

FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEARS 2006 AND 2007

The Committee resumed its sitting.

The CHAIRMAN. It is now in order to consider amendment No. 12 printed in part B of House Report 109-175.

AMENDMENT NO. 12 OFFERED BY MR. SMITH OF NEW JERSEY

Mr. SMITH of New Jersey. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 12 offered by Mr. SMITH of New Jersey:

Page 191, line 8, insert "repair and rehabilitation" before "activities".

Page 191, beginning line 14, insert the following new clause (and redesignate subsequent clauses accordingly):

"(i) increased access for women to emergency obstetrical care, including increased access to skilled birth attendants and care facilities."

Page 191, beginning line 21, insert the following new subparagraph (and redesignate the subsequent subparagraphs accordingly):

"(D) Each center established pursuant to subparagraph (A) may carry out the following prevention activities:"

Page 191, line 21, redesignate clause (iii) as clause (i).

Page 192, line 10, strike "(i) and (ii)" and insert "(i), (ii), and (iii)".

Page 192, strike lines 1 through 5, and insert the following new clause:

"(ii) Activities to expand abstinence education, postponement of marriage and childbearing until after the teenage years, and activities to expand access to family planning services for the prevention of pregnancies among women whose age or health status place them at high risk of prolonged or obstructed childbirth."

Page 192, beginning line 23, strike "\$5,000,000 for each such fiscal year" and insert "\$5,000,000 for fiscal year 2006 and \$7,500,000 for fiscal year 2007".

The CHAIRMAN. Pursuant to House Resolution 365, the gentleman from New Jersey (Mr. SMITH) and the gentleman from New York (Mr. CROWLEY) each will control 5 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, for several years now I have pushed USAID and the Congress to establish a program to assist women who suffer from obstetric fistula. According to the USAID, an estimated 2 million women suffer needlessly from fistula and from 50,000 to 100,000 new cases are added every year, mostly in Africa.

Fistula occurs during obstetric labor, which sometime damages soft tissues. The destroyed tissues leave a hole or fistula in the pelvic floor area which causes incontinence. Tragically, the constant leaking of urine and feces leads to sickness, desertion by husbands and family, extreme social isolation, and poverty. Who are vulnerable, according to the USAID, very young mothers, women experiencing their first birth, women whose growth has

been stunted due to malnutrition or illness, and poor women who lack access to the most basic of obstetric services.

My amendment and the underlying language in H.R. 2601, section 901, that I put into the bill, establishes 12 centers for the treatment and prevention of obstetric fistula. Funding is authorized at \$5 million in 2006, and the amendment increases the authorization by \$2.5 million to \$7.5 million in fiscal year 2007.

Amazingly, for \$150 to a couple hundred dollars, a woman victimized by fistula can obtain a surgical repair that gives her back her life. No woman should be denied this minimal, life-saving surgical repair. My amendment requires that the centers include increased access for women to emergency obstetrical care, including increased access to skilled birth attendants and care facilities.

My amendment states that the centers may include activities to expand abstinence education, postponement of marriage and child bearing until after the teenage years, and access to family-planning services.

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During markup, an amendment was offered to exclude, and this would be the result of that language, certain faith-based health care providers who, while deeply committed to mitigating the pain of fistula, would be barred from receiving funds. I have been in contact with Dr. Kent Hill, the Acting Assistant Administrator for Global Health at USAID, and he concurs that my amendment is preferable and balanced because it permits inclusion of family planning programs, gives USAID the flexibility to get the job done, and is consistent with the conscience clause we secured through an amendment I inserted in Mr. HYDE's \$15 billion HIV/AIDS law.

Section 901 is a modest \$5 million in 2006, \$7.5 million in 2007, and we need to begin in earnest to give women who suffer the tragedy of fistula the basic care that they need.

Mr. Chairman, I reserve the balance of my time.

Mr. CROWLEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in opposition to the amendment. Mr. Chairman, women who develop fistula as a result of childbirth are often abandoned by their husbands, rejected by their communities, and forced to live in an isolated existence. For that reason I am very pleased that the State bill contains \$5 million for treatment of women with obstetric fistula and for fistula prevention services. The fistula prevention section of the bill was added in committee by an amendment that I sponsored that had enjoyed unanimous support, including support of the gentleman from New Jersey (Mr. SMITH).

Because the fistula provision enjoyed strong bipartisan support in committee, I am disappointed that my

friend has chosen to offer this amendment. The Smith amendment establishes two tiers of fistula services to be carried out by clinics supported by the United States. Fistula repair and rehabilitation services are "mandatory," while fistula prevention services, including the provision of contraception, is considered "discretionary." Also, references to "contraceptives" have been removed.

Mr. Chairman, the most effective way to decrease the incidence of fistula is to ensure that 12-year-old girls in rural Africa and other young high-risk women do not get pregnant in the first place. For the life of me, I fail to understand why we would want to downgrade the attention paid in this bill to fistula prevention and remove any discussion of contraceptives. I understand the concerns raised by the gentleman from New Jersey that some faith-based hospitals do not wish, as a matter of conscience, to distribute contraceptives. I have no problem with that exemption.

But in order to deal with the faith-based hospitals, the entire fistula prevention section of the bill, which I authored in committee and, again, had the support of every member of the Committee International Relations, was accepted, including the gentleman from New Jersey (Mr. SMITH), it is a shame, Mr. Chairman, that this amendment is offered, and I therefore oppose this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. SMITH of New Jersey. Mr. Chairman, I reserve the balance of my time.

Mr. CROWLEY. Mr. Chairman, I yield 1½ minutes to the gentleman from New York (Mrs. MALONEY).

(Mrs. MALONEY asked and was given permission to revise and extend her remarks.)

Mrs. MALONEY. Mr. Chairman, I thank the gentleman for yielding me this time and for his leadership.

It was absolutely everyone's understanding that this legislation to help prevent fistula would proceed with the language added in committee by the gentleman from New York (Mr. CROWLEY) to expand access to contraception. It seems that the gentleman from New Jersey (Mr. SMITH) is intentionally eliminating all mention of contraception in this bill. What is going on? Why is he against birth control?

In the same week the House Press Secretary refuses to say, when asked publicly in a press conference, whether the President is opposed to contraception, the gentleman from New Jersey offers an amendment to delete birth control from the list of fistula preventative services. All of this while some pharmacists are denying women their birth control prescription. There is only one answer: Some Members on the other side of the aisle simply oppose access to birth control. And I just would like to ask my colleagues, what do they have against birth control?

This amendment will undermine one of the most effective methods of fistula

prevention, helping to delay pregnancy among married young women whose bodies have not fully developed. We are talking about 11, 10, 9, 12, 13, 14, very young women. And it is important that contraception be used to prevent them from getting pregnant and having fistula, from having a child too young. In many countries where the use of birth control is very low, fistula is very, very common. The underlying bill recognizes the critical role that birth control can play in preventing this condition.

I oppose the amendment.

The underlying bill recognizes the critical role that birth control can play in preventing this horrific condition.

Two years ago, I put in the first bill to call attention to the need for American support for fistula prevention and treatment. Fistula is a problem we can address, and I was happy to be able to support the language in the bill as reported by the Committee.

But, this amendment will effectively gut the prevention section of the fistula program and all because of what seems like ideological opposition to birth control.

I hope my colleagues will oppose it.

Mr. SMITH of New Jersey. Mr. Chairman, I yield myself the balance of my time.

Just to make the very clear point to my colleagues, this section 901 creates a brand new program that, until this legislation is enacted, has not existed. I authored section 901, and the emphasis is on surgical repair. We have 2 million women who are in dire need of repair—the walking wounded—and it takes a very modest amount of money to effectuate the repair of their damaged bodies so, again, they can get their lives back.

Secondly, the gentleman from New York's (Mr. CROWLEY) amendment, wittingly or unwittingly, will preclude a number of faith-based hospitals—language that he added that at first blush looked okay but upon further scrutiny and study, we found that it was a major problem. There are at least four hospitals, one in Uganda, Congo, Ethiopia, and in Bangladesh, that would be denied fistula funding, because under Crowley, inclusion of contraception is absolutely mandatory. It should be discretionary. These are proposed fistula centers pursuant to AID's plan to role out and to implement. So we are talking about those who could provide fistula services being told they cannot have the money.

Let me also point out to my friends and colleagues that the U.S. spends about \$450 million in overseas family planning per year in the budget. Nobody is touching that. That will go forward in FY '06. Some of that money can be used to try to prevent and repair fistula and to incorporate the two. But let me point out to my colleagues, that my language says the centers may include: "Activities to expand abstinence education, postponement of marriage" and "expand access to family planning services." That is my amendment. Expand access to family plan-

ning services. It is discretionary however. I would suspect that some—maybe most—of the fistula centers will do just that. But there are faith-based health centers for which that is a problem, and we want to get this fistula repair program out to as many women as humanly possible.

Let me just tell my colleagues as well if they vote against this amendment, they are also voting against \$2.5 million in addition to what is in the bill to expand surgical repairs for these women.

Mr. CROWLEY. Mr. Chairman, I yield 1 minute to the gentlewoman from California (Ms. LEE).

Ms. LEE. Mr. Chairman, I rise in complete opposition to the Smith amendment.

This amendment guts, it guts the prevention section of our fistula prevention efforts and is a direct assault on birth control and comprehensive family planning. Comprehensive family planning includes any measure that saves a woman's life, especially in the event of prolonged, life-threatening labor which occurs in the case of obstetric fistula.

We are all fighting to prevent and treat obstetric fistula, a condition that tears apart the lives of young women whose bodies are not fully developed and obstructed prolonged labor occurs. But I am very disappointed that the bipartisan compromise that was brokered in committee in preventing obstetric fistula and providing medical treatment for its survivors is now being dismantled. We have to be realistic, and we must put our politics aside and put women and their babies first. Making birth control more available and accessible is one of the most effective ways to give women the ability to prevent high-risk pregnancies and to reduce the incidence of fistula.

The Smith amendment is a direct assault on birth control and comprehensive family planning. The Smith amendment is unacceptable, and I urge my colleagues to oppose this amendment.

Mr. CROWLEY. Mr. Chairman, I yield myself the balance of my time.

Once again I have to express my disappointment that we find ourselves here now in final passage of this bill when we had an amicable agreement in the committee and the gentleman from New Jersey (Mr. SMITH) and I, somewhat working together in the committee, agreed to this initial amendment to include my language.

I will just say for the record it says in the underlying text of the bill: "Each center established pursuant to subparagraph (A) shall, to the maximum extent practicable." It is not mandatory. It does not say they have to do this. Shall "carry out the following activities," and included in that is contraception.

My question for the gentleman from New Jersey (Mr. SMITH) is, is contraception included in family planning?

Mr. SMITH of New Jersey. Mr. Chairman, will the gentleman yield?

Mr. CROWLEY. I yield to the gentleman from New Jersey.

Mr. SMITH of New Jersey. Mr. Chairman, it is very obvious that family planning includes contraception, and our language makes that very clear.

Mr. CROWLEY. Mr. Chairman, it is not clear to me. It is again unfortunate we find ourselves here at this point. And I stand, again, in opposition to this amendment.

Mr. CROWLEY. Mr. Chairman, I rise in opposition to the Smith amendment on fistula.

While we are similarly concerned about preventing fistula and the impact it has on women's lives in the developing world, I must rise in opposition to this specific language as it does not expressly support contraception as a means of preventing fistula.

While this may sound like nit picking to some, it goes to the heart of preventing this horrific tragedy in women.

Mr. SMITH and I were in agreement in Committee on my original language on fistula prevention, and I appreciated your initial comments about this language on our plan to prevent fistulas from occurring by focusing on prevention of pregnancy through contraception.

May amendment, which was universally accepted by the committee, expressly called for support of contraception because this is often the only way girls, young women, and women whose bodies are not prepared for pregnancy—contraception is often the only way they can protect themselves.

This language takes out contraception—which is the best way to prevent fistula.

It would be nice to imagine that all young girls in the developing world—who are especially vulnerable to fistula—would delay their first pregnancy. But that is simply not the reality that many young girls face.

As such, we must include contraception in this bill when we talk about fistula. Otherwise we are—

In fact, I recently met with a physician who repairs fistulas in Nigeria. He said that Nigeria sees 20,000 new fistulas cases per year and—to use his words—"we can't only treat these cases, we have to prevent them."

And how do we prevent them—the answer is clear. Contraception.

But for millions of girls and women who in the developing world—fistula is an all too real part of their everyday existence.

I am pleased that the base bill addresses the fistula issue, by providing funding for fistula treatment. And I applaud this committee for including language on fistula.

However, we need to do both prevention and treatment. Unless the incidence of fistula can be reduced through prevention activities, women and girls in the developing world will face a never-ending cycle of despair. And the backlog of women needing surgical repair will never be erased.

But for many, the simplest and best answer is to make family planning

available to those who want to use it. In fact, one estimate finds access to family planning—including contraception—would reduce maternal disability and death by at least 20%.

To be sure, we need to address the larger social issues that contribute to the problem—girls' education, general access to healthcare, and women's economic development and empowerment are all an important part of confronting the fistula tragedy.

And that must include contraception. It is as simple as life and death. It is as important as the humanity that unites all of us.

If we understand fistula to be as tragic as it truly is, then the best response must include steps to prevent women and girls from ever having to face it in the first place.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey (Mr. SMITH).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. CROWLEY. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New Jersey (Mr. SMITH) will be postponed.

The CHAIRMAN. It is now in order to consider amendment No. 13 printed in part B of House report 109-175.

AMENDMENT NO. 13 OFFERED BY MR. HYDE

Mr. HYDE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 13 offered by Mr. HYDE:

After title VIII of the bill, insert the following new title:

TITLE IX—EAST ASIA SECURITY ACT OF 2005

SEC. 901. SHORT TITLE.

This title may be cited as the "East Asia Security Act of 2005".

SEC. 902. STATEMENTS OF POLICY.

Congress—

(1) previously expressed its strong concerns in House Resolution 57 of February 2, 2005, and Senate Resolution 91 of March 17, 2005, with the transfer of armaments and related technology to the People's Republic of China by member states of the European Union, which increased eightfold from 2001 to 2003, and with plans to terminate in the near future the arms embargo they imposed in 1989 following the Tiananmen Square massacre;

(2) welcomes deferral of a decision by the European Council to terminate its arms embargo following adoption of those Resolutions, the President's visit to Europe, and growing concern among countries in the regions and the general public on both sides of the Atlantic;

(3) welcomes the decision by the European Parliament on April 14, 2005, by a vote of 421 to 85, to oppose the lifting of the European Union's arms embargo on the People's Republic of China, and resolutions issued by a number of elected parliamentary bodies in Europe also opposing the lifting of the arms embargo;

(4) also welcomes the onset of a strategic dialogue between the European Commission

and the Government of the United States on the security situation in East Asia, through which it is hoped a greater understanding will emerge of the consequences of European assistance to the military buildup of the People's Republic of China for peace and stability in that region, to the security interests of the United States and its friends and allies in the region, and, in particular, to the safety of United States Armed Forces whose presence in the region has been a decisive factor in ensuring peace and prosperity since the end of World War II;

(5) hopes that a more intensive dialogue with Europe on this matter will clarify for United States friends and allies in Europe how their "non-lethal" arms transfers improve the force projection of the People's Republic of China, are far from benign, and enhance the prospects for the threat or use of force in resolving the status of Taiwan, a troubling prospect made more ominous by recent adoption of a new law by the Chinese National People's Congress expressly authorizing the use of force;

(6) also hopes that this dialogue will result in an important new consensus between the United States and its European partners on the need for coordinated policies which encourage the development of democracy in the People's Republic of China and which discourage, not assist, China's unjustified military buildup and pursuit of weapons that threaten its neighbors;

(7) however, deeply regrets that none of the European friends and allies of the United States who have been transferring arms to the People's Republic of China has announced a cessation or even a temporary halt to those transfers while this new dialogue with the United States ensues, and notes with concern that such European friends and allies have provided little, if any, transparency to the United States Government into the full range and capabilities of all of the armaments and related technology that they have transferred to date and continue even now to do so;

(8) is further troubled by public reports describing well known European companies as suppliers to weapons programs of the People's Republic of China, who are also participants in numerous sensitive United States Government weapons programs, and the increased risks of diversion of United States weapons technology to China inherent in such an undesirable situation; and

(9) in view of the gravity of European arms sales to the People's Republic of China, which have not abated, believes it is necessary to make provision for greater scrutiny and oversight with respect to those areas of international armament cooperation that present increased levels of risk to the security interests of the United States and to authorize appropriate measures which the President may draw on in deterring foreign support for China's military buildup in order to safeguard the national security interests of the United States and peace and security in East Asia.

SEC. 903. REPORT ON FOREIGN MILITARY EXPORTS TO CHINA.

(a) REPORT.—The President shall, at the times specified in subsection (b), transmit to the appropriate congressional committees a report that identifies every person of a member country of the European Union, and any other foreign person the President may consider appropriate, with respect to whom there is credible information indicating that the person, on or after January 1, 2005, exported to—

(1) the People's Republic of China any item on the Wassenaar Munitions List of July 12, 1996, and subsequent revisions; or

(2) the military, intelligence, or other security forces of the People's Republic of China—

(A) any item on the Wassenaar List of Dual Use Goods and Technologies of July 12, 1996, and subsequent revisions; or

(B) any other dual use item if the item is intended, entirely or in part, for use with an item described in paragraph (1).

(b) TIMING OF REPORT.—The report required under subsection (a) shall be transmitted not later than 180 days after the date of the enactment of this Act and not later than the end of each 12-month period thereafter.

(c) EXCEPTIONS.—A foreign person is not required to be identified in a report required under subsection (a) if the person—

(1) was identified in a previous report transmitted under subsection (a) on account of a particular export, except to the extent that the export may have continued, involved additional transfers, or was larger, more significant, or different in nature than described in the previous report;

(2) was engaged solely in an export on behalf of, or in concert with, the Government of the United States; or

(3) was engaged in an export which, as determined by the President, would be exempt from the restrictions of section 902(a) of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991 (Public Law 101-246; 22 U.S.C. 2151 note), if the export were subject to the jurisdiction of the United States, by reason of the issuance of a report under section 902(b) of such Act.

(d) FORM.—If the President considers it appropriate, reports transmitted under subsection (a), or appropriate parts thereof, may be transmitted in classified form.

SEC. 904. REPORT ON CHINA ARMS TRANSFER POLICIES OF COUNTRIES PARTICIPATING IN UNITED STATES DEFENSE COOPERATIVE PROJECTS; CERTAIN LICENSE REQUIREMENTS.

(a) STATEMENT OF POLICY.—Congress is concerned with the significant additional risk of unlawful use and diversion of sensitive United States weapons system research, design, and development arising from cooperative research and development projects with foreign governments and foreign persons who may also transfer arms and related technology to the People's Republic of China.

(b) REPORT.—The President shall, at the times specified in subsection (c), transmit to the appropriate congressional committees a report that—

(1) identifies every foreign government with respect to which the United States is carrying out a cooperative project described in subsection (d) and whose policies or practices, on or after the date of the enactment of this Act, permit the export of any item described in paragraph (1), or subparagraph (A) or (B) of paragraph (2), of section 903(a); and

(2) describes the cooperative projects and policies or practices referred to in paragraph (1) of every foreign government identified under such paragraph.

(c) TIMING OF REPORT.—The report required under subsection (b)—

(1) shall be transmitted not later than 180 days after the date of the enactment of this Act and not later than the end of each 12-month period thereafter; and

(2) may be included in the report required under section 903, as the President determines appropriate.

(d) COOPERATIVE PROJECTS.—The cooperative projects referred to in subsection (b) are projects carried out under section 27 of the Arms Export Control Act (22 U.S.C. 2767) or section 2350a, 2358, or a memorandum of understanding under section 2531 of title 10, United States Code.

(e) LICENSE REQUIREMENTS.—

(1) **REQUIREMENT.**—Notwithstanding any other provision of law, a license under section 38 of the Arms Export Control Act (22 U.S.C. 2778) shall be required for the export of defense articles or defense services by any person who is not an officer or employee of the Government of the United States in furtherance of a cooperative project described in subsection (d) with a country identified in a report transmitted under subsection (b).

(2) **CONGRESSIONAL NOTIFICATION.**—The issuance of a license pursuant to paragraph (1) shall be subject to the same requirements as are applicable to the export of items described in section 36(c) of the Arms Export Control Act (22 U.S.C. 2776(c)) (without regard to the dollar amount requirements relating to contracts contained in such section), including the transmittal of information and the application of congressional review procedures in accordance with such section.

(3) **EXCEPTIONS.**—The Secretary of State shall not be required to apply the license requirement of paragraph (1)—

(A) in the case of contracts or subcontracts in effect on the date of the enactment of this Act, including the exercise of options for production quantities to satisfy United States operational military requirements;

(B) if the Secretary determines in writing that the person or other entity to which the export of defense articles or defense services would be made is a sole source supplier of the articles or services, that the articles or services are essential, and that the articles or services are not readily or reasonably available;

(C) in the case of routine servicing and maintenance, to products or services provided under contracts entered into before transmittal of the report required under subsection (b), if the Secretary determines in writing that alternative sources are not readily or reasonably available; or

(D) with respect to other defense articles or defense services, the export of which without a license the Secretary determines in writing is essential to the national security of the United States and provides written notification thereof to the appropriate congressional committees.

(4) **PUBLICATION IN THE FEDERAL REGISTER.**—The Secretary of State shall publish in the Federal Register each determination made under paragraph (3).

SEC. 905. CERTAIN FOREIGN OWNERSHIP AND CONTROL OF DEFENSE ARTICLES IN THE UNITED STATES.

(a) **STATEMENT OF POLICY.**—Congress determines that special care should be taken by the United States with respect to foreign persons who sell arms and related technology to the People's Republic of China, while simultaneously seeking ownership of United States defense articles or defense services, including the results of United States Government funded defense research and development, through the acquisition or control of United States defense firms, directly or through their subsidiaries and affiliates based in the United States.

(b) **LICENSE REQUIREMENTS.**—

(1) **REQUIREMENT.**—The President shall require a license pursuant to regulations issued under section 38(g)(6) of the Arms Export Control Act (22 U.S.C. 2778(g)(6)) for the transfer of ownership or control of United States defense articles or defense services arising from the acquisition or control of a person required to be registered under section 38(b)(1) of such Act (22 U.S.C. 2778(b)(1)), or any subsidiary, division, affiliate or other entity thereof, whenever the person gaining acquisition or control is—

(A) a foreign national of the People's Republic of China or a foreign person otherwise

subject to the jurisdiction, ownership, or control of the People's Republic of China;

(B) a foreign person identified in a report transmitted under section 903 or having its principal place of business in a country described in a report transmitted under section 904; or

(C) a United States person owned or controlled by a foreign person, including a subsidiary or affiliate of a foreign person described in subparagraph (B).

(2) **ADDITIONAL REQUIREMENT.**—A license under section 38(g)(6) of the Arms Export Control Act for a person described in paragraph (1)(A) shall not be issued until 30 days after the date on which the President transmits a report that contains a determination of the President that—

(A) the Government of the People's Republic of China meets the requirements of section 902(b)(1) of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991 (Public Law 101-246; 22 U.S.C. 2151 note); or

(B) it is in the national interest of the United States to issue the license.

(c) **CONGRESSIONAL NOTIFICATION.**—The issuance of a license pursuant to subsection (b) shall be subject to the same requirements as are applicable to the export of items described in section 36(c) of the Arms Export Control Act (22 U.S.C. 2776(c)) (without regard to the dollar amount requirements relating to contracts contained in such section), including the transmittal of information and the application of congressional review procedures in accordance with such section.

(d) **EXCEPTION.**—The issuance of a license pursuant to subsection (b) shall not be required in the case of an amendment to a munitions license or a change in registration arising from a sale or transfer of ownership or control of United States defense articles or defense services to a person described in subparagraph (A), (B), or (C) of subsection (b)(1) that was approved prior to the date of enactment of this Act unless the President determines that it is in the national security interests of the United States to require the issuance of a new license pursuant to subsection (b).

SEC. 906. CHINESE MILITARY END USE OF DUAL USE EXPORTS.

(a) **STATEMENT OF POLICY.**—Congress welcomes the understanding reached at the Wassenaar Arrangement's December 2003 plenary meeting to require governmental authorization for the transfer of non-listed dual use items intended for military end use in a destination subject to any relevant regional arms embargo or to any United Nations Security Council resolution.

(b) **REPORTS.**—

(1) **REPORT TO SECRETARY OF COMMERCE.**—As prescribed in regulations issued under the Export Administration Act of 1979 (as continued in effect under the International Emergency Economic Powers Act), a United States person who exports an item described in subparagraph (A) or (B) of section 903(a)(2) for military end use shall, not later than 15 days after the item is exported, submit to the Secretary of Commerce a report that contains a description of all shipment information, including a description of the item and the quantity, value, port of exit, and end user.

(2) **REPORT TO CONGRESS.**—Not later than 60 days after the end of each calendar quarter, the Secretary of Commerce shall submit to the appropriate congressional committees a written report that contains a compilation all of information submitted in each report to the Secretary under paragraph (1) for the prior calendar quarter.

(c) **DEFINITION.**—In this section, the term "military end use" means, with respect to an item, the item is or may be intended, en-

tirely or in part, for use in conjunction with an item described on the Wassenaar Munitions List of July 12, 1996, and subsequent revisions.

SEC. 907. APPLICATION OF MEASURES TO CERTAIN FOREIGN PERSONS.

(a) **APPLICATION OF MEASURES.**—Subject to sections 908 and 909, the President may apply with respect to any foreign person (including a foreign government) identified in a report transmitted under section 903, and shall apply with respect to any foreign person (including a foreign government) identified in more than one report transmitted under section 903, any or all of the following measures:

(1) **RESEARCH AND DEVELOPMENT.**—Denial of participation in existing and new cooperative research and development programs and projects under section 27 of the Arms Export Control Act (22 U.S.C. 2767) or sections 2350a, 2358, or a memorandum of understanding under 2531 of title 10, United States Code.

(2) **CONTROL OF UNITED STATES DEFENSE FIRMS.**—Prohibition of ownership and control of any business organization required to be registered with the United States Government as a manufacturer or exporter of defense articles or defense services under section 38(b)(1) of the Arms Export Control Act (22 U.S.C. 2778(b)(1)).

(3) **SECURITY ASSISTANCE.**—Prohibition on participation in any foreign military sales under chapter 2 of the Arms Export Control Act (22 U.S.C. 2761 et seq.) or any design and construction sales under chapter 2A of such Act (22 U.S.C. 2769).

(4) **MUNITIONS LIST APPROVALS.**—Prohibition on licenses and other forms of approval under section 38 of the Arms Export Control Act (22 U.S.C. 2778) for the export of any item on the United States Munitions List as in effect on August 8, 1995.

(b) **APPLICATION OF ADDITIONAL MEASURES.**—Subject to sections 908 and 909, and notwithstanding any other provision of law, the President may, with respect to any foreign person (including a foreign government) identified in a report transmitted under section 903, and shall, with respect to any foreign person (including a foreign government) identified in more than one report transmitted under section 903—

(1) suspend the use of any license exemption and expedited license procedure established in the International Traffic in Arms Regulations or other provisions of law for the export or temporary import of defense articles and defense services;

(2) require the execution of a non-transfer and end use certificate for the export of any defense articles and defense services; and

(3) require, as a condition of issuance of any license for the export of defense articles and defense services, United States access to and verification of the items after the export of the items or alternative measures to ensure compliance with restrictions on the transfer of the items to third parties.

(c) **EFFECTIVE DATE OF MEASURES.**—Measures applied pursuant to subsection (a) or (b) shall be effective with respect to a foreign person (including a foreign government) no later than—

(1) 30 days after the report identifying the foreign person is transmitted, if the report is transmitted on or before the date required by section 903(b); or

(2) on the date that the report identifying the foreign person is transmitted, if the report is transmitted more than 30 days after the date required by section 903(b).

(d) **DURATION OF MEASURES.**—Measures applied pursuant to subsection (b) shall be, at a minimum, consistent with the duration of the license and the normal requirements for

record keeping established in the International Traffic in Arms Regulations or longer, as the President determines appropriate.

(e) PUBLICATION IN FEDERAL REGISTER.—The application of measures to a foreign person pursuant to subsection (a) or (b) shall be announced by notice published in the Federal Register, except if the President determines that doing so would be inconsistent with the protection of classified information.

SEC. 908. PROCEDURES IF DISCRETIONARY MEASURES ARE NOT APPLIED.

(a) REQUIREMENT TO NOTIFY CONGRESS.—If the President does not exercise the authority of subsection (a) or (b) of section 907 to apply any or all of the discretionary measures described in such subsection with respect to a foreign person identified in a report transmitted under section 903, the President shall so notify the appropriate congressional committees not later than the effective date under section 907(c) for measures with respect to that person.

(b) WRITTEN JUSTIFICATION.—Any notification transmitted by the President under subsection (a) shall include a written justification describing in detail the facts and circumstances relating specifically to the foreign person identified in a report transmitted under section 903 that support the President's decision not to exercise the authority of subsection (a) or (b) of section 907 with respect to that person.

(c) FORM.—If the President considers it appropriate, the notification of the President under subsection (a), and the written justification under subsection (b), or appropriate parts thereof, may be transmitted in classified form.

SEC. 909. DETERMINATIONS EXEMPTING FOREIGN PERSONS FROM MANDATORY MEASURES.

(a) WAIVER.—Any mandatory measure described in section 907 shall not apply with respect to a foreign person if the President transmits to the appropriate congressional committees a report that contains a determination of the President that—

(1) on the basis of information provided by that person or the foreign government having primary jurisdiction over the person, the person did not, on or after January 1, 2005, knowingly export to the People's Republic of China the item the apparent export of which caused the person to be identified in a report transmitted under section 903; or

(2) the foreign government having primary jurisdiction over the person has entered into a written agreement with the United States which—

(A) is binding under international law;

(B) prohibits further exports of any item described in paragraph (1), or subparagraph (A) or (B) of paragraph (2), of section 903(a) by any person subject to its jurisdiction;

(C) is supported by the foreign government's adoption of policies and procedures providing for credible implementation of the requirements in subparagraphs (A) and (B);

(D) does not constrain the President's authority to impose measures under this act in the event of a future export of concern by the same or other persons subject to the jurisdiction of the foreign government party to the agreement; and

(E) is submitted to the appropriate congressional committees 30 days prior to its entry into force.

(b) ADDITIONAL WAIVER.—Any mandatory measure described in section 907 shall not apply to a foreign person if the President determines that it is important to the counterterrorism, nonproliferation, or other national security interests of the United States and transmits to the appropriate congressional committees a report in writing that contains such determination.

(c) SENSE OF CONGRESS.—It is the sense of Congress that the President should—

(1) strengthen international coordination and execution of arms export policy through the development of bilateral and multilateral agreements under subsection (a)(2), particularly with member states of the North Atlantic Treaty Organization (NATO), Japan, Australia and New Zealand, and exercise the waivers provided under this section in all appropriate instances that further this objective; and

(2) whenever the President determines that the measures described in section 907 should be applied, that the measures be applied comprehensively with respect to the affected foreign person's affiliates and subsidiaries, wherever located, in order to deter to the fullest extent possible a recurrence or continuation of the export giving rise to the President's determination.

(d) FORM.—If the President considers it appropriate, the determination and report of the President under subsection (a), or appropriate parts thereof, may be transmitted in classified form.

SEC. 910. DEFINITIONS.

In this title:

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

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

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

(2) DEFENSE ARTICLES AND DEFENSE SERVICES.—The term "defense articles and defense services" has the meaning given the term in section 47(7) of the Arms Export Control Act (22 U.S.C. 2794 note).

(3) DUAL USE.—The term "dual use" means, with respect to goods or technology, those goods or technology that are specifically designed or developed for civil purposes but which also may be used or deployed in a military or proliferation mode. Such term does not include purely commercial items.

(4) EXPORT.—The term "export" has the meaning given that term in section 120.17 of the International Traffic in Arms Regulations, and includes re-exports, transfers, and retransfers by any means.

(5) EXPORT ADMINISTRATION REGULATIONS.—The term "Export Administration Regulations" means those regulations contained in sections 730 through 774 of title 15, Code of Federal Regulations (or successor regulations).

(6) FOREIGN GOVERNMENT.—The term "foreign government" has the meaning given the term in section 38(g)(9)(B) of the Arms Export Control Act (22 U.S.C. 2778(g)(9)(B)).

(7) FOREIGN PERSON.—The term "foreign person" has the meaning given the term in section 38(g)(9)(C) of the Arms Export Control Act (22 U.S.C. 2778(g)(9)(C)).

(8) GOOD.—The term "good" has the meaning given the term in section 16(3) of the Export Administration Act of 1979 (50 U.S.C. App. 2415(3)).

(9) INTERNATIONAL TRAFFIC IN ARMS REGULATIONS.—The term "International Traffic in Arms Regulations" means those regulations contained in sections 120 through 130 of title 22, Code of Federal Regulations (or successor regulations).

(10) ITEM.—The term "item" means any good or technology, defense article or defense service subject to the export jurisdiction of the United States under law or regulation.

(11) LICENSE.—The term "license" means an official written document of the United States Government issued pursuant to the Export Administration Regulations or the

International Traffic in Arms Regulations, as the case may be, authorizing a specific export.

(12) OTHER FORMS OF APPROVAL.—The term "other forms of approval" includes any authorization, rule or exemption contained in any statute or regulation that permits an export without a license.

(13) OWNERSHIP OR CONTROL.—The term "ownership or control" has the meaning given the term in section 122.2(c) of the International Traffic in Arms Regulations.

(14) PERSON.—The term "person" has the meaning given the term in section 38(g)(9)(E) of the Arms Export Control Act (22 U.S.C. 2778(g)(9)(E)).

(15) TECHNOLOGY.—The term "technology" has the meaning given the term in section 16(4) of the Export Administration Act of 1979 (50 U.S.C. App. 2415(4)).

(16) 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)).

The CHAIRMAN. Pursuant to House Resolution 365, the gentleman from Illinois (Mr. HYDE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Illinois (Mr. HYDE).

Mr. HYDE. Mr. Chairman, I yield myself such time as I may consume.

When H.R. 3100, the East Asia Security Act of 2005, fell short last week of the two-thirds' majority required under suspension of the rules, it was a welcome development for the People's Republic of China. It was also good news for European firms seeking ever more lucrative arms contracts with China. Since the vote took place on July 14, Bastille Day, it was a very good day for the French, who had been championing European arms sales to China as a way of balancing U.S. influence. But, most assuredly, it was the wrong outcome for U.S. national security, and that is why I am bringing this matter up again today as an amendment to the State Department bill.

I am very honored to be joined on this amendment by the gentleman from California (Mr. LANTOS), the ranking Democratic member of the committee, and the gentleman from California (Mr. HUNTER), chairman of the Committee on Armed Services. I am also delighted that the gentleman from Illinois (Mr. MANZULLO), chairman of the Committee on Small Business, now joins in cosponsoring the East Asia Security Act. Certain changes have been made to make it abundantly clear that its purpose and provisions relate to international transfers of armaments and associated technology to China, and not to normal commercial trade involving the civilian economy.

Some Members may believe the bill could be stronger, and no doubt it could be stronger, and it may become necessary to do that in future years. But for now, I am persuaded the legislation does what is needed to reflect the profound concerns we have about European arms technology in China's growing arsenal. It also provides a legislative framework for managing this issue, which a majority of both parties can strongly endorse.

The right outcome for our national security interests is to add the East Asia Security Act to the State bill by adopting this amendment.

□ 1600

This will send a strong message to European companies that their arms sales to China must stop. It will let China know it must cease its unjustified and threatening military buildup. Most importantly, it will assure our Armed Forces deployed in East Asia that their security is not subordinate to any commercial interest, foreign or domestic.

Mr. Chairman, I reserve the balance of my time.

Mr. LANTOS. Mr. Chairman, I am not opposed to the amendment. I ask unanimous consent to claim the time in opposition.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. LANTOS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in strong support of the Hyde-Lantos amendment, the East Asia Security Act of 2005, to stop the transfer of sophisticated arms and military technology to China. At the outset I want to pay tribute to my good friend and colleague, the gentleman from Illinois (Chairman HYDE), for his leadership on this issue.

Mr. Chairman, one day, which we all hope will never come, tens of thousands of American troops may be called upon to help in the defense of Taiwan against Chinese aggression. China is vastly increasing its military power, especially its ability to utilize high-tech weaponry to quickly overwhelm Taiwan's defenses. China is actively seeking Western arms and high technology to further this goal, and, unfortunately, some European companies and some European countries are all too willing to sell them whatever they wish. In 2003 alone, France, Italy, Germany and the Czech Republic sold some half a billion dollars worth of high-tech military equipment to China.

Earlier this year, Mr. Speaker, we faced a very serious problem in this body when the European Union announced its intention to lift the arms embargo on the sale of sophisticated weapons to China.

In February of this year, this House adopted H. Res. 57, sponsored by the gentleman from Illinois (Chairman HYDE) and myself. That resolution called upon the Europeans to maintain their embargo on arms sales to China. Our resolution was adopted by a vote of 411 to 3. The European countries received the message and the effort to lift the embargo was quietly dropped. I welcomed that action by the European Union.

However, it is no longer enough just to maintain a paper embargo. Europe must give up any plans to engage in this dangerous trade, which could be potentially devastating, and the Hyde-

Lantos amendment provides the President with the necessary tools to deal with the issue.

Our amendment covers any nation whose policies permit the export of dangerous military technology to China. At the President's discretion, he can publicize the activities of any country that is transferring militarily sensitive goods and technology to the People's Republic of China, and the President will have the authority to impose sanctions if he chooses.

Our amendment is important to persuade all other countries that there will be severe consequences if they fail to respect the security interests of their most important ally, the United States of America. I urge all of my colleagues to support the bill.

Mr. Chairman, I reserve the balance of my time.

Mr. HYDE. Mr. Chairman, I am pleased to yield 1 minute to the gentleman from California (Mr. HUNTER), the chairman of the Committee on Armed Services.

Mr. HUNTER. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, this amendment is as important as spending bills in the defense appropriations measures or the defense authorization measures, because this will give the President the tools that he needs to make sure that we do not see Western technology, either from the United States or our allies, moving ultimately to battle-grounds in the future on some unfortunate date when that technology, developed by American allies, may end up being used to kill young Americans on the battlefield. It is a very, very important amendment. I hope all Members will vote for it.

I salute the authors, the gentleman from California (Mr. LANTOS) and the gentleman from Illinois (Mr. HYDE). I have watched the gentleman from Illinois (Mr. HYDE) for 20-some years standing up on this floor during the Cold War, during the Contra wars. When the Berlin Wall fell, it did not fall simply under the forceful leadership of Ronald Reagan, but also the great eloquence and eloquent leadership of the gentleman from Illinois (Mr. HYDE) over the last many years.

So, again, both gentleman have answered the call of our country to national security, and I would hope that every Member votes for this amendment.

Mr. LANTOS. Mr. Chairman, I am delighted to yield the balance of my time to the distinguished gentleman from Oregon (Mr. BLUMENAUER), a member of the Committee on International Relations.

The CHAIRMAN. The gentleman from Oregon is recognized for 1½ minutes.

Mr. BLUMENAUER. Mr. Chairman, I appreciate the gentleman's courtesy and the work going on here.

Mr. Chairman, earlier we had a flurry of activity, because this is a complex and controversial area. I appreciate my

other friend from Illinois helping spotlight some of the potential problems that we have potentially of overreaching in terms of what we want to do dealing with export controls and dual-use technology.

This is an area that if we are not careful, if it is not carefully crafted, could potentially boomerang against American interests. It could actually undermine what we want and in fact encourage the flow of business away from the United States and actually encourage other countries to step in and accelerate their development.

I think there has been a lot of hard work done to sort of try and hit the sweet spot here, to try and deal with some very real concerns about proliferation of sensitive technology, but to also be sensitive to the needs of American technology-based industries.

We have had conversations in our committee in the past. Some of what we have done I think needs to catch up with where technology has gone.

There is probably more technology at home in the bedroom of Emily Ann in my house than the United States had when it developed the atomic bomb in terms of computer technology. We need to be I think sensitive to making sure that we do not put a stranglehold on American interests and that we are able to move forward to deal with our legitimate interests.

I hope that as we move forward with this, that there is an opportunity for us to have a broader conversation about dual-use applications, about export controls, and be able to move forward in the future with the sophistication that it deserves.

Mr. HYDE. Mr. Chairman, I am pleased to yield 1 minute to the gentleman from Illinois (Mr. MANZULLO), the chairman of the Committee on Small Business.

Mr. MANZULLO. Mr. Chairman, I rise in strong support of the Hyde-Lantos-Hunter-Manzullo amendment and associate myself with the remarks of the gentleman from Oregon (Mr. BLUMENAUER) that sometimes we all are headed in the same direction, but it is extremely important to craft the legislation in order to achieve its intended purpose.

The issue came up last week. It did not pass on a suspension. Mostly because of my activity on the floor, it failed at that point. Our staffs subsequently got together and came up with an amendment that makes sure that the Chinese army does not receive sensitive information from our allies and, at the same time, it does not hinder the export of our valuable manufacturing.

So I want to commend the gentleman from Illinois (Chairman HYDE), the gentleman from California (Chairman HUNTER) and the gentleman from California (Mr. LANTOS) for coming up with an excellent resolution, all aimed towards making sure that we preserve our manufacturing base, and at the same time we do not give any technology to the People's Liberation

Army. I urge a yes vote on this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. HYDE).

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 14 printed in part B of House Report 109-175.

AMENDMENT NO. 14 OFFERED BY MR. ACKERMAN

Mr. ACKERMAN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 14 offered by Mr. ACKERMAN:

Page 16, strike lines 1 through 4 and insert the following new paragraph:

(6) PROTECTION OF FOREIGN MISSIONS AND OFFICIALS.—

(A) For “Protection of Foreign Missions and Officials”, \$15,000,000 for fiscal year 2006 and \$15,000,000 for fiscal year 2007.

(B) In addition to amounts authorized to be appropriated under subparagraph (A), there are authorized to be appropriated \$19,580,000 for “Protection of Foreign Missions and Officials” only to reimburse the City of New York for necessary expenses incurred since 2002 for the protection of foreign missions and officials.

The CHAIRMAN. Pursuant to House Resolution 365, the gentleman from New York (Mr. ACKERMAN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York (Mr. ACKERMAN).

Mr. ACKERMAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the Department of State pays for services to protect foreign missions and officials in the U.S. In New York City, the city lays out the money and gets reimbursed. Under this program, it is the New York City Police Department that protects foreign missions and officials, including meetings at the United Nations such as the General Assembly.

Over the past several years, Congress has authorized and appropriated approximately \$10 million per year for this program. However, the cost of providing these services has increased substantially, as we can imagine, since September 11, 2001, while the authorizing appropriated level for the program has remained the same. This has led to an accumulation of State Department debt which was approved but remains unpaid to the City of New York.

While New York is not the only city where such services are called for by the State Department, Los Angeles and Chicago occasionally, among others, provide these services as well, New York is the only city owed money by the State Department.

The amendment raises the authorized level for the program to \$15 million in each year for fiscal years 2006 and 2007, and also authorizes the State Department to pay \$19.58 million in back payments for expenses incurred since 2002.

Mr. Chairman, in New York City the State Department has found a flexible and consistent partner willing to front the money as well as a cost-effective solution to address an important security concern when leaders from around the world gather at the United Nations or elsewhere in New York. The least we can do is authorize the program at a level that allows the State Department to pay its bills in a timely way.

I want to thank the gentleman from Illinois (Chairman HYDE) and the ranking member, the gentleman from California (Mr. LANTOS), for their support and cooperation and leadership and help, and to thank the gentleman from New York (Mr. KING), who is the co-sponsor of this amendment, for his great work in solving and resolving the issue.

I urge all of our colleagues to support the amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. SMITH of New Jersey. Mr. Chairman, I rise in support of the amendment, but I ask unanimous consent to claim the time in opposition.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. SMITH of New Jersey. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, while H.R. 2601 funds the protection of foreign missions operations' account at the administration's request of \$9.39 million, there are ongoing recurrent high expenses for the protection of foreign missions and officials, especially in New York, that make this amendment necessary. In addition, the Department of State agrees that the City of New York is owed \$19.58 million in back payments for security work the city has done in relation to the United Nations.

This amendment authorizes the necessary funds to pay what we owe to New York for protection services already provided and covers projected costs in the next two fiscal years. The majority accepts and supports the amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. ACKERMAN. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from California (Mr. LANTOS).

Mr. LANTOS. Mr. Chairman, I want to thank my friend from New York for yielding me time.

Mr. Chairman, I rise in strong support of the amendment offered by my distinguished colleague on the Committee on International Relations. For many years now, the City of New York has provided invaluable services to the Federal Government by providing protection on behalf of the Department of State in New York to the U.N. and to the permanent missions of its member states.

The State Department's representatives have recently informed our committee that they are in full agreement

with the City of New York that the Federal Government owes some \$20 million to the city for services provided.

□ 1615

The Ackerman amendment would provide the authority to the Secretary of State to make good on this debt, and it will provide new resources to the protection of foreign missions as we move forward to ensure that further arrearages to the City of New York will be avoided.

I commend the gentleman on his amendment, and I urge all of my colleagues to vote for it.

Mr. SMITH of New Jersey. Mr. Chairman, I yield back the balance of my time.

Mr. ACKERMAN. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. ACKERMAN).

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 15 printed in part B of House Report 109-175.

AMENDMENT NO. 15 OFFERED BY MR. BLUNT

Mr. BLUNT. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 15 offered by Mr. BLUNT:

In subtitle B of title XI, redesignate sections 1111 through 1126 as sections 1121 through 1136, respectively.

At the end of subtitle A of title XI, add the following new section:

SEC. 1111. STATEMENT OF POLICY RELATING TO INTERNATIONAL TAXATION.

(a) POLICY.—It is the policy of the United States to use the voice, vote, and influence of the United States to vigorously oppose any international or global tax that is or may be considered or promoted by the United Nations, its specialized or affiliated agencies, its Member States, or United Nations-recognized nongovernmental organizations.

(b) EFFORTS.—United States representatives at the United Nations shall—

(1) use the voice, vote, and influence of the United States to vigorously oppose any effort by the United Nations or any of its specialized or affiliated agencies to fund, approve, advocate, or promote any proposal concerning the imposition of a tax or fee on any United States person in order to raise revenue for the United Nations or any such agency; and

(2) declare that a United States person shall not be subject to any international tax and shall not be required to pay such tax if such tax is levied against such person.

(c) EXCEPTION.—The policy described in subsection (a) shall not apply to fees for publications or other kinds of fees that are not tantamount to a tax on a United States person.

(d) PERSON DEFINED.—For purposes of this section, the term “person” has the meaning given such term in section 7701(a)(1) of the Internal Revenue Code of 1986 (26 U.S.C. 7701(a)(1)).

The CHAIRMAN. Pursuant to House Resolution 365, the gentleman from Missouri (Mr. BLUNT) and a Member opposed each will control 15 minutes.

The Chair recognizes the gentleman from Missouri (Mr. BLUNT).

Mr. BLUNT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, what this amendment does is it opposes the creation of any international or global tax by the U.N. or its affiliate agencies. Global taxes imposed by leaders of foreign governments on United States citizens are clearly at odds with the Constitution and the tradition of our country. The Constitution says: "The Congress shall have the power to lay and collect taxes, duties, imposts, and excises." It is our responsibility as the elected representatives of the people to ensure that no outside entity can ever collect revenue directly from U.S. citizens.

This concept of global taxation is not as unimaginable as it may seem. In fact, it is being actively advocated now. A new book, "Innovative Sources of Development Finance," which is widely cited by U.N. bureaucrats, raises the specter of such taxes. Some estimates suggest that if fully implemented, the taxes could levy as much as \$13 trillion a year. According to the book I just cited and the staffers at the U.N., the global taxation project is being coordinated by the U.N. Department of Economic and Social Affairs and the U.N. University's World Institute for Development Economics. Even a figure as prominent as George Soros supports global taxation on the American people, stating support recently for an international tax "not only on currency transactions, but also on all financial transactions."

Let me just give my colleagues a few examples, Mr. Chairman. The U.N. Convention on the Law of the Sea, which the United States Senate has wisely refused to ratify for 25 years, contains provisions requiring U.S. companies that would eventually engage in deep sea mineral extraction within our own coastal waters to pay a "mandatory royalty" to an international entity.

Shortly before this year's G-8 Summit in Scotland, several European leaders, including President Jacques Chirac of France, suggested the creation of an "international airline tax" that would raise revenue from airline passengers to help finance global development projects.

In the most disturbing effort of all, this September the U.N. plans to hold a plenary meeting to close a \$65 billion annual gap in its budget. A senior U.N. staffer to Kofi Annan recently suggested the most effective way to close this gap would be to generate revenue through a global tax.

As these examples clearly show, the international community through the U.N. could very easily move in this direction.

This amendment, Mr. Chairman, just says that no one representing our country, no one spending money on behalf of our country could advocate or support in any way taxes levied in these ways, and I think it is an important addition to the bill.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. Does any Member seek time in opposition to the Blunt amendment?

Mr. BLUNT. Mr. Chairman, I yield 1 minute to my friend, the gentleman from Indiana (Mr. SODREL).

Mr. SODREL. Mr. Chairman, I thank the gentleman from Missouri for yielding me this time.

The American people have given the United States Congress the sole authority to levy taxes for the support of our national government. They have not given any constitutional authorization to any global organization to tax them, either directly or indirectly. It is important that we make perfectly clear to the United Nations that any effort towards international or global taxation is entirely unacceptable.

We are currently paying almost 25 percent of the U.N.'s \$2 billion annual budget. Many of my constituents already question whether that money is well spent. The Oil-For-Food questions have done little to instill confidence in the U.N. on the part of the American taxpayer.

I urge my colleagues to support this amendment. We do not want any misunderstanding on the part of the U.N. as to our position on the issue of international or global taxation.

I thank the gentleman for this amendment.

Mr. BLUNT. Mr. Chairman, I yield 1 minute to the gentleman from Indiana (Mr. PENCE).

(Mr. PENCE asked and was given permission to revise and extend his remarks.)

Mr. PENCE. Mr. Chairman, I thank the gentleman for yielding me this time; and more importantly, I thank him for his leadership on the Blunt amendment. Sometimes one has to go to Missouri to state the obvious. The Blunt amendment does just that, but it does it with real teeth.

Like many of the reforms in this legislation that we will seek to move today, the Blunt amendment not only requires every representative of the United States on every U.N. body to oppose the creation of an international tax, but it also clearly states that United States citizens and corporations are exempt from any taxation that is imposed on the United Nations.

This is the kind of show-me clarity that the American people have come to expect from Missourians. I am grateful for the Blunt amendment. What you tax you get less of. What you subsidize you get more of. We have subsidized the United Nations as an experiment in a world forum, but we must not permit the United Nations to become an entity of taxation on the American people or for our part the world.

Mr. BLUNT. Mr. Chairman, we have no other speakers. I look forward to this amendment being included in the legislation, and I am certainly grateful to our good friend, the gentleman from Illinois (Chairman HYDE), for bringing this legislation to the floor.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri (Mr. BLUNT).

The amendment was agreed to.

MODIFICATION TO AMENDMENT NO. 2 OFFERED BY MR. HYDE

Mr. HYDE. Mr. Chairman, I ask unanimous consent that amendment No. 2 be modified by the form I have placed at the desk.

The CHAIRMAN. The Clerk will report the modification.

The Clerk read as follows:

Modification to amendment No. 2 offered by Mr. HYDE:

After page 6, insert the following:

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

"SEC. 11. UNITED STATES FINANCIAL CONTRIBUTIONS TO THE UNITED NATIONS.

"(a) POLICY OF THE UNITED STATES RELATING TO THE REGULAR ASSESSED BUDGET OF THE UNITED NATIONS.—

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

"(A) pursue a streamlined, efficient, and accountable regular assessed budget of the United Nations; and

"(B) shift funding mechanisms of certain organizational programs of the United Nations specified under paragraph (2) of subsection (c) from the regular assessed budget to voluntarily funded programs.

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

After page 20 insert the following:

tions, each specialized agency has developed a standardized methodology for the evaluation of the programs of the agency, including specific criteria for determining the continuing relevance and effectiveness of the programs.

(C) REPORT.—The Secretary General is assessing budget requests and, on the basis of evaluations conducted under subparagraph (B) for the relevant preceding year, submits to the General Assembly a report containing the results of such evaluations, identifying programs that have satisfied the criteria for continuing relevance and effectiveness, and an identification of programs that have not satisfied such criteria and should be terminated.

(D) SUNSET OF PROGRAMS.—Consistent with the July 16, 1997, recommendations of the Secretary General regarding a sunset policy and results-based budgeting for United Nations programs, the United Nations and each specialized agency has established and is implementing procedures to require all new programs approved by the General Assembly to have a specific sunset date.

After page 82, insert the following:

been trained concerning the requirements of the Code of Conduct and each has been given a personal copy of the Code, translated into the national language of such personnel.

(C) All personnel, regardless of category or rank, are required to sign an oath that each has received a copy of the Code of Conduct, that each pledges to abide by the Code, and that each understands the consequences of violating the Code, including the immediate termination of the participation of such personnel in the peacekeeping operation to which such personnel is assigned as a condition of the appointment to such operation.

(D) All peacekeeping operations have designed and implemented educational outreach programs to reach local communities where peacekeeping personnel of such operations are based to explain prohibited acts on the part of United Nations peacekeeping personnel and to identify the individual to whom the local population may direct complaints or file allegations of exploitation, abuse, or other acts of misconduct.

Mr. HYDE (during the reading). Mr. Chairman, I ask unanimous consent that the modification be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The CHAIRMAN. Without objection, the modification is agreed to.

There was no objection.

The text of the amendment, as modified, is as follows:

Redesignate title XI as title XII and redesignate sections 1101 through 1126 as sections 1201 through 1226, respectively (and conform the table of contents accordingly).

Insert after title X the following new title (and conform the table of contents accordingly):

TITLE XI—HENRY J. HYDE UNITED NATIONS REFORM ACT OF 2005

SECTION 1101. SHORT TITLE.

This title may be cited as the “Henry J. Hyde United Nations Reform Act of 2005”.

SEC. 1102. DEFINITIONS.

In this title:

(1) **EMPLOYEE.**—The term “employee” means an individual who is employed in the general services, professional staff, or senior management of the United Nations, including contractors and consultants.

(2) **GENERAL ASSEMBLY.**—The term “General Assembly” means the General Assembly of the United Nations.

(3) **MEMBER STATE.**—The term “Member State” means a Member State of the United Nations. Such term is synonymous with the term “country”.

(4) **SECRETARY.**—The term “Secretary” means the Secretary of State.

(5) **SECRETARY GENERAL.**—The term “Secretary General” means the Secretary General of the United Nations.

(6) **SECURITY COUNCIL.**—The term “Security Council” means the Security Council of the United Nations.

(7) **SPECIALIZED AGENCIES AND SPECIALIZED AGENCIES OF THE UNITED NATIONS.**—The terms “specialized agencies” and “specialized agencies of the United Nations” mean—

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

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

(C) the International Civil Aviation Organization (ICAO);

(D) the International Fund for Agricultural Development (IFAD);

(E) the International Labor Organization (ILO);

(F) the International Maritime Organization (IMO);

(G) the International Telecommunication Union (ITU);

(H) the United Nations Educational, Scientific, and Cultural Organization (UNESCO);

(I) the United Nations Industrial Development Organization (UNIDO);

(J) the Universal Postal Union (UPU);

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

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

(M) the World Intellectual Property Organization (WIPO).

SEC. 1103. STATEMENT OF CONGRESS.

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

Subtitle A—Mission and Budget of the United Nations

SEC. 1111. UNITED STATES FINANCIAL CONTRIBUTIONS TO THE UNITED NATIONS.

(a) **STATEMENTS OF POLICY.**—

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

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

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

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

(A) redirect United States contributions to the United Nations to achieve the policy objectives described in paragraph (1)(B); and

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

(i) Public Information.

(ii) General Assembly affairs and conferences services.

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

(4) **CERTAIN ORGANIZATIONAL PROGRAMS.**—The organizational programs referred to in paragraph (1)(B) are the following:

(A) Economic and social affairs.

(B) Least-developed countries, landlocked developing countries and small island developing States.

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

(D) Trade and development.

(E) International Trade Center UNCTAD/WTO.

(F) Environment.

(G) Human settlements.

(H) Crime prevention and criminal justice.

(I) International drug control.

(J) Economic and social development in Africa.

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

(L) Economic development in Europe.

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

(N) Economic and social development in Western Asia.

(O) Regular program of technical cooperation.

(P) Development account.

(Q) Protection of and assistance to refugees.

(R) Palestine refugees.

(b) **AUTHORIZATION WITH RESPECT TO THE REGULAR ASSESSED BUDGET OF THE UNITED NATIONS.**—Subject to the amendment made by subsection (c), the Secretary of State is authorized to make contributions toward the amount assessed to the United States by the United Nations for the purpose of funding

the regular assessed budget of the United Nations.

(c) **UNITED STATES FINANCIAL CONTRIBUTIONS TO THE UNITED NATIONS.**—Section 11 of the United Nations Participation Act of 1945 (22 U.S.C. 287e-3) is amended to read as follows:

“SEC. 11. UNITED STATES FINANCIAL CONTRIBUTIONS TO THE UNITED NATIONS.

“(a) **POLICY OF THE UNITED STATES RELATING TO THE REGULAR ASSESSED BUDGET OF THE UNITED NATIONS.**—

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

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

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

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

“(A) redirect United States contributions to the United Nations to achieve the policy objectives described in paragraph (1)(B); and

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

“(i) Public Information.

“(ii) General Assembly affairs and conferences services.

“(3) **FUTURE BIENNIAL BUDGETS.**—The President shall direct the United States Permanent Representative to the United Nations to use the voice, vote, and influence of the United States at the United Nations to ensure that the shifting of funding mechanisms under paragraph (1)(B) and redirecting of contributions under paragraph (2) be reflected in future resolutions agreed to by the General Assembly for the regular assessed budget of the United Nations for the period of a current biennium. To achieve the policies described in paragraphs (1) and (2), the United States Permanent Representative to the United Nations shall withhold the support of the United States for a consensus for such budget until such time as such budget is reflective of such policies.

“(b) **22 PERCENT LIMITATION.**—In accordance with section 1171 of the Henry J. Hyde United Nations Reform Act of 2005, the Secretary may not make a contribution to a regularly assessed biennial budget of the United Nations in an amount greater than 22 percent of the amount calculable under subsection (c).

“(c) **ANNUAL DUES.**—

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

“(2) **CALCULATION WITH RESPECT TO CERTAIN ORGANIZATIONAL PROGRAMS FOR REDIRECTION.**—The percentage specified in subsection (b) shall be multiplied by one-half of the sum of amounts budgeted by resolution of the General Assembly for a current biennial period for the following certain organizational programs:

“(A) Economic and social affairs.

“(B) Least-developed countries, landlocked developing countries and small island developing States.

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

“(D) Trade and development.

“(E) International Trade Center UNCTAD/ WTO.

“(F) Environment.

“(G) Human settlements.

“(H) Crime prevention and criminal justice.

“(I) International drug control.

“(J) Economic and social development in Africa.

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

“(L) Economic development in Europe.

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

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

“(O) Regular program of technical cooperation.

“(P) Development account.

“(Q) Protection of and assistance to refugees.

“(R) Palestine refugees.

“(3) REDIRECTION OF FUNDS.—Of amounts appropriated for contributions towards payment of regular assessed dues to the United Nations for 2008 and each subsequent year, if the funding mechanisms of one or more of the organizational programs of the United Nations specified in paragraph (2) have not been shifted from the regular assessed budget to voluntarily funded programs in accordance with subsection (a)(1), the Secretary shall ensure that such amounts in each such fiscal year that are specified for each such organizational program pursuant to the resolution agreed to by the General Assembly for the regular assessed budget of the United Nations for the period of a current biennium are redirected from payment of the assessed amount for the regular assessed budget as follows:

“(A) Subject to not less than 30 days prior notification to Congress, the Secretary shall expend an amount, not to exceed 40 percent of the amount specified for each such organizational program pursuant to the resolution agreed to by the General Assembly for the regular assessed budget of the United Nations for the period of a current biennium, as a contribution to an eligible organizational program specified in paragraph (4).

“(B) Subject to not less than 30 days prior notification to Congress, the Secretary shall expend the remaining amounts under this paragraph to voluntarily funded United Nations specialized agencies, funds, or programs.

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

“(A) Internal oversight.

“(B) Human rights.

“(C) Humanitarian assistance.

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

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

“(A) VOLUNTARY CONTRIBUTION.—Subject to not less than 30 days prior notification to Congress and the limitation specified under subparagraph (B), the Secretary is authorized to make a voluntary contribution to an organizational program of the United Nations specified in subparagraphs (A) through (P) of paragraph (2) of any amounts not contributed in a fiscal year to an eligible organizational program specified in subparagraphs (A) through (C) of paragraph (4).

“(B) 10 PERCENT LIMITATION.—A voluntary contribution under subparagraph (A) to an organizational program of the United Nations specified in subparagraphs (A) through (P) of paragraph (2) may not exceed 10 percent of the total contribution made under paragraph (3)(A).

“(d) FURTHER CALCULATION WITH RESPECT TO BUDGETS FOR PUBLIC INFORMATION AND GENERAL ASSEMBLY AFFAIRS AND CONFERENCE SERVICES.—

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

“(2) ANNUAL DUES EACH FISCAL YEAR.—

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

“(B) CALCULATION WITH RESPECT TO PUBLIC INFORMATION AND GENERAL ASSEMBLY AFFAIRS AND CONFERENCE SERVICES.—With respect to such United States annual dues, the percentage specified in paragraph (1) shall be multiplied by one-half of the sum of amounts budgeted by resolution of the General Assembly for the 2004–2005 biennial period for the following organizational programs:

“(i) Public Information.

“(ii) General Assembly affairs and conferences services.

“(C) REDIRECTION OF FUNDS.—

“(i) IN GENERAL.—The President shall direct the United States Permanent Representative to the United Nations to make every effort, including the withholding of United States support for a consensus budget of the United Nations, to reduce the budgets of the organizational programs specified in subparagraph (B) for 2007 by 10 percent against the budgets of such organizational programs for the 2004–2005 biennial period. If the budgets of such organizational programs are not so reduced, 20 percent of the amount determined under subparagraph (B) for contributions towards payment of regular assessed dues for 2007 shall be redirected from payment for the amount assessed for United States annual contributions to the regular assessed budget of the United Nations.

“(ii) SPECIFIC AMOUNTS.—The Secretary shall make the amount determined under clause (i) available as a contribution to an eligible organizational program specified in subparagraphs (A) through (C) of paragraph (4) of subsection (c).

“(3) POLICY WITH RESPECT TO 2008–2009 BIENNIAL PERIOD AND SUBSEQUENT BIENNIAL PERIODS.—

“(A) IN GENERAL.—The President shall direct the United States Permanent Representative to the United Nations to make every effort, including the withholding of United States support for a consensus budget of the United Nations, to reduce the budgets of the organizational programs specified in subparagraph (B) of paragraph (2) for the 2008–2009 biennial period and each subsequent biennial period by 20 percent against the budgets of such organizational programs for the 2004–2005 biennial period.

“(B) CERTIFICATION.—In accordance with section 1171 of the Henry J. Hyde United Nations Reform Act of 2005, a certification shall be required that certifies that the reduction in budgets described in subparagraph (A) has been implemented.”

(d) EFFECTIVE DATE.—The amendment made by subsection (c) shall take effect and apply beginning on October 1, 2006.

(e) LIMITATION ON UNITED STATES CONTRIBUTIONS TO UNRWA.—The Secretary of State may not make a contribution to the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) in an amount greater than the highest contribution to UNRWA made by an Arab country, but may not exceed 22 percent of the total budget of UNRWA. For purposes

of this subsection, an Arab country includes the following: Algeria, Bahrain, Comoros, Djibouti, Egypt, Iran, Jordan, Kuwait, Lebanon, Libya, Mauritania, Morocco, Oman, Qatar, Saudi Arabia, Somalia, Sudan, Syria, Tunisia, the United Arab Emirates, Iraq, and Yemen.

(f) POLICY RELATING TO ZERO NOMINAL GROWTH.—It shall be the policy of the United States to use the voice, vote, and influence of the United States at the United Nations to make every effort to enforce zero nominal growth in all assessed dues to the regular budget of the United Nations, its specialized agencies, and its funds and programs.

(g) 5.6 Rule.—It shall be the policy of the United States to use the voice, vote, and influence of the United States at the United Nations to actively enforce the 5.6 rule at the United Nations, requiring the Secretariat to identify low-priority activities in the budget proposal. The United Nations should strengthen the 5.6 rule by requiring that managers identify the lowest priority activities equivalent to 15 percent of their budget request or face an across the board reduction of such amount.

(h) ANNUAL PUBLICATION.—It shall be the policy of the United States to use the voice, vote, and influence of the United States at the United Nations to ensure the United Nations is annually publishing a list of all subsidiary bodies and their functions, budgets, and staff.

(i) SCALE OF ASSESSMENTS.—

(1) IN GENERAL.—The President shall direct the United States Permanent Representative to the United Nations to use the voice, vote, and influence of the United States at the United Nations to make every effort to ensure that the difference between the scale of assessments for the five permanent members of the Security Council is not greater than five times that of any other permanent member of the Security Council.

(2) DENIAL OF USE OF VETO.—If the Secretary of State determines that a permanent member of the Security Council with veto power is not in compliance with the requirement described in paragraph (1), the President shall direct the United States Permanent Representative to the United Nations to use the voice, vote, and influence of the United States at the United Nations to make every effort to deny to such permanent member the use of the veto power of such permanent member until such time as such permanent member satisfies the requirement of such paragraph.

SEC. 1112. WEIGHTED VOTING.

It shall be the policy of the United States to actively pursue weighted voting with respect to all budgetary and financial matters in the Administrative and Budgetary Committee and in the General Assembly in accordance with the level of the financial contribution of a Member State to the regular assessed budget of the United Nations.

SEC. 1113. BUDGET CERTIFICATION REQUIREMENTS.

(a) CERTIFICATION.—In accordance with section 1171, a certification shall be required that certifies that the conditions described in subsection (b) have been satisfied.

(b) CONDITIONS.—The conditions under this subsection are the following:

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

(A) require the maintenance of a budget not in excess of the level agreed to by the General Assembly at the beginning of each United Nations budgetary biennium, unless increases are agreed to by consensus and do not exceed ten percent; and

(B) require the identification of expenditures by the United Nations by functional

categories such as personnel, travel, and equipment.

(2) PROGRAM EVALUATION.—

(A) EXISTING AUTHORITY.—The Secretary General and the Director General of each specialized agency have used their existing authorities to require program managers within the United Nations Secretariat and the Secretariats of the specialized agencies to conduct evaluations in accordance with the standardized methodology referred to in subparagraph (B) of—

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

(ii) programs of the specialized agencies.

(B) DEVELOPMENT OF EVALUATION CRITERIA.—

(i) UNITED NATIONS.—The Office of Internal Oversight Services has developed a standardized methodology for the evaluation of United Nations programs approved by the General Assembly, including specific criteria for determining the continuing relevance and effectiveness of the programs.

(ii) SPECIALIZED AGENCIES.—Patterned on the work of the Office of Internal Oversight Services of the United Nations, each specialized agency has developed a standardized methodology for the evaluation of the programs of the agency, including specific criteria for determining the continuing relevance and effectiveness of the programs.

(C) REPORT.—The Secretary General is assessing budget requests and, on the basis of evaluations conducted under subparagraph (B) for the relevant preceding year, submits to the General Assembly a report containing the results of such evaluations, identifying programs that have satisfied the criteria for continuing relevance and effectiveness, and an identification of programs that have not satisfied such criteria and should be terminated.

(D) SUNSET OF PROGRAMS.—Consistent with the July 16, 1997, recommendations of the Secretary General regarding a sunset policy and results-based budgeting for United Nations programs, the United Nations and each specialized agency has established and is implementing procedures to require all new programs approved by the General Assembly to have a specific sunset date.

SEC. 1114. ACCOUNTABILITY.

(a) CERTIFICATION OF CREATION OF INDEPENDENT OVERSIGHT BOARD.—In accordance with section 1171, a certification shall be required that certifies that the following reforms related to the establishment of an Independent Oversight Board (IOB) have been adopted by the United Nations:

(1) An IOB is established from existing United Nations budgetary and personnel resources. Except as provided in this subsection, the IOB shall be an independent entity within the United Nations and shall not be subject to budget authority or organizational authority of any entity within the United Nations.

(2) The head of the IOB shall be a Director, who shall be nominated by the Secretary General and who shall be subject to Security Council approval by a majority vote. The IOB shall also consist of four other board members who shall be nominated by the Secretary General and subject to Security Council approval by a majority vote. The IOB shall be responsible to the Security Council and the Director and board members shall each serve terms of six years, except that the terms of the initial board shall be staggered so that no more than two board members' terms will expire in any one year. No board member may serve more than two terms. An IOB board member may be removed for cause by a majority vote of the Security Council. The Director shall appoint a professional staff headed by a Chief of Staff and may employ contract staff as needed.

(3) The IOB shall receive operational and budgetary funding through appropriations by the General Assembly from existing levels of United Nations budgetary and personnel resources, and shall not be dependent upon any other entity, bureau, division, department, or specialized agency of the United Nations for such funding.

(4) While the IOB shall have the authority to evaluate all operations of the United Nations, the primary mission of the IOB is to oversee the Office of Internal Oversight Services and the Board of External Auditors. The IOB may direct the Office of Internal Oversight Services or the Board of External Auditors to initiate, abandon, or modify the scope of an investigation. Every three months or more frequently when appropriate, the IOB shall submit, as appropriate, to the Secretary General, the Security Council, the General Assembly, or the Economic and Social Council a report on its activities, relevant observations, and recommendations relating to its audit operations, including information relating to the inventory and status of investigations by the Office of Internal Oversight Services.

(5) In extraordinary circumstances and with the concurrence of the Secretary General or the Security Council by majority vote, the IOB may augment the Office of Internal Oversight Services with a special investigator and staff consisting of individuals who are not employees of the United Nations, to investigate matters involving senior officials of the United Nations or of its specialized agencies when allegations of serious misconduct have been made and such a special investigation is necessary to maintain public confidence in the integrity of the investigation. A special investigator and staff shall comply with all United Nations financial disclosure and conflict of interest rules, including the filing of an individual Annual Financial Disclosure Form in accordance with subsection (c).

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

(7)(A) The IOB shall review the Final Report of the Independent Inquiry Committee (IIC) into the United Nations Oil for Food Program (OFF). The IOB's review should focus on the adequacy of the IIC's Final Report or any subsequent reports of the IIC or of any possible successor to the IIC. The IOB's review of the IIC's Final Report should address the Final Report's treatment of and adequacy in the following areas—

(i) OFF's operations from inception through the transfer of power from the Coalition Provisional Authority to the interim Iraqi government;

(ii) claims of oil smuggling, illegal surcharges on oil and commissions on commodity contracts, illegal kick-backs, use of oil allocations to influence foreign government officials and international people of influence, and use of funds for military purposes;

(iii) the involvement, directly or indirectly, of any entity, bureau, division, department, specialized agency, or employee (including the Secretary General) of the United Nations, including any employee of the specialized agencies of the United Nations or any employee or officer of the Secretariat;

(iv) the IIC's findings, discovery and use of evidence, and investigation practices; and

(v) the extent of cooperation by the United Nations with requests by Congress for testimony, interviews, documents, correspondence, reports, memoranda, books, papers, accounts, or records related to the Oil for Food Program.

(B) Subsequent to the IOB's review, the IOB shall determine in a written report

whether the IIC investigation is incomplete or inadequate in any respects and whether any additional investigation is justified. If the IOB determines that additional investigation is warranted, it shall appoint, in accordance with paragraph (5), a special investigator and staff consisting of individuals who are not employees of the United Nations and to identify specific areas within the OFF to investigate.

(b) CERTIFICATION OF UNITED NATIONS REFORMS OF THE OFFICE OF INTERNAL OVERSIGHT SERVICES.—In accordance with section 1171, a certification shall be required that certifies that the following reforms related to the Office of Internal Oversight Services (OIOS) have been adopted by the United Nations:

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

(2) The regular assessed budget of the United Nations shall fully fund the Internal Oversight Budget from existing levels of United Nations budgetary and personnel resources and shall not be dependent upon any other entity, bureau, division, department, or specialized agency of the United Nations for such funding.

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

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

(B) report to the OIOS information or allegations of misconduct or inefficiencies within the United Nations.

(4) The OIOS may, *sua sponte*, initiate and conduct an investigation or audit of any entity, bureau, division, department, specialized agency, employee (including the Secretary General) of the United Nations, including any employee of the specialized agencies of the United Nations, or contractor or consultant for the United Nations or its specialized agencies.

(5) At least every three months and more frequently when appropriate, the OIOS shall submit to the IOB a report containing an inventory and status of its investigations.

(6) The OIOS shall establish procedures for providing "whistle-blower" status and employment protections for all employees of the United Nations, including employees of the specialized agencies of the United Nations, who provide informational leads and testimony related to allegations of wrongdoing. Such procedures shall be adopted throughout the United Nations. Such status and protection may not be conferred on the Secretary General.

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

(8) Not later than six months after the date of the enactment of this Act, the Director shall establish a position of Associate Director of OIOS for Specialized Agencies and Funds and Programs who shall be responsible for supervising the OIOS liaison or oversight duties for each of the specialized agencies and funds and programs of the United Nations. With the concurrence of the Director, the Associate Director of OIOS for Specialized Agencies and Funds and Programs may, from existing levels of United Nations budgetary and personnel resources,

hire and appoint necessary OIOS staff, including staff serving within and located at specialized agencies and funds and programs permanently or as needed to liaison with existing audit functions within each specialized agency and fund and program.

(9) Not later than six months after the date of the enactment of this Act, the Director shall establish a position of Associate Director of OIOS for Peacekeeping Operations, who shall be responsible for the oversight and auditing of the field offices attached to United Nations peacekeeping operations. The Associate Director of OIOS for Peacekeeping Operations shall receive informational leads and testimony from any person regarding allegations of wrongdoing by United Nations officials or peacekeeping troops or regarding inefficiencies associated with United Nations peacekeeping operations. The Associate Director of OIOS for Peacekeeping Operations shall be responsible for initiating, conducting, and overseeing investigations within peacekeeping operations.

(10) Not later than six months after the date of the enactment of this Act, the Director shall establish a position of Associate Director of OIOS for Procurement and Contract Integrity, who shall be responsible for auditing and inspecting procurement and contracting within the United Nations, including within the specialized agencies. The Associate Director of OIOS for Procurement and Contract Integrity shall receive informational leads and testimony from any person regarding allegations of wrongdoing by United Nations officials or regarding inefficiencies associated with United Nations procurement or contracting activities. The Associate Director of OIOS for Procurement and Contract Integrity shall be responsible for initiating, conducting, and overseeing investigations of procurement and contract activities. Not later than 12 months after the establishment of the position of Associate Director of OIOS for Procurement and Contract Integrity, the Director, with the assistance of the Associate Director of OIOS for Procurement and Contract Integrity, shall undertake a review of contract procedures to ensure that practices and policies are in place to ensure that—

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

(B) the United Nations has established effective controls to prevent conflicts of interest in the award of contracts; and

(C) the United Nations has established effective procedures and policies to ensure effective and comprehensive oversight and monitoring of United Nations contract performance.

(C) CERTIFICATION OF ESTABLISHMENT OF UNITED NATIONS OFFICE OF ETHICS.—In accordance with section 1171, a certification shall be required that certifies that the following reforms related to the establishment of a United Nations Office of Ethics have been adopted by the United Nations:

(1) A United Nations Office of Ethics (UNOE) is established. The UNOE shall be an independent entity within the United Nations and shall not be subject to budget authority or organizational authority of any entity within the United Nations. The UNOE shall be responsible for establishing, managing, and enforcing a code of ethics for all employees of United Nations and its specialized agencies. The UNOE shall also be responsible for providing such employees with annual training related to such code. The head of the UNOE shall be a Director who shall be nominated by the Secretary General and who shall be subject to Security Council approval by majority vote. The UNOE shall

promulgate ethics rules, including the following:

(A) No employee of any United Nations entity, bureau, division, department, or specialized agency may be compensated while participating in the domestic politics of the country of such employee, except for voting or acting as part of a Security Council, General Assembly, or legitimately authorized United Nations mission or assignment.

(B) No United Nations entity, bureau, division, department, or specialized agency may hire an individual convicted in a generally recognized court of a democratically-elected government with an independent judiciary and an extradition treaty with the United States and the European Union for any crime or crimes involving financial misfeasance, malfeasance, fraud, or perjury.

(C) The employment of an employee of any United Nations entity, bureau, division, department, or specialized agency who is convicted in a generally recognized court of a democratically-elected government with an independent judiciary and an extradition treaty with the United States and the European Union of any crime or crimes involving financial misfeasance, malfeasance, fraud, or perjury shall be subject to termination.

(D) If an employee of any United Nations entity, bureau, division, department, or specialized agency has contact regarding the disposition of ongoing internal United Nations operations or decisions with an individual who is not an employee or official of the government of a Member State (or a similarly situated individual), with an individual who is not officially employed by any United Nations entity, bureau, division, department, or specialized agency, or with an individual who is not a working member of the media, a memorandum of such contact shall be prepared by such employee and, upon request, be made available to Member States.

(2) The UNEO shall receive operational and budgetary funding through appropriations by the General Assembly from existing levels of United Nations budgetary and personnel resources and shall not be dependent upon any other entity, bureau, division, department, or specialized agency of the United Nations for such funding.

(3) The Director of the UNEO shall, not later than six months after the date of its establishment, publish a report containing proposals for implementing a system for the filing and review of individual Annual Financial Disclosure Forms by each employee of the United Nations, including by each employee of its specialized agencies, at the P-5 level and above and by all contractors and consultants compensated at any salary level. Such system shall be in place and operational not later than six months after the date of the publication of the report. Such completed forms shall be made available to the Office of Internal Oversight Services at the request of the Director of the Office of Internal Oversight Services. Such system shall seek to identify and prevent conflicts of interest by United Nations employees and shall be comparable to the system used for such purposes by the United States Government. Such report shall also address broader reforms of the ethics program for the United Nations, including—

(A) the effect of the establishment of ethics officers throughout all organizations within the United Nations;

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

(C) proposals for making completed Annual Financial Disclosure Forms available to the public on request through their Member State's mission to the United Nations;

(D) proposals for annual disclosure to the public of information related to the annual

salaries and payments, including pension payments and buyouts, of employees of the United Nations, including employees of its specialized agencies, and of consultants;

(E) proposals for annual disclosure to the public of information related to per diem rates for all bureaus, divisions, departments, or specialized agencies within the United Nations;

(F) proposals for disclosure upon request by the Ambassador of a Member State of information related to travel and per diem payments made from United Nations funds to any person; and

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

(d) CERTIFICATION OF UNITED NATIONS ESTABLISHMENT OF POSITION OF CHIEF OPERATING OFFICER.—In accordance with section 1171, a certification shall be required that certifies that the following reforms related to the establishment of the position of a Chief Operating Officer have been adopted by the United Nations:

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

(2) The COO shall be responsible for formulating general policies and programs for the United Nations in coordination with the Secretary General and in consultation with the Security Council and the General Assembly. The COO shall be responsible for the daily administration, operation and supervision, and the direction and control of the business of the United Nations. The Chief Operating Officer shall also perform such other duties and may exercise such other powers as from time to time may be assigned to the COO by the Secretary General.

(e) CERTIFICATION OF ACCESS BY MEMBER STATES TO REPORTS AND AUDITS BY BOARD OF EXTERNAL AUDITORS.—In accordance with section 1171, a certification shall be required that certifies that Member States may, upon request, have access to all reports and audits completed by the Board of External Auditors.

(f) WAIVER OF IMMUNITY.—The President shall direct the United States Permanent Representative to the United Nations to use the voice, vote, and influence of the United States at the United Nations to ensure that the Secretary General exercises the right and duty of the Secretary General under section 20 of the Convention on the Privileges and Immunities of the United Nations to waive the immunity of any United Nations official in any case in which such immunity would impede the course of justice. In exercising such waiver, the Secretary General is urged to interpret the interests of the United Nations as favoring the investigation or prosecution of a United Nations official who is credibly under investigation for having committed a serious criminal offense or who is credibly charged with a serious criminal offense.

(g) CERTIFICATION OF UNITED NATIONS CO-OPERATION RELATING TO OIL-FOR-FOOD PROGRAM.—

(1) ACTIONS.—In accordance with section 1171, a certification shall be required that certifies that the following actions relating to the oil-for-food program have been taken by the United Nations:

(A) The United Nations Secretary General has authorized the release to a law enforcement authority of any Member State (upon request by the permanent representative to the United Nations of such Member State on behalf of such law enforcement authority) or to a national legislative authority authentic copies of any document in the possession of the United Nations, including any document in the possession of a person who was engaged on a contract basis to provide goods or

services to the United Nations, that in the judgment of such requesting law enforcement authority or national legislative authority directly or indirectly concerns the oil-for-food program or a sanction imposed on Iraq related to the oil-for-food program.

(B) The United Nations has waived any immunity enjoyed by any United Nations official from the judicial process in the United States for any civil or criminal acts or omissions under Federal or State law that may have transpired within the jurisdiction of the United States in connection with the oil-for-food program.

(2) **DEFINITION.**—As used in this subsection, the term “oil-for-food program” means the program established and administered pursuant to United Nations Security Council Resolution 986 (April 14, 1995) and subsequent United Nations resolutions to permit the sale of petroleum products exported from Iraq and to use the revenue generated from such sale for humanitarian assistance.

SEC. 1115. TERRORISM AND THE UNITED NATIONS.

The President shall direct the United States Permanent Representative to the United Nations to use the voice, vote, and influence of the United States at the United Nations to work toward adoption by the General Assembly of—

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

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

SEC. 1116. UNITED NATIONS TREATY BODIES.

The United States shall withhold from United States contributions to the regular assessed budget of the United Nations for a biennial period amounts that are proportional to the percentage of such budget that are expended with respect to a United Nations human rights treaty monitoring body or committee that was established by—

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

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

SEC. 1117. EQUALITY AT THE UNITED NATIONS.

(a) **INCLUSION OF ISRAEL IN WEOG.**—

(1) **IN GENERAL.**—The President shall direct the United States Permanent Representative to the United Nations to use the voice, vote, and influence of the United States to expand the Western European and Others Group (WEOG) in the United Nations to include Israel as a permanent member with full rights and privileges.

(2) **NOTIFICATION TO CONGRESS.**—Not later than six months after the date of the enactment of this Act and every six months thereafter for the next six years, the Secretary of State shall notify the appropriate congressional committees concerning the treatment of Israel in the United Nations and the expansion of WEOG to include Israel as a permanent member.

(b) **DEPARTMENT OF STATE REVIEW AND REPORT.**—

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

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

(B) submit to the appropriate congressional committees a report containing recommendations for the elimination of such duplicative entities and efforts.

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

(A) The United Nations Division for Palestinian Rights.

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

(C) The United Nations Special Coordinator for the Middle East Peace Process and Personal Representative to the Palestine Liberation Organization and the Palestinian Authority.

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

(E) The Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories.

(F) Any other entity the Secretary determines results in duplicative efforts or funding or fails to ensure balance in the approach to Israeli-Palestinian issues.

(c) **IMPLEMENTATION BY PERMANENT REPRESENTATIVE.**—

(1) **IN GENERAL.**—The President shall direct the United States Permanent Representative to the United Nations to use the voice, vote, and influence of the United States at the United Nations to seek the implementation of the recommendations contained in the report required under subsection (b)(1).

(2) **WITHHOLDING OF FUNDS.**—Until such recommendations have been implemented, the United States shall withhold from United States contributions to the regular assessed budget of the United Nations for a biennial period amounts that are proportional to the percentage of such budget that are expended for such entities.

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

(1) the status of the implementation of the recommendations contained in the report required under subsection (b)(1); and

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

SEC. 1118. REPORT ON UNITED NATIONS REFORM.

(a) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, and one year thereafter, the Secretary shall submit to the appropriate congressional committees a report on United Nations reform since 1990.

(b) **CONTENTS.**—The report required under paragraph (1) shall describe—

(1) the status of the implementation of management reforms within the United Nations and its specialized agencies;

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

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

(4) the status of the review by the General Assembly of all mandates older than five years and how resources have been redirected to new challenges, consistent with such March 2005 report of the Secretary General;

(5) the continued utility and relevance of the Economic and Financial Committee and the Social, Humanitarian, and Cultural Committee, in light of the duplicative agendas of

those committees and the Economic and Social Council; and

(6) whether the United Nations or any of its specialized agencies has contracted with any party included on the Lists of Parties Excluded from Federal Procurement and Nonprocurement Programs.

SEC. 1119. REPORT ON UNITED NATIONS PERSONNEL.

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

(1) concerning the progress of the General Assembly to modernize human resource practices, consistent with the March 2005 report of the Secretary General entitled “In larger freedom: towards development, security and human rights for all”; and

(2) containing the information described in subsection (b).

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

(1) a comprehensive evaluation of human resources reforms at the United Nations, including an evaluation of—

(A) tenure;

(B) performance reviews;

(C) the promotion system;

(D) a merit-based hiring system and enhanced regulations concerning termination of employment of employees; and

(E) the implementation of a code of conduct and ethics training;

(2) the implementation of a system of procedures for filing complaints and protective measures for work-place harassment, including sexual harassment;

(3) policy recommendations relating to the establishment of a rotation requirement for nonadministrative positions;

(4) policy recommendations relating to the establishment of a prohibition preventing personnel and officials assigned to the mission of a Member State to the United Nations from transferring to a position within the United Nations Secretariat that is compensated at the P-5 level and above;

(5) policy recommendations relating to a reduction in travel allowances and attendant oversight with respect to accommodations and airline flights; and

(6) an evaluation of the recommendations of the Secretary General relating to greater flexibility for the Secretary General in staffing decisions to accommodate changing priorities.

SEC. 1120. REPORT ON UNITED STATES CONTRIBUTIONS TO THE UNITED NATIONS.

Not later than one year after the date of the enactment of this Act, the Director of the Office of Management and Budget shall submit to the Committee on International Relations of the House of Representatives, the Committee on Foreign Relations of the Senate, the Committee on Appropriations of the House of Representatives, and the Committee on Appropriations of the Senate a report on United States contributions to the United Nations. Such report shall examine assessed, voluntary, in-kind, and all other United States contributions.

SEC. 1121. UNITED NATIONS SECURITY COUNCIL AND LEBANON.

(a) **RESOLUTION 1559.**—The President shall direct the United States Permanent Representative to the United Nations to use the voice, vote, and influence of the United States at the United Nations to make every effort to ensure that the Security Council is undertaking the necessary steps to secure the implementation of Security Council Resolution 1559, including—

(1) deploying United Nations inspectors to verify and certify to the Security Council that—

(A) all foreign forces, including intelligence, security, and policing forces, have been withdrawn from Lebanon; and

(B) all militias in Lebanon have been permanently disarmed and dismantled and their weapons have been decommissioned; and

(2) continuing the presence of United Nations elections monitoring teams in Lebanon to verify and certify to the Security Council that—

(A) citizens of Lebanon are not being targeted for assassination by foreign forces, in particular by foreign forces of Syria, or by their proxies, as a means of intimidation and coercion in an effort to manipulate the political process in Lebanon;

(B) elections in Lebanon are being conducted in a fair and transparent manner and are free of foreign interference; and

(C) that such foreign forces, or their proxies, are not seeking to infringe upon the territorial integrity or political sovereignty of Lebanon.

(b) UNITED STATES ACTION.—If the steps described in paragraphs (1) and (2) of subsection (a) have not been verified and certified to the Security Council by July 31, 2005, or by the date that is not later than 30 days after the date of the enactment of this Act, whichever is sooner, the President shall direct the United States Permanent Representative to the United Nations to use the voice, vote, and influence of the United States at the United Nations to secure the adoption of a resolution in the Security Council imposing punitive measures on the governments of countries whose forces remain in Lebanon in violation of Security Council Resolution 1559 and who directly, or through proxies, are infringing upon the territorial integrity or political sovereignty of Lebanon.

SEC. 1122. POLICY WITH RESPECT TO EXPANSION OF THE SECURITY COUNCIL.

It shall be the policy of the United States to use the voice, vote, and influence of the United States at the United Nations to oppose any proposals on expansion of the Security Council if such expansion would—

(1) diminish the influence of the United States on the Security Council;

(2) include veto rights for any new members of the Security Council; or

(3) undermine the effectiveness of the Security Council.

SEC. 1123. GENOCIDE AND THE UNITED NATIONS.

(a) UNITED STATES ACTION.—The President shall direct the United States Permanent Representative to the United Nations to use the voice, vote, and influence of the United States at the United Nations to make every effort to ensure the formal adoption and implementation of mechanisms to—

(1) suspend the membership of a Member State if it is determined that the government of such Member State is engaged in or complicit in, either by commission or omission, acts of genocide, ethnic cleansing, or crimes against humanity;

(2) impose an arms and trade embargo and travel restrictions on, and freeze the assets of, all groups and individuals responsible for committing or allowing such acts of genocide, ethnic cleansing, or crimes against humanity to occur;

(3) deploy a United Nations peacekeeping operation or authorize and support the deployment of a peacekeeping operation from an international or regional organization to the Member State with a mandate to stop such acts of genocide, ethnic cleansing, or crimes against humanity;

(4) deploy monitors from the United Nations High Commissioner for Refugees to the area in the Member State where such acts of genocide, ethnic cleansing, or crimes against humanity are occurring; and

(5) authorize the establishment of an international commission of inquiry into such acts of genocide, ethnic cleansing, or crimes against humanity.

(b) CERTIFICATION.—In accordance with section 1171, a certification shall be required that certifies that the mechanisms described in subsection (a) have been adopted and implemented.

SEC. 1124. ANTI-SEMITISM AND THE UNITED NATIONS.

(a) IN GENERAL.—The President shall direct the United States Permanent Representative to the United Nations to use the voice, vote, and influence of the United States at the United Nations to make every effort to—

(1) ensure the issuance and implementation of a directive by the Secretary General or the Secretariat, as appropriate, that—

(A) requires all employees of the United Nations and its specialized agencies to officially and publicly condemn anti-Semitic statements made at any session of the United Nations or its specialized agencies, or at any other session sponsored by the United Nations;

(B) requires employees of the United Nations and its specialized agencies to be subject to punitive action, including immediate dismissal, for making anti-Semitic statements or references;

(C) proposes specific recommendations to the General Assembly for the establishment of mechanisms to hold accountable employees and officials of the United Nations and its specialized agencies, or Member States, that make such anti-Semitic statements or references in any forum of the United Nations or of its specialized agencies; and

(D) develops and implements education awareness programs about the Holocaust and anti-Semitism throughout the world, as part of an effort to combat intolerance and hatred;

(2) work to secure the adoption of a resolution by the General Assembly that establishes the mechanisms described in paragraph (1)(C); and

(3) continue working toward further reduction of anti-Semitic language and anti-Israel resolutions in the United Nations and its specialized agencies.

(b) CERTIFICATION.—In accordance with section 1171, a certification shall be required that certifies that the requirements described in subsection (a) have been satisfied.

Subtitle B—Human Rights and the Economic and Social Council (ECOSOC)

SEC. 1131. HUMAN RIGHTS.

(a) STATEMENT OF POLICY.—It shall be the policy of the United States to use its voice, vote, and influence at the United Nations to ensure that a credible and respectable Human Rights Council or other human rights body is established within the United Nations whose participating Member States uphold the values embodied in the Universal Declaration of Human Rights.

(b) HUMAN RIGHTS REFORMS AT THE UNITED NATIONS.—The President shall direct the United States Permanent Representative to the United Nations to ensure that the following human rights reforms have been adopted by the United Nations:

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

(2) A Member State shall be ineligible for membership on any United Nations human rights body if such Member State is—

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

(B) under a Security Council-mandated investigation for human rights abuses.

(3) A Member State that is currently subject to an adopted country specific resolu-

tion, in the principal body in the United Nations for the promotion and protection of human rights, relating to human rights abuses perpetrated by the government of such country in such country, or has been the subject of such an adopted country specific resolution in such principal body within the previous three years, shall be ineligible for membership on any United Nations human rights body. For purposes of this subsection, an adopted country specific resolution shall not include consensus resolutions on advisory services.

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

(5) No human rights body has a standing agenda item that relates only to one country or region.

(6) The practice of considering in the principal body in the United Nations for the promotion and protection of human rights country specific resolutions relating to human rights abuses perpetrated by the government of a Member State within such Member State shall not be eliminated.

(c) CERTIFICATION.—In accordance with section 1171, a certification shall be required that certifies that the human rights reforms described under subsection (b) have been adopted by the United Nations.

(d) PREVENTION OF ABUSE OF “NO ACTION” MOTIONS.—The United States Permanent Representative shall work to prevent abuse of “no action” motions, particularly as such motions relate to country specific resolutions.

(e) OFFICE OF THE UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS.—

(1) STATEMENT OF POLICY.—It shall be the policy of the United States to continue to strongly support the Office of the United Nations High Commissioner for Human Rights.

(2) CERTIFICATION.—In accordance with section 1171, a certification shall be required that certifies that the Office of the United Nations High Commissioner for Human Rights has been given greater authority in field operation activities, such as in the Darfur region of Sudan and in the Democratic Republic of Congo, in furtherance of the purpose and mission of the United Nations.

(f) PROHIBITION ON CONTACT WITH MEMBER STATES SUBJECT TO SANCTIONS.—An employee from of any United Nations entity, bureau, division, department, or specialized agency may not have unauthorized contact, including business contact, with a Member State that is subject to United Nations sanctions.

SEC. 1132. ECONOMIC AND SOCIAL COUNCIL (ECOSOC).

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

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

(2) ensure that, until such time as the Commission on Human Rights of the United Nations is abolished, only countries that are not ineligible for membership on a human rights body in accordance with paragraphs (1) through (4) of section 1131(b) shall be considered for membership on the Commission on Human Rights; and

(3) ensure that after candidate countries are nominated for membership on the Commission on Human Rights, the Economic and Social Council conducts a recorded vote to determine such membership.

(b) CERTIFICATION.—In accordance with section 1171, a certification shall be required that certifies that the policies described in subsection (a) have been implemented by the Economic and Social Council.

SEC. 1133. UNITED NATIONS DEMOCRACY FUND.

(a) IN GENERAL.—The President shall direct the United States Permanent Representative to the United Nations to use the voice, vote, and influence of the United States at the United Nations to make every effort to—

(1) establish a Democracy Fund at the United Nations to be administered by Member States of the United Nations Democracy Caucus;

(2) secure political and financial support for the Democracy Fund from Member States of the United Nations Democracy Caucus; and

(3) establish criteria that limits recipients of assistance from the Democracy Fund to Member States that—

(A) are not ineligible for membership on any United Nations human rights body, in accordance with paragraphs (1) through (4) of section 1131(b); and

(B) are determined by the Secretary of State to be emerging democracies or democracies in transition.

(b) POLICY RELATING TO FUNDING FOR THE DEMOCRACY FUND.—It shall be the policy of the United States to shift contributions of the United States to the regularly assessed budget of the United Nations for a biennial period to initiate and support the Democracy Fund referred to in subsection (a).

(c) CERTIFICATION.—In accordance with section 1171, a certification shall be required that certifies that the requirements described in subsection (a) have been satisfied.

Subtitle C—International Atomic Energy Agency

SEC. 1141. INTERNATIONAL ATOMIC ENERGY AGENCY.

(a) ENFORCEMENT AND COMPLIANCE.—

(1) OFFICE OF COMPLIANCE.—

(A) ESTABLISHMENT.—The President shall direct the United States Permanent Representative to International Atomic Energy Agency (IAEA) to use the voice, vote, and influence of the United States at the IAEA to establish an Office of Compliance in the Secretariat of the IAEA.

(B) OPERATION.—The Office of Compliance shall—

(i) function as an independent body composed of technical experts who shall work in consultation with IAEA inspectors to assess compliance by IAEA Member States and provide recommendations to the IAEA Board of Governors concerning penalties to be imposed on IAEA Member States that fail to fulfill their obligations under IAEA Board resolutions;

(ii) base its assessments and recommendations on IAEA inspection reports; and

(iii) shall take into consideration information provided by IAEA Board Members that are one of the five nuclear weapons states as recognized by the Treaty on the Non-Proliferation of Nuclear Weapons (21 UST 483) (commonly referred to as the “Nuclear Non-proliferation Treaty” or the “NPT”).

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

(2) SPECIAL COMMITTEE ON SAFEGUARDS AND VERIFICATION.—

(A) ESTABLISHMENT.—The President shall direct the United States Permanent Representative to the IAEA to use the voice, vote, and influence of the United States at the IAEA to establish a Special Committee on Safeguards and Verification.

(B) RESPONSIBILITIES.—The Special Committee shall—

(i) improve the ability of the IAEA to monitor and enforce compliance by Member States of the IAEA with the Nuclear Non-proliferation Treaty and the Statute of the International Atomic Energy Agency; and

(ii) consider which additional measures are necessary to enhance the ability of the IAEA, beyond the verification mechanisms and authorities contained in the Additional Protocol to the Safeguards Agreements between the IAEA and Member States of the IAEA, to detect with a high degree of confidence undeclared nuclear activities by a Member State.

(3) PENALTIES WITH RESPECT TO THE IAEA.—

(A) IN GENERAL.—The President shall direct the United States Permanent Representative to the IAEA to use the voice, vote, and influence of the United States at the IAEA to ensure that a Member State of the IAEA that is under investigation for a breach of or noncompliance with its IAEA obligations or the purposes and principles of the Charter of the United Nations has its privileges suspended, including—

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

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

(iii) being prevented from hosting meetings.

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

(4) PENALTIES WITH RESPECT TO THE NUCLEAR NONPROLIFERATION TREATY.—The President shall direct the United States Permanent Representative to the IAEA to use the voice, vote, and influence of the United States at the IAEA to ensure that a Member State of the IAEA that is found to be in breach of, in noncompliance with, or has withdrawn from the Nuclear Nonproliferation Treaty shall return to the IAEA all nuclear materials and technology received from the IAEA, any Member State of the IAEA, or any Member State of the Nuclear Nonproliferation Treaty.

(b) UNITED STATES CONTRIBUTIONS.—

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

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

(A) ensure that funds for safeguards inspections are prioritized for countries that have newly established nuclear programs or are initiating nuclear programs; and

(B) block the allocation of funds for any other IAEA development, environmental, or nuclear science assistance or activity to a country—

(i) the government of which the Secretary of State has determined, for purposes of section 6(j) of the Export Administration Act of 1979, section 620A of the Foreign Assistance Act of 1961, section 40 of the Arms Export Control Act, or other provision of law, is a government that has repeatedly provided support for acts of international terrorism and the government of which the Secretary has determined has not dismantled and surrendered its weapons of mass destruction programs under international verification;

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

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

(3) DETAIL OF EXPENDITURES.—The President shall direct the United States Permanent Representative to the IAEA to use the voice, vote, and influence of the United States at the IAEA to secure, as part of the

regular budget presentation of the IAEA to Member States of the IAEA, a detailed breakdown by country of expenditures of the IAEA for safeguards inspections and nuclear security activities.

(c) MEMBERSHIP.—

(1) IN GENERAL.—The President shall direct the United States Permanent Representative to the IAEA to use the voice, vote, and influence of the United States at the IAEA to block the membership on the Board of Governors of the IAEA for a Member State of the IAEA that has not signed and ratified the Additional Protocol and—

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

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

(2) CRITERIA.—The United States Permanent Representative to the IAEA shall make every effort to modify the criteria for Board membership to reflect the principles described in paragraph (1).

(d) SMALL QUANTITIES PROTOCOL.—The President shall direct the United States Permanent Representative to the IAEA to use the voice, vote, and influence of the United States at the IAEA to make every effort to ensure that the IAEA changes the policy regarding the Small Quantities Protocol in order to—

(1) rescind and eliminate the Small Quantities Protocol;

(2) require that any IAEA Member State that has previously signed a Small Quantities Protocol to sign, ratify, and implement the Additional Protocol, provide immediate access for IAEA inspectors to its nuclear-related facilities, and agree to the strongest inspections regime of its nuclear efforts; and

(3) require that any IAEA Member State that does not comply with paragraph (2) to be ineligible to receive nuclear material, technology, equipment, or assistance from any IAEA Member State and subject to the penalties described in subsection (a)(3).

(e) NUCLEAR PROGRAM OF IRAN.—

(1) UNITED STATES ACTION.—The President shall direct the United States Permanent Representative to the IAEA to use the voice, vote, and influence of the United States at the IAEA to make every effort to ensure the adoption of a resolution by the IAEA Board of Governors that makes Iran ineligible to receive any nuclear material, technology, equipment, or assistance from any IAEA Member State and ineligible for any IAEA assistance not related to safeguards inspections or nuclear security until the IAEA Board of Governors determines that Iran—

(A) is providing full access to IAEA inspectors to its nuclear-related facilities;

(B) has fully implemented and is in compliance with the Additional Protocol; and

(C) has permanently ceased and dismantled all activities and programs related to nuclear-enrichment and reprocessing.

(2) PENALTIES.—If an IAEA Member State is determined to have violated the prohibition on assistance to Iran described in paragraph (1) before the IAEA Board of Governors determines that Iran has satisfied the conditions described in subparagraphs (A) through (C) of such paragraph, such Member State shall be subject to the penalties described in subsection (a)(3), shall be ineligible to receive nuclear material, technology, equipment, or assistance from any IAEA Member State, and shall be ineligible to receive any IAEA assistance not related to safeguards inspections or nuclear security until such time as the IAEA Board of Governors makes such determination with respect to Iran.

(f) REPORT.—Not later than six months after the date of the enactment of this Act and annually for two years thereafter, the President shall submit to the appropriate congressional committees a report on the implementation of this section.

SEC. 1142. SENSE OF CONGRESS REGARDING THE NUCLEAR SECURITY ACTION PLAN OF THE IAEA.

It is the sense of Congress that the national security interests of the United States are enhanced by the Nuclear Security Action Plan of the IAEA and the Board of Governors should recommend, and the General Conference should adopt, a resolution incorporating the Nuclear Security Action Plan into the regular budget of the IAEA.

Subtitle D—Peacekeeping

SEC. 1151. SENSE OF CONGRESS REGARDING REFORM OF UNITED NATIONS PEACEKEEPING OPERATIONS.

It is the sense of Congress that—

(1) although United Nations peacekeeping operations have contributed greatly toward the promotion of peace and stability for the past 57 years and the majority of peacekeeping personnel who have served under the United Nations flag have done so with honor and courage, the record of United Nations peacekeeping has been severely tarnished by operational failures and unconscionable acts of misconduct; and

(2) if the reputation of and confidence in United Nations peacekeeping operations is to be restored, fundamental and far-reaching reforms, particularly in the areas of planning, management, training, conduct, and discipline, must be implemented without delay.

SEC. 1152. STATEMENT OF POLICY RELATING TO REFORM OF UNITED NATIONS PEACEKEEPING OPERATIONS.

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

(1) PLANNING AND MANAGEMENT.—

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

(B) REVIEW OF MANDATES AND CLOSING OPERATIONS.—In conjunction with the audit described in subparagraph (A), the United Nations Department of Peacekeeping Operations should conduct a comprehensive review of all United Nations peacekeeping operation mandates, with a view toward identifying objectives that are practical and achievable, and report its findings to the Security Council. In particular, the review should consider the following:

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

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

(iii) Where there is legitimate concern that the withdrawal from a country of an otherwise static United Nations peacekeeping operation would result in the resumption of major conflict, a burden-sharing arrangement that reduces the level of assessed contributions, similar to that currently supporting the United Nations Peacekeeping Force in Cyprus, should be explored and instituted.

(C) LEADERSHIP.—As peacekeeping operations become larger and increasingly complex, the Secretariat should adopt a minimum standard of qualifications for senior

leaders and managers, with particular emphasis on specific skills and experience, and current senior leaders and managers who do not meet those standards should be removed or reassigned.

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

(E) GRATIS MILITARY PERSONNEL.—The General Assembly should lift restrictions on the utilization at the headquarters in New York, the United States, of the Department of Peacekeeping Operations of gratis military personnel by the Department so that the Department may accept secondments from Member States of military personnel with expertise in mission planning, logistics, and other operational specialties.

(2) CONDUCT AND DISCIPLINE.—

(A) ADOPTION OF A UNIFORM CODE OF CONDUCT.—A single, uniform Code of Conduct that has the status of a binding rule and applies equally to all personnel serving in United Nations peacekeeping operations, regardless of category or rank, should be promulgated, adopted, and enforced.

(B) UNDERSTANDING THE CODE OF CONDUCT.—All personnel, regardless of category or rank, should receive training on the Code of Conduct prior to deployment with a peacekeeping operation, in addition to periodic follow-on training. In particular—

(i) all personnel, regardless of category or rank, should be provided with a personal copy of the Code of Conduct that has been translated into the national language of such personnel, regardless of whether such language is an official language of the United Nations;

(ii) all personnel, regardless of category or rank, should sign an oath that each has received a copy of the Code of Conduct, that each pledges to abide by the Code of Conduct, and that each understands the consequences of violating the Code of Conduct, including immediate termination of the participation of such personnel in the peacekeeping operation to which such personnel is assigned as a condition of appointment to such operation; and

(iii) peacekeeping operations should conduct educational outreach programs to reach local communities where peacekeeping personnel of such operations are based, including explaining prohibited acts on the part of United Nations peacekeeping personnel and identifying the individual to whom the local population may direct complaints or file allegations of exploitation, abuse, or other acts of misconduct.

(C) MONITORING MECHANISMS.—Dedicated monitoring mechanisms, such as the Personnel Conduct Units already deployed to support United Nations peacekeeping operations in Haiti, Liberia, Burundi, and the Democratic Republic of Congo, should be present in each operation to monitor compliance with the Code of Conduct, and—

(i) should report simultaneously to the Head of Mission, the United Nations Department of Peacekeeping Operations, and the Associate Director of OIOS for Peacekeeping Operations (established under section 1114(b)(9)); and

(ii) should be tasked with designing and implementing mission-specific measures to prevent misconduct, conduct follow-on training for personnel, coordinate community outreach programs, and assist in investiga-

tions, as OIOS determines necessary and appropriate.

(D) INVESTIGATIONS.—A permanent, professional, and independent investigative body should be established and introduced into United Nations peacekeeping operations. In particular—

(i) the investigative body should include professionals with experience in investigating sex crimes, as well as experts who can provide guidance on standards of proof and evidentiary requirements necessary for any subsequent legal action;

(ii) provisions should be included in a Model Memorandum of Understanding that obligate Member States that contribute troops to a peacekeeping operation to designate a military prosecutor who will participate in any investigation into an allegation of misconduct brought against an individual of such Member State, so that evidence is collected and preserved in a manner consistent with the military law of such Member State;

(iii) the investigative body should be regionally based to ensure rapid deployment and should be equipped with modern forensics equipment for the purpose of positively identifying perpetrators and, where necessary, for determining paternity; and

(iv) the investigative body should report directly to the Associate Director of OIOS for Peacekeeping Operations, while providing copies of any reports to the Department of Peacekeeping Operations, the Head of Mission, and the Member State concerned.

(E) FOLLOW-UP.—A dedicated unit, similar to the Personnel Conduct Units, staffed and funded through existing resources, should be established within the headquarters of the United Nations Department of Peacekeeping Operations and tasked with—

(i) promulgating measures to prevent misconduct;

(ii) coordinating allegations of misconduct, and reports received by field personnel; and

(iii) gathering follow-up information on completed investigations, particularly by focusing on disciplinary actions against the individual concerned taken by the United Nations or by the Member State that is contributing troops to which such individual belongs, and sharing such information with the Security Council, the Head of Mission, and the community hosting the peacekeeping operation.

(F) FINANCIAL LIABILITY AND VICTIMS ASSISTANCE.—Although peacekeeping operations should provide immediate medical assistance to victims of sexual abuse or exploitation, the responsibility for providing longer-term treatment, care, or restitution lies solely with the individual found guilty of the misconduct. In particular, the following reforms should be implemented:

(i) The United Nations should not assume responsibility for providing long-term treatment or compensation by creating a “Victims Trust Fund”, or any other such similar fund, financed through assessed contributions to United Nations peacekeeping operations, thereby shielding individuals from personal liability and reinforcing an atmosphere of impunity.

(ii) If an individual responsible for misconduct has been repatriated, reassigned, re-deployed, or is otherwise unable to provide assistance, responsibility for providing assistance to a victim should be assigned to the Member State that contributed the troops to which such individual belonged or to the manager concerned.

(iii) In the case of misconduct by a member of a military contingent, appropriate funds shall be withheld from the troop contributing country concerned.

(iv) In the case of misconduct by a civilian employee or contractor of the United Nations, appropriate wages shall be garnished from such individual or fines shall be imposed against such individual, consistent with existing United Nations Staff Rules.

(G) MANAGERS AND COMMANDERS.—The manner in which managers and commanders handle cases of misconduct by those serving under them should be included in their individual performance evaluations, so that managers and commanders who take decisive action to deter and address misconduct are rewarded, while those who create a permissive environment or impede investigations are penalized or relieved of duty, as appropriate.

(H) DATA BASE.—A centralized data base should be created and maintained within the United Nations Department of Peacekeeping Operations to track cases of misconduct, including the outcome of investigations and subsequent prosecutions, to ensure that personnel who have engaged in misconduct or other criminal activities, regardless of category or rank, are permanently barred from participation in future peacekeeping operations.

(I) WELFARE.—Peacekeeping operations should assume responsibility for maintaining a minimum standard of welfare for mission personnel to ameliorate conditions of service, while adjustments are made to the discretionary welfare payments currently provided to Member States that contribute troops to offset the cost of operation-provided recreational facilities.

(3) PEACEBUILDING COMMISSION.—

(A) ESTABLISHMENT.—Consistent with the recommendations of the High Level Panel Report, the United Nations should establish a Peacebuilding Commission, supported by a Peacebuilding Support Office, to marshal the efforts of the United Nations, international financial institutions, donors, and non-governmental organizations to assist countries in transition from war to peace.

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

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

(ii) include members of the United Nations Security Council, major donors, major troop contributing countries, appropriate United Nations organizations, the World Bank, and the International Monetary Fund; and

(iii) invite the President of ECOSOC, regional actors, Member States that contribute troops, regional development banks, and other concerned parties that are not already members, as determined appropriate, to consult or participate in meetings as observers.

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

(i) developing and integrating country-specific and system-wide conflict prevention, post-conflict reconstruction, and long-term development policies and strategies; and

(ii) serving as the key coordinating body for the design and implementation of military, humanitarian, and civil administration aspects of complex missions.

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

SEC. 1153. CERTIFICATION.

(a) NEW OR EXPANDED PEACEKEEPING OPERATIONS CONTINGENT UPON PRESIDENTIAL CERTIFICATION OF PEACEKEEPING OPERATIONS REFORMS.—

(1) NO NEW OR EXPANDED PEACEKEEPING OPERATIONS.—

(A) CERTIFICATION.—Except as provided in subparagraph (B), until the Secretary of State certifies that the requirements described in paragraph (2) have been satisfied, the President shall direct the United States Permanent Representative to the United Nations to use the voice, vote, and influence of the United States at the United Nations to oppose the creation of new, or expansion of existing, United Nations peacekeeping operations.

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

(2) CERTIFICATION OF PEACEKEEPING OPERATIONS REFORMS.—The certification referred to in paragraph (1) is a certification made by the Secretary to the appropriate congressional committees that the following reforms, or an equivalent set of reforms, related to peacekeeping operations have been adopted by the United Nations Department of Peacekeeping Operations or the General Assembly, as appropriate:

(A) A single, uniform Code of Conduct that has the status of a binding rule and applies equally to all personnel serving in United Nations peacekeeping operations, regardless of category or rank, has been adopted by the General Assembly and mechanisms have been established for training such personnel concerning the requirements of the Code and enforcement of the Code.

(B) All personnel, regardless of category or rank, serving in a peacekeeping operation have been trained concerning the requirements of the Code of Conduct and each has been given a personal copy of the Code, translated into the national language of such personnel.

(C) All personnel, regardless of category or rank, are required to sign an oath that each has received a copy of the Code of Conduct, that each pledges to abide by the Code, and that each understands the consequences of violating the Code, including the immediate termination of the participation of such personnel in the peacekeeping operation to which such personnel is assigned as a condition of the appointment to such operation.

(D) All peacekeeping operations have designed and implemented educational outreach programs to reach local communities where peacekeeping personnel of such operations are based to explain prohibited acts on the part of United Nations peacekeeping personnel and to identify the individual to whom the local population may direct complaints or file allegations of exploitation, abuse, or other acts of misconduct.

(E) A centralized data base has been created and is being maintained in the United Nations Department of Peacekeeping Operations that tracks cases of misconduct, including the outcomes of investigations and subsequent prosecutions, to ensure that personnel, regardless of category or rank, who have engaged in misconduct or other criminal activities are permanently barred from participation in future peacekeeping operations.

(F) A Model Memorandum of Understanding between the United Nations and each Member State that contributes troops to a peacekeeping operation has been adopted by the United Nations Department of Peacekeeping Operations that specifically obligates each such Member State to—

(i) designate a competent legal authority, preferably a prosecutor with expertise in the area of sexual exploitation and abuse, to participate in any investigation into an allegation of misconduct brought against an individual of such Member State;

(ii) refer to its competent national or military authority for possible prosecution, if warranted, any investigation of a violation of the Code of Conduct or other criminal activity by an individual of such Member State;

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

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

(v) assume responsibility for the provision of appropriate assistance to a victim of misconduct committed by an individual of such Member State.

(G) A professional and independent investigative and audit function has been established within the United Nations Department of Peacekeeping Operations and the OIOS to monitor United Nations peacekeeping operations.

SEC. 1154. RULE OF CONSTRUCTION RELATING TO PROTECTION OF UNITED STATES OFFICIALS AND MEMBERS OF THE ARMED FORCES.

Nothing in this subtitle shall be construed as superseding the Uniform Code of Military Justice or operating to effect the surrender of United States officials or members of the Armed Forces to a foreign country or international tribunal, including the International Criminal Court, for prosecutions arising from peacekeeping operations or other similar United Nations-related activity, and nothing in this subtitle shall be interpreted in a manner inconsistent with the American Servicemembers' Protection Act of 2002 (title II of the 2002 Supplemental Appropriations Act for Further Recovery From and Response To Terrorist Attacks on the United States; Public Law 107-206).

TITLE V—DEPARTMENT OF STATE AND GOVERNMENT ACCOUNTABILITY OFFICE

SEC. 1161. POSITIONS FOR UNITED STATES CITIZENS AT INTERNATIONAL ORGANIZATIONS.

The Secretary of State shall make every effort to recruit United States citizens for positions within international organizations.

SEC. 1162. BUDGET JUSTIFICATION FOR REGULAR ASSESSED BUDGET OF THE UNITED NATIONS.

(a) DETAILED ITEMIZATION.—The annual congressional budget justification shall include a detailed itemized request in support of the assessed contribution of the United States to the regular assessed budget of the United Nations.

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

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

(2) compare the amounts requested for the current year with the actual or estimated amounts contributed by the United States in previous fiscal years for the same sections and titles.

(c) ADJUSTMENTS AND NOTIFICATION.—If the United Nations proposes an adjustment to its regular assessed budget, the Secretary of State shall, at the time such adjustment is presented to the Advisory Committee on Administrative and Budgetary Questions (ACABQ), notify and consult with the appropriate congressional committees.

SEC. 1163. REVIEW AND REPORT.

Not later than six months after the date of the enactment of this Act, the Secretary of

State shall conduct a review of programs of the United Nations that are funded through assessed contributions and submit to the appropriate congressional committees a report containing—

- (1) the findings of such review; and
- (2) recommendations relating to—
- (A) the continuation of such programs; and
- (B) which of such programs should be voluntarily funded, other than those specified in subparagraphs (A) through (R) of subsection (c)(2) of section 11 of the United Nations Participation Act of 1945, as amended by section 1111(c) of this title.

SEC. 1164. GOVERNMENT ACCOUNTABILITY OFFICE.

(a) **REPORT ON UNITED NATIONS REFORMS.**—Not later than 12 months after the date of the enactment of this Act and again 12 months thereafter, the Comptroller General of the United States of the Government Accountability Office shall submit to the appropriate congressional committees a report on the status of the 1997, 2002, and 2005 management reforms initiated by the Secretary General and on the reforms mandated by this title.

(b) **REPORT ON DEPARTMENT OF STATE CERTIFICATIONS.**—Not later than six months after each certification submitted by the Secretary of State to the appropriate congressional committees under this title and subsection (d)(3) of section 11 of the United Nations Participation Act of 1945 (as amended by section 1111(c) of this title), the Comptroller General shall submit to the appropriate congressional committees a report on each such certification. The Secretary shall provide the Comptroller General with any information required by the Comptroller General to submit any such report.

(c) **UNITED NATIONS CONSTRUCTION AND CONTRACTING.**—Not later than six months after the date of the enactment of this Act, the Comptroller General shall submit to the Committee on International Relations of the House of Representatives, the Committee on Foreign Relations of the Senate, the Committee on Appropriations of the House of Representatives, and the Committee on Appropriations of the Senate a report describing the costs associated with the contracting for and construction of the Geneva, Switzerland, buildings of the World Meteorological Organization (WMO) and the World Intellectual Property Organization (WIPO). The report shall include analyses of the procurement procedures for each such building and shall specifically address issues of any corrupt contracting practices that are discovered, such as rigged bids and kickbacks, as well as other improprieties. The report shall also include an identification of other credible allegations of corrupt contracting at United Nations construction projects that involve major construction on a scale comparable to the WMO and WIPO construction projects, and a description of the results of an investigation into each such credible allegation.

Subtitle F—Certifications and Withholding of Contributions

SEC. 1171. CERTIFICATIONS AND WITHHOLDING OF CONTRIBUTIONS.

(a) **CERTIFICATIONS.**—

(1) **IN GENERAL.**—Except as provided in paragraph (3), the certifications required under subsection (d)(3) of section 11 of the United Nations Participation Act of 1945 (as amended by section 1111(c) of this title) and section 1113, sections 1114(a) through 1114(e), section 1114(g), section 1123, section 1124, sections 1131(c) and 1131(e), section 1132, and section 1133 of this title are certifications submitted to the appropriate congressional committees by the Secretary of State that the requirements of each such section have

been satisfied with respect to reform of the United Nations.

(2) **ALTERNATE CERTIFICATION MECHANISM.**—

(A) **IN GENERAL.**—Except as provided in paragraph (3), in the event that the Secretary is unable to submit a certification in accordance with paragraph (1), the Secretary may submit to the appropriate congressional committees, in accordance with subparagraph (B), an alternate certification that certifies that the requirements of the section to which the original certification applies have been implemented through reforms that are substantially similar to the requirements of such section or accomplish the same purposes as the requirements of such section.

(B) **EQUIVALENCY.**—Reforms are substantially similar or accomplish the same purposes if—

(i) such reforms are formally adopted in written form by the entity or committee of the United Nations or of its specialized agency that has authority to enact or implement such reforms or are issued by the Secretariat or the appropriate entity or committee in written form; and

(ii) such reforms are not identical to the reforms required by a particular certification but in the determination of the Secretary will have the same, or nearly the same effect, as such reforms.

(C) **WRITTEN JUSTIFICATION AND CONSULTATION.**—

(i) **WRITTEN JUSTIFICATION.**—Not later than 30 days before submitting an alternate certification in accordance with subparagraph (A), the Secretary shall submit to the appropriate congressional committees a written justification explaining in detail the basis for such alternate certification.

(ii) **CONSULTATION.**—After the Secretary has submitted the written justification under clause (i), but no later than 15 days before the Secretary exercises the alternate certification mechanism described under subparagraph (A), the Secretary shall consult with the appropriate congressional committees regarding such exercise.

(3) **LIMITED EXCEPTION FOR SUBSTANTIAL COMPLIANCE.**—

(A) **SUBSTANTIAL COMPLIANCE.**—Subject to subparagraph (B), if at least 32 of the 46 reforms represented by the 14 certifications specified under paragraph (1) have been implemented, all such reforms (including the unimplemented reforms) so represented shall be deemed to have been implemented for the year in which the Secretary submits such certifications.

(B) **MANDATORY IMPLEMENTATION OF CERTAIN REFORMS.**—

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

(I) Subsection (d)(3) of section 11 of the United Nations Participation Act of 1945 (as amended by section 1111(c) of this title).

(II) Section 1113(b)(1)(A).

(III) Section 1113(b)(2)(D).

(IV) Section 1114(a)(1).

(V) Section 1114(a)(6).

(VI) Section 1114(b)(1).

(VII) Section 1114(b)(2).

(VIII) Section 1114(c)(1).

(IX) Section 1131(b)(1).

(X) Section 1131(b)(2).

(XI) Section 1131(b)(3).

(XII) Section 1131(b)(5).

(XIII) Section 1131(b)(6).

(XIV) Section 1132(a)(1).

(XV) Section 1132(a)(2).

(ii) **FULL COMPLIANCE IN SUCCEEDING YEAR.**—If the unimplemented reforms under subparagraph (A) are not implemented in the year succeeding the year to which subpara-

graph (A) applies, the provisions of subsection (b) shall apply for such succeeding year.

(b) **WITHHOLDING OF UNITED STATES CONTRIBUTIONS TO REGULAR ASSESSED BUDGET OF THE UNITED NATIONS.**—

(1) **IN GENERAL.**—Except as provided in paragraph (4) and in accordance with paragraph (2), until such time as all certifications (or alternate certifications) are submitted in accordance with subsection (a), the United States shall appropriate, but withhold from expenditure, 50 percent of the contributions of the United States to the regular assessed budget of the United Nations for a biennial period.

(2) **AVAILABLE UNTIL EXPENDED.**—The contributions appropriated but withheld from expenditure under paragraph (1) are authorized to remain available until expended.

(3) **APPLICATION WITH RESPECT TO SECTION 11(B) OF THE UNITED NATION PARTICIPATION ACT OF 1945.**—Until such time as all certifications (or alternate certifications) are submitted in accordance with subsection (a), subsection (b) of section 11 of the United Nations Participation Act of 1945 (as amended by section 1111(c) of this title) shall be administered as though such section reads as follows: “The Secretary may not make a contribution to a regularly assessed biennial budget of the United Nations in an amount greater than 11 percent of the amount calculable under subsection (c).”

(4) **SECTION 11(D)(3) OF UNITED NATIONS PARTICIPATION ACT OF 1945.**—

(A) **SPECIAL RULE.**—A certification under subsection (d)(3) of section 11 of the United Nations Participation Act of 1945 (as amended by section 1111(c) of this title) (relating to the 2008–2009 biennial period and subsequent biennial periods) shall not be required until such time as the United Nations makes its formal budget presentation for the 2008–2009 biennial period.

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

(C) **RELEASE OF FUNDS.**—At such time as all certifications (or alternate certifications) are submitted in accordance with subsection (a), the United States shall transfer to the United Nations amounts appropriated but withheld from expenditure under subsection (b).

(d) **ANNUAL REVIEWS.**—

(1) **IN GENERAL.**—The Secretary shall conduct annual reviews, beginning one year after the date on which the Secretary submits the final certification (or alternate certification) in accordance with subsection (a), to determine if the United Nations continues to remain in compliance with all such certifications (or alternate certifications). Not later than 30 days after the completion of each such review, the Secretary shall submit to the appropriate congressional committees a report containing the findings of each such review.

(2) **ACTION.**—If during the course of any such review the Secretary determines that the United Nations has failed to remain in compliance with a certification (or an alternate certification) that was submitted in accordance with subsection (a), the 50 percent withholding described under subsection (b) shall re-apply with respect to United States contributions each fiscal year to the regular assessed budget of the United Nations beginning with the fiscal year immediately following such review and subsequent fiscal years until such time as all certifications (or alternate certifications) under subsection (a) have been submitted.

(e) **EFFECTIVE DATE.**—The certifications (or alternate certifications) specified under subsection (a) shall be required with respect to

United States contributions towards payment of regular assessed dues of the United Nations for 2007 and subsequent years.

AMENDMENT NO. 16 OFFERED BY MR. LANTOS

Mr. LANTOS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 16 offered by Mr. LANTOS:
Page 53, after line 20, insert the following new section:

SEC. 319. TREATMENT OF TERRITORIES AND POSSESSIONS AS PART OF THE GEOGRAPHIC UNITED STATES FOR PURPOSES OF TRANSFER ALLOWANCES.

Notwithstanding any other provision of law, for purposes of transfer allowances for employees of the Department of State under section 5924(2)(B) of title 5, United States Code, the territories and possessions of the United States, the Commonwealth of Puerto Rico, and the Commonwealth of the Northern Mariana Islands, shall be considered part of the geographic United States.

The CHAIRMAN. Pursuant to House Resolution 365, the gentleman from California (Mr. LANTOS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California (Mr. LANTOS).

Mr. LANTOS. Mr. Chairman, I yield myself such time as I may consume.

I offer amendment No. 16 as provided under the rule on behalf of my distinguished colleagues, the gentleman from American Samoa (Mr. FALEOMAVAEGA) and the gentlewoman from Guam (Ms. BORDALLO).

Mr. Chairman, the purpose of this amendment is very simple. It extends the same rights and privileges regarding transfer allowances to State Department employees who are residents of the United States territories and possessions that are accorded to State Department employees residing in the 50 States. My understanding is that this provision is a very modest one that will affect very few State Department employees with little cost to the government. In the interest of providing fair and equitable treatment to all U.S. citizens who are employees of our Department of State, regardless of their domicile, I strongly urge all of my colleagues to support this amendment.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. LANTOS).

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 17 printed in part B of House Report 109-175.

AMENDMENT NO. 17 OFFERED BY MR. BURTON OF INDIANA

Mr. BURTON of Indiana. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 17 offered by Mr. BURTON of Indiana:

At the end of title X (relating to reporting requirements), add the following new section:

SEC. 1027. ALIEN SMUGGLING AND TRAFFICKING IN PERSONS FROM ECUADOR.

(a) IN GENERAL.—Not later than six months after the date of the enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees a report, based on a cost-benefit analysis, that examines and describes the most effective use, across all responsible Federal departments and agencies, of United States security assistance (including assistance under chapter 8 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2291 et seq.; relating to international narcotics control)) to Ecuador, including the use of intelligence gathering and surveillance, to establish mechanisms to—

(1) prevent and interdict alien smuggling, including trafficking in persons, from Ecuador, either at land points of assembly, or later at sea;

(2) prevent potential concealment of terrorists attempting to enter the United States within the smuggled group; and

(3) identify and prosecute individuals or organizations that engage in or promote such alien smuggling.

(b) COOPERATION IN PREPARATION.—The Secretary shall prepare the report referred to in subsection (a) in cooperation with the Secretary of Homeland Security, who shall specifically address the roles and impacts of alien smuggling from Ecuador on United States air and surface assets assigned to counternarcotics missions in the eastern Pacific Ocean.

The CHAIRMAN. Pursuant to House Resolution 365, the gentleman from Indiana (Mr. BURTON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Indiana (Mr. BURTON).

Mr. BURTON of Indiana. Mr. Chairman, I yield myself such time as I may consume.

A number of the staff members of the Committee on International Relations recently got back from Ecuador where they talked with government officials and our government officials down there, and they found that there is a terrible problem with smuggling of people, illegal aliens, illegal immigrants into the United States from Ecuador. You can actually go to the seashore of Ecuador and see them making the boats within which they are going to put these people, women and children, send them out to sea, send them up the coast to Mexico, and then they are smuggled across the Mexican-American border into the United States of America.

The problem is obvious. First of all, it is going to cause a lot of problems to the taxpayers of the United States paying for the benefits for these people when they come into the United States; and even more importantly, it is a national security risk.

Right now, terrorists can get in those boats, come up the coast, come through Mexico into the United States, and become a threat to the security of this country. So it is extremely important we do something about it.

Right now, the Coast Guard of the United States, which is supposed to be using its resources down there to interdict drug trafficking that goes through the high seas into the United States, is spending a great deal of its time inter-

cepting these boats with women and children in them that have been abandoned on the high seas, many of them, that are coming north to the United States of America.

This amendment simply says that the State Department should conduct a study to find out whether or not the resources that we are spending down there are being used wisely. There needs to be a cost-benefit analysis done, and the State Department is the agency that can do that.

So I would just like to say, Mr. Chairman, this is an amendment that I think is very important in dealing with the drug trafficking problem coming out of South America and also in dealing with the illegal immigration that is emanating from Ecuador and other countries down in that area.

It also will help the Coast Guard, because the Coast Guard will not have to do as much of the interdicting of illegal aliens on the high seas as it has in the past, and it can devote its time and resources to the purpose that it is supposed to, and that is interdicting drugs on the high seas. I hope my colleagues will support this amendment.

Mr. Chairman, I reserve the balance of my time.

□ 1630

Mr. LANTOS. Mr. Chairman, I am not opposed to the amendment. I ask unanimous consent to claim the time in opposition.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. LANTOS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I want to congratulate the gentleman from Indiana (Mr. BURTON) for addressing a very important issue of alien smuggling from the Andean region. The leadership which the gentleman demonstrated many years ago as the chairman of the Western Hemisphere Committee has been renewed in his current tenure at the helm of that subcommittee.

Mr. Chairman, the northern migration of individuals between countries of the Western hemisphere historically has benefited our country and, through remittances and other means, the countries of origin.

The overwhelming majority of individuals who enter the United States without documentation from Latin American countries do so in search of the American dream. While we certainly do not support illegal immigration into this country, we must not assume that those answering the call of the Statue of Liberty are hardened criminals, nor are the vast majority of individuals victims of trafficking who are brought to our shores and borders under fraudulent circumstances through alien smuggling networks.

So when we encourage the administration to grant assistance to the security forces of Ecuador or any other country which the State Department

has found to have committed serious human rights violations, including extrajudicial killings and torture, it is vital that we understand and communicate these differences to the foreign government receiving our largesse.

Mr. Chairman, although the gentleman's amendment does not distinguish between those who seek a better life for themselves and their families and those who intend to do us or our allies harm, the administration should have a better strategy for addressing alien smuggling in Ecuador and elsewhere. The report which is required by the Burton amendment is a step in the right direction.

For these reasons we are prepared to accept this amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. BURTON of Indiana. Mr. Chairman, I yield myself such time as I may consume.

I would like to thank the gentleman from California (Mr. LANTOS), my very eloquent friend, for his kind remarks, and I would like to once again congratulate the gentleman from Illinois (Mr. HYDE) for the great work he has done on the International Relations Committee as chairman. The gentleman is a real titan in this place and we love him.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana (Mr. BURTON).

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 18A made in order under the rule.

AMENDMENT NO. 18A OFFERED BY MR. LANTOS

Mr. LANTOS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 18A offered by Mr. LANTOS:

In subtitle B of title XI, redesignate sections 1111 through 1126 as sections 1121 through 1136, respectively

In subtitle A of title XI, add the following new section:

SEC. 1111. DECLARATION OF HEADS OF STATE OF THE SHANGHAI COOPERATION ORGANIZATION.

(a) FINDINGS.—Congress finds the following:

(1) The Shanghai Cooperation Organization (SCO) is made up of Kazakhstan, Kyrgyzstan, the People's Republic of China, Russia, Tajikistan, and Uzbekistan.

(2) al Qaeda and Taliban fighters remain active in Afghanistan and antiterrorist operations led by the international coalition are still ongoing.

(3) The Heads of State of the SCO declared that they supported the Global War on Terrorism and would strengthen their efforts to combat and prevent terrorism.

(4) The Heads of State of the SCO called for the relevant State parties of the anti-terrorist coalition to set a deadline for the temporary use of the infrastructure facilities of the SCO Member States and for their military presence in these countries.

(b) STATEMENT OF CONGRESS.—Congress—

(1) commends the Heads of State of the SCO for their declaration of support of the Global War on Terrorism and for strengthening their efforts to combat and prevent terrorism;

(2) commends the support of the anti-terrorist efforts of the international coalition in Afghanistan;

(3) expresses its concern about language in the declaration of the Heads of State of the SCO calling for the relevant State parties of the anti-terrorist coalition to set a deadline for the temporary use of the infrastructure facilities of the SCO Member States and for their military presence in these countries; and

(4) calls on the President, the Secretary of State, and the Secretary of Defense to open a dialogue with the appropriate Member States in the SCO concerning the importance of the use of bases in the SCO Member States and report to Congress on the outcome of such dialogue.

The CHAIRMAN. Pursuant to House Resolution 365, the gentleman from California (Mr. LANTOS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California (Mr. LANTOS).

Mr. LANTOS. Mr. Chairman, I yield myself such time as I may consume.

I offer this amendment on behalf of the gentleman from New York (Mr. CROWLEY). It is imperative that the coalition forces fighting in the global war on terrorism not be hobbled in their efforts. The recent declaration of the Shanghai Cooperation Organization, which includes Russia and China, calling for coalition forces to set a withdrawal timetable from use of critical forward bases in countries such as Uzbekistan, would greatly hobble our efforts.

Mr. Chairman, the declaration is a transparent attempt by China and Russia, to force the United States out of the region which they obviously consider in their sphere of influence. Yet we do not see their forces participating beyond their own borders in the global war on terrorism.

I urge all of my colleagues to support the Crowley amendment and formally express the concern of this House over this unfortunate declaration.

Mr. Chairman, I reserve the balance of my time.

Mrs. JOHNSON of Connecticut. Mr. Chairman, I ask unanimous consent to take the time in opposition though I am not opposed to the amendment.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Connecticut?

There was no objection.

Mrs. JOHNSON of Connecticut. Mr. Chairman, I yield myself such time as I may consume.

The business of the House moved more rapidly than I anticipated, and so I am asking the privilege of taking the time in opposition to this amendment, though I do not oppose it, just to stand in support of the Burton amendment.

In Danbury, one of the major cities in my district, there has been an influx of 10,000 illegal immigrants in the last 5 years, mostly from South America and many from Ecuador. The tragedy

that we are a party to, by allowing these Mafia type traffickers to entice people into their web, is a tragedy for families, villages, and nations. These are Mafia type organized crime organizations. They have figured out how to make money from people's dreams and hopes. They rape, they pillage, they steal, they murder, they abandon. We need to know more about how we can use the intelligence resources and other resources of the United States to work more closely with the Ecuadorian government to stop this abusive trafficking and relieve small cities like Danbury of the terrible cost of a larger population of illegal residents.

These illegal immigrants are hard workers and hope only for a better life. But living the life of an illegal cannot fulfill their dreams, and it can cause tremendous problems in cities like Danbury, where services are taxed, taxpayers are overburdened, public health problems develop because these workers do not have health insurance and so on and so forth.

I traveled recently to Ecuador to gain a better understanding of the origins of the problems and spoke with the Ecuadorian immigration officials about the situation. They share our concerns with the sophistication of the organized criminals who are now profiting from human trafficking and capitalizing on the hopes of people who are merely seeking a better life. There is a way for our two countries to work together, not only to stop this trafficking, but to collaborate on local economic development projects to reduce the incentive to flee one's homeland. Microlending all kinds of things that we do routinely here in America and that we do in other places in the world, could provide the economic opportunity these people so desperately want right in their own country. Illegal immigration is not only dangerous and brutal for those involved but hard on American towns and cities and terrible for the little villages that are left behind in which grandparents are raising children and hopelessness forces painful, permanent separation.

I commend the gentleman on taking this step forward and working to stop human trafficking, which also creates the problems associated with illegal immigration in America. We have the resources to solve these problems if we focus thoughtfully on both the causes and the effects. The gentleman's amendment will start that process of focusing and will, I hope, lead to destroying the business of human trafficking and creating an economic development model built on the experience of both the United States and Ecuador, that will restore hope for Ecuadorians to their homeland.

I thank the gentleman from Illinois (Mr. HYDE), the chairman of the committee, for allowing me to take the time in opposition to this amendment that I do not oppose.

Mr. Chairman, I yield back the balance of my time.

Mr. LANTOS. Mr. Chairman, I am delighted to yield the balance of my time to the gentleman from New York (Mr. CROWLEY), a distinguished member of the International Relations Committee, the author of this amendment.

The CHAIRMAN. The gentleman from New York is recognized for 3½ minutes.

Mr. CROWLEY. Mr. Chairman, I thank the gentleman from California (Mr. LANTOS) for being here to offer my amendment and to take the position in support of this amendment.

Mr. Chairman, my amendment deals with the July 5 declaration of the heads of state of the Shanghai Cooperation Organization known as SCO, which is made up of Kazakhstan, Kyrgyzstan and the People's Republic of China, Russia, Tajikistan and Uzbekistan.

This declaration called upon the antiterrorist coalition to set a deadline for the temporary use of the infrastructure facilities of the SCO member states and for the military presence in these countries.

I do not believe it is appropriate to begin to pull out of Central Asia while al Qaeda and the Taliban are still an active threat to the emerging government in Afghanistan and coalition troops seeking to root out the remaining fighters of the Taliban as well as al Qaeda.

China and Russia should not be pushing policy on their smaller neighbors just because they are uncomfortable with having Western antiterrorist coalition troops in Central Asia.

Terrorism is not an issue for the United States alone but for the entire world, and we must all work together to fight these sick individuals.

Richard Myers, Chairman of the Joint Chiefs of Staff, said the United States has no territorial designs on the region and they should not view coalition troops as a threat.

Under Secretary of Defense Douglas Feith said in an interview recently that U.S. military operations are based on circumstance, not dates, and the circumstances in Afghanistan remain dangerous. So we must not allow China and Russia to dictate the timetables on our security.

Mr. Chairman, my amendment calls on the administration to open a dialogue with the appropriate members of the SCO and let them know about the importance of retaining the antiterrorist coalition troops.

I urge all of my colleagues to support this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. LANTOS).

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 19 printed in part B of House Report 109-175.

AMENDMENT NO. 19 OFFERED BY MR. SMITH OF NEW JERSEY

Mr. SMITH of New Jersey. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 19 offered by Mr. SMITH of New Jersey:

Page 18, after line 3, insert the following new subsection:

(d) WITHHOLDING OF CONTRIBUTIONS FOR CERTAIN UNITED NATIONS COMMISSIONS, ORGANIZATIONS, OR ANY AFFILIATED AGENCIES.—Notwithstanding any other provision of law, funds available to the Department of State or any other Federal department or agency may not be used for United States contributions to any United Nations commission, organization, or affiliated agency that is chaired or presided over by a country, the government of which the Secretary of State has determined, for purposes of section 6(j)(1) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)(1)) has repeatedly provided support for acts of international terrorism, until such time as the President determines that such commission, organization, or agency is no longer chaired or presided over by such country and the commission, organization, or agency has established appropriate electoral reforms, including minimum standards for leadership positions and the elimination of automatic rotation of such leadership positions.

The CHAIRMAN. Pursuant to House Resolution 365, the gentleman from New Jersey (Mr. SMITH) and the gentleman from California (Mr. LANTOS) each will control 5 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Chairman, I yield myself such time as I may consume.

I am offering this amendment on behalf of the gentleman from New York (Mr. FOSSELLA), my good friend and colleague, who was unavoidably detained on official business. As a supporter of the Fossella amendment, I offer it on his behalf.

This amendment very simply seeks to withhold U.S. funding from any U.N. commission, organization or affiliated agency that is chaired or presided over by a country the government of which the Secretary of State has determined has repeatedly provided support for acts of international terrorism until such time that the President determines that they are no longer doing so.

If Members of the U.N. elect known state sponsors of terrorism to lead U.N. organizations, we believe U.S. tax dollars should not support those entities.

In a post-9/11 world we are seeking to build multilateral strategies to address threats of global terror. We must use all available diplomatic tools and leverage such as U.S. contributions, to halt the influence of countries that sponsor and export terror.

This amendment seeks to prevent identified state sponsors of terrorism such as Iran, Syria, North Korea, Cuba and Libya from being able to attain leadership positions at U.N. commissions, organizations or affiliated agencies such as the Conference on Disarmament and U.N. human rights bodies.

Mr. Chairman, I reserve the balance of my time.

Mr. LANTOS. Mr. Chairman, I yield myself such time as I may consume.

This is a parallel issue to the one we had with respect to cutting off 50 per-

cent of the funding for the United Nations.

Every single Member of this body is in full agreement that rogue states should not be chairing United Nations organizations. But it is equally clear that an intelligent approach to making it impossible to keep rogue states from chairing United States bodies is to give our Secretary of State the discretion to cut off funding and not to put things on automatic pilot.

Given our concerns, I would ask the gentleman if he would modify the amendment to make the authority to withhold funds subject to the discretion of the Secretary of State. Could we insert on line 4, after the comma, the relevant secretary or head of agencies authorized to withhold the funds? Would the gentleman be willing to ask unanimous consent to do so?

Mr. SMITH of New Jersey. Mr. Chairman, will the gentleman yield?

Mr. LANTOS. I yield to the gentleman from New Jersey.

Mr. SMITH of New Jersey. With all due respect to my friend and colleague from California, I know that the gentleman from New York (Mr. FOSSELLA), who is really the prime sponsor of this amendment, had prior knowledge of that potential language that you just offered and he did not want to accept it. So on his behalf and my own I would have to reject it regrettably.

□ 1645

Mr. LANTOS. Mr. Chairman, I thank my friend. Under those circumstances, we oppose the amendment. It is absurd to put U.S. foreign policy on automatic pilot. We have an intelligent and capable Secretary of State who has all the capability of exercising her discretion in withholding funds from the United Nations when warranted. I ask all of my colleagues to vote against this amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. SMITH of New Jersey. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey (Mr. SMITH).

The amendment was agreed to.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in part B of House Report 109-175 on which further proceedings were postponed, in the following order: amendment No. 2, as modified, offered by the gentleman from Illinois (Mr. HYDE); amendment No. 8 offered by the gentleman from Minnesota (Mr. KENNEDY); amendment No. 9 offered by the gentleman from Oregon (Ms. HOOLEY); amendment No. 10 offered by the gentleman from Indiana (Mr. SOUDER); amendment No. 12 offered by the gentleman from New Jersey (Mr. SMITH).

The first electronic vote will be conducted as a 15-minute vote. Remaining

electronic votes will be conducted as 5-minute votes.

AMENDMENT NO. 2, AS MODIFIED, OFFERED BY MR. HYDE

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment, as modified, offered by the gentleman from Illinois (Mr. HYDE) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 226, noes 195, not voting 12, as follows:

[Roll No. 385]

AYES—226

Aderholt	Foley	Manzullo
Akin	Forbes	Marchant
Alexander	Fortenberry	Marshall
Bachus	Fossella	McCaul (TX)
Baker	Fox	McCotter
Barrett (SC)	Franks (AZ)	McCrery
Barrow	Galleghy	McHugh
Bartlett (MD)	Garrett (NJ)	McIntyre
Barton (TX)	Gerlach	McKeon
Bass	Gibbons	McMorris
Beauprez	Gilchrest	Mica
Berkley	Gillmor	Miller (FL)
Biggert	Gingrey	Miller (MI)
Billakis	Gohmert	Miller, Gary
Bishop (UT)	Goode	Mollohan
Blackburn	Goodlatte	Moran (KS)
Blunt	Granger	Murphy
Boehner	Graves	Musgrave
Bonilla	Green (WI)	Myrick
Bonner	Green, Gene	Neugebauer
Bono	Gutknecht	Ney
Boozman	Hall	Northup
Boustany	Harris	Norwood
Bradley (NH)	Hart	Nunes
Brady (TX)	Hastings (WA)	Nussle
Brown-Waite,	Hayes	Osborne
Ginny	Hayworth	Otter
Burgess	Hefley	Oxley
Burton (IN)	Hensarling	Pearce
Buyer	Herger	Pence
Calvert	Hobson	Peterson (PA)
Camp	Hoekstra	Petri
Cannon	Hostettler	Pickering
Cantor	Hulshof	Pitts
Capito	Hunter	Platts
Carter	Hyde	Poe
Chabot	Inglis (SC)	Pombo
Chocola	Issa	Porter
Coble	Istook	Price (GA)
Cole (OK)	Jenkins	Pryce (OH)
Conaway	Jindal	Putnam
Costello	Johnson (CT)	Radanovich
Crenshaw	Johnson (IL)	Ramstad
Cubin	Johnson, Sam	Regula
Cuellar	Jones (NC)	Rehberg
Culberson	Keller	Renzi
Cunningham	Kelly	Reynolds
Davis (KY)	Kennedy (MN)	Rogers (AL)
Davis, Jo Ann	King (IA)	Rogers (KY)
Davis, Tom	King (NY)	Rogers (MI)
Deal (GA)	Kingston	Rohrabacher
DeLay	Kirk	Ros-Lehtinen
Dent	Kline	Royce
Diaz-Balart, L.	Knollenberg	Ryan (WI)
Diaz-Balart, M.	Kolbe	Ryun (KS)
Doolittle	Kuhl (NY)	Saxton
Drake	LaHood	Schwarz (MI)
Dreier	Latham	Sensenbrenner
Duncan	LaTourette	Sessions
Ehlers	Lewis (CA)	Shadegg
Emerson	Lewis (KY)	Shaw
English (PA)	Linder	Sherwood
Everett	LoBiondo	Shimkus
Feeney	Lucas	Shuster
Ferguson	Lungren, Daniel	Simmons
Fitzpatrick (PA)	E.	Simpson
Flake	Mack	Smith (NJ)

Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Tancredo
Taylor (MS)
Taylor (NC)
Terry

Thomas
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)

NOES—195

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Bean
Becerra
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boehlert
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Castle
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Gonzalez
Gordon
Green, Al
Grijalva

NOT VOTING—12

Brown (SC)
Brown, Corrine
Cox
Cramer

Frelinghuysen
Hinojosa
McHenry
Payne

Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wolf
Young (AK)
Young (FL)

Gutierrez
Harman
Hastings (FL)
Hereth
Higgins
Hinchey
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee
(TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildeer
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markley
Matheeson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Michaud
Millender-
 McDonald
Miller (NC)
Miller, George
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey

Reyes
Sweeney
Thornberry
Wilson (SC)

AMENDMENT NO. 8 OFFERED BY MR. KENNEDY OF MINNESOTA

The Acting CHAIRMAN (Mr. CULBERSON). The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Minnesota (Mr. KENNEDY) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 423, noes 2, not voting 8, as follows:

[Roll No. 386]

AYES—423

Abercrombie	Chabot	Fossella
Ackerman	Chandler	Fox
Aderholt	Chocola	Frank (MA)
Akin	Clay	Franks (AZ)
Alexander	Cleaver	Frelinghuysen
Allen	Clyburn	Galleghy
Andrews	Coble	Garrett (NJ)
Baca	Cole (OK)	Gerlach
Bachus	Conaway	Gibbons
Baird	Conyers	Gilchrest
Baker	Cooper	Gillmor
Baldwin	Costa	Gingrey
Barrett (SC)	Costello	Gohmert
Barrow	Cramer	Gonzalez
Bartlett (MD)	Crenshaw	Goode
Barton (TX)	Crowley	Goodlatte
Bass	Cubin	Gordon
Bean	Cuellar	Granger
Beauprez	Culberson	Graves
Becerra	Cummings	Green (WI)
Berkley	Cunningham	Green, Al
Berman	Davis (AL)	Green, Gene
Berry	Davis (CA)	Grijalva
Biggert	Davis (FL)	Gutierrez
Billakis	Davis (IL)	Gutknecht
Bishop (GA)	Davis (KY)	Hall
Bishop (NY)	Davis (TN)	Harman
Bishop (UT)	Davis, Jo Ann	Harris
Blackburn	Davis, Tom	Hart
Blumenauer	Deal (GA)	Hastings (FL)
Blunt	DeFazio	Hastings (WA)
Boehner	DeGette	Hayes
Bonilla	Delahunt	Hayworth
Bonner	DeLauro	Hefley
Bono	DeLay	Hensarling
Boozman	Dent	Herger
Boren	Diaz-Balart, L.	Hereth
Boswell	Diaz-Balart, M.	Higgins
Boucher	Dicks	Hinchey
Boustany	Dingell	Hobson
Boyd	Doggett	Hoekstra
Bradley (NH)	Doolittle	Holden
Brady (PA)	Doyle	Holt
Brady (TX)	Drake	Honda
Brown (OH)	Dreier	Hooley
Brown, Corrine	Duncan	Hostettler
Brown-Waite,	Edwards	Hoyer
Ginny	Ehlers	Hulshof
Burgess	Emanuel	Hunter
Burton (IN)	Emerson	Hyde
Butterfield	Engel	Inglis (SC)
Buyer	English (PA)	Inslee
Calvert	Eshoo	Israel
Camp	Etheridge	Issa
Cannon	Evans	Istook
Cantor	Everett	Jackson (IL)
Capito	Farr	Jackson-Lee
Capps	Fattah	(TX)
Capuano	Feeney	Jefferson
Cardin	Ferguson	Jenkins
Cardoza	Filner	Jindal
Carnahan	Fitzpatrick (PA)	Johnson (CT)
Carson	Foley	Johnson (IL)
Carter	Forbes	Johnson, E. B.
Case	Ford	Johnson, Sam
Castle	Fortenberry	Jones (NC)

□ 1711

Ms. ESHOO, Mr. ORTIZ, and Mr. RUSH changed their vote from “aye” to “no.”

Mr. CUELLAR and Mr. MOLLOHAN changed their vote from “no” to “aye.” So the amendment, as modified, was agreed to.

The result of the vote was announced as above recorded.

Jones (OH)	Moore (KS)	Schiff
Kanjorski	Moore (WI)	Schwartz (PA)
Kaptur	Moran (KS)	Schwarz (MI)
Keller	Moran (VA)	Scott (GA)
Kelly	Murphy	Scott (VA)
Kennedy (MN)	Murtha	Sensenbrenner
Kennedy (RI)	Musgrave	Serrano
Kildee	Myrick	Sessions
Kilpatrick (MI)	Nadler	Shadegg
Kind	Napolitano	Shaw
King (IA)	Neal (MA)	Shays
King (NY)	Neugebauer	Sherman
Kingston	Ney	Sherwood
Kirk	Northup	Shimkus
Kline	Norwood	Shuster
Knollenberg	Nunes	Simmons
Kolbe	Nussle	Simpson
Kucinich	Oberstar	Skelton
Kuhl (NY)	Obey	Slaughter
LaHood	Oliver	Smith (NJ)
Langevin	Ortiz	Smith (TX)
Lantos	Osborne	Smith (WA)
Larsen (WA)	Otter	Snyder
Larson (CT)	Owens	Sodrel
Latham	Oxley	Solis
LaTourette	Pallone	Souder
Leach	Pascarell	Spratt
Lee	Pastor	Stark
Levin	Payne	Stearns
Lewis (CA)	Pearce	Strickland
Lewis (GA)	Pelosi	Stupak
Lewis (KY)	Pence	Sullivan
Linder	Peterson (MN)	Tanner
Lipinski	Peterson (PA)	Tauscher
LoBiondo	Petri	Taylor (MS)
Lofgren, Zoe	Pickering	Taylor (NC)
Lowey	Pitts	Terry
Lucas	Platts	Thomas
Lungren, Daniel	Poe	Thompson (CA)
E.	Pombo	Thompson (MS)
Lynch	Pomeroy	Thornberry
Mack	Porter	Tiahrt
Maloney	Price (GA)	Tiberi
Manzullo	Price (NC)	Tierney
Marchant	Pryce (OH)	Towns
Markey	Putnam	Turner
Marshall	Radanovich	Udall (CO)
Matheson	Rahall	Udall (NM)
Matsui	Ramstad	Upton
McCarthy	Rangel	Van Hollen
McCaul (TX)	Regula	Velázquez
McCollum (MN)	Rehberg	Visclosky
McCotter	Reichert	Walden (OR)
McCrery	Renzi	Walsh
McDermott	Reynolds	Wamp
McGovern	Rogers (AL)	Wasserman
McHugh	Rogers (KY)	Schultz
McIntyre	Rogers (MI)	Waters
McKeon	Rohrabacher	Watson
McKinney	Ros-Lehtinen	Watt
McMorris	Ross	Waxman
McNulty	Rothman	Weiner
Meehan	Roybal-Allard	Weldon (FL)
Meek (FL)	Royce	Weldon (PA)
Meeks (NY)	Ruppersberger	Weller
Melancon	Rush	Westmoreland
Menendez	Ryan (OH)	Wexler
Mica	Ryan (WI)	Whitfield
Micaud	Ryun (KS)	Wicker
Millender-	Sabo	Wilson (NM)
McDonald	Salazar	Wilson (SC)
Miller (FL)	Sánchez, Linda	Wolf
Miller (MI)	T.	Woolsey
Miller (NC)	Sanchez, Loretta	Wu
Miller, Gary	Sanders	Wynn
Miller, George	Saxton	Young (AK)
Mollohan	Schakowsky	Young (FL)

NOES—2

Flake	Paul	
NOT VOTING—8		
Boehlert	Hinojosa	Sweeney
Brown (SC)	McHenry	Tancredo
Cox	Reyes	

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (Mr. CULBERSON) (during the vote). Members are advised 2 minutes remain in this vote.

□ 1719

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mr. WILSON of South Carolina. Mr. Chairman, on rollcall No. 386 I was unavoidably detained. Had I been present, I would have voted "aye."

PERSONAL EXPLANATION

Mr. MCHENRY. Mr. Chairman, on rollcall Nos. 385 and 386 I was unavoidably detained. Had I been present, I would have voted "aye."

AMENDMENT NO. 9 OFFERED BY MS. HOOLEY

The Acting CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentlewoman from Oregon (Ms. HOOLEY) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 424, noes 1, not voting 8, as follows:

[Roll No. 387]

AYES—424

Abercrombie	Capuano	Engel
Ackerman	Cardin	English (PA)
Aderholt	Cardoza	Eshoo
Akin	Carnahan	Etheridge
Alexander	Carson	Evans
Allen	Carter	Everett
Andrews	Case	Farr
Baca	Castle	Fattah
Bachus	Chabot	Feeney
Baird	Chandler	Ferguson
Baker	Chocola	Filner
Baldwin	Clay	Fitzpatrick (PA)
Barrett (SC)	Cleaver	Flake
Barrow	Clyburn	Foley
Bartlett (MD)	Coble	Forbes
Barton (TX)	Cole (OK)	Ford
Bass	Conaway	Fortenberry
Bean	Conyers	Fossella
Beauprez	Cooper	Fox
Becerra	Costa	Frank (MA)
Berkley	Costello	Franks (AZ)
Berman	Cramer	Frelinghuysen
Berry	Crenshaw	Gallely
Biggert	Crowley	Garrett (NJ)
Bilirakis	Cubin	Gerlach
Bishop (GA)	Cuellar	Gibbons
Bishop (NY)	Culberson	Gilchrest
Blackburn	Cummings	Gillmor
Blumenauer	Cunningham	Gingrey
Blunt	Davis (AL)	Gohmert
Boehlert	Davis (CA)	Gonzalez
Boehner	Davis (FL)	Goode
Bonilla	Davis (IL)	Goodlatte
Bonner	Davis (KY)	Gordon
Bono	Davis (TN)	Granger
Boozman	Davis, Jo Ann	Graves
Boren	Davis, Tom	Green (WI)
Boswell	Deal (GA)	Green, Al
Boucher	DeFazio	Green, Gene
Boustany	DeGette	Grijalva
Boyd	Delahunt	Gutierrez
Bradley (NH)	DeLauro	Gutknecht
Brady (PA)	DeLay	Hall
Brady (TX)	Dent	Harman
Brown (OH)	Diaz-Balart, L.	Harris
Brown, Corrine	Diaz-Balart, M.	Hart
Brown-Waite,	Dicks	Hastings (FL)
Ginny	Dingell	Hastings (WA)
Burgess	Doggett	Hayes
Burton (IN)	Doolittle	Hayworth
Butterfield	Doyle	Hefley
Buyer	Drake	Hensarling
Calvert	Dreier	Herger
Camp	Duncan	Herseth
Cannon	Edwards	Higgins
Cantor	Ehlers	Hinchey
Capito	Emanuel	Hobson
Capps	Emerson	Hoekstra
Holden		
Holt		
Honda		
Hooley		
Hostettler		
Hoyer		
Hulshof		
Hunter		
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(TX)		
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Johnson, Sam		
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Kaptur		
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Kildee		
Kilpatrick (MI)		
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Kingston		
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Knollenberg		
Kolbe		
Kucinich		
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Larsen (WA)		
Larson (CT)		
Latham		
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Miller (MI)		
Miller (NC)		
Miller, Gary		
Miller, George		
Mollohan		

The result of the vote was announced as above recorded.

AMENDMENT NO. 10 OFFERED BY MR. SOUDER

The Acting CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Indiana (Mr. SOUDER) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 426, noes 1, not voting 6, as follows:

[Roll No. 388]

AYES—426

Abercrombie	Castle	Ford
Ackerman	Chabot	Fortenberry
Aderholt	Chandler	Fossella
Akin	Chocola	Fox
Alexander	Clay	Frank (MA)
Allen	Cleaver	Franks (AZ)
Andrews	Clyburn	Frelinghuysen
Baca	Coble	Gallely
Bachus	Cole (OK)	Garrett (NJ)
Baird	Conaway	Gerlach
Baker	Conyers	Gibbons
Baldwin	Cooper	Gilchrest
Barrett (SC)	Costa	Gillmor
Barrow	Costello	Gingrey
Bartlett (MD)	Cramer	Gohmert
Barton (TX)	Crenshaw	Gonzalez
Bass	Crowley	Goode
Bean	Cubin	Goodlatte
Beauprez	Cuellar	Gordon
Becerra	Culberson	Granger
Berkley	Cummings	Graves
Berman	Cunningham	Green (WI)
Berry	Davis (AL)	Green, Al
Biggert	Davis (CA)	Green, Gene
Bilirakis	Davis (FL)	Grijalva
Bishop (GA)	Davis (IL)	Gutiérrez
Bishop (NY)	Davis (KY)	Gutknecht
Bishop (UT)	Davis (TN)	Hall
Blackburn	Davis, Jo Ann	Harman
Blumenauer	Davis, Tom	Harris
Blunt	Deal (GA)	Hart
Boehlert	DeFazio	Hastings (FL)
Boehner	DeGette	Hastings (WA)
Bonilla	DeLaunt	Hayes
Bonner	DeLauro	Hayworth
Bono	DeLay	Hefley
Boozman	Dent	Hensarling
Boren	Diaz-Balart, L.	Herger
Boswell	Diaz-Balart, M.	Herseth
Boucher	Dicks	Higgins
Boustany	Dingell	Hinche
Boyd	Doggett	Hobson
Bradley (NH)	Doolittle	Hoekstra
Brady (PA)	Doyle	Holden
Brady (TX)	Drake	Holt
Brown (OH)	Dreier	Honda
Brown, Corrine	Duncan	Hooley
Brown-Waite,	Edwards	Hostettler
Ginny	Ehlers	Hoyer
Burgess	Emanuel	Hulshof
Burton (IN)	Emerson	Hunter
Butterfield	Engel	Hyde
Buyer	English (PA)	Inglis (SC)
Calvert	Eshoo	Inslee
Camp	Etheridge	Israel
Cannon	Evans	Issa
Cantor	Everett	Istook
Capito	Farr	Jackson (IL)
Capps	Fattah	Jackson-Lee
Capuano	Feeney	(TX)
Cardin	Ferguson	Jefferson
Cardoza	Filner	Jenkins
Carnahan	Fitzpatrick (PA)	Jindal
Carson	Flake	Johnson (CT)
Carter	Foley	Johnson (IL)
Case	Forbes	Johnson, E. B.

Johnson, Sam	Miller, George	Schakowsky
Jones (NC)	Mollohan	Schiff
Jones (OH)	Moore (KS)	Schwartz (PA)
Kanjorski	Moore (WI)	Schwarz (MI)
Kaptur	Moran (KS)	Scott (GA)
Keller	Moran (VA)	Scott (VA)
Kelly	Murphy	Sensenbrenner
Kennedy (MN)	Murtha	Serrano
Kennedy (RI)	Musgrave	Sessions
Kildee	Myrick	Shadegg
Kilpatrick (MI)	Nadler	Shaw
Kind	Napolitano	Shays
King (IA)	Neal (MA)	Sherman
King (NY)	Neugebauer	Sherwood
Kingston	Ney	Shimkus
Kirk	Northup	Shuster
Kline	Norwood	Simmons
Knollenberg	Nunes	Simpson
Kolbe	Nussle	Skelton
Kucinich	Oberstar	Slaughter
Kuhl (NY)	Obey	Smith (NJ)
LaHood	Oliver	Smith (TX)
Langevin	Ortiz	Smith (WA)
Lantos	Osborne	Snyder
Larsen (WA)	Otter	Sodrel
Larson (CT)	Owens	Solis
Latham	Oxley	Souder
LaTourette	Pallone	Spratt
Leach	Pascarell	Stark
Lee	Pastor	Stearns
Levin	Payne	Strickland
Lewis (CA)	Pearce	Stupak
Lewis (GA)	Pelosi	Sullivan
Lewis (KY)	Pence	Tanner
Linder	Peterson (MN)	Tauscher
Lipinski	Peterson (PA)	Taylor (MS)
LoBiondo	Petri	Taylor (NC)
Lofgren, Zoe	Pickering	Terry
Lowey	Pitts	Thomas
Lucas	Platts	Thompson (CA)
Lungren, Daniel	Poe	Thompson (MS)
E.	Pombo	Thornberry
Lynch	Pomeroy	Tiahrt
Mack	Porter	Tiberi
Maloney	Price (GA)	Tierney
Manzullo	Price (NC)	Towns
Marchant	Pryce (OH)	Turner
Markley	Putnam	Udall (CO)
Marshall	Radanovich	Udall (NM)
Matheson	Rahall	Upton
Matsui	Ramstad	Van Hollen
McCarthy	Rangel	Velázquez
McCaul (TX)	Regula	Visclosky
McCollum (MN)	Rehberg	Walden (OR)
McCotter	Reichert	Walsh
McCrery	Renzi	Wamp
McDermott	Reynolds	Wasserman
McGovern	Rogers (AL)	Schultz
McHenry	Rogers (KY)	Waters
McHugh	Rogers (MI)	Watson
McIntyre	Rohrabacher	Watt
McKeon	Ros-Lehtinen	Waxman
McKinney	Ross	Weiner
McMorris	Rothman	Weldon (FL)
McNulty	Roybal-Allard	Weldon (PA)
Meehan	Royce	Weller
Meek (FL)	Ruppersberger	Westmoreland
Meeks (NY)	Rush	Wexler
Melancon	Ryan (OH)	Whitfield
Menendez	Ryan (WI)	Wicker
Mica	Ryun (KS)	Wilson (NM)
Michaud	Sabo	Wilson (SC)
Millender	Salazar	Wolf
McDonald	Sánchez, Linda	Woolsey
Miller (FL)	T.	Wu
Miller (MI)	Sanchez, Loretta	Wynn
Miller (NC)	Sanders	Young (AK)
Miller, Gary	Saxton	Young (FL)

NOES—1

Paul

NOT VOTING—6

Brown (SC)	Hinojosa	Sweeney
Cox	Reyes	Tancredo

□ 1735

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 12 OFFERED BY MR. SMITH OF NEW JERSEY

The Acting CHAIRMAN (Mr. CULBERSON). The pending business is the demand for a recorded vote on the amendment offered by the gentleman from New Jersey (Mr. SMITH) on which

further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 223, noes 205, not voting 5, as follows:

[Roll No. 389]

AYES—223

Aderholt	Goodlatte	Northup
Akin	Gordon	Norwood
Alexander	Granger	Nunes
Bachus	Graves	Nussle
Baker	Green (WI)	Ortiz
Barrett (SC)	Gutknecht	Osborne
Bartlett (MD)	Hall	Otter
Barton (TX)	Harris	Oxley
Beauprez	Hart	Pearce
Berry	Hastings (WA)	Pence
Bilirakis	Hayes	Peterson (MN)
Bishop (UT)	Hayworth	Peterson (PA)
Blackburn	Hefley	Petri
Blunt	Hensarling	Pickering
Boehner	Herger	Pitts
Bonilla	Hobson	Platts
Bonner	Hoekstra	Poe
Boozman	Holden	Pombo
Boren	Hostettler	Porter
Boustany	Hulshof	Price (GA)
Brady (TX)	Hunter	Putnam
Burgess	Hyde	Radanovich
Burton (IN)	Inglis (SC)	Rahall
Buyer	Issa	Regula
Calvert	Istook	Rehberg
Camp	Jenkins	Reichert
Cannon	Jindal	Renzi
Cantor	Johnson (IL)	Reynolds
Capito	Johnson, Sam	Rogers (AL)
Carter	Jones (NC)	Rogers (KY)
Chabot	Kaptur	Rogers (MI)
Chocola	Keller	Rohrabacher
Coble	Kennedy (MN)	Ros-Lehtinen
Cole (OK)	Kildee	Royce
Conaway	King (IA)	Ryan (WI)
Costello	King (NY)	Ryan (KS)
Cox	Kingston	Saxton
Cramer	Kline	Sensenbrenner
Crenshaw	Knollenberg	Sessions
Cubin	Kuhl (NY)	Shadegg
Cuellar	LaHood	Shaw
Culberson	Latham	Sherwood
Cunningham	LaTourette	Shimkus
Davis (KY)	Lewis (CA)	Shuster
Davis (TN)	Lewis (KY)	Simpson
Davis, Jo Ann	Linder	Skelton
Davis, Tom	Lipinski	Smith (NJ)
Deal (GA)	LoBiondo	Smith (TX)
DeLay	Lucas	Sodrel
Diaz-Balart, L.	Lungren, Daniel	Souder
Diaz-Balart, M.	E.	Stearns
Doolittle	Mack	Stupak
Drake	Manzullo	Sullivan
Dreier	Marchant	Taylor (MS)
Duncan	Marshall	Taylor (NC)
Ehlers	McCaul (TX)	Terry
Emerson	McCotter	Thornberry
English (PA)	McCrery	Tiahrt
Everett	McHenry	Tiberi
Feeney	McHugh	Turner
Ferguson	McIntyre	Upton
Fitzpatrick (PA)	McKeon	Walsh
Flake	McMorris	Wamp
Forbes	Mica	Weldon (FL)
Fortenberry	Miller (FL)	Weldon (PA)
Fossella	Miller (MI)	Weller
Fox	Miller, Gary	Westmoreland
Franks (AZ)	Mollohan	Whitfield
Gallely	Moran (KS)	Wicker
Garrett (NJ)	Murphy	Wilson (NM)
Gibbons	Murtha	Wilson (SC)
Gillmor	Musgrave	Wolf
Gingrey	Myrick	Young (AK)
Gohmert	Neugebauer	Young (FL)
Goode	Ney	

NOES—205

Abercrombie	Frank (MA)	Napolitano
Ackerman	Frelinghuysen	Neal (MA)
Allen	Gerlach	Oberstar
Andrews	Gilchrest	Obey
Baca	Gonzalez	Olver
Baird	Green, Al	Owens
Baldwin	Green, Gene	Pallone
Barrow	Grijalva	Pascarell
Bass	Gutierrez	Pastor
Bean	Harman	Paul
Becerra	Hastings (FL)	Payne
Berkley	Herseth	Pelosi
Berman	Higgins	Pomeroy
Biggert	Hinchey	Price (NC)
Bishop (GA)	Holt	Pryce (OH)
Bishop (NY)	Honda	Ramstad
Blumenauer	Hooley	Rangel
Boehlert	Hoyer	Ross
Bono	Inslee	Rothman
Boswell	Israel	Roybal-Allard
Boucher	Jackson (IL)	Ruppersberger
Boyd	Jackson-Lee	Rush
Bradley (NH)	(TX)	Ryan (OH)
Brady (PA)	Jefferson	Sabo
Brown (OH)	Johnson (CT)	Salazar
Brown, Corrine	Johnson, E. B.	Sanchez, Linda
Brown-Waite,	Jones (OH)	T.
Ginny	Kanjorski	Sanchez, Loretta
Butterfield	Kelly	Sanders
Capps	Kennedy (RI)	Schakowsky
Capuano	Kilpatrick (MI)	Schiff
Cardin	Kind	Schwartz (PA)
Cardoza	Kirk	Schwarz (MI)
Carnahan	Kolbe	Scott (GA)
Carson	Kucinich	Scott (VA)
Case	Langevin	Serrano
Castle	Lantos	Shays
Chandler	Larsen (WA)	Sherman
Clay	Larson (CT)	Simmons
Cleaver	Leach	Slaughter
Clyburn	Lee	Smith (WA)
Conyers	Levin	Snyder
Cooper	Lewis (GA)	Solis
Costa	Lofgren, Zoe	Spratt
Crowley	Lowey	Stark
Cummings	Lynch	Strickland
Davis (AL)	Maloney	Tanner
Davis (CA)	Markey	Tauscher
Davis (FL)	Matheson	Thomas
Davis (IL)	Matsui	Thompson (CA)
DeFazio	McCarthy	Thompson (MS)
DeGette	McCollum (MN)	Tierney
Delahunt	McDermott	Towns
DeLauro	McGovern	Udall (CO)
Dent	McKinney	Udall (NM)
Dicks	McNulty	Van Hollen
Dingell	Meehan	Velázquez
Doggett	Meek (FL)	Visclosky
Doyle	Meeks (NY)	Walden (OR)
Edwards	Melancon	Wasserman
Emanuel	Menendez	Schultz
Engel	Michaud	Waters
Eshoo	Millender-	Watson
Etheridge	McDonald	Watt
Evans	Miller (NC)	Waxman
Farr	Miller, George	Weiner
Fattah	Moore (KS)	Wexler
Filner	Moore (WI)	Woolsey
Foley	Moran (VA)	Wu
Ford	Nadler	Wynn

NOT VOTING—5

Brown (SC)	Reyes	Tancredo
Hinojosa	Sweeney	

□ 1744

Messrs. THOMAS, FORD and OBEY changed their vote from "aye" to "no."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Mr. HYDE. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. SIMPSON) having assumed the chair, Mr. CULBERSON, Acting Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2601) to authorize appropriations for the Depart-

ment of State for the fiscal years 2006 and 2007, and for other purposes, had come to no resolution thereon.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 2360. An act making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes.

The message also announced that the Senate has passed without amendment in which the concurrence of the House is requested, a joint resolution of the House of the following title:

H.J. Res. 52. Joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003.

The message also announced that the Senate has passed bills and a concurrent resolution of the following titles in which the concurrence of the House is requested:

S. 335. An act to reauthorize the Congressional Award Act.

S. 1413. An act to redesignate the Crowne Plaza in Kingston, Jamaica as the Colin L. Powell Residential Plaza.

S. Con. Res. 26. Concurrent resolution honoring and memorializing the passengers and crew of United Airlines Flight 93.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 2360), "An Act making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. GREGG, Mr. COCHRAN, Mr. STEVENS, Mr. SPECTER, Mr. DOMENICI, Mr. SHELBY, Mr. CRAIG, Mr. BENNETT, Mr. ALLARD, Mr. BYRD, Mr. INOUE, Mr. LEAHY, Ms. MIKULSKI, Mr. KOHL, Mrs. MURRAY, Mr. REID, and Mrs. FEINSTEIN to be the conferees on the part of the Senate.

DISTRICT OF COLUMBIA'S FISCAL YEAR 2006 BUDGET REQUEST ACT—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 109-47)

The Speaker pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Appropriations and ordered to be printed:

To the Congress of the United States:

Pursuant to my constitutional authority and consistent with section 446 of The District of Columbia Self-Governmental Reorganizational Act as amended in 1989, I am transmitting the District of Columbia's Fiscal Year 2006 Budget Request Act.

The proposed FY 2006 Budget Request Act reflects the major programmatic

objectives of the Mayor and the Council of the District of Columbia. For FY 2006, the District estimates total revenues and expenditures of \$7.35 billion.

GEORGE W. BUSH.

THE WHITE HOUSE, July 18, 2005.

CONTINUATION OF NATIONAL EMERGENCY WITH RESPECT TO LIBERIA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 109-48)

The Speaker pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date.

In accordance with the provision, I have sent the enclosed notice to the *Federal Register* for publication stating that the national emergency and related measures blocking the property of certain persons and prohibiting the importation of certain goods from Liberia are to continue in effect beyond July 22, 2005.

The actions and policies of former Liberian President Charles Taylor and other persons, in particular their unlawful depletion of Liberian resources and their removal from Liberia and sequestering of Liberian funds and property, continue to undermine Liberia's transition to democracy and the orderly development of its political, administrative, and economic institutions and resources. These actions and policies pose a continuing unusual and extraordinary threat to the foreign policy of the United States. For these reasons, I have determined that it is necessary to continue the national emergency and related measures blocking the property of certain persons and prohibiting the importation of certain goods from Liberia.

GEORGE W. BUSH.

THE WHITE HOUSE, July 19, 2005.

APPOINTMENT OF MEMBER TO BENJAMIN FRANKLIN TERCENTENARY COMMISSION

The SPEAKER pro tempore. Pursuant to section 5(a)(2) of the Benjamin Franklin Tercentenary Commission Act (36 U.S.C. 101 note), and the order of the House of January 4, 2005, the Chair announces the Speaker's appointment of the following Member of the House to the Benjamin Franklin Tercentenary Commission:

Mr. CASTLE, Delaware.