

Legislative Bulletin.....June 28, 2005

Contents:

H.R. 3057—Amendments to the FY06 Foreign Operations Appropriations Bill, **Part II**

H.R. 3057, the FY06 Amendments to the FY06 Foreign Operations Appropriations Bill, is scheduled to be considered on the House floor on Tuesday, June 28th, subject to an open rule (H. Res. 341). Below are the summaries of the amendments made in order under the unanimous consent agreement. Note: summaries are based on RSC staff's review of actual amendment text. For a summary of the underlying bill, see the separate RSC Policy Brief distributed earlier.

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Royce (R-CA) #4: Would increase then decrease by \$7 million the funds under the State Department's "non-proliferation, anti-terrorism, demining and related programs" heading, for a net change of zero. According to the sponsor, the amendment would "redirect \$7 million to the Small Arms/Light Weapons Destruction initiative. This initiative works to prevent terrorists from accessing shoulder-fired anti-aircraft missiles." The sponsor also noted that the "entire NADR [Nonproliferation, Anti-Terrorism, Demining and Related programs] account is reduced by approximately 1.75% in order to account for the increase in the Small Arms/Light weapons destruction initiative." According to the Committee Report, the Small Arms Initiative received \$7 million in FY05, the President requested \$8.75 million in FY06, and the Committee does not fund the initiative.

McGovern (D-MA) #6: Would decrease by \$100 million (from \$734.5 million to \$634.5 million) the available funds under the Andean Counterdrug Initiative (ACI) heading for military aid to Columbia, South America, which supports a unified campaign against narcotics trafficking, among other counter-drug initiatives. The ACI funds in the underlying bill are an increase of \$3.5 million over the FY05 level, and include \$463 million for Colombia, level funding from FY05.

According to the sponsor, the U.S. must "be more strategic and productive when spending the hard-earned U.S. tax dollars in Plan Colombia. Now, more than ever, is the time to invest our funds wisely towards a qualitative plan to end this age-old conflict while strengthening democracy, rule of law and human rights protections." The National Taxpayers Union has indicated it supports this amendment and will score this vote in its yearly ratings.

According to Rep. Souder, who opposes the amendment, “The Andean Counterdrug Initiative (ACI) continues to achieve the objectives for which it was designed. After years of steady increases, cocaine production in the Andes is, for the third straight year, decreasing. An aggressive program of eradication, begun in earnest with the election in mid-2002 of Colombian President Alvaro Uribe, has cut Colombia’s potential cocaine production by one-third compared with the year before he took office. With Colombia producing one-third less cocaine than it was just two years earlier, there simply is less to go around.”

Sanders (I-VT): According to the sponsor’s office, text of the amendment is not available. The sponsor states, the amendment would “prohibit the Export-Import Bank from approving federal loans or loan guarantees for the construction of nuclear power plants in China.” He continues, “On February 18, 2005, the Export-Import Bank made a preliminary commitment to lend almost \$5 billion in U.S. taxpayer dollars to Westinghouse to sell U.S. made nuclear technology to China for the construction of four Chinese nuclear power plants. Not only is this a terrible deal, the nuclear division of Westinghouse isn’t even owned by a United States company. In 1998, British National Fuels, owned by the British government, purchased the nuclear division of Westinghouse. And, while a portion of this nuclear technology will be made in the U.S., the Chinese government has indicated that eventually all of this sensitive technology will be made in China. In other words, this U.S. taxpayer backed loan will be going to subsidize a British-owned company for the transfer of U.S. nuclear technology to Communist China that will end up destroying U.S. jobs. This is absurd. Simply put, American taxpayer dollars should not be used to finance the construction of nuclear power plants in Communist China.”

The sponsor also noted that the amendment is supported by “the National Taxpayers Union, Friends of the Earth, Citizens Against Government Waste, and the U.S. Public Interest Research Group.”

Schiff (D-CA): (on global AIDS) Amendment text is not available.

Lee (D-CA): The amendment adds the following provision:

Prohibition on Certain International Narcotics Control and Law Enforcement Assistance to the Government of Haiti:

SEC. __. None of the funds made available in this Act under the heading “INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT” may be used to transfer excess property of an agency of the United States Government to the Government of Haiti.

According to the sponsor, the amendment “limits future transfers of FREE, excess property (i.e. defense articles) to the Government of Haiti. The Haitian National Police are executing the poor with weapons transferred from our State Dept. to the Government of Haiti. Haiti has committed their money and purchased weapons to arm their police [and] The United States must not be complicit in helping to arm criminals. ...The Lee-Conyers-Kilpatrick-Waters amendment would prohibit the transfer of property, specifically arms and ammunitions to the Government of Haiti for use by the Haitian

National Police force. This amendment is a step toward bringing safety, accountability and security to Haiti and ensur[ing] that peace will come to the Haitian people.”

Lee (D-CA): The amendment provides \$600 million in emergency funding for Global Fund to remain available until September 30, 2007. *This amendment was struck on a point of order.*

Schiff (D-CA): The sponsor could not provide the text of the amendment. According to one report, the amendment increases Support for European Democracy (SEED) funds by \$16.4 million and “FSU” by \$16.4 million and cuts the Andean Counterdrug Initiative by \$50 million.

King (R-IA): The amendment would decrease funding for the Global HIV Initiative by \$1 million (from \$1.9 billion to \$1.8 billion). The underlying bill includes \$2.7 billion to combat international HIV/AIDS, including \$1.9 billion for the State Department’s Global HIV/AIDS Initiative and \$775 million for USAID. Such funding levels exceed the last year’s level and the President’s request by \$416 million and \$131 million respectively.

According to the sponsor, “Organizations such as USAID which receive funds from the Global HIV Initiative have ignored the success of programs such as ABC (Abstinence, Be Faithful, Use a Condom) in Uganda. My amendment is a small effort to acknowledge that policy and funding changes must be made to our AIDS money to Africa. Moreover, no taxpayer money should ever go to fund groups that provide abortions or counsel women to get abortions.”

Beauprez/McHenry (R-CO/R-NC): Adds the following provision:

Limitation on assistance to foreign countries that refuse to extradite to the United States any individual accused in the United States of killing a law enforcement officer

None of the funds made available in this Act for the Department of State may be used to provide assistance to any country the government of which has notified the Department of State of its refusal to extradite to the United States any individual accused in the United States of killing a law enforcement officer, as specified in a United States extradition request.

According to sponsors, this amendment “will help return accused cop killers who have fled the country back to the United States to stand trial and receive the punishment they deserve.” There was recently a case in Colorado where a Mexican citizen executed a uniformed police officer by shooting him in the back while shooting and wounding another policeman in the process. He fled to Mexico and the Mexican government is refusing to return him if he could be sentenced to life in prison without parole. In another case, a convicted felon who had been deported three times allegedly shot and killed a Los Angeles County sheriff following a routine traffic stop before fleeing to Mexico. The sponsors state, “Countries that refuse to extradite cop killers should not be rewarded by receiving American aid. We must eliminate these havens for cop killers by withholding U.S. funds.”

Deal (R-GA): Prohibits available funds from being “used to provide assistance to any country with whom the United States has an extradition treaty and whose government has notified the Department of State of its refusal to extradite to the United States any individual accused of committing a criminal offense for which the maximum penalty is life imprisonment without the possibility of parole, or a lesser term of imprisonment.”

According to the sponsor, “Many countries that do not impose the death penalty will not extradite if the requesting country does not assure the death penalty will not be imposed. However, the refusal to extradite based on a potential life sentence is a new, more troubling problem recently imposed by some countries, mostly Latin American countries. In October of 2001, the Mexican Supreme Court’s ruled that the extradition of a person from Mexico who faced life imprisonment would violate the Mexican Constitution’s bar on cruel and unusual punishment. This decision has resulted in a serious set-back to the United States – Mexico so-called “bilateral” relationship. Since that Court decision, the Mexican Government has asked the United States for assurances that life imprisonment would not be imposed on persons extradited to this country. In the absence of such assurance, they refuse to extradite.”

Bonilla (R-TX) #2: States that of the amounts available under the Export-Import Bank Administrative Expenses, “\$7,000,000 shall **not** be available for obligation until the head of the Office of Inspector General in the Export-Import Bank of the United States is appointed and confirmed.”

According to the sponsor, “Currently, the Export-Import Bank is the only Federal Agency authorized to use taxpayer’s money to make loans and loan guarantees without any oversight by an Inspector General. The EXIM reauthorization Act of 2002 mandated that EXIM have an office of Inspector General, yet to date they are not in compliance and four years later EXIM has yet to comply with the IG requirement.”

Weiner/Ferguson/Crowley/Israel (D-NY/R-NJ/D-NY/R-NY): The amendment states, “None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to finance any assistance to Saudi Arabia.”

According to the sponsor, “the Saudis have not been a true ally in the war on terror. They have stymied our terror investigations, provided financial support to terrorists, and bankrolled fanatical Wahhabism. ... This amendment would prohibit funding to the Saudis.”

Bradley/McGovern (R-NH/D-MA): The amendment would withhold 25%, or \$5 million, of appropriated funds to Romania under the SEED (Support for European Democracy) Act of 1989 until January 2006.

Otter (R-ID): According to the sponsor, the amendment “would allow no more than 25 percent of funds appropriated to the Palestinian Authority or other Palestinian entities to be available to the Palestinians during each financial quarter. The sponsor intends to space out the payments, “so that if there is an act of terrorism during one quarter, the next quarter’s funds can be revoked.”

The amendment withholds funds during any quarter of FY06, “unless the Secretary of State determines that the Palestinian Authority has not provided support for acts of international terrorism during the three-month period preceding the first day of that quarter.”

Millender-McDonald (D-CA): (on pediatric AIDS centers) Amendment text was unavailable. According to her office, the sponsor will not be offering the amendment.

Simpson/Otter (R-ID) #1: According to his office, the sponsor will not be offering the amendment.

The preprinted amendment prohibits available funds from being “used by the Export-Import Bank of the United States to guarantee, insure, extend credit, or participate in the extension of credit in connection with the purchase or lease of any product by-

- (1) the People’s Republic of China or any agency or national thereof; or
- (2) any other foreign country, or agency or national thereof, if the product to be purchased or leased by such other country, agency, or national is, to the knowledge of the Export-Import Bank of the United States, principally for use in, or sale or lease to, the People’s Republic of China.”

Garrett (R-NJ) #5: Inserts the following provision:

Limitation on funds relating to attendance of federal employees at conferences occurring outside the United States

SEC. __. None of the funds made available in this Act may be used to send or otherwise pay for the attendance of more than 50 Federal employees at any single conference occurring outside the United States.

In 2002, a total of 236 HHS employees traveled to Barcelona, Spain, to participate in an AIDS Conference, at a total cost to the American taxpayers of \$3.6 million. In 2004, the U.S. Agency for International Development (AID) sent 74 employees to the 2004 AIDS conference in Bangkok, Thailand, and a total of 60 scientists from HHS also attended. The cost of individual conference registration was \$1250, and thus the cost of registration for HHS and USAID alone was \$162,500. For the same cost as the Thailand conference registration fees for 130 federal employees, the U.S. government could have provided a dose of nevirapin to 216,666 newborns in Africa. The average cost for a dose is 75 cents. Studies have shown that a single dose of nevirapin given within 24 hours after birth can protect many infants from infection with the virus that causes AIDS. The amendment would cut back on overseas conference travel by limiting attendance of federal employees funded under this bill to 50 per conference. (The amendment was adopted by voice vote on the FY05 appropriations bill, but dropped in conference.)

Rep. Waters (D-CA): The amendment states:

It is the sense of Congress that national elections should not be held in the Republic of Haiti until conditions have been established to ensure that the elections will be free and fair. Such conditions should include the following:

- The disarmament of all gangs and illegally armed groups.
- An end to kidnappings of civilians.
- Security for all United States citizens working in Haiti.

- The establishment of security throughout Haiti in order to enable all candidates to campaign for office safely.
- Plans to provide security at all polling places.
- Plans to ensure security for United States and international election monitors.
- Fair trials or release for all persons in Haiti who are being detained without trial.
- Respect for internationally recognized human rights.

Jackson-Lee (D-TX): The sponsor did not provide the text of the amendment. According to one report, the amendment prohibits available funds from being used to employ minors under the age of 18 to serve in the armed forces

Jackson-Lee (D-TX): The sponsor did not provide the text of the amendment. According to one report, the amendment prohibits available funds from being used to reduce outlays made for Sudanese resettlement programs

Jackson-Lee (D-TX): The sponsor did not provide the text of the amendment. According to one report, the amendment increases funds to improve water security in sub-Saharan Africa.

Jackson-Lee (D-TX): The sponsor did not provide the text of the amendment. According to one report, the amendment would increase funds for children of developing nations.

Loretta Sanchez (D-TX): (on Vietnam) Amendment text was not available. According to her office, the sponsor will not be offering the amendment.

Hefley (R-CO): Reduces funding in the Act by \$202,700,000. This amount is equal to one percent of the total amount of discretionary funding in the bill.

Inslee (D-WA): The sponsor did not provide the text of the amendment. According to one report, the amendment “directs that EXIM must use 95% for transactions related to fossil fuel and 5% for renewable energy.”

Capuano (D-MA): Inserts the following:

Authorization to use all necessary means to stop Genocide in Darfur, Sudan.
SEC. __. Consistent with the Convention on the Prevention and Punishment of the Crime of Genocide, the President is authorized to use all necessary means to stop genocide in Darfur, Sudan.

Kolbe (R-AZ): (on funding levels) Text is not available.

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