TO AMEND THE ATOMIC ENERGY ACT OF 1954 TO REQUIRE CONGRESSIONAL APPROVAL OF AGREEMENTS FOR PEACEFUL NUCLEAR COOPERATION WITH FOREIGN COUNTRIES, AND FOR OTHER PURPOSES; FURTHERING INTERNATIONAL NUCLEAR SAFETY ACT OF 2011; ASSESSING PROGRESS IN HAITI ACT; AND BELARUS DEMOCRACY REAUTHORIZATION ACT OF 2011

MARKUP

BEFORE THE

COMMITTEE ON FOREIGN AFFAIRS
HOUSE OF REPRESENTATIVES

ONE HUNDRED TWELFTH CONGRESS

FIRST SESSION

ON

H.R.1280, H.R. 1326, H.R. 1016 and H.R. 515

APRIL 14, 2011

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THURSDAY, APRIL 14, 2011

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

The committee met, pursuant to notice, at 10:10 a.m., in room 2172, Rayburn House Office Building, Hon. Ileana Ros-Lehtinen (chairman of the committee) presiding.

Chairman ROS-LEHTINEN. The committee will please come to order. I am pleased to convene this markup meeting of the Committee on Foreign Affairs. We have four bipartisan measures before us today. We received word last night that due to the CR timing issues with the Senate, the House will be convening for legislative business an hour earlier than previously expected, leaving us less time for our committee business this morning. So restraint and brevity would be very much appreciated to allow us to work as efficiently as possible. And we know that several members have other markups, one of them being Judiciary. So members are given leave to insert remarks into the record should they choose do so.

Pursuant to notice for purposes of a markup, I call up the bill H.R. 1280, To amend the Atomic Energy Act of 1954, and for other purposes. Without objection, this bill will be considered as read and open for amendment at any point and the bipartisan amendment in the nature of a substitute that members have before them will be considered as read and as base text for purposes of amendments.

[The information referred to follows:]

I

112TH CONGRESS
1ST SESSION

H. R. 1280

To amend the Atomic Energy Act of 1954 to require congressional approval of agreements for peaceful nuclear cooperation with foreign countries, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 31, 2011

Ms. ROS-LEHTINEN (for herself, Mr. BERMAN, Mr. ROYCE, Mr. SHERMAN, Mr. FORTENBERRY, and Mr. MARKEY) introduced the following bill; which was referred to the Committee on Foreign Affairs, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

---

A BILL

To amend the Atomic Energy Act of 1954 to require congressional approval of agreements for peaceful nuclear cooperation with foreign countries, 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,*

SECTION 1. REQUIREMENT FOR CONGRESSIONAL APPROVAL OF AGREEMENTS FOR PEACEFUL NUCLEAR COOPERATION.

(a) COOPERATION WITH OTHER NATIONS.—Section 123 of the Atomic Energy Act of 1954 (42 U.S.C. 2153) is amended—

(1) in the matter preceding subsection a., by striking "No cooperation" and inserting "Subject to subsection f., no cooperation";

(2) in subsection a.—

(A) in paragraph (3), by inserting "or acquired from any other source" after "pursuant to such agreement" each place it appears;

(B) in paragraph (4)—

(i) by striking "or terminates or" and inserting ", terminates,"; and

(ii) by inserting ", or violates or abrogates any provision contained within such agreement" after "IAEA safeguards";

(C) in paragraph (6), by inserting "or acquired from any other source" after "agreement" each place it appears;

(D) in paragraph (8), by striking "and" at the end;

(E) in paragraph (9), by striking the period at the end and inserting a semicolon; and

(F) by adding at the end the following new paragraphs:

"(10) a guaranty by the cooperating party that no nationals of a third country shall be permitted access to any reactor, related equipment, or sensitive materials transferred under the agreement for cooperation without the prior consent of the United States; and

"(11) if the cooperating party does not operate, as of April 1, 2011, enrichment or reprocessing facilities, a requirement as part of the agreement for cooperation or other legally binding document that is considered part of the agreement that no enrichment or reprocessing activities, or acquisition or construction of facilities for such activities, will occur within the territory over which the cooperating party exercises sovereignty.";

(3) in subsection c., by striking "and" at the end;

(4) in subsection d.—

(A) in the first sentence—

(i) by striking "not" the first and second place it appears;

(ii) by inserting "only" after "effective" the first place it appears; and

(iii) by striking ": *Provided further*," and all that follows through "such agreement"; and

(B) by striking the final period and inserting "; and";

(5) by redesignating subsection e. as subsection f.; and

(6) by inserting immediately after subsection d. the following new subsection:

"e. the cooperating party—

"(1) has acceded to and is fully implementing the provisions and guidelines of—

"(A) the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction (commonly known as the 'Chemical Weapons Convention');

"(B) the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological and Toxin Weapons and on their Destruction (com-

monly known as the 'Biological Weapons Convention'); and

"(C) all other international agreements to which the United States is a party regarding the export of nuclear, chemical, biological, and advanced conventional weapons, including missiles and other delivery systems;

"(2) has established and is fully implementing an effective export control system, including fully implementing the provisions and guidelines of United Nations Security Council Resolution 1540;

"(3) is in full compliance with all United Nations conventions to which the United States is a party and all Security Council resolutions regarding the prevention of the proliferation of weapons of mass destruction, including—

"(A) the Convention on the Physical Protection of Nuclear Material; and

"(B) the United Nations International Convention for the Suppression of Acts of Nuclear Terrorism;

"(4) is not a Destination of Diversion Concern under section 303 of the Comprehensive

1 Iran Sanctions, Accountability, and Divestment
2 Act of 2010 (Public Law 111–195);
3 "(5) is closely cooperating with the United
4 States to prevent state sponsors of terrorism
5 (the term 'state sponsor of terrorism' means a
6 country the government of which has been de-
7 termined by the Secretary of State, for pur-
8 poses of section 6(j) of the Export Administra-
9 tion Act of 1979, section 620A of the Foreign
10 Assistance Act of 1961, section 40 of the Arms
11 Export Control Act, or other provision of law,
12 is a government that has repeatedly provided
13 support for acts of international terrorism)
14 from—
15 "(A) acquiring or developing chemical,
16 biological, or nuclear weapons or related
17 technologies; or
18 "(B) acquiring or developing desta-
19 bilizing numbers and types of advanced
20 conventional weapons, including ballistic
21 missiles; and
22 "(6) has signed, ratified, and is fully im-
23 plementing an Additional Protocol to its safe-
24 guards agreement with the International Atom-
25 ic Energy Agency.".

(b) SUBSEQUENT ARRANGEMENTS.—Section 131 a. (1) of such Act (42 U.S.C. 2160 a.(1)) is amended—

(1) in the second sentence, by striking "security," and all that follows through "publication." and inserting "security."; and

(2) by inserting after the second sentence the following new sentences: "Such subsequent arrangement shall become effective only if Congress enacts a joint resolution of approval according to the procedures of sections 123 d. and 130 i. of this Act. Any such nuclear proliferation assessment statement shall be submitted to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate not later than the 31st day of continuous session after submission of the subsequent arrangement.".

SEC. 2. WITHDRAWAL FROM THE TREATY ON THE NON-PROLIFERATION OF NUCLEAR WEAPONS.

(a) STATEMENT OF POLICY.—It is the policy of the United States to oppose the withdrawal of any country that is a party to the Treaty on the Non-Proliferation of Nuclear Weapons (in this section referred to as the "Treaty") and to use all political, economic, and diplomatic means at its disposal to deter, prevent, or reverse any such withdrawal from the Treaty.

(b) PROHIBITION ON CERTAIN ASSISTANCE.—Notwithstanding any other provision of law, no assistance (other than humanitarian assistance) under any provision of law may be provided to a country that has withdrawn from the Treaty.

(c) RETURN OF ALL UNITED STATES-ORIGIN MATERIALS AND EQUIPMENT.—The United States shall seek the return of any material, equipment, or components transferred under an agreement for civil nuclear cooperation that is in force pursuant to section 123 of the Atomic Energy Act of 1954 (42 U.S.C. 2153) on or after the date of the enactment of this Act, and any special fissionable material produced through the use of such material, equipment, or components previously provided to a country that withdraws from the Treaty.

SEC. 3. REPORT ON COMPARABILITY OF NONPROLIFERATION CONDITIONS BY FOREIGN NUCLEAR SUPPLIERS.

Not later than 180 days after the date of the enactment of this Act, the President shall transmit to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate a report on the extent to which each country that engages in civil nuclear exports (including power and research nuclear reactors) requires nuclear nonproliferation require-

ments as conditions for export comparable to those under this Act. Such report shall also—

(1) detail the extent to which the exports of each such country incorporate United States-origin components, technology, or materials that require United States approval for re-export;

(2) detail the civil nuclear-related trade and investments in the United States by any entity from each such country; and

(3) list any United States grant, concessionary loan or loan guarantee, or any other incentive or inducement to any such country or entity related to nuclear exports or investments in the United States.

SEC. 4. INITIATIVES AND NEGOTIATIONS RELATING TO AGREEMENTS FOR PEACEFUL NUCLEAR COOPERATION.

Subsection f. of section 123 of the Atomic Energy Act of 1954 (42 U.S.C. 2153), as redesignated pursuant to section 1(a)(5) of this Act, is amended to read as follows:

"f. The President shall keep the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate fully and currently informed of any initiative or negotiations relating to a new or amended agreement

for peaceful nuclear cooperation pursuant to this section prior to the President's announcement of such initiative or negotiations. The President shall consult with the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate concerning such initiative or negotiations beginning not later than 15 calendar days after the initiation of any such negotiations, or the receipt or transmission of a draft agreement, whichever occurs first, and monthly thereafter until such time as the negotiations are concluded.".

SEC. 5. CONDUCT RESULTING IN TERMINATION OF NUCLEAR EXPORTS.

Section 129 a. (2) of the Atomic Energy Act of 1954 (42 U.S.C. 2158) is amended—

(1) in subparagraph (C), by inserting "or" after the semicolon; and

(2) by inserting after subparagraph (C) the following new subparagraph:

"(D) been determined to be a 'country of proliferation concern' under section 1055(g)(2) of the National Defense Authorization Act for Fiscal Year 2010 (50 U.S.C. 2371(g)(2));".

SEC. 6. CONGRESSIONAL REVIEW PROCEDURES.

Section 130 i. of the Atomic Energy Act of 1954 (42 U.S.C. 2159 i.) is amended—

(1) by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (D), respectively; and

(2) by inserting after subparagraph (A) the following new subparagraph:

"(B) for an agreement for cooperation pursuant to section 123 of this Act, a joint resolution, the matter after the resolving clause of which—

"(i) is as follows: 'That the Congress does favor the proposed agreement for cooperation transmitted to the Congress by the President on .'; and

"(ii) includes, immediately after the language specified in clause (i), any other provisions to accompany such proposed agreement for cooperation.".

SEC. 7. REQUIREMENT OF LIABILITY PROTECTION FOR UNITED STATES NUCLEAR SUPPLIERS.

The Atomic Energy Act of 1954 is amended by inserting after section 134 (42 U.S.C. 2160d) the following new section:

1 **"SEC. 135. REQUIREMENT OF LIABILITY PROTECTION FOR**
2 **UNITED STATES NUCLEAR SUPPLIERS.**

3 "The President may not issue a license for the export
4 of nuclear material, facilities, components, or other goods,
5 services, or technology to a country pursuant to an agree-
6 ment that has entered into force after the date of the en-
7 actment of this Act unless the President determines that
8 such country has liability protection for United States nu-
9 clear suppliers that is equivalent to the liability protection
10 specified under the Convention on Supplementary Com-
11 pensation for Nuclear Damage.".

○

AMENDMENT IN THE NATURE OF A SUBSTITUTE TO H.R. 1280 OFFERED BY MS. ROS-LEHTINEN OF FLORIDA

Strike all after the enacting clause and insert the following:

1 **SECTION 1. REQUIREMENT FOR CONGRESSIONAL AP-**
2 **PROVAL OF AGREEMENTS FOR PEACEFUL**
3 **NUCLEAR COOPERATION.**

4 (a) COOPERATION WITH OTHER NATIONS.—Section
5 123 of the Atomic Energy Act of 1954 (42 U.S.C. 2153)
6 is amended—

7 (1) in the matter preceding subsection a., by
8 striking "No cooperation" and inserting "Subject to
9 subsection f., no cooperation";

10 (2) in subsection a.—

11 (A) in paragraph (3), by inserting "or ac-
12 quired from any other source" after "pursuant
13 to such agreement" each place it appears;

14 (B) in paragraph (4)—

15 (i) by striking "or terminates or" and
16 inserting ", terminates,"; and

(ii) by inserting ", or violates or abrogates any provision contained within such agreement" after "IAEA safeguards";

(C) in paragraph (6), by inserting "or acquired from any other source" after "agreement" each place it appears;

(D) in paragraph (8), by striking "and" at the end;

(E) in paragraph (9), by striking the period at the end and inserting "; and"; and

(F) by adding at the end the following new paragraph:

"(10) a guaranty by the cooperating party that no nationals of a third country shall be permitted access to any reactor, related equipment, or sensitive materials transferred under the agreement for cooperation without the prior consent of the United States.";

(3) in the matter following paragraph (10) (as added by paragraph (2)(F) of this subsection), by striking "The President may exempt a proposed agreement for cooperation" and all that follows through "common defense and security.";

(4) in subsection c., by striking "and" at the end;

(5) in subsection d.—

(A) in the first sentence—

(i) by striking "not" the first and second place it appears;

(ii) by inserting "only" after "effective" the first place it appears; and

(iii) by striking ": *Provided further,*" and all that follows through "such agreement" and inserting ", unless the proposed agreement includes a requirement as part of the agreement for cooperation or other legally binding document that is considered part of the agreement that no enrichment or reprocessing activities, or acquisition or construction of facilities for such activities, will occur within the territory over which the cooperating party exercises sovereignty, in which case the agreement shall become effective unless the Congress adopts, and there is enacted, a joint resolution of disapproval (1) during such sixty-day period for a new agreement; or (2) during a period of 30 days of continuous session for a renewal agreement."; and

(B) by striking the final period and inserting "; and";

(6) by redesignating subsection e. as subsection f.;

(7) by inserting immediately after subsection d. the following new subsection:

"e. the cooperating party—

"(1) has acceded to and is fully implementing the provisions and guidelines of—

"(A) the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction (commonly known as the 'Chemical Weapons Convention');

"(B) the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological and Toxin Weapons and on their Destruction (commonly known as the 'Biological Weapons Convention'); and

"(C) all other international agreements to which the United States is a party regarding the export of nuclear, chemical, biological, and advanced conven-

tional weapons, including missiles and other delivery systems;

"(2) has established and is fully implementing an effective export control system, including fully implementing the provisions and guidelines of United Nations Security Council Resolution 1540;

"(3) is in full compliance with all United Nations conventions to which the United States is a party and all Security Council resolutions regarding the prevention of the proliferation of weapons of mass destruction, including—

"(A) the Convention on the Physical Protection of Nuclear Material; and

"(B) the United Nations International Convention for the Suppression of Acts of Nuclear Terrorism;

"(4) is not a Destination of Diversion Concern under section 303 of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (Public Law 111–195);

"(5) is closely cooperating with the United States to prevent state sponsors of terrorism (the term 'state sponsor of terrorism' means a country the government of which has been de-

1 termined by the Secretary of State, for pur-
2 poses of section 6(j) of the Export Administra-
3 tion Act of 1979, section 620A of the Foreign
4 Assistance Act of 1961, section 40 of the Arms
5 Export Control Act, or other provision of law,
6 is a government that has repeatedly provided
7 support for acts of international terrorism)
8 from—
9 "(A) acquiring or developing chemical,
10 biological, or nuclear weapons or related
11 technologies; or
12 "(B) acquiring or developing desta-
13 bilizing numbers and types of advanced
14 conventional weapons, including ballistic
15 missiles; and
16 "(6) has signed, ratified, and is fully im-
17 plementing an Additional Protocol to its safe-
18 guards agreement with the International Atom-
19 ic Energy Agency."; and
20 (8) by adding after subsection f. (as redesig-
21 nated by paragraph (6) of this subsection) the fol-
22 lowing new subsection:
23 "g. For purposes of this section—
24 "(1) the term 'new agreement' means an
25 agreement for cooperation with a country with

respect to which the United States has not, on or after the date of the enactment of this subsection, entered into such an agreement; and

"(2) the term 'renewal agreement' means an agreement for cooperation with a country with respect to which the United States has, before the date of the enactment of this subsection, entered into such an agreement.".

(b) SUBSEQUENT ARRANGEMENTS.—Section 131 a.(1) of such Act (42 U.S.C. 2160 a.(1)) is amended—

(1) in the second sentence, by striking "security," and all that follows through "publication." and inserting "security."; and

(2) by inserting after the second sentence the following new sentences: "Such subsequent arrangement shall become effective only if Congress enacts a joint resolution of approval according to the procedures of sections 123 d. and 130 i. of this Act. Any such nuclear proliferation assessment statement shall be submitted to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate not later than the 31st day of continuous session after submission of the subsequent arrangement.".

SEC. 2. WITHDRAWAL FROM THE TREATY ON THE NON-PROLIFERATION OF NUCLEAR WEAPONS.

(a) STATEMENT OF POLICY.—It is the policy of the United States to oppose the withdrawal from the Treaty on the Non-Proliferation of Nuclear Weapons (in this section referred to as the "Treaty") of any country that is a party to the Treaty and to use all political, economic, and diplomatic means at its disposal to deter, prevent, or reverse any such withdrawal from the Treaty.

(b) PROHIBITION ON CERTAIN ASSISTANCE.—Notwithstanding any other provision of law, no assistance (other than humanitarian assistance) under any provision of law may be provided to a country that has withdrawn from the Treaty on or after the date of the enactment of this Act.

(c) RETURN OF ALL UNITED STATES-ORIGIN MATERIALS AND EQUIPMENT.—The United States shall seek the return of any material, equipment, or components transferred under an agreement for civil nuclear cooperation that is in force pursuant to section 123 of the Atomic Energy Act of 1954 (42 U.S.C. 2153) on or after the date of the enactment of this Act, and any special fissionable material produced through the use of such material, equipment, or components previously provided to a country that withdraws from the Treaty.

1 **SEC. 3. REPORT ON COMPARABILITY OF NONPROLIFERA-**
2 **TION CONDITIONS BY FOREIGN NUCLEAR**
3 **SUPPLIERS.**

4 Not later than 180 days after the date of the enact-
5 ment of this Act, the President shall transmit to the Com-
6 mittee on Foreign Affairs of the House of Representatives
7 and the Committee on Foreign Relations of the Senate
8 a report on the extent to which each country that engages
9 in civil nuclear exports (including power and research nu-
10 clear reactors) requires nuclear nonproliferation require-
11 ments as conditions for export comparable to those under
12 this Act. Such report shall also—

13 (1) detail the extent to which the exports of
14 each such country incorporate United States-origin
15 components, technology, or materials that require
16 United States approval for re-export;

17 (2) detail the civil nuclear-related trade and in-
18 vestments in the United States by any entity from
19 each such country; and

20 (3) list any United States grant, concessionary
21 loan or loan guarantee, or any other incentive or in-
22 ducement to any such country or entity related to
23 nuclear exports or investments in the United States.

SEC. 4. INITIATIVES AND NEGOTIATIONS RELATING TO AGREEMENTS FOR PEACEFUL NUCLEAR COOPERATION.

Subsection f. of section 123 of the Atomic Energy Act of 1954 (42 U.S.C. 2153), as redesignated pursuant to section 1(a)(5) of this Act, is amended to read as follows:

"f. The President shall keep the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate fully and currently informed of any initiative or negotiations relating to a new or amended agreement for peaceful nuclear cooperation pursuant to this section prior to the President's announcement of such initiative or negotiations. The President shall consult with the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate concerning such initiative or negotiations beginning not later than 15 calendar days after the initiation of any such negotiations, or the receipt or transmission of a draft agreement, whichever occurs first, and monthly thereafter until such time as the negotiations are concluded.".

SEC. 5. CONDUCT RESULTING IN TERMINATION OF NUCLEAR EXPORTS.

Section 129 a. (2) of the Atomic Energy Act of 1954 (42 U.S.C. 2158) is amended—

(1) in subparagraph (C), by inserting "or" after the semicolon; and

(2) by inserting after subparagraph (C) the following new subparagraph:

"(D) been determined to be a 'country of proliferation concern' under section 1055(g)(2) of the National Defense Authorization Act for Fiscal Year 2010 (50 U.S.C. 2371(g)(2));".

SEC. 6. CONGRESSIONAL REVIEW PROCEDURES.

Section 130 i. of the Atomic Energy Act of 1954 (42 U.S.C. 2159 i.) is amended—

(1) by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (D), respectively; and

(2) by inserting after subparagraph (A) the following new subparagraph:

"(B) for an agreement for cooperation pursuant to section 123 of this Act, a joint resolution, the matter after the resolving clause of which—

"(i) is as follows: 'That the Congress does favor the proposed agreement for cooperation transmitted to the Congress by

the President on _____.'; and

"(ii) includes, immediately after the language specified in clause (i), any other provisions to accompany such proposed agreement for cooperation.".

SEC. 7. REQUIREMENT OF LIABILITY PROTECTION FOR UNITED STATES NUCLEAR SUPPLIERS.

The Atomic Energy Act of 1954 is amended by inserting after section 134 (42 U.S.C. 2160d) the following new section:

"SEC. 135. REQUIREMENT OF LIABILITY PROTECTION FOR UNITED STATES NUCLEAR SUPPLIERS.

"The President may not issue a license for the export of nuclear material, facilities, components, or other goods, services, or technology to a country pursuant to an agreement that has entered into force after the date of the enactment of this section unless the President determines that such country has liability protection for United States nuclear suppliers that is equivalent to the liability protection specified under the Convention on Supplementary Compensation for Nuclear Damage.".

1 **SEC. 8. PROHIBITION ON ASSISTANCE TO STATE SPONSORS**
2 **OF PROLIFERATION OF WEAPONS OF MASS**
3 **DESTRUCTION.**

4 (a) PROHIBITION ON ASSISTANCE.—The United
5 States shall not provide any assistance under Public Law
6 87–195, Public Law 90–629, the Food for Peace Act, the
7 Peace Corps Act, or the Export-Import Bank Act of 1945
8 to any country if the Secretary of State determines that
9 the government of the country has repeatedly provided
10 support for acts of proliferation of equipment, technology,
11 or materials to support the design, acquisition, manufac-
12 ture, or use of weapons of mass destruction or the acquisi-
13 tion or development of ballistic missiles to carry such
14 weapons.

15 (b) PUBLICATION OF DETERMINATIONS.—Each de-
16 termination of the Secretary of State under subsection (a)
17 shall be published in the Federal Register.

18 (c) RESCISSION.—A determination of the Secretary
19 of State under subsection (a) may not be rescinded unless
20 the Secretary submits to the appropriate congressional
21 committees—

22 (1) before the proposed rescission would take
23 effect, a report certifying that—

24 (A) there has been a fundamental change
25 in the leadership and policies of the government
26 of the country concerned;

1 (B) the government is not supporting acts
2 of proliferation of equipment, technology, or
3 materials to support the design, acquisition,
4 manufacture, or use of weapons of mass de-
5 struction; and
6 (C) the government has provided assur-
7 ances that it will not support such acts in the
8 future; or
9 (2) at least 45 days before the proposed rescis-
10 sion would take effect, a report justifying the rescis-
11 sion and certifying that—
12 (A) the government of the country con-
13 cerned has not provided any support for acts of
14 proliferation of equipment, technology, or mate-
15 rials to support the design, acquisition, manu-
16 facture, or use of weapons of mass destruction
17 during the preceding 24-month period; and
18 (B) the government has provided assur-
19 ances that it will not support such acts of pro-
20 liferation in the future.
21 (d) WAIVER.—The President may waive the require-
22 ments of subsection (a) on a case-by-case basis if—
23 (1) the President determines that national secu-
24 rity interests or humanitarian reasons justify a waiv-
25 er of such requirements, except that humanitarian

reasons may not be used to justify the waiver of such requirements to provide security assistance under Public Law 87–195, Public Law 90–629, or the Export-Import Bank Act of 1945; and

(2) at least 15 days before the waiver takes effect, the President consults with the appropriate congressional committees regarding the proposed waiver and submits to the appropriate congressional committees a report containing—

(A) the name of the recipient country;

(B) a description of the national security interests or humanitarian reasons that require the waiver;

(C) the type and amount of and the justification for the assistance to be provided pursuant to the waiver; and

(D) the period of time during which such waiver will be effective.

SEC. 9. ADDITIONAL PROTOCOL AS A CRITERION FOR UNITED STATES ASSISTANCE.

(a) STATEMENT OF POLICY.—It is the policy of the United States to ensure that each country that is a party to the Treaty on the Non-Proliferation of Nuclear Weapons should bring into force an Additional Protocol to its safeguards agreement with the IAEA.

(b) CRITERION FOR ASSISTANCE.—The United States shall, when considering the provision of assistance under Public Law 87–195 or Public Law 90–629 to a country that is a party to the Treaty on the Nonproliferation of Nuclear Weapons, take into consideration whether the proposed recipient has in force an Additional Protocol to its safeguards agreement with the IAEA.

SEC. 10. REPORT ON NUCLEAR ASPIRATIONS OF NON-STATE ENTITIES, NUCLEAR WEAPONS, AND RELATED PROGRAMS IN NON-NUCLEAR-WEAPONS STATES AND COUNTRIES NOT PARTIES TO THE NUCLEAR NON-PROLIFERATION TREATY, AND CERTAIN FOREIGN PERSONS.

Section 1055(a) of the National Defense Authorization Act for Fiscal Year 2010 (50 U.S.C. 2371(a)) is amended, in the matter preceding paragraph (1)—

(1) by striking "and the Permanent" and inserting ", the Permanent"; and

(2) by inserting before "a report" the following: ", the Committee on Foreign Relations of the Senate, and the Committee on Foreign Affairs of the House of Representatives".

Chairman ROS-LEHTINEN. Before turning to the ranking member, I recognize myself to speak on this measure.

This amendment in the nature of a substitute represents a broad bipartisan consensus on a much-needed reform of the Atomic Energy Act and contains contributions from several members of this committee, most especially from the ranking member, Mr. Berman. Its principal purpose is to enhance the role of Congress in approving nuclear cooperation agreements with other countries as well as to strengthen protections against peaceful nuclear cooperation being misused for military purposes. If a country meets the nonproliferation conditions in the Atomic Energy Act, as amended by this bill, the approval process would continue as before; that is, a congressional review period of 90 days of continuous session, after which the agreement would go into effect unless we adopt a resolution of disapproval.

The new conditions in this bill are essential to strengthening the nonproliferation regime and include such basic steps as requiring that the other country: Is closely cooperating with the U.S. to prevent terrorists from acquiring weapons of mass destruction; is not a Destination of Diversion Concern under the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010; has acceded to the major international conventions regarding nuclear, chemical, and biological weapons; and has established an effective export control system to prevent goods and materials being sent to countries for use in nuclear weapons programs. The country must also agree to forego manufacturing nuclear fuel by enriching uranium or reprocessing plutonium, unless it already has this capacity in place when it signs its agreement with the United States.

Further, this bill specifies that a proposed agreement with a country that does not meet all of these requirements in the amended AEA will require an affirmative vote by both Houses of Congress.

There are a number of other important provisions in this bill, such as the termination of assistance to any country that withdraws from the Nuclear Non-Proliferation Treaty, a prohibition of assistance to any country that is actively engaged in proliferation, and a requirement that the President keep this committee and its Senate counterpart fully and currently informed on new and ongoing negotiations, among others.

It is important that Congress act now to put these new protections in place so that cooperation between the U.S. and other countries to promote peaceful nuclear activities can grow without fear that it will be used to undermine our national security and that of the world as a whole.

With that, I am so pleased to recognize my good friend the ranking member for any remarks he might have on the measure that he has worked so hard on.

Mr. BERMAN. Madam Chairman, thank you very much, and I particularly thank you for your willingness to work with us. This was an issue that we both feel very strongly about and share the same goal on. We had, sadly, different approaches. We were able to meld them and I think it is a great way to start off the first markup of your chairmanship in terms of the process we were able

to engage in. And I wanted you to know that I appreciate your cooperation and the cooperation and efforts of your staff very much.

One other point before I get into my opening comments, and that is that for those of us who serve on both the Foreign Affairs Committee and Judiciary, this is one of those days that frustrate us because in both committees we have markups here on some very important pieces of legislation. In the Judiciary Committee, they are marking up patent legislation which I had sponsored 3 years ago, and this is the bill that Dana Rohrabacher, the gentleman from California, my good friend, called the worst bill he had ever seen, until he saw several other of my bills. So I will be a little bit in and out, unfortunately, on the subject of this bill.

The nuclear nonproliferation regime needs to be strengthened to better address the enrichment of uranium and the processing of spent fuel along with new technologies that can create fuel for peaceful nuclear reactors or fuel for nuclear weapons. So far efforts to limit the spread of these technologies have met with limited success. With Iran's and North Korea's development of these technologies, aided in large part by the A.Q. Khan network, they have become even more difficult to control.

This is why the example of the recent U.S.-UAE Nuclear Cooperation Agreement is so important. The UAE on its own decided to foreswear enrichment and reprocessing. When the U.S. asked the UAE if it would formalize these restrictions in a legally binding commitment, they readily agreed. And this applies not only to nuclear fuel and equipment provided by the United States but fuel and equipment provided by any country.

A State Department spokesman subsequently called this the gold standard for nuclear cooperation agreements, and I agree. Unfortunately, I understand there is a split within the U.S. Government over whether the gold standard ought to be applied globally to new cooperation agreements or just be limited to those with countries in the Middle East. In my view, the latter course would be a mistake. This continuing split over the gold standard is one reason we are considering a bill today. I urge the President to support a global application of that advanced standard.

I also urge the administration to use all its influence to convince the other nuclear supplier states to adopt the same nonproliferation and security conditions in their agreements that we observe in ours, especially when those same suppliers are seeking nuclear business in the United States.

I was pleased to cosponsor the chairman's bill, H.R. 1280, because I wanted to demonstrate that updating nuclear cooperation provisions in the Atomic Energy Act, especially by including an oil enrichment and processing requirement, has strong bipartisan support.

I also introduced my own bill, H.R. 1320, which took a different approach to congressional review of new agreements of cooperation. My bill kept a fast track route for agreements that meet existing nonproliferation conditions plus some new ones, including a no enrichment or reprocessing requirement. Such agreements would come into effect unless Congress enacted a joint resolution of disapproval within 90 days.

I am pleased, as I mentioned earlier, that the chair and I were able to work out an agreement in an amendment whereby all new agreements would have to be approved by Congress unless they incorporate a no enrichment or reprocessing requirement. If they do include this provision, they could go into effect unless Congress enacts a joint resolution of disapproval. This elevates the gold standard as the crucial nonproliferation criteria for congressional review of new agreements, the gateway for the fast track disapproval only path. I have no doubt that congressional approval of any agreement that does not have this provision would hinge in part on why a country refuses to undertake a no enrichment or reprocessing commitment. I also believe it is desirable to incorporate some incentives for states to accept a no enrichment or reprocessing provision.

As this bill progresses through the legislative process, we should consider what sort of incentives might be useful, such as loan guarantees for nuclear exports to those countries, which was in my bill, fuel leasing or other incentives. As we move this legislation to the floor, it would be useful to have the administration give us their views on the bill, the utility, the gold standard for our global nonproliferation efforts, and their efforts to persuade other countries bilaterally and through the Nuclear Suppliers Group to adopt comparable nonproliferation conditions in their civil nuclear commerce.

I am also pleased the chairman accepted some of the other provisions from my bill, including provisions on assistance to any country that withdraws from the Treaty on Nonproliferation of Nuclear Weapons and the creation of New State Sponsor of Proliferation List. I believe this subject is more important than it is exciting and apologize for my opening remarks.

Mr. ROYCE. Madam Chairman, I move to strike the last word.

Chairman ROS-LEHTINEN. Mr. Royce. You are recognized for 5 minutes.

Mr. ROYCE. I will be very brief, Madam Chairman. I think this is good bipartisan legislation. It builds off the work that has been done on both the Nonproliferation Subcommittee and the full committee. And I think the global expansion of nuclear power really has complicated the task of making sure that in the end we don't increase the number of nuclear weapon states.

The central problem is that it can be a sprint from a civilian to a military nuclear program. It is certainly not a marathon. And it is the enrichment and reprocessing aspects of the fuel cycle that puts nuclear weapons within reach. This is the key to the bomb making technology that a lot of states seek. So to handle concerns about enrichment and reprocessing, the U.S. Nuclear Cooperation Agreement with the UAE included a commitment that it forego those critical technologies. And this legislation pushes that model forward and really, when you think about it, it pushes it forward for future nuclear cooperation agreements. That is why it is important.

At a time when the Obama administration is debating internally which way to take this policy, this is a very important congressional marker and it is why we should all support this.

I urge passage and yield back, Madam Chairman.

Chairman ROS-LEHTINEN. Thank you so much. And before I recognize the ranking member on the Subcommittee on Terrorism,

Nonproliferation, and Trade for his amendments, are there any other members who seek recognition?

Mr. Rohrabacher is recognized for 5 minutes.

Mr. ROHRABACHER. This is not the worst bill that I have ever seen, Howard. In fact, it is pretty good.

Let me just note for the record, as we are discussing this, there have been great strides that have been made in the development of nuclear energy for the production of electricity. And let me just note that we should—when anyone is talking about this particular issue, any country that wants to build a nuclear power plant that will produce electricity but does not then have a byproduct of creating material for a nuclear bomb, that option now is technologically available to us in high temperature gas cooled reactors that have been developed by a number of American corporations. So I just wanted to put that into the record. And we should be pushing people toward this new technology rather than the old technology.

Chairman ROS-LEHTINEN. Thank you, Mr. Rohrabacher. Hearing no further speakers, I would like to recognize the RM of TNT to offer his amendments.

Mr. SHERMAN. Thank you, Madam Chairman. First, I strongly support the bill and the substitute that serves as base text today. It restores some balance——

Chairman ROS-LEHTINEN. Mr. Sherman, would you like to call up the amendment first?

Mr. SHERMAN. Yes. I would ask unanimous consent to offer two amendments en bloc.

Chairman ROS-LEHTINEN. Without objection the clerk will report the amendments.

Mr. SHERMAN. And these are No. 14 and Sherman No. 16.

Ms. CARROLL. Amendment to the amendment in the nature of a substitute to H.R. 1280.

[The amendments referred to follows:]

AMENDMENT TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE TO H.R. 1280 OFFERED BY MR. SHERMAN OF CALIFORNIA

Page 2, line 10, strike "'; and'" and insert "a semicolon".

Page 2, line 12, strike "paragraph" and insert "paragraphs".

Page 2, line 18, strike the period and insert "'; and'".

Page 2, beginning line 19, insert the following:

1 (11) a commitment to maintain and, in the
2 case of a country without such a legal regime
3 in place, a commitment to enact at the earliest
4 possible date, and in no case later than one
5 year after the agreement enters into force, a
6 legal regime providing for adequate protection
7 from civil liability that will allow for the partici-
8 pation of United States suppliers in any effort
9 by the country to develop civilian nuclear
10 power.

☒

AMENDMENT TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE TO H.R. 1280 OFFERED BY MR. SHERMAN OF CALIFORNIA

Add at the end the following:

1 **SEC. ___. SENSE OF CONGRESS.**

2 It is the sense of Congress that the President should
3 ensure that participation in international nuclear pro-
4 grams conducted by the United States is limited to the
5 greatest extent practicable to governmental and non-
6 governmental participants from countries that have adopt-
7 ed nonproliferation provisions in their nuclear cooperation
8 and nuclear export control policies comparable to the poli-
9 cies specified in section 123 of the Atomic Energy Act (42
10 U.S.C. 2153), as amended by this Act.

Chairman ROS-LEHTINEN. Without objection, the en bloc amendments are considered as read. I recognize the author, Mr. Sherman, to explain his amendments.

Mr. SHERMAN. First is the general comments of the bill. We ought to have a gold standard. I think the gold standard has been added to. It is always included that the country adopt the IAEA safeguards, including the additional protocol, and that it agree to forego enrichment and reprocessing. The other elements that I think have been added to the gold standard at my urging and the urging of others is that they agree to restrict third-party access without U.S. consent and that they have effective liability laws in place so that U.S. companies can bid on the opportunities to build these reactors. And I have a perfecting amendment that deals with that element.

If an agreement has all four elements, if it meets the new gold standard, then and only then can it be signed by the President and simply submitted to Congress with a waiting period. Every other agreement under the bill is going to require an act of Congress to adopt, and that puts Congress in a position to play an important role in these agreements.

As to these amendments, the first one deals with liability. We don't know what the future of nuclear power will be after the events in Japan, but we do want to avoid the India scenario. With India, we negotiated a Nuclear Cooperation Agreement. We played an important role in getting India through the Nuclear Suppliers Group. India said, "We are going to have the United States build 7 to 10 reactors with a total of 10,000 megawatts." And then it turned out that Indian law was such that our companies faced such liability that none of them would participate. In contrast, the French and Russian suppliers claim sovereign immunity, claim to be part of their respective governments, and say they don't need the liability waivers and liability provisions. As a result of the India problem, it looks like our companies will not have the very role that India wanted to give them. Therefore, under this agreement, the party to the Nuclear Cooperation Agreement must agree, as part of the agreement itself, to enact—preferably before the agreement goes into force but in no case less than 1 year afterwards—liability protections efficient to allow U.S. companies to compete. And I should point out this will give American companies no more protection than the French and Russian suppliers already have since they claim sovereign immunity.

The second amendment is No. 16. It is a placeholder designed to allow us to work further on the idea of encouraging restrictions on the transfers of new technology. It requires that U.S. cooperation with other nuclear suppliers for development of civilian technology, both domestically and abroad, be conditioned on those suppliers and their host nation's willingness to join us in enacting restrictions comparable to our own nonproliferation provisions.

So the current amendment is a sense of Congress but I look forward to working with the chairwoman to turn it into something even more binding.

And with that, I yield back and urge support of the amendment en bloc.

Chairman ROS-LEHTINEN. Thank you so much, Mr. Sherman. I would like to note to members and staff that we likely will be voting on this measure in just a few minutes. I recognize myself briefly to speak on the amendments.

I support both amendments offered by Mr. Sherman. The first amendment, as he explained, requires a country with which the U.S. is considering a Nuclear Cooperation Agreement to commit to putting into effect laws and regulations on civil liability that are sufficient to allow American companies to fully utilize the commercial opportunities created by the agreement. Without laws and regulations that are consistent with international standards, the risks of open-ended liability would likely prevent U.S. companies from operating in that country, even as businesses from other countries would be handed an unbeatable advantage.

The second amendment is aimed at persuading nuclear supplier countries, such as France and Russia, to require nations with which they sign nuclear cooperation agreements to meet nonproliferation standards comparable to those in the amended Atomic Energy Act. Currently these and other governments do not require similar standards, with the result that more and more countries

have greater access to the ingredients for a nuclear weapons program.

And with that, I would like to——

Mr. CHABOT. Madam Chairman?

Chairman ROS-LEHTINEN. Mr. Chabot is recognized for 5 minutes.

Mr. CHABOT. I move to strike the last word.

Very briefly, I would like to commend the gentleman from California, Mr. Berman, for offering this amendment. I support it.

Mr. SHERMAN. I hate to disparage the amendment, but it was offered by the gentleman from California, Mr. Sherman.

Chairman ROS-LEHTINEN. Mr. Chabot is recognized.

Mr. CHABOT. Mr. Sherman, I apologize.

I appreciate him offering this amendment. I think it is important that we allow American companies to compete on a level playing field when it comes to nuclear facilities around the world. I commend him. I apologize for messing up his name. I look forward to working together with him in the future, and I yield back.

Chairman ROS-LEHTINEN. You and I both have names that are frequently stepped upon, so we don't take any great insult. Mr. Berman is recognized for 5 minutes.

Mr. BERMAN. Thank you, Madam Chairman.

Both these amendments, I believe, should be supported and on the first amendment, we have a simple choice here. If we want to get some of the business, we either invest in massive government subsidies to encourage purchases from U.S. companies or we take the approach of essentially saying, you have got to provide the insurance that countries like France and Russia don't need because they use the pockets of the central government to finance any liability consequences that come from it.

So I urge support for both amendments and yield back.

Chairman ROS-LEHTINEN. Thank you.

Hearing no other members who wish to be recognized to speak on these en bloc amendments, the question occurs on the en bloc amendments. All those in favor say aye. All opposed, no.

In the opinion of the chair the ayes have it, and the en bloc amendments are agreed to. Are there any other amendments to the base text?

Mr. CONNOLLY. Madam Chairman, I have an amendment at the desk, No. 41.

Chairman ROS-LEHTINEN. The clerk will read the amendment.

Ms. CARROLL. Mr. Connolly, is that to H.R. 1326?

Mr. CONNOLLY. Wrong bill. Sorry about that.

Chairman ROS-LEHTINEN. Mr. Connolly withdraws. Hearing no other amendments to the base text, I move that the bill be reported favorably to the House, as amended. On this question, the Chair requests a recorded vote. The clerk will call the roll.

Ms. CARROLL. Chairman Ros-Lehtinen.

Chairman ROS-LEHTINEN. Yes.

Ms. CARROLL. The chairman votes aye.

Mr. Smith.

Mr. SMITH. Yes.

Ms. CARROLL. Mr. Smith votes aye.

Mr. Burton.

Mr. BURTON. Yes.
Ms. CARROLL. Mr. Burton votes aye.
Mr. Gallegly.
Mr. GALLEGLY. Aye.
Ms. CARROLL. Mr. Gallegly votes aye.
Mr. Rohrabacher.
Mr. ROHRABACHER. Yes.
Ms. CARROLL. Mr. Rohrabacher votes aye.
Mr. Manzullo.
Mr. MANZULLO. Aye.
Ms. CARROLL. Mr. Manzullo votes aye.
Mr. Royce.
Mr. ROYCE. Aye.
Ms. CARROLL. Mr. Royce votes aye.
Mr. Chabot.
Mr. CHABOT. Aye.
Ms. CARROLL. Mr. Chabot votes aye.
Mr. Paul.
[No response.]
Ms. CARROLL. Mr. Pence.
[No response.]
Ms. CARROLL. Mr. Wilson of South Carolina.
Mr. WILSON OF SOUTH CAROLINA. Aye.
Ms. CARROLL. Mr. Wilson of South Carolina votes aye.
Mr. Mack.
[No response.]
Ms. CARROLL. Mr. Fortenberry.
[No response.]
Ms. CARROLL. Mr. McCaul.
[No response.]
Ms. CARROLL. Mr. Poe.
Mr. POE. Aye.
Ms. CARROLL. Mr. Poe votes aye.
Mr. Bilirakis.
Mr. BILIRAKIS. Aye.
Ms. CARROLL. Mr. Bilirakis votes aye.
Mrs. Schmidt.
Mrs. SCHMIDT. Aye.
Ms. CARROLL. Mrs. Schmidt votes aye.
Mr. Johnson.
Mr. JOHNSON. Aye.
Ms. CARROLL. Mr. Johnson votes aye.
Mr. Rivera.
Mr. RIVERA. Aye.
Ms. CARROLL. Mr. Rivera votes aye.
Mr. Kelly.
[No response.]
Ms. CARROLL. Mr. Griffin.
[No response.]
Ms. CARROLL. Mr. Marino.
[No response.]
Ms. CARROLL. Mr. Duncan.
Mr. DUNCAN. Aye.
Ms. CARROLL. Mr. Duncan votes aye.

Ms. Buerkle.
[No response.]
Ms. CARROLL. Mrs. Ellmers.
Mrs. ELLMERS. Aye.
Ms. CARROLL. Mrs. Ellmers votes aye.
Mr. Berman.
Mr. BERMAN. Aye.
Ms. CARROLL. Mr. Berman votes aye.
Mr. Ackerman.
Mr. ACKERMAN. Aye.
Ms. CARROLL. Mr. Ackerman votes aye.
Mr. Faleomavaega.
[No response.]
Ms. CARROLL. Mr. Payne.
[No response.]
Ms. CARROLL. Mr. Sherman.
Mr. SHERMAN. Aye.
Ms. CARROLL. Mr. Sherman votes aye.
Mr. Engel.
[No response.]
Ms. CARROLL. Mr. Meeks.
[No response.]
Ms. CARROLL. Mr. Carnahan.
[No response.]
Ms. CARROLL. Mr. Sires.
Mr. SIRES. Aye.
Ms. CARROLL. Mr. Sires votes aye.
Mr. Connolly.
Mr. CONNOLLY. Aye.
Ms. CARROLL. Mr. Connolly votes aye.
Mr. Deutch.
[No response.]
Mr. Cardoza.
Mr. CARDOZA. Aye.
Ms. CARROLL. Mr. Cardoza votes aye.
Mr. Chandler.
Mr. CHANDLER. Aye.
Ms. CARROLL. Mr. Chandler votes aye.
Mr. Higgins.
Mr. HIGGINS. Aye.
Ms. CARROLL. Mr. Higgins votes aye.
Ms. Schwartz.
Ms. SCHWARTZ. Aye.
Ms. CARROLL. Ms. Schwartz votes aye.
Mr. Murphy.
[No response.]
Ms. CARROLL. Ms. Wilson of Florida.
Ms. WILSON OF FLORIDA. Aye.
Ms. CARROLL. Ms. Wilson of Florida votes aye.
Ms. Bass.
Ms. BASS. Aye.
Ms. CARROLL. Ms. Bass votes aye.
Mr. Keating.
Mr. KEATING. Aye.

Ms. CARROLL. Mr. Keating votes aye.

Mr. Cicilline.

Mr. CICILLINE. Aye.

Ms. CARROLL. Mr. Cicilline votes aye.

Chairman ROS-LEHTINEN. Have all the members votes?

Ms. CARROLL. Mr. Fortenberry.

Mr. FORTENBERRY. Aye.

Ms. CARROLL. Mr. Fortenberry votes aye.

Chairman ROS-LEHTINEN. Any other members? If you tell the clerk, Mr. Kelly.

Mr. KELLY. Aye.

Ms. CARROLL. Mr. Kelly votes aye.

Mr. Griffin.

Mr. GRIFFIN. Aye.

Ms. CARROLL. Mr. Griffin votes aye.

Mr. Deutch.

Mr. DEUTCH. Aye.

Ms. CARROLL. Mr. Deutch votes aye.

Ms. Buerkle.

Ms. BUERKLE. Aye.

Ms. CARROLL. Ms. Buerkle votes aye.

Chairman ROS-LEHTINEN. Have all members voted? If the clerk will count and report the vote.

Ms. CARROLL. Madam Chairman, on that vote, there are 34 ayes and no noes.

Chairman ROS-LEHTINEN. Thank you. The ayes have it. And the motion to report favorably is agreed to. Without objection, the bill, as amended, will be reported as a single amendment in the nature of a substitute, incorporating the amendments adopted by the committee. And the staff is directed to make technical and conforming changes.

I now call up H.R. 1326, the Furthering International Nuclear Safety Act of 2011. Without objection, the bill will be considered as read and open for amendment at any point.

[H.R. 1326 follows:]

I

112TH CONGRESS
1ST SESSION

H. R. 1326

To underscore the importance of international nuclear safety cooperation for operating power reactors, encouraging the efforts of the Convention on Nuclear Safety, supporting progress in improving nuclear safety, enhancing the public availability of nuclear safety information, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 1, 2011

Mr. FORTENBERRY (for himself and Mr. SCHIFF) introduced the following bill; which was referred to the Committee on Foreign Affairs

---

A BILL

To underscore the importance of international nuclear safety cooperation for operating power reactors, encouraging the efforts of the Convention on Nuclear Safety, supporting progress in improving nuclear safety, enhancing the public availability of nuclear safety information, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Furthering International Nuclear Safety Act of 2011".

SEC. 2. PURPOSES.

The purposes of this Act are as follows:

(1) To recognize the paramount importance of international nuclear safety cooperation for operating power reactors.

(2) To further the efforts of the Convention on Nuclear Safety as a vital international forum on nuclear safety.

(3) To support progress in improving nuclear safety for countries that currently have or are considering the development of a civilian nuclear power program.

(4) To enhance the public availability of nuclear safety information.

SEC. 3. DEFINITIONS.

In this Act:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means—

(A) the Committee on Foreign Relations of the Senate;

(B) the Committee on Environment and Public Works of the Senate;

(C) the Committee on Homeland Security and Governmental Affairs of the Senate;

(D) the Committee on Foreign Affairs of the House of Representatives;

(E) the Committee on Energy and Commerce of the House of Representatives;

(F) the Committee on Oversight and Government Reform of the House of Representatives; and

(G) the Committee on Natural Resources of the House of Representatives.

(2) CONVENTION.—The term "Convention" means the Convention on Nuclear Safety, done at Vienna September 20, 1994, and ratified by the United States April 11, 1999.

(3) MEETING.—The term "meeting" means a meeting as described under Article 20, 21, or 23 of the Convention.

(4) NATIONAL REPORT.—The term "national report" means a report as described under Article 5 of the Convention.

(5) PARTY.—The term "party" means a nation that has formally joined the Convention through ratification or other means.

(6) SUMMARY REPORT.—The term "summary report" means a report as described under Article 25 of the Convention.

1 **SEC. 4. UNITED STATES EFFORTS TO FURTHER INTER-**
2 **NATIONAL NUCLEAR SAFETY.**

3 The President shall instruct the United States official
4 serving as the delegate to the meetings of the Convention
5 on Nuclear Safety pursuant to Article 24 of the Conven-
6 tion to use the voice, vote, and influence of the United
7 States, while recognizing that these efforts by parties are
8 voluntary, to encourage, where appropriate—

9 (1) parties to more systematically assess where
10 and how they have made progress in improving safe-
11 ty, including where applicable through the incorpora-
12 tion of performance metric tools;

13 (2) parties to increase the number of national
14 reports they make available to the public by posting
15 them to a publicly available Internet Web site of the
16 International Atomic Energy Agency (IAEA);

17 (3) parties to expand public dissemination of
18 written answers to questions raised by other parties
19 about national reports by posting the information to
20 a publicly available Internet Web site of the IAEA;

21 (4) the IAEA to further its support of the Con-
22 vention, upon request by a party and where funding
23 is available, by—

24 (A) providing assistance to parties pre-
25 paring national reports;

(B) providing additional assistance to help prepare for and support meetings, including language translation services; and

(C) providing additional technical support to improve the safety of civilian nuclear power programs;

(5) all countries that currently have or are considering the establishment of a civilian nuclear power program to formally join the Convention;

(6) parties to create standard practices for providing accurate and timely information regarding nuclear accidents and to cooperate on the development of emergency response plans, and to post this information to a publicly available Internet Web site of the IAEA; and

(7) parties to expand cooperation on prediction and analysis capability for earthquakes, tsunamis, and on radiation as it is transported away from nuclear sites, and to post this information to a publicly available Internet Web site of the IAEA.

SEC. 5. STRATEGIC PLAN.

Not later than 180 days after the date of the enactment of this Act, the Secretary of State, in cooperation with the heads of other relevant United States Government agencies, shall submit to the appropriate congres-

1 sional committees the United States Government's stra-
2 tegic plan and prioritized goals for international nuclear
3 safety cooperation for operating power reactors.

4 **SEC. 6. REPORTS.**

5 (a) REPORT ON IMPLEMENTATION OF STRATEGIC
6 PLAN.—

7 (1) IN GENERAL.—Not later than 180 days
8 after the issuance of each of the first two summary
9 reports of the Convention that are issued after the
10 date of the enactment of this Act, the Secretary of
11 State, in cooperation with the heads of other rel-
12 evant United States Government agencies, shall sub-
13 mit to the appropriate congressional committees a
14 report that—

15 (A) describes the status of implementing
16 the strategic plan and achieving the goals speci-
17 fied in section 5; and

18 (B) enumerates the most significant con-
19 cerns of the United States Government regard-
20 ing worldwide nuclear safety and describes the
21 extent to which the strategic plan addresses
22 these concerns.

23 (2) FORM.—The report required under para-
24 graph (1) shall be submitted in unclassified form,
25 but may contain a classified annex.

1 (b) REPORT ON UNITED STATES EFFORTS TO FUR-
2 THER INTERNATIONAL NUCLEAR SAFETY.—Not later
3 than 180 days after the issuance of each of the first two
4 summary reports of the Convention issued after the date
5 of the enactment of this Act, the United States official
6 serving as the delegate to the meetings of the Convention
7 shall submit to the appropriate congressional committees
8 a report providing the status of achieving the actions set
9 forth in section 4.

○

Chairman ROS-LEHTINEN. I recognize myself to speak briefly on this bill.

The amendment that will be offered modifies Mr. Fortenberry's original bill by combining two required reports into one. It is aimed at improving the safety of the nuclear power plants around the world by enhancing the sharing of information, including strengthening the mechanisms created by the Convention of Nuclear Safety.

The bill calls for the U.S. Representative to the Convention to encourage, among other actions, the expanded use of performance metrics to enable countries to better assess their progress in increasing nuclear safety, increase public availability of information regarding nuclear safety efforts, greater support by the IAEA for nuclear safety efforts, and greater cooperation on providing accurate and timely information regarding nuclear accidents and on developing emergency response plans.

The bill would require the Secretary of State, along with other U.S. Government agencies, to develop a strategic plan to promote greater international cooperation and nuclear safety and to submit a report to Congress within 6 months on the implementation of the plan.

I am pleased to yield to the ranking member to speak on the measure. Mr. Berman, do you have any remarks?

Mr. BERMAN. I do.

Chairman ROS-LEHTINEN. You are recognized.

Mr. BERMAN. Thank you, Madam Chairman. I move to strike the last word.

There is no greater demonstration of the need for greater international cooperation on improved nuclear reactor safety than the tragedy that is still unfolding at the Fukushima nuclear power plant in Japan. Four reactors are still in danger of melting down

and their highly radioactive spent fuel and adjacent pools is in danger of catching fire and spreading dangerous radioactive materials potentially worldwide. This bill could not be more timely and I am pleased to be an original cosponsor.

H.R. 1326 will increase U.S. outreach and support through the auspices of the Nuclear Safety Convention to all States that operate nuclear power reactors to assist them in improving the safety of their nuclear power programs. It also requires the Secretary of State to submit a strategic plan to improve international nuclear safety for power reactors and report to us on how that plan is being implemented.

I urge my colleagues to support this bill. I yield back.

Chairman ROS-LEHTINEN. Thank you so much. I know some members seek recognition on this bill. I would like to recognize, first, Mr. Fortenberry to offer his amendment. And if he could make remarks about the amendment in specific and on the bill in general, Mr. Fortenberry is recognized.

Mr. FORTENBERRY. Madam Chair, I thank you for your leadership in holding this markup today and providing our committee the opportunity to consider the Furthering International Nuclear Safety Act of 2011, a bipartisan bill——

Chairman ROS-LEHTINEN. Mr. Fortenberry, if I could interrupt. You let me have the clerk present the amendment first. I am so sorry.

Ms. CARROLL. Madam Chairman, we are waiting on copies.

Chairman ROS-LEHTINEN. Okay. Then Mr. Fortenberry can continue while we make the required copies.

Mr. FORTENBERRY. Thank you, Madam Chair. This is a bipartisan bill that seeks to enhance world-wide cooperation on nuclear safety in light of the continuing nuclear reactor crisis in Japan that followed last month's tragic earthquake and tsunami. The issue of nuclear safety has elevated to paramount importance due to the crisis in the nuclear power reactors at Japan's Fukushima Daiichi plant. And in the long term the United States as well as Japan and other countries with commercial nuclear power reactors will all need to learn from this nuclear crisis so that we can do everything in our power to ensure that nothing like this ever happens again.

The bipartisan nuclear safety bill that is before you today aims to help achieve that essential goal. In brief, the Furthering International Nuclear Safety Act seeks to improve the safety of nuclear power plants around the world. It would do this by requiring the State Department to use and strengthen existing mechanisms for worldwide sharing of nuclear safety information and best practices, mechanisms that were actually created by the Convention of Nuclear Safety of 1994. In particular, the bill would require the United States Representative to the Convention on Nuclear Safety to strongly encourage among other things expanded cooperation on prediction and analysis capability for earthquakes, tsunamis, and on radiation as it is transported away from nuclear sites, standard practices for providing accurate and timely information regarding nuclear accidents, and for the cooperative development of emergency response plans. It would also increase greater public availability of information regarding nuclear safety efforts.

The legislation also requires the Secretary of State to provide Congress with a strategic plan to promote international cooperation on nuclear power safety and, through this amendment that I am offering today, to submit at a later time a consolidated report on the implementation of the plan and on the status of achieving the actions set forth in the legislation.

Analysts at the CBO informed us that this legislation, by the way, will present no significant cost. The United States joined the Convention on Nuclear Safety in 1999 and today almost all countries with operating nuclear power plants are parties to that international agreement. The U.S. Government Accountability Office issued an April 2010 report that highlighted the importance of that convention and ongoing efforts to improve nuclear safety globally.

While members of this committee may disagree about the future of nuclear power, it is my hope that we could all agree about the imperative of ensuring that the world's current fleet of 440 commercial nuclear power reactors are operated as safely as possible.

This legislation of course will not end once and for all the need for continuing vigilance by all countries to do a better job at nuclear safety, but enactment of this bill can play a necessary and vital role in helping to achieve that critical goal. Humanity cannot afford the cost of failure, and I urge all members of the committee to support the bill.

Chairman ROS-LEHTINEN. Thank you, Mr. Fortenberry. The clerk will report the amendment.

Ms. CARROLL. Amendment to H.R. 1326 offered by Mr. Fortenberry amends section 2 to read——

[The amendment referred to follows:]

AMENDMENT TO H.R. 1326

OFFERED BY M__. _____

Amend section 2 to read as follows:

1 **SEC. 2. FINDINGS AND PURPOSES.**

2 (a) FINDINGS.—Congress finds the following:

3 (1) On March 11, 2011, an estimated 9.0-mag-
4 nitude earthquake struck off the northeast coast of
5 Japan.

6 (2) The earthquake and resulting tsunami sig-
7 nificantly damaged the emergency cooling systems at
8 the Fukushima Daiichi nuclear power plant, ulti-
9 mately resulting in one of the worst nuclear reactor
10 accidents since Chernobyl.

11 (3) Several of the Fukushima reactors may
12 have experienced partial meltdown of their nuclear
13 fuel, experienced several massive hydrogen explo-
14 sions, and the controlled and uncontrolled release
15 into the surrounding environment of significant
16 amounts of radiation, and the production of hun-
17 dreds of thousands of tons of radioactive water.

18 (4) The United States has sent experts, equip-
19 ment and material to assist the government of

1 Japan in controlling and stabilizing the stricken re-
2 actors.
3 (5) The events in Japan are evidence of the
4 paramount importance of nuclear safety and co-
5 operation among the international community.
6 (b) PURPOSES.—The purposes of this Act are as fol-
7 lows:
8 (1) To recognize the paramount importance of
9 international nuclear safety cooperation for oper-
10 ating power reactors.
11 (2) To further the efforts of the Convention on
12 Nuclear Safety as a vital international forum on nu-
13 clear safety.
14 (3) To support progress in improving nuclear
15 safety for countries that currently have or are con-
16 sidering the development of a civilian nuclear power
17 program.
18 (4) To enhance the public availability of nuclear
19 safety information.

Amend section 6 to read as follows:

20 **SEC. 6. REPORT ON IMPLEMENTATION OF STRATEGIC**
21 **PLAN AND UNITED STATES EFFORTS TO FUR-**
22 **THER INTERNATIONAL NUCLEAR SAFETY.**
23 (a) IN GENERAL.—Not later than 180 days after the
24 issuance of each of the first two summary reports of the

Convention that are issued after the date of the enactment of this Act, the Secretary of State, in consultation with the United States official serving as the delegate to the meetings of the Convention and in cooperation with the heads of other relevant United States Government agencies, shall submit to the appropriate congressional committees a report that—

(1) describes the status of implementing the strategic plan and achieving the goals specified in section 5;

(2) enumerates the most significant concerns of the United States Government regarding worldwide nuclear safety and describes the extent to which the strategic plan addresses these concerns; and

(3) describes the status of achieving the actions set forth in section 4.

(b) FORM.—The report required under subsection (a) shall be submitted in unclassified form, but may contain a classified annex.

☒

Chairman ROS-LEHTINEN. Without objection, the amendment is considered as read. Mr. Sherman, you have indicated that you would like to speak on the amendment and the bill. He is recognized without objection.

Mr. SHERMAN. I do. It is an excellent bill. It is an excellent amendment. I need the rest of my time to address one other issue. And that is the bill we are not considering today, the North Korea Sanctions and Diplomatic Nonrecognition Act. The rumor is that we were ready to go with this bill, and the Ways and Means supporters of the Korea Free Trade Agreement said we shouldn't consider it. I hope it was some other reason.

I know that we have a limited amount of time here, which is why I will try to speak quickly. But the fact is that the concerns of the Ways and Means Committee deserve to be addressed. It is true the current draft of the Free Trade Agreement with South Korea rips a 65-percent hole in every effort to sanction North Korea, and that is why the supporters of the Free Trade Agreement must use everything that they have to prevent us from focusing at this time on our North Korea policy and sanctions on North Korea.

The text of the Free Trade Agreement states that if goods are, say, partially made in North Korea and partially made in South Korea, say auto parts or electronics, 65 percent are made in North Korea, 35 percent are made in South Korea, they have a right to enter our country. Now our sanctions, which are not codified but are a matter of executive action, prevent those goods from coming into our country. And as a result, we will be in violation of the Free Trade Agreement.

The next part of this dance is that the Executive branch will water it down or waive the sanctions against North Korean goods to the extent that they are only 65 percent North Korean and 35 percent South Korean. Now it is true that there is a national security provision in the Free Trade Agreement, just as there is in all our other trade agreements, and we have never used the national security provisions. We gave up on the Iran Sanctions Act rather than exercise the national security provision. We gave up on Helms-Burton. And so the national security provision of the Korea Free Trade Agreement is certainly not the answer.

The answer is to make sure that any free trade agreement that we sign explicitly provides that we are not in violation of the agreement if we choose to exclude all North Korean goods. That is something that will not be done. Instead, there will be every effort made to conceal from Congress the fact that the Free Trade Agreement with South Korea by its terms allows those partially North Korean-made goods into our country, sets us up for being in a position where our companies would be sanctioned by South Korea because we will have violated the agreement and creates enormous economic pressure for us to water down or waive our sanctions on goods that are partially made in North Korea.

I look forward to the codification of our sanctions against North Korea, and I look forward to hopefully the Free Trade Agreement either being shelved or amended to making sure that it meets the national security concerns that are so much the focus of this committee.

I yield back, and I thank the chairwoman for her time.

Chairman ROS-LEHTINEN. Thank you, Mr. Sherman. Do any other members seek time? Mr. Rohrabacher is recognized.

Mr. ROHRABACHER. Thank you very much. I would like to identify myself with the remarks of Mr. Sherman. And these are very serious issues that he is bringing up. And I share those concerns and have been worried about that as well. I would like to ask—and this is all I have to say, Madam Chairman, as I ask unanimous consent to insert in the record a document detailing the new nuclear technology that I referred to earlier that cannot melt down.——

Chairman ROS-LEHTINEN. Without objection.

Mr. ROHRABACHER [continuing]. Cannot leak radiation and has no byproducts that can be used to build nuclear weapons. Thank you.

[The information referred to follows:]

THE NUCLEAR POWER REVOLUTION

Modular High-Temperature Reactors Can Change the World

by Marjorie Mazel Hecht

Sixty years into the atomic age, we are at the threshold of another revolution: the development of fourth-generation modular high-temperature reactors (HTRs) that are meltdown-proof, affordable, mass-producible, quick to construct, and very suitable for use in industrializing the developing sector. The key to these new reactors, as described here, is in their unique fuel: Each tiny fuel particle has its own "containment building."

In the days of "Atoms for Peace," the 1950s and early 1960s, it was assumed that the development of nuclear power would rapidly bring all the world's people into the 20th Century, raising living standards, creating prosperity, allowing every individual to make full use of his creative ability. But this dream was not shared by the Malthusian forces, who, even after the massive slaughter of World War II, were determined to "cull" population further. These oligarchs, like the Olympian Zeus, who punished Prometheus for bringing fire to man, intended to rein in the atom, the 20th-Century "fire." And so they did, creating a counterculture, a fear of science and technology, and an environmentalist movement to be Zeus' army to keep Prometheus bound.[1]

Today, we are at a point when nations, especially impoverished nations, can choose to fulfill the promise of Atoms for Peace, by going nuclear, starting with a modular high temperature reactor small enough, ~200 megawatts, to power a small electric grid and, at the same time, provide process heat for industrial use or desalinating seawater. As the economy grows, more modules can be added.

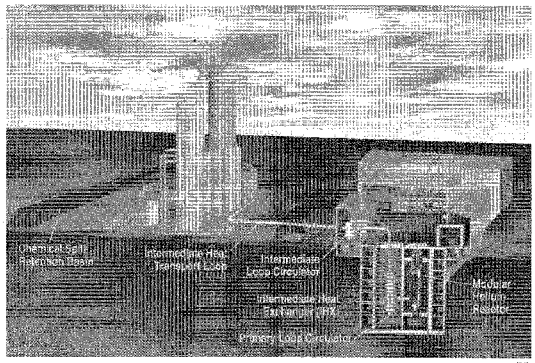
These fourth-generation reactors are fast to construct and affordable (because of their modularity and mass production), thus slicing through the mountain of statistical gibberish promoted by those Malthusians who disguise themselves as energy economists, such as Amory Lovins. Now that several leading environmentalists have embraced nuclear as a clean energy solution, the hard-core Malthusians, including, prominently, Lovins and Lester Brown, have switched their main anti-nuclear argument to claim that nuclear is "too expensive." But because their mathematical calculations do not include the value of human life, Lovins et al. do not consider the human consequences of *not* going nuclear.

Energy-Flux Density

If we are to support 6.7 billion people at a living standard worthy of the 21st Century, the world must go nuclear now, and in the future, develop fusion power. Fission is millions of times more energy-flux dense than any solar technology, and you can't run a modern industrial economy without this level of energy-flux density.

Energy-flux density refers to the amount of flow of the energy source, at a cross-section of the surface of the power-producing source. No matter what improvements are made in solar technologies, the basic limita-

1. See for example, Rob Ainsworth, "The New Environmental Eugenics: Al Gore's Green Genocide," *EIR*, March 30, 2007, www.larouchepub.com/eiw/public/2007/2007_10-19/2007-13/pdf/36-46_713_ainsworth.pdf; also, Marsha Freeman, "Who Killed U.S. Nuclear Power," *21st Century Science & Technology*, Spring 2001, www.21stcenturysciencetech.com/articles/spring01/nuclear_power.html.



INL

Artist's illustration of a high-temperature gas-cooled reactor coupled with a hydrogen-production plant, for which it provides process heat. The U.S. Next Generation Nuclear Plant program, based at the Idaho National Laboratory, has not yet selected an HTR design (pebble-bed or prismatic), and is on a very slow trajectory, aiming for a commercial plant in 2030. Meanwhile, China and Japan have working experimental HTRs, and South Africa plans to move to construction of the PBMR next year.

Chemical combustion, burning coal or oil, for example, produces energy measured in a few electron volts per chemical reaction. The chemical reaction occurs in the outer shell of the atoms involved, the *electrons*. In fission, the *atomic nucleus* of a heavy element splits apart, releasing millions of electron volts, about 200 million electron volts per reaction, versus the few electron volts from a chemical reaction.

Another way to look at it is to compare the development of power sources over time, and the increasing capability of a society to do physical work: human muscle power, animal muscle power, wood burning, coal burning, oil and gas burning, and today, nuclear. The progress of a civilization has depended on increased energy-flux density of power sources. The manual collection of firewood for cooking; tilling, sowing, and reaping by hand; treadle-pumping for irrigation (a favorite of the carbon-offset shysters): These are the so-called "appropriate" technologies that Malthusians advocate for the developing sector, precisely because they preclude an increase in population. In fact, these technologies cannot support the existing populations in the Third

tion is that solar power is diffuse, and hence inherently inefficient. At the Earth's surface, the density of solar energy is only 0.0002 of a megawatt.[2]

2. For a discussion of wind as energy, see Gregory Murphy, "Windmills for Suckers: T. Boone Pickens' Genocidal Plan," *EIR*, Aug. 22, 2008.

The Revolution in Nuclear Power

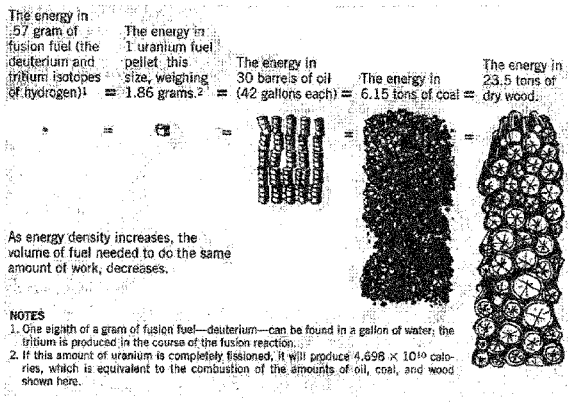
Part 2 of this feature, to appear next week, will discuss the recent Washington conference on high-temperature reactors, "HTR 2008: Beyond the Grid." Author Gregory Murphy will rebut the George Soros-funded attacks on South Africa's PBMR and the spurious technical arguments being used to try to derail the project.

Leading the anti-nuclear charge is Steve Thomas, a professor of energy policy at Britain's Greenwich University, whose July 2008 "white paper" against the PBMR was circulated to green groups and the press. Thomas uses the report of Jülich Research Center scientist Dr. Rainer Moorman to claim that the PBMR is not safe, in light of data Moorman anylyzes from the AVR pebble-bed test reactor. The AVR operated successfully for 21 years at Jülich, and was shut down in 1988 in the wake of hysteria in Germany over Chernobyl.

Murphy dissects the erroneous Moorman analysis, making use of the latest research presented at the HTR 2008 conference. He also reveals some of Thomas's peculiarly racist arguments in his ten-year campaign against the PBMR.

An expanded version of "The Nuclear Power Revolution," including interviews with General Atomics Vice Chairman Linden Blue and PBMR CEO Jaco Krick, will be posted at the website of *21st Century Science & Technology* magazine, www.21stcenturysciencetech.com.

FIGURE 1
Fuel and Energy Comparisons



A tiny amount of fission fuel provides millions of times more energy, in quantity, and quality. With a closed nuclear fuel cycle (which reprocesses used nuclear fuel), and development of the breeder reactor, nuclear is not only a renewable resource, but is able to create more new fuel than that used to fuel the reactor.

World—which is exactly why they are glorified by the anti-population lobby.

Although this report will discuss fourth-generation HTRs, to bring every person on Earth into the 21st Century with a good living standard, the nuclear revolution includes the development of all kinds of nuclear plants: large industrial-size plants, fast reactors, breeder reactors, thorium reactors, fission-fusion hybrids, and all sorts of small and even very small reactors. We will also need to fund a serious program to develop fusion reactors. But right now, the modular HTRs are ideal as the workhorses to gear up the global infrastructure-building we need.

The Revolutionary Fuel

There are two types of high-temperature modular gas-cooled reactors under development, which are distinguished by the way in which the nuclear fuel is configured: the *pebble bed* and the *prismatic* reactor. In the pebble bed, the fuel particles are fashioned into pebbles, fuel balls the size of tennis balls, which circulate in the reactor core. In the prismatic reactor, the fuel particles are fashioned into cylindrical fuel rods, that are stacked into a hexagonal fuel block.

South Africa is developing the Pebble Bed Modular Reactor, the PBMR, and China has an operating 10-megawatt HTR of the pebble bed design, with plans to construct a commercial 200-MW unit starting in 2009.

General Atomics, based in San Diego, is developing the Gas Turbine Modular Helium Reactor, GT-MHR, which has a prismatic fuel rod design, and Japan is operating a 30-MW high-temperature test reactor, HTTR, of the prismatic design.

Although the fuel configurations differ, both reactor types start with the same kind of fuel particles, and it is these tiny particles that will revolutionize electricity generation and industry throughout the world. Developed and improved over the past 50 years, these ceramic-coated nuclear fuel particles, three-hundredths of an inch in diameter (0.75 millimeters), make possible a high-temperature reactor that cannot melt down.

At the center of each fuel particle is a kernel of fissile fuel, such as uranium oxycarbide. This is coated with a graphite buffer, and then surrounded by three or more successive containment layers, two layers of pyrolytic carbon and one layer of silicon carbide. The nuclear reaction at the center is contained inside the particle, along with any products of the fission reaction. The ceramic layers that encapsulate the fuel will stay intact up to 2,000°C (3,632°F), which is well above the highest possible temperature of the reactor core, 1,600°C (2,912°F), even if there is a failure of the coolant.

The Chinese tested this in the HTR-10 in September 2004, turning off the helium coolant. The reactor shut down automatically, the fuel temperature remained under 1,600°C, and there was no failure of the fuel containment. This demonstrates both the inherent safety of the reactor design, and the integrity of the fuel particles, stated Frank Wu, CEO of Chinery, the consortium appointed by the Chinese government to head the development project.

As for the waste question: The HTRs produce just a tiny amount of spent fuel, the less to store or bury. But the rational question is, why bury it and throw away a resource? Why not reprocess it into new nuclear fuel?

General Atomics had an active research program investigating the reprocessing of spent fuel from the HTR, but when the United States gave up reprocessing in the 1970s under the banner of "nonproliferation," the facility was converted to do other research. As one longtime General Atomics nuclear engineer told me, reprocessing used HTR fuel is absolutely possible—you just have to want to figure out how to do it.

Fission in the HTR

Conventional fission reactors work much like their predecessor technologies. The fission reaction produces heat, the heat boils water to create steam, and the steam turns a turbine, which is attached to a generator to produce electricity. The fourth-generation reactors also use the fission reaction to produce heat, but instead of boiling water, the heat is used to heat helium, an inert gas, which then *directly* turns a turbine, which is connected to a generator to produce electricity. By eliminating the steam cycle, these HTRs increase the reactor efficiency *by 50%*, thus reducing the cost of power production.

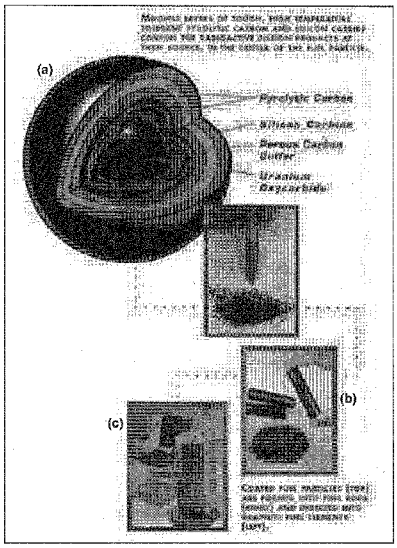
An obvious question is: How does the fission chain reaction occur if all the fission products are contained inside the fuel particles? The key is the neutron.

When the atomic nucleus of uranium splits apart, it produces heat in the form of fast-moving neutral particles (neutrons) and two or more lighter elements. To sustain a controlled fission chain reaction, every nucleus that fissions has to produce at least one neutron that will be captured by another uranium nucleus, causing it to split. The fission process is very fast; ejected neutrons stay free for about 1/10,000 of a second. Then they are either captured by fissionable uranium, or they escape without causing fissioning, to be captured by other elements or by nonfissionable uranium. Free neutrons can travel only about 3 feet.

All nuclear reactors are configured to create the optimum geometry for neutron capture by fissionable uranium. The point of a controlled fission reaction is to engineer the reactor design to capture the right proportion of slow neutrons in order to produce a steady fission reaction. (It is the slower neutrons that cause fissioning; the fast neutrons tend to be captured without causing fissioning.) For this purpose, reactors have *control rods,* made of materials like neutron-absorbing boron, that are raised or lowered to absorb neutrons, and *moderators,* made of a lighter element like carbon (graphite), that slow the neutrons down.[3]

In conventional nuclear reactors, water is the usual moderator, and the fission products stay inside the reactor core's fuel assembly. In the HTR, each tiny fuel particle contains the fission products produced by its uranium fuel kernel; only the neutrons leave the fuel particles.

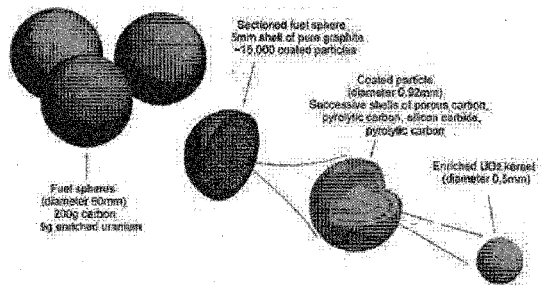
FIGURE 2
The Unique HTR Fuel in a Prismatic Configuration (GT-MHR)



Each tiny fuel particle, three-hundredths of an inch in diameter, has a kernel of fission fuel at the center surrounded by its "containment" layers (a). The fuel particles are mixed with graphite and formed into cylindrical fuel rods, about two inches long (b). The fuel rods are then inserted into holes drilled into the hexagonal graphite fuel element blocks (c), which measure 14 inches wide by 31 inches high. The fuel blocks, which also have helium coolant channels, are then stacked in the reactor core.

3. For more detail, see "Inside the Fourth-Generation Reactors," *21st Century Science & Technology,* Spring 2001.

FIGURE 3
HTR Fuel Formed into Pebbles (PBMR)



The PBMR fuel particles are similar to those in Figure 2, with a kernel of fission fuel (uranium oxide) at the center (at right). But instead of being fashioned into rods, the particles are coated with containment layers and then inserted into a graphite sphere to form "pebbles" the size of tennis balls (at left). Each pebble contains about 15,000 fuel particles. Each pebble travels around the reactor core about ten times in its lifetime.

Helium Gas Heats and Cools

The beauty of the high-temperature reactor, and the reason that it can attain such a high temperature (1,562° F, or 850°C, compared with the 600°F of conventional nuclear plants) lies in the choice of helium, the inert gas that carries the heat produced by the reactor. Helium has three key advantages:

- Helium remains as a gas, and thus the hot helium can directly turn a gas turbine, enabling conversion to electricity without a steam cycle.
- Helium can be heated to a higher temperature than water, so that the outlet temperature of the HTR can be higher than in conventional water-cooled nuclear reactors.
- Helium is inert and does not react chemically with the fuel or the reactor components, so there is no corrosion problem.

The helium circulates through the nuclear core, conveying the heat from the reactor through a connecting duct to the turbine. Then it passes through a compressor system, where it is cooled to 915°F (490°C), and reenters the nuclear core. The use of helium as both the coolant and the gas that turns the turbine simplifies the reactor by eliminating much of the equipment (and expense) of conventional reactors.

The high heat that is produced can be coupled with many industrial processes, such as desalination of seawater, hydrogen production, and coal liquefaction. These reactors are also small enough to be located on site for some industries, producing both electricity and process heat. The LaRouche plans for the Eurasian Land-Bridge and the World Land-Bridge, for example, envision these HTR reactors as the hub of new industrial cities across Eurasia and the harsh Arctic environment of eastern Russia, linked by high-speed and magnetically levitated railways.

Direct Conversion to Electricity

The HTRs, as noted above, gain efficiency by eliminating the steam cycle of conventional nuclear reactors (the heating of water to turn it into steam, which then turns a turbine). Instead, the helium gas carries the heat of the nuclear reaction to *directly* turn a gas turbine.

Like conventional nuclear reactors, the first high-temperature reactors—Peach Bottom in Pennsylvania and Fort St. Vrain in Colorado, for example—used a steam cycle. The Chinese HTR-10 also uses a steam cycle, but plans are to switch to a direct conversion system in its later models.

It only became possible to use the Brayton direct-cycle gas turbine with the HTRs after advances in industrial gas turbine use, and work carried out at the Massachusetts Institute of Technology during the 1980s specifically for coupling HTRs with a Brayton cycle. There were also advances in related systems, such as the recuperators and magnetic bearings. Taken together, these advances give the HTRs an overall efficiency of about 48%, which is 50% more than the efficiency of conventional nuclear reactors.

Multiple Safety Systems: Meltdown Proof

The modular HTRs are inherently safe, because they are designed to shut down on their own, without any human intervention. Even in the unlikely event that all the cooling systems failed, the reactor would shut down safely, dissipating the heat from the core

without any release of radioactivity.

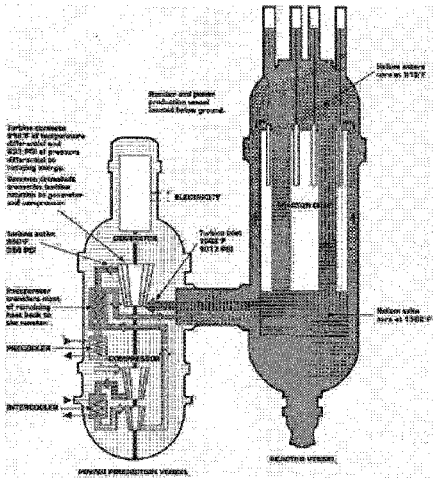
The built-in safety systems include the unique fuel particle containment: The fission products stay inside these "containment" walls.

Another safety feature is the reactor's "negative temperature coefficient" operating principle: If the operating temperature of the reactor goes up above normal, the neutron speed goes up, which means that more neutrons get captured without fissioning. In effect, this shuts down the chain reaction. Additionally, there are certain amounts of "poisons" present in the reactor core (the element erbium, for example), which will help the process of capturing neutrons without fissioning, if the operating temperature goes up.

The first line of safety in regulating the fission reactor is, of course, the control rods, which are used to slow down or speed up the fissioning process. But if the control rods were to fail, the reactor is designed to automatically drop spheres of boron into the core; boron absorbs neutrons without fissioning, and thus would stop the reaction.

Additionally, there are two external cooling systems, a primary coolant system and a shutdown coolant system. If both of these should fail, there are cooling panels on the inside of the reactor walls, which use natural convection to remove the core heat to the ground. Because the reactor is located below ground, the natural conduction of heat will ensure that the reactor core temperature stays below 1,600°C, well below the temperature at which the fuel particles will break apart.

FIGURE 4
Schematic View of the GT-MHR



The reactor vessel (right) and the power conversion vessel are located below ground, and the support systems for the reactor are above ground. Layers of the hexagonal fuel elements are stacked in the reactor core. The helium gas passes from the reactor to the gas turbine through the inside of the connecting coaxial duct, and returns via the outside.

The graphite moderator also helps dissipate heat in a shutdown.

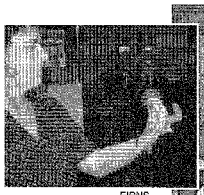
In addition to the successful Chinese HTR-10 test shutdown, a similar test was carried out on the AVR, the German prototype for the pebble bed, at Jülich. In one test, reactor staff shut down the cooling systems while the reactor was operating. The AVR shut itself down in just a few minutes, with no damage to the nuclear fuel. In other words, no meltdown was possible.

The HTR: A Manhattan Project Idea

The idea of a high-temperature gas-cooled reactor dates back to the Manhattan Project and chemist Farrington Daniels, who designed a nuclear reactor, then called a "pile," which had "pebbles" of fission fuel whose heat was removed by a gas. Daniels patented his idea in 1945, calling it a "pebble bed reactor," and the Oak Ridge National Laboratory began to work on the concept. But Daniels' idea was dropped, in favor of the pressurized water reactor, and the group working with Daniels went on to design the first nuclear reactor for the *Nautilus* submarine.[4]

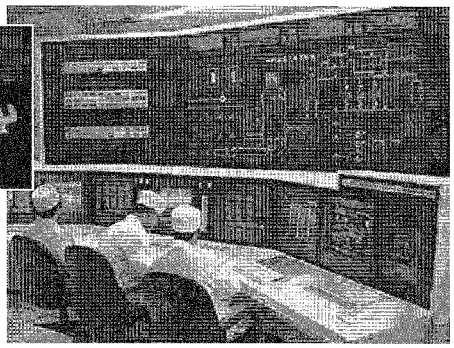
Later, Great Britain, Germany, and the United States developed high-temperature gas-cooled reactors. In Germany, Prof. Rudolf Schulten began working on a pebble-bed type reactor, and designed the 40-megawatt AVR pebble-bed reactor at Jülich, which operated successfully from 1966 to 1988, producing power for the grid and yielding a wealth of research data. Both this

4. Manhattan Project veteran Alvin M. Weinberg, who headed Oak Ridge National Laboratory, describes this in his autobiography, *The First Nuclear Era: The Life and Times of a Technological Fixer* (Woodbury, N.Y.: American Institute of Physics Press, 1994).



EIRNS

EIR's Mary Burdman holding a Chinese fuel pebble on a visit to the HTR-10 in 2001.



Chinese technicians in the control room of the experimental HTR-10, which has a pebble-bed design. China plans to construct a commercial-size 200-megawatt HTR starting in 2009.

and a subsequent larger HTR were shut down in 1988, as the anti-nuclear movement rode the wave of Chernobyl fear. South Africa's PBMR, as well as the Chinese HTR-10, make use of the Schulten pebble-bed system, with innovations particular to each of the two new designs.

In Europe, 13 countries collaborated on the experimental high-temperature gas reactor called Dragon, built in England in 1962. The 20-MW Dragon operated successfully from 1964 to 1975, testing materials and fuels, and its experimental results were used by later HTR projects, including the THTR and the Fort St. Vrain HTR.

In the United States, Peach Bottom 1 in Pennsylvania was the first commercial HTR, put into planning in 1958, just a year after the first U.S. nuclear plant went on line at Shippingport, Pennsylvania. Built by General Atomics and operated by the Philadelphia Electric Company, the prototype HTR operated successfully from 1966 to 1974, producing power for the grid and operating information on HTRs. As General Atomics' Linden Blue characterized it, Peach Bottom worked "like a Swiss watch." Unit 1 at Peach Bottom was followed by two conventional boiling water reactors at the same site.

General Atomics next built a larger HTR, the 330-megawatt Fort St. Vrain plant in Colorado, which operated from 1977 until 1989, using a uranium-thorium fuel. Unfortunately, mechanical problems with the bearings—a non-nuclear problem—made the plant too expensive to operate, and it was shut down. Later, Fort St. Vrain was transformed into a natural gas power plant.

General Atomics continued its HTR research through the 1980s, and in 1993, began a joint project with the Russians to develop the GT-MHR, with a focus on using the reactor to dispose of surplus Russian weapons-grade plutonium, by burning it as fuel. The HTR is particularly suitable for this purpose, because of the high burnup of fuel. Later in the 1990s, the French company Framatome and Japan's Fuji Electric joined the program.

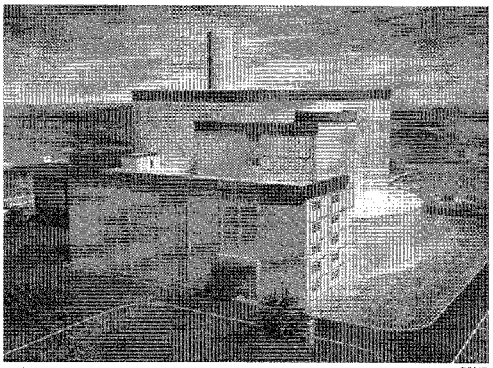
Today the conceptual design for the GT-MHR is complete and work continues to advance on the engineering, but construction cannot start until sufficient funds are available. The site selected for the reactor is Tomsk-7 in Russia, a Soviet-era "secret city" for production of plutonium and weapons, today known as Seversk.

In 2006, the University of Texas at the Permian Basin selected the GT-MHR design as the focus for a new nuclear research reactor, to be built in West Texas near Odessa.[5] General Atomics, Thorium Power, and the local communities contributed funds for the initial conceptual design. Now the university has signed a Cooperative Research and Development Agreement with Los Alamos National Laboratory, to develop a "pipeline of new nuclear reactor engineers" (a Bachelors degree program) to be ready immediately for working in power plants, national laboratories, or one of the U.S. nuclear agencies. According to the agreement, Los Alamos will send its scientists and engineers to the campus to teach and lead research, along with R&D equipment. The university's engineering staff will work with Los Alamos on research and joint seminars.

The project is named HT^{3}R (pronounced "heater"), which stands for high-temperature teaching and test reactor. Dr. James Wright, who manages HT^{3}R, told this writer that the initial efforts will be "geared toward developing any non-nuclear simulation or calculation that will move the HTGR technology forward to commercial deployment." Wright said that they would like

5. Interview with James Wright, "Texas University to Build HTR Reactor," www.21stcenturysciencetech.com/2006_articles/ spring%202006/ Nuclear_Report.pdf.

to "eventually find a way to participate in an advanced reactor test facility like the HT³R, but we are not necessarily tied to any particular design. Again, our goal is to move the HTGR technology to commercial deployment as fast as possible." In Wright's personal view, such a first reactor could be built without Federal involvement or money, "if the economics are right."



PBMR

The planned PBMR facility at Koeberg, South Africa, in an artist's illustration. Once the regulatory and environmental permissions are granted, the PBMR should start contruction in 2009. Koeberg is now the site of two large boiling water nuclear reactors.

Will the U.S. Catch Up?

The Department of Energy's Next Generation Nuclear Plant program plans to put a commercial-size HTR on line ... by the year 2030. So far, two industry groups have received a small amount of funding for design studies, and there is a target date of 2021 for a demonstration reactor of a type (pebble bed or prismatic) to be determined. But even that slow timetable is not sure, given the budget limits and lack of political priority.[6] This HTR project, called the Very High Temperature Reactor, is based at Idaho National Laboratory, and is planned for coupling with a hydrogen production plant. At the slow rate it is going, the United States, a former nuclear pioneer, may find itself importing this next-generation technology from a faster advancing nation.

The other problem is that the Next-Gen program has taken a backseat to the Bush Administration's Nuclear Energy Partnership (GNEP) program. The political thrust of the Department of Energy's GNEP is to prevent other nations (especially unfavored nations) from developing the full nuclear fuel cycle, by controlling the enrichment and supply of nuclear fuel. In line with the goal of non-proliferation, GNEP's focus is on building a fast (breeder) reactor that is "proliferation proof"—one that would burn up plutonium, preventing any diversion for bomb making. Non-proliferation, an obsession with both the Bush Administration and the Democrats, in reality is just a euphemism used for years by the Malthusian anti-nuclear movement to kill *civilian* nuclear power.[7]

It would make sense under the Next-Gen program for the United States to build a prototype GT-MHR, because the South Africans are building a PBMR, and this would give the world working models of each type. But at the present pace and budget, without a major commitment on the level of the Manhattan Project, a U.S. demonstration reactor is barely on the horizon.

The problem is not with the technology. Speaking at a press conference on the HTR in Washington, D.C., on Oct. 1, Dr. Regis Matzie, Senior Vice President & Chief Technology Officer at Westinghouse, who chaired the HTR 2008 conference, stated flatly, "We don't have a national priority" on building an HTR, and other countries which do—South Africa and China, for example—can move faster. At the same press conference, Linden Blue summed up the current HTR situation philosophically. With any new technology he said, you have an initial period of ridicule; then the technology is viciously attacked; and finally, the technology is adopted as self-evident. Soon after that, Blue said, everyone will be commenting on that first HTR, "What took you so long?"

The nuclear power revolution is now within our grasp, here in the United States, in South Africa, in China, in Japan, in Europe. The cost of developing the HTR is minuscule, in comparison with the trillions of dollars being sunk into the unproductive and losing gamblers on Wall Street. The cost of *not* developing these fourth-generation reactors will be measured in lives lost, and perhaps civilizations lost.

6. This program is discussed in Marsha Freeman, "It's Time for Next Generation Nuclear Plants," *21st Century Science & Technology*, Fall 2007, www.21stcenturysciencetech.com/Articles%202007/NextGen.pdf.

7. See "The Neo-cons Not Carter Killed Nuclear Energy," *21st Century Science & Technology*, Spring-Summer 2006, www.21steenturysciencetech.com/2006_articles/ spring%202006/Wohlstetter.pdf; and "Bush Nuclear Program: Technological Apartheid," *EIR*, July 6, 2007.

Chairman ROS-LEHTINEN. Mr. Berman is recognized.

Mr. BERMAN. Where do I buy one?

Thank you, Madam Chairman. If I may take my time to just ask Mr. Fortenberry a question. We had suggested adding two phrases to your amendment regarding the tragic undertaking in Japan. And one is a phrase in the findings—a longstanding friend and ally of the United States. And in the second finding, a reference that the earthquake and resulting tsunami caused a massive loss of life, devastated towns and farmland, and inserting that in the appropriate place in the second finding.

This raises a larger issue, which isn't the committee's issue. But I will take this opportunity to bring it up. The leadership of the House in their rules has passed provisions restricting resolutions in many areas. And by and large, I support that decision. One is, a lot of issues that take our time will not be considered because of that. But there needs to be some flexibility. What happened in Japan and our relationship with that country are so important and the expression of the congressional understanding of the gravity of the tragedy there I think is so important to our friend and ally Japan and the Japanese people that to take a little bit, just a key element of a resolution which can't move because of those rules and incorporate it into a bill that is directly related to the tsunami and flood and the consequences of the earthquake and the tsunami on the nuclear reactor seems appropriate, seems called for in this kind of situation, and I do think this is a case where the leadership tends to be interpreting the rules so restrictively that it forces us not to do something that I think just common decency requires us to be doing.

I would just like to ask the author of the amendment if it would be possible to add those phrases. It is not the entire resolution that has been introduced. You have taken some parts of the resolution; as I understand it, the leadership has signed off on. But the omission of our relationship with our friend and ally and the consequences of the earthquake and tsunami to that country I think would be appropriate, and it is a very small part of the underlying resolution.

So on my time, if the gentleman or the chairman wish to react.

Chairman ROS-LEHTINEN. Mr. Fortenberry, I was wondering if I could—not taking away from your time—if I could react to Mr. Berman's time and not take your time as well. And while I agree and I think all the members would agree that what occurred in Japan is indeed a catastrophe in epic proportions, many key U.S. allies, Colombia and New Zealand, also have seen devastating natural disasters, and we have time on the floor for us to express our condolences and build on those strong relationships with our allies through 1-minute, 5-minute Special Orders, and 1 hour Special Orders. But if such language would be incorporated in Mr. Fortenberry's bill, even couched in legislative language but put in words that have really camouflaged our resolution language, it will not be considered by the rules of our leadership on the floor. So they would be stripped in the Rules Committee. But Mr. Fortenberry can do as he wishes on this language, if that is an amendment that you are offering.

Mr. BERMAN. Well, I guess I am asking the gentleman if he would accept that language.

Chairman ROS-LEHTINEN. Mr. Fortenberry is recognized.

Mr. FORTENBERRY. Thank you, Madam Chair. First of all, I want to thank the gentleman from California, the ranking member, for sponsoring this legislation, for cosponsoring it. I appreciate your interest in our longstanding relationship on working on issues of nuclear safety as well as nonproliferation. I simply have to echo the chairwoman's sentiments that there was—it is my understanding—some complexities in doing this. But I understand your sensibilities, and I share them. If there is an opportunity to work later, perhaps on the floor, to express those sentiments, I would be happy to work with you.

Mr. BERMAN. I will not offer an amendment now, but I would like perhaps for us to consider the possibility if this will be the only opportunity for us formally to express these concerns between now and taking this bill up on the House floor to review the situation and consider the possibility of adding this language, perhaps in consultation with the bipartisan leadership.

Chairman ROS-LEHTINEN. Thank you, Mr. Berman. Thank you, Mr. Fortenberry.

Do any other members seek recognition? Mr. Connolly is recognized.

Mr. CONNOLLY. Thank you, Madam Chairman. Let me thank Mr. Fortenberry for his leadership on this thoughtful piece of legislation which I enthusiastically support. I have a simple amendment at the desk.

Chairman ROS-LEHTINEN. Sir, if I could ask if we could hold that a second and let's take action on the Fortenberry amendment first. Thank you.

If there are no other requests for time on the Fortenberry amendment, then the question occurs on adoption of the amendment that Mr. Fortenberry discussed. All those in favor say aye. Those opposed, no.

In the opinion of the chair the ayes have it, and the amendment is agreed to.

Are there any other amendments to the bill? Mr. Connolly is recognized.

Mr. CONNOLLY. Thank you, Madam Chairman. I just assumed the Fortenberry language had been adopted by acclimation.

Chairman ROS-LEHTINEN. The clerk will report the amendment.

Ms. CARROLL. Amendment to H.R. 1326 offered by Mr. Connolly of Virginia page 5 line 19 insert after: "sites" the following: Via natural ecological transport systems.

[The amendment referred to follows:]

AMENDMENT TO H.R. 1326

OFFERED BY MR. CONNOLLY OF VIRGINIA

Page 5, line 19, insert after "sites" the following:

"via natural ecological transport systems".

☒

Chairman ROS-LEHTINEN. The gentleman is recognized.

Mr. CONNOLLY. Madam Chairman, I thank you. I am not going to take much time. This is simply some language to expand on transported away from nuclear sites in the event of a natural disaster. I think we need the international cooperation of the scientific community, technical community, engineering community to look at the ecological ramifications. How do we treat seawater when it is polluted? What do we do about farmland when it is polluted with radioactivity? And that is the sole purpose of my language, to simply expand on transported away. And I hope it will be considered a principal amendment.

Chairman ROS-LEHTINEN. Thank you. The chair supports the amendment. If the ranking member would like to be recognized?

Mr. BERMAN. I have no objection to the amendment.

Chairman ROS-LEHTINEN. Thank you. Do any members wish to speak on the amendment? Hearing no members seeking recognition, the question occurs on the amendment. All those in favor say aye. All those opposed no.

In the opinion of the chair the ayes have it and the amendment is agreed to.

Mr. CONNOLLY. I thank the chair.

Chairman ROS-LEHTINEN. Thank you, Mr. Connolly. Are there any other amendments to the bill?

Hearing no further amendments, I move that the bill be reported favorably to the House, as amended. All those in favor say aye. All those opposed no.

The ayes have it, and the motion to report favorably is agreed to. Without objection, the bill, as amended, will be reported as a single amendment in the nature of a substitute incorporating the amendments adopted by this committee, and the staff is directed to make technical and conforming changes.

I now call up H.R. 1016, the Assessing Progress in Haiti Act. Without objection, the bill will be considered as read and open for amendment at any point, and the bipartisan amendment in the nature of a substitute that members have before them will be considered as read and base text for purposes of the amendment.

[The information referred to follows:]

I

112TH CONGRESS
1ST SESSION

H. R. 1016

To measure the progress of relief, recovery, reconstruction, and development efforts in Haiti following the earthquake of January 12, 2010, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 10, 2011

Ms. LEE of California introduced the following bill; which was referred to the Committee on Foreign Affairs

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A BILL

To measure the progress of relief, recovery, reconstruction, and development efforts in Haiti following the earthquake of January 12, 2010, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Assessing Progress in Haiti Act".

SEC. 2. FINDINGS.

Congress finds the following:

(1) On January 12, 2010, an earthquake measuring 7.0 on the Richter magnitude scale struck the country of Haiti.

(2) According to the United States Geological Survey (USGS)—

(A) the earthquake epicenter was located approximately 15 miles southwest of Port-au-Prince, the capital of Haiti; and

(B) the earthquake was followed by 59 aftershocks of magnitude 4.5 or greater, the most severe measuring 6.0.

(3) According to the Government of Haiti, more than 316,000 people died as a result of the earthquake, including 103 citizens of the United States and more than 100 United Nations personnel.

(4) According to the United Nations and the International Organization for Migration—

(A) an estimated 3,000,000 people were directly affected by the disaster, nearly one-third of the country's population; and

(B) more than 1,300,000 people were displaced from their homes to settlements.

(5) Casualty numbers and infrastructure damage, including to roads, ports, hospitals, and residential dwellings, place the earthquake as the worst

1 cataclysm to hit Haiti in over two centuries and,
2 proportionally, one of the world's worst natural dis-
3 asters in modern times.
4 (6) The Post Disaster Needs Assessment
5 (PDNA) conducted by the Government of Haiti, the
6 United Nations, the World Bank, the Inter-Amer-
7 ican Development Bank, and other experts estimates
8 that damage and economic losses totaled
9 $7,804,000,000, approximately 120 percent of Hai-
10 ti's gross domestic product in 2009.
11 (7) Haiti is the poorest, least developed country
12 in the Western Hemisphere with, prior to the earth-
13 quake—
14 (A) more than 70 percent of Haitians liv-
15 ing on less than $2 per day; and
16 (B) a ranking of 149 out of 182 countries
17 on the United Nations Human Development
18 Index.
19 (8) House Resolution 1021, which was passed
20 on January 21, 2010, on a vote of 411 to 1 ex-
21 pressed—
22 (A) the House of Representatives "deepest
23 condolences and sympathy for the horrific loss
24 of life" caused by the earthquake; and

1 (B) bipartisan support for the recovery
2 and reconstruction needs of Haiti.
3 (9) The initial emergency response of the men
4 and women of the United States Government, led by
5 the United States Agency for International Develop-
6 ment and United States Southern Command, was
7 swift and resolute.
8 (10) Individuals, businesses, and philanthropic
9 organizations across the United States and through-
10 out the international community responded in sup-
11 port of Haiti and its populace during this crisis,
12 sometimes in innovative ways such as fundraising
13 through text messaging.
14 (11) The Haitian diaspora in the United States,
15 which was integral to emergency relief efforts—
16 (A) has annually contributed significant
17 monetary support to Haiti through remittances;
18 and
19 (B) continues to seek opportunities to
20 partner with the United States Agency for
21 International Development and other agencies
22 to substantively contribute to the reconstruction
23 of Haiti.
24 (12) Significant challenges still remain in Haiti
25 as it works to recover and rebuild.

(13) According to the International Organization for Migration, approximately 800,000 people remain in spontaneous and organized camps in Haiti.

(14) According to numerous nongovernmental organizations and United States contractors, the pace of reconstruction has lagged significantly behind the original emergency relief phase.

(15) The widespread irregularities that occurred in the elections held in Haiti on November 28, 2010, led to outbursts of violence which undermined the recovery efforts.

(16) On October 21, 2010, an outbreak of cholera was detected in the Lower Artibonite region.

(17) Initial efforts to contain the epidemic were disrupted by Hurricane Tomás and resulting widespread flooding, which led to the spreading and entrenchment of the disease throughout the country.

(18) According to the Haitian Ministry of Public Health and Population, as of February 25, 2011—

(A) more than 4,627 people have died from cholera; and

(B) more than 248,442 have been infected from the disease.

(19) According to the Pan American Health Organization and the Centers for Disease Control and Prevention, cholera could spread to as many as 400,000 people within the first year of the epidemic, potentially causing 7,600 deaths at the current case fatality rate.

(20) The United States has provided more than $45,192,163 worth of assistance to combat the cholera epidemic, including by assisting with stockpiling health commodities, equipping cholera treatment centers, providing public information, and improving water and sanitation systems.

(21) The efforts to combat the cholera epidemic have helped to drive the mortality rate from cholera down from nearly 7 percent to 1.8 percent of all contracted cases as of February 25, 2011.

(22) Throughout the series of crises, the people of Haiti continue to demonstrate unwavering resilience, dignity, and courage.

(23) At the international donors conference "Towards a New Future for Haiti" held on March 31, 2010, 59 donors pledged over $5,500,000,000 to support Haiti.

(24) The United Nations Office of the Special Envoy for Haiti estimates that nearly

1 $1,900,000,000 has been disbursed, with an addi-
2 tional amount of approximately $2,000,000,000
3 committed.

4 (25) Haiti needs sustained support from the
5 international community in order to confront the on-
6 going cholera epidemic and to promote reconstruc-
7 tion and development.

8 **SEC. 3. REPORT.**

9 (a) REPORT REQUIRED.—Not later than six months
10 after the date of the enactment of this Act, the President,
11 in consultation with the heads of all relevant agencies, in-
12 cluding the Department of State, the United States Agen-
13 cy for International Development, the Department of De-
14 fense, the Department of Health and Human Services,
15 and the Centers for Disease Control and Prevention shall
16 transmit to Congress a report on the status of post-earth-
17 quake humanitarian, reconstruction, and development ef-
18 forts in Haiti, including efforts to prevent the spread of
19 cholera and treat persons infected with the disease.

20 (b) CONTENTS.—The report required by subsection
21 (a) shall include a description, analysis, and evaluation of
22 the—

23 (1) overall progress of relief, recovery, and re-
24 construction in Haiti, including—

1 (A) programs and projects of the United
2 States Government;
3 (B) programs and projects to protect vul-
4 nerable populations, such as internally displaced
5 persons, children, women and girls, and persons
6 with disabilities; and
7 (C) projects to improve water, sanitation,
8 and health, and plans for improvements in
9 these areas in the long-term;
10 (2) extent to which United States and inter-
11 national efforts are in line with the priorities of the
12 Government of Haiti and are actively engaging and
13 working through Haitian ministries and local au-
14 thorities;
15 (3) coordination among United States Govern-
16 ment agencies, and coordination between the United
17 States Government and United Nations agencies,
18 international financial institutions, and other bilat-
19 eral donors;
20 (4) mechanisms for communicating the progress
21 of recovery and reconstruction efforts to Haitian
22 citizens, as well as recommendations on how these
23 can be improved;
24 (5) mechanisms through which Haitian civil so-
25 ciety, including vulnerable populations, is actively

1 participating in all major stages of recovery and re-
2 construction efforts, and recommendations on how
3 these can be improved; and
4 (6) mechanisms through which the Haitian di-
5 aspora is involved in recovery and reconstruction ef-
6 forts.
7 (c) USE OF PREVIOUSLY APPROPRIATED FUNDS.—
8 Funding for the report required under subsection (a) shall
9 derive from existing discretionary funds of the depart-
10 ments and agencies specified in such subsection.

○

AMENDMENT IN THE NATURE OF A SUBSTITUTE TO H.R. 1016 OFFERED BY MS. ROS-LEHTINEN OF FLORIDA

Strike all after the enacting clause and insert the following:

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the "Assessing Progress in
3 Haiti Act".

4 **SEC. 2. FINDINGS.**

5 Congress finds the following:

6 (1) On January 12, 2010, an earthquake meas-
7 uring 7.0 on the Richter magnitude scale struck the
8 country of Haiti.

9 (2) According to the United States Geological
10 Survey (USGS)—

11 (A) the earthquake epicenter was located
12 approximately 15 miles southwest of Port-au-
13 Prince, the capital of Haiti; and

14 (B) the earthquake was followed by 59
15 aftershocks of magnitude 4.5 or greater, the
16 most severe measuring 6.0.

17 (3) According to the Government of Haiti, more
18 than 316,000 people died as a result of the earth-

quake, including 103 citizens of the United States and more than 100 United Nations personnel.

(4) According to the United Nations and the International Organization for Migration—

(A) an estimated 3,000,000 people were directly affected by the disaster, nearly one-third of the country's population; and

(B) more than 2,100,000 people were displaced from their homes to settlements.

(5) Casualty numbers and infrastructure damage, including to roads, ports, hospitals, and residential dwellings, place the earthquake as the worst cataclysm to hit Haiti in over two centuries and, proportionally, one of the world's worst natural disasters in modern times.

(6) The Post Disaster Needs Assessment (PDNA) conducted by the Government of Haiti, the United Nations, the World Bank, the Inter-American Development Bank, and other experts estimates that damage and economic losses totaled $7,804,000,000, approximately 120 percent of Haiti's gross domestic product in 2009.

(7) Haiti is the poorest, least developed country in the Western Hemisphere with, prior to the earthquake—

(A) more than 70 percent of Haitians living on less than $2 per day; and

(B) a ranking of 149 out of 182 countries on the United Nations Human Development Index.

(8) House Resolution 1021, which was passed on January 21, 2010, on a vote of 411 to 1 expressed—

(A) the House of Representatives' "deepest condolences and sympathy for the horrific loss of life" caused by the earthquake; and

(B) bipartisan support for Haiti's recovery and reconstruction.

(9) The initial emergency response of the men and women of the United States Government, led by the United States Agency for International Development and United States Southern Command, was swift and resolute.

(10) Individuals, businesses, and philanthropic organizations across the United States and throughout the international community responded in support of Haiti and its populace during this crisis, sometimes in innovative ways such as fundraising through text messaging.

(11) The Haitian diaspora in the United States, which was integral to emergency relief efforts—

(A) has annually contributed significant monetary support to Haiti through remittances; and

(B) continues to seek opportunities to partner with the United States Agency for International Development and other agencies to substantively contribute to the reconstruction of Haiti.

(12) Significant challenges still remain in Haiti as it works to recover and rebuild.

(13) According to the International Organization for Migration, approximately 680,000 people remain in spontaneous and organized camps in Haiti.

(14) According to numerous nongovernmental organizations and United States contractors, the pace of reconstruction has lagged significantly behind the original emergency relief phase.

(15) The widespread irregularities that occurred in the elections held in Haiti on November 28, 2010, led to outbursts of violence which undermined the recovery efforts.

(16) On October 21, 2010, an outbreak of cholera was detected in the Lower Artibonite region.

(17) Initial efforts to contain the epidemic were disrupted by Hurricane Tomás and resulting widespread flooding, which led to the spreading and entrenchment of the disease throughout the country.

(18) According to the Haitian Ministry of Public Health and Population, as of March 28, 2011—

(A) approximately 4,766 people have died from cholera; and

(B) approximately 270,991 have been infected from the disease.

(19) According to the Pan American Health Organization and the Centers for Disease Control and Prevention, cholera could spread to as many as 400,000 people within the first year of the epidemic, potentially causing 7,600 deaths at the current case fatality rate.

(20) The United States has provided more than $62,523,017 worth of assistance to combat the cholera epidemic, including by assisting with stockpiling health commodities, equipping cholera treatments centers, providing public information, and improving water and sanitation systems.

(21) The efforts to combat the cholera epidemic have helped to drive the mortality rate from cholera

down from nearly 7 percent to 1.7 percent of all contracted cases as of February 25, 2011.

(22) Throughout the series of crises, the people of Haiti continue to demonstrate unwavering resilience, dignity, and courage.

(23) On March 20, 2011, presidential and parliamentary elections were held in Haiti without major disruptions or problems.

(24) At the international donors conference "Towards a New Future for Haiti" held on March 31, 2010, 59 donors pledged over $5,000,000,000 to support Haiti.

(25) The United Nations Office of the Special Envoy for Haiti estimates that nearly $1,900,000,000 has been disbursed, with an additional amount of approximately $2,000,000,000 committed.

(26) Haiti will need the support of the international community in order to confront the ongoing cholera epidemic and to promote reconstruction and development.

SEC. 3. REPORT.

(a) REPORT REQUIRED.—Not later than six months after the date of the enactment of this Act, the President, in consultation with the heads of all relevant agencies, in-

1 cluding the Department of State, the United States Agen-
2 cy for International Development, the Department of De-
3 fense, the Department of Health and Human Services,
4 and the Centers for Disease Control and Prevention shall
5 transmit to Congress a report on the status of post-earth-
6 quake humanitarian, reconstruction, and development ef-
7 forts in Haiti, including efforts to prevent the spread of
8 cholera and treat persons infected with the disease.
9 (b) CONTENTS.—The report required by subsection
10 (a) shall include a description, analysis, and evaluation of
11 the—
12 (1) overall progress of relief, recovery, and re-
13 construction in Haiti, including—
14 (A) programs and projects of the United
15 States Government;
16 (B) programs and projects to protect vul-
17 nerable populations, such as internally displaced
18 persons, children, women and girls, and persons
19 with disabilities; and
20 (C) projects to improve water, sanitation,
21 and health, and plans for improvements in
22 these areas in the long-term;
23 (2) extent to which United States and inter-
24 national efforts are in line with the priorities of the
25 Government of Haiti and are actively engaging and

1 working through Haitian ministries and local au-
2 thorities;
3 (3) coordination among United States Govern-
4 ment agencies, and coordination between the United
5 States Government and United Nations agencies,
6 international financial institutions, and other bilat-
7 eral donors;
8 (4) mechanisms for communicating the progress
9 of recovery and reconstruction efforts to Haitian
10 citizens, as well as recommendations on how these
11 can be improved;
12 (5) mechanisms through which Haitian civil so-
13 ciety, including vulnerable populations, is actively
14 participating in all major stages of recovery and re-
15 construction efforts, and recommendations on how
16 these can be improved;
17 (6) mechanisms through which the Haitian di-
18 aspora is involved in recovery and reconstruction ef-
19 forts; and
20 (7) suitability of Haiti to receive aliens who are
21 removed, excluded, or deported from the United
22 States pursuant to United States law, and steps
23 Haiti is taking to strengthen its capacity in this re-
24 gard.

1 (c) USE OF PREVIOUSLY APPROPRIATED FUNDS.—
2 Funding for the report required under subsection (a) shall
3 derive from existing discretionary funds of the depart-
4 ments and agencies specified in such subsection.

☒

Chairman ROS-LEHTINEN. I recognize myself to speak on the bill.

I support H.R. 1016, a bill introduced by Congresswoman Barbara Lee, directing the President to report to Congress regarding the status of post-earthquake humanitarian reconstruction and development efforts in Haiti. It supplements our efforts under the Haiti Act, which I introduced last Congress, to exercise greater oversight over the disbursement of assistance and to ensure that it is reaching the intended recipients and that it is advancing U.S. priorities and Haiti's recovery.

It has been about 15 months since last year's devastating earthquake in Haiti. In that time the United States has undertaken a robust and multi-faceted effort supporting the Haitian people as they work to rebuild and advance their island nation. It has not been an easy road.

As the bill states, however, throughout this series of crises, the people of Haiti have continued to demonstrate unwavering resilience, dignity, and courage. Last month the final round of the Haitian elections was held, marking an important step toward the completion of the election process and ultimate transition of power from President Preval to the President-Elect. It would be critical that this transition process be carried out peacefully, responsibly, and with great transparency.

Sustainable recovery in Haiti will depend on strong leadership by the new government of Haiti and a vigorous commitment to strengthen Haiti's democratic institutions and a concrete verifiable effort to stop corruption. And the people of Haiti must be included in the design and ownership of their political and economic future.

I had the opportunity to visit Haiti this past January with Secretary Clinton's Chief of Staff and a point person on Haiti, and I can tell you that while important advancements have been made, it is clear that much work still remains to be done. It is critical that we take all steps possible to ensure the support that we provide is carried out in an effective and sustainable manner. The report mandated by H.R. 1016 will help us in this effort.

I would like to thank Ranking Member Berman and his staff for working with us to iron out the details of this amendment. I look forward to continuing to work with my colleagues in support of these oversight efforts, and I am now pleased to recognize my friend, the ranking member, for remarks he may have on this measure. Mr. Berman.

Mr. BERMAN. Thank you very much, Madam Chairman, and I want to first commend our former committee member, Ms. Barbara Lee, for introducing this bill. It provides a detailed snapshot of where Haiti is roughly a year after the horrific January 10, 2010, earthquake which left more than 316,000 dead. Many international actors and donors have joined the U.S. in a complex program to assist the people of Haiti to help us understand all of the moving parts of this process.

The bill requires a report from the President on the state of U.S. programs and projects in place, to protect vulnerable populations, to improve water and sanitation, of coordination with other donors, NGOs, the Haitian diaspora, and the Haitian Government. We need to remain engaged in helping Haiti rebuild its future. This bill will help us help Haiti and I strongly support it. And I am pleased we have reached an agreement on the bipartisan amendment in the nature of a substitute. I look forward to helping get this bill to the floor.

Chairman ROS-LEHTINEN. Thank you so much, Mr. Berman. I know that Ms. Wilson of our committee represents a growing and vibrant Haitian American community, and I would like to know if she would like to be recognized for 5 minutes to speak on this bill. Without objection.

Ms. WILSON OF FLORIDA. Thank you, Madam Chair. I would like to thank the chair for the inclusion of one of my amendments in the bill today and the opportunity to describe another amendment which I wanted to offer but was not germane. I want to work with the chair and Ranking Member Berman to quickly address this issue.

I would like to first commend the chairman and ranking minority member of the Subcommittee on the Western Hemisphere, Congressmen Connie Mack and Eliot Engel, for supporting an amendment which included language that I wanted to offer and was offered by Congressman Engel. That amendment added a requirement to the report asking of the suitability of Haiti to receive deported individuals and the steps that Haiti has taken to strengthen its capacity in that regard. I would also like to thank the chairwoman for accepting this language in her amendment in the nature of a substitute.

The amendment that I wanted to offer goes a bit further and complements the earlier language. It is very simple and adds an enforcement provision to the bill. It says that if the required report is not delivered to Congress within the 6-month deadline required by the bill upon enactment, all deportation should be halted until the report is transmitted to Congress and the President determines and certifies that it is appropriate for these deportations to continue.

Some of you may not be aware that temporary protective status for Haitian nationals currently in the United States is set to expire on July 22, 2011. Along with several other Members of Congress, I have asked that this temporary protective status designation be extended for 1 year. We have just witnessed the 1-year anniversary of the earthquake and both the Nation and people of Haiti face enormous economic and infrastructure challenges. One year later, it is estimated by many organizations that 1 million people still

live in tent camps, and it is reported that one person who was sent back to Haiti died from cholera.

According to the January 22 study by U.S. and Haitian researchers, 38 percent of these camps still don't have regular access to water, down only 2.5 percentage points since August. Nearly a third of camps aren't equipped with toilets, and where toilets can be found they are shared by an average of 273 people each. The United Nations standards call for one toilet per 20 people. As a result, many camp residents remain highly vulnerable to fecal-born diseases like cholera, which has killed over 4,600 people and infected nearly a quarter of a million since October of last year.

This issue is important to me and it is important to the international stature of the United States. The 17th Congressional District of Florida has the largest number of Haitian nationals in America. This is the just and humane thing to do.

I understand that my amendment is not germane and could cause a point of order against the bill as it moves forward. I look forward to working with Chairwoman Ros-Lehtinen and Ranking Minority Member Berman to quickly address this issue. I thank the chairman, the ranking minority member, and my colleagues on the committee for listening to me. I yield back the remainder of my time.

Chairman ROS-LEHTINEN. Thank you very much, Ms. Wilson. And on behalf of our south Florida congressional delegation, Mr. Deutch, Mr. Rivera, and I also look forwarded to working with you and Mr. Berman on this issue as it moves forward.

Seeing no baseball signals about members wishing to be recognized, I would like to ask if there are any amendments to the base text. Mr. Connolly is recognized.

Mr. CONNOLLY. Madam Chairman, thank you. I have a straightforward amendment, and I would call it up at the desk.

Ms. CARROLL. Amendment to the amendment in the nature of a substitute to H.R. 1016 offered by Mr. Connolly of Virginia. Page 3, after line 18, insert the following new paragraph.

[The amendment referred to follows:]

AMENDMENT TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE TO H.R. 1016 OFFERED BY MR. CONNOLLY OF VIRGINIA

Page 3, after line 18, insert the following new paragraphs (and redesignate subsequent paragraphs accordingly):

1 (10) United States urban search and rescue
2 (USAR) teams were immediately activated after the
3 earthquake and deployed from Fairfax County, Vir-
4 ginia, Los Angeles County, California, Miami-Dade,
5 Florida, the City of Miami, Florida, and Virginia
6 Beach, Virginia, to assist the United States Agency
7 for International Development (USAID) Disaster
8 Assistance Response Team (DART), and New York
9 City's first responders asked the Office of U.S. For-
10 eign Disaster Assistance (OFDA) to activate a New
11 York City urban search and rescue shortly there-
12 after.
13 (11) A month after the earthquake, the House
14 of Representatives unanimously passed House Reso-
15 lution 1059 which expressed gratitude to these
16 USAR units, and highlighted that the 511 United
17 States rescue workers comprised roughly one-third

1 of the entire international USAR effort in Haiti, and

2 more than 130 people were rescued from under the

3 rubble in Haiti by these units.

Chairman ROS-LEHTINEN. Without objection, the amendment is considered read. And the chair reserves a point of order on the amendment. But Mr. Connolly is recognized for up to 5 minutes to explain his amendment.

Mr. CONNOLLY. Thank you, Madam Chairman. Amendment No. 42 simply applauds the work of the urban search and rescue teams from Los Angeles, Miami/Dade, City of Miami, Virginia Beach that have worked with USAID and FEMA in response to numerous tragedies and in particular, of course, most recently Japan but Haiti as well. And this language simply calls them out for special treatment. I was under the impression, Madam Chairman, that this had been cleared.

Chairman ROS-LEHTINEN. Correct. Correct. Thank you. I apologize, Mr. Connolly.

Mr. CONNOLLY. And Madam Chairman, I just think they do outstanding work. This is a great partnership between USAID and our local fire and rescue departments. Each of our respective jurisdictions can and should be proud of work they do and the ambassador role they play on behalf of the people of the United States when others around the world suffer tragedies, as they did in Haiti and most recently in Japan.

And with that, I yield back my time.

Chairman ROS-LEHTINEN. Thank you, Mr. Connolly. The chair would like to recognize herself to acknowledge my support for this amendment because it highlights the admirable contributions that many American corporations, organizations, people have made to support the relief and recovery efforts in Haiti. Americans have donated $1.4 billion to charities in support of this cause. My own district and Ms. Wilson's district of Miami has sent two urban search and rescue teams to Haiti immediately following the quake, pledged $60,000 to relief efforts. The Port of Miami and Miami International Airport have waived certain fees for relief-related efforts. And several other assets from south Florida were utilized, U.S. Southern Command (SOUTHCOM), which served as the operation center for the U.S. response, Coast Guard Key West, Homestead Air Reserve Base, which was the initial departure point for C–130s that carried relief, supplies, and personnel to Haiti. And as we have noted, the underlying bill states that individual businesses and philanthropic organizations across the U.S. and throughout the international community responded in support of Haiti and its pop-

ulace during the crisis, sometimes in innovative ways, such as fundraising through text messages.

Does anyone wish to be heard on the amendment? Mr. Berman.

Mr. BERMAN. Thank you, Madam Chairman.

I strongly support this paragraph of praise for the U.S. urban search and rescue teams in reference to an earlier passed House Resolution. And once again I urge my colleagues to consider with respect to the other bill similar references of concern for the disaster in Japan and urge adoption of this amendment.

Chairman ROS-LEHTINEN. Mr. Payne is recognized for 5 minutes.

Mr. PAYNE. I would just like to say very briefly, let me commend the author of the resolution and the strong support that has been received from the chairperson, the ranking member, these perfecting amendments. I think it is certainly important that we do recognize those people who put themselves in harm's way, as is indicated in this amendment. So I would just like to commend the committee and for us to continue to have a concern about our neighbors so close to our shores.

With that, I yield back.

Chairman ROS-LEHTINEN. Thank you. I see no other baseball signals for recognition of time. So hearing no further requests for recognition, the question occurs on the amendment. All those in favor say aye. All those opposed no.

In the opinion of the chair, the ayes have it and the amendment is agreed to.

Are there any members who wish to speak on the base text of the bill before us? If there are no further amendments, I move that the bill be reported favorably to the House, as amended. All those in favor say aye. All those opposed no.

The ayes have it, and the motion to report favorably is agreed to. Without objection the bill, as amended, will be reported as a single amendment in the nature of a substitute, incorporating the amendments adopted by this committee and the staff is directed to make technical and conforming changes.

We now move to the last bill. I now call up the bill H.R. 515, the Belarus Democracy Reauthorization Act of 2011. Without objection, the bill will be considered as read and open for amendment at any point. And the bipartisan amendment in the nature of a substitute that members have before them which represents the subcommittee mark by Mr. Smith and Mr. Payne will be considered as read and as base text for purposes of amendment.

[The information referred to follows:]

I

112TH CONGRESS
1ST SESSION

H. R. 515

To reauthorize the Belarus Democracy Act of 2004.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 26, 2011

Mr. SMITH of New Jersey (for himself, Mr. WOLF, Mr. BURTON of Indiana, and Mr. ROHRABACHER) introduced the following bill; which was referred to the Committee on Foreign Affairs, 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

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A BILL

To reauthorize the Belarus Democracy Act of 2004.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Belarus Democracy Reauthorization Act of 2011".

SEC. 2. FINDINGS; STATEMENT OF POLICY.

Sections 2 and 3 of the Belarus Democracy Act of 2004 (Public Law 109–480; 22 U.S.C. 5811 note) is amended to read as follows:

1 **"SEC. 2. FINDINGS.**

2 "Congress finds the following:

3 "(1) The Government of Belarus has engaged
4 in a pattern of clear and uncorrected violations of
5 human rights and fundamental freedoms.

6 "(2) The Government of Belarus has engaged
7 in a pattern of clear and uncorrected violations of
8 basic principles of democratic governance, including
9 through a series of fundamentally flawed presi-
10 dential and parliamentary elections undermining the
11 legitimacy of executive and legislative authority in
12 that country.

13 "(3) The Government of Belarus has subjected
14 thousands of pro-democratic political activists to
15 harassment, beatings, and jailings, particularly as a
16 result of their attempts to peacefully exercise their
17 right to freedom of assembly and association.

18 "(4) The Government of Belarus has attempted
19 to maintain a monopoly over the country's informa-
20 tion space, targeting independent media, including
21 independent journalists, for systematic reprisals and
22 elimination, while suppressing the right to freedom
23 of speech and expression of those dissenting from
24 the dictatorship of Aleksandr Lukashenka, and
25 adopted laws restricting the media, including the

Internet, in a manner inconsistent with international human rights agreements.

"(5) The Government of Belarus continues a systematic campaign of harassment, repression, and closure of nongovernmental organizations, including independent trade unions and entrepreneurs, and this crackdown has created a climate of fear that inhibits the development of civil society and social solidarity.

"(6) The Government of Belarus has subjected leaders and members of select ethnic and religious minorities to harassment, including the imposition of heavy fines and denying permission to meet for religious services.

"(7) The Government of Belarus has attempted to silence dissent by persecuting human rights and pro-democracy activists with threats, firings, expulsions, beatings and other forms of intimidation, and restrictions on freedom of movement and prohibition of international travel.

"(8) The dictator of Belarus, Aleksandr Lukashenka, established himself in power by orchestrating an illegal and unconstitutional referendum that enabled him to impose a new constitution, abolishing the duly elected parliament, the 13th Su-

preme Soviet, installing a largely powerless National Assembly, extending his term in office, and removing applicable term limits.

"(9) The Government of Belarus has failed to make a convincing effort to solve the cases of disappeared opposition figures Yuri Zakharenka, Viktor Gonchar, and Anatoly Krasovsky and journalist Dmitry Zavadsky, even though credible allegations and evidence links top officials of the Government to these disappearance.

"(10) The Government of Belarus has restricted freedom of expression on the Internet by requiring Internet Service Providers to maintain data on Internet users and the sites they view and to provide such data to officials upon request, and by creating a government body with the authority to require Internet Service Providers to block Web sites.

"(11) On December 19, 2010, the Government of Belarus conducted a presidential election that failed to meet the standards of the Organization for Security and Cooperation in Europe (OSCE) for democratic elections.

"(12) After the December 19, 2010, presidential election the Government of Belarus responded to opposition protests by beating an un-

1 known number of protestors and detaining more
2 than 600 peaceful protestors.
3 "(13) After the December 19, 2010, presi-
4 dential election the Government of Belarus jailed
5 seven of the nine opposition presidential candidates
6 and abused the process of criminal prosecution to
7 persecute them.
8 "(14) After the December 19, 2010, presi-
9 dential election, the Government of Belarus dis-
10 rupted independent broadcast and Internet media,
11 and engaged in repressive actions against inde-
12 pendent journalists.
13 "(15) After the December 19, 2010, presi-
14 dential election, Belarusian security services and po-
15 lice conducted raids targeting civil society groups,
16 individual pro-democracy activists, and independent
17 media.
18 "(16) After the December 19, 2010, presi-
19 dential election, Belarusian officials refused to ex-
20 tend the mandate of the OSCE Office in Minsk.
21 "(17) The Department of State, the Depart-
22 ment of the Treasury, and other executive branch
23 agencies have heretofore made effective use of this
24 Act to promote the purposes of this Act, as stated
25 in section 3 of this Act.

1 **"SEC. 3. STATEMENT OF POLICY.**

2 "It is the policy of the United States to—

3 "(1) condemn the conduct of the December 19,
4 2010, presidential election and crackdown on opposi-
5 tion candidates, political leaders, and activists, civil
6 society representatives, and journalists;

7 "(2) continue to call for the immediate release
8 without preconditions of all political prisoners in
9 Belarus, including all those individuals detained in
10 connection with the December 19, 2010, presidential
11 election;

12 "(3) continue to support the aspirations of the
13 people of Belarus for democracy, human rights, and
14 the rule of law;

15 "(4) continue to support the aspirations of the
16 people of Belarus to preserve the independence and
17 sovereignty of their country;

18 "(5) continue to support the growth of demo-
19 cratic movements and institutions in Belarus, with
20 the ultimate goal of ending tyranny in that country;

21 "(6) continue to refuse to accept the results of
22 the fundamentally flawed December 19, 2010, presi-
23 dential election held in Belarus, and to support calls
24 for new presidential and parliamentary elections,
25 conducted in a manner that is free and fair accord-
26 ing to OSCE standards;

"(7) continue to call for the fulfillment by the Belarusian government of Belarus's freely undertaken obligations as an OSCE participating state;

"(8) continue to call for a full accounting of the disappearances of opposition leaders and journalists in Belarus, including Victor Gonchar, Anatoly Krasovsky, Yuri Zakharenka, and Dmitry Zavadsky, and the prosecution of those individuals who are in any way responsible for the disappearance of those opposition leaders and journalists;

"(9) continue to work closely with the European Union and other countries and international organizations, to promote the conditions necessary for the integration of Belarus into the European family of democracies; and

"(10) remain open to reevaluating United States policy toward Belarus as warranted by demonstrable progress made by the Government of Belarus consistent with the aims of this Act as stated in this section. ridi".

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

Section 4 of the Belarus Democracy Act of 2004 (Public Law 109–480; 22 U.S.C. 5811 note) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking "community" and inserting "family"; and

(B) in paragraph (2), by striking "internationally accepted standards and under the supervision of internationally recognized observers" and inserting "OSCE standards and monitored by OSCE observers";

(2) in subsection (b), by striking "primarily for indigenous" and inserting "for independent, indigenous";

(3) in subsection (c)—

(A) by amending paragraph (1) to read as follows:

"(1) facilitating the development of independent, indigenous print, radio, television, and Internet broadcasting, whether working within Belarus or from locations outside the country;"; and

(B) by redesignating paragraphs (3) through (8) as paragraphs (2) through (7), respectively; and

(4) in subsection (d)(1), by striking "such sums as may be necessary for each of the fiscal years 2007 and 2008" and inserting "an amount not to

exceed the amount appropriated for fiscal year 2008 for each of fiscal years 2012 through 2014".

SEC. 4. RADIO AND TELEVISION BROADCASTING TO BELARUS.

Section 5 of the Belarus Democracy Act of 2004 (Public Law 109–480; 22 U.S.C. 5811 note) is amended to read as follows:

"SEC. 5. RADIO, TELEVISION, AND INTERNET BROADCASTING TO BELARUS.

"It is the sense of Congress that the President should continue to support radio, television, and Internet broadcasting to the people of Belarus in languages spoken in Belarus, by Radio Free Europe/Radio Liberty, the Voice of America, European Radio for Belarus, and Belsat.".

SEC. 5. SANCTIONS AGAINST THE GOVERNMENT OF BELARUS.

Section 6 of the Belarus Democracy Act of 2004 (Public Law 109–480; 22 U.S.C. 5811 note) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by inserting "or expression, including those individuals jailed based on political beliefs or expression in connection with repression that attended the presi-

1 dential election of December 19, 2010" before
2 the period at the end;
3 (B) in paragraph (2), by inserting ", in-
4 cluding politically motivated legal charges made
5 in connection with repression that attended the
6 presidential election of December 19, 2010" be-
7 fore the period at the end;
8 (C) in paragraph (5), by inserting "and
9 violations of human rights, including violations
10 of human rights committed in connection with
11 the presidential election of December 19, 2010"
12 before the period at the end; and
13 (D) in paragraph (7), by striking "inter-
14 nationally recognized observers" and inserting
15 "OSCE observers";
16 (2) in subsection (c)—
17 (A) in paragraph (2)—
18 (i) by striking "subparagraph (A)"
19 and inserting "paragraph (1)"; and
20 (ii) by striking "or" at the end;
21 (B) in paragraph (3), by striking the pe-
22 riod at the end and inserting a semicolon; and
23 (C) by adding at the end the following new
24 paragraphs:

"(4) is a member of any branch of the security or law enforcement services of Belarus and has participated in the violent crackdown on opposition leaders, journalists, and peaceful protestors that occurred in connection with the presidential election of December 19, 2010; or

"(5) is a member of any branch of the security or law enforcement services of Belarus and has participated in the persecution or harassment of religious groups, human rights defenders, democratic opposition groups, or independent media or journalists.";

(3) in subsection (e), by striking "of each international financial institution to which" and inserting "at each international financial institution of which"; and

(4) in subsection (f)(2)(B)(ii), by striking "(as defined in section 40102 of title 49, United States Code)".

SEC. 6. REPORT.

Section 8(a) of the Belarus Democracy Act of 2004 (Public Law 109–480; 22 U.S.C. 5811 note) is amended—

(1) in the matter preceding paragraph (1)—

(A) by striking "this Act" and inserting "the Belarus Democracy Reauthorization Act of 2011"; and

(B) by inserting "and the Commission on Security and Cooperation in Europe" after "appropriate congressional committees";

(2) in paragraph (1), by striking "sale or delivery of weapons or weapons-related technologies" and inserting "sale or delivery or provision of weapons or weapons-related technologies or weapons-related training";

(3) in paragraph (2), by striking "involved in the sale" and inserting "or weapons-related training involved in the sale or delivery or provision";

(4) in paragraph (3), by inserting "or weapons-related training described in paragraph (1)" before the period at the end; and

(5) by adding at the end the following new paragraph:

"(5) The cooperation of the Government of Belarus with any foreign government or organization for purposes related to the censorship or surveillance of the Internet, or the purchase or receipt by the Government of Belarus of any technology or training from any foreign government or organization for

purposes related to the censorship or surveillance of the Internet.".

SEC. 7. DEFINITIONS.

Section 9 of the Belarus Democracy Act of 2004 (Public Law 109–480; 22 U.S.C. 5811 note) is amended—

(1) in paragraph (1), by striking "Committee on International Relations" and inserting "Committee on Foreign Affairs"; and

(2) in paragraph (3)—

(A) in subparagraph (B)(i), by striking "and prosecutors" and inserting ", prosecutors, and heads of professional associations and educational institutions"; and

(B) in subparagraph (C), by striking "Lukashenka regime" and inserting "Government of Belarus".

○

AMENDMENT IN THE NATURE OF A SUBSTITUTE TO H.R. 515 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 and Human Rights Act of 2011".

4 **SEC. 2. FINDINGS; STATEMENT OF POLICY.**

5 Sections 2 and 3 of the Belarus Democracy Act of
6 2004 (Public Law 109–480; 22 U.S.C. 5811 note) is
7 amended to read as follows:

8 **"SEC. 2. FINDINGS.**

9 "Congress finds the following:

10 "(1) The Government of Belarus has engaged
11 in a pattern of clear and uncorrected violations of
12 human rights and fundamental freedoms.

13 "(2) The Government of Belarus has engaged
14 in a pattern of clear and uncorrected violations of
15 basic principles of democratic governance, including
16 through a series of fundamentally flawed presi-
17 dential and parliamentary elections undermining the

legitimacy of executive and legislative authority in that country.

"(3) The Government of Belarus has subjected thousands of pro-democratic political activists to harassment, beatings, and jailings, particularly as a result of their attempts to peacefully exercise their right to freedom of assembly and association.

"(4) The Government of Belarus has attempted to maintain a monopoly over the country's information space, targeting independent media, including independent journalists, for systematic reprisals and elimination, while suppressing the right to freedom of speech and expression of those dissenting from the dictatorship of Aleksandr Lukashenka, and adopted laws restricting the media, including the Internet, in a manner inconsistent with international human rights agreements.

"(5) The Government of Belarus continues a systematic campaign of harassment, repression, and closure of nongovernmental organizations, including independent trade unions and entrepreneurs, and this crackdown has created a climate of fear that inhibits the development of civil society and social solidarity.

"(6) The Government of Belarus has subjected leaders and members of select ethnic and religious minorities to harassment, including the imposition of heavy fines and denying permission to meet for religious services, sometimes by selective enforcement of the 2002 Belarus religion law.

"(7) The Government of Belarus has attempted to silence dissent by persecuting human rights and pro-democracy activists with threats, firings, expulsions, beatings and other forms of intimidation, and restrictions on freedom of movement and prohibition of international travel.

"(8) The dictator of Belarus, Aleksandr Lukashenka, established himself in power by orchestrating an illegal and unconstitutional referendum that enabled him to impose a new constitution, abolishing the duly elected parliament, the 13th Supreme Soviet, installing a largely powerless National Assembly, extending his term in office, and removing applicable term limits.

"(9) The Government of Belarus has failed to make a convincing effort to solve the cases of disappeared opposition figures Yuri Zakharenka, Viktor Gonchar, and Anatoly Krasovsky and journalist Dmitry Zavadsky, even though credible allegations

and evidence links top officials of the Government to these disappearance.

"(10) The Government of Belarus has restricted freedom of expression on the Internet by requiring Internet Service Providers to maintain data on Internet users and the sites they view and to provide such data to officials upon request, and by creating a government body with the authority to require Internet Service Providers to block Web sites.

"(11) On December 19, 2010, the Government of Belarus conducted a presidential election that failed to meet the standards of the Organization for Security and Cooperation in Europe (OSCE) for democratic elections.

"(12) After the December 19, 2010, presidential election the Government of Belarus responded to opposition protests by beating scores of protestors and detaining more than 600 peaceful protestors.

"(13) After the December 19, 2010, presidential election the Government of Belarus jailed seven of the nine opposition presidential candidates and abused the process of criminal prosecution to persecute them.

"(14) After the December 19, 2010, presidential election, the Government of Belarus disrupted independent broadcast and Internet media, and engaged in repressive actions against independent journalists.

"(15) After the December 19, 2010, presidential election, Belarusian security services and police conducted raids targeting civil society groups, individual pro-democracy activists, and independent media.

"(16) After the December 19, 2010, presidential election, Belarusian officials refused to extend the mandate of the OSCE Office in Minsk.

"(17) After the December 19, 2010, presidential election, opposition candidates and activists have been persecuted and detainees have been physically mistreated, and denied access to family, defense counsel, medical treatment, and open legal proceedings.

"(18) After the December 19, 2010, presidential election, lawyers representing those facing criminal charges related to the post-election protest have been subjected to the revocation of licenses, disbarment, and other forms of pressure.

"(19) After the December 19, 2010, presidential election, the Government of Belarus has convicted political detainees to harsh prison sentences.

"(20) After the December 19, 2010, presidential election, the United States and European Union imposed targeted travel and financial sanctions on an expanded list of officials of the Government of Belarus.

"(21) After the December 19, 2010, presidential election, the United States fully restored sanctions against Belarus's largest state-owned petroleum and chemical conglomerate and all of its subsidiaries.

"(22) After the December 19, 2010, presidential election, the United States has engaged in assistance efforts to provide legal and humanitarian assistance to those facing repression and preserving access to independent information, and has pledged resources to support human rights advocates, trade unions, youth and environmental groups, business associations, think-tanks, democratic political parties and movements, independent journalists, newspapers and electronic media operating both inside Belarus and broadcasting from its neighbors, and to support access of Belarusian students to independent higher

education and expand exchange programs for business and civil society leaders.

"(23) The Department of State, the Department of the Treasury, and other executive branch agencies have heretofore made effective use of this Act to promote the purposes of this Act, as stated in section 3 of this Act.

"SEC. 3. STATEMENT OF POLICY.

"It is the policy of the United States to—

"(1) condemn the conduct of the December 19, 2010, presidential election and crackdown on opposition candidates, political leaders, and activists, civil society representatives, and journalists;

"(2) continue to call for the immediate release without preconditions of all political prisoners in Belarus, including all those individuals detained in connection with the December 19, 2010, presidential election;

"(3) continue to support the aspirations of the people of Belarus for democracy, human rights, and the rule of law;

"(4) continue to support the aspirations of the people of Belarus to preserve the independence and sovereignty of their country;

"(5) continue to support the growth of democratic movements and institutions in Belarus, with the ultimate goal of ending tyranny in that country;

"(6) continue to refuse to accept the results of the fundamentally flawed December 19, 2010, presidential election held in Belarus, and to support calls for new presidential and parliamentary elections, conducted in a manner that is free and fair according to OSCE standards;

"(7) continue to call for the fulfillment by the Belarusian government of Belarus's freely undertaken obligations as an OSCE participating state;

"(8) continue to call for a full accounting of the disappearances of opposition leaders and journalists in Belarus, including Victor Gonchar, Anatoly Krasovsky, Yuri Zakharenka, and Dmitry Zavadsky, and the prosecution of those individuals who are in any way responsible for the disappearance of those opposition leaders and journalists;

"(9) continue to work closely with the European Union and other countries and international organizations, to promote the conditions necessary for the integration of Belarus into the European family of democracies;

"(10) call on the International Ice Hockey Federation to suspend its plan to hold the 2014 International World Ice Hockey championship in Minsk until the Government of Belarus releases all political prisoners; and

"(11) remain open to reevaluating United States policy toward Belarus as warranted by demonstrable progress made by the Government of Belarus consistent with the aims of this Act as stated in this section.".

SEC. 3. RADIO AND TELEVISION BROADCASTING TO BELARUS.

Section 5 of the Belarus Democracy Act of 2004 (Public Law 109–480; 22 U.S.C. 5811 note) is amended to read as follows:

"SEC. 5. RADIO, TELEVISION, AND INTERNET BROADCASTING TO BELARUS.

"It is the sense of Congress that the President should continue to support radio, television, and Internet broadcasting to the people of Belarus in languages spoken in Belarus, by Radio Free Europe/Radio Liberty, the Voice of America, European Radio for Belarus, and Belsat.".

SEC. 4. SANCTIONS AGAINST THE GOVERNMENT OF BELARUS.

Section 6 of the Belarus Democracy Act of 2004 (Public Law 109–480; 22 U.S.C. 5811 note) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by inserting "or expression, including those individuals jailed based on political beliefs or expression in connection with repression that attended the presidential election of December 19, 2010" before the period at the end;

(B) in paragraph (2), by inserting ", including politically motivated legal charges made in connection with repression that attended the presidential election of December 19, 2010" before the period at the end;

(C) in paragraph (5), by inserting "and violations of human rights, including violations of human rights committed in connection with the presidential election of December 19, 2010" before the period at the end; and

(D) in paragraph (7), by striking "internationally recognized observers" and inserting "OSCE observers";

(2) in subsection (c)—

(A) in paragraph (2)—

(i) by striking "subparagraph (A)" and inserting "paragraph (1)"; and

(ii) by striking "or" at the end;

(B) in paragraph (3), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following new paragraphs:

"(4) is a member of any branch of the security or law enforcement services of Belarus and has participated in the violent crackdown on opposition leaders, journalists, and peaceful protestors that occurred in connection with the presidential election of December 19, 2010; or

"(5) is a member of any branch of the security or law enforcement services of Belarus and has participated in the persecution or harassment of religious groups, human rights defenders, democratic opposition groups, or independent media or journalists.";

(3) in subsection (e), by striking "of each international financial institution to which" and inserting "at each international financial institution of which"; and

(4) in subsection (f)(2)(B)(ii), by striking "(as defined in section 40102 of title 49, United States Code)".

SEC. 5. REPORT.

Section 8(a) of the Belarus Democracy Act of 2004 (Public Law 109–480; 22 U.S.C. 5811 note) is amended—

(1) in the matter preceding paragraph (1), by striking "this Act" and inserting "the Belarus Democracy and Human Rights Act of 2011";

(2) in paragraph (1), by striking "sale or delivery of weapons or weapons-related technologies" and inserting "sale or delivery or provision of weapons or weapons-related technologies or weapons-related training";

(3) in paragraph (2), by striking "involved in the sale" and inserting "or weapons-related training involved in the sale or delivery or provision";

(4) in paragraph (3), by inserting "or weapons-related training described in paragraph (1)" before the period at the end; and

(5) by adding at the end the following new paragraph:

"(5) The cooperation of the Government of Belarus with any foreign government or organization

for purposes related to the censorship or surveillance of the Internet, or the purchase or receipt by the Government of Belarus of any technology or training from any foreign government or organization for purposes related to the censorship or surveillance of the Internet.".

SEC. 6. DEFINITIONS.

Section 9 of the Belarus Democracy Act of 2004 (Public Law 109–480; 22 U.S.C. 5811 note) is amended—

(1) in paragraph (1), by striking "Committee on International Relations" and inserting "Committee on Foreign Affairs"; and

(2) in paragraph (3)—

(A) in subparagraph (B)(i), by striking "and prosecutors" and inserting ", prosecutors, and heads of professional associations and educational institutions"; and

(B) in subparagraph (C), by striking "Lukashenka regime" and inserting "Government of Belarus".

SEC. 7. FUNDING FOR REPORT.

The requirement to prepare and transmit the report required under section 8 of the Belarus Democracy Act of 2004 (Public Law 109–480; 22 U.S.C. 5811 note), as

1 amended by section 5 of this Act, shall be performed with-

2 in current levels of authorized and appropriated funding.

Chairman ROS-LEHTINEN. I recognize myself to speak on the bill. I strongly support the bill before us. I would like to express my condolences to the people of Belarus who earlier this week suffered a horrific bombing in the subway in Minsk that killed 12 and wounded 200 others. I thank my colleague Chris Smith for introducing this bill, which would amend the Belarus Democracy Act of 2004. This measure is both timely and important.

Belarus has been correctly deemed the last dictatorship of Europe. The basic freedoms and human rights of the people of Belarus are systematically violated, pro-democracy political activists are subject to beatings and imprisonment, and the authorities in Belarus have imposed severe restrictions on free speech and on independent media.

On December 19, 2010, a fraudulent presidential election was held in Belarus. According to the recently released Department of State 2010 Human Rights Report, "Authorities denied citizens the right to change their government, manipulating the December 19th Presidential election to ensure that the President would not be seriously challenged." Further, it continues:

> "Security forces beat detainees and protesters, used excessive force to disperse peaceful demonstrators, and reportedly used torture during investigations. A crackdown on a post-election demonstration led to the arrest of over 700 activists, including criminal charges against five Presidential candidates and numerous activists and journalists."

The U.S. and other responsible nations must support pro-democracy forces in Belarus and hold the authoritarian regime in Minsk accountable for its growing abuses. I will not read my entire statement, but I am pleased to yield to the ranking member for any remarks that he may have on the measure.

Mr. BERMAN. I thank the chairman, and I want to join her in expressing my condolences to the families and loved ones of those who perished or were injured in Monday's bombing in the Minsk subway.

The fact is that Belarus is Europe's last dictatorship and that that shouldn't be allowed to go unchallenged. On December 19 of last year Belarus President Alexander Lukashenko staged a fraudulent election. Immediately afterwards, he arrested candidates who dared to run against him and hundreds of citizens who took to the streets in Minsk to protect the election results. The regime has continued to harass members of opposition and the local parties,

human rights activists, and civil society and to suppress Belarusans' access to free press and information.

Two weeks ago the OSCE was forced to close its office in Minsk. While international media attention has moved on to events elsewhere, we have not forgotten the people of Belarus. Many heroic individuals still languish in prison without access to their families or legal counsel. With this reauthorization, the U.S. is doing what we can to encourage their free exchange of ideas and alternative leaders in Belarus. Belarusans have the same right to self-government and free expression as their neighbors. And we need to continue to call for the reopening of the OSCE Minsk mission and call for the Lukashenko government to cooperate with a OSCE fact-finding mission requested by the 14 participating States under the Moscow Mechanism.

I urge support for the bill and yield back.

Chairman ROS-LEHTINEN. Thank you very much, Mr. Berman.

I am pleased to recognize the author of this bill, the chairman of the Subcommittee on Africa, Global Health, and Human Rights, Mr. Smith, for 5 minutes.

Mr. SMITH. Thank you, Madam Chair. And thank you for scheduling this legislation for a markup. As my colleagues know, the fraudulent December 19th election in Belarus and the ongoing crackdown on democracy activists and the independent journalists by the Lukashenko dictatorship underscore the need for this legislation.

Immediately after the election, the government responded to peaceful protests against electoral fraud with savage mass beatings and large scale detentions. Some 700 people were detained. Some of those jailed have been abused and many have been tortured. A number have already received harsh sentences of up to 4 years. Nearly 30 remain in detention and many more await trial and could be incarcerated for up to 15 years or more. Many of those people over the years, Madam Chair, I would note parenthetically, are people that I have come to know, including Anatoly Lebedko, who is the leader of the United Civic Party who was arrested and awaits a trial for mass disturbances and organizing and participating in that disturbance. They had a rally. And for that, he faces, like the others, up to 15 years in prison.

The crackdown follows the pattern of repression that has characterized Lukashenko's nearly 17-year rule. Through a series of rigged elections, large-scale intimidation, and the suppression of independent media and civil society, the dictator has long consolidated his control over virtually all national institutions. Lukashenko's dictatorship has the worst democracy and human rights record of any government in Europe. Legislation that I authored earlier, the Belarus Democracy Act of 2004 and the Belarus Democracy Reauthorization Act of 2006, passed the House and Senate with overwhelming bipartisan support and was signed into law.

H.R. 515 takes the earlier legislation as its starting point. It requires the State Department to report to Congress on transactions or cooperation by the Belarusan Government with any other government to censor or surveil the Internet, as well as arms sales and the personal assets of the dictator and his senior leaders.

Just as significant, the bill supports targeted sanctions. It expresses the sense of Congress to deny the privilege of visiting our country of senior Belarus officials, their immediate families, and others involved in human rights violations and anti-democracy actions, including those involved in the December 19 post-election crackdown. Likewise, it also has provisions prohibiting U.S. Government financing, except for humanitarian goods and agricultural or medical products and nonhumanitarian loans from international financial institutions to the Belarusan Government and blocking assets owned by the Belarusan Government's senior leadership or their families and others involved in anti-democratic actions. These sanctions are aimed at the senior leadership of a dictatorship that displays utter contempt for the dignity and the rights of the Belarusan people. And with these sanctions, we stand with the Belarusan people against their oppressors.

I want to stress that both the Bush and the Obama administrations have made good use of the previous Belarus Democracy Act of 2004 and 2006 to emphasize to the people and to the government especially that the elected representatives of the American people by overwhelming bipartisan majorities support the policy of condemning and sanctioning the Belarusan Government's brutal human rights violations. I want to thank Mr. Payne, our ranking member on the subcommittee, for his support and for joining us in the April 1st hearing where we heard from a number of witnesses including the DAS Dan Russell, who did an extraordinarily good job and is at his post, and I also want to thank my good friend and colleague Chairman Burton and Mr. Meeks, the ranking member. Both of our subcommittees met in hearings, a hearing and a briefing, in a closed briefing about the arms sales and other related security issues. So I want to thank those two gentlemen as well.

And I urge strong support for the legislation.

Chairman ROS-LEHTINEN. Thank you so much, Mr. Smith. Before we move to the amendment process, are there any other members who wish to be recognized?

Mr. Payne is recognized for 5 minutes.

Mr. PAYNE. Let me commend the chairman of the Subcommittee on Africa, Global Health, and Human Rights for the Belarus Democracy Reauthorization Act of 2011, H.R. 515. We have worked together on this legislation, as you mentioned. We had the last remnants of the old Warsaw Pact where democracy went throughout Eastern Europe and other parts of the world. But Belarus is sticking to its being caught in time and refuses to move forward. As we see progress and people speaking out throughout the world, whether it is North Africa, whether it is the Middle East, whether it is throughout our world, people are saying that we want to have freedom, we want to be democratically run; we are against tyranny, and we want to have a better quality of life for our children.

So I strongly support this. And as we all know, there is a similar struggle going on in Cote d'Ivoire and we would hope that we could get the legislation which my chairman certainly supports. We had a markup and a hearing on Cote d'Ivoire, and I hope that the U.S. Congress could join with the entire world community to say that Mr. Gbagbo is out of step with the world. And so maybe the House could get in step with the world.

Thank you very much. I yield back.

Chairman ROS-LEHTINEN. Thank you. Thank you, Mr. Payne, and I know that Mr. Connolly has an amendment. If the clerk will report the amendment.

Ms. CARROLL. Amendment to the amendment in the nature of a substitute to H.R. 515 offered by Mr. Connolly of Virginia. Page eight, beginning on line two.

[The amendment referred to follows:]

AMENDMENT TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE TO H.R. 515 OFFERED BY MR. CONNOLLY OF VIRGINIA

Page 8, beginning on line 2, strike ", with the ultimate goal of ending tyranny in that country" and insert "which empower the people of Belarus to end tyranny in their country".

☒

Chairman ROS-LEHTINEN. Without objection, the amendment is considered as read, and the gentleman is recognized to explain his amendment.

Mr. CONNOLLY. I thank the chairman. Again, this is a clarifying amendment to simply amplify the language that we have got there that we are talking about ending tyranny by empowering the people of Belarus to end that tyranny in their country. I think that is a core principle of American democracy. That has been a value espoused by our country for over 200 years.

I simply want to amplify that language. I have checked with the author of the bill and he, I believe, has accepted the language.

Chairman ROS-LEHTINEN. The chair also supports the amendment. Mr. Berman?

Mr. BERMAN. Me, too.

Mr. CONNOLLY. I thank my colleagues, and I yield back.

Chairman ROS-LEHTINEN. We will dispense with this amendment first. Any other member seek recognition on this amendment? Hearing no further requests for recognition, the question occurs on the amendment. All in favor say aye. All those opposed, no.

In the opinion of the chair, the ayes have it, and the amendment is agreed to.

Are there any other amendments to the bill? If not, and because we have a reporting quorum being present, I move that the bill be reported favorably to the House, as amended. All those in favor say aye. All opposed no.

The ayes have it and the motion to report favorably is agreed to. Without objection, the bill, as amended, will be reported as a single amendment in the nature of a substitute incorporating the amendments adopted by the committee, and the staff is directed to make technical and conforming changes.

This concludes the business of today. The committee is adjourned. Thank you, Mr. Berman. Thank you, Members.

[Whereupon, at 11:20 a.m., the committee was adjourned.]

APPENDIX

Material Submitted for the Hearing Record

FULL COMMITTEE MARK-UP NOTICE
COMMITTEE ON FOREIGN AFFAIRS
U.S. HOUSE OF REPRESENTATIVES
WASHINGTON, D.C. 20515-0128

Ileana Ros-Lehtinen (R-FL), Chairman

April 13, 2011

You are respectfully requested to attend an OPEN meeting of the Committee on Foreign Affairs, to be held in **Room 2172 of the Rayburn House Office Building (and available live, via the WEBCAST link on the Committee website at http://www.hfca.house.gov):**

DATE: Thursday, April 14, 2011

TIME: 10:00 a.m.

MARK-UP OF: H.R. 1016: Assessing Progress in Haiti Act

H.R.1280: To amend the Atomic Energy Act of 1954 to require congressional approval of agreements for peaceful nuclear cooperation with foreign countries, and for other purposes

H.R. 515: Belarus Democracy Reauthorization Act of 2011

H.R. 1326: Furthering International Nuclear Safety Act of 2011

By Direction of the Chairman

The Committee on Foreign Affoirs seeks to make its facilities accessible to persons with disabilities. If you are in need of special accommodations, please call 202/225-5021 at least four business days in advance of the event, whenever practicable. Questions with regard to special accommodations in general (including availability of Committee materials in alternative formats and assistive listening devices) may be directed to the Committee.

COMMITTEE ON FOREIGN AFFAIRS

MINUTES OF FULL COMMITTEE MARKUP

Day *Thursday* **Date** *April 14, 2011* **Room** *2172 Rayburn*

Starting Time *10:11 a.m.* **Ending Time** *11:20 a.m.*

Recesses [ ] (____to ____) (____to ____) (____to ____) (____to ____) (____to ____) (____to ____)

Presiding Member(s)

Chairman Ileana Ros-Lehtinen

Check all of the following that apply:

Open Session [✓]
Executive (closed) Session [ ]
Televised [✓]
Electronically Recorded (taped) [✓]
Stenographic Record [✓]

BILLS FOR MARKUP: *(Include bill number(s) and title(s) of legislation.)*

H.R. 1016, H.R. 1280, H.R. 515, & H.R. 1326

COMMITTEE MEMBERS PRESENT:

Attendance Attached

NON-COMMITTEE MEMBERS PRESENT:

STATEMENTS FOR THE RECORD: *(List any statements submitted for the record.)*

Rep. Eliot Engel Statement on H.R. 1016

ACTIONS TAKEN DURING THE MARKUP: *(Attach copies of legislation and amendments.)*

RECORDED VOTES TAKEN (FOR MARKUP): *(Attach final vote tally sheet listing each member.)*

Subject	Yeas	Nays	Present	Not Voting
(see attached markup summary)				

TIME SCHEDULED TO RECONVENE _____
or
TIME ADJOURNED *11:20 a.m.*

Doug C. Anderson

Doug Anderson, General Counsel

Hearing/Briefing Title: **Mark-up of H.R. 1016, H.R. 1280, H.R. 515, & H.R. 1326**

Date: **April 14, 2011**

Present	Member
X	Ileana Ros-Lehtinen, FL
X	Christopher Smith, NJ
X	Dan Burton, IN
X	Elton Gallegly, CA
X	Dana Rohrabacher, CA
X	Donald Manzullo, IL
X	Edward R. Royce, CA
X	Steve Chabot, OH
X	Ron Paul, TX
X	Mike Pence, IN
X	Joe Wilson, SC
	Connie Mack, FL
X	Jeff Fortenberry, NE
	Michael McCaul, TX
X	Ted Poe, TX
X	Gus M. Bilirakis, FL
X	Jean Schmidt, OH
X	Bill Johnson, OH
X	David Rivera, FL
X	Mike Kelly, PA
X	Tim Griffin, AK
X	Tom Marino, PA
X	Jeff Duncan, SC
X	Ann Marie Buerkle, NY
X	Renee Ellmers, NC

Present	Member
X	Howard L. Berman, CA
X	Gary L. Ackerman, NY
	Eni F.H. Faleomavaega, AS
X	Donald M. Payne, NJ
X	Brad Sherman, CA
	Eliot Engel, NY
	Gregory Meeks, NY
	Russ Carnahan, MO
X	Albio Sires, NJ
X	Gerry Connolly, VA
X	Ted Deutch, FL
X	Dennis Cardoza, CA
X	Ben Chandler, KY
X	Brian Higgins, NY
X	Allyson Schwartz, PA
	Chris Murphy, CT
X	Frederica Wilson, FL
X	Karen Bass, CA
X	William Keating, MA
X	David Cicilline, RI

4/14/11 Foreign Affairs Committee Markup Summary

H.R. 1280 (Ros-Lehtinen), "To amend the Atomic Energy Act of 1954 to require congressional approval of agreements for peaceful nuclear cooperation with foreign countries, and for other purposes"

The Chair called up the bill

1) an amendment in the nature of a substitute was offered by Chairman Ros-Lehtinen, and by unanimous consent was considered as the base text.

2) Rep. Sherman offered an amendment en bloc (#14 and #16). It was agreed to by voice vote.

The Ros Lehtinen substitute amendment (as amended by Sherman 14 & 16) was agreed to by a roll call vote of 34 ayes – 0 noes.

Voting yes: Ros-Lehtinen, Smith (NJ), Burton, Gallegly, Rohrabacher, Manzullo, Royce, Chabot, Wilson (SC), Fortenberry, Poe, Bilirakis, Schmidt, Johnson (OH), Rivera, Kelly, Griffin, Duncan, Buerkle, Ellmers, Berman, Ackerman, Sherman, Sires, Connolly, Deutch, Cardoza, Chandler, Higgins, Schwartz, Wilson (FL), Bass, Keating, Cicilline.

Voting no: none

H.R. 1280 was favorably reported to the House, as amended, by voice vote.

H.R. 1326 (Fortenberry) "Furthering International Nuclear Safety Act of 2011"

The Chair called up the bill

1) Rep Fortenberry offered an amendment, Fortenberry 536; agreed to by voice vote.

2) Rep. Connolly offered an amendment, Connolly 41; agreed to by voice vote.

H.R. 1326 was favorably reported to the House, as amended, by voice vote.

H.R. 1016 (Lee of California) Assessing Progress in Haiti Act

The Chair called up the bill

1) an amendment in the nature of a substitute was offered by Chairman Ros-Lehtinen, and by unanimous consent was voted to be considered as the base text.

2) Rep. Connolly offered a second-degree amendment, Connolly 42; agreed to by voice vote.

H.R. 1016 was favorably reported to the House, as amended, by voice vote.

H.R. 515 (Smith of New Jersey) Belarus Democracy Reauthorization Act of 2011

The Chair called up the bill

1) an amendment in the nature of a substitute was offered by Mr. Smith (NJ), and by unanimous consent was voted to be considered as the base text.

2) Rep. Connolly offered a second-degree amendment, Connolly 44; agreed to by voice vote.

H.R. 515 was favorably reported to the House, as amended, by voice vote.

The Committee adjourned.

Statement
Rep. Eliot L. Engel

Committee on Foreign Affairs
Mark-Up of H.R. 1016, "Assessing Progress in Haiti Act"
Thursday, April 14, 2011

Madame Chairman, I rise in strong support of H.R. 1016, the "Assessing Progress in Haiti Act," which requires the State Department to report to Congress on progress in Haiti. This bill is a good idea, and I praise my friend and colleague from California, Rep. Lee for introducing it.

We all know how terrible the earthquake in Haiti was. My visit to Haiti after the catastrophe was one of the saddest and most eye-opening experiences I have had during my years in Congress. I still hear from my constituents in Spring Valley and elsewhere in my New York district about the difficult conditions which their friends and relatives must endure and the slow, poorly coordinated approach of international assistance.

Therefore, as the Ranking Member of the Subcommittee on the Western Hemisphere, I support H.R. 1016 and urge the Committee to favorably report the bill.

I would also like to express my praise for an amendment drafted by our colleague, Rep. Frederica Wilson of Florida, which was adopted during the Subcommittee mark-up. This important amendment added an additional component to the report required by the bill. It wisely directs the Administration to inform Congress of the suitability of Haiti to receive aliens removed, excluded, or deported from the United States. This does not change any laws or alter any policies related to legal or illegal immigrants. However, if we are going to send back Haitians, I think it is important that we know whether Haiti is prepared to receive them, and I thank Rep. Wilson for drafting this amendment.

I was also unable to be present to offer the amendment on behalf of Rep. Wilson and would like to thank Chairman Mack for standing in for both of us and offering the amendment.

Again, I strongly support the "Assessing Progress in Haiti Act," and urge my colleagues to support the bill.

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