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110TH CONGRESS
1st Session
HOUSE OF REPRESENTATIVES
REPORT
110–119

ADVANCE DEMOCRATIC VALUES, ADDRESS NONDEMOCRATIC COUNTRIES, AND ENHANCE DEMOCRACY ACT OF 2007 OR THE ADVANCE DEMOCRACY ACT OF 2007

MAY 2, 2007.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. LANTOS, from the Committee on Foreign Affairs, submitted the following

R E P O R T

[To accompany H.R. 982]

[Including cost estimate of the Congressional Budget Office]

The Committee on Foreign Affairs, to whom was referred the bill (H.R. 982) to promote democratic values and enhance democracy, and for other purposes, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

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SUMMARY

The ADVANCE Democracy Act of 2007 establishes in law a framework to strengthen and institutionalize the promotion of democracy within the State Department. By doing so, H.R. 982 continues efforts by the Committee to reform the ways the Department of State carries out its responsibilities in promoting democracy and protecting human rights. The Committee recognizes that there are a number of talented and dedicated career State Department officials who focus their talents and energy on democracy promotion, and that the Department has taken a number of steps consistent with H.R. 982 and its predecessor legislation. However, the Committee believes these efforts could be strengthened by further institutional reforms and a greater focus on developing strategies for the protection of human rights and the promotion of democracy. In this sense, H.R. 982 is a congressional response to the President's pronouncements on democracy and the Secretary of State's efforts to change the State Department through her Transformational Diplomacy Initiative.

BACKGROUND AND PURPOSE

Since the beginning of the republic, the United States and its citizens have aspired to the highest ideals of government, and from quite early on became involved in human rights issues, such as the international slave trade and the working conditions of Chinese railroad workers. The pursuit of democracy, human rights, and freedom has since become part of the mainstream our nation's foreign policy, with a long and distinguished set of proponents from every part of the political spectrum, including Presidents Woodrow Wilson, Franklin Delano Roosevelt, Jimmy Carter, Ronald Reagan, and the current President Bush. While this aspect of U.S. foreign policy often has to coexist with other foreign policy objectives, it nonetheless has made its mark throughout the 20th century. Unfortunately, at times those who advocate for "democracy promotion" and those who argue for "human rights protection" see these goals as different. In reality, a benevolent dictator can allow any number of human rights to flourish, yet those may be snatched at any moment because of the lack of democratic protections. Similarly, a democracy cannot realize its full potential unless human rights such as the freedom of the press, the freedom of association, and other rights are fully protected.

The Committee notes that democracy is increasingly seen as a key part of the international system as reflected by the unanimous votes at the United Nations Commission on Human Rights and in the United Nations General Assembly affirming the right to democracy as a human right. Beginning in 2002, Congress began trying to focus the Department of State increasingly on being more active in furthering this trend in the Freedom Investment Act of 2002, which started both institutional reforms and a requirement for greater strategic focus that are continued in this Act.

In many ways this increasing focus on democracy has met with success. Over the past three decades, the number of fully democratic countries has more than doubled, from 41 to 89, while the number of countries governed by a dictator or a totalitarian government has decreased by 37 percent, often as a result of nonviolent

resistance by the peoples of such countries, aided by support from democratic countries. According to the annual Freedom in the World report published by Freedom House (an annual comparative assessment of the state of political rights and civil liberties in 192 countries and 18 related and disputed territories), 75 percent of the population of the world currently lives in countries categorized as 'entirely free' or 'partly free,' as opposed to only 57 percent in 1973. These changes have been achieved in part through sustained and comprehensive efforts by democratic countries, including the United States and the democratic countries of Europe, to support dissidents, human rights advocates and democracy activists in non-democratic countries. However, a loss of focus, a failure to prepare for potential changes in regimes, and less focus on supporting countries already on the path to democracy has led to missed opportunities and "backsliding" toward authoritarianism in some democratic transition countries.

With President Bush's second inaugural address, the war in Iraq, and the 2006 elections in the West Bank and Gaza, the public has paid greater attention to policies related to promoting democracy and the appropriate roles and mechanisms for the United States policy to spreading democracy abroad. So-called "realists" have sometimes triumphantly declared that electoral democracy cannot develop in certain parts of the world or in certain cultures. And certain democracy and human rights advocates, while concerned with what they perceive as the aggressive nature of the Administration's "Freedom Agenda," fear a counter reaction by the public against traditional U.S. foreign policy values.

The ADVANCE Democracy Act is designed to help ensure that the moral compass in U.S. foreign policy remains strong. It provides for reforms that will make democracy promotion more effective, helps to ensure that U.S. programs focus on a long-term commitment to the growth and maturation of democratic institutions, and seeks to bridge differences between human rights and democracy promotion advocates. The ADVANCE Democracy Act of 2007:

(1) Requires the Secretary to develop long-term strategies for democracy promotion and human rights protection for non-democratic and democratic transition countries and countries where there are severe human rights violations;

(2) Requires that such strategies be developed with individuals and groups from each particular country that support democratic values and that such strategies be carried out with our friends and allies around the world, including like-minded countries and international organizations;

(3) Requires training on democracy promotion and human rights protection throughout the careers of Foreign Service officers and other State Department employees;

(4) Creates financial and promotion incentives for employees who excel in democracy promotion and human rights protection; and

(5) Requires that Ambassadors and other senior members of the Foreign Service do more to reach out to foreign audiences and engage robustly with government officials, foreign media, non-governmental organizations, and students to have serious discussions about U.S. foreign policy, in particular democracy and human rights.

The ADVANCE Democracy Act of 2007 also contains a number of other additional reforms, such as declaring democracy promotion and human rights protection to be fundamental foreign policy objectives of the United States, requiring an office for emerging activists to contact, providing for the collection of information on actions by and assets of leaders of non-democratic countries, requiring the establishment of a web site for activists, differentiating between non-governmental organizations and contractors as mechanisms for the delivery of U.S. democracy assistance, and fostering more multilateral cooperation on democracy promotion.

The ADVANCE Democracy Act of 2007 represents several years of discussion with outside activists, democracy practitioners, and the Department of State. It builds on the adoption by the House of an earlier version of the legislation, which prompted the Department of State to initiate a series of internal reforms, some of which are reflected in H.R. 982.

HEARINGS

In the 109th Congress, as part of assessing previously introduced legislation, the Committee held a number of hearings on democracy and human rights. On May 5, 2005, the Committee held a hearing entitled, "Promoting Democracy through Diplomacy," on February 16, 2006, the Committee heard from Secretary Rice on her Transformational Democracy Initiative, and on March 2, 2006, the Committee held a hearing entitled, "U.S. Policy Toward the Palestinians in the Aftermath of the Parliamentary Elections." On June 21, 2006, the Committee heard from Administration witnesses during a hearing entitled, "Democracy in Latin America, Successes, Challenges and the Future," and on February 7, 2007, the Committee received an update from the Secretary of State on the Department's Transformational Diplomacy Initiative. On March 29, 2007, the Committee heard from former Assistant Secretaries of State for Democracy, Human Rights and Labor Harold Koh and John Shattuck regarding the most recent Country Reports on Human Rights Practices, which included discussion of H.R. 982.

COMMITTEE CONSIDERATION

The Committee marked up H.R. 982 on March 27, 2007, and reported the bill favorably to the House by voice vote, a quorum being present.

VOTES OF THE COMMITTEE

In compliance with clause 3(b) of rule XIII of the Rules of the House of Representatives, the Committee notes that there were no recorded votes during consideration of H.R. 982.

COMMITTEE OVERSIGHT FINDINGS

In compliance with clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee reports that the findings and recommendations of the Committee, based on oversight activities under clause 2(b)(1) of rule X of the Rules of the House of Representatives, are incorporated in the descriptive portions of this report.

NEW BUDGET AUTHORITY AND TAX EXPENDITURES

Clause 3(c) (2) of House Rule XIII is inapplicable because this legislation does not provide new budgetary authority or increased tax expenditures.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

In compliance with clause 3(c)(3) of rule XIII of the Rules of the House of Representatives, the Committee sets forth, with respect to the bill, H.R. 1678, the following estimate and comparison prepared by the Director of the Congressional Budget Office under Section 402 of the Congressional Budget Act of 1974:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, March 29, 2007.

Hon. TOM LANTOS, *Chairman,*
Committee on Foreign Affairs,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 982, the ADVANCE Democracy Act of 2007.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Sunita D'Monte, who can be reached at 226–2840.

Sincerely,

PETER R. ORSZAG.

Enclosure

cc: Honorable Ileana Ros-Lehtinen
Ranking Member

H.R. 982—ADVANCE Democracy Act of 2007

SUMMARY

H.R. 982 would authorize the appropriation of funds for the Human Rights and Democracy Fund which is administered by the Department of State. In addition, it would authorize the appropriation of funds for grants to the United Nations Democracy Fund and the International Center for Democratic Transition. Finally, it would authorize the department to hire additional staff and participate in a fellowship program to promote democracy.

CBO estimates that implementing H.R. 982 would cost $29 million in 2008 and about $150 million over the 2008–2012 period, assuming appropriation of the specified and estimated amounts. The bill also would allow the Human Rights and Democracy Fund to receive and spend gifts and donations, but CBO estimates this provision would have no significant effect on direct spending and receipts.

H.R. 982 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would not affect the budgets of state, local, or tribal governments.

ESTIMATED COST TO THE FEDERAL GOVERNMENT

The estimated budgetary impact of H.R. 982 is shown in the following table. The costs of this legislation fall within budget function 150 (international affairs).

By Fiscal Year, in Millions of Dollars

	2008	2009	2010	2011	2012
CHANGES IN SPENDING SUBJECT TO APPROPRIATION [1]					
Democracy Programs					
Estimated Authorization Level	65	75	1	0	0
Estimated Outlays	26	46	30	16	11
Other Programs					
Estimated Authorization Level	4	4	4	4	4
Estimated Outlays	3	4	4	4	4
Total Changes					
Estimated Authorization Level	69	79	5	4	4
Estimated Outlays	29	50	34	20	15

[1] Enacting H.R. 982 also could affect revenues and direct spending, but CBO estimates that any such effects would be less then $500,000 a year.

BASIS OF ESTIMATE

CBO estimates that implementing H.R. 982 would cost $29 million in 2008 and about $150 million over the 2008–2012 period, assuming appropriation of the specified and estimated amounts. The bill would also allow the Human Rights and Democracy Fund to receive and spend gifts and donations, but CBO estimates this provision would have no significant effect on direct spending and receipts.

Spending Subject to Appropriation

H.R. 982 would authorize the appropriation of an estimated $69 million in 2008 and about $160 million over the 2008–2012 period for programs and grants to promote democracy around the world. For this estimate, CBO assumes that this legislation will be enacted near the start of fiscal year 2008, that the specified and estimated authorization amounts will be appropriated near the start of each fiscal year, and that outlays will follow historical spending patterns for existing and similar programs.

Democracy Programs. Section 302 would authorize the appropriation of $50 million in 2008 and $60 million in 2009 for the Human Rights and Democracy Fund, a fund that the Department of State uses to promote human rights and democracy around the world. Based on historical spending patterns, CBO estimates that implementing this section would cost $11 million in 2008 and $99 million over the 2008–2012 period, assuming appropriation of the authorized amounts.

Section 203 would authorize the appropriation of such sums as may be necessary for 2008 and 2009 for a contribution to the United Nations Democracy Fund. In its budget request for 2008, the Department of State has requested $14 million for such a contribution and CBO expects that such an amount for both 2008 and 2009 would be sufficient to meet the purposes of this authorization. CBO estimates that implementing this section would cost $14 mil-

lion in 2008 and $28 million over the 2008–2009 period, assuming appropriation of the necessary amounts.

Section 202 would authorize the appropriation of $1 million in 2008, 2009, and 2010 for a grant to the International Center for Democratic Transition. This center is located in Budapest, Hungary, and works to help countries make the transition from dictatorship to democracy. CBO estimates that implementing this section would cost $3 million over the 2008–2010 period, assuming appropriation of the authorized amounts.

Other Provisions. Section 101 would authorize the appropriation of such sums as may be necessary for the Secretary to hire Democracy Liaison Officers to promote the transition of nondemocratic and partly democratic countries to democracy. Based on information from the department, CBO estimates that 12 such positions would be created, at an annual cost of $3 million (including the costs of overseas travel and housing expenses), assuming appropriation of the estimated amounts.

Section 103 would authorize a Democracy Fellowship Program to place employees of the State Department in positions at congressional committees and nongovernmental organizations that work on democracy issues. It would authorize the appropriation of such sums as may be necessary for this purpose. Based on information from the department, CBO estimates that five fellows would participate each year in this program. Including administrative expenses, CBO estimates this provision would cost $1 million a year, assuming appropriation of the estimated amounts.

Finally, the bill contains some reporting requirements which CBO estimates would cost less than $500,000 a year in aggregate, assuming appropriation of the necessary amounts.

Direct Spending and Revenues

Section 302 would allow the Human Rights and Democracy Fund to accept and spend gifts and donations, but CBO estimates this provision would have no significant effect on direct spending and receipts.

INTERGOVERNMENTAL AND PRIVATE-SECTOR IMPACT

H.R. 982 contains no intergovernmental or private-sector mandates as defined in UMRA and would not affect the budgets of state, local, or tribal governments.

PERFORMANCE GOALS AND OBJECTIVES

Pursuant to clause (3)(c) of House rule XIII, upon enactment of this legislation, the Department of State should start developing long-term, multiyear democracy promotion and human rights protection strategies for nondemocratic countries and democratic transition countries as well as countries where there are severe human rights violations. There should be a measurable increase in the number of hours of training in human rights and democracy promotion that members of the Foreign Service receive.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 3(d) (1) of rule XIII of the Rules of the House of Representatives, the Committee finds the authority for this legislation in article I, section 8 of the Constitution.

NEW ADVISORY COMMITTEES

H.R. 982 does not establish or authorize any new advisory committees.

CONGRESSIONAL ACCOUNTABILITY ACT

H.R. 982 does not apply to the Legislative Branch.

EARMARK IDENTIFICATION

H.R. 982 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of rule XXI. Section 202 contains an authorization for a grant to the International Center for Democratic Transition, an organization endorsed by the Community of Democracies at its 2006 Ministerial meeting and supported by the Department of State.

SECTION-BY-SECTION ANALYSIS AND DISCUSSION

Section 1. Short Title.

This section states that the act may be referred to as the, "Advance Democratic Values, Address Nondemocratic Countries, and Enhance Democracy Act of 2007," or the "ADVANCE Democracy Act of 2007."

Section 2. Table of Contents.

This section provides the table of contents for the Act.

Section 3 Findings.

This section contains congressional findings describing the need to promote democracy throughout the world. The findings note that the promotion of universal democracy constitutes a long-term challenge that goes through unique phases and paces in individual countries and requires the development of democratic institutions. It also recognizes that democracy and human rights activists are under increasing pressure from authoritarian regimes and, in some cases, the governments of democratic transition countries. While recognizing that individuals, non-governmental organizations, and movements in nondemocratic and democratic transition countries must take the lead in making their own decisions, democratic countries have a number of instruments to support such reformers, and must cooperate with each other to do so.

Section 4. Statement of Policy.

This section declares that it is United States policy: To promote freedom and democracy and to affirm fundamental freedoms and human rights throughout the world as fundamental components of United States foreign policy; to promote democratic institutions, including an independent judiciary, an independent and professional media, strong legislatures and a thriving civil society; to provide

support to individuals, nongovernmental organizations, and movements living in nondemocratic countries that aspire to live in freedom; to provide political, economic, and other support to foreign countries that are undertaking a transition to democracy; and to strengthen cooperation with other democratic countries in order to better promote and defend shared values and ideals.

Section 5. Definitions.

This section provides definitions for use in the act.

TITLE I—DEPARTMENT OF STATE ACTIVITIES.

Title I ensures that Department of State activities and officers promote human rights and democracy throughout the world as a fundamental objective of United States foreign policy by seeking to end dictatorial and other nondemocratic forms of governance in foreign countries through peaceful means.

Section 101. Promotion of Democracy in Foreign Countries.

Subsection (a) amends the State Department Basic Authorities Act by enhancing the duties of the Assistant Secretary of State for Democracy, Human Rights, and Labor (DRL) in democracy promotion.

Subsection (b) provides for a number of institutional changes at the Department of State. Paragraph (1) requires that there be at least one office in DRL responsible for working with democratic movements and facilitating the transition of countries to democracy, including having at least one employee in each office specifically responsible for working with such movements. Activists in other countries sometimes are not sure who to contact at the Department of State to discuss democracy and human rights issues in their countries, and this office or offices with experts on how to help such activists will provide a place of entry.

Paragraph (2) provides for the establishment of Democracy Liaison Officers, as requested by the Department of State and building on the Congressional initiative to create Democracy hubs in foreign countries. These officers should be selected with the concurrence of the Assistant Secretary of DRL in order to ensure that appropriate individuals are put in those posts. Paragraph (2) also indicates that these positions should be in addition to, and not in replacement of, other positions. The Committee has been concerned that the Department as part of its Transformational Diplomacy Initiative, intends to reduce or eliminate labor officers in posts abroad. While not objecting to moving such posts to the countries where the need is greatest, the Committee is concerned that eliminating such positions would reflect the abandoning of the core consensus that has existed since the 1980s that the promotion of democracy includes the promotion of the freedoms of association and organization by laborers. Subparagraph (C) makes this direction clear.

Paragraph (3) provides that the Secretary should collect information on the assets of leaders of non-democratic countries. Paragraph (4) provides a sense of congress that DRL should have three Deputy Assistant Secretaries. Paragraph (5) provides that the Secretary shall seek to ensure that 50 percent of DRL's nonadministrative employees are members of the Foreign Service. The Committee believes that the only way the democracy and human rights

function will become more of a priority for the nation's diplomatic corps is to encourage a greater number of members of the Foreign Service to serve there.

Subsection (c) provides amendments to the Freedom Investment Act of 2002.

Section 102. Reports.

Subsection (a) makes amendments to the Foreign Assistance Act of 1961 that requires the Department to include in the Country Reports on Human Rights Practices a long term strategy, including a specific list of priorities and an action plan, for ending serious human rights violations. Similarly, with respect to nondemocratic and democratic transition countries, the report must include a long term strategy to promote and achieve a transition to full democracy and good governance, including a specific list of priorities, an action plan and specific responsibilities and activities for chiefs of missions to promote democracy, and actions taken in the previous year. Such reporting on activities in the previous year should include reporting on the activities of the chief of mission and the relevant mission to engage with the local media, to consult with and support democratic reformers, and to reach out to university students and other young people.

By requiring a long-term strategy, Congress will be able to exercise better oversight as to how the U.S. Government intends to develop both short-term and long-term actions to promote democracies. This builds on the requirement in the Freedom Investment Act of 2002 for a human rights strategy, which the Department has implemented by the creation of the Support for Human Rights and Democracies (SHRD) Report, originally required by the Freedom Investment Act of 2002.

In essence, the Committee believes that the Department should have two key human rights reports relating to democracy and universal human rights. The first, the annual Country Reports on Human Rights Practices, will be an official description of the conditions in a country, developed in a nonpolitical and factual manner; the second, the report required by the amendments in this section, should briefly describe the current status or situation of human rights and democracy movements, the long-term strategy to address the situation, programs supported by the U.S. Government to address the situation, and the effectiveness of those programs. The description should include what the U.S. Government has done in the past year, as well as future goals in the context of a five year program. The flaw in the current SHRD Report is that it represents a catalogue of the activities that the Department has done and does not set forth the Department's strategy and implementation plans, nor in some instances does it link how specific U.S. Government-supported programs address certain serious human rights violations. Understanding that this information may be sensitive, subsection (c) allows the Secretary to put as much of this information as necessary in a classified annex to the report.

The Committee expects that such strategies will be at least 5 years, allowing for focus on building democratic institutions and not focusing on any immediately upcoming elections. While determination of which countries to provide strategies on is left to the Secretary, and the "categorization" of countries was eliminated

from the prior drafts of this legislation, the legislation does provide guidance for which countries should have such a strategy. It is the Committee's intention that if a country fails to satisfy any one of the seven criteria described in the new section 116(d) (12) (B), the Secretary must develop such a strategy. The amendments in subsection (a) also allow this part of the report to be transmitted separately 90 days after the submission of the Country Practices Report. This provision builds on the report required by the Freedom Investment Act of 2002. Subsection (b) provides a conforming amendment and, as indicated above, subsection (c) provides for a classified addendum in case information in the new report is sensitive. The Committee recognizes that some information required by this section may either endanger individuals, or may undermine U.S. programs. Such information can be included in the classified addendum.

Section 103. Democracy Fellowship Program.

This section, requested by the Department of State, provides for a program to obtain additional perspectives on democracy promotion abroad by working with appropriate congressional committees and in nongovernmental organizations involved in democracy promotion.

Section 104. Advisory Committee on Democracy Promotion.

This section provides that the Advisory Committee on Democracy Promotion established by the Secretary of State, consistent with a congressional initiative in this regard, conduct two studies, one on democracy assistance, and the other on personnel practices of the Department. While the Act addresses certain democracy promotion assistance matters, the Committee believes that the question of democracy assistance needs further review to determine how best to improve our assistance delivery mechanisms. Too often our assistance has been too cautious or relies on recommendations from the field, which at times are outstanding but are sometimes made by officers who have little experience in democracy promotion. The Committee hopes that such a study will provide additional reform ideas for the Department and the Congress. Similarly, while extensively addressing certain personnel issues, the Committee believes additional study could also provide additional insight into this matter. The Committee would expect that the Department would assign some knowledgeable personnel to the Advisory Committee to help coordinate these studies and should strongly consider providing funding so that the Advisory Committee can contract out these studies.

Section 105. Establishment and Maintenance of Internet Site for Global Democracy and Human Rights.

This section directs the Secretary of State to establish and maintain an Internet site for global democracy to facilitate access by individuals and nongovernmental organizations in foreign countries to documents and other media regarding democratic principles, practices, and values, the promotion and strengthening of democracy, and the injustices of living in a nondemocratic country. This web site is intended to be an address where democracy activists from around the world can obtain information on conditions in

their country in their own language, materials on successful democracy movements and tactics for peaceful democratic change, and links to groups around the world that engage in similar struggles for freedom. The web site should also include parts of other relevant human rights reports, including translations where appropriate, such as the annual Country Reports on Human Rights Practices, the Annual Report on International Religious Freedom, and the Annual Report on Trafficking in Persons.

Section 106. Programs by United States Missions in Foreign Countries and Activities of Chiefs of Mission.

Subsection (a) directs the chief of mission in each country designated as nondemocratic to develop a strategy to promote democracy in the country and to provide material and visible support to nongovernmental organizations, individuals and movements in that country that are committed to democratic principles, practices, and values. Subsection (b) encourages chiefs of missions and principal officers to spend a substantial amount of time at universities and other institutions of higher learning for the purpose of communicating, promoting, and defending U.S. values, purposes and policies related to promotion of democracy. Subsection (c) authorizes and encourages access by foreign nationals to the premises of United States diplomatic missions in countries categorized by the most recent Annual Report on Democracy as either a 'democratic transition country' or as 'nondemocratic.'

Section 107. Training for Foreign Service Officers.

Subsection (a) amends the Foreign Service Act of 1980 to mandate enhanced training in how to strengthen and promote democracy for members of the Foreign Service having responsibility for internal political developments and human rights in foreign countries, including how to strengthen and promote democracy through peaceful means in consultation with individuals and nongovernmental organizations in such countries that support democratic principles, practices, and values. Training should include instruction, a training manual and other materials regarding: (1) international documents and U.S. policy regarding electoral democracy and respect for human rights, including trafficking in persons; (2) U.S. policy regarding the promotion and strengthening of democracy around the world, with particular emphasis on the transition to democracy in nondemocratic countries; (3) ways to provide technical, financial, and other support to individuals (including expatriated citizens) and nongovernmental organizations in such country that support democratic principles, practices, and values; and (4) the protection of internationally recognized human rights, including the protection of religious freedom and preventing slavery and trafficking in persons.

Such instruction may include: conducting discussions with the leaders of such country regarding a transition to full democracy, political, social, and economic freedoms, United States policy to promote democracy in foreign countries, and the possibility that such leaders might voluntarily cede power; how to conduct discussions with the students and young people of such country regarding a transition to full democracy, and political, social, and economic freedoms, and United States policy to promote democracy in foreign

countries; the methods of nonviolent action and the most effective manner to share such information with individuals and nongovernmental organizations in such country that support democratic principles, practices, and values; and the investigation and documentation of violations of internationally-recognized human rights in coordination with nongovernmental human rights organizations, violations of religious freedom, and government-tolerated or condoned trafficking in persons that occur in such country.

The Committee understands that certain training courses do include some human rights training. However, the Committee understands that the scope and consistency of such training is sometimes lacking, suggesting that this requirement is overdue.

Subsection (b) authorizes this training for members of the Civil Service having similar responsibilities. Subsection (c) authorizes appropriations as may be necessary to develop appropriate programs and materials necessary to accomplish the mandatory training. Subsection (d) makes clerical amendments to the Foreign Service Act of 1980. Subsection (e) provides for a one-time report on how this section is being implemented.

Section 108. Performance Pay; Promotions; Foreign Service Awards.

Subsection (a) enables meritorious or distinguished service in the promotion of democracy in foreign countries to be a basis for awarding performance pay to Foreign Service Officers. Subsection (b) makes evaluation of an officer's promotion of democracy in foreign countries a basis for promotion in the Foreign Service. Subsection (c) requires that the Secretary shall prescribe regulations regarding the implementation of subsections (a) and (b). Subsection (d) authorizes Foreign Service awards in the instance of distinguished or meritorious service in the promotion of democracy, including contact with and support of individuals and nongovernmental organizations that promote democracy in countries designated as nondemocratic in the most recent Annual Report on Democracy.

Section 109. Appointments.

This section requires that Chiefs of Mission assigned to countries designated as nondemocratic should possess clearly demonstrated competence in and commitment to the promotion of democracy, including competence in promoting democracy to students and young people.

TITLE II—COOPERATION WITH OTHER DEMOCRATIC COUNTRIES.

Title II recognizes that the United States' efforts to strengthen and promote democracy in nondemocratic countries are best conducted in cooperation with other democratic countries.

Section 201. Cooperation with Other Democratic Countries.

Subsection (a) expresses congressional findings that it is in the national security interest of the United States to forge alliances with democratic countries to promote democracy and protect fundamental freedoms around the world. Subsection (b) establishes the purposes of Title II as encouraging cooperation between democratic countries through new ways of forging alliances with democratic countries that promote and protect democratic principles, practices,

and values. Subsection (c) expresses the sense of Congress that any nondemocratic country should not participate in any alliance of democratic countries.

Section 202. Strengthening the Community of Democracies.

Subsection (a) expresses the sense of Congress that the Community of Democracies should establish a more formal mechanism for carrying out work between ministerial meetings, such as through the creation of a permanent secretariat with an appropriate staff and should establish a headquarters. Subsection (b) authorizes the Secretary to detail personnel to such a secretariat or any country that is a member of the Convening Group of the Community of Democracies. Subsection (c) expresses the sense of Congress that regional groups within the Community of Democracies should be strengthened. Subsection (d) urges the President to assist Hungary and other European countries to establish a Democracy Transition Center, including providing grants or voluntary contributions to develop, adopt, and pursue programs and campaigns to promote the peaceful transition to democracy in non-democratic countries. It also authorizes $3,000,000 over the next three fiscal years toward the assessment of the United States for the establishment of the Democracy Transition Center.

Section 203. Initiatives at the United Nations.

Consistent with the findings in the Intelligence Reform and Terrorism Prevention Act of 2004, subsection (a) expresses that it is the sense of Congress that the United States should continue to support a Democracy Caucus at the United Nations and that the creation of a Democracy Caucus in other international institutions will not only improve internal governance but will also strengthen the implementation of commitments regarding democracy and human rights at such organizations.

Subsection (b) expresses the sense of Congress that the United States should continue to contribute to and work with other countries to enhance the goals and work of the UN Democracy Fund. It also authorizes such sums as may be necessary for a United States Contribution to such fund for each of the fiscal years 2008 and 2009.

TITLE III—FUNDING FOR PROMOTION OF DEMOCRACY.

Title III authorizes appropriations to nongovernmental organizations and individuals working to transition nondemocratic countries to democracy.

Section 301. Policy.

This section makes it the policy of the United States to provide financial assistance to qualified nongovernmental organizations and individuals for the purpose of promoting democracy in countries categorized as nondemocratic in the most recent Annual Report on Democracy.

Section 302. Human Rights and Democracy Fund.

This section states that it is the sense of congress that the Human Rights and Democracy Fund (HRDF), established pursuant to the Freedom Investment Act of 2002, should continue to be used

for innovative approaches to promoting democracy and human rights and to support the strategies developed in nondemocratic and democratic transition countries as required by the amendments in section 102(a) (1). The HRDF provides critical support for unique projects that promote democracy and human rights in foreign countries of special significance to the United States. The Committee notes that under the Department's new Strategic Framework for Foreign Assistance, the HRDF may be programmed for each country, effectively reducing the independence of the HRDF and constraining it from exploiting emerging opportunities. The Committee strongly believes that the HRDF should remain a flexible instrument and that there should be reserves to exploit such opportunities. In this connection, a number of members of the Committee are concerned that under the new strategic framework for foreign assistance, the Director of Foreign Assistance may be directing specific country-by-country programming for the HRDF. The Committee strongly believes that such programming could undermine the HRDF"s flexibility and widespread support for the program.

For example, the Committee strongly urges that the Department through the HRDF or through other democracy assistance programming should affirmatively seek out and offer significant support to technologies capable of defeating the ability of nondemocratic governments to target and undermine democratic reformers by monitoring or censoring the internet. In the Committee's view, technologies that have been successfully field tested, are adaptable for use in different countries, have demonstrated the capacity to survive in a hostile environment, can support not only web sites but other methods of internet communication such as emails, instant messaging, and video streaming, and can provide a safe environment which is difficult to monitor for services such as web portals, search engines and blogs do not fall into the ambit of any one country program but are critical to the success of global democracy and human rights activities; in the Committee's view, the free exchange of information and communication are essential tools to advance the spread of democracy in the 21st century. Further, the need for such support has been made all the more critical by recent initiatives mounted by such nondemocratic governments as the governments of Cuba, China and Russia to escalate their current efforts to prevent the internet from being used by individuals that advocate for human rights and democracy and to engage in greatly enhanced criminally prosecutions of persons engaged in free use of the internet.

Subsection (b) authorizes funds from the Human Rights and Democracy Fund to be made to qualified nongovernmental organizations and individuals in foreign countries notwithstanding any other provision of law. Subsection (c) requires the Assistant Secretary of State for Democracy, Human Rights, and Labor to submit at the end of each fiscal year to the appropriate Congressional Committees an annual report on the status of the Human Rights and Democracy Fund, which includes: An identification of each organization or individual receiving assistance; a summary of the activities of each recipient; an account of projects funded and outside contributions received; and a balance sheet of income and outlays. Subsection (d) authorizes appropriations to the Human Rights and

Democracy Fund of $50,000,000 for fiscal year 2008 and $60,000,000 for fiscal year 2009. It also authorizes that funds may be used for administrative expenses and that the HRDF can receive funds from other sources.

Section 303. Instruments for Providing for Democracy Assistance.

This section addresses the issue of different instruments for delivering U.S. democracy assistance. U.S non-governmental organizations, such as the National Democratic Institute, the International Republican Institute, the Solidarity Center, and the Center for Individual and Private Enterprise, routinely retain staff for long periods of time and therefore develop long-term relationships with democratic reformers, building up a level of trust that leads to more constructive cooperation. This is particularly true in the areas of civil society, political parties, and the development of political skills by members of parliament. In addition, because these organizations have sources of funds outside the U.S. Government, they can continue relationships with such reformers even if U.S. Government funding becomes disrupted. Finally, supporting nongovernmental organizations can often distance the United States from assistance, allowing some reformers to work with U.S. nongovernmental organizations when they would not work directly with the United States because of domestic political factors.

Private sector for-profit enterprises have comparative advantages in other areas of democracy promotion. Where the U.S. is working directly with a foreign government in fostering the independence of the judiciary, providing modern infrastructure for parliaments, and increasing the capacity of executive auditing functions to create greater transparency, for-profit enterprises can often bring critical expertise where long-term relationships are less important. It is critical that such enterprises remain involved but that their use is channeled to areas where they can perform best. However, because much program design is going on in the field, officers with less experience in these distinctions do not have a sense when each such mechanism is most efficient.

Subsection (a) provides findings reflecting the Committee's views described above. Subsection (b) provides that the Secretary of State and the Administrator of USAID should develop guidelines, in consultation with the appropriate committees of Congress, and building on existing guidelines, to clarify the appropriate roles for nongovernmental organizations and contractors with respect to democracy assistance.

TITLE IV—PRESIDENTIAL ACTIONS.

Section 401. Investigation of Violations of International Humanitarian Law.

This section requires the President to collect information regarding incidents that may constitute crimes against humanity and report annually to the appropriate Congressional Committees any information collected. It requires that the President consider what actions he can take to hold such individuals accountable, including enhancing the capacity of U.S. diplomatic missions to implement restrictions on assistance to individuals and entities that commit gross violations of U.S. law (such as the so-called Leahy Amend-

ment), such as through training on the use of existing databases for documenting and monitoring such violations.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, existing law in which no change is proposed is shown in roman):

SECTION 1 OF THE STATE DEPARTMENT BASIC AUTHORITIES ACT OF 1956

ORGANIZATION OF THE DEPARTMENT OF STATE

SECTION 1. (a) * * *

* * * * * * *

(c) ASSISTANT SECRETARIES.—

(1) * * *

(2) ASSISTANT SECRETARY OF STATE FOR DEMOCRACY, HUMAN RIGHTS, AND LABOR.—(A) There shall be in the Department of State an Assistant Secretary of State for Democracy, Human Rights, and Labor who shall be responsible to the Secretary of State for matters pertaining to human rights and humanitarian affairs (including matters relating to prisoners of war and members of the United States Armed Forces missing in action) in the conduct of foreign policy and such other related duties as the Secretary may from time to time designate. *The Assistant Secretary of State for Democracy, Human Rights, and Labor shall also be responsible for matters relating to the transition to and development of democracy in nondemocratic countries, including promoting and strengthening the development of democracy in foreign countries that are in the early stages of a transition to democracy and evaluating the effectiveness of United States programs that promote democracy.* The Secretary of State shall carry out the Secretary's responsibility under section 502B of the Foreign Assistance Act of 1961 through the Assistant Secretary.

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FREEDOM INVESTMENT ACT OF 2002

Subtitle E—Freedom Investment Act of 2002

SEC. 661. SHORT TITLE.

This subtitle may be cited as the "Freedom Investment Act of 2002".

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SEC. 663. HUMAN RIGHTS ACTIVITIES AT THE DEPARTMENT OF STATE.

(a) INCREASING RESOURCES AND IMPORTANCE OF HUMAN RIGHTS.—It is the sense of Congress that—

(1) the budget for the Bureau of Democracy, Human Rights, and Labor for fiscal years 2003 and 2004 should be substantially increased so that beginning in fiscal year 2005, and each fiscal year thereafter, not less than 1 percent of the amounts made available to the Department under the heading "Diplomatic and Consular Programs", other than amounts made available for worldwide security upgrades and information resource management, should be made available for salaries and expenses of the Bureau of Democracy, Human Rights, and Labor; **[**and**]**

(2) any assignment of an individual to a political officer position at a United States mission abroad that has the primary responsibility for **[**monitoring human rights developments in a foreign country should be made upon the recommendation**]** *monitoring and promoting democracy and human rights in a foreign country should be made after consultation with and upon the recommendation* of the Assistant Secretary of State for Democracy, Human Rights, and Labor in conjunction with the head of the Department's regional bureau having primary responsibility for that country**[**.**]***; and*

(3) the level of seniority of any such political officer should be in direct relationship to the severity of the problems associated with the establishment of full democracy and respect for human rights in such country.

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SEC. 665. REPORTS ON ACTIONS TAKEN BY THE UNITED STATES TO ENCOURAGE RESPECT FOR HUMAN RIGHTS.

(a) * * *

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(c) SEPARATE REPORT.—The information to be included in the report required by sections 116(d) and 502B(b) of the Foreign Assistance Act of 1961 pursuant to the amendments made by subsections (a) and (b) may be submitted by the Secretary as a separate report. **[**If the Secretary elects to submit such information as a separate report, such report shall be submitted not later than 30 days after the date of submission of the report required by section 116(d) and 502B(b) of the Foreign Assistance Act of 1961.**]**

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FOREIGN ASSISTANCE ACT OF 1961

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PART I

CHAPTER 1—POLICY; DEVELOPMENT ASSISTANCE AUTHORIZATIONS

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SEC. 116. HUMAN RIGHTS.—(a) * * *

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(d) The Secretary of State shall transmit to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate, by February 25 of each year, a full and complete report regarding—

(1) * * *

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[(10) for each country with respect to which the report indicates that extrajudicial killings, torture, or other serious violations of human rights have occurred in the country, the extent to which the United States has taken or will take action to encourage an end to such practices in the country; and]

[(11)] *(10)*(A) wherever applicable, a description of the nature and extent—

(i) * * *

* * * * * * *

(C) such other information related to the use by such government of individuals under the age of 18 as soldiers, as determined to be appropriate by the Secretary[.]*; and*

(11) for each country with respect to which the report indicates that extrajudicial killings, torture, or other serious violations of human rights have occurred in the country, a long term strategy, including a specific list of priorities and an action plan, to end such practices in the country, and any actions taken in the previous year to end such practices; and

(12)(A) a long term strategy to promote and achieve a transition to full democracy and good governance in each country described in subparagraph (B), developed following consultations with nongovernmental organizations, individuals, and movements that promote democratic principles, practices, and values in each such country, including a specific list of priorities, an action plan, and specific responsibilities and activities for chiefs of missions to promote democracy, and any actions taken in the previous year to advance such transition.

(B) The countries referred to in subparagraph (A) shall include any country which is not governed by a fully functioning democratic form of government, as determined by the Secretary, taking into account the general consensus regarding the status of civil and political rights in a country by major nongovernmental organizations that conduct assessments of such conditions in countries and whether any such country fails to satisfy the following requirements—

(i) all citizens of such county have the right to, and are not restricted in practice from, fully and freely participating in the political life of such country regardless of gender, race, language, religion, or beliefs;

(ii) the national legislative body of such country and, if directly elected, the head of government of such country, are chosen by free, fair, open, and periodic elections, by universal and equal suffrage, and by secret ballot;

(iii) more than one political party in such country has candidates who seek elected office at the national level and

such parties are not restricted in their political activities or their process for selecting such candidates, except for reasonable administrative requirements commonly applied in countries categorized as fully democratic;

(iv) all citizens in such country have a right to, and are not restricted in practice from, fully exercising the freedoms of thought, conscience, belief, peaceful assembly and association, speech, opinion, and expression, and such country has a free, independent, and pluralistic media;

(v) the current government of such country did not come to power in a manner contrary to the rule of law;

(vi) such country possesses an independent judiciary and the government of such country generally respects the rule of law; and

(vii) such country does not violate other core principles enshrined in the United Nations Charter, the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, United Nations Commission on Human Rights Resolution 1499/57 (entitled "Promotion of the Right to Democracy"), United Nations General Assembly Resolution 55/96 (entitled "Promoting and consolidating democracy"), the assessments used to determine eligibility for financial assistance disbursed from the Millennium Challenge Account, the assessments of nongovernmental organizations of eligibility to participate in the meetings of the Community of Democracies, and the standards established and adopted by the Community of Democracies.

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(g) The information required in paragraphs (11) and (12) of subsection (d) and in the sixth sentence of section 502B(b) may be provided as separate reports not later than 90 days after the submission of the reports required by such sections if the Secretary determines that it is in the national security interests of the United States, is necessary for the safety of individuals identified in such reports, or is necessary to further the purposes of this Act. Any information required by such paragraphs, including policies adopted or actions taken by the United States, may be summarized in the report and submitted in a classified addendum.

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PART II

CHAPTER 1—POLICY

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SEC. 502B. HUMAN RIGHTS.—(a) * * *

(b) The Secretary of State shall transmit to the Congress, as part of the presentation materials for security assistance programs proposed for each fiscal year, a full and complete report, prepared with the assistance of the Assistant Secretary of State for Democracy, Human Rights, and Labor and with the assistance of the Ambassador at Large for International Religious Freedom, with respect to practices regarding the observance of and respect for internationally recognized human rights in each country proposed as a

recipient of security assistance. Wherever applicable, such report shall include consolidated information regarding the commission of war crimes, crimes against humanity, and evidence of acts that may constitute genocide (as defined in article 2 of the Convention on the Prevention and Punishment of the Crime of Genocide and modified by the United States instrument of ratification to that convention and section 2(a) of the Genocide Convention Implementation Act of 1987). Wherever applicable, such report shall include information on practices regarding coercion in population control, including coerced abortion and involuntary sterilization. Such report shall also include, wherever applicable, information on violations of religious freedom, including particularly severe violations of religious freedom (as defined in section 3 of the International Religious Freedom Act of 1998). Wherever applicable, a description of the nature and extent of acts of anti-Semitism and anti-Semitic incitement that occur, including the descriptions of such acts required under section 116(d)(8). [Such report shall also include, for each country with respect to which the report indicates that extrajudicial killings, torture, or other serious violations of human rights have occurred in the country, the extent to which the United States has taken or will take action to encourage an end to such practices in the country.] *Such report shall also include, for each nondemocratic country or democratic transition country or country with respect to which the report indicates that extrajudicial killings, torture, or other serious violations of human rights have occurred in the country, a strategy, including a specific list of priorities and an action plan, to end such practices and to promote democracy in the country, and any actions taken in the previous year to promote democracy in such country or end such practices in the country.* Each report under this section shall list the votes of each member of the United Nations Commission on Human Rights on all country-specific and thematic resolutions voted on at the Commission's annual session during the period covered during the preceding year. Each report under this section shall describe the extent to which each country has extended protection to refugees, including the provision of first asylum and resettlement. Each report under this section shall also include (i) wherever applicable, a description of the nature and extent of the compulsory recruitment and conscription of individuals under the age of 18 by armed forces of the government of the country, government-supported paramilitaries, or other armed groups, the participation of such individuals in such groups, and the nature and extent that such individuals take a direct part in hostilities, (ii) what steps, if any, taken by the government of the country to eliminate such practices, and (iii) such other information related to the use by such government of individuals under the age of 18 as soldiers, as determined to be appropriate by the Secretary of State. In determining whether a government falls within the provisions of subsection (a)(3) and in the preparation of any report or statement required under this section, consideration shall be given to—

(1) the relevant findings of appropriate international organizations, including nongovernmental organizations, such as the International Committee of the Red Cross; and

(2) the extent of cooperation by such government in permitting an unimpeded investigation by any such organization

of alleged violations of internationally recognized human rights.

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FOREIGN SERVICE ACT OF 1980

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TITLE I—THE FOREIGN SERVICE OF THE UNITED STATES

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CHAPTER 3—APPOINTMENTS

SEC. 304. APPOINTMENT OF CHIEFS OF MISSION.—(a)(1) An individual appointed or assigned to be a chief of mission should possess clearly demonstrated competence to perform the duties of a chief of mission, including, to the maximum extent practicable, a useful knowledge of the principal language or dialect of the country in which the individual is to serve, and knowledge and understanding of the history, the culture, the economic and political institutions, and the interests of that country and its people. *If the country in which the individual is to serve is a nondemocratic country or a democratic transition country as defined in section 5 of the ADVANCE Democracy Act of 2007, the individual should possess clearly demonstrated competence in and commitment to the promotion of democracy, including competence in promoting democratic principles, practices, and values, such as through regular interaction with individuals, including students and young people, who support and advocate such principles, practices, and values.*

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CHAPTER 4—COMPENSATION

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SEC. 405. PERFORMANCE PAY.—(a) * * *

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(d) The President may grant awards of performance pay under subsection (b)(3) on the basis of annual recommendations by the Secretary of State of members of the Senior Foreign Service who are nominated by their agencies as having performed especially meritorious or distinguished service. Such service in the promotion of internationally recognized human rights, including the right to freedom of religion, shall serve as a basis for granting awards under this section. *Meritorious or distinguished service in the promotion of democracy in foreign countries, including contact with and support of individuals and nongovernmental organizations that promote democracy in nondemocratic countries or democratic transition countries, as defined in section 5 of the ADVANCE Democracy Act of 2007, shall also serve as a basis for granting awards under this section.* Recommendations by the Secretary of State under this subsection shall be made on the basis of recommendations by special interagency selection boards established by the Secretary of

State for the purpose of reviewing and evaluating the nominations of agencies.

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CHAPTER 6—PROMOTION AND RETENTION

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SEC. 603. BASIS FOR SELECTION BOARD REVIEW.—(a) * * *

(b)*(1)* Precepts for selection boards shall include a description of the needs of the Service for performance requirements, skills, and qualities, which are to be considered in recommendations for promotion. The precepts for selection boards responsible for recommending promotions into and within the Senior Foreign Service shall emphasize performance which demonstrates the strong policy formulation capabilities, executive leadership qualities, and highly developed functional and area expertise, which are required for the Senior Foreign Service. The precepts for selection boards shall include, whether the member of the Service or the member of the Senior Foreign Service, as the case may be, has demonstrated—

(1) a willingness and ability to explain United States policies in person and through the media when occupying positions for which such willingness and ability is, to any degree, an element of the member's duties, or

(2) other experience in public diplomacy.

(2) Precepts for selection boards shall also, where applicable, include a specific precept evaluating whether members of the Service and members of the Senior Foreign Service have met the standards of performance established by the Secretary pursuant to section 108(c) of the ADVANCE Democracy Act of 2007, or have served in a position in which the primary responsibility is to monitor or promote democracy or human rights.

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SEC. 614. FOREIGN SERVICE AWARDS.—The President shall establish a system of awards to confer appropriate recognition of outstanding contributions to the Nation by members of the Service. The awards system established under this section shall provide for presentation by the President and by the Secretary of medals or other suitable commendations for performance in the course of or beyond the call of duty which involves distinguished, meritorious service to the Nation, including extraordinary valor in the face of danger to life or health. Distinguished, meritorious service in the promotion of internationally recognized human rights, including the right to freedom of religion, shall serve as a basis for granting awards under this section. *Distinguished or meritorious service in the promotion of democracy in foreign countries, including contact with and support of individuals and nongovernmental organizations that promote democracy in a nondemocratic country or democratic transition country, as defined in section 5 of the ADVANCE Democracy Act of 2007, shall also serve as a basis for granting awards under this section.*

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CHAPTER 7—CAREER DEVELOPMENT, TRAINING, AND ORIENTATION

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SEC. 708. TRAINING FOR FOREIGN SERVICE OFFICERS.

[(a) The] *(a) TRAINING ON HUMAN RIGHTS.—The* Secretary of State, with the assistance of other relevant officials, such as the Ambassador at Large for International Religious Freedom appointed under section 101(b) of the International Religious Freedom Act of 1998, the Director of the Office to Monitor and Combat Trafficking, and the director of the George P. Shultz National Foreign Affairs Training Center, shall establish as part of the standard training provided after January 1, 1999, for officers of the Service, including chiefs of mission, instruction in the field of internationally recognized human rights. Such training shall include—

(1) * * *

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[(b) The] *(b) TRAINING ON REFUGEE LAW AND RELIGIOUS PERSECUTION.—The* Secretary of State shall provide sessions on refugee law and adjudications and on religious persecution to each individual seeking a commission as a United States consular officer. The Secretary shall also ensure that any member of the Service who is assigned to a position that may be called upon to assess requests for consideration for refugee admissions, including any consular officer, has completed training on refugee law and refugee adjudications in addition to the training required in this section.

(c) TRAINING ON GLOBAL DEMOCRACY PROMOTION.—

(1) IN GENERAL.—In addition to the training required under subsections (a) and (b), the Secretary of State, in cooperation with other relevant officials, including the Under Secretary of State for Democracy and Global Affairs, and the Director of the National Foreign Affairs Training Center of the Foreign Service Institute of the Department of State, shall establish as part of the training provided after December 31, 2007, for members of the Service, including all chiefs of mission and deputy chiefs of mission, instruction in how to strengthen and promote democracy through peaceful means in consultation with individuals and nongovernmental organizations that support democratic principles, practices, and values. In particular, such instruction shall be mandatory for members of the Service having reporting or other responsibilities relating to internal political developments and human rights, including religious freedom, in nondemocratic countries or democratic transition countries as defined in section 5 of the ADVANCE Democracy Act of 2007, including for chiefs of mission and deputy chiefs of mission, and shall be completed before the time that such member or chief of mission assumes a post (or, if such is not practical, within the first year of assuming such post).

(2) CONTENTS OF TRAINING.—The training required under paragraph (1) shall include instruction, a training manual, and other materials regarding the following:

(A) International documents and United States policy regarding electoral democracy and respect for human rights.

(B) United States policy regarding the promotion and strengthening of democracy around the world, with particular emphasis on the transition to democracy in nondemocratic countries.

(C) For any member, chief of mission, or deputy chief of mission who is to be assigned to a nondemocratic or democratic transition country, instruction regarding ways to promote democracy in such country and providing technical, financial, and other support to individuals (including expatriated citizens) and nongovernmental organizations in such country that support democratic principles, practices, and values.

(D) The protection of internationally recognized human rights (including the protection of religious freedom) and standards related to such rights, provisions of United States law related to such rights, diplomatic tools to promote respect for such rights, the protection of individuals who have fled their countries due to violations of such rights (including the role of United States diplomatic and consular missions in providing access to the United States Refugee Admissions Program) and the relationship between respect for such rights and democratic development and national security. The Director of the National Foreign Affairs Training Center of the Foreign Service Institute of the Department of State shall consult with nongovernmental organizations involved in the protection and promotion of such rights and the United States Commission on International Religious Freedom (established under section 201(a) of the International Religious Freedom Act of 1998 (22 U.S.C. 6431(a)) in developing the training required by this subparagraph.

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