

**ETHIOPIA CONSOLIDATION ACT OF 2005; AND
CONDEMNING THE ESCALATING LEVELS OF
RELIGIOUS PERSECUTION IN THE PEOPLE'S
REPUBLIC OF CHINA**

MARKUP

BEFORE THE
SUBCOMMITTEE ON AFRICA, GLOBAL HUMAN
RIGHTS AND INTERNATIONAL OPERATIONS
OF THE

COMMITTEE ON
INTERNATIONAL RELATIONS
HOUSE OF REPRESENTATIVES

ONE HUNDRED NINTH CONGRESS

SECOND SESSION

ON

H.R. 4423 and H. Res. 608

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**ETHIOPIA CONSOLIDATION ACT OF 2005; AND
CONDEMNING THE ESCALATING LEVELS OF
RELIGIOUS PERSECUTION IN THE PEOPLE'S
REPUBLIC OF CHINA**

THURSDAY, APRIL 6, 2006

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON AFRICA, GLOBAL HUMAN RIGHTS
AND INTERNATIONAL OPERATIONS,
COMMITTEE ON INTERNATIONAL RELATIONS,
Washington, DC.

The Subcommittee met, pursuant to notice, at 4:33 p.m. in room 2200, Rayburn House Office Building, Hon. Christopher H. Smith (Chairman of the Subcommittee) presiding.

Mr. SMITH OF NEW JERSEY. The Subcommittee will come to order. Good afternoon to everybody.

Pursuant to notice, I call up the bill, H.R. 4423, the Ethiopia Consolidation Act of 2005, for purposes of markup and move its recommendation to the full Committee. Without objection, the resolution will be considered as read and open for amendment at any point.

I have an amendment in the nature of a substitute at the desk, and, without objection, it will be considered as read and disseminated to the Members.

[H.R. 4423 and the amendment referred to follows:]

109TH CONGRESS
1ST SESSION

H. R. 4423

To encourage and facilitate the consolidation of security, human rights, democracy, and economic freedom in Ethiopia.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 18, 2005

Mr. SMITH of New Jersey introduced the following bill; which was referred to the Committee on International Relations

A BILL

To encourage and facilitate the consolidation of security, human rights, democracy, and economic freedom in Ethiopia.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Ethiopia Consolidation
5 Act of 2005”.

6 **SEC. 2. STATEMENT OF POLICY.**

7 It is the policy of the United States to support the
8 advancement of human rights, democracy, and economic
9 freedom in the Federal Democratic Republic of Ethiopia,
10 in concert with United States security interests, in order

1 to better enable Ethiopia to play a leading role in partici-
2 pating with the United States and other countries in fos-
3 tering stability, democracy, and economic development in
4 Africa.

5 **SEC. 3. SUPPORT FOR HUMAN RIGHTS IN ETHIOPIA.**

6 (a) FINDINGS.—Congress makes the following find-
7 ings:

8 (1) Despite improvements in its human rights
9 record, as noted by the Department of State in its
10 2004 Country Reports on Human Rights Practices,
11 the Government of the Federal Democratic Republic
12 of Ethiopia continues to violate the internationally-
13 established rights of its citizens, including unlawful
14 killings by security forces (including the June 2005
15 shootings by government security forces of more
16 than 40 election demonstrators), arbitrary or politi-
17 cally-motivated arrests, long detentions without
18 charge or trial and beatings and torture, with
19 human rights violations increasing in the aftermath
20 of the May 15, 2005, elections and subsequent pro-
21 tests of suspected election fraud.

22 (2) According to the 2004 Country Reports on
23 Human Rights Practices, the Ethiopian judiciary
24 has demonstrated encouraging signs of independ-
25 ence, but the justice system—from the police to the

1 courts to the prisons—remains inadequate and does
2 not effectively uphold the human and civil rights of
3 the citizens of Ethiopia.

4 (3) According to the Department of State’s
5 International Religious Freedom Report for 2004,
6 Ethiopia generally provides for freedom of religion,
7 although local authorities continue to infringe on
8 this right.

9 (4) The Committee to Protect Journalists re-
10 ports that Ethiopia continues to imprison journalists
11 and the Government of Ethiopia continues to refuse
12 to revise a repressive media bill that further endan-
13 gers the right to free speech.

14 (5) Because literacy in Ethiopia is less than 50
15 percent, broadcasting is a key source of information
16 for citizens, but the Ethiopian Government has de-
17 layed accepting licenses for private radio or tele-
18 vision since a licensing law was passed in 1999, leav-
19 ing the Ethiopian Broadcasting Service as a radio
20 and television monopoly and infringing on freedom
21 of information.

22 (b) SUPPORT FOR HUMAN RIGHTS TRAINING.—The
23 President, acting through the Administrator of the United
24 States Agency for International Development, shall revise
25 the Agency’s country plan for Ethiopia to provide support

1 for capacity building for more effective independent
2 human rights monitoring operations in Ethiopia and pro-
3 vide training for government officials on international
4 human rights standards.

5 (c) TRAINING FOR POLICE, SECURITY, AND PRISON
6 PERSONNEL.—The President, acting through the head of
7 the International Criminal Investigative Training Assist-
8 ance Program of the Department of Justice, shall provide
9 necessary training for Ethiopian police, security, and pris-
10 on personnel in recognizing and maintaining international
11 standards for arresting and interrogating suspects and
12 otherwise handling prisoners and detainees.

13 (d) TRAINING FOR COURT SYSTEM PERSONNEL.—
14 The President, acting through the Administrator of the
15 United States Agency for International Development, shall
16 support programs directed at increasing the independence
17 and competence of the Ethiopian judicial system, espe-
18 cially training for Ethiopian court personnel on handling
19 suspects and defendants throughout the pre-trial and trial
20 process in order to ensure their human and civil rights
21 as defined by international accords.

22 (e) FREE MEDIA.—The President, Secretary of
23 State, and other relevant officials of the Government of
24 the United States, shall encourage the Government of
25 Ethiopia to abide by its own laws and ensure the open

1 and transparent licensing of independent radio and tele-
2 vision and use all available means to support the establish-
3 ment of independent radio and television as means of
4 broadening the access of average citizens to information.

5 **SEC. 4. SUPPORT FOR DEMOCRATIZATION IN ETHIOPIA.**

6 (a) FINDINGS.—Congress makes the following find-
7 ings:

8 (1) The ruling Ethiopian People’s Revolu-
9 tionary Democratic Front has held power through
10 three improving general elections since the overthrow
11 of the government of President Mengistu
12 Hailemariam in 1991.

13 (2) Human Rights Watch has reported the har-
14 assment, detention, and even torture of critics of the
15 Government of the Federal Democratic Republic of
16 Ethiopia, especially in the Oromia region of Ethi-
17 opia, ostensibly to silence political opponents.

18 (3) The European Union election observers in
19 the May 15, 2005, elections accused the Government
20 of Ethiopia of employing “hate speech” and listed
21 acts of violence and intimidation in a letter to the
22 National Electoral Board.

23 (4) The Government of Ethiopia on March 30,
24 2005, expelled three internationally respected United
25 States nongovernmental organizations—the Inter-

1 national Republican Institute, the National Demo-
2 cratic Institute, and the International Foundation
3 for Electoral Systems—that were promoting demo-
4 cratic development, ostensibly due to their failure to
5 register for such activities.

6 (5) Complaints about the conduct of the May
7 15, 2005, elections were lodged by the main opposi-
8 tion coalition and the ruling party in 299 of Ethio-
9 pia’s 547 constituencies, but more than 90 percent
10 of opposition party filings were thrown out by the
11 Ethiopian agency investigating electoral complaints,
12 while only 10 percent of ruling party complaints
13 have been found to be unsubstantiated.

14 (6) International election observers reported the
15 turnout of millions of eligible voters in the May 15,
16 2005, elections, further confirming the desire of the
17 citizens of Ethiopia to express their political will
18 through the ballot.

19 (7) The Government of Ethiopia failed to meet
20 its stated July 8, 2005, deadline for releasing full
21 results of the May 15, 2005, elections and continues
22 to refuse to release customary detailed results of bal-
23 loting, creating ongoing uncertainty and suspicion
24 about the validity of the election.

1 (b) TRANSPARENCY OF ELECTION RESULTS.—Con-
2 gress urges the Government of Ethiopia to allow and fa-
3 cilitate a transparent review of the May 15, 2005, election
4 results and to support a legal review of those results that
5 are credibly shown to be questionable.

6 (c) READMITTANCE OF UNITED STATES DEMOCRACY
7 ORGANIZATIONS.—Congress urges the Government of
8 Ethiopia to readmit the International Republican Insti-
9 tute, the National Democratic Institute, and the Inter-
10 national Foundation for Electoral Systems which were ex-
11 pelled prior to the May 15, 2005, elections and expedi-
12 tiously work out any legitimate issues involving their reg-
13 istration.

14 (d) TRAINING OF POLITICAL PARTIES AND CIVIL SO-
15 CIETY ELECTION OBSERVERS.—In order to better ensure
16 continued progress in the conduct of the electoral process
17 in Ethiopia, the President, acting through the Adminis-
18 trator of the United States Agency for International De-
19 velopment, shall revise the Agency’s country plan for Ethi-
20 opia to provide support for training political parties on
21 organization building and message development and for
22 training political parties and civil society groups in elec-
23 tion monitoring.

24 (e) FACILITATION OF EQUITABLE ELECTORAL ENVI-
25 RONMENT.—As part of its support for democratization in

1 Ethiopia, the President, acting through the Administrator
2 of the United States Agency for International Develop-
3 ment, shall provide assistance to facilitate ongoing com-
4 munication between political parties and the Government
5 of Ethiopia through the National Electoral Board in order
6 to address issues involving delimitation of constituencies,
7 voter registration, party registration, candidate registra-
8 tion, and related matters to ensure the credibility of the
9 next election in Ethiopia.

10 **SEC. 5. SUPPORT FOR ECONOMIC DEVELOPMENT IN ETHI-**
11 **OPIA.**

12 (a) FINDINGS.—Congress makes the following find-
13 ings:

14 (1) According to the World Bank Institute's
15 governance ratings for 2004, the rating of the Fed-
16 eral Democratic Republic of Ethiopia is measurably
17 worse than its last rating in 2002 in government ef-
18 fectiveness, regulatory quality, and control of corrup-
19 tion, which examine a government's capacity to for-
20 mulate and implement economic policies.

21 (2) The 2005 Index of Economic Freedom
22 ranks Ethiopia's economy as mostly unfree, largely
23 due to a cumbersome bureaucracy that deters invest-
24 ment, a judicial system that does not offer sufficient

1 protection of property rights, and a system of higher
2 tariffs on imported products.

3 (3) The U.S. and Foreign Commercial Service
4 reports in its 2005 country commercial guide for
5 Ethiopia that Ethiopia's continuing refusal to alter
6 its policy of considering all land to be public prop-
7 erty that can only be leased and not owned prevents
8 financing of ventures in which land would be collat-
9 eral for a loan and also makes investors vulnerable
10 to smallholders claiming the right to use part of
11 their land.

12 (4) Members of the Ethiopian diaspora in the
13 United States have accused the Government of Ethi-
14 opia of failing to live up to promises of repatriation
15 of property confiscated by the Mengistu government,
16 and in some cases, allowing others to profit from
17 these seized properties.

18 (5) According to Ethiopia's poverty reduction
19 strategy paper, its per capita income is among the
20 lowest of even least developed countries, and poverty
21 is widespread, affecting nearly half the country's
22 population in both urban and rural areas.

23 (6) Lack of water is a major reason for the
24 cause of famine, but the dire situation in Ethiopia's
25 agriculture sector is exacerbated by Ethiopian Gov-

1 ernment policies, including its refusal to allow pri-
2 vate ownership of land, excessive taxation of farm-
3 ers, and the high cost of fertilizer sold by companies
4 affiliated with the Ethiopian Government.

5 (b) ECONOMIC POLICY ASSISTANCE.—Utilizing train-
6 ing and other technical assistance programs offered by the
7 Department of the Treasury, the Office of the United
8 States Trade Representative, and the Department of Jus-
9 tice, the President shall assist the Government of Ethiopia
10 in developing policies that will address key economic obsta-
11 cles, including such areas as budgeting, taxation, debt
12 management, bank supervision, and anti-money laun-
13 dering, that inhibit private sector development and limit
14 participation in donor programs such as the United States
15 Millennium Challenge Account.

16 (c) RESOURCE POLICY ASSISTANCE.—The President,
17 acting through the Administrator of the United States
18 Agency for International Development, shall provide as-
19 sistance for sustainable development of Ethiopia’s Nile
20 and Awash River resources, including assistance to help
21 Ethiopia with the technology necessary for the construc-
22 tion of dams, irrigation systems, and hydroelectric power
23 that might prevent future famine.

24 (d) FINANCING FOR UNITED STATES–ETHIOPIAN
25 COMMERCIAL VENTURES.—The President shall use all

1 available financing programs to provide adequate financ-
2 ing of United States and Ethiopian commercial ventures,
3 including programs of the United States Agency for Inter-
4 national Development, the Small Business Administration
5 (including the Export Express and Export Working Cap-
6 ital programs), the Overseas Private Investment Corpora-
7 tion (including the Small Business Center and the Small
8 and Medium Enterprise and Structural Finance pro-
9 grams), and the Export-Import Bank of the United States
10 (including the Short-Term Africa Pilot Program).

11 **SEC. 6. ENSURING GOVERNMENT SUPPORT FOR HUMAN**
12 **RIGHTS, DEMOCRACY, AND ECONOMIC DE-**
13 **VELOPMENT.**

14 (a) FINDINGS.—Congress makes the following find-
15 ings:

16 (1) The Federal Democratic Republic of Ethi-
17 opia is an important United States partner in the
18 Horn of Africa region, whose stability is vital to
19 United States interests in East Africa and the Mid-
20 dle East.

21 (2) Ethiopia has been a strong United States
22 ally in the fight against global terrorism by its par-
23 ticipation in the coalition of the willing in Iraq.

1 (3) Ethiopia has a strong military, which has
2 been involved in international peacekeeping oper-
3 ations since the Korean conflict in the 1950s.

4 (4) Two ethnically-based opposition groups—
5 the Oromo Liberation Front and the Ogadeni Na-
6 tional Liberation Front—have been committed to
7 waging an armed struggle against the Government
8 of Ethiopia, but the incidence of actual armed at-
9 tacks has been limited and sporadic.

10 (5) Historically a nation with a large Christian
11 majority, Ethiopia has experienced significant
12 growth in its Muslim population, and Christians and
13 Muslims for the first time are nearly equal in num-
14 bers, which places this key East African nation on
15 a religious fault line that will require proactive ef-
16 forts to minimize conflict.

17 (b) SUSPENSION OF JOINT SECURITY ACTIVITIES.—

18 (1) SUSPENSION.—The President shall suspend
19 all joint security activities of the Government of the
20 United States with the Government of Ethiopia, in-
21 cluding activities through the U.S. East Africa
22 Counterterrorism Initiative until such time as the
23 certification described in paragraph (2) is made in
24 accordance with such paragraph.

1 (2) CERTIFICATION.—The certification de-
2 scribed in this subsection is a certification by the
3 President to Congress that the Government of Ethi-
4 opia is observing international standards of human
5 rights and enforcing the principle of the rule of law,
6 especially by conducting a credible investigation of
7 the killing of civilian protesters by security forces, as
8 well as trying or releasing detainees and granting
9 access for detainees to their families, counsel, and
10 the International Red Cross.

11 (c) RESOLUTION OF THE ETHIOPIA-ERITREA
12 BOUNDARY DISPUTE.—

13 (1) DECLARATION OF POLICY.—Congress de-
14 clares that the current stalemate in the border dis-
15 pute between Ethiopia and Eritrea has the potential
16 to lead to conflict and must be addressed.

17 (2) PROHIBITION ON ASSISTANCE.—

18 (A) PROHIBITION.—Except as provided in
19 subparagraph (B), funds available to any de-
20 partment of agency of the Government of the
21 United States may not be made available for
22 assistance for the central Governments of Ethi-
23 opia or Eritrea unless the Secretary of State
24 certifies and reports to the Committee on Ap-
25 propriations of the House of Representatives

1 and the Committee on Appropriations of the
2 Senate that the central Government of Ethiopia
3 or Eritrea, as the case may be, is taking steps
4 to comply with the terms of the Algiers Agree-
5 ments.

6 (B) EXCEPTION.—Subparagraph (A) does
7 not apply to assistance for democracy, rule of
8 law, peacekeeping programs and activities, child
9 survival and health, basic education, and agri-
10 culture programs.

11 (d) DEMOCRACY ENHANCEMENT.—

12 (1) ASSISTANCE.—United States technical as-
13 sistance for democracy promotion in Ethiopia may
14 be made available to the ruling party as well as op-
15 position parties in Ethiopia.

16 (2) RESTRICTION.—

17 (A) IN GENERAL.—Non-essential United
18 States assistance may not be made available to
19 the Government of Ethiopia if the Government
20 of Ethiopia acts to obstruct United States tech-
21 nical assistance for opposition parties in Ethi-
22 opia.

23 (B) DEFINITION.—In this paragraph, the
24 term “non-essential United States assistance”
25 means assistance under any provision of law,

1 other than humanitarian assistance, assistance
2 under emergency food programs, assistance to
3 combat HIV/AIDS, and other health care as-
4 sistance, including assistance for fistula treat-
5 ment, health service planning, training, delivery
6 and reporting, post-partum hemorrhage, safe
7 motherhood, and abandonment of harmful tra-
8 ditional practices.

9 (e) SUPPORT FOR OLF REINTEGRATION.—In light
10 of recent reports that the Oromo Liberation Front in
11 Ethiopia may be prepared to abandon its armed struggle
12 and participate in the democratic process, it is the sense
13 of Congress that the Government of the United States
14 should encourage the Government of Ethiopia to take ad-
15 vantage of this opportunity to enter into discussions with
16 the Oromo Liberation Front to bring them into full par-
17 ticipation in the political and economic affairs of Ethiopia,
18 including their legalization as a political party, and the
19 Government of the United States should provide such as-
20 sistance as is warranted and necessary to help achieve this
21 goal.

22 **SEC. 7. REPORT.**

23 Not later than 180 days after the date of the enact-
24 ment of this Act, the President shall transmit a report
25 to Congress on the implementation of this Act, including

1 a description of a comprehensive plan to address the secu-
2 rity, human rights, democratization, and economic free-
3 dom concerns that potentially threaten the stability of the
4 Federal Democratic Republic of Ethiopia.

5 **SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

6 (a) IN GENERAL.—There are authorized to be appro-
7 priated to carry out this Act \$10,000,000 for each of the
8 fiscal years 2007 and 2008.

9 (b) AVAILABILITY.—Amounts appropriated pursuant
10 to the authorization of appropriations under subsection (a)
11 are authorized to remain available until expended.

○

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 4423
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 “Ethiopia Freedom, De-
3 mocracy, and Human Rights Act of 2006”.

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

5 It is the policy of the United States to support the
6 advancement of human rights, democracy, and economic
7 freedom in the Federal Democratic Republic of Ethiopia,
8 in concert with United States security interests, in order
9 to better enable Ethiopia to play a leading role in partici-
10 pating with the United States and other countries in fos-
11 tering stability, democracy, and economic development in
12 Africa.

13 **SEC. 3. SUPPORT FOR HUMAN RIGHTS IN ETHIOPIA.**

14 (a) FINDINGS.—Congress makes the following find-
15 ings:

16 (1) The people of Ethiopia have suffered for
17 decades due to military conflicts, natural disasters,
18 poverty and diseases, regional instability, and the

1 brutal dictatorship of the military junta under
2 Mengistu Haile Mariam. Tens of thousands of civil-
3 ians were brutally murdered by the Mengistu re-
4 gime, including women and children. Many more
5 sacrificed their lives fighting for freedom, respect for
6 human rights, and to bring an end the brutal dicta-
7 torship of the Mengistu regime.

8 (2) In May 1991, the brutal dictatorship of the
9 Mengistu regime came to an abrupt end when the
10 Ethiopian People's Revolutionary Democratic Front
11 (EPRDF) and a coalition of forces defeated the
12 Mengistu army, forcing the dictator to flee to
13 Zimbabwe where he currently resides.

14 (3) The EPRDF-led government brought rel-
15 ative stability to Ethiopia, despite ongoing conflicts,
16 in some parts of the country. Overall human rights
17 conditions compared to the military junta are much
18 better, although serious human rights abuses con-
19 tinue to occur throughout the country.

20 (4) The Oromos, the majority ethnic group in
21 Ethiopia, despite the participation of some Oromo
22 groups, including the Oromo Peoples Democratic Or-
23 ganization (OPDO) which was created by the
24 EPRDF, remain marginalized in Ethiopia and lack
25 effective representation in government. Human

1 Rights Watch reports that local government officials
2 in rural Oromia have subjected farmers to intense
3 surveillance at the household level designed to mon-
4 itor their movement, speech, and political opinions.
5 Farmers in the region report that exercise of their
6 rights to free speech are often punished with fines,
7 the loss of agricultural inputs, or imprisonment.
8 Other groups, including Ethiopian Somalis, feel that
9 they are similarly marginalized.

10 (5) According to the Department of State's
11 2005 Country Reports on Human Rights Practices,
12 the Government of Ethiopia has begun trials of a
13 few soldiers accused of involvement in the 2003-
14 2004 massacres of Anuaks in the Gambella region of
15 Ethiopia, in which more than 1,400 persons were
16 killed, hundreds more were tortured or raped, and
17 thousands were driven into exile in Sudan.

18 (6) Human rights conditions in Ethiopia dete-
19 riorated significantly after the May 15, 2005, elec-
20 tions and overall human rights conditions in the
21 country remain poor. The Department of State, in
22 its 2005 Country Reports on Human Rights Prac-
23 tices, noted a myriad of issues, including limitations
24 on citizens' rights to change their government; un-
25 lawful killings, beatings, abuse and mistreatment of

1 detainees and opposition supporters by security
2 forces; detention of thousands without charge, and
3 government restrictions on the freedom of speech
4 and assembly.

5 (7) In June 2005, more than 35 demonstrators
6 were killed by Ethiopian government security per-
7 sonnel and in November 2005 an estimated 53 peo-
8 ple were killed, including 7 policemen, according to
9 Human Rights Watch and several other reports. The
10 violence against these victims occurred after pro-op-
11 position groups went to the streets of the capital to
12 protest government actions in handling the election
13 results of May 2005. Tens of thousands of people
14 suspected of being opposition supporters were de-
15 tained over the past months, although many of these
16 detainees were released.

17 (8) There are at least 112 political leaders,
18 human rights activists, community leaders, and jour-
19 nalists, including the chairman of the Coalition for
20 Unity and Democracy (Hailu Shawal), the newly-
21 elected Mayor of Addis Ababa (Berhanu Nega) and
22 the founder of the Ethiopian Human Rights Council
23 (Professor Mesfin Wolde Mariam), currently in pris-
24 on charged with treason and genocide.

1 (9) The United States Congress, especially the
2 Congressional Task Force on Ethiopia, has been ac-
3 tively engaged in the promotion of democracy, re-
4 spect for human rights, reconciliation efforts, and an
5 end to unnecessary armed conflicts in Ethiopia. Con-
6 gress played a key role in efforts to ensure inter-
7 national observer participation, access to the media
8 for opposition candidates, and with respect to several
9 issues related to the May 2005 elections.

10 (10) According to the 2005 Country Reports on
11 Human Rights Practices, contrary to Ethiopian law,
12 Ethiopian courts have conducted closed proceedings,
13 allowed little or no opportunity for detainees to have
14 contact with their legal counsel, and have not re-
15 spected the presumption of innocence of detainees.

16 (11) The Committee to Protect Journalists re-
17 ports that the Government of Ethiopia continues to
18 refuse to revise a repressive media bill that endan-
19 gers the right to free speech.

20 (12) Broadcasting is a key source of informa-
21 tion for citizens of Ethiopia, but the Government of
22 Ethiopia has delayed accepting licenses for private
23 radio or television since a licensing law was passed
24 in 1999. Despite the recent approval of two private
25 radio licenses, there remain questions about the will-

1 ingness of the Government of Ethiopia to allow open
2 access to broadcast licensing and functioning.

3 (13) According to the Committee to Protect
4 Journalists, the deep political divisions in Ethiopia
5 have led to a months-long government crackdown on
6 private media, “gutting the print media, promoting
7 rampant self-censorship, and resulting in the impris-
8 onment of more than a dozen journalists on charges
9 that could bring the death penalty”. The Broad-
10 casting Board of Governors notes that among those
11 journalists indicted for reporting on post-election
12 protests were five Ethiopian-born broadcasters of the
13 Voice of America’s Horn of Africa Service who work
14 in Washington, D.C. and are United States citizens.

15 (b) SUPPORT FOR HUMAN RIGHTS TRAINING.—The
16 President, acting through the Administrator of the United
17 States Agency for International Development, shall revise
18 the Agency’s country plan for Ethiopia to provide support
19 for more sustainable independent human rights moni-
20 toring operations in Ethiopia and provide joint training
21 for civil society representatives and government officials
22 on international human rights standards.

23 (c) TRAINING FOR POLICE, SECURITY, AND PRISON
24 PERSONNEL.—The President, acting through the head of

1 the International Criminal Investigative Training Assist-
2 ance Program of the Department of Justice, shall—

3 (1) provide necessary training for Ethiopian po-
4 lice, security, and prison personnel in recognizing
5 and maintaining international standards for arrest-
6 ing and interrogating suspects and otherwise han-
7 dling prisoners and detainees; and

8 (2) provide necessary training for Ethiopian po-
9 lice and security personnel in handling demonstra-
10 tions and demonstrators in a nonlethal manner.

11 (d) TRAINING FOR COURT SYSTEM PERSONNEL.—

12 The President, acting through the Administrator of the
13 United States Agency for International Development and
14 the head of the Office of Prosecutorial Development As-
15 sistance and Training of the Department of Justice, shall
16 support programs directed at increasing the independence
17 and competence of the Ethiopian judicial system, espe-
18 cially training for Ethiopian court personnel on handling
19 suspects and defendants throughout the pre-trial and trial
20 process in order to ensure their human and civil rights
21 as defined by international accords.

22 (e) HUMAN RIGHTS MONITORING.—The President,
23 the Secretary of State, and all other relevant officials of
24 the Government of the United States shall—

1 (1) call upon the Government of Ethiopia to
2 admit without restriction representatives of inter-
3 national human rights organizations engaged in
4 human rights monitoring work in Ethiopia;

5 (2) call upon the Government of Ethiopia to en-
6 sure that domestic human rights organizations are
7 able to operate in an environment free of harass-
8 ment, intimidation, and persecution;

9 (3) call upon the Government of Ethiopia to
10 allow the United Nations Special Rapporteur on
11 Torture to conduct an investigation of reports that
12 prisoners have been and continue to be tortured
13 while in the custody of the Government of Ethiopia;
14 and

15 (4) establish a mechanism to provide financial
16 support to local human rights groups such as the
17 Ethiopian Human Rights Council to help strengthen
18 human rights monitoring and regular reporting on
19 human rights conditions throughout the country.

20 (f) JUDICIAL WATCH NETWORK.—The Secretary of
21 State shall establish a Judicial Watch Network consisting
22 of local and international groups to—

23 (1) monitor judicial proceedings throughout
24 Ethiopia with special focus on unnecessary govern-
25 ment intervention on strictly judicial matters; and

1 (2) investigate and report on actions to
2 strengthen an independent judiciary in Ethiopia.

3 (g) FREE MEDIA.—The President, the Secretary of
4 State, and other relevant officials of the Government of
5 the United States shall—

6 (1) encourage the Government of Ethiopia to
7 support freedom of the press by allowing print and
8 broadcast media to operate free from undue inter-
9 ference;

10 (2) encourage the Government of Ethiopia to
11 ensure the open and transparent licensing of inde-
12 pendent radio and television and use all available
13 means to support the establishment and effective
14 functioning of independent radio and television as
15 means of broadening the access of average citizens
16 to information;

17 (3) encourage the Government of Ethiopia to
18 ensure unimpeded access to the Internet and the
19 ability of citizens to freely send and receive elec-
20 tronic mail and otherwise obtain information which
21 appears threatened by actions such as the January
22 28, 2006, arrest of journalists for the establishment
23 and operation of the Internet web site Ethiopian Re-
24 view;

1 (4) encourage the Government of Ethiopia to
2 revise Press Proclamation No. 34 of 1992, which al-
3 lows the Government to bring criminal charges
4 against journalists for offenses such as defamation
5 and the publication of false news;

6 (5) encourage the Government of Ethiopia to
7 repeal sections of the Federal Criminal Code that
8 make journalists, editors, and publishers criminally
9 liable for offenses against “honor and reputation”
10 and other speech-related crimes; and

11 (6) establish a program to strengthen private
12 media in Ethiopia, provide support for training pur-
13 poses, and offer technical and other types of support
14 as necessary.

15 **SEC. 4. SUPPORT FOR DEMOCRATIZATION IN ETHIOPIA.**

16 (a) FINDINGS.—Congress makes the following find-
17 ings:

18 (1) Since the ouster of the Mengistu regime in
19 1991, the EPRDF-led government instituted a
20 multi-party system and organized three regional and
21 national elections and a number of local elections.
22 The 1995 and 2000 elections were largely boycotted
23 and judged to be neither free nor fair. Some opposi-
24 tion groups participated in the 2000 elections, giving
25 them 12 seats in the 546-seat parliament.

1 (2) Human Rights Watch has reported the har-
2 assment, detention, and even torture of critics of the
3 Government of the Federal Democratic Republic of
4 Ethiopia, especially in the Oromia region of Ethi-
5 opia, ostensibly to silence political opponents.

6 (3) A number of political parties and armed po-
7 litical groups boycotted the 2005 elections, although
8 more opposition parties participated in those elec-
9 tions than in any previous elections. The non-partici-
10 pant parties are largely in exile and only a few of
11 them have a proven constituency base inside the
12 country. The largest of these groups is the Oromo
13 Liberation Front (OLF), a group with a significant
14 constituency among the Oromo people.

15 (4) The Government of Ethiopia on March 30,
16 2005, expelled three internationally respected United
17 States nongovernmental organizations—the Inter-
18 national Republican Institute, the National Demo-
19 cratic Institute, and the International Foundation
20 for Electoral Systems—that were promoting demo-
21 cratic development, ostensibly due to their failure to
22 register for such activities.

23 (5) The European Union election observers in
24 the May 15, 2005, elections accused the Government
25 of Ethiopia of employing “hate speech” and listed

1 acts of violence and intimidation in a letter to the
2 National Electoral Board. The Carter Center also
3 reported the use by opposition parties in Ethiopia of
4 ethnic “hate speech” and opposition plots to under-
5 mine the elections.

6 (6) Complaints about the conduct of the May
7 15, 2005, elections were lodged by the main opposi-
8 tion coalition and the ruling party in 299 of Ethio-
9 pia’s 547 constituencies, but more than 90 percent
10 of opposition party filings were thrown out by the
11 Ethiopian agency investigating electoral complaints,
12 while only 10 percent of ruling party complaints
13 have been found to be unsubstantiated. This was
14 due to the tendency in many reviewed cases of the
15 National Election Board and the ruling party to out-
16 vote the opposition and prevent by-elections, as well
17 as the inability of opposition complaints to document
18 election irregularities.

19 (7) Election results show that opposition parties
20 won 170 seats in the national parliament, a signifi-
21 cant increase from the 12 seats such parties won in
22 the last elections. Opposition parties also won the
23 city council in Addis Ababa, giving them control over
24 the capital. An estimated 150 of the 170 members
25 of parliament have taken their seats.

1 (8) International election observers reported the
2 turnout of millions of eligible voters in the May 15,
3 2005, elections, further confirming the desire of the
4 citizens of Ethiopia to express their political will
5 through the ballot.

6 (9) Even after a donor-facilitated agreement be-
7 tween the Government of Ethiopia and the opposi-
8 tion to establish a complaint review process, the
9 Ethiopian Government failed to release the cus-
10 tomary detailed election results in a timely fashion,
11 leading to suspicion of vote counting irregularities.

12 (10) Following the May 15, 2005, elections, the
13 outgoing Ethiopian Parliament changed the rules of
14 procedure in the national legislature thereby con-
15 straining members of opposition parties from intro-
16 ducing legislation or raising issues for discussion.

17 (b) TRANSPARENCY OF ELECTION RESULTS.—Con-
18 gress urges—

19 (1) Ethiopian opposition parties to follow
20 through on court challenges of the May 15, 2005,
21 election results that such opposition parties consider
22 to be irregular; and

23 (2) the Government of Ethiopia to take steps to
24 make the National Election Board of Ethiopia more
25 representative of the full spectrum of politics by in-

1 including representatives of political parties with seats
2 in the Ethiopian Parliament as members and guar-
3 anteeing independence for the Board in its decision-
4 making in advance of the planning for the next na-
5 tional elections in Ethiopia.

6 (c) STRENGTHENING LOCAL, REGIONAL, AND NA-
7 TIONAL DEMOCRATIC PROCESSES.—

8 (1) STATEMENT OF POLICY.—Congress urges
9 the Government of Ethiopia to readmit the Inter-
10 national Republican Institute (IRI), the National
11 Democratic Institute (NDA), and the International
12 Foundation for Electoral Systems (IFES), which
13 were expelled prior to the May 15, 2005, elections
14 and expeditiously work out any legitimate issues in-
15 volving their registration to enable these organiza-
16 tions to provide assistance in strengthening local, re-
17 gional, and national democratic processes.

18 (2) ASSISTANCE.—The Secretary of State shall
19 provide assistance to strengthen local, regional, and
20 national parliaments and governments in Ethiopia
21 through training by IRI, NDA, IFES, and other
22 qualified groups. Support for such local, regional,
23 and national parliaments and governments shall
24 focus on areas determined to be necessary by the

1 Secretary of State in consultation with authorities
2 and civil society groups.

3 (3) PROGRAM.—The President, acting through
4 the head of the appropriate department or agency of
5 the Government of the United States, shall establish
6 a program focused on reconciliation efforts between
7 the Government of Ethiopia and peaceful political
8 groups outside the political process and for the pur-
9 poses of training such groups by IRI, NDI, IFES,
10 and other qualified groups in preparation for nego-
11 tiations and participation in the political process.
12 The program shall focus on peaceful political groups
13 in Oromo, Anuak, Somali, and other minority areas.

14 (d) TRAINING OF POLITICAL PARTIES AND CIVIL SO-
15 CIETY ELECTION OBSERVERS.—In order to better ensure
16 continued progress in the conduct of the electoral process
17 in Ethiopia, the President, acting through the Adminis-
18 trator of the United States Agency for International De-
19 velopment, shall revise the Agency’s country plan for Ethi-
20 opia to provide support for training political parties on
21 organization building and message development and for
22 training political parties and civil society groups in elec-
23 tion monitoring.

24 (e) FACILITATION OF EQUITABLE ELECTORAL ENVI-
25 RONMENT.—As part of its support for democratization in

1 Ethiopia, the President, acting through the Administrator
2 of the United States Agency for International Develop-
3 ment, shall provide assistance to facilitate ongoing com-
4 munication between political parties and the Government
5 of Ethiopia through the National Electoral Board in order
6 to address issues involving delimitation of constituencies,
7 voter registration, party registration, candidate registra-
8 tion, and related matters to ensure the credibility of the
9 next election in Ethiopia.

10 (f) **KEBELE AND WOREDA ELECTIONS.**—The Presi-
11 dent, the Secretary of State, and other relevant officials
12 of the Government of the United States shall—

13 (1) call upon the Government of Ethiopia to en-
14 sure that the Kebele and Woreda-level elections
15 scheduled for 2006 are held as soon as practicable;

16 (2) call upon the Government of Ethiopia and
17 the international community to ensure that kebele
18 and woreda elections, when such elections are held,
19 are subject to robust and independent monitoring by
20 international and local observers.

21 (g) **ADOPTION OF RULES OF PROCEDURE FOR THE**
22 **ETHIOPIAN NATIONAL LEGISLATURE.**—

23 (1) **IN GENERAL.**—The President, the Secretary
24 of State, and other relevant officials of the Govern-

1 ment of the United States shall encourage the Gov-
2 ernment of Ethiopia to—

3 (A) immediately and unconditionally re-
4 lease political party officials so that such offi-
5 cials can freely resume political operations; and

6 (B) adopt rules of procedure for the Ethio-
7 pian national legislature that are more appro-
8 priate for a genuinely democratic legislative in-
9 stitution and allow opposition parties to have a
10 meaningful role in the national legislature.

11 (2) SENSE OF CONGRESS.—It is the sense of
12 Congress that the President, the Secretary of State,
13 and other relevant officials of the Government of the
14 United States should—

15 (A) work with other donor governments
16 represented in Ethiopia to achieve the goal de-
17 scribed in paragraph (1);

18 (B) encourage members of Ethiopian oppo-
19 sition parties to take their seats in the national
20 legislature and join in efforts to achieve the
21 goal described in paragraph (1); and

22 (C) encourage officials of Ethiopian oppo-
23 sition parties who are elected to non-parliamen-
24 tary seats to take their seats for the benefit of
25 their constituents.

1 **SEC. 5. SUPPORT FOR ECONOMIC DEVELOPMENT IN ETHI-**
2 **OPIA.**

3 (a) FINDINGS.—Congress makes the following find-
4 ings:

5 (1) According to the World Bank Institute's
6 governance ratings for 2004, the rating of the Fed-
7 eral Democratic Republic of Ethiopia is measurably
8 worse than its last rating in 2002 in government ef-
9 fectiveness, regulatory quality, and control of corrup-
10 tion, which examine a government's capacity to for-
11 mulate and implement economic policies.

12 (2) The 2005 Index of Economic Freedom
13 ranks Ethiopia's economy as mostly unfree, largely
14 due to a cumbersome bureaucracy that deters invest-
15 ment, a judicial system that does not offer sufficient
16 protection of property rights, and a system of higher
17 tariffs on imported products.

18 (3) The U.S. and Foreign Commercial Service
19 reports in its 2005 country commercial guide for
20 Ethiopia that Ethiopia's continuing refusal to alter
21 its policy of considering all land to be public prop-
22 erty that can only be leased and not owned prevents
23 financing of ventures in which land would be collat-
24 eral for a loan and also makes investors vulnerable
25 to smallholders claiming the right to use part of
26 their land.

1 (4) According to Ethiopia's poverty reduction
2 strategy paper, its per capita income is among the
3 lowest of even least developed countries, and poverty
4 is widespread, affecting nearly half the country's
5 population in both urban and rural areas.

6 (5) Lack of water is a major reason for the
7 cause of famine, but the dire situation in Ethiopia's
8 agriculture sector is exacerbated by Ethiopian Gov-
9 ernment policies, including its refusal to allow pri-
10 vate ownership of land, excessive taxation of farm-
11 ers, and the high cost of fertilizer sold by companies
12 affiliated with the Ethiopian Government.

13 (b) ECONOMIC POLICY ASSISTANCE.—Utilizing train-
14 ing and other technical assistance programs offered by the
15 Department of the Treasury, the Office of the United
16 States Trade Representative, and the Department of Jus-
17 tice, the President shall assist the Government of Ethiopia
18 in developing policies that will address key economic obsta-
19 cles, including such areas as budgeting, taxation, debt
20 management, bank supervision, anti-money laundering,
21 and land title security that inhibit private sector develop-
22 ment and limit participation in donor programs such as
23 the United States Millennium Challenge Account.

24 (c) RESOURCE POLICY ASSISTANCE.—The President,
25 acting through the Administrator of the United States

1 Agency for International Development, shall provide as-
2 sistance for sustainable development of Ethiopia's Nile
3 and Awash River resources, including assistance to help
4 Ethiopia with the technology necessary for the construc-
5 tion of irrigation systems and hydroelectric power that
6 might prevent future famine.

7 (d) **FINANCING FOR UNITED STATES—ETHIOPIAN**
8 **COMMERCIAL VENTURES.**—The President shall use all
9 available financing programs to provide adequate financ-
10 ing of United States and Ethiopian commercial ventures,
11 including programs of the United States Agency for Inter-
12 national Development, the Small Business Administration
13 (including the Export Express and Export Working Cap-
14 ital programs), the Overseas Private Investment Corpora-
15 tion (including the Small Business Center and the Small
16 and Medium Enterprise and Structural Finance pro-
17 grams), and the Export-Import Bank of the United States
18 (including the Short-Term Africa Pilot Program).

19 **SEC. 6. ENSURING GOVERNMENT SUPPORT FOR HUMAN**
20 **RIGHTS, DEMOCRACY, AND ECONOMIC DE-**
21 **VELOPMENT.**

22 (a) **FINDINGS.**—Congress makes the following find-
23 ings:

24 (1) The Federal Democratic Republic of Ethi-
25 oopia is an important United States partner in the

1 Horn of Africa region, whose stability is vital to
2 United States interests in East Africa and the Mid-
3 dle East.

4 (2) Ethiopia has been a United States ally in
5 the fight against global terrorism by its participation
6 in the coalition of the willing in Iraq.

7 (3) Ethiopia has a strong military, which has
8 been involved in international peacekeeping oper-
9 ations since the Korean conflict in the 1950s.

10 (b) SUSPENSION OF JOINT MILITARY ACTIVITIES;
11 TRAVEL RESTRICTIONS.—

12 (1) SUSPENSION OF JOINT MILITARY ACTIVI-
13 TIES.—The President shall suspend all joint military
14 activities of the Government of the United States
15 with the Government of Ethiopia, other than joint
16 military activities relating to anti-terrorism or peace-
17 keeping, until such time as the certification de-
18 scribed in paragraph (3) is made in accordance with
19 such paragraph.

20 (2) TRAVEL RESTRICTIONS.—Beginning 60
21 days after the date of the enactment of this Act, the
22 President shall deny a visa and entry into the
23 United States to any official of the Government of
24 Ethiopia who was involved in giving orders to use le-
25 thal force against peaceful demonstrators, security

1 personnel involved in the June or November 2005
2 shooting of demonstrators, and civilians involved in
3 the killing of seven policemen, until such time as the
4 certification described in paragraph (3) is made in
5 accordance with such paragraph.

6 (3) CERTIFICATION.—The certification de-
7 scribed in this paragraph is a certification by the
8 President to Congress that—

9 (A) all political prisoners and prisoners of
10 conscience in Ethiopia have been released;

11 (B) the investigation of the killing of civil-
12 ian protesters by Ethiopian security forces is
13 credible, transparent, and those involved in the
14 unlawful killing are punished;

15 (C) family members, legal counsel, and
16 others have unfettered access to visit detainees
17 in Ethiopian prisons;

18 (D) the rule of law and human rights are
19 respected throughout Ethiopia; and

20 (E) the Ethiopian judiciary is operating
21 independently.

22 (4) WAIVER.—The President may waive the ap-
23 plication of paragraph (1) or (2) on a case-by-case
24 basis if the President determines that such a waiver
25 is in the national interests of the United States and,

1 prior to exercising the waiver, transmits to Congress
2 a notification that includes the reasons for the waiv-
3 er.

4 (c) TREATMENT OF POLITICAL PRISONERS AND
5 PRISONERS OF CONSCIENCE.—The President, the Sec-
6 retary of State, and other relevant officials of the Govern-
7 ment of the United States shall call upon the Government
8 of Ethiopia to immediately release all political prisoners
9 and prisoners of conscience, especially prisoners held with-
10 out charge.

11 (d) DEMOCRACY ENHANCEMENT.—

12 (1) ASSISTANCE.—United States technical as-
13 sistance for democracy promotion in Ethiopia may
14 be made available to the ruling party as well as op-
15 position parties in Ethiopia.

16 (2) RESTRICTION.—

17 (A) IN GENERAL.—Non-essential United
18 States assistance may not be made available to
19 the Government of Ethiopia if the Government
20 of Ethiopia acts to obstruct United States tech-
21 nical assistance for opposition parties in Ethi-
22 opia.

23 (B) DEFINITION.—In this paragraph, the
24 term “non-essential United States assistance”
25 means assistance under any provision of law,

1 other than humanitarian assistance, assistance
2 under emergency food programs, assistance to
3 combat HIV/AIDS, and other health care as-
4 sistance, including assistance for fistula treat-
5 ment, health service planning, training, delivery
6 and reporting, post-partum hemorrhage, safe
7 motherhood, and abandonment of harmful tra-
8 ditional practices.

9 (e) SUPPORT FOR OLF REINTEGRATION.—In light
10 of recent reports that the Oromo Liberation Front in
11 Ethiopia may be prepared to abandon its armed struggle
12 and participate in the democratic process, it is the sense
13 of Congress that the Government of the United States
14 should encourage the Government of Ethiopia to take ad-
15 vantage of this opportunity to enter into discussions with
16 the Oromo Liberation Front to bring them into full par-
17 ticipation in the political and economic affairs of Ethiopia,
18 including their legalization as a political party, and the
19 Government of the United States should provide such as-
20 sistance as is warranted and necessary to help achieve this
21 goal.

22 **SEC. 7. REPORT.**

23 Not later than 180 days after the date of the enact-
24 ment of this Act, the President shall transmit to Congress
25 a report on the implementation of this Act, including a

1 description of a comprehensive plan to address the secu-
2 rity, human rights, democratization, and economic free-
3 dom concerns that potentially threaten the stability of the
4 Federal Democratic Republic of Ethiopia.

5 **SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

6 (a) IN GENERAL.—There are authorized to be appro-
7 priated to carry out this Act \$10,000,000 for each of the
8 fiscal years 2007 and 2008.

9 (b) SENSE OF CONGRESS.—It is the sense of Con-
10 gress that an appropriate amount of funds made available
11 pursuant to the authorization of appropriations under sub-
12 section (a) should be made available to carry out the fol-
13 lowing provisions of this Act:

14 (1) Support for human rights and related train-
15 ing under subsections (b) through (d) of section 3.

16 (2) Support for human rights monitoring under
17 section 3(e)(4).

18 (3) The establishment of the Judicial Watch
19 Network under section 3(f).

20 (4) The strengthening of private media under
21 section 3(g)(6).

22 (5) Support for local, regional, and national
23 parliaments and governments under section 4(c)(2).

24 (6) Reconciliation efforts and training of peace-
25 ful political groups under section 4(c)(3).

1 (c) AVAILABILITY.—Amounts appropriated pursuant
2 to the authorization of appropriations under subsection (a)
3 are authorized to remain available until expended.

Mr. SMITH OF NEW JERSEY. I would like to recognize myself for a brief opening statement on the legislation.

Colleagues, it is my pleasure this afternoon to mark up H.R. 4423, introduced as the Ethiopia Consolidation Act of 2005. Last May, this Subcommittee held a hearing on the border issue between Ethiopia and Eritrea. At that hearing, it became very clear that the governments of both nations were in violation of international human rights standards, even as the world was distracted by the potential of a reignited war between these two neighbors.

Within weeks of that hearing, Ethiopia held what promised to be a breakthrough election. The process had never been more open. Opposition political parties had never had more freedom, it seemed, to campaign, despite some continued government interference.

A greater percentage of the voters turned out at the polls than ever before in Ethiopian history. Preliminary returns indicated an exponential increase in the number of seats won by the opposition candidates.

Unfortunately, the promise of the May 2005 elections ended with the questionable counting of the ballots cast, delayed release of the election results, and subsequently, with gunfire. With election results delayed weeks past the voting, citizens throughout the country became concerned that their individual votes had been discounted. Massive arrests of students led to demonstrations, and in early June, nearly 40 political activists were shot to death by government forces in the capital city of Addis.

I became concerned that the situation in Ethiopia, an ally of the United States in the vital Horn of Africa, could spiral out of control. Therefore, my office began working with Human Rights Watch, with Amnesty International, Oxfam America and others to develop legislation that sought to correct some of the problems that led to the increasing human rights abuses and encourage Ethiopia to pursue a more certain path to democratic elections, good governance, and economic development.

That summer, Greg Simpkins of my staff and I visited Ethiopia to see for ourselves what could be done to salvage a situation that continued to deteriorate. We were profoundly disappointed with the reaction of Prime Minister Meles, who told us he had "proof" that opposition leaders were guilty of treason and that he would arrest them at any point. Conversely, we saw proof that opposition officials were being followed and harassed. A flawed process of resolving election complaints and on-and-off negotiations between the government and the opposition failed to resolve the increasingly bitter dispute over the election and delayed release of the results. Meanwhile, mass arrests continued, and the ban on demonstrations and the limitations on free speech continued.

In November, another demonstration resulted in shooting deaths at the hand of government forces, this time including innocent bystanders.

The intent of H.R. 4423 has always been to hold accountable those who were involved in the shootings, as well as the government that failed to fully investigate or prosecute its forces involved in two sets of shootings.

Over the past few weeks, we have been able to strengthen this bill with the help of good suggestions and input from colleagues on

this Subcommittee and our friends in the human rights community.

There is a requirement that all military cooperation not connected with either counterterrorism or peacekeeping be suspended until the United States certifies that the Government of Ethiopia is respecting human rights and the rule of law. Although the overwhelming amount of military cooperation between our nations would be exempted, this prohibition would prevent future expansion of United States-Ethiopia military cooperation until the specified conditions are met. There is also a travel ban that prevents travel to America by those government officials and forces involved in the shooting of demonstrators.

However, 4423 is not merely a punitive measure. It provides technical assistance and other support to try to change the circumstances that have limited Ethiopia's progress and have led to the tragic incidents of 2005. In this regard, H.R. 4423 calls for the immediate and unconditional release of all political prisoners and prisoners of conscience in Ethiopia.

It provides support for the work of both international and domestic human rights agencies and urges the dispatch of the UN Special Rapporteur on Torture. It provides human rights training for both domestic and human rights organizations and government agencies so that both sides are clear about what is called for in international human rights agreements to which Ethiopia is a signatory so that the rule of law can prevail in Ethiopia's court system.

It establishes technical assistance for court personnel so that those arrested and held in custody can be treated in a humane way when their incarceration is justified by the facts so that those who peacefully demonstrate to express their political view can be dealt with in a lawful manner.

It encourages the Government of Ethiopia to revise its laws that currently unduly limit the right of journalists to freely provide information, a vital factor in any free society. It provides technical assistance to enhance the democratic operation of local, regional, and national governments. It provides support and encouragement of efforts by the Government of Ethiopia and the political opposition to work together to ensure that future elections, including the upcoming local elections, are conducted in an atmosphere free of intimidation and harassment and that those elected to the office are allowed to exercise their duties as public officials without undue limitations.

It provides technical assistance on the appropriate and effective use of resources, especially water resources, as well as economic policy assistance on such issues as land ownership to help the Ethiopian economy so that it can reduce the need for donor support.

Finally, it provides financing for United States and Ethiopian commercial ventures so that the Ethiopian private sector can provide jobs and help this nation reduce its high level of poverty.

This bill, I would remind my colleagues, has 15 co-sponsors. Three of them are Members of this Subcommittee: Our Vice Chairman, Mr. Royce; Mr. Tancredo, and Ambassador Watson. I know others are likely to join as we move this legislation through to the Floor. I want to thank them for their support for this measure and

ask for their support and other Members of this body for an amendment that I have now offered in the nature of a substitute.

The Chair recognizes Mr. Payne.

Mr. PAYNE. Thank you very much. Let me say that I am very pleased that this very important legislation is coming to the Floor because it is important. Ethiopia is a very important country, and the quicker that the Government of Ethiopia gets on the right track, the better it will be for the people of Ethiopia but for Africa in general.

As I have indicated in previous meetings, I first visited Ethiopia during the 1973 drought twice that year. I went to Walu Province, Desi Town, where we bringing food to the mobile million people who were moving around, and then again in 1982 and 1983 with that drought and raised several hundred thousand dollars from UNICEF to deal with that cyclical drought. So Ethiopia is a country that I have been involved with for close to 40 years and continue to have very strong feelings about the governance and the people of Ethiopia.

Chairman Smith and colleagues, let me say up front that the markup of H.R. 4423 today, I am sure, will clarify to some people that I and my colleagues certainly support the concept of legislation that will strengthen and correct what is going on in Ethiopia. Rather, though, we have argued consistently that we need stronger legislation, and I think all of us agree that we need to have strong legislation to deal with the multiple challenges facing Ethiopia.

For some of us, Ethiopia did not just appear on our screen yesterday or at the beginning of this year. We have been actively engaged even before this government ever came to power. As I mentioned before, my travels started in the early seventies, and I have continued. Even last year, I traveled twice to the region before and after the elections, met with opposition leaders twice, before and after the elections, and introduced legislation, as a matter of fact, which was never marked up by this Committee which called for free and fair elections, but we could never get it on the agenda.

The people of Ethiopia have suffered for decades from the brutal dictatorship of the Mengistu regime to the abuses and uses of excessive force by the current government. Some opposition groups cannot claim that they have been saints either, as they have not played a constructive role in rebuilding Ethiopia and strengthening democracy. Some of the techniques have not been in the right direction and have created chaos in some of their pronouncements.

It is the responsibility of us to work together to ensure respect for human life, fundamental rights, and respect for human rights. Ethiopia has a long way to go to get into that direction.

I was alarmed by the violence against civilian demonstrators in June and in November. I made my views very clear in a letter to the prime minister. Members of Parliament who were negotiating with the government are now in prison, accused of treason and genocide. This is absolutely wrong. This is precisely the primary reason we pushed for stronger legislation. We did not feel that it was the right thing to do to provide training to a police force that has been engaged in brutal suppression of its civilians.

The Ethiopia police do not need funding for training purposes. They are very well trained. Those officers engaged in the killings

of civilians in June and November were sharpshooters from the special forces of Ethiopia. They do not need training.

We felt our responsibility should not be to reward but, rather, to hold those people accountable for the crimes they committed, the crimes of murder that they committed against innocent people in the street.

We also believe that portraying a very negative picture in the country overall is not appropriate because there are some positive things and good people in the country, and Ethiopia should not be covered with a broad, negative brush.

Most important, we do not see anything in the bill that would help strengthen democracy, hold people accountable, strengthen human rights institutions, offer reconciliation and support for those willing to participate in the process, and offer tangible support to strengthen an independent judiciary.

We expressed concern before the introduction of the bill and the substitute that is being introduced by the Chairman, but it was decided that they would move forward with the bill that is being introduced by the Chairman, as is the prerogative of the Chairman. That is why you have a Chairman, and that is why the majority rules; and, therefore, that is the bill that is before us.

Our staff had one meeting a few weeks ago and offered a number of suggestions to strengthen the bill. Some were accepted, and a number of them were not included in the bill. We decided to come up with a substitute amendment to the bill, and I have offered the substitute here. We offered to sit down and discuss our bill subject as opposed to the legislation that was presented by the majority. We wanted to show a united front because we all believe that there must be changes in Ethiopia. Our offer to sit down and negotiate a final compromise was not fully embraced, except the inclusion of some ideas that we have put down.

We are disappointed that we were unable to have all of our positions included in this legislation being presented. What we are offering in my alternative is the following: One, to take out the police-training provision as well as the suspension of joint military—

Mr. SMITH OF NEW JERSEY. Will the gentleman yield a minute?

Mr. PAYNE. Yes.

Mr. SMITH OF NEW JERSEY. You have amended the amendment in the nature of a substitute. It contains nothing on police training, so that is a moot point. I yield back.

Mr. PAYNE. Taking out the police-training provision as well as the suspension of joint military exercise since the exemption from terrorism and peacekeeping makes this provision meaningless because they are already exempt. So it is sort of a feel-good amendment.

Two, victim-support network. This bill does not deal with the network. The network shall provide assistance to families of individuals who lost loved ones in Ethiopia, provide medical and financial support to individuals injured by Ethiopian Government security personnel, provide financial support for legal support for prisoners of conscience, and provide assistance to local groups or groups from outside of Ethiopia that are active in monitoring the status of individuals in prison.

While I am reading, you could look at page 6 so that you can correct yourself, page number 23, but I will continue, and you will find out that you happen to be wrong.

As a matter of fact, I did not want to inject it, but the original bill was very poorly written, to be very truthful, and I am very pleased that, in my substitute, exact findings were taken. If you go to line 16 on the first page, exact, verbatim, the people of Ethiopia have suffered for decades. The second part starting on line 8 on page 2, verbatim from the legislation that I wrote. If you go to line 14 on page 2, number 3, exact verbatim what I have put in our substitute. If you go to Part 4, line 20, exactly verbatim what I have put in in the whole page 3.

There is a frustration on my part because we took time and wrote a decent bill. We took a very poorly written bill, almost inconsistent, poorly done, evidentiary taken from someone who handed it to them and not really did the research. Part 7, page 4, verbatim from our findings. Part 8 on page 4, line 17, from what I wrote. The entire page 5, Section 9.

We wrote the bill. You took out what you wanted to take out, would not sit down and talk about it. You have people saying that we are opposed to having the right thing done. We want it done and want it done wrong. It is good to be able to sit there and chastise a poorly prepared Ambassador and get applause and claps. I think it was certainly undignified, even though I opposed everything he was saying, but that is not the way that you conduct a hearing. I thought it was demeaning.

Let me finish what I have to say. I have been very cooperative in my opinion as the Ranking Member, but at a particular point, I think enough is really enough.

Number three, the victims network system, something that we put in. We think, as I mentioned, that it should be a part of it. It was not included in your substitute.

Supporting indigenous human rights groups; we asked to put in your substitute. We will establish a mechanism to provide financial support to local human rights groups, such as the Ethiopia Human Rights Council, to help strengthen human rights monitoring and regular reporting on human rights conditions throughout Ethiopia. It was not included in your bill.

Fourth, the Judicial Watch Network. We shall create a Judicial Watch Network consisting of local and international groups to monitor judicial processing throughout Ethiopia with special focus on unnecessary government intervention on strictly judicial matters and to investigate and report ways to strengthen an individual, independent judiciary. It was not included in your bill.

Five, we support free media. We will institute a program to strengthen private media in Ethiopia, provide support for training purposes, and offer technical and other types of support as necessary. It was not included in your bill. We asked that we shall provide assistance to strengthen local, regional, and national parliaments and government agencies in Ethiopia, do training by the National Democratic Institute, the International Republican Institute, the International Foundation for Electoral Systems, and other qualified groups. It was not included in your bill.

We asked that there be support for reconciliation efforts and provide training for peaceful political groups, with the President, acting as the head of the appropriate department or agency of the Government of the United States, shall establish a program focused on reconciliation efforts between the Government of Ethiopia and peaceful political groups outside the political process was not included in the bill.

So I have introduced a substitute because, as I indicated, there were a number of provisions that we wrote specifically that were taken out verbatim and made a part of your legislation. However, when we asked that these other items be included, they were denied, and all of them are to strengthen the will of the people of Ethiopia. With that, I will yield back.

Mr. SMITH OF NEW JERSEY. The Chair will speak to the gentleman's amendment in the nature of a substitute to the amendment in the nature of a substitute.

Let me just, I think, for the good of the Members who are here, just make a few opening observations. First of all, the suggestion that I would not sit down with you—you have never asked me, Mr. Payne, not once, to sit down and talk about this legislation. Our staff has been trying for months, and only recently did we get any kind of meeting of the minds that we could work on some language, and that is only recently.

I circulated this draft bill in July. Again, we worked with human rights organizations like Human Rights Watch and others in devising what we thought would be an ideal piece of legislation. Every piece of legislation I have ever worked on in my 26 years is a work in progress. That is why we have hearings.

Let me just say one thing briefly about the hearing. When we had a markup scheduled on Ethiopia, I postponed it at your request, trying to be accommodating, until after we had the hearing. I would respectfully suggest that any time any Ambassador or any representative of a government comes before Congress, they ought to come prepared to answer questions that were done in a polite but firm manner because there are egregious human rights abuses being committed by the government of Prime Minister Meles, and I asked, as did other Members of this panel, I think, very specific questions, to which we got what I believe were very poor answers.

So let me just continue. We did get some feedback from at least one Member on the minority—let me finish—including Ambassador Watson, who did respond to us with some suggestions for the legislation.

So, again, this goes back to July. I introduced the bill in November, and this legislative session will soon run out if we do not get this legislation on the Floor, and we wanted to work with you, and still want to work with you, to work out the best possible legislation that we can. No concerns were ever raised about our legislation for months, even though we wanted to engage fully.

I happen to believe that it is very well written, but, again, nothing is perfect, and we are always looking to improve.

One of the things that your bill does—you talk about it being a strengthening bill—it actually weakens the bill. There is legislation—you called it a “feel-good amendment”—our suspension of joint military activities that is contained under Section 6. That lan-

guage says: "The President shall suspend all joint military activities of the Government of the United States and the Government of Ethiopia other than joint military activities related to antiterrorism or peacekeeping until such time as the certification described in paragraph 3 is made in accordance," and, of course, that certification includes such things as all political prisoners and prisoners of conscience have been released, and there are others.

Let me point out to my colleague that while most of the military aid in the past has been in the area of peacekeeping training, as well as training for terrorism, in this year's budget request from the Administration under FMF it states very clearly in the rationale given to us by the Department of State that Fiscal Year 2007 international military education and training, or IMET, funds will be used for training that will further increase the professionalism of the Ethiopian military, focusing on senior-level, professional, military-education courses, war college and command and general staff-level colleges, and then it goes on from there.

That is exactly what so many Members of this panel of the International Relations Committee for years objected to when we were aiding and abetting some of those left-wing and right-wing dictatorships in places in Central America. That is what the School of Americas argument was all about.

So we exempted two areas where I think we have a consensus—peacekeeping and in the area of terrorism—but IMET money is poised to be going forward in 2007, if we are to believe the State Department, and I think we should.

In the area of authorizations, we provide \$10 million each year for 2 years, \$20 million over 2 years, in our bill. So you copied that in your legislation. But then you delineate all kinds of subearmarks, and I do not know what the rationale is. If we were to accept your amendment today, we would say that two million should go to indigenous human rights groups. I do not know if two million or three million or five million or one million is the number.

I have written other legislation that is very similar to this, including the Belarus Democracy Act, and to the greatest extent possible, we did not subgrant it or subcategorize it for the simple reason that we do not know what the number should be. This is a new piece of legislation and a new initiative, so that, in and of itself, to have such subcategorizing makes it so that we are telling the State Department what to do before we even know ourselves. I do not know if those numbers make sense. I really do not.

Mr. PAYNE. We did not make up the numbers.

Mr. SMITH OF NEW JERSEY. They are arbitrary, without a doubt. We came up with the \$20 million arbitrarily. I will admit that. We do not know what the number should be over 2 years, but we came up with a number that we thought could make a difference. But if you are going to go and further delineate that, I do not know how you do that.

So I would urge my colleagues. I have tried in this Committee, and every Member, I think, on the majority side will agree with it, I have open mikes. I do not use the red buttons. We may disagree on key issues, fight it out, but here we have had a process that began in July, open-door policy. With all due respect, Mr. Payne,

you never talked to me about it, and you could have come at any time and said, "Let us work out our differences."

I would hope, after this markup, if your amendment goes down, let us work further and come up with legislation that will be a great consensus bill, catapult it to the Floor, and get it passed and signed by the President. We have a long haul to get this thing into law, and I think we need bipartisanship. I am not going to say yours is poorly written or denigrate the work product of your staff. I am going to work with your staff. It is bewildering why you have not been willing to further work with us, and I hope you will going forward.

Mr. PAYNE. Well, first of all, let me just respond by saying it made no sense to me for you to have a markup a week before you had the hearing.

Mr. SMITH OF NEW JERSEY. The hearing was on human rights in general, not on the legislation.

Mr. PAYNE. Well, how are you going to develop legislation if you do not hear what the problems are?

Mr. SMITH OF NEW JERSEY. Will the gentleman yield? There are more steps in the process.

Mr. PAYNE. Absolutely.

Mr. SMITH OF NEW JERSEY. Maybe on the Floor, maybe in Full Committee.

Mr. PAYNE. But what harm does having a hearing so you can hear people—

Mr. SMITH OF NEW JERSEY. I accommodated your request.

Mr. PAYNE. Well, it was not only my request. There were a number of people who felt that it would make sense to have a hearing before you write up legislation.

Mr. SMITH OF NEW JERSEY. The legislation was written, whether or not we marked it up.

Mr. PAYNE. It was written, and like I said, and maybe the words "poorly written"—I should have just said inconsistencies. The fact that the State Department does not support the bill, not that that makes it great, but they are opposed to the legislation. And also, the reason I talked about the fact that peacekeeping and terrorism, that is about the only thing now to IMET; I did not see what this new, heavy funding for Ethiopia's military is supposed to be. The exemption is for peacekeeping and terrorism. We know that. I do not think there is very much left that would be funded to Ethiopia's military when you take out the exemption of peacekeeping and terrorism.

So I believe, as I have indicated, that we sat down, and like I said, the fact that a good third of the first four or five pages of our legislation was taken and put into your legislation, at least it shows that there was some good judgment on the part of some staff people. However, I do not understand why the other parts were eliminated because I do think that we need to penetrate and get down to the people so that they can have open media, that these organizations will be able to function at IRI, and NDI could get in there and move on. But that is my substitute amendment, and I will move it.

Mr. SMITH OF NEW JERSEY. The question occurs on the amendment offered by the gentleman from New Jersey, Mr. Payne. All in favor say aye.

[A chorus of ayes.]

Mr. SMITH OF NEW JERSEY. All opposed, say no. No.

[A chorus of noes.]

Mr. SMITH OF NEW JERSEY. In the opinion of the Chair, the noes have it.

The question then occurs on the amendment in the nature of a substitute—

Mr. PAYNE. Have a rollcall.

Mr. SMITH OF NEW JERSEY. The Chair will call the roll.

Ms. PLUMLEY. Mr. Royce?

Mr. ROYCE. No.

Ms. PLUMLEY. Mr. Royce votes no. Mr. Tancredo?

Mr. TANCREDO. No.

Ms. PLUMLEY. Mr. Tancredo votes no. Mr. Flake?

[No response.]

Ms. PLUMLEY. Mr. Green?

[No response.]

Ms. PLUMLEY. Mr. Boozman?

Mr. BOOZMAN. No.

Ms. PLUMLEY. Mr. Boozman votes no. Mr. Fortenberry?

Mr. FORTENBERRY. No.

Ms. PLUMLEY. Mr. Fortenberry votes no. Mr. Payne?

Mr. PAYNE. Yes.

Ms. PLUMLEY. Mr. Payne votes yes. Mr. Meeks?

Mr. MEEKS. Aye.

Ms. PLUMLEY. Mr. Meeks votes yes. Ms. Lee?

Ms. LEE. Yes.

Ms. PLUMLEY. Ms. Lee votes yes. Ms. McCollum?

Ms. MCCOLLUM. Aye.

Ms. PLUMLEY. Ms. McCollum votes yes. Ms. Watson?

[No response.]

Ms. PLUMLEY. Mr. Smith?

Mr. SMITH OF NEW JERSEY. No.

Ms. PLUMLEY. Mr. Smith votes no. Mr. Green?

Mr. GREEN. No.

Ms. PLUMLEY. Mr. Green votes no.

Mr. SMITH OF NEW JERSEY. The clerk will report the tally.

Ms. PLUMLEY. On this vote, there are six noes and four yeses.

Mr. SMITH OF NEW JERSEY. The amendment is not agreed to.

[Applause.]

Mr. SMITH OF NEW JERSEY. The question occurs on the amendment in the nature of a substitute offered by Chairman Chris Smith. All of those in favor, say aye.

[A chorus of ayes.]

Mr. SMITH OF NEW JERSEY. All opposed, no.

[A chorus of noes.]

Mr. SMITH OF NEW JERSEY. The ayes have it, and the amendment is agreed to.

The question occurs on the motion to report the Resolution H.R. 4423, now named, the Ethiopia Freedom and Democracy and Human Rights Act of 2006. All those in favor, say aye. Aye.

[A chorus of ayes.]

Mr. SMITH OF NEW JERSEY. All those opposed, say no.

[No response.]

Mr. SMITH OF NEW JERSEY. The motion is approved, and the resolution is reported favorably. Without objection, the staff is directed to make any technical and conforming amendments to the legislation.

We now move, pursuant to notice, to call up H. Res. 608, Condemning the escalating level of religious persecution in the People's Republic of China, for purposes of markup and move its recommendation to the full Committee. Without objection, the resolution will be considered as read and open for amendment at any point. The Chair recognizes himself for an opening statement.

[H. Res. 608 follows:]

109TH CONGRESS
1ST SESSION

H. RES. 608

Condemning the escalating levels of religious persecution in the People's
Republic of China.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 14, 2005

Mr. McCOTTER submitted the following resolution; which was referred to the
Committee on International Relations

RESOLUTION

Condemning the escalating levels of religious persecution in
the People's Republic of China.

Whereas the Constitution and laws of the People's Republic
of China purport to provide for religious freedom, how-
ever, these freedoms are substantively ignored;

Whereas all religious groups and spiritual movements must
register with the Chinese Government, which monitors re-
ligious services and judges the legitimacy of religious ac-
tivities;

Whereas unregistered religious groups in China continue to
experience official interference and members of religious
groups have been subjected to intimidation, harassment,
and detention;

Whereas many religious leaders and adherents in China, including those in official churches, have been detained, arrested, or administratively sentenced to prison terms in reeducation-through-labor camps;

Whereas religious believers are denied the ability to hold public office not by law, but by a logical extension of the fact that most government positions go to members of the Chinese Communist Party (CCP) and CCP membership and religious belief are considered incompatible;

Whereas numerous abuses of unofficial Catholic clergy have occurred, including the detentions of Bishop Zhao Zhendong, Bishop Jia Zhigou, Bishop Yao Liang, Bishop Su Zhimin, Bishop An Shuxin, Bishop Gao Kexian, Father Han Dingxian, and Father Li Hongye, as well as other Catholic priests and lay leaders who have been beaten or otherwise mistreated;

Whereas the whereabouts of Gendun Choekyi Nyima, the boy identified by the Dalai Lama as the 11th Panchen Lama and detained by Chinese authorities ten years ago, when he was six years old, are still unknown;

Whereas, according to the Department of State, Chinese authorities continue to restrict Muslim religious activity, teaching, and worship in Xinjiang, including reported prohibitions on the participation and religious education of minors;

Whereas the Chinese Government continues its brutal campaign to eradicate the Falun Gong spiritual movement and thousands of its members have been subject to excessive force, abuse, detention, and torture, including Liu Chengjun who died in 2003 after reportedly being abused

in custody in Jilin Province and Huang Wei who is currently detained in Hebei Province, among others;

Whereas Cai Zhuohua, a Beijing underground church leader, was sentenced on November 8, 2005, to three years in prison for distributing Bibles and other Christian materials;

Whereas the Haidian Lower People's Court in Beijing also sentenced Mr. Cai's wife, Xiao Yunfei, to two years in prison and her brother, Xiao Gaowen, to 18 months in prison; and

Whereas on November 20, 2005, after attending services at the Gangwashi Church in Beijing, President George W. Bush stated: "A healthy society is a society that welcomes all faiths and gives people a chance to express themselves through worship with the Almighty": Now, therefore, be it

1 *Resolved*, That—

2 (1) the House of Representatives condemns the
3 imprisonment of religious leaders and people of faith
4 in the People's Republic of China and urges their re-
5 lease; and

6 (2) it is the sense of the House of Representa-
7 tives that it should be the policy of the Government
8 of the United States to promote and defend religious
9 freedom and freedom of conscience in China.

○

Mr. SMITH OF NEW JERSEY. This afternoon, I am very pleased to bring up for your consideration the bill of my good friend and colleague, Mr. McCotter. House Resolution 608 addresses and condemns the escalating levels of religious persecution in the People's Republic of China.

China's repression of religion is arguably among the most despotic in the world. Despite China's entrance into the world community, its government refuses to grant its citizens universally recognized human rights of freedom of religion and thought. The PRC permits religious practice only for government-sanctioned religions and organizations, at registered locations of worship. Those who practice other faiths, as their consciences demand, risk disappearing into one of hundreds of Laogai, the forced reeducation camps, or education-through-labor camps, established by Mao Tse-Tung decades ago.

Not only is religious persecution of numerous groups and movements ongoing, but it is actually worsening by the hour and by the day. The Voice of the Martyrs reports that just a few weeks ago the Chinese Public Security Bureau raided a registered Protestant church in Hunan Province because its meetings were considered part of an illegal, evil cult. In February, the BBC reported that China warned Hong Kong's newly appointed cardinal, Joseph Zen, a well-known critic of China's suppression of religious freedom, to remain quiet on political issues.

Last summer, this Subcommittee heard testimony from Mr. Chen Younglin, formerly a diplomat for the Chinese Government, who said, "According to my knowledge, the persecution of the Falun Gong by the Chinese Communist Party is a systematic campaign." For example, Falun Gong practitioners, such as Yun Yuan and her son, Jinhui Liang, sit in prison today for no crime other than their peaceful Falun Gong activities. As a matter of fact, there have been hundreds of Falun Gong who have been tortured to death in the Chinese Laogai.

According to the State Department's 2005 International Religious Freedom Report, the Chinese Government, and I quote them, "respect for freedom of religion and freedom of conscience remain poor, especially for many unregistered religious groups and spiritual movements. Members of unregistered groups, including Protestants and Catholics, are subject to restrictions, including intimidation, harassment, detention, arrest, and imprisonment."

Given these very disturbing facts and a very dangerous trend, Congressman O'Connor's resolution condemning the Government of China's systematic persecution of religious and spiritual groups is both timely and appropriate. I urge my colleagues to support his legislation. I yield to Mr. Payne.

Mr. PAYNE. I would support the legislation and would urge its passage.

Mr. SMITH OF NEW JERSEY. Would anybody else like to be heard?

I do have an amendment at the desk that I would like to offer which we worked on with Mr. McCotter. The clerk will report the amendment.

Ms. PLUMLEY. Amendment to House Resolution 608 offered by Mr. Smith of New Jersey.

[The amendment referred to follows:]

AMENDMENT TO H. RES. 608
OFFERED BY MR. SMITH OF NEW JERSEY

Strike the preamble and insert the following:

Whereas the Constitution and laws of the People's Republic of China purport to provide for religious freedom, however, these freedoms are substantively ignored;

Whereas all religious groups and spiritual movements must register with the Chinese Government, which monitors religious services and judges the legitimacy of religious activities;

Whereas unregistered religious groups in China continue to experience official interference and members of religious groups have been subjected to intimidation, harassment, and detention;

Whereas many religious leaders and adherents in China, including those in official churches, have been detained, arrested, or administratively sentenced to prison terms in reeducation-through-labor camps;

Whereas religious believers are denied the ability to hold public office not by law, but by a logical extension of the fact that most government positions go to members of the Chinese Communist Party (CCP) and CCP membership and religious belief are considered incompatible;

Whereas numerous abuses of unofficial Catholic clergy have occurred, including the detentions of Bishop Zhao Zhendong, Bishop Jia Zhiguo, Bishop Yao Liang, Bishop Su Zhimin, Bishop An Shuxin, Bishop Lin Xili, Bishop Han Dingxiang, and Bishop Shi

Enxiang, as well as other Catholic priests and lay leaders who have been beaten or otherwise mistreated;

Whereas numerous abuses of Protestant House Church Leaders have occurred, including the detentions of Pastor Gong Shengliang, Pastor Zhang Rongliang, Luo Bingyin, Li Cuiling, Wang Chaoyi, Yang Tianlu, and Zhao Xinlan, as well as other Protestant House Church Leaders who have been beaten or otherwise mistreated;

Whereas the whereabouts of Gendun Choekyi Nyima, the boy identified by the Dalai Lama as the 11th Panchen Lama and detained by Chinese authorities ten years ago, when he was six years old, are still unknown;

Whereas, according to the Department of State, Chinese authorities continue to restrict Muslim religious activity, teaching, and worship in Xinjiang, including reported prohibitions on the participation and religious education of minors;

Whereas the Chinese Government continues its brutal campaign to eradicate the Falun Gong spiritual movement and thousands of its members have been subject to excessive force, abuse, detention, and torture, including Liu Chengjun who died in 2003 after reportedly being abused in custody in Jilin Province and Huang Wei who is currently detained in Hebei Province, among others;

Whereas Cai Zhuohua, a Beijing underground church leader, was sentenced on November 8, 2005, to three

years in prison for distributing Bibles and other Christian materials;

Whereas the Haidian Lower People's Court in Beijing also sentenced Mr. Cai's wife, Xiao Yunfei, to two years in prison and her brother, Xiao Gaowen, to 18 months in prison; and

Whereas on November 20, 2005, after attending services at the Gangwashi Church in Beijing, President George W. Bush stated: "A healthy society is a society that welcomes all faiths and gives people a chance to express themselves through worship with the Almighty": Now, therefore, be it

Mr. SMITH OF NEW JERSEY. Without objection, the amendment is considered as read.

The amendment is an updating of the names of those persecuted for their faith in China, and obviously that is something that must be done because the list is always growing. It includes a couple of pastors, including Pastor Gong Shengliang, who is the founder and pastor of the South China Church. He was arrested, along with 16 other SCC leaders, in April 2001 and is serving a life sentence for using a heretical organization to undermine the implementation of the law. That is the charge that has been lobbied against him. So it is an amendment that just makes this a more thorough resolution.

Would anybody else like to be heard on either the amendment of the pending resolution? If not, the question is on the amendment. All of those in favor, say aye.

[A chorus of ayes.]

Mr. SMITH OF NEW JERSEY. All those opposed, say no. The ayes have it. The amendment is agreed to.

Are there any other further amendments to this? If not, the question occurs on the motion to report the resolution, H. Res. 608, Condemning the escalating level of religious persecution in the People's Republic of China, favorably as amended. All in favor, say aye.

[A chorus of ayes.]

Mr. SMITH OF NEW JERSEY. All those opposed, say no. The motion is approved, and the resolution is reported favorably. Without objection, the staff is directed to make any technical and conforming amendments. I want to thank both sides of the aisle for coming to this markup today.

Ms. MCCOLLUM. Mr. Chair, I have a question for the good of the order.

Mr. SMITH OF NEW JERSEY. Sure.

Ms. MCCOLLUM. If our staffs are engaged in discussions, and my staff is talking to the majority staff on which amendments are being offered, discussions are taking place that there are parts of any bill, a bill in the future or whatever, is unacceptable, is it still my responsibility to seek you out on the Floor and tell you personally that I object to the bill?

Mr. SMITH OF NEW JERSEY. Not at all. I would say to the gentlelady that the discussion on this language, the Ethiopia bill, it was a process that I had hoped, and I still hope, can emerge as a bipartisan product. What I found disturbing was that the engagement did not occur for months, and when it did, a motion that took all of our provisions, or most of them, not all of them, and then jettisoned others and then was seeking to become a brand-new bill——

Ms. MCCOLLUM. Mr. Chair.

Mr. SMITH OF NEW JERSEY. Mr. Payne, when we go to full Committee—if the gentlelady would yield——

Ms. MCCOLLUM. Yes, I will.

Mr. SMITH OF NEW JERSEY [continuing]. Obviously, any amendment you would like to offer, offer it during the markup in full Committee.

Ms. MCCOLLUM. Mr. Chair, if I may.

Mr. SMITH OF NEW JERSEY. Sure.

Ms. MCCOLLUM. I objected and had reservations with the bill when it was first introduced, and I went back and talked to members in my community. I spoke with people. I also have traveled to Ethiopia. I had concerns with it, and my staff was gathering information. A markup was scheduled prior to the hearing, and that is when the discussion, I believe, took place between staffs at that point.

But if I followed some of the discussion correctly, and that is why I wanted to make sure I understood it, is that you were unaware that there were such strong disagreements because no one had spoken to you personally, and that is why I wanted to know if, in the future—I know when my staff is discussing, my staff is directly talking to me. I was under a strong assumption, as I am sure all of you may or may not agree with me, that when staffs are in such heated negotiations that you are kept informed.

Mr. SMITH OF NEW JERSEY. Gentlelady, I was fully apprised of the discussions of my staff with the appropriate staff, but I had hoped, and I still hope, that we can still work on what will become a consensus bill. I do not know if that will happen, but I certainly would want to, and any disparate or any sweeping amendment that the minority or any majority Member wants to offer, you are certainly welcome to do it. But this legislation is going to have a very arduous trip to the White House. It is going to take a while to get there, and it seems to me the more we work together, the better.

But all of a sudden I was told, and I did not see the text until the last couple of days, of what Mr. Payne wanted to offer, and he basically took all of our bill and then jettisoned things like the military language. I agree, the police language is—

Ms. MCCOLLUM. Mr. Chairman, I am not on the substance of the bill.

Mr. SMITH OF NEW JERSEY. Well, the substance is also the process.

Ms. MCCOLLUM. I am just trying to understand the process right now.

Mr. SMITH OF NEW JERSEY. Well, the process is any Member, during a markup, is more than free to offer an amendment that is germane to the bill.

Ms. MCCOLLUM. Thank you.

Mr. SMITH OF NEW JERSEY. And I have no problem with that.

Ms. LEE. Mr. Chairman, may I just ask, as we move forward with regard to the bill that was just passed, the specific provisions as it relates to, for instance, the assistance for indigenous human rights groups, the victims support network provision, the specific provisions that were so important in the substitute; are you open to discussing those—

Mr. SMITH OF NEW JERSEY. Without a question, open to discussion, and, of course, if we do not come to a conclusion thereon, you can offer it as an amendment.

Ms. LEE. We would rather, I believe, see some consensus worked out—

Mr. SMITH OF NEW JERSEY. Without a doubt.

Ms. LEE [continuing]. Because there are only a few of these provisions that remain.

Mr. PAYNE. Mr. Chairman, let me just try to correct. You said that we took provisions—most of my bill are provisions of your bill. It is just the reverse.

To be very honest, the initial bill, and we will get a copy of the initial bill, and I will sit down with you, and I will show you 30 inaccuracies in the bill. I will be honest with you, and I will show you this legislation that the first seven or eight, nine, 10 findings were what we wrote.

I am glad that it is here because it is good. It is what we wrote, but you might need to meet with your chief staff person, if you really want to get to the bottom of it, you ought to take a look at what you originally had. As a matter of fact, if you like it, I will write a critique, line by line, through 75 lines in the original bill. I do not think it is necessary to continue to have this discussion in public, but I was under the assumption that the staff persons who were working to try to merge these, that you or I was fully aware of what was going on. But I will, for your edification, believe me, I will show you that original piece of legislation and show you what you have now, and I will let you make your own conclusion.

But like the gentlelady was saying, if we could somehow work on this. We all believe that the people of Ethiopia need to have our voice very strongly heard. It is easy to take a group of people that have a particular position and say things that works them up and, therefore, makes——

Mr. SMITH OF NEW JERSEY. Would the gentleman yield? Surely, you are not accusing me of that.

Mr. PAYNE. I am not accusing you of anything. I am saying that it is easy to get applause—I have never seen a Chairman allow people to applaud. The first time in my time in Congress because a normal Chairman would say that is out of order, whether it was for or against, and I just have to duly say that I have never seen a Chairman allow people to applaud. I was totally turned off by what the representative of the Ethiopian Government said. However, I have been at other meetings where people said things that were very distasteful, but I do not think that a diplomat—you are going to meet with Bashir in Sudan. I will not even meet with him because he is a murderer.

I do not think that the Ambassador from Ethiopia should have been subjected, as he was doing his diplomatic job, to applause from opposition people, whether you were on one side or the other of the Ethiopia people. You have to have respect for a person that is there, and I have never seen it happen to any European or any Asian or anybody else who was allowed to be almost cheered indirectly. It was wrong, just simply wrong.

You are a big human rights person. Well, to me, that was not using human rights in the right manner, and you can respond to that, if you like, if you think I am wrong.

Mr. ROYCE. Why don't we just adjourn?

Mr. SMITH OF NEW JERSEY. Let me just invite the minority, if they would like—our staff could begin meeting tomorrow to work on this bill to get it to the full Committee. Like I said in my opening, every piece of legislation I have ever worked on, whether I was in the minority or majority, was always a work in progress. But there are serious questions about the gentleman's amendment as

he offered it. One of them was, as I pointed out, was the subcategorizing in the legislation with what justification.

So those issues can all be further discussed as we move to Level 2, which is the full Committee.

Mr. PAYNE. Also, just a part of the Parliament, I think there were some suggestions in your legislation about how the Parliament of Ethiopia should change their internal rules to lessen the number of signatures needed in order to get legislation out. Now, that is totally inappropriate, to tell a parliament, duly elected parliament, that this is what your parliamentary rules should be. I did not raise that. I just said I will let it go. There were a number of issues that were very—

Mr. SMITH OF NEW JERSEY. It is not the first time we have suggested that parliaments at least have a modicum of freedom for everyone who sits on that parliament.

We have also done it in the Belarus Democracy Act and their parliament, which obviously has not been a democratic parliament either.

The Subcommittee markup is adjourned.

[Whereupon, at 5:18 p.m., the Subcommittee was adjourned.]

