

SA 317. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 600, to authorize appropriations for the Department of State and international broadcasting activities for fiscal years 2006 and 2007, for the Peace Corps for fiscal years 2006 and 2007, for foreign assistance programs for fiscal years 2006 and 2007, and for other purposes.

SA 318. Mr. DODD (for himself and Mr. LIEBERMAN) proposed an amendment to the bill S. 600, supra.

SA 319. Mr. ENSIGN proposed an amendment to the bill S. 600, supra.

SA 320. Mr. ENSIGN proposed an amendment to the bill S. 600, supra.

SA 321. Mr. ENSIGN proposed an amendment to the bill S. 600, supra.

SA 322. Mr. ENSIGN proposed an amendment to the bill S. 600, supra.

SA 323. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 600, supra; which was ordered to lie on the table.

SA 324. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 600, supra; which was ordered to lie on the table.

SA 325. Mr. DODD (for himself and Mr. LEAHY) submitted an amendment intended to be proposed by him to the bill S. 600, supra; which was ordered to lie on the table.

SA 326. Ms. SNOWE (for herself and Mr. COLEMAN) submitted an amendment intended to be proposed by her to the bill S. 600, supra; which was ordered to lie on the table.

SA 327. Ms. SNOWE (for herself and Mr. COLEMAN) submitted an amendment intended to be proposed by her to the bill S. 600, supra; which was ordered to lie on the table.

SA 328. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill S. 600, supra; which was ordered to lie on the table.

SA 329. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 600, supra; which was ordered to lie on the table.

SA 330. Ms. LANDRIEU (for herself, Mr. DEMINT, and Mr. CRAIG) submitted an amendment intended to be proposed by her to the bill S. 600, supra; which was ordered to lie on the table.

SA 331. Mr. SMITH submitted an amendment intended to be proposed by him to the bill S. 600, supra; which was ordered to lie on the table.

SA 332. Mrs. LINCOLN submitted an amendment intended to be proposed by her to the bill S. 600, supra; which was ordered to lie on the table.

#### TEXT OF AMENDMENTS

**SA 292.** Mr. SANTORUM (for himself and Ms. MIKULSKI) submitted an amendment intended to be proposed by him to the bill S. 600, to authorize appropriations for the Department of State and international broadcasting activities for fiscal years 2006 and 2007, for the Peace Corps for fiscal years 2006 and 2007, for foreign assistance programs for fiscal years 2006 and 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 74, between lines 2 and 3, insert the following:

#### **SEC. 603. DESIGNATION OF POLAND AS A VISA WAIVER COUNTRY.**

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

(1) Since the founding of the United States, Poland has proven its steadfast dedication to

the causes of freedom and friendship with the United States, exemplified by the brave actions of Polish patriots such as Casimir Pulaski and Tadeusz Kosciuszko during the American Revolution.

(2) Polish history provides pioneering examples of constitutional democracy and religious tolerance.

(3) The United States is home to nearly 9,000,000 people of Polish ancestry.

(4) Polish immigrants have contributed greatly to the success of industry and agriculture in the United States.

(5) Since the demise of communism, Poland has become a stable, democratic nation.

(6) Poland has adopted economic policies that promote free markets and rapid economic growth.

(7) On March 12, 1999, Poland demonstrated its commitment to global security by becoming a member of the North Atlantic Treaty Organization.

(8) On May 1, 2004, Poland became a member state of the European Union.

(9) Poland was a staunch ally to the United States during Operation Iraqi Freedom.

(10) Poland has committed 2,300 soldiers to help with ongoing peacekeeping efforts in Iraq.

(11) The Secretary and the Secretary of Homeland Security administer the visa waiver program, which allows citizens from 27 countries, including France and Germany, to visit the United States as tourists without visas.

(12) On April 15, 1991, Poland unilaterally repealed the visa requirement for United States citizens traveling to Poland for 90 days or less.

(13) More than 100,000 Polish citizens visit the United States each year.

(b) VISA WAIVER PROGRAM.—Effective on the date of the enactment of this Act, and notwithstanding section 217(c) of the Immigration and Nationality Act (8 U.S.C. 1187(c)), Poland shall be deemed a designated program country for purposes of the visa waiver program established under section 217 of such Act.

**SA 293.** Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 600, to authorize appropriations for the Department of State and international broadcasting activities for fiscal years 2006 and 2007, for the Peace Corps for fiscal years 2006 and 2007, for foreign assistance programs for fiscal years 2006 and 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 266, between lines 8 and 9, insert the following:

#### **SEC. 2736. SUSPENSION OF FUNDS.**

In any case in which there is credible evidence of sexual exploitation and abuse in a country by peacekeeping troops participating in United Nations peacekeeping operations and the government of such country is not investigating or punishing such exploitation and abuse, the United States shall suspend payment of peacekeeping funds to the United Nations in an amount proportionate to the operations in that country until the Secretary of State certifies to the appropriate congressional committees that the United Nations peacekeepers are prosecuted through the judicial systems of such country.

**SA 294.** Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 600, to authorize appropriations for the Department of State and international broadcasting

activities for fiscal years 2006 and 2007, for the Peace Corps for fiscal years 2006 and 2007, for foreign assistance programs for fiscal years 2006 and 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 13, between lines 9 and 10, insert the following:

(d) REPORT TO CONGRESS ON UNITED NATIONS TRAVEL ALLOWANCES.—Not later than 120 days after the date of enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees a report including the following:

(1) The total the travel allowances for the past 3 calendar years, by conference and nation, including meals, lodging, travel, and related expenses, paid by the United Nations and member states and non-governmental organizations for delegates and experts to all worldwide conferences under the auspices of, or affiliated with, the United Nations.

(2) A description of the means by which the amount and distribution of such travel allowances are determined.

(3) A description of the means by which such travel allowance costs are assigned for payment by member states and nongovernmental organizations to United Nations or directly to the delegates and experts.

(4) Recommendations for policies, programs, and strategies of the United States Government to ensure that fiscal efficiency in such travel allowances is improved substantially.

**SA 295.** Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 600, to authorize appropriations for the Department of State and international broadcasting activities for fiscal years 2006 and 2007, for the Peace Corps for fiscal years 2006 and 2007, for foreign assistance programs for fiscal years 2006 and 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 55, line 6, strike "Section" and insert the following:

(a) AMENDMENT.—Section

On page 55, between lines 11 and 12, insert the following:

(b) CALCULATION; DIRECT PAYMENTS.—

(1) CALCULATION.—The United States shall pay its share for United Nations Peacekeepers, pursuant to the amendment made by subsection (a), as calculated at such prevailing wage as military and civilian personnel are paid in their respective member states.

(2) DIRECT PAYMENTS TO PEACEKEEPERS.—The United States' share of the payments described in paragraph (1)—

(A) shall be paid directly to the military and civilian personnel engaged in peacekeeping operations; and

(B) shall not be paid to the member states, some of which—

(i) have profited from peacekeeping operations; or

(ii) have been derelict in payment of its military and civilian personnel engaged in peacekeeping operations.

**SA 296.** Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 600, to authorize appropriations for the Department of State and international broadcasting activities for fiscal years 2006 and 2007, for the Peace Corps for fiscal years 2006 and 2007, for foreign assistance programs for fiscal years 2006 and 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 59, between lines 4 and 5, insert the following:

**SEC. 405. REPORT TO CONGRESS ON UNITED NATIONS TRANSLATION EXPENSES.**

Not later than 120 days after the date of the enactment of this Act, the Secretary, through the International Organizations Bureau of the Department of State, shall submit a report to Congress that contains—

(1) for the most recent 3 calendar years, a breakdown of the total of the translation expenses of the United Nations paid by the United Nations and member states and non-governmental organizations;

(2) a description of the means by which the amount and distribution of such translation work are determined;

(3) a description of the means by which such translation costs are assigned for payment by member states and non-governmental organizations to United Nations;

(4) an analysis of any possibility for cost savings resulting from translation into a particular language being performed in the nation or nations where such language is autochthonous;

(5) an analysis of any cost savings possible by paying translators the prevailing wage for such work as is paid in the nation or nations where such language is autochthonous;

(6) an analysis of any possibility for cost savings resulting from translation into a more refined, smaller set of languages for any possible purposes and occasions, as such analogous initiative has been suggested for the translation work performed for the European Union; and

(7) recommendations for policies, programs, and strategies of the United States Government to ensure that fiscal efficiency in such translation expenses is improved substantially.

**SA 297.** Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 600, to authorize appropriations for the Department of State and international broadcasting activities for fiscal years 2006 and 2007, for the Peace Corps for fiscal years 2006 and 2007, for foreign assistance programs for fiscal years 2006 and 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 16, after line 3, add the following:

**SEC. 107. PROMOTION OF INTERNATIONAL TAXES, TARIFFS, OR FEES.**

Nothing in this subtitle shall be construed to authorize the appropriation of funds for the Department of State to promote or in any way advocate for international taxes, tariffs, or fees.

**SA 298.** Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 600, to authorize appropriations for the Department of State and international broadcasting activities for fiscal years 2006 and 2007, for the Peace Corps for fiscal years 2006 and 2007, for foreign assistance programs for fiscal years 2006 and 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 187, between lines 14 and 15, insert the following:

(C) NATIONAL MEMORIAL INSTITUTE FOR THE PREVENTION OF TERRORISM.—

(1) IN GENERAL.—The Secretary shall—

(A) contract with the National Memorial Institute for the Prevention of Terrorism (referred to in this subsection as the “NMIPT”) to review national response plans and the training of first responders; and

(B) make use of the expertise of the NMIPT in carrying out activities under subsection (a).

(2) FINDINGS.—Established in 1997 by Public Law 105-58, the NMIPT is a nonprofit nongovernmental entity under section 501(c)(3) of the Internal Revenue Code of 1986, with a mission to prevent terrorism and assist the emergency responder community. The NMIPT provides a neutral forum for discussion of the issues associated with combating terrorism and provides an excellent setting for a world-class library of resources related to terrorism. The NMIPT sponsors and works with partners to explore counterterrorism research. One of the most important functions the NMIPT performs is to provide a means for emergency first responders to share information, the foundation of which information sharing effort is a manual of lessons learned by first responders.

**SA 299.** Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 600, to authorize appropriations for the Department of State and international broadcasting activities for fiscal years 2006 and 2007, for the Peace Corps for fiscal years 2006 and 2007, for foreign assistance programs for fiscal years 2006 and 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 119, strike lines 8 through 21, and insert the following:

**SEC. 2106. REMOVAL OF IRAQ FROM LIST OF COUNTRIES DENIED ASSISTANCE UNDER TITLE III OF FOREIGN ASSISTANCE ACT OF 1961.**

Section 307(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2227(a)) is amended by striking “Iraq.”.

**SA 300.** Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 600, to authorize appropriations for the Department of State and international broadcasting activities for fiscal years 2006 and 2007, for the Peace Corps for fiscal years 2006 and 2007, for foreign assistance programs for fiscal years 2006 and 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 123, line 10, strike “\$680,735,000” and insert “\$678,705,000”.

On page 143, line 17, strike “\$18,850,000” and insert “\$20,850,000”.

**SA 301.** Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 600, to authorize appropriations for the Department of State and international broadcasting activities for fiscal years 2006 and 2007, for the Peace Corps for fiscal years 2006 and 2007, for foreign assistance programs for fiscal years 2006 and 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 58, between lines 14 and 15, insert the following:

(7) The United Nations has experienced a proliferation of committees that perform essentially the same functions.

On page 58, line 18, strike “and”.

On page 59, line 4, strike the period at the end and insert “; and”

On page 59, between lines 4 and 5, insert the following:

(3) the Secretary should instruct any United States representative to the United Nations to use the voice and vote of the

United States to seek to enact significant and necessary changes to improve the accountability, increase the transparency, and streamline the functioning of the United Nations processes by seeking the elimination of the Second and Third Committees of the United Nations.

**SA 302.** Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 600, to authorize appropriations for the Department of State and international broadcasting activities for fiscal years 2006 and 2007, for the Peace Corps for fiscal years 2006 and 2007, for foreign assistance programs for fiscal years 2006 and 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 138, line 21, strike “Section” and insert the following:

(a) IN GENERAL.—Section

On page 139, between lines 3 and 4, insert the following:

(b) SENSE OF THE SENATE.—It is the Sense of the Senate that regularly scheduled dues of the United States to the United Nations for its share of peacekeeping funding should not be paid by emergency, “off-budget” appropriations.

**SA 303.** Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 600, to authorize appropriations for the Department of State and international broadcasting activities for fiscal years 2006 and 2007, for the Peace Corps for fiscal years 2006 and 2007, for foreign assistance programs for fiscal years 2006 and 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 15, between lines 3 and 4, insert the following:

(d) REPORT ON ALLEGED DIVERSION OF INTENDED MIGRATION AND REFUGEE ASSISTANCE.—

(1) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Secretary shall, through the International Organizations Bureau of the Department of State, submit to the appropriate congressional committees a report on the alleged diversion of funds intended for migration and refugee assistance.

(2) CONTENT.—The report required under paragraph (1) shall contain—

(A) for the previous three calendar years, a breakdown of the total expenses of the United States, nongovernmental organizations, the United Nations High Commissioner for Refugees, and world food aid programs incurred in providing assistance to the Saharawis and all refugees from Rwanda to Uganda and the Sudan;

(B) a description of the intended purposes of such assistance;

(C) a review of the allegations, found in European, Moroccan, and other press outlets and reported by French, Scandinavian, and other nongovernmental organizations, of the diversion of such funds to other purposes, including to the black markets in Algeria and Mauritania;

(D) an analysis of any possibility for cost savings resulting from the prevention of any such diversion;

(E) an analysis of how many lives could be saved and improved by the prevention of any such diversion; and

(F) recommendations for policies, programs, and strategies of the United States Government to prevent any such diversion.

**SA 304.** Mr. INHOFE submitted an amendment intended to be proposed by

him to the bill S. 600, to authorize appropriations for the Department of State and international broadcasting activities for fiscal years 2006 and 2007, for the Peace Corps for fiscal years 2006 and 2007, for foreign assistance programs for fiscal years 2006 and 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 59, between lines 4 and 5, insert the following:

**SEC. 405. RENOVATION OF UNITED NATIONS BUILDING IN NEW YORK CITY.**

(a) IN GENERAL.—Notwithstanding any other provision of law, no Federal funds shall be used to process any acceptance of the offer of a loan for \$1,200,000,000 at 5.5 percent interest, or any other loan amount at any other interest rate, for the renovation of the United Nations building in New York, New York, until the Secretary of State certifies the falsehood of reports from approximately 6 renovation experts with particular experience in the costs of renovating high-end facilities and structures in New York, New York that the costs proposed by the United Nations for such renovation is above commercial, fair market prices.

(b) ADDITIONAL OFFERS.—In examining such reports of severely inflated cost estimates (some estimating charges in excess of 200 percent of fair market value), the Secretary shall arrange a meeting of the Bureau of International Organizations to discuss and receive written offers for the renovation of the United Nations building in New York, New York from not less than 12 different renovation enterprises or experts.

**SA 305.** Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 600, to authorize appropriations for the Department of State and international broadcasting activities for fiscal years 2006 and 2007, for the Peace Corps for fiscal years 2006 and 2007, for foreign assistance programs for fiscal years 2006 and 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 59, between lines 4 and 5, insert the following:

**SEC. 405. REPORT TO CONGRESS ON UNITED NATIONS DOUBLE-DIPPING.**

Not later than 120 days after the date of the enactment of this Act, the Secretary, through the International Organizations Bureau of the Department of State, shall submit a report, to the appropriate congressional committees and to United States Senator James Inhofe, that contains—

(1) for the most recent 3 calendar years, a breakdown of any and all monies paid concurrently by the United Nations to individuals in multiple capacities (commonly known as “double-dipping”);

(2) a description of the means by which the decision to pay such monies are determined;

(3) a description of the means by which such costs are assigned for payment to the United Nations by member states and nongovernmental organizations;

(4) an analysis of any possibility for cost savings resulting from the elimination of the practice of “double-dipping”;

(5) an analysis of any possible disincentives that can result from paying 2 or more revenue streams or salaries to an individual at once, including the United Nations Mission to Eritrea and Ethiopia; and

(6) recommendations for Federal policies, programs, and strategies to ensure that fiscal efficiency is achieved regarding “double-dipping”.

**SA 306.** Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 600, to authorize appropriations for the Department of State and international broadcasting activities for fiscal years 2006 and 2007, for the Peace Corps for fiscal years 2006 and 2007, for foreign assistance programs for fiscal years 2006 and 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 220, between lines 23 and 24, insert the following:

(8) The United Nations Children's Fund, Maranatha Chapel, the Woodrow Wilson International Center for Scholars, reports from international human rights organizations, including Human Rights Watch's 1997 report, “The Scars of Death: Children Abducted by the Lord's Resistance Army in Uganda”, and Amnesty International's 1997 report, “UGANDA: BREAKING GOD'S COMMANDS: THE DESTRUCTION OF CHILDHOOD BY THE LORD'S RESISTANCE ARMY”, the Department of Homeland Security, the Department of State's report “COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES-2000”, and others have identified an international crisis involving a group named the Lord's Resistance Army, which is active in northern Uganda and southern Sudan.

(9) Since 1987, the Lord's Resistance Army has conducted a terror campaign against the people of Northern Uganda and Southern Sudan in an effort to overthrow the government of Uganda. The terror is still occurring in 2005, with recent abductions of children and adults and mutilation of those abducted through dismemberment.

On page 221, line 8, insert “the atrocities committed by the Lord's Resistance Army and” after “combat”.

On page 222, line 21, strike “abuses and to” and all that follows through line 22, and insert “abuses, with specific attention to the atrocities committed by the Lord's Resistance Army, and to increase independent judicial capacity in Sudan, Burundi.”

On page 22, after line 24, add the following:

(d) REPORT ON LORD'S RESISTANCE ARMY OPERATIONS IN NORTHERN UGANDA.—Not later than 120 days after the date of enactment of this Act, the Secretary of State, through the International Organizations Bureau of the Department of State, shall submit a report to Congress that contains an analysis of—

(1) the effect the guerilla type warfare described in subsection (a)(8) has had both physically and psychologically on the people of the region;

(2) action that could be taken by the international community, or by the United States, with Uganda to end this terror on the Acholi people;

(3) the reasons that so little has been done by the international community to address this situation; and

(4) the action taken by United Nations agencies and nongovernmental organizations to relieve this crisis.

**SA 307.** Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 600, to authorize appropriations for the Department of State and international broadcasting activities for fiscal years 2006 and 2007, for the Peace Corps for fiscal years 2006 and 2007, for foreign assistance programs for fiscal years 2006 and 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 13, between lines 9 and 10, insert the following:

(d) REPORT TO CONGRESS ON UNITED NATIONS TRAVEL ALLOWANCES.—Not later than 120 days after the date of enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees a report including the following:

(1) The total the travel allowances for the past 3 calendar years, by conference and nation, including meals, lodging, travel, and related expenses, paid by the United Nations and member states and nongovernmental organizations for delegates and experts to all worldwide conferences under the auspices of, or affiliated with, the United Nations.

(2) A description of the means by which the amount and distribution of such travel allowances are determined.

(3) A description of the means by which such travel allowance costs are assigned for payment by member states and nongovernmental organizations to United Nations or directly to the delegates and experts.

(4) Recommendations for policies, programs, and strategies of the United States Government to ensure that fiscal efficiency in such travel allowances is improved substantially.

On page 14, between lines 22 and 23, insert the following:

(d) REPORT ON ALLEGED DIVERSION OF INTENDED MIGRATION AND REFUGEE ASSISTANCE.—

(1) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Secretary, through the International Organizations Bureau of the Department of State, shall submit to the appropriate congressional committees a report on the alleged diversion of funds intended for migration and refugee assistance.

(2) CONTENT.—The report required under paragraph (1) shall contain—

(A) for the previous three calendar years, a breakdown of the total expenses of the United States, nongovernmental organizations, the United Nations High Commissioner for Refugees, and world food aid programs incurred in providing assistance to the Saharawis and all refugees from Rwanda to Uganda and the Sudan;

(B) a description of the intended purposes of such assistance;

(C) a review of the allegations, found in European, Moroccan, and other press outlets and reported by French, Scandinavian, and other nongovernmental organizations, of the diversion of such funds to other purposes, including to the black markets in Algeria and Mauritania;

(D) an analysis of any possibility for cost savings resulting from the prevention of any such diversion;

(E) an analysis of how many lives could be saved and improved by the prevention of any such diversion; and

(F) recommendations for policies, programs, and strategies of the United States Government to prevent any such diversion.

On page 15, after line 22, add the following:

**SEC. 107. PROMOTION OF INTERNATIONAL TAXES, TARIFFS, OR FEES.**

Nothing in this subtitle shall be construed to authorize the appropriation of funds for the Department of State to promote or in any way advocate for international taxes, tariffs, or fees.

On page 55, line 6, strike “Section” and insert the following:

(a) AMENDMENT.—Section

On page 55, between lines 11 and 12, insert the following:

(b) CALCULATION; DIRECT PAYMENTS.—

(1) CALCULATION.—The United States shall pay its share for United Nations Peacekeepers, pursuant to the amendment made by subsection (a), as calculated at such prevailing wage as military and civilian personnel are paid in their respective member states.

(2) DIRECT PAYMENTS TO PEACEKEEPERS.—The United States' share of the payments described in paragraph (1)—

(A) shall be paid directly to the military and civilian personnel engaged in peacekeeping operations; and

(B) shall not be paid to the member states, some of which—

(i) have profited from peacekeeping operations; or

(ii) have been derelict in payment of its military and civilian personnel engaged in peacekeeping operations.

On page 58, between lines 13 and 14, insert the following:

(7) The United Nations has experienced a proliferation of committees that perform essentially the same functions.

On page 58, line 18, strike “and”.

On page 59, line 4, strike the period at the end and insert “; and”

On page 59, between lines 4 and 5, insert the following:

(3) the Secretary should instruct any United States representative to the United Nations to use the voice and vote of the United States to seek to enact significant and necessary changes to improve the accountability, increase the transparency, and streamline the functioning of the United Nations processes by seeking the elimination of the Second and Third Committees of the United Nations.

#### SEC. 405. REPORTS TO CONGRESS ON UNITED NATIONS TRANSLATION EXPENSES AND DOUBLE-DIPPING.

(a) UNITED NATIONS TRANSLATION EXPENSES.—Not later than 120 days after the date of the enactment of this Act, the Secretary, through the International Organizations Bureau of the Department of State, shall submit a report to Congress that contains—

(1) for the most recent 3 calendar years, a breakdown of the total of the translation expenses of the United Nations paid by the United Nations and member states and non-governmental organizations;

(2) a description of the means by which the amount and distribution of such translation work are determined;

(3) a description of the means by which such translation costs are assigned for payment by member states and non-governmental organizations to United Nations;

(4) an analysis of any possibility for cost savings resulting from translation into a particular languages being performed in the nation or nations where such language is autochthonous;

(5) an analysis of any cost savings possible by paying translators the prevailing wage for such work as is paid in the nation or nations where such language is autochthonous;

(6) an analysis of any possibility for cost savings resulting from translation into a more refined, smaller set of languages for any possible purposes and occasions, as such analogous initiative has been suggested for the translation work performed for the European Union; and

(7) recommendations for policies, programs, and strategies of the United States Government to ensure that fiscal efficiency in such translation expenses is improved substantially.

(b) DOUBLE-DIPPING.—Not later than 120 days after the date of the enactment of this Act, the Secretary, through the International Organizations Bureau of the Department of State, shall submit a report to the appropriate congressional committees and to United States Senator James Inhofe that contains—

(1) for the most recent 3 calendar years, a breakdown of any and all monies paid concurrently by the United Nations to individuals in multiple capacities (commonly known as “double-dipping”);

(2) a description of the means by which the decision to pay such monies are determined;

(3) a description of the means by which such costs are assigned for payment to the United Nations by member states and non-governmental organizations;

(4) an analysis of any possibility for cost savings resulting from the elimination of the practice of “double-dipping”;

(5) an analysis of any possible disincentives that can result from paying 2 or more revenue streams or salaries to an individual at once, including the United Nations Mission to Eritrea and Ethiopia;

(6) recommendations for Federal policies, programs, and strategies to ensure that fiscal efficiency is achieved regarding “double-dipping”.

#### SEC. 406. RENOVATION OF UNITED NATIONS BUILDING IN NEW YORK CITY.

(a) IN GENERAL.—Notwithstanding any other provision of law, no Federal funds shall be used to process any acceptance of the offer of a loan for \$1,200,000,000 at 5.5 percent interest, or any other loan amount at any other interest rate, for the renovation of the United Nations building in New York, New York, until the Secretary of State certifies the falsehood of reports from approximately 6 renovation experts with particular experience in the costs of renovating high-end facilities and structures in New York, New York that the costs proposed by the United Nations for such renovation is above commercial, fair market prices.

(b) ADDITIONAL OFFERS.—In examining such reports of severely inflated cost estimates (some estimating charges in excess of 200 percent of fair market value), the Secretary shall arrange a meeting of the Bureau of International Organizations to discuss and receive written offers for the renovation of the United Nations building in New York, New York from not less than 12 different renovation enterprises or experts.

On page 119, strike lines 8 through 21, and insert the following:

#### SEC. 2106. REMOVAL OF IRAQ FROM LIST OF COUNTRIES DENIED ASSISTANCE UNDER TITLE III OF FOREIGN ASSISTANCE ACT OF 1961.

Section 307(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2227(a)) is amended by striking “Iraq.”. Section 307(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2227(a)) is amended by striking “Iraq.”.

On page 123, line 10, strike “\$680,735,000” and insert “\$678,705,000”.

On page 138, line 21, strike “Section” and insert the following:

(a) IN GENERAL.—Section

On page 139, between lines 3 and 4, insert the following:

(b) SENSE OF THE SENATE.—It is the Sense of the Senate that regularly scheduled dues of the United States to the United Nations for its share of peacekeeping funding shall not be paid by emergency, “off-budget” appropriations.

On page 143, line 17, strike “\$18,850,000” and insert “\$20,850,000”.

On page 187, between lines 14 and 15, insert the following:

(c) NATIONAL MEMORIAL INSTITUTE FOR THE PREVENTION OF TERRORISM.—

(1) IN GENERAL.—The Secretary shall—

(A) contract with the National Memorial Institute for the Prevention of Terrorism (referred to in this subsection as the “NMIPT”) to review national response plans and the training of first responders; and

(B) make use of the expertise of the NMIPT in carrying out activities under subsection (a).

(2) FINDINGS.—Established in 1997 by Public Law 105-58, the NMIPT is a nonprofit non-governmental entity under section 501(c)(3) of the Internal Revenue Code of 1986, with a

mission to prevent terrorism and assist the emergency responder community. The NMIPT provides a neutral forum for discussion of the issues associated with combating terrorism and provides an excellent setting for a world-class library of resources related to terrorism. The NMIPT sponsors and works with partners to explore counterterrorism research. One of the most important functions the NMIPT performs is to provide a means for emergency first responders to share information, the foundation of which information sharing effort is a manual of lessons learned by first responders.

On page 220, between lines 23 and 24, insert the following:

(8) The United Nations Children's Fund, Maranatha Chapel, the Woodrow Wilson International Center for Scholars, reports from international human rights organizations, including Human Rights Watch's 1997 report, “The Scars of Death: Children Abducted by the Lord's Resistance Army in Uganda”, and Amnesty International's 1997 report, “UGANDA: BREAKING GOD'S COMMANDS: THE DESTRUCTION OF CHILDHOOD BY THE LORD'S RESISTANCE ARMY”, the Department of Homeland Security, the Department of State's report “COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES-2000”, and others have identified an international crisis involving a group named the Lord's Resistance Army, which is active in northern Uganda and southern Sudan.

(9) Since 1987, the Lord's Resistance Army has conducted a terror campaign against the people of Northern Uganda and Southern Sudan in an effort to overthrow the government of Uganda. The terror is still occurring in 2005, with recent abductions of children and adults and mutilation of those abducted through dismemberment.

On page 221, line 8, insert “the atrocities committed by the Lord's Resistance Army and” after “combat”.

On page 222, line 21, strike “abuses and to” and all that follows through line 22, and insert “abuses, with specific attention to the atrocities committed by the Lord's Resistance Army, and to increase independent judicial capacity in Sudan, Burundi.”.

On page 22, after line 24, add the following:

(d) REPORT ON LORD'S RESISTANCE ARMY OPERATIONS IN NORTHERN UGANDA.—Not later than 120 days after the date of enactment of this Act, the Secretary of State, through the International Organizations Bureau of the Department of State, shall submit a report to Congress that contains an analysis of—

(1) the effect the guerilla type warfare described in subsection (a)(8) has had both physically and psychologically on the people of the region;

(2) action that could be taken by the international community, or by the United States, with Uganda to end this terror on the Acholi people;

(3) the reasons that so little has been done by the international community to address this situation;

(4) the action taken by United Nations agencies and nongovernmental organizations to relieve this crisis.

On page 266, between lines 8 and line, insert the following:

#### SEC. 2736. SUSPENSION OF FUNDS.

In any case in which there is credible evidence of sexual exploitation and abuse in a country by peacekeeping troops participating in United Nations peacekeeping operations and the government of such country is not investigating or punishing such exploitation and abuse, the United States shall suspend payment of peacekeeping funds to the United Nations in an amount proportionate to the operations in that country

until the Secretary of State certifies to the appropriate congressional committees that the United Nations peacekeepers are prosecuted through the judicial systems of such country.

**SA 308.** Mr. SALAZAR proposed an amendment to the bill S. 600, to authorize appropriations for the Department of State and international broadcasting activities for fiscal years 2006 and 2007, for the Peace Corps for fiscal years 2006 and 2007, for foreign assistance programs for fiscal years 2006 and 2007, and for other purposes; as follows:

At the end of title VIII, insert the following:

**SEC. 812. INTERNATIONAL POLICE TRAINING.**

(a) **REQUIREMENTS FOR INSTRUCTORS.**—Prior to carrying out any program of training for police or security forces through the Bureau that begins after the date of the enactment of this Act, the Secretary shall ensure that—

(1) such training is provided by instructors who have proven records of experience in training law enforcement or security personnel;

(2) the Bureau has established procedures to ensure that the individual who receive such training—

(A) do not have a criminal background;

(B) are not connected to any criminal or insurgent group;

(C) are not connected to drug traffickers; and

(D) meet the minimum age and experience standards set out in appropriate international agreements; and

(3) the Bureau has established procedures that—

(A) clearly establish the standards an individual who will receive such training must meet;

(B) clearly establish the training courses that will permit the individual to meet such standards; and

(C) provide for certification of an individual who meets such standards.

(b) **ADVISORY BOARD.**—The Secretary shall establish an advisory board of 10 experts to advise the Bureau on issues related to cost efficiency and professional efficacy of police and security training programs. The board shall have not less than 5 members who are experienced United States law enforcement personnel.

(c) **BUREAU DEFINED.**—In this section, the term “Bureau” means the Bureau of International Narcotics and Law Enforcement Affairs of the Department of State.

(d) **ANNUAL REPORT.**—Not later than September 30 of each fiscal year, the Secretary shall submit to Congress a report on the training for international police or security forces conducted by the Bureau. Such report shall include the attrition rates of the instructors of such training and indicators of job performance of such instructors.

**SA 309.** Mr. SCHUMER (for himself, Mr. GRAHAM, Mr. BAYH, Mr. BUNNING, Mr. DODD, Mrs. DOLE, Mr. FEINGOLD, Ms. STABENOW, Mr. KOHL, Mr. REID, Mr. DURBIN, Mr. DEWINE, Mr. BURR, Mr. JOHNSON, and Ms. MIKULSKI) proposed an amendment to the bill S. 600, to authorize appropriations for the Department of State and international broadcasting activities for fiscal years 2006 and 2007, for the Peace Corps for fiscal years 2006 and 2007, for foreign assistance programs for fiscal years 2006 and 2007, and for other purposes; as follows:

On page 277, after line 8, add the following:

**TITLE XXIX—CURRENCY VALUATION**

**SEC. 2901. NEGOTIATIONS REGARDING CURRENCY VALUATION.**

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

(1) The currency of the People's Republic of China, known as the yuan or renminbi, is artificially pegged at a level significantly below its market value. Economists estimate the yuan to be undervalued by between 15 percent and 40 percent or an average of 27.5 percent.

(2) The undervaluation of the yuan provides the People's Republic of China with a significant trade advantage by making exports less expensive for foreign consumers and by making foreign products more expensive for Chinese consumers. The effective result is a significant subsidization of China's exports and a virtual tariff on foreign imports.

(3) The Government of the People's Republic of China has intervened in the foreign exchange markets to hold the value of the yuan within an artificial trading range. China's foreign reserves are estimated to be over \$609,900,000,000 as of January 12, 2005, and have increased by over \$206,700,000,000 in the last 12 months.

(4) China's undervalued currency, China's trade advantage from that undervaluation, and the Chinese Government's intervention in the value of its currency violates the spirit and letter of the world trading system of which the People's Republic of China is now a member.

(5) The Government of the People's Republic of China has failed to promptly address concerns or to provide a definitive timetable for resolution of these concerns raised by the United States and the international community regarding the value of its currency.

(6) Article XXI of the GATT 1994 (as defined in section 2(1)(B) of the Uruguay Round Agreements Act (19 U.S.C. 3501(1)(B))) allows a member of the World Trade Organization to take any action which it considers necessary for the protection of its essential security interests. Protecting the United States manufacturing sector is essential to the interests of the United States.

(b) **NEGOTIATIONS AND CERTIFICATION REGARDING THE CURRENCY VALUATION POLICY OF THE PEOPLE'S REPUBLIC OF CHINA.**—

(1) **IN GENERAL.**—Notwithstanding the provisions of title I of Public Law 106-286 (19 U.S.C. 2431 note), on and after the date that is 180 days after the date of enactment of this Act, unless a certification described in paragraph (2) has been made to Congress, in addition to any other duty, there shall be imposed a rate of duty of 27.5 percent ad valorem on any article that is the growth, product, or manufacture of the People's Republic of China, imported directly or indirectly into the United States.

(2) **CERTIFICATION.**—The certification described in this paragraph means a certification by the President to Congress that the People's Republic of China is no longer acquiring foreign exchange reserves to prevent the appreciation of the rate of exchange between its currency and the United States dollar for purposes of gaining an unfair competitive advantage in international trade. The certification shall also include a determination that the currency of the People's Republic of China has undergone a substantial upward revaluation placing it at or near its fair market value.

(3) **ALTERNATIVE CERTIFICATION.**—If the President certifies to Congress 180 days after the date of enactment of this Act that the People's Republic of China has made a good faith effort to revalue its currency upward placing it at or near its fair market value, the President may delay the imposition of

the tariffs described in paragraph (1) for an additional 180 days. If at the end of the 180-day period the President determines that China has developed and started actual implementation of a plan to revalue its currency, the President may delay imposition of the tariffs for an additional 12 months, so that the People's Republic of China shall have time to implement the plan.

(4) **NEGOTIATIONS.**—Beginning on the date of enactment of this Act, the Secretary of the Treasury, in consultation with the United States Trade Representative, shall begin negotiations with the People's Republic of China to ensure that the People's Republic of China adopts a process that leads to a substantial upward currency revaluation within 180 days after the date of enactment of this Act. Because various Asian governments have also been acquiring substantial foreign exchange reserves in an effort to prevent appreciation of their currencies for purposes of gaining an unfair competitive advantage in international trade, and because the People's Republic of China has concerns about the value of those currencies, the Secretary shall also seek to convene a multilateral summit to discuss exchange rates with representatives of various Asian governments and other interested parties, including representatives of other G-7 nations.

**SA 310.** Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 600, to authorize appropriations for the Department of State and international broadcasting activities for fiscal years 2006 and 2007, for the Peace Corps for fiscal years 2006 and 2007, for foreign assistance programs for fiscal years 2006 and 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 274, beginning on line 21, strike “Committees” and all that follows through “Representatives” on line 24 and insert the following: “Committees on Foreign Relations, Armed Services, and Appropriations of the Senate and the Committees on International Relations, Armed Services, and Appropriations of the House of Representatives”.

**SA 311.** Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 600, to authorize appropriations for the Department of State and international broadcasting activities for fiscal years 2006 and 2007, for the Peace Corps for fiscal years 2006 and 2007, for foreign assistance programs for fiscal years 2006 and 2007, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 212, strike line 14 and all that follows through page 218, line 2, and insert the following:

“SEC. 403. (a) **REPORT ON OBJECTIVES AND NEGOTIATIONS.**—Not later than April 15 of each year, the President shall submit to the Speaker of the House of Representatives, the Chairman of the Committee on Foreign Relations of the Senate, and the Committee on Armed Services of the Senate a report prepared by the Secretary of State, in consultation with the Secretary of Defense, the Secretary of Energy, the Director of National Intelligence, and the Chairman of the Joint Chiefs of Staff, on the status of United States policy and actions with respect to arms control, nonproliferation, and disarmament. Such report shall include—

“(1) a detailed statement concerning the arms control, nonproliferation, and disarmament objectives of the executive branch of Government for the forthcoming year; and

“(2) a detailed assessment of the status of any ongoing arms control, nonproliferation, or disarmament negotiations, including a comprehensive description of negotiations or other activities during the preceding year and an appraisal of the status and prospects for the forthcoming year.

“(b) REPORT ON COMPLIANCE.—Not later than April 15 of each year, the President shall submit to the Speaker of the House of Representatives, the Chairman of the Committee on Foreign Relations of the Senate, and the Committee on Armed Services of the Senate a report prepared by the Secretary of State with the concurrence of the Director of the Central Intelligence Agency and in consultation with the Secretary of Defense, the Secretary of Energy, and the Chairman of the Joint Chiefs of Staff on the status of United States policy and actions with respect to arms control, nonproliferation, and disarmament compliance. Such report shall include—

“(1) a detailed assessment of adherence of the United States to obligations undertaken in arms control, nonproliferation, and disarmament agreements, including information on the policies and organization of each relevant agency or department of the United States to ensure adherence to such obligations, a description of national security programs with a direct bearing on questions of adherence to such obligations and of steps being taken to ensure adherence, and a compilation of any substantive questions raised during the preceding year and any corrective action taken;

“(2) a detailed assessment of the adherence of other nations to obligations undertaken in all arms control, nonproliferation, and disarmament agreements or commitments, including the Missile Technology Control Regime, to which the United States is a participating state, including information on actions taken by each nation with regard to the size, structure, and disposition of its military forces in order to comply with arms control, nonproliferation, or disarmament agreements or commitments, including, in the case of each agreement or commitment about which compliance questions exist—

“(A) a description of each significant issue raised and efforts made and contemplated with the other participating state to seek resolution of the difficulty;

“(B) an assessment of damage, if any, to United States security and other interests;

“(C) recommendations as to any steps that should be considered to redress any damage to United States national security and to reduce compliance problems; and

“(D) for states that are not parties to such agreements or commitments, a description of activities of concern carried out by such states and efforts underway to bring such states into adherence with such agreements or commitments;

“(3) a discussion of any material non-compliance by foreign governments with their binding commitments to the United States with respect to the prevention of the spread of nuclear explosive devices (as defined in section 830(4) of the Nuclear Proliferation Prevention Act of 1994 (22 U.S.C. 6305(4)) by non-nuclear-weapon states (as defined in section 830(5) of that Act (22 U.S.C. 6305(5)) or the acquisition by such states of unsafeguarded special nuclear material (as defined in section 830(8) of that Act (22 U.S.C. 6305(8))), including—

“(A) a net assessment of the aggregate military significance of all such violations;

“(B) a statement of the compliance policy of the United States with respect to violations of those commitments; and

“(C) what actions, if any, the President has taken or proposes to take to bring any coun-

try committing such a violation into compliance with those commitments; and

“(4) a specific identification, to the maximum extent practicable in unclassified form, of each and every question that exists with respect to compliance by other countries with arms control, nonproliferation, and disarmament agreements and other formal commitments with the United States.

“(c) CHEMICAL WEAPONS CONVENTION COMPLIANCE REPORT REQUIREMENT SATISFIED.—The report submitted pursuant to subsection (b) shall include the information required under section 2(10)(C) of Senate Resolution 75, 105th Congress, agreed to April 24, 1997, advising and consenting to the ratification of the Convention on the Prohibition of Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, with annexes, done at Paris January 13, 1993 and entered into force April 29, 1997 (popularly known as the ‘Chemical Weapons Convention’; T.Doc. 103-21)

“(d) CLASSIFICATION OF REPORT.—The reports required by this section shall be submitted in unclassified form, with classified annexes, as appropriate. The report portions described in paragraphs (2) and (3) of subsection (b) shall summarize in detail, at least in classified annexes, the information, analysis, and conclusions relevant to possible noncompliance by other countries that are provided by United States intelligence agencies.

“(e) REPORTING CONSECUTIVE NONCOMPLIANCE.—If the President in consecutive reports submitted to the Congress under subsection (b) reports that any country is not in full compliance with its binding nonproliferation commitments to the United States, then the President shall include in the second such report an assessment of what actions are necessary to compensate for such violations.

“(f) ADDITIONAL REQUIREMENT.—Each report required by subsection (b) shall include a discussion of each significant issue described in subsection (b)(4) that was contained in a previous report issued under this section during 1995, or after December 31, 1995, until the question or concern has been resolved and such resolution has been reported in detail to the Committee on Foreign Relations, the Committee on Armed Services, and the Select Committee on Intelligence of the Senate and the Committee on International Relations, the Committee on Armed Services, and the Permanent Select Committee on Intelligence of the House of Representatives.”

**SA 312.** Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill S. 600, to authorize appropriations for the Department of State and international broadcasting activities for fiscal years 2006 and 2007, for the Peace Corps for fiscal years 2006 and 2007, for foreign assistance programs for fiscal years 2006 and 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 277, after line 8, add the following:

#### **TITLE XXIX—SUPPORT FOR TRANSITION TO DEMOCRACY IN IRAN**

##### **SEC. 2901. SHORT TITLE.**

This title may be cited as the “Iran Freedom and Support Act of 2005”.

##### **Subtitle A—Codification of Sanctions Against Iran**

##### **SEC. 2911. CODIFICATION OF SANCTIONS.**

(a) CODIFICATION OF SANCTIONS RELATED TO WEAPONS OF MASS DESTRUCTION.—United States sanctions, controls, and regulations relating to weapons of mass destruction with

respect to Iran, as in effect on the date of the enactment of this title, shall remain in effect until the President certifies to the appropriate congressional committees that the Government of Iran has permanently and verifiably dismantled its weapons of mass destruction programs and has committed to combating the proliferation of such weapons.

(b) NO EFFECT ON OTHER SANCTIONS RELATING TO SUPPORT FOR ACTS OF INTERNATIONAL TERRORISM.—

(1) IN GENERAL.—Notwithstanding a certification by the President under subsection (a), United States sanctions, controls, and regulations described in paragraph (2) as in effect on the date of the enactment of this title shall remain in effect.

(2) COVERED SANCTIONS.—The sanctions, controls, and regulations referred to in paragraph (1) are sanctions, controls, and regulations related to determinations under section 6(j)(1)(A) of the Export Administration Act of 1979 (as in effect pursuant to the International Emergency Economic Powers Act; 50 U.S.C. 1701 et seq.), section 620A(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2371(a)), and section 40(d) of the Arms Export Control Act (22 U.S.C. 2780(d)) regarding support by the Government of Iran for acts of international terrorism.

##### **Subtitle B—Amendments to the Iran and Libya Sanctions Act of 1996**

##### **SEC. 2921. MULTILATERAL REGIME.**

(a) REPORTS TO CONGRESS.—Section 4(b) of the Iran and Libya Sanctions Act of 1996 (50 U.S.C. 1701 note) is amended to read as follows:

“(b) REPORTS TO CONGRESS.—Not later than six months after the date of the enactment of the Iran Freedom and Support Act of 2005 and every six months thereafter, the President shall submit to the appropriate congressional committees a report regarding specific diplomatic efforts undertaken pursuant to subsection (a), the results of those efforts, and a description of proposed diplomatic efforts pursuant to such subsection. Each report shall include—

“(1) a list of the countries that have agreed to undertake measures to further the objectives of section 3(a);

“(2) a description of those measures, including—

“(A) government actions with respect to public or private entities (or their subsidiaries) located in their countries that are engaged in business in Iran;

“(B) any decisions by the governments of such countries to rescind or continue the provision of credits, guarantees, or other governmental assistance to such entities; and

“(C) actions taken in international fora to further the objectives of section 3;

“(3) a list of the countries that have not agreed to undertake measures to further the objectives of section 3 with respect to Iran, and the reasons therefor; and

“(4) a description of any memorandums of understanding, political understandings, or international agreements to which the United States has acceded which affect implementation of this section or section 5(a).”

(b) WAIVER.—Section 4(c) of such Act (50 U.S.C. 1701 note) is amended to read as follows:

“(c) WAIVER.—

“(1) IN GENERAL.—The President may, on a case by case basis, waive for a period of not more than six months the application of section 5(a) with respect to a national of a country, if the President certifies to the appropriate congressional committees at least 30 days before such waiver is to take effect that—

“(A) such waiver is vital to the national security of the United States; and



“(B) the country of the national has undertaken substantial measures to prevent the acquisition and development of weapons of mass destruction by the Government of Iran.

“(2) **SUBSEQUENT RENEWAL OF WAIVER.**—If the President determines that a renewal of a waiver is appropriate, the President may, at the conclusion of the period of a waiver under paragraph (1), renew such waiver for a subsequent period of not more than six months.”.

#### SEC. 2922. IMPOSITION OF SANCTIONS.

(a) **SANCTIONS WITH RESPECT TO DEVELOPMENT OF PETROLEUM RESOURCES.**—Section 5(a) of the Iran and Libya Sanctions Act of 1996 (50 U.S.C. 1701 note) is amended—

(1) in the heading, by striking “TO IRAN” and inserting “TO THE DEVELOPMENT OF PETROLEUM RESOURCES OF IRAN”;

(2) by striking “(6)” and inserting “(5)”; and

(3) by striking “with actual knowledge.”.

(b) **SANCTIONS WITH RESPECT TO DEVELOPMENT OF WEAPONS OF MASS DESTRUCTION OR OTHER MILITARY CAPABILITIES.**—Section 5(b) of such Act (50 U.S.C. 1701 note) is amended to read as follows:

“(b) **MANDATORY SANCTIONS WITH RESPECT TO DEVELOPMENT OF WEAPONS OF MASS DESTRUCTION OR OTHER MILITARY CAPABILITIES.**—Notwithstanding any other provision of law, the President shall impose two or more of the sanctions described in paragraphs (1) through (5) of section 6 if the President determines that a person has, on or after the date of the enactment of the Iran Freedom and Support Act of 2005, exported, transferred, or otherwise provided to Iran any goods, services, technology, or other items the provision of which has contributed to the ability of Iran to—

“(1) acquire or develop chemical, biological, or nuclear weapons or related technologies; or

“(2) acquire or develop destabilizing numbers and types of advanced conventional weapons.”.

(c) **PERSONS AGAINST WHICH THE SANCTIONS ARE TO BE IMPOSED.**—Section 5(c)(2) of such Act (50 U.S.C. 1701 note) is amended—

(1) in subparagraph (B), by striking “or” at the end;

(2) in subparagraph (C), by striking the period at the end and inserting “; or”; and

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

“(D) is a private or government lender, insurer, underwriter, re-insurer, or guarantor of the person referred to in paragraph (1) if that private or government lender, insurer, underwriter, re-insurer, or guarantor, with actual knowledge, engaged in the activities referred to in paragraph (1).”.

(d) **INVESTIGATIONS.**—Section 5 of such Act (50 U.S.C. 1701 note) is further amended by adding at the end the following new subsection:

“(g) **INVESTIGATIONS.**—

“(1) **IN GENERAL.**—Upon public or private disclosure of activity related to investment in Iran by a person, the President shall direct the Secretary of the Treasury to initiate an investigation into the possible imposition of sanctions against such person as a result of such activity, to notify such person of such investigation, and to provide a recommendation to the President for such purposes.

“(2) **DETERMINATION AND NOTIFICATION.**—Not later than 90 days after the date of the disclosure of the activity described in paragraph (1), the President shall determine whether or not to impose sanctions against such person as a result of such activity and shall notify the appropriate congressional committees of the basis for such determination.

“(3) **PUBLICATION.**—Not later than 10 days after the President notifies the appropriate congressional committees under paragraph (2), the President shall ensure publication in the Federal Register of—

“(A) the identification of the persons against which the President has made a determination that the imposition of sanctions is appropriate, together with an explanation for such determination; and

“(B) the identification of the persons against which the President has made a determination that the imposition of sanctions is not appropriate, together with an explanation for such determination.”.

(e) **EFFECTIVE DATE.**—Sanctions imposed pursuant to the amendments made by this section shall apply with respect to investments made in Iran on or after the date of the enactment of this title.

#### SEC. 2923. TERMINATION OF SANCTIONS.

(a) **REMOVAL OF LIBYA SANCTIONS.**—Section 8 of the Iran and Libya Sanctions Act 1996 (50 U.S.C. 1701 note) is amended—

(1) in subsection (a), by striking the subsection designation and heading; and

(2) by striking subsection (b).

(b) **ADDITIONAL CONDITION FOR REMOVAL OF IRAN SANCTIONS.**—Such section, as amended by subsection (a), is further amended—

(1) in paragraph (1)(C), by striking “and” at the end;

(2) in paragraph (2), by striking the period at the end and inserting “; and”; and

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

“(3) poses no threat to United States national security, interests, or allies.”.

#### SEC. 2924. SUNSET.

Section 13 of the Iran and Libya Sanctions Act of 1996 (50 U.S.C. 1701 note) is amended—

(1) in the section heading, by striking “; **SUNSET**”;

(2) in subsection (a), by striking the subsection designation and heading; and

(3) by striking subsection (b).

#### SEC. 2925. CLARIFICATION AND EXPANSION OF DEFINITIONS.

(a) **PERSON.**—Section 14(14)(B) of the Iran and Libya Sanctions Act of 1996 (50 U.S.C. 1701 note) is amended—

(1) by inserting after “trust” the following: “; financial institution, insurer, underwriter, re-insurer, guarantor”; and

(2) by striking “operating as a business enterprise”.

(b) **PETROLEUM RESOURCES.**—Section 14(15) of the Iran and Libya Sanctions Act of 1996 (50 U.S.C. 1701 note) is amended by inserting after “includes petroleum” the following: “; petroleum by-products.”.

#### Subtitle C—Democracy in Iran

#### SEC. 2931. FINDINGS.

Congress makes the following findings:

(1) The people of the United States have long demonstrated an interest in the well-being of the people of Iran, dating back to the 1830s.

(2) Famous Americans such as Howard Barker, Dr. Samuel Martin, Jane E. Doolittle, and Louis G. Dreyfus, Jr., made significant contributions to Iranian society by furthering the educational opportunities of the people of Iran and improving the opportunities of the less fortunate citizens of Iran.

(3) Iran and the United States were allies following World War II, and through the late 1970s Iran was as an important regional ally of the United States and a key bulwark against Soviet influence.

(4) In November 1979, following the arrival of Mohammed Reza Shah Pahlavi in the United States, a mob of students and extremists seized the United States Embassy in Tehran, Iran, holding United States diplomatic personnel hostage until January 1981.

(5) Following the seizure of the United States Embassy, Ayatollah Ruhollah Khomeini, leader of the repressive revolutionary movement in Iran, expressed support for the actions of the students in taking American citizens hostage.

(6) Despite the presidential election of May 1997, an election in which an estimated 91 percent of the electorate participated, control of the internal and external affairs of the Islamic Republic of Iran is still exercised by the courts in Iran and the Revolutionary Guards, Supreme Leader, and Council of Guardians of the Government of Iran.

(7) The election results of the May 1997 election and the high level of voter participation in that election demonstrate that the people of Iran favor economic and political reforms and greater interaction with the United States and the Western world in general.

(8) Efforts by the United States to improve relations with Iran have been rebuffed by the Government of Iran.

(9) The Clinton Administration eased sanctions against Iran and promoted people-to-people exchanges, but the Leader of the Islamic Revolution Ayatollah Ali Khamenei, the Militant Clerics' Society, the Islamic Coalition Organization, and Supporters of the Party of God have all opposed efforts to open Iranian society to Western influences and have opposed efforts to change the dynamic of relations between the United States and Iran.

(10) For the past two decades, the Department of State has found Iran to be the leading sponsor of international terrorism in the world.

(11) In 1983, the Iran-sponsored Hezbollah terrorist organization conducted suicide terrorist operations against United States military and civilian personnel in Beirut, Lebanon, resulting in the deaths of hundreds of Americans.

(12) The United States intelligence community and law enforcement personnel have linked Iran to attacks against American military personnel at Khobar Towers in Saudi Arabia in 1996 and to al Qaeda attacks against civilians in Saudi Arabia in 2004.

(13) According to the Department of State's Patterns of Global Terrorism 2001 report, “Iran's Islamic Revolutionary Guard Corps and Ministry of Intelligence and Security continued to be involved in the planning and support of terrorist acts and supported a variety of groups that use terrorism to pursue their goals,” and “Iran continued to provide Lebanese Hizballah and the Palestinian rejectionist groups—notably HAMAS, the Palestinian Islamic Jihad, and the [Popular Front for the Liberation of Palestine-General Command]—with varying amounts of funding, safehaven, training and weapons.”

(14) Iran currently operates more than 10 radio and television stations broadcasting in Iraq that incite violent actions against United States and coalition personnel in Iraq.

(15) The current leaders of Iran, Ayatollah Ali Khamenei and Hashemi Rafsanjani, have repeatedly called upon Muslims to kill Americans in Iraq and install a theocratic regime in Iraq.

(16) The Government of Iran has admitted pursuing a clandestine nuclear program, which the United States intelligence community believes may include a nuclear weapons program.

(17) The Government of Iran has failed to meet repeated pledges to arrest and extradite foreign terrorists in Iran.

(18) The United States Government believes that the Government of Iran supports terrorists and extremist religious leaders in Iraq with the clear intention of subverting

coalition efforts to bring peace and democracy to Iraq.

(19) The Ministry of Defense of Iran confirmed in July 2003 that it had successfully conducted the final test of the Shahab-3 missile, giving Iran an operational intermediate-range ballistic missile capable of striking both Israel and United States troops throughout the Middle East and Afghanistan.

**SEC. 2932. DECLARATION OF CONGRESS REGARDING UNITED STATES POLICY TOWARD IRAN.**

Congress declares that it should be the policy of the United States—

(1) to support efforts by the people of Iran to exercise self-determination over the form of government of their country; and

(2) to actively support a national referendum in Iran with oversight by international observers and monitors to certify the integrity and fairness of the referendum.

**SEC. 2933. ASSISTANCE TO SUPPORT DEMOCRACY IN IRAN.**

(a) **AUTHORIZATION.**—The President is authorized, notwithstanding any other provision of law, to provide financial and political assistance (including the award of grants) to foreign and domestic individuals, organizations, and entities that support democracy and the promotion of democracy in Iran. Such assistance may include the award of grants to eligible independent pro-democracy radio and television broadcasting organizations that broadcast into Iran.

(b) **SENSE OF CONGRESS ON ELIGIBILITY FOR ASSISTANCE.**—It is the sense of Congress that financial and political assistance under this section be provided to an individual, organization, or entity that—

(1) opposes the use of terrorism;

(2) advocates the adherence by Iran to non-proliferation regimes for nuclear, chemical, and biological weapons and materiel;

(3) is dedicated to democratic values and supports the adoption of a democratic form of government in Iran;

(4) is dedicated to respect for human rights, including the fundamental equality of women;

(5) works to establish equality of opportunity for people; and

(6) supports freedom of the press, freedom of speech, freedom of association, and freedom of religion.

(c) **FUNDING.**—The President may provide assistance under this section using amounts made available pursuant to the authorization of appropriations under subsection (g).

(d) **NOTIFICATION.**—Not later than 15 days before each obligation of assistance under this section, and in accordance with the procedures under section 634A of the Foreign Assistance Act of 1961 (22 U.S.C. 2394-1), the President shall notify the appropriate congressional committees and the Committees on Appropriations of the Senate and the House of Representatives.

(e) **SENSE OF CONGRESS REGARDING COORDINATION OF POLICY AND APPOINTMENT.**—It is the sense of Congress that in order to ensure maximum coordination among Federal agencies, if the President provides the assistance under this section, the President should appoint an individual who shall—

(1) serve as special assistant to the President on matters relating to Iran; and

(2) coordinate among the appropriate directors of the National Security Council on issues regarding such matters.

(f) **SENSE OF CONGRESS REGARDING DIPLOMATIC ASSISTANCE.**—It is the sense of Congress that—

(1) support for a transition to democracy in Iran should be expressed by United States representatives and officials in all appropriate international fora;

(2) representatives of the Government of Iran should be denied access to all United States Government buildings;

(3) efforts to bring a halt to the nuclear weapons program of Iran, including steps to end the supply of nuclear components or fuel to Iran, should be intensified, with particular attention focused on the cooperation regarding such program—

(A) between the Government of Iran and the Government of the Russian Federation; and

(B) between the Government of Iran and individuals from China, Malaysia, and Pakistan, including the network of Dr. Abdul Qadeer (A. Q.) Khan; and

(4) officials and representatives of the United States should—

(A) strongly and unequivocally support indigenous efforts in Iran calling for free, transparent, and democratic elections; and

(B) draw international attention to violations by the Government of Iran of human rights, freedom of religion, freedom of assembly, and freedom of the press.

(g) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to the Department of State \$10,000,000 to carry out activities under this section.

**SEC. 2934. REPORTING REQUIREMENT REGARDING DESIGNATION OF DEMOCRATIC OPPOSITION ORGANIZATIONS.**

Not later than 15 days before designating a democratic opposition organization as eligible to receive assistance under section 2932, the President shall notify the appropriate congressional committees and the Committees on Appropriations of the Senate and the House of Representatives of the proposed designation. The notification may be in classified form.

**SA 313.** Mr. DAYTON submitted an amendment intended to be proposed by him to the bill S. 600, to authorize appropriations for the Department of State and international broadcasting activities for fiscal years 2006 and 2007, for the Peace Corps for fiscal years 2006 and 2007, for foreign assistance programs for fiscal years 2006 and 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 110, between lines 4 and 5, insert the following:

**SEC. 812. SENSE OF CONGRESS ON MEMBERSHIP OF ISRAEL IN THE WESTERN EUROPEAN AND OTHERS GROUP AT THE UNITED NATIONS.**

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

(1) The election of member states of the United Nations to the major bodies of the United Nations is determined by groups organized within the United Nations, most of which are organized on a regional basis.

(2) Israel has been refused admission to the group comprised of member states from the Asian geographical region of the United Nations and is the only member state of the United Nations that remains outside its appropriate geographical region, and is thus denied full participation in the day-to-day work of the United Nations.

(3) On May 30, 2000, Israel accepted an invitation to become a temporary member of the Western European and Others Group of the United Nations.

(4) On May 21, 2004, Israel's membership to the Western European and Others Group was extended indefinitely.

(5) Israel is only allowed to participate in limited activities of the Western European and Others Group in the New York office of the United Nations, is excluded from discussions and consultations of the Group at the

United Nations offices in Geneva, Nairobi, Rome, and Vienna, and, may not participate in United Nations conferences on human rights, racism, or other issues held in such locations.

(6) Membership in the Western European and Others Group includes the non-European countries of Canada, Australia, and the United States.

(7) Israel is linked to the member states of the Western European and Others Group by strong economic, political, and cultural ties.

(8) The Western European and Others Group, the only regional group of the United Nations that is not purely geographical, is comprised of countries that share a western democratic tradition.

(9) Israel is a free and democratic country and its voting pattern in the United Nations is consistent with that of the member states of the Western European and Others Group.

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

(1) the President should direct the United States Permanent Representative to the United Nations to seek an immediate end to the persistent and deplorable inequality experienced by Israel in the United Nations;

(2) Israel should be afforded the benefits of full membership in the Western European and Others Group at the United Nations and such membership would permit Israel to participate fully in the United Nations system and would serve the interests of the United States; and

(3) the Secretary should submit to Congress, on a regular basis, a report that describes actions taken by the United States Government to encourage the member states of the Western European and Others Group to accept Israel as a full member of such Group and the responses of such member states to those actions.

**SA 314.** Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill S. 600, to authorize appropriations for the Department of State and international broadcasting activities for fiscal years 2006 and 2007, for the Peace Corps for fiscal years 2006 and 2007, for foreign assistance programs for fiscal years 2006 and 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VIII, insert the following:

**SEC. 812. ASSESSMENTS AND STRATEGIC PLANNING FOR AIDS RELIEF.**

(a) **ASSESSMENTS.**—

(1) **REQUIREMENT.**—Not later than 90 days after the date of the enactment of this Act, the Coordinator of United States Government Activities to Combat HIV/AIDS Globally shall carry out an assessment of health sector workforce capacity in each of the countries described in section 1(f)(2)(B)(ii)(VII) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a(f)(2)(B)(ii)(VII)). Each such assessment shall include a description of—

(A) the health sector workforce capacity required by the country to reach the goals of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (22 U.S.C. 7601 et seq.) by 2008; and

(B) the health sector human resources required to meet internationally recognized goals related to infectious disease prevention and the promotion of maternal and child health.

(2) **REPORT.**—Not later than 180 days after the date of the enactment of this Act, the Coordinator shall submit to the appropriate congressional committees the assessments required by paragraph (1).



## (b) STRATEGIC PLAN.—

(1) REQUIREMENT.—The Coordinator of United States Government Activities to Combat HIV/AIDS Globally shall, in consultation with national governments and international donors, propose a strategic plan for each of the countries described in subsection (a)(1) to improve the health sector workforce capacity of each such country to enable each such country to meet the goals of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 that are related to disease prevention, care, and treatment without diverting health care personnel from other primary health priorities. Each such plan should include a description of initiatives that could be carried out in the country to—

- (A) retain health care staff;
- (B) recruit and train health care workers;
- (C) strengthen public health infrastructure; and
- (D) extend services related to HIV/AIDS to under served areas.

(2) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Coordinator shall submit to the appropriate congressional committees the strategic plans required by paragraph (1).

**SA 315.** Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill H.R. 1268, Making emergency supplemental appropriations for the fiscal year ending September 30, 2005, to establish and rapidly implement regulations for State driver's license and identification document security standards, to prevent terrorists from abusing the asylum laws of the United States, to unify terrorism-related grounds for inadmissibility and removal, to ensure expeditious construction of the San Diego border fence, and for other purposes; which was referred to the Committee on Appropriations; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . SECOND SUPPLIER TO THE ARMY OF SECURE TYPE-1 MULTI-BAND, HAND-HELD RADIO SYSTEMS.**

(a) IDENTIFICATION OF SECOND SUPPLIER.—

(1) The Secretary of the Army shall identify a person or entity who, as of September 15, 2005, has the capacity to act as an independent second supplier to the Army of secure type-1 multi-band, hand-held radio systems.

(2) Any person or entity identified under paragraph (1) shall have the capacity to fulfill any requirements applicable to the accelerated fielding of Joint Tactical Radio System (JTRS) technology.

(b) REPORT ON PLAN TO CONTRACT WITH SECOND SUPPLIER.—Not later than November 15, 2005, the Secretary shall submit to the congressional defense committees a report setting forth the plans of the Secretary to enter into a contract with the person or entity identified under subsection (a) for the supply to the Army of secure type-1 multi-band, hand-held radio systems.

**SA 316.** Mr. NELSON of Florida (for himself and Mr. CORZINE) submitted an amendment intended to be proposed by him to the bill H.R. 1268, Making emergency supplemental appropriations for the fiscal year ending September 30, 2005, to establish and rapidly implement regulations for State driver's license and identification document security standards, to prevent terrorists

from abusing the asylum laws of the United States, to unify terrorism-related grounds for inadmissibility and removal, to ensure expeditious construction of the San Diego border fence, and for other purposes; which was referred to the Committee on Appropriations; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . REPEAL OF REQUIREMENT OF REDUCTION OF SBP SURVIVOR ANNUITIES BY DEPENDENCY AND INDEMNITY COMPENSATION.**

(a) REPEAL.—Subchapter II of chapter 73 of title 10, United States Code is amended—

(1) in section 1450(c)(1), by inserting after “to whom section 1448 of this title applies” the following: “(except in the case of a death as described in subsection (d) or (f) of such section)”; and

- (2) in section 1451(c)—
  - (A) by striking paragraph (2); and
  - (B) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively.

(b) PROHIBITION ON RETROACTIVE BENEFITS.—No benefits may be paid to any person for any period before the effective date provided under subsection (e) by reason of the amendments made by subsection (a).

(c) PROHIBITION ON RECOUPMENT OF CERTAIN AMOUNTS PREVIOUSLY REFUNDED TO SBP RECIPIENTS.—A surviving spouse who is or has been in receipt of an annuity under the Survivor Benefit Plan under subchapter II of chapter 73 of title 10, United States Code, that is in effect before the effective date provided under subsection (e) and that is adjusted by reason of the amendments made by subsection (a) and who has received a refund of retired pay under section 1450(e) of title 10, United States Code, shall not be required to repay such refund to the United States.

(d) RECONSIDERATION OF OPTIONAL ANNUITY.—Section 1448(d)(2) of title 10, United States Code, is amended by adding at the end the following new sentences: “The surviving spouse, however, may elect to terminate an annuity under this subparagraph in accordance with regulations prescribed by the Secretary concerned. Upon such an election, payment of an annuity to dependent children under this subparagraph shall terminate effective on the first day of the first month that begins after the date on which the Secretary concerned receives notice of the election, and, beginning on that day, an annuity shall be paid to the surviving spouse under paragraph (1) instead.”.

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on the later of—

- (1) the first day of the first month that begins after the date of the enactment of this Act; or
- (2) the first day of the fiscal year that begins in the calendar year in which this Act is enacted.

**SEC. \_\_\_\_ . EFFECTIVE DATE FOR PAID-UP COVERAGE UNDER SURVIVOR BENEFIT PLAN.**

Section 1452(j) of title 10, United States Code, is amended by striking “October 1, 2003” and inserting “October 1, 2005”.

**SA 317.** Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 600, to authorize appropriations for the Department of State and International broadcasting activities for fiscal years 2006 and 2007, for the Peace Corps for fiscal years 2006 and 2007, for foreign assistance programs for fiscal years 2006 and 2007, and for other purposes; as follows:

**“SEC. . UN HEADQUARTERS RENOVATION.**

(a) LIMITATION.—Notwithstanding any other provision of law, no loan in excess of \$600,000,000 may be made available by the United States for renovation of the United Nations headquarters building, located in New York, New York.

(b) REPORTING REQUIREMENT.—Any such loan shall be contingent upon the satisfactory submission, by the Secretary-General of the United Nations, of a report to Congress containing a detailed analysis of the United Nations headquarters renovation.

**SA 318.** Mr. DODD (for himself and Mr. LIEBERMAN) proposed an amendment to the bill S. 600, to authorize appropriations for the Department of State and international broadcasting activities for fiscal years 2006 and 2007, for the Peace Corps for fiscal years 2006 and 2007, for foreign assistance programs for fiscal years 2006 and 2007, and for other purposes; as follows:

At the end of subtitle B of title XXII, add the following:

**SEC. 2239. APPLICABILITY OF ARMS EXPORT CONTROL ACT REQUIREMENTS TO VHXX EXECUTIVE HELICOPTER PROGRAM.**

(a) TREATMENT AS COOPERATIVE PROJECT.—The VHXX Executive Helicopter Program (also known as the Marine One Presidential Helicopter Program) shall be treated as a cooperative project for purposes of the Arms Export Control Act (22 U.S.C. 2751 et seq.) as authorized under section 27 of that Act (22 U.S.C. 2767).

(b) LICENSING AND NOTICE REQUIREMENTS.—

(1) IN GENERAL.—Any licensing and notice to Congress requirements that apply to the sale of defense articles and services under the Arms Export Control Act shall apply to any foreign production (including the export of technical data related thereto) under the VHXX Executive Helicopter Program without regard to any dollar threshold or limitation that would otherwise limit the applicability of such requirements to such production under that Act.

(2) NOTICE TO CONGRESS.—Notwithstanding the treatment of the VHXX Executive Helicopter Program as a cooperative project for purposes of the Arms Export Control Act under subsection (a), section 27(g) of that Act (22 U.S.C. 2767(g)) shall not be applicable to the program, and the notice requirements of subsections (b) and (c) of section 36 of that Act (22 U.S.C. 2776) shall be complied with in the issuance of any letters of offer or licenses for the program as required by paragraph (1).

(c) LIMITATION ON ISSUANCE OF LICENSES.—No license may be issued under the Arms Export Control Act for any portion of the VHXX Executive Helicopter Program, including research and development and the sharing of technical data relating to the program, until each participant in the program agrees, in writing, not to enter into any contract, or otherwise do any business, with any party who is subject to the jurisdiction of a country that supports international terrorism for five years after the date of the completion of the participation of such participant in the program.

(d) COUNTRY THAT SUPPORTS INTERNATIONAL TERRORISM DEFINED.—In this section, the term “country that supports international terrorism” means any country whose government has repeatedly provided support for acts of international terrorism for purposes of either of the provisions of law as follows:

(1) Section 6(j) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)).

(2) Section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371).

**SA 319.** Mr. ENSIGN proposed an amendment to the bill S. 600, to authorize appropriations for the Department of State and international broadcasting activities for fiscal years 2006 and 2007, for the Peace Corps for fiscal years 2006 and 2007, for foreign assistance programs for fiscal years 2006 and 2007, and for other purposes; as follows:

At the end of the bill, add the following:

**TITLE XXIX—PEACEFUL TRANSITION IN CUBA**

**SEC. 2901. SHORT TITLE.**

This title may be cited as the “Cuba Transition Act of 2005”.

**SEC. 2902. FINDINGS.**

Congress makes the following findings:

(1) The Cuban people are seeking change in their country, including through the Varela Project, independent journalist activity, and other civil society initiatives.

(2) Civil society groups and independent, self-employed Cuban citizens will be essential to the consolidation of a genuine and effective transition to democracy from an authoritarian, communist government in Cuba, and therefore merit increased international assistance.

(3) The people of the United States support a policy of proactively helping the Cuban people to establish a democratic system of government, including supporting Cuban citizen efforts to prepare for transition to a better and more prosperous future.

(4) The Inter-American Democratic Charter adopted by the General Assembly of the Organization of American States (OAS) provides both guidance and mechanisms for response by OAS members to the governmental transition in Cuba and that country's eventual reintegration into the inter-American system.

(5) United States Government support of pro-democracy elements in Cuba and planning for the transition in Cuba is essential for the identification of resources and mechanisms that can be made available immediately in response to profound political and economic changes on the island.

(6) Consultations with democratic development institutions and international development agencies regarding Cuba are a critical element in the preparation of an effective multilateral response to the transition in Cuba.

**SEC. 2903. PURPOSES.**

The purposes of this title are as follows:

(1) To support multilateral efforts by the countries of the Western Hemisphere in planning for a transition of the government in Cuba and the return of that country to the Western Hemisphere community of democracies.

(2) To encourage the development of an international group to coordinate multilateral planning to a transition of the government in Cuba.

(3) To authorize funding for programs to assist the Cuban people and independent nongovernmental organizations in Cuba in preparing the groundwork for a peaceful transition of government in Cuba.

(4) To provide the President with funding to implement assistance programs essential to the development of a democratic government in Cuba.

**SEC. 2904. DEFINITIONS.**

In this title:

(1) **DEMOCRATICALLY ELECTED GOVERNMENT IN CUBA.**—The term “democratically elected government in Cuba” has the meaning given the term in section 4 of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 (22 U.S.C. 6023).

(2) **TRANSITION GOVERNMENT IN CUBA.**—The term “transition government in Cuba” has

the meaning given the term in section 4 of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 (22 U.S.C. 6023).

**SEC. 2905. DESIGNATION OF COORDINATOR FOR CUBA TRANSITION.**

(a) **IN GENERAL.**—The Secretary of State shall designate, within the Department of State, a coordinator who shall be responsible for—

(1) designing an overall strategy to coordinate preparations for, and a response to, a transition in Cuba;

(2) coordinating assistance provided to the Cuban people in preparation for a transition in Cuba;

(3) coordinating strategic support for the consolidation of a political and economic transition in Cuba;

(4) ensuring program and policy coordination among agencies of the United States Government in carrying out the policies set forth in this title; and

(5) pursuing coordination with other countries and international organizations, including international financial institutions, with respect to assisting a transition in Cuba.

(b) **RANK AND STATUS OF THE TRANSITION COORDINATOR.**—The coordinator designated in subsection (a) shall have the rank and status of ambassador.

**SEC. 2906. MULTILATERAL INITIATIVES RELATED TO CUBA.**

The Secretary of State is authorized to designate up to \$5,000,000 of total amounts made available for contributions to international organizations to be provided to the Organization of American States for—

(1) Inter-American Commission on Human Rights activities relating to the situation of human rights in Cuba; and

(2) the funding of an OAS emergency fund for the deployment of human rights observers, election support, and election observation in Cuba as described in section 109(b) of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 (22 U.S.C. 6039(b)(1)).

**SEC. 2907. SENSE OF CONGRESS.**

(a) **SENSE OF CONGRESS REGARDING CONSULTATION WITH WESTERN HEMISPHERE.**—It is the sense of Congress that the President should begin consultation, as appropriate, with governments of other Western Hemisphere countries regarding a transition in Cuba.

(b) **SENSE OF CONGRESS REGARDING OTHER CONSULTATIONS.**—It is the sense of Congress that the President should begin consultations with appropriate international partners and governments regarding a multilateral diplomatic and financial support program for response to a transition in Cuba.

**SEC. 2908. ASSISTANCE PROVIDED TO THE CUBAN PEOPLE IN PREPARATION FOR A TRANSITION IN CUBA.**

(a) **AUTHORIZATION.**—Notwithstanding any other provision of law other than section 634A of the Foreign Assistance Act of 1961 (22 U.S.C. 2394-1) and comparable notification requirements contained in any Act making appropriations for foreign operations, export financing, and related programs, the President is authorized to furnish an amount not to exceed \$15,000,000 in assistance and provide other support for individuals and independent nongovernmental organizations to support democracy-building efforts for Cuba, including assistance for—

(1) political prisoners and members of their families;

(2) persons persecuted or harassed for dissident activities;

(3) independent libraries;

(4) independent workers' rights activists;

(5) independent agricultural cooperatives;

(6) independent associations of self-employed Cubans;

(7) independent journalists;

(8) independent youth organizations;

(9) independent environmental groups;

(10) independent economists, medical doctors, and other professionals;

(11) establishing and maintaining an information and resources center to be in the United States interests section in Havana, Cuba;

(12) prodemocracy programs of the National Endowment for Democracy related to Cuba;

(13) nongovernmental programs to facilitate access to the Internet, subject to section 102(g) of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 (22 U.S.C. 6032(g));

(14) nongovernmental charitable programs that provide nutrition and basic medical care to persons most at risk, including children and elderly persons; and

(15) nongovernmental charitable programs to reintegrate into civilian life persons who have abandoned, resigned, or been expelled from the Cuban armed forces for ideological reasons.

(b) **DEFINITIONS.**—In this section:

(1) **INDEPENDENT NONGOVERNMENTAL ORGANIZATION.**—The term “independent nongovernmental organization” means an organization that the Secretary of State determines, not less than 15 days before any obligation of funds to the organization, is a charitable or nonprofit nongovernmental organization that is not an agency or instrumentality of the Cuban Government.

(2) **ELIGIBLE CUBAN RECIPIENTS.**—The term “eligible Cuban recipients” is limited to any Cuban national in Cuba, including political prisoners and their families, who are not officials of the Cuban Government or of the ruling political party in Cuba, as defined in section 4(10) of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 (22 U.S.C. 6023(10)).

**SEC. 2909. SUPPORT FOR A TRANSITION GOVERNMENT IN CUBA.**

(a) **AUTHORIZATION OF APPROPRIATIONS.**—In addition to funds otherwise available for such purposes, there are authorized to be appropriated such sums as are necessary to the President to establish a fund to provide assistance to a transition government in Cuba as defined in section 4(14) of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 (22 U.S.C. 6023(14)).

(b) **DESIGNATION OF FUND.**—The fund authorized in subsection (a) shall be known as the “Fund for a Free Cuba”.

(c) **AVAILABILITY OF FUNDS.**—Amounts appropriated pursuant to subsection (a) are authorized to remain available until expended.

**SA 320.** Mr. ENSIGN proposed an amendment to the bill S. 600, to authorize appropriations for the Department of State and international broadcasting activities for fiscal years 2006 and 2007, for the Peace Corps for fiscal years 2006 and 2007, for foreign assistance programs for fiscal years 2006 and 2007, and for other purposes; as follows:

At the end of title IV, add the following:

**SEC. 405. PROHIBITION OF WAR CRIMES PERSECUTION.**

(a) **IN GENERAL.**—Chapter 118 of title 18, United States Code, is amended by adding at the end the following:

**“§ 2442. International criminal court**

“(a) **OFFENSE.**—Except as provided in subsection (b), it shall be unlawful for any person, acting under the authority of the International Criminal Court, another international organization, or a foreign government, to knowingly indict, apprehend, detain, prosecute, convict, or participate in the

imposition or carrying out of any sentence or other penalty on, any American in connection with any proceeding by or before the International Criminal Court, another international organization, or a foreign government in which that American is accused of a war crime.

“(b) EXCEPTION.—Subsection (a) shall not apply in connection with a criminal proceeding instituted by the government of a foreign country within the courts of such country with respect to a war crime allegedly committed—

“(1) on territory subject to the sovereign jurisdiction of such government; or

“(2) against persons who were nationals of such country at the time that the war crime is alleged to have been committed.

“(c) CRIMINAL PENALTY.—

“(1) IN GENERAL.—Any person who violates subsection (a) shall be fined not more than \$5,000,000, imprisoned as provided in paragraph (2), or both.

“(2) PRISON SENTENCE.—The maximum term of imprisonment for an offense under this section is the greater of—

“(A) 5 years; or

“(B) the maximum term that could be imposed on the American in the criminal proceeding described in subsection (a) with respect to which the violation took place.

“(d) EXTRATERRITORIAL JURISDICTION.—There is extraterritorial jurisdiction over an offense under this section.

“(e) CIVIL REMEDY.—Any person who is aggrieved by a violation under subsection (a) may, in a civil action, obtain appropriate relief, including—

“(1) punitive damages; and

“(2) a reasonable attorney's fee as part of the costs.

“(f) DEFINITIONS.—In this section—

“(1) the term ‘American’ means any citizen or national of the United States, or any other person employed by or working under the direction of the United States Government;

“(2) the term ‘indict’ includes—

“(A) the formal submission of an order or request for the prosecution or arrest of a person; and

“(B) the issuance of a warrant or other order for the arrest of a person, by an official of the International Criminal Court, another international organization, or a foreign government;

“(3) the term ‘International Criminal Court’ means the court established by the Rome Statute of the International Criminal Court adopted by the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of International Criminal Court on July 17, 1998; and

“(4) the term ‘war crime’ means—

“(A) any offense now cognizable before the International Criminal Court; and

“(B) any offense hereafter cognizable before the International Criminal Court, effective on the date such offense becomes cognizable before such court.”.

(b) CLERICAL AMENDMENT.—The table of sections in chapter 118 of title 18, United States Code, is amended by adding at the end the following:

“Sec. 2442. International criminal court.”.

**SA 321.** Mr. ENSIGN proposed an amendment to the bill S. 600, to authorize appropriations for the Department of State and international broadcasting activities for fiscal years 2006 and 2007, for the Peace Corps for fiscal years 2006 and 2007, for foreign assistance programs for fiscal years 2006 and 2007, and for other purposes; as follows:

On page 59, between lines 4 and 5, insert the following new section:

**SEC. 405. UNITED NATIONS OFFICE OF THE INSPECTOR GENERAL.**

(a) WITHHOLDING OF PORTION OF CERTAIN ASSESSED CONTRIBUTIONS.—Twenty percent of the funds made available in each fiscal year under section 102(a) for the assessed contribution of the United States to the United Nations shall be withheld from obligation and expenditure until a certification is made under subsection (b).

(b) CERTIFICATION.—A certification under this subsection is a certification by the Secretary in the fiscal year concerned that the following conditions are satisfied:

(1) ACTIONS BY THE UNITED NATIONS.—

(A) The United Nations has met the requirements of paragraphs (1) through (6) of section 401(b) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103-236; 108 Stat. 446).

(B) The Office of Internal Oversight Services has fulfilled the directive in General Assembly Resolution 48/218B to make all of its reports available to the General Assembly, with modifications to those reports that would violate confidentiality or the due process rights of individuals involved in any investigation.

(C) The Office of Internal Oversight Services has an independent budget that does not require the approval of the United Nations Budget Office.

(2) ACTIONS BY THE OIOS.—The Office of Internal Oversight Service has authority to audit, inspect, or investigate each program, project, or activity funded by the United Nations, and each executive board created under the United Nations has been notified in writing of that authority.

**SA 322.** Mr. ENSIGN proposed an amendment to the bill S. 600, to authorize appropriations for the Department of State and international broadcasting activities for fiscal years 2006 and 2007, for the Peace Corps for fiscal years 2006 and 2007, for foreign assistance programs for fiscal years 2006 and 2007, and for other purposes; as follows:

On page 11, line 15, striking “There” and insert the following:

(1) AUTHORIZATION OF APPROPRIATIONS.—There

On page 11, between lines 23 and 24, insert the following:

(2) NO GROWTH BUDGET.—Of the amounts appropriated pursuant to the authorization of appropriations in paragraph (1), \$80,000,000 shall be withheld for each of the calendar years 2006 and 2007 unless the Secretary submits a certification to the appropriate congressional committees for each such calendar year that states that the United Nations has taken no action during the preceding calendar year to increase funding for any United Nations program without identifying an offsetting decrease elsewhere in the United Nations budget during that calendar year and that for such calendar years the United Nations will not exceed the spending limits of the initial 2004–2005 United Nations biennium budget adopted in December, 2003.

**SA 323.** Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 600, to authorize appropriations for the Department of State and international broadcasting activities for fiscal years 2006 and 2007, for the Peace Corps for fiscal years 2006 and 2007, for foreign assistance programs for fiscal years 2006 and 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place insert:

Whereas in 2000, the United Nations, with strong backing by the United States, created the Special Court for Sierra Leone to prosecute persons who have committed and “bear the greatest responsibility” for war crimes, crimes against humanity, other serious violations of international humanitarian law, and other atrocities that occurred in Sierra Leone during that country's brutal civil war during the period after November 30, 1996;

Whereas United Nations Security Council resolution 1315 stated that the Security Council is “[d]eeply concerned at the various serious crimes committed within the territory of Sierra Leone against the people of Sierra Leone . . . [and that] the international community will exert every effort to bring those responsible to justice . . .”

Whereas on June 4, 2003, the Special Court for Sierra Leone unsealed an indictment issued on March 3, 2003, against Charles Ghankay Taylor, former President of the Republic of Liberia, charging him with seventeen counts of war crimes, crimes against humanity, and other violations of international humanitarian law;

Whereas, INTERPOL, of which Nigeria is a member, issued a Red Notice for Mr. Taylor for “crimes against humanity” and “grave breaches of the 1949 Geneva Convention.”

Whereas on August 11, 2003, Charles Taylor departed Liberia for Calabar, Nigeria, where he was granted asylum and, according to press reports, agreed to end his involvement in Liberian politics;

Whereas in September 2003 the Government of the Federal Republic of Nigeria warned Taylor that it would “not tolerate any breach of this condition and others which forbid him from engaging in active communications with anyone engaged in political, illegal or governmental activities in Liberia”;

Whereas, Jacques Klein, the UN Representative charged with rebuilding Liberia, reported that Charles Taylor has broken the terms of his exile by stating: “We know that there are people who commute basically between Monrovia and where [Taylor] is . . . Now, he's no longer giving the guidance he did by telephone, for obvious reasons, but the messengers still go back and forth. And so he still is a cloud that hangs over much of what we do.”

Whereas the job of promoting regional peace and security cannot be completed until Mr. Taylor appears before the Special Court for Sierra Leone to answer to the charges against him.

Now, therefore, be it

*Resolved, That—*

(1) it is the sense of the Senate that—

(A) the United States shall use its voice and vote at the United Nations Security Council to bring about the transfer of Charles Taylor to the Special Court for Sierra Leone.

(B) The actions called for in subsection (A) include supporting a Chapter VII Security Council resolution that would provide for the immediate transfer of Charles Taylor.

(2) the Senate urges the United States government to formulate a comprehensive, inter-agency strategy, consistent with section 585 of Public Law 108-447, aimed at bringing about the transfer of Charles Taylor well before the Liberian elections scheduled to occur in fall, 2005.

**SA 324.** Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 600, to authorize appropriations for the Department of State and international broadcasting activities for fiscal years 2006 and 2007, for the Peace Corps for fiscal years 2006

and 2007, for foreign assistance programs for fiscal years 2006 and 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in the bill, insert the following:

**PROTECTION OF THE GALAPAGOS**

Sec. . (a) FINDINGS.—The Senate makes the following findings—

(1) The Galapagos Islands are a global treasure and World Heritage Site, and the future of the Galapagos is in the hands of the Government of Ecuador;

(2) The world depends on the Government of Ecuador to implement the necessary policies and programs to ensure the long term protection of the biodiversity of the Galapagos, including enforcing the Galapagos Special Law;

(3) There are concerns with the leadership of the Galapagos National Park Service and that the biodiversity of the Galapagos and the Marine Reserve are not being properly managed or adequately protected; and

(4) The Government of Ecuador has reportedly given preliminary approval for commercial airplane flights to the Island of Isabela, which may cause irreparable harm to the biodiversity of the Galapagos, and has allowed the export of fins from sharks caught accidentally in the Marine Reserve, which may encourage illegal fishing.

(b) Whereas, now therefore, be it

*Resolved*, that—

(1) the Senate strongly encourages the Government of Ecuador to—

(A) refrain from taking any action that could cause harm to the biodiversity of the Galapagos or encourage illegal fishing in the Marine Reserve;

(B) abide by the agreement to select the Directorship of the Galapagos National Park Service through a transparent process based on merit as previously agreed by the Government of Ecuador, international donors, and nongovernmental organizations; and

(C) enforce the Galapagos Special Law in its entirety, including the governance structure defined by the law to ensure effective control of migration to the Galapagos and sustainable fishing practices, and prohibit long-line fishing which threatens the survival of shark and marine turtle populations.

(2) The Department of State should—

(A) emphasize to the Government of Ecuador the importance the United States gives to these issues; and

(B) offer assistance to implement the necessary policies and programs to ensure the long term protection of the biodiversity of the Galapagos and the Marine Reserve and to sustain the livelihoods of the Galapagos population who depend on the marine ecosystem for survival.

**SA 325.** Mr. DODD (for himself and Mr. LEAHY) submitted an amendment intended to be proposed by him to the bill S. 600, to authorize appropriations for the Department of State and international broadcasting activities for fiscal years 2006 and 2007, for the Peace Corps for fiscal years 2006 and 2007, for foreign assistance programs for fiscal years 2006 and 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title XXI, add the following:

**SEC. 2227. INTERNATIONAL MILITARY EDUCATION AND TRAINING ASSISTANCE FOR LATIN AMERICA COUNTRIES NOT ENTERING INTO AGREEMENTS UNDER ARTICLE 98 OF THE ROME STATUTE.**

Section 2007 of the American Servicemembers' Protection Act of 2002 (22

U.S.C. 7426) is amended by adding at the end the following new section:

“(e) ADDITIONAL EXEMPTION.—

“(1) EXEMPTION.—The prohibition of subsection (a) shall not apply to the provision of assistance under chapter 5 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2347 et seq.), relating to International Military Education and Training, to a country in Latin America that is a party to the International Criminal Court, notwithstanding the lack of agreement between the United States and such country pursuant to Article 98 of the Rome Statute as described in subsection (c).

“(2) COUNTRY IN LATIN AMERICA DEFINED.—In this subsection, the term ‘country in Latin America’ means any country which is a participating member of the Organization of American States and that, but for this section, is eligible for assistance under chapter 5 of part II of the Foreign Assistance Act of 1961, relating to International Military Education and Training.”.

**SA 326.** Ms. SNOWE (for herself and Mr. COLEMAN) submitted an amendment intended to be proposed by her to the bill S. 600, to authorize appropriations for the Department of State and international broadcasting activities for fiscal years 2006 and 2007, for the Peace Corps for fiscal years 2006 and 2007, for foreign assistance programs for fiscal years 2006 and 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VII, insert the following:

**SEC. 712. SMALL BUSINESS CONTRACTING IN OVERSEAS PROCUREMENTS.**

(a) CONGRESSIONAL FINDINGS AND REAFFIRMATION OF EXISTING POLICY.—

(1) FINDINGS.—Congress finds that—

(A) small business contracting in support of overseas activities of the Federal Government strengthens the trade posture of the United States in the global marketplace;

(B) small business contractors are a vital component of the civilian and defense industrial base, and they have provided outstanding value in support of the activities of the Federal Government domestically and internationally, especially in the international reconstruction, stabilization, and assistance activities in the Global War on Terror;

(C) maintaining a vital small business industrial base protects the Federal Government from higher costs and reduced innovation that accompany undue consolidation of Government contracts;

(D) Congress has a strong interest in preserving the competitive nature of the Government contracting marketplace, particularly with regard to performance of Federal contracts and subcontracts overseas;

(E) small business contractors suffer competitive harm and the Federal Government suffers a needless reduction in competition and a needless shrinkage of its industrial base when Federal agencies exempt contracts and subcontracts awarded for performance overseas from the application of the Small Business Act;

(F) small businesses desiring to support the troops deployed in the Global War on Terror and the reconstruction of Iraq and Afghanistan have faced needless hurdles to meaningful participation in Government contracts and subcontracts; and

(G) Congress has a strong interest in holding large prime contractors accountable for fulfilling their subcontracting plans on overseas assistance and reconstruction projects.

(2) REAFFIRMATION OF POLICY.—In light of the findings in subparagraph (A), Congress

reaffirms its policy contained in sections 2 and 15 of the Small Business Act (15 U.S.C. 631, 644) and section 302 of the Small Business Economic Policy Act of 1980 (15 U.S.C. 631a) to promote international competitiveness of United States small businesses and to ensure that small business concerns are awarded a fair portion of all Federal prime contracts, and subcontracts, regardless of geographic area.

(b) COMPLIANCE.—Not later than 270 days after the date of enactment of this Act, the head of each Federal agency, office, and department having jurisdiction over acquisition regulations shall conduct regulatory reviews to ensure that such regulations require compliance with the Small Business Act in Federal prime contracts and subcontracts, regardless of the geographic place of award or performance, and shall promulgate any necessary conforming changes to such regulations.

(c) COOPERATION WITH THE SMALL BUSINESS ADMINISTRATION.—The Administrator and the Chief Counsel for Advocacy of the Small Business Administration shall be consulted for recommendations concerning regulatory reviews and changes required by this section.

(d) CONFLICTING PROVISIONS OF LAW.—In conducting any regulatory review or promulgating any changes required by this section, due note and recognition shall be given to the specific requirements and procedures of any other Federal statute or treaty which may exempt any Federal prime contract or subcontract from the application of the Small Business Act in whole or in part.

(e) REPORT TO CONGRESSIONAL COMMITTEES.—Not later than 1 year after the date of enactment of this Act, the Administrator and the Chief Counsel for Advocacy of the Small Business Administration shall submit to the Committee on Small Business and Entrepreneurship of the Senate and to the Committee on Small Business of the House of Representatives a report containing their views on the compliance status of Federal agencies, offices, and departments in carrying out this section.

**SA 327.** Ms. SNOWE (for herself and Mr. COLEMAN) submitted an amendment intended to be proposed by her to the bill S. 600, to authorize appropriations for the Department of State and international broadcasting activities for fiscal years 2006 and 2007, for the Peace Corps for fiscal years 2006 and 2007, for foreign assistance programs for fiscal years 2006 and 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VII, insert the following:

**SEC. 712. SMALL BUSINESS CONTRACTING IN OVERSEAS PROCUREMENTS.**

(a) CONGRESSIONAL FINDINGS AND REAFFIRMATION OF EXISTING POLICY.—

(1) FINDINGS.—Congress finds that—

(A) small business contracting in support of overseas activities of the Federal Government strengthens the trade posture of the United States in the global marketplace;

(B) small business contractors are a vital component of the civilian and defense industrial base, and they have provided outstanding value in support of the activities of the Federal Government domestically and internationally, especially in the international reconstruction, stabilization, and assistance activities in the Global War on Terror;

(C) maintaining a vital small business industrial base protects the Federal Government from higher costs and reduced innovation that accompany undue consolidation of Government contracts;

(D) Congress has a strong interest in preserving the competitive nature of the Government contracting marketplace, particularly with regard to performance of Federal contracts and subcontracts overseas;

(E) small business contractors suffer competitive harm and the Federal Government suffers a needless reduction in competition and a needless shrinkage of its industrial base when Federal agencies exempt contracts and subcontracts awarded for performance overseas from the application of the Small Business Act;

(F) small businesses desiring to support the troops deployed in the Global War on Terror and the reconstruction of Iraq and Afghanistan have faced needless hurdles to meaningful participation in Government contracts and subcontracts; and

(G) Congress has a strong interest in holding large prime contractors accountable for fulfilling their subcontracting plans on overseas assistance and reconstruction projects.

(2) REAFFIRMATION OF POLICY.—In light of the findings in subparagraph (A), Congress reaffirms its policy contained in sections 2 and 15 of the Small Business Act (15 U.S.C. 631, 644) and section 302 of the Small Business Economic Policy Act of 1980 (15 U.S.C. 631a) to promote international competitiveness of United States small businesses and to ensure that small business concerns are awarded a fair portion of all Federal prime contracts, and subcontracts, regardless of geographic area.

(b) COMPLIANCE.—Not later than 270 days after the date of enactment of this Act, the head of each Federal agency, office, and department having jurisdiction over acquisition regulations shall conduct regulatory reviews to ensure that such regulations require compliance with the Small Business Act in Federal prime contracts and subcontracts, regardless of the geographic place of award or performance, and shall promulgate any necessary conforming changes to such regulations.

(c) COOPERATION WITH THE SMALL BUSINESS ADMINISTRATION.—The Administrator and the Chief Counsel for Advocacy of the Small Business Administration shall be consulted for recommendations concerning regulatory reviews and changes required by this section.

(d) CONFLICTING PROVISIONS OF LAW.—In conducting any regulatory review or promulgating any changes required by this section, due note and recognition shall be given to the specific requirements and procedures of any other Federal statute or treaty which may exempt any Federal prime contract or subcontract from the application of the Small Business Act in whole or in part.

(e) REPORT TO CONGRESSIONAL COMMITTEES.—Not later than 1 year after the date of enactment of this Act, the Administrator and the Chief Counsel for Advocacy of the Small Business Administration shall submit to the Committee on Small Business and Entrepreneurship of the Senate and to the Committee on Small Business of the House of Representatives a report containing their views on the compliance status of Federal agencies, offices, and departments in carrying out this section.

**SA 328.** Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill S. 600, to authorize appropriations for the Department of State and international broadcasting activities for fiscal years 2006 and 2007, for the Peace Corps for fiscal years 2006 and 2007, for foreign assistance programs for fiscal years 2006 and 2007, and for other purposes; which was ordered to lie on the table; as follows:

In section 105(a), strike “\$10,000,000” and insert “\$18,000,000”.

**SA 329.** Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 600, to authorize appropriations for the Department of State and international broadcasting activities for fiscal years 2006 and 2007, for the Peace Corps for fiscal years 2006 and 2007, for foreign assistance programs for fiscal years 2006 and 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XXV, add the following:

**SEC. 2523. CONDITIONS ON ANY SUSPENSION OF IMMIGRATION PROCESSING OF ORPHANS.**

(a) REQUIREMENTS OF DEPARTMENT OF HOMELAND SECURITY.—The Secretary of Homeland Security, in consultation with the Secretary of State, shall submit written notification to the Senate and the House of Representatives on the day on which the processing of petitions for classification of nationals of a country as orphans is suspended. The notification shall set forth the following:

(1) EXPLANATION.—Information, to the extent available, supporting the suspension, including the following:

(A) FAILURE TO OBTAIN BIRTH PARENT CONSENT.—Information indicating that in recent cases the consent of a birth parent to termination of parental rights or to the adoption was not obtained.

(B) FRAUD, DURESS, OR IMPROPER INDUCEMENT.—Information indicating that in recent cases the consent of a birth parent to termination of parental rights or to the adoption was obtained as a result of fraud, duress, or improper inducement.

(C) IMPROPER RELINQUISHMENT.—Information indicating that in recent cases birth parents have relinquished their children in return for improper reward.

(D) INADEQUATE SENDING COUNTRY ADOPTION PROCESS.—Information indicating that the system utilized by the sending country for the arrangement of international adoptions of orphans who are nationals of the sending country is inadequate and, as a result, the processing of cases according to the requirements of the Immigration and Nationality Act is compromised.

(E) DEPARTMENT OF STATE INABILITY TO PROCESS.—Information indicating that the system of the Department of State in that country for the processing of petitions for the classification of nationals of that sending country as orphans is insufficient, and as a result, the Department of State is unable to make an informed determination under section 101(b)(1)(F) of the Immigration and Nationality Act (8 U.S.C. 1101(b)(1)(F)).

(F) INABILITY TO PROCESS.—Information indicating that the system of the United States Citizen and Immigration Services (referred to in this section as the “USCIS”) in that country for the processing of petitions for the classification of nationals of that sending country as orphans is insufficient, and as a result, the USCIS is unable to make an informed determination under such section 101(b)(1)(F).

(G) COMBINATION OF CONDITIONS.—Information indicating the existence of a combination of the conditions listed in subparagraphs (A) through (F), such that the Department of State or the USCIS is unable to make an informed determination under such section 101(b)(1)(F).

(H) OTHER CONDITIONS.—Information indicating such other conditions that justify a suspension of orphan processing, as appropriate.

(2) SUMMARY OF PRIOR ACTION.—A summary of recent actions taken in the sending country and information regarding previous efforts to address conditions articulated in paragraph (1).

(3) PLAN.—A plan that includes—

(A) ways to remedy the circumstance or circumstances described in paragraph (1) justifying the suspension;

(B) a process to notify United States citizens who might be affected by the suspension;

(C) a way to process families awaiting completion of processing as of the date that the suspension is issued; and

(D) a good faith estimate of the time needed to remedy the circumstance or circumstances described in paragraph (1), which recognizes and addresses the degree to which resolution of circumstance or circumstances described in paragraph (1) depend upon the cooperation of the sending country.

(b) EXEMPTIONS FROM SUSPENSION.—The Secretary of Homeland Security shall give consideration to exempting from the suspension those adoptions involving extraordinary humanitarian concerns in accordance with section 212(d)(5)(A) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(5)(A)).

(c) PERIODIC CONGRESSIONAL NOTIFICATION.—Not later than 180 days after a suspension takes effect after the date of enactment of this Act, and every 180 days until the suspension is terminated, the Secretary of Homeland Security shall submit a written report to Congress indicating—

(1) that the circumstances justifying the suspension still exist; and

(2) what actions have been taken, since the date of notification under subsection (a) or (f), to remedy the circumstances justifying the suspension.

(d) TRANSITION PROVISION.—Not later than 30 days after the date of enactment of this Act, the Secretary of Homeland Security shall submit to Congress, for each country for which a suspension is in effect on the date of enactment of this Act, a report containing a summary of the evidence, plan, and estimate described in subsection (a).

(e) STATUTORY CONSTRUCTION.—Nothing in this section shall be construed to require the inclusion of information that—

(1) reasonably could be expected to adversely affect or compromise a civil or criminal enforcement proceeding or investigation; or

(2) would disclose techniques and procedures for law enforcement investigations or prosecutions.

(f) REQUIREMENTS OF THE DEPARTMENT OF STATE.—The Secretary of State, or any other official of the Department of State, may not urge a foreign government to suspend the processing of international adoptions by United States citizens unless the Secretary of State provides written notification of such action to the Senate and the House of Representatives on the day such action is taken.

(g) DEFINITIONS.—In this section:

(1) ORPHAN.—The term “orphan” means a child described in subparagraph (F) or (G) of section 101(b)(1) of the Immigration and Nationality Act (8 U.S.C. 1101(b)(1)).

(2) SENDING COUNTRY.—The term “sending country” means the country with legal authority to process the adoption of the child in question.

(3) SUSPENSION.—The term “suspension” means, with respect to a country, the decision by the Attorney General to suspend the processing of petitions for classification of orphans who are natives of that country.

**SA 330.** Ms. LANDRIEU (for herself, Mr. DEMINT, and Mr. CRAIG) submitted an amendment intended to be proposed

by her to the bill S. 600, to authorize appropriations for the Department of State and international broadcasting activities for fiscal years 2006 and 2007, for the Peace Corps for fiscal years 2006 and 2007, for foreign assistance programs for fiscal years 2006 and 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the end of division A, add the following new title:

#### **TITLE IX—INTERCOUNTRY ADOPTION**

##### **SEC. 901. SHORT TITLE.**

This title may be cited as the “Inter-country Adoption Reform Act of 2005” or the “ICARE Act”.

##### **SEC. 902. FINDINGS; PURPOSES.**

(a) FINDINGS.—Congress finds the following:

(1) That a child, for the full and harmonious development of his or her personality, should grow up in a family environment, in an atmosphere of happiness, love, and understanding.

(2) That intercountry adoption may offer the advantage of a permanent family to a child for whom a suitable family cannot be found in his or her country of origin.

(3) There has been a significant growth in intercountry adoptions. In 1990, Americans adopted 7,093 children from abroad. In 2001, they adopted 19,237 children from abroad.

(4) Americans increasingly seek to create or enlarge their families through intercountry adoptions.

(5) There are many children worldwide that are without permanent homes.

(6) In the interest of children without a permanent family and the United States citizens who are waiting to bring them into their families, reforms are needed in the intercountry adoption process used by United States citizens.

(7) Before adoption, each child should have the benefit of measures taken to ensure that intercountry adoption is in his or her best interests and prevents the abduction, selling, or trafficking of children.

(8) In addition, Congress recognizes that foreign born adopted children do not make the decision whether to immigrate to the United States. They are being chosen by Americans to become part of their immediate families.

(9) As such these children should not be classified as immigrants in the traditional sense. Once fully and finally adopted, they should be treated as children of United States citizens.

(10) Since a child who is fully and finally adopted is entitled to the same rights, duties, and responsibilities as a biological child, the law should reflect such equality.

(11) Therefore, foreign born adopted children of United States citizens should be accorded the same procedural treatment as biological children born abroad to a United States citizen.

(12) If a United States citizen can confer citizenship to a biological child born abroad, then the same citizen is entitled to confer such citizenship to their legally and fully adopted foreign born child immediately upon final adoption.

(13) If a United States citizen cannot confer citizenship to a biological child born abroad, then such citizen cannot confer citizenship to their legally and fully adopted foreign born child, except through the naturalization process.

(b) PURPOSES.—The purposes of this title are—

(1) to ensure that intercountry adoptions take place in the best interests of the child;

(2) to ensure that foreign born children adopted by United States citizens will be

treated identically to a biological child born abroad to the same citizen parent; and

(3) to improve the intercountry adoption process by making it more citizen friendly and focused on the protection of the child.

##### **SEC. 903. DEFINITIONS.**

In this title:

(1) **ADOPTABLE CHILD.**—The term “adoptable child” has the same meaning given such term in section 101(c)(3) of the Immigration and Nationality Act (8 U.S.C. 1101(c)(3)), as added by section 924(a) of this Act.

(2) **AMBASSADOR AT LARGE.**—The term “Ambassador at Large” means the Ambassador at Large for Intercountry Adoptions appointed to head the Office pursuant to section 911(b).

(3) **COMPETENT AUTHORITY.**—The term “competent authority” means the entity or entities authorized by the law of the child’s country of residence to engage in permanent placement of children who are no longer in the legal or physical custody of their biological parents.

(4) **CONVENTION.**—The term “Convention” means the Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption, done at The Hague on May 29, 1993.

(5) **FULL AND FINAL ADOPTION.**—The term “full and final adoption” means an adoption—

(A) that is completed according to the laws of the child’s country of residence or the State law of the parent’s residence;

(B) under which a person is granted full and legal custody of the adopted child;

(C) that has the force and effect of severing the child’s legal ties to the child’s biological parents;

(D) under which the adoptive parents meet the requirements of section 925; and

(E) under which the child has been adjudicated to be an adoptable child in accordance with section 926.

(6) **OFFICE.**—The term “Office” means the Office of Intercountry Adoptions established under section 911(a).

(7) **READILY APPROVABLE.**—A petition or certification is considered “readily approvable” if the documentary support provided demonstrates that the petitioner satisfies the eligibility requirements and no additional information or investigation is necessary.

##### **Subtitle A—Administration of Intercountry Adoptions**

##### **SEC. 911. OFFICE OF INTERCOUNTRY ADOPTIONS.**

(a) **ESTABLISHMENT.**—Not later than 180 days after the date of enactment of this Act, there is to be established within the Department of State, an Office of Intercountry Adoptions which shall be headed by the Ambassador at Large for Intercountry Adoptions who shall be appointed pursuant to subsection (b).

(b) **AMBASSADOR AT LARGE.**—

(1) **APPOINTMENT.**—The Ambassador at Large shall be appointed by the President, by and with the advice and consent of the Senate, from among individuals who have background, experience, and training in intercountry adoptions, taking care to ensure that the individual who serves as Ambassador is free from any conflicts of interest that might inhibit such individual’s ability to serve as Ambassador.

(2) **AUTHORITY.**—The Ambassador at Large shall report directly to the Secretary, in consultation with the Assistant Secretary for Consular Affairs. The Ambassador at Large has no independent regulatory authority.

(3) **DUTIES OF THE AMBASSADOR AT LARGE.**—In carrying out the functions of the Office, the Ambassador at Large shall have the following responsibilities:

(A) **IN GENERAL.**—The primary responsibilities of the Ambassador at Large shall be—

(i) to ensure that intercountry adoptions take place in the best interests of the child; and

(ii) to assist the Secretary in fulfilling the responsibilities designated to the central authority under title I of the Intercountry Adoption Act of 2000 (42 U.S.C. 14911 et seq.).

(B) **ADVISORY ROLE.**—The Ambassador at Large shall be a principal advisor to the President and the Secretary regarding matters affecting intercountry adoption and the general welfare of children abroad and shall make recommendations regarding—

(i) the policies of the United States with respect to the establishment of a system of cooperation among the parties to the Convention;

(ii) the policies to prevent abandonment, strengthen families, and to advance the placement of children in permanent families; and

(iii) policies that promote the protection and well-being of children.

(C) **DIPLOMATIC REPRESENTATION.**—Subject to the direction of the President and the Secretary, the Ambassador at Large may represent the United States in matters and cases relevant to international adoption in—

(i) fulfillment of the responsibilities designated to the central authority under title I of the Intercountry Adoption Act of 2000 (42 U.S.C. 14911 et seq.);

(ii) contacts with foreign governments, intergovernmental organizations, and specialized agencies of the United Nations and other international organizations of which the United States is a member; and

(iii) multilateral conferences and meetings relevant to international adoption.

(D) **INTERNATIONAL POLICY DEVELOPMENT.**—The Ambassador at Large shall advise and support the Secretary and other relevant Bureaus of the Department of State in the development of sound policy regarding child protection and intercountry adoption.

(E) **REPORTING RESPONSIBILITIES.**—The Ambassador at Large shall have the following reporting responsibilities:

(i) **IN GENERAL.**—The Ambassador at Large shall assist the Secretary and other relevant Bureaus in preparing those portions of the Human Rights Reports that relate to the abduction, sale, and trafficking of children.

(ii) **ANNUAL REPORT ON INTERCOUNTRY ADOPTION.**—On September 1 of each year, the Secretary, with the assistance of the Ambassador at Large, shall prepare and transmit to Congress an annual report on intercountry adoption. Each annual report shall include—

(I) a description of the status of child protection and adoption in each foreign country, including—

(aa) trends toward improvement in the welfare and protection of children and families;

(bb) trends in family reunification, domestic adoption, and intercountry adoption;

(cc) movement toward ratification and implementation of the Convention; and

(dd) census information on the number of children in orphanages, foster homes, and other types of nonpermanent residential care as reported by the foreign country;

(II) the number of intercountry adoptions by United States citizens, including the country from which each child emigrated, the State in which each child resides, and the country in which the adoption was finalized;

(III) the number of intercountry adoptions involving emigration from the United States, including the country where each child now resides and the State from which each child emigrated;



(IV) the number of placements for adoption in the United States that were disrupted, including the country from which the child emigrated, the age of the child, the date of the placement for adoption, the reasons for the disruption, the resolution of the disruption, the agencies that handled the placement for adoption, and the plans for the child, and in addition, any information regarding disruption or dissolution of adoptions of children from other countries received pursuant to section 422(b)(14) of the Social Security Act (42 U.S.C. 622(b)(14));

(V) the average time required for completion of an adoption, set forth by the country from which the child emigrated;

(VI) the current list of agencies accredited and persons approved under the Intercountry Adoption Act of 2000 (42 U.S.C. 14901 et seq.) to provide adoption services;

(VII) the names of the agencies and persons temporarily or permanently debarred under the Intercountry Adoption Act of 2000 (42 U.S.C. 14901 et seq.), and the reasons for the debarment;

(VIII) the range of adoption fees involving adoptions by United States citizens and the median of such fees set forth by the country of origin;

(IX) the range of fees charged for accreditation of agencies and the approval of persons in the United States engaged in providing adoption services under the Convention; and

(X) recommendations of ways the United States might act to improve the welfare and protection of children and families in each foreign country.

(c) **FUNCTIONS OF OFFICE.**—The Office shall have the following 7 functions:

(1) **APPROVAL OF A FAMILY TO ADOPT.**—To approve or disapprove the eligibility of United States citizens to adopt foreign born children.

(2) **CHILD ADJUDICATION.**—To investigate and adjudicate the status of a child born abroad to determine their eligibility as an adoptable child.

(3) **FAMILY SERVICES.**—To provide assistance to United States citizens engaged in the intercountry adoption process in resolving problems with respect to that process and to track intercountry adoption cases so as to ensure that all such adoptions are processed in a timely manner.

(4) **INTERNATIONAL POLICY DEVELOPMENT.**—To advise and support the Ambassador at Large and other relevant Bureaus in the development of sound policy regarding child protection and intercountry adoption.

(5) **CENTRAL AUTHORITY.**—To assist the Secretary in carrying out duties of the central authority as defined in section 3 of the Intercountry Adoption Act of 2000 (42 U.S.C. 14902).

(6) **ENFORCEMENT.**—To investigate, either directly or in cooperation with other appropriate international, Federal, State, or local entities, improprieties relating to adoption, including issues of child protection, birth family protection, and consumer fraud.

(7) **ADMINISTRATION.**—To perform administrative functions related to the functions performed under paragraphs (1) through (6), including legal functions and congressional liaison and public affairs functions.

(d) **ORGANIZATION.**—

(1) **IN GENERAL.**—All functions of the Office shall be performed by officers housed in a centralized office located in Washington, D.C. Within the Washington, D.C. office, there shall be 7 divisions corresponding to the 7 functions of the Office. All 7 divisions and their respective directors shall report directly to the Ambassador at Large.

(2) **APPROVAL TO ADOPT.**—The division responsible for approving parents to adopt

shall be divided into regions of the United States as follows:

- (A) Northwest.
- (B) Northeast.
- (C) Southwest.
- (D) Southeast.
- (E) Midwest.
- (F) West.

(3) **CHILD ADJUDICATION.**—To the extent practicable, the division responsible for the adjudication of foreign born children as adoptable shall be divided by world regions which correspond to those currently used by other divisions within the Department of State.

(4) **USE OF INTERNATIONAL FIELD OFFICERS.**—Nothing in this section shall be construed to prohibit the use of international field officers posted abroad, as necessary, to fulfill the requirements of this Act.

(5) **USE OF EXISTING SYSTEMS.**—Whenever possible, the Office shall utilize systems currently in place that ensure protections against child trafficking.

(e) **QUALIFICATIONS AND TRAINING.**—In addition to meeting the employment requirements of the Department of State, officers employed in any of the 7 divisions of the Office shall undergo extensive and specialized training in the laws and processes of intercountry adoption as well as understanding the cultural, medical, emotional, and social issues surrounding intercountry adoption and adoptive families. The Ambassador at Large shall, whenever possible, recruit and hire individuals with background and experience in intercountry adoptions, taking care to ensure that such individuals do not have any conflicts of interest that might inhibit their ability to serve.

(f) **USE OF ELECTRONIC DATABASES AND FILING.**—To the extent possible, the Office shall make use of centralized, electronic databases and electronic form filing.

#### **SEC. 912. RECOGNITION OF CONVENTION ADOPTIONS IN THE UNITED STATES.**

Section 505(a)(1) of the Intercountry Adoption Act of 2000 (42 U.S.C. 14901 note) is amended by inserting “301, 302,” after “205,”.

#### **SEC. 913. TECHNICAL AND CONFORMING AMENDMENT.**

Section 104 of the Intercountry Adoption Act of 2000 (42 U.S.C. 14914) is repealed.

#### **SEC. 914. TRANSFER OF FUNCTIONS.**

(a) **IN GENERAL.**—Subject to subsection (c), all functions under the immigration laws of the United States with respect to the adoption of foreign born children by United States citizens and their admission to the United States that have been vested by statute in, or exercised by, the Commissioner of Immigration and Naturalization, the Immigration and Naturalization Service (or any officer, employee, or component thereof), of the Department of Homeland Security (or any officer, employee, or component thereof) immediately prior to the effective date of this title, are transferred to the Office on the effective date of this title for exercise by the Ambassador at Large in accordance with applicable laws and subtitle B of this title.

(b) **EXERCISE OF AUTHORITIES.**—Except as otherwise provided by law, the Ambassador at Large may, for purposes of performing any function transferred to the Ambassador at Large under subsection (a), exercise all authorities under any other provision of law that were available with respect to the performance of that function to the official responsible for the performance of the function immediately before the effective date of the transfer of the function pursuant to this subtitle.

(c) **LIMITATION ON TRANSFER OF PENDING ADOPTIONS.**—If an individual has filed a petition with the Immigration and Naturalization Service or the Department of Homeland

Security with respect to the adoption of a foreign born child prior to the date of enactment of this subtitle, the Secretary of Homeland Security shall have the authority to make the final determination on such petition and such petition shall not be transferred to the Office.

#### **SEC. 915. TRANSFER OF RESOURCES.**

Subject to section 1531 of title 31, United States Code, upon the effective date of this title, there are transferred to the Ambassador at Large for appropriate allocation in accordance with section 916, the assets, liabilities, contracts, property, records, and unexpended balance of appropriations, authorizations, allocations, and other funds employed, held, used, arising from, available to, or to be made available to the Immigration and Naturalization Service or the Department of Homeland Security in connection with the functions transferred pursuant to this subtitle.

#### **SEC. 916. INCIDENTAL TRANSFERS.**

The Ambassador at Large may make such additional incidental dispositions of personnel, assets, liabilities, grants, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds held, used, arising from, available to, or to be made available in connection with such functions, as may be necessary to carry out this title. The Ambassador at Large shall provide for such further measures and dispositions as may be necessary to effectuate the purposes of this subtitle.

#### **SEC. 917. SAVINGS PROVISIONS.**

(a) **LEGAL DOCUMENTS.**—All orders, determinations, rules, regulations, permits, grants, loans, contracts, agreements, including collective bargaining agreements, certificates, licenses, and privileges—

(1) that have been issued, made, granted, or allowed to become effective by the President, the Ambassador at Large, the former Commissioner of the Immigration and Naturalization Service, their delegates, or any other Government official, or by a court of competent jurisdiction, in the performance of any function that is transferred pursuant to this subtitle; and

(2) that are in effect on the effective date of such transfer (or become effective after such date pursuant to their terms as in effect on such effective date); shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the President, any other authorized official, a court of competent jurisdiction, or operation of law, except that any collective bargaining agreement shall remain in effect until the date of termination specified in the agreement.

(b) **PROCEEDINGS.**—

(1) **PENDING.**—The transfer of functions under section 914 shall not affect any proceeding or any application for any benefit, service, license, permit, certificate, or financial assistance pending on the effective date of this subtitle before an office whose functions are transferred pursuant to this subtitle, but such proceedings and applications shall be continued.

(2) **ORDERS.**—Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this Act had not been enacted, and orders issued in any such proceeding shall continue in effect until modified, terminated, superseded, or revoked by a duly authorized official, by a court of competent jurisdiction, or by operation of law.

(3) **DISCONTINUANCE OR MODIFICATION.**—Nothing in this section shall be considered to prohibit the discontinuance or modification of any such proceeding under the same terms

and conditions and to the same extent that such proceeding could have been discontinued or modified if this section had not been enacted.

(c) **SUITS.**—This subtitle shall not affect suits commenced before the effective date of this subtitle, and in all such suits, proceeding shall be had, appeals taken, and judgments rendered in the same manner and with the same effect as if this subtitle had not been enacted.

(d) **NONABATEMENT OF ACTIONS.**—No suit, action, or other proceeding commenced by or against the Department of State, the Immigration and Naturalization Service, or the Department of Homeland Security, or by or against any individual in the official capacity of such individual as an officer or employee in connection with a function transferred pursuant to this section, shall abate by reason of the enactment of this Act.

(e) **CONTINUANCE OF SUIT WITH SUBSTITUTION OF PARTIES.**—If any Government officer in the official capacity of such officer is party to a suit with respect to a function of the officer, and pursuant to this subtitle such function is transferred to any other officer or office, then such suit shall be continued with the other officer or the head of such other office, as applicable, substituted or added as a party.

(f) **ADMINISTRATIVE PROCEDURE AND JUDICIAL REVIEW.**—Except as otherwise provided by this subtitle, any statutory requirements relating to notice, hearings, action upon the record, or administrative or judicial review that apply to any function transferred pursuant to any provision of this subtitle shall apply to the exercise of such function by the head of the office, and other officers of the office, to which such function is transferred pursuant to such provision.

#### **SEC. 918. EFFECTIVE DATE.**

This subtitle shall take effect 180 days after the date of enactment of this Act.

#### **Subtitle B—Reform of United States Laws Governing Intercountry Adoptions**

#### **SEC. 921. AUTOMATIC ACQUISITION OF CITIZENSHIP FOR ADOPTED CHILDREN BORN OUTSIDE THE UNITED STATES.**

(a) **AMENDMENTS OF AUTOMATIC CITIZENSHIP PROVISIONS.**—Section 320 of the Immigration and Nationality Act (8 U.S.C. 1431) is amended—

(1) by amending the section heading to read as follows: “CHILDREN BORN OUTSIDE THE UNITED STATES; CONDITIONS UNDER WHICH CITIZENSHIP AUTOMATICALLY ACQUIRED”; and

(2) in subsection (a), by striking paragraphs (1) through (3) and inserting the following:

“(1) Upon the date the adoption becomes full and final, at least 1 parent of the child is a citizen of the United States, whether by birth or naturalization, who has been physically present in the United States or its outlying possessions for a period or periods totaling not less than 5 years, at least 2 of which were after attaining the age of 14 years. Any periods of honorable service in the Armed Forces of the United States, or periods of employment with the United States Government or with an international organization as that term is defined in section 1 of the International Organizations Immunities Act (22 U.S.C. 288) by such citizen parent, or any periods during which such citizen parent is physically present abroad as the dependent unmarried son or daughter and a member of the household of a person—

“(A) honorably serving with the Armed Forces of the United States; or

“(B) employed by the United States Government or an international organization as defined in section 1 of the International Organizations Immunities Act (22 U.S.C. 288);

may be included in order to satisfy the physical presence requirement of this paragraph.

“(2) The child is an adoptable child described in section 101(c)(3).

“(3) The child is the beneficiary of a full and final adoption decree entered by a foreign government or a court in the United States.

“(4) For purposes of this subsection, the term ‘full and final adoption’ means an adoption—

“(A) that is completed under the laws of the child’s country of residence or the State law of the parent’s residence;

“(B) under which a person is granted full and legal custody of the adopted child;

“(C) that has the force and effect of severing the child’s legal ties to the child’s biological parents;

“(D) under which the adoptive parents meet the requirements of section 925 of the Intercountry Adoption Reform Act of 2005; and

“(E) under which the child has been adjudicated to be an adoptable child in accordance with section 926 of the Intercountry Adoption Reform Act of 2005.”.

(b) **EFFECTIVE DATE.**—This section shall take effect as if enacted on January 1, 1950.

#### **SEC. 922. REVISED PROCEDURES.**

Notwithstanding any other provision of law, the following requirements shall apply with respect to the adoption of foreign born children by United States citizens:

(1) Upon completion of a full and final adoption, the Secretary shall issue a United States passport and a Consular Report of Birth for a child who satisfies the requirements of section 921 of the Immigration and Nationality Act (8 U.S.C. 1431), as amended by section 921 of this Act, upon application by a United States citizen parent.

(2) An adopted child described in paragraph (1) shall not require the issuance of a visa for travel and admission to the United States but shall be admitted to the United States upon presentation of a valid, unexpired United States passport.

(3) No affidavit of support under section 213A of the Immigration and Nationality Act (8 U.S.C. 1183a) shall be required in the case of any adoptable child.

(4)(A) The Secretary shall require that agencies provide prospective adoptive parents an opportunity to conduct an independent medical exam and a copy of any medical records of the child known to exist (to the greatest extent practicable, these documents shall include an English translation) on a date that is not later than the earlier of the date that is 2 weeks before the adoption, or the date on which prospective adoptive parents travel to such a foreign country to complete all procedures in such country relating to adoption.

(B) The Secretary shall not require an adopted child described in paragraph (1) to undergo a medical exam for the purpose of excluding the child’s immigration to the United States.

(5) The Secretary shall take necessary measures to ensure that all prospective adoptive parents adopting internationally are provided with training that includes counseling and guidance for the purpose of promoting a successful intercountry adoption before such parents travel to adopt the child or the child is placed with such parents for adoption.

(6) The Secretary shall take necessary measures to ensure that—

(A) prospective adoptive parents are given full disclosure of all direct and indirect costs of intercountry adoption before they are matched with child for adoption;

(B) fees charged in relation to the intercountry adoption be on a fee for service basis not on a contingent fee basis; and

(C) that the transmission of fees between the adoption agency, the country of origin, and the prospective adoptive parents is carried out in a transparent and efficient manner.

(7) The Secretary shall take all measures necessary to ensure that all documents provided to a country of origin on behalf of a prospective adoptive parent are truthful and accurate.

#### **SEC. 923. NONIMMIGRANT VISAS FOR CHILDREN TRAVELING TO THE UNITED STATES TO BE ADOPTED BY A UNITED STATES CITIZEN.**

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

(1) by striking “or” at the end of subparagraph (U);

(2) by striking the period at the end of subparagraph (V) and inserting “; or”; and

(3) by adding at the end the following:

“(W) an adoptable child who is coming into the United States for adoption by a United States citizen and a spouse jointly or by an unmarried United States citizen at least 25 years of age, who has been approved to adopt.”.

(b) **TERMINATION OF PERIOD OF AUTHORIZED ADMISSION.**—Section 214 of the Immigration and Nationality Act (8 U.S.C. 1184) is amended by adding at the end the following:

“(s) In the case of a nonimmigrant described in section 101(a)(15)(W), the period of authorized admission shall terminate on the earlier of—

“(1) the date on which the adoption of the nonimmigrant is completed by the courts of the State where the parents reside; or

“(2) the date that is 4 years after the date of admission of the nonimmigrant into the United States, unless a petitioner is able to show cause as to why the adoption could not be completed prior to such date and the Secretary of State extends such period for the period necessary to complete the adoption.”.

(c) **TEMPORARY TREATMENT AS LEGAL PERMANENT RESIDENT.**—Notwithstanding any other law, all benefits and protections that apply to a legal permanent resident shall apply to a nonimmigrant described in section 101(a)(15)(W) of the Immigration and Nationality Act, as added by subsection (a), pending a full and final adoption.

(d) **EXCEPTION FROM IMMUNIZATION REQUIREMENT FOR CERTAIN ADOPTED CHILDREN.**—Section 212(a)(1)(C) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(1)(C)) is amended—

(1) in the heading by striking “10 YEARS” and inserting “18 YEARS”; and

(2) in clause (i), by striking “10 years” and inserting “18 years”.

(e) **REGULATIONS.**—Not later than 90 days after the date of enactment of this Act, the Secretary shall prescribe such regulations as may be necessary to carry out this section.

#### **SEC. 924. DEFINITION OF ADOPTABLE CHILD.**

(a) **IN GENERAL.**—Section 101(c) of the Immigration and Nationality Act (8 U.S.C. 1101(c)) is amended by adding at the end the following:

“(3) The term ‘adoptable child’ means an unmarried person under the age of 18—

“(A)(i) whose biological parents (or parent, in the case of a child who has one sole or surviving parent) or other persons or institutions that retain legal custody of the child—

“(I) have freely given their written irrevocable consent to the termination of their legal relationship with the child, and to the child’s emigration and adoption and that such consent has not been induced by payment or compensation of any kind and has not been given prior to the birth of the child;

“(II) are unable to provide proper care for the child, as determined by the competent authority of the child’s residence; or

“(III) have voluntarily relinquished the child to the competent authorities pursuant to the law of the child’s residence; or

“(ii) who, as determined by the competent authority of the child’s residence—

“(I) has been abandoned or deserted by their biological parent, parents, or legal guardians; or

“(II) has been orphaned due to the death or disappearance of their biological parent, parents, or legal guardians;

“(B) with respect to whom the Secretary of State is satisfied that the proper care will be furnished the child if admitted to the United States;

“(C) with respect to whom the Secretary of State is satisfied that the purpose of the adoption is to form a bona fide parent-child relationship and that the parent-child relationship of the child and the biological parents has been terminated (and in carrying out both obligations under this subparagraph the Secretary of State, in consultation with the Secretary of Homeland Security, may consider whether there is a petition pending to confer immigrant status on one or both of the biological parents);

“(D) with respect to whom the Secretary of State, is satisfied that there has been no inducement, financial or otherwise, offered to obtain the consent nor was it given before the birth of the child;

“(E) with respect to whom the Secretary of State, in consultation with the Secretary of Homeland Security, is satisfied that the person is not a security risk; and

“(F) whose eligibility for adoption and emigration to the United States has been certified by the competent authority of the country of the child’s place of birth or residence.”

(b) **CONFORMING AMENDMENT.**—Section 204(d) of the Immigration and Nationality Act (8 U.S.C. 1154(d)) is amended by inserting “and an adoptable child as defined in section 101(c)(3)” before “unless a valid home-study”.

#### **SEC. 925. APPROVAL TO ADOPT.**

(a) **IN GENERAL.**—Prior to the issuance of a visa under section 101(a)(15)(W) of the Immigration and Nationality Act, as added by section 923(a) of this Act, or the issuance of a full and final adoption decree, the United States citizen adoptive parent shall have approved by the Office a petition to adopt. Such petition shall be subject to the same terms and conditions as are applicable to petitions for classification under section 204.3 of title 8 of the Code of Federal Regulations, as in effect on the day before the date of enactment of this Act.

(b) **EXPIRATION OF APPROVAL.**—Approval to adopt under this Act is valid for 24 months from the date of approval. Nothing in this section may prevent the Secretary of Homeland Security from periodically updating the fingerprints of an individual who has filed a petition for adoption.

(c) **EXPEDITED REAPPROVAL PROCESS OF FAMILIES PREVIOUSLY APPROVED TO ADOPT.**—The Secretary shall prescribe such regulations as may be necessary to provide for an expedited and streamlined process for families who have been previously approved to adopt and whose approval has expired, so long as not more than 3 years have lapsed since the original application.

(d) **DENIAL OF PETITION.**—

(1) **NOTICE OF INTENT.**—If the officer adjudicating the petition to adopt finds that it is not readily approvable, the officer shall notify the petitioner, in writing, of the officer’s intent to deny the petition. Such notice shall include the specific reasons why the petition is not readily approvable.

(2) **PETITIONERS RIGHT TO RESPOND.**—Upon receiving a notice of intent to deny, the petitioner has 30 days to respond to such notice.

(3) **DECISION.**—Within 30 days of receipt of the petitioner’s response the Office must reach a final decision regarding the eligibility of the petitioner to adopt. Notice of a formal decision must be delivered in writing.

(4) **RIGHT TO AN APPEAL.**—Unfavorable decisions may be appealed to the Department of State and, after the exhaustion of the appropriate appeals process of the Department, to a United States district court.

(5) **REGULATIONS REGARDING APPEALS.**—Not later than 6 months after the date of enactment of this Act, the Secretary shall promulgate formal regulations regarding the process for appealing the denial of a petition.

#### **SEC. 926. ADJUDICATION OF CHILD STATUS.**

(a) **IN GENERAL.**—Prior to the issuance of a full and final adoption decree or a visa under section 101(a)(15)(W) of the Immigration and Nationality Act, as added by section 923(a) of this Act—

(1) the Office shall obtain from the competent authority of the country of the child’s residence a certification, together with documentary support, that the child sought to be adopted meets the description of an adoptable child; and

(2) not later than 15 days after the date of the receipt of the certification referred to in paragraph (1), the Office shall make a final determination on whether the certification and the documentary support are sufficient to meet the requirements of this section or whether additional investigation or information is required.

(b) **PROCESS FOR DETERMINATION.**—

(1) **IN GENERAL.**—The Ambassador at Large shall work with the competent authorities of the child’s country of residence to establish a uniform, transparent, and efficient process for the exchange and approval of the certification and documentary support required under subsection (a).

(2) **NOTICE OF INTENT.**—If the Office finds that the certification submitted by the competent authority of the child’s country of origin is not readily approvable, the Office shall—

(A) notify the competent authority and the prospective adoptive parents, in writing, of the specific reasons why the certification is not sufficient; and

(B) provide the competent authority and the prospective adoptive parents the opportunity to address the stated insufficiencies.

(3) **PETITIONERS RIGHT TO RESPOND.**—Upon receiving a notice of intent to find that a certification is not readily approvable, the prospective adoptive parents shall have 30 days to respond to such notice.

(4) **DECISION.**—Not later than 30 days after the date of receipt of a response submitted under paragraph (3), the Office must reach a final decision regarding the child’s eligibility as an adoptable child. Notice of such decision must be in writing.

(5) **RIGHT TO AN APPEAL.**—Unfavorable decisions on a certification may be appealed to the Department of State and, after the exhaustion of the appropriate appeals process of the Department, to a United States district court.

#### **Subtitle C—Funding**

##### **SEC. 931. FUNDS.**

The Secretary shall provide the Ambassador at Large with such funds as may be necessary for—

(1) the hiring of staff for the Office;

(2) investigations conducted by the Office; and

(3) travel and other expenses necessary to carry out this Act.

#### **Subtitle D—Enforcement**

##### **SEC. 941. ENFORCEMENT.**

(a) **CIVIL PENALTIES.**—A person shall be subject, in addition to any other penalty

that may be prescribed by law, to a civil money penalty of not more than \$50,000 for a first violation, and not more than \$100,000 for each succeeding violation if such person—

(1) violates a provision of this title or an amendment made by this title;

(2) makes a false or fraudulent statement, or misrepresentation, with respect to a material fact, or offers, gives, solicits, or accepts inducement by way of compensation, intended to influence or affect in the United States or a foreign country—

(A) a decision for an approval under title II;

(B) the relinquishment of parental rights or the giving of parental consent relating to the adoption of a child; or

(C) a decision or action of any entity performing a central authority function; or

(3) engages another person as an agent, whether in the United States or in a foreign country, who in the course of that agency takes any of the actions described in paragraph (1) or (2).

(b) **CIVIL ENFORCEMENT.**—

(1) **AUTHORITY OF ATTORNEY GENERAL.**—The Attorney General may bring a civil action to enforce subsection (a) against any person in any United States district court.

(2) **FACTORS TO BE CONSIDERED IN IMPOSING PENALTIES.**—In imposing penalties the court shall consider the gravity of the violation, the degree of culpability of the defendant, and any history of prior violations by the defendant.

(c) **CRIMINAL PENALTIES.**—Whoever knowingly and willfully commits a violation described in paragraph (1) or (2) of subsection (a) shall be subject to a fine of not more than \$250,000, imprisonment for not more than 5 years, or both.

**SA 331.** Mr. SMITH submitted an amendment intended to be proposed by him to the bill S. 600, to authorize appropriations for the Department of State and international broadcasting activities for fiscal years 2006 and 2007, for the Peace Corps for fiscal years 2006 and 2007, for foreign assistance programs for fiscal years 2006 and 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title IV, add the following new section:

#### **SEC. 405. UNITED NATIONS REFORM.**

(a) **POLICY STATEMENTS.**—It shall be the policy of the United States to use its voice, vote and influence—

(1) to strengthen the effectiveness and independence of the United Nations Office of Internal Oversight Service;

(2) to ensure a credible, respectable Human Rights organization within the United Nations whose participating members uphold the values enumerated in the 30 articles of the Universal Declaration of Human Rights;

(3) to urge the United Nations to implement management reforms to improve its operational ability and utility, including—

(A) the adoption of a General Assembly resolution that provides for the automatic sunset of all United Nations programs, projects, or activities without explicit reauthorization by the General Assembly and the inclusion of a sunset provision in every new General Assembly resolution that establishes a program, project, or activity; and

(B) the adoption of a General Assembly resolution that prevents growth in the total number of United Nations personnel or positions, including outside contractors, from the number that are currently employed or contracted by the United Nations as of the date of the enactment of this Act; and

(4) to actively pursue weighted voting on budgetary and financial matters both in the

Administrative and Budgetary Committee and the General Assembly of the United Nations in accordance with the level of financial contributions of the Member States to the regular budget of the United Nations.

(b) **WITHHOLDING OF CONTRIBUTIONS.**—Fifty percent of the funds made available in each fiscal year for the assessed contribution of the United States to the United Nations regular budget shall be withheld from obligation and expenditure until the Secretary has submitted to the appropriate congressional committees the certification described in subsection (c) and the report described in subsection (d).

(c) **CERTIFICATION.**—The Secretary shall certify to the appropriate congressional committees that the following conditions have been met:

(1) The United Nations has met the requirements under paragraphs (1) through (6) of section 401(b) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103-236; 108 Stat. 446).

(2) The United Nations Office of Internal Oversight Service has fulfilled the directive in General Assembly Resolution 48/218B to make all of its reports available to the General Assembly, with modifications to those reports that would violate confidentiality or the due process rights of individuals involved in any investigation.

(3) The United Nations Office of Internal Oversight Service is not subject to the budget or organizational authority of any entity within the United Nations other than the Secretary-General for purposes of nomination of its Director.

(4) The United Nations Office of Internal Oversight Service receives the totality of operational and budgetary resources through appropriations by the United Nations General Assembly and is not dependent upon any other bureau, division, department, or specialized agency of the United Nations for such funding.

(5) Any official of any bureau, division, department, or specialized agency of the United Nations, including the Secretary-General, may make a recommendation to the United Nations Office of Internal Oversight Service to initiate an investigation of any aspect of the United Nations system.

(6) The United Nations Office of Internal Oversight Service has the authority to audit, inspect, or investigate each program, project, or activity funded by the United Nations, including the Secretary-General, and each executive board created under the United Nations has been notified in writing of that authority.

(7) The United Nations Office of Internal Oversight Service Director is authorized to accept informational leads and testimony on allegations of wrongdoing by United Nations officials and entities pursuant to or initiating a formal Office of Internal Oversight Service investigation.

(8) The following human rights reforms have been adopted by the United Nations:

(A) Any Member State of the United Nations that fails to uphold the values enumerated in the 30 articles of the Universal Declaration of Human Rights shall be ineligible for membership on any United Nations human rights body.

(B) Any Member State that is subject to sanctions by the United Nations Security Council shall be ineligible for membership on any United Nations human rights body.

(C) Any Member State that is currently subject to an agenda item 9 country-specific resolution or has been the subject of an item 9 country-specific resolution within the last 2 years shall be ineligible for membership on any United Nations human rights body.

(D) Any Member State that violates the principles of a United Nations human rights

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

(E) Agenda item 8 is abolished.

(9) The Office of the High Commissioner on Human Rights has been given greater authority in field operation activities, such as in Darfur and the Democratic Republic of the Congo, in furtherance of the purpose and mission of the United Nations.

(d) **REPORT ON UNITED NATIONS REFORM.**—

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

(2) **CONTENT.**—The report required under paragraph (1) shall describe—

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

(B) the number of outputs, reports, or other items generated by General Assembly resolutions that have been eliminated, including those that were eliminated as a result of the results based budgeting process;

(C) the continued utility and relevance of the Economic and Financial Committee and the Social, Humanitarian, and Cultural Committee, given the duplicative agendas of those committees and the Economic and Social Council;

(D) the extent to which the Board of External Auditors is an independent entity within the United Nations and not subject to the budget authority or organizational authority of any authority within the United Nations other than the Secretary-General for purposes of nomination of its Director;

(E) the need for a United Nations Office of Special Investigator to investigate senior United Nations officials or allegations of serious misconduct involving United Nations activities in circumstances where an investigator independent of the United Nations is necessary to maintain public confidence in the integrity of the investigation; and

(F) the need for an independent United Nations Ethics Office within the United Nations to establish and monitor general rules of ethics and conduct, including the program of financial disclosure.

(e) **PEACEKEEPING CONTRIBUTIONS.**—

(1) **WITHHOLDING OF FUNDS.**—Beginning 90 days after the date of the enactment of this Act, 50 percent of the funds made available in each fiscal year for the assessed contribution of the United States to the United Nations peacekeeping operations budget shall be withheld from obligation and expenditure unless the certification described in paragraph (2) has been transmitted to the appropriate congressional committees.

(2) **CERTIFICATION.**—The Secretary of State shall certify to the appropriate congressional committees that the following reforms have been instituted by the United Nations Department of Peacekeeping Operations:

(A) Adoption of a uniform Code of Conduct for United Nations peacekeeping operations that applies equally to all military and civilian personnel, regardless of category, which would include measures to prevent the employees, contractor personnel, and peacekeeping forces of the United Nations from trafficking in persons, exploiting victims of trafficking, or committing acts of illegal sexual exploitation.

(B) Mechanisms for the enforcement of the Code of Conduct described in subparagraph (A) have been implemented, including—

(i) the compilation and maintenance of a data base to track violators of the Code of Conduct in order to ensure that they may never again serve in a United Nations peacekeeping operation;

(ii) the inclusion of provisions for the conduct of court martial proceedings while violators are still in-country in each Status of

Forces Agreement (SOFA) or other official document creating, outlining, or governing the peacekeeping operation;

(iii) the creation of a model Memorandum of Understanding between the United Nations and each troop contributing country which requires each troop contributing country to refer any investigation of a violation of the Code of Conduct or other criminal activity by its nationals to its competent national or military authority for prosecution; and

(iv) the establishment of performance evaluations for program managers and area commanders that includes an assessment of efforts to prevent and address allegations of abuse of the Code of Conduct or other criminal activities by those under their authority.

(C) An independent investigative and audit function has been established within each United Nations peacekeeping mission.

(3) **REPORT.**—Not later than 180 days after the date of the enactment of this Act, and annually thereafter, the Secretary shall submit a report to the appropriate congressional committees detailing—

(A) the financial compensation provided by the United Nations to countries that contribute troops to United Nations peacekeeping operations for each current peacekeeping mission in operation;

(B) the financial compensation each troop contributing country provides to individual peacekeepers who participate in United Nations peacekeeping operations; and

(C) the amount of money that the United Nations contributes to troop contributing countries to United Nations peacekeeping operations that is not directly provided to individuals serving in United Nations peacekeeping operations.

**SA 332.** Mrs. LINCOLN submitted an amendment intended to be proposed by her to the bill S. 600, to authorize appropriations for the Department of State and international broadcasting activities for fiscal years 2006 and 2007, for the Peace Corps for fiscal years 2006 and 2007, for foreign assistance programs for fiscal years 2006 and 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the end of division A, insert the following new title:

#### **TITLE IX—INTERNATIONAL PARENTAL CHILD ABDUCTION PREVENTION**

##### **SEC. 901. SHORT TITLE.**

This title may be cited as the “International Parental Child Abduction Prevention Act of 2005”.

##### **SEC. 902. INADMISSIBILITY OF ALIENS SUPPORTING INTERNATIONAL CHILD ABDUCTORS AND RELATIVES OF SUCH ABDUCTORS.**

(a) **IN GENERAL.**—Section 212(a)(10)(C)(ii) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(10)(C)(ii)) is amended by striking subclause (III) and inserting the following:

“(III) is a spouse (other than a spouse who is the parent of the abducted child), son or daughter (other than the abducted child), grandson or granddaughter (other than the abducted child), parent, grandparent, sibling, cousin, uncle, aunt, nephew, or niece of an alien described in clause (i), or is a spouse of the abducted child described in clause (i), if such person has been designated by the Secretary of State, at the Secretary of State's sole and unreviewable discretion, is inadmissible until the child described in clause (i) is surrendered to the person granted custody by the order described in that clause, and such person and child are permitted to return to the United States or

such person's place of residence, or until the abducted child is 21 years of age (unless the Secretary determines that an abducted child who is 21 years of age or older is unable to travel freely in accordance with such individual's wishes).".

(b) **AUTHORITY TO CANCEL CERTAIN DESIGNATIONS; IDENTIFICATION OF ALIENS SUPPORTING ABDUCTORS AND RELATIVES OF ABDUCTORS; ENTRY OF ABDUCTORS AND OTHER INADMISSIBLE ALIENS IN THE CONSULAR LOOKOUT AND SUPPORT SYSTEM.**—Section 212(a)(10)(C) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(10)(C)) is amended by adding at the end the following:

"(iv) **AUTHORITY TO CANCEL CERTAIN DESIGNATIONS.**—The Secretary of State may, at the Secretary of State's sole and unreviewable discretion, at any time, cancel a designation made pursuant to clause (ii)(III).

"(v) **IDENTIFICATION OF ALIENS SUPPORTING ABDUCTORS AND RELATIVES OF ABDUCTORS.**—In all instances in which the Secretary of State knows that an alien has committed an act described in clause (i), the Secretary of State shall take appropriate action to identify the individuals who are potentially inadmissible under clause (ii).

"(vi) **ENTRY OF ABDUCTORS AND OTHER INADMISSIBLE PERSONS IN CONSULAR LOOKOUT AND SUPPORT SYSTEM.**—In all instances in which the Secretary of State knows that an alien has committed an act described in clause (i), the Secretary of State shall take appropriate action to cause the entry into the Consular Lookout and Support System of the name or names of, and identifying information about, such individual and of any persons identified pursuant to clause (v) as potentially inadmissible under clause (ii).

"(vii) **DEFINITIONS.**—In this subparagraph:

"(I) **CHILD.**—The term 'child' means an individual who was a child at the time the individual was detained or retained, or at the time custody of the individual was withheld, as described in clause (i) regardless of marital status.

"(II) **SIBLING.**—The term 'sibling' includes step-siblings and half-siblings.".

(c) **ANNUAL REPORT.**—

(1) **IN GENERAL.**—Not later than 180 days after the date of enactment of this Act, and each February 1 thereafter for 4 years, the Secretary shall submit to the appropriate congressional committees, the Committee on the Judiciary of the Senate, and the Committee on the Judiciary of the House of Representatives, an annual report that describes the operation of section 212(a)(10)(C) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(10)(C)), as amended by this section, during the prior calendar year to which the report pertains.

(2) **CONTENT.**—Each annual report submitted in accordance with paragraph (1) shall specify, to the extent that corresponding data is reasonably available, the following:

(A) The number of cases known to the Secretary, disaggregated according to the nationality of the aliens concerned, in which a visa was denied to an applicant on the basis of the inadmissibility of the applicant under section 212(a)(10)(C) of the Immigration and Nationality Act (as so amended) during the reporting period.

(B) The cumulative total number of cases known to the Secretary, disaggregated according to the nationality of the aliens concerned, in which a visa was denied to an applicant on the basis of the inadmissibility of the applicant under section 212(a)(10)(C) of the Immigration and Nationality Act (as so amended) since the beginning of the first reporting period.

(C) The number of cases known to the Secretary, disaggregated according to the na-

tionality of the aliens concerned, in which the name of an alien was placed in the Consular Lookout and Support System on the basis of the inadmissibility of the alien or potential inadmissibility under section 212(a)(10)(C) of the Immigration and Nationality Act (as so amended) during the reporting period.

(D) The cumulative total number of names, disaggregated according to the nationality of the aliens concerned, known to the Secretary to appear in the Consular Lookout and Support System on the basis of the inadmissibility of the alien or potential inadmissibility under section 212(a)(10)(C) of the Immigration and Nationality Act (as so amended) at the end of the reporting period.

## NOTICES OF HEARINGS/MEETINGS

### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DOMENICI. Mr. President, I would like to announce for the information of the Senate and the public that the following hearing has been scheduled before the Committee On Energy and Natural Resources.

The hearing will be held on Thursday, April 14, at 10 a.m. in room 366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of the hearing is to receive testimony on S. 388, a bill that would direct the Secretary of Energy to promote the adoption of technologies that reduce greenhouse gas intensity, provide credit-based financial assistance and investment protection for projects that employ advanced climate technologies or systems and establish a national greenhouse gas registry.

Because of the limited time available for this hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, SD-364 Dirksen Senate Office Building, Washington, DC 20510-6150.

For further information, please contact: Shane Perkins at 202-224-7555.

### COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LUGAR. Mr. President, I ask unanimous consent that the committee on Agriculture, Nutrition and Forestry be authorized to conduct a hearing during the session of the Senate on Wednesday, April 6, 2005. The purpose of this hearing will be to consider the nomination of Charles F. Conner to be Deputy Secretary of Agriculture for the United States Department of Agriculture.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. LUGAR. Mr. President, I ask unanimous consent that the committee on banking, housing, and urban affairs be authorized to meet during the session of the Senate on April 6, 2005, at 9:30 a.m. to conduct a hearing on "Reg-

ulatory Reform of the Government-Sponsored Enterprises."

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. LUGAR. Mr. President, I ask unanimous consent that the committee on energy and natural resources be authorized to meet during the session of the Senate on Wednesday, April 6, at 10 a.m.

The purpose of the hearing is to consider the nomination of David Garman to be Under Secretary of Energy.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON ENVIRONMENTAL AND PUBLIC WORKS

Mr. LUGAR. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet on Wednesday, April 6, 2005, at 9:15 a.m. to conduct a hearing regarding the following nominations:

Panel I: Stephen Johnson, nominated by the President to be the Administrator of the United States Environmental Protection Agency (EPA).

Panel II: Luis Luna—nominated by the President to be EPA's Assistant Administrator for Administration and Resource Management; John Paul Woodley, Jr.—nominated by the President to be Assistant Secretary of the Army for Civil Works; Major General Don Riley, United States Army—nominated by the President to be a Member and President of the Mississippi River Commission; Brigadier General William T. Grisoli, United States Army—nominated by the President to be a Member of the Mississippi River Commission; D. Michael Rappoport—nominated by the President to be a Member of the Board of Trustees of the Morris K. Udall Foundation; and Michael Butler—nominated by the President to be a Member of the Board of Trustees of the Morris K. Udall Foundation.

The hearing will be held in SD 406.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON HEALTH, EDUCATION, LABOR AND PENSIONS

Mr. LUGAR. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to hold a hearing during the session of the Senate on Wednesday, April 6, 2005 at 9:30 a.m. in SD-562.

The PRESIDING OFFICER. Without objection, it is so ordered.

### SELECT COMMITTEE ON INTELLIGENCE

Mr. LUGAR. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on April 6, 2005 at 2:30 p.m. to hold a closed briefing.

The PRESIDING OFFICER. Without objection, it is so ordered.

### SUBCOMMITTEE ON AIRLAND

Mr. LUGAR. Mr. President, I ask unanimous consent that the Subcommittee on Airland be authorized to