

THE MICROENTERPRISE RESULTS AND ACCOUNTABILITY ACT OF 2004; REQUESTING DOCUMENTS IN THE POSSESSION OF THE PRESIDENT AND OFFICIALS RELATING TO THE DISCLOSURE OF THE IDENTITY AND EMPLOYMENT OF MS. VALERIE PLAME; AMENDING THE STATE DEPARTMENT BASIC AUTHORITIES ACT OF 1956 TO EXPAND THE REWARDS PROGRAM; THE BELARUS DEMOCRACY ACT OF 2003; URGING PASSAGE OF A RESOLUTION ADDRESSING HUMAN RIGHTS ABUSES IN PEOPLE'S REPUBLIC OF CHINA; COMMENDING INDIA ON ITS CELEBRATION OF REPUBLIC DAY; EXPRESSING SYMPATHY FOR THE VICTIMS OF THE DEC. 26, 2003 EARTHQUAKE IN BAM, IRAN; AND RECOGNIZING STRATEGIC PARTNERSHIP BETWEEN THE U.S. AND THE PEOPLE OF THE MARSHALL ISLANDS IN THE PURSUIT OF INTERNATIONAL PEACE AND SECURITY, ETC.

MARKUP

BEFORE THE

COMMITTEE ON INTERNATIONAL RELATIONS HOUSE OF REPRESENTATIVES ONE HUNDRED EIGHTH CONGRESS

SECOND SESSION

ON

**H.R. 3818, H. Res. 499, H.R. 3782, H.R. 854, H. Res. 530,
H. Con. Res. 15, H. Res. 526 and H. Con. Res. 364**

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WEDNESDAY, FEBRUARY 25, 2004

HOUSE OF REPRESENTATIVES,
COMMITTEE ON INTERNATIONAL RELATIONS,
Washington, DC.

The Committee met, pursuant to call, at 10:50 a.m. in Room 2172, Rayburn House Office Building, Hon. Henry J. Hyde (Chairman of the Committee) presiding.

Chairman HYDE. The Committee will come to order. Pursuant to notice, I now call up H.R. 3818, "The Microenterprise Results and Accountability Act of 2004," for purposes of markup and move its favorable recommendation to the House. Without objection, the bill will be considered as read and open for amendment at any point. The Chair recognizes Mr. Smith for purposes of a statement.

[H.R. 3818 follows:]

.....
 (Original Signature of Member)

108TH CONGRESS
 2D SESSION

H. R. _____

To amend the Foreign Assistance Act of 1961 to improve the results and accountability of microenterprise development assistance programs, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. SMITH of New Jersey (for himself, Mr. HYDE, Mr. LANTOS, Mr. ROHR-
 ABACHER, Mr. BELL, and Mr. GREEN of Texas) introduced the following
 bill; which was referred to the Committee on

A BILL

To amend the Foreign Assistance Act of 1961 to improve the results and accountability of microenterprise development assistance programs, 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 “Microenterprise Re-
 5 sults and Accountability Act of 2004”.

1 **SEC. 2. FINDINGS AND POLICY.**

2 Congress finds and declares the following:

3 (1) Congress has demonstrated its support for
4 microenterprise development assistance programs
5 through the enactment of two comprehensive micro-
6 enterprise laws:

7 (A) The Microenterprise for Self-Reliance
8 Act of 2000 (title I of Public Law 106–309;
9 114 Stat. 1082).

10 (B) Public Law 108–31 (an Act entitled
11 “An Act to amend the Microenterprise for Self-
12 Reliance Act of 2000 and the Foreign Assist-
13 ance Act of 1961 to increase assistance for the
14 poorest people in developing countries under
15 microenterprise assistance program under those
16 Acts, and for other purposes”, approved June
17 17, 2003).

18 (2) The United States Agency for International
19 Development, the agency responsible for imple-
20 menting microenterprise development assistance pro-
21 grams authorized under sections 108 and 131 of the
22 Foreign Assistance Act of 1961 (22 U.S.C. 2151f
23 and 2152a), is not presently organized to adequately
24 coordinate, implement, and monitor such programs,
25 as evidenced by the late submission by the Agency

1 of the report required by section 108 of the Micro-
2 enterprise for Self-Reliance Act of 2000.

3 (3) The Comptroller General, in a report dated
4 November 2003, found that the United States Agen-
5 cy for International Development has met some, but
6 not all, of the key objectives of such microenterprise
7 development assistance programs.

8 (4) The Comptroller General's report found,
9 among other things, the following:

10 (A) Microenterprise development assistance
11 generally can help alleviate some impacts of
12 poverty, improve income levels and quality of
13 life for borrowers and provide poor individuals,
14 workers, and their families with an important
15 coping mechanism.

16 (B) Although studies and academic anal-
17 yses funded by the United States Agency for
18 International Development have found that
19 microenterprise activities generally serve the
20 poor clustered around the poverty line, few
21 loans appear to be reaching the very poor.

22 (C) Microenterprise development assistance
23 programs of the United States Agency for
24 International Development have encouraged
25 women's participation in microfinance projects

1 and, according to data of the Agency, women
2 have comprised two-thirds or more of the micro-
3 loan clients in Agency-funded microenterprise
4 projects since 1997.

5 (5)(A) The Comptroller General’s report rec-
6ommends that the Administrator of the United
7 States Agency for International Development review
8 the Agency’s “microenterprise results reporting”
9 system with the goal of ensuring that its annual re-
10 porting is complete and accurate.

11 (B) Specifically, the Administrator should re-
12 view and reconsider the methodologies used for the
13 collection, analysis, and reporting of data on annual
14 spending targets, outreach to the very poor, sustain-
15 ability of microfinance institutions, and the contribu-
16 tion of Agency’s funding to the institutions it sup-
17 ports.

18 **SEC. 3. MICROENTERPRISE DEVELOPMENT ASSISTANCE.**

19 Chapter 2 of part I of the Foreign Assistance Act
20 of 1961 (22 U.S.C. 2166 et seq.) is amended by inserting
21 after title V the following new title:

22 **“TITLE VI—MICROENTERPRISE**
23 **DEVELOPMENT ASSISTANCE**

24 **“SEC. 251. FINDINGS AND POLICY.**

25 “Congress finds and declares the following:

1 “(1) Access to financial services and the devel-
2 opment of microenterprise are vital factors in the
3 stable growth of developing countries and in the de-
4 velopment of free, open, and equitable international
5 economic systems.

6 “(2) It is therefore in the best interest of the
7 United States to facilitate access to financial serv-
8 ices and assist the development of microenterprise in
9 developing countries.

10 “(3) Access to financial services and the devel-
11 opment of microenterprises can be supported by pro-
12 grams providing credit, savings, training, technical
13 assistance, business development services, and other
14 financial services.

15 “(4) Given the relatively high percentage of
16 populations living in rural areas of developing coun-
17 tries, and the combined high incidence of poverty in
18 rural areas and growing income inequality between
19 rural and urban markets, microenterprise programs
20 should target both rural and urban poor.

21 “(5) Microenterprise programs have been suc-
22 cessful and should continue to empower vulnerable
23 women in the developing world. Such programs
24 should take into account the risks faced by women
25 who are potential victims of severe forms of traf-

1 credit, savings, and training needs of
2 microenterprise clients; and

3 “(4) policy and regulatory programs at the
4 country level that improve the environment for
5 microenterprise clients and microenterprise institu-
6 tions that serve the poor and very poor.

7 “(b) IMPLEMENTATION.—

8 “(1) OFFICE OF MICROENTERPRISE DEVELOP-
9 MENT.—

10 “(A) ESTABLISHMENT.—There is estab-
11 lished within the Agency an Office of Micro-
12 enterprise Development, which shall be headed
13 by a Director who shall be appointed by the Ad-
14 ministrator and who should possess technical
15 expertise and ability to offer leadership in the
16 field of microenterprise development.

17 “(B) DUTIES.—The Office shall coordinate
18 and be responsible for the provision of assist-
19 ance under this title.

20 “(2) ASSISTANCE THROUGH GRANTS TO ELIGI-
21 BLE ORGANIZATIONS.—Assistance under subsection
22 (a) shall be provided through grants executed, ap-
23 proved, or reviewed by the Office to eligible imple-
24 menting partner organizations that have a capacity
25 to develop and implement microenterprise programs.

1 “(3) REVIEW AND APPROVAL.—With respect to
2 assistance under subsection (a) that is furnished
3 through field missions of the Agency, the Office
4 shall be responsible for—

5 “(A) reviewing or approving each grant
6 agreement prior to obligation of funds under
7 the agreement in order to ensure that activities
8 to be carried out using such funds are effica-
9 cious, technically sound, and suitable for the
10 economic and security climate of the country or
11 region where the activities will be conducted;
12 and

13 “(B) approving microenterprise develop-
14 ment components of strategic plans of missions,
15 bureaus, and offices of the Agency.

16 “(c) TARGETED ASSISTANCE.—In carrying out sus-
17 tainable poverty-focused programs under subsection (a),
18 50 percent of all microenterprise resources shall be tar-
19 geted to very poor clients, defined as those individuals liv-
20 ing in the bottom 50 percent below the poverty line as
21 established by the national government of the country.
22 Specifically, such resources shall be used for—

23 “(1) support of programs under this section
24 through practitioner institutions that—

1 “(A) provide credit and other financial
2 services to clients who are very poor, with loans
3 in 1995 United States dollars of—

4 “(i) \$1,000 or less in the Europe and
5 Eurasia region;

6 “(ii) \$400 or less in the Latin Amer-
7 ica region; and

8 “(iii) \$300 or less in the rest of the
9 world; and

10 “(B) can cover their costs in a reasonable
11 time period; or

12 “(2) demand-driven business development pro-
13 grams that achieve reasonable cost recovery that are
14 provided to clients holding poverty loans (as defined
15 by the regional poverty loan limitations in paragraph
16 (1)(A)), whether they are provided by microfinance
17 institutions or by specialized business development
18 services providers.

19 “(d) SUPPORT FOR CENTRAL MECHANISMS.—The
20 Administrator should increase the use of central mecha-
21 nisms through microenterprise, microfinance, and practi-
22 tioner institutions in the implementation of this title.

23 **“SEC. 253. MONITORING SYSTEM.**

24 “(a) ESTABLISHMENT.—In order to maximize the
25 sustainable development impact of assistance authorized

1 under section 252(a), the Administrator of the Agency,
2 acting through the Director of the Office, shall establish
3 a monitoring system that meets the requirements of sub-
4 section (b).

5 “(b) REQUIREMENTS.—The requirements referred to
6 in subsection (a) are the following:

7 “(1) The monitoring system establishes per-
8 formance goals for the assistance and expresses such
9 goals in an objective and quantifiable form, to the
10 extent feasible.

11 “(2) The monitoring system establishes per-
12 formance indicators to be used in measuring or as-
13 sessing the achievement of the performance goals de-
14 scribed in paragraph (1) and the objectives of the
15 assistance authorized under section 252.

16 “(3) The monitoring system provides a basis for
17 recommendations for adjustments to the assistance
18 to enhance the sustainability and the impact of the
19 assistance, particularly the impact of such assistance
20 on the very poor, particularly poor women.

21 “(4) The monitoring system adopts the wide-
22 spread use of proven and effective poverty assess-
23 ment tools to successfully identify the very poor and
24 ensure that they receive adequate access to micro-
25 enterprise loans, savings, and assistance.

1 **“SEC. 254. DEVELOPMENT AND CERTIFICATION OF POV-**
2 **ERTY MEASUREMENT METHODS; APPLICA-**
3 **TION OF METHODS.**

4 “(a) DEVELOPMENT AND CERTIFICATION.—

5 “(1) IN GENERAL.—The Administrator of the
6 Agency, in consultation with microenterprise institu-
7 tions and other appropriate organizations, shall de-
8 velop no fewer than two low-cost methods for eligible
9 implementing partner organizations to use to assess
10 the poverty levels of their current or prospective eli-
11 ents. The Administrator shall develop poverty indica-
12 tors that correlate with the circumstances of the
13 very poor.

14 “(2) FIELD TESTING.—The Administrator shall
15 field-test the methods developed under paragraph
16 (1). As part of the testing, institutions and pro-
17 grams may use the methods on a voluntary basis to
18 demonstrate their ability to reach the very poor.

19 “(3) CERTIFICATION.—Not later than October
20 1, 2004, the Administrator shall, from among the
21 low-cost poverty measurement methods developed
22 under paragraph (1), certify no fewer than two such
23 methods as approved methods for measuring the
24 poverty levels of current or prospective clients of
25 microenterprise institutions for purposes of assist-
26 ance under section 252.

1 “(2) Notwithstanding any other provision of law,
2 amounts made available for assistance for microenterprise
3 development assistance under any provision of law other
4 than this title may be provided to further the purposes
5 of this title. To the extent assistance described in the pre-
6 ceding sentence is provided in accordance with such sen-
7 tence, the Administrator of the Agency shall include, as
8 part of the report required under section 258, a detailed
9 description of such assistance and, to the extent applica-
10 ble, the information required by paragraphs (1) through
11 (9) of subsection (b) of such section with respect to such
12 assistance.”.

13 **SEC. 4. MICROENTERPRISE DEVELOPMENT CREDITS.**

14 (a) TRANSFER.—Section 108 of the Foreign Assist-
15 ance Act of 1961 (22 U.S.C. 2151f) is hereby—

16 (1) transferred from chapter 1 of part I of the
17 Foreign Assistance Act of 1961 to title VI of chap-
18 ter 2 of part I of such Act (as added by section 3
19 of this Act); and

20 (2) inserted after section 255 of the Foreign
21 Assistance Act of 1961.

22 (b) REDESIGNATION.—Title VI of chapter 2 of part
23 I of the Foreign Assistance Act of 1961 is amended by
24 redesignating section 108 (as added by subsection (a)) as
25 section 256.

1 (c) CONFORMING AMENDMENTS.—Title VI of chap-
 2 ter 2 of part I of the Foreign Assistance Act of 1961 is
 3 amended—

4 (1) by inserting after the title heading the fol-
 5 lowing:

6 **“Subtitle A—Grant Assistance”;**

7 (2) by inserting after section 255 the following:

8 **“Subtitle B—Credit Assistance”;** and

9 (3) in section 256 (as redesignated by sub-
 10 section (b))—

11 (A) in the matter preceding paragraph (1)
 12 of subsection (c), by striking “Administrator of
 13 the agency primarily responsible for admin-
 14 istering this part” and inserting “Administrator
 15 of the Agency”; and

16 (B) in subsection (f)(1)—

17 (i) by striking “section 131” and in-
 18 serting “this part”; and

19 (ii) by striking “2001 through 2004”
 20 and inserting “2005 and 2006”.

21 **SEC. 5. UNITED STATES MICROFINANCE LOAN FACILITY.**

22 (a) TRANSFER.—Section 132 of the Foreign Assist-
 23 ance Act of 1961 (22 U.S.C. 2152b) is hereby—

24 (1) transferred from chapter 1 of part I of the
 25 Foreign Assistance Act of 1961 to title VI of chap-

1 ter 2 of part I of such Act (as added by section 3
2 of this Act); and

3 (2) inserted after section 256 of the Foreign
4 Assistance Act of 1961 (as added by section 4 of
5 this Act).

6 (b) REDESIGNATION.—Title VI of chapter 2 of part
7 I of the Foreign Assistance Act of 1961 is amended by
8 redesignating section 132 (as added by subsection (a)) as
9 section 257.

10 (c) CONFORMING AMENDMENTS.—Title VI of chap-
11 ter 2 of part I of the Foreign Assistance Act of 1961 is
12 amended—

13 (1) by inserting after section 256 the following:

14 **“Subtitle C—United States**
15 **Microfinance Loan Facility”**; and

16 (2) in section 257 (as redesignated by sub-
17 section (b))—

18 (A) in subsection (b)(3), by striking “2001
19 and 2002” and inserting “2005 and 2006”;

20 (B) in the matter preceding subparagraph
21 (A) of subsection (d)(1), by striking “the fiscal
22 year 2001” and inserting “each of the fiscal
23 years 2005 and 2006”; and

24 (C) by striking subsection (e).

1 **SEC. 6. MISCELLANEOUS PROVISIONS.**

2 Title VI of chapter 2 of part I of the Foreign Assist-
3 ance Act of 1961 (as added by section 3 of this Act and
4 amended by sections 4 and 5 of this Act) is further
5 amended by adding at the end the following new subtitle:

6 **“Subtitle D—Miscellaneous**
7 **Provisions**

8 **“SEC. 258. REPORT.**

9 “(a) IN GENERAL.—Not later than December 31,
10 2005, and each December 31 thereafter, the Adminis-
11 trator of the Agency shall submit to the appropriate con-
12 gressional committees a report that contains a detailed de-
13 scription of the implementation of this title for the pre-
14 vious fiscal year.

15 “(b) CONTENTS.—The report shall contain the fol-
16 lowing:

17 “(1) The number of grants provided under sec-
18 tion 252, with a listing of—

19 “(A) the amount of each grant;

20 “(B) the name of each implementing part-
21 ner organization; and

22 “(C) a listing of the number of countries
23 receiving assistance authorized by sections 252.

24 “(2) The results of the monitoring system re-
25 quired under section 253.

1 “(3) The process of developing and applying
2 poverty assessment procedures required under sec-
3 tion 254.

4 “(4) The percentage of assistance furnished
5 under section 252 that was allocated to the very
6 poor based on the data collected using the certified
7 methods required by section 254.

8 “(5) The absolute number of the very poor
9 reached with assistance furnished under section 252.

10 “(6) The amount of assistance provided under
11 section 252 through central mechanisms.

12 “(7) The name of each country that receives as-
13 sistance under section 256 and the amount of such
14 assistance.

15 “(8) An estimate of the percentage of bene-
16 ficiaries of assistance under this title who are
17 women, including, to the extent practicable, the per-
18 centage of these women who have been victims of sex
19 trafficking, as well as information on efforts to pro-
20 vide assistance under this title to women who have
21 been victims of severe forms of trafficking or who
22 were previously involved in prostitution.

23 “(9) Any additional information relating to the
24 provision of assistance authorized by this title, in-
25 cluding the use of the poverty measurement tools re-

1 quired by section 254, or additional information on
2 assistance provided by the United States to support
3 microenterprise development under this title or any
4 other provision of law.

5 “(e) LIMITATION.—The content of the report re-
6 quired by this section shall be produced by the Office es-
7 tablished under section 252(b)(1), and shall be made
8 available for free electronic distribution through such Of-
9 fice.

10 **“SEC. 259. DEFINITIONS.**

11 “ In this title:

12 “(1) ADMINISTRATOR.—The term ‘Adminis-
13 trator’ means the Administrator of the Agency.

14 “(2) AGENCY.—The term ‘Agency’ means the
15 United States Agency for International Develop-
16 ment.

17 “(3) APPROPRIATE CONGRESSIONAL COMMIT-
18 TEES.—The term ‘appropriate congressional com-
19 mittees’ means the Committee on International Re-
20 lations of the House of Representatives and the
21 Committee on Foreign Relations of the Senate.

22 “(4) BUSINESS DEVELOPMENT SERVICES.—The
23 term ‘business development services’ means support
24 for the growth of microenterprises through training,

1 technical assistance, marketing assistance, improved
2 production technologies, and other related services.

3 “(5) DIRECTOR.—The term ‘Director’ means
4 the Director of the Office.

5 “(6) ELIGIBLE IMPLEMENTING PARTNER ORGA-
6 NIZATION.—The term “eligible implementing partner
7 organization” means an entity eligible to receive as-
8 sistance under this title which is—

9 “(A) a United States or an indigenous pri-
10 vate voluntary organization;

11 “(B) a United States or an indigenous
12 credit union;

13 “(C) a United States or an indigenous co-
14 operative organization;

15 “(D) an indigenous governmental or non-
16 governmental organization;

17 “(E) a microenterprise institution;

18 “(F) a microfinance institution; or

19 “(G) a practitioner institution.

20 “(7) MICROENTERPRISE INSTITUTION.—The
21 term ‘microenterprise institution’ means a not-for-
22 profit entity that provides services, including micro-
23 finance, training, or business development services,
24 for microentreprise clients in foreign countries.

1 “(8) MICROFINANCE INSTITUTION.—The term
2 ‘microfinance institution’ means a not-for-profit enti-
3 ty or a regulated financial intermediary that directly
4 provides, or works to expand, the availability of
5 credit, savings, and other financial services to
6 microenterprise clients in foreign countries.

7 “(9) MICROFINANCE NETWORK.—The term
8 ‘microfinance network’ means an affiliated group of
9 practitioner institutions that provides services to its
10 members, including financing, technical assistance,
11 and accreditation, for the purpose of promoting the
12 financial sustainability and societal impact of micro-
13 enterprise assistance.

14 “(10) OFFICE.—The term ‘Office’ means the
15 Office of Microenterprise Development established
16 under section 252(b)(1).

17 “(11) PRACTITIONER INSTITUTION.—The term
18 ‘practitioner institution’ means a not-for-profit enti-
19 ty or a regulated financial intermediary, including a
20 microfinance network, that provides services, includ-
21 ing microfinance, training, or business development
22 services, for microenterprise clients, or provides as-
23 sistance to microenterprise institutions in foreign
24 countries.

1 “(12) PRIVATE VOLUNTARY ORGANIZATION.—
2 The term “private voluntary organization” means a
3 not-for-profit entity that—

4 “(A) engages in and supports activities of
5 an economic or social development or humani-
6 tarian nature for citizens in foreign countries;
7 and

8 “(B) is incorporated as such under the
9 laws of the United States, including any of its
10 states, territories or the District of Columbia,
11 or of a foreign country.

12 “(13) UNITED STATES-SUPPORTED MICRO-
13 FINANCE INSTITUTION.—The term ‘United States-
14 supported microfinance institution’ means a finan-
15 cial intermediary that has received funds made avail-
16 able under this part for fiscal year 1980 or any sub-
17 sequent fiscal year.

18 “(14) VERY POOR.—The term ‘very poor’
19 means those individuals—

20 “(A) living in the bottom 50 percent below
21 the poverty line established by the national gov-
22 ernment of the country in which those individ-
23 uals live; or

24 “(B) living on less than the equivalent of
25 \$1 per day.”.

1 **SEC. 7. REPEALS.**

2 (a) FOREIGN ASSISTANCE ACT OF 1961.—Section
3 131 of the Foreign Assistance Act of 1961 (22 U.S.C.
4 2152a) is hereby repealed.

5 (b) PUBLIC LAW 108–31.—

6 (1) IN GENERAL.—Section 4 of Public Law
7 108–31 (22 U.S.C. 2151f note) is amended by strik-
8 ing subsection (b).

9 (2) CONFORMING AMENDMENT.—Section 4 of
10 Public Law 108–31 is amended by striking “(a)”
11 and all that follows through “Not later” and insert-
12 ing “Not later”.

13 **SEC. 8. REFERENCES.**

14 Any reference in a law, regulation, agreement, or
15 other document of the United States to section 108, 131,
16 or 132 of the Foreign Assistance Act of 1961 shall be
17 deemed to be a reference to subtitle B of title VI of chap-
18 ter 2 of part I of the Foreign Assistance Act of 1961,
19 subtitle A of title VI of chapter 2 of part I of such Act,
20 or subtitle C of title VI of chapter 2 of part I of such
21 Act, respectively.

Mr. SMITH OF NEW JERSEY. Thank you very much, Mr. Chairman. Mr. Chairman, as you know, in recent years congressional and non-government support for microenterprise programs had grown tremendously. Two bills authorizing funding for microenterprise programs have passed Congress and been signed into law since the year 2000. The most recent bill became law in 2003 and authorized microenterprise programs for fiscal year 2004.

Briefly, as my colleagues know, microenterprise programs are popular because they provide loans to poor entrepreneurs in the developing world to help them start up and expand their own small businesses and to build existing financial institutions. Microenterprise has been an effective means of empowering the poor and expanding their economic earnings potential. It is based on the hands up rather than hand out philosophy.

Despite the program's successes, however, a recent GAO report requested by you, Chairman Hyde, highlighted problems with the implementation of existing programs. The GAO found that these programs are indeed helping poor people expand their businesses, but found that a lack of coordination in reporting in USAID is hampering results.

Currently there is no official account, amazingly, for microenterprise within the Agency for International Development, no centralized accountability for microenterprise funds, and private sector consultants are contracted out to distribute an inappropriately large portion of the program.

In fact, USAID's own recent assessment showed that of \$110 million given directly to microenterprise organizations, nearly \$18 million went to consultants. With numerous worthwhile established organizations who have the capacity, capability and expertise to deliver services directly to poor clients, this clearly is not the most effective use of funds.

This legislation, Mr. Chairman, H.R. 3818, which you and Mr. Lantos have both co-sponsored, will make a significant difference in trying to improve an already fine enterprise. It increases the Administration's oversight of and responsibility for dispensing a microenterprise fund, increases better accountability through the establishment of an official program director and a microenterprise account.

It ensures that more money goes directly to impoverished clients instead of extensive consultants and emphasizes the importance of microenterprise by establishing a separate title called the "Microenterprise Development Assistance in the Foreign Assistance Act," and it reauthorizes the funding for microenterprise programs for 2005 and 2006.

Mr. Chairman, I do want to thank all the Members and not only the co-sponsors, you and Mr. Lantos, but I also want to thank your staff. I want to especially thank Peter Smith for his hard and diligent work on this, George Phillips, who has also worked very hard, David Abramowitz again for his input and help in drafting and working out all the details. Without that crucial staff support, this bill would not be before us today, and I do want to thank them sincerely.

I yield back the balance of my time.

Chairman HYDE. Thank you. The gentleman from California, Mr. Berman?

Mr. BERMAN. Thank you, Mr. Chairman, and you and Mr. Smith for working with the Democratic side on a bill that truly does improve upon U.S. microenterprise assistance programs.

I will not take the Committee's time to dwell on the horrible problems with the world's three billion poor people who cannot find work, but essentially microenterprise has become the way in which these people create their own jobs by starting small businesses.

Microenterprise assistance provides micro loans to these people, sometimes as small as \$100, as well as business training which helps stimulate productivity, enables the microenterprise client to build assets, purchase inventory at the best prices, and by investing and repaying the loan and increasing his or her business as a result the borrower reaps not only an increase in income, but also increased self-esteem through self-help.

I do not know about the rest of you, but people I know who have looked at and worked with these programs think they are the most remarkable thing that we do in all the foreign assistance sphere.

Mr. Smith has talked about what this legislation does, and I do want to mention that recent GAO reports have pointed out some weaknesses in the current microenterprise programs, and this legislation creates greater oversight by obtaining more detailed information regarding the implementation of those programs.

I am also pleased to see this legislation seeks to increase the support for the microenterprise institutions, working tirelessly to help those living in poverty get much needed financial tools and resources.

I would like to reiterate our support for USAID and groups such as Results, Axion, Opportunity National and countless others that are working in poor communities around the world to help the very poorest families get the financial tools they need to support and provide for their families.

I urge my colleagues to support the legislation, and I believe the gentleman from New York has a few amendments to this legislation.

Thank you, Mr. Chairman. I yield back.

Chairman HYDE. I thank the gentleman, and the Chair recognizes Mr. Meeks.

Mr. MEEKS. Thank you, Mr. Chairman. First, I would like to thank my colleagues and Mr. Smith and Mr. Berman and yourself for creating a well-designed bill that will help move impoverished communities toward stability. I would like to offer my three amendments en bloc.

Chairman HYDE. Without objection. So ordered. The clerk will report the en bloc amendment.

Ms. RUSH. Amendment offered by Mr. Meeks. Page 6, after Line 5 insert the following:

“Given that microenterprise programs have been successful in empowering . . .”——

Chairman HYDE. Without objection, further reading for the en bloc amendments is dispensed with.

[The en bloc amendments of Mr. Meeks follow:]

AMENDMENT TO H.R. 3818
OFFERED BY MR. MEEKS OF NEW YORK

Page 6, after line 5, insert the following:

1 “(6) Given that microenterprise programs have
2 been successful in empowering disenfranchised
3 groups such as women, microenterprise programs
4 should also target populations disenfranchised due to
5 race or ethnicity in countries where a strong rela-
6 tionship between poverty and race or ethnicity has
7 been demonstrated, such as countries in Latin
8 America.

AMENDMENT TO H.R. 3818
OFFERED BY MR. MEEKS OF NEW YORK

Page 6, line 22, strike “and to” and insert “to con-
duct market analysis and product development for ex-
panding domestic and international sales, particularly to
United States markets, and to”.

AMENDMENT TO H.R. 3818
OFFERED BY MR. MEEKS OF NEW YORK

Page 18, after line 4, insert the following:

1 “(10) An estimate of the percentage of bene-
2 ficiaries of assistance under this title in countries
3 where a strong relationship between poverty and
4 race or ethnicity has been demonstrated.

Chairman HYDE. The gentleman from New York is recognized for
5 minutes in support of his amendments.

Mr. MEEKS. Thank you, Mr. Chairman.

The first amendment would help to target microenterprise programs to racial and ethnic groups in countries in which a strong relationship between race and ethnicity or poverty exists, such as in many Latin American countries where indigent persons and persons of African descent make up the bulk of the poor.

Because microenterprise programs have been successful empowering disenfranchised groups such as women, it seems that these programs could have a similar impact in communities where persons have been disenfranchised due to their race or ethnic ancestry. This inclusion to the bill would only help to further target impoverished communities.

The second amendment would provide grants to microenterprise institutions for training, technical assistance and business development services in the areas of market analysis and product development. Market analysis and product development are integral for any business to be effective and competitive, especially if merchandise from the business is to be sold in the United States market.

This change would be especially instrumental for programs in Africa that help hand craft goods coming to the United States market. This is a small change to the bill that can have a large—impact on helping microenterprises increase their revenue and build their assets, and I believe we all support that goal.

Finally, similar to the first amendment, the third would focus on microenterprise programs in countries in which a strong relationship between race and ethnicity or poverty exists. However, this amendment requests report language on the percentage of beneficiaries of assistance in these countries.

This will allow us to continue to monitor so that we know how successful our current programs are and in fact empower these groups that have been disenfranchised based upon their ancestry, and it could also help determine in the future the extent to which these programs could be targeted to groups and other groups in the future.

Mr. Chairman, I strongly would urge my colleagues to support these amendments for our bill. They only would enhance the bill and make sure that we can begin to eradicate some problems that have been long-existing just simply based upon some ancestry throughout whether it is Africa, Latin America or other parts of the world.

I yield back.

Mr. SMITH OF NEW JERSEY. Mr. Chairman?

Chairman HYDE. Who is seeking recognition?

Mr. SMITH OF NEW JERSEY. Chris Smith.

Chairman HYDE. Mr. Houghton?

Mr. HOUGHTON. I do not know that I am next, Mr. Chairman. I would like to ask Mr. Meeks a question.

In terms of training, if you are interested in starting your own business, need the funds, do you first have the training or start the business and then have it parallel to your business experience?

Mr. MEEKS. Well, I think it is basically parallel because what happens is first with a lot of these places you have to introduce them to the opportunity of having a business there and that they have a desire. If they have a desire and they are training with the

idea we are able to include more people and have a greater likelihood of success.

Some individuals who want to get in business now, they just do not have the wherewithal, and we want to encourage them to continue to get involved with a business.

Chairman HYDE. Is there any further discussion?

Mr. SMITH OF NEW JERSEY. Mr. Chairman? Very briefly on your right.

Chairman HYDE. Mr. Smith of New Jersey.

Mr. SMITH OF NEW JERSEY. Thank you, Mr. Chairman. I think the amendments offered by Mr. Meeks do strengthen the language in the bill. As we have found or as GAO has found, I should say, micro finance, for example, generally has served the poor clustered around the poverty line, but not the very poor.

It would be interesting to know, and I think in the interest of accountability and reaching the poorest of the poor, which, as GAO indicates, are not being reached, there may be a link here, and I think his amendment only strengthens the bill.

Chairman HYDE. Is there any further discussion?

[No response.]

Chairman HYDE. If not, the question occurs on the amendment en bloc. All in favor say aye.

[Chorus of ayes.]

Chairman HYDE. Opposed, nay.

[No response.]

Chairman HYDE. The ayes have it. The amendment is agreed to. Are there any further amendments?

[No response.]

Chairman HYDE. If not, the question occurs on the motion to report the bill, H.R. 3818, favorably as amended. All in favor say aye.

[Chorus of ayes.]

Chairman HYDE. Without objection, the previous question is ordered on the motion to report the bill. Further proceedings on this motion will be postponed until the Chair notes the presence of a reporting quorum.

Pursuant to notice, I now call up H. Res. 499, "Requesting the President and directing the Secretary of State, the Secretary of Defense, and the Attorney General to transmit to the House of Representatives not later than 14 days after the date of the adoption of this resolution documents in the possession of the President and those officials relating to the disclosure of the identity and employment of Ms. Valerie Plame," for purposes of markup and move its adverse recommendation to the House.

108TH CONGRESS
2D SESSION

H. RES. 499

Requesting the President and directing the Secretary of State, the Secretary of Defense, and the Attorney General to transmit to the House of Representatives not later than 14 days after the date of the adoption of this resolution documents in the possession of the President and those officials relating to the disclosure of the identity and employment of Ms. Valerie Plame.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 21, 2004

Mr. HOLT (for himself, Ms. ESHOO, Mr. REYES, Mrs. TAUSCHER, Mr. LARSON of Connecticut, Mr. WAXMAN, Mr. LANTOS, Mr. CONYERS, Mr. SPRATT, Mr. TURNER of Texas, and Mr. MORAN of Virginia) submitted the following resolution; which was referred to the Select Committee on Intelligence (Permanent Select), and in addition to the Committees on Armed Services, International Relations, and the 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

RESOLUTION

Requesting the President and directing the Secretary of State, the Secretary of Defense, and the Attorney General to transmit to the House of Representatives not later than 14 days after the date of the adoption of this resolution documents in the possession of the President and those officials relating to the disclosure of the identity and employment of Ms. Valerie Plame.

1 *Resolved*, That—

1 (1) the President is requested to transmit to
2 the House of Representatives not later than the date
3 that is 14 days after the date of the adoption of this
4 resolution, all documents, including telephone and
5 electronic mail records, logs and calendars, personnel
6 records, and records of internal discussions in the
7 possession of the President relating to the disclosure
8 of the identity of Ms. Valerie Plame as an employee
9 of the Central Intelligence Agency during the period
10 beginning on May 6, 2003, and ending on July 31,
11 2003; and

12 (2) the Secretary of State, the Secretary of De-
13 fense, and the Attorney General are each directed to
14 transmit to the House of Representatives not later
15 than such date, all documents, including telephone
16 and electronic mail records, logs and calendars, and
17 records of internal discussions in the possession of
18 the Secretary of State, the Secretary of Defense,
19 and the Attorney General, respectively, relating to
20 such disclosure during such period.

○

Chairman HYDE. Without objection, the resolution will be considered as read and open for amendment at any point. The Chair yields himself 5 minutes for the purpose of a statement.

On January 21, 2004, Representative Holt, Democrat of New Jersey, introduced H. Res. 499, a resolution of inquiry, "Requesting the President and directing the Secretary of State, Secretary of Defense, and the Attorney General to transmit to the House of Representatives not later than 14 days after the date of the adoption of this resolution documents in the possession of the President and those officials relating to the disclosure of the identity and employment of Ms. Valerie Plame."

The resolution of inquiry, which is the fourth such resolution concerning Iraq in one way or another that this Committee has considered during the past year, has been referred to three other House Committees, the Permanent Select Committee on Intelligence, the Committee on the Judiciary, and the Committee on Armed Services.

H. Res. 499 would direct the Executive Branch officials to transmit to the House documents that are the subject of an ongoing grand jury investigation by the Department of Justice. In light of this, the resolution of inquiry should be reported adversely on the grounds that a competing criminal investigation is ongoing.

The Department of Justice opened the criminal investigation in September 2003 into whether the government officials who allegedly identified Valerie Plame to the press violated Federal law that prohibits identifying covert agents.

On October 3, 2003, the White House Counsel sent a memorandum to all White House employees to turn in copies of documents for the ongoing probe into who leaked the name of a CIA operative. The press reported that the investigation soon included the State and Defense Departments, as well as the White House and the CIA.

Press reports indicate that the FBI has interviewed more than three dozen Bush Administration officials, including political advisor Carl Rove and Press Secretary Scott McClellan. Reportedly, box loads of documents have been forwarded to the FBI investigation team, including White House phone logs and e-mails.

The Attorney General recused himself from the case in December 2003. Deputy Attorney General James Comey then appointed United States Attorney Patrick Fitzgerald to lead the investigation. Mr. Fitzgerald is a veteran prosecutor with experience in national security matters and by all accounts enjoys a stellar reputation.

According to press reports, Mr. Fitzgerald has more independence than required under Department of Justice Regulations. For instance, he, unlike other U.S. Attorneys, does not have to seek approval from Justice officials before issuing subpoenas or granting immunity.

Just last month, the press reported that a grand jury convened in Washington to hear testimony on this matter. As we all know, grand juries have sweeping authority that allows investigators to subpoena witnesses and documents, including the same documents requested in House Res. 499.

By all reports, Mr. Fitzgerald is pursuing the investigation into the Valerie Plame matter aggressively and responsibly. It would be

irresponsible for this Committee to allow H. Res. 499 to jeopardize an ongoing criminal investigation by the Department of Justice. Under the circumstances, this is a matter that is best left to the grand jury.

Of equal importance to deliberations of this Committee is the action taken by the House Permanent Select Committee on Intelligence, the Committee of primary jurisdiction over the subject matter of H. Res. 499. The Intelligence Committee, in a bipartisan vote that saw only three of the five Democrats present vote in favor of the resolution, reported unfavorably without amendment on the resolution.

As a former Member of the Intelligence Committee, I am confident that the Committee remains committed to the enforcement of the laws and regulations that exist to protect the nation's classified intelligence information, including the enforcement of the Intelligence Identities Protection Act of 1982.

I have no reason to doubt the Chairman of the Intelligence Committee when he publicly commits his Committee to continue to monitor and conduct oversight of this matter. Protecting the identities of our intelligence agents, after all, is best left to the Intelligence Committee. Consequently, it is my intention to have H. Res. 499 reported adversely.

I would like to mention parenthetically that Mr. Fitzgerald, the special prosecutor named by the Attorney General, is the U.S. Attorney for the Chicago region and has just recently indicted several Republicans, including the last Governor of the State of Illinois, on 22 counts. I think it is safe to say he is not in the least bit moved by political consideration.

I now turn to my esteemed colleague, Mr. Berman, for any remarks he may wish to make.

[The prepared statement of Mr. Hyde follows:]

PREPARED STATEMENT OF THE HONORABLE HENRY J. HYDE, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF ILLINOIS, AND CHAIRMAN, COMMITTEE ON INTERNATIONAL RELATIONS

H. RES. 499

On January 21, 2004, Rep. Holt (D-NJ) introduced H. Res. 499, a resolution of inquiry requesting the President and directing the Secretary of State, the Secretary of Defense, and the Attorney General to transmit to the House of Representatives not later than 14 days after the date of the adoption of this resolution documents in the possession of the President and those officials relating to the disclosure of the identity and employment of Ms. Valerie Plame.

This resolution of inquiry—the fourth such resolution concerning Iraq, in one way or another, that this Committee has considered during the past year—has been referred to three other House Committees: the Permanent Select Committee on Intelligence (HPSCI); the Committee on the Judiciary; and the Committee on Armed Services.

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Press reports indicate that the FBI has interviewed more than three dozen Bush Administration officials, including political adviser Karl Rove and press secretary Scott McClellan. Reportedly, "boxloads" of documents have been forwarded to the FBI investigation team, including White House phone logs and e-mails.

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Just last month, the press reported that a grand jury convened in Washington, D.C., to hear testimony on this matter. As we all know, a grand jury has sweeping authority that allows investigators to subpoena witnesses and documents, including the same documents requested in H. Res. 499.

By all reports, Mr. Fitzgerald is pursuing the investigation into the Valerie Plame matter aggressively and responsibly. It would be irresponsible for this committee to allow H. Res. 499 to jeopardize an ongoing criminal investigation by the Department of Justice. Under the circumstances, that is a matter best left to the grand jury.

Of equal importance to deliberations of this committee is the action taken by the House Permanent Select Committee on Intelligence, the committee of primary jurisdiction over the subject matter of H. Res. 499. The Intelligence Committee, in a bipartisan vote that saw only three of the five democrats present vote in favor of the resolution, reported unfavorably without amendment on the resolution.

As a former member of the Intelligence Committee, I am confident that the Committee remains committed to the enforcement of the laws and regulations that exist to protect the Nation's classified intelligence information, including the enforcement of the "Intelligence Identities Protection Act of 1982." I have no reason to doubt the Chairman of the Intelligence Committee when he publicly commits his Committee to continue to monitor and conduct oversight of this matter. Protecting the identities of our intelligence agents, after all, is best left to the Intelligence Committee.

Consequently, it is my intention to have H. Res. 499 reported adversely.

I now turn to my esteemed colleague, Howard Berman, for any remarks he may wish to make.

Mr. BERMAN. Thank you very much, Mr. Chairman. I would like to raise several points that you discussed in your opening statement.

First, this is not about Iraq. This is about the question of whether or not the intentional disclosure of the identity of a U.S. covert intelligence agent poses the kind of threat to our national security and to the dedicated intelligence officers who risk their lives for their country daily and the extent to which Congress appropriately has a role in pursuing this issue independently of any criminal investigation.

The thing that most stuns me about the comments in the opening statement were the notion that somehow there is something inappropriate about Congress pursuing through investigations, subpoenas, calling witnesses, subpoenaing witnesses, trying to get documents from the Executive Branch at the time there is a criminal investigation. This is a case of terrible short-term memory loss.

Chairman HYDE. Would the gentleman yield?

Mr. BERMAN. Yes, I would be happy to.

Chairman HYDE. I am trying to understand the gentleman's displeasure with my concept of when you have a grand jury and you have a very effective U.S. Attorney or special prosecutor and you have the Intelligence Committee exercising oversight to have additional Committees looking at the same matters can impair the expedition and the movement toward a resolution.

While I know it provides publicity for those people seeking it and maybe some political advantage, it does not help get to the bottom

of who did make this disclosure, if anybody did, and whether it was intentional or inadvertent.

We need to know those things, but we are finding them out through a grand jury. I just simply think redundancy in a matter like this is not helpful. That is my only purpose.

Thank you, Mr. Berman.

Mr. BERMAN. Reclaiming my time, let me try to elaborate why I am so stunned to hear the Chairman and a very distinguished Member, who I am sure is aware of what happened on his Committee and on the Government Reform Committee and on the International Relations Committee, on the Judiciary Committee, during the past five or 6 years in terms of congressional investigations while grand juries were being convened either through the Justice Department or with independent counsel to pursue documents and to pursue matters that they thought was of interest and appropriate for congressional oversight.

Let us start with United States technology transfers to China. There are distinguished Members of this Committee who were involved in that. The Department of Defense investigation included a grand jury. At the same time that they were looking at Lockheed-Martin and Boeing, the International Relations and National Security Committees held hearings. The House Science Committee held hearings.

The Select Committee on U.S. National Security and Military Commercial Concerns with the People's Republic of China held hearings in 1998 and 1999 with a report in May 1999. They used their subpoena power. They brought witnesses. They dealt very directly with the issue of having both criminal and civil liability consequences for individuals and companies at the same time as the Justice Department was pursuing a grand jury investigation.

There is no attack in this matter on Mr. Fitzgerald. He has a tremendous reputation, as the Chairman mentioned. The fact is all of his powers and all his authority that he has now are delegated to him by the Administration and can be taken away at any given moment by the Administration. He is an appointment of the President, and even if he were under the old independent counsel law, the notion that this Congress does not pursue matters that are under investigation by the Executive Branch in terms of law enforcement boggles the mind.

Think about the Travel Office of the White House. Think about the investigation by the Congress of the security related disclosures involving John Wong. Think about the matters involving Waco, Inslaw—the small computer company that the Justice Department helped run it into insolvency.

The Government Affairs Committee investigated campaign financing while the FBI and the DOJ's campaign finance task force were conducting a criminal investigation, the House Government Reform Committee conducted its own investigation into possible campaign improprieties by the Clinton Administration, the House Government Reform Committee investigated President Clinton's use of pardons.

Every one of these was going on while in that case U.S. Attorney Mary Jo White was conducting her own criminal investigation at the very same time. The notion that anyone in the Majority here

would now suggest in response to this that this is totally inappropriate and then to charge that it is political—

Well, I would say that when you have a disclosure of the identity of a covert operative for one of our intelligence agencies into the newspapers and every authorized Committee of Congress refuses to conduct an investigation, and I have no information that would make me think that the House Select Committee on Intelligence or the National Security Committee or the House Judiciary Committee or this Committee or the House Government Reform Committee is pursuing any investigation of this matter at this particular time.

I would suggest that if we are going to ascribe motivation to what people are doing and why they are doing it, one could come to the conclusion that it was a political effort to insulate an Administration from not only an embarrassing, but, much more seriously, a very damaging breach, a potential breach of the law and certainly of appropriate conduct by Executive Branch officials.

I do not know that we want to go back and forth about what is political or not. All I know is that 10 former intelligence agents, not agents of the Democratic National Committee, not agents of the Democratic leadership in the House, 10 agents of the U.S. intelligence community asked us, the Congress, through a letter to Speaker Hastert with copies to the bipartisan congressional leadership to please investigate this reckless revelation of a covert intelligence officer's identity and to do it forthwith.

We can easily do this in a fashion which does not impede any criminal investigation. It has been done over and over again by the Majority every single time. The only reason we have a resolution of inquiry is because we are in the Minority, and we cannot schedule the kind of investigation that the Majority did over and over and over again over the past 6 years.

Even now and even under this Administration, the Committee has subpoenaed targets of investigations in the Enron scandal for testimony in front of its Committee, the Commerce Committee, at the same time as the grand jury is very obviously looking at whether or not to indict officials of that company. Those targets are being subpoenaed and questioned in front of congressional Committees.

The notion that this branch of government is a potted plant and should somehow sit back and wait for months and years before looking at what is going on with political manipulation about intelligence operations and the revelation of things which seem on the surface to clearly lie, I think it is a compelling case, and it has nothing to do with Iraq.

It has to do with the fundamental way we handle and respect and honor and protect both our intelligence agents and the people who source them because when this happens then all of a sudden the foreign sources—we spend so much time talking about the degradation of the capacity for human intelligence. Things like this happen, and they probably send as much of a message to undermine our capacity in that area than anything could.

With that, I will yield back, Mr. Chairman, and thank you for your—

Chairman HYDE. I thank the gentleman. Would the gentleman yield for just a question?

Mr. BERMAN. Sure.

Chairman HYDE. Does the gentleman suggest that the grand jury suspend while we proceed with our investigation?

Mr. BERMAN. Absolutely not.

Chairman HYDE. Or are you suggesting we have both investigations?

Mr. BERMAN. I suggest we have both investigations proceeding just as they did in the Travel Office, as they are doing in Enron, as they did in the Presidential pardon case, as they did in the Martha Stewart case. I would argue there may be a more serious issue here than there, but, in any event, to do it in a fashion that respects the need to protect what is going on in the grand jury.

We are not talking about revealing grand jury information or invading the secrecy of the grand jury. We are talking about simply an inquiry and an effort and a request to receive primary documents; the same kinds of documents that would go to the grand jury have come to Congress when classified to be protected under all rules of classification and in a fashion that works in tandem with the law enforcement effort, not in violation of it.

I was Ranking Democrat on the Ethics Committee. There were times when we pursued matters that were also under investigation that we worked very closely in cooperation with a U.S. Attorney who was investigating for criminal matters so that we did not impede in any way on their investigation. It is very easy to do for those who want to do it the right way.

Chairman HYDE. I thank the gentleman.

Is there further discussion?

Mr. BERMAN. Mr. Chairman? I am sorry. Could I ask unanimous consent to put the letter from the 10 former analysts, case officers, intelligence officers with the U.S. intelligence agencies requesting this investigation into the record? [Not submitted.]

Chairman HYDE. Without objection. So ordered.

Mr. BERMAN. Thank you.

Mr. BEREUTER. Mr. Chairman?

Chairman HYDE. Mr. Bereuter?

Mr. BEREUTER. Thank you, Mr. Chairman. As some of my colleagues know, I also serve on the House Permanent Select Committee on Intelligence, the Committee with primary jurisdiction on this matter.

I would say that if the conduct alleged that there was an intentional outing of an agent of the Central Intelligence Agency allegedly for retribution against her husband, this is a very grave matter indeed. This kind of conduct should be punished to the fullest extent of the law. It should mean that people, no matter where they serve, in the White House or otherwise, are fired and subject to the highest penalties.

One of the disappointing or maybe one of the very most disappointing things I have learned since I have arrived here is that you cannot necessarily expect justice from the Justice Department when it comes to investigating their own Administration. It was true, for example, of the Meese Justice Department. It was true of the Reno Justice Department.

I am not critical of Mr. Holt or anyone who brings such a resolution before us because while there may be a partisan edge to it, it

is a part of the oversight and pressure that needs to be brought upon an Administration, especially at a time when the Administration is of the same party as the controlling majority in the House and the Senate.

I was heartened by the reputation of the special prosecutor, Mr. Fitzgerald. I think if there is any indication that his investigation has been subject to interference at any time then by a strong bipartisan effort, Congress should insert itself into this process.

I have been following this issue closely, as most of us have been, and I would expect that we would have justice with the impaneling of the grand jury as a result of Mr. Fitzgerald's appointment. I think at this point we need to watch very carefully. We need to insert ourselves in the process, this Committee and the Intelligence Committee, if there is any indication that this is not going to be pursued aggressively and in a timely fashion.

At this point I have not reached that conclusion. That is why I voted for an adverse recommendation from the House Permanent Select Committee on Intelligence, and I expect to today, but I can actually commend my colleagues on the other side of the aisle for keeping the pressure on this issue. It is important for the integrity of our intelligence collection process.

If we are beginning to out persons for their political purposes here, we damage our ability to work with liaison services and put these people in danger. It is a very grave matter indeed.

Thank you, Mr. Chairman.

Chairman HYDE. Thank you.

Mr. Blumenauer?

Mr. BLUMENAUER. Thank you, Mr. Chairman. I associate myself with the comments from my colleague from Nebraska, but I reach a different conclusion.

Mr. Berman outlined what has happened just in the short tenure that I have been in Congress where my colleagues on the other side of the aisle have had no qualms whatsoever about pursuing a dual track. I am not here to judge whether it was political that motivated those or whether it was a sincere desire to provide the legitimate oversight that Congress is to be expected to provide.

The matters that were dealt with earlier were relatively trivial, with all due respect. There was very little that happened to them in terms of massive corruption. Nothing came out of the White-water investigation, despite millions, tens of millions of dollars. There are those that would even raise questions about whether the impeachment of the President of the United States was, in the global scheme of things, something that merited the time and attention and disruption that was accorded it.

That is for others to judge, but something that is incontrovertible is that the episode of a deliberate outing of an intelligence operative is serious at the highest level. This is not trivial. This is not something that is minimal scoring of political points. This is something that speaks to the integrity, just as my friend from Nebraska pointed out, to our being able to conduct sensitive intelligence operations.

Our moving forward with a serious congressional inquiry is a solid signal to the men and women who serve us and put their lives at risk. It is a serious signal to our allies that we take the responsi-

bility of protecting the intelligence mechanisms of the United States. We take that seriously. It is a signal to the people in the press that they are not to play fast and loose with the lives of men and women who are providing an essential service to this country.

Mr. Chairman, on several occasions I have offered reflections about why I am honored to be a Member of this Committee. We have the potential of being able to put the spotlight on items that speak to life and death and the direction of this country.

Mr. Chairman, there are few in Congress who have the respect of people on both sides of the aisle that you have earned through your long and distinguished career. I am honored to serve with Mr. Lantos, our distinguished Ranking Member, and have watched the two of you craft resolutions. Sometimes, when I did not even agree with them, I marveled at your ability to work together to have an open and thoughtful process.

I can think of no two leaders in this Congress who are better equipped to carry forth the tradition on the highest level of what congressional inquiry represents than you and Mr. Lantos, but to somehow brush this aside actually invites partisan speculation.

I hear back home why is it that Congress can jump on Janet Jackson in 57 seconds and have inquiry and command the press and fall all over one another to do some things that I think are actually kind of goofy, and something here that is the integrity of our intelligence system, that means lives of people who work with us and the ability for it to work with our allies and friends alike, and somehow we are asleep at the switch. We are going to wait. It is not important enough for congressional Committees to operate is the description.

You know, Mr. Chairman, I do not have an answer for people at home. I would respectfully suggest that the tradition of congressional inquiry represents the best and worst. The witch hunts of the McCarthy era may well have been the worst. It was Congress who put the heat on Watergate that got to the bottom of things when special prosecutors were removed by President Nixon. It was one of Congress' finest hours.

I would suggest, Mr. Chairman, that by moving forward with this resolution that it could be one of the finest hours of this Committee to provide valuable service, and I can think of no two congressional leaders other than you and Mr. Lantos better equipped.

I would hope that even though I do not know that you will, I would hope that you would reconsider your position on this resolution of inquiry.

Chairman HYDE. I thank the gentleman for his generous remarks.

The Chair announces that we are going to interrupt this bill for a very brief few moments, but I note the presence of a reporting quorum and so the question occurs on the motion to report H.R. 3818, the microenterprise bill as amended.

All those in favor say aye.

[Chorus of ayes.]

Chairman HYDE. Opposed, nay.

[No response.]

Chairman HYDE. The ayes have it. The amendment is agreed to, and the bill is adopted as amended. The staff is directed to make technical and conforming changes.

Now we will return to the matter at hand. Is there anybody else? Mr. Rohrabacher seeks recognition.

Mr. ROHRABACHER. Thank you very much, Mr. Chairman. I will be supporting the Chairman in this matter. Let me note that this whole thing does not pass the smell test. There are a lot of politics being played inside the bureaucracy and outside the bureaucracy on this particular issue.

To the degree that we are talking about the need for congressional oversight, I certainly agree with my colleagues that congressional oversight and hearings to make sure that we know what is going on is part of our job and an important part of our job, but let me note there seems to be some mighty selectivity going on as to what deserves our attention from the other side of the aisle.

Let me note that *The Washington Post* in the last week has had a two-part series on American foreign policy toward the Al Qaeda and the Taliban. Let me also note that that two-part series verified charges that I made before this Committee over a number of years as to the Clinton Administration's real policy toward the Taliban and Al Qaeda, which was a clandestine support for the Taliban.

Read that *Washington Post* report of what was going on inside the State Department and inside the CIA at the time, yet we all can remember when I was demanding the documents about American foreign policy toward the Taliban. People here should remember that. At that time, Chairman Gilman backed me up in that request.

You read *The Washington Post* series on it, and it verifies that we did not get the documents and that obviously congressional oversight on something as important as this, that congressional oversight was made basically into a sham by the State Department giving us nonsensical documents and leaving out important information that we had requested from the Clinton State Department as to what the position of the Administration was on the Taliban.

Now, something of this magnitude is not being investigated, and the people on the other side of the aisle are not moving forward to find out how we had a major policy of our government toward a regime that eventually led to the murder of 3,000 Americans. Well, then I am a little bit hesitant to go along with what this particular case is, which is of interest, but is indicative of the type of game playing that was going on over the years within the CIA and within the State Department.

I would suggest, Mr. Chairman, that we look into the matter of what American foreign policy was during the Clinton Administration that led to 9/11 and let us also investigate how Congress' oversight was intentionally thwarted during that time period, and then maybe we can get down to some of these personality issues and game playing that was going on inside the bureaucracy in terms of American intelligence that we are discussing today.

Thank you very much.

Chairman HYDE. The gentleman from New Jersey, Mr. Menendez?

Mr. MENENDEZ. Thank you, Mr. Chairman. It seems to me that we can seek to justify a way to either not support the inquiry or to even vote for a release of the resolution unfavorably, but I think that my colleagues on the Committee, we have a simple few questions to ask ourselves today.

Do we support the law of the land, which clearly states that disclosing the name of a covert agent is a crime? Will we stand up for the men and women who risk their lives as covert agents around the world to protect the national security of the United States? In doing so, will we protect the national security of the United States?

How are we going to recruit future covert agents, which we desperately need for the purposes of human intelligence in critical parts of the world, if they think that clearly their names will be made public if there is an interest, political or otherwise, to do so and for which those who make that information public face very little consequence, if any? Do we believe that Congress must fulfill its own oversight function?

If your answer is yes to each of these questions then you should support the inquiry and vote no on the motion before the Committee, which would stop an independent congressional investigation by reporting it unfavorably.

Let me be clear. Congress cannot advocate its own oversight roles, especially with the sensitivity of this issue. We have an obligation to the American people and to the intelligence community to investigate this issue ourselves period.

I also have to raise some serious concerns over how this investigation has moved forward, which can only underline the need for congressional oversight. First, the Executive Branch is in essence conducting an investigation of itself. This creates a serious concern over conflict of interest and clearly at least the appearance of a conflict of interest.

Attorney General Ashcroft only recused himself from this case in December after intense pressure. He did not choose to appoint an independent counsel, but instead appointed Mr. Comey, who then appointed Mr. Fitzgerald.

The public deserves an outside and unbiased assessment with no potential for conflict of interest. To avoid any appearance of bias, the White House should have appointed a special prosecutor. This is particularly true given the serious allegations that Valerie Plame's name was leaked in retaliation for her husband's comments on the Administration's policy on the Iraq War.

The resolution is simple. All it means is that Congress and this Committee will have the information needed to conduct its own investigation into this case. Now, as it has been said, but I have to reiterate, during the previous Administration the Majority saw no problem to spend thousands of dollars, millions of taxpayer dollars, in investigating far less pressing issues. We should do so now on a serious, legitimate issue that affects the national security of the United States no matter where it leads us.

Now, these investigations that have been taking place in the past, some of which Mr. Berman has recognized and others that could be recognized, were done regardless of what investigatory agency was pursuing an investigation. It was done regardless of

how many Committees had concurring jurisdiction. I also am concerned with the increasing frequency in which the modus of Members of either this Committee or this body get questioned as they pursue their legitimate responsibility as an individual Member of Congress.

In closing, I remind the Members of this Committee of what of what President Ford once said, "Truth is the glue that holds government together." Truth is what we want, and truth is what we intend to get.

Thank you, Mr. Chairman.

Chairman HYDE. The gentleman from California, Mr. Schiff? Mr. Schiff is here now. He was attending another Committee meeting in the other room.

Mr. SCHIFF. Mr. Chairman, I move to strike the last words.

Chairman HYDE. The gentleman is recognized for 5 minutes.

Mr. SCHIFF. I thank the Chairman.

It is hard to imagine a more important issue than the one that this is inextricably intertwined with, and that is the question of our intelligence agencies, the question of why we have not found yet what we have been looking for in Iraq. In that context, I think we need to approach this question about whether we should undertake congressional oversight of whether a CIA officer's identity was leaked for political purposes.

When I listen to my colleagues speaking here, and we have had a contemporaneous hearing in the Judiciary Committee, I do not hear anyone questioning the seriousness of the allegation. I do not hear anyone saying this is a frivolous claim. I do not hear anyone saying that it is not Congress' responsibility to investigate whether its intelligence operatives are being undermined, whether improper political influences are being brought to bear.

Instead I hear principally two arguments that are being made. One, that there is a political overtone to this because Democrats seem eager to undertake the investigation, and Republicans do not. And I hear more policy oriented objections that something about a congressional oversight investigation taking place during a criminal investigation will impede the more important of the two, and the more important of the two, it being suggested, is the criminal investigation.

On the first point of whether this is a partisan exercise or a policy debate, I would only say that it is hard to estimate the importance and the significance of getting a clear answer to this question regardless of what side of the aisle you sit on or who occupies the White House.

We can talk about the length and breadth of the investigation to the last Administration or the partisan lineup in terms of who controls Congress and who controls the White House, but there is little question divorced from this building and from the Capitol what America thinks about the necessity of looking into a question of whether an agent had their identity betrayed for political purposes. They support the most thorough, the most objective and the most nonpartisan investigation into that question.

So what about the argument that this would somehow irreparably interfere with a criminal investigation? As a former prosecutor who worked in the Corruption Section of the U.S. Attorney's

Office, I suffer from the fate of all former prosecutors of enjoying referring to my days as a prosecutor, which are not always an accurate reflection of or can be extrapolated generally.

But, while if this were my case, if I were Mr. Fitzgerald, I would not eagerly anticipate a parallel investigation going on because I would have my job to do and be solely focused on my own job, neither would it be a bar to my going forward and doing the investigation I needed to do to determine if a crime had been committed if another investigative body, if the Congress of the land, was also undertaking its investigation. The two can be done on parallel tracks without interference one to the other.

The reason I might not like it as a prosecutor is because my job is to find out if a crime has been committed and prosecute it. It is not my job to determine what policy in Congress ought to be.

Likewise, it is our job in Congress to determine what policy ought to be. It is our job to determine what our intelligence failures have been, if they have been manifest, and I think there is a clear indication we have some significant problems in our intelligence gathering or analysis.

It is our job to determine whether improper political influences being brought to bear not only in the case of Valerie Plame, but, more broadly, in the intelligence that is sifting from our agencies to the top and being used in policy determinations.

Mr. Fitzgerald, however, as good a prosecutor he is, cannot answer the question of what Congress should do, and however good our oversight job is, we cannot bring back an indictment against those who may have leaked this information. We have two separate responsibilities. They can be conducted at the same time. They should be conducted at the same time.

It is hard to overstate the importance not only to this country, but in our relation with the rest of the world that we do the most objective, the most thorough, the most nonpartisan investigation of any intelligence failures we have experienced, particularly when it is claimed that those failures are the result of political influence.

I urge my colleagues to give this another thought, to divorce themselves for the moment from party affiliation, to ask themselves what would their vote be on this resolution if there were no criminal investigation going, if that argument were not available. What would the argument be if this were the Clinton Administration, not the Bush Administration, what would their vote have been, and addressing themselves solely to the policy at stake, vote their conscience in support of H. Res. 499.

I yield back the balance of my time.

Chairman HYDE. The gentlelady from California, Ms. Watson?

Ms. WATSON. Thank you, Mr. Chairman. I now speak as an Ambassador of the United States to Micronesia.

I cannot think of any more serious threat to the security of our country and to the security of the people who work in the best interest of our country at a time when we are in war and a time when our national security is being threatened. We have operatives that can infiltrate and must do that to protect our nation and other free nations of the world.

As an Ambassador, often I had to meet with the CIA and FBI and undercover agents. Certainly Micronesia was not a threatened

or risky part of the world, but we started to see drugs coming into that area, and we were trying to get on top of it.

Had someone leaked the name—a name—of the people that I had to meet with as an Ambassador, there would be a serious threat to the security of the countries we associated with and their contacts.

Many of you sitting around this circle have no idea how serious an offense it was to leak the name of a CIA operative, and the journalist who states that oh, he did not know, he thought it was public knowledge, needs to be charged as well.

Mr. Chairman, we have an obligation as an oversight body to look into this, take the politics out of it, but to get to those persons who were trying to retaliate. How dare us not do that. We endanger our country's safety. I want you to know, those of us who are with the State Department out there representing you ought to be protected by all of us as we go about serving our country. Do not leave us out there without the oversight, without the protection, because you place us at risk. Then we place this whole country at risk.

I am kind of stunned and shocked as I sit here and listen to the debate that that is not clearly seen by every Member of Congress and particularly this Committee because we are out there in foreign lands representing this country. Our integrity is at stake.

We invaded a country because we thought they were a threat to us. Are you saying that we should not have people to go in there who can infiltrate and give us the information as to how threatening they can be to the continental United States or any other ally? If we let this go and see it as a fluke, then we are causing our country to be at the greatest risk ever. I am appalled that this Committee cannot see clearly as to the problem.

I would like to suggest that we immediately support this legislation, we immediately respond because the safety of our country is at stake.

Thank you, Mr Chairman.

Chairman HYDE. The gentleman from Massachusetts, Mr. Delahunt.

Mr. DELAHUNT. Thank you, Mr. Chairman. I would like to note for the record that I for one do not have any concerns about Mr. Fitzgerald. I am aware of his reputation. I know him by reputation to be a man of integrity and confidence and professionalism. I recognize that he is moving forward with a criminal investigation.

I would note for the record that just recently, last week, there was a report by UPI. Let me quote from it:

“Federal law enforcement officials said that they have developed hard evidence of possible criminal misconduct by two employees of Vice President Dick Cheney’s office related to the unlawful exposure of a CIA officer’s identity last year. The investigation, which is continuing, could lead to indictments, a Justice Department official said.”

According to this source, John Hannah and Cheney’s Chief of Staff, Lewis “Scooter” Libby, were the two Cheney employees. At least from this report, it would corroborate your observation, Mr. Chairman, that Mr. Fitzgerald is a straight shooter, so to speak,

and will do the job. There is nothing again in his background that would indicate otherwise.

To pick up on the point made by my colleague from California, Mr. Schiff, a congressional inquiry and a criminal investigation are not mutually exclusive. It has been the precedent established by this Congress at least since I have served in this body since 1997. The Ranking Member du jour, Mr. Berman, enumerated a number of cases where there was congressional action and at the same time criminal investigation, some of which actually ended up in indictment.

You, Mr. Chairman, indicate that it would be irresponsible to interfere with a criminal investigation. There is absolutely no evidence that I can discern from any quarter that would indicate that what we are looking for in terms of this resolution would interfere or impede with a criminal investigation. You simply make the statement and make the conclusion.

Is there a new presumption that if Congress acts simultaneously with an investigation of a potential criminal misconduct that is interfering?

Chairman HYDE. Will the gentleman yield?

Mr. DELAHUNT. I will.

Chairman HYDE. If the special prosecutor wants to grant a witness immunity, and whoever is running the congressional inquiry does not want to grant immunity, do they flip a coin?

Mr. DELAHUNT. No, because I would hope that there would be interaction, as there has been on numerous occasions.

Mr. Chairman, you know and I know that to get to that particular point there would be conversations, and hopefully there would be negotiations. This is not Iran Contra. This is not the conferring of immunity as occurred in that particular matter, which later turned into the reversal of guilty verdicts of Oliver North and John Poindexter.

Mr. BERMAN. Would the gentleman yield on that point?

Mr. DELAHUNT. I yield to the gentleman from California.

Mr. BERMAN. Of course, in that case it was the Congress who, deciding that they wanted to help the show along, decided to grant immunity to the witness and thereby screwed up the judicial process.

Mr. DELAHUNT. I am familiar with that. Reclaiming my time, I think that that is clearly distinguishable from the case before us today, but there is no exclusivity here.

What we are concerned about is does the current policy, do the current statutes that were enacted to protect men and women who are serving this country at the risk of their lives, are they being adequately protected by the existing policy.

You, Mr. Chairman, were the one that referenced whether it is inadvertent. Well, maybe we want to review the policy to determine whether inadvertence is unacceptable. That is why we should be proceeding. We should be protecting these men and women who, as I said, are putting their lives at risk. This is about national security, and this is about policy.

Let me conclude with a question. Have we heard from anyone in the Executive Branch, from the White House, from the Department of Justice, from Mr. Fitzgerald, whom I respect, that in any way,

shape or form the release of this information to this Committee would impede or interfere with a criminal investigation?

Chairman HYDE. The gentlelady from Nevada, Ms. Berkley?

Ms. BERKLEY. Thank you, Mr. Chairman.

The intentional disclosure of the identity of a covert intelligence operative poses a grave threat. Not only is it a threat to the life and safety of the agent; it is a grave threat to the national security of the United States.

I believe that this Committee and this Congress has an opportunity and a responsibility here, an opportunity to fulfill our responsibility of oversight of the Executive Branch in matters that affect foreign policy and an opportunity to help ensure the safety and security of the United States. Instead, it appears that Congress has chosen to step aside, and in doing so we have reneged on the responsibilities of our office and of our responsibilities to the American people.

Last summer, a high ranking official within the Administration reportedly called as many as half a dozen reporters with the identity of an undercover CIA operative. This was done in retaliation for Ambassador Joseph Wilson's honesty and frankness in detailing several of the Administration's pre-war claims regarding weapons of mass destruction. Ambassador Wilson should have been commended for his honesty and for his candor of this reporting. As events have turned out, he was correct. Administration officials have since admitted that claims regarding Iraqi attempts to obtain uranium were greatly exaggerated.

It seems that the White House could not resist putting politics before policy, tarnishing a man's reputation, risking his wife's life and ultimately threatening the safety and security of the United States and our intelligence agencies.

What astounds me the most about this entire unfortunate incident is that if I were President of the United States I would be absolutely furious, and I would feel it was my responsibility to find out who did this and get them out of my White House, if nothing else as a demonstration to everyone else that I took this seriously, and this is a matter of grave national security interest.

As a Congresswoman, if the President will not act I think it is my responsibility to do so. If he is not outraged enough about the behavior of some of his staff members in the White House, I am outraged enough for him.

I wholeheartedly support this resolution. It is time that Congress and the American people were told the truth regarding this unfortunate incident, and it is time that certain White House officials are held accountable for their actions. To do less would be a dereliction of our duties.

Mr. BERMAN. Would the gentlelady yield? Would the gentlelady yield?

Ms. BERKLEY. Yes, I will.

Mr. BERMAN. Thank you. I want to thank her for her very powerful statement and also just to say to my colleagues and friends on the other side let us assume there was no investigation by the Justice Department, by a special prosecutor. It is not an independent counsel, but by Mr. Fitzgerald. None of that was going on.

Can any of you tell us you would then vote for this resolution of inquiry? You would then launch an investigation? Because if you cannot say that you would do that, you cannot use the argument, given your track record over 10 years of control of the oversight process in this Congress.

You cannot say with a straight face that it is the existence of this criminal investigation that stops every relevant Committee from doing any investigation whatsoever of a matter that, as I think Mr. Blumenauer said early on, is so much more serious and so much more consequential and so much more affects the conduct of our international relations and the protection of our national security than the things you chose to launch while a criminal investigation was going on.

You cannot say that with a straight face. I suggest you would not vote for it with the investigation going on. You would not vote for it without the investigation going on. Maybe it is because you will not vote for anything that we propose. Maybe it is because there are other motivations, which I understand the world we are in, but do not pretend that it is because there is an independent criminal investigation going on.

With that, I yield back to the gentlelady.

Chairman HYDE. Would the gentleman yield?

Mr. BERMAN. Sure.

Chairman HYDE. I want to make it perfectly clear. My vote will be cast against this proposition put forward by the resolution and for reporting it adversely because there is a grand jury investigation being directed by a prosecutor who is relentless and unyielding, and God forbid he should prosecute any of us.

Mr. BERMAN. If I may ask the gentlelady to yield to me?

I understand the sincerity with which the Chairman says that, and I respect it, but I am at a loss to explain the conduct of this Majority over the past 10 years in nearly every single Committee that has exercised its oversight responsibility on matters important and unimportant to plow ahead without regard to the existence of an independent investigation unless you are saying every career prosecutor in the Justice Department, every independent counsel chosen by those three judges, was an agent of the Executive Branch, unless you say they were all evil, and we finally found a truly honest prosecutor who is moving in, and all the other ones were contaminated and corrupted.

I do not believe anyone thinks that. Therefore, I cannot understand the position. Therefore, I have to assume we are in a situational position where all of a sudden the feeling about allowing the criminal investigation to go on unfettered by any congressional investigation, regardless of the importance of the substantive matters, regardless of our oversight responsibilities, regardless of our jurisdiction, that all of a sudden it is in this case where all of a sudden that becomes the compelling, overriding—

Ms. BERKLEY. Can I reclaim my time just to ask a question?

Chairman HYDE. You have no time.

Ms. BERKLEY. I have no time?

Chairman HYDE. You have no time.

Ms. BERKLEY. Can I ask a quick question, and perhaps someone could answer it?

Chairman HYDE. Certainly. We will stretch the regulations for you, Ms. Berkley.

Ms. BERKLEY. Thank you. Thank you, Mr. Chairman. Forgive me if I am having a senior moment. I am sorry I was not here to hear everybody else's opening statement, but am I mistaken in remembering back prior to when I was in Congress—was there not an independent investigation of President Clinton's activities? And, were we not having a million—

Mr. BERMAN. A couple hundred.

Ms. BERKLEY [continuing]. A couple hundred congressional investigations at the same time that the independent investigation was going on, and was Ken Starr not a relentless prosecutor in that particular issue? I mean, can anybody enlighten me on this?

Chairman HYDE. I cannot comment on the relentness nature of Mr. Starr, but Capitol Hill seethes investigation. I remember the October surprise—

Ms. BERKLEY. Do we not want to seethe?

Chairman HYDE [continuing]. Where charges were made that Vice President Bush flew over to Paris to arrange for the Iranians to hold our Embassy personnel until after the election. I remember endless hearings on that goofy idea.

All investigations are not alike. We have a grand jury. We have a tough prosecutor. Give it a chance to work. If it does not work, we can leave it at this, but meanwhile I would like to get to the question if we have all exhausted ourselves on this. I hope we have.

The question occurs on the motion to report the resolution, H. Res. 499, adversely. Let us call the roll on this. We will not waste time on a voice vote. Call the roll.

Ms. RUSH. Mr. Leach?

[No response.]

Ms. RUSH. Mr. Bereuter?

Mr. BEREUTER. Yes.

Ms. RUSH. Mr. Bereuter votes yes.

Mr. Smith of New Jersey?

[No response.]

Ms. RUSH. Mr. Burton?

[No response.]

Ms. RUSH. Mr. Gallegly?

Mr. GALLEGLY. Yes.

Ms. RUSH. Mr. Gallegly votes yes.

Ms. Ros-Lehtinen?

Ms. ROS-LEHTINEN. Yes.

Ms. RUSH. Ms. Ros-Lehtinen votes yes.

Mr. Ballenger?

Mr. BALLENGER. Yes.

Ms. RUSH. Mr. Ballenger votes yes.

Mr. Rohrabacher?

Mr. ROHRABACHER. Yes.

Ms. RUSH. Mr. Rohrabacher votes yes.

Mr. Royce?

Mr. ROYCE. Yes.

Ms. RUSH. Mr. Royce votes yes.

Mr. King?

Mr. KING. Yes.
Ms. RUSH. Mr. King votes yes.
Mr. Chabot?
Mr. CHABOT. Yes.
Ms. RUSH. Mr. Chabot votes yes.
Mr. Houghton?
Mr. HOUGHTON. Yes.
Ms. RUSH. Mr. Houghton votes yes.
Mr. McHugh?
[No response.]
Ms. RUSH. Mr. Blunt?
[No response.]
Ms. RUSH. Mr. Tancredo?
Mr. TANCREDO. Yes.
Ms. RUSH. Mr. Tancredo votes yes.
Mr. Paul?
[No response.]
Ms. RUSH. Mr. Smith of Michigan?
Mr. SMITH OF MICHIGAN. Yes.
Ms. RUSH. Mr. Smith of Michigan votes yes.
Mr. Pitts?
Mr. PITTS. Yes.
Ms. RUSH. Mr. Pitts votes yes.
Mr. Flake?
[No response.]
Ms. RUSH. Mrs. Davis?
[No response.]
Ms. RUSH. Mr. Green?
Mr. GREEN. Yes.
Ms. RUSH. Mr. Green votes yes.
Mr. Weller?
Mr. WELLER. Yes.
Ms. RUSH. Mr. Weller votes yes.
Mr. Pence?
Mr. PENCE. Yes.
Ms. RUSH. Mr. Pence votes yes.
Mr. McCotter?
Mr. McCOTTER. Yes.
Ms. RUSH. Mr. McCotter votes yes.
Ms. Harris?
Ms. HARRIS. Yes.
Ms. RUSH. Ms. Harris votes yes.
Mr. Lantos?
[No response.]
Ms. RUSH. Mr. Berman?
Mr. BERMAN. No.
Ms. RUSH. Mr. Berman votes no.
Mr. Ackerman?
Mr. ACKERMAN. No.
Ms. RUSH. Mr. Ackerman votes no.
Mr. Faleomavaega?
Mr. FALEOMAVAEGA. No.
Ms. RUSH. Mr. Faleomavaega votes no.
Mr. Payne?

Mr. PAYNE. No.
Ms. RUSH. Mr. Payne votes no.
Mr. Menendez?
Mr. MENENDEZ. No.
Ms. RUSH. Mr. Menendez votes no.
Mr. Brown?
Mr. BROWN. No.
Ms. RUSH. Mr. Brown votes no.
Mr. Sherman?
[No response.]
Ms. RUSH. Mr. Wexler?
Mr. WEXLER. No.
Ms. RUSH. Mr. Wexler votes no.
Mr. Engel?
Mr. ENGEL. No.
Ms. RUSH. Mr. Engel votes no.
Mr. Delahunt?
Mr. DELAHUNT. No.
Ms. RUSH. Mr. Delahunt votes no.
Mr. Meeks?
Mr. MEEKS. No.
Ms. RUSH. Mr. Meeks votes no.
Ms. Lee?
Ms. LEE. No.
Ms. RUSH. Ms. Lee votes no.
Mr. Crowley?
Mr. CROWLEY. No.
Ms. RUSH. Mr. Crowley votes no.
Mr. Hoeffel?
Mr. HOEFFEL. No.
Ms. RUSH. Mr. Hoeffel votes no.
Mr. Blumenauer?
Mr. BLUMENAUER. No.
Ms. RUSH. Mr. Blumenauer votes no.
Ms. Berkley?
Ms. BERKLEY. No.
Ms. RUSH. Ms. Berkley votes no.
Ms. Napolitano?
Ms. NAPOLITANO. No.
Ms. RUSH. Ms. Napolitano votes no.
Mr. Schiff?
Mr. SCHIFF. No.
Ms. RUSH. Mr. Schiff votes no.
Ms. Watson?
Ms. WATSON. No.
Ms. RUSH. Ms. Watson votes no.
Mr. Smith of Washington?
Mr. SMITH OF WASHINGTON. No.
Ms. RUSH. Mr. Smith of Washington votes no.
Ms. McCollum?
Ms. MCCOLLUM. No.
Ms. RUSH. Ms. McCollum votes no.
Mr. Bell?
Mr. BELL. No.

Ms. RUSH. Mr. Bell votes no.
 Chairman HYDE?
 Chairman HYDE. Yes.
 Ms. RUSH. Chairman Hyde votes yes.
 Chairman HYDE. Mr. Leach?
 Mr. LEACH. Yes.
 Ms. RUSH. Mr. Leach votes yes.
 Chairman HYDE. Mr. Burton?
 Mr. BURTON. Yes.
 Ms. RUSH. Mr. Burton votes yes.
 Chairman HYDE. Mr. Flake?
 Mr. FLAKE. Yes.
 Ms. RUSH. Mr. Flake votes yes.
 Chairman HYDE. Mr. Chris Smith?
 Mr. SMITH OF NEW JERSEY. Yes.
 Ms. RUSH. Mr. Smith of New Jersey votes yes.
 Chairman HYDE. Mr. McHugh?
 Mr. MCHUGH. Thank you, Mr. Chairman. Yes.
 Ms. RUSH. Mr. McHugh votes yes.
 Chairman HYDE. Have all voted who wish?
 [No response.]
 Chairman HYDE. The clerk will announce the roll.
 Mr. Sherman? Madam Clerk, Mr. Sherman?
 Ms. RUSH. He is not recorded.
 Mr. SHERMAN. No.
 Chairman HYDE. Mr. Sherman votes no.
 Ms. RUSH. Mr. Sherman votes no.
 Chairman HYDE. Ms. Davis?
 Ms. RUSH. Mrs. Davis?
 Mrs. DAVIS. Aye.
 Ms. RUSH. Mrs. Davis votes yes.
 Chairman HYDE. The clerk will report.
 Ms. RUSH. On this vote there are 24 ayes and 22 noes.

Chairman HYDE. 24 ayes and 22 noes. The ayes have it. The motion to report adversely is adopted. Without objection, the Chairman is authorized to seek consideration of the following—the Chair is having trouble hearing.

Without objection, the Chairman is authorized to seek consideration of the following bills under suspension of the rules: H.R. 3782, To amend the Department of State rewards program; H.R. 854, Belarus Democracy Act of 2003 as amended; H. Res. 530, Urging a resolution addressing human rights abuses in People's Republic of China at the U.N. Commission of Human Rights; H. Con. Res. 15, Commending India on its celebration of Republic Day; H. Res. 526, Expressing sympathy for the victims of the devastating earthquake that occurred in Bam, Iran; and H. Con. Res. 364, Recognizing the strategic partnership between the United States and the Marshall Island.

[The bills referred to and submitted amendments follow:]

108TH CONGRESS
2D SESSION

H. R. 3782

To amend the State Department Basic Authorities Act of 1956 to increase the maximum amount of an award available under the Department of State rewards program, to expand the eligibility criteria to receive an award, to authorize nonmonetary awards, to publicize the existence of the rewards program, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 6, 2004

Mr. HYDE (for himself, Mr. LANTOS, and Mr. KIRK) introduced the following bill; which was referred to the Committee on International Relations

A BILL

To amend the State Department Basic Authorities Act of 1956 to increase the maximum amount of an award available under the Department of State rewards program, to expand the eligibility criteria to receive an award, to authorize nonmonetary awards, to publicize the existence of the rewards program, 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 “Counter-Terrorist and
5 Narco-Terrorist Rewards Program Act”.

1 **SEC. 2. DEPARTMENT OF STATE COUNTER-TERRORIST AND**
2 **NARCO-TERRORIST REWARDS PROGRAM.**

3 (a) PROGRAM NAME.—Section 36 of the State De-
4 partment Basic Authorities Act of 1956 (22 U.S.C. 2708)
5 is amended—

6 (1) in the section heading by inserting
7 **“COUNTER-TERRORIST AND NARCO-TER-**
8 **RORIST”** after **“STATE”**; and

9 (2) in subsection (a)(1) by adding at the end
10 the following new sentence: “The program shall be
11 known as the ‘Department of State Terrorist and
12 Narco-Terrorist Rewards Program’.”.

13 (b) DISRUPTION OF TERRORIST FINANCING NET-
14 WORK.—Subsection (b) of such section is amended—

15 (1) in paragraph (5) by striking “or” at the
16 end;

17 (2) in paragraph (6) by striking the period and
18 inserting “; or”; and

19 (3) by adding at the end the following new
20 paragraph:

21 “(7) the disruption of financial mechanisms of
22 a terrorist organization, including the use by the or-
23 ganization of illicit narcotics production or inter-
24 national narcotics trafficking—

25 “(A) to finance acts of international ter-
26 rorism; or

1 “(B) to sustain or support any terrorist or-
2 ganization.”.

3 (c) MAXIMUM AMOUNT OF REWARD.—Subsection
4 (e)(1) of such section is amended—

5 (1) by striking “\$5,000,000” and inserting
6 “\$25,000,000”;

7 (2) by striking the second period at the end;
8 and

9 (3) by adding at the end the following new sen-
10 tence: “The Secretary may authorize a reward of up
11 to \$50,000,000 for the capture or information lead-
12 ing to the capture of Usama bin Laden.”.

13 (d) FORMS OF REWARD PAYMENT.—Subsection (e)
14 of such section is amended by adding at the end the fol-
15 lowing new paragraph:

16 “(6) FORMS OF PAYMENT.—The Secretary may
17 make a reward under this section in the form of
18 money, a nonmonetary item (including such items as
19 automotive vehicles), or a combination thereof.”.

20 (e) MEDIA SURVEYS AND ADVERTISEMENTS.—Such
21 section is amended—

22 (1) by redesignating subsections (i) and (j) as
23 (k) and (l), respectively; and

24 (2) by inserting after subsection (h) the fol-
25 lowing new subsection:

1 “(i) MEDIA SURVEYS AND ADVERTISEMENTS AU-
2 THORIZED.—

3 “(1) SURVEYS CONDUCTED.—For the purpose
4 of more effectively disseminating information about
5 the rewards program, the Secretary may use the re-
6 sources of the rewards program to conduct media
7 surveys, including analyses of media markets, means
8 of communication, and levels of literacy, in countries
9 determined by the Secretary to be associated with
10 acts of international terrorism.

11 “(2) CREATION AND PURCHASE OF ADVERTISE-
12 MENTS.—After the surveys authorized under para-
13 graph (1) have been conducted and in accordance
14 with their findings, the Secretary may use the re-
15 sources of the rewards program to create advertise-
16 ments to disseminate information about the rewards
17 program among populations in countries identified
18 under paragraph (1). The Secretary may purchase
19 radio or television time, newspaper space, or make
20 use of any other means of advertisement, as appro-
21 priate.

22 “(3) ADVERTISEMENT FOR CAPTURE OF USAMA
23 BIN LADEN.—Not later than 90 days after the date
24 of the enactment of the Counter-Terrorist and
25 Narco-Terrorist Rewards Program Act, the Sec-

1 retary shall submit to the Committee on Inter-
2 national Relations of the House of Representatives
3 and the Committee on Foreign Relations of the Sen-
4 ate a report documenting a plan to increase adver-
5 tising to maximize awareness of the reward available
6 for the capture or information leading to the capture
7 of Usama bin Laden.”.

○

108TH CONGRESS
1ST SESSION

H. R. 854

To provide for the promotion of democracy, human rights, and rule of law in the Republic of Belarus and for the consolidation and strengthening of Belarus sovereignty and independence.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 13, 2003

Mr. SMITH of New Jersey (for himself, Mr. HOYER, Mr. HOEFFEL, and Ms. SLAUGHTER) introduced the following bill; which was referred to the Committee on International Relations, and in addition to the Committees on the Judiciary and Financial Services, 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 provide for the promotion of democracy, human rights, and rule of law in the Republic of Belarus and for the consolidation and strengthening of Belarus sovereignty and independence.

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 “Belarus Democracy
5 Act of 2003”.

1 **SEC. 2. FINDINGS.**

2 Congress finds that—

3 (1) the United States supports the promotion of
4 democracy, respect for human rights, and the rule of
5 law in the Republic of Belarus consistent with its
6 commitments as a participating state of the Organi-
7 zation for Security and Cooperation in Europe
8 (OSCE);

9 (2) the United States has a vital interest in the
10 independence and sovereignty of the Republic of
11 Belarus and its integration into the European com-
12 munity of democracies;

13 (3) the last parliamentary election in Belarus
14 deemed to be free and fair by the international com-
15 munity was conducted in 1995 from which emerged
16 the 13th Supreme Soviet whose democratically and
17 constitutionally derived authorities and powers have
18 been usurped by the authoritarian regime of Presi-
19 dent Aleksandr Lukashenka;

20 (4) in November 1996, Lukashenka orches-
21 trated an illegal and unconstitutional referendum
22 that enabled him to impose a new constitution, abol-
23 ish the duly-elected parliament, the 13th Supreme
24 Soviet, install a largely powerless National Assembly,
25 and extend his term of office to 2001;

1 (5) in May 1999, Belarusian democratic forces
2 challenged Lukashenka's unconstitutional extension
3 of his presidential term by staging alternative presi-
4 dential elections which were met with repression;

5 (6) Belarusian democratic forces have organized
6 peaceful demonstrations against the Lukashenka re-
7 gime in cities and towns throughout Belarus which
8 led to beatings, mass arrests, and extended incarcer-
9 ations;

10 (7) Victor Gonchar, Anatoly Krasovsky, and
11 Yuri Zakharenka, who have been leaders and sup-
12 porters of the democratic forces, and Dmitry
13 Zavadsky, a journalist known for his critical report-
14 ing, have disappeared and are presumed dead;

15 (8) former Belarus Government officials have
16 come forward with credible allegations and evidence
17 that top officials of the Lukashenka regime were in-
18 volved in the disappearances;

19 (9) the Lukashenka regime systematically
20 harasses and represses the independent media and
21 independent trade unions, imprisons independent
22 journalists, and actively suppresses freedom of
23 speech and expression;

24 (10) the Lukashenka regime harasses the
25 autocephalic Belarusian Orthodox Church, the

1 Roman Catholic Church, the Jewish community, the
2 Hindu Lights of Kalyasa community, evangelical
3 Protestant churches (such as Baptist and Pente-
4 costal groups), and other minority religious groups;

5 (11) the Law on Religious Freedom and Reli-
6 gious Organizations, passed by the National Assem-
7 bly and signed by Lukashenka on October 31, 2002,
8 establishes one of the most repressive legal regimes
9 in the OSCE region, severely limiting religious free-
10 dom and placing excessively burdensome government
11 controls on religious practice;

12 (12) the United States, the European Union,
13 the North Atlantic Treaty Organization (NATO)
14 Parliamentary Assembly, and the OSCE Parliamen-
15 tary Assembly have not recognized the National As-
16 sembly;

17 (13) the parliamentary elections of October 15,
18 2000, conducted in the absence of a democratic elec-
19 tion law, were illegitimate, unconstitutional, plagued
20 by violent human rights abuses committed by the
21 Lukashenka regime, and determined to be non-
22 democratic by the OSCE; and

23 (14) the presidential election of September 9,
24 2001, was determined by the OSCE and other ob-
25 servers to be fundamentally unfair and failed to

1 meet the OSCE commitments for democratic elec-
2 tions formulated in the 1990 Copenhagen Document
3 and featured significant and abusive misconduct by
4 the Lukashenka regime, including—

5 (A) the harassment, arrest, and imprison-
6 ment of opposition members;

7 (B) the denial of equal and fair access by
8 opposition candidates to the state-controlled
9 media;

10 (C) the seizure of equipment and property
11 of independent nongovernmental organizations
12 and press organizations and the harassment of
13 their staff and management;

14 (D) voting and vote counting procedures
15 that were not transparent; and

16 (E) a campaign of intimidation directed
17 against opposition activists, domestic election
18 observation organizations, opposition and inde-
19 pendent media, and a libelous media campaign
20 against international observers.

21 **SEC. 3. ASSISTANCE TO PROMOTE DEMOCRACY AND CIVIL**
22 **SOCIETY IN BELARUS.**

23 (a) **PURPOSES OF ASSISTANCE.**—The assistance
24 under this section shall be available for the following pur-
25 poses:

1 (1) To assist the people of the Republic of
2 Belarus in regaining their freedom and to enable
3 them to join the European community of democ-
4 racies.

5 (2) To encourage free and fair presidential,
6 parliamentary, and local elections in Belarus, con-
7 ducted in a manner consistent with internationally
8 accepted standards and under the supervision of
9 internationally recognized observers.

10 (3) To assist in restoring and strengthening in-
11 stitutions of democratic governance in Belarus.

12 (b) AUTHORIZATION FOR ASSISTANCE.—To carry out
13 the purposes of subsection (a), the President is authorized
14 to furnish assistance and other support for the activities
15 described in subsection (c), to be provided primarily for
16 indigenous Belarusian groups that are committed to the
17 support of democratic processes.

18 (c) ACTIVITIES SUPPORTED.—Activities that may be
19 supported by assistance under subsection (b) include—

20 (1) the observation of elections and the pro-
21 motion of free and fair electoral processes;

22 (2) development of democratic political parties;

23 (3) radio and television broadcasting to and
24 within Belarus;

1 (4) the development of nongovernmental organi-
2 zations promoting democracy and supporting human
3 rights;

4 (5) the development of independent media
5 working within Belarus and from locations outside
6 the country and supported by nonstate-controlled
7 printing facilities;

8 (6) international exchanges and advanced pro-
9 fessional training programs for leaders and members
10 of the democratic forces in skill areas central to the
11 development of civil society; and

12 (7) other activities consistent with the purposes
13 of this Act.

14 (d) **AUTHORIZATION OF APPROPRIATIONS.**—

15 (1) **IN GENERAL.**—There is authorized to be
16 appropriated to the President to carry out this sec-
17 tion \$40,000,000 for fiscal years 2004 and 2005.

18 (2) **AVAILABILITY OF FUNDS.**—Amounts appro-
19 priated pursuant to the authorization of appropria-
20 tions under paragraph (1) are authorized to remain
21 available until expended.

22 **SEC. 4. RADIO BROADCASTING TO BELARUS.**

23 (a) **PURPOSE.**—It is the purpose of this section to
24 authorize increased support for United States Government
25 and surrogate radio broadcasting to the Republic of

1 Belarus that will facilitate the unhindered dissemination
2 of information.

3 (b) AUTHORIZATION OF APPROPRIATIONS.—In addi-
4 tion to such sums as are otherwise authorized to be appro-
5 priated, there is authorized to be appropriated \$5,000,000
6 for each fiscal year for Voice of America and RFE/RL,
7 Incorporated for radio broadcasting to the people of
8 Belarus in languages spoken in Belarus.

9 (c) REPORTING ON RADIO BROADCASTING TO AND
10 IN BELARUS.—Not later than 120 days after the date of
11 the enactment of this Act, the Secretary of State shall sub-
12 mit to the appropriate congressional committees a report
13 on how funds appropriated and allocated pursuant to the
14 authorizations of appropriations under subsection (b) and
15 section 3(d) will be used to provide AM and FM broad-
16 casting that covers the territory of Belarus and delivers
17 independent and uncensored programming.

18 **SEC. 5. SANCTIONS AGAINST THE GOVERNMENT OF**
19 **BELARUS.**

20 (a) APPLICATION OF SANCTIONS.—The sanctions de-
21 scribed in subsections (c) through (e) shall apply with re-
22 spect to the Republic of Belarus until the President deter-
23 mines and certifies to the appropriate congressional com-
24 mittees that the Government of Belarus has made signifi-

1 cant progress in meeting the conditions described in sub-
2 section (b).

3 (b) CONDITIONS.—The conditions referred to in sub-
4 section (a) are the following:

5 (1) The release of individuals in Belarus who
6 have been jailed based on political or religious be-
7 liefs.

8 (2) The withdrawal of politically motivated legal
9 charges against all opposition figures and inde-
10 pendent journalists in Belarus.

11 (3) A full accounting of the disappearances of
12 opposition leaders and journalists in Belarus, includ-
13 ing Victor Gonchar, Anatoly Krasovsky, Yuri
14 Zakharenka, and Dmitry Zavadsky, and the prosecu-
15 tion of those individuals who are responsible for
16 their disappearances.

17 (4) The cessation of all forms of harassment
18 and repression against the independent media, inde-
19 pendent trade unions, nongovernmental organiza-
20 tions, religious organizations (including their leader-
21 ship and members), and the political opposition in
22 Belarus.

23 (5) The implementation of free and fair presi-
24 dential and parliamentary elections in Belarus con-

1 sistent with OSCE standards on democratic elections
2 and in cooperation with relevant OSCE institutions.

3 (c) DENIAL OF ENTRY INTO THE UNITED STATES
4 OF BELARUSIAN OFFICIALS.—It is the sense of Congress
5 that the President should use his authority under section
6 212(f) of the Immigration and Nationality Act (8 U.S.C.
7 1182(f)) to deny the entry into the United States of any
8 alien who—

9 (1) holds a position in the senior leadership of
10 the Government of Belarus; or

11 (2) is a spouse, minor child, or agent of a per-
12 son inadmissible under paragraph (1).

13 (d) PROHIBITION ON STRATEGIC EXPORTS TO
14 BELARUS.—

15 (1) PROHIBITION.—No computers, computer
16 software, goods or technology intended to manufac-
17 ture or service computers, or any other related goods
18 or technology may be exported to Belarus for use by
19 the Government of Belarus, or by its military, police,
20 prison system, or national security agencies. The
21 prohibition of the preceding sentence shall not apply
22 with respect to the export of goods or technology for
23 democracy-building or humanitarian purposes.

24 (2) RULE OF CONSTRUCTION.—Nothing in this
25 subsection shall prevent the issuance of licenses to

1 ensure the safety of civil aviation and safe operation
2 of United States–origin commercial passenger air-
3 craft and to ensure the safety of ocean-going mari-
4 time traffic in international waters.

5 (e) PROHIBITION ON LOANS AND INVESTMENT.—

6 (1) UNITED STATES GOVERNMENT FINANC-
7 ING.—No loan, credit guarantee, insurance, financ-
8 ing, or other similar financial assistance may be ex-
9 tended by any agency of the United States Govern-
10 ment (including the Export-Import Bank and the
11 Overseas Private Investment Corporation) to the
12 Government of Belarus, except with respect to the
13 provision of humanitarian goods and agricultural or
14 medical products.

15 (2) TRADE AND DEVELOPMENT AGENCY.—No
16 funds available to the Trade and Development Agen-
17 cy may be available for activities of the Agency in
18 or for Belarus.

19 (f) MULTILATERAL FINANCIAL ASSISTANCE.—It is
20 the sense of Congress that, in addition to the application
21 of the sanctions described in subsections (c) through (e)
22 to the Republic of Belarus (until the President determines
23 and certifies to the appropriate congressional committees
24 that the Government of Belarus has made significant
25 progress in meeting the conditions described in subsection

1 (b)), the Secretary of the Treasury should instruct the
2 United States Executive Director of each international fi-
3 nancial institution to which the United States is a member
4 to use the voice and vote of the United States to oppose
5 any extension by those institutions of any financial assist-
6 ance (including any technical assistance or grant) of any
7 kind to the Government of Belarus, except for loans and
8 assistance that serve humanitarian needs.

9 (g) WAIVER.—The President may waive the applica-
10 tion of any sanction described in this section with respect
11 to Belarus if the President determines and certifies to the
12 appropriate congressional committees that it is important
13 to the national interests of the United States to do so.

14 **SEC. 6. MULTILATERAL COOPERATION.**

15 It is the sense of Congress that the President should
16 continue to seek to coordinate with other countries, par-
17 ticularly European countries, a comprehensive, multilat-
18 eral strategy to further the purposes of this Act, including,
19 as appropriate, encouraging other countries to take meas-
20 ures with respect to the Republic of Belarus that are simi-
21 lar to measures described in this Act.

22 **SEC. 7. REPORT.**

23 (a) REPORT.—Not later than 90 days after the date
24 of enactment of this Act, and every year thereafter, the
25 President shall transmit to the appropriate congressional

1 committees a report that describes, with respect to the
2 preceding 12-month period, the following:

3 (1) The sale or delivery of weapons or weapons-
4 related technologies from the Republic of Belarus to
5 any country, the government of which the Secretary
6 of State has determined, for purposes of section
7 6(j)(1) of the Export Administration Act of 1979
8 (50 U.S.C. App. 2405(j)(1)), has repeatedly pro-
9 vided support for acts of international terrorism.

10 (2) An identification of each country described
11 in paragraph (1) and a detailed description of the
12 weapons or weapons-related technologies involved in
13 the sale.

14 (3) An identification of the goods, services,
15 credits, or other consideration received by Belarus in
16 exchange for the weapons or weapons-related tech-
17 nologies.

18 (4) The personal assets and wealth of Alek-
19 sandr Lukashenka and other senior leadership of the
20 Government of Belarus.

21 (b) FORM.—A report transmitted pursuant to sub-
22 section (a) shall be in unclassified form but may contain
23 a classified annex.

24 **SEC. 8. DECLARATION OF POLICY.**

25 Congress hereby—

1 (1) expresses its support to those in the Republic of Belarus seeking—

2 (A) to promote democracy, human rights, and the rule of law and to consolidate the independence and sovereignty of Belarus; and

3 (B) to promote its integration into the European community of democracies;

4 (2) expresses its grave concern about the disappearances of Victor Gonchar, Anatoly Krasovskiy, Yuri Zakharenka, and Dmitry Zavadsky;

5 (3) calls upon the Lukashenka regime to cease its persecution of political opponents or independent journalists and to release those individuals who have been imprisoned for opposing his regime or for exercising their right to freedom of speech;

6 (4) calls upon the Lukashenka regime to end the pattern of clear, gross, and uncorrected violations of relevant Organization for Security and Cooperation in Europe (OSCE) human dimension commitments and to respect the basic freedoms of speech, expression, assembly, association, language, culture, and religion or belief;

7 (5) calls upon the Government of the Russian Federation to use its influence to encourage democratic development in Belarus so that Belarus can

1 become a democratic, prosperous, sovereign, and
2 independent state that is integrated into Europe;

3 (6) calls upon the Government of Belarus to re-
4 solve the continuing constitutional and political crisis
5 through free, fair, and transparent presidential and
6 parliamentary elections, including, as called for by
7 the OSCE, through respect for human rights, an
8 end to the current climate of fear, meaningful access
9 by the opposition to state media, modification of the
10 electoral code in keeping with OSCE commitments,
11 engagement in genuine talks with the opposition,
12 and modifications to allow for genuine authority for
13 the parliament; and

14 (7) commends the democratic opposition in
15 Belarus for their commitment to freedom, their
16 courage in the face of the repression of the
17 Lukashenka regime in Belarus, and the emergence
18 of a pluralist civil society in Belarus—the foundation
19 for the development of democratic political struc-
20 tures.

21 **SEC. 9. DEFINITIONS.**

22 In this Act:

23 (1) APPROPRIATE CONGRESSIONAL COMMIT-
24 TEES.—The term “appropriate congressional com-
25 mittees” means the Committee on International Re-

1 lations of the House of Representatives and the
2 Committee on Foreign Relations of the Senate.

3 (2) OSCE.—The term “OSCE” means the Or-
4 ganization for Security and Cooperation in Europe.

5 (3) SENIOR LEADERSHIP OF THE GOVERNMENT
6 OF BELARUS.—The term “senior leadership of the
7 Government of Belarus” includes—

8 (A) the President, Prime Minister, Deputy
9 Prime Ministers, government ministers, Chair-
10 men of State Committees, and members of the
11 Presidential Administration of Belarus;

12 (B) any official of the Government of
13 Belarus who is personally and substantially in-
14 volved in the suppression of freedom in Belarus,
15 including judges and prosecutors; and

16 (C) any other individual determined by the
17 Secretary of State (or the Secretary’s designee)
18 to be personally and substantially involved in
19 the formulation or execution of the policies of
20 the Lukashenka regime that are in contradic-
21 tion of internationally recognized human rights
22 standards.

○

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 854
OFFERED BY MR. SMITH OF NEW JERSEY**

Strike all after the enacting clause and insert the following:

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Belarus Democracy
3 Act of 2004”.

4 **SEC. 2. FINDINGS.**

5 Congress makes the following findings:

6 (1) The United States supports the promotion
7 of democracy, respect for human rights, and the rule
8 of law in the Republic of Belarus consistent with its
9 commitments as a participating state of the Organi-
10 zation for Security and Cooperation in Europe
11 (OSCE).

12 (2) The United States has a vital interest in the
13 independence and sovereignty of the Republic of
14 Belarus and its integration into the European com-
15 munity of democracies.

16 (3) In November 1996, Lukashenka orches-
17 trated an illegal and unconstitutional referendum
18 that enabled him to impose a new constitution, abol-

1 ish the duly-elected parliament, the 13th Supreme
2 Soviet, install a largely powerless National Assembly,
3 and extend his term of office to 2001.

4 (4) Democratic forces in Belarus have orga-
5 nized peaceful demonstrations against the
6 Lukashenka regime in cities and towns throughout
7 Belarus which led to beatings, mass arrests, and ex-
8 tended incarcerations.

9 (5) Victor Gonchar, Anatoly Krasovsky, and
10 Yuri Zakharenka, who have been leaders and sup-
11 porters of the democratic forces in Belarus, and
12 Dmitry Zavadsky, a journalist known for his critical
13 reporting in Belarus, have disappeared and are pre-
14 sumed dead.

15 (6) Former Belarus Government officials have
16 come forward with credible allegations and evidence
17 that top officials of the Lukashenka regime were in-
18 volved in the disappearances.

19 (7) The Belarusian authorities have mounted a
20 major systematic crackdown on civil society through
21 the closure, harassment, and repression of non-
22 governmental organizations, and independent trade
23 unions.

24 (8) The Belarusian authorities actively suppress
25 freedom of speech and expression, including engag-

1 ing in systematic reprisals against independent
2 media.

3 (9) The Lukashenka regime has reversed the
4 revival of Belarusian language and culture, including
5 through the closure of the National Humanities Ly-
6 ceum, the last remaining high school where classes
7 were taught in the Belarusian language.

8 (10) The Lukashenka regime harasses the
9 autocephalic Belarusian Orthodox Church, the
10 Roman Catholic Church, the Jewish community, the
11 Hindu Lights of Kalyasa community, evangelical
12 Protestant churches (such as Baptist and Pente-
13 costal groups), and other minority religious groups.

14 (11) The Law on Religious Freedom and Reli-
15 gious Organizations, passed by the National Assem-
16 bly and signed by Lukashenka on October 31, 2002,
17 establishes one of the most repressive legal regimes
18 in the OSCE region, severely limiting religious free-
19 dom and placing excessively burdensome government
20 controls on religious practice.

21 (12) The parliamentary elections of October 15,
22 2000, and the presidential election of September 9,
23 2001, were determined to be fundamentally unfair
24 and nondemocratic.

1 (13) The Government of Belarus has made no
2 substantive progress in addressing criteria estab-
3 lished by the OSCE in 2000, ending repression and
4 the climate of fear, permitting a functioning inde-
5 pendent media, ensuring transparency of the elec-
6 tions process, and strengthening of the functions of
7 parliament.

8 **SEC. 3. ASSISTANCE TO PROMOTE DEMOCRACY AND CIVIL**
9 **SOCIETY IN BELARUS.**

10 (a) **PURPOSES OF ASSISTANCE.**—The assistance
11 under this section shall be available for the following pur-
12 poses:

13 (1) To assist the people of the Republic of
14 Belarus in regaining their freedom and to enable
15 them to join the European community of democ-
16 racies.

17 (2) To encourage free and fair presidential,
18 parliamentary, and local elections in Belarus, con-
19 ducted in a manner consistent with internationally
20 accepted standards and under the supervision of
21 internationally recognized observers.

22 (3) To assist in restoring and strengthening in-
23 stitutions of democratic governance in Belarus.

24 (b) **AUTHORIZATION FOR ASSISTANCE.**—To carry out
25 the purposes of subsection (a), the President is authorized

1 to furnish assistance and other support for the activities
2 described in subsection (c), to be provided primarily for
3 indigenous Belarusian groups that are committed to the
4 support of democratic processes.

5 (c) ACTIVITIES SUPPORTED.—Activities that may be
6 supported by assistance under subsection (b) include—

7 (1) the observation of elections and the pro-
8 motion of free and fair electoral processes;

9 (2) development of democratic political parties;

10 (3) radio and television broadcasting to and
11 within Belarus;

12 (4) the development of nongovernmental organi-
13 zations promoting democracy and supporting human
14 rights;

15 (5) the development of independent media
16 working within Belarus and from locations outside
17 the country and supported by nonstate-controlled
18 printing facilities;

19 (6) international exchanges and advanced pro-
20 fessional training programs for leaders and members
21 of the democratic forces in skill areas central to the
22 development of civil society; and

23 (7) other activities consistent with the purposes
24 of this Act.

25 (d) AUTHORIZATION OF APPROPRIATIONS.—

1 (1) IN GENERAL.— There are authorized to be
2 appropriated to the President to carry out this sec-
3 tion such sums as may be necessary for each of the
4 fiscal years 2005 and 2006.

5 (2) AVAILABILITY OF FUNDS.—Amounts appro-
6 priated pursuant to the authorization of appropria-
7 tions under paragraph (1) are authorized to remain
8 available until expended.

9 **SEC. 4. RADIO BROADCASTING TO BELARUS.**

10 (a) PURPOSE.—It is the purpose of this section to
11 authorize increased support for United States Government
12 and surrogate radio broadcasting to the Republic of
13 Belarus that will facilitate the unhindered dissemination
14 of information.

15 (b) AUTHORIZATION OF APPROPRIATIONS.—In addi-
16 tion to such sums as are otherwise authorized to be appro-
17 priated, there are authorized to be appropriated such sums
18 as may be necessary for fiscal year 2005 and each subse-
19 quent fiscal year for radio broadcasting to the people of
20 Belarus in languages spoken in Belarus.

21 **SEC. 5. SENSE OF CONGRESS RELATING TO SANCTIONS**
22 **AGAINST THE GOVERNMENT OF BELARUS.**

23 (a) SENSE OF CONGRESS.—It is the sense of Con-
24 gress that the sanctions described in subsections (c) and
25 (d) should apply with respect to the Republic of Belarus

1 until the President determines and certifies to the appro-
2 priate congressional committees that the Government of
3 Belarus has made significant progress in meeting the con-
4 ditions described in subsection (b).

5 (b) CONDITIONS.—The conditions referred to in sub-
6 section (a) are the following:

7 (1) The release of individuals in Belarus who
8 have been jailed based on political or religious be-
9 liefs.

10 (2) The withdrawal of politically motivated legal
11 charges against all opposition figures and inde-
12 pendent journalists in Belarus.

13 (3) A full accounting of the disappearances of
14 opposition leaders and journalists in Belarus, includ-
15 ing Victor Gonenko, Anatoly Krasovsky, Yuri
16 Zakharenka, and Dmitry Zavadsky, and the prosecu-
17 tion of those individuals who are responsible for
18 their disappearances.

19 (4) The cessation of all forms of harassment
20 and repression against the independent media, inde-
21 pendent trade unions, nongovernmental organiza-
22 tions, religious organizations (including their leader-
23 ship and members), and the political opposition in
24 Belarus.

1 (5) The implementation of free and fair presi-
2 dential and parliamentary elections in Belarus con-
3 sistent with OSCE commitments.

4 (c) DENIAL OF ENTRY INTO THE UNITED STATES
5 OF BELARUSIAN OFFICIALS.—The President should use
6 his authority under section 212(f) of the Immigration and
7 Nationality Act (8 U.S.C. 1182(f)) to deny the entry into
8 the United States of any alien who—

9 (1) holds a position in the senior leadership of
10 the Government of Belarus; or

11 (2) is a spouse, minor child, or agent of a per-
12 son inadmissible under paragraph (1).

13 (d) PROHIBITION ON LOANS AND INVESTMENT.—

14 (1) UNITED STATES GOVERNMENT FINANC-
15 ING.—No loan, credit guarantee, insurance, financ-
16 ing, or other similar financial assistance should be
17 extended by any agency of the United States Gov-
18 ernment (including the Export-Import Bank and the
19 Overseas Private Investment Corporation) to the
20 Government of Belarus, except with respect to the
21 provision of humanitarian goods and agricultural or
22 medical products.

23 (2) TRADE AND DEVELOPMENT AGENCY.—No
24 funds available to the Trade and Development Agen-

1 cy should be available for activities of the Agency in
2 or for Belarus.

3 (e) MULTILATERAL FINANCIAL ASSISTANCE.—It is
4 further the sense of Congress that, in addition to the ap-
5 plication of the sanctions described in subsections (c) and
6 (d) to the Republic of Belarus (until the President deter-
7 mines and certifies to the appropriate congressional com-
8 mittees that the Government of Belarus has made signifi-
9 cant progress in meeting the conditions described in sub-
10 section (b)), the Secretary of the Treasury should instruct
11 the United States Executive Director of each international
12 financial institution to which the United States is a mem-
13 ber to use the voice and vote of the United States to op-
14 pose any extension by those institutions of any financial
15 assistance (including any technical assistance or grant) of
16 any kind to the Government of Belarus, except for loans
17 and assistance that serve humanitarian needs.

18 **SEC. 6. MULTILATERAL COOPERATION.**

19 It is the sense of Congress that the President should
20 continue to seek to coordinate with other countries, par-
21 ticularly European countries, a comprehensive, multilat-
22 eral strategy to further the purposes of this Act, including,
23 as appropriate, encouraging other countries to take meas-
24 ures with respect to the Republic of Belarus that are simi-
25 lar to measures described in this Act.

1 **SEC. 7. REPORT.**

2 (a) REPORT.— Not later than 90 days after the date
3 of the enactment of this Act, and not later than 1 year
4 thereafter, the President shall transmit to the appropriate
5 congressional committees a report that describes, with re-
6 spect to the preceding 12-month period, and to the extent
7 practicable the following:

8 (1) The sale or delivery of weapons or weapons-
9 related technologies from the Republic of Belarus to
10 any country, the government of which the Secretary
11 of State has determined, for purposes of section
12 6(j)(1) of the Export Administration Act of 1979
13 (50 U.S.C. App. 2405(j)(1)), has repeatedly pro-
14 vided support for acts of international terrorism.

15 (2) An identification of each country described
16 in paragraph (1) and a detailed description of the
17 weapons or weapons-related technologies involved in
18 the sale.

19 (3) An identification of the goods, services,
20 credits, or other consideration received by Belarus in
21 exchange for the weapons or weapons-related tech-
22 nologies.

23 (4) The personal assets and wealth of Alek-
24 sandr Lukashenka and other senior leadership of the
25 Government of Belarus.

1 (b) FORM.—A report transmitted pursuant to sub-
2 section (a) shall be in unclassified form but may contain
3 a classified annex.

4 **SEC. 8. DECLARATION OF POLICY.**

5 Congress hereby—

6 (1) calls upon the Lukashenka regime to cease
7 its persecution of political opponents or independent
8 journalists and to release those individuals who have
9 been imprisoned for opposing his regime or for exer-
10 cising their right to freedom of speech;

11 (2) expresses its grave concern about the dis-
12 appearance of Victor Gonchar, Anatoly Krasovsky,
13 Yuri Zakharenko, and Dmitry Zavadsky and calls
14 upon the Lukashenka regime to cooperate fully with
15 the Belrussian civil initiative “We Remember” and to
16 extend to this organization all necessary information
17 to find out the truth about the disappearances;

18 (3) calls upon the the Lukashenka regime to co-
19 operate fully with the Parliamentary Assembly of the
20 Council of Europe (PACE) and its specially ap-
21 pointed representatives in matters regarding the res-
22 olution of the cases of the disappeared; and

23 (4) commends the democratic opposition in
24 Belarus for their commitment to participate in Octo-
25 ber 2004 Parliamentary elections as a unified coali-

1 tion and for their courage in the face of the repres-
2 sion of the Lukashenka regime in Belarus.

3 **SEC. 9. DEFINITIONS.**

4 In this Act:

5 (1) APPROPRIATE CONGRESSIONAL COMMIT-
6 TEES.—The term “appropriate congressional com-
7 mittees” means the Committee on International Re-
8 lations of the House of Representatives and the
9 Committee on Foreign Relations of the Senate.

10 (2) OSCE.—The term “OSCE” means the Or-
11 ganization for Security and Cooperation in Europe.

12 (3) SENIOR LEADERSHIP OF THE GOVERNMENT
13 OF BELARUS.—The term “senior leadership of the
14 Government of Belarus” includes—

15 (A) the President, Prime Minister, Deputy
16 Prime Ministers, government ministers, Chair-
17 men of State Committees, and members of the
18 Presidential Administration of Belarus;

19 (B) any official of the Government of
20 Belarus who is personally and substantially in-
21 volved in the suppression of freedom in Belarus,
22 including judges and prosecutors; and

23 (C) any other individual determined by the
24 Secretary of State (or the Secretary’s designee)
25 to be personally and substantially involved in

1 the formulation or execution of the policies of
2 the Lukashenka regime that are in contradic-
3 tion of internationally recognized human rights
4 standards.

.....
(Original Signature of Member)

108TH CONGRESS
2D SESSION

H. RES. _____

IN THE HOUSE OF REPRESENTATIVES

Mr. SMITH of New Jersey (for himself, Mr. WOLF, Mr. LANTOS, Ms. ROS-
LEHTINEN, Mr. ROHRABACHER, Mr. PENCE, Mr. PAYNE, Mr. BROWN of
Ohio, and Mr. SHERMAN) submitted the following resolution; which was
referred to the Committee on _____

RESOLUTION

Urging the appropriate representative of the United States
to the 60th session of the United Nations Commission
on Human Rights to introduce a resolution calling upon
the Government of the People's Republic of China to
end its human rights violations in China, and for other
purposes.

Whereas the annual meeting of the United Nations Commis-
sion on Human Rights in Geneva, Switzerland, is the
most important international forum for discussing human

rights and expressing international support for improved human rights performance;

Whereas according to the Department of State, the United States Commission on International Religious Freedom, and international human rights organizations, the Government of the People's Republic of China continues to commit well-documented human rights abuses against the Chinese people;

Whereas the People's Republic of China has yet to demonstrate its willingness to abide by internationally accepted norms of freedom of belief, expression, and association by repealing or amending laws and decrees that restrict those freedoms;

Whereas the Government of People's Republic of China continues to ban and criminalize groups it labels as cults or heretical organizations;

Whereas the Government of the People's Republic of China has repressed unregistered religious groups and spiritual movements and persists in persecuting persons on the basis of unauthorized religious activities using such measures as harassment, surveillance, job discrimination, exorbitant fines, prolonged detention, physical abuse, incarceration, and closure or destruction of places of worship;

Whereas international human rights organizations have documented that torture, maltreatment, the use of confessions extracted through torture, and other abuses while in detention are rampant in the Chinese legal system;

Whereas the persecution of Falun Gong practitioners has been particularly harsh;

Whereas the Government of the People's Republic of China launched a brutal campaign to eradicate Falun Gong from their country;

Whereas since this time large numbers of Falun Gong practitioners have been arrested, subjected to harsh reeducation efforts, and some have even been tortured to death;

Whereas Falun Gong practitioners continue to report harassment and acts of violence at the hands of foreign nationals which have occurred against them during peaceful protests in the United States and other countries;

Whereas the Federal Bureau of Investigation is currently investigating the possibility of links between attacks against Falun Gong practitioners in the United States and the Government of the People's Republic of China;

Whereas Catholic and Protestant believers continue to face severe repression in China which include difficulties gaining recognition from the government, holding services, and training clergy;

Whereas underground Catholics who remain faithful to the Pope and in communion with Rome face particularly harsh persecution;

Whereas many Catholic and Protestant leaders and believers have been imprisoned or subject to house arrest including Su Zhimin, a Catholic Bishop who was reportedly arrested in 1997 and who is currently reported to be in very poor health;

Whereas the Government of the People's Republic of China continues to exert tight control over the religious and cultural institutions of Tibetan Buddhists and Uighur Muslims, using torture, arbitrary arrest, and detention with-

out public trial against these individuals for peacefully expressing their religious or political views;

Whereas the whereabouts of Gendun Choekyi Nyima, the boy identified by the Dalai Lama as the 11th Panchen Lama, are still unknown;

Whereas Gendun Choekyi Nyima was 6 years old when the Chinese authorities took him and his family away in 1995;

Whereas it is believed that the Chinese authorities are holding him in a secret location;

Whereas Tibetans caught displaying photos of the 11th Panchen Lama or the Dalai Lama face harassment, fines, and detention;

Whereas in January 2003, the Government of the People's Republic of China executed a Tibetan man named Lobsang Dhondup without due process and despite repeated assurances to United States officials that his case and that of Tenzin Delek Rinpoche would be reviewed by the Chinese Supreme People's Court;

Whereas this review never happened and Tenzin Delek Rinpoche remains on death row, in the second year of his suspended death sentence;

Whereas enforcement by the Government of the People's Republic of China of its one-child per family policy has been cruel and inhumane and has included the use of forced abortion and forced sterilization;

Whereas this one-child per family policy has led to the abandonment and infanticide of baby girls and a disproportionate number of male children in China, which will have serious and detrimental sociological impacts on China for years to come;

Whereas 14 years after the 1989 pro-democracy demonstrations in Tiananmen Square, many protesters remain in prison and no independent investigations have taken place regarding the massacre that occurred during those demonstrations;

Whereas authorities in the People's Republic of China have continued their efforts to extinguish expressions of protest or criticism and have detained and sentenced scores of citizens associated with attempts to organize peaceful protests, to expose corruption, to preserve their ethnic minority identity, and to use the Internet for the free exchange of ideas;

Whereas many prisoners in China are confined to state run psychiatric hospitals for simple acts of expressing their thoughts on political issues, like veteran human rights activist and prisoner of conscience Wang Wanxing;

Whereas many Chinese prisoners are in Laogai, forced labor camps in which inmates are subject to various forms of cruel and forced labor;

Whereas the International Committee of the Red Cross and other international human rights organizations have been denied access to the Chinese prison system;

Whereas it well documented that organs taken from executed prisoners are sold for use in transplants in China and abroad;

Whereas the percentage of transplant kidneys estimated to be derived from executed prisoners in China has been put as high as 90 percent of all transplanted kidneys in China;

Whereas organs reported to be harvested from executed prisoners in China include corneas, kidneys, and hearts;

Whereas the Government of the People's Republic of China agreed during the December 2002 session of the United States-China Bilateral Human Rights Dialogue to invite, without conditions, the United States Commission on International Religious Freedom, the United Nations Special Rapporteurs on Religious Intolerance and Torture, and the United Nations Working Group on Arbitrary Detention to visit China;

Whereas none of these visits have taken place in the last year and, in the case of the United States Commission on International Religious Freedom, two agreed upon trips were canceled because of unacceptable conditions placed on the visit by the Government of the People's Republic of China, including refusing the Commission entry into Hong Kong;

Whereas the United States decision not to introduce a resolution calling upon the People's Republic of China to end its human rights violations in China at the 59th session of United Nations Commission on Human Rights in Geneva was based, in part, on the belief that the aforementioned agreements signaled a good faith commitment on the part of Chinese officials to improve human rights practice in China;

Whereas when well-founded, balanced, and accurate resolutions regarding human rights in China were raised in previous sessions of the United Nations Commission on Human Rights, the Government of the People's Republic of China strongly pressured other countries to oppose the consideration of those resolutions;

Whereas since the last session of the United States China Bilateral Human Rights Dialogue, a number of very troubling incidents have occurred, including—

- (1) the arrests of a number of democracy advocates,
- (2) the detention and torture of 18 Tibetans who were forcibly repatriated from Nepal with the cooperation of Chinese officials, in contravention of international law,
- (3) the ongoing forced repatriation of North Korean nationals, who upon return to North Korea will face almost certain arrest, torture, or even death,
- (4) the arrest and sentencing of Internet essayists and labor protesters,
- (5) the execution of Lobsang Dondrup and continued detention of Tenzin Delek Rinpoche, and
- (6) the continued refusal to allow access by United States diplomats and family members of the accused to the trials of those detained for political or religious activities;

Whereas the People's Republic of China has signed the International Covenant on Civil and Political Rights, but has yet to take the necessary steps to make the treaty legally binding;

Whereas the Government of the People's Republic of China is a party to the 1951 United Nations Convention Relating to Refugees and its 1967 Protocol;

Whereas the Government of the People's Republic of China is a party to the United Nations Convention Against Torture and Other Forms of Cruel, Inhuman, or Degrading Treatment or Punishment; and

Whereas the Constitution and laws of the People's Republic of China purport to provide for fundamental human rights, however, the protections of these rights are often ignored in practice: Now, therefore, be it

1 *Resolved*, That—

1 (1) it is the sense of Congress that—

2 (A) the United State Government should
3 continue to insist that the People’s Republic of
4 China adhere to fundamental human rights
5 principles and allow its citizens the full enjoy-
6 ment of those rights;

7 (B) at the 60th Session of the United Na-
8 tions Human Rights Commission in Geneva,
9 Switzerland, the appropriate representative of
10 the United States should introduce a resolution
11 calling upon the People’s Republic of China to
12 end its human rights violations in China and
13 meet internationally recognized standards for
14 human rights;

15 (C) the United States Government should
16 take the lead in organizing multilateral support
17 to obtain passage by the Commission of such a
18 resolution and should draft the resolution in
19 such a way as to highlight specific human
20 rights abuses;

21 (D) all countries with representatives at
22 the 60th Session of the United Nations Human
23 Rights Commission should support passage of
24 such a resolution and resist efforts by rep-
25 resentatives of the People’s Republic of China

1 to oppose the consideration or passage of such
2 a resolution; and

3 (E) United States Government officials
4 and officials from other governments should
5 continue to speak out in international forums
6 and elsewhere against Chinese repression of re-
7 ligious and political freedom, persecution of Ti-
8 betans, Falun Gong practitioners, Catholics,
9 Protestants, and Uighur Muslims, the unjust
10 arrest and detention of religious leaders and po-
11 litical dissidents, harsh conditions in Laogai
12 and other prisons, coercive family planning poli-
13 cies, and the forced return of North Korean ref-
14 ugees; and

15 (2) Congress urges the Government of the Peo-
16 ple's Republic of China—

17 (A) to take the necessary measures to stop
18 the persecution of all religious practitioners and
19 to safeguard fundamental human rights;

20 (B) to stop the forced return of North Ko-
21 rean refugees, to allow the United Nations
22 High Commissioner for Refugees access to
23 North Koreans inside China, and to work with
24 the United Nations High Commissioner for
25 Refugees to develop a viable solution to the hu-

1 humanitarian crisis involving North Korean refu-
2 gees;

3 (C) to end its coercive one-child per family
4 policy and ensure that no national, provincial,
5 or local government officials subject women to
6 forced abortions or sterilizations;

7 (D) to immediately hold an open and
8 transparent investigation into the 1989 crack-
9 down on pro-democracy demonstrators in
10 Tiananmen Square, to release all the prisoners
11 held in connection with that event, and to pay
12 compensation to the families who lost their
13 loved ones;

14 (E) to release from detention all prisoners
15 of conscience, persons held because of their reli-
16 gious activities, and persons of humanitarian
17 concern, including, but not limited to, Rebiya
18 Kadeer, Su Zhimin, Yang Jianli, Wang
19 Bingzhang, Jampel Changchub, Phuntsog
20 Nyidron, Sonam Phuntsog, Ngawang
21 Phulchung, Tenzin Delek Rinpoche, Geshe
22 Sonam Phunsok, Gong Shengliang, Xu
23 Guoxing, Huang Aiping, Li Minglong, Ji
24 Qingjun, An Shuxin, Jiang Surang, Han
25 Dingxiang, Shi Enxiang, Ma Shunbao, Zhang

1 Chunguang, Aisha Awazi, Yusaiyin Wubuli,
2 Wang Zhiwen, Yao Jie, Ji Liewu, Liang
3 Shaolin, Li Nanshan, Du Daobin, Xu Yong
4 Ling, and United States citizen Charles Lee;

5 (F) to release the 11th Panchen Lama
6 identified by Dalai Lama and allow him to un-
7 dertake his rightful role;

8 (G) to allow the Chinese people to practice
9 freely and openly their religious beliefs;

10 (H) to adhere to the provisions and guide-
11 lines of the International Covenant on Civil and
12 Political Rights, the United Nations Convention
13 Against Torture and Other Forms of Cruel, In-
14 human, or Degrading Treatment or Punish-
15 ment, and the 1951 Convention Relating to
16 Refugees and its 1967 Protocol; and

17 (I) to allow, immediately and without re-
18 strictions, visits to China by the United States
19 Commission on International Religious Free-
20 dom, the United Nations Special Rapporteurs
21 on Religious Intolerance and Torture, the
22 United Nations Working Group on Arbitrary
23 Detention, and the International Committee of
24 the Red Cross.

108TH CONGRESS
1ST SESSION

H. CON. RES. 15

Commending India on its celebration of Republic Day.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 27, 2003

Mr. WILSON of South Carolina (for himself, Mr. CROWLEY, Mr. DAVIS of Florida, Mr. WEINER, Mr. SMITH of Washington, Mr. McNULTY, Mrs. MYRICK, Mr. TOOMEY, Mr. SCHIFF, Mr. PALLONE, Mr. ABERCROMBIE, Mr. KIRK, Mr. INSLEE, Mr. HOFFEL, Mr. FROST, Mr. MATHESON, Mr. ROYCE, Mr. McDERMOTT, Mr. LEVIN, Mr. KNOLLENBERG, Ms. LORETTA SANCHEZ of California, Mr. BROWN of Ohio, Ms. BERKLEY, Mr. HOLT, Ms. NORTON, Mr. BERMAN, Mr. ROGERS of Michigan, Mr. RANGEL, Mr. LoBIONDO, Ms. LOPGREN, Mr. WEXLER, Mr. TOM DAVIS of Virginia, and Ms. SCHLAKOWSKY) submitted the following concurrent resolution; which was referred to the Committee on International Relations

CONCURRENT RESOLUTION

Commending India on its celebration of Republic Day.

Whereas the Republic of India is the world's largest democracy;

Whereas on January 26, 1950, India adopted its Constitution, which formalized India as a parliamentary democracy;

Whereas the celebration of India's Republic Day on January 26th is the second most important national holiday after Independence Day;

Whereas the framers of India's Constitution were greatly influenced by the American Founding Fathers James Madison, Alexander Hamilton, and John Adams;

Whereas among the rights and freedoms provided to the people of India under its Constitution is universal suffrage for all men and women over the age of eighteen;

Whereas India's Constitution adopted the American ideals of equality for all citizens, regardless of faith, gender, or ethnicity;

Whereas the basic freedoms we cherish in America such as the freedom of speech, freedom of association, and freedom of religion are also recognized in India;

Whereas Mohandas Mahatma Gandhi is recognized around the world as the father of India's nonviolent struggle for independence;

Whereas people of many faiths, including Hindus, Muslims, Sikhs, and Christians, were united in securing India's freedom from colonial rule and have all served in various capacities in high-ranking government positions;

Whereas the Republic of India has faithfully adhered to the principles of democracy by continuing to hold elections on a regular basis on the local, regional, and national levels;

Whereas the people of the United States and the Republic of India have a common bond of shared values and a strong commitment to democratic principles; and

Whereas President George W. Bush and Prime Minister Atal Bihari Vajpayee are elected leaders of the world's two largest democracies and are actively cultivating strong ties between the United States and India: Now, therefore, be it

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

3 (1) commends India on its celebration of Re-
4 public Day; and

5 (2) reiterates its support for continued strong
6 relations between the United States and India.

○

108TH CONGRESS
2D SESSION

H. RES. 526

Expressing the sympathy of the House of Representatives for the victims of the devastating earthquake that occurred on December 26, 2003, in Bam, Iran.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 11, 2004

Mr. NEY (for himself, Mr. LANTOS, Mr. BLUNT, Mr. SNYDER, Mr. BEREUTER, Mr. BERMAN, Mr. BURGESS, Mr. DELAHUNT, Mr. GUTKNECHT, Mrs. JONES of Ohio, Mr. WEXLER, Mr. CUNNINGHAM, Mr. BURTON of Indiana, Ms. ESHOO, Mr. HONDA, Ms. GINNY BROWN-WAITE of Florida, and Mr. UDALL of Colorado) submitted the following resolution; which was referred to the Committee on International Relations

RESOLUTION

Expressing the sympathy of the House of Representatives for the victims of the devastating earthquake that occurred on December 26, 2003, in Bam, Iran.

Whereas approximately 40,000 men, women, and children, including a United States citizen, perished in an earthquake that occurred on December 26, 2003, in Bam, Iran;

Whereas the people of the United States immediately expressed their sincerest sympathy by sending aid to the victims of the earthquake in Iran;

Whereas 90 percent of the 2,000 year-old city of Bam was destroyed;

Whereas the magnificent buildings in Bam belonged not only to the people of Iran, but to our common world heritage;

Whereas President George W. Bush lifted sanctions on Iran temporarily in order to enable United States relief organizations to swiftly send aid to Bam;

Whereas United States aid channeled through United States-based relief organizations and charities has been warmly welcomed by the people of Iran;

Whereas United States aid workers have been received with generosity and great appreciation in Iran;

Whereas the United States generosity has confirmed that the United States holds no ill will toward the people of Iran; and

Whereas the spirit and compassionate conduct of the United States has won it tremendous goodwill among the people of Iran: Now, therefore, be it

1 *Resolved*, That the House of Representatives—

2 (1) expresses its heartfelt sympathy for the vic-
3 tims of the earthquake that occurred on December
4 26, 2003, in Bam, Iran, and their loved ones;

5 (2) expresses its heartfelt gratitude and appre-
6 ciation for the courageous work of the United States
7 and international aid personnel saving lives in Iran;
8 and

9 (3) welcomes the President's decision to issue a
10 general license for donations to nongovernmental en-

- 1 titles engaged in humanitarian relief activities in re-
- 2 sponse to the earthquake in Iran.

○

.....
(Original Signature of Member)

108TH CONGRESS
2D SESSION **H. CON. RES.** _____

To recognize more than 5 decades of strategic partnership between the United States and the people of the Marshall Islands in the pursuit of international peace and security, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. POMBO (for himself, Mr. RAHALL, Mr. FALEOMAVAEGA, Ms. BORDALLO, Mr. ABERCROMBIE, Mr. LEACH, Mr. LANTOS, Mrs. CHRISTENSEN, Mr. CASE, Mr. CARDOZA, and [see attached list of cosponsors]) submitted the following resolution; which was referred to the Committee on

CONCURRENT RESOLUTION

To recognize more than 5 decades of strategic partnership between the United States and the people of the Marshall Islands in the pursuit of international peace and security, and for other purposes.

Whereas on November 20, 2003, Congress, recognizing our Nation’s historical responsibilities over the Former Trust Territory of the Marshall Islands and its successful transition from Trust Territory status to full independence in

free association with the United States beginning in 1986, approved the Compact of Free Association Amendments Act, which was signed into law by President Bush on December 17, 2003, becoming Public Law Number 108–188;

Whereas the Compact of Free Association, as amended by Public Law 108–188, embodies and extends the close political, economic, and social partnership, as well as the strategic mutual security alliance, between the Republic of the Marshall Islands and the United States under the terms of the bilateral association between our nations;

Whereas this partnership for peace and alliance for the security of our nations and the world began in 1944, when the heroic armed forces of the United States and its allies, with the courageous assistance of the people of the Marshall Islands at the risk of their own safety, liberated the Marshall Islands from Japanese military occupation;

Whereas the friendship and cooperation between the United States and the people of the Marshall Islands that began during World War II continued during the next 4 decades, during which the United States exercised powers of government in the Marshall Islands under a Trusteeship Agreement with the United Nations;

Whereas during the Marshall Islands trusteeship era the aim of the United States was to promote international peace and security through its nuclear weapons testing program which was viewed as a critical element to the success of United States global leadership during the Cold War;

Whereas the United States testing program conducted in the Marshall Islands and the strategy of nuclear deterrence sustained by the United States and its allies, was carried

out in the hope that understanding its destructive power would be the strategy for which we could arm the world with reasons for peace among nations;

Whereas from 1946 to 1958 the United States detonated 67 atmospheric nuclear weapons in the Marshall Islands, representing nearly 80 percent of all the atmospheric tests ever conducted by the United States, and enabling atmospheric tests in the continental United States to be terminated and relocated at the greatest possible distance from large cities and densely populated areas;

Whereas on March 1, 1954, the hydrogen weapons test code-named Bravo yielded explosive power approximately 1,000 times greater than the weapon used in the 1945 wartime nuclear attack on Hiroshima, Japan;

Whereas the Bravo test created a mushroom cloud 25 miles in diameter, and produced a crater 6,000 feet in diameter, vaporizing 6 islands at the Bikini Atoll;

Whereas the Bravo test and the 12 year nuclear testing program has been the defining experience of the modern era for the people of the Marshall Islands, and these momentous events created a common bond between the people of the Marshall Islands and the United States military and civilian personnel who shared hardships and suffering with the people of the Marshall Islands during the testing program, as well as the United States citizens in areas affected by the mainland testing programs and weapons production industry;

Whereas the people of the Marshall Islands, having learned first hand the dangers of nuclear weapons, freely chose in United Nations observed acts of self-determination in 1982 to enter into the Compact of Free Association in

order to become a sovereign nation allied more closely with the United States than any other nation under any other alliance;

Whereas from the time of choosing self-determination, the Marshall Islands worked closely with Congress and the executive branch to bring about a strong understanding of the unique relationship between their islands and the other United States insular areas;

Whereas the United States nuclear testing program put the people of these remote islands on the front line in the Cold War struggle to preserve international peace, promote nuclear disarmament, support nuclear nonproliferation, and provide facilities critical to the development by the United States of a deployable missile defense system to reduce the risks of nuclear missile attacks; and

Whereas as a member state in the United Nations, the world body that once had oversight of United States stewardship of the trusteeship for the people of the Marshall Islands and their island homelands, the Republic of the Marshall Islands has an unmatched record of working in conjunction with the leadership of the United States in the pursuit of international peace and security, the rights and well-being of the peoples of the world, and in the War on Terrorism: Now, therefore, be it

1 *Resolved by the House of Representatives (the Senate*
2 *concurring)*, That Congress recognizes as an historic
3 achievement of friendship more than 5 decades of strategic
4 partnership between the United States and the people of
5 the Marshall Islands in pursuit of international peace and
6 security, and recognizes with solemn regard for the cost

1 of preserving peace, the importance of the nuclear weapon
2 test code-named Bravo at Bikini Atoll in the Marshall Is-
3 lands on March 1, 1954.

Mr. FALEOMAVAEGA. Mr. Chairman?

Chairman HYDE. Mr. Faleomavaega?

Mr. FALEOMAVAEGA. Reserving the right to object, Mr. Chairman.

Chairman HYDE. The gentleman observes the right to object.

Mr. FALEOMAVAEGA. Mr. Chairman, I want to express my deepest appreciation to you and our senior Ranking Member, Mr. Lantos, for bringing this resolution before the Members and our Committee for consideration, House Resolution 364. This resolution commemorates a very unique 50-year strategic relationship between the Republic of the Marshall Islands and our nation.

Again, I want to first offer my commendation to the Chairman of the House Resources Committee and the chief sponsor of this bill, Mr. Pombo from California, and also the senior Ranking Member of the Resources Committee, the gentleman from West Virginia, Mr. Rahall, for their support and sponsorship of this legislation.

Again, I want to thank you, Mr. Chairman and Mr. Lantos, for your support and leadership in bringing this resolution for markup by our Committee. I also want to thank the Chairman of our Asia Pacific Subcommittee for his support and leadership in this resolution, my good friend, the gentleman from Iowa, Mr. Leach.

Mr. Chairman, just a couple of months ago with your leadership and Mr. Lantos and Members of our Committee, we successfully provided for the passage of the renewal of the Compact of Free Association between the Marshall Islands and the Federated States of Micronesia and our nation.

Mr. Chairman, for the history of the Members of our Committee, during World War II in the Pacific theater the Marshall Islands, along with other Pacific island groups, played very critical roles as major staging areas for thousands of our Marines and soldiers who fought valiantly against the military dictatorship of Japan. The Marshall Islands also have become one of the most important strategic interests in the region simply because of the fact that we have the largest missile testing facility at Quadulan, as well as the fact that since the 1950s and the 1960s we detonated over 67 nuclear devices so as to better our understanding of nuclear weapons systems.

It was this tiny group of the Marshall Islands that really sacrificed tremendously, allowing several of their islands in Atolls to allow us to do this testing procedure. It was in 1954 that the most powerful hydrogen bomb was ever exploded. It was called the Bravo shot, and was estimated to be 1,000 times more powerful than the bombs that we dropped in Hiroshima and Nagasaki.

For this reason, Mr. Chairman, the leaders of the Republic of the Marshall Islands and certainly Chairman Pombo and those of us who are Members of the Committee want to thank you for your leadership for allowing this resolution to be brought for consideration. I urge passage of this legislation.

What time that I have left, Mr. Chairman, I yield to my good friend, the distinguished lady from California, Ms. Watson.

Ms. WATSON. Mr. Chairman, I reserve the right to object.

Chairman HYDE. The gentlelady reserves the right to object.

Ms. WATSON. Mr. Chairman, I want to commend Congressmen Pombo and Faleomavaega for introducing this resolution that rec-

ognizes the 5 decades of strategic partnership between the United States and the people of the Marshall Islands. I wholeheartedly support this resolution and urge my colleagues to do likewise.

In particular, this important resolution recognizes the fiftieth anniversary of the Bravo nuclear weapon test, which occurred on March 1, 1954, of a device that yielded approximately 1,000 times greater explosive power than the bomb dropped in Hiroshima.

The United States has had a long and close relationship with the people of the Marshall Islands. During World War II, the Marshallese people joined the allied forces in liberating the islands from Japanese military rule. At the end of World War II, the United States began a 4-decade trusteeship of the Marshall Islands, culminating in Marshallese independence in 1982 under the terms of the Compact of Free Association with the United States.

Appropriately, Congress just last year renewed the Compact of Free Association, which is the guiding document for American relations with the Marshall Islands and the Federated States of Micronesia.

The United States nuclear testing program in the Marshall Islands did enormous and long-term damage to the health of the Marshallese people and the environment of the islands. My good friend and colleague, Mr. Faleomavaega, accompanied me to these islands last year, and we still found people bearing long lasting injuries and suffering the greatest of poverty, along with a disconnect from health services.

Despite the close political and strategic and social relationships between the United States and the people of the Marshall Islands, I do not believe that we can forget the ongoing legacy of health issues facing the residents of the Marshall Islands, which are directly tied to the numerous nuclear tests conducted by the United States in those islands.

Congress and the Administration, therefore, must continue to play a role in addressing the legacy of health issues and the loss of land the Republic of the Marshall Islands has undergone as a result of nuclear weapons testing in that area 50 years ago.

I want to let the Chairman know and my colleagues that to fly over that area and see islands that were blown off the map, nothing but the rim of the island at the water level is appearing, the way people had to leave their homes and go to other islands, which have lost its topsoil, their topsoil, and not able to grow a grain and have to have food flown in every day. It is heart breaking.

As we commemorate March 1 as the fiftieth anniversary of the Bravo test and celebrate the nearly 60 years of friendship and amity between America and the Marshallese people, let us also reaffirm our nation's responsibilities for problems and issues related to our nation's testing of nuclear devices in the Marshall Islands.

Thank you so much, Mr. Chairman.

Mr. BEREUTER. Mr. Chairman?

Ms. WATSON. I withdraw my reservation.

Mr. BEREUTER. Mr. Chairman, I reserve the right to object.

Mr. SMITH OF NEW JERSEY [presiding]. The gentleman is recognized on his reservation.

Mr. BEREUTER. Thank you, Mr. Chairman. I would like to say a couple words about H.R. 854 only because I think it is important

to tell our colleagues still remaining, and also the public generally, that on the Wednesday before the President's Day recess, Speaker Hastert made time in his very busy schedule to meet with eight Belarusians who had come to this country. He invited several Members, Mr. Shimkus and I were able to attend.

The reason for this is that these eight Belarusians represented five opposition parties in Belarus. They call themselves Forum Five Plus. They span the spectrum from right of center to Communist, but they are advancing a slate of 100 candidates for the upcoming Parliamentary election.

As the gentleman well knows, it is his legislation that examines the lack of progress and democracy in human rights and civil rights in Belarus. Personal freedoms do not exist in any substantial extent in Belarus, and these five parties and the slate of candidates they will support in general, are really courageous.

I think it is important that we shine the international spotlight of scrutiny on the upcoming election so that Mr. Lukashenko does not in fact thwart this effort to move ahead to a democracy and does not in fact jeopardize the life and safety of these candidates and the political parties.

I volunteer to pledge to the Speaker that the Europe Subcommittee will be holding hearings on this and doing other things to bring the international spotlight of scrutiny to bear on Mr. Lukashenko and the Belarusian elections.

I would close under my reservation by commending the gentleman from New Jersey for the legislation which he offered which was unanimously approved by the Europe Subcommittee in April of last year.

Mr. SMITH OF NEW JERSEY. Would Mr. Bereuter yield on his reservation?

Mr. BEREUTER. I would yield on my reservation.

Mr. SMITH OF NEW JERSEY. I thank my friend for yielding.

I just want to thank him for his strong support for this bill, for holding a markup earlier last year, I should say, on the Belarus Democracy Act. It is a bill that seeks to strengthen civil society, to promote free and fair elections, human rights monitoring, free press, which is nonexistent in Belarus or at least to any extent.

I agree because I, too, met with the unified opposition. I have known many of them for a number of years, including Mr. Labedco, who is a very courageous and heroic human rights activist and former Parliamentarian who was disenfranchised when Lukashenko just dissolved the Supreme Soviet after an election that was adjudicated to be largely free and fair.

I want to thank my friend for his strong support for the bill, and I yield back to him.

Mr. BEREUTER. I thank the Chair for his initiative as I indicated.

I would just say one concluding thing, and that is that the NATO Parliamentary Assembly, where I have served since 1986, has revoked the membership, in this case the associate membership, of only one country in the 50 year history of the Assembly and that was, in fact, Belarus because after repeated warnings they were taking all the steps backwards from democratic institutions and free election.

With that, Mr. Chairman, I will yield back. I withdraw my reservations, and shortly hereafter I will ask general leave for all Members to submit statements on all of the bills that are being considered under unanimous consent.

Thank you.

Mr. FLAKE. Mr. Chairman?

Mr. SMITH OF NEW JERSEY. Mr. Flake?

Mr. FLAKE. I reserve the right to object.

Mr. SMITH OF NEW JERSEY. The gentleman is recognized.

Mr. FLAKE. Mr. Chairman, I just wanted to commend the gentleman from American Samoa, Mr. Faleomavaega, for bringing this forward. I have had the opportunity now twice to visit the Marshall Islands, and in doing so you realize pretty quickly the strategic relationship and the importance of our relationship with the people of the Marshall Islands.

I think it is important that we make sure that they know that that relationship is important. I commend those who worked on the Compact of Free Association. It is a good document and really charts the course for the foreseeable future.

I commend the resolution and withdraw my right to object.

Mr. FALEOMAVAEGA. Mr. Chairman?

Mr. SMITH OF NEW JERSEY. Mr. Faleomavaega?

Mr. FALEOMAVAEGA. Before I withdraw my reservation to object, I want to commend my good friend from Arizona, Mr. Flake, and Ms. Watson from California for their supportive statements in this resolution. Again, I urge my colleagues to support this resolution.

I withdraw my reservation.

Mr. SMITH OF NEW JERSEY. The gentleman withdraws his reservation.

Any other reservations?

[No response.]

Mr. BEREUTER. Mr. Chairman, I would ask unanimous consent that under general leave all Members may submit their statements on the various resolutions that are being considered by unanimous consent.

Mr. SMITH OF NEW JERSEY. Without objection.

Mr. BEREUTER. Thank you.

Mr. SMITH OF NEW JERSEY. The gentleman's unanimous consent request is agreed to.

Let me conclude. The unanimous consent request made by Chairman Hyde is ordered, and the markup is adjourned.

[Whereupon, at 2:24 p.m. the Committee was adjourned.]

A P P E N D I X

MATERIAL SUBMITTED FOR THE HEARING RECORD

PREPARED STATEMENT OF THE HONORABLE HENRY J. HYDE, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF ILLINOIS, AND CHAIRMAN, COMMITTEE ON INTERNATIONAL RELATIONS

H.R. 3782

I was pleased to introduce H.R. 3782, the “Counter-Terrorist and Narco-Terrorist Rewards Program Act,” along with the distinguished Ranking Democratic Member of this Committee and our colleague from Illinois, Mark Steven Kirk. This bill makes changes and modifications to the long-established U.S. State Department Rewards Program to reflect the growing links between illicit drugs and the financing and support of terrorism.

The State Department Rewards Program has clearly prevented acts of terrorism in the past, has helped bring to justice long-sought terrorists, such as the individual who fled to Pakistan after assassinating our CIA employees in Virginia, and has served as a valuable intelligence tool in the global war on terrorism. The Rewards Program could do even more, if we enact this bill, with its reforms.

It is time for a renewed, expanded reward authority in the State Department, one that tackles and contends with the growing links, as recently reported in the press, of the illicit drug trade and the financing and supporting of terrorism. Our terrorist enemies may very well be changing their methods and means, and we need to be even more flexible and creative than they are.

H. R. 3782 would:

- Clarify that any information provided which can be used to disrupt terrorist financing networks, including information related to illicit narcotics production or international trafficking, is eligible for reward monies.
- Provide authority to the Secretary of State to give rewards other than money for information related to terrorism and narco-terrorism, such as vehicles, appliances, commodities, and other goods and services.
- Add authority for the Secretary of State to conduct media surveys and create or purchase advertisements for the rewards program.
- Require the Administration to submit a plan to the Congress that maximizes the publicity surrounding the reward for Osama bin Laden’s capture.
- Raise the statutory maximum amount of terrorist and narco-terrorist rewards from \$5 million to \$25 million.
- Provide the Secretary of State the authority to raise the reward for the capture of Osama bin Laden to \$50 million, or double the current authorized reward.

PREPARED STATEMENT OF THE HONORABLE DOUG BEREUTER, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEBRASKA

H.R. 854—BELARUS

Mr. Chairman, as Chairman of the Europe Subcommittee I speak in support of H.R. 854 regarding the promotion of democracy, human rights and rule of law in Belarus. The Europe Subcommittee unanimously reported this bill, as amended, in April of 2003.

Before turning to the author of the legislation for more detail regarding the contents of the bill, I want to restate that the current lack of democracy, civil and human rights and real freedom for its citizens in Belarus is outrageously unacceptable.

All of us here are interested in the independence and sovereignty of Belarus and its integration into the European community of democracies. Unfortunately, the current government in Minsk does not seem interested in and certainly has not demonstrated even a rudimentary commitment to democracy and citizen freedoms.

Two days before the President's Day Recess, this Member attended a meeting hosted by Speaker Hastert in which he, Mr. Shimkus and I met with eight members of the Belarus opposition political parties known as the "Coalition 5 Plus". Although they represent the entire spectrum of political ideology, they were united in the goal of promoting democracy in Belarus and to oppose the dictatorship of Mr. Luchashenko. The progress of the Five-Plus coalition in unifying the democratic opposition and developing a common platform and slate of candidates for democratic change has given new momentum to the struggle for freedom. In preparation for the October elections the Five-Plus coalition has brought together independent trade unions, NGO's, and a number of prominent leaders to wage a unified campaign for a slate of parliament candidates. We support their courageous efforts and should continue to encourage them to move forward with their plans to bring democracy to Belarus.

Also, during that meeting, I volunteered a pledge to the Speaker that the Europe Subcommittee would hold a hearing on Belarus and would follow the upcoming Parliamentary elections with great interest. We need to shine the spotlight of international security.

The provisions of this legislation are an appropriate approach to a regime which refuses to recognize the realities of the 21st century.

I urge adoption of this bill.

PREPARED STATEMENT OF THE HONORABLE EDWARD R. ROYCE, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA

H. CON. RES. 15—COMMENDING INDIA ON ITS CELEBRATION OF REPUBLIC DAY

Mr. Chairman:

I want to say a few words about this resolution, of which I'm an original cosponsor.

We rightly spend much of our time in this committee focused on what's wrong throughout the world—whether it be the authoritarian regime of Robert Mugabe in Zimbabwe, or Kim Jong Il in North Korea.

In this context, I think it is proper for the committee to recognize positive developments—in this case, the vibrant democracy that is India.

India adopted its Constitution on January 26, 1950, which formalized her identity as a parliamentary democracy. The framers of India's Constitution were greatly influenced by our Founding Fathers, and many of the same freedoms enshrined in our Constitution are in India's Constitution.

Today, India is the world's largest democracy. That is an impressive distinction. It's growth as a world power is creating the chance for peace and stability in South Asia.

Last month, the committee had a chance to meet with India's Foreign Minister to discuss the growing bilateral relationship in the areas of space and science. This resolution signals Congress' interest in furthering this important relationship.

I urge the passage of the resolution.

PREPARED STATEMENTS OF THE HONORABLE RON PAUL, A REPRESENTATIVE IN
CONGRESS FROM THE STATE OF TEXAS

H. RES. 499

Mr. Chairman, though it appears that bringing this bill forward in this manner is essentially a political exercise by those on the other side of the aisle, I would like to comment briefly on what the bill actually does rather than the manner in which it is brought forth. This is a bill that seeks Congressional access to information regarding the exposure of the identity of one of our clandestine agents, possibly as an act of political retaliation. I think that we most certainly are entitled to know this information in our Congressional oversight role. So, I do not think this request is preposterous in the slightest.

Those who argue that we should kill this request in Committee to prevent it from coming to the floor are using the specious argument that because the judicial branch of government is already looking into the matter, we should just sit back and do nothing. As has been pointed out, however, there is ample precedent for Congress conducting a simultaneous investigation of matters such as this. So, I am afraid I do not buy the argument of those who seek to bury this legislation.

This is a serious matter and one deserving of Congressional attention. Yet once again Congress is demanding to be left out of the loop. Once again Congress is shirking its oversight responsibility. Though some here wish to bury this legislation because it might embarrass the president, it is interesting that shirking our Constitutional duties with regard to Iraq—refusing to declare war and instead granting the president the right to use force as he sees fit—has actually left the president much more vulnerable, as the stated reasons for going to war have not proven out. We are in a position now where we are debating the correctness of the Iraq war after the fact, rather than beforehand as the Constitution requires. This is why the Framers of our Constitution put so much effort into crafting a system where the powers are separated and subject to checks and balances. So, I don't think we are doing anything good by once again abrogating our responsibilities and authority. This constant weakening of the Legislative Branch of government does not bode well for the future of our constitutional republic.

H.R. 854—THE BELARUS DEMOCRACY ACT

Mr. Chairman, I am strongly opposed to this counter-productive legislation. HR 854 leads us down the road to sanctions and closes the door to peaceful negotiations, trade, diplomacy, and improving relations with the Republic of Belarus.

In particularly Orwellian fashion, the Belarus Democracy Act states that “the United States has a vital interest in the independence and sovereignty of the Republic of Belarus . . .” and then proceeds to undermine the independence and sovereignty of that country throughout the remainder of the legislation. It appropriates “such sums as may be necessary” to affect the outcome of the coming elections in Belarus. The money will be used to fund one political party over another—something that is rightly illegal in both Belarus and here in the United States. Is it the place of the United States to decide which political party should win elections in Belarus? I do know that one of the “opposition parties” that this bill intends to finance is the communist party. Is that the kind of party we want to ask the American taxpayer to finance?

Part of this legislation demands to know the personal wealth of the president of Belarus and his top officials. Is this any of our business? If this is to become the standard, perhaps we should begin by scrutinizing the personal wealth of the scores of oppressive leaders who have enjoyed billions of dollars in US foreign aid through the decades.

Dealing with the substance of the bill, like most everyone here I am no expert on Belarus. I don't know whether these findings are accurate. I do know that some of the “disappeared” people have turned up in places like London and elsewhere. As we have seen with the sudden “disappearance” and re-appearance of Russian President Vladimir Putin's rival in their upcoming elections, these are often political publicity stunts. I do know that some of the human rights groups that have monitored the elections condemned in this legislation have come to different conclusions. I do know that Belarus lives at peace with its neighbors.

The problem when we get into the business of “democracy-building” or “nation-building” abroad is that, the immorality of doing so aside, we simply do not know enough about these countries to make coherent policy decisions. We are expected to appropriate “such funds as may be necessary” to affect a political outcome in a foreign country without knowing a thing about who or what we are funding. I find this terribly irresponsible.

There is a much better approach to international relations. Time and time again we see that peaceful trade and good relations with other countries does much more to foster democratization and liberalization than sanctions, diplomatic expulsions, and accusations.

I think constructive engagement is a much better approach to relations with Belarus and with the rest of the world. That is why yesterday I introduced HR 3823, the "Belarus Freedom Act of 2004," which extends permanent normal trade relations to Belarus. More engagement with Belarus, more trade, more contacts, will go much further toward fostering peace and freedom than sanctions, intervention in their internal electoral politics, and isolation.

I urge my colleagues to reject this legislation and instead to co-sponsor my pro-engagement bill.

PREPARED STATEMENT OF THE HONORABLE NICK SMITH, A REPRESENTATIVE IN
CONGRESS FROM THE STATE OF MICHIGAN

H. RES. 499—CONCERNING VALERIE PLAME

We all agree that revealing Ms. Plame's identity as a CIA agent is a crime and has serious security ramifications. We all agree that the revealing of her identity should be investigated. And we all agree that we must punish those who revealed her name to the full extent of the law. To the extent that the supporters of this resolution are concerned with these questions, I share and applaud their efforts.

The issue before us is how to best proceed. As a former intelligence officer, I understand the dangers of not handling this investigation properly. The Attorney General has appointed a capable prosecutor, Mr. Fitzgerald, to uncover this criminal activity. Mr. Fitzgerald has been given extraordinarily wide latitude in his investigation. He has called high-level witnesses from the administration, including the President's press secretary and political advisor. And he has demanded and received extensive cooperation. Press reports indicate that the grand jury investigation will lead to indictments. While Congress does not have access to the grand jury's proceedings, to protect everyone involved, these reports suggest that the proper action is being pursued.

This resolution directs the agencies to provide documents to Congress related to Ms. Plame. This could disrupt the criminal investigation that Mr. Fitzgerald is pursuing. Therefore, I will vote to report this resolution adversely.

PREPARED STATEMENT OF THE HONORABLE BARBARA LEE, A REPRESENTATIVE IN
CONGRESS FROM THE STATE OF CALIFORNIA

H. RES. 499—RESOLUTION OF INQUIRY RE DISCLOSURE OF CIA OPERATIVE'S IDENTITY

Thank you, Mr. Chairman. I would like to speak in support of this resolution of inquiry, of which I am a cosponsor, and I firmly believe that our committee should favorably report it out and that the House should immediately act on it.

The disclosure of an agent's name for political reasons is inexcusable and dangerous. Confidential information should never be the subject of political game-playing.

These questions rise to very high levels of the executive branch and they raise allegations of serious abuse of political power in order to embarrass Administration critics and deflect attention from the real truth about weapons of mass destruction in Iraq.

H. Res. 499 requires the Administration to provide Congress with the information it needs to fulfill its Constitutional oversight obligations.

This is a national security issue which warrants our oversight.

We have witnessed a wide pattern of the apparent distortion of intelligence information.

It needs to stop, and we need to get the facts about this case and about the broader misuse of intelligence. I yield back the balance of my time.

