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Capital Alert

The American Jewish Committee • Office of Government and International Affairs

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The American Jewish Committee, founded in 1906, gives voice to American Jewish community concerns, including its abiding commitments to Israel, and to pluralism and inter-group understanding in the United States and around the world. Today, AJC has offices in 33 cities nationwide, as well as a significant international presence. AJC’s Office of Government and International Affairs represents AJC in its work with Congress, the Administration, foreign governments, and an array of ethnic, religious, and civic groups. The Office prepares **Capital Alert**, which reviews recent and anticipated developments that bear on AJC’s public policy agenda in Washington.

Israel

Prospects for peace Israel’s brave steps to disengage from Gaza and parts of the West Bank, and the election of a new Palestinian leadership to replace Yassir Arafat, have led to a sense of cautious optimism in Arab-Israeli relations for the first time since 2000. During the critical period since Arafat’s death, President George W. Bush has reaffirmed his vision of a peaceful resolution of the Arab-Israeli conflict, including establishment of a Palestinian state living in peace alongside a secure Israel. He also has reaffirmed that negotiations toward statehood cannot begin until Palestinian leaders engage in a sustained fight against the terrorists and dismantle their infrastructure, build a reformed, democratic government, and implement new and effective security arrangements, as the Roadmap for Peace requires.

Upon Arafat’s passing, AJC issued a statement, saying: “As a symbol of Palestinian political aspirations, Arafat was undeniably a figure of significance.” However, Arafat’s failure to evolve from a revolutionary and terrorist into a leader who could establish a democratic Palestinian State, “was a failure of catastrophic proportions.” AJC expressed the hope that the next Palestinian leader will deliver “responsible governance, transparency and accountability, prosperity, and, ultimately, a peaceful, democratic state alongside Israel.”




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Meeting of President Bush and British Prime Minister Tony Blair In a joint press conference immediately following Arafat's death, President Bush and British Prime Minister Tony Blair expressed a shared "vision of a free, peaceful, and democratic broader Middle East." They said that vision "must include a just resolution of the Arab-Israeli conflict based on two democratic states—Israel and Palestine—living side-by-side in peace and security." They added that they look forward to working with a new, democratically elected Palestinian leadership committed to implementing reform, fighting terrorism, and building security institutions to end terrorism. President Bush expressed their hope that these steps—along with Israel's disengagement from Gaza and part of the West Bank—will lay the foundation for implementing the road map for peace, which will lead to final status negotiations.

Congressional resolutions endorsing President Bush's principles for the Arab-Israeli conflict On November 19, 2004, the Senate passed Senate Resolution 477, endorsing the joint statement of President Bush and Prime Minister Blair, and supporting "a reinvigorated and concerted United States-led international effort to achieve that vision." The Resolution expressed the Senate's commitment to the performance-based Roadmap "as a realistic and widely recognized plan for making progress toward peace" The resolution, introduced by Senate Majority Leader Bill Frist (R-TN) and then-Minority Whip Harry Reid (D-NV), passed by unanimous consent.

Earlier, House Majority Leader Tom DeLay (R-TX) and House Democratic Whip Steny Hoyer (D-MD) had introduced a resolution (H.Con.Res.460) endorsing similar principles. It reaffirms the vision of two states living in peace and security pursuant to a final peace agreement—which can only be realized when terrorism is defeated so that a new state based on the rule of law can be created—and it backs President Bush's support for Israeli Prime Minister Ariel Sharon's disengagement plan. The House adopted the resolution on June 23, 2004, by a vote of 407-9, with three members voting "present."

The resolution also endorses the President's concept that, as part of a final status agreement, Israel cannot realistically be expected to return to the 1949 armistice lines—because Israel's borders must be defensible and must reflect demographic realities, and a fair and realistic solution for Palestinian refugees will involve settling refugees in a new Palestinian state, rather than in Israel. The resolution reaffirms the U.S. commitment to secure, recognized, and defensible Israeli borders, and to preserving and strengthening Israel's capability to deter enemies and defend against any threat.

In a letter supporting the DeLay/Hoyer resolution, AJC wrote: "Prime Minister Ariel Sharon's bold plan for disengaging from the Gaza Strip and parts of the West Bank provides a way to end the current terrible impasse...even before the Palestinians are ready to begin implementing the Roadmap to Peace by moving against terrorism and embarking on real political reform." AJC said the Congressional resolution "sends a strong, bipartisan show of support for the principles that President Bush articulated."

Palestinian elections On January 9, Palestinians elected PLO candidate Mahmoud Abbas, also known as Abu Mazen, to replace Arafat as Palestinian Authority (PA) President. Abbas did not face serious opposition on the ballot—the real jockeying occurred before the election. The PLO establishment forced Marwan Barghouti—the imprisoned militant leader with support among younger Palestinians—to withdraw his candidacy to avoid highlighting PLO disunity and potentially undermining PLO power. (Hamas did not field a candidate in the national PA elections, but has done alarmingly well in subsequent local elections.)

Mr. Abbas did not support the Palestinian terrorist war of the past four and a half years, believing it was not an effective technique for achieving Palestinian objectives. At a February 8 summit meeting with Prime Minister Sharon, speaking in Arabic, Abbas agreed “to cease all acts of violence against Israelis and Palestinians anywhere.” Although terrorist groups would not agree to a ceasefire, or “hudna,” some of them agreed to a temporary lull in the violence—a “tahdi’a.” To date, Abbas has not begun disarming terrorists nor dismantling their infrastructure. He says he is trying, instead, to persuade terrorist groups to end violence, and to co-opt them into the PA administration and security forces. Israel rejects the idea of incorporating armed terrorists into the Palestinian security forces.

In April, terrorist attacks against Israelis inside and outside Gaza increased significantly, contrary to the temporary ceasefire agreement. Palestinian terrorists fired at Israeli communities, civilians, and IDF forces in over 30 incidents—using Kassam rockets, mortar shells, anti-tank missiles, and other devices; Israel thwarted eight additional infiltrations. Particularly alarming, Russian-built anti-aircraft missiles have been smuggled through tunnels from Egypt into the Palestinian territories, and the Palestinian Authority itself—or at least a part of it—has been implicated.

Also in April, Prime Minister Abbas began consolidating Palestinian security forces and replacing senior security personnel. Meantime, the Israeli government has been asking the PA to coordinate with it on the Israeli disengagement from Gaza and the West Bank, and President Bush has reinforced Israel’s appeals. One goal of coordination is to enable the Palestinian people to make good use of economic assets that Israel leaves behind.

Congressional support for the Palestinian elections, Palestinian reform, and an end to terrorism Throughout the Palestinian transition, members of the U.S. Congress have been active on Middle East matters, including making extraordinary efforts to demonstrate America’s commitment to Israel and to helping assure Israel’s security.

Both houses passed resolutions commending the Palestinian election, congratulating President Abbas, and praising Israeli efforts to facilitate the election. The resolutions urge Abbas to take immediate steps to disarm terrorists and dismantle their infrastructure, reform security organizations, and end incitement in the media, mosques, and schools. The resolutions also urge the Palestinian Authority to undertake political reform, develop democratic institutions, and establish the rule of law. They ask Arab states to actively encourage the PA to end terrorism and incitement, and they urge all interested parties to

take advantage of this historic opportunity to remove obstacles to peace. The Senate resolution also encourages the United States and other countries to provide appropriate assistance to the Palestinians, and particularly calls on Arab states to support the PA and to reach out to Israel in friendship and full recognition. The Senate resolution, S.Res.27, was sponsored by Senate Majority Leader Bill Frist (R-TN) and cosponsored by Senators Joseph Biden (D-DE), Lincoln Chafee (R-RI), Russ Feingold (D-WI), Carl Levin (D-MI), Harry Reid (D-NV), Chuck Hagel (R-NE), Richard Lugar (R-IN), and John Sununu (R-NH), and passed by unanimous consent. The House resolution, H.Res.56, was introduced by Representative Roy Blunt (R-MO) and co-sponsored by Reps. Steny Hoyer (D-MD), Mike Pence (R-IN), and Gene Green (D-TX), and passed by a vote of 415-1.

Supplemental assistance for the Palestinian people Congress has traditionally placed stringent safeguards on U.S. aid to the Palestinians, seeking to assure that it will be spent as intended and will not find its way into terrorist hands. A major safeguard is that U.S. assistance may not go directly to the Palestinian Authority; instead, U.S. funds are distributed through the U.S. Agency for International Development and non-governmental organizations, which must take steps to prevent them from winding up in terrorist hands. Congress has occasionally included language permitting the President to waive the prohibition against direct aid to the PA.

In February, President Bush proposed an Emergency Supplemental Appropriation for Iraq, Afghanistan, and other purposes, including \$200 million for the Palestinian people. The House and the Senate both passed the full \$200 million, subject to existing limitations on assistance to the Palestinians; each chamber also placed additional conditions. The House bill precludes the President from waiving the prohibition against direct assistance to the PA. It also directs the President to report to Congress steps the PA has taken to end terrorism; stop incitement; promote peaceful coexistence; and ensure democracy and the rule of law. The House bill also requires an audit on how U.S. funds for the Palestinians were used in FY05, and an evaluation of PA accounting procedures and expenditures. The Senate bill provides that \$50 million of the supplemental assistance for the Palestinians should support Israel's efforts "to help ease the movement of Palestinian people and goods in and out of Israel." The Emergency Supplemental was still in conference when the Senate adjourned for its early May recess.

AJC urged Congress to fund the President's full request for assistance to the Palestinian people, subject to appropriate safeguards. AJC wrote: "This year may prove to be a historic one in the Arab-Israeli conflict." If Palestinian reform succeeds and the culture of terrorism is rejected, the United States could significantly advance the prospect of peace "through carefully applied aid and continued close involvement with the parties."

AJC noted that the House and Senate bills demonstrate that Congress fully appreciates that appropriate safeguards are essential. AJC specifically asked Congress to enact "the Senate language designating \$50 million to expedite Israel's important initiative to facilitate the rapid movement of Palestinian people and goods."

Congressional opposition to UNRWA's involvement with terrorism In November, Representative Eliot Engel (D-NY) circulated a congressional sign-on letter to then-Secretary of State Colin Powell, expressing shock at the comments made by Peter Hansen, Commissioner General of the United Nations Relief and Works Agency (UNRWA), that UNRWA employs members of the Hamas, and that he does not “see that as a crime.” The letter pointed out that Hamas is on the State Department’s list of terrorist organizations and is committed to the destruction of Israel, and said: “It is absolutely unforgivable for a United Nations organization to employ terrorists.”

The congressional letter urged Secretary Powell to suspend U.S. funding for UNRWA until it no longer employs members of terrorist organizations. The letter stated: “Under the leadership of Peter Hansen...not only have many of the suicide bombers of Hamas and other Palestinian terror organizations come from UNRWA refugee camps, but students in UNRWA schools have received a steady diet of hatred and anti-Semitism in their textbooks.” It asked the Secretary to use U.S. leverage to seek UNRWA leadership that is committed to countering terrorism and incitement, and that will cease working with personnel and organizations involved in terrorism or incitement.

In a letter urging members of Congress to join the Engel letter, AJC declared: “For a UN body knowingly to employ terrorists is reprehensible....The United States must make clear that it will not countenance U.S. funds continuing to go to members of Hamas.”

Congressional support for an UNRWA Commissioner General committed to reform

Peter Hansen’s term ended in March 2005 and was not renewed. Senators John Ensign (R-NV) and Evan Bayh (D-IN) asked colleagues to join a letter urging UN Secretary General Kofi Annan to appoint a new UNRWA Commissioner General who is “dedicated to making UNRWA a counterforce against the culture of terrorism, incitement, and dependency that currently pervades too many UNRWA camps.” The letter states: “The new Commissioner General must insist that UNRWA no longer abide bomb-making factories operating in the camps or terrorist attacks emanating from them...Rather than condoning terrorism, the Commissioner General must actively discourage it” and meet its obligation to report it to the UN.

The Ensign-Bayh letter adds that the new UNRWA Director “also must assure that UNRWA personnel and facilities are not complicit in incitement,” noting that UNRWA schools must not use textbooks that promote hatred or violence, or undermine the goal of peaceful coexistence with Israel. “Textbooks that do not acknowledge the existence or legitimacy of the State of Israel—or fail to show it on maps of the Middle East—must be removed from UNRWA schools.” The letter calls on UNRWA’s new Director to go beyond ceasing to condone terrorism and incitement, to making UNRWA a positive force that helps prepare the Palestinian people for peace and self-sufficiency.

AJC was actively involved in this initiative, and promptly acted to support it, including sending a letter urging Senators to show their support for UNRWA reform by signing onto the Senate letter. AJC stated: “UNRWA must finally fulfill

its lofty mission of meeting urgent Palestinian humanitarian needs while helping enable the Palestinians to become a self-sufficient people equipped to live in peace with Israel.”

Other Congressional initiatives supporting Israel Earlier this year, Representatives Shelley Berkley (D-NV) and Jim Saxton (R-NJ) asked fellow Representatives to sign onto a letter urging Secretary of State Rice to lift the travel warnings for Israel. The letter notes that terrorist attacks had declined sharply in recent months, and expresses hope that the decline will continue pursuant to Palestinian commitments. “By removing this travel warning, the State Department can help revive the economy, bolster public morale, and attract visitors to one of the world’s most celebrated tourist destinations. The United States would also convey its confidence that the ongoing negotiations between Israel and the Palestinians will be a success.”

At the beginning of the congressional session, Representatives Ileana Ros-Lehtinen (R-FL) and Joseph Crowley (D-NY) introduced a resolution expressing support for the accession of Israel to the Organization for Economic Co-operation and Development (H.Res.38).

Israel’s security fence – judicial opinions In late June 2004, the Israeli High Court of Justice upheld the Israel’s right to build a security fence to prevent terrorists from infiltrating into the country, but the Court ruled that the specific route of the fence must “appropriately balance” security needs against the needs of local residents. Under this test, the Court rejected parts of Israel’s security fence as disproportionately onerous.

The Court eloquently stated: “in the short term, this judgment will not make the state’s struggle against those rising up against it easier...This is the destiny of a democracy: she does not see all means as acceptable, and the ways of her enemies are not always open before her. A democracy must sometimes fight with one arm tied behind her back.” Even before the Supreme Court ruling, the Israeli government had made substantial changes in the fence to minimize its impact on innocent Palestinians. Since then, it has moved significant parts of the fence, and re-routed unbuilt sections, to comply with the Court’s ruling.

A week after the Israeli Court’s decision, the International Court of Justice (ICJ) issued an advisory opinion that Israel’s security fence violates international law, because it restricts Palestinians’ freedom of movement, economic rights, and access to social services and holy places. Rather than balancing any infringements on Palestinian rights against Israel’s right to defend against terrorism, the ICJ dismissed Israel’s right to self-defense on legalistic grounds. The Court also was not convinced that erecting the security fence along its specific route was the only way for Israel to address the threat against it. The dissent—and even concurring opinions—pointed out that the Court was substituting its judgment for Israel’s, although the Court had no evidence to support its conclusion, and had not sought any.

AJC made intense diplomatic efforts to urge governments to oppose—or at least not support—any UN action based on the ICJ advisory opinion. AJC pointed out that the security fence is part of the larger Arab-Israeli conflict—which can only be resolved through negotiations between the parties, as the UN itself has recognized.

Congressional resolution on the ICJ advisory opinion In Congress, Representatives Mike Pence (R-IN), Shelley Berkley (D-NV), and Ileana Ros-Lehtinen (R-FL) promptly introduced a resolution condemning the ICJ’s decision to issue the advisory opinion, and urging nations not to act upon it. The resolution deplores the UN’s manipulation of the ICJ for political purposes, the ICJ’s acquiescence, and the attempt to infringe Israel’s right to self defense. It also condemns the Palestinian Authority’s failure to carry out its responsibilities to wage a sustained fight against terrorism—thus necessitating the fence. The resolution cautioned the international community not to take any action under color of the ICJ advisory judgment that could interfere in the Roadmap process and impede efforts to move toward a negotiated settlement pursuant to the Roadmap for Peace.

Urging Representatives to co-sponsor this important resolution, AJC wrote: “As you know, suicide bombers and other terrorists routinely entered Israel from the Palestinian territories during the past four years....So far, the security fence has dramatically reduced terrorism.” AJC highlighted that the ICJ ruled on the security fence without considering its context—not even the terrorist campaign that necessitated the fence. AJC noted that the Israeli High Court’s decision dramatically demonstrates that ICJ intervention was not necessary.

AJC said Sharon’s Disengagement Plan “offers a unique opportunity to end the current impasse and jump-start the Roadmap process,” and that the Security Fence “is a fundamental element of the plan, providing Israel with an essential measure of security as she withdraws from Gaza and parts of the West Bank.”

AJC concluded that, as the UN General Assembly considers acting based on the ICJ opinion, the congressional resolution sends important messages: Israel needs the same right as any other nation to defend against terrorism, the UN must not further politicize the ICJ, and Palestinian claims must be addressed through the Roadmap peace process—which can begin as soon as Palestinian leaders stop the terrorism.

U.S. Global Leadership

International Affairs Budget Throughout the annual budget and appropriations process, AJC urges Congress and the Administration to assure a robust international affairs budget, to enable the United States to play its global leadership role and maintain strong support for Israel.

The first step in the annual cycle occurs when the President prepares and submits his budget request to Congress. Senators Mike DeWine (R-OH), Dianne Feinstein (D-CA),

Gordon Smith (R-OR), and Dick Durbin (D-IL), sponsored a letter to President Bush, expressing “strong, bipartisan support for a robust increase in the FY06... International Affairs Budget as an essential investment in America’s fight against terrorism and efforts to build global stability through promoting economic prosperity and expressing the compassion of the American people for those in need.” Representatives Jim Leach (R-IA) and Howard Berman (D-CA) put forward a similar letter. Congress sent the letters to President Bush on December 15, 2004, signed by a record 156 Senators and Representatives.

In December 1 letters, AJC encouraged Members to join their colleagues’ letters: “A robust international affairs budget is indispensable,” AJC said, to successfully confronting key threats to our national security, strengthening relations with other countries, and helping to resolve regional conflicts, protect human rights, and address critical afflictions such as hunger and AIDS. “The bipartisan 9/11 Commission strongly endorsed investment in the international affairs budget as vital to protecting America.” AJC highlighted that, at this pivotal time in Arab-Israeli relations, Congress must “assure that the international affairs budget fully covers all U.S. commitments to Israel, as well as any further contributions the United States may make to peace and stability in the region.”

The Senate passed an FY06 budget providing for \$33.39 billion in international affairs funding; the House budget calls for \$32.17 billion. **AJC urged Budget Committee leaders to fund the International Affairs account at least at the higher Senate level, or preferably at the full \$33.63 billion that the President requested.**

Similarly, when the congressional Appropriations Committees were allocating funds for FY06 among the various Appropriations subcommittees, **AJC advocated maintaining the international affairs allocations at least at the levels that President Bush requested. AJC said: “The international affairs budget comprises only 1.3 percent of the overall budget, but enables our country to play its international leadership role and to deal with crucial global concerns.”**

In its budget and appropriations letters, AJC highlighted that “this could be an historic moment in the Arab-Israeli conflict.” Developments in the region “raise the prospect of reform and an end to the culture of terrorism and hopelessness....The United States must budget the resources necessary to encourage and sustain these positive developments, as well as to continue providing assistance to Israel as she takes painful steps for peace.”

International Human Rights

Anti-Semitism in Europe and the Muslim World Responding to shocking numbers of anti-Semitic incidents in Europe and the Muslim world during the preceding several years, Senator George Voinovich (R-OH) introduced S.2292, the Global Anti-Semitism

Review Act on April 7, 2004. Co-sponsored by Senators George Allen (R-VA) and Joe Biden (D-DE), the bill directed the Secretary of State to deliver to the Senate Committee on Foreign Relations and the House International Relations Committee, by December 31, 2004, a one-time report on anti-Semitic acts around the world. Representative Tom Lantos (D-CA) had introduced legislation calling for establishment of a State Department office to monitor and combat anti-Semitism. The Senate bill was passed on May 7, 2004, and a corresponding House bill passed on October 8. President Bush signed the bill into law on October 16, 2004.

Pursuant to the new law, the State Department submitted a comprehensive, detailed report on global anti-Semitism to Congress on December 30, 2004. In defining anti-Semitism today, the State Department report is particularly clear that anti-Semitism includes criticism of Israel that goes beyond principled objection to policies, and instead indulges in demonization and dehumanization, frequently invoking grotesque comparisons between Israelis and Nazis. The report highlights not only acts of vandalism and assault, but also the growing problem of anti-Semitic invective in European media, and particularly in the publications, textbooks and television programming to be found in the Middle East and North African countries, especially Egypt and Saudi Arabia.

AJC thanked Senator Voinovich, Representative Lantos, and other legislators for their role in championing the legislation as an important contribution to combating anti-Semitism around the world. The State Department received input from key AJC experts on anti-Semitism in preparing the report, and later AJC was asked to comment on the first-draft executive summary. AJC urges that the Report become an annual document.

Legislation to Combat Anti-American Incitement Overseas In too many countries and media outlets, incitement against the United States, Israel, and the West, and against non-Muslims, is pervasive, and messages glorifying terrorists and advocating jihad are commonplace. Government-controlled media routinely depict the United States as a blood-thirsty, tyrannical power. Similarly hideous portrayals of Israel, along with vicious anti-Semitism, are widespread. This false propaganda—routinely reaching millions of people—breeds hatred of the United States and Israel, and scorn for the values we care about most, including fundamental human rights and basic tolerance. Chillingly, many of these messages permeate school textbooks and classroom teaching, as the study of Saudi textbooks that AJC co-sponsored illustrates. Numerous governments, including putative U.S. allies, encourage this incitement. In addition, governments cynically use the hatred—which they themselves encourage—to assert that they must take certain actions, or not take them, to avoid provoking their already inflamed populations.

The Administration, Congress, and the Israeli government have all become increasingly aware of the enormous threat that this incitement poses—especially with the growing prevalence of satellite television and its powerful messages.

In the last Congress, Representative Ileana Ros-Lehtinen (R-FL) introduced an initiative that would have required the United States to seriously address the pervasive incitement

overseas. The legislation directed U.S. officials to make anti-American incitement by foreign governments a factor in U.S. policy toward that government. The provisions directed the State Department to monitor “hateful misinformation or hostile propaganda” disseminated by government-controlled sources abroad—which the International Covenant on Civil and Political Rights prohibits, to devise and implement appropriate U.S. responses, and to submit an annual report to Congress.

The incitement provisions were incorporated into the Foreign Relations Authorization bill for FY 2004 and 2005 (H.R.1950), as part of Title VI of H.R.1950, the “International Free Media Act,” introduced by Representative Lantos (D-CA). The House passed H.R.1950 on July 16, 2004, but the Senate did not pass a foreign relations authorization bill in the last Congress. **AJC will continue its efforts to get legislation passed that addresses the serious and growing problem of state-sponsored incitement.**

Some members of Congress have expressed particular concern about incitement against Israel in the Palestinian territories, including textbooks that fail to recognize Israel or include it on maps. These members realize that inciting hatred against Israel, refusing to accept Israel’s right to exist, and failing to prepare Palestinians for peaceful co-existence, constitute a major obstacle to peace—particularly when they poison the minds of the next generation. Members are working, with AJC support, on legislative initiatives addressing this issue. In a related matter, in early February, Representative Steve Israel (D-NY) circulated a congressional sign-on letter to the Saudi Ambassador, urging his government to act against Saudi sponsored “hate propaganda” that is finding its way into U.S. mosques and Muslim schools.

Darfur Accountability Act On March 2, 2005, Senators Sam Brownback (R-KS) and Jon Corzine (D-NJ) introduced the Darfur Accountability Act (S.495). Representatives Tom Tancredo (R-CO) and Donald Payne (D-NJ) introduced similar legislation (H.R.1424) on March 17. The legislation calls for sanctions against Sudan and mandates the establishment of a special presidential envoy in the region. The provisions from S.495 were added to the 2005 Emergency Supplemental Appropriations bill by a unanimous vote on April 21 and were included in the final supplemental as passed by the Senate the same day. An additional amendment dealing with the crisis in the region, proposed by Senators Mike DeWine (R-OH) and Richard Durbin (D-IL), also included in the final supplemental, provides for two aid packages—\$53 million to expand and strengthen the African Union mission in Darfur and \$40 million for additional disaster relief. The House-passed version of the supplemental did not include either Darfur-related amendment, so the matter must be resolved in conference. The Senate version of the stand-alone Darfur Accountability Act has 34 co-sponsors. The House version has 94 co-sponsors.

AJC strongly supports the Darfur Accountability Act, and its inclusion in the Fiscal Year 2005 Emergency Appropriations bill. In an April 13, 2005 letter, AJC said “[a]s a community that has suffered persecution and even genocide all too often in our history, we urge you to support these two crucial pieces of legislation and help bring true meaning to the term ‘never again.’”

Foreign Policy Responses to Terrorism and Rogue States

Since September 11, 2001, the world at large—and certainly Americans—have become brutally aware of the menace of terrorism that is fueled by, or linked to, militant Islamic extremism; we realize that it threatens America and its allies, and the core values and institutions of democratic societies worldwide. **AJC consistently advocates a broad, multifaceted response to the global scourge of terrorism, including enactment of federal counterterrorism legislation that is tough and comprehensive and, at the same time, respects due process safeguards.**

Congressional support for treating Hezbollah television as a terrorist entity
Representative Gary Ackerman (D-NY) sponsored a letter asking President Bush to direct government officials to conduct the interagency review necessary in order to add al-Manar, Hezbollah's television station, to the list of Specially Designated Global Terrorist entities (SDGTs).

AJC lobbied vigorously to urge members to sign onto the letter. AJC wrote: “Al Manar exists for the very purpose of promoting Hezbollah’s agenda of hatred and violence, and the station relentlessly incites viewers to terrorism.... The station glorifies suicide bombers—flashing their pictures across the screen while paying tribute to their memory—and urges others to follow their lead.” AJC highlighted that Al-Manar calls on Jihadists to kill U.S. soldiers in Iraq and summons viewers to participate in destroying Israel. AJC stressed that “overwhelming evidence demonstrates that al-Manar is an integral part of Hezbollah” and performs important Hezbollah functions. AJC and called on the U.S. government to do what it can to dry up al-Manar’s financial resources, and make it perilous for companies to do business with the station.

AJC also has urged the administration to name al-Manar as an SDGT, and has worked through outreach to corporate cable providers and on the international scene to get al-Manar off the air in the United States and around the world. Since last fall, satellite providers in North America and most of Europe have stopped airing the station.

Efforts to persuade the European Union to add Hezbollah to its list of terrorist organizations
On February 15, Representative Jim Saxton (R-NJ), along with Reps. Robert Wexler (D-FL), Eliot Engel (D-NY), Steve Chabot (R-OH), Eric Cantor (R-VA), Ileana Ros-Lehtinen (R-FL), Robert Menendez (D-NJ) and Gary Ackerman (D-NY) submitted H.Res.101, urging the European Union “to classify Hezbollah as a terrorist organization for purposes of prohibiting funding from the European Union to Hezbollah and recognizing it as a threat to international security.” The resolution also condemns “the continuous terrorist attacks perpetrated by Hezbollah,” and Hezbollah’s ongoing support of Palestinian organizations on the European Union terrorist list. The resolution garnered 68 additional co-sponsors, and passed by a vote of 380 to 3, with 5 members voting “present,” on March 14, 2005.

On March 15, 2005, Senator George Allen (R-VA) introduced a similar resolution in the Senate, joined by Sens. Joseph Lieberman (D-CT), Evan Bayh (D-IN), and Gordon Smith (R-OR). In addition to tracking the House language, the resolution calls on Hezbollah “to disarm and disband its militias in Lebanon, as called for in United Nations Security Council Resolution 1559.” Twelve additional Senators co-sponsored the resolution, and the Senate agreed to it by unanimous consent on April 28, 2005.

AJC appreciates Congress’ swift action on this important matter. AJC itself submitted a letter asking the EU to list Hezbollah as a terrorist organization.

Syria Accountability Act On May 11, 2004, President Bush signed an Executive Order implementing sanctions against Syria pursuant to the Syria Accountability and Lebanese Sovereignty Restoration Act of 2003. The White House cited Syria’s support for terrorist groups, continued military presence in Lebanon, pursuit of weapons of mass destruction, and actions to undermine stabilization and reconstruction efforts in Iraq. The sanctions included substantial restrictions on U.S. exports to Syria, limitations on Syrian landing rights in the United States, and sanctions relating to Syrian assets in the United States. At the beginning of the 109th Congress, Reps. Ileana Ros-Lehtinen (R-FL) and Eliot Engel (D-NY) introduced a resolution (H.Con.Res.18) expressing the grave concern of Congress regarding the Syrian Government’s continuing gross violations of the human rights and civil liberties of the Syrian and Lebanese people.

Recent months have seen major upheaval in Syria’s domination over Lebanon. After Syria’s intervention to extend pro-Syrian President Emile Lahoud’s term past its constitutional limit, the United States and France co-sponsored UN Security Council Resolution 1559, calling for strict respect of Lebanon’s sovereignty and territorial integrity. These developments mobilized the Lebanese opposition; the opposition was further galvanized when a car bomb murdered Rafiq al-Hariri, the dynamic opposition leader and former prime minister. Massive street protests, and international insistence—led by U.S. and France—on “full and immediate” Syrian withdrawal, recently culminated in Syria removing its overt military presence from Lebanon. Nevertheless, Lebanon continues to face enormous challenges. Indications are that Syria retains a substantial intelligence presence, at least, and achieving elections that are fair, and free of outside domination—by Syria or Iran—remains a huge challenge. Hezbollah controls much of southern Lebanon and uses this base to support terrorism against Israel and undermine peace efforts, among other destructive activities. The mandate of Security Council Resolution 1559, including disbanding and disarming Hezbollah, remains to be fully carried out.

The Iran nuclear threat Iran’s nuclear program—including its accelerating development of the means to produce nuclear weapons and its acquisition of nuclear materials—along with its missile program, looms as one of the greatest threats facing our world, and particularly the region. **AJC joins the many voices urging our government to address this issue with the urgency and gravity it demands.**

Early in the current session, Representative Ileana Ros-Lehtinen introduced the Iran Freedom Support Act (IFSA), H.R.282, which now has 167 co-sponsors, and Senator Rick Santorum introduced similar legislation, S.333, which has 17 co-sponsors. Both bills strengthen the Iran Libya Sanctions Act (ILSA), which imposes sanctions against foreign companies that invest in—or do business with—Iran’s petroleum industry, the bulwark of its economy. The bills also expand the sanctions regime to cover companies that help Iran with weapons of mass destruction or destabilizing advanced conventional weapons. They encourage the Administration to make serious diplomatic efforts to establish a multilateral sanctions regime against Iran and to prod other countries to take measures to further ILSA’s objectives. The House bill contains additional provisions strengthening ILSA. Neither ILSA nor IFSA applies to U.S. companies, which are prohibited from investing in Iran.

The IFSA bills also contain measures designed to promote democracy in Iran; one provision authorizes the President to assist opposition groups that promote democracy and human rights and oppose terrorism, including organizations broadcasting into Iran. **AJC strongly supports this and similar legislation addressing the grave Iranian threat.**

Domestic Responses to Terrorism

Intelligence Reform and Terrorism Prevention (9/11 Recommendations Implementation) Act As the 108th Congress moved toward adjournment of its lame-duck session, the last piece of business in both houses was H.R.10/S.2845, the intelligence overhaul bill. This legislation restructured the national intelligence agencies pursuant to recommendations for combating terrorism included in the 9/11 Commission’s final report, issued in July 2004. After months of debate, the House passed the bill by a vote of 336-75 on December 7, 2004, the Senate passed the measure the next day by a vote of 89-2, and President Bush signed it into law on December 17.

Controversy concerning the legislation centered on the creation and role of a national intelligence director to oversee and coordinate the nation’s 15 spy agencies and run a newly created National Counterterrorism Center. Following a dispute over this issue that nearly stymied the Intelligence Reform bill’s passage, this restructuring was ultimately included in the final bill. Legislators wrangled as well over whether the final bill would include changes affecting immigrants and asylum seekers championed by House Judiciary Committee Chairman James Sensenbrenner (R-WI). The changes included: provisions precluding the federal government from accepting a driver’s license as identification if issued by a state that allows such licenses to be issued to illegal immigrants; an expansion of expedited removal procedures that allow low-level immigration officials to turn away asylum seekers without a full and fair opportunity for claims to be considered; and a heightened burden of proof generally for asylum seekers. The version of the bill initially passed by the House included these provisions while the Senate-passed version did not. The initiative nearly foundered when Representative

Sensenbrenner insisted that these provisions be included in the final bill. With the implementation bill's sponsors—Senators Susan Collins (R-ME) and Joseph Lieberman (D-CT)—resisting inclusion of the harmful immigration provisions, Sensenbrenner withdrew his objection after obtaining assurances that he would be given an opportunity in the 109th Congress to bring his initiative up for a vote. [See Immigration and Refugee Policy section below for a discussion of subsequent developments relating to Representative Sensenbrenner's initiative.]

Although the final bill as enacted does not include the language championed by Sensenbrenner, it establishes national standards for state-issued driver's licenses, in language championed by Senators Dick Durbin (D-IL), John McCain (R-AZ), and John Sununu (R-NH), while leaving in place the existing regime under which states retain the responsibility of determining issuance criteria, such as whether a license may be issued to an undocumented alien.

AJC opposed the sweeping measures affecting immigrants and asylum seekers, which went beyond the 9/11 Commission's recommendations, and expressed its appreciation that Congress had omitted these sections and passed a bill that focused on America's security needs. AJC also expressed supported for the provisions mandating uniform standards for driver's license, provisions that AJC wrote "can effectively promote national security interests." AJC hailed the inclusion of privacy protections in those driver's license provisions. AJC took no position on other aspects of the implementation bill.

The High Risk Nonprofit Security Enhancement Act On October 18, 2004, President Bush signed into law the Homeland Security appropriations bill (H.R.4567), an initiative that included, among much else, \$25 million in funding to be disbursed by the Department of Homeland Security to the states so that they may, in turn, assist nonprofit organizations at high risk from terrorist threats. State officials have already begun to be distribute these funds to high-risk nonprofits—including synagogues, day schools, and other Jewish organizations—for security enhancements such as concrete barriers and "hardening" of window and doors, as well as for technical assistance to assess needs, develop plans and train personnel.

The funding represents an advance on a proposed \$100 million package that had bipartisan support in both houses during the 108th Congress. Senator Barbara Mikulski (D-MD) introduced a bill providing for that \$100 million package (S.2275) on April 1, 2004, and it was passed by the Senate Governmental Affairs Committee on July 21, 2004. Representative George Nethercutt (R-WA) introduced similar legislation (H.R.4108) in the House on April 1, 2004, which was passed by the House Judiciary Committee. These bills specifically provided that the subsidized security enhancements were to address risks associated with terrorism, as opposed to protection from neighborhood crime or other standard uses; and were to be put in place pursuant to contracts directly between the state government and independent contractors, with no funds flowing directly from the government to the institutions to be enhanced. When the Mikulski-Nethercutt bills failed to move toward passage, the coalition promoting the

legislation worked with Senator Mikulski, Senate Majority Leader Bill Frist (R-TN), Senate Minority Leader Tom Daschle (D-SD), House Chief Deputy Whip Eric Cantor (R-VA), and Senators Arlen Specter (R-PA) and Thad Cochran (R-MS), to include at least a portion of the contemplated funds in the Homeland Security appropriations bill. However, that bill, as enacted failed, to include any provisos explicitly limiting use of the funds and prescribing the structure within which they were to be disbursed.

AJC advocated for the Mikulski-Nethercutt initiative, which addressed a palpable security threat to Jewish and other nonprofit institutions while also providing a structure calculated to avoid excessive entanglement between church and state. AJC has applauded the inclusion of \$25 million for security enhancement purposes in the Homeland Security Appropriations law enacted at the end of 2004, but continues to insist that any such funding be provided in the context that addresses church-state concerns.

The Koby Mandell Act More than three and a half years after the death of a young American citizen murdered by Palestinian terrorists in the West Bank, Congress took a step toward implementing legislation named after the young victim when it enacted the year-end omnibus spending package that was signed into law by President Bush on December 8, 2004. The Koby Mandell Act (H.R.401/S.684), introduced in the House by Representative Robert Andrew (D-NJ) on January 28, 2003, and in the Senate by Senator Gordon Smith (R-OR) on March 21, 2003, called for the creation of an Office of Justice for Victims of Overseas Terrorism within the Justice Department to assure that the terrorist perpetrators of violence against Americans are pursued, prosecuted, and punished with equal vigor regardless of their country of origin or place of residence. Responsibility for apprehending terrorists who murder U.S. citizens has resided within the State Department; the Koby Mandell Act arose out of a concern that the responsible authorities were not taking action to apprehend Palestinian perpetrators of terrorism against Americans with the same energy and dedication of resources as they were bringing to bear against other perpetrators of such violence. The specifics of the new Justice Department office were not addressed in the omnibus spending bill, but non-binding language in the conference report for that bill alludes to the Koby Mandell Act in discussing the creation of that office. **AJC supported the Koby Mandell Act and urges the Justice Department to move forward quickly to institute the office contemplated by the bill.**

SAFE Act Two versions of The Security and Freedom Ensured (“Safe”) Act were introduced on April 6, 2005. H.R.1526, introduced in the House by Representative C.L. Otter (R-ID) tracks a bill introduced in both chambers during the 108th Congress; S.737, introduced by Senator Larry Craig (R-ID), Russell Feingold (D-WI), Richard Durbin (D-IL), tracks the earlier legislation in many respects, but with some significant differences. Both bills are intended to amend portions of the USA-PATRIOT Act to address civil liberties concerns by implementing additional safeguards as part of the Act’s provisions on roving wiretaps and “sneak and peek” search warrants. Additionally, the SAFE Act requires the FBI to provide further background information when seeking to obtain library or other personal records, and modifies the bill’s standards for the issuance of

national security letters, among other provisions. The Senate version of the bill has nine co-sponsors. The House bill has 32 cosponsors.

With a number of the USA-PATRIOT Act's provisions slated to sunset at the end of 2005, and with the Administration pushing for permanent enactment of those provisions, the USA-PATRIOT Act—as well as proposals to amend the measure, such as the SAFE Act—is certain to be considered by Congress this year.

AJC endorsed the SAFE Act last year and continues to support the bill as introduced in the House this year. While AJC has not completed its review of the revised Senate bill, we support the “mend it, don’t end it” approach that the new bill takes, just as did the original measure. AJC endorsed the USA-PATRIOT Act in 2001, but with an acknowledgment that its provisions would require reexamination at a later date. The SAFE Act, in both its original form and as revised, represents a commendable effort to balance the need for heightened security and enforcement capabilities with fundamental due process and privacy protections.

Immigration and Refugee Policy

Real ID Act The provisions that House Judiciary Committee Chairman James Sensenbrenner (R-WI) had unsuccessfully sought to include in the Intelligence Reform bill in the closing days of the 108th Congress [see discussion in Terrorism section, above] were introduced, in substantially similar form, in the 109th Congress on January 26, 2005, as H.R.418. The bill quickly moved through the committee process and on to passage by the full House on February 10, 2005, by a vote of 261-161.

Subsequently, the language was tacked on to the House version of the must-pass 2005 Emergency Supplemental Appropriations bill (H.R.1268), which will provide funding for Iraq, Afghanistan, and tsunami relief, as well as aid for the Palestinian Authority as part of the renewed peace process. The legislation, including the REAL ID Act provisions, was passed by the House on March 16. The REAL ID language was not included in the Senate version of the Emergency Supplemental bill as passed on April 21, thanks in large part to four Republican Senators—John McCain (R-AZ), Sam Brownback (R-KS), John Sununu (R-NH), and Lamar Alexander (R-TN)—who pushed back against the efforts of colleagues who sought to include the measure. However, the conference report—released on May 2—did incorporate the REAL ID Act with slight modifications to a number of provisions, including those that deal with asylum. On May 2, the administration issued a statement supporting inclusion of immigration provisions in the supplemental, while asserting that it had some problems with the House passed version that it would “work with the conferees to make sure... are addressed.”

Section 101 of the REAL ID Act imposes onerous and unnecessary new obstacles on legitimate asylum seekers and people seeking refuge from persecution, exposing them to

an increased danger of deportation back into the hands of those who seek to harm them. In particular, Section 101 would empower immigration officers and judges to deny asylum based on the refugee's inability to track down corroborating evidence that the official believes to be accessible—even if obtaining a particular document would put the refugee in mortal danger; require a refugee to somehow prove persecutors' "central motive" for their actions; and authorize immigration officers to deny asylum based on perceived "demeanor" and alleged "statements" offered under a variety of unreliable circumstances.

AJC has consistently opposed the REAL ID Act—when its provisions were brought up as a part of the 9/11 Recommendations bill, as the free-standing H.R.418, and most recently as part of the Emergency Supplemental bill—because the bill's overreaching provisions deny fair treatment and due process to asylum seekers. In a letter to the House, AJC said: "We recognize the difficulty in achieving the delicate balance that will safeguard American values of civil liberties, due process and privacy, while also preventing those who would do us harm from entering this country. But Section 101 of the REAL ID Act will not promote increased national security and protection from terrorism, whether at home or abroad, and its provisions are contrary to American core values that recognize that we are a nation of immigrants. We need to devote resources to stopping terrorists in a manner that rightly scrutinizes those seeking refugee or asylee status while not placing dubious and onerous restrictions in the path of legitimate refugees and asylees."

DREAM Act On April 9, 2003, Representatives Chris Cannon (R-UT) and Howard Berman (D-CA) introduced H.R.1684, the Student Adjustment Act. The Senate version of the legislation, the Development, Relief, and Education for Alien Minors Act (DREAM Act), S.1545, was introduced on July 31, 2003, by Senator Orrin Hatch (R-UT). Under this legislation, states are afforded the flexibility to determine that certain students who are undocumented aliens qualify as "state residents" and are therefore eligible for in-state college tuition rates. The bill would provide earned adjustment to permanent residence for an estimated 50,000 undocumented children. In addition, the bill would authorize the Secretary of Homeland Security to cancel the removal and adjustment of status of certain alien students who are long-term United States residents. During the 108th Congress, the House bill had 152 cosponsors. The Senate legislation, which had 47 cosponsors, was amended and passed by the Judiciary Committee in October of 2003. Provisions from the Senate bill were included in the Justice Department Appropriations bill, S.2863, but those provisions were not part of the omnibus appropriations bill that ultimately funded the Justice Department for FY05. The DREAM Act is expected to be reintroduced in the near future.

AJC supports passage of the DREAM Act. Minors who were brought to the United States illegally should not be penalized for decisions made by their parents. AJC believes students who have spent a significant portion of their life participating in the American educational system and who have demonstrated a strong desire to contribute to American society should be able to benefit from this legislation. AJC

will continue to work with other coalition partners to push for passage in the 109th Congress.

Agricultural Workers Bill On February 10, 2005, Senators Larry Craig (R-ID) and Edward Kennedy (D-MA) introduced S.359, the Agricultural Jobs, Opportunity, Benefits, and Security Act of 2005 (AGJOBS). Representatives Christ Cannon (R-UT) and Howard Berman (D-CA) introduced a House version (H.R.884) a week later. Under the legislation, an estimated 500,000 undocumented agricultural workers could earn legal status through past agricultural work in the United States and a prospective work requirement. The program would require background checks for security purposes. Applicants would be denied permanent resident status and subject to removal if they fail to meet the work requirements, are inadmissible under immigration law, or have been convicted of a felony or three or more misdemeanors. Senator Craig proposed the legislation as an amendment to the 2005 Emergency Supplemental Appropriations bill (H.R.1268), but, while a majority of Senators voted to support the bill (53-45), the measure did not obtain the 60 votes necessary to achieve cloture and be included. The Senate version of the stand-alone legislation has 46 co-sponsors, and the House bill has 29 co-sponsors.

AJC continues to support this legislation as a proactive step to protecting the civil rights of highly vulnerable workers and placing them on a path towards eligibility for legalization and citizenship.

CLEAR Act On July 9, 2003, Representative Charlie Norwood (R-GA) introduced H.R. 2671, the Clear Law Enforcement for Criminal Alien (CLEAR) Act. The Senate version of the legislation, the Homeland Security Enhancement Act of 2003 (S.1906), was introduced on November 20, 2003. The legislation would expand the role state and local authorities currently play in the enforcement of federal immigration standards, would convert some civil immigration violations into criminal violations, and would allow the National Crimes Information Center database to be used to enforce immigration violations. During the 108th Congress, H.R.2671 had 125 cosponsors, and S.1906 had three cosponsors. The bill has not been introduced in the 109th Congress.

While AJC remains dedicated to increasing security at US borders and within our nation, we oppose the CLEAR Act as legislation that could negatively impact our safety by diverting law enforcement resources as well as by potentially destroying relationships between law enforcement and community members.

Protection for Refugees from the Former Soviet Union The omnibus spending bill that passed both the House and Senate on November 20, and President Bush signed into law on December 8, 2004, included an amendment offered by Senator Arlen Specter (R-PA) that will continue to facilitate entry into the United States for Jewish and Evangelical Christian refugees from the Former Soviet Union, as well as Iranian refugees who are religious minorities (Jews, Christians, Ba'hai, Zoroastrians, and Mandeans).

AJC supports this measure, a continuation of the long-standing “Lautenberg [now Specter] Amendment.”

Supplemental Security Income Extension The 1996 welfare law changed legal immigrants’ accessibility to a number of public benefit opportunities, including the Supplemental Security Income (SSI) program, which provides a basic monthly income to individuals 65 or older, disabled, or blind. Under the 1996 law, refugees entering the country or reaching age 65 after August 22, 1996 would be eligible to receive SSI benefits only during their first seven years in the country. Numerous factors, often technical or systemic, may bar refugees from obtaining citizenship before they are cut-off from the SSI program. In President Bush’s fiscal year 2005 budget request, he proposed a one-year extension for deserving refugees who were about to become ineligible for the program. On March 25, 2004, Representatives Benjamin Cardin (D-MD), Phil English (R-PA), Amo Houghton (R-NY), Nancy Johnson (R-CT), and Sander Levin (D-MD), introduced the SSI for Elderly and Disabled Refugees Act (H.R.4035), a bill to provide a two-year extension of eligibility. A similar piece of legislation, S.2623, was introduced by Senators Herb Kohl (D-WI), Richard Lugar (R-IN), and Gordon Smith (R-OR) on July 9, 2004. In mid-March, 2005, a two-year SSI extension was included in the Senate Finance Committee’s welfare bill, known as the PRIDE Act. The bill is expected to be considered by the full Senate in the coming months. In the 108th Congress, the stand-alone House bill had 32 cosponsors and the Senate bill had nine 9 cosponsors.

AJC supports this measure in order to ensure that the United States can continue to provide a safe haven to those fleeing persecution. In March, AJC joined 63 other national and local Jewish organizations to issue a statement supporting the extension of SSI benefits. AJC believes that SSI is important to the well being of vulnerable elderly and disabled refugees living in the United States, and will continue to urge President Bush to include a full restoration of eligibility in the fiscal year 2006 budget.

Civil Rights

Local Law Enforcement Enhancement Act On May 1, 2003, Senators Edward Kennedy (D-MA) and Gordon Smith (R-OR) reintroduced S.966, the Local Law Enforcement Enhancement Act (LLEEA). The LLEEA broadens current federal hate crimes laws to include violent crimes motivated by a person’s sexual orientation, gender and disability. Under current law, the federal government has authority to act only in hate-crimes cases involving race, color, religion or national origin. In addition, the LLEEA removes jurisdictional obstacles to the federal governments’ ability to prosecute, and provide investigative and prosecutorial assistance to local law enforcement for, hate crimes. The measure passed the Senate in July 2004 by a vote of 65-33 as part of the Department of Defense Authorization (DoD) bill. On September 28, by a vote of 213-186, the House passed a motion to instruct conferees to accept the LLEEA language as part of the DoD bill. Nevertheless, the conference committee stripped the language from

the final DoD bill in October, and the legislation was passed without the hate-crimes provision. The LLEEA has not yet been introduced in the 109th Congress.

AJC strongly supports the Local Law Enforcement Enhancement Act and will continue to work towards its passage. It is regrettable that the conference committee failed to include hate-crimes language, approved by a majority of both houses in the final version of the DoD bill. While states should continue to play the primary role in prosecuting violent hate crimes, a federal statute is necessary in cases where state or local authorities are unwilling or unable to investigate and prosecute. Moreover, the LLEEA would advance cooperation between state, local, and federal law enforcement officials to combat and prosecute hate-crimes motivated by anti-Semitism and all other forms of hate.

Federal Marriage Amendment On January 24, 2005, Senator Wayne Allard (R-CO) introduced S.J.Res.1, a joint resolution providing for a “Federal Marriage” Amendment (FMA) to the U.S. Constitution. The amendment would define marriage as the union between a man and a woman, and would prevent the federal or any state constitution from being interpreted so as to require that marriage or the legal incidents thereof be conferred upon any union other than that of a man and a woman. During the 108th Congress, the House Judiciary Subcommittee on the Constitution held hearings on similar legislation, which did not move forward before the session ended.

On November 2, 2004, voters in 11 states approved constitutional amendments defining marriage exclusively as a union between a man and a woman; these initiatives varied in some specifics, including whether or not they also barred recognition of civil unions. The eleven states, all of which passed their respective initiatives by double digit margins, were Arkansas, Georgia, Kentucky, Michigan, Mississippi, Montana, North Dakota, Ohio, Oklahoma, Oregon, and Utah.

AJC opposes the Federal Marriage Amendment. On May 5, 2004, AJC adopted a resolution asserting that the amendment would “enshrine discrimination into our social fabric.”

Reproductive Choice As the 109th Congress began, further action on reproductive choice issues was expected in light of the 108th Congress’ enactment of a ban on “partial birth abortion,” and an amendment offered by Representative Dave Weldon (R-FL) that passed as part of the omnibus appropriations bill at the end of the 108th Congress. Rep. Weldon’s amendment provided for a “Federal Refusal Clause” that denies federal aid to states and localities that compel health care providers, facilities or insurance companies to provide, fund, or refer abortion services. Further initiatives directed at limiting reproductive rights have already been introduced in the 109th Congress, including the Teen Endangerment Act (H.R.748/S.403). This legislation would impose additional restrictions on minors seeking abortion services. In particular, the bill would make it a federal crime for any person other than a parent or guardian to transport a minor across certain state lines in order to obtain an abortion, and would require abortion providers to delay administering services for 24 hours after the parents of a minor are notified, even in

cases of a medical emergency. The House passed the bill, with 199 co-sponsors, on April 27, 2005, by a vote of 270-157. The bill has 37 cosponsors in the Senate.

AJC continues to work on behalf of a woman's right to choose as a member of the Religious Coalition for Reproductive Choice. We opposed Representative Weldon's amendment, and support efforts to repeal the troubling Federal Refusal Clause. AJC also opposes the Teen Endangerment Act on grounds that instead of supporting and assisting young teens facing unwanted pregnancies, it harms these women, potentially forcing them to place themselves in danger and avoid seeking assistance for fear of criminal action.

“Nuclear Option” Judicial nominations, once again, took center stage at the beginning of the 109th Congress, amidst an increasing likelihood that Chief Justice William Rehnquist will step down, giving President Bush the opportunity to nominate at least one Supreme Court Justice. Senate Democrats filibustered ten of the president's 229 judicial nominees during his first term. In an effort to move these nominees forward, Senate Republicans seem on the verge of employing a procedural maneuver to eliminate the filibuster in regard to judicial nominees. In order to bring about the change, dubbed the “nuclear option” because of its expected affect of bring the Senate to a virtual standstill, Senate Majority Leader Bill Frist (R-TN) would ask for a procedural point of order that the filibuster is unconstitutional in the case of judicial nominees. Vice President Dick Cheney, acting as Senate President, would then find for the point of order, with only a simply majority of 51 votes required to uphold his decision, instead of the 60-vote supermajority normally required to block a filibuster.

While AJC has followed a practice of not taking positions on judicial nominees, AJC opposes the “nuclear option.” In a March 24 letter to Senate Majority Leader Frist, AJC said the change would “eliminate incentive for bi-partisan cooperation; erode our constitutional system of checks and balances; dilute the Senate's role to provide advice and consent on the President's judicial nominees; and set a dangerous precedent to end the filibuster altogether, and thereby remove one of the most crucial and valuable tools available to the minority, on issues much broader than just judicial nominations.” AJC believes the filibuster gives voice to minority viewpoints and encourages consensus on appointments to the judiciary.

Religious Liberty

Pledge Protection Act On May 8, 2003, Representative Todd Akin (R-MO) introduced the Pledge Protection Act of 2003 (H.R.2028), a bill that would strip the federal courts, including the Supreme Court, of jurisdiction to hear First Amendment challenges to the Pledge of Allegiance. The House passed the legislation 247-173 on September 23, 2004. The Senate did not act on this bill during the 108th Congress.

AJC opposes this measure in line with our general opposition to “court-stripping” measures. Though AJC took no position on the Supreme Court case involving use of the phrase “under God” in the Pledge of Allegiance, this legislation has far broader implications for the separation of powers and seriously undermines the constitutional guarantees of freedom of speech and religion by denying access to the federal courts. This and other court-stripping measures are expected to be introduced in the 109th Congress (during the 108th Congress, the House also passed a bill that would strip the courts of jurisdiction to challenge the constitutionality or efficacy of the Defense of Marriage Act), and AJC will continue to work to forestall their passage.

Houses of Worship Free Speech Restoration Act On January 4, 2005, Representative Walter Jones (R-NC) introduced H.R.235, the Houses of Worship Free Speech Restoration Act, a variation on a bill that has been introduced in prior Congresses. Under the current tax code, houses of worship are subject to the same regulations as other 501(c)(3) organizations, and cannot legally engage in partisan politicking while maintaining tax-exempt status. This unambiguous provision of federal tax law serves as a valuable safeguard for the integrity of both religious institutions and the political process. H.R.235 would alter the tax code by providing that presentations made during religious services or gatherings at house of worship could not serve as a basis for losing tax-deductible status, thereby politicizing houses of worship by injecting partisan campaigns into religious institutions. While the bill’s predecessor (also enumerated as H.R.235) did not move in the 108th Congress, even though it had 167 cosponsors, the pressure to pass that bill increased at the end of the session.

AJC strongly opposes this measure, and is working with a coalition of civil rights and religious organizations to defeat the bill. AJC believes the tax code as currently framed protects religious institutions from divisive pressure to become involved in partisan campaigning as much as it protects the political process from inappropriate involvement by tax deductible entities, religious and secular alike.

Workplace Religious Freedom Act On March 17, 2005, Senators Rick Santorum (R-PA) and John Kerry (D-MA) and Representatives Mark Souder (R-IN) and Carolyn McCarthy (D-NY) reintroduced the Workplace Religious Freedom Act (WRFA), S.677/H.R.1445, legislation that clarifies the requirement of Title VII of the Civil Rights Act of 1964 that employers reasonably accommodate their employees’ religious practices, unless doing so would cause undue hardship. Unfortunately, the courts have read this requirement that vitiates the protection Congress intended to afford against religious discrimination, including interpreting anything more than a *de minimis* expense or difficulty as an “undue hardship.” WRFA would ensure that Title VII is interpreted to provide the protection against religious discrimination that Congress intended by clarifying that the expense or difficulty must be substantial in order to be considered an “undue hardship.”

While concerns have been raised that the civil rights protections provided by WRFA could lead to material adverse impacts on third parties, those concerns are addressed by

WRFA's balancing test, which affords crucially needed relief for religiously observant employees at the same time that it assures that accommodation of those employees will not trample the rights of others in the workplace. The bill has a bipartisan roster of 14 cosponsors in the Senate and 10 in the House.

AJC continues to play a leadership role in the WRFA coalition and in working to move this bill forward to passage. In March, AJC wrote to sponsors of WRFA to thank them, asserting that WRFA “is a fundamental step in protecting religious liberty and combating religion-based employment discrimination.” In a related matter, in March AJC joined with members of the WRFA Coalition in writing to the Office of Personnel Management (OPM) urging it to maintain current standards that allow federal workers to take compensatory time for religious observance. The letter cited the existing program, which OPM has proposed amending, as one that “has been held up as a model for comparable state and local legislation” and that should not be subjected to “weakening proposals.”

Charitable Choice The “charitable choice” debate continues, as various Cabinet Departments and agencies implement through administrative action, to the extent ostensibly consistent with controlling legislation, key elements of President Bush’s faith-based initiative, and as Congress engages in ongoing debate over bills addressing this approach to government funding of social services provided by religious institutions. These initiatives threaten the separation of church and state by, among other things, allowing the government to fund pervasively religious institutions and by inappropriately extending to government-funded positions the right of religious institutions to make employment decisions on the basis of religion, an exemption from otherwise applicable civil rights laws that they are appropriately extended when hiring with private funds.

As the 109th Congress convened, Senator Rick Santorum (R-PA) was reported to be ready to move forward with a consensus bill —the CARE Act —that he and Senator Joseph Lieberman (D-CT) championed during the 108th Congress. In the form passed by the Senate in the 108th, controversial “charitable choice” provisions were omitted, but the bill included measures making charitable tax deductions more easily available to people who do not itemize their deductions. It also provided substantial new funding for the Social Services Block Grant program (SSBG), a flexible source of resources and funding for vulnerable populations. But reports also indicated that others in the Congress, including Representative Mike Pence (R-IN), were urging that the Republican Party’s strengthened majority should instead push for passage of global “charitable choice” initiatives.

Whatever happens with respect to the CARE Act or global initiatives, we have already begin to see, as in the 108th Congress, efforts (i) to include “charitable choice” provisions in pending legislation that authorizes or reauthorizes specific federally funded social services programs, or (ii) to strip out of the law existing provisions deemed inconsistent with “charitable choice,” particularly bars against employment discrimination on the basis of religion in such programs insofar as those bars apply to religious organizations.

In that regard, language implementing a key aspect of the faith-based initiative has been adopted by the House as part of the Job Training Improvement Act (H.R.27), introduced by Representative “Buck” McKeon on January 4, 2005. This legislation, which will reauthorize the Workforce Investment Act, the principal source of federal funding for job training programs, would repeal longstanding civil rights protections by making WIA’s prohibition on religious employment discrimination in federally funded job training programs inapplicable to religious institutions that participate in such programs. After efforts to adopt an amendment to H.R.27 that would “restore” (i.e. maintain) current law failed, the bill passed the House on March 2 by a vote of 224-200.

Similarly, Senator Santorum may propose an amendment to the Temporary Assistance for Needy Families (TANF) program, which must be reauthorized this year, extending existing charitable choice provisions to the Social Service Block Grants (SSBG). If the Senate votes on an amendment with that language, it would mark the first “charitable choice” vote in the Senate since President Bush took office.

AJC opposes, on church-state grounds, any “charitable choice” or faith-based initiatives that result in federal grants or contracts funding “pervasively religious organizations”—where the religious mission and the provision of services are inextricably intertwined or that would allow for employment decisions to be made on the basis of religion with respect to government funded positions. After having expressed concerns with the original CARE bill, AJC was pleased that the Senate passed a revised version of the bill that provided for increased social-services funding and afforded new tax incentives for charitable giving, and continues to support enactment of those provisions. AJC will continue to oppose, absent appropriate amendment, the Job Training Improvement Act and other similar legislation that would explicitly permit faith-based organizations to make employment decisions for government funded positions in specific programs on the basis of religion, and will work against other efforts to codify aspects of the faith-based initiative.

Higher Education

Bias in federally-funded international education programs In the last Congress, the House of Representatives passed the International Studies in Higher Education Act, H.R.3077, to amend Title VI of the Higher Education Act. The Senate did not pass counterpart legislation, and the bill died. Representative Patrick Tiberi (R-OH) reintroduced the bill in the 109th Congress as H.R.509.

Title VI provides federal funds to selected international studies and foreign language centers at universities across the country. Congress established the Title VI program to help meet vital national needs—in particular, training experts for national security and other government service, and educating the public on international affairs. Unfortunately, the program has largely failed to meet government needs; among other

problems, it has no mechanism for ascertaining government needs, and few Title VI graduates enter government service.

Too many university-based Middle East Studies centers funded under Title VI are highly politicized, rather than being academically objective. Scholars uncritically promote a positive image of Palestinians, Arabs, and the Islamic world, while ignoring or denigrating Israel. Too often, Middle East centers exclude scholars with other perspectives—stifling discourse on critical issues. The large influx of Saudi and other foreign funding to some Title VI Middle East centers casts further doubt on their objectivity. For these reasons, many Middle East centers that receive federal funds under Title VI have failed to produce the kind of realistic depiction and analysis of this pivotal region that students, the public, and the government need. Many area studies centers devoted to other parts of the world apparently are similarly politicized.

University centers that receive Title VI funds are required to provide outreach programs—most commonly to K-12 teachers, educators, and the general public. As a result, Title VI centers disseminate their one-sided views to audiences far wider than the college campus.

In the 109th Congress, AJC will continue vigorously advocating passage of legislation to reform the Title VI program—to help assure that Title VI funds serve the purposes for which Congress provides them, to address the failure of accountability in the use of public funds, and to assure greater intellectual diversity and academic freedom at centers that receive federal tax dollars.

Energy

Comprehensive Energy Legislation Comprehensive energy reform, on the agenda in Congress since 2001, was once again the focus of much attention as the 109th Congress got under way. As it has done with predecessor bills, the House passed its version of the comprehensive bill (H.R.6) on April 21, 2005 by a vote of 249-183. The bill, introduced on April 18, 2005, by Representative Joe Barton (R-TX), includes provisions allowing for new oil and gas drilling in the Arctic National Wildlife Refuge (ANWR), expanding tax incentives for domestic and alternative fuel production, and modernizing America's energy infrastructure. The Senate plans to mark-up its own energy bill in May.

Comprehensive energy legislation failed to move to final passage in the 108th Congress, despite a conference report avoiding controversial issues such as raising CAFÉ standards and drilling in the ANWR. The measure stalled largely because of disputes within the majority party relating to electricity and methyl tertiary-butyl ether (MTBE) fuel additives. In an April 27 speech introducing portions of his new energy plan, President Bush urged Members of Congress to reach a compromise on MTBE issues, and offered his assistance on the legislation.

As a part of his energy plan, President Bush called for Congress to enact legislation that would encourage the production of new nuclear power plants and oil refineries and that would extend a tax incentive program that currently applies to only hybrid vehicles to now cover clean diesel vehicles. Reportedly, some of the provisions may be incorporated into the Senate bill—Senators are said to be weighing “substantive changes” in an effort to develop bipartisan compromise legislation.

AJC supports a national energy program that is truly comprehensive and well-funded, and that moves us away as expeditiously as possible from our dangerous dependence on foreign fuel sources. First and foremost, AJC believes that package should include increased CAFE standards and additional funding for solar, wind, and hydrogen energy. If, and only if, it were part of a comprehensive plan that includes these elements, AJC would be prepared to support a package that includes careful domestic oil exploration in the ANWR—and, if that exploration pointed to vast resources, careful drilling in that area.

From AJC’s perspective, neither the House-passed bill nor President Bush’s proposal adequately respond to the urgent priority of successfully reducing our dependence on foreign petroleum. AJC is encouraged to hear that the Senate is evidently looking at a compromise package; if each side will give way on some of its red-line issues, this may be the moment to move toward legislation that addresses the need for a comprehensive approach to energy dependence.

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