

# VARIOUS BILLS AND RESOLUTIONS

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## MARKUP

BEFORE THE

### COMMITTEE ON FOREIGN AFFAIRS HOUSE OF REPRESENTATIVES

ONE HUNDRED TENTH CONGRESS

SECOND SESSION

ON

**H. Res. 1351, H. Res. 1361, H. Res. 1369,  
H. Con. Res. 374, H.R. 6574 and H. Res. 1370**

—————  
JULY 24, 2008  
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**Serial No. 110-208**  
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## VARIOUS BILLS AND RESOLUTIONS

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THURSDAY, JULY 24, 2008

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON FOREIGN AFFAIRS,  
*Washington, DC.*

The committee met, pursuant to notice, at 9:37 a.m. in room 2172, Rayburn House Office Building, Hon. Howard L. Berman (chairman of the committee) presiding.

Chairman BERMAN. The committee will come to order while I figure out what I am doing.

I think we will take up the consent measures first. So I will recognize myself to present a unanimous consent request for the consideration of those measures. They involve a series of non-controversial bills on the agenda. It is the intention of the chair to consider these measures en bloc and by unanimous consent authorize the chair to seek consideration of these bills under suspension of the rules. All members are given leave to insert remarks on the measures into the record should they choose to do so.

Without objection—well, let me read the bills, the description of the bills: H. Res. 1351, Expressing support for the United Nations African Union Mission in Darfur, the UNAMID mission, and calling upon United Nations Members States and the international community to contribute the resources necessary to ensure the success of UNAMID; H. Res. 1361, Expressing the sense of the House of Representatives that the United States should lead a high-level diplomatic effort to defeat the campaign by some members of the Organization of the Islamic Conference to divert the United Nations Durban Review Conference from a review of problems in their own and other countries by attacking Israel, promoting anti-Semitism, and undermining the Universal Charter of Human Rights and to ensure that the Durban Review Conference serves as a forum to review commitments to combat all forms of racism; H. Res. 1369, Recognizing nongovernmental organizations working to bring just and lasting peace between Israelis and Palestinians; and H. Con. Res. 374, Supporting the spirit of peace and desire for unity displayed in the letter from 138 leading Muslim scholars, and in the Pope's response.

[The information referred to follows:]

110TH CONGRESS  
2D SESSION

# H. RES. 1351

Expressing support for the United Nations African Union Mission in Darfur (UNAMID) and calling upon United Nations Member States and the international community to contribute the resources necessary to ensure the success of UNAMID.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 16, 2008

Mr. CHABOT submitted the following resolution; which was referred to the Committee on Foreign Affairs

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## RESOLUTION

Expressing support for the United Nations African Union Mission in Darfur (UNAMID) and calling upon United Nations Member States and the international community to contribute the resources necessary to ensure the success of UNAMID.

Whereas, on July 8, 2008, seven United Nations African Union Mission in Darfur (UNAMID) peacekeepers were killed and another 22 wounded, including seven critically, while carrying out UNAMID in the Darfur region of Sudan to bring stability and security to the region;

Whereas the attacks on July 8, 2008, were the latest, and most severe, in a string of attacks on UNAMID peacekeepers, which include an attack on June 30, 2008, when 38 peacekeepers were taken hostage and on April 9,

2008, when a UNAMID police officer was beaten and UNAMID vehicles hijacked;

Whereas, on June 25, 2008, the United Nations announced that UNAMID in Darfur lacked critical resources including troops, police officers, and air transport, hindering UNAMID's effectiveness;

Whereas the United Nations' announcement on June 25, 2008, restated concerns recognized in October 2007, that the shortage of resources could "jeopardize its efforts to stabilize a region";

Whereas, on July 31, 2007, the United Nations Security Council unanimously passed Resolution 1769 authorizing the deployment of 26,000 peacekeeping troops to the region;

Whereas since that time UNAMID has been thwarted by the Sudanese Government and rebels; and

Whereas the success of the mission is dependant on the support and contributions of member nations and the international community: Now, therefore, be it

1       *Resolved*, That the House of Representatives—

2               (1) condemns in the strongest terms the attack  
3       on the United Nations African Union Mission in  
4       Darfur (UNAMID) peacekeepers and expresses its  
5       condolences to the people of Rwanda, Ghana, and  
6       Uganda, and to the family and friends of those  
7       killed and wounded;

8               (2) calls upon the Sudanese Government to en-  
9       sure that those responsible are brought to justice;

4

3

1           (3) expresses its commitment to the Darfuri  
2 people;

3           (4) expresses support for UNAMID and the  
4 UNAMID peacekeepers; and

5           (5) calls upon United Nations Member States  
6 and the international community to contribute the  
7 resources necessary to ensure the success of  
8 UNAMID.

○

**AMENDMENT IN THE NATURE OF A SUBSTITUTE  
TO H. RES. 1351  
OFFERED BY MR. BERMAN OF CALIFORNIA**

Strike the preamble and insert the following:

Whereas on July 8, 2008, 7 peacekeepers serving under the United Nations/African Union Hybrid operation in Darfur (UNAMID) were killed and another 22 wounded, including 7 critically, while carrying out UNAMID operations in Sudan in an effort to bring stability and security to the region;

Whereas the attacks on July 8, 2008, were the latest, and most severe, in a string of attacks on UNAMID peacekeepers, which include an attack on June 30, 2008, when 38 peacekeepers were taken hostage by rebels and on April 9, 2008, when a UNAMID police officer was beaten and UNAMID vehicles hijacked;

Whereas on June 25, 2008, the United Nations announced that UNAMID lacked critical resources, including troops, police officers, and air transport, hindering UNAMID's effectiveness;

Whereas the United Nations announcement on June 25, 2008, restated concerns recognized in October 2007, that the shortage of resources could "jeopardize its efforts to stabilize a region";

Whereas on July 31, 2007, the United Nations Security Council unanimously adopted Resolution 1769 author-



izing the deployment of 26,000 peacekeeping troops to the region;

Whereas on December 31, 2007, UNAMID formally assumed control of peacekeeping operations in Darfur, but did so with only approximately 9,000 troops and police on the ground, far short of the necessary levels;

Whereas since that time UNAMID efforts have been thwarted by the Sudanese regime and rebels, including by Khartoum's refusal to cooperate on issues such as the force composition, the authorization of night flights, communications, land access, and visas for staff, as well as its recent threats to force the complete withdrawal of the UNAMID mission;

Whereas government forces, militias, rebels, bandits, and others continue to prey upon the people of Darfur and humanitarian workers, increasing the urgency of both deploying the full complement of peacekeepers and police and reaching a lasting political settlement;

Whereas following attacks on its supply trucks, the World Food Program announced a 50 percent cut in urgently needed food rations in Darfur, despite a United Nations assessment that revealed that acute malnutrition in Darfur increased in 2007, exceeding emergency levels in some regions;

Whereas UNAMID has been hampered not only by obstruction on the part of the regime in Khartoum, but also by the failure of the international community to commit the resources, equipment, aviation and transportation assets, and personnel needed to carry out the peacekeeping mission;

Whereas UNAMID requires the 26,000 troops authorized by United Nations Security Council Resolution 1769 and at least 18 utility helicopters and 6 tactical helicopters and crews, among other critical mobility needs that have not been met;

Whereas in a report to the Security Council dated December 24, 2007, the Secretary-General said these helicopters were indispensable and necessary for large distances and rough terrain, and stated, “Without the missing helicopters, this mobility—a fundamental requirement for the implementation of the UNAMID mandate—will not be possible”;

Whereas a large number of countries possess the military assets that could help to fulfill this requirement;

Whereas the United States continues to lead the world in its contributions to efforts to end the genocide in Darfur, including by providing more than \$4.5 billion of assistance since 2004 in response to the Darfur crisis;

Whereas continued failure on the part of the international community to take all steps necessary to generate, deploy, and maintain an effective United Nations and African Union joint peacekeeping force will contribute to the continued loss of life and further degradation of humanitarian infrastructure in Darfur; and

Whereas the success of the mission is dependant upon the support and contributions of Member States and the international community, including by providing the helicopters needed to meet UNAMID’s critical mobility capabilities, as well as the will of the parties to the conflict to find a lasting, inclusive, political solution to the crisis:  
Now, therefore, be it

Strike all after the resolving clause and insert the following:

1 That the House of Representatives—

2 (1) condemns in the strongest terms the attack  
3 on the United Nations/African Union Hybrid oper-  
4 ation in Darfur (UNAMID) peacekeepers and ex-  
5 presses its condolences to the people of Rwanda,  
6 Ghana, and Uganda, and to the families and friends  
7 of those killed and wounded;

8 (2) calls for the parties responsible for these  
9 heinous attacks to be brought to justice;

10 (3) expresses its commitment to the Darfuri  
11 people;

12 (4) expresses support for UNAMID and the  
13 UNAMID peacekeepers;

14 (5) deplores the efforts of the regime in Khar-  
15 toum to manipulate and obstruct the deployment of  
16 a credible peacekeeping force, including the recent  
17 threats by Khartoum to force the complete with-  
18 drawal of the mission;

19 (6) urges the President to continue to person-  
20 ally intervene by contacting other heads of govern-  
21 ment and asking them to contribute the aircraft and  
22 crews for the Darfur mission;

1           (7) urges the Department of State to organize  
2 a special meeting of the United Nations Security  
3 Council, the Friends of UNAMID working group,  
4 and the United Nations Department of Peace-  
5 keeping Operations to resolve outstanding force re-  
6 source and equipment issues;

7           (8) urges the members of the international com-  
8 munity, including the United States, to contribute  
9 the resources necessary to ensure the success of  
10 UNAMID, including tactical and utility helicopters;  
11 and

12          (9) calls upon the parties to the conflict in  
13 Darfur to immediately commit to and respect a  
14 binding cessations of hostilities agreement and seize  
15 upon the opportunity that has been afforded by the  
16 deployment of UNAMID to find a political solution  
17 to the crisis in Darfur.

Amend the title so as to read: “Resolution express-  
ing support for the United Nations/African Union Hybrid  
operation in Darfur (UNAMID) and calling upon United  
Nations Member States and the international community  
to contribute the resources necessary to ensure the suc-  
cess of UNAMID, including troops and essential tactical  
and utility helicopters.”.



.....  
(Original Signature of Member)

110TH CONGRESS  
2D SESSION

**H. RES. 1361**

Expressing the sense of the House of Representatives that the United States should lead a high-level diplomatic effort to defeat the campaign by some members of the Organization of the Islamic Conference to divert the United Nation's Durban Review Conference from a review of problems in their own and other countries by attacking Israel, promoting anti-Semitism, and undermining the Universal Charter of Human Rights and to ensure that the Durban Review Conference serves as a forum to review commitments to combat all forms of racism.

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IN THE HOUSE OF REPRESENTATIVES

Mr. BERMAN (for himself, Ms. ROS-LEHTINEN, and [see ATTACHED LIST of cosponsors]) submitted the following resolution; which was referred to the Committee on \_\_\_\_\_

---

**RESOLUTION**

Expressing the sense of the House of Representatives that the United States should lead a high-level diplomatic effort to defeat the campaign by some members of the Organization of the Islamic Conference to divert the United Nation's Durban Review Conference from a review of problems in their own and other countries by attacking Israel, promoting anti-Semitism, and undermining the Universal Charter of Human Rights and to ensure that the Durban Review Conference serves as

a forum to review commitments to combat all forms of racism.

Whereas the United Nations is undertaking preparations for a 2009 Durban Review Conference on the implementation of commitments made as part of the 2001 World Conference Against Racism in Durban, South Africa;

Whereas the 2001 World Conference Against Racism marked an important recognition of the historic wounds caused by slavery, colonialism, and related ongoing racism and racial discrimination, including the recognition of the transatlantic slave trade as a crime against humanity, and that people of African descent, people of Asian descent, and indigenous peoples who were victims of these acts continue to face discrimination and marginalization as a direct consequence;

Whereas the 2001 World Conference Against Racism also undertook historical efforts to recognize and address ongoing racism and racial discrimination against persons of African descent, Jewish, Muslim, caste, indigenous, Roma and Sinti, and other communities, anti-migrant xenophobia, and incitement to racial and religious hatred;

Whereas the 2001 World Conference Against Racism and its achievements were overshadowed and diminished as some participants in the conference, in particular during the Non-Governmental Organization Forum, called the “NGO Forum Against Racism” (NGO Forum), misused human rights language to promote hate, anti-Semitism, incitement, and divert the focus of the conference from problems within their own countries to a focus on Israel, leading the conference to be discredited;

Whereas the NGO Forum produced a document called the “NGO Declaration” that contained abusive language branding Israel an “apartheid state” that is guilty of “racist crimes against humanity”;

Whereas the United States withdrew its delegation from the 2001 World Conference on Racism, a decision that Secretary of State Colin Powell explained by stating that “you do not combat racism by conferences that produce declarations containing hateful language, some of which is a throwback to the days of ‘Zionism equals racism’; or supports the idea that we have made too much of the Holocaust; or suggests that apartheid exists in Israel; or that singles out only one country in the world—Israel—for censure and abuse”;

Whereas the atmosphere of anti-Semitism at the NGO Forum was dubbed as “hateful, even racist” by former High Commissioner for Human Rights Mary Robinson and as “disgraceful” by Deputy Foreign Minister Aziz Pahad of South Africa, who also affirmed that parts of the 2001 World Conference Against Racism were “hijacked and used by some with an anti-Israeli agenda to turn it into an anti-Semitic event”;

Whereas the United Nations High Commissioner for Human Rights, who served as Secretary General of the 2001 World Conference Against Racism, refused to accept the NGO Declaration, and some leading civil and human rights organizations and activists criticized the repugnant anti-Semitism and demonization of Israel in the NGO Forum, and the harassment of Jewish participants it fomented;

Whereas despite recognizing the Holocaust and increased anti-Semitism, the official government declaration adopt-

ed by the 2001 World Conference Against Racism, the “Durban Declaration and Plan of Action”, highlighted the “plight of the Palestinian people under foreign occupation”, and in so doing singled out one regional conflict for discussion in a biased way, and wrongly branded Israel’s treatment of Palestinians as racist;

Whereas, at the first organizing session of the planned 2009 Durban Review Conference on August 27, 2007, in Geneva, Switzerland, Ambassador Masood Khan of Pakistan, speaking “on behalf of the OIC”, described the concerns being expressed about the Durban Review Conference as a “smear campaign”, and made it clear that the Organization of the Islamic Conference’s (OIC) intention is to make so-called new forms of racism a centerpiece of the conference agenda, urging also that “[t]he Conference should move the spotlight on the continued plight of Palestinian people and non-recognition of their inalienable right to self-determination”;

Whereas many OIC member states have already made clear their determination to go beyond the comprehensive list of items covered by the Durban Declaration and Plan of Action to force consideration by the 2009 Durban Review Conference of a global blasphemy code that would legitimize arbitrary restrictions of religious freedom, freedom of conscience, and the freedom of expression and opinion in the name of protecting religions from “defamation” and “blasphemy”;

Whereas, the Human Rights Council agreed in Resolution 3/2 on December 8, 2006, that the 2009 Durban Review Conference would, like other United Nations review conferences, focus on countries’ implementation of the many commitments to fight racism and discrimination already



affirmed in the official governmental Durban Declaration and Plan of Action and that there will be “no renegotiation of the existing agreements contained therein”;

Whereas, following the August 27, 2007, 2009 Durban Review Conference preparatory meeting in Geneva, Switzerland, countries, including the United States, France, and Israel, have stated that, unless the direction of the Conference is refocused, the process will not be credible or worthy of support;

Whereas the High Commissioner for Human Rights was named Secretary-General of the 2009 Durban Review Conference;

Whereas, in advance of determining the modalities, format, duration, and venue of the 2009 Durban Review Conference, the OIC and G-77 member states requested the United Nations General Assembly to fund a \$7.2 million preparatory process of international, regional, and national meetings;

Whereas, on November 28, 2007, 45 United Nations Member States, including the United States, joined together in the Third Committee (Resolution A/C/3/62/L.65/Rev.) to vote against a resolution that contradicted the 2009 Durban Review Conference preparatory committee consensus agreements about the framework of the Durban Review Conference, its scope, and sources of funding;

Whereas, on December 21, 2007, 40 United Nations Member States, including the United States, joined together in the Fifth Committee (Resolution A/C.5/62/21) to vote against a resolution that authorized up to \$6.8 million to fund the 2009 Durban Review Conference preparatory process;

Whereas the United States has decided to withhold from its 2008 funding for the United Nations an amount equivalent to the United States share of the United Nations Human Rights Council-administered preparatory process for the 2009 Durban Review Conference; and

Whereas, since the 2001 World Conference Against Racism, the need for a credible global forum to review United Nations Member States' efforts to combat racism remains urgent given the continuing scourge of racism and related violence, including discrimination against persons of African descent, Jewish, Muslim, caste, indigenous, Roma and Sinti, and other communities, anti-migrant xenophobia, and incitement to racial and religious hatred: Now, therefore, be it

1       *Resolved*, That the House of Representatives—

2               (1) acknowledges that the 2001 World Con-  
3       ference Against Racism marked an important rec-  
4       ognition of the historic wounds caused by slavery,  
5       colonialism, and related ongoing racism and racial  
6       discrimination, including the recognition of the  
7       transatlantic slave trade as a crime against human-  
8       ity, and that people of African descent, people of  
9       Asian descent, and indigenous peoples who were vic-  
10      tims of these acts continue to face discrimination  
11      and marginalization as a direct consequence;

12              (2) notes that the Human Rights Council  
13      agreed in Resolution 3/2 on December 8, 2006, that  
14      the 2009 Durban Review Conference would like

1 other United Nations review conferences, focus on  
2 countries' implementation of the many commitments  
3 to fight racism and discrimination already affirmed  
4 in the official government Durban Declaration and  
5 Plan of Action and that there will be "no renegoti-  
6 ation of the existing agreements contained therein";

7 (3) commends the Governments of the United  
8 States, France, Canada, Israel, the United Kingdom,  
9 and the Netherlands that have declared their inten-  
10 tions not to participate in any United Nations Dur-  
11 ban Review Conference that supplants a discussion  
12 of country commitments to combat contemporary  
13 forms of racism, racial discrimination, xenophobia,  
14 and related intolerance with a campaign that pro-  
15 motes hate, undermines human rights standards,  
16 and damages the credibility of the United Nations  
17 itself;

18 (4) calls on the President to urge other heads  
19 of state to condition participation in the 2009 Dur-  
20 ban Review Conference process on concrete action by  
21 the United Nations and United Nations Member  
22 States to ensure that it and they will reject any ef-  
23 fort to inject anti-Semitism, hatred, and discrimina-  
24 tion in all its forms onto the agenda of the Con-  
25 ference;

1 (5) calls on the Secretary of State to—

2 (A) initiate United States policy into ac-  
3 tion by calling on counterparts, especially Paki-  
4 stan as the chair of the Organization of the Is-  
5 lamic Conference (OIC) and Egypt as the head  
6 of the African Group, to demand that they take  
7 prompt and effective measures to avert what  
8 French President Nicolas Sarkozy described as  
9 “a repeat of the digression and extremes of  
10 2001”; and

11 (B) demarche foreign capitals raising the  
12 concerns of Congress and to report to Congress  
13 on what steps the United States and its allies  
14 have taken to address these concerns;

15 (6) commends the countries that joined the  
16 United States, including the member states of the  
17 European Union, Albania, Andorra, Australia, Bos-  
18 nia, Herzegovina, Croatia, Georgia, Israel, Moldova,  
19 Monaco, Montenegro, San Marino, Serbia, the  
20 former Yugoslav Republic of Macedonia, Ukraine,  
21 Canada, and the Republic of Korea, to vote to up-  
22 hold earlier United Nations consensus agreements to  
23 limit the scope and funding of the 2009 Durban Re-  
24 view Conference process;

1           (7) urges those countries and all United Na-  
2 tions Member States to condition any further sup-  
3 port for the 2009 Durban Review Conference proc-  
4 ess on the adherence to established human rights  
5 standards and on the rejection of an agenda that in-  
6 cites hatred against any group in the guise of criti-  
7 cism of a particular government or that seeks to  
8 forge a global blasphemy code;

9           (8) reaffirms its abiding commitment to the  
10 cause of combating continuing racism, racial dis-  
11 crimination, xenophobia, and related intolerance in  
12 all its forms including religious intolerance;

13           (9) urges all states to secure just treatment and  
14 the realization of fundamental human rights for all  
15 as enshrined in international human rights instru-  
16 ments, in particular the Universal Declaration of  
17 Human Rights, the International Convention on the  
18 Elimination of Racial Discrimination, and the Inter-  
19 national Covenant on Civil and Political Rights;

20           (10) commends the diverse civil society organi-  
21 zations that have joined together to learn from the  
22 shortcomings of the 2001 World Conference Against  
23 Racism, and to work together in a spirit of solidarity  
24 and mutual respect toward a 2009 Durban Review  
25 Conference that rejects hatred in all its forms;

1           (11) reaffirms that religious freedom is best  
2           preserved through protection of religious exercise by  
3           individuals of all faiths, without restricting the right  
4           of individuals of all faiths to express their beliefs  
5           and consciences;

6           (12) recognizes the purposeful attempts of some  
7           countries to use inflammatory language and divisive  
8           tactics to divert the 2009 Durban Review Con-  
9           ference from the important goal of eradicating global  
10          racism in order to foment anti-Semitism, renegotiate  
11          commitments made at the 2001 World Conference  
12          Against Racism, and prevent a focus on the lack of  
13          political will to address the ongoing impact of racism  
14          in their own countries and communities;

15          (13) calls on United Nations Secretary General  
16          Ban Ki-Moon to publicly urge the Human Rights  
17          Council to adhere to its mandate and to the high re-  
18          sponsibility and expectations placed on it, and asks  
19          him to personally intervene to refocus the 2009 Dur-  
20          ban Review Conference efforts on an actual review  
21          of what United Nations Member States have done to  
22          fulfill their commitments to combat racial discrimi-  
23          nation and other intolerance, and on concrete action  
24          to fight racism, anti-Semitism, and all forms of ha-  
25          tred; and

1           (14) calls on the High Commissioner for  
2 Human Rights to urge United Nations Member  
3 States to adhere to the agreed framework of the  
4 2009 Durban Review Conference and its previously  
5 agreed upon goals and parameters and to urge  
6 Member States of the preparatory committee to re-  
7 turn to decisionmaking by consensus.

110TH CONGRESS  
2D SESSION

**H. RES. 1369**

Recognizing nongovernmental organizations working to bring just and lasting peace between Israelis and Palestinians.

---

IN THE HOUSE OF REPRESENTATIVES

Ms. LEE submitted the following resolution; which was referred to the Committee on \_\_\_\_\_

---

**RESOLUTION**

Recognizing nongovernmental organizations working to bring just and lasting peace between Israelis and Palestinians.

Whereas the Israeli-Palestinian conflict has cost many innocent lives and continues to bring terrible suffering to both peoples;

Whereas despite the ongoing conflict, Israeli and Palestinian individuals and nongovernmental organizations have been working for decades to build bridges between the two peoples, to address humanitarian concerns, and to further the cause of peace;

Whereas such individuals and nongovernmental organizations that are committed to nonviolence, recognize Israel's right to exist, and are dedicated to achieving a two-state solution deserve recognition and encouragement to continue their important work;



Whereas the Israeli-Palestinian conflict is currently at a critical juncture, and sustained progress towards peace depends on the commitment of individuals and organizations that choose dialogue, friendship, and openness;

Whereas the Palestinian Anti-Terrorism Act of 2006 (PL 109-446) permits the provision of United States assistance to nongovernmental organizations to provide for basic human needs, the protection of basic human freedoms, and the promotion of human rights, nonviolence, and for a just and peaceful reconciliation, provided that such assistance does not knowingly and directly benefit any terrorist organization;

Whereas the initiatives of these individuals and nongovernmental organizations reflect the tenacity of those with a true commitment to peace, mutual respect, and coexistence, and demonstrate the real impact that such people can make on the lives of individuals and communities; and

Whereas such initiatives build hope and trust among both peoples and can help pave a path to peace: Now, therefore, be it

1       *Resolved*, That the House of Representatives—

2               (1) recognizes the vital role of nongovernmental  
3       organizations in peace-building efforts between  
4       Israel and Palestinians, and encourages them to re-  
5       main steadfast in their commitment to nonviolence,  
6       recognition of Israel's right to exist, dedication to  
7       achieving a two-state solution, and work toward

1 building trust and cooperation between the two peo-  
2 ples;

3 (2) applauds the tireless work of these individ-  
4 uals and nongovernmental organizations, and urges  
5 them to continue their efforts;

6 (3) acknowledges and encourages the important  
7 efforts and support that these nongovernmental or-  
8 ganizations, religious organizations, and individuals  
9 committed to peace and nonviolence contribute to  
10 these initiatives;

11 (4) affirms the importance of United States  
12 support to nongovernmental organizations that pro-  
13 vide humanitarian aid and work for democracy,  
14 human rights, and peace and reconciliation between  
15 Israelis and Palestinians; and

16 (5) urges Israeli and Palestinian leaders to em-  
17 brace the spirit of nongovernmental peace builders  
18 toward achieving a just and lasting peace.

110TH CONGRESS  
2D SESSION

# H. CON. RES. 374

Supporting the spirit of peace and desire for unity displayed in the letter from 138 leading Muslim scholars, and in the Pope's response.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 19, 2008

Mr. WAMP (for himself and Mr. ELLISON) submitted the following concurrent resolution; which was referred to the Committee on Foreign Affairs

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## CONCURRENT RESOLUTION

Supporting the spirit of peace and desire for unity displayed in the letter from 138 leading Muslim scholars, and in the Pope's response.

Whereas 138 Muslim scholars from every sect of Islam sent a letter to the Pope and other Christian leaders expressing their belief that “[t]he future of the world depends on peace between Muslims and Christians”;

Whereas “the survival of the world” is at stake because about half the world's population is composed of Christians and Muslims and there are too many conflicts between the two;

Whereas the Vatican has announced that the Pope intends to address a Catholic-Muslim summit of religious leaders in November 2008, with the goal of beginning regular, official dialogue between the two religions;

Whereas around the world and throughout history, religious faith has inspired many people to great acts of kindness and generosity;

Whereas each faith contains adherents who have struggled to foster peace, wellness, strong families, economic justice, environmental sustainability, and human and civil rights;

Whereas many faiths include groups and individuals who have exploited religious devotion to promote various causes through the use of violence, and this extremism is a threat to peace in the world;

Whereas the recent letter from Muslim scholars to the Pope and others reminds us that the Muslim voices advocating peace and dialogue are too often being drowned out and suppressed by the radical extremists; and

Whereas the best opportunity to stem the tide of terrorism is for moderates in all 3 “Abrahamic” religions to stand together against the threat of radicalism: Now, therefore, be it

1        *Resolved by the House of Representatives (the Senate*  
2 *concurring)*, That it is the sense of Congress that—

3            (1) the United States supports the spirit of  
4        peace and desire for unity displayed both in the let-  
5        ter from 138 leading Muslim scholars from every  
6        sect of Islam to the Pope and to other Christian  
7        leaders, and in the Pope’s gracious response to the  
8        letter;

9            (2) the United States further supports the sum-  
10        mit of Catholic and Muslim religious leaders and

1 their mutual goal of greater dialogue between the re-  
2 ligions;

3 (3) the United States should encourage those  
4 Muslims throughout the world who stand for peace  
5 and reconciliation; and

6 (4) the United States appreciates those voices  
7 within all faiths who have condemned genocide, ter-  
8 rorism, death, and destruction and who call for glob-  
9 al peace between the “Abrahamic religions”.

○

**AMENDMENT IN THE NATURE OF A SUBSTITUTE  
TO H. CON. RES. 374  
OFFERED BY MR. BERMAN OF CALIFORNIA AND  
MS. ROS-LEHTINEN OF FLORIDA**

Strike the preamble and insert the following:

Whereas interfaith dialogue among Christians, Jews, and Muslims is a powerful way to bridge the chasms of mistrust and misunderstanding that can divide adherents to the 3 Abrahamic faiths;

Whereas a number of important initiatives to enhance interfaith dialogue have been launched in recent years;

Whereas in 1997, the Three Faiths Forum was founded in London and has focused on “improving understanding between the Muslim, Christian, and Jewish communities”;

Whereas in 1998, the Foundation for the Three Cultures of the Mediterranean was founded in Seville, Spain, by former Israeli Prime Minister Shimon Peres, King Juan Carlos I of Spain, and King Hassan II of Morocco, with the objective of promoting cooperation between Christians, Jews, and Muslims;

Whereas in 2005, King Abdullah II of the Hashemite Kingdom of Jordan launched the “Amman Interfaith Message” in order to “establish full acceptance and goodwill” between Christians, Jews, and Muslims;

Whereas in 2007, 138 Muslim scholars, leaders, and activists sent a letter to numerous Christian leaders expressing

their support for peace, harmony, and goodwill between Christians, Jews, and Muslims;

Whereas in 2007, the Council of Religious Institutions of the Holy Land was founded “to advance [the] sacred values [of Christianity, Islam, and Judaism], to prevent religion from being used as a source of conflict, and instead serve the goals of just and comprehensive peace and reconciliation”;

Whereas the Vatican has announced that the Pope intends to address a Catholic–Muslim summit of religious leaders in November 2008;

Whereas interfaith dialogue has the potential to inspire men and women around the world to appreciate the common values shared by adherents of different religions, thereby strengthening the bonds of respect, cooperation, and tolerance against the forces of radicalism, extremism, and hatred;

Whereas these initiatives provide an opportunity to elevate the voices of people of faith who, often at risk to themselves, advocate for peace and understanding, courageous positions too often drowned out by radical extremists; and

Whereas unity among leaders of different faiths is a powerful weapon to fight intolerance, marginalize extremism, and defeat the agents of terrorism: Now, therefore, be it

Strike all after the resolving clause and insert the following:

1 That it is the sense of Congress that—

1           (1) the United States supports the spirit of  
2           peace and desire for unity displayed in initiatives of  
3           interfaith dialogue among leaders of the 3  
4           Abrahamic faiths;

5           (2) the United States further supports addi-  
6           tional meetings of Christian, Jewish, and Muslim re-  
7           ligious leaders aimed at greater dialogue between the  
8           religions;

9           (3) the United States encourages the many peo-  
10          ple of faith around the world who reject terrorism,  
11          radicalism, and extremism to join these and similar  
12          efforts in order to build a common bond based on  
13          peace, reconciliation, and a commitment to toler-  
14          ance; and

15          (4) the United States appreciates those voices  
16          around the world who condemn terrorism, intoler-  
17          ance, genocide, and ethnic and religious hatred, and  
18          instead commit themselves to a global peace an-  
19          chored in respect and understanding among adher-  
20          ents of the 3 Abrahamic faiths.

Amend the title so as to read: “A resolution sup-  
porting Christian, Jewish, and Muslim interfaith dialogue  
that promotes peace, understanding, unity, and religious  
freedom.”.





Chairman BERMAN. Before making my unanimous consent request do any members wish to be heard on these measures? I recognize the ranking member for such time as she might consume.

Ms. ROS-LEHTINEN. Thank you so much, Mr. Chairman. It is a pleasure to work with you again and your staff.

I wanted to speak specifically about the Durban conference resolution, H. Res. 1361. As we will recall, in 2001 member states of the United Nations went to Durban, South Africa, to participate in the World Conference Against Racism, Racial Discrimination, Xenophobia, and Related Intolerance. But instead of discussing the scourge of racism, the event devolved into an anti-Semitic, anti-Israel, anti-United States hate fest. This was most egregious at the NGO forum where literature distributed included expressions of sorrow that Adolf Hitler did not fully exterminate the Jewish people.

Inside the conference, countries relentlessly and unfairly attacked Israel, and some even tried to push through a Zionism is racism resolution. The anti-Israel and anti-America rhetoric was so offensive that United States Secretary of State Colin Powell withdrew our delegation stating, "I know that you do not combat racism by conferences that produce declarations containing hateful language or that singles out only one country in the world, Israel, for censure and abuse."

A 2009 Durban Review Conference, or Durban II as it has come to be known, is being scheduled to follow up on the Durban declaration and program of action from the 2001 conference. And while I am glad that the 2001 Durban Conference declared slavery to be a crime against humanity and recognized that the Holocaust should never be forgotten, these noble truths are not what Durban is remembered for. The darkness of anti-Semitism overshadowed the 2001 conference, and there is every indication that this upcoming conference will be even worse.

Iran, Libya and Cuba, regimes that are in no position to discuss human rights, are leading the planning committee that has heard calls for more Israel bashing, anti-Semitism, and a global blasphemy code that would infringe on fundamental freedoms of speech and religious exercise.

Last December I introduced H. Res. 879 which objected to the U.N. funding the Durban II Conference with U.S.-donated regular budget funds. In February I also introduced H. Res. 939 which condemns continuing anti-Israel and anti-Semitic rhetoric at the U.N. and reiterates our concerns about the Durban Review Conference. These Durban-related bills were not taken up by the committee but I am very pleased that our chairman is addressing this important issue through the resolutions that we are discussing today.

I am thankful that the United States has taken the right approach toward the Durban Review Conference. And I want to commend Secretary Rice, Assistant Secretary Silverberg, Ambassador Joseph Rees, our old friend, and their team for stating clearly that the U.S. will not fund or participate in a conference that promotes hate.

In that same spirit of cooperation and dialogue advocated in today's resolution I hosted a bipartisan meeting on June 4 with representatives from the White House, numerous foreign embassies,

from every U.N. regional group, NGOs, White House officials and a State Department delegation headed by Assistant Secretary of State Kristen Silverberg. Those of us who attended that packed meeting benefited from a robust and wide-ranging international dialogue. And I will be hosting one I am sure with the chairman; we will be hosting one in the fall. And I hope that we get as good a turnout.

So thank you, Mr. Chairman. I just wanted to——

Chairman BERMAN. Would the gentlelady yield?

Ms. ROS-LEHTINEN. Yes, sir.

Chairman BERMAN. I very much agree with the sentiments expressed by the ranking member. There is one point I do want to make to the administration on this issue. I very much agree with the general notion that we will not participate and we will not fund a conference which is hijacked.

What I do question is the failure to instruct our representatives at the U.N. to participate and fight in the preparatory meeting to ensure and maximize the chances that that will not happen. And there is where I think the administration should rightfully rethink its position of essentially instructing our delegates and our folks with the mission to not participate in what will actually shape the way this conference is operating. I think we have a much better case to make if we are in there fighting to make sure this does not happen. And I think the resolution reflects very much the sentiments expressed by the ranking member on the wisdom of not being involved with another conference that is hijacked but it also reflects a desire to see the Secretary and the administration work to do everything they can to make sure that does not happen.

We have some very talented people leading our mission and I think they should be able to use their skills to maximize the chances that that does not happen.

And with that I thank the gentlelady for yielding to me.

If there is no other debate I would now without objection be allowed to seek consideration of the following bills under suspension of the rules, any amendments to those measures which those members have before them, and that they shall be deemed adopted. So ordered.

Chairman BERMAN. Pursuant to notice I call up the bill H.R. 6574, a bill to implement the United States-Russian Federation agreement for cooperation on peaceful uses of nuclear energy and for other purposes. Without objection the bill will be considered as read and will be open for amendment at any point.

[H.R. 6574 follows:]

.....  
(Original Signature of Member)

110TH CONGRESS  
2D SESSION

# H. R. 6574

To implement the United States-Russian Federation Agreement for Cooperation on Peaceful Uses of Nuclear Energy, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

Mr. BERMAN (for himself and Ms. ROS-LEHTINEN) introduced the following bill; which was referred to the Committee on

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## A BILL

To implement the United States-Russian Federation Agreement for Cooperation on Peaceful Uses of Nuclear Energy, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the  
5 “United States-Russian Federation Nuclear Cooperation  
6 Agreement Act of 2008”.

7 (b) TABLE OF CONTENTS.—The table of contents for  
8 this Act is as follows:

Sec. 1. Short title and table of contents.  
Sec. 2. Definitions.

TITLE I—APPROVAL OF UNITED STATES-RUSSIAN FEDERATION  
AGREEMENT FOR COOPERATION ON PEACEFUL USES OF NU-  
CLEAR ENERGY

Sec. 101. Approval of Agreement.

TITLE II—LIMITATIONS ON NUCLEAR COOPERATION WITH THE  
RUSSIAN FEDERATION

Sec. 201. Certification of actions by the Russian Federation on nonproliferation  
matters.

Sec. 202. Certification of cooperation by the Russian Federation on Iran sanc-  
tions.

Sec. 203. Certification of Russian liability protections for United States civil  
nuclear industries.

TITLE III—AUTHORIZATION OF EXTRAORDINARY PAYMENTS IN  
CONNECTION WITH THE INTERNATIONAL SPACE STATION

Sec. 301. Authorization of extraordinary payments.

TITLE IV—FUTURE AGREEMENTS FOR COOPERATION ON  
PEACEFUL USES OF NUCLEAR ENERGY

Sec. 401. Requirement for congressional approval of agreements for peaceful  
nuclear cooperation.

Sec. 402. Initiatives and negotiations relating to agreements for peaceful nu-  
clear cooperation.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) AGENCY OR INSTRUMENTALITY OF A FOR-  
4 EIGN STATE.—The term “agency or instrumentality  
5 of a foreign state” has the meaning given that term  
6 in section 1603(b) of title 28, United States Code.

7 (2) AGREEMENT.—The term “United States-  
8 Russian Federation Agreement for Cooperation on  
9 Peaceful Uses of Nuclear Energy” or “Agreement”  
10 means the Agreement Between the Government of  
11 the United States of America and the Government  
12 of the Russian Federation for Cooperation in the

1 Field of Peaceful Uses of Nuclear Energy that was  
2 transmitted to the Congress by the President on  
3 May 13, 2008.

4 (3) APPROPRIATE CONGRESSIONAL COMMIT-  
5 TEES.—The term “appropriate congressional com-  
6 mittees” means—

7 (A) the Committee on Foreign Affairs of  
8 the House of Representatives; and

9 (B) the Committee on Foreign Relations of  
10 the Senate.

11 (4) EXTRAORDINARY PAYMENTS IN CONNEC-  
12 TION WITH THE INTERNATIONAL SPACE STATION.—  
13 The term “extraordinary payments in connection  
14 with the International Space Station” has the mean-  
15 ing given that term in section 7(1) of the Iran,  
16 North Korea, and Syria Nonproliferation Act (Pub-  
17 lic Law 106–178; 50 U.S.C. 1701 note).

18 (5) GOODS, SERVICES, OR TECHNOLOGY.—

19 (A) IN GENERAL.—Except as provided in  
20 subparagraph (B), the term “goods, services, or  
21 technology” means—

22 (i) goods, services, or technology listed  
23 on—

24 (I)(aa) the Nuclear Suppliers  
25 Group Guidelines for the Export of

1 Nuclear Material, Equipment and  
2 Technology (published by the Inter-  
3 national Atomic Energy Agency as In-  
4 formation Circular INFCIRC/254/  
5 Rev.8/ Part 1, and subsequent revi-  
6 sions) and Guidelines for Transfers of  
7 Nuclear-Related Dual-Use Equipment,  
8 Material, and Related Technology  
9 (published by the International Atom-  
10 ic Energy Agency as Information Cir-  
11 cular INFCIRC/254/ Rev.7/ Part 2,  
12 and subsequent revisions);

13 (bb) the Missile Technology Con-  
14 trol Regime Equipment and Tech-  
15 nology Annex of June 11, 1996, and  
16 subsequent revisions;

17 (cc) the lists of items and sub-  
18 stances relating to biological and  
19 chemical weapons the export of which  
20 is controlled by the Australia Group;

21 (dd) the Schedule One or Sched-  
22 ule Two list of toxic chemicals and  
23 precursors the export of which is con-  
24 trolled pursuant to the Convention on  
25 the Prohibition of the Development,

1 Production, Stockpiling and Use of  
2 Chemical Weapons and on Their De-  
3 struction; or

4 (ee) the Wassenaar Arrangement  
5 list of Dual Use Goods and Tech-  
6 nologies and Munitions list of July 12,  
7 1996, and subsequent revisions; or

8 (ii) goods, services, or technology not  
9 listed on any list identified in clause (i) but  
10 which nevertheless would be, if they were  
11 United States goods, services, or tech-  
12 nology, prohibited for export to Iran be-  
13 cause of their potential to make a material  
14 contribution to the development of nuclear,  
15 biological, or chemical weapons, or of bal-  
16 listic or cruise missile systems.

17 (B) EXCLUSION.—The term “goods, serv-  
18 ices, or technology” does not include goods,  
19 services, or technology that are directly related  
20 to the operation of the Bushehr nuclear power  
21 reactor.

22 (6) GOVERNMENT OF THE RUSSIAN FEDERA-  
23 TION.—

24 (A) IN GENERAL.—The term “Government  
25 of the Russian Federation” includes the govern-

1           ment of any subdivision of the Russian Federa-  
2           tion, and any agency or instrumentality of the  
3           Government of the Russian Federation.

4           (B) AGENCY OR INSTRUMENTALITY.—For  
5           purposes of subparagraph (A), the term “agen-  
6           cy or instrumentality of the Government of the  
7           Russian Federation” means an agency or in-  
8           strumentality of a foreign state as defined in  
9           section 1603(b) of title 28, United States Code,  
10          with each reference in such section to “a for-  
11          eign state” deemed to be a reference to “the  
12          Russian Federation”.

13          (7) GOVERNMENT OF IRAN.—

14          (A) IN GENERAL.—The term “Government  
15          of Iran” includes the government of any sub-  
16          division of Iran, and any agency or instrumen-  
17          tality of the Government of Iran.

18          (B) AGENCY OR INSTRUMENTALITY.—For  
19          purposes of subparagraph (A), the term “agen-  
20          cy or instrumentality of the Government of  
21          Iran” means an agency or instrumentality of a  
22          foreign state as defined in section 1603(b) of  
23          title 28, United States Code, with each ref-  
24          erence in such section to “a foreign state”  
25          deemed to be a reference to “Iran”.



1 (8) NATIONAL OF IRAN.—The term “national  
2 of Iran” means—

3 (A) any citizen of Iran; or

4 (B) any other legal entity that is organized  
5 under the laws of Iran.

6 (9) NATIONAL OF THE RUSSIAN FEDERA-  
7 TION.—The term “national of the Russian Federa-  
8 tion” means—

9 (A) any citizen of the Russian Federation;

10 or

11 (B) any other legal entity that is organized  
12 under the laws of the Russian Federation.

13 (10) PERSON.—The term “person” means any  
14 person or entity, including any agency or instrumen-  
15 tality of a foreign state.

16 **TITLE I—APPROVAL OF UNITED**  
17 **STATES-RUSSIAN FEDERA-**  
18 **TION AGREEMENT FOR CO-**  
19 **OPERATION ON PEACEFUL**  
20 **USES OF NUCLEAR ENERGY**

21 **SEC. 101. APPROVAL OF AGREEMENT.**

22 (a) IN GENERAL.—Congress does favor the United  
23 States-Russian Federation Agreement for Cooperation on  
24 Peaceful Uses of Nuclear Energy, subject to the require-  
25 ments of subsection (b).

1 (b) RELATIONSHIP TO OTHER PROVISIONS OF  
2 LAW.—Notwithstanding section 123 of the Atomic Energy  
3 Act of 1954 (42 U.S.C. 2153), the Agreement shall be-  
4 come effective in accordance with the provisions of this  
5 Act and other applicable provisions of law.

6 **TITLE II—LIMITATIONS ON NU-**  
7 **CLEAR COOPERATION WITH**  
8 **THE RUSSIAN FEDERATION**

9 **SEC. 201. CERTIFICATION OF ACTIONS BY THE RUSSIAN**  
10 **FEDERATION ON NONPROLIFERATION MAT-**  
11 **TERS.**

12 (a) CERTIFICATION.—No license may be issued for  
13 the export of nuclear material, equipment, or technology  
14 to the Russian Federation pursuant to the Agreement for  
15 any fiscal year beginning after the date of the enactment  
16 of this Act unless the President certifies to the appropriate  
17 congressional committees for such fiscal year that the re-  
18 quirements of subsection (b) have been met.

19 (b) REQUIREMENTS.—The requirements referred to  
20 in subsection are the following:

21 (1) The Government of the Russian Federation  
22 has taken, and is continuing to take, effective ac-  
23 tions to prohibit, terminate, and prevent the transfer  
24 of goods, services, or technology as defined in this  
25 Act to the Government of Iran.

1 (2) For the preceding 12-month period—

2 (A) there has been no cooperation with re-  
3 spect to any activity described in paragraph (1)  
4 between the Government of the Russian Fed-  
5 eration and the Government of Iran or any na-  
6 tional of Iran based on all credible information  
7 available to the United States at the time of the  
8 certification; and

9 (B)(i) there has been no cooperation with  
10 respect to any activity described in paragraph  
11 (1) between any national of the Russian Fed-  
12 eration and the Government of Iran or any na-  
13 tional of Iran based on all credible information  
14 available to the United States at the time of the  
15 certification; or

16 (ii) the Government of the Russian Fed-  
17 eration has—

18 (I) terminated any significant co-  
19 operation between any such Russian na-  
20 tional and the Government of Iran or any  
21 such Iranian national;

22 (II) instituted effective measures to  
23 prevent a reoccurrence of any such co-  
24 operation; or

1 (III) prosecuted any such Russian na-  
2 tional.

3 (c) LIMITATION.—A certification of the conditions  
4 described in clause (ii) of subsection (b)(2)(B) may not  
5 be used to satisfy the requirements of such subsection for  
6 three or more consecutive fiscal years.

7 (d) SUNSET.—The provisions of this section shall be  
8 effective for the 5-year period beginning on the date of  
9 the enactment of this Act.

10 **SEC. 202. CERTIFICATION OF COOPERATION BY THE RUS-**  
11 **SIAN FEDERATION ON IRAN SANCTIONS.**

12 (a) CERTIFICATION.—No license may be issued for  
13 the export of nuclear material, equipment or technology  
14 to the Russian Federation pursuant to the Agreement for  
15 any fiscal year beginning after the date of the enactment  
16 of this Act unless the President certifies to the appropriate  
17 congressional committees for such fiscal year that the re-  
18 quirements of subsection (b) have been met.

19 (b) REQUIREMENTS.—The requirements referred to  
20 in subsection (a) are that the Government of the Russian  
21 Federation is fully and completely supporting United  
22 States efforts to achieve effective international and United  
23 Nations Security Council sanctions on Iran in response to  
24 Iran's nuclear program.

1 **SEC. 203. CERTIFICATION OF RUSSIAN LIABILITY PROTEC-**  
2 **TIONS FOR UNITED STATES CIVIL NUCLEAR**  
3 **INDUSTRIES.**

4 (a) CERTIFICATION.—No license may be issued for  
5 the export of nuclear material, equipment or technology  
6 to the Russian Federation pursuant to the Agreement un-  
7 less the President certifies to the appropriate congres-  
8 sional committees that the requirements of subsection (b)  
9 have been met.

10 (b) REQUIREMENTS.—The requirements referred to  
11 in subsection (a) are that the Government of the Russian  
12 Federation has ratified the Convention on Supplementary  
13 Compensation for Nuclear Damage, done at Vienna on  
14 September 12, 1997, or has enacted domestic law that  
15 provides adequate liability protections for United States  
16 firms for civil nuclear commerce with the Russian Federa-  
17 tion.

18 **TITLE III—AUTHORIZATION OF**  
19 **EXTRAORDINARY PAYMENTS**  
20 **IN CONNECTION WITH THE**  
21 **INTERNATIONAL SPACE STA-**  
22 **TION**

23 **SEC. 301. AUTHORIZATION OF EXTRAORDINARY PAYMENTS.**

24 (a) AUTHORIZATION.—Notwithstanding the restric-  
25 tions contained in section 6 of the Iran, North Korea, and  
26 Syria Nonproliferation Act (Public Law 106–178; 50

1 U.S.C. 1701 note), the President is authorized to make  
2 extraordinary payments in connection with the Inter-  
3 national Space Station to the Russian Federal Space  
4 Agency, or any organization or entity under the jurisdic-  
5 tion or control of the Russian Federal Space Agency, for  
6 equipment and services related to transportation to and  
7 from, rescue from, and provision, maintenance, and oper-  
8 ation of the International Space Station.

9 (b) LIMITATIONS.—The authority under subsection  
10 (a)—

11 (1) shall be limited to payments for services  
12 provided before July 1, 2016; and

13 (2) may not be used for the purchase of—

14 (A) any cargo services provided by a  
15 Progress vehicle after December 31, 2011; or

16 (B) any crew transportation or rescue serv-  
17 ices provided by a Soyuz vehicle after a United  
18 States commercial provider of crew transpor-  
19 tation and rescue services demonstrates the ca-  
20 pability to meet mission requirements of the  
21 International Space Station.

1 **TITLE IV—FUTURE AGREE-**  
2 **MENTS FOR COOPERATION**  
3 **ON PEACEFUL USES OF NU-**  
4 **CLEAR ENERGY**

5 **SEC. 401. REQUIREMENT FOR CONGRESSIONAL APPROVAL**  
6 **OF AGREEMENTS FOR PEACEFUL NUCLEAR**  
7 **COOPERATION.**

8 (a) COOPERATION WITH OTHER NATIONS.—Section  
9 123 d. of the Atomic Energy Act of 1954 (42 U.S.C. 2153  
10 d.) is amended in the first sentence—

11 (1) by striking “not” the first and second place  
12 it appears;

13 (2) by inserting “only” after “effective”; and

14 (3) by striking “*Provided further,*” and all that  
15 follows through the period at the end.

16 (b) SUBSEQUENT ARRANGEMENTS.—Section 131  
17 a.(1) of such Act is amended—

18 (1) in the second sentence, by striking “, secu-  
19 rity” and all that follows through the period at the  
20 end; and

21 (2) by inserting after the second sentence the  
22 following: “Such subsequent arrangement shall not  
23 take effect unless the Congress enacts a joint resolu-  
24 tion of approval, according to the procedures of sec-  
25 tions 123 d. and 130 i. of this Act. Any such nuclear

1 proliferation assessment statement shall be sub-  
2 mitted to the Committee on Foreign Affairs of the  
3 House of Representatives and the Committee on  
4 Foreign Relations of the Senate no later than the  
5 31st day of continuous session after submission of  
6 the subsequent arrangement.”.

7 **SEC. 402. INITIATIVES AND NEGOTIATIONS RELATING TO**  
8 **AGREEMENTS FOR PEACEFUL NUCLEAR CO-**  
9 **OPERATION.**

10 Section 123 of the Atomic Energy Act of 1954 (42  
11 U.S.C. 2153) is amended by adding at the end the fol-  
12 lowing:

13 “e. The President shall keep the Committee on For-  
14 eign Affairs of the House of Representatives and the Com-  
15 mittee on Foreign Relations of the Senate fully and cur-  
16 rently informed of any initiative or negotiations relating  
17 to a new or amended agreement for peaceful nuclear co-  
18 operation pursuant to this section prior to the President’s  
19 announcement of such initiative or negotiations. The  
20 President shall consult with the appropriate congressional  
21 committees concerning such initiative or negotiations be-  
22 ginning not less than 15 calendar days after the initiation  
23 of any such negotiations, or the receipt or transmission  
24 of a draft agreement, whichever occurs first, and monthly



46

15

1 thereafter until such time as the negotiations are con-  
2 cluded.”.

Chairman BERMAN. I yield myself 5 minutes to explain this bipartisan legislation.

One of the great, I think perhaps the most important near-term strategic threat to our security and to the security of our allies is the question of the Iranian bomb. Not only would a nuclear armed Tehran have the ability to intimidate other states in ways that could cripple U.S. national interests in the region and beyond, not only would it effectively end the global nonproliferation regime because we would soon see other countries pursuing their own nuclear weapons, but a regime that is as opaque as the Iranian one with a President who has made the kinds of comments that this, the President of Iran has made, does not give me great confidence that a government that has the possession of such a weapon would not use it or not proliferate it perhaps to non-state actors involved in terrorism.

So I think here that Russia's role as part of a community of nations in persuading and pressuring Iran to cease such dangerous nuclear activities is absolutely crucial. In the past, Moscow has often been the main stumbling block to tougher sanctions. While Russia recently has been more supportive of the United States- and European-Iran policy, its commitment to effective international action, because I do not think the level of international we achieved up to this point is effective, it clearly has not achieved its goal of stopping the Iran enrichment program, I think that commitment to such action still remains in question.

There have been persistent reports that Russian nationals continue to assist Iran in ways that could support the development of weapons of mass destruction and the missiles that could deliver them. So it is in this context that I view the Bush administration's decision to sign a new agreement for peaceful nuclear cooperation with Moscow something that has long been promised and upon which Russia places a high value.

The Foreign Affairs Committee formally received the proposed nuclear cooperation agreement on May 13. Under the Atomic Energy Act the agreement must lay before Congress for 90 legislative days. And when we adjourn on September 26, the period since May 13 will fall short by nearly 2 weeks. The only way the so-called Russia 123 agreement can come into force before this administration leaves office is for the Congress to pass a resolution of approval. In other words, no action means no approval this year.

The bill before the committee today which I am pleased to introduce with Ranking Member Representative Ros-Lehtinen puts forward conditions for that approval. This conditional approach to civilian nuclear cooperation was utilized effectively more than two decades ago with China. Under H.R. 6574, the U.S.-Russia agreement for peaceful nuclear cooperation is approved and may come into force. However, it requires the President to make several certifications before licenses can be issued under the agreement and to make these for each fiscal year for continuing export.

First, the President must certify that Russia has taken and is continuing to take effective action to prohibit, terminate and prevent the transfer of goods, services or technology related to weapons of mass destruction or ballistic cruise missiles to the Government of Iran.

Second, the President must certify for the preceding 12 months, based on all credible information available to the United States at the time of the certification, that there has been no such cooperation by the Russian Government or a private Russian entity. If the President cannot certify that private Russian entities are not cooperating with Iran, he may alternatively certify that the Government of Russia is taking actions to stop that proliferation.

To make sure this alternative certification does not become an annual cynical exercise to allow Moscow off the hook on doing better enforcement, the President can only make this alternative certification for 2 consecutive years.

Also, H.R. 6574 requires the President to certify that Russia is fully supporting United States efforts to achieve effective international and United Nations Security Council sanctions on Iran in response to Iran's nuclear program.

And, finally, the President has to certify that Russia has instituted nuclear liability provisions for United States industry.

This bill also extends the authority of NASA to purchase transportation equipment and rescue services from Russia that would otherwise be prohibited by current law which is necessary for the U.S. to continue to fulfill our obligations for support of the International Space Station.

Lastly, H.R. 6574 changes the Atomic Energy Act to increase—I seek unanimous consent to have an additional minute. And without objection I will take that minute. H.R. 6574 changes the Atomic Energy Act to increase congressional oversight and prerogatives over future civil nuclear cooperation agreements. It requires that all such future agreements be such to a simple majority vote of approval in both chambers before they can go into effect. Why? Because with the alleged nuclear renaissance approaching and the ways in which we have seen that allegedly peaceful nuclear facilities can be misused, we have seen that they can be misused for military advantage, it is only prudent that the administration should persuade Congress that any specific agreement is a good idea and safeguards U.S. national security.

H.R. 6574 also requires the administration keep us fully and currently informed as it negotiates these agreements, which it frequently has failed to do.

I urge my colleagues to support this bill. I yield back the balance of my minute. And I now yield to the ranking member.

Ms. ROS-LEHTINEN. Thank you. Let me begin by thanking you, Mr. Chairman. You are most helpful. And you and your staff have been very willing to work out this agreement in a cooperative and bipartisan manner.

H.R. 6574, as you rightfully pointed out, is the bill to approve the nuclear cooperation agreements with Russia. It is a compromise text which I believe balances a number of competing interests. Many members of the House have been outspoken in our opposition to a nuclear cooperation agreement with Russia at this time, especially in light of that country's long record of assistance to Iran's nuclear and missile program. Several of us signed letters to the administration asking that it not send this agreement to Congress until Russia's policies on Iran have changed.

Further, the House overwhelmingly passed legislation, the Iran Counterproliferation Act, that would prevent the agreement from going into effect unless Russia ended its assistance to Iran. Despite clearly articulated congressional intent and concern, the agreement was sent to Congress in May without any conditions regarding Russia's cooperation with Iran's nuclear or other weapons programs. The administration apparently did not realize that it had run out of time in the Congress.

The Atomic Energy Act requires that Congress have 90 days of continuous session to review proposed nuclear cooperation agreements. If the current scheduled date of adjournment holds, and there is no lame duck session of at least 12 days, this proposed agreement will not meet that 90-day requirement and will have to be reintroduced in the next Congress with the clock reset to zero.

The oversight on the part of the administration has created an opportunity for Congress to approve the agreement but with needed conditions regarding Russian cooperation with Iran. The bill before us requires the President to certify that the Russian Government has not transferred to Iran any goods, services or technology that could be useful to Iran's nuclear, chemical or biological weapons program as well as its missile program, that there has been no such cooperation with Iran by the Russian Government or private sector in the preceding 12 months, that the Russian Government has taken effective measures to prevent the transfer of this material, that Russia is fully cooperating with United States efforts to impose sanctions on Iran, and that Russia has taken appropriate measures to provide nuclear liability protection for U.S. firms.

These are not burdensome conditions. Other provisions of the bill include an extension to 2016 of the President's authority to waive provisions of the Iran-North Korea-Syria Nonproliferation Act solely for the purpose of purchasing Russian spacecraft that is needed for the International Space Station.

It also amends the Atomic Energy Act to require an affirmative vote by Congress for nuclear cooperation agreements with other countries.

And it requires the executive branch to keep Congress fully informed regarding any new or amended nuclear cooperation agreements.

On balance, Mr. Chairman, I believe that these are reasonable provisions and that the administration should welcome Congress's approval of this agreement under these terms.

So thank you very much, Mr. Chairman. And I appreciate the ability to work with you on this important issue.

Chairman BERMAN. I thank the gentlelady.

Are there any amendments?

[No response.]

Chairman BERMAN. Hearing none, the question occurs on the amendment, I mean on, I am sorry, the question is—the chair is prepared to receive the motion.

Mr. ACKERMAN. Mr. Chairman.

Chairman BERMAN. The gentleman from New York.

Mr. ACKERMAN. I move the chair for consideration of H.R. 6574.

Chairman BERMAN. The question occurs on the motion of the gentleman to report—

Mr. ROHRABACHER. Mr. Chairman, when would be the appropriate time for a general discussion of the issue?

Chairman BERMAN. Before I received the motion. But we will not close the debate, we will recognize the gentleman. The motion is pending and the gentleman is recognized.

For what purpose does he seek recognition?

Mr. ROHRABACHER. To strike the last word.

Chairman BERMAN. The gentleman is recognized for 5 minutes.

Mr. ROHRABACHER. Thank you very much, Mr. Chairman. I think as we consider this legislation we need to put certain things in perspective. And I have followed these issues very closely and I believe that most of our problems dealing with Russia and its relationship to Iran in terms of providing the know-how and the technology and the experience necessary for the Iranians to build their nuclear power plant and the threat that that as a byproduct of that as a threat of the production of a nuclear weapon, I think this whole situation could have been very easily prevented had there been the right policies of the United States Government at the time.

During the Clinton administration and during the beginning of this administration there was plenty of time to deal with Russia in a positive way that would have resulted in them not engaging in this activity. I personally went to very, very high level officials in the Clinton administration as well as in the early days of this administration suggesting that we not let the situation get out of hand and that we offer the Russians a positive alternative.

At that time we should remember the Russian economy was in shambles, and some of that due to unscrupulous people coming from the West and going there, allying themselves with unscrupulous Russians to loot that country at a time of transition from a Soviet Socialist economy into a market economy. And they needed the work. The fact is the Russians were excluded from the markets of Europe through E.U. restrictions and restricted from the markets of the United States. And I would suggest they had very few alternatives in the world. So I said they cannot simply be told we are going to use a stick on you if you do this with Iran; they needed the business. Let us provide them an alternative.

Neither administration, neither the Clinton administration nor this administration decided to move forward with a positive alternative for the Russians, suggesting for example they might want to build nuclear power plants in countries like Turkey or providing them the means through the World Bank arrangements to build a nuclear power plant in Malaysia or someplace like that. Instead we decided to use the stick, which is part of this legislation, which said, well, we will not cooperate with you in space and other things such as that. That is right. And the fact is that that stick approach has come back not to hit them in the head but to hit us in the head because we rely on the Russians now for helping us maintain the International Space Station because we do not have that capability because of the breakdown of our technology, our space technology.

Now, let us, so, as we vote for this, I am not opposed to this bill at all, I just think we should put in perspective that some of the problems this bill solves are problems that were not caused by the Russians themselves but caused by a lack of good policy on the part of the United States.

Chairman BERMAN. Will the gentleman yield?

Mr. ROHRABACHER. I certainly will.

Chairman BERMAN. I agree with a great deal—I thank the gentleman for yielding—and I agree with very much of what he is saying. I think part of the problem has been, if this is a priority for us, how have our dealings with Russia kept that in mind? I think my concern is we have tended to sort of stovepipe a whole series of issues with Russia, not prioritize, and failed to develop a coherent strategy to get Russia to be our partner in this effort.

So I take what the gentleman says very seriously and appreciate his comments.

Mr. ROHRABACHER. We have I believe pushed the Russians into a positive relationship with the Iranians, and just as bad, a positive relationship with China, both of which countries are I believe adversaries if not, well, certainly not enemies at this point. Iran is but China is not an enemy but it is an adversary of the United States and a potential enemy. We have pushed them into the arms of these other parties and we should reach out and try to do our best to give them a positive alternative in working with us. The 123 agreement will do that. And I believe that we can work together in that agreement based on some of the work that is being done in this legislation that will give the Russians a positive alternative. And we should welcome them as former enemies and now friends of the United States. And the Cold War is behind us.

Thank you very much, Mr. Chairman.

Chairman BERMAN. The time of the gentleman has expired.

The gentleman from Ohio, Mr. Chabot.

Mr. CHABOT. Thank you, Mr. Chairman. I move to strike the last word.

Chairman BERMAN. Recognized for 5 minutes.

Mr. CHABOT. Thank you. I would like to thank you and the Ranking Member Ms. Ros-Lehtinen for your support of H.R. 1351 on Darfur. I would also like to thank the distinguished gentleman from Massachusetts Mr. Capuano, as well as the gentlelady from Texas Ms. Jackson Lee, for all their work in raising awareness of the ongoing tragedy occurring in Darfur.

Given the meetings that are occurring at the United Nations this week I do not believe there is a better time for Congress to reiterate its support for the peacekeeping mission in Darfur. Last year I had the opportunity to travel to Darfur with Congresswoman Jackson Lee as well as Congressman Adrian Smith to witness firsthand the devastation in the region. I cannot begin to describe the pain and despair reflected on the faces of these innocent people, expressions that saw villages and communities ravaged and family members brutally murdered and mutilated, and women and young girls raped.

The refugees with whom we met described harrowing experiences of escape from the Janjaweed and the Sudanese Government, descriptions that I will never forget.

Our trip came in the weeks following the unanimous decision by the United Nations Security Council to deploy more than 26,000 peacekeepers to the region. The Security Council's decision gave the Darfuri people and the rest of the world hope that stability and security would come to this region finally. Yet progress in Darfur

has been jeopardized, as H. Res. 1351 points out. Since passage of Security Council Resolution 1769 the United Nations has been calling on member nations and the international community to step up to their contributions and also their commitment to the mission. Almost a year later the mission still lacks more than 16,000 troops and police officers as well as essential communications equipment and utilities and especially tactical helicopters, all of which are critical to the mission's success.

The skeleton mission has been met with constant opposition from the Sudanese Government which has thwarted it at virtually every step, refusing to cooperate in the composition of a hybrid force, refusing to authorize night flights, refusing to issue visas for necessary staff or provide access to certain areas. The lack of international support for the mission and the opposition that it faces in the region has and continues to compromise the ability to UNAMID peacekeepers to secure the region, not only leaving the Darfuri people vulnerable to continued attacks but now the peacekeepers assigned to protect them.

On July 8 of this year the world witnessed the deadliest attack yet on the peacekeeping mission which resulted in seven deaths and more than 22 wounded. Disturbingly, the attack came on the heels of another U.N. announcement restating its concerns that shortages of resources could "jeopardize its efforts to stabilize the region."

U.N. member nations and the rest of the international community cannot sit idly by and watch the mission in Darfur fail at the expense of the millions of innocent people who have already survived one genocide. Last July the U.N. and its member nations gave the Darfuri people a reason for optimism. The international community is obligated to see the mission through to the best of its ability.

I think it is important to note that while the United States is often criticized for not doing enough, \$4 billion, or 72 percent of the cost of peacekeeping, development, reconstruction and humanitarian efforts in Darfur have been paid for by the United States. It is past time for our European allies and the wealthy Arab countries to assist in this effort.

I urge my colleagues to support this critical mission by supporting H.R. 1351. And I yield back the balance of my time.

Ms. JACKSON LEE. Mr. Chairman?

Chairman BERMAN. The time of the gentleman has yielded.

Ms. JACKSON LEE. Mr. Chairman.

Chairman BERMAN. The gentleman from California seeks recognition. The gentleman is recognized. For what purpose?

Mr. SHERMAN. I would like to strike the last word and the requisite 5 minutes.

Chairman BERMAN. Have your first word.

Mr. SHERMAN. Thank you. I want to commend the chairman and the ranking member for their work on this bill. It is important that we act on the Russia 123 agreement. If we, that is to say Congress, does not act then whether the agreement goes into force is determined by the vagaries of the legislative calendar. It would be like flipping a coin to decide whether the agreement becomes effective.

Who knows what is going to happen between now and the end of the year? Are we going to have a lame duck session? Are we not? So we do not know whether the number of how many days will elapse. And whether this agreement goes into force should not be determined by whether we have a lame duck session.

Furthermore, this legislation seeks to fix the very flaw in the underlying Atomic Energy Act which necessitates this bizarre circumstance—that the Russia 123 agreement either does or does not go into effect based on how many days are left in the legislative schedule.

Congress under the current law is given the false choice with respect to 123 agreements. We approve them by doing nothing and by allowing the passage of 90 legislative days, assuming there are 90 legislative days left in the session. To disapprove we have to pass a joint resolution. And that joint resolution is subject to veto. Well, since the *Chadha* decision eviscerated congressional powers in 1983, we need a different system for dealing with agreements like 123 agreements. We need to have significant congressional input.

This bill would amend the Atomic Energy Act to require a resolution of approval of future 123 agreements. And that is the way, certainly in light of the *Chadha* decision, that the act should read. That way Congress will be able to put its imprimatur on these agreements or at least have a meaningful opportunity to approve or disapprove.

Now, with respect to the conditions set forth in the act, I do see that as the bill goes forward we will focus on the provision requiring a certification that Russia is not transferring dual-use items as defined by the Wassenhauer arraignment. This list includes, among other things, certain advanced software, telecommunications equipment, aircraft and aircraft components.

Now, I would wish that Russia not sell these dual-use items to Iran. It is unfortunate that our European allies in some cases and other countries with nuclear agreements in place are selling dual-use items to Iran. It is unfortunate that the Bush administration whimpered out and decided that we would sell aircraft components to Iran under license rather than telling them that they ought to ground their civilian fleet for safety reasons. But I think as this bill goes forward that we probably do not want to impose burdens or implore the Russians to do things that we ourselves are unwilling to do.

That does not mean that this bill should not leave this committee exactly as it is written. The Senate is probably going to push in the wrong direction. And so if this bill has one millimeter of extra push with regard to Russia that is probably better than the alternative.

Now, I would hope that those of us, and I have spoken in favor of a good Russia-United States relationship in this committee, would see this bill as a positive step going forward. First, if we do not pass this bill we probably do not have a 123 agreement with Russia. Or if we do, it is only because we are back here haggling in November and December, and that is not a good outcome either for other reasons. So this is first and foremost a bill approving a Russia 123 agreement.



And second, I hope that it opens negotiations with Russia whereby they are given a 123 agreement and other things they have asked the United States for in return for a change in their policy toward Iran.

So I look forward to an improved Russia policy toward Iran, an improved American policy toward Russia, and to yielding back my time.

Chairman BERMAN. Well said because I agree with it. The time of the gentleman has expired.

Ms. JACKSON LEE. Mr. Chairman. Mr. Chairman.

Chairman BERMAN. The gentlelady from Texas. For what purpose do you seek recognition?

Ms. JACKSON LEE. To strike the last word.

Chairman BERMAN. The lady is recognized for 5 minutes.

Ms. JACKSON LEE. Let me, Mr. Chairman, join in recognizing the importance of this legislation dealing with Russia. We have had a number of discussions and hearings about the relationship between the United States and Russia, and particularly its role in what we would hope to be nuclear nonproliferation. I think making a statement of collaboration and insistence on certain behaviors as it relates to our relationships in nonproliferation is extremely important.

In moving forward with Russia in its new form of Prime Minister Putin and a new President, I would hope we would be able to impress upon them the importance of friendship as opposed to conflict. And their reach to many places such as Iran can be more effectively tempered in promoting their place in the world. And so I support this legislation and would hope that it would move to the Floor.

And as I do that, Mr. Chairman, if you would allow me to add my support for the Chabot resolution dealing with the Darfur, Sudan and the Darfur U.N. peacekeepers and to echo his comments about what we saw as we traveled there in the more recent past, and also to combine the comments made in our mission to the United Nations this week where it was indicated that many have gone silent on Darfur. And although we were excited and enthusiastic about the U.N.'s participation and the some 26,000 peacekeepers and police forces that should be in that area, and even had the hope of viewing a return of the Darfurians to their land in the near future, we now know that they have been relegated to a life of violence and tragedy, and certainly it seems captivity. Because as long as the U.N. peacekeepers are intimidated and violently attacked the peace that we are looking for both in the south and in Darfur will never come.

So this resolution I think is important. And one of the points that I made is when I went there I saw babies that had been born in the camp, 4 years old, who have seen nothing else in life but that camp, mothers who were intimidated to go out and get wood because they were subject to attack and rape, the Janjaweed and others attacking the camps. And so it is imperative that we push the Europeans and we push the United Nations as well to embrace the urgency of this matter. And this resolution emphasizes the need for protecting the U.N. peacekeepers but also, Mr. Speaker, Mr. Chairman, excuse me, I hope that we might even as we work

together will strengthen our voice in this committee and in the United States Congress on the crisis in Darfur.

And, therefore, I support both legislative initiatives, and I yield back.

Chairman BERMAN. The gentlelady yields back her time.

The gentleman from Arizona, Mr. Flake, for what purpose do you seek recognition?

Mr. FLAKE. Strike the last word.

Chairman BERMAN. The gentleman is recognized for 5 minutes.

Mr. FLAKE. I thank the chairman and appreciate him for bringing this bill forward. This committee knows of my reluctance to apply unilateral sanctions, particularly in the case of Iran, believing that we are more effective, or can only be effective, if we have our partners engaged with us, as well as countries like Russia and China. I see this as a laudable attempt to ensure that Russia moves forward with.

It is a bit of a stick. It may or may not work. But if we are able to put some pressure on Iran, it will only be because we have Russia and China with us. This is an attempt, I think—a good attempt—to make sure that Russia does come with us.

With that, I indicate my support, and thank the chairman for bringing the bill forward. I yield back.

Chairman BERMAN. I thank the gentleman. The gentlelady from California, for what purpose do you seek recognition.

Ms. LEE. I move to strike the last word.

Chairman BERMAN. The gentlelady is recognized for 5 minutes.

Ms. LEE. Thank you, Mr. Chairman; let me first thank you and our ranking member for your leadership and for helping us craft bipartisan support for several resolutions today. I would like to highlight three of them.

Oftentimes, we do not hear the term or the word “peace” used very often in this committee, nor in this body. But I think there are several resolutions here before us today that indicate that we do believe that peace is possible.

First, I would like just mention the resolution that I authorized, and thank both our committee chair and ranking member for their assistance in making sure that this became a bipartisan resolution.

That resolution just basically recognizes and supports those individuals and non-governmental organizations committee to non-violence, who recognize Israel’s right to exist, and who are dedicated to achieving a two state solution in the Middle East.

These organizations and individuals deserve recognition and encouragement to continue their very important work in addressing humanitarian concerns, in building bridges between the two peoples, the Palestinians and the Israelis, and in their work to further the cause for peace. That is a very important statement, I believe, for this committee and this Congress to make.

Secondly, let me also commend both of you for supporting the resolution by Mr. Wamp and Mr. Ellison. Once again, we are talking about interfaith dialogue among Christians, Jews, Muslims, in terms of being a powerful way to bridge many of the gaps that still exist; again, another pathway to peace. I am very proud to be a supporter of this resolution, and that this committee understands the importance of us making this very powerful statement.

Finally, let me just say with regard to Mr. Chabot's resolution on the United Nations with regard to Darfur, I have visited Darfur on three occasions and have witnessed this genocide taking place.

We must do something very quickly. We must escalate our efforts. This resolution, once puts this on the front burner on the House of Representatives, in saying that we support U.N. efforts, and we need to increase our efforts in other countries to put their resources, and support and efforts to provide peacekeeping toward the Darfurians who are suffering tragically each and every day.

We also need to, I think, rev up our work with regard to divestment. I do not believe that Khartoum will listen until they are hit hard in the pocketbook.

We passed strong divestment legislation last year. I am not so sure yet that the message has been heard in the Sudan that we do intend to make sure that our multi-national corporations doing business in the Sudan divert; and that states now, I believe we have maybe 15 or 16 states, including our own state, which have divested of their pension funds.

I know Mr. Payne's state has divested. Actually, New Jersey, I believe, was the first state. California was probably the second or third. Many of our universities—the University of California, Stanford, other universities—have moved toward divestment.

So we have to understand that this tragic genocide that is taking place must be addressed with a comprehensive approach. We have to get tougher on Khartoum, and we must begin to push forward the divestment efforts in an even stronger fashion.

So thank you, Mr. Chairman, for your leadership; and again, for allowing us to talk about the fact that peace truly is possible. This committee has made that statement today with the support of these resolutions.

Chairman BERMAN. The time of the gentlelady has expired. The question occurs on the motion of the gentleman from New York to report H.R. 6574 favorable to the House. All in favor, say aye.

[Chorus of ayes.]

Chairman BERMAN. All opposed, say no.

[No response.]

Chairman BERMAN. The ayes have it. The motion is adopted. Without objection, the staff is directed to make any technical and conforming amendments.

Chairman BERMAN. Pursuant to notice, I now call up H. Res. 1370, Calling on the Government of the People's Republic of China to immediately end its abuses of the human rights of Chinese citizens, including its Tibetan, Uighur, and other ethnic minority citizens, and to end its support for the Governments of Sudan and Burma, to ensure that the Olympic Games take place in an atmosphere that honors the Olympic traditions of freedom and openness.

[H. Res. 1370 follows:]

.....  
(Original Signature of Member)

110TH CONGRESS  
2D SESSION

**H. RES. 1370**

Calling on the Government of the People's Republic of China to immediately end abuses of the human rights of its citizens, to cease repression of Tibetan and Uighur citizens, and to end its support for the Governments of Sudan and Burma to ensure that the Beijing 2008 Olympic Games take place in an atmosphere that honors the Olympic traditions of freedom and openness.

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IN THE HOUSE OF REPRESENTATIVES

Mr. BERMAN submitted the following resolution; which was referred to the Committee on \_\_\_\_\_

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**RESOLUTION**

Calling on the Government of the People's Republic of China to immediately end abuses of the human rights of its citizens, to cease repression of Tibetan and Uighur citizens, and to end its support for the Governments of Sudan and Burma to ensure that the Beijing 2008 Olympic Games take place in an atmosphere that honors the Olympic traditions of freedom and openness.

Whereas the relationship between the United States and the People's Republic of China is one of the most important and complex in global affairs;

Whereas in the context of this complex relationship, the promotion of human rights and political freedoms in the People's Republic of China is a central goal of United States foreign policy towards China;

Whereas increased protection and stronger guarantees of human rights and political freedoms in the People's Republic of China would improve the relationship between the United States and the People's Republic of China;

Whereas the Beijing 2008 Olympic Games will be held from August 8, 2008, through August 24, 2008;

Whereas the United States should continue to advance its policy goal of improved human rights and political freedoms in the People's Republic of China in the context of the Beijing 2008 Olympic Games;

Whereas all Olympic athletes deserve to participate in a competition that takes place in an atmosphere that honors the Olympic traditions of freedom and openness;

Whereas the Government of the People's Republic of China committed to protect human rights, religious freedom, freedom of movement, and freedom of the press as part of its conditions for being named to host the Beijing 2008 Olympic Games;

Whereas the Government of the People's Republic of China issued temporary regulations promising foreign media representatives covering the Beijing 2008 Olympic Games that they could travel freely, with the exception of in the Tibet Autonomous Region, and did not require advance permission before interviewing Chinese citizens during the period of January 1, 2007, to October 18, 2008;

Whereas the Government of the People's Republic of China has failed to abide by many provisions of those regulations and has restricted foreign media by—

(1) detaining 15 journalists in 2007 for activities permitted by the new regulations;

(2) refusing to allow foreign media representatives access to Tibetan areas of China, including those areas outside of the Tibet Autonomous Region covered by the pledge of free access, to report on the March 2008 protests and the Government of the People's Republic of China's violent crackdown against Tibetans in those areas; and

(3) interfering with foreign media representatives and their Chinese employees who were hired within China, such that 40 percent of foreign correspondents have reported government interference with their attempts to cover the news in China;

Whereas in advance of the Beijing 2008 Olympic Games, there are widespread reports that the Government of the People's Republic of China has refused to grant visas or entry to individuals because of their political views, beliefs, writings, association, religion, and ethnicity;

Whereas Chinese citizens and foreign visitors in China for the Beijing 2008 Olympic Games will not have free access to information if the Government of the People's Republic of China continues to engage in blocking of overseas websites and other forms of Internet filtering and censorship;

Whereas the Beijing 2008 Olympic Games will not take place in an atmosphere of freedom if the Government of the People's Republic of China continues to limit the freedoms of speech, press, religion, movement, association,

and assembly of its citizens and visitors, including political dissidents, protesters, petitioners, the disabled, religious activists, minorities, the homeless, and other people it considers undesirable;

Whereas despite the Government of the People's Republic of China's repeated pledges to the international community that the prevention and treatment of HIV/AIDS are a national priority, HIV/AIDS activists and their organizations remain targets for repression and harassment by Chinese authorities;

Whereas in the period preceding the Olympics Games, Chinese security forces have detained, threatened, and harassed HIV/AIDS and hepatitis advocates; shut down conferences and meetings of Chinese and foreign HIV/AIDS experts; and closed AIDS organizations;

Whereas the Government of the People's Republic of China continues to ignore its international commitments to refugee protection, as evidenced by film footage recording the shooting death of a Tibetan nun by Chinese border guards in October of 2006 and human rights groups' reports citing increased bounties offered for turning in North Korean refugees in 2008 to discourage border-crossing prior to the Olympic Games;

Whereas workers in the People's Republic of China are often exposed to exploitative and unsafe working conditions, including excessive exposure to dangerous machinery and chemicals;

Whereas according to Amnesty International, some Chinese companies withhold wages from workers for months while retaining their ID cards to prevent them from securing other work and, in the city of Shenzhen alone, an average

of 13 factory workers a day lose a finger or an arm, and every 4 ½ days a worker dies in a workplace accident;

Whereas the Government of the People's Republic of China has reportedly increased its persecution of the Falun Gong prior to the Olympic Games;

Whereas the Government of the People's Republic of China remains unwilling to invite His Holiness the Dalai Lama to China to hold direct talks on a resolution on the issue of Tibet, despite calls from the international community to do so before the Olympic Games;

Whereas the Government of the People's Republic of China has had discussions with the representatives of the Dalai Lama, but has been unwilling to engage in substantive discussions on the future of Tibet and Tibetans in China;

Whereas the Government of the People's Republic of China's continued economic and political support for foreign governments that commit gross human rights violations, including those of Sudan and Burma, contradicts the spirit of freedom and openness of the Olympic Games; and

Whereas it is the desire of the House of Representatives that the People's Republic of China take the specific actions set forth herein so that the Beijing 2008 Olympic Games are successful and reflect positively on its host country:  
Now, therefore, be it

1       *Resolved*, That the House of Representatives—

2               (1) calls on the Government of the People's Re-  
3       public of China to immediately end abuses of the  
4       human rights of its citizens, to cease repression of  
5       Tibetan and Uighur citizens, and to end its support  
6       for the Governments of Sudan and Burma to ensure



1 that the Beijing 2008 Olympic Games take place in  
2 an atmosphere that honors the Olympic traditions of  
3 freedom and openness;

4 (2) calls on the Government of the People's Re-  
5 public of China to immediately release all those im-  
6 prisoned or detained for nonviolently exercising their  
7 political and religious rights and their right to free  
8 expression, such as Hu Jia, who have been impris-  
9 oned, detained, or harassed for seeking to hold  
10 China accountable to commitments to improve  
11 human rights conditions announced when bidding to  
12 host the Olympic Games, embodied in China's own  
13 laws and regulations, and in international agree-  
14 ments;

15 (3) calls on the Government of the People's Re-  
16 public of China to honor its commitment to freedom  
17 of the press for foreign reporters in China before  
18 and during the Olympic Games, to make those com-  
19 mitments permanent, and publicly to guarantee an  
20 immediate end to the detention, harassment, and in-  
21 timidation of both foreign and domestic reporters;

22 (4) calls on the Government of the People's Re-  
23 public of China to permit visitors to China, including  
24 through the issuance of visas, for the period sur-

1 rounding the Olympics, regardless of religious back-  
2 ground, belief, or political opinion;

3 (5) calls on the Government of the People's Re-  
4 public of China to guarantee freedom of movement  
5 within China during the period surrounding the  
6 Olympics for all visitors, participants, and journal-  
7 ists visiting China for the Olympics, and such free-  
8 dom of movement should include the freedom to visit  
9 Tibet, Xinjiang, China's border regions, and all  
10 other areas of China without restriction and without  
11 special permits or advance notice;

12 (6) calls on the Government of the People's Re-  
13 public of China to guarantee access to information  
14 by Chinese citizens and foreign visitors, including  
15 full access to domestic and overseas broadcasts,  
16 print media, and websites that in the past may have  
17 been excluded, censored, jammed, or blocked;

18 (7) calls on the Government of the People's Re-  
19 public of China to permit political dissidents, pro-  
20 testers, petitioners, religious activists, minorities, the  
21 disabled, the homeless, and others to maintain their  
22 homes, usual locations, jobs, freedom of movement,  
23 and freedom to engage in peaceful activities during  
24 the period surrounding the Olympics;

1           (8) calls on the Government of the People's Re-  
2 public of China to end the exploitative and dan-  
3 gerous conditions faced by Chinese workers in many  
4 state enterprises and other commercial entities;

5           (9) calls on the Government of the People's Re-  
6 public of China to begin earnest negotiations, with-  
7 out preconditions, directly with His Holiness the  
8 Dalai Lama or his representatives, on the future of  
9 Tibet to provide for a mutually agreeable solution  
10 that addresses the legitimate grievances of, and pro-  
11 vides genuine autonomy for, the Tibetan people;

12          (10) calls on the Government of the People's  
13 Republic of China to end its political, economic, and  
14 military support for the Government of Sudan until  
15 the violent attacks in Darfur have ceased and the  
16 Sudanese Government has allowed for the full de-  
17 ployment of the United Nations-African Union Mis-  
18 sion peacekeeping force in Darfur;

19          (11) calls on the Government of the People's  
20 Republic of China to end its political, economic, and  
21 military support for the Government of Burma until  
22 democracy is restored in Burma, human rights  
23 abuses have ceased, and Aung San Suu Kyi and  
24 other political prisoners of conscience are released;  
25 and

1           (12) calls on the President to make a strong  
2 public statement on China's human rights situation  
3 prior to his departure to Beijing for the Olympic  
4 Games, to make a similar statement in Beijing and  
5 meet with the families of jailed prisoners of con-  
6 science, and to seek to visit Tibet and Xinjiang while  
7 in China to attend the Olympic Games.

Chairman BERMAN. The bill before the members is considered as read, and is open to amendment at any point. I yield myself 5 minutes to explain the bill.

Yesterday, this committee held a hearing on China's behavior, ahead of the Olympic Games. We heard from two of the country's foremost China scholars and a leading Chinese democracy activist.

While the witnesses differed in their approach to how to best affect change in China, all agreed that despite commitments by Beijing to improve human and political rights, the situation has not improved; and in some cases, it has become far worse.

Likewise, in the past few months, China's international behavior with respect to despicable regimes in Sudan and Burma has improved marginally, at best. Beijing remains these countries' strongest supporter.

Because of China's failure to improve its record on supporting human rights at home and abroad, this resolution calls on China to take immediate substantial and serious action to ensure that the Olympic Games will take place in an atmosphere that honors the Olympic spirit of freedom and openness.

It is a direct call to China by the House of Representatives to end human rights abuses and repression of Tibetans and Uighurs; to release political prisoners and prisoners of conscience, who have non-violently sought to improve the human rights situation in China ahead of the Olympics; to honor its commitments for freedom of the press ahead of the Olympics; to permit visitors to attend the Olympics, regardless of their religion; to guarantee their freedom of movement during the Olympics; to guarantee access to information; to permit peaceful political activities during the games; to end the exploitative labor practices of some state-owned companies in China; to enter into direct discussions with the Dalai Lama over the future of Tibet; and end its political and economic support of the regimes in Sudan and Burma.

President Bush has decided to go to the Olympics opening ceremony. Whether one agrees or disagrees with this decision, it is clear that the President must not pass up this opportunity to make a strong statement in support of human rights; one of our central China policy goals.

This resolution calls on the President to make such a statement before entering this trip to Beijing for the Games. It also calls on him to meet with the families of jailed prisoners of conscience, and to visit Tibet and Jingjiong.

The House of Representatives should speak with one voice on the issue of human rights and political freedom in China ahead of the Olympics, and this resolution accomplishes this important objective. I strongly support the resolution. I encourage my colleagues to join me in doing the same.

The bill before us includes suggestions from the ranking member and from Mr. Poe, who has had a long and abiding interest in China, and I believe it deserves bipartisan support. I urge my colleague to support this bill.

Are there any amendments? The gentleman from New Jersey, for what purpose do you seek recognition?

Mr. SMITH OF NEW JERSEY. Mr. Chairman, I have amendments, along with Mr. Rohrabacher, at the desk, and respectfully ask for their immediate consideration.

Chairman BERMAN. This is an amendment by you and Mr. Rohrabacher.

Mr. SMITH OF NEW JERSEY. He has one and I have two.

Chairman BERMAN. Are you offering—

Mr. SMITH OF NEW JERSEY. We'll do it en bloc.

Chairman BERMAN. Oh, all right, so the amendments of the gentleman from New Jersey, as well as the amendment from the gentleman from California, Mr. Rohrabacher, if the clerk would report.

Ms. RUSH. Amendment to H. Res. 1370, offered by Mr. Smith of New Jersey, at the end of preamble—

Chairman BERMAN. Without objection, the amendments are considered as read and will be considered en bloc, and the gentleman from New Jersey is recognized on his amendment.

[The en bloc amendment referred to follow:]

**AMENDMENT TO H. RES. 1370**  
**OFFERED BY MR. SMITH OF NEW JERSEY**

At the end of the preamble, add the following:

Whereas the Chinese Government limits most women to having one child and strictly controls the reproductive lives of Chinese citizens by systematic means that include mandatory monitoring of women's reproductive cycles, mandatory contraception or sterilization, mandatory birth permits, coercive fines for failure to comply, forced abortion and involuntary sterilization, and this coercive policy adversely affects Chinese women and has led to widespread sex-selective abortion: Now, therefore, be it

At the end of the resolved text, add the following:

- 1           ( ) calls on the Government of the People's
- 2           Republic of China to abandon its coercive population
- 3           control policy which includes forced abortion and in-
- 4           voluntary sterilization.



**AMENDMENT TO H. RES. 1370**  
**OFFERED BY MR. SMITH OF NEW JERSEY**

At the end of the preamble, add the following:

Whereas on June 26, 2008, the Congressional-Executive Commission on China published on its Web site a well-documented list of 734 political prisoners detained by the Government of China for exercising rights pertaining to peaceful assembly, freedom of religion, freedom of association, and free expression, which are rights guaranteed to them by China's law and Constitution, or by international law, or both: Now, therefore, be it

At the end of the resolved text, add the following:

1           ( ) calls on the Government of the People's  
2       Republic of China to review the political prisoner list  
3       published by the Congressional-Executive Commis-  
4       sion on China with a view to releasing ill and aged  
5       prisoners on humanitarian grounds, and to releasing  
6       those imprisoned in violation of Chinese law or inter-  
7       national human rights law.





**Amendment to H.Res. 1370  
Offered by Mr. Rohrabacher**

In the eighteenth clause of the Preamble, strike “reportedly”.

On page 5, line 5, strike “citizens” and insert “people”.

Amend the title so as to read “Calling on the Government of the People's Republic of China to immediately end abuses of the human rights of its citizens, to cease repression of Tibetan and Uighur people, and to end its support for the Governments of Sudan and Burma to ensure that the Beijing 2008 Olympic Games take place in an atmosphere that honors the Olympic traditions of freedom and openness.”

Mr. SMITH OF NEW JERSEY. Thank you very much, Mr. Chairman.

Chairman BERMAN. Let me just ask unanimous consent to consider these three amendments en bloc. Without objection, they will be so considered; the gentleman from New Jersey?

Mr. SMITH OF NEW JERSEY. Thank you, Mr. Chairman; and I thank you for yesterday's hearing, and for bringing this very important resolution before the committee and hopefully next week to the Floor.

Mr. Chairman, a national public radio morning edition story on forced abortion and involuntary sterilization in the People's Republic of China last year ended this way. I quote: "China's victims are angry, and they want their voices heard."

NPR was reporting on several cases of forced abortion. One of those, Wei Linrong, who was in this story, was 7 months pregnant when 10 family planning officials visited her home on April 16, 2007. "If you do not go to the hospital to abort, we will carry you." "I was scared," Wei told NPR. "The hospital was full of women who had been brought in forcibly. There was not a single spare bed. The family planning people said forced abortions and forced sterilizations were both being carried out. We saw women being pulled in, one by one."

Wei said after they killed her baby, "The nurses dealt with the body like it was rubbish. They wrapped it a black plastic bag and threw it in the trash."

Another woman, He Caigan, 9 months pregnant, said family planning officials turned up at her house, and told her that even though this was her first child—remember, it is a one-child-per-couple policy—she had to have an abortion because she was unmarried and too young.

As the State Department reported just a few weeks ago, it is illegal in almost all provinces for a single woman to bear a child.

She told NPR that after the forced abortion, her boyfriend left her. She was in great physical pain, and that her life had been ruined.

Chinese victims are angry, Mr. Chairman, as NPR notes, and they want their voices heard. Several times in the past, the Congress has taken serious and sustained action to convey our solidarity with Chinese women and men who are forcibly sterilized and, of course, for the children, the victims of this one-child-per-couple policy.

I would point to my colleagues that right where Mark Synnes and Laura Rush are sitting, we have heard from victims, women who had been forcibly aborted and were the lucky ones who came here for asylum.

One woman told us how she had found an abandoned baby girl, scooped that baby girl up, only to have the family planning cadres saying, "That is your one. You have to abort the child you are carrying," and she was, sadly, forcibly aborted.

We heard from Mrs. Gao, who told us she ran a family planning program in Fujin Province; that by day, I was a monster, and a wife and mother at night. She said that even at 9 months gestation, she would hunt down—she and her cadres—and forcibly abort women at her family planning clinic in Fujin Province.

My amendment seeks to bring some additional focus on the barbaric, cruel, and hideous crime of coerced population control in China. With its heavy reliance on forced abortion, involuntary sterilization, ruinous fines for "illegal children," the policy, in effect since 1979, continues to be one of the greatest and gravest continuous crimes against humanity in human history.

China's one-child-per-couple policy has made, in most cases, brothers and sisters illegal. Remember that if you watch the opening ceremonies of the Olympics or watch the Chinese athletics. Anyone under 30 is likely to be a survivor of this one-child-per-couple policy, and are very likely to have no brothers or sisters.

China's coercive population control program has imposed unspeakable violence, pain, and humiliation on hundreds of millions of Chinese women, many of whom suffer life-long depression as a consequence. Massively violated by the state, it is no wonder more women commit suicide in China than anywhere else in the world.

As a direct result of the government's policy, tens of millions of girls are missing today, due to sex selection abortions, creating a huge gender disparity. The lost girls of China is genocide. It is gender-cide.

The lost girls of China, and one estimate puts it as high as 100 million missing girls, has also become a magnet for other human rights abuses like human sex trafficking, which will only get worse as this disparity is felt through the population.

One Chinese demographer has said that by 2020, 40 million Chinese men will be unable to marry because of the lost girls in China. They are simply not there.

Finally, a couple of months ago, the world was moved with compassion and concern over the loss of life in the Sichuan earthquake. The AP and other news outlets, however, seized on the loss of children in the poorly constructed schools, most of whom were the only children because of the government's policy.

Many of the mothers rebelled and demanded permission to give birth again, the government says it might allow some to do so. The only problem is, most of those women were sterilized against their will or under grave duress, which poses significant problems of how to undue the coerced sterilizations. China's victims are angry, and they want their voices heard.

Finally, the legislation or the Second Amendment also speaks to the issue of the political prisoners. I will be very brief on this. A couple of weeks ago, Frank Wolf and I presented a list of 734 political prisoners to the Chinese Government.

Chairman BERMAN. The time of the gentleman has expired. Does the gentleman seek an additional minute?

Mr. SMITH OF NEW JERSEY. I seek an additional minute, if I could.

Chairman BERMAN. The gentleman has unanimous consent to extend his time.

Mr. SMITH OF NEW JERSEY. I thank my friend and colleague, and the distinguished chairman.

This list, a very carefully and well vetted list of political prisoners, which has been put together by the China Executive Commission, is probably the best list I have seen in my 28 years as a Member of Congress, in terms of what they have allegedly done.

We have given this over to the Chinese Government, and with respect, asked them to look at it, and hopefully revisit each of these cases. I think with the Olympics coming up, the Executive Branch and President Bush, in particular, needs to raise these individuals, so that they can find freedom and be let out of the horrific laogai system that they are currently incarcerated in.

I thank my friend, and I do not have any time to yield back.

Chairman BERMAN. No time—did the gentleman from New York seek recognition on these amendments? Okay, the gentleman from California, Mr. Rohrabacher, on his amendment—the gentleman is recognized for 5 minutes.

Mr. ROHRABACHER. Thank you very much, Mr. Chairman; and I appreciate joining with Mr. Smith in a joint effort to try to make sure that we are on record with the people of the world and China, as to exactly where we stand on these horrific acts of China.

Let us note, we just spent a lot of time dealing with Russia. Every time something happens in Russia that is questionable, we rightfully call them to question and talk about the issues; and quite often, have condemned Russia for acts that do not meet our standards.

Yet, we recognize that in Russia, in these 10 and 15 years, there has been tremendous progress made. People are worshiping God there now, freely. We do have voices of opposition. Certainly, we are upset with certain things that have been done with certain opposition leaders, et cetera. But by and large, we do know that there has been tremendous progress made, as compared to during the Cold War.

Yet, we have not relieved the Jackson Vanick restrictions. We have not given most favored nation status. China, which blatantly violates all of the ground rules and standards that we have condemned Russia for—we have actually established trading policies and investment policies that have benefited the Chinese dictatorship tremendously.

So we need to make sure we take a close look at exactly how we are dealing with China. As I say, when you compare what we are doing with Russia, there is just no comparison. We are treating the Russians unfairly in comparison.

But let us take a look at China. We are, in the legislation, which is the reason for my amendment before us today, basically wording things in a way that would not call into question certain practices by China and claims by China that I think we should be absolutely challenging.

For example, we have used language and we have maneuvered it so that we do not use any language that questions the legitimate authority of Beijing over the People of Tibet and East Turkistan.

Well, we should be questioning that. Who has a right to make policy in East Turkistan and Tibet; the people of those two areas. But we used language that basically is self-censoring language, which we would never do, for example, with Russia.

So in order to help the situation out, my amendment would, for example, change the wording of this legislation from “citizens” to “people,” because by using the word “citizens” in terms of Tibet and East Turkistan, we are then creating a legislative record, accepting the fact that Beijing has rightful authority over these people, even

if they do not want Beijing, even if their own self-determination does not want that.

Furthermore, my amendment would eliminate the word “reportedly,” which is in the legislation. This “reportedly” basically is downplaying the fact that there has been increased persecution of the Falun Gong, prior to the Olympics Games that we are now headed for in Beijing.

Well, why do we have to put “reportedly” in there? There is increased persecution in Falun Gong, and it should be recognized without having to hedge and say “reportedly.” So my amendment would take out “reportedly” because there has been this increased repression.

Furthermore, this is not in my amendment. But I think that it would be appropriate for us to be using the words “East Turkistan” instead of “Jingzong” in references to that part of the world which is now in conflict. Because the people of that area consider themselves to be East Turkistan and not to be Jingzong Province.

If we believe in anything, it is in self-determination by people to have votes on issues like this. Quite frankly, Beijing does not believe in that. They believe in raw power. So my amendment would take care of these two problems at least. Thank you.

Chairman BERMAN. Actually I would ask the gentleman to have an additional minute and ask if he would yield to me.

Mr. ROHRABACHER. I certainly will.

Chairman BERMAN. I am prepared to accept these amendments, but I want to put the context in which I do it, which is, in the past, on a number of resolutions, Congress has often referred to the Tibetan and Uighur people as peoples rather than as citizens. So there is great precedent for the gentleman’s amendment.

But I do not view the adoption of this amendment as creating a legislative history on the issue of self-determination or sovereignty questions.

That is a complicated field and a complicated principle; and I do want us to just understand, I am quite comfortable with how you are referring to it, and I understand where you are coming from. But I do not think anyone should consider that the adoption of that amendment and the passage of this resolution has Congress, after a thorough investigation, making some decision on that issue.

Mr. ROHRABACHER. If I could reclaim my time to answer that.

Chairman BERMAN. Sure.

Mr. ROHRABACHER. The chairman is correct. The language that we have decided upon is actually neutral on that position. By saying peoples, we would be establishing that legislative history and making that by point. By saying people, we are not.

Chairman BERMAN. Well, by saying citizens, you would; by saying peoples, you are not, yes.

Mr. ROHRABACHER. No, citizens would definitely be establishing; even peoples might be. But people, which is the language we have agreed upon, is neutral and does not put us in a position of legally accepting that status.

Chairman BERMAN. Will the gentleman yield further?

Mr. ROHRABACHER. Certainly.

Chairman BERMAN. I think we have a meeting of the minds. This is not a resolution about that issue.

Mr. ROHRABACHER. That is correct.

Chairman BERMAN. All right.

Mr. ROHRABACHER. The wording we are using is neutral to that. Although I, myself, would prefer to use the word "peoples," which would establish exactly that precedent; thank you.

Chairman BERMAN. I have got it. The gentleman from Indiana is recognized on these amendments.

Mr. PENCE. Yes, Mr. Chairman.

Chairman BERMAN. The gentleman is recognized for 5 minutes.

Mr. PENCE. I move to strike the last word.

Thank you, Chairman; I wanted to speak strongly in favor of Mr. Smith's amendment, adding the language that we would call on the Government of the People's Republic of China to abandon its coercive population control, which includes forced abortion and involuntary sterilization.

Let me thank you though, Mr. Chairman, for bringing this important resolution. I appreciate the sentiment behind H. Res. 1370.

As I said, years ago, when the International Olympic Committee chose Beijing as the site of the 2008 Olympics, I believe it was a historic error to do so; the Olympics being a symbol of human freedom. The selection of Beijing and the People's Republic of China was, I think, historically wrong.

I am mindful maybe of some of the last comments that the late former Chairman Tom Lantos made before this committee in which he said memorably to a panel of witnesses that, "The People's Republic of China is a police state, and we should have no other view."

Mr. Smith's meritorious amendment points out the fact that forced abortion is official policy in the People's Republic of China. An example of the Hunan Province population and family planning regulations, Article 25, provides:

"Under any of the following conditions, necessary remedial measures shall be taken, and the pregnancy terminated under the guidance of family planning technical service workers. Those circumstances include pregnancy out of wedlock; pregnancy without a certificate for the birth of a child where the party already has one child; pregnancy after improperly obtaining a certificate for the birth of a child."

All that sounds rather antiseptic and rather official and rather legal. Here is how it works out, according to Time Magazine's report in September 2005.

Two days before Li Juan's due date, men from the family planning office came. They pinned her down on a bed in local clinic, she says, and drove the needle into her abdomen until it entered the 9-month-old baby girl in her womb. "At first, I could feel my child kicking a lot," said the 23-year-old. "Then after awhile, I could not feel her moving any more." Ten hours later, Li delivered the girl she had intended to name Swong, meaning bright in her native tongue. The baby was dead.

To be absolutely sure, says Li, the officials dunked the infant's body for several minutes in a bucket of water beside the bed. All she could think about, recalls Li, was how she would hire a gang

of thugs to take revenge on the people who killed her baby. That is according to the September 12, 2005 Time Magazine at time.com.

Another example is in the New York Sun. Jin Yonese's water had already broken in September 2000, when 10 family planning officials forced their way into her house, grabbed her by her arms and bundled her into a car.

Nine months pregnant, Jin could do little to fight off the men, as they forced her into a nearby abortion clinic. One of the officials said, "Come with us. No one will let you have your baby." "I got on my knees and begged them, after they took me to the clinic, and said I wanted to give birth to my daughter. I had already named her Yang Jin," said Jin.

At the clinic, Jin was injected with a large poison-filled syringe, and her husband arrived just in time to witness the removal of her deal baby's body. Jin's crime was to become pregnant by her fiancé of 5 months, before she married him at the age of 20, which is the legal minimum.

In addition, her husband had tried to prevent any trouble ahead by agreeing to pay a fine and even wining and dining local officials. That is according to the New York Sun, and also it was published in a Japanese newspaper.

It has been the long-standing policy of the United States of America since 1985 in Camp Casten to prevent foreign aid of this country from flowing to any organization that participates in the management of a program of coerced abortion/voluntary sterilization.

So I think this very meritorious resolution, Mr. Chairman, that you have brought before this committee would be improved significantly if we were to take this opportunity to address what is a barbaric practice of forced abortions in China; and use this opportunity in the Sun for Beijing and for the People's Republic of China, to be held to account.

Because maybe the silver lining of historic error would be to shine the light of liberty and life in that dark place, and perhaps begin to bring about a fundamental change where the people of China will begin to appreciate the blessings of life and liberty that we enjoy in this country; and I yield back.

Chairman BERMAN. The time of the gentleman has expired. The question occurs on the amendments en bloc.

Mr. SHERMAN. Mr. Chairman?

Chairman BERMAN. The gentleman wishes to strike the last word.

Mr. SHERMAN. All the requisite words, yes.

Chairman BERMAN. Okay, all of them; 5 minutes.

Mr. SHERMAN. I just have a question for Mr. Pence. That is, I think we are moved by the story that you related to us.

But I am a bit confused as to how the woman involved knew the gender of the fetuses they were carrying. It seems odd that a woman would seek ultrasound or amniocentesis in a third world country, while carrying a baby that they knew to be in violation of the laws that would be enforced by the government.

I am just confused by the story. I do not know how they would select women's names or girls' names for these fetuses, prior to giving birth. Perhaps the journalist has embellished the story a bit.

I will yield to the gentleman if he has an explanation. Otherwise, I yield back.

Mr. PENCE. I would be happy to be responsive. I will be happy to provide the gentleman with the specific cites, Time Magazine and the New York Sun, as well the Japanese newspaper that made the report.

Mr. SMITH OF NEW JERSEY. Would my friend yield?

Mr. SHERMAN. I would be happy to yield.

Chairman BERMAN. The time of the gentleman from California has expired.

Mr. SHERMAN. Yes, I am yielding to the gentleman

Mr. SMITH OF NEW JERSEY. I thank my friend for yielding. Private amniocentesis is very widely available in China. I mean, we talk about it being a third world country. In many cases, it is not.

It is a country that is developing, obviously. But unfortunately, the male preference in this society, coupled with the one-child-per-couple policy, has partnered in a horrifically symbiotic way, to produce this dearth of girls. In this case, the woman found that she was carrying a girl. Again, private amnio, as well as ultrasounds, is widely available in China.

So everything is not government owned. People sneak around, and determine what the sex or the gender of the baby is. Very often, it results in the death of the baby girl. Because they are only allowed one, and because all of the Social Security money inures to the son, to the male side, very often, if you are only allowed one, you then destroy the baby girl. To suggest an embellishment, you know, we have had, over the last 30 years, I have been arguing this year for 30 years.

Mr. SHERMAN. I would like to reclaim my time.

Mr. SMITH OF NEW JERSEY. Well, okay.

Mr. SHERMAN. I get your point. It does seem odd that if this child was legal, you would expect amniocentesis, perhaps. But if the woman knew she was carrying an illegal child—and when I say illegal, I do not mean under the laws of morality; just under the laws of the People's Republic of China.

It seems an unusual story. I will seek additional explanation. But I think it is legislatively irrelevant. We know how horrific these policies are. I will get away from the individual characteristics of these one of two cases, and yield back.

Chairman BERMAN. The time of the gentleman has expired. We are still debating on the amendment.

Mr. FORTENBERRY. Mr. Chairman?

Chairman BERMAN. The time now goes to the gentleman from Nebraska.

Mr. FORTENBERRY. I move to strike the last word.

Chairman BERMAN. The gentleman is recognized for 5 minutes.

Mr. FORTENBERRY. Mr. Chairman, thank you for bringing this very important and serious resolution forward. I would also like to thank my colleague, Mr. Smith, for offering his amendment, which I support.

I believe that the strongest relationships, including bilateral relationships, among nations are those based upon direct and candid communications.



It is the long-standing policy, as we all know, of the United States Government to oppose coercive abortion and involuntary sterilization. As we stood by the Chinese people during the tragic earthquake in Sichuan, I believe we must also stand by the women and children of the world who deserve better than abortion; especially the abuse of forced abortion.

In remarks before the National Committee on United States-China relations in New York in September 2005, Mr. Robert Koellick observed that, "Relationships built only on a coincidence of interest have shallow roots. Relationships built on shared interests and shared values are deep and lasting."

It is hope that during the coming weeks, the Olympic spirit will bring the United States and China toward a stronger foundation of mutual understanding; and that constructive dialogue regarding the transcendent principles of human dignity will help strengthen this relationship in years to come. I yield back.

Chairman BERMAN. I thank the gentleman. The time of the gentleman has expired. The gentlelady from California, Ms. Watson?

Ms. WATSON. To strike the last word.

Chairman BERMAN. The gentlelady is recognized for 5 minutes.

Ms. WATSON. Mr. Chairman, H.R. 1370 speaks to the atmosphere in which the Olympic Games are going to be held. It calls on the abuses, and to eliminate the abuses of human rights on its citizens.

I think the amendments in front of us do damage to the intent of this bill; the kind of discussion that just went on about determining the sex of a child and so on. We are getting into policy, and I think there is a danger.

I understand what you are trying to do, Mr. Chairman, with this bill. I could support it. But I cannot support it when we are trying to determine the policies in this bill as to how the Chinese Government has determined their policies toward various kinds of rights.

So I would urge that we oppose these amendments and vote for the bill, as written. Thank you, Mr. Chairman; I yield back my time.

Chairman BERMAN. The gentleman from Indiana seeks recognition on these amendments. The gentleman is recognized for 5 minutes.

Mr. BURTON. Thank you, Mr. Chairman; I will yield to the gentleman from New Jersey.

Mr. SMITH OF NEW JERSEY. Just very briefly, to my good friend from California—I believe, and I believe all of us should believe, that human rights are indivisible. We need to emphasize all human rights violations. This is a comprehensive listing of those violations; whether it be against the Uighurs, the Tibetans, religious liberties, political prisoners.

It seems to me that when you have the gravest, and I believe it is the largest violation of women's rights in the history of human kind occurring, that we need to speak to that.

A couple of paragraphs, whereas that it is resolved, asking the Chinese Government to abandon their coercive population control policy—a policy, like I said earlier, that makes brothers and sisters illegal, and relies on ruinous fines. The State Department has reported that from ½ to 10 times the annual salary of both husband and wife is paid if a child is conceived out of the government plan.

That is a violation of women's right to privacy, like no other. They monitor the women's menstrual cycles, to ensure that they are not carrying a child. Women have babies on the run. They hide the pregnancy.

That is why some of these later term abortions occur. They are able to evade the population planning cadres or the family planning cadres until they are finally discovered, and then they are forcibly aborted. That, to me, is a crime against humanity.

The Nuremburg War Crimes Tribunal recognized, as it ought to have recognized, that the forced abortion of Polish women was a crime against humanity. It is no less a crime against humanity today, and it has been occurring since 1979.

Ms. WATSON. Reclaiming my time.

Mr. BURTON. It is my time, Mr. Chairman.

Chairman BERMAN. The time is the gentleman from Indiana's.

Mr. SMITH OF NEW JERSEY. So this is a strengthening amendment, and I think we need to be consistent and comprehensive, as the chairman has attempted to do, in the remainder of this resolution. This is a strengthening amendment; and I think there are no orphan human rights. Nobody should be left behind; whether you be a Tibetan or a Uighur, or a Falun Gong, or a Catholic Underground, or a Protestant.

I asked a Protestant underground preacher, 3 weeks ago, how the women in his congregation deal with forced abortion and involuntary sterilization. First, he said every single woman in his congregation has been mal-affected by it. There were no exceptions.

He said that the burden, the pain, the agony, the spiritual agony, as well and the mental agony, is numbing to them. But he said, you know, their faith helps them to get through it. Some of the other woman are not so fortunate in terms of coping.

We, at the very least, as a Congress, as a committee that believes in the fundamental human rights, in the indivisibility of human rights, ought to at least speak this truth to that power, that being in Beijing, in saying stop it; defend your women; do not treat them in such a horrible, horrible way as you are doing.

So I would hope that my colleagues on both sides of the aisle would accept this amendment; just like I hope you will accept the amendment on the political prisoners, the other amendment that is pending, as well as Mr. Rohrabacher's. I yield back to my friend.

Chairman BERMAN. All right, the question occurs on the en bloc amendments; two by Mr. Smith and one by Mr. Rohrabacher. All in favor, say aye.

[Chorus of ayes.]

Chairman BERMAN. All opposed, no.

[Chorus of noes.]

Chairman BERMAN. The ayes have it. The amendments are adopted. Does anyone else wish to seek recognition; the gentleman from New York, Mr. Crowley?

Mr. CROWLEY. I thank you, Mr. Chairman, and thank you for accomplishing that feat just before us, and adopting the amendments of our colleagues from the other side.

I want to just say, I did not take time to speak on it during the amendment process. But I appreciate what I believe is to help to

perfect the legislation before us, as well. So I want to express my support for those amendments.

I support the legislation before us. But I believe we stand at a crossroads in our policy toward the People's Republic of China. On one hand, we should continue to engage China, both politically and economically. But we cannot forget about our democratic values at the same. The basic question I would ask of my colleagues is, do we help more as an engaged partner or as a dis-engaged enemy.

As the chairman of the United States/China Inter-parliamentary Exchange, I have been working to engage Beijing, while raising the serious concerns I have about how the Chinese Government handles the domestic as well as international issues.

As China becomes a more engaged global actor, she has developed influence, and demonstrated more adeptness in soft power. The question remains, however, will China embrace the opportunities and the responsibilities of this role as a world leader?

As the Olympics in Beijing commence in a few weeks, China is faced with task of balancing its own needs and interests with the agreed-upon international Olympic Commission's stipulations. China must abide by the agreed-upon standards, and allow freedom of movement for foreign press, and increased human rights for its own people.

Once the Olympics have ended, we must continue to encourage and engage China on the benefits their people will receive as they move toward a more open society, with foundations in the strong rule of law that respect its citizens' international rights.

With that, Mr. Chairman, I will yield back the balance of my time; and thank you, again, for your bringing this legislation before us.

Chairman BERMAN. The gentleman yields back his time. Does the gentleman, much of his suggestions are incorporated in this resolution, seek recognition?

Mr. POE. Mr. Chairman, I move to strike the last word.

Chairman BERMAN. The gentleman is recognized for 5 minutes.

Mr. POE. I want to thank the chairman for including the language I proposed in underlying bill regarding the inhumane conditions imposed on many Chinese citizens.

While I stand in solidarity with the Chinese people who have been subjected to exposed sub-treatment, I would also like to speak on behalf of American citizens who have their lives and the lives of their kids and pets threatened, and even some have died.

Mr. Chairman, I introduced a resolution condemning the unacceptable business practices of China, including the manufacture and exporting of unsafe products like toys and dog food.

Last year alone, millions of toys were imported into the United States from China, and were recalled due to heavy discovery of lead in those painted toys. Of course, we all remember the pet food that contained a chemical used to manufacture plastics, that led to the death of pets in the United States.

Just a few months ago, Heparin ingredients, manufactured in China, were linked to 19 deaths in the United States. Even more recently than that, we now will be going to these new CFL light bulbs that contain mercury, mandated by Congress, and they are only made in China.

According to the EPA, if I dropped this light bulb and it broke in this room, we would have to evacuate the room, and open the windows, and turn off the air conditioning, because of mercury in these light bulbs made in China.

Unfortunately, this resolution did not make it into the current legislation, and it is important to me and, I am sure, Members of Congress, that we have a dialogue on the issue of importation of Chinese products into the United States.

Also, regarding the environment, we talk a lot about that here. Once again, the EPA regulations with these Chinese light bulbs—16 of the world's most polluted cities in terms of air pollution, they all were in China. They note that as many as 300,000 to 400,000 Chinese die every year, because of respiratory illnesses that they get from air pollution in their own country.

Both of these issues are certainly important, I think, to Americans. Although we feel strongly in this resolution about human rights violations, we also, I think, should eventually consider the health of Chinese citizens and the health of American citizens, as well, regarding the manufacturing procedures in China, which affect not only the Chinese, but Americans, as well.

But I do want thank you, Mr. Chairman, for including the worker exploitation language, which was addressed in my legislation into this bill today; and I hope at some later time, we will consider other issues that have to deal with China, the citizens of China, and the United States; thank you.

Mr. ROHRABACHER. Would the gentleman yield?

Mr. POE. Yes, I will yield, Mr. Rohrabacher. I did not know who it was that was asking.

Mr. ROHRABACHER. Mr. Chairman, I would hope that some of the issues that my colleague has just brought up could be the subject of a hearing. The American people need full disclosure on just how big this problem is, in terms of our trade with China and the quality and standards of the goods.

For example, I was looking into this, and I heard that all of the Vitamin C that we take in our vitamins now comes from China. I did not know that. What is the quality, and what quality standards do they have in the production of this Vitamin C?

I agree with my colleague wholeheartedly, that this is a huge problem that is probably on par with the human rights problem that we face, and that we need to look into it. I would request publicly that we hold a hearing on that issue.

Mr. POE. Reclaiming my time.

Mr. BURTON. I just wanted to ask Mr. Poe a question, if you would yield real quickly.

Mr. POE. All right.

Mr. BURTON. As would recall, you were on the Floor the other night, and you indicated that these light bulbs, which are going to be mandatory next year for every household in America, they have mercury in them and they are made in China. Is that correct?

Mr. POE. In 2014, they are mandatory.

Mr. BURTON. In 2014—but they are moving toward mandatory including of that in our lighting structure, and it has mercury in it.

Mr. POE. It was part of an Energy Bill, passed by Congress last year, mandating these light bulbs.

Mr. BURTON. Once again, Mr. Chairman, I would just urge that we really ought to have a hearing on standards like that.

Mr. POE. But I do want to thank the chairman for his consideration of this, and I yield back the remainder of my time.

Chairman BERMAN. What I have learned in the last 4 months is that there are countless opportunities to have hearings in this committee. [Laughter.]

But I will take your very serious issues, and I will sort through it and get back to you.

Mr. POE. Thank you, Mr. Chairman.

Chairman BERMAN. The gentleman from New Jersey seeks recognition.

Mr. PAYNE. Thank you very much, Mr. Chairman. I just seek to strike the last word.

Chairman BERMAN. The gentleman is recognized for 5 minutes.

Mr. PAYNE. I would like to commend you for moving these resolutions forward. I would certainly like to just speak on 1370. I do feel that the situation in Tibet and the support by the People's Republic of China for those regimes, Myanmar and Burma; and of course, its horrendous policy in Sudan.

It is a shame that our President has decided to attend the opening ceremonies of the Olympics. I think it was an opportunity by saying, you can get by not boycotting the Olympics; but just do not attend the opening ceremonies. President Bush felt that it was important. He said that he did not want to anger the Chinese, and so he is going.

Of course, when Olympics began in Greece, in 2004, which would have been a great opportunity to talk about the spirit of the Olympics and what the Olympics means to the world, President Bush was not interested in attending the Olympics. However, he finds it pertinent that he must attend the Olympics in Beijing.

I think that we are talking about our relationship with the People's Republic of China in the future. You know, the tremendous support by big business in the United States of American to the People's Republic of China, 10 years ago—now we have that genie coming out of the bottle, and it is not going back into the bottle.

The strength of China is directly based on the support from capitalism, big-time business. Now we have a situation, also giving PNTR to China. Now we are talking about, what can we do? There is very little that we can do at this point, especially since they are buying all our debt.

So I would hope that we would continue to monitor what is happening there. Of course, the situation in Darfur; the United Nations African Union Mission, UNAMID—we certainly express our support for that; but also would urge nations to supply the necessary equipment. They still cannot get helicopters to support the mission.

So there is certainly not a strong push on the part of the United States and the EU and other countries to support the U.N. mission, up-to-date. Like I said, they only had four helicopters that they claim they can get from any place around the world.

I think that we continue to turn our back on the people of Darfur. Millions are still suffering. A million have been killed. I would hope that we would support the prosecutors who have sent an indictment for al-Bashir, President of Sudan; and that the three court judge in The Hague will review the indictment.

I would hope that that situation will be monitored very closely, so that these leaders of the world cannot continue to do what they do to their people; and not feel that there are going to be repercussions for their behavior.

So I continue to support H. Res. 374 and 1369, in addition to 1351, and urge support for these resolutions. I yield back.

Chairman BERMAN. The only other individual I have seeking recognition is the gentleman from California.

Mr. SHERMAN. Thank you, Mr. Chairman; I will be brief.

Chairman BERMAN. He is recognized for 5 minutes.

Mr. SHERMAN. First, an announcement.

Chairman BERMAN. Oh, I am sorry, yes; I was supposed to announce it. But go ahead; you announce it.

Mr. SHERMAN. Okay, the hearing of the Subcommittee on Terrorism, Non-Proliferation, and Trade will commence in this room just 3 minutes after this markup is concluded.

As to the resolution under consideration, our athletes are going to Beijing to compete in athletic competition. The President is going to Beijing to make a political statement. As the gentleman from New Jersey pointed out, the President did not go to Greece, the home of the Olympic Games. In fact, for many years, no President has gone to a foreign Olympic Games.

Why is the President making this statement? It is because he finds it important to kow-tow to the Chinese regime. He finds it important to ignore their currency manipulation and trade practices, their human rights abuses. Why? Because there is big money in imports and big power in big money.

Now I would hope that this resolution would urge the President not to go to Beijing. I know that we cannot pass such a resolution; certainly not by broad bipartisan support.

I would hope that the President would try to undo the harm that he is inflicting by using his trip to China to confront publicly the Chinese regime about all of the issues we have discussed here, from human rights to unfair business practices.

But we should keep in mind that on Chinese television, everything that symbolizes our surrender to the Chinese Government will be broadcast; and any questioning of that government will not be broadcast to the Chinese people.

So it is perhaps regrettable that this resolution does not urge the President to stay in the United States, where there are plenty of problems to keep him busy; and does not condemn his decision to go to Beijing.

But the resolution is good, as far as it goes. I strongly support it, and I yield back.

Mr. PAYNE. Would the gentleman yield?

Mr. SHERMAN. I will yield to the gentleman from New Jersey.

Mr. PAYNE. Just very quickly, my good friend, Mia Farrow, will be broadcasting from refugee camps in the Darfur region; probably in Chad. I will attempt to meet with her.

She will be with a group of women who are Nobel Prize winners. There are only a few—but women from Ghana—and they will be making a statement. She will be broadcasting from the camps at the time when commercials will be played on TV.

She is urging that people turn down the commercial time, and turn up her voice from the refugee camps of these people who are suffering, as we speak; thank you,

Mr. SHERMAN. Reclaiming my time, I just do want to point out one thing. That is, these games are basically financed by the copyright laws of the United States. The overwhelming, lion's share of the money comes from the products we buy and, of course, the commercials we watch on television.

Yet, while these Beijing Games are financed by American intellectual property laws, China is not in full compliance with intellectual property standards, accepted by the rest of the world. I will yield back.

Chairman BERMAN. And that is a subject we will have a hearing on. [Laughter.]

The gentleman from New Jersey is recognized for a motion.

Mr. PAYNE. I move the chair be authorized to seek consideration of H. Res. 1370, as amended, under suspension of the rules.

Chairman BERMAN. The question occurs on the motion by the gentleman from New Jersey to authorize the chair to seek consideration of H. Res. 1370, as amended, under suspension of the rules. All in favor, say aye.

[Chorus of ayes.]

Chairman BERMAN. All opposed, say no.

[Chorus of noes.]

Chairman BERMAN. The ayes have it. The motion is adopted, without objection. The staff is directed to make any technical and conforming amendments. In 3 minutes, the Sherman subcommittee will start, and we are adjourned.

[Whereupon, at 11:15 a.m., the committee was adjourned.]

## A P P E N D I X

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### MATERIAL SUBMITTED FOR THE HEARING RECORD

PREPARED STATEMENT OF THE HONORABLE GENE GREEN, A REPRESENTATIVE IN  
CONGRESS FROM THE STATE OF TEXAS

I'd like to thank the Chairman for holding this mark up today and more importantly, the minority and majority staff for working together to produce legislation that adequately addresses concerns on both sides of the aisle.

We have several important pieces of legislation before us today.

The United States-Russian Federation Nuclear Cooperation Agreement Act is a serious obligation that we should not enter into lightly.

I am very glad to see that this committee has worked to systematically address our concerns about Iran and safeguard U.S. interests in this deal.

We also have several other resolutions before us today that deal with human rights, support for Israel and Darfur and international peace efforts and I support those too.

Thank you.

