

support and protect civil society activists, including human rights and environmental defenders and independent journalists, in countries where such activists have been threatened or killed for peacefully exercising their rights of free expression, association, and assembly.

Nearly 1,000 violations were reported against human rights defenders in 2016, including killings, detentions, judicial prosecutions, physical attacks, and other threats and harassments. Civil society activists are targeted by both state and nonstate actors, including private companies and investors, seeking to obstruct the rights of voters, minorities, landowners, environmentalists, indigenous peoples, and refugees, among other vulnerable groups. These attacks are not limited to a particular region or a handful of countries—they are common in Latin America, Africa, Asia, and the Middle East—nor are they limited to countries with authoritarian governments, such as Cambodia, Rwanda, Eritrea, Egypt, and Russia. Democratically elected governments are also culpable, such as Honduras, Philippines, Kenya, Ecuador, and Turkey. Ultimately, democracy cannot survive if the rights of civil society and the independent media are not protected.

Last year was the deadliest year on record for land and environmental defenders. There were more deaths reported in more countries than ever before. Competition for land and natural resources has intensified to an alltime high, with companies around the globe putting greater emphasis on profit margins than on environmental protection or land ownership rights. As these pressures increase, the risk to civil society activists will also increase.

Similarly, although the number of journalists killed on assignment dropped slightly in 2016, the number of journalists in prison reached its highest level yet. More than 250 journalists are imprisoned worldwide because of their work. This is an egregious violation of the universal right of free expression.

These statistics are almost certainly underestimates, given the suppressions of free speech and lack of transparent and effective judicial systems in many countries where civil society activists face the most severe threats to their work and lives.

It is important for all of us to be aware of the growing threats to civil society activists worldwide, as well as the relevant funding and language included in the committee-reported Department of State and Foreign Operations appropriations bill. This should be the first step in developing an inter-agency strategy to focus attention and resources on this critical problem.

I ask unanimous consent that the language in the committee report describing this provision be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

#### SEC. 7032. DEMOCRACY PROGRAMS.

*Protection of Civil Society Activists.*—For purposes of developing the strategy and allocating funds under subsection (j), the Assistant Secretary of State for Democracy, Human Rights, and Labor shall consult with the Committee and with representatives of civil society and independent media organizations whose members have been threatened or killed. The uses of funds shall include strengthening the capacity of such organizations, protecting their members who have been threatened, supporting the enactment of laws to protect freedoms of expression, association, and assembly, and educating the public about the legitimate role of such activists and journalists in society.

#### INTERNATIONAL EFFORTS TO APPREHEND AND PROSECUTE WAR CRIMINALS

Mr. LEAHY Mr. President, I want to speak very briefly about an amendment that was adopted unanimously by the Appropriations Committee 2 weeks ago, during markup of the fiscal year 2018 Department of State and Foreign Operations appropriations bill.

The amendment, which I offered, was identical to one that was adopted by the committee last year and the year before that.

It would permit the United States to provide technical assistance, training, assistance for victims, protection of witnesses, and law enforcement support related to investigations, apprehensions, and prosecutions of the world's most notorious war criminals.

It is important to note what my amendment does not do. For example, while I support the International Criminal Court which has proven to be a nonpolitical, adjudicative body comprised of reputable, experienced jurists who have carried out their responsibilities impartially and professionally, my amendment does not authorize a regular cash contribution to the International Criminal Court.

Also, my amendment exempts American servicemembers, members of NATO, and major non-NATO allies, such as Israel.

As the committee report indicates, the amendment is focused on the worst of the worst: Joseph Kony, the head of the Lord's Resistance Army, Sudan's President Bashir; Syria's President Assad; and other high-profile criminals.

The United States has some of the world's most experienced criminal investigators and prosecutors. We have unique capabilities. Even though we do not contribute funds to the ICC—and my amendment does not change that—we have strongly supported the court's efforts in the past—For example, when it prosecuted Serbian President Milosevic and when it tried and convicted Charles Taylor, the war criminal in Sierra Leone—and we will support the ICC if Joseph Kony and others like him are apprehended.

I think we all agree that we should do what we can to help bring the world's worst war criminals to justice. My amendment would do that, and I

hope other Senators will lend their voices in support of its inclusion in the final conference agreement.

I ask unanimous consent that a copy of my amendment be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

#### WAR CRIMES TRIBUNALS

Sec. 7047.

(b) None of the funds appropriated by this Act may be made available for a United States contribution to the International Criminal Court: *Provided*, That notwithstanding section 705(b) of the Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act, Fiscal years 2000 and 2001 (division A of Public Law 106-113) and consistent with section 2015 of the American Service-Members Protection Act, 2002, as amended, funds may be made available for technical assistance, training, assistance for victims, protection of witnesses, and law enforcement support related to international investigations, apprehensions, prosecutions, and adjudications of genocide, crimes against humanity, and war crimes. *Provided further*, That the previous proviso shall not apply to American service members and other United States citizens or nationals, or to nationals of the North Atlantic Treaty Organization (NATO) or major non-NATO allies initially designated pursuant to section 517(b) of the Foreign Assistance Act of 1961.

#### INTERNATIONAL HIV/AIDS PROGRAMS

Mr. LEAHY. Mr. President, I want to speak briefly about the funding to combat HIV/AIDS in the fiscal year 2018 Department of State and Foreign Operations appropriations bill, which was reported unanimously by the Senate Appropriations Committee on September 7.

In May, the Congress received the President's fiscal year 2018 budget request, which included a \$1 billion cut to international HIV/AIDS programs. The White House proposed to focus the President's Emergency Plan for AIDS Relief—the PEPFAR program—in 12 priority countries, while only maintaining current treatment levels in the other 24 countries in which PEPFAR works. This would mean no lifesaving drugs for new patients in any of those 24 countries and the end of initiatives PEPFAR has undertaken to accelerate progress in those countries.

Fortunately, the State and Foreign Operations Subcommittee, chaired by Senator GRAHAM and of which I am ranking member, rejected the President's proposed cut and restored HIV/AIDS funding to the current level. The committee-reported bill includes a total of \$6 billion for HIV/AIDS programs, including \$4.32 billion for PEPFAR, \$1.35 billion for the Global Fund to Fight AIDS, TB, and malaria, and \$330 million for HIV/AIDS programs administered by the U.S. Agency for International Development.

The committee report accompanying the bill also reaffirms the key role PEPFAR plays in HIV/AIDS prevention, care, and treatment around the

globe. In 2016, PEPFAR supported more than 11 million people with lifesaving antiretroviral treatment and provided testing and counseling for more than 74 million people.

During the committee markup of the Department of State and Foreign Operations appropriations bill, I offered an amendment that would have increased PEPFAR by \$500 million. Funding for PEPFAR has been stagnant for several years, and the additional funds in my amendment would have enabled millions more people infected with the AIDS virus to receive lifesaving treatment. Regrettably, my amendment failed on a party-line vote.

Nonetheless, the bill still succeeds in rejecting the administration's nonsensical and unacceptable reduction to HIV/AIDS funding. I want to be sure that all Senators are aware of this critical funding, which has received widespread, bipartisan support for many years.

#### CHOLERA IN HAITI

Mr. LEAHY. Mr. President, in 2004 the United States voted to establish the United Nations Stabilization Mission in Haiti, MINUSTAH, to police the country following years of political turmoil.

While MINUSTAH was successful in bringing a semblance of order to the country, its mission was severely impacted by the 2010 earthquake which resulted in the deaths of tens of thousands of people and left hundreds of thousands more in need of assistance. Haiti has not fully recovered since then.

Unfortunately, that was not the only tragedy that befell Haiti in 2010. In October of that year, a cholera outbreak spread throughout the country, sickening hundreds of thousands and claiming the lives of more than 9,000. Even more tragically and unlike the earthquake, the outbreak could have been prevented, and the UN peacekeeping mission—tasked with protecting the people—was at fault.

The cholera outbreak was caused by an act of extreme negligence, when some UN peacekeepers disposed of human waste in a manner that contaminated the local water system. Before it happened, cholera was not a problem in Haiti. Today it is. In 2016, after years of refusing to accept responsibility, the UN acknowledged its role in the cholera outbreak and established a trust fund to address the problem, but so far, very little has been contributed.

A provision I authored, which was adopted unanimously by the Senate Appropriations Committee and included in the fiscal year 2018 Department of State and Foreign Operations appropriations bill, would provide the Trump administration with the authority to enable the United States to do its part to help.

With MINUSTAH winding down in Haiti, \$40 million in unused contribu-

tions are available to donor countries, and the UN has agreed that those credits may be used to help address the cholera problem caused by its own peacekeepers.

The United States share of those credits is \$11.7 million, and the provision I mentioned makes clear that the committee believes contributing to the trust fund would be an appropriate use of those funds. While this amount still falls far short of what is needed, if we believe in accountability for the UN, we should join other nations in providing our share of these funds to address this tragedy.

This is not a tragedy that only harmed a few families. Nearly 10,000 innocent people lost their lives through no fault of their own. They need help, and this is a small way for us to contribute.

When the United States responds to natural or manmade disasters, whether the tsunami in Indonesia, earthquakes in Nepal, drought in Africa, or war in Syria, we don't debate whose responsibility it should be to care for the victims. We respond because we are able to, and that is what global leaders do when tragedy strikes. We did not cause the cholera outbreak in Haiti any more than we have caused countless other calamities around the world, but we can help. Even \$11.7 million will make a difference in Haiti, including by leveraging contributions from other governments.

I hope other Senators will follow the lead of the Appropriations Committee and lend their voices in support of this effort.

#### 25TH ANNIVERSARY OF THE NYUMBANI CHILDREN'S HOME

Mr. LEAHY. Mr. President, on the occasion of the 25th anniversary of its founding, I would like to share a few remarks about the Nyumbani Children's Home.

Marcelle and I have always enjoyed learning about and celebrating the continued growth and successes of Nyumbani. Those successes are because of the people who choose to dedicate their time, valuable skills, and scarce resources to a noble cause—that of saving and improving the lives of others.

We have been particularly touched and moved by the stories of the children of Nyumbani. Despite confronting tremendous personal medical and social challenges, these young people have been nurtured, nourished, educated, and cared for in a safe and loving environment.

These children have also benefited from advances in medical and therapeutic care that were unimaginable when this refuge was founded on September 8, 1992. To know that many of the children raised there have now grown into magnificent young people is a testament to the mission of this center.

When the Nyumbani Children's home was founded, there was certainly no as-

surance that these results would necessarily follow. The inspired efforts of our friend, Father Angelo D'Agostino, or Father D'Ag, have led to these successes. Father D'Ag was a man of faith who combined an incredible work ethic with vision and an insatiable, indomitable will. He was a man whose friendship I cherished.

Father D'Ag realized that the terror, stigma, and uncertainties associated with the transmission of the AIDS virus was responsible for a generation of orphans. Cruelly, AIDS also denied these children a home because Kenyan orphanages would turn them away out of fear and an inability to provide appropriate medical care, but Father D'Ag would not walk away.

It began when Father D'Ag took on the care of three children who had been abandoned and were destined to die alone. From that modest beginning, the Nyumbani Children's Home became a forerunner in providing care to those affected by the scourge of HIV.

In the decades since, Father D'Ag's vision has grown to encompass not only the original Children's Home, but also an advanced diagnostic laboratory, the unique Nyumbani Village, and an indispensable community outreach program that provides medical care to residents of distressed communities in Nairobi.

As a doctor and Jesuit priest, Father D'Ag innately understood the principle that every life has value and dignity. His character and his knowledge compelled him to act when others stood paralyzed by fear and doubt.

Sharing his compassion and conviction from the outset was Sister Mary Owens, Nyumbani's remarkable executive director since Father D'Ag's passing in 2006. Each of us is enormously thankful for the work of extraordinary people like Father D'Ag and Sister Mary. We are grateful for the many lives that have been saved and all that has been accomplished by Nyumbani over the past 25 years and look forward to success stories in the next 25 years.

Nyumbani is a representation of what good can come when dedicated people cast aside fear and doubt, bring forward the true human spirit, and help those in need.

(At the request of Mr. SCHUMER, the following statement was ordered to be printed in the RECORD.)

#### VOTE EXPLANATION

• Mr. NELSON. Mr. President, I was necessarily absent for today's vote on the motion to invoke cloture on the nomination of William Emanuel to be a Member of the National Labor Relations Board. I would have voted nay. •

(At the request of Mr. SCHUMER, the following statement was ordered to be printed in the RECORD.)

#### VOTE EXPLANATION

• Mr. MENENDEZ. Mr. President, I was unavoidably absent for rollcall