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Capital Alert

The American Jewish Committee • Office of Government and International Affairs

1156 Fifteenth Street, NW, Washington, DC 20005 • www.ajc.org • Phone: 202-785-4200 • Fax: 202-659-9896 • E-mail: ogia@ajc.org

*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.*

~ MIDDLE EAST ~

Israeli-Palestinian Peace Process

AJC Position: **AJC supports the Roadmap Peace Process and backs Israel's bold disengagement plan.**

In May, Senators Mitch McConnell (R-KY) and Richard Durbin (D-IL) and Representatives Deborah Pryce (R-OH) and Robert Menendez (D-NJ), circulated sign-on letters to President Bush setting out essential prerequisites for moving the Middle East peace process forward following Israel's disengagement from the Gaza Strip and parts of the West Bank.

The letters state that Israel's disengagement from Gaza presents the opportunity for Palestinian leaders to effectively govern their own people. They stress that the Middle East peace process, and Palestinian statehood, can progress only if Palestinian President Mahmoud Abbas suppresses militant groups in the West Bank and Gaza Strip.

The Congressional letters reiterate Congress' support for the Roadmap, stating; "we...understand the desire by some to rush to deal with final status issues soon after disengagement. We urge you to resist that pressure. Ultimately, the peace process will only succeed if the disengagement works well, if the Palestinians take real steps to end terror and institute real reform, and the parties then proceed to the next steps in the roadmap."

AJC strongly supports the precepts laid out in the McConnell/Durbin and Pryce/Menendez letters. In a June 8 letter AJC urged members of Congress to join these initiatives, "so Congress can send a strong, unified message" to the President.



The American Jewish Committee
Advancing democracy, pluralism and mutual understanding

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~ FOREIGN AFFAIRS FUNDING ~

Foreign Operations Appropriations, Fiscal Year 2006

Bill Number: H.R.3057 • Senate bill adopted same number

Introduced: June 24, 2005

Sponsors: Representative Jim Kolbe (R-AZ)

Cosponsors: None reported

Current Status: In conference

AJC Position: **AJC supports full funding for 2006 Foreign Operations Appropriations.**

The fiscal year 2006 budget proposed by President Bush on February 2, 2005 included \$32.6 billion for foreign affairs—funding both foreign operations and State Department operations. The House bill—passed on June 28—provided a total of \$29.9 billion for foreign affairs; the Senate version—approved on July 20—appropriated \$31.8 billion. Both bills continue robust funding for Israel, including \$2.3 billion in military assistance and \$240 million in economic aid. The bills also provide funding for the Palestinian government, but incorporate differing essential safeguards to assure that funds are used for their intended purposes, are not lost to corruption or waste, and do not end up in the hands of terrorists or their supporters.

Throughout Congress' budget and appropriations cycle, AJC has advocated full funding of the State and Foreign Operations Appropriations for 2006. In letters to the House and the Senate, AJC called for robust international affairs funding—funding that enables our country to confront national security threats, strengthen ties with other countries, help safeguard human rights, and tackle grave challenges such as hunger, AIDS, and the genocide in Darfur.

Specifically, AJC urged full funding for Israel, as the country takes “courageous steps for peace...despite ongoing terrorist attacks against her citizens—at unimaginable risk to her security, enormous economic expense, and profound emotional cost.” AJC also noted that, in providing support to bolster the Palestinian government, both bills demonstrate to the Palestinian people that a path of non-violence can lead to tangible improvements and movement toward independence.

~ THE UNITED NATIONS ~

Anti-Semitism at the United Nations

AJC Position: **AJC actively opposes anti-Semitism at the United Nations.**

Jean Ziegler, the UN Special Rapporteur on the Right to Food, regularly derides Israel; on July 15 he described Gaza as an "immense concentration camp" and compared Israelis to concentration camp guards. On July 7, Stephane Dujarric, a spokesman for UN Secretary General Kofi Annan, disavowed the remarks, saying Ziegler was speaking only for himself, and that the UN, and particularly the Secretary General, believes “that any comparison between conditions in Gaza and those of Nazi concentration camps is irresponsible.”

Following the remarks, House International Relations Committee leaders, Representatives Henry Hyde (R-IL), Tom Lantos (D-CA), Mike Pence (R-IN), and Ileana Ros-Lehtinen (R-FL)

circulated sign-on letters addressed to the Secretary-General and UN Commission on Human Rights Chair Makarim Wibisono. The letters denounced anti-Semitism within the United Nations and elsewhere, condemned Ziegler's outrageous remarks, and asked that Ziegler be released from his post.

AJC emphatically condemned Ziegler's remarks publicly and in a July 28 letter to the House of Representatives praising the House sign-on letters. UN Watch, AJC's Geneva affiliate, which consistently tracks and exposes Ziegler's anti-Israel sentiments, was responsible for bringing these most recent slurs to light.

United Nations Reform

AJC Position: AJC supports United Nations Reform.

Critics and supporters of the United Nations agree that the institution desperately needs reform. The U.N.'s profound bias against Israel is one of its most serious failings. Israel is the only UN member not permitted full membership in the regional grouping system, excluding it from important decision-making processes and denying it critical rights and privileges that every other member nation enjoys, including the right to serve on a range of UN bodies. The UN obsessively censures Israel—far more than egregious human rights violators and genocide perpetrators—including through numerous agenda items and resolutions each year. Perhaps most appalling, the UN structure includes several bodies—such as the Division for Palestinian Rights of the Secretariat, the Committee on the Exercise of the Inalienable Rights of the Palestinians, and the Special Committee to Investigate Israeli Practices—devoted exclusively to promoting the Palestinian cause against Israel, thereby perpetuating the conflict and undermining peace-making efforts.

The United States must play a leading role in the reforming the UN. On June 17, 2005, the House of Representatives passed the Henry J. Hyde United Nations Reform Act of 2005 (H.R.2745). The Act would require the United States to withhold up to 50 percent of its UN contributions unless the UN meets reform criteria by late 2007.

Representative Tom Lantos (D-CA) proposed alternative legislation in a 68-page amendment to the Hyde bill. The Lantos proposal would have allowed the U.S. Secretary of State to determine whether to withhold UN dues. The Lantos amendment, H.AMDT.320, narrowly failed.

In a June 15 letter, AJC commended Representatives Hyde and Lantos' efforts to promote UN reform and applauded them for recognizing that reform must address the institution's profound bias against Israel. Emphasizing that the UN was founded on commendable principles, AJC stated that it "has often seemed to lose its way and its credibility by failing to stand up to terrorism, mass murder and even genocide, and by advancing politicized agendas at odds both with its Charter and with American national interest." AJC noted that the UN allows the world's worst human rights violators to sit on its Human Rights Commission.

AJC supported the Hyde and Lantos bills, but expressed a slight preference for the Lantos amendment, which would have afforded the Secretary of State the necessary discretion to withhold UN dues. Additionally, the Lantos substitute avoided de-funding important UN human rights treaty bodies, including those created to protect women and children.

~ GLOBAL TERRORISM ~

Hamas Participation in Palestinian elections

AJC Position: AJC opposes Hamas participation in Palestinian national elections.

In anticipation of upcoming Palestinian national elections, Representatives Dan Burton (R-IN) and Shelley Berkley (D-NV) sent a sign-on letter on June 29, 2005 urging President Bush to encourage Palestinian President Mahmoud Abbas to clarify that Hamas participation in national elections depends on “the total cessation of terrorist behavior, the revision of their charter calling for Israel’s destruction, and the transformation of the organization away from its culture of anti-Semitism and incitement to violence.” In Representatives Burton and Berkley’s message to colleagues, they said that a new Palestinian government must be composed of people “dedicated to a civilized, nonviolent peace process, and not radical terrorism and incitement to violence designed to further their agenda through the barrel of a gun.”

In a July 20 letter, AJC encouraged House members to sign the Burton/ Berkley sign-on. AJC emphasized that Hamas must be excluded from the Palestinian government unless—against all odds— it disarms, renounces violence, and repudiates its oft-repeated goal of destroying Israel. Otherwise, AJC wrote, its inclusion in the Palestinian government would undermine basic principles of democratic governance, and would preclude progress toward peace and Palestinian statehood. AJC noted that, even as Israel was “moving bravely toward withdrawal from Gaza and parts of the West Bank, Hamas ...fired well over one hundred missiles, mortar shells, and rockets into Israel and Jewish settlements, including one that killed a twenty-two-year-old Israeli woman.”

Treating Hezbollah’s Television Station as a Global Terrorist Entity

AJC Position: AJC supports designating Hezbollah’s television station, Al-Manar, as a Specially Designated Global Terrorist Entity.

In a July 29, 2005 letter, spearheaded by Senators Gordon Smith and Bill Nelson, a bipartisan group of 51 Senators urged President Bush to place al-Manar, Hezbollah’s official television station, on the Treasury Department’s list of Specially Designated Global Terrorist (SDGT) Entities. Calling al-Manar “a mouthpiece for hatred and violence,” the letter emphasized that Hezbollah, a “known terrorist organization,” funds the station. The Senate letter stated that “al-Manar promotes suicide attacks against American and Israeli targets and encourages Iraqi insurgents to attack U.S. troops,” and that the station is viewed via satellite throughout the Muslim world. Labeling al-Manar an SDGT would “send a clear message that the United States is serious about confronting any organization that supports the violence carried out by terrorist groups,” the Senators wrote. Earlier in the year, Representative Gary Ackerman (D-NY) had sponsored a letter likewise asking President Bush to direct government officials to conduct the interagency review necessary in order to classify al-Manar as an SDGT.

AJC—which has been actively opposing al-Manar nationally and internationally—strongly supported the Senate letter. In a June 8 letter, AJC wrote that al-Manar is an integral part of Hezbollah: The station was established to promote Hezbollah’s agenda of hatred and violence, Hezbollah funds and runs the station, and most al-Manar employees

and shareholders are former guerillas or other Hezbollah activists. Instead of producing credible Middle East journalism, Al-Manar acts as a propaganda machine for Hezbollah—spreading anti-Semitic myths, hatred, and incitement to violence against U.S. soldiers in Iraq and against all Israelis.

~ HOMELAND SECURITY ~

USA PATRIOT Act

Bill Number: S.1389 • H.R.3199

Introduced: July 13, 2005 (Senate) • July 11, 2005 (House)

Sponsors: Senator Arlen Specter (R-PA) • Representative James Sensenbrenner (R-WI)

Cosponsors: 2 Senators • 0 Representatives

Current Status: In conference

AJC Position: **AJC supports reauthorizing the USA PATRIOT Act in a fashion that incorporates provisions of the SAFE Act.**

The USA PATRIOT Act, originally introduced days after September 11, 2001, reflected the urgent need to enhance law enforcement and intelligence authorities' ability to respond to terrorism with increased surveillance and investigative powers. With several of the Act's provisions set to expire at the end of 2005, both the Senate and the House introduced reauthorization legislation.

Both bills extend most of the expiring provisions and modify the original language. Sections of the Senate bill are similar or identical to the Security and Freedom Ensured (SAFE) Act of 2005 (S.737/H.R.1526), legislation intended to amend portions of the USA PATRIOT Act to address civil liberties concerns. In particular, the Senate legislation modifies the PATRIOT Act's standards for issuing national security letters and implements additional safeguards for "roving wiretaps" and "sneak and peek" search warrants. The Senate bill also includes a provision, similar to a SAFE Act measure, requiring the FBI, before obtaining library or other personal records, to demonstrate a reasonable belief that the subject of the investigation is a foreign power or an agent of a foreign power. The Senate bill, however, applies to a broader range of documents and requires that the FBI demonstrate that the requested information is "relevant to" a counter terrorism or a counter intelligence investigation.

On July 21 and July 29, 2005, the House and Senate passed their respective bills to reauthorize the provisions of the USA PATRIOT Act set to expire at the end of 2005. While each bill includes some changes to the PATRIOT Act to address concerns, with the Senate version going further in this respect, neither incorporates all of the provisions of the SAFE Act.

AJC initially supported passage, and supports extension, of the USA PATRIOT Act. However, from the beginning, AJC has cautioned that this legislation, enacted in the wake of September 11, would need to be revisited to address civil liberties concerns. AJC views the SAFE Act as an appropriate and modest adjustment of the PATRIOT Act. On July 21, AJC wrote to the House of Representatives, urging Congress to "incorporate provisions that enhance due process and privacy protections" into the USA PATRIOT Act—pointing to the SAFE Act as a model for such provisions—while preserving "heightened security and enforcement capabilities." AJC is urging the conferees to adopt the Senate bill as a better response to civil liberties and due process concerns.

Protection of Lawful Commerce in Arms Act

Bill Number: S.397 • H.R.800

Introduced: February 16, 2005 (Senate) • February 15, 2005 (House)

Sponsors: Senator Larry E. Craig (R-ID) • Representative Cliff Stearns (R-FL)

Cosponsors: 61 Senators • 257 Representatives

Current Status: Passed July 29, 2005 (Senate) • Awaiting action (House)

AJC Position: **AJC opposes the Protection of Lawful Commerce in Arms Act.**

The Protection of Lawful Commerce in Arms Act would shield manufacturers, distributors, dealers, and importers of firearms or ammunition from civil liability lawsuits stemming from gun-related crimes by blocking suits filed by individual victims of gun violence. This would include suits filed because a gun manufacturer did not install a child safety device and suits resulting from reckless marketing, selling and supplying of guns to criminals. If the legislation is signed into law, it would make the gun industry the only industry to receive this kind of special legal protections from Congress, thereby setting a double standard regarding manufacturer accountability.

AJC opposes this attempt to block lawsuits against reckless gun-sellers, and to make it more difficult to hold companies or employees responsible when they do not comply with applicable gun regulations. In addition, this legislation would potentially halt progress towards necessary safety regulations in the industry. AJC supports reasonable gun-control measures, and opposes this legislation as an obstacle to keeping our communities safe and gun-sellers accountable. In July, many AJC chapters contacted their Senate offices, urging them to oppose the bill.

~ AFRICA ~

Darfur Peace and Accountability Act of 2005

Bill Number: H.R.3127

Introduced: June 30, 2005

Sponsors: Representatives Henry Hyde (R-IL) • Ed Royce (R-CA) • Christopher Smith (R-NJ) • Tom Tancredo (R-CO) • Frank Wolf (R-VA) • Michael E. Capuano (D-MA) • Sheila Jackson Lee (D-TX) • Tom Lantos (D-CA) • Donald Payne (D-NJ)

Cosponsors: 41 Representatives

Current Status: Awaiting action (House)

AJC Position: **AJC supports the Darfur Peace and Accountability Act of 2005.**

The Sudanese government has conducted a scorched-earth offensive in the Western region of Darfur for the past two years, targeting black African Sudanese. Widespread human rights abuses, including systematic torture and rape, have become commonplace; the UN Office for the Coordination of Humanitarian Affairs estimates that the conflict has killed or displaced 2.73 million people.

H.R.3127 would direct the President to appoint a special envoy to Sudan; increase asset and travel sanctions; assist the United States-authorized efforts of the International Criminal Court to bring to justice perpetrators of genocide, war crimes, or crimes against humanity in Darfur; urge expansion of, and a stronger mandate for, the African Union Mission (AMIS); authorize the U.S. to provide technical and material assistance to AMIS directly and through NATO; and apply other diplomatic pressure to help end the crisis in the Darfur region of Sudan.

The legislation is related to, although not a replacement for, bills introduced in both chambers earlier in the year (see below). The Darfur Peace and Accountability Act includes fewer, more targeted sanctions than the similarly named Darfur Accountability Act in the Senate and Darfur Genocide Accountability Act in the House.

AJC sent a letter on July 12, 2005 urging the House to pass H.R.3127, citing the Bible teaching that “Thou shalt not stand idly by the blood of your neighbor.” In AJC’s view, this legislation would help address the ongoing atrocities in Darfur by strengthening the understaffed African Union Mission and demonstrating renewed United States commitment to the Darfur crisis.

Darfur Accountability

Bill Number: S.495 (Darfur Accountability Act) • H.R.1424 (Darfur Genocide Accountability Act)

Introduced: March 2, 2005 (Senate) • March 17, 2005 (House)

Sponsors: Senators Sam Brownback (R-KS) • Jon Corzine (D-NJ)

Representative Donald Payne (D-NJ)

Cosponsors: 37 Senators • 122 Representatives

Current Status: Awaiting action (Senate and House)

AJC Position: **AJC supports both bills addressing the genocide in Darfur.**

The Darfur Accountability Act and the Darfur Genocide Accountability Act would implement targeted sanctions against those who have sponsored mass atrocities in Darfur, including members of the Sudanese government. These bills would also extend current arms embargoes on the Sudanese government, and would declare support for a new Security Council resolution implementing sanctions on those responsible for human rights abuses.

In March, as a part of the Emergency Supplemental Appropriation for 2005, Congress approved \$50 million of funding to strengthen the African Union peacekeeping efforts and an additional \$40 million in general humanitarian aid for the region.

In June, as part of the Foreign Operations Appropriations bill (H.R.3057), the House passed an additional \$391 million of aid for the Sudan, with \$69 million specifically designated for assistance in the Darfur region. On July 19, the Senate unanimously adopted an amendment to the Foreign Operations Appropriations bill that would provide an additional \$50 million of funding to the AU mission in Sudan. Conferees are expected to reconcile differences between the Senate and House bills in the fall.

AJC supports the efforts of Senators Corzine and Brownback, and Representative Payne, to stop the Sudanese government’s systematic extermination of black African tribes in Western Sudan, and supported the funding in both the Emergency Supplemental bill and the Foreign Operations bill. In an April 13 letter to the Senate, AJC asserted that the Darfur legislation is crucial to providing timely vital resources in the face of ongoing mass brutality, and insuring that investment capital from the United States is not used to bolster Sudan’s genocidal regime.

~ LATIN AMERICA ~

Dominican Republic-Central America-United States Free Trade Agreement Implementation Act (DR-CAFTA)

Bill Number: S.1307 • H.R.3045

Introduced: June 23, 2005 (Senate and House)

Sponsors: Senate Majority Leader William H. Frist (R-TN) • Senate Minority Leader Harry Reid (D-NV) • Senator Charles Grassley (R-IA) • House Majority Leader Tom DeLay (R-TX) • Representative William J. Jefferson (D-LA)

Cosponsors: 0 Senators • 0 Representatives

Current Status: Became law August 2, 2005

AJC Position: **AJC supported DR-CAFTA.**

Upon its passage the Dominican Republic-Central America-United States Free Trade Agreement (DR-CAFTA) became the United States' second largest free trade agreement, continuing the path of trade liberalization pioneered by the North American Free Trade Agreement. The United States provided Central American countries with virtually unrestricted access to its markets for decades; CAFTA seeks to level the playing field, giving American companies the opportunity to market their products to Central America without prohibitive tariffs.

AJC supports DR-CAFTA as a tool to generate sustained development in Central America and as a contributor to long-term and strategic and other cooperation between the United States and some of its closest neighbors. In a July 8 letter to the House of Representatives, AJC wrote that “DR-CAFTA will generate economic prosperity by securing increased trade, investment flows and improvements in living conditions throughout the region for people who, only two decades ago, were immersed in civil wars.”

Social Investment and Economic Development Fund for the Americas Act of 2005

Bill Number: S.682 • H.R.953

Introduced: March 17, 2005 (Senate) • February 17, 2005 (House)

Sponsors: Senator Christopher Dodd (D-CT) • Representative Robert Menendez (D-NJ)

Cosponsors: 0 Senators • 30 Representatives

Current Status: Awaiting action (Senate and House)

AJC Position: **AJC supports the Social Investment and Economic Development Legislation.**

The Social Investment and Economic Development Fund for the Americas Act of 2005 would provide \$500 million per year in U.S. aid to Latin America—directed towards education, housing, health and disease prevention—and simultaneously encourage the countries of Latin America and the Caribbean to match U.S. funds. In addition, the bill establishes technical review committees and evaluation criteria in an effort to make funded government services more efficient, transparent and accessible.

AJC supports the Social Investment and Economic Development Fund for the Americas Act of 2005, which will allow the U.S. to play an important role in broadly reducing poverty in Latin America, specifically amongst indigenous groups, women, and people with disabilities. In a June 29 letter to the House International Relations Subcommittee on the

Western Hemisphere, AJC asserted that “enactment of this package will stabilize Latin American political systems and promote economic growth, thereby minimizing two of the main causes for immigrants to cross the border.” AJC has promoted democracy in Latin America for over half a century, speaking out against authoritarianism and defending human rights in the region.

~ IMMIGRATION ~

Secure America and Orderly Immigration Act

Bill Number: S.1033

Introduced: May 12, 2005

Sponsors: Senators John McCain (R-AZ) • Edward Kennedy (D-MA)

Cosponsors: 4 Senators

Current Status: Awaiting action

AJC Position: **AJC supports the Secure America and Orderly Immigration Act.**

The Secure America and Orderly Immigration Act, according to Senator McCain, would provide a path to legalization for currently undocumented aliens living in the United States to “come out of the shadows, go through security background checks, pay back taxes, pay penalties for breaking the law, learn to speak English, and regularize their status.” This legislation also aims to address our nation’s broken immigration system by instituting “strong enforcement at the borders...very strong internal enforcement, including biometric identification for all temporary foreign workers, electronic employment verification of all workers, and tough penalties for law breakers, including employers.”

Another approach to comprehensive immigration reform was introduced in July 2005, by Senators John Cornyn (R-TX) and Jon Kyl (R-AZ) as The Comprehensive Enforcement and Immigration Reform Act of 2005 (S.1438). This bill would require the estimated 11 million undocumented workers currently in the United States to return to their places of origin and subsequently undergo expedited legal entrance procedures. The Cornyn-Kyl bill also includes extensive sections on border, interior, and worksite enforcement, visa security, and authorization for state and local law officials to enforce immigration law.

AJC supports the McCain-Kennedy legislation as an important effort for comprehensive reform directed at our inefficient and unjust immigration procedures. Despite onerous restrictions and bureaucracy, our nation’s immigration system has been largely unsuccessful in preventing illegal immigration. Applicants for visas have routinely waited up to 20 years for the legal right to join their families in the United States. AJC believes that providing undocumented workers the ability to earn U.S. citizenship will not only alleviate the strain on our immigration officers, but will also reinforce our reputation internationally as a country friendly to immigrants.

AJC’s December 8, 2003 Statement on Earned Legalization of the Undocumented, stated “[m]ass deportation of the millions who are now here unlawfully must be rejected out of hand,’ as many ‘illegal aliens have children who are American-born and hence are fully entitled to remain in this country. To expel their parents would violate the concept of

family unification which the American Jewish Committee has always viewed as an essential cornerstone of any immigration policy.”

In that same statement, AJC also supported the need for fair and reasonable enforcement, saying “In keeping with our recognition of the urgent need for reform of our visa, border, and admissions systems in order to keep out those who seek to enter illegally or who wish to do us harm...we support efforts by the government, but stress that more effective border security procedures should be developed.”

While the Secure America and Orderly Immigration Act includes provisions directed at these concerns, AJC may push for additional enforcement measures as the Senate moves forward on the bill, perhaps incorporating provisions of the Kyl-Cornyn bill or other legislation.

Recently, AJC joined two campaigns that support the principles of comprehensive immigration reform. The first, entitled “The National White Ribbon Campaign for Dialogue,” is a “demonstration of the values [the signatories] share and our desire for constructive and thoughtful discussion to advance the immigration debate in a way that strengthens our country, rejects fear and hate, and helps Americans arrive at solutions to these complex problems.” An open letter outlining the White Ribbon Campaign shared principals ran in the *Washington Times* on Thursday, July 14. AJC is among over 50 national organizations and hundreds of state and local organizations supporting the campaign to date.

In a second effort, AJC was among more than 20 members of diverse right-left coalition to call on Congress and the President to “fix our broken immigration system” in an ad appearing in *Roll Call* on Wednesday, July 13.

Development, Relief, and Education for Alien Minors Act (DREAM)

Current Status: Not Yet Introduced in the 109th Congress

AJC Position: **AJC supports the introduction and passage of the DREAM Act.**

The DREAM Act would provide paths to legal permanent resident status for an estimated 50,000 undocumented children. In addition, under this legislation, states would be afforded the flexibility to determine whether students who are undocumented aliens would qualify as “state residents” and would therefore be eligible for in-state college tuition rates.

During the 108th Congress, the House bill (H.R.1684), known as the Student Adjustment Act, had 152 cosponsors. The Senate legislation (S.1545), which had 47 cosponsors, was 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 were not included in the omnibus appropriations bill that ultimately funded the Justice Department for fiscal year 2005.

AJC continues to push for the introduction and passage of the DREAM Act. Children who were not old enough to make their own decisions when entering the United States should not be held responsible for their parents’ actions, and should be able to live in and contribute to the country in which they have spent significant portions of their lives.

Agricultural Jobs, Opportunity, Benefits and Security Act (AgJOBS)

Bill Number: S.359 • H.R.884

Introduced: February 10, 2005 (Senate) • February 17, 2005 (House)

Sponsors: Senators Larry Craig (R-ID) • Edward Kennedy (D-MA)

Representatives Chris Cannon (R-UT) • Howard Berman (D-CA)

Cosponsors: 46 Senators • 33 Representatives

Current Status: Awaiting action (Senate and House)

AJC Position: **AJC supports AgJOBS.**

The Agricultural Jobs, Opportunity, Benefits and Security Act (AgJOBS) would enable an estimated 500,000 undocumented agricultural workers to earn legal status through past and future agricultural work in the United States. In order to balance national security concerns, the program would institute stringent safeguards. Applicants would undergo background checks, and would face denial of permanent resident status or 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.

Senators Craig and Kennedy proposed the bill as an amendment to the Fiscal Year 2005 Supplemental Appropriations Bill (H.R.1268). While a majority of Senators voted to support the amendment (53-45), the measure did not obtain the 60 votes necessary to achieve cloture and be included in the final bill.

In a letter sent to the Senate in April 2005, AJC urged passage of the Craig-Kennedy amendment that would have implemented AgJOBS. AJC also encouraged the Senate to “reject any alternative amendment that would undermine this bipartisan, carefully crafted legislation.” Due to their migrant status, seasonal agricultural workers are highly vulnerable to economic exploitation and denial of civil rights, with little ability to defend themselves. AgJOBS would put these workers on the path to earned legal status and citizenship.

SSI Extension for Elderly and Disabled Refugees Act

Bill Number: S.453 • H.R.899

Introduced: February 17, 2005 (Senate and House)

Sponsors: Senators Smith (R-OR) • Herb Kohl (D-WI)

Representatives Phil English (R-PA) • Benjamin Cardin (D-MD)

Cosponsors: 8 Senators • 8 Representatives

Current Status: Awaiting action (Senate and House)

AJC Position: **AJC supports the SSI Extension for Elderly and Disabled Refugees Act.**

The SSI Extension for Elderly and Disabled Refugees Act would provide a two year extension to the Supplemental Security Income program, a need-based welfare program that provides a small monthly allowance to refugees who are over the age of 65, disabled, or blind. Under current SSI law, passed in 1996, refugees entering the country after August 22, 1996 are only eligible to receive benefits during their first seven years in the country. Seven years is often too short for refugees to gain full citizenship, particularly given the widespread delays reported by immigration applicants in post-9/11 America. Over 20,000 individuals are projected to lose their SSI benefits by 2010, making refugees' plight in America exceedingly difficult.

AJC supports the SSI Extension for Elderly and Disabled Refugees Act, which would ensure that the United States can continue to serve as a safe haven for those fleeing conflict

and hardship. In March 2005, AJC joined 63 other national and local Jewish organizations in issuing a statement supporting the extension of SSI benefits. AJC will continue to urge President Bush to include a full restoration of SSI eligibility in the FY 2006 budget.

REAL ID Act of 2005

Bill Number: H.R.418

Introduced: January 26, 2005

Sponsors: F. James Sensenbrenner, Jr. (R-WI)

Cosponsors: 140 Representatives

Current Status: Became law May 11, 2005 as part of H.R.1268 (Emergency Supplemental)

AJC Position: **AJC opposed the REAL ID Act.**

Section 101 of the REAL ID Act imposes onerous and unnecessary new obstacles on legitimate asylum seekers and others 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 empowers 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; requires a refugee to prove the “central motive” for persecutors' actions; and authorizes immigration officers to deny asylum based on the refugee's perceived “demeanor” and alleged “statements” under various unreliable circumstances.

The House passed the REAL ID Act in March 2005. Its provisions became law when both chambers included them—with slight modifications—in the 2005 Emergency Supplemental Appropriations for Defense, the Global War on Terror, and Tsunami Relief.

AJC consistently opposed the REAL ID Act—when its provisions were brought up as a part of the 9/11 Recommendations bill in 2004, as the free-standing H.R.418, and, finally, as part of the Emergency Supplemental bill—because the bill's overreaching provisions deny fair treatment and due process to asylum seekers. In a February 7 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.”

~ CIVIL RIGHTS/CIVIL LIBERTIES ~ Anti-Discrimination Legislation

College Access and Opportunity Act of 2005

Bill number: H.R.609

Introduced: February 8, 2005

Sponsor: Representative John Boehner (R-OH)

Co-sponsors: 8 Representatives

Current status: Passed by the House Committee; Senate is working on a separate bill

AJC Position: **AJC supports Title VI reform Legislation.**

Title VI of Higher Education Act provides federal funds to selected international studies and foreign language centers at universities across the country. The Title VI program is intended to train experts for national security and other government service, and to educate the public on international affairs.

Unfortunately, the program has largely failed to meet its national security or other objectives, and few Title VI graduates enter government service. Critics note that many Title VI centers adopt a politicized approach to education, exclude scholars with other perspectives, and discourage students from entering public service upon graduation.

The College Access and Opportunity Act of 2005 (the “Re-authorization”) amends the Higher Education Act of 1965, and re-authorizes it as amended. The Re-authorization includes provisions that seek to reform the Title VI program, by promoting diversity of perspective in the centers and activities that Title VI funds, and by establishing an advisory board to review the Title VI program and make recommendations for improving it and enabling it to fulfill its purposes.

AJC will continue 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.

In particular, AJC is concerned that many Middle East Studies centers—grounded in a politicized “post-colonial” framework—advance an unrealistically positive image of Palestinians, Arabs, and the Islamic world, and ignore or denigrate Israel. In addition, through outreach programs to K-12 teachers, educators, and the general public, many Title VI centers disseminate one-sided views to audiences far beyond the college campus.

Hate Crimes Prevention Act

Bill Numbers: S.1145 (Local Law Enforcement Enhancement Act) •

H.R.2662 (Local Law Enforcement Hate Crimes Prevention Act)

Introduced: May 26, 2005 (Senate and House)

Sponsors: Senator Edward Kennedy (D-MA) • Representative John Conyers, Jr. (D-MI)

Cosponsors: 44 Senators • 133 Representatives

Status: Awaiting action (Senate and House)

AJC Position: **AJC supports both hate crimes bills.**

These bills would broaden federal hate crimes laws to include violent offenses motivated by a person’s race, color, religion, national origin, sexual orientation, gender, or disability status. The House bill also includes specific protections for transgendered persons.

Both of these bills would make our law enforcement system more effective by promoting increased cooperation between local, state and federal authorities to ensure that hate crimes offenders are brought to justice. According to FBI Hate Crimes statistics, nearly three quarters of all religion-based hate crimes are “anti-Jewish” attacks.

AJC supports the Local Law Enforcement Enhancement Act and the related House bill, because they would help keep our communities safe from the physically and psychologically

devastating impact of hate crimes. In an August 11 letter to Congress, AJC stated that the legislation “will better position federal authorities to be of assistance to state or local authorities in responding to such offenses. Moreover, an enhanced federal statute is necessary in cases where state or local authorities are unwilling or unable to investigate and prosecute.”

The Voting Rights Act

AJC Position: AJC supports reauthorizing the Voting Rights.

The Voting Rights Act was passed in 1965 to address systemic disenfranchisement of African-American populations; the Act sought to clarify and expand upon the Constitution’s Fifteenth Amendment, which guarantees every American the right to vote. Some provisions are set to expire at the end of 2007, including those that (i) require communities with large populations of non-English speakers to provide ballots and instructions in languages other than English, and (ii) require jurisdictions certified as having a history of voting discrimination to clear changes affecting minority voters with the Justice Department. The reauthorization will ensure that immigrants—and other populations that have been targets of disenfranchisement efforts—are afforded the same resources in voting booths as their fellow Americans. The reauthorizing legislation may also respond to judicial interpretations of the Act that have unduly constrained the law’s effectiveness.

AJC supports the reauthorization of all expiring provisions of the Voting Rights Act, in order to safeguard the right to vote in America. Although many earlier discriminatory practices have been abolished, the Voting Rights Act remains vitally important today as many Americans—particularly in urban centers—continue to encounter obstacles as they seek to vote.

Federal Marriage Amendment

Bill Number: S.J.Res.1 • H.J.Res.39

Introduced: January 24, 2005 (Senate) • March 17, 2005 (House)

Sponsors: Senator Wayne Allard (R-CO) • Representative Daniel E. Lungren (R-CA)

Cosponsors: 27 Senators • 15 Representatives

Current Status: Awaiting Committee action (Senate) • Awaiting Subcommittee action (House)

AJC Position: AJC opposes the Federal Marriage Amendment.

The Federal Marriage Amendment would define marriage as the union between a man and a woman. This legislation would also prevent the federal constitution, or any state constitution, from being interpreted 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, notably as to whether they also barred recognition of civil unions. The eleven states, which all passed their 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's Board of Governors adopted a resolution asserting that the amendment would "enshrine discrimination into our social fabric."

CIVIL RIGHTS/CIVIL LIBERTIES: Women's Rights

Violence Against Women Act of 2005 (VAWA)

Bill Numbers: S.1197 • H.R.2876

Introduced: June 8, 2005 (Senate) • June 14, 2005 (House)

Sponsors: Senators Orrin Hatch (R-UT) • Arlen Specter (R-PA) • Joseph Biden (D-DE)

Representative Mark Green (R-WI) • John Conyers, Jr. (D-MI)

Cosponsors: 45 Senators • 87 Representatives

Current Status: Awaiting action (Senate and House)

AJC Position: **AJC supports the VAWA Reauthorization.**

The Violence Against Women Act, landmark civil rights legislation first passed in 1994, is set to expire on September 30, 2005. The current VAWA reauthorization would ensure that crucial federal protections remain in place to protect women against domestic violence, dating violence, sexual assault, and stalking, and other abuse. Further, it would provide grants to encourage and enforce protection orders, which have historically helped to increase effective domestic violence prosecutions.

In addition to the stand-alone VAWA bills, the VAWA language has been incorporated into the Department of Justice Appropriations Authorization Act for Fiscal Years 2006 through 2009 (H.R.3402), which Representative F. James Sensenbrenner (R-WI) introduced on July 22, 2005.

AJC believes that reauthorizing VAWA is essential to helping protect women against abuse and mistreatment. In September, AJC joined a diverse array of faith organizations in a letter to Congress supporting the reauthorization.

"Federal Refusal Clause" in Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act for Fiscal Year 2006

Bill Number: H.R.3010

Introduced: June 21, 2005

Current Status: Awaiting action (Senate) • Passed June 24, 2005 (House)

AJC Position: **AJC opposes the Federal Refusal Clause.**

The fiscal year 2006 Appropriations bill for Labor, Health, and Human Services includes provisions that threaten to undermine women's health by allowing health care entities to refuse to perform, pay for, or cover abortions of, or refer patients for them, regardless of federal, state, or local laws to the contrary. Similar provisions were enacted late last year as part of the omnibus appropriations bill for Fiscal Year 2005.

AJC opposes the Federal Refusal Clause. Safe and accessible abortion services must be a crucial component of our nation's public health strategy. The troubling Appropriations provisions would compromise the availability of abortion services by restricting public funds

to federal, state, or local agencies or programs that “discriminate” against health care entities refusing to provide abortion information and procedures. This language jeopardizes women’s health and individual liberty, by limiting their ability to make their own reproductive health decisions and by denying crucial medical advice to those who potentially need abortions.

In their current form, these provisions would also have far-reaching procedural implications by overriding state and local laws that recognize the necessity of safe but rare abortions. The federal government should not overturn crucial public health protections enacted by local legislatures.

CIVIL RIGHTS/CIVIL LIBERTIES: Human Rights & the War on Terror

McCain Amendments to the 2006 Defense Authorization Bill Concerning the Treatment of Enemy Combatants

Bill Number: S.A.1556 and S.A.1557 amendments to S.1042 (Defense Authorization)

Amendment Introduced: July 25, 2005

Sponsors: Senator John McCain (R-AZ)

Cosponsors: 7 Senators have cosponsored S.A.1556 • 9 Senators have cosponsored S.A.1557

Current Status: The Defense Authorization bill will be reconsidered after the August recess

AJC Position: **AJC supports the McCain amendments to the Defense Authorization.**

The highly publicized mistreatment of detainees at Guantanamo Bay and Abu Ghraib has underlined the need for clear and consistent interrogation policies for enemy combatants. The McCain amendments to the Defense Authorization bill would make the United States Army Field Manual on Intelligence Interrogation the uniform standard for interrogating Department of Defense detainees.

The Senate will continue its consideration of the Defense Authorization, including the aforementioned amendments, after the August recess.

In a July 26 letter to the Senate, AJC Executive Director David Harris and President E. Robert Goodkind addressed the need to adopt uniform, humane standards for the treatment of enemy combatants: “By requiring that all interrogations occurring in DOD-operated facilities be conducted in compliance with the U.S. Army Field Manual on Intelligence Interrogation, the amendments provide necessary clarity and guidance to our personnel that will still allow them to employ vigorous and effective interrogation and intelligence-gathering techniques. Moreover, in prohibiting ‘cruel, inhuman and degrading’ treatment of detainees in U.S. custody, the amendments send a powerful message to the rest of the world regarding our respect for the rule of law.” The vague and elastic standards currently in place threaten to undermine our public image as champions of human rights, as well as our ability to extract credible information from captive prisoners.

CIVIL RIGHTS/CIVIL LIBERTIES: Government Affairs

The “Nuclear Option,” the Filibuster, and Judicial Nominees

AJC Position: **AJC opposes the “nuclear option.”**

Since the 109th Congress convened in January, the climate surrounding judicial nominees has been colored by the potential retirement of Supreme Court Chief Justice William Rehnquist, the retirement announcement of Associate Justice Sandra Day O'Connor, and the continuing partisan conflict over the Democrats' filibuster of ten of President Bush's 229 judicial nominees during his first term.

In an effort to move these nominees forward, Senate Republicans this spring seemed prepared to employ a procedural maneuver to eliminate use of the filibuster with respect to judicial nominees. Dubbed the "nuclear option" because it was expected to bring the Senate to a virtual standstill, this gambit would have entailed Senate Majority Leader Bill Frist (R-TN) asking 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 simple majority of 51 votes required to uphold his decision, instead of the 60-vote supermajority normally required to block a filibuster or the two-thirds majority required to change a rule. At the eleventh hour, a group of 14 Senators—seven Democrats and seven Republicans—announced an agreement on May 23 that deferred, at least temporarily, any resort to the nuclear option. Under the agreement, three appellate court nominees previously stalled by Democratic filibusters were allowed to come to a vote. The nominees—Priscilla Owen, Janice Rogers Brown, and William Pryor—were all confirmed in May and June. Two other nominees—William Myers and Henry Saad—remain subject to the filibuster. The signatories also agreed to oppose the of filibuster judicial nominees except under "extraordinary circumstances."

As the nuclear option situation unfolded, the Family Research Council initiated a televised event in April titled "Justice Sunday." Event promotions suggested that the filibuster was being used to target people of faith. Senate Majority Leader Bill Frist appeared on "Justice Sunday." The Family Research Council sponsored a second show—on August 14—that implied that the Supreme Court is "hostile towards religion." House Majority Leader Tom Delay participated in "Justice Sunday II."

While AJC traditionally does not take positions on judicial nominees, AJC opposed the "nuclear option," which would have terminated the minority party's ability to filibuster nominees. In a May 20 letter to Senators, AJC said the change would "eliminate incentive for bi-partisan cooperation; erode our constitutional system of check 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 that the filibuster gives voice to minority viewpoints and encourages consensus on appointments to the judiciary.

On April 20, AJC sent a letter to Senator Frist urging him to forgo his appearance on "Justice Sunday" because of its offensive promotional materials. The letter indicated that "[a]n organization's decision to take positions on particular judicial nominations, which AJC has not done, or on the elimination of the filibuster with regard to judicial nominees, which AJC has, is in no way a statement of the organization's view of people of faith, and it should not be portrayed that way." AJC wrote a similar letter to Representative DeLay on August 12, citing "deep concern over recent characterizations of the U.S. Supreme Court as hostile towards people of faith," and urging him to reconsider lending the stature of his office to the event.

Following Supreme Court Justice Sandra Day O'Connor's retirement announcement on July 1, AJC joined organizations of varying faith denominations in a letter to President Bush and the Senate underscoring "the importance of openness and bi-partisan consultation throughout the nomination and confirmation processes." Prior to the hearings for President Bush's nominee John Roberts, AJC sent Senate Judiciary committee members a letter encouraging them to raise policy areas of particular concern during the hearings.

Pledge Protection Act of 2005

Bill Number: S.1046 • H.R.2389

Introduced: May 17, 2005 (Senate and House)

Sponsors: Senator Jon Kyl (R-AZ) • Representative Todd Akin (R-MO)

Cosponsors: 9 Senators • 182 Representatives

Current Status: Awaiting action (Senate and House)

AJC Position: **AJC opposes the Pledge Protection Act.**

The Pledge Protection Act would strip the federal courts, including the U.S. Supreme Court, of jurisdiction to hear First Amendment challenges to the Pledge of Allegiance. This legislation was passed by the House in the 108th Congress but was not debated by the Senate.

AJC opposes the Pledge Protection Act, because the bill would constitute a "court-stripping" measure. Although AJC did not take a position on the June 2004 Supreme Court decision involving the use of the phrase "under God" in the Pledge of Allegiance, the Pledge Protection Act would have broader implications for the separation of powers, and it would seriously undermine the constitutional guarantees of freedom of speech and religion by denying access to federal courts. AJC will continue to oppose similar "court-stripping" legislation in the 109th Congress.

CIVIL RIGHTS/CIVIL LIBERTIES: Personal Liberties

Flag Desecration Amendment

Bill Number: S.J.Res.12 • H.J.Res.10

Introduced: April 14, 2005 (Senate) • January 25, 2005 (House)

Sponsors: Senator Orrin Hatch (R-UT) • Representative Randy Cunningham (R-CA)

Cosponsors: 57 Senators • 196 Representatives

Current Status: Awaiting action (Senate) • Passed June 22, 2005 (House)

AJC Position: **AJC opposes the Flag Desecration Amendment.**

The Flag Desecration Amendment to the United States Constitution would make it illegal to burn or physically desecrate the flag of the United States. The House has already passed its version of the Flag Desecration amendment, while the Senate will likely vote on this measure early this fall.

AJC opposes these amendments, as they threaten Americans' First Amendment rights. While we would be appalled by the burning of the flag for political purposes, this initiative diminishes the freedom of expression and peaceful dissent that the flag represents.

Life Insurance Fairness for Travelers Act (LIFT Act)

Bill Number: H.R.3639

Introduced: July 27, 2005

Sponsors: Ileana Ros-Lehtinen (R-FL) • Representatives Debbie Wasserman-Schultz (D-FL)

Cosponsors: 20 Representatives

Current Status: Awaiting action (House)

AJC Position: **AJC supports the LIFT Act.**

The LIFT Act would protect travelers to Israel, and other nations, who increasingly face denial of life insurance or significantly higher premiums on their policies. The LIFT Act would prohibit insurers from denying coverage based on intent to travel, and would bar them from charging rates disproportionate to the actual risk of traveling to any country.

AJC does not believe that travelers to Israel, a U.S. ally, should be penalized for anti-Israel terrorist attacks. By discriminating against those seeking to travel legally to Israel, insurance providers effectively reward those who strive to dismantle the Israeli state and derail Israel's push for peace and security. Statistically, Israel actually has a lower intentional death rate (11 per 100,000) than the United States (17 per 100,000). AJC supports the LIFT Act.

Anti-Discrimination in Travel Act

Bill Number: H.R.3504

Introduced: July 28, 2005

Sponsors: Representative Rahm Emanuel (D-IL)

Cosponsors: 12 Representatives

Current Status: Awaiting action (House)

AJC Position: **AJC supports the Anti-Discrimination in Travel Act.**

The Life Insurance Anti-Discrimination in Travel Act, like the LIFT Act, would protect travelers to Israel, and many other nations, who increasingly face denial of life insurance or significantly higher premiums. The bill would prevent life insurance companies from denying coverage based on previous lawful travel. An identical bill was introduced in the 108th Congress.

AJC believes travelers should not be penalized for lawful travel to an American allied nation simply because of anti-Israel terrorist attacks, and considers the denial of life insurance to be a form of discrimination. AJC supports the Life Insurance Anti-Discrimination in Travel Act.

Charity Aid, Recovery, and Empowerment (CARE) Act

Bill Number: Title III of S.6

Introduced: January 24, 2005

Sponsors: Senator Rick Santorum (R-PA)

Cosponsors: 4 Senators

Current Status: Awaiting action (Senate)

AJC Position: **AJC supports the CARE Act.**

The CARE Act, intended to support the work of charitable organizations, contains provisions that would allow taxpayers to receive charitable deductions even if they do not itemize deductions on their tax returns. A similar non-itemizer deduction was available from 1982-1986. Under the proposed legislation, single tax filers who use the standard deduction could deduct \$250 to \$500 contributions. Joint filers who use the standard deduction would be allowed to deduct \$500 through \$1000 contributions. The CARE Act also provides substantial new funding for the Social Services Block Grant (SSBG) program, a flexible source of resources for vulnerable populations.

The CARE Act is identical to the consensus bill championed by Senators Santorum and Joseph Lieberman (D-CT) during the 108th Congress. The consensus bill omits “charitable choice”-related provisions that were part of early versions of the bill.

In the 108th Congress, the Senate passed the CARE Act and the House passed a similar bill, but the final bill was held up in conference by a dispute regarding reconciliation procedures. Although President Bush included funding contemplated by the CARE Act in previous budgets, he did not incorporate that funding into his most recent budget request for fiscal year 2006.

AJC supports the consensus CARE Act, legislation that would reinstate the non-itemizer deduction and provide funding for vulnerable populations. During the 107th Congress, AJC opposed an earlier version of the CARE bill that included “charitable choice”-related provisions, but supported the bill once that language was removed.

Since lower to middle-class individuals are less likely to itemize their tax returns, and because they typically donate a greater percentage of their income to charity, reinstating the non-itemizer deduction would, according to the United Way of America, “generate billions of dollars in increased giving to charities.” A July 2005 letter, signed by 34 national organizations including AJC, urged support for this corrective to the tax law.

~ RELIGIOUS LIBERTY ~

Workplace Religious Freedom Act (WRFA)

Bill Numbers: S.677 • H.R.1445

Introduced: March 17, 2005 (Senate and House)

Sponsors: Senators Rick Santorum (R-PA) • John Kerry (D-MA)

Representatives Mark Souder (R-IN) • Carolyn McCarthy (D-NY)

Cosponsors: 14 Senators • 15 Representatives

Current Status: Awaiting action

AJC Position: **AJC supports WRFA.**

The bipartisan WRFA legislation clarifies a Title VII requirement of the Civil Rights Act of 1964 that states that employers must reasonably accommodate employees’ religious practices, unless doing so would cause an undue hardship to the employer. Unfortunately, the courts have vitiated the protection against religious discrimination that Congress initially intended, including interpreting anything more than a *de minimis* expense or difficulty as an “undue hardship.” WRFA would ensure that Title VII provides the protection against religious discrimination that Congress intended, by clarifying that an expense or difficulty must be significant in order to be considered an “undue hardship.”

Concerns that have been raised that this bill would have an ontoward effect on civil rights and business interests do not give due regard to WRFA’s carefully crafted balancing test. WRFA affords crucially needed relief for religiously observant employees at the same time that its balancing test assures that due regard will be given to the legitimate needs of business and also that accommodation of those employees will not trample the rights of other employees and third parties.

AJC continues to play a leadership role in the WRFA coalition, working to move this important bill forward to passage. In June, AJC wrote to cosponsors of WRFA thanking them for their dedication to religious liberty.

Discrimination and Religious Freedom in the Armed Forces

***AJC Position:* AJC supports vigorous responses to anti-Semitism, religious discrimination, and proselytizing that have been reported at the Air Force Academy.**

Officials at the United States Air Force Academy received numerous complaints in recent months that students belonging to minority religions, including Judaism, were subject to intimidation by some Christian cadets and officials. Minority students have alleged that high-ranking staff and officers, through statements and actions, cultivated a climate that made non-Christians feel disadvantaged. On June 22, the Air Force issued a report regarding the religious environment at the Academy, stating that the institution is not overtly discriminatory and has made improvements in recent months. On August 29, the Air Force issued guidelines in response to the allegations of religious intimidation. Among other provisions, the guidelines caution against promoting any particular faith, discourage public prayer at official events, and recommend that commanders abstain from publicly sharing their own religious beliefs. The guidelines also note the obligation of commanders to accommodate the free exercise of religion.

Also in response to these allegations, Representatives Steve Israel (D-NY), Lois Capps (D-CA), and Susan Davis (D-CA) introduced the Religious Freedom and Respect in the Armed Forces Commission Act on June 29, 2005. The legislation would establish an official commission to gauge respect for diversity and religious liberty in the United States Armed Forces. The Commission, composed of scholars and experts trained in church-state relations, would clarify guidelines for religious freedom in the Armed Forces. This bill followed the June 20 defeat of an amendment proposed by Representative David Obey (D-MI) that would have required the Secretary of the Air Force to develop and submit to Congress a plan to ensure that the Air Force Academy remain free of religious intimidation and inappropriate proselytizing.

In an April letter to Michael L. Dominguez, acting secretary of the Air Force, AJC condemned religion-based discrimination and proselytizing at the United States Air Force Academy. A May 12 letter to the Chairman and Ranking Member of both the Senate and House Committees on Armed Services, AJC expressed the same sentiment and called for Congress to hold hearings on the alleged incidents at the Academy: “If any students at the Air Force Academy have been subjected to incursions on their religious freedom or have otherwise been victims of discriminatory actions, those responsible must be held accountable. Furthermore, to the extent that a culture has arisen which promotes one religion, or even religion in general, that culture needs to be changed.”

AJC welcomed a June 28 House Armed Services Subcommittee hearing addressing religious discrimination at the United States Air Force Academy. The previous week, AJC expressed dismay at a remark by Representative John Hostettler (R-IN), during floor debate on the Obey amendment, accusing Democrats of “denigrating and demonizing Christians.”

In an August 30 press release, AJC hailed the newly issued guidelines, saying “The new Air Force guidelines are an important first step in establishing a climate of diversity, respect and mutual understanding throughout our nation’s armed forces.” The press statement applauded the efforts of the team that drafted the guidelines, particularly Rabbi Arnold Resnicoff, retained by the Air Force in June as a special assistant to help evaluate and respond to the situation at the academy. Rabbi Resnicoff is a retired Navy chaplain and former U.S. Director of Interreligious Affairs of the American Jewish Committee.

AJC commends the sponsors of The Religious Freedom and Respect in the Armed Forces Commission Act for their efforts to protect religious freedom.

Houses of Worship Free Speech Restoration Act of 2005

Bill Number: H.R.235

Introduced: January 4, 2005

Sponsors: Representative Walter Jones (R-NC)

Cosponsors: 0 Representatives

Current Status: Awaiting action (House)

AJC Position: **AJC opposes the Houses of Worship Free Speech Restoration Act.**

Under 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.

The Houses of Worship Free Speech Restoration Act would alter the tax code and stipulate that presentations during religious services or gatherings at houses of worship could not serve as a basis for losing tax-deductible status. While the bill’s predecessor did not move in the 108th Congress, even though it had 167 cosponsors, pressure to pass that bill increased at the end of the session.

AJC strongly opposes H.R.235, which would politicize houses of worship by injecting partisan campaigns into religious institutions, and continues to work as part of a coalition of civil rights and religious organizations to defeat the bill. Current tax code protects religious institutions from divisive pressure to become involved in partisan campaigning, while insulating the political process from inappropriate involvement by tax deductible entities, both religious and secular alike.

Religious Freedom Amendment

Bill Number: H.J.Res.57

Introduced: June 30, 2005

Sponsors: Representative Ernest Istook (R-OK)

Cosponsors: 110 (House)

Current Status: Awaiting Committee action (House)

AJC Position: **AJC opposes the Religious Freedom Amendment.**

The Religious Freedom Amendment to the United States Constitution would sanction officially sponsored religious expression on public property, effectively overturning the June 27, 2005 Supreme Court decision in *McCreary County v. American Civil Liberties Union of Kentucky*, which concluded that a Kentucky courthouse Ten Commandments display was unconstitutional on the grounds that it promoted a distinctly religious perspective. The Amendment would also authorize organized prayer in public schools, among other practices.

AJC opposes the Religious Freedom Amendment, which would breach the separation of church and state. In a July 1 press release AJC stated that “The Religious Freedom Amendment is particularly egregious: far from preserving religious expression, it seeks to limit essential protections of religious liberty...By condoning prayer in public schools, allowing virtually unrestricted religious displays on public property, and permitting a variety of other government endorsements of religion, this amendment would undermine our vital First Amendment rights.”

American Jewish History Month

AJC Position: AJC supports the Hyde-Wasserman Schultz initiative.

Representatives Henry Hyde (R-IL) and Debbie Wasserman Schultz (D-FL), circulated a June 8, 2005 letter urging their colleagues to cosponsor proposed legislation permanently designating January as American Jewish History Month. According to that letter, the classification would help “educate millions of Americans about the rich cultural traditions of the Jewish faith and people, whose contributions have shaped not just the fabric of American society but global history.” Thus far, 230 members of the House have agreed to co-sponsor this legislation.

On November 11, 2003, the 108th Congress encouraged all Americans to celebrate September 2004 as American Jewish History Month. Representatives Wasserman Schultz and Hyde want to permanently recognize the contributions of Jews to American political, economic, and spiritual life.

AJC supports the efforts of Representatives Hyde and Wasserman Schultz to designate January American Jewish History Month. This legislation would help dispel anti-Semitic myths through education, and would honor the commitment of countless Jews to the founding principle of our nation.

Faith-Based Initiatives and “Charitable Choice”

Under “charitable choice,” pervasively religious organizations that provide social services are eligible for government funds even if they are unwilling or unable to disassociate their religion-teaching missions from their provision of social services. AJC believes “charitable choice” amounts to government funding of religion. Moreover, “charitable choice” places social service recipients in a position where they may be coerced—either explicitly or tacitly—to take part in religious activities in exchange for receiving assistance. Further, it allows religious organizations to make employment decisions on the basis of religion, with respect to federally-funded positions—going beyond the appropriate discretion afforded to religious organizations to make employment decisions on that basis when using their own funds.

The following bills either contain “charitable choice” language or might have such provisions added, reflecting a general trend in the 109th Congress for proponents to seek to include “charitable choice” provisions in virtually every piece of social service legislation.

School Readiness Act of 2005 (Head Start Reauthorization Bill)

Bill Number: S.1107 • H.R.2123

Introduced: May 23, 2005 (Senate) • May 5, 2005 (House)

Sponsors: Senator Michael Enzi (R-WY) • Representative Michael Castle (R-DE)

Cosponsors: 3 Senators • 19 Representatives

Current Status: Awaiting action (Senate and House)

AJC Position: **AJC will oppose any “charitable choice” amendments that might be offered to the Head Start bill.**

The bipartisan Head Start Reauthorization bill, as passed out of the House Education and the Workforce Committee, maintains a two-decade-old provision prohibiting various forms of employment discrimination in Head Start. However, House Education and Workforce Committee Chairman John Boehner (R-OH) has promised to introduce an amendment on the House floor that would strip elements of these crucial civil rights protections from Head Start programs. The amendment—incorporating a key aspect of “charitable choice”—would subject teachers and other employees in these federally-funded programs to religious discrimination by participating religious organizations. While Congress has passed “charitable choice” provisions in the past, this would mark the first time that a bill without these troubling provisions reached the House floor only to be amended there to include civil rights rollbacks.

AJC opposes all amendments that include “charitable choice” language, as they would lead to excessive entanglement of church and state and sanction inappropriate government funding of religion. If Chairman Boehner succeeds in attaching this amendment to the Head Start reauthorization, AJC will oppose passage of the bill. Inclusion of this amendment would be particularly offensive because it would introduce religious discrimination into a historically successful anti-poverty and pro-education program.

Temporary Assistance to Needy Families (TANF) Extension Act of 2005

Bill Number: S.667 (Personal Responsibility and Individual Development for Everyone Act)

Introduced: March 17, 2005 (Senate)

Sponsors: Senator Charles Grassley (R-IA)

Cosponsors: 0 Senators

Current Status: Awaiting action (Senate)

AJC Position: **AJC will oppose all “charitable choice” amendments that might be offered to the TANF Social Service Block Grant program.**

On June 30, 2005, the Senate approved a 3-month extension of the welfare program, Temporary Assistance to Needy Families. The bill is expected to be considered on the Senate floor before the end of September. At that time, Senator Santorum (R-PA) is expected to offer an amendment extending “charitable choice” provisions to the Social Service Block Grant program.

Such an amendment would trigger the first “charitable choice” vote in the Senate since President Bush took office; its passage would likely precipitate a litany of similar amendments in various government programs.

AJC opposes all amendments that include “charitable choice” language, as these provisions would lead to excessive entanglement of church and state and sanction inappropriate government funding of religion. If the amendment passes, AJC would oppose the passage of the bill. In an April 12 letter, AJC urged Senators to opposing the extension of “charitable choice” provisions in the Social Service Block Grant program.

Job Training Improvement Act (Workforce Investment Act or “WIA”)

Bill Number: S.1021 • H.R.27

Introduced: May 12, 2005 (Senate) • January 4, 2005 (House)

Sponsors: Senators Michael Enzi (R-WY) • Edward Kennedy (D-MA)

Representatives Howard P. “Buck” McKeon (R-CA) • John Boehner (R-OH)

Cosponsors: 0 Senators • 14 Representatives

Current Status: Awaiting action (Senate) • Passed March 2, 2005 (House)

AJC Position: **AJC opposed the “charitable choice” language in the House version of WIA and will oppose provisions in the Senate version or in conference.**

In March, 2005, the House passed the Workforce Investment Act, including provisions that would roll back crucial civil rights protections for workers in federally-funded job training programs. As introduced, the Senate bill does not include this language, but an amendment including the provisions will likely be introduced.

Since 1982, Congress has protected workers in federally-funded job training programs against religious discrimination, as well as other forms of discrimination. If included in the Senate bill, the amendment’s language, which reflects a key aspect of “charitable choice,” would repeal prohibitions on making employment decisions on the basis of religion in these programs, insofar as they apply to religious organizations.

AJC will oppose any “charitable choice” provisions in the Senate version of WIA, as they would violate the separation of church and state by permitting government funding of religion. If an amendment including these provisions passes, AJC will oppose the bill. AJC sent a letter to the House on February 15, expressing our opposition to the proposed language in the WIA bill: “preserving the autonomy of those [religious] institutions must not entail the wholesale repeal of longstanding civil rights safeguards that protect workers from religious discrimination in federally-funded positions.” The introduction of religion-based job discrimination into the WIA bill would be particularly improper, as the bill directly pertains to job training.

~ ENERGY ~

Energy Policy Act of 2005

Bill Number: S. 10 • H.R.6

Introduced: June 9, 2005 • April 18, 2005

Sponsors: Senator Pete Domenici (R-NM) • Representative Joe Barton (R-TX)

Cosponsors: 0 Senators • 2 Representatives

Current Status: Became law August 8, 2005

AJC Position: **AJC calls for additional legislation to follow the Energy Policy Act of 2005.**

The Energy Policy Act of 2005, which became law on August 8, 2005, is a bipartisan initiative that aims to reduce U.S. dependence on foreign energy. The two pieces of legislation reconciled by the conference committee were vastly different, but both began to lay out a multi-faceted plan. The conference report agreed to in early August more closely tracked the Senate version, but incorporated pieces of both bills. The legislation authorizes a broad range of research, development, demonstration, and deployment activities for new energy technologies, and energy tax incentives. Together, these provisions aim to enhance efficiency and make new technologies affordable. The Act does not include provisions enhancing existing Corporate Average Fuel Economy (CAFE) standards.

H.R.6, as enacted, also includes a section on “Cooperation Between United States and Israel” that encourages cooperative energy research and development between the two nations. The provisions mandate a report to Congress on the implementation of the 1996 ‘Agreement between the Department of Energy of the United States of America and the Ministry of Energy and Infrastructure of Israel Concerning Energy Cooperation.’

In a July 25 letter to the members of the conference committee, AJC stated “we remain concerned that both bills fall short in several respects, most notably in the areas of alternative fuel sources and mandatory measures to enhance efficiency.” In the letter, AJC further urged “strengthened and more consistent Corporate Average Fuel Economy (CAFE) standards, or other similar types of programs. CAFE standards have fallen shamefully out of date; updating and reinvigorating them is a sensible and necessary step toward reducing our nation’s dependence on foreign energy sources.”

AJC also advocated tax credits for hybrid and flex-fuel cars that increase fuel economy and minimize degrading of our air quality. Our reliance upon foreign oil sources poses a serious national security concern, as our demand for petroleum bolsters authoritarian regimes in the Middle East. In addition, AJC welcomes the U.S.-Israel cooperation provisions.

Following enactment of the Energy Policy Act of 2005, AJC called H.R.6 a first step toward reducing our nation’s dependence upon foreign oil, and urged the Administration and Congress to quickly enact additional measures, including strengthened CAFE standards, which were not included in the bill as passed by either chamber or in the final legislation.

The United States-Israel Energy Cooperation Act

Bill Number: H.R.2730

Introduced: May 26, 2005

Sponsors: Representatives John Shadegg (R-AZ) • Brad Sherman (D-CA)

Cosponsors: 40 Representatives

Current Status: Awaiting Subcommittee action (House)

AJC Position: **AJC supported the United States-Israel Energy Cooperation Act.**

The United States-Israel Energy Cooperation Act would create a \$20 million per year program, administered by the Department of Energy, to provide grants to joint U.S. and Israeli businesses and academic ventures on alternative energy projects. These grants would also fund projects that make traditional energy technologies more efficient.

Formalized cooperation between Israel and the United States will directly benefit our economy both by providing access to proprietary technology and granting the U.S. government the rights to any resulting technologies.

AJC supports H.R.2730, legislation that would reduce our dependence on foreign petroleum while encouraging alternative energy research within Israel. By supporting this legislation, the United States would enhance Israel's economic stability and further reinforce our strong research partnership with Israel.

For additional copies of Capital Alert, or to request further information on these or other issues pursued by AJC through its government affairs and international programs, contact us at: The American Jewish Committee, Office of Government and International Affairs, 1156 Fifteenth Street, N.W., Washington, D.C. 20005. Phone 202-785-4200; fax 202-659-9896; email ogia@ajc.org. Or check our website at www.ajc.org. Staff: Jason F. Isaacson, Director; Richard T. Foltin, Legislative Director and Counsel; Aaron Jacob, Associate Director for International Affairs; Rabbi Andrew Baker, Director of International Jewish Affairs; Barry Jacobs, Director of Strategic Studies; Dina Siegel Vann, Director of Latino and Latin American Affairs Institute; Brooke Menschel, Assistant Legislative Director; Debra Feuer, Counsel for Special Projects; David Moses, Diplomatic Outreach Coordinator; Guy Billauer, Assistant Director for International Jewish Affairs; Adam J. Janvey, Senior Research Associate, International Affairs; Sara Beth Levin, Coordinator, International Jewish Affairs; Patricia J. Prasad, Office Manager; Laurie Wexler, Director, Project Interchange; Nissim Reuben, Senior Fellow – International Affairs & Indian-Jewish American Relations; Muriel Asseraf, Executive Assistant and Special Projects Coordinator; Stephanie Guiloff, Senior Research & Program Associate Latino & Latin American Institute; Etel Menda, International Affairs Fellow; Michael Weintraub, Legislative Affairs Fellow; Alexander Mazelon, Legislative Affairs Fellow; Hyman Bookbinder, Washington Representative Emeritus.

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1156 Fifteenth Street, N.W., Washington, D.C. 20005