned and outgunned, as well as chronically short of funding. Recognizing the near-collapse of the AU Mission, the United Nations, in July 2007, approved a UN–AU hybrid peacekeeping mission, to be known as UNAMID, which is meant to take over from AMIS shortly.

The AMIS peacekeeping mission recently encountered yet another significant setback. On September 29, 2007, an estimated 1,000 members of a heavily armed Darfur rebel group, in 30 vehicles armed with heavy artillery and mortars, overran

a small base in Haskanita, Darfur, Sudan, which was occupied by AMIS peacekeepers. The ambush resulted in several hours of intense fighting that killed ten peacekeepers—seven Nigerian peacekeepers and three other soldiers from Mali, Senegal, and Botswana—and wounded many others.

According to UN estimates, in the aftermath of this brutal attack, which was described by the African Union commander as "deliberate and sustained," 15,000 civilians fled the area to neighboring towns or the wilderness, fearing for their safety. This attack is considered to be the worst on AMIS peacekeepers since their deployment in July 2004. The United Nations Security Council condemned this "murderous attack" on AMIS peacekeepers, and demanded that "no effort be spared" to identify and bring to justice the perpetrators of this assault.

Only recently, during the August recess, I had the opportunity to lead a Congressional Delegation (CODEL) to Darfur. This was the first CODEL to the region since the announcement of the joint UN/AU peacekeeping force. Along with my colleagues Mr. Chabot, who joins me as the lead Republican cosponsor of this legislation, and Mr. Smith, I had the opportunity to meet with government officials, civil society leaders, international aid workers, and affected civilians, as well as with the African Union peacekeepers responsible for protecting Darfur. I saw first hand the immense suffering of the people of Darfur, as well as the enormous strain on the courageous but outnumbered AU peacekeepers.

Mr. Chairman, I strongly condemn recent attacks on African Union peacekeepers. This legislation also expresses the condolences of this House to the people and Governments of Nigeria, Mali, Senegal, and Botswana, the families and friends of those individuals who were killed or missing in the attacks, and expresses its sympathies to those individuals who have been injured. It expresses the solidarity of the people and Government of the United States with the African Union and the African Union peacekeepers as they recover from these attacks, and the readiness of Congress to support efforts to bring to justice those individuals responsible for the attacks and efforts to detect, pursue, disrupt, and dismantle the networks that plan and carry out such attacks.

This legislation also looks forward, to the process of bringing about a peace settlement for Darfur. Crucial though effective peacekeeping forces are, they are no substitute for a serious and sustained peace process. Consequently, this bill also expresses its support for the people of Darfur, Sudan, in their continued struggle against extremism and violence and support for their efforts to secure a permanent peace, justice, and return to their restored villages and homes, and it encourages all parties involved in the conflict to commit to negotiate a final and binding peace agreement at the peace talks scheduled for October 27, 2007, in Tripoli, Libya.

Mr. Chairman, I am also offering an amendment that makes several factual corrections to the legislation, based on information that has emerged since the text was initially written. First, it clarifies the fact that the all ten of those killed in the attacks were not soldiers, instead substituting the text "seven Nigerian soldiers and three other unarmed military observers and civilian police officers from Mali, Senegal, and Botswana..." In addition, my amendment substitutes the text "in the aftermath of the attacks, the Government of Sudan secured the area reportedly to facilitate the evacuation of AMIS peacekeepers, but later was accused of burning Haskanita to the ground, driving more than 15,000 civilians into the wilderness or neighboring towns." This text changes existing language to reflect the growing international consensus that the Sudanese government was responsible for the razing of Haskanita in the days after the initial attacks.

Mr. Chairman, as United States foreign policy remains centered on the highly partisan debate over Iraq, we cannot allow Darfur to slip through the cracks. I thank the over 40 of my colleagues who have joined me in cosponsoring this important resolution, which reiterates that attacks on African Union peacekeepers in Darfur are unacceptable. As we approach this weekend's peace talks in Libya, I believe it is important that we condemn the attacks of recent weeks, and look forward to the construction of a lasting peace for Darfur.

I strongly urge my colleagues to join me in supporting this legislation. Thank you, Mr. Chairman. I yield back the balance of my time.