

VARIOUS BILLS AND RESOLUTIONS

MARKUP

BEFORE THE

COMMITTEE ON FOREIGN AFFAIRS HOUSE OF REPRESENTATIVES

ONE HUNDRED TENTH CONGRESS

FIRST SESSION

ON

**H.R. 3887, H.R. 275, H.R. 1746, H.R. 3890, H.R. 2705,
H.R. 2949, H.R. 3320, H.R. 3912, H.R. 3913,
H. Res. 435, H. Res. 550, H. Res. 573, H. Res. 726,
H. Res. 740, H. Res. 747, H. Con. Res. 234 and
H. Con. Res. 236**

OCTOBER 23, 2007

Serial No. 110-124

Printed for the use of the Committee on Foreign Affairs



Available via the World Wide Web: <http://www.foreignaffairs.house.gov/>

U.S. GOVERNMENT PRINTING OFFICE

38-540PDF

WASHINGTON : 2008

For sale by the Superintendent of Documents, U.S. Government Printing Office
Internet: bookstore.gpo.gov Phone: toll free (866) 512-1800; DC area (202) 512-1800
Fax: (202) 512-2250 Mail: Stop SSOP, Washington, DC 20402-0001

COMMITTEE ON FOREIGN AFFAIRS

TOM LANTOS, California, *Chairman*

HOWARD L. BERMAN, California	ILEANA ROS-LEHTINEN, Florida
GARY L. ACKERMAN, New York	CHRISTOPHER H. SMITH, New Jersey
ENI F.H. FALEOMAVAEGA, American Samoa	DAN BURTON, Indiana
DONALD M. PAYNE, New Jersey	ELTON GALLEGLY, California
BRAD SHERMAN, California	DANA ROHRABACHER, California
ROBERT WEXLER, Florida	DONALD A. MANZULLO, Illinois
ELIOT L. ENGEL, New York	EDWARD R. ROYCE, California
BILL DELAHUNT, Massachusetts	STEVE CHABOT, Ohio
GREGORY W. MEEKS, New York	ROY BLUNT, Missouri
DIANE E. WATSON, California	THOMAS G. TANCREDO, Colorado
ADAM SMITH, Washington	RON PAUL, Texas
RUSS CARNAHAN, Missouri	JEFF FLAKE, Arizona
JOHN S. TANNER, Tennessee	MIKE PENCE, Indiana
GENE GREEN, Texas	JOE WILSON, South Carolina
LYNN C. WOOLSEY, California	JOHN BOOZMAN, Arkansas
SHEILA JACKSON LEE, Texas	J. GRESHAM BARRETT, South Carolina
RUBEN HINOJOSA, Texas	CONNIE MACK, Florida
JOSEPH CROWLEY, New York	JEFF FORTENBERRY, Nebraska
DAVID WU, Oregon	MICHAEL T. McCAUL, Texas
BRAD MILLER, North Carolina	TED POE, Texas
LINDA T. SANCHEZ, California	BOB INGLIS, South Carolina
DAVID SCOTT, Georgia	LUIS G. FORTUÑO, Puerto Rico
JIM COSTA, California	GUS BILIRAKIS, Florida
ALBIO SIRES, New Jersey	
GABRIELLE GIFFORDS, Arizona	
RON KLEIN, Florida	

ROBERT R. KING, *Staff Director*

YLEEM POBLETE, *Republican Staff Director*

DAVID S. ABRAMOWITZ, *Chief Counsel*

LAURA RUSH, *Professional Staff Member/Security Officer*

GENELL BROWN, *Full Committee Hearing Coordinator*

CONTENTS

	Page
MARKUP OF	
H.R. 3887, To authorize appropriations for fiscal years 2008 through 2011 for the Trafficking Victims Protection Act of 2000, to enhance measures to combat forced labor, and for other purposes	2
Amendment to H.R. 3887 offered by the Honorable Tom Lantos, a Representative in Congress from the State of California, and Chairman, Committee on Foreign Affairs	130
H.R. 275, To promote freedom of expression on the Internet, to protect United States businesses from coercion to participate in repression by authoritarian foreign governments, and for other purposes	138
Amendment in the nature of a substitute to the Honorable Christopher H. Smith, a Representative in Congress from the State of New Jersey	168
H.R. 1746, To require disclosure of Holocaust-era policies by insurers and establish a federal cause of action for claims arising out of a covered policy	214
Amendment in the nature of a substitute to H.R. 1746 offered by the Honorable Ileana Ros-Lehtinen, a Representative in Congress from the State of Florida, and the Honorable Tom Lantos	230
H.R. 3890, To amend the Burmese Freedom and Democracy Act of 2003 to waive the requirement for annual renewal resolutions relating to import sanctions, impose import sanctions on Burmese gemstones, expand the number of individuals against whom the visa ban is applicable, expand the blocking of assets and other prohibited activities, and for other purposes	246
Amendment in the nature of a substitute to H.R. 3890 offered by the Honorable Tom Lantos	257
H.R. 2705, To amend the Compact of Free Association Amendments Act of 2003, and for other purposes	270
Amendment to H.R. 2705 offered by the Honorable Tom Lantos	285
H.R. 2949, To authorize grants to the Eurasia Foundation, and for other purposes	286
Amendment in the nature of a substitute to H.R. 2949 offered by the Honorable Robert Wexler, a Representative in Congress from the State of Florida	295
H.R. 3320, To provide assistance for the Museum of the History of Polish Jews in Warsaw, Poland	308
H.R. 3912, To provide for the transfer of naval vessels to certain foreign recipients	311
H.R. 3913, To amend the International Center Act to authorize the lease or sublease of certain property described in such Act to an entity other than a foreign government or international organization if certain conditions are met	315
H. Res. 435, Expressing concern relating to the threatening behavior of the Iranian regime and its leader Mahmoud Ahmadinejad, and the activities of terrorist organizations sponsored by that regime in Latin America	317
Amendment in the nature of a substitute to H. Res. 435 offered by the Honorable Ron Klein, a Representative in Congress from the State of Florida	323
H. Res. 550, Congratulating the people of Ethiopia on the second millennium of Ethiopia, and for other purposes	329
Amendment to H. Res. 550 offered by the Honorable Tom Lantos	334

IV

	Page
H. Res. 573, Recognizing and commending the efforts of the United States public and advocacy groups to raise awareness about and help end the worsening humanitarian crisis and genocide in Darfur, Sudan, and for other purposes	339
Amendment in the nature of a substitute to H. Res. 573 offered by the Honorable Tom Lantos	343
H. Res. 726, Calling on the President of the United States and the international community to take immediate steps to respond to and prevent acts of rape and sexual violence against women and girls in Darfur, Sudan, eastern Chad and the Central African Republic	346
Amendment in the nature of a substitute to H. Res. 746 offered by the Honorable Tom Lantos	353
H. Res. 740, Condemning in the strongest terms the attacks on African Union peacekeepers that occurred in Haskanita, Darfur, Sudan, on September 29, 2007	359
Amendment to H. Res. 740 offered by the Honorable Sheila Jackson Lee, a Representative in Congress from the State of Texas	362
H. Res. 747, Recognizing the religious and historical significance of the festival of Diwali	363
H. Con. Res. 234, Calling on the Government of the People's Republic of China to respect the human rights of refugees from North Korea	366
H. Con. Res. 236, Recognizing the close relationship between the United States and the Republic of San Marino	371
Amendment to H. Con. Res 236 offered by the Honorable Tom Lantos	374

LETTERS, STATEMENTS, ETC., SUBMITTED FOR THE RECORD

The Honorable Christopher H. Smith, a Representative in Congress from the State of New Jersey: Prepared statement	128
---	-----

APPENDIX

The Honorable Sheila Jackson Lee, a Representative in Congress from the State of Texas: Prepared statements	383
---	-----

VARIOUS BILLS AND RESOLUTIONS

TUESDAY, OCTOBER 23, 2007

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

The committee met, pursuant to notice, at 10:08 a.m. in room 2172, Rayburn House Office Building, Hon. Tom Lantos (chairman of the committee) presiding.

Chairman LANTOS. The meeting of the committee will come to order. Pursuant to notice, I call up the bill, H.R. 3887, The William Wilberforce Trafficking Victims Protection Reauthorization Act of 2007, for purposes of markup.

[H.R. 3887 follows:]

110TH CONGRESS
1ST SESSION

H. R. 3887

To authorize appropriations for fiscal years 2008 through 2011 for the Trafficking Victims Protection Act of 2000, to enhance measures to combat forced labor, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 18, 2007

Mr. LANTOS (for himself, Mr. SMITH of New Jersey, Mr. CONYERS, Mr. WOLF, Mr. GEORGE MILLER of California, Ms. ROS-LEHTINEN, Ms. ZOE LOFGREN of California, Mr. PITTS, Mrs. MALONEY of New York, Mrs. DRAKE, Mr. NADLER, and Mr. HASTINGS of Florida) introduced the following bill; which was referred to the Committee on Foreign Affairs, and in addition to the Committees on the Judiciary and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To authorize appropriations for fiscal years 2008 through 2011 for the Trafficking Victims Protection Act of 2000, to enhance measures to combat forced labor, 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,*

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

2 (a) SHORT TITLE.—This Act may be cited as the
3 “William Wilberforce Trafficking Victims Protection Re-
4 authorization Act of 2007”.

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

Sec. 1. Short title and table of contents.

TITLE I—COMBATTING INTERNATIONAL TRAFFICKING IN
PERSONS

- Sec. 101. Interagency Task Force to Monitor and Combat Trafficking.
- Sec. 102. Office to Monitor and Combat Trafficking.
- Sec. 103. Prevention and prosecution of trafficking in foreign countries.
- Sec. 104. Assistance for victims of trafficking in other countries.
- Sec. 105. Increasing effectiveness of anti-trafficking programs.
- Sec. 106. Minimum standards for the elimination of trafficking.
- Sec. 107. Actions against governments failing to meet minimum standards.
- Sec. 108. Research on domestic and international trafficking in persons.
- Sec. 109. Presidential Award for Extraordinary Efforts to Combat Trafficking
in Persons.
- Sec. 110. Responsibilities of consular officers of the Department of State.
- Sec. 111. Report on activities of the Department of Labor to monitor and com-
bat forced labor and child labor.
- Sec. 112. Sense of Congress regarding multilateral framework between labor
exporting and labor importing countries.

TITLE II—COMBATTING TRAFFICKING IN PERSONS IN THE
UNITED STATES

Subtitle A—Ensuring Availability of Possible Witnesses and Informants

- Sec. 201. Protecting trafficking victims against retaliation.
- Sec. 202. Information for work-based nonimmigrants on legal rights and re-
sources.
- Sec. 203. Clarification of roles of Secretary of Homeland Security and Attorney
General.
- Sec. 204. Relief for certain victims pending actions on petitions and applica-
tions for relief.
- Sec. 205. Parole for derivatives of trafficking victims.
- Sec. 206. Implementation of Trafficking Victims Protection Reauthorization
Act of 2005.

Subtitle B—Assistance for Trafficking Victims

- Sec. 211. Victim of trafficking certification process.
- Sec. 212. Assistance for certain visa applicants.
- Sec. 213. Interim assistance for child victims of trafficking.
- Sec. 214. Ensuring assistance for all victims of trafficking in persons.

Subtitle C—Penalties Against Traffickers and Other Crimes

- Sec. 221. Enhancing trafficking and other related offenses.
- Sec. 222. Jurisdiction in certain trafficking offenses.
- Sec. 223. Amendment of other crimes related to trafficking.
- Sec. 224. Model statutes provided to States.

Subtitle D—Activities of the United States Government

- Sec. 231. Annual report by the Attorney General.
- Sec. 232. Annual anti-trafficking conference.
- Sec. 233. Senior Policy Operating Group.
- Sec. 234. Coordinators to Combat Human Trafficking.
- Sec. 235. Preventing United States travel by traffickers.
- Sec. 236. Enhancing efforts to combat the trafficking of children.

TITLE III—AUTHORIZATIONS OF APPROPRIATIONS

- Sec. 301. Trafficking Victims Protection Act of 2000.
- Sec. 302. Trafficking Victims Protection Reauthorization Act of 2005.
- Sec. 303. Rule of construction.
- Sec. 304. Technical amendments.

TITLE IV—PREVENTION OF THE USE OF CHILD SOLDIERS

- Sec. 401. Short title.
- Sec. 402. Definitions.
- Sec. 403. Findings.
- Sec. 404. Sense of Congress.
- Sec. 405. Prohibition on provision of military assistance to foreign governments that recruit or use child soldiers.
- Sec. 406. Reports.
- Sec. 407. Training for Foreign Service officers.

1 **TITLE I—COMBATTING INTER-**
 2 **NATIONAL TRAFFICKING IN**
 3 **PERSONS**

4 **SEC. 101. INTERAGENCY TASK FORCE TO MONITOR AND**
 5 **COMBAT TRAFFICKING.**

6 Section 105(b) of the Trafficking Victims Protection
 7 Act of 2000 (22 U.S.C. 7103(b)) is amended by inserting
 8 “the Secretary of Education,” after “the Secretary of
 9 Homeland Security,”.

1 **SEC. 102. OFFICE TO MONITOR AND COMBAT TRAFFICKING.**

2 (a) IN GENERAL.—Section 105(e) of the Trafficking
3 Victims Protection Act of 2000 (22 U.S.C. 7103(e)) is
4 amended to read as follows:

5 “(e) OFFICE TO MONITOR AND COMBAT TRAF-
6 FICKING.—

7 “(1) ESTABLISHMENT.—The Secretary of State
8 shall establish within the Department of State an
9 Office to Monitor and Combat Trafficking, which
10 shall be headed by a Director, who shall be ap-
11 pointed by the President, by and with the advice and
12 consent of the Senate, with the rank of Ambassador-
13 at-Large.

14 “(2) RESPONSIBILITIES.—The Director shall
15 have the following responsibilities:

16 “(A) The Director shall have primary re-
17 sponsibility for assisting the Secretary of State
18 in carrying out the purposes of this division,
19 shall provide assistance to the Task Force, and
20 may have additional responsibilities as deter-
21 mined by the Secretary of State.

22 “(B) The Director shall consult with non-
23 governmental organizations and multilateral or-
24 ganizations, and with trafficking victims or
25 other affected persons. The Director shall have

1 the authority to take evidence in public hear-
2 ings or by other means.

3 “(C) The Director shall, in coordination
4 and cooperation with the Assistant Secretary
5 for International Labor Affairs and other offi-
6 cials at the Department of State involved in
7 corporate responsibility and other relevant offi-
8 cials of the United States Government, be re-
9 sponsible for promoting, building, and sus-
10 taining partnerships between the United States
11 Government and private entities (including
12 foundations, universities, corporations, commu-
13 nity-based organizations, and other nongovern-
14 mental organizations) to ensure that United
15 States citizens do not use any item, product, or
16 material produced or extracted with the use of
17 labor from victims of severe forms of trafficking
18 and to ensure that such entities do not con-
19 tribute to trafficking in persons involving sexual
20 exploitation, such as through work with the air-
21 lines and tourism industries.

22 “(D) The Director shall be responsible for
23 all policy, funding, and programming decisions
24 regarding funds made available for trafficking

1 in persons programs that are centrally controlled by the Department of State.

2
3 “(3) COORDINATION.—Any trafficking in persons programs of the Department of State or the
4 United States Agency for International Development
5 that are not centrally controlled by the Department
6 of State shall be carried out with concurrence of the
7 Director.”.

8
9 (b) SENSE OF CONGRESS.—It is the sense of Congress that—

10
11 (1) the Secretary of State should make every effort to locate the Office to Monitor and Combat
12 Trafficking, established pursuant to section 105(e)
13 of the Trafficking Victims Protection Act of 2000
14 (as amended by subsection (a) of this section), at
15 the headquarters for the Department of State,
16 known as the Harry S. Truman Federal Building,
17 located in the District of Columbia; and

18
19 (2) the Office to Monitor and Combat Trafficking should be assigned office space in such building that reflects the importance of the implementation of such Act and the mission of the Office.

1 **SEC. 103. PREVENTION AND PROSECUTION OF TRAF-**
2 **FICKING IN FOREIGN COUNTRIES.**

3 (a) PREVENTION.—Section 106 of the Trafficking
4 Victims Protection Act of 2000 (22 U.S. C. 7104) is
5 amended by adding at the end the following new sub-
6 section:

7 “(i) ADDITIONAL MEASURES TO PREVENT AND
8 DETER TRAFFICKING.—The President shall establish and
9 carry out programs to prevent and deter trafficking in per-
10 sons. Such programs may include—

11 “(1) technical assistance and other support for
12 the capacity of foreign governments to investigate,
13 identify, and carry out inspections of private entities,
14 including labor recruitment centers, at which traf-
15 ficking victims may be exploited, particularly exploi-
16 tation involving forced and child labor;

17 “(2) technical assistance and other support for
18 foreign governments and nongovernmental organiza-
19 tions to provide immigrant populations with infor-
20 mation regarding the rights of such populations in
21 the foreign country and any information regarding
22 in-country nongovernmental organization-operated
23 hotlines of the type described in section
24 107(a)(1)(A) of this Act, with such information to
25 be provided in the native languages of the major im-
26 migrant groups of such populations;

1 shall be carried out in a manner which takes
2 into account the cross-border, regional, and
3 transnational aspects of trafficking in persons”;
4 and

5 (B) by adding at the end the following new
6 subparagraph:

7 “(F) In cooperation and coordination with
8 the United Nations High Commissioner for
9 Refugees, the International Organization of Mi-
10 gration, and other relevant organizations, sup-
11 port for increased protections for refugees and
12 internally displaced persons, including outreach
13 and education efforts to prevent such refugees
14 and internally displaced persons from being ex-
15 ploited by traffickers.”; and

16 (2) in paragraph (2), by adding at the end the
17 following new sentence: “In carrying out this para-
18 graph, the Secretary and the Administrator shall
19 take all appropriate steps to ensure that cooperative
20 efforts among foreign countries are undertaken on a
21 regional basis.”.

22 **SEC. 105. INCREASING EFFECTIVENESS OF ANTI-TRAF-**
23 **FICKING PROGRAMS.**

24 (a) FINDINGS.—Congress makes the following find-
25 ings:

1 (1) United States assistance programs require
2 enhanced monitoring and evaluation to ensure that
3 United States funds are appropriately spent.

4 (2) Such monitoring and evaluation should
5 measure results—the actual effects of assistance—as
6 well as outcomes—the numerical product of assist-
7 ance, such as individuals assisted, systems estab-
8 lished, and funds provided through programs.

9 (3) While the results of programs related to
10 trafficking in person may be difficult to measure be-
11 cause of the criminal and underground nature of
12 trafficking in persons, making efforts to measure
13 such results are critical to learning the extent to
14 which United States assistance programs evolve.

15 (b) AMENDMENT.—The Trafficking Victims Protec-
16 tion Act of 2000 (22 U.S.C. 7101 et seq.) is amended by
17 inserting after section 107 the following new section:

18 **“SEC. 107A. INCREASING EFFECTIVENESS OF ANTI-TRAF-**
19 **FICKING PROGRAMS.**

20 “(a) AWARDING OF GRANTS, COOPERATIVE AGREE-
21 MENTS, AND CONTRACTS.—The head of each department
22 and agency of the United States Government that admin-
23 isters funds made available for programs described in this
24 division and the amendments made by this division in the
25 United States and foreign countries shall—

1 “(1) make solicitations of grants, cooperative
2 agreements, and contracts for such programs pub-
3 licly available;

4 “(2) award grants, cooperative agreements, and
5 contracts on a full and open competitive basis, con-
6 sistent with existing law; and

7 “(3) ensure that internal department or agency
8 review process for such grants, cooperative agree-
9 ments, and contracts is not subject to ad hoc or
10 intermittent review by individuals or organizations
11 outside the United States Government not otherwise
12 provided for in the process described in paragraphs
13 (1) and (2).

14 “(b) EVALUATION OF TRAFFICKING PROGRAMS.—

15 “(1) IN GENERAL.—The President shall estab-
16 lish and implement a system to monitor and evaluate
17 the effectiveness and efficiency of assistance pro-
18 vided under anti-trafficking programs established
19 and carried out under this division and the amend-
20 ments made by this division on a program-by-pro-
21 gram basis in order to maximize the long-term sus-
22 tainable development impact of such assistance.

23 “(2) REQUIREMENTS.—In carrying out para-
24 graph (1), the President shall—

1 “(A) establish performance goals for as-
2 sistance described in paragraph (1) and express
3 such goals in an objective and quantifiable
4 form, to the extent practicable;

5 “(B) establish performance indicators to be
6 used in measuring and assessing the achieve-
7 ment of the performance goals described in sub-
8 paragraph (A); and

9 “(C) provide a basis for recommendations
10 for adjustments to assistance described in para-
11 graph (1) to enhance the impact of such assist-
12 ance.

13 “(c) TARGETED USE OF TRAFFICKING PROGRAMS.—
14 The Director of the Office to Monitor and Combat Traf-
15 ficking shall undertake efforts to provide assistance to for-
16 eign countries and nongovernmental organizations under
17 this division and the amendments made by this division
18 based on the priorities and country assessments contained
19 in the most recent report submitted by the Secretary of
20 State to Congress pursuant to section 110(b) of this Act.

21 “(d) AUTHORIZATION OF APPROPRIATIONS.—For
22 each of the fiscal years 2008 through 2011, up to 2 per-
23 cent of the amounts made available to carry out this divi-
24 sion and the amendments made by this division may be
25 used to carry out this section.”.

1 **SEC. 106. MINIMUM STANDARDS FOR THE ELIMINATION OF**
2 **TRAFFICKING.**

3 (a) **MINIMUM STANDARDS.**—Section 108 of the Traf-
4 ficking Victims Protection Act of 2000 (22 U.S.C. 7106)
5 is amended—

6 (1) in the matter preceding paragraph (1) of
7 subsection (a), by striking “a significant number
8 of”; and

9 (2) by adding at the end the following new sub-
10 section:

11 “(c) **RULE OF CONSTRUCTION.**—For purposes of
12 subsection (a), the minimum standards for the elimination
13 of trafficking shall not apply to the government of a coun-
14 try if the Secretary of State determines by credible evi-
15 dence that there is not a significant number of victims
16 that leave, enter, or transit the country, and the Secretary
17 describes the basis for such determination and an analysis
18 of any steps that the country has taken to reduce traf-
19 ficking in persons to such a level, if any, in the most recent
20 report submitted by the Secretary to Congress pursuant
21 to section 110(b) of this Act.”.

22 (b) **CRITERIA.**—Subsection (b) of such section is
23 amended—

24 (1) in paragraph (1)—

25 (A) in the first sentence, by inserting at
26 the end before the period the following: “, in-

1 including in all appropriate cases requiring incarceration of individuals convicted of such acts”;
2
3 and

4 (B) by inserting after the first sentence
5 the following new sentence: “For purposes of
6 the preceding sentence, suspended or significantly-reduced sentences for convictions of acts
7 of severe forms of trafficking in persons shall
8 not be considered to be an indicator of serious
9 and sustained efforts to eliminate severe forms
10 of trafficking in persons.”;

11 (2) in paragraph (2), by inserting at the end
12 before the period the following: “, including by providing training to law enforcement and immigration
13 officials in the identification and treatment of trafficking victims using approaches that focus on the
14 needs of the victims”;

15 (3) in paragraph (3), by striking “, measures to
16 reduce the demand for commercial sex acts and for participation in international sex tourism by nationals of the country” and inserting “, measures to establish the identity of local populations, including
17 birth registration, citizenship, and nationality”;

18 (4) by adding at the end the following new
19 paragraph:
20
21
22
23
24
25

1 “(11) Whether the government has made seri-
2 ous and sustained efforts to reduce the demand for
3 commercial sex acts and for participation in inter-
4 national sex tourism by nationals of the country.”.

5 **SEC. 107. ACTIONS AGAINST GOVERNMENTS FAILING TO**
6 **MEET MINIMUM STANDARDS.**

7 (a) COUNTRIES ON SPECIAL WATCH LIST RELATING
8 TO TRAFFICKING IN PERSONS FOR TWO CONSECUTIVE
9 YEARS.—Subsection (b)(3) of section 110 of the Traf-
10 ficking Victims Protection Act of 2000 (22 U.S.C. 7107)
11 is amended by adding the following at the end the fol-
12 lowing new subparagraph:

13 “(D) COUNTRIES ON SPECIAL WATCH LIST
14 FOR TWO CONSECUTIVE YEARS.—If a country is
15 included on the special watch list described in
16 subparagraph (A) for two consecutive years,
17 such country shall be included on the list of
18 countries described in paragraph (1)(C), unless
19 the Secretary of State provides to the appro-
20 priate congressional committees credible evi-
21 dence that (i) the country has a written plan to
22 begin making significant efforts to bring itself
23 into compliance with the minimum standards
24 for the elimination of trafficking, (ii) the plan,
25 if implemented, would constitute making such

1 significant efforts, and (iii) the country is de-
2 voting sufficient resources to implement the
3 plan. Such credible evidence shall be provided
4 as part of the report required by paragraph (1)
5 and the interim assessment required by sub-
6 paragraph (B).”.

7 (b) CLARIFICATION OF MEASURES AGAINST CERTAIN
8 FOREIGN COUNTRIES.—Subsection (d)(1)(A)(ii) of such
9 section is amended by striking “the United States will not
10 provide” and inserting “the United States will not provide
11 such assistance to the government of the country for the
12 subsequent fiscal year and will not provide”.

13 (c) TRANSLATION OF TRAFFICKING IN PERSONS RE-
14 PORT.—

15 (1) TRANSLATION REQUIRED.—The Secretary
16 of State shall expand the timely translation of the
17 annual report required under section 110(b) of the
18 Trafficking Victims Protection Act of 2000 (22
19 U.S.C. 7107(b)) into the principal languages of as
20 many countries as possible, with particular emphasis
21 on those countries on the lists described in subpara-
22 graphs (B) and (C) of paragraph (1) of such section
23 and shall ensure that such translations are made
24 available to the public, including through postings on
25 appropriate Internet websites.

1 (2) MATTERS TO BE INCLUDED.—The trans-
2 lation required by paragraph (1) shall include the in-
3 troduction, other sections of general interest, and
4 the relevant country narratives of the annual report.
5 The Secretary of State shall ensure that such trans-
6 lations are available on the Internet Web site of the
7 Department of State.

8 **SEC. 108. RESEARCH ON DOMESTIC AND INTERNATIONAL**
9 **TRAFFICKING IN PERSONS.**

10 (a) IN GENERAL.—Subsection (a)(5) of section 112A
11 of the Trafficking Victims Protection Act of 2000 (22
12 U.S.C. 7109a) is amended by adding at the end the fol-
13 lowing new sentence: “Such mechanism shall include, not
14 later than two years after the date of the enactment of
15 the William Wilberforce Trafficking Victims Protection
16 Reauthorization Act of 2007, the establishment of an inte-
17 grated data base by combining all applicable data collected
18 by each Federal department and agency represented on
19 the Interagency Task Force to Monitor and Combat Traf-
20 ficking (established under section 105 of this Act) and,
21 to the maximum extent practicable, applicable data from
22 relevant international organizations, for the purpose of un-
23 dertaking a meta-analysis of patterns of trafficking in per-
24 sons, slavery, and slave-like conditions.”.

1 (b) ROLE OF GOVERNMENT.—Subsection (b) of such
2 section is amended by inserting after “subsection (a)(4)”
3 the following: “and the second sentence of subsection
4 (a)(5)”.

5 **SEC. 109. PRESIDENTIAL AWARD FOR EXTRAORDINARY EF-**
6 **FORTS TO COMBAT TRAFFICKING IN PER-**
7 **SONS.**

8 The Trafficking Victims Protection Act of 2000 (22
9 U.S.C. 7101 et seq.) is amended by inserting after section
10 112A the following new section:

11 **“SEC. 112B. PRESIDENTIAL AWARD FOR EXTRAORDINARY**
12 **EFFORTS TO COMBAT TRAFFICKING IN PER-**
13 **SONS.**

14 “(a) ESTABLISHMENT OF AWARD.—The President is
15 authorized to establish an award for extraordinary efforts
16 engaged in outside the United States to combat trafficking
17 in persons, to be known as the ‘Presidential Award for
18 Extraordinary Efforts to Combat Trafficking in Persons’.
19 To the maximum extent practicable, the Secretary should
20 make the award annually to up to 5 individuals, including
21 individuals who are foreign nationals.

22 “(b) SELECTION.—The President shall establish pro-
23 cedures for selecting recipients of the award authorized
24 under subsection (a). The criteria for selecting recipients
25 of the award shall include whether the candidate risked

1 his or her physical safety during efforts to combat traf-
2 ficking in persons.

3 “(c) CEREMONY.—The President shall host an an-
4 nual ceremony for recipients of the award authorized
5 under subsection (a) at the time the report required by
6 section 110(b) of this Act is submitted by the Secretary
7 of State to Congress pursuant to such section. The Sec-
8 retary of State is authorized to pay the costs associated
9 with travel by each recipient to the ceremony.

10 “(d) AUTHORIZATION OF APPROPRIATIONS.—To
11 carry out this section, there are authorized to be appro-
12 priated such sums as may be necessary for each of the
13 fiscal years 2008 through 2011.”.

14 **SEC. 110. RESPONSIBILITIES OF CONSULAR OFFICERS OF**
15 **THE DEPARTMENT OF STATE.**

16 (a) INTERVIEWS.—

17 (1) IN GENERAL.—In the case of a consular
18 interview of an alien for an employment- or edu-
19 cation-based nonimmigrant visa, the consular officer
20 conducting the interview shall ensure that the alien
21 has information relating to the following, both orally
22 and through the pamphlet required under section
23 202:

24 (A) The illegality of slavery, peonage, traf-
25 ficking in persons, sexual assault, extortion,

1 blackmail and worker exploitation in the United
2 States, and the right of the alien to retain the
3 alien's passport in the alien's possession at all
4 times.

5 (B) The availability of services for victims
6 of human trafficking and worker exploitation in
7 the United States, including the contact infor-
8 mation for relevant community organizations
9 that provide services to trafficking victims (to
10 the extent practicable), the National Trafficking
11 in Persons and Worker Exploitation Task Force
12 complaint line, the Operation Rescue and Re-
13 store hotline, and a general description of the
14 types of victims services available if an indi-
15 vidual is subject to trafficking in persons.

16 (C) The legal rights of immigrant victims
17 of trafficking in persons, worker exploitation,
18 and other related crimes under immigration,
19 labor, and employment law, including the right
20 to report abuse without retaliation, the avail-
21 ability of immigration and public benefits to
22 such victims, and the right to seek redress in
23 United States courts.

1 (D) The requirements that section
2 202(g)(2) places upon persons engaging in for-
3 eign labor contracting activity.

4 (2) REVIEW.—Before conducting an interview
5 described in paragraph (1), the consular officer shall
6 review the summary of the pamphlet required under
7 section 202.

8 (3) DEFINITION.—In this subsection, the term
9 “employment- or education-based nonimmigrant
10 visa” has the meaning given such term in section
11 202(h).

12 (b) SPECIAL PROVISIONS RELATING TO ALIENS
13 ISSUED A-3 AND G-5 VISAS.—

14 (1) ELEMENTS OF MANDATORY INTERVIEW.—
15 The interview required under subsection (a) shall be
16 required for the issuance to an alien of a non-
17 immigrant visa under subparagraph (A)(iii) or
18 (G)(v) of section 101(a)(15) of the Immigration and
19 Nationality Act (8 U.S.C. 1101(a)(15)). The con-
20 sular officer conducting the interview shall ensure
21 that the employment contract of the alien is in a
22 language that the alien can understand.

23 (2) FEASIBILITY OF OVERSIGHT OF EMPLOYEES
24 OF DIPLOMATS AND REPRESENTATIVES OF OTHER
25 INSTITUTIONS.—Not later than 180 days after the

1 date of the enactment of this Act, the Secretary of
2 State shall submit to the Committee on Foreign Af-
3 fairs of the House of Representatives and the Com-
4 mittee on Foreign Relations of the Senate a report
5 on the feasibility of—

6 (A) establishing a system to monitor the
7 treatment of aliens who have been admitted to
8 the United States as nonimmigrants described
9 in subparagraph (A)(iii) or (G)(v) of section
10 101(a)(15) of the Immigration and Nationality
11 Act; and

12 (B) a range of compensation approaches,
13 such as a bond program, compensation fund, or
14 insurance scheme, to ensure that non-
15 immigrants described in subparagraph (A)(iii)
16 or (G)(v) of section 101(a)(15) of the Immigra-
17 tion and Nationality Act receive appropriate
18 compensation if their employer violates the
19 terms of their employment contract and, with
20 respect to each proposed compensation ap-
21 proach, an evaluation and proposal of how
22 claims of rights violations will be adjudicated,
23 compensation determinations will be made, and
24 the program, fund, or scheme will be adminis-
25 tered.

1 (3) ASSISTANCE TO LAW ENFORCEMENT INVES-
2 TIGATIONS.—The Secretary of State shall cooperate,
3 to the fullest extent possible consistent with the
4 United States obligations under the Vienna Conven-
5 tion on Diplomatic Relations, done at Vienna, April
6 18, 1961, (23 U.S.T. 3229), with any investigation
7 by United States law enforcement authorities of
8 crimes related to trafficking in persons, worker ex-
9 ploitation, or other related violations of United
10 States law with respect to an alien described in
11 paragraph (1).

12 (4) ZERO TOLERANCE FOR ABUSE.—

13 (A) LIMITATION.—The Secretary of State
14 shall direct consular officers not to issue a visa
15 to an alien who applies for a visa under sub-
16 paragraph (A)(iii) or (G)(v) of section
17 101(a)(15) of the Immigration and Nationality
18 Act if the person who would employ such an
19 alien serves at a diplomatic mission or an inter-
20 national institution described in subparagraph
21 (B) of this paragraph.

22 (B) MISSION OR INSTITUTION.—A diplo-
23 matic mission or international institution is re-
24 ferred to in subparagraph (A) if—

1 (i) the Secretary of State determines
2 that an alien described in paragraph (1)
3 has been subjected to trafficking of per-
4 sons, worker exploitation, or other related
5 violations of United States law, by an indi-
6 vidual serving at such a mission or institu-
7 tion during the two year period before the
8 date of the application for a visa referred
9 to in subparagraph (A); or

10 (ii) an individual serving at such a
11 mission or institution has departed the
12 United States because there is credible evi-
13 dence that such individual trafficked, ex-
14 ploited, or otherwise abused an alien de-
15 scribed in paragraph (1).

16 (C) EXCEPTION.—The Secretary of State
17 may suspend the application of the limitation
18 under subparagraph (A) if the Secretary deter-
19 mines and reports to the committees specified
20 in paragraph (2) that a mechanism is in place
21 to ensure that such trafficking, exploitation, or
22 abuse does not occur again with respect to any
23 alien employed by such mission or institution.

24 (5) REPORT.—Not later than June 1, 2008,
25 and annually thereafter, the Secretary of State shall

1 submit to the Committee on Foreign Affairs of the
2 House of Representatives and the Committee on
3 Foreign Relations of the Senate a report describing
4 the diplomatic missions or international institutions
5 that are subject to the visa restriction referred to in
6 subparagraph (A) of paragraph (4), any exceptions
7 that have been made pursuant to subparagraph (C)
8 of such paragraph (4), and any requests for waivers
9 of diplomatic immunity that have been made that
10 are related to actions involving trafficking of per-
11 sons, worker exploitation, or other related violations
12 of United States law.

13 **SEC. 111. REPORT ON ACTIVITIES OF THE DEPARTMENT OF**
14 **LABOR TO MONITOR AND COMBAT FORCED**
15 **LABOR AND CHILD LABOR.**

16 (a) INTERIM REPORT.—Not later than 120 days
17 after the date of the enactment of this Act, the Secretary
18 of Labor shall submit to the appropriate congressional
19 committees an interim report on the implementation of
20 section 105(b) of the Trafficking Victims Protection Reau-
21 thorization Act of 2005 (22 U.S.C. 7112(b)), which shall
22 include a description of the progress made toward devel-
23 oping the list of goods described in paragraph (2)(C) of
24 such section.

1 (b) FINAL REPORT; PUBLIC AVAILABILITY OF
2 LIST.—Not later than September 30, 2008, the Secretary
3 of Labor shall—

4 (1) submit to the appropriate congressional
5 committees a final report on the implementation of
6 section 105(b) of the Trafficking Victims Protection
7 Reauthorization Act of 2005, which shall include an
8 initial list of goods described in paragraph (2)(C) of
9 such section; and

10 (2) make available to the public such list of
11 goods in accordance with paragraph (2)(C) of such
12 section.

13 (c) APPROPRIATE CONGRESSIONAL COMMITTEES DE-
14 FINED.—In this section, the term “appropriate congres-
15 sional committees” has the meaning given the term in sec-
16 tion 103 of the Trafficking Victims Protection Act of 2000
17 (22 U.S.C. 7102).

18 **SEC. 112. SENSE OF CONGRESS REGARDING MULTILAT-**
19 **ERAL FRAMEWORK BETWEEN LABOR EX-**
20 **PORTING AND LABOR IMPORTING COUN-**
21 **TRIES.**

22 It is the sense of Congress that the Secretary of
23 State, in conjunction with the International Labor Organi-
24 zation, the United Nations Office of Drug and Crime Pre-
25 vention, and other relevant international and nongovern-

1 mental organizations, should seek to establish a multilat-
2 eral framework between labor exporting and labor import-
3 ing countries to ensure that workers migrating between
4 such countries are protected from trafficking in persons
5 and worker exploitation of any kind.

6 **TITLE II—COMBATTING TRAF-**
7 **FICKING IN PERSONS IN THE**
8 **UNITED STATES**

9 **Subtitle A—Ensuring Availability**
10 **of Possible Witnesses and In-**
11 **formants**

12 **SEC. 201. PROTECTING TRAFFICKING VICTIMS AGAINST RE-**
13 **TALIATION.**

14 (a) T VISAS.—Section 101(a)(15)(T) of the Immigra-
15 tion and Nationality Act (8 U.S.C. 1101(a)(15)(T)) is
16 amended—

17 (1) in clause (i)—

18 (A) in the matter preceding subclause (I),
19 by striking “jointly;” and inserting “jointly;”;

20 (B) in subclause (I), by striking the
21 comma at the end and inserting a semicolon;

22 (C) in subclause (II), by adding at the end
23 the following: “, including physical presence on
24 account of the alien having been allowed entry

1 into the United States for participation in in-
2 vestigative or judicial processes;”;

3 (D) in subclause (III)—

4 (i) in item (aa), by striking “or” at
5 the end;

6 (ii) in item (bb), by striking “, and”
7 at the end and inserting “; and”;

8 (iii) by redesignating item (bb) as
9 item (cc); and

10 (iv) by inserting after item (aa) the
11 following:

12 “(bb) in the Secretary’s sole and
13 unreviewable discretion, that the alien is un-
14 likely or unable to cooperate with such a re-
15 quest due to physical or psychological trauma;
16 or”; and

17 (E) in subclause (IV)—

18 (i) by striking “involving unusual and
19 severe harm”; and

20 (ii) by adding “and” at the end;

21 (2) in clause (ii)(II), by striking “alien;” and
22 inserting “alien and any parents or siblings of such
23 alien who establish a present danger of retaliation as
24 a result of the alien’s cooperation with law enforce-
25 ment;”; and

1 (3) by striking clause (iii).

2 (b) REQUIREMENTS FOR T VISA ISSUANCE.—Section
3 214(o) of the Immigration and Nationality Act (8 U.S.C.
4 1184(o)) is amended by adding at the end the following:

5 “(8)(A) If the Secretary of Homeland Security,
6 in the Secretary’s discretion and with the consulta-
7 tion of the Attorney General, determines that a traf-
8 ficking victim, due to psychological or physical trau-
9 ma, is unable to cooperate with a request for assist-
10 ance described in section 101(a)(15)(T)(i)(III)(aa),
11 the request is unreasonable.

12 “(B) In determining whether extreme hardship
13 described in section 101(a)(15)(T)(i)(IV) exists, the
14 Secretary of Homeland Security, in consultation
15 with investigators, prosecutors, and relevant individ-
16 uals responsible for working with victims and wit-
17 nesses shall consider whether the country to which
18 the alien is likely to be removed can adequately ad-
19 dress security concerns and the mental and physical
20 health needs of the alien and of persons described in
21 section 101(a)(15)(T)(ii).”.

22 (c) EXPANSION OF AUTHORITY TO PERMIT CONTIN-
23 UED PRESENCE IN THE UNITED STATES.—

1 (1) IN GENERAL.—Section 107(c)(3) of the
2 Trafficking Victims Protection Act (22 U.S.C.
3 7105(c)(3)) is amended to read as follows:

4 “(3) AUTHORITY TO PERMIT CONTINUED PRES-
5 ENCE IN THE UNITED STATES.—

6 “(A) TRAFFICKING VICTIMS.—

7 “(i) IN GENERAL.—Upon application
8 from law enforcement officials, the Sec-
9 retary of Homeland Security may permit
10 an alien’s continued presence in the United
11 States if—

12 “(I) after a prima facie assess-
13 ment, the Secretary determines that
14 such alien may be a victim of a severe
15 form of trafficking; and

16 “(II) the Secretary is notified by
17 such law enforcement officials that
18 such alien may be a potential witness
19 to such trafficking, in order to effec-
20 tuate prosecution of those responsible.

21 “(ii) SAFETY.—Federal law enforce-
22 ment officials described in clause (i), in in-
23 vestigating and prosecuting traffickers,
24 shall protect the safety of trafficking vic-
25 tims, including taking measures to protect

1 trafficked persons and their family mem-
2 bers from intimidation, threats of reprisals,
3 and reprisals from traffickers and their as-
4 sociates.

5 “(iii) CONTINUATION OF PRES-
6 ENCE.—The Secretary shall continue to
7 permit the continued presence of an alien
8 described in clause (i) if such alien has
9 filed a civil action under section 1595 of
10 title 18, United States Code, until such ac-
11 tion is concluded.

12 “(B) PAROLE FOR RELATIVES.—Pursuant
13 to section 240A(b)(6) of the Immigration and
14 Nationality Act (8 U.S.C. 1229b(b)(b)), as
15 added by section 205 of the William Wilberforce
16 Trafficking Victims Protection Reauthorization
17 Act of 2007, law enforcement officials may sub-
18 mit a written request to the Secretary of Home-
19 land Security to permit the parole into the
20 United States of certain relatives of an alien de-
21 scribed in subparagraph (A)(i).”.

22 (2) EFFECTIVE DATE.—The amendment made
23 by paragraph (1) shall take effect on the date of en-
24 actment of this Act and shall apply to requests for
25 continued presence filed pursuant to section

1 107(c)(3) of the Trafficking Victims Protection Act
2 (22 U.S.C. 7105(e)(3)) before, on, or after such
3 date, except that this paragraph does not permit the
4 application of section 107(c)(3)(A) of such Act, as
5 added by paragraph (1), to an alien who is not
6 present in the United States.

7 (d) ADJUSTMENT OF STATUS.—Section 245(l) of the
8 Immigration and Nationality Act (8 U.S.C. 1255(l)) is
9 amended—

10 (1) in paragraph (1)(B), by inserting “subject
11 to paragraph (6),” after “(B)”;

12 (2) in paragraph (1)(C)(ii), by striking “involv-
13 ing unusual and severe harm”; and

14 (3) by adding at the end the following new
15 paragraph—

16 “(6) For purposes of paragraph (1)(B), the Secretary
17 of Homeland Security, in the Secretary’s sole and
18 unreviewable discretion, may waive consideration of a dis-
19 qualification from good moral character (described in sec-
20 tion 101(f)) with respect to an alien if the disqualification
21 was caused by, or was incident to, the trafficking de-
22 scribed in section 101(a)(15)(T)(i)(I).”.

1 **SEC. 202. INFORMATION FOR WORK-BASED NON-**
2 **IMMIGRANTS ON LEGAL RIGHTS AND RE-**
3 **SOURCES.**

4 (a) IN GENERAL.—The Secretary of Homeland Secu-
5 rity, in consultation with the Secretary of State and the
6 Trafficking in Persons and Worker Exploitation Task
7 Force, shall develop an information pamphlet, as described
8 in subsection (b), on legal rights and resources for aliens
9 applying for employment- or education-based non-
10 immigrant visas, and shall distribute and make such pam-
11 phlet available as described in subsection (e). In preparing
12 the information pamphlet, the Secretary of Homeland Se-
13 curity shall consult with nongovernmental organizations
14 with expertise on the legal rights of workers and victims
15 of severe forms of trafficking in persons.

16 (b) INFORMATION PAMPHLET.—The information
17 pamphlet developed under subsection (a) shall include in-
18 formation on employment- or education-based non-
19 immigrant visas or on student or cultural exchanges, as
20 follows:

21 (1) The nonimmigrant visa application proc-
22 esses, including information about whether the par-
23 ticular employment- or education-based non-
24 immigrant visa program includes portability of em-
25 ployment or educational institution.

1 (2) The illegality of slavery, peonage, traf-
2 ficking in persons, sexual assault, extortion, black-
3 mail, and worker exploitation in the United States.

4 (3) Services for victims of severe forms of traf-
5 ficking in persons and worker exploitation in the
6 United States, including the Trafficking in Persons
7 and Worker Exploitation Task Force complaint line
8 and the Operation Rescue and Restore hotline.

9 (4) The legal rights of immigrant victims of
10 worker exploitation and other crimes in immigration,
11 criminal justice, family law, and other matters, in-
12 cluding the right of access to immigrant and labor
13 rights groups, the right to seek redress in United
14 States courts, and the right to report abuse without
15 retaliation.

16 (5) The requirements that subsection (g) places
17 upon a person engaging in foreign labor contracting
18 activity, including the disclosure of any debts.

19 (c) SUMMARIES.—The Secretary of Homeland Secu-
20 rity, in consultation with the Attorney General and the
21 Secretary of State, shall develop summaries of the infor-
22 mation pamphlet developed under subsection (a) that shall
23 be used by Federal officials when reviewing the pamphlet
24 in interviews required by section 110.

25 (d) TRANSLATION.—

1 (1) IN GENERAL.—In order to best serve the
2 language groups having the greatest concentration of
3 employment- or education-based nonimmigrant visas,
4 the information pamphlet developed under sub-
5 section (a) shall, subject to paragraph (2), be trans-
6 lated by the Secretary of State into foreign lan-
7 guages, including Russian, Spanish, Tagalog, Viet-
8 namese, Chinese, Ukrainian, Thai, Korean, Polish,
9 Japanese, French, Creole, Arabic, Portuguese,
10 Hindi, and such other languages as the Secretary of
11 State, in the Secretary’s discretion, may specify.

12 (2) REVISION.—Every 2 years, the Secretary of
13 Homeland Security, in consultation with the Attor-
14 ney General and the Secretary of State, shall deter-
15 mine at least 14 specific languages into which the
16 information pamphlet shall be translated based on
17 the languages spoken by the greatest concentrations
18 of employment- or education-based nonimmigrant
19 visas.

20 (e) AVAILABILITY AND DISTRIBUTION.—

21 (1) POSTING ON FEDERAL WEBSITES.—The in-
22 formation pamphlet developed under subsection (a)
23 shall be posted on the websites of the Department
24 of State and the Department of Homeland Security,
25 as well as on the websites of all United States con-

1 sular posts processing applications for nonimmigrant
2 visas.

3 (2) OTHER DISTRIBUTION.—The information
4 pamphlet developed under subsection (a) shall also
5 be made available to any foreign labor broker, gov-
6 ernment agency, or nongovernmental advocacy orga-
7 nization.

8 (f) DEADLINE FOR PAMPHLET DEVELOPMENT AND
9 DISTRIBUTION.—The information pamphlet developed
10 under subsection (a) shall be distributed and made avail-
11 able (including in the languages specified under subsection
12 (d)) not later than 120 days after the date of the enact-
13 ment of this Act.

14 (g) PROTECTIONS FOR WORKERS RECRUITED
15 ABROAD.—

16 (1) DEFINITIONS.—In this section—

17 (A) the term “foreign labor contractor”
18 means any person who for any money or other
19 consideration paid or promised to be paid, per-
20 forms any foreign labor contracting activity;

21 (B) the term “foreign labor contracting ac-
22 tivity” means recruiting, soliciting, hiring, em-
23 ploying, or furnishing, an individual who resides
24 outside of the United States to be employed in
25 the United States; and

1 (C) the term “worker” means an individual
2 who is the subject of foreign labor contracting
3 activity.

4 (2) DISCLOSURE.—Any person who engages in
5 foreign labor contracting activity shall ascertain and
6 disclose in writing, in English and in a language un-
7 derstood by the worker being recruited, to each
8 worker who is recruited for employment, at the time
9 of the worker’s recruitment, the following informa-
10 tion:

11 (A) The location and period of employ-
12 ment, and any travel or transportation expenses
13 to be assessed.

14 (B) The compensation for the employment
15 and any other employee benefit to be provided
16 and any costs to be charged for each benefit.

17 (C) A description of employment require-
18 ments and activities.

19 (D) The existence of any labor organizing
20 effort, strike, lockout, or other labor dispute at
21 the place of employment.

22 (E) The existence of any arrangement with
23 any person involving the receipt of a commis-
24 sion or any other benefit for the provision of
25 items or services to workers.

1 (F) The extent to which workers will be
2 compensated through workers' compensation,
3 private insurance, or other means for injuries or
4 death.

5 (G) Any education or training to be pro-
6 vided or required, including the nature and cost
7 of such training and the person who will pay
8 such costs, and whether the training is a condi-
9 tion of employment, continued employment, or
10 future employment.

11 (3) RESTRICTION.—No foreign labor contractor
12 or employer who engages in foreign labor con-
13 tracting activity shall knowingly provide materially
14 false or misleading information to any worker con-
15 cerning any matter required to be disclosed under
16 paragraph (2). The disclosure required by this sec-
17 tion is a document concerning the proper adminis-
18 tration of a matter within the jurisdiction of a de-
19 partment or agency of the United States for the pur-
20 poses of section 1519 of title 18, United States
21 Code.

22 (4) REGISTRATION.—

23 (A) IN GENERAL.—Before engaging in any
24 foreign labor contracting activity, any person
25 who is a foreign labor contractor shall obtain a

1 certificate of registration from the Secretary of
2 Labor specifying the activities that such person
3 is authorized to perform.

4 (B) ISSUANCE.—The Secretary shall promulgate
5 regulations to establish an efficient
6 electronic process for the investigation and ap-
7 proval of an application for a certificate of reg-
8 istration of foreign labor contractors not later
9 than 14 days after such application is filed,
10 including—

11 (i) requirements under paragraphs
12 (1), (4), and (5) of section 102 of the Mi-
13 grant and Seasonal Agricultural Worker
14 Protection Act (29 U.S.C. 1812);

15 (ii) an expeditious means to update
16 registrations and renew certificates; and

17 (iii) any other requirements that the
18 Secretary may prescribe.

19 (C) TERM OF REGISTRATION.—Unless sus-
20 pended or revoked, a certificate under this sub-
21 paragraph shall be valid for 2 years.

22 (D) REFUSAL TO ISSUE; REVOCATION.—In
23 accordance with regulations promulgated by the
24 Secretary of Labor, the Secretary shall refuse
25 to issue or renew, or shall revoke, after notice

1 and an opportunity for a hearing, a certificate
2 of registration under this subparagraph if—

3 (i) the applicant for, or holder of, the
4 certification has knowingly made a mate-
5 rial misrepresentation in the application
6 for such certificate;

7 (ii) the applicant for, or holder of, the
8 certification is not the real party in inter-
9 est in the application or certificate of reg-
10 istration and the real party in interest—

11 (I) is a person who has been re-
12 fused issuance or renewal of a certifi-
13 cate;

14 (II) has had a certificate revoked;
15 or

16 (III) does not qualify for a cer-
17 tificate under this paragraph; or

18 (iii) the applicant for, or holder of, the
19 certification has failed to comply with this
20 Act.

21 (E) COMPLAINTS AND INVESTIGATIONS.—
22 The Secretary of Labor shall establish a process
23 for the receipt, investigation, and disposition of
24 complaints respecting a foreign labor contrac-
25 tor's compliance with this Act. Complaints may

1 be filed by any aggrieved person or organization
2 (including bargaining representatives). No in-
3 vestigation or hearing shall be conducted on a
4 complaint concerning a violation of this Act un-
5 less the complaint was filed not later than 12
6 months after the date of the violation. The Sec-
7 retary shall conduct an investigation under this
8 paragraph if there is reasonable cause to believe
9 that such a violation occurred.

10 (F) MAINTENANCE OF LISTS.—

11 (i) IN GENERAL.—The Secretary shall
12 maintain a list of all foreign labor contrac-
13 tors registered under this Act; and

14 (ii) PUBLIC AVAILABILITY.—The Sec-
15 retary shall make the list described in
16 clause (i) publicly available, including
17 through publication on the Internet.

18 (G) RE-REGISTRATION OF VIOLATORS.—

19 The Secretary shall provide a procedure by
20 which a foreign labor contractor that has had
21 its registration revoked may seek to re-register
22 under this paragraph by demonstrating to the
23 Secretary's satisfaction that the foreign labor
24 contractor has not violated this section in the
25 previous 5 years.

1 (5) AMENDMENT TO IMMIGRATION AND NA-
2 TIONALITY ACT.—Section 214 of the Immigration
3 and Nationality Act is amended by adding at the
4 end the following:

5 “(s) A visa shall not be issued under the subpara-
6 graph (A)(iii), (G)(v), (H), (J), (L), (Q), or (R) of section
7 101(a)(15) until the consular officer—

8 “(1) has provided to and reviewed with the ap-
9 plicant, in the applicant’s language (or a language
10 the applicant understands), a copy of the informa-
11 tion and resources pamphlet required by section 202
12 of the William Wilberforce Trafficking Victims Pro-
13 tection Reauthorization Act of 2007; and

14 “(2) has reviewed and made a part of the visa
15 file the foreign labor recruiter disclosures required
16 by such section 202.”.

17 (6) ENFORCEMENT PROVISIONS.—

18 (A) ADMINISTRATIVE ENFORCEMENT.—
19 The Secretary of Labor may impose, for know-
20 ingly or recklessly failing to comply with the re-
21 quirements of this section—

22 (i) a fine in an amount not more than
23 \$4,000 per affected worker; and

24 (ii) upon the occasion of a third of-
25 fense or failure to comply with representa-

1 tions, a fine of not more than \$10,000 per
2 affected worker.

3 (B) CIVIL ACTION.—

4 (i) IN GENERAL.—The Secretary of
5 Labor may bring a civil action in any court
6 of competent jurisdiction—

7 (I) to seek remedial action, in-
8 cluding injunctive relief;

9 (II) to recover damages suffered
10 by any worker harmed by such a vio-
11 lation, which shall include wages
12 owed, and any debts incurred or fees
13 paid by such worker, to any person, in
14 reliance on the representations of the
15 defendant or agents of the defendants;
16 and

17 (III) to ensure compliance with
18 requirements of this section.

19 (ii) SUMS RECOVERED.—Any sums re-
20 covered by the Secretary on behalf of an
21 employee under clause (i) shall be held in
22 a special deposit account and shall be paid,
23 on order of the Secretary, directly to each
24 employee affected. Any such sums not paid
25 to an employee because of inability to do

1 so within a period of 3 years shall be cred-
2 ited as an offsetting collection to the ap-
3 propriations account of the Secretary of
4 Labor for expenses for the administration
5 of this section and shall remain available
6 to the Secretary until expended.

7 (iii) REPRESENTATION.—Except as
8 provided in section 518(a) of title 28,
9 United States Code, the Solicitor of Labor
10 may appear for and represent the Sec-
11 retary of Labor in any civil litigation
12 brought under this subsection. All such
13 litigation shall be subject to the direction
14 and control of the Attorney General.

15 (C) AGENCY LIABILITY.—An employer who
16 retains the services of a foreign labor contractor
17 shall only use those foreign labor contractors
18 who are registered under paragraph (4). An
19 employer who uses a foreign labor contractor
20 who is not registered under paragraph (4), or
21 who uses a foreign labor contractor knowing or
22 in reckless disregard that such contractor has
23 violated any provision of this section, shall be
24 subject to paragraph (5) for violations com-
25 mitted by such foreign labor contractor to the

1 same extent as if the employer had committed
2 the violation.

3 (h) DEFINITIONS.—In this section:

4 (1) EMPLOYMENT- OR EDUCATION-BASED NON-
5 IMMIGRANT VISA.—The term “employment- or edu-
6 cation-based nonimmigrant visa” means a non-
7 immigrant visa issued for the purpose of employ-
8 ment, education, or training in the United States,
9 including a visas issued under subparagraph (A)(iii),
10 (G)(v), (H), (J), (L), (Q), or (R) of section
11 101(a)(15) of the Immigration and Nationality Act
12 (8 U.S.C. 1101(a)(15)).

13 (2) SEVERE FORMS OF TRAFFICKING IN PER-
14 SONS.—The term “severe forms of trafficking in
15 persons” has the meaning given the term in section
16 103 of the Trafficking Victims Protection Act of
17 2000 (22 U.S.C. 7102).

18 **SEC. 203. CLARIFICATION OF ROLES OF SECRETARY OF**
19 **HOMELAND SECURITY AND ATTORNEY GEN-**
20 **ERAL.**

21 (a) T VISA CLASSIFICATION.—Section
22 101(a)(15)(T)(i) of the Immigration and Nationality Act
23 (8 U.S.C. 1101(a)(15)(T)(i)), as amended by section
24 201(a), is further amended by striking “, or in the case

1 of subclause (III)(aa) the Secretary of Homeland Security
2 and the Attorney General jointly,”.

3 (b) ADJUSTMENT OF STATUS FOR VICTIMS OF TRAF-
4 FICKING.—Section 245(l)(1) of the Immigration and Na-
5 tionality Act (8 U.S.C. 1255(l)(1)) is amended—

6 (1) in the matter preceding subparagraph (A),
7 by striking “, or in the case of subparagraph (C)(i),
8 the Attorney General,”;

9 (2) in subparagraph (A), by striking “Attorney
10 General,” and inserting “Secretary of Homeland Se-
11 curity,”; and

12 (3) in subparagraph (C)(ii), by striking “, or in
13 the case of subparagraph (C)(i), the Attorney Gen-
14 eral,”.

15 (c) ADJUSTMENT OF STATUS FOR CRIME VICTIMS.—
16 Section 245(m)(1) of the Immigration and Nationality Act
17 (8 U.S.C. 1255(m)(1)) is amended, in the matter pre-
18 ceding subparagraph (A), by striking “unless the Attorney
19 General” and inserting “unless the Secretary”.

20 **SEC. 204. RELIEF FOR CERTAIN VICTIMS PENDING AC-**
21 **TIONS ON PETITIONS AND APPLICATIONS**
22 **FOR RELIEF.**

23 Section 237 of the Immigration and Nationality Act
24 (8 U.S.C. 1227) is amended by adding at the end the fol-
25 lowing:

1 “(d)(1) In the case of an alien in the United States
2 for whom an application for nonimmigrant status (wheth-
3 er as a principal alien or a derivative relative) under sec-
4 tion 101(a)(15)(T) has been filed, if the application sets
5 forth a prima facie case for approval, the Secretary of
6 Homeland Security may grant the alien a stay of removal
7 or deportation until the application is approved or the ap-
8 plication is denied after exhaustion of administrative ap-
9 peals. Any appeal of the denial of a stay of removal or
10 deportation under this paragraph must accompany any
11 appeal of the underlying substantive petition or applica-
12 tion for benefits.

13 “(2) During a period in which an alien is provided
14 a stay of removal under this subsection, the alien shall
15 not be removed or deported.

16 “(3) Nothing in this subsection shall be construed as
17 limiting the authority of the Secretary of Homeland Secu-
18 rity to grant a stay of removal or deportation in any case
19 not described in this subsection.”.

20 **SEC. 205. PAROLE FOR DERIVATIVES OF TRAFFICKING VIC-**
21 **TIMS.**

22 Section 240A(b) of the Immigration and Nationality
23 Act (8 U.S.C. 1229b(b)) is amended by adding at the end
24 the following:

25 “(6) RELATIVES OF TRAFFICKING VICTIMS.—

1 “(A) IN GENERAL.—Upon written request
2 by a law enforcement official, the Secretary of
3 Homeland Security shall grant parole under
4 section 212(d)(5) to any alien who is a relative
5 of an alien granted continued presence pursu-
6 ant to section 107(c)(3)(A) of the Trafficking
7 Victims Protection Act (22 U.S.C.
8 7105(c)(3)(A)), if the relative was, on the date
9 on which law enforcement applied for such con-
10 tinued presence—

11 “(i) in the case of an alien granted
12 continued presence who is under 21 years
13 of age, the spouse, child, parent, or unmar-
14 ried sibling under 18 years of age, of the
15 alien; or

16 “(ii) in the case of an alien granted
17 continued presence who is 21 years of age
18 or older, the spouse or child of the alien,
19 or a parent or sibling of the alien who es-
20 tablishes a present danger of retaliation as
21 a result of the alien’s cooperation with law
22 enforcement.

23 “(B) DURATION OF PAROLE.—

24 “(i) IN GENERAL.—The grant of pa-
25 role under subparagraph (A) shall extend

1 until the date an application filed by the
2 principal alien under section
3 101(a)(15)(T)(ii) has been finally adju-
4 dicated.

5 “(ii) OTHER LIMITS ON DURATION.—
6 If no such application is filed, the grant of
7 parole shall extend until the later of—

8 “(I) the date on which the prin-
9 cipal alien’s continued presence in the
10 United States under section
11 107(c)(3)(A) of the Trafficking Vic-
12 tims Protection Act (22 U.S.C.
13 7105(c)(3)(A)) is terminated; or

14 “(II) the date on which a civil ac-
15 tion filed by the principal alien under
16 section 1595 of title 18, United States
17 Code, is concluded.

18 “(iii) DUE DILIGENCE.—Failure by
19 the principal alien to exercise due diligence
20 in filing a visa petition on behalf of an
21 alien described in clause (i) or (ii) of sub-
22 paragraph (A) may result in revocation of
23 parole.”.

1 **SEC. 206. IMPLEMENTATION OF TRAFFICKING VICTIMS**
2 **PROTECTION REAUTHORIZATION ACT OF**
3 **2005.**

4 Not later than 120 days after the date of the enact-
5 ment of this Act, the Secretary of Homeland Security shall
6 issue interim regulations regarding the adjustment of sta-
7 tus to permanent residence for nonimmigrants admitted
8 into the United States under section 101(a)(15)(T) of the
9 Immigration and Nationality Act (8 U.S.C.
10 1101(a)(15)(T)). If the regulations are not issued before
11 such deadline, the Secretary shall submit a report explain-
12 ing in detail the reasons such regulations have not been
13 issued to the Committee on Foreign Affairs and the Com-
14 mittee on the Judiciary of the House of Representatives
15 and the Committee on Foreign Relations and the Com-
16 mittee on the Judiciary of the Senate.

17 **Subtitle B—Assistance for**
18 **Trafficking Victims**

19 **SEC. 211. VICTIM OF TRAFFICKING CERTIFICATION PROC-**
20 **ESS.**

21 Subsection 107(b)(1)(E) of the Trafficking Victims
22 Protection Act of 2000 (22 U.S.C. 7105(b)(1)(E)), is
23 amended—

24 (1) in clause (i)—

25 (A) in the matter preceding subclause (I),
26 by striking “consultation” and all that follows

1 through “person” and inserting “consultation
2 with the Attorney General or the Secretary of
3 Homeland Security, that the person”; and

4 (B) in subclause (II)(bb), by striking
5 “United States” and all that follows through
6 “ensuring” and inserting “United States the
7 Secretary of Homeland Security is ensuring”;
8 and

9 (2) in clause (ii), by striking “so long as” and
10 all that follows through “determines” and inserting
11 “so long as the Secretary of Homeland Security de-
12 termines”.

13 **SEC. 212. ASSISTANCE FOR CERTAIN VISA APPLICANTS.**

14 (a) IN GENERAL.—Section 431(c) of the Personal
15 Responsibility and Work Opportunity Reconciliation Act
16 of 1996 (8 U.S.C. 1641(c)) is amended—

17 (1) by striking “or” at the end of paragraph

18 (2)(B);

19 (2) by striking the period at the end of para-
20 graph (3)(B) and inserting “or;” and

21 (3) by adding at the end the following:

22 “(4) an alien who has applied for and not been
23 denied, or who holds, status as a nonimmigrant
24 under clause (i) or (ii) of section 101(a)(15)(T) of
25 the Immigration and Nationality Act.”.

1 (b) CONSTRUCTION.—The provisions of section
2 431(e)(4) of the Personal Responsibility and Work Oppor-
3 tunity Reconciliation Act of 1996 (8 U.S.C. 1641(c)(4)),
4 as added by subsection (a), are in addition to the access
5 to public benefits provided in the Trafficking Victims Pro-
6 tection Act of 2000 and the Trafficking Victims Reauthor-
7 ization Act of 2003.

8 (c) EFFECTIVE DATE.—The amendments made by
9 subsection (a) apply to applications for public benefits and
10 public benefits provided on or after the date of the enact-
11 ment of this Act without regard to whether regulations
12 to carry out such amendments are implemented.

13 **SEC. 213. INTERIM ASSISTANCE FOR CHILD VICTIMS OF**
14 **TRAFFICKING.**

15 (a) IN GENERAL.—Subsection (b)(1) of section 107
16 of the Trafficking Victims Protection Act of 2000 (22
17 U.S.C. 7105) is amended by adding at the end the fol-
18 lowing new subparagraphs:

19 “(F) ELIGIBILITY OF INTERIM ASSISTANCE
20 FOR CHILD VICTIMS.—

21 “(i) DETERMINATION.—With respect
22 to a person referred to in subparagraph
23 (C)(ii)(I) who is seeking assistance under
24 this paragraph, if credible information is
25 presented on behalf of the person that the

1 person has been subjected to a severe form
2 of trafficking in persons, the Secretary of
3 Health and Human Services shall promptly
4 make a determination of the person's eligi-
5 bility under this paragraph.

6 “(ii) EXCLUSIVE AUTHORITY.—The
7 Secretary of Health and Human Services
8 shall have exclusive authority in making
9 determinations of edibility under clause (i).

10 “(iii) DURATION.—Assistance pro-
11 vided under this paragraph for an indi-
12 vidual determined to be eligible under
13 clause (i) may be provided for up to 90
14 days and may be extended for an addi-
15 tional 30 days.

16 “(iv) SENSE OF CONGRESS.—It is the
17 sense of Congress that—

18 “(I) to ensure the best interests
19 of the child and to create an increased
20 chance of cooperation by child victims
21 of severe forms of trafficking in per-
22 sons, the United States Government
23 should provide assistance to protect
24 and care for such child victims during
25 the pendency of proceedings to deter-

1 mine whether a child is a victim of se-
2 vere forms of trafficking; and

3 “(II) in order to further the ob-
4 jective of subclause (I), the Secretary
5 of Health and Human Services should
6 make the determination of eligibility
7 for assistance under clause (i) on the
8 basis of the information provided and
9 the Secretary’s own assessment of
10 such information without regard to
11 the assessments by other departments
12 and agencies of the United States
13 Government regarding whether such
14 child victim’s application for relief or
15 benefits under this Act or the Immi-
16 gration and Nationality Act will be
17 approved.

18 “(G) NOTIFICATION OF CHILD VICTIMS
19 FOR INTERIM ASSISTANCE.—

20 “(i) FEDERAL OFFICIALS.—Any Fed-
21 eral official who has reason to believe that
22 a person may be a juvenile victim of traf-
23 ficking referred to in subparagraph
24 (C)(ii)(I) shall notify the Secretary of
25 Health and Human Services not later than

1 48 hours after the official first learns that
2 the person may be a juvenile victim of traf-
3 ficking for the purpose of facilitating the
4 provision of interim assistance under sub-
5 paragraph (F).

6 “(ii) STATE AND LOCAL OFFICIALS.—
7 Any State or local official who has reason
8 to believe that a person may be a juvenile
9 victim of trafficking referred to in subpara-
10 graph (C)(ii)(I) shall notify the Secretary
11 of Health and Human Services not later
12 than 72 hours after the official first learns
13 that the person may be a juvenile victim of
14 trafficking for the purpose of facilitating
15 the provision of interim assistance under
16 subparagraph (F).”.

17 (b) TRAINING OF GOVERNMENT PERSONNEL.—Sub-
18 section (c)(4) of such section is amended—

19 (1) by striking “and the Department of Jus-
20 tice” and inserting “, the Department of Homeland
21 Security, and the Department of Health and Human
22 Services”;

23 (2) by inserting before the period at the end the
24 following: “, including the identification of juvenile
25 victims of trafficking”; and

1 (3) by adding at the end the following new sen-
2 tence: “The Attorney General and the Secretary of
3 Heath and Human Services shall provide education
4 and guidance to State and local officials on the iden-
5 tification of aliens who are the victims of severe
6 forms of trafficking, and in particular child victims
7 of trafficking, including education and guidance on
8 the requirements of subsection (b)(1)(G)(ii).”.

9 **SEC. 214. ENSURING ASSISTANCE FOR ALL VICTIMS OF**
10 **TRAFFICKING IN PERSONS.**

11 (a) AMENDMENTS TO THE TRAFFICKING VICTIMS
12 PROTECTION ACT OF 2000.—

13 (1) ASSISTANCE FOR UNITED STATES CITI-
14 ZENS.—Section 107 of the Trafficking Victims Pro-
15 tection Act of 2000 (22 U.S.C. 7105) is amended by
16 adding at the end the following:

17 “(h) ASSISTANCE FOR UNITED STATES CITIZENS.—

18 “(1) IN GENERAL.—The Secretary of Health
19 and Human Services and the Attorney General, in
20 consultation with the Secretary of State and the
21 Secretary of Labor, are authorized to establish a
22 program to provide assistance to United States citi-
23 zens who are victims of severe forms of trafficking.
24 In determining the types of assistance that would be
25 most beneficial for such victims, the Secretary of

1 Health and Human Services and the Attorney Gen-
2 eral shall consult with nongovernmental organiza-
3 tions that provide services to victims of severe forms
4 of trafficking in the United States.

5 “(2) USE OF EXISTING PROGRAMS.—In addi-
6 tion to such other specialized services as may be re-
7 quired for victims described in paragraph (1), the
8 program established pursuant to paragraph (1) shall
9 facilitate communication and coordination between
10 the providers of assistance to such victims, and pro-
11 vide a means of identifying such providers and mak-
12 ing referrals to programs for which such victims are
13 already eligible (including programs administered by
14 the Department of Justice and the Department of
15 Health and Human Services).

16 “(3) GRANTS.—The Secretary of Health and
17 Human Services and the Attorney General may
18 make grants to States, Indian tribes, units of local
19 government, and non-profit, nongovernmental vic-
20 tims’ service organizations to develop, expand, and
21 strengthen victim service programs authorized under
22 this subsection. The Federal share of a grant made
23 under this subsection may not exceed 75 percent of
24 the total costs of the projects described in the appli-
25 cation submitted.”.

1 (2) AUTHORIZATION OF APPROPRIATIONS.—
2 Section 113 of such Act (22 U.S.C. 7110) is
3 amended—

4 (A) in subsection (b), by adding at the end
5 the following new sentence: “To carry out the
6 purposes of section 107(h), there are authorized
7 to be appropriated to the Secretary of Health
8 and Human Services \$2,500,000 for fiscal year
9 2008, \$5,000,000 for fiscal year 2009,
10 \$10,000,000 for fiscal year 2010, and
11 \$15,000,000 for fiscal year 2011.”; and

12 (B) in subsection (d), by adding at the end
13 the following new sentence: “To carry out the
14 purposes of section 107(h), there are authorized
15 to be appropriated to the Attorney General
16 \$2,500,000 for fiscal year 2008, \$5,000,000
17 for fiscal year 2009, \$10,000,000 for fiscal year
18 2010, and \$15,000,000 for fiscal year 2011.”.

19 (b) ASSISTANCE FOR POTENTIAL VICTIMS OF TRAF-
20 FICKING AND RELATED CRIMES.—

21 (1) VICTIMS OF CRIMES ACT.—The Attorney
22 General is authorized to use funds available under
23 the Victims of Crimes Act of 1984 to provide assist-
24 ance to persons victimized in cases brought under
25 chapter 117 of title 18, United States Code.

1 (2) USE OF EXISTING PROGRAMS.—The Presi-
2 dent is authorized to facilitate communication and
3 coordination between the providers of assistance to
4 persons victimized in cases brought under chapter
5 117 of title 18, United States Code, and to provide
6 a means of identifying such providers and making
7 referrals to programs for which such victims are al-
8 ready eligible (including programs administered by
9 the Department of Justice and the Department of
10 Health and Human Services).

11 (3) EFFECT ON OTHER PROGRAMS.—Nothing
12 in this section or the amendments made by this sec-
13 tion shall derogate from the programs for victims of
14 sexual abuse or commercial sexual exploitation or
15 survivors of sexual abuse or commercial sexual ex-
16 ploitation authorized by section 202 of the Traf-
17 ficking Victims Protection Reauthorization of 2005.

18 (c) PARTNERSHIPS AMONG ORGANIZATIONS.—Begin-
19 ning not later than 120 days after the date of the enact-
20 ment of this Act, all applications for grants made by the
21 Attorney General or the Secretary of Health and Human
22 Services to States, Indian tribes, units of local govern-
23 ment, and nonprofit, nongovernmental victims' service or-
24 ganizations to establish or maintain assistance programs
25 for victims of severe forms of trafficking in persons or sex

1 trafficking that occurs, in whole or in part, within the ter-
2 ritorial jurisdiction of the United States shall include a
3 statement by the applicant of whether the services will be
4 available to both United States citizens and foreign traf-
5 ficking victims, or if the applicant intends to specialize in
6 serving a particular victim population, what referral meeh-
7 anisms or collaborative relationships they will undertake
8 to ensure that all victims are assisted regardless of
9 alienage. The statement required by this section will not
10 be used to make a determination regarding the award of
11 the grant.

12 (d) STUDY.—

13 (1) REQUIREMENT.—Not later than one year
14 after the date of the enactment of this Act, the At-
15 torney General and the Secretary of Health and
16 Human Services shall submit to the appropriate con-
17 gressional committees a report identifying the exist-
18 ence or extent of any service gap between foreign
19 and United States citizen victims of severe forms of
20 trafficking and victims of sex trafficking, as defined
21 in section 103 of the Trafficking Victims Protection
22 Act of 2000.

23 (2) ELEMENTS.—In carrying out the study
24 under subparagraph (1), the Attorney General and
25 Secretary of Health and Human Services shall—

1 (A) investigate factors relating to the legal
2 ability of foreign and United States citizen vic-
3 tims of trafficking to access government-funded
4 social services in general, including the applica-
5 tion of the Personal Responsibility and Work
6 Opportunity Reconciliation Act of 1996 (8
7 U.S.C. 1641(c)(5)) and the Illegal Immigration
8 and Immigrant Responsibility Act of 1996 (di-
9 vision C of Public Law 104–208; 110 Stat.
10 3009 et seq.);

11 (B) investigate any other impediments to
12 the access of foreign and United States citizen
13 victims of trafficking to government-funded so-
14 cial services in general;

15 (C) investigate any impediments to the ac-
16 cess of foreign and United States citizen victims
17 of trafficking to government-funded services
18 targeted to victims of severe forms of traf-
19 ficking and victims of sex trafficking;

20 (D) investigate the effect of trafficking
21 service-provider infrastructure development,
22 continuity of care, and availability of case-
23 workers on the eventual restoration and reha-
24 bilitation of foreign and United States citizen
25 victims of trafficking; and

1 (E) include findings, best practices, and
2 recommendations based on the study of the ele-
3 ments in subparagraphs (A) through (D) and
4 any other related information.

5 **Subtitle C—Penalties Against**
6 **Traffickers and Other Crimes**

7 **SEC. 221. ENHANCING TRAFFICKING AND OTHER RELATED**
8 **OFFENSES.**

9 (a) CLARIFYING AMENDMENT.—Section 1591(a) of
10 title 18, United States Code, is amended—

11 (1) by striking “that the person has not at-
12 tained the age of 18 years and” and inserting “that
13 the person (being a person who has not attained the
14 age of 18 years)”; and

15 (2) by inserting at the end “In a prosecution
16 under this subsection, the Government need not
17 prove that the defendant knew that the person had
18 not attained the age of 18 years.”.

19 (b) COMPELLED SERVICE.—

20 (1) IN GENERAL.—Section 1592 of title 18,
21 United States Code, is amended to read as follows:

22 **“§ 1592. Unlawful compelled service**

23 “(a) GENERALLY.—Whoever knowingly, with intent
24 to obtain or maintain the labor or services of a person

1 or to obtain or maintain a person for use in a commercial
2 sex act (as defined in section 1591)—

3 “(1) destroys, conceals, removes, confiscates, or
4 possesses any actual or purported passport or other
5 immigration document, or any other actual or pur-
6 ported government identification document, of an-
7 other person to prevent or restrict or to attempt to
8 prevent or restrict, without lawful authority, the per-
9 sons ability to move or travel;

10 “(2) improperly uses a position of real or ap-
11 parent governmental authority;

12 “(3) asserts as fact, exposes, or threatens to ex-
13 pose, a matter, whether true or false, tending to
14 subject some person to hatred, contempt or ridicule;
15 or

16 “(4) exposes any person to bankruptcy or other
17 financial harm,

18 shall be punished as provided in subsection (b).

19 “(b) PUNISHMENT.—A violator of subsection (a)
20 shall—

21 “(1) if the offense involved a violation of sub-
22 section (a)(1) or (2), or a violation of subsection
23 (a)(3) in which bodily injury, incarceration, or de-
24 portation occurred as a result of the blackmail, be

1 fined under this title or imprisoned not more than
2 5 years, or both;

3 “(2) if the offense involved a violation of sub-
4 section (a)(3) not resulting in bodily injury or incar-
5 ceration, or a violation of subsection (a)(4) in which
6 bankruptcy or financial harm occurred and the loss
7 of at least one person was over ten thousand dollars,
8 be fined under this title or imprisoned not more
9 than 3 years, or both; and

10 “(3) in any other case, be fined under title 18,
11 United States Code, or imprisoned not more than
12 one year, or both.

13 “(c) DEFINITION.—For purposes of this paragraph,
14 ‘financial harm’ includes the factors set forth in section
15 892(b) of this title, and fees charged for foreign labor con-
16 tracting activity, as defined in section 202(g) of the Wil-
17 liam Wilberforce Trafficking Reauthorization Act of 2007,
18 that are not reasonably related to services provided to the
19 foreign worker.”.

20 (2) CLERICAL AMENDMENT.—The item relating
21 to section 1592 in the table of sections at the begin-
22 ning of chapter 77 of title 18, United States Code,
23 is amended to read as follows:

“1592.Unlawful compelled service.”.

1 (c) RESTITUTION OF FORFEITED ASSETS.—(1) Sec-
2 tion 1593(b) of title 18, United States Code, is amended
3 by inserting at the end the following:

4 “(4) The distribution of proceeds among multiple vic-
5 tims in an order of restitution under this section shall gov-
6 ern the distribution of forfeited funds through the proc-
7 esses of remission or restoration under this section or any
8 other statute that explicitly authorizes restoration or re-
9 mission of forfeited property.”

10 (2) Section 1594 of title 18, United States Code, is
11 amended—

12 (A) in subsection (b), by striking “The court,”
13 and inserting “Subject to remission or restoration,
14 the court,”; and

15 (B) in subsection (c), by adding at the end the
16 following:

17 “(3) The Attorney General shall grant restoration or
18 remission of property to victims of a offense under this
19 chapter that result in forfeiture under this section or
20 under any other statute that explicitly authorizes restora-
21 tion or remission of forfeited property.

22 “(4) In a prosecution brought under any other provi-
23 sion of Federal law, the Attorney General may grant res-
24 toration or remission of property to victims of severe forms
25 of trafficking as defined in section 103 of the Trafficking

1 Victims Protection Act of 2000, in accordance with section
2 1594(b)(4).”.

3 (d) ENHANCEMENT OF CIVIL ACTION.—Section 1595
4 of title 18, United States Code, is amended—

5 (1) in subsection (a) by—

6 (A) by striking “of section 1589, 1590, or
7 1591”; and

8 (B) by inserting “(or any person who
9 knowingly benefits, financially or by receiving
10 anything of value from participation in a ven-
11 ture which has engaged in an act in violation of
12 this chapter)” after “perpetrator”.

13 (2) by adding at the end the following:

14 “(c) No action shall be maintained under this section
15 unless it is commenced within 10 years after the cause
16 of action arose.”.

17 (e) ENDING FOREIGN LABOR CONTRACTING
18 ABUSES.—

19 (1) IN GENERAL.—Chapter 73 of title 18,
20 United States Code, is amended by adding at the
21 end the following:

22 **“§ 1521. Retaliation in foreign labor contracting**

23 “(a)(1) Whoever knowingly uses intimidation, threat-
24 ens, or corruptly persuades another person, or attempts
25 to do so, or engages in misleading conduct toward another

1 person, with intent to prevent or to retaliate against such
2 person for—

3 “(A) the disclosure of information by such per-
4 son concerning violations with respect to aliens of
5 the provisions of employment-based immigration
6 programs or any other Federal labor or employment
7 law; or

8 “(B) the cooperation of such person in an in-
9 vestigation or other proceeding concerning compli-
10 ance with respect to aliens with the requirements of
11 employment-based immigration programs or any
12 other Federal labor or employment law,
13 shall be punished as provided in paragraph (2).

14 “(2) A violator of paragraph (1) shall—

15 “(A) if death results from the violation, or if
16 the violation includes kidnapping or an attempt to
17 kidnap, aggravated sexual abuse, or the attempt to
18 commit aggravated sexual abuse, or an attempt to
19 kill, be fined under this title or imprisoned for any
20 term of years or life, or both;

21 “(B) if the offense resulted in bodily injury, but
22 not death, be fined under this title or imprisoned for
23 not more than 10 years, or both; or

24 “(C) in any other case, be fined under this title
25 or imprisoned not more than 5 years, or both.

1 “(b) An individual who is the victim of an offense
2 under this section may, in a civil action, recover damages
3 (including reasonable attorneys’ fees) for the harm done
4 the victim by that offense. Any civil action filed under this
5 section shall be stayed during the pendency of any crimi-
6 nal action arising out of the same occurrence in which the
7 claimant is the victim.

8 “(c) For the purposes of this section, the term ‘em-
9 ployment-based immigration’ means a nonimmigrant visa
10 issued for the purpose of employment, student exchange
11 employment, or job training in the United States, includ-
12 ing those issued under subparagraph (A)(iii), (G)(v), (H),
13 (J), (L), (Q), or (R) of section 101(a)(15) of the Immigra-
14 tion and Nationality Act.”.

15 (2) CLERICAL AMENDMENT.—The table of sec-
16 tions at the beginning of chapter 73 of title 18,
17 United States Code, is amended by adding at the
18 end the following new item:

“1521. Retaliation in foreign labor contracting.”.

19 (f) TRANSPORTATION GENERALLY.—Section 2421 of
20 title 18, United States Code, is amended—

21 (1) by inserting “or affecting” after “individual
22 in”; and

23 (2) by inserting “in the special maritime and
24 territorial jurisdiction of the United States,” after
25 “foreign commerce.”.

1 (g) SEX TOURISM.—

2 (1) GENERALLY.—Chapter 117 of title 18,
3 United States Code, is amended by inserting after
4 section 2423 the following:

5 **“§ 2423A. Sex tourism**

6 “(a) TRAVEL WITH INTENT TO ENGAGE IN ILLICIT
7 SEXUAL CONDUCT.—A person who travels in interstate
8 commerce or travels into the United States, or a United
9 States citizen or an alien admitted for permanent resi-
10 dence in the United States who travels in foreign com-
11 merce, for the purpose of engaging in any illicit sexual
12 conduct with another person shall be fined under this title
13 or imprisoned not more than 10 years, or both.

14 “(b) ENGAGING IN ILLICIT SEXUAL CONDUCT IN
15 FOREIGN PLACES.—Any United States citizen or alien ad-
16 mitted for permanent residence who travels in foreign
17 commerce, and engages in any illicit sexual conduct with
18 another person shall be fined under this title or imprisoned
19 not more than 10 years, or both.

20 “(c) ARRANGING TRAVEL AND RELATED CON-
21 DUCT.—Whoever, for the purpose of commercial advan-
22 tage or private financial gain, arranges, induces, procures,
23 or facilitates the travel of a person knowing that such a
24 person is traveling in interstate commerce or foreign com-
25 merce for the purpose of engaging in illicit sexual conduct

1 shall be fined under this title, imprisoned not more than
2 10 years, or both.

3 “(d) INCREASED PENALTY FOR OFFENSES INVOLV-
4 ING CHILDREN.—If the illicit sexual conduct is with a
5 child, the maximum term of imprisonment for an offense
6 under this section is 30 years.

7 “(e) ATTEMPT AND CONSPIRACY.—Whoever at-
8 tempts or conspires to violate this section shall be punish-
9 able in the same manner as for the completed violation.

10 “(f) DEFINITIONS.—As used in this section—

11 “(1) the term ‘illicit sexual conduct’ means—

12 “(A) a sexual act (as defined in section
13 2246) that would be in violation of chapter
14 109A if the sexual act occurred in the special
15 maritime and territorial jurisdiction of the
16 United States; or

17 “(B) any commercial sex act (as defined in
18 section 1591); and

19 “(2) the term ‘child’ means a person under 18
20 years of age.

21 “(g) DEFENSE.—In a prosecution under this section
22 for a violation where an element of the offense involves
23 commercial sex act with a child, it is a defense, which the
24 defendant must establish by a preponderance of the evi-

1 dence, that the person engaging in that act reasonably be-
2 lieved that the other person was not a child.”;

3 (2) CONFORMING AMENDMENT.—Section 2423
4 of title 18, United States Code, is amended by strik-
5 ing subsections (b) through (g).

6 (3) AMENDMENT TO TABLE OF SECTIONS.—
7 The table of sections at the beginning of chapter
8 117 of title 18, United States Code, is amended by
9 inserting after the item relating to section 2423 the
10 following new item:

“2423A. Sex tourism.”.

11 (h) AMENDMENT TO THE SENTENCING GUIDE-
12 LINES.—Pursuant to its authority under section 994 of
13 title 28, United States Code, and in accordance with this
14 section, the United States Sentencing Commission shall
15 review and, if appropriate, amend the sentencing guide-
16 lines and policy statements applicable—

17 (1) to persons convicted of offenses created by
18 this section other than those created by subsections
19 (f) and (g), to ensure conformity with the United
20 States Sentencing Guidelines, sections 2H4.1 (peon-
21 age offenses) and 2H4.2 (labor offenses); and

22 (2) to persons convicted of offenses created by
23 subsection (f) or (g) of this section, to ensure con-
24 formity with the United States Sentencing Guide-
25 lines, sections 2G1.1 (promoting commercial sex acts

1 with persons other than minors) and 2G1.3 (pro-
2 moting commercial sex acts or prohibited sexual con-
3 duct with a minor, and related offenses.

4 **SEC. 222. JURISDICTION IN CERTAIN TRAFFICKING OF-**
5 **FENSES.**

6 (a) IN GENERAL.—Chapter 77 of title 18, United
7 States Code, is amended by adding at the end the fol-
8 lowing:

9 **“§ 1596. Additional jurisdiction in certain trafficking**
10 **offenses**

11 “(a) IN GENERAL.—In addition to any domestic or
12 extra-territorial jurisdiction otherwise provided by law, the
13 courts of the United States have extra-territorial jurisdic-
14 tion over any offense (or any attempt or conspiracy to
15 commit an offense) under section 1581, 1583, 1584, 1589,
16 1590, or 1591 if—

17 “(1) an alleged offender or victim of the offense
18 is a national of the United States or an alien law-
19 fully admitted for permanent residence (as those
20 terms are defined in section 101 of the Immigration
21 and Nationality Act (8 U.S.C. 1101)); or

22 “(2) an alleged offender is present in the
23 United States, irrespective of the nationality of the
24 alleged offender.

1 “(b) LIMITATION ON PROSECUTIONS OF OFFENSES
 2 PROSECUTED IN OTHER COUNTRIES.—No prosecution
 3 may be commenced against a person under this section
 4 if a foreign government, in accordance with jurisdiction
 5 recognized by the United States, has prosecuted or is pros-
 6 ecuting such person for the conduct constituting such of-
 7 fense, except upon the approval of the Attorney General
 8 or the Deputy Attorney General (or a person acting in
 9 either such capacity), which function of approval may not
 10 be delegated.”.

11 (b) CLERICAL AMENDMENT.—The table of sections
 12 at the beginning of chapter 77 of title 18, United States
 13 Code, is amended by adding at the end the following new
 14 item:

“1596. Additional jurisdiction in certain trafficking offenses.”.

15 **SEC. 223. AMENDMENT OF OTHER CRIMES RELATED TO**
 16 **TRAFFICKING.**

17 (a) ALIENS ENTERING THE UNITED STATES.—

18 (1) IN GENERAL.—Section 278 of the Immigra-
 19 tion and Nationality Act (8 U.S.C. 1328) is amend-
 20 ed to read as follows:

21 “ALIENS IN PROSTITUTION

22 “SEC. 278. (a) GENERALLY.—Whoever, for the pur-
 23 poses of prostitution or for any other any sexual activity
 24 for which any person can be charged with a criminal
 25 offense—

1 “(1) knowingly imports or attempts to import
2 any alien; or

3 “(2) knowing or in reckless disregard of the
4 fact that an individual is an alien who lacks lawful
5 authority to come to, enter, or reside in the United
6 States, knowingly holds, keeps, maintains, supports,
7 employs, or harbors the individual in any place in
8 the United States, including any building or any
9 means of transportation, or attempts to do so,
10 shall be fined under title 18, United States Code, or im-
11 prisoned not more than 10 years, or both.

12 “(b) SPECIAL EVIDENTIARY RULE.—In all prosecu-
13 tions under this section, the testimony of a husband or
14 wife shall be admissible and competent evidence against
15 each other.”.

16 (2) CLERICAL AMENDMENT.—The table of con-
17 tents of the Immigration and Nationality Act is
18 amended by amending the item relating to section
19 278 to read as follows:

“Sec. 278. Aliens in prostitution.”.

20 (b) AMENDMENT TO THE SENTENCING GUIDE-
21 LINES.—Pursuant to its authority under section 994 of
22 title 28, United States Code, and in accordance with this
23 section, the United States Sentencing Commission shall
24 review and, if appropriate, amend the sentencing guide-
25 lines and policy statements applicable to persons convicted

1 of offenses created by this section to ensure conformity
2 with the United States Sentencing Guidelines, section
3 2H4.1 (peonage offenses) in violations involving a holding
4 under section 278(a)(2) of the Immigration and Nation-
5 ality Act (8 U.S.C. 1328(a)(2)), and section.2G1.1 other-
6 wise.

7 (c) **IMBRA VIOLATIONS.**—Section 833(d)(5)(B) of
8 the Violence Against Women and Department of Justice
9 Reauthorization Act of 2005 (Public Law 109–162) is
10 amended by striking “interstate or foreign commerce, an
11 international marriage broker that, within the special mar-
12 itime and territorial jurisdiction of the United States, vio-
13 lates” and inserting “interstate or foreign commerce or
14 within the special maritime and territorial jurisdiction of
15 the United States, an international marriage broker that
16 violates”.

17 **SEC. 224. MODEL STATUTES PROVIDED TO STATES.**

18 (a) **REQUIRED CHANGES TO MODEL STATUTE.**—The
19 Attorney General shall ensure that any model
20 antitrafficking statute provided to any State shall specifi-
21 cally provide that no provision of such model statute shall
22 be construed as derogating from or in any way limiting
23 or constraining the operation of State law relating to pros-
24 titution and individuals involved in securing, exploiting, or
25 otherwise abusing prostitutes.

1 (b) PUBLICATION.—The Attorney General shall en-
 2 sure that any new model statute that is consistent with
 3 subsection (a) shall be immediately put on the website of
 4 the Department of Justice in place of the existing statute.

5 (c) ADDITIONAL MODEL STATE STATUTE.—The De-
 6 partment of Justice shall draft and post on the website
 7 of the Department of Justice a model state statute setting
 8 forth best legislative practices in the area of state and
 9 local antiprostitution enforcement for use by States of the
 10 United States.

11 **Subtitle D—Activities of the United** 12 **States Government**

13 **SEC. 231. ANNUAL REPORT BY THE ATTORNEY GENERAL.**

14 Section 105(d)(7) of the Trafficking Victims Protec-
 15 tion Act of 2000 (22 U.S.C. 7103(d)(7)) is amended—

16 (1) in subparagraph (A), by inserting “the At-
 17 torney General,” after “the Secretary of Labor,”;

18 (2) in subparagraph (G), by striking “and” at
 19 the end;

20 (3) by redesignating subparagraph (H) as sub-
 21 paragraph (J); and

22 (4) by inserting after subparagraph (G) the fol-
 23 lowing new subparagraphs:

24 “(H) activities by the Department of De-
 25 fense to combat trafficking in persons, includ-

1 ing educational efforts for and disciplinary ac-
2 tions taken against members of the United
3 States Armed Forces, materials included in
4 training of the armed forces of foreign coun-
5 tries, and efforts to ensure that United States
6 Government contractors do not engage in traf-
7 ficking in persons;

8 “(I) activities or actions by Federal depart-
9 ments and agencies to enforce—

10 “(i) section 106(g) of this Act and
11 any similar provision of law, regulation, or
12 policy relating to United States Govern-
13 ment contractors and their employees or
14 United States Government subcontractors
15 and their employees that engage in severe
16 forms of trafficking in persons, procure-
17 ment of commercial sex acts, or use of
18 forced labor, including debt bondage;

19 “(ii) section 307 of the Tariff Act of
20 1930 (19 U.S.C. 1307; relating to prohibi-
21 tion on importation of convict made
22 goods), including any determinations by
23 the Secretary of Homeland Security to
24 waive the restrictions of such section; and

1 “(iii) prohibitions on the procurement
2 by the United States Government of items
3 or services produced by slave labor, con-
4 sistent with Executive Order 13107 (De-
5 cember 10, 1998); and”.

6 **SEC. 232. ANNUAL ANTI-TRAFFICKING CONFERENCE.**

7 Section 201(a)(2)(A)(ii) of the Trafficking Victims
8 Protection Reauthorization Act of 2005 (42 U.S.C.
9 14044(a)(2)(A)(ii)) is amended by inserting before the
10 semi-colon at the end the following: “and the use of exist-
11 ing Federal and State criminal laws that do not require
12 force, fraud, or coercion as an element of a felony crime
13 to prosecute such persons”.

14 **SEC. 233. SENIOR POLICY OPERATING GROUP.**

15 Section 206 of the Trafficking Victims Protection Re-
16 authorization Act of 2005 (42 U.S.C. 14044d) is amended
17 by striking “, as the department or agency determines ap-
18 propriate,”.

19 **SEC. 234. COORDINATORS TO COMBAT HUMAN TRAF-**
20 **FICKING.**

21 (a) DEPARTMENT OF JUSTICE.—

22 (1) ESTABLISHMENT.—The Attorney General
23 shall establish within the Office of the Deputy Attor-
24 ney General a Coordinator to Combat Human Traf-
25 ficking.

1 (2) DUTIES.—In addition to any other respon-
2 sibilities that the Attorney General may assign, the
3 Coordinator shall have the following responsibilities:

4 (A) Ensure coordination of policies relating
5 to victims of trafficking among the various of-
6 fices and components of the Department of
7 Justice, including the Civil Division, the Crimi-
8 nal Division, the Office of Justice Programs,
9 and the Federal Bureau of Investigation.

10 (B) Monitor, review, and make recom-
11 mendations regarding assistance to victims
12 of trafficking to ensure that assistance policies
13 are consistent with the Department’s prosecu-
14 tion strategies and activities.

15 (C) Ensure improved communication and
16 coordination with State and local law enforce-
17 ment agencies regarding prosecution of offenses
18 relating to victims of trafficking.

19 (D) Represent the Department at inter-
20 agency mechanisms relating to trafficking in
21 persons, including the Senior Policy Operating
22 Group.

23 (E) Serve, in conjunction with the Coordi-
24 nator to Combat Human Trafficking of the De-
25 partment of Labor (established pursuant to

1 subsection (b)), as the executive secretariat of
2 the Trafficking in Persons and Worker Exploi-
3 tation Task Force.

4 (3) STAFF.—The Attorney General shall ensure
5 that the Coordinator has sufficient staff to carry out
6 the duties described in paragraph (2).

7 (4) AUTHORIZATION OF APPROPRIATIONS.—
8 There is authorized to be appropriated such sums as
9 may be necessary to carry out this subsection.

10 (b) DEPARTMENT OF LABOR.—

11 (1) ESTABLISHMENT.—The Secretary of Labor
12 shall establish within the Department of Labor a
13 Coordinator to Combat Human Trafficking.

14 (2) DUTIES.—In addition to any other respon-
15 sibilities that the Secretary of Labor may assign, the
16 Coordinator shall have the following responsibilities:

17 (A) Ensure coordination of policies relating
18 to victims of trafficking, both in the United
19 States and abroad, among the various offices
20 and components of the Department of Labor,
21 including the Office of the Solicitor, the Em-
22 ployment Standards Administration, the Wage
23 and Hour Division, the Bureau of International
24 Labor Affairs, and the Office of Child Labor,
25 Forced Labor, and Human Trafficking.

1 (B) Ensure improved communication and
2 coordination with State labor agencies relating
3 to trafficking in persons.

4 (C) Represent the Department at inter-
5 agency mechanisms relating to trafficking in
6 persons, including the Senior Policy Operating
7 Group.

8 (D) Serve, in conjunction with the Coordi-
9 nator to Combat Human Trafficking of the De-
10 partment of Justice (established pursuant to
11 subsection (a)), as the executive secretariat of
12 the Trafficking in Persons and Worker Exploi-
13 tation Task.

14 (3) STAFF.—The Secretary of Labor shall en-
15 sure that the Coordinator has sufficient staff to
16 carry out the duties described in paragraph (2).

17 (4) AUTHORIZATION OF APPROPRIATIONS.—
18 There is authorized to be appropriated such sums as
19 may be necessary to carry out this subsection.

20 (c) DEFINITION.—In this section, the term “victim
21 of trafficking” has the meaning given the term in section
22 103 of the Trafficking Victims Protection Act of 2000 (22
23 U.S.C. 7102).

1 **SEC. 235. PREVENTING UNITED STATES TRAVEL BY TRAF-**
2 **FICKERS.**

3 Section 212(a)(2)(H)(i) of the Immigration and Na-
4 tionality Act (8 U.S.C. 1182(a)(2)(H)(i)) is amended by
5 striking “consular officer” and inserting “consular officer,
6 the Secretary of State,”.

7 **SEC. 236. ENHANCING EFFORTS TO COMBAT THE TRAF-**
8 **FICKING OF CHILDREN.**

9 (a) FINDINGS AND SENSE OF CONGRESS.—

10 (1) FINDINGS.—The Congress finds as follows:

11 (A) The United States Government cur-
12 rently estimates that up to 17,500 individuals
13 are trafficked into the United States each year.
14 Of these, some 50 percent are believed to be
15 under the age of 18. Many of these children are
16 victims of sex trafficking and are forced into
17 prostitution and other exploitative activities in
18 the United States.

19 (B) Despite the large number of children
20 trafficked into the United States every year, the
21 Department of Health and Human Services has
22 identified an average of 20 children per year as
23 trafficking victims through fiscal year 2006.
24 This disparity between estimated and identified
25 victims demonstrates that much more needs to

1 be done in educating individuals who may be
2 coming into contact with trafficked children.

3 (2) SENSE OF CONGRESS.—It is the sense of
4 the Congress that, to the extent consistent with the
5 treaties and other international agreements to which
6 the United States is a party, and to the extent prac-
7 ticable, the United States Government should under-
8 take efforts to protect children from severe forms of
9 trafficking and ensure that it does not repatriate
10 children in Federal custody into settings that would
11 threaten their life or safety.

12 (b) COMBATTING CHILD TRAFFICKING AT THE BOR-
13 DER AND PORTS OF ENTRY OF THE UNITED STATES.—

14 (1) POLICIES AND PROCEDURES.—In order to
15 enhance the efforts of the United States to prevent
16 trafficking in persons, the Secretary of State, in con-
17 junction with the Secretary of Homeland Security
18 and the Secretary of Health and Human Services,
19 shall develop policies and procedures to ensure that
20 unaccompanied alien children in the United States
21 are safely repatriated to their country of nationality
22 or of last habitual residence.

23 (2) SPECIAL RULES FOR CHILDREN FROM CON-
24 TIGUOUS COUNTRIES.—

1 (A) DETERMINATIONS.—Any unaccom-
2 panied alien child who is a national or habitual
3 resident of a country that is contiguous with
4 the United States and has an agreement in
5 writing with the United States described in sub-
6 paragraph (C), shall be treated in accordance
7 with subparagraph (B), if the Secretary of
8 Homeland Security determines, on a case-by-
9 case basis, that—

10 (i) such child has not been a victim of
11 a severe form of trafficking in persons, and
12 such child does not have a fear of being
13 trafficked upon return to the child's coun-
14 try of nationality or of last habitual resi-
15 dence;

16 (ii) such child does not have a fear of
17 returning to the child's country of nation-
18 ality or of last habitual residence owing to
19 a fear of persecution;

20 (iii) the return of such child to the
21 child's country of nationality or of last ha-
22 bitual residence would not endanger the
23 life or safety of such child; and

24 (iv) the child is able to make an inde-
25 pendent decision to withdraw the child's

1 application for admission to the United
2 States.

3 (B) RETURN.—An immigration officer who
4 finds an unaccompanied alien child described in
5 subparagraph (A) at a land border or port of
6 entry of the United States and determines that
7 such child is inadmissible under the Immigra-
8 tion and Nationality Act (8 U.S.C. 1101 et
9 seq.) shall—

10 (i) permit such child to withdraw the
11 child’s application for admission pursuant
12 to section 235(a)(4) of the Immigration
13 and Nationality Act (8 U.S.C. 1225(a)(4));
14 and

15 (ii) return such child to the child’s
16 country of nationality or country of last
17 habitual residence.

18 (C) CONTIGUOUS COUNTRY AGREE-
19 MENTS.—The Secretary of State shall ensure
20 that any agreements entered into between the
21 United States and a country contiguous to the
22 United States with respect to the repatriation
23 of children shall be designed to protect children
24 from severe forms of trafficking in persons.

1 Such agreements shall, at a minimum, provide
2 that—

3 (i) no child shall be returned to the
4 child's country of nationality or of last ha-
5 bitual residence unless returned to appro-
6 priate officials or employees of the accept-
7 ing country's government;

8 (ii) no child shall be returned to the
9 child's country of nationality or of last ha-
10 bitual residence outside of reasonable busi-
11 ness hours; and

12 (iii) border personnel of the countries
13 that are parties to such agreements are
14 trained in the terms of such agreements.

15 (3) RULE FOR OTHER CHILDREN.—The custody
16 of unaccompanied alien children not described in
17 paragraph (2)(A) who are apprehended at the bor-
18 der of the United States or at a United States port
19 of entry shall be treated in accordance with sub-
20 section (c).

21 (4) SCREENING.—Within 48 hours of the ap-
22 prehension of a child who is believed to be described
23 in paragraph (2)(A), but in any event prior to re-
24 turning such child to the child's country of nation-
25 ality or of last habitual residence, the child shall be

1 screened to determine whether the child meets the
2 criteria listed in paragraph (2)(A). If the child does
3 not meet such criteria, or if no determination can be
4 made within 48 hours of apprehension, the child
5 shall immediately be transferred to the Secretary of
6 Health and Human Services and treated in accord-
7 ance with subsection (c).

8 (5) ENSURING THE SAFE REPATRIATION OF
9 CHILDREN.—

10 (A) REPATRIATION PILOT PROGRAM.—To
11 protect children from trafficking and exploi-
12 tation, the Secretary of State shall create a
13 pilot program, in conjunction with non-govern-
14 mental organizations and other national and
15 international agencies and experts, to develop
16 and implement best practices to ensure the safe
17 and secure repatriation and reintegration of un-
18 accompanied alien children into their country of
19 nationality or of last habitual residence, includ-
20 ing placement with their families or other spon-
21 soring agencies.

22 (B) ASSESSMENT OF COUNTRY CONDI-
23 TIONS.—The Secretary of Homeland Security
24 shall consult the Country Reports on Human
25 Rights Practices and the Trafficking in Persons

1 Report in assessing whether to repatriate an
2 unaccompanied alien child to a particular coun-
3 try. Such assessment shall consider whether
4 there is reasonable risk that repatriation of an
5 unaccompanied alien child would threaten the
6 life or safety of the child.

7 (C) REPORT ON REPATRIATION OF UNAC-
8 COMPANIED ALIEN CHILDREN.—Not later than
9 18 months after the date of the enactment of
10 this Act, and annually thereafter, the Secretary
11 of Homeland Security, in conjunction with the
12 Secretary of State and Secretary of Health and
13 Human Services, shall submit a report to the
14 Committee on the Judiciary of the Senate and
15 the Committee on the Judiciary of the House of
16 Representatives on efforts to repatriate unac-
17 companied alien children. Such report shall
18 include—

19 (i) the number of unaccompanied
20 alien children ordered removed and the
21 number of such children actually removed
22 from the United States;

23 (ii) a statement of the nationalities,
24 ages, and gender of such children;

1 (iii) a description of the policies and
2 procedures used to effect the removal of
3 such children from the United States and
4 the steps taken to ensure that such chil-
5 dren were safely and humanely repatriated
6 to their country of nationality or of last
7 habitual residence, including a description
8 of the repatriation pilot program created
9 pursuant to subparagraph (A);

10 (iv) a description of the type of immi-
11 gration relief sought and denied to such
12 children;

13 (v) any information gathered in as-
14 sessments of country and local conditions
15 pursuant to paragraph (2); and

16 (vi) statistical information and other
17 data on unaccompanied alien children as
18 provided for in section 462(b)(1)(J) of the
19 Homeland Security Act of 2002 (6 U.S.C.
20 279(b)(1)(J)).

21 (D) PLACEMENT IN REMOVAL PRO-
22 CEEDINGS.—Any unaccompanied alien child
23 sought to be removed by the Department of
24 Homeland Security, except for an unaccom-
25 panied alien child from a contiguous country

1 subject to exceptions under subsection (b)(2),
2 shall be placed in removal proceedings under
3 section 240 of the Immigration and Nationality
4 Act (8 U.S.C. 1229a).

5 (e) COMBATting CHILD TRAFFICKING AND EXPLOI-
6 TATION IN THE UNITED STATES.—

7 (1) CARE AND CUSTODY OF UNACCOMPANIED
8 ALIEN CHILDREN.—

9 (A) IN GENERAL.—Except as otherwise
10 provided under subparagraphs (B) and (C) and
11 subsection (b), the care and custody of all unac-
12 companied alien children, including responsi-
13 bility for their detention, where appropriate,
14 shall be the responsibility of the Secretary of
15 Health and Human Services.

16 (B) EXCEPTION FOR CHILDREN WHO HAVE
17 COMMITTED CRIMES.—Notwithstanding sub-
18 paragraph (A), the Attorney General shall re-
19 tain or assume the custody and care of any un-
20 accompanied alien child who is pending pros-
21 ecution for a Federal crime or serving a sen-
22 tence pursuant to a conviction for a Federal
23 crime.

24 (C) EXCEPTION FOR CHILDREN WHO
25 THREATEN NATIONAL SECURITY.—Notwith-

1 standing subparagraph (A), the Secretary of
2 Homeland Security shall retain or assume the
3 custody and care of an unaccompanied alien
4 child if the Secretary of Homeland Security has
5 substantial evidence, based on an individualized
6 determination, that such child could personally
7 endanger the national security of the United
8 States.

9 (2) NOTIFICATION.—Each department or agen-
10 cy of the Federal Government shall notify the De-
11 partment of Health and Human services within 48
12 hours upon—

13 (A) the apprehension or discovery of an
14 unaccompanied alien child; or

15 (B) any claim or suspicion that an alien in
16 the custody of such department or agency is
17 under 18 years of age.

18 (3) TRANSFERS OF UNACCOMPANIED ALIEN
19 CHILDREN.—Any department or agency of the Fed-
20 eral Government that has an unaccompanied alien
21 child in its custody shall transfer the custody of such
22 child to the Secretary of Health and Human Serv-
23 ices within 72 hours—

24 (A) upon a determination that such child
25 is an unaccompanied alien child, if the child is

1 not described in subparagraph (B) or (C) of
2 paragraph (1); or

3 (B) if the custody and care of the child has
4 been retained or assumed by the Attorney Gen-
5 eral under paragraph (1)(B) or by the Sec-
6 retary of Homeland Security under paragraph
7 (1)(C), upon a determination that the child no
8 longer meets the description set forth in such
9 subparagraphs.

10 (4) AGE DETERMINATIONS.—

11 (A) IN GENERAL.—The Secretary of
12 Health and Human Services shall make an age
13 determination for an alien described in para-
14 graph (2)(B) and take whatever other steps are
15 necessary to determine whether such alien is el-
16 igible for treatment under this section or sec-
17 tion 462 of the Homeland Security Act of 2002
18 (6 U.S.C. 279).

19 (B) PROCEDURES.—The Secretary of
20 Health and Human Services, in consultation
21 with the Secretary of Homeland Security, shall
22 develop procedures to make a prompt deter-
23 mination of the age of an alien, which proce-
24 dures shall be used by the Secretary of Home-
25 land Security and the Secretary of Health and

1 Human Services for children in their respective
2 custody. At a minimum, these procedures shall
3 permit the presentation of multiple forms of
4 evidence, including the non-exclusive use of
5 radiographs, to determine the age of the unac-
6 companied alien.

7 (d) PROVIDING SAFE AND SECURE PLACEMENTS
8 FOR CHILDREN.—

9 (1) POLICIES AND PROGRAMS.—The Secretary
10 of Health and Human Services, Secretary of Home-
11 land Security, Attorney General, and Secretary of
12 State shall establish policies and programs to ensure
13 that unaccompanied alien children in the United
14 States are protected from traffickers and other per-
15 sons seeking to victimize or otherwise engage such
16 children in criminal, harmful, or exploitative activity,
17 including policies and programs reflecting best prac-
18 tices in witness security programs.

19 (2) SAFE AND SECURE PLACEMENTS.—Subject
20 to section 462(b)(2) of the Homeland Security Act
21 of 2002 (6 U.S.C. 279(b)(2)), an unaccompanied
22 alien child in the custody of the Secretary of Health
23 and Human Services shall be promptly placed in the
24 least restrictive setting that is in the best interest of
25 the child. Placement of child trafficking victims may

1 include placement with competent adult victims of
2 the same trafficking scheme in order to ensure con-
3 tinuity of care and support. A child shall not be
4 placed in a secure facility absent an independent
5 finding that the child poses a danger to self or oth-
6 ers.

7 (3) SAFETY AND SUITABILITY ASSESSMENTS.—

8 (A) IN GENERAL.—Subject to the require-
9 ments of subparagraph (B), an unaccompanied
10 alien child may not be placed with a person or
11 entity unless the Secretary of Health and
12 Human Services makes a determination that
13 the proposed custodian is capable of providing
14 for the child’s physical and mental well-being.
15 Such determination shall, at a minimum, in-
16 clude verification of the custodian’s identity and
17 relationship to the child, if any, as well as an
18 independent finding that the individual has not
19 engaged in any activity that would indicate a
20 potential risk to the child.

21 (B) HOME STUDIES.—Before placing the
22 child with an individual, the Secretary of
23 Health and Human Services shall determine
24 whether a home study is first necessary. A
25 home study shall be conducted for a child who

1 is a victim of a severe form of trafficking in
2 persons, a special needs child with a disability
3 (as defined in section 3 of the Americans with
4 Disabilities Act of 1990 (42 U.S.C. 12102(2))),
5 or a child who has been a victim of physical or
6 sexual abuse under circumstances that indicate
7 that the child's health or welfare has been sig-
8 nificantly harmed or threatened. The Secretary
9 of Health and Human Services shall conduct
10 follow-up services, during the pendency of re-
11 moval proceedings, on children and custodians
12 for whom a home study was conducted.

13 (C) DATABASE ACCESS.—In conducting
14 suitability assessments, the Secretary of Health
15 and Human Services shall have access to all rel-
16 evant information in the appropriate Federal,
17 State, and local law enforcement and immigra-
18 tion databases.

19 (4) LEGAL ORIENTATION PRESENTATIONS.—
20 The Secretary of Health and Human Services shall
21 ensure that custodians receive legal orientation pres-
22 entations provided through the Legal Orientation
23 Program administered by the Executive Office for
24 Immigration Review. At a minimum, such presen-
25 tations shall address the custodian's responsibility to

1 ensure the child's appearance at all immigration pro-
2 ceedings and to protect the child from mistreatment,
3 exploitation, and trafficking.

4 (5) ACCESS TO COUNSEL.—The Secretary of
5 Health and Human Services shall ensure, to the
6 greatest extent practicable, that all unaccompanied
7 alien children who are or have been in the custody
8 of the Secretary or the Secretary of Homeland Secu-
9 rity, and who are not described in subsection
10 (b)(2)(A), have competent counsel to represent them
11 in legal proceedings or matters and protect them
12 from mistreatment, exploitation, and trafficking. To
13 the greatest extent practicable, the Secretary of
14 Health and Human Services shall make every effort
15 to utilize the services of competent pro bono counsel
16 who agree to provide representation to such children
17 without charge.

18 (6) GUARDIANS AD LITEM.—The Secretary of
19 Health and Human Services shall implement a pro-
20 gram to appoint independent guardians ad litem for
21 child trafficking victims and other vulnerable unac-
22 companied alien children. A guardian ad litem shall
23 be provided access to materials necessary to effec-
24 tively advocate for the best interest of the child. The
25 guardian ad litem shall not be compelled to testify

1 or provide evidence in any proceeding concerning
2 any information or opinion received from the child in
3 the course of serving as a guardian ad litem. The
4 guardian ad litem shall be presumed to be acting in
5 good faith and be immune from civil and criminal li-
6 ability for lawful conduct of duties as described in
7 this provision.

8 (7) CONFIDENTIALITY.—The Secretary of
9 Health and Human Services shall maintain the pri-
10 vacy and confidentiality of all information gathered
11 in the course of the care, custody, and placement of
12 unaccompanied alien children, consistent with its
13 role and responsibilities under the Homeland Secu-
14 rity Act of 2002 to act as guardian in loco parentis
15 in the best interest of the unaccompanied alien child,
16 by not disclosing such information to other govern-
17 ment agencies or nonparental third parties. The Sec-
18 retary may provide information to a duly recognized
19 law enforcement entity in connection with a prosecu-
20 tion or investigation of an offense described in para-
21 graph (2) or (3) of section 212(a) of the Immigra-
22 tion and Nationality Act (8 U.S.C. 1182(a)), when
23 such information is requested in writing by such en-
24 tity.

1 (e) PERMANENT PROTECTION FOR CERTAIN AT-RISK
2 CHILDREN.—

3 (1) IN GENERAL.—Section 101(a)(27)(J) of the
4 Immigration and Nationality Act (8 U.S.C.
5 1101(a)(27)(J)) is amended—

6 (A) in clause (i), by striking “State and
7 who has been deemed eligible by that court for
8 long-term foster care due to abuse, neglect, or
9 abandonment;” and inserting “State, or an in-
10 dividual or entity appointed by a State or juve-
11 nile court located in the United States, and
12 whose reunification with one or both of the im-
13 migrant’s parents is not viable due to abuse,
14 neglect, abandonment, or a similar basis found
15 under State law;”;

16 (B) in clause (iii), in the matter preceding
17 subclause (I), by striking “the Attorney General
18 expressly consents to the dependency order
19 serving as a precondition to the grant of special
20 immigrant juvenile status;” and inserting “the
21 Secretary of Homeland Security consents to the
22 grant of special immigrant juvenile status;”;
23 and

24 (C) in clause (iii)(I), by striking “in the
25 actual or constructive custody of the Attorney

1 General unless the Attorney General specifically
2 consents to such jurisdiction;” and inserting “in
3 the custody of the Secretary of Health and
4 Human Services unless the Secretary of Health
5 and Human Services specifically consents to
6 such jurisdiction;”.

7 (2) EXPEDITIOUS ADJUDICATION.—All applica-
8 tions for special immigrant status under section
9 101(a)(27)(J) of the Immigration and Nationality
10 Act (8 U.S.C. 1101(a)(27)(J)) shall be adjudicated
11 by the Secretary of Homeland Security not later
12 than 180 days after the date of filing the applica-
13 tion.

14 (3) ADJUSTMENT OF STATUS.—Section
15 245(h)(2)(A) of the Immigration and Nationality
16 Act (8 U.S.C. 1255(h)(2)(A)) is amended to read as
17 follows:

18 “(A) paragraphs (4), (5)(A), (6)(A),
19 (6)(C), (6)(D), (7)(A), 9(B), and 9(C)(i)(I) of
20 section 212(a) shall not apply; and”.

21 (4) ELIGIBILITY FOR ASSISTANCE.—

22 (A) IN GENERAL.—A child who has been
23 granted special immigrant status under section
24 101(a)(27)(J) of the Immigration and Nation-
25 ality Act (8 U.S.C. 1101(a)(27)(J)) and who

1 was either in the custody of the Secretary of
2 Health and Human Services at the time a de-
3 pendency order was granted for such child or
4 who was receiving services pursuant to section
5 501(a) of the Refugee Education Assistance Act
6 of 1980 (8 U.S.C. 1522 note) at the time such
7 dependency order was granted, shall be eligible
8 for placement and services under section 412(d)
9 of the Immigration and Nationality Act (8
10 U.S.C. 1522(d)) until the earlier of—

11 (i) the date on which the child reaches
12 the age designated in section 412(d)(2)(B)
13 of the Immigration and Nationality Act (8
14 U.S.C. 1522(d)(2)(B)); or

15 (ii) the date on which the child is
16 placed in a permanent adoptive home.

17 (B) STATE REIMBURSEMENT.—If State
18 foster care funds are expended on behalf of a
19 child who is not described in subparagraph (A)
20 and has been granted special immigrant status
21 under section 101(a)(27)(J) of the Immigration
22 and Nationality Act (8 U.S.C. 1101(a)(27)(J)),
23 the Federal Government shall reimburse the
24 State in which the child resides for such ex-
25 penditures by the State.

1 (5) STATE COURTS ACTING IN LOCO
2 PARENTIS.—A department or agency of a State, or
3 an individual or entity appointed by a State court or
4 juvenile court located in the United States, acting in
5 loco parentis, shall not be considered a legal guard-
6 ian for purposes of this section or section 462 of the
7 Homeland Security Act of 2002 (6 U.S.C. 279).

8 (6) TRANSITION RULE.—Notwithstanding any
9 other provision of law, an alien described in section
10 101(a)(27)(J) of the Immigration and Nationality
11 Act (8 U.S.C. 1101(a)(27)(J)), as amended by para-
12 graph (1), may not be denied special immigrant sta-
13 tus under such section after the date of the enact-
14 ment of this Act based on age if the alien was a
15 child on the date on which the alien applied for such
16 status.

17 (7) ACCESS TO ASYLUM PROTECTIONS.—Sec-
18 tion 208 of the Immigration and Nationality Act (8
19 U.S.C. 1158) is amended—

20 (A) in subsection (a)(2), by adding at the
21 end the following:

22 “(E) APPLICABILITY.—Subparagraphs (A)
23 and (B) shall not apply to an unaccompanied
24 alien child (as defined in section 462(g) of the

1 Homeland Security Act of 2002 (6 U.S.C.
2 279(g)).”; and

3 (B) in subsection (b)(3), by adding at the
4 end the following:

5 “(C) INITIAL JURISDICTION.—An asylum
6 officer (as defined in section 235(b)(1)(E))
7 shall have initial jurisdiction over any asylum
8 application filed by an unaccompanied alien
9 child (as defined in section 462(g) of the Home-
10 land Security Act of 2002 (6 U.S.C. 279(g))),
11 regardless of whether filed in accordance with
12 this section or section 235(b).”.

13 (8) SPECIALIZED NEEDS OF CHILDREN.—Appli-
14 cations for asylum and other forms of relief from re-
15 moval in which a child is the principal applicant
16 shall be governed by regulations which take into ac-
17 count the specialized needs of children and which ad-
18 dress both procedural and substantive aspects of
19 handling children’s cases.

20 (f) TRAINING.—The Secretary of State, the Secretary
21 of Homeland Security, the Secretary of Health and
22 Human Services and the Attorney General shall provide
23 specialized training to all Federal personnel who come into
24 contact with unaccompanied alien children. Such per-
25 sonnel shall be trained to work with unaccompanied alien

1 children, including identifying children who are a victim
2 of a severe form of trafficking in persons, and children
3 for whom asylum or special immigrant relief may be ap-
4 propriate, including children described in subsection
5 (b)(2).

6 (g) AMENDMENTS TO THE HOMELAND SECURITY
7 ACT OF 2002.—

8 (1) ADDITIONAL RESPONSIBILITIES.—Section
9 462(b)(1)(L) of the Homeland Security Act of 2002
10 (6 U.S.C. 279(b)(1)(L)) is amended by striking the
11 period at the end and inserting “, including regular
12 follow-up visits to such facilities, placements, and
13 other entities, to assess the continued suitability of
14 such placements.”.

15 (2) TECHNICAL CORRECTIONS.—Section 462(b)
16 of the Homeland Security Act of 2002 (6 U.S.C.
17 279(b)) is amended—

18 (A) in paragraph (3), by striking “para-
19 graph (1)(G),” and inserting “paragraph (1),”;
20 and

21 (B) by adding at the end the following:

22 “(4) RULE OF CONSTRUCTION.—Nothing in
23 paragraph (2)(B) may be construed to require that
24 a bond be posted for an unaccompanied alien child
25 who is released to a qualified sponsor.”.

1 (h) DEFINITION OF UNACCOMPANIED ALIEN
2 CHILD.—

3 (1) IN GENERAL.—For purposes of this section,
4 the term “unaccompanied alien child” has the mean-
5 ing given such term in section 462(g) of the Home-
6 land Security Act of 2002 (6 U.S.C. 279(g)).

7 (2) CLARIFICATION OF DEFINITION.—For the
8 purposes of section 462(g)(2) of the Homeland Se-
9 curity Act of 2002 (6 U.S.C. 279(g)(2)) and this
10 section, a parent or legal guardian shall not be con-
11 sidered to be available to provide care and physical
12 custody of an alien child unless such parent is in the
13 physical presence of, and able to exercise parental
14 responsibilities over, such child at the time of such
15 child’s apprehension and during the child’s deten-
16 tion.

17 (i) EFFECTIVE DATE.—This section shall take effect
18 on the date that is 90 days after the date of the enactment
19 of this Act.

20 (j) APPLICABILITY.—This section shall apply to all
21 aliens in the United States before, on, or after the date
22 of the enactment of this Act.

23 (k) GRANTS AND CONTRACTS.—The Secretary of
24 Health and Human Services may award grants to, and
25 enter into contracts with, voluntary agencies to carry out

1 this section and section 462 of the Homeland Security Act
2 of 2002 (6 U.S.C. 279).

3 **TITLE III—AUTHORIZATIONS OF**
4 **APPROPRIATIONS**

5 **SEC. 301. TRAFFICKING VICTIMS PROTECTION ACT OF 2000.**

6 Section 113 of the Trafficking Victims Protection Act
7 of 2000 (22 U.S.C. 7110) is amended—

8 (1) in subsection (a)—

9 (A) in the first sentence—

10 (i) by striking “104,”; and

11 (ii) by striking “\$1,500,000” and all
12 that follows through “2007” and inserting
13 “\$5,000,000 for each of the fiscal years
14 2008 through 2011”; and

15 (B) in the second sentence—

16 (i) by inserting “\$1,500,000 for addi-
17 tional personnel for each of the fiscal years
18 2008 through 2011” after “Office to Mon-
19 itor and Combat Trafficking”; and

20 (ii) by striking “2006 and 2007” and
21 inserting “2008 through 2011”;

22 (2) in the first sentence of subsection (b), by
23 striking “\$5,000,000” and all that follows through
24 “2007” and inserting “\$15,000,000 for each of the
25 fiscal years 2008 through 2011”;

- 1 (3) in subsection (c)—
- 2 (A) in paragraph (1)—
- 3 (i) by striking “2004, 2005, 2006,
- 4 and 2007” each place it appears and in-
- 5 serting “2008 through 2011”;
- 6 (ii) in subparagraph (B)—
- 7 (I) by striking “\$15,000,000”
- 8 and inserting “\$10,000,000”; and
- 9 (II) by adding at the end the fol-
- 10 lowing new sentence: “To carry out
- 11 the purposes of section 107(a)(1)(F),
- 12 there are authorized to be appro-
- 13 priated to the Secretary of State
- 14 \$500,000 for fiscal year 2008,
- 15 \$750,000 for fiscal year 2009, and
- 16 \$1,000,000 for each of the fiscal years
- 17 2010 and 2011.”; and
- 18 (iii) in subparagraph (C), by inserting
- 19 “(as added by section 109)” after “section
- 20 134 of the Foreign Assistance Act of
- 21 1961”;
- 22 (B) by striking paragraph (2);
- 23 (C) by redesignating paragraph (3) as
- 24 paragraph (2); and

1 (D) in paragraph (2) (as redesignated by
2 subparagraph (C))—

3 (i) by striking “section 104” and in-
4 serting “sections 116(f) and 502B(h) of
5 the Foreign Assistance Act of 1961 (as
6 added by section 104)”; and

7 (ii) by striking “, including the prepara-
8 tion” and all that follows through “sec-
9 tion”;

10 (4) in subsection (d)—

11 (A) in the first sentence, by striking
12 “\$10,000,000” and all that follows through
13 “2007” and inserting “\$15,000,000 for each of
14 the fiscal years 2008 through 2011”; and

15 (B) in the second sentence, by striking
16 “\$250,000” and all that follows through
17 “2007” and inserting “\$500,000 for each of
18 the fiscal years 2008 through 2011”;

19 (5) in subsection (e)—

20 (A) in paragraph (1), by striking
21 “\$5,000,000” and all that follows through
22 “2007” and inserting “\$15,000,000 for each of
23 the fiscal years 2008 through 2011”;

24 (B) in paragraph (2)—

1 (i) by striking “section 109” and in-
2 serting “section 134 of the Foreign Assist-
3 ance Act of 1961 (as added by section
4 109)”; and

5 (ii) by striking “\$5,000,000” and all
6 that follows through “2007” and inserting
7 “\$15,000,000 for each of the fiscal years
8 2008 through 2011”; and

9 (C) in paragraph (3), by striking
10 “\$300,000” and all that follows through
11 “2007” and inserting “\$500,000 for each of
12 the fiscal years 2008 through 2011”;

13 (6) in subsection (f), by striking “\$5,000,000”
14 and all that follows through “2007” and inserting
15 “\$15,000,000 for each of the fiscal years 2008
16 through 2011”;

17 (7) in subsection (h), by striking “fiscal year
18 2006” and inserting “each of the fiscal years 2008
19 through 2011”; and

20 (8) in subsection (i), by striking “\$18,000,000”
21 and all that follows through “2007” and inserting
22 “\$18,000,000 for each of the fiscal years 2008
23 through 2011”.

1 **SEC. 302. TRAFFICKING VICTIMS PROTECTION REAUTHOR-**
2 **IZATION ACT OF 2005.**

3 The Trafficking Victims Protection Reauthorization
4 Act of 2005 (Public Law 109–164) is amended—

5 (1) in paragraph (7) of section 102(b), by strik-
6 ing “2006 and 2007” and inserting “2008 through
7 2011”;

8 (2) in subsection (b) of section 105, by adding
9 at the end the following new paragraph:

10 “(3) AUTHORIZATION OF APPROPRIATIONS.—
11 To carry out this subsection, there are authorized to
12 be appropriated to the Secretary of Labor
13 \$1,000,000 for each of the fiscal years 2008 through
14 2011.”;

15 (3) in subsection (c) of section 201—

16 (A) in paragraph (1), by striking
17 “\$2,500,000 for each of the fiscal years 2006
18 and 2007” each place it appears and inserting
19 “\$3,000,000 for each of the fiscal years 2008
20 through 2011”; and

21 (B) in paragraph (2), by striking
22 “\$1,000,000” and all that follows through
23 “2007” and inserting “\$1,000,000 for each of
24 the fiscal years 2008 through 2011”;

25 (4) in subsection (d) of section 202, by striking
26 “\$10,000,000” and all that follows through “2007”

1 and inserting “\$15,000,000 for each of the fiscal
2 years 2008 through 2011”;

3 (5) in subsection (g) of section 203, by striking
4 “\$5,000,000” and all that follows through “2007”
5 and inserting “\$5,000,000 for each of the fiscal
6 years 2008 through 2011”; and

7 (6) in subsection (d) of section 204, by striking
8 “\$25,000,000” and all that follows through “2007”
9 and inserting “\$25,000,000 for each of the fiscal
10 years 2008 through 2011”.

11 **SEC. 303. RULE OF CONSTRUCTION.**

12 The amendments made by sections 301 and 302 shall
13 not be construed to affect the availability of funds appro-
14 priated pursuant to the authorizations of appropriations
15 under the Trafficking Victims Protection Act of 2000 (di-
16 vision A of Public Law 106–386; 22 U.S.C. 7101 et seq.)
17 and the Trafficking Victims Protection Reauthorization
18 Act of 2005 (Public Law 109–164) before the date of the
19 enactment of this Act.

20 **SEC. 304. TECHNICAL AMENDMENTS.**

21 (a) **TRAFFICKING VICTIMS PROTECTION ACT OF**
22 **2000.**—Sections 103(1) and 105(d)(7) of the Trafficking
23 Victims Protection Act of 2000 (22 U.S.C. 7102(1) and
24 7103(d)(7)) are amended by striking “Committee on

1 International Relations” each place it appears and insert-
 2 ing “Committee on Foreign Affairs”.

3 (b) **TRAFFICKING VICTIMS PROTECTION REAUTHOR-**
 4 **IZATION ACT OF 2005.**—Section 102(b)(6) and sub-
 5 sections (e)(2)(B)(i) and (e)(2) of section 104 of the Traf-
 6 ficking Victims Protection Reauthorization Act of 2005
 7 (Public Law 109–164) are amended by striking “Com-
 8 mittee on International Relations” each place it appears
 9 and inserting “Committee on Foreign Affairs”.

10 **TITLE IV—PREVENTION OF THE**
 11 **USE OF CHILD SOLDIERS**

12 **SEC. 401. SHORT TITLE.**

13 This title may be cited as the “Child Soldier Preven-
 14 tion Act of 2007”.

15 **SEC. 402. DEFINITIONS.**

16 In this title:

17 (1) **APPROPRIATE CONGRESSIONAL COMMIT-**
 18 **TEES.**—The term “appropriate congressional com-
 19 mittees” means—

20 (A) the Committee on Foreign Affairs of
 21 the House of Representatives; and

22 (B) the Committee on Foreign Relations of
 23 the Senate.

1 (2) CHILD SOLDIER.—Consistent with the pro-
2 visions of the Optional Protocol, the term “child
3 soldier”—

4 (A) means—

5 (i) any person under age 18 who takes
6 a direct part in hostilities as a member of
7 governmental armed forces;

8 (ii) any person under age 18 who has
9 been compulsorily recruited into govern-
10 mental armed forces;

11 (iii) any person under age 15 volun-
12 tarily recruited into governmental armed
13 forces; and

14 (iv) any person under age 18 re-
15 cruited or used in hostilities by armed
16 forces distinct from the armed forces of a
17 state; and

18 (B) includes any person described in
19 clauses (ii), (iii), and (iv) of subparagraph (A)
20 who is serving in any capacity, including in a
21 support role such as a cook, porter, messenger,
22 medic, guard, or sex slave.

23 (3) OPTIONAL PROTOCOL.—The term “Optional
24 Protocol” means the Optional Protocol to the Con-
25 vention on the Rights of the Child on the Involve-

1 ment of Children in Armed Conflict, which estab-
2 lishes 18 as the minimum age for conscription or
3 forced recruitment and requires states party to en-
4 sure that members of their armed forces under the
5 age of 18 do not take a direct part in hostilities

6 (4) UNITED STATES MUNITIONS LIST.—The
7 term “United States Munitions List” means the list
8 referred to in section 38(a)(1) of the Arms Export
9 Control Act (22 U.S.C. 2778(a)(1)).

10 **SEC. 403. FINDINGS.**

11 Congress makes the following findings:

12 (1) According to the September 7, 2005, report
13 to the General Assembly of the United Nations by
14 the Special Representative of the Secretary-General
15 for Children and Armed Conflict, “In the last dec-
16 ade, two million children have been killed in situa-
17 tions of armed conflict, while six million children
18 have been permanently disabled or injured. Over
19 250,000 children continue to be exploited as child
20 soldiers and tens of thousands of girls are being sub-
21 jected to rape and other forms of sexual violence.”.

22 (2) According to the Center for Emerging
23 Threats and Opportunities (CETO), Marine Corps
24 Warfighting Laboratory, “The Child Soldier Phe-
25 nomenon has become a post-Cold War epidemic that

1 has proliferated to every continent with the excep-
2 tion of Antarctica and Australia.”.

3 (3) Many of the children currently serving in
4 armed forces or paramilitaries were forcibly con-
5 scripted through kidnapping or coercion, a form of
6 human trafficking, while others joined military units
7 due to economic necessity, to avenge the loss of a
8 family member, or for their own personal safety.

9 (4) Some military and militia commanders force
10 child soldiers to commit gruesome acts of ritual
11 killings or torture, including acts of violence against
12 other children.

13 (5) Many female child soldiers face the addi-
14 tional psychological and physical horrors of rape and
15 sexual abuse, enslavement for sexual purposes by mi-
16 litia commanders, and severe social stigma should
17 they return home.

18 (6) Some military and militia commanders tar-
19 get children for recruitment because of their psycho-
20 logical immaturity and vulnerability to manipulation
21 and indoctrination. Children are often separated
22 from their families in order to foster dependence on
23 military units and leaders. Consequently, many of
24 these children suffer from deep trauma and are in
25 need of psychological counseling and rehabilitation.

1 (7) Child soldiers are exposed to hazardous con-
2 ditions and are at risk of physical injury and dis-
3 ability, psychological trauma, sexually transmitted
4 diseases, respiratory and skin infections, and often
5 death.

6 (8) On May 25, 2000, the United Nations
7 adopted and opened for signature, ratification, and
8 accession the Optional Protocol to the Convention on
9 the Rights of the Child on the Involvement of Chil-
10 dren in Armed Conflict.

11 (9) On June 18, 2002, the Senate unanimously
12 approved the resolution advising and consenting to
13 the ratification of the Optional Protocol.

14 (10) On December 23, 2002, the United States
15 presented the ratified Optional Protocol to the
16 United Nations.

17 (11) More than 110 governments worldwide
18 have ratified the Optional Protocol, establishing a
19 clear international norm concerning the use of chil-
20 dren in combat.

21 (12) On December 2, 1999, the United States
22 ratified International Labour Convention 182, the
23 Convention concerning the Prohibition and Imme-
24 diate Action for the Elimination of the Worst Forms

1 of Child Labour, which includes the use of child sol-
2 diers among the worst forms of child labor.

3 (13) On October 7, 2005, the Senate gave its
4 advice and consent to the ratification of the Protocol
5 to Prevent, Suppress and Punish Trafficking in Per-
6 sons, Especially Women and Children,
7 Supplementing the United Nations Convention
8 Against Transnational Organized Crime.

9 (14) It is in the national security interest of the
10 United States to reduce the chances that members
11 of the United States Armed Forces will be forced to
12 encounter children in combat situations.

13 (15) Section 502B(a)(3) of the Foreign Assist-
14 ance Act of 1961 (22 U.S.C. 2304(a)(3)) provides
15 that “the President is directed to formulate and con-
16 duct international security assistance programs of
17 the United States in a manner which will promote
18 and advance human rights and avoid identification
19 of the United States, through such programs, with
20 governments which deny to their people internation-
21 ally recognized human rights and fundamental free-
22 doms, in violation of international law or in con-
23 travention of the policy of the United States as ex-
24 pressed in this section or otherwise”.

1 **SEC. 404. SENSE OF CONGRESS.**

2 It is the sense of Congress that—

3 (1) the United States Government should con-
4 demn the conscription, forced recruitment or use of
5 children by governments, paramilitaries, or other or-
6 ganizations in hostilities;

7 (2) the United States Government should sup-
8 port and, where practicable, lead efforts to establish
9 and uphold international standards designed to end
10 this abuse of human rights;

11 (3) the United States Government should ex-
12 pand ongoing services to rehabilitate recovered child
13 soldiers and to reintegrate them back into their com-
14 munities by—

15 (A) offering ongoing psychological services
16 to help victims recover from their trauma and
17 relearn how to deal with others in nonviolent
18 ways such that they are no longer a danger to
19 their community;

20 (B) facilitating reconciliation with their
21 communities through negotiations with tradi-
22 tional leaders and elders to enable recovered
23 abductees to resume normal lives in their com-
24 munities; and

25 (C) providing educational and vocational
26 assistance;

1 (4) the United States should work with the
2 international community, including, where appro-
3 priate, third country governments, nongovernmental
4 organizations, faith-based organizations, United Na-
5 tions agencies, local governments, labor unions, and
6 private enterprise—

7 (A) on efforts to bring to justice rebel or-
8 ganizations that kidnap children for use as
9 child soldiers, including the Lord's Resistance
10 Army (LRA) in Uganda, Fuerzas Armadas
11 Revolucionarias de Colombia (FARC), and Lib-
12 eration Tigers of Tamil Eelam (LTTE), includ-
13 ing, where feasible, by arresting the leaders of
14 such groups; and

15 (B) on efforts to recover those children
16 who have been abducted and to assist them in
17 their rehabilitation and reintegration into com-
18 munities;

19 (5) the Secretary of State, the Secretary of
20 Labor, and the Secretary of Defense should coordi-
21 nate programs to achieve the goals specified in para-
22 graph (3), and in countries where the use of child
23 soldiers is an issue, whether or not it is supported
24 or sanctioned by the governments of such countries,
25 United States diplomatic missions should include in

1 their mission program plans a strategy to achieve
2 the goals specified in such paragraph;

3 (6) United States diplomatic missions in coun-
4 tries in which governments use or tolerate child sol-
5 diers should develop, as part of annual program
6 planning, strategies to promote efforts to end this
7 abuse of human rights; and

8 (7) in allocating or recommending the allocation
9 of funds or recommending candidates for programs
10 and grants funded by the United States Govern-
11 ment, United States diplomatic missions should give
12 serious consideration to those programs and can-
13 didates deemed to promote the end to this abuse of
14 human rights.

15 **SEC. 405. PROHIBITION ON PROVISION OF MILITARY AS-**
16 **SISTANCE TO FOREIGN GOVERNMENTS THAT**
17 **RECRUIT OR USE CHILD SOLDIERS.**

18 (a) IN GENERAL.—Subject to subsections (b), (c),
19 and (d), none of the funds made available to carry out
20 sections 516 or 541 of the Foreign Assistance Act of 1961
21 (22 U.S.C. 2321j or 2347) or section 23 of the Arms Ex-
22 port Control Act (22 U.S.C. 2763) may be used to provide
23 assistance to, and no item on the United States Munition
24 List may be exported to, the government of a country that
25 the Secretary of State determines has governmental armed

1 forces or government supported armed groups, including
2 paramilitaries, militias, or civil defense forces, that recruit
3 or use child soldiers.

4 (b) PUBLICATION OF LIST OF FOREIGN GOVERN-
5 MENTS AND NOTIFICATION TO FOREIGN GOVERN-
6 MENTS.—

7 (1) PUBLICATION OF LIST OF FOREIGN GOV-
8 ERNMENTS.—The Secretary of State shall include a
9 list of the foreign governments subject to the prohi-
10 bition in subsection (a) in the report required by sec-
11 tion 110(b) of the Trafficking Victims Protection
12 Act of 2000 (22 U.S.C. 7107(b)).

13 (2) NOTIFICATION TO FOREIGN GOVERN-
14 MENTS.—The Secretary of State shall formally no-
15 tify each foreign government subject to the prohibi-
16 tion in subsection (a).

17 (c) NATIONAL INTEREST WAIVER.—

18 (1) WAIVER.—The President may waive the ap-
19 plication to a foreign government of the prohibition
20 in subsection (a) if the President determines that
21 such waiver is in the interest of the United States.

22 (2) PUBLICATION AND NOTIFICATION.—The
23 President shall publish each waiver granted under
24 paragraph (1) in the Federal Register and shall no-
25 tify the appropriate congressional committees of

1 each such waiver, including the justification for the
2 waiver, in accordance with the regular notification
3 procedures of such committees.

4 (d) REINSTATEMENT OF ASSISTANCE.—The Presi-
5 dent may provide to a foreign government assistance oth-
6 erwise prohibited under subsection (a) upon certifying to
7 the appropriate congressional committees that the foreign
8 government—

9 (1) has implemented effective measures to come
10 into compliance with the standards of this title; and

11 (2) has implemented effective policies and
12 mechanisms to prohibit and prevent future use of
13 child soldiers and to ensure that no children are re-
14 cruited, conscripted, or otherwise compelled to serve
15 as child soldiers.

16 (e) EXCEPTIONS.—

17 (1) ASSISTANCE TO ADDRESS THE PROBLEM OF
18 CHILD SOLDIERS AND PROFESSIONALIZATION OF
19 THE MILITARY.—

20 (A) IN GENERAL.—The President may
21 provide to a foreign government assistance
22 under section 541 of the Foreign Assistance
23 Act of 1961 (22 U.S.C. 2347; relating to inter-
24 national military education and training) other-
25 wise prohibited under subsection (a) upon certi-

1 fying to the appropriate congressional commit-
2 tees that—

3 (i) the government is implementing ef-
4 fective measures to demobilize child sol-
5 diers in its forces or in government sup-
6 ported paramilitaries and to provide demo-
7 bilization, rehabilitation, and reintegration
8 assistance to those former child soldiers;
9 and

10 (ii) the assistance provided by the
11 United States Government to the govern-
12 ment will go to programs that will directly
13 support professionalization of the military.

14 (B) LIMITATION.—The exception under
15 subparagraph (A) may not remain in effect for
16 more than 2 years following the date of notifi-
17 cation specified in subsection (b)(2).

18 (2) ASSISTANCE TO FURTHER COOPERATION
19 WITH THE UNITED STATES TO COMBAT INTER-
20 NATIONAL TERRORISM.—The President may provide
21 to a foreign government assistance under any provi-
22 sion of law specified in subsection (a) if the purpose
23 of the assistance is specifically designed to further
24 cooperation between the United States and the for-
25 eign government to combat international terrorism.

1 (f) EFFECTIVE DATE; APPLICABILITY.—This section
2 takes effect 180 days after the date of the enactment of
3 this Act and shall apply to funds made available for the
4 first fiscal year beginning after such effective date and
5 each subsequent fiscal year.

6 **SEC. 406. REPORTS.**

7 (a) PREPARATION OF REPORTS REGARDING CHILD
8 SOLDIERS.—The Secretary of State shall ensure that
9 United States missions abroad thoroughly investigate re-
10 ports of the use of child soldiers in the countries in which
11 such missions are located.

12 (b) INFORMATION FOR ANNUAL HUMAN RIGHTS RE-
13 PORTS.—In preparing those portions of the Department
14 of State’s annual Country Reports on Human Rights
15 Practices that relate to child soldiers, the Secretary of
16 State shall ensure that such portions include a description
17 of the use of child soldiers in each foreign country,
18 including—

19 (1) trends toward improvement in such country
20 of the status of child soldiers or the continued or in-
21 creased tolerance of such practices; and

22 (2) the role of the government of such country
23 in engaging in or tolerating the use of child soldiers.

24 (c) NOTIFICATION TO CONGRESS.—Not later than
25 June 15 of each year for 10 years following the date of

1 the enactment of this Act, the President shall submit to
2 the appropriate congressional committees—

3 (1) a list of any waivers or exceptions exercised
4 under section 405;

5 (2) a justification for those waivers and excep-
6 tions; and

7 (3) a description of any assistance provided
8 pursuant to section 405.

9 (d) REPORT ON IMPLEMENTATION OF TITLE.—Not
10 later than 180 days after the date of the enactment of
11 this Act, the President shall submit to appropriate con-
12 gressional committees a report setting forth a strategy for
13 achieving the policy objectives of this title, including a de-
14 scription of an effective mechanism for coordination of
15 United States Government efforts to implement this strat-
16 egy.

17 (e) REPORT ON CHILD SOLDIERS IN BURMA.—Not
18 later than 120 days after the date of enactment of this
19 Act, the Secretary of State shall submit to the appropriate
20 congressional committees a report of the recruitment and
21 use of child soldiers by the governmental armed forces or
22 government-supported armed groups of the Government of
23 Burma, including paramilitaries, militias, or civil defense
24 forces.

1 **SEC. 407. TRAINING FOR FOREIGN SERVICE OFFICERS.**

2 Section 708 of the Foreign Service Act of 1980 (22
3 U.S.C. 4028) is amended by adding at the end the fol-
4 lowing new subsection:

5 “(c) The Secretary of State, with the assistance of
6 other relevant officials, shall establish as part of the stand-
7 ard training provided after January 1, 2008, for members
8 of the Service, including chiefs of mission, instruction on
9 matters related to child soldiers and the terms of the Child
10 Soldier Prevention Act of 2007.”.

○

Chairman LANTOS. The chair recognizes himself to explain the bill. As members of the committee heard last week, the scourge of human trafficking remains a large and ever-expanding global problem. It is the world's fastest-growing, international organized crime and one of the most profitable, yielding up to \$7 billion in profits every single year.

Every year, traffickers move between 700,000 and 2 million women and children across international borders for the purpose of serving the sex trade and into forced labor.

Last week, in the committee, we heard testimony about children in prostitution in Cambodia, and the trafficking survivor spoke to us about her 4-year experience with slavery and abuse right here in Washington, DC.

I was also struck by the consensus that our witnesses expressed about what needs to be done to further combat trafficking, much of which is in the bill we are now considering. The legislation before the committee today continues the committee's past efforts, under the leadership of our distinguished colleague, my good friend from New Jersey, Mr. Smith, to prevent trafficking, protect victims, and prosecute perpetrators.

I am very pleased that we are continuing to work together in a bipartisan way to further amplify U.S. and international efforts to combat human trafficking. H.R. 3887, The William Wilberforce Trafficking Victims Protection Reauthorization Act of 2007, provides a wide-ranging set of new initiatives to prevent trafficking abroad, protect victims here in the United States, and prosecute perpetrators around the globe.

Some of the key provisions include requiring a comprehensive analysis of trafficking data to help us better understand where victims are actually going and how to free them; providing more help for countries to inspect locations where forced labor occurs; to register vulnerable populations and to provide more protection to foreign workers; ensuring that U.S. assistance programs are transparent and effective; urging the administration to work with our friends to reach agreements between labor exporters and labor importers so that vulnerable workers have more rather than less protection; creating a zero-tolerance policy for diplomats who abuse their workers; and, finally, addressing the issue of child soldiers.

I urge all of my colleagues to join me in supporting this very important legislation, and I now yield to my friend from Florida, the ranking member and the key sponsor of this legislation.

Ms. ROS-LEHTINEN. Thank you so much, Mr. Chairman. As you had stated, and as underscored in the heart-breaking testimony that we heard at last week's hearing, human trafficking is a scourge that continues to rob countless men and women, especially children, of their security, their freedom, and their dignity.

Mr. Chairman, I want to thank you for your leadership in introducing this bill, which I am proud to co-sponsor. I commend the diligence and the dedication of your staff and look forward to your continued cooperation as we move this ambitious bill forward in the legislative process. And I also want to recognize the singular leadership of my good friend from New Jersey, Mr. Chris Smith, the author of the original Trafficking Victims Protection Act of 2000, which this bill reauthorizes and expands, and, with that, I

would like to yield my time, Mr. Chairman, to the gentleman from New Jersey.

Mr. SMITH OF NEW JERSEY. Thank you very much, Mr. Chairman and to Ranking Member Ros-Lehtinen.

This is truly a bipartisan piece of legislation. It is one of those issues where there has been no gap between us on either side of the aisle. It has united conservatives, moderates, and liberals in a grand fight to combat the scourge of modern-day slavery.

I think it is particularly appropriate that you named it after William Wilberforce, the leader in the House of Commons who led the fight against slavery and lost battle after battle in the House of Commons through all kinds of treachery. Those of you who have read any of the books about his life know that he was a praying man, a fasting man, and never gave up in his fight to end slavery in the U.K., all of its colonies, the Caribbean and everywhere else where they had an impact. So it is very appropriate, I think, that you have so designated this piece of legislation.

I would ask that my full statement be made a part of the record, Mr. Chairman.

Chairman LANTOS. Without objection.

[The prepared statement of Mr. Smith follows:]

PREPARED STATEMENT OF THE HONORABLE CHRISTOPHER H. SMITH, A
REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW JERSEY

In supporting the Trafficking Victims Protection Act, as well as its first and second reauthorizations in 2003 and 2005, respectively, you, Mr. Chairman, and this Committee have demonstrated a commitment to eradicate the scourge of modern day slavery and to bring healing to its victims.

Mr. Chairman, this legislation, H.R. 3887, will continue the progress begun by the Trafficking Victims Protection Act (TVPA) of 2000 and its subsequent re-authorizations, which helped transform the way our Government, the private sector, and governments around the world respond to the crime of trafficking.

Since enactment of the TVPA, the traffickers here and abroad are increasingly likely to face prosecution and conviction. In contrast to the six-year period before its enactment, the Department of Justice has in the last 6 years prosecuted 360 defendants compared to 89, representing a more than 300% increase; secured 238 convictions and guilty pleas, a 250% increase from the 67 obtained previously; and opened 639 new investigations, an almost 400% increase from the 128 opened prior to implementation of the trafficking legislation.

Worldwide, nearly 6,000 traffickers were prosecuted last year, and more than 3,000 were convicted. And international organizations are taking important measures to address factors that contribute to trafficking. For example, the United Nations Department for Peacekeeping Operations has established a secure Web-based software program to track all sexual exploitation and abuse cases, and to ensure that those personnel who have been dismissed or repatriated for sexual exploitation and abuse violations are barred from serving in future UN missions.

The importance of this bi-partisan effort to confront human trafficking on a global scale is apparent not only from the evidence of the appalling physical and psychological wounds inflicted on its victims. In addition to being one of the most appalling human rights abuses of our time, trafficking is contributing to one of the greatest pandemics of our time. As indicated in the State Department's 2007 Trafficking in Persons Report, both prostitution and sex trafficking contribute to the spread of HIV/AIDS. The Report cites as an example the astonishing statistic that over 70 % of the women prostituted in South Africa are infected with HIV. This correlation between prostitution and sex trafficking and HIV prevalence rates will be important for this Committee to keep in mind as we prepare to re-authorize the President's Emergency Plan for AIDS Relief.

In addition to re-authorizing the Trafficking Victims Protection Act of 2000, the bill before us contains a number of important provisions that will further strengthen our goals of prosecution, protection and prevention. One such provision amends the section relating to the countries on the Special Watch List by limiting the period a country can remain on the Watch List to two years, subject to certain qualifica-

tions. This provision reflects the original congressional intent that the watch list serve as an impetus to countries that are not complying with the minimum standards for the elimination of trafficking to commit the political will and resources necessary to seriously address this human rights abuse.

The bill also incorporates the key provisions of H.R. 3028, the Child Soldier Prevention Act of 2007, introduced in the House by my good friend and colleague Representative Jeff Fortenberry, and which I had the honor to co-sponsor. These provisions condemn the conscription, forced recruitment or use of children by governments, paramilitaries, or other organizations in hostilities. They also urge our government to lead efforts to uphold international standards to end this human rights abuse and to expand efforts to recover and reintegrate child soldiers into their communities. This legislation correctly includes this horrific form of exploitation of children as trafficking and therefore as a human rights violation to be recognized and confronted by the international community.

I urge my colleagues to support these and the other important provisions of this bill. I yield back the balance of my time.

Mr. SMITH OF NEW JERSEY. TVPA of 2000 and its follow-up authorizations and this one as well have really led the effort, not just here in the United States but globally. The three-pronged strategy is on prevention, prosecution, and the effort to really take this overseas and ensure that other countries enact similar legislation so that there is a seamlessness to this effort.

Since the enactment of the TVPA, traffickers here and abroad are increasingly likely to face prosecution and conviction. In the 6-year period before the enactment, the Department of Justice had 89 cases, and in the 6 years following its enactment, they have prosecuted 360 cases, representing a 300 percent increase. Worldwide, 6,000 traffickers were prosecuted last year, and more than 3,000 were convicted.

We have, I think, made a very, very strong effort to make this a global effort, and, again, this legislation takes that one very significant step further.

Finally, it also incorporates key provisions of the Child Soldiers Prevention Act of 2007, introduced in the House by our friend and colleague, Jeff Fortenberry, and I want to thank you for including that and providing a vehicle to move that legislation forward as well. I yield back the balance of my time.

Chairman LANTOS. I have a series of perfecting amendments at the desk. The clerk will designate the amendments.

Ms. RUSH. Amendment to H.R. 3887 offered by Mr. Lantos of California. Page 5, line 22, insert "solely" after "responsible." Page 6, line 17, strike "and the mission—"

[The information referred to follows:]

AMENDMENT TO H.R. 3887

OFFERED BY MR. LANTOS OF CALIFORNIA

Page 5, line 22, insert “solely” after “responsible”.

Page 6, line 17, strike “and the mission of the Office” and insert “and the broad and historic mission of the Office to end modern-day slavery”.

Page 8, line 7, strike “provided” the first place it appears and insert “providing”.

Page 10, line 7, insert “the number of” before “individuals”.

Page 10, line 10, strike “person” and insert “persons”.

Page 10, line 14, strike “evolve” and insert “affect the nature and severity of trafficking and change the fundamental conditions that facilitate trafficking”.

Page 12, beginning on line 5, strike “establish performance indicators to be used in measuring and assessing” and insert “ensure that performance indicators are used for each United States program authorized by this division and the amendments made by this division to measure and assess”.

Page 12, after line 20, insert the following:

1 “(d) CONSISTENCY WITH OTHER PROGRAMS.—The
2 President shall take steps to ensure that the design, moni-
3 toring, and evaluation of United States assistance pro-
4 grams for emergency relief, development, and poverty alle-
5 viation under part I and chapter 4 of part II of the For-
6 eign Assistance Act of 1961 and other similar United
7 States assistance programs are carried out in a manner
8 that takes into account and are consistent with United
9 States policies and other United States programs relating
10 to combatting trafficking in persons.”.

Page 12, line 21, strike “(d)” and insert “(e)”.

Page 13, strike lines 3 through 21 and insert the following:

11 (a) MINIMUM STANDARDS.—Subsection (a) of section
12 108 of the Trafficking Victims Protection Act of 2000 (22
13 U.S.C. 7106) is amended in the matter preceding para-
14 graph (1) by striking “a significant number of”.

Page 15, beginning on line 19, strike “provides to the appropriate congressional committees credible evidence” and insert “determines”.

Page 16, strike lines 3 through 6 and insert “plan, and, as part of the report required by paragraph (1) and

the interim assessment required by subparagraph (B), the Secretary provides to the appropriate congressional committees credible evidence that the country meets the requirements of clauses (i) through (iii). The Secretary may make a determination under the preceding sentence with respect to a country for not more than two consecutive years.”.

Page 17, line 22, strike “purpose” and insert “purposes of improving coordination of the collection of data related to trafficking in persons by each agency of the United States Government that collects such data, promoting uniformity of such data collection and standards systems related to such collection, and”.

Page 18, line 20, strike “individuals” and insert “individuals or organizations”.

Page 18, line 21, strike “foreign nationals” and insert “United States citizens or foreign nationals and United States or foreign nongovernmental organizations”.

Page 18, beginning on line 24, strike “The criteria” and all that follows through line 2 on page 19.

Page 19, beginning on line 21, strike “information” and all that follows through line 23 and insert “received, both orally in a language that the applicant understands

and though the pamphlet required under section 202, information relating to the following:”.

Page 21, line 6, after “review” insert “with the applicant”.

Page 24, line 12, strike “because” and insert “and”.

Page 25, line 12, add at the end the following: “Such report may be combined with the annual report required by section 110(b) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7107(b)).”.

Page 26, line 2, strike “September 30, 2008” and insert “January 15, 2009”.

Page 40, lines 20 and 25, strike “Act” each place it appears and insert “subsection”.

Page 41, line 4, strike “Act” and insert “subsection”.

Page 53, line 9, strike “edibility” and insert “eligibility”.

Page 65, line 18, strike “a offense” and insert “an offense”.

Page 68, line 19, strike “Section 2421” and insert “Section 2422(a)”.

Page 68, line 21, strike “individual” and insert “travel”.

Page 81, after line 19, insert the following:

1 (c) RULE OF CONSTRUCTION.—Nothing in this sec-
2 tion shall be construed as affecting or derogating from the
3 responsibilities of the Senior Policy Operating Group es-
4 tablished by section 206 of the Trafficking Victims Protec-
5 tion Reauthorization Act of 2005.

Page 81, line 20, strike “(c)” and insert “(d)”.

Page 112, line 11, strike “15” and insert “16”.

Page 117, line 19, after “community” insert “, tak-
ing into consideration the needs of girl soldiers, who may
be at risk of exclusion from disarmament, demobilization,
and reintegration programs”.

Page 119, line 7, after “human rights” insert “,
identifying and integrating global best practices, as avail-
able, into such strategies to avoid duplication of effort”.

Amend the title so as to read: “A bill to authorize
appropriations for fiscal years 2008 through 2011 for the
Trafficking Victims Protection Act of 2000, to enhance
measures to combat trafficking in persons, and for other
purposes.”.

Chairman LANTOS. Without objection, the amendments will be considered en bloc and will be considered as read. The chair is recognized for 5 minutes to explain the amendments.

These amendments are, for the most part, minor, clarifying or technical in nature and correct several errors that have been found in the text. They include suggestions by several members, including Mr. Fortenberry, and have been cleared by both sides.

Does anyone want to be recognized to speak on the amendment?

[No response.]

Chairman LANTOS. If not, the question is on the amendment. All in favor, say aye.

[A chorus of ayes.]

Chairman LANTOS. All opposed, say no. The ayes have it.

Are there any other amendments? Ms. Woolsey?

Ms. WOOLSEY. Thank you, Mr. Chairman. I just wanted to comment and thank you and Congressman Smith for the leadership on this issue and thank Congressman Smith for his steadfast commitment to human rights.

It is essential that we reauthorize this bill and accept that antitrafficking efforts of our Government have not gone quite far enough, need to go much farther. They touch the lives of people every single day, and these are not faceless people. These are real children, real women, and sexual slavery, slave labor for children just cannot be tolerated.

I am going to vote for it. I think this is a great bill, but between now and the floor, Mr. Chairman, I would like to work with you and talk about an amendment that would strengthen the protection for victims of trafficking so that they are absolutely ensured that they are safe so that they will speak out. Maybe I have missed in this bill what does that as well as I think it should, but I would like to ask you to work with me on an amendment before we get to the floor.

Chairman LANTOS. I would be very pleased to do so.

Ms. WOOLSEY. Thank you very much.

Chairman LANTOS. Any other colleague with an amendment?

Ms. JACKSON LEE. Mr. Chairman?

Chairman LANTOS. Ms. Sheila Jackson Lee.

Ms. JACKSON LEE. I do not have an amendment at this time. I simply want to briefly thank the chairman and the ranking member and Mr. Smith for the provisions covering child soldiers, and, just to recount, two countries, in particular, Sierra Leone and Liberia, have to be two of the worst examples of abusing children as child soldiers, and the remnants of that continue to plague those countries trying to now integrate those child soldiers back into society.

It is a violent life, it is a vicious life, and this legislation, by reauthorizing the protection of those children, is vital. Thank you for what it does for labor conditions and the protection of women who are subjected to the violence of human trafficking. I yield back and ask my colleagues to support the bill. I yield back.

Chairman LANTOS. Thank you. The gentleman from Indiana, Mr. Burton.

Mr. BURTON. Thank you, Mr. Chairman. I just briefly want to say something about the name that this bill has on it, William Wilberforce.

I just finished a book called *Amazing Grace*, and I hope everybody will get the opportunity to read it. This man is not known by an awful lot of people in this country or in the world, but he is probably one of the greatest men who ever lived, and I really mean that. What he did for humanity and to eliminate repressive acts and slave trading is just unbelievable. He spent his whole life doing that, and I just want to say that everybody ought to know who he is, and everybody, if they get an opportunity, ought to read that book. It is called *Amazing Grace*, and I strongly support this bill.

Chairman LANTOS. I thank my friend from Indiana. Mr. Fortenberry?

Mr. FORTENBERRY. Thank you, Mr. Chairman. I do very much appreciate your leadership on this very important legislation to prevent human trafficking, prosecute perpetrators of this most vicious set of crimes, and bring support and healing to victims.

I wish to focus my comments as well on one particular aspect of the bill which addresses the use of child soldiers, one of the most egregious human rights violations of our time. It is estimated that more than 250,000 children are currently exploited as child soldiers, and tens of thousands of girls are subjected to rape and other forms of sexual violence as a result of this heinous practice.

In many areas throughout the world, children who "volunteer" as child soldiers often do so because they are desperate to survive in combat-ravaged regions where their families and every semblance of community support have been devastated.

Mr. Chairman, children belong on playgrounds and not battle-grounds, and as you have kindly mentioned, I have submitted legislation, along with Mr. Payne of New Jersey, which did build on previous efforts of Mr. Smith of New Jersey as well, urging the U.S. Government to take action against foreign governments and paramilitaries that coerce children into combat, and I am very grateful and pleased that this language has been included in your human trafficking bill. Thank you.

Chairman LANTOS. Thank you, Mr. Fortenberry. It is a sheer joy to work on a bipartisan piece of legislation. We always do our best job when we work together.

The chairman is prepared to receive a motion.

Mr. BERMAN. Mr. Chairman, I move the favorable recommendation of H.R. 3887, as amended, to the House.

Chairman LANTOS. The question occurs on the motion by the gentleman from California to report H.R. 3887, as amended, favorably to the House. All in favor, say aye.

[A chorus of ayes.]

Chairman LANTOS. All opposed, say no. The ayes have it, and the motion is adopted.

Without objection, the bill will be reported as a single amendment in the nature of a substitute incorporating the amendments adopted by the committee, and the staff is directed to make any technical and conforming amendments.

Pursuant to notice, I call up the bill, H.R. 275, The Global Online Freedom Act, for purposes of markup and move its favorable recommendation to the House. Without objection, the amendment in the nature of a substitute before the members will be considered as the base text for purposes of amendment. It will be considered as read and open for amendment at any point.

[The information referred to follows:]

110TH CONGRESS
1ST SESSION

H. R. 275

To promote freedom of expression on the Internet, to protect United States businesses from coercion to participate in repression by authoritarian foreign governments, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 5, 2007

Mr. SMITH of New Jersey (for himself and Mr. WOLF) introduced the following bill; which was referred to the Committee on Foreign Affairs, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To promote freedom of expression on the Internet, to protect United States businesses from coercion to participate in repression by authoritarian foreign governments, 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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Global Online Freedom Act of 2007”.

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

Sec. 1. Short title; table of contents.
Sec. 2. Findings.
Sec. 3. Definitions.
Sec. 4. Severability.

TITLE I—PROMOTION OF GLOBAL INTERNET FREEDOM

Sec. 101. Statement of policy.
Sec. 102. Sense of Congress.
Sec. 103. Annual Country Reports on Human Rights Practices.
Sec. 104. Office of Global Internet Freedom.
Sec. 105. Annual designation of Internet-restricting countries; report.

TITLE II—MINIMUM CORPORATE STANDARDS FOR ONLINE
FREEDOM

Sec. 201. Protection of personally identifiable information.
Sec. 202. Integrity of personally identifiable information.
Sec. 203. Transparency regarding search engine filtering.
Sec. 204. Transparency regarding Internet censorship.
Sec. 205. Protection of United States-supported online content.
Sec. 206. Penalties.
Sec. 207. Presidential waiver.

TITLE III—EXPORT CONTROLS FOR INTERNET-RESTRICTING
COUNTRIES

Sec. 301. Feasibility study on establishment of export controls.
Sec. 302. Report.

3 **SEC. 2. FINDINGS.**

4 Congress makes the following findings:

5 (1) Freedom of speech and freedom of the press
6 are fundamental human rights, and free flow of in-
7 formation on the Internet is protected in Article 19
8 of the Universal Declaration of Human Rights,
9 which guarantees freedom to “receive and impart in-
10 formation and ideas through any media regardless of
11 frontiers”.

1 (2) The Internet has been a success because it
2 quickly provides information to its more than
3 972,000,000 users globally.

4 (3) The growth of the Internet and other infor-
5 mation technologies can be a force for democratic
6 change if the information is not subject to political
7 censorship.

8 (4) The Internet has played a role in bringing
9 international attention to issues the discussion of
10 which are forbidden by authoritarian foreign govern-
11 ments, such as attempts by the Government of the
12 People's Republic of China to suppress news of the
13 severe acute respiratory syndrome (SARS) outbreak
14 in 2004.

15 (5) The rapid provision of full and uncensored
16 information through the Internet has become a
17 major industry of the United States, and one of its
18 major exports.

19 (6) Political censorship of the Internet degrades
20 the quality of that service and ultimately threatens
21 the integrity and viability of the industry itself, both
22 in the United States and abroad.

23 (7) Authoritarian foreign governments such as
24 the Governments of Belarus, Cuba, Ethiopia, Iran,
25 Laos, North Korea, the People's Republic of China,

1 Tunisia, and Vietnam block, restrict, and monitor
2 the information their citizens try to obtain.

3 (8) Web sites that provide uncensored news and
4 information, such as the Web sites of the Voice of
5 America and Radio Free Asia, are routinely blocked
6 in such countries.

7 (9) In June 2003, the Government of the So-
8 cialist Republic of Vietnam arrested, convicted of
9 “spying”, and sentenced to 13 years imprisonment
10 and 3 years house arrest (later reduced on appeal to
11 5 years imprisonment and 3 years house arrest) Dr.
12 Pham Hong Son after he translated an Internet ar-
13 ticle titled “What is Democracy” from the Web site
14 of the United States Embassy in Vietnam.

15 (10) According to the Department of State’s
16 Country Reports on Human Rights Practices, the
17 Government of Vietnam in 2004 tightened control of
18 the Internet, requiring Internet agents, such as
19 cyber cafes, to register the personal information of
20 their customers and store records of Internet sites
21 visited by customers. The Vietnamese Government
22 also monitored electronic mail, searched for sensitive
23 key words, and regulated Internet content.

24 (11) The Government of the People’s Republic
25 of China has employed censorship of the Internet in

1 violation of Article 35 of the Chinese Constitution,
2 which guarantees freedom of speech, freedom of the
3 press, freedom of assembly, freedom of association,
4 freedom of procession, and freedom of demonstra-
5 tion.

6 (12) This censorship by the Chinese Govern-
7 ment promotes, perpetuates, and exacerbates a
8 xenophobic—and at times particularly anti-Amer-
9 ican—Chinese nationalism, the long-term effect of
10 which will be deleterious to United States efforts to
11 prevent the relationship between the United States
12 and China from becoming hostile.

13 (13) Technology companies in the United
14 States that operate in countries controlled by au-
15 thoritarian foreign governments have a moral re-
16 sponsibility to comply with the principles of the Uni-
17 versal Declaration of Human Rights.

18 (14) Technology companies in the United
19 States have succumbed to pressure by authoritarian
20 foreign governments to provide such governments
21 with information about Internet users that has led
22 to the arrest and imprisonment of cyber dissidents,
23 in violation of the corporate responsibility of such
24 companies to protect and uphold human rights.

1 (15) Technology companies in the United
2 States have provided technology and training to au-
3 thoritarian foreign governments which have been
4 used by such governments in filtering and blocking
5 information that promotes democracy and freedom.

6 (16) Technology companies in the United
7 States should develop standards by which they can
8 conduct business with authoritarian foreign govern-
9 ments while protecting human rights to freedom of
10 speech and freedom of expression.

11 (17) The United States supports the universal
12 right to freedom of speech and freedom of the press.

13 **SEC. 3. DEFINITIONS.**

14 In this Act:

15 (1) APPROPRIATE CONGRESSIONAL COMMIT-
16 TEES.—Except as otherwise provided in this Act, the
17 term “appropriate congressional committees”
18 means—

19 (A) the Committee on International Rela-
20 tions of the House of Representatives; and

21 (B) the Committee on Foreign Relations of
22 the Senate.

23 (2) FOREIGN OFFICIAL.—

24 (A) IN GENERAL.—The term “foreign offi-
25 cial” means—

1 (i) any officer or employee of a for-
2 eign government or any department, agen-
3 cy, state-owned enterprise, or instrumen-
4 tality thereof; or

5 (ii) any person acting in an official ca-
6 pacity for or on behalf of any such govern-
7 ment or department, agency, state-owned
8 enterprise, or instrumentality.

9 (B) STATE-OWNED ENTERPRISE.—For
10 purposes of subparagraph (A), the term “state-
11 owned enterprise” means a commercial entity in
12 which a foreign government owns, directly or
13 indirectly, more than 50 percent of the out-
14 standing capital stock or other beneficial inter-
15 est in such commercial entity.

16 (3) INTERNET.—The term “Internet” means
17 the combination of computer facilities, telecommuni-
18 cations facilities, electromagnetic transmission
19 media, and related equipment and software, com-
20 prising the interconnected worldwide network of
21 computer networks that employ the Transmission
22 Control Protocol/Internet Protocol or any successor
23 protocol to transmit information.

1 (4) INTERNET CONTENT HOSTING SERVICE.—
2 The terms “Internet content hosting service” and
3 “content hosting service” mean a service that—

4 (A) stores, through electromagnetic or
5 other means, electronic data, including the con-
6 tent of Web pages, electronic mail, documents,
7 images, audio and video files, online discussion
8 boards, and Web logs; and

9 (B) makes such data available via the
10 Internet.

11 (5) INTERNET JAMMING.—The term “Internet
12 jamming” means jamming, censoring, blocking,
13 monitoring, or restricting access to the Internet, or
14 to content made available via the Internet, by using
15 technologies such as firewalls, filters, and “black
16 boxes”.

17 (6) INTERNET-RESTRICTING COUNTRY.—The
18 term “Internet-restricting country” means a country
19 designated by the President pursuant to section
20 105(a) of this Act.

21 (7) INTERNET SEARCH ENGINE.—The term
22 “Internet search engine” or “search engine” means
23 a service made available via the Internet that, on the
24 basis of query consisting of terms, concepts, ques-
25 tions, or other data input by a user, searches infor-

1 mation available on the Internet and returns to the
2 user a means, such as a hyperlinked list of Uniform
3 Resource Identifiers, of locating, viewing, or
4 downloading information or data available on the
5 Internet relating to that query.

6 (8) LEGITIMATE FOREIGN LAW ENFORCEMENT
7 PURPOSES.—

8 (A) IN GENERAL.—The term “legitimate
9 foreign law enforcement purposes” means for
10 purposes of enforcement, investigation, or pros-
11 ecution by a foreign official based on a publicly
12 promulgated law of reasonable specificity that
13 proximately relates to the protection or pro-
14 motion of the health, safety, or morals of the
15 citizens of that jurisdiction.

16 (B) RULE OF CONSTRUCTION.—For pur-
17 poses of this Act, the control, suppression, or
18 punishment of peaceful expression of political or
19 religious opinion, which is protected by Article
20 19 of the International Covenant on Civil and
21 Political Rights, does not constitute a legitimate
22 foreign law enforcement purpose.

23 (9) PERSONALLY IDENTIFIABLE INFORMA-
24 TION.—The term “personally identifiable
25 information”—

1 (A) includes any information described in
2 section 2703(e)(2) of title 18, United States
3 Code; and

4 (B) does not include—

5 (i) any traffic data (as such term is
6 defined in section 201(b) of this Act); or

7 (ii) any record of aggregate data that
8 does not identify particular persons.

9 (10) SUBSTANTIAL RESTRICTIONS ON INTER-
10 NET FREEDOM.—The term “substantial restrictions
11 on Internet freedom” means actions that restrict or
12 punish the free availability of information via the
13 Internet for reasons other than legitimate foreign
14 law enforcement purposes, including—

15 (A) deliberately blocking, filtering, or cen-
16 soring information available via the Internet
17 based on its peaceful political or religious con-
18 tent; or

19 (B) persecuting, prosecuting, or otherwise
20 punishing an individual or group for posting or
21 transmitting peaceful political or religious opin-
22 ions via the Internet, including by electronic
23 mail.

24 (11) UNITED STATES BUSINESS.—The term
25 “United States business” means—

1 (A) any corporation, partnership, associa-
2 tion, joint-stock company, business trust, unin-
3 corporated organization, or sole proprietorship
4 that—

5 (i) has its principal place of business
6 in the United States; or

7 (ii) is organized under the laws of a
8 State of the United States or a territory,
9 possession, or commonwealth of the United
10 States;

11 (B) any issuer of a security registered pur-
12 suant to section 12 of the Securities Exchange
13 Act of 1934 (15 U.S.C. 78l); and

14 (C) any foreign subsidiary of an entity de-
15 scribed in subparagraph (A) or (B) to the ex-
16 tent such entity—

17 (i) controls the voting shares or other
18 equities of the foreign subsidiary; or

19 (ii) authorizes, directs, controls, or
20 participates in acts carried out by the for-
21 eign subsidiary that are prohibited by this
22 Act.

23 (12) UNITED STATES-SUPPORTED CONTENT.—
24 The term “United States-supported content” means
25 content that is created or developed, in whole or in

1 part, by a United States-supported information enti-
2 ty.

3 (13) UNITED STATES-SUPPORTED INFORMA-
4 TION ENTITY.—The term “United States-supported
5 information entity” means—

6 (A) any authority of the Government of
7 the United States; and

8 (B) any entity that—

9 (i) receives grants from the Broad-
10 casting Board of Governors to carry out
11 international broadcasting activities in ac-
12 cordance with the United States Inter-
13 national Broadcasting Act of 1994 (title
14 III of Public Law 103–236; 22 U.S.C.
15 6201 et seq.);

16 (ii) in coordination with the Inter-
17 national Broadcasting Bureau, carries out
18 all nonmilitary international broadcasting
19 activities supported by the Government of
20 the United States in accordance with such
21 Act (other than the international broad-
22 casting activities supported by the Broad-
23 casting Board of Governors as specified in
24 such Act); or

1 (iii) receives grants or other similar
2 funding from the Government of the
3 United States to carry out any information
4 dissemination activities.

5 (14) UNITED STATES-SUPPORTED WEB SITE.—
6 The term “United States-supported Web site”
7 means a location on the World Wide Web that is
8 owned or managed by, or is registered to, a United
9 States-supported information entity.

10 **SEC. 4. SEVERABILITY.**

11 If any provision of this Act, or the application of such
12 provision to any person or circumstance, is held invalid,
13 the remainder of this Act, and the application of such pro-
14 vision to other persons not similarly situated or to other
15 circumstances, shall not be affected by such invalidation.

16 **TITLE I—PROMOTION OF**
17 **GLOBAL INTERNET FREEDOM**

18 **SEC. 101. STATEMENT OF POLICY.**

19 It shall be the policy of the United States—

20 (1) to promote as a fundamental component of
21 United States foreign policy the right of everyone to
22 freedom of opinion and expression, including the
23 freedom to hold opinions without interference and to
24 seek, receive, and impart information and ideas
25 through any media and regardless of frontiers;

1 (2) to use all appropriate instruments of United
2 States influence, including diplomacy, trade policy,
3 and export controls, to support, promote, and
4 strengthen principles, practices, and values that pro-
5 mote the free flow of information, including through
6 the Internet and other electronic media; and

7 (3) to deter any United States business from
8 cooperating with officials of Internet-restricting
9 countries in effecting the political censorship of on-
10 line content.

11 **SEC. 102. SENSE OF CONGRESS.**

12 It is the sense of Congress that—

13 (1) the President should through bilateral, and
14 where appropriate, multilateral activities, seek to ob-
15 tain the agreement of other countries to promote the
16 goals and objectives of this Act and to protect Inter-
17 net freedom; and

18 (2) to the extent that a United States business
19 empowers or assists an authoritarian foreign govern-
20 ment in its efforts to restrict online access to the
21 Web sites of Radio Free Asia, the Voice of America,
22 or other United States-supported Web sites and on-
23 line access to United States Government reports
24 such as the Annual Country Reports on Human
25 Rights Practices, the Annual Reports on Inter-

1 national Religious Freedom, and the Annual Traf-
2 ficking in Human Persons Reports, that business is
3 working contrary to the foreign policy interests of
4 the United States, and is undercutting United
5 States taxpayer-funded efforts to promote freedom
6 of information for all people, including those in un-
7 democratic and repressive societies.

8 **SEC. 103. ANNUAL COUNTRY REPORTS ON HUMAN RIGHTS**
9 **PRACTICES.**

10 (a) REPORT RELATING TO ECONOMIC ASSIST-
11 ANCE.—Section 116 of the Foreign Assistance Act of
12 1961 (22 U.S.C. 2151n) is amended by adding at the end
13 the following new subsection:

14 “(g)(1) The report required by subsection (d) shall
15 include an assessment of the freedom of electronic infor-
16 mation in each foreign country. Such assessment shall in-
17 clude the following:

18 “(A) An assessment of the general extent to
19 which Internet access is available to and used by
20 citizens in that country.

21 “(B) An assessment of the extent to which gov-
22 ernment authorities in that country attempt to filter,
23 censor, or otherwise block Internet content, as well
24 as a description of the means by which they attempt
25 to block such content.

1 “(C) A description of known instances in which
2 government authorities in that country have per-
3 secuted, prosecuted, or otherwise punished a person
4 or group for the peaceful expression of political, reli-
5 gious, or dissenting views via the Internet, including
6 electronic mail.

7 “(2) In compiling data and making assessments for
8 the purposes of paragraph (1), United States diplomatic
9 mission personnel shall consult with human rights organi-
10 zations and other appropriate nongovernmental organiza-
11 tions.”.

12 (b) REPORT RELATING TO SECURITY ASSISTANCE.—
13 Section 502B of the Foreign Assistance Act of 1961 (22
14 U.S.C. 2304) is amended by adding at the end the fol-
15 lowing new subsection:

16 “(i)(1) The report required by subsection (b) shall in-
17 clude an assessment of the freedom of electronic informa-
18 tion in each foreign country. Such assessment shall in-
19 clude the following:

20 “(A) An assessment of the general extent to
21 which Internet access is available to and used by
22 citizens in that country.

23 “(B) An assessment of the extent to which gov-
24 ernment authorities in that country attempt to filter,
25 censor, or otherwise block Internet content, as well

1 as a description of the means by which they attempt
2 to block such content.

3 “(C) A description of known instances in which
4 government authorities in that country have per-
5 secuted, prosecuted, or otherwise punished a person
6 or group for the peaceful expression of political, reli-
7 gious, or dissenting views via the Internet, including
8 electronic mail.

9 “(2) In compiling data and making assessments for
10 the purposes of paragraph (1), United States diplomatic
11 mission personnel shall consult with human rights organi-
12 zations and other appropriate nongovernmental organiza-
13 tions.”.

14 **SEC. 104. OFFICE OF GLOBAL INTERNET FREEDOM.**

15 (a) ESTABLISHMENT.—There is established in the
16 Department of State the Office of Global Internet Free-
17 dom (in this section referred to as the “Office”).

18 (b) DUTIES.—In addition to such other responsibil-
19 ities as the President may assign, the Office shall—

20 (1) serve as the focal point for interagency ef-
21 forts to protect and promote freedom of electronic
22 information abroad;

23 (2) develop and ensure the implementation of a
24 global strategy and programs to combat state-spon-
25 sored and state-directed Internet jamming by au-

1 thoritarian foreign governments, and the intimidati-
2 tion and persecution by such governments of their
3 citizens who use the Internet;

4 (3) provide assistance to the President in con-
5 nection with the annual designation of Internet-re-
6 stricting countries required by section 105(a) of this
7 Act;

8 (4) beginning not later than 180 days after the
9 date of the enactment of this Act—

10 (A) identify key words, terms, and phrases
11 relating to human rights, democracy, religious
12 free exercise, and peaceful political dissent, both
13 in general and as specifically related to the par-
14 ticular context and circumstances of each Inter-
15 net-restricting country; and

16 (B) maintain, update, and make publicly
17 available on a regular basis the key words,
18 terms, and phrases identified pursuant to sub-
19 paragraph (A);

20 (5) establish mechanisms by which United
21 States businesses can transmit to the Office the in-
22 formation required to be reported by sections 203
23 and 204 of this Act;

24 (6) establish a regularized consultative process
25 with appropriate technology companies involved in

1 providing, maintaining, or servicing the Internet,
2 human rights organizations, academic experts, and
3 others to develop a voluntary code of minimum cor-
4 porate standards related to Internet freedom, and to
5 consult with such companies, organizations, experts,
6 and others regarding new technologies and the im-
7 plementation of appropriate policies relating to such
8 technologies; and

9 (7) advise the appropriate congressional com-
10 mittees of legislative action that may be necessary to
11 keep the provisions of this Act and the amendments
12 made by this Act relevant to changing technologies.

13 (c) COOPERATION OF OTHER FEDERAL DEPART-
14 MENTS AND AGENCIES.—Each department and agency of
15 the Government of the United States, including the De-
16 partment of Commerce, the Office of the United States
17 Trade Representative, the Department of Justice, the
18 International Broadcasting Bureau, and the Office of the
19 Director of National Intelligence, shall—

20 (1) cooperate fully with, and assist in the imple-
21 mentation of, the duties of the Office described in
22 subsection (b), including the strategy developed by
23 the Office pursuant to paragraph (2) of subsection
24 (b); and

1 (2) STANDARD.—A foreign country shall be
2 designated as an Internet-restricting country if the
3 President determines that the government of the
4 country is directly or indirectly responsible for a sys-
5 tematic pattern of substantial restrictions on Inter-
6 net freedom during the preceding 1-year period.

7 (3) INITIAL DESIGNEES.—

8 (A) IN GENERAL.—Each of the countries
9 specified in subparagraph (B) shall be deemed
10 to be designated as an Internet-restricting
11 country pursuant to paragraph (1) beginning
12 on the date of the enactment of this Act and
13 ending on the date on which the President cer-
14 tifies to the appropriate congressional commit-
15 tees that the country involved is no longer di-
16 rectly or indirectly responsible for a systematic
17 pattern of substantial restrictions on Internet
18 freedom.

19 (B) COUNTRIES.—The countries referred
20 to in subparagraph (A) are Belarus, Cuba,
21 Ethiopia, Iran, Laos, North Korea, the People’s
22 Republic of China, Tunisia, and Vietnam.

23 (b) REPORT.—

24 (1) IN GENERAL.—Not later than 180 days
25 after the date of the enactment of this Act, and an-

1 nually thereafter, the President shall transmit to the
2 appropriate congressional committees a report that
3 contains the following:

4 (A) The name of each foreign country that
5 at the time of the transmission of the report is
6 designated as an Internet-restricting country
7 pursuant to subsection (a).

8 (B) An identification of each government
9 agency and quasi-government organization re-
10 sponsible for the substantial restrictions on
11 Internet freedom in each foreign country des-
12 ignated as an Internet-restricting country pur-
13 suant to subsection (a).

14 (C) A description of efforts by the United
15 States to counter the substantial restrictions on
16 Internet freedom referred to in subparagraph
17 (B).

18 (2) FORM.—The information required by para-
19 graph (1)(C) of the report may be provided in a
20 classified form if necessary.

21 (3) INTERNET AVAILABILITY.—All unclassified
22 portions of the report shall be made publicly avail-
23 able on the Internet Web site of the Department of
24 State.

1 **TITLE II—MINIMUM CORPORATE**
2 **STANDARDS FOR ONLINE**
3 **FREEDOM**

4 **SEC. 201. PROTECTION OF PERSONALLY IDENTIFIABLE IN-**
5 **FORMATION.**

6 (a) PROHIBITION OF LOCATING PERSONALLY IDEN-
7 TIFIABLE INFORMATION IN INTERNET-RESTRICTING
8 COUNTRIES.—A United States business may not locate,
9 within a designated Internet-restricting country, any elec-
10 tronic communication that contains any personally identi-
11 fiable information.

12 (b) DEFINITIONS.—In this section:

13 (1) TITLE 18 DEFINITIONS.—The terms “elec-
14 tronic communication”, “electronic communications
15 system”, “electronic storage”, and “contents” have
16 the meanings given such terms in section 2510 of
17 title 18, United States Code.

18 (2) LOCATE.—The term “locate” includes, with
19 respect to an electronic communication—

20 (A) computer storage or processing by fa-
21 cilities of a remote computing service, as such
22 term is defined in section 2711 of title 18,
23 United States Code;

1 (B) electronic storage by any electronic or
2 computer server or facility of an electronic com-
3 munications system; and

4 (C) any other storage by any electronic or
5 computer server or facility.

6 (3) TRAFFIC DATA.—The term “traffic data”
7 means, with respect to an electronic communication,
8 any information contained in or relating to such
9 communication that is processed for the purpose of
10 the conveyance of the communication by an elec-
11 tronic communications system or for the billing
12 thereof, including any Internet Protocol address or
13 other means of identifying a location within an elec-
14 tronic communications system, but that does not by
15 itself identify a particular person. Such term does
16 not include the contents of any electronic commu-
17 nication.

18 **SEC. 202. INTEGRITY OF PERSONALLY IDENTIFIABLE IN-**
19 **FORMATION.**

20 (a) USER PROTECTION.—If a United States business
21 collects or obtains personally identifiable information
22 through the provision of products or services on the Inter-
23 net, such business may not provide such information to
24 any foreign official of an Internet-restricting country, ex-

1 cept for legitimate foreign law enforcement purposes as
2 determined by the Department of Justice.

3 (b) USE OF ESTABLISHED LEGAL CHANNELS.—Any
4 information that may be provided under subsection (a) for
5 legitimate foreign law enforcement purposes may only be
6 provided through established legal channels as determined
7 by the Department of Justice.

8 (c) PRIVATE RIGHT OF ACTION.—Any person ag-
9 grieved by a violation of this section may bring an action
10 for damages, including punitive damages, or other appro-
11 priate relief in the appropriate district court of the United
12 States, without regard to the amount in controversy, and
13 without regard to the citizenship of the parties.

14 **SEC. 203. TRANSPARENCY REGARDING SEARCH ENGINE**
15 **FILTERING.**

16 Any United States business that creates, provides, or
17 hosts an Internet search engine shall provide the Office
18 of Global Internet Freedom, in a format and with a fre-
19 quency to be specified by the Office, with all terms and
20 parameters used to filter, limit, or otherwise affect the re-
21 sults provided by the search engine that are
22 implemented—

23 (1) at the request of, or by reason of any other
24 direct or indirect communication by, any foreign of-
25 ficial of an Internet-restricting country; or

1 (2) to comply with a policy or practice of re-
2 strictions on Internet freedom in an Internet-re-
3 stricting country.

4 **SEC. 204. TRANSPARENCY REGARDING INTERNET CENSOR-**
5 **SHIP.**

6 (a) **PROVISION OF URLS.**—Any United States busi-
7 ness that maintains an Internet content hosting service
8 shall provide the Office of Global Internet Freedom, in a
9 format and with a frequency to be specified by the Office,
10 with the Uniform Resource Locators (URLs) of all data
11 and content that such business has, under the cir-
12 cumstances set forth in subsection (b)—

13 (1) removed from the content hosting service of
14 such business;

15 (2) blocked from availability on the Internet; or

16 (3) blocked from transmission via the Internet
17 into or within an Internet-restricting country.

18 (b) **CIRCUMSTANCES.**—The circumstances referred to
19 in subsection (a) are that the United States business took
20 the action under subsection (a)—

21 (1) at the request of, or by reason of any other
22 direct or indirect communication by, any foreign of-
23 ficial of an Internet-restricting country; or

1 (2) in order to comply with a policy or practice
2 of restrictions on Internet freedom in an Internet-re-
3 stricting country.

4 **SEC. 205. PROTECTION OF UNITED STATES-SUPPORTED ON-**
5 **LINE CONTENT.**

6 A United States business that maintains an Internet
7 content hosting service may not conduct Internet jamming
8 of a United States-supported Web site or United States-
9 supported content in an Internet-restricting country.

10 **SEC. 206. PENALTIES.**

11 (a) CIVIL PENALTIES.—(1)(A) Any United States
12 business that violates section 202(a) shall be subject to
13 a civil penalty of not more than \$2,000,000 imposed in
14 an action brought by the Attorney General.

15 (B) Any officer, director, employee, or agent, or
16 stockholder of a United States business, who is acting on
17 behalf of that business concern and who violates section
18 202(a), shall be subject to a civil penalty of not more
19 \$100,000 imposed in an action brought by the Attorney
20 General.

21 (2) Any United States business that violates section
22 201, 203, 204, or 205, or any officer, director, employee,
23 or agent, or stockholder of a United States business, who
24 is acting on behalf of that business concern and who vio-
25 lates section 201, 203, 204, or 205, shall be subject to

1 a civil penalty of not more than \$10,000 imposed in an
2 action brought by the Attorney General.

3 (b) CRIMINAL PENALTIES.—(1)(A) Any United
4 States business that willfully violates, or willfully attempts
5 to violate, section 202(a) shall be fined not more than
6 \$2,000,000.

7 (B) Any officer, director, employee, or agent, or
8 stockholder of a United States business, who is acting on
9 behalf of that business concern, and who willfully violates,
10 or willfully attempts to violate, section 202(a), shall be
11 fined not more than \$100,000, or imprisoned not more
12 than 5 years, or both.

13 (2)(A) Any United States business that willfully vio-
14 lates, or willfully attempts to violate, section 201, 203,
15 204, or 205 shall be fined not more than \$10,000.

16 (B) Any officer, director, employee, or agent, or
17 stockholder of a United States business, who is acting on
18 behalf of that business concern and who willfully violates,
19 or willfully attempts to violate, section 201, 203, 204, or
20 205, shall be fined not more than \$10,000, or imprisoned
21 not more than 1 year, or both.

22 (c) PAYMENT OF FINES.—Whenever a fine is im-
23 posed under subsection (a) or (b) upon any officer, direc-
24 tor, employee, agent, or stockholder of a United States

1 business, the fine may not be paid, directly or indirectly,
2 by the United States business.

3 **SEC. 207. PRESIDENTIAL WAIVER.**

4 (a) IN GENERAL.—Subject to subsection (b), the
5 President may waive the application of any of the provi-
6 sions of sections 201 through 205 with respect to a United
7 States business or an Internet-restricting country, if the
8 President determines and so reports to the appropriate
9 congressional committees that—

10 (1) the government of the country has ceased
11 the activities giving rise to the designation of the
12 country as an Internet-restricting country;

13 (2) the exercise of such waiver authority would
14 further the purposes of this Act; or

15 (3) the important national interest of the
16 United States requires the exercise of such waiver
17 authority.

18 (b) CONGRESSIONAL NOTIFICATION.—Not later than
19 the date of the exercise of a waiver under subsection (a),
20 the President shall notify the appropriate congressional
21 committees of the waiver or the intention to exercise the
22 waiver, together with a detailed justification for the waiv-
23 er.

1 **TITLE III—EXPORT CONTROLS**
2 **FOR INTERNET-RESTRICTING**
3 **COUNTRIES**

4 **SEC. 301. FEASIBILITY STUDY ON ESTABLISHMENT OF EX-**
5 **PORT CONTROLS.**

6 Not later than 180 days after the date of the enact-
7 ment of this Act, the Secretary of Commerce, in consulta-
8 tion with the Secretary of State, shall complete a feasi-
9 bility study regarding the development of export license
10 requirements regarding the export of any item subject to
11 sections 730 through 774 of title 15, Code of Federal Reg-
12 ulations (commonly known as the “Export Administration
13 Regulations”) to an end user in an Internet-restricting
14 country for the purpose, in whole or in part, of facilitating
15 substantial restrictions on Internet freedom.

16 **SEC. 302. REPORT.**

17 Not later than 30 days after the end of the 180-day
18 period described in section 301, the Secretary of Com-
19 merce, in consultation with the Secretary of State, shall
20 submit to the appropriate congressional committees a re-
21 port describing the actions taken to carry out section 301.

○

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 275
OFFERED BY MR. SMITH OF NEW JERSEY**

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

2 (a) SHORT TITLE.—This Act may be cited as the
3 “Global Online Freedom Act of 2007”.

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

- Sec. 1. Short title; table of contents.
- Sec. 2. Findings.
- Sec. 3. Definitions.
- Sec. 4. Severability.

TITLE I—PROMOTION OF GLOBAL INTERNET FREEDOM

- Sec. 101. Statement of policy.
- Sec. 102. Sense of Congress.
- Sec. 103. Annual country reports on human rights practices.
- Sec. 104. Office of Global Internet Freedom.
- Sec. 105. Annual designation of Internet-restricting countries; report.

**TITLE II—MINIMUM CORPORATE STANDARDS FOR ONLINE
FREEDOM**

- Sec. 201. Protection of personally identifiable information.
- Sec. 202. Integrity of personally identifiable information.
- Sec. 203. Transparency regarding search engine filtering.
- Sec. 204. Transparency regarding Internet censorship.
- Sec. 205. Protection of United States-supported online content.
- Sec. 206. Penalties.
- Sec. 207. Presidential waiver.

**TITLE III—EXPORT CONTROLS FOR INTERNET-RESTRICTING
COUNTRIES**

- Sec. 301. Feasibility study on establishment of export controls.
- Sec. 302. Report.

1 **SEC. 2. FINDINGS.**

2 Congress makes the following findings:

3 (1) Freedom of speech and freedom of the press
4 are fundamental human rights, and free flow of in-
5 formation on the Internet is protected in Article 19
6 of the Universal Declaration of Human Rights,
7 which guarantees freedom to “receive and impart in-
8 formation and ideas through any media regardless of
9 frontiers”.

10 (2) The Internet has been a success because it
11 quickly provides information to its more than one
12 billion users globally.

13 (3) The growth of the Internet and other infor-
14 mation technologies can be a force for democratic
15 change if the information is not subject to political
16 censorship.

17 (4) The Internet has played a role in bringing
18 international attention to issues the discussion of
19 which are forbidden by authoritarian foreign govern-
20 ments, such as attempts by the Government of the
21 People’s Republic of China to suppress news of the
22 severe acute respiratory syndrome (SARS) outbreak
23 in 2004.

24 (5) Authoritarian foreign governments such as
25 the Governments of Belarus, Cuba, Ethiopia, Iran,
26 Laos, North Korea, the People’s Republic of China,

1 Tunisia, and Vietnam, among others, block, restrict,
2 and monitor the information their citizens try to ob-
3 tain.

4 (6) Web sites that provide uncensored news and
5 information, such as the Web sites of the Voice of
6 America and Radio Free Asia, are routinely blocked
7 in such countries.

8 (7) In June 2003, the Government of the So-
9 cialist Republic of Vietnam arrested, convicted of
10 “spying”, and sentenced to 13 years imprisonment
11 and 3 years house arrest (later reduced on appeal to
12 5 years imprisonment and 3 years house arrest) Dr.
13 Pham Hong Son after he translated an Internet ar-
14 ticle titled “What is Democracy” from the Web site
15 of the United States Embassy in Vietnam.

16 (8) According to the Department of State’s
17 Country Reports on Human Rights Practices, the
18 Government of Vietnam in 2004 tightened control of
19 the Internet, requiring Internet agents, such as
20 “cyber cafes”, to register the personal information
21 of their customers and store records of Internet sites
22 visited by customers. The Vietnamese Government
23 also monitored electronic mail, searched for sensitive
24 key words, and regulated Internet content.

1 (9) The Government of the People’s Republic of
2 China has employed censorship of the Internet in
3 violation of Article 35 of the Chinese Constitution,
4 which guarantees freedom of speech and freedom of
5 the press.

6 (10) This censorship by the Chinese Govern-
7 ment allows that Government to promote a
8 xenophobic—and at times particularly anti-Amer-
9 ican—Chinese nationalism, the long-term effect of
10 which will be deleterious to United States efforts to
11 improve the relationship between the United States
12 and China.

13 (11) Technology companies in the United
14 States that operate in countries controlled by au-
15 thoritarian foreign governments have a moral re-
16 sponsibility to comply with the principles of the Uni-
17 versal Declaration of Human Rights.

18 (12) Technology companies in the United
19 States have succumbed to pressure by authoritarian
20 foreign governments to provide such governments
21 with information about Internet users that has led
22 to the arrest and imprisonment of “cyber dis-
23 sidents”, in violation of the corporate responsibility
24 of such companies to protect and uphold human
25 rights.

1 (13) Technology companies in the United
2 States have provided technology and training to au-
3 thoritarian foreign governments which have been
4 used by such governments in filtering and blocking
5 information that promotes democracy and freedom.

6 (14) Technology companies in the United
7 States should develop standards by which they can
8 conduct business with authoritarian foreign govern-
9 ments while protecting human rights to freedom of
10 speech and freedom of expression.

11 **SEC. 3. DEFINITIONS.**

12 In this Act:

13 (1) APPROPRIATE CONGRESSIONAL COMMIT-
14 TEES.—Except as otherwise provided in this Act, the
15 term “appropriate congressional committees”
16 means—

17 (A) the Committee on Foreign Affairs of
18 the House of Representatives; and

19 (B) the Committee on Foreign Relations of
20 the Senate.

21 (2) FOREIGN OFFICIAL.—

22 (A) IN GENERAL.—The term “foreign offi-
23 cial” means—

24 (i) any officer or employee of a for-
25 eign government or any department, agen-

1 cy, state-owned enterprise, or instrumen-
2 tality thereof; or

3 (ii) any person acting in an official ca-
4 pacity for or on behalf of any such govern-
5 ment or department, agency, state-owned
6 enterprise, or instrumentality.

7 (B) STATE-OWNED ENTERPRISE.—For
8 purposes of subparagraph (A), the term “state-
9 owned enterprise” means a commercial entity in
10 which a foreign government owns, directly or
11 indirectly, more than 50 percent of the out-
12 standing capital stock or other beneficial inter-
13 est in such commercial entity.

14 (3) INTERNET.—The term “Internet” means
15 the combination of computer facilities, telecommuni-
16 cations facilities, electromagnetic transmission
17 media, and related equipment and software, com-
18 prising the interconnected worldwide network of
19 computer networks that employ the Transmission
20 Control Protocol/Internet Protocol or any successor
21 protocol to transmit information.

22 (4) INTERNET CONTENT HOSTING SERVICE.—
23 The terms “Internet content hosting service” and
24 “content hosting service” mean a service that—

7

1 (A) stores, through electromagnetic or
2 other means, electronic data, including the con-
3 tent of Web pages, electronic mail, documents,
4 images, audio and video files, online discussion
5 boards, and Web logs; and

6 (B) makes such data available via the
7 Internet.

8 (5) INTERNET JAMMING.—The term “Internet
9 jamming” means jamming, censoring, blocking,
10 monitoring, or restricting access to the Internet, or
11 to content made available via the Internet, by using
12 technologies such as firewalls, filters, and “black
13 boxes”.

14 (6) INTERNET-RESTRICTING COUNTRY.—The
15 term “Internet-restricting country” means a country
16 designated by the President pursuant to section
17 105(a) of this Act.

18 (7) INTERNET SEARCH ENGINE.—The term
19 “Internet search engine” or “search engine” means
20 a service made available via the Internet that, on the
21 basis of query consisting of terms, concepts, ques-
22 tions, or other data input by a user, searches infor-
23 mation available on the Internet and returns to the
24 user a means, such as a hyperlinked list of Uniform
25 Resource Identifiers, of locating, viewing, or

1 downloading information or data available on the
2 Internet relating to that query.

3 (8) LEGITIMATE FOREIGN LAW ENFORCEMENT
4 PURPOSES.—

5 (A) IN GENERAL.—The term “legitimate
6 foreign law enforcement purposes” means for
7 purposes of enforcement, investigation, or pros-
8 ecution by a foreign official based on a publicly
9 promulgated law of reasonable specificity that
10 proximately relates to the protection or pro-
11 motion of the health, safety, or morals of the
12 citizens of that jurisdiction.

13 (B) RULE OF CONSTRUCTION.—For pur-
14 poses of this Act, the control, suppression, or
15 punishment of peaceful expression of political or
16 religious opinion, which is protected by Article
17 19 of the International Covenant on Civil and
18 Political Rights, does not constitute a legitimate
19 foreign law enforcement purpose.

20 (9) PERSONALLY IDENTIFIABLE INFORMA-
21 TION.—The term “personally identifiable
22 information”—

23 (A) includes any information described in
24 section 2703(c)(2) of title 18, United States
25 Code; and

1 (B) does not include—

2 (i) any traffic data (as such term is
3 defined in section 201(b) of this Act); or

4 (ii) any record of aggregate data that
5 does not identify particular persons.

6 (10) SUBSTANTIAL RESTRICTIONS ON INTER-
7 NET FREEDOM.—The term “substantial restrictions
8 on Internet freedom” means actions that restrict or
9 punish the free availability of information via the
10 Internet for reasons other than legitimate foreign
11 law enforcement purposes, including—

12 (A) deliberately blocking, filtering, or cen-
13 soring information available via the Internet
14 based on its peaceful political or religious con-
15 tent; or

16 (B) persecuting, prosecuting, or otherwise
17 punishing an individual or group for posting or
18 transmitting peaceful political or religious opin-
19 ions via the Internet, including by electronic
20 mail.

21 (11) UNITED STATES BUSINESS.—The term
22 “United States business” means—

23 (A) any corporation, partnership, associa-
24 tion, joint-stock company, business trust, unin-

1 corporated organization, or sole proprietorship
2 that—

3 (i) has its principal place of business
4 in the United States; or

5 (ii) is organized under the laws of a
6 State of the United States or a territory,
7 possession, or commonwealth of the United
8 States;

9 (B) any issuer of a security registered pur-
10 suant to section 12 of the Securities Exchange
11 Act of 1934 (15 U.S.C. 78l); and

12 (C) any foreign subsidiary of an entity de-
13 scribed in subparagraph (A) or (B) to the ex-
14 tent such entity—

15 (i) controls the voting shares or other
16 equities of the foreign subsidiary; or

17 (ii) authorizes, directs, controls, or
18 participates in acts carried out by the for-
19 eign subsidiary that are prohibited by this
20 Act.

21 (12) UNITED STATES-SUPPORTED CONTENT.—

22 The term “United States-supported content” means
23 content that is created or developed, in whole or in
24 part, by a United States-supported information enti-
25 ty.

1 (13) UNITED STATES-SUPPORTED INFORMA-
2 TION ENTITY.—The term “United States-supported
3 information entity” means—

4 (A) any authority of the Government of
5 the United States; and

6 (B) any entity that—

7 (i) receives grants from the Broad-
8 casting Board of Governors to carry out
9 international broadcasting activities in ac-
10 cordance with the United States Inter-
11 national Broadcasting Act of 1994 (title
12 III of Public Law 103–236; 22 U.S.C.
13 6201 et seq.);

14 (ii) exists within the Broadcasting
15 Board of Governors and carries out non-
16 military international broadcasting activi-
17 ties supported by the Government of the
18 United States in accordance with such Act;
19 or

20 (iii) receives grants or other similar
21 funding from the Government of the
22 United States to carry out any information
23 dissemination activities.

24 (14) UNITED STATES-SUPPORTED WEB SITE.—
25 The term “United States-supported Web site”

1 means a location on the World Wide Web that is
2 owned or managed by, or is registered to, a United
3 States-supported information entity.

4 **SEC. 4. SEVERABILITY.**

5 If any provision of this Act, or the application of such
6 provision to any person or circumstance, is held invalid,
7 the remainder of this Act, and the application of such pro-
8 vision to other persons not similarly situated or to other
9 circumstances, shall not be affected by such invalidation.

10 **TITLE I—PROMOTION OF**
11 **GLOBAL INTERNET FREEDOM**

12 **SEC. 101. STATEMENT OF POLICY.**

13 It shall be the policy of the United States—

14 (1) to promote as a fundamental component of
15 United States foreign policy the right of every indi-
16 vidual to freedom of opinion and expression, includ-
17 ing the right to hold opinions without interference
18 and to seek, receive, and impart information and
19 ideas through any media and regardless of frontiers;

20 (2) to use all appropriate instruments of United
21 States influence, including diplomacy, trade policy,
22 and export controls, to support, promote, and
23 strengthen principles, practices, and values that pro-
24 mote the free flow of information, including through
25 the Internet and other electronic media; and

1 (3) to deter any United States business from
2 cooperating with officials of Internet-restricting
3 countries in effecting the political censorship of on-
4 line content.

5 **SEC. 102. SENSE OF CONGRESS.**

6 It is the sense of Congress that—

7 (1) the President should through bilateral, and
8 where appropriate, multilateral activities, seek to ob-
9 tain the agreement of other countries to promote the
10 goals and objectives of this Act and to protect Inter-
11 net freedom; and

12 (2) to the extent that a United States business
13 empowers or assists an authoritarian foreign govern-
14 ment in its efforts to restrict online access to the
15 Web sites of Radio Free Asia, the Voice of America,
16 or other United States-supported Web sites and on-
17 line access to United States Government reports
18 such as the Annual Country Reports on Human
19 Rights Practices, the Annual Reports on Inter-
20 national Religious Freedom, and the Annual Traf-
21 ficking in Human Persons Reports, or to identify in-
22 dividual Internet users, that business is working
23 contrary to the foreign policy interests of the United
24 States, and is undercutting United States taxpayer-
25 funded efforts to promote freedom of information for

1 all people, including those in undemocratic and re-
2 pressive societies.

3 **SEC. 103. ANNUAL COUNTRY REPORTS ON HUMAN RIGHTS**

4 **PRACTICES.**

5 (a) REPORT RELATING TO ECONOMIC ASSIST-
6 ANCE.—Section 116 of the Foreign Assistance Act of
7 1961 (22 U.S.C. 2151n) is amended by adding at the end
8 the following new subsection:

9 “(g)(1) The report required by subsection (d) shall
10 include an assessment of the freedom of electronic infor-
11 mation in each foreign country. Such assessment shall in-
12 clude the following:

13 “(A) An assessment of the general extent
14 to which Internet access is available to and
15 used by citizens in that country.

16 “(B) An assessment of the extent to which
17 government authorities in that country attempt
18 to filter, censor, or otherwise block Internet
19 content, as well as a description of the means
20 by which they attempt to block such content.

21 “(C) A description of known instances in
22 which government authorities in that country
23 have persecuted, prosecuted, or otherwise pun-
24 ished a person or group for the peaceful expres-

1 sion of political, religious, or dissenting views
2 via the Internet, including electronic mail.

3 “(D) A description of known instances in
4 which government authorities in that country
5 have sought to collect, request, obtain or dis-
6 close the personally identifiable information of a
7 person in connection with that person’s commu-
8 nication of ideas, facts or views where such
9 communication would be protected by the Inter-
10 national Covenant on Civil and Political Rights.

11 “(2) In compiling data and making assessments
12 for the purposes of paragraph (1), United States
13 diplomatic mission personnel shall consult with
14 human rights organizations, technology and internet
15 companies and other appropriate nongovernmental
16 organizations.”.

17 (b) REPORT RELATING TO SECURITY ASSISTANCE.—
18 Section 502B of the Foreign Assistance Act of 1961 (22
19 U.S.C. 2304) is amended by adding at the end the fol-
20 lowing new subsection:

21 “(i)(1) The report required by subsection (b) shall in-
22 clude an assessment of the freedom of electronic informa-
23 tion in each foreign country. Such assessment shall in-
24 clude the following:

1 “(A) An assessment of the general extent
2 to which Internet access is available to and
3 used by citizens in that country.

4 “(B) An assessment of the extent to which
5 government authorities in that country attempt
6 to filter, censor, or otherwise block Internet
7 content, as well as a description of the means
8 by which they attempt to block such content.

9 “(C) A description of known instances in
10 which government authorities in that country
11 have persecuted, prosecuted, or otherwise pun-
12 ished a person or group for the peaceful expres-
13 sion of political, religious, or dissenting views
14 via the Internet, including electronic mail.

15 “(D) A description of known instances in
16 which government authorities in that country
17 have sought to collect, request, obtain or dis-
18 close the personally identifiable information of a
19 person in connection with that person’s commu-
20 nication of ideas, facts or views where such
21 communication would be protected by the Inter-
22 national Covenant on Civil and Political Rights.

23 “(2) In compiling data and making assessments
24 for the purposes of paragraph (1), United States
25 diplomatic mission personnel shall consult with

1 human rights organizations, technology and internet
2 companies, and other appropriate nongovernmental
3 organizations.”.

4 **SEC. 104. OFFICE OF GLOBAL INTERNET FREEDOM.**

5 (a) ESTABLISHMENT.—There is established in the
6 Department of State the Office of Global Internet Free-
7 dom (in this section referred to as the “Office”).

8 (b) DUTIES.—In addition to such other responsibil-
9 ities as the President may assign, the Office shall—

10 (1) serve as the focal point for interagency ef-
11 forts to protect and promote freedom of electronic
12 information abroad;

13 (2) develop and ensure the implementation of a
14 global strategy and programs to combat state-spon-
15 sored and state-directed Internet jamming by au-
16 thoritarian foreign governments, and the intimidat-
17 ion and persecution by such governments of their
18 citizens who use the Internet;

19 (3) provide assistance to the President in con-
20 nection with the annual designation of Internet-re-
21 stricting countries required by section 105(a) of this
22 Act;

23 (4) beginning not later than 180 days after the
24 date of the enactment of this Act—

1 (A) identify key words, terms, and phrases
2 relating to human rights, democracy, religious
3 free exercise, and peaceful political dissent, both
4 in general and as specifically related to the par-
5 ticular context and circumstances of each Inter-
6 net-restricting country; and

7 (B) maintain, update, and make publicly
8 available on a regular basis the key words,
9 terms, and phrases identified pursuant to sub-
10 paragraph (A);

11 (5) establish mechanisms to collect the informa-
12 tion required to be reported by sections 116(g) and
13 502B(i) of the Foreign Assistance Act of 1961 (as
14 added by section 103 of this Act) and sections 203
15 and 204 of this Act;

16 (6) establish a regularized consultative process
17 with appropriate technology companies involved in
18 providing, maintaining, or servicing the Internet,
19 human rights organizations, academic experts, and
20 others to develop a voluntary code of minimum cor-
21 porate standards related to Internet freedom, and to
22 consult with such companies, organizations, experts,
23 and others regarding new technologies and the im-
24 plementation of appropriate policies relating to such
25 technologies; and

1 (7) advise the appropriate congressional com-
2 mittees of legislative action that may be necessary to
3 keep the provisions of this Act and the amendments
4 made by this Act relevant to changing technologies.

5 (e) COOPERATION OF OTHER FEDERAL DEPART-
6 MENTS AND AGENCIES.—Each department and agency of
7 the Government of the United States, including the De-
8 partment of Commerce, the Office of the United States
9 Trade Representative, the Department of Justice, the
10 International Broadcasting Bureau, and the Office of the
11 Director of National Intelligence, shall—

12 (1) cooperate fully with, and assist in the imple-
13 mentation of, the duties of the Office described in
14 subsection (b), including the strategy developed by
15 the Office pursuant to paragraph (2) of subsection
16 (b); and

17 (2) make such resources and information avail-
18 able to the Office on a nonreimbursable basis as is
19 necessary to achieve the purposes of this Act and the
20 amendments made by this Act.

21 (d) DEFINITION.—In this section, the term “appro-
22 priate congressional committees” means—

23 (1) the Committee on Foreign Affairs and the
24 Committee on Energy and Commerce of the House
25 of Representatives; and

1 (2) the Committee on Foreign Relations and
2 the Committee on Commerce, Science, and Trans-
3 portation of the Senate.

4 (e) AUTHORIZATION OF APPROPRIATIONS.—There
5 are authorized to be appropriated to the Office to carry
6 out this section \$50,000,000 for each of the fiscal years
7 2008 and 2009.

8 **SEC. 105. ANNUAL DESIGNATION OF INTERNET-RESTRICT-**
9 **ING COUNTRIES; REPORT.**

10 (a) DESIGNATION.—

11 (1) IN GENERAL.—Not later than 180 days
12 after the date of the enactment of this Act, and an-
13 nually thereafter, the President shall designate
14 Internet-restricting countries for purposes of this
15 Act.

16 (2) STANDARD.—A foreign country shall be
17 designated as an Internet-restricting country if the
18 President determines that the government of the
19 country is directly or indirectly responsible for a sys-
20 tematic pattern of substantial restrictions on Inter-
21 net freedom during the preceding 1-year period.

22 (b) REPORT.—

23 (1) IN GENERAL.—Not later than 180 days
24 after the date of the enactment of this Act, and an-
25 nually thereafter, the President shall transmit to the

1 appropriate congressional committees a report that
2 contains the following:

3 (A) The name of each foreign country that
4 at the time of the transmission of the report is
5 designated as an Internet-restricting country
6 pursuant to subsection (a).

7 (B) An identification of each government
8 agency and quasi-government organization re-
9 sponsible for the substantial restrictions on
10 Internet freedom in each foreign country des-
11 ignated as an Internet-restricting country pur-
12 suant to subsection (a).

13 (C) A description of efforts by the United
14 States to counter the substantial restrictions on
15 Internet freedom referred to in subparagraph
16 (B).

17 (2) FORM.—The information required by para-
18 graph (1)(C) of the report may be provided in a
19 classified form if necessary.

20 (3) INTERNET AVAILABILITY.—All unclassified
21 portions of the report shall be made publicly avail-
22 able on the Internet Web site of the Department of
23 State.

1 **TITLE II—MINIMUM CORPORATE**
2 **STANDARDS FOR ONLINE**
3 **FREEDOM**

4 **SEC. 201. PROTECTION OF PERSONALLY IDENTIFIABLE IN-**
5 **FORMATION.**

6 (a) PROHIBITION OF LOCATING PERSONALLY IDEN-
7 TIFIABLE INFORMATION IN INTERNET-RESTRICTING
8 COUNTRIES.—A United States business may not locate,
9 within a designated Internet-restricting country, any elec-
10 tronic communication that contains any personally identi-
11 fiable information.

12 (b) DEFINITIONS.—In this section:

13 (1) TITLE 18 DEFINITIONS.—The terms “elec-
14 tronic communication”, “electronic communications
15 system”, “electronic storage”, and “contents” have
16 the meanings given such terms in section 2510 of
17 title 18, United States Code.

18 (2) LOCATE.—The term “locate” includes, with
19 respect to an electronic communication—

20 (A) computer storage or processing by fa-
21 cilities of a remote computing service, as such
22 term is defined in section 2711 of title 18,
23 United States Code;

1 (B) electronic storage by any electronic or
2 computer server or facility of an electronic com-
3 munications system; and

4 (C) any other storage by any electronic or
5 computer server or facility.

6 (3) TRAFFIC DATA.—The term “traffic data”
7 means, with respect to an electronic communication,
8 any information contained in or relating to such
9 communication that is processed for the purpose of
10 the conveyance of the communication by an elec-
11 tronic communications system or for the billing
12 thereof, including any Internet Protocol address or
13 other means of identifying a location within an elec-
14 tronic communications system, but that does not by
15 itself identify a particular person. Such term does
16 not include the contents of any electronic commu-
17 nication.

18 **SEC. 202. INTEGRITY OF PERSONALLY IDENTIFIABLE IN-**
19 **FORMATION.**

20 (a) USER PROTECTION.—If a United States business
21 collects or obtains personally identifiable information
22 through the provision of products or services on the Inter-
23 net, such business may not provide such information to
24 any foreign official of an Internet-restricting country, ex-

1 cept for legitimate foreign law enforcement purposes as
2 determined by the Department of Justice.

3 (b) USE OF ESTABLISHED LEGAL CHANNELS.—Any
4 information that may be provided under subsection (a) for
5 legitimate foreign law enforcement purposes may only be
6 provided through established legal channels as determined
7 by the Department of Justice.

8 (c) PRIVATE RIGHT OF ACTION.—Any person ag-
9 grieved by a violation of this section may bring an action
10 for damages, including punitive damages, or other appro-
11 priate relief in the appropriate district court of the United
12 States, without regard to the amount in controversy, and
13 without regard to the citizenship of the parties.

14 **SEC. 203. TRANSPARENCY REGARDING SEARCH ENGINE**
15 **FILTERING.**

16 Any United States business that creates, provides, or
17 hosts an Internet search engine shall provide the Office
18 of Global Internet Freedom, in a format and with a fre-
19 quency to be specified by the Office, with all terms and
20 parameters used to filter, limit, or otherwise affect the re-
21 sults provided by the search engine that are
22 implemented—

23 (1) at the request of, or by reason of any other
24 direct or indirect communication by, any foreign of-
25 ficial of an Internet-restricting country; or

1 (2) to comply with a policy or practice of re-
2 strictions on Internet freedom in an Internet-re-
3 stricting country.

4 **SEC. 204. TRANSPARENCY REGARDING INTERNET CENSOR-**
5 **SHIP.**

6 (a) PROVISION OF URLS.—Any United States busi-
7 ness that maintains an Internet content hosting service
8 shall provide the Office of Global Internet Freedom, in a
9 format and with a frequency to be specified by the Office,
10 with the Uniform Resource Locators (URLs) of all data
11 and content that such business has, under the cir-
12 cumstances set forth in subsection (b)—

13 (1) removed from the content hosting service of
14 such business;

15 (2) blocked from availability on the Internet; or

16 (3) blocked from transmission via the Internet
17 into or within an Internet-restricting country.

18 (b) CIRCUMSTANCES.—The circumstances referred to
19 in subsection (a) are that the United States business took
20 the action under subsection (a)—

21 (1) at the request of, or by reason of any other
22 direct or indirect communication by, any foreign of-
23 ficial of an Internet-restricting country; or

1 (2) in order to comply with a policy or practice
2 of restrictions on Internet freedom in an Internet-re-
3 stricting country.

4 **SEC. 205. PROTECTION OF UNITED STATES-SUPPORTED ON-**
5 **LINE CONTENT.**

6 A United States business that maintains an Internet
7 content hosting service may not conduct Internet jamming
8 of a United States-supported Web site or United States-
9 supported content in an Internet-restricting country.

10 **SEC. 206. PENALTIES.**

11 (a) CIVIL PENALTIES.—(1)(A) Any United States
12 business that violates section 202(a) shall be subject to
13 a civil penalty of not more than \$2,000,000 imposed in
14 an action brought by the Attorney General.

15 (B) Any officer, director, employee, or agent, or
16 stockholder of a United States business, who is acting on
17 behalf of that business concern and who violates section
18 202(a), shall be subject to a civil penalty of not more
19 \$100,000 imposed in an action brought by the Attorney
20 General.

21 (2) Any United States business that violates section
22 201, 203, 204, or 205, or any officer, director, employee,
23 or agent, or stockholder of a United States business, who
24 is acting on behalf of that business concern and who vio-
25 lates section 201, 203, 204, or 205, shall be subject to

1 a civil penalty of not more than \$10,000 imposed in an
2 action brought by the Attorney General.

3 (b) CRIMINAL PENALTIES.—(1)(A) Any United
4 States business that willfully violates, or willfully attempts
5 to violate, section 202(a) shall be fined not more than
6 \$2,000,000.

7 (B) Any officer, director, employee, or agent, or
8 stockholder of a United States business, who is acting on
9 behalf of that business concern, and who willfully violates,
10 or willfully attempts to violate, section 202(a), shall be
11 fined not more than \$100,000, or imprisoned not more
12 than 5 years, or both.

13 (2)(A) Any United States business that willfully vio-
14 lates, or willfully attempts to violate, section 201, 203,
15 204, or 205 shall be fined not more than \$10,000.

16 (B) Any officer, director, employee, or agent, or
17 stockholder of a United States business, who is acting on
18 behalf of that business concern and who willfully violates,
19 or willfully attempts to violate, section 201, 203, 204, or
20 205, shall be fined not more than \$10,000, or imprisoned
21 not more than 1 year, or both.

22 (c) PAYMENT OF FINES.—Whenever a fine is im-
23 posed under subsection (a) or (b) upon any officer, direc-
24 tor, employee, agent, or stockholder of a United States

1 business, the fine may not be paid, directly or indirectly,
2 by the United States business.

3 **SEC. 207. PRESIDENTIAL WAIVER.**

4 (a) IN GENERAL.—Subject to subsection (b), the
5 President may waive the application of any of the provi-
6 sions of sections 201 through 205 with respect to a United
7 States business or an Internet-restricting country, if the
8 President determines and so reports to the appropriate
9 congressional committees that—

10 (1) the government of the country has ceased
11 the activities giving rise to the designation of the
12 country as an Internet-restricting country;

13 (2) the exercise of such waiver authority would
14 further the purposes of this Act; or

15 (3) the important national interest of the
16 United States requires the exercise of such waiver
17 authority.

18 (b) CONGRESSIONAL NOTIFICATION.—Not later than
19 the date of the exercise of a waiver under subsection (a),
20 the President shall notify the appropriate congressional
21 committees of the waiver or the intention to exercise the
22 waiver, together with a detailed justification for the waiv-
23 er.

1 **TITLE III—EXPORT CONTROLS**
2 **FOR INTERNET-RESTRICTING**
3 **COUNTRIES**

4 **SEC. 301. FEASIBILITY STUDY ON ESTABLISHMENT OF EX-**
5 **PORT CONTROLS.**

6 Not later than 180 days after the date of the enact-
7 ment of this Act, the Secretary of Commerce, in consulta-
8 tion with the Secretary of State, shall complete a feasi-
9 bility study regarding the development of export controls
10 and export license requirements regarding the export of
11 any item subject to sections 730 through 774 of title 15,
12 Code of Federal Regulations (commonly known as the
13 “Export Administration Regulations”) to an end user in
14 an Internet-restricting country for the purpose, in whole
15 or in part, of facilitating substantial restrictions on Inter-
16 net freedom.

17 **SEC. 302. REPORT.**

18 Not later than 30 days after the end of the 180-day
19 period described in section 301, the Secretary of Com-
20 merce, in consultation with the Secretary of State, shall
21 submit to the appropriate congressional committees a re-
22 port describing the actions taken to carry out section 301.

Chairman LANTOS, I yield to the sponsor of the bill, Mr. Smith, to explain his legislation.

Mr. SMITH OF NEW JERSEY. Thank you very much, Mr. Chairman. Mr. Chairman, this legislation, again, a bipartisan piece of legislation, which I know you strongly back and have worked in shaping the text, has strong support from virtually every one of the major human rights organizations, such as Amnesty International, Human Rights Watch, and Reporters without Borders, to name just a few.

The legislation was several years in the making. As a matter of fact, we had a very significant hearing last year, as you will recall. It was probably the longest hearing I have ever chaired. It went almost 8 hours. We heard from Cisco, Microsoft, Google, and a number of other very interested parties raising the issue about how the Internet, while it has great promise and great hope—I do Google searches all of the time—I am sure other members of this committee do in like manner, but it is increasingly being used as a tool of repression in what we designate in the bill as “Internet-restricting countries.”

We know for a fact—it is beyond any reasonable doubt—that countries like China and Vietnam, Ethiopia, and some of the other countries where the Internet has now become a tool used and employed by the secret police to find, incarcerate, and then, ultimately, torture and give long prison sentences to men and women who are speaking out on behalf of freedom and democracy.

I would point out that the office that is created in this legislation mirrors what we did with trafficking in the Trafficking Victims Protection Act when we established an office that would be the hub, the nerve center, the command-and-control center at the Department of State to work the issue of trafficking. We do, likewise, now in the area of Internet restrictions and Internet violations of freedom.

We also did the same thing in the IRFA bill, the International Religious Freedom Act, and that office, which was initially opposed by the State Department, has worked wonders in trying to promote religious freedom all around the globe.

I would also point out to my colleagues that the Heritage Foundation, back in 2004, made a number of recommendations, including the establishment of an Office of Global Internet Freedom, which is precisely what we do in this legislation.

So both on the conservative and on the liberal side, again, we have this joining of interests and concerns on behalf of those who are suffering the fate of dictatorships around the world.

One of the things I pointed out in our hearing, and I repeat it again today to my colleagues, history shows us that American companies and their subsidiaries have, at times, provided the technology to crush human rights.

I encourage every member of this body to read Edwin Blake’s book, *IBM and the Holocaust*. It reveals the dark story of IBM’s strategic alliance with Nazi Germany, and that includes IBM-United States as well as IBM-Germany. He asks the question and then answers it in the book: Did you ever wonder why the Gestapo always had such long lists of people, where they lived, who they were? And we are talking about mostly Jews now.

It was because they were the demographers of their time, and then they collaborated—they were good soldiers, if you will—with the Gestapo and tracked down, hunted down virtually every one of the Jews except those that were shielded and jettisoned off to safety in the West.

I say that because, wittingly or unwittingly, many of those companies that are now operating in places like China, who originally thought that this would be a boon to freedom and to openness, have discovered, and still have not fully appreciated, that they are now part of a regime.

Dictatorships, as we all know, need two major things to operate and to flourish and to prosper. They need propaganda, and now the Internet has become the means by which, through filtering and the like, certain words—the Dalai Lama last week, we congratulated him and gave him the Congressional Gold Medal, as we ought to do. He is a great leader on behalf of human rights and the Buddhists and the Tibetan people.

Yet, if you go in and do a Google search in the PRC and put in the Dalai Lama, you will get nothing but tirades against the man. You will also probably get a knock on your door from the cyber police, 35,000 strong, in China, which continually monitors the Internet, courtesy of United States and Western technology.

So propaganda and the secret police, the two pillars upon which dictatorship rests, are now being exponentially advanced by the Internet.

Our legislation creates an office and begins to try to take back, and we are talking about two basic areas: Peaceful political or religious content. The definition of what we are looking at to protect is peaceful political or religious content. So that is the kind of thing that is being filtered in these dictatorships, and that is the kind of thing that we are trying to address.

Reporters without Borders made a very, very cogent statement, and I urge members to go to their Web site and read what is really happening. They point out that, in China, where there are at least 52 people that we know of in prison for expressing themselves online, self-censorship is now in full force. They point out that, just 5 years ago, many people thought Chinese society and politics would be revolutionized by the Internet, a supposedly uncontrollable medium.

Now, with China enjoying geopolitical influence, people are wondering the opposite, whether perhaps China's Internet model, based on censorship and surveillance, may one day be imposed on the rest of the world.

This legislation seeks to protect personally identifying information. Shi Tao and many other people who have gotten long prison sentences in China did so when they simply sent an e-mail. In his case, he sent information about what the propaganda office in China had sent out, a closed memo, about the Tiananmen Square massacre.

They said, "You can't say this, and you can't say that," so he sent it out. For that, he got 10 years in prison, 10 years. Yahoo! collaborated and provided that information. That personally identifying information needs to be removed from these dictatorships, put out-

side the country, outside the reach of these dictatorships so that we do not have more Shi Taos finding themselves in prison.

In Hanoi, I met with a woman who is the wife of Dr. Pham Hong Son. What did he do? Dr. Son took off U.S. Embassy Hanoi's Web site, a wonderfully written, very short piece, an essay called "What Is Democracy?". He translated it into Vietnamese. He was tracked down because he posted it on the Internet and got 5 years in prison.

Reporters without Borders reports that, in May alone of 2007, some six cyber individuals got prison sentences. These individuals were arrested as part of this ever-growing crackdown of using the Internet to find and incarcerate the democracy activists.

We also, in the legislation, finally, Mr. Chairman, provide a penalty for those who collaborate in the jamming of Radio Free Asia, of Voice of America, and United States surrogate broadcasting. It seems unconscionable to me that a U.S. company would want to, in any way, participate in stifling that message.

We know, during the Warsaw Pact in the Soviet Union days, that broadcasts into those areas, as well as the BBC, helped keep hope alive. Now we have Internet companies who are collaborating with the secret police in order to make a buck, to jam those sites and to put them off limits.

During our hearing, and I have done this many times since, I went to the Internet search engine for China and typed in "Tiananmen Square." If you do a Google search for "Tiananmen Square," you get millions of hits. You see people in the streets, descriptions of the bayoneting and the killing that went on. If you go to the Google search inside of China and use their search engine, you get wonderful pictures of people posing for photographs on Tiananmen Square.

So it is a Potemkin village, and, believe me, if you do that enough, if you control the propaganda and the message enough, democracy has no hope, no hope whatsoever, in these dictatorships.

Mr. ROYCE. Will the gentleman yield?

Mr. SMITH OF NEW JERSEY. I would be happy to yield.

Mr. ROYCE. Is the gentleman aware that some of the United States companies, or at least one, that sold some of the same equipment that would allow broadcasting on behalf of Radio Free Asia have now basically sold the equivalent of the Gestapo the technology which would allow them to silence or to jam those very broadcasts?

The irony here is that U.S. taxpayers would pay for the ability to broadcast a surrogate free radio and then have the U.S. firm sell the technology which they developed to jam that very asset that they helped develop is truly one of the most despicable ironies that I am aware of, and I just wanted to commend the gentleman for the legislation, and I thank you, Mr. Chairman.

Mr. SMITH OF NEW JERSEY. Mr. Chairman, I will just conclude on this.

Cisco sold Police.net to the Chinese Secret Police. Police.net has now enabled the Chinese apparatus, has connected one police station after another. It has given them the ability to monitor everything that is going across the worldwide net, obviously, in the PRC, to find these individuals who speak out, like the Dalai Lama, like

Rebiya Kadeer, who is now, thankfully, in the United States, and so many other brave dissidents.

I asked the question before, and I ask it again today, as you survived the Holocaust, Mr. Chairman, would we want to collaborate with the finding of someone like Anne Frank and say, "Oh, she is over here in Apartment 5B"?

That is what these companies are doing, and I say, maybe unwittingly. I like the way the Heritage Foundation puts it: "China's Orwellian Internet." That is what we have allowed. We can make a difference.

We may not be able to stop it completely, but I think we can mitigate the ability of the Chinese Government to continue the technological progress they are making, and other dictatorships, like Belarus, which also uses the Internet to destroy the dissidents and to disrupt religious freedom.

Chairman LANTOS. I want to thank my friend for his powerful statement.

Are there any amendments? Mr. Smith?

Mr. SMITH OF WASHINGTON. I do not have an amendment, Mr. Chairman. I just want to comment on the bill, if I may.

I think, first of all, the Office of Global Security Freedom makes an enormous amount of sense. It is something that we should be working on much more aggressively than we are to figure out how to deal with many of the challenges that Mr. Smith raises in terms of how do you allow the Internet to go forward and be the bastion of openness that it is and still combat many of the issues that were raised here? I think that makes a great deal of sense.

I also think that the suppression Mr. Smith mentions that is going on in China is as bad as he describes it. However, we have to look at exactly what would happen under this bill. None of what Mr. Smith just described would change. China would not all of a sudden be unable to do any of the things that he just mentioned. They just would not be doing it with any U.S. products. So let us be clear on that, first of all.

We here, in this committee or in this Congress, are not in a position to stop the behavior that is being described. All we would be doing is we would be preventing United States companies from doing any business in China because, regrettably, we are not the only people in the world who know how to make this stuff work. I think that is a fact that some in this Congress seem to forget.

China, for instance, has a number of software companies, a number of Internet companies. They are developing that technology, and our friends in Europe also have companies along those lines, and they are placing no such restrictions on them.

Now, I think what would make a certain amount of sense is you hear some of the specific technology, and what I am very sympathetic to is to come up with ways to prohibit the selling of technology that has no other purpose than the suppression. I am sorry. I am forgetting the example that Mr. Smith mentioned at the end there about specific technology that was designed to help the secret police in China for no other purpose, a specifically designed piece of software. That would make a great deal of sense.

But the bill, as we have it now, is overly broad. Basically, it says that our companies cannot do any business with these countries, as

far as providing personal identifiable information, except for legitimate foreign law enforcement purposes.

What does that mean? Well, I will get a little local here to draw an example. We have, ironically, another issue that is working its way through Congress right now, and that is whether or not telecom companies in this country should be exempt from liability for providing that exact same type of information to our Government under the warrantless wire tap program that was instituted by the President. So we are trying to exempt them from liability for a warrantless search situation, same thing.

Mr. ROYCE. Will the gentleman yield?

Chairman LANTOS. I would like to ask my colleagues to suspend this colloquy. I want to hear everybody. But I think it is important we proceed with a vote because we now have a reporting quorum. It is my hope that all of my colleagues will return after we cast our vote.

This is an important discussion. I think Mr. Smith is entitled to explain his position in total, but I want to be certain that the vote takes place on this legislation, and then I will open up the opportunity for any additional comments. Is that satisfactory? I thank my colleagues.

Mr. SMITH OF WASHINGTON. I guess I am unclear. Am I allowed to finish before we go?

Chairman LANTOS. I would like to ask you to withhold until we can have a dialogue following the vote on the floor.

Mr. SMITH OF WASHINGTON. Well, I guess that is okay. It is a little hard to make an argument when you are 2 minutes into it, and all of a sudden it is cut off, and everyone goes away for 15 minutes, and you come back. It sort of undermines the effectiveness just a little bit.

Chairman LANTOS. I do not wish to undermine my friend's dialogue. I do wish to state that we now have, I believe, 7 minutes left for the vote, so the committee will stand in recess.

[Whereupon, at 10:38 a.m., a short recess was taken.]

Chairman LANTOS. The committee will resume. Mr. Smith is recognized to conclude his argument.

Mr. SMITH OF WASHINGTON. Thank you, Mr. Chairman. I appreciate the opportunity, and I will, to some degree, restart my argument, in addition to concluding it.

First of all, I just want to make it clear that I think there are a couple of very good things that Mr. Smith, the other Mr. Smith, is trying to get at in this bill, and I think we do not have a sufficient hold on the impact of this type of technology on basic human rights and establishing more freedom in the world, or we also do not have a significant hold on how government can pass laws that can positively impact that.

Getting back to the last point that I was making—I did not really mean it to be as incendiary as it might have sounded—I referenced the example of local telecom companies right now trying to figure out if they are exempt from liability for complying with what I believe, at least one point, the courts later ruled an unconstitutional request for access to personal information is that when you say, you know, you can only comply with legitimate requests, you have really created a large amount of uncertainty, and what that

large amount of uncertainty means is that companies that are placed in the middle of it will not do business there. They will not. You cannot take the chance. The damages in a lawsuit like this are incalculable and the impact that it could have.

Any country where there is ambiguity on their laws and whether or not their laws are "legitimate," you will not go there, and certainly China is at the top of that list, but there are many, many other countries as well throughout the Middle East and other parts that have much more restrictive laws in terms of how they impact personal freedom and access to personal information than we would like.

But I would also point out that it is a debate we have in this country as well. It is a debate we are having right now on the FISA legislation on exactly what access to personal information should our Government have, and what should be the process of getting it, and there are people who differ dramatically on what is legitimate and what is not legitimate. That is the purpose of raising that example, is to let that be known.

So the problem I have with this legislation is it is too all-encompassing, and it would wipe out many, many things. You get into the issue of computers. What if you sell the basic laptop computer that is used in storing this information? Have you then collaborated? Do you have to specifically know what they are going to do with the product once you have sold it to them?

I think that is a question that is also unanswered by this legislation, and I would, again, as I said, agree with Mr. Smith, if you have an example where a specific software application, not just a general application, but you specifically put the software together to allow a country like China to do something repressive to clearly violate basic human rights, then I would certainly be willing to look at ways to restrict that sale.

We have that broadly, and we have wrestled with that issue in this committee and also on the Armed Services Committee, on which I serve, on the issue of export technology. There are restrictions. Obviously, you cannot sell China a nuclear bomb, for instance, but between that and going all the way down to super computers and dual-use technology, it crosses over from stuff that can be used for a thousand different legitimate purposes but also used in a way that is harmful to U.S. interests or harmful to human rights.

This is a very, very delicate area to step in and regulate, and this is a very, very indelicate piece of legislation. It will have a profound impact that I do not think is being fully anticipated or fully analyzed, and I think it is something that would benefit from a longer conversation.

I do not know what conversations the sponsor of this bill has had since our hearing—I think it was February of last year—quite a while ago. I expressed concerns about it then. I think a couple of other members of the committee did as well. I do not know if any conversations have gone on with our leading technology companies to discuss with them how we might do this in a way that achieves the goals without having quite such a sweeping impact.

But I will also say that I think it is a little unfair to compare our leading technology companies in this country somewhat unfa-

vorably to Nazis. I do think they try a little bit harder to balance these concerns. They have, since that hearing, which I think was perfectly appropriate, by the way, to raise these issues, they have formed a number of working groups to look at exactly these questions and figure out what practices the industry should have, and, I might add, they have tried to do it in a worldwide, comprehensive way because, as I started off my argument, if you simply target U.S. companies, you do not impact the situation.

Mr. ROHRABACHER. Would the gentleman yield for a question?

Mr. SMITH OF WASHINGTON. Yes.

Mr. ROHRABACHER. Are you aware that IBM began operations and actually provided their very latest computer technology to Adolph Hitler just prior to World War II?

Mr. SMITH OF WASHINGTON. That point has been made about a dozen times in this committee, so, yes, it has penetrated my consciousness.

Mr. ROHRABACHER. What would your position have been with that particular deal, if someone was trying to cut that off?

Mr. SMITH OF WASHINGTON. I guess I would prefer to deal in what is here and now. I have a hard enough time with that. I would think, off the top of my head, that, you know, yes, that is something that, if there was a way for the U.S. Government to pass a law to have restricted that in this time-space argument—

Mr. ROHRABACHER. What about this particular law? We have Mr. Smith back here—

Mr. SMITH OF WASHINGTON. Reclaiming my time, if I may—

Chairman LANTOS. The gentleman's time has expired. I am pleased to recognize Mr. Burton.

Mr. SMITH OF WASHINGTON. Mr. Chairman, if I could, I believe Mr. Smith's, the prime sponsor, time expired quite a while before he was done talking, and I will just wrap this up in 30 seconds.

Chairman LANTOS. Please go ahead.

Mr. SMITH OF WASHINGTON. I think it should be balanced. What I am saying is we should try to cut that stuff off. It is very, very difficult to do without cutting a broader stroke here, and I do not think that this committee, at this point, has tried hard enough to find the ways to go after what we want to stop without going too far.

I think it would be wise of all of us to wait a little while longer, have some conversations with those technology companies about what might be a way to do this legitimately, and conversations internally, to come up with a more carefully targeted bill that does the best of getting at the bad stuff without casting too broad of a brush. Thank you, Mr. Chairman.

Chairman LANTOS. Mr. Burton?

Mr. BURTON. Thank you, Mr. Chairman. At the beginning of the 19th century, when slave trading was at its zenith, the same arguments were made in the British Parliament about the fiscal impact that it would have on Britain if they stopped the slave trading. They said all of the other countries in Europe were doing it. Spain was doing it. France was doing it. Everybody was doing it, so why should Britain take the brunt of it?

It took years and years and years to stop the slave trading, and Great Britain was the first one because of the man I mentioned a

while ago, William Wilberforce. But the arguments were made again and again and again in the British Parliament and in other Parliaments in Europe that, Oh, my gosh, look at the fiscal impact. We will not be able to be competitive with these other countries if we stop the slave trading because of the low cost of slaves doing the work.

You know, I just think this argument that has just been made rings very, very hollow. Somebody has to start. Somebody has to start. Some nation has to start to stop what is going on in China and the rest of the world and let it be us. Let it be us today.

Chairman LANTOS. Mr. Manzullo.

Mr. MANZULLO. Thank you, Mr. Chairman. First of all, I commend the authors of this bill for their intent. It makes a lot of sense. However, I have some reservations with regard to the wording.

First of all, the spending; we are going to spend \$50 million a year in order to monitor what we know—

Mr. SMITH OF NEW JERSEY. Would the gentleman yield on that?

Mr. MANZULLO. No. Let me finish first. Are we going to spend \$50 million a year on a new program, and I understand why it is necessary that the Office of Global Internet Freedom be set up, but in terms of fiscal responsibility, perhaps there may be other areas within the State Department that can do this?

Second of all, if you look at page 29 on the feasibility study, it calls for a study of new export controls. I have spent most of my time in Congress working on manufacturing issues. I travel the world looking at manufacturing processes, and I have visited hundreds of factories. The problem that I have here is the feasibility study says the development of export controls and export license requirements regarding the export of any items subject to what is in the bill.

As the chairman well knows, any regulations have to go through OMB and they could come to the conclusion that it is impossible to promulgate regulations to carry out the intended effect of the legislation, and it would die at that point.

We just went through this with State and Commerce, where there was a proposal that would deny exports of even simple three-axis machine tools if the person who manufactured the machine tool knew, or had reason to know, that there might be a military purchase as a result of it. It got down to the point where a company making brakes used for trucks here in the United States was placed in a position where they could not sell that three-axis machine. This is one of the reasons why the United States only has a 2-percent market share of machine tool sales in the world. At one time, it was 15 percent.

What I would like to see is that we spend more time on the intricacies of this language because we could end up doing more harm than good. For example, we might place ourselves in the position of being unable to export to China the very same computer that we are buying from them because we have such things that are going on now.

So I think it is wrong what goes on. You could take this to the logical extent, if we still made printing press equipment in this

country, would this forbid the sale of printing press equipment to the Chinese if they did not believe in the free press?

So I, very reluctantly, have these problems, and I want to see legislation like this somehow pass, but this is not comparing slave trading to the manufacturing industry, but that export administration, it is not. The Export Administration Act is a very, very delicate issue. It slabs over into ITAR, and, Mr. Burton, you have a lot of manufacturers in your district also. I have lost 15,000 highly skilled jobs. You have lost tens of thousands also. One of the reasons is that we have export control laws that nobody understands.

Now we may come in with another export control law on one of our greatest exports, which is computers. We just need to take the time to ferret this thing through. The studies should be done before the legislation comes here, so that way, we would know what the impact on it would be.

I would yield. I believe Mr. Smith had a question.

Mr. SMITH OF NEW JERSEY. I thank my friend for yielding. Let me just say to my good friend from Michigan that there is no spending requirement—

Mr. MANZULLO. It is Illinois.

Mr. SMITH OF NEW JERSEY. I am sorry.

Mr. MANZULLO. That is okay. We have both lost jobs in manufacturing.

Mr. SMITH OF NEW JERSEY. There is no \$50 million authorization—the amendment in the nature of a substitute authorizes “such sums as necessary.”

Mr. MANZULLO. I am sorry.

Mr. SMITH OF NEW JERSEY. And the second part, about Title III, that simply is a study. We are asking for a study. We changed the legislation—

Mr. MANZULLO. Yes, but look at line 22. It says, “shall submit to the appropriate congressional committee a report describing the actions taken to carry out Section 301.” It presumes that you will come up with a set of regulations.

Mr. SMITH OF NEW JERSEY. Well, I know for a fact that I have tried for years to get the USTR to do an investigation. As a matter of fact, last year, working with the AFL–CIO with regard to the gross abuse of labor rights in the PRC, we joined on as signers, Ben Cardin and I, of the call to do an investigation, and they just turned us down. They have the ability to just do that, and they did.

This was not the original language. We actually went to a study when objections were made earlier on in the subcommittee markup last year.

Let me just say, if I could, if the gentleman will continue yielding, I would ask members to read the language of the bill and to look at it very carefully. We are talking about minimum corporate standards for online freedom, personally identifying information.

Companies have already made the differentiation between the two. G-Mail, Google’s e-mail service, decided to locate their personally identifying information outside the country. Yahoo! did not. So where is the Government of China getting its convictions? They go to Yahoo! and those who have Yahoo! accounts.

So companies have already shown at least some sensitivity to it, although Google, meanwhile, has joined in, hook, line, and sinker, with the propaganda apparatus of Beijing.

Let me also say, you know, we are talking about transparency, about search engine filtering. We do not know what words, what phrases, on a day-to-day basis are being filtered out. This requires that the office receive that information so we know what Google or any other search engine is filtering out: The Dalai Lama, Tiananmen Square, torture, George Bush, whatever it might be. We want to know what kinds of collaboration they are engaging in.

Internet censorship. We want to——

Mr. MANZULLO. Reclaiming my time, as I said, I agree with the intent of the bill. The problem is that when you get into these export controls, it is so delicate.

We are dealing now with a situation involving airplane parts. It has a \$7 billion impact on the economy, on bread-and-butter items, and no one ever thought it would reach that point. But I just do not want to see us create something, a whole area, that we really cannot be able to control. There has got to be another way to do this. I do not know what it is, Mr. Smith, but I would be willing to work with you on it.

Mr. SMITH OF NEW JERSEY. Again, getting the administration or any administration to follow up on a 301 complaint is like pulling teeth. It just almost never happens. But if I could——

Mr. MANZULLO. Is that Section 301 of this bill?

Mr. SMITH OF NEW JERSEY. If you would continue yielding——
Chairman LANTOS. The gentleman's time has expired.

Before recognizing my next colleague, it gives me a great deal of pleasure to recognize our friend, Harry Wu, who has dedicated his life to fight for freedom in China, has risked his life on countless occasions, and has worked with this committee on all human rights issues in China. Harry, will you please stand?

[Applause.]

Chairman LANTOS. The gentleman from California, Mr. Rohrabacher.

Mr. ROHRABACHER. Thank you very much, Mr. Chairman. It is surprising how our minds run parallel. I was about to mention Harry Wu as well.

I am in the middle of a fight right now on another piece of legislation, which I believe will undermine—Mr. Berman and I are at odds with one another—America's ability to keep control, or at least to make sure that the technology that our inventors invent is not stolen by overseas interests, especially China.

It is interesting that the very same people who are pushing for the legislation, which I believe would totally undermine our patent system an open up this wholesale theft by China are the same people who we are talking about here, especially those people who would oppose what Mr. Smith is doing, namely, Google, Cisco, and basically these computer billionaires, these electronic industry billionaires, who are over trying to curry favor with gangsters and tyrants of the worst sort.

The question that I asked my colleague about what position he would have taken right before World War II, when it was evident what type of regime Adolph Hitler was, what position he would

have taken if the same piece of legislation was being offered, we need to think about that.

The Chinese—we have been told over and over and over again that what we need to do—and now we see the biggest corporate leaders who are profiting tremendously from interaction with China. Here we are over there helping them censor the electronic technology that we are selling them when we were told, by selling them the electronics technology and interacting economically, China would end up evolving toward a more liberal society.

You cannot have it both ways. If we are interacting with China economically, we have got to ensure that the technology does lead to a more liberal China instead of having a situation where we are actually allowing our technology to be used to bolster the police state.

I commend Mr. Smith. I think what we have here is very necessary, and it is very analogous. I am also, as you know, the author of legislation, which some of you have joined—I hope more will—to boycott the Olympics until there is a noticed change of policy in China. And again, the 1936 Nazi Olympics was something the United States should not have participated in. I know people will say, “Well, look, it did good things.” No, it did not do good things. It legitimized Adolph Hitler.

It was not right to sell computers to Hitler. We should have had a resolution like this when IBM was selling their computers to Hitler back in the 1930s, and it is not right while China, which is the world’s worst human rights abuser, is utilizing the capabilities of its dictatorial regime to track down any dissidents, we should not be just blithely doing business with them in a way that transfers technology that will bolster the regime.

You will not have an evolution. There will not be this engaging the Chinese will lead to a better and more peaceful world. It will be just the opposite.

So I thank Mr. Smith and support his resolution totally.

Chairman LANTOS. Mr. Royce?

Mr. ROYCE. Thank you. I move to strike the last word. Mr. Chairman, I think the IBM example might be on point in discussing the roles of United States companies in China, some of whom are working with Chinese security officials. We should keep in mind, I think, that we are talking about minimum corporate standards here when dealing with a regime that monitors the e-mail for internal control of its own people, that blocks Internet sites in the country, and, frankly, that hacks into our own computers here.

Now, we are willing to continue down this road while, at the same time, we have a debate here in the U.S. on the issue of listening in to foreign terrorist in foreign countries and recognizing that occasionally a foreign terrorist who is a target might call in the United States, and let us take a case in point. In theory, Mahmoud Karani, who came over the border in California in the trunk of a car, is the brother of the Hezbollah general in Lebanon. I am not sure how he was contacted, but let us say it was General Karani in Lebanon that contacted him.

Well, we are involved in a debate about suing our own telecom communication companies because once a foreign terrorist is in the United States, whether he is here legally or illegally, he becomes

a U.S. person under the law, and, therefore, in theory, we can sue a telecom company under such an arrangement. Now, even though they did it under the law, this is one argument that is being advanced.

The point that I want to make here is that, as we are willing to engage in this debate about how we sue our own companies here in the United States for attempting to prevent the killing of Americans when they are doing it under the law, and, at the same time, we are not willing to engage in the debate of what we do when a United States company basically does what IBM did in the late thirties and deliver technology to the Third Reich, or, in this case, deliver technology to the Communist apparatus in China to use for the purpose of internal control, especially when we see these sentences handed down.

That strikes me, again, as a real irony, and I would hope that we would advance this legislation because I think these minimum standards are necessary in light of history.

Mr. BERMAN. Would the gentleman yield?

Mr. ROYCE. I would yield.

Mr. BERMAN. Your formulation of the proposition, when you say "doing it under the law," obviously, when there is a warrant that a judge, be it a judge in a criminal-enforcement case or a FISA judge in an intelligence-gathering, granted, it is under the law, but you assumed that in your proposition, the fight here is not about telecom companies providing identifiable information to people pursuant to a warrant.

Mr. ROYCE. Well, the example I gave is one in which, as I gave the example of Mahmoud Karani, it is certainly my reading, and certainly the reading of the administration, that in a case like that it was under the law because the target of investigation would have been his brother, would have been the Hezbollah operative overseas. We did not even know the agent was here.

The question is the question under debate. That is exactly how this problem has developed. It is one of foreign terrorists contacting in the United States, on occasion, individuals with whom they have a relationship, and, under our current system, we then get a warrant because we cannot know in advance about the call.

But the point that I am making is that if we are willing to go down that road of entertaining how we create a felony or how we would entertain a suit against a United States company under that circumstance, we, at least, should entertain the idea that it is time to monitor the technology that United States firms could provide China where it is used in cases—

Chairman LANTOS. The gentleman's time has expired. Is there any other colleague who wishes to be recognized? If not, the chair would like to make some observations.

I have no doubt that some high-tech companies oppose this legislation. Change is hard. But in testimony last year before our committee, some of these same companies argued strongly that the United States Government needed to establish black-and-white rules for them on how they should operate in countries such as China.

So, today, we are providing those concrete rules. If the Chinese police come to Yahoo! with a subpoena for information on political

dissidents, Yahoo! will be able to tell Chinese authorities that they are prevented by United States law from complying with the subpoena unless they go through the U.S. Justice Department. Speaking of Yahoo!, the president of Yahoo! will appear before this committee on November 6th, so we are giving plenty of opportunity to the leaders of these gigantic high-tech companies to present their case.

If China demands that Google self-censor their search engine, Google will be able to tell them that the computers which run their China operation are not physically located in China because of United States law. Therefore, they cannot comply with this request.

Now, I know that some high-tech companies will argue that they will be forced to pull out of China. Nothing could be further from the truth. They will just have to operate under different and more appropriate conditions. China wants Yahoo! and Google in their country as much as these corporations want to be there and probably more so.

Let me reiterate my strong support for this legislation.

The question occurs on the amendment in the nature of a substitute. All in favor will say aye.

[A chorus of ayes.]

Chairman LANTOS. All opposed will say no. The ayes have it, and the amendment is agreed to.

The question now occurs on the chair's motion to report H.R. 275, as amended, favorably. All in favor, say aye. Aye.

[A chorus of ayes.]

Chairman LANTOS. All opposed, say no. The ayes have it, and the motion is agreed to.

Without objection, the bill will be reported as a single amendment in the nature of a substitute incorporating the amendments adopted by the committee, and staff is directed to make any technical and conforming amendments.

We have a series of noncontroversial 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 report certain measures to the whole House and seek consideration of the remaining 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.

Ms. ROS-LEHTINEN. Mr. Chairman?

Ms. JACKSON LEE. Mr. Chairman?

Chairman LANTOS. Ms. Ros-Lehtinen.

Ms. ROS-LEHTINEN. Thank you so much, Mr. Chairman. It is always a pleasure to work with you and your staff in a truly bipartisan manner in this committee, and I am so thankful that you have put on for unanimous consent some bills that are of extreme importance to members on my side of the aisle, and thank you for the work that has gone into putting these bills together.

I want to thank my Florida colleague, Mr. Wexler, with whom I have worked on the Holocaust bill—

Chairman LANTOS. I would like to ask colleagues to stay, if they can, because we will be having votes shortly.

Ms. ROS-LEHTINEN [continuing]. H.R. 1746. Thank you, Mr. Chairman. I am glad that we were able to accommodate the concerns that you had to seek just restitution to Holocaust survivors and the families of victims.

Mr. Chairman, you and I are still in negotiations over the Syria Accountability and Nonproliferation Act. Members will see it on their markup sheet. It is H.R. 2332, and this is a bill that I introduced with my good friend from New York, Mr. Eliot Engel, 6 months ago. We have 105 co-sponsors, and the bill will be pulled today, and I am optimistic that, after much discussion, the majority and minority had reached an agreement that will allow this critical initiative to—strong bipartisan support.

We still have one substantive amendment, which you would like to add to the bill, Mr. Chairman. We need to work that out, and as the chairman remembers, we had an exchange in a previous markup where he committed to move the bill in our next markup session, which is today.

But I would like to make some substantive comments about the difficulty of the amendment and the pulling of this bill.

This bill, Mr. Chairman, comes at a critical time. We have seen the reports in the press daily that would-be terrorists in the foiled German plot were carrying Syrian-origin detonators, that the Israeli raid targeted a Syrian nuclear facility being developed with North Korean assistance, that Syria continues to target pro-Western Lebanese opposition members for assassination and direct interference with the Lebanese political process, that Syria continues to facilitate attacks against American personnel in Iraq, causing the death of our brave men and women there, that the Syrian dictator, Assad, is a blatant and vicious anti-Semite. He declared that Israel was a racist society, even more racist than the Nazis.

He could not have made his support for Israel's destruction by war any clearer, stating that "as long as Israel exists, the threat exists. Since its very inception, Israel has been a threat. It is the Israeli nature, and, for that, Israel was established."

Just last year, Assad blatantly threatened Israel, telling a German magazine that "Israel must realize that time is not on its side. On the contrary," he continues, "a generation will come which is even more determined to strike Israel, which will exact revenge for what it had committed in the past, and then your Israeli sons will pay the price."

We were unable to reach a compromise, Mr. Chairman, on how to deny the Syrian regime the legitimacy and the resources that it needs to pursue its threatening policies, but I am hopeful that the chairman will be able to accept an offer which clarifies in our bill that the codification of sanctions, that section of our bill, does not alter the law regarding United States diplomatic policy.

So I look forward, Mr. Chairman, to continuing this dialogue and I am hopeful that we can work this out.

As a primary co-sponsor of H. Res. 726, I want to thank its author, Congresswoman DeLauro, for accommodating our request to remove all language that could be construed as supporting abortion so that we might focus with unanimous support on stopping violence against the women and girls of Darfur.

Finally, Mr. Chairman, I am pleased to be an original co-sponsor of two measures that you recently introduced, H.R. 3890, which will broaden sanctions against the repressive military regime in Burma, and, secondly, H.R. 3912, the Naval Vessel Transfer Act of 2007, which is based on a request from the administration.

Chairman LANTOS. Before I recognize, there is a history behind this legislation. Part of that history was the vicious and idiotic attack by members of the administration against the Speaker of the House of Representatives, and others of us who visited Damascus.

It was not only vicious and idiotic, it was hypercritical because, simultaneously, Republican members visited Damascus for conversations with al-Assad, and there was no attack on that.

This pattern of behavior was further aggravated by a proposed amendment, on the floor of the House by Congressman King of Iowa, which specifically prohibited the spending of public funds by the Speaker of the House of Representatives to visit any of these countries which are on the terrorism list, ranging from Cuba to Syria.

It was my great honor to oppose that amendment, and to the credit of many Republican colleagues, including my good friend the ranking member, I believe the majority of our Republican colleagues voted with every single Democrat rejecting this absurd amendment.

I pointed out during the debate that the City of San Francisco is represented by two Members of Congress, Mrs. Pelosi and myself. The King amendment would have allowed me to visit Syria or Cuba, or any other country on the list, but would not have allowed duly elected fellow member Nancy Pelosi to do the same.

And it speaks well for the House of Representatives that this ill-advised and absurd amendment was overwhelmingly rejected by a partisan vote to repeat with every single Democrat voting for it, and the majority of my Republican colleagues voting for it.

The issue is a very fundamental issue. Some of us believe in dialogue. At the height of the cold war, beginning with my service in 1981, I went to the Soviet Union almost every year with a group of colleagues, most of whom had never been to the Soviet Union. This was at a time when vast numbers of nuclear Soviet missiles were aimed at our cities. Nevertheless, I judged it appropriate, even necessary, for Members of Congress to engage in a dialogue with our counterparts in the Soviet Union. And while I certainly don't claim credit that our visits resulted in the implosion of the Soviet Union, it certainly contributed to doubts within the Soviet leadership about the viability of their system. And probably the happiest moment for all of us on this committee was when the Soviet system imploded.

Some of us feel very deeply that the administration's policy of opposing blocking, and denying dialogue with leaders in countries with which we disagree, is a profoundly erroneous, mistaken, wrong policy.

So, while I will do my utmost to try to accommodate my good friend from Florida, I do not see any rational way for us to remove this paragraph from the serial legislation. It belongs in the serial legislation. It belongs in the serial legislation because some on the other side have chosen Syria as the very country with which we

should have no dialogue. This is deeply felt by many of us that we need to have dialogue.

And, as we sit here this morning, I am continuing my 10-year-old effort to gain access to Iran. Kofi Annan attempted to obtain a visa for me, and now Ban Ki-moon is in the same pursuit, so far unsuccessfully.

I think American national interest would be advanced if my colleagues and I would have an opportunity of visiting Tehran for a dialogue with the Iranian leadership. It is not in our interest to have no dialogue with the Iranian leadership.

Ms. ROS-LEHTINEN. Mr. Chairman—

Chairman LANTOS. I will be delighted to yield to my colleague.

Ms. ROS-LEHTINEN. Thank you, Mr. Chairman.

I don't wish to give the members of our committee the wrong impression of what is or is not in the bill that we are discussing: The Syrian Accountability and Liberation Act.

Mr. Chairman, you have raised some very serious and important points, none of which have anything to do with the bill. Mr. Chairman, with all due respect, you wish to add a statement in the bill that is not currently there. So it's not to modify, it is to add another element of the Syria debate to this bill, which will make it a controversial bill.

The bill, as it is stated now, we've already made a lot of accommodations to make sure that it is a bill that has strong bi-partisan support, and there is nothing in the bill that would go against any diplomatic engagement, or any ongoing negotiation. Whether the administration is negotiating or not with Syria, it has nothing to do with this bill.

We neither encourage it nor prevent it. It is not a part of this bill. So I wish your very important point could be raised on your own bill, and your own resolution, which could certainly go to the floor as early as next week, and you would win, or we would win, whatever. But our Syria Accountability and Liberation Act does other things. It is not addressing the issue of what one is already able to do, which is engage in diplomatic initiatives.

So I just want to be clear with the members on the bill. It is not that I wish to add something to the bill to prevent diplomatic initiatives. It is just that the chairman wishes to add that it is a sense of Congress that we should have that. And I think that is a great debate on another bill. And this bill seeks to do other things, and I wish that it would ride on its own merits.

But we will continue negotiations, Mr. Chairman, and I am optimistic that we will get there.

Chairman LANTOS. I thank my friend for her comments.

Ms. ROS-LEHTINEN. Thank you.

Chairman LANTOS. Without objection, the following measures are reported favorably to the House of Representatives.

Mr. SHERMAN. Mr. Chairman?

Chairman LANTOS. Are you speaking to this issue?

Mr. SHERMAN. Not the Syria issue but among the bills that are being considered.

Chairman LANTOS. Yes, there will be plenty of opportunity.

Mr. SHERMAN. I look forward to it.

Chairman LANTOS. Without objection, the following measures are reported favorably to the House of Representatives; and the amendments to those measures which the members have before them shall be deemed adopted: H.R. 1746, the Holocaust Insurance Accountability Act of 2007, and H.R. 3890, the Block Burmese JADE Act of 2007.

Without objection, the chairman is authorized to seek consideration of the following bills under suspension of the rules, and the amendments to those measures, which members have before them, shall be deemed adopted: H.R. 2705, Compacts of Free Association Amendments of 2007; H.R. 2949, the Eurasia Foundation Act of 2007; H.R. 3320, Support for the Museum of the History of Polish Jews Act of 2007; H.R. 3912, Naval Vessel Transfer Act of 2007; H.R. 3913, To amend the International Center Act to authorize the lease or sublease of certain property described in such Act; H. Res. 435, Expressing concern relating to the threatening behavior of the Iranian regime and its leader Mahmoud Ahmadinejad, and the activities of terrorist organizations sponsored by that regime in Latin America; H. Res. 550, Congratulating the people of Ethiopia on the second millennium of Ethiopia; H. Res. 573, Recognizing and commending the efforts of the United States public and advocacy groups to raise awareness about and help end the worsening humanitarian crisis and genocide in Darfur, Sudan; H. Res. 726, Calling on the President of the United States and the international community to take immediate steps to respond to and prevent acts of rape and sexual violence against women and girls in Darfur, Sudan, Eastern Chad and the Central African Republic; H. Res. 740, Condemning in the strongest terms the attacks on African Union peacekeepers that occurred in Haskanita, Darfur on September 29, 2007; H. Res. 747, Recognizing the religious and historical significance of the Festival of Diwali; H. Con. Res. 234, Calling on the Government of the People's Republic of China to respect the human rights of North Korean refugees; and H. Con. Res. 236, Recognizing the close relationship between the United States and the Republic of San Marino.

[The information referred to follows:]

110TH CONGRESS
1ST SESSION

H. R. 1746

To require disclosure of Holocaust-era policies by insurers and establish a federal cause of action for claims arising out of a covered policy.

IN THE HOUSE OF REPRESENTATIVES

MARCH 28, 2007

Ms. ROS-LEHTINEN (for herself, Mr. WEXLER, Mr. CANTOR, Mr. PENCE, and Mr. CHABOT) introduced the following bill; which was referred to the Committee on Financial Services, and in addition to the Committees on Foreign Affairs and Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To require disclosure of Holocaust-era policies by insurers and establish a federal cause of action for claims arising out of a covered policy.

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.**

4 This Act may be cited as the “Holocaust Insurance
5 Accountability Act of 2007”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

1 (1) The Holocaust, an event in which millions
2 of people endured enormous suffering through tor-
3 ture and other violence, including the murder of
4 6,000,000 Jews and millions of others, the destruc-
5 tion of families and communities, and the theft of
6 their assets, was one of the most heinous crimes in
7 human history.

8 (2) Before and during World War II, millions
9 of people purchased insurance policies to safeguard
10 family assets, plan for retirement, provide for a
11 dowry, or save for their children's education.

12 (3) When Holocaust survivors or heirs of Holo-
13 caust victims presented claims to insurance compa-
14 nies after World War II, many were rejected because
15 they did not have death certificates or physical pos-
16 session of policy documents that had been con-
17 fiscated by the Nazis or lost in the devastation of
18 the Holocaust.

19 (4) In many instances, insurance company
20 records and records in government archives are the
21 only proof of the existence of insurance policies be-
22 longing to Holocaust victims.

23 (5) Holocaust survivors and heirs have been at-
24 tempting for decades to persuade insurance compa-
25 nies to settle unpaid insurance claims.

1 (6) In 1998, the International Commission on
2 Holocaust Era Insurance Claims (in this section re-
3 ferred to as the “ICHEIC”) was established by the
4 National Association of Insurance Commissioners in
5 cooperation with several European insurance compa-
6 nies, European regulators, the Government of Israel,
7 and non-governmental organizations with the prom-
8 ise that it would expeditiously address the issue of
9 unpaid insurance policies issued to Holocaust vic-
10 tims.

11 (7) On July 17, 2000, the United States and
12 Germany signed an Executive Agreement in support
13 of the German Foundation “Remembrance, Respon-
14 sibility, and the Future”, which designated the
15 ICHEIC to resolve all Holocaust-era insurance poli-
16 cies issued by German companies and their subsidi-
17 aries.

18 (8) On January 17, 2001, the United States
19 and Austria signed an Executive Agreement, which
20 designated the ICHEIC to resolve all Holocaust-era
21 insurance policies issued by Austrian companies and
22 their subsidiaries.

23 (9) Between 1998 and the closing of the
24 ICHEIC claims deadline on December 31, 2003, few
25 names of the Jewish policy holders from Eastern

1 Europe were published, though more than two-thirds
2 of the Jewish population of the territory occupied by
3 the Nazis and their allies were from Eastern Eu-
4 rope.

5 (10) The ICHEIC is scheduled to close in 2007
6 without the disclosure of thousands of names of poli-
7 cies sold to Jewish residents of Europe prior to
8 World War II as of February of 2007.

9 (11) With the ICHEIC process essentially com-
10 pleted, companies holding Holocaust-era insurance
11 policies continue to withhold names of owners and
12 beneficiaries of thousands of insurance policies sold
13 to Jewish customers prior to World War II.

14 (12) Experts estimate that the value in 2006 of
15 unpaid life, annuity, endowment, and dowry insur-
16 ance theft from European Jewry from the Holocaust
17 and its aftermath ranges between \$17,000,000,000
18 and \$200,000,000,000.

19 (13) As of the latest report by the ICHEIC on
20 February 20, 2007, the value of claims paid in rec-
21 ognition of victims' policies was approximately
22 \$250,000,000 and fewer than 5 percent of the poli-
23 cies estimated to have been sold to Jews at the be-
24 ginning of World War II have been paid through
25 ICHEIC.

1 (14) As of 2006, ICHEIC has not provided the
2 State Department with the information required by
3 paragraphs (3) through (7) of section 704(a) of the
4 Foreign Relations Authorization Act, Fiscal Year
5 2003 (Public Law 107–228), which requires the Sec-
6 retary of State to report to the appropriate congres-
7 sional committees on the status of the implementa-
8 tion of the Executive Agreement between Germany
9 and the United States.

10 (15) In *American Insurance Association, Inc.,*
11 *v. Garamendi*, the United States Supreme Court
12 held that under the supremacy clause of the Con-
13 stitution of the United States, executive agreements
14 and Federal Government policy calling for insurance
15 claims against German and Austrian companies to
16 be handled within ICHEIC preempted State laws
17 authorizing State insurance commissioners to sub-
18 poena company records and require publication of
19 the names of Holocaust era policy holders.

20 (16) In the *Garamendi* case, the Supreme
21 Court stated that Congress, which has the power to
22 regulate international commerce, and prescribe Fed-
23 eral Court jurisdiction, had not addressed disclosure
24 and restitution of Holocaust victims' insurance poli-
25 cies.

1 (17) Subsequent court decisions have dismissed
2 survivors' suits against Assicurazioni Generali,
3 S.p.A., even though there is no executive agreement
4 between the United States and Italy.

5 (18) Congress believes that United States
6 courts do currently have jurisdiction to entertain ac-
7 tions by Holocaust victims and heirs of Holocaust
8 victims to recover insurance proceeds sold to their
9 families before the Holocaust.

10 (19) Due to lower court interpretations of the
11 Garamendi case, this Act expresses the intent of
12 Congress to legislate to the maximum extent allowed
13 by the Constitution regarding the rights of Holo-
14 caust survivors and the heirs and beneficiaries of
15 Holocaust victims to obtain information from insur-
16 ers and to bring actions in United States courts to
17 recover unpaid funds from entities that participated
18 in the theft of family insurance assets or the affili-
19 ates of such entities.

20 (20) The ICHEIC either chose not to pursue or
21 did not put forth sufficient effort to investigate or
22 obtain restitution for forms of insurance other than
23 life, annuity, endowment, or dowry insurance sold to
24 Holocaust victims, despite documentation that other
25 forms of insurance benefits such as property and

1 casualty insurance, disability insurance, health in-
2 surance, transport insurance, and marine insurance
3 were also improperly withheld from Jews, nor did
4 the ICHEIC make sufficient effort to investigate the
5 records of reinsurers who provided coverage for
6 Jews' policies prior to World War II, despite evi-
7 dence that reinsurers and reinsurance played a sig-
8 nificant role in the theft of the family assets of Hol-
9 ocaust victims.

10 (21) Disclosures in 2006 concerning the vast
11 Nazi archives at Bad Arolsen Germany, which have
12 been closed to direct access by Holocaust survivors,
13 families of Holocaust victims, and researchers since
14 1955, underscores the necessity a comprehensive
15 opening of all archival sources of information for
16 Holocaust victims and their families.

17 (22) Insurance payments should be expedited to
18 the victims of the most heinous crime of the 20th
19 Century to ensure that justice is served.

20 (23) States should be allowed to collect Holo-
21 caust-era insurance information from any insurance
22 companies that want to do business in such States.

23 (24) Tens of thousands of Holocaust survivors
24 around the world, including in the United States,
25 live below or near the poverty level, and cannot meet

1 their basic day-to-day needs for food, medicine, shel-
2 ter, and other necessities.

3 (25) This Act will enable survivors, heirs, and
4 beneficiaries to obtain compensation commensurate
5 with the real monetary value of their losses, and to
6 penalize unjustly enriched insurers for their fraudu-
7 lent, deceptive, and unfair practices, which continue
8 to the present day, and to deter such conduct in the
9 future.

10 (26) Holocaust victims and their families should
11 be able to recover claims arising from Holocaust era
12 insurance policies and the Federal Government
13 should be able to recover for the unjust enrichment
14 of insurers in Federal court when they consider it
15 necessary to seek redress through the judicial sys-
16 tem.

17 (27) Under the circumstances faced by Holo-
18 caust victims and their families, the courts of the
19 United States should be open to Holocaust victims
20 and their families for a reasonable number of years
21 after enactment of this Act, without regard to any
22 other statutes of limitation.

1 **SEC. 3. HOLOCAUST INSURANCE REGISTRY.**

2 (a) ESTABLISHMENT AND MAINTENANCE.—Chapter
3 21 of title 44, United States Code, is amended by adding
4 at the end the following:

5 **“§ 2119. Holocaust Insurance Registry**

6 “(a) ESTABLISHMENT.—The Archivist shall establish
7 and maintain a collection of records that shall—

8 “(1) consist of the information provided to the
9 Archivist under section 5 of the Holocaust Victims
10 Insurance Relief Act of 2007;

11 “(2) be known as the Holocaust Insurance Reg-
12 istry.

13 “(b) PUBLIC ACCESS TO THE RECORDS.—The Archi-
14 vist shall make all the aforementioned records accessible
15 to the public and searchable by means of the Internet and
16 by any other means the Archivist deems appropriate.”.

17 (b) CLERICAL AMENDMENT.—The table of sections
18 at the beginning of chapter 21 of title 44, United States
19 Code, is amended by adding at the end the following:

“2119. Holocaust Insurance Registry.”.

20 (c) AGREEMENTS WITH EUROPEAN COUNTRIES.—

21 (1) AGREEMENTS.—The Secretary of State
22 shall seek to enter into agreements with European
23 countries to make available to the Holocaust Insur-
24 ance Registry information on covered policies that is

1 stored in the archives or other government reposi-
2 tories of such countries.

3 (2) REPORT.—Not later than 6 months after
4 the date of the enactment of this Act, and every 6
5 months thereafter, the Secretary of State shall sub-
6 mit to Congress a report on efforts to carry out this
7 subsection.

8 **SEC. 4. DISCLOSURE OF HOLOCAUST-ERA POLICIES BY IN-**
9 **SURERS.**

10 (a) REQUIREMENT.—An insurer shall file, in an elec-
11 tronic format, with the Secretary of Commerce the fol-
12 lowing information:

13 (1) The first name, last name, date of birth,
14 and domicile of the policyholder of each covered pol-
15 icy issued or reinsured by the insurer or a related
16 company of the insurer.

17 (2) The name of the entity that issued the cov-
18 ered policy.

19 (3) The name of the entity that is responsible
20 for the liabilities of the entity that issued the cov-
21 ered policy.

22 (b) FILING.—Information under subsection (a) shall
23 be filed not later than 90 days after the date of the enact-
24 ment of this Act.

1 **SEC. 5. PROVISION OF INFORMATION TO ARCHIVIST.**

2 The Secretary of Commerce shall provide to the Ar-
3 chivist of the United States any information filed with the
4 Secretary under section 4(a) promptly after the filing of
5 such information.

6 **SEC. 6. PENALTY.**

7 The Secretary of Commerce shall assess a civil pen-
8 alty of not less than \$5,000 for each day that an insurer
9 fails to comply with the requirements of section 4, as de-
10 termined by the Secretary.

11 **SEC. 7. USE OF AMOUNTS RECEIVED AS CIVIL PENALTIES.**

12 To the extent or in the amounts provided in advance
13 in appropriation Acts, the Archivist of the United States
14 may use amounts received by the Government as civil pen-
15 alties under section 6 to maintain the Holocaust Insurance
16 Registry.

17 **SEC. 8. NOTIFICATION.**

18 (a) INITIAL NOTIFICATION.—Not later than 180 days
19 after the date of the enactment of this Act, and periodi-
20 cally thereafter, the Secretary of Commerce shall notify
21 each State's commissioner of insurance of the identity of
22 each insurer that has failed to comply with the require-
23 ments of section 4 or has not satisfied any civil penalty
24 for which the insurer is liable under section 6.

25 (b) REQUESTS BY STATES.—On request by the com-
26 missioner of insurance of a State concerning an insurer

1 operating in that State, the Secretary of Commerce shall
2 inform the commissioner of insurance whether the insurer
3 has failed to comply with the requirements of section 4
4 or has not satisfied any civil penalty for which the insurer
5 is liable under section 6.

6 **SEC. 9. STATE HOLOCAUST INSURANCE STATUTES.**

7 (a) PREEMPTION.—Nothing in this Act preempts—

8 (1) any State law requiring an insurer in such
9 State to disclose information regarding covered poli-
10 cies sold or for which reinsurance was provided; or

11 (2) any rights or remedies available to a claim-
12 ant under State law relating to a covered policy.

13 (b) SENSE OF CONGRESS.—It is the sense of the
14 Congress that if any litigation challenging any State law
15 described in subsection (a) is dismissed because the
16 State’s commissioner of insurance chooses to rely on this
17 Act and therefore no longer seeks to enforce the State law,
18 each party should bear its own legal fees and costs.

19 **SEC. 10. FEDERAL CAUSE OF ACTION FOR COVERED**
20 **CLAIMS.**

21 (a) FEDERAL CAUSE OF ACTION.—

22 (1) IN GENERAL.—There shall exist a Federal
23 cause of action for any claim arising out of or re-
24 lated to a covered policy against any insurer or re-
25 lated company.

1 (2) EFFECT ON OTHER CAUSES OF ACTION.—

2 An action under paragraph (1) shall be maintainable
3 in addition to any cause of action arising under
4 State or international law.

5 (3) STANDING.—A claim under paragraph (1)
6 may be brought by the person who purchased such
7 covered policy, a beneficiary or heir of such person,
8 or an assignee of such person or a beneficiary or
9 heir of such person.

10 (4) TREBLE DAMAGES; INTEREST.—In an ac-
11 tion under this subsection, the measure of damages
12 shall be not less than three times the amount of—

13 (A) the claim under the covered policy in
14 United States dollars as of December 31, 1938;
15 and

16 (B) interest at a rate of 6 percent per year
17 compounded annually from the date when the
18 claim for which an action exists under this sub-
19 section could have first been made until the
20 date of judgment under this subsection.

21 (5) ATTORNEYS FEES.—In an action under this
22 subsection, a court shall award a successful claimant
23 reasonable attorneys fees and costs incurred in in-
24 vestigating and prosecuting the claim.

1 (b) SUBJECT MATTER JURISDICTION.—The district
2 courts shall have original jurisdiction of any civil action
3 arising out of or related to a covered policy (whether
4 brought under subsection (a) or otherwise).

5 (c) PERSONAL JURISDICTION.—Notwithstanding any
6 provision of Rule 4 of the Federal Rules of Civil Procedure
7 to the contrary, in a civil action arising from or related
8 to a covered policy (whether brought under subsection (a)
9 or otherwise) commenced in a district where the defendant
10 is not a resident—

11 (1) the court may exercise jurisdiction over
12 such defendant on any basis not inconsistent with
13 the Constitution of the United States; and

14 (2) service of process, summons, and subpoena
15 may be made on such defendant in any manner not
16 inconsistent with the Constitution of the United
17 States.

18 (d) RETROACTIVE APPLICATION.—This Act shall
19 apply retroactively to any claim arising out of or related
20 to a covered policy to the fullest extent permitted by the
21 Constitution of the United States, including claims pre-
22 viously dismissed on the ground of executive preemption
23 and claims for which class action settlements occurring
24 prior to the effective date of this Act purport to effect
25 a release of claims not accompanied by an actual payment.

1 (e) STATUTE OF LIMITATIONS.—Any action brought
2 under this Act shall be filed not later than 10 years after
3 the effective date of this Act.

4 **SEC. 11. DEFINITIONS.**

5 In this Act:

6 (1) COMMISSIONER OF INSURANCE.—The term
7 “commissioner of insurance” means the highest
8 ranking officer of a State responsible for regulating
9 insurance.

10 (2) COVERED POLICY.—The term “covered pol-
11 icy” means any life, dowry, education, property or
12 other insurance policy that was—

13 (A) in effect at any time after January 30,
14 1933, and before December 31, 1945; and

15 (B) issued to a policyholder domiciled in
16 any area that was occupied or controlled by
17 Nazi Germany or by any ally or sympathizer of
18 Nazi Germany at any time during the period
19 described in subparagraph (A).

20 (3) INSURER.—The term “insurer” means any
21 person engaged in the business of insurance (includ-
22 ing reinsurance) in interstate or foreign commerce,
23 if the person or a related company of the person
24 issued or reinsured a covered policy, regardless of

1 when the related company became a related company
2 of the insurer.

3 (4) RELATED COMPANY.—The term “related
4 company” means an affiliate, as that term is defined
5 in section 104(g) of the Gramm-Leach-Bliley Act
6 (15 U.S.C. 6701(g)).

○

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 1746
OFFERED BY MS. ROS-LEHTINEN OF FLORIDA
AND MR. LANTOS OF CALIFORNIA**

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Holocaust Insurance
3 Accountability Act of 2007”.

4 SEC. 2. FINDINGS.

5 Congress finds the following:

6 (1) The Holocaust, an event in which millions
7 of people endured enormous suffering through tor-
8 ture and other violence, including the murder of
9 6,000,000 Jews and millions of others, the destruc-
10 tion of families and communities, and the theft of
11 their assets, was one of the most heinous crimes in
12 human history.

13 (2) Before and during World War II, millions
14 of people purchased insurance policies to safeguard
15 family assets, plan for retirement, provide for a
16 dowry, or save for their children’s education.

1 (3) When Holocaust survivors or heirs of Holo-
2 caust victims presented claims to insurance compa-
3 nies after World War II, many were rejected because
4 they did not have death certificates or physical pos-
5 session of policy documents that had been con-
6 fiscated by the Nazis or lost in the devastation of
7 the Holocaust.

8 (4) In many instances, insurance company
9 records and records in government archives are the
10 only proof of the existence of insurance policies be-
11 longing to Holocaust victims.

12 (5) Holocaust survivors and heirs attempted for
13 decades to persuade insurance companies to settle
14 unpaid insurance claims.

15 (6) In 1998, the International Commission on
16 Holocaust Era Insurance Claims (in this section re-
17 ferred to as the “ICHEIC”) was established by the
18 National Association of Insurance Commissioners in
19 cooperation with several European insurance compa-
20 nies, European regulators, the Government of Israel,
21 and nongovernmental organizations with the promise
22 that it would expeditiously address the issue of un-
23 paid insurance policies issued to Holocaust victims.

24 (7) On July 17, 2000, the United States and
25 Germany signed an Executive Agreement in support

1 of the German Foundation “Remembrance, Respon-
2 sibility, and the Future”, which designated the
3 ICHEIC to resolve all Holocaust-era insurance poli-
4 cies issued by German companies and their subsidi-
5 aries.

6 (8) On January 17, 2001, the United States
7 and Austria signed an Executive Agreement.

8 (9) Between 1998 and the closing of the
9 ICHEIC claims deadline on December 31, 2003,
10 ICHEIC undertook an effort to identify and publish
11 the names of Jewish policy holders throughout Eu-
12 rope. Working with a number of available relevant
13 archives in 15 countries, ICHEIC researchers lo-
14 cated almost 78,000 policy records, and there re-
15 main additional archival files to be examined.

16 (10) The ICHEIC closed in 2007 after the dis-
17 closure of thousands of names and payments on
18 thousands of policies sold to Jewish residents of Eu-
19 rope prior to World War II. However, experts and
20 survivors assert that thousands of names and poli-
21 cies have not been disclosed or paid.

22 (11) In total, ICHEIC helped secure a total of
23 \$306,000,000 on behalf of 48,000 Holocaust sur-
24 vivors and their heirs, of whom 17,000 survivors and

1 heirs received payments on policies and 31,000 re-
2 ceived humanitarian payments of \$1,000 each.

3 (12) Notwithstanding ICHEIC's efforts, some
4 experts have disputed the ICHEIC determination to
5 be low.

6 (13) Therefore, with the ICHEIC process es-
7 sentially completed, names of owners and bene-
8 ficiaries of insurance policies sold to Jewish cus-
9 tomers prior to World War II remain to be made
10 public.

11 (14) It is estimated that the value in 2006 of
12 unpaid life, annuity, endowment, and dowry insur-
13 ance theft from European Jewry from the Holocaust
14 and its aftermath ranges between \$17,000,000,000
15 and \$200,000,000,000.

16 (15) As of the final report by ICHEIC on Feb-
17 ruary 20, 2007, it is estimated that the value of
18 claims paid through ICHEIC has been fewer than
19 five percent of the policies estimated to have been
20 sold to Jews at the beginning of World War II.

21 (16) Although ICHEIC provided occasional re-
22 ports regarding its activities to members, alternates,
23 and observers of the Commission, at its conclusion
24 in 2007, ICHEIC has not provided the Department
25 of State with the information required by para-

1 graphs (3) through (7) of section 704(a) of the For-
2 eign Relations Authorization Act, Fiscal Year 2003
3 (Public Law 107–228), which required the Secretary
4 of State to report to the Committee on Foreign Af-
5 fairs of the House of Representatives and the Com-
6 mittee on Foreign Relations of the Senate on the
7 status of the implementation of the Executive Agree-
8 ment between Germany and the United States.

9 (17) In *American Insurance Association, Inc.,*
10 *v. Garamendi*, the United States Supreme Court
11 held that under the supremacy clause of the Con-
12 stitution of the United States, executive agreements
13 and Federal Government policy calling for insurance
14 claims against German and Austrian companies to
15 be handled within ICHEIC preempted State laws
16 authorizing State insurance commissioners to sub-
17 poena company records and require publication of
18 the names of Holocaust era policy holders.

19 (18) In the *Garamendi* case, the Supreme
20 Court stated that Congress, which has the power to
21 regulate international commerce, and prescribe Fed-
22 eral court jurisdiction, had not addressed disclosure
23 and restitution of Holocaust victims' insurance poli-
24 cies.

1 (19) Congress believes that United States
2 courts do currently have jurisdiction to entertain ac-
3 tions by Holocaust victims and heirs of Holocaust
4 victims to recover insurance proceeds sold to their
5 families before the Holocaust, notwithstanding any
6 Executive Agreements previously entered into, the
7 establishment of the ICHEIC process, statements by
8 high-level Executive branch officials, or prior court
9 decisions to the contrary.

10 (20) Due to lower court interpretations of the
11 Garamendi case, this Act expresses the intent of
12 Congress to legislate to the maximum extent allowed
13 by the Constitution regarding the rights of Holo-
14 caust survivors and the heirs and beneficiaries of
15 Holocaust victims to obtain information from insur-
16 ers and to bring actions in United States courts to
17 recover unpaid funds from entities that participated
18 in the theft of family insurance assets or the affili-
19 ates of such entities.

20 (21) Based on its analysis of possible policies
21 owned prior to the period in question, ICHEIC did
22 not generally obtain restitution for forms of insur-
23 ance other than life, annuity, endowment, or dowry
24 insurance sold to Holocaust victims, such as prop-
25 erty and casualty insurance, disability insurance,

1 health insurance, transport insurance, and marine
2 insurance which were also improperly withheld from
3 Jews, nor did the ICHEIC investigate the records of
4 reinsurers who provided coverage for policies during
5 the period in question.

6 (22) It is the intent of Congress to ensure that
7 insurance companies, their subsidiaries, and related
8 entities are held accountable to survivors, heirs,
9 beneficiaries, and the public for their handling of in-
10 surance sold to Holocaust victims, including prop-
11 erty and casualty insurance, health insurance, trans-
12 port insurance, and marine insurance, the benefits
13 of which were improperly withheld from their Jewish
14 owners, and provide full restitution thereof.

15 (23) Disclosures in 2006 concerning the vast
16 Nazi archives at Bad Arolsen, Germany, which have
17 been closed to direct access by Holocaust survivors,
18 families of Holocaust victims, and researchers since
19 1955, underscores the necessity a comprehensive
20 opening of all archival sources of information for
21 Holocaust victims and their families.

22 (24) Insurance payments should be expedited to
23 the victims of the most heinous crime of the 20th
24 century to ensure that justice is served.

1 (25) States should be allowed to collect Holo-
2 caust-era insurance information from any insurance
3 companies that want to do business in such States.

4 (26) Tens of thousands of Holocaust survivors
5 around the world, including in the United States,
6 live below or near the poverty level, and cannot meet
7 their basic day-to-day needs for food, medicine, shel-
8 ter, and other necessities.

9 (27) This Act will enable survivors, heirs, and
10 beneficiaries to obtain compensation commensurate
11 with the real monetary value of their losses, and to
12 penalize unjustly enriched insurers for their fraudu-
13 lent, deceptive, and unfair practices, which continue
14 to the present day, and to deter such conduct in the
15 future.

16 (28) Holocaust victims and their families should
17 be able to recover claims arising from Holocaust era
18 insurance policies and the Federal Government
19 should be able to recover for the unjust enrichment
20 of insurers in Federal court when they consider it
21 necessary to seek redress through the judicial sys-
22 tem.

23 (29) Under the circumstances faced by Holo-
24 caust victims and their families, the courts of the
25 United States should be open to Holocaust victims

1 and their families for a reasonable number of years
2 after the enactment of this Act, without regard to
3 any other statutes of limitation.

4 **SEC. 3. HOLOCAUST INSURANCE REGISTRY.**

5 (a) ESTABLISHMENT AND MAINTENANCE.—Chapter
6 21 of title 44, United States Code, is amended by adding
7 at the end the following:

8 **“SEC. 2119. HOLOCAUST INSURANCE REGISTRY.**

9 “(a) ESTABLISHMENT.—The Archivist shall establish
10 and maintain a collection of records that shall—

11 “(1) consist of the information provided to the
12 Archivist under section 5 of the Holocaust Insurance
13 Accountability Act of 2007; and

14 “(2) be known as the Holocaust Insurance Reg-
15 istry.

16 “(b) PUBLIC ACCESS TO THE RECORDS.—The Archi-
17 vist shall make all the aforementioned records accessible
18 to the public and searchable by means of the Internet and
19 by any other means the Archivist deems appropriate.”.

20 (b) CLERICAL AMENDMENT.—The table of sections
21 at the beginning of chapter 21 of title 44, United States
22 Code, is amended by adding at the end the following:

“2119. Holocaust Insurance Registry.”.

23 (c) AGREEMENTS WITH EUROPEAN COUNTRIES.—

24 (1) AGREEMENTS.—The Secretary of State
25 shall seek to enter into agreements with European

1 countries to make available to the Holocaust Insur-
2 ance Registry information on covered policies that is
3 stored in the archives or other government reposi-
4 tories of such countries.

5 (2) REPORT.—Not later than 6 months after
6 the date of the enactment of this Act, and every 6
7 months thereafter, the Secretary of State shall sub-
8 mit to Congress a report on efforts to carry out this
9 subsection.

10 **SEC. 4. DISCLOSURE OF HOLOCAUST-ERA POLICIES BY IN-**
11 **SURERS.**

12 (a) REQUIREMENT.—An insurer shall file, in an elec-
13 tronic format, with the Secretary of Commerce the fol-
14 lowing information:

15 (1) The first name, last name, date of birth,
16 and domicile of the policyholder of each covered pol-
17 icy issued or reinsured by the insurer or a related
18 company of the insurer.

19 (2) The name of the entity that issued the cov-
20 ered policy.

21 (3) The name of the entity that is responsible
22 for the liabilities of the entity that issued the cov-
23 ered policy.

1 (b) FILING.—Information under subsection (a) shall
2 be filed not later than 90 days after the date of the enact-
3 ment of this Act.

4 **SEC. 5. PROVISION OF INFORMATION TO ARCHIVIST.**

5 The Secretary of Commerce shall provide to the Ar-
6 chivist of the United States any information filed with the
7 Secretary under section 4(a) promptly after the filing of
8 such information.

9 **SEC. 6. PENALTY.**

10 The Secretary of Commerce shall assess a civil pen-
11 alty of not less than \$5,000 for each day that an insurer
12 fails to comply with the requirements of section 4, as de-
13 termined by the Secretary.

14 **SEC. 7. USE OF AMOUNTS RECEIVED AS CIVIL PENALTIES.**

15 To the extent or in the amounts provided in advance
16 in appropriation Acts, the Archivist of the United States
17 may use amounts received by the Government as civil pen-
18 alties under section 6 to maintain the Holocaust Insurance
19 Registry.

20 **SEC. 8. NOTIFICATION.**

21 (a) INITIAL NOTIFICATION.—Not later than 180 days
22 after the date of the enactment of this Act, and periodi-
23 cally thereafter, the Secretary of Commerce shall notify
24 each State’s commissioner of insurance of the identity of
25 each insurer that has failed to comply with the require-

1 ments of section 4 or has not satisfied any civil penalty
2 for which the insurer is liable under section 6.

3 (b) REQUESTS BY STATES.—On request by the com-
4 missioner of insurance of a State concerning an insurer
5 operating in that State, the Secretary of Commerce shall
6 inform the commissioner of insurance whether the insurer
7 has failed to comply with the requirements of section 4
8 or has not satisfied any civil penalty for which the insurer
9 is liable under section 6.

10 **SEC. 9. STATE HOLOCAUST INSURANCE STATUTES.**

11 (a) PREEMPTION.—Nothing in this Act preempts—

12 (1) any State law requiring an insurer in such
13 State to disclose information regarding covered poli-
14 cies sold or for which reinsurance was provided; or

15 (2) any rights or remedies available to a claim-
16 ant under State law relating to a covered policy.

17 (b) SENSE OF CONGRESS.—It is the sense of the
18 Congress that if any litigation challenging any State law
19 described in subsection (a) is dismissed because the
20 State’s commissioner of insurance chooses to rely on this
21 Act and therefore no longer seeks to enforce the State law,
22 each party should bear its own legal fees and costs.

23 **SEC. 10. FEDERAL CAUSE OF ACTION FOR COVERED**
24 **CLAIMS.**

25 (a) FEDERAL CAUSE OF ACTION.—

1 (1) IN GENERAL.—There shall exist a Federal
2 cause of action for any claim arising out of or re-
3 lated to a covered policy against any insurer or re-
4 lated company.

5 (2) EFFECT ON OTHER CAUSES OF ACTION.—
6 An action under paragraph (1) shall be maintainable
7 in addition to any cause of action arising under
8 State or international law.

9 (3) STANDING.—A claim under paragraph (1)
10 may be brought by the person who purchased such
11 covered policy, a beneficiary or heir of such person,
12 or an assignee of such person or a beneficiary or
13 heir of such person.

14 (4) TREBLE DAMAGES; INTEREST.—In an ac-
15 tion under this subsection, the measure of damages
16 shall be not less than three times the amount of—

17 (A) the claim under the covered policy in
18 United States dollars as of December 31, 1938;
19 and

20 (B) interest at a rate of six percent per
21 year compounded annually from the date when
22 the claim for which an action exists under this
23 subsection could have first been made until the
24 date of judgment under this subsection.

1 (5) ATTORNEYS FEES.—In an action under this
2 subsection, a court shall award a successful claimant
3 reasonable attorneys fees and costs incurred in in-
4 vestigating and prosecuting the claim.

5 (b) SUBJECT MATTER JURISDICTION.—The district
6 courts shall have original jurisdiction of any civil action
7 arising out of or related to a covered policy (whether
8 brought under subsection (a) or otherwise).

9 (c) PERSONAL JURISDICTION.—Notwithstanding any
10 provision of Rule 4 of the Federal Rules of Civil Procedure
11 to the contrary, in a civil action arising from or related
12 to a covered policy (whether brought under subsection (a)
13 or otherwise) commenced in a district where the defendant
14 is not a resident—

15 (1) the court may exercise jurisdiction over
16 such defendant on any basis not inconsistent with
17 the Constitution of the United States; and

18 (2) service of process, summons, and subpoena
19 may be made on such defendant in any manner not
20 inconsistent with the Constitution of the United
21 States.

22 (d) RETROACTIVE APPLICATION.—This Act shall
23 apply retroactively to any claim arising out of or related
24 to a covered policy to the fullest extent permitted by the
25 Constitution of the United States, including claims pre-

1 viously dismissed on the ground of executive preemption
2 and claims for which class action settlements occurring
3 prior to the effective date of this Act purport to effect
4 a release of claims not accompanied by an actual payment,
5 for which a recipient signed a release.

6 (e) STATUTE OF LIMITATIONS.—Any action brought
7 under this Act shall be filed not later than ten years after
8 the effective date of this Act.

9 (f) SEVERABILITY.—If any provision of this section
10 or the application thereof to any person or circumstance
11 is held invalid, the invalidity shall not affect other provi-
12 sions or applications of the section which can be given ef-
13 fect without the invalid provision or application, and to
14 this end the provisions of this section are declared sever-
15 able.

16 **SEC. 11. DEFINITIONS.**

17 In this Act:

18 (1) COMMISSIONER OF INSURANCE.—The term
19 “commissioner of insurance” means the highest
20 ranking officer of a State responsible for regulating
21 insurance.

22 (2) COVERED POLICY.—The term “covered pol-
23 icy” means any life, dowry, education, property or
24 other insurance policy that was—

1 (A) in effect at any time after January 30,
2 1933, and before December 31, 1945; and

3 (B) issued to a policyholder domiciled in
4 any area that was occupied or controlled by
5 Nazi Germany or by any ally or sympathizer of
6 Nazi Germany at any time during the period
7 described in subparagraph (A).

8 (3) INSURER.—The term “insurer” means any
9 person engaged in the business of insurance (includ-
10 ing reinsurance) in interstate or foreign commerce,
11 if the person or a related company of the person
12 issued or reinsured a covered policy, regardless of
13 when the related company became a related company
14 of the insurer.

15 (4) RELATED COMPANY.—The term “related
16 company” means an affiliate, as that term is defined
17 in section 104(g) of the Gramm-Leach-Bliley Act
18 (15 U.S.C. 6701(g)).

110TH CONGRESS
1ST SESSION

H. R. 3890

To amend the Burmese Freedom and Democracy Act of 2003 to waive the requirement for annual renewal resolutions relating to import sanctions, impose import sanctions on Burmese gemstones, expand the number of individuals against whom the visa ban is applicable, expand the blocking of assets and other prohibited activities, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 18, 2007

Mr. LANTOS (for himself, Ms. ROS-LEHTINEN, Mr. KING of New York, Mrs. MALONEY of New York, Mr. SMITH of New Jersey, and Mr. PITTS) introduced the following bill; which was referred to the Committee on Foreign Affairs, and in addition to the Committees on Ways and Means and Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend the Burmese Freedom and Democracy Act of 2003 to waive the requirement for annual renewal resolutions relating to import sanctions, impose import sanctions on Burmese gemstones, expand the number of individuals against whom the visa ban is applicable, expand the blocking of assets and other prohibited activities, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Block Burmese JADE
3 (Junta’s Anti-Democratic Efforts) Act of 2007”.

4 **SEC. 2. FINDINGS.**

5 Congress finds the following:

6 (1) The Burmese regime has continued and
7 worsened its obstruction of democratic processes and
8 mass violation of human rights identified in the Bur-
9 mese Freedom and Democracy Act of 2003 (Public
10 Law 108–61; 50 U.S.C. 1701 note). In August and
11 September 2007, Burmese people from all walks of
12 life conducted their largest peaceful public protests
13 since 1988. The peaceful public protests responded
14 to a drastic increase in fuel prices, as well as the
15 Burmese regime’s ongoing denial of the democratic
16 and human rights of the Burmese people. On Sep-
17 tember 24, 2007, Buddhist monks actively partici-
18 pated and increasingly led these peaceful demonstra-
19 tions, culminating in an estimated 100,000 people
20 marching through Rangoon, Burma. The protesters
21 peacefully demanded the release of 1991 Nobel
22 Peace Prize Winner Daw Aung San Suu Kyi, the
23 leader of the National League for Democracy
24 (NLD), marching past security barricades to her
25 house in a show of support for Burmese democracy.
26 The Burmese regime continues to refuse to recog-

1 nize the results of the 1990 election, won by the
2 NLD, which gave Aung San Suu Kyi the right to be
3 named Prime Minister.

4 (2) The Burmese regime, which calls itself the
5 State Peace and Development Council (SPDC), re-
6 sponded to these peaceful protests with a violent
7 crackdown leading to the reported killing of some
8 200 people, including a Japanese photojournalist,
9 and hundreds of injuries. Human rights groups fur-
10 ther estimate that over 2,000 individuals have been
11 detained, arrested, imprisoned, beaten, tortured, or
12 otherwise intimidated as part of this crackdown. The
13 Burmese regime continues to detain, torture, and
14 otherwise intimidate those individuals whom it be-
15 lieves participated in or led the protests and it has
16 closed down or otherwise limited access to several
17 monasteries and temples that played key roles in the
18 protests.

19 (3) The Burmese regime and its supporters fi-
20 nance their ongoing violations of human rights, un-
21 democratic policies, and military activities through
22 financial transactions, travel, and trade involving the
23 United States, including the sale of gemstones. De-
24 spite the sanctions imposed in the Burmese Freedom
25 and Democracy Act of 2003, the Burmese regime

1 seeks out ways to evade these restrictions. Millions
2 of dollars in gemstones that are exported from
3 Burma ultimately enter the United States but the
4 Burmese regime attempts to conceal the origin of
5 the gemstones in an effort to evade the sanctions in
6 the Burmese Freedom and Democracy Act of 2003.
7 For example, over 90 percent of the world's ruby
8 supply originates in Burma but only three percent of
9 the rubies entering the United States are claimed to
10 be of Burmese origin. The value of Burmese
11 gemstones is more than 99 percent a function of
12 their original quality and geological origin, and not
13 a result of the labor involved in cutting and
14 polishing the gemstones.

15 **SEC. 3. AMENDMENTS TO THE BURMESE FREEDOM AND**
16 **DEMOCRACY ACT OF 2003.**

17 (a) ANNUAL RENEWAL RESOLUTIONS NO LONGER
18 REQUIRED.—

19 (1) IN GENERAL.—Subsection (b) of section 9
20 of the Burmese Freedom and Democracy Act of
21 2003 is amended to read as follows:

22 “(b) CONTINUATION OF IMPORT SANCTIONS.—The
23 import restrictions under section 3(a)(1) shall continue
24 until such time as such restrictions are terminated—

1 “(1) pursuant to the enactment into law of a
2 joint resolution of the two Houses of Congress, the
3 sole matter after the resolving clause of which is as
4 follows: ‘That Congress terminates the import re-
5 strictions under section 3(a)(1) of the Burmese
6 Freedom and Democracy Act of 2003.’; or

7 “(2) by the President in accordance with sub-
8 section (a).”.

9 (2) REPEAL.—Section 9 of such Act is amend-
10 ed by striking subsection (c).

11 (b) IMPORT RESTRICTIONS ON GEMSTONES.—Para-
12 graph (1) of section 3(a) of the Burmese Freedom and
13 Democracy Act of 2003 is amended by striking the period
14 at the end and inserting the following: “, including the
15 importation of any gemstone or rough unfinished geologi-
16 cal material mined or extracted from Burma, whether im-
17 ported as a loose item or as any part or component of
18 a finished piece of jewelry. Such restriction on such impor-
19 tation shall not be deemed to be an amendment to the
20 general rules of origin applied by the United States.”.

21 (c) VISA BAN.—Paragraph (1) of section 6(a) of the
22 Burmese Freedom and Democracy Act of 2003 is amend-
23 ed to read as follows:

24 “(1) VISA BAN.—

1 “(A) IN GENERAL.—The Secretary of
2 State shall deny the issuance of a visa and the
3 Secretary of Homeland Security shall deny ad-
4 mission to the United States to—

5 “(i) former and present leadership of
6 the SPDC or the Union Solidarity Devel-
7 opment Association;

8 “(ii) any member of the Burmese
9 military involved in the violent repression
10 of the public protests in Burma in August,
11 September, and October 2007;

12 “(iii) any Burmese official who has
13 engaged in, ordered, or facilitated acts of
14 gross violations of internationally recog-
15 nized human rights (as defined in section
16 502B(d)(1) of the Foreign Assistance Act
17 of 1961 (22 U.S.C. 2304(d)(1)), either as
18 an individual or as a member of a group
19 or government; and

20 “(iv) any member of the immediate
21 family of any individual described in
22 clauses (i), (ii), or (iii).

23 “(B) WAIVER.—The ban described in sub-
24 paragraph (A) may be waived only if the Presi-
25 dent determines and certifies in writing to Con-

1 gress that such is in the national interests of
2 the United States.”.

3 (d) FREEZING ASSETS OF THE BURMESE REGIME IN
4 THE UNITED STATES.—Section 4 of the Burmese Free-
5 dom and Democracy Act of 2003 is amended—

6 (1) by redesignating subsections (b) and (c) as
7 subsection (c) and (d); and

8 (2) by inserting after subsection (a) the fol-
9 lowing new subsection:

10 “(b) BLOCKING OF ASSETS AND OTHER PROHIBITED
11 ACTIVITIES.—

12 “(1) IN GENERAL.—The President shall block
13 all property and interests in property, including all
14 commercial, industrial, or public utility undertakings
15 or entities, that, on or after the date of the enact-
16 ment of the Block Burmese JADE (Junta’s Anti-
17 Democratic Efforts) Act of 2007—

18 “(A) are owned, in whole or in part, by an
19 individual on the list specified in section
20 6(a)(1)(A); and

21 “(B) are in the United States, or in the
22 possession or control of the Government of the
23 United States or of any United States financial
24 institution, including any branch or office of

1 such financial institution that is located outside
2 the United States.

3 “(2) PROHIBITED ACTIVITIES.—Activities pro-
4 hibited by reason of the blocking of property and in-
5 terests in property under paragraph (1) shall
6 include—

7 “(A) payments or transfers of any prop-
8 erty, or any transactions involving the transfer
9 of anything of economic value by any United
10 States person, including any United States fi-
11 nancial institution and any branch or office of
12 such financial institution that is located outside
13 the United States, to an individual on the list
14 specified in section 6(a)(1)(A);

15 “(B) direct or indirect payments of any
16 tax, cancellation penalty, or any other amount
17 to the Burmese Government;

18 “(C) the export or reexport to any entity
19 owned, controlled, or operated by such an indi-
20 vidual directly or indirectly, of any goods, tech-
21 nology, or services by a United States person;
22 or

23 “(D) the performance by any United
24 States person of any contract, including a con-
25 tract providing a loan or other financing, in

1 support of an industrial, commercial, or public
2 utility operated, controlled, or owned by such
3 an individual.

4 “(3) EXTENSION OF AUTHORITY.—The Presi-
5 dent may block all property and interests in property
6 of the following persons, to the same extent as prop-
7 erty and interests in property of a foreign person de-
8 termined to have committed acts of terrorism for
9 purposes of Executive Order No. 13224 of Sep-
10 tember 21, 2001, (50 U.S.C. 1701 note) may be
11 blocked:

12 “(A) Persons and financial institutions
13 who assist or provide financial, material, or
14 technological support for, or financial or other
15 services to or in support of, an individual on the
16 list specified in section 6(a)(1)(A) or entities
17 owned or effectively controlled by such an indi-
18 vidual.

19 “(B) Persons otherwise associated with
20 such an individual.

21 “(4) RULE OF CONSTRUCTION.—Nothing in
22 this subsection shall be construed to prohibit any
23 contract or other financial transaction with any non-
24 governmental humanitarian organization in Burma.

1 “(5) EXCEPTIONS.—The prohibitions and re-
2 strictions described in paragraphs (1), (2), and (3)
3 shall not apply to medicine, medical equipment or
4 supplies, food, or any other form of humanitarian
5 assistance provided to Burma as relief in response to
6 a humanitarian crisis.

7 “(6) PENALTIES.—Any person who violates any
8 prohibition or restriction described in paragraph (1),
9 (2), or (3) shall be subject to the penalties under
10 section 6 of the International Emergency Economic
11 Powers Act (50 U.S.C. 1705) to the same extent as
12 for a violation under that Act.

13 “(7) UNITED STATES PERSON DEFINED.—In
14 this subsection, the term ‘United States person’
15 means—

16 “(A) any United States citizen or alien
17 lawfully admitted for permanent residence to
18 the United States;

19 “(B) any entity organized under the laws
20 of the United States, and any foreign branch or
21 subsidiary of such an entity; and

22 “(C) any person in the United States.”.

1 **SEC. 4. DENIAL OF TAX BENEFITS RELATING TO THE BUR-**
2 **MESE REGIME.**

3 (a) IN GENERAL.—No deduction or credit against tax
4 shall be allowed under the Internal Revenue Code of 1986
5 with respect to amounts paid or incurred with respect to
6 the Burmese Government, the SPDC, or a joint produc-
7 tion agreement relating to the Yadana gas field or pipe-
8 line.

9 (b) EFFECTIVE DATE.—This section shall apply to
10 amounts paid or incurred after the date of the enactment
11 of this Act.

○

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 3890
OFFERED BY MR. LANTOS OF CALIFORNIA**

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Block Burmese JADE
3 (Junta’s Anti-Democratic Efforts) Act of 2007”.

4 SEC. 2. FINDINGS.

5 Congress finds the following:

6 (1) The Burmese regime has continued and
7 worsened its obstruction of democratic processes and
8 mass violation of human rights identified in the Bur-
9 mese Freedom and Democracy Act of 2003 (Public
10 Law 108–61; 50 U.S.C. 1701 note). In August and
11 September 2007, Burmese people from all walks of
12 life conducted their largest peaceful public protests
13 since 1988. The peaceful public protests responded
14 to a drastic increase in fuel prices, as well as the
15 Burmese regime’s ongoing denial of the democratic
16 and human rights of the Burmese people. On Sep-
17 tember 24, 2007, Buddhist monks actively partici-
18 pated and increasingly led these peaceful demonstra-

1 tions, culminating in an estimated 100,000 people
2 marching through Rangoon, Burma. The protesters
3 peacefully demanded the release of 1991 Noble
4 Peace Prize Winner Daw Aung San Suu Kyi, the
5 leader of the National League for Democracy
6 (NLD), marching past security barricades to her
7 house in a show of support for Burmese democracy.
8 The Burmese regime continues to refuse to recog-
9 nize the results of the 1990 election, won by the
10 NLD, which gave Aung San Suu Kyi the right to be
11 named Prime Minister.

12 (2) The Burmese regime, which calls itself the
13 State Peace and Development Council (SPDC), re-
14 sponded to these peaceful protests with a violent
15 crackdown leading to the reported killing of some
16 200 people, including a Japanese photojournalist,
17 and hundreds of injuries. Human rights groups fur-
18 ther estimate that over 2,000 individuals have been
19 detained, arrested, imprisoned, beaten, tortured, or
20 otherwise intimidated as part of this crackdown. The
21 Burmese regime continues to detain, torture, and
22 otherwise intimidate those individuals whom it be-
23 lieves participated in or led the protests and it has
24 closed down or otherwise limited access to several

1 monasteries and temples that played key roles in the
2 protests.

3 (3) The Burmese regime and its supporters fi-
4 nance their ongoing violations of human rights, un-
5 democratic policies, and military activities through
6 financial transactions, travel, and trade involving the
7 United States, including the sale of gemstones. De-
8 spite the sanctions imposed in the Burmese Freedom
9 and Democracy Act of 2003, the Burmese regime
10 seeks out ways to evade these restrictions. Millions
11 of dollars in gemstones that are exported from
12 Burma ultimately enter the United States but the
13 Burmese regime attempts to conceal the origin of
14 the gemstones in an effort to evade the sanctions in
15 the Burmese Freedom and Democracy Act of 2003.
16 For example, over 90 percent of the world's ruby
17 supply originates in Burma but only three percent of
18 the rubies entering the United States are claimed to
19 be of Burmese origin. The value of Burmese
20 gemstones is more than 99 percent a function of
21 their original quality and geological origin, and not
22 a result of the labor involved in cutting and
23 polishing the gemstones.

1 **SEC. 3. AMENDMENTS TO THE BURMESE FREEDOM AND**
2 **DEMOCRACY ACT OF 2003.**

3 (a) ANNUAL RENEWAL RESOLUTIONS NO LONGER
4 REQUIRED.—

5 (1) IN GENERAL.—Subsection (b) of section 9
6 of the Burmese Freedom and Democracy Act of
7 2003 is amended to read as follows:

8 “(b) CONTINUATION OF IMPORT SANCTIONS.—The
9 import restrictions under section 3(a)(1) shall continue
10 until such time as such restrictions are terminated—

11 “(1) pursuant to the enactment into law of a
12 joint resolution of the two Houses of Congress, the
13 sole matter after the resolving clause of which is as
14 follows: ‘That Congress terminates the import re-
15 strictions under section 3(a)(1) of the Burmese
16 Freedom and Democracy Act of 2003.’; or

17 “(2) by the President in accordance with sub-
18 section (a).”.

19 (2) REPEAL.—Section 9 of such Act is amend-
20 ed by striking subsection (c).

21 (b) IMPORT RESTRICTIONS ON GEMSTONES.—Para-
22 graph (1) of section 3(a) of the Burmese Freedom and
23 Democracy Act of 2003 is amended by striking the period
24 at the end and inserting the following: “, including the
25 importation of any gemstone, pearl, or rough unfinished
26 geological or mineral material mined or extracted from

1 Burma, whether imported as a loose item or as any part
2 or component of a finished piece of jewelry. Such restric-
3 tion on such importation shall not be deemed to be an
4 amendment to the general rules of origin applied by the
5 United States.”.

6 (c) VISA BAN.—Paragraph (1) of section 6(a) of the
7 Burmese Freedom and Democracy Act of 2003 is amend-
8 ed to read as follows:

9 “(1) VISA BAN.—

10 “(A) IN GENERAL.—The Secretary of
11 State shall deny the issuance of a visa and the
12 Secretary of Homeland Security shall deny ad-
13 mission to the United States to—

14 “(i) former and present leadership of
15 the SPDC or the Union Solidarity Devel-
16 opment Association;

17 “(ii) any member of the Burmese
18 military involved in the violent repression
19 of the public protests in Burma in August,
20 September, and October 2007;

21 “(iii) any Burmese official who has
22 engaged in, ordered, or facilitated acts of
23 gross violations of internationally recog-
24 nized human rights (as defined in section
25 502B(d)(1) of the Foreign Assistance Act

6

1 of 1961 (22 U.S.C. 2304(d)(1)), either as
2 an individual or as a member of a group
3 or government; and

4 “(iv) any member of the immediate
5 family of any individual described in
6 clauses (i), (ii), or (iii).

7 “(B) WAIVER.—The ban described in sub-
8 paragraph (A) may be waived only if the Presi-
9 dent determines and certifies in writing to Con-
10 gress that such is in the national interests of
11 the United States.”.

12 (d) FREEZING ASSETS OF THE BURMESE REGIME IN
13 THE UNITED STATES.—Section 4 of the Burmese Free-
14 dom and Democracy Act of 2003 is amended—

15 (1) by redesignating subsections (b) and (c) as
16 subsection (c) and (d); and

17 (2) by inserting after subsection (a) the fol-
18 lowing new subsection:

19 “(b) BLOCKING OF ASSETS AND OTHER PROHIBITED
20 ACTIVITIES.—

21 “(1) IN GENERAL.—The President shall block
22 all property and interests in property, including all
23 commercial, industrial, or public utility undertakings
24 or entities, that, on or after the date of the enact-

1 ment of the Block Burmese JADE (Junta’s Anti-
2 Democratic Efforts) Act of 2007—

3 “(A) are owned, in whole or in part, by an
4 individual on the list specified in section
5 6(a)(1)(A); and

6 “(B) are in the United States, or in the
7 possession or control of the Government of the
8 United States or of any United States financial
9 institution, including any branch or office of
10 such financial institution that is located outside
11 the United States.

12 “(2) PROHIBITED ACTIVITIES.—Activities pro-
13 hibited by reason of the blocking of property and in-
14 terests in property under paragraph (1) shall
15 include—

16 “(A) payments or transfers of any prop-
17 erty, or any transactions involving the transfer
18 of anything of economic value by any United
19 States person, including any United States fi-
20 nancial institution and any branch or office of
21 such financial institution that is located outside
22 the United States, to an individual on the list
23 specified in section 6(a)(1)(A);

1 “(B) direct or indirect payments of any
2 tax, cancellation penalty, or other amount to
3 the Burmese Government;

4 “(C) the export or reexport to any entity
5 owned, controlled, or operated by such an indi-
6 vidual directly or indirectly, of any goods, tech-
7 nology, or services by a United States person;
8 or

9 “(D) the performance by any United
10 States person of any contract, including a con-
11 tract providing a loan or other financing, in
12 support of an industrial, commercial, or public
13 utility operated, controlled, or owned by such
14 an individual.

15 “(3) EXTENSION OF AUTHORITY.—The Presi-
16 dent may block all property and interests in property
17 of the following persons, to the same extent as prop-
18 erty and interests in property of a foreign person de-
19 termined to have committed acts of terrorism for
20 purposes of Executive Order No. 13224 of Sep-
21 tember 21, 2001, (50 U.S.C. 1701 note) may be
22 blocked:

23 “(A) Persons and financial institutions
24 who assist or provide financial, material, or
25 technological support for, or financial or other

1 services to or in support of, an individual on the
2 list specified in section 6(a)(1)(A) or entities
3 owned or effectively controlled by such an indi-
4 vidual.

5 “(B) Persons otherwise associated with
6 such an individual.

7 “(4) RULE OF CONSTRUCTION.—Nothing in
8 this subsection shall be construed to prohibit any
9 contract or other financial transaction with any non-
10 governmental humanitarian organization in Burma.

11 “(5) EXCEPTIONS.—The prohibitions and re-
12 strictions described in paragraphs (1), (2), and (3)
13 shall not apply to medicine, medical equipment or
14 supplies, food, or any other form of humanitarian
15 assistance provided to Burma as relief in response to
16 a humanitarian crisis.

17 “(6) PENALTIES.—Any person who violates any
18 prohibition or restriction described in paragraph (1),
19 (2), or (3) shall be subject to the penalties under
20 section 6 of the International Emergency Economic
21 Powers Act (50 U.S.C. 1705) to the same extent as
22 for a violation under that Act.

23 “(7) UNITED STATES PERSON DEFINED.—In
24 this subsection, the term ‘United States person’
25 means—

1 “(A) any United States citizen or alien
2 lawfully admitted for permanent residence to
3 the United States;

4 “(B) any entity organized under the laws
5 of the United States, and any foreign branch or
6 subsidiary of such an entity; and

7 “(C) any person in the United States.”.

8 **SEC. 4. DENIAL OF TAX BENEFITS RELATING TO THE BUR-**
9 **MESE REGIME.**

10 (a) IN GENERAL.—No deduction or credit against tax
11 shall be allowed under the Internal Revenue Code of 1986
12 with respect to amounts paid or incurred with respect to
13 the Burmese Government, the SPDC, or a joint produc-
14 tion agreement relating to the Yadana gas field or pipe-
15 line.

16 (b) EFFECTIVE DATE.—This section shall apply to
17 amounts paid or incurred after the date of the enactment
18 of this Act.

19 **SEC. 5. SUPPORT FOR DEMOCRACY PROMOTION AND HU-**
20 **MANITARIAN ASSISTANCE IN BURMA.**

21 (a) IN GENERAL.—The President is authorized to
22 use all available resources to assist Burma democracy ac-
23 tivists and humanitarian aid workers in their efforts to
24 promote freedom, democracy, and human rights in
25 Burma.

1 (b) AUTHORIZATION OF APPROPRIATIONS.—There
2 are authorized to be appropriated \$20,000,000 to the Sec-
3 retary of State for each of the fiscal years 2008 and 2009
4 for the following purposes:

5 (1) To provide aid to democracy and human
6 rights activists and organizations inside and outside
7 of Burma working to bring a transition to democ-
8 racy inside Burma, including to individuals and
9 groups that—

10 (A) promote democracy and human rights;

11 (B) represent the ethnic minorities of
12 Burma;

13 (C) broadcast radio and television pro-
14 grams into Burma that promote democracy and
15 report on human rights conditions inside
16 Burma; or

17 (D) compile evidence of human rights vio-
18 lations by the SPDC and its civilian militia, the
19 Union Solidarity and Development Association
20 (USDA), and of the SPDC and its entities' ef-
21 forts to repress peaceful activities.

22 (2) To provide aid to humanitarian workers
23 who—

12

1 (A) provide food, medical, educational, or
2 other assistance to refugees and internally dis-
3 placed persons;

4 (B) assist women and girls after incidents
5 of rape and other forms of sexual violence; or

6 (C) assist in the rehabilitation of child sol-
7 diers.

8 (c) **PROTECTING FUNDS FROM ENRICHING THE**
9 **SPDC.**—None of the funding made available under this
10 section may be provided to SPDC-controlled entities, enti-
11 ties working with or providing cash or resources to the
12 SPDC, including organizations affiliated with the United
13 Nations, or entities requiring the approval of the SPDC
14 to operate within the borders of Burma.

15 **SEC. 6. REPORT ON MILITARY AND INTELLIGENCE AID TO**
16 **BURMA.**

17 (a) **IN GENERAL.**—Not later than 180 days after the
18 date of the enactment of this Act, the Secretary of State
19 shall submit to the Committee on Foreign Affairs of the
20 House of Representatives and the Committee on Foreign
21 Relations of the Senate a report containing a list of coun-
22 tries, companies, and other entities that provide military
23 or intelligence aid to the SPDC and describing such mili-
24 tary or intelligence aid provided by each such country,
25 company, and other entity.

1 (b) MILITARY OR INTELLIGENCE AID DEFINED.—
2 For the purpose of this section, the term “military or in-
3 telligence aid” means, with respect to the SPDC—

4 (1) the provision of weapons, weapons parts,
5 military vehicles, or military aircraft;

6 (2) the provision of military or intelligence
7 training, including advice and assistance on subject
8 matter expert exchanges;

9 (3) the provision of weapons of mass destruc-
10 tion and related materials, capabilities, and tech-
11 nology, including nuclear, chemical, or dual-use ca-
12 pabilities;

13 (4) conducting joint military exercises;

14 (5) the provision of naval support, including
15 ship development and naval construction;

16 (6) the provision of technical support, including
17 computer and software development and installa-
18 tions, networks, and infrastructure development and
19 construction; or

20 (7) the construction or expansion of airfields,
21 including radar and anti-aircraft systems.

22 (c) FORM.—The report required under subsection (a)
23 shall be submitted in unclassified form but may include
24 a classified annex.

110TH CONGRESS
1ST SESSION

H. R. 2705

To amend the Compact of Free Association Amendments Act of 2003, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 13, 2007

Mrs. CHRISTENSEN (for herself, Mr. FALEOMAVAEGA, Mr. FORTUÑO, and Ms. BORDALLO) introduced the following bill; which was referred to the Committee on Foreign Affairs

A BILL

To amend the Compact of Free Association Amendments Act of 2003, 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.**

4 This Act may be cited as the “Compacts of Free As-
5 sociation Amendments Act of 2007”.

6 **SEC. 2. APPROVAL OF AGREEMENTS.**

7 (a) IN GENERAL.—Section 101 of the Compact of
8 Free Association Amendments Act of 2003 (48 U.S.C.
9 1921) is amended—

1 (1) in the first sentence of subsection (a), by in-
2 serting before the period at the end the following: “,
3 including Article X of the Federal Programs and
4 Services Agreement Between the Government of the
5 United States and the Government of the Federated
6 States of Micronesia, as amended under the Agree-
7 ment to Amend Article X that was signed by those
8 two Governments on June 30, 2004, which shall
9 serve as the authority to implement the provisions
10 thereof”; and

11 (2) in the first sentence of subsection (b), by in-
12 serting before the period at the end the following: “,
13 including Article X of the Federal Programs and
14 Services Agreement Between the Government of the
15 United States and the Government of the Republic
16 of the Marshall Islands, as amended under the
17 Agreement to Amend Article X that was signed by
18 those two Governments on June 18, 2004, which
19 shall serve as the authority to implement the provi-
20 sions thereof”.

21 (b) **EFFECTIVE DATE.**—The amendments made by
22 subsection (a) shall be effective as of January 31, 2008.

23 **SEC. 3. FUNDS TO FACILITATE FEDERAL ACTIVITIES.**

24 Unobligated amounts appropriated before the date of
25 the enactment of this Act pursuant to section

1 105(f)(1)(A)(ii) of the Compact of Free Association
2 Amendments Act of 2003 shall be available to both the
3 United States Agency for International Development and
4 the Federal Emergency Management Agency to facilitate
5 each agency's activities under the Federal Programs and
6 Services Agreements.

7 **SEC. 4. CONFORMING AMENDMENT.**

8 (a) IN GENERAL.—Section 105(f)(1)(A) of the Com-
9 pact of Free Association Amendments Act of 2003 (48
10 U.S.C. 1921d(f)(1)(A)) is amended to read as follows:

11 “(A) EMERGENCY AND DISASTER ASSIST-
12 ANCE.—

13 “(i) IN GENERAL.—Subject to clause
14 (ii), section 221(a)(6) of the U.S.–FSM
15 Compact and section 221(a)(5) of the
16 U.S.–RMI Compact shall each be con-
17 strued and applied in accordance with the
18 two Agreements to Amend Article X of the
19 Federal Programs and Service Agreements
20 signed on June 30, 2004, and on June 18,
21 2004, respectively, provided that all activi-
22 ties carried out by the United States Agen-
23 cy for International Development and the
24 Federal Emergency Management Agency
25 under Article X of the Federal Programs

1 and Services Agreements may be carried
2 out notwithstanding any other provision of
3 law. In the sections referred to in this
4 clause, the term ‘United States Agency for
5 International Development, Office of For-
6 eign Disaster Assistance’ shall be con-
7 strued to mean ‘the United States Agency
8 for International Development’.

9 “(ii) DEFINITION OF WILL PROVIDE
10 FUNDING.—In the second sentence of
11 paragraph 12 of each of the Agreements
12 described in clause (i), the term ‘will pro-
13 vide funding’ means will provide funding
14 through a transfer of funds using Stand-
15 ard Form 1151 or a similar document or
16 through an interagency, reimbursable
17 agreement.”.

18 (b) EFFECTIVE DATE.—The amendments made by
19 subsection (a) shall be effective as of January 31, 2008.

20 **SEC. 5. CLARIFICATIONS REGARDING PALAU.**

21 Section 105(f)(1)(B) of the Compact of Free Associa-
22 tion Amendments Act of 2003 (48 U.S.C. 1921d(f)(1)(B))
23 is amended—

1 (1) in clause (ii)(II), by striking “and its terri-
2 tories” and inserting “, its territories, and the Re-
3 public of Palau”;

4 (2) in clause (iii)(II), by striking “, or the Re-
5 public of the Marshall Islands” and inserting “, the
6 Republic of the Marshall Islands, or the Republic of
7 Palau”; and

8 (3) in clause (ix)—

9 (A) by striking “Republic” both places it
10 appears and inserting “government, institu-
11 tions, and people”;

12 (B) by striking “2007” and inserting
13 “2009”; and

14 (C) by striking “was” and inserting
15 “were”.

16 **SEC. 6. AVAILABILITY OF LEGAL SERVICES.**

17 Section 105(f)(1)(C) of the Compact of Free Associa-
18 tion Amendments Act of 2003 (48 U.S.C. 1921d(f)(1)(C))
19 is amended by inserting before the period at the end the
20 following: “, which shall also continue to be available to
21 the citizens of the Federated States of Micronesia, the Re-
22 public of Palau, and the Republic of the Marshall Islands
23 who legally reside in the United States (including terri-
24 tories and possessions)”.

1 **SEC. 7. TECHNICAL AMENDMENTS.**

2 (a) TITLE I.—

3 (1) SECTION 177 AGREEMENT.—Section
4 103(c)(1) of the Compact of Free Association
5 Amendments Act of 2003 (48 U.S.C. 1921b(c)(1)) is
6 amended by striking “section 177” and inserting
7 “Section 177”.

8 (2) INTERPRETATION AND UNITED STATES
9 POLICY.—Section 104 of the Compact of Free Asso-
10 ciation Amendments Act of 2003 (48 U.S.C. 1921e)
11 is amended—

12 (A) in subsection (b)(1), by inserting “the”
13 before “U.S.–RMI Compact,”;

14 (B) in subsection (e)—

15 (i) in the matter preceding subpara-
16 graph (A) of paragraph (8), by striking
17 “to include” and inserting “and include”;

18 (ii) in paragraph (9)(A), by inserting
19 a comma after “may”; and

20 (iii) in paragraph (10), by striking
21 “related to service” and inserting “related
22 to such services”; and

23 (C) in the first sentence of subsection (j),
24 by inserting “the” before “Interior”.

25 (3) SUPPLEMENTAL PROVISIONS.—Section
26 105(b)(1) of the Compact of Free Association

1 Amendments Act of 2003 (48 U.S.C. 1921d(b)(1))
2 is amended by striking “Trust Fund” and inserting
3 “Trust Funds”.

4 (b) TITLE II.—

5 (1) U.S.—FSM COMPACT.—The Compact of Free
6 Association, as amended, between the Government of
7 the United States of America and the Government
8 of the Federated States of Micronesia (as provided
9 in section 201(a) of the Compact of Free Association
10 Amendments Act of 2003 (117 Stat. 2757)) is
11 amended—

12 (A) in section 174—

13 (i) in subsection (a), by striking
14 “courts” and inserting “court”; and

15 (ii) in subsection (b)(2), by striking
16 “the” before “November”;

17 (B) in section 177(a), by striking “, or
18 Palau” and inserting “(or Palau)”;

19 (C) in section 179(b), by striking “amend-
20 ed Compact” and inserting “Compact, as
21 amended,”;

22 (D) in section 211—

23 (i) in the fourth sentence of sub-
24 section (a), by striking “Compact, as
25 Amended, of Free Association” and insert-

1 ing “Compact of Free Association, as
2 amended”;

3 (ii) in the fifth sentence of subsection
4 (a), by striking “Trust Fund Agreement,”
5 and inserting “Agreement Between the
6 Government of the United States of Amer-
7 ica and the Government of the Federated
8 States of Micronesia Implementing Section
9 215 and Section 216 of the Compact, as
10 Amended, Regarding a Trust Fund (Trust
11 Fund Agreement),”;

12 (iii) in subsection (b)—

13 (I) in the first sentence, by strik-
14 ing “Government of the” before “Fed-
15 erated”; and

16 (II) in the second sentence, by
17 striking “Sections 321 and 323 of the
18 Compact of Free Association, as
19 Amended” and inserting “Sections
20 211(b), 321, and 323 of the Compact
21 of Free Association, as amended,”;
22 and

23 (iv) in the last sentence of subsection
24 (d), by inserting before the period at the
25 end the following: “and the Federal Pro-

1 grams and Services Agreement referred to
2 in section 231”;

3 (E) in the first sentence of section 215(b),
4 by striking “subsection(a)” and inserting “sub-
5 section (a)”;

6 (F) in section 221—

7 (i) in subsection (a)(6), by inserting
8 “(Federal Emergency Management Agen-
9 cy)” after “Homeland Security”; and

10 (ii) in the first sentence of subsection
11 (e), by striking “agreements” and inserting
12 “agreement”;

13 (G) in the second sentence of section 222,
14 by inserting “in” after “referred to”;

15 (H) in the second sentence of section 232,
16 by striking “sections 102 (e)” and all that fol-
17 lows through “January 14, 1986)” and insert-
18 ing “section 102(b) of Public Law 108–188,
19 117 Stat. 2726, December 17, 2003”;

20 (I) in the second sentence of section 252,
21 by inserting “, as amended,” after “Compact”;

22 (J) in the first sentence of the first undes-
23 ignated paragraph of section 341, by striking
24 “Section 141” and inserting “section 141”;

25 (K) in section 342—

1 (i) in subsection (a), by striking “14
2 U.S.C. 195” and inserting “section 195 of
3 title 14, United States Code”; and

4 (ii) in subsection (b)—

5 (I) by striking “46 U.S.C.
6 1295(b)(6)” and inserting “section
7 1303(b)(6) of the Merchant Marine
8 Act, 1936 (46 U.S.C. 1295b(b)(6))”;
9 and

10 (II) by striking “46 U.S.C.
11 1295b(b)(6)(C)” and inserting “sec-
12 tion 1303(b)(6)(C) of that Act”;

13 (L) in the third sentence of section 354(a),
14 by striking “section 442 and 452” and insert-
15 ing “sections 442 and 452”;

16 (M) in section 461(h), by striking “Tele-
17 communications” and inserting “Telecommuni-
18 cation”;

19 (N) in section 462(b)(4), by striking “of
20 Free Association” the second place it appears;
21 and

22 (O) in section 463(b), by striking “Articles
23 IV” and inserting “Article IV”.

24 (2) U.S.—RMI COMPACT.—The Compact of Free
25 Association, as amended, between the Government of

1 the United States of America and the Government
2 of the Republic of the Marshall Islands (as provided
3 in section 201(b) of the Compact of Free Associa-
4 tion Amendments Act of 2003 (117 Stat. 2795)) is
5 amended—

6 (A) in section 174(a), by striking “court”
7 and inserting “courts”;

8 (B) in section 177(a), by striking the
9 comma before “(or Palau)”;

10 (C) in section 179(b), by striking “amend-
11 ed Compact,” and inserting “Compact, as
12 amended,”;

13 (D) in section 211—

14 (i) in the fourth sentence of sub-
15 section (a), by striking “Compact, as
16 Amended, of Free Association” and insert-
17 ing “Compact of Free Association, as
18 amended”;

19 (ii) in the first sentence of subsection
20 (b), by striking “Agreement between the
21 Government of the United States and the
22 Government of the Republic of the Mar-
23 shall Islands Regarding Military Use and
24 Operating Rights” and inserting “Agree-
25 ment Regarding the Military Use and Op-

1 erating Rights of the Government of the
2 United States in the Republic of the Mar-
3 shall Islands concluded Pursuant to Sec-
4 tions 321 and 323 of the Compact of Free
5 Association, as Amended (Agreement be-
6 tween the Government of the United
7 States and the Government of the Republic
8 of the Marshall Islands Regarding Military
9 Use and Operating Rights)”; and

10 (iii) in the last sentence of subsection
11 (e), by inserting before the period at the
12 end the following: “and the Federal Pro-
13 grams and Services Agreement referred to
14 in section 231”;

15 (E) in section 221(a)—

16 (i) in the matter preceding paragraph
17 (1), by striking “Section 231” and insert-
18 ing “section 231”; and

19 (ii) in paragraph (5), by inserting
20 “(Federal Emergency Management Agen-
21 cy)” after “Homeland Security”;

22 (F) in the second sentence of section 232,
23 by striking “sections 103(m)” and all that fol-
24 lows through “(January 14, 1986)” and insert-

1 ing “section 103(k) of Public Law 108–188,
2 117 Stat. 2734, December 17, 2003”;

3 (G) in the first sentence of section 341, by
4 striking “Section 141” and inserting “section
5 141”;

6 (H) in section 342—

7 (i) in subsection (a), by striking “14
8 U.S.C. 195” and inserting “section 195 of
9 title 14, United States Code”; and

10 (ii) in subsection (b)—

11 (I) by striking “46 U.S.C.
12 1295(b)(6)” and inserting “section
13 1303(b)(6) of the Merchant Marine
14 Act, 1936 (46 U.S.C. 1295b(b)(6))”;
15 and

16 (II) by striking “46 U.S.C.
17 1295b(b)(6)(C)” and inserting “sec-
18 tion 1303(b)(6)(C) of that Act”;

19 (I) in the third sentence of section 354(a),
20 by striking “section 442 and 452” and insert-
21 ing “sections 442 and 452”;

22 (J) in the first sentence of section 443, by
23 inserting “, as amended.” after “the Compact”;

24 (K) in the matter preceding paragraph (1)
25 of section 461(h)—

1 (i) by striking “1978” and inserting
2 “1998”; and

3 (ii) by striking “Telecommunications”
4 and inserting “Telecommunication Union”;
5 and

6 (L) in section 463(b), by striking “Article”
7 and inserting “Articles”.

8 **SEC. 8. TRANSMISSION OF VIDEOTAPE PROGRAMMING.**

9 Section 111(e)(2) of title 17, United States Code, is
10 amended by striking “or the Trust Territory of the Pacific
11 Islands” and inserting “the Federated States of Micro-
12 nesia, the Republic of Palau, or the Republic of the Mar-
13 shall Islands”.

14 **SEC. 9. PALAU ROAD MAINTENANCE.**

15 The Government of the Republic of Palau may de-
16 posit the payment otherwise payable to the Government
17 of the United States under section 111 of Public Law
18 101–219 (48 U.S.C. 1960) into a trust fund if—

19 (1) the earnings of the trust fund are expended
20 solely for maintenance of the road system con-
21 structed pursuant to section 212 of the Compact of
22 Free Association between the Government of the
23 United States of America and the Government of
24 Palau (48 U.S.C. 1931 note); and

1 (2) the trust fund is established and operated
2 pursuant to an agreement entered into between the
3 Government of the United States and the Govern-
4 ment of the Republic of Palau.

5 **SEC. 10. CLARIFICATION OF TAX-FREE STATUS OF TRUST**
6 **FUNDS.**

7 In the U.S.–RMI Compact, the U.S.–FSM Compact,
8 and their respective trust fund subsidiary agreements, for
9 the purposes of taxation by the United States or its sub-
10 sidiary jurisdictions, the term “State” means “State, ter-
11 ritory, or the District of Columbia”.

○

AMENDMENT TO H.R. 2705
OFFERED BY MR. LANTOS OF CALIFORNIA

Page 2, line 22, strike “January 31, 2008” and insert “April 30, 2008”.

Page 4, line 19, strike “January 31, 2008” and insert “April 30, 2008”

110TH CONGRESS
1ST SESSION **H. R. 2949**

To authorize grants to the Eurasia Foundation, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 28, 2007

Mr. WEXLER (for himself, Mr. GALLEGLY, and Mr. ACKERMAN) introduced the following bill; which was referred to the Committee on Foreign Affairs

A BILL

To authorize grants to the Eurasia Foundation, 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.**

4 This Act may be cited as the “Eurasia Foundation
5 Act”.

6 **SEC. 2. FINDINGS AND PURPOSES.**

7 (a) FINDINGS.—The Congress finds that—

8 (1) there has been established in the District of
9 Columbia a private, nonprofit corporation known as
10 the Eurasia Foundation (hereafter in this Act re-
11 ferred to as the “Foundation”), which is not an

1 agency or establishment of the United States Gov-
2 ernment;

3 (2) in recognition of the valuable contributions
4 of the Foundation to long-range United States for-
5 eign policy interests, the United States Government
6 has, through the United States Agency for Inter-
7 national Development and the Department of State,
8 provided financial support for the Foundation; and

9 (3) it is in the interest of the United States,
10 and the further strengthening of cooperation with
11 the nations of the region, to establish a more perma-
12 nent mechanism for United States Government fi-
13 nancial support for the ongoing activities of the
14 Foundation, while preserving the independent char-
15 acter of the Foundation.

16 (b) PURPOSES.—The purposes of the Foundation
17 are—

18 (1) to promote civil society, private enterprise,
19 and sound public administration and policy in the
20 former Soviet Union and in lending encouragement
21 and assistance to local citizens in their own efforts
22 to develop more open, just, and democratic societies;

23 (2) to strengthen indigenous institutions that
24 foster national development, constructive social
25 change, equitable economic growth, and cooperative

1 international relationships that are fully consistent
2 with and supportive of long-term United States in-
3 terests in Eurasia; and

4 (3) to conduct programs in response to initia-
5 tives in the region that would be difficult or impos-
6 sible for an official United States entity, and, as a
7 result of its position in the Eurasia region, to re-
8 spond quickly and flexibly to meet new opportuni-
9 ties.

10 **SEC. 3. GRANTS TO THE FOUNDATION.**

11 (a) IN GENERAL.—The Secretary of State shall make
12 an annual grant to the Foundation to enable the Founda-
13 tion to carry out its purposes as specified in section 2(b).
14 Such grants shall be made with funds specifically appro-
15 priated for grants to the Foundation. Such grants shall
16 be made pursuant to a grant agreement between the Sec-
17 retary and the Foundation which requires that grant
18 funds will only be used for activities the Board of Direc-
19 tors of the Foundation determines are consistent with the
20 purposes described in section 2(b), and that the Founda-
21 tion will otherwise comply with the requirements of this
22 Act. The grant agreement may not require the Foundation
23 to comply with requirements other than those specified in
24 this Act.

1 (b) USE OF FUNDS.—Funds so granted may be used
2 by the Foundation to carry out the purposes described in
3 section 2(b), and otherwise applicable limitations on the
4 purposes for which funds appropriated to the Department
5 of State may be used shall not apply to funds granted
6 to the Foundation.

7 (c) RULE OF CONSTRUCTION.—Nothing in this Act
8 shall be construed to make the Foundation an agency or
9 establishment of the United States Government or to
10 make the members of the Board of Directors of the Foun-
11 dation, or the officers or employees of the Foundation, of-
12 ficers or employees of the United States.

13 (d) OVERSIGHT.—The Foundation and its grantees
14 shall be subject to the appropriate oversight procedures
15 of the Congress.

16 (e) OTHER FUNDING.—The Foundation shall have
17 authority to accept funding from non-United States Gov-
18 ernment sources to complement United States Govern-
19 ment funding.

20 **SEC. 4. ELIGIBILITY OF THE FOUNDATION FOR GRANTS.**

21 (a) COMPLIANCE WITH STATUTORY REQUIRE-
22 MENTS.—Grants may be made to the Foundation under
23 this Act only if the Foundation agrees to comply with the
24 requirements specified in this section and elsewhere in this
25 Act.

1 (b) FUNDING FOR COVERED PROGRAMS ONLY.—The
2 Foundation may provide funding only for programs that
3 are consistent with the purposes set forth in section 2(b).

4 (c) COMPENSATION FOR OFFICERS AND EMPLOYEES
5 OF THE FOUNDATION.—If an individual who is an officer
6 or employee of the United States Government serves as
7 a member of the Board of Directors or as an officer or
8 employee of the Foundation, that individual may not re-
9 ceive any compensation or travel expenses in connection
10 with service performed for the Foundation.

11 (d) PROHIBITION RESPECTING FINANCIAL MAT-
12 TERS.—The Foundation shall not issue any shares of
13 stock or declare or pay any dividends. No part of the as-
14 sets of the Foundation shall inure to the benefit of any
15 member of the Board of Directors of the Foundation, any
16 officer or employee of the Foundation, or any other indi-
17 vidual, except as salary or reasonable compensation for ex-
18 penses incurred in the performance of duties to the Foun-
19 dation.

20 (e) AUDIT OF ACCOUNTS; REPORTING REQUIRE-
21 MENTS.—

22 (1) AUDIT OF ACCOUNTS.—The accounts of the
23 Foundation shall be audited annually in accordance
24 with generally accepted auditing standards by inde-
25 pendent certified public accountants or independent

1 licensed public accountants certified or licensed by a
2 regulatory authority of a State or other political sub-
3 division of the United States.

4 (2) REPORTING REQUIREMENTS.—The report
5 of each such independent audit shall be included in
6 the annual report required by subsection (h) of this
7 section. The audit report shall set forth the scope of
8 the audit and include such statements as are nec-
9 essary to present fairly the Foundation’s assets and
10 liabilities, surplus or deficit, with an analysis of the
11 changes therein during the year, supplemented in
12 reasonable detail by a statement of the Foundation’s
13 income and expenses during the year, and a state-
14 ment of the application of funds, together with the
15 independent auditor’s opinion of those statements.

16 (f) AUDIT OF FINANCIAL TRANSACTIONS.—

17 (1) AUDIT OF FINANCIAL TRANSACTIONS.—The
18 financial transactions of the Foundation for each fis-
19 cal year may be audited by the Government Ac-
20 countability Office in accordance with such prin-
21 ciples and procedures and under such rules and reg-
22 ulations as may be prescribed by the Comptroller
23 General of the United States.

24 (2) REPORTING REQUIREMENTS.—A report of
25 each such audit shall be made by the Comptroller

1 General to the Congress. The report to the Congress
2 shall contain such comments and information as the
3 Comptroller General may deem necessary to inform
4 the Congress of the financial operations and condi-
5 tion of the Foundation, together with such rec-
6 ommendations with respect thereto as the Comp-
7 troller General may deem advisable. A copy of each
8 report shall be furnished to the President and to the
9 Foundation at the time submitted to the Congress.

10 (g) RECORDKEEPING REQUIREMENTS; AUDIT AND
11 EXAMINATION OF BOOKS.—

12 (1) RECORDKEEPING REQUIREMENTS.—The
13 Foundation shall ensure that each recipient of as-
14 sistance provided through the Foundation under this
15 Act keeps such records as may be reasonably nec-
16 essary to fully disclose the amount and the disposi-
17 tion by such recipient of the proceeds of such assist-
18 ance, the total cost of the project or undertaking in
19 connection with which such assistance is given or
20 used, and the amount and nature of that portion of
21 the cost of the project or undertaking supplied by
22 other sources, and such other records as will facili-
23 tate an effective audit.

24 (2) AUDIT AND EXAMINATION OF BOOKS.—The
25 Foundation shall ensure that it, or any of its duly

1 authorized representatives, shall have access for the
2 purpose of audit and examination to any books, doc-
3 uments, papers, and records of the recipient that are
4 pertinent to assistance provided through the Foun-
5 dation under this Act. The Comptroller General of
6 the United States or any duly authorized representa-
7 tive of the Comptroller General shall also have ac-
8 cess thereto for such purpose.

9 (h) ANNUAL REPORT; CONTENTS; TESTIMONY RE-
10 SPECTING REPORT.—Not later than March 31 of each
11 year, the Foundation shall submit an annual report for
12 the preceding fiscal year to the President for transmittal
13 to the Congress. The report shall include a comprehensive
14 and detailed report of the Foundation's operations, activi-
15 ties, financial condition, and accomplishments under this
16 Act and may include such recommendations as the Foun-
17 dation deems appropriate.

18 (i) GRANTEE; CONFLICT OF INTEREST.—A member
19 of the Board of Directors of the Foundation who serves
20 as a member of the board of directors or an officer of
21 a grantee of the Foundation may not receive compensation
22 for their services but shall be entitled to reimbursement
23 for travel and other expenses incurred by them in connec-
24 tion with their duties on behalf of such grantee.

1 **SEC. 5. AUTHORIZATION OF APPROPRIATIONS.**

2 (a) IN GENERAL.—There are authorized to be appro-
3 priated to carry out this Act \$20,000,000 for fiscal year
4 2008 and such sums as may be necessary for each of the
5 fiscal years 2009 and 2010.

6 (b) AVAILABILITY.—Amounts appropriated pursuant
7 to the authorization of appropriation under subsection (a)
8 are authorized to remain available until expended.

○

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 2949
OFFERED BY MR. WEXLER OF FLORIDA**

Strike all after the enacting clause and insert the following:

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Eurasia Foundation
3 Act”.

4 **SEC. 2. FINDINGS AND PURPOSES.**

5 (a) FINDINGS.—Congress finds the following:

6 (1) There has been established in the District
7 of Columbia a private, nonprofit corporation known
8 as the Eurasia Foundation (hereafter in this Act re-
9 ferred to as the “Foundation”), which is not an
10 agency or establishment of the United States Gov-
11 ernment.

12 (2) In recognition of the valuable contributions
13 of the Foundation to long-range United States for-
14 eign policy interests, the United States Government
15 has, through the United States Agency for Inter-
16 national Development and the Department of State,
17 provided financial support for the Foundation.

1 (3) It is in the interest of the United States,
2 and the further strengthening of cooperation with
3 the countries of Eurasia, to establish a more perma-
4 nent mechanism for United States Government fi-
5 nancial support for the ongoing activities of the
6 Foundation, while preserving the independent char-
7 acter of the Foundation.

8 (b) PURPOSES.—The purposes of the Foundation
9 are—

10 (1) to promote civil society, private enterprise,
11 and sound public administration and policy in the
12 countries of Eurasia and in lending encouragement
13 and assistance to citizens of such countries in their
14 own efforts to develop more open, just, and demo-
15 cratic societies;

16 (2) to strengthen indigenous institutions that
17 foster national development, constructive social
18 change, equitable economic growth, and cooperative
19 international relationships that are fully consistent
20 with and supportive of long-term United States in-
21 terests with respect to the countries of Eurasia; and

22 (3) to conduct programs in response to initia-
23 tives in the countries of Eurasia that would be dif-
24 ficult or impossible for an official United States enti-
25 ty, and, as a result of its position in the countries

1 of Eurasia, to respond quickly and flexibly to meet
2 new opportunities.

3 **SEC. 3. GRANTS TO THE FOUNDATION.**

4 (a) GRANTS REQUIRED.—

5 (1) IN GENERAL.—The Secretary of State shall
6 make an annual grant to the Foundation to enable
7 the Foundation to carry out its purposes as specified
8 in section 2(b).

9 (2) ADDITIONAL REQUIREMENTS.—Each grant
10 required under paragraph (1)—

11 (A) shall be made with funds specifically
12 appropriated for grants to the Foundation; and

13 (B) shall be made pursuant to a grant
14 agreement between the Secretary and the Foun-
15 dation which—

16 (i) requires that grant funds will only
17 be used for activities the Board of Direc-
18 tors of the Foundation determines are con-
19 sistent with the purposes described in sec-
20 tion 2(b), and that the Foundation will
21 otherwise comply with the requirements of
22 this Act; and

23 (ii) may not require the Foundation to
24 comply with requirements other than those
25 specified in this Act.

1 (b) USE OF FUNDS.—The Foundation may use funds
2 received under a grant described in subsection (a) to carry
3 out the purposes described in section 2(b), and otherwise
4 applicable limitations on the purposes for which funds ap-
5 propriated to the Department of State may be used shall
6 not apply to funds received by the Foundation under such
7 grant.

8 (c) RULE OF CONSTRUCTION.—Nothing in this Act
9 shall be construed to make the Foundation an agency or
10 establishment of the United States Government or to
11 make the members of the Board of Directors of the Foun-
12 dation, or the officers or employees of the Foundation, of-
13 ficers or employees of the United States.

14 (d) OVERSIGHT.—The Foundation and its grantees
15 shall be subject to the appropriate oversight procedures
16 of Congress.

17 (e) OTHER FUNDING.—The Foundation shall have
18 authority to accept funding from non-United States Gov-
19 ernment sources to complement United States Govern-
20 ment funding.

21 (f) SENSE OF CONGRESS.—It is the sense of Con-
22 gress that—

23 (1) a robust Foundation, funded at the levels
24 authorized under section 6 of this Act, and at appro-
25 priate levels in subsequent fiscal years, can con-

1 tribute significantly to the political, economic, and
2 social development of democracy and human rights
3 in the countries of Eurasia;

4 (2) notwithstanding the Foundation's distin-
5 guished record of performance, organizations that
6 seek competitive grants typically perform in a more
7 transparent and effective manner; and

8 (3) to the maximum extent possible, the Foun-
9 dation should seek competitive grants to supplement
10 appropriations from the United States Government,
11 and at least 20 percent of the funding received in
12 each fiscal year by the Foundation should be from
13 non-United States Government sources to ensure
14 continued strong performance of the Foundation.

15 **SEC. 4. ELIGIBILITY OF THE FOUNDATION FOR GRANTS.**

16 (a) COMPLIANCE WITH STATUTORY REQUIRE-
17 MENTS.—Grants may be made to the Foundation under
18 this Act only if the Foundation agrees to comply with the
19 requirements specified in this section and elsewhere in this
20 Act.

21 (b) FUNDING FOR COVERED PROGRAMS ONLY.—The
22 Foundation may provide funding only for programs that
23 are consistent with the purposes set forth in section 2(b).

24 (c) COMPENSATION FOR OFFICERS AND EMPLOYEES
25 OF THE FOUNDATION.—If an individual who is an officer

1 or employee of the United States Government serves as
2 a member of the Board of Directors or as an officer or
3 employee of the Foundation, that individual may not re-
4 ceive any compensation or travel expenses in connection
5 with service performed for the Foundation.

6 (d) PROHIBITION RESPECTING FINANCIAL MAT-
7 TERS.—The Foundation shall not issue any shares of
8 stock or declare or pay any dividends. No part of the as-
9 sets of the Foundation shall inure to the benefit of any
10 member of the Board of Directors of the Foundation, any
11 officer or employee of the Foundation, or any other indi-
12 vidual, except as salary or reasonable compensation for ex-
13 penses incurred in the performance of duties to the Foun-
14 dation.

15 (e) AUDIT OF ACCOUNTS; REPORTING REQUIRE-
16 MENTS.—

17 (1) AUDIT OF ACCOUNTS.—The accounts of the
18 Foundation shall be audited annually in accordance
19 with generally accepted auditing standards by inde-
20 pendent certified public accountants or independent
21 licensed public accountants certified or licensed by a
22 regulatory authority of a State or other political sub-
23 division of the United States.

24 (2) REPORTING REQUIREMENTS.—The report
25 of each such independent audit shall be included in

1 the annual report required by subsection (h) of this
2 section. The audit report shall set forth the scope of
3 the audit and include such statements as are nec-
4 essary to present fairly the Foundation's assets and
5 liabilities, surplus or deficit, with an analysis of the
6 changes therein during the year, supplemented in
7 reasonable detail by a statement of the Foundation's
8 income and expenses during the year, and a state-
9 ment of the application of funds, together with the
10 independent auditor's opinion of those statements.

11 (f) AUDIT OF FINANCIAL TRANSACTIONS.—

12 (1) AUDIT OF FINANCIAL TRANSACTIONS.—The
13 financial transactions of the Foundation for each fis-
14 cal year may be audited by the Government Ac-
15 countability Office in accordance with such prin-
16 ciples and procedures and under such rules and reg-
17 ulations as may be prescribed by the Comptroller
18 General of the United States.

19 (2) REPORTING REQUIREMENTS.—A report of
20 each such audit shall be made by the Comptroller
21 General to the Congress. The report to the Congress
22 shall contain such comments and information as the
23 Comptroller General may deem necessary to inform
24 the Congress of the financial operations and condi-
25 tion of the Foundation, together which such ree-

1 ommendations with respect thereto as the Comp-
2 troller General may deem advisable. A copy of each
3 report shall be furnished to the President and to the
4 Foundation at the time submitted to the Congress.

5 (g) RECORDKEEPING REQUIREMENTS; AUDIT AND
6 EXAMINATION OF BOOKS.—

7 (1) RECORDKEEPING REQUIREMENTS.—The
8 Foundation shall ensure that each recipient of as-
9 sistance provided through the Foundation under this
10 Act keeps such records as may be reasonably nec-
11 essary to fully disclose the amount and the disposi-
12 tion by such recipient of the proceeds of such assist-
13 ance, the total cost of the project or undertaking in
14 connection with which such assistance is given or
15 used, and the amount and nature of that portion of
16 the cost of the project or undertaking supplied by
17 other sources, and such other records as will facili-
18 tate an effective audit.

19 (2) AUDIT AND EXAMINATION OF BOOKS.—The
20 Foundation shall ensure that it, or any of its duly
21 authorized representatives, shall have access for the
22 purpose of audit and examination to any books, doc-
23 uments, papers, and records of the recipient that are
24 pertinent to assistance provided through the Foun-
25 dation under this Act. The Comptroller General of

1 the United States or any duly authorized representa-
2 tive of the Comptroller General shall also have ac-
3 cess thereto for such purpose.

4 (h) ANNUAL REPORT; TESTIMONY RELATING TO RE-
5 PORT.—

6 (1) ANNUAL REPORT.—

7 (A) IN GENERAL.—Not later than March
8 31 of each year, the Foundation shall submit
9 an annual report for the preceding fiscal year
10 to the President for transmittal to the Con-
11 gress.

12 (B) CONTENTS.—The report required
13 under subparagraph (A) shall include a com-
14 prehensive and detailed report of the Founda-
15 tion's operations, activities, financial condition,
16 and accomplishments under this Act and may
17 include such recommendations as the Founda-
18 tion deems appropriate. The report should also
19 include any information regarding allegations or
20 reports on the misuse of funds and how such al-
21 legations or reports were addressed by the
22 Foundation.

23 (2) TESTIMONY RELATING TO REPORT.—The
24 Board members and officers of the Foundation shall
25 be available to testify before appropriate committees

1 of the Congress with respect to the report required
2 under paragraph (1), the report of any audit made
3 by the Comptroller General of the United States
4 pursuant to subsection (f) of this section, or any
5 other matter which any such committees may deter-
6 mine.

7 (i) GRANTEE; CONFLICT OF INTEREST.—A member
8 of the Board of Directors of the Foundation who serves
9 as a member of the board of directors or an officer of
10 a grantee of the Foundation may not receive compensation
11 for their services but shall be entitled to reimbursement
12 for travel and other expenses incurred by them in connec-
13 tion with their duties on behalf of such grantee.

14 **SEC. 5. AGREEMENT BETWEEN FOUNDATION AND SUC-**
15 **CESSOR OR RELATED ENTITY TO THE U.S.**
16 **RUSSIA INVESTMENT FUND.**

17 (a) AGREEMENT REQUIRED.—The Foundation and
18 any successor or related entity to the U.S. Russia Invest-
19 ment Fund shall enter into a memorandum of under-
20 standing for the purpose of coordinating activities carried
21 out by the Foundation and the successor or related entity.
22 The memorandum of understanding shall include language
23 that prohibits the same entities from carrying out the
24 same activities.

1 (b) DEADLINE.—The memorandum of understanding
2 described in subsection (a) shall be entered into between
3 the Foundation and the successor or related entity de-
4 scribed in subsection (a) by not later than the later of
5 the following:

6 (1) If the successor or related entity is estab-
7 lished on or before the date of the enactment of this
8 Act, 90 days after the date of the enactment of this
9 Act.

10 (2) If the successor or related entity is estab-
11 lished after the date of the enactment of this Act,
12 90 days after the date on which the entity is estab-
13 lished.

14 (c) SUBMISSION TO SECRETARY OF STATE AND CON-
15 GRESS.—The Foundation and the successor or related en-
16 tity described in subsection (a) shall submit to the Sec-
17 retary of State and Congress a copy of the memorandum
18 of understanding described in subsection (a) not later than
19 30 days after the date on which the parties enter into the
20 memorandum of understanding.

21 (d) LIMITATIONS.—For the period beginning on the
22 date on which the successor or related entity described in
23 subsection (a) is established, or the date of the enactment
24 of this Act, whichever occurs later, and ending on the date

1 on which the memorandum of understanding described in
2 subsection (a) is entered into—

3 (1) United States assistance may not be pro-
4 vided to the Foundation under any other provision
5 of law; and

6 (2) funds may not be transferred from the U.S.
7 Russia Investment Fund to the successor or related
8 entity or placed in a trust on behalf of the successor
9 or related entity.

10 (e) SUCCESSOR OR RELATED ENTITY TO THE U.S.
11 RUSSIA INVESTMENT FUND DEFINED.—In this section,
12 the term “successor or related entity to the U.S. Russia
13 Investment Fund” or “successor or related entity” means
14 any organization, corporation, limited-liability partner-
15 ship, foundation, or other corporate structure that receives
16 any or all of the remaining funds of the U.S. Russia In-
17 vestment Fund after liquidation of assets upon closure of
18 the U.S. Russia Investment Fund.

19 **SEC. 6. COUNTRIES OF EURASIA DEFINED.**

20 In this Act, the term “countries of Eurasia” means
21 Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, the
22 Kyrgyz Republic, Moldova, the Russian Federation,
23 Tajikistan, Turkmenistan, Ukraine, and Uzbekistan.

1 **SEC. 7. AUTHORIZATION OF APPROPRIATIONS.**

2 (a) IN GENERAL.—There are authorized to be appro-
3 priated to carry out this Act \$15,000,000 for fiscal year
4 2008 and such sums as may be necessary for fiscal year
5 2009.

6 (b) AVAILABILITY.—Amounts appropriated pursuant
7 to the authorization of appropriation under subsection (a)
8 are authorized to remain available for 2 years from the
9 end of the fiscal year for which the amount was appro-
10 priated.

110TH CONGRESS
1ST SESSION

H. R. 3320

To provide assistance for the Museum of the History of Polish Jews in
Warsaw, Poland.

IN THE HOUSE OF REPRESENTATIVES

AUGUST 2, 2007

Mr. SMITH of New Jersey (for himself, Mr. LANTOS, Ms. ROS-LEHTINEN, Mr. WEXLER, Mr. BURTON of Indiana, Mr. NADLER, Mr. BERMAN, Mr. ROTHMAN, and Mr. EMANUEL) introduced the following bill; which was referred to the Committee on Foreign Affairs

A BILL

To provide assistance for the Museum of the History of
Polish Jews in Warsaw, Poland.

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.**

4 This Act may be cited as the “Support for the Mu-
5 seum of the History of Polish Jews Act of 2007”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

1 (1) Current and future generations benefit
2 greatly by visible reminders and documentation of
3 the historical and cultural roots of their society.

4 (2) It is in the national interest of the United
5 States to encourage the preservation and protection
6 of artifacts associated with the heritage of United
7 States citizens who trace their forbearers to other
8 countries and to encourage the collection and dis-
9 semination of knowledge about that heritage.

10 (3) According to the 2000 United States Cen-
11 sus, nearly 9,000,000 Americans are of Polish an-
12 cestry.

13 (4) At the beginning of World War II, Poland
14 had the largest Jewish population in Europe.

15 (5) In 1996, Yeshayahu Weinberg, a founding
16 director of Tel Aviv's Diaspora Museum and the
17 United States Holocaust Memorial Museum, created
18 an international team of experts with the goal of es-
19 tablishing a Museum of the History of Polish Jews.

20 (6) The Museum of the History of Polish Jews
21 will preserve and present the history of the Jewish
22 people in Poland and the wealth of their culture
23 spanning a period of 1,000 years.

24 (7) In 1997, the City of Warsaw donated a par-
25 cel of land, opposite the Warsaw Ghetto Uprising

1 Memorial, for the explicit use for the Museum of the
2 History of Polish Jews.

3 (8) In 2005, the Government of Poland and the
4 City of Warsaw agreed to provide 40,000,000 Polish
5 zlotys for the construction of the Museum of the
6 History of Polish Jews.

7 (9) In 2005, an international architectural com-
8 petition selected a Finnish firm to design the build-
9 ing for the Museum of the History of Polish Jews.

10 (10) In 2006, the building for the Museum of
11 the History of Polish Jews moved into the last phase
12 of project design.

13 **SEC. 3. ASSISTANCE FOR THE MUSEUM OF THE HISTORY**
14 **OF POLISH JEWS.**

15 (a) IN GENERAL.—Assistance provided by the Bu-
16 reau of Educational and Cultural Affairs of the Depart-
17 ment of State shall be made available to assist in the de-
18 velopment of the permanent collection of the Museum of
19 the History of Polish Jews.

20 (b) AUTHORIZATION FOR ASSISTANCE.—To carry out
21 the purposes of subsection (a), the Secretary of State is
22 authorized to provide \$5,000,000, which shall remain
23 available until expended, to the Museum for the History
24 of Polish Jews.

○

.....
(Original Signature of Member)

110TH CONGRESS
1ST SESSION

H. R. 3912

To provide for the transfer of naval vessels to certain foreign recipients.

IN THE HOUSE OF REPRESENTATIVES

Mr. LANTOS introduced the following bill; which was referred to the
Committee on _____

A BILL

To provide for the transfer of naval vessels to certain foreign recipients.

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.**

4 This Act may be cited as the “Naval Vessel Transfer
5 Act of 2007”.

6 **SEC. 2. TRANSFER OF NAVAL VESSELS TO CERTAIN FOR-**
7 **EIGN RECIPIENTS.**

8 (a) TRANSFERS BY GRANT.—The President is au-
9 thorized to transfer vessels to foreign countries on a grant

1 basis under section 516 of the Foreign Assistance Act of
2 1961 (22 U.S.C. 2321j), as follows:

3 (1) TURKEY.—To the Government of Turkey—

4 (A) the OLIVER HAZARD PERRY class
5 guided missile frigates GEORGE PHILIP
6 (FFG-12) and SIDES (FFG-14); and

7 (B) the OSPREY class minehunter coastal
8 ship BLACKHAWK (MHC-58).

9 (2) LITHUANIA.—To the Government of Lith-
10 uania, the OSPREY class minehunter coastal ships
11 CORMORANT (MHC-57) and KINGFISHER
12 (MHC-56).

13 (b) TRANSFERS BY SALE.—The President is author-
14 ized to transfer vessels to foreign recipients on a sale basis
15 under section 21 of the Arms Export Control Act (22
16 U.S.C. 2761), as follows:

17 (1) TAIWAN.—To the Taipei Economic and
18 Cultural Representative Office in the United States
19 (which is the Taiwan instrumentality designated
20 pursuant to section 10(a) of the Taiwan Relations
21 Act (22 U.S.C. 3309(a))), the OSPREY class
22 minehunter coastal ships ORIOLE (MHC-55) and
23 FALCON (MHC-59).

1 (2) TURKEY.—To the Government of Turkey,
2 the OSPREY class minehunter coastal ship
3 SHRIKE (MHC-62).

4 (c) GRANTS NOT COUNTED IN ANNUAL TOTAL OF
5 TRANSFERRED EXCESS DEFENSE ARTICLES.—The value
6 of a vessel transferred to a recipient on a grant basis pur-
7 suant to authority provided by subsection (a) shall not be
8 counted against the aggregate value of excess defense arti-
9 cles transferred in any fiscal year under section 516(g)
10 of the Foreign Assistance Act of 1961.

11 (d) COSTS OF TRANSFERS.—Any expense incurred by
12 the United States in connection with a transfer authorized
13 by this section shall be charged to the recipient.

14 (e) REPAIR AND REFURBISHMENT IN UNITED
15 STATES SHIPYARDS.—To the maximum extent prac-
16 ticable, the President shall require, as a condition of the
17 transfer of a vessel under this section, that the recipient
18 to which the vessel is transferred have such repair or re-
19 furbishment of the vessel as is needed before the vessel
20 joins the naval forces of the recipient performed at a ship-
21 yard located in the United States, including a United
22 States Navy shipyard.

23 (f) EXPIRATION OF AUTHORITY.—The authority to
24 transfer a vessel under this section shall expire at the end

1 of the 2-year period beginning on the date of the enact-
2 ment of this Act.

.....
(Original Signature of Member)

110TH CONGRESS
1ST SESSION

H. R. 3913

To amend the International Center Act to authorize the lease or sublease of certain property described in such Act to an entity other than a foreign government or international organization if certain conditions are met.

IN THE HOUSE OF REPRESENTATIVES

Ms. ROS-LEHTINEN introduced the following bill; which was referred to the Committee on _____

A BILL

To amend the International Center Act to authorize the lease or sublease of certain property described in such Act to an entity other than a foreign government or international organization if certain conditions are met.

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. AMENDMENT TO THE INTERNATIONAL CENTER**
4 **ACT.**

5 The first section of the International Center Act
6 (Public Law 90-553; 82 Stat. 958) is amended by adding

1 at the end the following new sentence: “Notwithstanding
2 the foregoing limitations, the property identified by the
3 District of Columbia as tax lots 803, 804, 805, and 806
4 within the area described in this section may be leased
5 or subleased to an entity other than a foreign government
6 or international organization, so long as the Secretary
7 maintains the right to approve the occupant and the in-
8 tended use of the property.”.

110TH CONGRESS
1ST SESSION

H. RES. 435

Expressing concern relating to the threatening behavior of the Iranian regime and its leader Mahmoud Ahmadinejad, and the activities of terrorist organizations sponsored by that regime in Latin America.

IN THE HOUSE OF REPRESENTATIVES

MAY 23, 2007

Mr. KLEIN of Florida (for himself, Mr. MACK, Mr. BURTON of Indiana, Mr. MCCAUL of Texas, Mr. SCOTT of Georgia, Mr. KIRK, Mr. BOUSTANY, Mr. LANTOS, Ms. BERKLEY, Mr. WEXLER, Mr. CANTOR, Ms. WASSERMAN SCHULTZ, Mr. CARNAHAN, Mr. CROWLEY, Mr. ANDREWS, Mr. ROTHMAN, Ms. WATSON, Mr. ISRAEL, Mr. BERMAN, Mr. SIRES, Mr. LYNCH, Mr. FOSSELLA, Ms. BEAN, Mr. FORTUÑO, Mr. MCCOTTER, Mr. HASTINGS of Florida, Mrs. BONO, Mr. BARRETT of South Carolina, Mr. PENCE, Mr. WILSON of South Carolina, Mrs. JO ANN DAVIS of Virginia, Mr. ACKERMAN, Ms. SCHWARTZ, Mr. CHABOT, Mr. CARNEY, and Mrs. MYRICK) submitted the following resolution; which was referred to the Committee on Foreign Affairs

RESOLUTION

Expressing concern relating to the threatening behavior of the Iranian regime and its leader Mahmoud Ahmadinejad, and the activities of terrorist organizations sponsored by that regime in Latin America.

Whereas the Department of State has said that Iran is the “most active state sponsor of terrorism”;

Whereas the Department of State 2007 International Narcotics Control Strategy Report moved Iran to a “Jurisdiction of Primary Concern”;

Whereas in February 2006, the chairman of the Iranian legislative body announced plans to assist Venezuela with its nuclear program;

Whereas in February 2006, Cuba, Venezuela, and Syria were the only 3 member nations of the 35-nation board of the International Atomic Energy Agency to vote against referring Iran to the United Nations Security Council for its nuclear program;

Whereas in January 2007, Mahmoud Ahmadinejad, the president of Iran, made his second visit to Central and South America in 5 months to meet with Hugo Chavez, president of Venezuela, to visit Daniel Ortega, president of Nicaragua, and to attend the inauguration of Rafael Correa, president of Ecuador;

Whereas in February 2007, Mr. Ahmadinejad hosted Iran’s first day-long conference on Latin America and the conference was attended by parliamentarians from Argentina, Colombia, Venezuela, Cuba, Brazil, Uruguay, Italy, and the Russian Federation;

Whereas at the Iranian conference on Latin America, Iran announced that it would reopen embassies in Chile, Colombia, Ecuador, Nicaragua, and Uruguay and send a representative to Bolivia;

Whereas routine civilian airline flights have been established from Tehran, Iran directly into Caracas, Venezuela, and the Government of Venezuela has been found to be indiscriminate in the issuance of Venezuelan passports and other identifying documents that could help terrorists

and other criminal elements enter the United States with these documents;

Whereas Mr. Ahmadinejad and Mr. Chavez have announced plans for a \$2,000,000,000 shared fund to invest in projects in countries seeking to “liberate themselves from the U.S. imperialist yoke”;

Whereas Iran’s proxy terrorist group, Hizbollah, executed the deadliest terrorist attack against Americans abroad since World War II, the 1983 suicide bombing of a United States Marine barracks in Beirut, Lebanon, that killed 241 American servicemen;

Whereas Iran and Hizbollah were involved in the two deadliest terrorist attacks in Argentina: the March 1992 bombing of the Israeli Embassy in Buenos Aires, Argentina and the July 1994 attack against the Argentine-Israeli Mutual Association (AMIA);

Whereas the Government of Argentina is currently seeking legal action against the perpetrators of the 1994 AMIA terrorist attack, and INTERPOL has issued arrest warrants for several former Iranian officials and a Hizbollah leader in connection with the attack;

Whereas the 2006 State Department’s Country Reports on Terrorism stated that Venezuela is “not fully cooperating” with United States antiterrorism efforts;

Whereas the relationship of the Government of Venezuela with its Jewish community is at its “worst in 40 years”, according to Venezuela’s chief rabbi, with increasing instances of graffiti on local synagogues, and more frequent anti-Semitic cartoons and statements in the media, none of which the Government of Venezuela denounced;

Whereas on October 23, 2006, the police in Caracas, Venezuela found two explosive devices near the United States Embassy, one of which was in a box that contained brochures referencing Hizbollah;

Whereas in October 2006, Teodoro Darnott, leader of an organization in Venezuela that calls itself “Hizbollah Latin America,” announced that 2007 would be the beginning of the “Jihad in America”;

Whereas according to a Naval War College report, Hizbollah raises an estimated \$10,000,000 each year in the tri-border region of South America where Brazil, Paraguay, and Argentina meet;

Whereas in 2004, the United States Southern Command, which is responsible for providing contingency planning, operations, and security cooperation for Central and South America, estimated that Islamist terrorist groups raise between \$300,000,000 and \$500,000,000 each year in the tri-border region, in northern Chile, in Maicao, Colombia, on Margarita Island in Venezuela, in Panama’s Colon Free Trade Zone, and in other areas;

Whereas in March 2007, Brazilian officials arrested 31 people for illegally issuing passports over the past 14 years, and press reports indicate that some of these passports may have been provided to members of terrorist organizations, including members of Hizbollah;

Whereas Brazil, Argentina, Paraguay, and the United States have formed the 3+1 Group, which has focused on the financing of terrorism, drug and arms trafficking, and border security, as well as the exchange of information, with the purpose of preventing terrorism and transnational crimes;

Whereas in November 2006, Brazil established a new Regional Intelligence Center in the tri-border region, dedicated to coordinating intelligence activities of the police forces of Argentina, Brazil, and Paraguay, and invited Argentina and Paraguay to send official representatives to the center; and

Whereas in March 2007, the Organization of American States' Inter-American Committee Against Terrorism (CICTE) reaffirmed, "terrorism in all its forms and manifestations, whatever its origin or motivation, has no justification whatsoever, affects the full enjoyment and exercise of human rights, and constitutes a grave threat to international peace and security, democratic institutions, and the values enshrined in the OAS Charter, the Inter-American Democratic Charter, and other regional and international instruments": Now, therefore, be it

1 *Resolved*, That the House of Representatives—

2 (1) expresses concern over the emerging
3 national security implications of the relationships be-
4 tween the leaders of Iran and regimes in the West-
5 ern Hemisphere like Venezuela;

6 (2) expresses its continued support for the peo-
7 ple of Iran and Venezuela as they strive for freedom,
8 respect for human rights and civil liberties, demo-
9 cratic self-governance, and the establishment of the
10 rule of law;

11 (3) supports the existing counterterrorism ef-
12 forts of Latin American countries, including the suc-
13 cessful counterterrorism efforts of the 3+1 Group

1 (consisting of Brazil, Argentina, Paraguay, and the
2 United States);

3 (4) emphasizes the importance of eliminating
4 Hizbollah's financial network in the tri-border region
5 of South America where Brazil, Paraguay, and Ar-
6 gentina meet and throughout the Western Hemi-
7 sphere;

8 (5) calls on the United States government to
9 work with governments in the Western Hemisphere
10 to pursue an antiterrorism campaign based on co-
11 operation and constant vigilance;

12 (6) urges the United States Government to
13 work bilaterally and multilaterally with countries in
14 the Western Hemisphere to create antiterrorism leg-
15 islation that would give governmental authorities
16 new tools to take action against terrorist networks;
17 and

18 (7) recommends that the President of the
19 United States create more mechanisms for joint
20 counterterrorism operations and intraregional infor-
21 mation sharing among supportive countries in the
22 Western Hemisphere, especially in light of Iran's in-
23 creased involvement in the region.

○

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H. RES. 435
OFFERED BY MR. KLEIN OF FLORIDA**

Strike the preamble and insert the following:

Whereas the Department of State has said that Iran is the “most active state sponsor of terrorism”;

Whereas the Department of State 2007 International Narcotics Control Strategy Report moved Iran to a “Jurisdiction of Primary Concern”;

Whereas in February 2006, the chairman of the Iranian legislative body announced an offer to assist Venezuela with a nuclear program;

Whereas in February 2006, Cuba, Venezuela, and Syria were the only 3 member nations of the 35-nation board of the International Atomic Energy Agency to vote against referring Iran to the United Nations Security Council for its nuclear program;

Whereas in September 2007, Iran requested observer-status membership in the Bolivarian Alternative for the Peoples of the Americas (ALBA), an organization led by Hugo Chavez, President of Venezuela, to counter United States-led efforts for free trade in that region;

Whereas in September 2007, Mahmoud Ahmadinejad, the President of Iran, made his third visit in one year to Latin America, this time visiting Venezuela and Bolivia, where Mr. Ahmadinejad announced a commitment of Ira-

nian investment in Bolivia of up to \$1,000,000,000 over five years;

Whereas Mr. Ahmadinejad and Mr. Chavez have announced plans for a \$2,000,000,000 shared fund to invest in projects in countries that Mr. Chavez characterized as seeking to “liberate themselves from the U.S. imperialist yoke”;

Whereas in July 2007, the Venezuelan energy minister announced plans to sell gasoline to Iran following riots in Iran opposing the Iranian Government’s policy of gas rationing;

Whereas in March, 2007 routine civilian airline flights were established from Tehran, Iran directly to Caracas, Venezuela;

Whereas the 2006 State Department’s Country Reports on Terrorism stated that Venezuela is not “fully cooperating” with United States antiterrorism efforts;

Whereas according to the State Department, “an individual claiming to be a member of an Islamic extremist group in Venezuela placed two pipe bombs outside the American Embassy in Caracas on October 23, 2006. Venezuelan police safely disposed of the two pipe bombs and immediately made one arrest. The investigation by Venezuelan authorities resulted in the additional arrest of the alleged ideological leader of the group. At year’s end, both suspects remained in jail and prosecutors were pressing terrorism charges against them”;

Whereas Hizbollah, Iran’s proxy terrorist group, executed the deadliest terrorist attack against Americans abroad since World War II, the 1983 suicide bombing of a United

States Marine barracks in Beirut, Lebanon, that killed 241 American servicemen;

Whereas Iran and Hizbollah were involved in the two deadliest terrorist attacks in Argentina: the March 1992 bombing of the Israeli Embassy in Buenos Aires, Argentina, which killed 29 people and the July 1994 attack against the Argentine-Israeli Mutual Association (AMIA), which killed 85 people;

Whereas the Government of Argentina is currently seeking legal action against the perpetrators of the 1994 AMIA terrorist attack;

Whereas in September 2007, the President of Argentina said to the United Nations General Assembly, “I want to stress here, in the United Nations headquarters, that unfortunately until now, the Islamic Republic of Iran has not collaborated with the Argentine justice system to clarify what occurred”;

Whereas according to a 2003 report by the Library of Congress, money laundered in the tri-border region, the area where Argentina, Paraguay and Brazil meet, “probably are in the billions of dollars per year” and “Hizbollah has reaped hundreds of millions of dollars in profits from narcotics and arms trafficking, product piracy, and other illicit activities in the tri-border area”;

Whereas the television station Telemundo interviewed residents of the tri-border region who said that “they’re only waiting for an order to put bombs on their body and attack the United States”;

Whereas in March 2007, Brazilian officials arrested 31 people for illegally issuing passports over the past 14 years, and press reports indicate that some of these passports

may have been provided to members of terrorist organizations, including members of Hizbollah;

Whereas Brazil, Argentina, Paraguay, and the United States have formed the 3+1 Group, which has focused on the financing of terrorism, drug and arms trafficking, and border security, as well as the exchange of information, with the purpose of preventing terrorism and transnational crimes in the tri-border region;

Whereas in November 2006, Brazil established a new Regional Intelligence Center in the tri-border region, dedicated to coordinating intelligence activities of the police forces of Argentina, Brazil, and Paraguay, and invited Argentina and Paraguay to send official representatives to the Center;

Whereas in March 2007, the Organization of American States' Inter-American Committee Against Terrorism (CICTE) reaffirmed that "terrorism in all its forms and manifestations, whatever its origin or motivation, has no justification whatsoever, affects the full enjoyment and exercise of human rights, and constitutes a grave threat to international peace and security, democratic institutions, and the values enshrined in the OAS Charter, the Inter-American Democratic Charter, and other regional and international instruments";

Whereas in July 2007, the Government of Argentina enacted anti-terrorism legislation that put in place harsher penalties for cooperating with terrorists; and

Whereas as of March 2007, the Government of Brazil was considering expanded anti-terrorism legislation: Now, therefore, be it

Strike all after the resolving clause and insert the following:

1 That the House of Representatives—

2 (1) expresses concern over the emerging national security implications of the Iranian regime's efforts to expand its influence in Latin America;

3 (2) supports the existing counterterrorism efforts of Latin American countries, including the successful counterterrorism efforts of the 3+1 Group (consisting of Brazil, Argentina, Paraguay, and the United States);

4 (3) emphasizes the importance of eliminating Hezbollah's financial network in the tri-border region of South America where Brazil, Paraguay, and Argentina meet and throughout the Western Hemisphere;

5 (4) commends and supports the efforts of individual countries and regional bodies in the Western Hemisphere that have led efforts to eliminate terrorist financing and other terrorist operations;

6 (5) calls on the United States Government to work with governments in the Western Hemisphere to pursue an antiterrorism campaign based on cooperation and constant vigilance;

6

1 (6) urges the United States Government to
2 work bilaterally and multilaterally with countries in
3 the Western Hemisphere to help them create
4 antiterrorism legislation that would give govern-
5 mental authorities new tools to take action against
6 terrorist networks; and

7 (7) recommends that the President of the
8 United States create more mechanisms for joint
9 counterterrorism operations and intraregional infor-
10 mation sharing among supportive countries in the
11 Western Hemisphere, especially in light of Iran's in-
12 creased involvement in the region.

110TH CONGRESS
1ST SESSION

H. RES. 550

Congratulating the people of Ethiopia on the second millennium of Ethiopia,
and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 16, 2007

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

RESOLUTION

Congratulating the people of Ethiopia on the second
millennium of Ethiopia, and for other purposes.

Whereas Ethiopia is a proud country with a long, rich history;

Whereas the earliest known hominid, internationally known as Lucy and classified as the Australopithecus Afarensis, was found in Ethiopia;

Whereas Ethiopia is the only country in Africa that was never colonized, with the exception of the 6 years of occupation by the Fascist government of Italy;

Whereas in 615, the people of Ethiopia welcomed the followers of the Prophet Mohammed, including the Prophet's wife;

Whereas in the 9th century, Ethiopians discovered coffee in what is now known as the Kaffa region;

Whereas in 1137, the Zagwe Dynasty came to power in the Christian Highlands of Ethiopia;

Whereas the Zagwe Dynasty is responsible for the construction of Lalibela, a group of 11 medieval monolithic rock-hewn churches of the 13th-century;

Whereas Lalibela was recognized as a wonder of the world in 1978 by the World Heritage mission of the United Nations Educational, Scientific and Cultural Organization (UNESCO);

Whereas in 1270, Yekuno Amlak took power from the last ruler of the Zagwe Dynasty, Emperor Habre II, restoring the Solomonic Dynasty in Ethiopia;

Whereas in 1529, Ahmad Ibn Ibrahim al-Ghazi, also known as Ahmad the Left-Handed or in Amharic Ahmad Gran, invaded Ethiopia and by 1535 his forces took control of southern and central regions of Ethiopia;

Whereas in 1543, Ethiopian Emperor Galawdewos defeated the occupation forces of Gran, who was killed in battle;

Whereas Emperor Tewdros II began the modernization of Ethiopia and led a successful campaign to unify Ethiopia;

Whereas on April 10, 1868, Emperor Tewdros committed suicide rather than surrender to the invading forces of Britain in the Battle of Maqdal;

Whereas in 1889, King Menelik II of Shoa became Emperor of Ethiopia and ruled Ethiopia until 1913;

Whereas the proud and courageous people of Ethiopia defeated the invading Italian army in the Battle of Adwa in 1896;

Whereas United States-Ethiopian relations were established on December 27, 1903, by Emperor Menelik and President Theodore Roosevelt;

Whereas since then, the Ethiopian-American community has grown to become the second largest African immigrant group in the United States;

Whereas in 1908, colonial powers recognized Ethiopia's borders and sovereignty;

Whereas in 1917, railroad work connecting Addis Ababa, the capital, and Djibouti was completed;

Whereas in 1923, Ethiopia officially banned the slave trade;

Whereas in 1923, Ethiopia joined the League of Nations;

Whereas in 1931, the Bank of Ethiopia was founded;

Whereas in 1930, Ras Tafari Makonnen was crowned as Emperor Haile Selassie of Ethiopia;

Whereas Emperor Haile Selassie modernized Ethiopia, kept the country united, and largely peaceful;

Whereas Ethiopia played a pivotal role in creating the Organization of Africa Unity (OAU), which was founded on May 25, 1963;

Whereas Addis Ababa, Ethiopia, became the headquarters of the OAU and remains the headquarters of its successor, the African Union;

Whereas in 1974, Emperor Haile Selassie was ousted from power through a military coup by a military junta known as the Derg;

Whereas in May 1991, the brutal dictatorship of the Derg came to an end after a 17-year reign of terror;

Whereas Ethiopia played an important role in the struggle for freedom for many African countries during the colonial period;

Whereas in January 1962, freedom fighter Nelson Mandela in his address before the Pan African Freedom Movement of East and Central Africa (PAFMECA) declared the following: “It was not without reason, we believe, that the Secretariat of PAFMECA chose as the seat of this conference the great country of Ethiopia, which, with hundreds of years of colorful history behind it, can rightly claim to have paid the full price of freedom and independence. His Imperial Majesty, himself a rich and un-failing fountain of wisdom, has been foremost in promoting the cause of unity, independence, and progress in Africa, as was so amply demonstrated in the address he graciously delivered in opening this assembly.”; and

Whereas the 8th African Union Summit, held from January 29–30, 2007, officially declared the second Ethiopian millennium as the second African millennium: Now, therefore, be it

- 1 *Resolved*, That the House of Representatives—
- 2 (1) congratulates the people of Ethiopia on the
- 3 second millennium of Ethiopia;
- 4 (2) recognizes the long, rich history of Ethiopia;
- 5 (3) commends Ethiopia’s contribution to peace
- 6 and stability on the African continent through the
- 7 role it played in the creation of the Organization of
- 8 African Unity (OAU);

1 (4) recognizes the longstanding relationship be-
2 tween Ethiopia and the United States;

3 (5) commends the organizers of the second mil-
4 lennium celebration in Ethiopia and the United
5 States; and

6 (6) calls for a peaceful and jubilant celebration
7 of the second millennium of Ethiopia.

○

AMENDMENT TO H. RES. 550
OFFERED BY MR. LANTOS OF CALIFORNIA

Strike the preamble and insert the following:

Whereas Ethiopia is a proud country with a long, rich history;

Whereas the earliest known hominid, internationally known as Lucy and classified as the Australopithecus Afarensis, was found in Ethiopia;

Whereas Ethiopia is the only country in Africa that was never colonized, with the exception of the 6 years of occupation by the Fascist government of Italy;

Whereas in 615, the people of Ethiopia welcomed the followers of the Prophet Mohammed, including the Prophet's wife;

Whereas in the 9th century, Ethiopians discovered coffee in what is now known as the Kaffa region;

Whereas in 1137, the Zagwe Dynasty came to power in the Christian Highlands of Ethiopia;

Whereas the Zagwe Dynasty is responsible for the construction of Lalibela, a group of 11 medieval monolithic rock-hewn churches of the 13th-century;

Whereas Lalibela was recognized as a wonder of the world in 1978 by the World Heritage mission of the United Nations Educational, Scientific and Cultural Organization (UNESCO);

Whereas in 1270, Yekuno Amlak took power from the last ruler of the Zagwe Dynasty, Emperor Habre II, restoring the Solomonic Dynasty in Ethiopia;

Whereas in 1529, Ahmad Ibn Ibrahim al-Ghazi, also known as Ahmad the Left-Handed or in Amharic Ahmad Gran, invaded Ethiopia and by 1535 his forces took control of southern and central regions of Ethiopia;

Whereas in 1543, Ethiopian Emperor Galawdewos defeated the occupation forces of Gran, who was killed in battle;

Whereas Emperor Tewdros II began the modernization of Ethiopia and led a successful campaign to unify Ethiopia;

Whereas on April 10, 1868, Emperor Tewdros committed suicide rather than surrender to the invading forces of Britain in the Battle of Maqdal;

Whereas in 1889, King Menelik II of Shoa became Emperor of Ethiopia and ruled Ethiopia until 1913;

Whereas the proud and courageous people of Ethiopia defeated the invading Italian army in the Battle of Adwa in 1896;

Whereas United States-Ethiopian relations were established on December 27, 1903, by Emperor Menelik and President Theodore Roosevelt;

Whereas since then, the Ethiopian-American community has grown to become the second largest African immigrant group in the United States;

Whereas in 1908, colonial powers recognized Ethiopia's borders and sovereignty;

Whereas in 1917, railroad work connecting Addis Ababa, the capital, and Djibouti was completed;

Whereas in 1923, Ethiopia officially banned the slave trade;

Whereas in 1923, Ethiopia joined the League of Nations;

Whereas in 1931, the Bank of Ethiopia was founded;

Whereas in 1930, Ras Tafari Makonnen was crowned as Emperor Haile Selassie of Ethiopia;

Whereas Emperor Haile Selassie modernized Ethiopia, kept the country united, and largely peaceful;

Whereas Ethiopia played a pivotal role in creating the Organization of Africa Unity (OAU), which was founded on May 25, 1963;

Whereas Addis Ababa, Ethiopia, became the headquarters of the OAU and remains the headquarters of its successor, the African Union;

Whereas in 1974, Emperor Haile Selassie was ousted from power through a military coup by a military junta known as the Derg;

Whereas in May 1991, the brutal dictatorship of the Derg came to an end after a 17-year reign of terror;

Whereas Ethiopia played an important role in the struggle for freedom for many African countries during the colonial period;

Whereas in January 1962, freedom fighter Nelson Mandela in his address before the Pan African Freedom Movement of East and Central Africa (PAFMECA) declared the following: "It was not without reason, we believe, that the Secretariat of PAFMECA chose as the seat of this conference the great country of Ethiopia, which, with hundreds of years of colorful history behind it, can rightly claim to have paid the full price of freedom and independence. His Imperial Majesty, himself a rich and un-failing fountain of wisdom, has been foremost in pro-

moting the cause of unity, independence, and progress in Africa, as was so amply demonstrated in the address he graciously delivered in opening this assembly.”;

Whereas the 8th African Union Summit, held from January 29-30, 2007, officially declared the second Ethiopian millennium as the second African millennium;

Whereas the Ark of Covenant is found in the Holy City of Axum, in the church of Saint Mary of Zion, in Northern Ethiopia;

Whereas the three great religions Judaism, Christianity, and Islam coexisted in harmony for many centuries in Ethiopia;

Whereas the people of Ethiopia have their own unique script, the Geez/Ethiopic alphabet, and literary tradition that has been in use for thousands of years in Ethiopia;

Whereas Ethiopia had its own currency minted of gold, silver, and bronze coins depicting the great civilization of Ethiopia from the third to the eighth centuries;

Whereas in the 6th century, Yared (later canonized as Saint Yared) is one of the first artists in the world who contributed to the field of art and whose great works of music and song are still in use in the Orthodox Church of Ethiopia;

Whereas the Axumite Empire is responsible for the construction and erection of the great obelisks at Axum recognized and registered as world heritage by UNESCO;

Whereas the great castles of Gonder were constructed by emperors and princes of Ethiopia that ruled from the 16th to the 19th centuries;

Whereas in the 16th century, the great wall of the city of Harar was built by the Sultan the of Harar, Amir Nur Ibn Mujahid;

Whereas the city of Harar is recognized and registered as world cultural heritage site by UNESCO in 1989;

Whereas in 1872, Emperor Yohannes IV assumed the throne as emperor of Ethiopia;

Whereas Emperor Yohannes IV defeated the invading forces of Egypt twice at the battles of Gundagundi and Guraa in 1875 and 1876 respectively;

Whereas in 1887, Ras Alula crushed the invading forces of Italy at the battle of Sehati and Dogoali;

Whereas in 1896, Emperor Menelik and Empress Taytu defeated the invading forces of Italy at the battle of Adwa; and

Whereas Ethiopia was a founding member of the United Nations and one of the original drafters of the Security Council Charter: Now, therefore, be it

110TH CONGRESS
1ST SESSION

H. RES. 573

Recognizing and commending the efforts of the United States public and advocacy groups to raise awareness about and help end the worsening humanitarian crisis and genocide in Darfur, Sudan, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 25, 2007

Mr. MORAN of Virginia (for himself, Mr. LANTOS, Mr. PAYNE, Mr. WOLF, Ms. LEE, and Mr. MCGOVERN) submitted the following resolution; which was referred to the Committee on Foreign Affairs

RESOLUTION

Recognizing and commending the efforts of the United States public and advocacy groups to raise awareness about and help end the worsening humanitarian crisis and genocide in Darfur, Sudan, and for other purposes.

Whereas the violence conducted by the Sudanese-backed Janjaweed militia in Darfur, Sudan, has left nearly 2,500,000 people displaced from their homes and up to 400,000 civilians dead;

Whereas despite the signing of the Darfur Peace Agreement on May 5, 2006, violence, death, and destruction in Darfur continue unabated, threatening the lives of thousands of civilians, humanitarian aid workers, United Nations officials, and African Union peacekeepers;

Whereas President Omar Hassan El-Bashir of Sudan continues to reject the deployment of a United Nations peacekeeping force to Darfur as stipulated in United Nations Security Council Resolution 1706 (2006) and has yet to unconditionally accept the terms of the African Union/United Nations hybrid peacekeeping force as generally agreed to on November 12, 2006;

Whereas on July 22, 2004, Congress declared the atrocities unfolding in Darfur as genocide, and on September 9, 2004, former Secretary of State Colin Powell declared that “genocide has been committed in Darfur and that the [G]overnment of Sudan and the Janjaweed bear responsibility”;

Whereas on April 18, 2007, President George W. Bush declared at the United States Holocaust Museum, where the Committee on Conscience has spent considerable efforts advocating to end the genocide in Darfur, that the United States has a moral obligation to help end the genocide in Darfur;

Whereas hundreds of United States faith-based, human rights, humanitarian and youth-led advocacy organizations have established Darfur-related campaigns since the United States declaration of genocide in 2004;

Whereas hundreds of State and local communities, schools, universities, and individual citizens have mobilized and organized fundraisers, campaigns, and initiatives to help end the genocide in Darfur;

Whereas over 600 chapters of anti-genocide high school, college and university student organizations have been established since 2004 to help end the genocide in Darfur;

Whereas 54 American colleges and universities, 18 American States, 8 American cities, and 8 international and faith-based organizations have adopted divestment policies from Sudan thus far;

Whereas on April 30, 2006, thousands of Americans gathered at the National Mall in Washington, D.C., to urge the United States and the international community to help end the genocide in Darfur;

Whereas similar public advocacy efforts in the United States to end mass human rights violations, racial discrimination, and violence in Africa have not been seen since the South African anti-apartheid movement;

Whereas these aforementioned efforts have embraced the slogans “Never Again” and “Not On Our Watch”, reminiscent of the failure of the international community to stop the Holocaust and the genocides in Bosnia and Rwanda; and

Whereas the United States has led the international community’s condemnation of the atrocities and violence in Darfur: Now, therefore, be it

1 *Resolved*, That the House of Representatives—

2 (1) recognizes and commends the efforts of the
3 United States public and advocacy groups to raise
4 awareness about and help end the worsening human-
5 itarian crisis and genocide in Darfur, Sudan;

6 (2) supports the efforts of the various local
7 schools, communities, and faith-based, human rights,
8 humanitarian, and youth-led advocacy organizations
9 that have dedicated their time and energy to help

1 end the genocide in Darfur and to promote peace,
2 defend human rights, and improve the lives of those
3 affected in Sudan and Chad; and

4 (3) urges the United States to work with its
5 partners in the international community to imple-
6 ment a more robust set of multilateral measures
7 until President El-Bashir accepts a full-scale inter-
8 national peacekeeping force in Darfur.

○

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H. RES. 573
OFFERED BY MR. LANTOS OF CALIFORNIA**

Strike the preamble and insert the following:

Whereas the violence conducted by the Armed Forces of Sudan, government-backed Janjaweed militia, and various rebel factions in Darfur, Sudan, has left nearly 2,500,000 people displaced from their homes and up to 400,000 civilians dead;

Whereas despite the signing of the Darfur Peace Agreement on May 5, 2006, violence, death, and destruction in Darfur continue unabated, threatening the lives of thousands of civilians, humanitarian aid workers, United Nations officials, African Union international peacekeepers;

Whereas on July 22, 2004, Congress declared the atrocities unfolding in Darfur as genocide, and on September 9, 2004, former Secretary of State Colin Powell declared that “genocide has been committed in Darfur and that the [G]overnment of Sudan and the Janjaweed bear responsibility”;

Whereas on April 18, 2007, President George W. Bush declared at the United States Holocaust Museum, where the Committee on Conscience has spent considerable efforts advocating to end the genocide in Darfur, that the United States has a moral obligation to help end the genocide in Darfur;

Whereas hundreds of United States faith-based, human rights, humanitarian and youth-led advocacy organizations have established Darfur-related campaigns since the United States declaration of genocide in 2004;

Whereas hundreds of State and local communities, schools, universities, and individual citizens have mobilized and organized fundraisers, campaigns, and initiatives to help end the genocide in Darfur;

Whereas over 600 chapters of anti-genocide high school, college and university student organizations have been established since 2004 to help end the genocide in Darfur;

Whereas 57 United States colleges and universities, 20 States, ten United States cities, and eight international and faith-based organizations have adopted divestment policies from Sudan thus far;

Whereas on April 30, 2006, thousands of people gathered at the National Mall in Washington, D.C., to urge the United States and the international community to help end the genocide in Darfur;

Whereas similar public advocacy efforts in the United States to end mass human rights violations, racial discrimination, and violence in Africa have not been seen since the South African anti-apartheid movement;

Whereas these aforementioned efforts have embraced the slogans “Never Again” and “Not On Our Watch”, reminiscent of the failure of the international community to stop the Holocaust and the genocides in Bosnia and Rwanda; and

Whereas the United States has led the international community’s condemnation of the atrocities and violence in Darfur: Now, therefore, be it

Strike all after the resolving clause and insert the following:

That the House of Representatives—

1 (1) recognizes and commends the efforts of the
2 United States public and advocacy groups to raise
3 awareness about and help end the worsening human-
4 itarian crisis and genocide in Darfur, Sudan;

5 (2) supports the efforts of the various local
6 schools, communities, and faith-based, human rights,
7 humanitarian, and youth-led advocacy organizations
8 that have dedicated their time and energy to help
9 end the genocide in Darfur and to promote peace,
10 defend human rights, and improve the lives of those
11 affected in Sudan and Chad; and

12 (3) urges the United States to work with its
13 partners in the international community to support
14 a negotiated settlement to the conflict in Darfur,
15 while implementing a more robust set of multilateral
16 measures against those individuals who act as ob-
17 structionists to peace in Darfur, including by
18 launching attacks against civilians, humanitarian op-
19 erations, or peacekeeping forces, or by blocking the
20 deployment of a credible African Union-United Na-
21 tions hybrid peacekeeping force.

110TH CONGRESS
1ST SESSION

H. RES. 726

Calling on the President of the United States and the international community to take immediate steps to respond to and prevent acts of rape and sexual violence against women and girls in Darfur, Sudan, eastern Chad and the Central African Republic.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 10, 2007

Ms. DELAURO (for herself, Ms. ROS-LEHTINEN, Mr. MILLER of North Carolina, Ms. NORTON, Mr. NADLER, Mr. FORTUÑO, Mr. MCGOVERN, Ms. LEE, Mr. OLVER, Mrs. CAPPS, Mr. SERRANO, Mr. BISHOP of Georgia, Ms. BORDALLO, Mrs. MALONEY of New York, Mr. LANTOS, Ms. SCHAKOWSKY, Mr. ISRAEL, Mr. DAVIS of Illinois, Mr. CHABOT, Mr. MCCAUL of Texas, Mr. FORTENBERRY, Mr. WEXLER, Ms. WATSON, Ms. JACKSON-LEE of Texas, Mr. DOGGETT, Mr. McDERMOTT, Ms. WOOLSEY, Ms. GIFFORDS, Mr. HONDA, Ms. SUTTON, Mr. KUCINICH, Mr. DELAHUNT, Ms. MCCOLLUM of Minnesota, Mr. FATTAH, Mr. SHAYS, Mrs. JONES of Ohio, Mr. COHEN, Ms. SHEA-PORTER, Mr. MICHAUD, Mr. CROWLEY, Ms. LORETTA SANCHEZ of California, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. LYNCH, Mrs. MCCARTHY of New York, Mr. PAYNE, Mr. ALLEN, and Mr. CHANDLER) submitted the following resolution; which was referred to the Committee on Foreign Affairs

RESOLUTION

Calling on the President of the United States and the international community to take immediate steps to respond to and prevent acts of rape and sexual violence against women and girls in Darfur, Sudan, eastern Chad and the Central African Republic.

Whereas, during war, rape and sexual violence are often used systematically as a weapon of intimidation, humiliation, terror and ethnic cleansing;

Whereas it is estimated that between 250,000 and 500,000 women and girls were raped during the genocide in Rwanda;

Whereas, on September 2, 1998, the United National International Criminal Tribunal for Rwanda found Jean Paul Akayesu guilty of rape and held that rape and sexual assault constitute crimes against humanity;

Whereas, on October 31, 2000, the United Nations Security Council adopted Security Council Resolution 1325, calling on all parties to an armed conflict to take, “special measures to protect women and girls from gender-based violence, particularly rape and other forms of sexual abuse”;

Whereas the Rome Statute of the International Criminal Court, which entered into force on July 1, 2002, states that rape and “any other form of sexual violence of comparable gravity” may constitute both “crimes against humanity” and “war crimes”;

Whereas since 2003, mass rape committed by members of the Sudanese armed forces and affiliated militias with the support of the Government of Sudan has been a central component of the Government of Sudan’s violence and ethnic cleansing in Darfur;

Whereas women and girls leaving Internally Displaced Persons camps in Darfur and refugee camps in eastern Chad, to seek firewood, water or outside sources of income are often attacked and subjected to rape and sexual violence perpetrated by members of the Sudanese armed

forces and associated Janjaweed militia and other armed combatants;

Whereas, on July 19, 2004, Amnesty International reported that it collected the names of 250 women who had been raped in Darfur and information on 250 additional rapes;

Whereas, on January 25, 2005, the International Commission of Inquiry on Darfur, in a report to the United Nations Secretary General, reported numerous cases of mass rape throughout Darfur including an incident in which a large number of Janjaweed attacked a boarding school, and raped as many as 110 girls;

Whereas, on March 8, 2005, Doctors Without Borders reported that between October 2004 and the first half of February 2005, doctors from the organization treated almost 500 rape victims in numerous locations in South and West Darfur;

Whereas, on March 9, 2007, members of the United Nations High-Level Mission on the situation of human rights in Darfur reported that “rape and sexual assault have been widespread and systematic, terrorizing women and breaking down families and communities” and that “women are also attacked in and around refugee camps in eastern Chad”;

Whereas, on April 27, 2007, the International Criminal Court, acting under the authority provided in Security Council Resolution 1593, issued arrest warrants for Sudan’s Humanitarian Affairs Minister Ahmad Muhammad Harun and Janjaweed Colonel Ali Muhammad Al Abd-Al-Raham seeking their arrest for 51 counts including 6 counts involving rape;

Whereas under Sudanese law victims of rape have virtually no legal recourse and may in fact be charged with the crime of zina, or sexual intercourse outside of marriage, punishable by one hundred lashes if the victim is unmarried and death by stoning if she is married;

Whereas, on July 31, 2007, the United Nations Security Council adopted Security Council Resolution 1769 authorizing the deployment of a United Nations-African Union peacekeeping force (UNAMID) to Darfur and expressing strong concern about “on-going attacks on the civilian population and humanitarian workers and continued and widespread sexual violence” while “emphasising the need to bring to justice the perpetrators of such crimes”; and

Whereas, on August 20, 2007, the United Nations High Commissioner for Human Rights, reported on attacks, abductions and systematic rapes of women by the Sudanese armed forces and associated militias occurring in Darfur, as well as the resulting pregnancies, “grave health risks,” and “psychological trauma” and declared that these acts may constitute war crimes: Now, therefore, be it

- 1 *Resolved*, That the House of Representatives—
- 2 (1) calls upon the President of the United
- 3 States to develop within the United States Depart-
- 4 ment of State and the United States Agency for
- 5 International Development a Women and Girls of
- 6 Darfur Initiative to improve assistance to victims
- 7 and potential victims of rape and sexual violence in

1 Darfur, Sudan, eastern Chad and the Central Afri-
2 can Republic by—

3 (A) offering specialized grants to non-gov-
4 ernmental organizations, operating within IDP
5 and refugee camps in Sudan, Chad and the
6 Central African Republic that can provide all
7 necessary comprehensive and quality health
8 care services and medical supplies, psychological
9 and social counseling, and legal advice to
10 Darfuri victims of rape and sexual violence;

11 (B) providing treatment for the prevention
12 of sexually transmitted diseases, including
13 antiretroviral drugs to prevent HIV infections,
14 and specialized care for rape victims already in-
15 fected with HIV/AIDS and other sexually trans-
16 mitted diseases;

17 (C) meeting the psychological, social and
18 educational needs of victimized women, girls,
19 children born as a result of rape, their family
20 and the community in order to limit the stig-
21 matization associated with rape; and

22 (D) providing financial, technical and other
23 forms of assistance to support women's peace
24 initiatives;

1 (2) calls upon the Secretary General of the
2 United Nations, the permanent members of the
3 United Nations Security Council, the African Union,
4 the European Union, the Arab League and other na-
5 tions to immediately take steps to—

6 (A) ensure that a fully funded and fully
7 equipped UNAMID is deployed to Darfur,
8 Sudan;

9 (B) mandate that UNAMID employ all
10 necessary measures to protect women and girls
11 from acts of rape and sexual violence both out-
12 side and within Darfuri refugee and IDP
13 camps;

14 (C) provide sufficient resources and train-
15 ing to UNAMID troops and police to ensure a
16 capability to properly respond to acts of rape
17 and sexual violence;

18 (D) provide for firewood patrols and other
19 safeguarding measures to protect women and
20 girls leaving refugee and IDP camps; and

21 (E) include an adequate number of female
22 troops and police in UNAMID to properly man-
23 age incidents of rape and sexual violence;

24 (3) calls on the United Nations Security Coun-
25 cil to immediately—

1 (A) find the Government of Sudan in non-
2 compliance with Security Council Resolution
3 1325;

4 (B) call on the Government of Sudan to
5 provide full legal protections to victims of rape
6 and sexual violence and to bring to justice indi-
7 viduals responsible for such crimes; and

8 (C) adopt under Chapter VII of the United
9 Nations Charter a Security Council Resolution
10 calling on the Government of Sudan to respect
11 all related Security Council Resolutions, includ-
12 ing Security Council Resolution 1593, enforce
13 the arrest warrants for Ahmad Muhammad
14 Harun and Ali Muhammad Al Abd-Al-Raham,
15 and further recognize the systematic rape of
16 women and girls in Darfur as crimes against
17 humanity and war crimes.

○

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H. RES. 726
OFFERED BY MR. LANTOS OF CALIFORNIA**

Strike the preamble and insert the following:

Whereas, during war, rape and sexual violence are often used systematically as a weapon of intimidation, humiliation, terror and ethnic cleansing;

Whereas it is estimated that between 250,000 and 500,000 women and girls were raped during the genocide in Rwanda;

Whereas, on September 2, 1998, the United National International Criminal Tribunal for Rwanda found Jean Paul Akayesu guilty of rape and held that rape and sexual assault constitute crimes against humanity;

Whereas, on October 31, 2000, the United Nations Security Council adopted Security Council Resolution 1325 (2000), calling on all parties to an armed conflict to take, “special measures to protect women and girls from gender-based violence, particularly rape and other forms of sexual abuse”;

Whereas the Rome Statute of the International Criminal Court, which entered into force on July 1, 2002, states that rape and “any other form of sexual violence of comparable gravity” may constitute both “crimes against humanity” and “war crimes”;

Whereas since 2003, mass rape committed by members of the Sudanese armed forces and affiliated militias with the

support of the Government of Sudan has been a central component of the Government of Sudan's violence and ethnic cleansing in Darfur;

Whereas women and girls leaving Internally Displaced Persons camps in Darfur and refugee camps in eastern Chad, to seek firewood, water or outside sources of income are often attacked and subjected to rape and sexual violence perpetrated by members of the Sudanese armed forces and associated Janjaweed militia and other armed combatants;

Whereas, on July 19, 2004, Amnesty International reported that it collected the names of 250 women who had been raped in Darfur and information on 250 additional rapes;

Whereas, on January 25, 2005, the International Commission of Inquiry on Darfur, in a report to the United Nations Secretary General, reported numerous cases of mass rape throughout Darfur including an incident in which a large number of Janjaweed attacked a boarding school, and raped as many as 110 girls;

Whereas, on October 14, 2005, the Secretary General of the United Nations reported "Many girls have given birth as a result of rape. Although local communities are trying to accept the offspring, the children face a great deal of stigmatization.";

Whereas, on March 9, 2007, members of the United Nations High-Level Mission on the situation of human rights in Darfur reported that "rape and sexual assault have been widespread and systematic, terrorizing women and breaking down families and communities" and that "women are also attacked in and around refugee camps in eastern Chad";

Whereas, on April 27, 2007, the International Criminal Court, acting under the authority provided in Security Council Resolution 1593 (2005), issued arrest warrants for Sudan's Humanitarian Affairs Minister Ahmad Muhammad Harun and Janjaweed Colonel Ali Muhammad Al Abd-Al-Raham seeking their arrest for 51 counts including 6 counts involving rape;

Whereas under Sudanese law victims of rape have virtually no legal recourse and may in fact be charged with the crime of zina, or sexual intercourse outside of marriage, punishable by one hundred lashes if the victim is unmarried and death by stoning if she is married;

Whereas, on July 31, 2007, the United Nations Security Council adopted Security Council Resolution 1769 authorizing the deployment of a United Nations-African Union peacekeeping force (UNAMID) to Darfur and expressing strong concern about "on-going attacks on the civilian population and humanitarian workers and continued and widespread sexual violence" while "emphasising the need to bring to justice the perpetrators of such crimes"; and

Whereas, on August 20, 2007, the United Nations High Commissioner for Human Rights, reported on attacks, abductions and systematic rapes of women in Darfur and the resulting "grave health risks from the consequent physical injuries and psychological trauma", and declared that these acts may "constitute war crimes": Now, therefore be it:

Strike all after the resolving clause and insert the following:

That the House of Representatives—

1 (1) calls upon the President of the United
2 States to develop within the United States Depart-
3 ment of State and the United States Agency for
4 International Development a Women and Girls of
5 Darfur Initiative to improve assistance to victims
6 and potential victims of rape and sexual violence in
7 Darfur, Sudan, eastern Chad and the Central Afri-
8 can Republic by—

9 (A) offering specialized grants to non-gov-
10 ernmental organizations, operating within IDP
11 and refugee camps in Sudan, Chad and the
12 Central African Republic that can provide all
13 essential quality health care services and med-
14 ical supplies, psychological and social coun-
15 seling, and legal advice to Darfuri victims of
16 rape and sexual violence;

17 (B) providing treatment for the prevention
18 of sexually transmitted diseases, including
19 antiretroviral drugs to prevent HIV infections,
20 and specialized care for rape victims already in-
21 fected with HIV/AIDS and other sexually trans-
22 mitted diseases;

23 (C) meeting the psychological, social and
24 educational needs of victimized women, girls,

1 children born as a result of rape, their family
2 and the community in order to limit the stig-
3 matization associated with rape; and

4 (D) providing financial, technical and other
5 forms of assistance to support women's peace
6 initiatives;

7 (2) calls upon the Secretary General of the
8 United Nations, the permanent members of the
9 United Nations Security Council, the African Union,
10 the European Union, the Arab League and other na-
11 tions to immediately take steps to—

12 (A) ensure that a fully funded and fully
13 equipped UNAMID is deployed to Darfur,
14 Sudan;

15 (B) mandate that UNAMID employ all
16 necessary measures to protect women and girls
17 from acts of rape and sexual violence both out-
18 side and within Darfuri refugee and IDP
19 camps;

20 (C) provide sufficient resources and train-
21 ing to UNAMID troops and police to ensure a
22 capability to properly respond to acts of rape
23 and sexual violence;

1 (D) provide for firewood patrols and other
2 safeguarding measures to protect women and
3 girls leaving refugee and IDP camps; and

4 (E) include an adequate number of female
5 troops and police in UNAMID to properly man-
6 age incidents of rape and sexual violence; and

7 (3) calls on the United Nations Security Coun-
8 cil to immediately—

9 (A) find the Government of Sudan in non-
10 compliance with Security Council Resolution
11 1325 (2000);

12 (B) call on the Government of Sudan to
13 provide full legal protections to victims of rape
14 and sexual violence and to bring to justice indi-
15 viduals responsible for such crimes; and

16 (C) adopt under Chapter VII of the United
17 Nations Charter a Security Council Resolution
18 calling on the Government of Sudan to respect
19 all related Security Council Resolutions, includ-
20 ing Security Council Resolution 1593 (2005),
21 enforce the arrest warrants for Ahmad Muham-
22 mad Harun and Ali Muhammad Al Abd-Al-
23 Raham, and further recognize the systematic
24 rape of women and girls in Darfur as crimes
25 against humanity and war crimes.

110TH CONGRESS
1ST SESSION

H. RES. 740

Condemning in the strongest terms the attacks on African Union peacekeepers that occurred in Haskanita, Darfur, Sudan, on September 29, 2007.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 15, 2007

Ms. JACKSON-LEE of Texas (for herself, Mr. CHABOT, Mr. LANTOS, Ms. ROS-LEHTINEN, Ms. LEE, Mr. McCAUL of Texas, Mr. BISHOP of Georgia, Mrs. TAUSCHER, Mr. DOGGETT, Mr. FORTUÑO, Mr. McNULTY, Mrs. MALONEY of New York, Mr. DELAHUNT, Mr. WYNN, Mr. LEWIS of Georgia, Mrs. JONES of Ohio, Ms. CLARKE, and Mr. RUSH) submitted the following resolution; which was referred to the Committee on Foreign Affairs

RESOLUTION

Condemning in the strongest terms the attacks on African Union peacekeepers that occurred in Haskanita, Darfur, Sudan, on September 29, 2007.

Whereas, on September 29, 2007, an estimated 1,000 members of a heavily-armed Darfur rebel group overran a small base in Haskanita, Darfur, Sudan, occupied by the African Union Mission in Sudan (AMIS), brutally killing 10 peacekeepers—seven Nigerian peacekeepers and three other soldiers from Mali, Senegal, and Botswana—and wounding seven peacekeepers, with 50 soldiers missing;

Whereas, in an assault described by the African Union commander as “deliberate and sustained”, the rebel group

broke into the AMIS base in 30 vehicles with heavy artillery and mortars and battled for hours until AMIS forces ran out of ammunition;

Whereas the attacks were the worst attacks on AMIS peacekeepers since the deployment of the peacekeepers to Sudan in July 2004;

Whereas the United Nations Security Council condemned the “murderous attack” on AMIS peacekeepers and demanded that “no effort be spared” to identify and bring to justice the perpetrators of the attacks;

Whereas, in the aftermath of the attacks, Haskanita has been burned to the ground, driving more than 15,000 civilians into the bush or neighboring towns;

Whereas the attacks have been openly condemned by the United States Government, the African Union, the international community, and civilized people everywhere;

Whereas the Government of Sudan has not publicly spoken out against or condemned the attacks; and

Whereas the attacks occurred amid international peace efforts to deploy a hybrid African Union-United Nations peacekeeping force to Darfur, Sudan, and convene peace talks scheduled for October 27, 2007, in Tripoli, Libya:
Now, therefore, be it

- 1 *Resolved*, That the House of Representatives—
- 2 (1) condemns in the strongest terms the attacks
- 3 on African Union peacekeepers that occurred in
- 4 Haskanita, Darfur, Sudan, on September 29, 2007;
- 5 (2) expresses its condolences to the people and
- 6 Governments of Nigeria, Mali, Senegal, and Bot-

1 swana, the families and friends of those individuals
2 who were killed or missing in the attacks, and ex-
3 presses its sympathies to those individuals who have
4 been injured;

5 (3) expresses the solidarity of the people and
6 Government of the United States with the African
7 Union and the African Union peacekeepers as they
8 recover from these cowardly and inhuman attacks;

9 (4) expresses its readiness to support efforts to
10 bring to justice those individuals responsible for the
11 attacks and efforts to detect, pursue, disrupt, and
12 dismantle the networks that plan and carry out such
13 attacks;

14 (5) expresses its support for the people of
15 Darfur, Sudan, in their continued struggle against
16 extremism and violence and support for their efforts
17 to secure a permanent peace, justice, and return to
18 their restored villages and homes; and

19 (6) encourage all parties involved in the conflict
20 to commit to negotiate a final and binding peace
21 agreement at the peace talks scheduled for October
22 27, 2007, in Tripoli, Libya.

○

AMENDMENT TO H. RES. 740
OFFERED BY MS. JACKSON-LEE OF TEXAS

Amend the first clause of the preamble to read as follows:

Whereas, on September 29, 2007, an estimated 1,000 heavily-armed rebels in Darfur overran a small base in Haskanita, Darfur, Sudan, occupied by the African Union Mission in Sudan (AMIS), brutally killing 10 peacekeepers—seven Nigerian soldiers and three other unarmed military observers and civilian police officers from Mali, Senegal, and Botswana—and wounding seven other peacekeepers, with 50 peacekeepers still missing;

Amend the 5th clause of the preamble to read as follows:

Whereas, in the aftermath of the attacks, the Government of Sudan secured the area reportedly to facilitate the evacuation of AMIS peacekeepers, but later was accused of burning Haskanita to the ground, driving more than 15,000 civilians into the wilderness or neighboring towns;

In the 6th clause of the preamble, insert “and” at the end.

Strike the 7th clause of the preamble.

110TH CONGRESS
1ST SESSION

H. RES. 747

Recognizing the religious and historical significance of the festival of Diwali.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 16, 2007

Mr. WILSON of South Carolina (for himself and Mr. McDERMOTT) submitted the following resolution; which was referred to the Committee on Foreign Affairs

RESOLUTION

Recognizing the religious and historical significance of the festival of Diwali.

Whereas Diwali, a festival of great significance to Indian Americans and the people of India, is celebrated annually by Hindus, Sikhs, Buddhists, and Jains throughout the United States and the world;

Whereas there are more than 2,000,000 Hindus, Sikhs, Buddhists, and Jains in the United States;

Whereas the word “Diwali” is a shortened version of the Sanskrit term “Deepavali”, which means “a row of lamps”;

Whereas Diwali is a festival of lights, during which celebrants light small oil lamps, place them around the home, and pray for health, knowledge, and peace;

Whereas celebrants of Diwali believe that the rows of lamps symbolize the light within the individual that rids the soul of the darkness of ignorance;

Whereas Diwali, falling on the last day of the last month in the lunar calendar, is celebrated as a day of thanksgiving and the beginning of the new year for many Hindus;

Whereas for Hindus, Diwali is a celebration of the victory of good over evil;

Whereas for Sikhs, Diwali is feted as the day that the sixth founding Sikh Guru, or revered teacher, Guru Hargobind ji, was released from captivity from the ruling Mughal Emperor; and

Whereas for Jains, Diwali marks the anniversary of the attainment of moksha or liberation by Mahavira, the last of the Tirthankaras, who were the great teachers of Jain dharma, at the end of his life in 527 B.C.: Now, therefore, be it

1 *Resolved*, That the House of Representatives—

2 (1) during this time of celebration, in order to
3 demonstrate support for Indian Americans and the
4 Indian Diaspora throughout the world, recognizes
5 Diwali as an important festival;

6 (2) acknowledges the international religious and
7 historical importance of the festival of Diwali;

8 (3) recognizes and appreciates the religious di-
9 versity in both India and the United States and
10 throughout the world;

1 (4) acknowledges and supports the new rela-
2 tionship of collaboration and dialogue in inter-
3 national efforts between the United States and
4 India; and

5 (5) in observance of and out of respect for the
6 start of Diwali, the festival of lights, acknowledges
7 the onset of Diwali and expresses its deepest respect
8 to Indian Americans and the Indian Diaspora
9 throughout the world on this significant occasion.

○

110TH CONGRESS
1ST SESSION

H. CON. RES. 234

Calling on the Government of the People's Republic of China to respect the human rights of refugees from North Korea.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 15, 2007

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

CONCURRENT RESOLUTION

Calling on the Government of the People's Republic of China to respect the human rights of refugees from North Korea.

Whereas the Government of North Korea is a dictatorial regime that commits gross human rights violations against the North Korean people;

Whereas the Government of North Korea attempts to exert absolute control over the lives of North Koreans through the use of deplorable systems of punishment and torture and by restricting the flow of information;

Whereas the Government of North Korea engages in the systematic torture, unlawful detainment, and mass murder of tens of thousands of political prisoners, defectors, and refugees, employing the world's most brutal concentration camp system;

Whereas the lack of freedom, government persecution, and policies of selective starvation have driven hundreds of thousands of North Koreans to northeast China, fleeing for their lives from prison camps or political persecution;

Whereas the Government of the People's Republic of China forcibly repatriates North Korean refugees and imprisons foreign aid workers who try to assist North Korean refugees inside China;

Whereas to encourage these repatriation efforts, Chinese central government authorities assign local public security bureaus in northeastern China a target number of North Koreans that they must detain in order to receive favorable work evaluations;

Whereas the refugees returned to North Korea by the Government of the People's Republic of China face imprisonment, brutal persecution, or execution;

Whereas up to 90 percent of North Korean women refugees fall prey to traffickers in China who sell the refugees into sexual slavery;

Whereas the United Nations Convention relating to the Status of Refugees, done at Geneva on July 28, 1951 (189 UNTS 150), as modified by the Protocol relating to the Status of Refugees, done at New York on January 31, 1967 (606 UNTS 267), defines a refugee as a person who, "owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country";

Whereas the Government of the People's Republic of China violates its obligations under the United Nations Convention relating to the Status of Refugees and the Protocol relating to the Status of Refugees by impeding access to the United Nations High Commissioner for Refugees (UNHCR) and continually classifying North Korean refugees as "economic migrants", denying them asylum and forcibly returning them to North Korea without the review to which they are entitled;

Whereas the UNHCR fails to robustly press the Government of the People's Republic of China to grant the UNHCR access to North Korean refugees and has failed to initiate a binding arbitration proceeding against the Government of the People's Republic of China pursuant to the terms of Article XIV of the Agreement on Upgrading of the UNHCR Mission in the People's Republic of China to the UNHCR Branch Office in the People's Republic of China, done at Geneva on December 1, 1995, governing refugee access and the refugee designation process;

Whereas the UNHCR's failure to bring such an arbitration proceeding was determined by the United States Congress in the North Korean Human Rights Act of 2004 (Public Law 108-333; 22 U.S.C. 7801 et seq.) to constitute a "a significant abdication by the UNHCR of one of its core responsibilities";

Whereas the failure of the People's Republic of China to abide by its treaty obligations toward the United Nations is a critical means by which the Government of North Korea is allowed to subject the people of North Korea to persecution and effectively imprison them within its borders;

Whereas Special Envoy for Human Rights in North Korea Jay Lefkowitz testified before the House Foreign Affairs Subcommittee on Asia, the Pacific, and the Global Environment on March 1, 2007, that “the fact that the Government of China is not honoring its international commitments, is not providing genuine access as it is required to the U.N. High Commissioner on Human Rights, I think is really the single most significant issue we have outside of the North Korean Government’s own emigration policies that is a barrier now to the free movement of people in that region”;

Whereas the International Parliamentarians Coalition for North Korean Refugees’ Human Rights, a coalition of parliamentarians from across the globe, met in Seoul, South Korea, on August 29, 2007, and called on the international community to increase its efforts to protect North Korean refugees; and

Whereas the Korean-American community, acting through various religious and civic organizations, including the “Let My People Go Campaign”, has worked to bring awareness to the plight of the hundreds of thousands North Korean refugees living in China: Now, therefore, be it

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

3 (1) strongly encourages the Government of the
4 People’s Republic of China to honor its obligations
5 under the United Nations Convention relating to the
6 Status of Refugees, done at Geneva on July 28,
7 1951 (189 UNTS 150), as modified by the Protocol

1 relating to the Status of Refugees, done at New
2 York on January 31, 1967 (606 UNTS 267), by—

3 (A) halting the forced repatriation of
4 North Koreans who face a well-founded fear of
5 persecution if they are returned to North
6 Korea;

7 (B) making genuine efforts to identify and
8 protect the refugees among the North Korean
9 migrants encountered by Chinese authorities,
10 including providing refugees with a reasonable
11 opportunity to request asylum; and

12 (C) granting the United Nations High
13 Commissioner for Refugees unfettered access to
14 such refugees to determine their status and the
15 degree of assistance to which they are entitled;
16 and

17 (2) recognizes the efforts of the Korean-Amer-
18 ican community for bringing attention to the plight
19 of North Korean refugees.

○

110TH CONGRESS
1ST SESSION

H. CON. RES. 236

Recognizing the close relationship between the United States and the Republic of San Marino.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 16, 2007

Mr. DREIER (for himself, Ms. ROS-LEHTINEN, Mr. PRICE of North Carolina, Mr. LINCOLN DIAZ-BALART of Florida, Mr. GALLEGLY, Mrs. NAPOLITANO, Mr. RADANOVICH, Mr. SCHIFF, Mr. BURTON of Indiana, and Mr. BLUNT) submitted the following concurrent resolution; which was referred to the Committee on Foreign Affairs

CONCURRENT RESOLUTION

Recognizing the close relationship between the United States and the Republic of San Marino.

Whereas the Republic of San Marino is the oldest republic in the world;

Whereas the Republic of San Marino was founded by those fleeing the religious persecution of the Roman Empire, and has adhered to the principles of tolerance and individual liberty throughout its history;

Whereas the United States and the Republic of San Marino have long held close ties based on common interests and common values;

Whereas the special bond between the Republic of San Marino and the United States was first expressed nearly a century and a half ago in an exchange of letters between President Abraham Lincoln and the Captains Regent of San Marino;

Whereas President Lincoln expressed in his letter his deep respect for the Republic of San Marino as “one of the most honored in all of history” and took encouragement from its example that a “government founded on republican principles is capable of being so administered as to be secure and enduring”;

Whereas the Republic of San Marino has been a steadfast ally of the United States in many international organizations, such as the United Nations and the International Monetary Fund;

Whereas the Republic of San Marino has been a close collaborator on a number of key economic issues, such as the protection of intellectual property;

Whereas the Republic of San Marino has been a close collaborator in the global War on Terror, including efforts to combat international terrorist financing;

Whereas through its chairmanship of the Committee of Ministers of the Council of Europe, the Republic of San Marino has worked to promote inter-religious and inter-cultural dialogue;

Whereas earlier this year, the United States and the Republic of San Marino upgraded their diplomatic relations to ambassador-level, and exchanged the first bilateral Ambassadors in our history;

Whereas Paolo Rondelli, the first Ambassador Extraordinary and Plenipotentiary of the Republic of San Marino to the

United States, presented his credentials to President Bush at a ceremony at the White House on July 25, 2007; and

Whereas Ronald P. Spogli, the first Ambassador Extraordinary and Plenipotentiary of the United States to the Republic of San Marino, presented credentials to the Captains Regent (co-Heads of State) in a ceremony in San Marino's Palazzo Publico on March 8, 2007: Now, therefore, be it

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

3 (1) recognizes the close relationship between the
4 United States and the Republic of San Marino;

5 (2) expresses its deep gratitude to the Republic
6 of San Marino for its close collaboration and support
7 in issues of critical importance to our economic and
8 national security interests; and

9 (3) commemorates the first bilateral exchange
10 of Ambassadors in the history of our long relation-
11 ship.

○

AMENDMENT TO H.CON.RES. 236
OFFERED BY MR. LANTOS OF CALIFORNIA

Page 2, in the eighth whereas clause, strike “in the global War on terror” and insert “in the fight against terrorism”.

Ms. JACKSON LEE. Mr. Chairman?

Chairman LANTOS. I am now pleased to recognize my friend from California, Mr. Sherman.

Mr. SHERMAN. Thank you, Mr. Chairman. I would like to comment on two of the bills. The first is the Holocaust Insurance Accountability Act. I look forward to working with Chairman Frank of the Financial Services Committee, on which I have worked for 11 years, along with the ranking member of this committee and the chairman of the Europe Subcommittee, as this bill moves from our committee to the Financial Services Committee, I want to focus on three issues here.

One is the situation in which a United States subsidiary of a European parent corporation says that, at the subsidiary level, they are doing everything possible to comply with the bill, but their parent corporation refuses to provide information. And, I look forward to working with what sanctions or pressure can be brought on that U.S. subsidiary if its parent refuses to treat justly the families who purchased insurance before the Holocaust.

The second is to see how the bill can protect the state laws that are designed to help Holocaust insurance purchasers and their families. The states have gotten ahead of the Federal Government on some of these issues. They face arguments that they are somehow conflicting with Federal policy. And I would say that those states that have acted in this area, if anything, are acting in furtherance of what I would like to see Federal policy to be, namely to protect the families that purchased insurance before the Holocaust.

Finally, we may want to add to the bill a presumption that if the insured would be over 90 years old and there is no evidence that that insured survived World War II that the family doesn't have to produce a death certificate or evidence of death, but rather the presumption would carry that the insured is no longer surviving.

The second bill I would like to comment on is H.R. 3912. Mr. Chairman, I know that you had planned to have a pro-Turkish bill come before this markup of the committee, and I was scanning to see if we decided to do so, and I found that it is the Naval Vessels Transfer Act. We have over the years provided millions of dollars of military aid to Turkey because Turkey has health and security issues.

It borders Iraq. It borders Iran. Which raises the question, in dealing with the defense concerns on its Iraqi and Iranian border, where will Turkey deploy these naval vessels? The last time ocean-going ships were seen in Eastern Anatolia, it was Noah's Ark. I know Turkey when it is unhappy sends threats to the——

Chairman LANTOS. This committee has a deep, historical understanding of the issues.

Mr. SHERMAN. Thank you, Mr. Chairman. Naval history begins with Noah's Ark. When Turkey is unhappy, they tell us so very loudly. Their threats are made with a certain amount of volume and rancor. Yet, this bill is going to transfer four vessels to Turkey. Each of these vessels had an original acquisition cost of between \$120 million and \$140 million. Three of these vessels are being transferred for free. The fourth vessel is being transferred for only 15 percent of its original acquisition cost.

So, while I saw the threatening ads, a full page in the *Wall Street Journal*, I have been scanning the little classified ads—not in the *Wall Street Journal*, excuse me, in the *Washington Post*, I have been scanning the little classified ads in the *Washington Post* to try to find a thank you from the Turkish Government for these four vessels. I have yet to see that. I am still reading every page of the *Washington Post* classifieds, and I look forward to hearing a thank you from Turkey that is as loud as the threats we heard in recent weeks. And I yield back.

Chairman LANTOS. The gentleman from Florida, Mr. Klein.

Mr. KLEIN. Thank you, Mr. Chairman. First of all, thank you very much to you and Ranking Member Ros-Lehtinen for your support in allowing this committee to consider House Resolution 435. This resolution calls attention to the growing trend of Iranian influence in Latin America and the security implications for the United States and the rest of our Western Hemisphere.

Back home in Florida, in my area in South Florida, they say when there is a bump in the road in Latin America, we feel it in Florida. As Iran's power grows closer to home, I am deeply concerned about how it plays out here in the United States.

Just days after I was sworn in as a member of the United States House of Representatives, I read that Iranian President Ahmadinejad was making his rounds, visiting with sympathetic heads of state in Central and Latin America. He has been back in the region twice since, each time announcing new deals and ways that he believes that he can undercut United States policy in this region.

Most notably, President Ahmadinejad announced a \$2 billion deal with Venezuelan President Hugo Chavez and other neighboring countries to "liberate countries from the yoke of imperialism." Those were his words. He has tried to sway leaders in supporting the dangerous Iranian nuclear program. So far, his strategy in the region is gaining momentum. And this is extremely alarming, I know, to all members of this committee and this Congress.

Iranian involvement in Latin America is particularly concerning, especially considering Iran's history in places like Argentina. Today, Argentines are still waiting for justice to be served against those responsible for the 1994 bombing of the Jewish Community Center, and Hezbollah and Iran are the leading suspects.

I also remain concerned about Hezbollah in our hemisphere, as it relates to fundraising in the Tri-Border area of South America and other places as well. In fact, just last week, Admiral Jim Stavridis, head of the United States Southern Command, wrote, and I quote: "We consider Latin America and the Caribbean as being highly likely bases for future terrorist threats to the United States and others."

Although our region has seen some progress with some countries adopting new anti-terrorism legislation and increasing counterterrorism efforts, we have a long way to go and our neighbors need to work with us to do that. Eliminating the threat of terrorism and its state sponsors is not just in the best interests of the United States. The countries in our hemisphere will be safer if we all work together. The United States and Central and Latin America have

an aligned interest. And, Mr. Chairman, I hope that this resolution is seen as a signal that the United States is willing to help our friends in Latin America make their countries safer and free from terrorism, as we are doing.

I would also like to thank my friend from Florida, Congressman Mack, the Republican lead sponsor of this resolution who has also been very involved in these issues, who understands the threat very clearly and has been an invaluable partner in this process. And, Mr. Chairman, if I may yield to Congressman Mack.

Mr. MACK. Thank you, and thank you Congressman Klein. It has been a pleasure working with you and your staff and also with the committee's staff on this. We obviously can't do these things without them, so it has been a pleasure.

Also, the gentleman from Florida has a passion for Latin America and these issues. Something tells me that if you weren't driving this bill, we might not be here today, so thank you for your leadership.

This resolution, which has garnered wide bipartisan support, formally expresses what many of us have known for some time. Iran's growing ties and interest in Latin America is a grave concern to us all. There is no doubt that Iran has given strategic, financial, logistic and technical support and safe haven to terrorist groups such as Hezbollah and others.

And according to military leaders, as you just heard from Congressman Klein, at U.S. Central Southern Command there is no doubt that Islamic terrorist groups such as Hezbollah have been infiltrating groups throughout significant portions of Latin America, in order to develop terrorist networks throughout the region. Of particular concern to me is the growing friendship between Iran's Ahmadinejad and Venezuela's President, Hugo Chavez.

I want to make this point clear. Iran, in my opinion, is seeking to do in Venezuela what the former Soviet Union did in Cuba, establishing a base for operations in the Western Hemisphere. This, Mr. Chairman and members of the committee, should be a concern to all of us. But the problem is bigger than just Iran and Venezuela alone. For far too long, we have ignored growing unrest and loss of freedoms and the foundation of democracy throughout Latin America.

I have publicly and privately urged this administration and the Congress to embrace our allies and do more throughout the region. The reason that there is an opportunity for Iran is because we haven't paid enough attention to the people of Latin America, which then gives opportunity to others like Iran, like Castro, to spread their message and influence throughout the region.

Mr. Chairman, I would urge all the members of this committee to support this resolution. I wish to continue to work with my friend from Florida, Mr. Klein. I think this is an area where we have largely given lip service, and we have to move forward to make sure that Latin America continues to be an ally and a friend of the United States. Thank you.

Chairman LANTOS. I want to thank both of my friends for their comments. The gentleman from Florida, Mr. Wexler.

Mr. WEXLER. Thank you very much, Mr. Chairman. I just wanted to quickly address H.R. 1746, the Holocaust Insurance Account-

ability Act of 2007 and first and foremost want to thank you, Chairman Lantos, for your extraordinary support and cooperation of this bill. I also want to thank Mrs. Ros-Lehtinen for her extraordinary leadership and the staffs of both you, Mr. Lantos, and the Republican staff as well.

This bill does essentially two things which are critical. A vast majority of the more than 800,000 insurance policies that were sold to Jewish people before World War II have not been paid, have not been honored. There has been a process set up which expired this year.

What this bill does, it does two primary things. For the insurance companies involved, it mandates that they make public their records which will establish who did or did not have insurance policies, and two, once those records are made public that individuals involved have an opportunity to seek redress in the Federal courts in the United States of America. That is all the bill does.

It is the last and best hope to provide some level of financial justice for the victims of the Holocaust. And I would respectfully at this point reiterate a request that the administration join our efforts to make those records public so that Holocaust survivors can at least have that information and base judgments on it. This is an exceptional circumstance where it is highly unconscionable when we are asking families and survivors of the Holocaust, when people had records burned all throughout the Nazi occupation, that the burden is somehow on them to provide insurance policies when the companies themselves have the records and have failed to make them public.

Also, Mr. Chairman, I just want to quickly thank you for marking up H.R. 2949, which supports the Eurasia Foundation with an authorization of \$15 million. I want to thank Mr. Gallegly for participating with me on this. He was the prime sponsor in the previous Congress.

The Eurasia Foundation is doing extraordinarily important work at the governmental and nongovernmental level in a region that stretches from Armenia to Uzbekistan and from Ukraine to Kazakhstan. I thank you for marking that up.

And if I may very quickly, just with respect to Turkey, and I do not wish to engage in a debate, but may I simply remind our friends that Turkey is a Mediterranean country. It participates in a very significant way in NATO naval operations with all of our NATO allies and also engages in bination and trination naval exercises with the United States and with Israel.

Thank you very much, Mr. Chairman.

Chairman LANTOS. The gentlelady from California, Ms. Watson.

Ms. WATSON. Thank you, Mr. Chairman. I intend to contact the author of H.R. 2705. As a former Ambassador to the Federated States of Micronesia, I am concerned.

There is one provision here, and the provision would authorize the Government of Palau to deposit the payments to the United States Government into a trust fund for the maintenance of roads. I would like to have that provision also applied to the Federated States of Micronesia as well.

Under my watch, there was an amount of money appropriated for roads that had not been entirely built. So I would like to alert

the members that, after talking with the author, and after looking at the contract, I would like to apply the same authorization to the Federated States of Micronesia.

Chairman LANTOS. The gentlelady from Texas, Sheila Jackson Lee.

Ms. JACKSON LEE. Mr. Chairman, let me thank you first of all for the support of the legislation that I wish to speak of, which is H. Res. 740.

I was delighted to co-sponsor this legislation with Mr. Chabot from Ohio. I believe we are the first delegation codel to go into the Sudan shortly after the commitment was made on the U.N. peacekeepers with Adrian Smith.

This legislation tries to bolster—in fact, the experience that we had: One, that the devastation still continues, and lives are still being lost. But also that there are great efforts by the African Union, and the incident that occurred on September 29th, where an estimated 1,000 heavily armed rebels in Darfur over-ran a small base in Haskanita, Darfur, brutally killing ten peacekeepers, seven Nigerian soldiers, and three other unarmed military observers, and civilian police officers from Mali, Senegal and Botswana, and wounding seven other peacekeepers, with 50 peacekeepers still missing, should be denounced.

I do know that an amendment has been included in this that would clarify that the Government of Sudan secure the area, reportedly to facilitate the evacuation. But there is still a great need, primarily because of the circumstance that is going on with the peacekeepers.

And I must say to my colleagues that even the peacekeepers we met, the distinguished general, can't do this alone. I have written an Op Ed to suggest that the U.N. needs to take even more vigorous participation, or action, or embracing of the African Union troops, because they really say that they can't do this alone.

So we may want to consider how we can encourage the Secretary General, who visited, Mr. Chairman, shortly after our visit.

Let me thank you and the ranking member, and let me quickly—I will have to yield to my distinguished colleague, just mention my support of the Block Burma JADE Act, and I really support the idea of the sanctions against the military leaders. This is an oppressive, dictatorial and vicious society.

Lastly, might I join my colleagues in supporting all of the Sudan bills, particularly those that deal with women and girls, of which we saw.

And my congratulations as well to Ethiopia on their millennium. We were there, likewise.

I would be happy now to yield to my distinguished colleague from Ohio, Mr. Chabot.

Mr. CHABOT. I thank you gentlelady for yielding. I will be brief. I want to thank her for her leadership and her involvement when we traveled to Darfur. We went to AbuShuk, which is one of the refugee camps there in Darfur, along with our colleague from Nebraska, Adrian Smith.

Words really can't describe some of the inhumanity, the terror, the devastation that devastated the region of Darfur in the Sudan. Somewhere between 200,000 and 400,000 people have been killed.

We have 2.5 million people who have been displaced and separated from their families.

There are approximately 6,000 African Union peacekeepers deployed there now by various African nations, including Mali, Nigeria, Senegal, Botswana, and others. They were intended to bring some semblance of security and stability to the region. However, their efforts have been thwarted time and time again. And the attacks on the innocent peacekeepers on September 29th, as our colleague Ms. Jackson Lee just mentioned, demonstrate that the situation in Darfur continues to be precarious.

One of the keys is to get the additional hybrid-force troops in there as quickly as possible. We discussed this with both high officials in the Sudanese Government, as well as our people on the ground, and other African nations, the challenges and the roadblocks that have been placed before getting those additional troops there.

But Congress cannot let the September 29th attacks go unaddressed; the world can't let it go unaddressed. Passage of this resolution will send the message that the United States, and really the world, will not tolerate such violent attacks and brazen defiance, and is prepared to support any and all efforts to hold those responsible for such attacks accountable. And that we are committed to working to finding a solution to this truly human tragedy, probably one of the worst tragedies that we have seen in many years, what has been happening in Darfur.

Again, I want to thank the gentlelady for her leadership, and I also want to thank Chris Smith, Tom Tancredo, Frank Wolf, and others, who I have spoken to prior to going over there to make sure that we did and said the right things. They were very helpful, and I want to thank them for that. I have to yield back.

Ms. JACKSON LEE. Thank you, and I will just close.

Chairman LANTOS. Gentlelady, the time has expired.

Ms. JACKSON LEE. I will just close by—

Chairman LANTOS. The gentleman from New Jersey, Mr. Payne.

Mr. PAYNE. Thank you, Mr. Chairman. I, too, would like to commend the authors, Jackson Lee and Chabot, on H. Res. 740, commending the attack on the African Union; also H. Res. 726, by Ms. Deloro, talking about the sexual violence and rape used as a weapon in Darfur, Chad and the Central African Republic; and also, finally, Jim Moran.

Congressman Moran's House Resolution 573, commending public and advocacy groups for raising awareness. Many young people, children and elementary, even as low as pre-school, have had discussions where little 3- and 4-year-olds would discuss: Why does this child from Darfur look sad?

They would just have conversations where, even at that young age, we were able to teach suffering and tolerance, or intolerance.

Let me also quickly commend Congressman Honda on H. Res. 550, congratulating the people of Ethiopia on their second millennium. As you know, Ethiopia is a country steeped in tradition, led many years by Emperor Haile Selassie, the only African country to defeat European power and remain under colonized. It never was colonized by any European countries. It set up the Organization of African Unity that brought all of Africa together.

So I strongly support them. I think that they are great friends of the United States. However, I do also say that the Government of Ethiopia must have democratic freedom. We are friends, but we have to tell our friends when they are doing wrong, so that they can change their act.

Finally, I agree with my friend who spilled all the water, Mr. Sherman—

Mr. SHERMAN. That wasn't the act that inspired this agreement,

Mr. PAYNE. I think that we are pleased that Turkey is a part of NATO. But, once again, as I say, about Ethiopia: We can't let our friends do things that are wrong, the recent vote into Iraq with the Kurds. Although they have said that they are not going to invade Iraq to deal with the Turks,

I think that Armenians did die, and a genocide did occur.

Their threats, I think, are wrong; and, finally, Turkey still occupies Cyprus. Since 1974, they have had the green light. So I think that we do have to tell countries that are breaking the law, that we think they should not.

With that, Mr. Chairman, thank you very much for the time.

Chairman LANTOS. Congressman Smith?

Mr. SMITH OF NEW JERSEY. Thank you very much. Just briefly, I want to associate myself with the remarks of Mr. Payne about the resolutions dealing with Darfur, especially the peacekeeping resolution. You know peacekeeping is a treacherous, difficult, often thankless, endeavor, and I have traveled with those A. U. troops throughout Darfur to the camps.

They are professional, they are brave, and they put their lives on the line, often with a mandate that is not commensurate with the work that they do, but that is not their fault. That is the political leadership side. And with ten killed and seven wounded, it underscores just how sad and tragic but also how treacherous the work is. Our great concern goes out to their families, so I do thank my colleagues for bringing that forward.

I also want to thank you, Mr. Chairman, for bringing forward H.R. 3320, the bill that would authorize \$5 million to support the development of a permanent collection of the Museum on the History of Polish Jews.

I, like perhaps other members, have studied the plans and met with top officials in Warsaw. This will be one of the most unique museums, an unprecedented museum with regards to the history of Polish Jews. Approximately 80% of all world Jewry has family ties to this pre-war community.

Tragically, as we all know, as a result of the Holocaust, a once-thriving community was virtually decimated. In 1996, a group of people conceived the idea for the museum dedicated to the culture, art and history of Poland's Jews.

As one advocate observed, in Poland, they teach how Jews died, but not how they lived. I think it is very important that the history of the Polish Jews celebrate a 1,000 years of Polish Jewish life; and obviously commemorates a remembrance of the 3 million Polish Jews who died during World War II.

Also of equal significance, it will provide a living educational center that will make major contributions in combating anti-Semitism,

which regrettably, in Europe and in other parts of the world, is on the rise. This is a very important museum.

Again, I thank the chairman.

Chairman LANTOS. I want to thank all of my colleagues for their work. I want to thank the extraordinary staff work that went into this complex hearing. The meeting of the committee is now adjourned.

[Whereupon, at 12:12 p.m., the committee was adjourned.]

A P P E N D I X

MATERIAL SUBMITTED FOR THE HEARING RECORD

PREPARED STATEMENTS OF THE HONORABLE SHEILA JACKSON LEE, A
REPRESENTATIVE IN CONGRESS FROM THE STATE OF TEXAS

IN SUPPORT OF H.R. 3887, THE WILLIAM WILBURFORCE TRAFFICKING VICTIMS
PROTECTION REAUTHORIZATION ACT OF 2007

Thank you, Mr. Chairman. I urge my colleagues to join me in support of H.R. 3887, the William Wilburforce Trafficking Victims Protection Reauthorization Act of 2007. I would like to thank you, Mr. Chairman, for introducing this important, bipartisan legislation that will authorize appropriations for FY 2008–2011 for the Trafficking Victims Protection Act of 2000, enhancing measures to combat forced labor, as well as for your ongoing leadership on this and other crucial human rights issues.

Mr. Chairman, the issue of the trafficking of persons is one of the utmost significance, one which no nation is exempt from. Within the United States, we pride ourselves on overcoming the historic stain of slavery, and we are comforted by the thought that while others may persist in this repulsive practice, we do not. This however, is simply not the case. According to the GAO, “as many as 17,500 people are believed to be trafficked into the United States each year.” The trafficking of persons is our problem; they are forced through our borders and used by our people. This extreme injustice can no longer go unnoticed.

The flow of human trafficking is no surprise; traffic flows from the less industrialized countries to the more industrialized countries. This fact makes the issue of human trafficking a problem for all nations alike on a political, social, and moral level. The U.S. Department of State estimates that 800,000 people are trafficked across national borders every year, in addition to the reported millions of people trafficked within their own countries. The trafficking industry generates billions of dollars annually, and, together with drugs and weapons, is now a leading source of profits for organized crime. According to most analysts, the largest number of victims trafficked internationally come from Asia, though significant numbers of women and girls trafficked to work in the commercial sex industry come from the former Soviet Union and southeastern Europe.

One subset of trafficking, and one of particular interest to the United States, is trafficking for forced labor, which the International Labor Organization defines as “any situation in which work is carried out involuntarily under the menace of a penalty.” The ILO estimates that some 12.3 million people have been the victims of forced labor, with agriculture, construction, domestic service, restaurants, and manufacturing sectors being the most prominent industries into which forced labor is trafficked.

In March of this year, the Committee on Homeland Security, on which I am a senior Member and I serve as Chairwoman of a subcommittee, held a hearing on the crossing of borders and victims of trafficking which produced a meaningful discourse on horrific implications of the trafficking of persons and sought to address said issues. However, 7 months later, the issue is not resolved. The current policy of the United States, under the Trafficking Victims Prevention Act of 2000, allows the government to support many types of anti-trafficking domestically and overseas. However, much more must be done. The GAO currently reports that, while the government allocated funds to combat trafficking, there was an over-emphasis by the government on sex slavery, which came at a price for the majority of others who are a victim of human trafficking.

Reliable information and independent evaluations of the success of the United States in combating this human atrocity have been hard to come by. While the State

Department points to progress by citing the increase of countries with anti-trafficking initiatives and an increase in the number of arrests and convictions for human traffickers, the GAO report cites a less optimistic reality. The U.S. government has yet to develop a coordinated, inter-agency response to combat trafficking overseas or a systematic way to evaluate the effectiveness of its anti-trafficking policies. In addition, a July 2007 GAO report entitled "Monitoring and Evaluation of International Projects are Limited, but Experts Suggest Improvements," found that monitoring mechanisms are lacking in U.S.-funded international projects, and that the U.S. and international organizations have encountered difficulties collaborating with host governments that often lack the resources, capacity, and/or political will to address trafficking.

Given the very real and persistent nature of the crime of human trafficking, it is our responsibility as Members of the Congress of the most powerful nation in the world to address and resolve this atrocity once and for all. Nearly 150 years after our great country abolished slavery at home, it is our job to once again be a beacon of progress and hope and no longer allow one man to profit from the suffering of another.

I believe that this legislation makes important strides towards addressing this serious problem. After hearing the profoundly disturbing testimony on this issue last week, I am particularly pleased that this legislation includes provisions aimed at ensuring that individuals are trafficked into the United States to work in diplomatic missions and embassies. I am extremely concerned about this issue, and I look forward to working further with my colleagues on this Committee to establish a mechanism capable of preventing such abuses in the future.

Mr. Chairman, this important reauthorization speaks directly to a serious but often hidden problem that we face, on both a national and an international level. I strongly urge my colleagues to join me in supporting this legislation.

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

IN SUPPORT OF H.RES. 740

Thank you, Mr. Chairman. I urge my colleagues to join me in supporting H.Res. 740, which I introduced, together with my good friend and distinguished colleague, Mr. Chabot. This bipartisan legislation condemns, in the strongest terms, the attacks on African Union peacekeepers that occurred in Haskanita, Darfur, Sudan, on September 29, 2007. I would like to thank the Chairman and the Ranking Member of the Full Committee, Mr. Lantos and Ms. Ros-Lehtinen, and of the subcommittee on Africa and Global Health, Mr. Payne and Mr. Smith, for their support and cosponsorship of this important bill.

Since 2003, we have witnessed a systematic campaign of displacement, starvation, rape, mass murder, and terror in the western Sudanese region of Darfur. In the worst humanitarian crisis of our time, an estimated 400,000 people have been killed in Darfur by the Government of Sudan and its Janjaweed allies. An additional 2,000,000 people have been displaced from their homes and livelihoods. Both the House of Representatives and the Senate declared that the atrocities in Darfur constitute genocide in July 2004, and the Bush administration reached the same conclusion in September 2004.

However, three years later, the situation in Darfur continues to deteriorate. The United Nations reported a substantial decline in the humanitarian situation during the first three months of 2007, during which time 21 humanitarian vehicles were hijacked, 15 additional vehicles were looted, and gunmen raided 6 humanitarian compounds. The security situation makes it extremely difficult for aid organizations to reach vulnerable populations, and, in the 12 months preceding April 2007, the number of humanitarian relief workers in Darfur decreased by 16%, largely due to security concerns, restrictions on access, and funding limitations. The flow of humanitarian aid has been severely threatened by the escalating violence in the region.

Since 2004, a small contingent of African Union peacekeepers have been deployed to Darfur, responsible for maintaining security in a region roughly the size of France. The 7,000 peacekeepers under the banner of the African Union Mission in Sudan, or AMIS, have displayed exemplary courage and resilience, but they are woefully outmanned and outgunned, as well as chronically short of funding. Recognizing the near-collapse of the AU Mission, the United Nations, in July 2007, approved a UN-AU hybrid peacekeeping mission, to be known as UNAMID, which is meant to take over from AMIS shortly.

The AMIS peacekeeping mission recently encountered yet another significant setback. On September 29, 2007, an estimated 1,000 members of a heavily armed Darfur rebel group, in 30 vehicles armed with heavy artillery and mortars, overran

a small base in Haskanita, Darfur, Sudan, which was occupied by AMIS peacekeepers. The ambush resulted in several hours of intense fighting that killed ten peacekeepers—seven Nigerian peacekeepers and three other soldiers from Mali, Senegal, and Botswana—and wounded many others.

According to UN estimates, in the aftermath of this brutal attack, which was described by the African Union commander as “deliberate and sustained,” 15,000 civilians fled the area to neighboring towns or the wilderness, fearing for their safety. This attack is considered to be the worst on AMIS peacekeepers since their deployment in July 2004. The United Nations Security Council condemned this “murderous attack” on AMIS peacekeepers, and demanded that “no effort be spared” to identify and bring to justice the perpetrators of this assault.

Only recently, during the August recess, I had the opportunity to lead a Congressional Delegation (CODEL) to Darfur. This was the first CODEL to the region since the announcement of the joint UN/AU peacekeeping force. Along with my colleagues Mr. Chabot, who joins me as the lead Republican cosponsor of this legislation, and Mr. Smith, I had the opportunity to meet with government officials, civil society leaders, international aid workers, and affected civilians, as well as with the African Union peacekeepers responsible for protecting Darfur. I saw first hand the immense suffering of the people of Darfur, as well as the enormous strain on the courageous but outnumbered AU peacekeepers.

Mr. Chairman, I strongly condemn recent attacks on African Union peacekeepers. This legislation also expresses the condolences of this House to the people and Governments of Nigeria, Mali, Senegal, and Botswana, the families and friends of those individuals who were killed or missing in the attacks, and expresses its sympathies to those individuals who have been injured. It expresses the solidarity of the people and Government of the United States with the African Union and the African Union peacekeepers as they recover from these attacks, and the readiness of Congress to support efforts to bring to justice those individuals responsible for the attacks and efforts to detect, pursue, disrupt, and dismantle the networks that plan and carry out such attacks.

This legislation also looks forward, to the process of bringing about a peace settlement for Darfur. Crucial though effective peacekeeping forces are, they are no substitute for a serious and sustained peace process. Consequently, this bill also expresses its support for the people of Darfur, Sudan, in their continued struggle against extremism and violence and support for their efforts to secure a permanent peace, justice, and return to their restored villages and homes, and it encourages all parties involved in the conflict to commit to negotiate a final and binding peace agreement at the peace talks scheduled for October 27, 2007, in Tripoli, Libya.

Mr. Chairman, I am also offering an amendment that makes several factual corrections to the legislation, based on information that has emerged since the text was initially written. First, it clarifies the fact that the all ten of those killed in the attacks were not soldiers, instead substituting the text “seven Nigerian soldiers and three other unarmed military observers and civilian police officers from Mali, Senegal, and Botswana...” In addition, my amendment substitutes the text “in the aftermath of the attacks, the Government of Sudan secured the area reportedly to facilitate the evacuation of AMIS peacekeepers, but later was accused of burning Haskanita to the ground, driving more than 15,000 civilians into the wilderness or neighboring towns.” This text changes existing language to reflect the growing international consensus that the Sudanese government was responsible for the razing of Haskanita in the days after the initial attacks.

Mr. Chairman, as United States foreign policy remains centered on the highly partisan debate over Iraq, we cannot allow Darfur to slip through the cracks. I thank the over 40 of my colleagues who have joined me in cosponsoring this important resolution, which reiterates that attacks on African Union peacekeepers in Darfur are unacceptable. As we approach this weekend’s peace talks in Libya, I believe it is important that we condemn the attacks of recent weeks, and look forward to the construction of a lasting peace for Darfur.

I strongly urge my colleagues to join me in supporting this legislation. Thank you, Mr. Chairman. I yield back the balance of my time.

