

UNITED STATES NAVAL STATION GUANTANAMO BAY PRESER-
VATION ACT; AND EXPRESSING CONCERN REGARDING PER-
SISTENT AND CREDIBLE REPORTS OF SYSTEMATIC, STATE-
SANCTIONED ORGAN HARVESTING FROM NON-CONSENTING
PRISONERS OF CONSCIENCE IN THE PEOPLE'S REPUBLIC OF
CHINA, INCLUDING FROM LARGE NUMBERS OF FALUN GONG
PRACTITIONERS AND MEMBERS OF OTHER RELIGIOUS AND
ETHNIC MINORITY GROUPS

MARKUP

BEFORE THE

COMMITTEE ON FOREIGN AFFAIRS
HOUSE OF REPRESENTATIVES

ONE HUNDRED FOURTEENTH CONGRESS

SECOND SESSION

ON

H.R. 4678 and H. Res. 343

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ERVATION ACT; AND EXPRESSING CONCERN REGARDING
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OTHER RELIGIOUS AND ETHNIC MINORITY GROUPS**

WEDNESDAY, MARCH 16, 2016

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

The committee met, pursuant to notice, at 10 o'clock a.m., in room 2172 Rayburn House Office Building, Hon. Edward Royce (chairman of the committee) presiding.

Chairman ROYCE. The committee will come to order. Pursuant to notice, we meet today to mark up two measures, and without objection, all members may have 5 days to submit statements or extraneous materials on either measure.

We are going to begin with H.R. 4678, the United States Naval Station Guantanamo Bay Preservation Act.

[The information referred to follows:]

114TH CONGRESS
2D SESSION

H. R. 4678

To prohibit modification, abrogation, abandonment, or other related actions with respect to United States jurisdiction and control over United States Naval Station, Guantanamo Bay, Cuba, without congressional action.

IN THE HOUSE OF REPRESENTATIVES

MARCH 3, 2016

Mr. ROYCE (for himself, Mr. YOHIO, Ms. ROS-LEHTINEN, Mr. DUNCAN of South Carolina, and Mr. SALMON) introduced the following bill; which was referred to the Committee on Foreign Affairs

A BILL

To prohibit modification, abrogation, abandonment, or other related actions with respect to United States jurisdiction and control over United States Naval Station, Guantanamo Bay, Cuba, without congressional action.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “United States Naval
5 Station Guantanamo Bay Preservation Act”.

6 **SEC. 2. FINDINGS.**

7 Congress makes the following findings:

1 (1) United States Naval Station, Guantanamo
2 Bay, Cuba, has been a strategic military asset crit-
3 ical to the defense of the United States and the
4 maintenance of regional security for more than a
5 century.

6 (2) The United States continues to exercise
7 control over the area of United States Naval Sta-
8 tion, Guantanamo Bay, Cuba, pursuant to the
9 Guantanamo Lease Agreements, which were initi-
10 ated and concluded pursuant to an Act of Congress.

11 (3) Senior United States military leaders have
12 consistently voiced strong support for maintaining
13 United States Naval Station, Guantanamo Bay,
14 Cuba, noting its strategic value for military basing
15 and logistics, disaster relief, humanitarian work, ter-
16 rorist detention, and counter-narcotics purposes.

17 (4) On February 29, 2016, Secretary of De-
18 fense Ashton B. Carter, discussing United States
19 Naval Station, Guantanamo Bay, Cuba, stated that
20 “it’s a strategic location, we’ve had it for a long
21 time, it’s important to us and we intend to hold onto
22 it”.

23 (5) On March 12, 2015, Commander of United
24 States Southern Command, General John Kelly, tes-
25 tified that the United States facilities at Naval Sta-

tion Guantanamo Bay “are indispensable to the Departments of Defense, Homeland Security, and State’s operational and contingency plans. . . . As the only permanent U.S. military base in Latin America and the Caribbean, its location provides persistent U.S. presence and immediate access to the region, as well as supporting a layered defense to secure the air and maritime approaches to the United States”.

(6) In testimony before Congress in 2012, then-Commander of United States Southern Command, General Douglas Fraser, stated that “the strategic capability provided by U.S. Naval Station Guantanamo Bay remains essential for executing national priorities throughout the Caribbean, Latin America, and South America”.

(7) Following a 1991 coup in Haiti that prompted a mass exodus of people by boat, United States Naval Station, Guantanamo Bay, Cuba, provided a location for temporary housing and the orderly adjudication of asylum claims outside of the continental United States.

(8) In 2010, United States Naval Station, Guantanamo Bay, Cuba, was a critical hub for the

1 provision of humanitarian disaster relief following
2 the devastating earthquakes in Haiti.

3 (9) The United States presence at United
4 States Naval Station, Guantanamo Bay, Cuba, has
5 its origins in Acts of Congress undertaken pursuant
6 to the powers of Congress expressly enumerated in
7 the Constitution of the United States.

8 (10) By joint resolution approved on April 20,
9 1898, Congress “directed and empowered” the
10 President “to use the entire land and naval forces
11 of the United States” as necessary to ensure that
12 the Government of Spain “relinquish its authority
13 and government in the island of Cuba, and withdraw
14 its land and naval forces from Cuba and Cuban
15 waters”.

16 (11) Congress declared war against Spain on
17 April 25, 1898, which lasted until December 10,
18 1898, when the United States and Spain signed the
19 Treaty of Paris, in which Spain relinquished all
20 claims of sovereignty over Cuba, and United States
21 governance of Cuba was established.

22 (12) Nearly three years later, in the Act of
23 March 2, 1901 (Chapter 803; 31 Stat. 898), Con-
24 gress granted the President the authority to return
25 “the government and control of the island of Cuba

1 to its people” subject to several express conditions
2 including, in article VII of the Act of March 2,
3 1901, the sale or lease by Cuba to the United States
4 of lands necessary for naval stations.

5 (13) Pursuant to the authority granted by arti-
6 cle VII of the Act of March 2, 1901, the United
7 States negotiated the Guantanamo Lease Agree-
8 ments, which specified the area of, and United
9 States jurisdiction and control over, what became
10 United States Naval Station, Guantanamo Bay,
11 Cuba.

12 (14) On October 2, 1903, when approving the
13 Lease to the United States by the Government of
14 Cuba of Certain Areas of Land and Water for Naval
15 or Coaling Stations, signed in Havana on July 2,
16 1903, President Theodore Roosevelt cited the Act of
17 March 2, 1901, as providing his authority to do so:
18 “I, Theodore Roosevelt, President of the United
19 States of America, having seen and considered the
20 foregoing lease, do hereby approve the same, by vir-
21 tue of the authority conferred by the seventh of the
22 provisions defining the relations which are to exist
23 between the United States and Cuba, contained in
24 the Act of Congress approved March 2, 1901, enti-
25 tled ‘An Act making appropriation for the support

1 of the Army for the fiscal year ending June 30,
2 1902.'".

3 (15) Obtaining United States naval station
4 rights in Cuba was an express condition of the au-
5 thority that Congress gave the President to return
6 control and governance of Cuba to the people of
7 Cuba. In exercising that authority and concluding
8 the Guantanamo Lease Agreements, President Theo-
9 dore Roosevelt recognized the source of that author-
10 ity as the Act of March 2, 1901.

11 (16) The Treaty of Relations between the
12 United States of America and the Republic of Cuba,
13 signed at Washington, May 29, 1934, did not super-
14 sede, abrogate, or modify the Guantanamo Lease
15 Agreements, but noted that the stipulations of those
16 agreements "shall continue in effect" until the
17 United States and Cuba agree to modify them.

18 (17) The Constitution of the United States ex-
19 pressly grants to Congress the power to provide for
20 the common defense of the United States, the power
21 to provide and maintain a Navy, and the power "to
22 dispose of and make all needful Rules and Regula-
23 tions respecting the Territory or other Property be-
24 longing to the United States".

1 **SEC. 3. PROHIBITION ON MODIFICATION, ABROGATION, OR**
2 **OTHER RELATED ACTIONS WITH RESPECT TO**
3 **UNITED STATES JURISDICTION AND CON-**
4 **TROL OVER UNITED STATES NAVAL STATION,**
5 **GUANTANAMO BAY, CUBA, WITHOUT CON-**
6 **GRESSIONAL ACTION.**

7 No action may be taken to modify, abrogate, or re-
8 place the stipulations, agreements, and commitments con-
9 tained in the Guantanamo Lease Agreements, or to impair
10 or abandon the jurisdiction and control of the United
11 States over United States Naval Station, Guantanamo
12 Bay, Cuba, unless specifically authorized or otherwise pro-
13 vided by—

14 (1) a statute that is enacted on or after the
15 date of the enactment of this Act;

16 (2) a treaty that is ratified with the advice and
17 consent of the Senate on or after the date of the en-
18 actment of this Act; or

19 (3) a modification of the Treaty Between the
20 United States of America and Cuba signed at Wash-
21 ington, DC, on May 29, 1934, that is ratified with
22 the advice and consent of the Senate on or after the
23 date of the enactment of this Act.

24 **SEC. 4. GUANTANAMO LEASE AGREEMENTS DEFINED.**

25 In this Act, the term “Guantanamo Lease Agree-
26 ments” means—

- 1 (1) the Agreement Between the United States
- 2 of America and the Republic of Cuba for the Lease
- 3 to the United States of Lands in Cuba for coaling
- 4 and naval stations, signed by the President of the
- 5 United States on February 23, 1903; and
- 6 (2) the Lease to the United States by the Gov-
- 7 ernment of Cuba of Certain Areas of Land and
- 8 Water for Naval or Coaling Stations, signed by the
- 9 President of the United States on October 2, 1903.

○

Chairman ROYCE. Without objection, it is considered read and it is open for amendment at any point. And after recognizing myself and the ranking member, I will be pleased to recognize any member seeking recognition to speak.

I am pleased to recognize myself on this measure, and to be clear: This measure is not a Guantanamo detention facility bill. This bill, the United States Naval Station Guantanamo Bay Preservation Act, is about asserting Congress' longstanding constitutional and legal authority to determine the future of this U.S. military base. Senior military officers continue to view this as "indispensable." This base is important to all elements of our national security, including humanitarian operations. Frequently we run operations out of here and Haiti and throughout the Caribbean. It saves lives on a regular basis.

This bill states that no action may be taken to impair U.S. "jurisdiction and control" over the base without affirmative congressional action—that would be either a new statute or a treaty concluded with Senate consent. Naval Station Guantanamo Bay is not a typical basing situation and U.S. control is not premised on a treaty here. Its history is wholly unique and it has its roots in acts of the Congress.

In reviewing that history, it is worth recalling several of the express powers granted to Congress by the Constitution. All right, so Congress' powers are the power to provide for the common defense of the United States, the power to provide and maintain a Navy, the power to declare war, and the power to dispose of and make rules regarding territory and other property belonging to the United States.

Cuba became an American protectorate after the U.S. prevailed in the Spanish-American War, which Congress had declared in 1898. In 1901, Congress rightly granted the President conditional authority to return control and governance of the island to the people of Cuba subject to the express requirement of securing U.S. naval basing rights there.

When the President signed the 1903 Guantanamo Lease—the agreements under which the U.S. continues to exercise complete “jurisdiction and control” over the base—the President specifically cited that 1901 Act of Congress as providing the President’s authority to do so.

The last Treaty of Relations between the U.S. and Cuba did not nullify, replace, or change the 1903 lease agreements, but noted that they “shall continue in effect” until the U.S. and Cuba agree to modify them.

This means that any executive attempt to impair the United States’ “jurisdiction and control” over Naval Station Guantanamo Bay without congressional authority would illegally nullify the 1901 Act of Congress and that would infringe on Congress’ exercise of its express constitutional powers.

Some say giving up Guantanamo isn’t in the cards. Why should we worry? The Assistant Secretary of State for Legislative Affairs has recently written, stating that “the United States has no plans to alter any of the arrangements regarding the base.”

But saying that you “have no plans” to do something is not the same as saying that you will not do something. As we have seen in any number of prior situations—whether it be unfulfilled pledges of consultation with Congress prior to any Cuba policy change, for example, or the 11th hour lifting of missile restrictions as part of the Iran nuclear deal—plans can change very quickly. Plans can change for the worse with no prior warning to Congress.

And we should be concerned about the next administration’s plans. This bill is about protecting congressional prerogative during this administration and the next and the next.

Congress needs to make clear its role in any decision to relinquish U.S. Naval Station Guantanamo Bay, which remains indispensable to our nation’s defense and our support for regional stability. So this bill, H.R. 4678, does this. It deserves our support.

I will now go to the ranking member, Mr. Eliot Engel of New York, for his opening statement.

Mr. ENGEL. Thank you very much, Mr. Chairman. Thank you for all your courtesies, as usual, but I must respectfully oppose this measure today, the U.S. Naval Station Guantanamo Bay Preservation Act, and the reason is in my view the legislation simply isn’t necessary. The Guantanamo detention facility is always a political hot button, but I don’t think anyone disputes that our naval station at Guantanamo Bay serves a number of worthy national security purposes.

For example, after the devastating earthquake in Haiti in 2010, the base was a critical logistical hub for our response. So I asked if the President, if the administration, had any plans to return the naval station to the Cuban Government. I received a response this week from the State Department that reads, and I quote, “The Administration has no plans to alter the existing lease treaty, pay-

ments, and other arrangements with Cuba related to the Guantanamo Bay Naval Station.”

And the chairman did point out that we got this letter from Julia Frifield, who is the Assistant Secretary of Legislative Affairs of the United States Department of State. So I would ask unanimous consent that her letter appear in the record.

Chairman ROYCE. Without objection.

Mr. ENGEL. Thank you, Mr. Chairman. The letter goes on to explain that the base will continue to serve an important role for the United States, even after the detention facility closes, including support of “U.S. Coast Guard and other agency counter-drug and migrant interdiction activities.”

So let me say that this bill won’t become law, obviously the President is opposed to it. But, I do think that again we should continue to work together on this issue at Guantanamo because it does serve a number of key national security purposes and will continue to do so in the years ahead.

So thank you, Mr. Chairman. I yield back.

Chairman ROYCE. I thank the gentleman for yielding back, and Congresswoman Ros-Lehtinen of Florida.

Ms. ROS-LEHTINEN. Thank you so much, Mr. Chairman. I would like to offer my full support for your bill, H.R. 4678, of which I am proud to be an original cosponsor. This bill would ensure that the Obama administration cannot close or abandon the Naval Station of Guantanamo Bay without congressional action.

Since the President’s misguided decision to normalize relations with Cuba in 2014, I have feared that President Obama would try to relinquish control of Gitmo. Just as it has done with authoritarian regimes around the world, the Obama administration has already made concession after concession to the Castro dictatorship without anything positive to show in return. And given the fact that the President is willing to concede to any of Castro’s demands, I would not be surprised if next on his checklist will be the handing over of Gitmo to an avowed enemy of the United States.

The strategic location of the naval station is of extreme importance and it plays a pivotal role for our military capabilities in the region. We must not allow any President to circumvent Congress and manipulate the law in order to give up control of Gitmo.

And I thank you, Chairman Royce, for bringing up this measure. I think it is a very important statement. Thank you, sir.

Chairman ROYCE. If I could, I am going to recognize myself briefly so I can explain my thinking on this. One of the reasons that this bill is important is because unfortunately the administration has previously made dramatic shifts in U.S. policy toward Cuba without consulting Congress beforehand.

And so if we look at the arguments made by Deputy National Security Advisor Tony Blinken, he was in the process of being confirmed at the Deputy Secretary slot at the State Department in November 2014, he was asked whether any unilateral policy changes were under consideration with respect to Cuba. He assured Congress that anything that in the future might be done on Cuba would be done in full consultation. Now to emphasize that commitment he went on to say, with the real meaning of the word consultation.

That is the thing that when I look back at this concerns me most about the lack of consultation with Congress. I am trying to protect the prerogatives here of Congress, the responsibility of Congress in this, because less than a month after that statement, without any consultation with me or any other Member that I know of, the administration announced the reestablishment of diplomatic relations and the release of convicted Cuban spies which apparently resulted from more than a year of secret negotiations with the regime, with the Castro regime.

So the first point is we are not talking about that issue, we are now talking about Guantanamo Bay, but there are very real concerns. Enough concerns that this Congress also took the step in previously enacted legislation to prevent the return of the Guantanamo base to Cuba. Now that is going to expire this September. We adopted a full amendment offered by Representative Jolly to the military construction appropriations bill that prohibited funds from being used to close or to abandon Naval Station Guantanamo Bay. No member rose in opposition to that amendment and it was included in the final omnibus prohibiting any funds appropriated in 2016 from being used to close this strategically important U.S. base.

So most Members have voted in favor of the concept, and I just wanted to lay out my thoughts on this. Other members seeking recognition? Mr. Connolly.

Mr. CONNOLLY. Thank you, Mr. Chairman.

Mr. Chairman, I actually share a lot of the sentiments you have just expressed. I would not support any President unilaterally determining the fate of the Guantanamo Base without full debate and consultation with Congress and indeed with the approval of Congress.

And so I am very sympathetic with the underlying concern expressed in this resolution, and I have joined my friend, Ileana Ros-Lehtinen, and my friend, Albio Sires, in being critical of the administration's rather abrupt change in policy and getting very little in return for it. The Washington Post has been critical of the policy along those lines, and I associate myself with that critique.

I just would respectfully suggest that the resolution in front of us today, however, is designed to embarrass this President on the eve of a state visit to Cuba. We have one President and I, for one, am very tired of the gratuitous assaults on him, on his integrity, and on his policy.

We could have reasonable disagreements, but for this committee to deliberately pass a resolution designed to embarrass him in his execution of foreign policy on behalf of the United States, I think is a mistake. I think it is misguided, I think it is partisan, and it is not really worthy of this committee.

So although I am very sympathetic to the arguments and I certainly don't doubt the sincerity of the chairman, I think the timing is not designed, frankly, to promote more dialogue and more thought with respect to our bilateral relationships with Cuba, and I will reluctantly have to join the ranking member in opposing this resolution.

Chairman ROYCE. I will recognize myself for a moment here and I will just point out there are no ad hominem in this bill in terms

of the way the bill is crafted, in terms of the wording—specifically, it quotes, senior administration officials. And in terms of the intent, this is indeed not just about this administration. It is about future administrations too, as I explained in my opening argument, and it is in my view necessary given the role Congress has played in this.

But to recognize other members, Mr. Smith.

Mr. SMITH. Thank you very much, Mr. Chairman. And frankly, I want to thank you for authoring this important legislation, H.R. 4678, particularly on the eve of the President's trip. Many of us have been deeply concerned about the President's trip and my good friend, Mr. Connolly, just mentioned the Washington Post which has done several, not one, but several editorials, very, very strong editorials including one that had the headline, "Obama Gives the Castro Regime in Cuba an Undeserved Bailout." And they have repeatedly pointed out that it is not just that little has been gained, nothing has been gained. It has actually gotten worse on the human rights side.

In 2014, there were approximately 5,000 to 6,000 arrests of dissidents. In 2015 that jumped to 8,000. And in the first 2 months of this year, 2016, approximately 2,500 people have been arrested. So the trend line has been in the opposite direction of what perhaps the President had intended, and that calls for a serious recalibration if not a reversal of this policy of all give and absolutely no take. And what do we hope to get in return? Respect for fundamental human rights.

I would point out to my colleagues that in addition to the concerns that Mr. Royce expresses in his bill, which I am very happy and thankful that I have been put on as a cosponsor, I have a hearing next week on Wednesday about getting it right on trafficking.

Last year, and I have raised this repeatedly that the administration has been upgrading countries like China, like India, like Oman and like Cuba, when the TIP Office, the Trafficking in Persons Office, the Foreign Service Officers whose job it is to make the tough decisions about is this a Tier 3 country and egregious violator of sex and labor trafficking and then to assign that grade and to be honest about it, while Reuters did an investigation and found out that 13 countries got artificially inflated grades and Cuba was one of them.

If you read the TIP narrative in the Trafficking in Persons Report, it is absolutely clear on labor and sex trafficking that this is a Tier 3 country and yet they got an upgrade so that no sanctions will follow. I thought that was outrageous. Next Wednesday we will have a hearing talking about these inflated grades including and especially in Cuba.

Let me also point out that we have called for the return of fugitives. JoAnne Chesimard killed a New Jersey policeman. Albio Sires speaks about it all the time very eloquently and passionately as do I, as do many in the State of New Jersey. Bob Menendez does it as well. Ileana Ros-Lehtinen laid out the concerns repeatedly about human rights, and Mr. Chairman you did it so very well as well.

This legislation as you pointed out does not have *ad hominem*s. It just makes it clear that this is an Article IV Section 3 issue

about the Constitution granting to the Congress, not the President, the authority to dispose of and make all needful rules and regulations respecting the territory and other property belonging to the United States, and the Guantanamo lease agreements were instituted and concluded pursuant to an Act of Congress.

Again, we want to send a clear message. This policy has been grotesquely misguided. We have enabled a dictatorship. And this is a dictatorship. I have tried for years to get a visa to go to Cuba because I want to go to the prisons. I went into Chinese prisons, Indonesian prisons, and even Perm Camp 35, the infamous prison in the Ural Mountains in the 1980s during the Communist dictatorship in the Soviet Union, and I can't even get into Cuba.

So I hope—again, this is a very, very precautionary statement coming from our distinguished chairman and I am so grateful that he has offered it. I yield back.

Chairman ROYCE. Any further members seeking recognition? Oh, Mr. Grayson.

Mr. GRAYSON. Thank you. The Guantanamo Bay Naval Base was built in 1898 during the Spanish-American War and specifically during the U.S. military occupation of the entire island of Cuba. The agreement that was set gives the United States 45 square miles of land in exchange for, first, \$2,000 and later \$4,000 a year in lease payments. Obviously, these days quite a bargain if one may say so.

It is also true, I think it is fair to say, that the people of Cuba, leaving aside the Government of Cuba, the people of Cuba overwhelmingly want to see an end to the U.S. military occupation of the eastern side of the island. This is in my mind something that could possibly be well characterized as colonialism. It is true that it is buried in the depths of our history. It happened more than 100 years ago.

But the fact remains that we are militarily occupying part of another country's land without the permission of those people. We don't do that anywhere else in the world. We don't say to a country we are going to take part of your land, we will occupy it. We will put a naval base or a military base there and to hell with all of you. We just don't do that anymore.

Now I understand that people are very uncomfortable and understandably so with both the political and the human rights situation in Cuba. But I want to point out that in the same year that we signed a lease for this property, we also signed an agreement regarding the Panama Canal Zone. And we gave back the Panama Canal Zone in 1979 to an egregious military dictator who had oppressed his country for decades.

So I suggest that we rethink our policy here. We understand that it is inappropriate for a great Nation like ours to seize land in another country and keep it and use it for any purposes, military or otherwise. And I think that with 3 minutes left here I would like to yield my time to someone else here on this panel who is willing to try to explain why this isn't a simple case of colonialism so that we can try to get that dialogue started. Is there anyone else who wants to address that issue?

No, okay. Then I yield the remainder of my time.

Mr. CONNOLLY. Would my friend yield for a question?

I mean, our friends on the other side of the aisle have a resolution that is generated out of the concern that the President would, in fact, follow your advice unilaterally and end the U.S. control over Guantanamo.

Putting aside the arguments of whether that is colonialism or whether that is a legacy we need to repudiate, surely my friend from Florida is not suggesting that on the eve of his visit to Cuba the President is secretly contemplating the handing over unilaterally of Guantanamo to the Government of Cuba. I would ask.

Mr. GRAYSON. I am suggesting what I am suggesting which is that this is a policy that needs to be deeply rethought. That if the United States is guilty of an egregious sin called colonialism, this is something that we need to try to put behind us, not extend. It is not a question of process, my friend, it is a question of substance.

Anyone else? All right, I yield the remainder of my time.

Chairman ROYCE. You wish to—

Mr. RIBBLE. Yes, I was just going to make one response, Mr. Chairman.

Mr. GRAYSON. Oh. Well, then I will reclaim my time. Go ahead. I yield.

Mr. RIBBLE. Thank you. We can view things as colonialism if that is the particular lens we would prefer to look it at. I would suggest that we might ask the folks in Port-au-Prince when our Navy was so close by, about 173 nautical miles, after a major earthquake hit there. And the lifesaving medical treatment, rescue treatment, and the compassionate expression of the American people through the close proximity to a horrible earthquake in the region was facilitated by the fact that the American Navy forces as well as their medical personnel were readily available to assist the region without having to wait days to get there. And I yield back.

Mr. GRAYSON. I will reclaim my time. I just want to point out that there is a real danger in confusing compassion with guns. There is a danger with confusing aid with missiles. Too often we feel that we are, if I may say this, picking up the White man's burden in the same way that Rudyard Kipling talked about 100 years ago, and maybe it is time to put that part of our history behind us. I yield.

Chairman ROYCE. We will go to Mr. Rohrabacher and then Mr. Sires. Mr. Rohrabacher.

Mr. ROHRABACHER. Thank you very much. And I would like to identify myself with remarks of Mr. Smith, and Mr. Smith has detailed for us that the oppression goes on in Cuba. And interestingly enough, I would also like to identify myself with the remarks of Mr. Grayson.

Let me just note, however, to Mr. Grayson, what he said was true about American colonialism, neocolonialism, however in making changes to government policy to make things, to right former wrongs timing is very important. Timing, timing, timing. This is not the time for us to move forward with what absolutely will be viewed as a retreat from our position that we took after the Castro brothers decided that they would, not decided but took control of Cuba and turned it into a Communist dictatorship.

Yes, after—and Mr. Smith's remarks are taken into consideration—and let us say that Mr. Castro passes on to hell where he

belongs, the fact is that then is the time that we can talk about changing the basic relationship. Just so people will know, Fidel Castro in the 1960s lobbied Nikita Khrushchev to launch nuclear missiles into the United States. Fidel Castro would have murdered 100 million Americans. We should not just ignore that.

And since then, Cuba has been a bastion of tyranny, a home for terrorists and drug dealers. When Castro dies and his brother is thrown out of power, then we should move, and again maybe that would be a good time for us to close Guantanamo. Maybe that would be a good time for us.

But right now there are no opposition political parties there. There are no rallies being held against Castro or anything else in that regime. The fact is that it is a hard core dictatorship, and our President I don't even think should be visiting that country because it is going to be viewed as, again, America retreating before this dictatorship and before our own standards, retreating from them.

And I would also suggest closing Guantanamo would be seen and is seen throughout the world as a retreat before terrorists throughout the world. If we close Guantanamo now, the fact is every terrorist in the world will look at it as a victory for them over the United States. This will not encourage, will not create a better world, create a worse world.

And although I agree with Mr. Grayson's fundamental analysis of the morality of the colonialism that started Guantanamo, this is not the time for us to be sending a message to terrorists or to dictatorships like the Castro brothers have in Cuba. So I thank the chairman, Mr. Royce, for bringing this up today to reaffirm Congress' commitment to that to democracy and to defeating terrorism.

Mr. CONNOLLY. Will my friend yield?

Mr. ROHRABACHER. I certainly will.

Mr. CONNOLLY. I thank my friend. To my surprise, I agree with most of what he said.

Mr. ROHRABACHER. A miracle has happened.

Mr. CONNOLLY. That is right. However, my objection and let us be—oh, well. It is my humble, respectful view that the timing of this resolution is designed to embarrass Obama. There is no evidence that Obama plans to do anything with respect to Guantanamo.

Mr. ROHRABACHER. So you are picking up on my timing, timing, timing.

Mr. CONNOLLY. Yes, I am.

Mr. ROHRABACHER. All right.

Mr. CONNOLLY. And that is my objection. But I think some of us anyhow will find common ground in a future date. I wish we weren't doing this now because it is frankly designed to embarrass President Obama, and there is no evidence he intends to do anything with respect to Guantanamo. We are manufacturing an issue where none exists. I respectfully yield back.

Mr. ROHRABACHER. I am reclaiming my time.

Mr. CONNOLLY. Yes.

Mr. ROHRABACHER. My time. And that is if it means sending a message to the President, and you are cataloguing that as embarrassing the President, I wouldn't catalog it as that. But if we are

going to send a message to the President this is the time to do it. Thank you, I yield.

Chairman ROYCE. Would the gentleman yield?

Mr. ROHRABACHER. I yield, yes.

Chairman ROYCE. The administration has admitted that this demand from the Government of Cuba is going to be front and center in this negotiation. It has raised that issue. And from my standpoint what we are doing, if anything, is strengthening the administration's hand. What we are doing is simply stating again that this has to be with the consultation of the United States House of Representatives.

Mr. ROHRABACHER. There you go.

Chairman ROYCE. It certainly strengthens our hand, I will tell you that. Mr. Sires.

Mr. SIRES. Thank you, Mr. Chairman. I wasn't going to speak on this issue, but listening to some of the arguments—I think this legislation is narrow, I think it is focused, and I think it is the right way to go with the Congress. I am supporting it.

But this whole idea of colonialism and everything else, we might as well review our history and give the west part of this country back to Mexico. I mean, we are going to go back and back and back. Look, the reality is now, and all this legislation is doing is basically saying that the Congress should be taken into consideration when we make a decision whether to return Guantanamo or not. And that is how I see it, so I will be supporting this legislation. Thank you, Mr. Chairman.

Chairman ROYCE. Thank you. We go now to Judge Ted Poe.

Mr. POE. I thank the chairman. When this lease was signed for the naval station, President Teddy Roosevelt specifically cited an Act of Congress that required the sale or lease by Cuba to the U.S. of lands necessary for naval stations, the President cited law for the authority to sign the lease. The law requires Congress to approve a change.

Teddy Roosevelt, who was he? Well, he was one of those folks that liberated Cuba with the Rough Riders, military experience. He was Assistant Secretary of the Navy. And he thought as well as Congress that it would be a good idea for us to have a naval station out there in the Caribbean. If you get a map out, you don't have to be a military expert to figure out, hey, this is a great place for a naval station of the United States. Set aside the issue of Cuba being bad guys or good guys or whoever they are, it is good for the United States.

Now my friend from Florida said, well, we gave away the Panama Canal when Jimmy Carter was President. Well, we did, but it took an Act of Congress. The United States Senate approved the giveaway of the Panama Canal. And all this legislation, this resolution is saying, Mr. President, we are kind of concerned about some of the things you have done in the past unilaterally without an Act of Congress supporting your actions. To make it sure that you don't give away the naval base, it takes an Act of Congress. This specific issue of the Guantanamo Naval Base takes an Act of Congress.

And as the chairman has pointed out, the President is going to Cuba, he is going to talk to the Castros, and we want to make sure Congress is involved in any change if there is a change. And there

may be a change. We may need a vote, may have a vote. The Senate may vote on it, something that sometimes the Senate doesn't vote.

But right now this legislation, this resolution is excellent to let not just the President, but Americans and the world, know this is a naval base for the United States, it is going to stay that way until Congress says otherwise. That is all it does. It is very narrowly drawn, and I think it is an excellent resolution. It has nothing to do with embarrassing anybody. It has nothing to do with colonialism. It has to do with a naval base of the United States that takes an Act of Congress to give it away. And I will yield back.

Chairman ROYCE. Lois Frankel of Florida.

Ms. FRANKEL. Thank you, Mr. Chair. So first, with all due respect to one of my colleagues, I do not believe this a debate about colonialism. And I want to say for the record I do not admire or respect Fidel Castro. I wouldn't give him anything. But I want to associate myself with Mr. Engel's remarks. I agree with the sentiment of this resolution, but I believe it is unnecessary and I feel like it is a poke at the President. And it is sort of like saying, well, when did you stop beating your husband or your wife? Well, I was never beating my husband or my wife.

So a President, our President, has no intention of modifying, abrogating, abandoning U.S. control over the U.S. naval station at Guantanamo, and I don't think we need this resolution. And I yield back.

Chairman ROYCE. Mr. Ted Yoho of Florida.

Mr. YOH0. Thank you, Mr. Chairman. I appreciate you bringing up this very important legislation, H.R. 4678, and I am pleased we are able to work together to shine a light on this important issue and the vital piece of our national security infrastructure.

I have been working on preventing a unilateral action by this President to transfer Guantanamo Naval Base to the Castro regime for some time now, actually we started in December and we have over 70 cosponsors. And I am pleased we were able to come together and move forward with this legislation that will do just that.

I am sure many people know it is currently illegal for the President to transfer detainees from the base to the United States, we are all in agreement with that. But the actual base itself can be transferred, as has been illustrated here, back to the Castro government without the consent of the U.S. Congress. As the only permanent U.S. military base in Latin America and the Caribbean, the naval station at Guantanamo base has been proven indispensable and useful time and time again.

Past Secretaries of the Department of Defense have stated repeatedly through different administrations, Republicans and Democrats, that the Guantanamo Naval Base is vital to U.S. national security, therefore it is imperative that the United States Congress asserts its authority as defined in the Constitution over any transference of property from Guantanamo that may occur to appease the Castro brothers. And look at what the Castro brothers said. The Castro regime has stated they will not allow normalization of relationships with the U.S. unless we transfer the Guantanamo base back.

Ranking Member Engel and my colleague, Mr. Connolly, both say the President does not intend to give this back, and if that is the case and if you thoroughly believe that let us go ahead and make this and codify this in law so future Presidents can't without Congress' consent. I just need to remind you when we were negotiating, when President Obama decided to normalize relationships with Cuba without Congress' consent they weren't going to negotiate with the Cuban spies, but then they released them. The Cuban Government confiscated all that property from American citizens, over \$7.2 billion that they haven't been paid back on that.

And the timing is critical. This is not to embarrass the President, this is about national security. This bill has been worked on for a period of time and this is to protect national security.

And just a thought on colonialism, it was the United States of America that liberated the Cuban people from Spain. And so this is not an act of colonialism; that was an act of liberation. And I would like to correct that in the record and I yield back. Thank you.

Mr. GRAYSON. Would you yield for a question?

Mr. YOHO. Sure.

Mr. GRAYSON. Do you think of Guantanamo Bay as some kind of tip?

Mr. YOHO. Some kind of what?

Mr. GRAYSON. Tip. Like a tip for liberating Cuba. We liberated Cuba, therefore we get Guantanamo Bay as a tip.

Mr. YOHO. No, I think it was something that was negotiated for national security with our President back then that put national security first, as is enumerated in the Constitution.

Mr. GRAYSON. Well, let me ask you a question about that. If, in fact, it is true as you and Judge Poe suggest that under existing law under the Constitution the President doesn't have the authority to change the status of Guantanamo Bay, why are we here? Why are we doing this? Isn't that admitting that this bill is superfluous?

Mr. YOHO. No, because in the agreement it says he can through Executive action or if we vacate the property it goes automatically back to the Castro regime.

Mr. GRAYSON. So it is true then. You are conceding that the President does have the authority to go ahead and do this unilaterally unless he signs a bill to change that.

Mr. YOHO. If you look at the lease agreement it is vague in there, and we are just trying to clarify it so that there is no confusion not just with this administration but future administrations.

And if the gentleman would consider if this does go back to Cuba, a naval base of the first, probably one of the most sophisticated ones in the Caribbean, who do you might think would occupy that? Would it be China, Russia, Iran? Maybe all three of them off the coast of Florida, a State you represent. Do you want to represent that to the people of your State, my State?

Mr. GRAYSON. Well, I imagine that we would do—to answer the gentleman's question, we would do exactly what we did in Subic Bay and our other base in the Philippines which is that we would basically take it away with us and make it unusable for any other military force.

But let me ask you this question. Is there anywhere else in the world where we have a military base against the will of the local populace? Anywhere else in the world?

Mr. YOHO. This was an agreement—I can't answer that. What I want to do is I am focusing on the Western Hemisphere, 90 miles off the coast of the United States of America, and I think this is a good bill that everybody should support. I yield back.

Mr. GRAYSON. I will answer my question, which is no. Thank you.

Chairman ROYCE. Are there any other members seeking recognition to speak on the bill? Hearing no further requests, the Chair now moves—oh, are there any amendments to the bill? Hearing none, we will go to the vote. This is on H.R. 4678.

All in favor say aye.

All opposed, no.

In the opinion of the Chair, the ayes have it and the measure is agreed to. Without objection, H.R. 4678 is ordered favorably reported and the staff is directed to make any technical and conforming changes, and the Chair is authorized to seek consideration under suspension of the rules.

We now move on to our second measure. The Chair calls up House Resolution 343, expressing concern regarding persistent and credible reports of systematic state-sanctioned organ harvesting from nonconsenting prisoners of conscience in the People's Republic of China.

Without objection, Ros-Lehtinen Amendment 34 in the nature of a substitute, which incorporates bipartisan amendments made at the Asia Subcommittee markup on January 12th is considered base text, is considered read and is open for amendment at any point.

[The information referred to follows:]

114TH CONGRESS
1ST SESSION

H. RES. 343

Expressing concern regarding persistent and credible reports of systematic, state-sanctioned organ harvesting from non-consenting prisoners of conscience in the People's Republic of China, including from large numbers of Falun Gong practitioners and members of other religious and ethnic minority groups.

IN THE HOUSE OF REPRESENTATIVES

JUNE 25, 2015

Ms. ROS-LEHTINEN (for herself, Mr. CONNOLLY, Mr. ROHRBACHER, Mr. POE of Texas, Mr. DIAZ-BALART, Ms. BROWNLEY of California, Mr. FARR, and Mr. VALADAO) submitted the following resolution; which was referred to the Committee on Foreign Affairs, and in addition to the Committee on the Judiciary, 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

RESOLUTION

Expressing concern regarding persistent and credible reports of systematic, state-sanctioned organ harvesting from non-consenting prisoners of conscience in the People's Republic of China, including from large numbers of Falun Gong practitioners and members of other religious and ethnic minority groups.

Whereas when performed in accordance with ethical standards, the medical discipline of organ transplantation is one of the great achievements of modern medicine;

Whereas Chinese authorities reported in 2011 that the majority of organs used for transplantation in China were procured from executed prisoners;

Whereas voluntary and informed consent is the precondition for ethical organ donation and international medical organizations state that prisoners, deprived of their freedom, are not in the position to give free consent and that the practice of sourcing organs from prisoners is a violation of ethical guidelines in medicine;

Whereas the Government of the People's Republic of China and Communist Party of China continue to deny reports that many organs are taken without the consent of prisoners yet at the same time prevents independent verification of its transplant system;

Whereas the organ transplantation system in China does not comply with the World Health Organization's requirement of transparency and traceability in organ procurement pathways;

Whereas the United States Department of State Country Report on Human Rights for China for 2013 stated, "Advocacy groups continued to report instances of organ harvesting from prisoners";

Whereas Huang Jiefu, director of the China Organ Donation Committee, announced in December 2014 that China would end the practice of organ harvesting from executed prisoners by January 1, 2015, but failed to address organ harvesting from prisoners of conscience;

Whereas rates of voluntary organ donation in China remain severely depressed and are insufficient to account for the volume of organ transplant procedures performed;

Whereas Falun Gong, a spiritual practice involving meditative “qigong” exercises and centered on the values of truthfulness, compassion, and tolerance, became immensely popular in the 1990s;

Whereas in July 1999, the Chinese Communist Party launched an intensive, nationwide persecution designed to eradicate the spiritual practice of Falun Gong, reflecting the party’s long-standing intolerance of large independent civil society groups;

Whereas since 1999, hundreds of thousands of Falun Gong practitioners have been detained extra-legally in reeducation-through-labor camps, detention centers, and prisons, where torture and abuse are routine;

Whereas in many detention facilities and labor camps, Falun Gong prisoners of conscience comprise the majority of the population, and have been said to receive the longest sentences and the worst treatment;

Whereas former Falun Gong prisoners of conscience have reported receiving targeted medical exams in detention designed to assess the health of their organs, which other prisoner groups were generally not subjected to;

Whereas Freedom House reported in 2015 that Falun Gong practitioners comprise the largest portion of prisoners of conscience in China, and face an elevated risk of dying or being killed in custody;

Whereas in 2006, Canadian researchers David Matas, human rights attorney, and David Kilgour, former Canadian Secretary of State for Asia-Pacific, conducted an independent investigation into allegations of organ harvesting from Falun Gong prisoners in China, and concluded that

Falun Gong prisoners were the only plausible source for 41,500 organ transplants performed from 2000 to 2005;

Whereas their report found that agents of the Chinese state have conducted “large-scale organ seizures from unwilling Falun Gong practitioners”, whose vital organs “were seized involuntarily for sale at high prices, sometimes to foreigners, who normally face long waits for voluntary donations of such organs in their home countries”;

Whereas Matas and Kilgour have implicated state and party entities in illicit organ harvesting, including domestic security services and military hospitals;

Whereas researcher and journalist Ethan Gutmann estimates that approximately 65,000 Falun Gong adherents may have been killed for their organs from 2000 to 2008, and that a number of other religious and ethnic minorities may also have been targeted;

Whereas Gutmann published findings that Chinese security agencies began harvesting organs from members of the predominantly Muslim Uyghur ethnic minority group in the 1990s, including from Uyghur political prisoners;

Whereas the United Nations Committee Against Torture and the Special Rapporteur on Torture have expressed concern over the allegations of organ harvesting from Falun Gong prisoners, and have called on the Government of the People’s Republic of China to increase accountability and transparency in the organ transplant system and punish those responsible for abuses; and

Whereas the killing of religious or political prisoners for the purpose of selling their organs for transplant is an egregious and intolerable violation of the fundamental right to life: Now, therefore, be it

1 *Resolved*, That the House of Representatives—

2 (1) condemns the practice of state-sanctioned
3 forced organ harvesting in the People’s Republic of
4 China;

5 (2) calls on the Government of the People’s Re-
6 public of China and Communist Party of China to
7 immediately end the practice of organ harvesting
8 from all prisoners of conscience;

9 (3) demands an immediate end to the 16-year
10 persecution of the Falun Gong spiritual practice by
11 the Government of the People’s Republic of China
12 and the Communist Party of China, and the imme-
13 diate release of all Falun Gong practitioners and
14 other prisoners of conscience;

15 (4) encourages the United States medical com-
16 munity to help raise awareness of unethical organ
17 transplant practices in China;

18 (5) calls on the People’s Republic of China to
19 allow a credible, transparent, and independent inves-
20 tigation into organ transplant abuses; and

21 (6) calls on the United States Department of
22 State to conduct a more detailed analysis on state-
23 sanctioned organ harvesting from non-consenting
24 prisoners of conscience in the annual Human Rights
25 Report, and report annually to Congress on the im-

1 plementation of section 1182f of title 8, United
2 States Code, barring provision of visas to Chinese
3 and other nationals engaged in coerced organ or
4 bodily tissue transplantation.

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.RES. 343
OFFERED BY MS. ROS-LEHTINEN OF FLORIDA**

Strike the preamble and insert the following:

Whereas when performed in accordance with ethical standards, the medical discipline of organ transplantation is one of the great achievements of modern medicine;

Whereas voluntary and informed consent is the precondition for ethical organ donation and international medical organizations state that prisoners, deprived of their freedom, are not in the position to give free consent and that the practice of sourcing organs from prisoners is a violation of ethical guidelines in medicine;

Whereas the Government of the People's Republic of China and Communist Party of China continue to deny reports that many organs are taken without the consent of prisoners yet at the same time prevents independent verification of its transplant system;

Whereas the organ transplantation system in China does not comply with the World Health Organization's requirement of transparency and traceability in organ procurement pathways;

Whereas the United States Department of State Country Report on Human Rights for China for 2014 stated, "Advocacy groups continued to report organ harvesting from prisoners";

Whereas Huang Jiefu, director of the China Organ Donation Committee, announced in December 2014 that China would end the practice of organ harvesting from executed prisoners by January 1, 2015, did not directly address organ harvesting from prisoners of conscience;

Whereas Falun Gong, a spiritual practice involving meditative “qigong” exercises and centered on the values of truthfulness, compassion, and tolerance, became immensely popular in the 1990s;

Whereas in July 1999, the Chinese Communist Party launched an intensive, nationwide persecution designed to eradicate the spiritual practice of Falun Gong, reflecting the party’s long-standing intolerance of large independent civil society groups;

Whereas since 1999, hundreds of thousands of Falun Gong practitioners have been detained extra-legally in reeducation-through-labor camps, detention centers, and prisons, where torture and abuse are routine;

Whereas in many detention facilities and labor camps, Falun Gong prisoners of conscience comprise the majority of the population, and have been said to receive the longest sentences and the worst treatment;

Whereas Freedom House reported in 2015 that Falun Gong practitioners comprise the largest portion of prisoners of conscience in China, and face an elevated risk of dying or being killed in custody;

Whereas in 2006, Canadian researchers David Matas, human rights attorney, and David Kilgour, former Canadian Secretary of State for Asia-Pacific, conducted an independent investigation into allegations of organ harvesting from Falun Gong prisoners in China, and concluded that

Falun Gong practitioners being killed for their organs was highly probable;

Whereas Matas and Kilgour have implicated state and party entities in illicit organ harvesting, including domestic security services and military hospitals;

Whereas researcher and journalist Ethan Gutmann published findings that Chinese security agencies began harvesting organs from members of the predominantly Muslim Uyghur ethnic minority group in the 1990s, including from Uyghur political prisoners;

Whereas the United Nations Committee Against Torture and the Special Rapporteur on Torture have expressed concern over the allegations of organ harvesting from Falun Gong prisoners, and have called on the Government of the People's Republic of China to increase accountability and transparency in the organ transplant system and punish those responsible for abuses; and

Whereas the killing of religious or political prisoners for the purpose of selling their organs for transplant is an egregious and intolerable violation of the fundamental right to life: Now, therefore, be it

Strike all after the resolving clause and insert the following:

That the House of Representatives—

- 1 (1) condemns the practice of state-sanctioned
- 2 forced organ harvesting in the People's Republic of
- 3 China;

1 (2) calls on the Government of the People's Re-
2 public of China and Communist Party of China to
3 immediately end the practice of organ harvesting
4 from all prisoners of conscience;

5 (3) demands an immediate end to the 17-year
6 persecution of the Falun Gong spiritual practice by
7 the Government of the People's Republic of China
8 and the Communist Party of China, and the imme-
9 diate release of all Falun Gong practitioners and
10 other prisoners of conscience;

11 (4) encourages the United States medical com-
12 munity to help raise awareness of unethical organ
13 transplant practices in China;

14 (5) calls on the People's Republic of China to
15 allow a credible, transparent, and independent inves-
16 tigation into organ transplant abuses; and

17 (6) calls on the United States Department of
18 State to conduct a more detailed analysis on state-
19 sanctioned organ harvesting from non-consenting
20 prisoners of conscience in the annual Human Rights
21 Report, and report annually to Congress on the im-
22 plementation of section 1182f of title 8, United
23 States Code, barring provision of visas to Chinese

- 1 and other nationals engaged in coerced organ or
- 2 bodily tissue transplantation.



Chairman ROYCE. And after recognizing myself and the ranking member, I will be pleased to recognize any member seeking recognition to speak.

As we consider House Resolution 343, I want to thank Chairman Emeritus Ros-Lehtinen for authoring this important measure. Since 1999, Falun Gong practitioners have been one of the most persecuted social groups in China. The practice of organ transplants in China is of deep concern to members of this committee especially in light of recent reports of the severe and brutal crack-down on religious freedom more broadly.

This resolution condemns the practice of forced organ harvesting, it encourages U.S. medical professionals to educate their patients about the dangers of transplant tourism, and it calls on the State Department to include a more thorough analysis on organ harvesting in its current human rights reporting.

The amendment text we consider today largely reflects the changes made by the Asia and the Pacific Subcommittee, and so I want to thank subcommittee Chairman Salmon as well as Representatives Connolly and Sherman for their contributions. And I should also note that Congressmen Trott and Deutch are leading a bipartisan committee effort to fight unethical organ transplants globally, legislation that we will take up soon.

I now recognize the ranking member, Mr. Engel, for his opening remarks.

Mr. ENGEL. Thank you, Mr. Chairman. I am happy to support Ms. Ros-Lehtinen's measure expressing our concern over truly unsettling reports of state-sanctioned organ harvesting in the People's Republic of China. It is especially troubling that this practice allegedly targets prisoners of conscience including practitioners of Falun Gong and other religious and ethnic minorities.

Organ transplants are one of the wonders of modern medicine. These procedures save lives every single day. But nonconsensual organ harvesting represents a gross violation of human rights. And if this horrible abuse weren't enough, we hear of victims targeted because of their religious beliefs, and of Chinese prison camps reaping a profit by trafficking these organs. This is something out of a horror story. We need more data and more evidence on these reported practices.

This resolution calls on the Chinese Government to allow an investigation into this issue and urges the State Department to include an analysis of state-sanctioned nonconsensual organ harvesting in the annual human rights report. This is a good measure.

I commend Ms. Ros-Lehtinen for bringing this to the forefront, and I urge all of us to support it. And I yield back.

Chairman ROYCE. We go to Ileana Ros-Lehtinen of Florida, the author.

Ms. ROS-LEHTINEN. Thank you so much, Mr. Chairman. Thank you, Ranking Member Engel. And I am proud to have introduced H. Res. 343 with my dear friend, Gerry Connolly, who has been a good partner throughout my years here.

And it is a resolution as you pointed out, Mr. Chairman and Ranking Member, which condemns China's ongoing, gruesome practice of harvesting organs from the followers of Falun Gong. The Communist regime in China systematically represses and persecutes these peaceful individuals. They are forcing them into illegal detention facilities and labor camps so that they are silenced and their organs can be harvested for sale on the black market.

The Chinese regime's brutal repression and human rights violations are well known, but this especially horrific treatment of the Falun Gong does not receive the attention that it merits. Freedom House reports that last year, Falun Gong adherents made up China's largest number of prisoners of conscience and were at particular risk of being killed while in custody.

I was extremely disappointed to see that our State Department's latest human rights report on China quoted a Chinese official's unsubstantiated and dubious claim that any harvesting of organs from prisoners would now be voluntary. It does the Falun Gong and prisoners of conscience the world over a disservice if our State Department continues to whitewash China's human rights violations because it is not a problem that is going away simply by ignoring it.

China's ghoulish organ harvesting has not stopped, and when official Chinese transplant statistics do not match up to the facts on the ground, including witnesses' accounts and the dramatic increases in the hiring of transplant teams, we must see the regime's claims for the lies and the propaganda that they indeed are.

By passing this resolution we can send a message to the Chinese regime, the U.S. medical community, and our State Department that we condemn China's organ harvesting. We know that it is still going on and we must do more to end this practice immediately. We cannot allow these crimes to continue. I urge my colleagues to support this measure.

And thank you again, Mr. Chairman and Ranking Member Engel, for your support, and Mr. Connolly as well. Thank you, sir.

Chairman ROYCE. Thank you very much, Ms. Ros-Lehtinen. Mr. Connolly of Virginia.

Mr. CONNOLLY. Thank you, Mr. Chairman. I echo all of the sentiments of my friend, Ms. Ros-Lehtinen, and thank her for her leadership on this issue. This is an abhorrent practice. It cannot be tolerated in civilized society and it is perfectly proper for this committee to call it out. I thank my friend for her leadership. And Mr. Chairman and Mr. Engel, I thank you both for your leadership in bringing this up.

Chairman ROYCE. Are there any further members? Mr. Smith.

Mr. SMITH. Chairman, thank you. First of all, I want to thank Ileana Ros-Lehtinen for this very important resolution, and Mr.

Connolly as well. I strongly believe that this resolution is an important step in bringing a measure of accountability and transparency to what may be one of the great crimes of the 21st century, the 17-year-old effort to eradicate Falun Gong from China.

I strongly believe that the campaign to eradicate Falun Gong will be seen as a great shame of this Chinese Communist Party which has done terrible misdeeds in torture and killings since Mao Zedong. The Chinese Government continues to insist that credible accounts of torture, sexual crimes, and arbitrary detention of Falun Gong practitioners are mere rumors. The evidence, however, tells a far different story and an inhumane story.

The resolution gives voice to those who cannot speak, to those who have suffered unspeakable torture and survived, and to the families who have lost loved ones. I would point out to my colleagues that researchers David Kilgour, David Matas, and Ethan Gutmann conducted detailed investigations and estimated that between 45,000 and 65,000 Falun Gong practitioners were killed for their organs which were then sold for profit. I have read those accounts and they are chilling. Those estimates may now be much higher according to the forthcoming report by those three researchers.

The Department of State and international medical community must do a detailed analysis immediately and studies need to be done on those claims and there needs to be a protest lodged by our Government at the very minimal to protest these horrific abuses. Chinese officials and its medical community must understand that there are consequences for the arbitrary detention, torture, and psychiatric experimentation and organ harvesting imposed on Falun Gong practitioners. These practices should be condemned by the world community. This is an important resolution in that regard. I yield back.

Chairman ROYCE. Any other members seeking recognition? Mr. Rohrabacher.

Mr. ROHRABACHER. Thank you, Mr. Chairman, and I thank the authors of the bill as well for bringing up this issue. And I have been very engaged in this issue for a number of years. And we have had numerous testimony given at numerous hearings and testimony provided us, so unless we are intentionally turning our heads away it is clear that this massive violation of human rights is taking place in China and we have unfortunately as a people turned our heads away in order not to see this evil. And this resolution will make sure that we put everybody on notice that this is not going to be ignored anymore and that the American people are going to be informed that in fact we have developed a trading relationship with the world's worst human rights abuser.

And let me put that very clearly. More people, their human rights are violated in China than anywhere else in the world, and nowhere is that more symbolic than we have the Falun Gong, which is a group of people who are joined together and united by a philosophy that is based on peace and justice and truth. And they believe in yoga and meditation, they are a threat to no one, and yet they are being slaughtered in the secret jail cells throughout China. And what comes out of it, out of those jail cells, organs that are sent to various places in the world.

And let me note this. We need to be committed not only to stopping this practice, but we need to make sure that people who are on the receiving end of these organs that we deal with that as well, because I believe that these organs are being sold in the United States. And that is wrong for us to close our eyes to that permitting, our doctors to buy a kidney from some prisoner in China who happens to be a Falun Gong. It is wrong for us to permit a doctor here to transplant that organ because that is us participating in a crime, and a horrific crime that shouldn't be excused.

So let us note that in China, as in Cuba as we just mentioned, there are no newspapers to expose this. There are no rallies that people are permitted to have and no opposition parties that can bring up this issue and say this isn't the policy we should have. The only hope for a change in China is if we, here, make tough stands on these moral issues. And in that there are people, our best allies in trying to bring change are the people of China themselves.

And by passing resolutions like this, we are proclaiming to the good people of China that we are on their side and that we too would condemn this type of horrific activity that does not reflect the moral standards of the people of China or the people of the United States or decent people anywhere in the world.

So thank you very much, Mr. Chairman, for bringing this up. Thank you to the authors of the bill. Of course, I will be supporting it.

Mr. SHERMAN. Mr. Chairman?

Chairman ROYCE. Does the gentleman yield to—

Mr. ROHRABACHER. No, I am done.

Chairman ROYCE. Okay. Then we are going to go to Mr. Brad Sherman of Los Angeles.

Mr. SHERMAN. It is time for this Congress to pass a strong and credible resolution condemning China for its oppression of various religions, but especially Falun Gong, to condemn China for wrongful executions, and to condemn China for harvesting organs without the permission of the executed prisoner. Not that that prisoner would be in that free of position to decide for themselves.

Of those, the organ harvesting is by far the most inflammatory, but frankly, I think, less significant than the other two. When you arrest thousands of people for their religious beliefs, when you execute people wrongfully, to me that is perhaps a less gruesome but a greater crime.

This is where I want to thank the chairman, our prior chairman Ileana Ros-Lehtinen, Matt Salmon who serves as chair of the Asia Subcommittee, for working with me to, I think, improve this resolution to keep it very strong and to make sure that it is the strongest and most credible resolution that we could pass.

There are those who say not only does China engage in wrongful executions and organ harvesting, but that nearly 100,000 people have been wrongfully executed. I believe the figure that has been used is 70,000. And that particular figure has not been established convincingly to the human rights organizations that I have the greatest respect for both nationally and internationally.

And so if we were to cite that particular number without having substantial evidence behind it, I think it would weaken the resolu-

tion. That is why in subcommittee Matt Salmon and I worked to improve this resolution to make sure it is strong, to make sure it cannot be attacked because it has one number in it that cannot be proven.

Now the fact that it cannot be proven to be true or even established by a very high level of credibility to be true, does not mean that it is not true. It simply means that China is a closed society, as Mr. Rohrabacher points out, and that the evidence is simply not available to us.

So a resolution that focuses on the wrongful executions, on the oppression of those who are people of faith, and the fact that in addition to wrongful executions there can be wrongful organ harvesting, I think is the most credible and strongest resolution we could pass, and I yield back.

Chairman ROYCE. We go now to Mr. Steve Chabot of Ohio.

Mr. CHABOT. Thank you, Mr. Chairman. I am going to be very brief. I want to, first of all, apologize for being a little late for this. We had a markup in Judiciary going on at the same time. And I want to apologize in advance for leaving right after I get done speaking here because I have to chair the Small Business Committee at exactly 11 o'clock.

So on H.R. 4678, having been to Guantanamo Bay on three separate occasions myself, I am strongly in support of this for reasons I am sure many of my colleagues have already voiced so I won't repeat them.

And on H. Res. 343, I agree totally with my colleague, Mr. Rohrabacher from California, on the importance of passing this, the barbaric outrage that the PRC has committed against its own people. I think all of us have probably had Falun Gong members in our office, and they literally have literature and books showing the torture and the horrific treatment that they have gotten at the hands of the Chinese Government is outrageous.

So I very much support both pieces of legislation. I commend the chair for his leadership on these issues, and I yield back the balance of my time.

Chairman ROYCE. Hearing no further requests for recognition, are there any additional amendments? Hearing none, the Chair now moves that the committee agree to House Resolution 343 as amended.

All in favor say aye.

All opposed, no.

In the opinion of the Chair, the ayes have it and the measure is agreed to. And without objection, the measure is ordered favorably reported in the form of a single amendment in the nature of a substitute incorporating the amendments adopted here today, and the staff is directed to make any technical and conforming changes. And also without objection, the Chair is authorized to seek House consideration of House Resolution 343 under suspension of the rules.

And that concludes our business for today. I want to thank our ranking member, Mr. Engel, and all of our committee members for their contributions and assistance with today's markup. The committee stands adjourned.

[Whereupon, at 11:01 a.m., the committee was adjourned.]

A P P E N D I X

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

March 16, 2016

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: Wednesday, March 16, 2016

TIME: 10:00 a.m.

MARKUP OF: H. Res. 343, Expressing concern regarding persistent and credible reports of systematic, state-sanctioned organ harvesting from non-consenting prisoners of conscience in the People's Republic of China, including from large numbers of Falun Gong practitioners and members of other religious and ethnic minority groups; and

H.R. 4678, To prohibit modification, abrogation, abandonment, or other related actions with respect to United States jurisdiction and control over United States Naval Station, Guantanamo Bay, Cuba, without congressional action.

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 202/225-5021 at least four business days in advance of the event, whenever practicable. Questions with regard to special accommodations in general (including availability of Committee materials in alternative formats and assistive listening devices) may be directed to the Committee.



COMMITTEE ON FOREIGN AFFAIRS
MINUTES OF FULL COMMITTEE MARKUP

Day Wednesday Date 3/16/2016 Room 2172

Starting Time 10:03 Ending Time 11:01

Recesses 0 (to) (to) (to) (to) (to) (to)

Presiding Member(s)

Chairman Edward R. Royce

Check all of the following that apply:

Open Session ☒

Executive (closed) Session ☐

Televised ☒

Electronically Recorded (taped) ☒

Stenographic Record ☒

BILLS FOR MARKUP: *(Include bill number(s) and title(s) of legislation.)*

See attached.

COMMITTEE MEMBERS PRESENT:

See attached.

NON-COMMITTEE MEMBERS PRESENT:

none

STATEMENTS FOR THE RECORD: *(List any statements submitted for the record.)*

IFR - Engel

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.)*

<u>Subject</u>	<u>Yeas</u>	<u>Nays</u>	<u>Present</u>	<u>Not Voting</u>
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TIME SCHEDULED TO RECONVENE _____

or

TIME ADJOURNED 11:01



Doug Anderson, General Counsel

HOUSE COMMITTEE ON FOREIGN AFFAIRS

FULL COMMITTEE MARKUP

<i>PRESENT</i>	<i>MEMBER</i>
X	Edward R. Royce, CA
X	Christopher H. Smith, NJ
X	Ileana Ros-Lehtinen, FL
X	Dana Rohrabacher, CA
X	Steve Chabot, OH
	Joe Wilson, SC
	Michael T. McCaul, TX
X	Ted Poe, TX
	Matt Salmon, AZ
	Darrell Issa, CA
	Tom Marino, PA
	Jeff Duncan, SC
X	Mo Brooks, AL
	Paul Cook, CA
	Randy Weber, TX
	Scott Perry, PA
	Ron DeSantis, FL
	Mark Meadows, NC
X	Ted Yoho, FL
X	Curt Clawson, FL
X	Scott DesJarlais, TN
X	Reid Ribble, WI
	Dave Trott, MI
X	Lee Zeldin, NY
X	Dan Donovan, NY

<i>PRESENT</i>	<i>MEMBER</i>
X	Eliot L. Engel, NY
X	Brad Sherman, CA
	Gregory W. Meeks, NY
X	Albio Sires, NJ
X	Gerald E. Connolly, VA
	Theodore E. Deutch, FL
	Brian Higgins, NY
X	Karen Bass, CA
	William Keating, MA
X	David Cicilline, RI
X	Alan Grayson, FL
	Ami Bera, CA
	Alan S. Lowenthal, CA
	Grace Meng, NY
X	Lois Frankel, FL
	Tulsi Gabbard, HI
X	Joaquin Castro, TX
	Robin Kelly, IL
	Brendan Boyle, PA

3/16/16 Foreign Affairs Committee Markup Summary

The Chair called the markup to order.

- 1) H.R. 4678 (Royce). To prohibit modification, abrogation, abandonment, or other related actions with respect to United States jurisdiction and control over United States Naval Station, Guantanamo Bay, Cuba, without congressional action.


H.R. 4678 was agreed to by voice vote, and by unanimous consent was ordered favorably reported, and the Chair was authorized to seek House Consideration of the measure under suspension of the rules.

- 2) H. Res. 343 (Ros-Lehtinen). Expressing concern regarding persistent and credible reports of systematic, state-sanctioned organ harvesting from non-consenting prisoners of conscience in the People's Republic of China, including from large numbers of Falun Gong practitioners and members of other religious and ethnic minority groups.

- a. Ros-Lehtinen 34, an amendment in the nature of a substitute to H. Res. 343, was considered base text by unanimous consent.

H. Res. 343 was agreed to, as amended, by voice vote. By unanimous consent, the measure, as amended, was ordered favorably reported and the Chair was authorized to seek House consideration of the measure under suspension of the rules.

The Committee adjourned.



MATERIAL SUBMITTED FOR THE RECORD BY THE HONORABLE ELIOT L. ENGEL, A
REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW YORK



The Honorable
Eliot L. Engel
House of Representatives
Washington, DC 20515

United States Department of State

Washington, D.C. 20520

MAR 11 2016

Dear Mr. Engel:

Thank you for your letter of March 10 to President Obama regarding the Naval Station at Guantanamo Bay in Cuba. We have been asked to respond on the President's behalf.

The Administration has no plans to alter the existing lease treaty, payments, and other arrangements with Cuba related to the Guantanamo Bay Naval Station. However, the President remains committed to closing the detention facility at Guantanamo. Even after the detention facility closes, the Naval Station will continue to host the "steady-state" migrant facility operated by the Departments of State and Homeland Security; provide land and logistical support for a mass migration contingency; and support U.S. Coast Guard and other agency counter-drug and migrant interdiction activities.

While the Cuban government regularly raises the Guantanamo Bay Naval Station in bilateral discussions with the Department of State, we have been clear with the Cuban government that the United States has no plans to alter any of the arrangements concerning the base.

We hope this information is useful. Please do not hesitate to let us know if we can be of further assistance on this or any other matter.

Sincerely,

A handwritten signature in cursive script, appearing to read "Julia Frifield".

Julia Frifield
Assistant Secretary
Legislative Affairs