

**STATE, FOREIGN OPERATIONS, AND RELATED  
PROGRAMS APPROPRIATIONS FOR FISCAL  
YEAR 2006**

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**THURSDAY, MAY 12, 2005**

U.S. SENATE,  
SUBCOMMITTEE OF THE COMMITTEE ON APPROPRIATIONS,  
*Washington, DC.*

The subcommittee met at 2:05 p.m., in room SD-124, Dirksen Senate Office Building, Hon. Mitch McConnell (chairman) presiding.

Present: Senators McConnell, Specter, Gregg, Bennett, DeWine, Brownback, Cochran, Leahy, Harkin, Durbin, and Landrieu.

DEPARTMENT OF STATE

OFFICE OF THE SECRETARY

**STATEMENT OF HON. CONDOLEEZZA RICE, SECRETARY**

OPENING STATEMENT OF SENATOR MITCH MC CONNELL

Senator McCONNELL. The hearing will come to order.

Thank you very much, Secretary Rice, for joining us today.

We have the chairman of the full committee with us. I appreciate your being here, Senator Cochran.

Today's hearing is really historic in at least one respect. Not only is this your debut before this subcommittee, but it is also our first-ever hearing since the subcommittee reorganized earlier this year to incorporate the Department of State's entire operation.

Let me begin today by commending Chairman Cochran for his wisdom and leadership, and not just with respect to the committee reorganization. On Tuesday, the Senate gave its unanimous approval to the emergency supplemental. Senator Cochran deserves the lion's share of the credit in getting this important measure to the President in a timely manner. We all thank him for that, and certainly the men and women serving in Iraq and Afghanistan thank him as well.

As we consider the President's fiscal year 2006 request, my colleagues should keep in mind that we will not succeed as a Nation in the global war on terror unless we employ our foreign assistance programs as weapons in America's arsenal. This is particularly true with respect to front-line states, such as the \$920 million request for Afghanistan, \$698 million for Pakistan, \$158 million for Indonesia, and \$96 million for the Philippines. Simply put, as we strengthen the military, police, and good governance of these

states, we relieve the demands upon America's own military and diplomatic resources. Our aid runs the gamut from "hard" counterterrorism and military packages for foreign governments to "soft" child survival and basic health programs for rural populations. Both are integral components of deterring and defeating terrorism.

As is the case every year, the subcommittee will have difficult decisions to make in the weeks and months ahead. However, the process of reviewing the \$33.6 billion request for the State Department and foreign operations is well underway. This includes examination of proposed increases above fiscal year 2005 funding levels in such accounts as Transition Initiatives, Diplomatic and Consular Programs, and the Millennium Challenge Corporation, and decreases in others, including assistance for Eastern Europe and the Baltic States and assistance for the Independent States of the Former Soviet Union.

I want to assure you, Secretary Rice, that we are attuned to changing realities around the world, including in such regions as Eastern Europe, Central Asia, and the Middle East. Under the President's leadership, the march of freedom across the globe has been truly impressive, whether in Iraq, Afghanistan, Ukraine, or Georgia. Please know you have all of our personal commitments to help advance democracy in Egypt, Belarus, and the Kyrgyz Republic, among other countries.

The use of cutting edge technology in this endeavor is vital. If you have not already, I would encourage you to become familiar with the programs of Voice for Humanity in both Iraq and Afghanistan. These outreach activities are reaching important segments of those populations, including illiterate individuals and women.

As has become my tradition, let me just close with a couple of words on Burma. The situation in that country remains absolutely deplorable with democracy leader and Nobel laureate Aung San Suu Kyi and her compatriots under continued imprisonment. Access to Suu Kyi since the attempt on her life in May 2003 has been extremely limited, and I remain gravely concerned for her safety. Let me be crystal clear that the security and welfare of Suu Kyi is the direct responsibility of the SPDC leader Than Shwe.

Along with several of my colleagues, including Senators Leahy and Brownback, I introduced legislation earlier this week to renew the sanctions against this repressive regime. America's challenge is fairly straightforward. We need to make that struggle for freedom in Burma a priority for the world's democracies, for multilateral organizations, including the United Nations and the European Union, and for Burma's neighbors.

#### PREPARED STATEMENT

As you and I have discussed on several occasions, the ASEAN chairmanship is supposed to move to Burma in 2006 with the meeting supposedly to occur there. I think that is unacceptable. I believe you share my view on that. Hopefully that will be a focal point for beginning to genuinely get the kind of multilateral cooperation we need to truly squeeze that regime.

[The statement follows:]

## PREPARED STATEMENT OF SENATOR MITCH MCCONNELL

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Along with several of my colleagues—including Senators Leahy and Brownback—I introduced legislation earlier this week to renew sanctions against the repressive State Peace and Development Council (SPDC). America's challenge is fairly straightforward—we need to help make the struggle for freedom in Burma a priority for the world's democracies, for multilateral organizations (including the United Nations and the European Union), and for Burma's neighbors.

The SPDC's chairmanship of the Association of Southeast Asian Nations (ASEAN) looms on the horizon. We must seize that as an opportunity to increase pressure on the junta until such time that Burma embarks on an irreversible path toward reconciliation and democracy.

Senator MCCONNELL. Let me now turn to my friend and longtime colleague on this subcommittee, Senator Leahy, for his opening observations, and then we will be happy to hear from you, Secretary Rice.

## OPENING STATEMENT OF SENATOR PATRICK J. LEAHY

Senator LEAHY. Thank you, Mr. Chairman.

Madam Secretary, I join the chairman in welcoming you on your first appearance before this subcommittee.

I also want to thank the chairman for his continued work on these issues. I might say that to both chairmen, but more importantly for our longstanding, decades-old friendships.

We have a lot to cover, Madam Secretary. I want to focus on one issue that you and I have spoken about, even before you were confirmed, and that is the need for U.S. foreign aid programs to be funded at a level that is commensurate with our national interests. The President's National Security Strategy recognizes the central role of foreign aid. I agree with the President on that. His fiscal year 2006 budget request for foreign operations, an increase of \$3.1 billion over last year's level, is good step forward.

But I also have serious concerns with this year's budget. Unfortunately, the President cuts several core foreign aid programs. Here are the things cut: funding for child survival and health programs, including infectious diseases, cut by \$280 million. The development assistance account is cut by \$45 million. Aid to Russia is cut in half. We even cut our contribution to UNICEF, something that seems to work very, very well everywhere I go in the world. And there are a number of other areas, promoting renewable energy, supporting democracy. We could and should do more.

The programs are cut to pay for a large increase in funding for the Millennium Challenge Corporation. You and I discussed this a little bit earlier this afternoon. I support the MCC, but the President said we would not cut other things to pay for it. We had his personal assurance that other programs would not be cut to pay for the MCC.

Again, I continue to support MCC, but the proposed increase in funding at the expense of other programs really cannot fly. If this year's request is fully funded, a total of \$5.5 billion will have been appropriated to the MCC. So far, it has awarded one compact of \$110 million, and that is to Madagascar. Madagascar has a population of only 15 million people. We are concerned about billions of people.

I worry about having billions of dollars for this account just sitting in the Treasury for years when there are urgent needs, to promote democracy, stop childhood diseases, stop the deaths of millions of children between the time of birth and 2 years old, who die of diseases that children in this country are immunized against.

Your being here today is very important. I thank you for that. I know how busy your schedule is.

But you have to really fight for this budget. The House allocation for the Foreign Operations Subcommittee is \$2.5 billion below the President's request. This creates a real problem for Senator Cochran, Senator McConnell, and for me. You have got to fight and the President has got to use the bully pulpit to fight for more. I know there are a lot of things on your mind, but these are the things that can make us safer as a Nation, but also respond to the fact that as the wealthiest, most powerful Nation on earth, we have a moral responsibility. We are blessed with so much. We will not stay blessed that long if we do not return it.

I know that dealing with the Congress is not always politically rewarding. Sometimes it is not even fun, but Madam Secretary, you have to do it.

Even if we got every single cent that has been required, we are still talking about only 1 percent of the Federal budget. We want to use our great wealth and our blessings to respond to global poverty, international terrorism, everything else. One percent.

The President's budget is a positive first step. I say that as a member of the other party. But Democrats and Republicans work very closely together up here. Senator McConnell and I have. We try to protect this budget. We will keep on trying to do it, but help us. Help us get the money. A lot of people around the world see this as the face of our moral leadership.

Thank you, Mr. Chairman.

Senator MCCONNELL. Thank you, Senator Leahy.

The way we will proceed is we are going to have a short statement from the chairman of the full committee, then your statement, Secretary Rice, and then questions in order of arrival. Senator Cochran.

#### OPENING STATEMENT OF SENATOR THAD COCHRAN

Senator COCHRAN. Mr. Chairman, I am pleased to join you in welcoming Dr. Rice to this committee hearing. It has been a pleasure working with the Secretary and White House officials as well on the supplemental appropriations bill, which the President has now signed. I look forward to continuing that relationship as the committee considers the fiscal year 2006 budget request for the Department of State.

The President has an important foreign policy agenda, which includes an emergency plan for AIDS relief, promoting global democracy, assisting developing countries, and reducing barriers to free trade.

Madam Secretary, the committee appreciates your leadership as Secretary of State and your assistance in identifying our foreign policy priorities. We thank you for the excellent work you are doing in our Nation's behalf.

Thank you, Mr. Chairman.

Senator MCCONNELL. Thank you, Chairman Cochran.

Secretary Rice, we will be happy to put your full statement in the record, if you have one, and go right ahead.

#### SUMMARY STATEMENT OF HON. CONDOLEEZZA RICE

Secretary RICE. Thank you very much, Mr. Chairman. I would like to proceed as follows, with the committee's forbearance. I have a statement that I would like to make about another matter first. I have a longer statement, which I would like to enter into the record and perhaps just make a few comments about it so that we have maximum time for questions.

Senator MCCONNELL. That will be fine.

#### RESPECT FOR THE HOLY KORAN

Secretary RICE. Mr. Chairman, before I begin my actual testimony, I want to speak directly to Muslims in America and throughout the world.

Disrespect for the Holy Koran is not now, nor has it ever been, nor will it ever be tolerated by the United States. We honor the sa-

cred books of all the world's great religions. Disrespect for the Holy Koran is abhorrent to us all.

There have been recent allegations about disrespect for the Holy Koran by interrogators at Guantanamo Bay and that has deeply offended many people. Our military authorities are investigating these allegations fully. If they are proven true, we will take appropriate action.

Respect for the religious freedom of all individuals is one of the founding principles of the United States. The protection of a person's right to worship freely and without harassment is a principle that the Government and the people of the United States take very seriously. Guaranteeing religious rights is of great personal importance to the President and to me.

During the past few days, we have heard from our Muslim friends around the world about their concerns on this matter. We understand and we share their concerns. Sadly, some people have lost their lives in violent demonstrations. I am asking that all our friends around the world reject incitement to violence by those who would mischaracterize our intentions.

Thank you very much, Mr. Chairman and members of the committee.

As I said, I have a longer statement that I would like to place in the record, but I would just like to make a few highlights.

#### PROMOTING DEMOCRACY

This is indeed an extraordinary period, and I think everyone has spoken to that. It is a time that I think is unlike any other since perhaps the end of World War II when the United States took on the mantle of creating a stable and democratic Europe, a Europe at that time, that was divided in half but eventually became whole and free and at peace. We learned from that experience that if we are sound in our diplomacy and if we are sound in our values about democracy, that indeed we are safer and more secure because as democracy goes forward and prospers, the United States is indeed safer and secure. When democracy is in retreat, freedom is in retreat, then we are more vulnerable. We learned that in a very graphic and difficult way on September 11.

The President has said that the only way to deal with the ideologies of hatred that we face in the world now is to present the world with the antidote to that, which is the spread of liberty and freedom. I would just like to echo something that the chairman said, which is that indeed we are watching remarkable events around the world. Who could not be impressed with the Rose Revolution in Georgia or the Orange Revolution in Ukraine or the Cedar Revolution in Lebanon or with Iraqis and Afghans voting in large numbers against all odds?

But I think that we all recognize that times of challenge and opportunity also require the very hardest work and the very greatest concentration. What we hope to do at the State Department is to employ the very fine men and women of the Foreign Service, the Civil Service, and foreign service nationals in that cause.

## EQUAL IMPORTANCE OF STATE AND FOREIGN OPERATIONS REQUESTS

The budget before you attempts to do several things. First of all, I just want to make the point that we must maintain a balance of resources between State and foreign operations. The diplomatic platform that we have out there, the people, our ability to operate in the field, our facilities, is the platform from which we conduct our diplomacy. We are especially concerned that our people will have the training that they need, the technology that they need, and that they will also have the facilities that they need, and the security that they need.

In that regard, I would like to thank those who worked so hard on the supplemental. I know this was not an easy matter, but the Baghdad embassy, especially, is going to be very important to the safety and security and well-being of our people, and I want to thank you for your hard work on that.

We are also, of course, pursuing a number of important strategic directions. In the global war on terrorism, we think very often of what our military is doing in the mountains of Afghanistan or along the Afghan/Pakistani border. We think of our men and women in uniform and what they are doing in the Baghdad Sunni Triangle. But we also need to think of the important role that our foreign assistance plays in our partnerships with the front-line states of Afghanistan and Iraq and Pakistan and Jordan and other states in the war on terrorism.

What we are really doing in the support that we provide for these states is to allow them to become really active and effective warriors in the war on terrorism, and we are much better when we are fighting side by side with those who have everything to lose in the war on terrorism like the Pakistanis and the Afghans and the Iraqis of the world. If you just go back a few years, it is remarkable to think of the array of states that are now fighting with us in the Global War on Terrorism. We need to support them.

This budget supports them in a very important way with foreign assistance. I think we just need to keep in mind that this is strategic assistance. We tend to think of foreign aid. This is strategic assistance that makes us more effective also in the global war on terrorism.

We, of course, are trying to pursue the opportunities for democracy that are presenting themselves to us, it seems almost daily, in the Middle East where I will submit to you and I promise and commit to you that we are actively beginning now to look hard at our public diplomacy efforts in the Middle East to really replace the ideologies of hatred, the misinformation about the United States, with effective messages about who we are and what we are trying to do.

But, of course, there are still many places that require our attention, and I would like to thank Senator McConnell for putting a spotlight in the supplemental on Belarus, the last dictatorship in Europe. I had a chance to meet with some of the civil society activists from Belarus. They are really people who look at what happened in Ukraine, look at what happened in Georgia, and say, why not here? It will come in time because these are universal values and ultimately they will triumph. But we have to stand with people

in places like Belarus, and in places like Burma, to let them know that at least the United States is with them.

We are also trying to improve through this budget our ability to respond to the tremendously fluid situations in which we find ourselves. You will note that in this budget there is a \$100 million request for a conflict response fund. Very often between budget cycles, we have to borrow money from accounts and then try to pay it back because things happen that we did not expect. I can give you many examples, Liberia, Haiti, positive examples like Ukraine, and we want to be able to be more responsive to those kinds of emergency situations.

We are also pursuing, at the same time that we pursue the democratization of places like the Middle East and remaining places in Europe, a very active agenda for the countries that still need to find their way out of poverty and in to greater prosperity. Indeed, the real challenge of many places, for instance, in our neighborhood, like Latin America, is to take what are already very strong democratic traditions now, very strong democratic impulses to strengthen those institutions and to make democracy begin to pay off for the people. We have seen a lot of turbulence in Latin America over the last couple of years because people are getting restless and are beginning to wonder if democracy will pay off.

#### TRADE AGENDA, CAFTA VOTE

I want, in that regard, just to draw everyone's attention to the importance of our trade agenda in providing opportunity for countries, particularly in this region. In that regard, we will soon have an important vote on CAFTA. The Central American presidents were just here today with the President. They will tell you that this is a matter for them that is essential to their continued existence as democratic states. They are being challenged by "populists" across the board. In a place like Nicaragua, for instance, that challenge is coming from an old foe, the Sandinistas. We do not want to abandon the playing field in Central America and in Latin America to a "populism" of a kind that would take us back to the 1980's. Having gone there once, let us not go there again. And so I just call to your attention the importance of the trade agenda and of CAFTA in particular.

Finally, as Senator Leahy has noted, America is a country of great strength. It is a country of great values, but it is also a country of great compassion. We have tried very hard to let people who are still in poverty, people who are in need, people who face disease or humanitarian disaster, know that the United States will be there for them.

#### PEACEKEEPING OPERATIONS

We are working on any number of conflicts in the world, Liberia, the Democratic Republic of the Congo, Haiti, and we do it through peacekeeping and through our ability to support others in peacekeeping operations. I just ask you to help with those missions with needed funds.

Of course, we have a major effort in disease alleviation through the President's emergency program for AIDS and other communicable diseases.

## DEVELOPMENT ASSISTANCE

Finally, let me speak to a point that Senator Leahy made which is about development assistance. We have, in this administration, increased development assistance by two times, twice since we have been in office over the last 4 years, and it is because the President believes that that doubling of development assistance represents the commitment that we have to helping those who need to come out of poverty.

We do it recognizing, however, that we have had a long history of development assistance that did not do the job. It was very often wasted, and that was because too often development was not seen as a two-way street. Yes, there are responsibilities to make resources available, but there is also the responsibility of the recipient country to govern wisely, to govern transparently, to govern accountably, and to invest in the health and well-being of their people.

## MILLENNIUM CHALLENGE ACCOUNT

The design of the Millennium Challenge Account was to do exactly that. It was to make a compact with the recipient country that any program monies would be given to a recipient that was planning to govern wisely and that had a record of doing that and fighting corruption.

The request this year for \$3 billion for the Millennium Challenge Account anticipates the fact that while only one compact has been signed, and that is with Madagascar, that we are seeking to conclude compacts with 10 more countries by the end of 2005. Those countries include Honduras, Ghana, Nicaragua, Senegal, Mozambique, Sri Lanka, Armenia, and Georgia.

Let me just close by saying one word about Georgia. The pictures that you saw from Georgia were the pictures in Freedom Square, which were extraordinary. It was especially extraordinary for me as an old Soviet specialist to stand in this former Soviet republic and hear the Georgian people sing their long-banned Georgian national anthem and then to sing the American national anthem. It showed what our partnership means with small countries that are willing to take risks for democracy.

## PREPARED STATEMENT

But what they mostly wanted to talk about, in addition to problems that they might have with their big neighbor, was their Millennium Challenge program because they believe that if they can get this compact finished, it is going to make a huge difference in their ability to complete infrastructure, and to have energy independence. They have made tremendous inroads in terms of corruption. I think that what we are beginning to see is that when we have an incentive out there like the Millennium Challenge Account, people are responsive to it. So I ask you to think about where we are going with the Millennium Challenge Account. I think it is one of the great innovations in development assistance and it helps to show the heart of America.

So thank you very much.

[The statement follows:]

## PREPARED STATEMENT OF HON. CONDOLEEZZA RICE

Thank you, Chairman McConnell, Mr. Leahy, Honorable Members of the Committee, I appreciate the opportunity to address the Committee at this time of challenge, hope and opportunity for America, and for the world. And I look forward to working with the Congress to build a strong bipartisan consensus behind America's foreign policy and to ensure that the men and women of American diplomacy have the resources they need to conduct their vital mission.

The President's fiscal year 2006 International Affairs Budget for the Department of State, USAID and other foreign affairs agencies totals \$33.6 billion.

I would like to take this opportunity to thank the Members of this Committee for their support and leadership in the passing the fiscal year 2005 Emergency Supplemental. This urgently needed funding will support immediate political, economic, humanitarian, and operational needs that will allow us to meet new challenges—and seize new opportunities—to build a better, safer, and freer world.

The supplemental international affairs funding of \$5.8 billion will ensure that we are able to respond speedily and effectively to the needs of our steadfast coalition partners in the War on Terror, to newly elected governments in Afghanistan, Iraq, the Palestinian territories and Ukraine who need our stabilizing assistance to move forward with reforms, to those seeking democracy assistance in Belarus and Lebanon, and to the men, women and children uprooted by war, as in Sudan, or swept up in natural disasters, such as the recent East Asia tsunami. The supplemental funds will also cover the extraordinary security and support costs of operating our current embassy in Baghdad, and the construction of a secure new embassy compound for our mission, as well as \$60 million for the security and operations of our embassy in Kabul.

Now, if I may, Mr. Chairman, I will begin my testimony on the fiscal year 2006 Budget Request with an overview of President Bush's foreign policy mission, which we seek this Committee's support to advance.

In the long term, as President Bush said, "The only force powerful enough to stop the rise of tyranny and terror, and replace hatred with hope, is the force of human freedom." Through diplomacy, the United States can create new possibilities for freedom and fresh hope across the globe. We must deal with the world as it is, but we do not accept it as it is. In places like Afghanistan and Ukraine, Iraq and the Palestinian territories, Lebanon and Georgia, people's desire for freedom and a better future is redefining what many thought possible in these societies.

President Bush has charged the men and women of the Department of State with helping to create a balance of power in the world that favors human liberty, and that is exactly what we are doing. Together with our democratic partners around the world, we are advancing a forward strategy of freedom.

Our cooperation with international partners is dramatically evident in Afghanistan, where last month I saw first-hand the progress that country has made towards stability, reconstruction, and democracy. The Presidential election last year was an inspiration to the world. Next September, Afghanistan's citizens, men and women alike, will again go to the polls, this time to elect a parliament. Afghanistan still faces many challenges, including the narcotics trade that could undermine its strides on so many fronts. We are committed to a comprehensive counter-narcotics strategy and a long-term reconstruction strategy because we believe in the future of a new, democratic Afghanistan—an Afghanistan that is no longer a haven for terrorists and tyrants, but a partner in security and freedom.

To build on the positive momentum in Afghanistan, President Bush has requested nearly \$1.1 billion in total U.S. funding, including \$956 million in foreign assistance support. This money will be used to invest in security, health, education, clean water and free market infrastructure, which together create conditions for sustained growth, opportunity, and to continue the fight against drugs.

This is also a very important year for Iraq, as the Iraqis write their constitution and hold national elections in December. When President Bush traveled to Europe in February, he and his counterparts not only turned the page on Iraq, they wrote a new chapter. All 26 NATO allies are now contributing to the NATO Training Mission in Iraq. The European Union announced its willingness to co-host an international conference with the United States to encourage and coordinate international support for Iraq. We have followed up on this initiative with the European Commission, the European Parliament, EU Member States, other countries around the world, and the Iraqi Government. Today, in the midst of a tough security situation, Iraqis at all levels—from the town council in Fallujah to the President of the country—are engaging in the democratic process and they need and deserve our support.

For Iraq, President Bush has requested \$457 million of support for fiscal year 2006, including \$360 million to continue work already begun under the Iraq Relief and Reconstruction Fund. These monies would be targeted towards helping the new Iraqi leadership create a functioning democracy and a justice system governed by the rule of law. This funding also will help the Iraqi government deliver basic services to its people, collect revenues, generate jobs and develop a free market system capable of joining the global economy.

We and our democratic allies are putting the power of our partnership to work not only in Afghanistan and Iraq, but all across the Broader Middle East and North Africa. Efforts to encourage democratization, economic reform, the growth of civil society and opportunity for all through education are critical to shaping a stable and prosperous future for this strategically important region. Recognizing this, through the G-8 we have established the Forum for the Future—a new partnership between the democratic world and nations of this vast region, and we are committed to ensuring that the Forum plays a central role in advancing indigenous reform efforts in this vast region extending from Morocco to Pakistan.

In early March in London, I participated in an important conference of major donors, including regional states, to help the Palestinian people advance their political, security and economic reforms and build infrastructure for self-government. The World Economic Forum in Jordan is expected to give further impetus to political and economic reform in the region.

The path of reform in the Broader Middle East will be difficult and uneven. Freedom's work is the work of generations. But it is also urgent work that cannot be deferred.

From Morocco to Bahrain to Afghanistan, we are seeing new protections for women and minorities, and the beginnings of political pluralism. We have seen an opening toward broader participation in the first-ever municipal elections in Saudi Arabia. President Mubarak announced Egypt's intention to open up competition in Egypt's presidential elections. In the Palestinian territories and in Iraq we have witnessed remarkably free and successful elections. And in Lebanon we have witnessed the dramatic popular demonstrations for freedom and against the continued manipulation of the government and politics by outsiders.

The will of the people of Lebanon to make their own decisions and throw off the mantle of oppression is clear. The people of Lebanon have an enormous opportunity to bring about peaceful change with elections. We and many others support them by insisting on the withdrawal of all foreign forces from Lebanon, as required by U.N. Security Council Resolution 1559, and by supporting free and fair elections.

In support of these hopeful trends across the region toward freedom and democratic government, the fiscal year 2006 budget request proposes enhanced funding for diplomatic and assistance activities in the Middle East, North Africa and other countries with significant Muslim populations. The request includes \$120 million for the Middle East Partnership Initiative for reform, \$40 million for the National Endowment for Democracy to expand efforts to promote democracy in the Broader Middle East and North Africa region, \$180 million for Muslim outreach through educational and cultural exchanges, and increases for a wide range of other public diplomacy and broadcasting initiatives geared toward Muslim publics, particularly young people.

Of course, the process of reform in the broader Middle East is not detached from what must happen between the Israelis and Palestinians toward realizing President Bush's vision of an independent Palestinian state living side-by-side in peace with the State of Israel.

The Palestinian elections, and the Israeli withdrawal plan for Gaza and parts of the West Bank, have created a unique opportunity for peace. In fact, when I met with both Prime Minister Sharon and President Abbas they had the same opening line: This is an opportunity for peace we must not miss.

President Bush has announced an additional \$350 million to help the Palestinians build infrastructure and sustain the reform process over the next two years, including the \$150 million in the fiscal year 2006 budget. I'd like to thank the Congress for supporting the President's efforts by providing the \$200 million included in the fiscal year 2005 Supplemental. This is an important show of support for President Abbas. Our fiscal year 2006 budget request also contains \$2.5 billion in assistance to Israel, which continues our longstanding strategic partnership and supports regional democracy and security.

Even as we work with allies and friends to meet the great challenge of advancing freedom and peace in the broader Middle East and North Africa, we will seize other important opportunities to build a world of peace and hope.

For example, the U.S.-led global war on terrorism has put Pakistan and India on the same side against extremism. We have de-hyphenated our relationship with

Pakistan and with India, building strong, independent ties with each. At the same time that our relations with India have been moving forward we have the best relations with Pakistan that perhaps we have ever had, deepening our cooperation with Pakistan in the war on terrorism, supporting President Musharraf's modernization efforts and the liberalization of Pakistan's economy.

During my March trip to Pakistan and India, on behalf of President Bush I congratulated both countries for the steps they have taken toward warmer relations with each other. In Islamabad, I discussed the need to chart a democratic path for Pakistan, including the holding of national elections in 2007. With India, the world's largest democracy, we are cooperating on a global strategy for peace, and on defense, energy and growth. A few weeks ago, India's Foreign Minister met with President Bush and they discussed ways we might accelerate our cooperation still further and we look forward to a July visit by Prime Minister Singh.

The future of Asia is very dynamic. Our alliances and relationships in Asia—starting with our critical strategic and economic ties with Japan—will be profoundly important in creating a stable, prosperous, democratic region and world.

Much of Asia's dynamism comes from an emerging China whose economy has become an engine of regional and global growth. This new factor in international politics requires us to incorporate China more fully into the global system.

We are working with China in context of its WTO commitments to address outstanding concerns related to that ongoing integration effort, particularly on issues such as intellectual property rights, financial sector reform and improved market access. We believe that we and our allies and friends can help foster an environment in which a rising China acts as a positive force. We want China as a global partner, able and willing to match its growing capabilities to its international responsibilities. And we believe that China must eventually embrace some form of open, genuinely representative government if it is to realize the full talents of the Chinese people and fully reap the benefits and meet the challenges of a globalizing world.

Last month, I participated in the NATO Ministerial meeting, held for the first time in Lithuania, one of NATO's newest members. I just accompanied President Bush on his visit to another new NATO ally, Latvia, where he had a very positive and constructive meeting with the leaders of Latvia, Lithuania and Estonia. The expansion of the North Atlantic alliance to 26 members including the three Baltic states marks the further advance of democracy and freedom throughout Europe.

From Riga, we stopped in Maastricht, Netherlands, to pay tribute to those who served and sacrificed in the Second World War and to those who are standing with us today in defense of democracy and freedom in places like Iraq and Afghanistan.

From The Netherlands, the President and I traveled to Russia to mark the 60th anniversary of the end of World War II. The visit and ceremonies in Moscow were an opportunity to thank those who so bravely fought for the victory over fascism. President Bush continued his dialogue with President Putin about U.S.-Russian relations and about Russia's future. In his recent State-of-the-Union address, President Putin stressed his commitment to democracy and we look forward to seeing how his words get translated into deeds. President Bush also met with civil society leaders and emphasized that a democratic, vibrant, prosperous Russia is in everyone's interests.

We then went to Georgia, where we witnessed the enthusiasm of a new democracy first hand. And President Bush underscored to President Saakashvili our support for the independence, territorial integrity and strengthening of that young democracy.

The seeds of democracy in Georgia, which truly blossomed from the Rose Revolution of November 2003, served as an inspiration a year later to those in Ukraine who refused to accept a stolen election. The political transformation within Ukraine has meant a new dynamic in Ukraine's relationship with the United States and our allies. At the NATO Ministerial last month, the alliance extended an invitation to Ukraine to begin an Intensified Dialogue on Membership Issues, raising NATO's cooperation with Ukraine to a new level. All of us welcomed the new leader of Ukraine, Viktor Yushchenko, to Washington. We recognize that he has a lot to do to reform his country, and we have a strong interest in ensuring the success of a democratic Ukraine.

In Kyrgyzstan, the change of government precipitated by popular discontent over election fraud and government corruption will be followed by new presidential elections July 10. These elections offer Kyrgyzstan the opportunity to establish new democratic benchmarks for Central Asia. Working closely with our OSCE partners, we will provide assistance to ensure the elections are conducted freely and fairly. Beyond the elections, we look forward to working with a legitimately elected government to establish the basis for prosperity and stability for Kyrgyzstan and the region.

Several weeks ago, I visited Brazil, Colombia, and El Salvador and took part in the Community of Democracies Meeting in Santiago, Chile. Our efforts in the hemisphere, in Africa and across the developing world are designed to help strengthen fellow democracies so that they can deliver the benefits of democracy to their citizens and help them escape poverty. Our policy is also guided by the principle that leaders who are elected democratically have a responsibility to govern democratically. We are working in partnership with developing nations to fight corruption, instill the rule of law, and create a culture of transparency that will attract the trade and investment crucial to poverty reduction.

At the Monterrey Summit in 2002, all nations agreed that economic growth is essential to fighting poverty, and that development assistance works best when it goes to countries that adopt growth-oriented policies. This concept underlies the President's revolutionary Millennium Challenge Account initiative. We seek \$3 billion for the third year of the Millennium Challenge Corporation, which helps countries that govern justly, adopt sound economic policies and invest in the welfare of their people. We also seek \$2.4 billion in development, child survival and health assistance. The fiscal year 2006 Budget exceeds the President's 2002 commitment for overall growth in core development assistance by requesting a total of \$19.8 billion, \$8.2 billion more than in 2002.

We will also help countries enhance their capabilities to protect their citizens from traffickers and terrorists.

Our fiscal year 2006 request includes \$735 million for the Andean Counter Drug Initiative to consolidate gains made in recent years in eradication, interdiction and alternative development.

We are requesting \$5.8 billion in assistance to our front-line partners in the global war on terror. Through the provision of equipment and training, this assistance will help give military, police and other security forces the tools they need to destroy terrorist cells, disrupt terrorist operations, strengthen border controls, and prevent attacks. This assistance will also help advance economic growth and democratic reform, providing new opportunities for their citizens and addressing the hopelessness that terrorists seek to exploit. The request includes \$698 million for Pakistan; \$559 million for Colombia; \$462 million for Jordan; \$213 million for Kenya; and \$159 million for Indonesia.

When they engage effectively, multilateral institutions can multiply the strength of freedom-loving nations. We are requesting \$1.3 billion in support for the multilateral development banks, with which our bilateral assistance missions partner abroad to reinforce effective economic reform strategies. In addition, we are seeking \$100 million in debt relief for the Heavily Indebted Poor Countries initiative, an effort we are pursuing in concert with the G-7, other key lending countries, and the international financial institutions. We are requesting nearly \$1.3 billion for U.S. obligations to 47 international organizations, including the United Nations, and a little over \$1 billion to pay projected U.S. assessments for U.N. peacekeeping missions. And we are seeking \$114 million to enhance the peacekeeping capabilities of non-U.N. forces, with a particular focus on Africa.

We are encouraged by the African Union's leadership in addressing conflicts across the continent, specifically its mission in Darfur. The African Union military commanders in Darfur are doing vital work in providing security for millions of displaced people. We welcome the AU's decision to double the size of its Darfur mission to enhance its ability to protect civilians, and we appreciate your help through the Supplemental to support this expanded mission. We fully appreciate the urgency of the situation and we encourage the AU's consultations with NATO on potential logistical assistance that would enable the AU forces to expand quickly and sustain their operations.

Meanwhile, we are doing all we can to ensure that the displaced people get the basic humanitarian supplies they need until such time as secure conditions are established that enable them to return to a normal life. And we are pressing for prompt implementation of the North-South Comprehensive Peace Agreement, because that accord creates a possible political framework for resolving conflicts in Darfur and other regions of Sudan. At the same time, we are working to orchestrate an international message to the Government of Sudan: They are responsible for conditions in Darfur and must cooperate to stop the killing and create a path for peaceful reconciliation.

Thanks to Congress's strong backing, last month at the Oslo Donors' Conference to support the peace agreement, we were able to pledge \$853 million to help Sudan in fiscal year 2005. Most recently in the Supplemental, Congress provided additional support to help meet the needs of implementing the Comprehensive Peace Agreement in the south of Sudan and keep humanitarian supplies flowing to Darfur. I thank you for your generosity and look forward to further strong congressional sup-

port for Sudan through the fiscal year 2006 Budget. Given the enormity of the humanitarian, security, and political challenge, your continued backing is critical.

Sudan is but one, terrible example of the broader challenge we face. Chaos, corruption and cruelty reign can pose threats to their neighbors, to their regions, and to the entire world. And so we are working to strengthen international capacities to address conditions in failed, failing and post-conflict states. President Bush has charged us at the State Department with coordinating our nation's post-conflict and stabilization efforts and we are asking for \$24 million in operating funds for the new Office of the Coordinator for Reconstruction and Stabilization housed in the Department. I also appreciate the \$7.7 million Congress has provided in supplemental funds for start-up and personnel costs for the Office of the Coordinator. The fiscal year 2006 budget proposes a \$100 million Conflict Response Fund to quickly address emerging needs and help deploy trained and experienced civilian personnel immediately to an unstable region.

The United States must stay at the forefront of the global campaign against HIV/AIDS, providing half of the global assistance to fight this scourge. The President is requesting \$3.2 billion in total U.S. funding for care, treatment and prevention efforts. We will demonstrate the compassion of the American people in other ways as well. Through our continued support of international and non-governmental organizations, we will ensure that America remains the world's most generous food and non-food humanitarian assistance provider. We seek \$3 billion in food aid and famine relief and non-food humanitarian assistance, including support for fragile states.

In all of these endeavors, the primary instrument of American diplomacy will be the dedicated men and women of the Department of State. We would welcome your help as members of the full committee in ensuring that our people are well equipped for the challenges ahead in terms of training, technologies and safe workplaces. Secretary Powell and his team made important progress in these areas and we must build on the foundation they established.

We are requesting \$1.5 billion for security-related construction and physical security and rehabilitation of U.S. embassies and consulates, and \$690 million to increase security for diplomatic personnel and facilities. We have a solemn obligation to protect the people of our diplomatic missions and their families, who serve at our far-flung posts in the face of a global terrorist threat.

We must strengthen the recruitment of new personnel. We are seeking \$57 million for 221 new positions to meet core staffing and training requirements. And as we seek out new talent, we also seek to further diversify our workforce in the process. We send an important signal to the rest of the world about our values and what they mean in practice when we are represented abroad by people of all cultures, races, and religions. Of course, we also must cultivate the people we already have in place—by rewarding achievement, encouraging initiative, and offering a full range of training opportunities. That includes the training and support needed to make full use of new technologies and tools, and we are asking for \$249 million for investment in information technology.

Public diplomacy will be a top priority for me, as I know it is for this Committee, and the fiscal year 2006 request includes \$328 million for activities to engage, inform and influence foreign publics. America and all free nations are facing a generational struggle against a new and deadly ideology of hatred. We must do a better job of confronting hostile propaganda, dispelling dangerous myths, and telling America's story. In some cases, that may mean we need to do more of what we are already doing, and in other cases, it may mean we need new ways of doing business.

If our public diplomacy efforts are to succeed, we cannot close ourselves off from the world. We are asking for \$931 million to improve border security and for an increase of \$74 million over fiscal year 2005 for educational and cultural exchange programs, bringing the total to \$430 million in fiscal year 2006. We will continue to work closely with the Department of Homeland Security to identify and prevent terrorists and other adversaries from doing harm, even as we maintain the fundamental openness that gives our democracy its dynamism and makes our country a beacon for international tourists, students, immigrants, and businesspeople. We will keep America's doors open and our borders secure.

Mr. Chairman, Members of the Committee, this time of global transformation calls for transformational diplomacy. More than ever, America's diplomats will need to be active in spreading democracy, reducing poverty, fighting terror and doing our part to protect our homeland. And more than ever, we will need your support if we are to succeed in our vital mission for the American people.

Thank you, Mr. Chairman. I would be pleased to answer any questions that you and the other distinguished Committee Members may have.

## BURMA SANCTIONS

Senator McCONNELL. Thank you, Madam Secretary.

I want to ask you one quick question just for the record, and then I am going to turn to Iran. I assume you support the renewal of sanctions, including an import ban and visa restrictions against the military junta in Burma.

Secretary RICE. Absolutely.

## IRAN

Senator McCONNELL. We will be moving forward with that this year.

Looking at the morning paper, it certainly reminds us again of the Iranian challenge. The article in the Washington Post that I read discussed the task undertaken by the British, the French, and the Germans and the rather stern statement that they have issued to the Iranians. I know that it must have come up when you and the President were with President Putin in Russia.

What is the state of play of the whole Iranian nuclear issue? What can you tell us publicly about what you discussed with President Putin in relation to the Russians' relationship to Iran? In short, give us an update on where we are.

Secretary RICE. Certainly. Well, as you know, Senator, we have been supporting the EU-3 negotiations with the Iranians, and we have called on the Iranians to take advantage of the opportunity that the Europeans have given them to demonstrate that they are prepared to live up to their international obligations. That means that the Iranians cannot be allowed to develop the technologies that would lead them to be able to build a nuclear weapon under cover of a civilian nuclear program.

We have excellent cooperation with the Europeans on this. The Iranians have been making various threats publicly. We are following it very closely, but it is our hope that the Iranians are going to continue these negotiations because it is really the only reliable way for them to really be a part of the international system and to be accepted there.

The Security Council always remains an option should the Iranians not live up to their obligations, but we are still hopeful that they will recognize where they are.

With regard to the Russians, we have been in very close contact with them. While we do not believe, Senator, that the Iranians need a civilian nuclear power program, given their abundance of hydrocarbon sources, we nonetheless recognize that the Russians, upon agreeing to give them the Bushehr reactor, have built in a number of proliferation safeguards that could be quite useful. For instance, the Russians have said that they would provide fuel, but then there would have to be a fuel take-back so that the Iranians would not keep the capability of being able to use that fuel to develop nuclear weapons. This is, in many ways, very close to a proposal that the President made at the National Defense University, that there ought to be provision of fuel, but that the transfer of the technologies of reprocessing and enrichment should not continue.

So we are watching the situation. We are in very close contact with our allies, but we are hopeful that the Iranians are going to take the deal that is being given to them.

RUSSIAN TROOPS IN GEORGIA AND ARMENIA/AZERBAIJAN

Senator MCCONNELL. Turning to another part of your trip, could you give us an update of the likelihood of Russian troops remaining in Georgia for a long time?

Also, even though it may not have been on your agenda, I have had a longstanding interest in the Armenia/Azerbaijan dispute over Nagorno-Karabakh, and the presence of Russian troops in Armenia, which the Armenians say is because of their concern about the Turks. Nevertheless, is there anything new in that area that you could share with us?

Secretary RICE. Senator, on the Azerbaijan/Armenia/Nagorno-Karabakh situation, I cannot report that there is anything new. But as you know, we had made considerable progress several years ago, and it looked like we were going to be able to perhaps even resolve the Nagorno-Karabakh issue. We were not able to do it at the time. We continue to have the Minsk Group that works on this.

We want to redouble our efforts again to see if we can go back and see if we can try and resolve this issue. We have been discussing with the Russians the need to deal with what we are calling frozen conflicts like Nagorno-Karabakh. I have had discussions with my counterpart, Sergei Lavarov. We believe it would be a very useful thing. Armenia and Azerbaijan are suffering from this conflict, suffering that investment is low, suffering that they really cannot stabilize their political situations, suffering, we believe, in the presence of foreign troops. So we would like very much to try and get this resolved, and we will try and redouble our efforts.

On the Georgian bases, it was very interesting to first hear the Russians and then hear the Georgians on this. The Russians, as you know, agreed that they would leave these bases in Georgia. It has now been a question of when and how. When you listen to some, they say that they are actually closing in on a deal. Others say maybe they are not so close. But while we are not trying to get involved in the details of it in some sort of mediator role—that would not be appropriate for us—we are really encouraging the Russians to get this done and to remove their forces so that Georgia can regain that element of their national sovereignty. The Russians say that they intend to leave, that it is now just a matter of how and the dates. But we are encouraging them very strongly to do it as quickly as possible.

ABKHAZIA/SOUTH OSSETIA

Senator MCCONNELL. And finally, what about internal Georgian issues like Abkhazia, for example?

Secretary RICE. Our message to the Georgians about Abkhazia and South Ossetia was that, first of all, these cannot be resolved by military force, that the United States would not support the use of military force to resolve these conflicts. There has to be a political solution. The Georgians are talking in terms that probably are going to be helpful in places like South Ossetia when they talk

about greater local autonomy over decision-making. But these are part of a territorially integrous Georgia.

So one of the things that the President did during his stay there was to have conversations across the region, in Georgia as well, about the need to protect minority rights, about the need to build multi-ethnic democracies because, if you think about it, if each of these separatist regions tries to start pulling away, there is not going to be much left of the territorial integrity of Georgia. So better for Georgia to have a sense of protecting minority rights, protecting the ability of people to govern their own affairs locally. But we speak very clearly for the territorial integrity of Georgia, and we have said that to the Russians as well.

#### RUSSIA

Senator MCCONNELL. I am going to sneak in just one final, very quick question. I read somewhere that there was some suggestion that Stalin might be enjoying a bit of a comeback in Russia. Since he was originally, obviously, from Georgia, does his name ever come up in Georgia, or is it like he did not exist?

Secretary RICE. It does not really come up in Georgia and it does not come up much in Russia either. In fact, despite the fact that it was the celebration of the end of World War II, I think I saw one poster, kind of old vintage poster, in this regard.

I might just for the committee's sense of it, it was quite interesting because the large boulevard Daverska in Moscow was decorated with all kinds of banners to the great victory, glory to Russia, with a fair amount of advertisement thrown in for various cell phone companies and various dressmakers and the like. So it was a little bit incongruous for somebody like me.

Senator MCCONNELL. I think we would all agree Stalin deserves no comeback.

Secretary RICE. Right.

Senator MCCONNELL. Senator Leahy.

#### BALANCING MILLENNIUM CHALLENGE CORPORATION AND FOREIGN ASSISTANCE FUNDING

Senator LEAHY. Thank you. I find the description interesting. I remember my first trip to Russia in 1975 with Senator Javits and Senator Hugh Scott, as the Republican leader at the Senate at the time, and Senator Hubert Humphrey. There have been dramatic changes since those days.

We discussed the Millennium Challenge. There is support, as you understand, for it. We just do not want it to be either/or. We want to make sure we maintain the commitments originally made, that we are not going to cut child health programs and we are not going to cut development programs, we are not going to cut programs to eradicate disease, and the other things that show the best face of America around the world. We need to support the Millennium Challenge and also to keep these other commitments.

I will be the first to agree that not every program works. I have voted to get rid of programs that did not work. We have an awful lot of programs that do work and need more resources to do more.

A recent New York Times article said the World Bank, the IMF, British Prime Minister Blair, and others have called for the dou-

bling of aid for the poorest countries. You and I were in Davos and we heard Chancellor Brown say similar things. The United States has not taken a position. I look at Africa with 700 million people. It gets about the same amount of aid as we give to Iraq with 25 million people. Actually the aid to rebuild Iraq is a lot more than we give to the entire world. The amount of aid we give is a lot of money, but it is a smaller percentage of our gross national income than any donor country, I think, except Italy.

Is this a trend that will continue?

Secretary RICE. Well, Senator, I would make a couple of points. First of all, on what we are actually doing in the budget in terms of development assistance and the relationship between that and the Millennium Challenge, the development assistance request is essentially a kind of straight-line request from what we requested last year. As you know, some of the decrease is represented by the fact that \$275 million for Afghanistan and Ethiopia and Haiti and Sudan is now covered under something called the transition account. So it is a little bit masked there. The development assistance is pretty much a straight line.

But as to the .7 target that people use in terms of official development assistance, I think that we believe that we should, of course, make resources available, which is why we have doubled official development assistance over the last 4 years.

Senator LEAHY. But if we take out the money for the Millennium Challenge, the only way we do it is to take money from some of these basic needs. You and I should have a longer discussion on this, but that is a real concern. We can make the promises. You and I can agree on every one of these programs, but if the money is not there, it is like Hotspur and calling them from the depths. Anybody can call them, but will they come when you call.

Let me ask you this. Charles Taylor. You and the President met with Nigerian President Obasanjo last week.

CHARLES TAYLOR

A lot of us have discussed how to get Charles Taylor before the Special Court for Sierra Leone. He is an indicted war criminal responsible for the deaths of tens of thousands of people. He wants a return to power. He is meddling in the affairs of other countries, without going into areas beyond what has been in the press. We all know he is.

Why are we having so little influence getting him to the Court? I see Senator Gregg, my neighbor from New Hampshire. He and I and other Members of Congress have been urging stronger action. We have written letters, Republicans and Democrats. The other body has been the same way. This is a despicable, horrible person. He is a mass murderer. Why do we not bring him to justice and show the rest of the world that this is what happens to mass murderers?

Secretary RICE. Senator, there is no doubt that we believe that Charles Taylor should be brought to justice. We have communicated that very clearly and strongly to the Nigerian Government.

I would just say I would hope we would step back and look at what the Nigerian Government did at the time when we were trying to get Charles Taylor out of Liberia so that we could end the

state of civil war there and begin to move forward. President Obasanjo, President Kufuor of Ghana, South African President Mbeke, and others went and they actually took him out of Liberia, and they did that really on behalf of the international community.

We want to, therefore, work with them in a way that for them works for them to get him out of the country and to one of the courts. I would not focus just on Sierra Leone.

Senator LEAHY. The longer we take, the more he is fomenting. The harder it is going to be. How long can the Special Court in Sierra Leone, which is prepared to take him—how long can it wait?

#### COLOMBIAN PARAMILITARIES

I am going to have some other questions on the demobilization of Colombian paramilitaries, following up on the letter that Senator Lugar, Congressman Hyde, Senator Dodd, Congressman Lantos, and I sent to President Uribe. We have spent billions down there. We were told they were going to cut coca production by half. We have eradicated a lot. A lot of coca is still cultivated. The price is still the same on our streets. We have human rights conditions on our aid. They are always certified by the State Department. We have doubts about whether they are being met. When you get a group like Senator Lugar, Congressman Hyde, Senator Dodd, Congressman Lantos, and myself we are crossing the political spectrum here. We really are concerned about what is happening in Colombia. I have a great deal of respect for President Uribe, but I am concerned about what is happening especially with the paramilitaries.

Senator MCCONNELL. Thank you, Senator Leahy.

The order will be Senator Gregg, followed by Senator Landrieu, and then Senator DeWine. Senator Gregg.

Senator GREGG. Thank you, Mr. Chairman.

It is great to have you here, Secretary. It is wonderful to have you serving as the Secretary of State. Obviously, you follow an individual who did an extraordinary job, but you have managed to take his legacy and carry it forward with great ability and given us pride as a Nation that you are representing us around the world.

#### BALANCING STATE OPERATIONS AND FOREIGN AID

One of the things that has happened here is that we have merged the State Department's two functions, the foreign aid function with the operational function by bringing it under this committee. I guess one of my concerns as the person who had jurisdiction under a prior incantation of the operational functions is that we not lose sight of the fact that you really cannot do a good job in foreign aid unless you maintain the strength of your operational side.

The problem, of course, is it is very easy to raid things like the accounts for taking care of getting our embassies up to speed, as far as hardening them, the accounts for IT. I believe now the State Department has probably the best IT program in the entire Government, at least in my experience. And various other functions of just day-to-day operations. So I hope you will keep an eye out that the great strides which were made we do not turn back on.

One little minor point I would mention is that we had initiated an effort not only to get our embassies and facilities up to a better standard of security, but we had also started an effort to reach out to targets where our children of embassy personnel go, schools, especially American schools. That initiative was small but it was huge in its impact on those schools. They were able to do things relative to security, which was important. I hope we will continue that initiative.

#### NORTH KOREA, PROGRESS OF TALKS

On the broader issue, you have to be so conversant in so many areas, and you certainly are. Tell us what is happening with North Korea and especially what is happening with working with China and Japan and South Korea to try to orchestrate an effort there that is multilateral to do something.

Secretary RICE. Well, we continue, Senator Gregg, to try with the Chinese, the Russians, the Japanese, and the South Koreans to hold a united front that lets the North Koreans know that there really is not any option but for them to abandon their nuclear weapons programs if they really do wish to be integrated in the international system. It has, obviously, its ups and downs because the North Koreans tend to threaten. They tend to draw attention to themselves with all kinds of announcements. But I think that the underlying fact has not been altered and that is that all of their neighbors are telling them that there is only one way out of this.

Now, obviously, there are concerns. There are concerns that they would try and make something more dramatic like a test. You have been reading that people have talked about that. They are concerned that there might be proliferation from North Korea. Those are all things that we keep in mind and keep an eye on. But the key here is to really continue to keep a united front on the North Korean program.

I know that the South Koreans and the Chinese are urging the North Koreans to return to the Six Party Talks. That is very important, but we want them return to the Six Party Talks not just to return to the Six Party Talks, but to actually be ready to make a strategic choice about their nuclear weapons programs. We have told them security guarantees are available to them on a multilateral basis. Some of their neighbors have talked about providing them fuel oil under those circumstances. They have asked do we understand that they are sovereign. Yes, we understand that they are sovereign. So the North Koreans have not much to gain by what they are continuing to do, and they have quite a bit to gain by coming back to the talks. We hope that that logic will eventually prevail.

#### STATE AND FOREIGN OPERATIONS

If I may, just on the point that you made earlier. I want to assure you, Senator Gregg, I have got my eye on that ball about our people, about our facilities, about where they work, about how they work, about the training, about the fact that we need to bring more language specialists in, critical language specialists, and about the need that we can never again afford to have the kind of situation

that we had in the 1990's where we missed a whole set of classes of Foreign Service officers. The technology has to be right for our people. You make the point absolutely correctly, which is that we cannot do any of this without people and without our people having the means to do what they need to do.

When I go out, I always do an embassy—we call them embassy meet and greets, and I go out and I see these people working really hard in difficult circumstances. Senator Leahy mentioned Colombia. They are out there literally fighting the narcotraffic wars, and they are in places helping the Colombians to do that. You go to Afghanistan. They are out there helping people build businesses. These are not people who are just sitting in their offices sending back cables. They are out there on the front lines really carrying out the hard work of democracy and development. So we owe them the very best that we can get them.

Senator GREGG. Well, I thank you for that commitment, and I agree with it, obviously. I do hope that as you set up these efforts, that you remember, as we build these embassies such as the one that you are going to build in Baghdad, the vast majority of the utilization of that embassy is probably not going to be Foreign Service personnel. It is going to be from other functions within the Government. We have had a little problem getting them to participate in the underwriting of that. I do hope you will continue to press some of our other agencies to participate in that because it relieves the pressure on this committee specifically, but more importantly pressure on the State Department in funding things like IT and other areas.

I thank you again for the great job you are doing.

Secretary RICE. Thank you very much.

Senator MCCONNELL. Thank you, Senator Gregg.

Now we will turn to Senator Landrieu, followed by Senator DeWine and Senator Durbin.

#### STATEMENT OF SENATOR MARY L. LANDRIEU

Senator LANDRIEU. Thank you. Thank you, Madam Secretary, for being here today and for your service and the passion and intensity with which you undertake your job. I have always found it to be inspirational, and as a member of this committee, I look forward to working with you.

I agree wholeheartedly with your comments, about our efforts to try to expand democracy and freedom where we can, that it clearly is in America's interest. You mentioned some strategies you are undertaking and I hope we can work together to do that. Could you speak a moment about the special focus you've had on serving half the population in all of these countries, which are, of course, women?

I am reminded of the images that we saw on the television before we went into Afghanistan. In large measure, it was "we are coming in to free you and to free the women and to get them out of oppression and into colleges." Yet, we have been there now for several years and we do not hear too much about our success in that aspect. I only raise it because my own personal experience shows me that as we continue to try to build more capacity in these nations,

that making sure those resources are spread to both the future of men and the future of women is important.

So if you could just comment about the status of women particularly in Afghanistan and Iraq, which I know is very troublesome still, but also in other parts of the Mideast, such as our allies in Kuwait, and Saudi Arabia. What is our strategy for moving women into the forefront of society, having the right, to vote, own property, the right to exit a marriage if it is abusive, the right to full custody to children, the rights to an education, the rights to decent health care? Could you comment a bit about our efforts to bring democracy to that half of these nations?

#### FOCUS ON WOMEN IN FOREIGN POLICY

Secretary RICE. Absolutely. Thank you, Senator Landrieu.

We have had a very strong focus on women's rights, women's education, women's empowerment, and the poverty reduction for women because one of the facts is that when poverty reduces for women, it gets better also for the whole society. Very often women in, for instance, small business orientation can help an entire society, and so you will find that we have done a lot with microfinance around the world, for instance, because there women take a little bit of money, they build a little business maybe in textiles or something, they employ other women, and the village does better as a result. So we are very focused on women's empowerment in economies.

We also are very focused on women's education. Here I think there are good stories to tell. Girls are going to school in record numbers in Afghanistan in a place where they did not go to school. That is something that America has to be immensely proud of. When I was in Afghanistan, you would see that little girls are out there with their fathers and they are sort of a part of the life. That is going to continue to be a major focus for us.

In a place like Pakistan, for instance, we are also funding programs in women's education.

Then it comes to the matter of women's political rights which, of course, is the ultimate guarantee that women can defend themselves against societies that might try and subordinate them. In the places where we have had a direct impact like Iraq and Afghanistan, I think the story is good. It is true that there are still age-old attitudes, particularly in Afghanistan, less in Iraq, that are patriarchal in the way that women are viewed. But women are in legislatures. They are in ministries. In some cases, they are ministers. We have seen women insist on actual percentage quotas for women's participation in political life.

We have a couple of very important councils, the Afghan Women's Council, which the First Lady has been very involved with. I have meet with Iraqi women political leaders when they are here. The best news is that while we are trying to empower women, they are clearly empowering themselves. They care about this. They are really organizing themselves.

I met with a group of women in Afghanistan. They were women doctors and women lawyers and women human rights activists. There was also the first woman paratrooper in the Afghan armed forces, which was really quite something to see.

So I do not want to paint too rosy a picture because in many cases these are very traditional societies that are going to have to overcome a lot. But I do believe that women believe now that it is their rightful place, and when in Afghanistan, the constitution guaranteed that men and women are both citizens, we all sort of thought, well, that is great. They thought this was an extraordinary development. There is still work to do.

I think it is fair to say we were disappointed about Kuwait, and eventually we hope that women will vote in both Kuwait and Saudi Arabia.

Senator LANDRIEU. Well, I encourage you to continue. Not only are you personally a role model for what we are speaking about, but women of the world particularly look to you for that vocal, passionate leadership. When I was in Iraq, several of the soldiers, male soldiers, came up to me and said we are here to free everyone, and we want you to take that message back to the highest powers. So I have delivered it.

#### HAGUE TREATY ON INTERNATIONAL ADOPTION

The second question, if I could. Are you aware of the Hague Treaty on International Adoption? I know you are responsible for many treaties, but this was one that was passed overwhelmingly by the Senate several years ago. Jesse Helms actually helped to lead this effort along with Joe Biden. We have not implemented it. We specifically requested from the former Secretary of State some action. Of course, other things have rightly received more priority.

I raise this to you because it is an issue that is very important to Americans as a value of family life, and the value that children are really to be raised in families. Governments do a lot of things well. Raising children is not one of them. Children in our country and in the world should be raised in their biological family, in their extended family that is available if their parents are separated. I am wondering if you would make a commitment to look into that to see if we could get this treaty implemented. In exchange, we would agree on this committee to work with you to fund, whatever is necessary for you to do that.

Secretary RICE. Thank you, Senator. I will look into it. I will get back to you with a report on where we are.

Adoption has been an issue that, as you know, has been very important to the President. He very often raises these issues with people from around the world. He was just, not too long ago, raising this with the Romanians because we have had, of course, a number of issues there with Romania.

But I will get back to you on what progress we have made.

#### PREPARED STATEMENT

Senator LANDRIEU. I know my time is up, but I will submit other questions on Uganda, the AIDS issue, and particularly the LRA in Uganda and what we are doing to address that conflict near the Sudan.

Thank you.

[The statement follows:]

## PREPARED STATEMENT OF SENATOR MARY L. LANDRIEU

Madame Secretary, thank you for taking the time to be here this morning. As you know, I consider it a great privilege to serve as a member of this subcommittee at such a crucial time in our Nation's history. While there are still some who doubt the need for foreign assistance and others who characterize it as charity, I see the aid we give to developing countries as strategic investments in freedom, democracy and the protection of human dignity. Providing financial assistance to developing countries, particularly in areas touch the every day lives of people such as health care, housing, nutrition, and education, allows us to help these countries more immediately realize the fruits of a democratic society. And in contrast, failing to provide such support, puts democracy at risk. In the words of former President John F. Kennedy, "To fail to meet those obligations . . . would be disastrous; and, in the long run, more expensive. For widespread poverty and chaos lead to a collapse of existing political and social structures which would inevitably invite the advance of totalitarianism into every weak and unstable area. Thus our own security would be endangered and our prosperity imperiled. A program of assistance to the underdeveloped nations must continue because the Nation's interest and the cause of political freedom require it."

With this in mind, I look forward to having the opportunity to provide oversight and support to you and your agency. To me, it never made sense to have the federal agency charged with delivering foreign assistance under a different committee's jurisdiction than the federal agency tasked with implementing foreign policy. I, for one, would like to see us work to forge a stronger connection between the funding distributed through USAID and the policies pursued by the State Department because I think that it is critical that we use our federal resources to strengthen and support U.S. policies abroad. I know that this is a concept that is, at least in part, supported by President Bush, as evidenced by his efforts to establish the Millennium Challenge Account. I hope that you and I can work together to explore other ways to strengthen this connection.

There are several areas of foreign policy that I believe would benefit from this strengthened coordination. First, I see a need and an opportunity for the State Department's to strengthen their role in the building and strengthening of families. As I have said many times, countries are not built on roads and buildings alone, their strength and vitality rests solely on the building, and sometimes, re-building of families. As the late Pope John Paul II was quoted as saying, "As the family goes, so goes the nation and so goes the whole world in which we live."

Madame Secretary, four years ago, I had the distinct pleasure of meeting for an hour with the former President of China, Jiang Jiamin on the issue of international adoption. During this meeting, he shared with us that the Chinese believe every child born is born with a red string attached to their heart, the other end of which is tied to the ankle of their soul mate. It is because of this string, they believe, that soul mates eventually find each other and spend the rest of their lives together. It is his belief, that perhaps the same is true of children who are adopted. That when they are born, their hearts have a string that is tied to the ankle of their forever family, and it because of that heartstring that they eventually find one another.

I will treasure the memory of this meeting forever. Not only because it was an extreme honor to meet with such a learned and distinguished leader, but because it reminds me of how profoundly adoption affects the world we live in. 19,237 children were adopted by American citizens last year. 18,477 children the year before that, 16,363 in 1999 and 15,744 children in 1998. That is almost 100,000 children in four years. I think it is easy for us to understand the impact that these adoptions have had on the adoptive families and the orphan children, but what I would like to focus on afternoon is the impact that this has for the diplomatic relations between the United States and countries throughout the world.

In sheer numbers alone, the impact is evident. In real terms, these children are "mini-ambassadors" to 200,000 American citizen parents, 400,000 grandparents, conservatively 800,000 aunts and uncles, and 300,000 siblings. According to a recent report by the U.S. Census bureau, 1.6 million people in the United States were adopted, 15 percent of them from abroad. Because of this magnificent process, communities all over the United States are deepening this understanding and affinity for the people of the world. September 11 reminded us of the importance of continuing to build bridges with the nations of the world. International adoption is one very effective and lasting way to build these bridges.

Over this past year, I have also had the privilege of meeting with the Presidents of Kazakstan, Romania and Russia and high-ranking government officials from Cambodia, Vietnam, Honduras, El Salvador, Guatemala, Uganda, and the Ukraine.

Each time the message is the same. They want to do what they can to make the Hague more than just a piece of paper with 59 signatures on it.

These nations are looking to the United States to lead the way toward a system of international adoption and child welfare that is based on best practices. A system comprised of meaningful protections for the adoptive parents, the birth parents, and perhaps most importantly the children; a system that universally recognizes that a government institution is not and cannot be an adequate replacement for a family and works toward the shared mission of finding every child in this world a loving and nurturing, permanent family.

Madame Secretary, I hope that my remarks this morning will remind you of the power that this issue has in shaping the world's future and that you will do what you can to see that it is given proper recognition within your department. I think that the orphans of the world would benefit greatly from your leadership and compassion.

Another area that would benefit from stronger coordination is in the area of women's economic and political empowerment. I would like to complement you, Madame Secretary, and your Department, for your dedication to improving the lives of women worldwide. I note your work in both Afghanistan and Iraq and the investments we have made in programs there to help bring freedom and equality to the women there. While the efforts there have been commendable, I would argue that more can and should be done.

Take for instance the micro-enterprise loan program, which disproportionately benefits women. It has received \$150 million over the last five years. While impressive, in the context of a \$32 billion foreign aid budget, I would argue we can afford to do more.

When I have raised these concerns in the past, I have been told "Senator, but since women comprise 50 percent of the population, it is safe to assume that 50 percent of any funding going to the country will be spent on improving lives for these women." While I am not convinced this is always the case, particularly in countries where the oppression of women has been widespread for decades, if we truly want to bring freedom and democracy to these countries then we must actively support programs that directly benefit and empower women.

I, along with other members of this committee, have worked in the past to see that a portion of all funding dedicated to the development of emerging democracies, be used for this purpose. I am glad to see that this trend has been incorporated into other parts of the budget and I hope to see that continue.

Finally, Madame Secretary, I want to call your attention to an issue that has deeply affected me since my return from Uganda nearly a year ago. While there I personally witnessed the terror and chaos imposed by Joe Kony and the Lord's Resistance Army, particularly for the children who have come to be known as the night commuters. What these children have had to live through is indescribable and should not be allowed to happen in a world such as ours.

I would suggest that as we look to areas of the world that might benefit from our assistance and leadership that we look to Northern Uganda. In carrying out our goal of seeking out terrorists wherever they may hide, I urge us to do what we can to end the terrorist rein of the LRA.

Again, Madame Secretary, thank you for being here this morning to share your views with us and I look forward to working with you on these and other issues.

Senator McCONNELL. Thank you, Senator Landrieu.

We will now turn to Senator DeWine, followed by Senator Durbin, and Senator Bennett.

#### STATEMENT OF SENATOR MIKE DE WINE

Senator DEWINE. Madam Secretary, good to see you. Good to have the country's foremost Cleveland Browns fan in front of us today.

Secretary RICE. It is true.

Senator DEWINE. I could not resist it. Good to have you with us.

I do not want to belabor the point that Senator Leahy made, but I am also concerned, I must tell you, about the developmental assistance figure. Again, not to belabor the point, but by my calculation at least, even if you figure in the new transition initiative country spending, we are still coming up by my figures about \$70

million short on developmental assistance. So, again, it is a concern that I have.

#### HAITI

Let me talk about one of the issues that I have talked with you many times about, and that is Haiti. The crisis continues in Haiti. It is certainly not getting any better. Elections are scheduled this year.

Madam Secretary, I have been a big supporter of CAFTA. Those of us who have been around here—for me, I was in the House in the 1980's—have to understand I think the importance of this to Central America and how important continuing the development of democracy is in Central America. You pointed out what is going on in Nicaragua. I was down in Nicaragua a few months ago. I understand the dynamics of what is happening there. I am a big supporter of CAFTA.

But I must say I find a little inconsistency in the administration not supporting a trade initiative in regard to Haiti. I think we really could do two things at once. I have seen enough in regard to Haiti to know that we are not going to help Haiti really just by money. What we are doing we have to do. We have to do it for humanitarian reasons. We have to do it so we do not have to send troops down there again. We have had them down there twice in the last decade. They are going to be down there again at some point if things do not get better. But really, whether you are a Democrat or Republican, I think we all understand that really what Haiti needs is jobs. That is the only way this country is going to have a chance, the people are going to have a chance.

I would just ask you again for the administration to look at the trade bill that we passed last year in the Senate. It did not pass in the House, although there was a pretty good effort made to get it passed, but it did not pass. That is really what is needed if we are going to help Haiti and if we are going to deal with the foreign policy problem that this country has. I would like for you to comment on that, but let me ask a couple of other questions.

#### AFRICA

Ethiopia, Eritrea, the stalemated border dispute. I wonder if you could tell us what steps you might be thinking about taking or are taking to help resolve that border dispute and to deal with the starvation and the poverty issue there.

The Congo. If there has been an under-reported tragedy in the last 5 years in the world, it has been the terrible, terrible tragedy in the Congo. What can be done or what role do you see the United States playing in that part of the world?

Three questions.

Secretary RICE. Thank you. Yes, of course.

Let me start with the Congo. The principal problem in the Congo, of course, is to try and get a stable transitional government in the Kabila government that can actually begin a political transition toward elections. We have tried to do a couple of things to help with that. The forces are provided there by the French and others.

But we have tried to be very politically active in a trilateral set of discussions that we have because one of the problems, as you

well know, is that outside forces have been destabilizing to the DROC. So trying to get the Rwandans, the Ugandans, and others to know where their armies are and to have them involved in the DROC, to not support the RC Agoma and the militia forces that are stirring up trouble in the Congo, it has been our role to really try and deal with that problem. We have had very close cooperation with the South Africans, with President Mbeke, in trying to keep foreign forces out of the Congo. We have had variable success.

But if we can continue to do that and if we can strengthen the ability of the Kabila Government to stay stable for a while—now, the big problem, of course, is the demobilization of these militias that are operating in the country. Another big problem is to have a kind of a national unity picture going into the elections. We have trilateral discussions. We have discussions with Kabila. I can tell you I spend a good deal of time on the phone, at least every couple of months, with making the rounds, Kabila, Kagame, Museveni. We have really been very active diplomatically there.

We are probably going to look at more international engagement as we get ready for the elections, but I think on that piece we are doing what we can.

I am glad you drew attention to the Ethiopia/Eritrea situation because we are actually quite concerned about the potential for a humanitarian problem there concerning food. We have begun to discuss with the Ethiopians the prepositioning of some food supplies there to deal with what could potentially be a famine situation. We are not there yet, but the warning signs are there. I have had discussions with USAID and with Andrew Natsios about doing that.

We are also trying to intensify our political efforts. Of course, the border is a major part of it, but also to try to get the government to be responsive to what may be a humanitarian problem that it has had trouble seeing. So on this one we are trying to intensify our diplomacy ahead of the game because we would like not to get into a crisis situation there. Though we do not know for certain that there will be, there is certainly something looming.

As to Haiti, Senator, first of all, I want to just note that I appreciate your leadership on Haiti, the \$20 million in ESF for Haiti. We, as you know, are trying to rebuild police forces. We are trying to do a lot of things. I had extensive discussions with the Brazilians when I was there. They lead, of course, the effort in Haiti.

We think the Haitians can take better advantage of the Caribbean Basin Initiative than they are currently taking and that there is room there for trade improvement. We will continue to look at what measures we can use, but it is very much on our radar screen.

Senator DEWINE. Thank you, Mr. Chairman.

Senator MCCONNELL. Thank you, Senator DeWine.

Now we will turn to Senator Durbin, followed by Senator Bennett, and Senator Brownback.

#### SUDAN

Senator DURBIN. Madam Secretary, thank you for joining us. I have two questions of substance and one of style.

The first question of substance relates to the Sudan. 38 Senators sent a letter to you in March asking that a special envoy be appointed to Sudan to carry on the fine work that John Danforth initiated. We received a reply this week rejecting that notion, suggesting that Deputy Secretary Zoellick would continue in that capacity in some way or another. And the letter said that at an appropriate time, the Ambassador to the Sudan would be named.

First, I would like to ask this question. The appointment of an Ambassador can be seen by many as a reward to the government of Khartoum. Is there any reason why we should be rewarding this government in light of what is happening in Darfur?

Second, the day-to-day involvement of a Deputy Secretary is, of course, diminished since he has many other responsibilities, and I worry whether or not he would have the time or the inclination to really devote the kind of time that John Danforth did to this terrible crisis.

I am also concerned when Mr. Zoellick recently visited the Sudan, he was asked about the word "genocide," and he said, quote, he did not want to get into a debate over terminology. This is a dramatic departure from the unequivocal statement made by Secretary Powell in which he said in September of last year, "I concluded that genocide has been committed in Darfur and that the Government of the Sudan and the janjaweed bear responsibility and genocide may still be occurring."

I just wondered if you would comment. Sadly, it sounds like we are back in the same word game that was played by the previous administration in Rwanda, and I hope that is not the case.

#### CHINA TRADE

The second substantive issue relates to China. We have lost millions of manufacturing jobs in the United States, hundreds in my own State, in the last several years because of unfair Chinese trade practices, literally their manipulation of currency. Many people believe that when the highest levels of decision-making are made in this administration and in previous administrations, that politics often trumps trade.

I can see from statements made by you today and other places and answers to questions how critically important China is to us on North Korea. Many people that I speak to suspect that we are holding our punches when it comes to unfair Chinese trade policy because we are so dependent on the Chinese in trying to find some peaceful resolution in North Korea, not to mention the fact they are the second largest holder of the American national debt, which grows by leaps and bounds. So if you could comment on the second substantive question as to whether or not the State Department is winning the debate over those who argue we should enforce our trade agreements with China for the benefit of American businesses and workers.

The last question is one of style. You said something today I have never heard said before, and I hope I quote you accurately. It was not in your written statement. You called on us to approve CAFTA to fight the forces of populism. You said that two or three times, "the forces of populism." And it stopped me because I had never quite heard the term populist used in such a negative and

pejorative sense. In American history, Thomas Jefferson, Andrew Jackson, Abraham Lincoln, Theodore Roosevelt were characterized at some points in their careers as populists. Today Nelson Mandela is viewed as a populist. Aung San Suu Kyi in Burma is viewed as a populist.

Is it the position of the administration that populism is antithetical to the spread of democracy?

Secretary RICE. Thank you. Let me start with the last question, Senator Durbin. I think populism has a particular meaning in the Latin American context, and I do not mean populism of a kind that was practiced by Andrew Jackson, I assure you, or by Nelson Mandela.

By that I meant the kind that was practiced by Peron in Argentina. This is a kind of demagoguery that talks about the needs of the people and the wants of the people, and it is being practiced today in some places in Latin America. For instance, I think you could say that some of the rhetoric in Venezuela is of that character.

I do not mean that the United States is unable to work with governments from left of center. Quite the opposite. When I was in Brazil, I gave a speech saying that the United States of America would work with any democratically elected government that governed by transparency, that fought corruption, that cared for the needs of its people, that kept its economy open, that traded freely. I cited in particular several governments left of center like Brazil and Chile with which we have had that kind of relationship.

The kind of rhetoric that you do get, though, from some quarters in Latin America is not about responsible government. It is not about responsible economic policy. It is calling to the people who are poor and in need in a clearly anti-democratic way. I think if you look at the spectrum in Latin America, you will see that there is a growth of that kind of rhetoric in Latin America and we have to resist that.

The reason that I cite CAFTA in this regard is that if you look at the Central Americans, you have small countries that in the 1980's went through horrific civil wars, that had communist movements that were trying to take over the countries, in some cases actually ruled like in Nicaragua. And we have come a long way when you look at the Central American presidents that were there with the President today who do govern democratically, who do have open economies, who are interested in free trade. The comment was to contrast what we see from a particular extreme in Latin America with the kind of, I think, totally responsible and good governance that we see from governments like Brazil or Chile. So that was the meaning in that context.

Now, in terms of Sudan, we do have a charge there whom we have appointed. Deputy Secretary Zoellick is spending a great deal of time on Sudan. We all are, Senator. For instance, when I was at NATO, I worked to try and get NATO to agree that should the African Union ask, NATO would be prepared to give logistical support for the African Union forces when they are generated. I think we, hopefully, will get that agreement. So we are spending a good deal of time, a great deal of time on Sudan.

It may be the case that at some point in Darfur there is need for an envoy. I think we really believe that right now the strategy has to be to work with the AU on a very intensive basis to get forces into the country to deal with the humanitarian situation by getting monitors into the country and then to contribute to the long-term process that might ultimately reconcile the various forces. That is the reason what we focus so heavily on the North-South Agreement because it gives the kind of framework in which you might be able to look at the Darfur circumstance.

As to genocide, we believe as a Government that, yes, genocide has been committed there. We have, from time to time, said to people let us—because you remember the United Nations did not come out with that assessment—what we have said to people is let us not quibble about what it is called. Let us just recognize that we have a horrific humanitarian situation here and that we need to act. I think it is in that context that the deputy's remarks should be taken.

Finally as to China, Senator, I consider it a part of my job as Secretary of State to defend America's trade as free trade and fair trade. I do not think there is a State Department position and a trade position here. There is a U.S. position, and American foreign policy should be about protecting a trading playing field that is level and fair so that America's workers and farmers can compete.

I spent a very long time with the Chinese leadership when I was there. I had an entire session with the Premier that was entirely about economics, entirely about the need of the Chinese to respect intellectual property rights, entirely about the need of the Chinese to have a flexible market-based exchange rate. I believe it is part of our job to think of the Chinese relationship as a whole but, by all means, the need—especially given the size of the Chinese economy. I have said publicly that China cannot have it both ways. China, if it is going to be as it is, this huge economy, has got to be in a rules-based environment and has got to live up to its trade obligations.

Senator MCCONNELL. Thank you, Senator Durbin.

We will now turn to Senator Bennett, to be followed by Senator Brownback and Senator Harkin.

#### STATEMENT OF SENATOR ROBERT F. BENNETT

Senator BENNETT. Thank you very much, Mr. Chairman.

Secretary Rice, I have said in another place but I will say now clearly for the record how grateful I am for the trip you took to Europe to repair some relationships with our longtime European allies. I have associations in Europe and the back channel reaction for your trip there and your performance there was very positive. You hit a home run and should be publicly congratulated for that.

The chairman here has a one-note that he repeats every time, which is Burma. Senator Leahy has one that he repeats almost every time, which is land mines. And trying to follow their sterling leadership, I have one that I repeat every time, which is micro-credit.

## MICROCREDIT

I was pleased to have you make mention of microcredit in your response to one of the questions. I worked hard to get designation of microcredit funds in the supplemental with respect to the tsunami because I believe one of the best ways we can rebuild the economy as a result of the tsunami is through microcredit. I have seen firsthand the way it works. I have a piece of embroidery in my office, which was sent to me from Morocco by a woman who began her business with a \$20 loan in microcredit.

My experience is that the—I will not use that term. That would be pejorative—the long-term, permanent cadre in the State Department is, shall we say, a little less enamored of microcredit than I am. They do not like funds they do not control, and the idea of putting money out there and making it available to primarily women who have the entrepreneurial urge is something that a more structured individual kind of does not like. They like to be able to control the money and how it is handled and monitor it and shepherd it in a way that bureaucracies respond to.

So I would simply sound my one note and ask that you continue to see to it that the microcredit activity remains viable and, to the extent it is possible, continues to grow. I am not sure I am responsible, but in the time I have been sounding this one note, the amount of money from the State Department in microcredit has more than doubled, and I would hope it would continue to go in that trajectory under your stewardship.

You can respond in whatever way you would like.

Secretary RICE. Well, thank you, Senator. I am myself a big fan of microcredit. I think that it really does, particularly for women, empower them and then they do tend to create jobs for people around them. So it is very important.

We are doing a lot of very interesting things with microcredit in USAID. When I was in Mexico, I visited a credit union in Mexico. We were not providing direct funds to the credit union. What we were doing, though, was providing technical assistance to the creation of credit unions there and out in various more remote parts of Mexico so that—

Senator BENNETT. My banker friends would not be happy to hear that.

Secretary RICE. But they were really very effective units. I watched some people sign for their business loans, and it is very exciting.

So I thank you for what you did on the tsunami. I think we think that was a very useful thing to do, and thank you very much for that.

Senator BENNETT. Thank you, Mr. Chairman.

Senator MCCONNELL. Senator Brownback.

Senator LEAHY. Mr. Chairman, if I could just mention I agree with Senator Bennett on microenterprise. I have worked with several Secretaries of State on that. Both Senator McConnell and I have tried to put money in for it. I think it is a great idea.

You mentioned the land mines. Ironically enough, the work we have done on land mines and the work we have done on microenterprise often complement each other because microenterprise

loans have been used often in places where people have had everything devastated because of land mines. They are not either/or, by any means. I know the Senator was not suggesting that. We should work closely together.

Senator BENNETT. Thank you. I do not know the source of this, but I have been told that when money goes to men, they get fatter and drunker and nothing else happens in the community, but when money goes to women, the birth weight of children increases and the health of the community as a whole improves. So let us keep the money going to the ladies.

Senator MCCONNELL. Senator Brownback, to be followed by Senator Harkin.

#### STATEMENT OF SENATOR SAM BROWNBACK

Senator BROWNBACK. I have not seen the empirical data on that. Maybe it is accurate.

Welcome, Secretary. Always a delight to see you and to work with you. You have got a great track record.

#### MIDDLE EAST ELECTIONS

I would note, in particular, what is taking place in the Middle East today which is just a matter of, I think, great encouragement to see what is taking place. I was recently in Iraq about a month and a half ago, that election having just an electrifying impact on the population, spilling over into Lebanon, seeing the Syrians move out. It is my hope that this Syrian regime that is currently in place starts to get the idea that democracy is a good thing and moving that way. Egyptians hopefully holding multiparty elections, although it seems to me there is a bit of retrenchment on that note. If there is something different on that, I would like to hear it.

Iran the chairman has already asked about. I do think and I hope we can do more on civil society building, interior and exterior, on Iran. We have got some money in this budget the last 2 years for that, and I hope we can continue that because that seems to me is the biggest terrorist bed still remaining. There is a number of terrorist spots, but this is the biggest and the most potent and an open ideology that is very threatening to us and to Israel and to a number of others. To me, Iran is probably one of the most concerning, if not the most concerning, major geopolitical issues that is there.

#### DARFUR

Thank you on Darfur for reiterating the genocide determination on it. I would urge, as quick as you can, supporting movement of African Union troops and mobility. We put \$50 million in the supplemental that just passed for African Union troops. I have been there. You have been in the region. Deputy Secretary Zoellick, just recently there. Every day we lose people. I am absolutely convinced, 20,000–25,000 troops on the ground with mobility, with a broad engagement that they can respond and move and chase the Government of Sudan or the janjaweed forces, this thing is over. We may have lost 400,000 people in the last year and a half there.

It is awful. Just with all speed that you can move on Darfur, you are going to save lives in the process.

#### NORTH KOREA HUMAN RIGHTS

I want to take you to North Korea, if I can. We passed the North Korean Human Rights Act last year. Your administration has done more on North Korea than anybody else the last number of decades. We just ignored it for a long time. But the numbers I have seen—about 10 percent of that population in North Korea has died over the last 10 years by starvation, gulags. It is horribly repressive.

I just held a press conference this morning showing two death penalties being issued on the border, the trial, the announcement, and then the guy shot within 5 minutes. And people all herded out just to see it just to try to keep people from going across that border.

I believe we are not doing enough to pressure China on this who does hold the key on this. Now, I do not know the numbers, but the numbers I keep hearing are at 100,000-plus North Koreans in northern China and they continue to gather them up, repatriate them, and then they are thrown in a gulag or killed.

I would hope you could appoint that special envoy on North Korean human rights.

I would really ask if you could look at starting to allow North Korean refugees to come into the United States. That authority was given to you in that human rights act. It would send a powerful message to that region of the world. I have got a couple of sick girls to nominate. If you are concerned about the security—I keep hearing from the State Department, well, we cannot check the security of the North Korean refugees. I have got two. One is, I think, 12 and another 13-year-old girl—or 12 and 14. They are sisters. One is sick and needs medical assistance. I do not think there is a security issue with either of them. But it is a huge statement because they have not been allowed into the United States today. If you could look at that.

#### OSCE/KYRGYZ/GEORGIA

Then in my hat as the chair of the OSCE, the Helsinki Commission, here just beautiful things taking place in that region. I am watching carefully—and I know you are—the Kyrgyz and what takes place there. That one, after the Ukrainians and the Georgians, seems a little bit different taste of an overthrow than what the two—nonetheless, holds great promise to really move that country forward positively. But I do think we are going to need to invest time and money. Small country but significant and would have a significant impact.

Then coming up, I think it is, September—maybe it is November—this fall Azerbaijan is holding elections. I just last week talked to the President, Ilham Aliyev, about their elections. They need to set up now for clean, fair, good elections. I think they know it, but they are so strategic where they sit between Russia and Iran. The oil pipeline is through that region. I think we have got to keep pushing them that, look, you do not just 2 weeks ahead of the election say, okay, we are going to have good, clean, fair elec-

tions and everything happens. It is months in advance, and parties are allowed to compete and they are allowed access to the press. And if that does not happen and you get something that happens here in the region, we cannot really stand by you and say, well, okay, I guess it was a fair election. I was conveying that and I hope others can as well.

#### UGANDA

This is a final comment and this is a whole bunch of them. But I was just in northern Uganda in December. Our embassy there supports providing mobility, helicopters and trucks, to the Ugandan Government to chase the LRA, a group of bandits, and a million and a half people in refugee camps for 15 years. I think they are significantly weakened, and mobility might just be the issue. We have worked with the State Department and Defense. They have some issues with doing that even though our embassy there supports it. If there is a chance that you could look at that, because if we can get Joseph Kony and his leadership and now with the North-South Agreement, we should be able to reduce their areas they can go into in southern Sudan for refuge, you will again free another million people to go back to a normal lifestyle that have been on the run for 15 years. So it is a tougher call, I will wage, but I would ask you if you could look at that issue.

Any of those you care to respond to or if you want to just take them under advisement.

Secretary RICE. Well, thank you, Senator. I will look into the Ugandan issue. I know that there are some questions about it, but I will look it into and get back to you on the Uganda LRA.

We have identified a special envoy for North Korean human rights. There should be an announcement of that very soon. We still have some details to work out, but I think we should be able to do that soon. I think it is a very important issue. We do need to shine more of a spotlight on the human rights issues in North Korea. We are working with Homeland Security and with others about what we might be able to do on North Korean refugees. So we should talk more about that.

I would like very much to thank you for what you have been doing on the OSCE because I think the OSCE is really proving its worth as an organization. Kyrgyzstan was a very good example. We got OSCE mobilized. They sent Mr. Pederly there as an envoy who I think sorted out what was an complicated and difficult and not at all transparent situation between the various players in Kyrgyzstan and gave us an opportunity now to have elections and something that may turn out very well. So it is an organization I think that demonstrated its worth.

We are very pleased that after a long, cold period with the Russians, they finally approved the budget for the OSCE. That is good news.

We will continue to press all of these countries, including Azerbaijan, Belarus in 2006, that the world is watching whether elections are free and fair. Now, in some I think we will get less response—like in Belarus. I think in Azerbaijan, however, we have a chance to convince the Azerbaijani Government that they have a reason to be concerned about this.

So I thank you, and I think it is an extremely important organization that is doing really good work in that part of the world.

Senator BROWNBACK. Thank you.

Senator MCCONNELL. Thank you very much, Senator Brownback. Senator Harkin.

#### STATEMENT OF SENATOR TOM HARKIN

Senator HARKIN. Thank you very much, Mr. Chairman.

Madam Secretary, welcome again to the committee.

#### DISABILITY PROGRAMS

I just have kind of a follow-up on something we have discussed on February 17 when you were here, and that has to do with the whole area of disability programs in the State Department and what we are doing in Iraq. I asked at that time that you look into whether people with disabilities in Iraq are receiving appropriate services to help get them included in Iraqi society.

Today we received a letter from the Assistant Secretary for Legislative Affairs that outlines USAID activities for people with disabilities in Iraq. It is pretty comprehensive. It appears that there are things that are being done. I am very grateful for that.

The one thing I would perhaps direct your attention to or those under you, anyway, is the educational services often seem to be provided in a segregated fashion. The document talks about providing educational services for children in a "center for the disabled" in Baghdad and then transferring them to another facility once they complete their education.

In another instance, a community action program is working with an NGO to establish "an institute for the disabled" rather than educating students with disabilities alongside their peers.

Now, the only thing I would hope is I would hope that you might just send a memorandum down the line to these people under you and just use the words "integrated fashion," that the people with disabilities ought to be provided this help and support in an integrated setting, not separating them out from the rest of society, but to the maximum extent possible, providing that in an integrated setting to the maximum extent possible. That is all I ask, that you might get them to think about it in that framework.

Section 579 of the 2005 omnibus bill. Again, I thank the chairman and the ranking member of this subcommittee for supporting that section 579. There were five specific requirements listed under disability programs. One was to have USAID and the Secretary of State to designate a disability advisor or coordinator within the respective agencies. At the hearing on September 17, I asked you if those people had been designated. I still do not know if they have been designated. If you do not know, could you just have somebody tell me whether they have been designated yet?

Secretary RICE. Yes.

#### COORDINATOR FOR DISABILITIES

Senator HARKIN. A coordinator, a certain person to coordinate that.

Also, one other section of the five specific requirements requires that the Secretary of State and USAID Administrator seek to ensure the needs of persons with disabilities are addressed in democracy, human rights, and rule of law programs, projects and activities that they support. And while I am not asking you to provide me that information now, but if you could provide what affirmative steps have you taken to make sure that this occurs, and could you give any examples of how persons with disabilities are being included in the democracy, human rights, and rule of law programs, projects, and activities?

Secretary RICE. Senator, do you mean in Iraq specifically or in general?

Senator HARKIN. No. In your own Department.

Secretary RICE. Oh, in our own Department. Disabled Americans, disabled employees of the State Department. Is that what you are referring to? I am sorry. I did not understand.

Senator HARKIN. You have the democracy, human rights, and rule of law programs.

Secretary RICE. Yes.

Senator HARKIN. And you have projects and activities.

Secretary RICE. Yes.

Senator HARKIN. How are persons with disabilities being included in those programs, not just here but as you extend out and do those programs in other countries, how are they being included in those programs.

Secretary RICE. I understand. I could actually give you one example that I just saw. I was just in Russia, and we met with civil society groups there. There was both a representative of Special Olympics for Russia and a person who is an advocate for the disabled in Russia. And this is a case that I know well because I know that for a long time in the old Soviet Union, disability was considered something to be hidden.

Senator HARKIN. That is right.

Secretary RICE. In fact, after World War II, they swept disabled veterans off the streets because it was somehow considered a stain on the society to have disabled people.

I was struck by the fact that these people were there, that they actually had disability advocates. They are part of the civil society programs we are funding.

Senator HARKIN. Great.

Secretary RICE. I was told that President Putin had actually invited, people think for the first time in the history of Russian leadership, disabled people to the Kremlin for a meeting. So that is just one small example and I will try to get you some others. But I was very touched by that one because I do know the Soviet case very well.

Senator HARKIN. It is a great example. I did not know about it, but that is a great example. I just again encourage you to take that example and keep promoting it in all the other countries in which we are operating, but especially in Iraq because there are a lot of young people that have become disabled because of the war and other things. If we are going to try to help build a democratic system in Iraq, I would hope that we would think about, again, how we include people with disabilities in a more integrated setting

rather than segregating them out like you just talked about the Soviet Union used to do all the time.

PUBLIC LAW 480/USAID

Last, Mr. Chairman, if I could, Madam Secretary, a few weeks ago Chairman Chambliss and I, chairman and ranking member of the Agriculture Committee, wrote a letter to the chairman and ranking member of the full Appropriations Committee opposing the idea of diverting \$300 million from Public Law 480, Title II Food for Peace Program to a separate account operated by the USAID, Agency for International Development. The idea behind it is good because the idea behind it was to allow USAID to be able, in emergency settings like tsunamis, to go out and purchase food locally and get it out there right away rather than relying upon shipments from this country. That is good. That is fine.

What is not fine is that they are going to take it out of the account for the existing Public Law 480 to do that. The Public Law 480 program, for all the years I have been here, now 30, that we have looked at, it has been a great program. Some countries, as you know, face chronic malnutrition, and have chronic needs for continued food aid. I just do not think it is right to cut down on that in case there is an emergency somewhere.

So while I support the idea of restructuring and giving you the power to be able to get USAID to have a separate fund to buy food locally, both Senator Chambliss and I are opposed to the idea of taking it out of the existing Public Law 480 account. So, again, I just wanted to bring that to your attention and hope that you would ask your boss also to take a look at that and leave the Public Law 480 program the way it is. I am sure that you will find all the support you need here for the additional \$300 million for the program that would be set up by USAID.

Secretary RICE. Thank you, Senator.

Senator HARKIN. Thank you, Mr. Chairman.

Senator LEAHY [presiding]. Senator McConnell had to leave to go back to the floor. We are trying to figure out whether we are going to get a transportation bill through today. He has asked me to wrap up and not to cut anybody off. Did the Senator from Kansas have anything else?

Senator BROWNBACK. No.

Senator LEAHY. I will submit some more questions on Colombia. I still have a concern. We all want President Uribe to succeed. We want cocaine to stop coming into our country. It would help if we did more to stop the demand here at home. We could isolate Colombia. We could do anything we wanted. As long as Americans want to buy illegal drugs, there are dozens of places, including our close ally Afghanistan that will send it. We have got to clean up our own act. But my concern is more about the paramilitaries and what we do with the billions of dollars we spend down there and how we help ensure that human rights are respected.

Let me ask you this. The State Department is just one of many agencies using an increasing number of private security contractors protecting people and cargo overseas. I am not talking about the regular State Department security people who are superb. I have traveled with them. You do all the time, of course.

We have DynCorps and Black Water Security, and others, that use ex-military personnel as hired guns in Iraq and Afghanistan, Colombia, and other countries. Tragically, many of these contractors have been killed in Iraq. But many have also been involved in the deaths of others, sometimes innocent people. What I want to know—and I really want the answer to this. It may have to be in classified form. I want to know what are the rules governing the use of lethal force by private security contractors who are paid directly or indirectly by the State Department. That is my first question.

SECURITY

And what happens when a private security contractor paid by the State Department deployed overseas runs over somebody with a vehicle, shoots an innocent person, or otherwise causes harm on the job or off the job? Who is responsible? Are they or are we? So if somebody could get me that.

Secretary RICE. Absolutely, Senator.

MARLA RUZICKA WAR VICTIMS FUND

Senator LEAHY. I appreciate your interest in being at the program for Marla Ruzicka this weekend. I understand the reason why you cannot. I would just hope, please, emphasize to the people in your Department the tremendous work this young woman did in Baghdad and Afghanistan. She was killed so tragically about a month ago. I think she was a model. We have in the bill that just passed, the supplemental, as you know, a provision to name the fund after her.

Secretary RICE. Victim Support, yes. Thank you.

Senator LEAHY. This is an example of one person, so motivated—and you have within the State Department and elsewhere such people. We have them outside Government. Let's support them so they can get out there and help people.

Secretary RICE. Thank you, Senator. I completely agree with that. Thank you for acknowledging Ms. Ruzicka. We appreciate that very much and want to acknowledge her service.

If I may just say one thing about Colombia. I just want to assure you, Senator, when I was in Colombia, we spent a good deal of time on the issue of the paramilitaries, a good deal of time on the issue of the human rights issues. President Uribe tells us—and I believe him—that he believes that in order to be a really functioning, transparent, worthy democratic society, that they have to have human rights at the core of what they are doing. He is more than willing to answer the questions that we have about human rights. Of course, we have a number of them. But I just wanted you to know that this was an issue of considerable discussion when I was in Colombia.

Senator LEAHY. Well, and I am sure of it because I have met with him several times. We have talked on the phone. We have met at the embassy and in my office. I want him to succeed. I want whoever is president there to bring peace and democracy. I know that he risks his own life and his family's life. I just want to make sure that especially within our hemisphere, that people have respect for the United States and we are upholding our own stand-

ards of human rights. That is why I am glad you have had those meetings with him. I will continue to meet with him too. Thank you.

Secretary RICE. Thank you.

ADDITIONAL SUBCOMMITTEE QUESTIONS

Senator LEAHY. There will be some additional questions which will be submitted for your response in the record.

[The following questions were not asked at the hearing, but were submitted to the Department for response subsequent to the hearing.]

QUESTIONS SUBMITTED BY SENATOR PATRICK J. LEAHY

*Question.* What are the rules governing the use of lethal force by private security contractors who are paid directly or indirectly by the State Department?

*Answer.* State Department-funded security contractors, Protective Security Specialists (PSS), are subject to the Department's policies governing the use of deadly force and Rules of Engagement developed by each Embassy and approved by the Chief of Mission. The Department's policy on the use of deadly force and Embassy Baghdad's Rules of Engagement are attached.

# **12 FAM 023 EXHIBIT 023 DEPARTMENT OF STATE DEADLY FORCE AND FIREARMS POLICY**

*(TL:DS-60; 10-01-1999)  
(Effective Date: 11-20-1998)*

## **1. DEADLY FORCE**

### **1.1 Deadly Force, General**

#### **1.1A Definition of "Deadly Force"**

"Deadly force" is the use of any force that is likely to cause death or serious physical injury. When an agent uses such force, it may only be done consistent with this policy. Force that is not likely to cause death or serious physical injury, but unexpectedly results in such harm or death, is not governed by this policy.

#### **1.1B Probable Cause for the Use of Deadly Force**

Probable cause, reason to believe or a reasonable belief, for purposes of this policy, means facts and circumstances, including the reasonable inferences drawn therefrom, known to the agent at the time of the use of deadly force, that would cause a reasonable agent to conclude that the point at issue is probably true. The reasonableness of a belief or decision must be viewed from the perspective of the agent on the scene, who may often be forced to make split-second decisions in circumstances that are tense, unpredictable, and rapidly evolving. Reasonableness is not to be viewed from the calm vantage point of hindsight.

### **1.2 Deadly Force Policy**

#### **1.2A Principles on Use of Deadly Force**

The Bureau of Diplomatic Security recognizes and respects the integrity and paramount value of all human life. Consistent with that primary value, but beyond the scope of the principles articulated here, is the full commitment by DS and the Diplomatic Security Service (DSS) to take all reasonable steps to prevent the need to use deadly force, as reflected in DS training and procedures. Yet even the best prevention policies are on occasion insufficient, as when an agent serving a warrant or conducting surveillance is confronted with a threat to his or her life. With respect to these situations and in keeping with the value of protecting all human life, the touchstone of the DSS policy regarding

the use of deadly force is **necessity**. Use of deadly force must be objectively reasonable under all the circumstances known to the agent at the time.

### **1.2B Permissible Uses**

a. The necessity to use deadly force arises when all other available means of preventing imminent and grave danger to agents or other persons have failed or would be likely to fail. Thus, employing deadly force is permissible when there is no safe alternative to using such force, and without it the agent or others would face imminent and grave danger. An agent is not required to place himself or herself, another agent or officer, a suspect, or the public in unreasonable danger of death or serious physical injury before using deadly force. DSS special agents will fire at a person only in response to an imminent threat of deadly force or serious physical injury against the agent, protectees, or other individuals.

b. Determining whether deadly force is necessary may involve instantaneous decisions that encompass many factors, such as the likelihood that the subject will use deadly force on the agent or others if such force is not used by the agent; the agent's knowledge that the subject will likely acquiesce in arrest or recapture if the agent uses lesser force or no force at all; the capabilities of the subject; the presence of other persons who may be at risk if force is or is not used; and the nature and the severity of the subject's criminal conduct or the danger posed.

c. Deadly force should never be used upon mere suspicion that a crime, no matter how serious, was committed, or simply upon the agent's determination that probable cause would support the arrest of the person being pursued or arrested for the commission of a crime.

### **1.2C Fleeing Felons**

DSS special agents can only use deadly force to prevent the escape of a fleeing subject if there is probable cause to believe:

- (1) The subject has committed a felony involving the infliction or threatened infliction of a serious physical injury or death; and
- (2) The escape of the subject would pose an imminent danger of death or serious physical injury to the agent or to another person.

### **1.2D Lesser Means**

#### **1.2D-1 Intermediate Force**

If force less than deadly force could reasonably be expected to accomplish the same end, such as the arrest of a dangerous fleeing subject, without unreasonably increasing the danger to the agent or to

others, then it must be used. Deadly force is not permissible in such circumstances, although the reasonableness of the DSS special agent's understanding at the time deadly force was used will be the benchmark for assessing applications of this policy.

#### **1.2D-2 Verbal Warnings**

Prior to using deadly force, if feasible, DSS agents will audibly command the subject to submit to their authority. If, however, giving such a command would itself pose a risk of death or serious physical injury to the agent or others, it need not be given.

#### **1.2E Warning Shots and Shooting to Disable**

a. Warning shots are not authorized. Discharge of a firearm is usually considered to be permissible only under the same circumstances when deadly force may be used—that is, only when necessary to prevent loss of life or serious physical injury. Warning shots themselves may pose dangers to the special agent or others.

b. Attempts to shoot to wound or to injure are unrealistic and, because of high miss rates and poor stopping effectiveness, can prove dangerous for the officer and others. Therefore, shooting merely to disable is strongly discouraged.

#### **1.2F Motor Vehicles and Their Occupants**

Shooting to disable a moving motor vehicle is forbidden. A DSS agent who has reason to believe that a driver or occupant poses an imminent danger of death or serious physical injury to the agent or others may fire at the driver or an occupant only when such shots are necessary to avoid death or serious physical injury to the agent or another, and only if the public safety benefits of using such force reasonably appear to outweigh any risks to the agent or the public, such as from a crash, ricocheting bullets, or return fire from the subject or another person in the vehicle.

#### **1.2G Vicious Animals**

Deadly force may be directed against vicious animals when necessary in self-defense or the defense of others.

### **1.3 Investigation of Incidents of Deadly Force**

#### **1.3A Investigative Jurisdiction**

The Federal, State, or local law enforcement authority having jurisdiction will conduct the investigation of the incident of deadly force. DSS personnel will cooperate fully with the investigating authority.

#### **1.3B Diplomatic Security Service Investigation**

The Chairman, Firearms Policy Review Board, shall establish

procedures for internal review and investigations.

#### **1.4 Administrative Leave/Duty**

DSS special agents who make use of deadly force will be placed, as circumstances dictate, on administrative leave or assigned to duties not requiring the carrying of a firearm.

#### **1.5 Psychological Services**

In all cases where any person has been injured or killed as a result of use of deadly force by a DSS special agent, the involved special agent should undergo a debriefing by a qualified, practicing psychologist as soon as practical. In all such cases, the Department will make available to the involved special agent and his or her family the services of a Department-furnished psychologist to provide them with a source of professional consultation to aid them in dealing with the potential emotional after effects of the incident.

### **2. FIREARMS**

#### **2.1 Authority to Carry Firearms**

Section 2709 of Title 22, United States Code, authorizes special agents of the U.S. Department of State to carry and use firearms in the performance of their duties with respect to investigating passport and visa issuance or use and performing protective functions.

#### **2.2 General Policy**

##### **2.2A Authorization to Carry Firearms**

Special agents of the Diplomatic Security Service (DSS) who:

(1) Are not disqualified by Public Law 104-208 (18 U.S.C. 922(g)) relating to convictions for misdemeanor crimes of domestic violence, or any similar law, from possessing a firearm and ammunition; and

(2) Have qualified in accordance with section 2.4 below; and

(3) Conduct investigations of illegal passport and visa issuance or use or protect and perform protective functions related to maintaining the security and safety of:--

(a) Heads of a foreign state, official representatives of a foreign government, and other distinguished visitors to the United States, while in the United States;

(b) The Secretary of State and the Deputy Secretary of State; and

(c) Official representatives of the U.S. Government in the United States or abroad, and their immediate families, or others as may be designated by the Secretary of State;

Are authorized to carry firearms pursuant to 22 U.S.C. 2709 and these regulations.

#### **2.2B Responsibility**

A DSS special agent is responsible for having a complete understanding of his or her authority and its limitations, and of these regulations.

#### **2.2C Issues Requiring Clarification**

All issues relating to these regulations which require clarification shall be directed to the Bureau of Diplomatic Security (DS) Firearms Policy Review Board (FPRB). The Director of DSS chairs the FPRB.

### **2.3 Authorized Firearms and Related Equipment**

#### **2.3A In General**

DSS special agents may carry only handguns, holsters, support weapons (including submachine guns, shotguns, and specialized firearms) and ammunition that the Department of State, through the FPRB, has issued or approved.

#### **2.3B Arrest Situations**

The special agent in charge (SAC), the assistant SAC (ASAC), or the division chief shall decide whether to deploy support weapons in an arrest situation.

### **2.4 Qualification**

#### **2.4A In General**

To be authorized to carry a Department-issued or approved firearm, a DSS special agent shall qualify by meeting or exceeding a specified score on the DS qualification course with a Department-issued or approved firearm in accordance with the following section. Under no circumstance shall a DSS special agent carry a firearm if he or she has not successfully completed required firearms qualification or familiarization procedures within the past 12 months.

#### **2.4B DSS Special Agents Stationed in the United States**

##### **2.4B-1 Frequency of Qualification**

All DSS special agents stationed in the United States shall qualify with Department-issued or approved shoulder weapons and handguns every four months.

##### **2.4B-2 Responsibility for Qualification**

The SAC of each field office or the division chief for each headquarters division shall ensure that each DSS special agent under his or her command is qualified as required every four months.

However, when a warranted exception such as illness, travel, change of assignment station, TDY, or an extended training assignment creates a reasonable administrative need to extend the four-month rule, the responsible supervisor shall ensure that each special agent qualifies at the earliest scheduled availability of the firing range facility at the agent's duty station.

#### **2.4B-3 Notification of Qualification**

The firearms instructor at the DS firing range (firing range instructor), or agents designated as the firearms officers at DS field offices (see section 2.10 below), shall ensure that the Diplomatic Security Training Center (DSTC) Registrar is notified of DSS special agent qualifications.

### **2.4C Regional Security Officers, Assistant Regional Security Officers, and DSS Special Agents on Assignment Outside the United States**

#### **2.4C-1 Frequency of Qualification**

Regional security officers (RSOs), assistant regional security officers (ARSOs) and DSS special agents assigned as permanent change-of-station (PCS) personnel or on temporary duty (TDY) assignment abroad, who are qualified at the time of departure, shall be considered to remain qualified while outside the United States. At a minimum, agents shall conduct familiarization firing with their DS-issued or approved handguns once each year while abroad. All personnel returning from abroad who have not requalified within the previous four months shall requalify as soon as possible.

#### **2.4C-2 Responsibility for Requalification or Familiarization Firing**

The RSO, in consultation with the chief of mission, is responsible for ensuring that he or she, the ARSO, and other DSS special agent assigned abroad, are appropriately qualified; or, that they have conducted familiarization firing in conformance with these guidelines.

#### **2.4C-3 Notification of Qualification**

Each RSO, ARSO and other DSS special agent assigned abroad, shall notify the Registrar's Office at the Diplomatic Security Training Center of his or her qualification, or familiarization fire.

### **2.4D Firing Range Procedures**

The firing range instructor shall provide qualification and familiarization training to State Department personnel and to other persons as authorized by the Assistant Director for Professional Development, Diplomatic Security Training Center. The firing range instructor shall ensure that all training is conducted safely in accordance with FPRB-approved guidelines, lesson plans, and manuals provided by

the Diplomatic Security Firearms and Explosives Training Unit.

## **2.5 Prescription Medication**

A DSS special agent who is taking prescription medication, except for short-term antibiotics, anti-malarial prophylaxis, or oral contraceptives, which are not already a matter of record with M/MED, shall notify his or her supervisor and submit a medical certificate or other administratively acceptable documentation of the prescription and its effect(s) to the Domestic Programs Division of the Office of Medical Services (M/MED) immediately after beginning the medication. M/MED will review the information and make a recommendation to DSS. DSS shall determine whether such DSS special agent shall be allowed to continue to carry a firearm while taking the medication. Pending DSS's determination, the DSS special agent shall not continue to carry a firearm. DSS shall review such determinations at least annually for as long as the medication is being taken.

## **2.6 Standards of Conduct for Armed DSS Special Agents**

### **2.6A General Responsibilities**

- a. DSS special agents shall remember at all times the serious responsibility and potential dangers attendant in their authority to carry firearms and conduct themselves accordingly.
- b. As special agents of the Department of State, DSS special agents are accountable for their actions and shall conduct themselves in a manner which shall not bring discredit to the Department or to themselves.
- c. A DSS special agent shall treat a firearm at all times as if it were loaded.
- d. All incidents involving misconduct with a firearm shall be reported immediately to the DSS Director. Any such incidents shall be considered serious, and the DSS special agent involved may be subject to disciplinary action as set forth in section 2.15.

### **2.6B Activities Specifically Prohibited**

The following activities are specifically prohibited for DSS special agents while armed:

- (1) Careless or irresponsible behavior;
- (2) Careless or unnecessary display of a firearm in public;
- (3) Dry-firing or practicing quick draws other than during training or qualification practice;

(4) Threatening a person, or making an unwarranted allusion to being armed, in any situation not directly related to an official purpose;

(5) Consumption of any alcoholic beverage while armed, or six hours prior to being armed, or at any time prior to being armed sufficient to impair an agent's judgment or ability to perform his or her duties;

(6) Use of medications or drugs that may impair judgment or ability while on duty (see section 2.5 above);

(7) Carrying or using any firearm, ammunition, or related equipment not specifically issued or approved by the Department of State, FPRB; or

(8) Carrying or using a modified firearm not previously approved by the DS armorer.

## **2.7 Availability of Firearms**

### **2.7A In the United States**

a. DSS special agents may be authorized by the Director of DSS, pursuant to internal procedures, to carry firearms while in the United States if the Director concludes that their responsibilities necessitate possession of a firearm for protective functions or criminal investigations. Such authorized firearms possession may include the transport of firearms to and from official assignments, in addition to possession while on duty, while on official travel, while using a U.S. Government vehicle, and while at a private residence (subject to secure storage requirements discussed at section 2.8C).

b. Pursuant to internal procedures as the Director of DSS may prescribe, authority to carry firearms may be extended for individual agents by the Director to other specific off-duty periods, including leave periods, upon a written determination that off-duty possession by a DSS agent is necessitated by that agent's required availability for rapid response directly to a protective or investigative assignment and that the agent has identified a means of securing that firearm for periods in which it is not in the agent's physical possession. Any such written extension of firearms authority shall be re-evaluated, and reissued only if necessary, following changes in the named agent's assignment or duties.

### **2.7B Abroad**

DSS special agents may carry their firearms abroad in accordance with written approval by the chief of mission or principal officer consistent with applicable statutory authority.

## **2.8 Securing Firearms**

### **2.8A In General**

a. A DSS special agent is responsible for maintaining the safety and security of his or her firearm. As provided below, a DSS special agent shall secure his or her firearm in one of the following storage locations:

- (1) In the DSS special agent's safe, or barlock cabinet, provided the DSS special agent locks it when he or she is not present; or
- (2) In a centrally and safely located safe or weapons safe, or barlock cabinet, designated by the SAC or the division chief.

b. A DSS special agent shall not store his or her loaded firearm in a briefcase or luggage, even if it is locked.

#### **2.8A-1 Field Office**

In a field office, a DSS special agent may carry his or her authorized handgun. If a DSS special agent chooses not to carry his or her handgun in the field office, the DSS special agent shall secure it in accordance with section 2.8A above.

#### **2.8A-2 Headquarters**

In headquarters, all DSS special agents, except those having specific protective responsibilities, shall secure their firearms in accordance with section 2.8A above.

#### **2.8A-3 Abroad**

An RSO, ARSO, or other DSS special agent assigned abroad shall secure his or her firearm in a safe storage location designated by the RSO, in accordance with the chief of mission's firearms policy.

### **2.8B Securing Firearms Prior to Annual Leave**

A DSS special agent shall secure his or her firearm at one of the locations specified in section 2.8A before beginning annual leave that is longer than 72 hours, unless otherwise informed pursuant to section 2.7A or 2.7B that he or she may be subject to recall.

### **2.8C Securing Firearms at a DSS Special Agent's Residence**

a. The Department of State shall provide a safety locking device, accompanied by instructions for its proper use, as a means of securing the special agent's Department-issued or approved handgun at his or her residence.

b. The special agent is required to use this device or a Department-approved security container whenever the firearm is not in the agent's possession.

## **2.9 Loss or Theft of Firearms**

### **2.9A In the United States**

a. If a DSS special agent loses his or her firearm, or if the firearm is stolen, the DSS special agent shall immediately notify the local law enforcement authority with investigative jurisdiction.

b. The DSS special agent shall immediately report any loss or theft to his or her supervisor who shall promptly notify DS headquarters. On the next business day, the DSS special agent shall prepare a memorandum, through his or her immediate supervisor, to the Director of the Diplomatic Security Service, thoroughly explaining the circumstances of the loss. The DSS special agent's supervisor shall promptly forward copies to the Director of the Office of Investigations and Counterintelligence (DSS/ICI) and the Chief of the Protective Equipment and Logistics Division (CIS/PSP/PEL), and shall promptly transmit the identification marking of the weapon to the National Crime Information Center (NCIC).

### **2.9B Abroad**

a. If an RSO or ARSO, or other DSS special agent assigned abroad, loses his or her firearm, or if the firearm is stolen, the RSO or ARSO may notify local law enforcement authorities at the chief of mission's discretion.

b. The RSO, ARSO, or other DSS special agent assigned abroad, shall cable a written report within 24 hours to the DSS Director, the Director, Office of Investigations (DSS/ICI), and the Chief, Protective Equipment and Logistics Division (CIS/PSP/PEL).

## **2.10 Firearms Officers**

### **2.10A Designation**

Each field office, headquarters division, and RSO shall designate a DSS special agent as the firearms officer and a DSS special agent as the alternate firearms officer. The firearms officer and the alternate firearms officer shall complete a DS-approved instructor's course and shall be responsible for ensuring that adequate firearms instruction is provided to all DSS special agents assigned to his or her field office, division, or post.

### **2.10B Responsibilities**

The firearms officer or, when unavailable, the alternate firearms officer, shall:

(1) Maintain custody and provide proper storage of firearms and ammunition that are not assigned to specific DSS special agents;

(2) Store firearms and ammunition that are not assigned to specific DSS special agents in vaults, safes, or metal file cabinets secured with a bar lock;

(3) Maintain a Firearms Inventory Control Sheet and an Ammunition Inventory Control Sheet to record issuances and returns of firearms and ammunition and retain these logs by fiscal year and forward completed copies of these logs to the Diplomatic Security Training Center at the end of each requalification;

(4) Distribute firearms cleaning kits to the DSS special agents so they may maintain their Department-issued or approved firearms in a clean and serviceable condition at all times;

(5) Make periodic unannounced inspections of firearms and holsters and report the failure of any DSS special agent to comply with the standards of care, storage and maintenance published in these regulations to the SAC, division chief or RSO for appropriate action;

(6) Maintain Individual Firearms Qualification Records and forward copies of completed forms to the Diplomatic Security Training Center;

(7) Inspect firearms used for qualification prior to qualification and note the condition of the firearms in the Firearms Qualification Record.

### **2.11 Carrying Firearms on Aircraft**

DSS special agents shall comply with all applicable FAA regulations and orders of the captain of the aircraft on which they are travelling or proposing to travel. The Chairman of the Department's Firearms Policy Review Board (FPRB) shall issue internal guidelines consistent with FAA regulations.

### **2.12 Other Transportation of Firearms**

In all other circumstances of transporting a firearm, regardless of the mode of transportation or shipment (e.g., with household effects or in checked baggage), DSS special agents shall, consistent with relevant U.S. and local laws, regulations, and procedures, including declarations that may be required by the U.S. Government, local law enforcement authorities or the carrier, ensure that their firearms are unloaded and carried in locked containers suitable for the mode of transportation.

### **2.13 Drawing Firearms when Making an Arrest**

A DSS special agent will not draw his or her firearm when making an arrest unless confronted with the threat of deadly force or serious physical injury. This is a question of judgment. In making this judgment, the DSS special agent shall take into account the subject's previous arrest record, his or her evaluation of the subject, and the circumstances under which the arrest is being made.

## **2.14 Discharges**

### **2.14A All Discharges by DSS Special Agents**

The following procedures shall be followed in all cases involving the discharge of a firearm issued or approved by the FPRB by a DSS special agent, except discharges during training or qualification practice.

#### **2.14A-1 Representation**

Pursuant to 3 FAM 4139.12, entitled "Employee Representative," a DSS special agent shall be advised of the right to have his or her own representative present at any meeting when the DSS special agent is asked by authorized officials to provide information regarding his or her discharge of a firearm.

#### **2.14A-2 Reporting**

a. A DSS special agent who has discharged a firearm shall orally report such discharge immediately to his or her direct supervisor and shall prepare a written report delineating the circumstances of the discharge within 24 hours.

b. In the United States:

(1) If the DSS special agent was working on a protective detail, he or she shall orally report the discharge and submit the written report to the SAC of the detail. If the DSS special agent was assigned to a field office, he or she shall orally report the discharge and submit the written report to his or her supervisor and the SAC of the field office. Other DSS special agents who are within the continental United States shall orally report the discharge and submit the written report to his or her direct supervisor;

(2) The supervisor shall immediately take possession of the firearm and secure it as possible evidence. The special agent shall be immediately relieved from any duty that involves carrying a firearm pending authorization of rearming by the DSS Director. The supervisor shall immediately advise the DSS Director by telephone. The supervisor shall forward the written report immediately upon receipt to the DSS Director with appropriate additional comments and recommendations.

c. Abroad: The RSO or ARSO, or other DSS special agent assigned abroad, shall orally report the discharge to the DSS Director and the appropriate principal officer at post. The RSO or ARSO shall cable the written report to the DSS Director within 24 hours. The RSO or ARSO shall also provide a copy of the written report to the appropriate principal officer.

#### **2.14A-3 Investigation**

a. Internal investigations of all discharges of firearms shall be

under the direction of the Office Director for Investigations (DSS/ICI). Discharges that occur abroad may be investigated by the RSO in consultation with DSS/OP and DSS/ICI. DSS/ICI shall submit a report of the investigation to the DSS Director within seven calendar days.

b. Pending the results of the investigation, the DSS special agent who has discharged his or her firearm may be placed on administrative leave or may be assigned duties that do not require the carrying of a firearm.

c. After reviewing the report of investigation, the DSS Director shall determine whether to recommend disciplinary or other action and whether to restore the DSS special agent who discharged the firearm to full duty status.

#### **2.14A-4 Media Inquiries**

DSS personnel shall make no comment to the media regarding a discharge. DSS personnel shall refer inquiries from the press regarding a discharge to the DS Bureau's Public Affairs Officer, Security Awareness Staff (DS/EX/PPB/SA).

#### **2.14B Discharge Involving Injury or Death**

In addition to the provisions in section 2.14A, above, the following provisions apply to discharges involving injury or death.

##### **2.14B-1 First Steps**

After meeting the exigencies of a shooting situation and securing the area as required, the first concern of DS personnel shall be the physical and mental well being of all DSS personnel.

##### **2.14B-2 Notification of Appropriate Law Enforcement Authorities**

The responsible DSS supervisor shall notify appropriate law enforcement authorities immediately of the discharge.

##### **2.14B-3 Notification of Family**

The DSS special agent whose discharge of a firearm resulted in the injury or death of another person shall be encouraged to contact a member of the agent's immediate family. If the DSS special agent has been injured, or otherwise desires it, a colleague who is personally acquainted with the DSS special agent's family shall make contact. As soon as possible after the discharge, but within 24 hours, the responsible supervisor shall personally contact the DSS special agent and his or her family to offer support and assistance, if needed. It is particularly important that notification of the family occur before media accounts appear.

##### **2.14B-4 Investigation**

DSS special agents on the scene at the time of the discharge shall

not investigate the discharge. The firearm that was discharged shall be secured, preserved as evidence, and relinquished to the appropriate law enforcement authority.

#### **2.14C Discharge by Representative of Another U.S. Agency**

If a representative of another U.S. Agency discharges a firearm in the presence of a DSS special agent, the DSS special agent shall immediately notify the DSS Director of the circumstances surrounding the discharge. The DSS special agent shall submit a written report on the discharge to the DSS Director within 24 hours. If the discharge occurred abroad, the RSO or his or her deputy shall also immediately notify, and submit a copy of the written report to, the principal officer.

#### **2.15 Disciplinary and Other Action**

a. The DSS Director may refer matters that merit disciplinary action to the Director General of the Foreign Service for handling in accordance with 3 FAM 4300. Disciplinary action includes official reprimand, suspension and termination.

b. The DSS Director shall be kept fully informed of any discharge of a firearm by a DSS special agent, or of any incident covered under section 2-6.B (above), which results in an allegation of misconduct with a firearm by a special agent.

c. The DSS Director may reassign a DSS special agent to duties that do not require the carrying of a firearm or order the DSS special agent to undergo remedial training.

d. The DSS Director may refer matters to relevant law enforcement authorities, when appropriate.

### **3. APPLICABILITY OF POLICY AND REGULATION**

Disclaimer: These regulations are set forth solely for the purpose of internal Departmental guidance. They are not intended to, do not, and may not be relied upon to create any rights, substantive or procedural, enforceable at law by any party in any matter, civil or criminal, and they do not place any limitations on otherwise lawful activities of the Department.

### **4. U.S. LAW ENFORCEMENT AND INTELLIGENCE ACTIVITIES**

Rule of construction: Nothing contained in these regulations shall be construed to limit or impair the authority or responsibility of any other Federal law enforcement agency of the United States with respect to investigative, protective, or intelligence activities.

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**MISSION FIREARMS POLICY**

**JUNE 2005**

**U.S. EMBASSY  
BAGHDAD  
IRAQ**



**Approved:** \_\_\_\_\_  
**Zalmay Khalilzad**  
**Ambassador**

**Date:** \_\_\_\_\_

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**MISSION FIREARMS POLICY**  
**American Embassy – Baghdad****I. INTRODUCTION**

This policy is in accordance with U.S. Department of State Foreign Affairs Manual 12 FAM 023 and applies to all individuals who are under Chief of Mission (COM) Authority.

In accordance with 22 USC 3927, the COM is the ultimate authority in determining who may possess and carry firearms and under what conditions. This policy applies to all U.S. citizens and their dependents (whether civilian or military), direct-hire or contractor, permanently assigned to Post or on temporary assignment, who fall under COM authority. (NOTE: This excludes those under a U.S. Military Regional Combatant Commander.)

This policy also applies to all foreign national employees, third country nationals, and contractors who may be authorized to possess and/or carry firearms, as a result of their duties within the Mission. Furthermore, this policy is only valid within the territory of Iraq.

The regulations and guidelines contained within this Mission Firearms Policy (MFP) supplement the official weapons policies of the various Agencies represented at Post. In areas in which this MFP and those official weapons policies vary, the more restrictive guidelines will be followed.

Finally, all individuals subject to the MFP must acknowledge in writing that they have read, understand, and will comply with the MFP.

**II. DEFINITIONS**

For the purpose of the MFP, official “firearms” are defined as those weapons owned by the U.S. Government, or personally owned firearms that are: (1) authorized for use by employees serving in security, law enforcement, or similar positions; and (2) required in the performance of their official duties.

“Personal” firearms are defined as those weapons owned by an employee and intended for sporting purposes.

“Employee” is an all-inclusive term for individuals subject to COM authority.

“Armed” is defined as actively carrying a firearm on one’s person. Not within a carrying case or accompanied baggage.

**III. DEADLY FORCE**

Deadly force is the use of any force that is likely to cause death or serious physical injury. When an individual under COM authority uses such force, it may only be done consistent with this policy. Force that is not likely to cause death or serious physical injury, but unrepentantly results in such harm or death, is not governed by this policy.

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Probable Cause for the use of Deadly Force

Probable cause, reason to believe or a reasonable belief, for the purposes of this policy, means facts and circumstances, including the reasonable inferences drawn, known to the individual at the time of the use of deadly force, that would cause a reasonable person to conclude that the point at issue is probably true. The reasonableness of a belief or decision must be viewed from the perspective of the individual on the scene, who may often be forced to make split second decisions on circumstances that are tense, unpredictable, and rapidly evolving. *Reasonableness is not to be viewed from the calm vantage point of hindsight.*

Principles on Use of Deadly Force

The United States Department of State recognizes and respects the integrity and paramount value of all human life. Consistent with that primary value, but beyond the scope of the principles articulated here is the commitment by the State Department and the United States Mission Baghdad to take all reasonable steps to prevent the need to use deadly force. The touchstone of Embassy Baghdad policy regarding the use of deadly force is **necessity**. The use of deadly force must be objectively reasonable under all the circumstances known to the individual at the time.

Permissible Uses

- a. The necessity to use deadly force arises when all other available means of preventing imminent and grave danger to a specific individual or other persons have failed or would be likely to fail. Thus, employing deadly force is permissible when there is no safe alternative to using such force, and without the use of deadly force, the individual or others would face imminent and grave danger. An individual is not required to place himself or herself, another mission member, other known or unknown individuals or the public in unreasonable danger of death or serious injury before using deadly force. Individuals under COM authority will discharge a firearm at a person only in response to an imminent threat of deadly force or serious physical injury against the individual, those under the protection of the individual, or other individuals.
- b. Determining whether deadly force is necessary may involve instantaneous decisions that encompass many factors, such as the likelihood that the subject will use deadly force on the individual or others if such force is not used by the individual; the individual's knowledge of the capabilities of the threatening party or situation; the presence of other persons who may be at risk if force is not used; and the nature and the severity of the subject's conduct or the danger posed.

## IV. AUTHORITY TO CARRY FIREARMS

Only employees whose responsibilities involve security, law enforcement, or similar duties may be authorized to carry firearms by the COM in the performance of their official duties.

Normally, only personnel assigned to the following offices will be authorized to carry firearms in the performance of their official duties:

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- Regional Security Office
  - Mission Protective Security Specialists
  - Force Protection
- Marine Security Detachment
- Marine Security Forces
- Military Units in support of the COM
- All Federal Law Enforcement Agencies that are under COM
- Local Guard Force
- Other Governmental Agencies as authorized by the COM

To obtain authorization to carry a firearm, each Agency Head or Section Chief must obtain written approval for each employee. The request must be submitted to the COM via the Regional Security Office (RSO). COM authority to carry firearms is valid for the duration of an employee's tour of duty and may be rescinded and/or amended at any time by the RSO with the concurrence of the COM. **Blanket authorization will not be issued for any office.**

Certain U.S. uniformed military units assigned in support of the COM have been granted blanket authorization to carry firearms in the performance of their official duties. However, these units must still abide by the MFP (armed) carry policy within Mission Facilities. Annex A lists the units granted blanket authorization.

COM authority to carry firearms does not automatically imply that an employee has the authorization to be armed within Mission facilities. Employees with the authority to carry firearms but not to be armed within Mission facilities are authorized to transport unloaded firearms to and from secure storage facilities within Mission facilities.

#### V. CARRY POLICY WITHIN MISSION FACILITIES

All personnel entering mission facilities must download their weapons (chamber empty, magazine removed and weapon on safe) at an approved clearing barrel next to all facility entrances. The only personnel authorized to carry loaded firearms (armed) within Mission facilities are RSO personnel, Mission guard force personnel, Marine Security Guards, Marine Security Forces, Military units in support of the COM, and all Federal Law Enforcement Agencies that are under COM.

#### VI. PROTECTIVE SECURITY DETAILS NOT UNDER COM

Most protective security details will not be authorized access onto Mission facilities. However, with prior notification and approval from the RSO, protective details may be allowed onto Mission facilities in order to drop their protectee at the entrance to a facility. If this is authorized, the AIC of the detail may also be permitted to disembark from his/her vehicle and escort the protectee within Mission facilities. All other detail personnel must remain inside their vehicle(s) at all times. If there is a need for additional detail personnel to disembark from their vehicle(s) they may only do so if they are unarmed and upon the approval of the RSO.

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## VII. PRESUMPTION OF PROFICIENCY

The COM requires that all employees covered by this MFP are adequately trained and knowledgeable in the safe handling, firing, transport, and storage of firearms in their control or custody. Each Agency Head or Section Chief is responsible and will be held accountable for ensuring and certifying that the employee has been adequately trained and is knowledgeable in the aforementioned requirements. Agency Heads and/or Section Chiefs will also be required to confirm firearm proficiency levels for each employee in writing to the RSO when requesting COM authority to carry a firearm. The RSO may require verification of proficiency in each case.

The Mission is not responsible for providing firearms familiarization, training, or qualifications. The Mission accepts no responsibility or liability for the misuse of firearms that are carried in accordance with this MFP.

## VIII. PERSONAL FIREARMS

Personal firearms are not authorized at Post. This includes firearms that have been procured locally, imported into Iraq or acquired from any source other than official U.S. Government procurement. Personnel who have acquired personal firearms prior to the establishment of the U.S. Mission must surrender the firearm(s) to the RSO office. Any violation of this policy will lead to immediate expulsion from Post.

## IX. SHIPMENT

Official firearms assigned to employees who have received COM authority must be shipped to Post in accordance with State Department regulations and consistent with this MFP. Only official firearms may be shipped to post.

Absent specific authorization from the COM, employees may not ship firearms or Special Category Weapons procured in Iraq to the U.S. or any other country. Additionally, employees are advised that all authorized firearms brought into the country must be shipped out at the end of their assignment.

## X. STORAGE

Except when being carried in the performance of official duties and consistent with the relevant procedures of this MFP, employees with official firearms must secure them in an appropriate storage container, as approved by the RSO.

Each individual employee will be responsible for the proper storage of all official firearms within their custody and/or control. However, each Agency Head or Section Chief is ultimately responsible for ensuring and certifying that all weapons under his/her purview are stored in accordance with this MFP.

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## XI. SAFETY

Employees authorized by the COM to possess firearms are expected to exercise good judgment and reasonable caution, in order to avoid negligent discharges or other safety-related issues. Employees who exhibit safety concerns will be subject to disciplinary action per the MFP.

Due to safety concerns, loaded shoulder weapons and Special Category Weapons are not permitted within Mission facilities, except for RSO personnel, Marine Security Guards, Marine Security Forces and other individuals assigned internal defense duties. Violations of this policy may lead to the immediate expulsion from Mission facilities.

## XII. INTERNAL DEFENSE

The RSO office is solely responsible for coordinating internal defense for Mission facilities. In the event the internal defense plan is activated, all mission personnel must follow the direction and guidance of internal defense forces personnel. Personnel who are not a part of the internal defense plan must not interfere with or "assist" internal defense forces. Protective security details have no internal defense responsibilities except to cover their respective protectees.

## XIII. INVENTORY REQUIREMENTS

Each Agency Head and Section Chief is required to maintain an inventory of all firearms and Special Category Weapons maintained by their office. A copy of the inventory must be provided to the RSO by January 1 of each year.

## XIV. RESTRICTION ON THE USE OF ALCOHOL AND DRUGS

Employees will not consume any alcoholic beverages while armed or consume any alcohol six hours prior to working. When an employee's agency has a more restrictive policy regarding the consumption of alcohol, the more restrictive policy will apply. Employees using any prescription medication that would impair their judgment may not carry a firearm. Use of illegal drugs or controlled substances while armed is strictly prohibited. An employee who is caught breaking this policy will be relieved of their firearm and may be denied future access to the Embassy compound.

## XV. INCIDENTS OR ACCIDENTS INVOLVING FIREARMS

In addition to whatever reporting obligations are required by the respective Agencies, employees must immediately report the following events verbally to the RSO/TOC Room N100E, and submit a written report within 24 hours:

- A. Loss or theft of a firearm;
- B. Any discharge of a firearm;
- C. All incidents in which any individual under Chief of Mission authority was threatened or involved in an incident in which the individual attempted to use deadly force;
- D. Death or injury resulting from the use of a firearm; and
- E. Any inappropriate display of firearm in public.

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The discharge of a firearm for qualifications, training or competition purposes is specifically exempt from this notification requirement.

#### XVI. NON-U.S.G. PERSONNEL

Normally, only personnel authorized by the COM will be permitted to carry firearms within Mission facilities. However, through prior coordination with the RSO, exceptions, such as third country national and local national bodyguards accompanying their protectee or high-ranking police or military officers, may be granted specific exceptions to this prohibition. Third country national personnel (Mission Protective security services personnel) employed by the U.S. Mission may be authorized to carry firearms in the performance of their official duties.

All offices requesting an exception to this regulation must coordinate these requests with the RSO at least 24-hour in advance. The office responsible for coordinating the visit may be tasked to provide armed-escorts.

#### XVII. ISSUING WEAPONS TO LOCALLY ENGAGED STAFF

Official firearms will not be issued to Locally Engaged Staff (LES) for any reason.

#### XVIII. SPECIAL CATEGORY WEAPONS

Special Category Weapons (SCW) are defined as any explosives, improvised explosives or incendiary devices, grenades, rockets, shells or mines and any means of discharging such items and crew-served weapons of any kind.

The following offices are the only offices permitted to possess, store and use SCW within the Chancery and Annex:

- Regional Security Office
- Marine Security Guard Detachment
- Marine Security Forces
- Embassy local guard forces

Other offices that may have a need to possess, store and use SCW may submit a request to the COM through the RSO.

To obtain authorization to carry SCW, each Agency Head or Section Chief must obtain written approval for each employee. The request must be submitted to the COM via the Regional Security Office (RSO). COM authority to carry SCW is valid for the duration of an employee's tour of duty and may be rescinded and/or amended at any time by the RSO with the concurrence of the COM. **Blanket authorization will not be issued for any office.**

Certain U.S. uniformed military units assigned in support of the COM have been granted blanket authorization to carry SCW in the performance of their official duties. However, these units

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must still abide by the MFP (armed) carry policy within Mission Facilities. Annex A lists the units granted blanket authorization.

#### XIX. DISCIPLINARY ACTION

COM authorization to carry firearms requires the employee to exercise sound judgment and caution. Non-judicious use of firearms, to include inappropriate display or operation of a firearm, possession of a firearm while under the influence of alcohol or drugs, and similar acts of gross negligence may result in disciplinary action including the revocation of COM authority to carry firearms and/or removal from Post. Other violations of MFP may also result in disciplinary action.

#### XX. RULES OF ENGAGEMENT (ROE)

##### **Permissible Uses of Deadly Force**

The necessity to use deadly force arises when all other available means of preventing imminent and grave danger to the employee or other persons have failed or would be likely to fail. Thus, employing deadly force is permissible when there is no safe alternative to using such force, and without it the employee or others would face imminent and grave danger. An employee is not required to place himself or herself, another employee, or the public in unreasonable danger of death or serious physical injury before using deadly force. The employee will fire at a person only in response to an imminent threat of deadly force or serious physical injury against the employee, protectees, or other individuals.

##### **Warning Shots and Shooting to Disable**

Warning shots are not authorized. At no time will a weapon be fired into the ground or air as a warning to stop a threat. Warning shots may pose dangers to others in the vicinity of where the shot was fired.

Shooting at a vehicle is an authorized use of the appropriate level of force to mitigate a threat. In order to ensure a safe separation from motorcade and suspected or likely threat, shots may be fired into the vehicle's engine block as needed to prohibit a threat from entering into an area where the protective detail would be exposed to an attack. If at all feasible, other warnings, visible, verbal, and combination will be used before the use of these shots. If the vehicle continues to be a threat after shooting into the engine block, the next level of deadly force is authorized to mitigate the threat. Employees must use their discretion at the number of rounds fired into the engine block to stop the threat.

#### XXI. REVISIONS

The MFP may be revised periodically as required. The RSO will be responsible for revising and updating the MFP and will notify Mission personnel of all changes as they occur.

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**ANNEX A****U.S. Military Units with Blanket Carry Authority**

The following United States military units assigned in support of the U.S. Mission have blanket authorization to carry firearms and Special Category Weapons within Mission facilities in the performance of their official duties. However, personnel assigned to these units must still abide by the carry policy within Mission facilities.

- Marine Security Guard Detachment
- Marine Security Forces
- 1-151 Charlie Company (Military Police for Ambassador's Detail)
- 1-76 Field Artillery (Patriots)
- U.S. military personnel/units while providing protective security

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**ATTACHMENT A**

**Carry Authority**

Date:

To: Ambassador Zalmay Khalilzad

Through: Deputy Chief of Mission – David M. Satterfield  
Regional Security Officer – Mark J. Hunter

From: Agency/Section Chief –

Subject: Authorization to Carry a Weapon

Ref: Mission Firearms Policy

This is to request authorization for the individual listed below to carry a firearm. The individual is in a protective security, law enforcement liaison or higher risk assignment that places him/her in a position which warrants justification to carry a weapon. The individual will only carry firearms with which he/she is qualified to in accordance with his/her agency/department regulations and standards.

NAME: \_\_\_\_\_

POSITION: \_\_\_\_\_

LAST QUAL. DATE: \_\_\_\_\_

CERTIFYING AGENCY: \_\_\_\_\_

\_\_\_\_\_  
Signature of Agency/Section Chief

RSO recommendation:  Approve  Disapprove

DCM recommendation:  Approve  Disapprove

Chief of Mission Action:

Approve \_\_\_\_\_ Disapprove \_\_\_\_\_ Date \_\_\_\_\_

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**ATTACHMENT B**

**Special Category Weapons Carry Authority**

Date:

To: Ambassador Zalmay Khalilzad

Through: Deputy Chief of Mission – David M. Satterfield  
Regional Security Officer – Mark J. Hunter

From: Agency/Section Chief –

Subject: Authorization to Carry Special Category Weapons

Ref: Mission Firearms Policy

This is to request authorization for the individual listed below to carry Special Category Weapons (SCW) as defined in the Mission Firearms Policy. The individual is in a protective security, law enforcement liaison or higher risk assignment that places him/her in a position which warrants justification to carry SCW. The individual will only carry SCW with which he/she is qualified to in accordance with his/her agency/department regulations and standards.

NAME: \_\_\_\_\_

POSITION: \_\_\_\_\_

CERTIFYING AGENCY: \_\_\_\_\_

\_\_\_\_\_  
Signature of Agency/Section Chief

RSO recommendation:  Approve  Disapprove

DCM recommendation:  Approve  Disapprove

Chief of Mission Action:

Approve \_\_\_\_\_ Disapprove \_\_\_\_\_ Date \_\_\_\_\_

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**ATTACHMENT C**

**ACKNOWLEDGEMENT FORM**

I understand that the Chief of Mission will not condone the use of a firearm for any reason other than self-defense – when the individual reasonably believes he/she or another person is in immediate and imminent danger of death or grievous bodily harm. The sole purpose for drawing and discharging a firearm at another person is to STOP the assailant from continuing what is believed to be a DIRECT, IMMINENT, AND LIFE-THREATENING ATTACK.

I am aware that the standards of conduct for individuals authorized to carry a firearm (concealed or not) or to use a firearm are no different than those of personnel who are unarmed. All individuals must avoid situations that place them at risk.

U.S. Law Enforcement, military, or security-related personnel may perform his/her prescribed duties, including carrying a firearm in Iraq, only to the extent permitted by local law and as authorized by the Chief of Mission.

The approval of this request is only the Chief of Mission’s authorization for me to use a firearm in the country. I understand that any use of this firearm, including its discharge or public display, will be investigated by Regional Security Office personnel and may be grounds for disciplinary action. The following rules of engagement will guide any such investigation.

1. Use of this firearm is authorized only as delineated in the MFP.
2. I will only use firearm(s) with which I am qualified per my agency/department standards and regulations.
3. I will not consume alcohol or controlled substances and carry a weapon contrary to the terms set forth in the MFP.
4. I have read, understand and will abide by the standards of conduct as set forth in the most current Mission Firearms Policy.

**Printed Name:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Signature:** \_\_\_\_\_

*Question.* What happens when a private security contractor paid by the State Department, deployed overseas, runs over somebody with a vehicle, shoots an innocent person, or otherwise causes harm on the job or off the job? Who's responsible; are they or we?

*Answer.* The U.S. Government is not ordinarily responsible for the actions of security contractors. For humanitarian and foreign policy reasons, the State Department is developing a program to make payments to Iraqi civilians injured by the non-negligent or negligent actions of private security contractors operating under Embassy security contracts. Initially, this program would cover official acts, with possible later expansion to cover unofficial acts and other contractors. Tort claim payments would be available, as would so-called condolence payments not payable in tort. Embassy Baghdad will implement the program using procedures derived from Department claims procedures and compensation values derived from Iraqi legal norms and U.S. Armed Forces practice.

#### SUBCOMMITTEE RECESS

Senator LEAHY. Thank you all very much. The subcommittee will stand in recess to reconvene at 2:30 p.m. on Thursday, May 26, in room SD-138. At that time we will hear testimony from the Hon. Andrew S. Natsios, Administrator, United States Agency for International Development.

[Whereupon, at 3:45 p.m., Thursday, May 12, the subcommittee was recessed, to reconvene at 2:30 p.m., Thursday, May 26.]