

July 28, 2014

Senator Patrick Leahy
437 Russell Senate Building
Washington, DC 20510

Senator Lindsey Graham
290 Russell Senate Building
Washington DC, 20510

Representative Kay Granger
1026 Longworth House Office Building
Washington, DC 20515

Representative Nita Lowey
2365 Rayburn House Office Building
Washington, DC 20515

Dear Senators and Congresswomen:

We are writing with regard to changes proposed to Section 7008 of the annual State Department, Foreign Operations, and other Programs (SFOPS) appropriations bill. This longstanding provision implements a bedrock principle of American values and U.S. foreign assistance: the suspension of U.S. aid in the event of a coup d'état against a democratically elected government. We write to support one of the proposed changes, which would clarify and strengthen the law's implementation. We oppose the other as it would undermine that clarity and the law's effectiveness.

The FY15 House of Representatives SFOPS bill includes two new changes to Section 7008. The first requires the Secretary of State to determine *and report to Congress* whether the law applies within 30 days of the deposition of an elected head of government through force or other undemocratic means. We support this provision, because as seen in the recent case of Egypt, without it the intent of the law can be thwarted. The administration's refusal to report its determination to Congress following the removal from power of former Egyptian President Mohamed Morsi last July allowed it to avoid a clear suspension of U.S. aid as required by the law. This sent mixed signals both to Egypt and to other governments in the region regarding the resolve of the United States to support democratic transitions and protections for universal human rights, an ambiguity which continues to plague U.S. policy and contributes to a lack of progress in the region.

We are alarmed, however, by the second change to the law, requested by the State Department, which would allow the administration to resume aid if the Secretary of State determines that "provision of assistance is vital to the national security interests of the United States." This change would erode the role of Congress in upholding American values and principles in U.S. foreign aid. And as we have seen from other laws containing national security waivers and certifications, the exceptions tend to swallow the rule as the Executive Branch routinely exercises such provisions in a manner that prioritizes short term expediency over long term interests and effectively renders U.S. law meaningless.

Section 7008 currently requires a suspension of aid until a democratically elected government has taken office. It has been applied numerous times in recent years, including in Fiji, Guinea-Bissau, Madagascar, Mali, and Thailand, providing an incentive for power to be returned swiftly to a democratically elected government. Congress should not abandon that leverage nor the clear signal in support of democratic principles that the law sends to both friends and foes of democracy everywhere.

Congress should strengthen Section 7008 by requiring a determination to be made and reported within 30 days. But it should not provide a national security loophole that would allow the administration to resume assistance before a democratically elected government has taken office. Far from giving the State Department more flexibility, doing so would eviscerate one of the most important existing pieces of legislation in support of democratic principles and undermine the values for which the United States should be seen to stand across the globe.

Thank you for your consideration of our request,



HRW.org

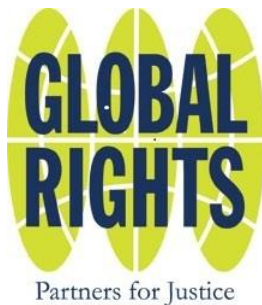
Americans for Democracy



& Human Rights in Bahrain



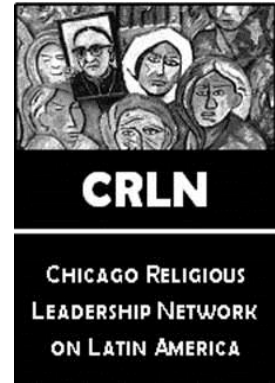
OPEN SOCIETY POLICY CENTER



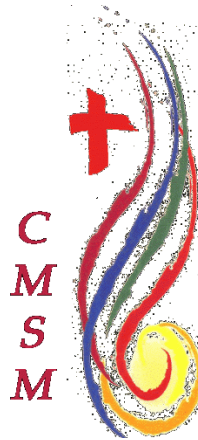
stand



CENTER FOR FAITH
AND HUMAN RIGHTS



Alliance for
Peacebuilding



Africa Faith & Justice Network
Alliance for Peacebuilding
American Exceptionalism in Media Project
Americans for Democracy & Human Rights in
Bahrain
Association of Concerned Africa Scholars
Center for Faith and Human Rights
Center for International Policy
Chicago Religious Leadership Network on Latin
America
Conference of Major Superiors of Men
Equality Myanmar
Freedom House
Friends Committee on National Legislation

Global Rights: Partners for Justice
GlobalSolutions.org
Human Rights First
Human Rights Watch
Latin America Working Group
Maryknoll Office for Global Concerns
National Security Network
Open Society Policy Center
Physicians for Human Rights
Project on Middle East Democracy
Reporters Without Borders
STAND
Washington Office on Latin America