

The assistant legislative clerk proceeded to call the roll.

Ms. HIRONO. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Ms. HIRONO. Mr. President, I ask unanimous consent that the Senate be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE LEAHY LAW

Mr. LEAHY. Mr. President, 18 years ago I wrote a law that has been repeated annually ever since and is now codified as section 620M of the Foreign Assistance Act. It has become widely known as the "Leahy Law" and it has two primary purposes.

The first is to prevent U.S. taxpayer funded training, equipment, or other assistance from going to units of foreign security forces that have committed heinous crimes. We saw many instances when U.S. aid ended up in the hands of foreign military or police forces that had engaged in rape, murder, torture, or other gross violations of human rights, and the U.S. was tainted by association with those crimes.

The second is to encourage foreign governments to bring to justice the individual members of units responsible for such atrocities. In many countries that receive U.S. aid there is a long history of impunity for crimes committed by government security forces. Rather than protect their citizens, they abuse them, and then they beat up or kill witnesses and threaten prosecutors and judges. They act outside the law and literally get away with murder. They are the antithesis of professional, accountable military or police forces.

A similar, although not identical, provision that is also known as the Leahy Law is contained in the annual Defense Appropriations Act.

Both Leahy Laws serve important national interests and they have become increasingly institutionalized within the U.S. government. The State Department's Bureau of Democracy, Human Rights, and Labor has developed a database for vetting foreign units and individuals that is continually updated, and they and the Defense Department increasingly coordinate to apply the laws consistently. The Department of State and foreign operations appropriations bill for 2015, reported to the Senate on June 19, includes \$5 million to pay salaries and other costs of the vetting process, an increase of \$2.25 million above fiscal year 2014.

While the Leahy Laws have been modified over the years and their im-

plementation is a continuing work in progress, I appreciate the support they have received from the highest levels of the State and Defense Departments, and the willingness of officials in those agencies to work with Congress and representatives of human rights organizations and foreign governments to address issues of interpretation and implementation as they arise.

As with many laws, the Leahy Laws have their detractors. However, with rare exceptions questions about, or criticism of, the laws have been due to misinformation or misunderstandings that have been easy to clarify or resolve.

While I know of no one who has expressed opposition to the Leahy Laws, some have raised concerns with their implementation, suggesting that they pose unacceptable obstacles to the ability of the U.S. military to engage with foreign counterparts. Not only do the facts indicate otherwise, the laws are working. In more than 90 percent of cases the foreign units or individuals vetted have been deemed eligible to receive U.S. assistance under the Leahy Laws. In the rare instances when a unit or individual was denied assistance, it was due to credible information that the individual or unit had committed a heinous crime and the foreign government had done nothing about it.

At a July 10 hearing in the House Foreign Affairs Subcommittee on Africa, Global Health, Global Human Rights and International Organizations, Stephen Rickard, a former Senate staff member, State Department official, director of the Robert F. Kennedy Center for Justice and Human Rights, director of Amnesty International's Washington Office, and now executive director of the Open Society Policy Center, provided testimony on the Leahy Laws. His testimony does an excellent job of describing the purposes and impact of the Leahy Laws, and addressing key questions that have been asked about their implementation. I ask unanimous consent that his statement be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT OF STEPHEN RICHARD, EXECUTIVE DIRECTOR, OPEN SOCIETY POLICY CENTER

Presented to the House Foreign Affairs Subcommittee on Africa, Global Health, Global Human Rights and International Organizations

HUMAN RIGHTS VETTING: NIGERIA AND BEYOND July 10, 2014

I would like to begin by thanking Chairman Smith and Ranking Member Bass for holding this important hearing and for their leadership on human rights.

I have worked on the Leahy Laws in one form or another for nearly 17 years and have discussed them with countless State Department and Defense Department officials, as well as with human rights experts working all over the world. I also spent a period of time as a Franklin Fellow in the Department of State during which time I was able to learn in detail about the process for implementing the Leahy Laws. I have been en-

gaged on detailed questions about the application of the Leahy Laws in Colombia, Turkey, Afghanistan, Sri Lanka, Indonesia, Nigeria, Kenya and dozens of other countries, and I believe that these laws are among the most important human rights statutes on the books. The law has been poorly funded—less than two-hundredths of one percent of the cost of U.S. military assistance is spent on Leahy Law vetting. And it has often been misunderstood and misrepresented.

But with President Obama proposing a new \$5 billion fund for military assistance to combat terrorism it is essential to help the public understand this vital law and to help insure that it is vigorously implemented.

A Common Sense Formula for Security Cooperation Consistent With U.S. Values

The Leahy Laws are common sense laws that prohibit the United States Government from arming or providing military training to security force and police units abroad who have been credibly alleged to have committed gross human rights violations. These laws (there is one for State Department assistance and one for Department of Defense assistance) do not prohibit the United States from providing assistance in violent, conflict-wracked countries like Nigeria and Colombia. On the contrary, because they involve a unit by unit examination, the Leahy Laws provide a formula for the United States to assist foreign military forces even in countries where some government forces are committing gross atrocities. They are a formula for success in such countries, not a prohibition on engagement.

Four Numbers

There are four important numbers to keep in mind about the impact of the Leahy Laws. (All these statistics have been provided by the State Department and cover 2011–2013.) The first number is 530,000. That's the approximate number of foreign military and police units which the United States government considered arming or training over the last three years and subjected to Leahy vetting.

The second number is 90 percent. That is the minimum percentage of prompt approvals given under the Leahy Law—generally within 10 days of a request. There is even a "fast track" approval process for countries with generally good human rights records. Some vetting requests require more information, investigation or discussion. But at least 90% are approved more or less immediately.

The third number is 1 percent. In every one of the last three years less than 1 percent of all units vetted under the Leahy Law were ultimately declared to be ineligible for assistance under the law. Of course it is true that the number will be higher in some specific countries, but taken as a whole the Leahy Law actually blocks aid in a minuscule percentage of cases.

The final number is 2,516. The Leahy Law blocks aid in a tiny percentage of cases, but that doesn't mean that it is unimportant. Because the U.S. now provides training to so many people, even 1 percent is a lot. And 2,516 is the number of vetted units that the U.S. Government found to be credibly linked to gross atrocities over the last three years when it took the time to examine their records because of the Leahy Law.

Those 2,516 units were not being asked to satisfy a high standard. In no way does the Leahy Law require pristine forces. In fact, the State Department defines "gross human rights violations" to include a very short list of only the most heinous offenses: murder, torture, rape, disappearances and other gross violations of life and liberty. That's it. So even though less than 1 percent of proposed units failed the standard, it is still pretty