

agencies to all persons in immigration detention prior to their first hearing before an immigration judge. This program saves on the costs of immigration detention, makes Immigration Court more efficient, and facilitates access to justice for detained immigrants in removal proceedings. Immigrants are better prepared to accept their removal earlier in the immigration hearing process when they have learned from organizations not affiliated with the government that they have exhausted their immigration relief options.

I am also pleased that the report contains language I requested to improve the quality assurance standards at our ports of entry. The Committee urges Customs and Border Protection to consider expanding the use of videotape systems to record interactions between potential asylum seekers and border patrol agents at our ports of entry. These tapes should be reviewed and retained for a sufficient period of time to ensure that asylum seekers are treated equally and with fairness at any one of our ports of entry.

The bill once again includes language I drafted to prevent the Department of Homeland Security from moving forward with the unnecessary and potentially dangerous privatization of key immigration officers at the Bureau of Citizenship and Immigration Services. These officers are responsible for handling classified information used to prevent fraud and the exploitation of our immigration laws. I am thankful that this inherently governmental work will continue to remain the responsibility of trained and experienced federal employees directly accountable to the Department and not to the bottom line of a private company.

The report also includes language which I requested to address concerns about Customs and Border Protection employees who were required to participate in a six-day twelve week basic training, but who were not fully compensated for all of their days of work. The report directs the Commissioner of Customs and Border Protection to report on the number of employees who were not compensated and also on the steps the department is taking to resolve the problem.

Finally, the report directs the Transportation Security Administration to report on the status of their efforts to issue regulations for basic security training for flight attendants. I am pleased we are keeping TSA accountable to this task, and I look forward to the timely completion of this report.

However, Mr. Chairman, despite the fact that this Homeland Security Appropriations bill addresses several of the issues I raised in hearings and increases funding levels in certain accounts, I am concerned that this year's bill continues the practice of underfunding several homeland security recommendations as well as the initiatives and programs mandated by Congress to ensure our Nation's security.

As one of the largest cities and metropolitan areas in the country, Los Angeles is considered to be one of the most "at risk" areas for terrorist attacks. For this reason, I am disappointed that this bill provides only a slight increase of \$15 million over last year's funding for Urban Area Security Initiative grants compared to the \$405 million increase requested in the President's budget. Protecting our most vulnerable cities and towns is extremely costly and causes tremendous hardship on local governments. We must ensure that they receive the adequate funding to keep our most vulnerable cities secure.

I am further disappointed that the bill appropriates \$5 million for a program which allows States and local jurisdictions to enter into a Memo of Understanding, MOU, with Homeland Security to train local police to enforce limited immigration functions. I believe our limited resources should instead be directed toward identifying and deporting terrorist elements in our country.

In addition, although both the Patriot Act of 2001 and the Intelligence Reform Act of 2004 called for increases in specific areas such as border agents, customs and immigration inspectors, immigration investigators, as well as for additional detention beds, this bill fails to meet the established border enforcement benchmarks—by 500 border patrol agents (25 percent short), 600 immigration investigators (75 percent short), and 4,000 detention beds (50 percent short).

I am also concerned with the decrease in funding that the Bureau of Citizenship and Immigration Services has continued to receive since the creation of the Department of Homeland Security. This bureau is charged with processing thousands of work authorization and citizenship applications for immigrants in our country and yet this bill includes only \$120 million for this important agency. This decrease in resources simply does not make sense given that over the last 4 years, the Bureau of Citizenship and Immigration Services continuously fails to meet its 6 month goal for processing citizenship applications. These backlogs send the wrong message to our Nation's immigrants who are eager to become full participants in our society, but must wait years before their citizenship applications can be reviewed and processed. Mr. Chairman, I hope that before we send this bill to the President we will appropriate the funds necessary to once and for all resolve the backlog problems which have plagued this agency for years.

I am disappointed that this bill's report expresses support for expedited removal and recommends its expansion. Expedited removal means that Customs and Border Protection officers can immediately deport individuals they do not believe have a true case for asylum. This year, a federally funded study issued by the U.S. Commission on International Religious Freedom on the impact of expedited removal on asylum seekers found that expedited removal procedures are not being applied evenly across the country. The report found that where an asylum seeker enters our country, the country they come from, and which officer conducts their brief interview, impacts the decision on whether an individual is allowed to see an asylum officer or is deported without further review. Before expedited removal is expanded, as the bill's report recommends, Congress should require the Department of Homeland Security to provide evidence that Customs and Border Protection is making progress in resolving the current and serious problems associated with expedited removal.

Lastly, I am concerned by the Administration's seeming indifference toward protecting critical infrastructure, such as ports, transit and railroad facilities, and chemical plants. Not only have critical assessments not been completed, but the Administration has consistently underfunded or unfunded important infrastructure security programs.

For example, although Congress continues to fund aviation security and provides \$30 mil-

lion for air cargo screening, the Administration has continued to leave the aviation system's vulnerabilities exposed. Despite Congress' direction to increase the percentage of screened air cargo on passenger aircraft, the Transportation Security Administration has not fully implemented the law.

Additionally, the Administration has proposed no new funding to install inline baggage screening machines beyond the currently approved eight airports, and Congress has again decided to only fund the existing programs at 75 percent, rather than the contractually agreed to amount of 90 percent. This creates an additional burden that our cash-strapped communities can ill-afford.

In closing, Mr. Chairman, I will support this bill to provide critical resources to help make our country safer. However, fully addressing these and other critical national security concerns requires resources that the Administration simply did not propose and which the Republican majority did not provide in this bill. While this bill is an improvement over the Administration's request, critical homeland security needs will still go unmet.

U.N. PEACEKEEPING REFORM:  
SEEKING GREATER ACCOUNT-  
ABILITY, INTEGRITY AND EF-  
FECTIVENESS

**HON. CHRISTOPHER H. SMITH**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 18, 2005*

Mr. SMITH of New Jersey. Mr. Speaker, earlier today I chaired the third in a series of hearings of my Subcommittee on Africa, Global Human Rights, and International Operations, on the topic of reform at the United Nations, and the second hearing we are holding on peacekeeping reform.

On March 1st, just 12 weeks ago, my committee met to examine credible evidence of gross sexual misconduct and exploitation of refugees and vulnerable people by U.N. peacekeepers and civilian personnel assigned to the U.N. peacekeeping mission in the Democratic Republic of Congo. Human rights groups and the U.N.'s own internal investigations had uncovered over 150 allegations against Mission personnel, typically involving peacekeepers' sexual contact with Congolese women and girls, some as young as 11-14, in exchange for food or small sums of money. Further, the U.N. had struggled to deal with similar sexual exploitation and abuse allegations in recent years in Sierra Leone, Liberia, and Guinea, as well as on the European continent in Kosovo and Bosnia. Yet despite many well-meaning gestures, there had not been one successful prosecution of U.N. civilian or military personnel, either in the Congo or elsewhere.

At that hearing, the United Nations made available Assistant Secretary General for Peacekeeping Operations, Dr. Jane Holl Lute to brief the Subcommittee on steps the U.N. Secretariat and Department of Peacekeeping Operations were taking to address the problem. As Members of this Subcommittee may recall, Dr. Lute declared, ". . . The Blue Helmet has become black and blue through self-inflicted wounds of some of our number and we will not sit still until the luster of that Blue

Helmet is restored. . . . It is unacceptable. It is simply unacceptable. The United Nations peacekeepers owe a duty of care to the people we serve. We owe this duty of care to the member states who place their trust in us when they send us to a mission. We owe this duty of care to the aspirations and hopes for the future that everyone has when they invest a peacekeeping mission in places like the Congo. It will be stamped out."

Since that time, I am pleased to report that I am seeing signs of real change in the way the United Nations goes about peacekeeping, certainly in the area of preventing human rights abuses. Investigations into allegations of sexual exploitation and abuse involving 96 peacekeeping personnel have been completed, with 66 military personnel repatriated on disciplinary grounds. On the civilian side, 3 U.N. staff have been dismissed; 6 others are undergoing disciplinary process; and 3 have been cleared. Missions have put into place a broad range of measures to prevent misconduct, from establishing focal points and telephone hotlines to requiring troops to wear uniforms at all times.

Moreover, the Fourth Committee of the U.N. General Assembly on April 18th unanimously endorsed the reform proposals of the Special Committee on Peacekeeping Operations, which include: training on standards of conduct; development of established units for peacekeeping rather than those assembled on an ad hoc basis; commitments by all troop contributing countries to pursue investigations and prosecutions of peacekeeping personnel for credible instances of sexual allegation and abuse; creation of a database to track allegations and ensure that prior offenders are not rehired; organization, management and command responsibility to create and maintain an environment that prevents against sexual exploitation and abuse; establishment of a professional and independent investigative capacity assistance to victims; and development of a model MOU for troop contributing countries to encompass these recommendations.

The General Assembly must now act on these recommendations, providing the necessary financial and political support to fully

and promptly implement them. It was my desire that the hearing stimulate the same sense of commitment and urgency at the U.N. to undertake broader reforms in peacekeeping.

Peacekeeping has changed significantly since the creation of the United Nations and the first peacekeeping missions, which were largely limited to "traditional" nonmilitary functions, such as monitoring of cessation of hostilities agreements, deployment of observer missions, and the maintenance and patrol of borders. With the end of the Cold War, the number of peacekeeping missions ballooned, as the Security Council deployed 20 new missions between 1988 and 1994. Tasks of peacekeepers have also evolved and now include more complex assignments such as nation-building, protection of vulnerable populations, and establishment and maintenance of security in post-conflict environments.

Our collective memories are still painfully sharp in recalling the peacekeeping fiascos of Bosnia, Rwanda and Somalia. Thankfully we have some notable successes to balance the picture out, in which stability was restored and substantial contributions made towards economic and political development, in U.N. missions in Kosovo, Sierra Leone and East Timor. What these examples illustrate is the importance of getting the mandate "right," matching the mission to the mandate, ensuring adequate staffing and funding, and providing for a transition to a sustained peace.

U.S. officials have endorsed Secretary General Annan's proposal for a Peacebuilding Commission and Support Office to undertake post-conflict transition and coordinate donor assistance and activities. But has a global audit of existing peacekeeping missions ever been conducted to review mandates and right-size missions? Has there been an examination of whether peacekeeping tasks could be outsourced to professional private security companies to perform tasks more cost-effectively or deploy into difficult situations where Member States have demonstrated a reluctance or inability to go? What are we doing to widen the donor support base for peacekeeping missions? And finally, what should the United States do if necessary reforms are not

being implemented, either by the U.N. or by troop contributing nations?

In this regard, I have introduced legislation, The Trafficking Victims Protection Reauthorization Act of 2005, H.R. 972, which contains several provisions specifically targeted at preventing trafficking in persons, sexual exploitation, and abuse by military personnel and in peacekeeping operations. H.R. 972 would require the State Department to certify to Congress, before it contributes U.S. logistical or personnel support to a peacekeeping mission, that the international organization has taken appropriate measures to prevent the organization's employees, contractors, and peacekeeping forces from engaging in trafficking in persons or committing acts of illegal sexual exploitation. The provision builds on two prior laws I have authored to combat trafficking in persons and reduce sexual exploitation, the Trafficking Victims Protection Act of 2000 and the Trafficking Victims Protection Reauthorization Act of 2003.

Other measures in this bill to combat sexual exploitation and trafficking in persons by military and peacekeepers are: Amending the U.S. Uniform Code of Military Justice to prohibit the use or facilitation of persons trafficked for sex or labor; Establishing a Director of Anti-Trafficking Policies in the Office of the Secretary of Defense; Reporting of steps taken by the U.N., OSCE, NATO and other international organizations to eliminate involvement of its personnel in trafficking; Requiring certification that safeguards are in place to prevent military and civilian personnel from trafficking or committing acts of sexual exploitation before a U.S. contribution to a peacekeeping mission is made.

In conclusion, the progress since our last hearing is encouraging, but we are only at the beginning of the necessary reform process. What comes out at the other end I hope will be a United Nations equipped for the unique challenges of this new century, with peacekeeping leading the way for reforms in other vital areas.