

106TH CONGRESS
2D SESSION

H. R. 5196

To promote, protect, and enhance democracy and human rights in United States foreign policy.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 18, 2000

Mr. GILMAN (for himself and Mr. GEJDENSON) introduced the following bill; which was referred to the Committee on International Relations

A BILL

To promote, protect, and enhance democracy and human rights in United States foreign policy.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Human Rights Invest-
5 ment Act of 2000”.

6 **SEC. 2. FINDINGS.**

7 The Congress finds the following:

8 (1) Supporting human rights is in the national
9 interests of the United States and is consistent with
10 American values and beliefs.

1 (2) Defenders of human rights are changing
2 our world in many ways, including protecting free-
3 dom and dignity, religious liberty, the rights of
4 women and children, freedom of the press, the rights
5 of workers, the environment, and the human rights
6 of all persons.

7 (3) The United States must match its rhetoric
8 on human rights with action and with sufficient re-
9 sources to provide meaningful support for human
10 rights and for the defenders of human rights.

11 (4) Congress passed and the President signed
12 into law the International Arms Sales Code of Con-
13 duct Act of 1999 (Public Law 106–113; 113 Stat.
14 1501A–508), which directed the President to seek
15 negotiations on a binding international agreement to
16 limit, restrict, or prohibit arms transfers to countries
17 that do not observe certain fundamental values of
18 human liberty, peace, and international stability,
19 and provided that such an international agreement
20 should include a prohibition on arms sales to coun-
21 tries that engage in gross violations of internation-
22 ally recognized human rights.

23 (5) The arms export end-use monitoring sys-
24 tems currently in place should be improved and pro-

1 vided with sufficient funds to accomplish their mis-
2 sion.

3 **SEC. 3. SALARIES AND EXPENSES OF THE BUREAU OF DE-**
4 **MOCRACY, HUMAN RIGHTS, AND LABOR.**

5 For fiscal year 2001 and each fiscal year thereafter,
6 not less than 1 percent of the amounts made available to
7 the Department of State under the heading “Diplomatic
8 and Consular Programs” shall be made available only for
9 salaries and expenses of the Bureau of Democracy,
10 Human Rights, and Labor, including funding of positions
11 at United States missions abroad that are primarily dedi-
12 cated to following human rights developments in foreign
13 countries.

14 **SEC. 4. HUMAN RIGHTS AND DEMOCRACY FUND.**

15 (a) ESTABLISHMENT OF FUND.—There is estab-
16 lished a Human Rights and Democracy Fund (hereinafter
17 in this section referred to as the “Fund”) to be adminis-
18 tered by the Assistant Secretary for Democracy, Human
19 Rights and Labor.

20 (b) PURPOSES OF FUND.—The purposes of the Fund
21 are—

- 22 (1) to support defenders of human rights;
- 23 (2) to assist the victims of human rights viola-
24 tions;
- 25 (3) to respond to human rights emergencies;

1 (4) to promote and encourage the growth of de-
2 mocracy, including the support for nongovernmental
3 organizations in other countries; and

4 (5) to carry out such other related activities as
5 are consistent with paragraphs (1) through (4).

6 (c) FUNDING.—Of the amounts made available to
7 carry out chapter 1 and chapter 10 of part I of the For-
8 eign Assistance Act of 1961, title V of the International
9 Security and Development Cooperation Act of 1980, and
10 section 401 of the Foreign Assistance Act of 1969 for each
11 of the fiscal years 2001 and 2002, \$32,000,000 for each
12 such fiscal year shall be made available to the Fund for
13 carrying out the purposes described in subsection (b).

14 **SEC. 5. MONITORING OF UNITED STATES MILITARY ASSIST-**
15 **ANCE AND ARMS TRANSFERS.**

16 (a) WEAPONS MONITORING PROGRAM.—

17 (1) ESTABLISHMENT OF PROGRAM.—The Sec-
18 retary of State shall establish and implement a pro-
19 gram to monitor United States military assistance
20 and arms transfers.

21 (2) RESPONSIBILITY OF ASSISTANT SECRETARY
22 OF STATE FOR DEMOCRACY, HUMAN RIGHTS AND
23 LABOR.—The Assistant Secretary of State for De-
24 mocracy, Human Rights and Labor shall have pri-
25 mary responsibility for advising the Secretary of

1 State on the establishment and implementation of
2 program described in paragraph (1).

3 (b) PURPOSES OF PROGRAM.—

4 (1) PRIMARY PURPOSES.—The primary pur-
5 poses of the program described in subsection (a) are
6 to ensure to the maximum extent feasible that
7 United States military assistance and weapons man-
8 ufactured in or sold from the United States are not
9 used—

10 (A) to commit gross violations of human
11 rights; or

12 (B) in violation of other United States
13 laws applicable to United States military assist-
14 ance and arms transfers that are also related to
15 human rights and preventing human rights vio-
16 lations.

17 (2) OTHER PURPOSES.—The program described
18 in subsection (a) may be used for the following addi-
19 tional purposes:

20 (A) To prevent violations of other United
21 States laws applicable to United States military
22 assistance and arms transfers.

23 (B) To prevent fraud and waste by ensur-
24 ing that tax dollars are not diverted by foreign
25 governments or others from activities in the

1 United States national interest into areas for
2 which the assistance was not and would not
3 have been provided.

4 (c) ELEMENTS OF THE WEAPONS MONITORING PRO-
5 GRAM.—The program described in subsection (a) shall en-
6 sure to the maximum feasible extent that the United
7 States has the ability—

8 (1) to determine whether United States military
9 assistance and arms transfers are used to commit
10 gross violations of human rights;

11 (2) to detect other violations of United States
12 law concerning United States military assistance and
13 arms transfers, including the diversion of such as-
14 sistance or the use of such assistance by security
15 force or police units credibly implicated in gross
16 human rights violations; and

17 (3) to determine whether individuals or units
18 that have received United States military, security,
19 or police training or have participated or are sched-
20 uled to participate in joint exercises with United
21 States forces have been credibly implicated in gross
22 human rights violations.

23 (d) WEAPONS MONITORING FUND.—

24 (1) RESERVATION OF FUNDS.—Subject to para-
25 graph (2), for each fiscal year after fiscal year 2000,

1 one percent of the amounts appropriated for each
2 fiscal year for United States military assistance is
3 authorized to be used only to carry out the purposes
4 of this section.

5 (2) EXCEPTION.—For any fiscal year, if the
6 Secretary of State certifies in writing to the appro-
7 priate congressional committees that the United
8 States can carry out the purposes of this section
9 without the full reservation of funds, the Secretary
10 of State shall designate an amount, which is not less
11 than one half of one percent of the amounts appro-
12 priated for such fiscal year for United States mili-
13 tary assistance, and such designated amount is au-
14 thorized to be used to carry out the purposes of this
15 section.

16 (3) ADDITIONAL FUNDS FOR PROGRAM.—
17 Funds collected from charges under section 21(e) of
18 the Arms Export Control Act (22 U.S.C. 2761(e))
19 may be transferred to the Department of State and
20 made available to carry out the purposes of this sec-
21 tion.

22 (e) REPORTS.—The Secretary of State shall submit
23 to the appropriate congressional committees the following
24 reports. To the maximum extent possible, such reports
25 shall be in unclassified form:

1 (1) Not later than 6 months after the date of
2 the enactment of this Act, and after due consulta-
3 tion with the appropriate congressional committees
4 and others, a plan to implement the provisions of
5 this section.

6 (2) Not later than one year after the date of
7 the enactment of this Act, and annually thereafter,
8 a report setting forth the steps taken to implement
9 this section and relevant information obtained con-
10 cerning the use of United States military assistance
11 and arms transfers.

12 (f) DEFINITIONS.—In this section:

13 (1) APPROPRIATE CONGRESSIONAL COMMIT-
14 TEES.—The term “appropriate congressional com-
15 mittees” means—

16 (A) the Committee on International Rela-
17 tions and the Committee on Appropriations of
18 the House of Representatives; and

19 (B) the Committee on Foreign Relations
20 and the Committee on Appropriations of the
21 Senate.

22 (2) UNITED STATES MILITARY ASSISTANCE.—
23 The term “United States military assistance”
24 means—

1 (A) assistance under chapter 2 of part II
2 of the Foreign Assistance Act of 1961 (relating
3 to military assistance), including the transfer of
4 excess defense articles under section 516 of that
5 Act;

6 (B) assistance under chapter 5 of part II
7 of the Foreign Assistance Act of 1961 (relating
8 to international military education and training
9 or “IMET”);

10 (C) assistance under chapter 8 of part I of
11 the Foreign Assistance Act of 1961 (relating to
12 international narcotics control assistance);

13 (D) assistance under chapter 8 of part II
14 of the Foreign Assistance Act of 1961 (relating
15 to antiterrorism assistance);

16 (E) assistance under section 2011 of title
17 10, United States Code (relating to training
18 with security forces of friendly foreign coun-
19 tries);

20 (F) assistance under section 1004 of the
21 National Defense Authorization Act for Fiscal
22 Year 1991 (relating to additional support for
23 counter-drug activities); and

24 (G) assistance under section 1033 of the
25 National Defense Authorization Act for Fiscal

1 Year 1998 (relating to support for counter-drug
2 activities of Peru and Colombia).

3 (3) UNITED STATES MILITARY ASSISTANCE AND
4 ARMS TRANSFERS.—The term “United States mili-
5 tary assistance and arms transfers” means—

6 (A) United States military assistance (as
7 defined in paragraph (2)); or

8 (B)(i) the transfer of defense articles, de-
9 fense services, or design and construction serv-
10 ices under the Arms Export Control Act, in-
11 cluding defense articles or services licensed
12 under section 38 of such Act; and

13 (ii) any other assistance under the Arms
14 Export Control Act.

15 **SEC. 6. REPORTS ON ACTIONS TAKEN BY THE UNITED**
16 **STATES TO ENCOURAGE RESPECT FOR**
17 **HUMAN RIGHTS.**

18 (a) SECTION 116 REPORT.—Section 116(d) of the
19 Foreign Assistance Act of 1961 (22 U.S.C. 2151n(d)) is
20 amended—

21 (1) in paragraph (7), by striking “and” at the
22 end and inserting a semicolon;

23 (2) in paragraph (8), by striking the period at
24 the end and inserting “; and”; and

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

