

Committee to consider any amendment in the first degree proposed to any measure under consideration by the Committee unless a written copy of such amendment has been delivered to each member of the Committee at least 24 hours before the meeting at which the amendment is to be proposed. This paragraph may be waived by a majority vote of the members and shall apply only when 72-hour written notice has been provided in accordance with paragraph (f).

#### II. QUORUMS

(a) Subject to the provisions of paragraph (b), eight members of the Committee shall constitute a quorum for the reporting or approving of any measure or matter or recommendation. Five members of the Committee shall constitute a quorum for purposes of transacting any other business.

(b) In order to transact any business at a Committee meeting, at least one member of the minority shall be present. If, at any meeting, business cannot be transacted because of the absence of such a member, the matter shall lay over for a calendar day. If the presence of a minority member is not then obtained, business may be transacted by the appropriate quorum.

(c) One member shall constitute a quorum for the purpose of receiving testimony.

#### III. VOTING

(a) Votes may be cast by proxy. A proxy shall be written and may be conditioned by personal instructions. A proxy shall be valid only for the day given.

(b) There shall be a complete record kept of all Committee action. Such record shall contain the vote cast by each member of the Committee on any question on which a roll call vote is requested.

#### IV. HEARINGS AND HEARING PROCEDURES

(a) Except as specifically otherwise provided, the rules governing meetings shall govern hearings.

(b) At least 1 week in advance of the date of any hearing, the Committee shall undertake, consistent with the provisions of paragraph 4 of rule XXVI of the Standing Rules of the Senate, to make public announcements of the date, place, time, and subject matter of such hearing.

(c) The Committee shall require each witness who is scheduled to testify at any hearing to file 40 copies of such witness' testimony with the Committee not later than 48 hours prior to the witness' scheduled appearance unless the Chairman and Ranking Minority Member determine there is good cause for failure to do so.

(d) The presiding member at any hearing is authorized to limit the time allotted to each witness appearing before the Committee.

(e) The Chairman, with the concurrence of the Ranking Minority Member of the Committee, is authorized to subpoena the attendance of witnesses and the production of memoranda, documents, records, and any other materials. If the Chairman or a Committee staff member designated by the Chairman has not received from the Ranking Minority Member or a Committee staff member designated by the Ranking Minority Member notice of the Ranking Minority Member's nonconcurrence in the subpoena within 48 hours (excluding Saturdays, Sundays, and Federal holidays) of being notified of the Chairman's intention to subpoena attendance or production, the Chairman is authorized following the end of the 48-hour period involved to subpoena the same without the Ranking Minority Member's concurrence. Regardless of whether a subpoena has been concurred in by the Ranking Minority Member, such subpoena may be authorized by vote of the Members of the Committee. When the Committee or Chairman authorizes

a subpoena, the subpoena may be issued upon the signature of the Chairman or of any other member of the Committee designated by the Chairman.

(f) Except as specified in Committee Rule VII (requiring oaths, under certain circumstances, at hearings to confirm Presidential nominations), witnesses at hearings will be required to give testimony under oath whenever the presiding member deems such to be advisable.

#### V. MEDIA COVERAGE

Any Committee meeting or hearing which is open to the public may be covered by television, radio, and print media. Photographers, reporters, and crew members using mechanical recording, filming or broadcasting devices shall position and use their equipment so as not to interfere with the seating, vision, or hearing of the Committee members or staff or with the orderly conduct of the meeting or hearing. The presiding member of the meeting or hearing may for good cause terminate, in whole or in part, the use of such mechanical devices or take such other action as the circumstances and the orderly conduct of the meeting or hearing may warrant.

#### VI. GENERAL

All applicable requirements of the Standing Rules of the Senate shall govern the Committee.

#### VII. PRESIDENTIAL NOMINATIONS

(a) Each Presidential nominee whose nomination is subject to Senate confirmation and referred to this Committee shall submit a statement of his or her background and financial interests, including the financial interests of his or her spouse and of children living in the nominee's household, on a form approved by the Committee which shall be sworn to as to its completeness and accuracy. The Committee form shall be in two parts—

(A) information concerning employment, education, and background of the nominee which generally relates to the position to which the individual is nominated, and which is to be made public; and

(B) information concerning the financial and other background of the nominee, to be made public when the Committee determines that such information bears directly on the nominee's qualifications to hold the position to which the individual is nominated. Committee action on a nomination, including hearings or a meeting to consider a motion to recommend confirmation, shall not be initiated until at least five days after the nominee submits the form required by this rule unless the Chairman, with the concurrence of the Ranking Minority Member, waives this waiting period.

(b) At any hearing to confirm a Presidential nomination, the testimony of the nominee and, at the request of any Member, any other witness shall be under oath.

#### VIII. NAMING OF DEPARTMENT OF VETERANS AFFAIRS FACILITIES

It is the policy of the Committee that no Department of Veterans Affairs facility shall be named after any individual unless—

(A) such individual is deceased and was—

(1) a veteran who (i) was instrumental in the construction or the operation of the facility to be named, or (ii) was a recipient of the Medal of Honor or, as determined by the Chairman and Ranking Minority Member, otherwise performed military service of an extraordinarily distinguished character;

(2) a member of the United States House of Representatives or Senate who had a direct association with such facility;

(3) an Administrator of Veterans' Affairs, a Secretary of Veterans Affairs, a Secretary of Defense or of a service branch, or a military

or other Federal civilian official of comparable or higher rank; or

(4) an individual who, as determined by the Chairman and Ranking Minority Member, performed outstanding service for veterans;

(B) each member of the Congressional delegation representing the State in which the designated facility is located has indicated in writing such member's support of the proposal to name such facility after such individual; and

(C) the pertinent State department or chapter of each Congressionally chartered veterans' organization having a national membership of at least 500,000 has indicated in writing its support of such proposal.

#### IX. AMENDMENTS TO THE RULES

The rules of the Committee may be changed, modified, amended, or suspended at any time, provided, however, that no less than a majority of the entire membership so determine at a regular meeting with due notice, or at a meeting specifically called for that purpose. The rules governing quorums for reporting legislative matters shall govern rules changes, modification, amendments, or suspension.

#### UNITED STATES-INDONESIA MILITARY RELATIONS

Mr. LEAHY. Mr. President, last week I listened to the comments of my friend, the senior Senator from Missouri, regarding the devastating impact of the tsunami in Aceh, Indonesia, which caused so much loss of life and destruction of property. Senator BOND paid tribute to the contributions of American relief agencies that have done so much to alleviate the suffering there, and I want to echo those comments.

He also expressed concern about what he called "unintended consequences" of restrictions on our assistance to the Indonesian military, otherwise known as the TNI. Specifically, he referred to the International Military Education and Training Program, and spare parts for C-130 aircraft.

I want to respond to that portion of Senator BOND's remarks, to be sure there is no misunderstanding about what our law says.

To begin with, I want to disabuse those who might be misled by some Indonesian officials who often mistakenly refer to a U.S. military "embargo" against Indonesia. I ask unanimous consent that a Defense Department document from our Embassy in Jakarta, which describes the many programs and other contacts we currently have with the TNI, be printed in the RECORD at the end of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. LEAHY. The fact is that the TNI participates in training programs under both the expanded International Military Education and Training, E-IMET, program and the Counterterrorism Fellowship Program, CTFP. This is the largest CTFP program currently underway anywhere in the world. Millions of dollars have been appropriated for these programs in recent years, including for the types of defense management, military justice, civil military relations, and other courses that

the Senator from Missouri and I support. The TNI is participating in the E-IMET program which Congress has funded at the level requested by the Bush administration.

Our law also does not prevent military exercises and other contacts with the U.S. military through officer visits, educational exchanges, and port visits. Perhaps the most visible evidence of this is the U.S. military working side by side with the TNI during the ongoing humanitarian relief operations in Aceh.

With respect to training, U.S. law restricts only the full restoration of regular IMET assistance until the Indonesian Government and the TNI "are cooperating" with the FBI's investigation into the August 31, 2002, murders of two American citizens and one Indonesian citizen. By "cooperating," we obviously mean not simply cooperating in limited ways, but fully cooperating. I am concerned with reports that the TNI may have conspired with the shooters in that case, and that the one Papuan individual who has been indicted, who is not a member of the TNI, remains at large even though his whereabouts are reportedly known to the TNI.

With respect to equipment, our law does not restrict the sale of non-lethal equipment to the TNI. Specifically, with regard to spare parts for the C-130's, there has been no change in U.S. law, although I am told that there may have been a relaxation of this administration's policy. Our law does not and never has prevented the sale of spare parts for these aircraft for humanitarian purposes. Over 4 years ago, when the TNI first requested to purchase C-130 spare parts for "search and rescue" missions, the U.S. Ambassador and I, as well as, I am told, the Secretary of Defense, informed the Indonesians that this was not prohibited by either U.S. law or policy and that they could purchase these parts from us. For reasons the Pentagon is aware of, the TNI decided to obtain them elsewhere.

The only conditions on the sale of lethal equipment are that the Indonesian Government is prosecuting and punishing members of the TNI for gross violations of human rights, and that the TNI is (1) taking steps to counter international terrorism consistent with democratic principles and the rule of law; (2) cooperating with civilian judicial authorities and with international efforts to resolve cases of gross violations of human rights; and (3) implementing financial reforms to deter corruption.

There are good reasons for these limited conditions. The United States has provided hundreds of millions of dollars in training and equipment to the Indonesian military since the 1950s. Despite the close relationship that developed between the U.S. military and the TNI over four decades, the TNI acquired a reputation for being notoriously abusive and corrupt. After the TNI murdered some 200 civilians in a

cemetery in Dili, East Timor in 1992, our IMET assistance was cut off. Our relations with the TNI were further curtailed in 1999, after the independence referendum in East Timor when the TNI orchestrated widespread killings and the destruction of property. Although senior TNI officers have repeatedly vowed to support reform, they have done next to nothing to hold their members accountable for these heinous crimes. Instead, the TNI has consistently obstructed justice.

I should note that these conditions do not apply to the Indonesian navy. Congress specifically exempted the navy because enhancing maritime security is a critical priority.

There are also credible reports that after 9/11, the TNI provided support to radical Indonesian groups that have been involved in terrorism.

Since 1999, restrictions on our relations with the TNI have been narrowed, and today, as I mentioned, we have a wide range of military-to-military activities.

I am disappointed that some Pentagon officials and my friend from Missouri, rather than acknowledging the extent of the United States-Indonesia military relationship and urging the TNI to demonstrate that it is serious about reform by meeting these reasonable conditions, have expressed support for weakening our law.

Indonesia's new President Yudhoyono is a career military officer. He has a reputation as a reformer, and I wish him well. I have always supported substantial economic assistance to Indonesia. In fact, Senator MCCONNELL, the Chairman of the Foreign Operations Subcommittee, and I have worked to increase this assistance.

Prior to President Yudhoyono's election, there were some important reforms which reduced the TNI's influence in politics. But a key gap remains regarding justice for the victims of atrocities, including crimes against humanity. This is the focus of our law, and it is as important to Indonesia and the TNI as it is for the United States. I believe that President Yudhoyono should agree and want the TNI to make these necessary reforms.

I applaud the U.S. military and the TNI for working together to bring aid to tsunami victims in Aceh. But just as our policy should promote cooperation in humanitarian operations and in counterterrorism, so should it promote respect for human rights, accountability, and the rule of law. These are fundamental to the freedom and democracy that President Bush spoke of in his inaugural address. Our law, which was narrowly written to provide an incentive for reform while allowing military contacts to continue, strikes the right balance.

#### EXHIBIT 1

##### IMET/E-IMET

(Allocated FY 04 \$599,000; Requested for FY 05 \$600,000.)

The International Military Education and Training (IMET) program continues to be re-

stricted for Indonesia. However, training is allowed with IMET funding for Expanded-IMET (E-IMET) courses for both military and civilians.

E-IMET courses have included a wide range of programs, including seminars, in-country Mobile Education Teams, and Masters Programs at Naval Postgraduate School. Topics have included defense management, national security affairs, defense restructuring, civ-mil relations, resource management, military law, peacekeeping operations, and other important topics.

#### COUNTER-TERRORISM FELLOWSHIP PROGRAM (CTFP)

Largest CTFP Program in the world. (Allocated FY B04 \$500,000; Supplemental \$386,826; FY B05 Allocation \$600,000.) (Allocated B02 "No Year" funds in 2002: \$3.7 million; Current Remaining \$702,000.)

Note this Remaining B02 money is Programmed through FY 05 and FY 06.

In the FY02 Defense Appropriations Act, the Regional Defense Counter-Terrorism Fellowship Program was established under section 8125.

Both civilian and military officers participate in a wide variety of courses and seminars under this program designed to improve the professionalism and management skills of TNI. CTFP training programs include intelligence cooperation, national level decision-making, civil-mil cooperation in combating terrorism, and maritime security, as well as Indonesian attendance at US Staff Colleges, War Colleges, National Defense University, and English language training and materials.

#### THEATER SECURITY COOPERATION PROGRAM

(Funding provided from various sources per event.)

Indonesian is an active participant in U.S. Pacific Command TSCP activities, to include regional workshops and seminars promoting cooperation on security issues, Counter-Terrorism seminars and workshops, peacekeeping workshops, and Subject Matter Expert Exchanges.

Activities are limited to non-lethal, non-combat related events.

In close cooperation with both the ODC and the Defense Attache Office, PACOM has developed a more robust TSCP program over the next two years in order to broaden our engagement with TNI and other agencies within GOI.

Indonesian participation has increased from Zero events in FY 00 to more than 85-events in FY 04, and more than 132 programmed in FY 05.

#### FOREIGN MILITARY SALES/FOREIGN MILITARY FINANCING

Foreign Military Sales (FMS): Remain frozen by USG policy. There remain 38 active cases with an FMS balance of \$ 3.5 mil.

Foreign Military Financing (FMF) and other grant programs, such as eligibility for Excess Defense Articles (EDA), remain restricted by legislation.

(\$11.3 mil requested for FY 06; \$6 million recommended by interagency for FY 06; focus is maritime security and C-130 parts.)

Direct Commercial Sales (DCS): USG policy has established "carve-outs" for specific categories of defense hardware, such as C-130 spare parts, non-lethal equipment, and "safety of use" items for lethal end items (an example would be CAD/PADs, propellant cartridges for ejection seats on fighter aircraft). (\$928,709 released by DSCA from FMS funds 04 Jan 05 for Tsunami relief/repair of C-130s.)

#### TRADE MISSION TO NEW ZEALAND AND AUSTRALIA

Mr. BAUCUS. Mr. President, I rise to share some observations on my recent