



July 15, 2003

Amendments Made in Order under the Rule (H.Res. 316) for the Foreign Relations Authorization Act (H.R. 1950)

All amendments are debatable for ten minutes, unless otherwise indicated. The rule allows the Chairman of the International Relations Committee (or his designee) to offer amendments *en bloc*. The summaries below reflect a review of the actual amendment text by RSC staff.

UPDATED July 16, 2003 to reflect what happened on each amendment (see the end of each summary below). Most amendments were grouped together into one *en bloc* amendment and then agreed to by voice vote.

1. Smith (NJ)/Oberstar/Hyde (40 minutes): The amendment will strike an amendment adopted in the International Relations Committee by Rep. Crowley (D-NY) that dramatically modified an 18-year old provision on human rights and coercive abortion and population control (known as “Kemp-Kasten”). The amendment will also reduce the amount in the International Organizations account by \$25 million to remove the amount added by Rep. Crowley’s amendment for the United Nation’s Population Fund (UNFPA).

Congress first enacted the “Kemp-Kasten Amendment” in the Fiscal Year 1985 Supplemental Appropriations Act (P.L. 99-88) and has continued the language in similar form in annual Foreign Operations Appropriations bills. The most recently approved text states:

Provided further, That none of the funds made available in this Act nor any unobligated balances from prior appropriations may be made available to any organization or program which, as determined by the President of the United States, **supports or participates in the management of a program of coercive abortion or involuntary sterilization** (emphasis added).

Under this Kemp-Kasten law, the current Administration cut off funding for UNFPA for the last two years because, in the words of Collin Powell, “UNFPA's support of, and involvement in, China's population-planning activities allows the Chinese government to implement more effectively its program of coercive abortion. Therefore, it is not permissible to continue funding UNFPA at this time.” (Secretary of State Colin Powell in July 21, 2002 letter to Senator Byrd).

Rep. Crowley, who supports UNFPA, offered an amendment in committee that would likely result in UNFPA being refunded by merely claiming ignorance of China’s forced abortion and

population control program. His amendment, adopted 23 to 22 in the IR Committee redefines the term “directly supports or participates in coercive abortion or involuntary sterilization” to “**knowingly and intentionally working with a purpose to continue, advance, or expand the practice of coercive abortion or involuntary sterilization**, or playing a primary and essential role in a coercive or involuntary aspect of a country's family planning program” (emphasis added).

According to the House Pro-Life Caucus, the following organizations support the Smith-Oberstar-Hyde amendment:

- National Right to Life (scoring)
- Family Research Council (scoring)
- National Conference of Catholic Bishops
- Concerned Women for America (scoring)
- Christian Coalition (scoring)
- Focus on the Family
- Susan B. Anthony List

To see a sourced document detailing UNFPA’s praise for China’s one-child policy, go to: <http://www.house.gov/burton/RSC/China.pdf>

To see a backgrounder on the history of UNFPA see: <http://www.house.gov/burton/RSC/Unfpa.pdf>

RSC staff contact for amendment #1: Sheila Moloney at 226-9719

Amendment #1 agreed to

2. Hyde Amendment (20 minutes): Millennium Challenge Accounts (MCA) & Peace Corps Reauthorization. Text available: <http://www.house.gov/rules/2hyde.pdf>

Millennium Challenge Accounts

Summary: This amendment is a version of H.R. 2441 that passed the International Relations Committee 31-4 on June 12, 2003. **The amendment creates a new federal entity (the Millennium Challenge Corporation) to distribute \$9.3 Billion over the next three years in new foreign aid.**

The new federal foreign aid entity and funding stream was requested by President Bush. The MCA are designed to allocate foreign aid based on countries’ progress toward promoting

- “democratic societies, human rights, and the rule of law;”
- “investment in education and health infrastructure and systems;” and
- “promoting economic freedom, broad-based economic growth, and fostering free market systems” (including the “protection of internationally recognized workers’ rights” and a country’s capacity “to ameliorate damage to the environment and respect other environmental standards”).

The Millennium Development Goals in the amendment are the Goals described in the United Nations Millennium Declaration (September 2000; <http://www.developmentgoals.org>). The goals are to: "Eradicate extreme poverty and hunger; Improve maternal health; Achieve universal primary education; Combat HIV/AIDS, malaria, and other diseases; Promote gender equality and empower women; Ensure environmental sustainability; Reduce child mortality; and Develop a global partnership for development." **RSC note:** some conservative organizations have advocated a limited achievable set of goals for the Millennium Challenge Program, such as economic development, which would differentiate the Program from existing foreign aid programs.

MCA funds may be distributed to the national government, regional or local government, non-governmental organizations, and to "international organizations and trust funds" and such aid must be exempt from taxation by the government. The prohibitions under the Foreign Assistance Act, such as the Helms' Amendment prohibiting U.S. funds from paying for abortions, apply to this new program.

In order to qualify for U.S. assistance under MCAs, countries must enter into a Millennium Challenge Compact, to establish a multi-year plan to advance the objectives outlined above. The President of the U.S. may suspend the payments in whole or part under certain circumstances and may terminate assistance if a country has "consistently failed" to abide by the Compact. An annual report to Congress is mandated.

Intertwined with Current Foreign Aid Structures:

Though the President proposed keeping this new structure independent from current U.S. foreign aid programs, the International Relations Committee modified the proposal to require interagency coordination with U.S. Agency for International Development (USAID), the International Bank, and the IMF, and to include USAID on the Board determining the recipients of the new funds. The Corporation is authorized to transfer funds to USAID or any other agency to carry out administrative functions and pay salaries, though the costs are capped at seven percent.

The board of the new Corporation will consist of the Secretaries of State and Treasury, the Administrator of USAID, the US trade representative, the CEO of the Corporation (appointed and equivalent to Deputy Secretary), and four people appointed by the majority and minority in both the House and the Senate. There are also non-voting members of the Board such as the directors of OMB and the Peace Corps.

The amendment also creates a five-year, seven-member MCA Advisory Council, appointed by the CEO of the Corporation, which shall be representative of NGOS, including business, trade and labor unions, etc. A yearly report is required from the Advisory Council.

\$10 million Seed Grants:

The amendment authorizes the Corporation CEO to provide up to \$10 million in assistance to NGO's in low income and lower middle income countries, or directly to agencies of foreign

governments in low income countries for research, education, and “advocacy efforts” aimed at “promoting democratic societies, human rights, the rule of law, improved educational opportunities and health conditions” (especially for women and children) and economic freedom.

MCA Cost to Taxpayers: The amendment authorizes a new foreign aid program at \$1.3 billion for FY04, \$3 billion for FY05, and \$5 billion for FY06. Of these funds, \$10 million is authorized for seed grants described above and \$1 million is authorized to the Inspector General of USAID to review, inspect, and investigate the operations and activities of the Corporation.

Peace Corps Reauthorization

Summary: This amendment is a version of H.R. 2441 that passed the International Relations Committee 31-4 on June 12, 2003. The amendment reauthorizes the Peace Corps, created in 1961, and increases the authorization levels.

The Peace Corps (22 U.S.C. Chapter 34) was last authorized in FY00 at \$270 million, through FY03 at \$365 million. **The amendment reauthorizing the Peace Corps authorizes appropriations of \$1.734 Billion from FY04-FY07** (\$366.9 million for FY04, \$411.8 million for FY05, \$455.9 million for FY06, and \$499.4 million for FY07). President Bush has called for doubling the number of Peace Corps volunteers from the current number of 7,000 Peace Corps volunteers who are in 70 countries.

The reauthorization includes a number of mandatory annual reports, including a new one “on the progress of Peace Corps in recruiting historically underrepresented groups.” It also creates a new coordination initiative for the Peace Corps on HIV/AIDS activities, consistent with the HIV/AIDS bill President Bush signed into law.

The reauthorization modifies the amount of money that volunteers and volunteer leaders receive as a “readjustment allowance” upon their return to the U.S. (it builds up in an account while they are serving) from \$125 per month of service to \$275 per month of service during FY04 and \$300 per month of service for fiscal year thereafter.

\$10 million New Grant Program for Former Peace Corps Volunteers:

An apparently new grant program is included to certain non-profits to develop and carry out programs to “promote the objective of the Peace Corps Act with returned Peace Corps volunteers and former staff. **To be eligible for these new \$10 million in federal grants, a non-profit must have a board of directors with returned Peace Corps volunteers, and up to 20% of the grant may be spent on administrative expenses.**

The reauthorization has 15 findings including that “There is deep misunderstanding and misinformation in many parts of the world, particularly in countries with substantial Muslim populations, with respect to United States values and ideals. A new or expanded Peace Corps

presence in such places could foster better understanding between the people of the United States and such countries.”

RSC staff contact for amendment #2: Sheila Moloney at 226-9719

Amendment #2 agreed to

3. Kennedy (MN) (second-degree amendment to the Hyde/Lantos amendment #2):

Adds language that both public and private sector expenditures on health initiatives as a part of GDP should be taken into account when considering eligibility for the Millennium Challenge Account, not solely government spending. **Withdrawn**

4. Kolbe (second-degree amendment to the Hyde/Lantos amendment #2): Permits lower middle-income countries to receive Millennium Challenge Account funding beginning in fiscal year 2004 rather than in fiscal year 2006. **Failed, as modified**

5. Kolbe (second-degree amendment to the Hyde/Lantos amendment #2): Authorizes USAID to receive appropriated Millennium Challenge Account funding directly; makes USAID the primary agency responsible for administering certain programs including the Child Survival and Health Fund, agriculture, population, education, and disease programs; and authorizes USAID to provide funding to countries ineligible for MCA funding so that they may become eligible. **RSC note:** many conservatives, including the Heritage Foundation, have encouraged maintaining a separation between USAID and existing foreign aid programs and the proposed Millennium Challenge Program, on the basis that without such a separation the Millennium Challenge Program would not be substantially different from other foreign aid programs. **Agreed to**

6. Paul: Prohibits funds authorized under this act to be used to pay any U.S. contribution to the United Nations or any affiliated agency of the United Nations. **Failed**

7. Hayworth/King (IA): Limits the U.S. contribution to the U.N. regular budget (contributions to other U.N. programs would not be affected) to an amount no greater than that paid by any other permanent Security Council member (normally the U.S. share is 22%). **Failed**

8. Tauscher/Bereuter: Allows exporters of commercial communications satellites to share marketing information with prospective customers in NATO countries, and in Japan, Australia, and New Zealand. Would not allow the transfer of any sensitive encryption and/or source code data, detailed design data, engineering analysis, or manufacturing know-how. **Failed**

9. Rohrabacher: Permits the President, in the case of exports to NATO countries and major non-NATO allies only, to revise the regulations for the export of satellites as he sees fit. Same version that was adopted in committee and later struck. **Never offered**

10. Menendez: Prohibits foreign assistance to support energy-related projects in the State of Tamil Nadu, India. (According to the amendment, U.S. companies signed a contract with Tamil Nadu to build electric generation facilities, but the Tamil Nadu Electricity Board has failed to pay the contractually-required rates to the U.S. companies and now owe such companies at least \$150 million.) **Agreed to**

11. Weldon (PA): Provides that funds to Moldova shall not be made available unless the President of the United States determines that the government of Moldova has met its obligations with respect to investments made by United States citizens in the “Aroma” cognac factory in Moldova. **Withdrawn**

12. Manzullo: Requires funds authorized under the bill for the procurement of articles, materials, and supplies must have at least 65% domestic content (i.e. U.S.-made), rather than the current-law 50%. The same 65% requirement would apply to contracts for construction, alteration, and repair of any public building or public work funded by the bill. **Agreed to as part of the *en bloc* amendment**

13. Crowley: Re-authorizes the Voice of America (VOA) Modernization Program Contractor Requirements and makes them applicable to all new International Broadcasting Bureau (IBB) competitive programs. Gives preference to U.S. contractors on bids for IBB projects (subject to certain exceptions). **Agreed to as part of the *en bloc* amendment**

14. Schiff: Expresses the sense of Congress calling for the expeditious issuance of visas to the extent possible and consistent with national security objectives for Russian weapons scientists involved in arms control and non-proliferation exchanges in the United States. Encourages the State Department to consider reinstating a procedure of pre-security clearance for the appropriate scientists and engineers with proper credentials. **Agreed to as part of the *en bloc* amendment**

15. Schakowsky: Expresses the sense of Congress that the State Department should provide adequate resources to U.S. embassies and consulates in order to meet the workload requirements for visa application processing. Requires a report to Congress concerning the allocation of such resources. **Agreed to as part of the *en bloc* amendment**

16. Gallegly: Eliminates the requirement that designations of foreign terrorist organizations (FTOs) lapse after two years unless renewed by the Secretary of State. Institutes procedures allowing FTOs to petition the Secretary every two years to have their designations revoked. In the event that in any four year period an entity designated as a FTO does not petition to have its designation revoked, the Secretary would be required to review the entity’s designation and determine whether the designation should be revoked. Establishes a 180-day deadline for the Secretary to complete reviews of certain FTO designations. Allows the Secretary to amend an entity’s designation as a FTO to take account of aliases or different names used by the entity after it is designated, without the need to create a separate administrative record for such an amendment. **Agreed to as part of the *en bloc* amendment**

17. Hostettler/Gallegly/Tancredo: Provides the Secretary of State with the authority to regulate the issuance of consular identification cards by foreign missions in the United States. Directs the Secretary of State to issue regulations requiring foreign missions to: issue consular identification cards only to bona fide nations of the issuing country; maintain accurate records of all such cards issued; require recipients of such cards to notify the mission of address changes; notify the Secretary of each such card issued in the United States, including the recipient's name and address; and make records of such cards issued available for audit and review by the State Department at the Secretary's request. Where the Secretary determines that a foreign mission's violation of the aforementioned regulations potentially threatens the security of the United States or facilitates criminal or fraudulent acts, the amendment directs the Secretary to notify the government of the mission to suspend issuance of consular cards until compliance with the regulations is established. If the foreign mission fails to suspend issuance in response to such notice, the amendment directs the Secretary to stop issuing non-immigrant and/or immigrant visa to nationals of the applicable country until the Secretary determines the mission is in compliance with its regulations. **Agreed to**

18. Burton: Extends State Department authority to deny visas to extended family of abductors. Requires the State Department to submit an Annual Report to Congress regarding the measures that they have taken on international child abduction on a country-by-country basis. Requires the State Department to send notices regarding child abduction cases to countries where they are believed to be harbored. Requires the Secretary to set forth guidelines on how Department of State personnel treat abducted persons who seek asylum. **Agreed to, as modified, as part of the *en bloc* amendment**

19. Ackerman/King (NY): Raises the authorized level for reimbursement to localities for services provided for the protection of foreign missions and officials from \$10 million to \$25 million in each of fiscal years 2004 and 2005. Also authorizes the State Department to pay \$30.6 million in back payments to New York City for expenses incurred since 1999. Authorizes the State Department to reprogram up to \$5 million for these purposes. **Agreed to as part of the *en bloc* amendment**

20. Ackerman: Makes it a misdemeanor crime to obstruct, resist or interfere with a federal law enforcement officer who is acting in the performance of the protective functions authorized by the State Department Basic Authorities Act of 1956. **Agreed to as part of the *en bloc* amendment**

21. Andrews: Expresses the grave concerns of Congress regarding the People's Republic of China's deployment of hundreds of ballistic missiles directed towards Taiwan. Calls upon the President of the United States to direct all appropriate U.S. officials to raise these concerns with PRC officials, and seek renunciation from all leaders of the PRC of any threat or use of force against Taiwan. Calls upon the President to authorize the sale of the Aegis missile defense system to Taiwan if China refuses to dismantle the missiles in question. Reaffirms that the future of Taiwan should be determined peacefully and with the expressed consent of the Taiwanese people. **Agreed to as part of the *en bloc* amendment**

22. Bereuter: Expresses the sense of Congress that the President should consider requesting that NATO raise a force for deployment in post-war Iraq and that other nations contribute troops and police to stabilize and rebuild Iraq. **Agreed to as part of the *en bloc* amendment**

23. Bordallo: Would include the territories and possessions within the geographic definition of the United States for the purposes of allowing State Department personnel from Guam to be able to transfer back home from a foreign-area posting. **Agreed to as part of the *en bloc* amendment**

24. Brown (OH)/Chabot/Rohrabacher/Wexler: Directs the Secretary of State to annually submit an unclassified report to Congress describing the plan of the United States to endorse and obtain observer status for Taiwan at the annual week-long summit of the World Health Assembly held by the World Health Organization (WHO) in May of each year in Geneva, Switzerland. **Agreed to as part of the *en bloc* amendment**

25. Crane: Offers Congress' condolences to the loved ones of those innocent Americans that have been killed in Israel and calls on the Palestinian Authority to work with Israel to protect all innocent people (regardless of citizenship) from terrorist violence. Calls on the State Department to start including the killing of every American by terrorists in its annual "Chronology of Significant Terrorist Incidents," as reported in the Patterns of Global Terrorism report. The amendment, which is modeled after H.Con.Res. 119, lists by name each American killed by terrorism in Israel since 1993. **Agreed to, as modified, as part of the *en bloc* amendment**

26. Hunter/Cunningham/Davis (CA): Expresses the sense of Congress that the International Boundary and Water Commission shall make treaty negotiations with Mexico on the establishment of a public-private partnership to construct and operate a wastewater treatment facility in Mexico (as outlined in P.L. 106-457) a priority. Specifies that the International Boundary and Water Commission shall submit monthly reports to the appropriate authorizing committees regarding progress toward the treaty. **Agreed to as part of the *en bloc* amendment**

27. Hyde: Authorizes the transfer by grant and sale of certain surplus naval vessels to five countries: Bahrain, Portugal, Brazil, Chile, and Turkey. These transfers are expected to generate \$65 million for the U.S. Treasury. **Agreed to as part of the *en bloc* amendment**

28. Hyde: Strikes Section 227 (GAO assessment of security capital cost-sharing) and instead provides the Secretary of State with the authority to establish and implement a security capital cost-sharing program which is designed to collect funds from each agency to assist in the cost of building new secure facilities. Starting in fiscal year 2005, the Secretary of State is authorized to determine, on an annual basis, fees to be collected from other government agencies that have personnel assigned overseas in diplomatic facilities and to use such fees to construct safe and secure new embassy compounds. **Agreed to as part of the *en bloc* amendment**

29. Hyde: Makes technical corrections including correction of a misspelled word; deletes Section 208 which was repeated as Section 230; provides the correct title to an Act; corrects subparagraph lettering and numbering; strikes repetitive language. **Agreed to as part of the *en bloc* amendment**

30. Lantos: Requires that any assistance provided under the limited “democratic policing” exemption to section 660 of the Foreign Assistance Act of 1961 may only be provided if the Secretary has notified the relevant Congressional committees at least 15 days in advance of the proposed obligation. **Agreed to as part of the *en bloc* amendment**

31. Maloney/Lantos: Establishes an Afghan Women’s Fund at USAID for the purpose of assisting women and girls in Afghanistan in the areas of political and human rights, health care, education, training, security, and shelter. **(Note: the amendment specifically allows funds to be used for comprehensive health care, including reproductive care and mental health.)** Authorizes \$22.5 million for each of the fiscal years 2004-2006 and “such sums” for following years. Requires not less than 15% of the Fund be used to support the programmatic activities and organizational development of Afghan women-led non-governmental organizations in each fiscal year from 2003 to 2005. **Agreed to as part of the *en bloc* amendment**

32. Rangel/Lee: Allows the addition of Antigua and Barbuda, the Bahamas, Belize, Dominica, Grenada, Jamaica, Montserrat, Saint Kitts and Nevis, Saint Vincent and the Grenadines, Saint Lucia, Suriname, Trinidad and Tobago, and the Dominican Republic to the list of countries eligible for assistance from the HIV/AIDS Global Fund. **Agreed to**

33. Sherman: Declares that it is the policy of the United States that there be a free and fully democratic government in Iran; that the United States supports transparent, full democracy in Iran; that the United States supports the rights of the Iranian people to choose their system of government; and that the United States condemns the brutal treatment, imprisonment, and torture of Iranian civilians expressing political dissent. **Agreed to**

34. Smith (NJ): Prohibits an increase in non-humanitarian U.S. assistance to Vietnam in fiscal year 2004 unless the government makes substantial progress toward releasing political and religious prisoners, respecting religious freedom, allowing open access to the U.S. for its refugee program, respecting the rights of ethnic minority groups in the central highlands, and proves it is not acting in complicity with organizations trafficking human persons. Authorizes \$2 million for each of the fiscal years 2004 and 2005 for non-governmental organizations promoting universally recognized human rights in Vietnam. Authorizes \$9.1 million in fiscal year 2004 and \$1.1 million in fiscal year 2005 to overcome Vietnamese jamming of Radio Free Asia. Establishes cultural exchanges with Vietnam. Extends U.S. refugee programs to Vietnamese who would have previously been eligible but missed deadlines due to circumstances beyond their control, such as administrative error. Calls upon the Secretary of State to issue an annual report on Vietnam’s progress toward freedom and democracy. **Agreed to as part of the *en bloc* amendment**

35. Souder: Expresses the sense of Congress that in the construction and renovation of embassies, consulates, and other diplomatic buildings, the Secretary shall seek to preserve the architectural integrity and cohesiveness of the neighborhood. **Agreed to as part of the *en bloc* amendment**

36. Stearns: Expresses the sense of Congress that the Department of State should direct significant resources to its new role as the central authority for the United States under the Hague Convention on Intercountry Adoption. **Agreed to as part of the *en bloc* amendment**

37. McKeon: Expresses the sense of Congress that the Executive Branch of the Mexican Government should work closely with the Mexican Supreme Court in order to persuade the court to reconsider its October 2001 ruling (that Mexico will not extradite criminals facing life sentences in the United States) so that the possibility of a life imprisonment sentence would not interfere with the timely extradition of criminal suspects from Mexico to the United States. **Agreed to**

38. Dreier/Stenholm: Strikes the provision in Section 731 relating to Petroleos Mexicanos (PEMEX). Instead, expresses the sense of Congress that the United States and Mexico should as soon as is practicable commence negotiations in an attempt to reach a migration accord that is as comprehensive as possible and which addresses the key issues of concerns for both nations. Also expresses the sense of Congress that as part of any migration agreement between the U.S. and Mexico, the issues of the extradition of violent criminals and law enforcement cooperation between the two nations be addressed. **Agreed to, as modified, as part of the *en bloc* amendment**

39. Walsh: Extends the Irish Peace Cultural and Training Program Act of 1998 through 2008 (currently authorized through 2006). Prohibits participants in the program from having a degree from an institution of higher education. **Agreed to as part of the *en bloc* amendment**

40. Collins: Provides for the transfer of a Vietnam-era Cessna L-19D Bird Dog aircraft (that according to the amendment, is in excess of the needs of the Department of State) to the Army Aviation Heritage Foundation in Georgia. The conveyance shall be made by means of a conditional deed of gift and at no cost to the United States. **Agreed to as part of the *en bloc* amendment**

41. Waters: Requires the Secretary of the Treasury to submit an annual report to the relevant Congressional committees that describes the progress made in modifying the Enhanced HIPC (Heavily Indebted Poor Countries) Initiative. **Agreed to**

42. Hefley: Prohibits Indonesia from receiving International Military Education and Training (IMET) funds until the President certifies to the appropriate Congressional committees that the Government of Indonesia and the Indonesian Armed Forces are taking effective measures to determine culpability for the August 31, 2002 terrorist attack against ten Americans in West Papua, Indonesia, including cooperation with the Director of the FBI in conducting a full investigation of the attack and criminally prosecuting those responsible for

the attack. The prohibition would not apply to training programs with the Indonesian armed forces. **Agreed to as part of the *en bloc* amendment**

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