TRAFFICKING PREVENTION IN FOREIGN AFFAIRS CONTRACTING ACT; CONDEMNING THE COWARDLY ATTACK ON INNOCENT MEN, WOMEN AND CHILDREN IN THE NORTHEASTERN NIGERIAN TOWN OF BAGA; AND NORTH KOREA SANCTIONS ENFORCEMENT ACT OF 2015

MARKUP
BEFORE THE
COMMITTEE ON FOREIGN AFFAIRS
HOUSE OF REPRESENTATIVES
ONE HUNDRED FOURTEENTH CONGRESS
FIRST SESSION
ON
H.R. 400, H. Res. 53 and H.R. 757
FEBRUARY 27, 2015
Serial No. 114–20

Printed for the use of the Committee on Foreign Affairs


U.S. GOVERNMENT PUBLISHING OFFICE
WASHINGTON : 2015
TRAFFICKING PREVENTION IN FOREIGN AFFAIRS CONTRACTING ACT; CONDEMNING THE COWARDLY ATTACK ON INNOCENT MEN, WOMEN AND CHILDREN IN THE NORTHEASTERN NIGERIAN TOWN OF BAGA; AND NORTH KOREA SANCTIONS ENFORCEMENT ACT OF 2015

FRIDAY, FEBRUARY 27, 2015

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FOREIGN AFFAIRS,
Washington, DC.

The committee met, pursuant to notice, at 9:38 a.m., in room 2172, Rayburn House Office Building, Hon. Ed Royce (chairman of the committee) presiding.

Chairman Royce. The committee will come to order. Pursuant to notice, we meet today to mark up three bipartisan measures and, without objection, all members may have 5 days to submit any statements for the record or extraneous materials on any of today’s business. As all members were notified yesterday, we intend to consider our first two measures en bloc.

And so, without objection, the following items will be considered en bloc and are considered as read: H.R. 400, the Trafficking Prevention in Foreign Affairs Contracting Act; House Resolution 53, a resolution condemning the cowardly attacks on innocent men, women, and children in Northeast Nigeria; and Kelly amendment No. 14, in the nature of a substitute to House Resolution 53. And after recognizing myself and Mr. Engel, I will be pleased to recognize any Member seeking recognition to speak on these two measures.

[The information referred to follows:]
H. R. 400

To require the Secretary of State and the Administrator of the United States Agency for International Development to submit reports on definitions of placement and recruitment fees for purposes of enabling compliance with the Trafficking Victims Protection Act of 2000, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 16, 2015

Mr. ROYCE (for himself and Mr. ENGEL) introduced the following bill, which was referred to the Committee on Foreign Affairs

A BILL

To require the Secretary of State and the Administrator of the United States Agency for International Development to submit reports on definitions of placement and recruitment fees for purposes of enabling compliance with the Trafficking Victims Protection Act of 2000, and for other purposes.

Be it enacted by the Senate and House of Representa-

tives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This bill may be referred to as the “Trafficking Pre-

vention in Foreign Affairs Contracting Act”.

1

2

3

4

5
SEC. 2. FINDINGS.

Congress finds the following:

(1) The Department of State and the United States Agency for International Development (USAID) rely on contractors to provide various services in foreign countries such as construction, security, and facilities maintenance.

(2) In certain cases, such as where the employment of local labor is impractical or poses security risks, Department of State and USAID contractors sometimes employ foreign workers who are citizens neither of the United States nor of the host country and are recruited from developing countries where low wages and recruitment methods often make them vulnerable to a variety of trafficking-related abuses.

(3) A January 2011 report of the Office of the Inspector General for the Department of State, while it found no evidence of direct coercion by contractors, found that a significant majority of their foreign workers in certain Middle East countries reported paying substantial fees to recruiters that, according to the Inspector General, “effectively resulted in debt bondage at their destinations”. Approximately one-half of the workers were charged recruitment fees equaling more than six months’ sal-
ary. More than a quarter of the workers reported fees greater than one year’s salary and, in some of those cases, fees that could not be paid off in two years, the standard length of a contract.

(4) A November 2014 report of the United States Government Accountability Office (GAO–15–102) found that the Department of State, USAID, and the Defense Department need to strengthen their oversight of contractors’ use of foreign workers in high-risk environments in order to better protect against trafficking in persons.

(5) The GAO report recommended that those agencies should develop more precise definitions of recruitment fees, and that they should better ensure that contracting officials include prevention of trafficking in persons in contract monitoring plans and processes, especially in areas where the risk of trafficking in persons is high.

(6) Of the three agencies addressed in the GAO report, only the Department of Defense expressly concurred with GAO’s definitional recommendation and committed to defining recruitment fees and to incorporating that definition in its acquisition regulations as necessary.
(7) In formal comments to GAO, the Department of State stated that it forbids the charging of any recruitment fees by contractors, and both the Department of State and USAID noted a proposed Federal Acquisition Regulation (FAR) rule that prohibits charging any recruitment fees to employees.

(8) However, according to GAO, neither the Department of State nor USAID specifically defines what constitutes a prohibited recruitment fee: “Contracting officers and agency officials with monitoring responsibilities currently rely on policy and guidance regarding recruitment fees that are ambiguous. Without an explicit definition of the components of recruitment fees, prohibited fees may be renamed and passed on to foreign workers, increasing the risk of debt bondage and other conditions that contribute to trafficking.”.

(9) GAO found that, although Department of State and USAID guidance requires their respective contracting officials to monitor compliance with trafficking in persons requirements, they did not consistently have specific processes in place to do so in all of the contracts that GAO sampled.
SEC. 3. REPORTS ON DEFINITION OF PLACEMENT AND RECRUITMENT FEES AND ENHANCEMENT OF CONTRACT MONITORING TO PREVENT TRAFFICKING IN PERSONS.

(a) DEPARTMENT OF STATE REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall submit to the appropriate committees of Congress a report that includes the matters described in subsection (c) with respect to the Department of State.

(b) USAID REPORT.—Not later than 180 days after the date of the enactment of this Act, the Administrator of the United States Agency for International Development (USAID) shall submit to the appropriate committees of Congress a report that includes the matters described in subsection (c) with respect to USAID.

(c) MATTERS TO BE INCLUDED.—The matters described in this subsection are the following:

(1) A proposed definition of placement and recruitment fees for purposes of complying with section 106(g)(iv)(IV) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7104(g)(iv)(IV)), including a description of what fee components and amounts are prohibited or are permissible for contractors or their agents to charge workers under such section.
(2) An explanation of how the definition described in paragraph (1) will be incorporated into grants, contracts, cooperative agreements, and contracting practices, so as to apply to the actions of grantees, subgrantees, contractors, subcontractors, labor recruiters, brokers, or other agents, as specified in section 106(g) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7104(g)).

(3) A description of actions taken during the 180-day period preceding the date of submission of the report and planned to be taken during the one-year period following the date of submission of the report to better ensure that officials responsible for grants, contracts, and cooperative agreements and contracting practices include the prevention of trafficking in persons in plans and processes to monitor such grants, contracts, and cooperative agreements and contracting practices, particularly as such agreements and contracting practices relate to areas of the world in which the risk of trafficking in persons is high.

(d) APPROPRIATE COMMITTEES OF CONGRESS.—In this section, the term “appropriate committees of Congress” means the Committee on Foreign Affairs of the
7

1 House of Representatives and the Committee on Foreign
2 Relations of the Senate.
3
4 **SEC. 4. DEFINITION.**
5 In this Act, the term “trafficking in persons” has the
6 meaning given the term in section 103(9) of the Traf-
7 ficking Victims Protection Act of 2000 (22 U.S.C.
8 7102(9)).
H. RES. 53

Condemning the cowardly attack on innocent men, women, and children in the northeastern Nigerian town of Baga.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 27, 2015

Ms. KELLY of Illinois submitted the following resolution; which was referred to the Committee on Foreign Affairs

RESOLUTION

Condemning the cowardly attack on innocent men, women, and children in the northeastern Nigerian town of Baga.

Whereas, on the night of January 3, 2015, the terrorist group Boko Haram launched a cowardly attack on innocent men, women, and children in the northeastern Nigerian town of Baga;

Whereas the terrorists of Boko Haram used assault rifles, grenade launchers, and fire to slaughter innocent civilians;

Whereas the scope of casualties in this attack totals in the hundreds and possibly thousands;

Whereas most of the victims of this attack were women, children, and elderly people;
Whereas Amnesty International describes the attack as the terrorist group’s “deadliest massacre” to date;

Whereas local defense groups are reported to have given up counting the bodies left lying on the streets of Baga;

Whereas these unprovoked attacks have resulted in many Nigerians being not likely to vote in the upcoming Presidential elections;

Whereas human rights groups have indicated that the Nigerian state security forces should improve efforts to protect civilians during offensive operations against Boko Haram;

Whereas numerous reports have indicated security forces in the region are fleeing when confronted by Boko Haram;

Whereas Boko Haram now reportedly controls Baga and 16 neighboring towns in northeastern Nigeria;

Whereas this terrorist group killed 10,000 people in Nigeria alone in 2014; and

Whereas Boko Haram has displaced over 1,000,000 innocent people: Now, therefore, be it

Resolved, That the House of Representatives—

(1) expresses its strong support for the people of Nigeria, especially the men, women, and children in the northeastern Nigerian town of Baga who were victimized, abducted, trafficked, and murdered by the terrorist group Boko Haram;

(2) condemns Boko Haram for its violent attacks on civilian targets, including schools, mosques,
churches, villages, and agricultural centers in Nigeria;

(3) encourages the Government of Nigeria to strengthen efforts to protect civilians from the terrorists of Boko Haram;

(4) supports offers of United States assistance to the Government of Nigeria in the search for the school girls abducted by Boko Haram; and

(5) encourages the Government of Nigeria to work with the United States, and other governments in the region such as Chad, Niger, and Cameroon, to defeat Boko Haram.
AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H. RES. 53
OFFERED BY MS. KELLY OF ILLINOIS

Strike the preamble and insert the following:

Whereas on the night of January 3, 2015, the terrorist group
Boko Haram launched a horrific attack on innocent men,
women, and children in the northeastern Nigerian town
of Baga;

Whereas the terrorists of Boko Haram used assault rifles,
grenade launchers, and fire to slaughter innocent civilians
and the scope of casualties in this one attack totals in
the hundreds and possibly thousands;

Whereas some nongovernmental organizations have described
the attack in Baga as the terrorist group’s “deadliest
massacre” to date;

Whereas Nigerian security forces have been largely unable to
prevent Boko Haram’s territorial advances in the north-
east since July 2014;

Whereas human rights groups have indicated that the Nige-
rian state security forces should improve efforts to pro-
tect civilians during offensive operations against Boko
Haram;

Whereas this Islamist terrorist group, designated as a United
States Foreign Terrorist Organization in November
2013, has killed over 5,000 people in Nigeria in 2014
alone and displaced over 1,000,000 innocent people;
Whereas Boko Haram has launched attacks in the neighboring countries of Cameroon, Niger, and Chad;

Whereas Boko Haram’s leadership have voiced support for and received some funding and training from other Islamist terrorist groups, such as al Qaeda and its affiliates and has recently embraced propaganda tactics similar to the Islamic State of Iraq and Levant;

Whereas Boko Haram has abducted hundreds of civilians, using women and children as slaves, subjecting them to sexual abuse, and deploying them as suicide bombers, and forcibly recruiting boys as child soldiers;

Whereas Boko Haram has threatened to disrupt the Nigerian elections and attacks such as the one in Baga may result in many Nigerians being unable to vote in the upcoming national elections;

Whereas election-related violence in Nigeria has occurred in successive elections, including in 2011, when nearly 800 people died and some 65,000 were displaced in clashes following the presidential election;

Whereas President Goodluck Jonathan, Major General (retired) Muhammadu Buhari, and other presidential candidates signed the “Abuja Accord” on January 14, 2015, committing themselves and their campaigns to refrain from public statements that incite violence, to run on issue-based platforms that do not seek to divide citizens along religious or ethnic lines, and to support the impartial conduct of the electoral commission and the security services;

Whereas Secretary of State John Kerry traveled to Nigeria on January 25, 2015, to emphasize the importance of en-
suring the upcoming elections are peaceful, nonviolent, and credible;

Whereas Nigeria was scheduled to hold national elections on February 14, 2015, but the elections were postponed for 6 weeks and are now scheduled for March 28, 2015;

Whereas political tensions in the country are high, and either electoral fraud or violence could undermine the credibility of the upcoming election;

Whereas Nigeria is Africa’s largest economy, biggest oil producer, and most populous nation, making it an influential country in the region; and

Whereas Nigeria is an important partner of the United States and it is in the best interest of the United States to maintain close ties with Nigeria: Now, therefore, be it

Strike all after the resolving clause and insert the following:

That the House of Representatives—

1 (1) expresses its strong support for the people of Nigeria, especially the men, women, and children in northeastern Nigeria, including the town of Baga, who have been terrorized, abducted, trafficked, and murdered by the terrorist group Boko Haram;

2 (2) condemns Boko Haram for its violent attacks on civilian targets, including schools, mosques, churches, villages, and markets in Nigeria;
(3) encourages the Government of Nigeria to strengthen efforts to protect civilians from the terrorists of Boko Haram, including through cooperation with neighboring countries and other international actors;

(4) urges all political candidates to uphold the commitments outlined in the “Abuja Accord” and the Government of Nigeria to hold their elections without further delay on March 28, 2015;

(5) remains committed to protecting democratic principles and universal human rights worldwide;

(6) supports efforts of United States assistance to the Government of Nigeria to combat Boko Haram and the search of those who have been abducted by Boko Haram; and

(7) applauds the countries of the region and the African Union for their efforts to establish a regional security force, which will include Chad, Niger, Nigeria, Cameroon, and Benin, to combat Boko Haram and supports offers robust security of assistance to strengthen the force’s capacity.

Amend the title so as to read: “A resolution condemning the cowardly attacks on innocent men, women, and children in northeastern Nigeria by Boko Haram and urging a peaceful and credible national election.”.
Chairman ROYCE. So we begin with H.R. 400, Trafficking Prevention in Foreign Affairs Contracting Act. And this has to do with a problem that we have at some of our posts overseas. The State Department, as you know, and the USAID rely on contractors to provide services like construction, security and maintenance. And those contractors employ foreign workers and often they are recruited from faraway developing countries, where they are vulnerable to abuse. And, in particular, labor recruiters may charge prospective employees recruitment fees or payments, basically, for the right to work. So current law prohibits U.S. contractors from, in theory, charging foreign workers unreasonable recruitment fees and the State Department claims to prohibit any recruitment fees at all.

However, neither State nor USAID have defined what constitutes a recruitment fee. And this ambiguity, unfortunately, has allowed some recruiters to simply rename these fees and continue charging them. And this is a serious problem.

We have a 2011 report by the State Department Inspector General, and in that report they found that a majority of State’s foreign contract workers in certain Middle Eastern countries were paying substantial fees to recruiters, sometimes more than a year’s salary, resulting in—and this is in the words of the Inspector General—“effective debt bondage.” To ensure that our overseas contracting does not feed the problem, this bill requires State and USAID to define what prohibited recruitment fees are and to report to Congress on their plans to improve contract monitoring to protect against human trafficking.

Then, the other bill I will mention is amendment to House Resolution 53, a resolution condemning Boko Haram and urging a peaceful and credible national election. And last month Boko Haram launched what some say is the worst attack to date, a powerful statement if you think of their previous atrocities, including kidnapping nearly 300 school girls in Chibok. But satellite images from Baga show a town now completely leveled, thousands, thousands of boys and girls, mothers, and fathers, killed in this attack. It is no wonder that Boko Haram is being called the ISIS of Africa. And this resolution condemns the attack and expresses support for U.S. security assistance to the recently established African Union Regional Force, stood up to fight Boko Haram. Alongside these security concerns, Nigeria is also facing a watershed Presidential election. The political environment is extremely tense. The Nigerian Government has already delayed elections originally scheduled for mid-February, and this resolution urges Nigeria to avoid any further delays as well.

I want to thank Representative Kelly for introducing this timely resolution, and I should also recognize the leadership of multiple committee members, including the Africa Subcommittee Chairman Smith on Nigeria—and Boko Haram in particular—along with Karen Bass, the ranking member on that subcommittee. I will now turn to Mr. Eliot Engel for his comments on these two measures.

Mr. ENGEL. Thank you very much, Mr. Chairman. And thank you for holding this markup and, as always, for working with us in a bipartisan manner. I strongly support the two measures in this en bloc, H.R. 400, Trafficking Prevention in Foreign Affairs
Contracting Act, and H. Res. 53, a resolution condemning the attacks by Boko Haram in Northeastern Nigeria.

Mr. Chairman, I want to commend your leadership on human trafficking issues. You mentioned all of the people, our colleagues who have done this, Mr. Smith for years, and so many other people on this committee. As you noted, current law prohibits U.S. Government contractors from charging foreign workers unreasonable placement and recruitment fees, but as the GAO has pointed out, neither the State Department nor USAID has adequately defined what "unreasonable" means. We don't want to leave any ambiguity that could lead to debt bondage or any other form of human trafficking. The bill simply requires State Department and USAID to submit a report clarifying this definition.

Human trafficking is a modern slavery, a horrific crime and an assault on freedom and justice. As a leader in fighting this scourge, our Government needs to make sure that our procurement and contracting practices don't lead to abuse or exploitation of workers. The bill before us today will help ensure taxpayer dollars aren't inadvertently making this problem worse. I strongly support this legislation and urge all of my colleagues to do the same.

Mr. Chairman, I also support H. Res. 53, a resolution condemning Boko Haram and encouraging free, fair, and on time elections in Nigeria. I want to commend our new colleague on the committee, Congresswoman Robin Kelly, for introducing this important measure and for her leadership on this issue. Nigeria is going through a very difficult period right now. The brutal terrorist group Boko Haram has continued its reign of terror ruthlessly killing hundreds of civilians in the northeast part of the country, and in a controversial move, Nigeria's Presidential election has been postponed.

Over the past 5 years, Nigeria's leaders have not dealt adequately with the challenge of Boko Haram. They must do better. And that is what this resolution says. It also applauds the efforts of other countries in the region, including Chad, Niger, and Cameroon, to cooperate in the offensive against Boko Haram.

With respect to Nigeria's elections, I am deeply concerned by the 6-week delay announced earlier this month by the elected commission. Many believe this action was politically motivated. Nigeria is Africa's largest democracy and economy. The continent cannot afford the illegitimate elections to undermine stability in that country. This resolution urges the Government of Nigeria to hold elections on March 28, and calls on all parties to refrain from violence. Credible elections in such an important country will help project stability across the continent.

So I urge my colleagues to as well support this important resolution.

Thank you, Mr. Chairman.

Chairman Royce. Thank you, Mr. Engel.

I want to turn next to Congresswoman Robin Kelly of Illinois, the author of House Resolution 53.

Ms. Kelly. Thank you, Mr. Chairman.

I want to extend my thanks to Chairman Royce, Ranking Member Engel, and the majority and minority staffs for their work in organizing today's markup.
The resolution that I have offered in a substitute amendment is intended to serve as a direct message to Boko Haram that their terror and extremism will not be ignored. Their ideology will not be tolerated, and their legacy of savagery will not endure in the annals of history. Like so many across the world, I am outraged by the brutality and senselessness of Boko Haram’s crimes. As we work with the international community to reduce the threat of terrorism around the world, we are reminded that Boko Haram has killed over 5,000 people in Nigeria in 2014 and displaced over 1 million innocent people.

Boko Haram has abducted hundreds of civilians using women and children as slaves and subjecting them to sexual abuse, suicide bombers, and child soldiers. Boko Haram has threatened to disrupt the Nigerian elections and intimidate would-be voters. Victimizing innocent men, women, and children for perverse and ideological gain will never be tolerated or treated as just by the international community. With our vote today, this committee can affirm that we stand for the human rights, dignity, and security of the Nigerian people. We will not tolerate a world in which Boko Haram or any terrorist organization can slaughter innocent civilians; we respect the right of women to be educated without the threat of violence; and that we support free and fair elections that do not have the threat of suppression and intimidation lingering around them.

While they are not on this committee, I want to thank our colleagues Congresswomen Frederica Wilson and Corrine Brown for their leadership on this issue, and I again thank the chairman and ranking member for their work in marking up this resolution.

I yield back.

Chairman ROYCE. We turn now to Mr. Matt Salmon of Arizona.

Mr. SALMON. Thanks, Mr. Chairman, and thank you for drafting this important bill and bringing it up so quickly at the beginning of the Congress. I have consistently supported any measures and legislation that would hold North Korea accountable to its intolerable actions.

Chairman ROYCE. Mr. Salmon, we will take that bill up next, but right now, the en bloc amendment, sir.

Mr. SALMON. Oh, the en bloc amendment. Thank you.

Chairman ROYCE. Any other members seek to—Mr. Cicilline from Rhode Island.

Mr. CICILLINE. Thank you, Mr. Chairman.

I want to thank you and Ranking Member Engel for swiftly scheduling the first markup of a new Congress to address critical issues in the world right now. I am happy to see us move forward on a number of bills that I am very proud to have cosponsored. I am particularly grateful to the chairman and the ranking member for their leadership on human trafficking with the Trafficking Prevention in Foreign Affairs Contracting Act. Put simply, human trafficking is slavery. It violates the founding principles of the United States of life, liberty, and the pursuit of happiness, and humanity’s very basic principle of respect. The United States must continue to lead efforts in combating human trafficking, and I am very pleased that we are marking up legislation to improve transparency and enforcement regarding the oversight of recruitment fees paid by foreign workers.
Finally, I was proud to cosponsor the resolution offered by my friend and college Congresswoman Robin Kelly condemning the violence and terrorism perpetrated by Boko Haram, abducting innocent students and forcing children into marriage or slavery is unconscionable. And no child in any part of the world should live in constant fear of kidnapping or death. We must send a strong message to Boko Haram that these heinous acts and their other terrorist activities are unacceptable. There is no question that the United States must do everything in its power to work with our partners to stop Boko Haram.

And I, too, want to acknowledge the advocacy and passionate work of our colleague, Congresswoman Frederica Wilson.

But also in our partnership with Nigeria, we must also enforce our expectations that the Nigerian Government is honest, fair, and treats all of its citizens with dignity.

Last year, Nigeria enacted a law which added additional criminal penalties against lesbian, gay, bisexual and transgender individuals. Although titled “The Same-Sex Marriage Prohibition bill,” the law goes well beyond prohibiting marriage equality to actively discriminate against LGBT individuals and their allies in meaningful ways. Since enactment of the law, we have received reports of escalated violence, police and government oppression, and censorship. And while we commit to the full might of the United States to fighting Boko Haram, we cannot ignore egregious human rights violations at the same time.

Again, I commend the chairman and the ranking member for moving these important pieces of legislation, and I look forward to their passage, and I yield back.

Chairman ROYCE. Thank you, Mr. Cicilline.

We go now to Mr. Smith of New Jersey. His Africa Subcommittee has done key work on Nigeria and Boko Haram, pushing for its designation as a foreign terrorist organization.

Mr. SMITH. Mr. Chairman, thank you very much for bringing these bills before the committee and for your leadership on the trafficking bill. I think that is a very timely bill. The GAO report adds exclamation points to what this will seek to accomplish, the one that was done just a few months ago. So thank you for that leadership.

You know, on the whole idea of exploiting workers and falsifying recruitment procedures as well as recruitment fees, this has been a problem that has plagued our own procurement process. I held a series of hearings, Mr. Chairman, and two of them were joint hearings; one with Duncan Hunter when he was the chairman of the Armed Services Committee and the other with John McHugh when he was a subcommittee chairman. And we were able to probe and discover very, very egregious practices on the part of our own procurement, whereby contractors as well as recruitment people in Jordan and elsewhere were inviting people to come to work for us, only to be told once they got here that they couldn't leave. They were in substandard housing. Their passports were taken away from them, and then they were living in despicable circumstances and getting pay that was nowhere near what they were earning—or should have earned—and what they were promised.
It fits the definition of a labor trafficking offense. We have pressed repeatedly that in all procurement, across the board in the United States Government, that we set the standard, not be part of the problem but be part of the solution when it comes to purchasing and when it comes to employing people, particularly overseas. It has not been a good record. And, again, this I think helps us get further information, further clarification about how we can do much better.

I would also point out that, in 2003, when we did the reauthorization of the Trafficking Victims Protection Act, legislation that I was the author of, the act had specific language about contracting; and if a contractor is complicit in human trafficking, that not only are we able to take that contract away from them in a very expeditious way, but we will hold all those who are complicit in that trafficking labor or sex trafficking to account criminally so that we can bring charges against them. Again, you now bring further push, amplification, light, and scrutiny to what has not been a very good or well-executed policy, and I thank you for it.

Chairman ROYCE. I thank you. You still have time.

Mr. SMITH. Just briefly on the Boko Haram issue if I could. And Boko Haram, we can’t say enough about how bad Boko Haram is, how lethal, how radical they are. They are radical Islamists. I have been, along with my staff director, Greg Simpkins. We have been to places like Jos. Jos is a place where several churches were firebombed, and I met with, as did Greg, with the survivors. And to hear them tell their stories about how they were targeted simply because they were Christians, no other reason. We had a man testify. I met him in an IDP camp in Jos. Adamu, his name was, and he was taken out of his house—he lived in the north—an AK–47 was put to his jaw and he was told, You renounce your faith in Christ, or I will blow your head off. Well, he said, I am willing to meet my Savior, and I am not going to renounce my faith. The Boko Haram terrorist pulsed the trigger, blew the entire side of his face off.

When I met him, I was in awe of his courage, his faith, so we invited him here. He came and gave testimony, and Members who were there, you could have heard a pin drop when he explained what it is that he went through and the love, even after that, that he holds for those who were his tormenters. He has forgiven them. He wants them to stop, obviously, because this, like ISIS and like these other radical Islamists, like al-Shabaab and others, are on a tear to destroy Christianity, to destroy moderate Muslims as well.

So we need in this committee—and I thank you for doing this—to continually bring forward resolutions, statements, expressions, debate time, on Boko Haram. Let me also say, and I asked Secretary of State this just a couple of days ago, I think we are failing in our obligation to provide the training that the Nigerian military needs in order to operate an effective counterinsurgency operation. I have met with the people who do it in our Embassy in Abuja, wonderful military people. I have met with the military of Nigeria. I met with the Foreign Minister of Nigeria most recently, and I was encouraged by the Secretary’s statement that this needs to be gotten back on track. But it has been slow. And it has not been as expansive enough.
There was a false statement made earlier in this debate by several that we couldn’t vet sufficient numbers of Nigerian military pursuant to the Leahy amendment. So I convened a hearing on that, and we heard from not only a number of human rights organizations, but we also heard from the administration. And they said at least 50 percent of the Nigerian military could pass muster under the Leahy provision. So let’s do it. They don’t want our troops. They do need certain weapons and night-vision goggles and the like because we know Boko Haram often operates at night. But let’s train these men and women and their officer corps so they can protect these children who are being abducted, the boys being killed, the young girls being abducted like the Chibok schoolgirls. I have met several of the lucky ones, the Chibok schoolgirls, both in Nigeria and a few that have made it here, to hear them tell their stories. It is just frightening, the horror that they live with, the PTSD that they now have to cope with in the middle of the night when they think of what that was like to have been taken hostage by this terrorist group.

The Nigerian military is capable. I have seen them, Mr. Chairman, all over the world, especially in Africa, but also in places like Sarajevo during the Balkan wars as peacekeepers. They have stepped up to the plate time and again. In Darfur, I was with a Nigerian group who were peacekeepers. They have done a very good job, but the skill set that they have needs to be ramped up. We are not doing it. So, again, I appeal to the administration. We need to work this out. I pleaded with them, let’s get a jointness going with their military and get this training up and running to mitigate this threat and hopefully to abolish it.

And I thank you, Mr. Chairman.
Chairman ROYCE. Thank you, Mr. Smith.

Anyone else seeking recognition on this legislation?

Mr. Trott of Michigan.
Mr. Trott. I want to thank the chairman and the ranking member for scheduling the markup of H.R. 400. We should obviously expect and demand transparency and accountability of contractors employing foreign workers. And when we discover practices that exacerbate human trafficking, we should demand not only detailed plans to correct the violations, but also penalties should be imposed.

I also want to thank the chairman for scheduling a markup of House Resolution 53. The aggression on the part of Boko Haram has been unconscionable and has been a breach of the principles of political and religious freedom that this country is built on. The ability to freely practice religion and participate in the political system has brought us prosperity and would bring prosperity to Nigeria as well. In this spirit, we should encourage Nigeria to not submit to terrorism and fear but instead move forward with their elections.

We stand with the Nigerian Government.
They have our support, and we thank the African Union for all of their efforts to combat this problem.

I yield back my time.
Chairman ROYCE. Hearing no further requests for recognition, the question occurs on the items considered en bloc.
All those in favor, say aye.
All those opposed, no.
In the opinion of the Chair, the ayes have it, and the measures are considered en bloc. H.R. 400 and the House Resolution 53, as amended by Kelly’s amendment 14, are agreed to.
And I now call up H.R. 757.
Clerk, if you could read the bill.
Ms. MATER. H.R. 757, a bill, to improve the enforcement of sanctions against the Government of North Korea, and for other purposes.
Chairman ROYCE. Without objection, the bill is considered as read and open for amendment at any point.
[The information referred to follows:]
114th Congress
1st Session

H. R. 757

To improve the enforcement of sanctions against the Government of North Korea, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

February 5, 2015

Mr. ROYCE (for himself, Mr. ENGEL, Mr. POE of Texas, Mr. SHERMAN, Mr. SALMON, and Mr. KEATING) introduced the following bill; which was referred to the Committee on Foreign Affairs, and in addition to the Committees on Ways and Means, the Judiciary, Financial Services, and Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

A BILL

To improve the enforcement of sanctions against the Government of North Korea, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “North Korea Sanctions Enforcement Act of 2015”.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings.
TITLE I—INVESTIGATIONS, PROHIBITED CONDUCT, AND PENALTIES

Sec. 101. Statement of policy.
Sec. 102. Investigations.
Sec. 103. Briefing to Congress.
Sec. 104. Designation of persons for prohibited conduct and mandatory and discretionary designation and sanctions authorities.
Sec. 105. Forfeiture of property.

TITLE II—SANCTIONS AGAINST NORTH KOREAN PROLIFERATION, HUMAN RIGHTS ABUSES, ILlicit ACTIVITIES, AND SIGNIFICANT ACTIVITIES UNDERMINING CYBER SECURITY

Sec. 201. Determinations with respect to North Korea as a jurisdiction of primary money laundering concern.
Sec. 203. Proliferation prevention sanctions.
Sec. 204. Procurement sanctions.
Sec. 205. Enhanced inspections authorities.
Sec. 206. Travel sanctions.
Sec. 207. Exemptions, waivers, and removals of designation.
Sec. 208. Report on those responsible for knowingly engaging in significant activities undermining cyber security.

TITLE III—PROMOTION OF HUMAN RIGHTS

Sec. 301. Information technology.
Sec. 303. Report on persons who are responsible for serious human rights abuses or censorship in North Korea.

TITLE IV—GENERAL AUTHORITIES

Sec. 401. Suspension of sanctions and other measures.
Sec. 402. Termination of sanctions and other measures.
Sec. 403. Authority to consolidate reports.
Sec. 404. Regulations.
Sec. 405. Effective date.

1 SEC. 2. FINDINGS.

2 Congress finds the following:

3 (1) The Government of North Korea has repeatedly violated its commitments to the complete, verifiable, irreversible dismantlement of its nuclear weapons programs, and has willfully violated multiple United Nations Security Council resolutions
calling for it to cease its development, testing, and production of weapons of mass destruction.

(2) North Korea poses a grave risk for the proliferation of nuclear weapons and other weapons of mass destruction.

(3) The Government of North Korea has been implicated repeatedly in money laundering and illicit activities, including prohibited arms sales, narcotics trafficking, the counterfeiting of United States currency, and the counterfeiting of intellectual property of United States persons.

(4) The Government of North Korea has, both historically and recently, repeatedly sponsored acts of international terrorism, including attempts to assassinate defectors and human rights activists, repeated threats of violence against foreign persons, leaders, newspapers, and cities, and the shipment of weapons to terrorists and state sponsors of terrorism.

(5) North Korea has unilaterally withdrawn from the 1953 Armistice Agreement that ended the Korean War, and committed provocations against South Korea in 2010 by sinking the warship Cheonan and killing 46 of her crew, and by shelling Yeonpyeong Island, killing four South Koreans.
(6) North Korea maintains a system of brutal political prison camps that contain as many as 120,000 men, women, and children, who live in atrocious living conditions with insufficient food, clothing, and medical care, and under constant fear of torture or arbitrary execution.


(8) North Korea has prioritized weapons programs and the procurement of luxury goods, in defiance of United Nations Security Council resolutions, and in gross disregard of the needs of its people.

(9) The President has determined that the Government of North Korea is responsible for knowingly engaging in significant activities undermining cyber security with respect to United States persons and interests, and for threats of violence against the civilian population of the United States.

(10) Persons, including financial institutions, who engage in transactions with, or provide financial services to, the Government of North Korea and its financial institutions without establishing sufficient financial safeguards against North Korea’s use of these transactions to promote proliferation, weapons
trafficking, human rights violations, illicit activity, and the purchase of luxury goods, aid and abet North Korea’s misuse of the international financial system, and also violate the intent of relevant United Nations Security Council resolutions.

(11) The Government of North Korea’s conduct poses an imminent threat to the security of the United States and its allies, to the global economy, to the safety of members of the United States Armed Forces, to the integrity of the global financial system, to the integrity of global nonproliferation programs, and to the people of North Korea.

(12) The Congress seeks, through this legislation, to use nonmilitary means to address this crisis, to provide diplomatic leverage to negotiate necessary changes in North Korea’s conduct, and to ease the suffering of the people of North Korea.

SEC. 3. DEFINITIONS.

In this Act:

(1) APPLICABLE EXECUTIVE ORDER.—The term “applicable Executive order” means—

(A) Executive Order No. 13382 (2005), 13466 (2008), 13551 (2010), or 13570 (2011), to the extent that such Executive order authorizes the imposition of sanctions on persons for
6

conduct, or prohibits transactions or activities, involving the Government of North Korea; or

(B) any Executive order adopted on or after the date of the enactment of this Act, to the extent that such Executive order authorizes the imposition of sanctions on persons for conduct, or prohibits transactions or activities, involving the Government of North Korea.


(B) any United Nations Security Council resolution adopted on or after the date of the enactment of this Act, to the extent that such resolution authorizes the imposition of sanctions on persons for conduct, or prohibits transactions or activities, involving the Government of North Korea.

(3) Appropriate Congressional Committees.—The term "appropriate congressional committees" means—
(A) the Committee on Foreign Affairs, the
Committee on Ways and Means, and the Com-
mittee on Financial Services of the House of
Representatives; and
(B) the Committee on Foreign Relations
and the Committee on Banking, Housing, and
Urban Affairs of the Senate.

(4) DESIGNATED PERSON.—The term “des-
ignated person” means a person designated under
subsection (a) or (b) of section 104 for purposes of
applying one or more of the sanctions described in
title I or II of this Act with respect to the person.

(5) GOVERNMENT OF NORTH KOREA.—The
term “Government of North Korea” means—
(A) the Government of the Democratic
People’s Republic of Korea or any political sub-
division, agency, or instrumentality thereof; and
(B) any person owned or controlled by, or
acting for or on behalf of, the Government of
the Democratic People’s Republic of Korea.

(6) INTERNATIONAL TERRORISM.—The term
“international terrorism” has the meaning given
such term in section 140(d) of the Foreign Relations
Authorization Act, Fiscal Years 1988 and 1989 (22
U.S.C. 2656f(d)), and includes the conduct de-
scribed in section 212(a)(3)(B)(iii) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(B)(iii)), to the extent such conduct involves the citizens of more than one country.

(7) LUXURY GOODS.—The term “luxury goods” has the meaning given such term in subpart 746.4 of title 15, Code of Federal Regulations, and includes the items listed in Supplement No. 1 to such regulation, and any similar items.

(8) MONETARY INSTRUMENT.—The term “monetary instrument” has the meaning given such term under section 5312 of title 31, United States Code.

(9) NORTH KOREAN FINANCIAL INSTITUTION.—The term “North Korean financial institution” means—

(A) a financial institution organized under the laws of North Korea or any jurisdiction within North Korea (including a foreign branch of such institution);

(B) any financial institution located in North Korea, except as may be excluded from such definition by the President in accordance with section 207(d);
(C) any financial institution, wherever located, owned or controlled by the Government of North Korea; and

(D) any financial institution, wherever located, owned or controlled by a financial institution described in subparagraph (A), (B), or (C).

(10) OTHER STORES OF VALUE.—The term "other stores of value" means—

(A) prepaid access devices, tangible or intangible prepaid access devices, or other instruments or devices for the storage or transmission of value, as defined in part 1010 of title 31, Code of Federal Regulations; and

(B) any covered goods, as defined in section 1027.100 of title 31, Code of Federal Regulations, and any instrument or tangible or intangible access device used for the storage and transmission of a representation of covered goods, or other device, as defined in section 1027.100 of title 31, Code of Federal Regulations.

(11) PERSON.—The term "person" means an individual or entity as determined by the Secretary of State and the Secretary of the Treasury.
10

(12) SIGNIFICANT ACTIVITIES UNDERMINING

CYBER SECURITY.—The term “significant activities
undermining cyber security” means—

(A) significant efforts to—

(i) deny access to or degrade, disrupt,

or destroy an information and communica-
tions technology system or network; or

(ii) exfiltrate information from such a

system or network without authorization;

(B) significant destructive malware at-
tacks;

(C) significant denial of service activities;

or

(D) such other significant activities as may

be described in regulations promulgated to im-
plement section 104.

(13) UNITED STATES PERSON.—The term

“United States person” means—

(A) a natural person who is a citizen of the

United States or who owes permanent alle-
giance to the United States; and

(B) a corporation or other legal entity

which is organized under the laws of the United

States, any State or territory thereof, or the

District of Columbia, if natural persons de-
scribed in subparagraph (A) own, directly or in-
directly, more than 50 percent of the out-
standing capital stock or other beneficial inter-
est in such legal entity.

TITLE I—INVESTIGATIONS, PRO-
HIBITED CONDUCT, AND PEN-
ALTIES

SEC. 101. STATEMENT OF POLICY.

In order to achieve the peaceful disarmament of
North Korea, Congress finds that it is necessary—

(1) to encourage all states to fully and promptly
implement United Nations Security Council Resolu-
tion 2094 (2013);

(2) to sanction—

(A) persons that facilitate proliferation of
weapons of mass destruction, illicit activities,
arms trafficking, imports of luxury goods, cash
smuggling, censorship, and knowingly engage in
significant activities undermining cyber security
by the Government of North Korea; and

(B) persons that fail to exercise due dili-
gence to ensure that financial institutions do
not facilitate any of the activities described in
subparagraph (A) by the Government of North
Korea;
(3) to deny the Government of North Korea access to the funds it uses to obtain nuclear weapons, ballistic missiles, offensive cyber capabilities, and luxury goods instead of providing for the needs of its people; and

(4) to enforce sanctions in a manner that avoids any adverse humanitarian impact on the people of North Korea to the extent possible and in a manner that does not unduly constrain the enforcement of such sanctions.

SEC. 102. INVESTIGATIONS.

The President shall initiate an investigation into the possible designation of a person under section 104(a) upon receipt by the President of credible information indicating that such person has engaged in conduct described in section 104(a).

SEC. 103. BRIEFING TO CONGRESS.

Not later than 180 days after the date of the enactment of this Act, and periodically thereafter, the President shall provide to the appropriate congressional committees a briefing on efforts to implement this Act, to include the following, to the extent the information is available:

(2) A list of the persons designated under subsections (a) and (b) of section 104.

(3) A list of the persons with respect to which sanctions were waived or removed under section 207.

(4) A summary of any diplomatic efforts made in accordance with section 202(b) and of the progress realized from such efforts, including efforts to encourage the European Union and other states and jurisdictions to sanction and block the assets of the Foreign Trade Bank of North Korea and Daedong Credit Bank.

SEC. 104. DESIGNATION OF PERSONS FOR PROHIBITED CONDUCT AND MANDATORY AND DISCRETIONARY DESIGNATION AND SANCTIONS AUTHORITY.

(a) Prohibited Conduct and Mandatory Designation and Sanctions Authority.—

(1) Conduct described.—Except as provided in section 207, the President shall designate under this subsection any person the President determines to—

(A) have knowingly engaged in significant activities or transactions with the Government of North Korea that have materially contributed to the proliferation of weapons of mass de-
struction or their means of delivery (including
missiles capable of delivering such weapons), in-
cluding any efforts to manufacture, acquire,
possess, develop, transport, transfer, or use
such items;

(B) have knowingly imported, exported, or
reexported to, into, or from North Korea any
significant arms or related materiel, whether di-
rectly or indirectly;

(C) have knowingly provided significant
training, advice, or other services or assistance,
or engaged in significant transactions, related
to the manufacture, maintenance, or use of any
arms or related materiel to be imported, ex-
ported, or reexported to, into, or from North
Korea, or following their importation, export-
tation, or reexportation to, into, or from North
Korea, whether directly or indirectly;

(D) have knowingly, directly or indirectly,
imported, exported, or reexported significant
luxury goods to or into North Korea;

(E) have knowingly engaged in or been re-
ponsible for censorship by the Government of
North Korea, including prohibiting, limiting, or
penalizing the exercise of freedom of expression
or assembly, limiting access to print, radio or
other broadcast media, Internet or other elec-
tronic communications, or the facilitation or
support of intentional frequency manipulation
that would jam or restrict an international sig-
nal;

(F) have knowingly engaged in or been re-
sponsible for serious human rights abuses by
the Government of North Korea, including tor-
ture or cruel, inhuman, or degrading treatment
or punishment, prolonged detention without
charges and trial, forced labor or trafficking in
persons, causing the disappearance of persons
by the abduction and clandestine detention of
those persons, and other denial of the right to
life, liberty, or the security of a person;

(G) have knowingly, directly or indirectly,
engaged in acts of money laundering, the coun-
terfeiting of goods or currency, bulk cash smug-
gling, narcotics trafficking, or other illicit activ-
ity that involves or supports the Government of
North Korea or any senior official thereof,
whether directly or indirectly; or
(H) have knowingly attempted to engage in any of the conduct described in subparagraphs (A) through (G) of this paragraph.

(2) EFFECT OF DESIGNATION.—With respect to any person designated under this subsection, the President—

(A) shall exercise the authorities of the International Emergency Economic Powers Act (50 U.S.C. 1705 et seq.) to block all property and interests in property of any person designated under this subsection that are in the United States, that hereafter come within the United States, or that are or hereafter come within the possession or control of any United States person, including any overseas branch; and

(B) may apply any of the sanctions described in sections 204, 205(e), and 206.

(3) PENALTIES.—The penalties provided for in section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) shall apply to a person who violates, attempts to violate, conspires to violate, or causes a violation of any prohibition provided for in this subsection, or of an order or regulation prescribed under this Act, to the same extent
that such penalties apply to a person that commits
an unlawful act described in section 206(a) of that
Act (50 U.S.C. 1705(a)).

(4) DEFINITION.—In paragraph (1)(F), the
term “trafficking in persons” has the meaning given
the term in section 103(9) of the Trafficking Vict-
tims Protection Act of 2000 (22 U.S.C. 7102(9)).

(b) DISCRETIONARY DESIGNATION AND SANCTIONS

AUTHORITY.—

(1) CONDUCT DESCRIBED.—Except as provided
in section 207 and paragraph (3) of this subsection,
the President may designate under this subsection
any person that the President determines to—

(A) have knowingly engaged in, contrib-
uted to, assisted, sponsored, or provided finan-
cial, material or technological support for, or
goods and services in support of, any violation
of, or evasion of, an applicable United Nations
Security Council resolution;

(B) have knowingly facilitated the transfer
of any funds, financial assets, or economic re-
sources of, or property or interests in property
of a person designated under an applicable Exec-
cutive order, or by the United Nations Secu-
rity Council pursuant to an applicable United Nations Security Council resolution;
(C) have knowingly facilitated the transfer of any funds, financial assets, or economic resources, or any property or interests in property derived from, involved in, or that has materially contributed to conduct prohibited by subsection (a) or an applicable United Nations Security Council resolution;
(D) have knowingly facilitated any transaction, including any transaction in bulk cash or other stores of value, without applying enhanced monitoring to ensure that such transaction does not contribute materially to conduct described in subsection (a) an applicable Executive order, or an applicable United Nations Security Council resolution;
(E) have knowingly facilitated any transactions in cash or monetary instruments or other stores of value, including through cash couriers transiting to or from North Korea, used to facilitate any conduct prohibited by an applicable United Nations Security Council resolution;
(F) have knowingly, directly or indirectly, engaged in significant activities undermining cyber security for, in support of on behalf of, the Government of North Korea or any senior official thereof, or have knowingly contributed to the bribery of an official of the Government of North Korea, the misappropriation, theft, or embezzlement of public funds by, or for the benefit of, an official of the Government of North Korea, or the use of any proceeds of any such conduct; or

(G) have knowingly and materially assisted, sponsored, or provided significant financial, material, or technological support for, or goods or services to or in support of, the conduct described in subparagraphs (A) through (F) of this paragraph or the conduct described in subparagraphs (A) through (G) of subsection (a)(1).

(2) Effect of designation.—With respect to any person designated under this subsection, the President—

(A) may apply the sanctions described in section 204;
(B) may apply any of the special measures described in section 5318A of title 31, United States Code;

(C) may prohibit any transactions in foreign exchange that are subject to the jurisdiction of the United States and in which such person has any interest;

(D) may prohibit any transfers of credit or payments between financial institutions or by, through, or to any financial institution, to the extent that such transfers or payments are subject to the jurisdiction of the United States and involve any interest of the person; and

(E) may exercise the authorities of the International Emergency Economic Powers Act (50 U.S.C. 1705 et seq.) without regard to section 202 of such Act to block any property and interests in property of any person designated under this subsection that are in the United States, that hereafter come within the United States, or that are or hereafter come within the possession or control of any United States person, including any overseas branch.

(3) LIMITATION.—If the President determines that a person has engaged in any conduct described
in subparagraphs (A) through (F) of paragraph (1) that may also be construed to constitute conduct described in subparagraphs (A) through (H) of subsection (a)(1), the President may not designate the person under this subsection but rather shall designate the person under subsection (a).

(c) Blocking of All Property and Interests in Property of the Government of North Korea and the Worker’s Party of Korea.—Except as provided in section 207, the President shall exercise the authorities of the International Emergency Economic Powers Act (50 U.S.C. 1705 et seq.) to block all property and interests in property of the Government of North Korea or the Worker’s Party of Korea that on or after the date of the enactment of this Act come within the United States, or that come within the possession or control of any United States person, including any overseas branch.

(d) Application.—The designation of a person under subsection (a) or (b) and the blocking of property and interests in property under subsection (c) shall also apply with respect to a person who is determined to be owned or controlled by, or to have acted or purported to act for or on behalf of, directly or indirectly, any person whose property and interests in property are blocked pursuant to this section.
(e) LICENSING.—

(1) LICENSE REQUIRED.—Not later than 180 days after the date of enactment of this Act, the President shall promulgate regulations prohibiting United States persons from engaging in any transaction involving any property—

(A) in which the Government of North Korea has an interest;

(B) located in North Korea;

(C) of North Korean origin; or

(D) knowingly transferred, directly or indirectly, to the Government of North Korea.

(2) TRANSACTION LICENSING.—The President shall deny or revoke any license for any transaction that, in the determination of the President, lacks sufficient financial controls to ensure that such transaction will not facilitate any of the conduct described in subsection (a) or subsection (b).

(3) LICENSING AUTHORIZATION.—

(A) IN GENERAL.—Subject to subparagraph (B), the President may issue regulations to authorize—

(i) transactions for the purposes described in section 207; and
(ii) transactions and activities authorized under North Korean Human Rights Act of 2004 (22 U.S.C. 7801 et seq.).

(B) PROHIBITION.—The President may not issue regulations to authorize transactions under clause (i) or (ii) of subparagraph (A) if such transactions include any transactions with the Government of North Korea.

SEC. 105. FORFEITURE OF PROPERTY.

(a) **Amendment to Property Subject to Forfeiture.**—Section 981(a)(1) of title 18, United States Code, is amended by adding at the end the following new subparagraph:

“(I) Any property, real or personal, that is involved in a violation or attempted violation, or which constitutes or is derived from proceeds traceable to a violation, of section 104(a) of the North Korea Sanctions Enforcement Act of 2015.”.

(b) **Amendment to Definition of Civil Forfeiture Statute.**—Section 983(i)(2)(D) of title 18, United States Code, is amended—

(1) by striking “or the International Emergency Economic Powers Act” and inserting “; the International Emergency Economic Powers Act”; and
(2) by adding at the end before the semicolon the following: “, or the North Korea Sanctions Enforcement Act of 2015”.

(c) Amendment to Definition of Specified Unlawful Activity.—Section 1956(c)(7)(D) of title 18, United States Code, is amended—

(1) by striking “or section 92 of the Atomic Energy Act of 1954” and inserting “section 92 of the Atomic Energy Act of 1954”; and

(2) by adding at the end the following: “, or section 104(a) of the North Korea Sanctions Enforcement Act of 2015”.

TITLE II—SANCTIONS AGAINST NORTH KOREAN PROLIFERATION, HUMAN RIGHTS ABUSES, ILLICIT ACTIVITIES, AND SIGNIFICANT ACTIVITIES UNDERMINING CYBER SECURITY

SEC. 201. DETERMINATIONS WITH RESPECT TO NORTH KOREA AS A JURISDICTION OF PRIMARY MONEY LAUNDERING CONCERN.

(a) Findings.—Congress makes the following findings:
(1) The Undersecretary of the Treasury for Terrorism and Financial Intelligence, who is responsible for safeguarding the financial system against illicit use, money laundering, terrorist financing, and the proliferation of weapons of mass destruction, has repeatedly expressed concern about North Korea’s misuse of the international financial system as follows:

(A) In 2006, the Undersecretary stated that, given North Korea’s “counterfeiting of U.S. currency, narcotics trafficking and use of accounts worldwide to conduct proliferation-related transactions, the line between illicit and illicit North Korean money is nearly invisible” and urged financial institutions worldwide to “think carefully about the risks of doing any North Korea-related business.”.

(B) In 2011, the Undersecretary stated that “North Korea remains intent on engaging in proliferation, selling arms as well as bringing in material,” and was “aggressively pursuing the effort to establish front companies.”.

(C) In 2013, the Undersecretary stated, in reference to North Korea’s distribution of high-quality counterfeit United States currency, that
“North Korea is continuing to try to pass a supernote into the international financial system,” and that the Department of the Treasury would soon introduce new currency with improved security features to protect against counterfeiting by the Government of North Korea.

(2) The Financial Action Task Force, an intergovernmental body whose purpose is to develop and promote national and international policies to combat money laundering and terrorist financing, has repeatedly—

(A) expressed concern at deficiencies in North Korea’s regimes to combat money laundering and terrorist financing;

(B) urged North Korea to adopt a plan of action to address significant deficiencies in those regimes and the serious threat they pose to the integrity of the international financial system;

(C) urged all jurisdictions to apply countermeasures to protect the international financial system from ongoing and substantial money laundering and terrorist financing risks emanating from North Korea;
(D) urged all jurisdictions to advise their financial institutions to give special attention to business relationships and transactions with North Korea, including North Korean companies and financial institutions; and

(E) called on all jurisdictions to protect against correspondent relationships being used to bypass or evade countermeasures and risk mitigation practices, and take into account money laundering and terrorist financing risks when considering requests by North Korean financial institutions to open branches and subsidiaries in their jurisdiction.

(3) On March 7, 2013, the United Nations Security Council unanimously adopted Resolution 2094, which—

(A) welcomed the Financial Action Task Force’s recommendation on financial sanctions related to proliferation, and its guidance on the implementation of sanctions;

(B) decided that Member States should apply enhanced monitoring and other legal measures to prevent the provision of financial services or the transfer of property that could contribute to activities prohibited by applicable
United Nations Security Council resolutions;
and
(C) called on Member States to prohibit
North Korean banks from establishing or main-
taining correspondent relationships with banks
in their jurisdictions, to prevent the provision of
financial services, if they have information that
provides reasonable grounds to believe that
these activities could contribute to activities
prohibited by an applicable United Nations Se-
curity Council resolution, or to the evasion of
such prohibitions.

(b) SENSE OF CONGRESS REGARDING THE DESIGNA-
TION OF NORTH KOREA AS A JURISDICTION OF PRIMARY
MONEY LAUNDERING CONCERN.—Congress—
(1) acknowledges the efforts of the United Na-
tions Security Council to impose limitations on, and
require enhanced monitoring of, transactions involv-
ing North Korean financial institutions that could
contribute to sanctioned activities;
(2) urges the President, in the strongest terms,
to immediately designate North Korea as a jurisdic-
tion of primary money laundering concern, and to
adopt stringent special measures to safeguard the fi-
nancial system against the risks posed by North Ko-
rea’s willful evasion of sanctions and its illicit activi-
ties; and

(3) urges the President to seek the prompt im-
plementation by other states of enhanced monitoring
and due diligence to prevent North Korea’s misuse
of the international financial system, including by
sharing information about activities, transactions,
and property that could contribute to activities san-
tioned by applicable United Nations Security Council
resolutions, or to the evasion of sanctions.

(c) Determinations Regarding North Korea.—

(1) In general.—The Secretary of the Treas-
ury shall, not later than 180 days after the date of
the enactment of this Act, determine, in consultation
with the Secretary of State and Attorney General,
and in accordance with section 5318A of title 31,
United States Code, whether reasonable grounds
exist for concluding that North Korea is a jurisdic-
tion of primary money laundering concern.

(2) Special measures.—If the Secretary of
the Treasury determines under this subsection that
reasonable grounds exist for finding that North
Korea is a jurisdiction of primary money laundering
concern, the Secretary of the Treasury, in consulta-
tion with the Federal functional regulators, shall im-
pose one or more of the special measures described
in paragraphs (1) through (5) of section 5318A(b)
of title 31, United States Code, with respect to the
jurisdiction of North Korea.

(3) Report required.—

(A) In General.—If the Secretary of the
Treasury determines that North Korea is a ju-
risdiction of primary money laundering concern,
the Secretary of the Treasury shall, not later
than 90 days after the date on which the Sec-
retary makes such determination, submit to the
appropriate congressional committees a report
on the determination made under paragraph (1)
together with the reasons for that determina-
tion.

(B) Form.—A report or copy of any re-
port submitted under this paragraph shall be
submitted in unclassified form but may contain
a classified annex.

SEC. 202. ENSURING THE CONSISTENT ENFORCEMENT OF
UNITED NATIONS SECURITY COUNCIL RESO-
LUTIONS AND FINANCIAL RESTRICTIONS ON
NORTH KOREA.

(a) Findings.—Congress finds that—
(1) all states and jurisdictions are obligated to implement and enforce applicable United Nations Security Council resolutions fully and promptly, including by—

(A) blocking the property of, and ensuring that any property is prevented from being made available to, persons designated by the Security Council under applicable United Nations Security Council resolutions;

(B) blocking any property associated with an activity prohibited by applicable United Nations Security Council resolutions; and

(C) preventing any transfer of property and any provision of financial services that could contribute to an activity prohibited by applicable United Nations Security Council resolutions, or to the evasion of sanctions under such resolutions;

(2) all states and jurisdictions share a common interest in protecting the international financial system from the risks of money laundering and illicit transactions emanating from North Korea;

(3) the United States Dollar and the Euro are the world’s principal reserve currencies, and the United States and the European Union are pri-
marily responsible for the protection of the international financial system from these risks;

(4) the cooperation of the People’s Republic of China, as North Korea’s principal trading partner, is essential to the enforcement of applicable United Nations Security Council resolutions and to the protection of the international financial system;

(5) the report of the Panel of Experts established pursuant to United Nations Security Council Resolution 1874, dated June 11, 2013, expressed concern about the ability of banks in states with less effective regulators and those unable to afford effective compliance to detect and prevent illicit transfers involving North Korea;

(6) North Korea has historically exploited inconsistencies between jurisdictions in the interpretation and enforcement of financial regulations and applicable United Nations Security Council resolutions to circumvent sanctions and launder the proceeds of illicit activities;

(7) Amrogang Development Bank, Bank of East Land, and Tanehon Commercial Bank have been designated by the Secretary of the Treasury, the United Nations Security Council, and the European Union;
(8) Korea Daesong Bank and Korea Kwangson Banking Corporation have been designated by the Secretary of the Treasury and the European Union;

(9) the Foreign Trade Bank of North Korea has been designated by the Secretary of the Treasury for facilitating transactions on behalf of persons linked to its proliferation network, and for serving as “a key financial node”; and

(10) Daedong Credit Bank has been designated by the Secretary of the Treasury for activities prohibited by applicable United Nations Security Council resolutions, including the use of deceptive financial practices to facilitate transactions on behalf of persons linked to North Korea’s proliferation network.

(b) Sense of Congress.—It is the sense of Congress that the President should intensify diplomatic efforts, both in appropriate international fora such as the United Nations and bilaterally, to develop and implement a coordinated, consistent, multilateral strategy for protecting the global financial system against risks emanating from North Korea, including—

(1) the cessation of any financial services whose continuation is inconsistent with applicable United Nations Security Council resolutions;
(2) the cessation of any financial services to persons, including financial institutions, that present unacceptable risks of facilitating money laundering and illicit activity by the Government of North Korea;

(3) the blocking by all states and jurisdictions, in accordance with the legal process of the state or jurisdiction in which the property is held, of any property required to be blocked under applicable United Nations Security Council resolutions;

(4) the blocking of any property derived from illicit activity, from significant activities undermining cyber security, from the misappropriation, theft, or embezzlement of public funds by, or for the benefit of, officials of the Government of North Korea;

(5) the blocking of any property involved in significant activities undermining cyber security by the Government of North Korea, directly or indirectly, against United States persons, or the theft of intellectual property by the Government of North Korea, directly or indirectly from United States persons; and

(6) the blocking of any property of persons directly or indirectly involved in censorship or human rights abuses by the Government of North Korea.
SEC. 203. PROLIFERATION PREVENTION SANCTIONS.

(a) EXPORT OF CERTAIN GOODS OR TECHNOLOGY.—

(1) IN GENERAL.—Subject to section 207(a)(2)(C) of this Act, a license shall be required for the export to North Korea of any goods or technology subject to the Export Administration Regulations (part 730 of title 15, Code of Federal Regulations) without regard to whether the Secretary of State has designated North Korea as a country the government of which has provided support for acts of international terrorism, as determined by the Secretary of State under section 6(j) of the Export Administration Act of 1979 (50 U.S.C. App. 2045), as continued in effect under the International Emergency Economic Powers Act.

(2) PRESUMPTION OF DENIAL.—A license for the export to North Korea of any goods or technology as described in paragraph (1) shall be subject to a presumption of denial.

(b) TRANSACTIONS WITH COUNTRIES SUPPORTING ACTS OF INTERNATIONAL TERRORISM.—

(1) ARMS EXPORT CONTROL ACT PROHIBITIONS.—The prohibitions and restrictions described in section 40 of the Arms Export Control Act (22 U.S.C. 2780), and other provisions provided for in that Act, shall also apply to exporting or otherwise
providing (by sale, lease or loan, grant, or other means), directly or indirectly, any munitions item to the Government of North Korea without regard to whether or not North Korea is a country with respect to which subsection (d) of such section (relating to designation of state sponsors of terrorism) applies.

(2) **FINANCIAL TRANSACTIONS.**—Except as provided in section 207 of this Act and the North Korean Human Rights Act of 2004 (22 U.S.C. 7801 et seq.), the penalties provided for in section 2332d of title 18, United States Code, shall apply to a United States person that engages in a financial transaction with the Government of North Korea on or after the date of the enactment of this Act to the same extent that such penalties apply to a United States citizen that commits an unlawful act described in section 2332d of title 18, United States Code.

(c) **TRANSACTIONS IN LETHAL MILITARY EQUIPMENT.**—

(1) **IN GENERAL.**—The President shall withhold assistance under the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) to any country that provides lethal military equipment to, or receives lethal
military equipment from the Government of North Korea.

(2) APPLICABILITY.—The prohibition under this subsection with respect to a country shall terminate on the date that is 1 year after the date on which such country ceases to provide lethal military equipment to the Government of North Korea.

(3) WAIVER.—The President may, on a case-by-case basis, waive the prohibition under this subsection with respect to a country for a period of not more than 180 days, and may renew the waiver for additional periods of not more than 180 days, if the President determines and so reports to the appropriate congressional committees that it is vital to the national security interests of the United States to exercise such waiver authority.

SEC. 204. PROCUREMENT SANCTIONS.

(a) IN GENERAL.—Except as provided in this section, the United States Government may not procure, or enter into any contract for the procurement of, any goods or services from any designated person.

(b) FAR.—The Federal Acquisition Regulation issued pursuant to section 1303 of title 41, United States Code, shall be revised to require a certification from each person that is a prospective contractor that such person
does not engage in any of the conduct described in subsection (a) or (b) of section 104. Such revision shall apply
with respect to contracts in an amount greater than the
simplified acquisition threshold (as defined in section 134
of title 41, United States Code) for which solicitations are
issued on or after the date that is 90 days after the date
of the enactment of this Act.

(c) TERMINATION OF CONTRACTS AND INITIATION
OF SUSPENSION AND DEBARMENT PROCEEDING.—

(1) TERMINATION OF CONTRACTS.—Except as
provided in paragraph (2), the head of an executive
agency shall terminate a contract with a person who
has provided a false certification under subsection
(b).

(2) WAIVER.—The head of an executive agency
may waive the requirement under paragraph (1)
with respect to a person based upon a written find-
ing of urgent and compelling circumstances signifi-
cantly affecting the interests of the United States. If
the head of an executive agency waives the require-
ment under paragraph (1) for a person, the head of
the agency shall submit to the appropriate congress-
sional committees, within 30 days after the waiver is
made, a report containing the rationale for the waiv-
er and relevant information supporting the waiver
decision.

(3) INITIATION OF SUSPENSION AND DEBAR-
MENT PROCEEDING.—The head of an executive
agency shall initiate a suspension and debarment
proceeding against a person who has provided a
false certification under subsection (b). Upon deter-
mination of suspension, debarment, or proposed de-
barment, the agency shall ensure that such person
is entered into the Governmentwide database con-
taining the list of all excluded parties ineligible for
Federal programs pursuant to Executive Order No.
12549 (31 U.S.C. 6101 note; relating to debarment
and suspension) and Executive Order No. 12689 (31
U.S.C. 6101 note; relating to debarment and sus-
pension).

(d) CLARIFICATION REGARDING CERTAIN PRO-
DUCTS.—The remedies specified in subsections (a) through
(e) shall not apply with respect to the procurement of eligible
products, as defined in section 301(4) of the Trade
Agreements Act of 1979 (19 U.S.C. 2518(4)), of any for-
eign country or instrumentality designated under section
301(b) of such Act (19 U.S.C. 2511(b)).

(e) RULE OF CONSTRUCTION.—Nothing in this sub-
section may be construed to limit the use of other remedies
available to the head of an executive agency or any other
official of the Federal Government on the basis of a deter-
mination of a false certification under subsection (b).

(f) EXECUTIVE AGENCY DEFINED.—In this section,
the term “executive agency” has the meaning given such
term in section 133 of title 41, United States Code.

SEC. 205. ENHANCED INSPECTIONS AUTHORITIES.

(a) REPORT REQUIRED.—Not later than 180 days
after the date of the enactment of this Act, and every 180
days thereafter, the President, acting through the Sec-
retary of Homeland Security, shall submit to the appro-
priate congressional committees, the Committee on Home-
land Security of the House of Representatives, and the
Committee on Homeland Security and Governmental Af-
fairs of the Senate, a report identifying foreign sea ports
and airports whose inspections of ships, aircraft, and con-
voyances originating in North Korea, carrying North Ko-
rean property, or operated by the Government of North
Korea are deficient to effectively prevent the facilitation
of any of the activities described in section 104(a).

(b) ENHANCED SECURITY TARGETING REQUIRE-
MENTS.—Not later than 180 days after the identification
of any sea port or airport pursuant to subsection (a), the
Secretary of Homeland Security shall, utilizing the Auto-
mated Targeting System operated by the National Tar-
geting Center in U.S. Customs and Border Protection, require enhanced screening procedures to determine if physical inspections are warranted of any cargo bound for or landed in the United States that has been transported through such sea port or airport if there are reasonable grounds to believe that such cargo contains goods prohibited under this Act.

(e) SEIZURE AND FORFEITURE.—A vessel, aircraft, or conveyance used to facilitate any of the activities described in section 104(a) that comes within the jurisdiction of the United States may be seized and forfeited under chapter 46 of title 18, United States Code, or under the Tariff Act of 1930.

14 SEC. 206. TRAVEL SANCTIONS.

(a) ALIENS INELIGIBLE FOR VISAS, ADMISSION, OR PAROLE.—

(1) VISAS, ADMISSION, OR PAROLE.—An alien (or an alien who is a corporate officer of a person (as defined in subparagraph (B) or (C) of section 3(11))) who the Secretary of State or the Secretary of Homeland Security (or a designee of one of such Secretaries) knows, or has reasonable grounds to believe, is described in subsection (a)(1) or (b)(1) of section 104 is—

(A) inadmissible to the United States;
(B) ineligible to receive a visa or other documentation to enter the United States; and

(C) otherwise ineligible to be admitted or paroled into the United States or to receive any other benefit under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

(2) CURRENT VISAS REVOKED.—

(A) IN GENERAL.—The issuing consular officer, the Secretary of State, or the Secretary of Homeland Security (or a designee of one of such Secretaries) shall revoke any visa or other entry documentation issued to an alien who is described in subsection (a)(1) or (b)(1) of section 101 regardless of when issued.

(B) EFFECT OF REVOCATION.—A revocation under subparagraph (A)—

(i) shall take effect immediately; and

(ii) shall automatically cancel any other valid visa or entry documentation that is in the alien’s possession.

(b) EXCEPTION TO COMPLY WITH UNITED NATIONS HEADQUARTERS AGREEMENT.—Sanctions under subsection (a)(1)(B) shall not apply to an alien if admitting the alien into the United States is necessary to permit the United States to comply with the Agreement regarding the

SEC. 207. EXEMPTIONS, WAIVERS, AND REMOVALS OF DESIGNATION.

(a) Exemptions.—

(1) Mandatory Exemptions.—The following activities shall be exempt from sanctions under section 104:

(A) Activities subject to the reporting requirements of title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.), or to any authorized intelligence activities of the United States.

(B) Any transaction necessary to comply with United States obligations under the Agreement between the United Nations and the United States of America regarding the Headquarters of the United Nations, signed June 26, 1947, and entered into force on November 21, 1947, or under the Vienna Convention on Consular Relations, signed April 24, 1963, and entered into force on March 19, 1967, or under other international agreements.
(2) DISCRETIONARY EXEMPTIONS.—The following activities may be exempt from sanctions under section 104 as determined by the President:

(A) Any financial transaction the exclusive purpose for which is to provide humanitarian assistance to the people of North Korea.

(B) Any financial transaction the exclusive purpose for which is to import food products into North Korea, if such food items are not defined as luxury goods.

(C) Any transaction the exclusive purpose for which is to import agricultural products, medicine, or medical devices into North Korea, provided that such supplies or equipment are classified as designated “EAR 99” under the Export Administration Regulations (part 730 of title 15, Code of Federal Regulations) and not controlled under—


(ii) the Arms Export Control Act (22 U.S.C. 2751 et seq.).
(iii) part B of title VIII of the Nuclear Proliferation Prevention Act of 1994 (22 U.S.C. 6301 et seq.); or

(iv) the Chemical and Biological Weapons Control and Warfare Elimination Act of 1991 (22 U.S.C. 5601 et seq.).

(b) WAIVER.—The President may waive, on a case-by-case basis, the imposition of sanctions for a period of not more than one year, and may renew that waiver for additional periods of not more than one year, any sanction or other measure under section 104, 204, 205, 206, or 303 if the President submits to the appropriate congressional committees a written determination that the waiver meets one or more of the following requirements:

(1) The waiver is important to the economic or national security interests of the United States.

(2) The waiver will further the enforcement of this Act or is for an important law enforcement purpose.

(3) The waiver is for an important humanitarian purpose, including any of the purposes described in section 4 of the North Korean Human Rights Act of 2004 (22 U.S.C. 7802).

(c) REMOVALS OF SANCTIONS.—The President may prescribe rules and regulations for the removal of sanc-
tions on a person that is designated under subsection (a) or (b) of section 104 and the removal of designations of a person with respect to such sanctions if the President determines that the designated person has verifiably ceased its participation in any of the conduct described in subsection (a) or (b) of section 104, as the case may be, and has given assurances that it will abide by the requirements of this Act.

(d) **Financial Services for Certain Activities.**—The President may promulgate regulations, rules, and policies as may be necessary to facilitate the provision of financial services by a foreign financial institution that is not controlled by the Government of North Korea in support of the activities subject to exemption under this section.

**Sec. 208. Report on Those Responsible for Knowingly Engaging in Significant Activities Undermining Cyber Security.**

(a) In General.—The President shall submit to the appropriate congressional committees a report on significant activities undermining cyber security conducted, or otherwise ordered or controlled, directly or indirectly, by the Government of North Korea, including—

(1) the identity and nationality of persons that have knowingly engaged in, directed, or provided
material support to significant activities under-
mining cyber security by the Government of North
Korea;

(2) the conduct engaged in by each person iden-
tified;

(3) the extent to which a foreign government
has provided material support to significant activi-
ties undermining cyber security conducted, or other-
wise ordered or controlled by, the Government of
North Korea; and

(4) the efforts made by the United States to en-
gage foreign governments to halt the capability of
North Korea to conduct significant activities under-
mining cyber security.

(b) SUBMISSION AND FORM.—

(1) SUBMISSION.—The report required under
subsection (a) shall be submitted not later than 90
days after the date of enactment of this Act, and
every 180 days thereafter for a period not to exceed
3 years.

(2) FORM.—The report required under sub-
section (a) shall be submitted in an unclassified
form, but may contain a classified annex.
TITLE III—PROMOTION OF HUMAN RIGHTS

SEC. 301. INFORMATION TECHNOLOGY.

Section 104 of the North Korean Human Rights Act of 2004 (22 U.S.C. 7814) is amended by inserting after subsection (c) the following new subsection:

“(d) INFORMATION TECHNOLOGY STUDY.—

“(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this subsection, the President shall submit to the appropriate congressional committees a report setting forth a detailed plan for making unrestricted, unmonitored, and inexpensive, radio, Internet, and electronic mass communications available to the people of North Korea.

“(2) FORM.—The report required by paragraph (1) shall be submitted in unclassified form, but may contain a classified annex.”.

SEC. 302. REPORT ON NORTH KOREAN PRISON CAMPS.

(a) IN GENERAL.—The Secretary of State shall submit to the appropriate congressional committees a report describing, with respect to each political prison camp in North Korea to the extent information is available—

(1) the camp’s estimated prisoner population;

(2) the camp’s geographical coordinates;
(3) the reasons for confinement of the pris-
oners;

(4) the camp’s primary industries and products,
and the end users of any goods produced in such
camp;

(5) the natural persons and agencies respon-
sible for conditions in the camp;

(6) the conditions under which prisoners are
confined, with respect to the adequacy of food, shel-
ter, medical care, working conditions, and reports of
ill-treatment of prisoners; and

(7) imagery, to include satellite imagery of each
such camp, in a format that, if published, would not
compromise the sources and methods used by the in-
telligence agencies of the United States to capture
geospatial imagery.

(b) FORM.—The report required under subsection (a)
may be included in the first report required to be sub-
mitted to Congress after the date of the enactment of this
Act under sections 116(d) and 502B(b) of the Foreign As-
sistance Act of 1961 (22 U.S.C. 2151n(d) and 2304(b))
(relating to the annual human rights report).
SEC. 303. REPORT ON PERSONS WHO ARE RESPONSIBLE FOR SERIOUS HUMAN RIGHTS ABUSES OR CENSORSHIP IN NORTH KOREA.

(a) IN GENERAL.—The Secretary of State shall submit to the appropriate congressional committees a report that contains an identification of each person the Secretary determines to be responsible for serious human rights abuses or censorship in North Korea and a description of such abuses or censorship engaged in by such person.

(b) CONSIDERATION.—In preparing the report required under subsection (a), the Secretary of State shall give due consideration to the findings of the United Nations Commission of Inquiry on Human Rights in North Korea, and shall make specific findings with respect to the responsibility of Kim Jong Un, and of each natural person who is a member of the National Defense Commission of North Korea, or the Organization and Guidance Department of the Workers’ Party of Korea, for serious human rights abuses and censorship.

(c) DESIGNATION OF PERSONS.—The President shall designate under section 104(a) any person listed in the report required under subsection (a) as responsible for serious human rights abuses or censorship in North Korea.

(d) SUBMISSION AND FORM.—
(1) SUBMISSION.—The report required under subsection (a) shall be submitted not later than 90 days after the date of the enactment of this Act, and every 180 days thereafter for a period not to exceed 3 years, shall be included in each report required under sections 116(d) and 502B(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151n(d) and 2304(b)) (relating to the annual human rights report).

(2) FORM.—The report required under subsection (a) shall be submitted in unclassified form, but may include a classified annex. The Secretary of State shall also publish the unclassified part of the report on the Department of State’s Web site.

TITLE IV—GENERAL AUTHORITIES

SEC. 401. SUSPENSION OF SANCTIONS AND OTHER MEASURES.

(a) IN GENERAL.—Any sanction or other measure provided for in title I (or any amendment made by title I) or title II may be suspended for up to 365 days upon certification by the President to the appropriate congressional committees that the Government of North Korea has—
(1) verifiably ceased its counterfeiting of United
States currency, including the surrender or destruction of specialized materials and equipment used for
or particularly suitable for counterfeiting;

(2) taken significant steps toward financial
transparency to comply with generally accepted protocols to cease and prevent the laundering of monetary instruments;

(3) taken significant steps toward verification
of its compliance with United Nations Security
Council Resolutions 1695, 1718, 1874, 2087, and
2094;

(4) taken significant steps toward accounting
for and repatriating the citizens of other countries abducted or unlawfully held captive by the Government of North Korea or detained in violation of the 1953 Armistice Agreement;

(5) accepted and begun to abide by internationally recognized standards for the distribution and monitoring of humanitarian aid;

(6) provided credible assurances that it will not
support further acts of international terrorism;

(7) taken significant and verified steps to improve living conditions in its political prison camps; and
(8) made significant progress in planning for unrestricted family reunification meetings, including for those individuals among the two million strong Korean-American community who maintain family ties with relatives in North Korea.

(b) RENEWAL OF SUSPENSION.—The suspension described in subsection (a) may be renewed for additional consecutive periods of 180 days upon certification by the President to the appropriate congressional committees that the Government of North Korea has continued to comply with the conditions described in subsection (a) during the previous year.

SEC. 402. TERMINATION OF SANCTIONS AND OTHER MEASURES.

Any sanction or other measure provided for in title I (or any amendment made by title I) or title II shall terminate on the date on which the President determines and certifies to the appropriate congressional committees that the Government of North Korea has met the requirements of section 401, and has also—

(1) completely, verifiably, and irreversibly dismantled all of its nuclear, chemical, biological, and radiological weapons programs, including all programs for the development of systems designed in whole or in part for the delivery of such weapons;
(2) released all political prisoners, including the citizens of North Korea detained in North Korea’s political prison camps;

(3) ceased its censorship of peaceful political activity;

(4) taken significant steps toward the establishment of an open, transparent, and representative society;

(5) fully accounted for and repatriated all citizens of all nations abducted or unlawfully held captive by the Government of North Korea or detained in violation of the 1953 Armistice Agreement; and

(6) agreed with the Financial Action Task Force on a plan of action to address deficiencies in its anti-money laundering regime and begun to implement this plan of action.

SEC. 403. AUTHORITY TO CONSOLIDATE REPORTS.

Any or all reports required to be submitted to appropriate congressional committees under this Act or any amendment made by this Act that are subject to a deadline for submission consisting of the same unit of time may be consolidated into a single report that is submitted to appropriate congressional committees pursuant to such deadline.
SEC. 404. REGULATIONS.

(a) IN GENERAL.—The President is authorized to promulgate such rules and regulations as may be necessary to carry out the provisions of this Act (which may include regulatory exceptions), including under sections 203 and 205 of the International Emergency Economic Powers Act (50 U.S.C. 1702 and 1704).

(b) RULE OF CONSTRUCTION.—Nothing in this Act or any amendment made by this Act shall be construed to limit the authority of the President pursuant to an applicable Executive order or otherwise pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.).

SEC. 405. EFFECTIVE DATE.

Except as otherwise provided in this Act, this Act and the amendments made by this Act shall take effect on the date of the enactment of this Act.
Chairman ROYCE. And, again, after recognizing myself and the ranking member, I am glad to recognize other members seeking recognition to speak on the underlying bill. And then we will consider en bloc a package of bipartisan amendments. And so this is the North Korea Sanctions Enforcement Act. And this relates to the attack in November, the cyberattack on Sony Pictures. North Korea, once again, reminded the world that behind its belligerent rhetoric is a country that poses a very real and a very serious threat to our security.

This bill, the North Korean Sanctions Enforcement Act, is a direct response to North Korea’s continued aggression, and I want to thank the ranking member, Mr. Engel, who has been twice to North Korea, for working with me to introduce this bill, which is substantially similar to our North Korea sanctions bill that passed the House last July.

This bill codifies a robust array of tough sanctions against the regime and its enablers, much like the penalties that were successfully applied by the Treasury Department back in 2005 when the agency targeted a small bank in Macau that was complicit in Pyongyang’s counterfeiting at the time. And this seriously crippled North Korea’s financing and was one of the most effective steps we have taken against North Korea, until the sanctions were foolishly lifted in 2008 in exchange for fruitless negotiations over the country’s nuclear program.

Nearly 7 years later, some analysts believe that North Korea has succeeded in miniaturizing a nuclear warhead. Some of you may have seen this reported yesterday, but they reportedly could be on track to have a stockpile of 100 atomic bombs within 5 years. It is time to end the administration’s policy of strategic patience. And this bill will prevent Kim Jong-un and his top officials from reaching those assets they maintain in foreign banks, as well as the hard currency that sustains their rule.

The bill’s sanctions target North Korea’s money laundering, its counterfeiting, and its smuggling and narcotics trafficking, undermining these key finances of the regime’s nuclear program. Disrupting North Korea’s illicit activities will also place tremendous strain on the country’s ruling elite who have done so much harm to the North Korean people. I have seen some of that harm firsthand in the eastern part of North Korea when I was there.

Last year, the U.N. Commission of Inquiry released the most comprehensive report on North Korea to date, finding that the Kim regime has for decades pursued policies involving crimes that “shock the conscience of humanity,” in their words. H.R. 757 requires the State Department to use the Commission of Inquiry’s findings to identify the individuals responsible for such abuses. And the bill also requires the administration to report on activities that seek to undermine our cybersecurity and to study the feasibility of bringing cellular and Internet communications to North Korea’s people to break the information blockade.

We will now turn to Mr. Engel for his opening statement on North Korea Sanctions Enforcement Act.

Mr. ENGEL. Mr. Chairman, I want to personally thank you for bringing up this important bipartisan legislation. As always, you are clearheaded and determined and steady on important issues,
such as North Korea. You and I agree about the threat posed by North Korea. I want to thank you for giving this issue the attention it deserves, and I am proud to be the lead Democratic sponsor of the North Korea Sanctions Enforcement Act.

North Korea’s unrelenting pursuit of nuclear weapons and ballistic missiles, their blazing disregard for international law, and their brutality against their own people has gone on for far too long. The United States and governments around the world must be clear to leaders in Pyongyang: The only way for the regime to end its political and economic isolation is to abandon its current course. This legislation sends just that message. Specifically, this bill broadens sanctions against North Korea. It targets those who are helping to sustain the Kim regime through illicit activities. It also enhances the enforcement of sanctions. I have been to North Korea twice, and I must tell you that the North Korean people certainly deserve better than what they have. This legislation gives the President important tools and the flexibility to act in a way that best serves our national interests. It also provides important exceptions to the humanitarian relief organizations providing food, medicine, and other assistance to the North Korean people. We have seen this regime’s track record, a cyberattack against Sony Pictures in December of last year, gross human rights abuses against its own people, an illegal nuclear weapon’s program. It is time to raise the costs on the Kim Jong-un government. This is the right legislation, the right time, and I urge my colleagues to support it.

I yield back, Mr. Chairman.

Chairman Royce. Thank you, Eliot. Do any other members seek recognition to speak on the bill?

Mr. Rohrabacher of California.

Mr. Rohrabacher. Thank you.

First of all, I would like to thank both you and the ranking member for the leadership you have provided on this, and on this and a lot of issues that we have been facing. This is a really contentious time in our history, and we are lucky to have both of you and giving this committee and all of the rest of us the guidance and leadership we need.

I would just like to add on this particular bill, where we are focusing on North Korea, I would like to make sure that we go on the record—or at least I am on the record—as pointing out that many of the things that we are blaming North Korea for, which they deserve blame for, can be traced back to the influences of Beijing on their policies. The Communist Chinese, I am of certainty, are helping them in their efforts when it comes to nuclear weapons development, for example, and cyberattacks. I do not believe that all of these activities, which are criminal activities against the West and trying to put us in jeopardy and also especially aimed at putting Japan, we have to understand that much of what is going on in North Korea is aimed at sort of an—giving an ominous threat to Japan. And the Japanese are fully aware that this isn’t just coming from North Korea. It is Beijing giving a message to Japan through their puppet state in North Korea. So I, just for the record, I want to make sure that we understand this is a chess game going on here, and the and the main player on the other side is Beijing.
So thank you very much to both of you, and I, of course, urge your support for this resolution.

Chairman ROYCE. Thank you, Mr. Rohrabacher.

Mr. Connolly of Virginia.

Mr. CONNOLLY. Thank you, Mr. Chairman, and I do want to thank you and Mr. Engel for your leadership.

This is a terribly important piece of legislation and maybe more critical now than ever. And adding the cyber piece, I echo what my friend Mr. Rohrabacher just said. I think that is critical. It was only a few years ago that the entire banking system of South Korea actually was shut down in a cyberattack almost certainly from the North. So reporting on that is very important. I want to thank you also for—I know we are supposed to speak to the underlying bill, but I have got to run back to another hearing where I am a ranking member, but two amendments that I authored, and I thank you and Mr. Engel for accepting them, one was in the core bill from last year, and this is, expanding reporting requirements, including asking the State Department to tell us, what are you telling China? What are you asking China to do with respect to the recommendations of the Commission of Inquiry on Human Rights in Korea? And I think that is actually very important. That China relationship is changing. It is evolving. It can be a critical piece of leverage we otherwise don't have. And so while it looks like a simple reporting requirement, actually, I am hopeful and I know that you and Mr. Engel are as well, Mr. Chairman, that we can use this as a point of leverage.

And then, finally, thank you for accepting an amendment in this markup on family reunification. I can tell you in my district I have got constituents, Korean constituents, who have not seen their families since the end of the—well, since the secession of hostilities in the Korea conflict. To go 70 years without seeing a loved one is heartbreaking, and they probably will die before they get to see their relatives. And so family reunification, a very major issue, and we know that South Korean President Park Geun-hye has sought to improve in that regard in her peace and reunification initiative. And I think we should be supportive of that. And I thank you both for including those provisions and for your leadership in this matter.

Chairman ROYCE. Thank you, Mr. Connolly.

Mr. Ted Poe of Texas and then Mr. Matt Salmon.

Mr. POE. Thank you, Mr. Chairman.

I appreciate the chair and the ranking member supporting the amendment that I have offered. I would like to speak briefly about the amendment and underlying bill in the next few minutes. The underlying bill, when we think of Iran, we always need to think of North Korea, and when we think of North Korea, we need to think of Iran. They are working together. One has nuclear capability; the other has weapons, and they are, in my opinion, wanting to trade off each other’s facilities or knowledge so that they could both be worse than they are individually.

Iran calls North Korea a member of their Axis of Resistance. They are really, I think, an axis of world terror. North Korea, their new President Kim Jong-un, I don't know if the chairman remembers this, but he made a statement—I think it was last year—that
Chairman ROYCE. You probably should.

Mr. Poe. University of Texas. Sir?

Chairman ROYCE. Judge, you probably should.

Mr. Poe. I am the reason. I don't know about that, anyway, I think we should take them seriously about their world-domination goals and always think of both of them working together, which leads to the amendment. The amendment is very simple. It requires that the President submit a report stating the cooperation between Iran and their buddies over in North Korea on their nuclear program and what is taking place between the two. And that is a loophole, I think, in the ongoing nuclear talks with Iran, and we need to encourage the administration to give us information about what Iran and North Korea are doing together in their nuclear weapon development.

So once again, I think we should support the bill. I appreciate the chairman and the ranking member for bringing this up. We need to focus America's attention on both of these axes of terror and immediately approve this legislation but require that the administration continue to tell Congress what is taking place between these two world threats. And I yield back the balance of my time.

Chairman ROYCE. Thank you, Judge Poe.

Ms. Tulsi Gabbard of Hawaii.

Ms. GABBARD. Thank you, Mr. Chairman.

Like the Judge, I too am deeply offended that North Korea has called out my constituents in the State of Hawaii, placing us in their crosshairs. Understanding that with what is happening in the region this is actually something that is top of mind for people, something that is very real. So as you look at the growing threats across the world, both conventional and unconventional, I appreciate your leadership and the ranking member's leadership, and continuing to hold the line and maintain this pressure on North Korea as they openly continue to develop their ballistic missile capabilities, and their nuclear capabilities, understanding that that consistency and that increased pressure is necessary if we want this to have a very real effect. Again, my constituents in Hawaii and others in the Asia-Pacific Region are acutely aware of what North Korea is doing on the one hand, and what we are doing to stop them. Thank you very much.

Chairman ROYCE. Thank you.

We go to Mr. Matt Salmon of Arizona.

Mr. SALMON. Thank you.

Mr. Chairman, I greatly appreciate your tenacity on this issue, and the ranking member. And I am very, very hopeful that this year it will actually pass the Senate and get to the President’s desk because I think it is vitally needed. It is legendary what bad actions that Korea—North Korea—has taken on the world stage both in terms of its nuclear proliferation and threats as well as its cyberterrorism with Sony Pictures, and if we don’t start drawing some hard lines in the sand now, this escalation will continue.
The one thing I would like to point out is that we will be going to visit the folks in China in the not-so-distant future, and I am really hopeful that China takes more of an interest in containing North Korea. They have a disproportionate influence than any other country in the world because of North Korea's dependence on their—for their economic wellbeing. And I truly do believe that Beijing has a big hand to play, and I am disappointed that they haven't.

I hope that we will continue to encourage them to do the responsible thing because it is not only in the world's best interest, but it is in their best interest too. So, thank you, Mr. Chairman, for doing this yet one more time, and let's get it across the finish line this time. Thank you.

Chairman Royce. Thank you, Mr. Salmon.

As I recall, I raised this issue, as did Eliot Engel, with the Premier in Beijing, and as I recall, you may have said the same thing in Mandarin, and your Mandarin is very good. Afterwards, the delegation on the other side commented on that.

So other members seeking recognition here?

If not, hearing no further—Mr. Trott.

Mr. Trott. I just wanted to thank the chairman and the ranking member for moving H.R. 757 forward. The chairman wisely scheduled a hearing a couple of weeks ago on North Korea. And I for one found the answers from the representative from the State Department and his complete confidence in the President’s Executive order on North Korea—I think it is Executive Order 13687—his belief that that Executive order would singularly correct North Korea's bad behavior a little disturbing. And it was clear from the discussion that additional, more vigorous sanctions are required.

So, thank you, Mr. Chairman.

Chairman Royce. Thank you, Mr. Trott.

Hearing no further requests for recognition to speak on the bill, we now—Mr. Chabot, you are recognized. We are on the legislation on North Korea, Mr. Chabot.

Mr. Chabot. Okay, I had a different—yeah, that is the one. I just spoke on the floor. I apologize. I just raced over here from speaking on the bill that we are taking up on the floor today. I appreciate, Mr. Chairman, I would like to express my support for H.R. 757, the North Korea Sanctions Enforcement Act of 2015.

Kim Jong-un's regime represents an imminent threat to the global nonproliferation effort, to the global economy, and the global financial system. North Korea has made its intentions clear that it will not halt its nuclear weapons and missile programs. But its trajectory will not last long if the U.S. denies access to its offshore accounts and funding.

As you know, H.R. 757 puts banks everywhere on notice that they must choose between doing business with Kim Jong-un and making use of the U.S. financial system, and that U.S. must maintain a consistent position that makes it crystal clear to the regime in Pyongyang that we will not concede to its unreasonable demands. The time for willful blindness, for looking the other way at North Korea's proliferation, money laundering, and its kleptocracy is over. I look forward to working with my colleagues to ensure this
happens, and hope that the administration pursues a path that will increase security for South Korea and the international community.

And, again, I apologize for getting here at the last minute. But I had to be in two places at once. So I yield back.

Chairman ROYCE. Well, we thank you, Mr. Chabot, and as I say, hearing no further requests, we now move to consider en bloc the bipartisan amendments. There were three of them provided to your office just yesterday, which are also in your packets.

And without objection, the following amendments to H.R. 757 will be considered as en bloc and are considered as read: One is the Castro amendment 22, the Connolly amendment 23, and the Poe amendment 83.

[The information referred to follows:]
AMENDMENT TO H.R. 757
OFFERED BY MR. CASTRO OF TEXAS

Page 47, after line 23 (at the end of title II), insert the following:

1 SEC. 209. SENSE OF CONGRESS THAT TRILATERAL CO-
2 OPERATION AMONG THE UNITED STATES,
3 JAPAN, AND THE REPUBLIC OF KOREA IS
4 CRUCIAL TO THE STABILITY OF THE ASIA-PAC-
5 IFIC REGION.

6 (a) FINDINGS.—Congress finds the following:
7 (1) The United States, Japan, and the Republic
8 of Korea (South Korea) share the values of democ-
9 racy, free and open markets, the rule of law, and re-
10 spect for human rights.
11 (2) The alliance relationship between the
12 United States, Japan, and South Korea are critical
13 to peace and security in the Asia-Pacific region.
14 (3) The United States, Japan, and South Korea
15 are committed to continuing diplomatic efforts to en-
16 sure continued peace and stability in the Asia-Pa-
17 cific region.
18 (4) On December 28, 2014, the United States,
19 Japan, and South Korea finalized a trilateral mili-
tary intelligence-sharing arrangement concerning the nuclear and missile threats posed by North Korea.

(5) The trilateral military intelligence-sharing arrangement reinforces and strengthens the commitment between the United States, Japan, and South Korea toward a Korean Peninsula free of nuclear weapons.

(b) SENSE OF CONGRESS.—It is the sense of Congress that North Korea's nuclear and ballistic missile programs are of mutual concern to the United States, Japan, and South Korea and a trilateral military intelligence-sharing arrangement is essential to the security of each nation and the Asia-Pacific region.
AMENDMENT TO H.R. 757
OFFERED BY MR. CONNOLLY OF VIRGINIA

Page 50, line 10, add at the end the following: “The report shall include a description of actions taken by the Department of State to implement or support the recommendations of the Commission of Inquiry’s Report on Human Rights in the Democratic People’s Republic of North Korea, including efforts to press China and other countries to implement Commission recommendations.”.
AMENDMENT TO H.R. 757
OFFERED BY MR. POE OF TEXAS

Page 47, after line 23 (at the end of title II of the bill), add the following:

1 SEC. 209. REPORT ON NUCLEAR PROGRAM COOPERATION BETWEEN NORTH KOREA AND IRAN.
2
3 (a) In General.—The President shall submit to the Committee on Foreign Affairs of the House of Representa-
4 tives and the Committee on Foreign Relations of the Senate a report on cooperation between North Korea and Iran
5 on their nuclear programs, including the identity of Iranian and North Korean persons that have knowingly en-
6 gaged in or directed the provision of material support or the exchange of information between North Korea and
7 Iran on their respective nuclear programs.
8
9 (b) Submission and Form.—
10
11 (1) Submission.—The report required under subsection (a) shall be submitted not later than 90
days after the date of enactment of this Act.
12
13 (2) Form.—The report required under subsection (a) shall be submitted in an unclassified
form, but may contain a classified annex.
Chairman ROYCE. I am assuming no one wants to speak on any of these en bloc. Mr. Castro would. Mr. Castro.

Mr. CASTRO. Sure. Thank you, Chairman, and thank you and the ranking member for all of your work on this issue. Yesterday, Director of National Intelligence James Clapper stated that North Korea's offensive cyber operations, growing stockpile of ballistic missiles, and nuclear weapons pose “A serious threat to the United States and to the security environment in East Asia.”

My amendment echoes Director Clapper's assessment by adding a sense of Congress that North Korea's nuclear ballistic missiles program are of mutual concern to the United States, Japan, and South Korea, and that trilateral cooperation is essential to the security of each Nation and the stability of Asia-Pacific Region. Last December, the United States, Japan, and South Korea finalized a trilateral military intelligence-sharing agreement concerning threats posed by North Korea. The United States has had bilateral agreements with Japan and South Korea, but this is a new trilateral agreement that creates a more effective bulwark against North Korea and strengthens our collective response capabilities the event of future aggression from North Korea.

The United States, Japan, and South Korea share the values of democratic governance and the rule of law and respect for human rights. It makes sense that we share intelligence related to North Korea's military threats.

I yield back, Mr. Chairman.

Chairman ROYCE. Thank you, Mr. Castro.

Any other members seeking time?

Hearing no further requests for recognition, the question occurs on the amendments considered en bloc.

All those in favor, say aye.

All those opposed, no.

In the opinion of the Chair, the ayes have it, and the Castro, Connolly, and Poe amendments are agreed to.

Are there any further amendments to the bill? Hearing no further amendments, the question occurs on agreeing to H.R. 757, as amended.

All those in favor, say aye.

All those opposed, no.

In the opinion of the Chair, the ayes have it. The bill, as amended, is agreed to. And, without objection, H.R. 757, as amended, is ordered favorably reported and will be reported as a single amendment in the nature of a substitute. Staff is directed to make any technical and conforming changes, and also without objection, the Chair is authorized to seek House consideration of any of today's measures under suspension of the rules. And that concludes our business today.

I want to thank Ranking Member Engel and all of the committee members for their contributions and all of your assistance in today's markup. We stand adjourned.

[Whereupon, at 10:22 a.m., the committee was adjourned.]
APPENDIX

Material Submitted for the Record
FULL COMMITTEE MARKUP NOTICE
COMMITTEE ON FOREIGN AFFAIRS
U.S. HOUSE OF REPRESENTATIVES
WASHINGTON, DC 20515-6128

Edward R. Royce (R-CA), Chairman

February 25, 2015

TO: MEMBERS OF THE COMMITTEE ON FOREIGN AFFAIRS

You are respectfully requested to attend an OPEN meeting of the Committee on Foreign Affairs, to be held in Room 2172 of the Rayburn House Office Building (and available live on the Committee website at http://www.foreignaffairs.house.gov).

DATE: Friday, February 27, 2015
TIME: 9:30 a.m.

MARKUP OF:

H.R. 400, Trafficking Prevention in Foreign Affairs Contracting Act;

H.R. 757, North Korea Sanctions Enforcement Act of 2015; and

H. Res. 53, Condemning the cowardly attack on innocent men, women, and children in the northeastern Nigerian town of Baga.

By Direction of the Chairman

The Committee on Foreign Affairs seeks to make its facilities accessible to persons with disabilities. If you are in need of special accommodations, please call 202-225-7041 at least four business days in advance of the event. Questions with regard to special accommodations in general (including availability of Committee materials in alternative formats and accessible hearing devices) may be directed to the Committee.
COMMITTEE ON FOREIGN AFFAIRS  
MINUTES OF FULL COMMITTEE Markup

Day: Friday, Date: February 27, 2015 Room: 2172
Starting Time: 9:38 a.m. Ending Time: 10:22 a.m.

Recesses: [__] 9:50 a.m.  [__] 10:00 a.m.  [__] 10:10 a.m.  [__] 10:20 a.m.  [__] 10:30 a.m.

Presiding Member(s):
Edward R. Royce, Chairman

Check all of the following that apply:
Open Session [X]  Executive (closed) Session [ ]
Television [X]  Electronically Recorded (taped) [X]  Stenographic Record [X]

BILLS FOR Markup: (include bill number(s) and titles of legislation)
H.R. 400; H.R. 757; and H.R. 53

COMMITTEE MEMBERS PRESENT:
See attached sheet.

NON-COMMITTEE MEMBERS PRESENT:
None.

STATEMENTS FOR THE RECORD: (list any statements submitted for the record)
None.

ACTIONS TAKEN DURING THE Markup: (Attach copies of legislation and amendments)
See Markup Summary.

RECORDED VOTES TAKEN (FOR Markup): (Attach final vote tally sheet listing each member)

Subject   Yes   No   Present   Not Voting

TIME SCHEDULED TO RECONVENE
or
TIME ADJOURNED 10:22 a.m.

Doug Anderson, General Counsel
## House Committee on Foreign Affairs
### Full Committee Markup

<table>
<thead>
<tr>
<th>Present</th>
<th>Member</th>
</tr>
</thead>
<tbody>
<tr>
<td>X</td>
<td>Edward R. Royce, CA</td>
</tr>
<tr>
<td>X</td>
<td>Christopher H. Smith, NJ</td>
</tr>
<tr>
<td></td>
<td>Ilana Ros-Lehtinen, FL</td>
</tr>
<tr>
<td>X</td>
<td>Dana Rohrabacher, CA</td>
</tr>
<tr>
<td>X</td>
<td>Steve Chabot, OH</td>
</tr>
<tr>
<td></td>
<td>Joe Wilson, SC</td>
</tr>
<tr>
<td></td>
<td>Michael T. McCaul, TX</td>
</tr>
<tr>
<td>X</td>
<td>Ted Poe, TX</td>
</tr>
<tr>
<td>X</td>
<td>Matt Salmon, AZ</td>
</tr>
<tr>
<td></td>
<td>Darrell Issa, CA</td>
</tr>
<tr>
<td></td>
<td>Tom Marino, PA</td>
</tr>
<tr>
<td></td>
<td>Jeff Duncan, SC</td>
</tr>
<tr>
<td></td>
<td>Mo Brooks, AL</td>
</tr>
<tr>
<td>X</td>
<td>Paul Cook, CA</td>
</tr>
<tr>
<td>X</td>
<td>Randy Weber, TX</td>
</tr>
<tr>
<td>X</td>
<td>Scott Perry, PA</td>
</tr>
<tr>
<td></td>
<td>Ron DeSantis, FL</td>
</tr>
<tr>
<td></td>
<td>Mark Meadows, NC</td>
</tr>
<tr>
<td>X</td>
<td>Ted Yoho, FL</td>
</tr>
<tr>
<td>X</td>
<td>Curt Clawson, FL</td>
</tr>
<tr>
<td>X</td>
<td>Scott. DeSaulais, TN</td>
</tr>
<tr>
<td>X</td>
<td>Reid Ribble, WI</td>
</tr>
<tr>
<td>X</td>
<td>Dave Trott, MI</td>
</tr>
<tr>
<td></td>
<td>Lee Zeldin, NY</td>
</tr>
<tr>
<td>X</td>
<td>Tom Emmer, MN</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Present</th>
<th>Member</th>
</tr>
</thead>
<tbody>
<tr>
<td>X</td>
<td>Eliot L. Engel, NY</td>
</tr>
<tr>
<td></td>
<td>Brad Sherman, CA</td>
</tr>
<tr>
<td>X</td>
<td>Gregory W. Meeks, NY</td>
</tr>
<tr>
<td>X</td>
<td>Alisse Stone, NJ</td>
</tr>
<tr>
<td></td>
<td>Gerald F. Connolly, VA</td>
</tr>
<tr>
<td></td>
<td>Theodore E. Deutch, FL</td>
</tr>
<tr>
<td></td>
<td>Brian Higgins, NY</td>
</tr>
<tr>
<td></td>
<td>Karen Bass, CA</td>
</tr>
<tr>
<td></td>
<td>William Keating, MA</td>
</tr>
<tr>
<td>X</td>
<td>David Cicilline, RI</td>
</tr>
<tr>
<td>X</td>
<td>Alan Grayson, FL</td>
</tr>
<tr>
<td>X</td>
<td>Anti Bera, CA</td>
</tr>
<tr>
<td>X</td>
<td>Alan S. Lowenthal, CA</td>
</tr>
<tr>
<td>X</td>
<td>Grace Meng, NY</td>
</tr>
<tr>
<td></td>
<td>Lois Frankel, FL</td>
</tr>
<tr>
<td>X</td>
<td>Tulsi Gabbard, HI</td>
</tr>
<tr>
<td>X</td>
<td>Joaquin Castro, TX</td>
</tr>
<tr>
<td>X</td>
<td>Robin Kelly, IL</td>
</tr>
<tr>
<td>X</td>
<td>Brendan Boyle, PA</td>
</tr>
</tbody>
</table>
2/27/15 Foreign Affairs Committee Markup Summary

The Chair obtained unanimous consent to consider two measures and one amendment (previously provided to Members of the Committee) en bloc:

1) H.R. 406 (Royce), “Trafficking Prevention in Foreign Affairs Contracting Act.”

2) H. Res. 53 (Kelly), “Condemning the cowardly attack on innocent men, women, and children in the northeastern Nigerian town of Baga.”

   a. Kelly 14, an amendment in the nature of a substitute.

The items considered en bloc were agreed to by voice vote.

The Chair then called up the bill:


By unanimous consent, the following amendments to H.R. 757 (previously provided to Members of the Committee) were considered en bloc, and agreed to by voice vote:

   a. Castro 22;
   b. Connolly 23; and
   c. Poe 83

H.R. 757, as amended, was agreed to by voice vote, and was ordered favorably reported to the House as a single amendment in the nature of a substitute by unanimous consent.

By unanimous consent the Chair was authorized to seek House consideration of any of the measures agreed to today under suspension of the rules.

The Committee adjourned.